CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-SECOND CONGRESS, THIRD SESSION.

VOLUME XLIX.

WASHINGTON:
1913.



VOLUME XLIX, PART IV.

CONGRESSIONAL RECORD,

SIXTY-SECOND CONGRESS, THIRD SESSION.

SENATE.

THURSDAY, *February 13, 1913.*

(Legislative day of Tuesday, February 11, 1913.)

The Senate reassembled at 12 o'clock meridian on the expiration of the recess.

Mr. GALLINGER. Mr. President, I would suggest the absence of a quorum.

The PRESIDENT pro tempore (Mr. BACON). The Senator from New Hampshire suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clark, Wyo.	Kenyon	Root
Bacon	Crane	La Follette	Sheppard
Bankhead	Crawford	Lodge	Simmons
Borah	Cullom	McLean	Smith, Mich.
Bourne	Cummins	Martin, Va.	Smoot
Bradley	Curtis	Martine, N. J.	Stephenson
Brady	Dillingham	Myers	Sutherland
Brandegee	Dixon	Nelson	Swanson
Bristow	du Pont	Newlands	Thornton
Brown	Foster	Overman	Tillman
Bryan	Gallinger	Owen	Townsend
Burnham	Gamble	Page	Warren
Burton	Gronna	Percy	Webb
Catron	Jackson	Perkins	Wetmore
Chamberlain	Johnston, Ala.	Pomerene	Williams
Clapp	Jones	Richardson	Works

Mr. ASHURST. I was requested to announce that the junior Senator from New York [Mr. O'GORMAN] is absent attending to business of the Senate.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 64 Senators have responded to their names, and a quorum of the Senate is present. Senate bill 8033 is pending.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. ROOT. Mr. President, there has been a good deal of discussion about this bill which has proceeded upon an impression as to the effect of the legislation proposed as a precedent; and as almost always happens in a discussion of that character the true nature of the bill before the Senate has been somewhat lost sight of, and many questions have been discussed which do not really arise upon this measure.

Let me try to state what I understand to be the true nature of the proposed law which the committee has reported. It proposes to give the assent of the United States to the Connecticut River Co., a corporation organized and doing business under the laws of the State of Connecticut, to relocate its Enfield Dam, so called, and to construct, maintain, and operate such relocated dam, as described in the act, with a proviso that the work shall be in accordance with the general dam act of 1906, as amended by the act of June 23, 1910; and it imposes as a condition of the giving of consent by Congress a provision that a reasonable charge upon the proceeds realized from the sale of water power which will be developed by the construction of the dam shall be paid over to the United States, to be applied in improving the navigation of the Connecticut River and the waters connected therewith.

There is no question involved here of title of property, of franchise, of conveyance whatever. The Connecticut River Co., which is proposing to construct this dam, owns all the property which it requires. It is the riparian proprietor. It does not ask from the United States a grant of property. The Connecticut River Co. has a franchise from the State of Connecticut, which gives it corporate capacity to erect the proposed dam upon and through the use of the property that it owns, and which gives it the right of eminent domain through which it may acquire any further property that may be needed. It does not ask the United States to confer upon it any franchise of any description whatever.

The only thing that the proposed statute undertakes to do is to give the consent of the United States, as the protector, the guardian, the promoter of navigation upon the navigable streams of the United States, to the erection of this dam upon the property of this corporation under the authority of the State of Connecticut.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from California?

Mr. WORKS. May I ask the Senator from New York a question?

Mr. ROOT. Certainly.

Mr. WORKS. Assuming what the Senator has said with respect to the franchise owned by the Connecticut River Co. and its ownership of the property as a riparian owner, would not the company have the right to divert the waters of the stream for its use so long as that diversion did not interfere with the navigable quality of the stream?

Mr. ROOT. It depends upon the action of the United States. If the United States chose to give its consent, it would.

Mr. WORKS. Has the United States any power to withhold its consent, so far as the mere matter of the diversion of the stream for beneficial purposes is concerned, except to preserve the navigable quality of the stream?

Mr. ROOT. It has.

Mr. BORAH. Mr. President——

Mr. ROOT. I yield to the Senator from Idaho, and when he has asked his question and I have answered it, if I am able to, I will ask to be allowed to proceed with what I have perhaps mistakenly considered to be an argument.

Mr. BORAH. I do not think the Senator will make any mistake about that; he never does. I was going to say that that raises the particular question about which we of the West are so greatly concerned, and if I do not interrupt the Senator's able argument I should like before he concludes that he would state for our benefit what right the National Government has in a stream except to protect navigation.

Mr. ROOT. I will try to do so, Mr. President.

Mr. WORKS. Mr. President——

Mr. ROOT. I was relieved when the Senator from Idaho finished his sentence regarding the raising of particular questions, for it would seem to me that this bill has raised not only particular questions, but particular disturbances.

The PRESIDENT pro tempore. Does the Senator from New York yield further to the Senator from California?

Mr. McLEAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Connecticut suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Kenyon	Smith, Ariz.
Bacon	Curtis	Kern	Smith, Ga.
Bankhead	Dillingham	La Follette	Smoot
Borah	Dixon	McCumber	Stephenson
Bradley	du Pont	McLean	Sutherland
Brady	Fletcher	Martine, N. J.	Swanson
Brandegee	Foster	Myers	Thornton
Bristow	Gallinger	Newlands	Tillman
Bryan	Gamble	Overman	Townsend
Catron	Gardner	Owen	Warren
Chamberlain	Gore	Page	Webb
Clarke, Ark.	Gronna	Perkins	Wetmore
Crane	Guggenheim	Pomerene	Williams
Crawford	Jackson	Root	Works
Cullom	Jones	Sheppard	

Mr. ASHURST. I wish to announce that the junior Senator from New York [Mr. O'GORMAN] is absent on business of the Senate.

The PRESIDENT pro tempore. On the call of the roll of the Senate 59 Senators have answered to their names. A quorum is present. The Senator from New York will proceed.

Mr. ROOT. I yield to the Senator from California, who was about to ask a question.

Mr. WORKS. Mr. President, I am sorry to interrupt the Senator from New York after the statement made by him that he does not desire to be interrupted, but I asked him because the question presents the crux of this whole matter so far as I am individually concerned. I am morally certain that the answer of the Senator from New York is absolutely wrong, and I am equally certain that the Government, in dealing with this question, is acting upon precisely that wrong theory of the law relating to this subject.

Mr. ROOT. Mr. President, if I were less certain myself I should be shaken in my position by the expression of the Senator from California, for whose judgment I have very high regard. I wonder if the Senator from California realizes just what his question was; I wonder if the Senator from Idaho [Mr. BORAH] realizes just what his question was. Perhaps I have mistaken them, but I understood——

Mr. BORAH. Mr. President——

Mr. ROOT. I understood their questions to be whether the United States had any interest or right except to protect navigation or to preserve navigation—one of those words was used, I think one by one Senator and the other by the other—"to preserve or to protect navigation."

Mr. WORKS. Evidently the Senator from New York has wholly misapprehended my question.

259690

Mr. ROOT. I may have misapprehended the question the Senator from California meant to ask, but I think I accurately recall the question he actually asked.

Mr. WORKS. I think the Senator from New York is equally mistaken in that respect. My question was whether the Government of the United States had the right to prevent a riparian owner upon a stream from diverting water for beneficial uses so long as that diversion did not in any way interfere with the navigable quality of the stream?

Mr. ROOT. Yes. I have answered that question; but the other question was entirely different. The question was put as to whether the United States had any right or power except to preserve navigation.

Mr. BORAH. Mr. President, I put that question, and I repeat it, in order that the Senator may not be mistaken. What I want to know is, what right and what power the National Government has in the water of a stream other than to keep that stream open for navigation and to control it for that purpose?

Mr. ROOT. Mr. President, that is another question, but I think the Senators must assume that I would not undertake to detain the Senate on that subject without expressing some views on that particular point.

The right of the United States and the correlative duty of the United States in respect of navigable streams or streams that are capable of being made navigable is not only to preserve and to protect, but it is to promote, and, if it deems it wise, to make navigation; and the whole system——

Mr. BORAH. Mr. President——

Mr. ROOT. I want the Senator from Idaho to let me go on—the whole system, the great system of slack-water navigation, upon which we are spending money by the millions, is in the exercise of that function of the National Government to make navigation, not merely to preserve it, not merely to protect it, but it is to promote it, to extend it, to create it, and if, in the judgment of this Government, the diversion of the water from any stream is likely to interfere with the Government's making it navigable, it is the right of the Government to prevent that diversion.

Now, let me say that it is in the exercise of that function that a large part of the river-improvement work of the United States of recent years has been carried on. I will illustrate by recalling the minds of Senators to the improvement on the Ohio, on the Monongahela, on the Muskingum, the Little Kanawha, the Great Kanawha, the Big Sandy, the Kentucky, the Green, and the Barren Rivers. The United States is engaged in creating waterways which shall furnish control over the cost of transportation, creating waterways that will furnish new avenues of transportation, and it is entitled, it is its duty, to look ahead and see where not only to-day but to-morrow and next year and in the next generation it may be found for the best interests of our people that water communication shall be created by the methods of modern engineering.

It is well settled, of course, we all recognize, that the United States has plenary power to enter upon a system of river improvement, and if there be obstructions require them to be removed, or, if they are not removed, to remove them itself in order that it may discharge its function. It is well settled that a State has the right and the authority paramount over the rights of riparian proprietors to improve the navigation of the streams within the State for purposes of intrastate commerce, and that the United States has still paramount authority whenever that navigation forms a part, as it ordinarily does, of the avenues of interstate or foreign commerce to supersede the action of the State and itself to improve and to create navigation; and it is for the protection of that right and duty of the United States that it is made necessary to obtain the consent of the United States whenever anyone wishes to do work which will obstruct navigation. The consent in ordinary cases under the general law of an officer designated by Congress—ordinarily the Secretary of War—is required to excavations and constructions in navigable waters of the United States under the provisions of the river and harbor act of 1909, I think, which have been carried along since that time.

As to the building of dams, the consent of Congress has to be obtained, and we have passed carefully framed statutes to regulate the form in which the authority shall be granted and in which it shall be exercised.

Now, let me undertake to state some very simple propositions regarding the exercise of this power of the United States in regard to protecting the field of future navigation and the field of present navigation. The consent of Congress must be obtained for the building of a dam, whether that dam affects present navigation or prospective navigation.

The first proposition that I make—and it seems almost too simple to take up time in stating—is that Congress has the power to give or to withhold its consent to persons or corporations seeking to build a dam in a navigable river or a river that can be made navigable, whether that dam will or will not create water power.

Second. The power to give or to withhold the consent of the United States to the building of such a dam results from the right and duty of the Government to preserve and improve navigation under the commerce clause of the Constitution.

Third. The power to give or withhold consent to the building of a dam is absolute and uncontrolled, except by the discretion and judgment of Congress. No power on earth can compel Congress to give its consent or compel Congress to withhold its consent. That power is vested by the people of the United States in their Congress. No court can mandamus it; no court can enjoin it; no Executive can control it. The judgment of Congress alone must determine whether the consent be given or be withheld.

Fourth. The just exercise of the power to give or to withhold must be determined by reference to the object to attain which the power has been granted, and that is the object of preserving or improving navigation.

Fifth. Congress may impose conditions upon the consent which it gives in the exercise of its power to give or withhold. This right to impose conditions is inherent in the power. The right to give or to withhold carries necessarily the right to say, "We give, provided such and such things are done; otherwise we withhold," and that power to impose conditions is illustrated by the statutes which are ordinarily spoken of as the general dam laws. The statute of June 23, 1910, provides:

That in approving the plans, specifications, and location for any dam, such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate, without expense to the United States, in connection with any dam and accessory or appurtenant works, a lock or locks, booms, sluices, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress at any time may deem necessary in the interests of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock or other structures for navigation purposes in connection with such dam, the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States free water power or power generated from water power for building and operating such constructions: *Provided further*, That in acting upon said plans as aforesaid the Chief of Engineers and the Secretary of War shall consider the bearing of said structure upon a comprehensive plan for the improvement of the waterway over which it is to be constructed with a view to the promotion of its navigable quality and for the full development of water power; and, as a part of the conditions and stipulations imposed by them, shall provide for improving and developing navigation, and fix such charge or charges for the privilege granted as may be sufficient to restore conditions with respect to navigability as existing at the time such privilege be granted or reimburse the United States for doing the same, and for such additional or further expense as may be incurred by the United States with reference to such project, including the cost of any investigations necessary for approval of plans and of such supervision of construction as may be necessary in the interests of the United States.

The act which is now before Congress reproduces by reference these conditions from the act of 1906, as amended June 23, 1910, and imposes a single further condition. I have ventured to take the time of the Senate in reading this condition imposed by existing general law, because I think in this discussion we have wandered far away from the true nature of the particular bill which is reported by the committee. I venture to say to the Senate that this bill does nothing which is not in its nature identical with the imposition of the conditions contained in these general dam acts.

Mr. CUMMINS. Mr. President, I should like to understand one proposition that the Senator from New York announced a moment ago.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Iowa?

Mr. ROOT. I yield.

Mr. CUMMINS. Possibly I misunderstood it, but as I heard it the Senator from New York declared that no dam could be constructed in a navigable stream, nor in a stream that might be made navigable, without the consent of Congress. Have I correctly stated the proposition?

Mr. ROOT. The consent may be an implied consent with regard to a nonnavigable stream. If Congress should undertake to make the stream navigable, it can sweep away the dam that has been built, require it to be removed, or remove it itself.

Mr. CUMMINS. But the Senator from New York did not mean to say, I assume, that a dam built across a nonnavigable stream becomes instantly an unlawful structure?

Mr. ROOT. No; I did not. I do not consider that it does.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. Yes.

Mr. BORAH. The Senator stated a few moments ago that we could not compel Congress to give its consent to the construction of a dam, and therefore when it did give its consent it could attach such conditions to it as it saw fit. That is true, in a certain sense, but suppose I put the reverse of that proposition. Suppose some one does construct a dam in a navigable stream, and he is asked to take it out, and he discloses beyond question that it does not interfere with navigation, can he be compelled to take it out?

Mr. ROOT. Mr. President, Congress itself, the Government of the United States itself, must be the judge of that.

Mr. BORAH. Mr. President, I dispute that proposition. The Supreme Court of the United States is the judge of that question, and it will determine it. If it does not interfere with navigation, the person who has constructed the dam can not be compelled to take it out.

Mr. ROOT. If it interferes with the purposes of the United States to create navigation, its removal can be compelled.

Mr. BORAH. That does not change the position I have taken. It must interfere with navigation.

Mr. ROOT. Then the position that the Senator takes does not interfere with the position I take.

Mr. BORAH. But it completely answers the proposition that only one party has an interest in the stream.

Mr. ROOT. I made no such proposition at all. On the contrary, I started with the proposition, and I will restate it, that the only interest the United States has is the interest of preserving and promoting navigation or creating navigation.

Mr. BORAH. Mr. President, that is precisely the position I took in regard to it when I asked the question—whether or not the United States had any interest in the stream except that which relates to navigation.

Mr. ROOT. Ah, Mr. President, that was not the question the Senator asked; but I will ask the Senator not to detain me by going back to discuss questions that have been asked and answered.

Mr. BORAH. Very well; I shall not detain the Senator; but I would like the Senator, when he looks over the RECORD, to see that that is the question I asked.

Mr. ROOT. I will now make my apologies to the Senator from Idaho on the assumption that I shall find that he is right and I am wrong regarding the question that he asked.

I think I was about to state the sixth proposition in the series which I was undertaking to state; that is, that the just limitation upon the conditions to be imposed upon the exercise of the power to grant or withhold consent to the construction of a dam in a stream that is navigable or to be made navigable is to be found in the interest to subserve which the power has been granted to Congress—that is to say, the interest of navigation—and that there is no other limitation upon the just exercise of that power. Congress can not be compelled to grant its consent or to withhold its consent. It may impose conditions upon the granting of its consent, and a refusal to accept the conditions is a refusal of consent. The conditions which it imposes should justly be adapted to promote the interests for which the power to consent was conferred upon Congress—that is to say, the interests of navigation.

The seventh proposition is that Congress alone can determine whether a given condition does or does not subserve those interests. Congress alone can determine the question, because Congress alone has the power to grant or to withhold the consent.

These propositions are so elementary, so simple, that I do not apprehend any controversy about them. But, sir, they lead inevitably to the conclusion that when Congress imposes as a condition of granting consent to the construction of this dam the requirement not only that a lock shall be provided for the passage of vessels but that a part of the proceeds of the water power developed shall be applied to the improvement of navigation of the stream Congress is acting within its power and is performing the duties that the Constitution imposes upon it to preserve and promote the interests of navigation.

There is another line of thought which leads from accepted premises inevitably to the same conclusion. It frequently happens, when one in this illogical world happens by chance to be right, that different lines of consideration will be found converging to the same conclusion. I have reached the specific conclusion of the competency of Congress to impose this condition by considering the nature of the power to give or to withhold consent. Let me now take another line.

The report prepared by the Senator from Minnesota [Mr. NELSON] as chairman of a Subcommittee of the Judiciary of the Senate, acting under a Senate resolution which called upon the Judiciary Committee to give an opinion regarding the power and authority of the National Government over the development and use of water power, treats of the power of the Federal Government to take possession of a portion of the stream and of its banks, and to construct works for the purpose of improving or creating navigation. That report has been referred to frequently here in the course of the argument, and I will state just what it is.

In the Sixty-second Congress, I think at the first session, the Senate passed a resolution directing the Committee on the Judiciary to report to the Senate as early as possible at the next regular session of Congress upon the power and authority of the National Government over the development and use of water power within the respective States, following that with a series of specific questions on the subject.

The Judiciary Committee referred that matter to a subcommittee of which the Senator from Minnesota [Mr. NELSON] was chairman; and the Senator from Minnesota prepared a very careful and very able discussion of the subject. With that paper, as a member of the subcommittee, I was prepared to agree in general, and I joined in reporting it to the Judiciary Committee. It was the subject of extended discussion in the Judiciary Committee, and such a difference of opinion was developed in the committee that the committee came to the conclusion that it had better deal with concrete cases than undertake to report to the Senate an essay upon a general topic, and accordingly it has never reported.

In that statement, which was reported to the Judiciary Committee, were some propositions regarding the matter to which I am now addressing myself—that is, the power of the Federal Government itself to construct such a dam as this that is under consideration, and itself to improve navigation by the expenditure of its own money—and the further view, that in case the Government, in the course of improving or creating navigation upon a stream, incidentally develops water power, it has the same right that any other property owner has to make that contribute toward the performance of the work.

Let me read a few sentences from the statement of the Senator from Minnesota:

> For the purpose of promoting and regulating foreign and interstate commerce Congress is given plenary power over all the navigable waters of the United States to the end of improving and maintaining their navigability; and this power is not limited to the navigable sections of streams, but extends to the tributaries and feeders of the same, for without the control of these the power over the navigable sections might become wholly impotent. (United States v. Rio Grande Co., 174 U. S., 690.) Neither can any limits be placed upon the methods of improving the navigability of streams nor upon the means by which commerce can be carried on upon the same.
>
> Science has in recent years evoked from the great storehouse of nature the hidden and well-nigh limitless power of electricity and utilized the same in various ways for the promotion of commerce, industry, and the domestic and social well-being of mankind. The bounds of such power and use can not well be defined or foretold. That such power has become and may still much further become one of the great instrumentalities of commerce is evident. While sail, aside from the oar, was the only known motive power on water, the limits of navigation was confined to tidewater. The discovery of steam extended navigation on our streams far beyond the limits of tidewater, and who can tell how much further hydroelectrical power generated by a dam in a stream may extend navigation on that or some other stream? The water in a stream may not only be used to float and carry a vessel, a boat, or a barge, but it may also be used to furnish the motive power for the navigation of the same. And a dam erected in a stream carrying interstate commerce can well be utilized for this double purpose; and Congress, having jurisdiction over the improvement and regulation of an interstate navigable stream, has ample power to resort to all reasonable means for the improvement of navigation and the promotion of commerce on such a stream. (Gibbons v. Ogden, 9 Wheat., 1.)
>
> If for the purpose of improving the navigability of a stream carrying interstate commerce the Federal Government constructs and maintains a dam, with locks and gates, the Government has the undoubted right to establish and maintain, in connection with such dam, an electric-power plant for the purpose of furnishing motive power to operate such locks and gates. And the Federal Government has the right to sell, lease, or rent, for compensation, any surplus power that may arise from and be an incident to such an improvement of navigation. (Kaukauna Water Power Co. v. Green Bay & Mississippi Canal Co., 142 U. S., 254.)

In considering those statements we must bear in mind that when Congress undertakes to construct a dam it of necessity becomes the riparian proprietor, and, subject to minor statutory modifications in all the States that follow the course of the common law, as Connecticut and Massachusetts have followed it, the riparian proprietor has the right to the usufruct in the flow of the water.

We talk about ownership of water. Senators have discussed the question whether the State owns this water or the riparian proprietor owns this water, and have seemed to be impressed by the idea that the United States was attempting to assert ownership of the water. Mr. President, under the system which

prevails in Connecticut and Massachusetts, and generally in the States following the common law, there is no ownership of running water whatever.

Both the rights of the riparian proprietor and the rights of the State are based upon the old maxim that water runs and ought to run as it has been accustomed to run. The riparian proprietor is entitled to whatever benefit may come from the flowage of the water past his door. Whether the riparian proprietor owns the bed of the stream or the State owns the bed of the stream makes no practical difference, for if the riparian proprietor owns it he owns it subject to the public right of passage and in general of fishery and the public right to have the water flow on for the benefit of all below on the stream.

Mr. President, that does not apply in the States which have established the right of prior appropriation. The so-called arid or semiarid States have adopted, by the necessity of the conditions existing there, a different system, and any discussion of the rights of the Government and of the propriety of legislation in those States would necessarily have to proceed upon different lines and from different starting points than a discussion of legislation relating to water rights in one of the old States which proceed according to the common law.

If the riparian proprietor owns the bed of the stream, he owns it subject to the common right. If the State owns the bed of the stream, the State owns it as trustee for the public, for the preservation of those same common rights, and subject to the rights of the riparian proprietor. There is and can be no conflict between the two, and the question of title to the bed of the stream is quite immaterial.

I have said that when the Government enters upon an enterprise of this kind it of necessity becomes the riparian proprietor, for it can not build a dam without title, and it can not take property without compensation. So it in some manner acquires the title, and having acquired the title its title is good, because it is acquired in the exercise of its clear and unquestionable constitutional rights and the performance of its constitutional duty. The title is as clear as a title to land acquired for a post office or a customhouse or an Army post.

Having title, two things follow: One, that it is entitled to use the property it has acquired for this constitutional purpose in every way that would be lawful for anybody else seeking to accomplish such a purpose; and the other, that it has right to such use of it as any other proprietorship gives to the owner of property. That being so, the right to sell or lease the water power or the electricity created by the water power from the increased flowage caused by a dam built by the Government in the exercise of its constitutional functions to improve navigation is a necessary incident to the performance of the function.

Mr. President, so long as it is competent for the Government of the United States to go upon the Connecticut River and build the dam described in this bill and so long as it is also competent for the United States to apply the power produced by its building of the dam to promote the interests for which it builds a dam, it follows necessarily that the Government of the United States can avail itself of the instrumentality of this corporation to cause the same thing to be done. It has as clear a right to make a contract with this corporation to do that thing which the Government can do itself for the promotion of its interests in the performance of its duty to improve navigation as it has to hire a contractor to dredge the Potomac to improve the Washington channel.

Let me call your attention to the real situation as it exists in the Connecticut River. Three years ago the Board of Engineers for Rivers and Harbors reported to the War Department regarding the improvement of the navigation of the Connecticut River, and in their report occurred this statement, which I read:

> The difficulty of surmounting the Enfield Rapids involves such an expenditure that unless water power can be developed in connection with the improvement, the work can not be justified under present conditions. If the coordination of water power and navigation interests can be effected in such a manner as to permit the development of both at a cost to the United States not out of proportion to expected benefits to general navigation and commerce, the improvement will become justifiable.

There is the attitude of the United States toward this improvement of navigation. Then comes to the Government of the United States the Connecticut River Co. and says, "We will improve this navigation if you will give your consent that we build a bigger dam than we have now. We will improve this navigation; we own the banks; we have the corporate capacity and the authority from the State of Connecticut; and if you will consent we will do what your engineers have declared you could not afford to do unless the expense could be in some part borne by the power that was created." And the United States in this bill will say, if we pass it, "Yes; we will avail ourselves of your instrumentality to do what we could not afford to do except by taking and selling power, provided you will agree that a reasonable charge upon what you make by the end of the business that you are specially interested in, that is, the water power, shall be turned over to be applied to the improvement of navigation upon this stream and its connected waters. That is to say, we will consent to your improving this navigation provided you will do two things for the benefit of navigation; one, improve the navigation at this point, and the other, contribute to improving the navigation of the whole stream."

Mr. President, a waterway is a whole. Navigation at a particular point does not stand by itself. The streams that we have been working upon for many years we improve step by step, mile by mile, beginning with a dam here, making a pool above it, and going on and building another and another and another. Each is as much a whole as any transcontinental line. The Supreme Court of the United States based its decision in the Rio Grande case in the one hundred and seventy-fourth United States upon that proposition, that although the portion of the Rio Grande, the treatment of which was called in question, was not navigable, nevertheless, the Rio Grande must be treated as a whole, and the treatment of that nonnavigable part must be considered with reference to its effect upon the navigation of the lower part of the stream. Therefore, Federal authority could deal with it.

Upon no other ground, sir, do we justify ourselves in the purchase of Appalachian forest reserves except to preserve and give out gradually the water which flows down through the navigable streams of the Atlantic seaboard.

From the mouth to the source and in all the contributory feeders a water system of navigation must be treated as a whole; and that is what this condition does.

It treats the Connecticut River system of water transportation as a whole, which, for example, will enable the people of that region, that hive of industry, to have the benefit of competition with the New York & New Haven Railroad.

The justice of the remarks which I have just made is very acutely presented by a consideration of the charter of the Connecticut River Co. Something was said here the other day about the motive of building this dam, and I undertook then to say that there were ordinarily two motives in such a transaction. Some Senator had been speaking about the motive of this company as being to create power and not to improve navigation. It seems quite plain that in most transactions in this world there are two motives. If I get upon a street car to go from the Capitol to my home, my motive is to get home; the motive of the street car company is to get my 5-cent piece. It is difficult to conceive of a bargain in which the promisor and the promisee have not each a different motive. In this case, Mr. President, I assert that the motive of the United States is the improvement of the navigation of the Connecticut River system of water transportation and that, if this bill be passed, we shall be availing ourselves of the willingness of this company to subserve that great constitutional purpose of our Government in no other way than I avail myself of the service of a street car to subserve my purpose of getting to my home from the Capitol. The fact that the company may have a desire for a profit does not affect the rights, powers, and duties of the United States Government to go on and subserve the interests of navigation upon that river any more than the fact that a dredging contractor is moved by the motive of profit rather than the motive to improve the stream which the Corps of Engineers employs him to dredge.

But, sir, this company is a company formed by the State of Connecticut to improve navigation. Its lawful purpose is and has to be to improve navigation. Here is their charter, passed in May, 1824:

> *Resolved by this assembly—*
>
> The Assembly of Connecticut—
>
> That John T. Peters, David Porter, Charles Sigourney, with all such persons as are or may be associated with them for the purpose of improving the boat navigation of Connecticut River, and their successors, be, and they are hereby, incorporated and made a body politic, by the name of The Connecticut River Co.

The charter goes on to say, after various details of organization:

> SEC. 7. That said corporation, for the purpose of widening the channel of said river, and deepening the same, shall have power to dig, cleanse, and remove obstructions from the channels and bars of said river, from and above the bridge at Hartford, to Springfield, and to erect and build wharves and piers and hedges in said river or on the banks thereof, as they may judge necessary.
>
> And said corporation is empowered to lock the falls at Enfield on said river, and to make channels to aid them, and to construct a canal on either bank of said river, near said falls, and to construct a dam or dams for the purpose of entering and leaving the locks in still water, provided the extension and form thereof shall be such as shall not prevent the convenient passage of boats and lumber down the river, nor obstruct the passage of fish; and said corporation shall have the right to procure and possess any steamboat or boats which they may judge necessary to commerce on said river.

Then there is the right of eminent domain; there is the right to purchase and hold stock of the several incorporated lock and canal companies upon the Connecticut River; there is the right to impose tolls upon boats passing up and down the river. There is a provision that—

Whenever the profits accruing to said corporation shall be more than 8 per cent over and above the annual expenses of improvements on said river, and the repairs of said locks and canals, and the works connected therewith, the commissioners shall have the right to reduce the toll allowed by this act.

Then there were from time to time amendments, one of which was passed in 1825, providing:

The capital stock of said company, so far as shall be deemed necessary and expedient, may be expended between Hartford and the north line of this State to Longmeadow and West Springfield in the State of Massachusetts, and also in improving said navigation above this State toward the sources of Connecticut River and toward Lake Memphremagog in the State of Vermont, as far as shall be deemed practicable and expedient, lawful authority for so doing being had and obtained.

That is from Vermont or Massachusetts.

You will perceive, sir, that this charter is a charter which looked to the improvement of the whole stream, the creation of a transportation line by the Connecticut River Co.

Mr. BRANDEGEE. I will say that the company was also incorporated by the State of Vermont.

Mr. ROOT. So I understand. I think I have read enough to indicate the character of this corporation, with the added statement of the Senator from Connecticut [Mr. BRANDEGEE] that it also received a charter from the State of Vermont consistent with this legislation of Connecticut. So, sir, we have a navigation company chartered by the States of Connecticut and Vermont, whose sole corporate purpose is to improve navigation, coming to the United States, whose sole constitutional purpose is to improve navigation, and it appears that the powers which this company had from the State of Connecticut and the powers which the United States Government has under the Constitution to improve navigation, which have lain dormant with regard to this river because it would be too expensive to make the improvements, may be called into activity by reason of the fact that, under the new discoveries in electrical engineering, it is possible to make the fall of the water over the dam that is necessary to improve the navigation contribute toward the performance of the work.

Here is something that this company was chartered to do, and which it can do if we consent; here is something that we have the constitutional power and duty to do. As a condition of our consent, instead of the company taking all the profit that comes from the fall of water at this particular point and putting it in their pockets, we impose the condition that they shall apply a reasonable amount toward the performance of their and our full duty, which is improving the navigation of the whole stream.

Mr. SMITH of Arizona. Mr. President, at that point will the Senator from New York permit me to interrupt him? I am much interested in his argument.

The PRESIDING OFFICER (Mr. FOSTER in the chair). Does the Senator from New York yield to the Senator from Arizona?

Mr. ROOT. Certainly; I yield.

Mr. SMITH of Arizona. The Senator concedes that they have a right to make this charge, but what application are they to make of it? How far can the Government apply the money obtained from these sources? In other words, must not the money brought from this power into the Treasury of the United States be used exclusively in the navigation of the stream, or can they devote it to a separate purpose?

Mr. ROOT. Mr. President, I conceive that the fund would be a trust fund in the Treasury of the United States, applicable only to the improvement of the navigation of that stream, using the term "that stream" in its comprehensive sense, with its feeders and connections. I conceive that to be quite clear from the language of this bill, and I think that it is right that it should be made so; although, sir, I do not consider that it is by any means clear that the Government of the United States may not create a general improvement fund, which might be used for the improvement of navigation elsewhere than upon the stream from which a particular fund comes. That question is not raised here, however. This bill proposes to confine the application of this trust fund to the improvement of the navigation of this river, to confine it to substantially the same limits which are laid down in the charter of this company as the measure of its duty.

Mr. President, there are two general considerations which affect this bill. I conceive that it does not materially affect the interests of the arid and semiarid States. I conceive that it does not raise any question about title or property or corporate franchises whatever. It is a simple case of the Government being asked for the same kind of consent that it has given a thousand times, and to impose a condition—a thing that it has done a hundred times—which is limited in its character to the attainment of the purposes for which the power to give or withhold consent is granted Congress, to impose a condition which will accomplish nothing more than the Government itself could accomplish by having contractors go on and do the work. I think the competency of Congress to pass the law and the justice and the wisdom of its passing the law are clear.

As I have said, however, there are two general considerations which have been much referred to in the discussion, both of which, it seems to me, lead to the same conclusion and tend to strengthen the duty of Congress to grant this consent upon this condition. One is the general consideration of the improvement of navigation. Of course we are in this country very far behind many of the older countries on the other side of the Atlantic in the provision which we have made for water communication. Our Government has spent many, many millions of dollars in improving the navigation of our streams; it has constantly engaged in that work; but, nevertheless, we are far behind the older countries. In recent times we have been developing a system of slack-water navigation, by which it is possible to carry water navigation far up into the region of the hills through which our great streams flow, and to give to the people living in the uplands the benefit of water lines in competition with the railroads; but it costs very much more to do that than it does to improve the navigation of streams running through level country. You can dredge out the channel of a stream such as the Hudson at comparatively little expense; but the State of New York is spending over a hundred million dollars in canalizing the Mohawk River, which runs through the hills by my own home, and the Oneida and Oswego Rivers, and in constructing canals to connect them with each other and with Lake Erie.

The question, I think, we ought to ask ourselves is, How shall we decide as between three possible courses of conduct? One is to do as we have, in general, done in the past, refrain from improving because it costs too much, costs more than the business to be developed would justify; or, second, shall we go on and improve these streams and tax the entire people of the country for the improvement? Or, third, shall we avail ourselves of this new discovery by which a stream can be made to improve itself, by which a stream can be made to pay the expense of fitting itself for navigation, so that this great work of internal improvement may go on? Which of the three shall we do?

Mr. President, of course it is very desirable that the flowage of streams converted into electricity shall be made available for the uses of the inhabitants along their banks; but is there nothing to be said for the paramount right, the paramount duty, we have to promote navigation? Is that to be left out of consideration when we are thinking of the possible utilities of this great new wealth that has been discovered, a wealth that riparian proprietors never dreamed of when they got their title to their lands? When for the public interest, when for the benefit of all the people of all our country, we consider the exercise of our paramount power as to the utilization of this new and hitherto unsuspected wealth are we to leave out of consideration altogether the one interest that we are charged by the Constitution with subserving, maintaining, and advancing?

This provision undertakes to discharge the duty of the Congress of the United States, as the preserver and promoter of water navigation, by requiring that a little fragment of this new wealth to be realized with our consent by this company, also bound to subserve navigation, shall be applied to that paramount purpose in this stream—a little fragment of it.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Colorado?

Mr. ROOT. Certainly. It is very pleasant for me to see the Senator from Colorado renew the situation of 30 years ago, when we first met in the Supreme Court of the United States.

Mr. THOMAS. Yes, Mr. President; that was our first meeting, with the Senator upon one side and myself upon the other, in an important controversy in which I was, of course, unsuccessful.

Mr. BRANDEGEE. I hope it was a parallel case to this.

Mr. THOMAS. Not entirely. My purpose in interrupting the Senator was to correct a possible impression which I might have created yesterday in my remarks upon this bill.

I recognize the paramount authority of the Government of the United States over navigable streams and its duty to all the people to improve them for purposes of navigation. But does not the Senator lose sight of the fact that this paramount power is being utilized as an agency or medium, through the

operations of the Government or by contract with private parties, whereby improvements in water power are effected? In other words, is not this great sovereign attribute of the National Government being utilized and degraded into an agency for the production of water power to generate electricity as an asset in the hands of these great corporations?

Mr. ROOT. Mr. President, that is a queer view to be suggested in support of opposition to requiring this great corporation to pay something to promote navigation. As I look back at the case in the Supreme Court of which we were speaking, it was nothing but the fact that I happened to be on the right side of the case that led to the conclusion the Senator has mentioned; and I am afraid he is in as bad luck now as he was then.

Mr. THOMAS. On the contrary, I may be in as bad luck in the outcome. But the fact that this great corporation is willing to spend huge sums of money in order that it may acquire a profit to itself, and is ready to agree, as the Senator from Ohio [Mr. BURTON] said, to enter into this agreement and to perform it, indicates that its purpose is to obtain, through the agency of the Government, a property in water which belongs either to the riparian owner or to the State, or to both, under the pretense that it is engaged in promoting and developing the navigability of the river.

I do not think any such power should be used for such a purpose unless it is done openly and without any pretense that it is being done for the improvement of navigation, independently of the fact that the power or the property, whatever it may be, which is created, instead of belonging to the Government, belongs either to the riparian proprietor or to the State, or both; so that the agency of the National Government in the exercise of a sovereign power is developed into a proprietary right and then conferred upon private parties for their benefit.

Mr. BANKHEAD. Mr. President——

Mr. ROOT. Mr. President, I am about concluding, and I will ask the Senator not to interrupt me further. I want to answer what has been said by the Senator from Colorado.

As I have already stated, this corporation, which is not a very big one, is the riparian proprietor, and it has from the State a grant of power and authority to do this thing. There is not anybody concerned but that corporation, trying to do what it was incorporated for, and the Government of the United States, trying to have it do what it was incorporated for. Of course it would not do it unless it could make some money out of it. Why should we spend our time objecting to having things done by people who are willing to do them when we can not compel them if they are not willing to do them? Of course this company expects to make money out of the power. What is objected to in the case of this bill is that we are going to require them to pay over part of the money they make toward the improvement of navigation.

Mr. THOMAS. That is not my objection.

Mr. ROOT. I am glad to hear the Senator say that. Perhaps he will vote for the bill, then.

Mr. THOMAS. No, no.

Mr. ROOT. In every transaction, sir, there are two motives. The seller has one and the buyer has another. The passenger has one and the railroad company or the steamboat owners have another. The Government, charged with improving navigation, finds that a corporation is willing to do for it what it can not conveniently or profitably do for itself to subserve its object. It has one object; the corporation has another. We would not consent to this if it were not a benefit to navigation. They would not ask the consent if it were not a benefit to their pocket. The question is whether there is reason in the proportion of things. The question is so often, however, whether the benefit to the pocket of the corporation is not a million times the advantage it gives to the public. The opposition to this bill is based upon the very provision which requires the corporation to contribute toward the object for which it was chartered and toward the object to which we are asked to give consent, instead of taking all the profit to itself.

Mr. THOMAS. Mr. President——

Mr. ROOT. I will conclude in a moment.

Mr. THOMAS. I should like to ask a question of the Senator.

Mr. ROOT. I will conclude in a moment and give the Senator full opportunity to discuss the matter.

There is one other great subject which this discussion touches, and any consideration of that, I think, must tend toward approval of the bill rather than toward opposition to it. That is the general subject of conservation.

Of course every candid mind familiar with the history of the growth and development of our country must realize that in the extravagance of our vast natural wealth the Government has given away franchises and property with a lavish hand, and that probably the time has come when it would be wise and reasonable for Congress, as trustee for the people, to exercise somewhat more care in conferring upon individuals or particular corporations large blocks of our natural wealth. The lavishness with which our natural wealth has been portioned out has applied equally to the States. Some States have been cautious, but some States have been very incautious and reckless in the way in which they have granted franchises and property rights to corporations. I think there is a general feeling throughout the country among the people of the States that there ought to be greater restraint exercised in that respect by the State governments.

We were waked up to that situation by a tremendous row being made. It required somebody to stand up and scream loudly before we realized it. I think reasonable, candid, thoughtful men must come to the conclusion, when they consider that subject, that we are under obligations to certain gentlemen who made so great a noise about this subject as to rivet the attention of the people of the country upon it. There are some Members of this body to whom I make my acknowledgment for the activity, the ability, and the persistency with which they have demanded attention to this subject.

The first thing that was done, and, in the nature of things, the first thing that could be done toward accomplishing this object was to put a stop—and we put a stop here in Congress and in our National Government—to the process as it applied to handing out valuable things that belonged to the people of the United States. In the nature of things, also, the complete stoppage of the process presently led to inconvenience, and people began to complain. We had a joint committee here, on which I sat for months, listening to testimony in which the two ideas were exhibited. I refer to the Ballinger committee. It was quite plain that there were two ideas, each one an idea that nobody need be ashamed of, but coming in conflict, because neither had adjusted itself to the other—the idea of stopping the wasteful and extravagant parceling out to individuals of the property of the whole public and the policy of utilizing our wealth for the benefit of the people of the country, and that can not be done without leaving somebody to make a profit by the utilization of that wealth.

A good deal of the opposition to this bill is the result of an impatience that is felt, and very naturally felt, by people in the West, over the long continuance of the cessation, the halt that was called, in order to prevent undue extravagance and lavishness and favoritism and all sorts of abuses in the way of handing over to individuals and corporations the public wealth.

The third step which must follow, if we do our duty and understand our business, is not to go back to the old plan of handing out public property to oblige this, that, and the other man because it will make activity and expenditure, but to evolve some reasonable method by which these great natural resources shall be not held for far-distant generations alone, but utilized in such a way that the public will get its fair benefit, and the individual will get only his fair benefit.

Nobody is going to dispute any of the things I have been saying for several minutes past. What is the conclusion? It is that when we deal with this bill we should deal with it, not upon the old plan, not upon the plan of stagnation, but trying to apply a reasonable view as to what shall be done in this instance in regard to the utilization of the wealth and the productive power that exists in this country.

Mr. President, you can not solve the question solely by reference to the old rules of property. They are not wholly adequate to produce a satisfactory conclusion. I am not afraid of having anybody think that I am unduly iconoclastic——

Mr. CLARKE of Arkansas. Progressive.

Mr. ROOT. Or progressive; not unduly so. I used to be a reformer; but I rode on a freight train, and the express train went by so fast that I seemed to be standing still. So I say I am not afraid of being misjudged in that direction when I say, as I do, that the old rules of property, which I would not disturb on any account—property which is one of the bases of civilization, and which we must protect—do not by themselves alone lead to an altogether satisfactory conclusion on this subject.

One reason why is that modern discovery and invention have produced a realization of the existence of wealth wholly unknown before. When this company was chartered by the State of Connecticut no one dreamed of any source of income for the company except from tolls. You see the charter treats of tolls and the regulation of tolls, how much they can charge and how they may be regulated.

It appears that now in doing the very work that was contemplated by this company for the improvement of navigation

out of which they expected to get a moderate profit by tolls they are creating wealth beyond the dreams of avarice. Nobody knew it when the charter was granted. Nobody knew it when the people bought their land. Nobody knew it when they exercised their right of eminent domain and took land from the farmers there.

All over the country there are vast reservoirs of wealth the existence of which nobody knew when lands were settled under the homestead act, when lands were purchased and when lands were granted; and while we must preserve the rights of the owners, yet so far as those rights are subject to lawful control, so far as those rights are subject to laws that existed when the titles were acquired, to laws under which the titles are held, so far we ought to see that by the application of those laws in lawful ways and without taking away anybody's right we give to the whole people of the United States such benefit from this great new work as they may lawfully have.

I say, sir, that the truest policy and the highest respect for every object which government is designed to subserve dictate that when we exercise an undoubted legal power and impose a condition upon the use by this corporation of this property some slight part of the wealth produced shall be devoted to the improvement of the navigation of that stream for the common benefit of the people of the United States.

Mr. WORKS obtained the floor.

Mr. BANKHEAD. Will the Senator excuse me one moment?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Alabama?

Mr. WORKS. Certainly.

Mr. BANKHEAD. Before the Senator from New York takes his seat I should like to call his attention to a provision of the bill which he has been discussing so ably, and I should like to have his view about it some time, a little later, if he prefers to make it later.

Section 3 of the bill requires the Connecticut River Co. to construct a lock and equip it under the direction of the Secretary of War and the supervision of the Chief of Engineers, and the bill provides that when thus completed it shall be turned over to the United States Government free of cost. The bill makes no provision whatever for the company to turn the dam over to the Government. Therefore the Government is the owner of the lock and the Connecticut River Co. is the owner of the dam.

The inquiry I wanted to make is, if there is a power created out of this situation, whether it is in the lock which the Government owns or in the dam which the private company owns. There can be no power unless it is produced by reason of the construction of the dam which belongs now and always has belonged to the private owner. If there is surplus water and that surplus water is utilized for power, it is a surplus not needed at all for navigation. Does the Senator from New York think it does not properly belong to the owner of the dam?

Mr. ROOT. Mr. President, I think it properly belongs to the owner of the dam, subject to a charge imposed by this bill upon it as a condition to granting consent to build it.

Mr. BANKHEAD. I understand that.

Mr. ROOT. The Senator from Alabama asks whether the power is in the lock or in the dam. The power comes from the flowage of the water which is raised above the level by the dam. The lock does not produce any power.

Mr. BANKHEAD. Of course not.

Mr. ROOT. The dam raises the water and the fall of the water produces the electric power.

Mr. BANKHEAD. Certainly.

Mr. ROOT. The Senator from Mississippi [Mr. WILLIAMS] suggests to me a question which I will make bold to put to the Senator from Alabama, and that is whether the egg produces the chicken or whether the chicken produces the egg.

Mr. BANKHEAD. Mr. President, one word further and I am through. The Senator's argument on this whole question reminds me of two boys who went fishing. As they went along one said to the other, "If you will furnish the pole, and the line, and the hook, and the bait, you can have half the fish you catch." The other said, "Well, I will take what I catch, and you may have what is left." That is the whole question here.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On February 7, 1913:

S. J. Res. 156. Joint resolution to appoint George Gray a member of the Board of Regents of the Smithsonian Institution.

On February 11, 1913:

S. 3225. An act providing when patents shall issue to the purchaser or heirs of certain lands in the State of Oregon.

On February 12, 1913:

S. 7160. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 8084. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

SENATOR FROM COLORADO.

Mr. GUGGENHEIM presented the credentials of JOHN FRANKLIN SHAFROTH, chosen by the Legislature of the State of Colorado a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Connecticut?

Mr. WORKS. I yield to the Senator.

Mr. BRANDEGEE. I did not object to the reception of credentials, of course, but I hope as the matter will appear in the RECORD it will not be appealed to as a precedent for violating the unanimous-consent agreement. Under it no morning business is allowed.

The PRESIDING OFFICER. The Chair holds that the filing of the credentials of a Senator elect is a question of the highest privilege.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. WORKS. Mr. President, the people of my State have a deep and an abiding interest in the question presented by this bill. We believe thoroughly in the doctrine of the conservation of the natural resources of the country, for with us the conservation of the waters of flowing streams in the State is a practical question. We are not in favor of conserving the waters in the streams to look at as they flow down to the sea, but for actual use by the people of the State.

It is for that reason, Mr. President, that I shall take up a very little of the time of the Senate in discussing the pending bill. In order to consider it intelligently, we must distinguish clearly in the beginning between the right of the National Government to deal with the question of the navigability of a stream and the right of the States and their inhabitants to use the waters of a stream for beneficial purposes.

The Senator from New York [Mr. ROOT] has stated very broadly the right of the Government in that respect. I am not disposed to question his view of the law with respect to the power of the Government to deal with the question of the navigable quality of a stream. For the purposes of this discussion I am willing to concede that the Government has not only the right to protect the navigation of a stream that is now navigable but that it has the right also to promote navigation and to make streams navigable that are not so now.

But when you come to the last proposition you must deal with the people who have acquired rights in the waters of the streams. So far as the use of the water is concerned, so long as it does not interfere with navigation, the Government has no power or control over it. That is a matter which must be dealt with by the States. Any right to the use of the water flowing in a stream, whether it be navigable or nonnavigable, is governed and controlled by the laws of the State and not of the National Government.

The Senator from New York has discussed this question as if it were one solely between the Government and this corporation. He has left out of account entirely the people who may become consumers under the corporation and who will eventually, as I will show after a little, be compelled to pay the charge that is imposed by the Government upon the corporation. What does the corporation care whether the Government imposes this burden upon it or not if it can, under the law, shift that burden to the people who take the power that is generated by the use of the waters of the stream?

In most of the Western States the old common-law right of a riparian owner to the use of a stream has been absolutely abolished by constitutional provision. In some of the States it is declared in terms in the constitution that the waters flowing in the streams in the State belong to the people. That was unnecessary. Without such a provision they belong to the State, and the people are the State. It is only a popular way of declaring the rights of the people of the State to the waters of the streams.

Every State in the West has statutory provisions under which rights to the use of the water in the streams may be acquired.

For example, in my own State we have statutory provisions providing for the filing upon the streams to be diverted for beneficial use by giving notice of the fact. The notice must state the amount of water proposed to be appropriated and the use to which it is to be applied. The right to the use of the water is acquired by complying with this statute. It may be done by a municipality, by the State, or by a private individual. So long as there are waters in the stream unappropriated any individual who may use the water for beneficial purposes has a right to enter upon the stream, make his filing, take out the water, and apply it to those uses.

That may be done, Mr. President, by a corporation that does not expect to use the water for its own purposes but to distribute and sell it to other persons as a means of making money. Whenever the water is diverted by that means and for that purpose the rates to be charged become subject to regulation, not by the National Government but by the State; and when you come to the question of fixing rates it is settled by a long line of authorities, not only in the State but by decisions of the Supreme Court of the United States, that the persons who take the water from corporations of this kind may be charged such rates as will repay to the corporation all of its fixed charges, interest upon its investment, and a reasonable profit to the corporation.

Now, what would be the result in this case under the well-settled rule on that subject? If, upon one of these corporations taking water from the stream for the purpose of carrying the water itself to a beneficial use, as in the case of irrigation or for the development and generation of power, the National Government should impose $100,000 for that purpose, that amount of money would be charged up by the corporation as a part of its operating expenses, and the consumers would be compelled to pay it. The fact that the money thus acquired by the Government is to be applied to the improvement of navigation on the river makes it no better. In that case the consumers of power furnished by this company will have to bear the whole burden of this improvement, which should, as in other cases, be borne by the whole people.

So there is somebody else interested in this question of the amount to be paid by the corporation besides the corporation itself. In fact, it has very little interest in the question, because it is entitled to have every dollar of the money that it pays out in that way returned to it by the consumers.

Let us apply that condition of the law to the provisions of this bill. It is unfortunate, Mr. President, that the right and desire of the State of Connecticut to have this privilege granted to this corporation should be complicated by the effect it is bound to have upon people in the Western States.

It is said that this is but one case, and that it can not be considered as a precedent that will affect other dealings with questions of this kind; but the truth about it is that that is just exactly what the Government proposes to make it, and that is the policy the Government is insisting upon in dealing with the question of granting rights of this kind.

The bill, after granting the right to construct this dam and lock, has this provision:

And provided further, That the Secretary of War, as a part of the conditions and stipulations referred to in said act, may, in his discretion, impose a reasonable annual charge or return, to be paid by the said corporation or its assigns to the United States, the proceeds thereof to be used for the development of navigation on the Connecticut River and the waters connected therewith. In fixing such charge, if any, the Secretary of War shall take into consideration the existing rights and property of said corporation and the amounts spent and required to be spent by it in improving the navigation of said river, and no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurtenant works and property, allowing for the cost of construction, maintenance and renewal, and for depreciation charges.

It is said here, Mr. President, that this is not intended to be a tax upon the water or to interfere with the use of the water, but for the mere privilege of erecting this structure in the stream. But what is the effect of it? The only purpose for which this structure is placed there is to divert and use the waters of the stream, and the tax that it imposes, as I have said already, will be charged up against the consumers themselves. Therefore, whether it is intended to be so or not, it is a direct charge upon the use of the water or the power that is developed by its use.

It is provided in the bill, in substance, that it shall not deprive the corporation of a reasonable return upon the cost of the structure. That shows an utter lack of appreciation of the law as it exists, because it will have no effect under the law upon the returns to be received by the corporation itself, for the simple reason that that charge, as I have already said, is imposed upon the people themselves and not upon the corporation, and could not deprive it of any part of the revenue that it is entitled to receive.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. FOSTER in the chair). Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I yield to the Senator.

Mr. BORAH. I wish to make a suggestion in that connection. Suppose a public-utilities commission were created in Connecticut—I do not know whether the State has one or not—and this corporation should come before it for the purpose of having its rates fixed, the public-utilities commission in fixing the rates for this corporation would be compelled to include the charge which the Secretary of War is putting upon the corporation for the purpose of fixing rates for the consumers.

Mr. WORKS. Certainly. I have so stated.

Mr. BORAH. It would enter that under the law, not as a matter of discretion but as a matter of necessity, in testing the question whether the corporation was getting any return and its property was not being confiscated. You would have to insert that in the question of the expenditure.

Mr. WORKS. Undoubtedly so. Let me pursue the provisions of the bill a little further in order to show what is really intended by its provisions. There is another provision on page 5:

And the said corporation shall furnish to the United States, free of charge, water power, or power generated from water power, for operating and lighting the said constructions; and no tolls or charges of any kind shall be imposed or collected for the passage of any boat through the said lock or through any of the locks or canal of said corporation.

By that provision it is evidently intended that the National Government shall acquire some right to the use of this water, and acquire it without compensation, while the other consumers are compelled to pay for the power that they receive in that way and the added amount that the Government is imposing on the corporation.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Connecticut?

Mr. WORKS. I yield.

Mr. BRANDEGEE. The provision the Senator has just read is embodied in every bill of this character. It is one of the conditions imposed by the general-dam act, subject to which all these bills are granted.

Mr. WORKS. That may be so, but it does not make it any better.

Mr. BRANDEGEE. Of course not.

Mr. WORKS. If we have been erring in that respect, it is about time that the policy of the Government should be changed.

Again, it is provided in section 4:

That compensation shall be made by the said Connecticut River Co. to all persons or corporations whose lands or other property may be taken, overflowed, or otherwise damaged by the construction, maintenance, and operation of the said dam, lock, and appurtenant and accessory works, in accordance with the laws of the State where such lands or other property may be situated; but the United States shall not be held to have incurred any liability for such damages by the passage of this act.

That provision of the bill is entirely unnecessary. There is no reason why the National Government should attempt to protect the interest of the land owners who are under the control of the laws of the State and should be protected by the State. In other words, the Government is attempting all along through the bill to infringe upon the laws and the rights not only of the States, but of individuals within the State.

Then, the bill provides in section 5:

That upon the termination for any cause whatever of the authority, rights, and privileges granted hereby, or any renewal thereof, the United States may renew the same or the grant may be made or transferred to other parties.

The Senator from New York [Mr. ROOT] has insisted that this does not constitute a grant, that it does not convey any right to anybody, that it is nothing more nor less than a simple permit given to this corporation to enter upon the stream as it asks to be allowed to do; but it is provided that not only the Government may regrant to somebody else, but it also provides that the Government itself may take over this property and use it, and itself become a public-utility corporation. It further provides that—

Unless the grant is renewed to the original grantee or its assigns, as herein provided, the United States shall pay or require its new grantee to pay to said original grantees or its assigns, as full compensation, the reasonable value of the improvements and appurtenant works constructed under the authority of this act and of the property belonging to said corporation necessary for the development hereby authorized, exclusive of the value of the authority hereby granted.

The Government proposes to purchase not only the structure that is placed in the stream, but it proposes to take over this whole system by which power is generated and transferred to

the consumers. By what right may the National Government under a grant or permit of this kind, whichever we may call it, provide that it shall become the purchaser of the entire system of this corporation to be used for the distribution of power?

> Said improvements and appurtenant works and property shall include the lands and riparian rights acquired for the purposes of such development, the dam and other structures, and also the equipment useful and convenient for the generation of hydroelectric power or hydromechanical power, and the transmission system from generation plant to initial points of distribution, but shall not include any other property whatsoever.

The Government proposes under the bill to purchase not only the structure I have mentioned, but the riparian lands of the corporation and its entire system for the distribution of power. Then the bill provides that—

> The basis for determining the value shall be the cost of replacing the structures necessary for the development and transmission of hydroelectric power by other structures capable of developing and transmitting the same amount of marketable power with equal efficiency, allowance being made for deterioration, if any, of the existing structures in estimating such efficiency, together with the fair value of other properties herein defined, to which not more than 10 per cent may be added to compensate for the expenditure of initial cost and experimentation charges and other proper expenditures in the cost of the plant which may not be represented in the replacement valuation herein provided.

Mr. President, how can it be said under the various provisions of this bill that it is not a grant? If it is not a grant, what has the Government to buy of this corporation? What property interest is there as a result of the action taken by the National Government that could be bought by the Government itself?

These structures so placed in this stream are simply for the purpose of diverting and appropriating the water to beneficial uses. The question of the use of the waters of the stream is a matter with which, as I have said, the State alone may deal; the National Government has no power or control over it whatever—no right to legislate with respect to it; and certainly it has no right to impose a burden upon the corporation that must eventually be paid by the consumer, and thereby interfere directly with the use of the water by increasing the compensation necessary to be paid for it.

Let us consider just for a moment, Mr. President—for I am not going to take up much of the time of the Senate—the proposition submitted by the Senator from New York [Mr. ROOT], that the National Government has the right to promote navigation and to go to the extent of making a stream navigable that is not so already. If that be true, what becomes of the vested rights in the waters of the stream when the Government undertakes to pursue that course? Does the Senator from New York mean that the National Government may enter upon a stream of this kind, where all of the waters have been appropriated to a beneficial use, and destroy all of those rights and make it a navigable stream? Why, Mr. President, the right of one who has appropriated water from a stream and applied it to his land for the purpose of irrigation is a right that is just as sacred, just as tangible, as the ownership of his land.

Let us take a concrete case as illustrating what might be the effect of such an exercise of power. The Colorado River, that flows partly in this country and partly within the territory of the Mexican Government, is a navigable stream nominally; it has been recognized as such by treaties between the two nations. The waters of that stream have been appropriated under the laws of the State of California and applied to beneficial uses. There are hundreds of thousands of acres of land as fine and as fertile as can be found anywhere in the world that have been made so solely by the application of the waters of that stream to irrigation, thickly populated, and worth millions of dollars; yet, according to the doctrine of the Senator from New York, the National Government could enter upon the stream, so improve it as to make it actually navigable, and thereby destroy the rights of all of the people who are living upon those lands to-day. Do Senators believe that the National Government has any such right or power as that?

It may be, and for the purposes of this argument I am willing to concede it to be true, that the National Government would have the right to enter upon the stream and make it actually navigable; but when it does so it must make just compensation to every man who has acquired a water right in the stream. The National Government has no more right to interfere with the use of the waters of the stream than the State or its inhabitants have to interfere with the navigable quality of the stream. The two are absolutely separate and distinct; and the individuals in the State, or the State itself, notwithstanding the answer made by the Senator from New York, have a right to enter upon a navigable stream just as well as a nonnavigable stream and take out of it water for beneficial uses so long as the navigable quality of the stream is not interfered with. That is being done all over the western part of the country. Of course, the Government has a perfect right to interfere with such diversion of the stream if it is apparent that it is interfering with navigation, but its right goes no further than that. If we keep these two rights of the National Government and of the States and their inhabitants separate and distinct, there is no reason why we should make any mistake with respect to this matter.

I have not the slightest objection to the provisions of this bill for the erection of a dam. If the Government wants it and the corporation wants it and the people of Connecticut are satisfied, it does not make any difference to me; but whenever the National Government adopts the policy of imposing a fixed charge upon a corporation for such use of a stream, then I protest because of the consequences that will follow from such action, as I have already pointed out.

Mr. President, I have had no intention of discussing the legal questions involved here, because they have been thoroughly and most exhaustively discussed by Senators who have preceded me. I only desired to point out, in a very brief way, the effects that it seems to me would follow from the provisions of this bill, and to give my reasons in a brief way for objecting to its passage. I know it is said that the people who are contending against this sort of thing are contending against the conservation of our natural resources. Well, I am not afraid of any criticism that may be passed upon me for trying to protect the people of my State from being deprived of the use of water, every drop of which, at least in the southern part of the State, is necessary for actual use in the development of that portion of the State which in part I represent in this body.

It is for these reasons, Mr. President, and for these alone, that I am objecting to the passage of the pending bill.

Mr. BORAH. Mr. President, I regard this bill as opening up in a very broad and general way not only the subjects which may be properly associated with the bill, but the general subject of the proper treatment of the natural resources of the country. There was published yesterday in the CONGRESSIONAL RECORD a statement from which I desire to take a single sentence:

> Water power belongs to the people. The sites where it is produced should never be permitted to pass out of their hands, for only in this way can effective control be secured.

I agree with the statement that water power, in the proper sense, belongs to the people. I desire to discuss this matter in the light of that general proposition. Not only does the water-power question but the conservation question generally involve the proposition that our natural resources undeveloped in the proper sense belong to the people of this country. It is for the very reason that it seems to me the people's property is not being properly protected and their interest in it properly shielded that I desire to offer some criticisms of this bill.

Before taking up the bill proper, I am going to call attention, in a general way, but briefly, to the subject of conservation and to the proposition that we are wandering away from the rule that the resources belong to the people, and that we have reduced the conservation movement almost entirely to a revenue proposition. We are tending more and more to get all out of our resources possible in the way of revenue and less and less toward making these resources available to those of limited means.

As the conservation movement was inaugurated in the first instance very few people could find fault, and very few people did find fault, with the theory or the principles upon which it was organized. The original purpose of the movement was to protect our natural resources from waste and from monopoly, and certainly to that extent no right-thinking person could object to the policy or purpose of the movement. But in the practical application of those principles the people have either been lost sight of or by reason of the difficulty of applying the principles they have been ignored to such an extent that they are not getting the benefit of this conservation movement. Those who desire to see the natural resources of the country protected from the old system which at one time prevailed must necessarily find some practical means to apply these principles, or the conservation policy will break down of its own weight. Unless these natural resources can be made beneficial to the people generally, unless they are going to receive some benefit which is substantial in its import, a policy which is bound to be expensive will in the end fall of its own weight.

I see no reason why conservation should not work to the benefit of the people. In saying this I do not wish to be misunderstood. I do not desire to leave the inference that those responsible for the administration of our policy are knowingly or corruptly favoring a few to the injury of the many. I assert, however, that that is the effect in many instances of the

present policy. I do not believe that any considerable portion of the people of the West are opposed to the theory of conservation, and they are not opposed to an intelligent, practical application of the theory of conservation. The great majority of these people have a well-settled and most earnest desire to see the great natural resources of our country conserved—protected from waste and monopoly. But they believe that it is practicable and also indispensable to a permanent and successful policy of conservation that we not only withhold these resources from waste and monopoly, but that they should be utilized and dedicated to the benefit of the people.

The most important thing which we have to consider in regard to this matter is, first, whether or not the policy is being administered in such a way as to aid the people generally or to give them any benefit, and, second, if not, what changes should be made in order that they may have the benefit of these natural resources?

It will be said, I presume, that I am wandering far afield, for the reason that this bill in large measure relates to a local situation; but it is now pretty generally understood that it is the initiation of a policy with reference to these matters, and if I view this bill and the proposed contract under it correctly and have a proper conception of them, they are going to lead to a condition of affairs where the people generally, to whom it is said this property belongs, will have absolutely no protection whatever.

I do not for a moment question the good faith of those who advocate this measure with its peculiar addenda; but if we can demonstrate that they are putting a load upon the people's property which the people can not bear, in order to enjoy the property, we will certainly demonstrate that, even though it does belong to the people, we are not properly administering it; and if I, as I say, read this contract correctly or the bill and contract which has been made under it, so far as those to whom it is said the property belongs are concerned, they have no protection from what might prove so burdensome as to make the "people's property" worthless.

But before going into that, I am going to go a little further upon the general proposition of the conservation movement. I read from a speech delivered by President elect Wilson at Chicago a few days ago. It will not be charged that the President elect is embarrassed by the prejudices or the preconceived opinions which, it is stated, attach to people who come from the West and have come in contact with the conservation movement. It will not be said, either, that he is opposed to the conservation policy; and yet he has stated with searching accuracy the defect of the present conservation policy and has suggested the very thing for which we for a good while have been contending in vain. He says:

> In the first place, we have to husband and administer the common resources of this country for the common benefit.
>
> Now, not all business men in this country have devoted their thought to that object. They have devoted their thought very successfully to exploiting the resources of America, but very few business men have devoted their thought to husbanding the resources of America; and very few, indeed, have the attitude of those who administer a great trust in administering those natural resources. Until the business men of America make up their minds, both to husband and to administer as if for others, as well as for their own profit, the natural resources of this country some of the questions ahead of us will be immensely difficult of solution. It has come to be believed, and I repeat what is generally believed to be true is true, that the raw materials—the resources of the country as yet undeveloped—are not as available to the poor man who needs them most as to the rich man whose need is for raw material to exploit to his further gain.

Mr. President, in my judgment, that states the indictment accurately against the present trend of the conservation policy. It is removing farther and farther from the poor man or the man who needs them most these resources, or making it more difficult for him to receive any benefit whatever from them. The expense, the red tape, the procrastination, and the expenditures, not only upon the part of the man who desires to enjoy the resources, but upon the part of the Government, have raised such a barrier that a man of limited means can not now approach the natural resources of this country. Our forests, our timber, our coal, our power sites, and the other great natural resources of the country are being removed from all those who have not a vast amount of means to acquire them. Our agricultural lands and those things which have heretofore been supposed to be within the reach, or designed to be within the reach, of the man of most limited means have been placed practically beyond his reach. The great desire to secure revenue has overriden and come in contact with the desire to reach the man of limited mean, and the former theory is prevailing.

> These things are wrong. We must not try to say how justice must be meted out or how resources may be available, but we must see that they are equally available.
>
> Some of our difficulties have arisen from the fact that we did not start with the correct premise. We must remember, and you must not cause people to believe otherwise, that reservation is not conservation.
>
> Reservation is not conservation, where a national life grows as rapidly and as surely as American life grows, for mere reservation—which is a synonym for delay—and preservation, which is old fashionedism, in the future are not true conservation.

It is said that the West, Mr. President, is opposed to conservation. I do not believe that 3 per cent of the people of the West are opposed to conservation; but we are opposed to reservation. Reservation withdraws and locks up. Conservation, when rightly understood, conserves those resources for the use and benefit of the people generally. Reservation must necessarily, I presume, to some extent precede conservation and to that extent is not to be opposed. But the fact is we have never gotten beyond the point of reservation. The proposition of making these resources available and useful and beneficial to all the people is true conservation, and that stage in the work we seem not yet to have reached. Our coal lands, our power sites, our agricultural lands to the extent of vast areas, our mineral lands, are all withdrawn, locked up, sealed, and delivered over to eternal night. How we shall unlock them without permitting them to be wasted and monopolized has not yet been determined. It is easy to withdraw these resources from use. It is far more difficult to provide the means by which to give the people the benefit of them after they are withdrawn. But we must determine how this shall be done or our whole plan will come to naught. Those who are opposed to any policy of conservation at all, who would go back to the old system, could have no better advocate of their cause than the incomplete, impracticable, theoretical, red tape, stifling, harassing system with which we are now burdened. I do not myself want to see the old system return. But I know that must be the result unless we insure the people some of the benefits which the people were promised in the beginning.

Now, as was said by the Senator from New York, and justly said, a great deal of credit is due to those who inaugurated this movement. It was necessary, in a certain way, to tie up the natural resources in order that they might be protected from the monopolists or those who were grabbing them upon a large scale; but now the time has come, and has been here for some time, when we must either find a policy of conservation which means practical application of its principles, or else, as I have said, this policy is going to break down of its own weight. I am going, briefly, to illustrate what I mean by beginning with our Forestry Service. Before I do so, however, I want to read another sentence from the President elect's address, because it states the other proposition with which we have to contend:

> We must devise some process of general use; and why have we not done so? Why, if I am not very much mistaken, because the Government at Washington was tremendously suspicious of everybody who approached it for rights in the water powers and forest reserves and mineral reserves of the great western country which the Federal Government still controls.

Mr. President, the President elect there has stated three propositions which most succinctly state the objections which the western people have to the present method of administering our natural resources. First, that they are being removed from the man of limited means; secondly, that they are being administered upon the policy of reservation, a locking up; and thirdly, that the administration has been unduly controlled by a prejudice against those people who have approached the natural resources with a desire in good faith to utilize them. There was some justification for this suspicion, because there can be no question that before the conservation policy was inaugurated there was a grabbing of the natural resources. A great many things had been done which ought not to have been done; but it does seem to me that it is possible to secure an administration of this policy which will discriminate between the man who is doing wrong and the man who is doing right.

The difficulty at the present time is that the impediments, the embarrassments, and the difficulties are just as great and just as strong against the bona fide dealer as against the man who is charged with fraud. Take, for instance, our agricultural interests and our homesteaders—and I confess that they are much nearer to my heart in this matter than any other part of the people who are seeking to use these resources, because they are building up our country—the policy of the Government's agents is to go to the land office and throw a blanket contest over every proof that is offered by a homesteader. They either do not provide means or else they do not know of any means by which to give the man who is there in good faith and with limited means the benefit of his good faith and to impede the man who is there in bad faith; they do not have any rules and regulations which discriminate between the two. They simply offer a blanket protest, and the man of limited means, who is there in good faith, must go to the same expense,

suffer the same delay, endure the same hardships and the same adversity as the man who is a criminal and who is there for the purpose of stealing.

I am not mistaken as to the situation. Neither do I exaggerate it. I have the good fortune to live in that country. But that alone is not sufficient to give one accurate knowledge of the true situation. You must go out and see for yourself—you must visit the settlers and see their surroundings and the adverse conditions with which they contend. That for the last five years annually I have done. You must inquire for yourself as to the business interests which are seeking, many in good faith and some in bad faith, to develop these resources. You must look upon these rangersteads for yourself and see how they are located. You must see these things in order to realize that this conservation policy has been wrenched wholly from its original purpose. I repeat, Mr. President, that in saying this I do not charge corrupt wrongdoing. But I do charge that suspicion, and prejudice, and procrastination, and red tape, and an utter lack of information gained at first hand have led to precisely the same result.

Mr. SMITH of Arizona. They make it as hard for one to get it as the other.

Mr. BORAH. Yes. Mr. President, we have an immense forest reserve in this country. When you come to measure it by the size of the old countries, it seems tremendous indeed. According to the report of the Forestry Bureau, filed this year, we have about 190,000,000 acres of forest reserves; that is, land which is in the forest reserves. The larger portion of this land has timber upon it. On page 33 of this report, the Forester says:

> The national forests contain nearly 600,000,000,000 feet of merchantable timber. Nearly 350,000,000,000 feet are ripe for the ax and deteriorating in value, rapidly on areas swept by fire, gradually on areas where the forest is mature and the trees are slowly yielding to decay.

Nearly 350,000,000,000 feet of lumber, ripe and ready for the ax, ripe; and yet, under our present system, you can not purchase that ripe, ready to fall, and rotting timber any cheaper of the Government of the United States by reason of the fact that it is in a reserve than if it were owned and controlled by private companies, of whose prices the Government is complaining. The man of limited means or the man who desires to build a home can receive no possible benefit from the fact that the forest reserves have 350,000,000,000 feet of lumber that ought to be out of them, and which it would be greatly to the advantage of the forest reserves if it were out of them. In this connection I call attention to an editorial in the Saturday Evening Post, a paper which has been a supporter of conservation:

> PHILADELPHIA, *January 25, 1913.*
>
> SELLING GOVERNMENT TIMBER.
>
> The Government's windmill battle against monopoly is admirably illustrated by its timber policy. Its own reports show a monopolistic situation with regard to standing timber.
>
> An important part of the total supply, aside from that owned by the Government, is in few hands. A rise of more than 60 per cent in the price of lumber since 1897 indicates that owners of the commodity have had a leverage on the market.
>
> Now, the Government itself owns one-fifth of all the standing timber in the country, many billion feet of which are ripe for the ax and even deteriorating from overripeness. In offering this ripe timber for sale the Government "makes a close estimate of the cost of manufacturing it into boards and of the market price of the product." It then fixed a minimum selling price, based on the two foregoing factors, which will "give a fair operating profit to the purchaser on his investment, but no more."
>
> The words quoted are from the report of the Secretary of Agriculture. Obviously under this policy the Government's timber can never be sold on the market any cheaper than the monopolized timber in private hands is sold, because the Government's price is based on the market price; and the market price, of course, is fixed—or largely controlled—by private owners of timber.
>
> If private owners boosted prices 50 per cent, the price of Government timber would automatically advance 50 per cent; and, though the public owns one-fifth of all the standing timber of the country, it can not get lumber any cheaper than private owners offer it.
>
> Another effect of this policy is that the Government's ripe timber is not cut, but stands and decays. The "fair profit on his investment, but no more," which the Government offers to the timber operator, does not attract him, as is shown by the fact that it is selling only one-tenth of the timber it should sell to keep the forests in a healthy condition.
>
> Having adopted a policy that in fact amply protects monopoly at every point, the Government then goes through a great rigmarole of restrictions and conditions designed to prevent its timber from falling into the hands of monopolists.
>
> The whole thing beautifully illustrates our antimonopoly policy, which consists in putting a lot of words on paper and ignoring essential facts.

Why, Mr. President, it would be far better for the reserve if private individuals were invited to go in there and take out the ripe timber free of charge than to leave it there in its present condition.

I want to say, in passing, that I do not think the Chief Forester should bear the entire brunt of this situation. I realize the fact that in all probability, under the present laws and the present conditions, it would be very difficult for him to administer the law in a different way. But here are the facts stated by the Chief Forester; and they present to the Congress a condition with which the Congress must deal, or else, as I say, this forest-reserve policy will break down of its own weight, because it is benefiting no one. In addition to that, it is very expensive, costing the Government from five to five and one-half million dollars per annum.

A few days ago, while I was traveling upon a train from the West, a gentleman who is largely interested in timber in the West told me he trusted the forestry policy of the Government would not be changed. I asked why he thought there ought not to be any change. He told me that he had just purchased a sufficient amount of timber to run his sawmills for three years. He had been relieved of insurance, of buying the timber, and taking the chances of fire; the Government had kept it intact, had relieved him of insurance, and had sold it to him. I asked him if, by reason of that fact, he would be able to undersell his competitors in the market and the people would get the benefit of it. "Oh, no," he said; "certainly not. We fix the price before it reaches the retail dealer or the consumer."

Practically every foot of this timber, when it passes out in such an amount as in any way to affect the market, must pass through the hands of the people who are now in control of the market and fixing the price of lumber before it reaches the ultimate consumer. What are we going to do? Are we going to continue to hold these lands in reserve and pay out five and a half million dollars a year for administering the reserve, and still deprive the people of any possible benefit, putting them in the same relation to the timber organizations of the country as they have been before? If so, as I say, undoubtedly in time the people will get tired of that policy.

We do not desire to throw these timber lands out of the reserves. So far as the West is concerned, there is no considerable sentiment in favor of that course. Neither is there any considerable sentiment, so far as I know, at the present time and under present conditions, in favor of turning these timber lands over to the State. But one of those two things will in the end happen if the National Government can not get that 350,000,000,000 feet of ripe timber into the hands of the consumers of this country. We may have approached the proposition in such a way that nothing less than the Government operating its own sawmills and selling the lumber will do that, but it will have to be done in some way. If the department feels it can not work out a plan as the law is at present, then upon a report to that effect Congress must work out a plan which will permit the people to have this timber, which is now ripe for the ax and will soon fall and rot.

Taking up now this particular bill, I want to refer to the provision of the bill which first attracts my attention. It is found upon page 2:

> *And provided further*, That the Secretary of War, as a part of the conditions and stipulations referred to in said act, may, in his discretion, impose a reasonable annual charge or return, to be paid by the said corporation or its assigns to the United States, the proceeds thereof to be used for the development of navigation on the Connecticut River and the waters connected therewith. In fixing such charge, if any, the Secretary of War shall take into consideration the existing rights and property of said corporation and the amounts spent and required to be spent by it in improving the navigation of said river, and no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurtenant works and property, allowing for the cost of construction, maintenance and renewal, and for depreciation charges.

Taking for the basis of our argument the premise that the hydroelectric power created at these power sites either belongs to the people or should be administered so that they may have the benefit of it, let us analyze this bill so far as the people's interests are concerned. Where is there any power or tribunal here created or erected to be interposed between this corporation and any charge it sees fit to put upon the consumers of power?

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I do.

Mr. WORKS. Does the Senator from Idaho believe that the Government could provide any body or commission that could do that thing?

Mr. BORAH. If I understand correctly, this power is transmitted across State lines.

Mr. WORKS. It could do it, then, only because it is interstate?

Mr. BORAH. I understand that this power is transmitted through two or three States. If that is so, I have no doubt but that when it comes to transmit hydroelectric power, the corporation doing so would be subject to the regulation, for instance, of the Interstate Commerce Commission, if we should see fit to place it under the jurisdiction of that body. But I agree

with what I think is in the mind of the Senator—that if it is intrastate development and use, the National Government would not have anything to do with it.

Mr. WORKS. That was exactly my view of the matter. I had overlooked the fact that the power could be transmitted into another State.

Mr. BORAH. Upon that somewhat inoffensive and modest-appearing provision of the bill, Mr. President, there is already being built up what one would naturally anticipate would come, but not quite so quickly. Here is the contract which has been formulated in contemplation of Congress passing this bill; and keep in mind that this is the people's property.

Mr. THOMAS. Does the Senator say that this contract has already been entered into?

Mr. BORAH. I understand so.

Mr. CLARK of Wyoming. Well, no; this is an agreement already entered into between the company and the Secretary of War setting forth what will be the contract if this bill passes.

Mr. BORAH. Yes; technically, that is true. I read from the agreement the following:

From the gross receipts of the company for the water power produced by it there shall be deducted as operating expenses the following costs:

(a) The amount of all regular or annual taxation paid to any Federal, State, or local authority.

(b) An amount not to exceed $48,000 per year, which is to be fixed by agreement between the Chief of Engineers and the company as a reasonable rate for depreciation on its plant and machinery.

You will notice as I proceed what a tender and sensitive regard they have, all the way through, expressed for the people. How the consumer is conspicuous by his absence:

(c) The actual and bona fide cost of all labor, material, supplies, and other expenses of maintenance and operation, excluding depreciation. Such cost of operation shall be taken to the initial points of distribution, to be fixed subject to the approval of the Chief of Engineers.

Of the net profits of the company as thus ascertained the company shall be entitled to all of the said profits up to an amount equivalent to 8 per cent of the actual amount of capital invested as provided in section 1 of this memorandum.

The company is taken care of upon all its investment to the extent of 8 per cent—a pretty fair percentage:

The said net profits beyond 8 per cent and not exceeding 9 per cent shall be divided between the United States and the company equally. The net profits beyond 9 per cent shall be divided between the company and the United States at ratios and in manner to be provided in the above-mentioned permit and agreement, but in no event is the share of the United States to be less than 50 per cent of such excess profits.

The United States enters into a copartnership with this corporation, by which the United States and the corporation divide the profits. The United States and the corporation are both desirous of taking out of it all the possible profit that it will produce. The charge is fixed indirectly by a tribunal, which is interested in raising the rate as high as it can—that is, interested in seeing the profits increase.

It is a pure business proposition, between the National Government and the corporation, of fixing the freight, and "Jones pays the freight." What means of subsistence or of profit has this corporation other than that which it gets from the people who use the power created? What profits are going to flow into its exchequer except the profits which are derived from the masses of the people who surround or live in that community? Whose profits are they dividing here?

You would understand from the argument which has been made here that there is somebody here to be taxed, aside from the people themselves, and that it is a righteous thing to proceed to tax the institution to its full limit. But, as said by the Senator from California [Mr. WORKS], the great weight of this must inevitably be paid by those who use the power. Does the Senator from Connecticut know of any means or resource by which to increase the profits of this company other than that which will come from the use of the power which it will generate?

I read further from this agreement:

These terms are imposed, in view of all the conditions and circumstances on the Connecticut River affecting this particular project, as being fair and just to both parties.

Both parties! That is, the corporation and the United States.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I do.

Mr. WORKS. This bill provides that the money realized by the Government shall be applied to the improvement of navigation upon this stream. The effect of that is that the consumers of power furnished by this corporation alone contribute the money to improve the navigation of the stream.

Mr. BORAH. Yes; that part of it which ever gets to the stream.

Mr. BRANDEGEE. Where does the money come from that is taken out of the Treasury now and spent in improving the navigability of navigable streams?

Mr. BORAH. It comes from all the people of the United States. Raised by general taxation. I conceive that there is a vast difference between imposing a special tax upon a part of the people for dredging a stream for everybody's use and in raising money by general taxation for dredging a stream which all may use.

In one breath we are told that these resources belong to the people and are the people's property. In the next we are presented with a plan which taxes them and burdens them in every conceivable way. We must be taxing the people's property and the people will have to pay the taxes. In the matter of public utilities, if we are seeking to serve the people, we should make the cost and expenditures in the matter of development as small as possible, and then fix the rate to be charged the people upon the basis of the cost and expenditure. The higher the cost, the higher the expenditure, the higher will be the toll, necessarily. If you sell these natural resources at exorbitant prices and fix the tolls upon that theory, as you will have to, then the toll in the end simply pays the price originally charged. If we burden these resources with tolls to dredge the streams of the country it is certain that it means an extra burden to the ultimate consumer. These general expenses, such as the improvement of navigable streams, should be borne by general taxation while the special taxes should be made as light as possible in order to give the people at large as cheap a service as possible.

Mr. BRANDEGEE. Why, of course; and this money that is going to be spent on the Connecticut River will come from the people of Connecticut.

Mr. BORAH. That is, it would come from the people who use the power from this particular plant.

Mr. BRANDEGEE. Precisely.

Mr. BORAH. The other people would not bear any portion of the tax.

Mr. BRANDEGEE. Just as the money spent on the general improvement of navigation comes from those who pay the taxes on the things they consume.

Mr. BORAH. Mr. President, if the Senator from Connecticut wants the consumers of power in the State of Connecticut to dredge his rivers, of course I am not going to quarrel with him about that. But when I look at the history of the rivers and harbors bills for the last few years in the United States Congress, and particularly when I read the article by the Senator from Ohio [Mr. BURTON] in the last number of The World's Work upon the extravagance and the waste which is connected with the dredging of these rivers, I do not want the people in my part of the country to have to pay it by means of a special tax. It is bad enough when they pay it as a general tax.

I was saying that this is the people's property. So says this article. What are we doing with reference to the management of the people's property?

In the first place, we are putting it just as far away from the people as it is possible to get it under our form of government. We put it under the control and regulation of an officer whom the people do not elect, whom they can not discharge, from whose judgment there is no appeal, and in whose presence the people are very seldom permitted to stand.

Let us take a case a little nearer home. Suppose the Government should build a dam across what is known as the Snake River, in Idaho. Some time I expect to see every farmer in the Snake River Valley lighting and heating his home by means of electricity. I expect to see it take the place of coal and fuel and to supply those things which are conceded to be growing scarcer and dearer every year. We will assume that the Government has built a dam and made a contract such as this, and that the Secretary of War is about to fix a charge upon the corporation which ultimtely will have to be paid by these people. What opportunity is there for them to be heard? What chance have they to submit any showing so that they may be indirectly protected, if not directly?

I do not understand why it is necessary to remove that matter from the tribunals which we have created for the purpose of fixing rates, where the people can be heard, where their rights can be determined according in some measure to judicial rules and regulations, and place it in the hands of an executive officer from whose judgment or decision there is no appeal and with whose original action the people have absolutely nothing to do.

I think those who say the bill ought to pass with this provision in it, and who still say that this is the people's property, have lost sight of the fact that there is no provision whatever in the bill to protect the people to whom the property belongs.

I noticed this morning in a newspaper published somewhere in the State of Massachusetts the statement that "Senator

BORAH was not progressive on the subject of power sites," and that he was "a reactionary upon that question." There is some consolation in the fact that this measure, which is characterized as a progressive measure, has been the means of bringing together again the Republican Party, because I find the leading progressive from New York [Mr. ROOT], and the leading progressive from Connecticut [Mr. BRANDEGEE], and the President of the United States, and Mr. Pinchot, and Mr. Garfield, and Mr. William Draper Lewis all combined in supporting this progressive measure. While I should dislike very much to see the bill become a law, if it carries with it the possibility of bringing together all these pronounced progressives it will have some benefit to distribute to the people of the country even if they do not get any cheaper light. But in view of this combination I am led to examine it for myself, and I conclude that it is not progressive to levy all extra taxes possible upon the "people's property" and to place it under the control of an officer whom the people do not elect.

Mr. President, I have offered here an amendment which provides that all corporations engaged in transmitting hydroelectric power and electricity from one State to another, or from a Territory to a State, or from the District of Columbia to a State, or to a foreign country shall be subject to the provisions of the interstate-commerce act. I offer that amendment for the reason that I do not myself desire that these power sites shall pass beyond public regulation and control. I do not desire to place them beyond the reach of the public in the matter of fixing charges and rates. I do not see why it would not be a perfectly feasible proposition to place them under the control of the rate-fixing body which has been created by the Government. If that should be done, Mr. President, at least this would be accomplished—we would have a tribunal whose sole object would be to fix a reasonable rate, taking into consideration the corporation and the public, and not a tribunal whose sole interest would be to secure profits and revenue. In addition to that, we would have an opportunity to submit evidence and to have a hearing, the same as we do with reference to the fixing of rates upon other commodities that are transmitted from one State to another.

I have offered a second amendment, Mr. President, which I want to discuss for a few moments, although I think perhaps I shall have some difficulty in satisfying some Members of the Senate that it is germane to this proposition. It is germane only in the sense that, as I said a while ago, this is the beginning of a policy with reference to these matters.

Under the reclamation law a number of dams have been built throughout the western country with the object of diverting water for the purpose of reclaiming the arid lands of the West. Those dams have been constructed by the Government, and they are charged up, as it were, to the settlers upon the land. When the settlers come to pay for the expense of putting the water upon the land they not only pay for the canals and the ditches, but they pay for these dams, and also for the reservoir expenses.

In the reclamation law we find this provision:

> The said charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably.

Under that provision the expenses of these dams are charged up to the settler. The act further says:

> *Provided*, That the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the Government until otherwise provided by Congress.

It will be seen, therefore, that while these construction works are charged up in the price which the settler pays, the title to them remains in the Government. The Government in some instances is now creating hydro-electric power, electricity, and selling it back to the same people who have paid for the construction of the dam.

I maintain, Mr. President, that if we are going to adopt the policy of putting these power sites and the proceeds from them under the control of the Government and giving over to the Government the benefit of them, it is but fair that the settlers should be relieved of the cost of building these dams. In time the settlers would repay for them in the power charges they would pay to the Government. I have, therefore, introduced an amendment providing that the charge for the construction of these dams shall be eliminated from the charges made to the settlers upon these lands.

One of two things ought to be true: Either the title to these dams should pass over to the settlers who have paid for them, and they should have the benefit of any proceeds arising from the use of the power; or else, if the proceeds from the use of power are to pass to another person, they ought to be relieved from the payment for these dams.

As I say, I know it will be said that it is far-fetched to attach this amendment to a bill providing for the construction of a dam in Connecticut. But, as I say, in view of the policy which is being created, and in view of the fact that we are building up this policy, not by a general bill, not by a bill which takes in the entire country, but step by step, by means of bills relating to a locality, it is necessary, if we are to work out a general policy and a general system which will pertain to the entire country, to insert these different amendments in bills which are ostensibly local in their character.

I had intended to discuss the legal phase of this controversy, but since listening to the Senator from Colorado [Mr. THOMAS] upon that subject, I feel that I should be wholly trespassing upon the time of the Senate if I should undertake to do inadequately what he has done so well. I shall not therefore enter upon that phase of the discussion.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. BORAH. I do.

Mr. TOWNSEND. I have listened a great many times to the suggestions of the Senator from Idaho in reference to the control and management of our national resources, especially those relating to forest reservations. I should like to ask, for information, whether the Senator from Idaho has ever prepared and presented to the Senate any bill embodying his ideas of how our water powers and our forest reservations should be administered?

Mr. BORAH. Yes; I have prepared some bills, and have been fortunate enough to get some of them through—the three-year homestead bill and others. So far as the Forestry Service is concerned, I will say to the Senator from Michigan that, while we have formulated no general bill, at the last session of Congress, I believe, a bill passed Congress providing for the sale of the timber upon all of these lands which had been burned over, and providing for the sale upon the part of the homesteader himself of the timber upon the land upon which he had filed.

Mr. TOWNSEND. I remember that bill.

Mr. BORAH. While it was not a general bill, it was in the direction of appropriating a part of this timber, which is confessedly going to waste, to the immediate benefit of the settlers, and if it had been sold in pursuance of the bill it would have been to the immediate benefit of a great many people, because they would have purchased the timber under the bill undoubtedly to their advantage.

That is one of the things of which we complain. That bill passed Congress and it was vetoed, as the President said, upon the recommendation of the Secretary of the Interior. And why? It was vetoed because it was feared that the homesteader would get pay for his timber and might not thereafter acquire title to his land. With 350,000,000 feet of timber ripe and ready to be harvested the bill was vetoed for the reason that some man might get $100 worth of timber and thereafter abandon his land.

The discouragement in the small effort to relieve the situation has been sufficient to deter me in undertaking anything greater.

Since the Senator has referred to what the Senator from Idaho has attempted to do, I had the honor to join in the preparation and the urging here upon the floor of the Senate of an amendment which would take out of these various reserves the agricultural lands and permit settlers to enter and use the agricultural lands. That was defeated for the reason they said that it had a tendency to break the integrity and destroy the wholeness of the forest reserves, and was, they undertook to satisfy the public, a raid upon the whole conservation policy.

Mr. President, I do not suppose that within my lifetime or yours the West will ever be able to convince the good people of the East that we do not desire to have the forests of this country turned over to the grafter. The West has never asked, and does not now ask, that the old system of grabbing and waste be restored. And the West pays its tribute of respect to those who initiated the movement which prevented that. But it does hope that in time it will come to be understood that there must be a different policy and a different spirit of administration.

For the last few years every time a man would raise his voice against the effects of this manner of administration, against the impractical and shortsighted policy of driving out settlers and retarding legitimate growth, he has been assailed as an opponent of conservation. This cry will be raised again. Any effort to do justice to the settlers, to give them an intelligent, discriminating administration of the public-land laws, any effort to introduce a practical application of the real principles of conservation or to give the West an opportunity to develop along legitimate lines—any effort to give these natural

resources to the people, relieved of heavy taxes, tolls, and bureau red tape, will be characterized by some as enmity to conservation.

When we come here with the most modest appeal and the most modest proposition to relieve the situation the press of the country is immediately saturated with the idea that there is a powerful conspiracy to break down the forestry policy. I do not know of a single instance in which the West has ever asked for anything which could in good faith be interpreted as an attack upon the forestry policy—that is, in its general conception and purpose. We want, if we can, as the President elect said, to remove, if possible, all suspicion which rests upon us every time we approach it.

I said upon the floor of the Senate, and I repeat, that the vetoing of that burnt-timber bill was an indication that there was no possible relief to be granted.

So far as the power-site proposition is concerned, I say to the Senator that I have not prepared any bill upon the subject; but I have indicated by amendments to this bill, with reference to the proposition of transmitting power across State lines, how in my judgment it should be regulated and controlled. I have no pride of opinion and no pride of authorship over that proposition. I am perfectly willing to accept any man's theory or any man's policy which will give a system of regulation and control which will take into consideration the interests and the welfare of the people for whom we are fixing these rates. I am utterly opposed—and I do not propose to consent to it under any circumstances, if I can help it—to a system which will fasten upon this property the great burden of dredging the rivers and put the control of the compensation up to a tribunal whose prime object is to secure as much money as possible.

I believe that answers the Senator from Michigan.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. I do.

Mr. GALLINGER. I notice the Senator suggested that he was not quite sure that one of his proposed amendments would be germane to this bill. The Senator need not trouble himself about that, because we have no rule in the matter of amendments being germane, except one relating to appropriation bills. In this body, under our liberal rules, I think almost anything is germane to any bill that may be under consideration.

But I rose to ask the Senator this question: Some of us gave our very warm support to the irrigation legislation because of the fact that we were assured that the Government would have returned to us every dollar which was expended in that great project. I will ask the Senator if the dams that he says now ought to be passed over to the settlers instead of being in the hands of the Government are not a necessary and an inevitable part of the money that the Government expends to carry on this work? I do not see how the Senator differentiates between that expenditure and the digging of ditches or anything else connected with this great project.

So far as the Government selling the power is concerned, I am not very clear about that, because I have not examined it, but, after all, it seems to me that if the Government has fulfilled its contract with the settlers and has expended the money and they are to pay back every dollar, as the Senator from Idaho assured us they would and as I understand they are doing, I do not see why we should take out a portion of the expenditure that the Government has been to and differentiate that from the other expenditures which have been made.

Mr. BORAH. Mr. President, I am obliged to the Senator from New Hampshire for his suggestion about the amendment being germane. Of course, I understood that parliamentarily it was not necessary to be germane, but I was arguing from a logical view as to whether the Senate would be willing to take up such a subject in connection with this bill from the broad standpoint that it is fairly relative to the subject.

Mr. GALLINGER. The Senator from Idaho is perhaps aware of the fact that Congress once attached a land bill of very considerable proportions to a private pension bill, and it so appears on the statute books to-day. In this body I think the question as to whether an amendment is germane or not relates only to appropriation bills. I think the Senator will find that to be the case.

Mr. BORAH. That is unquestionably true.

Mr. BRANDEGEE. The Senate placed a meat-inspection bill on an agricultural appropriation bill.

Mr. BORAH. I know. I am aware the Senate will do all these things when it gets ready.

As to the other proposition which is suggested by the Senator from New Hampshire, of course I was not here when the reclamation act was passed. I understand that there were some assurances upon the part of western Senators that the settlers should pay back all the expenditures. I am not going to enter into a discussion as to whether there is any moral obligation upon succeeding legislators to regard a mere oral statement in debate or not. I will assume for the sake of the argument that we ought to regard it at present. But, Mr. President, these dams, and so forth, are not turned over to the settlers. The title is retained in the Government, and the Government in time will have a property of great value from which it will be again collecting revenue from the same settlers who paid for its construction.

Mr. GALLINGER. But, Mr. President, if the Senator will permit me, I will ask him if, when the Government supplied the water to irrigate the land of the settlers, did not the Government fulfill absolutely all that it had promised to do in the legislation?

Mr. BORAH. You mean in the law itself?

Mr. GALLINGER. In the law itself.

Mr. BORAH. The Government undoubtedly fulfilled the law, but it has retained, as I said, the title to these dams. The settlers did not contract with the Government that it should create power and sell that power back to the settlers. That is a thing aside. It is not covered by any debate which took place here. It is not covered by any provision of the law. It is not covered by any contract.

If the Government sees fit to retain this title and to put the property to such use as that an extra burden is thereby imposed upon the settler, it seems to me that one of two things must be true. Either the settler is entitled to the proceeds, to apply it upon the land, because he has built the dam, or else, if the Government is going to retain it, it ought to take the responsibility of the cost of construction.

The power developed in these dams will in time pay for the dams and in time pay for them again. Yet the community will be paying each time, as it consumes the power for the construction of the dams. I would just as soon have the Government turn over the dams to the settlers, transfer them absolutely, and let them run them, and if there is any power to be manufactured let them have the benefit of it. But the Government does not propose to do that. It has discovered the necessity of holding them in order that this property which is created by the construction of the dam may be used to the advantage of the Government.

Mr. CLARK of Wyoming. Will the Senator right on that point permit an interruption?

Mr. BORAH. Certainly.

Mr. CLARK of Wyoming. Is it not a fact that corporations engage, under another general irrigation law passed by the Congress of the United States, in the construction of great works, and after they have been repaid for that construction, when the land under the construction has been developed, does not the corporation then go out of business and turn over the works to the settlers for their operation? I refer to the operations under the Carey Act.

Mr. BORAH. Yes; I think that is true; but that is not under the reclamation law.

Mr. CLARK of Wyoming. It is not under the reclamation act, but under an act of Congress.

Mr. BORAH. I want here to call the attention of the Senator from Michigan to a letter which I intended to refer to in my original remarks. I read it in answer to the inquiry which he made. This is a letter written to me from Sumpter, Oreg., only a few days ago. The writer says:

> In the forest reserve along the rivers and creeks of eastern Oregon there are thousands of acres of flat bottom and bench land of the very best soil and where water can be gotten on every foot of it for irrigation.
>
> This land can not be taken up by the many who would like to settle on it for homes, because there are a few trees on it.
>
> * * * * * * *
>
> All open spaces along the creeks which could be taken up by the settlers are reserved as ranger stations to keep out the settlers. In Baker and Grant Counties there are 83 of these stations, embracing over 10,000 acres.

I suggest to the Senator from Michigan, what possible use could the Government have for 83 ranger stations in two counties? What possible advantage can the Government gain by it, so far as properly administering the reserves is concerned? The secret of that is that under the act of 1906 settlers would have a right to go in there and make applications for these agricultural lands, and if they were agricultural they would have a right under the law, if it was administered properly, to acquire title to them. But there was an exception to the law, and that was that if the lands were needed for governmental purposes the Government would have the right to retain them in spite of the other provisions of the law. So, wherever there is an agricultural area which a settler might utilize to

his advantage, in order to prevent its being entered by a bona fide settler they have established thereon a ranger station.

I think everyone will agree with me that that is not conservation. It is no part of conservation. It is what the President elect called reservation. It is impeding the settlement of our country. It is that class of administration, Mr. President, from which I ask relief, and nothing else.

If anyone shall go into the northern part of the State which I have the honor in part to represent, he will find scattered all through those reserves these ranger stations. Some of them are upon lands which had originally been entered by the settler. Some of them are upon lands which had not been entered, but undoubtedly would have been entered. In that way the law is so administered as to turn our settlers from our own lands into the lands of Canada. We have, as the statistics of the country will show, lost at the rate of 100,000 citizens each and every year for the last five years, who have gone over into Canada, and expatriated themselves, taking the oath of allegiance to another country, in order to get land, when there were lands at home which they desired but could not get.

Give the West, Mr. President, a bona fide administration of the forestry policy, give them a bona fide and fair administration of the conservation policy, give them an opportunity to send the honest settler to the agricultural land and the honest business man to the natural resources to develop them in a legitimate way, so that the benefit will flow to the masses of the people, and you will never hear a word of complaint from the western people in regard to this conservation policy.

As to power sites, I presume we are all agreed as to the great necessity of holding them under public regulation and control. Few men having regard for the public interest would want for a moment to see them turned over without retaining any direction or control for the benefit of the public. In fact, these power sites constitute a public utility and must necessarily be regulated and controlled by the public in the public interest. If there is any instrumentality coming from nature's generous hand which seems peculiarly to belong to the people and peculiarly adapted to be a servant of the people it is hydroelectric power. But I do not propose myself to be stampeded into an ill-considered, half-hatched scheme which, while ostensibly dedicating these natural resources to the people, is simply burdening them for their use, so that they will have to bear the burden. The true purpose in regard to this matter should be to give the people a cheap service, but the present movement is in the direction of giving them an expensive and burdensome service. No effort, not a single step is being taken to see that the people get cheaper power, cheaper light, cheaper heat, cheaper cooking facilities. But while feigning our desire to serve the people we are in fact preparing to tax them in another form and another more insidious way. If Congress can find a way to levy a new tax, it deliriously hastens to the pleasure. If it can accentuate or accelerate extravagance the ecstasy which accompanies its work is difficult to describe. The people are deriving no benefit from our forest reserves. Although billions of feet of lumber are ripening and rotting year by year they are paying the same prices and watching the rise of prices the same now as before these forests were reserved. Under our proposed power plan they will be in precisely the same position with reference to these great natural resources. The scheme is to tax these powers in every way possible, and everyone must know that this charge will all be paid by the people who use the power, the ultimate consumer.

Mr. BRANDEGEE. Mr. President, I did not hear, at least if I did I do not recall, the provision in the amendment which the Senator said he was going to propose, subjecting this company to the Interstate Commerce Commission. If I recall it, it declares the company to be a common carrier, does it not?

Mr. BORAH. Yes, sir.

Mr. BRANDEGEE. What I was going to ask the Senator is in what respect would the duties or obligations of this public-service corporation be changed by its being declared to be a common carrier? I ask for information. I did not see the legal effect of it; that is all.

Mr. BORAH. In what respect would it change it?

Mr. BRANDEGEE. Would its duties be changed by being a common carrier?

Mr. BORAH. I do not know that its duties would be changed as a corporation, but our relations to it is solely for the purpose in that amendment to fix rates.

Mr. BRANDEGEE. The Senator's idea in declaring it to be a common carrier is not to affect any of its obligations, but for the purpose of bringing it under the control of the Interstate Commerce Commission.

Mr. BORAH. Precisely.

Mr. BRANDEGEE. That is all?

Mr. BORAH. Yes, sir.

Mr. SMITH of Arizona. Mr. President, it had been my purpose to go into a somewhat lengthy discussion of the pending bill, but the ground was so well covered by the Senator from Colorado [Mr. THOMAS] and by a speech formerly made, that is now before the Senate, by the Senator from Idaho [Mr. BORAH], who has just given up the floor, that I feel on this particular bill the question has been more fully and better discussed than I could do it. I therefore will postpone to some other time what I have to say on the general question of the conservation of the West, and to express, as far as I can, my objection to the principle involved in the bill before the Senate.

I will say, however, to the Senator from Connecticut that the Senator from Alabama [Mr. BANKHEAD] apprehended, and I use the word advisedly, that I would probably hold the floor for several hours, and he did not expect a vote on the bill this evening. He is now in the Committee on Commerce, and if that Senator is called to the Chamber and acquainted with the fact, I shall not attempt a discussion of the bill at this time.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Washington suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McCumber	Sutherland
Bacon	Foster	McLean	Swanson
Borah	Gallinger	Martine, N. J.	Thomas
Brady	Gamble	Oliver	Thornton
Brandegee	Gardner	Overman	Townsend
Bristow	Gore	Page	Warren
Bryan	Gronna	Paynter	Watson
Chamberlain	Johnson, Me.	Perkins	Webb
Clark, Wyo.	Johnston, Ala.	Poindexter	Wetmore
Clarke, Ark.	Jones	Pomerene	Williams
Cummins	Kenyon	Richardson	Works
Dillingham	Kern	Sheppard	
du Pont	La Follette	Smith, Ariz.	

The PRESIDING OFFICER. Fifty Senators have answered to their names, and a quorum of the Senate is present.

Mr. BRANDEGEE. Mr. President, there are two or three Senators who have told me that they desire to address the Senate briefly on this bill. One of them is here and is now ready to proceed, and two others are absent on committee work and can be here at any time. Besides those Senators, I know of no other Senators who desire to speak upon the bill, except that I shall want, perhaps, five minutes myself. In view of that, and in order to get the sense of the Senate, I ask unanimous consent that the vote on the bill be taken under the unanimous-consent agreement which exists, to-morrow, not later than 4 o'clock.

The PRESIDING OFFICER. The Senator from Connecticut asks unanimous consent that the vote upon the pending bill be taken to-morrow, not later than 4 o'clock.

Mr. GALLINGER. And on the amendments.

Mr. BRANDEGEE. Mr. President, the reason I stated the request in that way was because the unanimous-consent agreement, as it stands, to vote upon the legislative day of Tuesday, includes all amendments and the bill itself to final disposition, so that I have simply asked that the vote shall be taken under the unanimous-consent agreement on the calendar day of to-morrow, Friday, not later than 4 o'clock in the afternoon.

Mr. CLARK of Wyoming. Mr. President, I merely want to make a parliamentary inquiry of the Senator from Connecticut, which is, whether or not that would be a change or modification of the unanimous-consent agreement we have already entered into; and, if so, whether the unanimous consent which he now asks should be granted? I am not urging the suggestion, for I should like to see a vote on the bill as soon as possible, but I am putting the question in view of the precedent it might establish as to the violation of the terms of a unanimous-consent agreement.

Mr. BRANDEGEE. That question has been raised before, and I can only answer the Senator from Wyoming that in my opinion it would not. It would be a unanimous-consent agreement within a unanimous-consent agreement, in my opinion, and not at all in conflict with it. The unanimous-consent agreement as it stands is that we shall vote on the legislative day, which simply means that instead of adjourning we will take recesses, and that nothing else can be done in the way of business until we shall vote.

Mr. GALLINGER. And the Senate has agreed——

Mr. CLARK of Wyoming. Mr. President, it seems to me——

The PRESIDING OFFICER. To whom does the Senator from Connecticut yield?

Mr. BRANDEGEE. I yield the floor.

Mr. CLARK of Wyoming. Mr. President, it seems to me that this proposed unanimous-consent agreement would change the unanimous-consent agreement that we have heretofore entered into. Under the unanimous-consent agreement heretofore entered into the discussion could proceed for a week.

Mr. BRANDEGEE. Yes, it could; but if the Senate is done talking about the matter it is not necessary that the discussion should go on forever.

Mr. CLARK of Wyoming. No; that is true; but the effect of the unanimous-consent agreement which we entered into was that we agreed not to fix a limit for debate.

Mr. BRANDEGEE. I do not regard it so, Mr. President. If we had entered into a unanimous-consent agreement that we would vote upon the matter on the calendar day of to-morrow, and Senators had debated the subject to their hearts' content, and some Senator asked unanimous consent that the vote be taken at 4 o'clock, that would be another unanimous-consent agreement; but it would not be inconsistent with the first one, in my opinion. I know there is a difference of opinion about it.

Mr. CLARK of Wyoming. I am not seeking to dispute it. I am simply suggesting the matter to the Senator as it occurs to me.

Mr. GALLINGER. Mr. President, on at least one former occasion we did precisely what the Senator from Connecticut [Mr. BRANDEGEE] now asks, and I quite agree with the Senator from Connecticut that his present request, if granted, would not be a violation of the unanimous-consent agreement. So I hope the Senator's request will be granted.

The PRESIDING OFFICER. Is there objection?

Mr. JONES. Mr. President, if it is the understanding that the vote will not be taken to-day, I shall not object.

Mr. BRANDEGEE. I had assumed that a vote would not be taken, because there are three speeches which I know of yet to be made, and we probably shall not sit more than an hour longer this afternoon.

The PRESIDING OFFICER. The Secretary will read the request for unanimous consent submitted by the Senator from Connecticut.

Mr. BRANDEGEE. I did not submit the request in writing, Mr. President, but I can restate it. I ask unanimous consent that the vote be taken, in accordance with the existing unanimous-consent agreement in relation to this bill, to-morrow, Friday, not later than 4 o'clock in the afternoon.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent as stated by the Senator from Connecticut?

Mr. JONES. Mr. President, I understand that notice has been given that appropriation bills are to be taken up to-morrow.

Mr. BRANDEGEE. That notice will stand for what it is worth. The existing unanimous-consent agreement is subject to appropriation bills; but I assume that the Senator who gave the notice that he would ask to have the Army appropriation bill taken up to-morrow, if the Senate should agree unanimously to vote not later than 4 o'clock to-morrow on the pending measure, would rather have it out of the way so that morning business may be transacted hereafter.

Mr. JONES. While it is true that the existing unanimous-consent agreement is subject to the consideration of appropriation bills, yet there is no limitation upon the time when the vote shall be taken.

Mr. BRANDEGEE. It would be possible that the whole of to-morrow might be spent upon the Army appropriation bill if the Senate wants to take it up; but if we can come to an agreement to vote on the pending bill to-morrow, I assume the Senator who has the matter in charge would not press the appropriation bill.

Mr. WARREN. Mr. President, in my judgment an appropriation bill will be taken up in the morning to-morrow after routine business, but I assume——

Mr. BRANDEGEE. There is now no routine morning business.

Mr. WARREN. I understood that the Senator proposed to arrange for a vote to-morrow and to have that vote on the calendar day and not on the legislative day.

Mr. BRANDEGEE. That is the proposition.

Mr. WARREN. But if we proceed along the line we are now proceeding, certainly the appropriation bills are in order and could be taken up and proceeded with.

Mr. BRANDEGEE. In order; yes.

Mr. WARREN. But I imagine there will be no difficulty about ceasing their consideration in time to take this suggested vote, if we decide upon it. I think, however, the Army appropriation bill will be taken up and proceeded with for a time, at least, and perhaps finished.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

Mr. BANKHEAD. Mr. President, I should like to have the proposed agreement stated, so that I may know exactly what it is.

The PRESIDING OFFICER. The request for unanimous consent was not reduced to writing, but the Chair will attempt to state it. The Senator from Connecticut [Mr. BRANDEGEE] has asked unanimous consent that to-morrow, not later than 4 o'clock in the afternoon, the Senate will vote upon the pending bill.

Mr. BANKHEAD. And amendments?

The PRESIDING OFFICER. And amendments thereto submitted.

Mr. BANKHEAD. Well, Mr. President, so far as I am individually concerned, that arrangement would suit me; but there are several Senators who desire to be heard on the bill, among them the chairman of the Commerce Committee [Mr. NELSON], who has not had an opportunity to speak upon the bill because of the fact that he has been attempting to perfect the river and harbor bill, on which his committee is now in session. Under these circumstances I shall be compelled to object.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from California?

Mr. BRANDEGEE. I do.

Mr. WORKS. The only difficulty I see about the matter is that, if the appropriation bill should be taken up to-morrow, it will practically end discussion of the pending bill.

Mr. BRANDEGEE. I will say to the Senator from California that objection has already been made.

Mr. WORKS. I did not intend to object. I only wanted to call attention to the situation.

The PRESIDING OFFICER. Objection has been made.

Mr. BRANDEGEE. I will inquire, Mr. President, of the Secretary whether there is anything on the calendar for Monday in the way of a unanimous-consent agreement?

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Jersey?

Mr. BRANDEGEE. Before we leave this particular matter will the Senator from New Jersey allow me a moment to ask the Senator from Alabama [Mr. BANKHEAD] whether he would feel constrained to object in behalf of absent Senators to the same request if made for next Monday?

Mr. BANKHEAD. Mr. President, I will suggest to the Senator from Connecticut that he can make that suggestion to-morrow morning just as well as now. I have no disposition to delay the vote, so far as I am concerned, but have objected only for the reason I have stated.

Mr. BRANDEGEE. I understand perfectly well. Then I will state that to-morrow, upon the meeting of the Senate, I shall make a request for a unanimous-consent agreement concerning a vote on the pending bill.

Mr. MARTINE of New Jersey. Mr. President, I ask the Senate now to reconsider the votes by which House bill 17256 was read the third time and passed.

Mr. BRANDEGEE. I did not hear the request of the Senator from New Jersey.

The PRESIDING OFFICER. The Senator will restate his motion. He was not heard.

Mr. MARTINE of New Jersey. Very well.

The PRESIDING OFFICER. As the Chair understands the request, it is not now in order.

Mr. BRANDEGEE. I wanted to hear the Senator's motion myself.

Mr. BACON. Of course the motion is not in order, Mr. President. No other business except that embraced in the unanimous-consent agreement under which the Senate is now proceeding is in order.

The PRESIDING OFFICER. The Senate is proceeding under a unanimous-consent agreement, and the request of the Senator from New Jersey is not now in order.

Mr. BRANDEGEE. I did not hear the request of the Senator from New Jersey; I do not know what the request was.

Mr. MARTINE of New Jersey. I withdraw my request.

Mr. JOHNSTON of Alabama. Mr. President, I ask unanimous consent for the present consideration of a bill on the calendar.

Mr. BRANDEGEE. That is not in order, Mr. President.

The PRESIDING OFFICER. The Chair is obliged to say that the Senator's request is not now in order, proceeding, as the Senate is, under a unanimous-consent agreement.

Mr. POINDEXTER. Mr. President, after the very elaborate and able discussion which has already been had upon the pending bill, it is not my intention to undertake to discuss at length the principles involved in it. I would hesitate even to make the

few observations which I shall make upon the bill and the interests which it involves were it not for the fact that the State which I represent in part is deeply concerned in the question of water-power development and that for many years it has been a very vital question with our people, as it has been throughout the West, what the relations of the Federal Government, of the State governments, and of private individuals should be in the ownership and development of water power.

There have been a great many collateral issues injected into the debate which are not involved in the pending measure. I say "collateral," although in many respects they are entirely irrelevant. The general question of conservation has been discussed. Of course, in one sense this bill involves the question of conservation, but in a very different phase from the question of the preservation of forests or the reservation of public lands for forest purposes by the Government of the United States. Whatever may be done as to the regulation and control, the granting or the withholding of permission to construct a dam in the Connecticut River or any other river; whatever provisions may be made for regulating the charges for power developed there or for taxes upon the property, still the water power will remain. Whoever may own it, whoever may use it, under whatever authority it may be developed, whether the reward or the profits from the development of this power shall be properly distributed, there is no possibility that the power itself, the natural resource which is concerned, shall be wasted or destroyed. In the case of forest reserves an entirely different question is involved—the issue of whether that great natural resource shall be preserved or whether it shall be wasted and extinguished forever.

Before making the brief observations which I intend to make as to the rights and the policy of the Federal Government in the regulation of power development in the streams of the country, I want to say a word, in passing, with reference to the question of forest reserves, which has been injected into the discussion by some Senators who are hostile to forest reserves and by other Senators who are in favor of forest reserves, as I understand is the Senator from Idaho [Mr. BORAH], who objects to such an extent to the administration of the present forest law and who continually attacks that administration with such force and virulence that it at least creates the impression that as the laws are administered he is opposed to the entire policy.

It would seem to be an illogical course for the Government of the United States to pursue to be expending $11,000,000 in the very start of the proposition to buy forest lands from private parties in order to establish forest reserves in the East and at the same time to abandon forest lands which it already owns in the West, and turn them over, without restriction, either to the States or to private individuals, as a great many opponents of the forest-reserve policy advocate. If the retention by the Federal Government of certain portions of the mountains of the West, of the forested lands of the West, and perhaps same lands in connection therewith that are not forested is an injury to the people inhabiting those States, it seems incredible that the people of a great State like New York should be expending, out of the treasury of the State, $14,000,000, and more, for the purpose of purchasing lands upon which forests are to be conserved by the State, for the same purpose and with the same effect upon the condition of the people and the conservation of natural resources, of course, as the preservation of forests by the National Government.

I am perfectly free to say that I am in entire agreement with many criticisms which the Senator from Idaho [Mr. BORAH] and the Senator from Colorado [Mr. THOMAS] have made as to certain details of the administration of the forest reserves; but the verdict upon the policy of forest reserves is not to be rendered by a review of the actions of a lot of subordinate agents of the United States Government distributed among the forest reserves and changed from time to time as the administration changes; but it is to be rendered, and ought to be rendered, upon a reading of the statute and a consideration of the principles under which forest reserves are established. The remedy for any maladministration is not an attack upon the policy of forest reserves, but it is by a recourse to those remedies which may be invoked to improve the administration, to correct error, and not, because it has certain imperfections in its application, to destroy the entire policy.

I only heard a portion of the very able and forceful address of the Senator from Colorado [Mr. THOMAS]; but, as I understood, he very clearly enunciated his position as being in entire opposition to the retention at all of public lands for forest-reserve purposes by the Government; at least, he announced the proposition that in general the State administration of public lands had been superior to that of the Nation. So far as I am concerned, I expect to vote and to advocate the retention by the States of every authority and every power which they have to conserve forests upon State lands or upon any lands which may hereafter become State lands by the grant of the Federal Government or otherwise; but I also expect to vote for and advocate, as a corollary to that and as supplementary to that authority, the retention by the Federal Government of every authority and every power which it has in a reasonable way to conserve the forests of the Nation.

The reservoirs of water with which our arid wastes are to be reclaimed are in these mountain forests. The very power under discussion, the mighty forces hidden in our falling streams, have their source and sustenance in the mothering forests of the mountain slopes. Electric power, the subtle slave of man, swift and terrible in its movement but obedient to his gentlest touch, sees its creator in the soft rains and clinging snows the forests hold and filter. Ruthless private avarice would slaughter and destroy the forests, but upon their preservation and upon guarding from private extortion the power of their flowing streams, depend the comfort and prosperity of our people. With a fair distribution of land and its sister water under the fecund sun of the west, and the protection of water power from monopoly, the industrious people of those States will develop a splendid citizenship and enjoy the comforts of an advanced civilization. With the forests destroyed a rich land would revert to waste and desolation.

Now, Mr. President, as to the bill that is under consideration, the debate is somewhat confused because the question of policy is confounded with the question of the power of the Federal Government. Some Senators are opposed to this bill because it does not grant enough. The Senator from Alabama [Mr. BANKHEAD] is opposed to it because it is not an unconditional grant. Other Senators are opposed to the bill because it grants too much. Some Senators have asserted that if the Federal Government has the power to make a grant of this kind it should not exercise that power, but should construct a dam and develop the water power directly through the agencies of the Federal Government.

Mr. BRANDEGEE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. POINDEXTER. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. At that point in the Senator's address I want to suggest to him that while the word "grant" does appear in one or two sections of the bill, in my opinion it is not legitimately to be considered a grant any more than the money condition attached to it is a tax. There is a good deal in the point of view and in the way a person looks at a project, because of the language in which it is described; but Senators will bear in mind that the only function of the Federal Government in this matter is because the petitioners who come here asking for the passage of this bill are obliged to get the consent of Congress before they will be allowed to maintain a dam in a navigable river. That is all this bill does. It gives to these parties, who have maintained a dam for nearly a century at the precise location in this same river, the consent of Congress to relocate the existing dam in the immediate vicinity, but at a point slightly farther along the river, where there is a little more water power. It is nothing but a license on the part of the Government to maintain what would otherwise be an obstruction to navigation, accompanied with conditions which do away with the obstructive character of the work. That is all there is to it.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. POINDEXTER. I yield to the Senator from California.

Mr. WORKS. I should like to ask the Senator from Connecticut [Mr. BRANDEGEE], if his view be the correct one, what there is for the Government to buy back? The provisions of this bill provide that the Government shall purchase these works from the company.

Mr. BRANDEGEE. The dam and the business.

Mr. WORKS. The Senator thinks the Government then may go into the business of distributing and selling water to the consumer?

Mr. BRANDEGEE. I hope it will not, and I do not think it ought to do so; but that is not what we are talking about now. If the Government is going some day to condemn these properties in accordance with the views of the distinguished Senator from Colorado [Mr. THOMAS] and itself own and operate all public utilities, then it ought to pay the people who have practically contracted with the State and spent their money in permanent structures and not confiscate their property.

Mr. WORKS. The Government pays nothing; it only gives a permit; and I am wondering what the Government can buy from the person to whom the permit is granted.

Mr. BRANDEGEE. I am answering the Senator as to what the Government can buy. If they have the constitutional authority to do so, they can buy everything. It has cost this company about $6,000,000 to construct the dam, the dynamos, the buildings where the electricity is generated, its lines, poles, rights of way, and the land it has acquired. All the property in which it has invested its money can be bought—and when I say "bought," I mean it can be condemned.

Mr. WORKS. As I understand, the bill provides for buying it, and that was the reason I asked the Senator the question.

Mr. BRANDEGEE. It provides for condemnation by a court of competent jurisdiction, as the Senator will see if he will look at the terms of the bill.

Mr. WORKS. That is one portion of the bill. But there is also a provision, or an express agreement, to purchase the property, as I understand the bill.

Mr. BRANDEGEE. Of course, if they agree, there is no use in condemning it; but if they disagree as to what it is worth, then they go to the court for the court to decide it.

Mr. POINDEXTER. Mr. President, I expect to vote for this bill, not because I consider the bill what it ought to be but because I consider it an advance over any other similar franchise or permit or grant—whatever term may be applied to it—that has been passed heretofore by Congress. I think it makes very little difference whether it is called a grant or is called a license or whether it is called a permit, the entire question of the power of the Federal Government is disposed of by the consideration of the fact that without this thing, whatever it may be, it is generally conceded, although there seem to be some exceptions to that opinion, that the dam can not be built. It is a permit, a license, a grant by the Federal Government to the licensees or grantees of a power, an authority, and of property, because it is a power and authority which is fixed in its nature and is attached to real estate—a power which the Federal Government now possesses which it can withhold or can convey as it sees fit.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. POINDEXTER. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Of course, if that is the Senator's view, I can not change it; but I do not want to sit silent and agree to it, or seem to agree to it. I do not think it is a grant, unless it conveys some property, and I do not think it does or ought to. I do not think the Government has any property to convey, grant, or bargain to anybody in this navigable stream.

Mr. POINDEXTER. If the Senator will allow me to make a suggestion, it is property, either tangible or intangible; is it not?

Mr. BRANDEGEE. No; I do not think it is the Government's property at all. I think that view of it is what creates most of the opposition to the bill. I think the Government has no right there whatever, except as a trustee for the people to improve the navigation of that navigable river. All this bill provides on that subject, in the third line of the bill, is:

> That the assent of Congress is hereby given to the Connecticut River Co. * * * to maintain * * * such * * * * dam.

It does not convey anything except the right to maintain. It does not sell any water power, nor does it sell any water; and, in my judgment, it has not any business to sell the water.

Mr. POINDEXTER. I think what name is given to it is entirely academic. I suppose the Senator will agree that the development of this property can not proceed by the company making application for this permit unless the bill is passed; so it is undoubtedly a thing of value, because it has in fact a commercial and a pecuniary value.

This bill contains a provision, which has been sharply criticized, granting to the Secretary of War a discretion to fix tax rates. I should prefer that Congress should fix such rates. When the famous Coosa River Dam bill was pending, at the last session of Congress, I offered an amendment to the bill providing that the power company to which the grant was made should pay to the Government 1 per cent of the net profits derived from light and power.

It seems to me that is a far preferable arrangement for returning to the Federal Government a portion of the profits of this enterprise rather than to leave it in the discretion of the Secretary of War. But because I believe in the principle that there should be paid to the Federal Government some return for the exercise of this privilege and for the authority to operate and conduct this great enterprise, I shall support the bill as it now is, although it is not as I should prefer it. I expect to offer the amendment which I offered to the other bill. I do not expect that it will get much support, because one section of the Senate is opposed to any tax or return and the other is divided as to the method of fixing the rates.

Mr. JOHNSTON of Alabama. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Alabama?

Mr. POINDEXTER. I yield to the Senator from Alabama.

Mr. JOHNSTON of Alabama. I should like to ask the Senator why, in supporting the bill for the extension of the time for the construction of a dam across the Pend d'Oreille River in Washington under the general dam act, he did not attach a provision that the Pend d'Oreille Development Co. should make compensation to the Government if it is a rule that should have universal application?

Mr. POINDEXTER. I am not aware that I supported that measure.

Mr. JOHNSTON of Alabama. The bill was approved on the 20th day of May, 1912, and relates to the building of a dam under the general dam act without any compensation.

Mr. POINDEXTER. It is a matter of which I have no knowledge, Mr. President. I do not think the RECORD will disclose that I supported that bill in any way at all.

Mr. JOHNSTON of Alabama. I supposed, as it relates to a matter in the Senator's own State, that he had given attention to the bill.

Mr. POINDEXTER. There are a great many bills introduced relating to my own State about which it would be difficult for me to have any knowledge.

I should prefer, Mr. President, in explaining the position which I take upon the bill, that the amendment of the Senator from Idaho [Mr. BORAH] should be adopted. I think the bill would be a better one with a provision that the Interstate Commerce Commission—I think that is the proper agency of the Government, although some other agency might be selected for exercising that power—should have the right, in case of need to exercise it, to regulate the charges for power conveyed from Connecticut into other States. I think there should be also attached to the measure the amendment, or the substance of the amendment, offered by my colleague from the State of Washington [Mr. JONES], reserving to the State of Connecticut the right to regulate charges for power generated and used entirely within that State, and removing also any question, because of the grant being made by the Federal Government, as to the power of the State to levy taxes upon the property.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. POINDEXTER. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I will say, for the information of the Senator from Washington and other Senators, that the State of Connecticut has a board of public-service commissioners, or what I believe is called a public-utilities board. The General Assembly of the State of Connecticut, which chartered this old navigation company and has amended its charter several times, has reserved the right to alter, amend, or repeal the act of incorporation and the amendments thereto. The legislature itself undoubtedly has the right to regulate the charges, but that is one of the principal functions of our board of public utilities.

If that were not already amply provided for by the statutes of the State which incorporated this company, I should have no objection to the amendment proposed by the Senator from Washington. But it is amply covered by our own State laws, and I am one of those who believe in allowing each State to regulate its own affairs as much as possible, free from the interference of Washington. We have to come here, in this case, to get the permit to cross a navigable river with this dam; that is all.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Wyoming?

Mr. CLARK of Wyoming. Will the Senator yield for a question for information?

Mr. POINDEXTER. I yield.

Mr. CLARK of Wyoming. I wish to ask the Senator from Connecticut whether or not the public-service commission or the statutes of Connecticut fix the rate of profit beyond which an investment shall not pay?

Mr. BRANDEGEE. No; I think not, Mr. President. I will not be sure, but I am quite firmly of the opinion that there is no limit, except, I believe, no steam railroad company in the State is allowed to pay more than 10 per cent or 8 per cent, whatever it may be. Very few of them are able to earn anything like that.

Mr. CLARK of Wyoming. The query in my mind was whether there might be a conflict between the law or the rule of that commission and the terms of the contract proposed to be entered into here.

Mr. BRANDEGEE. My colleague [Mr. McLEAN] tells me that the charter of this very company limits them to 8 per cent, anyway. The act creating the Public Service Commission of Connecticut, which I have here at my desk, is a long, comprehensive, up-to-date act. It provides in section 23, under the title "Rates and service affecting many persons," for a process by which any 10 persons may bring to the public-service commission a petition alleging too high rates or poor service or any grievance that they may have, and the whole matter is absolutely in the hands of the public-service commission to fix rates and to alter or change them from time to time.

Mr. SMITH of Arizona. If the Senator will pardon me, it occurs to me that if, under this grant, permission or right or whatever you may please to call it, the Government gives anything, if it has anything to give, to the Connecticut River Co., it is provided in this contract or in their charter—I do not remember which, from hearing them read—that they shall not collect more than 8 per cent except under the conditions stated; that is, that they shall divide the surplus.

Mr. BRANDEGEE. No; that is in the act——

Mr. SMITH of Arizona. If the Senator will allow me to finish, he will catch my point. It is immaterial where it is. The question arises, if this be a grant or anything that the Government has a right to give, certainly permission is given by the contract or the charter that they shall have 8 per cent, if they can get that much, and under certain conditions more. In the face of that, if the Government has any right here at all, what effect will that have on the right of the Senator's State to limit the amount or to say what they shall charge for power?

Mr. BRANDEGEE. Mr. President, I think I catch the drift of the Senator's question, though it is a little long. When the Senator talks about 8 per cent or 9 per cent, I think he has in mind something that was published in a newspaper as to the proposed division of profits between the Government and the power company.

Mr. CLARK of Wyoming. No, no; it is published in the return of the Secretary of War.

Mr. SMITH of Arizona. I read it from some report that I saw here the other day.

Mr. BRANDEGEE. Very well. What I was talking about was the original charter of this company, which limited it to 8 per cent.

Mr. SMITH of Arizona. I was speaking of their contract with the Secretary of War, or the proposed contract into which they are to enter. That speaks of 8 per cent.

Mr. BRANDEGEE. I know it does.

Mr. SMITH of Arizona. The Senator already has the balance of my question.

Mr. BRANDEGEE. If the company itself is limited by its own charter to a maximum return of 8 per cent upon the stock, and the Government of the United States passes an act saying that all above 9 per cent shall be divided by the Government and the corporation, I would not give much for what the Government would get out of it.

Mr. SMITH of Arizona. On what ground?

Mr. BRANDEGEE. Because it can not pay more than 8 per cent anyway under its own charter.

Mr. SMITH of Arizona. Then that raises the very question I had in mind, if the Senator will bear with me, as between the Government and the State. If the United States has the power to interfere with this contract to fix limitations, to fix the rate, and to change it when it pleases, the State can not limit it; and if it has not the power, the State has the absolute power to do it.

Mr. BRANDEGEE. I do not think the two things have anything to do with each other. All that was provided by the proposed contract between the Secretary of War and the company was a method of division and compensation, as they called it, between themselves. It had nothing whatever to do with a legal limitation placed by the State of Connecticut upon the dividends that its own companies shall have.

Mr. POINDEXTER. Mr. President, I think I shall have to ask leave to proceed with the very brief remarks I have to make.

Mr. BRANDEGEE. I am very grateful to the Senator for being released, I am sure.

Mr. POINDEXTER. I understand the Senator's question has been answered. The very colloquy between the Senator from Arizona and the Senator from Connecticut, showing a difference of opinion as to whether or not under this grant the State of Connecticut would have power to levy taxes, is a very strong argument for inserting in the bill an express provision reserving that power to the State of Connecticut.

Mr. BRANDEGEE. There is not a word said about taxes. It is as to the amount of dividends they shall pay.

Mr. POINDEXTER. Apply it to the right to limit dividends, then. The same principle applies to that and the same principle would extend to the right to levy taxes upon property. Every lawyer who has observed the tremendous amount of litigation in the courts on the part of corporations engaged in any form of interstate business or corporations which derive their powers or any part of them from the Federal Government, resisting the collection of taxes by municipalities and by States, will realize that it would be a wise thing for Congress to remove doubt upon that question, in making a grant of this kind, by an express provision that the State shall have the power, and that this grant shall not interfere in any way with the power of the State, to collect taxes or to control other features of this property so far as intrastate business is concerned. So I say that I think the amendment of my colleague from Washington [Mr. JONES], in substance, with some changes, would be an improvement to this bill and an important and valuable amendment to it.

Mr. BRANDEGEE. I could not for a minute agree to that. I could not for a minute agree that if the State of Connecticut has not power to regulate its own creatures and corporations, Congress, no matter how many acts it passed, could give the State of Connecticut any power whatever. Whatever power Congress has was delegated to it in the Constitution made by the States. The States have the power about these matters, and not Congress at all.

Mr. POINDEXTER. I did not expect the Senator from Connecticut to agree to that; but the fact that there is a difference of opinion is the reason I make the suggestion.

Mr. BRANDEGEE. I do not think there is any difference.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. POINDEXTER. I yield.

Mr. WILLIAMS. I want to suggest this idea, which I think, if followed out with this bill and with other bills, might settle a great many of these differences and might result in a better method of administration.

I take it that what we are all seeking to accomplish—that is, men of my school of thought, at any rate—is this: We are tired of giving to public-utility corporations gratis valuable privileges. We want them to pay something to the public for what they obtain. It seems to me it is a secondary consideration whether that something which is paid shall go to the Federal Government or shall go to the State government.

If it be true that Congress has the power, as an incident to its power to license, to affix conditions to the license granted, then it can affix a condition of payment to the State as well as a condition of payment to itself. It seems to me, therefore, that it would be wiser and in better keeping with the principles of the Government if this bill were to recite that this corporation should pay to the State of Connecticut, instead of to the Federal Government, such taxes as might be fixed by the public-utilities commission of the State of Connecticut. The State of Connecticut has such a public-utilities commission, has it not?

Mr. BRANDEGEE. Yes.

Mr. WILLIAMS. Every State has something by that name, or some body or other, that exercises substantially the same power.

It seems to me that whenever any authority of any description has an unlimited power, whether it be a right or not, to grant or to refuse a license, as an incident to that power it has the right to attach conditions to the license if it grants it. I should like to see the license in connection with public utilities conditioned in a manner that would maintain the right of local self-government and the right of the State; and if any revenue at all is to be derived from it, I should like to see the State derive the revenue.

Mr. BRANDEGEE. Will the Senator from Washington allow me to answer the Senator from Mississippi for a moment?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. POINDEXTER. Certainly.

Mr. WILLIAMS. One moment. I should like to have the provision in the bill changed so that Congress would grant the license upon condition that the corporation should pay to the State of Connecticut such tax as might be prescribed by the Legislature of Connecticut or the public utilities commission, whichever you choose as the proper authority of the State.

Mr. BRANDEGEE. Let me answer the Senator, Mr. President. I agree with him that Congress has power to attach to

the license any condition which relates to the subject matter of the power under which Congress is acting.

Mr. WILLIAMS. One moment. As a Federal question, the Senator's limitation is correct; but if you are going to make a limitation which shall accrue to the State, then the subject-matter, in so far as the State is charged with it, is the corporation itself.

Mr. BRANDEGEE. The Senator does not give me time to make my point.

Mr. WILLIAMS. All right.

Mr. BRANDEGEE. It is this: The only kind of condition that we can attach to the issuance of this license is a condition in aid of navigation. Under the commerce clause of the Constitution Congress has the sole authority over navigation. If we should say, "We will grant this license provided this company shall pay so much a year to the treasury of the State of Connecticut, to be expended by the legislature of that State in its discretion," it would be utterly null and void, in my opinion, because it would be ultra vires. We have no authority to affix any condition except such a condition as will promote navigation. Does the Senator catch my point so far?

Mr. WILLIAMS. I catch it; yes.

Mr. BRANDEGEE. There is another reason why it would not be wise, even if we had authority, to put that money into the treasury of the State of Connecticut. Congress is supreme in the control of navigable streams. The State of Connecticut can not use money in improving the navigable streams of Connecticut without coming to Washington from time to time to get the approval of the War Department as to where it should be spent, in what rivers, in what proportions, and so forth; and we would lose the services of the Board of Army Engineers and all the machinery through which we make our improvements in navigation.

Mr. WILLIAMS. I think I have caught the Senator's point, but I do not think the Senator has caught mine. As long as the revenue derived from the operation of the provision goes to the Federal Government, the limitation suggested by the Senator is correct. But if the Federal Government should provide, in a general act of any sort, that "nothing herein contained shall contravene any law of the State of Connecticut," that would be perfectly proper.

Mr. BRANDEGEE. I do not think the Senator does catch my point, which is that Congress has no authority to impose any condition or restriction in the issuing of this license except one which relates to navigation.

Mr. SMITH of Arizona. It could not divert it to any other purpose.

Mr. BRANDEGEE. It could say, "You shall pay so much money to be used to improve the navigation of the Connecticut River"; but I do not think it could say that money should be paid into the treasury of the State of Connecticut to be used for anything else except the improvement of navigation.

Mr. WILLIAMS. Mr. President, mine was a mere inquiry, and I do not think I am fully prepared to argue the matter; but I am inclined to think the distinction is about this: Where the Federal Government charges something for a license, it is like a tax which is levied; it must be pertinent or relevant to some delegated power. But wherever it affixes a condition to accrue to a State, that power is not a delegated one at all, and is not limited by any delegation in the Constitution. I am not ready to argue that question now, however, and I should not want to take up the time of the Senate by doing it even if I were. I just threw it out as a suggestion.

Mr. BRANDEGEE. I do not think the Federal Government would have any authority whatever to affix such a condition.

The PRESIDING OFFICER. The Senator from Washington will proceed.

Mr. POINDEXTER. Mr. President, I can not agree with the suggestion of the Senator from Mississippi that the Federal Government shall entirely waive its right to collect revenue from this water power.

Mr. WILLIAMS. I did not want it to waive it. I wanted it in the act to devote it to the State of Connecticut. Even that is doubtful.

Mr. POINDEXTER. As far as a conveyance of power from the Federal Government to the State is concerned, I would much prefer that both jurisdictions should retain the taxing power. Of course that is double taxation, but that is a common feature of taxation. In a great many instances we have triple taxation. We have double taxation, by the State and by the Federal Government, in a great many different lines and a great many different species of property. The fact that it is double taxation ought to be taken into account by both jurisdictions in fixing the rate. But it is so true, as the Senator from Mississippi has said, that we have been granting away valuable privileges without return, that I for one shall insist that wherever there is a power in the Government, whether State or National, to collect revenue, it shall be retained, and the power to exercise it actively shall be preserved.

Let me now answer very briefly the opposition to this bill, which comes from those who come here rather arrogantly, it seems to me—I do not say Senators come in that attitude, but others come in that attitude—rather demanding these privileges and these grants, and speaking with a tone of resentment and annoyance if it is proposed to attach any conditions to the grant by way of reservation of a right to regulate rates or to collect a revenue from it. The advocates here last year of the so-called Coosa River dam bill are now actively opposing this bill, not because of any lack of power or asserted lack of power in the Federal Government to grant a permit or license to construct this dam, acknowledging the power and the right of the Government to grant or withhold the privilege, but demanding that it shall be unconditional, although it is a water power outside of their State, because they say they do not want to see a precedent established which may affect the Coosa River dam.

There seems to be a sort of obsession on the part of some of the advocates of the Coosa River dam bill. They had introduced in the Senate here the other day and had read, with the signatures attached to it, a resolution which was adopted by some private citizens expressing their opinion upon this measure. One Senator asserted that these individuals were putting their noses into business with which they had nothing to do, he being obsessed, apparently, with the idea that nobody has anything to do with this Coosa River proposition except the power company which is seeking to acquire the right.

These citizens of the United States, who are interested in the Government and in the revenues and property of the Government, according to the advocates of the Coosa River dam bill, ought to keep their mouths shut about water power in general, on the theory that nobody has anything to say about it but those who come here superciliously demanding an unconditional free grant of valuable property. It is an obsession. In addition to all the services of the distinguished Senators in other matters, in war and in peace, they will go down in history as the men who made the Coosa River famous. I think Mr. William Draper Lewis, a distinguished gentleman, a citizen who has rendered good return of his citizenship, is entitled to express an opinion.

Mr. WILLIAMS. Who is he?

Mr. POINDEXTER. Mr. William Draper Lewis.

Mr. WILLIAMS. In addition to the Senators from Alabama making the Coosa River famous, the Senator from Washington is making this gentleman famous.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. POINDEXTER. I yield.

Mr. WILLIAMS. The Senator has already yielded, and the remark has been made.

Mr. POINDEXTER. His name was attached to a paper which was introduced by the Senator from Alabama [Mr. BANKHEAD], and he has a right to express his views and his judgment on the general questions of water power, notwithstanding the resentment of the Senator.

Mr. WILLIAMS. I should like to ask a Senator a question there, Mr. President. I know that he knows, or at least I think he knows. If I did not think he knew I would not ask him. Of course any citizen of the United States has a right to petition Congress upon any question or to write to any Senator or to any Representative upon any public question. What I wanted to ask the Senator from Washington was whether he knows that this gentleman and others who write and call themselves the legislative committee of the Progressive Party——

Mr. POINDEXTER. Yes; they have a right to call themselves the legislative committee of the Progressive Party. Why should they not have that right?

Mr. WILLIAMS. I did not want to ask whether they had the right; I did not want to ask whether they had the power or whether they had the liberty under the law to do it or not. I wanted to ask whether they had been constituted by the Progressive Party as a legislative committee, sitting, as the French say, in constant session at Washington.

Mr. POINDEXTER. No; they are not sitting in constant session at Washington; and that does not affect the question in any way at all. The organization of the Progressive Party is rather irrelevant to the question here.

Mr. WILLIAMS. I admit that.

Mr. POINDEXTER. The Senator has admitted that it is immaterial whether they are the legislative committee of the Progressive Party or not. But they are the legislative committee of that party, and are duly constituted as such.

Mr. WILLIAMS. They are duly constituted by this political organization, then, as a legislative committee?

Mr. POINDEXTER. Yes; at a national convention.

Mr. WILLIAMS. I made the inquiry because whenever I get orders from them I wanted to know that they were duly authorized and constituted.

Mr. POINDEXTER. Mr. President, the control of water power by the Federal Government depends upon very different authority, under different conditions. It is asserted generally by many of the opponents to the pending bill that the Federal Government under no condition has the power to control water power or to attach such conditions to the grant of water power. It has been very generally discussed in its application to navigable streams. In a large portion of the country, in many States, a very different phase of the question is involved—where the power site is on public lands belonging to the Nation and where the application for an act of Congress is for a grant of that land.

The Federal Government owns the absolute, unconditional title in those cases; but the same objection is made to any regulation or to any condition in cases where the applicants are seeking a grant of land as is made to this bill, where the land itself is private but where the stream is a navigable stream.

It is perfectly obvious that where the Government owns the abutting property or where the stream is not a meandered stream and the bed of the stream goes to the owners of the land with the patent which is conveyed, the Federal Government in granting the real estate upon which the dam is to be constructed may attach such conditions, may fix such compensation for the grant as it sees fit, the same as any private owner could.

Mr. SMITH of Arizona. Will the Senator permit me to interrupt him right there? There is the very point of the question in which I am personally interested.

Mr. POINDEXTER. I am speaking of it because it is of interest to the entire western country.

Mr. SMITH of Arizona. You make the concession, though, that the Government owns all the right—under what right I do not know—to the nonnavigable waters of the State, when the old doctrine of the riparian right was expressly repealed, if that ever existed. In fact it never did exist. That is the common law of that part of the country.

Now, you say by virtue of the ownership of the land—and the cases are hundreds where the Supreme Court has so decided—the mere fact of proprietary ownership in the land gives the Government the right to withhold the water in a water site from its diversion from the use regulated by the statute of the State. The Government has no more right to the waters nonnavigable—yes, and I will say navigable—in any State than the title they could give by virtue of the owning of public lands; I should say than it could convey to the citizen in issuing a patent to that land. The Government gives to the citizen, in other words, all the title it has. The citizen can immediately be subjected to the eminent-domain power of the State and a right of way across his land for the use of the water for the purposes mentioned in the statute.

You profess to withhold these water rights by the mere fact of the proprietary ownership by the Government of the land, when the Supreme Court has decided in more than one case that over the rights of way even of the Federal Government the State can carry the water of its streams that are nonnavigable. That is equally true of navigable streams, for the only distinction between them is the mere easement that the Government has in the navigable water, and I have never known a case where an easement carried any power with it further than the exercise of the pure right of the easement itself.

Therefore the Government itself has no more power by the mere ownership of the public land in the nonnavigable waters of our rivers than you or I individually have, for the Supreme Court from the case in Third Howard down to now has decided that it is a proprietary ownership that the Government has.

So there is the whole point of our contention, that the Government, having no power, can not reserve these water rights. Our objection to the bill of the Senator from Connecticut is that you are giving a license or an apparent precedent for the Senate of the United States to carry out a doctrine which means nothing more nor less than the absolute desolation of the western country. You dedicate to deserts and to everlasting silence a country that we have been struggling for 30 years to make habitable. And this is what you call conservation.

Mr. POINDEXTER. Mr. President, the Senator from Arizona misapprehends anything that I said if he conceives that I asserted the Federal Government had the right to the water in the streams. I said that it had the right to the land, and that in granting the land they could retain such compensation or fix such conditions as any other owner of land in conveying it had the power to do.

Mr. SMITH of Arizona. I will grant that, as a matter of course.

Mr. POINDEXTER. The retention of compensation or of the right to regulate the use of that land and of the water which flows over it is simply a retention of the power which the Government already has as a riparian owner in this case to use that water.

Mr. SMITH of Arizona. If the Senator will pardon me, there is no riparian right, and never has been.

Mr. POINDEXTER. The Senator is entirely mistaken.

Mr. SMITH of Arizona. If the Senator will show me where it is—the constitution of Arizona and its statutes dedicated the waters, and the Government has recognized that ever since 1863.

Mr. POINDEXTER. I am not familiar with the laws of Arizona, but the common law of riparian rights still exists in Washington, and I suppose in Arizona also, modified by the right to appropriate water, where needed and under certain conditions, for irrigation.

The dedication and the declaration of the control of the State over the waters of the State do not interfere in any way whatever with the riparian right. The right to divert the water for irrigation, the right to use it for manufactures, the right of the riparian owner under the common law where they are not in conflict with each other, are all in force in the State of Washington. If a man under some superior right takes water out of a stream for the purpose of irrigation and interferes with the riparian right of an owner lower down the stream, it is not actionable.

Mr. SMITH of Arizona. It is under the English doctrine, absolutely.

Mr. POINDEXTER. It is not under the western doctrine. But he has no right to divert the water of the stream otherwise than for the special purposes provided by the laws of the State, to the injury of the riparian owner lower down.

Mr. SMITH of Arizona. The riparian right of the English and the American common law, if we had it, is the same now that it was in the beginning, that in all riparian rights the river must flow undiluted in substance and undiminished in quantity. That is the riparian doctrine. And now you are appealing to a riparian doctrine to divert water from a stream. You had as well talk of a square circle.

Mr. POINDEXTER. There are many rights still preserved in the West as incident and appurtenant to riparian ownership. But the question at issue is not that of diverting water from a stream. It is that of granting power to erect a dam in the stream.

Mr. SMITH of Arizona. There is no difference.

Mr. POINDEXTER. Ordinarily the people who secure the right to erect these dams from the Federal Government at the same time secure a right to the use of the water under the State statute. The Federal Government does not grant the right to use the water. It grants a different interest in the project which is to be developed which is just as essential a part of the completed plant as the use of the water. It may be for manufactures; it may be for, and usually is for, the development of electrical energy. The flow of the water is not diminished. It proceeds in its course undiminished and in accordance with every requirement of the laws of the State, of the law of riparian ownership where that is applicable, or of the right to use the water for irrigation where that is applicable.

There can not be any question, Mr. President, as to the power of the Federal Government, if it has control over the erection of dams in streams where it owns the sites, where it owns the land, or in streams which are navigable where it does not own the land, to attach conditions upon which the grant shall be made; and that is all that is asked in this case.

Mr. SMITH of Arizona. If I am correct in my contention that the Federal Government is merely a proprietary owner, does the Senator from Washington conceive that the Federal Government can do anything more than any other proprietary owner of lands could do, in the face of a statute and of a Constitution that say all these waters belong to the State and the people of the State?

Mr. POINDEXTER. Any other owner could do the same thing.

Mr. SMITH of Arizona. He can not.

Mr. POINDEXTER. I differ with the Senator from Arizona.

Mr. SMITH of Arizona. I do not mean to differ so emphatically with the Senator, for he is apt to know as well as I. I want at least to concede that to him.

Mr. POINDEXTER. If the Senator from Arizona owns land which is needed for the development of a water-power project he can attach his own conditions, unless the State should condemn it and it should be acquired under some public law which fixes the conditions.

Mr. SMITH of Arizona. No.

Mr. POINDEXTER. But if it were to be acquired by the voluntary grant of a private owner the private owner could attach every condition to the grant which is sought here or has ever been suggested here to be attached to these bills on the part of the Government.

Mr. SMITH of Arizona. The Senator and I are not so far apart as I thought. Here is my contention. It is that neither I nor the Federal Government can by the erection of a dam on a power site in any one of the irrigating or desert States interfere with anybody. I can erect a dam if I do not interfere with anybody, and that dam can stay there, and the Government can erect it if it does not interfere with anybody. The Government, under the decision and under the Constitution, may erect a dam to-morrow, and if the Government is doing nothing with that water I can take it out, by the right of eminent domain, across Government land and submit it to irrigation, and the Government can not complain, for there is no title to that water except use, and the Government can not withhold it from use.

Mr. POINDEXTER. I do not care, Mr. President, to pursue further the question of title, because it is not involved in the case. I admit that the title to the water may depend and does depend upon a different ownership. The right to the use of the water may be invested in the private individual. Some private individual lower down the stream may long ago in our western country have acquired by prior appropriation, which is a fundamental law of irrigation, the right to divert water from the stream for the purpose of irrigating his land. Neither the Federal Government, of course, nor the State government has any right to grant an authority to that water in the stream above him so as to deprive him of that use.

That question of State or Federal control of waters is not involved, whether it is proposed by a private company to take the water to the detriment and injury of the lower proprietor who has appropriated it for irrigation, or whether it is simply a grant by the Government of the right to erect a dam across the stream without any condition as to the use of the water on the part of the Government.

Mr. SMITH of Arizona. If the Senator will bear with me once more——

Mr. POINDEXTER. The right to divert the water would depend upon the laws of the State or upon the private corporation, which may have acquired the use of the water under the laws of the State. It is not involved in the bills pending here and which are under discu[illegible] nor is it here proposed, so far as I have seen by any am[illegible]t which has been offered to them, to affect in any way whate[illegible]——

Mr. SMITH of Arizona. If the Senator will pardon me——

Mr. POINDEXTER. Just let me complete the sentence. To affect in any way whatever the right to use the water owned by any private individual or owned by the State.

Mr. SMITH of Arizona. Now, if the Senator will pardon me one more interruption, I shall not interrupt his further statement of the matter.

Mr. POINDEXTER. I will yield the floor in a very few minutes.

Mr. SMITH of Arizona. I will be done with one question. We think in this bill a precedent has already been set, and we see in it a governmental purpose to carry the doctrine of the bill into the conditions which I have just been speaking of.

Mr. POINDEXTER. Some people see spooks and things at night. I do not see anything in the bill interfering with the free operation of the constitution and laws of the State upon the waters of the State.

Mr. SMITH of Arizona. I judge that largely from the arguments I have been listening to lately.

But aside from that, the navigable water in the Connecticut River was owned by that country long before the Government had any right to it whatever. In its original state they granted an easement over it for navigation. Now, that has existed for a hundred years. To-day they start out on the new doctrine that the United States Government, instead of the State of Connecticut, will take the Connecticut River, and the State of Connecticut ought to have it. The water belongs to the State, and the Government has no more title to it than I have, if not used for navigation, for if the Government can develop power and use that, it can run a cotton mill and sell the cotton at a profit; it goes into commercial business. If this goes to Connecticut, that State, under the regulation of a State law, will protect the people of Connecticut from this governmental tax, save the consumers of this power in Connecticut, and conserve their interest by keeping the heavy hand of the Government's taxation off their own development.

I claim that these waters do not belong to the Government any more than the nonnavigable waters of the West belong to the Government. Then the Government has no business to put its hand on it in any way further than to improve its navigation. When it gives a party the privilege to improve the navigation, it can say what sort of a dam it shall build, what sort of locks it shall build, and also the power, probably, to open the locks and close them as boats pass. I think the Senator from Connecticut concedes that the Government can not go outside of the delegated power to open and protect the navigation of the stream. Outside of that the water is as free to the State of Connecticut as the nonnavigable waters of the West are free to the people of that part of the country.

If you permit the Government to do these things, Senators, as sure as I stand here, under a pretense of helping the people, under a cry against monopoly, you are going to monopolize the waters as you have already monopolized the land, and, as I said before, and say finally, you will put an absolute quietus on the development and let trees grow where men ought to flourish.

Mr. POINDEXTER. It is rather a curious argument advanced by the Senator from Arizona and other Senators, that because in times past the Government has been too liberal in granting away the land we ought to continue to be excessively liberal in the grant of nature's resources——.

Mr. SMITH of Arizona. Oh, no; on the contrary——

Mr. POINDEXTER. And pass bills involving the development of water power in navigable or nonnavigable streams without any conditions attached, without any right reserved to regulate rates or to collect revenues.

Mr. SMITH of Arizona. The States reserved that. I wish to say to the Senator that he and I are aiming at exactly the same purpose.

Mr. POINDEXTER. If the Senator from Arizona will allow me, I will conclude the very brief remarks which I desire to deliver.

Mr. SMITH of Arizona. I wish to say to the Senator that he and I are aiming at exactly the same purpose. I am as much a conservationist in this matter as the Senator from Washington can possibly be. So, far from opposing the Senator's position, I am trying to show him that I am attempting to obtain the very same thing that he is attempting to secure. I believe in the Senator's wholesome doctrine that these things must be preserved for the use of the people; that they must be kept out of monopoly; but I think the Senator is following the course that will turn them into the hands of monopoly. I extend my hand to the Senator to help accomplish the purpose at which we are both aiming. The only difference is in the manner of accomplishment. There is where our roads divide, the Senator thinking one procedure would best accomplish the desired result, and my idea being that, under certain conditions with which I am acquainted, the Senator's method would ruin, while in my judgment the other method would accomplish what he and I are both striving to do. I think the difficulty in this whole matter is because of the diversity of interests, the separate surroundings, and the different atmosphere and purposes of the people.

Mr. POINDEXTER. Mr. President, there is no provision in the pending bill which undertakes on the part of the Federal Government to grant to the Connecticut River Co. any part of the waters of the Connecticut River. There are some provisions in the bill regulating the flow of the water in the river and providing that at certain periods it shall be at certain stages, which are obviously in the interest of navigation. I think it will not be contended by anybody that that is not within the power of the Federal Government.

Mr. SMITH of Arizona. Clearly so.

Mr. POINDEXTER. So far as it does not interfere with navigation, the State of Connecticut, or any private individual in the State of Connecticut, lawfully or unlawfully could deprive this Connecticut River Co. of every drop of water which it sought to use for the purpose of developing electrical power, and the Federal Government would have no right to complain, nor could the Connecticut River Co. assert any authority under this grant from the Federal Government, because the grant does not undertake to confer upon it the right to use any water.

Mr. SMITH of Arizona. But the State gives the right to this company. There is where we agree again. The Federal Government grants the State nothing.

Mr. POINDEXTER. Is the Senator from Arizona complaining about the State giving the right?

Mr. SMITH of Arizona. I am not complaining about the State giving the right to the Connecticut River Co. I am complaining about the Government interfering with the right which the State and the individual alone has to do with, and the State can best conserve that right.

Mr. POINDEXTER. In what respect does the Government interfere with the right of the State?

Mr. SMITH of Arizona. By pretending to say, "We can change this contract given to these people by the State."

Mr. POINDEXTER. There is nothing in this contract as to the use of the water in the stream, nor is there in any one of these bills conveying water-power sites in nonnavigable streams in the West. The right to use the water depends upon different laws, a different authority. I agree with the Senator from Idaho [Mr. BORAH] that it would be perfectly futile and beyond the power of the Federal Government to undertake in an act of Congress to fix the right to use the water or to grant authority to use the water. This bill does not undertake to do so.

Mr. President, I have stated under some difficulties, on account of frequent interruptions, my views about these matters. It is urged by some Senators that the bill ought not to be passed in any form. Those Senators at the same time are opposing what is called "conservation," on the ground that the natural resources ought to be developed; that water power ought to be used. How can water power be developed in the Connecticut River at this point unless the Federal Government, under the authority which it has and which is necessary in order to enable the Connecticut River Co. to proceed with this work, grants that authority? To refuse this grant altogether is not in the interest of the development and use of natural resources, of which we hear so much. On the other hand, I will say, in just one word, the development of the natural resources of the country is not necessarily promoted by unconditional grants to private individuals or corporations. In some of the counties of the State of Washington three-fourths of their area has for years been owned by private companies.

They are not being developed; they are not open for settlement; they are not open for homes; they pay but an inadequate portion of the taxes which go to support the county and State governments. Many of the great water powers of the West have for many years been in private hands, but that does not result in their development. They are held for speculative purposes, and will perhaps be held for many years for speculation, in private hands.

It is admitted by the Senator from Colorado [Mr. THOMAS] that there is an incipient water power trust; that it has power, or will have power, to extort unreasonable prices from the people for the use of the electrical energy which has become a necessity of their communities. The question that is involved in this bill, in view of that water-power monopoly, is whether when the Federal Government has an opportunity to reserve a power which may be used to restrain an arrogant and merciless monopoly, it shall be surrendered. I am opposed to that surrender. This bill is not in conflict with any right or authority of the States; and, if necessary, the rights of the State should be expressly excepted from any privilege granted in this bill. Both the power of the Federal Government and the power of the State, wherever it exists, should be preserved, so that if one jurisdiction fails to exercise it, the people may find relief through the activity of the other.

Mr. BRANDEGEE. Mr. President, I am not at all worried about the State of Connecticut losing any rights that it may have in the rivers within its limits by any bill that Congress may pass. Any bill that Congress undertook to pass assuming any rights that it did not have in the navigable rivers in the State of Connecticut would be absolutely null and void. I do not think any amendment is necessary to the bill in that respect. I am generally opposed to the use of unnecessary language, either written or spoken, and I hope that the amendment will not prevail.

There is absolutely nothing in this bill or sought to be obtained by the passage of the bill except the permission from the United States Government to maintain a dam, which, as I have said, has been substantially in position for 80 years or more in the Connecticut River, and to attach to the issuing of that permit the provision that the company which obtains the permit shall annually pay to the United States Treasury a certain sum of money to be devoted to the improvement of navigation on the very river which is crossed by the dam. It is a perfectly simple proposition. Those who believe that the Government can attach to the issuing of the permit a condition that the licensee should pay a sum of money should vote for the bill; those who believe that the Government has no such constitutional authority under the commerce clause of the Constitution should vote against the bill.

For two or three days here we have roamed over the country, from the tops of the Sierra Nevada Mountains, through the Rockies, down to the Rio Grande, through all the arid States, and the Delta of the Mississippi, talking about forest reserves and intricate questions of ownership of the water. We have discussed who owns it when it is in the Atlantic Ocean and who owns it when it is in the process of evaporation, and when it is being blown ashore and precipitated upon the tops of mountains and flowing back to the sea again—interesting, speculative, and somewhat obscure questions, but absolutely irrelevant to the question which ought to be debated on this bill.

I think the Government has a clear and unquestioned right in issuing these licenses to impose a money payment upon the licensee, to be devoted to the purposes of navigation, and to nothing else; and I think it has a right to say it shall be paid into the United States Treasury and appropriated in the discretion of Congress to improve the navigability of the Connecticut River. I may be entirely wrong about that. Some good lawyers think the other way. The Senator from New York [Mr. ROOT] this morning made an elaborate argument upon that question, with which I am in entire accord. Those who differ with us probably will remain in their opinion until the Supreme Court has decided this question. I do not know of a better case through which to get the opinion of the Supreme Court than this; and I should like very much to have the bill passed and the matter presented to the Supreme Court. If they decide that Congress has no right to attach such a requirement to the issuing of the license, we will know what policy to adopt in the future, while if they decide we have the right, we will know what policy to adopt; but I will venture to say, so long as the President vetoes bills because they do not contain a clause for a money payment and so long as one branch or the other of Congress declines to pass them if they do contain such a provision, we will simply be in a hopeless maze of words, to which there is no end in this body.

A good deal has been said about this bill in some way being something that it does not purport to be; that under the guise of improving navigation the Government is entering into the manufacturing business or the power business, or some such thought as that. It has been said that the dominating motive for the passage of this bill is to generate power, not to improve navigation. Well, there is not any dominating motive about it. The entire motive of the petitioners is to engage in the manufacturing and the selling of electrical power, and the entire motive of the Government is to improve navigation in that river. The Government can not escape its duty under the Constitution. It is obliged to say "yes" or "no" to the issuing of this permit and attach the necessary conditions. It is a straight-out navigation project on the part of the United States Government and a straight-out business proposition on the part of the petitioners for the license. Owing to the situation, naturally there has to be joint action; and in that joint action for the preservation of navigation and its improvement and the development of water power on the river it seems to me to be a perfectly proper and legitimate constitutional action on the part of the Government and a perfectly commendable and praiseworthy undertaking on the part of the petitioners for the license.

It has been said that this money, if it be paid, comes out of the consumers of the electrical power. Of course it does. No company which is required to make any payment gets its money anywhere except from the goods it has to sell. If the Government leases a coal mine to anybody, the consumers have to pay more for the coal than they would if the Government gave it to them free; and it seems to me no legitimate argument against the bill that the company has got to earn the money which it pays into the United States Treasury and which, in turn, the United States Treasury will pay out to improve navigation; but, of course, Senators who are afraid that in some way or other the clause authorizing the payment in the interest of navigation will constitute a precedent for some action of the Government in a different part of the country, under different conditions, attack the bill upon all sorts of grounds and theories. I am inclined to believe that a good many of them are fictitious and not sound objections to the bill.

As I have said, Mr. President, to-morrow I shall ask the Senate to give unanimous consent to the fixing of a particular day and hour to vote upon the bill.

FOREST RESERVES IN WASHINGTON (S. DOC. NO. 1075).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 17th ultimo, certain information with reference to the names of the forest reserves in the State of Washington, their areas, the number of homestead entries allowed in each, the number of ranger stations, etc., which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

ASSESSOR'S OFFICE OF THE DISTRICT OF COLUMBIA (S. DOC. NO. 1074).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the president of the Board of Commissioners of the District of Columbia, submitting a supplemental estimate of appropriation for the service of the fiscal year ending June 30, 1914, assessor's office, $15,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

THE CAPITOL GROUNDS (H. DOC. NO. 1392).

The PRESIDENT pro tempore laid before the Senate the report of the Commission for Enlarging the Capitol Grounds, which was referred to the Committee on Public Buildings and Grounds.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Anna Coakley, widow of Timothy Coakley, and Thomas W. Woodward *v.* United States (Mare Island Navy Yard) (S. Doc. No. 1085);

William W. Pidgeon and Julius B. Price, administrator of George W. Conway, deceased, *v.* United States (League Island Navy Yard) (S. Doc. No. 1086);

John Coward, subnumber 94; Thomas R. Harbridge, subnumber 95; William H. Kiner, jr., subnumber 96; and Robert Mulready, subnumber 97, *v.* United States (League Island Navy Yard) (S. Doc. No. 1084);

William F. O'Hearn and John W. Simonson *v.* United States (Boston Navy Yard) (S. Doc. No. 1083);

George E. McIntosh *v.* United States (Portsmouth (N. H.) Navy Yard) (S. Doc. No. 1082);

William S. Bande, and sundry subnumbered cases, *v.* United States (League Island Navy Yard) (S. Doc. No. 1081);

Ellen Bonner, widow of George Bonner, deceased, and sundry subnumbered cases, *v.* United States (Brooklyn Navy Yard) (S. Doc. No. 1080);

Richard Barrington, and sundry subnumbered cases, *v.* United States (Brooklyn Navy Yard) (S. Doc. No. 1079);

Lawrence M. Herbert and George C. Stanley *v.* United States (Washington Navy Yard) (S. Doc. No. 1078);

John E. Amazeen, and sundry subnumbered cases, *v.* United States (Portsmouth (N. H.) Navy Yard) (S. Doc. No. 1077); and

Henry B. Colson, and sundry subnumbered cases, *v.* United States (Portsmouth Navy Yard, Portsmouth, N. H.) (S. Doc. No. 1076).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4043) divesting intoxicating liquors of their interstate character in certain cases.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes; further insists upon its disagreement to the amendments upon which the first committee of conference have been unable to agree; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of South Carolina, Mr. BURLESON, and Mr. GILLETT managers at the conference on the part of the House.

The message further informed the Senate that Mr. TAYLOR of Colorado had been appointed a member of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo., vice Mr. FERRIS.

The message also transmitted to the Senate resolutions of the House on the life and public services of Hon. WILLIAM P. FRYE, late a Senator from the State of Maine.

The message further transmitted to the Senate resolutions of the House on the life and public services of Hon. GEORGE HERBERT UTTER, late a Representative from the State of Rhode Island.

The message also transmitted to the Senate resolutions of the House on the life and public services of Hon. ALBERT HAMILTON HUBBARD, late a Representative from the State of Iowa.

REPORT OF COMMITTEE ON INDIAN AFFAIRS.

Mr. OWEN, from the Committee on Indian Affairs, reported an amendment authorizing the Secretary of the Treasury to extend each of the deferred payments on the town lots of the north addition to the city of Lawton, Okla., one year from the date on which they become due under the existing law, etc., intended to be proposed to the Indian appropriation bill, submitted a report (No. 1208) thereon, and asked that it lie on the table and be printed, which was agreed to.

AMENDMENT TO THE AGRICULTURE APPROPRIATION BILL.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate $15,000 to enable the Secretary of Agriculture to investigate the cultivation and acclimating of potatoes, and the development of improved and disease-resistant types, and for the investigation of leaf roll, dry rot, and other new diseases, etc., intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE FOSTER.

Mr. PAGE. Mr. President, I wish to give notice that on March 1, 1913, I will ask the Senate to consider resolutions commemorative of the life and public character of DAVID J. FOSTER, late a Representative in Congress from the State of Vermont.

The PRESIDENT pro tempore. The notice will be entered.

Mr. BRANDEGEE. Mr. President, if there is no other Senator who desires to make remarks on the pending bill to-night, I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 37 minutes p. m., Thursday, February 13) the Senate took a recess until Friday, February 14, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 13, 1913.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, we thank Thee that the time has come in the onward march of progress when we do not in the last analysis measure a man's life by his political or religious creed, by the position he may chance to hold, by his earthly possessions, nor by the circle in which he moves, but by what he has contributed to the common weal, the motives which prompted action, the character he has woven into the tissues of his soul. Touch us by the majesty of Thy wisdom, power, and goodness that we may measure up to the ideals as we know them in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I call up the conference report on the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, and I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] calls up the conference report on the legislative, executive, and judicial appropriation bill (H. R. 26680), and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 1498).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 31, 32, 33, 34, 35, 36, 40, 48, 51, 52, 70, 99, 100, 104, 105, 117, 118, 119, 125, 126, 127, 128, 132, 133, 141, 157, 158, 159, 175, 197, 198, 199, 202, 206, 207, 218, 219, 220, 221, 236, 241, and 242.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 28, 29, 30, 41, 42, 43, 46, 47, 49, 50, 54, 55, 56, 57, 58, 62, 63, 64, 65, 66, 67, 69, 71, 72, 73, 74, 75, 91, 92, 96, 97, 101, 102, 103, 107, 108, 109, 110, 111, 112, 120, 121, 122, 123, 124, 129, 130, 131, 134, 135, 136, 143, 144, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 176, 203, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 222, 227, 228, 229, 230, 231, 232, 233, 234, 237, and 238, and agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In line 8 of the matter inserted by said amendment strike out "$3,500" and insert in lieu thereof the following: "$2,000, or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$74,525"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: ": *Provided*, That no person shall be employed hereunder at a compensation in excess of $4,000 per annum"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$87,990"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,120"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For legislative expenses, namely: Salaries of Members, $216,000; mileage of Members, $6,500; salaries of employees, $5,160; printing of laws, $3,500; rent of legislative halls and committee rooms, $2,000; stationery, supplies, printing of bills, reports, and so forth, $3,500; in all, $42,260, to be immediately available"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$166,358"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$840"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,640"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$840"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,960"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lines 3 and 8 of said amendment strike out "$31,200" and insert in lieu thereof "$30,000"; and the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,375"; and the Senate agree to the same.

Amendment numbered 140: That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500"; and the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$275,820"; and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one at $2,400"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$631,250"; and the Senate agree to the same.

Amendment numbered 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In line 8 of the matter inserted by said amendment, before the word "to," insert the following: "or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000"; and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,000"; and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000"; and the Senate agree to the same.

Amendment numbered 205: That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000"; and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eleven"; and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twelve"; and the Senate agree to the same.

Amendment numbered 225: That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine"; and the Senate agree to the same.

Amendment numbered 226: That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$73,260"; and the Senate agree to the same.

Amendment numbered 239: That the House recede from its disagreement to the amendment of the Senate numbered 239, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,680"; and the Senate agree to the same.

Amendment numbered 240: That the House recede from its disagreement to the amendment of the Senate numbered 240, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000"; and the Senate agree to the same.

On amendments numbered 2, 7, 8, 11, 23, 24, 25, 26, 27, 37, 38, 39, 61, 68, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 93, 94, 95, 139, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 160, 161, 162, 163, 177, 178, 179, 180, 181, 182, 183, 184,

185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, and 235 the committee of conference have been unable to agree.

J. T. JOHNSON,
A. S. BURLESON,
FREDK. H. GILLETT,
Managers on the part of the House.

F. E. WARREN,
GEO. PEABODY WETMORE,
LEE S. OVERMAN,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1914, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendments Nos. 1, 3, 4, 5, 6, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, all relating to the Senate: Provides for compensation and for employees of the Senate, as proposed in the said Senate amendments; appropriates $2,000, instead of $3,500 as proposed by the Senate, for removal of documents of the Senate in rented warehouses; and appropriates $50,000, as proposed by the Senate, instead of $25,000, as proposed by the House, for expenses of inquiries and investigations ordered by the Senate.

On amendments Nos. 28, 29, and 30: Appropriates for an assistant engineer at $1,200, instead of a laborer at $800, under the Superintendent of the Capitol Building.

On amendments Nos. 31, 32, 33, and 34: Strikes out the increases proposed in the salaries of the clerk, assistant clerk, and janitor to the Committee on the Judiciary of the House.

On amendments Nos. 35 and 36: Strikes out the proposed increase of one assistant, at $540, in the Mail and Delivery Division of the Library of Congress.

On amendments Nos. 40, 41, 42, 43, and 44, under the superintendent of the Library building and grounds: Strikes out provision for 1 additional watchman, at $720; increases the pay of 14 laborers, from $480 to $540 each; provides for 5 additional charwomen, at $240 each; and increases the pay of an electrician from $1,200 to $1,500.

On amendment No. 45: Appropriates $15,000, as proposed by the Senate, for establishment and maintenance of the system of efficiency ratings by the Civil Service Commission, with the provision that no greater sum than $4,000 per annum shall be paid as compensation for any one person.

On amendments Nos. 46, 47, and 48, relating to the contingent fund of the State Department: Authorizes exchange of horses and vehicles, and strikes out the provision, proposed by the Senate, for equipment of drivers.

On amendments Nos. 49, 50, 51, 52, and 53: Increases the salary of the Chief of the Bookkeeping and Warrant Division of the Treasury from $3,500 to $4,000, and the assistant chief from $2,700 to $3,000, and strikes out the provision for an executive clerk, at $2,500, instead of a bookkeeper, at $2,000.

On amendments Nos. 54, 55, and 56: Provides for seven skilled laborers, at $900 each, instead of seven clerks, at $1,000 each, for postal-savings work in the office of the Auditor for the Post Office Department.

On amendment No. 57: Appropriates $6,000, as proposed by the Senate, for furniture and labor-saving machines in the office of the Treasurer of the United States.

On amendment No. 58: Authorizes the detail of employees in the offices of the Assistant Treasurers for duty in the office of the Treasurer at Washington.

On amendments No. 59 and 60: Increases the salary of the Chief of the Secret Service Division from $3,600 to $4,000, instead of $4,500, as proposed by the Senate.

On amendment No 62: Appropriates $4,800, as proposed by the Senate, instead of $3,000, as proposed by the House, for examination of mints.

On amendments Nos. 63, 64, 65, and 66, relating to the office of the Surgeon General of the Public Health Service: Provides for one additonal clerk at $1,600, one at $1,400, and three at $1,000 each.

On amendment No. 67: Authorizes the purchase of supplies for labor-saving machines in the Treasury Department.

On amendment No. 69: Appropriates $2,620,000, as proposed by the Senate, instead of $2,565,000, as proposed by the House, for salaries and expenses of revenue agents, storekeepers, storekeepers' gaugers, and fees and expenses of gaugers, in the Internal-Revenue Service.

On amendment No. 70: Appropriates $90,000, as proposed by the House, instead of $100,000, as proposed by the Senate, for miscellaneous expenses of the Internal-Revenue Service.

On amendments Nos. 71, 72, and 73, relating to the office of the assistant treasurer at Chicago: Provides for an assistant cashier at $2,000 instead of a clerk at $1,600.

On amendments Nos. 74 and 75: Increases the pay of a messenger from $500 to $600 in the office of the assistant treasurer at New Orleans.

On amendments Nos. 91 and 92: Provides for an additional clerk, at $1,600, in the assay office at New York, and makes a verbal correction in the language of the appropriation for contingent expenses of that office.

On amendments Nos. 96 and 97: Corrects the language of the appropriations for Alaska so as to make the same for the "Territory" instead of the "District" of Alaska; strikes out the provision for rent of offices and quarters; and provides for repairs and preservation of executive mansion.

On amendment No. 98: Appropriates $42,260 for legislative expenses for Alaska, instead of $45,260, as proposed by the Senate.

On amendments Nos. 99 and 100: Strikes out the appropriation of $500 for traveling expenses for the governor of Hawaii.

On amendments Nos. 101 and 102: Appropriates for the assistant and chief clerk of the War Department, at $4,000.

On amendments Nos. 103, 104, 105, and 106: Increases the salary of the chief clerk in the office of the Surgeon General of the War Department from $2,000 to $2,250 and strikes out the provision for two clerks at $1,000 each instead of at $1,400 each in that office.

On amendments Nos. 107 and 108: Increases the salary of the chief clerk in the office of the Chief of Engineers from $2,000 to $2,250.

On amendments Nos. 109, 110, 111, and 112: Provides for four additional clerks at $1,600 and one additional clerk at $1,400 instead of five clerks at $1,200 in the office of the Bureau of Insular Affairs.

On amendments Nos. 113, 114, 115, and 116: Increases the pay of 40 watchmen in the parks in Washington from $720 to $840 each.

On amendments Nos. 117, 118, and 119: Strikes out the provision proposed by the Senate for a clerk at $1,400 instead of one at $1,200 in the office of the Secretary of the Navy.

On amendments Nos. 120 and 121: Provides for one clerk at $1,600 instead of one at $1,400 in the Office of Naval Intelligence.

On amendments Nos. 122, 123, 124, 125, 126, 127, and 128, relating to the Hydrographic Office: Appropriates for a chief clerk at $1,800 instead of a nautical expert at $1,600; strikes out the provision for books of reference; appropriates $11,000 as proposed by the House, instead of $14,000 as proposed by the Senate, for contingent expenses of branch offices; appropriates $17,960 as proposed by the House, instead of $22,000 as proposed by the Senate, for necessary employees at branch offices; and strikes out the provision, proposed by the Senate, prohibiting the removal of the Hydrographic Office to the buildings and grounds of the Naval Observatory.

On amendments Nos. 129, 130, 131, and 132, relating to the Naval Observatory: Increases the salary of an assistant astronomer from $1,800 to $2,000 and one assistant from $1,000 to $1,200; and strikes out the authority for purchase of books of reference.

On amendment No. 133: Strikes out the provision, proposed by the Senate, authorizing the appointment of an assistant in the Nautical Almanac Office to act as director thereof.

On amendments Nos. 134 and 135: Provides for an additional clerk at $1,400 in the Bureau of Medicine and Surgery.

On amendments Nos. 136, 137, and 138: Strikes out the appropriation of $24,500 for the rent of the Mills Building for the Navy Department; appropriates $30,000 for rent of quarters for the Navy Department for the fiscal year 1914, and $1,375 for the remainder of the fiscal year 1913.

On amendments Nos. 140, 141, and 142: Increases the salary of the chief disbursing clerk of the Interior Department from $2,250 to $2,500 instead of $2,750, as proposed by the Senate; and strikes out the provision for an additional clerk at $1,600 in the office of the Secretary of the Interior.

On amendments Nos. 143, 144, 145, and 146: Increases the salary of the chief clerk of the General Land Office from $2,750 to $3,000; and provides for a chief of division of surveys at $2,750 instead of a chief of division at $2,400.

On amendments Nos. 157, 158, and 159: Strikes out the provision for a chief of finance division at $2,250 instead of a chief

of division at $2,000, proposed by the Senate, in the Pension Office.

On amendments Nos. 164 and 165: Appropriates $1,500, as proposed by the Senate, for traveling expenses of the Commissioner and employees of the Bureau of Education, and $2,500, as proposed by the Senate, instead of $2,400 proposed by the House, for purchase, distribution, and exchange of educational documents.

On amendments Nos. 166, 167, 168, and 169, relating to the office of the Superintendent of the Capitol: Provides for two clerks at $1,200 each instead of one clerk at $1,600 and one at $1,000, and for a bookkeeper and accountant at $2,200 instead of $1,800, and strikes out a stenographer at $720.

On amendments Nos. 170, 171, 172, 173, 174, and 175: Appropriates $37,400, as proposed by the Senate, instead of $32,900, as proposed by the House, for rent for the Geological Survey, and $12,000, as proposed by the Senate, instead of $10,000, as proposed by the House, for rent for the Bureau of Mines; appropriates $2,000 for the removal of the Bureau of Mines to other quarters; and strikes out the appropriation of $3,333.34 additional for rent for the Bureau of Mines during the balance of the fiscal year 1913.

On amendment No. 176: Makes the appropriation for surveyor general of the "Territory" of Alaska instead of the "District" of Alaska.

On amendments Nos. 197, 198, and 199: Strikes out the proposed increase in the salary of the disbursing clerk of the Post Office Department from $2,250 to $2,500 and of the assistant to the chief clerk of that department from $2,000 to $2,250.

On amendments Nos. 200, 201, 202, 203, 204, 205, 206, and 207, relating to the contingent expenses of the Post Office Department: Appropriates $30,000, instead of $20,000 as proposed by the House and $40,000 as proposed by the Senate, for stationery; appropriates $36,000, instead of $35,000 as proposed by the House and $40,000 as proposed by the Senate, for fuel and repairs to heating plant; appropriates $4,000 as proposed by the House, instead of $5,000 as proposed by the Senate, for telegraphing; appropriates $25,000, instead of $20,000 as proposed by the House and $35,000 as proposed by the Senate, for miscellaneous items; appropriates $7,000, instead of $5,000 as proposed by the House and $8,000 as proposed by the Senate, for furniture; appropriates $3,000 as proposed by the House, instead of $4,000 as proposed by the Senate, for rent; appropriates $24,000 as proposed by the House, instead of $25,000 as proposed by the Senate, for the Official Postal Guide; and inserts the provision, proposed by the Senate, authorizing reimbursement of the Treasury Department for expenses of preparation, issue, and registration of bonds for the Postal Savings System.

On amendments Nos. 208, 209, 210, 211, 212, 213, 214, 215, and 216: Rearranges and makes certain transfers in the clerical force of the Department of Justice without increasing the number or compensation thereof.

On amendment No. 217: Inserts the provision proposed by the Senate removing the limitation placed upon the number of temporary clerks to be employed in the Census Office during the fiscal year 1913 without increasing the amount appropriated for such clerks.

On amendment No. 218: Appropriates $10,000 as proposed by the House, instead of $20,000 as proposed by the Senate, for experimental work in developing tabulating machines in the Census Office.

On amendments Nos. 219, 220, and 221: Strikes out the provision for shipping commissioners at Honolulu and Mobile at $1,200 each, proposed by the Senate, and appropriates $3,000 as proposed by the House, instead of $3,500 as proposed by the Senate, for admeasurement of vessels.

On amendments Nos. 222, 223, 224, 225, and 226, relating to the Bureau of Immigration and Naturalization: Provides for the following additional clerks—one at $1,600, one at $1,400, one at $1,200, and one at $1,000.

On amendments Nos. 227, 228, and 229, relating to the Bureau of Standards: Increases the salary of the Librarian from $1,400 to $1,600, and provides for a glassworker at $1,400 instead of a glass blower at that salary.

On amendment No. 230: Makes the appropriation of $25,000 for equipment of the new laboratory building of the Bureau of Standards immediately available.

On amendments Nos. 231, 232, and 233: Transfers $2,000 from the appropriation "Enforcement of wireless communication laws" to be expended under the "Contingent expenses," Department of Commerce and Labor.

On amendment No. 234: Inserts the provision, proposed by the Senate, to credit the accounts of a former disbursing clerk of the Department of Commerce and Labor with the sum of $99.63.

On amendments Nos. 236, 237, 238, 239, and 240, relating to the Court of Claims: Strikes out the increase in the salary of the bailiff from $1,500 to $1,800; provides for a clerk at $1,400 instead of at $1,200; and appropriates $7,000 instead of $6,000, as proposed by the House and $8,000 as proposed by the Senate, for auditors and additional stenographers.

On amendments Nos. 241 and 242: Strikes out the section, proposed by the Senate, waiving the operation of section 8 of the District of Columbia appropriation act for the fiscal year 1913, with relation to expenses of officers and employees of the Government at meetings of conventions and associations during the fiscal year 1914, and corrects the numbering of a section of the bill.

The committee of conference have been unable to agree on amendments of the Senate as follows:

On amendment No. 2: Inserting the name of Woodbury Pulsifer as an employee of the Senate.

On amendments Nos. 7, 8, and 11: Increasing the salaries of two assistant doorkeepers of the Senate from $2,592 to $3,000 each.

On amendments Nos. 23, 24, 25, and 26: Relating to the Capitol police.

On amendment No. 27: Inserting the name of George H. Carter as clerk to the Joint Committee on Printing.

On amendment No. 37: Authorizing payment to Etta J. Giffin, assistant in charge of the division for the blind in the Library of Congress.

On amendments Nos. 38 and 39: Providing for an additional clerk at $1,800 in the Copyright Office.

On amendment No. 61: Appropriating $25,000 instead of $10,000 for freight on bullion and coin.

On amendment No. 68: Increasing the number of internal-revenue collectors from 63 to 67.

On amendments Nos. 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 93, 94, 95, relating to mints and assay offices.

On amendment No. 139: Appropriating $5,000 for a national aerodynamical laboratory commission.

On amendments Nos. 147, 148, 149, 150, 151, 152, 153, 154, 155, and 156: Increasing the clerical force of the Indian Office.

On amendments Nos. 160, 161, 162, and 163: Relating to the Patent Office.

On amendments Nos. 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, and 196: Relating to the offices of surveyors general and their clerks.

On amendment No. 235: Appropriating for the Commerce Court for the remainder of the fiscal year 1913.

J. T. JOHNSON,
A. S. BURLESON,
Managers on the part of the House.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the adoption of the conference report.

Mr. GARNER. Will the gentleman permit an interruption at this point?

Mr. JOHNSON of South Carolina. Certainly.

Mr. GARNER. I notice from the statement that the House recedes from its disagreement to certain amendments of the Senate. Does that mean that the House has agreed to increase the number of clerks in the Senate and to increase their salaries without reference to an investigation as to their necessity? In other words, does the House leave it entirely to the Senate to control their own force?

Mr. JOHNSON of South Carolina. I do not think the items that the gentleman refers to have all been agreed to. Possibly one or two have. I will say that we made some inquiry of the Senators as to why these increases should be made, and we were not entirely without information on that subject.

Mr. GARNER. The point I want to inquire about is whether or not the House Committee on Appropriations have come to the conclusion that it is in the interest of public policy and harmony between the two Houses to permit each House to control its own clerical force and to fix the salaries of the same? I think we are entitled to know whether or not the committee has come to the conclusion that they will permit each branch of Congress to control the number of its employees and the money to be paid to each of those employees.

Mr. JOHNSON of South Carolina. The Senate have always insisted that they have the right to fix the number of their own employees and their compensation. This Committee on Appropriations have never yielded to that proposition in theory, although, as a matter of fact, we have been compelled to yield to their amendments carrying it into effect.

Mr. GARNER. As a matter of fact, in this bill there is but one exception, if I get it correctly, and that is to the amend-

ment numbered 78, increasing the salaries of two assistant doorkeepers of the Senate from $2,592 to $3,000 each.

Mr. JOHNSON of South Carolina. I call the gentleman's attention to the fact that there were very few increases in the Senate.

Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate and agree to the further conference asked for by the Senate.

The SPEAKER. The gentleman from South Carolina moves that the House further insist on its disagreement to the amendment and agree to the further conference asked for by the Senate.

Mr. BROUSSARD. Mr. Speaker, I move that the House recede and concur in Senate amendment 235.

The SPEAKER. The gentleman from Louisiana moves that the House recede from its disagreement to Senate amendment 235 in reference to the Commerce Court and concur in the same. The Clerk will report the Senate amendment.

The Clerk read as follows:

(235) Commerce Court: For the Commerce Court, from March 5 to June 30, 1913, both dates inclusive, namely: Clerk, at the rate of $4,000 per annum; deputy clerk, at the rate of $2,500 per annum; marshal, at the rate of $3,000 per annum; deputy marshal, at the rate of $2,500 per annum; for rent of necessary quarters in Washington, D. C., and elsewhere, and furnishing same for the Commerce Court; for books, periodicals, stationery, printing, and binding; for pay of bailiffs and all other necessary employees at the seat of government and elsewhere, not otherwise specifically provided for, and for such other miscellaneous expenses as may be approved by the presiding judge, $16,111.11; in all, $19,977.78, to be immediately available.

Mr. JOHNSON of South Carolina. How much time does the gentleman from Louisiana want?

Mr. BROUSSARD. Ten minutes.

Mr. JOHNSON of South Carolina. I will yield 10 minutes to the gentleman from Louisiana.

Mr. BROUSSARD. Mr. Speaker, in the controversy in the last session of Congress regarding the abolition of the Commerce Court provision was made for that court to continue its operations until the 4th of next March. After the 4th of March no provision was made for the balance of the fiscal year. As we know, the attempt to abolish the court failed. In the meanwhile a great number of cases have gone to the Commerce Court and are now being argued, and by the 4th of March there will be no funds with which the court can continue and determine these cases. There is no other court to which these litigants may go. I had in mind quite a number of cases from my own State, known as the Tap Line cases, decided by the Interstate Commerce Commission, where suit was brought in the Commerce Court by virtue of a decision of the Supreme Court in the Proctor-Gamble case, which were dismissed by the court.

The commission felt that the people interested in the Tap Line cases and the people shipping upon these lines were entitled to have the question of law involved decided by the court and the case reopened.

They have issued an affirmative order, according to the interpretation placed upon it by the commission, and only day before yesterday the attorney of the State railroad commission of Louisiana was arguing the question before the Commerce Court. Unless provision is made whereby the rent of the building where the court is being held and the salaries of the court officials are provided at this session, on the 4th of March the litigants in these cases will find themselves suspended in the air, because there is no provision to have the court determine them.

The jurisdiction is now in that court, and Congress has not placed the jurisdiction elsewhere, as it intended to do, in the appropriation bill in the last Congress. So these litigants—40 or 50 from my own State—have cases before that court involving at least, I am told by the attorney for the State railroad commission, $2,500,000 a year. If no provision is made for the court—and it is a matter of indifference whether gentlemen are for the continuance of the court or not—it is simply a question of securing some court wherein the litigants and the large interests, such as are involved in the Tap Line cases and other orders issued by the Interstate Commerce Commission, may be determined until Congress decides whether to abolish the court and transfer jurisdiction to some other court. I believe this provision ought to be agreed to. I merely wanted to make that statement, because I do not believe that this House is prepared to say that litigants of such vast rights as are involved in the decisions of the Interstate Commerce Commission shall lose their rights simply because Congress will not provide the money to enable them to have a decision of the court that has jurisdiction of the subject matter.

Mr. MANN. Will the gentleman from South Carolina yield me some time?

Mr. JOHNSON of South Carolina. How much time does the gentleman want?

Mr. MANN. Five or ten minutes.

Mr. JOHNSON of South Carolina. I yield to the gentleman from Illinois 10 minutes.

Mr. MANN. Mr. Speaker, I do not know whether the House conferees refused to agree to this amendment because they thought the item did not belong to this bill, but more properly belonged to the deficiency bill, or whether they declined to agree to the item on its merits. But this situation will arise if no provision is made for the Commerce Court. The judges, of course, are provided for otherwise, but the court can not continue to exist and do business without the aid of the officials under the court. Under the so-called Mann-Elkins law we abolished the jurisdiction of all the other United States courts in this class of cases and conferred jurisdiction upon the Commerce Court. If no appropriation is made by which that court can do business after the 4th of March, we will be put in the situation where we do not even permit the court to decide the cases which are now pending before it, in many of which injunction orders have been issued restraining the decision of the Commerce Commission; and, in addition, as the Interstate Commerce Commission makes additional orders, there will be no court authorized to issue restraining orders, and there will be presented to us the following situation: Can Congress decline or refuse to give any court jurisdiction where the complainant insists that orders issued by the Interstate Commerce Commission are confiscatory? In my judgment, if Congress attempts to say that by a legislative commission it fixes a railroad rate which may be confiscatory and then says that no court shall have jurisdiction to determine whether the order is confiscatory, the courts under their judicial authority under the Constitution will take jurisdiction, and all the legislation that we have been attempting to build up for years to confine this jurisdiction to certain classes of cases, the courts will be compelled to wipe out. It is not desirable to do that. If it is the intention of the majority—and I take it that is their intention—to abolish the Commerce Court after the 4th of March, in doing so they will confer the jurisdiction now held by the Commerce Court upon the other courts. A method is then provided for deciding these cases; but if we say that the district courts shall not have jurisdiction, as we now say, and then declare that the Commerce Court shall not exist, we enter upon a practice of endeavoring to confiscate property, and under the judicial authority of the courts under the Constitution, in my judgment, they will hold that they have general jurisdiction.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. BARTLETT. We do not say that the court shall not exist, but we do not provide the means with which the court may go on with its business.

Mr. MANN. That is the same thing. We do not say the court shall not exist.

Mr. BARTLETT. If we said the court should not exist, it would then become our duty to transfer the business to some court that could dispose of it.

Mr. MANN. We practically say the court can not do business because the court can not operate without a clerk and without the employees of the court, in my judgment. I do not see how they can transact business. I do not wish to see put up to the district courts the question of the necessity of deciding whether Congress can direct the jurisdiction in these cases or whether it can abolish the jurisdiction. As long as we do not seek to abolish the authority of the courts to review these decisions, as confiscatory, I think the courts will follow the directions we give as to what courts may exercise that jurisdiction, but when we seek to practically abolish all authority of the courts, it is my judgment that they will be compelled to take jurisdiction.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Speaker, I have been in favor and am now in favor of abolishing the Commerce Court, but in doing so it was the evident intention of this branch of Congress, at least, to vest that jurisdiction in another proper tribunal. Having taken it away from the district courts and vested it in the Commerce Court, it was clearly the intention of Congress to revest the jurisdiction in the district courts as a condition of abolishing the Commerce Court. That plan of abolishing the Commerce Court met with a presidential veto, and one appropriation bill carries the salaries of the judges of that court up to the close of the present fiscal year. But, as I understand it, there is no provision made, unless it be made in the bill under consideration, for the machinery of the court, the

rent of the building in which the court sits and the salary of the clerk and the incidental expenses of the court. I have no desire to continue the Commerce Court beyond the time that Congress desires to have it continued—the 30th of June, 1913—but it is clearly necessary that we provide properly for the vesting of the jurisdiction in pending cases in the proper tribunal as a continuous right and remedy for the shipper, the litigant. The only class of cases in which I feel any personal interest is the class of cases that have recently gone there at the instance of shippers who are operating tap lines or other facility railroads, and who are contesting against the trunk-line railroads that very question. There has been some question before the Interstate Commerce Commission as to whether the form of the order permitted the shipper to have any court review at all. The commission changed its view about that very radically, and changed the character of its order so that the shippers could have a review equal with the railroads on the questions of whether these tap lines were plant facilities or whether they were common carriers. That question is now pending before the Commerce Court.

Mr. BROUSSARD. And some of these cases are now being argued.

Mr. BORLAND. Some of the cases are being argued. It is highly desirable that the question should be decided, because the Commerce Commission itself conceded the widespread importance of that question. It affects the entire business public of the Southwest.

Mr. GARNER. Will the gentleman yield for a question?

Mr. BORLAND. Yes; if I have the time.

Mr. GARNER. If it is desirable to abolish the Commerce Court, when will you ever find a time to abolish it when it will not have some cases before it and the same argument can be made?

Mr. BORLAND. I realize that it would be an incidental hardship in abolishing the court, but the gentleman from Texas must also realize that endeavoring to take away the machinery of the court without revesting the jurisdiction of it in pending cases in any proper tribunal is about as harsh a way as can possibly be adopted.

Mr. GARNER. And the gentleman from Texas also knows that as long as the present occupant of the White House remains there it is impossible to abolish this court, but after the 4th of March legislation possibly can be had abolishing this court and revesting its jurisdiction in the district courts. Then, why carry this item over until the 1st of July?

Mr. BORLAND. That is the very argument in favor of carrying it over during the balance of this current year in order that the jurisdiction itself will not fail while this change is being made, which is clearly the intent of Congress.

Mr. SIMS. Will the gentleman permit a question?

Mr. BORLAND. Yes.

Mr. SIMS. The gentleman speaks of shippers bringing suits in the Commerce Court. I think the gentleman is not exactly accurate in his statement in this: The tap-line railroads that have brought suits base them upon the theory that they are common carriers and entitled to share in the through rates of trunk-line roads, and therefore subject to the orders of the commission. The commission has never yet made an order against any shipper requiring him to do anything or to cease doing something that he was doing. The commission's orders can only be made against common carriers, and the contention that these shippers, as the gentleman calls them, these tap-line railroads, maintain in the court is based upon the theory that they are common carriers and not shippers.

Mr. BROUSSARD. They hold these tap lines to be common carriers, which tap lines are shippers to trunk-line railroads——

Mr. SIMS. I want to say to the gentleman that the shipper can not go into this court or any other and complain of the unconstitutionality or lack of power of the commission to make an order, as no affirmative order can be made against a shipper.

Mr. BORLAND. I would like to answer the question of the gentleman from Tennessee in full, but I do not regard this as the proper time to attempt a debate on that subject.

Mr. SIMS. The gentleman continues speaking of shippers going into the Commerce Court to complain of orders of the Interstate Commerce Commission, when the court has no jurisdiction of such suits by shippers.

Mr. BORLAND. The fact is these people are in court.

Mr. SIMS. Who is in court?

Mr. BORLAND. These lumber companies who own tap lines.

Mr. SIMS. Are they not there as railroads claiming to be common carriers?

Mr. BORLAND. But they are not trunk lines.

Mr. SIMS. They claim to be common carriers.

Mr. BORLAND. This is a legal question which has disturbed the commission, disturbed the gentleman's committee, and has disturbed everybody who has undertaken to solve it. It is a very important legal question. Now, I hope that the Commerce Court will be continued with its machinery until we can properly vest its jurisdiction in another proper tribunal, so that this question now before the court, which affects the interests of large sections of the southwestern country, may be decided.

Mr. JOHNSON of South Carolina. Mr. Speaker, I think I can make this whole matter very clear in a few words. We have appropriated a sufficient amount of money to provide for the Commerce Court until March 4, 1913. The bill now before the House provides for the fiscal year beginning July 1, 1913. The Senate has placed upon this bill what is evidently a deficiency appropriation. The proper place for the item now under discussion is in the deficiency bill. I do not hesitate to say to the Members of this House that we intend to provide the necessary money to operate the Commerce Court until it can be legally abolished and the cases pending in that court transferred to some other jurisdiction, but we do not want the House to vote in this amendment. We may want to put some limitation upon it as to how long they can make contracts for quarters, or we may want to put the language in there that they have so much money as is necessary to carry on the Commerce Court until otherwise provided by law. This is not the bill on which and this is not the language in which to provide for the Commerce Court. I hope that the motion of the gentleman will be voted down.

Mr. BARTLETT. Will the gentleman yield me a minute or two?

Mr. JOHNSON of South Carolina. Certainly.

Mr. MARTIN of South Dakota. I desire to question the gentleman——

Mr. BARTLETT. I have the floor just now, Mr. Speaker.

The SPEAKER. How much time does the gentleman from South Carolina yield to the gentleman from Georgia?

Mr. JOHNSON of South Carolina. Five minutes.

Mr. BARTLETT. Mr. Speaker, I am in favor of the abolition of the Commerce Court. I voted against its establishment. By a very narrow margin in this House it was established. I voted in the committee and I voted in the House for its abolishment. I said if I got an opportunity to effectively abolish this court I would vote to abolish it. I am one of those who believe, Mr. Speaker, that we can constitutionally not only abolish the court, but provide that the judges who hold their office by reason of the act establishing the Commerce Court can, by the same power that created the office, be retired and the office be abolished.

That is not the question to be discussed here, however. By reason of an Executive veto we have not been able to carry out this reform that we ought to be able to accomplish. We are therefore compelled, in my judgment, to at sometime provide for the necessary funds to carry on this court until the time at which it shall be abolished. I agree thoroughly with the gentleman from South Carolina [Mr. JOHNSON] that this is not the bill nor the place in which to make the provision for the necessary expenses of this court. Therefore, while I shall upon the proper occasion, feeling it my duty to do so, vote for the necessary funds to carry on the business of this court until it can be legally and properly abolished, I shall not vote for the motion of my friend from Louisiana [Mr. BROUSSARD] on this bill to concur in this amendment, because in my opinion it has no place on this bill, but ought to be provided for in the deficiency bill. And I have no question, Mr. Speaker, but that the Committee on Appropriations, when they report the deficiency bill, will make the necessary provision for carrying on the business of this court until it shall be legally abolished.

Mr. BROUSSARD. Does the gentleman from Georgia know whether there will be a deficiency bill at this session of Congress?

Mr. BARTLETT. Oh, yes; I know there will be one, and I am afraid it will be a pretty considerable one in amount. I know that it will be. For instance, we have an item of $15,000,000 to provide for the deficiency created by the pension bill that was approved on the 11th day of May, 1912. I know that is one item that we are compelled to provide for—a deficiency growing out of the administration of the pension law under that act—and something else, too.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Louisiana [Mr. BROUSSARD] to recede from the disagreement to the Senate amendment on the Commerce Court and concur in the same.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BROUSSARD. Division, Mr. Speaker.

The House divided; and there were—ayes 14, noes 63.

So the motion was rejected.

The SPEAKER. The question is——

Mr. BURKE of South Dakota. Mr. Speaker, before the question is put will the gentleman from South Carolina [Mr. JOHNSON] yield to me just for a moment to call his attention to an item in this report?

Mr. JOHNSON of South Carolina. How much time will the gentleman require?

Mr. BURKE of South Dakota. Just a moment or two.

Mr. JOHNSON of South Carolina. I yield to the gentleman a minute.

Mr. BURKE of South Dakota. I want to call the gentleman's attention to what was said when this conference was up in the Senate with reference to an amendment by the chairman of the Appropriations Committee of the Senate, who said:

> There is a disagreement of about $18,000 in regard to clerks for the Indian Office, which the Senate seeks to provide for the examination of titles and distribution of amounts due to the heirs of deceased Indians. It is part of the Indian service which the department says is necessary.

I want to call the gentleman's attention and the attention of the House to how appropriations are sought here before different committees of Congress. This item, or a similar one, was estimated for and presented to the Committee on Indian Affairs when the Indian appropriation bill was being considered, and it was not allowed on the theory that the Committee on Indian Affairs had no jurisdiction to make appropriations for clerical help in the Indian Bureau here in the city of Washington.

The Indian appropriation bill was reported to the Senate yesterday, and contains an item of $10,000 for clerk hire in the Indian Bureau for this particular purpose, and for which they have also provided an appropriation so far as they could upon the legislative bill. My purpose in mentioning it is to bring it to the attention of the gentleman in charge of the legislative bill that an effort is being made to obtain this appropriation through another appropriation bill, and for the purpose of demonstrating how the departments resort to different committees of Congress when they are unable to get an appropriation through the committee having jurisdiction of a particular item.

Mr. JOHNSON of South Carolina. I yield to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, the gentleman from South Dakota [Mr. BURKE] has called attention to an incident that is not uncommon, and that will necessitate in the very near future the adoption of what I believe to be an imperative reform in order to eliminate existing abuses. It is the common practice of the different departments of the Government, and it is not at all unusual for Members of Congress, to seek from various committees appropriations for different matters, and in the event of failure in the different places to which they apply in the House, to urge the Senate to place the items upon the bill in the conference on which the House will be represented by conferees, who, because of peculiar local conditions, are likely to be favorable to the item.

The result is that the House does not have the representation in these matters to which it is entitled. I might refer to what happened last year. It is one of many such incidents. For many years a request had been pending to appropriate money as a part of the cost of a sewer through an alleged national park in the State of Oklahoma. After it had been refused at least five years in the Committee on Appropriations on the sundry civil bill, where it properly belonged, it came back to the House from the Senate on the Indian appropriation bill, and the item was agreed to by the House conferees.

I have given considerable attention to the situation relative to the appropriations and to the remedies that must be applied, and I am convinced, Mr. Speaker, that, whether it comes in the near future or some time in the distant future, eventually this House will be compelled to concentrate all of its supply bills in one committee of the House. [Applause.]

The result will be that there will be an atmosphere about these appropriations not friendly to some particular department of the Government, but an atmosphere in which there will appear a determination to serve and to distribute the public funds to those departments of the Government most imperatively requiring public money. It will require the complete elimination of general legislation from the annual supply bills and their retention as such and nothing else. I have heard several schemes suggested and several different methods outlined. I have attempted to seek some means to stop what is becoming not only one of the great worries of Members of Congress, but what will shortly be one of the great burdens of the country, and that is the rapid rate at which the public expenditures increase. While some other scheme may be tried, I am of the opinion, as the result of my investigations of the situation in the past and of a study and careful consideration of the different remedies proposed, that the logic of the situation requires one thing to be done, and that is to put the supply bills in the control of one committee. They will then become, as they should be, the vehicles of supplies for the Government and not the refuge of those who seek Government aid for purposes not properly within the functions of the Federal Government.

The SPEAKER. The time of the gentleman has expired.

Mr. BURKE of South Dakota. Mr. Speaker, I ask that the gentleman's time be extended one minute. I want to ask him a question.

The SPEAKER. Does the gentleman from South Carolina yield one minute to the gentleman?

Mr. JOHNSON of South Carolina. Yes; I yield one minute to the gentleman.

Mr. BURKE of South Dakota. The gentleman from New York [Mr. FITZGERALD] called attention to an item in the Indian appropriation bill that was put on the Indian appropriation bill last year at the other end of the Capitol which did not belong properly on that bill, and he referred also to the fact the item was agreed to in conference. I want to say to the House that I was a member of that conference committee, and that I refused to agree to the conference report, and did not sign it because of that item and one or two other similar items as to which there was no conference, for the reason that the majority of the House conferees yielded without even discussing them.

Mr. FITZGERALD. I was not criticizing the gentleman from South Dakota.

Mr. BURKE of South Dakota. I agree with the gentleman from New York that we ought to find some means of disposing of amendments appropriating money that come back here on bills to which they do not belong, where the committee in charge of the bill does not have jurisdiction to report on such amendments.

Mr. FITZGERALD. What I was referring to was the fact that it was the common and usual thing for people demanding appropriations to seek out the particular organization of one House or the other friendly to a particular project in order that it may overcome or escape the opposition that may exist to it, and to have it placed where there is no opportunity to have a fair test upon it. Some time in the future I shall discuss the question more elaborately, but this seemed an opportune time to emphasize the matter.

The SPEAKER. The time of the gentleman has again expired.

Mr. CANNON rose.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I have listened to the remarks of the gentleman from New York [Mr. FITZGERALD] with very great interest, and I indorse all that he says. I want to go a little further and say that away back in 1885, as I recollect it, for purposes arising out of factional trouble on the Democratic side, a great mistake was made. Some gentlemen may recollect the factional trouble to which I refer. It was a trouble between individuals and their followings, and the effort was made to divide the appropriation bills for the purpose—and for that purpose alone—of making one Member of Congress less powerful. We have had the result when you divide the responsibility touching kindred matters amongst six or seven committees in the House and in the Senate, all of them having jurisdiction of supply bills, you beget improvidence.

I recollect that while I had the honor at that time to serve upon the Committee on Appropriations an incident occurred that well illustrates the point, an incident in relation to a distinguished Senator, a very estimable man, who was a live wire. I will not mention his name. He is now in the beyond.

The matter came on one of the appropriation bills, and after full discussion was rejected. The Senator was a live wire and put the matter on another general appropriation bill by a Senate amendment, which was again rejected in the House; but it popped up on a third bill, and in the closing days of the session it passed. I want to say that what we need is not only full responsibility to that side or this side, but whichever side is responsible, we want full responsibility for the majority, and you can not get it under the present rules of this House, dating away back to 1888. And I want to say now, and I measure my words when I say it, that I have no doubt when the grand aggregate of the appropriation bills is made up for the coming fiscal year they will carry, not for the benefit of the public service, $100,000,000 more than is necessary for the public service, which amount has gradually grown up

under the legislative policy concerning these supply bills. [Applause.]

Mr. SHERLEY. Mr. Speaker, I do not desire to anticipate what I propose to say at some length very shortly, touching a budget system for Congress, but I do not want to let go without a word what has been said on the floor touching the matter.

I believe that it is physically impossible for one Appropriations Committee to do the work of this House relative to expenditures, and the fact that the Senate may very nearly do it through one committee proves nothing, because the Senate never has done the initial work in regard to the consideration of estimates that this House does.

I want to suggest one other thought to you, and that is that part of your evil comes not so much from the divided responsibility—though that is a great evil and ought to be remedied—as from the fact that you never consider totals until you start to add up what you have already appropriated. And no man can run his business and no Government can run the country's business without having a program laid out in advance, and not simply to find out the route they have traveled after they have traveled it. Whether it comes from one committee or whether it comes from half a dozen committees, the trouble now is that there is no consideration by the House or the country of the whole scheme of appropriations and of totals. What we need in America is a debate which will focus public attention upon the total of expenditures. [Applause.] You are never going to interest the American people in the details of appropriations; but if, through the party charged with responsibility, you can bring in on this floor a program whereby it is proposed to expend in the aggregate certain sums to be distributed in certain proportions, the majority party defending and the minority attacking, you invite the attention of the people of America to a great, broad program touching expenditures of public money; but whenever your discussion consists simply of sharpshooting at particular items in a particular bill, you are not going to get that attention which brings about a reform.

As I have stated, if the House will give me the opportunity, I propose before the session is over to submit somewhat in detail a program that I think will bring about a reform. [Applause.]

Mr. MANN. Will the gentleman from South Carolina [Mr. JOHNSON] yield two or three minutes to me?

Mr. JOHNSON of South Carolina. I yield to the gentleman from Illinois three minutes, and then I hope we may have a vote.

Mr. MANN. Mr. Chairman, I am not at all certain that the country is more interested in the total of appropriations than it is in special items. My observation is that the country can easily get worked up over an appropriation that may amount to $10,000 or $100,000 and club Members of Congress with requests and petitions and protests concerning it when they have no special interest in the question whether the total appropriations are $1,000,000,000 or $1,100,000,000; and I question very much whether any system will work to keep the appropriations down as long as Members of Congress in the main consider it their business to secure appropriations for special purposes instead of preventing appropriations which they often know ought not to be granted.

Of course, the suggestion that the matter ought to be turned over to one committee has been before the House for many years, and yet we all know that even in the Committee on Appropriations the different appropriation bills which come from that committee are made up by subcommittees, and sometimes even members of the Committee on Appropriations, seeking to secure appropriations, endeavor to put items on one bill instead of on another bill, because they have greater influence in the framing of one bill than another. In the main the Committee on Appropriations act pro forma, so far as the entire committee are concerned, in reporting the appropriation bills, and they are divided into subcommittees which do the work. The Members of this House ought not to think that they can avoid their own individual responsibility in regard to appropriations by assuming that some other system or somebody else will keep down the totals.

Mr. JOHNSON of South Carolina. Mr. Speaker, the suggestion of the gentleman from South Dakota which brought about this very interesting discussion makes it necessary for me to make a statement to the House. When we made up the legislative bill for 1913, upon examining the authorities from the Indian Bureau we found that they had a lump-sum appropriation of $80,000 for clerical services in the District of Columbia.

This legislative bill is intended to provide for all the clerical services needed within the District of Columbia. We inserted in that bill a provision that for the year 1914 and thereafter they should estimate for the number of people needed in order to carry on the work. We were endeavoring to break up the practice of lump-sum appropriations by committees whose duties did not require them to investigate the wants of the departments in Washington for clerical help.

In accordance with the provision inserted in that bill they came before Congress this year with their estimates for the clerks who had hitherto been paid out of the lump-sum appropriations. In spite of the fact that they had been served with notice in the legislative bill for the current year that we were opposed to their going to the Committee on Indian Affairs for a lump sum, they went before that committee and asked for a lump sum of $10,000 for clerical service in the Indian Office in this city. They failed to get it. The gentleman from South Dakota informed the House this morning that the Indian bill has been reported to the Senate containing that amendment. The Committee on Appropriations can not keep up with all the bills, but the Members of the House should examine with care any bill, whether reported by the Rivers and Harbors Committee, the Post Office Committee, the Committee on Indian Affairs, or any other committee which provides for clerical services in the District of Columbia, because the probability is that the committee having jurisdiction of that question has investigated it and refused the request, and then a committee not having jurisdiction and not having sufficient information granted it. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on the motion of the gentleman from South Carolina that the House further insist on its disagreement to the Senate amendments and agree to the conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. JOHNSON of South Carolina, Mr. BURLESON, and Mr. GILLETT.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914. And pending that, Mr. Speaker, I ask unanimous consent that general debate be limited to two hours, one hour to be controlled by the gentleman from Illinois [Mr. MCKINLEY] and one hour by myself.

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill, and pending that he asks unanimous consent that general debate be limited to two hours, one hour to be controlled by the gentleman from Illinois [Mr. MCKINLEY] and the other hour by himself. Is there objection?

Mr. EDWARDS. Mr. Speaker, reserving the right to object, is it not possible to reduce the time for general debate to one hour, 30 minutes on a side.

Mr. FLOOD of Virginia. Not by unanimous consent. I have conferred with the gentleman from Illinois [Mr. MCKINLEY], and he wants an hour on that side. I do not know whether we will want an hour on this side or not; I doubt it.

Mr. EDWARDS. I shall not object, Mr. Speaker, but I would like to see the time allotted for general debate reduced.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. FLOOD of Virginia was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. RUCKER of Missouri in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 28607, the diplomatic and consular appropriation bill, and the Clerk will report it.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. Mr. Chairman, I know it is the purpose of the gentleman from Illinois to yield to the gentleman from Pennsylvania.

Mr. Chairman, this bill needs but little explanation. It was framed along fair and economical lines.

Our people take a deep interest in the Diplomatic and Consular Service. There is no other branch of the Government that is doing so much effective work on so small an appropriation.

The value of the foreign service to the Government, to American commerce, and to the individual citizen is recognized all over the country, and there is a desire everywhere that this service should be properly maintained. With that end in view

and mindful of the necessity of an economical administration of every branch of the Government the pending bill was framed by the Committee on Foreign Affairs.

In the preparation of the bill which contains the appropriations for the current year cuts were made wherever it was possible, and some items were left out with the understanding that they would be taken up this year; but nothwithstanding these facts this bill carries only about $180,000 more than the appropriations for the current year, an increase of about 5 per cent.

The estimates for the next current year amounted to $3,965,392.61; the pending bill carries appropriations for $3,764,642.66, or less by $200,945.20 than the estimates, and in addition to that we provide $50,000 in this bill for the expenses of the Pan American Congress, that was not estimated for, which leaves over $250,000 of the estimates that were disallowed.

The pruning of the estimates was carefully done and the appropriations provided for are believed to be sufficient to meet all the needs of our foreign service for the next fiscal year and is nowhere extravagant.

The Committee on Foreign Affairs indulges the hope that it will pass the House without material change.

Mr. MANN. I have authority from the gentleman from Illinois to yield his hour to the gentleman from Pennsylvania [Mr. OLMSTED], and I now yield to him that time.

Mr. OLMSTED. Mr. Chairman, before commencing I ask unanimous consent to extend my remarks in the RECORD and to insert therein certain documents which I do not wish to consume the time of the House in reading.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OLMSTED. Mr. Chairman, there is pending in this House a bill introduced by my friend from Virginia [Mr. JONES], chairman of the Committee on Insular Affairs, which is so remarkable and so dangerous in its provisions that I feel justified in devoting a brief period to its discussion. It is H. R. 22143, and is entitled:

A bill to establish a qualified independent government for the Philippines and to fix the date when such qualified independence shall become absolute and complete, and for other purposes.

It creates what is to be known as "The Republic of the Philippines." It provides that at 12 o'clock noon, on the 4th day of July, 1913, the officers of the republic shall take their official places and that "on and from that day and hour, and forever thereafter, the present government shall cease to exist." It not only abolishes the government heretofore provided by the Congress of the United States, but it prohibits Congress from hereafter legislating in any way for the Philippine Islands or exercising any control over them, except by the exercise of the veto power upon public acts passed by the Philippine Congress. It does provide that for eight years, or until July 4, 1921, the President of the United States shall have the right to veto all "public acts" of the Philippine Congress, and that if he shall fail to do so, the Congress of the United States may, during the said eight years, annul any bill passed by the Congress of the Philippines. It specifically confers upon the Congress of this proposed Philippine Republic the power to borrow money, to regulate commerce with foreign nations, to constitute judicial tribunals, and to "exercise all other rights of sovereignty," with the proviso that for eight years after July 4, 1913, it shall not have the power to declare war or grant letters of marque or reprisal or make treaties with foreign powers without the concurrence and consent of the United States Government, and that "all treaties and commercial conventions sought to be entered into by the Philippine Government with foreign powers from and after the 4th day of July, 1913, for a period of eight years, shall be submitted to the President of the United States, and by him to the Senate of the United States for its action." The president of the Republic of the Philippines is indeed, for the period of eight years, to be appointed by the President of the United States, by and with the advice and consent of the Senate; and in the same manner members of the Supreme Court of the Philippines may be appointed. Except as I have mentioned, the United States may have no control whatever. Both branches and all the members of the Congress of the Philippines—that body which is not only to legislate upon certain subjects, but is also expressly authorized "to exercise all other rights of sovereignty"—are made elective. The Congress of the United States is deprived of all power to legislate for or concerning the Philippine Islands or the inhabitants thereof; and yet, in the same act, it is distinctly and expressly and emphatically provided and declared that "the United States guarantee to the Philippines their independence, and shall protect them against invasion and, on application of the congress thereof, against domestic violence for the period of eight years from and after the 4th day of July, 1913," and at the expiration of the said eight years the Philippine Republic is "to become an absolute sovereignty in foreign as well as domestic affairs."

From this brief résumé of the bill it will readily appear that, from the very start, the authority of the United States in the Philippine Islands will be taken away. No affirmative action by our Government is permitted, and yet all our responsibilities are to remain.

The bill itself, upon its very face and in its preamble, acknowledges and admits that the Filipinos are not qualified for self-government; that they are not even qualified to adopt their own constitution, for it provides in its preamble that "to secure the blessings of liberty to them and their posterity the people of the United States do ordain and establish this act of Congress as a constitution for the Philippine Islands"; and again, we read in section 28, "that this act is hereby declared to be the constitution of the Republic of the Philippines." What people, qualified for self-government, would ever submit to have their constitution prepared, ordained, and established by another nation? If they are qualified for independence, why shall we force upon them a constitution of our own adoption? If we do insist upon adopting a constitution for them, it must be because we consider them incapable of framing one for themselves; and yet this remarkable bill provides "that the Government of the Philippines, established in accordance with this act, shall assume and carry into effect the treaty obligations of the United States with the Kingdom of Spain." Not merely the obligations of the treaty of Paris, but all treaty obligations with the Kingdom of Spain. Without asking the permission of Spain, which is one of the parties to the treaty contracts, we are to try to slip out from under our obligations and ordain that they shall be assumed and carried into effect by a people who are not qualified even to frame a constitution for their own government.

THE PHILIPPINES NOT A BAD BARGAIN.

The Philippine Islands and the island of Porto Rico were acquired by the United States at the same time, in the same manner, and under the provisions of the same treaty. Why this mad rush to "secure the blessings of liberty" to the Filipinos before they are ready to enjoy them, while we say nothing about securing the same blessings to the people of Porto Rico? The reason is that the people of this country have been studiously taught to believe that, while the United States secured a very good bargain in Porto Rico, it made a very bad one in the Philippines; that the latter are worthless possessions, and are constantly costing our Government enormous sums of money. The facts are exactly to the contrary. The Philippines are very rich possessions. If Germany or Japan or any other foreign nation possessed them, they would never let them go. So much of the territory of Japan is mountainous, barren, and difficult that, industrious and enterprising as they are, the Japanese have been able to bring under cultivation only a very small proportion of its total area. There are more than three times as many acres of rich, fat soil lying uncultivated and untouched in the Philippine Islands as are now cultivated in Japan. Japan supports a population of 40,000,000. The Philippines could as easily support 100,000,000 people. Japanese imports and exports increased from $13,000,000 in 1868 to more than $407,000,000 in 1908. The imports and exports of the Philippine Islands increased from $25,479,922 in 1899 to $104,864,816 in 1912. The imports of the Philippines from the United States increased from $1,150,613 in 1899 to $20,604,155 in 1912; and the exports to the United States from $3,540,894 in 1899 to $16,716,956 in 1911, and still larger figures for 1912.

The soil of the Philippine Islands is so fertile that, although tickled in the crude manner and with the most primitive instruments, it laughs with harvests of great abundance.

Prof. Charles V. Piper, who has spent much time in the Orient, and particularly in Java and in India, recently returned after a visit of six months in the Philippines. In speaking of their agricultural possibilities he says:

The Philippines are probably the most fertile tropical islands in the world. They are certainly far richer in this respect than Java, which has long been heralded as the richest tropical island.

And adds—

I doubt if there is an equal area anywhere in the United States capable of yielding as much agricultural produce as these islands.

He finds, however, that the processes of agriculture are there very crude, and that less than 5 per cent of these rich lands is in actual cultivation. He complains, also, that under the delusion that we are endeavoring to show to the world the pure altruism of our motives, "we are virtually forbidding American enterprise to develop the richest islands in the world."

Of the Filipinos themselves he says:

There can be no question that the great mass of the Filipino people is at present incapable of self-government, and it is misdirected friendship to encourage them in the belief that they can acquire this develop-

ment in less than two or three generations under American tutelage. I do not question the sincerity of Americans who argue that the Filipinos should be given immediate independence, but this would be worse than an error—it would be a crime.

Think of the possibilities, if these people were taught modern methods and the use of modern implements so as to make the most of their lands; and think of the possibilities of trade and the vast market for our products when those islands shall become more densely populated, as they are destined to be when intelligent methods of agriculture shall prevail over their now untouched millions of acres. Already they have become our very largest purchaser of cotton goods, and during the nine months ending September 30, 1912, purchased from the United States 59,654,872 yards of the manufactures of cotton.

Their most extensive and valuable crop is hemp, but in 1912 they exported copra, or dried coconut meat, of the value of more than $16,500,000. This country pays annually many many millions of dollars for rubber. Much of the soil of the Philippines is adapted to its culture, and they could readily supply enough for all our uses. They have splendid sugar lands, but their methods are so antiquated and crude that they can not compete in many markets. They obtain and utilize only about one-half of the juice of the cane, while by modern methods nearly all of it is saved and made into sugar. They make mostly what we used to know as "muscovado," a sugar which is brown in color and cheap in price. There are some 60,000,000 of acres of public lands lying untouched. They are not taken up, partly because an act of Congress restricts to 40 acres the amount which may be purchased by any one man, whereas at least 5,000 acres are necessary to justify the erection of the costly modern centrale in which alone sugar can be advantageously and profitably produced.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. JONES. Will the gentleman please state what is the principal food product of the Philippine Islands?

Mr. OLMSTED. The principal food product of the Philippine Islands is rice, or, rather, that is their principal article of food.

Mr. JONES. Is the gentleman not aware that within the past 10 years there has been imported into the islands to keep the people from starving 2,485,000 tons of rice, of the value of $165,000,000?

Mr. OLMSTED. I can not vouch for the accuracy of those figures, but I am entirely familiar with the fact that they do not produce as much rice as they consume. I am also familiar with the further fact that legislation enacted by Congress, and the changing of which is opposed by the gentleman from Virginia himself, has made it impossible to purchase in that island by one man enough land to make the cultivation of rice profitable. The cultivation of rice can not be carried on profitably upon 40 acres of land, and that is the utmost limit of public lands which can be purchased there now.

Mr. CRUMPACKER. Mr. Chairman, will the gentleman permit a suggestion or a question in that direction?

Mr. OLMSTED. Certainly.

Mr. CRUMPACKER. Is it not true that the rice famine in the Philippine Islands was brought about chiefly by the rinderpest that destroyed the water buffalo, the beast of burden and of agriculture in the islands?

Mr. OLMSTED. That is very largely true as to one or two years. It is also true that, on the average, they do not raise as much rice there as they ought to, or as they consume, or as they would if they were permitted to purchase more land for that purpose.

What the islands need is development—not exploitation, but development. The people should be taught by precept and example how to till their lands to make the most of them. When that has been done the result is sure to be something astonishing. They are very rich possessions.

THE PHILIPPINES ARE COSTING THE UNITED STATES PRACTICALLY NOTHING AT THE PRESENT TIME.

Great efforts are being made to convince the people that the Philippines are a vast annual expense to the United States. President Taft, in recent addresses—and I think, also, in one or more messages—has declared that their present cost to the United States is practically nothing. The gentleman from Virginia a few days ago endeavored to show that the annual expense is $40,000,000.

In arriving at those figures he puts down as an annual expense all the money which has been expended in the last 10 years in permanent fortifications, which will always be necessary to protect the naval stations, the necessity of which even his bill admits and provides for. He charges that our soldiers in foreign service get 20 per cent more pay for enlisted men and 10 per cent more for officers. He alleges that all this extra pay for foreign service amounts to $995,000 and that "practically every dollar of which is paid to our troops serving in the Philippines," and then carries it out into his computation at $12,000,000. The other items which go to make up his $40,000,000 are not very clearly stated, except that the cost of maintaining the Bureau of Insular Affairs at Washington "exceeds $1,000,000." In answer to that I will insert in the RECORD at this point, without stopping to read, a letter from Gen. McIntyre, chief of that bureau, showing that the annual expense at all chargeable to the Philippines is $85,000.

WAR DEPARTMENT,
BUREAU OF INSULAR AFFAIRS,
Washington, February 5, 1913.

Hon. MARLIN E. OLMSTED,
Representative in Congress, Washington, D. C.

MY DEAR MR. OLMSTED: Pursuant to your request for a statement as to the annual expenses to the United States Government of the Insular Bureau, I beg to state that the appropriations for the fiscal year ending June 30, 1913, are as follows:

Officers	$15,000
Personnel	91,840
Rent	2,220
Total	109,060

The appropriation for salaries of the clerical force of the bureau for the fiscal year ending June 30, 1905, when practically all of its work related to the Philippines, was $79,800, and the average annual appropriation for the clerical force during the last nine years has been about $85,000. It would be extremely difficult to determine what proportion of the appropriations for the bureau are properly chargeable to the Philippines, but certainly it would not be fair to charge any greater amount than the appropriation for 1905. At the present time the bureau has charge of the affairs of the civil government in the Philippines and in Porto Rico and the work pertaining to the Dominican customs receivership. The receivership was inaugurated in 1905, and from September, 1906, to January, 1909, the bureau had under its charge the affairs relating to the provisional government of Cuba, so that since the organization of the bureau it has on several occasions been called upon to take over work which at times required the greater part of its attention.

Very sincerely, FRANK MCINTYRE.

So the $1,000,000 of my friend from Virginia drops down to $85,000. An analysis of his other vague charges would result in a much larger proportion of shrinkage. It is not fair to charge against the Philippine Islands the expense of fortifications there, and surely it is improper to charge their entire cost as an annual expense. The pending bill itself acknowledges that whether we do or do not control the Philippines the United States must have "coaling and naval stations" there, for it provides on page 3 that we are to retain them.

Such coaling and naval stations are absolutely necessary, and, of course, if they are to be of any use they must be fortified, so that they may be protected. If the Republic of the Philippines is to be created as a separate and distinct Government, which may or may not always be friendly to us, such fortification must be all the more complete. Nor is it fair to charge as an annual expense of the Philippines any portion of the expense of the Spanish War.

It is safe to assume that the passage of the pending bill would increase rather than diminish the annual expense of the United States in the Philippines. We should have to retain the same troops there for eight years at least, and probably a great many more.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. MARTIN of South Dakota. I understand the gentleman to say that at the present time practically our administration or our relations with the administration of the Philippines is without expense, or at least without great expense.

Mr. OLMSTED. I do.

Mr. MARTIN of South Dakota. Could the gentleman tell the committee, by way of approximation, how much, if anything, it has cost the United States because of our relations with the Philippine people and to their problems, since the treaty of Paris, having no relation to the war itself, but what, if anything, approximately has our policy of an effort at civilization in the Philippines cost from the time, say, of the signing of the treaty of Paris to the present time?

Mr. OLMSTED. Of course, after the treaty of Paris we had some expense in subduing the insurrection and in pacifying the islands. I suppose the gentleman does not mean to include that?

Mr. MARTIN of South Dakota. No; I would not. I have reference merely to the policy that we adopted in reference to the education and the civilization of the Philippines.

Mr. OLMSTED. That policy has cost us nothing under American control. The government there has made vast permanent improvements and yet has been self-supporting. It has a surplus at the present time.

I am not making an argument in favor of the permanent retention of the Philippines. I am merely endeavoring to show that neither as a bad bargain nor as a source of expense to us

are the Philippine Islands deserving of the evil days which the passage of this bill at this time would surely bring upon them and upon us.

IGNORANCE AND LACK OF HOMOGENEITY UNFIT THEM FOR SELF-GOVERNMENT.

The inhabitants of the Philippine Islands do not constitute a homogenous people; some are styled civilized and some are admittedly wholly wild. There are spoken in the islands not less than 15 or 20 different languages or dialects. Very many of those who speak one dialect can not speak or understand another. Only a small percentage of all the people of the islands can read and write in any language or dialect, and less than 3 per cent possess what we would call a fair high-school education.

Mr. QUEZON. Mr. Chairman, will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. QUEZON. Would the gentleman care to inform the House how much personal information he has about the Filipino people and their qualifications for self-government?

Mr. OLMSTED. I will show the gentleman what evidence I have.

Mr. QUEZON. Would the gentleman answer another question?

Mr. OLMSTED. Certainly.

Mr. QUEZON. Has the gentleman ever been in the Philippine Islands?

Mr. OLMSTED. I have not, but I know and the gentleman from the Philippines knows that the inhabitants of those islands do not constitute a homogenous people. He knows there are 15 or 20 different dialects or languages spoken in the islands and he knows that there are no less than 24 different tribes in the islands, 8 civilized and 16 uncivilized.

Mr. QUEZON. Is the gentleman informed that the census of the Philippines Islands, published under the guidance and responsibility of the United States Government, says that the people of the Philippine Islands are more homogenous than are the people of the United States?

Mr. OLMSTED. No; it does not say anything of the kind.

Mr. QUEZON. I will send for it.

Mr. JONES. If the gentleman will permit me I will read it. I have it here.

Mr. OLMSTED. No; I will read it myself.

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Virginia?

Mr. OLMSTED. Not at present; in a moment I will. The gentleman refers to a single paragraph of less than two lines quoted in the report of the Committee on Insular Affairs, from which he draws the inference that the people there are more homogenous than the people of the United States, and there is something in that extract which would perhaps, standing by itself, justify the assertion, but I propose to read further from the Philippine census report in a moment.

Under the present law the requirements of voters in the Philippines are very simple. Anybody may vote who was an officeholder under the Spanish régime or who is able to speak or write either English or Spanish or who is possessed of property to the value of $250 or who pays taxes to the amount of $15 per annum. Any one of these qualifications enables a Filipino to vote. The first Philippine Assembly was elected in 1907. Out of a population of 8,000,000 there were but 98,257 voters.

Mr. QUEZON. Will the gentleman yield for a question?

Mr. OLMSTED. Yes.

Mr. QUEZON. Does the gentleman believe if the people of the United States were required to read and write German before they could vote there would be many voters in the United States?

Mr. OLMSTED. If the people of the United States were required to read the official language of this country, I think a good many of them—millions of them—would be entitled to vote. Spanish is the official language of the Philippines, and has been for 300 years.

Mr. QUEZON. It is not the native language.

Mr. OLMSTED. There are 15 or 20 native languages.

At the election of 1909 there were 192,975 voters, being less than 3 per cent of the population. At the election in 1912 there were registered 248,154, but only 235,786 persons voted. Of those who were registered only 81,916 possessed the requisite educational qualification. The others were registered because they possessed the requisite amount of property or had held office under the Spanish régime. From page 46 of the report of the Philippine Commission for 1912 I read the following:

> The registration, the largest yet recorded, shows a large increase over that of 1909, and included about 3.5 per cent of the census population of the territory holding elections. There were actually cast about 96 per cent of the registered votes, or 3.3 per cent of the population.
>
> Although the educational qualification for voting is not high, consisting only of ability to speak or write either English or Spanish, the proportion of electors shown to possess this degree of education, including the city of Manila, where 86 per cent were literate, was very nearly but not quite one-third of those registered. In the Provinces alone but 30 per cent were educated. This lack of education required a large number of ballots to be prepared by the inspectors, a proceeding which opens the door to fraud and which is known to be one of the chief reasons for the large number of protested elections, which was 210. *The proportion of literate electors to the population in the territory affected was 1.47 per cent.*

In Manila, which is a city of over 400,000 population, 10,508 persons were registered. Of this number 8,963 possessed the requisite educational qualifications. The others were registered upon other qualifications. Of those entitled to vote, 8,963, or about 86 per cent, possessed the requisite education qualifications—not 86 per cent of the entire population, but 86 per cent of those who were entitled to vote. "In the Provinces alone but 30 per cent were educated." This does not mean 30 per cent of the entire population, but 30 per cent of those who were entitled to vote. The other 70 per cent voted on property, tax, or previous office-holding qualifications. The significant fact is that "the proportion of literate electors to the population in the territory affected was 1.47 per cent" including Manila, where the literate are most numerous, but not including Moro and other wild Provinces, where illiteracy is almost universal and where no elections were held. It has been said that the learning of the many is liberty, but the learning of a few is despotism. What liberty would there be in turning over 8,000,000 people to pretended self-government when less than 1½ per cent of them possess sufficient education to vote under the present liberal suffrage laws? What intelligent man can honestly believe that such people are qualified to maintain what the American people understand when we speak of a Republic?

President Taft was the first Governor General of the Philippines. He administered their government with eminent success and was exceedingly popular with the inhabitants. When he became Secretary of War under President Roosevelt he had supervision over their affairs. He visited and was familiar with nearly every Province. His familiarity with the Spanish language enabled him to acquire an unusual amount of information as to their intelligence, their habits of thought, and their desires. His long residence there, his subsequent visits, his association with the people of all classes and of all parts of the islands combine to make him better qualified than any other American to testify concerning them. As Secretary of War he sent a special report to President Roosevelt in 1908, in which he said:

WHAT SECRETARY OF WAR TAFT SAID.

> *Any attempt to fix the time in which complete self-government may be conferred upon the Filipinos is their own interest is, I think, most unwise.* The key to the whole policy outlined by President McKinley and adopted by Congress was that of the education of the masses of the people and the leading them out of the dense ignorance in which they are now, with a view to enabling them intelligently to exercise the force of public opinion, without which a popular self-government is impossible.
>
> It seems to me reasonable to say that a condition can not be reached until at least one generation shall have been subjected to the process of primary and industrial education, and that when it is considered that *the people are divided into groups speaking from 10 to 15 different dialects, and that they must acquire a common medium of communication and that one of the civilized languages, it is not unreasonable to extend the necessary period beyond a generation.* By that time English will be the language of the islands and we can be reasonably certain that a majority of those living there will not only speak and read and write English, but will be affected by the knowledge of free institutions and will be able to understand their rights as members of the community and to seek to enforce them against the pernicious system of caciquism and local bossism which I have attempted in this report to describe.
>
> But it is said that a great majority of the people desire immediate independence. I am not prepared to say that if the real wish of a majority of all the people—men, women, and children—educated and uneducated, were to be obtained there would not be a very large majority in favor of immediate independence. It would not, however, be an intelligent judgment based on a knowledge of what independence means, of what its responsibilities are, or of what popular government in its essence is. But the mere fact that a majority of all the people are in favor of immediate independence is not a reason why that should be granted, if we assume at all the correctness of the statement, which impartial observers can not but fail to acquiesce in, to wit, that the Filipinos are not now fit for self-government.
>
> The policy of the United States is not to establish an oligarchy, but a popular self-government in the Philippines. * * * The presence of the Americans in the Islands is essential to the due development of the lower classes and the preservation of their rights.

And again, in the same report, Secretary Taft said:

> The educated Filipino has an attractive personality. His mind is quick; his sense of humor is fine; his artistic sense acute and active; he has a poetic imagination; he is courteous in the highest degree; he is brave; he is generous; his mind has been given by his education a touch of the scholastic logicism; he is a musician; he is oratorical by nature.
>
> The educated Filipino is an aristocrat by Spanish association. He prefers that his children should not be educated at the public schools, and this accounts for the large private schools which the religious orders and at least one Filipino association are able to maintain. In arguing that the Philippines are entirely fit for self-government now a committee of educated Filipinos once filed with the civil governor a written brief, in which it was set forth that the number of "ilustrados" in the islands was double that of the offices—central, provincial, and municipal—and therefore the country afforded two "shifts" of persons com-

petent to run the government. This, it was said, made clear the possibility of a good government if independence was granted. The ignorance of the remainder of the people, admitted to be dense, made no difference. I cite this to show how little importance an intelligent public opinion or an educated constituency is regarded in the community and government, which many of the educated Filipinos look forward to as a result of independence.

WHAT PRESIDENT ROOSEVELT SAID.

In his special message to Congress presenting that report, President Roosevelt said:

I transmit herewith the report of Secretary Taft upon his recent trip to the Philippines. I heartily concur in the recommendations he makes. * * * No great civilized power has ever managed with such wisdom and disinterestedness the affairs of a people committed by the accident of war to its hands. *If we had followed the advice of the misguided persons who wished us to turn the islands loose and let them suffer whatever fate might befall them, they would already have passed through a period of complete and bloody chaos,* and would now undoubtedly be the possession of some other power, which there is every reason to believe would not have done as we have done. * * * Save only our attitude toward Cuba, I question whether there is a brighter page in the annals of international dealing between the strong and the weak than the page which tells us of our doings in the Philippines. I call especial attention to the admirably clear showing made by Secretary Taft of the fact that it would have been equally ruinous if we had yielded to the desires of those who wished us to go faster in the direction of giving the Filipinos self-government, and if we had followed the policy advocated by others who desired us simply to rule the islands without any thought at all of fitting them for self-government. * * * It may probably be a generation—it may even be longer—before this point is reached, but it is most gratifying that such substantial progress toward this as a goal has already been accomplished. We desire that it be reached at as early a date as possible for the sake of the Filipinos and for our own sake. But *improperly to endeavor to hurry the time will probably mean that the goal will not be attained at all.*

In his last annual message to Congress President Roosevelt said:

The Filipino people, through their officials, are therefore making real steps in the direction of self-government. I hope and believe that these steps mark the beginning of a course which will continue till the Filipinos become fit to decide for themselves whether they desire to be an independent nation. But it is well for them (and well also for those Americans who, during the past decade have done so much damage to the Filipinos by agitation for an immediate independence for which they were totally unfit) to remember that self-government depends, and must depend, upon the Filipinos themselves. All we can do is to give them the opportunity to develop the capacity for self-government. If we had followed the advice of the foolish doctrinaires who wished us at any time during the last 10 years to turn the Filipino people adrift, we should have shirked the plainest possible duty and have inflicted a lasting wrong upon the Filipino people. We have acted in exactly the opposite spirit. We have given the Filipinos constitutional government; a government based upon justice; and we have shown them that we have governed them for their good and not for our aggrandizement. At the present time, as during the past 10 years, the inexorable logic of fact shows that this Government must be supplied by us and not by them. We must be wise and generous; we must help the Filipinos to master the difficult art of self-control, which is simply another name for self-government. But we can not give them self-government save in the sense of governing them so that gradually they may, if they are able, learn to govern themselves. Under the present system of just laws and sympathetic administration, we have every reason to believe that they are gradually acquiring the character which lies at the basis of self-government, and for which, if it be lacking, no system of laws, no paper constitution, will in anywise serve as a substitute. Our people in the Philippines have achieved what may legitimately be called a marvelous success in giving to them a government which marks on the part of those in authority both the necessary understanding of the people and the necessary purpose to serve them disinterestedly and in good faith. I trust that within a generation the time will arrive when the Filipinos can decide for themselves whether it is well for them to become independent or to continue under the protection of a strong and disinterested power able to guarantee to the islands order at home and protection from foreign invasion. But *no one can prophesy the exact date when it will be wise to consider independence as a fixed and definite policy. It would be worse than folly to try to set down such a date in advance, for it must depend upon the way in which the Filipino people themselves develop the power of self-mastery.*

In 1910 Hon. J. M. Dickinson, then Secretary of War and a Democrat, after an extended visit to the Philippines, made a special report to the President, in which, speaking of the attempt of politicians, through the press and in other ways, to stimulate a general demand for immediate Philippine independence, he said:

While, as stated, these are the only views publicly expressed, I became convinced from reliable evidence that many of the most substantial men, while not openly opposing the demands publicly voiced, would regard such a consummation with consternation. They realize that the Government would fall into the hands of a few who would dominate the masses; that the administration, even without outside interference, could not be successfully carried on; *that there would be internal dissensions and probably civil war;* and that if the United States did not interfere they would fall an easy prey to some foreign power.

Mr. JONES. Will the gentleman yield to me for one question?

Mr. OLMSTED. With pleasure.

Mr. JONES. Is it not a fact that the official reports show that out of 12,500 municipal and township officers only three are Americans, and do not those reports also show that of the 29 judges of the courts of first instance 14 are Filipinos; do not the reports show of the judges of supreme court 3 are Filipinos, 1 of whom is the chief justice?

Mr. OLMSTED. Yes; appointed by the President of the United States.

Mr. JONES. And the attorney general of the Philippines is a Filipino. And is it not a fact that the Philippine lawyers are regarded as better lawyers than the American lawyers who are located in the islands?

Mr. OLMSTED. Well, I have no doubt, Mr. Chairman, that there are some Filipino lawyers who are better lawyers than some American lawyers, but that does not prove anything. I assume that there are in Manila a few quite able lawyers. I will assume that there are some able and learned gentlemen there and some very eloquent gentlemen, but they are not the whole Philippine Islands. My contention is that a handful of intelligent aristocrats in the city of Manila can not be trusted to rule 8,000,000 of people, the most of whom are densely ignorant, who do not speak the language common in Manila, and who have not the intelligence to choose their own rulers.

Mr. JONES. Will the gentleman permit just one question more? Is it not a fact that their fiscals—that is, the prosecuting attorneys in the islands—are practically all Filipinos?

Mr. OLMSTED. Very many of them are. It has been the purpose of our people to give as far as possible the municipal offices into the hands of Filipinos, but I notice that actions were brought for the removal of some hundreds of them within the last year or two because of unfitness or of improper conduct.

Mr. LONGWORTH. Will the gentleman yield to me at that point?

Mr. OLMSTED. Yes.

Mr. LONGWORTH. In line with what the gentleman was saying as to the small aristocratic class which desired to assume the reins of government I will quote to him a sentence from a memorial presented to Members of Congress who visited the Philippine Islands in 1906, offered as a particular ground for giving Filipinos immediate independence. It is as follows:

It is undeniable that there exists in the Philippines in sufficient numbers the so-called "directing class," a small portion of which is employed by the present Government in all the branches of administration, cooperating actively and effectively with the Government in its gubernatorial labor. If the Filipino Archipelago has a governable popular mass, called upon to obey, and a directing class in charge of leading, it then has conditions to govern itself by itself. These are the only two factors, without counting the casuals, who determine the popular capacity of a country. The directing class is the entity that knows how to lead, and the popular mass is the entity that knows how to obey.

Does the gentleman think that presents reasons for giving the Filipinos immediate independence?

Mr. OLMSTED. I think it shows that the Filipinos who presented that memorial little understood the qualifications for self-government, republican in form. The memorial itself affords abundant proof of the incapacity of the masses. What we know as republican self-government could not be maintained under such a division of classes as that. We proceed upon the theory that all the people, and not merely a "directing class," are entitled to participate in the Government.

I think that the gentleman from Virginia [Mr. JONES] was a member of that celebrated Taft party, and that he was present when that memorial was presented. The gentleman from Ohio [Mr. LONGWORTH] was there, too, and he will always remember that trip. Both gentlemen doubtless recall that, immediately after the reading of that memorial, Dr. Dominador Gomez, the Filipino labor leader, addressed the Americans present, and, among other things, said:

I must call to the attention of the honorable Members of Congress who hearken to my words the fact of the injustice, if such a word can be used, of the Government of the United States in listening too much and in laying too much stress to the words and representations of that class of people known in this country as the "gente ilustrada," or the learned class.

I trust that the gentleman from the Philippines [Mr. QUEZON] approves my pronunciation.

Mr. QUEZON. It is splendid.

Mr. OLMSTED. He says it is splendid.

One of our representatives present asked whether by the use of the term "gente ilustrada" he referred to the directing class or to the obeying class. In reply, Gomez said:

I was referring to the class of people who live in ease and comfort and who generally represent the intelligence and education of the country.

The census report shows that the directing class constitute no more than 1.6 per cent of the population of the islands. Those who are clamoring most for Philippine independence and those in whose interest this Republic of the Philippines is to be created are the "gente ilustrada." The common people, who represent more than 98 per cent of the Philippine population, would have very little part in it.

THE PHILIPPINE CENSUS REPORT SHOWS THE IGNORANCE AND HETEROGENEOUSNESS OF THE PEOPLE.

The report of the Committee on Insular Affairs in support of the pending bill quotes a paragraph from the report of a former Philippine census, from which the committee draws its own con-

clusion that "the truth is that they are more homogeneous than the people of the United States." Taken as a whole the census report proves just the opposite. Thus, it declares that—

The selection of a sufficient number of intelligent Filipinos able to read, write, and speak the Spanish language, as well as the various dialects of the people, to serve as enumerators and special agents, was by no means a trivial undertaking.

It was estimated that of the 7,000,000 of civilized population 700,000, approximately, could read and write Spanish; but, according to the archbishop of Manila, not more than 7,000 belonged to the educated class.

And again:

In short, a census on the American plan would not have been feasible unless the governors of the organized provinces, the presidentes of the municipalities, the members of the municipal council, and, as far as possible, all of the gente ilustrada (the principalia) were connected with it, so that it might have behind it the support of those classes of the population so influenced then and now with the masses, or common people.

Therefore it was decided to constitute each organized province a supervisor's district and to appoint the governor of the province the supervisor; that the presidentes, or mayors, of the municipalities should be appointed special agents; and "that as many of the councilors and of the principalia as were qualified should be appointed as enumerators." Even at that they had great difficulty in finding a sufficient number of enumerators who could speak, read, and write Spanish, which has for centuries been the official language of the islands.

The report continues:

Many of the presidentes did not understand Spanish at all, and for the same reason, in a number of instances, enumerators had to be taken from one municipality to serve in another. This was, of course, a disadvantage, but was fully expected, as it was well known that in many of the barrios none of the inhabitants could read and write Spanish.

And, of course, they could not speak English.

The report points out that although the Spanish Government made provision for public schools and made the teaching of Spanish mandatory, nevertheless it was generally neglected, and those charged with the taking of the census found and reported that—

The tribes speaking the different dialects had practically no literature and no educational facilities. In short, literacy in any of the dialects is not incompatible with total ignorance on all subjects derived from books. Hence, as shown by the census, withholding instruction in Spanish from the Filipinos kept the great mass of them in ignorance, as the number who had received secondary instruction was but 1.6 per cent of the civilized population, and of the female population but seven-tenths of 1 per cent had received a secondary education. These were able to read, write, and speak Spanish, and comprised what may be called the educated class. In addition there were Filipinos who could speak Spanish without being able to read or write it; although very well known before, this fact was brought out more conspicuously by the census, especially in the selection of enumerators.

Thus the abuse of the Filipinos throughout the first 200 years of their experience with the early colonists, the assiduous and ceaseless efforts of their teachers to humble their pride, stifle their ambition, and impress upon them the superiority of the dominant race, and the utter hopelessness of any kind of equality with them have no doubt had their effect in causing indifference, shiftlessness, and recklessness.

As I have already stated, the provincial governors were made supervisors of the census. They were, of course, all native Filipinos. Some of their reports, published in the census volumes, are interesting and important in this connection. The governor of Abra, speaking of the inhabitants of his own Province, says:

These people differ among themselves in language, in religious belief, the manner of constituting the family, and disposal of the dead, the last being due to the different views they hold relative to the future life. They are also distinguished by radical differences in their manner of dress.

The governor of Zambales says of his Province:

The inhabitants are Christians of different origins, and have also different dialects, the principal being the Zambal, Ilocano, Tagalog, and Pangasinan. Notwithstanding the heterogeneous character of the inhabitants, there does not exist any animosity between them, but, on the contrary, they live in utmost harmony.

And now the governor of Tarlac:

The population of this Province is quite heterogeneous, and it is difficult to make a report regarding their customs, manner of living, etc., being one of the newest of Luzon, the creation thereof dating back only to the second third of the past century. * * *

To the difference of origin of its inhabitants is due also the difference of the dialects they speak—Pamango by those of Pampanga, Pangasinan by those of said Province, Tagalog by those of Nueva Ecija, and Zambales by the Aetas and Negritos, and also Ilocano, by reason of the large contingent of families from the Ilocos Provinces. Hence their customs and manners are also different.

The governor of Pampanga testifies to these words:

The nationality represented by this Province is very notable, with its special dialect, character, and even its physiognomy, notwithstanding its vicinity to Manila. * * * Their customs are peaceable, they are generous, hospitable, and much addicted to order and labor.

They are not free from the various and many superstitions which afflict people who unfortunately leave much to be desired in culture and education, especially if there be added thereto the religious fanaticisms which are so general among the masses.

And now we have the governor of Bataan, who says:

The language spoken is Tagalog, only a few in each town being able to speak and write the Spanish language. Of the total number of municipal councilmen in the Province only one-half are able to speak and write Spanish.

Reading further from the official census report, here is what the governor of Ambos Camarines has to say:

The overwhelming majority of the inhabitants of the Province are of the Bicol Tribe, the only important exception being in Camarines Norte, formerly a separate Province, where the Tagalog predominates. In that district the towns of Capalonga, Labo, Indan, Paracale, Mambalite, and San Vicente are almost entirely Tagalog; Basod, the nearest town to the Camarines Sur border is Bicol. Daet and Talisay are mixed, the Tagalog Tribe showing a majority. * * *

Throughout the remainder of the Province the language in general use is the Bicol, but it is subject to such wide variations in different localities as to practically divide it into distinct dialects, each with manifold diversities, accent, and localisms. As the vast majority of the people have no knowledge of Spanish, and therefore have the local dialect as their sole medium of communication, they are far from a united people, residents of towns separated by but a few miles being considered practically as foreigners to each other. * * *

The masses of the people have in former times had no educational opportunities and are extremely ignorant and superstitious. They are easily led and controlled by strong leaders, are credulous as children when dealing with persons in whom they have confidence, but shy and suspicious as to strangers.

This is the class of people which this pending bill proposes shall be factors in this proposed Philippine Republic.

The Committee on Insular Affairs was unfortunate in citing the census reports in support of its declaration that the people of the Philippines constitute a more homogeneous population than those of the United States. These unprejudiced reports of native governors, contained in the census reports, indicate not only the heterogeneous character of the natives in general, but each governor shows that the people of his own particular Province do not even approximate homogeneity. The census report itself separates the inhabitants of the islands into 8 separate and distinct civilized tribes and 16 distinct wild tribes, all of which, civilized and uncivilized, differ in customs, character, and language.

The gentleman from Virginia himself testifies upon this point. There has been some trouble recently among the Moros at Jolo. Aguinaldo has been accused of inciting it. In the course of his speech the gentleman from Virginia, chairman of the Committee on Insular Affairs, said:

I wish to say that Aguinaldo, who is charged by these Manila correspondents with inciting the trouble down in Jolo, was never in Jolo in his life. He does not speak the language which is spoken down there, and he would not, if he was there, understand a word that was said.

Mr. MOORE of Pennsylvana. How well would the limited number of the educated classes of Manila be able to control the 8,000,000 of the uneducated if American control were withdrawn?

Mr. OLMSTED. They would not be able to control them at all. In the first place those in and about Manila belong to the Tagalog Tribe, the most intelligent and best educated in the islands. The next tribe in importance and intelligence, the Visayans, outnumbers them three to one, and would be jealous of a Tagalog government.

Mr. JONES. The gentleman does me the honor to refer to my remarks in which I said that Aguinaldo had never been in the Moro Province and did not speak the language. His comment is that Aguinaldo was president of the Mololos government. I want to say to the gentleman that Mololos is located in Luzon, and is some 1,000 or 1,200 miles away from the Island of Jolo. President Taft has probably traveled more than any President we have ever had, and yet there are probably States in our Union in which he has never been. The fact that he has been the President of the United States is no proof that he has been into every State in the Union.

Mr. OLMSTED. I mentioned it to show from your testimony that Aguinaldo did not understand and could not speak the language of that Province.

Mr. LONGWORTH. Is there any State where President Taft could go where he could not speak and understand the language?

Mr. OLMSTED. I think he could make himself pretty well understood in any State of the Union.

Mr. JONES. He probably could not speak the language of the Creoles.

Mr. LONGWORTH. He could speak Spanish.

Mr. OLMSTED. It has been charged here that Gov. Gen. Forbes took charge with a surplus of three millions and reduced it to a deficit of four millions.

Mr. QUEZON. I would like to ask the gentleman, in connection with the taking of the Philippine census, if he is informed of the fact that the census was taken in the Philippines

with the aid of the Filipinos, and that it would have been absolutely impossible to take the census without the Filipinos?

Mr. OLMSTED. They had to make the governors of Provinces supervisors and mayors of the towns enumerators to take the census at all, so great was the ignorance there, and many of these high officials were poorly qualified.

Mr. QUEZON. Is the gentleman from Pennsylvania aware of the fact that the Director of the Census acknowledged in his report that it would have been absolutely impossible for the United States to take the census in the Philippine Islands if it had not been for the fact that Gov. Gen. Taft issued a proclamation inviting the Filipinos to cooperate in the taking of the census so that they may show that they were capable for self-government?

Mr. OLMSTED. Of course Americans could not have taken the census where there were 15 or 20 languages that they did not understand, and there were no Filipinos who could have taken it entirely, because there was no one who could speak all the languages or dialects. They had to take the Provinces and towns separately by persons who could speak the particular dialect in each place. Even then they had great difficulty in finding enough persons of sufficient education and intelligence to perform the very simple duties of enumerator. There is nothing in the manner of taking the census nor in the census itself showing capacity for self-government.

Mr. MURRAY. I did not get clearly the first part of the gentleman's remarks. I rise to inquire whether the gentleman believes in a permanent colonial policy by the United States in respect to the Philippines or some ultimate form of self-government?

Mr. OLMSTED. As I said at the outset, I am not arguing in favor of permanent retention. But I do say that at the present time they are not qualified. It is our duty to help them to become qualified.

Mr. MURRAY. Has the gentleman, who is familiar with this situation, any definite plan as to when they shall work out?

Mr. OLMSTED. The evidence all tends to show that it will be at least a generation, or perhaps two, before that time will arrive. Before that time comes there must be general education in some one language, so that people of different Provinces may communicate with and understand each other, and that language ought to be English.

None of the many languages spoken in the Philippines has any literature of its own, save only the Tagalog and the Visayan, and neither of them has a literature of any very great importance. The Visayans outnumber the Tagalogs three to one, but the Tagalogs have a higher average of intelligence. They are the people who live in and around Manila. Aguinaldo's government was practically a Tagalog government, and so would be the Philippine Republic which this bill strives to create, a government not by the people, but by the aristocratic, educated few.

While Spanish was the official language and was the one used by the office-holding class and by the priests, the people generally were not encouraged to learn it, and a large percentage of them can not speak it any more than they can speak English. It is needless to enumerate the difficulties of uniting under a republican form of government so many different peoples, who can not read or write or even speak each other's language. It is only fair to the Filipinos, as indicating their native intelligence and adaptability, to say that they have made greater strides in acquiring the English language during the last dozen years than they did in acquiring the Spanish in three centuries. Mabini himself suggested that English should be the official language of the Philippines. It is the commercial language of the East. There ought to be a general knowledge of English in the Philippines in order to prepare them for self-government, and the spread of the English language is a part of our unfinished work there.

Quoting again from the Philippine Census Reports for 1903, we find it definitely stated that—

> The fact must be impressed that literacy among the people of the Philippines meant the ability to read and write in any language—English, Spanish, or a Malay tongue. Since, in all probability, less than 10 per cent of the people of the islands could speak Spanish or English, the fact is unquestionable that the majority of the people reported as literate could read and write only the native tongues. This is a result of the policy of the friars, who, from motives of their own, discouraged the learning of Spanish by the natives, in order that they might act as intermediaries between the people and the civil authorities, and thus retain their influences over their charges.

The incapacity of the Filipinos for prominent participation even in important private affairs is apparent from the fact that nearly all the commercial houses there are in the hands of Spaniards, Englishmen, Germans, or Americans, and much of the smaller business is in the hands of the Chinese. If they are incapable of managing important private affairs, it is not difficult to reason that they are not qualified to participate desirably in the important affairs of government.

PHILIPPINES SELF-SUPPORTING AND THEIR FINANCES IN GOOD CONDITION UNDER AMERICAN CONTROL.

It has been charged upon the floor that the administration of Gov. Gen. Forbes began with a surplus of three and a half millions and has run it into a deficit of four millions. That is absolutely untrue. Some portion of the surplus has been invested in needed permanent improvements, such as schoolhouses, roads, bridges, and so forth, but there is and has been no deficit. The gentleman from Virginia, angered by President Taft's opposition to his bill, has made a fierce attack upon his administration, and particularly upon Governor General Forbes, who is charged with illegal conduct, extravagance, and nearly everything else. But the charges are not sustained and fall harmless.

Mr. JONES. The gentleman does not mean to say I have made that statement?

Mr. OLMSTED. No; I do not say that the gentleman made it—not directly. He did, however, extend his remarks in the RECORD so as to include the statements of a person who did make it. I do not think the gentleman himself made such a charge, except by inserting in the RECORD somebody else's statement to that effect.

The principal witness produced by the gentleman from Virginia [Mr. JONES] in defense of his charges is Charles B. Elliott, of Minneapolis, who until recently was a member of the Philippine Commission and secretary of commerce and police. According to the native papers and Washington gossip he was endeavoring to undermine and succeed W. Cameron Forbes as Governor General. In any event, the recent conduct of his office was such as to compel President Taft to request his resignation, which was promptly tendered. In the newspaper interview with him included by the gentleman from Virginia as part of his speech he admits that he was an obstructionist, but insists that the most important difference between him and Governor General Forbes arose over the disposition of the funds in years for which the Philippine Legislature made no appropriations whatever.

In 1911, and again in 1912, the Philippine Legislature failed to make any appropriations for the support of government. Fortunately, provision for just such cases was made in the organic law, as follows:

> *And provided further,* That if at the termination of any session the appropriations necessary for the support of government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid.

In 1909 Congress passed a bill, which I had the honor to introduce, providing for Porto Rico a similar provision in almost identical language, as follows:

> *And provided further,* That if at the termination of any fiscal year the appropriations necessary for the support of government for the ensuing fiscal year shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid.

A controversy having arisen in Porto Rico, the construction of that act got into the United States district court and it was there judicially determined.

Mr. JONES. Does the gentleman refer to the case of Navarro against Post?

Mr. OLMSTED. Yes; I refer to that case.

Mr. JONES. I would like to ask the gentleman if he has read the opinion in that case?

Mr. OLMSTED. Yes; I have read the opinion. I will insert it in the RECORD.

Mr. JONES. I will be glad if the gentleman would do so, because the gentleman must know that the court held that the taxpayers who brought the suit against the officials had no right to maintain the action and that the case for that reason was dismissed. The gentleman knows that, if he has read the case.

Mr. OLMSTED. The court did, at the end of its opinion, hold that the complainants, being mere individual taxpayers, had no standing in court to enjoin the governor; but the court passed squarely upon the merits of the case. It is reported in Fifth Porto Rico Federal Reports, page 61, and that the court did pass upon the merits is apparent from the very first paragraph of the syllabus, understood to have been prepared by the judge himself, and which reads as follows:

> 1. Congress, on July 15, 1909, to avoid the crisis brought about by the failure of the Legislative Assembly of Porto Rico to appropriate any money to carry on the government for the current fiscal year, passed an act known as the Olmsted law, which amended section 31 of the organic act of the island (31 Stat. L., 83, ch. 191), and used

this language: "*And provided further,* That if at the termination of any fiscal year the appropriations necessary for the support of government for the ensuing fiscal year shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purpose shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid." Held, that this does not mean that every specific appropriation of the previous appropriation bills is specifically reenacted to be specifically devoted to the purposes specifically set forth in such previous appropriation bills, but that it means that an amount equal to the total of the sums appropriated in such previous appropriation bills is deemed to be appropriated for the support of the government for the current fiscal year, with power in the governor to allot the same to the support of the government as its necessities may require according to the existing law.

I will insert the entire opinion, omitting the syllabus, in the RECORD at the conclusion of my remarks.

Mr. JONES. I would like to ask the gentleman another question right here. Does the gentleman think that the decision of a nisi prius court of Porto Rico would or should bind the action of officials in the Philippine Islands?

Mr. OLMSTED. Well, I think that, whether binding or not, the decision of a Federal court is pretty good authority and ought to be followed. I think also that the court properly construed the act.

Mr. JONES. Then let me, in this connection, ask the gentleman another question: Is the gentleman aware of the fact that the Philippine Commission, when this question came up before it, appointed a subcommittee of three, one of whom was the secretary of finance and justice, who also had been attorney general of the islands?

Mr. OLMSTED. I can not afford to let the gentleman take so much of my time. My time is limited.

Mr. JONES. And is the gentleman aware of the fact that this subcommittee, after an examination of the law, unanimously reported to the commission that the governor general had no right to do what the gentleman now seems to contend he had the right to do?

Mr. OLMSTED. They probably did not have the decision of the court before them.

After consulting with the Secretary of War, Governor General Forbes followed the ruling of the United States court instead of accepting the opinion of Mr. Elliott, and that was the sum of his offending.

The amount apportioned by Governor General Forbes under the full authority of law was, in the first place, not $12,000,000, as stated by the gentleman from Virginia, but was exactly $8,713,894. For the next year the allotment was not made by Governor General Forbes, but by Acting Governor Gilbert, and the amount was not $14,000,000, but $8,625,496.50. But, of course, a mere discrepancy of five or six millions is a small matter for a gentleman who is endeavoring to be precise in his statements of fact.

Baguio and the Benguet road, instead of being "liberally provided for," as charged, were not provided for at all, as not a single dollar was allotted to either of them. Nor is it true that appropriations were withheld because the lower house objected to the expenditure by the Philippine Commission of large sums in the construction of Benguet road. The Benguet road was constructed and completed two years before the First Philippine Assembly was elected. Nothing has been expended upon it since, except by way of repairs. Furthermore, that road is over 30 miles long, instead of 20 miles, as repeatedly stated.

Mr. Elliott was not always in his present state of disgruntlement at Philippine conditions. I hold in my hands a very useful and instructive little pamphlet entitled "Reciprocity and the Philippine Islands." As explanatory thereof, there appears upon the flyleaf the following statement:

DEPARTMENT OF COMMERCE AND POLICE, MANILA.

The Philippine Islands have now reached a point in their economic development when the attention of the public should be called to the business opportunities which are here presented. Questions of a political nature, in so far as they relate to the form and organization of local government, may be regarded as substantially settled. The business and working people are, as a whole, contented, and willing to do their part toward bringing about a condition of economic prosperity.

Believing that the dissemination of accurate information as to present conditions will be of advantage to the people of the United States and of the Philippine Islands, the Government, in connection with the Manila Merchants' Associations, publishes this pamphlet.

CHARLES B. ELLIOTT,
Secretary of Commerce and Police.

MANILA, *August 11, 1911.*

That pamphlet contains more valuable information touching business and conditions in the Philippines than has elsewhere ever been crowded into the same space. I shall quote only what Mr. Elliott thus indorses as "accurate information as to present conditions." On page 11 of this accurate statement of conditions he says:

For an entire decade Congress through its civil representatives has exercised absolute control over the affairs of the archipelago, and it is not indulging in hyperbole to say that the achievements marking these 10 years of rule have been little short of marvelous.

On page 12 he says that—

The Filipino to-day enjoys a measure of practical self-government far beyond anything he even aspired to under the dominion of Spain.

He then goes on to state the various things which have been accomplished, and on page 13 says:

Expenditures have been kept within receipts; the credit of the Islands is first class and I ask the gentleman from Virginia to note these words: They cost the Washington Government not one penny beyond the increased expense of maintaining United States troops stationed here above what their maintenance would cost at home and the cost of fortifications that are to serve as means of permanent defense.

And after a further summary of what we have done for these people he says, at the bottom of that page:

This is, in part, what has been accomplished under American government in the Philippines, and it constitutes a record of achievement that challenges the admiration of the world. The people of the United States may justly be proud of it all.

[Applause.]

According to Mr. Elliott, this is an accurate record of what has been accomplished by what the gentleman from Virginia styles "this American-made, law-defying, self-interested oligarchy" acting in pursuance and under authority of laws enacted by the American Congress.

The indebtedness of the Philippines is $1.50 per capita, as compared with $11.42 in the United States, $23.57 in Cuba, $26.15 in Japan, $31.29 in Brazil, $51.34 in Chile, and $89.46 in Argentina. The amount of interest paid thereon per capita is 6 cents in the Philippine Islands, as compared with 24 cents in the United States, 87 cents in Mexico, $1.97 in Santo Domingo, 74 cents in Cuba, $1.54 in Brazil, $1.55 in Japan, $2.04 in Chile, and $4.85 in Argentina.

The simple fact is that the affairs of the Philippine Government under American control have been more economically and successfully administered than those of most of the States of this Union. The indebtedness per capita and the taxation per capita are both lower than in the State of Virginia or in many others of our States. Under Governors Taft, Ide, Wright, and Forbes, and under the supervision of Secretaries of War Root, Taft, Dickinson, and Stimson, the government of the Philippines has been and is admirable. It is a poor cause which depends for success upon the villification of officers who are performing the duties of their respective positions faithfully, intelligently, patriotically, and well.

LACK OF EXPERIENCE OF FILIPINOS IN GOVERNMENT.

The only experience of the Filipinos in government which the Insular Committee can cite in support of this bill is thus stated in its report:

There were Filipino deputies in the Spanish Cortes during portions of the first half of the nineteenth century, and in the year 1820 17 Filipinos sat in the Spanish Parliament. The Philippine constitution, written by Apolinario Mabini, and proclaimed by the Malolos government in 1899, is justly regarded as a notable intellectual achievement. Among those who represented the Philippine Republic, established by Gen. Aguinaldo in 1898, in the Malolos congress, were many Filipinos of learning, great ability, and unquestioned patriotism.

The experience of Filipino deputies in the Spanish Parliament was manifestly not satisfactory, for they were from time to time permitted, and again forbidden; and finally, in 1856, Philippine representation was permanently discontinued.

Mr. QUEZON. Will the gentleman yield?

Mr. OLMSTED. I yield for a question.

Mr. QUEZON. This is a matter of historical importance——

Mr. OLMSTED. I can not yield for a speech. I have not the time. I will yield briefly for a question.

Mr. QUEZON. I simply wish to remind the gentleman of the fact that the reason why those delegates were taken away from the Philippines was because the Republic of Spain fell.

Mr. OLMSTED. I do not care why they were taken away. They were taken away. They have had no experience in the Spanish Parliament for more than half a century.

Nobody doubts the intellectuality and ability of Apolinario Mabini, but he neither wrote nor approved of the Philippine constitution under which the Malolos or Aguinaldo government pretended to operate for a short period. Those who did write it admitted over their own signatures that in the main they had borrowed it from the constitutions of other countries which they considered most resembling the Filipino people. They said:

The work whose results the commission has the honor to present for the consideration of Congress has been largely a matter of selection. In executing it, not only has the French constitution been used, but also those of Belgium, Brazil, Nicaragua, Costa Rica, and Guatemala, as we have considered those nations as most resembling the Filipino people.

It will be observed that our Constitution was not one of those considered by the commission.

It does not seem to have been very much of a republic, for on June 18, 1899, Aguinaldo promulgated a *decree* for the administration of municipalities and Provinces. The heads of towns, who were to be selected by electors limited to those "marked by their good conduct, their wealth, and their social

position," were in turn to elect a head of the Province and three councilors. Under that decree, before any person elected to office could discharge its functions his election had to be approved by Aguinaldo. Capt. J. R. M. Taylor, of the United States Army, who gave much study to the history of that period, says that the proclamation issued by Aguinaldo "provided a strong and highly centralized military dictatorship, in which, under the form of elections, provision was made for filling all offices by men devoted to the group which had seized the functions of government." Aguinaldo, in effect, ruled in accordance with his own wishes, without much regard for the Malolos constitution. Most of the commissioners empowered to establish government in the Provinces were officers in his army, and either they or delegates appointed by them conducted the elections, restricting the right of voting, under his instructions, to men "marked by their good conduct, their wealth, and their social positions." There were so few qualified under those conditions that in the town of Lipa, with a population of 40,000, a presidente, or mayor, was chosen for whom just 25 votes were cast. In the town of San Carlos, having a population of 23,000, in Pangasinan Province, there was in this way chosen a presidente, or mayor. One candidate, who was a prominent member of the Katipunan, announced his intention of killing anyone who should defeat him. It is needless to state that, although he received very few votes, he was elected. [Laughter.] Some of the townspeople protested, but Aguinaldo approved his election.

The governor of a province in Luzon who had been elected in the manner above indicated throws some light upon the methods of conducting this so-called republican Aguinaldo government. He reported that—

Without losing sight of the fact that morality is the foundation of good government, I had to overlook some faults and irregularities due to the Spanish training and to the spirit of faction, since I considered that if I had employed coercion in these abnormal times I should produce results to be regretted, as my principal purpose was to avoid conflicts between ourselves which would lead to our disunion and would make other nations believe that we were unworthy of having our own independent government. But I was not surprised that *the crassly ignorant, vulgar herd* believed that I acted in this manner to conceal those matters, when, in fact, I was only endeavoring to avoid hidden reefs dangerous to our cause, whose success should be placed far above all private interests.

He having received a telegram from Aguinaldo's secretary covering orders for the making of new tax lists from time to time, he said, in reference to them:

These successive changes in the taxes *excited the ignorant, vulgar people* who, on account of their very ignorance, attributed these changes to an attempt on my part and on the part of the heads of the towns to enrich themselves.

On account of this *the vulgar people* doubted the legality of our actions in the collection of taxes, and accordingly it became difficult. * * * Not only did I make no report of this to the government of the Republic, on account of the abnormality of the present conditions, but I also succeeded in concealing them from the foreigners here, so they should not succeed in discovering the truth, which would be to the prejudice of our cause.

He also had complaint to make of some of Aguinaldo's military officers, charging that—

Maj. Canoy is such a remarkable character that he saw fit to give my cook a beating for not taking off his hat when he met him. He insulted the delegate of rents of Cabagan Viejo for the same reason. He struck the headman of the town of Bagarag in the face. He put some of the members of the town council of Echague in the stocks and he had others whipped.

These people, styled by their own governor a "crassly ignorant, vulgar herd," were the people of a portion of the Province of Luzon, the most advanced of all the islands in the Philippines, and should be a fair sample of the people we are now told are capable of self-government.

I have already pointed out that a member elected to Aguinaldo's congress could not serve unless his election was approved by him. It also appears that in many instances they were not permitted to have any election at all. Thus, in the very first congress which assembled there were 68 members elected and 68 appointed, some having been appointed by Aguinaldo in parts of the Philippines which had not yet been brought under his control. It was a very easy matter for the Government to control such a "representative" body. The congress which finally ratified the constitution consisted of 93 members. Upon a manuscript list found among the papers of the insurgents 81 of these members were divided into three classes: First, those who had been chosen by election; second, those chosen by selection; and, third, provisional members. Of the 81 members found upon this list, only 19 had been elected. And this was under the constitution held up to us by the majority of the Insular Committee as a model. It is merely the expression of a small group of educated natives. It never went into actual operation in any practical or effective way. Aguinaldo and a few men about him constituted the whole government and ran it as they pleased.

January 13, 1899, at 11.40 a. m., Gen. Noriel and Col. Callies, officers of Aguinaldo's army, sent a telegram "To the President of the Republican Government, Malolos," saying among other things:

We also wish to know what reward our government is arranging for the forces that will be able first to enter Manila.

Aguinaldo replied:

Those who will be the heroes will have as their rewards a large quantity of money, extraordinary rewards, promotions, crosses of Biak-na-bato, Marquis of Malate, Ermita, Count of Manila, etc., besides the congratulations of our idolizing country.

Curious rewards to be bestowed by the president of a republic.

Even this Malolos government, so far from being successful financially, authorized a national loan of ₱20,000,000 at 6 per cent and the establishment of a bank in Manila to receive the funds. The bank was never established, and the proceeds of the loan were chiefly forced contributions. People known to have means were ordered to assemble and subscribe in proportion to their means. If they did not appear and subscribe, their lack of patriotism was reported to the president. Parish priests were called upon to invest church funds in the national loan. The governor of a Luzon Province telegraphed to Malolos requesting authority to put the rich men of his Province in jail until they subscribed. Documents captured from Aguinaldo's government in the Philippines contain memoranda sufficient to show that much more money was collected than ever reached the treasury; that unequal systems of taxation were enforced in different Provinces; and that the Tagalog Province, from which the officers of the central government came, received special favors in that respect. Cavite, the home of Aguinaldo, was taxed most lightly of all.

There is certainly nothing in Philippine experience prior to their participation in government under American control that affords any evidence of their qualification for self-government under republican forms. Everything indicates that they were not so qualified, for the leaders of that period were unwilling or unable to put republican principles into practice.

Mr. MURRAY. May I ask the gentleman from Pennsylvania what plan the gentleman believes in to give them experience and self-government?

Mr. OLMSTED. A large number of the municipal officers are Filipinos, and we have given them one branch of the legislature entirely. Let me show you how that works: The upper branch is appointed by the President of the United States; that is, the senate, or Philippine Commission, composed of nine members, five Americans and four Filipinos. The assembly is the lower branch and is composed of natives. The upper branch has frequently to check the action of the lower by refusing to adopt their bills. That causes some friction. As an instance of one of these bills, here is assembly bill 395, which passed the lower house December 27, 1910, but was laid on the table in the upper branch January 31, 1911, after the presentation of the report of the proper committee, showing the object and effect of the bill. I will print that report, together with a translation of the legal terms used.

Mr. QUEZON. Will the gentleman yield?

Mr. OLMSTED. I am sorry, but I have only 10 minutes left.

The effect of the bill, as explained by the committee, would have been to allow many persons guilty of rape and certain other specified offenses to go unpunished. Such crimes were to be considered and dealt with as offenses against the victim who might or might not institute proceedings, but not as public offenses or offenses against society. Is the gentleman from Virginia willing—would any gentleman be willing—to have that most horrible of offenses no longer subject to public prosecution? Should Filipino women be placed in that position? Was the passage of such an act through the lower branch a very high tribute to their capacity for self-government?

Mr. LAFFERTY. Did that bill pass?

Mr. OLMSTED. No; the upper branch, appointed by the President, refused to pass it.

Mr. MURRAY. Will the gentleman print the circumstances surrounding that bill?

Mr. OLMSTED. I do not know about the circumstances or what they were.

Mr. MURRAY. Whether it was debated?

Mr. OLMSTED. I do not know whether it was debated or not. I do know that it was passed by the lower branch, and that is enough.

Here is another bill, which passed the lower house, taking away from the judiciary all right of intervention in the selection of jurors for the trial of criminal causes and vesting that power in the political bodies known as provincial boards and with each person charged with crime himself to select one juror. The bill also proposed to increase the compensation of jurors above what is paid in any State of which I have knowledge. It would establish a set of professional jurors, elected by political influence, and render the administration of the criminal law a

farce. Such experiences as that in self-government do not show that they are as yet entirely qualified to select both branches themselves.

COMPARISON WITH SIAM.

The report of the majority of the Committee on Insular Affairs, in favor of the pending bill, sets up the Kingdom of Siam as the chief example "among the small countries whose independence, although preserved inviolate for ages, has never been guaranteed by international treaty or otherwise" of a country which "with no standing army has never fallen a victim to any land-grabbing nation," and as one "which maintains a stable, as well as an independent, government." Take notice that Siam is a monarchy, a kingdom. Nobody has ever dreamed that it was capable of self-government as a republic, in which the people themselves were to have some voice. But let us see how it succeeds as a kingdom. Siam is a sort of buffer State between British and French possessions. By an agreement made in April, 1904, between Great Britain and France each of those powers disclaimed any intention of annexing Siamese territory, and yet only three years later France claimed and now occupies some 7,000 square miles of Siamese territory. Two years after that Great Britain in some manner gained possession of and now occupies 15,000 square miles of what had been Siamese territory. Upon this point the committee might well consult the Statesman's Yearbook (1911). From that authority it appears that both France and Great Britain possess extraterritorial rights not only in their respective "spheres," but throughout the Kingdom of Siam. The International Encyclopedia, after bringing its account of Siam down to 1893, adds:

> Since that time the French sphere of influence has been extended still farther west, and, were it not for Great Britain, doubtless France would absorb the kingdom. It remains a "buffer" State, whose future depends upon its powerful and mutually jealous neighbors.

Moreover, the statement of the Insular Committee that Siam has no standing army is not true, if we may trust the Statesman's Yearbook, which says:

> Universal liability to military service upon the European model is now in force in all the Provinces [of Siam].

In December, 1911, a representative of the United States was present at the coronation ceremonies of the present King of Siam, and in his report, written by him without thought of use in this connection, he says:

> I had the opportunity of seeing 26,000 Siamese troops in review and of inspecting the housekeeping of a battalion of the Royal Guard and of a visit to the national military academy.

The Siamese military academy has about the same number of cadets as we have at West Point. The Siamese army is larger than the United States Army was prior to the Spanish War, and we have never had 26,000 standing troops of the Army of the United States passing in review at any one time. But even this army is not whatever protection there may be in the jealousy of two great nations, has not prevented the Kingdom of Siam from losing 22,000 square miles of its territory. If this kingdom can not maintain itself and protect its possessions, its example does not furnish much encouragement for the setting up of a republic in the Philippines.

GREATER AVERAGE INTELLIGENCE AND EDUCATION REQUIRED IN A REPUBLIC THAN IN A MONARCHY.

No one will dispute the proposition that a successful republic, using that term in its modern sense, requires that there shall be not merely a handful of men of sufficient intelligence to govern, but higher averages of intelligence and education in the people at large and greater unity in thought and action than might be essential in some different form of government. Even if it could be found that the existence of the Philippines as an independent nation would be possible under a dictatorship or a monarchy it must be admitted by anybody who has studied their conditions that their existence as an independent republic like our own is impossible at the present time. When the thirteen American Colonies were organized into one Nation they had been practically self-governing colonies for a long time. The 3,000,000 of people which then constituted our population were people of the highest order of intelligence, far above that of the average of people of other countries. In forming this Union, under a republican form of government, they practically continued forms to which they had long been accustomed. But it would not and could not be so with the Philippines. This, the greatest of all republics, must desire that any republic which it helps to establish shall be worthy of the name and shall prove successful. Our Constitution, which has largely been copied into this proposed independence bill to be the constitution of the Philippines, was understood by and was applicable to our people at the time of its adoption, but it is not at all adapted to the people of the Philippine Islands or, rather, they are not adapted to it. Comparatively few of them could read it even if it were translated into Spanish, and still fewer of them would understand it or be capable of participating intelligently in such a form of government.

The withdrawal of the United States from the Philippines would bring about conditions there worse than those existing to-day in Mexico. As I have already pointed out, the Tagalogs in and about Manila possess the most of the intelligence and education in the islands. The Visayans, however, outnumber them three to one and would naturally resent a Tagalog government, as this would surely be. The Moro Province has a few intelligent people, but is non-Christian and uncivilized. The Moros are satisfied to be governed by the United States, but would resent government from Manila.

When Secretary of War Dickinson visited the islands in 1910, he went to Zamboango, and those Moros came in to greet him. He has very kindly presented me with a typewritten copy of a volume which is, in a certain sense, a diary, but which contains full reports of all speeches made by him or to him at public meetings of any kind. From that volume I extract the following speeches of some Moro leaders, as interpreted into both English and Spanish and stenographically reported:

Datu Mandi spoke as follows, his remarks being interpreted in English by Mr. Edward Schuck:

"I am here, El Raja Mura Mundi, representing the Moros. Here they are, the whole crowd of them, come to honor the Secretary of War. As I look about I see far more Moros than the Filipino contingent, and if that is so, that is the reason it is called the Moro Province." [Tremendous applause from the Moros.]

"When first the Americans came here, from the very beginning, whatever they asked me to do I did. I was loyal to them ever. Now I have heard a rumor that we Moros are in the hands of the Filipinos.

"In the Spanish times I was a datu (when the Spanish left this became a republic). Then I saw and found out that things did not go well. When a man had two measures of rice one was taken from him; when a man had two head of cattle one was taken away from him." [Applause by the Moros.]

"If the American Government does not want the Moro Province any more they should give it back to us. It is a Moro Province. It belongs to us." [Tremendous applause by the Moros.]

Datu Sacaluran spoke as follows:

"I am an old man. I do not want any Moro trouble. But if it should come to that, that we shall be given over to the Filipinos, I still would fight." [Applause.]

Ulankaya Ujaton said:

"I am not a civilized man, but I have learned the slavery, killing, and stealing is a bad thing. We do it no more. But, if that it should be that we shall be given over to another race, we had better all be hanged." [Applause.]

Nadji Nungnui spoke as follows:

"I want to tell the Secretary of War that I am a Samal. I come from the Samal race. The Samal race—in former days there was not a worse race than the Samal race, and that was in the olden days. Ever since the Spanish times up to now we have learned different.

"The Secretary of War must look the matter in the face. We are a different race; we have a different religion; we are Mohammedans. And if we should be given over to the Filipinos, how much more would they treat us badly, when they treated even the Spanish badly, who were their own mothers and their own fathers in generation? How did they treat them? Think about it! Think twice! We far prefer to be in the hands of the Americans, who are father and mother to us now, than to be turned over to another people." [Applause.]

A set of resolutions was at the same time presented to the Secretary of War, setting forth that "Moro Province is inhabited by many races and different tribes, with differences in religion, customs, and habits, with a varying degree of civilization," and, further, that "We have the best form of government possible under existing conditions, and we want no changes at the present time."

What would be the condition of the United States to-day if we were under guaranty to protect Mexico from domestic violence, as well as from foreign invasion, just as this bill provides that we should be under guaranty to protect the proposed Philippine Republic? And can anybody doubt that in less than six months after the passage of that bill conditions in the Philippines would be pretty much on a par with those now existing in Mexico? The United States could not under any circumstances sit idly by and see those tribes and peoples fighting among each other; nor could it, either before or after the expiration of the eight-year period, permit any other power to war upon and seize them. By withdrawing all our authority over them, as this bill proposes—save only in the matter of vetoing their public legislation—we should destroy our own power to maintain peace and good government, while our responsibilities and our expenses would be even greater than they are now.

SUMMARY.

The people of the United States will never consent to the establishment of an oligarchy, a monarchy, or any form of independent government other than a republic in any possessions over which the American flag now floats.

A republican form of government, to be successful, requires a greater degree of intelligence in the people than does a monarchy.

In a country where the well-educated, or "directing class," constitute less than 2 per cent of the entire population and wholesale illiteracy prevails among the others, it would be impossible to conduct a government "of the people, by the people, for the people." It would be an utter failure and would soon "perish from the earth." [Applause.]

Under American control the Filipinos are prospering and have greater participation in government than they ever enjoyed before and all that they are at the present time capable of exercising.

The present government of the Philippines is wise, economical, and self-supporting.

The Filipinos are making good progress under American control and, given sufficient time, may become, but are not now, fitted for self-government.

The passage of the pending bill would destroy American authority in the islands, and at the same time increase the responsibilities and expenses of the United States.

Whether we like it or not, the responsibility for the Philippines rests upon us.

The passage of this bill would be an attempt to shirk responsibility; it would not succeed, but it would be an act of abject cowardice and of the extremest folly. [Applause.]

The following are the documents referred to in the foregoing remarks:

IN THE DISTRICT COURT OF THE UNITED STATES FOR PORTO RICO.

Herminio Diaz Navarro and Cayetano Coll y Cuchi, complainants, *v.* Regis H. Post, governor of Porto Rico; Samuel D. Gromer, treasurer; and George C. Ward, auditor of Porto Rico, respondents. No. 655, equity.

Rodey, judge, delivered the following opinion:

This is a bill in equity filed by complainants, alleging themselves to be members of the House of Delegates of the Fifth Legislative Assembly of Porto Rico and citizens and taxpayers of the island, against the above-named respondents as such officials of the local government. The cause was originally filed in an insular court, but was removed by respondents to this court, and held here against a motion by complainants to remand after a full hearing in that behalf. Complainants pray that the governor, treasurer, and auditor of the island be enjoined from paying out of the treasury of Porto Rico, as it is alleged they are doing, money to sustain the Government of Porto Rico during the present (1909–10) fiscal year in a pretended compliance with the act of Congress of July 15, 1909, known as the Olmsted bill. They contend that this act of Congress simply reenacted and extended the appropriation bills of the island of March 12, 1908, for another fiscal year, to end June 30, 1910, and allege that instead of complying with its terms the executive council held a meeting, and by itself, without the concurrence of the house of delegates, fixed the salaries not fixed in the organic act of all officials, employees, etc., of Porto Rico, and that thereafter the governor by himself alone allotted moneys to different funds as he desired, and that such money is now being paid out without authority of law, etc.

The respondent officials contend that the Olmsted law simply appropriated "an amount equal to the sums appropriated in the last appropriation bills for the purpose of supporting the government until the legislative assembly shall act in the premises," and that in the meantime it is simply the duty of the executive council and respondents to do what they have done.

The issue between us is raised by a demurrer interposed by the respondents to the complaint, in which it is alleged (1) that complainants have not in law stated a cause of action; (2) that they have failed to show that they suffer any injury or damage because of the doing of the acts complained of; (3) that they have not shown any special interest in the result of the action they complain of different from the interest of other taxpayers; (4) that they have failed to show that the result to them would be any different if respondents should act in accordance with complainants' theory of the interpretation of the law in question; (5) that a reading of the bill and a reading of the laws referred to will demonstrate that respondents' actions are in all respects proper and legal; (6) that complainants have failed to show that their individual condition as taxpayers would be worse or more burdensome because of the acts complained of; and (7) that they have failed to show that they have any personal interest in the matter in controversy, or any such interest as would entitle them to relief in a court of equity, and that for each and all of these reasons the cause should be dismissed, etc.

The bill, of course, fully sets forth, and it is now so commonly known in Porto Rico and throughout the Nation as that the court would in any event take judicial notice of it, that the Fifth Legislative Assembly of Porto Rico at its recent session beginning January 11, 1909, adjourned on the 11th of March following without having made any appropriations to sustain the government of the island for the ensuing fiscal year (1909–10), and again failed to do so after being immediately called in special session on March 12 by the governor for that purpose, and finally adjourned on March 16, 1909, without having done so. This failure naturally brought on a crisis in the island's affairs and caused the President to send a special message to Congress on the subject under date of May 10, 1909, and also induced Congress, under date of July 15, 1909, to amend section 31 of the organic act of the island, commonly known as the Foraker law (31 Stats., 77), by adding the "Olmsted bill" as a proviso thereto, the material portion of which amendment is as follows:

"*And provided further*, That if at the termination of any fiscal year the appropriations necessary for the support of government for the ensuing fiscal year shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purpose shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid."

The bill then goes on to state that on the 20th of July, 1909, immediately after the approval of said amendment to the organic act by the President of the United States, the Executive Council of Porto Rico held a meeting, and by itself alone—the house of delegates not then being in session—passed the following resolution:

"Whereas section 36 of the act of Congress entitled 'An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes,' approved April 12, 1900, provides that the salaries of all officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, shall be such and be so paid out of the revenues of Porto Rico as the executive council shall from time to time determine; and

"Whereas the salaries of all officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, have not been fixed by the executive council, nor the manner of their appointment out of the revenues of Porto Rico been determined for the fiscal year ending June 30, 1910; and

"Whereas it is necessary that such salaries and the method of their payment be determined: Now therefore be it

"*Resolved by the Executive Council of Porto Rico:*

"(1) That until otherwise provided all officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, for the fiscal year ending June 30, 1910, and their salaries, shall be such as were in effect on June 30, 1909, and said salaries shall be paid monthly by the treasurer of Porto Rico upon the warrant of the auditor, countersigned by the governor.

"(2) This resolution shall be deemed to be in force and effect from and after July 1, 1909."

It then proceeds to complain that this action of the executive council in thus fixing the salaries of all the officials of the island not appointed by the President, and providing for the mode of payment thereof, was in open disregard and in plain violation of the Olmsted law aforesaid, which law, as complainants contend, simply provided that the appropriations for such purposes made by the second session of the Fourth Legislative Assembly of Porto Rico should remain in force for the succeeding fiscal year to end June 30, 1910, and providing for the payment thereof by the treasurer with the advice of the governor alone.

The bill also alleges that in accordance with said resolution the auditor has drawn warrants for and the treasurer has paid all such salaries, expenses, etc., not by authority of said Olmsted law or in compliance therewith, but against the expressed terms thereof, and that said officials intend to and will continue to so so, etc. It is next further set out that respondent, Regis H. Post, governor as aforesaid, after the enactment by Congress of said Olmsted law, and after such fixing of the salaries of the officials by the executive council did, as before stated, alone and by himself, without the concurrence of the legislative assembly, make a number of appropriations or allotments of money to different funds to carry on the government of Porto Rico, all of which allotments it is alleged are wholly illegal and without authority of law; and that respondents, Gromer and Ward, treasurer and auditor aforesaid, are allowing, permitting, and taking part in such illegal appropriations, allotments, and payments, all contrary to law, etc.

Complainants then set forth that they have a right to oppose this illegal expenditure of their taxes and of the moneys of the people of Porto Rico, and that if the same is permitted to continue complainants will be deprived of their rights and great damage will be caused to them as well as to the rest of the taxpaying community, and that they have no adequate remedy at law, and are therefore obliged to appeal to this court of equity, in which they pray for proper relief, and that respondents be enjoined, etc., and that no payments from the treasury of Porto Rico be permitted save under the appropriation bills of the fourth legislative assembly of the island that was made for the fiscal year ending June 30, 1909, etc.

As we understand the contention between the parties it is this: Complainants claim that this "Olmsted law" should be construed as if instead of saying "an amount equal to the sums appropriated in the last appropriation bills for such purpose shall be deemed to be appropriated," it read, "the several appropriation bills for the previous fiscal year shall each be considered as specifically reenacted and severally continued in force."

On the other hand, the respondents, as we understand it, contend that the language used simply means that an amount equal to the sum of the total appropriations for the support of the Government for the previous fiscal year shall be deemed to be appropriated, and that then the treasurer, with the advice of the governor, may make all payments necessary to support the Government until the legislature shall act.

To be frank about it, we can not see that there can be much difference in the result, because on examining the appropriation bills referred to—Session Laws, 1908, pages 44 et seq.—we find that the very largest portion of the appropriations for that year consist of money for salaries and expenses and for the carrying out of the regular, indispensable functions of the Government, but that still there is quite a fraction of the appropriations that might be said to be for the carrying on of the Government during that fiscal year which would be unnecessary the succeeding year, such, for instance, as a $30,000 appropriation for election purposes, when there is no election to be held this year, but if complainants' contention is right and the revenues should prove to be insufficient the present fiscal year to do all the things for which appropriations were made last year some of the ordinary functions of the Government might have to fail of being carried out, while as to others most or the whole of the particular appropriation would remain unused in the treasury, without power in anyone to apply the money to those necessary governmental purposes. It is hardly to be presumed that Congress, while trying to relieve a crisis, should so phrase a statute as to accomplish only a portion of what was intended.

We have been urged to resort to the debates in both Houses of Congress, pending the passage of this "Olmsted law," with a view to determine what the intention of Congress really was, and complainants contend that these debates establish their view of the intention of Congress beyond any question. We have done so, and confess the labor was unprofitable. It is, of course, well known that while courts may resort to the history of the times and to an examination of the conditions that necessitated the passage of a law, and may consider the mischief that was to be remedied, so as to be able to understand the object and meaning of the legislature if the act in and of itself is ambiguous, still it is not proper for a court to resort to or to be bound by the individual views of legislators as expressed in debates during the passage of the law. Such action is universally held to be improper. (See Lewis, Sutherland Statutory Construction, 2d ed., vol. 2, sec. 471; also our opinion in the Vallecillo y Mandry *v.* Bertram case, 2 P. R. Fed., 53; United States *v.* Oregon & C. R. Co., 57 Fed., 426; Carter *v.* Hobbs, 92 Fed., 595; Fay *v.* City of Springfield, 94 Fed., 421; United States *v.* Union Pacific R. R. Co., 91 U. S., 79; District of Columbia *v.* Washing-

ton Market Co., 108 U. S., 243; United States *v.* Freight Association, 166 U. S., 291; and Dewey *v.* United States, 178 U. S., 521.)

In looking into the history of this sort of legislation we find that a somewhat similar provision appeared—so far as we can ascertain for the first time in our national legislation—in the organic act for the Territory of Hawaii in the year 1900 (31 Stats., 150). Section 54 of that act contains a provision that is not difficult to understand. It reads as follows:

"That in case of failure of the legislature to pass appropriation bills providing for the payments of the necessary current expenses of carrying on the government and meeting its obligations as the same are provided for by the then existing laws, the governor shall, upon the adjournment of the legislature, call it in extra session for the consideration of appropriation bills, and until the legislature shall have acted the treasurer may, with the advice of the governor, make such payments, for which purpose the sums appropriated in the last appropriation bills shall be deemed to have been reappropriated."

The next place where this sort of a provision of law appears is in section 7 of the organic act of the Philippine Islands, passed in 1902 (32 Stats., 694). This particular section of the Philippine law was amended and reenacted on February 27, 1909, but it appears that no change is made in the portion of the section that we are here discussing. The provision we refer to regarding the continuance of appropriations for the support of government where the legislature adjourns without making the same is word for word as the Olmsted law, supra, when first introduced in the House at the recent session of Congress, although in the Olmsted Porto Rican law before it was finally passed the word "session" in the first line was stricken out and the words "fiscal year" substituted, and the words "for the ensuing fiscal year" were inserted after the word "government" in the second and third line, so that the Olmsted law now reads as first above set out: "That if at the termination of any fiscal year the appropriations necessary for the support of government for the ensuing fiscal year shall not have been made, etc."

It will be noticed that Congress, in the Hawaiian act, said, "for which purpose the sums appropriated in the last appropriation bills shall be deemed to be reappropriated"; and two years later, when legislating for the Philippines—although this provision of the Hawaiian act was before it—the language used was entirely different, and instead Congress said: "An amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed as appropriated."

It will be noted (supra) that there is another slight difference between the Philippine provision and the Olmsted law, in that in the former the word "purposes" is used in the plural twice, while in the latter it is singular when first used and plural when last used. Now, it is manifest that Congress deliberately worded the Philippine provision different from that of the Hawaiian for reasons that no doubt seemed sufficient, and probably omitted putting in such provision in the Porto Rican original organic act (Foraker law), although it was passed the same year as the Hawaiian Act, because no doubt it was thought there would be no need for it in the case of a people so advanced as the Porto Ricans were believed to be.

We would have no difficulty in sustaining the view complainants take of the Olmsted law in the case at bar if the language used was the same as that used in the Hawaiian Act, but not so when we consider the language that actually is used, that "an amount equal to the sums appropriated in the last appropriation bills for such purpose shall be deemed to be appropriated," which is quite different from saying "for which purpose the sums appropriated in the last appropriation bills shall be deemed to have been reappropriated."

When we attempt to ascertain the object of the passage of such a provision at all, even if we did not possess or could not take judicial notice of the knowledge before referred to of the recent action of the local house of delegates, the very language of the Porto Rican provision would indicate that its object is to prevent the hampering or stopping of the government in any manner.

Gov. Taft, of the Philippine Commission, now President of the United States, in a letter to Representative COOPER, of the House of Representatives, written from Cincinnati, Ohio, on May 13, 1902, on the eve of his departure for Rome, used this language, as same can be seen on page 471, part 8, volume 35, CONGRESSIONAL RECORD, Fifty-seventh Congress, first session, Appendix:

"A provision that appropriations shall not fail because of any obstruction in the popular assembly will prevent its being made an instrument for choking the government."

And in the same RECORD, on page 628, Representative CRUMPACKER states that Gov. Taft, in an article in the Outlook of date the 31st of May, 1902, previous, when referring to the Philippine Islands, stated that "danger from obstruction of the government by withholding supplies is avoided in a section of the House bill by a provision that should the appropriation bills not be passed, appropriation equal to those of the year before shall become available without legislation." President Taft, in his message to Congress of May 10, transmits therewith Secretary Ballinger's report recommending that the organic act of Porto Rico be amended to automatically provide in such cases an appropriation equal to the sums appropriated in the last appropriation bills for such purposes until the legislature shall have acted.

After the examination we have given the subject, we are of opinion that the clear intention of Congress in wording the Olmsted bill as it did was because it well knew that at best one year's appropriations can not be made to exactly fit the requirements of another year, and therefore it is thought best to appropriate a lump sum equal to the total of the previous year for the support of the Government, leaving it to the discretion of the governor to reallot or subdivide this money from time to time to support the Government until the legislature shall act.

The attorney general of the island has submitted to us as part of his argument in this case his letter to the governor of Porto Rico of July 19, 1909, in response to a request for his opinion as to the manner in which the act in question ought to be construed. After the examination we have made of the subject before us, we are constrained to conclude that the attorney general, in the painstaking effort which he made to properly advise the governor in the letter referred to, is right in his conclusions, and we can not better express the views he presented to the governor than by quoting his own language, which is as follows:

JULY 19, 1909.

The GOVERNOR OF PORTO RICO, *San Juan.*

SIR: Pursuant to general conversations heretofore had between us and in participation with the auditor, the treasurer, and the secretary of Porto Rico, referring to the construction to be put upon the act of Congress approved July 15, 1909, hereinafter quoted in part, and having to do with the provision made by Congress for the support of the Porto Rican Government when the legislature shall have failed to pass the regular appropriation bills for that purpose, and, at your suggestion that I render an official opinion in answer to the various inquiries which arose during our conversation, I beg to say:

I have before me the act in question as it passed the House of Representatives June 7, 1909, printed and attested by the Clerk and Chief Clerk of the House of Representatives. I also have a copy of the telegram to you from the Chief of the Bureau of Insular Affairs of the War Department, purporting to quote the act as approved. I note certain small differences between the text of the act as printed and the act as transmitted by wire to you, and though these differences are of slight importance, I shall assume, for the purposes of this opinion, that the printed copy is more apt to be exactly correct than the copy transmitted by telegram, particularly in view of the fact that the telegraphic dispatches from Washington on July 8, and printed in our local press, have stated that the act in question passed the Senate without amendment. The part of the bill to which this opinion relates amends section 31 of the Foraker Act by adding the following proviso:

"*And provided further*, That if at the termination of any fiscal year the appropriations necessary for the support or government for the ensuing fiscal year shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purpose shall be deemed to be appropriated, and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid."

I have tried to reach a correct conclusion as to exactly what was meant by the language employed. It is open to two possible constructions—one being to the effect that Congress intended to reenact last year's appropriations; another to the effect that Congress intended to make one appropriation only, in amount equal to all of the appropriations of last year, constituting one lump sum, to be expended by the treasurer, with the advice of the governor, for the support of the Government. I adopted, after painstaking consideration, the latter construction, and I am led to that conclusion by many considerations which I shall in part state.

In the first place, sums of money are not appropriated, but, in the language of the act, "an amount equal to the sums appropriated in the last appropriation bills." It is a well-known canon of statutory construction that language is to be construed in its ordinary significance, and applying that canon to the language of this act, I am constrained to believe that Congress appropriated "an amount" and not "sums." Furthermore, if it had been the intention of Congress to reenact for each of the activities of goverment the sums appropriated last year for those purposes, the obvious, easy, and natural thing for Congress to have done would have been to use appropriate language to that effect; for instance, "amounts equal to the sums last appropriated shall be deemed to be reappropriated," or "the appropriation bills of the preceding fiscal year shall be deemed to be reenacted." But, on the contrary, Congress, in using the language first herein quoted, has made it clear, as it seems to me, that the "purpose" is the support of government and that the appropriation is of an amount sufficient to accomplish that purpose, which amount is to be subdivided into appropriate allotments, corresponding to the necessities of each department and activity of the government as provided by law. In further support of this view, it may not be improper to call attention to the fact that the language of this proviso was first enacted into law by the Congress of the United States in legislating for the Philippine Islands and in anticipation of a possibility that the Legislature of the Philippines might fail to agree upon the appropriation bills necessary for the support of government, and it seems reasonable that the Congress appreciated that the necessities of government vary for different branches from year to year and that it would be inexpedient to limit the sums to be spent in one fiscal year for each department or branch of the public service to the amounts which had been deemed by the legislature appropriate to the necessities of a different year. The Congress, therefore, in order to give to the provision sufficient flexibility to adapt it to the new and different necessities of the government, preferred to appropriate one total amount, rather than specific sums, for each of such services. Likewise the Congress of the United States, in disposing of the situation which had actually arisen in Porto Rico, seems to have concluded that it would be best to employ the same language as had been employed in the case of the Philippines to meet a possible contingency and for like reasons. I therefore conclude that the intention of Congress was to make one appropriation only, applicable to the necessities of government, to be allotted in a manner best adapted to the requirements of the fiscal year to each one of the services of the government as should prove requisite.

Passing now to the machinery which has been provided by Congress to ascertain what sums are to be thus allotted to the different departments of the Government, I quote from the latter part of the proviso: "And until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid." In the first place, it is plain that the legislature may, at any time when it can lawfully assemble, take this whole matter out of the administrative powers of the Government by passing regular appropriation bills. Until such time, however, as the legislature shall do so, I am of the opinion that it was the intention of Congress to substitute the discretion of the governor for the discretion of the legislature in all cases where legislative enactment would otherwise have been necessary by the Legislative Assembly of Porto Rico. I call your attention to the fact that the word "advice" is the same word employed in the Constitution of the United States in many places; for instance, in Article II, section 2, of the Constitution of the United States it is provided that the President shall have power, by and with the advice and consent of the Senate, to make treaties. Under such provisions of the Constitution it has been regularly held that the advice and consent of the Senate is absolutely necessary to effectuate a treaty. The same provision is found in the Constitution in regard to presidential appointments to office, and the same rule has been applied.

I conclude, therefore, that with respect to all expenditures requiring legislative enactment under the Foraker Act the governor's advice takes the place of a legislative enactment, and that it is incumbent upon the governor to authorize the expenditures for all such purposes.

In order to ascertain where the governor's powers in this regard begin and end I have to call to your attention the language of section 36 of the Foraker Act, which says: "That the salaries of all officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, shall be such and be so paid out of the revenues of Porto Rico as the Executive Council shall from time to time determine." In the same section are fixed the salaries of the officials appointed by the President, and the section further provides that all these salaries, together with the expenses of the offices of the various officials of Porto Rico appointed by the President, shall be paid on the warrant of the auditor countersigned by the governor.

In the matter of salaries, therefore, it is plain that the Executive Council had been constituted with full legislative power to fix all salaries not fixed by the Foraker Act itself, and it is incumbent upon that

body to so fix said salaries and the manner of their payment in order to legalize salary payments for the fiscal year 1909–10. The Foraker Act, however, does not clearly make provision for the ascertainment of and payment for the various expenditures outside of salaries, which matters must be deemed to have been included in the general legislative authority of the Legislative Assembly of Porto Rico granted in section 32 of the Foraker Act. These amounts, therefore, will require approval or advice for payment by the governor of Porto Rico. It is not stated in the Olmsted Act that the governor shall give his approval or advice at any particular time. In order, however, to have this opinion constitute an answer, so far as possible, to the various inquiries which arose during the conversations before referred to, I beg to suggest that it would seem expedient that, in a tentative form, subject to modification from time to time, the governor ought in a general way to indicate to the various heads of departments and governmental services the amounts of money which he deems expedient to allow to be spent for such services, having in view, of course, not only the necessities of the various services themselves, but also the condition of the public treasury and the incomes from all sources available for such purposes. In addition to such general and tentative indication by the governor, it seems to me that the governor ought, in countersigning the warrants provided by the Foraker Act and by the political code, to add suitable words over his signature to the effect that he advises payment thereof, which advice would be necessary to finally legalize such payment.

The most difficult question which occurs to me and which arose in our discussion of these matters is this: How far is the governor under existing laws required to approved expenditures for matters which have been authorized by law? It may be that my answer to this question will not be as comprehensive as it ought to be, because it may be that these questions will, in large part, have to be settled as they arise from time to time. In a general way, however, I beg to say that the Foraker Act, being the fundamental organic law of Porto Rico, must in all cases be complied with. Matters, however, which have been authorized by the laws of Porto Rico are subject to the will of the legislative assembly, for whose will for the time being the opinion of the governor seems to have been substituted. I believe that the sanction of the legislature for certain activities of the government must be regarded as of persuasive rather than mandatory force, and that if the governor finds that available funds are insufficient to provide for the continuance of all of the lawful activities of the government for the whole fiscal year, responsibility will rest upon the governor to choose therefrom for elimination such matters as in his judgment are not absolutely necessary for the support of government.

I do not believe that Congress intended in any way to amend provisions of the organic law or the political code for the payments of money, and that they still require the warrant of the auditor countersigned by the governor, and I recommend that every expenditure receive not only the countersignature of the governor but his advice for payment.

I hope that this opinion will be sufficient guide both to you and to the fiscal departments of the government to meet all present requirements and unforeseen questions can be dealt with from time to time as they arise.

Respectfully, H. M. HOYT,
Attorney General.

We are therefore unhesitatingly of the opinion that on the merits of the case complainants have no cause of action, even on their own showing, no injuries being done; no money is being misappropriated, but the Olmsted law, in our opinion, is being carried out honestly according to its terms. We are utterly unable to bring ourselves to the belief that the amendment in question can be either construed or administered as contended for by complainants without bringing about a situation nearly as complicated as the one which forced Congress to take action. But apart from all this we desire to say that we have only gone into the subject thus far with a view in so far as may be to end this useless and annoying interference with the conduct of the government of the island of Porto Rico, which Congress has established and which it intends shall be carried on.

We believe that it is the law that no private citizen or taxpayer—and that is all that these complainants are, because their allegation that they are members of the house of delegates adds nothing to their right to sue in this court—has any right to sue or enjoin the State (insular) officials, or to in any manner impede or hamper them in the exercise of their official functions. (See Mechem on Public Officers, secs. 954, 987, 988.) There may be cases where one or more taxpayers—and that is all these complainants are—could mandamus State (insular) officials to perform mere ministerial duties, such as the delivery of a commission of a justice of the peace to the person entitled to it, as was there held in Marbury *v.* Madison (1 Cranch, 137), but we have not found a single case that authorizes a mere taxpayer as such to enjoin the governor of a State. One of the common provisions of all State constitutions and of the organic acts of Territories regarding the governor is that he shall see that the laws are faithfully executed, and section 17 of the Foraker law regarding Porto Rico is no exception to the rule. In addition it appears that the President may in his discretion delegate and assign other executive duties and functions to him. So it may not be amiss to call attention to the fact, as appears from the record, that the President, through the Secretary of War, on the very day of the enactment of the Olmsted law cabled the governor directing him to make the appropriations under the provisions of the law. This would indicate that the President (Secretary of War) was of opinion that the governor had to make the allotments referred to.

When it was attempted in Mississippi *v.* Johnson (4 Wall., 475) to enjoin the President of the United States from carrying into effect an act of Congress on the ground that it was unconstitutional, the Supreme Court of the United States would not even permit the bill to be filed.

The arguments of Attorney General Stanbery in that case showed the fallacy of such an effort in such a way as that the court found no difficulty in agreeing with him and settling the proposition for all time under our system of government. See also State of Georgia *v.* Stanton (6 Wall., 50), where the same doctrine is extended to include the Secretary of State.

We have been unable to find authority for the proposition that the State (insular) officials can be enjoined from enforcing any law, even if the same is unconstitutional, but, on the contrary, find the law to be that such high officials can not be enjoined for what is in the mere opinion of the same complainant a misappropriation of public funds. The language of Judge Dunbar in the well-considered case of Jones *v.* Reed, in the Supreme Court of the State of Washington (27 Pac., 1069), where the effort was to enjoin the State auditor, is very apt in this regard, and it is as follows.

"As the fallacy of a proposition can best be shown by distorting it, we may presume that if one of the departments of the State government can be suspended at the instance of a private citizen who has nothing more than a community interest in a matter which concerns the general public, that every department of the State can be suspended at the same time, and the whole machinery of the Government stopped, and the very existence of the State, so far as the existence of its functions are concerned, destroyed. Surely such a theory of practice is not in harmony with the genius of our Government, nor will authority sanction or public policy permit the adoption of a rule which will authorize any number of volunteers who may rightfully or wrongfully interpret the laws different from the interpretation put upon them by the officers of the State, to paralyze for the time every or any branch of the State government."

See also volume 6, American and English Encyclopedia of Law, page 1006, heading "Frame of government," and idem, volume 14, page 1106, heading "Governor," and notes.

In the Jones *v.* Reed case it was also held that under the laws of that State it was the duty of the attorney general and not the duty of private citizens or taxpayers to see that no misappropriation of the public moneys was made, and the court in that regard said:

"The law, then, having provided an officer for an especial duty, it is the better policy to submit such litigation to his guidance."

And is it not manifest from the letter of the attorney general of the island to the governor, as above set out, that the former is proceeding to the best of his ability to do his duty and to guide all concerned, so that the law will be properly administered?

In our opinion these officers deserve the support and commendation of all the people of Porto Rico for their faithful devotion to duty under trying circumstances, instead of being charged with dereliction of duty, as they are under the allegations of the bill in this case.

In our opinion it was a wise, proper, and legal act for the Executive Council to meet as it did and pass the resolution it did fixing the salaries of the officials, because that removes all doubt about the matter of the amount of such salaries for the present fiscal year. The salaries fixed by Congress require no appropriation. See Rotwitt *v.* Hickman, State treasurer (23 Pac., 740). The allotments of money the governor is making are, in our opinion, legal and proper, for we agree with the Attorney General that the Olmsted law, by its terms, for the purpose of the present and similar occasions, has substituted his discretion for that of the legislative assembly. We think there are inherent powers in the Executive Council even under our system of government that can be exercised to preserve the government itself, as there is no courts to preserve their own existence. See our opinion in Scoville et al. *v.* Hadley, auditor (P. R. Fed., 457).

Were it not for the space it would occupy we could with profit quote extensively from the lucid opinion of Judge Dunbar, from which we have only made short extracts, for its reasoning leaves complainants here without right to be here with their bill.

It must not be forgotten that we are speaking of the State (insular) government, and whatever the rule may be as to the right of a taxpayer, especially when he can show an interest in himself different and more burdensome than that of the rest of the community, to enjoin municipal officers of cities, towns, villages, or of corporations, the rule does not go, nor could it in justice, in our opinion, under our system of government go to the extent of permitting mere taxpayers to enjoin State officers or the governor in the performance of their functions. The only instance in which any language of the Supreme Court of the United States could be said to lean toward complainants' contention as to the right of a taxpayer to enjoin State officers is found in the case of Crampton *v.* Zabriskie (101 U. S., 601), but Judge Dunbar, in the opinion we are here quoting from, considers that contention and plainly shows that the language used by Mr. Justice Field will bear no such construction. What interest have these complainants shown that they have in the matter in controversy here other than that of any other taxpayer? The action of the officials sought to be enjoined, even if it was wrong, would not result in any heavier burden to them as taxpayers. No more money than the sum total of the last appropriation bills can or will be spent for any purpose; hence where are complainants injured—or anybody else for that matter? Where have complainants any personal interest in that sense in this controversy? Where have they any interest other than that of mere intermeddlers? A complainant in such a case as this must show that he is personally interested in some manner other and different than are the others in the community and that he is being deprived of his property without due process of law. (See Tyler *v.* Judges Court of Registration, 179 U. S., 405; Caffrey *v.* Oklahoma Territory, 177 U. S., 346; Turpin *v.* Lemon, 187 U. S., 51.)

The jurisdiction of a court can only be invoked by a party having a personal interest in the litigation. (Sherman *v.* Bellows (Oreg.), 34 Pac., 549; State ex rel. Taylor *v.* Lord (Oreg.), 43 id., 471; Smith *v.* Indiana, 191 U. S., 138; Braxton County Court *v.* West Virginia, 208 U. S., 192; McCandles *v.* Pratt, 211 U. S., 437.) And only where the complainant has a real legal right to the relief sought can he maintain such a suit or will the relief be granted. (National Life Ins. Co. of U. S. *v.* National Life Ins. Co., 209 U. S., 317.)

In cases where even a question of law, as well as a question of fact, is committed by Congress to the judgment and discretion of the head of a department his decision therein is conclusive. (Bates & Guild *v.* Payne, 194 U. S., 106.)

It seems to us that the present is a case wherein we can without impropriety refer to the holding of the Supreme Court of the United States regarding the action of the governor of the State of Colorado with reference to Mr. Moyer (212 U. S., 79), "that public danger warrants the substitution of the executive for the judicial process, and the ordinary rights of individuals must yield to what the executive honestly deems the necessities of a critical moment." Surely a time in Porto Rico's history when, for failure of the local assembly to act, Congress was forced to pass the Olmsted law can be said to be critical.

It would hardly become this court, cognizant as it is of the revolutionary action of the recent local house of delegates (see our opinion in contempt cases in 4 P. R. Fed., p. 476), of which these very complainants were active members, to resolve any doubts in favor of their views in an effort to further hamper the executive departments of this island in what appears to be the latter's honest efforts to carry on the government under the act which complainants themselves by their own willful delinquency help to make it necessary for Congress to enact.

We therefore hold that complainants have no cause of action at all; that they have no right to file this suit; that they have shown no special interest in the matter; that in any event they could not thus

stop or hamper the government, and especially is this so as to the governor of the island. We further hold that on the merits of the case the governor and the officials are, as matter of law, construing the Olmsted law properly, and so far as the allegations show are acting rightfully under it.

The demurrer will therefore be sustained, and the case dismissed at cost of complainants.

B. F. RODEY, *Judge.*

[Extract from report of committee on assembly bill 395.]

REPEAL OF THE LAW PROVIDING FOR PUBLIC PROSECUTION OF CRIMES OF ADULTERY, RAPE, SEDUCTION, ETC.

A. B. 395. An act amending act No. 1773, entitled "An act to provide for the public prosecution of the crimes of adulterio, estupro, rapto, violacion, calumnia, and injuria, to abolish the right of pardon by the aggrieved party in such cases, to provide for a special civil action for damages therein, and for other purposes," restoring, with amendments, certain provisions of the Penal Code of the Philippine Islands on this subject.

Passed by the assembly December 27, 1910; laid on the table by the commission January 31, 1911.

The following extract is taken from the report of the committee of the Philippine commission (senate) on matters pertaining to the department of finance and justice:

"By the passage of the assembly bill, act 1773 would be entirely repealed, with the exception of section 3 thereof, which refers to the right of the aggrieved person in the offenses mentioned in said act to bring a civil action. Act 1773 provides that the crimes of adulterio, estupro, rapto, violacion, calumnia, and injuria shall be deemed public crimes, it being provided, however, that no prosecution for the crimes of adulterio, estupro, and injuria against persons other than public officials or employees shall be brought except upon complaint of the aggrieved person or of the parents, grandparents, or guardian of such person.

"With the provisions of the penal code reestablished, as they would be by the passage of the assembly bill, no prosecution for the crime of estupro could be brought except upon complaint of the aggrieved person, or of the parents, grandparents, or guardian of the aggrieved person; none could be brought for the crime of adulterio except upon complaint of the aggrieved spouse; and none for the crime of injuria except upon complaint of the aggrieved party, save when the offense is committed against a public official or employee.

"A necessity was felt for the enactment of act 1773. Many persons aggrieved by the commission of these offenses appealed to the prosecuting officer, asking for the prosecution of the offenders, but under the provisions of the penal code no action could be taken. To reestablish now the provisions of the penal code with reference to these crimes would mean that many offenders would go entirely unpunished, since in many instances the aggrieved persons would not be able to pay the expense of a private prosecution, and in many other instances would not care to take the trouble or stand such expense.

"The assembly bill would also reestablish the provisions of the penal code providing that pardon by the offended person extinguishes the criminal liability in the above-mentioned offenses of aduiterio, estupro, rapto, violacion, calumnia, and injuria. Section 2 of act 1773 contains a provision to the contrary which tends to remedy the abuses and evils which pardon by the aggrieved person in the above-mentioned offenses encourages."

Translation of terms used in report of committee. These offenses all come under what is known as crimes against honor.

The definition given first is the preferred, in the meaning of the penal code. The others are proper definitions in the generally accepted understanding of the words:

Estupro:
1. Seduction.
2. Rape.
3. Ravishment.
4. Constupration.

Rapto:
1. Abduction.
2. Rape.

Adulterio:
1. Rape.
2. Violation.

Calumnia:
1. Calumny.
2. Slander.

Injuria:
1. Insult.
2. Injury.
3. Wrong.
4. Offense.
5. Outrage.
6. Damage.

Adulterio:
Adultery.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. REDFIELD].

The CHAIRMAN. The gentleman from New York is recognized for 33 minutes, 30 minutes yielded by the gentleman from Virginia [Mr. FLOOD] and 3 minutes, the time remaining within the control of the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. REDFIELD. Mr. Chairman, a prominent resident and local official of Ormoc, island of Leyte, writes, in September, 1912, as follows:

I have no patience with that element of my people who, in public speeches as government officials, or in our newspapers as writers and agitators, demand immediate independence. My town has a population of 38,000, less than 200 of whom, under the liberal system of qualifying, are entitled to vote. This may be considered a fair example of conditions in most parts of the islands where I have been, and speaks for itself. Would these advocates of independence place their business affairs in the untrained and unguided hands of their children? I am of the number who believe that the abandonment of the Philippines by the United States will be disastrous to us, and that if any change in our government is made it should be toward a smaller degree of autonomy.

Offering that, Mr. Chairman, without indorsing the last words, as an introduction to what I shall have to say, I ask unanimous consent to insert as a part of my remarks certain documents bearing upon the subject of the Philippines.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. JONES. Mr. Chairman, I would like the gentleman to indicate what the documents are which he wishes to put in the RECORD before consent is given.

Mr. REDFIELD. The documents are, one, a letter published in the New York Evening Post of January 29, 1913.

Mr. TOWNSEND. Signed by whom?

Mr. REDFIELD. Signed by Frank H. Clark, giving his experience in the islands. Another is the statement of the actual facts of the alleged illegal action on the part of Gov. Forbes in allotting appropriations. It is a comparative statement showing by bureaus the amounts allotted, and I offer it as an offset, Mr. Chairman——

The CHAIRMAN. Is there objection?

Mr. TOWNSEND. Mr. Chairman, I object.

Mr. JONES. By whom was the statement made?

Mr. REDFIELD. It is an official statement made in the Philippine Islands, and I offer it as an offset to what I shall endeavor to show was an entirely misleading and inaccurate statement made before the House by the chairman of the Committee on Insular Affairs, the gentleman from Virginia [Mr. JONES].

Mr. JONES. The gentleman states that the statement was prepared in the Philippine Islands. Has it been prepared there since the 28th of January and sent here?

Mr. REDFIELD. No; it bears the date of March 9, 1912. It was available to the gentleman, and I wish he had used it.

The CHAIRMAN. The gentleman from New Jersey [Mr. TOWNSEND] objects.

Mr. MURRAY. Mr. Chairman, I hope the gentleman will withdraw his objection.

Mr. MANN. Does the gentleman object to permission being granted to a Member to insert material matter in his speech?

Mr. TOWNSEND. But the materiality of the matter has not been proved or stated.

Mr. MANN. Nobody objected when the gentleman from Virginia [Mr. JONES] desired leave to extend his remarks in the RECORD.

Mr. MURRAY. Mr. Chairman, I hope we may get all the information on the subject we can.

Mr. TOWNSEND. Mr. Chairman, I never have asked permission in my life, but I withdraw my objection at the request of my friend from Massachusetts [Mr. MURRAY].

The CHAIRMAN. The Chair will put the request again. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing the papers referred to. Is there objection?

Mr. JONES. Mr. Chairman, I ask the gentleman to state what other documents he proposes to insert. When I made my request, to which the gentleman from Illinois referred, I expressly stated what I wanted to publish, and I hope the gentleman will do the same.

Mr. REDFIELD. I will gladly do so if I have any other. At the moment these are all I contemplate publishing.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REDFIELD. Mr. Chairman, I happened to pass through the House on the way to an important committee meeting on the 28th day of January last, when the distinguished chairman of the Committee on Insular Affairs held the floor. It was impossible for me then, because of a committee which was authorized, if not instructed, to sit during the sessions of the House, to remain; but I heard certain statements made respecting a gentleman I know and respecting a place I know which I think ought not to go unchallenged.

I propose here and now to challenge them both. But first of all I want my own attitude on this Philippine question to be clear beyond all doubt. I do not think that the American flag should continuously or long, as the lives of nations go, float over a dependent people. I believe, and have said it to the distinguished gentleman from the Philippines, that he and his people should be as free as I. I seek for my own son no freedom I do not want for his son. Is that plain enough? If not, then write your desire for freedom for the Filipino people as liberally as you will and I will subscribe to it. And I am in accord with not only the last but the last three Democratic platforms upon this subject. I believe that the platform of 1904 spoke the truth more plainly than the others when it said that the Philippine people should "work out their own destiny"; but I call the attention, however, of my friends on this side to those respective platforms to say that the emphasis in them rests upon one fundamental word, "stable."

In both the platforms of 1908 and 1912 this statement is repeated, "a stable Government," and in it lies the key to our duty. We do not want over there that which renders things unstable and impermanent. Our party has charged us twice

with doing that which shall create "a stable Government," and has charged us with nothing else. To that and to that alone we have the right to address ourselves. Furthermore, the second fact that ought to be called formally to the Democrats of this House is this, and I do it on the authority of Senator O'GORMAN, of New York, who authorizes me to say, as a member of the platform committee at the last Democratic national convention, that a resolution favoring the so-called Jones bill was submitted to that committee and was argued before that committee; that the arguments were heard and considered, and after consideration that resolution was rejected and the platform as it stands was substituted in its place.

Mr. JONES. Will the gentleman permit an interruption, because this is a very important statement he has made? I will say to the gentleman that a plank relating to the Philippines was prepared and presented to the committee on resolutions of the Baltimore convention. It was prepared by the Hon. JOHN SHARP WILLIAMS, Senator from Mississippi, and myself. There were fifty-odd copies of this plank made, and a copy was placed in the hands of Senator O'GORMAN and a number of other members of the committee, and it was read and discussed by the committee. But I absolutely deny that it indorsed or specifically referred to the Jones bill, Senator O'GORMAN's alleged statement to the contrary notwithstanding, and I have got a dozen copies of it.

Mr. REDFIELD. I have no reason to change the statement I have made.

Mr. JONES. Nor have I to change mine.

Mr. REDFIELD. And another Member of this House, whom I will not mention, though he sits near, has had in his hands, or at least has seen, a similar resolution, which was offered at the Baltimore convention, or which its supporters attempted to offer, and which was turned down by the convention. Now I will proceed, Mr. Chairman, if I may.

Mr. TOWNSEND. The gentleman said, "turned down by the convention." I presume the gentleman meant it was turned down by the committee.

Mr. REDFIELD. The gentleman is right; turned down by the committee. Now, gentlemen, I think it will be agreed by all men on both sides of this great legislative House that where the fortunes of 8,000,000 souls are at stake care, deliberation, accuracy, and truthfulness should characterize procedure. It seems to me essential, fellow Democrats, that you who bear the burden of power now and are to have it in larger measure hereafter are entitled to know the truth and not merely a part of it. You have a right to truth which is not colored, either by passion or by prejudice, but candid, open, complete truth, and you have not had it. [Applause.] There is need here where the birth of a nation is proposed for accurate knowledge and for accurate knowledge which shall be complete. Then there is need for thorough assimilation of that knowledge, and then there is need for the greatest moderation in action. Will there be any man who will impugn the plea for thorough knowledge, uncolored and candid, then for deliberation, for a mature digestion of that knowledge, and finally for moderation in action based thereon?

Can that be objected to by any man? For, as the President elect has well said, we are trustees for the Philippine people. We are trustees for the Moro as well as for the Tagalog. We are trustees for the Visayans and equally for the Igorot. We are trustees for the Ilocano and trustees for the Kalingan also. And we must honestly legislate not alone for a tribal oligarchy but for all the other peoples of the islands who are less able to care for themselves, and for whom therefore we are in honor bound to act just as truly, or more truly, as trustees. [Applause.]

Nor is this essentially a political question. I do not think the American Republic in considering the birth of a child-nation, if I may call it so, should be borne by the winds of passion or of prejudice. This is a human problem, where the lives, happiness, peace, and prosperity of millions now living and other millions yet to be, are in our hands. We have no right before the people whom we are sworn to serve to come here with political passion; least of all, with pride of opinion. The country is entitled to the truth. And the Democratic Party is obligated to deal with the truth thoughtfully, calmly, fearlessly, and in the fear of God. Evil must not escape. If the Governor General of the Philippines or any of his servants do wrong, God forbid they should escape the just penalty for their acts. Let them be punished, but let us be careful that we do not at the distance of 15,000 miles, and when they are not here to speak for themselves and can not be represented on this floor by innuendo or exaggeration submit them to any charge which, if we were subject to cross-questioning, we could not sustain. [Applause.]

There are various kinds of public wrong. There is the open treason to the State. There is the man who enters the shores of the Philippines with arms and attempts to overthrow the government there established. How less guilty is he who enters, not by open force and in the light of day, but by skilled twisting of facts, by innuendo, by the omission of pertinent things, by the falsehood which a half truth always creates—how less guilty is he who throws a false light upon the screen, and would enable us to see things other than as they are?

Now, for the people of the Philippines I want all that I want for myself and my children, neither more nor less, but I do not forget that the freest people of the world are not always those people that have political independence. Over many great public documents in my own State runs the phrase, "The people of the State of New York, by the grace of God, free and independent." But they are not so. The gave up their independence largely into your hands for good reasons. The people of Scotland are free; they are not independent. The people of Prussia are free; they are not independent. The people of New Zealand and Australia are free; they are not independent. And there are peoples who are independent but who are not free, for who will say that in Haiti there is freedom? Mexico is independent, but save us from such freedom.

Now, having said this much by way of introduction of this great subject, I am not going to discuss further the principles of the legislation now pending. When it shall come I shall be ready and thankful to discuss it, but I am going to refer to certain things that ought not to have been said in the way they have been said. I acquit absolutely the gentlemen whose language I shall criticize of any improper intent. I believe they have meant and intended to speak the truth, but I think they have none the less failed to put the truth rightly before the people of this country.

Now, to be specific, I am going to take up, first, the language used by the gentleman from Virginia [Mr. JONES] on the 28th day of January and appearing on pages 2169 and 2170 of the RECORD, as follows:

> The Benguet road is a highway less than 20 miles in length, built at a cost of several millions of dollars in gold through a mountain gorge to a health resort or residential park, called Baguio, to which place, at great expense, the seat of government is transferred from Manila for several months each year, and where American officials have handsome homes, clubhouses, polo grounds, and other sources of recreation and amusement. The Filipinos have from the beginning been violently opposed to these vast and absolutely inexcusable expenditures.

And other reference is made to the so-called automobile road, which is stated to be solely for the purposes of recreation and pleasure. And then, on the other page:

> An enormously expensive automobile road, leading to a mountain summer resort maintained exclusively for the benefit of themselves and other rich residents of Manila.

It is not true. I was there in the middle of the winter, and Baguio was in full blast, except for the government buildings; but the government property is not all of Baguio. Let us have the plain truth on this subject, and I shall be delighted to be challenged. There is hardly a correct statement in the words I have quoted. In the first place, the Benguet Road is not correctly described as 20 miles long when stating its cost. There is one of your half truths. It was 30 miles long; but in order to reach Baguio from Manila 10 miles of it have been replaced by a railroad and but 20 miles remain as the Benguet Road. The other 10 miles is in local use between Pozzorubio and Camp No. 1. The other 10 miles is now unnecessary in going from Manila because of the railroad from San Fabian to Camp No. 1. The cost stated was for the full 30 miles, but the impression was given that it was the 20 miles that cost so much.

Mr. GREEN of Iowa. Is the railroad included?

Mr. REDFIELD. No. It is not fair to come to this House and say that a road cost several millions and is less than 20 miles long, when in fact that cost covered 30 miles of roadway. I would not have in my employ a department head who made such a misleading statement.

Mr. MURRAY. Would the gentleman have, as chairman of the Insular Affairs Committee, a man who would make that statement?

Mr. REDFIELD. I went to Baguio and spent some days there. I entered these houses.

Mr. JONES. The gentleman said that he would give me an opportunity to reply. I want to know when he will yield.

Mr. REDFIELD. My time is very limited, and I will ask you to come on after I am through.

Mr. JONES. I may not be able to get any time.

Mr. REDFIELD. I entered these houses in Baguio. They are not magnificent houses.

Mr. FLOOD of Virginia. How much time does my colleague from Virginia [Mr. JONES] need?

Mr. JONES. As much time as the gentleman will give me. I will be glad to have 10 minutes.

Mr. FLOOD of Virginia. Does the gentleman want 10 minutes?

Mr. JONES. Yes.

Mr. REDFIELD. They are comfortable homes. There is nothing in Baguio that can be called magnificent. There is nothing that fairly corresponds to the description of an exclusive summer resort. I repeat, I was there in winter. There are gold mines near. My son went to them. This road is their only outlet to the plain. There are two missions there with schools, one Catholic and one Episcopalian. My wife went to one of them. There is a prison there, with about 300 convicts at that time. Camp John Hay is there, with a military hospital. This road is their only outlet to the railway and to Manila.

There is a village there, and I will tell you in a moment about the village, because what I shall tell you will show how fit for self-government some portions of these people are whose claims for independence are pressed upon us. This road was not built for pleasure automobiles, merely. They are not ordinary automobiles in the sense that we commonly understand the term. The automobiles there are Government stages, using steam, and seating 10 persons or so each. It is the only way of getting up the rise of nearly 5,000 feet.

I saw no private automobiles, save two. One of them I used myself at the hotel. The town of Baguio is also a native town. It is an Igorot town. I went up there on Saturday afternoon. The road was sprinkled, as we went up the mountain side, with the Igorots going to their market, to be held the next morning. They were guiltless of all clothing. The only thing they wore was a gee string around the waist and through the loins. That was all. Each of them had at one end of a bamboo stick one or more of their "skin-tight" dogs, as my boy called them—dogs with short hair and very thin. These gathered in groups and groups, until there were many men leading many dogs to Baguio that afternoon. [Laughter.]

The next morning, leaving the hotel, passing the prison, down into the market place presided over by Ilocano policemen, we went to the Sunday fair at Baguio. Of course, you must remember that there is nothing at Baguio but "a summer resort." But still, for some strange reason, perhaps 500 Igorots gathered at their fair. They were selling these dogs and other things. I would like to entertain you by putting myself in one of the costumes bought there. [Laughter.]

A MEMBER. No! [Laughter.]

Mr. REDFIELD. They were selling the dogs—for what purpose, think you? These lean dogs were sold to be stuffed with rice. Being hungry, not being fed for days, they were stuffed with rice until the dogs gorged themselves, and then were led over the hills in quantities to be slain and eaten as soon as they got home.

Directly in front of the hotel, working on the road, was a man who bore the mark of the headhunter on his head. He had taken 10 heads, but he had been converted to peaceful labor.

I shall have time to say of Baguio and the Benguet road only this one thing further that was omitted from the statement of the gentleman from Virginia, that the trunk road criticized here is also the outlet for 400 miles of mountain trails which gather at Baguio.

There is a polo ground there. Gov. Forbes built it at his own cost. Why should he not? But Baguio is also a place near which there are mines, where there are missions, where there is a prison, where there is a little native market town, large for the mountains, and it is the center and outlet for the trails of the mountain province. The Benguet road stands to those trails in the same relation as the Pennsylvania line between Philadelphia and New York does to the country west of Philadelphia and to New York City. A railroad is now building to Baguio to replace the Benguet road. How clearly this simple fact exposes the error of calling it "a mountain summer resort maintained exclusively for the benefit of themselves—American officials—and other rich residents of Manila." So much for Baguio, except to say that health resorts of this kind are common in the Tropics. A famous one is Simla, in India.

The gentleman from Virginia, however, made a point, on January 28, that a considerable part of the money appropriated by Congress to save the Philippine people from starvation—

Was expended on the Benguet automobile road—

And said—

In the estimation of the commission these starving Filipinos stood more in need of an automobile road than of the rice, to purchase which the American people in their generosity gave this money.

It is hard to refrain from unparliamentary language when this amazing statement is compared with the facts.

The nature of the so-called automobile road I have already described. What shall be said, however, of the statesman who seems not to know that the accepted method of distributing public funds for famine relief is by employing the people sought to be relieved on public works? It is hard to believe that the gentleman from Virginia did not know this ordinary fact. Would he have substituted open gifts of money for wages fairly earned? Does he not know that in India long experience with famine has brought the method he now criticizes into standard use, whose wisdom no one questions? But why, also, does the gentleman omit to mention that there were other roads—17 of them—upon which money from this same fund was expended for the same purpose at the same time? These other roads were in various parts of Luzon and in Cebu. The total amount spent on these other roads was larger than that expended on the Benguet road. If he would not have the House believe that this Benguet road was the sole beneficiary, why did he not say that it was but one, though the largest, of many roads in many parts of the islands treated in this way?

My time is getting so brief that I want to take up that beautiful work of fiction known as the report on the Philippine independence bill. Gentlemen of the committee, it may be that there are accurate statements in that report, but I must confess before you with great frankness that I have not yet been able to find any. [Laughter.]

Now, I am going to take one of them and illustrate it to you—because it is not a Philippine matter at all—to show you the utter impossibility of getting the full facts from this report.

On page 12 are these words:

Notable among the small countries whose independence, although preserved inviolate for ages, has never been guaranteed by international treaty or otherwise, may be instanced the independent monarchy of Siam. This small kingdom of southeast Asia resembles in many respects the Philippine Islands. The population of Siam is only a little less than that of the Philippines, and it is divided among a number of tribes who inhabit different portions of the country. The Siamese number 3,000,000, or less than half of the population, whilst the remainder is made up of Laos, Chinese, Malays, Cambodians, Bermese, and many others. There are, too, many small, uncivilized tribes which inhabit the mountainous sections, several of which possess the characteristics of the Negritos of the Philippine Islands. There are many different dialects spoken in Siam, and yet this non-Christian country, with no standing army, has never fallen a victim to any land-grabbing nation.

There are some very incorrect statements there. In the first place, the comparison in reporting a bill intended to create a republic, with a country which is an absolute monarchy, is a little bit peculiar. On page 1228 of the Statesman's Yearbook for 1912 I find that in 1904 about 7,800 square miles of territory passed from Siamese possession into the hands of the French, and in 1909 about 15,000 square miles of Siamese territory passed into the hands of the English. Yet this report says it "has never fallen a victim to any land-grabbing nation."

Now, if I turn to the Encyclopædia Britannica of the last issue, from the article on Siam I read that most departments have the benefit of a foreign adviser. And referring again to the Statesman's Yearbook, I find the statement that—

Much excellent work has been done by a general adviser of American nationality, with the assistance of a British judicial adviser, a French legislative adviser, and legal advisers of various other nationalities.

The police is—

a force which includes a Danish inspector general and a body of Danish instructors. A British officer occupies the position of financial adviser, and there are numerous other British officers holding high positions under the Government, more especially in finance, revenue, forests, survey, police, justice, customs, mining, mint, and education.

We are told in the report that this is that happy native country which has no standing army. Yet universal liability to military service is now in force, and I have before me here the statement of a gentleman who recently witnessed the review of the standing army, or a portion of it, of 26,000 men.

By a law passed in 1903—

Says the Encyclopædia Britannica—

the ancient system of recruiting the army and navy * * * was abolished in favor of compulsory service by all able-bodied men.

Let me take up one or two trifling things further. I venture to point out to the gentleman from Virginia that his line of attack by exaggeration and by omission is alienating the people who have been supporting him, and I send to the desk to be read an editorial on his remarks from the Springfield Republican, a well-known anti-imperialist paper.

The Clerk read as follows:

MR. JONES ON THE PHILIPPINE GOVERNMENT.

If there is graft or maladministration among the officials of the Philippine Islands, it should be exposed as relentlessly as the same sort of thing in this country. But Mr. JONES, of Virginia, should be very sure of his evidence before making charges of this character. Gov. Gen. Forbes is not a man who would stand for corruption. The Republican has complete confidence in his rectitude and also in that of some other members of the commission of which Mr. Forbes is the head.

In his speech in Congress Mr. JONES, who occupies an important position by virtue of his chairmanship of the Insular Affairs Committee, made prominent as a subject of criticism the building of the Benguet Road and the establishment of a summer capital at Baguio, which is located in the highlands of the interior of Luzon. The wisdom of spending much money on that project may be open to question, but it is to be very much doubted that there has been any graft in connection with it.

The question was ventilated a few years ago in a congressional investigation of Philippine administration, and we could find no evidence in the hearings that stamped the summer capital project as a grafting scheme. There may have been extravagance, but no corruption, according to our understanding of the situation.

Of course, Mr. JONES knows that when the Philippine House fails to pass supply bills the Executive, under the organic act of the United States Congress creating the Philippine Government, may end the deadlock between the House and the commission which constitutes the upper chamber, by decreeing the enactment for the ensuing year of the appropriations passed by the assembly the previous year. That was what was done, evidently, in the instances mentioned by Mr. JONES. Such an act is arbitrary, but lawful, and in no necessary sense an evidence of maladministration.

An unbiased person would say, probably, that the executive officers of the Philippine Government deserved to have a place in the mountains of the interior where they could carry on the work of the Government in the hot months under as healthful conditions as possible. Manila is in the Tropics or subtropics, and a "summer capital" in such a country should not be condemned in principle.

Muckraking is occasionally necessary; but if the Democrats proceed on the assumption that a muckraking campaign directed against the present Philippine administration is politically essential as a preliminary to the effort to establish Philippine independence, they will find out their mistake in due season. One can generously credit the American Government in the islands during the past decade with much fine achievement and still find strong arguments to justify the sound American policy stated in the last national platform of the Democratic Party.

Mr. REDFIELD. Mr. Chairman, time will lack; indeed, I should need the afternoon to discuss the numerous errors in this report. On page 5 is this statement:

In Zamboanga, in the Moro Province, one of the most delightful of the cities of the Philippine Archipelago and the fourth in commercial importance, there were 44,322 inhabitants in the year 1903, almost equally divided between Christians and non-Christians.

The CHAIRMAN. The time of the gentleman from New York [Mr. REDFIELD] has expired.

Mr. FLOOD of Virginia. I yield to the gentleman 10 minutes, which I have promised him.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes additional.

Mr. REDFIELD. To resume: The city of Zamboanga is declared to contain 44,332 inhabitants in the year 1903, which is decidedly in error. This number, 44,332, is taken from the census, but is misquoted, for it is the population of the whole district of Zamboanga, having a coast line of more than 800 miles and embracing the largest towns in the great island of Mindanao. The census tables (p. 209) give the civilized population of the city of Zamboanga as 3,281.

The mistake is one of a trifle over 13 times, you will observe. If we add the nearest outlying barrios of Tetnan, Santa Maria, and San Jose, we only get a total of 7,907. If we add 12 other barrios, to a distance from Zamboanga of 15 to 20 miles, we only embrace a population of 20,692. If we add the wild people in and about Zamboanga, we only get a total of 21,230.

To illustrate another one of these easy statements of fact which people accept unless they look, I find, on page 8, this statement:

The Philippine constitution, written by Apolinario Mabini, and proclaimed by the Malolos Government in 1899, is justly regarded as a notable intellectual achievement.

Perhaps it was, for the commission which drafted it said that—

In executing it not only has the French constitution been used but also those of Belgium, Mexico, Brazil, Nicaragua, Costa Rica, and Guatemala.

The present point is, however, that it was not written by Mabini. Its chief authors were Pedro A. Paterno and Emilio Aguinaldo. When it was published to the insurgents at Malolos, January 21, 1899, it was after Mabini had protested against it.

Lest some say that the mistakes pointed out are trivial rather than, as I think them, typical, let us take this statement from page 8 of this report:

Among other arguments advanced against granting the Filipinos independence is their alleged lack of homogeneity. The truth is they are more homogeneous than the people of the United States. The director of the Philippine census, Gen. J. P. Sanger, United States Army, says, in his chapter on Population:

"As compared with the schedules of the Twelfth Census of the United States, those of the Philippine census are somewhat simpler, the difference being due mainly to the more homogeneous character of the population of the Philippine Islands."

Here we have the half truth in full bloom. The census report from which this abstract is taken is in four volumes. Were it searched throughout, it is doubtful if another quotation can be found to support the position of the committee based on the apparent meaning of this single extract. One can imagine the joy with which these words were seized from out of a census whose bearing else is strongly the other way. Let us look, however, at this extract and see if it, torn from its context, naked and alone, can, when measured by other facts in the same census and by the truth as it is now known, be made to warrant the use made of it by the committee.

Doubtless the schedules for the Philippine census were simpler than those in the United States. This country is one of the most advanced, with widely diversified occupations and interests, perhaps the most so of any land. The Philippines at their best are one of the most backward of the civilized lands, with relatively few occupations and interests. The difference in the state of civilization by itself alone explains the simpler schedules in the Philippines. There was less to record, hence simpler means of recording. Very simple census schedules there would be, indeed, for the deserts of Arabia, where the Bedouins wander. A pastoral country, in which all men were shepherds, would be homogeneous as to its occupation, but not advanced in arts and crafts. The very simplicity of the schedules is the evidence of the backwardness of the people whose condition they recorded. Relatively homogeneous, indeed, because few of them had advanced far.

But this is not the core of the matter. Racially the Filipinos come from one or two common stocks, and since the islands have neither suffered nor profited by immigration on any large scale, their peoples, in strict ethnological sense, are undoubtedly more homogeneous than those of the United States. The Philippines, however, present this curious anomaly: Starting practically from one or two common stocks, their inhabitants have separated into different groups, marked by different customs, languages, religions, and cultures, which in some cases and for many years have been, and to some extent now are, separated by feelings of enmity. The United States, on the other hand, drawing its inhabitants from many quarters, has to an amazing degree thus far been able to assimilate them all into a body politic, having the same habit of national thought. In other words, two opposite processes have been working in the two cases. The people of the Philippines, starting ethnologically and geographically as a homogeneous people, have become diversified and heterogeneous in language, customs, religion, and thought, while in the United States the heterogeneous elements entering into the population have steadily approached homogeneity in these same particulars. What does the census itself say?

Other features of the census plan were as follows: Commissioning all census officials and requiring them to take the oath of allegiance to the United States and to the faithful discharge of their duties; guarding against any attempt on the part of supervisors to use the census for the benefit of relatives within the fourth degree. * * * A similar plan was employed in taking the census of Cuba and Porto Rico, and resulted successfully in those islands; but it was, of course, far more difficult to apply it to the Philippines, owing to the larger population, diversity of tribes, and the difficulties of communication between islands and provinces, and even between adjacent municipalities and barrios.

Some difficulty was experienced in finding a sufficient number of enumerators who could read and write Spanish who were not related to the governor supervisor within the fourth degree of consanguinity, and for the Province of Bohol special legislation on this point was necessary. Many of the presidentes did not understand Spanish at all, and for the same reason, in a number of instances, enumerators had to be taken from one municipality to serve in another. This was, of course, a disadvantage, but was fully expected, as it was well known that in many of the barrios none of the inhabitants could read and write Spanish.

While, on the face of it, the plan of the census was quite simple and the schedules and instructions easily understood, their practical application proved to be beyond the ability of many of the enumerators and special agents, and even of some of the supervisors. This was not due so much to a want of intelligence as to a lack of experience. In fact, a number of the native census officials were apparently incapable of reasoning from analogy or of applying the instructions to any case not covered by them directly or of taking the initiative in meeting emergencies or in providing remedies. This is not meant as a reflection on the natural capacity of the Filipinos, because there is plenty of that, but as illustrating a Filipino trait, more or less general, resulting from inexperience and superficial study, in consequence of which they often mistake ability to theorize freely for practical knowledge.

It may be said that the Filipinos are generally subordinate to lawful authority; that under competent officers they make excellent soldiers; and will in course of time, it is believed, make good citizens. In fact, it is not too much to expect that under the guidance of a free, just, and generous Government, the establishment of more rapid and frequent means of communication whereby they can be brought into more frequent contact with each other, and with the general spread of education, the tribal distinctions which now exist will gradually disappear, and the Filipinos will become a numerous and homogeneous English-speaking race, exceeding in intelligence and capacity all other people of the Tropics.

Note the words "will become * * * homogeneous" above.

Thus much for the census itself.

Now, for some individual testimony. The governor of Zambales writes:

The inhabitants are Christians of different origins, and have also different dialects, the principal being the Zambal, Ilocano, Tagalog, and Pangasinan. Notwithstanding the heterogeneous character of the inhabitants, there does not exist any animosity between them, but, on the contrary, they live in utmost harmony.

The governor of Tarlac says:

The population of this Province is quite heterogeneous and it is difficult to make a report regarding their customs, manners of living, etc., being one of the newest of Luzon, the creation thereof dating back only to the second third of the past century. * * *

To the difference of origin of its inhabitants is due also the difference of the dialects they speak—Pampangan by those of Pampanga, Pangasinan by those of said Province—Tagalog, by those of Nueva Ecija, and Zambal by the Aetas and Negritos, and also Ilocano, by reason of the large contingent of families from the Ilocos Provinces. Hence their customs and manners are all so different.

The governor of Ambos Camarines writes:

The overwhelming majority of the inhabitants of the Province are of the Bicol Tribe, the only important exception being in Camarines Norte, formerly a separate Province, where the Tagalog predominates. In that district the towns of Capalonga, Labo, Indan, Paracale, Mambulao, and San Vicente are almost entirely Tagalog; Basod, the nearest town to the Camarines Sur border, is Bicol. Daet and Talisay are mixed, the Tagalog Tribe showing a majority. * * *

Throughout the remainder of the Province the language in general use is the Bicol, but it is subject to such wide variations in different localities as to practically divide it into distinct dialects, each with manifold diversities as to pronunciation, accent, and localisms. As the vast majority of the people have no knowledge of Spanish, and therefore have the local dialect as their sole medium of communication, they are far from a united people, residents of towns separated by but a few miles being considered practically as foreigners to each other. * * *

The masses of the people have in former times had no educational opportunities and are extremely ignorant and superstitious. They are easily led and controlled by strong leaders, are credulous as children when dealing with persons in whom they have confidence, but shy and suspicious as to strangers.

This should be sufficient, but as a final word on this subject the Schurman Commission reported the following classification:

THE NEGRITO RACE.

Twenty-one branches or tribes, according to customs and habitat.

THE INDONESIAN RACE.

Sixteen branches or tribes, according to customs and habitat.

THE MALAYAN RACE.

Forty-seven branches or tribes, according to customs and habitat.

Total number of tribes	84
Total number of dialects	74
Total number of languages	6

Pursuing further, briefly, the matter of language, the following is from page 8 of the report:

The Hon. Newton W. Gilbert, secretary of public instruction in the Philippine Islands, at one time a Member of the House of Representatives and of this committee, makes the striking statement in his annual report for the year 1910 that "more persons in the Philippine Islands speak and write the English language than speak and write any other language or dialect." If this were true in 1910, how much larger will be the proportion of those who speak and write English in 1921? But there is more recent and much stronger testimony than this in refutation of the oft-repeated assertion that the Filipinos possess no common language and therefore are lacking in the means of communication among themselves. In a carefully prepared article in the American Year Book for 1911 it is stated that more Filipinos speak the English language than speak any other one language or dialect. This is to say, that more than one-half of the Christian inhabitants, who constitute more than nine-tenths of the total population of the Philippine Islands, have acquired the ability to speak the English language in the short space of 10 years. If this great progress has been made by the Filipinos within the last decade in the acquisition of the English language, what may not be expected of this wonderful people within the next 10 years?

This statement shows what the school children are doing in the way of acquiring the English language, but does not touch the question of the acquisition of a common language by the adults. It is a bit unfortunate for the committee that the commission's report for 1910 should also contain these words:

A common language is a thing so far entirely unknown in the Archipelago. It may not so much matter what the language is, but it is of primal consequence to any attempt at unification that the people be able to communicate with one another in a tongue which all understand. Until they are able so to exchange their thoughts and ideas there can be no real national life.

The report says further, page 6:

A large majority of the whole people, however, speak either Tagalog, Visayan, or Ilocano, which are the three principal languages of the Islands.

This, so far as it goes, is true, but it does not express the whole truth. It takes no account of the Bicols, now numbering over half a million, with a language of their own; it takes no note of the Pampangan and the Pangasinan Tribes, each with about 300,000 members speaking different languages.

In particular, it omits to note that the Visayans, who form over 40 per cent of all the people in the islands, are scattered through about six principal islands and numerous lesser ones. Though of the same tribe, speaking the same language, the inhabitants of these separate islands can not understand each other when they meet through their own tongue. Their dialects are almost different languages. The Visayans of Cebu, for instance, speak Cebu-Visayan; those of Leyte, Leyte-Visayan; and so on throughout the group. Yet Cebu and Leyte are but 50 miles apart. We may go still further. The island of Leyte, in parts, is barely 40 miles across. The inhabitants of one coast can understand the inhabitants of the other, if at all, only with difficulty; yet they speak in common this tongue of over 40 per cent of the Filipinos. In varying degrees this is the same within every tribe of the Philippines.

In speaking, page 5, of the Moros the report says:

That they are actually outnumbered by the civilized Filipinos of Mindanao, notwithstanding that 226,158 of the 277,547 Moros (2,323 of whom are themselves civilized) dwell in that island. It is a fact not generally appreciated, if known, that 296,845 Christian Filipinos also inhabit the island of Mindanao.

Secretary Dickinson, however, stated in his report to the President thus:

There are about 500,000 Moros and Pagans residing in the Province. The Christian Filipinos number about 50,000, many of whom have come into the Province since American occupation. The Moros are Mohammedans and are firmly fixed in their religious belief. They are warlike, manly, independent, and have a strong hostility to the Filipino. They have no conception of a republican form of government. The only government which they know is autocratic. They are peaceful now because they have been subjected to military power and are controlled with firmness and justice, which they appreciate. The Moros would have to be essentially re-created to make them an integral governing part of a republican government uniting them with the Filipinos.

I have personally conferred with the governor of Zamboango, who informs me, from an experience of nine years, that the total number of Moro and other non-Christian inhabitants is not known, but a conservative estimate places them at 500,000. The Filipino population is limited to small areas along the coast, aggregating a population of about 50,000. In other words, the Moro and other non-Christian population of the Province number about ten to one of the Filipino population, and the Moros and other non-Christians inhabit and control about 99 per cent of the total area of the Province.

The difficulty with the committee's statement, which is quoted above, is that it is taken from a census of 1903, which was concededly inaccurate as regards the population of Mindanao and upon which no reliance can be placed as to the number of Moros and pagans. The statements just made have been shown to the governor of Zamboanga and are approved by him.

Time does not permit my traversing further the remarks of the gentleman from Virginia or the report of the committee of which he is chairman. I affirm, however, that there are errors of fact other than those mentioned above in both, which seriously injure their value as public documents. In particular, the statements made in the report as to education and political experience are incomplete and from this incompleteness convey erroneous impressions, and the same is true respecting important details in the address that has been criticized.

Now, I want to say a few things regarding a phase of the magnificent work that should all every American, whether Republican, Democrat, or Socialist, with pride, the magnificent work that, on the whole, the Americans have done in the Philippine Islands. [Applause.] Those of us who stand here and make faces at their backs do ourselves wrong; we can not injure them. The verdict of history is in their favor.

This which follows is the statement of the medical director. I have met him; he is a truthful man; he is describing things as we found them, and I say to you, my fellows of the Democratic Party here, that it should give us pause to think that there are at least 360,000 Filipino people living in those islands to-day who would be dead now if we had not gone there. Such has been the efficiency of our medical service there.

Dr. Heiser says:

Forty thousand persons were dying annually from smallpox, while the number of deaths from beriberi in jails and other public institutions was frightful. With the exception of the water system in the city of Manila, there was not a reservoir, pipe line, or artesian well for the 7,200,000 people of the entire archipelago, and even the water for the city of Manila was known to be grossly polluted. The dead were buried in a most haphazard manner, it being a not infrequent experience to find as many as four or five interred in a grave. The bones of those who had died but a few months before were often ruthlessly cast out to bleach in the sun in order to make room for a more recent death. The city of Manila, which had a population of over 200,000, had no sewer system, and foul human discharges found their way directly into the esteros or canal, of which there are some 23 miles. The water in these was frequently stirred up by the lighters and other craft which are used so extensively in Manila for transporting cargo, with the result that nauseous gases were constantly being liberated.

There was no food law, and the vilest class of food products was shipped into the country without let or hindrance. Amoebic and other forms of dysentery soon affected the troops and others who had come to the Philippines to aid in governmental work. Subsequent experience has shown that these same diseases were responsible literally for thousands of deaths annually among the Filipinos. There was no hospital in the entire islands which had modern surgical equipment, and persons died on every hand of disease which could have been easily relieved. It was not uncommon to find many persons horribly deformed by the scars which resulted from injuries or ulcers that could have been easily cured if skilled attention and facilities had been available at the time when they had their beginning. The prisons throughout the islands were indescribably filthy and neglected.

The maritime quarantine was conducted upon a basis of graft rather than upon merit, with the inevitable result that an outbreak of plague, cholera, or smallpox in the near-by foreign countries meant the early introduction of the disease into the Philippines. There was no proper inspection of animals before slaughter, and suitable slaughterhouses

where this work could have been done were conspicuous by their absence. More than 5,000 lepers were at large throughout the Philippine Islands. A few hundred were taken care of as objects of charity, but there was no attempt to segregate lepers.

Malaria prevailed in hundreds of towns in the Philippines, without quinine being available to combat it. It was no infrequent experience to find imitation quinine pills being sold at fabulous prices in the stricken districts, and the poor populace had no one to whom to apply with the hope of receiving any relief from this most intolerable condition. Sections of Manila, having a population of 5,000 to 25,000, were built up with houses so closely crowded together that there was no room for streets or alleys, and egress from these sections had, in many instances, to be made by the residents crawling under one another's houses. Manila is located on a tidal flat, and formerly, at high tide, about half of the city was inundated. As this flat land consisted of soft, oozy mud, the conditions can be better imagined than described.

There was no governmental provision for the insane, and it was no uncommon sight to see these unfortunates tied to a stake, under a house or in a yard, with a dog chain, and it often happened that during fires, which are so frequent in towns built of nipa, these unfortunates were burned because no one thought to release them. Foods and perishable provisions were sold under most filthy conditions, the common practice being to sell them from the ground, so that the dust and dirt of everyone who came to see was soon intimately mixed with the food that was on sale. It was a frequent occurrence to find small rooms, often no larger than 8 by 10 by 8 feet, in which from six to eight persons were sleeping. Tuberculosis was responsible each year for perhaps another 50,000 deaths throughout the archipelago. No effort whatsoever was made to teach the people how to deal with this scourge.

To-day in the six Provinces which immediately surround Manila, where formerly there had been probably for centuries 6,000 deaths annually from smallpox, there was not a single death from that disease in the year following the completion of the vaccination, nor have there been any deaths since that time among persons who were vaccinated in those Provinces. This work is still going on, and the net result is that there are now at least 30,000 less deaths annually than was the case before this work was begun.

In Manila a modern water system has been constructed at a cost of approximately $2,000,000, for which the water is now obtained from an uninhabited watershed. This improvement has already resulted in a reduction of approximately 800 deaths annually in Manila, from the gastro-intestinal diseases. At the cost of another $2,000,000 a modern sewer system was provided. This is one of the most modern of its kind, and has been in very satisfactory operation for four years. The filthy latrine and cesspool are now rapidly giving way to the modern flush closet. Twenty-three miles of esteros have been cleaned of their accumulation of centuries. Hundreds of artesian wells have been bored throughout the islands, and work is under way for the installation of many hundreds of others. Wherever the water from an approved well has been exclusively used by a community, the death rate has often dropped 50 per 1,000. In other words, in a town of, for instance, 3,000 inhabitants, there are now 150 less deaths annually than occurred before pure drinking water was furnished.

The jails throughout the islands have been cleansed and sanitary equipment installed. The loathsome skin diseases from which the prisoners suffered were cured, and the conditions have been made such that their contraction in the future is extremely unlikely.

Beriberi, which in former days caused frightful mortality in jails and other public institutions, and was responsible for 5,000 deaths annually in the archipelago, is now being rapidly reduced owing to discoveries which were largely worked out in the Philippine Islands.

Lepers have been segregated in comfortable decency, and, Dr. Heiser says, "probably 600 persons are being saved annually" from the leper's fate. Plague has been extirpated. Cholera has been destroyed.

A modern insane hospital has been constructed in Manila, where there is room for at least all of the cases that are urgently in need of care. A large general hospital, with a capacity of 350 beds, has likewise been constructed in Manila. This is unquestionably the most modern and best-equipped hospital in the Eastern Hemisphere and will compare favorably with the most modern hospitals in Europe and America. Already patients are being treated at the rate of 80,000 a year in the out-patient clinic, which means that thousands upon thousands are receiving relief and are freed from pain, among whom only agony and distress existed heretofore.

A campaign against tuberculosis has been organized; camps for the treatment of incipient cases have been constructed at various places; many dispensaries have been opened; a hospital for incipient cases provided at Baguio and a hospital for chronic cases at Manila. A campaign of education has been waged on every hand; the aid of moving-picture films has been utilized; in short, everything is being done that is customary in enlightened communities of Europe and America.

The influence which this work has had upon other colonizing powers in the Orient it is almost impossible to estimate at this time. During the past four years representative sanitarians and others from Japan, China, Hongkong, Indo China, the Straits Settlements, Java, India, the Federated Malay States, Australia, Ceylon, Siam, and other countries have come to the Philippine Islands for the purpose of studying the methods by which the results in the Philippines were brought about.

Fifty per cent—you who carp at or ignore our magnificent life-saving work yonder—50 per cent of all the children born in the Philippine Islands died in infancy. Would you turn down the men who have saved the lives of the children? [Applause.]

Now, I sympathize with all my heart with their desire for freedom. God knows I want them to have it; but independence is not a thing to be treated as in an alleged recent case, where one of the caciques going to Manila said, at the request of his people, that he would bring them some packages of it when he came back.

Freedom is a serious thing. We have taken many years to learn how to appreciate it. We were trained for centuries in self-government, and yet when the Revolutionary War was over we made a mistake in endeavoring to get on with a confederacy which we had to give up. You can not take a people and bring many of them out of savagery to self-government in 15 years. It can not be done. It is absurd; and you know it is absurd when you think about it, to attempt to impose an occidental government upon an oriental people in 15 years. The whole report shows the oriental mind. The omissions and the coloring are all oriental in cast. It has not been wholly written by Americans; there is an influence back of it called the Nationalista Party, which casts 90,000 votes in the islands out of a population of 8,000,000.

Now, I have spoken from my heart and frankly. If I have offended by word or by manner I am sorry, for I did not mean to do so. But I have the burden on my heart of the people for whom we are trustees, whom it is our duty, please God, to make a great, strong, free people—a people who shall live to thank us for what we have done for them, a people who are not to be kicked out because we found them troublesome. [Applause.]

[From the New York Evening Post, Jan. 29, 1913.]

AGAINST PHILIPPINE INDEPENDENCE.

To the EDITOR OF THE EVENING POST.

SIR: I am an anti-imperialist. By this I mean that I have always believed that the most mistaken act ever committed by our Government was the taking over of the Philippines. I also believe that, for our own good, we should get rid of them at the earliest opportunity; but can we righteously do so? I believe that any man who will visit the islands and see, not Manila only, but something of the interior and of the other islands, will say with me that we can not.

I visited the islands for the first time last winter, but I had previously lived a number of years in the Far East, and was in Japan at the time of the war and after. There I met many men who had been often to the Philippines. What have we done in 13 years? The wild tribes are at peace. Head-hunting is a relic of the past. Men go about scantily clad, to the distress of the missionary, but long experience in the Tropics has taught me that this is the best dress.

In Mindanao, where Spain had scarcely a foothold, under the wise guidance of Gen. Pershing, the Moros have almost totally disarmed themselves. The general asked them to bring in their firearms. The chiefs demurred on the ground that if one gave up his weapon his neighbor would steal his cattle in a night. So he called a council of the datos, and all agreed to surrender at the same time, so that now there is hardly a weapon in the island. At Jolo I saw wagonloads of firearms, from flintlocks to Remingtons, being taken to be sunk in the sea or otherwise destroyed. This great island, for centuries the scene of constant bloodshed, is at peace.

Perhaps the greatest blessing we have brought the islands has been a stable currency on a gold basis, much to the disgust of the Chinese money changer. He can no longer charge 15 per cent and 25 per cent for exchanging Greek drachmas or Russian rubles for Mexican dollars. Neither can the British banking firms, with their well-known liberality, discount at their own notes at 8 per cent, as heretofore, and as they still do in China.

Manila has a magnificent system of sewerage installed, the foul mud flats have been filled in, and the water supply is the equal of any in the world.

These are details, however. What we have really done is to establish that hitherto unknown thing, justice. Up in the hill country, where might has been right since life began, the young American Army officer is stationed. These stations were raided at first, but punishment quickly followed, and now these boys, many of them but a few years out of West Point, are governors, police, and judges. The native has learned that by going to these men he can get his rights, no matter how powerful his opponent may be, and a new era has opened for him.

Besides justice we are giving them education. A band of devoted men and women have spread themselves throughout the islands to teach in the schools that the Government has established. The schools are well attended.

I could go on indefinitely with the beneficial results following upon our occupation of the islands, and please remember that I went there with my eyes wide open to see just the opposite.

Let me mention but one other thing that we have brought to the islands—the hospitals; unfortunately, still far too few. The native was at first suspicious. The few that knew of hospitals at all remembered only the old filthy holes that were called such by the Spaniards.

I went one afternoon with a young Army surgeon to the University Hospital in Manila. He went through a clinic of perhaps 40 patients in less than half an hour, for time pressed, but in that time he saved the sight of many a child. He then performed that miracle of miracles, the restoration of sight to four patients by the removal of cataracts. This being done we were about to leave, when a big native boy felt his way through the gate. He was evidently blind and in great pain. The doctor lifted the bandage, called to the tired nurses, and inside of five minutes had the frightened boy anæsthetised. He had a deep ulcer of the cornea with pus in the anterior chamber, and it was a question of hours only before the eye would have been totally destroyed. The other eye, too, was already infected. Had it not been for that hospital and that doctor that boy would have lost one eye certainly and the other probably.

And yet at the call of many honest people who do not know, as I did not, we would put an end to all this, destroy the first dawning of justice, safety, and happiness that these poor people have ever known. Are they crying out for freedom from an alien rule that has brought them what it has? Not one in ten thousand of them.

If Mr. Wilson or any unprejudiced person could but see those islands as the unnoticed traveler sees them, I am certain that he would change his opinion as I changed mine.

I warn all those who urge evacuation of the islands that such a step would mean nothing more nor less than turning them over to the Spanish mestizo, for 99 per cent and more of the native population are as incapable of even understanding self-government as children. To the men who spend their lives in plotting, stealing, and grafting in Manila, and who have been a stumbling block in the way of all advance from the time we took the islands, the governing power would go.

There may be exploitation; I know of cases. There may be graft; I know of worse cases. But at its very worst it is a heaven as compared to the least of our own municipalities, and to leave these islands now, and their mixed and ignorant people, with our work half done, I believe would be a crime. We have put our hand to the plough. Let us keep it there till the end of the furrow.

FRANK H. CLARK.

COLORADO SPRINGS, *January 24*.

Comparative statement showing by bureaus amounts allotted under proposed allotment, previous allotment, and act No. 1989.

[Differences indicated by asterisk.]

	New allotment.	Old allotment.	Act No. 1989.
Commission	127,200	127,200	127,200
Assembly	450,000	450,000	450,000
Private secretaries	3,000	3,000	*9,000
Executive	172,000	172,000	*164,000
Executive Bureau	530,000	530,000	530,000
Bureau of Audits	357,000	357,000	357,000
Bureau of Civil Service	77,000	77,000	77,000
Bureau of Health	1,417,000	1,417,000	1,417,000
Bureau of Lands	648,000	648,000	648,000
Bureau of Science	340,000	340,000	340,000
Bureau of Forestry	143,000	143,000	143,000
Quarantine Service	125,000	125,000	125,000
Weather Bureau	131,900	131,900	131,900
Philippine Constabulary	2,450,000	2,450,000	2,450,000
Bureau of Public Works	286,000	286,000	286,000
Bureau of Navigation	1,283,000	1,283,000	1,283,000
Bureau of Posts	660,000	660,000	660,000
Coast and Geodetic Survey	200,000	200,000	200,000
Bureau of Labor	57,000	57,000	*44,000
Consulting architect	12,000	12,000	12,000
Supervising railway expert	35,000	35,000	*36,000
Bureau of Justice	140,000	140,000	140,000
Bureau of Customs	760,000	760,000	760,000
Bureau of Internal Revenue	572,000	572,000	572,000
Bureau of the Treasury	123,000	123,000	123,000
Bureau of Education	3,610,000	3,610,000	3,616,000
Bureau of Agriculture	850,000	850,000	850,000
Philippine Medical School	175,000	[1]175,000	175,000
Bureau of Prisons	596,678	596,678	596,678
Philippine Library	57,500	57,500	57,500
The Judiciary	896,000	896,000	896,000
Provincial government of Mindoro	33,400	33,400	33,400
Provincial government of Palawan	24,110	24,110	24,110
Provincial government of Batanes	15,000	15,000	15,000
Damages, etc			*20,000
Provincial government of Samar	6,000	6,000	(*)
General purposes	50,000	50,000	50,000
Provincial government of Cavite	5,000	5,000	5,000
Rate regulation board	5,000	5,000	5,000
Legal services	5,000	5,000	5,000
Total	17,427,788	17,427,788	17,427,788

[1] Medical school allotment made by advice of the Governor General, dated Jan. 2, 1912.

BAGUIO, *March 9, 1912.*

Mr. MURRAY. Mr. Chairman, I ask unanimous consent that the gentleman from New York be given leave to print on the general subject of Filipino independence.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts that the gentleman from New York be given leave to print generally on the subject of Filipino independence?

Mr. JONES. Mr. Chairman, I shall have to object unless the gentleman states what he wishes to print.

The CHAIRMAN. Objection is heard.

[Mr. QUEZON addressed the committee. See Appendix.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. JONES].

Mr. JONES. Mr. Chairman, I regret exceedingly that the gentleman from the Philippine Islands [Mr. QUEZON] can not be permitted to proceed for 5 or 10 minutes longer, and I would gladly yield him the few minutes that have been given me but for the fact that I desire to make immediate reply to some statements that have just been made, particularly to those made by the distinguished gentleman from New York [Mr. REDFIELD]. But before I do so, I wish to ask unanimous consent to print in the RECORD the plank which the platform committee of the Baltimore convention were asked to incorporate in the Democratic platform by myself and others, who were desirous of seeing the Democratic Party reaffirm its oft-repeated position in relation to the Philippine Islands.

Mr. MURRAY. Mr. Chairman——

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to insert in the RECORD——

Mr. MURRAY. Mr. Chairman, reserving the right to object, I offer a substitute request that all gentlemen who have spoken on this matter—the gentleman from New York [Mr. REDFIELD], the gentleman from the Philippine Islands [Mr. QUEZON], and the gentleman from Virginia——

Mr. JONES. Mr. Chairman, I hope this interruption will not be taken out of my time.

Mr. MURRAY (continuing). Be given general leave to print on this subject matter. Unless that request shall be granted to all, I shall object.

Mr. GARRETT. Mr. Chairman, I object.

Mr. MANN. Reserving the right to object, I understood the gentleman from Virginia objected to the request of the gentleman from New York to extend his remarks, and I am surprised he now asks leave for himself.

Mr. JONES. The gentleman from Illinois is very much mistaken. I expressly stated that I would not object if the gentleman would state what he wished to insert in the RECORD. That is a very different proposition.

Mr. MURRAY. Mr. Chairman, I object.

Mr. JONES. Well, the gentleman can do so if he so desires. In my own time, Mr. Chairman, I shall now proceed to read the proposed Philippine plank which the gentleman from New York [Mr. REDFIELD] has just erroneously stated specifically indorsed the Jones bill. Fifty copies of this resolution were typewritten at the instance of the gentleman from the Philippine Islands [Mr. QUEZON] and placed in the hands of various members of the committee on resolutions, and it will be observed that its wording completely refutes the statement made by the gentleman from New York. It bears, too, upon its face inherent and incontestable evidence that it was the identical resolution presented to and discussed by the committee on resolutions of the Baltimore convention, for the first few lines of the Philippine plank, as adopted by that convention, were copied verbatim from this proposed resolution. So I need not summon witnesses to confirm my statement, for, if confirmation be necessary, it is to be found in the resolution itself. I will now read the resolution which it has been charged specifically indorsed the Jones bill:

> We reaffirm the position thrice announced by the Democracy in national convention assembled against a policy of imperialism and colonial exploitation in the Philippines or elsewhere, and favor an immediate declaration of the purpose of the people of the United States to recognize the independence of the Philippine Islands at a definite date to be fixed by Congress, retaining for ourselves such lands as are necessary for naval bases and coaling stations, and we urge upon our Government earnest effort to secure by treaty with the chief maritime powers the neutralization of the islands under a government to be established under American auspices by their people.

Now, Mr. Chairman, that completely annihilates the statement which the gentleman from New York has said he got from Senator O'GORMAN. It does more; it absolutely destroys the argument which he attempted to found on a premise shown to be false.

Mr. Chairman, if I had half an hour at my disposal, it would not suffice to answer all the misstatements made by the gentleman from New York. He stated in almost the first sentence which he uttered that the distance from here to the Philippine Islands was 15,000 miles, whilst the truth is that it is not more than 10,000 miles from Washington to the Philippines. I had supposed before the gentleman made this remarkable statement that everybody knew it was about 3,000 miles from here to San Francisco and 7,000 miles from there to Manila. The gentleman, who boasts of his accuracy of statement, is 5,000 miles out of the way on almost the first statement he makes. [Applause.]

The gentleman started out by stating that the purpose of his speech was to challenge a number of statements contained in some remarks made by me on January 28 last, one of them being that the Benguet Road was less than 20 miles long, whereas he declared it was 30 miles long. If this were true, it would be a matter of small consequence, and would in no degree lessen the force of my statement that the Philippine Commission had not only squandered millions of the public moneys of the Filipino people upon this road but that they had actually expended upon it a considerable part of the money which the Congress of the United States voted in 1903 to relieve the dire distress which then existed in the islands as a result of the ravages of the rinderpest. The gentleman broadly intimated that because I had, as he alleged, stated that the Benguet Road was 10 miles shorter than it really was no importance should be attached to any other statement made by me. This, he seemed to think, was the best method of disposing of charges which he could not meet. But his statement, inconsequential as it is, that I did not correctly state the facts as to the length of this road is not true, as I shall undertake to demonstrate. He says that the road as originally built was 30 miles in length, but that 10 of those miles have since been covered by a railroad, and that the millions which I charged to have been spent upon the 20-mile automobile road were actually expended upon the whole 30 miles.

It is true that 10 miles of the road as originally built is now covered by a railroad, and it is also, of course, true that all the money expended upon those 10 miles by the commission has been thrown away. But it is not true that any part of the money which I charged as having been spent on what is now the automobile road was expended on the 10-mile reach over which the railroad now runs. When I made that statement I meant just what I said, and I said what I meant, and I was absolutely justified in saying it. I do not know what

amount the commission threw away on the 10 miles of the Benguet road now traversed by the railroad, nor from whence it came, but I still assert that millions were expended on that portion of the road now and always used as an automobile road, the road from Camp No. 1 to Baguio, which I stated was less than 20 miles long, and which the gentleman says is exactly 20 miles long. I described the road to which I referred in my speech over and over again as the Benguet automobile road. I asserted that millions had been expended in its construction and upkeep, and this statement can not be successfully challenged by the gentleman from New York or by those from whom he obtained his information. When the bill to authorize the Philippine Government to increase the public indebtedness of the Philippine Islands, now on the calendar of this House, was being considered by the Committee on Insular Affairs, Gen. Edwards, Chief of the Bureau of Insular Affairs; Col. McIntyre, then assistant chief; and the Hon. MANUEL QUEZON, the Philippine Resident Commissioner, appeared before the committee and made statements which are to be found in the printed hearings upon that bill. These witnesses gave information as to the cost of the Benguet road. Mr. QUEZON was asked by Mr. HELM, a member of the committee, both as to the length and the cost of this road, and I asked specifically what was the distance from Camp No. 1 to Baguio. This is what the hearings disclose:

Mr. HELM. How long is the road?
Mr. QUEZON. The Benguet Road is about 10 or 12 miles—the colonel will be able to tell you.
The CHAIRMAN. How far is it from Camp I to Baguio?
Mr. QUEZON. I think that is about 10 or 12 miles.
Mr. HELM. Is that where the $2,000,000 was spent?
Mr. QUEZON. Pretty nearly.

Both Gen. Edwards and Col. McIntyre were present and heard Mr. QUEZON make these statements and neither of them questioned them. They were the only statements made by anybody as to the length of the road from Camp No. 1 to Baguio and the cost of the same, and therefore the favorable report made upon the bill stated that this road was 10 or 12 miles long. This statement was based upon the uncontroverted testimony of Mr. QUEZON. It is true, and it is but fair to Gen. Edwards, to say that some time afterwards he informed me that the length of the road from Camp No. 1 to Baguio was 43 kilometers, or 20½ miles long.

This simple recital of the facts will serve to show how successfully the gentleman from New York has challenged my statement as to the length of the Benguet automobile road.

Let us see, now, if there was any error in my statement that millions have been expended upon this road, and that a large part of the money was taken from the congressional relief fund.

When Col. McIntyre, now Gen. McIntyre, testified before the Insular Affairs Committee at the hearings of which I have spoken, he filed with the committee a statement showing the "expenditures on account Benguet wagon road" up to June 30, 1911. This statement shows that they amounted to ₱4,158,20.19 up to that time. It also shows that of this $2,079,135 the sum of $649,420.52, or nearly one-third, was taken from the congressional relief fund, to which I called attention in the speech which seems to have so greatly stirred gentlemen in and out of Congress. It shows, too, all statements to the contrary notwithstanding, that more than $55,000 of the relief money contributed by the United States to save the Filipinos from actual starvation was expended in construction work on this road in the year 1906, and after, as is now claimed, it had been completed. Indeed, it even shows that a small part of this sacred fund was expended in 1907 in repairing this pet project of the commission. This, it must be borne in mind, was all spent prior to June 30, 1911. For in July of that year a typhoon of unprecedented severity swept over this Province, which completely destroyed some of the most costly sections of this road, they having since been rebuilt at enormous cost.

If this testimony is not sufficient to refute and confound the gentleman from New York, I will quote from the report of the Philippine Commission for 1909 to this effect:

The Government has spent ₱5,000,000 constructing a road to Baguio. Upon the completion of this road the criticism which had been showered upon it for the expenditure of so much money in its construction seemed to have the effect of discouraging any further expenditure toward the development of Baguio, with the result that the Government was in the embarrassing position of having expended all this money for a road and of having spent considerable sums each year for its maintenance, but of not having provided facilities for the use by the people of the summer resort thus opened.

No wonder "criticisms" were "showered" upon the commission for expending $2,500,000 upon the construction, and other hundreds of thousands in the maintenance of what I have described as an "automobile" and what the Chief of the Insular Affairs Bureau calls a "wagon" road to a summer resort, to enjoy which no provision had been made. Congress voted $3,000,000 to save the poor Filipinos from starvation, and yet the Philippine Commission expended nearly a third of it—of course with disinterested purpose and benevolent intent—to enable them, although many of them did not possess a single centavo with which to purchase an ounce of rice, to enjoy a three months' outing at aristocratic Baguio, an expensive summer resort, built at great cost, in one of the most inaccessible parts of the mountains of northern Luzon and in what is known as non-Christian and uncivilized territory.

The gentleman from New York has attempted to give us some idea of this marvelous conception of the Philippine Commission. Let me quote a few sentences from an article which the Chief of the Bureau of Insular Affairs has had inserted in a public document. They put to shame even the brilliant descriptive powers of the very accomplished gentleman himself. Baguio, this enthusiastic writer says, "is a veritable garden of the gods."

When—

Says he—

the great automobile began its late afternoon climb to the mountain top the marvelous engineering of the highway, the constant charm of the hurrying stream below, the soft colorings of the canyon, and the wonderful vistas that broke upon the vision, combined with the astonishing skill of the chauffeur to make our ride one of the enjoyable events of a lifetime.

I realize, Mr. Chairman, that I should apologize for devoting so much time to such an inconsequential subject as the length of this automobile road, but so much importance has been attached to my statement that it was less than 20 miles in length that I have felt justified in setting forth the truth in regard to it. No man can deny and few, I think, will attempt to defend the action of the commission in persisting in the construction of the Benguet road in the face of the universal opposition of the Filipino people, and certainly the expenditure of the congressional relief fund upon this work can not be justified. It is no justification to say that this money was expended in giving employment to poor Filipino laborers. The crop failures which resulted from the ravages of the rinderpest among the work cattle occurred in 1903, and not a dollar of the congressional relief fund was expended in that year for labor on the Benguet road. It was expended in the years 1904, 1905, 1906, and 1907. Moreover, there were comparatively few carabaos in Benguet, which, as I have said, is mostly inhabited by uncivilized people.

When this road was first projected it was estimated that it would cost $75,000. It was not necessary, as has been stated, to build it in order to give the mountain tribes an outlet, for there existed what is known as the Naguilian trail, which has been used by the Benguet Igorots for ages. This trail has been converted, as we are told by the commission, at some small cost into a good cart road, and is even used by automobiles. More than this, a railroad is being built to Baguio at a cost estimated by the engineers at less than the amount expended on the shorter Benguet automobile road. This road is nearing completion, and when completed will, of course, accommodate all the travel that there will ever be between Baguio and the civilized provinces. But the automobile road, it seems, is still to be maintained in order, of course, that the poor Filipinos may not be subjected to the hardships of railroad travel.

The gentleman from New York has not only vainly attempted to show that statements made by me on the floor of this House were inaccurate, but he has even inveighed against what he describes as "that beautiful work of fiction known as the report on the Philippine independence bill," and in which he says he has failed to find an accurate statement. This is a gratuitous and wholly unwarranted attack upon the entire majority membership of the Committee on Insular Affairs. To sustain this sweeping and, as I shall conclusively show, baseless statement, the gentleman read these lines from that report:

The Philippine Constitution, written by Apolinario Mabini, and proclaimed by the Malolos Government in 1899, is justly regarded as a notable intellectual achievement.

Having given the House this illustration of what he alleged to be misstatements contained in this report, the gentleman proceeded to impeach the accuracy of the entire document by asserting that "it was not written by Mabini," and that "its chief authors were Pedro A. Paterno and Emilio Aguinaldo."

This is, indeed, a most astounding statement. It is contrary to all accepted history, and it rests wholly upon the unsupported statement of the gentleman who does not claim to possess any personal information on the subject.

I have read most, if not all, the modern histories of the Philippine Islands, and if there can be found a word in any one of them to justify the gentleman's denial that Mabini was the author of the Malolos Constitution, I have failed to find it. In Foreman's great history, entitled "The Philippine Islands," he says, on page 546 (edition of 1906), speaking of Apolinario

Mabini, "it was he who drafted the Constitution of the Philippine Republic."

It is my good fortune to have personally met most of the Filipinos who were conspicuously connected with the Malolos Government, including Gen. Aguinaldo, its president, and to have discussed with them the work of the Malolos Congress, and I have yet to meet the Filipino who does not give to Mabini the credit for having written the Malolos Constitution. It is universally acknowledged to have been a notable achievement, and even Aguinaldo would have been proud of its authorship. Is the ipse dixit of the gentleman from New York to be accepted against such testimony as this? But the fact that Mabini had written the Malolos Constitution was set forth in the report for the sole purpose of showing that this great document was the work of a Filipino. Both Paterno and Aguinaldo are Filipinos, and if it could be shown, as it has not been, and can not be, that they are entitled to the credit of producing this great State paper, it would in nowise detract from the force of the argument advanced in the report.

The gentleman from New York, having gratuitously and wholly without justification charged me with gross inaccuracy of statement, I now wish to call attention to one or two statements made by him—a man who discharges his employees for less serious inaccuracies than those which he so recklessly charged me with. He tells us he has visited the Philippine Islands. He was accompanied, he says, by his son, who visited the gold mines near Baguio. He does not tell us whether it was business or pleasure which took him to the Philippines.

Some time last year there was published in the National Monthly an article entitled "A suggested Democratic policy for the Philippines, by Hon. WILLIAM C. REDFIELD, a Member of Congress," adorned with a handsome picture of the writer. Among other remarkable statements in that article I find this:

> There are more adult male Moros than there are voters in the island, are more adult Igorots than there are voters in the island.

Elsewhere in this article this accurate gentleman states that at the second election in 1909 there were but 192,975 votes cast. There were many more cast at the last election, but I will take the gentleman's own figures. There are, according to the Philippine census, only 277,547 Moros in the Philippines, and does any sane man believe that of that number more than 192,975 are adult males? There are, according to the same authority, 211,520 Igorots, and does any man with a grain of sense believe that more than 192,975 of them are male adults? If one in five of all the Moro and Igorot inhabitants combined are male adults, which is the accepted proportion in this country, there would be only 97,513 male Moro and Igorot adults all told in the Philippines. I am aware that the gentleman now states that the number of Moros is not known, but he stated in this article that the non-Christian tribes number in excess of 600,000, which, according to the census, is true. This fairly illustrates the accuracy of statement, I will not say the gross misstatements, of the gentleman who can be so scornful when he thinks he has discovered a slight inaccuracy in the statement of another, although, as I have demonstrated, he, and not the one he would criticize, is in error.

I now come to what the gentleman from New York declares to be, at the present moment, his "own attitude on this Philippine question." These are his identical words:

> I do not think that the American flag should continuously or long, as the lives of nations go, float over a dependent people. I believe, and have said it to the distinguished gentleman from the Philippines, that he and his people should be as free as I. I seek for my own son no freedom I do not want for his son. Is that plain enough? If not, then write your desire for freedom for the Filipino people as liberally as you will and I will subscribe to it. And I am in accord with not only the last but the last three Democratic platforms upon this subject. I believe that the platform of 1904 spoke the truth more plainly than the others when it said that the Philippine people should "work out their own destiny"; but I call the attention, however, of my friends on this side to those respective platforms to say that the emphasis in them rests upon one fundamental word, "stable."

The latest declaration of the Democratic Party on the subject of the Philippines is in the following words, and not even so ingenious a gentleman as the gentleman from New York can find in them any justification for the position he actually assumes, whatever his latest words may mean, in respect to Philippine independence:

> We reaffirm the position thrice announced by the Democracy in national convention assembled against a policy of imperialism and colonial exploitation in the Philippines or elsewhere. We condemn the experiment in imperialism as an inexcusable blunder which has involved us in enormous expenses, brought us weakness instead of strength, and laid our Nation open to the charge of abandonment of the fundamental doctrine of self-government. We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us until the neutralization of the islands can be secured by treaty with other powers.
>
> In recognizing the independence of the Philippines our Government should retain such land as may be necessary for coaling stations and naval bases.

Mark these words in the platform, "We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established." They are far more radical than the provisions of the pending independence bill, for the bill not only provides for the establishment of a stable government but insures its maintenance for eight years. The Democratic Party has promised Philippine independence as soon as a stable government has been established and not when one has been maintained for a given length of time. The bill provides ample machinery for the establishment of a stable government, and whether or not the Filipinos can successfully maintain such a government once it has been established is another and quite a different proposition. For one, I entertain no misgivings as to their ability to maintain as well as to establish a stable government, but the Democratic promise of independence is not predicated upon the maintenance for any period of time of such a stable government as may be established. It has no such sting as this attached to it.

I would not, of course, be understood as saying that the Filipinos will be able, if given their independence, to defend that independence against some strong naval power. If they are not to be free until that day arrives they will never realize the independence which has been so solemnly promised them. Few of the free and independent countries of the world could long maintain their independence against foreign aggression.

But the present position of the gentleman from New York is even more at variance with that expressed by him in the article from which I have quoted than with the declarations of the Democratic Party to which he professes to belong. In that article he states his position in these words:

> When a majority of them (the Filipinos) shall be able to cast a ballot which they can read in any language, it will then be for them to decide what they wish their future relation to the United States to be.

What the gentleman doubtless meant to say was "which they can read in some," not "in any," language; for I can not believe he would be understood as desiring to withhold from the Filipinos their independence until a majority of all the adult males could read a ballot printed in any language which might be prescribed. It would be bad enough to withhold it until a majority of all Filipinos, including the uncivilized Moros and Igorots as well as the civilized Tagalogs, could read a ballot printed in either English or Spanish as the law now requires of all persons who do not possess property or certain other prescribed qualifications. The postponement of their independence until a majority of all of them could read some one language would be a more drastic provision than can be found upon the statute books of any State of the American Union, and one which would forever disfranchise many a voter who contributed toward sending to Congress the gentleman from New York. Can any Democrat truthfully say that he is in accord with his party's position as to the Philippines who holds that the Filipinos should not be granted their independence until a majority of every male adult in the archipelago, including all the savages and wild men of the mountains, are able to read their ballots? This is going a bowshot farther than anything that has ever been written in a Republican platform. It is fixing a date more distant than that proposed by President Taft. It is equivalent to saying that the Filipinos shall remain in bondage to the United States until the end of time. There may be other professing Democrats who agree with the gentleman from New York, but, if so, none has been bold enough so far to publish that fact to the world.

This, Mr. Chairman, is all I care to say in reply to the carefully prepared speeches of the gentleman from New York [Mr. REDFIELD] and the gentleman from Pennsylvania [Mr. OLMSTED]. The striking similarity of these two speeches suggests a common source of inspiration—they both bear the indubitable hall marks of the War Department, which, as all of us know, is the real governing power of the Philippines. Neither of these astute gentleman has answered a single one of the serious charges made by me against the Philippine Government, and no attempt has been made by either to answer most of them. If, as has been recklessly and falsely asserted by others, I have made charges of maladministration against certain Government officials in the Philippines which I could not sustain, the able gentlemen who have just addressed the House ought certainly to have been able to have shown wherein I have sinned. They have taken ample time in which to prepare their speeches, and they have obviously had the benefit of such information as the War Department could supply, and yet they have not so much as attempted to answer the serious charges for making which I have been most severely criticized by persons who have only succeeded in demonstrating their own ignorance of all things touching the Philippines.

I asserted in the speech which I delivered on the 28th of January last that three prominent American officials had been charged with graft, had been found guilty by a board appointed to investigate the charges, and yet had been shielded from punishment. Has any denial of this serious charge been made by anybody, here or elsewhere?

I charged that a considerable part of the congressional relief fund of $3,000,000 had been expended in the construction of an automobile road to a mountain summer resort, the exact sum being $649,420.52, as I have shown. Has the correctness of this statement been challenged?

I charged that in order to avert a deficit in 1912 the sum of $1,698,513.82 was transferred from the gold-standard fund, a fund created to maintain the parity between the silver currency of the Philippines and the gold dollar, to the general funds of the insular treasury, and this serious charge has neither been denied nor explained by anybody.

I charged that Governor General Forbes had, without warrant of law, created 123 new offices; but this, it seems, was so trivial a matter as compared with the exact length of the Benguet Road and the authorship of the Malolos constitution that no one has even noticed the charge.

I charged that our military occupation of the Philippines was costing the United States approximately $40,000,000 a year, and I specified many of the items which go to make up that grand total, not one of which has been disputed. The American people will not always be fooled by or be satisfied with the reply that civil government in the Philippines is costing the United States nothing. Some day they will come to realize that our military and naval expenditures on account of the Philippines, which are a charge upon the Treasury of the United States, are one thing and the cost of the civil government of the Philippines, which is paid out of the revenues of the islands, is quite another thing.

I charged that the administration of civil government in the Philippines was most extravagant and wasteful, and I called particular attention to the damaging fact that the expenditures on account of bureaus and offices for the fiscal year 1912 exceeded those of the previous year by $1,320,318.24, and that this increase was without any warrant in law; but this was too trifling a matter to call for any explanation or denial.

I think, Mr. Chairman, I have now made it quite plain that nothing I have said in regard to the civil government which we have imposed upon the Filipino people was either inaccurate or without justification. I have neither misrepresented nor slandered anybody. I have presented a few unvarnished facts, and if they constitute a "vicious attack" upon any member or members of the Philippine Commission I am not to be blamed therefor.

I now ask to be permitted to publish in connection with my remarks a portion of an interview given out by Dr. John R. McDill, of Milwaukee, which appeared in the Milwaukee Journal some time since. Dr. McDill enjoys the highest reputation as a man, and he has attained great renown as a surgeon. He is one of the leading physicians of Milwaukee, and the Journal describes him as one of the world's greatest authorities on tropical diseases. He returned to Milwaukee in July last, after a residence of 12 years in the Philippines. He is a disinterested as well as a qualified witness, and therefore anything which he has to say with regard to the Philippines must carry with it great weight.

I shall also publish a letter written by the Hon. Charles B. Elliott, of the Philippine Commission, to Auditor Phipps, of the Philippine insular government. As I have before had occasion to say, Judge Elliott was formerly a member of the Supreme Court of Minnesota, was appointed to the Supreme Bench of the Philippines by President Taft, and afterwards promoted to the commission. In this letter it is clearly shown that the action of Governor General Forbes in the disbursement of the public revenues of the islands, which I have been criticized for questioning the legality of, was absolutely unwarranted in law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REDFIELD. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia [Mr. JONES] may extend his remarks in the RECORD.

The CHAIRMAN. The gentleman from New York [Mr. REDFIELD] asks unanimous consent that the gentleman from Virginia [Mr. JONES] may extend his remarks in the RECORD.

Mr. MANN. Reserving the right to object, I ask unanimous consent that the gentleman from Virginia [Mr. JONES] and the gentleman from New York [Mr. REDFIELD] and the gentleman from the Philippines [Mr. QUEZON] be allowed to extend their remarks in the RECORD on this subject.

Mr. JONES. Does that carry with it, Mr. Chairman, the right to publish anything we wish to publish?

Mr. MANN. I assume the gentleman would not abuse the privilege by publishing books or long documents.

Mr. JONES. I do not know. If gentlemen will indicate what they wish to publish, I shall not object. This is what I propose to do.

DR. M'DILL'S INTERVIEW.

From February 15 to June 15 the entire Government personnel moves to Baguio, the summer capital in the mountains, where the time is pleasantly spent, enough official duties being done in the mornings only to comply with civil-service regulations. Transportation is given all employees, together with allowance to cover living expenses. Baguio is 5,000 feet high and cool and beautiful, but the Filipinos objected to these vacations as an unnecessary extravagance.

* * * * * * *

Politically the Filipinos are justifying the confidence placed in them in extending to them the higher legislative functions in their elective lower house or assembly. Their work in provincial municipal government has not been so successful. The commission or upper house, the majority of which is composed of Americans, and the lower house do not pull together so well. There is a lack of confidence and trust between them, the causes of which are not entirely racial. They could be avoided by a different attitude and a change in personnel on the side of the Americans. Until a definite policy is proclaimed by the United States there will continue to be dissatisfaction and distrust of us. The present relations between the two races are as bad or worse than ever before. One reason is because the Filipinos are a sensitive and courteous people and we are not.

The only real trouble, however, we shall ever have with the Philippines will be to let go of them. Two reasons they have not been the subject of more controversy or more interest politically in this country are the skillfully written reports of the administration there and the undoubted enthusiasm and patriotism with which the army of well-paid Philippine Government officials advocate our holding on to that country. They all say we can not back out with honor.

UNITED STATES SHOULD DECLARE POLICY.

If the coming national administration takes up the Philippine problem from another standpoint than that which has obtained to date, namely, whatever you do over there, do not do anything to disturb us here in Washington, the long past due declaration of our future policy will be announced.

—

JUDGE ELLIOTT'S LETTER.

DEPARTMENT OF COMMERCE AND POLICE,
Manila, May 25, 1912.

The SECRETARY.

MY DEAR MR. PHIPPS: At the recent meeting in the office of the Acting Governor General you asked for a copy of the memorandum, a portion of which I then read, in which I state my view as to the proper construction of section 7 of the act of Congress of July 1, 1902, reenacted February 27, 1909.

There has been considerable discussion with reference to this matter, and, as you well know, I have not been able to accept as proper the course which has been construed. When the question first arose I sent to the Governor General a memorandum which was hastily prepared, and did not assume to argue the question with any degree of fullness. Just before the Governor General left I wrote him a letter designed merely to put on record the fact of my disagreement.

In what I write I do not wish to be considered as criticizing anyone, nor as suggesting that there has been other than the most earnest effort on the part of all concerned to reach a just and proper conclusion. I have no desire to convey the impression that there is a serious disagreement among the members of the government. It is true that we have disagreed as to certain legal propositions and procedure, but that is inevitable where men are able to form opinions and willing to express them. I have not asked to have my memorandum from which I read at the meeting sent to Washington, because I fear it would give the impression that I was trying to embarrass the Governor General's administration. I do wish, however, to state to you fully the reasons for my position, more particularly because I know you do not agree with some of them.

In the act creating the Philippine Legislature, Congress provided a method by which the government could be supported in the event of the two houses of the legislature for any reason failing to agree upon a current expense appropriation bill. It was understood, of course, that the proposed assembly would be an experiment in government. The conditions were still unsettled, and it was very possible that at some time an attempt might be made by the assembly to seriously embarrass the government by withholding the supplies necessary for its maintenance.

Now, the failure to pass an appropriation bill might result either from an honest difference of opinion between the two houses or from a willful refusal by either house to agree to any appropriation bill, whether good or bad. Whatever the motives the result would be the same.

The United States was trying to establish an orderly and systematic government for the Philippines, which should be conducted on established principles. The Philippine Legislature which was to be created in the future would succeed in certain territory only to the legislative powers of the Philippine Commission. At the time of the creation of the legislature the Government would, of course, be running under the provisions of a regularly enacted appropriation bill. That bill if continued in force would provide for all the reasonable requirements of the Government and keep the machinery in operation until the legislature acted, or Congress saw fit to take more drastic action. Therefore it was provided in the act of Congress of July 4, 1902, that:

"If at the termination of any session the appropriations necessary for the support of the Government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid."

This provision on its face contemplates nothing revolutionary; nothing radical. It is a remedial, not a punitive, measure. It provides for the contingency of an honest difference of opinion between the two houses, as well as for unreasonable or factious attempts on the part of either house to embarrass the Government by withholding the supplies necessary for its existence.

The Philippine Legislature failed to pass a current appropriation bill for the fiscal year of 1912, and at once the question of the proper construction of the above provision of the act of Congress arose. It was contended on one hand—

(a) That upon the failure of the legislature to pass an appropriation bill providing for the support of the Government, the existing appropriation bills for that purpose continued in force with all their conditions, limitations, and restrictions until the legislature acted; that the purpose of the provision was not to change the character of the Government, but with as little inconvenience as possible to provide for an interregnum, which in the ordinary course of things would be of limited duration. On the other hand it was contended:

(b) That upon the failure of the legislature to so act an amount equal to the total of the sums appropriated in the previous existing appropriation bills was deemed to be appropriated by the act of Congress out of the Philippine treasury for the support of the Government until the legislature acted, with the power in the Governor General to distribute the same for the support of the Government as its necessities required, according to existing law. A precedent for this was thought to exist in the case of Navarro v. Post, decided by the district court for Porto Rico in 1909 under a statute similar to that in force in the Philippines. In a letter to the Governor General under date of October 25, 1911, you as auditor of the Philippine Islands adopted the principle of this precedent with some modifications designed, as I understand it, to restrict the executive power of action.

Soon after the adjournment of the legislature the learned assistant executive secretary rendered a legal opinion to the Governor General which I find referred to in the files, but have not had the pleasure of reading. The Bureau of Insular Affairs advised that the situation was controlled by the case of Navarro v. Post, and your opinion above referred to was to the same general effect. It does not appear that the legal and constitutional questions involved were considered by the law officer of the Bureau of Insular Affairs, or by the Secretary of War. As the conditions were somewhat similar, it was easy and natural to assume that the Porto Rico case should be followed. I earnestly urged upon the Governor General the importance of obtaining the formal opinion of the Attorney General, who is his constitutional adviser. This was not done, nor was my suggestion that the opinion of the Attorney General of the United States be obtained given much consideration. To my mind the question involved was of the greatest legal and constitutional importance involving principles of far-reaching effect. For some time the question drifted, the Governor General, as I am informed, having advised the treasurer to continue making payments under the old appropriation bill. This was done until December 18, 1911; that is, during almost half of the fiscal year. At that time a "letter of advice" was issued which made very material changes. This letter was dated back to the beginning of the fiscal year. Subsequently on March 29, 1912, a new "letter of advice" was issued which modified that of December 16, 1911, for which it became a substitute. All of these "advices" on their face date from July 1, 1911, and as they all differ, and yet cover the same period, I can imagine some resulting confusion.

Before stating my view of the proper construction of the act of Congress I wish to comment upon the Porto Rico case. That decision is worth in the Philippines exactly what it will assay in principle and reasoning. It was the decision of a single nisi prius judge, sitting in another jurisdiction. The reasoning is far from conclusive, and the language conveys the impression that the judge was much "peeved" that anyone should assume to question the propriety of the efforts of a good governor to handle the situation all by himself. The opinion itself is devoted to the question of the right of the plaintiffs to maintain the action; that is, the right of taxpayers "to enjoin high State officials for the alleged diversion of public funds simply because in the opinion of such taxpayers a particular law ought to be differently construed than such officers are construing it." The judge is firmly of the opinion that "these officials deserve the support and commendation of all the people of Porto Rico for their faithful devotion to duty under trying circumstances." The decision upon the only question decided was undoubtedly correct, and possibly the bouquets thrown to the officials were deserved. As to the main question, however, the only one in which we are interested, the court said: "We have only gone into the question thus far with a view, in so far as may be, to end this useless and annoying interference with the conduct of the Government of the island of Porto Rico." The *court* held that plaintiffs *had no right to maintain the action and dismissed the case.* Then, there being no longer any question before the court for judicial determination, the *judge* decided to settle matters by doing some talking from the bench, a practice which you as a lawyer know is a dangeroue one and one which generally leads to trouble. In support of the conclusion "on the main question" it is said that the Hawaiian organic act, which was passed before the Porto Rico provision, provided that if the legislature failed to pass an appropriation bill the sums appropriated in the last appropriation bill should be deemed to have been reappropriated; that the provision in the Philippine organic act differed from that in the Porto Rico act; that the Porto Rico act was copied substantially from the Philippine act; that Mr. Taft in a letter to Mr. COOPER, dated May 13, 1902, in an article in the Outlook of May 31, 1902, and again in a message to Congress of July 10, 1909, expressed the view that the provision of the Porto Rico act was intended to prevent the lower house from starving the Government; and finally that Congress "must have intended" to put the sum total in the hands of the governor for expenditure, because "it is well known that at best one year's appropriations can not be made to exactly fit the requirements of another year, and therefore it thought best to appropriate a lump sum equal to the total of the previous year for the support of the Government, leaving it to the discretion of the governor to reallot or subdivide this money from time to time for the support of the Government until the legislature acts."

I find nothing in the history of the legislation or in the statements of Mr. Taft to suggest the conclusions reached by the Porto Rico court in its conversation with the community. It appears merely that the intention was to provide a method which would prevent the Government from being deprived of the money necessary for its continuance. That the Hawaiian act contained a different provision proves nothing to my mind other than the fact that it does contain a different provision. There is nothing, so far as I know, to show that the Hawaiian act was before the draftsman of the legislation under consideration, nor does it appear that the Hawaiian act had proven insufficient or inadequate under any emergency which arose. Mr. Taft, in his letter to Mr. Cooper, merely says that the provisions of the proposed law will prevent the popular chamber from choking the Government. In the Outlook article he says that should the appropriation bill not be passed by the legislature, "appropriations equal to those of the year before will become available without legislation." In the message to Congress transmitting the report on the Porto Rico situation he merely states in substance the language of the proposed law. I find nothing in this to aid materially in determining the proper construction of the statute. Mr. Taft was thinking of the object of the law, and merely stated the fact that it would prevent the choking of the Government by withholding the necessary supplies.

The only argument which, to my mind, has any force arises out of the statement that the requirements of the Government for one year may differ from those of another year. It may be noted in passing that in almost all the States of the Union the legislatures meet but once in two years, and no particular difficulties result from the fact that the exact requirements of one year may differ from those of another year. It may be conceded that from the viewpoint of the Executive it is very satisfactory to be able to distribute the money according to the requirements of present conditions. It is equally true that from that point of view it would be much simpler and perhaps more desirable in the interests of efficiency to adjourn the legislature permanently and permit the Executive to handle the entire subject of appropriations. But it is safe to assume that Congress had other views, and that it realized the fact that any method which might be devised to escape from the difficulty would result in some inconvenience. Congress was providing for a condition which it fairly assumed would be temporary only.

But it is said that if Congress had intended to reenact the previous appropriation bill it would have said so clearly and distinctly. This begs the question. It may be replied with even greater force that if Congress had intended that the chief executive should have the power to allot and distribute the funds in his discretion it would have said so clearly and distinctly. It is probable that the draftsman of the Porto Rico provision was familiar with the provision of the Philippine law, which had been in force for a number of years, and that when the difficulty arose in Porto Rico the language was copied substantially and reenacted without any particular consideration being given to the matter of its construction. * * *

Let us see what it means—this placing of the power of distributing this money in the hands of the chief executive. In the first place, it takes the legislative power away from the local legislature, contrary to the general purpose and theory of all other applicable congressional legislation. Under the Porto Rico case Congress itself makes the appropriation out of the local treasury. The executive may then re-create and reorganize the Government by creating new offices and readjusting salaries as may suit his judgment, desire, or convenience, so long as he does not repeal or violate any law which existed outside of the old appropriation bills. In considering a matter of this kind individuals must be ignored. Statutes, we all know, are generally prohibitive, and governments are largely devised and designed to protect the public against abuses of power by the occasional untrustworthy official. Now, the failure to pass an appropriation bill by the Philippine Legislature may not always be due to the desire of the assembly to choke the Government. There is another important factor which in any large view of the situation must not be overlooked. The commission, in which it may be assumed that the influence of the chief executive is probably great, has only to refuse to agree to any appropriation bill passed by the assembly, and the power of allotment for the future passes to the governor general. He and the heads of the various executive departments who spend the money and are primarily interested in the allotment of the fund can then arrange the distribution as they desire. The assembly can be eliminated from the situation and must take what the governor general chooses to give it for its own support. This is the inevitable and logical conclusion from the decision in the Porto Rico case, which we have been informed governs the present situation. The executive may spend during the succeeding period—a period which is indefinite and not measured by fiscal years—approximately ₱20,000,000 for the support of the Government, according to his own discretion, free from any substantial restraints. This turns the country into the governor general's personal domain and renders possible all manner of mistakes and abuses. Every official's salary is subject to his judgment. To me this seems disorganizing and in a way revolutionary, and I can not believe that it is what Congress intended to bring about.

I am aware that in the opinion which you rendered to the Governor General certain limitations are said to be imposed upon the action of the chief executive, but I am considering the situation as it must necessarily be, in my judgment, if the principle stated in the Porto Rico case is to govern, and we have been informed from Washington that it controls. This Porto Rico case sustained the right of the governor to fix the salaries of all officials who had not been appointed by the President. Why this exception, it is difficult to understand unless it was based on policy. In the Philippines the salaries of all the officials are supposed to be fixed by the legislature, regardless of whether they are appointed by the President and confirmed by the Senate or by the Governor General and confirmed by the commission. I learned recently that instructions have come from Washington to the effect that the old schedule of salaries must be followed. If this is true, it amounts to that extent to a repudiation of the doctrine of the Porto Rico case, unless it be meant to apply only to salaries which are fixed by existing acts other than the appropriation bill.

Now, let us see how the theory adopted has worked in actual practice. It seems to me that the result has been very confusing and given rise to a number of difficulties. The results which follow a certain construction of an ambiguous law are always proper to be considered in determining whether the construction is proper and reasonable. Acting under the authority of the Porto Rico case, the Governor General in his "advice" of December 18, 1911, created many new positions and changed many salaries. This he may have had a right to do if the doctrines of that case are controlling. He created, for instance, the new position of secretary to the Governor General, at a salary of ₱8,000 per annum, and the incumbent now holds the position and draws the pay without having been confirmed by the commission. This suggests infinite possibilities. By reducing the salaries of some officials and dropping other positions, ample funds may be found to pay the salary of a lord high chamberlain or a groom of the stole or any other position which the chief executive might believe the public service required. The condition may be continued indefinitely, as long as the Governor General and a majority of the commission are in accord. The assembly can not by its own will end it, because the majority of the commission may, if they choose, refuse to agree to any appropriation bill which the assembly passes, without giving reasons for their refusal. Under act 1698 new positions may be created in the service by the director of a bureau, with the approval of the secretary of the department, *and in no other manner.* During the past year numerous changes were made under this authority, and the Governor General's "advice" properly included the same. But, assuming to act under the authority of the act of Congress, the Governor General, in addition

thereto, created approximately 170 new positions, with salaries aggregating more than ₱218,000 per annum.

The "advice" to the Treasurer, which took the form of an appropriation bill for the fiscal year 1912, bore date December 18, 1911. Certain provisions of the old appropriation bill relating to the assembly having been omitted, particularly that under which many of the members of that body were enabled to draw ₱30 per day each during the recess, the assembly passed a violent resolution of censure on the Governor General, and cabled the same to Washington. It appeared that the omission had been unintentional, and the "advice" was immediately amended, and the assembly promptly subsided.

Thus matters stood until March 12, 1912, when the Governor General thought it advisable to recast his "advice." The rearranged document was antedated, and on March 29, 1912, was filed as a substitute for the previous document. It therefore was made to date in legal effect from the beginning of the fiscal year. In this document certain changes were made, as I understand, in accordance with instructions from Washington, which I have not seen. At present, then, we have an "advice" which after numerous vicissitudes has been licked into a very fair copy of the last current appropriation bill, with some changes in offices and salaries. As it stands there is probably nothing objectionable in the bill. It is certainly such a one as might very properly have been passed by the legislature. But one who attempts to follow the course of its history will be strengthened in his belief that in matters of government it is better to be controlled by a definite law than by the discretionary will of even a wise man.

After the original letter of "advice" was filed the Governor General sent to the commission the name of his private secretary to be secretary to the Governor General, at a salary of ₱8,000 per annum, to date from July 1, 1911; that is, over a period during which he had been filling another position as private secretary to the Governor General. Upon the suggestion that no such office as secretary to the Governor General could be created without the action of the legislature, the nomination or motion was withdrawn. Thereupon a committee was appointed, with instructions to furnish a "memorandum as to who may be classed as Government officials and who as employees in the service." This committee reported that "after exhaustive investigation of the decisions of the supreme courts of the various States and of the Supreme Court of the United States, we conclude that only those persons are public officials who occupy positions in the public service created by statute, the duties of which are defined thereby. All persons in the Government service who do not come within the foregoing definition are held to be employees."

However this may be, the conclusion of the committee opened an inviting way for the Governor General to create any number of positions, with such titles, duties, and salaries as to him seemed best. Should the question whether the occupant was a public officer be raised, and the assertion made that his appointment should be subject to confirmation by the commission, it would be necessary only to reply that *the position was not created by statute, and that therefore the occupant was an employee only.* The situation was thus left wide open in one direction at least.

There is another matter to which I would invite your attention. Under the doctrine of the Porto Rico case, the temptation to enter upon the field of general legislation is almost irresistible. When the former appropriation bill expired it carried with it all its provisions regulating the manner of expending the appropriated funds, and also all provisions of a general nature which had been inserted in previous bills. I do not construe any of those provisions as permanent legislation, and my view is strengthened by the fact that the legislature has thought fit to repeat them in each successive appropriation bill. Under the system which has grown up it was difficult to operate without these provisions, and we find that although by the terms of the act of Congress the money can only be used for the support of the government, it is provided in the Governor General's letter of "advice" that, "subject to the approval of the head of the proper department, chiefs of bureaus or offices *may expend on permanent improvements funds herein allotted for current expenses.*" This seems to require no comment.

I think the whole procedure has been a mistake. After careful consideration of the language of the act of Congress in the light of the history of its enactment, and the general principles which under the American system are supposed to control the action of the executive and legislative bodies, I am forced to the conclusion that the effect of the failure to provide for the support of the government is merely to continue the existing appropriation bills in force until such time as the legislature passes a new one. No other construction is consistent with the nature and form of the government which Congress was creating in the Philippines, or the object which it was seeking to accomplish. I realize and concede that the language of the act is ambiguous, otherwise we would not be engaged in this discussion, and that much can be said in favor of the other view. I realize also that some inconvenience may result from changed conditions, but I think this is easily exaggerated. It is very improbable that during such an interregnum any real necessity will arise for abolishing, changing, or consolidating any of the bureaus of the government, nor is it probable that any great emergency will arise. If such should be the fact, it is always possible and proper for the Governor General to convene an extra session of the legislature to act upon the new conditions.

The mere desire to make changes in the organization of the government will not create the necessity for so doing. Very seldom, in fact, would the extension of the current appropriation bills for even a year produce any particular confusion. In the United States, as already observed, the legislatures meet ordinarily but once in two years, and no difficulties seem to arise in making appropriations applicable during that period. To me the language of the act of Congress seems rather casual. It is such language as might have been used in providing for a brief interregnum, during which existing conditions were as far as possible to be continued. The procedure is not carefully worked out. It is provided that the treasurer may, with the advice of the governor, out of the total sum which shall be deemed to be appropriated—that is, appropriated by the Philippine Legislature—make the payments necessary for the support of the government. The primary responsibility seems to be thrown on the treasurer, as advice is one of the things which need not be and generally is not accepted. It implies discretion in the person advised. The provision with reference to the action of the treasurer follows the language commonly used in the United States, where the auditors and comptrollers are subordinates of the Treasurer. As here used, it undoubtedly implies that before the treasurer makes the payments the accounts shall have passed through the auditor's office in the ordinary routine of business. To strike out the word "advice" and substitute therefor the word "direction" appears to me a mere tour de force. If Congress had intended to place the matter entirely in the hands of the governor, it would have used the word or words naturally appropriate for that purpose.

It is true that Congress did not say in so many words that the existing appropriation bill should remain in force. Neither did it say that it should not remain in force. It is inconceivable that Congress when it used this language intended to confer upon the chief executive the legislative power to apportion and disburse the total fund available for the support of the government. An appropriation "is the formal act of the people through their representatives whereby public funds are set aside to be used for certain specified purposes." In 1902, when the act in question was passed, matters of great importance in the Philippine Government were generally referred to the United States Philippine Commission either for action, advice, or confirmation. Numerous illustrations of this will be found in the statute. As late as 1909 Congress provided that, until action by the Philippine Legislature approved by Congress, the internal revenue paid into the insular treasury should be allotted and paid out by the Philippine Commission. When Congress was thus careful to keep this legislative power in a legislative body, is it conceivable that by ambiguous language it intended to place in the hands of the chief executive, without even the advice of the commission, the great power of taking a large sum of money and operating the government?

The treasurer at the end of a session of the legislature would always be engaged in paying out the money under existing appropriation bills. In my judgment, he was by this act of Congress authorized, in pursuance of the established routine, to continue doing the same during a period which it was naturally inferred would be comparatively brief. As difficulties might be expected to arise under the new conditions, it was provided that the treasurer should have the advice of the chief executive. Inferentially, of course, it may be assumed that he would follow such advice. There is no reference in the act of Congress to another fiscal year, and in my judgment there is not a shadow of authority for the executive to fix up a complete new bill for the entire fiscal year. The Philippine act authorizes the treasurer to make the payments only during the time which may elapse from the termination of any session until the legislature shall act. The Porto Rico act, which we are assuming was modeled on the Philippine act, provided for a new conditon by authorizing the use of the gross amount appropriated for the support of the Government during the next fiscal year. But the Philippine act makes no reference to fiscal years. *It is impossible to make a new allotment or advice "from the termination of any session until the legislature shall act."* This is indefinite and indeterminable in advance of the action of the legislature.

Again, the Governor General's "advice" is dated December 18, 1911, and was made retroactive to the beginning of the fiscal year. If the old appropriation bill was not continued in force by the operation of the law, under what authority were payments being made for the support of the Government between June 30 and December 18, 1911? I have recently been informed that this was done under the authority of a letter from the Governor General, directing payment of money in accordance with the previous appropriation bill. If so, this is another illustration of the casual way in which, under the theory adopted, matters of such immense importance may be handled by the chief executive. If such a letter was sent, we have then the old appropriation bill being, in substance, in force by virtue of the Governor General's letter to the treasurer from July 1, 1911, to December 18, 1911. On that date the first letter of "advice" was issued, and dated back to the beginning of the fiscal year. In March another letter of "advice" was prepared, differing in terms from either of the former, that, too, taking effect from the first of the fiscal year, the period thus being covered by three legal layers, the last in each case covering and presumably obliterating the former.

The point has been made that if the old appropriation bill remains in force the executive is required to expend all the money appropriated for the particular items designated in the bill. If so, it would be a mere continuance of the conditions created by the legislature, but I know of no law which makes it absolutely incumbent upon the executive to actually spend during any particular time money appropriated for a specific purpose. If such is the law, it is generally disregarded, here as well as elsewhere, as evidenced by the innumerable unexpended appropriations and balances of appropriations constantly appearing upon the books of the government.

Again, in closing let me say that it is quite clear to me that Congress intended that the existing appropriation bills for the support of the government should be continued in force from the end of the session until action by the legislature. The inconveniences which this would produce are slight and insignificant compared with those which would result from the application of any other theory. Most of the inconveniences are purely imaginary, and arise only out of the desire to make changes which have not been authorized by the legislature. It is not probable that during the time such a condition would exist there will be any great changes in the relative importance of the different bureaus or that it will be necessary to transfer bodily the work of one bureau to another. Such radical changes would require legislative action, and it may be assumed that if the legislature took such action it would provide the money necessary to make it effective.

Very sincerely, yours,

CHARLES B. ELLIOTT,
Secretary of Commerce and Police.

Mr. W. H. PHIPPS, *Insular Auditor.*

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from New York [Mr. REDFIELD], the gentleman from Virginia [Mr. JONES], and the Commissioner from the Philippines [Mr. QUEZON] be permitted to extend their remarks in the RECORD without limitation. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, severally appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely.

Mr. LONGWORTH. Mr. Chairman, I desire to offer an amendment at this point unless the gentleman from New York

[Mr. LEVY], a member of the committee, who I understand contemplates offering an amendment, prefers to offer it himself, in which case I yield to him. I think this is a proper place to offer the amendment.

Mr. LEVY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York [Mr. LEVY] offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 1, after line 8, insert the following:

"That there be, and are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the following sums for the purposes hereinafter stated, to wit:

"For the purchase of a site and the construction of a building thereon at the City of Mexico, and for the furnishing of the building, or, as to the Secretary of State may seem best, for the purchase at said city of a site and a building already erected, and for the alteration, repair, and furnishing of such building, and the construction of an addition thereto if necessary, for the use of the embassy to Mexico, both as the residence of the diplomatic officials and for the offices of the embassy, $150,000;

"For the construction of a building, on ground now held by the Government of the United Staes at Tokyo, Japan, for the use of the embassy to Japan, both as a residence of the diplomatic officers and for the offices of the embassy, and for furnishing the same, $150,000;

"For the purchase of a site and building at Berne, Switzerland, for the use of the legation to Switzerland, both as the residence of the diplomatic officials and for the offices of the legation, and for the alteration, repair, and furnishing of the building, and the construction of an addition thereto, $140,000;

"For the purchase of a site and the construction of a building thereon at Hankow, China, for the use of the consulate general at Hankow, and for the furnishing of the building, $60,000.

"In all, $500,000."

Mr. GARNER. Mr. Chairman, I make a point of order against that amendment.

Mr. MADDEN. It is not subject to a point of order.

Mr. GARNER. It is not authorized by law.

Mr. MADDEN. It is.

Mr. GARNER. Well, it does not belong in this bill. It may be authorized by law, but the law did not authorize this appropriation committee to carry this item in their bill.

Mr. MADDEN. The gentleman does not contend there is no law to direct the purchasing of sites?

Mr. LEVY. Mr. Chairman, an act of Congress approved February 7, 1911, provides for the purchase or erection within certain limits of cost of embassy, legation, or consular buildings abroad, and authorizes the Secretary of State to acquire in foreign countries such sites and buildings for the use of the diplomatic and consular establishments of the United States. This act appropriated the sum of $2,000,000, of which not more than $500,000 should be expended in any one year. In my opinion, Mr. Chairman, the amendment which I have just offered is therefore germane to the bill and not subject to a point of order.

Mr. BORLAND. Mr. Chairman, even though this may be authorized under a general act passed by Congress for such an appropriation, it does not belong in this bill. This bill is for the purpose of making provision for the diplomatic establishment. This is not for the construction of buildings in this country or any other country.

Mr. LONGWORTH. Mr. Chairman, has the gentleman concluded?

The CHAIRMAN. Has the gentleman from Missouri concluded?

Mr. BORLAND. Yes.

Mr. LONGWORTH. Mr. Chairman, this appropriation is justified by existing law. In fact, the existing law was designed to make in order such appropriations as this on the diplomatic and consular appropriation bill. The bill, as I happen to know, was drawn for that purpose. It was submitted to the then Clerk at the Speaker's table, the most eminent authority on parliamentary law in this country, and by him passed upon. It was designed for the purpose of making in order at any time when the diplomatic and consular bill was before the House an appropriation to acquire sites for consular and diplomatic buildings abroad.

Now, the gentleman from Missouri [Mr. BORLAND] says that this is not the proper bill for it. As a matter of fact, wherever we have heretofore acquired a site or a building abroad it has been in the diplomatic and consular appropriation bill by unanimous consent——

Mr. BORLAND. By unanimous consent; yes——

Mr. LONGWORTH. Because a point of order at that time lay, there being no existing law on the subject. But the so-called Lowden bill, which passed in February, 1911, provided specifically the authorization for appropriations of this kind.

Now, the reason for offering this amendment—the reason which I have no doubt animated the gentleman from New York [Mr. LEVY] and which animated me—is that unless this item can be considered now, and in this bill, it can not be considered at this Congress. A bill, however, from which the gentleman from New York took his amendment was introduced in this House by a recent Member of the House, now the honored governor of New York, Mr. Sulzer. It was adopted unanimously in the Committee on Foreign Affairs. It is on the calendar, and this is simply taking the appropriating sections of that bill and offering them at this time.

Mr. BORLAND. The gentleman admits that that was introduced by the Committee on Foreign Affairs?

Mr. LONGWORTH. Yes; and plainly it is a matter that falls under the appropriation that we are now considering.

Mr. MANN. Mr. Chairman, by the act of Congress approved February 17, 1911, found in Thirty-sixth Statutes at Large, page 917, it was provided—

That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings—

And so forth, with certain limitations. One limitation was that the amount to be appropriated in any one year shall not exceed $500,000, and there was the further provision that the limit of cost at any one place should not exceed $100,000.

Following that law, the Secretary of the Treasury, at the request of the Secretary of State, in strict conformity with the statute in regard to estimates, transmitted to Congress, through the Speaker of the House of Representatives, an estimate under date of January 17, 1912, and that estimate was referred to the Committee on Foreign Affairs. The Committee on Foreign Affairs therefore had jurisdiction over that subject matter, it having been referred to it by Congress. Any committee having general jurisdiction of both legislation and appropriations might bring in a provision by special bill for an appropriation, although if it did, it would not be a privileged bill, and hence could not be called up. But the committee having jurisdiction, the estimate being for the Diplomatic and Consular Service, the appropriation properly belongs in the diplomatic and consular appropriation bill.

I will send to the Chairman a copy of the estimate, if he has not seen it.

The CHAIRMAN. The Chair has the statute before him.

Mr. MANN. The Chair has the statute, but probably not the estimate.

The CHAIRMAN. Does the gentleman from Virginia desire to be heard?

Mr. FLOOD of Virginia. Mr. Chairman, there seems to be no doubt about the fact that the amendment is in order. I did not raise the point of order against it.

The CHAIRMAN. The Chair is ready to rule. The point of order is overruled, and the question is on agreeing to the amendment.

Mr. FLOOD of Virginia. Mr. Chairman, I do not think the committee ought to adopt this amendment, although I am in favor of the policy outlined in it. The bill that was introduced as an amendment here was offered at the last session of Congress by a gentleman who was then here as a Representative from New York, Mr. Sulzer, and the Committee on Foreign Affairs made a careful investigation of it and made a report to this House favoring the appropriation of half a million dollars.

I drew the report and submitted it to the House, and at that time, if we could have reached the bill, the committee would have supported it.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. FLOOD of Virginia. Yes.

Mr. MADDEN. Does the committee recommend any appropriation for embassy buildings anywhere?

Mr. FLOOD of Virginia. No; the committee does not. The committee did recommend these appropriations a year ago, but our appropriations have gone so far beyond what we expected now that I believe I am speaking for the committee when I say that they are opposed to this amendment. Certainly a very considerable majority of the members of the committee are, and I hope the Committee of the Whole will vote down the amendment.

Mr. MANN. I ask for a division of the amendment. There are four propositions in it.

Mr. LONGWORTH. Before that is done——

Mr. SLAYDEN. Will the gentleman restate the provisions of the amendment?

Mr. MANN. There is a provision for an embassy building at the City of Mexico, $150,000; at Tokyo, Japan, $150,000; at Berne, Switzerland, $140,000; and at Hankow, China, for $60,000. I think we might afford to locate one at Mexico City.

Mr. KENDALL. There is no objection to dividing the amendment, is there?

Mr. FLOOD of Virginia. No.

Mr. LONGWORTH. Not at all; but I want to suggest to the gentleman from New York [Mr. LEVY] that he withdraw the fore part of his amendment, which is merely a repetition of the appropriating clause at the beginning of the bill. I ask unanimous consent that the appropriating clause at the beginning of the amendment be stricken out, as it is already contained in the bill.

The CHAIRMAN. If there be no objection, the request of the gentleman will be complied with. The Clerk will report the first substantive proposition in the amendment.

The Clerk read as follows:

Page 1, after line 8, insert the following:

"For the purchase of a site and the construction of a building thereon at the City of Mexico, and for the furnishing of the building, or, as to the Secretary of State may seem best, for the purchase at said city of a site and a building already erected, and for the alteration, repair, and furnishing of such building, and the construction of an addition thereto if necessary, for the use of the embassy to Mexico, both as the residence of the diplomatic officials and for the offices of the embassy, $150,000."

The CHAIRMAN. The question is on agreeing to the amendment reported.

Mr. BORLAND. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. Has the Chair ruled that the question is divisible?

The CHAIRMAN. The Chair thinks it is divisible.

Mr. BORLAND. Are we voting separately now?

The CHAIRMAN. We are voting on the first proposition, which has been reported by the Clerk.

The question being taken, on a division (demanded by Mr. BORLAND and Mr. FOSTER) there were—ayes 33, noes 37.

Mr. LONGWORTH. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. FLOOD of Virginia and Mr. LONGWORTH.

The committee again divided; and the tellers reported—ayes 42, noes 51.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will report the next substantive proposition.

The Clerk read as follows:

For the construction of a building, on ground now held by the Government of the United States at Tokyo, Japan, for the use of the embassy to Japan, both as a residence of the diplomatic officers and for the offices of the embassy, and for furnishing the same, $150,000.

Mr. FLOOD of Virginia. I suggest to the gentleman from New York that the test vote on this whole proposition has been taken, and it has been lost.

Mr. MANN. The gentleman evidently did not understand why we asked for a division of the question.

Mr. KENDALL. Will not the gentleman consent that the other three amendments be voted on en bloc?

Mr. MANN. Let us have the regular order.

The question being taken, the amendment was rejected.

The CHAIRMAN. The Clerk will report the next substantive proposition.

The Clerk read as follows:

For the purchase of a site and building at Berne, Switzerland, for the use of the legation to Switzerland, both as the residence of the diplomatic officials and for the offices of the legation, and for the alteration, repair, and furnishing of the building, and the construction of an addition thereto, $140,000.

The question being taken, the amendment was rejected.

The CHAIRMAN. The Clerk will report the next substantive proposition.

The Clerk read as follows:

For the purchase of a site and the construction of a building thereon at Hankow, China, for the use of the consulate general at Hankow and for the furnishing of the building, $60,000.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. LEVY) there were—ayes 27, noes 47.

So the amendment was lost.

The Clerk read as follows:

Chargés d'affaires ad interim, $50,000.

Mr. HAMLIN. Mr. Chairman, I reserve a point of order. I want to ask the chairman what is the necessity of increasing this amount, line 22, $5,000?

Mr. FLOOD of Virginia. The committee thought that there would probably be more of the secretaries acting as chargés d'affaires during the next 12 months than had been the case heretofore, as there is to be a change of administration, and all the ambassadors and ministers will probably send in their resignations, and during that time when the positions are not filled the secretary will act as chargé d'affaires, and therefore there will be a greater charge on this fund. Generally they have spent somewhere near this amount. I think last year it was $48,000. We thought that would be a small enough amount to provide for them.

Mr. HAMLIN. Did the committee have anything to base the estimate on, or is it guesswork?

Mr. FLOOD of Virginia. Last year the expenditures from this fund were $48,000, and this year there will be a greater change in the diplomatic corps than there has been for the past 16 years.

Mr. HAMLIN. I understand that.

Mr. FLOOD of Virginia. This is only an increase of $5,000 over the amount carried for the current year and only $2,000 over the amount that was spent during the fiscal year of 1912. We thought that was certainly little enough to appropriate for that purpose. This fund is so used that whenever it is used it saves money to our Treasury, because these secretaries while acting as chargés d'affaires only get one-half of the salary of the ambassador or the minister, and the ambassador and the minister frequently are not getting salary during that time.

Mr. HAMLIN. But usually they are, are they not?

Mr. FLOOD of Virginia. No; as a matter of fact, the use of this fund has saved more than the fund itself.

Mr. FOSTER. Mr. Chairman, I desire to call the attention of the gentleman from Virginia, the chairman of the committee, to the fact that this total of $560,000 should be $560,500.

Mr. FLOOD of Virginia. The gentleman is right about that; I was going to correct it by an amendment. I offer an amendment so that the total will read, in line 23, "$560,500."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 23, strike out the figures "$560,000" and insert in lieu thereof "$560,500."

The amendment was agreed to.

The Clerk read as follows:

SALARIES OF DIPLOMATIC AND CONSULAR OFFICERS WHILE RECEIVING INSTRUCTIONS AND MAKING TRANSITS.

To pay the salaries of ambassadors, ministers, consuls, and other officers of the United States for the periods actually and necessarily occupied in receiving instructions and in making transits to and from their posts, and while awaiting recognition and authority to act, in pursuance of the provisions of section 1740 of the Revised Statutes, so much as may be necessary for the fiscal year ending June 30, 1914, is hereby appropriated.

Mr. FOSTER. Mr. Chairman, I reserve a point of order. I would like to ask the reason for the additional language in that paragraph, "for the fiscal year ending June 30, 1914, is hereby appropriated."

Mr. MANN. It does not do any harm and it does not do any good.

Mr. FLOOD of Virginia. I had not noticed it. That is the year it is appropriated for. It is not necessary.

Mr. FOSTER. I suggest that it be stricken out.

Mr. FLOOD of Virginia. Mr. Chairman, I move to strike out, after the word "necessary," in line 21, the remainder of the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 21, strike out, after the word "necessary," the remainder of the paragraph.

The amendment was agreed to.

The Clerk read as follows:

For the payment of the cost of tuition of student interpreters at the legation to China, at the rate of $180 per annum each, to be immediately available, $1,800.

Mr. FOSTER. Mr. Chairman, I reserve a point of order on the paragraph, page 6, line 3.

Mr. FLOOD of Virginia. Mr. Chairman, we have been paying for the tuition of these students $125 a year, but information was furnished the committee by the State Department that they could not get instructors for $125 a year. It seems that an instructor can only teach one student at a time, and the compensation he gets for teaching that student is all of his compensation for the year. They are unable to get them for $125, and they ask that it be increased to $180, and that makes the increase in the appropriation of $550.

Mr. COX. Are these teachers Chinamen?

Mr. FLOOD of Virginia. They are Chinese instructors, who teach these students the Chinese language. Some of them are natives and others are foreigners who know the Chinese language.

Mr. COX. Is there any law for this appropriation at all?

Mr. FLOOD of Virginia. No; there is not.

Mr. COX. They are already paid a salary of $1,000.

Mr. FLOOD of Virginia. Not the instructors.

Mr. COX. I mean the students.

Mr. TOWNSEND. That is the salary to the student. This is for his tuition.

Mr. COX. What right have we got to charge that amount for the tuition of those students over there? Why impose that burden on the people of this country?

Mr. FLOOD of Virginia. It is necessary because we have to teach some one the Chinese language, so as to get into our legation and consulates people who will know that language. We do not want to turn our business affairs over there to Chinamen. We want to get Americans who are familiar with the language, and unless we provide for the expenses of these students to study the Chinese language we will not be able to get anyone qualified to act as interpreters in our legation and consulates.

Mr. COX. Is there not a large number of students now who are pressing to get into this service and willing to pay their own tuition?

Mr. FLOOD of Virginia. If there are, I have never heard of them. I do not think the gentleman from Indiana could mention anyone.

Mr. COX. I know I did my best to get some one in some of the other Governments, and I failed to do it.

Mr. FLOOD of Virginia. I will say to the gentleman that there are very few Governments at which we provide for these students. China, Turkey, and Japan are the only ones. Of course, if you wanted to pay a young man $1,000 a year to go abroad to learn the French language, it would be very easy to get them in plenty, but it is quite a different situation with these eastern languages.

Mr. SLAYDEN. Would it not be easy to get plenty of young men who already know French to go into that service?

Mr. FLOOD of Virginia. Of course——

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. FLOOD of Virginia. Certainly.

Mr. BORLAND. What is the idea in making the amount immediately available?

Mr. FLOOD of Virginia. Because they have not been able to get instructors for $125 a year. That money has passed into the Treasury, and this is needed so the instruction can go right on.

Mr. BORLAND. Are there no instructors now?

Mr. KENDALL. Mr. Chairman, if the gentleman from Virginia will permit, I would suggest that the answer to the question of the gentleman from Missouri is quite obvious on page 42 of the hearings.

Mr. FLOOD of Virginia. Mr. Chairman, I will ask the gentleman to read it.

Mr. KENDALL. That question was asked Mr. Carr, and he replied:

> The minister says they can not get proper tuition on account of the increase in price, and they want to get the kind of tuition they had formerly, and if the appropriation is made available they would be able to start now instead of waiting until the 1st of July.

It is a perfectly obvious business reason.

Mr. BORLAND. Is not this properly a deficiency appropriation?

Mr. KENDALL. It is inconceivable why it should be any place except in this bill.

Mr. FOSTER. It is undoubtedly a deficiency appropriation.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. HAMILTON of Michigan. How long does it take these instructors to teach a student to speak the language?

Mr. FLOOD of Virginia. I do not know that I could answer that question.

Mr. HAMILTON of Michigan. It takes at least a year, does it not?

Mr. FLOOD of Virginia. It takes at least two years, and it would depend very much on the intelligence of the student whether he would learn it in that time.

Mr. HAMILTON of Michigan. The salary allowed heretofore has been the munificent salary of $125 a year.

Mr. FLOOD of Virginia. Yes; and now we propose to make it $180 a year.

Mr. HAMILTON of Michigan. I had it in mind to ask my friend from Virginia whether that salary was in keeping with the wages and salaries paid in China, on the whole?

Mr. GARNER. Mr. Chairman, this is a discussion that is proceeding by unanimous consent, I take it.

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Texas?

Mr. HAMILTON of Michigan. Oh, no. I was asking the gentleman from Virginia a question.

Mr. FLOOD of Virginia. One hundred and eighty dollars a year would be. I do not think $125 a year would be.

Mr. GARNER. This discussion is proceeding now by unanimous consent, I presume, as a point of order has been made by the gentleman from Illinois.

Mr. FOSTER. The point of order was reserved.

Mr. FLOOD of Virginia. I think it would be unwise not to allow this $550.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. Mr. Chairman, I will ask the gentleman to reserve his point of order.

Mr. FOSTER. Very well.

Mr. MANN. Mr. Chairman, is the gentleman able to tell us how many of these persons who have been student interpreters are now employed in the service of the Government?

Mr. FLOOD of Virginia. I can not; but there must be quite a number of them in the service. They are promoted to the Consular and Diplomatic Service.

Mr. TOWNSEND. It appears in the items.

Mr. FLOOD of Virginia. No; I do not think so.

Mr. GARNER. There are about 50 per cent of them who do not remain in the service.

Mr. MANN. This is for the year; how long do they act as students?

Mr. GARNER. You mean how long they are paid a salary of $1,000?

Mr. MANN. Yes.

Mr. GARNER. I do not know that the committee secured that information; if they did I do not recall it. I am advised that it is about two years.

Mr. MANN. The gentleman does not know how many now are at the various consulates acting as interpreters or acting in any other clerical capacity?

Mr. GARNER. Mr. Carr did not state just how many students have gone out of this so-called school into the service and were still in the service, but he did impress upon the committee the idea that it was absolutely important for the service in China, Japan, and Turkey that they should undertake to educate these young men in the language, and then he hoped that sufficient salary would be paid them to continue them in the service.

Mr. MANN. I made the same inquiry last year. It is true the distinguished governor of New York, then chairman of the committee, is not now the chairman of the committee, but we were given to understand last year that this year we would be able to get that information. I do not criticize the committee for not having it, but I hope that some time or other we will ascertain how many of these student interpreters we retain in the service, and whether we are giving them an education in the different languages for our own benefit or for their benefit.

Mr. FLOOD of Virginia. I will state to the gentleman as far as the State Department knows I will get the information and give it to him within a few days. The State Department may not be able to give me the information, and, of course, if it can not do that, I will not be able to give it to the gentleman.

Mr. MANN. I do not ask the gentleman to give it to me individually. I think it ought to be given to the House at some time when the bill is under consideration.

Mr. KENDALL. The gentleman from Illinois will notice these interpreters are obligated by this bill to remain five years.

Mr. MANN. That is it—if they only stayed in a year they would have 50 in consulates, and that is more consulates than we have in China. It is desirable to know whether in fact these men remain in the service or whether, under the title of student interpreters, means are afforded for them to get an education and they then go out of the service.

Mr. FLOOD of Virginia. I expect it is very much like the young gentlemen we have at West Point and Annapolis—a good many of them stay in the service and a good many go out.

Mr. MANN. But we know every year how many stay in the service and how many go out.

Mr. FLOOD of Virginia. And I will say, further, to the gentleman that a good many of these student interpreters are getting in the Consular and Diplomatic Service and are holding responsible consular or diplomatic positions. That is one reason why they are educating them so thoroughly in these languages to enable them to do so.

Mr. FOSTER. Mr. Chairman, I will say that the language in this proviso on pages 5 and 6, in my judgment, is such that these young men after they are educated are not required to go into the service, but only as the Government may need them. Of course if they do not need 50 or do not need more than 10 of them they go out of the service.

Mr. MANN. But my colleague knows we have only 15 consulates in all of China.

Mr. FOSTER. I know, and if my colleague will observe this language, it says, "as long as his services may be required within a period of five years." If they do not want them, they do not take them, and they could accept some other employment.

Mr. MANN. Undoubtedly they need to have 10 student interpreters studying all the time. The purpose is, I conceive, to maintain one, two, or even three at 15 different consulates, and that is all we have in China.

Mr. FOSTER. I think my colleague is correct; we do not need that number, but it is like one of those things that gets on a bill one year and keeps on year after year and is never abandoned.

Mr. TOWNSEND. I will suggest to the gentleman from Illinois that these student interpreters are not only useful in the consulates in China, and, of course, are almost equally useful in Japan, but in many portions of the Far East where the consuls would have business that would frequently require assistants who could speak the language.

Mr. FOSTER. We furnish them in Japan, too.

Mr. GARNER. And in Turkey.

Mr. TOWNSEND. I did not convey my meaning to the gentleman from Illinois [Mr. FOSTER]. They are with the consuls in Japan, who equally have reasons for the assistance of interpreters who speak Chinese. The gentleman can easily see they might be almost as essential as those who speak Japanese.

Mr. FOSTER. It is a very good opportunity, I will say to my friend from New Jersey [Mr. TOWNSEND], under the guise of this appropriation to educate a good many young men over there who might be very useful in a business way.

Mr. TOWNSEND. The gentleman is in favor of education of all kinds?

Mr. FOSTER. I am; but I do not believe the National Government ought to go into that.

Mr. HARRISON of Mississippi. Will the gentleman yield?

Mr. FLOOD of Virginia. I yield.

Mr. HARRISON of Mississippi. In answer to a question in the hearings as to how long it would take to learn the language there it is said that it would take about two years.

Mr. MANN. If my colleague would yield for a moment.

Mr. FOSTER. Yes, sir.

Mr. MANN. I have just gone through the list of the number of interpreters we have at all the Chinese consulates and we are now employing 10; not student interpreters, but 10 interpreters, as the result of having been student interpreters, if we have them—and I do not know whether we have them or not—for a great many years. We only need student interpreters. They get salaries running from $1,200 to $1,500 a year to possibly $2,000.

Mr. FOSTER. I will state, Mr. Chairman, that this appropriation provides for an increase of salary here, which, of course, is subject to a point of order; but I judge one instructor could instruct all of these 10.

Mr. FLOOD of Virginia. The gentleman is mistaken.

Mr. FOSTER. If not, he ought to do so. There is no use of hiring two or three instructors to instruct these men in this particular line of work.

Mr. KAHN. Are there not a good many dialects in China, and do you not require different teachers for the different dialects, and to be an efficient interpreter, should not a man know all the different dialects?

Mr. FLOOD of Virginia. For the reason indicated by the gentleman, and for other reasons, one teacher only has charge of these students. That was the statement made before the committee, and I suppose it is correct.

Mr. FOSTER. Are these students taught by the natives or those who have gone over and learned the language, like the missionaries?

Mr. FLOOD of Virginia. They are partly taught by natives and partly by missionaries.

Mr. FOSTER. Mr. Chairman, I am not going to object to this increase of salary, because possibly it may be necessary, but I admonish the committee to give us a little more information on this matter another year. But I wish to make a point of order on the language "to be immediately available."

The CHAIRMAN. The gentleman from Illinois makes a point of order on the words in the last line, "to be immediately available." Does the gentleman from Virginia, the chairman of the committee [Mr. FLOOD], know any law authorizing it?

Mr. FLOOD of Virginia. No, sir; not at all.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

CONTINGENT EXPENSES, FOREIGN MISSIONS.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, repairs, postage, telegrams, furniture, typewriters, including exchange of same, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreters, and the compensation of dispatch agents at London, New York, San Francisco, and New Orleans, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, $355,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of getting technical information from such a high source as the Committee on Foreign Affairs. I would like to inquire of the gentleman how the word "e-m-b-a-s-s-y" is properly pronounced?

Mr. FLOOD of Virginia. What does the gentleman wish to know?

Mr. MANN. There seems to be some difference of understanding as to the pronunciation of the word "embassy," whether it is *em*bassy or em*bassy*.

Mr. FLOOD of Virginia. I pronounce it *em*bassy.

Mr. MANN. I thought the gentleman was authority on that subject. I notice both of our reading clerks pronounce it em*bassy*, and I did not know. They usually know, and I would like to get the information.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

STEAM LAUNCH FOR LEGATION AT CONSTANTINOPLE.

Hiring of steam launch for use of embassy at Constantinople, $1,800.

Mr. FLOOD of Virginia. Mr. Chairman, I want to offer an amendment, on line 16, page 8, to strike out the word "legation" and insert in lieu thereof the word "embassy."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 8, line 16, by striking out the word "legation" and inserting "embassy."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SIMS. Mr. Speaker, I want to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent to extend his remarks in the RECORD.

Mr. MANN. Mr. Chairman, reserving the right to object, I apprehend the gentleman wants to insert more newspaper articles about the Panama Canal, which I will not object to if he does not want to insert them in the middle of the consideration of this bill.

Mr. SIMS. The gentleman is right in his surmise. I will not put them in the middle of the bill.

Mr. MADDEN. Has this anything to do with the gentleman's controversy with Mr. Glover? [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee to extend his remarks in the RECORD?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ANNUAL EXPENSES OF CAPE SPARTEL LIGHT, COAST OF MOROCCO.

Annual proportion of the expenses of Cape Spartel and Tangier Light on the coast of Morocco, including loss by exchange, $325.

Mr. ESCH. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry of the chairman of the committee.

What is the reason why our Government should participate in the maintenance of these lights? Is it because of the poverty of Morocco or its want of sea commerce or what?

Mr. FLOOD of Virginia. Our Government entered into a treaty with 13 other nations to maintain this lighthouse. The reason was that our Government used the entrance to the Straits of Gibraltar, as did the other Governments also. The treaty fixed the proportionate cost each Government should pay for keeping up the lighthouse. This treaty was entered into in 1865, and we are still appropriating under the provisions of that treaty.

Mr. ESCH. In view of the fact that the political status of Morocco has changed since this treaty was made, would not that change the situation?

Mr. FLOOD of Virginia. The treaty has not yet been denounced by this Government. It is an existing treaty, and the obligation would still rest upon this Government.

Mr. ESCH. It would for the fiscal year for which this appropriation is made?

Mr. FLOOD of Virginia. It would as long as the treaty lasts.

Mr. GARNER. Mr. Chairman, does the gentleman from Virginia yield?

The CHAIRMAN. Does the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. GARNER. I want to say to the gentleman and other members of the committee, as to some of these numerous appropriations that are made in accordance with the stipulations of treaties, that the appropriations will continue as long as the treaties continue and as long as Congress feels itself bound to appropriate the money to keep up the obligations of those treaties.

There is no way by which the House can protect itself against these obligations made by the Senate through a treaty except to refuse to make an appropriation. Your Committee on Foreign Affairs so far has not come to the conclusion that it should adopt the policy of repudiating or denouncing a treaty by refusing to make an appropriation. It has, however, consolidated a number of these treaties under one head and made as low an appropriation as it thought the circumstances would justify.

The CHAIRMAN. The time of the gentleman has expired. The pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

Emergencies arising in the Diplomatic and Consular Service.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word of the previous paragraph, for the purpose of asking the chairman of the committee a question, if he has no objection.

Mr. FLOOD of Virginia. Certainly.

Mr. HOBSON. Would the gentleman explain why we had to pay a ground rent for the embassy at Tokyo?

Mr. FLOOD of Virginia. A ground rent?

Mr. HOBSON. Yes.

Mr. FLOOD of Virginia. In 1896 the United States purchased embassy buildings in Tokyo subject to this ground rent, to be paid to the Japanese Government for the ground on which the building stands.

Mr. HOBSON. Does the same proposition hold with respect to other foreign embassies in Tokyo? I mean is the attitude of the Japanese Government the same as to the ownership of land, and whether all embassies are held practically under lease and not under title?

Mr. FLOOD of Virginia. Yes. This is a valuable piece of land. Two hundred and fifty dollars is a mere nominal rent.

Mr. HOBSON. Can the gentleman tell me, for my information, whether property owned by Americans or other foreigners there must be held in the same way, as, for instance, in the British Crown colonies, where it is held on a 99-year lease?

Mr. FLOOD of Virginia. I can not answer that question.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

BOUNDARY LINE, ALASKA AND CANADA, AND THE UNITED STATES AND CANADA.

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary to reduce field notes; and for the more effective demarcation and mapping, pursuant to the treaty of April 11, 1908, between the United States and Great Britain, of the land and water boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary to reduce field notes, $100,000, together with the unexpended balance of previous appropriations for these objects.

Mr. HAMLIN. I move to strike out the last word.

Mr. FOWLER. I reserve a point of order against that paragraph.

Mr. HAMLIN. I desire some information from the chairman of the Committee on Foreign Affairs. There seems to be an increase of $25,000 in this item.

Mr. FLOOD of Virginia. There is an apparent increase. The appropriation bill of last year carried $75,000 and the unexpended balance, which was $109,000, making a total of $184,000. This bill carries $100,000 and the unexpended balance, which is $32,000; so we really appropriate $132,000, as against $184,000 appropriated in the last bill.

Mr. HAMLIN. How do you know what the unexpended balance will be at the end of this current year?

Mr. FLOOD of Virginia. That was the estimate placed upon it by Dr. Tittmann, who is in charge of this work. He appeared before the committee and stated that the unexpended balance would be $32,000.

Mr. HAMLIN. You say there was a surplus in the last fiscal year of $109,000?

Mr. FLOOD of Virginia. Yes.

Mr. HAMLIN. And it is estimated that there will be a surplus of $32,000 this year. Why keep a surplus on hand all the time?

Mr. FLOOD of Virginia. They do not expect to have a surplus during the next fiscal year. They estimate that they will use up the whole $132,000. In fact, they asked for $137,000. They are pushing the work very rapidly on the boundary line between Canada and Alaska and on the boundary line between Canada and the United States. Dr. Tittmann appeared before the committee and made a very full and complete statement as to the work they expect to do and the amount of money it will take, and the committee were thoroughly satisfied that he needed this amount of money, and that he was pushing this work as rapidly as possible and was doing the work well, and that it was a project that was being well handled and one that in a few years we will probably be rid of.

Mr. HAMLIN. That may all be true, but I do not like the idea of appropriating blindly; in other words, like buying a pig in a poke. Last year the same assurance was given us that it was necessary to appropriate $75,000, together with the unexpended balance of the previous year. Now, it turns out that he admits that he will not use all the money, that there will be an unexpended balance of $32,000 remaining, and yet he estimates that he now needs $100,000 more. We are continually complaining about the appropriations running so high, and I think the complaint is just, and that it is inexcusable. I am not criticizing this committee now. I am speaking generally, that we ought to be more careful in these appropriation bills. Hold them down as low as possible.

Mr. FLOOD of Virginia. I will say to the gentleman that if the money is not used it reverts into the Treasury unless it is reappropriated as an unexpended balance.

Mr. HAMLIN. That is where it ought to go, into the Treasury.

Mr. FLOOD of Virginia. The only thing that could be gained by acting on the gentleman's suggestion would be to keep down the apparent size of the appropriation, and we might run the risk of stopping this very valuable work before the end of the fiscal year or require a deficiency appropriation.

Mr. HAMLIN. No; I think my friend from Virginia over-looks a very important part of it all in the handling of the public money. If these departments understand that they have ample funds and perhaps something to spare, they are going to be more extravagant and liberal in their expenditures than if they understand that they have only a limited and definite sum which they can expend. It is possible they will think that if they can make a proper showing Congress will furnish the money later on in a deficiency bill, but if we give it to them in advance and indefinite in amount there is no limit to the extravagance. I think it is a very bad practice to appropriate in this way, and I protest against it.

Mr. FLOOD of Virginia. I will say to the gentleman that the committee had in mind the very suggestion which he has made here. There is another boundary-line commission, between this country and Mexico, which asked for $50,000, but the committee, after investigation, did not think that commission would expend that amount and provided only $25,000.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. HAMLIN] has expired.

Mr. HAMLIN. I ask for two minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. We did not think the Mexican Boundary Commission needed that amount of money, and, after going into it carefully, we declined to appropriate any more than $25,000, the amount appropriated last year; but after a very careful examination of Dr. Tittmann we were satisfied that the Alaskan and Canadian Boundary Commissions would need this money and would expend it during the next year.

Mr. HAMLIN. But I notice that in making the appropriation for the Mexican Boundary Line Commission you did not appropriate any balance that might be left unexpended.

Mr. FLOOD of Virginia. No.

Mr. HAMLIN. Why not in that case as well as in the Canadian boundary-line matter?

Mr. FLOOD of Virginia. Because we are appropriating a sufficient amount for that commission in the $25,000.

Mr. HAMLIN. I think that is true. If this money for the Canadian Boundary Commission had not been reappropriated here, it would have reverted to the Treasury.

Mr. FLOOD of Virginia. And we would have had to appropriate $132,000 instead of $100,000.

Mr. GARNER. Mr. Chairman, may I say to the gentleman from Missouri that this covers two commissions? Your committee undertook to consolidate these commissions, and a year ago we put two of these commissions together. Dr. Tittmann, in a statement before the committee, said that $5,000 would finish up the work of the boundary between Canada and this country, but it would take about $135,000 to continue this work for the next fiscal year in Alaska. He is, in my judgment, one of the most efficient men I ever came in contact with in the employ of the Government. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. GARNER. Mr. Chairman, I ask unanimous consent for two minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. GARNER. The committee went into this matter as closely as it was possible to do and, as the chairman has remarked, if we had not reappropriated the amount at the end of the fiscal year we would have carried an item for $135,000 instead of $100,000. It would have made the apparent total a little larger.

Dr. Tittmann advises the committee that he hopes to be able to close up and complete the boundary-line work between Alaska and the United States at an early date. With reference to Mexico, you will be carrying this appropriation for this boundary commission between Mexico and the United States when we have all passed away. It will continue as long as the treaties that we now have are kept in existence.

Mr. FOWLER. Mr. Chairman, I reserved a point of order on the paragraph.

Mr. GARNER. On what ground?

Mr. FOWLER. I reserved a point of order to that part of the paragraph beginning, in line 8, "together with the unexpended balance of previous appropriations for these objects."

Mr. HARRISON of Mississippi. How much does that amount to?

Mr. FLOOD of Virginia. Thirty-two thousand dollars.

Mr. FOWLER. I suppose the Chair, with his long experience, is perfectly familiar with the rules governing this appropriation. Being a new Member, I do not desire to discuss the point of order more than to say that if it is permitted to make appropriations indiscriminately without denominating the amount it certainly will lead to that degree of uncertainty which will give not only to this House but to the people at large a feeling that we at least are indiscreet in making our appropriations.

Mr. Chairman, I do not believe that the Appropriations Committee ought to be permitted to take that which was formerly appropriated for a fiscal year, and then snatch the unused balance before it gets into the Treasury and dump it into the coffers for the purpose of making the sum total, the amount of which is not revealed in the bill to the House. Unused balance automatically reverts to the Treasury. Such practice ought not to be permitted, in my opinion. For this reason I have sought the opinion of the Chair on this question.

The CHAIRMAN. The treaty authorizes the appropriation for the purpose named in the item, and if Congress can appropriate directly it can reappropriate an unexpended balance. The point of order is overruled.

The Clerk read as follows:

INTERNATIONAL BUREAU AT BRUSSELS FOR REPRESSION OF THE AFRICAN SLAVE TRADE.

To meet the share of the United States in the expenses of the special bureau created by article 82 of the general act concluded at Brussels July 2, 1890, for the repression of the African slave trade and the restriction of the importation into and sale in a certain defined zone of the African Continent of firearms, ammunition, and spirituous liquors, for the year 1914, $125.

Mr. GARNER. Mr. Chairman, I move to strike out the last word, to again call to the attention of the House that the number of appropriations made in this bill will continue to be made as long as it is the policy of Congress to continue in existence, by making appropriations, treaties made by the Senate. Here is an appropriation with reference to the African slave trade, and the immense sum of $125 is carried to suppress that heinous crime. I simply avail myself of this opportunity to show how ridiculous the Congress becomes by virtue of some treaty made 40 or 50 years ago in continuing to make appropriations to carry into effect some treaty that has by lapse of time or some other way abrogated itself.

Mr. HAMILTON of Michigan. Mr. Chairman, I was interested in the statement made by the gentleman from Texas a little while ago to the effect that this appropriation for the boundary-line commission between the United States and Mexico would have to go on indefinitely. I was wondering why that would have to be so.

Mr. GARNER. I will say to the gentleman from Michigan that when I first had the honor to come to this House I came with the intention of striking that one item of expense out of the appropriations, but when Secretary of State ROOT came before the committee and stated that in his judgment this expense of adjusting the differences between the citizens of Texas and Mexico could be done at less expense by this commission than by the department, I had to yield in favor of continuing the appropriation.

Mr. HAMILTON of Michigan. I did not know but that it was on account of the shifting habits of the river.

Mr. GARNER. Well, that has nearly all to do with it.

This commission does do a considerable service. They thought this year they needed $50,000, but the committee came to the conclusion they could get along with $25,000. If the United States does not make a treaty with Mexico settling the so-called Chamozel dispute, there will be no question but that $25,000 will be sufficient. If they should make that treaty and they could survey the river from El Paso to Laredo, they doubtless could utilize the $50,000.

Mr. BORLAND. Mr. Chairman, the gentleman from Texas calls attention to the small amount of this appropriation as illustrating practically the point that there is no necessity for continuing the appropriation at all. I will ask the gentleman whether this is not in pursuance of an estimate by the Secretary of State?

Mr. FLOOD of Virginia. No; it is in pursuance of an agreement for a division of the cost of keeping up this bureau for the suppression of the African slave trade and the sale of liquor in certain parts of Africa. Eighteen nations are parties to this treaty. It is not an old treaty. It was made in 1890 and renewed in 1906.

Mr. BORLAND. It is our estimated proportion?

Mr. FLOOD of Virginia. Yes.

Mr. BORLAND. Estimated and reported by the Secretary of State?

Mr. FLOOD of Virginia. Reported by this bureau to the Secretary of State and through him to us. Our payments are made to the Belgian foreign office.

Mr. BORLAND. So that in this particular case we have no way of getting rid of this contribution unless we denounce the treaty.

Mr. FLOOD of Virginia. No.

Mr. GARNER. Mr. Chairman, I had no idea of criticizing this particular appropriation. I do not know that I would strike it out if I had the opportunity. I simply utilized this opportunity to call the attention of the House to the great number of appropriations in this bill in response to provisions of treaties that are from 25 to 100 years old, and which will continue to be appropriated for as long as time exists unless the House asserts itself and determines whether it is advisable to denounce that treaty by refusing to appropriate.

The Clerk read as follows:

The Secretary of the Treasury be, and he is hereby, authorized annually to pay the pro rata share of the United States in the administration expenses of the International Prison Commission and the necessary expenses of a commissioner to represent the United States on said commission at its annual meetings, together with necessary clerical and other expenses, out of any money which shall be appropriated for such purposes from time to time by Congress.

Mr. MANN. Mr. Chairman, I move to strike out the last word. These last two items concerning the International Prison Congress I believe were inserted in the bill last year, and I think are permanent law.

Mr. FLOOD of Virginia. Yes.

Mr. MANN. It is permanent law?

Mr. FLOOD of Virginia. Not the appropriation.

Mr. MANN. Oh, no; but the two items on page 13. If there is any question, I do not wish to strike them out.

Mr. FLOOD of Virginia. They were put there to dispose of the question of whether this appropriation was authorized by law.

Mr. MANN. That was put there for that purpose, and that is in the current law.

Mr. FLOOD of Virginia. Yes.

Mr. MANN. And yet if we carry it every year in an appropriation bill it is either considered surplusage or else to be an admission upon our part that we did not make it permanent law, when we thought we did last year when it was put in.

Mr. FOSTER. Does not the gentleman think that applies only for the year?

Mr. FLOOD of Virginia. Oh, no.

Mr. MANN. The second paragraph is:

The Secretary of the Treasury be, and he is hereby, authorized annually to pay the pro rata share of the United States, etc.

I think the ruling is that where the language shows clearly it does not apply to the fiscal year for which the appropriation is made, it is permanent law. If there is any question about it, why not put in the word "hereafter." There is no use of carrying this provision in the bill every year.

Mr. FOSTER. The Secretary of the Treasury has no right to pay it without an appropriation.

Mr. MANN. Oh, no. This does not authorize him to pay it without an appropriation. This is an authorization to pay this annually out of the money that shall be appropriated for such purpose from time to time by Congress, and it was inserted in the bill last year for the purpose of giving the authorization and making it permanent law.

Mr. GARNER. In other words, the provision from lines 1 to 11, inclusive, on page 13, is mere surplusage, and this appropriation on lines 21, 22, 23, and 24, on page 12, carries the appropriation.

Mr. MANN. I really think these two items do not belong here. I think that is permanent law.

Mr. FLOOD of Virginia. I think the gentleman is correct.

Mr. MANN. The first item is:

The United States shall continue as an adhering member—

And so forth.

I do not know whether the comptroller would rule that applied only to the current fiscal year, but the intention was to make it yearly.

Mr. FLOOD of Virginia. The intention was to make it permanent law.

Mr. MANN. Let us either strike it out or insert the word "hereafter" and hereafter leave it out.

Mr. FOSTER. No; let us wait and see about this thing.

Mr. HAMILTON of Michigan. Why not pass this item for the present?

The Clerk read as follows:

PAN AMERICAN UNION.

Pan American Union, $75,000: *Provided*, That any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the union: *And provided further*, That the Public Printer be, and he is hereby, authorized to print an edition of the Monthly Bulletin, not to exceed 5,000 copies per month, for distribution by the union during the fiscal year ending June 30, 1914.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word.

Mr. BORLAND. Mr. Chairman, I reserve a point of order on the last proviso.

Mr. FOSTER. Mr. Chairman, I desire to ask the chairman of the committee if he can give the House any information with reference to what has become of this bulletin that is spoken of here? I know that we used to get this bulletin regularly, and a great many of us who had a little time to look it over enjoyed reading it, but for a long time I have not seen a copy of it—that is, at least it has not come to my office.

Mr. FLOOD of Virginia. I will say to the gentleman I thought it was going regularly to Members of Congress, and that they could get additional copies of it. This item that the gentleman from Missouri reserved the point of order on was put in the bill last year because so many members of the committee and of Congress thought that this was such a valuable bulletin that they desired to have additional copies.

Mr. FOSTER. I want to say, Mr. Chairman, in my judgment, there is no bulletin that is of more information, especially as to Latin America, than the bulletin issued by this bureau.

Mr. MANN. Will my colleague yield? The number provided for in the law is 5,000 copies. My understanding is that there is such a demand for the bulletins from those who make actual use of it in trade, and so forth, that they have been compelled to cut off every copy that they could from those who did not use it, in order to furnish it to those who insisted upon having it within the limit of 5,000 copies. I guess if my colleague will tell the chief of the bureau that he wants it he will get it.

Mr. FLOOD of Virginia. The director general.

Mr. MANN. If they send a copy to every Member of the House and Senate, there are 500 copies gone.

Mr. FOSTER. My colleague may be right, as far as that is concerned, that there are people to whom it is distributed who would make better use of it than many Members of Congress would; but this is a bulletin, it seems to me, that is of a great deal of interest to the people of the United States. If we are to extend our trade into South American countries, it seems to me it is important to secure the information that is to be obtained from a bulletin of this kind, and I should like to see an additional number of copies of this bulletin printed if necessary for the people of this country.

Mr. MANN. There ought to be more copies.

Mr. FLOOD of Virginia. I suggest to the gentleman to offer an amendment making it 6,000 copies, and get the gentleman from Missouri to withdraw his point of order.

Mr. FOSTER. I will wait and see what the gentleman from Missouri does.

Mr. BORLAND. Mr. Chairman, I reserved the point of order to the last proviso in the paragraph to ascertain whether there was any existing law authorizing 5,000 copies of the bulletin to be printed by the Public Printer for use and how that distribution was controlled. I agree with the gentleman from Illinois [Mr. MANN] that it is a very useful bulletin, and while I would like to have them myself for current use, yet it is so greatly desired among the business men of the district I represent that I am perfectly willing to yield my individual copy, but I have never been able, so far as I can remember now, to get a copy for any business man. My impression is that they sell this bulletin at a subscription price.

Mr. FLOOD of Virginia. Oh, I think not.

Mr. BORLAND. And they refer inquirers to the subscription price. That is my impression about it.

Mr. FLOOD of Virginia. I think the gentleman is mistaken about that. This matter was brought up before the Committee on Foreign Affairs a year ago, when these 5,000 copies were authorized, and the understanding was it was to be for free distribution, and we authorized the 5,000 on account of the great demand for it, and I believe if the gentleman would apply to the Director General of the Pan American Union he could get such copies as are necessary in his district. But from what the gentleman says and from what the gentleman from Illinois says I suggest an amendment increasing the number of copies.

Mr. BORLAND. Well, I presume the gentleman realizes that an amendment to increase the number of copies would be subject to a point of order on this appropriation?

Mr. FLOOD of Virginia. Yes; and so is the paragraph itself subject to the point of order.

Mr. HARRISON of Mississippi. Will the gentleman yield one moment in that connection?

Mr. BORLAND. Yes.

Mr. HARRISON of Mississippi. My recollection is that when the matter came up in the committee the gentleman from Massachusetts [Mr. CURLEY] was directed by the committee to draft a bill for a number of these bulletins to be gotten out. I do not know whether it was done or not.

Mr. CLINE. Will the gentleman yield?

Mr. BORLAND. For a question; yes.

Mr. CLINE. I want to make an explanatory statement in reference to the demand for these bulletins. I represent a large manufacturing district, and as some of our people are doing business in South American Republics, I have an increasing demand for them. Of course, the number of 5,000 does not go far in distribution in all of the States of the Union, and I have frequently referred my application to the Director General of the Pan American Union, and we have been supplied. I recognize, as the chairman says, there ought to be a larger publication than we now have.

Mr. CURLEY. The resolution was introduced some time ago and was referred to the Committee on Printing, which committee is considering it now, as to the distribution of 5,000 copies among the Members.

Mr. BORLAND. To be put to their credit as a document?

Mr. CURLEY. In addition to those already printed.

Mr. BORLAND. Are they put to the Members' credit automatically, or do they have to ask for them?

Mr. CURLEY. To the Members' credit automatically.

Mr. BORLAND. The printing of this bulletin for the business men and prospective exporters in the United States is about the most important benefit we get from the maintenance of this Pan American Union. I realize also that it has some diplomatic advantage in cultivating better relations, and so on. But from a practical standpoint—that is, the sum and substance of what we get at this date—I think the committee can form some plan to increase the number of bulletins to be printed. I hope the committee will bring in a report increasing the number to be issued next year.

Mr. GARRETT. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. GARRETT. Do I understand the proposition of the gentleman from Massachusetts [Mr. CURLEY], that is pending before the Committee on Printing, is for the bulletins to be published as a document for distribution among the Members?

Mr. CURLEY. Yes; some 5,000 additional copies each month.

Mr. GARRETT. Of course, the gentleman has given that thought, and he thinks it is desirable.

Mr. CURLEY. I think the resolution was passed because of the number of inquiries that have been received by myself and other members of the committee from manufacturers and others.

Mr. GARRETT. It occurs to me, I will say to the gentleman from Massachusetts, perhaps it might be wiser if the number were increased and distributed as now distributed, rather than distributed through the document room as a public document, because I have no doubt, for instance, that gentlemen representing great business cities in part have more requests, for instance, than I do, who represent an agricultural community.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. BORLAND] has expired.

Mr. BORLAND. We were discussing the point of order, if the Chair please.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the time of the gentleman from Missouri [Mr. BORLAND] be extended for five minutes. Is there objection?

There was no objection.

Mr. GARRETT. I can dispose to advantage of all I might get, but at the same time it is doubtful whether it would not be better for them to be distributed as they are now rather than so many copies to be distributed as public documents. I suggest that to the gentleman for his consideration.

Mr. BORLAND. That is a matter for the consideration of the commitee and the House. There is a good deal of force in what the gentleman from Tennessee [Mr. GARRETT] suggests. The gentleman from Massachusetts [Mr. CURLEY] and myself come from busy commercial centers, where there is an unusual demand for these documents, and I would suggest the number be doubled in view of the increasing demand that will come in the immediate future for information about these South American countries—but not in this bill.

Mr. GARNER. May I ask the gentleman from Missouri [Mr. BORLAND] if he has any idea of what it costs to publish these documents?

Mr. BORLAND. The committee has full power to conduct hearings on that subject and give us the result. I hope it will do so.

Mr. MADDEN. It is intended to make this a newspaper publication, so that it may have a large issue printed of it, or not?

Mr. BORLAND. It is a monthly bulletin.

Mr. MADDEN. On what does it treat?

Mr. CURLEY. It was suggested by the gentleman from Ohio [Mr. SHARP] that because of the manufacture of agricultural implements in his section, a good field for business might be developed in South America. He conferred with Mr. Barrett, and in one year their sales of agricultural implements amounted to more than $1,000,000. That trade they hold at the present time.

It was stated further that a shoe factory, located in Boston, which manufactures the largest quantity of women's shoes of any factory in the United States, decided to enter into competition with the Swiss factories and the French factories which sell largely in Argentina, and their attention was directed to the possibilities of trade in South America largely through the bulletins, and they have extended their business there. I do not know how many articles of manufacture this would apply to, but certainly it would be many.

Mr. MANN. Mr. Chairman, has the point of order been withdrawn?

Mr. BORLAND. I withdraw the point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. I understood the gentleman from Massachusetts [Mr. CURLEY] to say that there was under consideration a plan to have these bulletins issued through the document room or through the folding room.

Mr. CURLEY. I say that a resolution was introduced and referred to the Committee on Printing, requesting that they have 5,000 copies of this document printed each month for distribution by the Members of the House of Representatives. That is outside of this measure, however, and is a separate proposition.

Mr. MANN. I think it is safe to say that the Committee on Printing would not favor reporting such a resolution, and if it did, the House would not pass it.

A document of that kind is of no value to Members of Congress when printed monthly. There is not a Member of Congress here that will get his share of 5,000 copies of a monthly bulletin and send one copy to the same individual each month. It becomes a perfect nuisance to undertake it. We used to get five copies of all the geological bulletins. I do not know what other Members of Congress used to do, but for a while I sent mine to a professor of geology in the University of Chicago, and then, as his patience ran out, I sent them to the Geological Survey here, and their patience running out, the bulletins accumulated in the folding room, until finally we stopped the practice. If you want to increase the number of bulletins, the number ought to be increased slightly from one year to another as they are absorbed.

Mr. HARRISON of Mississippi. What number would the gentleman suggest?

Mr. MANN. I would say 6,000, an increase of 1,000. That additional number might be absorbed in a year or two. I do not know whether they would be or not.

Now, the gentleman from Massachusetts [Mr. CURLEY] is somewhat in error in thinking that his shoe manufacturers got their information out of these bulletins. The information they get comes from the Daily Consular Reports.

Mr. GARNER. Would it not be better to increase this, if it is necessary to make up 10,000 copies, by an increase of 1,000 copies a year? In that way they will not be distributed recklessly.

Mr. MANN. An increase of a thousand is enough, I think.

Mr. BORLAND. No increase is proposed at this time.

Mr. MANN. Yes; there is.

Mr. HARRISON of Mississippi. Mr. Chairman, I move to strike out "five thousand" and insert "six thousand" on line 1, page 14. In place of "five" make it "six."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. HARRISON].

The Clerk read as follows:

Amend, page 14, line 1, by striking out the word "five" at the end of the line and inserting in lieu thereof the word "six."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GARRETT. Mr. Chairman, I wish to ask the gentleman from Texas [Mr. GARNER] a question about that matter. Is there anything before the committee indicating that this bureau desires this increase at this time? I do not care to take up time about the matter.

Mr. GARNER. The bureau will do anything along this line; anything that Congress thinks proper. They do not need it, but the contention is made by the gentleman from Illinois [Mr. FOSTER], by the gentleman from Missouri [Mr. BORLAND], by the gentleman from Massachusetts [Mr. CURLEY], and various others that their constituents are interested in these bulletins, and that they can not get them either for their own use or for the use of their constituents, and under those circumstances they thought the number might be increased by a thousand copies.

Mr. HARRISON of Mississippi. Mr. Barrett was accorded a hearing before our committee on that subject, or possibly the best way to put it would be that Mr. Barrett was before the committee, and many questions were asked of him concerning this matter, and the gentleman from Massachusetts [Mr. CURLEY], at the instance of our committee, went to the Committee on Printing and asked to have the number increased.

Mr. GARRETT. It is the judgment of the committee that the number should be increased?

Mr. HARRISON of Mississippi. Yes; I think so.

Mr. MANN. It should be remembered that this printing will not be done for nothing, and they will not order any more than they need.

Mr. GARNER. This printing does not come out of this item.

Mr. MANN. Against whom will it be charged up?

Mr. GARNER. It will be charged up against the fund.

Mr. MANN. What fund will it be charged up to?

Mr. GARNER. I suppose the Public Printer is authorized to publish a certain number of documents.

Mr. MANN. He has not any fund to print it from, unless it is authorized. When we order things printed, the cost is charged up to the congressional printing fund.

Mr. GARNER. I think this would be.

Mr. MANN. Oh, no; it would not be.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. HARRISON].

The amendment was agreed to.

The Clerk read as follows:

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the

schedule of claims thereunder, including office rent in the District of Columbia, and the compensation of arbitrator, umpire, agent, counsel, clerical, and other assistants, to be expended under the direction of the Secretary of State, and to be immediately available, $50,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

In view of the reported shooting of Americans in the streets of Mexico City, and with the earnest hope that the United States may not be obliged to intervene with armed forces, I desire to show through one case that has been brought to my attention the difficulties which have confronted the State Department in its efforts to adjust differences that recently have arisen in consequence of the interest of citizens of the United States in Mexico. On the night of October 28, 1912, as I am informed, an attack was made upon the home of Richard N. Stadden, United States vice and deputy consul at Manzanillo and a representative at that place of the Pacific Timber Co. Without discussing the propriety of Mr. Stadden's dual position, the facts as to the assault thus far remain substantially undisputed. During his absence Mr. Stadden's residence was attacked by Dr. Aristo Nunez, a Mexican citizen, who broke down the door and with a loaded rifle threatened the family. He was overpowered by servants and removed to the local jail, from which he was promptly liberated by the officials. The governor of the State of Colima was duly advised of the facts, but up to the last report through the American ambassador to the State Department no steps have been taken to apprehend or to punish the offender. There has been much correspondence upon the subject, and under date of December 5 the State Department advises that it had instructed the embassy to request certain reports of the foreign office with regard to the—

conduct of Gov. Allamino as reported by Mr. Stadden, and say that it appears to the department that there is a disposition on the part of the governor to shield Nunez from punishment for the outrage committed upon the vice consul.

The State Department's letter to the ambassador to Mexico clearly indicated its purpose to see that fair treatment was accorded our representatives at Manzanillo. But more than two months have elapsed without further information as to the intent of the Mexican Government, and the belief of the American friends of the vice consul at Manzanillo is that the sympathizers of the assailant have sufficient influence to prevent action by the local authorities. In a letter from the State Department, dated February 5, I am advised that the embassy at Mexico "has now been called upon for a report." In view of the outbreak of hostilities, however, it may not now be possible to speedily obtain the satisfaction which is due the United States in this matter, although it is not wholly creditable that an attack upon one of our own representatives to a country presumed to be friendly should stand unredressed and without satisfactory explanation for more than three months. It would indeed be deplorable if in order to maintain the honor and dignity of the United States we should be obliged to send troops into Mexico, but if even our well-intentioned diplomatic negotiations are to be trifled with, then, of course, the matter assumes a different aspect. Citizens of the United States are entitled to protection while traveling in foreign countries, and it would be making a laughingstock of our Government if we failed to afford the representatives we send abroad the assurance of our national support. [Applause.]

The Clerk read as follows:

INTERNATIONAL BUREAU OF THE PERMANENT COURT OF ARBITRATION.

To meet the share of the United States in the expenses for the year 1912 of the International Bureau of the Permanent Court of Arbitration, created under article 22 of the convention concluded at The Hague, July 29, 1899, for the pacific settlement of international disputes, $1,250.

Mr. FOSTER. I reserve a point of order against that paragraph. I should like to inquire how long this appropriation is going to continue.

Mr. GARNER. As long as they can get Congress to make it.

Mr. FLOOD of Virginia. I do not know that I can give the gentleman any definite information as to how long it is going to continue. This tribunal has been established under a treaty entered into in 1910, and there will be presented before the tribunal when it first assembles 202 American and 92 British claims. They are making up schedules of other claims which will be presented later. The treaty was negotiated by a very distinguished gentleman representing this Government and another distinguished gentleman representing the British Government, and it is necessary to have some tribunal to settle these old outstanding pecuniary claims, many of them quite old, between the citizens of this country and England and the citizens of England and this country. They may go ahead and dispose of them very rapidly, or they make take a long time. Any answer to the question would be a mere guess.

Mr. FOSTER. I see the difficulty under which the gentleman is laboring. It seems to me that in this bill we carry a great many of these small appropriations, as well as some pretty large ones, and I suppose it is necessary to make them; but I do make the point of order against the language—

And to be immediately available.

Mr. MANN. I hope my colleague will not do that.

Mr. FOSTER. If there is some good reason, I will withdraw the point of order.

Mr. MANN. This commission has been authorized by treaty for some years, and it is just getting ready to go to work and dispose of a lot of these claims. We have a number of claim bills on the calendar of the House, and gentlemen have made the terrible threat that if we did not pay the claims in full they would go before this commission. I want to see this commission get to work, and see some of these gentlemen go before the commission, and see whether they can substantiate their claims. There are a lot of these claims pending, and, as I understand it, the commission are now ready to commence operations.

Mr. FOSTER. I am not making a point of order against anything except the words—

And to be immediately available.

They had this same appropriation last year.

Mr. FLOOD of Virginia. They had the same appropriation last year.

Mr. MANN. They had the same appropriation, but they have not had a real meeting yet.

Mr. GARNER. No; they have just been using the money, that is all.

Mr. FOSTER. If that is true, then I think there is more reason for my point of order.

Mr. FLOOD of Virginia. Oh, no; the gentleman is mistaken. This appropriation provides for a tribunal in the nature of a court.

Mr. MANN. Yes.

Mr. FLOOD of Virginia. And then it provides for the organization that prepares every case to be presented to this court, and this organization has been at work getting ready the 202 American cases that are already scheduled and preparing our defense in 92 British cases that have been scheduled. The arbitrators or court have not met, but our agent and his assistants have been at work ever since the appropriation was first made.

Mr. MANN. I am not criticizing the expenditure that has been made. It is intended to assemble during this fiscal year, as I understand it.

Mr. FLOOD of Virginia. Yes.

Mr. MANN. That is the reason for making the appropriation immediately available.

Mr. FLOOD of Virginia. The additional appropriation is to be for the expenses of the court, and that is the reason we want to make it immediately available.

Mr. HARRISON of Mississippi. I will read the statement on this point of Mr. Lansing, who appeared before the committee:

The CHAIRMAN. You ask for an emergency appropriation of $8,000 to supplement the present appropriation of $50,000?
Mr. LANSING. Yes.
The CHAIRMAN. Why do you want the appropriation we make immediately available?
Mr. LANSING. I do not think we do, sir. I did not know that was in the bill. I did not look the bill over, but I do not see why that should be immediately available at all.

That was the statement of Mr. Lansing.

Mr. MANN. Mr. Lansing was not informed. As a matter of fact, this tribunal are to meet this spring for the first time, as I understand, to decide a lot of these cases upon which they have been working, and they need the money when the tribunal meet. You can be sure their side will have sufficient funds to properly have their cases presented.

Mr. FOSTER. The gentleman from Illinois thinks if they do not have this appropriation immediately available they will have to have a deficiency appropriation?

Mr. MANN. They would clearly have a deficiency appropriation.

Mr. FOSTER. If they are going to do that, I think we had better leave the language as it is. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

INTERNATIONAL CONFERENCE ON MARITIME LAW.

For the expenses of participation by the United States by officially appointed delegates in the International Conference on Maritime Law to meet at Brussels in 1913, $5,000, or so much thereof as may be necessary, to be immediately available.

Mr. FOSTER. Mr. Chairman, I reserve a point of order, and want to ask why it is necessary to make this immediately available?

Mr. FLOOD of Virginia. I do not think it is necessary.

Mr. FOSTER. Then I make a point of order against it. Mr. Chairman, I make the point of order against the words, line 16, page 18, "to be immediately available."

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

WATERWAYS TREATY, UNITED STATES AND GREAT BRITAIN: INTERNATIONAL JOINT COMMISSION, UNITED STATES AND GREAT BRITAIN.

For salaries and expenses, including salaries of commissioners and salaries of clerks and other employees appointed by the commissioners on the part of the United States with the approval solely of the Secretary of State, including rental of offices at Washington, D. C., and necessary traveling and other expenses, and for the one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and other purposes, signed January 11, 1909; as well as for the payment of necessary expenses incurred and compensation for services rendered under the direction of the Secretary of State in the examination and preparation of cases involving the use, distribution, or diversion of waters and other questions or matters of difference covered by the treaty of January 11, 1909, between the United States and Great Britain, and in representing this Government and the American interests involved in the presentation of such cases before the International Joint Commission constituted under that treaty: *Provided*, That any counsel employed shall be at a fixed compensation, not to exceed $4,000 per annum, the unexpended balance of the appropriation made for this object for the fiscal year 1913 is hereby reappropriated and made available for this purpose.

Mr. FITZGERALD. Mr. Chairman, I make a point of order that the Committee on Foreign Affairs has no jurisdiction of this item; that it belongs to the sundry civil appropriation bill.

Mr. FLOOD of Virginia. Mr. Chairman, this commission was created in pursuance of the treaty of January 11, 1909, between the United States and Great Britain, to pass upon the application approved by either Government for the use, obstruction, or diversion of boundary waters or one which might affect the levels on the other side of the boundary, the construction of dams, the obstruction of boundary waters, and a few other questions.

This commission was authorized by treaty. Under the rules of the House all matters growing out of treaties go to the Committee on Foreign Affairs. The rule is clear on this point, and there can be no question about the fact that that is the appropriate committee to consider this matter. That committee appropriates for every other commission that is created by a treaty. There can be no difference in principle between this commission and these other commissions. For example, the expenses of the boundary-line commission between this country and Canada are provided for by the Foreign Affairs Committee in this bill, and so are all the others. How can there be any difference in principle as to the committee that has jurisdiction of that question and this commission?

It is true that there have been three appropriations made by the Committee on Appropriations for this commission. The first was on June 25, 1910, for $75,000, and when only about $10,000 of it had been used the second one, of $75,000, was made on March 4, 1911; and on August 24, 1912, the third appropriation, being the unexpended balance of $103,000, was made. But the fact that the Committee on Appropriations improperly assumed jurisdiction of this matter can not operate to oust the Committee on Foreign Affairs from its proper jurisdiction when the latter committee asserts that jurisdiction.

This year the estimate was sent by the Secretary of State to the Committee on Foreign Affairs, and after that a letter was sent to the Speaker, undertaking to withdraw the estimate from the Committee on Foreign Affairs. But the State Department can not determine the jurisdiction of the committees of this House, and that attempted withdrawal can not deprive us of the rightful jurisdiction. The rules of this House give this committee jurisdiction of questions arising out of the treaties, and this commission owes its existence solely to a treaty. There would not be any authority for this commission except for this treaty. There is no other committee that ought to deal with this commission, because the Committee on Foreign Affairs is the one to determine all other questions arising out of the treaty, including the question of its abrogation.

I believe it is in the interest of good legislation, the orderly conduct of business and economy, for the Committee on Foreign Affairs to handle this matter.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Virginia is mistaken when he says that all matters growing out of treaties are carried in the diplomatic and consular bill. For many years the appropriations for an international waterway have been carried in the sundry civil bill. The appropriations for the International Congress to Promote Letters of Exchange have been carried in the sundry civil bill. Different items have been carried in this bill. This appropriation originated in 1911 and was carried in that year, 1912–13, in the sundry civil appropriation bill.

Mr. KENDALL. If the gentleman from New York will pardon me, did it not originate in the sundry civil bill for the reason that the treaty was ratified after the diplomatic and consular appropriation bill had been passed by the House?

Mr. FITZGERALD. I can not answer that question. It was carried in the sundry civil bill for 1911, the sundry civil bill of 1912, and the sundry civil bill of 1913, and certainly the diplomatic and consular bill had not passed the House prior to the ratification of the treaty under which these appropriations were made.

Mr. GARNER. Will the gentleman yield?

Mr. FITZGERALD. I would like, first, to make a statement. Now, the act of June 22, 1906, provided:

Hereafter the estimates for expenses of the Government, except those for sundry civil expenses, shall be prepared and submitted each year according to the order and arrangement of the appropriation acts for the year preceding. And any changes in such order and arrangement, and transfers of salaries from one office or bureau to another office or bureau, or the consolidation of offices or bureaus desired by the head of any executive department, may be submitted by note in the estimates. The committees of Congress in reporting general appropriation bills shall, as far as may be practicable, follow the general order and arrangement of the respective appropriation acts for the year preceding.

For the year preceding, and the year preceding that, this item has been in the sundry civil appropriation bill.

In the Forty-ninth Congress the so-called Blount decision was rendered. A question arose as to the jurisdiction of the respective committees, and Mr. Blount determined that the only way in which it was possible under certain circumstances to determine the jurisdiction of the various committees was to examine the bills as reported and passed at the various sessions, and where under the practice and custom of the House an item originated and belonged in one appropriation bill, it belonged in that bill and could not be placed in another bill. Mr. Blount's decision was followed by a decision by Mr. Payson in the Fifty-first Congress, and by Mr. Hopkins in the Fifty-fifth Congress, and a long line of decisions have been to the effect that items appearing in one appropriation bill can not be transferred to an appropriation bill under the control and jurisdiction of some other committee.

The gentleman states that all matters affecting treaties or growing out of treaties belonged to the Committee on Foreign Affairs. I call the attention of the Chair to volume 4 of Hinds' Precedents, section 4050, to the effect that—

Awards of money to foreign nations in pursuance of treaties for the adjustment of claims or as acts of grace have been reported by the Committee on Appropriations.

Several instances are given in which that happens, and under the rule referring to the items carried in the sundry civil appropriation bill these items are referred to as characteristically of the sundry civil appropriation bill.

One of the objects of the enactment of the statute of 1906 was to prevent and break up a practice that had long been indulged in by the departments. An item would originate and be carried in one if the general supply bills of the House, and for one reason or another a department desiring to transfer that item out of the jurisdiction of one committee to the jurisdiction of another would shift the estimates from one part of the Book of Estimates to another, in the hope that it would in that way be sent to some different committee. I have two decisions here, in volume 4, Hinds' Precedents, sections 4048 and 4184, to the effect that—

The acts of the executive departments in submitting estimates are not of effect in determining questions of jurisdiction.

Mr. Boutell, in passing upon the question of order raised, when he held to that effect, said:

I do not know of any place where the noninterference of the executive with the legislative departments should be more carefully or more jealously guarded than in this House; and whether the Book of Estimates, calling for certain items from certain committees, is based upon an ignorance of the rules of this House or upon a conscious intention to influence the course of appropriations contrary to the rules of the House, the present occupant of the chair believes that it would be the unanimous opinion of this body that such estimates sent in such way should not be construed as affecting in any way the rules of this body.

Moreover, Mr. Chairman, this paragraph contains an item which is not authorized by the treaty or any law, and that is the provision for a counsel at a fixed compensation of $4,000 a year. The State Department has been endeavoring ever since the appropriation was made to have established in the Department of State, payable out of the appropriation made for this commission, a position to be filled by the appointment of some lawyer, whose services, whatever their character, would not be for the commission, and should in no way be charged to the commission.

The act of 1906, controlling the committees of Congress in reporting the general appropriation bills, is binding in this instance, and as the committee has reported this contrary to

the provision of the statute, it is, for that reason, subject to a point of order.

Mr. GARNER. Mr. Chairman, it will be observed by the Chair that the only reason given by the gentleman from New York [Mr. FITZGERALD] why the Foreign Affairs Committee has no jurisdiction is the fact that his committee previously appropriated for this waterway commission. The Chair will remember also that the gentleman from New York gave as one of his reasons why this rule should be adhered to the fact that the different departments of government might apply to another committee of the House in case one committee refused to give them the amount of money asked for, and therefore it was desirable to continue jurisdiction with the committee that originally had the appropriation. Mr. Chairman, that is just exactly what happened in this instance. The Committee on Foreign Affairs had jurisdiction of this question to the exclusion of any other committee of this House. Those gentlemen interested in this particular appropriation applied to the Committee on Foreign Affairs, and the Committee on Foreign Affairs did not grant their request with reference to the amount of the appropriation they wanted. They went downstairs to the Committee on Appropriations, and the Committee on Appropriations gave them not only all they wanted, but more than they could possibly use. They repeated the same thing the next year, and I call attention to the hearings the committee had this year to illustrate the situation with reference to this identical appropriation——

Mr. FITZGERALD. Will the gentleman permit me—he is in error as to what happened. There has not been, to my recollection, any estimate before the Committee on Foreign Affairs on this matter prior to this year.

Mr. GARNER. Yes; last year there was an estimate of $150,000 first sent in and then an estimate in a special letter to the Committee on Foreign Affairs reducing it to $75,000, and the Committee on Foreign Affairs, after investigating the matter, found out that this commission had more money than they could possibly spend. I call attention to the fact now that this commission did not take its office until the 9th day of March, 1911. Seventy-five thousand dollars was appropriated for the fiscal year ending July 1. This commission did not spend more than one-third of the money during that fiscal year, or less than one-third of it.

Mr. FLOOD of Virginia. Ten thousand dollars.

Mr. GARNER. They spent about $10,000 of the $75,000, and the Appropriations Committee, this committee that wants to oust the jurisdiction of Foreign Affairs in order that they may practice economy, immediately appropriated $75,000 and all of the unexpended balance. [Applause.] I have heard the gentleman from New York [Mr. FITZGERALD] talk economy, and when they come in here and request a committee which is practicing economy, practicing what they preach, and undertake to oust them from the jurisdiction of an item which they did not try to protect the Treasury against, it shows that the committee has been either extravagant or appropriated in gross ignorance of what the conditions or requirements were. [Applause.] Mr. Chairman, not only on this occasion but last year, as I said, there was an estimate of $150,000 for this identical item, and when the Foreign Affairs Committee began to investigate it a letter was sent in saying they wanted to reduce the item from $150,000 to $75,000, and when we investigated it further we found that they did not want a dollar, that this commission had never met, as a matter of fact, but one time. They were not prepared to do any business. And to further illustrate the want of necessity for this appropriation at all, I call attention to the fact that out of this appropriation they not only had $75,000 a year for these commissioners, but the President has allowed them, by Executive order, railroad fare, sleeping-car fare, all expenses paid, and then the small allowance of $10 a day to get something to eat.

Mr. HARRISON of Mississippi. And a suite of offices.

Mr. GARNER. I find no hearings before the Appropriations Committee to warrant any of these facts, and yet the gentleman from New York comes in here and makes the point of order against this item being carried in this bill, claiming that originally jurisdiction belonged to his committee, a committee that, I submit the facts show, has not investigated the necessity of such appropriation, but immediately took charge of it and continued to appropriate blindly or extravagantly for this service.

Mr. COOPER. Mr. Chairman, the gentleman from New York [Mr. FITZGERALD] makes the point of order that, under the rules, the pending paragraph could not be reported by the Committee on Foreign Affairs, because, as he says, that committee had no jurisdiction of the subject matter.

Paragraph 11 of Rule XI provides that the jurisdiction of the Committee on Foreign Affairs shall extend to all measures touching "subjects relating" to the relations of the United States with foreign nations, including appropriations therefor.

To decide the point of order two questions must be answered: First, does this paragraph concern the relations of the United States with a foreign nation? If so, does the appropriation contained in it have reference to such relations?

The paragraph refers plainly, and refers only, to the foreign relations of the United States. It provides for payment of the salaries and expenses of an "international" joint commission—an international joint commission appointed under the terms of a treaty between the United States and Great Britain. To consider what?

The use of the boundary waters between the United States and Canada. How is it possible, Mr. Chairman, to have any subject before the House of Representatives more properly included under the term "foreign relations" than are the proceedings of an international joint commission appointed to determine what shall be done with the boundary waters between this country and Canada, and appointed in pursuance of a treaty?

This is not a domestic affair of the United States; it is not a domestic affair of Great Britain. It is an international affair. The meetings of the commission must be joint meetings, both Canada and the United States being represented. Plainly the subject matter of this paragraph touches the relations of the United States with a foreign nation, and therefore the appropriation to pay the salaries and expenses of our representatives on this international joint commission was properly reported from the Committee on Foreign Affairs.

The gentleman from Texas [Mr. GARNER] was, I think, a little in error, although this perhaps is not germane to the discussion of the point of order, when he said that there had been but one meeting of the commission. I believe that the commission had four meetings and used up about 25 days out of 365.

Mr. MANN. Will the gentleman yield?

Mr. COOPER. Yes.

Mr. MANN. The gentleman from Texas [Mr. GARNER] was in error in stating they had only one meeting, and the gentleman from Wisconsin is in error in stating that they had only four meetings.

Mr. COOPER. It is immaterial. The number of meetings is not important. They did not meet 30 days altogether.

Mr. MADDEN. Does anybody know whether they have been traveling and covered the ground?

Mr. COOPER. They have been traveling. There is a gentleman on the floor who has the items.

Mr. FLOOD of Virginia. I have all the items of the expenditure. They are principally for salaries.

Mr. COOPER. The former chairman of the Committee on Appropriations, now a member of the International Joint Commission, knew that this subject was before the Committee on Foreign Affairs, but he went to the Committee on Appropriations. He ignored the Committee on Foreign Affairs and went to the committee of which he had been chairman. Why? Not because that committee had jurisdiction of this subject.

Mr. CANNON. Will the gentleman allow me? If he knows of an improper expenditure, I suggest to him that it is his duty to canvass it here and take us all into his confidence.

Mr. COOPER. I will say in reply to the distinguished gentleman from Illinois——

The CHAIRMAN. The gentleman from Virginia [Mr. SAUNDERS] is recognized.

Mr. SAUNDERS. The gist of the point of order made by the gentleman from New York is that the Committee on Foreign Affairs is appropriating contrary to law. If the Committee on Foreign Affairs has jurisdiction under the rules of this subject matter, then the fact that some other committee may have been appropriating from year to year in relation to the same, can not operate to oust the jurisdiction of the former committee. It is a familiar proposition that if appropriations are made from year to year for which there is no authority of law, these antecedent appropriations furnish no authority for a subsequent appropriation of the same character. The fact that the Committee on Appropriations may have appropriated in respect of this particular item, does not serve to divest the proper committee of its appropriate jurisdiction. What do the rules say with respect to the jurisdiction of the Committee on Foreign Affairs:

It has a broad jurisdiction over foreign relations, including bills to establish boundary lines between the United States and foreign nations.

In the year 1910, a treaty was made between Great Britain and the United States. A brief citation is made from that treaty to show its comprehensive scope, as well as plain intent:

Whereas a treaty between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, Emperor of India, to prevent disputes regarding the use of boundary waters and to settle all

questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise.

This treaty unquestionably relates to the very matters which are expressly committed under the rules to the jurisdiction of the Committee on Foreign Affairs. Hence in making the appropriation to which objection is offered, they have not assumed jurisdiction. On the contrary they have simply exercised their own jurisdiction. Whatever some other committee has heretofore done in making appropriations for this subject matter, however often those appropriations may have been made, they do not operate, and can not operate, to divest the proper committee of jurisdiction, unless the familiar rules and precedents of this body are utterly disregarded. It further appears in this particular case that the estimates for this expenditure were submitted to the Committee on Foreign Affairs. Later the effort was made to withdraw these estimates for submission to another committee. This abortive effort on the part of the department that submitted the estimates, is no more potent to divest the jurisdiction of the Committee on Foreign Affairs, than the appropriations heretofore made by another committee. Jurisdiction plainly attaches under the rules to the Committee on Foreign Affairs.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Texas [Mr. GARNER] made certain references to the expenditure of this commission, to their character, and, if I understood him correctly, to the impropriety of certain allowances. The gentleman from Wisconsin [Mr. COOPER] has stated that the reason that this item has been carried and is now sought to be carried in the sundry civil bill is the fact that one of the commissioners was a former Member and the chairman of the Committee on Appropriations, and therefore he went to that committee, presumably from the statement of the gentleman from Wisconsin, because that would affect the judgment of the committee in the performance of their public duties.

Mr. Chairman, the identity of any persons affected by an appropriation has never made any difference to me. So far as I am concerned I do not pay any attention to such statements as these of the gentleman from Wisconsin. I believe that the Members of this House will recognize the fact that in the discharge of my public duties I have not been influenced by the consideration that any particular individual will be benefited by this or any other item.

This commission originally consisted of Mr. James A. Tawney, formerly a Member of the House and chairman of the Committee on Appropriations; the late former Senator Thomas H. Carter, of Montana; and the Hon. Frank S. Streeter, if I recall the name correctly, of the State of New Hampshire. After the death of Senator Carter, former Senator Turner, of the State of Washington, was appointed to his place upon the commission.

After the commission was appointed the then Government of Canada—I think it was known as the Laurier government—selected three commissioners on the part of Canada and forwarded their names to Great Britain, where it was necessary for them to be confirmed, if I recall correctly, by the Privy Council. Before action was taken in Great Britain upon the nominations submitted by the Laurier government the elections, growing out of the reciprocity bill, took place in Canada, and the Borden government succeeded the Laurier government. The confirmation of the nominations was held up, and a delay took place in the submission of the nominations for the membership of this commission by the Borden government to the Privy Council. Pending action, the gentlemen who had first been named had had, if I recall correctly, an informal meeting, and then awaited the action of the Borden government. The names of men representing the party that was successful in the election were substituted for the first nominees and more delay occurred, and the result was that a very considerable time, as I recall, elapsed before it was possible for this joint commission to meet since there were no members qualified on the part of the Canadian Government.

But that did not alter the fact that under the law the American commissioners had been appointed, had been confirmed, and were entitled to their compensation.

Mr. GARNER. Mr. Chairman, may I interrupt the gentleman right there?

Mr. FITZGERALD. Yes.

Mr. GARNER. Having made the statement that I did, to the effect that the appropriation was made in 1912 without reference to the amount in hand at that time, or the necessity for additional funds for the commission that year, when there was sufficient money on hand then to run it for another year, does not the gentleman think that under those conditions the Committee on Appropriations was not justified at that time in making an appropriation of $75,000?

Mr. FITZGERALD. I think not, because it appeared that the commission, so far as it could be anticipated, in the transaction of its business would require a certain fund, and the fact that the amount was not expended was not an indication of extravagance on the part of the commission.

Mr. GARNER. I do not contend that the commission was extravagant, but here is my contention: I called the gentleman's attention to the fact that when they made that $75,000 appropriation at the end of the fiscal year they had most of the $100,000 unexpended. They did not need any of the $75,000, and they had $25,000 of the $100,000 on hand. I have the statement of Mr. Busbey when he appeared before the committee.

Mr. FLOOD of Virginia. I have the statement of the appropriations. The first appropriation for this commission was made on June 25, 1910, for $75,000, and during the next fiscal year for which that appropriation was made the commission expended $10,630. Then the second appropriation was carried in the deficiency act of March 4, 1911. The amount was $75,000, when they had $65,000 on hand. Then, in August, 1912, when the gentleman from New York was chairman of the committee, the unexpended balance, which was $103,000, was reappropriated.

Mr. FITZGERALD. That is true, and at that time the commission was for the first time in a position where it was anticipated that it could go ahead and transact its business.

Mr. FLOOD of Virginia. No; the Canadian commission had been appointed during the year 1911, and so, when that appropriation was made, the commission were entirely qualified to transact business, and early in the year 1912 they held their first meeting. But during the calendar year 1912, after they had organized and were ready to investigate all these questions, according to the statement of Mr. Busbey, their secretary, that commission were not in session over five weeks, and they only undertook to investigate one single question, a question relating to the Lake of the Woods, and nearly every dollar of money that they spent was taken up in the salaries of the commissioners, the salaries of a secretary, of clerks and stenographers, traveling and maintenance expenses, and the rent of luxurious quarters here in the Southern Building.

Mr. FITZGERALD. Mr. Chairman, as I recall the provisions of the treaty, this commission is somewhat unique in that its determinations are final and binding upon both Governments.

Mr. FLOOD of Virginia. As to some of the questions before it, but not all questions.

Mr. FITZGERALD. As to some of the questions. It is more like a final court than a commission that recommends. And as there had never been, as I recall, a situation like that, one of the difficult and the preliminary thing to be determined was the rules of procedure and the methods by which they should work. Then a question arose——

Mr. FLOOD of Virginia. May I interrupt the gentleman for a moment?

Mr. FITZGERALD. Certainly, but just permit me to complete my statement. A question arose then, as I recall, as to whether individuals should be permitted to institute proceedings before this commission, or whether they would be compelled first to apply to their respective Governments, and to have their Governments institute the proceedings. Now, the gentleman from Texas referred to the fact——

Mr. FLOOD of Virginia. Let me interrupt the gentleman there. The gentleman says a very difficult part of their work was to establish rules of procedure, and yet, according to the testimony of Mr. Busbey before the Committee on Foreign Affairs, the meeting at which they determined those things lasted less than a week.

Mr. HARRISON of Mississippi. Three days.

Mr. FITZGERALD. That may be true, Mr. Chairman, but the commissioners in advance had worked out and exchanged views and worked the rules into shape, and until they had finally got the drafts and the proposals in shape they did not meet. When they met at the city of Washington, according to my recollection, they thrashed out the question after the preliminary work had been done.

Now the gentleman from Texas [Mr. GARNER] has criticized certain allowances made to these American commissioners for expenses and subsistence made, as he states, pursuant to an executive order of the President. I do not find in this provision reported by the Committee on Foreign Affairs any limitation which would eliminate these abuses, if they be abuses, or which would curtail these allowances if they be improper.

Mr. FLOOD of Virginia. If the gentleman will allow me to interrupt him, we did this——

Mr. FITZGERALD. If the gentleman will permit me, the most ineffective method of legislating is to declaim against al-

leged abuses, criticize men for doing improper acts, and not apply the simple remedy of stopping them by appropriate language in the provision that makes the money available for the service.

Mr. FLOOD of Virginia. I will say to the gentleman that the Committee on Foreign Affairs put some very appropriate language in there that will stop the abuses complained of. We put in there language that cut down the appropriation this commission asked for. They asked for the unexpended balance and $75,000 additional. We gave them the unexpended balance, which is $80,000, which will curtail their extravagance.

Mr. FITZGERALD. The gentleman will not curtail any expenses by refusing to appropriate for services which under the law must be performed and for which under the law deficiencies can legally be incurred. The way to limit abuses and abolish them is to prohibit the expenditure of the allowances, or limit them to terms and conditions which, after investigation, are deemed appropriate.

Mr. GARNER. Mr. Chairman, I want to plead guilty to the charge of the gentleman from New York of having failed to itemize the appropriations in these unexpended balances.

Mr. FITZGERALD. I am not speaking of the appropriations.

Mr. GARNER. But I want to call the gentleman's attention to the fact that the committee of which he is chairman has made a lump appropriation for three consecutive years, without outlining what these commissioners should receive or what their expenses should be. I am simply following in his footsteps to the extent of saving $75,000.

Mr. FITZGERALD. I was not criticizing the fact that the appropriation had not been itemized.

The CHAIRMAN. The Chair will remind gentlemen that the question before the House is the point of order made by the gentleman from New York on the paragraph, and gentlemen are traveling some ways beyond that.

Mr. FITZGERALD. Mr. Chairman, I was simply referring to some statements that have been made here. I was not criticizing the fact that the appropriation had not been itemized. That would have made no difference. If the expenditure is authorized, it can be incurred whether Congress appropriates the money or not. If the President has improperly prescribed allowances for these commissioners, either for subsistence or traveling expenses, the way to cure the abuse is by prohibiting any expenditure for that purpose specifically.

I do not agree with the gentleman from Virginia [Mr. SAUNDERS]. The question has arisen in the past, and under the decisions that I have referred to—one by Mr. Blount, one by Mr. Payson, one by Mr. Hopkins—it has been held that where items have been carried in appropriation bills for a series of years the Chair will look to the condition of the appropriations, and that will control. In addition to that, I have referred to the statute of June 22, 1906, which undoubtedly makes this a violation of that act when it attempts to carry a provision over which the committee has no control.

The CHAIRMAN. The Chair is ready to rule. The Chair will not indulge in any argument, but he will say that he does not agree with the contention of the gentleman from New York that the Committee on Foreign Affairs has no jurisdiction over this matter. The Chair believes that the committee has jurisdiction over it, and has authority to make the appropriation. The point of order is therefore overruled.

Mr. FITZGERALD. Mr. Chairman, it might not affect the action of the Chair, but I hope the Chair did not overlook the fact that this paragraph creates an office not now authorized by law. The counsel provided there is not authorized in any treaty.

The CHAIRMAN. The Chair will say to the gentleman from New York that the Chair did not hear that point of order made.

Mr. FITZGERALD. I made that point of order.

The CHAIRMAN. There was some discussion that the Chair could not hear.

Mr. FLOOD of Virginia. I concede the point of order.

Mr. FITZGERALD. Then that would take out the whole paragraph.

The CHAIRMAN. The Chair did not understand the gentleman from New York to make that point of order.

Mr. FLOOD of Virginia. The point of order is to the proviso.

Mr. FITZGERALD. But it takes out the whole paragraph.

Mr. FLOOD of Virginia. I do not concede the point of order to the whole paragraph.

Mr. FITZGERALD. If the point of order is sustained to any part of it, it takes out the whole paragraph.

The CHAIRMAN. What part does the gentleman from New York make the point of order to?

Mr. GARNER. Mr. Chairman, just a moment. I submit that the provision objected to by the gentleman from New York is not subject to a point of order unless the entire paragraph on the same ground is subject to a point of order. For instance, this paragraph authorizes—

Salaries and expenses, including salaries of commissioners and salaries of clerks and other employees appointed by the commissioners on the part of the United States with the approval solely of the Secretary of State.

I submit to the Chair that under this general provision you can appoint and employ counsel, and the committee has a right to limit as a matter of limitation the salary to be paid one of these employees.

The CHAIRMAN. Did not the Chair understand the chairman of the committee to concede that the point of order was well taken to that part of the paragraph in lines 17 to 21, inclusive?

Mr. FLOOD of Virginia. Mr. Chairman, I was perfectly willing for that part to go out, but the point made by the gentleman from Texas [Mr. GARNER], that the treaty gives full authority to provide for all employees, may be well taken—all employees that are necessary, and counsel is deemed necessary, and therefore I do not think the point of order would lie.

Mr. GARNER. I call the attention of the Chair to this one fact, that this treaty authorizes the employment of all commissioners, clerks, employees, and everyone necessary to carry it into effect. Suppose the committee had put in a proviso that the commissioner should receive only $6,000, or a proviso that the clerk should receive only $2,000. Would the gentleman from New York or anyone contend that that limitation on a salary of these employees was subject to a point of order? We are simply limiting the amount of money that can be paid counsel employed under the general provisions of this treaty authorizing the employment of different ones, and we can limit the payment to the clerk, or payment to the stenographer, or the amount paid to the commissioner, or make any other limitation we desire to place on it. We have only sought in this instance to limit the amount to be paid a counsel.

Mr. FITZGERALD. Mr. Chairman, I do not wish to take an unfair advantage of these gentlemen in this matter. Counsel can not be employed under the treaty. The State Department has been endeavoring to obtain authority to employ counsel, and the purpose of this item is not to limit the compensation of counsel, but to enable them to employ a counsel that the commission says is not needed and that the commission says should not be charged against the expense of the commission. If the treaty authorizes the employment of counsel, it is the duty of the gentleman from Virginia to produce the authority. I assert that it does not.

Mr. MANN. Mr. Chairman, even if the treaty authorized the employment of counsel the language in the paragraph is still subject to a point of order. If the treaty authorizes the employment of counsel as employees, it leaves it to the commission to determine how they shall be paid. Of course under the Holman rule, or as a limitation, you could insert a provision limiting the amount that shall be paid, but the Chair will notice on line 17 that—

Any counsel employed shall be at a fixed compensation.

That is legislation. If the commission now have authority to employ counsel, they have authority to employ counsel at a fixed compensation or not at a fixed compensation, and the very purpose of that language, as the gentleman will concede, is to require them to employ counsel at a fixed compensation, and that is legislation.

The CHAIRMAN. The Chair understands the gentleman from New York to make a point of order against lines 17 to 21, inclusive, on page 19?

Mr. FITZGERALD. Mr. Chairman, my point is against the paragraph, and if any portion of the paragraph is subject to a point of order the entire paragraph is subject to a point of order.

Mr. MADDEN. Mr. Chairman, this section of the bill does not appropriate for a counsel. It simply authorizes the employment of counsel at a fixed salary. It seems to me that it simply limits the authority which the commission already has.

Mr. FITZGERALD. But they have no authority.

Mr. MADDEN. If they have not any authority, then this seeks to give them authority.

Mr. CANNON. And that is legislation.

Mr. MADDEN. And it must be subject to a point of order. Under this provision of the paragraph you could employ 50 counsel. The language says—

That any counsel employed shall be at a fixed compensation.

It does not say that one counsel shall be employed; it does not say that any counsel shall be employed; but it does say that any counsel employed shall be employed at a fixed compensation not to exceed $4,000.

Mr. COOPER. Mr. Chairman, in my judgment, the proviso relates rather to what appears after the semicolon in line 6, on page 19, as follows:

As well as for the payment of necessary expenses incurred and compensation for services rendered under the direction of the Secretary of State in the examination and preparation of cases involving the use, distribution, or diversion of waters, and other questions or matters of difference covered by the treaty of January 11, 1909, between the United States and Great Britain, and in representing this Government and the American interests involved in the presentation of such cases before the International Joint Commission constituted under that treaty.

That part of the paragraph plainly is a provision which contemplates the employment of counsel to prepare and present cases before the commission. The paragraph as a whole appropriates the unexpended balance—$80,000—for all the purposes therein mentioned, including employment of counsel. Then follows the proviso limiting the amount which can be paid to any one counsel. It would seem that the proviso can well be considered a limitation proper under the rules.

Mr. FLOOD of Virginia. Mr. Chairman, if I may be permitted to do so, I will offer an amendment striking out those words.

Mr. FITZGERALD. But the gentleman can not offer an amendment when a point of order is pending.

Mr. FLOOD of Virginia. Then I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. FLOOD of Virginia. Mr. Chairman, I offer as an amendment the whole paragraph, with the exception of the word "*Provided*," in line 16, and, in line 17, the words "That any counsel employed shall be at a fixed compensation, not to exceed $4,000 per annum."

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

WATERWAYS TREATY, UNITED STATES AND GREAT BRITAIN: INTERNATIONAL JOINT COMMISSION, UNITED STATES AND GREAT BRITAIN.

For salaries and expenses, including salaries of commissioners and salaries of clerks and other employees appointed by the commissioners on the part of the United States, with the approval solely of the Secretary of State, including rental of offices at Washington, D. C., and necessary traveling and other expenses, and for the one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and other purposes, signed January 11, 1909, as well as for the payment of necessary expenses incurred and compensation for services rendered under the direction of the Secretary of State in the examination and preparation of cases involving the use, distribution, or diversion of waters and other questions or matters of difference covered by the treaty of January 11, 1909, between the United States and Great Britain, and in representing this Government and the American interests involved in the presentation of such cases before the International Joint Commission constituted under that treaty, the unexpended balance of the appropriation made for this object for the fiscal year 1913 is hereby reappropriated and made available for this purpose.

Mr. CANNON. Mr. Chairman, I do not desire to get into a wrangle here about the loose talk that has been indulged in upon a point of order that was aliunde the point of order.

I am perfectly willing, if improper action has been had by anybody in connection with appropriations or legislation that is to be made, that it should be criticized. This commission, as I understand it, is a quasi court. Its jurisdiction under the treaty is important, and I desire to place, without taking time to read all of it, without objection, the history of this commission in the RECORD. Now, presto! Did this commission on the part of the United States, under this treaty, spring full-armed, like Minerva from the brain of Jove, with full power to call the spirits from the vasty deep and make a decision and award without regard to anybody else?

Mr. HAMILTON of Michigan. Minerva did not have any authority like that.

Mr. CANNON. She had pretty large authority, according to Grecian mythology. My friend from Michigan knows some things, but he was not there when Minerva came, and people say I was. [Laughter and applause.]

Mr. HAMILTON of Michigan. I did not suppose the gentleman from Illinois heard my observation.

Mr. CANNON. My friend's observations are always interesting.

Mr. HAMILTON of Michigan. The gentleman's hearing is becoming very acute.

Mr. CANNON. Oh, yes. Now, seriously, Mr. Chairman, the object of this treaty was that the water levels of the Great Lakes, the Lake of the Woods, various questions arising touching international borders, should be settled in some way between Canada and the United States or Great Britain and the United States. It provided for a commission by the United States and a commission by Canada. Now, then, the commission was appointed as the treaty provided, and it was the fixed law of the land when it was ratified on the part of the United States. It has already been explained that there was some delay in appointing the Canadian commission that was not expected, growing out of affairs in Canada and a change of government there.

But early in 1912 the Canadian commission was appointed and the joint commission had meetings, not one meeting but several meetings. They met. How was the commission to proceed? Why, it was to proceed under rules and regulations. They met, considered the rules, made the rules, which were agreed to on the part of the United States and on the part of Canada. Well, how were questions to be presented? By the United States on one hand and by Canada on the other. That was the only way they could get jurisdiction. They could not roam around loose and assume jurisdiction, but it had to be submitted and it was submitted in many instances; four important instances, as the history which I will put in the RECORD shows, one touching the Lake of the Woods, which involved an investigation touching the tributaries of that lake; touching the boundary waters. Under the treaty made prior to that time, as I recollect the treaties heretofore, Canada owns to the center and we own to the center; and there were questions as to how Canada waters would be affected on one hand and waters of the United States on the other.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Then came the question of the pollution of the waters. Now, the history shows that the engineers have been appointed—designated by Canada, designated by the commission on our part—to protect the interests of the United States and her citizens——

Mr. STEENERSON. Will my colleague yield?

Mr. CANNON. Yes.

Mr. STEENERSON. Is the gentleman aware of the fact that this question of the Lake of the Woods not only affects the actual water in the lake, but affects the harbor improvements on the lake and hundreds of thousands of acres of land settled on by homesteaders involving values amounting to millions of dollars?

Mr. CANNON. Oh, certainly, there could not be any more important question that could come before this commission than the subjects submitted. By whom? Under the treaty by the United States upon one hand and Canada upon the other.

Mr. STEVENS of Minnesota. Will the gentleman yield?

Mr. CANNON. In a moment. Can this commission turn a double somersault? Has it power to go out and view the land? Was that contemplated? It is a quasi court with quasi administrative powers and it proceeded in an orderly way. The members of the commission are not surveyors, so far as I know—not engineers. Subjects submitted to the commission had to be heard, and heard upon their merits.

Mr. STEVENS of Minnesota. Has the gentleman any information as to the first proposition, I think, submitted to this commission, practically from this House, which was concerning the Nameukan dam, on a bill introduced by the gentleman from Minnesota [Mr. MILLER] which came up before the Committee on Interstate and Foreign Commerce, which recognized there was an international question in it? There was a dispute over it which almost amounted to bloodshed and would have made international complications, so the Interstate and Foreign Commerce Committee of this House directed that the proper department of the Government submit it under the treaty to which the gentleman has just alluded.

Mr. MANN. That is the dam at Kettle Falls?

Mr. CANNON. I am not informed touching that matter whether the greater included the less.

Mr. STEVENS of Minnesota. It is Rainy River.

Mr. CANNON. That matter is shown in the history, and under consideration by this commission, and the engineers are at work; and experts are preparing the cases upon the part of the United States and the Canadian experts are preparing the cases upon the part of Canada.

And yet they say, "What has this commission done?" As for the Livingston Channel, a man said in conversation with me—I will not give his name—"Where the devil is the Livingston Channel? Is that some water that was named after Livingstone, the great African explorer?" It is a very serious question. We have spent eight to ten millions of dollars on the Livingston Channel. There came up serious questions and protests from Canada as to the currents and cross currents and danger to the shipping. I am not mariner enough to understand the merits of the protest by the United States on the one hand and by Canada upon the other. Those have been submitted to this commission, and the experts are preparing the

case to submit to the commission. The commission went there in person, spending days, as I gather from the history. They went to the Lake of the Woods in person. There is a question of the pollution of the boundary waters, as it might affect Canada. That has been submitted on the part of Canada on the one hand and on the part of the United States upon the other hand to this commission. Other submissions have been made, and, forsooth, because a member of this commission happens to have been at one time a Member of this House——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I would like five minutes more.

Mr. GARNER. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. There never was an abler or a more honorable Member of this House. [Applause.] I am glad he is on the commission. Oh, they have got expensive quarters. Yes; the rent is $2,500 a year. They need the quarters, and the record, as I will print it, will show—and I hope gentlemen will do me the honor to read it to-morrow—that here is a great hurrah and smoke without any fire.

Mr. GARNER. Will the gentleman yield?

Mr. CANNON. I will yield to the gentleman presently.

Yes; it has a secretary at a salary of $3,000 and a disbursing officer at $1,000, which I learned for the first time by reading this history. It has a stenographer at $1,200, and $7,500 each a year is paid to the members of our court, and $7,500 a year on the part of the Canadian court. Do you suppose an able commission is going to serve for nothing? Ex-Senator Turner is one of the members; Mr. Streeter, of New England, is another; and James R. Tawney is another. [Applause.]

Now, I do not know whether $80,000 was spent up to the 1st of January. I doubt if $80,000 is enough for the coming year——

Mr. FITZGERALD. I will say to the gentleman the information is that they have employed a number of engineers, and are doing, as shown in one of these items, a very large amount of field work that will require a great deal more money than $80,000.

Mr. CANNON. And one of the reports, touching the pollution of water, says that one of the most competent sanitary engineers of the United States has indefinite leave of absence with this commission, without pay, to help prepare the case on the part of the United States for submission to the joint commission and who is to be paid from this appropriation. The salaries of our commissioners have to be paid from this appropriation. If they travel, I think $10 a day is a reasonable amount for their travel and their subsistence. That is my notion about it. But I do not care to haggle about 15 cents in the presence of these great questions that are to be settled between Canada and the United States. Some people think the Members of Congress get too much; that their mileage is too large; and that their magnificent offices are too extravagant, and all that kind of thing. That is leather and prunella. That is haggling. What we want is honesty; what we want is industry; what we want is ability, and I think we have it in this commission.

For one, I want the appropriation sufficient to enable them now, inasmuch as they have gotten started, and the engineers and the sanitary officials are on the field at the Lake of the Woods, Rainy River, and Livingston Channel, and very important matters have been submitted, the settlement of which means hundreds of millions of dollars to the people of the United States, to continue with the work, and I think it would be pessimistic to deny the proper appropriation. They are at work now, are ready to work, the cases are preparing to be submitted, and I am going to move to increase this by $75,000.

Mr. FLOOD of Virginia. I hope the amendment the gentleman offers will not be adopted.

Mr. CANNON. I have not offered it yet; but I will now.

Mr. FLOOD of Virginia. I hope the amendment which I have offered will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. FLOOD].

Mr. CANNON. Oh, well, I am content that a vote should be taken on the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. FLOOD].

The amendment was agreed to.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent to return to page 2, line 19, for the purpose of asking a question of the gentleman in charge of the bill.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MURRAY] asks unanimous consent to return to page 2, line 19, for the purpose of asking a question of the gentleman from Virginia [Mr. FLOOD].

Mr. FLOOD of Virginia. I can not answer the gentleman's question, Mr. Chairman. I object.

The CHAIRMAN. The gentleman from Virginia objects.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting this history.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to extend his remarks in the RECORD by the insertion of the document named. Is there objection?

There was no objection.

The following is the statement referred to:

INTERNATIONAL JOINT COMMISSION HISTORY.

"For the purpose of preventing disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, a treaty between the United States and Great Britain was signed on January 11, 1909, and proclaimed by the United States on May 13, 1910.

"Under article 7 of the treaty the contracting parties—

"agree to establish and maintain an international joint commission of the United States and Canada, composed of six commissioners, three on the part of the United States * * * and three on the part of the United Kingdom * * *.

"Under articles 3 and 4 of the treaty the commission is required to pass upon all applications approved by either Government for the uses, obstructions, and diversions of boundary waters on one side which may affect the level on the other side of the boundary, and for the construction of dams or other obstructions in waters flowing from boundary waters, or in waters at a lower level than the boundary in rivers flowing across the boundary the effect of which is to raise the natural level of waters on the other side of the boundary. In all cases under these articles the decision of the commission is final. The commission under article 9 may also be called upon to examine and report upon any other questions or matters of difference arising between the two Governments involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other along their common frontier; such reports—

"shall not be regarded as decisions of the questions or matters so submitted * * * and shall in no way have the character of an arbitral award.

"Questions or matters arising between the two Governments involving the rights, obligations, or interests of either in relation to the other or to their respective inhabitants may under article 10 be referred for final decision to the commission, in the case of the United States such action being taken with the advice and consent of the Senate.

"The treaty provides that the commission shall meet and organize at Washington, and when organized the commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction by the two Governments. Under this language the two high contracting parties have the power, acting jointly, to call upon the commission for any service in relation to the settlement of any controversy between them; in the submission of any question, however, not covered by the treaty, the high contracting parties would have to agree that jurisdiction over such question or controversy be given to the commission either for final determination or for investigation. Under the rules of procedure adopted by the commission it is provided that regular sessions of the commission shall be held annually at Washington, beginning on the first Tuesday of April, and at Ottawa, beginning on the first Tuesday of October, and that special meetings may be held at such times and places in the United States and the Dominion of Canada as the chairmen of the two sections may determine.

"Article 12 defines the powers of the commission in respect to witnesses, administering oaths, issuance of subpœnas, etc.

"The commissioners of the United States on the International Joint Commission are James A. Tawney, of Minnesota; Frank Sherwin Streeter, of New Hampshire; and George Turner, of Washington.

"The treaty provides, in article 12, that—

"The United States and Canadian sections may each appoint a secretary, and these shall act as joint secretaries of the commission at its joint sessions; and the commission may employ engineers and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the commission and of the secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the commission, incurred by it, shall be paid in equal moieties by the high contracting parties.

"The members of the commission on the part of the United States were appointed March 9, 1911; the commissioners on the part of Great Britain were appointed November 10, 1911, notice of their appointment served on this Government December 1, 1911, and the chairman of the United States section notified December 6, 1911.

"Correspondence was at once begun to arrange for the organization of the commission in Washington, as required by the treaty, and this meeting was held January 10, 1912.

"The commission organized as a joint body on that date and remained in session until January 16, when, having completed a tentative draft of rules of procedure, a recess was taken until February 1 to enable the two Governments to consider these rules and approve or suggest amendments to the same. The commission resumed its session in Washington February 1 and considered various suggestions from the State Department of the United States and the Canadian Government for amendments to the rules of procedure. These rules of procedure were finally adopted February 2, ordered printed, and copies sent to the various individuals and corporations that had made applications to the two Governments for the use of international waters along the boundary, and to those who had presented protests against the granting of these applications. Notices were also sent to those interested parties that the commission would under the rules consider all applications referred by the two Governments for its approval at its first regular session.

"The first regular session of the commission to consider applications for the use of international waters was held in Washington, beginning Tuesday, April 2, 1912, and there was received from the Department of State of the United States the application of the Rainy River Improvement Co. for the approval of plans for a dam at Kettle Falls at the outlet of Lake Namakan in the Rainy River system; the application of the Watrous Island Boom Co. for approval of plans for a log boom in the Rainy River between the mouth of the Big Fork River and the mouth of the Black River. Under the rules of the commission notice of these applications was given to the Dominion Government and by that Government to the protestants against the approval of such applications, and notice of the applications was also published in the Canada Gazette and one weekly newspaper on each side of the boundary in the locality of the proposed improvements.

"These applications were to be heard at the Ottawa meeting of the commission on the first Tuesday in October, 1912, but the Dominion Government had not concluded its consideration of the plans, and a further delay was granted to November 18, when the commission held a special session in Washington to hear arguments on the question of jurisdiction of the commission in applications for approval of works extending from shore to shore of international streams. On November 18 the Dominion Government, by the attorney general of Canada, asked leave to file objections to both applications, notwithstanding the time for the filing of such objections under the rules of procedure had expired. The commission granted the request of the Dominion Government, and under the rules 30 days is allowed the applicant for reply.

"In the meantime the Governments of the United States and Great Britain, under article 9 of the treaty, referred to the commission three questions for investigation and report, viz: On June 27, 1912, the following questions were referred:

"1. In order to secure the most advantageous use of the waters of the Lake of the Woods and of the waters flowing into and from that lake on each side of the boundary for domestic and sanitary purposes, for navigation and transportation purposes, and for fishing purposes, and for power and irrigation purposes, and also in order to secure the most advantageous use of the shores and harbors of the lake and of the waters flowing into and from the lake, is it practicable and desirable to maintain the surface of the lake during the different seasons of the year at a certain stated level; and if so, at what level?

"2. If a certain stated level is recommended in answer to queston 1, and if such level is higher than the normal or natural level of the lake, to what extent, if at all, would the lake, when maintained at such level, overflow the lowlands upon its southern border, or elsewhere on its border, and what is the value of the lands which would be submerged?

"3. In what way or manner, including the construction and operation of dams or other works at the outlets and inlets of the lake, or in the waters which are directly or indirectly tributary to the lake or otherwise is it possible and advisable to regulate the volume, use, and outflow of the waters of the lake so as to maintain the level recommended in answer to question 1, and by what means or arrangement can the proper construction and operation of regulating works, or a system or method of regulation, be best secured and maintained in order to insure the adequate protection and development of all the interests involved on both sides of the boundary, with the least possible damage to all rights and interests, both public and private, which may be affected by maintaining the proposed level?

"On August 1, 1912, the following questions as to the pollution of boundary waters between the United States and Canada were referred:

"1. To what extent and by what causes and in what localities have the boundary waters between the United States and Canada been polluted so as to be injurious to the public health and unfit for domestic or other uses?

"2. In what way or manner, whether by the construction and operation of suitable drainage canals or plants at convenient points or otherwise, is it possible and advisable to remedy or prevent the pollution of these waters, and by what means or arrangement can the proper construction or operation of remedial or preventive works, or a system or method of rendering these waters sanitary and suitable for domestic and other uses, be best secured and maintained in order to insure the adequate protection and development of all interests involved on both sides of the boundary, and to fulfill the obligations undertaken in article 4 of the waterways treaty of January 11, 1909, between the United States and Great Britain, in which it is agreed that the waters therein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other?

"And on October 16, 1912, the following questions relating to certain improvements in the Detroit River were received by the commission:

"1. Under all the circumstances and conditions surrounding the navigation and other uses of the Livingstone and other channels in the Detroit River on either side of the international boundary, is the erection of any dike or other compensatory work deemed necessary or desirable for the improvement or safety of navigation at or in the vincinity of Bois Blanc Island in connection with rock excavation and dredging in Livingstone Channel authorized by the river and harbor act of June 25, 1910 (36 Stats., 655), and described in House Document 676, Sixty-first Congress, second session; sundry civil act of June 25, 1910 (36 Stats., 729); sundry civil act of March 4, 1911 (36 Stats., 1405), of the United States, and now being carried out by the Government of the United States?

"2. If, in answer to question 1, any dike or other compensatory works are found to be necessary or desirable, will the work or works proposed by the United States and provided for in the river and harbor act of June 25, 1910 (36 Stats., 655), and located so as to connect the north end of Bois Blanc Island to the southeast end of the existing cofferdam on the east side of Livingstone Channel, opposite and below Stoney Island, be sufficient for the purpose; and if not, what additional or other dikes or compensatory works should be constructed, and where should they be located in order to serve most advantageously the interests involved on both sides of the international boundary?

"A conference of the chairmen of the two sections of the commission was held at Montreal August 12, 1912, to consider the reference of the questions relating to the Lake of the Woods. Engineers were employed by authority of the commission, and met with the chairmen at Montreal for consultation as to the scope of the investigation. A preliminary hearing for the purpose of ascertaining the engineering problems involved in the Lake of the Woods investigation was deemed necessary, and accordingly a meeting of the commission was called at International Falls, Minn., September 17; Warroad, Minn., September 18; and Kenora, Ontario, September 20, 1912. Notices of these meetings were published on both sides of the boundary to give interested parties the necessary information as to the questions to be considered. The commission held public hearings at these points, which were largely attended by those interested in the lake levels, and the commission made a personal survey of the Lake of the Woods, the Rainy River, Rainy Lake, the various power developments, and the shores of the river and lake where there is danger to agricultural interests from overflow and erosion. Engineers were then instructed by the commission to prepare exact surveys and estimates as to relative advantages and injuries that might accrue from various lake levels and the best and most practicable method of solving the engineering problems involved in establishing and maintaining any certain level or levels that will best conserve the water-power, the navigation, the agricultural, and fishing interests in the Lake of the Woods and its tributary waters. At Ottawa, October 2, 1912, the commission instructed the engineers to report at its meeting in November. According to their instructions the engineers appeared and submitted the following preliminary re-

port showing the progress of the work they are employed to perform:

"ST. PAUL, MINN., *November 14, 1912.*

"The INTERNATIONAL JOINT COMMISSION,
"Washington, D. C.

"SIRS: Although at the present time your engineers are not in a position to present any conclusions based upon such data as we have collected bearing upon the investigation relating to a proposed regulation of the levels of the Lake of the Woods and tributary waters, yet there are certain data of a general character setting forth the relative magnitude of some of the chief physical factors involved in this investigation, which we feel it would be opportune to place before your commission, hoping that in so doing you may in some measure be assisted in your outlook upon the Lake of the Woods problems covered by the official reference.

"The area of the watershed involved in this investigation—i. e., the combined area of land and water surface above the outlet of the Lake of the Woods at Kenora, Ontario—as ascertained from maps at present available, is approximately 26,000 square miles, of which about 15,000 square miles are in Canada and 11,000 square miles in the United States. The watershed area above the mouth of Rainy River at its entrance to the Lake of the Woods is approximately 20,000 square miles. The area of the watershed tributary to the outlet of Rainy Lake at International Falls, Minn., is approximately 14,500 square miles, and the area which contributes to the waters entering Rainy Lake along the international boundary at Kettle Falls is approximately 7,300 square miles, of which about 4,000 square miles are in the United States and 3,300 in Canada.

"The larger of the individual watersheds within the watershed of the Lake of the Woods are:

Name of river and approximate area of watershed in square miles.	
Seine River	2,100
Little Fork River	1,900
Big Fork River	1,800
Turtle River	1,800
Kawishiwi River	1,400
Vermilion River	900

"The area of the Lake of the Woods itself is variously estimated, but 1,400 square miles may tentatively be considered as representing the area of this body of water. Rainy Lake has an area of approximately 325 square miles. Lakes Namakan, Kabetogama, and Sand Point have a combined area of about 100 square miles.

"Respecting run-off, it may be interesting to observe that a cursory examination of the discharge measurements for Rainy River at International Falls indicates a run-off in a low-water year equivalent to a continuous flow of about 4,500 second-feet. For purposes of illustration it may be said that if the entire run-off for a low-water year were stored in Rainy Lake it would correspond to a rise in the level of this lake of about 15 feet. If the whole watershed tributary to the Lake of the Woods were to yield a corresponding run-off to that above assumed for Rainy Lake, this would be equivalent to a continuous flow of about 8,000 second-feet, which, if all stored in the Lake of the Woods, would correspond to a rise of about 6½ feet. The data at present available indicate that in years of high water these quantities would be increased two or three fold.

"It may be well to emphasize that the quantities herein presented are not given as any basis for deduction, nor do they warrant any. They do, however, indicate the magnitude of some of the physical factors entering into the problem.

"It will be remembered that owing to sudden illness in September Mr. Meyer was prevented from carrying out at that time certain work upon which we had agreed. In Winnipeg, however, after the hearings at Kenora were concluded, Mr. White arranged for Canadian engineers to cooperate in an investigation designed to ascertain the relationship between existing gauges on the Lake of the Woods. Subsequently we agreed upon a detailed plan for this investigation, and upon Mr. Meyer's recovery we had the work performed. Essentially this work consisted in having simultaneous readings taken half hourly for about two weeks at the different gauges, the observers recording also wind, wave action, and other relevant conditions.

"We think it will be a gratification to the commission to learn that as a result of this correlation of gauges we find that the various records of gauge heights which have been taken from time to time extending back over several years are sufficiently reliable to make them of great practical worth in this investigation.

"It may also be stated that after his recovery Mr. Meyer personally went over the territory he had intended to visit in September and examined portions of the shore line of the Lake of the Woods with a view of discovering physical evidences relating to former prevailing levels of the lake. This question as to what has been the prevailing normal or natural level of the Lake of the Woods at different seasons of the year is one which is specifically referred to in the official reference, and consequently is a question which calls for special consideration. We would here intimate that various physical evidences were observed which seem to indicate that there was a time when the prevailing level of the Lake of the Woods was considerably lower than during recent years.

"On account of the fact that considerable storage possibilities are known to exist upon the watershed comprising the Birch Lake Basin, and in view of a proposed diversion of water from this basin into the St. Louis River, Minn., it was deemed advisable to secure run-off data for this portion of the Lake of the Woods watershed. As no means had been provided by any of the departments of the State of Minnesota or of the Federal Government of the United States for securing this information, we have had a self-registering gauge installed and a metering station established on the Kawishiwi River near the outlet of Garden Lake. This work has been done in a manner acceptable to the United States Geological Survey, and it is anticipated that the water resources branch of the survey will later assume responsibility for the operation and maintenance of this station.

"In conclusion we would say that we are still gathering data from various governmental and other sources, and as a result of these efforts considerable information of a reliable character and bearing upon the matters in hand has been assembled.

"It is our intention, when seasonal conditions are satisfactory, to make a further personal reconnaissance of portions of the Lake of the Woods watershed, in order to ascertain the extent and character of the field work which will be necessary to determine the best means by which regulation may be secured, and also to determine the possible effect that certain schemes of regulation may have upon the various interests using the waters of the Lake of the Woods and the shores and harbors thereof.

"Respectfully submitted.

"ADOLPH F. MEYER,
"ARTHUR V. WHITE,
"Consulting Engineers.

"At the regular session of the commission in Ottawa, October 1, 1912, the questions relating to the pollution of boundary waters were taken up, and sanitary experts were consulted as to the extent of the pollution and the means whereby the treaty obligations could be maintained. The commission also considered the scope of these questions and requested of the two Governments information as to whether the investigation was intended to be limited to boundary waters covered by the treaty; that is, where the pollution on one side of the boundary extended to and affected the boundary waters on the other side, or whether the Governments intended the investigation should cover all boundary waters regardless, etc. The commission received from the two Governments on November 19, 1912, the following identical letter from the State Department:

"DEPARTMENT OF STATE,
"Washington, November 19, 1912.

"INTERNATIONAL JOINT COMMISSION,
"United States and Canada.

"GENTLEMEN: I have the honor to inform you that the Governments of the United States and Great Britain having considered the inquiry of the international joint commission as to the scope of the investigation required by the first of the two questions submitted jointly by the two Governments in their letter of August 1 last to the commission for their investigation and report, namely:

"'To what extent and by what causes and in what localities have the boundary waters between the United States and Canada been polluted, so as to be injurious to the public health and unfit for domestic or other uses?'

"Have reached an accord that the inquiry is to be confined to cases of pollution of boundary waters on one side of the boundary which extend to and affect the boundary waters upon the other side.

"I have the honor to be, gentlemen,
"Your obedient servant,
"P. C. KNOX.

"The commission consulted with and received the advice of sanitary experts from both the United States and Canada on November 20 as to how to proceed with this investigation, and invited the health authorities of the States and Provinces whose territory touches the water boundary between the two countries to cooperate in the investigation and to meet the commission at a conference to be held in Buffalo, December 17, 1912. The commission received assurances from a number of these State and provincial health authorities that they will heartily cooperate in this investigation, give the commission access to their records, the use of their laboratories, and the services of their scientists in the work.

"The commission on December 17, 1912, held a conference at Buffalo, N. Y., with the health authorities of the States and Provinces bordering on the international waters where the investigation is to be made, and received from these officials offers to cooperate to the extent their State and provincial laws and their appropriations would permit. At that meeting the commission decided to employ two sanitary experts, one representing each section, who should prepare detailed plans for a comprehensive investigation, and to have general supervision of the investigation under the direction of the commission.

"The commissoners from the United States consulted Dr. Blue, Surgeon General of the Public Health Service of the United States, as to the most experienced man for such work. The Surgeon General recommended Dr. Allan J. McLaughlin, of that service, because of his experience in making sanitary surveys of international and interstate waters, the results of which are embodied in Hygienic Laboratory Bulletins Nos. 77 and 83, and because of his comprehensive knowledge of the general subject referred to the commission by the two Governments. The chairman of the commission secured from the Secretary of the Treasury a leave of absence without pay for Dr. McLaughlin that he might be employed by the commission and cooperate with a Canadian expert in the preparation of detailed plans for the investigation. Dr. McLaughlin is now employed with Dr. T. A. Starkey, of McGill University, Montreal, who has been employed by the Canadian section, in the preparation of plans, which will be considered by the commission when it meets in Detroit in February. It is the purpose of the commission to begin the technical investigation early in March and press the work as rapidly as possible, considering the extent of the investigation to be made and the varied interests—international, national, State, and municipal—which must be considered.

"The commission also took up the reference of the Livingstone Channel, on November 19, in conference with Col. M. M. Patrick, United States Engineer Corps, stationed at Detroit and in charge of the Government work in the Detroit River. Mr. Stewart, engineer and chief hydrographic officer of the Dominion Government, was also present, and stated that during

this year he had collected engineering data and collected other information concerning the controversy growing out of the further improvement of the Livingstone Channel, but that he had not completed the work of tabulating and working up this data. The Dominion Government, by the attorney general of Canada, presented a request to the commission that the investigation of this question be deferred until Mr. Stewart had completed his work. The commission granted this request and postponed the beginning of this investigation until about the middle of February, 1913, when both Governments will be ready to submit their respective sides of this controversy. On December 3 the commission made a personal investigation of the Livingstone Channel, with Col. Patrick, of the United States Engineer Corps, who is in charge of the work, and Engineer Stewart, representing the Canadian Government.

"The foregoing is an outline of the commission's work and efforts to forward the consideration of the applications presented for its approval under articles 3 and 4 of the treaty, and the questions for investigation submitted by the two Governments under article 9 of the treaty.

"BENEFITS TO THE UNITED STATES.

"The three questions referred to the commission by the two Governments under article 9 of the treaty are of long standing, and the ordinary diplomatic exchanges have failed to bring solutions.

"The controversies over the water levels in the Lake of the Woods and tributary waters date back to the construction of a dam at the outlet of the lake by the Keewatin Power Co. in 1897. That dam raised the level of the lake, and settlers on the American shore complained that it caused their lands to be submerged. The construction of a dam across the Rainy River at International Falls caused complaints on the Canadian side of the boundary that it lowered the water level in the Rainy River below the falls and in the Lake of the Woods, to the embarrassment of navigation and power plants located at the outlet of the lake. There were also complaints from the Canadian side that the International Falls dam had raised the level of the water in Rainy Lake and Rainy River above the dam so as to cause much damage to property by erosion.

"The United States Public Health Service has made extensive investigations touching the pollution of interstate and international waters within the jurisdiction of this Government, but the ultimate value of these investigations must depend upon some international investigation and agreement concerning methods for the prevention of pollution injurious to the health and property on both sides of the boundary.

"The United States has expended more than $9,000,000 in the improvement of the Detroit River for the accommodation of the immense shipping on the Great Lakes, and has constructed two channels through the rock bed of the river. The engineers recommended the construction of a dam or dike to protect the Livingstone Channel from cross currents, and also to prevent the channels from drawing off the water from Lakes St. Clair and Huron and lowering lake levels there. The Congress has authorized this work and made the appropriation for it, but since the dike or dam will have to be partly on Canadian territory the work has been delayed until an international agreement can be had.

"These three questions are now before the commission for investigation and the questions considered directly between the United States and Canada. The United States and Canadian commissioners are making personal investigations in each case, sifting out the real objections and advantages in an effort to harmonize them, with fair prospects of agreement."

Mr. MILLER. Mr. Chairman, have we passed the paragraph to which the amendment offered by the gentleman from Virginia [Mr. FLOOD] applies?

The CHAIRMAN. We have; but it is in order for the gentleman to offer a pro forma amendment to strike out the last word.

Mr. MILLER. I move, Mr. Chairman, to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] moves to strike out the last word.

Mr. MILLER. This is in reference to the paragraph just up for consideration. Inasmuch as this matter has attracted so much attention, I think it is perhaps proper that I should say a word as to what I know about the conditions that have appeared before this commission recently. Nearly all of their activities have been expended in the vicinity of the northern part of Minnesota, which lies mostly in my district.

I will say to the House, and say it with the utmost fairness and honesty, that during the period of time I have been a Member of this House there have arisen constantly questions of supreme magnitude connected with the northern part of the State of Minnesota. It happens that the boundary line between Canada and the United States, beginning at Lake Superior and extending westward for a considerable distance, is in the trough of a great drainage area, one of the greatest to be found on the face of the earth. There have never been laws, there have never been treaties, to define the respective rights of the people on either side of that line in and to the waters that originate in their respective territories.

On the United States side there are many streams rising and flowing into the international boundary-line streams; there are many acres of public domain; along these streams are water powers, and, Mr. Chairman, it is not possible to-day for Congress intelligently to legislate in respect to these water powers without recourse to this commission. The people of Canada have a property interest in every drop of water that falls within that drainage area within the United States.

We recently passed a bill permitting the establishment of a dam and a water power at International Falls, the outlet of Rainy Lake. No word was said as to how high that dam should be. The War Department of this Government tried to say it, and had to stop. There is a water power that is among the greatest in the country, and to-day, upon the banks of the stream, rising in majestic proportions, is the biggest paper mill in the United States, together with lumber mills now being constructed and others ordered to be constructed up and down on either side, and nobody knows whether that dam is being operated properly or not, and there are thousands of people on each side of the line that complain to-day about its operation. The rights of individual homesteaders, property owners, and men in business are all affected, with no law, no tribunal but this commission, to decide what shall be the operation of that great water power.

Mr. HAMILTON of Michigan. If the gentleman will permit, I would like to ask him what is the controversy with regard to the operation of the dam? Is it in regard to the flowage?

Mr. MILLER. It is in regard to the flowage and in regard to the pollution of the waters——

Mr. MANN. And also as to the height of the water.

Mr. KENDALL. What dam is that?

Mr. MILLER. The dam at International Falls, the outlet of Rainy Lake.

Mr. KENDALL. If there is any controversy on that proposition, it has not yet reached this commission.

Mr. MILLER. Oh, I beg the gentleman's pardon. The commission spent a week there last fall, and all questions arising have been referred to them.

Mr. KENDALL. Is this the Lake of the Woods proposition?

Mr. MILLER. No; this is the Rainy Lake proposition.

Mr. STEVENS of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes.

Mr. STEVENS of Minnesota. Will the gentleman explain as to the Namakan Dam?

Mr. MILLER. I was just coming to that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask unanimous consent that the gentleman have five minutes more.

Mr. FLOOD of Virginia. I shall have to object.

Mr. MADDEN. The gentleman from Minnesota has not consumed much time.

Mr. MANN. I was going to suggest to the gentleman from Virginia that I do not think it is possible to finish this bill to-night. Why not adjourn and meet at 11 o'clock in the morning?

Mr. CANNON. I want to ask that the gentleman from Minnesota [Mr. MILLER] have the additional five minutes, because I only have general knowledge, while he has specific knowledge and, I think, can give the House some information.

The CHAIRMAN. The Chair will submit the request of the gentleman from Illinois for unanimous consent that the gentleman from Minnesota have five minutes additional time. Is there objection?

There was no objection.

Mr. MILLER. Mr. Chairman, this dam is at the outlet of Rainy Lake. Rainy Lake is not a small body of water or a small pond. It is a great lake, 50 miles long and varying from 5 to 15 miles in width, a great reservoir, half of it in Canada and half in the United States; and it is for this commission to decide the height to which the waters shall be raised by this dam, having regard to the interests of navigation, having regard to the interests of the property owners who border upon that lake, and having regard to the water powers in the streams flowing into that lake. It affects a great and growing industry in a great and developing country.

My colleague, Mr. STEVENS, has suggested that some word might be specifically said in regard to the Namakan Dam. This is a dam proposed to be erected in one of the tributaries of Rainy Lake for the purpose of developing the lumber industry of that region and some other features of that locality. The War Department tried to establish proper rules for the construction of the dam and had to stop. That is but an instance of a dozen or a score of similar cases now up or soon to come up in connection with this part of the State.

Mr. STEVENS of Minnesota. Does the gentleman know how long the controversy lasted with Canada over the construction of the International Falls Dam?

Mr. MILLER. A great many years.

Mr. STEVENS of Minnesota. Over 12 years.

Mr. MILLER. I know it was a great many years, and a working arrangement was only secured with the greatest difficulty.

Passing over many minor matters we come to the Lake of the Woods region, to the westward a little way. The Lake of the Woods is a great lake, many times greater than Rainy Lake, and most difficult problems arise in connection with this lake similar in character to those about Rainy Lake. Just beyond the Lake of the Woods is found another great water power. At this point are the great flour mills known as the Kenora Mills, of a magnitude almost rivaling those of Minneapolis and Rochester. No one has yet determined how the operation of that dam for these milling purposes affects the property owners to the eastward and in the United States, but it is for this commission to decide; and I know that this commission made a trip to investigate conditions at Rainy Lake last fall. They made a trip to the Lake of the Woods and investigated conditions there. They made a trip to Kenora and undertook in a tentative way the consideration of these great international questions that directly concern the Congress of the United States, because they intimately affect the welfare of a great many thousands of people in the United States and Canada, together with many millions of dollars.

Mr. MANN. And their jurisdiction is final.

Mr. MILLER. Their jurisdiction is final. Beyond their decree there is no appeal. It is of the utmost importance therefore that these men be amply provided with what? With the services of the best engineers they can get. We do not want cheap men who will do cheap work. God knows the West has suffered from incompetent surveyors, and suffered from criminal neglect, incompetence, and rascality of men who have been hired for a small sum and gone out and made mistakes. In a matter of such international importance this commission needs the services of the best men money can get; not extravagantly expended, but properly expended. Therefore I would suggest that instead of curtailing and belittling the work, we cooperate with them in furnishing them with the necessary funds properly to carry on the work that they have undertaken. [Applause.]

Mr. GARNER. Mr. Chairman, just a moment to put myself in a correct attitude before the House. The gentleman from Illinois [Mr. CANNON] and the gentleman from Minnesota [Mr. MILLER] have made it appear that an effort is being made to belittle the personnel of the committee and the work they are doing. I submit that there has been nothing said on either side of the House up to this good hour that will justify any such thought. It is easy enough to set up a straw man and knock him down.

What gave rise to this matter was that the gentleman from Illinois [Mr. CANNON] and the gentleman from New York [Mr. FITZGERALD] wanted to hold this item in their committee, and the Committee on Foreign Affairs thought they had jurisdiction and were fighting for their rights. As to whether the correct sum of money has been appropriated in this bill, I am unable to tell. The gentleman from Illinois [Mr. CANNON], who is on the Committee on Appropriations, which has been considering the sundry civil bill and is now ready to report it, has given us no information as to how much money is needed, but he has given us a wonderful history of this individual commission. It is easy enough to say that Mr. Tawney is a good man. I shake hands with you; you are no better friend of his than I am. It is easy enough to say that Mr. Busbey, the clerk of the commission, is an excellent gentleman, and in that we are in full accord. The question that arose here was the question of who had jurisdiction of this appropriation, and who ought to have the right to say how much money they shall have; and that question having been settled, there was no question on this side of the House as to the efficiency of the men.

I may say in my own mind that I imagine from what I have learned that it is not a real hard job; that it is a job that most anybody who is anxious to draw a salary, make a trip up into Canada, have a good time at the Government's expense, railroad and sleeping-car fares paid, and $10 extra for getting something to eat, would be delighted to fill.

It is a right nice job, and I am satisfied that good and efficient men have got it. I know one of them, Mr. Tawney, and I know he is able and competent to fill the position. But the gentleman from Illinois [Mr. CANNON] and the gentleman from Minnesota [Mr. MILLER] have no right to suggest that we are criticizing this commission or criticizing the work the men are doing, for there has been no disposition on this side of the House to do it. It can be truthfully said that for the amount of work it has done up to date it has been the most expensive commission that this country has had since I have been a Member of Congress. Now, I do not mean to criticize them for that, because it has been impossible for the gentlemen on the commission to perform the duties on account of the men on the other side of the boundary line not being prepared to join them, and you can not expect gentlemen who need the money and have a certificate not to draw the salary. You can not blame the commission, having accepted its service way back in March, 1911, for drawing the salary, although they never met with the joint court for nearly a year afterwards or more than a year afterwards.

Nobody is criticizing them for drawing the salary. I do not know anything about their quarters; it may be necessary to have those quarters. I say it is the duty of your committee to ascertain, or else give it over to us and we will investigate and determine whether the quarters are proper or not. If they are, can any gentleman on the floor of this House point to a case where the Foreign Affairs Committee of this House has refused to make a legitimate and proper appropriation? Let him arise in his place and state one single instance when we have sought to hamper this Government. We have done one thing, we have tried to look into every appropriation that has come before that committee and every estimate, and we have only tried to cut down to the point where we thought we would be justified, not to affect the efficient service to the Government.

Now, Mr. Chairman, one thing further. I do not know whether this is sufficient money or not, and no one else seems to know. It may be the intention of this commission to employ an elaborate engineering corps, one of very high expense, one of very efficient service, but if it is it is the duty of this commission to make an estimate and make a showing before the Committee on Appropriations, if it wants to ignore the Committee on Foreign Affairs, and have some information upon which to base this appropriation, because the past history of it shows it has had more money than it could expend, although it has lived in luxury and has had every expense it could possibly call for ever since it was created.

Mr. CANNON. Mr. Chairman, I move to strike out the last two words. I care not, so far as the public service is concerned, what committee reports the appropriations of this commission for the consideration of the House. I am of the opinion that the Committee on Appropriations has jurisdiction. The chairman has decided to the contrary, however, and I have no mouthings to make about it.

I call the attention of the gentleman from Texas [Mr. GARNER] to the fact that it was in the argument on a point of order, a dead, dry, point of parliamentary law, that the gentleman from Texas [Mr. GARNER], in part, and some of the other members of the Committee on Foreign Affairs, traveled far outside—did not come within a mile of the point of order—and talked about extravagance; warned that it would be better for gentlemen on the Committee on Appropriations not to say anything about these expenditures. Yet the gentleman from Texas says that I set up a man of straw and undertake to knock him down.

Mr. Chairman, I recollect very well, and the RECORD will show, what the gentleman from Texas said heretofore, and how he said it. He said, "These be honorable men—oh, how I love the chairman of the commission; I honor him as much as does the gentleman from Illinois—but these gentlemen with fat jobs have not done much! Oh, no; they live in luxury—ah!" Why, Mr. Chairman, if you were to attack a woman, the best woman in the world, and say that she is virtuous and splendid and magnificent and that you love her fine character, and then end it by saying, "But, oh, oh—although—and notwithstanding"—that would be the best way to damn her reputation, because you would earn an audience by lauding her for her virtue and wisdom.

I do not care to enter further into the personal equation. I thought I was justified in referring to it, because of what had preceded it. It makes but little difference. Enough has been said, and the one-tenth part has not been said by the gentleman from Minnesota [Mr. MILLER], having knowledge more than I, and even from what little knowledge I have, living inland

as I do, on the prairies of Illinois, I know enough to say that there is not now as important a commission under treaty with a foreign nation in service, and never has been, as this, except commissions that have negotiated peace between nations.

That is all I want to say, except to add one more thing. I have read the testimony of one man, the secretary of this commission. Oh, the Committee on Foreign Affairs did not have knowledge of the fact that the Secretary of State was a proper man to consult in respect to this commission and its work! Instead, they send for an employee of the commission, the secretary, and his is the only testimony they have had. It is a well-tempered hearing, but after all, the temper of a part of the committee was shown—the preconceived temper—and it may be seen from the fair examination of the hearings. Anyone can read it and see how it crops out there.

Mr. FLOOD of Virginia. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. FLOOD of Virginia. I do not think that conclusion of the gentleman is fair. The committee did undertake to get the members of this commission before it and failed. We asked Mr. Busbey to get either Mr. Tawney or ex-Senator Turner to come before our committee and give testimony, but they did not do it. Mr. Tawney was not in the city, but Mr. Turner was.

Mr. CANNON. Request made! Did the gentleman send a request to these gentlemen?

Mr. FLOOD of Virginia. We did.

Mr. CANNON. By letter?

Mr. FLOOD of Virginia. No; we sent it through Mr. Busbey.

Mr. CANNON. Were they notified by the Sergeant at Arms? Did you issue a subpœna?

Mr. FLOOD of Virginia. Oh, no.

Mr. CANNON. Oh, no!

Mr. FLOOD of Virginia. We followed the same course we do when we wish a Cabinet officer to testify before our committee and what any other committee would have done in an honest attempt to get those men before us. We had their secretary there and we sent for them by him. We thought this notice sufficient to bring the one who was in the city before the committee to defend an appropriation the commission was asking, and it was.

Mr. TOWNSEND. Mr. Chairman, I move to strike out the last two words. I want to say to the committee that the heat that has been developed in this discussion is entirely justified in the minds of those who listened to the examination of the secretary of this extraordinary body. It is a poor, miserable, drab performance. We had the one man before us who should have known everything that could justify these expenditures of the Government's money, and his performance before us was pitiful. We examined him, man after man, men sitting on both sides of this Chamber; we asked him what the duties of this commission were, and he did not know. He could parrot forth something from the statutes, but the net result of that examination was that we learned that here is a commission whose members draw $7,500 a year salary, whose expenses are paid to distant and interesting and romantic spots in Canada and the United States; who occupy here in Washington six offices in an expensive office building. And I pledge you my word that, absolutely divesting this thing as much as I can of all partisanship, the net result we obtained from the witness we had before us was that his duties for more than a year had been to sign checks for the commissioners, and the Government was paying a very considerable salary to a man to fill in the checks so that the secretary need have no other duty than to sign the checks.

It is simply drab, my brothers; it is awful. There was not a member of the committee who had so much as an explanation to give that justified this expenditure. It was a lame-duck proposition, and the lame ducks had not been trained to show a good excuse for their living. [Applause.]

Mr. MANN. Mr. Chairman, the gentleman from New Jersey [Mr. TOWNSEND] is very much interested in having a Government engineer assist in reference to the harbor lines in New York——

Mr. TOWNSEND. Without pay.

Mr. MANN. With pay, as passed by the House.

Mr. TOWNSEND. Oh, well, the gentleman can say——

Mr. MANN. I am not going to argue the question with the gentleman.

Mr. TOWNSEND (continuing). The gentleman can say with pay, but the resolutions said without pay.

Mr. MANN. Well, most every man along a little strip of the Atlantic coast does not think or know that there is any other part of the United States. This was a commission created not for the purpose of providing places for lame ducks, but for the purpose of adjusting disputes between Canada and the United States. Lo and behold, the great Committee on Foreign Affairs of the House, with Canada lying just a step away from us, comes into this House this afternoon and one after another rises on the floor of this House and abuses a commission of the United States, making misstatements concerning a commission of the United States, every word of which will be sweet news to the other side of the Canadian line. Over there they are more patriotic, and it is largely a matter of patriotism. They defend their commission and their commissioners. Over here the commission is attacked individually and as a commission without cause, without justice, to show, I suppose, and to prove the frame of mind, the cool, calm, deliberate frame of mind in which the Committee on Foreign Affairs treats the great foreign relations of our United States, and especially the relations between the United States and Canada. What some of these gentlemen ought to do is to move over to Canada and become real Canadians where possibly they could not do as much good over there for Canada as they can here by abusing a commission of the United States intrusted with the performance of great duties. I am sure the gentleman from Texas [Mr. GARNER] did not realize what his remarks were. If he reads them, he will see that he went way beyond, I think, what was in his mind. For a moment he said the commission did not have a meeting until nearly a year after it was appointed, and then corrected himself after he had reflected and said they did not have a meeting until more than a year after they were appointed. That statement is equally correct with most of the other positive statements made in this House by these members of this committee in reference to this matter; it is incorrect, wholly incorrect. I hope that the gentleman from Texas and these other gentlemen when they are correcting their remarks to be put in the permanent RECORD will at least consider that the United States ought to have some thought from them in preference to giving it all to abuse of an American commission in the interest of the Canadian question.

Mr. CANNON. Mr. Chairman, I move to strike out the last four words, and I will take but a minute. I desire, after the gentleman from New Jersey [Mr. TOWNSEND] has made his remarks touching Mr. Busbey, the secretary of that commission, and his examination, not to take the time of the House to read that examination, but to put it in the RECORD. I ask permission that I may print it in the RECORD as part of my remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to insert as part of his remarks the paper to which he has referred.

Mr. TOWNSEND. All of his remarks?

Mr. CANNON. All of his remarks.

Mr. TOWNSEND. All of Mr. Busbey's examination?

Mr. CANNON. All of Mr. Busbey's examination.

Mr. TOWNSEND. From his entrance until his exit?

Mr. CANNON. Both.

Mr. TOWNSEND. Well, I will be very glad to have that done.

Mr. CANNON. From Alpha to Omega.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

STATEMENT OF MR. L. WHITE BUSBEY, SECRETARY OF THE INTERNATIONAL JOINT COMMISSION, WASHINGTON, D. C.

The CHAIRMAN. State what position you occupy in this joint high commission.

Mr. BUSBEY. I am secretary and special disbursing officer of the International Joint Commission.

The CHAIRMAN. State what work they are doing, the amount of the appropriation that is needed, and, as near as you can, give us a detailed statement of how this appropriation is to be used.

Mr. BUSBEY. I would like to say, Mr. Chairman, that Mr. Tawney, the chairman of the International Joint Commission in the United States, was informed of a change of reference, and I was under the impression that he appeared 10 days ago before the Appropriation Committee on this estimate. He was called there. This document [indicating], making a change of reference in harmony with the law, was sent to the commission.

The CHAIRMAN. Here is the document to which Mr. Busbey refers. It is from Secretary MacVeagh to the Speaker of the House of Representatives, and reads as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 9, 1912.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of State of the 7th instant, inviting attention to the fact that the estimate of appropriation for the expenses of the International Joint Commission, United States and Great Britain (waterways treaty), for the fiscal year ending June 30, 1914, was inadvertently submitted with his estimates for foreign intercourse, as appears on page 279 of the annual Book of Estimates, instead of under the chapter for miscellaneous, Department of State, for inclusion in the sundry civil bill, where the same has heretofore been provided.

He therefore requests that the item be transferred from the estimates for foreign intercourse and be included in the sundry civil bill

among miscellaneous items under the Department of State, in order to carry out the provisions of the law requiring estimates of appropriations to follow preceding appropriation acts.

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

Then the Secretary of State's letter is to Mr. MacVeagh, and says:

DEPARTMENT OF STATE,
Washington, December 7, 1912.

The SECRETARY OF THE TREASURY.

SIR: In examining the Book of Estimates of appropriations required for the fiscal year ending June 30, 1914, it is noticed that the estimate for the International Joint Commission, United States and Great Britain, for $75,000, has been included under the head of "Foreign Intercourse." It was the intention of this department at the time the estimate was submitted to follow the general requirements of law and have his particular estimate made a part of the miscellaneous items to be included in the sundry civil act, in view of the fact that the appropriations for this purpose have heretofore been made in that act and the law apparently requires the estimates for new appropriations to follow preceding appropriation acts.

I shall be glad, therefore, in the event that you concur in these views, to have you take such steps as may be necessary to have the error corrected and the estimate included among the miscellaneous items for consideration in connection with the sundry civil bill. I have the honor to be, sir,

Your obedient servant, P. C. KNOX.

Mr. BUSBEY. There was a supplemental estimate which was also referred there. And, although I do not know definitely, I am under the impression that Mr. Tawney appeared before that committee regarding both the original estimate and the supplemental estimate.

The CHAIRMAN. This item was carried in the sundry civil bill last year?

Mr. BUSBEY. Yes. The original item in the appropriation act for 1911 was carried in the sundry civil bill; that for 1912 was in the sundry civil bill, and that for 1913. It has been carried in the sundry civil bill since the treaty was ratified and provision made for the commission.

The CHAIRMAN. How did it originally get in the Appropriations Committee?

Mr. BUSBEY. I am really not informed on that.

Mr. KENDALL. It is probable the treaty was ratified after it was too late to get it in the diplomatic bill.

Mr. BUSBEY. Probably that was the case. I am not informed as to that, but I have an impression that this went in the sundry civil bill under an amendment in the Senate.

Mr. TOWNSEND. Mr. Chairman, may I be permitted to ask the witness a question?

The CHAIRMAN. Certainly.

Mr. TOWNSEND. It is simply that I know we have him before us, and I know he is very well informed and might give us some information which others besides myself do not possess.

What useful duties does your joint commission perform which could not be equally well performed by the machinery of the State Department?

Mr. BUSBEY. That might lead into my discussing a question of the relative merits of the State Department and the commission. I will say to you that the principal work before this commission at the present time is under articles 9 and 10 of the treaty, by which it is provided, in article 9, that the parties to the treaty may refer any question of difference between the parties themselves or their inhabitants along the common frontier between the United States and Canada for investigation and report. Article 10 provides that both parties to the treaty may refer any question of difference between them or their inhabitants along the common frontier to the commission for investigation or for adjudication.

Mr. TOWNSEND. That, Mr. Busbey, is interesting, but it does not satisfy my natural curiosity to know why this very considerable sum of money is asked from Congress to perform a duty which, perhaps, Congress has already liberally appropriated for in its various items for the State Department. I think my curiosity is probably shared by other members, and if you can inform us what you do that the State Department and Diplomatic and Consular Service would not perform, it would be a very great favor.

Mr. BUSBEY. I would be very glad to submit a statement which I prepared, which was asked for by the State Department, regarding the work that was being done by the commission. They asked me to prepare it that the Secretary might have the material before him, and I have a copy of it here.

Mr. TOWNSEND. I will not ask you to read that now, but if you feel disposed to give me, in a few words, what you do that the State Department can not do, I shall be highly gratified.

Mr. BUSBEY. I think the original purpose, as explained in the treaty, of the commission was in reference to a number of questions that had been pending, and they had not been adjudicated by the ordinary diplomatic interchanges, and it was felt that by bringing the two parties together, the direct representatives of Canada with the direct representatives of the United States, they might make better progress and get more satisfactory results.

Mr. HARRISON. How often does the joint commission meet, Mr. Busbey?

Mr. BUSBEY. The commission has fixed two definite dates for its regular meetings. In Washington it is the first Tuesday in April, and in Ottawa, Canada, the first Tuesday in October.

Mr. HARRISON. Have they met?

Mr. BUSBEY. Yes. It is provided also that the chairman of the commission should call special meetings of the commission and fix the place or time.

Mr. HARRISON. Has he ever called a special meeting?

Mr. BUSBEY. Yes; several.

Mr. HARRISON. How many times?

Mr. BUSBEY. Let me explain right there that the two Governments in July referred to the commission a question which had for some years been a matter of controversy—regarding the level of the Lake of the Woods. The two Governments referred to the commission the question as to whether a stated level of the water there could be maintained, and if so by what methods that could be accomplished. The chairman of the commission called a meeting at International Falls September 17. We had hearings there of all the interested parties; and at Warroad, Minn., on the 18th; and at Kenora, Ontario. We spent a week there at that time.

Mr. HARRISON. Is that this last year?

Mr. BUSBEY. Yes; it was last fall.

The CHAIRMAN. At their regular meetings how long is the commission in session?

Mr. BUSBEY. The commission was in session here for a week the 1st of April. They formulated their rules of procedure in February, immediately after the commission was organized, and then the State Department referred to the commission the application——

The CHAIRMAN. All I am trying to get at now is how much time, taking the calendar year 1912, the commission was in session during that year.

Mr. BUSBEY. In formal session they were together January and February, a week each time, and in April; and then there was a conference at Montreal in July.

The CHAIRMAN. Was that a week?

Mr. BUSBEY. No; they were only two or three days there. Then this hearing on the Lake of the Woods question in September, the regular meeting at Ottawa the first week in October, in Washington in November, at Detroit, and at Buffalo in December.

The CHAIRMAN. They were in session a week in January, a week in February, a few days about the Lake of the Woods matter, and a week in October?

Mr. BUSBEY. They were a week at Kenora on the Lake of the Woods proposition.

The CHAIRMAN. Five or six weeks in session during the year?

Mr. BUSBEY. Yes.

Mr. CLINE. How many cases were disposed of during the year?

Mr. BUSBEY. They have not disposed of any.

Mr. HARRISON. What salary do you pay the commissioners?

Mr. BUSBEY. $7,500.

Mr. HARRISON. How many employees are there?

Mr. BUSBEY. They have a secretary and a clerk here.

Mr. HARRISON. How much does the secretary get?

Mr. BUSBEY. The secretary gets $3,000 as secretary and $1,000 as disbursing officer of the commission.

Mr. HARRISON. What is the balance of the appropriation used for?

The CHAIRMAN. You did not ask him what the clerk receives.

Mr. HARRISON. I thought he stated what the clerk received. How much does the clerk get?

Mr. BUSBEY. The clerk receives $2,250.

Mr. HARRISON. What is the balance of the appropriation used for?

Mr. BUSBEY. There has not been so very much of it used, but they have begun these investigations. This investigation at the Lake of the Woods is a technical investigation for which engineers had to be employed, because it is a controversy between the agriculture interests, the power interests, and the navigation interests as to the maintenance of water levels there, and the question of conservation enters into it. These two Governments have also referred to the commission the question of investigating the pollution of boundary waters. It has been agitated in both countries for some time, and the commission now has experts preparing a plan for that investigation, which will necessarily be rather expensive.

The CHAIRMAN. What have their appropriations been heretofore?

Mr. BUSBEY. The original appropriation was $75,000, and that appropriation was not used. The commission was not appointed until in March, 1911. In the appropriation bill for 1912 they appropriated $75,000 and the unexpended balance, and last year in the sundry civil bill they made the appropriation of the unexpended balance of the appropriation that was then unused.

Mr. KENDALL. Unexpended?

Mr. BUSBEY. Yes.

Mr. BARTHOLDT. Does the treaty specifically provide for a joint high commission?

Mr. BUSBEY. It does.

Mr. BARTHOLDT. What appropriation does the Dominion of Canada make?

Mr. BUSBEY. $75,000.

Mr. BARTHOLDT. The same as we do?

Mr. BUSBEY. Yes.

Mr. KENDALL. When was this treaty negotiated?

The CHAIRMAN. It is the same treaty we have been discussing in the Niagara Falls matter.

Mr. KENDALL. What is the date of the ratification of that treaty?

The CHAIRMAN. The treaty was ratified by the Senate. It was negotiated in 1909.

Mr. CLINE. It was proclaimed March 13, 1910.

Mr. KENDALL. It was ratified then?

Mr. CLINE. No; it was ratified by the Senate March 3, 1909, and ratified by Great Britain March 31, 1910, and proclaimed by both Governments, I suppose, March 13, 1910.

Mr. KENDALL. And it became operative March 13, 1910?

Mr. CLINE. It became operative March 13, 1910.

Mr. KENDALL. And that treaty provides that the Government may constitute this national commission?

Mr. CLINE. They agreed to do it.

Mr. KENDALL. Then following that, in 1911, was there legislation creating this joint commission?

Mr. BUSBEY. Yes.

Mr. KENDALL. And providing for their salaries?

Mr. BUSBEY. No. The provision was that the President should fix the salaries.

Mr. KENDALL. In 1911 the President established the commission and appointed whom as commissioners?

Mr. BUSBEY. The original commissioners were Thomas H. Carter——

Mr. KENDALL. Senator Carter from Montana.

Mr. BUSBEY. James A. Tawney.

Mr. KENDALL. Of Minnesota.

Mr. BUSBEY. And Frank S. Streeter, of New Hampshire.

Mr. KENDALL. Senator Carter has since died.

Mr. BUSBEY. He died in September, 1911. He was succeeded by ex-Senator George Turner, of Washington.

Mr. KENDALL. So, Tawney, Streeter, and Turner are now the commissioners?

Mr. BUSBEY. Yes.

Mr. KENDALL. And you were made secretary?

Mr. BUSBEY. I was at the beginning.

Mr. KENDALL. At the beginning?

Mr. BUSBEY. Yes.

Mr. KENDALL. Your first appropriation was in 1911, for $75,000, which was not expended?

Mr. BUSBEY. No. I say that in the appropriation for the fiscal year 1911 it was $75,000, and the commission was appointed, the American members of the commission, in March, 1911, so a very small portion of that appropriation was used by July. Then the appropriation for the year 1912 was $75,000 and the unexpended balance.

Mr. KENDALL. $75,000 plus whatever that balance was?
Mr. BUSBEY. Yes.
Mr. KENDALL. Then that appropriation was not all expended?
Mr. BUSBEY. No.
Mr. KENDALL. And the appropriation for 1912 was for $75,000?
Mr. BUSBEY. No.
The CHAIRMAN. For the unexpended balance?
Mr. BUSBEY. For the unexpended balance of the appropriation. There was something over $100,000 unexpended the 1st of July, 1912.
Mr. KENDALL. Of the two appropriations?
Mr. BUSBEY. Of the two appropriations. The language of the last appropriation act is "the unexpended balance of all previous appropriations for this purpose."
Mr. KENDALL. That was substantially $100,000?
Mr. BUSBEY. Yes; substantially $100,000.
Mr. KENDALL. Now you are asking for $75,000 for this year?
Mr. BUSBEY. I understand the estimate reads for $75,000.
Mr. KENDALL. You have mentioned one question which has been considered by the commission—the determination of the level of the Lake of the Woods?
Mr. BUSBEY. Yes.
Mr. KENDALL. This question has engaged the attention of the commission of sanitation.
Mr. BUSBEY. There are two other questions: The investigation of the pollution of boundary waters and the question of the Livingston Channel in the Detroit River.
Mr. KENDALL. What is that question, Mr. Busbey?
Mr. BUSBEY. That is a question of where the Government of the United States has constructed two great channels there to aid shipping at an expenditure of something like $10,000,000, but the engineers were——
Mr. TOWNSEND. You are speaking now of the Army engineers?
Mr. BUSBEY. Yes.
Mr. TOWNSEND. The Army engineers did the work?
Mr. BUSBEY. The Government of the United States did this work there. As I understand the question, their plan contemplated a dike to protect the Livingston Channel from cross currents which would endanger shipping and also to protect to a certain extent the level of Lake St. Clair. The appropriation was made for the investigation for carrying out that work, as I understand. The people of Emmetsburg, a small town on the Canadian side of the Detroit River, objected to the construction of this dike, a part of which must be constructed on Canadian territory. There was considerable diplomatic interchange regarding the matter, and the work was suspended and is suspended now. In the fall, in September or October, the two Governments referred this question to the commission for investigation as to whether this dike would injure the people of Emmetsburg or anyone there and also as to whether it was absolutely necessary. The commission met here in November and immediately took that question up. The Canadian Government represented that the chief of their engineers had made an investigation but had not completed his report and asked the commission to postpone the further consideration of that question until he could have his report ready. They have been notified that Mr. Stuart, the Canadian engineer, will be ready to report, as will Col. Patrick, the engineer of the United States in charge of Detroit, and the commission will meet in Detroit on February 17 to have a hearing on that question.
Mr. TOWNSEND. All the questions that have been presented to the commission so far have been questions which demand peculiarly the experience and knowledge of expert engineers?
Mr. BUSBEY. Those two questions.
Mr. TOWNSEND. Yes; the Lake of the Woods question and the Livingston Channel question.
Mr. BUSBEY. Yes.
Mr. TOWNSEND. And the pollution of boundary waters?
Mr. CLINE. And the question of sanitation.
Mr. TOWNSEND. And the question of sanitation. Of course, the commissioners we have appointed have, none of them, any special information on either one of those questions, and they have had to be informed by engineers of the United States Army in regard to them.
Mr. BUSBEY. Yes.
Mr. TOWNSEND. When this commission meets in Ottawa I suppose the United States commissioners will get their expenses also?
Mr. BUSBEY. Yes.
Mr. TOWNSEND. How much is allowed for expenses?
Mr. BUSBEY. They are allowed, under the President's order, $10 a day for their expenses in addition to transportation. They get, in lieu of hotel and expenses, $10 a day.
Mr. TOWNSEND. That is, the railroad fare and sleeping-car fare are paid in one item, and then, in addition to that, they get $10 a day for hotels?
Mr. BUSBEY. Yes.
Mr. TOWNSEND. And I suppose when they have a session in Ottawa the clerical force goes there, too?
Mr. BUSBEY. The secretary.
Mr. TOWNSEND. And an allowance, of course, is made for him?
Mr. BUSBEY. Yes; his actual traveling expenses.
Mr. TOWNSEND. Including hotels and everything?
Mr. BUSBEY. Yes.
The CHAIRMAN. Does the commission get its traveling expenses when it comes to Washington?
Mr. TOWNSEND. Yes.
Mr. HARRISON. What is the salary paid the commissioners on the part of Canada?
Mr. BUSBEY. $7,500.
Mr. HARRISON. The same as here?
Mr. BUSBEY. Yes. The appropriation is the same.
Mr. KENDALL. What is the present state of your fund? I understand you to say you are disbursing officer?
Mr. BUSBEY. Yes.
Mr. KENDALL. You had about $100,000 at the time the last bill was up?
Mr. BUSBEY. Yes.
Mr. HARRISON. What is the present status of the matter?
Mr. BUSBEY. At the close of the year, December 31, 1912, our appropriation was $80,000.
Mr. HARRISON. Nineteen hundred and what?
Mr. BUSBEY. December 31, 1912.
Mr. CLINE. You have $80,000 on hand?
Mr. BUSBEY. Yes; about—a little less than that, or $78,000, in round numbers.
The CHAIRMAN. And you have six months to run?
Mr. BUSBEY. Yes; but with these investigations just practically beginning. The commission has made very little expenditure on these investigations that were covered into the annual year of 1912. The expenses of these investigations practically began along in December.
The CHAIRMAN. When did the commission organize?
Mr. BUSBEY. The commission organized as a joint commission the 10th of January, 1912.
The CHAIRMAN. When did the commission organize here? When did the salaries of the commissioners and its employees begin?
Mr. BUSBEY. The American members of the commission were appointed March 16, I think, 1911. [After consulting memoranda.] The members appointed from the United States were appointed March 9, 1911.
The CHAIRMAN. They have not been in existence two years, then?
Mr. BUSBEY. No. The Canadian members of the commission were appointed November 10, 1911.
The CHAIRMAN. In that two years the salaries of the commissioners and the attachés of the commission amounted to $57,400, and during that time the commission has spent $70,000. Can you tell how much of that $12,600 was spent in traveling expenses of the commissioners and secretary?
Mr. BUSBEY. I could not give you that now. I can furnish it to you.
The CHAIRMAN. I wish you would.
Mr. BUSBEY. I was not informed as to the desire of the committee; I just received a telephone message asking me to come up, and, as I said to you in the beginning, Mr. Towney had been informed that this estimate had been transferred to the Committee on Appropriations, and he appeared before that committee and gave them all the information asked for. I can furnish it to you.
The CHAIRMAN. I would be much obliged to you if you would.
Mr. BUSBEY. Yes.
Mr. HARRISON. When did Mr. Towney appear before that committee?
Mr. BUSBEY. I will not say definitely, but he was here two weeks ago. As I remember, he prepared a statement for them, but the exact date as to when he prepared that statement or appeared before the committee, I do not know.
Mr. CLINE. On January 1, this year, you had $80,000 to the credit of the commission. Now you are asking for $75,000 more. That is $155,000 for the use of the commission from January 1, 1913, to June 30, 1914.
Mr. BARTHOLDT. A year and a half.
Mr. MCKINLEY. Does this revert back the 1st of July, as other appropriations do?
Mr. CLINE. I understand not.
Mr. KENDALL. The appropriation is of all unexpended balances, Mr. McKinley.
Mr. CLINE. Yes. What I want to know, briefly, is what this estimate of $155,000 is to be used for. What do you expect this to be needed for?
Mr. BUSBEY. The sanitary experts estimate that the investigation of the pollution of boundary waters, which is very extensive, will cost anywhere from $30,000 to $40,000 in itself.
The CHAIRMAN. But you have been in existence only two years, and you have spent $70,000; now, for the next year and a half you want $155,000.
Mr. KENDALL. Well, Mr. Chairman, I think Mr. Busbey has made it clear about their embarking upon some investigations that are necessarily, I suppose, extensive.
Mr. BUSBEY. They will necessarily be extensive.
Mr. FAIRCHILD. Mr. Busbey, what is the point of controversy as to the maintenance of the water level there?
Mr. BUSBEY. In the Lake of the Woods?
Mr. FAIRCHILD. Yes.
Mr. BUSBEY. I would say there are extensive power plants on the Rainy River, at Koochining Falls, above the Lake of the Woods, about 50 miles. There are extensive power plants at the mouth of the Winnipeg River, at the outlet of the Lake of the Woods.
Mr. FAIRCHILD. Where is the Lake of the Woods?
Mr. BUSBEY. On the boundary line between the State of Minnesota and the Province of Ontario and Manitoba.
Mr. TOWNSEND. Is fishing pretty good up there, Mr. Busbey?
Mr. BUSBEY. I have had no experience in that; I did not try the fishing. [Laughter.]
The CHAIRMAN. Have you had any questions about the diversion of water below the Niagara Falls before your commission?
Mr. BUSBEY. No.
Mr. BARTHOLDT. The three questions which you have mentioned and which the commission has under investigation now—were they taken up by the commission on their own initiative or were they referred to them by the State Department?
Mr. BUSBEY. They were referred to them by the joint action of the two Governments.
Mr. BARTHOLDT. The two Governments?
Mr. BUSBEY. By letter from the ambassador of Great Britain to the Secretary of State.
Mr. BARTHOLDT. And from that we are to infer that the State Department would not have had the time or means of solving the question themselves?
Mr. TOWNSEND. You might infer that or you might infer that the good-natured Secretary of State was trying to give this commission something to do to save their faces. When it comes to inferences, one inference is as good as another.
Mr. BARTHOLDT. Yes; but I was serious in what I was saying.
Mr. TOWNSEND. The doctor is always serious. I will give him credit for that. So am I.
Mr. KENDALL. Did not Gen. Bixby make a very elaborate report in the matter of pollution of boundary waters, Mr. Busbey?
Mr. BUSBEY. Gen. Bixby?
Mr. KENDALL. Yes.
Mr. BUSBEY. I think not. Dr. McLaughlin, of the Public Health Service, made an elaborate report, which is published in two bulletins of the Public Health Service.
Mr. KENDALL. Dr. McLaughlin is connected with the Government, is he?
Mr. BUSBEY. Mr. McLaughlin has been connected with the Public Health Service for some years. I will say there that when the commission took up this question of the pollution of boundary waters the commissioners on the part of the United States consulted Dr. Blue, Surgeon General of the Public Health Service, as to the best methods and the best man to employ as an expert. He suggested to them that Dr. McLaughlin's experience and qualifications for that were equal if not superior to any man he knew in the country, and on the request of the American members of the commission the Secretary of the Treasury has given Dr. McLaughlin a leave of absence without pay that he may take up this work for the commission.

Mr. KENDALL. He has prosecuted a very elaborate investigation and has published a report dealing with the questions that are to be considered by the commission?

Mr. BUSBEY. His report deals with international and interstate waters, but deals with that question from the standpoint of the United States alone.

Mr. KENDALL. Yes; and he has submitted detailed recommendations about what should be done?

Mr. BUSBEY. He is preparing now detailed recommendations, in conference with the expert from the Canadian side, as to the method of conducting this investigation, to begin in March, when the flood waters occur. As to the question of pollution of boundary waters, that involves the question of whether the pollution extends from one side to the other. Article 4 provides: "It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of the health or the property on the other"; and that is the question.

Mr. CLINE. Mr. Busbey, do you expect to get any further additional facts than you already have on that from this report made by this gentleman?

Mr. BUSBEY. They are preparing to make this investigation this summer, the two experts.

Mr. CLINE. The same expert that has already made the investigation?

Mr. BUSBEY. I beg your pardon. His investigation attached only to American waters and did not extend across the boundary. The commission held a meeting at Buffalo in December——

Mr. KENDALL. Coming back to this canal at Detroit, that $10,000,000 you say has been already expended in the construction of the canal?

Mr. BUSBEY. The channel—deepening the channel there.

Mr. KENDALL. And that work was done under the supervision of the Army engineers by the United States?

Mr. BUSBEY. Yes.

Mr. KENDALL. And at that time the Army engineers formulated plans, I believe, relating to the whole question and submitted them?

Mr. BUSBEY. Yes.

Mr. KENDALL. They were adopted, and the channel has been constructed?

Mr. BUSBEY. Yes.

Mr. KENDALL. Your commission has power to print, of course?

Mr. BUSBEY. We were only given that power in the last appropriation bill. We have not done any printing, though.

Mr. KENDALL. You have not done any printing with reference to the action of the commission up to this time?

Mr. BUSBEY. No.

Mr. KENDALL. Are its records available so that the committee might examine to see what progress has been made in the work of the commission?

Mr. BUSBEY. Yes.

Mr. KENDALL. Take this Lake of the Woods proposition, for instance: You had hearings there, did you not?

Mr. BUSBEY. Yes.

Mr. KENDALL. Are not those printed?

Mr. BUSBEY. No. We have them in typewritten form. The commission thought that, as these were preliminary hearings, they were not of sufficient importance to print for public distribution, but reserved them as the records for anyone who cared to see them and did not go to the expense of printing them.

Mr. KENDALL. Mr. Chairman, will you ask the chairman of the Committee on Appropriations for the hearings that were had down there also?

The CHAIRMAN. Yes.

Mr. COOPER. Your offices are in the Southern Building, are they not?

Mr. BUSBEY. Yes.

Mr. COOPER. What rent are you paying for those offices?

Mr. BUSBEY. $2,500.

The CHAIRMAN. What does the stenographer get?

Mr. BUSBEY. The clerk and stenographer—there is only one man.

Mr. KENDALL. He is a $2,200 man?

Mr. BUSBEY. He is a $2,200 man.

Mr. COOPER. He is here in Washington all of the time?

Mr. BUSBEY. Yes.

Mr. COOPER. In Washington, in the Southern Building?

Mr. BUSBEY. Yes.

The CHAIRMAN. How many offices are there in the suite?

Mr. BUSBEY. We have a room for each of the commissioners and one for the secretary and clerk together, and a board room.

Mr. COOPER. Five rooms?

Mr. BUSBEY. And we have a room for the Canadian members—a conference room.

The CHAIRMAN. Six rooms in all?

Mr. BUSBEY. Six.

Mr. COOPER. Could not the conference meet in the board room?

Mr. BUSBEY. Senator Carter, when he selected the offices, said: "I think it would be a courteous matter to have a room where, when the commission is in session in the board room, should Canadian members desire to confer among themselves, they might have an office which they could call their own and feel perfectly at home; where their secretary might keep their papers and where they might dictate letters or prepare letters or anything they wanted to do."

Mr. BARTHOLDT. Have the Canadian commissioners an office at Ottawa?

Mr. BUSBEY. Yes. They treat the American members in the same way. There is a room for the American members whenever they go there for their conference.

Thereupon the committee went into executive session.

Mr. CANNON. I want to say here that Mr. Busbey is not a Member of this House——

Mr. MANN. But he is the peer of those fellows who have been attacking him.

Mr. CANNON. He is the peer of decent, honest men, and for average ability, I was about to say, of any Member of this House—is certainly my peer and that of the gentleman from New Jersey, intellectually and in every way—and as he can not be heard I am perfectly willing that this statement shall go in the RECORD to speak for itself, and I would like to have that done.

Mr. TOWNSEND. Will the gentleman yield?

Mr. CANNON. I will.

Mr. TOWNSEND. I simply want to pay a tribute to Mr. Busbey.

Mr. CANNON. Oh, no.

Mr. TOWNSEND. I do, indeed.

The CHAIRMAN. The gentleman declines to yield.

Mr. TOWNSEND. I desire to pay a tribute.

Mr. CANNON. Regular order! The gentleman can pay a tribute in his own time.

Mr. TOWNSEND. I move to strike out the last four words.

Mr. CANNON. It would be a tribute to a man after—but I will just stop there, because I might say something that would be out of order.

Mr. MANN. Mr. Chairman, I ask for the regular order.

Mr. FITZGERALD. Mr. Chairman, I want to make a statement.

Mr. KENDALL. Regular order, Mr. Chairman.

Mr. FITZGERALD. The gentleman from New Jersey [Mr. TOWNSEND] made a statement about the rooms occupied by this commission, and in justice to the members of that commission I believe it is proper that I should make a statement about it. When Mr. Tawney was chairman of the Committee on Appropriations I was one of a committee, and the gentleman from Illinois [Mr. MADDEN] was another, who were appointed by him to visit rented quarters in this city, for the purpose of eliminating abuses in connection with the renting of property for public purposes. After this commission was organized and the question of acquiring accommodations arose, he came to see me and explained the situation, which, in the opinion of the commission, necessitated certain offices. It was determined that a board room, where the court could sit, was required. There was also provided an office for the chairman of the American commission and one for the Canadian commission, and the other members were bunched together.

Mr. TOWNSEND. Oh, no.

Mr. FITZGERALD. The gentleman said they had six rooms.

Mr. TOWNSEND. They had six rooms, according to the testimony of the secretary of the commission.

Mr. FITZGERALD. That includes a board room and a general office and other offices.

Mr. FLOOD of Virginia. Each of the American commissioners have an office, and then there is an office for the Canadian commission.

Mr. TOWNSEND. To which they all retired when they went to vote.

Mr. FLOOD of Virginia. And an office for the secretary.

Mr. FITZGERALD. The Canadian Government had supplied the commission with accommodations at Ottawa. The commission was to sit at one time at Ottawa and another time in Washington.

There have been some statements about members of this commission. I know two of them intimately. One is former Senator Turner, of Washington, one of the most eminent authorities on international law in this country. So highly is he regarded that, although a Democrat, he was appointed because of his great legal ability by a Republican President to represent this country before a joint high commission on certain fisheries questions. The other is Mr. Tawney. I assert that no more patriotic, honest, industrious, level-headed man served in this House in the last half century. He sacrificed his place in this House, after a service here of 18 years, because of his conscientious devotion to duty. He declined to permit the Executive to swerve him from the path that he thought was right. What defeated Mr. Tawney in his campaign for reelection was President Roosevelt's speech at the conservation convention at St. Paul, which was made because Mr. Tawney had put an end to all the illegal methods of the President and had prevented the improper use of public money for illegal commissions.

This commission was legally created. Before the gentleman from New Jersey [Mr. TOWNSEND] came in statements were made which demonstrated the reasons for the failure of the commission to meet in Washington——

Mr. FLOOD of Virginia. I must interrupt the gentleman there.

Now, the Canadian commission was certainly appointed and organized before the beginning of the calendar year 1912, and during the whole of that year this commission was in session less than four weeks. That is the testimony of the secretary of the commission.

Mr. FITZGERALD. If the gentleman understood the treaty and the things that led up to its negotiation and the purpose to be accomplished, he would know that the greater part of the work will be done not in joint session, but when the commission is not in joint session.

Mr. MANN. Will the gentleman from New York [Mr. FITZGERALD] yield?

Mr. FITZGERALD. Yes.

Mr. MANN. The members of the Committee on Foreign Affairs get $7,500 a year each for services, most of which is committee services. Does the gentleman think the members of the committee have been in service for a hundred hours during all of last year?

Mr. FITZGERALD. I do not wish to discuss collateral matters. I made a point of order on this item because I believed it belonged to the Committee on Appropriations. I have no controversy with these gentlemen for insisting on their contention that the Committee on Foreign Affairs has jurisdiction. It was merely a question of order under the rules and usages of the House. I believe that in justice to these men, whether they are to continue or not to continue on this commission, they should not be unjustly put in a position of being grabbers of public funds, and I know that no mere tyros or novices can discharge the important functions that properly belong to that commission.

Mr. KENDALL. Mr. Chairman, I demand the regular order.

Mr. TOWNSEND. Mr. Chairman, I move to strike out the last four words.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from New Jersey [Mr. TOWNSEND] is recognized.

Mr. TOWNSEND. Mr. Chairman, I move to strike out the last four words.

Mr. FLOOD of Virginia. Mr. Chairman, I withdraw my motion that the committee rise.

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] withdraws his motion.

Mr. TOWNSEND. Mr. Chairman, I simply want to remark that this recent alliance between the gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. MANN] has resolved itself into a very entertaining situation.

The gentleman from New York comes to us on one day and lectures us severely on the extravagance of the House, and on the next day he comes before us and, with the same severity of voice and with the same capacity for lecturing, criticizes us because we are not extravagant. The gentleman from Illinois——

Mr. FITZGERALD. If the gentleman will permit me, I have not referred to the amount carried by this item at all.

Mr. TOWNSEND. Mr. Chairman, I have the floor. I refuse to yield.

The CHAIRMAN. The gentleman refuses to yield.

Mr. FITZGERALD. But the gentleman ought not to make inaccurate statements about me.

Mr. TOWNSEND. The gentleman from Illinois [Mr. MANN] suggests that the members of the Committee on Foreign Affairs are not earning their salaries.

Mr. MANN. I did nothing of the kind, although I might say it.

Mr. TOWNSEND. I am capable of deducing from the gentleman's language what the gentleman from Illinois intended the House to believe. Unfortunately, the Constitution did not provide that the Congress should consist of the gentleman from Illinois [Mr. MANN], who should have this power and that power and the other power. [Laughter.] It gives equal power and authority and right to each Member elected here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent, Mr. Chairman, that the gentleman be permitted to proceed five minutes more.

Mr. TOWNSEND. It is unfortunate that we are compelled to listen to the lectures of the gentleman as to his superior merits, qualities, and abilities.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask that the gentleman may have five minutes more in which to make a further exhibition of himself. He makes an exhibition of himself now, and I hope he will be permitted to complete it.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] moves that the committe rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUCKER of Missouri, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4043. An act divesting intoxicating liquors of their interstate character in certain cases.

HOUR OF MEETING TO-MORROW.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Virginia asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes p. m.) the House adjourned, pursuant to the order, until to-morrow, Friday, February 14, 1913, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimate of appropriation to commence the construction of necessary buildings for the accommodation of one additional regiment of Cavalry on military reservation of Fort Oglethorpe, Ga. (H. Doc. No. 1395); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimate of appropriation for pay of enlisted men, Quartermaster Corps, and additional pay for length of service for the fiscal year 1914 (H. Doc. No. 1394); to the Committee on Military Affairs and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce and Labor transmitting sworn statements of the value of the personal effects of the officers and crew of the lighthouse tender *Armeria*, wrecked May 20, 1912, and recommending an appropriation to pay same (H. Doc. No. 1393); to the Committee on Claims and ordered to be printed.

4. A letter from the Commission for Enlarging the Capitol Grounds, transmitting report (H. Doc. No. 1392); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HOWLAND, from the Committee on the Judiciary, to which was referred the resolution (H. Res. 802) requesting the President of the United States to furnish the House of Representatives with all the affidavits, charges, corroborating evidence, letters, and other official documents in the case of Willard N. Jones, reported the same with amendment, accompanied by a report (No. 1513), which said bill and report were referred to the House Calendar.

Mr. DUPRÉ, from the Committee on the Judiciary, to which was referred the bill (H. R. 28635) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes, reported the same without amendment, accompanied by a report (No. 1514), which said bill and report were referred to the House Calendar.

Mr. BROUSSARD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 28632) to authorize the construction of a bridge across Twelve Mile Bayou, in Caddo Parish, reported the same without amendment, accompanied by a report (No. 1515), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WHITE, from the Committee on Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 28746) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain

soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 1512), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WHITE: A bill (H. R. 28746) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. FRENCH: A bill (H. R. 28747) reserving from the public lands in Idaho as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described; to the Committee on the Public Lands.

By Mr. BERGER: Resolution (H. Res. 830) to investigate the censorship of the Post Office Department over second-class mail matter; to the Committee on Rules.

By Mr. WILLIS: Resolution (H. Res. 831) for printing additional copies of Bulletin No. 85, Bureau of Soils; to the Committee on Printing.

By Mr. RICHARDSON: Resolution (H. Res. 832) authorizing the payment of $1,200 to Joseph M. McCoy for extra and expert services rendered to the Committee on Pensions during the third session of the Sixty-second Congress; to the Committee on Accounts.

By Mr. EVANS: Resolution (H. Res. 833) authorizing the Speaker to appoint three counselors; to the Committee on the Library.

By Mr. ROBERTS of Massachusetts: Resolution (H. Res. 834) providing for reprinting Senate Document No. 1018; to the Committee on Printing.

By Mr. PETERS: Joint resolution (H. J. Res. 399) authorizing the Joint Committee on Printing to publish a bulletin of committee hearings; to the Committee on Printing.

By Mr. JOHNSON of Kentucky: Joint resolution (H. J. Res. 400) regulating rates of hotels, lodging houses, boarding houses, cafés, restaurants, and similar places of abode and entertainment in the city of Washington; to the Committee on the District of Columbia.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, favoring Senate bill 8003, for the construction, improvement, and maintenance of post roads and rural delivery routes through the cooperation and joint action of the United States and the several States wherein said routes are located; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of Oregon, favoring the continued operation of the Weeks law for the protection of the watersheds of navigable streams from fire, and for further appropriation to continue the same; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Oregon, favoring the amendment of section 5 of the reclamation act of June 17, 1902, so as to make the time for payments thereunder extend for a period not exceeding 25 years; to the Committee on Irrigation of Arid Lands.

By Mr. STEPHENS of California: Memorial of the Legislature of the State of California, favoring the bill of Senator NEWLANDS to create a board of river regulation, etc.; to the Committee on Rivers and Harbors.

By Mr. NEEDHAM: Memorial of the Legislature of the State of California, favoring the bill of Senator NEWLANDS to create a board of river regulation, etc.; to the Committee on Rivers and Harbors.

By Mr. RAKER: Memorial of the Legislature of California, favoring the Newlands bill creating a board of river regulation; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS of Tennessee: A bill (H. R. 28748) granting a pension to Henry S. Robert; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 28749) granting a pension to James W. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28750) granting an increase of pension to Patrick Gallagher; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 28751) granting an increase of pension to Eliza J. Whitson; to the Committee on Pensions.

Also, a bill (H. R. 28752) granting an increase of pension to Hudson J. Martin; to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 28753) granting a pension to Mary E. Mullen; to the Committee on Pensions.

By Mr. MANN: A bill (H. R. 28754) granting an increase of pension to Henry Haddock; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 28755) for the relief of John J. Kane; to the Committee on Claims.

By Mr. POST: A bill (H. R. 28756) granting an increase of pension to William G. Irwin; to the Committee on Invalid Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 28757) granting an increase of pension to W. H. Mize; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28758) granting an increase of pension to Samuel G. H. Whitley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BYRNS of Tennessee: Papers to accompany bill granting a pension to Henry S. Robert; to the Committee on Pensions.

By Mr. CALDER: Petition of the Bird Lovers' Club, Brooklyn, N. Y., favoring the passage of the McLean bill, granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of citizens of Brooklyn, N. Y., and members of the New York Produce Exchange, favoring the passage of House bill 3010, for the regulation of the transmission of messages by telephone and telegraph; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of the Sailors' Union of the Atlantic, relative to the payment of the crews of the Panama Steamship Line, and the special privileges granted to said company, which is controlled and owned by the United States Government; to the Committee on Interstate and Foreign Commerce.

By Mr. GARRETT: Papers to accompany bill granting an increase of pension to Hudson J. Martin; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Eliza J. Whitson; to the Committee on Pensions.

By Mr. KINKAID of Nebraska: Petition of citizens of Holt County, Nebr., protesting against the passage of legislation placing burdensome conditions or qualifications on rural wagon salesmen of domestic and stock remedies, spices, extracts, and toilet articles; to the Committee on Interstate and Foreign Commerce.

By Mr. LEVY: Petition of the New York State Conference on Taxation, Binghamton, N. Y., favoring the passage of legislation providing for the extension of the work of the Census Department; to the Committee on the Census.

Also, petition of the Downtown Taxpayers' Association, Brooklyn, N. Y., favoring the insertion of a clause in the naval appropriation bill providing for the building of one of the new battleships in a Government navy yard; to the Committee on Naval Affairs.

By Mr. MANN: Petition of the Chicago Woman's Club, Chicago, Ill., protesting against the passage of any legislation tending to destroy the present national system of the protection of forests; to the Committee on Agriculture.

By Mr. MOTT: Petition of the New York State Conference on Taxation, Binghamton, N. Y., favoring the passage of legislation for the extension of the work of the Census Department; to the Committee on the Census.

By Mr. NEEDHAM: Petition of the Christian Church of Modesto, Cal., and other citizens of Modesto and Oakdale, Cal., favoring the passage of the Kenyon "red-light" injunction bill, for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

Also, petition of members of the faculty and students of the University of Redlands, Redlands, Cal., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of the California State Board of Forestry, favoring the passage of legislation making further appropriations for Federal aid for the protection of forested watersheds of navigable streams; to the Committee on Agriculture.

By Mr. TALCOTT of New York: Petition of the Sailors' Union of the Atlantic, New York, relative to the payment of the crews of the Panama Steamship Line and the special privileges granted to said company, which is controlled and owned by the United States Government; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: Papers to accompany bill (H. R. 26453) granting an increase of pension to Helen G. Davis; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of the Downtown Taxpayers' Association, Brooklyn, N. Y., favoring the insertion of a clause in the naval appropriation bill providing for the building of one of the new battleships in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the New York State Conference on Taxation, Binghamton, N. Y., favoring the passage of legislation for the extension of the work of the Census Department; to the Committee on the Census.

Also, petition of the Central Labor Union of Brooklyn, N. Y., favoring the insertion of a clause in the naval appropriation bill providing for the building of one of the new battleships in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

SENATE.

FRIDAY, *February 14, 1913.*

(Legislative day of Tuesday, February 11, 1913.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

CONNECTICUT RIVER DAM.

The PRESIDENT pro tempore (Mr. BACON). The Senate resumes the consideration of Senate bill 8033.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. BRANDEGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Connecticut suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crane	Johnson, Me.	Sheppard
Bacon	Crawford	Johnston, Ala.	Smith, Ga.
Bankhead	Culberson	Jones	Smith, Md.
Borah	Cullom	Kenyon	Smith, Mich.
Bourne	Curtis	Kern	Smoot
Bradley	Dillingham	La Follette	Stephenson
Brady	Dixon	Lippitt	Sutherland
Brandegee	du Pont	Lodge	Thomas
Brown	Fall	McLean	Thornton
Bryan	Fletcher	Martin, Va.	Tillman
Burnham	Gallinger	Martine, N. J.	Townsend
Burton	Gamble	Myers	Warren
Catron	Gardner	Overman	Webb
Chamberlain	Gronna	Page	Williams
Clapp	Guggenheim	Perkins	Works
Clark, Wyo.	Jackson	Richardson	

Mr. ASHURST. I have been requested to announce that the junior Senator from New York [Mr. O'GORMAN] is absent on public business. I will let this announcement stand for the day.

Mr. KERN. I was requested to announce the unavoidable absence of the Senator from South Carolina [Mr. SMITH].

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 63 Senators have responded to their names, and a quorum of the Senate is present.

Mr. BRANDEGEE. Mr. President, I gave notice yesterday afternoon, just before we took the recess, that I would this morning, having failed in several previous attempts, ask the unanimous consent of the Senate to vote upon the pending bill at a certain hour upon a certain day.

This bill, providing for the building of a dam across the Connecticut River, has, by unanimous consent, been the order of business exclusively before this body ever since last Tuesday, and this will have been the fourth day that the Senate has devoted its whole time to the discussion of the bill, which, except for one provision in it, would have been passed in the morning hour by unanimous consent.

I think we have devoted enough time to the discussion of the question. It has been made the vehicle for the discussion of the whole question of conservation, and, in my judgment, it should not be made the boat to carry ashore all the various projects that exist in the minds of men upon the conservation question. I think four days is enough to devote to the bill. No Senator can introduce a bill or present the report of a committee; no one can transact any morning business in the Senate.

We have about 12 more legislative days for the conclusion of the business of the present Congress, and it seems to me to be absurd and preposterous to have this measure, which is designed to dam the Connecticut River, damming the whole business of the Nation and obstructing the legislation of the United States of America.

Senators have made up their minds how they are going to vote on this question. I for one am ready, and have been for two or three days, to vote upon it. I think other Senators are ready to vote if they will waive their general conservation speeches and make them on some other measure and let us finish the business of this Congress.

In view of those sentiments, which I have attempted briefly to express, I ask unanimous consent that a vote be taken on the measure, in accordance with the terms of the unanimous-consent agreement which stands upon the front page of the calendar, not later than 5 o'clock next Monday afternoon.

Mr. BANKHEAD. Mr. President, speaking for myself I can see no reason why consent should not be given to vote upon the bill next Monday at 5 o'clock, and I hope that unanimous consent will be given to that effect.

Mr. BORAH. Mr. President, if this consent is given would it remove this measure as a bar to the further transaction of business on other matters?

Mr. BRANDEGEE. Not to-day; not until Monday.

Mr. BORAH. Then there is not very much consolation in the request.

Mr. BRANDEGEE. We can get through on Monday. If the Senator is willing to have the vote taken to-day, I would be very happy to ask unanimous consent that the vote be taken not later than 5 o'clock this afternoon.

Mr. GALLINGER. Why not ask that that be done?

Mr. BRANDEGEE. I asked that the time be fixed for Monday on the suggestion of the Senator from Alabama [Mr. BANKHEAD], who informed me that several Senators on the other side of the Chamber wish to discuss the measure further, and I did not want to restrict anybody in his rights.

Mr. BANKHEAD. My reason for suggesting to the Senator from Connecticut that he make his request for Monday at 5 o'clock was because several Senators desire to make some remarks upon the bill before the vote is taken. To-day must be consumed by the consideration of appropriation bills, or so much of the day as is necessary; to-morrow we can do no legislative business; and on Monday I thought the Senators who desire to address themselves on the bill would have an opportunity before the hour suggested for voting.

Mr. BORAH. I am not objecting to the consent. I was in the hope, however, that as we were violating the unanimous-consent agreement by making this agreement, we might also remove it as a bar to the further transaction of business.

Mr. BRANDEGEE. If the Senator will allow me to say so, I am heartily in accord with his motive and with what he says. I do not consider, however, that we are violating the unanimous-consent agreement that stands upon the face of the calendar simply by fixing an hour on the legislative day when we will take the vote, so that Senators may be warned and be here.

Mr. BORAH. As I said, I am not going to object. Both the Senator from Massachusetts [Mr. LODGE] and the Senator from New Hampshire [Mr GALLINGER] think that it is perfectly proper, and they are good authority on parliamentary questions, but there are a great many precedents against it. I presume, however, that this may be considered as establishing once for all in the Senate that this kind of an agreement is not a violation of such a unanimous-consent agreement.

Mr. LODGE. We make a further agreement to fix a time in the same legislative day to vote. That has been done repeatedly.

Mr. BORAH. It has been done repeatedly, but several times within the last few months it was refused.

Mr. LODGE. Unanimous-consent agreements to conclude a bill on a legislative day are comparatively new in the Senate, and I think they are a very poor kind of unanimous-consent agreements. I think we ought to fix an hour for voting.

Mr. BORAH. This establishes a precedent in the future.

Mr. BRANDEGEE. I do not think it establishes a precedent. It is in accordance with several precedents which have been made. For instance, on April 18, 1912, the Senate agreed by unanimous consent, which I have here in my hand, to vote upon the bill known as the compensation of railway employees, and upon May 2, 1912, it further agreed that "on Monday next, not later than 4 o'clock, the Senate will proceed without further debate," and so forth, to vote upon that bill. There are plenty of precedents for the action.

Mr. GALLINGER. Mr. President, I desire simply to say that if we agree to vote upon this bill on Monday next we will be voting upon the legislative day fixed originally.

Mr. BRANDEGEE. Of last Tuesday.

Mr. GALLINGER. Of last Tuesday. It does seem to me that it is competent for us to do that under the rules of the Senate or the customs of the Senate.

Mr. BRANDEGEE. I will ask unanimous consent that we vote upon this bill at 5 o'clock this afternoon.

Mr. GALLINGER. I am very glad the Senator from Connecticut makes that request.

Mr. BRANDEGEE. That will remove it as an obstruction.

Mr. GALLINGER. I desire to say—and I wish the chairman of the Committee on Appropriations would say it instead of the Senator from New Hampshire—that we have only two weeks to do the business of this Congress and the three Saturdays are preempted already. We will do no legislative business on those three days. It does seem to me that we ought to get this matter out of the way as speedily as possible and proceed with the other business of the session. I hope the amended request of the Senator from Connecticut will be granted.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut that——

Mr. WORKS. Mr. President, I am not going to object to the fixing of any time that may be satisfactory to other Senators, but I would not want it to be taken as consent on my part to the proposition that this is not a violation of the original unanimous agreement. It is so clearly in violation of the unanimous-consent agreement for the legislative day I wonder how there can be any two opinions about it. When I consent to a unanimous agreement for a legislative day it means that full discussion will be allowed; that there will be no limitation upon it until the Senate is ready to vote; and in my absence a unanimous agreement is made that limits the time of discussion, which is a direct violation of the original agreement.

Mr. JONES. Mr. President, I agree with what the Senator from California has said, but I would not object to fixing a time for a vote on Monday. However, I know that there are several Senators who are not expecting to speak to-day and I hope the Senator from Connecticut will make his request for Monday. We can take up the appropriation bills to-day. The Army appropriation bill will be taken up this morning, and other appropriation bills may follow. So they will not be delayed at all.

Mr. BRANDEGEE. The only reason why I modified the request was to accommodate the Senator from Idaho, who suggested that the agreement is operating as an obstruction to the business of the Senate. I will ask, just as I did, that we vote to-day not later than 5 o'clock, and then if the Senator from Washington objects, of course, I will ask for Monday.

Mr. JONES. Yes; I object.

Mr. BRANDEGEE. The Senator does object. Therefore, I renew the original request that we vote upon the bill—commence voting—not later than 5 o'clock next Monday.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that during the present legislative day, on Monday next, not later than 5 o'clock, the Senate will begin voting upon the bill and amendments pending and to be offered, and proceed to a conclusion of the same through the regular legislative methods. Is there objection?

Mr. BRISTOW. Mr. President, I am not specially interested in this legislation except as it may affect unanimous-consent agreements.

I want to take issue with the Senator from Massachusetts in his objection to the policy of fixing a legislative day instead of a certain hour on which to vote. My short experience here is that a fixed hour has always proved unsatisfactory, because amendments were offered when no explanation could be made without violating the unanimous-consent agreement, and I have not known of a bill on which there was much controversy, where there was a fixed hour set, that by some indirection the unanimous-consent agreement has not been violated by some Members of the Senate in order to get in an argument.

But on this measure my mind has been pretty well made up, and I am not offering an objection, though I think it is in violation of the unanimous-consent agreement absolutely, without any question.

Mr. GALLINGER. Mr. President, in view of the statements that have been made by several Senators that this is in violation of the unanimous-consent agreement, I object to the request made by the Senator from Connecticut.

The PRESIDENT pro tempore. The Senator from New Hampshire objects.

Mr. DU PONT obtained the floor.

Mr. BRANDEGEE. Mr. President, will the Senator from Delaware yield to me?

Mr. DU PONT. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, in view of the objection of the Senator from New Hampshire [Mr. GALLINGER], I want to say that I think perhaps he has wisely objected to the request for unanimous consent. Some Senators object to any unanimous-consent agreement for a vote on a legislative day, seeing the difficulties into which we are brought by that process. Other Senators, who desire unlimited debate, object to the fixing of a calendar day to take a vote upon any measure, and until the Senate can arrive by some consensus of opinion upon how to proceed to get to a vote on an important measure which it wants to dispose of, I do not think there is any better way to proceed than to keep this obstruction before the Senate until the minds of Senators are concentrated upon the obstruction, so that they will agree upon some method under which we can do business. I therefore give notice that, inasmuch as I am unable to secure the fixing of a time to vote upon this measure, in view of the fact that it was agreed to vote upon it upon the legislative day of last Tuesday, so far as is within my power, under parliamentary rules, subject to appropriation bills and conference reports, I shall attempt to keep the measure before the Senate as long as the Senate will stay in session each day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House accepts the invitation of the Senate to attend the memorial services to commemorate the life, character, and public services of the Hon. JAMES S. SHERMAN, late Vice President of the United States, on Saturday February 15, 1913, at 10 minutes to 12 o'clock a. m.

The PRESIDENT pro tempore. The Chair lays before the Senate the following resolution from the House of Representatives, which will be read.

The Secretary read as follows:

Resolved, That on Saturday, February 15, 1913, at 10 minutes to 12 o'clock, ante meridian, pursuant to the resolution heretofore adopted, accepting the invitation of the Senate to attend the memorial services to commemorate the life, character, and public services of the Hon. JAMES S. SHERMAN, late Vice President of the United States, the House shall proceed with the Speaker to the Senate Chamber, and at the conclusion of the services it shall return to this Chamber.

The PRESIDENT pro tempore. The resolution will lie on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CURTIS. From the Committee on Appropriations I report favorably with amendments the bill (H. R. 28499) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, and I submit a report (No. 1209) thereon. I give notice that I will call up the bill for consideration when the Army bill shall have been disposed of.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. NELSON. From the Committee on Commerce I report favorably with amendments the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and I submit a report (No. 1210) thereon. I desire to say that I shall ask the Senate to consider the bill on Monday next, after the conclusion of the routine morning business.

Mr. STONE. Will the report and the bill as reported be ordered printed? I should like to see them to-morrow morning.

The PRESIDENT pro tempore. They are always printed under the rule, and it will be so ordered. The bill will be placed on the calendar.

ARMY APPROPRIATION BILL.

Mr. DU PONT. I ask that the Senate proceed to the consideration of the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914, which had been reported from the Committee on Military Affairs with amendments.

Mr. DU PONT. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments have precedence.

The PRESIDENT pro tempore. The Senator from Delaware asks that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to have precedence. Is there objection? The Chair hears none, and that order is made.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, under the subhead "Office of the Chief of Staff," on page 2, line 16, after the name "Manila," to insert "and the cost of special instruction at home and abroad, in maintenance of students and attachés," so as to make the clause read:

Contingencies military information section, General Staff Corps: For contingent expenses of the military information section, General Staff Corps, including the purchase of law books, professional books of reference, professional and technical periodicals and newspapers, and of the military attachés at the United States embassies and legations

abroad; and of the branch office of the military information section at Manila and the cost of special instruction at home and abroad, in maintenance of students and attachés, to be expended under the direction of the Secretary of War, $10,000: *Provided*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Chief Signal Officer," in the item of appropriation for expenses of the Signal Service of the Army, on page 5, line 19, after the word "machines," to strike out:

Provided further, That from and after the passage and approval of this act the pay and allowances that are now or may be hereafter fixed by law for officers of the Regular Army shall be increased 50 per cent for such officers as are now or may be hereafter detailed by the Secretary of War on aviation duty: *Provided*, That this increase of pay and allowances shall be given to such officers only as are actual flyers of heavier-than-air craft, and while so detailed: *Provided further*, That no more than 30 officers shall be detailed to the aviation service: *Provided further*, That paragraph 2 of section 26 of an act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," shall not limit the tour of detail to aviation duty of officers below the grade of lieutenant colonel: *Provided further*, That nothing in this provision shall be construed to increase the total number of officers now in the Regular Army.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of officers of the line," on page 7, line 2, after the sum "$7,710,800," to insert: "*Provided*, That hereafter, in the administration of the act of Congress approved August 24, 1912, service actually performed by any officer with troops prior to December 15, 1912, as a regimental, battalion, or squadron staff officer shall be deemed to have been duty with a battery, company, or troop," so as to make the clause read:

For pay of officers of the line, $7,710,800: *Provided*, That hereafter, in the administration of the act of Congress approved August 24, 1912, service actually performed by any officer with troops prior to December 15, 1912, as a regimental, battalion, or squadron staff officer shall be deemed to have been duty with a battery, company, or troop.

Mr. DU PONT. I move to amend the amendment of the committee, in line 7, after the word "officer," by inserting a comma.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, under the subhead "Pay to clerks, messengers, and laborers at headquarters of divisions, departments, posts commanded by general officers, and office of the Chief of Staff," on page 10, after line 2, to insert:

In all, $317,840.

The amendment was agreed to.

The next amendment was, under the subhead "For pay of officers of the Staff Corps and staff departments," on page 11, line 8, after the sum "$95,695," to strike out:

Provided, That hereafter no further appointments of pay clerks shall be made.

So as to make the clause read:

For pay of 85 pay clerks, at $1,125 each per annum, $95,625.

The amendment was agreed to.

The next amendment was, on page 11, line 21, before the word "nurses," to strike out "twenty-five" and insert "fifty," and, in the same line, after the word "(female)," to strike out "$85,620" and insert "$106,030," so as to read:

For pay of 150 nurses (female), $106,030.

The amendment was agreed to.

The next amendment was, under the subhead "Retired officers," on page 12, line 13, after the sum "$2,877,000," to insert:

Provided, That hereafter when any officer who has been retired from active service and placed on the retired list on account of physical disability is found by an examining board, to be appointed by the Secretary of War, under the direction of the President, to be morally, physically, mentally, and professionally qualified for active service, the President may, in his discretion, by and with the advice and consent of the Senate, reappoint such officer upon the active list of the Army as an extra officer of the arm or branch in which the officer was commissioned at the time of his retirement, in the grade and with the lineal rank he would have held had he not been retired: *Provided further*, That such officer shall continue as an extra officer only until such time as a vacancy shall occur in his grade and arm of the service; and if again retired for physical disability, he shall be retired from active service with the rank held by him before his reappointment, or wholly retired from the service by the President as provided by existing law; but if his second retirement is for disability arising from wounds received in action, he shall have the rank on the retired list held by him at the time of such retirement: *Provided further*, That no officer reappointed under the provisions of this act shall be placed above another either in grade or lineal rank, in the same arm or branch, whose active service as a commissioned officer exceeds that of the officer reappointed, and for the purposes of this proviso commissioned service on the active list and on active duty while on the retired list shall be taken into consideration: *And provided further*, That hereafter in the computation of longevity pay the time served on active detail by retired Army officers shall be added to the service of said officers prior to retirement for the computation of the pay to which they shall be entitled while serving on active detail.

Mr. CLARKE of Arkansas. Mr. President, it is not necessary to consume time to consider that amendment. I think it clearly out of order. It is general legislation. It is proposed to change the rule now applicable to retired officers and confer upon officers of that class the right to be reassigned to active service in the Army under certain conditions. If that is to be done at all, it ought to be done after the whole subject has been independently considered and worked out, so that we may know that it will not be used for purposes of partiality and preference. I think it is an exceedingly inappropriate provision to be included at this time; and I make the point of order that it is general legislation that can not now be considered in the face of objection.

Mr. DU PONT. Mr. President, this amendment has received very full consideration, not only at the hands of the War Department, but in the committee. It originated in the committee, was sent up to the department, thrashed over there, sent back to the committee, and finally passed with the approval of the committee. It is intended and designed to put an end to the anomalous state of affairs under which the Government is now paying several officers retired pay who are perfectly able in every respect—physically, morally, and mentally—to do active duty. The number of these officers is very few, but if there were only one it would be right and just both to the Government and to the officer to put him back, if he so desires, on the active list.

This amendment refers, of course, strictly and solely to officers who are retired for physical disability. No officer is retired for physical disability unless a board of medical officers shall have found that he is permanently disqualified for duty; but, as we all know, medical officers, whether on boards or individually, are but human, and occasionally, in rare instances, a man who, in the opinion of a medical board, is permanently unfit for active duty, is found, after the lapse of six months or a year, to be perfectly restored in every way, and this is usually in the case of some of the younger officers where youth is a determining factor.

There are three bills pending in Congress to restore officers of this kind to the active list. It was deemed wiser and better to make a general provision to cover these cases than to have the legislation done piecemeal and from time to time. I think myself that it is wise, proper, and just legislation, particularly to the Government, and incidentally to the officers affected. I therefore hope the Senator from Arkansas will withdraw his point of order.

Mr. JOHNSTON of Alabama. I should like to say to the Senator from Arkansas that this amendment is in the interest of economy. These officers that have been retired are retired on three-fourths pay, and when they are brought back only one-fourth is added to the salary which they are now drawing while they are not doing anything. They simply take their places in the rank to which they would have been entitled by their service. So I think if the Senator will consider that this is in the line of economy and retrenchment, he will not make the point of order.

Mr. CLARKE of Arkansas. Of course, a good deal of what has been said has been for the very commendable purpose of enlightening me about matters which are pretty well known even to persons who have not been here as long as I have. There is some sort of presumption that I have at least a little familiarity with some of the things that have been exploited here for my benefit.

It was not my intention to discuss the merits of this matter at this time. It was clearly out of order, and I thought that would have disposed of it. But whenever I see anything come up from the War Department in the interest of economy, I begin to sift it pretty closely; and I should like to see it verified on some occasion when we will have ample time and opportunity to discuss it.

Mr. DU PONT. Will the Senator yield to me for a moment?

Mr. CLARKE of Arkansas. I shall be glad to yield; yes.

Mr. DU PONT. I simply wish to call the attention of the Senator from Arkansas to the fact that this suggestion did not come from the War Department. It came from the Military Affairs Committee. It was referred to the department, and was approved in a rather perfunctory manner—not very warmly, but still it was approved.

Mr. CLARKE of Arkansas. There will be something to be said about it whenever we reach it as a serious proposition of legislation. I make the point of order that we can not do it to-day.

The PRESIDENT pro tempore. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, under the subhead "Miscellaneous," on page 15, line 18, after "$550,000," to insert "of which $100,000 shall be immediately available," so as to read:

For mileage to officers, acting dental surgeons, veterinarians, contract surgeons, pay clerks, and expert accountant, Inspector General's Department, when authorized by law, $550,000, of which $100,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Philippine Scouts," on page 18, line 4, after the word "precluding," to strike out "Army paymasters" and insert "officers of the Quartermaster Corps," so as to make the clause read:

All the money hereinbefore appropriated for pay of the Army and miscellaneous, except the appropriation for mileage of officers, acting dental surgeons, contract surgeons, veterinarians, pay clerks, and expert accountant Inspector General's Department, when authorized by law, shall be disbursed and accounted for by officers of the Quartermaster Corps as pay of the Army, and for that purpose shall constitute one fund: *Provided*, That hereafter section 3620, Revised Statutes, as amended by the act of Congress approved February 27, 1877, shall not be construed as precluding officers of the Quartermaster Corps from drawing checks in favor of the person or institution designated by indorsement made on his monthly pay account by any officer of the Army if the pay account has been deposited for payment on maturity in conformity with such regulations as the Secretary of War may prescribe: *Provided further*, That payment by the United States of a check on the indorsement of the indorsee specified on the pay account shall be a full acquittance for the amount due on the pay account.

The amendment was agreed to.

The next amendment was, on page 18, line 24, after "$350,000," to insert: "*Provided*, That of the amount herein appropriated the Secretary of War is hereby authorized to expend $50,000, or so much thereof as may be necessary, for the acquisition, by purchase or condemnation, of the necessary land for a suitable range for Field Artillery target practice, the land to be of such general character as to permit its use for the instruction of troops of other arms, to be located within the eastern military division, and to be so situated as to present a high degree of availability for concentration of Field Artillery," so as to make the clause read:

Encampment and maneuvers, Organized Militia: For paying the expenses of the Organized Militia of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections 15 and 21 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," to be immediately available and to remain available until the end of the fiscal year 1915, $350,000: *Provided*, That of the amount herein appropriated the Secretary of War is hereby authorized to expend $50,000, or so much thereof as may be necessary, for the acquisition, by purchase or condemnation, of the necessary land for a suitable range for Field Artillery target practice, the land to be of such general character as to permit its use for the instruction of troops of other arms, to be located within the eastern military division, and to be so situated as to present a high degree of availability for concentration of Field Artillery.

The amendment was agreed to.

The next amendment was, on page 19, line 19, after the word "expended," to strike out "$185,000" and insert "$275,000," so as to make the clause read:

Equipment of Coast Artillery armories, Organized Militia: Equipment of Coast Artillery armories, Organized Militia—Dummy guns and mortars, mounts for dummy guns and mortars, dummy ammunition, loading appliances, range and position finding equipment, aiming and laying devices, subcaliber tubes and mountings therefor, labor and material necessary to install dummy guns and mortars, and to provide appliances and devices for instructional purposes in armory buildings provided by States for Coast Artillery companies of the Organized Militia, to be immediately available and remain available until expended, $275,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 20, to insert:

To meet the expenses incident to holding an international rifle-shooting competition at Camp Perry, Ohio, in cooperation with the Perry Victory Centennial Celebration to be held in September, 1913: In connection therewith the Secretary of War is hereby authorized to loan to the management of the tournament such new United States magazine rifles, caliber .30, model 1903, as may be necessary to carry out the regulations of the international union and to detail officers and men to conduct the tournament, $25,000: *Provided*, That the rifles and equipment of the visiting riflemen be admitted under bond, and that the ammunition and personal effects of such riflemen be admitted to the United States without the imposition of duty.

The amendment was agreed to.

The next amendment was, under the subhead "Subsistence of the Army," on page 20, line 13, before the word "hospital," to insert "including employees of the harbor boat service," so as to read:

Purchase of subsistence supplies: For issue, as rations to troops, civil employees when entitled thereto, including employees of the harbor boat service, hospital matrons, nurses, applicants for enlistment while held under observation, etc.

The amendment was agreed to.

The next amendment was, on page 21, line 10, before the word "rations," to strike out "regular established" and insert "regulation," so as to make the proviso read:

And provided further, That no competitor shall be entitled to commutation of rations in excess of $1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress shall be incurred. For payments: Of commutation of rations to the cadets at the United States Military Academy in lieu of the regulation ration, at the rate of 30 cents per ration.

Mr. DU PONT. Mr. President, there is a slight error there, which I move to correct. On line 10, page 21, the words "regular established" should remain, and in line 11 the word "regulation" should go in instead of "regular," so as to read:

In lieu of the regular established ration, at the rate of 30 cents per ration; of the regulation allowances of commutation.

That is the way it should be. It is a mistake in the printing.

The PRESIDENT pro tempore. The Secretary will report the proposed amendment.

Mr. DU PONT. I move that the amendment be modified as I have suggested.

The PRESIDENT pro tempore. Does the Senator move to strike out and insert?

Mr. DU PONT. I move to strike out "regulation," in line 10.

The PRESIDENT pro tempore. The proper course is to disagree to the amendment. When it is voted down, the bill will stand as originally drafted, without the amendment.

Mr. DU PONT. Yes.

The amendment was rejected.

Mr. DU PONT. I now move, on line 11, page 21, before the word "allowances," to strike out "regular" and insert "regulation."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, in the item of appropriation for purchase of subsistence supplies, on page 22, line 11, after the word "Army," to insert: "and for extraordinary expense of subsistence of West Point cadets while attending inaugural ceremony not to exceed $2,000, which shall be immediately available"; and in line 14, after the words "in all," to strike out "$9,098,517" and insert "$9,140,097," so as to read:

For providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed $900 per annum; for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; and for extraordinary expense of subsistence of West Point cadets while attending inaugural ceremony not to exceed $2,000, which shall be immediately available; in all, $9,140,097.

The amendment was agreed to.

The next amendment was in the item of appropriation for regular supplies of the Quartermaster Corps, on page 22, line 25, before the word "surgeons," to strike out "acting" and insert "contract," and on page 23, line 1, before the word "dental," to strike out "contract" and insert "acting," so as to read:

Regular supplies, Quartermaster Corps: Regular supplies of the Quartermaster Corps, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States military prison; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts, in the field, and when traveling, and repair and maintenance of such heating and cooking appliances; authorized issues of candles and matches; for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men, for contract surgeons and acting dental surgeons when stationed at and occupying public quarters at military posts, for officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, and buildings erected at private cost in the operation of the act approved May 31, 1902.

The amendment was agreed to.

The next amendment was in the item of appropriation for regular supplies of the Quartermaster Corps, on page 24, line 9, after the word "depots," to insert "and on military reservations in the Hawaiian and Philippine Islands," so as to read:

For seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian and Philippine Islands, and for labor and expenses incident thereto; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blank books and blank forms for the Quartermaster Corps, certificates for discharged soldiers, and for printing department orders and reports.

The amendment was agreed to.

The next amendment was in the item of appropriation for regular supplies of the Quartermaster Corps, on page 25, line 19, after the word "paid," to strike out "$7,634,553" and insert "$7,000,153," so as to make the proviso read:

Provided, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the

methods prescribed by law; and any sums remaining, after such cost of maintenance and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid, $7,000,153.

The amendment was agreed to.

The next amendment was, in the item of appropriation for incidental expenses of the Quartermaster Corps, on page 27, line 8, after the word "dishonorable," to strike out "discharges" and insert "discharge," so as to read:

For the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of $5 to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the purchase of horses for the Cavalry, Artillery, Engineers, etc., on page 28, line 22, after "$325,240," to insert "of which $100,000 shall be immediately available," so as to make the proviso read:

Provided further, That no part of this appropriation shall be expended for the purchase of any horses below the standard set by Army Regulations for Cavalry and Artillery horses, except when purchased as remounts or for instruction of cadets at the United States Military Academy, $325,240, of which $100,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, in the item of appropriation for barracks and quarters, on page 30, line 4, after the words "Secretary of War," to strike out $1,847,500" and insert "$2,073,680," so as to make the proviso read:

Provided further, That the number of and total sum paid for civilian employees in the Quartermaster Corps shall be limited to the actual requirements of the service, and that no employee therein shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War, $2,073,680.

The amendment was agreed to.

The next amendment was, on page 30, line 14, after "$40,000," to insert: "*Provided*, That not to exceed $1,300 of this sum, to be made immediately available, may be used for the payment of existing indebtedness on the chapel building at Fort Sam Houston, Tex., which was incurred subsequent to March 3, 1911, for placing this chapel in condition for temporary use for recreation purposes by enlisted men of the maneuver division then encamped at Fort Sam Houston, Tex.," so as to make the clause read:

Military post exchange: For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school, library, reading, lunch, amusement rooms, and gymnasium, including repairs to buildings erected at private cost in the operation of the act approved May 31, 1902, to be expended in the discretion and under the direction of the Secretary of War, $40,000: *Provided*, That not to exceed $1,300 of this sum, to be made immediately available, may be used for the payment of existing indebtedness on the chapel building at Fort Sam Houston, Tex., which was incurred subsequent to March 3, 1911, for placing this chapel in condition for temporary use for recreation purposes by enlisted men of the maneuver division then encamped at Fort Sam Houston, Tex.

The amendment was agreed to.

The next amendment was, on page 33, line 21, after "$642,597," to insert: "*Provided*, That upon the completion of a satisfactory sidewalk approximately 600 feet in length on Revere Street, Winthrop, Mass., bordering the property of the Government at Fort Banks, the Secretary of War is authorized to pay to the town of Winthrop not exceeding $1,500 of the amount herein appropriated: *Provided further*, That one-half of the cost of said sidewalk shall be borne by the said town: *And provided further*, That the Secretary of War is authorized and directed to sell the ripe timber in the Fort Canby Military Reserve, Wash., and so much of the money received therefrom as may be needed shall be expended, under the direction of the Secretary of War, for the improvement of Fort Canby military road in said reserve which connects with the road leading from the town of Ilwaco, Wash., to the grounds of the United States life-saving station and lighthouse, and any surplus money shall be turned into the Treasury of the United States," so as to make the clause read:

Roads, walks, wharves, and drainage: For the construction and repairs by the Quartermaster Corps of roads, walks, and wharves; for the pay of employees; for the disposal of drainage; for dredging channels and for care and improvement of grounds at military posts and stations, $642,507: *Provided*, That upon the completion of a satisfactory sidewalk approximately 600 feet in length on Revere Street, Winthrop, Mass., bordering the property of the Government at Fort Banks, the Secretary of War is authorized to pay to the town of Winthrop not exceeding $1,500 of the amount herein appropriated: *Provided further*, That one-half of the cost of said sidewalk shall be borne by the said town: *And provided further*, That the Secretary of War is authorized and directed to sell the ripe timber in the Fort Canby Military Reserve, Wash., and so much of the money received therefrom as may be needed shall be expended, under the direction of the Secretary of War, for the improvement of Fort Canby military road in said reserve which connects with the road leading from the town of Ilwaco, Wash., to the grounds of the United States life-saving station and lighthouse, and any surplus money shall be turned into the Treasury of the United States.

Mr. DU PONT. Mr. President, I suggest that, on page 33, line 22, after the word "approximately," the word "six" should be changed to "sixteen." That is a typographical error.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 33, in the committee amendment, line 22, it is proposed to strike out "six" before the word "hundred" and to insert in lieu thereof "sixteen."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 34, line 23, after the word "employees," to strike out "$1,519,290" and insert "$1,539,910," so as to make the clause read:

Water and sewers at military posts: For procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance; for the installation and extension of plumbing within buildings where the same is not specifically provided for in other appropriations; for the purchase and repairs of fire apparatus, including fire-alarm systems; for the disposal of sewage, and expenses incident thereto, including the authorized issue of toilet paper; for repairs to water and sewer systems and plumbing within buildings; and for hire of employees, $1,539,910.

The amendment was agreed to.

The next amendment was, on page 35, line 11, after the word "amended," to strike out "$100,000" and insert "$155,000: *Provided*, That not to exceed $55,000 of this amount may be used for the protection of the Signal Corps building and terminal grounds of the Alaska Military Cable and Telegraph System," so as to make the clause read:

Construction and maintenance of military and post roads, bridges, and trails, Alaska: For the construction, repair, and maintenance of military and post roads, bridges, and trails in the Territory of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, as amended by the act approved May 14, 1906, and to be expended conformably to the provisions of said act as amended, $155,000: *Provided*, That not to exceed $55,000 of this amount may be used for the protection of the Signal Corps building and terminal grounds of the Alaska Military Cable and Telegraph System.

The amendment was agreed to.

The next amendment was, on page 38, after line 23, to insert:

The heads of the several executive departments are authorized to enter into contracts for the lease, for periods of not exceeding 10 years, of modern fireproof storage accommodations within the District of Columbia for their respective departments, at rates per square foot of available floor space not exceeding 25 cents, payable from appropriations that Congress may from time to time make for rent of buildings for their respective departments.

Mr. SMOOT. That is a rather unusual provision, and I should like the Senator having the bill in charge to explain it.

Mr. DU PONT. This provision was inserted upon the recommendation of the chairman of the Committee on Appropriations, and I will ask him, as he is better informed, to explain it. It has already been adopted in another bill.

Mr. WARREN. Last year in the consideration of an appropriation bill a proposition came to the committee to construct a building for the Department of Commerce and Labor at a rental price per foot very much lower than what it was then paying. It came from the same company that makes a bid now. Such provision was made in the bill referred to. It was left to the discretion of the Secretary of Commerce and Labor, and through that legislation he was able to get even lower bids than the first offered. The contract was made with other parties for a building that is now being constructed and near completion, which adds a great deal to the room and convenience and puts it all under one cover, and costs a great deal less, everything considered.

We are paying now in some cases as high as a dollar a foot, and I think in no case, except in some stable, less than about 55 cents. The report of the economy, or Cleveland, commission brought out the fact that in the War Department there are, as I remember it, 72 rooms that would be first class, or at least perfectly suitable rooms for clerks for office use, that are now used for the storage of papers.

Therefore, instead of renting high-priced buildings and paying at a rate of from 75 cents to a dollar a foot, it seemed best to allow the War Department to have the privilege of contracting for and renting a building at not exceeding 25 cents a foot, the contractor, however, to be at the expense of moving the records into the new building. It is in the interest of economy.

Mr. DU PONT. It is to be a fireproof building.

Mr. WARREN. Yes; a fireproof building. We were assured that there will be offers made of not exceeding the price of 25 cents a foot in some locality, acceptable to the Secretary of War, within two minutes' walk of the department, which will take care of these records and the records of other departments. If that is done, it will be a very large saving of money in rental. We all know that we are paying several hundred thousand dollars here in the District of Columbia for the rent of buildings.

Mr. SMOOT. Did I understand the Senator to say that the same provision has been put in appropriation bills heretofore?

Mr. WARREN. Yes.

Mr. SMOOT. For the Department of Commerce and Labor?

Mr. WARREN. Last year in an appropriation bill we provided in just this way, only at not so low a price, because we had to have an office building for the Department of Commerce and Labor. Under that authority the Secretary proceeded to get bids. He received bids lower than those made by the contractors who had given us the price. Of course, he was to get as low as he could. Very satisfactory arrangements have been made. But that building would not provide for this further need.

The amendment was agreed to.

The next amendment was, on page 39, line 10, after the words "Philippine Islands," to strike out "$491.48" and insert "$1,652.43," so as to make the clause read:

Claims for damages to and loss of private property: For settlement of claims for damages to and loss of private property belonging to citizens of the United States, Hawaii, and the Philippine Islands, $1,652.43.

The amendment was agreed to.

The next amendment was, under the subhead "Medical department," on page 39, line 13, after the word "included," to strike out "ambulance" and insert "ambulances," so as to read:

Medical and hospital department: For the purchase of medical and hospital supplies, including ambulances and disinfectants, and the exchange of typewriting machines for military posts, camps, hospitals, hospital ships, and transports; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract.

The reading of the bill was continued to line 22, on page 39.

Mr. DU PONT. I move that a comma be inserted after the word "hospitals," on page 39, line 18.

The PRESIDENT pro tempore. Without objection the amendment is agreed to.

The reading of the bill was continued.

The next amendment was in the item of appropriation for purchase of medical and hospital supplies, on page 40, line 21, after the words "Medical Department," to strike out "$750,000" and insert "$775,000," so as to read:

For the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, $775,000.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 45, line 7, after "$200,000," to strike out "*Provided*, That no part of any sum in this act appropriated shall be expended in the purchase of ordnance powder at a price in excess of 53 cents per pound or for small-arms powder at a price in excess of 65 cents per pound," so as to make the clause read:

Ordnance stores—Ammunition: Manufacture and purchase of ammunition and materials therefor for small arms for reserve supply; ammunition for burials at the National Soldiers' Home in Washington, D. C.; ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home in Washington, D. C., and soldiers' and sailors' State homes, $200,000.

Mr. BRISTOW. I wish to make some inquiry about the amendment striking out lines 8, 9, 10, and 11.

Mr. DU PONT. I will state to the Senator from Kansas that those lines were stricken out, over an objection made by me, at the instance of the chairman of the Committee on Appropriations, who requested that this action be taken by our committee in order that the amendment would go into conference and be harmonized there with the action to be taken with respect to the fortifications appropriation bill and the naval appropriation bill, in which similar items occur.

Mr. BRISTOW. My attention was called to the matter in the last few hours. A statement and a copy of the hearings in the House were transmitted to me indicating that the cost of making powder was only about 35 cents a pound; and that being the case, it would seem that ample latitude had been given in the provision which it is proposed to strike out.

Mr. WARREN. The Senator has evidently not had his attention turned to other parts of the report, which quote quite differently from that.

It is an old matter; a matter that has come up annually for many years. In the first place, we were buying all of our powder from private concerns, and the only large concern that was fitted and equipped to make Government powder in large quantities was the Du Pont Co. It seemed best for the Government, first, to know what it would cost, and also be in a position to manufacture some powder.

It was my duty in serving upon the Committee on Appropriations to work as one of the subcommitteemen on the fortifications bill, and in the Army appropriation bill we had to take up this matter of powder. We provided on the Army side, under management of Gen. Crozier, Chief of Ordnance, that we would erect a powder factory, the idea being that we would erect an establishment large enough so that the eight-hour-a-day work would leave a possible extension of three times the usual product, through three shifts of workmen, in the case of war, in the manufacture of powder, and that additions could be made to the plant in case of serious war, the fact being impressed upon us that in war times we could not buy the powder abroad, as the Senator knows. The neutrality and the comity of nations would prevent it, and it was found that it would be impossible as then equipped, with all the machinery we had in the United States, to furnish the powder we might need, or any large percentage of it, in case of actual war.

So the United States went into the manufacture of powder in this way, without the intention of undertaking to make all the powder we use, but with the intention of knowing what it would cost and what quality we wanted, and so as to insist on other powders being all right as to both price and quality.

The year after, or the next year, the Navy proceeded in the same way, and they have a powder factory. We proceeded in that way, keeping the idea in view that out of the $5,000,000 investment in Delaware, of which over $4,000,000 is for making the Government powder, they should have a certain amount of this work to do in the interest of the United States at a price that would cover the cost. I have looked at all the tables. I find that, taking Gen. Crozier's tables, they start in, like they do in the manufacture of gas or electricity, and first figure the cost of the actual material bought and of the men paid, and then they have later regarded overhead charges so far as the Government is concerned.

The charges in another table, as the Senator will find, amount to something like 45 or 48 cents; and there is no fire loss charge, because the United States pays nothing for insurance and sets apart nothing for fire risks. There is nothing for taxes, because the United States Governments pays no tax. The addition for interest is calculated at 3 per cent only, because I will say that is not the maximum but perhaps the average which the Government pays; and no regular depreciation is charged.

Last year the House put a maximum in the bill of 71 cents for powder which the Government should purchase, and we said nothing and let it go. Powder runs from about 40 cents to 98 cents or $1.05 according to the quality. Of course, putting a maximum at a certain price would permit certain powder to come in under it and would block out certain other powders.

This concern came to the United States and said, "If you will give us so much powder to manufacture, the overhead charges are about the same whether we make 5,000,000 or 1,000,000 pounds, and so are the incidentals. Give us a contract of, say, 5,000,000 pounds and we will make it at 60 cents." I think a contract was let for 5,000,000 at 60 cents. The Government officers found that they did not need that much. So they appealed, as is shown in the House hearings, to representatives of the company to know what bonus they would charge them to allow the Government to cut off the million or two million pounds that it did not need. The company responded that under the circumstances they could deliver it along at different dates to the Government—incidental to their commercial business—and they would charge nothing for the forfeit of contract; that they would be very glad to cut it down.

I believe that we ought to cut out the limits proposed, let the matter go to conference, and see what information the other House has, and see what may be done in conference, so that we may not get entangled in a situation where we would not gain anything by the provision.

Mr. BRISTOW. The purpose is to have uniformity in all of the bills regarding this matter?

Mr. WARREN. It is, and to get further information. We do not know what information the House Committee on Mili-

tary Affairs has. We propose to put it in conference, and for that purpose the clause was stricken out.

Mr. BRISTOW. What has been the experience of the Senator in regard to the powder factories that have been established by the Government? Are they successful?

Mr. WARREN. I consider them successful in the way that they are run. I am sure they act as an assurance to the Government that the Government can make a certain amount, and, furthermore, they provide us all the time with tests as to cost and quality.

Mr. BRISTOW. That is, the powder which the Government is making is costing about 35 cents for the ordnance and for the small arms about 48 cents.

Mr. WARREN. It is costing that, as I said, for the absolute outgo for material and labor.

Mr. BRISTOW. If that is the case, why should we not make all of our powder instead of paying much more to a private company?

Mr. WARREN. In order to get that it would probably require the expenditure of $5,000,000 to $10,000,000 in works and materials. It takes so much apparatus, so much for buildings, and so forth, and about our only use of our big investment would be in war times. It would be possible to get along in times of peace with moderate powder works, but in times of war we would be entirely at the mercy of other countries unless we had a tremendous establishment.

Mr. BRISTOW. I have not studied the matter sufficiently to discuss it at length, my attention only having been called to it this afternoon, but I wanted to get all the information I could. It seems to me that we are not justified in paying so much for powder, and I think that further consideration should be given to the matter.

Mr. WARREN. I can understand the way the Senator feels. If we can make our own powder, we ought to do it. I think that is right in a certain way, but we ought not to burn our bridges so that we would not have access to a certain amount of machinery in readiness to furnish us in time of war.

The amendment was agreed to.

Mr. McCUMBER. Is the bill now being considered for committee amendments only?

The PRESIDENT pro tempore. The committee amendments are first in order.

Mr. McCUMBER. I wish to call the attention of the Senator in charge of the bill to something which does not appear as an amendment but is in the body of the bill which has just been passed over.

I call the attention of the Senator to page 16, where I find two items. The first one reads:

For amount required to make monthly payment to Jennie Carroll, widow of James Carroll, late major and surgeon, United States Army, as per act of Congress approved May 23, 1908, $1,500.

Immediately following that is the same amount to Mabel H. Lazear.

The Senator will remember that these two items were passed to the Committee on Military Affairs from the Pension Committee, and while they were considered as annuities rather than pensions, nevertheless I presume it was granted by the Senate because of the death of the husband. I am informed that one of these ladies—I do not remember which one—has remarried, and I do not think that the annuity or a pension, whatever it may be called, ought to be continued if that is the case. I have no definite information on it, and I simply ask the Senator if he has any knowledge concerning it?

Mr. DU PONT. I will say to the Senator from North Dakota that this is the first intimation I have heard of such a thing. No such information has reached the committee. If any definite information can be furnished, I have no doubt the committee will take appropriate action.

Mr. BRISTOW. Mr. President, why not strike out this provision and let it go to conference? Then, in the meantime, the chairman of the committee can ascertain whether or not the statement is true.

Mr. WARREN. Mr. President, I presume the Senator from North Dakota is perfectly familiar with the origin of this legislation, and perhaps the Senator from Kansas also is. These are items providing for the widows of those officers who were patriotic enough to offer their bodies for experiment in regard to yellow fever and diseases of that kind in Cuba and other places. They lost their lives in consequence and have left large families.

Mr. BRISTOW. And if the widow remarries, of course she would not be entitled to this money.

Mr. WARREN. Possibly so. I know nothing of that; but these items come up in the regular estimates from the War Department, as they have ever since they were provided for by law.

Mr. McCUMBER. If we had proceeded as we proceed in the regular pension cases, the matter would have been covered by a general law providing that as soon as a widow is remarried the pension shall cease, and the Pension Office generally ascertains that fact; but this is to be paid out of the Army appropriations, and does not go through the Pension Office at all. Therefore it is probably incumbent upon the Committee on Military Affairs or the War Department to ascertain whether both of these ladies are still widows. I may be entirely mistaken.

Mr. DU PONT. I have no objection, I will say to the Senator, to communicating with the War Department and asking them if they have any information on the subject. The only reason——

Mr. LODGE. If this provision is not stricken out, the matter will not be open to settlement in conference.

Mr. WARREN. That is true. I should like an expression from the chairman of the Committee on Pensions about one thing. These were extraordinary cases, as the Senator knows.

Mr. McCUMBER. The amounts granted would indicate that, of course, they were extraordinary cases.

Mr. WARREN. And if, as I recall, there are quite large families of children, some of whom are yet young, and if it so be that one of these women has remarried, and has married a man who is perhaps unable to take care of this family of children, would the Senator draw that strict line which we have heretofore drawn in regard to pensions? That is another matter to be considered. On general principles, I agree with the Senator.

Mr. McCUMBER. Then we might consider the children as the children of the officer.

Mr. WARREN. Yes.

Mr. McCUMBER. But we could hardly consider a woman a widow and grant her a pension when she is a married woman.

Mr. WARREN. In that case, in conference it would be competent to consider the wants of the children.

Mr. McCUMBER. I will say that I will try to see if I can get any definite information on the subject before the bill closes. My attention has just been called to the fact which I have stated; it was so reported in one of the newspapers. Before we get through with the bill probably I may obtain definite information, and I will call the attention of the chairman of the committee to it if I do.

Mr. DU PONT. I will say that I have no objection at all to having these items provisionally stricken out, so that they may come up in conference for that purpose.

Mr. OVERMAN. Why not strike them out now, and let the matter go to conference, so as to ascertain whether the information is correct?

Mr. DU PONT. I will move, Mr. President, that the matter be stricken out.

Mr. McCUMBER. I hope the Senator will not do that, because the information I have received may not be absolutely correct. I probably can ascertain more definitely before we get through with the bill, and it had better remain for the present. I may ascertain in a few moments.

Mr. WARREN. I want to take just a moment to say, as we are now surrounded by men who have gone through wars and since, to most men, it is nothing to go out to battle and take one's life in his hands, to be shot, as compared with a proposition to submit to an inoculation, which is almost certain death, in order to save others, in order to forward the science of medicine——

Mr. DU PONT. And to benefit mankind——

Mr. WARREN. These cases are really taken out of the category of ordinary pension cases. So, I say, we ought to hesitate before this matter is finally closed, to see that we do not do injustice. I had rather be overliberal than unjust.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 46, after line 21, to insert:

Automatic machine rifles: For the purchase, manufacture, and test of automatic machine rifles, including their sights and equipments, to be available until the close of the fiscal year ending June 30, 1915, $150,000.

The amendment was agreed to.

The next amendment was, on page 48, line 6, after the date "nineteen hundred and twelve," to insert: "*Provided*, That hereafter appropriations made for the Ordnance Department shall be available for the payment of royalties on all royalty contracts made during the availability of such appropriations," so as to make the clause read:

The sum of $13,913.25, a part of the sum of $200,000 appropriated by the act of March 3, 1909, for automatic rifles, and set aside by the

Ordnance Department for payment of royalties, is hereby made available for the payment of such royalty on automatic rifles completed during the fiscal year 1912: *Provided*, That hereafter appropriations made for the Ordnance Department shall be available for the payment of royalties on all royalty contracts made during the availability of such appropriations.

The amendment was agreed to.

The next amendment was, on page 48, after line 18, to insert:

On and after July 1, 1913, courts-martial shall be of three kinds, namely: First, general courts-martial; second, special courts-martial; and third, summary courts-martial.

General courts-martial may consist of any number of officers from 5 to 13, inclusive.

Special courts-martial may consist of any number of officers from three to five, inclusive.

A summary court-martial shall consist of one officer.

The President of the United States, the commanding officer of a territorial division or department, the Superintendent of the Military Academy, the commanding officer of an army, a field army, an army corps, a division, or a separate brigade, and, when empowered by the President, the commanding officer of any district or of any force or body of troops may appoint general courts-martial whenever necessary; but when any such commander is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

The commanding officer of a garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a regiment, detached battalion, detached company, or other detachment may appoint summary courts-martial for his command; but such summary courts-martial may in any case be appointed by superior authority when by the latter deemed desirable: *Provided*, That when but one officer is present with a command he shall be the summary court-martial of that command and shall hear and determine cases brought before him.

General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by the Articles of War and any other person who by statute or by the law of war is subject to trial by military tribunals: *Provided*, That no officer shall be brought to trial before a general court-martial appointed by the Superintendent of the Military Academy.

Special courts-martial shall have power to try any person subject to military law, except an officer, for any crime or offense not capital made punishable by the Articles of War: *Provided*, That the President may by regulations, which he may modify from time to time, except from the jurisdiction of special courts-martial any class or classes of persons subject to military law.

Special courts-martial shall have power to adjudge punishment not to exceed confinement at hard labor for six months or forfeiture of six months' pay, or both, and in addition thereto reduction to the ranks in the cases of noncommissioned officers, and reduction in classification in the cases of first-class privates.

Summary courts-martial shall have power to try any soldier, except one who is holding the privileges of a certificate of eligibility to promotion, for any crime or offense not capital made punishable by the Articles of War: *Provided*, That noncommissioned officers shall not, if they object thereto, be brought to trial before a summary court-martial without the authority of the officer competent to bring them to trial before a general court-martial.

Summary courts-martial shall have power to adjudge punishment not to exceed confinement at hard labor for three months or forfeiture of three months' pay, or both, and in addition thereto reduction to the ranks in the cases of noncommissioned officers and reduction in classification in the cases of first-class privates: *Provided*, That when the summary court officer is also the commanding officer no sentence of such summary court-martial adjudging confinement at hard labor or forfeiture of pay, or both, for a period in excess of one month shall be carried into execution until the same shall have been approved by superior authority.

Articles 72, 73, 75, 81, 82, and 83 of section 1342 of the Revised Statutes; the first section of an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, as amended by the first secton of an act approved June 18, 1898 (30 Stats., 483, 484), are hereby repealed.

Mr. DU PONT. I offer an amendment on behalf of the committee to the amendment, on line 9, page 52, after the word "repealed," to add the words which I send to the desk, the object being not to interfere with the courts actually in session at the time this provision of law goes into effect.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 52, line 9, after the word "repealed," it is proposed to add:

But courts-martial duly and regularly convened in orders issued prior to the date when this act takes effect and in existence on that date, under Articles of War hereby repealed, may continue as legal courts for the trial of cases referred to them prior to that date with the same effect as if this act had not been passed.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. BRISTOW. Mr. President, on page 48, after line 18, I desire to offer an amendment, which I will read:

After January 1, 1914, no moneys appropriated in this bill for the purchase and maintenance of vehicles, other than automobile trucks, shall be used for the purchase and maintenance of any vehicles that are not drawn exclusively by mules.

Mr. WARREN. Whose mules?

Mr. LODGE. Mr. President, I should like to know more about that amendment before it goes through. It is clearly subject to a point of order. It is general legislation.

Mr. BRISTOW. I do not think it is subject to a point of order.

Mr. LODGE. It is general legislation.

Mr. BRISTOW. No; it relates to specific appropriations contained in this bill, and provides how they shall be expended.

Mr. BRANDEGEE. It is a limitation on the appropriation.

Mr. BRISTOW. It is not general legislation at all, but is a limitation on the appropriation.

Mr. LODGE. The point at which the Senator offers it relates to the loan of tents by the Secretary of War to the Grand Army of the Republic and Confederate Veterans.

Mr. BRISTOW. Evidently the Senator did not pay close attention to the reading of the amendment. It is a separate paragraph and reads:

After January 1, 1914, no moneys appropriated in this bill for the purchase and maintenance of vehicles other than automobile trucks shall be used for the purchase and maintenance of any vehicles that are not drawn exclusively by mules.

The mule is an American animal, and a very useful one, and is hardier than the horse in the drawing of heavy loads.

Mr. BRANDEGEE. Is he exclusively American?

Mr. BRISTOW. He may not be exclusively American.

Mr. WARREN. What about automobiles?

Mr. BRISTOW. The amendment cuts out the automobiles, of course.

Mr. WARREN. Then, you would have to buy more wagons.

Mr. BRISTOW. Wagons are cheaper than automobiles, anyway; and I, for one, am tired of having my life endangered by automobiles that are driven by subordinate Government officials, with the name "Quartermaster's Department," or something like that, painted on them in nonpareil type.

Mr. SUTHERLAND. Does not the Senator think that a mule is quite as deadly as an automobile?

Mr. BRISTOW. He is not quite so speedy.

Mr. BRANDEGEE. It depends upon which end you have reference to. [Laughter.]

Mr. BRISTOW. I think my amendment would be a most excellent provision to incorporate in this bill, and would stop a very noxious abuse.

The PRESIDENT pro tempore. Does the Senator from Massachusetts make the point of order against the amendment?

Mr. LODGE. I think it is subject to the point of order, though I recognize it is a limitation. It is, however, very general in its character, affecting an entire branch of the service.

Mr. BRISTOW. It affects nothing except the appropriations we are now making.

Mr. LODGE. It affects only Army appropriations, but it is apparently designed for the promotion, development, and increase of mules.

Mr. BRISTOW. It is to prevent the misuse of the moneys we are now appropriating.

Mr. TILLMAN. And incidentally to make a market for mules. [Laughter.]

Mr. BRISTOW. Oh, no. I do not care anything about mules, except I think they are good beasts of burden.

Mr. LODGE. I make the point of order against the amendment, Mr. President.

The PRESIDENT pro tempore. The Chair does not think the point of order is well taken. The amendment relates strictly to the subject matter of the appropriation.

Mr. WARREN. Mr. President, in private business I have advised people to do something like the Senator from Kansas is advocating for the Army—to get as many mules as they could. They can be bought down in the southern part of the country quite freely; but I think this amendment is so sweeping that, instead of being a matter of economy and accommodation, it will obstruct and impede the proper handling of the vehicles of the Medical Department, the Quartermaster Corps, and other branches of the service. I should like to see an amendment of that kind have a little further consideration. I should like to hear what the responsible officers of the Army, who have charge of the administration of the law, have to say about it. I presume that what the Senator is aiming at particularly—and I have no fault to find with his amendment in that respect—is the abuse, in a private way, of the privileges of public vehicles and conveyances. I agree with him that that ought to be checked to the very last degree; but here is the entire Army, scattered all over this country, with quite a proportion of it at other points, with its ambulances and doughertes, light driving and freight wagons, one part arranged for horses and another part, of course, for automobiles. I should like to know what effect a change brought about on such short notice would have on the expense of the Army.

Mr. BRISTOW. I think, indeed, it will result in economy. As the Senator knows, in the various sections of the country, mules are now used for the drawing of these ordnance and commissary wagons. It is principally directed to the city of Washington, where Government officials drive thousand-dollar horses behind elegant vehicles, or buy automobiles for the use of a few people, who use them principally for private purposes, though they are provided at public expense.

Mr. WARREN. The Senator is both right and wrong. He is right in saying that mules are used; that is true; but he is wrong in saying that they are exclusively used outside of Washington. He is quite wrong in that, because a great many of the posts use horses. I presume if the Senator will examine the posts in his own State he will find that a large proportion of the motive power is horses instead of mules.

Mr. BRISTOW. That has not been my observation.

Mr. WARREN. I will say to the Senator that I do not want to be led into any depreciation of the mule. I have recognized their utility for a good many years, and I wish we had more of them. It may be that we can eventually land in the territory which the Senator is laying out for us; but it is a little bit sudden, if I may use the expression, to put it without previous consideration into an appropriation bill.

Mr. DU PONT. Mr. President, if the Senator will permit me, I stand, as I assume, with every other member of the committee, in favor of all reasonable and proper economies and as opposed to all abuses of the public transportation. But this matter has not been considered in the committee at all and was not brought up there. It is impossible to tell in advance what the actual results would be—whether they would be immediately expensive or immediately economical. It may be that in some places special conditions exist where the adoption of this amendment would result for the moment in a larger expenditure; and if that is the case, it would be in order to see whether, by making this larger expenditure for the moment, we could in the future produce great economies. All those things must be weighed.

Then there is a question in my mind about the care of the sick and the transportation of the sick to hospitals, as to whether they would be content to be carried in ambulances drawn by mules. There are a great many special questions that should be examined. I hope the matter will be more carefully investigated before we pass on it.

Mr. BRISTOW. I think the Senator will find that the ambulances are drawn by mules now. At least, that has been my observation.

Mr. DU PONT. Not in this city.

Mr. BRISTOW. They may not be in this city, but they are in different parts of the country.

Mr. JOHNSTON of Alabama. I want to say that I am heartily in sympathy with the purpose of the Senator from Kansas in regard to this abuse of the purchase of unnecessary automobiles by officials of the Government; but his amendment would affect transportation facilities that I think it would hardly be proper to affect, because I am informed that the Quartermaster's Department have some steam automobile trucks, which they use in moving their very heavy freight.

Mr. BRISTOW. I have excluded trucks.

Mr. JOHNSTON of Alabama. The Senator has excluded them?

Mr. BRISTOW. Yes; automobile trucks are excluded. They are not within the inhibition of this amendment.

Mr. BBANDEGEE. I ask that the amendment may be again reported.

The PRESIDENT pro tempore. The amendment will be stated by the Secretary.

The SECRETARY. On page 48, after line 18, it is proposed to insert:

After January 1, 1914, no moneys appropriated in this bill for the purchase and maintenance of vehicles, other than automobile trucks, shall be used for the purchase and maintenance of any vehicles that are not drawn exclusively by mules.

Mr. BRANDEGEE. Mr. President, let me ask the Senator from Kansas, why should not the Army be allowed to have vehicles drawn by horses if it wants to?

Mr. BRISTOW. The purpose of this amendment is to eliminate an abuse. I have been advised that the Army is paying as high as $1,000 apiece for horses to draw carriages for the convenience and pleasure of Army officers and their families.

Mr. WARREN. Mr. President, I wish the Senator would give us his authority for that statement.

Mr. BRISTOW. I have seen it in the papers, and I have been advised that it is true by those who claim to know. Certainly I have seen horses on the streets of Washington drawing carriages of the Quartermaster's Department that I know were very expensive spans, and the equipage was very elegant. I think that is an outrageous abuse, and I want to stop it. The pride of these people will prevent them from riding behind a team of mules, and the mules will do the work that we want done better than the horses will. He is a better animal for the hard work of the Government, though not so well suited for pink-tea occasions.

Mr. WARREN. The Senator is mistaken about that. A great many would prefer to ride behind a mule rather than a horse, while others would prefer to ride behind a horse rather than a mule.

Mr. BRISTOW. That would depend upon the occasion.

Mr. WARREN. I take issue with the Senator on the matter of high-priced horses. We had an opportunity not long since, in the matter of these remounts, breeding horses, et cetera, to purchase some very expensive horses for a not large price—inside of a thousand dollars. We were immediately met with the objection that we could not pay over $200, I think, or it might have been $175, each for them. While there may be elegant horses being ridden or being driven, as the Senator knows, there is an allowance made to any officer entitled to a horse to ride who furnishes his own horse. A great many officers buy high-priced horses, and receive from the Government $150 a year instead of being furnished with a horse.

I feel just as the Senator does about automobiles and fine horses being bought by the Government and used by officers for private use, but I find that spans of horses are owned by those officers that can afford them. Furthermore, you will often find an officer of high grade, especially here in Washington, who owns his own automobile. It is hardly fair because an officer rides in his own automobile to inveigh against the entire Government ownership of automobiles.

Mr. BRISTOW. This does not affect him at all.

Mr. WARREN. The Senator will find that a great many horses are being ridden by their owners under this allowance.

Another thing: I have been running this matter over in my mind since the Senator spoke. Except on the frontier, the transportation is very largely made, and economically made, with horses. To make a sudden change of this kind would throw onto the market, or, rather, would condemn in itself, a very large number of horses, and, on the other hand, would put us into the market for a large number of mules, the price of which would, of course, be greatly advanced if we made the purchase of a great many in a short time.

Mr. BRISTOW. I will say that this amendment was originally suggested by an Army officer of high rank, who thought it would be a mighty good thing if such a provision were incorporated in the Army appropriation bill, and he thought it would accomplish a good purpose.

Mr. BRANDEGEE. Mr. President, if I understand the Senator from Kansas, his motive is economical administration of the Government.

Mr. BRISTOW. Proper administration and economical administration, of course; yes.

Mr. BRANDEGEE. The Senator has stated that the horses that are bought cost too much. Instead of attempting to differentiate between the breeds of animals that are to be employed by the Government, why does not the Senator lay his amendment upon the basis of the expense of the animals employed by the Quartermaster Department, irrespective of whether they are mules or horses, or any other kind of animal? I should think it would be more appropriate to provide that no draft animal purchased by the department should cost more than so much money, and leave it to the discretion of the purchaser to decide which is best adapted for the particular location where the animal is to be used. A horse might be better in some localities, and a mule in others.

Mr. BRISTOW. That might be; but that limitation would be somewhat difficult to enforce, because some heavy draft teams of mules would be expensive.

Mr. BRANDEGEE. My suggestion proceeds upon this theory, Mr. President: I am perfectly sure there are mules to be bought in the market that cost a good deal more than the ordinary first-class horse.

Mr. BRISTOW. Yes.

Mr. BRANDEGEE. A first-class mule is a very valuable animal.

Mr. DU PONT. A very expensive animal.

Mr. BRANDEGEE. The limitation suggested by the Senator would not necessarily reduce the expense. If the Government should purchase the best mules in the market, I have no doubt the expense would be much more than it is at present in the purchase of horses.

Mr. DU PONT. I would suggest to the Senator from Kansas that he should limit his amendment, as a preliminary step, to the city of Washington, and see what the effect would be there,

and then if found desirable, perhaps it could be extended to the whole country.

Mr. TOWNSEND. Mr. President, do I understand the Senator to mean that this limitation should extend for longer than the next four years?

Mr. BRISTOW. No; during the operation of this bill.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment offered by the Senator from Kansas [Mr. BRISTOW.] [Putting the question.] The Chair is in doubt.

Mr. BRISTOW. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. SUTHERLAND. Mr. President, I offer the amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment offered by the Senator from Kansas has not yet been disposed of. There were so few voting that the Chair was about to put the question again. [Putting the question.] By the sound the "noes" have it. The "noes" have it, and the amendment is rejected.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. The Senator from Utah first addressed the Chair.

Mr. SUTHERLAND. I offer the amendment, which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 9, line 6, after the numerals, it is proposed to insert the following:

Provided, That the words "civil-service employees" used in section 4 of "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes," are hereby declared to extend to and include all employees in the unclassified service under the jurisdiction of the War Department, not accompanying troops in the field.

Mr. SUTHERLAND. Mr. President, I hope that amendment will not be antagonized by the chairman of the committee. I think it is a very necessary amendment. Section 4 of the Army appropriation bill of last year provided:

That as soon as practicable after the creation of a Quartermaster Corps in the Army not to exceed 4,000 civilian employees of that corps, receiving a monthly compensation of not less than $30 nor more than $175 each, not including civil engineers, superintendents of construction, inspectors of clothing, clothing examiners, inspectors of supplies, inspectors of animals, chemists, veterinarians, freight and passenger rate clerks, civil-service employees, and employees of the classified service, employees of the Army transport service and harbor boat service, and such other employees as may be required for technical work, shall be replaced permanently by not to exceed an equal number of enlisted men of said corps.

The purpose of that amendment seems to have been to get rid of about 4,000 of the civilian employees of this corps and to put in their places permanently the enlisted men of the Army.

I have no objection to that so long as it is applied to that corps when it is in the field; but it ought not to be applied to those employees who are engaged in the cities or about the quartermasters' depots. I think it is a very great mistake to put in the place of these civilian employees, engaged in these cities and about the quartermasters' depots, these enlisted men.

It is bad for two or three reasons. In the first place, farther along in this same section provision is made for the enlistment of 6,000 men in this corps, the evident purpose being by that means to bring pressure upon the civilian employees to enter service in the Army. The rule under which enlistments are made is that they shall be confined to unmarried men. The consequence of the operation of the rule is that married men are thrown out of employment, and unmarried men take their places.

Everybody understands perfectly that the employee who is married is ordinarily a better employee, and can be more depended upon, than the single man; so that that result is unfortunate. I think it is a great mistake to have a provision of this kind which operates as a pressure upon men, which compels them to enlist in the Army rather than to lose their jobs.

As I understand the position of the Quartermaster General, he is not opposed to a provision of this character as I have now drawn it. I call attention to the hearings before the Senate committee, on page 18, where Gen. Aleshire, the Chief of the Quartermaster Corps, stated:

A number of unclassified civilian employees required to accompany troops in the field, such as assistant wagon masters, cargadors, teamsters, and laborers, have already been replaced by enlisted men of the Quartermaster Corps under the provisions of section 4, Army appropriation act, fiscal year 1913. The proposed amendment, if enacted would continue in their respective positions all of the employees who had not been replaced upon the date of approval of the act, and thereby nullify in a great measure the operation of section 4 of the act making appropriation for the support of the Army for the fiscal year 1913.

Then he continues—and this is what I call attention to:

The personnel accompanying troops in the field would be in part civilian employees and in part enlisted men of the Quartermaster Corps, which is considered undesirable.

I quite agree with that statement, that it would be undesirable, and the amendment which I have proposed excludes men engaged in that particular service. Then he proceeds:

In the opinion of this office the proposed amendment declares the intent of Congress in enacting the original section, and thereby may make this intent retroactive and thus give unclassified employees who have been separated from the service a claim for reemployment in the positions from which discharged when replaced by an enlisted man.

Of course, he is mistaken about that. It is not intended to be retroactive, and unless it provided in express terms that it should be retroactive, of course it could not be given that construction.

Then he concludes:

In this connection it may be remarked that all classified employees are secure in their positions under the present law, and no unclassified employees in cities, at general depots of the Quartermaster Corps, such as packers, teamsters, and laborers, have been discharged for the purpose of filling the position with an enlisted man, nor is it the intention of this office to do so in the future.

It being true, as he says, that it has not heretofore operated so as to put the enlisted men in the place of these civilian employees, and it being the intention of the Quartermaster not to do that in the future, certainly the amendment which I have proposed carries out the announced policy of the department.

I trust the chairman of the committee will consent to the amendment.

Mr. DU PONT. Mr. President, I am always desirous of extending all possible courtesies to the Senator from Utah; but I can not accept the amendment on the part of the committee, for the reason that the matter was discussed in the committee and unanimously rejected, for reasons based on this very letter to the Secretary of War, signed by the Quartermaster General of the Army, who recommends that the proposed amendment be not favorably considered, and be adversely reported upon. I do not see how the committee could rescind their action, in view of the fact that they have already discussed this matter.

Mr. SUTHERLAND. If the Senator will permit me, I will call his attention to the fact that the amendment which was being considered has now been altered by the addition of the words "not accompanying troops in the field," and as thus amended it clearly agrees with the announced policy of the Quartermaster General himself. I can not see the slightest objection to putting that sort of an amendment in. He says in his report:

In this connection it may be remarked that all classified employees are secure in their positions under the present law, and no unclassified employees in cities, at general depots of the Quartermaster Corps, such as packers, teamsters, and laborers, have been discharged for the purpose of filling the position with an enlisted man, nor is it the intention of this office to do so in the future.

That being the announced policy of the department, why should there be any objection to making it clear in this law? On the other hand, if the department undertakes to depart from that policy in the future, in my judgment it would be doing an exceedingly unwise thing, which this amendment will prevent.

Mr. DU PONT. Owing to the very fact that it is stated—

That all classified employees are secure in their positions under the present law, and no unclassified employees in cities, at general depots of the Quartermaster Corps, such as packers, teamsters, and laborers, have been discharged for the purpose of filling the position with an enlisted man, nor is it the intention of this office to do so in the future.

In the opinion of the committee it is unnecessary to put this legislation into the Army appropriation bill. Under the circumstances I must confess that it seems to me to be clearly susceptible to the point of order that it is general legislation, and I make the point of order.

Mr. SUTHERLAND. I want to be heard for a moment on the point of order, but before I do it, if the Senator will withhold it——

Mr. DU PONT. Certainly; I withhold it.

Mr. SUTHERLAND. I want to make another suggestion to him. I thought it quite likely the Senator would give the reply he now makes, that inasmuch as it is the policy of the department it is unnecessary to put it into the law. But the Senator overlooks the suggestion which I made, that the effect of this legislation is to operate as a pressure upon these civilian employees to enlist against their own desire in the Army. That that is so I call attention to two letters written by the Quartermaster General.

Mr. DU PONT. May I interrupt the Senator from Utah for a moment?

Mr. SUTHERLAND. Certainly.

Mr. DU PONT. I understand that now they can not enlist if they are married men. Therefore it is a pressure which can only come to those who are single men.

Mr. SUTHERLAND. That is quite true.

Mr. DU PONT. I understood the Senator to say a short time ago that most of these men were married.

Mr. SUTHERLAND. No; I did not. I do not know what proportion of them are married; but I stated that the effect of the legislation was, so far as the law was put in operation, to put married men out of employment and unmarried men in to the extent to which the unmarried men enlist.

Mr. DU PONT. I misunderstood the Senator.

Mr. SUTHERLAND. The Quartermaster General says, among other things, in a letter which I have in my hand:

Employees at depots who were appointed from the unskilled civil-service lists, who are under 45 years of age, will be required to enlist, and refusing enlistment their places will be filled by enlisted men of the Quartermaster Corps of the Army.

In another letter he says:

In view of the wording of the law and the decision of the Secretary of War, it would appear that unless the law is changed the unclassified employees must be discharged in order that men may be enlisted.

Statements of that kind coming from the War Department rather compel the civilian employees, in order to feel secure in their positions, to enlist in the Army, and I object to that sort of thing. I should object to a conscription act in a time of peace, and this very nearly approaches that kind of an act.

As to the point of order, Mr. President, the amendment suggested is clearly in order, because it is a limitation upon the appropriation for the pay of these identical enlisted men, amounting to the sum of $810,000. To the extent that my amendment will alter the law, it will affect the amount of that appropriation which will be expended.

The PRESIDENT pro tempore. Will the Senator please restate his point again? The Chair did not exactly hear it.

Mr. SUTHERLAND. The bill makes an appropriation for the pay of enlisted men, Quartermaster Corps, and additional pay for length of service, $810,000. That appropriation is for these identical enlisted men who are to take the places of the civilian employees. Under the terms of the law as it now exists these civilian employees can be put out of their positions and enlisted men put in, and these enlisted men would take their places and will share in this appropriation of $810,000.

The effect of my amendment is to limit the provisions of existing law so as to prevent a certain proportion of the civilian employees from being eliminated from the service, and of course to that extent it will operate as a limitation upon the expenditure of the appropriation.

The PRESIDENT pro tempore. The point the Senator makes is that it does not increase, but limits the amount.

Mr. SUTHERLAND. Precisely. It will limit the amount of the expenditure.

Mr. DU PONT. My point of order, Mr. President, is that it is new legislation. It has not only been dealt with by the committee, but it has been formally disapproved by the committee.

Mr. SUTHERLAND. That does not settle it with the Senate, I trust.

The PRESIDENT pro tempore. Unless the Senator from Delaware desires to say something in response to the argument as to the point of order, the Chair will overrule the point of order, the intention being undisputed, the Chair understands, to limit the appropriation. The question, then, is on agreeing to the amendment submitted by the Senator from Utah.

The amendment was agreed to.

Mr. OVERMAN. I offer an amendment to come in on page 12, line 2. I ask that it be read.

The PRESIDENT pro tempore. The amendment submitted by the Senator from North Carolina will be read.

The SECRETARY. In line 2, page 12, after the amount "$10,400," insert the following proviso:

Provided, That hereafter the number of majors in said department shall be seven.

Mr. OVERMAN. I wish to say that is strongly recommended by the Secretary of War and the Judge Advocate General. I think the chairman of the committee understands it, and he will probably accept the amendment.

Mr. DU PONT. I understand the question fully. I have heard it discussed a great many times, and it has been repeatedly recommended by the Secretary, both in writing and to me personally, and by the Judge Advocate General as well. I really think that it will be for the benefit of the service, and under the circumstances I will therefore accept the amendment.

The amendment was agreed to.

Mr. OVERMAN. I ask that an extract from a letter of the Secretary of War which I send to the desk in support of the amendment just agreed to may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 20, 1913.

Hon. H. A. DU PONT,
Chairman Committee on Military Affairs,
United States Senate, Washington, D. C.

SIR: I desire to invite your attention to the following suggestions as to legislation touching the Army and the War Department, with the recommendation that the suggestions be considered with a view to legislative action during the current session of Congress.

I. Legislation to increase the personnel of the Judge Advocate General's Department and to place it on a detail basis similar to that prescribed for the Ordnance Department.

In view of the wide range, great importance, and increasing volume of the work of the Judge Advocate General's Department, made strikingly manifest during the past year, it is certain that any reorganization of the Army will involve a considerable increase in the commissioned personnel of that department. Pending the completion of plans for such reorganization, recommendation as to what the increase should be is deferred. I therefore limit my recommendation at this time for further legal personnel in the Army to that imperatively needed in the Judge Advocate General's office in the War Department. The requirements made of that office necessitate the presence of a greater number of commissioned assistants to the Judge Advocate General than can be supplied from the small commissioned personnel of the department, and it has been found necessary to detail one line officer for duty in the office, that officer being required to do the work and assume the responsibilities which should naturally fall upon officers commissioned in the department. Observation during the past year and a half has led me to the definite conclusion that the public interest demands an immediate increase of at least one officer in the Judge Advocate General's Department, in order that the increasing volume of business requiring legal attention in the Judge Advocate General's office may be expeditiously and efficiently disposed of. I therefore recommend the addition of at least one major to the commissioned personnel of the department.

Since the passage of the act of February 2, 1901 (31 Stat., 755), the detail system has been applicable to all staff departments of the Army normally recruited from the line, but in the Judge Advocate General's Department, in which the detail system was first introduced in 1884 (sec. 1, act of July 5, 1884, 23 Stat., 113), it has been applicable only to the lowest grade, that of captain (sec. 15, act of Feb. 2, 1901, 31 Stat., 751). The work required of the Judge Advocate General's Department is highly technical in character and is constantly increasing in volume, complexity, and importance. The Judge Advocate General is of the opinion, in which I concur, that under the detail system now applicable to the Ordnance Department, involving as it does competitive qualification for entry into the department and the necessity for defending tenure therein by meritorious work, there will be greater assurance of securing and maintaining the high-grade commissioned personnel necessary to the efficient administration of the Judge Advocate General's Department.

It is therefore recommended that, in addition to the increase suggested above, the detail system now applicable to the Ordnance Department be made applicable to the Judge Advocate General's Department. The plan thus suggested may be given legislative expression in substantially the following form:

That the Judge Advocate General's Department is hereby increased by one major, the vacancy thus created to be filled in accordance with existing law, and hereafter the provisions of section 26 of the act of February 2, 1901, as modified for the Ordnance Department by section 2 of the act of June 25, 1906, and by the act of March 3, 1909, shall be held to include the Judge Advocate General's Department: *Provided*, That the board of officers which is to recommend officers for detail in the Judge Advocate General's Department shall be composed of officers of that department: *And provided further*, That acting judge advocates may be detailed for tactical brigades, and when not immediately required for service with geographical departments or tactical divisions or brigades, acting judge advocates may be assigned to such other legal duty as the exigencies of the service may require.

* * * * * * *

Mr. TILLMAN. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 7, after line 8, insert:

That nothing contained in the proviso under the heading "Pay of officers of the line" in the act approved August 24, 1912, entitled "An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes," shall be held to apply to the service of Capt. Frank Parker, United States Army, for the period necessary for him to complete his present tour of duty at L'Ecole de Guerre, France.

The amendment was agreed to.

Mr. WORKS. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend by inserting, after line 18, page 49, the following:

That the Pacific Branch of the National Home for Disabled Volunteer Soldiers, located at Santa Monica, Cal., together with all property, including furniture and the records pertaining exclusively to said branch home, be, and the same is hereby, transferred to the War Department, such transfer to be effective July 1, 1913; and on and after said date the said branch home shall be under the jurisdiction and control of the Secretary of War, and all appropriations therefor shall be expended under his direction and accounted for as other appropriations for the War Department; and the Secretary of War is hereby authorized to impose such conditions as he may deem advisable for the admission or retention of those entitled to membership under existing laws who are receiving a pension in excess of $20 per month.

Mr. DU PONT. Mr. President, the amendment proposed by the Senator from California is in harmony with the recommendations of the subcommittee of the Committee on Military Affairs, which carefully investigated the whole subject. I will therefore accept the amendment.

The amendment was agreed to.

Mr. BRISTOW. Following the amendment which has just been adopted, I offer an amendment. I think I have framed it now so as to remove the objection to it from the chairman of the committee and the Senator from Wyoming. I send it to the desk to be read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment just agreed to on page 48 insert:

After January 1, 1914, no moneys appropriated in this bill for the purchase and maintenance of vehicles that are used in the District of Columbia, other than automobile trucks, shall be used for the purchase, maintenance, or use of any vehicles that are not drawn exclusively by mules.

Mr. GALLINGER. I should like to hear the amendment read again, Mr. President.

The Secretary again read the amendment.

Mr. WARREN. We all love the mule and we respect the horse; but it seems to me that the proposed amendment is an invidious distinction and a sin against the horse that I will not be able to support.

Mr. BRISTOW. Mr. President, the Senator from Wyoming understands the purpose of the amendment. As it was originally drawn he objected to it because he said it might in some sections of the country where mules are not easily obtained result in added expense. But that could not be the case in the District of Columbia. The purpose, as the Senator well knows, is to stop an abuse which I think is scandalous, that of using Government property for private purposes in the District of Columbia.

There is not a Senator here who, when he walks down the streets any day when the weather is pleasant, does not see officers of the Army and of the military establishment using horses and carriages and automobiles for private purposes that are maintained at public expense. We undertake to cut out this abuse as much as we can in the civil establishment, but the abuse is much more widespread, I think, from the military appropriations than from any other of the appropriation bills.

This is not a joke; it is simply a scandal, and this is a means that I think will effectively break it up.

Mr. TOWNSEND. Mr. President, if I understood the Senator from Kansas correctly, his object in adopting the mule was to prevent officers from using it, because he would not want to drive a mule down the street. I have understood that the mule was never more popular than now. If it were wanted really to accomplish this particular purpose, it seems to me we had better adopt oxen, because if we had that as a means of locomotion it is quite certain no officer would drive down the street; and that is, I understand, what we are trying to prevent.

Mr. GALLINGER. Mr. President, I was not in the Chamber when this matter was up a few moments ago, and I have just heard the proposed amendment read with interest and astonishment. I do not think it ought to be agreed to. If the Senator from Kansas should offer an amendment to absolutely prohibit the use of public moneys for the purposes indicated in his amendment, I would have some sympathy with it, but I do not think we ought to gratuitously slur Army officers and thus make ourselves subject to the criticism that will fall upon us if we adopt an amendment of that kind. Therefore I feel constrained to make the point of order against it.

Mr. BRISTOW. The point of order has been made, and it was decided that the amendment is in order. It is simply a limitation upon the expenditure of the money.

Mr. GALLINGER. I was not aware of that fact. If the Chair has decided that, of course I submit to the decision of the Chair. Then, Mr. President, I move to lay the amendment on the table.

The PRESIDENT pro tempore. The Senator from New Hampshire moves to lay the amendment on the table.

Mr. BRISTOW. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	McCumber	Smith, Ga.
Bacon	du Pont	Martin, Va.	Smith, Md.
Borah	Fall	Martine, N. J.	Smith, Mich.
Bourne	Fletcher	Nelson	Smoot
Brandegee	Foster	Oliver	Stephenson
Bristow	Gallinger	Overman	Stone
Bryan	Gamble	Page	Sutherland
Burton	Jackson	Percy	Swanson
Chamberlain	Johnston, Ala.	Perkins	Thomas
Clapp	Jones	Pomerene	Thornton
Clark, Wyo.	Kenyon	Richardson	Townsend
Culberson	Kern	Root	Warren
Cullom	La Follette	Sheppard	Webb
Cummins	Lippitt	Simmons	Williams
Curtis	Lodge	Smith, Ariz.	

The PRESIDENT pro tempore. On the call of the roll 59 Senators have answered to their names. A quorum of the Senate is present.

Mr. GALLINGER. A quorum having been developed, I ask that the amendment be again stated.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 48, line 18, after the amendment already agreed to in that place, insert the following:

After January 1, 1914, no moneys appropriated in this bill for the purchase and maintenance of vehicles that are used in the District of Columbia other than automobile trucks shall be used for the purchase, maintenance, or use of any vehicles that are not drawn exclusively by mules.

The PRESIDENT pro tempore. The Senator from Kansas [Mr. BRISTOW] offers the amendment which has just been read, and the Senator from New Hampshire [Mr. GALLINGER] moves to lay the amendment on the table. Upon that question the yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I do not see him in the Chamber, and I transfer my pair to the Senator from New Mexico [Mr. CATRON] and vote. I vote "yea."

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. I therefore withhold my vote.

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP].

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED]. If he were present, I would vote "yea." I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], and I therefore withhold my vote.

The roll call was concluded.

Mr. GUGGENHEIM. I wish to inquire if the senior Senator from Kentucky [Mr. PAYNTER] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. GUGGENHEIM. I withhold my vote, as that Senator is absent.

Mr. DILLINGHAM. I observe that the senior Senator from South Carolina [Mr. TILLMAN] has not voted, and as I have a general pair with that Senator I withhold my vote. Were he present, I would vote "yea."

Mr. KERN. I inquire if the junior Senator from Kentucky [Mr. BRADLEY] has voted.

The PRESIDENT pro tempore. The Chair is informed that Senator has not voted.

Mr. KERN. Having a general pair with the junior Senator from Kentucky, I withhold my vote.

The result was announced—yeas 35, nays 21, as follows:

YEAS—35.

Ashurst	Fletcher	Martine, N. J.	Stephenson
Bankhead	Foster	Myers	Sutherland
Bourne	Gallinger	Oliver	Swanson
Brandegee	Gamble	Percy	Thornton
Burnham	Jackson	Perkins	Townsend
Crane	Lippitt	Root	Warren
Culberson	Lodge	Smith, Ariz.	Webb
Cullom	McLean	Smith, Md.	Wetmore
du Pont	Martin, Va.	Smoot	

NAYS—21.

Bacon	Clarke, Ark.	Kern	Sheppard
Borah	Crawford	McCumber	Smith, Ga.
Bristow	Fall	Nelson	Thomas
Bryan	Johnston, Ala.	Overman	
Burton	Jones	Page	
Chamberlain	Kenyon	Pomerene	

NOT VOTING—39.

Bradley	Dillingham	Lea	Shively
Brady	Dixon	Massey	Simmons
Briggs	Gardner	Newlands	Smith, Mich.
Brown	Gore	O'Gorman	Smith, S. C.
Catron	Gronna	Owen	Stone
Chilton	Guggenheim	Paynter	Tillman
Clapp	Hitchcock	Penrose	Watson
Clark, Wyo.	Johnson, Me.	Poindexter	Williams
Cummins	Kavanaugh	Reed	Works
Curtis	La Follette	Richardson	

So Mr. BRISTOW's amendment was laid on the table.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CURTIS. Mr. President, I heretofore gave notice that I would call up the District of Columbia appropriation bill immediately after the bill which has just been passed was disposed

of; but the print of the District bill, I am informed, will not be delivered in the Senate Chamber for a few minutes. I understand the Senator from Minnesota [Mr. NELSON] is ready to proceed on the bill which was under discussion yesterday.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. NELSON. Mr. President, I propose for a few moments to express my views upon the bill now pending before the Senate, known as the Connecticut River bill. I do not intend to enter into an extensive or academic discussion of the subject. I propose briefly to state the character of the bill, the rights that it confers upon the Connecticut River Co., the rights of the Federal Government, and the property that the Federal Government has to lease or sell in this case.

The Connecticut River Co., the beneficiary of this bill, was incorporated many years ago by the State of Connecticut, originally as a navigation company. It built a canal, and for some time charged tolls. Afterwards the canal was abandoned and the company became essentially a water-power company. The locality in question is between Hartford and Holyoke, a reach of the river that, in its natural condition, as I understand, is not navigable except for logs, small boats, skiffs, and similar things.

It may seem, Mr. President, ungracious for me to oppose a bill of this kind, a local bill, as it were, in reference to conferring a right on a stream in the State of Connecticut; and were it not for one provision in the bill, the bill would meet with my hearty concurrence. All the provisions except one are satisfactory to me. There is, however, one provision in the bill which is objectionable; objectionable in itself, but most of all it is objectionable because it proposes to set an unwise and unjust precedent and is entirely in derogation of the rights of the State and the rights of the riparian owners.

As long ago as 1835, almost a century ago, the Supreme Court of the United States settled the question in whom is the title, ownership, and sovereignty of waters in a State. Is it in the State and the people of the State, or is it in the Federal Government? In a very early case arising in New Jersey the Supreme Court of the United States laid down the doctrine briefly, in the terms which I am about to read. After discussing the right of the Crown in the tidewaters of New Jersey and what rights were vested in the charter given to the Duke of York before he became King James, and discussing what rights the State of New Jersey inherited when it became independent of England, the court uses this clear and emphatic language:

> For when the Revolution took place the people of each State became themselves sovereign; and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

The watercourses, Mr. President, within the borders of a State are the absolute property of the people of that State, the riparian owners, and the State combined, and the Federal Government would have no interest in them whatever except for what we call the commerce clause of the Constitution. The commerce clause of the Constitution subrogates the rights of the State and the rights of the riparian owners to the rights of the Federal Government in respect to navigation, and nothing else. The Federal Government has no property, no interest, no right in any navigable stream except for purposes of navigation. Everything else in that stream is the property either of the people of the State or of the riparian owner, or both combined.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER (Mr. OLIVER in the chair). Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. NELSON. Certainly.

Mr. BURTON. Will the Senator from Minnesota please yield to me for a moment? I do not want to interrupt him, but only wish to ask from where he reads the case which he has cited?

Mr. NELSON. It is the case of Martin *v.* Waddell (16 Pet., 367). That case was afterwards followed by a case arising in Alabama, that of Pollard *v.* Hagan (3 How., 212), where the same doctrine was reiterated. The cases of Martin against Waddell and Pollard against Hagan, it is true, were tidewater cases, but in the case of Barney *v.* Keokuk (94 U. S., 324), an Iowa case, the Supreme Court uses this language:

> These cases—

Referring to the two cases I have quoted—

> related to tidewater, it is true, but they enunciate principles which are equally applicable to all navigable rivers.

In other words, the same principle that was laid down in the case of Martin against Waddell applies to the streams of this country.

In this country, Mr. President, when it comes to the question of riparian rights, the States may be grouped into two classes. In most of the mountain and mining States, the arid States, the doctrine of prior appropriation prevails in one form or another, perhaps in its most extreme form in Arizona, in Wyoming, and in Colorado, and in its most modified and diluted form—diluted by the common-law doctrine of riparian rights—in California. In all the other States of the Union the doctrine of riparian ownership, as defined by the principles of the common law, is the prevailing doctrine. It is true that in some of the States of New England—I think in Massachusetts and in Maine—the doctrine has been slightly modified.

I now desire to call the attention of the Senator from Ohio to a decision of the supreme court of his own State, which enunciated very clearly the doctrine as to the rights of riparian owners. I read from the case of Walker *v.* Board of Public Works (6 Ohio, 540, 1847). The court, after discussing the subject, used this language:

> In disposing of this subject it is well, in the first instance, to consider what are the respective rights of the public and riparian owners in the streams within our borders which are in fact navigable. The question is not new in this State. It has been repeatedly before this court, and the rule is this: He who owns the land on both banks of such river owns the entire river, subject only to the easement of navigation, and he who owns the land upon one bank only, owns to the middle of the main channel, subject to the same easement. The right of the public is merely the right to use the water within the channel for the purposes of navigation. The proprietor of the lands upon its banks may use the waters of the river in any way not inconsistent with the public easement—

That is, navigation—

> or of private rights—

That is, the superior rights acquired either by condemnation, purchase, or prescription—

> and neither the State nor any individual has the right to divert the water to his injury. The right of the adjacent proprietor to the water of the stream is an usufructory right, appurtenant to freehold, not an absolute property.
>
> Hence the State in its exercise of the right of eminent domain can subject the waters of such stream to other public uses the same as any other private property by making a just compensation for the injury, and not otherwise.

That means the State can authorize that right to be secured by condemnation proceedings in behalf of a superior public purpose. For instance, to illustrate: Water power is created, in the first instance, to operate a gristmill or a sawmill, and eventually a big town or city grows up in the neighborhood. The town or the city may need the water in that dam for domestic use to supply its inhabitants. That, under the circumstances, would be a superior public right, and the State could authorize the property of the water-power company to be condemned for that purpose, but it could not take it absolutely without compensation.

What right has the Federal Government in the Connecticut River? It has no other right than that pertaining to navigation. All other property in that stream of whatsoever character, under the decisions of the Supreme Court, belongs to the riparian owners there.

What is this case? Analyze it, and it amounts to this: That this company, being the riparian owners of the site where the dam is constructed, of the lands that would be subject to flowage in consequence of the construction of the dam, being the absolute owners, under the decision of the courts of that State, they are required to pay compensation to the Federal Government for the use of their own property. That is the effect of this bill; that is what it amounts to. It would establish a most dangerous principle.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Connecticut?

Mr. NELSON. I qualify my statement to the extent that the riparian right, of course, is subject to the sovereignty and superior rights of the State.

Mr. BRANDEGEE. Will the Senator yield for a question?

Mr. NELSON. Certainly.

Mr. BRANDEGEE. The Senator knows, of course, that at this point in the reach of the river it is not navigable.

Mr. NELSON. It is not navigable?

Mr. BRANDEGEE. At this point there are rapids.

Mr. NELSON. Yes, sir.

Mr. BRANDEGEE. Does the Senator question the right of the United States, under the commerce clause of the Constitution, to require the company to maintain a lock in connection with the dam?

Mr. NELSON. No. I will come to that if the Senator will listen to me.

Mr. BRANDEGEE. I wanted to follow that up with another question.

Mr. NELSON. If the Senator will wait until I finish my argument, he can then ask me as many questions as he pleases.

Mr. BRANDEGEE. I do not want to interrupt the Senator if it is not agreeable to him.

Mr. NELSON. I am not objecting to interruptions. I am able to take care of myself, I think, in that respect; but I prefer to state what I have to state in a consecutive manner, so that one part will dovetail with another.

Mr. BRANDEGEE. The Senator does not desire to be interrupted at this point, then?

Mr. NELSON. If it is merely for a question, I will yield. State what is the question.

Mr. BRANDEGEE. The question is, if the Senator admitted the right of the United States to require a lock to be built there at the expense of half a million dollars, why by the same authority could not the Government require a money payment for the improvement of navigation in other respects?

Mr. NELSON. They have no right to require payment for the improvement of navigation in other respects. If an improvement is made in that part of the river, and for the ends of navigation a lock and gate are needed, the Government can require their installation; but when they go to work to compel that company to pay a royalty for the use of water, the money to be devoted not for that reach of the river, but for the river in general, they are perpetrating an act of injustice not warranted by the principles of our Government or by the Constitution.

Mr. BURTON. Mr. President, in that connection——

Mr. NELSON. Just listen until I finish my answer to the question. What right has the Federal Government to assess a private company that has constructed a dam with its own capital to furnish money for the improvement of the Connecticut River in general? If the Connecticut River needs improvement for the purposes of navigation, the fund to make that improvement should be contributed by all the people of the United States, as they are contributing from year to year under the river and harbor bill.

Mr. BURTON. Mr. President, will the Senator from Minnesota, right in this connection, yield to several questions?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. NELSON. I yield to the Senator.

Mr. BURTON. First, the Senator concedes the right to make it a condition of the enjoyment of that dam there that the Government shall control the flow over the dam, does he not?

Mr. NELSON. I will tell the Senator what I concede. I concede this—and the Senator can apply it to suit himself—that if, without any act of Congress, a company should go to work and build a dam with locks and gates in the manner prescribed in this bill, they could do so without any legislation. The Government could not go into court and enjoin them from building that dam, unless it were shown to be an obstruction to navigation.

Mr. BURTON. Well, could not the Government in carrying out that plan of improvement prescribe a certain depth to be secured in the river?

Mr. NELSON. The Government can prescribe whatever may be needed for navigation.

Mr. BURTON. Well, suppose they want 12 feet, as is now the provision, can they not compel those who have this authority so to construct their works as that 12 feet may be secured?

Mr. NELSON. Certainly they can, if it is necessary for the purposes of navigation; but that is foreign to the question.

Mr. BURTON. I think it will appear that it is applicable. Can they not, in carrying out that purpose to have 12 feet, prescribe the quantity which must be released and flow over the dam?

Mr. NELSON. They can prescribe it to the extent that it is necessary for navigation, but for no other purpose.

Mr. BURTON. Well, for 12 feet?

Mr. NELSON. Yes; if that is necessary for navigation, but not for any other purpose.

Mr. BURTON. Oh, well, that, of course, is taken for granted. Suppose it should appear that that 12 feet could be provided either by allowing the total flow to go uninterrupted over the dam at all times, or, if the company desired to use all the water, by suspending the flow at some times and dredging below the dam. This bill provides that the flow over the dam shall be absolutely under the control of the Federal Government, so as to secure a depth of 12 feet. Now, suppose the company should, in dealing with the Government, say, "We should like to hold back the water at certain times," and the Government should say, "If that is the case, dredging must be done below to maintain and to secure the 12 feet, because you do not give the uninterrupted flow of water," could not the Government by just the same authority by which they require all the water to go over the dam also require that, if these parties suspend the flow, they shall pay the cost of dredging to secure exactly the same result?

Mr. NELSON. Not necessarily. It depends upon the purpose for which the Government should undertake to exercise the authority.

Mr. BURTON. It is for the purpose of navigation in most cases.

Mr. NELSON. Now let us look at the facts in the case. Here is a reach of the river that is not navigable. By the erection of this dam a pool for navigation purposes is created by the company, not by the Federal Government. The Federal Government has the right to say that in building that dam they must not build it or use it in any manner that will interfere with navigation. The Government has a right to prescribe, for the purposes of navigation, the size of the lock and the gates, and how they shall be operated; and it has a right to prescribe the manner in which the water shall be used for the purpose of navigation, but for no other purpose.

Mr. BURTON. I do not think the Senator from Minnesota understood my question.

Mr. NELSON. Well, the Senator knows that I hope to enlighten him on all points and not on one only.

Mr. BURTON. I always gain enlightenment from the Senator from Minnesota. Two things might happen: The Government might compel the overflow to go by at all times or a part of the flow might be suspended.

Mr. NELSON. No; it could not compel it unless it were necessary for the purposes of navigation.

Mr. BURTON. Of course that is taken for granted all the time.

Mr. NELSON. Does the Senator understand the law of hydraulics—that if a dam is erected and is once filled with water the flow of water then over the dam will be in the same quantity as it would in the state of nature? After the dam has been built the water will continue to flow over the dam.

Mr. BURTON. Barring evaporation and some little waste, that is true. The Senator from Minnesota, I think, has not fully understood my question. Two cases might arise—one a suspension of the total flow during low water; the other the requirement that the flow should at all times go by——

Mr. NELSON. Now, suppose there was a total suspension during low water, would you make the company pay for the act of God in suspending the rainfall and drying up the stream?

Mr. BURTON. The Senator from Minnesota does not yet understand my question. Suppose a certain depth of 12 feet were required and the company desired at certain times to hold back the natural flow. As a compensation for that could the Government not compel that company to pay the cost of dredging to put the stream in the shape in which it would be if it went by at all times?

Mr. NELSON. No; not in the case the Senator puts; because if no dam were constructed there would be no navigable channel at all.

Mr. BURTON. I think, if the Senator from Minnesota will reflect on that, he will find that it would be an absolute impossibility——

Mr. NELSON. I hope the Senator from Ohio will reflect on it. I was about to remark when the questions were asked me, or I started initially to make the statement, that there are two systems of riparian rights which prevail in this country—one the doctrine that prevails in the mountain, the arid, the semiarid, and the mining States, which is commonly called the doctrine of prior appropriation. In most of the States east of the Mississippi, with perhaps a little modification in some States—I think in one or two of the New England States, for instance—the doctrine of the common law prevails; that is, that the riparian owner owns to the center of the stream, subject to the public easement of navigation. For all other purposes that stream is his, but he can not use it under the common law to the detriment or the damage of the owners above or below. If there is a water power on his stream, if there is a water power on his land, he has a right to utilize that, and no one can make him pay for the use of that water.

In this case what is it proposed to do, Mr. President? It is proposed to have this company build a dam with its own money on a reach of the river where there never heretofore existed any navigation, where there is an obstruction, an impediment to navigation in the stream. The company are to build a dam costing, perhaps, one or two million dollars—I do not know how much—they are to put into the dam a lock and gates for

opening it; they are to furnish those locks and gates and convey them to the Federal Government and convey the electric power to the Federal Government to operate that dam.

In addition to erecting a dam, creating a pool of water, making a reach of the river in part navigable that never was navigable before—in addition to doing that, without any expense to the Federal Government whatsoever, the Government comes in by this bill and says, "You must pay for the use of that water over and above what is needed for navigation purposes." In other words, they must pay for using that water for other purposes. That is the plain English of it.

There is one thing—and we have no need to be modest in stating it—that seems to me passing strange. Men come here from Connecticut and other portions of the country to secure legislation; they go to the Secretary of War and confer with him about it, and he tells them what they can do and what they can not do. He assumes to be the chief high mogul in the determination of these matters. He tells them bluntly "Such and such conditions must be put in the bill, or you can not have this legislation." Until this practice arose I always supposed that Congress, Mr. President, had the right to determine the policy of the Government in these cases, and that it did not appertain to any department of this Government to tell people what kind of legislation they ought to have or could get. It is for both Houses of Congress to determine that question, and not for the Secretary of War.

There is another thing—and we might as well talk plainly in this matter—the President of the United States when he was Secretary of War, and it so appears in this report published for the use of the committee, took exactly the same ground we are taking in this case. I know from my own knowledge that that was his position; but, unfortunately, he has a Secretary of War who belongs to one of the ultraconservation schools, who are seeking to fasten upon us this new doctrine, and to sweeten it and make it palatable they have changed front. Originally the royalty was to be paid into the Treasury generally; but now the sweetening, to make this plan palatable, is that the royalty which we exact must go to pay for other improvements on this river. What an injustice that is—to segregate this company from all the other citizens of Connecticut and from all the other people of the United States, and say: "Because you build a dam over the rapids in the Connecticut River in a reach of the river that is not navigable, because you have the audacity with your own capital to make a pool for navigation, because you have the audacity and the nerve and the capital to do that, you must pay a penalty; you must furnish money to improve all the rest of the Connecticut River."

What a monstrous doctrine that is, Mr. President! What has the Federal Government to sell here? What has the Federal Government to lease? It has no interest at all in the use of the water except for purposes of navigation. The Government of the United States is not in the habit of charging tolls for the use of its watercourses, its streams, and its navigable harbors. They are free to all the people of the United States.

In this case the Government of the United States does not undertake to charge any tolls for navigation purposes; but it undertakes to impose a charge upon these people who are investing their own capital and are making a reach of the river that is now worthless for navigation purposes in part of value for navigation purposes.

The principle is the same in the one case as in the other, Mr. President. In the one case the royalty was to be paid into the general fund of the Treasury. In this case it is limited to the improvement of one stream and its tributaries.

There is a different doctrine prevailing in reference to another class of dams. Where the Federal Government, for the purposes and in the interest of navigation, erects a dam in a river entirely with money appropriated by it, and incidentally to that improvement for purposes of navigation the Federal Government creates a water power in connection with it, that water power should not be left idle, without use; and inasmuch as the power has been created by the Government for purposes of navigation, the Government has a right to charge a reasonable compensation for it.

There is where I draw the distinction, and I think it is justifiable in fact and in law. Where the Government of the United States with its own capital, without any outside help, secures the riparian lands, the site of the dam, the flowage rights, and with its own money builds the dam, it is entitled to all that there is in it. In that case the Government is not only using its own money, but it is the riparian owner; for the Government never erects a dam or improves navigation by means of a dam without securing the riparian lands necessary for the site of the dam and the flowage rights.

So the Federal Government is exactly in the same position that the Connecticut River Co. is in respect to its riparian lands. If the Federal Government is a riparian owner, and builds a dam with its own money, why should not the Federal Government in that case pay a royalty to the State of Connecticut for improving the Connecticut River down in the State of Rhode Island or up in the State of Massachusetts?

Mr. President, it is because the principle laid down in this bill is so far-reaching in its consequences that I am opposed to this paragraph of the bill. I am quite willing that this company should have this right. They are entitled to it as riparian owners. The Government has no interest in the water except for purposes of navigation. I am willing that the company should have that right, and make the best use of it they can. If it yields them an income on the capital they have to invest, let them have it; but let us not levy tribute upon it.

We have now secured the adoption of an income-tax amendment to the Constitution. If we must levy tribute on the people of this State for governmental purposes, let us levy the tribute on all alike by tariff taxes, by internal-revenue taxes, and by income taxes. Let us not segregate a private company that is the riparian owner, that owns the site of the dam, that owns the lands to be flowed, that puts only its own money into the enterprise. Let us not penalize such companies and make them pay the Government for something that the Government does not own.

Here is an attempt on the part of the Government to require compensation for something that the Government does not own. To my mind, it is abhorrent to the principles of our Government, to our dual system of government, and abhorrent to the fundamental principles of right and justice.

I hope this provision will be stricken out of the bill, and that it will be passed without it.

As I said a moment ago, in every case that I have had under consideration or that has come before the committee of which I am a member, where the Government with its own money and as the riparian owner has constructed a dam in a watercourse for purposes of navigation, I have always believed, and that is my belief now, that the Government is entitled to compensation as the owner of the surplus power incidentally created by means of the construction of the dam. But where a dam is constructed wholly by private capital upon the lands of the riparian owner, and the Government does not advance a dollar of its own money, and nothing is done to hinder navigation, but on the contrary, navigation is improved, in that case the Government has no right to sell and has no moral or legal right to charge any compensation.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes.

Mr. KENYON. Mr. President, as I understand, this bill has been put on our desks within the past 20 minutes. I know that I would like an opportunity to go through the bill, and I think other Senators would.

Mr. CURTIS. I will say to the Senator that I am sure that if he will watch the reading of the bill he will be satisfied with the amendments that have been made. The bill was very carefully considered, and in no case has the estimate of the department been exceeded. In fact, the bill as reported carries a less amount than the estimates, and in every way the bill has been carefully considered. I am confident the Senator will have no objection, and I hope he will consent that we shall take it up now, without any further delay, because these bills must be passed.

Mr. KENYON. Mr. President, here is a bill carrying some eleven or twelve million dollars——

Mr. CURTIS. Eleven million dollars.

Mr. KENYON. With no opportunity at all for Senators to investigate it. I do not believe such legislation should be hurried in this manner.

Mr. CURTIS. I will state further that if, in reading the bill, there is any objection to any item in it, as chairman of the subcommittee having charge of it I shall consent that the item go over.

Mr. KENYON. There is no chance, of course, to discover that. If it is in order to make an objection, I am going to make an objection.

Mr. CURTIS. I move that the Senate proceed to consider the bill.

The PRESIDING OFFICER. The Senator from Kansas [Mr. CURTIS] moves that the Senate proceed to the consideration of the bill notwithstanding the objection.

Mr. KENYON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	McCumber	Smith, Mich.
Bacon	Dillingham	McLean	Smoot.
Bankhead	du Pont	Martine, N. J.	Sutherland
Borah	Fall	Nelson	Thomas
Bourne	Fletcher	Oliver	Thornton
Bradley	Gallinger	Page	Townsend
Brandegee	Gamble	Perkins	Warren
Bristow	Jackson	Pomerene	Webb
Burton	Johnson, Me.	Richardson	Williams
Clark, Wyo.	Johnston, Ala.	Sheppard	Works.
Clarke, Ark.	Jones	Simmons	
Crawford	Kenyon	Smith, Ariz.	
Cullom	Kern	Smith, Md.	

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present. The Senator from Kansas [Mr. CURTIS] moves that the Senate proceed to the consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, notwithstanding the objection of the Senator from Iowa [Mr. KENYON].

Mr. KENYON. Mr. President, I desire to make a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. KENYON. It is that under Rule XXVI the report of a committee, which is practically what this is, must lie over one day for consideration, unless by unanimous consent. That is the provision of part 2 of Rule XXVI.

Mr. CURTIS. Mr. President, that would have been true had the objection been made before the motion was made to take up the bill. The Senator did not make that point then, and I think it now comes too late. I will confess that, if it had been made at first, the measure would have had to go over for the day.

The PRESIDING OFFICER. The present occupant of the chair is of the opinion that the point of order is well taken.

Mr. CURTIS. Then, Mr. President, I give notice that I shall call up the bill at the first opportunity on Monday next.

Mr. McCUMBER obtained the floor.

Mr. WARREN. Will the Senator yield to me for just a moment?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Wyoming?

Mr. McCUMBER. Yes.

Mr. WARREN. Of course, I do not know what the objection is to the bill. I assume, perhaps, the Senator wishes to look it over further. But I want to say that we shall have to ask Senators, as far as they can, to forbear asking extra time, because there are only a few days of the session left, and not a single appropriation bill, save the smallest of the lot, has passed. For instance, in this case, while it is true that this is the same day the bill was reported, there are so few changes that it was assumed that its consideration would be unanimously agreed to.

To-morrow is set aside for memorial exercises. On Monday we have notice of the river and harbor bill and the Indian appropriation bill; and if we add this to the others, of course it will more than use the day. Either the rule that the Senator has invoked would have to be abrogated, or we would have to let appropriation bills run over, when we were approaching the end of a session.

Mr. KENYON. I do not want to be captious about my objection; but this bill was placed on my desk about 20 minutes ago, and it carries a large appropriation. For my part, I should like to have an opportunity to go through the bill.

Mr. WARREN. The matter having been settled, I simply wanted to appeal to the Senate to try to help the various committees that have the appropriation bills in charge, for never in my experience here have we had so many unfinished appropriation bills so late in the session, and I fear that we may have to let some of them go over.

Mr. SMOOT. Mr. President, the Senator from Kansas [Mr. CURTIS], who has the bill in charge, also stated that if there was a single objection made during the reading of the bill he would lay it over until the following day. Of course that would protect anybody who desired to consider the bill further, under the statement made by the Senator.

INDIAN APPROPRIATION BILL.

Mr. McCUMBER. Mr. President, I wish to give notice at this time of a motion to recommit to the committee House bill 26874—the Indian appropriation bill—because of the fact that it is reported without an amendment which was adopted by the committee, and I desire to have it returned to the committee in order that it may be corrected in that respect. I shall not press the motion at this time, because the chairman of the committee is not present in the Chamber.

Mr. SMOOT. Mr. President, I will ask the Senator if it would not answer just as well to have the amendment offered on the floor as a committee amendment, and not take the time that would be necessary to refer the bill back to the committee?

Mr. McCUMBER. I do not think it will take much time to reconsider the matter.

Mr. SMOOT. The bill would have to lie over for a day before we could consider it; and if the chairman of the committee will offer the amendment it will save the return of the bill to the committee.

Mr. McCUMBER. I have no objection; but there is an amendment which the record will show was adopted by a vote of 4 to 3, and the bill was reported with that amendment out of it.

Mr. GAMBLE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. I do.

Mr. GAMBLE. I reported the bill referred to on the 12th of February, with all amendments adopted by the committee, and at that time gave notice that later I should submit a report in connection with the bill. I think I shall be able to submit the report before the recess to-day. I am not advised as to what particular amendment the Senator from North Dakota refers to. I shall be glad to be advised.

Mr. McCUMBER. I will call the Senator's attention to it now. I have looked up the stenographic report to see if I was absolutely correct. I find that the loyal Creek claim was placed upon the bill by a vote of 4 to 3; that afterwards, when I was not present, the matter was considered, and without any further vote on the matter it was left out. It having been voted into the bill, I shall ask that the bill be returned to the committee, and I shall appeal to the record for the basis of that motion, for the purpose of having the item placed in the bill as an amendment.

Mr. GAMBLE. Mr. President, perhaps the matter can be more appropriately taken up when the motion is made. The amendment to which the Senator from North Dakota refers was brought up before the committee; and while I do not want to state unduly what occurred before the committee, I will say that the Senator from Kansas [Mr. CURTIS] took a position against the amendment. The discussion was somewhat protracted. Other business intervened, and the Senator from Kansas was called to the floor of the Senate. The matter was submitted after the hearing, but it was suggested at the time before the committee that as the Senator from Kansas had taken a position in opposition to it, his vote should be counted in the negative. It was not determined at that time. The matter was finally determined later in the afternoon, when the vote stood 4 to 4, and the motion did not prevail. The Senator from Kansas was present, and indicated his opposition to the amendment.

I am satisfied that the accuracy of the statements I make can be demonstrated to the Senate from the record, because I have taken pains to go through the matter carefully, for the reason that the Senator from North Dakota spoke to me concerning it.

Mr. McCUMBER. If the Senator will give me a copy of the corrected print of the record at that time, I shall have very little difficulty in establishing to the Senator's own mind that his view is erroneous as to what took place in the committee. If the Senator desires to go into the matter, the facts were about like this:

A motion was made by myself to include the loyal Creek claim in the Indian appropriation bill. A vote was had upon that, and the vote was 4 in favor of and 3 against placing it upon the bill. It was suggested at that time that the Senator from Kansas [Mr. CURTIS], who was absent, would, if present, vote against it. I then made the suggestion that there were other Senators who possibly might overcome his vote by voting for it. Thereupon I also suggested that the Senator had already given notice that he would raise a point of order on the amendment upon the floor of the Senate, and that he would have the opportunity to do that, so that his rights would be protected in any event. Later in the afternoon, when I was absent, the matter was again taken up, but no further vote was had upon the proposition nor was it put a second time.

I simply stand upon the right to have an amendment which has been carried in the committee placed in the report of the committee and upon the bill.

Mr. BRANDEGEE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Connecticut will state his point of order.

Mr. BRANDEGEE. I exceedingly dislike to interfere in the interesting discussion which is taking place, but I should like to make a parliamentary inquiry as to what is the pending matter before the Senate.

The PRESIDING OFFICER. The pending matter before the Senate is Senate bill 8033, known as the Connecticut River dam bill.

Mr. BRANDEGEE. Then I suggest that the pending controversy is not particularly germane to the pending measure.

Mr. GAMBLE. Mr. President, will the Senator from Connecticut permit me to say just a word?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from South Dakota?

Mr. BRANDEGEE. I yield to the Senator.

Mr. GAMBLE. I want to say to the Senator from North Dakota that the matter was submitted subsequently to the statement to which he refers. The Senator from Kansas [Mr. CURTIS] was there and indicated his opposition to the measure, and it was stated before the committee that the motion did not prevail. So if it is referred back to the committee there will be a protracted delay. As it is now, we will be ready to take up the matter before the Senate on the first day of next week, and then the Senator from North Dakota can submit his amendment to the Senate.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from North Dakota?

Mr. BRANDEGEE. I yield.

Mr. McCUMBER. My opinion is that it will delay the matter very much longer if this case does not receive just treatment in the committee than it would if it should go back and the case should be tried out in the committee.

Mr. GAMBLE. We appreciate the fact that nearly the whole afternoon was given to the consideration of the proposed amendment. The measure which was advocated by the Senator from North Dakota had the fullest consideration of any measure submitted to the committee during the present session.

Mr. McCUMBER. Yes; and it was carried, too.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8933) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. BANKHEAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Alabama suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Lodge	Simmons
Bacon	du Pont	McCumber	Smith, Ariz.
Bankhead	Fall	McLean	Smoot
Borah	Fletcher	Martine, N. J.	Sutherland
Bourne	Gallinger	Nelson	Thomas
Brandegee	Gamble	Oliver	Thornton
Bristow	Jackson	Page	Warren
Burton	Johnston, Ala.	Perkins	Webb
Clark, Wyo.	Jones	Richardson	Wetmore
Cullom	Kenyon	Root	Williams
Curtis	Kern	Sheppard	Works

The PRESIDING OFFICER. Forty-four Senators have answered to their names—not a quorum.

Mr. BRANDEGEE. I suggest that the names of the absentees be called.

The PRESIDING OFFICER. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. NEWLANDS, Mr. SMITH of Georgia, Mr. SMITH of Maryland, Mr. SMITH of Michigan, and Mr. TOWNSEND answered to their names when called.

Mr. BURNHAM, Mr. CHAMBERLAIN, Mr. BRADY, Mr. GRONNA, Mr. GARDNER, Mr. GUGGENHEIM, Mr. MYERS, and Mr. FOSTER entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum of the Senate is present.

Mr. BRANDEGEE. What is the pending amendment?

The PRESIDING OFFICER. There is no pending amendment.

Mr. BRANDEGEE. No amendment is pending?

The PRESIDING OFFICER. No amendment.

Mr. BRANDEGEE. Then I ask for a vote on the bill.

Mr. BANKHEAD rose.

Mr. BORAH. Mr. President——

Mr. BANKHEAD. I yield to the Senator from Idaho.

Mr. BORAH. There is an amendment which I offered and it is on the Secretary's desk. I offer the amendment.

The PRESIDING OFFICER. The Senator from Idaho offers an amendment, which will be read. The Senator from Idaho has offered two amendments.

Mr. BORAH. It is the amendment with reference to interstate commerce.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Strike out all after the word "further," in line 19, page 2, including the word "charges," in line 8, page 3, and insert in lieu thereof the following:

That the provisions of the act entitled "An act to regulate commerce," passed and approved on the 4th day of February, 1887, together with the amendments thereto, shall apply to any corporation or any person or persons engaged in transmitting hydroelectric power or electricity from one State, Territory, or District of the United States to any State, Territory, or District of the United States, or from one place in a Territory to another place in the same Territory or to any foreign country, and that the term "common carrier" as used in said act and the amendments thereto shall include companies engaged in transmitting hydroelectric power or electricity as aforesaid: *Provided*, That said act shall not apply to the transmission of hydroelectric power or electricity wholly within one State and not transmitted to or from a foreign country, from or to any State or Territory as aforesaid; that the rules prescribed in said act as to just and reasonable charges or rates and the procedure relative to other common carriers, in so far as applicable, shall apply to such company, person, or persons transmitting hydroelectric power or electricity as aforesaid, and to the fixing and establishing of just and reasonable charges or rates fully and completely.

Mr. BORAH. Mr. President, the effect of this amendment, if it should be adopted, would be to strike out that portion of the original bill covered by line 19, on page 2, to line 8, on page 3, which relates to the power of the Secretary of War to impose reasonable charges, and so forth, and to insert in lieu thereof this amendment, which provides for the fixing of rates through and by means of the Interstate Commerce Commission.

I discussed the matter at some length yesterday, and therefore I do not desire to do more than to call the attention of the Senate to the nature of the amendment.

Mr. NELSON. I understand the amendment proposes to strike out all after line 18, on page 2, down to the end of the section, in line 8.

Mr. BORAH. And to insert in lieu thereof as an amendment a provision that the Interstate Commerce Commission shall have jurisdiction to fix the charges of companies transmitting power across State lines.

Mr. BURTON. Will the Senator from Idaho please answer a question? Do I understand that his proposed amendment seeks to establish a general principle, or is it applicable only to this bill?

Mr. BORAH. It would apply to all power of companies transmitting hydroelectric power across State lines.

Mr. BURTON. It is then establishing a general principle.

Mr. President, I am really gratified to note that the Senator from Idaho takes that ground. It is inevitable that with the development of this industry its interstate phase will become so manifest that there must be Federal control either by the Interstate Commerce Commission or by some other agency of the Federal Government; but I do not think we ought to take up that question here. This is a local bill. This amendment would establish a universal rule. I do not think we are quite ready to take such a step. For a considerable time the States can make adequate regulations relating to charges, secure consumers against extortion and the public against monopoly. I repeat, however, I am satisfied that the ultimate disposition of this question will be that in the case of power transmitted from the place where the water is harnessed and the installation is made into another State some Federal agency must control.

Mr. President, there is another reason why I hope this amendment will not be adopted. It is open to the suspicion that it is intended to accomplish the defeat of this bill.

Mr. BORAH. I should like to relieve the Senator's suspicion as much as I can by saying that I know one more vote that the bill will get in case the amendment is adopted.

Mr. BURTON. But the Senator from Idaho proposes to strike out the provision under which a certain charge is to be made for this water power, which is a vital part of the bill, and establish in place of that provision a rule with reference to the methods under which charges for power are to be made.

Mr. BORAH. The purpose of the amendment is to provide a means by which the ultimate consumers of the power can get the benefit of the power without carrying the burden which would be imposed upon them by reason of the provision which is now in the bill.

Mr. BURTON. I wish to discuss that question. Why does not the Senator from Idaho introduce this as a separate amendment, not in place of any clause in the bill, but as an entirely separate proposition? If he wishes to enunciate that principle, there is an easy way to do it. I do not believe in its being put

into this local bill, but if it must be added there is an easy way to do it by adding it as an amendment to another section of the bill instead of striking out a part of it.

Mr. BORAH. I will be as frank with the Senator from Ohio as he is with the Senate in giving the construction of it. I offered it in this way because I am opposed to this provision in the bill. I have made no concealment of the fact that I would dislike very much to vote for the bill with that provision in it. But if it should transpire that this amendment is defeated as it is offered, I shall offer it as a separate provision of the bill.

Mr. BURTON. The argument of the Senator from Idaho is that as a result of this proposed charge the cost will be increased to the consumer. I wish to state some facts in that connection. It is, of course, a general rule that wherever you increase the cost to the producer the consumer must bear a part of that increase in the price which he must pay for the service or commodity. But in the great majority of instances in this country the cost for water power must be determined by competitive conditions. What are those conditions? A part of our electrical power is produced by the agency of coal and a part by that of falling water. Practically speaking, these are the only primary sources of power on a large scale.

At present the larger share of the power is produced by the burning of coal. Electrical power can be produced, in some instances, by hydroelectric installation for $16 or less per horsepower per year, 24-hour service. The cost where coal is burned is not less than $28. Suppose you have an industrial center in which the consumption of power is 500,000 horsepower per annum, 400,000 furnished by steam and 100,000 by water. That proportion does not present an unusual case. The figures may be incorrect, but the proportion is substantially accurate. With 500,000 horsepower required, 400,000 of it to be furnished by the burning of coal and 100,000 by water, we will assume that the one will cost the producer $16, the other $28. Now, what is going to be the result? Suppose you have a public-service commission that is to fix the rate. Is the commission going to say that one class of power, which brings exactly the same result and is of the same efficiency and value, shall be furnished on a cost basis of $16, and that the other may be sold on a cost basis of $28?

No, Mr. President, in the very first instance the complaint would come from the consumer. The consumer would say, "I am paying $12 per horsepower more for the power I use than my neighbor across the street, who is engaged in the same class of manufacturing. That difference is enough to drive me out of business." The result would be that a uniform price would be fixed, consistent with all the conditions. Now, what are you going to do in such a case as that? The producer who generates his current by water power has a very large profit.

Mr. BORAH. Mr. President——

Mr. BURTON. I would be glad to yield to the Senator from Idaho.

Mr. BORAH. Suppose this condition of affairs——

Mr. CLARKE of Arkansas. May I disturb the Senator from Idaho sufficiently to ask that the pending amendment be reported? It would enable some of us to understand better the discussion that is going on. Some of us were not in the Chamber when the amendment was submitted. I ask that it be read to the Senate.

The PRESIDING OFFICER. The amendment will be again read.

The Secretary again read Mr. BORAH's amendment.

Mr. BANKHEAD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BANKHEAD. I believe under the rules and practice of the Senate the committee reporting the bill are entitled to perfect the bill, if they have amendments to offer, before other amendments are considered. Am I correct?

The PRESIDING OFFICER. The Chair will state that that has been the custom so far as the Chair is informed. There is no rule on the subject.

Mr. BANKHEAD. That has been the custom, Mr. President.

The PRESIDING OFFICER. So the Chair understands.

Mr. BANKHEAD. There is an amendment pending offered by a majority of the committee. I offered that amendment in the beginning of this discussion and had it read from the desk with a view that it might be pending when the time came to act upon it.

The PRESIDING OFFICER. When the bill was taken up a few minutes ago the Chair was informed by the clerks at the desk that no amendment was then pending. Thereupon the amendment was offered by the Senator from Idaho.

Mr. BANKHEAD. Evidently the clerks were mistaken, because the RECORD will show that I offered the amendment and had it read from the desk.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Will the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. I yield to the Senator from Minnesota. I believe I already yielded to the Senator from Idaho, but if there in entire concurrence between them I should be glad to yield to the Senator from Minnesota.

Mr. NELSON. I suggest to the Senator from Alabama and the Senator from Idaho to let us have a vote first on the motion to strike out these lines.

Mr. BANKHEAD. That is what I propose.

Mr. NELSON. Then the Senator from Idaho can afterwards offer his amendment, if that is agreeable to the Senator.

Mr. BORAH. That is entirely agreeable. I offered my amendment because no one else was offering anything. I do not desire to interfere with the committee's action.

The PRESIDING OFFICER. The Chair will state, if the Senator having the floor will allow him, that the bill as reported by the committee contains no amendment. There are no italics in the bill, and therefore there were no committee amendments proposed.

Mr. BANKHEAD. I do not know whether the Secretary remembers reading it or not, but the Senate will remember that when I took the floor I sent an amendment typewritten to the desk and asked to have it read. It appears in the RECORD as having been read from the Clerk's desk. It must have gone there.

The PRESIDING OFFICER. The RECORD shows that it is an amendment intended to be offered by the Senator from Alabama.

Mr. BANKHEAD. At the same time I suggested that under the practice of the Senate the majority of the committee would be entitled to perfect the bill before other amendments were considered.

The PRESIDING OFFICER. The Chair is compelled to rule that the amendment of the Senator from Idaho having been offered and placed before the Senate, it is the pending amendment.

Mr. BORAH. By the consent of the Senate, I will withdraw the amendment. I withdraw the amendment, then, and give the Senator from Alabama an opportunity to do what he desires to do.

The PRESIDING OFFICER. In that case, the amendment of the Senator from Alabama is in order and will be read.

The SECRETARY. Strike out of section 1, beginning after the word "act," in line 15, on page 2, the following:

And provided further, That the rights and privileges hereby granted may be assigned with the written authorization of the Secretary of War or in pursuance of the decree of a court of competent jurisdiction, but not otherwise: *And provided further*, That the Secretary of War, as a part of the conditions and stipulations referred to in said act, may, in his discretion, impose a reasonable annual charge or return, to be paid by the said corporation or its assigns to the United States, the proceeds thereof to be used for the development of navigation on the Connecticut River and the waters connected therewith. In fixing such charge, if any, the Secretary of War shall take into consideration the existing rights and property of said corporation and the amounts spent and required to be spent by it in improving the navigation of said river, and no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurtenant works and property, allowing for the cost of construction, maintenance and renewal, and for depreciation charges.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama having offered the amendment to the bill, will that Senator yield to the Senator from Idaho?

Mr. BANKHEAD. I have no desire to occupy the floor at this time; I simply wanted to get this amendment before the Senate.

Mr. BURTON. I should like to finish at least a part of my remarks.

Mr. BANKHEAD. I would be glad to hear the Senator from Ohio.

Mr. BURTON. Do I understand that the Senator from Alabama desires to speak to that amendment?

Mr. BANKHEAD. I will determine that when I hear from the Senator from Ohio.

The PRESIDING OFFICER. The Chair had overlooked the fact that the Senator from Ohio is entitled to the floor.

Mr. BORAH. I wish the Senator from Alabama would consider the proposition of amending his amendment. So far as I am concerned I do not want to interfere with taking out the first proviso. The first provision is:

And provided further, That the rights and privileges hereby granted may be assigned with the written authorization of the Secretary of War, or in pursuance of the decree of a court of competent jurisdiction, but not otherwise.

It seems to me that that ought to remain in the bill. I should very much prefer to have the amendment submitted simply striking out the second proviso.

Mr. BANKHEAD. As far as I am concerned I am perfectly willing that that proviso shall remain in the bill, and with the consent of the Senate I would be willing to withdraw that part of my amendment.

Mr. BORAH. Very well.

Mr. BANKHEAD. That is not the part of the bill I am after. I have no objection to that part. I have no objection to all the supervision of that sort of business that can properly be had.

Mr. JONES. I wish to suggest to the Senator from Alabama that he can modify his amendment and simply strike out the last proviso.

Mr. CLARKE of Arkansas. In line 19.

Mr. MARTIN of Virginia. He can modify the amendment.

Mr. BANKHEAD. I want to get the thing straight before the Senate. I am willing that the first proviso contained in the amendment shall remain in the bill. Therefore, would it not be competent for the Senate to give its consent, if it will, that the amendment may be so amended?

Mr. MARTIN of Virginia. You can not do it without consent.

Mr. BANKHEAD. Then, Mr. President, if I have the right, as the mover of the amendment, I will withdraw that part of the amendment included in the first proviso and leave the other portion of the amendment before the Senate.

The PRESIDING OFFICER. Without objection, the Senator from Alabama withdraws that part of the amendment which will be read.

The SECRETARY. The proviso reads:

And provided further, That the rights and privileges hereby granted may be assigned with the written authorization of the Secretary of War, or in pursuance of the decree of a court of competent jurisdiction, but not otherwise.

Mr. BANKHEAD. That part of the amendment is withdrawn, Mr. President.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Alabama, as modified, which is to strike out all of that section after the word "further," in line 19, on page 2.

Mr. NELSON. All of the section after line 18.

Mr. BURTON. Mr. President, it appears from the circumstances under which electric power is furnished that the ordinary rule—that the extra cost resulting from such a charge would fall on the consumer—does not apply at least in most parts of the country, and it is probable that such a condition will continue for a very long time. It is perfectly well known that there is no business in which the chances for profit are greater than in the development of hydroelectric power. That is shown by the number of promoters who have been crowding to this Congress for the last 12 years. The anxiety with which these privileges are sought should awaken our attention. If there is any one thing in which we should safeguard the public interest, it is in placing proper restrictions upon these grants of the right to construct dams in navigable streams to develop power. If there is any problem which assumes magnitude not only in present but promises far greater importance in the future, it is the control of the hydroelectric business.

What is the object of this provision? In such cases as that which I have named, where power is selling on a cost basis of $28 per horsepower, and it can be profitably produced for $16, the difficulty prevails of equalizing charges. My contention is that a proper portion of the difference between the cost of production by steam and by water power, enjoyed under grant of Congress, should go to the Government of the United States for the improvement of the stream in which such dam is located.

There have been long arguments here to the effect that it is all right to allow a company to acquire land and put in a dam; it is all right that Congress should require the building of a lock, though that has nothing whatever to do with the development of power; it is all right that you should require that the light and power should be furnished to the end of time for the operation of that lock, but you can not impose a charge expressed in dollars.

Mr. President, if there has been an absurdity presented to the Senate for some time, it is the attempt to draw the dividing line between these conditions and the imposition of a charge. The moment you seek to distinguish between them you find yourself in the fog. Both alike are based on the power to impose conditions in the interest of navigation. Let me give a very few simple illustrations, based on this very bill here:

SEC. 2. That the height to which said dam may be raised and maintained shall not be less than 39 feet above zero on the Hartford gauge.

The project of the Government is to secure 12 feet from Hartford for 52 miles to the sea. Suppose the engineers of the company seeking permission to build the dam on examination should find that it would be more economical, so far as the development of power is concerned, to construct that dam to a height of 35 instead of 39 feet, and the officers of the company should say to the officials of the Government: "You are asking us to make that dam 39 feet, but we can more profitably construct it to a height of 35 feet," and the Government engineers should find that if the height is only 35 feet it would be necessary to do a considerable amount of dredging to deepen the channel below, and that it would also be necessary to continue that dredging each year at considerable cost; is there anybody who would go to the absurd length of saying that the Government could not in its contract with the corporation consent that the dam be diminished in height to 35 feet, but the condition be added that money enough be paid to maintain that 12-foot channel? That is, a 12-foot channel would be maintained by 39 feet, but the company may desire a height of 35 feet; and in order to maintain the 12-foot channel with a 35-foot dam, it would be necessary to incure expense each year. Is there anyone who would say that there could not be claimed from that corporation money year by year sufficient to maintain that depth?

Let us take another case. There is a provision here that the corporation shall "provide a minimum discharge past the dam of not less than 1,000 cubic feet per second." Suppose the company should say: "It is much more profitable for us to allow only 800 feet to go past the dam." In that case there would be an added expense below the dam for dredging and for maintenance. Would it be maintained that in such a case as that there could not be an annual charge imposed thereafter for the maintenance of the dredging below?

Still further, there is one great central fact. This river is an entirety. Navigation, in order to exist at all with profit, must be maintained both above and below this proposed improvement. The proposed improvement alone does not make the Connecticut River navigable from Holyoke to the mouth. That is but one part, one specific locality, a few miles of the whole stream, and the Government can, with the utmost propriety, not only impose the condition that you shall build a dam and lock and furnish power, but that you shall also aid in effectuating this improvement of which your dam is a part, to wit, the navigation of the river.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. BURTON. Yes.

Mr. BANKHEAD. I should like to ask the Senator from Ohio if he thinks the question that he is discussing, the regulation of the flow and all that sort of business, has any relation whatever to the provision that we are trying to strike out, which simply authorizes the Government to charge a toll for the use of the water?

Mr. BURTON. It does have a most direct relation.

Mr. BANKHEAD. All the provisions that the Senator is discussing will remain in the bill. They will not be affected at all.

Mr. BURTON. Yes; but you were stating that it was utterly improper to put on an annual charge, and here I have suggested instances in which it would not only be absolutely proper but necessary.

Mr. BANKHEAD. I understand that; but what I wanted the Senator to show was that the phase of this question which he is discussing is applicable to this amendment.

Mr. BURTON. It is, decidedly. The dam and the dredging would be part of the navigation of the same river; it includes not merely a few mills from Enfield Rapids but throughout the whole length of the river.

Mr. BANKHEAD. Of course, it is a part of the same river; but when that language goes out of this bill it will not be a part of the bill. The language which we propose to strike out has no reference whatever to the question that the Senator from Ohio is discussing.

Mr. BURTON. I do not wish, Mr. President, to go over my argument in regard to rights in this water. Of course, the rule is, as laid down by the supreme court of my own State in 6 Ohio, at page 540, and in Barney against Keokuk; but what did the court rule, for instance, in Barney against Keokuk? Below the point to which the abutting owner on the Mississippi owned, the city of Keokuk put in a wharf for public use, and the abutting owner, who owned to the water line, said, "No; you can not do that. So far as there is any occupancy, I go clear out to the middle of the stream, and you can not put in that public wharf right in front of my property without paying me." The Supreme Court of the United States decided that any occupancy of the river bed below high-water mark was for public use and that the owner was not entitled to an iota of compensation.

The Senator from Minnesota [Mr. NELSON] said that this whole case was settled by a decision of the Supreme Court in relation to land under water in New Jersey. In my prior argument I referred to a case where the Government of the United States authorized a private corporation to build a bridge across from the mainland in New Jersey to Staten Island. In the building of that bridge it was necessary to place piers in the bed of that stream, which, as the Senator has argued, belonged to the King, and later to the State of New Jersey. The State of New Jersey came in and said, "We are entitled to compensation; that is our land." This was a private corporation, not the Government of the United States; but in the circuit court Justice Bradley, of the Supreme Court—and his opinion has been quoted with approval by the Supreme Court—said: "You do not own that land except for the public. This locating of a pier there, though by a railroad company, is by a corporation which is seeking to promote interstate commerce, and it has a right, in carrying out that public purpose, to locate that pier in the bed of that stream without asking your leave under the consent that it has from the Government of the United States."

The rights of the abutting owner are very well defined in all the textbooks. He has not any property in the water except the right to utilize its flow. I do not want to go into that branch of the subject again, Mr. President, as I entered into it quite fully in my previous argument.

Mr. President, we must not look at this question from any strict or technical interpretation of the Constitution. That is out of place in this present-day civilization, when the loudest demand of the time is for the greatest degree of efficiency and the greatest regard for the public welfare, when technical private rights must yield to the public good.

But there is no right which is confiscated under this bill. The abutting owner is the licensee. If he does not own all the flowage right, he must acquire it by purchase. The bed of the stream—how about that? There is a certain qualified ownership in the State of Connecticut, but that is in trust for public use. The paramount and supreme right is that of navigation, and of that the Government has absolute control. The Government can either act itself or it can authorize some one else to act. In either case, whether it is done directly by the Government or done through a private corporation, conditions may be imposed, always provided they do not violate fundamental principles of law. It is expected also that the legislature will impose conditions for the public good.

We have been incurring great expense in the improvement of the Connecticut River. Is it not proper and fair that a part of that expense should be met from this exceedingly valuable privilege, for of all the propositions of this nature which have been before us, Mr. President, this is the one locality where the utilization of water power can be had under the most favorable circumstances? It is in a locality where there are almost countless industrial establishments in the near neighborhood. A market will not have to be sought; it will be ample from the very first day.

I can not understand how the Senator from Minnesota could make such an appeal for this company which seeks this privilege. I must say, Mr. President, that it is indeed rare that anyone in the Senate so complains of the injustice that would be done to a private corporation. The Senator from Minnesota, I am very sure, is the last man who would be expected to make that kind of an argument.

Mr. BORAH. Mr. President——

Mr. BURTON. I will yield to the Senator in a moment. The Senator from Minnesota seems to think that we are treading on the toes of this corporation; that we ought to let them have this privilege free, imposing no charge upon them; that we ought to make no provision for navigation; that we must disregard the interests of the Government, and on some theory of State rights or private rights let the corporation thrive and flourish.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I yield to the Senator.

Mr. BORAH. I want to ask the Senator's attention to this proposition, for I do not think he was in the Senate Chamber yesterday when I discussed it. The contract which has been drawn up in contemplation of this bill going through provides as follows:

Mr. BURTON. From what page is the Senator reading?

Mr. BORAH. Page 5 of the contract. It provides:

(c) The actual and bona fide cost of all labor, material, supplies, and other expenses of maintenance and operation, excluding depreciation. Such cost of operation shall be taken to the initial points of distribution, to be fixed subject to the approval of the Chief of Engineers.

Of the net profits of the company as thus ascertained the company shall be entitled to all of the said profits up to an amount equivalent to 8 per cent of the actual amount of capital invested as provided in section 1 of this memorandum. The said net profits beyond 8 per cent, and not exceeding 9 per cent, shall be divided between the United States and the company equally. The net profits beyond 9 per cent shall be divided between the company and the United States at ratios and in manner to be provided in the above-mentioned permit and agreement, but in no event is the share of the United States to be less than 50 per cent of such excess profits.

Mr. President, unless we consider the Government of the United States and the people as one, and also that the highest duty of the people is to pay taxes, suppose that the consumers of power in the vicinity of this power site should come to the conclusion that the company and the United States together were receiving entirely too much profit—because they agree to share the profits—then to whom would the people appeal in order that they might have that profit reduced to a reasonable figure and in order that they might not be imposed upon by extraordinary charges?

Mr. BURTON. In the first place, there is a provision for readjustment at the end of each 10-year period. If there were an undue profit, the public-utility commission of Connecticut would be the body to fix the rates. Under the proposition of the Senator from Idaho, the Interstate Commerce Commission, or some similar agency, would have the right to fix the rates to be charged for power. It is only after the public-service commission of Connecticut, or whatever the body is, fixes the price and after the company still earns its 8 per cent that there is to be any division at all.

Mr. BORAH. Precisely; but when the company shall have earned 8 per cent, then the rate-fixing power and the company could go into business together, neither one of them interested in reducing the rates or keeping them down, but both interested in raising the rates; and the third party, the people, would have no protection at all under this contract.

Mr. BURTON. The public-service commission of Connecticut fixes the rate the consumers pay, and what else do they need protection for?

Mr. BORAH. Who fixes the rate they pay?

Mr. BURTON. The public-service commission of the State of Connecticut.

Mr. BORAH. That is true.

Mr. BURTON. But if the power is sold outside of the State, if the policy which I think must ultimately prevail is adopted, then, in that case, the Interstate Commerce Commission would fix the rates.

Mr. BORAH. Well, Mr. President, under the amendment which I have offered, if the power is transmitted in interstate commerce or across the State line, the rate is fixed by the Interstate Commerce Commission; but if it is intrastate, it is fixed by the utilities commission of Connecticut. So the amendment which I have offered does nothing more than to erect a tribunal which shall provide and control the charges. I do not think that it can be properly said that we are deliriously anxious to protect the interests of the corporation when we are trying to insert here a provision which creates a tribunal which shall keep that rate down to a reasonable figure.

Of course we proceed in our legislation upon the theory that the Government can do no wrong, as it used to be said that the King could do no wrong; but it is not safe to place in the hands of an officer of the Government the power to fix a rate when he is particularly interested in having that rate raised all the time in order to get more proceeds.

Mr. BURTON. I do not agree that he is interested in having it raised. This provision would apply only in case the profit did reach 8 per cent. In that case and in order either to check exorbitant profits or give the public some share in them jurisdiction is then given to the Secretary of War.

Mr. BORAH. Well, Mr. President, when you take into consideration the fact that these departments are always as desirous of securing as much money for the several departments as possible, it is not, it seems to me, a wise proposition to have the department fixing the rate from which it is to derive its revenue.

Mr. BURTON. I do not quite understand what the Senator from Idaho means by that statement.

Mr. BORAH. Well, in the first place, this corporation could fix any rate that it saw fit so far as this bill is concerned.

Mr. BURTON. No; it could not.

Mr. BORAH. Why not?

Mr. BURTON. It could so far as any provision in this bill is concerned; but we all know perfectly well that there is a public-utilities commission which has ample right to fix the rate. I stated early in the discussion that in other bills I have proposed an amendment by which the Secretary of War might control the charges, and I should have been very glad were

such a provision in this bill; but I regarded that provision as merely academic, because, according to representations made to me by those most familiar with the subject, there was ample machinery for that purpose in the State of Connecticut; and I thought that for the present, at least, we should leave that matter as far as possible to the State itself.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. BURTON. I do.

Mr. BRANDEGEE. Mr. President, I desire to make a suggestion to the Senator from Ohio and to the Senator from Idaho. It seems to me that, if the net profits of this company should ever go above 8 per cent, almost any public-utilities commission would say that the charges from which that excess over 8 per cent resulted were unreasonably high charges, and they would be reduced. I do not think there is the slightest danger in that regard.

Mr. JONES. If the company will not be able to earn above 8 per cent, why the necessity of putting such a provision in the bill?

Mr. BRANDEGEE. It has not been put in the bill. It is in the proposed agreement submitted by the Secretary of War as to what might be done if this bill is passed.

Mr. JONES. Why put the provision in as to charges if, under the agreement and under the circumstances, the profit is not going to come up to the limit at which the Government will be able to divide?

Mr. BRANDEGEE. I do not know how much there will be.

Mr. BURTON. I have endeavored to set forth a reason for that.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. BURTON. If the Senator will allow me to proceed for just a moment I will then yield to him. Under conditions existing by which part of the power is supplied by coal generation and part by water power there will be trouble. In the same localities, if there were a great difference in cost between the two, the public-utilities commission surely would not make fish of one and fowl of the other. Although they are of different origin, yet they are furnishing the same facilities.

Mr. JONES. I asked my question based upon the same line as that of the Senator from Connecticut. I heard the argument of the Senator along that line a few moments ago.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from California?

Mr. BURTON. The Senator from Minnesota [Mr. NELSON], I believe, first rose, and I yield to him.

Mr. NELSON. For a very mild question. I am a little curious to know under what legislative authority the Secretary of War is acting in negotiating with these people and entering into a preliminary agreement before Congress has acted on the subject.

Mr. BURTON. Of course, Mr. President, that is easy to see. It is as the Secretary of War states in the document transmitted. There is nothing final to this; it is merely preliminary.

Mr. NELSON. He is willing to give Congress a little show in the matter.

Mr. BURTON. He gives Congress all the show. Indeed, I think Congress is exercising its will on this bill without limit and at most considerable length.

Mr. SMITH of Arizona. Mr. President, let me ask one question.

Mr. BURTON. The Senator from California [Mr. WORKS] first arose to ask a question, and I will yield to him.

Mr. WORKS. Mr. President, the contract referred to by the Senator from Idaho [Mr. BORAH] provides that out of the gross earnings of the corporation it shall be allowed for its maintenance and operating expenses. I should like to ask the Senator from Ohio whether the amount the Government would be allowed to charge under this bill, if it becomes a law, would be included as a part of the cost of maintenance and operation?

Mr. BURTON. I do not think it would; that is, the charges for maintenance and operation must first be computed and together with that a reasonable profit. The bill provides at the end of section 1:

> And no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurtenant works and property, allowing for the cost of construction, maintenance, and renewal and for depreciation charges.

It seems to me the bill answers that question.

Mr. WORKS. Then, I suppose, under the view of the Senator from Ohio, if this particular charge would consume all the profits, the company would be entitled to no credit on account of that charge being made?

Mr. BURTON. That charge would only be made in the event that after payment of cost of operation, allowing for the cost of construction, which would probably mean the interest on the construction, maintenance, and renewal, there is still a balance left.

Mr. WORKS. I am afraid the Senator from Ohio has not given very careful attention to the decisions with respect to the charges that a corporation has a right to have taken into account before it can commence to count profits. I think all the authorities hold that the corporation would first be allowed a sufficient rate to repay this amount, together with other fixed charges, and the reasonable profits in addition.

Mr. BURTON. The Senator from California evidently misapprehends the fundamental fact in this case, namely, that this is a special charge to be made under certain circumstances, which are very carefully detailed here.

Mr. WORKS. Mr. President, it is a charge which will eventually be a charge against the consumers of this company. There is no escaping from that fact.

Mr. BURTON. Mr. President, I think I have answered that sufficiently. That is a mere repetition of a general fact, which it is very easy to state as a general principle, but which does not in any way apply in this case.

Mr. CUMMINS. Mr. President——

Mr. BURTON. The Senator from Arizona [Mr. SMITH] asked me to yield to him awhile ago, and I will yield to him first.

Mr. SMITH of Arizona. What I wanted to ask is this: If the United States has the power to do anything with this contract, if it can fix a rate, impose a charge, or lay certain duties on the company, what right has the State to come in and pass any rule, law, or regulation through any tribunal it has to affect in any way the power that the Government is exercising in this matter? In other words, my contention is—and I want information from the Senator—that if the Government has any power at all here, it has exclusive power. If it can fix that, it can fix a rate. If it can fix a rate, the State can not change it. Therefore I say it has no power at all. Therefore it is an invasion of the rights of the State to fix the rate.

Mr. BURTON. I think possibly the Senator from Arizona has misapprehended one point in this matter, namely, that the Government does not fix the rate. The charge that would be paid to the Government would arise only after the payment of the revenue to the company and the deduction of the charges which are specified.

Mr. SMITH of Arizona. Further, if they can do this, could not the Secretary of War, at some subsequent time, spread this a little further? Could he not, under this power, make a contract as to what the consumer should pay?

Mr. BURTON. He could fix other charges at the end of 10 years.

Mr. SMITH of Arizona. Then the Federal Government would invade the State, in spite of all the efforts of the State, and fix the rate which consumers would pay for the power?

Mr. BURTON. Not at all. The whole machinery regarding charges is still under the control of the State. If power were furnished in another State, then the Senator from Idaho [Mr. BORAH] suggests that the charges should be placed under the Interstate Commerce Commission.

Mr. SMITH of Arizona. I am speaking of power furnished in the State of Connecticut. If they have the power to fix any charge at all——

Mr. BURTON. They have.

Mr. SMITH of Arizona. Then how can the State affect the Federal charge?

Mr. BURTON. The Federal charge is a claim upon the fund that is left, after the deduction of the expenses named here from the income derived from rates fixed by the State of Connecticut.

Mr. SMITH of Arizona. But that does not touch the principle of the right to charge. If they can do what they propose to do in this bill 10 years from now, does the Senator deny that they could fix the rate at which the consumer should take this power or at which the company should furnish it?

Mr. BURTON. Not at all. No right is given to fix the rate to the consumer.

Mr. SMITH of Arizona. The Federal Government has no such right?

Mr. BURTON. It has no right to fix the rate to the consumer under the provisions of this bill.

Mr. SMITH of Arizona. Then what right has it?

Mr. BURTON. As I said a few minutes ago, I favor—and I favored in the case of the Coosa River bill—lodging in the Federal Government the right to review the rates charged; but it was not thought necessary in this case, because the State of

Connecticut has a commission which, as I understand, is entirely competent to do that work.

Mr. SMITH of Arizona. If the Senator will pardon one more interruption——

Mr. BURTON. Certainly.

Mr. SMITH of Arizona. I was asking for a suggestion from the Senator, in whose judgment I have very great confidence. My contention is that the Government had nothing whatever to do with this matter. The Senator's contention is that the Government has the power; and I am trying to measure what power the Government has. If it has the power to lay an embargo, to lay a toll or a duty or an imposition, that duty, toll, or imposition ultimately comes out of the consumers of this power, confessedly made through State property and within State lines. If the Government can do that, it can go to the other limit of absolutely ruining all State power.

Mr. BURTON. Not a particle of State property is involved. It is not the laying of any embargo on the company or on the consumer or on anyone else. The object of this provision is to prevent this corporation from reaping an inordinate profit from that enterprise. If the rate of 8 per cent is reached, then, in that case, a certain proportion is to be paid over to the Government to be applied to purposes of navigation.

I am frank to say that to me the rate of 8 per cent seems rather high; but it is well known that in many of these enterprises the return has far exceeded that amount. It is a somewhat uncertain business.

The cost of constructing a lock and dam, though it can be computed with a fair degree of accuracy, has some elements of uncertainty. The cost of installation furnishes a still greater element of uncertainty. The amount of power developed is even more uncertain still. The market in this locality would be a comparatively fixed factor, and it could be estimated with some degree of assurance. But the Senator from Arizona well knows that in proportion as the results of investments are uncertain, investors expect a larger return.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. CUMMINS. Mr. President, is it the view of the Senator from Ohio that we ought to consider the proposed contract between the Secretary of War and this company in determining whether or not the bill before us should pass?

Mr. BURTON. I believe the Senator from Iowa can tell as well as I with reference to that. I do not at all understand that this agreement is a finality.

Mr. CUMMINS. I think the Senator from Ohio will agree with me that in determining the merit of this bill, we ought not to take it for granted that any contract is made, or is about to be made, between the Secretary of War and the company. We ought to look at the terms of the bill alone in order to determine whether or not it should pass.

Mr. BURTON. I should say so.

Mr. CUMMINS. The question I intend to ask the Senator from Ohio is this——

Mr. BURTON. That is to say, that is all we have before us. We have here an intimation of a probable contract that may be made; that is all.

Mr. CUMMINS. I do not want the Senator from Ohio to think that I disagree with him about certain phases of this bill, but I do disagree with him about certain provisions of it. I have no doubt that the Government of the United States in this instance, under the conditions of the Connecticut River, can grant permission to build a dam across it which is really a part of the system of improvement already determined upon, and that the company which builds the dam can dispose of the power generated by it. So far the Senator from Ohio and myself are in agreement; but we only reach that conclusion upon the theory that the Connecticut River Co. is doing what the Government of the United States might otherwise well do. If the Government built the dam and generated the power, of course it would fix the price at which the power would be sold.

Mr. BURTON. If I may interrupt the Senator from Iowa, I will state that the question was raised here a few days ago whether, in case the Government generated the power, the rates would be subject to the ruling of any State commission. I should like the opinion of the Senator from Iowa upon that point.

Mr. CUMMINS. In my opinion, very clearly not. If the Government builds the dam and has the right to sell the power—and concerning that I will leave the discussion to others here, but I will assume that it has—undoubtedly it has the right to determine at what price it will sell the power. It may be well assumed that it will sell it at a price that will do no injustice to the people to whom it is supplied.

If the Government gives to the Connecticut River Co. the permission to build the dam and sell the power, it seems to me that, unquestionably, the Government ought to reserve the right to fix the rate at which the power shall be sold—not only the rate on power that is transmitted from one State to another, but the rate on power that is used in the State of Connecticut alone.

So far as I am concerned, I never can bring myself to favor a measure that does not reserve that right on the part of the Government. I am now assuming that this is a proper instance for the grant of the permission. I assume that as my initial premise.

My objection to the bill is because the Government does not reserve the right to declare what a reasonable rate shall be; and furthermore—I shall not deal with that now, however, because there is a false and fictitious standard of value sought to be established in the bill for application in the event that the permission is ever withdrawn from the Connecticut River Co.

The Government ought not to bind itself to take this improvement under a valuation the test of which is proposed in this bill. That, however, is not up now, and I shall not divert the attention of the Senator from Ohio to that point. But I am sure that the point that was under discussion when I came in—namely, the propriety of the Government reserving the right to fix the rates in every instance in which it has the right to grant permission—ought not to be questioned.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. BURTON. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, the Senator who objected to my request, made this morning, for unanimous consent to vote upon this bill and all amendments to it in accordance with the terms of the unanimous-consent agreement which stands upon the calendar, informs me that he has no objection, and therefore I renew the request. The request was that under the terms of the unanimous-consent agreement as it stands on the calendar we shall commence voting upon this bill and all amendments, to final disposition of the same, not later than 4 o'clock on Monday next, without further debate.

The PRESIDING OFFICER. The Senate has heard the request for unanimous consent made by the Senator from Connecticut. Is there objection?

Mr. SMITH of Arizona. I did not hear the request.

Mr. BRANDEGEE. The request is for unanimous consent that we shall vote not later than 4 o'clock next Monday afternoon on the pending bill.

Mr. SMITH of Arizona. What time does that give? Is there any special order for that day, or any appropriation bill that will consume all the time?

Mr. BRANDEGEE. We could convene at an earlier hour on that day, if the Senator desired.

Mr. NELSON. Mr. President, I do not like to object, but I wish to suggest to the Senator that I have given notice that I intend to call up the river and harbor bill on Monday, after the conclusion of the regular routine morning business.

Mr. SMOOT. And the District of Columbia appropriation bill is to be called up on Monday.

Mr. BANKHEAD. It seems to me, if the Senator from Minnesota will permit me, that if any appropriation bill should be under consideration on Monday when the hour of 4 o'clock arrives, we might suspend the consideration of that bill long enough to vote upon this bill.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent?

Mr. GALLINGER. Mr. President, as I objected this morning, I very gladly withdraw the objection, because I very much want to have this matter disposed of. I will venture to suggest to Senators who have charge of appropriation bills that this bill is blocking all the work of the Senate. I suggest that they might well agree to withhold the consideration of appropriation bills until this bill is disposed of. I am sure I would do that if I had charge of an appropriation bill.

Mr. CURTIS. Mr. President, if the Senator will yield, I wish to state that if I have charge of the District appropriation bill, and it is up at the hour of 4 o'clock on Monday when this matter is to be voted upon, I shall gladly ask that the bill be laid aside until a vote can be had.

Mr. SMITH of Arizona. Mr. President, I do not want to stand in the way of the Senator from Connecticut getting a vote upon this bill. I have not been in condition to say what I wish to say to the Senate about it, and I do not know whether I shall be on Monday or not, but I had desired to speak for a while, at least, on certain provisions of the bill. I should like, if it could be conveniently done, if I find myself at that time able to take the floor, to have an opportunity to say something

about it, but I do not want that feeling of mine to stand in the way of a vote on the bill. I shall not object.

The PRESIDING OFFICER. The Secretary will read the unanimous-consent agreement requested by the Senator.

The SECRETARY. The Senator from Connecticut asks unanimous consent that, in accordance with the terms of the unanimous-consent agreement now in existence, the Senate will proceed to vote without further debate on any amendment that may be pending, any amendments that may be offered, and upon the bill, S. 8033, through its parliamentary stages, to its final disposition, on Monday next, the calendar day of February 17, 1913, not later than 4 o'clock.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. BURTON. I am glad to know that the Senator from Iowa favors inserting in each of these bills a reservation of the right of the Federal Government to control charges. I do not know that I should go quite as far as that. I think the power should be one of revision—at least at present—rather than of immediate control; and if local agencies prove inadequate, then the Federal Government should act. But I think we are failing in our duty unless we assert larger and larger powers in the control of this enormous asset of the country, our water power. Such a condition was proposed when other bills were pending, but was omitted in this case, because it was thought the State of Connecticut had ample power to take care of this phase of the problem.

There is one thing to which I wish to call particular attention. We ought to interpret the Constitution in the same way whether the question concerns the right of the States or the right of the Federal Government. Every Senator here has taken an oath, and it is his duty to support the Constitution, and to observe its provisions. That includes the most careful regard for the interests of the United States. If we look upon that Constitution as written on tablets of stone, it seems as if a thick veil were drawn before it whenever any measure proposed is in favor of a State. There is a growing tendency to disregard the Constitution and its provisions in such cases. But if the question is one where they seek to make the interest of the State subservient to that of the Federal Government, then we throw a strong light on it and give to it as technical an interpretation as possible.

Almost two years ago to-day we passed here the Appalachian Forest Reserve bill. That was a measure the object of which was to purchase forests, to establish parks, to protect land in the States from erosion. It was started as a measure of purely local interest, until all at once some one discovered that we had no constitutional right to do that just as a mere local proposition; we must have some reason of national concern for it. Then the argument was made, "Why, it promotes navigation." So it was proposed that we should buy forests 300 miles away from any navigable river, with the idea that they promoted navigation by increasing the flow in rivers where their chief difficulty was not that they had insufficient water but that every year they were suffering from floods. Then, when you finally reached the rivers themselves, they had no navigation worth mentioning at any time of the year.

Did anybody raise the point of the Constitution and State rights then? No. Money was being expended from the Federal Treasury for the benefit of localities.

I want to quote what one Senator said with reference to that bill. How excellently he expresses the limits of constitutional power!

> We are theorizing largely here—

I think, Mr. President, that could be repeated in regard to this debate—

> We are theorizing largely here. I had a practical experience in 1908. In the watershed of the mountains bordering in North Carolina onto the foothills in South Carolina there was an unusual rainfall. In that territory, on the hillsides, which produce nothing in proportion to what the lower and more level lands produce, there was an unusual rainfall in 1908. All the streams of South Carolina—the Pedee River, Lynches River, the Wateree, the Congaree, and the Santee—destroyed millions upon millions of dollars' worth of property permanently by the erosion of these hills, which could not have happened had there been forests on them, because tons upon tons of silt, sand, and rock were carried down and deposited upon the level alluvial land, and made sand bars and mud banks in the navigable streams, costing the State more than those counties were practically worth. It seems to me it would be a wise provision on the part of the Government to make such an appropriation as will forestall any future flood.

That is, whether the stream is navigable or not, if the improvement will forestall a flood and save the quality of the land, we are asked to make an appropriation for it. But when, in the course of the improvement of rivers, enormous expense is incurred—and I want to say to my fellow Senators that the extravagance in all our river and harbor appropriations has been most striking in canalizing these streams which need locks and dams; that is the place where there is waste—when the Government, by taxing the whole people, appropriates for building a lock and dam, or when there exists a point where a water power of value can be developed, then, Mr. President, there is a place where it would be well for us to safeguard the National Treasury.

Mr. President, what else do we do? Why, we build levees on rivers. They have a remote bearing on navigation. But to save private property, to make lands worth $100 an acre that are now worth $3 an acre, or are entirely worthless—we are doing this under the very Constitution to which such a touching appeal has been made here during the last week.

Oh, what a dread there is lest we violate the Constitution when we retain that which is incidental to the great work of developing commerce; but how little we hear the voice of fear when money goes out into the States and into the districts. There the Constitution is hidden from our faces.

Mr. McLEAN. All three political parties are committed in their party platforms to the proposition that the Government should appropriate funds to reconstruct and maintain levees.

Mr. BURTON. I think so. I do not know whether or not they considered the Constitution when they did that. What is the Constitution in the midst of a political campaign, when there are multitudes whose votes are sought? But that Constitution grows very strong here when we seek to make use of water power incident to navigable streams. Then the rights of the State are asserted, though that rule seems never to be invoked when appropriations are sought.

Why, barely two weeks ago, without a roll call, we passed here what is called a vocational bill, under which it is proposed to enter a State and spend a certain amount of money for education—a most commendable purpose, but one which, under the old ideas of Jeffersonian democracy, should be left to the States and to the local communities. It was thought by Jefferson and his followers that the Central Government should have only such powers as were necessary to maintain the supremacy of the Nation; that it was far better for each city and each State to be left to itself, just as in individuals we teach self-reliance and develop strength by imposing personal responsibility and compelling each man to work his own way in the struggle of life. Nobody said anything about the Constitution when the vocational bill was up here.

Mr. SMOOT. How about the general-welfare clause?

Mr. BURTON. Oh, under the "general-welfare" clause people sometimes think we could do anything. We could wipe out the lines between the States. If Congress chose to do so, we could take over to ourselves the control of cities. We could go into cities and build hospitals—which are very necessary—for the prevention of tuberculosis. Physical life and health are just as necessary as is education. In short, they say we could do anything under the "general-welfare" clause.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. BURTON. I really should like to proceed briefly, since I have had so many interruptions, if the Senator will kindly excuse me. Perhaps the Senator from Alabama desires to offer some other illustration of going beyond Federal powers without any protest here. I could state so many that I do not think it is worth while.

Mr. President, I am surprised at the opposition to this bill. I thought it would be a mere matter of the merits of this bill. But it is said there is a precedent in it. This case stands by itself, though I repeat what I said at the beginning: So far as I am concerned, it is a precedent, and while we may never have exactly the same conditions again, I am in favor in the future of placing the strictest restrictions on these grants of water power. Such a policy is necessary to prevent monopoly. I want to say to Senators that we are just in the beginning of discussions on this subject. But why hold up this bill?

It is favored in the locality which is immediately interested. If the conditions are severe, a company has been found which is willing to submit to them. I have no doubt they would like it far better without this provision for the imposition of a charge, but they regarded that as fair and were willing to accept it. The Secretary of the Interior framed like regulations pertaining to the grant of water power in the great West, where even more severe restrictions have been imposed and accepted.

What do Senators expect? Do they think that the time is coming when the American people are going to be negligent in the matter of conserving these great resources? If they do, I think they are in error. The people are waking up to the importance of the matter. They recognize that land and forests and minerals have gone into the hands of great organizations, and that a favored few have gained an advantage in many cases to the detriment not merely of the development of the country but of the equal opportunities of our citizens. They are not going

to allow water power to be wasted or to fall into the hands of a few exploiting corporations.

Personally, I should favor somewhat stricter rules than are contained here. It is quite interesting to note that while on the other side there are so many who think State rights are offended by this bill and the National Government receives too much power, the Senator from Iowa thinks the Federal Government has not gone far enough. I come nearer to agreeing with him on that proposition than I do with those who have the opposite contention.

Mr. President, it seems to me that we should pass this bill as it was introduced by the Senator from Connecticut. I have no personal affiliation with this locality or with any of the parties. My interest is based in part on a realization 10 years ago of the importance that this problem would assume. The bill relating to the Hales Bar, passed in 1904, providing for a dam below the town of Chattanooga, in the Tennessee River, was one that I drew myself. That bill inaugurated this policy of making a condition when water power was developed in navigable streams and to compel him who enjoyed the privilege to contribute to the development of the river for navigation. In that case the dam and the locks were built by the licensee. I am sure that in the future the people of this country will insist that instead of lessening restrictions and conditions in the grant stronger restrictions safeguarding the public interests and preventing monopoly should be imposed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On February 13, 1913:

S. 3952. An act repealing the provision of the Indian appropriation act for the fiscal year ending June 30, 1907, authorizing the sale of a tract of land reserved for a burial ground for the Wyandotte Tribe of Indians in Kansas City, Kans.

On February 14, 1913:

S. 109. An act to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 186. An act for the relief of Francis Grinstead, alias Francis M. Grinstead;

S. 3873. An act for the relief of Lewis F. Walsh;

S. 4043. An act for the relief of Sylvester W. Barnes; and

S. 5262. An act for the relief of Sylvester C. Parker.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

IMMIGRATION OF ALIENS—VETO MESSAGE (S. DOC. NO. 1087).

Mr. LODGE. I ask the Chair to lay before the Senate a message just received from the President of the United States.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

I return herewith, without my approval, S. 3175.

I do this with great reluctance. The bill contains many valuable amendments to the present immigration law which will insure greater certainty in excluding undesirable immigrants.

The bill received strong support in both Houses and was recommended by an able commission after an extended investigation and carefully drawn conclusions.

But I can not make up my mind to sign a bill which in its chief provision violates a principle that ought, in my opinion, to be upheld in dealing with our immigration. I refer to the literacy test. For the reasons stated in Secretary Nagel's letter to me, I can not approve that test. The Secretary's letter accompanies this.

WM. H. TAFT.

THE WHITE HOUSE, *February 14, 1913.*

Mr. LODGE. I ask that the message be printed, together with the accompanying letter from the Secretary of Commerce and Labor, and that it lie with the bill on the table. I give notice that immediately on the expiration of the unanimous-consent agreement I shall ask the Senate to consider the message and the bill under the terms of the Constitution.

The PRESIDING OFFICER. Without objection, the message and accompanying paper and the bill will be printed and lie on the table.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. CUMMINS. Mr. President, I shall consume but a very few minutes. The only reason I speak at all is because I intend to vote against the bill in its present form and yet heartily approve the general principle upon which it is founded.

I stated a few moments ago in an interruption that it seemed to me altogether inconsistent to grant this permission without reserving the right on the part of the Government to fix the charges that shall be made by the river company for the power that is generated in or by the dam. I do not care to enlarge upon that. If an amendment shall be adopted that does reserve that right to the Government, it will remove my objection on that score.

My second objection, and it seems to me to be a most serious one, is to that provision of the bill which provides that under a certain contingency the Government must take this improvement and must pay for it according to the standard fixed in the bill.

I do not think that we ought to agree with the Connecticut River Co. to take its improvement at any time or under any circumstances. It may be that if the promise is ever withdrawn a sense of justice would require the Government to make compensation. But sufficient unto the day is the evil thereof. It is in the highest degree unwise and impolitic for the Government of the United States to now enter into an agreement with the Connecticut River Co. that it will take and will pay under any circumstances.

I desire to call the attention of the Senate to just what we agree to do—a most extraordinary agreement. I do not believe its parallel can be found in the annals of legislation:

SEC. 5. That upon the termination for any cause whatever of the authority, rights, and privileges granted hereby, or any renewal thereof, the United States may renew the same or the grant may be made or transferred to other parties.

Now, mark: Upon the termination, no matter what the offense or delinquency of the Connecticut River Co. may have been, if this permission is terminated for any cause, and the Government does not renew it to either that company or to its assignees, then the consequences which I am about to recite follow:

Unless the grant is renewed to the original grantee or its assigns, as herein provided, the United States shall pay or require its new grantee to pay to said original grantees or its assigns, as full compensation, the reasonable value of the improvements and appurtenant works constructed under the authority of this act and of the property belonging to said corporation necessary for the development hereby authorized, exclusive of the value of the authority hereby granted.

It is not within the human mind to conceive what property that may embrace in the development of the next quarter of a century or half of a century. This permission is in its terms perpetual—it does not continue for a term of years; and it is repugnant to my sense of justice to say that if for any cause we may desire to withdraw the permission, thereupon we must take all the property that is connected in any way with this particular dam and pay for it upon any basis whatsoever.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. CUMMINS. I yield to the Senator from Colorado.

Mr. THOMAS. In this connection I should like to call the attention of the Senator from Iowa to what is recited in the proposed agreement with the Secretary of War. The total investment is estimated at $5,500,000; so that if immediately after it is completed the terms of that part of the contract which has just been read become effective the Government would at once be obliged to pay over this enormous sum to the grantee.

Mr. CUMMINS. I have not read the proposed contract. I do not consider it in reaching the judgment that I have reached, but I consider only the terms of the bill.

Mr. BURTON. If the Senator from Iowa will yield to me, there has been discussed very largely the different kinds of franchises, and this seemed best for the public and best for the exploiter. If there are terms which will secure the interests of the Government in any possible degree, let them be

brought forward. I do not regard that condition, if for any reason the Government desires the property, as being one of more than a very general nature, and I can conceive of no conditions under which that would become effective.

Mr. CUMMINS. I do not know when or how it will become effective. I only know that it is unsound in principle. It is a most dangerous precedent. Only a few years ago the Congress of the United States granted permission to a company to build a dam across the Mississippi River. There was no agreement assumed or expected there that if in the future the permission should be withdrawn the Government should undertake to pay. This is perpetual.

Mr. ROOT. No; 50 years.

Mr. CUMMINS. I have not observed that there is any limit to the privilege granted here, taken in connection with the renewal that is provided for, but if it is limited to 50 years it is all the worse, Mr. President, because——

Mr. ROOT. I withdraw it.

Mr. CUMMINS. That magnifies and intensifies the objection I have to it because if it were to run for 200 years the property might be entirely worn out.

Mr. ROOT. May I ask a question of the Senator from Iowa?

Mr. CUMMINS. Certainly.

Mr. ROOT. How does this differ from the ordinary provision in long leases which provides for renewal? Ten thousand leases have been made within our lifetime under which it is provided if the lease is not renewed the grantor of the right shall pay for the property that is put on.

Mr. CUMMINS. Precisely. As between private parties it is a most customary and indeed a most wise provision.

Mr. ROOT. Is there any reason why this should be different?

Mr. CUMMINS. Yes, sir. I will try to state to the Senator from New York and to the Senate why this is so essentially different. There the lessor receives a stated rental. It is supposed to adequately compensate him for the use of the property and for all the other obligations into which the lessor enters. If the lessor under such circumstances agrees that upon a failure of the lease or upon a termination of the lease the improvements which the lessee has placed upon the property shall be paid for, well and good; but we are here granting a permission without any compensation whatever. We are granting a permission that is supposed to be for the general welfare, and yet under those circumstances it is proposed to fasten upon the permission the agreement of the Government that upon the termination of the grant, no matter what the cause may be, this obligation on the part of the Government to pay shall arise.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield further to the Senator from New York?

Mr. CUMMINS. I yield.

Mr. ROOT. If the permission be for the general welfare, do we not receive compensation? Are not the improvement of navigation of the river, the building of the lock, the canal, the contribution toward the improvement of the river in general, compensation for the interests that we are bound to promote?

Mr. CUMMINS. It would be, Mr. President——

Mr. ROOT. And why should we be less just toward the grantee of a right which is terminated than a private party is toward the grantee of a right that is terminated? Why do not the same principles of right conduct apply to us that apply to a private person?

Mr. CUMMINS. Simply because——

Mr. BURTON. Let me ask the Senator from Iowa another question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I do.

Mr. BURTON. Suppose it is known that in the 50 years there is no right of renewal and that the party must lose his property, his trust. Does not the Senator from Iowa know that the charge to the consumer during all those 50 years will be very greatly increased—doubled in some cases—so that in the end the public are much worse off than they would be without this kind of a condition?

Mr. CUMMINS. I do not, Mr. President. I assume——

Mr. BURTON. I want to ask further, has not that been the conclusion of public-service commissions—of students of the subject? I understand it is the rule in the State of Wisconsin, where this subject has been very carefully considered, that the best way to do was not to confiscate the value of the structures or buildings at the end of a certain period, but to make some allowance for them.

There is another point in connection with it. There is no encouragement for the owner of such a plant to go on and improve it. He will maintain it at the very lowest stage of efficiency if he knows that at the end of 50 years he will have no interest whatever in it. There is a situation here in which there are plainly two sides to the question. The general conclusion has been, I think, that means of compensation at the end of 50 years, or some other stated period, is best.

Mr. CUMMINS. Mr. President, I do not think the case put by the Senator from Ohio and the case under consideration are parallel. We are securing our object in the improvement of the river. We are not building this dam for the purpose of creating power. The power is a mere incident. It would be very unjust for the Government after the dam was built to withdraw the permission without just cause. I agree with that. But I assume that the Congress of the United States will be as just then as it is now. My objection is to the positive obligation that is created and that will arise upon a contingency that no one can foresee or foretell.

Mr. BURTON. If the Senator from Iowa will yield to another question, what kind of a franchise would he recommend?

Mr. CUMMINS. If I were doing it, I would grant this permission for any reasonable length of time, I care not whether a year or a hundred years, but I would not enter into any agreement that at the end of that time the Government of the United States would undertake to buy the property at the rate that is here prescribed.

Mr. BURTON. Which does the Senator, if I may ask, regard as best—a hundred-year franchise with no provision for renewal or 50 years with this kind of provision?

Mr. CUMMINS. It matters not. Of course the Government of the United States could by process of condemnation take the property at any time and therein exercise its undoubted privilege and pay for the property according to rules of law; but that is a very different thing from entering now into a contract to take the property at a certain valuation upon the termination of the grant.

Mr. BURTON. To take or renew.

Mr. CUMMINS. Yes; no matter how it might seem at the time, we would be compelled to renew it in order to avoid the payment.

Mr. BURTON. Oh, not necessarily. If there was a very valuable privilege others would come forward and say that they would take it and pay. It is only to safeguard the interest of the Government that that provision is there. Does not the Senator from Iowa realize that if you do not make some provision for compensation you must necessarily double or treble the length of the privilege that you give?

Mr. CUMMINS. I understand perfectly that, in order to invite the investment necessary for the construction of such a work as this, it would be necessary to give a time within which those who invested their capital could repay it to themselves with a profit; but that is a vastly better course, in my opinion, than to agree to take the property under the uncertain contingency named in the bill.

Mr. BRANDEGEE. Mr. President——

Mr. CUMMINS. But that is only one——

Mr. BURTON. I do not know that I understand the Senator from Iowa.

The PRESIDING OFFICER. To whom does the Senator from Iowa yield?

Mr. CUMMINS. I yield to the Senator from Connecticut [Mr. BRANDEGEE]. I observe he has been addressing the Chair for quite a few minutes.

Mr. BRANDEGEE. Mr. President, I thank the Senator very much. Sometimes it is not necessary to get permission to interrupt a fellow Senator. The bill provides that the rights conveyed shall be subject to what is known as the general dam act, which is the act of June 23, 1910. If the Senator from Iowa will read section 4 of that act, he will find that the language there employed is identical with the language of the bill, and this very bill authorizing the construction of a dam, if passed by Congress, will be subject to section 4 of the act to which I refer. It also provides that, if the Government shall not renew the grant, the Government shall take the property under condemnation proceedings. When the Senator from Iowa shall have concluded his remarks I will put section 4 into the RECORD.

Mr. CUMMINS. Does the Senator from Connecticut say that section 5 of this bill is an exact reproduction of any part of the so-called general dam act?

Mr. BRANDEGEE. If the Senator will allow me now—though if he prefers not to be interrupted I will not interrupt him—if he will read the bill, I will read the act and we can in that way compare them.

Mr. GALLINGER. Why not read the section?

Mr. BRANDEGEE. I will.

Mr. CUMMINS. I did not know that it was the same; I did know that it contained many features of this general law; but, if it does, the general law is bad.

Mr. BRANDEGEE. That may be so. I did not help to pass it. I am simply saying that this bill, instead of departing from precedents or from the general policy of the Government, is strictly in accord with them. If the general policy is bad, instead of picking out this particular bill for the victim, let us repeal the general policy—the general law.

Mr. CUMMINS. Does the act to which the Senator from Connecticut now refers provide that the Government shall take the property and pay "the reasonable value of the improvements and appurtenant works constructed under the authority of this act and of the property belonging to said corporation necessary for the development hereby authorized, exclusive of the value of the authority hereby granted"?

Mr. BRANDEGEE. Yes; it does; and more, too; but I should like to have the Secretary read the act, if the Senator will allow it.

Mr. CUMMINS. Very well. I have no objection to hearing it.

Mr. BRANDEGEE. I send to the desk a paper published by the Committee on Commerce of the Senate, and ask the Secretary to read from it section 4 of the act to which I refer.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SEC. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail, after receiving reasonable notice thereof, to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War, including the payment into the Treasury of the United States of the charges provided for by section 1 of this act: *Provided*, That Congress may revoke any rights conferred in pursuance of this act whenever it is necessary for public use, and, in the event of any such revocation by Congress, the United States shall pay the owners of any dam and appurtenant works built under authority of this act, as full compensation, the reasonable value thereof, exclusive of the value of the authority or franchise granted, such reasonable value to be determined by mutual agreement between the Secretary of War and the said owners, and in case they can not agree, then by proceedings instituted in the United States circuit court for the condemnation of such properties: *And provided also*, That the authority granted under or in pursuance of the provisions of this act shall terminate at the end of a period not to exceed 50 years from the date of the original approval of the project under this act, unless sooner revoked as herein provided or Congress shall otherwise direct: *Provided, however*, That this limitation shall not apply to any corporation or individual heretofore authorized by the United States, or by any State, to construct a dam in or across a navigable waterway, upon which dam expenditures of money have heretofore been made in reliance upon such grant or grants.

Mr. CUMMINS. Mr. President, in my opinion that bears no more resemblance to the provisions of this bill than though it were connected with a different subject. There the power of the Government is to be exercised whenever it desires to take the property for a public use; and, when it so desires, it takes it under laws and rules relating to eminent domain. That is not this case. This bill provides:

SEC. 5. That upon the termination for any cause whatever of the authority, rights, and privileges granted hereby, or any renewal thereof—

That these consequences shall follow.

Mr. NELSON. Will the Senator allow me to suggest, if the company should become bankrupt and could not proceed, would not that be operative?

Mr. CUMMINS. Certainly; or if it should decline to render any service.

Mr. NELSON. Yes.

Mr. CUMMINS. All those things might authorize the Government to revoke the permit; but I want to proceed a step further. The Senate will have observed in the reading of the section to which the Senator from Connecticut [Mr. BRANDEGEE] refers that there is no description of property to be taken and paid for such as is contained in this bill. That section does not say, as does this bill:

The reasonable value of the improvements and appurtenant works constructed under the authority of this act and of the property belonging to said corporation necessary for the development hereby authorized, exclusive of the value of the authority hereby granted. Said improvements and appurtenant works and property shall include the lands and riparian rights acquired for the purposes of such development, the dam and other structures, and also the equipment useful and convenient for the generation of hydroelectric power or hydromechanical power, and the transmission system from generation plant to initial points of distribution, but shall not include any other property whatsoever.

Here is a broad, general description of the property that must be taken by the Government. It may have some relation to the dam that is authorized here, but its relation may be so vague, it may be so remote, that it would be worse than folly for the Government of the United States to undertake to become its owner by condemnation. But that is not all.

Mr. BRANDEGEE rose.

Mr. CUMMINS. Mark, now, what follows:

Such reasonable value shall be determined by mutual agreement between the Secretary of War and the owners, and in case they can not agree, then by proceedings instituted in the United States district court for the condemnation of such properties.

There the general act closes, and the law relating to the value of property covers the procedure for the condemnation of the property. But mark what we have here:

The basis for determining the value shall be the cost of replacing the structures necessary for the development and transmission of hydroelectric power by other structures capable of developing and transmitting the same amount of marketable power with equal efficiency, allowance being made for deterioration, if any, of the existing structures in estimating such efficiency.

Mr. President, no court in Christendom has ever declared that that was the rule of condemnation. No court has ever declared that that is the rule for ascertaining the value of property when the Government undertakes to exercise its sovereign power in the way of fixing rates for the use of that property.

Mr. ROOT. Does the Senator say it is an unjust rule?

Mr. CUMMINS. I do.

Mr. ROOT. Why?

Mr. CUMMINS. I say it is a very unjust rule.

Mr. ROOT. Why?

Mr. CUMMINS. I am rather fresh from that question. We have for three days before the Interstate Commerce Committee been discussing that very proposition. We are about to undertake, I hope, to value the property of all the railroads in the United States, of all the common carriers in the United States, in order to furnish evidence to those to whom the information is material when the Interstate Commerce Commission comes to act or the courts come to act in cases in which the value of the property is material. It is true that the cost of reproduction, under some circumstances, may be one factor to be considered in ascertaining the value of property. It is not, however, the only factor, as has been declared by the Supreme Court of the United States and by every other court that has ever had occasion to deal with the subject. I think we would do the people of this country great injustice if we would bind them to pay, in the event the Government becomes the owner of this property, the cost of reproducing the property. All that the Government ought to pay, in any event, would be the fair value of the property for the purposes for which it was created. In ascertaining that fair value the cost of reproduction, the original cost, and the earning capacity possibly, all may be taken into account; but we are here binding the Government to a single criterion for the ascertainment of the value of property, and that, in all probability, a criterion which fixes the highest possible value that can be placed upon the property.

Mr. ROOT. Mr. President, it seems to me that these provisions limit the Government's liability; that they are all in the direction of the limitation of the Government's liability. We know perfectly well that the general course and tendency of electrical science is to increase the efficiency of machinery, to make it possible to produce a greater amount of electrical current from a given amount of water power; but this provision relieves the Government from the necessity of paying the cost of replacing the structures that may be there and limits its obligation, in case it sees fit to take the property, to the cost of replacing the structures necessary to develop the same amount of power.

Mr. CUMMINS. Precisely.

Mr. ROOT. Which, in the ordinary course of the development of the science, would be far smaller and far less expensive structures than were necessary years before. You can go to Niagara Falls to-day and produce the same amount of power that was manufactured by the original company that put up the first works there for the transformation of water power into electricity—you can put up structures that will reproduce the same amount of power for less than half what it cost the original company. The effect of that reduction is secured to the United States by this provision. Further, the United States is to have the benefit of an allowance for all deterioration in the property. So that these provisions, instead of imposing upon the Government a larger obligation, are limitations upon its obligations.

Mr. CUMMINS. Mr. President, that may or may not be true. It may be that at a given time the cost of reproduction is the lowest value; it may be that under other circumstances the cost of reproduction is the highest value that could be attached to the property. The riparian rights, the riparian property, and such other property as may be incident to the work proposed to be carried on by the Connecticut River Co. may become in 50 years or in 100 years of vastly more value than the entire physical structure and all the appurtenances connected with it.

We can not foresee what may happen, and if we are disposed to enter into the contract at all, all that we ought to do is to leave the law to determine the value of the property and not to attempt at this time to create one test of the value of the property and impose it to the exclusion of all others.

But that is not all. Allowance is made for deterioration, and then the bill provides:

If any of the existing structures in estimating such efficiency, together with the fair value of other properties herein defined, to which not more than 10 per cent may be added to compensate for the expenditure of initial cost and experimentation charges and other proper expenditures in the cost of the plant which may not be represented in the replacement valuation herein provided.

I think it very unsafe to attempt to set up any such standard of value. We have never attempted to do it in any other subject. It would be idle for Congress to attempt to set up a standard of value by which the railway company should be measured, and so it is unwise, because it is impossible for the mind to comprehend or conceive the conditions which may exist at the time the property is to be valued.

Therefore, Mr. President, for these three reasons—first, because we should not enter into any contract binding ourselves to take the property upon the uncertain event named in the bill; second, because the description of the property to be taken and paid for is so general and so broad that it may embrace a great deal of property that ought not to be taken by the Government under the rule which is contended for by the advocates of the bill; and, third, because we attempt here to institute a test or standard for the valuation of the property that is not recognized in the law, and that may work great injustice to the American people—I could not vote for the bill, although, as I said in the beginning, I am heartily in favor of a policy which will enable the Government to employ the instrumentalities in existence, in which it can do so with profit to itself, rather than to carry on or construct the improvement directly. Notwithstanding these things, the two defects I have pointed out are so serious and they establish, in my opinion, a precedent so dangerous that I could not give my assent to the bill.

Mr. GALLINGER. Will the Senator permit me?

Mr. CUMMINS. Certainly.

Mr. GALLINGER. I have been interested in the Senator's discussion of the question. There is a great deal of agitation in the public mind just now as to Government ownership of public utilities. I would like to ask the Senator this question. Supposing the Government concluded to take over the electric-lighting plant of the District of Columbia, as an illustration, upon what basis would the Senator think the Government ought to compensate the present owners? Would not the Senator think that they ought to get at least the full value of the property?

Mr. CUMMINS. Certainly. I would employ the word "fair" instead of "full."

Mr. GALLINGER. "Fair" is a better word.

Mr. CUMMINS. It is the word that is ordinarily used.

Mr. GALLINGER. It is a better word. It seems to me from the reading of the bill, as the Senate has read it, that is all that is contemplated in the bill that is now before us.

Mr. CUMMINS. On the contrary, as I look at it, if that rule were applied to any public-utilities company, at least any with which I am familiar, the chances are that the public would pay a great deal more than the fair value of the property for it.

I will give the Senator an illustration. In the taking over, we will say, of railroad property, if the Government were to undertake to become the owner of the railroad property of the country and pay for the terminals and for the rights of way through the country and through the cities and towns at the rate which adjoining property commands for other purposes, in my opinion the railroads would receive vastly more than the fair value of their property.

Mr. GALLINGER. I should think that was probably true.

Mr. CUMMINS. And just so in the city of Washington.

Mr. GALLINGER. But would not the Government in that transaction pay only what the corporation had paid?

Mr. CUMMINS. Not at all. On this theory it would pay the cost of reproduction. What is the cost of reproduction? It is the cost of going from one end of the line to the other and buying at prevailing rates or condemning under the rules of the law property at the value which that property now bears.

Mr. GALLINGER. I would not so construe it, but I may be wrong. I am not a lawyer. It seems to me it would be a reproduction on the basis of the original development, rather than saying that they should go out and buy other property equivalent in area at greatly increased prices beyond what the corporation paid.

Mr. CUMMINS. Moreover, suppose some new device or devices were to come into use that would obviate the generation of power in the way in which it is now generated. We can not tell what may happen in that respect. This bill would require us to pay for the reproduction value of the sort of property of the efficiency suggested here, namely, the efficiency of the plant originally constructed.

Mr. GALLINGER. It seems to me the Government could well afford to make generous compensation, rather than to build a competing line and go into a disastrous competition with a domestic corporation.

Mr. CUMMINS. Undoubtedly it could; but, after all, it ought to pay in every instance, if it pays anything, the fair value. As is well recognized by the courts, there is no single test for fair value. It is a result reached by consideration of many conditions, many circumstances, and many facts.

Mr. BRANDEGEE. Mr. President, I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to, and (at 5 o'clock and 45 minutes p. m., Friday, February 14) the Senate took a recess until Saturday, February 15, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 14, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, lead Thou us on by the light of Thy grace. We do not ask to see the distant scene; one step is enough for us. Each day brings its own duties and responsibilities. Help us to discharge them in accordance with the light Thou hast given us, and give us strength to bear each burden, that we may be prepared for the next step; and all praise we will give to Thee; in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I call up the bill (S. 8314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

Mr. BARTLETT. Reserving the right to object, I desire to ask the gentleman from Missouri how many of these bills he intends to call up and pass to-day?

Mr. RUSSELL. There are three—all Senate bills and all small ones. I believe it will not take more than 20 minutes to pass them, as I understand there will be no objection to them.

The SPEAKER. Is there objection.

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Kate Brown, widow of William N. Brown, late of Companies E and K, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James R. Haldeman, late first lieutenant Company E, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Francis, widow of John A. Francis, late second lieutenant Company F, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Jane De Graw, widow of Charles R. De Graw, late of Company A, Twenty-second Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Carrie Engberg, widow of Peter Engberg, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah E. McCann, widow of Francis McCann, late of Company K, Fourth Regiment Rhode Island Volunteer Infantry, and First Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Susan M. Sumner, widow of John H. Sumner, late captain Company A, Third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary J. Anderson, widow of James S. Anderson, late of Company G, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Anderson, late of Company A, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John S. Rodgers, late of Independent Battery F, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Myers, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew J. Furry, late of Company E, First Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles F. Cooken, late of Company F, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Robertson, late of Company C, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Leslie, late of Company I, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Weber, late of Company C, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Ketzler, late of Company B, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of August Schurman, late of Company B, Seventy-fourth Regiment New York Volunteer Infantry, and Company C, Twentieth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel J. Riley, late of Company C, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William E. Huestis, late of Company F, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Orlina M. Cadwell, widow of George Cadwell, late of Company B, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George Warnick, late of Company H, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Louis M. Lea, late of Company D, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas F. Stevens, late of Company B, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Darwin Zeek, late of Company E, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David F. Stewart, late of Company A, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nathan Vanaman, late of Company D, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Johnson, late of Company G, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John N. Postlethwait, late of Company A, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Miller, late of Company H, Fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John O. Branson, late of Company B, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adam P. S. Poisal, late of Company F, Second Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Hanes, late of Company B, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John L. Skinner, jr., late second lieutenant Company E, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John P. Glenn, late of Company B, Eighth Regiment Iowa Volunteer Cavalry, and Company D, Seventeenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Stewart, late of Company A, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Turnbeaugh, late of Company E, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia A. Snedeker, widow of George W. Snedeker, late of Company C, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Gertrude M. Snedeker, helpless and dependent child of said George W. Snedeker, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Julia A. Snedeker the name of the said Gertrude M. Snedeker shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Julia A. Snedeker.

The name of Martha R. Brown, widow of Preston W. Brown, late of Company I, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Elias Redmon, late of Company B, One hundred and twenty-fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Moffatt, late of Company B, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Kate F. Sage, widow of George D. Sage, late paymaster's steward, U. S. S. North Carolina and Coeur de Leon, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Myra Van Winkle, widow of Barrack S. Van Winkle, late of Company H, Thirty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles G. Glidden, late of Company C, Twenty-second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clara V. King, widow of Charles King, late of Company B, First Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Griffey, late of Company H, Twenty-seventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sarah F. Boynton, widow of David C. Boynton, late of Company B, Fifth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emiles Pomeroy, late of Company K, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Fannie M. Page, widow of Fernando Page, late of Company K, Third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Thomas Gannon, late of U. S. S. Sabine, Potomac, and Stockdale, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Orlan A. Hibbs, late of Company A, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Hall, late of Company B, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Francis, late of Company C, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marshall D. House, late of Company C, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry McClure, late of Company G, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Wood, widow of Warren M. Wood, late of Company E, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ephraim Benedict Murphy, alias Ephraim Benedict, late of Company B, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jay Doty, late of Company C, Twenty-third Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lorenzo F. Nolan, late of Company I, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Erastus G. Cummings, late of Company I, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Victoria L. McHone, widow of Lewis McHone, late second lieutenant Company B, Ninth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Margaret L. Thompson, former widow of William B. Hooper, late of Company L, First Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Daniel Hand, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Horace C. Webber, late of Company L, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Stanley H. Husted, late of Company B, First Regiment Wisconsin Volunteer Heavy Artillery, and second lieutenant Company F, Twelfth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Cassiday, late of Company C, Second Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William L. Sheaff, late of Company I, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Louis C. Emmett, late of Company C, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christian Bowman, late of Company D, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen Collar, late of Company F, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Baxter Johnson, late of Company I, Seventh Regiment Michigan Volunteer Infantry, and Company F, Twenty-eighth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Allen, widow of Charles G. Allen, late captain Company D, Fourteenth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Georgiana Packard, widow of George W. Packard, late of Company A, Ninth Regiment Kansas Volunteer Cavalry, and Company G, Eighth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Josephine E. Miller, widow of Abraham B. Miller, late pilot, U. S. S. Minnesota, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Delia H. Austin, widow of John F. Austin, late captain Company M, Seventeenth Regiment Illinois Volunteer Cavalry, and

pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Wendell P. Hood, late of Company F, Forty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lucy Gamble, widow of David W. Gamble, late of Company C, Fifteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth Croft, widow of William M. Croft, late of Company A, Ninth Regiment Pennsylvania Reserves Volunteer Infantry, and Company B, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Stephen B. Johnson, late of Company I, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ferdinand O. Tennison, late of Company D, Third Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Moody, late of Company F, Second Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Belknap, late of Company E, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

With the following committee amendments:

Page 2, line 21, strike out "$24" and insert "$20."
Page 6, strike out lines 9 to 12, inclusive.
Page 13, strike out lines 7 to 10, inclusive.

The amendments were severally read, considered, and agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time, and passed.

Mr. RUSSELL. Mr. Speaker, I call up the bill (S. 8274) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William Q. Mahan, late of Company G, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elmer Howe, late of Company L, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Annie George, widow of Philip George, alias Archie Thompson, late of Company G, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Flavius J. Jordan, late of Company L, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellen E. Payne, widow of Charles W. Payne, jr., late of Company C, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah A. Perkins, widow of George A. Perkins, late of Company A, One hundred and eleventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Murphy, late of Company C, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John M. Guthrie, late of Company B, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Fannie L. Graham, widow of John L. Graham, late of Company B, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Reuben Bronson, late of Company E, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Briggs, widow of Benajor A. Briggs, late of Company D, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Susannah Elmore, former widow of James B. Long, late of Company G, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Dodgion, late of Company F, Fifth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wiley C. Hunter, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Swaney, late of Company D, Fortieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aldano Neal, late of Capt. Chandler's company, National Guards, New Hampshire Militia, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Samuel Elliott, late of Company A, Seventh Regiment Pennsylvania Reserves Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Cook, late of Company A, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry B. Hayes, late second lieutenant Company I, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel M. Skelton, late of Company F, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah H. Spencer, late of Companies B and H, Twenty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Cowan, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Chapman, late of Company B, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Warner P. Price, late of Company A, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jacob Bowser, late of Company C, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Basemann, late of Company E, Twelfth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elmer Joseph, late of Company G, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lorenzo Birch, late of Company D, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Van Syckel, late of Company I, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick H. Williams, late of Company I, Thirty-first Regiment Wisconsin Volunteer Infantry, and Company E, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Titus Rexroad, now known as Titus S. Rector, late of Company A, One hundred and twenty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha A. Johnson, widow of Albert H. Johnson, late of Company H, First Battalion, Fourteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Moulton, late of Company K, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James B. Davis, late quartermaster sergeant Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah F. Elwell, widow of William H. Elwell, late acting ensign, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lyman B. Gillett, late of Company K, Twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah J. Wilson, former widow of Reason H. Wilson, late of Company G, Fourteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Oliver Jones, late of Company G, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Abel Grovenor, late captain Company C, Hatch's Independent Battalion Minnesota Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Harris, late of Company D, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Byron M. Standish, late of Company K, One hundred and forty-fifth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane Starrett, widow of William P. Starrett, late of Company F, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Warren, late of Company C, Seventeenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Sills, late of Company E, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James R. C. Fink, late of Company M, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Arthur F. McNally, late of Company K, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Walter Niles, late of Company A, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos R. Sutton, late of Company K, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Howlett, late of Capt. Degge's Company A, Fifth Battalion District of Columbia Militia Infantry, and pay him a pension at the rate of $12 per month.

The name of George W. Youngs, late of Company D, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frankie E. Bedell, widow of Byron C. Bedell, late of Company L, Seventh Regiment Michigan Volunteer Cavalry, and Company C, Third Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph Cole, late of Company F, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jonas Skinner, late of Company E, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Monks, late captain Company K, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Inger A. Steensrud, widow of Anthon A. Steensrud, alias Anthony Olson, late of Company B, Sixth Regiment Wisconsin Volunteer Infantry, and Company B, Twenty-first Regiment Veteran Reserve Corps,

and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Reinhard Habig, late of Battery H, First Regiment West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Marion O. Brown, late of Company C, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Watkins, late of Company G, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Green, late of Company H, Fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Batchelder, late of Company D, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Torrence, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi H. Hahn, late of Company I, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Johnson, late of Company B, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arbell Skaggs, widow of John C. Skaggs, late of Company E, Thirty-seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Clara H. Scott, widow of David E. Scott, late of Company D, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles W. Ash, late of Company C, Thirty-third Regiment, and Company I, Twenty-sixth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Clouser, late of Company I, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas S. Underwood, late of Battery E, Third Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charlotte Lewis McMahon, widow of Michael McMahon, late of Company I, Eighth Regiment New York Volunteer Heavy Artillery, and former widow of Merritt Lewis, late of Company K, Seventh Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of George W. Thompson, late of Company D, Thirty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick D. Skinner, late musician, band, Fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Catherine Benson, widow of Andrew J. Benson, late of Battery B, First Regiment Michigan Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Putnam, late chaplain One hundred and sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ezekiel R. Thomas, late of Company D, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lucius E. Fletcher, late of Company H, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel E. Merriam, late of Company A, Tenth Regiment Vermont Volunteer Infantry, and Battery E, First Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Heal, late of Company H, Fourth Regiment, and Company H, Nineteenth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew E. Clark, late captain Company F, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Isaac A. Conant, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas McKenna, late of Company A, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ophelia A. Comstock, widow of Daniel E. Comstock, late of Company K, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary J. Weeks, widow of William L. Weeks, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and Company K, Fifteenth Regiment, and Company H, Second Regiment, New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Luriette S. Case, widow of John E. Case, late of Company E, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Adaline Minnett, widow of Charles W. Minnett, late of Company F, Twenty-first Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John G. K. Ayers, late of Company H, Eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Anna M. Johnson, widow of John B. Johnson, late captain Company D, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas B. Foutty, late of Company C, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Moses Rowell, late of Company I, Eleventh Regiment, and Company I, Sixth Regiment, New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Huldah Nesbitt, former widow of Allen Nesbitt, late of Company K, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Charles S. Penley, late of Company H, Twenty-third Regiment Maine Volunteer Infantry, and unassigned company, Maine State Guards, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David H. Gray, late of Company A, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Snyder, late of Company K, Thirty-first Regiment New Jersey Volunteer Infantry, and Company C, One hundred and thirty-fifth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary M. Croft, widow of Charles I. Croft, late hospital steward, First Regiment California Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Riley Hawley, late of Company I, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Workman, widow of Stephen H. Workman, late of Company G, One hundred and seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hellen L. Chatfield, widow of Markus M. Chatfield, late of Company B, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Sanderson, late of Company A, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Caroline J. McBratney, widow of Sherman McBratney, late of Company M, Tenth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John C. Vennum, late of Company B, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Painter, late of Company C, First Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lefford Mathews, late of Company D, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Francis W. Crumpton, late of Company B, Second Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Wells, late of Company A, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Herbstreith, late of Company F, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Girdler, late of Company C, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Harvey T. Smith, late of Company B, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Bishop, alias Marion F. Bishop, late first lieutenant Company E, First Regiment Michigan Volunteer Infantry, and captain Company H, Second Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard T. Blaikie, late of Company B, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marcellus B. Kent, late of Company I, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Seymour, late of Company D, Twenty-second Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucinda M. Fuller, widow of Henry A. Fuller, late of Company M, First Regiment New Hampshire Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Emanuel Smith, late of Twenty-sixth Unattached Company, Massachusetts Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catherine Soper, widow of Edward B. Soper, late of Company C, Twenty-second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The following committee amendments were read:

Page 2, line 24, strike out "$40" and insert "$30."
Page 8, strike out lines 19 to 22, inclusive.
Page 9, strike out lines 23 and 24, and page 10, strike out lines 1 and 2.
Page 13, strike out lines 9 to 14, inclusive.
Page 19, strike out lines 9 to 12, inclusive.
Page 19, strike out lines 17 to 20, inclusive.

The amendments were severally read, considered, and agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

Mr. RUSSELL. Mr. Speaker, I call up the bill (S. 8178) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent relatives of such soldiers and sailors, and I ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri calls up the bill S. 8178, and asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Michael Liebhart, late of Company H, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William M. Copeland, late of Company D, Seventeenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of E. Belle Platt, widow of Abraham S. Platt, late colonel of the Thirteenth and Thirty-fourth Regiments Ohio Volunteer Infantry, and brigadier general, United States Volunteers, and pay her a pension at the rate of $12 per month.

The name of Charles Stewart, late of U. S. S. Morse, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert R. Whiteman, late of Company D, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Lasier, jr., late of Company A, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen Rice, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Isaac Henninger, late of Company B, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ira Lyle, late of Company K, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edgar W. Lauck, late of Company C, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Alexander, late of Company G, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frank Laflame, late of Company D, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Carrie Kellogg, widow of Luman M. Kellogg, late of Company B, Fifty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jerome McWethy, late of Company G, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary J. Irwin, widow of George K. Irwin, late of Company E, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Monroe J. Potts, late captain Company G, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry D. Jayne, late of Company E, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel R. Vose, late of Company B, Sixth Regiment, and Company D, First Regiment, Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Lingenfelter, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry B. Spencer, late first lieutenant and adjutant, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram Rhodes, late of Company H, Nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ozro M. Hale, late of Company E, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dennis McCarty, 2d, late of Campany F, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse Nott, late of Company G, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Susan E. Miller, widow of Samuel J. Miller, late of Company G, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Daniel Tracy, late of Company A, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph A. Funk, late of Company D, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew W. Stevens, late captain Company K, One hundred and forty-second Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Mallet, late of Company F, One hundred and twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis Kramer, late of Company F, One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin Ressler, late of Company G, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Scherff, late of Company C, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Gordon, late of Company E, Fifth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jackson Truit, late of Company D, Sixty-second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Antram, late musician, band, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha Ann Harvey, widow of George Harvey, late captain Company I, Thirty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John Chenoweth, late of Company B, Twenty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joshua Eckman, late of Company K, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles T. Howard, late of U. S. S. Ohio, Massasoit, and North Carolina, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick Buckmaster, late of Company C, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emma C. Palmer, widow of Luzerne A. Palmer, late of Company C, Fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henrietta P. Cowgill, widow of Thomas J. Cowgill, late of Company C, Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Ellen S. Kirkham, widow of Calvin C. Kirkham, late of U. S. S. North Carolina and Satellite, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Cornelia M. Hale, widow of Nathan Hale, late of Company K, Seventeenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James J. Hasson, late of Company E, Ninetieth Regiment, and Company A, Eleventh Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clement F. S. Aimes, late of Company D, Eighty-second Regiment New York Volunteer Infantry, and Company C, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Franklin W. Chapman, late of Company B, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elizabeth A. Fisher, widow of John K. Fisher, late captain Company G, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Smith, late of Company A, Ninth Regiment West Virginia Volunteer Infantry, and Company B, First Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben Cooley, late of Company D, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Craddock, late of Company A, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward Brown, late of Company I, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Hutton, late of Company G, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Hawkins, late of Company B, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John S. Edwards, late of Company I, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel C. Planck, late of Company E, One hundred and twenty-ninth Regiment Ohio Volunteer Infantry, and Company H, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David F. Eutsler, late of Company A, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jasper Fleener, late of Company C, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Job S. Sims, late of Company E, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John J. Jameson, late of Company D, Second Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles T. Knight, late of Company G, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cyrus N. Lyons, late of Company B, Twenty-first Regiment, and unassigned, Thirty-fourth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Jones, late of Company C, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Troyer, late of Company M, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josephine M. Perry, widow of Andrew J. Perry, late of Company A, Third Regiment Rhode Island Volunteer Heavy Artillery, and Company D, Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Oscar B. Vibert, late of Company A, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert T. Wharton, late of Company F, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David L. Denee, late of Company D, Fifteenth Regiment and Company I, Second Regiment, New Jersey Volunteer Infantry, and

pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Bingaman, widow of Joseph A. Bingaman, late second lieutenant Company D, Sixteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Nettie W. Sisson, helpless and dependent daughter of Henry T. Sisson, late colonel Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Emily J. Chambers, former widow of George W. Buffington, late of Company A, Eighth Regiment Iowa Volunteer Infantry, and widow of Thomas J. Chambers, late of Company E, First Regiment Washington Territory Mounted Volunteers, Oregon and Washington Territory Indian War, and pay her a pension at the rate of $12 per month.

The name of Sarah Tout, widow of William H. Tout, late of Company A, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Susan J. Littlefield, former widow of Isaac W. Watson, late of Company H, Seventeenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Clinton E. Olmstead, late of Company K, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel H. Strout, late of U. S. S. Sabine, Potomac, and Kanawha, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Miller, late of Company C, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Julius A. Record, late of Company C, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William L. Ham, late of Company B, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lucretia B. Crockett, widow of Benjamin B. Crockett, late of Company I, Sixteenth Regiment Maine Volunteer Infantry, and former widow of William W. Salisbury, late of Companies H and I, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George W. Barrett, late of Company D, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Olive Stull, widow of Jacob H. Stull, late first lieutenant Company D, One hundred and fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Culver, late of U. S. S. General Sherman, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gustaf Swanson, late of Company B, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sophronia Dixon, widow of Henry C. Dixon, late second lieutenant Company H, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Eben S. Welch, late of Company G, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas C. Aldrich, late of band, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emily S. Reader, widow of Charles E. Reader, late of Troop L, Sixth Regiment United States Cavalry, and Company K, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Clara A. Long, widow of Charles A. Long, late of Company G, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Maria L. Mann, widow of Henry P. Mann, late of Company D, Fifth Regiment Missouri State Militia Cavalry, and Company L, Second Regiment Ohio Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary J. Hubbard, widow of James H. Hubbard, late first lieutenant Company C, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of George W. Sumpter, late of Company K, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lurinda P. Barnes, widow of Milton H. Barnes, late of Company K, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Milton H. Barnes until she reaches the age of 16 years.

The name of Electa Marsh, helpless and dependent child of Giles Marsh, late of Company G, Seventeenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Edward A. Mace, late of Company L, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Van Orden, former widow of Reuben M. Knofsker, late of Company B, Twenty-first Regiment Wisconsin Volunteer Infantry, and widow of James W. Van Orden, late of Company C, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Susan M. Wyatt, widow of Otis C. Wyatt, late captain Company B, First Regiment New Hampshire Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Luke Cassidy, late second lieutenant Company D, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis F. Branson, late of Company M, Tenth Regiment, and Company C, Second Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amanda E. Glenn, widow of James C. Glenn, late of Company I, Eighth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Solomon Kessinger, late of Company F, Twenty-fourth Regiment, and Company C, Twenty-first Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Binkley, late of Company B, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edmond Melton, late of Company C, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli W. Pierce, late of Company G, Sixth Regiment Missouri Volunteer Cavalry, and Company B, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Melissa A. McGowan, widow of Alexander McGowan, late of Company I, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hannah Peavey, widow of Daniel Peavey, late of Company A, Seventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following committee amendments were reported:

Page 2, strike out lines 5 to 9, inclusive.

On page 4, line 3, strike out the figures "$40" and insert in lieu thereof the figures "$30."

On page 12, strike out lines 3 to 6, inclusive.

On page 12, strike out lines 15 to 20, inclusive.

On page 12, strike out lines 21 to 24, inclusive.

On page 14, strike out lines 5 to 8, inclusive.

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

ORDER OF PROCEDURE FOR TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 835.

Resolved, That on Saturday, February 15, 1913, at 10 minutes of 12 o'clock a. m., pursuant to the resolution heretofore adopted accepting the invitation of the Senate to attend the memorial services to commemorate the life and character and public services of the Hon. JAMES S. SHERMAN, late the Vice President of the United States, the House shall proceed, with the Speaker, to the Senate Chamber, and at the conclusion of the services it shall return to this Chamber.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I call up the bill (H. R. 28672) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama calls up the bill H. R. 28672, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection,

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Mary Rebecca Carroll, widow of Zachariah H. Carroll, late of Company A, Twelfth United States Regiment, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frederick Burnett, late of Troop M, Eighth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William A. Hickey, late of Company C, First Regiment District of Columbia Volunteer Infantry, and Company C, Forty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Sophia C. Neil, dependent mother of Charles T. Neil, late of Company F, First Regiment Tennessee Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Sara Jane Staddon, widow of Julian Staddon, late of Company B, Twelfth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, with $2 per month additional on account of each of four minor children of the soldier until they respectively reach the age of 16 years.

The name of Ada Hurst, widow of Curtis Hurst, late of Company I, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, with $2 per month additional on account of each of four minor children of the soldier until they respectively reach the age of 16 years.

The name of James H. Williams, late of Battery K, Fifth Regiment United States Artillery, and pay him a pension at the rate of $10 per month.

The name of Ann E. Timmons, widow of Patrick Timmons, late a landsman, U. S. S. Germantown, United States Navy, War with Mexico, and pay her a pension at the rate of $12 per month.

The name of Georgia Kelley, widow of Albert Kelley, late of Company G, Ninth Regiment Illinois Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, with $2 per month additional on account of each of two minor children of the soldier until they reach the age of 16 years.

The name of Sylvia Call, late nurse, Medical Department, United States Army, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Susan McGrath, widow of John McGrath, late of Troop C, Seventh Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The name of Alfred Skibbe, late of Company K, Thirtieth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Walter P. Norris, late of Company D, Fourth Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $8 per month.

The name of Jesse M. Dobbs, late of Company K, Tenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Margaret Fynaut, widow of Peter Fynaut, late of Company I, Two hundred and third Regiment New York Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of M. B. Sasser, late of Company A, Second Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Joseph J. Caldwell, late of Company H, One hundred and sixty-first Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The names of Devereaux Shields, Thomas C. Shields, and Margaret G. Shields, minor children of Devereaux Shields, late captain Company F, Twenty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay them a pension at the rate of $20 per month, with $2 per month additional on account of each child until they respectively reach the age of 16 years.

The name of Zorel Tipton, late of Company M, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $40 per month.

The name of Courtenay A. Stovall, widow of Marcellus A. Stovall, late of Capt. Robertson's company, Georgia Mounted Volunteers, Florida War with Seminole Indians, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Theo Rasner, late of Company F, Twenty-third Regiment United States Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Charles L. Quaintance, late private of Company C, Fifth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $15 per month.

The name of George W. Platter, late of Company I, Fifth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $6 per month.

The name of Jean L. Peabody, late of Company L, Twelfth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Robert M. Leef, late of Company G, First Regiment Illinois Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $14 per month in lieu of that he is now receiving.

The name of Marshall V. Vaden, late of Company D, Signal Corps, United States Army, War with Spain, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of William Dotson, late of Company I, Eighth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of William Cunagim, late of Fifty-eighth Company, Coast Artillery, United States Army, and pay him a pension at the rate of $12 per month.

The name of Jennette Rice, widow of John O. Rice, late of Company I, Third Regiment Tennessee Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 2829. Mary Rebecca Carroll.
H. R. 3720. Frederick Burnett.
H. R. 4798. William A. Hickey.
H. R. 5237. Sophia C. Nell.
H. R. 6707. Sara Jane Staddon.
H. R. 6990. Ada Hurst.
H. R. 8541. James H. Williams.
H. R. 11981. Ann E. Timmons.
H. R. 12654. Georgia Kelley.
H. R. 13053. Sylvia Call.
H. R. 20565. Susan McGrath.
H. R. 21182. Alfred Skibbe.
H. R. 21517. Walter P. Norris.
H. R. 23551. Jesse M. Dobbs.
H. R. 23756. Margaret Fynaut.
H. R. 24210. M. B. Sasser.
H. R. 24239. Joseph J. Caldwell.
H. R. 24542. Devereaux, Thomas C., and Margaret G. Shields, minor children.
H. R. 24748. Zorel Tipton.
H. R. 24903. Courtenay A. Stovall.
H. R. 25298. Theo Rasner.
H. R. 25448. Charles L. Quaintance.
H. R. 26070. George W. Platter.
H. R. 26301. Jean L. Peabody.
H. R. 27023. Robert M. Leef.
H. R. 27060. Marshall V. Vaden.
H. R. 27904. William Dotson.
H. R. 28317. William Cunagim.
H. R. 28551. Jennette Rice.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. RICHARDSON. Mr. Speaker, I call up the bill S. 8275, an act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama calls up the bill S. 8275, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John W. Slaughter, late of Company L, Second Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Warren Hilliard, late of Company B, Eighteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $8 per month.

The name of Louisa A. Thatcher, widow of Joseph L. Thatcher, late carpenter, United States Navy, and dependent mother of William J. Thatcher, late chief turret captain, U. S. S. Georgia, United States Navy, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of George Holledercr, late of Troop I, Third Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Charles W. Camp, late of Company M, Twenty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of George R. Smith, late of Company B, One hundred and sixtieth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The name of Edward Seaton, late of Company K, Forty-fourth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of Florida Kennerly, widow of Pierre M. Kennerly, late of Capt. McKinstry's Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles M. Baughman, late of Company K, Sixth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Elizabeth S. Lewerenz, widow of Alfred C. Lewerenz, late civil engineer, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Alfred C. Lewerenz until he reaches the age of 16 years.

The name of Minnie Wadsworth Wood, widow of Oliver E. Wood, late colonel, Artillery Corps, and brigadier general, United States Army, retired, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Francis Redmond, late of Troop K, Ninth Regiment United States Cavalry, and Hospital Corps, United States Army, and pay him a pension at the rate of $12 per month.

The name of Charles E. Harris, late of Company G, Tenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Annie V. Smith, widow of Sebree Smith, late captain, Third Regiment United States Artillery, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Barbara B. Haws, widow of William Haws, late of Capts. Robert Thomas and Coleman Boren's companies, Utah Volunteers, Utah Indian war, and pay her a pension at the rate of $12 per month.

The name of Martha A. Hughes, widow of Edward M. Hughes, late commander, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Charles L. Stevens, late of Troop E, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $16 per month.

The name of Emily W. Tilley, widow of Benjamin F. Tilley, late rear admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of James McMahon, late of Company B, Twenty-sixth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Israel Wood, late of Company K, First Regiment Oregon Riflemen, Cayuse Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of George W. Thurman, late of Capt. Abel George's Company B, Second Regiment Oregon Mounted Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Andrew G. Aiken, late of Capt. William H. Harris's company of Minute Men, Ninth Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James P. Bartlett, late of Capt. William Strong's Company A, Washington Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Mary F. Read, widow of Thomas Read, late of Company A, Fourth Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Cornell, late of Company M, First Regiment United States Volunteer Engineers, War with Spain, and pay him a pension at the rate of $10 per month.

The name of Michael Hoffman, late of Company B, United States Mounted Rifles, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Ornan F. Hibbard, late of Capt. Hiram Wilbur's Company B, First Regiment Oregon Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Emma Myers, widow of Fred Myers, late of Troop K, Sixth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The name of Frederick M. Douglass, late of Capt. Stewart's company, First Regiment Florida Mounted Volunteers, Seminole Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Sara S. Dowdy, widow of Robert W. Dowdy, late major, Twenty-sixth Regiment United States Infantry, and pay her a pension at the rate of $25 per month.

The name of Green Hines, dependent father of Hilton P. Hines, late of Company F, Second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Esther B. Shultz, widow of Joseph S. Shultz, late civil engineer, with rank of lieutenant, United States Navy, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Joseph S. Shultz until she reaches the age of 16 years.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 199. John W. Slaughter.	S. 7088. Charles L. Stevens.
S. 443. Warren Hilliard.	S. 7097. Emily W. Tilley.
S. 824. Louisa A. Thatcher.	S. 7228. James McMahon.
S. 1360. George Hollederer.	S. 7320. Israel Wood.
S. 1766. Charles W. Camp.	S. 7347. George W. Thurman.
S. 2213. George R. Smith.	S. 7436. Andrew G. Aiken.
S. 3669. Edward Seaton.	S. 7458. James P. Bartlett.
S. 3720. Florida Kennerly.	S. 7579. Mary F. Read.
S. 3845. Charles M. Baughman.	S. 7739. William Cornell.
S. 3943. Elizabeth S. Lewerenz.	S. 7756. Michael Hoffman.
S. 5751. Minnie Wadsworth Wood.	S. 7808. Ornan F. Hibbard.
S. 5778. Francis Redmond.	S. 7860. Emma Myers.
S. 6015. Charles E. Harris.	S. 7930. Frederick M. Douglass.
S. 6236. Annie V. Smith.	S. 7950. Sara S. Dowdy.
S. 6969. Barbara B. Haws.	S. 8015. Green Hines.
S. 7016. Martha A. Hughes.	S. 8074. Esther B. Shultz.

The following committee amendments were read:

On page 1, line 8, strike out the figures "20" and insert the figures "12."

The amendment was agreed to.

On page 2, strike out lines 4 to 9, inclusive.

The amendment was agreed to.

On page 2, line 16, strike out the figures "20" and insert the figures "16."

The amendment was agreed to.

Page 2, lines 17 to 20, strike out the following: "the name of George R. Smith, late of Company B, One hundred and sixtieth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month."

The question was taken, and the amendment was lost.

On page 3, strike out lines 5 to 7, inclusive.

The amendment was agreed to.

On page 3, strike out lines 8 to 13, inclusive.

The amendment was agreed to.

On page 3, strike out lines 14 to 18, inclusive.

The amendment was agreed to.

On page 4, strike out lines 5 to 8, inclusive.

The amendment was agreed to.

On page 4, strike out lines 13 to 15, inclusive.

The amendment was agreed to.

On page 4, strike out lines 20 to 23, inclusive.

The amendment was agreed to.

On page 4, strike out lines 24 and 25, and page 5, strike out lines 1 and 2.

The amendment was agreed to.

On page 5, strike out lines 3 to 6, inclusive.

The amendment was agreed to.

On page 5, strike out lines 7 to 11, inclusive.

The amendment was agreed to.

On page 5, strike out lines 12 to 16, inclusive.

The amendment was agreed to.

On page 6, strike out lines 1 to 4, inclusive.

The amendment was agreed to.

On page 6, strike out lines 5 to 9, inclusive.

The amendment was agreed to.

On page 6, strike out lines 13 to 16, inclusive.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. RICHARDSON. Mr. Speaker, I call up the bill (H. R. 28746) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to widows of such soldiers and sailors, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Henrietta Stuart, widow of John A. Stuart, alias John Vanderpool, late of United States steamer Saratoga, United States Navy, War with Mexico, and pay her a pension at the rate of $12 per month.

The name of Eugene J. Pierrelee, late of Company F, First Regiment South Dakota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John Middleton, late of Troop H, Fourth Regiment United States Cavalry, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Laura S. Converse, widow of George A. Converse, late rear admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Bertha A. Mulhall, widow of Stephen J. Mulhall, late first lieutenant, Fourteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John H. Gray, late of Company A, First Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William H. Brown, late of Company E, Fifth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Franziska Nimtz, widow of Albert Nimtz, late of First Band, Artillery Corps, United States Army, and pay her a pension at the rate of $12 per month.

The name of Margaret A. Montague, widow of Daniel Montague, late chief boatswain, United States Navy, and pay her a pension at the rate of $25 per month, with $2 per month additional on account of each of three minor children of the sailor until they respectively reach the age of 16 years, in lieu of that she is now receiving.

The name of Belle McP. McCrackin, widow of Alexander McCrackin, late captain in the United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Charles W. Wood, late of Company L, Fourth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 195. Henrietta Stuart.	H. R. 17771. William H. Brown.
H. R. 9044. Eugene J. Pierrelee.	H. R. 18561. Franziska Nimtz.
H. R. 9619. John Middleton.	H. R. 24852. Margaret A. Montague.
H. R. 11352. Laura S. Converse.	H. R. 27109. Belle McP. McCrackin.
H. R. 11979. Bertha A. Mulhall.	H. R. 27954. Charles W. Wood.
H. R. 17176. John H. Gray.	

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES PARSONS.

Mr. HAY. Mr. Speaker, I call up the bill (H. R. 24661) for the relief of James Parsons. This is a bill to remove the charge of desertion. I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, let us first hear the bill read.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James Parsons shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a lieutenant of Company D, Second Regiment Colorado Volunteer Cavalry: *Provided*, That no pension shall accrue prior to the passage of this act.

The SPEAKER. Is there objection to considering the bill in the House as in Committee of the Whole? [After a pause.] The Chair hears none.

The Clerk again read the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SYLVESTER G. PARKER.

Mr. HAY. Mr. Speaker, I call up the bill (S. 5262) for the relief of Sylvester G. Parker, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, let us have the bill reported first.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged volunteer officers, Sylvester G. Parker, who was a captain of Company H, Sixty-third Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as of said organization on the 4th day of September, 1863: *Provided*, That no pension, bounty, or arrears of pay shall become due or payable by reason of the passage of this act.

The SPEAKER. Is there objection to considering the bill in the House as in Committee of the Whole?

There was no objection.

The Clerk again reported the bill.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

LEWIS F. WALSH.

Mr. HAY. Mr. Speaker, I call up the bill (S. 3873) for the relief of Lewis F. Walsh. This is a bill to remove the charge of desertion, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That in the administration of the pension laws Lewis F. Walsh, who was a private in Company C, Third Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to

have been honorably discharged from the military service of the United States as a member of said organization on the 25th day of November, 1864: *Provided*, That no pension shall accrue prior to the approval of this act.

Mr. LAFFERTY. Mr. Speaker, I move to strike out the last word. I desire to say a few words relating to the rules of the House touching the Private Calendar. Clause 6 of Rule XXIV provides that on Friday of each week, after routine business is disposed of, it shall be in order for any Member to move that the House resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar, preference being given on the second and fourth Fridays of each month to private pension claims and bills to remove charges of desertion, and on the other two Fridays of each month preference being given to claims reported from the Committee on Claims and bills from other committees of the House which are of a private nature. I have served in this House one term—three sessions—and the bills on the Private Calendar reported from the Committee on Claims, the Committee on the Public Lands, and other committees that fall within the second class referred to in the rule have never been reached upon the docket, so to speak. They never will be reached during this Congress. It will not do to say that Members could by diligence get meritorious bills passed under present rules. Not a single bill on the Private Calendar of the class referred to has been considered on regular call during any of the three sessions of the Sixty-second Congress. The only two bills that I am interested in personally were reported at the very beginning of the Sixty-second Congress and have never been reached on a regular call. When the Private Calendar has been called twice as a matter of grace, as a unanimous-consent calendar, both these bills have been objected to, and all other Members having private bills have met with the same trouble. It is not right. This calendar should be called and bills voted on upon their merits. It is not so called, and bills from the Private Calendar can not be put upon the regular biweekly Unanimous Consent Calendar, a privilege which all other bills enjoy. I think private bills should also enjoy that privilege, which would relieve matters greatly. People having claims against the United States which must be presented to the committees of Congress are absolutely remediless unless the rules of this House be changed. On the second and fourth Fridays the House usually resolves itself into the Committee of the Whole for the purpose of considering pension legislation, but on the first and third Fridays a motion is always made by the chairman of some committee that the House resolve itself into the Committee of the Whole House for the purpose of considering some appropriation bill, or some other course is taken which prevents the Private Calendar from being called. About 10 days ago an order was adopted that on Monday last the House should take a recess at 5 o'clock in the afternoon until 8 o'clock in the evening, at which time the Private Calendar should be called for the purpose of considering such bills thereon as I am now referring to as should not be objected to.

After calling something like half of the private bills upon the calendar, and every single, solitary bill, with one exception, was objected to, the House adjourned. The proceeding was farcical. Another order has been entered for a second call of this calendar as a unanimous-consent calendar to-night, excepting the bills which were objected to or called on last Monday evening. The result will be that none of these bills will be passed at this session of Congress, or even considered. I say that it devolves upon this House and upon the Committee on Rules, if it is going to do justice to the people of the United States, to amend the rules providing that this calendar shall be called during the sessions of Congress, and I would merely suggest that when it is called as a unanimous-consent calendar that the rule might be changed so that it would require the objections of at least three Members instead of one to require that a bill be passed over. These claims, nearly every one, represent bread and butter in the mouth of some individual, and you place rancor in the heart of every citizen of this country who comes here with a just claim and has it considered by the Committee on Claims, has its merits thoroughly gone over, has it favorably reported and presented to this House, and it is then shut off from any consideration during three long sessions of Congress by an objection of a single capricious individual. [Applause.] That is not the way to make patriotic citizens. That is not the way to do business. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, under the rules Friday is set apart for the consideration of business on the Private Calendar, two days in the month being specially devoted to pension bills and bills to remove charges of desertion, the other Fridays being devoted to bills on the calendar. During this Congress, I believe, the Private Calendar has been under consideration more days than during any other Congress during my service in the House. If the gentlemen who introduce bills will persist in neglecting to call attention to the bills and not get them reported early at the first regular session of Congress, they ought not to expect that when those bills are reported at the second regular session there will be time enough to obtain consideration for them, because it is impossible to get through with the consideration of public bills at the second regular session of Congress if all the special days are devoted to special business which is permissible under the rules. The Private Calendar now is very long. Most of the bills upon the Private Calendar now have been reported at this session of Congress, and I think everyone has understood that, in the main, in the reporting of these bills, it amounts to nothing, unless they pass by unanimous consent, except an expression of opinion on the part of a committee which may report the same bills early in the next Congress. That has always been the experience and doubtless always will be. There are bills enough on the Private Calendar which, if considered under the rules of the House in regular order, would occupy all the days in a long session of Congress before they could be passed.

The SPEAKER. The gentleman from Oregon withdraws his pro forma amendment, and the Clerk will read.

The bill was again read.

The bill was ordered to be read a third time, was read the third time, and passed.

WILLIAM HOMMELSBERG.

Mr. HAY. Mr. Speaker, I call up the bill H. R. 2839.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 2839) for the relief of William Hommelsberg.

Be it enacted, etc., That in the administration of the pension laws William Hommelsberg shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, First Regiment United States Cavalry, on the 30th day of November, 1865.

Mr. HAY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Virginia asks unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I would desire to have some information on this bill, or, rather, what the record of this gentleman shows.

Mr. HAY. Mr. Speaker, I will ask the Clerk to read the report.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Report to accompany H. R. 2839.

The Committee on Military Affairs, to whom was referred the bill (H. R. 2839) for the relief of William Hommelsberg, having considered the same, report thereon with a recommendation that it do pass.

This soldier had nearly five years of meritorious war service. He participated, according to evidence submitted, in a dozen of the greatest battles of the Civil War. After the war was over he went upon a spree and deserted to go to his home. This bill does not remove that charge, but under the circumstances of the splendid war record of this soldier the committee believes he should at this late date receive a pensionable status.

THE STORY OF THE SOLDIER.

STATE OF MICHIGAN, *County of Eaton, ss:*

In re the matter of H. R. 2839, for the relief of William Hommelsberg.

William Hommelsberg, of the city of Charlotte, Mich., being first duly sworn, deposes and says that I am the identical person who served during the war of the late rebellion in Company B, First United States Cavalry; that I enlisted on the 21st day of June, 1860, and that I served until the 12th day of July, 1864, when I received an honorable discharge; that I immediately reenlisted in the same day in same company and regiment for three years, and served until the 30th day of November, 1865, when I was granted a furlough for a few days to visit at Baton Rouge, La.; that during my furlough I fell in with some companions, went on a spree and became intoxicated, and when I sobered up found myself in Cairo, Ill., without money to return to my regiment, and being informed that the war was over did not report back for duty.

That during the War of the Rebellion I fought in the battles of Williamsburg, Va.; White Oak Swamp, Va.; Peach Orchard, Va.; Seven Pines, Va.; Fair Oaks, Va.; Gaines Mills, Va.; Malvern Hill, Va.; Bottoms Bridge, Va.; Mechanicsville, Va.; Yellow Tavern, Va.; Antietam, Md.; Gettysburg, Pa.; Wilderness, Va.; Spotsylvania, Va.; Cold Harbor, Va.; Winchester, Va.; Cedar Creek, Va.; Fishers Hill, Va.; Five Forks, Va.

And all other engagements of which my regiment bore an honorable part; that I was slightly wounded in the knee at the battle of Cedar Creek, Va.; and also received a saber stroke during one of our engagements in the Shenandoah Valley, but did not give up and go to a hospital; that during my whole service I was never disciplined, reported off duty, or violated any military rules or regulations; that I have no hospital record, and was always found in my place with my regiment ready to perform my duty as a faithful soldier; that I fought in many skirmishes and took part in the many arduous duties with my regiment besides the battles above mentioned, all of which I performed in a soldierly and patriotic manner, enduring the fatigue and hardships incident to Army life; that I am now past 70 years of age; that I live in a small board shanty just outside the corporation of Char-

lotte, Mich.; that I am not married and have no children; that my only means of support is from gardening 1 acre of land; that my only property consists of 3 acres of low, wet land (1 acre being tillable), valued at $150; that I belong to and am a member of A. S. Williams Post, No. 40, Grand Army of the Republic, of Charlotte, Mich.; that my health is bad, and am poor and needy.

WILLIAM HOMMELSBERG.

Subscribed and sworn to this 6th day of March, 1912.
[SEAL.] JONATHAN D. BUTLER, *Notary Public.*

My commission expires January 18, 1912.

STATE OF MICHIGAN, *County of Eaton, ss:*

In re the matter of H. R. 2859, for the relief of William Hommelsberg.

Asa N. Smart, of the city of Charlotte, Mich., being duly sworn, deposes and says that he is commander of the A. S. Williams Post, No. 40, Grand Army of the Republic, of the city of Charlotte, Mich.; that he has known William Hommelsberg for many years; said Hommelsberg is a member of said A. S. Williams Post; he is regarded as a good, worthy member; that he is also well regarded by his neighbors; that he is a man of good character, industry, and habits, and our citizens speak well of him; that his only property consists of 3 acres of low, wet land, of which he has a garden of about 1 acre, and he has a small board shanty thereon in which he lives alone; that he is now past 70 years of age and unable to work; that he is not married and has no children. This comrade is in need, and our post members are rendering such aid as they can.

ASA N. SMART.

Subscribed and sworn to before me this 6th day of March, 1912.
[SEAL.] JONATHAN D. BUTLER, *Notary Public.*

My commission expires January 18, 1912.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, due to the excellent record of this soldier, I withdraw my objection.

Mr. TAGGART. Mr. Speaker, reserving the right to object, I am almost constrained to inquire upon what occasion and under what propitious circumstances there must have been a quorum of that committee present. I had a case presented to that committee of a man who was shot out of the Army instead of drinking himself out of the Army. He was wounded in one of the first engagements of the war, fought in a great number of great battles——

Mr. HAY. I did not understand what the gentleman said about the quorum of the committee.

Mr. TAGGART. I beg the gentleman's pardon.

Mr. HAY. I did not understand what the gentleman said about the quorum of the committee.

Mr. TAGGART. Whenever I had, and I assume also whenever anybody else had, one of these cases to present to that committee there was not a quorum present.

Mr. HAY. Well, the gentleman is mistaken about that. The bill could not have been reported without a quorum, and if the gentleman is so unfortunate as not to have been present when there was a quorum present it is his fault and not the fault of the committee.

Mr. TAGGART. I will proceed to disclose a case when I was present when there was a quorum. It is the case of a man who was wounded and went through life with a crippled hand. It was favorably passed upon by the subcommittee and by the committee, and afterwards his case was taken up and rescinded by the committee. I have arrived at the conclusion that a man is deserving of greater credit at this time for fighting booze while in the Army than fighting the enemy. But I do not want to become captious about these things. I do not want to claim that there was any personal discourtesy shown to me, but I have endeavored to present cases to that committee and never was able to find a quorum of them present except once. I am astonished that there is one case that was successfully presented to the committee.

The SPEAKER. The time of the gentleman from Kansas [Mr. TAGGART] has expired.

Mr. TAGGART. Mr. Speaker, I withdraw my objection to this bill.

The SPEAKER. Is there objection to considering this bill in the House as in Committee of the Whole? [After a pause.] The Chair hears none. The Clerk will report the bill.

The bill was again read.

Mr. HAY. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add at the end of the bill the following: "*Provided*, That no pension, bounty, or allowances shall accrue by reason of this act."

The SPEAKER. The question is on agreeing to the amendment.

Mr. TAGGART. Mr. Speaker, I wish to inquire at what date the desertion of this soldier is alleged to have occurred? Was it the 30th day of November, 1865?

The SPEAKER. The 30th day of April, 1865, or somewhere along there.

Mr. TAGGART. If he served until the 1st day of May, 1865, he is pensionable under the statute of 1889, without any private bill.

Mr. COX. Mr. Speaker, will the gentleman from Virginia [Mr. HAY], in charge of the bill, yield to an inquiry?

Mr. HAY. I will. It is not my bill, but a bill of the gentleman from Michigan [Mr. J. M. C. SMITH].

Mr. COX. I would like to ask the gentleman if, since he has been chairman of that great committee, there has been a bill introduced here removing the charge of desertion and securing a pension?

Mr. HAY. No; the committee can not do that, for the reason that we can not change the record of the War Department.

Mr. COX. If the gentleman's amendment is carried here, will that give the soldier a pensionable status?

Mr. HAY. It will.

Mr. MANN. The gentleman's amendment will permit any pension prior, or for back pay.

Mr. COX. From the time of the adoption of the bill the soldier, then, notwithstanding the amendment to it, will be entitled to a pension?

Mr. HAY. He will be entitled to apply for a pension.

Mr. MANN. He will be entitled to apply for a pension.

Mr. COX. Why I am trying to get at it is because I have a case in my district which appeals to me very strongly.

Mr. HAY. I will say to the gentleman that this is a provision which is put on all of these bills, and it does not prevent a soldier from applying for and obtaining a pension if in other respects he is entitled to one.

Mr. COX. In other words, then, the effect of this bill, with the amendment, will be to remove the charge of desertion?

Mr. HAY. Will give him a pensionable status.

Mr. COX. If he can make his case out before the Bureau of Pensions he can go ahead and get a pension?

Mr. HAY. That is right.

Mr. SHERWOOD. How much back pension will this permit this soldier to draw?

Mr. HAY. He will draw no back pension at all.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

FRANCIS GRINSTEAD, ALIAS FRANCIS M. GRINSTEAD.

Mr. HAY. Mr. Speaker, I desire to call up the bill (S. 186) for the relief of Francis Grinstead, alias Francis M. Grinstead, which is a desertion bill, and I ask unanimous consent to consider the bill in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Virginia asks unanimous consent to consider the bill in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 186) for the relief of Francis Grinstead, alias Francis M. Grinstead.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Francis M. Grinstead, late of Company G, Third Regiment Kentucky Volunteer Cavalry, and grant him an honorable discharge.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read a third time, and passed.

SPEAKER PRO TEMPORE AT EVENING SESSION.

The SPEAKER. The Chair designates the gentleman from Missouri, Mr. LLOYD, to preside at the session to-night.

LEWIS WOOD.

Mr. HAY. Mr. Speaker, I call up the bill (H. R. 18727) for the relief of Lewis Wood. I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Virginia asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 18727) for the relief of Lewis Wood.

Be it enacted, etc., That in the administration of the pension laws Lewis Wood, who was captain of Company E, Seventy-seventh Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 11th day of November, 1862.

Mr. HAY. Mr. Speaker, I offer an amendment, the same as that I offered to the other bill, providing that no pension,

bounty, or allowances shall accrue prior to the passage of this act.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the bill by adding, at the end of line 9, "*Provided*, That no pension, bounty, or allowances shall accrue by reason of this act."

Mr. MANN. I think the gentleman does not mean that no pension shall accrue on account of this act, because that is the purpose of the act.

Mr. HAY. It should read "prior to the passage of this act."

Mr. MANN. That is not the way the Clerk read it.

The SPEAKER. The Clerk will again report the amendment.

The Clerk read as follows:

Provided, That no pension, bounty, or allowances shall accrue by reason of this act.

Mr. HAY. It should be "prior to the passage of this act."

Mr. CRUMPACKER. Mr. Speaker, if the gentleman from Virginia will allow a suggestion, the amendment that the Clerk read was the one that was agreed to in connection with the preceding bill. I suggest that the amendment to that bill ought to be corrected.

The SPEAKER. How does the gentleman want this amendment to read?

Mr. HAY. It should read "accrue prior to the passage of this act."

Mr. SABATH. If that amendment is adopted it will give him the right to apply for a pension after the act is passed?

Mr. HAY. Yes.

Mr. SABATH. Was that the custom before?

Mr. HAY. Always.

Mr. SABATH. I was under the impression that a man of that kind never could secure a pension.

Mr. HAY. That is the purpose of the bill—to give him a pensionable status.

Mr. SABATH. I thought we could not remove the bar.

Mr. FOWLER. I wanted to inquire, Mr. Speaker, if it would not be better to have an amendment to this bill, the same as to all the other bills of like character?

Mr. HAY. I think so, and I tried to draw it so. I will say to the gentleman that the custom of the committee is to report these bills with that proviso incorporated, and I do not know why this bill was reported without the proviso.

Mr. FOWLER. I suggest, then, that if it is intended that no allowances shall be granted to these soldiers prior to the passage of these acts it shall be so stated, so that there will be no mistake about it.

Mr. HAY. That is what I am trying to do.

The SPEAKER. The Clerk will report that amendment again.

The Clerk read as follows:

Provided, That no pension, bounty, or allowances shall accrue prior to the passage of this act.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM HOMMELSBERG.

Mr. HAY. Now, Mr. Speaker, I ask unanimous consent that the amendment that was adopted to the Hommelsberg bill be changed so as to conform with the amendment just adopted to this bill.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that the language of the amendment in the Hommelsberg bill—the second bill back—shall be changed to conform to the language of the amendment in this last bill.

Mr. J. M. C. SMITH. Mr. Speaker, can we have the amendment read again in the Hommelsberg case as it was amended?

The SPEAKER. The Clerk will report the amendment in the Hommelsberg case and in this one. First report the amendment in the Hommelsberg case.

The Clerk read as follows:

Provided, That no pension, bounty, or allowances shall accrue by reason of this act.

The SPEAKER. That is the Hommelsberg amendment. Now read the Wood amendment.

The Clerk read as follows:

Provided, That no pension, bounty, or allowances shall accrue prior to the passage of this act.

Mr. J. M. C. SMITH. That is to be the amendment in the Hommelsberg case?

Mr. HAY. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will amend the Hommelsberg bill in accordance with the request.

CHARLES A. BESS.

Mr. HAY. Mr. Speaker, I call up the bill (H. R. 6793) for the relief of Charles A. Bess, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. MANN. Reserving the right to object, I should like to ask the gentleman if there has been a reprint of this bill?

Mr. HAY. I do not know of any.

Mr. MANN. I suppose the gentleman is aware of the fact that the bill was not correctly reported to the House.

Mr. HAY. I will say to my friend from Illinois that these bills were reported by other members of the committee, being considered by subcommittees, and I am not advised as to the facts.

Mr. MANN. I shall not object if the amendment set forth in the report is agreed to.

The SPEAKER. The Chair hears no objection, and the Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from, correct the military record of, and grant an honorable discharge to Charles A. Bess, late of Company B, First Regiment California Volunteer Infantry.

Mr. HAY. Mr. Speaker, I ask unanimous consent to pass this bill over, because it is not in proper shape.

Mr. MANN. Mr. Speaker, the committee in their report have set forth an amendment to the bill putting it in proper shape; but through the carelessness of the gentleman who reported the bill, the same Member who introduced it, the bill was not properly presented to the Clerk, and it was not properly printed.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to pass this bill over.

Mr. MANN. He asked that because he was not familiar with the facts in reference to it. If the Clerk will report the committee amendment, then I think the gentleman will not want to pass it over.

Mr. HAY. I ask the Clerk to report the committee amendment. I think gentlemen ought to be here to attend to their own bills.

Mr. MANN. They ought to have them properly reported.

Mr. HAY. I think so.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6793) for the relief of Charles A. Bess, having considered the same, report thereon with a recommendation that it be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

"That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Charles A. Bess shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, First Regiment California Volunteer Infantry, on the 20th day of June, 1866: *Provided*, That no pension shall accrue prior to the passage of this act."

The SPEAKER. The question is on agreeing to the amendment which has been read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

WILLIAM H. SEWARD.

Mr. HAY. Mr. Speaker, I call up the bill (H. R. 8921) to correct the military record of William H. Seward, and I ask unanimous consent that the same be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the charge of dismission be removed from the military record of William H. Seward, second lieutenant Company I, Second Regiment Michigan Infantry Volunteers, and the same is hereby removed; and the said William H. Seward is held and considered to have been honorably discharged from Company I, Second Regiment Michigan Infantry Volunteers, from the 30th day of August, 1862, the date of his dismission from the service.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That in the administration of the present laws William H. Seward, who was a second lieutenant of Company I, Second Regiment Michigan Infantry Volunteers, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of the said company and regiment on the 30th day of August, 1862."

Mr. KAHN. Mr. Speaker, the amendment says—

That in the administration of the "present" laws.

That should be—

That in the administration of the "pension" laws.

I move to strike out the word "present" and insert in lieu thereof the word "pension."

The Clerk read as follows:

Strike out the word "present" and insert the word "pension" in the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

ALONZO D. CADWALLADER.

Mr. HAY. Mr. Speaker, I call up the bill (H. R. 24296) for the relief of Alonzo D. Cadwallader, a desertion bill, and I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That Alonzo D. Cadwallader be, and he is hereby, held and considered to have served as a private in Company K, Seventeenth Regiment Michigan Volunteer Infantry, from the 27th day of June, 1862, to the 30th day of September, 1862.

Mr. MANN. Mr. Speaker, this is an unusual form of bill, and there is absolutely no information in the report upon it. The report is very short, and I will read it.

Being in an unusual form, and there being no information in the report, it seems to me somebody ought to give us a little information before the bill passes.

Mr. HAY. I will yield to the gentleman who introduced the bill [Mr. HAMILTON of Michigan].

Mr. HAMILTON of Michigan. Mr. Speaker, I think I can state all the facts in connection with this bill, and if I am unable to do so the gentleman from Michigan [Mr. SWEET], who is a member of the subcommittee which reported the bill to the full committee, can supplement what I have to say, as can also the gentleman from Maryland [Mr. LEWIS], the chairman of the subcommittee.

This bill simply proposes to give this soldier credit for service from the 27th day of June, 1862, to the 30th day of September, 1862. He was a mere boy when he enlisted—less than 15. Almost immediately after he was mustered in he entered active service, and in September, 1862, he participated in the Battle of Antietam, one of the bloodiest battles of the Civil War, and conducted himself with bravery, as befits a soldier from Michigan.

Mr. SABATH. Will the gentleman yield?

Mr. HAMILTON of Michigan. Yes.

Mr. SABATH. I notice that this is the fourth bill this morning from Michigan, four out of eight bills. I want to know what the gentleman means by the words "befitting a soldier from Michigan"?

Mr. HAMILTON of Michigan. The gentleman from Illinois is mistaken. This is not a desertion bill.

Mr. SABATH. I understood the chairman to say that it was.

Mr. HAMILTON of Michigan. And, furthermore, there has been only one other bill from Michigan, and, as I said, this is not a desertion bill. The gentleman, who is almost always accurate about his facts, is misinformed as to the facts in this case. But, Mr. Speaker, as I was saying, the boy participated in the battle, and then he and a companion, on the 30th of September, started for Michigan without leave. [Laughter.] He was arrested, and afterwards a writ of habeas corpus took him out of the service entirely on account of his being under age.

Mr. FOSTER. That was after he got back to Michigan?

Mr. HAMILTON of Michigan. Yes.

Mr. FOSTER. Probably the writ was waiting for him when he got there.

Mr. HAMILTON of Michigan. No; it was not. Later on he was honorably discharged. Now, there are two records in the War Department, or rather the records show two dates of departure—one that he left the vicinity of Antietam about September 20 and the other that he left about September 30. When it became apparent that this bill would be reached I sent over to the committee room of the Committee on Military Affairs for the files in this case, but there was a notice on the door that the clerk would be back in an hour, and so I have not the files. I am therefore speaking from memory.

As I say, there are two records in the War Department—one that he went home on or about the 20th of September and the other that he went home on or about the 30th of September. He himself swears—and his affidavit is sustained by other testimony—that he went home on or about the 30th of September. All we are seeking to do is to give this soldier credit for the services which he actually rendered.

Mr. FOWLER. Was his companion who went home with him a soldier?

Mr. HAMILTON of Michigan. Yes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SYLVESTER W. BARNES.

Mr. HAY. Mr. Speaker, I now call up the bill (H. R. 18217) for the relief of Sylvester W. Barnes, and I ask unanimous consent to consider it in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Virginia calls up the bill H. R. 18217, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That, in the administration of any laws conferring rights, privileges, or benefits upon persons who have been honorably discharged from the military service of the United States, Sylvester W. Barnes, late first lieutenant Company H, Thirtieth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the said company and regiment on the 13th day of September, 1862: *Provided*, That nothing in this act shall be made the basis of a claim for pension or other pecuniary claim against the United States.

Mr. HAY. Mr. Speaker, I move to substitute for the House bill the bill S. 4030, in the identical language of the House bill.

The SPEAKER. The gentleman from Virginia asks unanimous consent to substitute the Senate bill of the same tenor for the House bill. Is there objection?

Mr. MANN. Reserving the right to object, I would like to have the Senate bill reported.

The Clerk read as follows:

An act (S. 4030) for the relief of Sylvester W. Barnes.

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon persons who have been honorably discharged from the military service of the United States Sylvester W. Barnes, late first lieutenant Company H, Thirtieth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the said company and regiment on the 13th day of September, 1862: *Provided*, That nothing in this act shall be made the basis of a claim for pension or other pecuniary claim against the United States.

Mr. MANN. Has the Clerk the engrossed copy of the Senate bill?

The SPEAKER. He has.

Mr. MANN. I will not object.

Mr. TAGGART. Mr. Speaker, reserving the right to object, the bill as passed by the Senate would not give the veteran any benefit at all. If it is the purpose of the bill only to correct the record of the soldier it is sufficient, but it would give him no benefit.

Mr. TALCOTT of New York. Mr. Chairman, the veteran named in this bill is dead. He failed to report after being detailed on recruiting service, because he had died of tuberculosis. The evidence before the Senate committee and before the House committee was clear and undisputed. This is an act of long delayed justice to the members of his family.

Mr. MANN. The report shows that the bill is not intended to give any benefit.

The SPEAKER. Is there objection to the substitution of the Senate bill for the House bill?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The House bill H. R. 18217 was laid on the table.

DAVID CROWTHER.

Mr. HAY. Mr. Speaker, I call up the bill (H. R. 26648) for the relief of David Crowther. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws David Crowther shall hereafter be held and considered to have been absent with proper authority and in the line of duty as a soldier while serving as a member of Company I, Sixth Regiment Maine Volunteer Infantry.

Mr. HAY. Mr. Speaker, I offer as an amendment to this bill the same amendment that I have offered to the former bills.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding to the bill the following:

"*And provided*, That no pension, bounty, or allowances shall accrue prior to the passage of this act."

Mr. MANN. Mr. Speaker, a few moments ago the gentleman from Kansas [Mr. TAGGART], who is now rendering a brilliant service to his country in his first term, took some exception to the action of the Committee on Military Affairs in not having reported one of these desertion bills for him. I have served here now close to 16 years, and have had a good many bills of that character that I thought were very meritorious, and up to date I believe have never been able to secure a favorable report on any of them. Possibly that is owing more to my negligence than to the action of the committee. I have no criticism to make of the committee, because I appreciate the difficulties which the committee has in passing upon these cases. There are thousands of cases throughout the country seeking relief, but it does seem somewhat odd that the committee was able to make a favorable report in this case while not being able to make a favorable report in many other cases. I would just like to read a word contained in the report from The Adjutant General of the Army, Gen. Ainsworth. This man was court-martialed. He came before a court-martial twice. Gen. Ainsworth says:

Upon his trial it appears of record that he made no defense or explanation of the charge and specification other than the plea that he was not guilty, and nothing has been found of record to corroborate the statement now made by him that he left his company and regiment for the purpose of seeking food. On the contrary, from the testimony of his company commander adduced at the trial, it appears that Crowther deserted from his company and regiment on the 1st day of May, while the regiment was lying on the north side of the Rappahannock, near Franklin Crossing, and about to cross and engage the enemy; that he left his gun and equipments behind him, and that he remained absent until the 27th of May, when he was brought back under guard, having been found at Aquia Creek landing.

Nothing has been found of record to show whether or not his arms and equipment were restored to him, or whether he participated in the Battle of Gettysburg, July 1 to 3, 1863, although the records show that he was present with his company June 30, 1863, and that the command with which the organization was serving was present at the Battle of Gettysburg. With respect to his statement that he took part in the Battle of Chancellorsville, it should be observed that that battle took place from May 1 to 3, 1863, and although the command with which the organization was serving was present at that battle, Crowther at that time was absent from his company in desertion.

The court-martial found this man guilty and sentenced him to hard labor without pay during the rest of his term of enlistment, which was, I believe, nearly two years or more. It is true that after that he served for a number of years in the Regular Army. I am not objecting to his having the privilege of a pension upon that ground, because he did obtain thereafter, I think, a number of honorable discharges from the Regular Army. He may be entitled to a pension for that reason; yet, appreciating, as I do, the difficulties which the Committee on Military Affairs has to prevent reporting all of these bills, I am trying now to lay an additional obstacle which they may use in the future to help them keep from reporting this class of bills.

Mr. HAY. Mr. Speaker, I want to say to the gentleman from Illinois [Mr. MANN] and to the House that there are pending before the Committee on Military Affairs about 1,800 of these bills, and three-fourths of those bills are there without anybody ever having come to the committee or the subcommittee and asking any action to be taken upon them. We have endeavored in this Congress as in past Congresses, when bills have been brought before us and Members have taken the trouble to prepare their cases, to report such bills as we believe are meritorious and ought to receive favorable consideration.

This bill to which the gentleman particularly refers is a very unusual one. It was introduced by the gentleman from New York [Mr. REDFIELD]. He spent a great deal of time in collecting the evidence, and I think if the gentleman will carefully read the report——

Mr. MANN. I have read every word of it.

Mr. HAY. He will find that that man did take part in this battle, and that the whole case turned upon whether or not he did take part in the battle. The committee was convinced from the evidence brought before it that the man ought not to have been court-martialed; that he did take part in the battle; that after the Battle of Chancellorsville he took part in the Battle of Gettysburg, and was not court-martialed until after that battle. So that the man really did the service and was entitled to this relief.

I want to say for the Committee on Military Affairs that we are anxious to do what is right in these cases; that it is almost impossible for us to consider all of them; and that whenever gentlemen come before us and take the trouble to prepare their cases, they are given a hearing, and the committee tries to report such bills as ought to be reported. It is, generally speaking, a rule of the committee not to consider a case favorably if the soldier has not had at least two years of honorable service, nor does this always entitle him to relief.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

WILLIAM H. SEWARD.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 349, to the bill (H. R. 8921) to correct the military record of William H. Seward. In looking over the bill as passed I find the proviso which has been passed in bills of this character is omitted, and I ask unanimous consent that there be added to that bill "*Provided*, That no pension, bounty, or allowances shall accrue prior to the passage of this act."

The SPEAKER. The gentleman from California [Mr. KAHN] asks unanimous consent to return to the bill (H. R. 8921) for the relief of William H. Seward.

Mr. MANN. Mr. Speaker, I shall not object because perhaps it ought to be there, but the addition or omission of that paragraph to the bill neither adds to nor detracts from the provisions of the bill, because all that these bills do is to give the right to apply for a pension. It can not date back of the date of the application under any circumstances, and the soldier under these bills gets no other right than the assumption of an honorable discharge when he is applying for a pension.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

Mr. MANN. No; I do not object.

The SPEAKER. The gentleman says he does not object. Is there objection to returning to this bill? [After a pause.] The Chair hears none. Without objection, the Clerk will insert that paragraph in the bill. [After a pause.] The Chair hears no objection.

Mr. KAHN. I also ask that the title be amended so as to read, "A bill for the relief of William H. Seward."

The SPEAKER. The title will be amended to conform with the revised text. [After a pause.] The Chair hears no objection.

On motion of Mr. HAY, a motion to reconsider the votes by which the several bills were passed was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, with Mr. RUCKER of Missouri in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent to recur to page 2, line 19, for the purpose of asking the gentleman in charge of the bill a question in regard to that provision.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. FOSTER. What is the object of returning? The gentleman can do that without returning.

Mr. MURRAY. I want to fix attention at that particular place.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. MURRAY. Mr. Chairman, I have been asked to learn whether or not the provision "*Provided*, That no salary herein appropriated shall be paid to any official receiving any other salary from the United States Government" restricts the appointment of one on the retired list of the Army or the Navy to any of these places. I desire to get an expression of opinion from the gentleman in charge of the bill with reference to that matter.

Mr. FLOOD of Virginia. My understanding is that there is a law prohibiting a retired Army or naval officer from being appointed to the Diplomatic or Consular Service.

Mr. MURRAY. One on the retired list?

Mr. FLOOD of Virginia. That is my understanding of the law.

Mr. MURRAY. Therefore it is not because of this proviso that they can not be appointed, but because of some other provision?

Mr. FLOOD of Virginia. Because there is a law prohibiting it.

Mr. MURRAY. The gentleman can not give me a reference to that law?

Mr. FLOOD of Virginia. I can look it up.

Mr. MURRAY. I would be glad to have the gentleman incorporate it in the RECORD if he will.

Mr. FLOOD of Virginia. I will.

Mr. MURRAY. Thank you.

The Clerk read as follows:

Peace Palace at The Hague: For the payment of the contribution on the part of the United States toward the expenses of the Palace of Peace at The Hague, $1,045.25, or so much thereof as may be necessary.

Mr. FOWLER. Mr. Chairman, I make the point of order against the paragraph that it is without authorization.

The CHAIRMAN. The gentleman from Illinois makes the point of order against this section.

Mr. KENDALL. Mr. Chairman, I did not hear what the point of order made by the gentleman from Illinois was.

The CHAIRMAN. The point of order is that it is not authorized by law.

Mr. FLOOD of Virginia. Mr. Chairman, this appropriation is made as the part which this Government contributes toward the maintenance of the Peace Palace at The Hague. That palace at a cost of a million and a half dollars was furnished by Mr. Carnegie and is maintained at a cost of $19,900, and our portion of that, under agreement between our representative and the representatives of some 30 or 40 nations, is this $1,045.25, which is appropriated in this bill.

Now, that is an agreement entered into by the representative of this Government with the representatives of these other Governments. The court sits in this palace, and these different Governments are to maintain its gardens and the interior of the palace for the purposes of this court.

Mr. COX. How did they get at the amount that was to be assessed to these nations?

Mr. FLOOD of Virginia. It is based on some unit system as to our standing.

Mr. COX. The population of the countries?

Mr. FLOOD of Virginia. Yes.

Mr. HAMLIN. May I ask by what authority our representative entered into this kind of an agreement?

Mr. FLOOD of Virginia. By authority of a treaty.

Mr. BARTHOLDT. If the gentleman will permit, the Secretary of State said that while this was not a treaty it had the force and effect of a treaty. It is an agreement between the several Governments to contribute pro rata toward the maintenance of that palace.

Mr. HAMLIN. I understood the chairman of the committee to make that statement, but the question I asked was where this representative of our Government got authority to enter into any such agreement. I do not know as I especially object to the appropriation, but what I want to find out is if our representative acted with the authority or without the authority of this Government.

Mr. FLOOD of Virginia. I will say to the gentleman that my opinion is the Hague convention of 1899 gave to this tribunal authority to agree to this charge on the part of the United States.

Mr. MANN. Will the gentleman from Missouri [Mr. HAMLIN] yield?

Mr. HAMLIN. I will.

Mr. MANN. When this matter was before The Hague tribunal and acted upon favorably, it was voted for by the representative of the United States, subject to the subsequent approval of his Government. How far under the treaty the State Department has authority to do that I do not pretend to say, but I assume that in the payment of small expenses on routine work probably somebody had authority to do it without asking for a new treaty being made. I do not know, however.

Mr. HAMLIN. I just want to say that I understand the purpose of this, and that it would be somewhat embarrassing, perhaps, to our Government if we did not participate. But I want to take advantage of this occasion to also observe that my judgment is that some people who are authorized to represent our Government in certain capacities voluntarily expand their authority frequently, with the result that we are involved, in the aggregate, in very large expense. I do not believe that ought to be permitted. I think——

Mr. MANN. But you do not make that charge at this time?

Mr. HAMLIN. I am not making it now. I am speaking generally.

Mr. MANN. The reason that I interrupted the gentleman was because that when a representative does not do certain things it is thought that we ought to give special recognition to the fact.

Mr. HAMLIN. I am not speaking of this special representative, because I do not know who he was. There is nothing personal in the matter. I think that perhaps he exceeded his authority if he sought to bind this Government without special authority to do so. But I do not mean he acted in bad faith, and perhaps he did what he should have done, outside of the fact that he ought to have waited first for the express authority. But what I was saying did not have any special reference to this item alone, but was a general reflection on the conduct of our representatives in dealing with international affairs. I think there is too loose a practice, and that our representatives frequently assume to themselves authority which they do not have. It is no reflection upon the committee, because they feel likely as I do about this item. It would be embarrassing if we did not approve it. But committees often feel called upon to come into the House and appropriate money to make good on obligations incurred by our agents abroad, when these agents were not authorized to commit this Government to these projects. I think they ought to understand that they must not attempt to bind this Government unless special authority is given to them. I think this appropriation ought to be made, although I think the paragraph is subject to a point of order.

Mr. COOPER. Mr. Speaker——

Mr. FLOOD of Virginia. I yield to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Chairman, may I ask the chairman of the committee if this controversy is over the appropriation asked for as the contribution from this Government to The Hague tribunal?

Mr. GARNER. Yes, it is.

Mr. KENDALL. It is our contribution for the maintenance of the palace.

Mr. COOPER. If the gentleman will permit me, I heard the gentleman from Missouri [Mr. HAMLIN] inquiring whether our representative on the administrative council at The Hague acted beyond his authority. On page 9 of the report on this bill is a copy of a translation of the order of the day covering the proceedings of the administrative council on the day when this question came before it. It appears that the provision for this appropriation was carried by the votes of the representatives of the respective governments, and that the representative of the United States voted for it, subject to the approval of this Government. The translation of the minutes of the order of the day is as follows:

In order to carry this out the Foundation requests that the administrative council will furnish an annual contribution of 49,504 f.

The President submits to the meeting the proposition of the French minister:

"The administrative council decides that a sum of 49,504 f. shall be entered on the budget of the international bureau of the court as an annual contribution of the powers toward the cost of the Palace of Peace.

"The administrative council takes note of the undertaking of the Committee of Directors of the 'Carnegie Foundation' to communicate to the administrative council as information annually the accounts and the balance presented to the controlling committee of the Foundation."

This proposition was voted for by the President and the representatives of Germany; also by the representative of the United States of America, subject to the subsequent approval of his Government.

And all the other nations represented voted. It thus appears that our representative clearly acted within his authority.

Mr. FLOOD of Virginia. Mr. Chairman, speaking to the point of order, the approval of the Government contemplated in that order was the approval of the executive department of the Government. It did not have reference to the approval by Congress. My understanding of the situation is that——

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. FOWLER. By what authority does the President have the right to make such approvals?

Mr. FLOOD of Virginia. By virtue of The Hague treaty of 1899.

Mr. FOWLER. What law gives him the authority to make such approvals?

Mr. FLOOD of Virginia. That treaty contemplates the maintenance of a building at The Hague by the nations that are parties to that treaty. The United States is one of the parties to it. This is simply the proportion of the United States that is necessary for keeping up this building there. The building has been erected and belongs to the nations that are parties to this treaty.

Mr. FOWLER. This is the first time this question has ever come up in Congress?

Mr. FLOOD of Virginia. Yes; because this is the first time this amount has ever been set aside for the maintenance of the Peace Palace at The Hague.

Mr. FOWLER. And whatever was done by our representative was done subject to the approval of the United States?

Mr. FLOOD of Virginia. I think so, Mr. Chairman. I think, when we ratified the treaty that gave to our representative the right to bind the Government to help maintain the building in which this court was to sit, and our representative in this council agreed to this, subject to approval by the Government, which means the executive department of the Government.

The CHAIRMAN. The Chair is prepared to rule. The information possessed by the Chair on this subject is so meager that it leaves the question raised by the point of order in serious doubt. The Chair will decide the question as he thinks it ought to be decided, and if the ruling appears to the gentleman to be wrong the Chair will be glad to submit it to the committee for its approval or disapproval.

The point of order made by the gentleman from Illinois [Mr. FOWLER] is overruled.

Mr. BARTHOLDT. Mr. Chairman, I offer an amendment as a separate paragraph.

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a separate paragraph at the end of page 19 the following: "Contribution toward the adornment of the Peace Palace at The Hague: To enable the United States to contribute to the adornment of the Palace of Peace at The Hague by sending some object of art of national production, $30,000."

Mr. FOWLER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] makes a point of order against the amendment.

Mr. BARTHOLDT. Mr. Chairman, I hope the gentleman will reserve his point of order for a moment.

Mr. FOWLER. Yes; I will reserve it.

Mr. BARTHOLDT. Mr. Chairman, I am in doubt myself as to whether or not this is subject to a point of order. In support of the amendment I wish to make this statement:

There is being erected, through the generosity of an American citizen, a great palace dedicated to the cause of international peace at The Hague. It appears that the several representatives of the Governments assembled at the second Hague conference agreed to request their Governments to donate, for the adornment of that palace, certain gifts typical of the production of each nation, and our representatives were a party to that agreement. In the summer or fall of this year that great palace is to be opened, and all the Governments signatory to The Hague convention and parties to that agreement have furnished their gifts—some of them tapestries, others stained-glass windows, just in accordance with what the respective countries produce—and the most prominent place in that palace has been assigned to the United States for the purpose of erecting at the foot of the stairway in the main corridor a group of statuary.

And that distinction has been accorded to the United States because it was an American citizen with whose money this palace is to be erected.

It would be almost a national disgrace if this Government alone should fail to be represented among those who are carrying out their agreements. In my judgment, this obligation by our Government is an honorable one, and if this item is not carried in the House I am quite sure it will have to be put on in the Senate. Therefore I should like to appeal to my friend from Illinois to withdraw his point of order. It is true it is not a convention or treaty, but it is an agreement into which our representatives entered, with the understanding that they would go to their Government and ask for its approval.

Mr. FOWLER. Mr. Chairman, there is no doubt in my mind but what the original sum carried in the bill, as well as that proposed by the amendment of the gentleman from Missouri [Mr. BARTHOLDT], is intended to act as an aroma to a conscience drug of Andrew Carnegie. If he is able to build peace palaces, or any other kind of palaces, in foreign countries, he is able to adorn them, and I am in favor of letting that responsibility rest on his shoulders. It is true that he has contributed much money throughout the United States for library buildings, but upon each occasion he has saddled upon the shoulders of the people of the locality in which the library is constructed the responsibility of keeping up and perpetuating the library; and in the event that the library is not kept up, then the property reverts to the fund of the quasi donor. I speak of him as the quasi donor instead of the donor because the people have played an important part in such donations.

Mr. COOPER. Mr. Chairman, will the gentleman permit an interruption?

Mr. FOWLER. Yes.

Mr. COOPER. The gentleman says these libraries have been "saddled"—that was his word—upon these communities. Is there any one of these communities that has not voluntarily assumed the burden by a vote of its city council or other municipal authority?

Mr. FOWLER. I used the word "saddled" in speaking of the perpetuation of these libraries, and not in the establishment thereof.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BARTHOLDT. Will the gentleman reserve his point of order for a moment?

Mr. FOWLER. Yes; I will reserve it. I will make the point of order if the Chair requires that it shall be passed upon now.

The CHAIRMAN. The Chair does not require that.

Mr. FOWLER. I, of course, will be courteous enough to my colleague to reserve the point of order to allow him to make a statement.

Mr. BARTHOLDT. Mr. Chairman, I merely wish to suggest that this great peace palace will be used in the future for the great international conferences to be held by the Governments as well as by the parliaments of the world; and but for the existence of that peace palace the Governments would probably be called upon to make an appropriation to secure a proper location for holding these conferences. After this palace is completed it will be donated free for the use of all the nations. So in this way we will save money; and I will ask the gentleman, if he were a delegate representing this great Government at The Hague, and the other delegates were to propose that some gifts representative of the industries of their countries be given for the adornment of that great peace palace, whether he alone would stand out against such a proposition and say, "The American Government and the American people are too poor or too niggardly to contribute their share for that purpose"? I hope some day the gentleman may be a delegate, and I am sure he would not do as he said a little while ago on this floor that these American delegates should have done.

Mr. FOWLER. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

SECOND PAN AMERICAN SCIENTIFIC CONGRESS.

To enable the Government of the United States suitably to participate in the Second Pan American Scientific Congress, to be held in Washington, D. C., in October, 1914, and for the necessary expenses for clerks, printing (including the publication of the proceedings of the congress in English and Spanish), stationery and supplies, and other incidental expenses, including rent in the District of Columbia, and for the entertainment of the delegates, $50,000, to be expended under the direction of the Secretary of State; and the Secretary of State is hereby authorized to invite the Governments of the American Republics to be represented by delegates at the said congress.

Mr. FOWLER. Mr. Chairman, I make the point of order against the paragraph, because there is no authorization, and for the further reason that the fund is not to be used until October, 1914. There is ample time to make an appropriation for maintaining the Pan American Congress.

Mr. FLOOD of Virginia. I will ask the gentleman from Illinois to reserve his point of order.

Mr. FOWLER. I will reserve the point of order.

Mr. FLOOD of Virginia. The item is subject to a point of order. It is a new item, and there is no law or treaty authorizing it. But the gentleman from Illinois is mistaken in saying that there is ample time in another appropriation bill to provide for this item. Invitations will have to be issued soon if the congress is to be a success, and these invitations can not issue until this appropriation is made. The Committee on Foreign Affairs regards this as an important appropriation. It is for the purpose of entertaining the scientific congress of Pan Americans, to whom an invitation has been given by our representatives. I do not pretend that they had any authority of law to extend the invitation, but they did extend it, or accepted the suggestion that the congress meet here. The congresses are resulting in great good to our business, scientific, educational, and agricultural interests. I have here the hearings containing the statement of a gentleman in the Agricultural Department.

Mr. KENDALL. If it will not interrupt the gentleman, I understand this discussion is on the point of order?

Mr. FLOOD of Virginia. Yes.

Mr. KENDALL. These scientific congresses have been held since 1904 in different countries, alternating back and forth. Is not that true?

Mr. FLOOD of Virginia. Not exactly. The scientific congresses have been held in which South American countries participated, but I think this is only the second Pan American scientific congress.

Mr. KENDALL. I have a recollection that in 1908 the same congress met in Chile, and the Chilean Government made an appropriation of $150,000 or $200,000.

Mr. FLOOD of Virginia. Yes; that was the first one. It was held at Santiago, Chile, and that Government spent $154,000.

Mr. KENDALL. The gentleman means a congress that met with the United States. The Chilean Government entertained the congress and made an appropriation, I think, of $150,000.

Mr. FLOOD of Virginia. Yes; $154,000.

Mr. KENDALL. This congress is to convene in Washington in October, 1914, and I think the gentleman from Illinois misinterprets the language of the act.

Mr. FOWLER. No; that is my understanding, October, 1914.

Mr. KENDALL. The preparations are going forward now to entertain this congress; the plans are being perfected, and the department insists that it will be seriously embarrassed unless this money is available in the near future.

Mr. FOWLER. I think it is quite clear that the appropriation at the next session of Congress would be in ample time to make provision for the United States to entertain this scientific congress.

Mr. KENDALL. The gentlemen in the State Department and in the Pan American Union having the matter in charge maintain that they ought to have the money at once, and if we design to continue this scientific congress of nations, which has contributed so much to the welfare of the western world, as the gentleman from Illinois will discover if he investigates, and done so much to promote the excellent relations which ought to prevail among American Republics, I think the appropriation ought to be made at this time.

Mr. COX. Will the gentleman yield?

Mr. KENDALL. I am trespassing upon the time of the gentleman from Virginia.

Mr. FLOOD of Virginia. I will yield to the gentleman.

Mr. COX. What is the necessity of applying a part of this appropriation for rent in the District of Columbia?

Mr. FLOOD of Virginia. They will have to rent rooms to carry on the preliminary work to get ready for the congress.

Mr. COX. Is there not any room or headquarters where the Pan American Union can get together?

Mr. FLOOD of Virginia. It is not the Pan American Union. The Pan American Union is in sympathy with this congress, but is a different institution.

Mr. COX. This congress, then; is there no room which is available for them without renting quarters?

Mr. FLOOD of Virginia. There might be and might not be. They want authority if there is not.

Mr. COX. Has the gentleman any information as to how much will be applied for rent?

Mr. FLOOD of Virginia. Just as little for rent as possible, because this appropriation has been cut down to the smallest possible amount.

Mr. COX. Did the gentleman have any hearings before the committee in relation to it?

Mr. FLOOD of Virginia. Yes; we have quite a lot of hearings.

Mr. COX. What is the probable estimate?

Mr. FLOOD of Virginia. I do not think there is any estimate of what the rent would be. The testimony was as to the importance of the congress, as to the smallness of the appropriation that is contained in the bill, and the general way in which it would be expended.

Mr. COX. I see it provides for additional clerks. Has the gentleman any idea about how many additional clerks will be required?

Mr. FLOOD of Virginia. I have not; but I can tell the gentleman the amount that will probably be spent for clerks here.

Mr. COX. Any testimony taken before the committee in regard to it?

Mr. KENDALL. There was an estimate as to clerical assistance of $3,500. Mr. Rowe appeared before the committee, as shown on page 9; he was a delegate to the first Pan American congress. He submits these items: For clerical and stenographic assistance prior to the holding of the congress, $6,000.

Mr. COX. Prior to the holding of the congress?

Mr. KENDALL. That is to make preliminary arrangements for holding it.

Mr. COX. Is the $6,000 to come out of the $50,000?

Mr. KENDALL. Of course. Then, for clerical and stenographic assistance during the progress of the congress, $3,500.

Mr. COX. That is nearly $10,000 for clerical and stenographic assistance—$6,000 to be expended before the congress convenes and $3,500 during the congress.

Mr. KENDALL. Six thousand dollars for clerical and stenographic assistance prior to and $3,500 during the sessions of the congress.

Mr. COX. How many clerks do they propose to employ with that $9,500?

Mr. KENDALL. I do not believe anybody instituted an investigation as to how many clerks will be employed.

Mr. COX. And there is no limit on the pay. This will be a lump-sum appropriation, and the Secretary of State will pay them whatever salaries he wishes.

Mr. KENDALL. Yes. We have to trust the Secretary of State not to be too extravagant in disbursing the $10,000. Then there was an estimate for the translation of papers, $3,000.

Mr. COX. That makes $12,000?

Mr. KENDALL. And the publication of the proceedings in English and Spanish, $20,000.

Mr. COX. That is $32,000.

Mr. KENDALL. And extra expenditures necessary, which the director general will probably spend in the use of the Pan-American Building, $2,500.

Mr. COX. That is $34,500.

Mr. KENDALL. I have no doubt that it is intended to employ that $2,500 to defray the expense of rent.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. KENDALL. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Virginia be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. Then they contemplate that entertaining the delegates will cost $15,000.

Mr. COX. That leaves about $15,000 for entertainment.

Mr. FLOOD of Virginia. Yes.

Mr. COX. So that there will be $3,500 expended for clerical hire, and so forth, and the remaining $15,000 for entertainment.

Mr. KENDALL. I know it will be gratifying to the gentleman from Indiana to know that if we appropriate all of the money asked for by the American representatives——

Mr. COX. How much did they ask for?

Mr. KENDALL. Fifty thousand dollars.

Mr. COX. And the committee gave them all they asked?

Mr. KENDALL. Yes. I was about to say that I know it will be gratifying to the gentleman from Indiana, who is an economist, that even though we grant all that they ask——

Mr. HAMILTON of Michigan. An economist or a political economist?

Mr. KENDALL. Both—even though we grant all the American representatives asked, the amount will still be only one-third of what the comparatively small Government of Chile appropriated for a similar purpose in 1908.

Mr. COX. The gentleman in his calculations has consumed here the sum total of $50,000 and left nothing for rent. Was there any evidence at all before the committee as to the probable amount that would be required for that?

Mr. FLOOD of Virginia. There is $500 left to cover the rent.

Mr. COX. Does the gentleman think that will cover the rent?

Mr. FLOOD of Virginia. Yes.

Mr. CLINE. Mr. Chairman, I desire to say just a word about this. I believe the $50,000 will be the best money we could invest in this enterprise. There is not a man on the floor who does not know that in Europe Germany and some other foreign countries have a little more friendly relation with the South American Republics than we have, not because of any antagonism between them and us, but chiefly because they do not know us so well. They have that because they are in touch with Europeans along lines of trade. We are opening up the Panama Canal. If there is anything we want, it is the trade of the South American Republics, and we want them to be our friends first. We ought to invoke every opportunity to cultivate the warmest friendly relations with the 20 South and Central American Republics, that have four billions of trade, and we ought to have 80 or 90 per cent of that. [Applause.] We have a handicap of 3,000 miles over our nearest competitors. If we expect to get this trade, we ought to cultivate those relations that will bring the trade to us. There is no way that we can expend $50,000 that will be better, more economically spent for the trade of this country than the $50,000 that is to be expended in inviting the representatives of these Republics here and giving them an exhibition of what we have in this country. I hope the gentleman from Illinois will withdraw his point of order, because of the very meritorious object that is involved in this expenditure.

Mr. MOORE of Pennsylvania. Mr. Chairman, this item ought to remain in the bill, if only because of the good will it expresses toward the Latin American countries. One of the commercial drawbacks of the United States is our lack of knowledge of the good qualities of the people of South America. We ought to encourage a better understanding of them and their customs, and there is no better way than to hold these occasional Pan American congresses. The Chilean Government appropriated $154,000 to defray the expenses of the First Pan American Scientific Congress, which was eminently successful, and since that congress voted to assemble in the United States we ought to be in a position to extend the hand of hospitality. If the gentlemen insist upon the point of order, it will lead to much confusion and misunderstanding, which will be regrettable. I hope the item may be permitted to remain in the bill.

Mr. MANN. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. Does the gentleman from Illinois make the point of order on this section?

Mr. FLOOD of Virginia. Mr. Chairman, I want to make a suggestion——

Mr. MANN. I asked for the regular order, Mr. Chairman.

Mr. FLOOD of Virginia. Will the gentleman just wait for a moment? He is taking me off my feet——

Mr. MANN. I asked for the regular order. We are wasting too much time on this. We ought to get through some time.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. FOWLER. Mr. Chairman, I desire to be courteous to the chairman of this committee, and I would be very glad——

The CHAIRMAN. The regular order is demanded. Does the gentleman withdraw his point of order?

Mr. FOWLER. Mr. Chairman, I desire to ask unanimous consent that the chairman of this committee be permitted to make his statement.

Mr. MANN. Mr. Chairman, I demand the regular order. We ought to have passed this bill before this time.

Mr. FOWLER. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order will be sustained.

The Clerk read as follows:

International congress on uniform bills of exchange, etc.: For the participation by the United States in the adjourned meeting at The Hague of the international congress for the purpose of promoting uniform legislation concerning bills of exchange and checks, including compensation, clerical assistance, and actual and necessary traveling and subsistence expenses of an expert delegate, $7,000, or so much thereof as may be necessary.

Mr. FOWLER. Mr. Chairman, I make the point of order against the paragraph.

Mr. HAMLIN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HAMLIN. I make a point of order against the paragraph.

The CHAIRMAN. The point of order has been made by the gentleman from Illinois.

Mr. FLOOD of Virginia. Will the gentleman reserve his point of order for a moment? I desire to make a statement if the gentleman will.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MANN. I suggest the point of order has been reserved. I think we ought to get through with this bill.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. FLOOD of Virginia. I want to be heard on the point of order.

Mr. MANN. I have no objection to the gentleman making a statement with reference to the matter, but it seems to me we ought to progress, and I will ask for the regular order.

Mr. FLOOD of Virginia. I can be heard on the point of order.

Mr. MANN. Has the point of order been made?

The CHAIRMAN. Yes; and the Chair desires to hear the gentleman in opposition to it.

Mr. MANN. That is all right; I understood the point of order was reserved.

Mr. FLOOD of Virginia. Mr. Chairman, I will say to the gentleman from Illinois [Mr. FOWLER] and the gentleman from Missouri [Mr. HAMLIN] that this is also an important item carried in this bill, and it has been carefully considered by the Committee on Foreign Affairs, and while probably subject to the point of order, it is an item of expenditure which would mean a great saving to the United States. We have had several of these conferences on bills of exchange. The first appropriation for this purpose was in 1909, amounting to $9,000; another in 1911, amounting to $3,000; and another in 1912, amounting to $2,000. Conference was held in 1910—June 23 to July 16—and in 1912, from June 16 to July 23. The first conference considered the unification of laws relating to international exchange and submitted drafts of a convention. The second conference revised and considered the drafts and also considered the subject of uniform laws relating to checks. These subjects are to be considered at the proposed conference during the present year. All principal European and Latin American countries are represented. The conference is endeavoring to reduce about 40 systems of legislation in relation to exchange to 2 systems and simplify use of checks in international financial transactions. Banking, exporting, and legal interests would be benefited. It costs an extravagant amount to get exchange in some of the eastern countries now, and the object of this authorization is to complete the work that has been done by these former conferences and make uniform, or nearly so, systems of bills of exchange.

Mr. HAMLIN. Will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. HAMLIN. I have read very carefully the report submitted by the committee, and I find we took up this work in 1909. We have already expended $14,000, and so far as I know there has been nothing accomplished.

Mr. FLOOD of Virginia. Oh, yes, there has.

Mr. HAMLIN. Now we propose to appropriate $7,000 more, and I find nothing in the report that leads to any hope or assurance that we will have accomplished anything when we have expended that, which would make a total of $21,000, and it will go on ad infinitum it seems to me. Then, I want to make this further suggestion. Nothing in the report indicates if we could agree on some uniform bill or system of exchange that we would save anything. There is no indication that rates would be made lower or anything of the kind, and it seems to me we are loading down this appropriation bill to no good purpose.

Mr. FLOOD of Virginia. If the report indicates that nothing has been done the report is in fault. As to the working of the present system, I will ask the gentleman from Pennsylvania [Mr. DIFENDERFER] to give a little history of his experience and knowledge of this subject.

Mr. DIFENDERFER. Mr. Chairman, so far as I am personally concerned and so far as my experience has gone, I feel that it is essentially important there should be universal exchange in these eastern countries——

The CHAIRMAN. Permit the Chair to say to the gentleman that the only question before the committee now is the point of order made by the gentleman from Illinois [Mr. FOWLER].

Mr. FLOOD of Virginia. We are trying to get him to withdraw that point of order.

Mr. HAMLIN. I will say to the gentlemen of the committee that if the gentleman from Illinois [Mr. FOWLER] withdraws the point of order, I will renew it.

Mr. MANN. Then I ask for the regular order.

Mr. FOWLER. Mr. Chairman, I have made the point of order and will stand by it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

International radiotelegraphic convention: For the share of the United States for the fiscal year 1914, as a party to the international radiotelegraphic conventions heretofore signed, of the expenses of the radiotelegraphic service of the International Bureau of the Telegraphic Union at Berne, Switzerland, $2,000.

The Clerk concluded the reading of the bill, as follows:

CONTINGENT EXPENSES, UNITED STATES CONSULATES.

Expenses of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent (allowance for rent not to exceed in any case 30 per cent of the officer's salary), postage, furniture, including typewriters and exchange of same, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular officers and consular assistants, compensation of Chinese writers, loss by exchange, and such other miscellaneous expenses as the President may think necessary for the several consulates and consular agencies in the transaction of their business, $471,600.

Mr. FLOOD of Virginia. On page 24, line 2, after the word "postage," I want to insert the words "for repairs to consular buildings owned by the United States."

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 24, line 2, before the word "postage," insert the words "repairs to consular buildings owned by the United States."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. FLOOD].

The question was taken, and the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, on page 24, I discover that the amount is $21,600 more for the last paragraph than was carried in the bill a year ago. I desire to offer an amendment making the sum $450,000 instead of $471,600.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 24, line 10, strike out the figures "471,600" and insert in lieu thereof the figures "450,000."

Mr. FLOOD of Virginia. That reduces it to $450,000?

Mr. FOWLER. Yes.

Mr. FLOOD of Virginia. I will say to the committee that $450,000 is not enough for this item. They had $450,000 and ran short, and they had to cut off some of the most important matters for which this money is spent. For instance, making repairs to consulates has absolutely been neglected ever since this appropriation has been cut down, and the telegraphic service has been cut off. It has been demonstrated that $450,000 has not been sufficient.

Mr. FOWLER. What was the amount two years ago?

Mr. FLOOD of Virginia. The amount two years ago, I think, was $475,000.

Mr. FOWLER. And was it cut in the last bill?

Mr. FLOOD of Virginia. It was cut in the last bill.

Mr. CLINE. They spent last year $465,000.

Mr. FLOOD of Virginia. And they were cramped at that. The Consular Service apparently costs this Government $2,000,000 a year, but they get back in fees alone every cent of it except $200,000. This service is doing great good to the country and is costing the Government very little.

Mr. FOWLER. Is there a deficit in this fund now?

Mr. FLOOD of Virginia. There is a deficit of $8,000 right now.

Mr. FOWLER. Mr. Chairman, the explanation of the chairman of the committee makes out a good case, and I do not desire to cripple this fund at all. If it is necessary, I do not desire to press my amendment, and I ask unanimous consent to withdraw it.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent to withdraw the amendment just offered. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I ask for the regular order.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent to go back to page 14 of the bill, and offer an amendment, in line 8, as follows:

Page 14, line 8, after the word "the," where it first occurs, insert the word "calendar."

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia [Mr. FLOOD]? [After a pause.] The Chair hears none. The question is on the amendment offered by the gentleman from Virginia, which the Clerk will report.

The Clerk read as follows:

Page 14, line 8, after the word "the," where it first occurs, insert the word "calendar."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent to be allowed to offer an amendment on page 20, "Second Pan American Scientific Congress," changing the appropriation from $50,000 to $30,000. We could get the other $20,000 in the next appropriation.

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent to return to page 20 of the bill, for the purpose of offering an amendment.

Mr. MANN. That is the item that went out on the point of order, and I object.

The CHAIRMAN. Objection is heard.

Mr. FLOOD of Virginia. I ask that the totals in the bill be changed.

The CHAIRMAN. The gentleman asks unanimous consent that the Clerk may correct the totals in the bill. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUCKER of Missouri, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The SPEAKER. If not, the amendments will be considered in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EIGHT-HOUR BILL.

Mr. WILSON of Pennsylvania. Mr. Speaker, I call up the conference report on the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving the rivers and harbors of the United States and of the District of Columbia, and ask that the statement be read in lieu of the conference report.

The SPEAKER. Is there objection to the reading of the statement in lieu of the conference report? [After a pause.] The Chair hears none. The Clerk will read the statement.

The conference report is as follows:

CONFERENCE REPORT (NO. 1497).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 18787, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 7, 8, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows:

After the word "persons," in line 2, page 3, strike out all the words down to the end of section 1 and insert the following: "Employed in connection with dredging or rock excavations in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States," so that the proviso in section 1 will read:

"*Provided*, That nothing in this act shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock-excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States."

And the Senate agree to the same.

W. B. WILSON,
FRANK BUCHANAN,
Managers on the part of the House.
WM. E. BORAH,
BENJ. F. SHIVELY,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

Amendments Nos. 1, 3, 4, 6, and 7: Strike out the word "snagging," leaving the bill so that it applies to "dredging, or rock excavation" instead of to "dredging, snagging, or rock excavation" as it appeared in the bill as it passed the House.

Amendment No. 2: Struck out the words "terminate within nine hours from the beginning of the workday" after the word

"shall," in line 11, page 2, and inserted the words "be continuous except for customary intervals for meals or rest." The effect of the restoration of the language used in the House bill is to prevent the workday being extended by means of long intervals for meals or rest.

Amendment No. 5: Would have repealed the eight-hour law of August 1, 1892. The amendment proposed by the conference corrects that defect.

Amendment No. 8: Excludes from the operations of the act work done under contracts entered into under the provisions of appropriation acts approved prior to the passage of this act.

Amendment No. 9: Provides that this act shall become effective and be in force on and after March 1, 1913.

W. B. WILSON,
FRANK BUCHANAN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

PENSION APPROPRIATION BILL.

Mr. BARTLETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes; and, pending that motion, I desire to know from my colleague on the committee, the gentleman from Iowa [Mr. GOOD], what provision we can make with reference to general debate? I will state that we have on this side applications for 2 hours and 15 minutes. Has the gentleman any applications for time?

Mr. GOOD. I have very little demand for time on this side. I suggest that we limit the time to an hour and a half on a side, and I will yield the gentleman from Georgia some of my time to care for requests on his side.

Mr. BARTLETT. Very well. Mr. Speaker, I ask unanimous consent that general debate be limited to three hours, one hour and a half to a side, to be controlled, respectively, one-half by the gentleman from Iowa and one-half by myself.

The SPEAKER. The request of the gentleman from Georgia is that general debate be confined to three hours, one half to be controlled by himself and the other half by the gentleman from Iowa [Mr. GOOD]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. BARTLETT. I move, Mr. Speaker, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, with Mr. DAVIS of West Virginia in the chair.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I yield 45 minutes of my time to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. I thank the gentleman for yielding to me a portion of his time. I will not undertake at this moment to discuss this bill except to say that it carries for the next fiscal year $180,300,000.

The last pension appropriation bill carried $152,000,000, and the increase has been due to the act of May 11, 1912, known as the Sherwood bill, and afterwards in the Senate as the McCumber bill.

It is estimated that the decreases in pensions will amount to about $2,000,000, so that there will be necessary an increase of $30,000,000 added to the $150,000,000 of last year. In other words, if it had not been for the act of May 11, 1912, this bill probably would not have exceeded $150,000,000. By reason of that act it becomes necessary to appropriate $30,000,000 additional.

There is also carried in this bill a provision for surgeon's examination fees. Last year the bill carried $200,000, which amount was sufficient. This year we carry $100,000 additional. This increased appropriation grows out of the increased necessity for surgeon's personal examinations of applicants, as a result of a decision made by the Secretary of the Interior, which decision has doubled the number of surgeon's examinations over those which had theretofore been made. I have that decision and will call attention to it at the proper time.

It is fair to say that there will be a deficiency in this item for the present year, and that will be asked for on the deficiency bill. That deficiency will amount to $100,000 more, so that the total will be $400,000 instead of $200,000, as carried in the last bill, which we will be compelled to pay for surgeons' examination fees by reason of this decision.

In addition to that, it appears that there will be a deficiency in the present fiscal year which will have to be provided for of $15,000,000, not taken care of in this bill as a matter of course, but already incurred by reason of the act of May 11, 1912.

This bill carries a provision which declares that pensions now paid to parties residing in foreign countries and who are not citizens of the United States, but are citizens of foreign countries, shall no longer be paid. It also carries a provision to use an unexpended balance for the purpose of providing the files and necessary labor-saving office fixtures in order to carry on the work in the office, and an appropriation of $500 for postage on foreign pensions. That is the whole bill. Now, Mr. Speaker, I will yield to my colleague from Georgia——

Mr. MARTIN of South Dakota. Before the gentleman from Georgia yields the floor will he yield for a question?

Mr. BARTLETT. Certainly.

Mr. MARTIN of South Dakota. Upon the subject of the increase of $200,000 for additional surgeons' fees for examinations, is it the judgment of the gentleman that that additional expenditure is represented by a better or a more just administration of this service?

Mr. BARTLETT. I have the decision of the Secretary of the Interior with reference to those examinations, and I will insert it in the RECORD. I did not intend to discuss it at this time.

It appears that the Commissioner of Pensions, in determining whether an applicant was entitled to a pension under the act of 1912 by reason of being incapacitated from disease, decided a case upon the evidence submitted—that is, the doctor's evidence and the affidavits of people who knew the applicant. The commissioner held this to be a question of fact, and determined it from that. Three or more of these cases were appealed to the Secretary of the Interior, who reversed that ruling of the Commissioner of Pensions, and held that such cases were entitled to be passed upon only after there had been an examination by some member of the surgeons' board in the particular locality; in other words, required before finally passing upon it either adversely or favorably, that there should be a surgeon's examination of the applicant himself and not simply the testimony by affidavits of the applicant's physician and those who knew him. This increased the necessity for surgeons' examinations to such an extent that it has doubled the work. Twice as many examinations are required as heretofore, when they could pay the expenses with $200,000, but now will require $400,000.

Mr. MARTIN of South Dakota. My question was whether, in the judgment of the gentleman, from what knowledge he has of the administration of the office, it has resulted in a better administration of this service, or otherwise.

Mr. BARTLETT. The gentleman has asked me a question, and I am going to state very frankly that I do not think it has resulted in a better administration. The gentleman will recall that this House, upon the legislative, executive, and judicial appropriation bill of last year or the year before, abolished this board of pension appeals.

Notwithstanding the pension board of appeals, there is now existing in the Assistant Attorney General's office in the Interior Department virtually another board of appeals. Four are men on the rolls of the Pension Office, with salaries running up to $1,800, who are detailed from that office to the Assistant Attorney General's office, and, with other men detailed to his office, they pass upon these appeals. They pass upon the judgment of those in the Pension Office who are their superior officers with a higher salary.

Such is the law which was undertaken to be remedied in the provision reported in the legislative, executive, and judicial appropriation bill at this session—that there should be no appeal except upon questions of law. That went out on a point of order. Now you can appeal every case you desire directly to the Secretary of the Interior on both questions of law and questions of fact. I think there should not be any appeal on questions of fact from the decisions of the officers in the Pension Office. I think that it becomes a question of fact to be determined by the Commissioner of Pensions whether a man is incapacitated to work, by his own testimony, the testimony of those associated with him, or the family acquainted with his physical condition.

It puts an additional burden of expense on the Government to require the Government, before it can determine whether a man is entitled to a pension, or to require the claimant before determination to have some one of these numerous physicians that we appoint all over the country examine him and have the Government pay this additional $200,000. I do not think it is good policy for the administration of the Pension Office or an economical administration of the affairs of the Government.

Mr. MARTIN of South Dakota. It occurs to me that if it does not result in better service it is hardly worth while to incur the expense.

Mr. BARTLETT. If the gentleman desires to move to strike it out, he can do so, but the gentleman must understand that the Appropriation Committee having charge of this bill and all bills must endeavor to give to the officials of the Government enough money to run it. I apprehend that there would be quite a protest, to put it mildly, from gentlemen in this House upon that side and upon this if we refuse to furnish to these applicants for pensions under the act of 1912 the means to have it ascertained by medical experts whether or not they are entitled to a pension. The Secretary has formerly decided that that is the only way in which the department can correctly determine whether the claimant is entitled to a pension, and has reversed the Commissioner of Pensions in deciding that a man was not entitled to a pension without requiring the medical examination.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr BURKE of South Dakota. Can the gentleman tell us how many persons will be affected, and how much will be saved if the limitation in lines 20 to 23, on page 2, is in this bill when it becomes a law?

Mr. BARTLETT. Mr. Chairman, we pay the people residing in foreign countries the sum of $967,863.89. In addition, we provide $500 for postage for sending the pension vouchers through the mails. We could not do it under the check system that we have provided for in the last pension bill, but we have to continue the voucher system in that regard.

This proposition was in the last pension appropriation bill, and upon that I gave some information to the House obtained by an examination of the Commissioner of Pensions before the subcommittee. We find from his report that there resides out of the United States 5,465 people on the pension roll to whom pensions are paid. That embraces countries from Algeria to Wales.

The Commissioner of Pensions testified before the committee last year that there were very few who were citizens of the United States. The most of them who are citizens of the United States were people connected with foreign service of United States, or who were traveling abroad, not citizens of any other country. There were some on the Canal Zone to whom they were sent. The number, he said, would not exceed 20 all told.

It is fair to say that the construction that may be put upon his testimony is that he intended to say that there were not over 20 connected with the service of the Government who were abroad not as citizens but temporarily residing there. That is all the information I have on the subject.

Mr. BURKE of South Dakota. I do not think the gentleman quite understood my question. As I understand it, the amount of pensions paid to soldiers who are nonresidents of the United States amounts to something like $940,000.

Mr. BARTLETT. No; to people who were abroad, whether residing abroad temporarily or who were abroad in the service of the United States.

Mr. BURKE of South Dakota. What I want to know is, If the gentleman can tell how many of those are drawing pensions for actual disabilities incurred in the service, because they will continue to draw pensions under this bill?

Mr. BARTLETT. We undertook to find that out and we did not get any information. I will very cheerfully give the gentleman all of the information I have. We undertook to find out about it, but neither the Pension Commissioner nor the chief statistician, Dr. Thompson, could give it to us.

I now yield 30 minutes to my colleague, the gentleman from Georgia [Mr. RODDENBERY].

Mr. RODDENBERY. Mr. Chairman, standing at the closing days of the last session of the Sixty-second Congress, we are about to conclude the passage through the House of the various annual appropriation bills. The bill now under consideration is the pension appropriation bill, carrying with it $180,000,000. This money, after it is appropriated by Congress, is disbursed through the Pension Office. Several days ago I made some remarks touching the official character and qualities of a few of the officers drawing big salaries in connection with this department. I hold here a photograph of five Union soldiers. Three of them are partially legless and on crutches. Two of them are armless. They stand together. They represent in true type the character of men that a Government ought to pension. There are other worthy classes still, but it was never contemplated in the early days that able-bodied men with ample financial resources should receive the bounty of the Government. We shall not discuss at any great length those 800,000 on the pension rolls of to-day; but, adverting to the head from the Pension Bureau, I desire to say that in a few weeks the Democratic Party will take charge of the administration of that department, as well as of all the other departments of the Government. I hope that they will get a one-armed or one-legged old fighter of the days of 1860 and 1865 and put him at the head of that department to measure out to these old soldiers what the Government contributes to them and to administer its affairs. I hope that the next four years will not witness as the head of that department a pensioner who draws a $5,000 salary and a pension besides upon the ground that he is totally incapacitated for work and labor.

There is an eminent candidate for that position now. He has publicly announced his candidacy for Commissioner of Pensions. His picture is on one side of this sheet of paper and his pedigree on the other. It begins like the biographies in our Congressional Directories. He was born on the farm, he was educated in the common schools, he taught school, he studied law, he was admitted to the bar, he held a little office, he went to the war, and he returned. He took a keen interest in politics, he held school-board positions and others. He goes into detail to tell the country what his great services have been, even to being physically able to be a candidate for Congress as late as 1908; but he does not anywhere tell that he has been for nearly 20 years drawing a pension as an invalid pensioner, incapable of performing labor. Although he now draws a liberal salary in the Pension Bureau, he still draws a pension granted and continued on the ground of physical incapacity, and according to his platform he is so well, hale, hearty, and strong as to aspire to a $5,000 office. Gentlemen, is that the kind of man whom you can expect to fairly administer pension laws? I call attention to it. Possibly the suggestion may aid us in obtaining the "highest efficiency" at one place in the public service. I do not know the gentleman whose record speaks for itself. He is doubtless an estimable gentleman, but if he is qualified to draw an invalid pension he is disqualified for Commissioner of Pensions.

Mr. BATES. Mr. Chairman, does the gentleman claim that one of the glaring faults of the Republican Party is that it has had a man administering the Pension Office who is himself a pensioner? If that is true, I would like to ask the gentleman if during the last two Democratic administrations Union soldiers were not appointed to administer the Pension Office, and if they themselves were not pensioners.

Mr. RODDENBERY. I want to say to the gentleman that my remarks are not addressed in any partisan way at all.

Mr. BATES. I understand, but the gentleman questions the propriety of a pensioned Union soldier administering the Pension Office. I want to ask the gentleman if that has not been the practice of both the Democratic and Republican Parties?

Mr. RODDENBERY. Why, I just remarked that if you will take one of these old one-legged and one-armed veterans, if he is drawing a pension, and gets it for his wounds or fighting qualities, and he is not incapacitated from performing valuable service, he should be preferred; but I assert as a matter of common honesty an office ought not to be given to a soldier who draws an invalid pension on the ground that he is a physical wreck and unable to care for himself. Under the law, unless that condition of physical disability continues, he is not entitled to a pension. If the condition does continue, he can not be qualified for Commissioner of Pensions. Do not give to such a man an office that requires the services of a man worth $5,000 a year. In other words, give us an old soldier and not a fraud on the pension rolls. That is what I ask for, regardless of what party is in charge.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. RODDENBERY. Yes.

Mr. CALLAWAY. The gentleman's objection is not that he gets a pension, but that he draws it on a lying basis.

Mr. RODDENBERY. If the gentleman is capable of being Pension Commissioner, that is fairly and quite well stated.

Mr. CALLAWAY. The gentleman thinks if he gets a pension for fighting qualities it ought to so state.

Mr. RODDENBERY. The old soldiers of the country who are entitled to pensions want them, and they want their comrades to have them. The old soldiers of the country who deserve pen-

sions do not want any more frauds on the roll than a citizen who never was a soldier, and you will never convince the old soldiers of this country that a man who can hold that $5,000-a-year job down is an invalid and a physical wreck and incapacitated to labor. Moreover, we need not expect, and nobody will expect, that department to be well administered if the chief executive officer is a man who is drawing a pension to which he is not entitled himself.

I adverted to this, not that I expect to direct my remarks further now to it, but to call attention to the fact that in a few days a head of that department will be named. Therefore, now is the time for Democrats to look out for honest and efficient administrators. Do not let us make the same mistake the Republicans have lately made, and, so far as I know, the same mistake Democrats in former times may have made. Get as the chief officer of that department an old soldier of a high type, which characterizes the great majority of those who now draw pensions.

I had risen, however, Mr. Chairman, to speak on another line. The Republican platform last enunciated says that—

> We commend the earnest effort of the Republican administration to secure greater economy, and increase the efficiency in the conduct of public business. Extravagant appropriations and the creation of unnecessary offices are an injustice to the taxpayer and a bad example to the citizen.

The Roosevelt platform, on the same line, said:

> We pledge our party to a readjustment of the business methods of the National Government and a proper coordination of the Federal bureaus which increase the economy and efficiency of the Government service, prevent duplications, and secure better results to the taxpayer for every dollar expended.

The Democratic platform said:

> We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a Democratic Government and a reduction in the number of useless officers, the salaries of which drain the substance of the people.

Here we see that all three political parties, which went to the people last November proclaimed against wasteful extravagance and unjustified expenditure of public money. The Republicans had been in power for many years and they pointed out that henceforth vast extravagance would be curtailed; the new party, seeking the approval of the people, announced that there was necessity for the same thing; the victorious party, with the light of the past legislation before them and with full consciousness of what the future held out, denounced the waste of the money wrung from the people by the Republicans and demanded a return to simplicity and economy.

The people took our party at their word. They had a right to if you can believe what men say in declarations of principles and policies. The concluding paragraph of our platform says:

> Our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign.

We reiterated these pledges during the campaign, we pledged the people we would keep them when intrusted with power. The supreme pledge of our platform was lowering taxes, abating Republican extravagance, and retrenching public expenditure; that if we were charged with the responsibility of government the profligate waste of the past Republican administrations would cease, and that the wasteful expenditure of the people's toil money would come to an end. How can that be done? There are about 14 great appropriation bills. If these bills carry a reduction, our pledges will be performed. If these bills do not carry a reduction our pledges can not be performed, but they will be repudiated. The bare statement of the case makes this conclusion self-evident. Let me, then, take up the appropriation bills one by one. The agricultural appropriation bill up to the Senate now is but nominally increased. The Army bill increases by approximately $3,000,000 the previous appropriation. Gentlemen, are we carrying out our pledge to the people that we told them we would live up to in office as well as during the campaign? The diplomatic and consular bill, you know the increase there; the District of Columbia bill, you know the increase there; the fortifications bill, you know something of the increase of a million and a fraction there.

Mr. SHERLEY. Will the gentleman yield?

Mr. RODDENBERY. No; I do not yield.

Mr. SHERLEY. I would like to have the gentleman make a statement about the fortifications bill, as I am responsible for that bill.

The CHAIRMAN. Will the gentleman yield?

Mr. RODDENBERY. No; I will not yield. The gentleman can correct any statement I make. I state again that that bill is larger than it was for the present appropriation year, therefore our pledge has not been executed there. The Indian appropriation bill has shriveled a little from providential causes.

The legislative, executive, and judicial bill is one of the fixed charges of the Government, and in view of the fact that Congress will soon be increased by forty-odd Members and their secretaries and other charges, of course, we were obliged to meet the conditions as they presented themselves to us. The Military Academy bill is next; you know the status of that bill. The naval appropriation bill is increased practically $30,000,000. We denounced the past extravagance of expenditure of Republicans, and now what have we in this bill to prove the justice of that denunciation? We said in our platform that our pledges are to be kept in office as well as relied upon to get into office. Does the $30,000,000 in the naval bill repudiate our platform or not?

Mr. MURRAY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. RODDENBERY. I can not yield to my colleague.

The CHAIRMAN. The gentleman declines to yield.

Mr. RODDENBERY. The pension appropriation bill is next, and it is now before us, carrying $180,000,000, and $15,000,000 more, as deficiency, yet to come in another bill. I said over a year ago, when this propaganda was on, that the budget on this item would go to $200,000,000, and gentlemen smiled. It is already on the threshold of it. Ah, but you say a certain general pension bill has been passed in the meantime. Of course, that is true, and, gentlemen, I will not discuss it now; but a Democratic House passed it, and if this is to our credit, take credit for it; if it is not, we must take the discredit.

Mr. BARTLETT. May I ask the gentleman—I will give him some time——

Mr. RODDENBERY. I yield.

Mr. BARTLETT. The Democratic convention which made that platform, and every member of it, knew at the time it made that declaration that that pension bill had been passed and that it would increase the payment of pensions, estimated at from thirty to forty or fifty million dollars, did not they?

Mr. RODDENBERY. I so understand.

Mr. BARTLETT. In spite of that, they put a plank in the platform providing for liberal pensions, did they not?

Mr. RODDENBERY. I think they did.

Mr. MURRAY. Mr. Chairman——

Mr. RODDENBERY. If my colleague is in position to extend my time somewhat, I can yield; but if not, I can not yield.

Mr. BARTLETT. I am not in that position just now. I will give the gentleman the time I took to ask him a question.

Mr. RODDENBERY. Then, I can not yield. The rivers and harbors bill has passed the House and is practically twice as large as the previous bill. There is about $17,000,000 to $20,000,000 increase. The sundry civil bill we have not seen yet. The deficiency bill has not come in yet. These enumerated bills cover substantially all the annual appropriations. Gentlemen, where is the bill in which we have carried out our pledge to reduce the expenditure of the people's money and correct Republican extravagance? Now, I see gentlemen standing around, who want to ask me what our platform says about liberal pensions; what it says about extending our river improvements; what it says about an efficient Navy, et cetera. I see them wanting to rise up now. Gentlemen, we are all familiar with the platform, but where is the man who will say that those declarations were intended to nullify our charge against the Republicans or their wasteful and profligate expenditure of public money? Where is the man who can deny our pledge to reduce instead of increase appropriations? Do gentlemen argue that the declarations of our platform touching these great public improvements were intended to nullify that plank of the platform and to O. K. the previous expenditures of the Republicans? If so, then, it was a deliberate effort to deceive the American people. It was not intended to be done. Where are the useless salaries that these Republicans have been putting in the appropriation bills, and that we have been raising hades about for 16 years, that we have trimmed down? Where are the Republican fraudulent and useless offices and projects that we charged to be leeches on the people that we have cut out? Where are the money reforms that we have worked?

Gentlemen, I am speaking as a Democrat who needs no certificate to that Democracy, and invites any criticism that gentlemen here or elsewhere may desire to indulge. I do not belong to that school of Democrats who will announce a platform and run on it to get into office, and then by every appropriation bill we pass violate it in letter and in spirit. In our platform we charged that "lavish appropriations of recent Republican Congresses" kept "taxes high." Why, do not the pending more lavish appropriations convict us, as Democrats, of the same charge? The people will not be deceived; we can

not be deceived. We may just as well face it. As painful as the facts are, I am speaking the plain unvarnished truth. I make these observations now, gentlemen, at a time when it is not too late to keep the faith and to live up to our platform. If our party meant what it said when it pledged that we would cut out unrighteous expenditure and extravagant appropriations, we have time and power yet in which to do it. Upon the pretense of party unity I will not acquiesce in party perfidy. Gentlemen, a Democratic President will be inaugurated inside of three weeks. A Democratic House will convene here and a Democratic Senate will convene yonder. Why not halt now and relieve Democrats who give up their office on the 4th of March, and a hundred Republicans who go out here to be supplanted by Democrats on the 4th of March, and a Senate that will be transferred from Republicanism to Democracy—why not let these freshly chosen servants whom the voters have elected shape and frame these charges on the Federal revenue? What folly—I can not say hypocrisy—to let the retiring Congress incur the largest charge upon the Treasury in the history of the Republic, and then expect the next extra session to cut down the revenues needed to pay them by a substantial revision of the tariff. It will confront us on every schedule. Apologists will say that this is the short session, and that it is customary that appropriations should be passed now. If we can pass them, and do it in compliance and performance with our platform, well and good; but if on their face they show a violation of our pledge to the people, no custom will justify it. Such a course will at the outset impede our President in every step he takes to be true to the people and his high office.

Gentlemen, these bills not only carry $115,000,000 more than the Republicans ever appropriated, but the naval bill, the rivers and harbors bill, the military bill, and other bills, authorize contracts by the Government to be carried out in the future, which during each succeeding year will be a tax and a burden during the entire term of Mr. Wilson's administration. I declare it to be a violation of our duty to the party as well as to the country to pass these exorbitant bills, carrying appropriations and carrying future obligations to appropriate, and unload them upon a Democratic President on the very threshold of his administration.

You say to delay these bills until the extra session will break precedents. If we have the President I think we have, we will break several precedents. Every precedent broken will be a bad precedent and broken for the purpose of living up to our pledges and keeping faith with the people. If we as Democrats do not break precedents, we will accomplish nothing. In order to preserve inviolate our political honor and carry into effect our platform utterances it absolutely demands the breaking of precedents. Thus only will we overthrow misrule and bring to pass the plighted promise to give the country a return to simplicity and economy. The President elect has already broken one or two precedents. Our platform says to return to "simplicity and economy." He has put the ring into the nose of this King George coronation ball and led it around to the back door and said, "You are about to inaugurate a Democratic President with a Belshazzar's feast. Get thee hence"; and a lordly precedent is shattered. So far as the President elect is concerned, he has lived up to the simplicity part of it. We stand to-day face to face with our obligation to live up to the economy part of it. Shall we let our President, on the 4th of March, come into office confronted and handicapped at the beginning of his administration with the most appalling and profligate expenditure of public money the Republic has ever seen? We are responsible for these outrages, not the Republicans. This is a Democratic House. I implore you, shall the first Democratic President for nearly two decades be hobbled and finally slaughtered in the house of his friends? Are our platform declarations of economy to be lived up to in office as scrupulously as we were diligent in denouncing this very extravagance in the campaign?

Gentlemen, let the Democrats who have lately been elected carry out their pledges to the people. We can meet in extra session on the 4th of March or the 5th of March or at any early time and pass these bills rather than violate party honor or sacrifice and surrender public confidence. There is no urgency for these appropriations. It will be the 1st of July before any of this money can be expended. The present appropriations are already made to that date. This great and apparently irresistible pressure to ram through these bills now in the dying hours of a Congress make me suspect that there are certain interests of sinister purpose in this country which know that unless they can get their hands deep down into the Public Treasury now, saddling onerous burdens on honest toil, they will not be able to do it after the 4th of March. The Democratic House and Democratic Senate which are in the extra session to levy the taxes ought also, by every token of reason and justice, control and expend the taxes which they levy.

Gentlemen, I am willing to join you in a concerted crusade to postpone legislation which violates our pledge to the people. But whether you do it or not, let me say to you that henceforth, between now and the 4th of March, as a Representative and as a Democrat, with our platform as the contract our party has made with the people, so far as I can, though but little it be, this violation of solemn party pledges will not dishonor the statute books unresisted and unopposed. We charged the Republicans in the express language of our platform with wringing money from the people's toil by extravagant appropriations.

Are we going to expect the people to think that the Republicans have been grafting on the Treasury and recklessly wasting the substance of the people when we appropriate all they did and a hundred millions more the first dash out of the box? [Laughter.] I am almost ready to apologize to the disconsolate Republicans if that is so. [Applause.] On the 4th of March we will bid a lot of them good-by, but if this unprecedented and indefensible extravagance is a sample of Democratic government, on the 4th of March, 1915, there will be a lot of them here to tell us "Howdy," and in a few hours thereafter there will be several of us who will go to them and say, "Our people have called us home; good-by."

We need not take the people of this country for a set of driveling idiots or infernal fools. Do we suppose that with a Democratic propaganda, waged for 16 years, on the argument that the Republicans were robbing the people, were putting intolerable burdens upon their backs, were raping the Public Treasury, and ought to be turned out, when they take our word for it and turn them out and turn us in, that they will not chastise us with brands of burning shame and hurl us from power when we not only rape the Treasury as the Republicans did, but with a $115,000,000 increase dagger cut its throat and stab party integrity to the heart? [Applause on the Republican side.]

Gentlemen, I have no apologies to make for these remarks. My innermost soul yearns to see the party of Jefferson live up to its political contract just as its members live up to their private obligations. I desire to see the Democratic Party perform its pledges to the people just as we perform our pledges in private affairs. Every Democrat knows the staggering total of these impending appropriations, if enacted, will be a violation of public faith and party trust as indefensible as the betrayal of the Republicans in passing the Payne tariff law for which the people in 1910 rebuked them. I appeal to the Members here who love vital Democracy and have burning in their hearts the spirit of fidelity to the people, to rise now and let the Democratic powers on this side—if powers they be—understand that they can not pass this legislation unless it squares with the platform on which our party campaign was conducted, and unless it is in accordance with the contract we made with the people when they intrusted us with power. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I will ask the gentleman from Iowa [Mr. GOOD] to consume some of his time.

Mr. GOOD. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. GARDNER].

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] is recognized for 30 minutes.

Mr. GARDNER of Massachusetts. Mr. Chairman, it will not be possible to expedite business in this body until there is a thorough revision of the rules of the House. There ought to have been a thorough revision long ago, but every time that the rules of the House have been altered it has been in the middle of a hair-pulling match.

I am very, very tired of the argument that our rules must be good rules because they have existed since the beginning of the Government. You might just as well say that quill pens and mounted messengers would serve our purposes as well as typewriters and telephones. Why, Mr. Chairman, a self-respecting parliament of pterodactyls or dinosaurs would get rid of half these rules. If it is possible so to draft them, rules ought to be so simple that an ordinary Member of the House of Representatives might have some sort of a chance on this floor even against the most expert leader of the minority.

I used to wonder why a thorough revision has been so long delayed. I discovered the reason by asking myself this question, "GARDNER, why is it that you advocate a complete revision of the rules when you know at heart that you do not want them revised?" I believe that the rules ought to be revised, and yet it will rob me of a good deal of my stock in trade if a revision takes place, because familiarity with the mysteries of the rules gives me a great advantage. A good many other men are in the same situation as I am. We advocate the revision

of the rules; we will support a proposal for revision; but at heart there is not one of us who is praying for it to take place.

During this Congress I have introduced a number of resolutions looking to changes of the rules in certain respects. For instance, I have introduced a resolution aimed against the filibustering which takes place on Calendar Wednesday. Mr. Chairman, I was the stork that brought Calendar Wednesday, and I am rather ashamed of the infant which I left on the doorstep of this body. But, to tell you the truth, he has been led astray by persons in this House who ought to have nursed him tenderly.

Then, again, in this Congress I introduced a resolution looking to a change in our absurd system of pairs, under which the attitude of Members on pending legislation is concealed rather than revealed. I have introduced a resolution taking away from the Speaker the power of arbitrary recognition in the matter of motions to suspend the rules. I do not mean to say that the Speaker has too much power. I doubt whether he has enough power. Perhaps we have gone from one extreme to the other. Nevertheless, I have always believed that, whenever possible, recognition should be governed by rules and customs. Ordinarily, recognition ought to be a right. Certainly it ought never to be a favor.

Mr. SHERLEY. Will the gentleman tell us where he proposes to place the power touching recognition on a motion to suspend the rules?

Mr. GARDNER of Massachusetts. My resolution requires the Speaker to recognize Members on suspension day. The gentleman would naturally say that under such a rule recognition would depend on youth, agility, and vociferousness. To a greater or less extent that is true.

Mr. SHERLEY. I am not criticizing the gentleman's resolution. I am asking for information.

Mr. GARDNER of Massachusetts. I understand that the gentleman is not criticizing. I am not satisfied that the resolution I have introduced would accomplish the object which I seek; but with good faith on the part of the Speaker I think it would do so.

Mr. Chairman, I do not intend this afternoon to discuss the rules in general except so far as they relate to the clarity of our statutes. I am here to talk about certain measures which are pending before this House—measures which soon will be reported—measures whose adoption, I believe, will result in such an improvement in the drafting of our laws, that in the future their lucidity and simplicity will equal the standard set by the statutes of Great Britain.

In Great Britain the members of the cabinet have at their service an official known as the parliamentary counsel, together with his assistants. The business of the counsel's office is to draft bills for the administrative officers of the Government and to watch these bills on their passage through Parliament. As you know, Mr. Chairman, almost all the public laws which the British Parliament enacts originate with the cabinet, and the cabinet embraces the heads of the principal administrative departments of the Government. Under the British system the heads of departments are selected from the membership of Parliament.

When a bill is on its passage through Congress there are certain stages where it must be carefully watched or its meaning may be rendered obscure, contradictory, or even repugnant to the object which it is sought to attain. When an individual Member first introduces an important bill it makes very little difference whether it is well drafted or not. In reality it is but little more than a suggestion for legislation. Everyone here knows that all the important bills are reported after they are thrashed out by the committee which has jurisdiction. In reality an important bill when reported is a combination of many men's ideas, although it may carry the name of the committee chairman.

The first point, then, at which we need legislative counsel occurs when a committee is about to report a bill, for it is the bill as reported, not the bill as introduced, which is going to be considered by the House. Accordingly, at the reporting stage occurs our first opportunity of going wrong.

The next opportunity for the injection of confusion into a measure occurs when amendments are offered either in the House or in Committee of the Whole. Ill-considered amendments, plausible-sounding amendments, are often adopted by the House without the slightest consideration as to what effect those amendments in one section are going to have on some other section that has not been read, or, perhaps, has been read and agreed to. There is no let up when once a measure is under way toward its passage; no time to reconcile inconsistencies produced by hasty amendment, no chance to reform faulty or obscure wording.

The next opportunity for confusion arises when the bill is in conference. Nothing could have been clearer than the necessity of legislative counsel in the conferences that took place on the immigration bill. We conferees were criticized and forced to confer three times before we got that bill right. Very likely we might have got it right the first time if we had had legislative counsel to aid us. It is almost certain that we should have required but two conferences. But the provision of legislative counsel will not by itself insure lucidity and uniformity in our statutes. We ought to have a reference bureau as a part of the Library. It ought to be possible for Members of Congress, for chairmen of committees, for the legislative counsel to go to the Library and say, "Present to us the comparative legislation of different countries and different States on the pending question; present to us the arguments for it and the arguments against it; show us what has been done on this same line in this country or elsewhere; show us with what statutes we must beware of conflict. Give us this information in available form, concentrated and digested." Wisconsin was the pioneer State in adopting the reference-bureau system and the official bill drafting system, and certainly the statutes of Wisconsin are models of clearness.

If our statutes are to be lucid, I regard it as essential, first, that we install a reference bureau in the Library so that we may readily secure the information on which to act; and, second, that we employ legislative counselors, appointed by the Speaker for the House of Representatives. Presumably the Senate would adopt a similar plan. These legislative counselors should serve with committees when a bill is about to be reported. They should also, on occasion, have the privilege of the floor when bills of importance are up, so as to guard against the adoption of ill-drafted amendments. They should be at the service of the House managers in conferences between the two Houses.

But even then, when we have established the reference bureau, when we have supplied the legislative counsel, we must go a step further and provide ample opportunity under our rules for the counselors to exercise their functions. Suppose that the House adopts an ill-considered amendment to some bill. The counsel may be aware of the fact that the amendment distorts the meaning of half a dozen sections which have already been agreed to. He may know that the amendment creates a new crime and yet no new penalty to correspond, or that its wording covers a far wider scope than is intended. Of what use is all that knowledge if no opportunity is offered to find out just what sections are distorted, just what laws are repealed, and just what steps should be taken to get the matter into proper form? Unless a definite opportunity is offered for corrections that bill, counselors or no counselors, must go to the Senate, as it does to-day, with all its iniquities upon it.

And so I advocate the creation of a committee on bills in the third reading. To-day when a bill is before the House the stages of engrossment and third reading are consolidated. I propose their separation. To-day when all amendments have been dealt with, the question is on the engrossment and third reading of the bill. If that question is answered in the affirmative, and if the previous question has been ordered according to custom, the bill is at once put upon its passage unless a motion to recommit is interposed.

I propose that after the amendments are disposed of the question shall be on the third reading only of bills and joint resolutions. If that question is answered in the affirmative, I propose that bills and resolutions shall go at once to the committee on bills in the third reading for correction. The committee on bills in the third reading, with the assistance of the legislative counselors, will prune out all inconsistencies and false references, simplify all complexities in wording, reconcile the measure with existing statutes, and then report it back to the House. The committee should be authorized to make minor changes, but every change of importance should be reported as an amendment for the House to act upon, and every change, important or unimportant, should be clearly designated. Then, Mr. Chairman, after the report had been received and the amendments disposed of, the question would come on the passage of the bill. In this way we can at least insure the correct drafting of bills sent to the Senate. If the Senate were to adopt a similar system, the toils of a conference committee would be vastly less.

Adopting these reforms, to wit, the reference bureau, the legislative counsel, and the committee on bills in the third reading, separating the stages of the third reading and engrossment, will go far to clarify our statutes. In addition, if it can be devised, I should like to see some system adopted under which important amendments might be printed in the RECORD before they are offered. I am aware of the difficulties that present themselves in trying to adopt a change of that sort. We

might adopt the system of the British Parliament, which, to some extent, remedies the evil. If we could do so, it would help still further to clarify our statutes.

There is another reform which I hope to see adopted in time, with the same purpose in view. We try too much to work out details in our statutes. We ought to trust more to our executive officers. We try to prescribe, work out, the administration of our laws down to the last particular, apparently out of jealousy or mistrust of our departmental heads.

To use the immigration bill as an illustration once more: That bill prescribes down to the smallest detail the manner in which the reading ability of an immigrant shall be tested. Infinite and perplexing detail is characteristic of the whole of our immigration law. Now, if we only could make up our minds to place sufficient confidence in our Secretaries of Commerce and Labor no such minutiæ need be inserted. It would be quite sufficient to lay down certain broad provisions to be adjusted and enforced by rules and regulations to be laid down by the Secretary of Commerce and Labor.

The time has come—in fact, it came some time ago—when it is the permanent officials who really conduct the departments of this Government. Whether a Secretary of Commerce and Labor is favorable or unfavorable to immigration, except in a very few exceptional instances, the administration of the immigration law is certain to be substantially the same. There will shortly be presented to this House for its consideration a resolution prepared by the gentleman from Illinois [Mr. EVANS]. This resolution will provide for the appointment of legislative counselors by the Speaker. The gentleman from Illinois will likewise report in a new draft a bill introduced by the gentleman from Wisconsin [Mr. NELSON] providing for a legislative reference bureau. Both the resolution and the bill have the unanimous approval of the Committee on the Library. Incidentally I might say that the gentleman from Pennsylvania [Mr. WILSON] also introduced a bill somewhat similar to that introduced by the gentleman from Wisconsin [Mr. NELSON]. However, inasmuch as Mr. NELSON organized the hearings and brought us a wealth of information upon the subject, and, moreover, pressed the matter with the greatest intelligence, diligence, and convincingness, the committee agreed with Mr. EVANS that the measure ought to carry Mr. NELSON'S name.

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield?

Mr. GARDNER of Massachusetts. Yes.

Mr. GOLDFOGLE. From what body would the legislative counselors be drawn? From this body?

Mr. GARDNER of Massachusetts. Oh, no; they would be the very best lawyers we could get for the price. I am informed that the Parliament of Great Britain pays $12,500 for its chief counselor and $10,000 for its second counselor.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. GARDNER of Massachusetts. Certainly.

Mr. LONGWORTH. Does not the gentleman think it would also be a good rule to provide that bills introduced to amend statutes should on the face of the bill show the language as it would read if the amendment prevailed, either in italics or otherwise?

Mr. GARDNER of Massachusetts. I think, at all events, that every bill reported by a committee ought to show on its face the resultant reading of any statute which it seeks to amend. I am not sure that it is essential to require so much when a Member introduces a bill. I am confident that every bill to amend an existing law ought, when reported from a committee, to show not only the changes proposed but also the resultant language of the law which would follow the enactment of the amendatory measure.

Mr. LONGWORTH. That method is in vogue in the Ohio Legislature. Before it can be considered, the bill must show upon its face the new wording of the statute and the statute as it existed.

Mr. GARDNER of Massachusetts. Before it may be considered by a standing committee?

Mr. LONGWORTH. Yes.

Mr. GARDNER of Massachusetts. Suppose a bill in conflict with that rule is introduced into the Ohio Legislature, what becomes of it?

Mr. LONGWORTH. I have forgotten now whether a motion to reject would be in order, but it is such a well-fixed rule that no member would think of introducing the bill and not complying with it.

Mr. GARDNER of Massachusetts. Offhand, I should say that such a rule sounds wise.

Mr. MURRAY. Mr. Chairman, I would like to inquire if my colleague, who has given me a good deal of information since he rose, has at all considered the amendment to the rules suggested by the gentleman from Kentucky [Mr. SHERLEY] creating a committee on estimates and expenditures.

Mr. GARDNER of Massachusetts. I have that in my portfolio; yes.

Mr. MURRAY. And whether the gentleman has any opinions which he wishes to express upon that subject.

Mr. GARDNER of Massachusetts. I have not gone into it critically. So far as I have formed an opinion, I am entirely in agreement with the purpose of that resolution of the gentleman from Kentucky.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, I will say that I introduced another resolution dealing with another matter more directly in connection with what the gentleman said to-day——

Mr. GARDNER of Massachusetts. I have that other resolution also on my desk.

Mr. SHERLEY. That was a resolution introduced some years ago for the appointment of a clerk by the Speaker, who should hold office during good behavior, and who should bear the same relation to substantive law that the parliamentary clerk bears to parliamentary law.

Mr. GARDNER of Massachusetts. I have the gentleman's resolution on my desk. I did not think to mention the fact that he had introduced it at a prior Congress, but I was aware of the fact. It was an omission on my part not to call attention to it.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. GARDNER of Massachusetts. I will yield.

Mr. GOLDFOGLE. Has the gentleman from Massachusetts considered the advisability of a rule requiring the furnishing to each Member, either in his room or on his desk, a copy of all the public bills introduced, so they may not, as is now the case, be taken unawares when a bill suddenly comes up, either by way of unanimous consent or otherwise?

Mr. GARDNER of Massachusetts. I have not considered that idea, and, as a casual opinion, I do not think that such a rule is required. Advance information as to the consideration of measures is fairly accessible to Members. Not always, but frequently, a Member's lack of diligence results in his being taken unawares.

Mr. GOLDFOGLE. That is true; but would it not be better if we have some rule, so that bills might go to the Members' rooms or——

Mr. GARDNER of Massachusetts. I can not agree that we are paid $7,500 to do nothing but say yea and nay and attend to our constituents' chores.

Mr. GOLDFOGLE. I agree with the gentleman on that.

Mr. GARDNER of Massachusetts. I really think that one of the great faults of this House is that Members do not do the drudgery which is necessary in order to train themselves to keep track of what is going on legislatively.

Mr. MARTIN of South Dakota. If the gentleman will permit, it occurred to me while the gentleman has been speaking that he has now struck at one of the great difficulties about legislation in the House, and the query has been in my mind whether if we create an expert to do all the details of this work it will not lead to still greater carelessness upon the part of individual Members?

Mr. GARDNER of Massachusetts. The gentleman from South Dakota mistakes the purpose of the resolution. The resolution does not supply legislative counselors for the use of any individual Members. There is no reason why we should not draft our own bills. If we do not know how to do it, we ought to learn. If we can not learn, we might as well give way to some one better qualified to earn a salary of $7,500 per annum. It is of no importance to the Nation whether the bill which I introduce or which you introduce is correctly drawn; the important question is whether the bill which comes out of the committee is correctly drawn. The Evans resolution provides that the legislative counselor shall be available for committees, not for individual Members. If you or I wish to introduce a bill on any subject, it is a great deal better for everyone if we puzzle it out ourselves. That is the way in which you have acquired the training which has given you your desirable standing in the House of Representatives. You have worked things out for yourself.

Mr. MARTIN of South Dakota. Does not that at least tend to develop in the House a few individuals, regarding a few particular measures, who do go to the bottom of and become experts upon that subject, and is not that a very valuable asset in legislation?

Mr. GARDNER of Massachusetts. Unquestionably; the specialist is very valuable.

Mr. MARTIN of South Dakota. It occurs to me whether or not the body of our law is not now so large that if we depend upon a legislative counselor or a body of legislative counselors who become experts upon a part of it that it may lessen this habit of individual Members becoming expert in certain branches of legislation.

Mr. GARDNER of Massachusetts. It is largely a question of judgment as to where the balance should rest. Of course I can see, as the gentleman does, the objection to hiring men to do our work for us, and for that reason I opposed in committee the proposition that these counselors should be available for the use of private Members. I took the point of view that the public has no interest in the accuracy of the drafting of a bill until the time arrives when the committee report is about to be presented.

Now, Mr. Chairman, to go on at the point where I left off. I have said that Mr. EVANS has prepared and will report a resolution providing for legislative counselors. I have told you that Mr. EVANS will also report in a new draft the Nelson bill for a reference bureau. The new draft of Mr. NELSON'S bill strikes out all after the enacting clause and inserts the text of the Evans or committee bill, but that does not mean that Mr. NELSON'S ideas are stricken out. As a matter of fact the Evans draft is replete with Mr. NELSON'S ideas, but for the sake of convenience we have adopted the method of striking out all after the enacting clause.

Mr. HARDWICK. I desire to ask the gentleman, when does the gentleman hope to obtain consideration for this measure?

Mr. GARDNER of Massachusetts. Consideration of it can only be obtained by unanimous consent, which means, I suppose, that the matter must go over until the next Congress.

The fact is that these measures have not actually as yet been reported, although a report has been ordered. The gentleman realizes, however, that in order to get the mind of the House on any new question it usually is necessary to start the agitation some time beforehand.

Mr. HARDWICK. How many of these propositions which the gentleman has been discussing belong properly to the jurisdiction of the Committee on Rules?

Mr. GARDNER of Massachusetts. The resolution which I myself am going to introduce to-day, providing for a committee on bills in the third reading—and it is rather an elaborate rule—must of necessity go to the Committee on Rules. The proposition for the library reference bureau falls within the jurisdiction of the Library Committee. As originally introduced the library reference bureau bill provided for a bill-drafting department, with legislative counselors for the service of Senators and Representatives. The Library Committee thought it better to separate the question of a reference bureau from the counselor question. Hence the separate Evans resolution for counselors.

Mr. HARDWICK. Just a moment, if the gentleman please. The counselors matter would not belong at all to the Library Committee, would it?

Mr. GARDNER of Massachusetts. Well, we discussed that question with Mr. Crisp, and I admit that our jurisdiction would be doubtful if the matter were to come up entirely anew. But the Library Committee was given jurisdiction of the whole question when the original Nelson bill was referred to it.

Mr. SHERLEY. If the gentleman will permit, my resolution, which dealt with one subject, went to the Committee on Rules.

Mr. GARDNER of Massachusetts. Mr. Chairman, the fact is this. The four principal bills dealing with this question were introduced by Senator OWEN, Senator LA FOLLETTE, Mr. NELSON, and Mr. WILSON of Pennsylvania. All four of those bills combined the legislative reference bureau and the counselors into a separate division of the Library, under charge of the Librarian of Congress. That was the origin of our jurisdiction in the matter. Now, of course, we had no jurisdiction of any rule which contemplates a change in the manner of considering bills in this House. I, as a private Member, may introduce such a rule, and, in fact, I have drawn such a rule and propose to introduce it, but there is no way by which I can steer it within the jurisdiction of the Library Committee.

Of course, this whole question probably will not arise until the next Congress, but I sought this opportunity to explain the whole scope of our plan and the correlation of its various parts, in order, if I might, to interest the Members in this effort to improve the composition of our statutes. I felt that some one ought to explain that the problem, in our opinion, must be dealt with in separate parts by different committees. Without a full knowledge on the part of the House of the entire plan I believed that we should be exceptionally handicapped in its proper execution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. SHERWOOD].

Mr. SHERWOOD. Mr. Chairman, I read from the report accompanying this bill:

> In the hearings before the committee it is stated that $30,000,000 will be required to make payment of pensions under the act of May 11, 1912.

From all the information that I can obtain from the Pension Office, no later ago than last week, the bill of May 11, 1912, will not take out of the Federal Treasury in the ensuing year over $22,000,000. The statistics that I was able to obtain from the Pension Office on last Thursday are as follows:

Three hundred thousand cases have already been adjudicated or passed upon. The average increase on those 300,000 cases is $6 per month, or $72 per year. That makes the aggregate increase $21,600,000 on account of this bill.

The soldiers of the Civil War are dying at the rate of about 3,000 per month, or about 36,000 per year, and the number of deaths that will occur within the ensuing year will more than offset the pensions to be further allowed, which amount to a very few outside of those that are in dispute, where the evidence is not sufficient. I find also that this increase of pensions is largely on account of the war against the Filipinos or in the Philippine Islands. There are now on the pension rolls 50,638 soldiers outside of the soldiers of the Civil War, and there are not over 1,300 soldiers outside of the soldiers of the Spanish-American War and the Philippine insurrection, which would include the soldiers of the War with Mexico.

I find the average pension paid to the soldiers who lost their health in the Philippines, or from disability, is $160 per year, an aggregate of $9,542,080. That increase is not on account of the Sherwood pension bill passed last May, but it is on account of pensions drawn under other pensions laws and in other wars.

You will remember that when the bill known as the Sherwood pension bill was under discussion in the House there were amendments put on that bill on the floor of the House that increased the aggregate over and above the amount of the bill as framed by the committee between $11,000,000 and $12,000,000, and you will recall also that on a stand-up vote in this House, when the House was in Committee of the Whole, it lacked only 23 votes, or a change of 13 votes, to have passed a bill that would have carried $75,000,000, not for pensions based on service but based upon age alone.

I think it is due to the House to know that when that bill came back from the Senate, with the Pension Office report claiming that the original House bill would carry $75,000,000, I stated on the floor of this House that this bill as amended in the Senate would not carry over $22,000,000.

These figures are fairly verified by the statistics from the Pension Office, obtained last week, indicating that it will not carry over $21,600,000. Hence the charge is unfounded that we have increased by $75,000,000 the pension roll on behalf of the soldiers of the Civil War—a charge made in the New York Herald last week; also charging me with the responsibility of that bill. Instead of its being $75,000,000, it will be less than $22,000,000. I have an idea—and I do not want to advise this committee—that the pensions under that act could be cut at least $8,000,000 and still leave enough to pay all the pensions under that law.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. SHERWOOD. Yes.

Mr. BARTLETT. Will the gentleman take the responsibility of offering an amendment to reduce the amount?

Mr. SHERWOOD. I would not take the responsibility of advising any committee of this House, because I have perfect confidence in the judgment of the committee.

Mr. BARTLETT. I will say to the gentleman from Ohio that if we could reduce this amount I for one would be very glad to do it.

Mr. SHERWOOD. I am giving you the best figures I could obtain from the Pension Office.

Mr. BARTLETT. We had the officials from the Pension Office before us. They said before that it would be nearly $75,000,000, and they came near proving it from the estimates we have.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BULKLEY having taken the chair as Speaker pro tempore, a message from the President was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 7, 1913:

H. R. 23451. An act to pay certain employees of the Government for injuries received while in the discharge of their duties;

H. R. 2359. An act to refund certain tonnage taxes and light dues;

H. R. 12813. An act to refund duties collected on lace-making and other machines and parts or accessories thereof imported subsequently to August 5, 1909, and prior to January 1, 1911;

H. R. 20385. An act to reimburse Charles S. Jackson; and

H. R. 24365. An act providing for the taking over by the United States Government of the Confederate cemetery at Little, Rock, Ark.

On February 10, 1913:

H. R. 25741. An act amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1909;

H. R. 26549. An act to provide for the construction or purchase of motor boat for customs service; and

H. R. 27157. An act granting an extension of time to construct a bridge across Rock River, at or near Colona Ferry, in the State of Illinois.

On February 11, 1913:

H. R. 8151. An act providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road, and of conflicting claims to lands within the limits of said grant; and

H. R. 23351. An act to amend an act entitled "An act to provide for an enlarged homestead."

On February 12, 1913:

H. R. 8861. An act for the relief of the legal representatives of Samuel Schiffer; and

H. R. 25002. An act to amend section 73 and section 76 of the act of August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes."

On February 13, 1913:

H. R. 21524. An act for the relief of Frederick H. Ferris;

H. R. 27879. An act providing authority for the Northern Pacific Railway Co. to construct a bridge across the Missouri River in sec. 36, T. 134 N., R. 79 W., in the State of North Dakota;

H. R. 27944. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27986. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27987. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27988. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 28186. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. R. 16450. An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same.

On February 14, 1913:

H. R. 15181. An act for the relief of Harry S. Wade;

H. R. 18425. An act for the relief of Simon Nager;

H. R. 28094. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code"; and

H. R. 1332. An act regulating Indian allotments disposed of by will.

PENSION APPROPRIATION BILL.

The committee resumed its session.

Mr. BARTLETT. Mr. Chairman, I yield 40 minutes to the gentleman from Texas [Mr. CALLAWAY].

The CHAIRMAN (Mr. GARRETT). The gentleman from Texas [Mr. CALLAWAY] is recognized for 40 minutes.

Mr. CALLAWAY. Mr. Chairman, I want to discuss a report (No. 1506) from the Committee on Expenditures in the Interior Department, filed by Mr. HENSLEY, chairman of the subcommittee which went to Arizona to make an investigation of the Salt River irrigation project and the irrigation project on the Gila River Indian Reservation. I was a member of that committee. We had with us Judge M. C. Burch and E. C. O'Brien from the Department of Justice and the office of the Attorney General, who rendered us material aid in our investigation and also in the preparation of this report.

Mr. Chairman, in order to make myself clearly understood, it will be necessary for me to give the gist of the desert-land laws applicable, because that is desert country, and also the gist of the reclamation act passed in June, 1902. The desert-land act provides for the sale of desert land in certain States and Territories and is, in part, as follows:

Any person of requisite age, upon payment of 25 cents per acre, may file a declaration under oath with the register and the receiver of the land district in which any desert land is situated that he intends to reclaim a tract of desert land not exceeding one section by conducting water upon same within the period of three years thereafter: *Provided, however,* That the right to the use of water by the person so conducting the same on or to any tract of desert land of 640 acres shall depend upon bona fide prior appropriation. At any time within the period of three years after filing said declaration, upon making satisfactory proof to the register and receiver of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the additional sum of $1 per acre for a tract of land not exceeding 640 acres to any one person, a patent shall be issued to him: *Provided,* That no person shall be permitted to enter more than one tract of land and not to exceed 640 acres. * * * Nothing herein contained shall prevent a claimant from making his final entry and receiving his patent at an earlier date than hereinbefore prescribed, provided that he then makes the required proof of reclamation to the aggregate extent of $3 per acre: *Provided,* That proof be further required of the cultivation of one-eighth of the land.

You can see from the excerpts that I have read that the law provides that any person may take up one section, and no more, of this land by paying 25 cents per acre, filing fees, and doing sufficient work any time within three years to amount to $3 per acre and by paying to the receiver $1 per acre on the land by him filed upon. He has three years within which to do the work, but he may do the $3 worth of work per acre within one or two years, and when the $3 worth of work per acre is done and proof of it made and $1 per acre paid he can secure his patent.

Following this act in 1902, Congress passed the national reclamation act, part of which I will read:

That upon the determination by the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, * * * *and thereupon he shall give public notice of the lands irrigable* under such project and limit of area per entry, which limit shall represent the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question; *also of the charges which shall be made per acre upon the said entries and upon lands in private ownership* which may be irrigated by the waters of the said irrigation project, *and the number of annual installments,* not exceeding 10, in which such charges shall be paid and *the time when such payments shall commence.* The *said charges shall be determined with a view of returning* to the reclamation fund THE ESTIMATED COST *of construction* of the project. * * * No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefor are made. * * * All moneys received from the above sources shall be paid into the reclamation fund. * * * *Provided,* That *when the payments required by this act are made for the major portion* of the lands irrigated from the waters of any of the works herein provided for, *then the management and operation of such irrigation works shall pass to the owners* of the lands irrigated thereby, *to be maintained at their expense* under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior.

The object of this act was to build reservoirs for the storing of flood water in desert-land country, and from these Government-built reservoirs to irrigate land not otherwise arable and to carry on this work in conformity with the laws of the State or Territory in which it was being done. The terms of the law required the Reclamation Service, through its engineers, to determine first *the feasibility of the project, the area* to be recovered or irrigated by the project and *the estimated cost* of completing the project and the *division of that cost into annual payments not exceeding 10.* One provision of the law is that *when the project is completed* and the payments, required by the act, are made for the major portion, *then the management and operation shall pass to the owners* to be maintained *at their expense* in such form of organization and such rules and regulations as may be acceptable to the Secretary of the Interior.

The Reclamation Department was organized from what had theretofore been the Geological Department of the Government, and Mr. F. H. Newell, now at the head of the Reclamation Service, was taken from the place of chief hydrographer in the Geological Department and put into this department.

My information is that one of the arguments used to get this reclamation act passed, which enabled the Government to build water-storage reservoirs, was the project theretofore investigated and recommended by the Army Engineers under the direction of the Geological Department, known as the San Carlos Reservoir, on the Gila River, in Arizona. The pressing reason for the examination of the Gila River site was the complaints from the Pima Indians, four or five thousand of whom lived along the Gila River, below the San Carlos dam site, where they had been irrigating land for something like 200 years. The water in the Gila River had ceased to be sufficient to answer their demands because of settlers on the river above them diverting it.

The question of supplying these Indians with water to which they had unquestioned right and to care for the Government's wards was the issue at that time pressing. The site was examined by the Government engineers, declared feasible, and estimated to cost $1,038,926. The drainage area of that reservoir was stated in that estimate to be between thirteen and fourteen thousand square miles. The investigators who made this estimate spent $40,000 in the examination of various projects in the desert country with the purpose of locating one great reservoir as an experiment at the most practicable place. San Carlos was determined on as that place, as shown by Water Paper No. 33.

A number of other places were investigated at the same time, among which was the Tonto dam site, which later became known as the Roosevelt site. It was estimated to cost $1,908,387, and the drainage area was estimated to be between five and six thousand square miles. The dam in this estimate of the Roosevelt site was to be 247 feet above the foundation, 190 feet available storage, and water capacity 840,000 acre-feet. This estimate also included a cement plant, power plant, power house, and canal, and river diversion and roads, and estimated the cost per acre-foot at $2.27. (See Storage Salt River No. 73, by Arthur P. Davis, p. 52.)

The San Carlos site was on the Indian reservation and the land to be submerged by the reservoir was Indian reservation or public lands, and the land under the dam-site irrigable by it was on the Pima Indian Reservation or public lands. This site was within 6 miles of the railroad. The Tonto site was 80 miles from the railroad, was in private ownership, and the land to be submerged by the impounded water was in private ownership, and nearly the entire area to be irrigated was in private ownership, the bulk of which had been irrigated and farmed for years.

Following the reclamation act and the organization of the Reclamation Service there was much discussion of the different sites and a determined effort on the part of proponents of each different site to get the Government to locate the first project with them. The Arizona project was switched from the San Carlos, which had theretofore been the preferred site, on account of the pressing needs of the Indians, the necessity of the Government to take care of its wards, and the other superior advantages to the Tonto or Roosevelt site.

We made an effort to find the reasons—not the pretended reasons, but the real reasons—why the switch was made, but we have been unable to satisfactorily get the facts.

Mr. Weedon, who was then and is now a citizen and newspaper man of the Gila River Valley, stated before our committee that when the question was asked Mr. Newell how the project could be switched from the San Carlos site to the Tonto or Roosevelt site he said, "Go to my friend, George H. Maxwell. He can likely point the way." George H. Maxwell was at that time in the employ of the railways of the Southwest, advertising for them and stimulating immigration and business in that country for them.

There was then made an estimate of the cost of the Roosevelt Dam and published in the first annual report of the Reclamation Service, on page 102, increasing the estimate to $1,909,387. This report was made by F. H. Newell, chief engineer. There was another discussion of the Salt River project in the second annual report of the Reclamation Service in which it was stated that the various operations were under the direction of Arthur P. Davis, supervising engineer, who was acting, also, as district engineer. The estimate was not itemized, but at the bottom of page 49, of that report, there is a statement that about 200,000 barrels of Portland cement would be needed in the work and the total cost was placed at $3,000,000. This estimate placed the top of the dam at 270 feet above the foundation and 240 feet above the channel of the stream. There is a general discussion of the Salt River project in the third annual report, but no itemized estimate made, nor any general summary of the cost. The power plant is, however, discussed relative to the pumping of underground water in the Salt River Valley in order to increase the amount of water for irrigation purposes. Statements are made in the reports from the third to the eleventh of what the cost has been, but I have found no estimate of what the final cost would be. It is proper to state, however, that the Granite Reef Diversion Dam below the mouth of the Verdi River on the Salt River was not in the original estimates, neither were the distributing canals.

The people of the Salt River Valley had some diversion dams that were answering their purpose up to 1905, and they owned the distributing system to the uttermost laterals, as stated in the second annual report of the Reclamation Service, page 46. In 1905 there were some unusual rains that washed out the diversion dams and made it necessary to put in a new system of diversion works. It was at this time that the Granite Reef Dam was determined on and negotiations begun between the Government and those owning the canal system for the Government to take over the canals on the north side of the river. Granite Reef Dam cost $622,784.04. The canal system cost about $700,000. It was proper and necessary to put in the Granite Reef Dam. It was a legitimate additional expenditure. The taking over of the canal system was, in my judgment, not proper, nor was the way in which it was taken over defendable.

The Salt River Valley Water Users' Association in their organization and incorporation got the idea from somewhere, I have not been able to locate where, that the estimated cost of the Salt River project was $3,850,000. They organized on that basis with the understanding that the reservoir would accommodate 250,000 acres of land, and divided their stock into 250,000 shares, one share for each acre, and valued them at $15 per share.

The eleventh annual report shows an expenditure of $10,851,327. This woeful discrepancy, when called to the attention of the committee, led us to believe that there was something that should be explained, and because of these discrepancies and because of the complaints from the water users on Salt River Valley, we went out there as a subcommittee to make an investigation.

Our investigation of the law and of the manner of operating the project led us to believe there was a serious question as to whether or not the Government could recover more than the original estimated cost of the project. Our judgment was that under the law those who had accepted under the original estimate could not be made to pay more than they understood at the time they accepted. I think an examination of the law will readily convince any reasonable man that there is serious question whether or not more can be collected on any acre than was estimated. The laws says: "Upon the determination by the Secretary of the Interior that a project is practicable he may cause to be let contracts, and thereupon he shall give notice of the land irrigable under such project, *also the charges which shall be made per acre upon* the said entries *and upon lands in private ownership and the number of annual installments* in which such charges shall be paid *and the time when such payment shall commence*." I think a clear reading of the law shows that the Secretary is to determine the practicability of the project, the number of acres to be included, and the cost per acre, and the number of payments into which that cost shall be divided and the time when the payments shall be made. This does not appear to me to need any construction or interpretation. It is clear language. The law says further: "*All moneys received from the above source shall be paid into the reclamation fund.*" It does not say that maintenance charges shall be charged and those operating the project may use the funds in furthering the project, but it says the moneys received from the above source shall be paid into the reclamation fund. And it further says in section 6 that the Secretary of the Interior is hereby authorized and directed to use *the funds for the operation and maintenance* of all reservoirs and reclamation works constructed under this act.

It occurs to me that this is clear, and it means that the moneys derived from the installments *shall go into the fund*, and that the moneys derived from the installments are all that the operators of the project can collect. After the above statement in section 6, the law goes on further to say that when the payments required under this act are made for the major portion of the land irrigated *then the management and operation* of such irrigation works *shall pass to the owners to be maintained at their expense.* If this does not mean that the project is to be maintained at the Government's expense until it is turned over to the owners, then I can not understand the meaning of plain English.

My view of this law is borne out by the holdings of the court in the case of Baker against Swigart, No. 2125, United States Circuit Court of Appeals for the Eastern District of Washington, northern division, Gilbert, Ross, and Hunt, circuit judges. Baker was the owner of certain land in Yakima, Wash. He made application for a water right under the Sunnyside unit of the Yakima project. His application was accepted by the Secretary of the Interior, and he was to receive water out of a ditch called the Sunnyside ditch, for which he was to pay $52 per acre in 10 annual installments. The officers of the Reclamation Service made an assessment against Baker to the extent of 95 cents per acre for the use of the water and demanded payment. He refused to pay the charges assessed, and the officers of the Reclamation Service shut off the water and threatened to continue to refuse to supply water unless the applicant paid the charges demanded from time to time, as assessed as a maintenance charge for the said ditch. He claimed that the charge was without authority of law, and the court

held that in that case, in which they cited a great number of authorities, *the Government could not collect maintenance charges*, but was confined to the original estimate divided into 10 payments. I understand that that case has been appealed to the Supreme Court. If the case is there affirmed, the Government will lose, in the Arizona project, the difference between the original estimated cost and the amount that has been expended, which has now run up to something over $12,000,000.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. CALLAWAY. Certainly.

Mr. RUCKER of Colorado. Is it not true in reference to the matter that the gentleman speaks of that the additional amount of money to be expended was on account of an increased storing of the water and the increased cost of the dam, an consequeutly an increased area to be irrigated?

Mr. CALLAWAY. No, sir; the original area estimated to be irrigated was 250,000 acres, and the area that they now state they can irrigate is 170,000.

Mr. KINKAID of Nebraska. Will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. KINKAID of Nebraska. Did the committee ascertain whether, when the additional expenditures were made over and above the original estimate, new contracts were made with the water users binding them to accept all the new conditions and thus obligate themselves to pay the additional cost?

Mr. CALLAWAY. Yes; we did. But we found that the Government never made a contract with the people under the project at any time and had never promulgated their estimate as to what the project would cost as is required by law, but had orignally made an estimate and have gone on increasing expenditures without any consultation with the farmers under the project, with Congress, or anybody else.

Mr. KINKAID of Nebraska. Will the gentleman yield for another question?

Mr. CALLAWAY. Yes.

Mr. KINKAID of Nebraska. Was there an estimate in the first instance of the cost?

Mr. CALLAWAY. Yes; there was an estimate made, as shown by the reports of the Secretary of the Interior for 1905. I can give the gentleman the page of that. It is on page 81.

Mr. KINKAID of Nebraska. That is, an estimate is made of the cost, and the entryman is informed of that estimate?

Mr. CALLAWAY. The entrymen were informed of that; and the people in the valley organized on that basis and divided the stock into the number of shares that the estimate gave as the number of acres that could be irrigated—250,000 shares at $15 a share.

Mr. KINKAID of Nebraska. I will take the reference and look that up.

Mr. CALLAWAY. Mr. Chairman, I want to say that there were some things done that were not included in the original estimate. One of them was the building of a diversion dam at the point where they wished to turn water into the canals, and this diversion dam cost $622,784. I do not know whether or not the cost of the diversion dam was included in the estimate made by the Secretary of the Interior in his report of 1905. I have never seen an itemized estimate that reached the $3,850,000 given as the total in the report of the Secretary of the Interior for 1905. The original itemized estimates, as I have heretofore stated, are found in "Water storage on the Salt River," by Arthur Powell Davis, No. 73, page 52, and in the First Annual Report of the Reclamation Service, on page 102, and in the Second Annual Report of the Reclamation Service, page 49. None of these itemized estimates include the diversion dam or the canal system, but none of them reach $3,850,000.

The canal system was owned by the people of the valley, and they had been using it for years prior to the Government beginning this project and were irrigating something like 135,000 acres of land. It seems that it was not the original purpose of the Reclamation Service to have anything to do with the canal system, but when the diversion dams were washed out of the river by the 1905 floods and it became necessary to build new diversion dams the reclamation people then got it into their heads to take over the canal system also. This is one of the unqualified outrages perpetrated on the small landholders in the valley by the Government officials and in the interest of a few men who owned the stock of these canals.

Mr. L. C. Hill, the supervising engineer, testified that he made an investigation and paid what it would cost to parallel the canals owned by the corporations. This money went to the stockholders and the bondholders of the canals, and the people of the valley, who had paid $12.50 per acre for what they called indefeasible water rights—that is, the right to have water conveyed through these canals to their land—were ignored and their indefeasible water rights scaled off, and what they had theretofore regarded as an appurtenance to their lands confiscated, and these canals charged up anew to the whole people against their lands as part of the project.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CALLAWAY. Certainly.

Mr. GREEN of Iowa. Is it not a fact that in addition to that they did in fact parallel some of those canals with a canal just practically the same size?

Mr. CALLAWAY. Yes; and I am going to come to that a little later. If I do not, I wish the gentleman would call my attention to it.

Mr. HILL. Mr. Chairman, before the gentleman leaves that I would like to ask him a question. Did I understand the gentleman correctly that the cost of maintenance was not a proper charge to the users of the water?

Mr. CALLAWAY. Here is a decision rendered by the United States Circuit Court of Appeals for the Ninth Circuit, Baker *v.* Swigart, No. 2125, State of Washington, holding that the maintenance charge is not a thing that can be assessed and collected by the Government from the users, unless included in the estimate and parceled in the 10 payments.

Mr. HILL. And the gentleman understands that in all these irrigation projects in the future the Government has to maintain the dam and water supply without any recourse to anybody for the cost of maintenance?

Mr. CALLAWAY. This court holds that the whole thing should be estimated and must be estimated according to the law, and put in the original estimates, and must be divided into equal payments not exceeding 10, to be collected from the water users within the project.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. GARNER. In other words, the essence of that decision is that where the original estimate is made and landowners are taxed for maintenance on that basis the Government can not collect anything in excess of that estimate?

Mr. CALLAWAY. That is it exactly.

Mr. MANN. That is not what the gentleman said it holds. Let us really understand the decision. The gentleman stated that the whole maintenance charges had to be included in the original estimate and collected in 10 installments.

Mr. CALLAWAY. That is what I said.

Mr. MANN. That would mean, perhaps, for a thousand years of maintenance charges. That can not be the decision.

Mr. CALLAWAY. No; the gentleman has mistaken what I said.

Mr. MANN. I might mistake what the gentleman means.

Mr. CALLAWAY. That is the installing of the project, and until it is finally turned over to the settlers. Then they take hold of it and maintain it themselves under the direction of the Secretary. This project has never yet been turned over.

I was discussing the question of the purchase of the canals and the fact that new people taking up land, who never owned any water rights, who had no interest whatever in the canals, and who had never paid a cent for water rights but had taken up land on the desert, or owned land in the valley after the water had all been appropriated, came in exactly on the same footing as farmers who had water rights and had been cultivating for years. A Dr. A. J. Chandler, who had on the south side of the river dummy entried 18,000 acres of land, defrauded the Government out of it, and had dug a canal for the purpose of conveying water to the land, but who had never had any water because of there being none, came into this project on exactly the same footing as the old farmers in the valley and the Indians. I can not understand why the Government agents would advise or be a party to such a deal, unless they were influenced by interest, prejudice, or favor. Such an injustice was committed by this deal that my suspicions were aroused. But that was not all. Mr. Murphy, an old settler in the valley and a man who understood the canal system and the irrigation business, testified, at page 324 of hearings, that two canals run at the proper place would have better served the purposes of the entire valley on the south side of the river than did the five that the Government purchased. Were our engineers competent? Were they honest to the interest of the farmers in the valley? According to Mr. Murphy's testimony, neither can be true. We purchased five canals and paid the amount of money it would take to parallel all five when we could have dug two canals which, according to Mr. Murphy, would have better answered our purposes.

That is not all of this canal proposition. When we purchased the canals and paid what it would take to parallel them we did not get them. The canal company, prior to the time they sold us the canals, sold the power rights on them to the Pacific Gas & Electric Co. We then proceeded to make a

contract to get all the rights on these canals. This company immediately capitalized the contract giving them the exclusive right to dispense light and power in the city of Phoenix for $515,000. This was $15,000 more than we paid originally for the canals. This contract gave the Pacific Gas & Electric Co. exclusive right to dispense power in the city of Phoenix for a term of 10 years. The power rights on the canals is simply the right to build power plants wherever a sufficient fall on the canals can be found to generate power.

Mr. KENT. If the gentleman will permit me, I would like to ask the gentleman how long that contract has to run?

Mr. CALLAWAY. Ten years.

Mr. KENT. The contract is now expired, is it not?

Mr. CALLAWAY. I think that it was made in 1907.

Mr. KENT. As I understand it, the contract has now only about three or four years to run.

Mr. CALLAWAY. I can not tell definitely about that. I think it began to run from the time they commenced to receive power. I do not know just when they began to receive the power. I will turn to the contract, page 381 of the hearings, and see if I am not correct. The contract is dated June 22, 1907, and here is the part referred to:

The party of the first part undertakes and agrees to furnish and serve electric power and continue so to do for the term of 10 years from and after the date of beginning to serve power in accordance with the provision hereinafter mentioned. The first party further agrees to furnish and deliver at all times 1,500 kilowatts at the rate of 1½ cents per kilowatt-hour.

This contract took away from the people of the valley, who built the power plant, the benefits to be derived from it and gave them over to the tender mercies of the Pacific Gas & Electric Co. Those who had bound their land to get cheap power were subjected to the avarice of a combination in the city of Phoenix into whose hands the Interior Department had delivered them.

Mr. Hill says, in an Associated Press dispatch, dated Los Angeles, February 10:

It is not true that the Pacific Gas & Electric Co. has a monopoly on the power developed by the Salt River project.

I want to test the accuracy of Mr. Hill's statement by quoting from article 11 of the contract:

ART. 11. The party of the first part further agrees, while serving power to second party under the terms of this contract, to refrain from entering into a general retailing of power to customers in the city of Phoenix, Ariz., or from furnishing power to anyone in said city to be again sold or retailed.

This contract was signed by L. C. Hill, party of the first part, and the Pacific Gas & Electric Co., by F. H. Ensign, manager, and by W. L. Percy, secretary, and approved by George W. Woodruff, Acting Secretary of the Interior.

That looks like an exclusive contract to me. It looks like it to the people of Phoenix, who are paying from 15 to 20 cents per kilowatt-hour for electricity.

Mr. Hill said, in this same interview, that the plant at the dam generates 9,000 kilowatts and the combined plants in the irrigation project develop 18,000 kilowatts. Where are any other plants than that one at the dam? Mr. Hill testified before our committee (hearings, p. 535):

We have a contract which obligates us to retain for the Pacific Gas & Electric Co. 1,500 kilowatts and more.

Q. How much more?—A. They have to have 2,200 kilowatts. The contract that we have for the creamery calls for 500 kilowatts; the ice plant, 100 kilowatts. We have that contract in existence with the Alfalfa Mill, which, I understand, is to be rebuilt; that takes 100 kilowatts. The pumps connecting up take 350 kilowatts; a total of about 3,500 kilowatts.

Q. You said you could generate 8,000 when you got the next units in.—A. That is correct. We have one company that wants 10,000 kilowatts.

Q. That is more than you can furnish?—A. Yes.

Q. You have only 8,000 kilowatts when the units are all in?—A. Oh, yes.

This was in May, 1912. Mr. Hill was testifying under oath before our committee. He said when all the units were in and the plant complete at the Roosevelt Dam it would generate 8,000 kilowatts, but now states, in this interview, that the combined plants develop 18,000 kilowatts. This accords fairly with the character of statements different members of this Reclamation Service have been making from its beginning. My judgment is that there is something wrong in the head or the heart of the Government agents in this Reclamation Service. I can not understand how sensible and honest men acting for the Government in the interest of the people could advise a contract like the one with the Pacific Gas & Electric Co., which deprives the people—who have bound their land to pay for it—of the benefits of the plant, and then, when cornered, make a statement like this one. That company gets its power at 1½ cents per kilowatt-hour. This man Hill, in his Associated Press dispatch from Los Angeles, says that is a good price. Testifying before our committee under oath in Phoenix, Ariz., last May, he said:

At the present time during the construction period we have charged them—

The Indians—

for the power used for operation at the same price it cost us to generate it.

Q. What is that?—A. It runs from 6 to 8 cents per kilowatt hour.

He was at that time furnishing the Pacific Gas & Electric Co. electricity under this contract at 1½ cents per kilowatt-hour. This company was retailing it to the people of Phoenix at from 12½ to 20 cents per kilowatt-hour.

The Government Indian school in the city of Phoenix had at that time to deal with the Pacific Gas & Electric Co. in order to get from the Government project light and power. The Government sells it at 1½ cents and buys it back at from 12½ to 20 cents. This is the fruit of a contract engineered by L. C. Hill, supervising engineer, and approved by F. H. Newell, the head of the Reclamation Service, and indorsed by James R. Garfield, then Secretary of the Interior, and defended by the present Secretary of the Interior, Walter L. Fisher.

That is not all. Just above the city of Phoenix, in the Salt River Valley, there is an Indian reservation. Those Indians have been irrigating land there from time immemorial. When the Arizona Canal was dug their water rights were recognized, and the company, in order to get the right of way across this reservation for the Arizona Canal, agreed to turn to these Indians 700 miners' inches of water, what the court decided them entitled to, in exchange for this right of way. This water came out of the canal before it reached any of the settlers in the valley, and the consequence was the Indians always had water when there was any carried by this canal. The Government agents, when they took over the canal, entered these Indians into the project by contract approved by the Secretary of the Interior, Mr. Garfield, which bound their lands for the same amount per acre as the land of Mr. A. J. Chandler, which had not one drop of water prior to the time the flood waters were impounded. They were bound to pay as much under this arrangement for water, a thing that they had already, as any new settler within the project, though he had never had any water rights, had never had any farm, had never been out 1 cent for water privileges. The Indians were taken in by these Government agents on an exact footing with the small farmers in the valley, who had already paid from three to seven times over for their water privileges.

Mr. MONDELL. Will the gentleman yield?

Mr. CALLAWAY. I will.

Mr. MONDELL. To what Indians does the gentleman refer?

Mr. CALLAWAY. The Pima Indians.

Mr. MONDELL. On the Verde?

Mr. CALLAWAY. Not on the Verde, but on the Salt River, below the mouth of the Verde, just above Phoenix.

That is not all. On the other side of the river there is this man Chandler, who had 18,000 acres that he picked out, and dummy entried in such a way that he could irrigate it with one canal. For the benefit of those who might not understand what I mean by dummy entry, I will say that under the desert-land act an individual can only file on 640 acres of land. He is to swear in his application that he is not acting in collusion with anyone else, but is applying for the land for his own use with the intention of reclaiming it from the desert by irrigating it. When he has done $3 worth of work per acre and cultivated and irrigated one-eighth of the tract, provided he does that within the term of three years from the date of his filing, he is entitled to patent. Chandler got different individuals to make these affidavts—some men, some women. He then employed W. H. Code as engineer to lay out and construct an irrigation canal so as to convey water to this land. When this was done, each of the individuals made his proof based on this canal that $3 worth of work per acre had been done and that one-eighth of the land had been cultivated, and secured his patent which he then conveyed to Mr. Chandler.

The truth about it is that this canal and these 18,000 acres had no water. The water in Salt River had been appropriated prior to the time Mr. Chandler went into the valley. He stated before our committee, under oath, that he had no water for this land. The supervising engineer for the Reclamation Service, and acting agent for the Government, Mr. L. C. Hill, entered this land, of which the Government had been defrauded, into the project, and purchased Mr. Chandler's dry canal, and paid him for it what it would cost to parallel it. Mr. Hill testified that that was the price he paid for it. The consequence of this deal was that this land, theretofore worthless, was then

worth from $100 to $150 per acre, and Mr. Chandler, for a worthless dry ditch, put into his exchequer $187,000.

That is not all yet. A little later this same supervising engineer, L. C. Hill, found it necessary to parallel this ditch after he had bought it from Chandler with what is known as the highland canal, taking in some more land adjoining Chandler's 18,000 acres. This highland canal, according to the testimony before our committee, will serve every acre of land that the Chandler canal will serve.

That still is not all. Though Mr. Hill paid Chandler what it would cost to parallel this consolidated canal, he did not get the canal. Mr. Chandler retained the power rights on it. If the power rights on this canal are as valuable as the Pacific Gas & Electric Co. found the power rights on the north side to be, we may infer that Mr. Chandler has a right on this canal that is worth more than the canal itself. So long as he retains the power rights on this canal we perforce must allow water to pass through that canal to furnish the power, though it would be to our advantage to put all that water through the highland or some other canal. We said in our report that we found nothing culpable, but many things questionable. In connection with the things I have mentioned that to me look questionable, we found that Mr. Hill came from Detroit, Mich., the domicile of D. M. Ferry and C. C. Bowen, of the D. M. Ferry Seed Co.; that Mr. Chandler came from Detroit, Mich.; that Mr. C. S. Witbeck, the attorney for the Reclamation Service in Phoenix, who advised with reference to these contracts, came from Detroit, Mich.; that Mr. W. H. Code, Mr. Chandler's private engineer,' who laid out this canal, was chief engineer for the Indian Bureau while all these contracts were being made, and that he was also vice president of the Chandler Bank in Mesa, of which bank Mr. Chandler is president. There may be nothing legally criminal in these transactions, but, according to my standard, moral crimes innumerable have been committed and justice has been outraged.

F. H. Newell, head of the Reclamation Service, and Secretary Fisher came out in a statement on February 11, printed in the Evening Star, of this city, in which they say that Adams and Newell have been criticized without notice and without hearing, and that many of the charges made can have no creditable foundation whatever to support them. I want to say that they had a representative before the committee who knew every detail of that project and advised with reference to the contracts that were made and has supervised not only the engineering works in the Salt River project and on the Gila River project, but has been in control of the details of each and every thing criticized—L. C. Hill. He sat in the room during the whole time this examination was going on. He heard every witness testify and had the privilege of asking questions, making explanations, or entering his denials and of defending himself and the Reclamation Service and its work in the valley. I want to say, further, that he is as wary and wily a gentleman as I have ever come in contact with. He is tough fibered, physically and mentally. He has a good many of the elements of the cat in him and always strikes feet down. It would be interesting to examine Mr. Hill's evidence in the hearings had before our committee.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. GREEN of Iowa. I will say, in addition to what the gentleman has spoken of, that when I was down there several years ago I saw another ditch running parallel to one of the original ditches that was put in there before they had a drop of water to turn into any ditch.

Mr. CALLAWAY. I will say to the gentleman that by nosing around down there he could find almost anything. He would only need sufficient time.

Mr. GREEN of Iowa. I think the gentleman is right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALLAWAY. I wish the gentleman from Georgia [Mr. BARTLETT] would give me 10 minutes more.

Mr. BARTLETT. I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from Texas [Mr. CALLAWAY] is recognized for 10 minutes more.

Mr. CALLAWAY. That is not all. These men—Code, Hill, and Newell—designed a project on the Gila River for the purpose of taking in the Pima Indians or the Federal Treasury. They were going to supply them with water carried from wells in a canal system, one end of which was on the north bank of the Gila River and the other end within 4 miles of Chandler's 18,000 acres. These parties planned this Gila River irrigation project for the Pima Indians, though the Pima Indians were protesting against it, stating that they would not accept pumped water. According to the plan water was to be pumped from deep wells into these canals and supplemented with flood water when the river was up high enough that water would enter the mouth of the canal on the north bank of the river. This trio got an appropriation for this project of $540,000, $100,000 of which they used in constructing a transmission line from a point a mile above Mesa, directly south 15 miles, to the north line of the Gila River Indian Reservation. This transmission line strikes the main transmission line from Phoenix to the Roosevelt Dam at a switch station and runs south. At a point directly opposite a town laid off by Chandler on his land there is a switch put in that runs to Chandler's town site, where a substation is located for the diffusion of power. At this point there are two different branches of transmission lines, furnishing power for seven irrigating wells on this dummy-entered land. The Indians under this project have continuously refused to accept water pumped from the wells, and there has never been any flood waters from the rivers passed through this canal system. It stands there on the desert, a beautiful system to look upon, but it has never carried any water to Indian lands nor been a dollar's benefit, unless it be to those who worked their official positions to bilk the Federal Treasury. The reports of the said code on this project and the justifications offered to the Committee on Indian Affairs for these appropriations, that amounted in the aggregate to $540,000, called it a reimbursable appropriation.

Mr. Hill states in his Associated Press dispatch of February 19 that "this transaction has been so advantageous from the Indians' standpoint that they will profit enough by the arrangement to pay back that $100,000 within two or three years." Of course, Mr. Hill is talking to the public that know nothing at all about that project. He did not mean this statement for any man who had ever seen it or knew anything about it. The Indians up to the present time have refused to accept water under it, claiming that this well water would kill their lands, and claiming further that the burden on them, if the $540,000 was to be reimbursable, was more than they could bear. They are further bound under this contract with the water users' association of Phoenix, if they accept power, to bind their lands for the same amount per acre as the people within the Salt River project who actually get water. That expense has, by this time, run up to more than $60 per acre. Mr. Hill evidently made his statement for the benefit of the people of California and other States than Arizona. Any man who understands the Pima Indians, their condition on the Gila River, and their mode of farming, and who is not a blank idiot, knows that the Indians could never pay any such price as that for any kind of water, much less alkali water. I say any man but a fool would know that, and Hill is no fool.

I stood with Hill at the mouth of this canal on the bank of the Gila River, and gazed out across the channel of that river half a mile to where there was a stream of water, and asked him how he thought water could be brought from that channel to the mouth of the canal. He said it could be done by putting in a diversion dam at that point. The diversion dam on the Salt cost $620,000.

The Indians at this place have a little brush dam which runs out part of the way into the river channel and turns some water into the mouth of a ditch from which they irrigate lowlands along next the river, a system of irrigation they have had for 200 years. Their diversion brush dam washes out with each rain, and when the river goes down they rebuild it and continue their crude system of irrigation, while Government officials bilk the Federal treasury.

The Indian Department made a report to the Committee on Indian Affairs in December last, offering a justification for an appropriation of $20,000 for the purpose of maintenance, care, and protection of the machinery and irrigation wells of this project, and for the irrigation of Pima Indian lands, including the purchase of electricity for wells and the completion of lateral ditches on the Gila River Indian Reservation, and claimed as a part of that justification that they were now irrigating on the reservation 12,000 acres of land.

Abbott and Merritt, of the Indian Department, were before the Committee on Indian Affairs with this justification for the $20,000 appropriation, and it happened that the chairman of the committee had been down to Arizona and had seen this project, and he made Abbott and Merritt admit, before his committee, that there was not an acre of land being irrigated there.

Hill, in a report on the Gila River Indian Reservation to the Director of the United States Reclamation Service, on March 9, 1911, stated that nearly parallel to the main and western branches is a line of wells 10 in number connecting with a large lateral which is fed both from the wells and from the main ditch, thus enabling the farmers to obtain river water when that is available or pumped water when it is not.

Leaving the canal at a point a little over a mile below the intake is a branch which now serves part of the land between the river and the new canal. Would not you get the idea from

reading the justification from the Indian Department and from Mr. Hill's letter to the Director of the Reclamation Service that there was irrigation going on down there? Do not you think that is the impression which all of them meant to convey? Would you not get the impression from Mr. Hill's statement in his Associated Press dispatch that all was going well with the Indians for whom he had been instrumental in spending $540,000 and binding up their lands to the amount of $60 per acre? Well, such is not the fact. They are literally starving to death because they have no water with which to irrigate their lands, notwithstanding all these outlays and all the statements from the Reclamation Service.

Mr. GRAHAM. And the machinery at the wells will rot out in 10 years.

Mr. CALLAWAY. How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman has four minutes remaining.

Mr. CALLAWAY. I want to refer to a few other newspaper statements by Mr. Hill, and some articles and statements by Mr. Newell before I quit.

Mr. Hill states, in his Associated Press dispatch of February 10:

> Now, in a general way I may state the contract with the Pacific Gas & Electric Co. was given the widest and most prominent publicity before being signed.

Mr. Hill makes this statement to an Associated Press reporter in Los Angeles, a long way from the scene of that contract and domicile of the parties affected by it. Our committee had some testimony on this point while sitting in the city of Phoenix. The witness giving it was under oath and in the presence of Mr. L. C. Hill and Mr. Stannard. The witness was F. A. Jones, one of the corporation commissioners of the State of Arizona. He said:

> In April of 1908 I was told that there were some negotiations on or something pending whereby there might be a contract entered into between the Reclamation Department and the Pacific Gas & Electric Light Co. As manager of the commercial club I went to the reclamation offices and made a direct inquiry as to the status of the situation, and got an evasive reply, except that it was stated by Mr. Stannard, who was then in charge of the office, that there were negotiations pending. * * * The directors of the Maricopa County Commercial Club then called for a meeting of the officers and directors of the board of trade. The matter was discussed and a committee of 14 from the commercial club and the board of trade was appointed, and this committee went over to the reclamation office, I think on the 16th or 17th day of April, 1908, and demanded to see the contract or information concerning it. * * * He (Stannard) told this committee of 14, being 7 from the Maricopa County Commercial Club and 7 from the board of trade, that an agreement had been entered into, but that it would be two or three months before the contract was closed and that we would be in no danger of losing out. On the strength of that the committee reconvened at the commercial club and sent a telegram to the Secretary of the Interior. * * * A telegram came back from the Secretary of the Interior that the contract had actually been made a year prior to that time.
>
> Q. Did the committee again go over to Stannard?—A. Yes.
>
> Q. What did he say?—A. He said he was working under instructions from Hill not to divulge the contents of the contract or let the facts be known that a contract existed.

I do not care to offer any comments on Mr. Jones's testimony other than to say he looked to me like he was trying to tell the truth. Mr. Hill and Mr. Stannard heard this testimony and did not offer to refute it.

Mr. Hill again, in the same interview, said that "the charge that the cottage built on the reservation and the pump houses were charged up for several times their cost is untrue." I can not tell what the cottage cost, neither does any member of the committee undertake to say in the report what the cottage cost, but I can say we members of the committee made a personal examination of it, went in it and all around it. It is an ordinary concrete-block building, one story high, with four rooms and a portico. A picture of it is in the report. After we had looked at it we concluded that it ought to have cost about $2,000. It is put down as costing $7,396.73. We looked at the well shed inside and out. It is an ordinary concrete building, 10 or 12 feet square, and when we had examined it we concluded that it ought to cost $500 or $600. It is put down at $3,380.36. I do not pretend to say what it did cost under the beneficent care of Government engineers. I am stating what would have been a reasonable cost had they been built by an ordinary business man.

Mr. Hill said further that Mr. Code resigned in 1911, and the committee was not appointed until 1912. The fact is that it was well understood, in the summer of 1911, that the Committee on Expenditures in the Interior Department was going to make an investigation of that Arizona situation as soon as they could get to it.

In this same dispatch Hill was asked what, in his opinion, had inspired the charges. He said, "The disgruntled farmers of the Salt River project, not being able to secure favoritism and imagining grievances that did not exist, petitioned for an investigation." Mr. Hill said also that "two or three members of the committee are Democrats and it is not unlikely that politics have entered into their motives." Mr. Hill wants to hide himself behind some protector because he can not face the facts; and so he states that partisanship possibly brought about the investigation. If partisanship had anything to do with the investigation, it certainly can have nothing to do with the facts as developed in contracts and shown in cold type. It can certainly have nothing to do with the testimony of the witnesses who appeared before the committee, in the presence of Mr. Hill and Mr. Stannard, and detailed the facts, none of which were denied by these men who knew the details and had been on the ground as agents of the Government from the beginning.

Now, a few references to the Right Hon. F. H. Newell, who evidently imagines that he is so high up that no pole is long enough to reach him. There are many who think when they get high up in office they have a license, and when men question their doings they refer to them as incompetent, disgruntled, partisan, or irresponsible, and try to divert the public's mind from the cold detailed facts. Mr. Newell in a statement, which appeared in the Washington Post of February 10, said:

> As for the charges against the Reclamation Service, any man mentioned will welcome an investigation *by honest and competent men*. It looks like another adroit *attack on conservation*. The report is a jumble of half truths and *whole misstatements*.

Mr. Newell did not refer to the charge that the original estimate of the cost of that project was about one-fourth of what had been expended; he did not refer to the charge that the canals were taken over by the Government and the farmers bilked to the advantage of stockholders in the canals and land speculators; he did not refer to the charge that the Pacific Gas & Electric Co. had been given an exclusive contract to sell electric power to the people who paid for the making of it; he did not refer to the charge that Chandler had dummy entried 18,000 acres of land and had been taken under the protecting wing of the Government that his worthless property might be made valuable; he did not refer to the charge that they had engineered a deal by which the consolidated canal had been purchased for $187,000 and then paralled, showing its worthlessness for the real purpose of irrigation; he did not refer to the charge that even after they had bought the canals they did not own them, but had left the power rights in the hands of the original owners; he did not refer to the charge that the Pima Indian irrigation system had been built on the desert, with $540,000, and had never conveyed a drop of water, and under present conditions could never convey a drop of water; he did not refer to the charges that conditions there had been covered up by false reports, statements, and justifications to appropriation committees; he broadly states that not one charge has been made in this report but can be absolutely refuted; that no bureau has been investigated oftener; that its structures are among the great works of our time; that its efficiency and economy of administration receive the praise of its investigators.

These reclamation people are not much hampered by truth and they deal little with facts, but they are a champion set of advertisers. For instance, World's Work for February, 1913, carries, jammed in among pictures of Col. Goethals, Admiral Dewey, Alfred Noyes, and W. R. Mead, a full-page cut of the Right Hon. Frederick Haynes Newell, who is, according to his statement, "wresting a new agricultural empire from the deserts of the West." And then, among the articles of President Woodrow Wilson, we find from the pen of this astute advertiser, on page 396, an article headed "What I am trying to do," and in this article, on page 397, under the subhead "Tasks accomplished in 10 years," he says, as the result of the Reclamation Service's work, water is available for 1,159,334 acres on 14,200 farms.

Unfortunately for him, this statement is refuted by his own figures in the Eleventh Annual Report of the Reclamation Service, on page 292, where the project is itemized, and under the heading "Area irrigated" I find two items—under water-rights applications, 270,459 acres, and under rental contracts, etc., 294,222 acres.

It can be clearly seen from this statement that the Government has water-rental contracts for only 294,222 acres and applications for only 270,459 acres, aggregating 564,681 acres. One hundred and fifteen thousand five hundred and fourteen acres of this land, nearly one-half of the whole amount for which they have rental contracts, is in the Salt River Valley. He did not reclaim 115,000 acres of land here. There were 135,000 acres irrigated and cultivated in the Salt River Valley before the Roosevelt Dam was built and before Newell had anything to do with these people. There are only 145,000 acres now cultivated in the Salt River Valley, so the work of this Reclamation Service has increased the acreage only 10,000 acres. In justice it should be said that their irrigation is more uniform and regu-

lar now than it was before, because then it depended on the irregular flow of the Verde and Salt Rivers, while now they have the backing of the Roosevelt Reservoir to insure water at all times.

But this gives you an idea of the extravagant claims of this self-promoter. Mr. Newell stated, in the Washington Evening Star of February 11:

> They (speaking of the committee) evidently did not have good stenographers down there, not the official stenographers, at any rate, and when they got back here it was necessary to fix up the stenographers' notes, and a good many of the things that were said at the hearing did not get in and a good many things that did get in were never said.

He refers to the committee as incompetent in his interview on the 10th, and to the stenographers as incompetent in his interview on the 11th. Yet in the same statement he says he was not given an opportunity to appear before the committee. The remarkable thing is how this wise man, who states in the same interview that he has never seen the committee's report, and never appeared before the committee, can make the bold, cocksure statement *that the stenographers were incompetent, and many things that were said in the hearing before the committee never got in and many things that got in were never said.* This is additional evidence of his absolute carelessness in dealing with facts and his perfect unconcern for the truth.

There is one other gentleman in this service with whom I wish to deal before I close. It is Samuel Adams, First Assistant Secretary of the Interior. He says, according to the Chicago Record-Herald of February 10:

> I want to know the identity of the persons responsible for these unwarranted charges.

Mr. Adams had a long conference with me on Monday about the charges in the report. I had a copy of the report in my hand at the time. I asked him about a number of things stated in the report, and he said with reference to each that he, of course, knew nothing at all about the details of them. I told him the report only charged him with two things. One was a ruling that fixed the limit of residence in the neighborhood at a maximum of 50 miles. That ruling appears in Land Decisions of the Department of the Interior, volume 40, page 664, paragraph 54.

Another was a contract that he had prepared for the water users in Salt River Valley, which fixed the minimum amount of water to be used at 2 acre-feet and makes any additional amount assessable at 40 cents for the first foot, 50 cents for the second, and 60 cents for the third, making almost twice as much as the landowners theretofore understood they would have to pay for the necessary water for their lands. In the case of Hurley *v.* Abbott, decided in the territorial court of Arizona, 5½ acre-feet were adjudged to be the amount of water necessary for the ordinary crops of the valley. Mr. Adams complains that this report does him an injustice, because these rulings had been made before he went into office, and he simply followed the precedent and promulgated it. In my judgment he is as reprehensible for following a bad precedent as he would be for setting one, and it is clear to any legal mind, and I understand he is a lawyer, that that ruling in connection with the former ruling that a corporation may purchase water rights under the reclamation act will permit corporations to absorb the entire land under any project, defeating the prime purpose of the reclamation act, which was to give homes to actual settlers and actual farmers.

I expect the committee that made this investigation and report to be deluged with dirty dish water. That is in keeping with the character of defense started in these newspaper reports. That is the kind of defense always put up by those who have none other. The effort is to becloud the issue, to reflect on the investigators, to belittle the work done, to muddy the water. Then this department has as a part of its equipment a press bureau. Mr. Hill testified before the committee that they had an official photographer, who takes pictures for newspapers and magazines, the expense of which had been to the Salt River project alone up to December 30, 1911, $9,089.30. There are between 25 and 30 different projects within this department. If they spent as much money proportionately in each project advertising themselves, it runs up to an enormous amount when extended over all of the projects.

We said in our report that in our judgment all of these projects ought to be investigated, not because we knew anything at all about the ones we have not investigated, but because of the glaring outrages found in the ones we did investigate. I am concluded that that department should have a complete and thorough investigation made of every project. I wish the Members of the House would look to the report and see the pictures of the houses and buildings, and see what you think a reasonable cost if such buildings would have been and then look what has been charged for them. [Applause.]

Mr. GOOD. I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, is there any way in which my time can be extended at this time? I had no idea that the gentleman from Texas [Mr. CALLAWAY] was going to discuss the report that he has referred to, and it is impossible to reply to what has been stated in 10 minutes. I should like to say something in relation to it now, and it would take 30 minutes.

The CHAIRMAN. The time for general debate was fixed by the House and placed in the control of the gentleman from Georgia [Mr. BARTLETT] and the gentleman from Iowa [Mr. GOOD]. It is not in order for the Committee of the Whole to change that order.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman?

Mr. MONDELL. Certainly.

Mr. BARTLETT. Mr. Chairman, the gentleman from Iowa [Mr. GOOD] was kind enough to yield five minutes to a gentleman on this side, and he also yielded to me all the time he had except 30 minutes. I therefore take great pleasure in giving my friend from Wyoming five minutes of my time.

Mr. MONDELL. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The gentleman from Wyoming is recognized for 15 minutes.

Mr. MONDELL. Mr. Chairman, last summer a subcommittee of the Committee on Expenditures in the Interior Department was authorized to visit the Pima Indian Reservation on the Gila River, Ariz., and make some inquiries with regard to the condition of those Indians. The subcommittee consisted of the gentleman from Texas [Mr. CALLAWAY], who has just taken his seat, the gentleman from Missouri [Mr. HENSLEY], and the gentleman from North Dakota [Mr. Hanna]. They had a series of meetings on and in the vicinity of the reservation, and recently made a report. The gentleman from Texas [Mr. CALLAWAY] seems surprised that the Chief of the Reclamation Service has had difficulty in securing a copy of the report. That is not surprising at all. You could not any one of you get a copy of the report if you wanted to. I tried to get one a few moments ago and was unable to. Members of the committee did not see the report until one day last week, when we were called in and asked to pass on it, and we were expected in a very brief period to make a minority report, if we desired to do so. We did not have time to go over the evidence, but from the information in our possession the gentleman from South Dakota [Mr. BURKE] and myself made such a report as could be made in that time. However, before the report had been made to the House, before it had been placed in the basket, before the minority had had an opportunity to draft their views, the substance of the report was given to the newspapers. Extracts from the report were published in both the morning and evening papers of this city, and I have no doubt but that the Director of the Reclamation Service saw those extracts and judged of what was contained in the report by what he saw in the newspapers. As the gentleman from Missouri [Mr. HENSLEY] knows, an evening paper in this city contained a synopsis of the report before it was presented to the House.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. HENSLEY. Will the gentleman be candid enough to explain why the report was not filed here?

Mr. MONDELL. The gentleman was kind enough to grant us one—no; two days in which to draft our views. He stated that we could have two days in which to present our views. One of those days was, I think, Sunday; later he was good enough to give us another day. I was exceedingly busy, as was the gentleman from South Dakota, and we could only present our views briefly.

Mr. HENSLEY. Is it not true that two days before we had the committee meeting Mr. McCairn, the clerk to that committee, furnished the gentleman with a copy of this report?

Mr. MONDELL. He did.

Mr. HENSLEY. And I came here and told the gentleman about it on the following day.

Mr. MONDELL. Yes.

Mr. HENSLEY. And two days later we met there, and we passed this report out.

Mr. MONDELL. The report was laid on my table two days before the committee met. I think that was true. I was very busy here in the House and did not have time to even look at the report.

Mr. HENSLEY. And on Monday the committee's report was to be filed, and the gentleman requested me to hold it up until he had an opportunity to write the minority views.

Mr. MONDELL. Yes; one day.

Mr. HENSLEY. And I did so hold it up.

Mr. MONDELL. Yes; I think that is what I said. If I was not exactly accurate in my statement I beg the gentleman's pardon. The fact remains, however, that the newspapers contained a statement of what was in the report the evening of the day before the report was to have been filed.

Mr. MANN. Mr. Chairman, how is it possible for a newspaper to get a report made to the House before it is put in the basket? I never heard of such a thing before.

Mr. MONDELL. The gentleman will have to answer that question for himself, for I do not know.

Mr. MANN. It is highly improper.

Mr. MONDELL. I know the fact, and I have no idea that Mr. Newell has seen a copy of that report; he certainly did not see the copy I had, for it remained in my desk in my office. I doubt if any Member of the House has seen it, as you can not get a copy of it now, because there are no copies in print, unless there are some in the committee room.

Mr. MARTIN of South Dakota. I suppose the letting out of the report was probably one of the irregularities of the Reclamation Service. [Laughter.]

Mr. GRAHAM. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GRAHAM. Is it not true that the delay the gentleman speaks of is due to the fact that there are photographs to be published in the report, and the Printing Office is holding it up in order to insert those photographs in the report?

Mr. MONDELL. I think that is true; but that does not alter the fact that the newspapers had the contents of the report before it was presented to the House.

Mr. GRAHAM. But it does explain what the gentleman is complaining about.

Mr. MONDELL. I am not complaining; I am stating a fact. Before the report was delivered to the House extracts from it, sensational in character, were printed in the newspapers, and the gentleman from Texas is complaining because Mr. Newell said he had not seen the report.

Now, Mr. Chairman, whether or no the report was improperly given to the papers before it was delivered to the House has nothing to do with what is contained in it. I hold no brief for the Reclamation Service. I have not agreed with the service in all things. I have not approved, personally, all that has been done under the irrigation law. I have had some very sharp differences with the gentlemen in charge of the service. I did not entirely approve of taking up the Salt River project as about the first project taken up. I have not followed in detail all that has been done on the Salt River, but I do know that down there are some of the greatest engineering works ever constructed by man.

There is a great empire containing some of the richest and most productive land on earth now permanently irrigated by works that will stand as long as the earth stands, and that great and rich valley will be permanently productive, due to the splendid works erected there by the Reclamation Service. It is my opinion those works and that project will stand as a monument to the men who planned and executed them long after all the differences of opinion as to the wisdom of every detail of plan or execution are forgotten. I do not know what the gentleman from North Dakota, who was a member of the subcommittee, thinks about what they learned down there. He ceased to be a Member of Congress before the report was prepared. The other gentlemen of the subcommittee do not claim to have been familiar with what had preceded in that region in the matter of Indian irrigation and private irrigation. They do not, I think, claim to have been familiar with the reclamation law in its enactment and in its development. The matters were all new to them. They went down to investigate the condition of the Pimas, and they saw fit to widen the scope of their inquiry and include the entire Salt River irrigation project, and then in their report they referred in very emphatic language to other projects never investigated by them.

Mr. CALLAWAY. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CALLAWAY. Their reference to the other projects is that there are 28 other projects, and the revelations disclosed by the investigation of this project justifies the House in making an investigation of the other projects.

Mr. MONDELL. Now, Mr. Chairman, this is the state of facts; the briefness of the investigation, the lack of previous information or knowledge on the part of the gentleman who made it naturally lead them into curious errors of judgment and curious inaccuracies of statement. The speech of the gentleman from Texas [Mr. CALLAWAY] bristles with those curious inaccuracies. He fails to understand the nature of the desert-land law, for instance, and says that it requires residence upon the land, which it does not. That is not material, as his entire reference to desert entries long before the reclamation act passed is not material, except to indicate his lack of knowledge and information. He states that the pumping plant—and I never had any great amount of enthusiasm over that pumping plant. I did not entirely approve the appropriation in the Indian appropriation bill at the time it was made for the pumping plant, but I think the gentleman is not accurate when he says that the pumping plant has never been operated, and that there has never been any water through the pumps or in the ditches, because the Indians refused to use the plant because they claimed that the water from the pumps contained some alkali and they were afraid it would injure their land. The gentleman says that we passed the reclamation law largely or partly because it had been suggested we might build a great project down on the Gila for the irrigation of the Pimas' land. As a matter of fact the Gila River project and the San Carlos Dam and the other dam that had been suggested on the Gila were practically abandoned on engineers' reports before the reclamation law passed, because it developed that the Gila carries more silt than perhaps any other river in America, and the engineers declared that the San Carlos Dam would fill completely with silt in from 25 to 40 years. That is the situation down there——

Mr. CALLAWAY. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. CALLAWAY. Did not you appropriate $10,000 last year, were not you instrumental in helping to appropriate $10,000 for Army engineers to go down and make an investigation of the Gila River?

Mr. MONDELL. I had nothing to do with that one way or another; I did not object to it, because I had no objection to a further investigation there, because there was some difference of opinion.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. BURKE of South Dakota. I want to call the gentleman's attention to the fact that he has only about four minutes and he can not cover this question in the time he has, but I would like for him to bring to the attention of the House the fact that this report which censures seriously some of the very high officials in the public service did not give those officials any opportunity to be heard and they were not examined by this committee, which sought to make a finding concerning them.

Mr. MONDELL. It is very true. I thank the gentleman for emphasizing that fact.

Mr. CALLAWAY. May I answer that? I just want to state that Mr. L. C. Hill was at the whole hearing, and he knows more about the details of that Salt River project than all the rest of the Reclamation Service together.

Mr. MONDELL. Mr. Hill is a project engineer; he had no authority to make an appearance for the service in regard to every question which the interested parties appearing before the committee might bring up; and, furthermore, he was not invited to do so. This is the situation there: There are a large number of people who desire to be released from the payment of water rights and they poured into the ears of willing listeners all kinds of strange and curious stories which they hoped would in the end relieve them and place upon the Government the cost of irrigating their lands.

Second, there are a large number of people who are occupying lands, or desire to, on the Gila River who are anxious to have the Federal Government construct the San Carlos Dam and irrigate their lands and make them valuable. I sympathize with those who see no immediate prospect of having lands they desire to secure irrigated, but I do not think they hasten the day of the fulfillment of their desires by criticizing the Salt River project. On the contrary, I fear they make that day more distant and uncertain.

Now, the part of the report and the gentleman's statement I most regret is that in regard to the return of payments. There never has been an estimate made, unless it is very recent, of the total cost of the Salt River project as a basis of payments. The Reclamation Service, whatever faults it may have or whatever errors it may have fallen into, has not fallen into the error of fixing a contract price per acre on the Salt River lands. So, whatever the fact may be as to whether or not the price, once fixed, must remain unaltered, the fact is that the price per acre has never been fixed on that particular project. Now, the gentleman quotes in defense of his theory that there has been a price fixed, and that the Government can not charge more than that price, a decision of a court, which, according to the gentleman's own statement, does not relate and has no reference whatever to construction charges, but refers entirely to maintenance charges. Whatever may be the fact as to changes in building charges, there is no question in my mind

as to what the courts will decide as to proper and legitimate maintenance charges. The Federal Government is not exercising its sovereignty under the reclamation law. It is conducting irrigation enterprises until they are turned over to the people; and it can, just as any private enterprise, in building a reclamation project make a charge for maintenance based on the actual and necessary cost of keeping the plant in repair.

The Reclamation Service has been carrying on a great work; many of the problems they have encountered are new. The works they have built are monumental in character, the territory over which they have operated is imperial in extent. I have not always agreed with their views either of the law or its execution, and I have not hesitated to express my disagreement, but I do believe they have made an honest effort to perform a great service in the spirit of the statute providing for it. Their engineering works have been approved by a board appointed by Congress and are vast and enduring. It is easy to criticize, particularly with limited information, but the criticisms of the report and of the gentleman from Texas is, in my opinion, largely unfair, and clearly it is not constructive or likely to assist us in meeting and solving the real problems presented, which are many.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, how much time is there remaining on this side?

The CHAIRMAN. The gentleman from Georgia has 30 minutes remaining. The time of the gentleman from Iowa [Mr. GOOD] has been exhausted.

Mr. BARTLETT. I yield 20 minutes to my colleague, the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Chairman, I desire to make a few remarks on the proposed naval appropriation for the present year.

The appropriation submitted by the Naval Committee carries $128,000,000, without a battleship, for expenses of the Navy. In addition to this, two battleships have been reported by the committee, making the total amount of the bill $148,000,000. Mr. Chairman, the complaint I make to this bill is this: In 1911 the appropriation in total carried $126,000,000, which included two battleships. The appropriation this year, two years later, carries an appropriation of $22,000,000 more than the 1911 appropriation.

Now, Mr. Chairman, this is a proposition I can not understand; that is to say, in 1911 two battleships were carried in the $126,000,000, and this committee, pledged to an economical administration, appropriates $128,000,000 before it reaches the battleship program.

If the Navy Department will economize and the Naval Committee will join me and cut out the gross extravagances that are recommended and carried by the Navy Department, then I shall gladly support battleship construction. I am in favor of a good Navy and I am in favor of building such battleships as are needed for our country's defense. One battleship costs about $10,000,000. About one-half this amount is carried on the bill providing for battleships and the accessories to such battleships. The first appropriation does not provide the full amount for construction of the battleships. I claim, sir, that this bill can be so reduced in extravagant expenditures that this Congress can build two battleships without any material increase in the previous bills, especially so in view of the fact that the last session only authorized one battleship.

Mr. Chairman, there is one argument I conceive to be unanswerable, and no man can come on the floor of this House and answer it, and I challenge any man to do it, either from the Committee on Naval Affairs or elsewhere. Here is the proposition: Since 1896 this House has built 31 battleships and 3 armored cruisers. These armored cruisers cost anywhere from five to ten million dollars more than a battleship. Then I can say to this House that this House has built 34 battleships since 1896. That has been in 16 years. That is on an average of more than 2 battleships each year. Since 1896 these appropriations have grown, it is true, but I call the attention of this House to the fact that the appropriations have increased approximately $6,000,000 annually, carrying 2 battleships, as stated. The annual increase on an average being $6,000,000, then explain to me why the Naval Committee should call on this House for an increase of $25,000,000 in order to construct 2 battleships? It is true that 2 battleships have been carried with $6,000,000 increase since 1896, then why not in 1913? Why, Mr. Chairman, we propose to appropriate more money without battleships for the expenses of the Navy than the Republican side of the House appropriated in 1911 for expenses and 2 battleships. I call for the Naval Committee or its friends to come on the floor of this House and defend the extravagance of this Navy. If you are here, rise and speak. It is no child's play to spend $25,000,000. That is $9,000,000 more than was appropriated this session for agriculture in all the various departments. Sixteen million dollars was appropriated for agricultural departments in the year 1912.

Why, Mr. Chairman, it would startle you or me or anyone else to quote my friend Capt. HOBSON as an economist when it comes to the Navy. He is in favor of six battleships or more annually. He sits before me to-day, and he will corroborate what I say when I make the statement that the expenses of the Navy are more than one-third what they ought to be. If it is not true, he is an expert and should know. He has been in the Navy, and he is on the Naval Committee. I pause that the captain may speak if he desires.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. TRIBBLE. Yes; I yield.

Mr. HOBSON. Mr. Chairman, I desire not to be misunderstood in this matter. My statement is that if we had the machinery, the power, to reorganize the Navy from the bottom, to reorganize the whole personnel, and not grind out rear admirals like you would wheat or corn in the mill——

Mr. TRIBBLE. I will ask the gentleman not to take up too much of my time, as I am limited.

Mr. HOBSON. And if we had a chance to reorganize the navy yards and readjust the naval stations in the whole Navy, I do not hesitate to say that, in my judgment, we could save one-third of the general expense and, per thousand tons of the ships, one-third of what they are costing us now. But that is contingent upon our being able to reorganize.

Mr. O'SHAUNESSY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. TRIBBLE. I decline to yield for the present.

The CHAIRMAN. The gentleman from Georgia declines to yield.

Mr. TRIBBLE. I am a member of the Committee on Naval Affairs, and I challenge any Member of the House to stand up and refute the statements I am making.

Now, Mr. Chairman, what is the matter with this bill? I can not take up and consider all the items in this bill, but I will take up the first item, which carries an increase in the appropriation over that of last year of more than $2,000,000. Over $1,000,000 of this is increase of officers and increase of pay of retired officers. Why, sir, included in that item are retired officers on the pay roll of the Government. The pay of retired officers is $3,319,000. These retired officers do nothing for the Government and are out of the Navy drawing salaries all their life of $5,000 each, more or less.

Mr. HOBSON. Mr. Chairman, if the gentleman will permit me to interrupt him, I will say that the retired list——

The CHAIRMAN. Does the gentleman yield?

Mr. TRIBBLE. Yes; I will yield for a question.

Mr. HOBSON. I am very glad to tell my friend that the retired list of rear admirals alone costs a million dollars a year. There are 150 rear admirals on the retired list, and about 18 on the active list.

Mr. TRIBBLE. Mr. Chairman, that is one of the things I am complaining about.

Mr. HOBSON. It is the law.

Mr. TRIBBLE. Yes; but have I not stood there in the Naval Committee for two years and begged the gentleman from Alabama and others on the Naval Committee to revise these laws, and the gentleman from Alabama would not do it?

Mr. HOBSON. Have I not asked my friend to help me in passing the national counsel of defense bill, so that we could pass a new law and straighten out all those things?

Mr. TRIBBLE. Yes; but, Mr. Chairman, if you will look at the retired list you will find 148 retired admirals, and then look at the number of admirals on the active list you will find there are only 24. Now is not that a nice situation? Nearly all the admirals on the retired list; they receive about $8,500 per annum.

Mr. HOBSON. And six of those are extra numbers.

Mr. TRIBBLE. Yes. I am here, Mr. Chairman, to say that I stood on this floor last year when this bill was up for consideration, when the gentleman from Alabama [Mr. HOBSON] was here too, and I appealed to him and to every man on the floor of this House, and I appealed to this House to stand by me and abolish that "plucking board," which puts these officers on the retired list when they should be left on the active list; and the gentleman from Alabama would not do it, and the Committee on Naval Affairs would not do it, and there was only one man who was outspoken at the time to repeal the "plucking board," and that was the gentleman from Illinois [Mr. MANN], the minority leader on the Republican side. I know

there were many others, but they wanted action by the Naval Committee.

Is the Naval Committee, created by the Democratic party, in favor of economy? On that retired list, which is created by what is called "the plucking board," I had last year the names of all those men, and one of them was retired under the age of 30. I want to read what the Secretary of the Navy says. I have his letter before me. I wrote him and challenged him to point out any objection or any defect in any of these men, whereby they should be retired, and he gave me the names of the men retired and stated as follows:

None of these officers selected for retirement on June 30 last were unfit to perform their duties.

I quote the exact language from his letter.

The chairman of the Naval Committee was here when I made that fight before, and the chairman stood up and said, "No; we can not abolish the plucking board, because we have to retire low-grade officers and make places for others." When I challenged his statement on the question of incompetency, he said, "We have to make places for others and encourage the officers by promotion." No one denies that men are retired to create vacancies so that officers may be promoted to larger salaries. Retired officers go into retired life on large salaries and secure the very best positions in navy yards, with construction, engineering work, and so forth, because they are well qualified, having been educated by the United States Government, and get large salaries. I protest in the name of my constituents against paying salaries out of their pockets to men educated out of their money, doing them no service, and making large salaries for themselves.

Mr. CLINE. If the gentleman will allow me to interrupt him, how many men have we on the retired list now drawing pay under the three-fourths ratio?

Mr. TRIBBLE. I am glad to answer that question. We had on the retired list last year 920 men, and to that number have been added, I think, 179. There are over 1,000 men on the retired list. One hundred and seventy-seven of these were plucked, and every one of them is capable of service.

Mr. HOBSON. Will the gentleman allow me to interrupt him?

Mr. TRIBBLE. I prefer not to be interrupted now. Take the case of the man Walker, retired at 30 years of age. He went to the Naval Academy and stayed there at the expense of the Government for six years, and the Government educated him at an expense of $18,000. He then remained seven years longer in the service and drew a salary during that time. Now he has gone into public service in competition with other people, and I want to tell you the Government is now paying that man over $3,000 per annum for the remainder of his life.

From now until the end of his life, according to the insurance tables of expectation of life, he will draw out of the Government of the United States about $225,000, for which he will not do a day's work. The Secretary of the Navy says that man is a competent man.

Mr. SISSON and Mr. HOBSON rose.

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. TRIBBLE. Yes; I yield to the gentleman from Mississippi.

Mr. SISSON. The gentleman from Georgia states that the incompetent officers are the ones who are plucked.

Mr. TRIBBLE. No; I did not state that. I say the department pretend that they are plucking incompetent officers, but I did not make that statement. I say they are competent.

Mr. SISSON. If the incompetent ones are the ones who are being plucked, then they are adopting a system of pensioning men for incompetency, are they?

Mr. HOBSON. It is worse than that.

Mr. TRIBBLE. I say it is a terrible arraignment of the Navy of this country and the officers of the Navy if 177 men have been retired for incompetency or something else; and still there are deadheads in the Navy yet who should be plucked for retirement, and you continue to retire them year after year. It is a terrible arraignment on the whole system as well as the men. What is the matter with them? The Secretary of the Navy says there is nothing the matter. Ah, yes; they want to promote officers to better pay.

Mr. HOBSON. The gentleman's arraignment is not as strong as he can make it, if he will allow me. I simply want him to lay all the facts before the Members, and to state that those who are plucked are promoted a whole grade in being plucked.

Mr. BEALL of Texas. Why are they promoted?

Mr. HOBSON. In order to retire them in the next higher grade.

Mr. TRIBBLE. Yes; I thank the gentleman; when they are retired they are promoted to another grade in order that their life salary may be increased—rewarded by promotion for so-called incompetency.

Mr. SISSON. Can the gentleman tell the committee why the Committee on Naval Affairs has not changed that law and prevented them being retired?

Mr. TRIBBLE. Yes; I can tell you that. I say to you that there has been a bill before that Naval Committee all this year, a bill which I introduced, to abolish the plucking board. That bill has not been acted upon. I can not get a favorable report. The Naval Committee can deny this statement by reporting the bill to this House.

Mr. SISSON. Will the gentleman yield once more?

Mr. TRIBBLE. Yes.

Mr. SISSON. The Naval Committee, then, are solidly in favor of retaining the plucking board, are they?

Mr. TRIBBLE. I say there is no action being taken. If there is anybody here who will join me, let him stand up and say if he is with me in the fight. I undertook to cut out pay of this class of officers last term on the floor of the House, and then stated that the committee would not report with favor a bill to repeal the plucking board.

Mr. HENSLEY. I think the gentleman is entirely unwarranted in making a statement of that kind. If you have ever made that proposition, I have never heard you discuss it. I will join you.

Mr. TRIBBLE. I discussed it on the floor of the House last year. I suppose the gentleman was not present. I called for action on my bill last week in full committee. No action was taken.

Mr. HENSLEY. I have supported you on several propositions before the House.

Mr. TRIBBLE. Yes; that is true. We have fought together for economy. I think the gentleman from Missouri [Mr. HENSLEY] is nearly always right. There are few, if any, better men in this House than he, and he has the bravery and courage to speak his convictions and fight for what he thinks will benefit the people. I did not intend to discuss the retired list, but was drawn into it. One of the men named here on this list, retired last year, if you will notice, is Admiral Rust. Now, I want to read what is said of this man. I will put this in the RECORD and let the naval officials deny the charges I am making.

For the 25 years that Admiral Rust was commissioned in the Navy—from July 1, 1887, to July 1, 1912—he never received an unfavorable report from any commanding officer. Now, these gentlemen can find spokesmen among the Members of this House. Let them come here and speak through the mouths of members of the committee or Members on the floor of the House who will speak for them. I should like to read a little further what is said here. This man was a commander. At the time he was commander there were 116 commanders; 33 had never seen service at sea; 66 had been at sea six months, and the average length of service of those going to sea was seven months. This commander headed the list in length of service in his grade two years and eight months.

He never at any time received an unfavorable mark, but his entire record from one end to the other was "excellent."

Gentlemen, the trouble with this bill is this: It is gross extravagance—inexcusable extravagance. There are men on the Republican side who will not stand for this bill carrying $148,000,000. Their constituents will not approve a vote for this extravagance on the ground that Democrats alone are responsible for it. Sirs, your constituents will not applaud your act in voting for a $25,000,000 increase just because it is a Democratic bill. This is not a party measure, and I hope to see you vote for reduction. You can not defend a vote for extravagance because it is a Democratic bill. Your friends back home will say, "Why did you not stand up and expose it on the floor of the House, if the Democrats were extravagant, and not come here and talk to us about what was done by the Democrats while you stood by with folded hands"?

Mr. DIES. Will the gentleman yield?

Mr. TRIBBLE. Yes.

Mr. DIES. Has the gentleman forgotten here the direful prophecy of the gentleman from Alabama [Mr. HOBSON], who prognosticated that this country would be in war with Japan before the present time?

Mr. TRIBBLE. Yes; I heard the prophecy. He scents danger afar off. As I said the other day, I like my friend HOBSON; there is good in him. [Laughter.] Now, Mr. Chairman, my friend HOBSON says he joins with me on the proposition that the whole thing ought to be reorganized. I hold in my hand a pamphlet, on the back of which is marked "Naval Register." It shows where these officers are.

But before I forget it I want to say that I have in my hand another letter from the Secretary of the Navy, in which he

says that there are 1,157 officers here on shore duty. And yet the Navy is calling for more officers for the ships. The chairman of the committee stated that the Navy was calling for and claimed to need 3,000 more officers, and yet 1,157 of these men are on shore.

Where are they? Let me show you were they are. Down here at the Naval Academy is a good place for a man to retire from active naval service and have a good time. The social side of naval life has been discussed by my colleague [Mr. RODDENBERY] thoroughly, and I will not refer to the social side of land service and the land fighting Navy. At the Naval Academy, right here at your door, are stationed 160 naval officers. There are also in addition to these naval officers 28 civilian teachers, making a total of 188 of these gentlemen right down here on shore duty, supposed to be engaged in teaching the students. There are 720 students there. I would like for some one to defend the policy of placing all these officers and civilian teachers at Annapolis. There are five places—the navy yard at Norfolk, Philadelphia, Boston, New York, and Annapolis—where there are 656 officers located.

You go to the heads of departments, and the clerks are handicapped frequently with their work, because there are so many naval officers walking around in the way. What do the naval officers do? They have an assignment. Why, Mr. Chairman, I have nothing against the naval officers. The most of them are loyal, courageous, and patriotic. I am not attacking the naval officers. I am attacking a system that gives them a life of ease and luxury when, as a matter of truth, they would be better men and better satisfied engaged in profitable service at all times for the Government that pays their salary. I want them to fill the vacancies at sea and elsewhere, so that this Congress will not be called on for 3,000 more officers to fill the complement on vessels.

I hold in my hand a letter of Secretary Meyer, in which he says—now listen:

> It will take 1,714 officers to put in commission the ships we now have and the ships that are being constructed.

And yet there are over a thousand of these officers on shore duty on assignments from place to place throughout the country.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. Yes.

Mr. BEALL of Texas. Does the gentleman remember the little couplet from Pinafore that goes this way:

> Just stick to your desk and never go to sea,
> If you want to be an admiral in the King's navee.

[Laughter.]

Mr. TRIBBLE. Mr. Chairman, how much more time have I?

The CHAIRMAN. The time of the gentleman from Georgia has expired. [Applause.]

Mr. TRIBBLE. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, to digress a little from the subject of this bill, even though it does carry one hundred and eighty millions of dollars, I desire to call attention to, and place in the RECORD, something that may be of interest to the House and the country. I was a member of the committee that investigated the Steel Trust, and there came before that committee the chief officer of that corporation, then its president and now the chairman of its finance committee, and also the gentleman who is now its president and was at that time the president of its export company, a branch of the Steel Corporation. I made it my particular duty with each witness and officer of that company, and especially with Judge Gary and Mr. Farrell, to ask a set question, and that was whether there existed an agreement between the Steel Corporation and the manufacturers of this country and the foreign manufacturers of like products an agreement, international in its scope, which fixed the price of steel products, and which kept the foreign manufacturer from our own territory and divided the foreign territory with the foreigners and kept our independent manufacturers from foreign territory, it appearing in that investigation that steel rails and steel products were sold more cheaply to the foreigner than to the home consumer. Every time that question was asked of Judge Gary and Mr. Farrell, who testified under oath before that investigating committee, and of every officer of the corporation, they denied that any such agreement existed between the Steel Corporation and the foreign manufacturers, and they denied that there was at any time an agreement international in its scope that in any way affected the prices fixed or the territory in which both foreign corporations and the Steel Trust were to sell their products.

I have in my office the testimony of an ex-president of the Steel Corporation, Mr. Corey, given in the case now pending in the State of New Jersey against the Steel Corporation, in which Mr. Corey states that there was such an agreement and that Judge Gary and the officers of that corporation knew of its existence. So that we have the testimony before a congressional investigating committee of two officers of this Steel Corporation denying the existence of such a contract and the testimony of one who was the president and whom Judge Gary succeeded, saying on oath in court that there was such an agreement and that Judge Gary and the other officers knew it. I have examined Mr. Corey's testimony. It is too bulky to present to the House, but I have in my hand a statement contained in the New York World, that has placed these two statements in parallel columns, and I propose to place it in the RECORD in order that the country may see how convenient was the memory of these gentlemen when they appeared before the investigating committee or how inconvenient was the memory of Mr. Corey when he testified under oath in court the other day.

Mr. COOPER. Will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. COOPER. Were these two gentleman testifying as to the same period of time?

Mr. BARTLETT. They were, because I made it my business to find out. I was interested in undertaking to find out if this corporation, which was selling its product more cheaply abroad than to our own people, especially steel rails, had an agreement international in its scope between it and the foreign manufacturer, and I pressed it home to every witness, and especially to Judge Gary and to Mr. Farrell. They both denied that any such agreement at any time existed, and the testimony of Mr. Corey not only gives the agreement and states when it existed and when it ceased to exist, but that Judge Gary was informed of it and stated the time when he concluded that it could no longer be carried out.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting these parallel columns.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

GARY AND COREY DISAGREE.

On the witness stand Judge E. H. Gary, chairman of the executive committee of the Steel Trust, and William E. Corey, former president of the Steel Trust, have given radically different testimony as to price-fixing pools.

GARY.

During the Stanley committee hearings Judge Gary said that he ordered the Steel Trust's subsidiaries to abolish price-fixing pools.

"I do not know of any international agreement," he said. "I would not countenance an agreement that would divide up territory."

Again he said:

"We have occasionally read public criticism of our movements on the ground that there was a combination or an agreement in restraint of trade to maintain prices, to restrict output, or to divide territory. We have never intended to antagonize the laws of the country."

June 2, 1911, he said that one of the principal things at the meetings of the American Institute of Iron and Steel Manufacturers was to discuss the welfare of their employees. "It is the intention," he added, "to organize an international institute unless something comes up to make it appear that we ought not to do it from a legal as well as a moral standpoint."

COREY.

As a witness in the Government's suit to dissolve the Steel Trust, within a few days, former President Corey, of the Steel Trust, said in answer to counsel's questions:

"Did you mean when you said that Judge Gary knew of these pools that he knew about them before they were abolished in 1904?"

"He knew about all the pools all the time, because he attended some of the meetings."

"Which meetings?"

"The rail pool and the plate and structural pool meetings."

On the day before Corey said:

"An understanding existed between the United States Steel Corporation and manufacturers abroad not to attempt to sell in each other's territory."

Mr. AUSTIN. Mr. Chairman, I will ask the gentleman from Georgia if Mr. Farrell's statement was not that during his administration of the office of the Steel Corporation there was no such agreement in existence.

Mr. BARTLETT. He was not only the officer of the corporation, but he was the man who was in charge of the exporting of the products of the company, and he was produced before that committee as being the man of all others who had grown up from a lad in its service and who was more familiar with the details of its business than any other.

Mr. AUSTIN. But I think the gentleman misunderstands my question because he has evidently not attempted to answer it.

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. BARTLETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28730, the pension appropriation bill, and had directed him to report that it had come to no resolution thereon.

RECESS.

The SPEAKER. The House automatically goes into recess until 8 o'clock this evening and the gentleman from Missouri [Mr. LLOYD] will occupy the chair.

Accordingly (at 5 o'clock p. m.) the House, under its previous order, stood in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by the Speaker pro tempore [Mr. LLOYD].

The SPEAKER pro tempore. The Clerk will read the special order.

The Clerk read as follows:

On motion of Mr. POU, by unanimous consent.

Ordered, That on Friday next, February 14, 1913, the House shall stand in recess from the hour of 5 o'clock p. m. until the hour of 8 o'clock p. m., at which time it shall be in order to consider, by unanimous consent only, in the House as in the Committee of the Whole, bills on the Private Calendar which were not considered or objected to on Monday, February 10, 1913, after which it shall be in order to consider the remainder of said calendar.

YNCHAUSTI & CO.

The first business on the Calendar for Unanimous Consent was H. Res. 643, referring the bill (H. R. 20677) for the relief of Ynchausti & Co. to the Court of Claims.

The SPEAKER. Is there objection to the consideration of the resolution.

Mr. GOLDFOGLE. Reserving the right to object, I would like some explanation of this bill.

Mr. POU. What is it the gentleman from New York [Mr. GOLDFOGLE] would like to know?

Mr. GOLDFOGLE. I would like to know something about the pending bill.

Mr. POU. The gentleman from Delaware [Mr. HEALD], who reported it, can answer the question of the gentleman from New York.

Mr. GOLDFOGLE. A parliamentary inquiry, Mr. Speaker. Before any explanation is made, may not the resolution be read?

The SPEAKER pro tempore. Without objection, the resolution will be read.

The Clerk read as follows:

House resolution 643.

Resolved, That the bill (H. R. 20377) for the relief of Ynchausti & Co., together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of the facts and the amount due, if any, and that the same be reported to Congress.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. COOPER. Mr. Speaker, reserving the right to object, I take this opportunity to say that the procedure on this Private Calendar works a very great injustice to many of the Members of the House who have had meritorious claims favorably reported. Last Monday night, when claims on this calendar were taken up, objection after objection was made to bill after bill without even so much as the slightest reason being assigned for the objection, and, excepting in one or two instances, without even the slightest inquiry being made as to the merits of the claims. Then suddenly, after two pages or more of the calendar had been reported, and all claims rejected, the chairman of the Committee on Claims arose, remarked that there were many just claims on the calendar, and expressed the hope that there would be no objection made to considering them. That had not occurred to the chairman until 30 or 40 just as meritorious claims as any that remained to be considered had been denied a hearing and killed. Then he remembered that there were worthy claims on the calendar, and thereupon a filibuster was begun, and after two or three roll calls the House adjourned.

I shall not seek to retaliate because a claim in which I was interested met with objection—a claim which has once heretofore passed the House and failed in the Senate for want of time for its consideration.

Mr. POU. Will the gentleman permit me just a word?

Mr. COOPER. I wish to finish what I have to say, and then I will yield.

I shall not attempt to prevent the proper consideration tonight of the remaining bills on the Private Calendar, because on last Monday night consideration was unjustly refused a meritorious bill, a bill the claimant in which was an unfortunate old man, upward of 80 years of age, whom experience had taught to know too well all that Robert Burns meant in the sad line, "Age and Want, oh, ill-matched pair." I wish only to suggest that if any Members of the House had conspired to have certain claims acted upon that had a late position on the calendar, and which they feared would not be reached, the procedure which has been adopted is exactly the one that these gentleman would have agreed upon in advance—that is, to kill 30 or 40 claims and thus get within striking distance of the claims in which they were interested, then have a resolution adopted providing that the call shall begin where it ended at the previous session and proceed, in the hope that hereafter there would be no objection. But I do not say that anything of this kind was intended, for I would not make an imputation of improper motives.

Mr. POU. I hope the gentleman will permit me to say in his own time, in reply to a suggestion that he made——

Mr. MOORE of Pennsylvania. Will the gentleman reply to a question by me?

Mr. POU. I will, if I can.

Mr. MOORE of Pennsylvania. I want to know if it was not the understanding under the rule that was passed—the rule that brings us here to-night—that we might revert by unanimous consent for a fair consideration of the bills that were objected to the other night?

Mr. POU. I will say to the gentleman that the order is self-explanatory. The calendar will be taken up at the point where we left off on Monday night. We will take it up in the regular order, and if there is any time left we can then go back to the preceding bills.

Mr. MOORE of Pennsylvania. If there is a chance, we can revert to those that have been objected to?

Mr. POU. I understand so.

Mr. MOORE of Pennsylvania. I wanted to understand that.

Mr. COOPER. That is what I wanted to know.

Mr. HOWARD. I would like to say to the gentleman from Pennsylvania that the gentleman from Georgia is in the same fix as he is in and as a good many other folks are in.

The SPEAKER pro tempore. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Speaker, the only difficulty here seems to be that the other night, when the House was in the tantrums, a number of bills were objected to without opportunity being given for consideration at all, and we are now about to proceed by unanimous consent to the consideration of those bills that stand preferred above those that were objected to the other night. I have no objection to going on with this proceeding, if it is the intention to call up those bills that were formerly passed over and have them considered. I shall not object.

Mr. POU. In behalf of the committee I will say to the gentleman from Wisconsin [Mr. COOPER] that every bill that has been reported from the committee is, of course, a meritorious bill in the judgment of that committee. I did not intend to draw any distinction at all between bills. I have been hoping that every gentleman would have opportunity to have his bill considered. Because, in the course of some remarks I made at a former session of the House, I alluded to certain bills as meritorious I did not, of course, mean to imply that other bills were without merit.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. POU. Yes.

Mr. MOORE of Pennsylvania. Would there be any objection to a motion for unanimous consent to return to the head of the calendar and begin the consideration of the bills from that point?

Mr. POU. That could not be done, I think, under the terms of the order.

Mr. MOORE of Pennsylvania. But it could be done by unanimous consent.

Mr. MADDEN. That could not be done.

Mr. POU. I do not think the House would have authority to change the special order now.

Mr. MOORE of Pennsylvania. There were 36 bills objected to. If the gentleman would agree to a motion for unanimous consent to return to the bills on the calendar, we might reach all of them.

Mr. POU. My opinion is that if you begin at the beginning of the calendar it will result in just such another proceeding as we had the other night. On the other hand, I think if we proceed in order it will be possible for some Members at least to get their bills through.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I am in that position that possibly all the gentlemen on the floor do not occupy. I have no bill on the Private Calendar in

which I am in any degree interested personally. I have read every bill and the reports upon every bill upon the Private Calendar carefully, calmly, quietly, and have made notes on those reports, and in many cases secured other information. It is immaterial to me whether any of the bills pass. The proceeding last Monday night did not offend me in the slightest degree—when gentlemen objected simply because their bills had been objected to; and if they choose to do that to-night, I shall not quarrel with them about it. I thought then, owing to the length of the calendar, in those cases where I had made up my mind to object that it was to the interest of the House to object promptly, so that the time of the House would not be occupied in considering bills which in the end would not pass.

If, however, the Members of the House prefer to have bills considered, reserving the right to object and spending 10 or 15 minutes or more upon a bill which in the end would be objected to by myself or somebody else, I shall not quarrel with that. If the gentleman from Wisconsin [Mr. COOPER] or the gentleman from Pennsylvania [Mr. MOORE] prefers that course, I am perfectly willing to reserve the right to object until gentlemen exhaust themselves on the subject of a particular bill and then make the objection.

Now, it should be remembered that this is not an ordinary call of the Private Calendar. Last Monday night's was not an ordinary call of the Private Calendar. When Members allowed an order to go through by unanimous consent to fix a calendar in this way, it was done as a matter of course. Gentlemen have the right to object to that procedure, undoubtedly, at any time by making a point of no quorum, and that will end the proceedings.

The SPEAKER pro tempore. Is there objection?

Mr. GOLDFOGLE. Mr. Speaker, reserving the right to object, I want to say that no explanation has been given why this resolution should be adopted. There has been so much talk about meritorious claims that I should like to know a little about the resolution before I vote on it.

Mr. POU. I will say to the gentleman that this company had a cargo of goods which it claims was destroyed by reason of the negligence of one of the Government boats, which ran into the company's boat. They lost their cargo as a result of this collision, and all they are asking now is that the Court of Claims fix the responsibility, and also fix the amount of the damages if the Government is liable for the claim.

Mr. GOLDFOGLE. Does this resolution send the case to the Court of Claims for findings, or does it make an appropriation?

Mr. POU. Merely for findings. The Court of Claims could not make any appropriation, of course. It is merely for a finding of facts.

Mr. GOLDFOGLE. Does the claim belong to that class of cases that can be sent to the Court of Claims by the action of the Committee on Claims without the action of the House? The gentleman, I suppose, is aware of the statute——

Mr. POU. Action by the House is necessary. The findings of the Court of Claims will be merely in the nature of a recommendation. The House can pay the claim or not, as it may see fit hereafter. The Court of Claims will ascertain how the accident occurred and whether or not those in charge of the Government boat were guilty of negligence.

Mr. GOLDFOGLE. Could not the committee have ascertained the facts?

Mr. POU. It is one of those cases of damage which usually are referred to the Court of Claims, according to my information, and the committee followed what it was informed was the usual procedure in such cases.

Mr. GOLDFOGLE. I think the gentleman is mistaken about the usual course of procedure. In many of these cases in the past the committee have acted directly, to determine whether there was merit in a claim, without sending the matter to the Court of Claims and having it footballed back again, to and fro.

Mr. POU. The committee did not care to undertake to fix the damages in a case of this kind, and it was thought proper to ask the assistance of the Court of Claims. That is the only information I can give the gentleman.

Mr. GOLDFOGLE. Not having the resolution before me, I am unable at this moment to say whether the resolution sends the matter to the Court of Claims for a finding on all the facts or only to assess the damages.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. RUCKER of Colorado. Will the gentleman yield for a question?

Mr. GOLDFOGLE. I would prefer not to yield until I obtain the information which I am seeking.

Mr. MANN. If the gentleman from New York will yield, the form of the resolution is faulty, and should be cured. It should read:

Referred to the Court of Claims for findings and conclusions.

That is what the law provides. This was a case of a collision between a Government quartermaster's boat and a launch owned by the gentlemen named in the resolution. The committee did not feel that it could get at the facts as well directly as it could by reference of the matter to the Court of Claims to ascertain findings and report to Congress.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 643.

Resolved, That the bill (H. R. 20377) for the relief of Yuchausti & Co., together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of the facts and the amount due, if any, and that the same be reported to Congress.

Mr. MANN. Mr. Speaker, I move to amend by striking out the words—

a finding of the facts and the amount due, if any, and that the same be reported to Congress—

And insert—

findings and conclusions.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, lines 4 and 5, strike out the words "a finding of the facts and the amount due, if any, and that the same be reported to Congress" and insert in lieu thereof the words "findings and conclusions."

Mr. MANN. Mr. Speaker, that conforms to the law, because the Court of Claims under this resolution is not authorized to find the amount due.

The amendment was agreed to.

The resolution as amended was agreed to.

HEIRS OF SAMUEL H. DONALDSON.

The next business on the Private Calendar was the bill (H. R. 18894) for the relief of the heirs of the late Samuel H. Donaldson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of the late Samuel H. Donaldson, who died from injuries received in the performance of his duties under the appraiser of merchandise at the port of New York, the sum of $5,000.

With the following committee amendment:

Line 8, strike out the words "five thousand" and insert in lieu thereof the words "one thousand five hundred."

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to know what this bill is and what the claim is for, how the injury was sustained, and how the death was caused.

Mr. POU. The report shows that the deceased was a laborer employed in the United States public stores in New York City. On July 6, 1911, while engaged in his usual work, he attempted to pull a cask of merchandise onto a truck, when a hoop of the cask came off and he was thrown backward into the runway for truck, sustaining injuries from which he died in less than a week. It clearly appears that the injury was in nowise due to negligence on the part of the deceased.

Mr. COX. Will the gentleman yield?

Mr. POU. Certainly.

Mr. COX. It is proposed to pay the heirs $1,500. The report says that he is dead and that his wife is dead. I would like to know whether he left any children.

Mr. MANN. He left four children, as the report shows.

Mr. GOLDFOGLE. If the gentleman will yield to me, what evidence did the committee have before it on which they made the findings that justify the award of damages, and what evidence did the committee have before it to justify the amount?

Mr. GREEN of Iowa. If the gentleman from North Carolina will allow me, I will answer the gentleman from New York.

Mr. POU. I will yield to the gentleman from Iowa.

Mr. GREEN of Iowa. Mr. Speaker, in answer to the gentleman from New York, I will state that the facts are set forth fully in the report. The report shows the full account of the injury which he sustained. How it came about was given in the report of the police department at New York, and also was reported by the director of the girls' department of the Young Woman's Christian Association. It was also confirmed by a report received from the department. It established that the accident had happened, as was stated by the gentleman from North Carolina, by reason of a hoop on a cask which he was handling coming off and caused him to be thrown backward into a runway for trucks. The amount awarded is not $5,000, but by a committee amendment is reduced to $1,500.

Mr. GOLDFOGLE. As far as the report of the police department is concerned and the other report, the gentleman would not regard them as evidence in the case. As far as the report from the department is concerned, I would like to have that

read, so that we may know what the facts are as reported by the department.

Mr. GREEN of Iowa. The department reports are not here in full, and as regards the report of the police department, I should consider that some evidence.

Mr. GOLDFOGLE. That would establish nothing.

Mr. GREEN of Iowa. The gentleman is not very easily convinced.

Mr. GOLDFOGLE. Because a police officer makes a report and may fill it up with conclusions, and perhaps have no knowledge of the facts. It might be full of inferences, and I am sure the gentleman would not accept it; at any rate, he would not if he was a judge on the bench.

Mr. GREEN of Iowa. The gentleman knows perfectly well that the committee is not authorized to subpœna witnesses before it.

Mr. GOLDFOGLE. No; they are authorized to find out the facts. Mr. Speaker, I object.

Mr. CANTRILL. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Kentucky moves that the House do now adjourn.

The question was taken, and the Speaker pro tempore announced that the "noes" had it.

So the House refused to adjourn.

Mr. LEVY. I hope, Mr. Speaker, that the gentleman from New York, my colleague, will withdraw his objection. This is a very harrowing and pitiful case.

Mr. GOLDFOGLE. Mr. Speaker, I can not withstand the piteous appeals that come all around me, and I withdraw the objection.

Mr. HAMLIN. Mr. Speaker, I renew the objection.

The SPEAKER pro tempore. The gentleman from Missouri objects.

LENA SCHMIEDER.

The next business on the Private Calendar was the bill (H. R. 23123) for the relief of Lena Schmieder.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. I object.

JOHN A. GAULEY.

The next business on the Private Calendar was the bill (H. R. 17140) for the relief of John A. Gauley.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

Mr. RUCKER of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RUCKER of Colorado. Mr. Speaker, in view of last Wednesday's performance in this House, and then of the performance at the night session when we tried to hold a session for consideration of bills of this sort, I desire to ask whether it is now in order for me to move the House for an adjournment sine die of this Congress? [Laughter.]

The SPEAKER pro tempore. That is hardly a parliamentary inquiry.

FELIX MORGAN.

The next business on the Private Calendar was the bill (H. R. 21849) for the relief of Felix Morgan.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Felix Morgan, of Wirt County, W. Va., out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $10,000, to compensate him for injuries received while in the employ of the Government on the Little Kanawha River, in Wirt County, W. Va.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I desire to say at this stage of the proceedings that we have just passed by two bills, one of which came to the House without the indorsement of the Treasury Department, and the other of which came with the indorsement of the War Department. It simply illustrates the inconsistency under which we are proceeding and the futility of attempting to have fair consideration of these bills.

Mr. MANN. Which bill came with the indorsement of the War Department?

Mr. MOORE of Pennsylvania. I will get to that in a moment. In the case of Samuel Donaldson, which bill was objected to by the gentleman from New York [Mr. GOLDFOGLE], there positively was no direct evidence from the Treasury Department that the man was employed by the Government or that the department itself approved of the passage of the bill. Therefore the objection would seem to have been well founded, because this Congress ought to have at least some word of information or approval from the department concerned as to whether the claim is authentic.

In the case of Lena Schmieder, just passed over, the report upon which I did not have the opportunity to read before objection was made, it does appear that an employee of the Government who was engaged in river and harbor work was killed under a falling embankment, and that the facts are certified to by the Chief of Engineers of the War Department; that the Secretary of War forwarded a statement certifying to the accuracy of the facts, showing that the man was killed under a falling embankment while in the performance of his duty. Yet the gentleman from Illinois [Mr. MANN] objects to that bill, just as the gentleman from New York [Mr. GOLDFOGLE] objected to a bill where we had no proof whatever. It does seem to me that we are proceeding in a very peculiar way, and it does seem to justify the objections that some gentlemen are making to this general method of procedure.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I understood the gentleman reserved the right to object.

Mr. MOORE of Pennsylvania. Yes.

Mr. MANN. Then I desire to ask the gentleman a question. Does the gentleman know that this woman, Lena Schmieder, lost her first husband in 1895, afterwards married a second husband, lost him, and then put in a claim to the Govment for the loss of both husbands?

Mr. MOORE of Pennsylvania. I do not know that; and that apparently does not appear in the report.

Mr. MANN. It does appear in the report. The gentleman has not read the report.

Mr. MOORE of Pennsylvania. But I have a statement signed by the Judge Advocate General of the War Department saying that this man came to his death as the result of employment under the United States Government, being crushed under a falling river bank which, as foreman, he was engaged in grading to a proper slope for revetment. In the absence of proof in the bill under consideration that the department approves or certifies to the facts, I object.

Mr. MANN. The bill to which the gentleman referred provides for relief for the loss of two husbands.

Mr. POU. The bill authorizes nothing of the kind.

Mr. RAKER. Mr. Speaker, I demand the regular order.

Mr. MANN. Mr. Speaker, I hold the bill in my hand. It provides for relief because of the loss of two husbands.

The SPEAKER pro tempore. The gentleman from Pennsylvania objects, and the Clerk will report the next bill.

Mr. HEALD. May I ask the gentleman from Pennsylvania to what bill he objected?

Mr. MOORE of Pennsylvania. I objected to the bill under consideration. I was also discussing bills that have already been objected to.

LEO MÜLLER.

The next business on the Private Calendar was the bill (H. R. 22257) for the relief of Leo Müller.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the United States Treasury not otherwise appropriated, the sum of $5,000 to Leo Müller, in full of all claims he may have against the Government for injuries received by him while employed by the United States Reclamation Service, as carpenter, at Laguna Dam (Yuma, Cal.) project, for the loss of a leg and other physical disabilities resulting from said injuries.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, if I may, as I understand this bill—and if I am in error I will be glad to be corrected—this claimant has already been paid under the general compensation law the amount allowed by that law, which may or may not be sufficient, but that is the law that Congress passed, and this bill is to pay an additional amount to the claimant over and above what the general law provides. If that be the case, I do not see where we will stop from having the same sort of claims presented by anyone who is allowed any compensation under the general law. Is that the fact?

Mr. HEALD. Mr. Speaker, that is the fact. He received $1,080 under the general law, but the affidavits and other evidence submitted to the committee show the case was such an aggravated one that in addition to the amount allowed under the general law we did vote in the committee to authorize a report for an additional $2,500.

The SPEAKER pro tempore. Is there objection?
Mr. MANN. I object.

CHARLES A. DAVIDSON AND CHARLES M. CAMPBELL.

The next business on the Private Calendar was the bill (S. 2199) carrying into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. COX. I object.

Mr. GREGG of Texas. I hope the gentleman will reserve the right to object.

Mr. McGUIRE of Oklahoma. Will the gentleman reserve the right to object until I can explain this bill?

Mr. COX. Later on I will object, but I will reserve it if the gentleman desires to make a statement.

Mr. McGUIRE of Oklahoma. I will not take up the time to make a statement if the gentleman is going to object.

Mr. COX. I object.

ELIZABETH MUHLEMAN AND HEIRS AT LAW OF SAMUEL A. MUHLEMAN, DECEASED.

The next business on the Private Calendar was the bill (S. 4041) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

TO REIMBURSE CERTAIN EMPLOYEES, WASHINGTON NAVY YARD.

The next business on the Private Calendar was the bill (H. R. 16449) to reimburse certain employees of the Washington Navy Yard for the loss of mechanic's tools by fire.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COX. Mr. Speaker, I object.

LIBBIE ARNOLD.

The next business on the Private Calendar was the bill (S. 2628) for the relief of Libbie Arnold.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FOSTER. Mr. Speaker, I object.

CARL KRUEGER.

The next business on the Private Calendar was the bill (S. 104) for the relief of Carl Krueger.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to Carl Krueger, of Denver, Colo., on account of injuries received in the United States mint in the city of Denver, State of Colorado, on February 27 1906.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, does not the gentleman think it would be safer to pass this bill at $500?

Mr. TAYLOR of Colorado. I could not hear the gentleman.

Mr. MANN. The Senate passed this bill for $500, and is not likely to increase it, and I see the committee has reported it at $1,500.

Mr. TAYLOR of Colorado. I am perfectly willing to have the committee amendment stricken out, so far as that is concerned. It is a very meritorious case. This man had an arm torn off——

Mr. MANN. I do not think it has the slightest chance of passing at this amount.

Mr. TAYLOR of Colorado. So far as I am concerned, I did not ask to have it increased. It was because of the pitiable condition that the committee saw fit to increase it, and when a man has lost an arm and is crippled for life, and purely without any fault of his own, while working in the Government mint at Denver——

Mr. MANN. And purely without any fault on the part of the Government. The man would not have recovered for working for a private corporation or individual.

Mr. TAYLOR of Colorado. Yes; I think he could have recovered.

Mr. MANN. I do not think he would.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, it is a committee amendment.

Mr. POU. Mr. Speaker——

Mr. TAYLOR of Colorado. Mr. Speaker, I move to strike out the committee amendment. I will ask the chairman of the committee, if I have not any right to do it myself, that he move to strike it out.

The SPEAKER pro tempore. The question is on striking out the committee amendment.

The motion was agreed to.

The bill was ordered to a third reading, was read the third time, and passed.

GEORGE HALLMAN.

The next business on the Private Calendar was the bill (H. R. 9125) for the relief of George Hallman.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9125) for the relief of George Hallman.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George Hallman, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $5,000 in full settlement of his claim against the Government of the United States for personal injuries received while in the employ of the Government of the United States as fireman, and when in line of duty.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. FOWLER. Mr. Speaker, this is a very meritorious bill. It deals with an employee in the Treasury Department in this city. He lost his right eye while in the ranks in the regular line of his duty, and also lost the use of his right leg. He was a fireman and was sent into the Cox Building for the first time to regulate the fire in that building. The furnace was placed down in a pit, and by virtue of an accumulation of rough lumber and débris no light was permitted to be kept in that part of the building. Mr. Hallman was sent for the first time into this building to look after the fire. Groping his way through the dark cellar, he fell into the pit and broke his ankle, which has never sufficiently recovered for its normal use. It is stiff now, and his physicians have informed him that it will never be right again. His injury is permanent. On another occasion, while being sent into the engine room for the purpose of looking after the fire in the regular line of his duty, in trying to regulate the furnace a lump of hot coal flew out and struck him point-blank in the right eye, from the effects of which he was compelled to have his eye enucleated. He is blind now in that eye. He has a stiff ankle, and in my opinion, Mr. Speaker, this House could do itself no greater honor than to pass this bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I notice in the report of the Secretary of the Treasury upon this matter, and I am not sure that it is correct, the statement:

No regular fireman was required to be continually on duty, but one was sent from time to time during the day and night from the Treasury Building to attend to the fires. On one of his regular rounds at night Mr. Hallman entered the cellar, and in attempting to get to the window on the opposite side to secure more light evidently miscalculated the clear space between the boiler front and the wall of the cellar, and fell into the 4-foot pit, thereby injuring his leg.

That would seem to indicate that he was familiar with this place, and that he was making regular rounds there. Whether that is a correct statement or not I do not know.

As to the gentleman's eye——

Mr. FOWLER. Will the gentleman yield?

Mr. MANN. In just a second. As to his eye, he made no complaint of being injured in the eye, made no report of it, but says that a bit of coal flew into his eye. Well, I suppose, really, that is one of the inherent risks that any man takes who is a fireman or who handles coal. I am not sure that the Government is under any obligation to furnish him goggles or pay him if his eye is injured.

I will ask my colleague [Mr. FOWLER] whether, as a matter of fact, it sufficiently appeared to the committee that the statement of the Secretary of the Treasury was incorrect in making the report upon this bill.

Mr. FOWLER. Mr. Speaker, the evidence before our committee revealed that the statement of the Secretary of the Treasury was, unfortunately, not altogether true. The evidence of the claimant and of his coemployees all shows that it was the first time—at least he states so under oath—that he had been sent to the Cox Building, and that he was wholly unacquainted with the conditions in the pit where the furnace was located.

Mr. KENDALL. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. FOWLER] yield to the gentleman from Iowa [Mr. KENDALL]?

Mr. FOWLER. In a moment. All the evidence, Mr. Speaker, with the exception of the statement of the Secretary, is to the effect that the claimant was wholly unacquainted with the conditions in the room in which the injury took place, and that it was his first trip.

Now I yield to the gentleman from Iowa [Mr. KENDALL].

Mr. KENDALL. Does the report disclose the age of the claimant in this case?

Mr. FOWLER. I am not sure that it does. However, I have in mind that he was a middle-aged man.

Mr. KENDALL. I understand from the statement of the gentleman that there were two injuries here?

Mr. FOWLER. Yes.

Mr. KENDALL. Well, I understand from the statement of the gentleman that there were two injuries here.

Mr. FOWLER. Yes.

Mr. KENDALL. How much time intervened between the injuries?

Mr. FOWLER. Well, the first injury, as I recollect, was the injury, in the Cox Building, to his leg.

Mr. KENDALL. That is the injury in which he fell into the pit?

Mr. FOWLER. Yes.

Mr. KENDALL. How long was it after that that a lump of coal struck him in the eye?

Mr. FOWLER. The evidence does not disclose the length of time.

Mr. KENDALL. Was it the same furnace?

Mr. FOWLER. No; I do not understand that it was the same furnace.

The SPEAKER pro tempore. Is there objection?

Mr. HAMLIN. Was his eye injured after he had broken his ankle?

Mr. FOWLER. Mr. Speaker, I so understand.

Mr. HAMLIN. Then, he was able to go back to his work after he had broken it?

Mr. FOWLER. Yes.

Mr. MANN. What is he doing now?

Mr. FOWLER. I understand he is still in the employ of the Government.

Mr. HAMLIN. Is he in the employ of the Government now?

Mr. FOWLER. I think not.

Mr. HAMLIN. Is the gentleman sure about that?

Mr. FOWLER. No; I will not be positive about that, but that is my understanding. Other members of the committee, however, may recollect more definitely than I about his present employment.

Mr. HAMLIN. The gentleman does not know whether his injuries have affected his earning capacity, so far as his employment by the Government is concerned?

Mr. FOWLER. I think they have materially, Mr. Speaker.

Mr. HAMLIN. The gentleman does not know but that he is drawing the same salary?

Mr. FOWLER. I do not think he is employed at all by the Government. In fact, Mr. Speaker, this poor man is blind.

Mr. CAMPBELL. In one eye?

Mr. FOWLER. Yes; in one eye. [Laughter.] I did not fully understand the gentleman from Kansas [Mr. CAMPBELL].

Mr. ADAIR. Blind in one eye and one ankle? [Laughter.]

Mr. FOWLER. Yes. But the injury to his ankle, Mr. Speaker, is almost equal to the loss of the other eye. [Laughter.]

Mr. MANN. Mr. Speaker, will my colleague yield?

Mr. FOWLER. Yes; with pleasure.

Mr. MANN. Did not this claimant when he made his affidavit to the committee, upon which the committee acted, state that he had been in the employ of the Government continuously since May, 1895, first as a fireman and later as a watchman, so that he was then in the employ of the Government in a better position than he was in when he was injured?

Mr. FOWLER. I do not understand that he is in the employ of the Government now.

Mr. MANN. Has my colleague any later information than that disclosed in the report?

The SPEAKER. Is there objection?

Mr. RUCKER of Colorado. Reserving the right to object, Mr. Speaker——

Mr. LOBECK. I object. [Cries of "Regular order!"]

Mr. RUCKER of Colorado. I would like to ask the gentleman from Illinois [Mr. FOWLER] a question.

Mr. FOWLER. Yes; I will yield to the gentleman.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. LOBECK] objects. The Clerk will call the next one.

MARGARET M'QUADE.

The next business on the Private Calendar was the bill (S. 6408) for the relief of Margaret McQuade.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Margaret McQuade, widow of the late Edward McQuade, alias Edward Quade, out of any money in the Treasury not otherwise appropriated, the sum of $840 as compensation for the death of the said Edward McQuade, alias Edward Quade, caused by and in the performance of his duties as an employee in the Government service in the War Department.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HAMLIN. Reserving the right to object, Mr. Speaker, I would like to have some explanation of this bill.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. HAMLIN. Yes; go ahead. I am asking for an explanation.

Mr. GREEN of Iowa. I am ready to give it to the gentleman. This man McQuade was in the employ of the War Department and detailed as a driver for the Secretary of War. In fact, he had been acting in that capacity for quite a number of years; I can not at this time say how long. He was out driving under directions that had been given him by some one in the department, I think taking the 3-year-old granddaughter of the Secretary out riding.

Mr. MANN. The granddaughter of Secretary Dickinson.

Mr. GREEN of Iowa. The granddaughter of Secretary Dickinson; when from some cause the horses became frightened, became entirely unmanageable, ran away, and I think the pole broke, and he was thrown out and received injuries from which he died shortly afterwards. There was no fault on his part, and probably no negligence on the part of anyone. It was just one of those accidents that will sometimes happen, without the fault of anyone.

The SPEAKER pro tempore. Is there objection?

Mr. COVINGTON. Reserving the right to object, does not the report disclose that this driver was performing a service wholly outside of the line of his governmental duties as the driver for the Secretary of War; that he was taking the young granddaughter of Secretary Dickinson out for a morning drive?

Mr. GREEN of Iowa. That is the fact; but I understand he was under the orders of the Secretary in so doing.

Mr. COVINGTON. As a matter of fact, was he taking that drive under such circumstances that he was under the orders of the Secretary of War and compelled to do it?

Mr. GREEN of Iowa. I take it such was the fact, because the claim was recommended by the War Department.

Mr. COVINGTON. I do not want to bind him down to a harsh rule if he was acting under orders. The report does not so state.

Mr. GREEN of Iowa. The War Department certified to us that he was acting in the line of his employment.

The SPEAKER pro tempore. Is there objection?

Mr. DIFENDERFER. Reserving the right to object, I should like to state that this is not one of the cases where the claimant is now in the employ of the Government. He is dead, and the claim is for $840, the equivalent of one year's salary. The man was serving the War Department at the time of his death, and when the pole of this carriage broke it broke because he ran the team into a bank in order to save these people in the carriage, at the risk of his own life.

Mr. HOWARD. What right under the law had the Secretary of War to delegate this man to drive his 3-year-old granddaughter and that child's governess around this town, when the Government of the United States was paying for his time?

Mr. DIFENDERFER. I can answer that by asking another question: What right had the Secretary to have the carriage at all?

Mr. HOWARD. Because he had the money to pay for it as a private citizen and not as Secretary of War Dickinson..

Mr. FARR. This carriage is allowed to the Secretary of War.

Mr. HOWARD. And he had the right to employ a private citizen as a driver.

Mr. FOSTER. But the Government owned the carriage and furnished the driver.

Mr. HOWARD. I do not care if the Government did own the carriage.

Mr. HAMLIN. If we furnish the Secretary a team, I think he has a right to employ a driver.

Mr. HOWARD. That is the very thing that is being abused in this town by Government officials.

Mr. DIFENDERFER. The answer to that is that this driver did not take out this carriage of his own volition. He must have received instructions from his superior, and he was carrying out those instructions at the time of his death.

Mr. BARNHART. I want to inquire of the gentleman from Pennsylvania, if the Secretary of War sent this man out on a mission for his own family and he was injured thereby, and the Secretary had no official authority to send him out, and he was not out on an official mission, would it not be entirely proper for the Secretary of War to foot the damage bill himself?

Mr. DIFENDERFER. It is quite apparent that he has not.

Mr. MANN. Mr. Speaker, I objected to this bill once on the same grounds that gentlemen have indicated. I understand the fact to be that we furnish the President and Cabinet officers conveyances which are not confined to official business at all. We have provided vehicles for many officials in the city of Washington where the law provides that they can be used for official business only; but that is not the case with the carriages of the Cabinet officers or the conveyances of the President. The President of the United States has the same authority to send his wife or his children or his guests in the conveyance furnished by the Government that he has to use it for official business, and the same is true of the Cabinet officers.

When this bill was before the House before I objected, and afterwards I made more investigation and discovered what is apparently the fact—that Cabinet officials have carriages and drivers furnished by the Government for their convenience not confined to official business at all, and that there is the same right to direct a carriage to be used for a morning drive for the granddaughter of the Secretary of War that there is to carry the Secretary of War to or from his place of official business.

The driver was under directions and could not help himself, nor was the Secretary transcending the authority he had for the use of the carriage.

The SPEAKER pro tempore. Is there objection?

Mr. SHERWOOD. I object.

ESTATE OF ALMON P. FREDERICK.

The next business on the Private Calendar was the bill (S. 2733) for the relief of the estate of Almon P. Frederick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Almon P. Frederick, late an inspector of the Post Office Department, who was killed while in the discharge of his duties as an officer of the United States, and because of the faithful discharge of those duties, the sum of $1,600, being one year's salary.

The SPEAKER pro tempore. Is there objection?

Mr. POWERS. Mr. Speaker, reserving the right to object, I would like to have an explanation.

Mr. DICKINSON. Mr. Speaker, this is a Senate bill, and the committee adopted the report of the Senate committee. It is a bill to pay one year's salary to the estate of Almon P. Frederick, who was a post-office inspector. The bill has the favorable recommendation of the department. As a part of the Senate report there is a statement of the case made by the Postmaster General. I will read that statement, which is perhaps as brief, if not briefer, than I could make it. It is in the shape of a letter to the chairman of the Senate Committee on Claims, and is as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., December 14, 1911.

Hon. C. I. CRAWFORD,
Chairman Committee on Claims, United States Senate.

SIR: With reference to bill S. 2733, now pending before your committee, for the relief of the estate of Almon P. Frederick, late a post-office inspector, there is transmitted herewith a copy of a report, bearing date of April 26, 1910, from the inspector in charge at Denver, Colo., to the chief inspector, reciting the circumstances incident to the injuries sustained by Mr. Frederick in an accident which resulted in his death.

It appears that the accident occurred between Bland and Mattison, Colo., while the inspector was in the performance of his official duties. He had procured livery for the purpose of visiting post offices which he could not reach by railroad. A singletree became detached from the doubletree and, dropping to the horses' heels, caused the team to run away. The wagon was overturned and Inspector Frederick thrown violently to the ground, sustaining severe bruises on his left side and breaking three ribs. After walking about a mile in recovering the horses, it was necessary to drive 12 miles to Mattison, where he remained all night. The inspector was 65 years of age and unusually strong and robust. On April 18, 1910, while apparently convalescing, he suffered a collapse and died almost instantly.

Mr. Frederick was appointed a post-office inspector in 1886 and served continuously, with the exception of about one year, until the date of his death. The inspector in charge reports that he was unusually industrious and cheerfully accepted any assignment, regardless of the inconveniences or difficulties, and that he was held in high esteem by postmasters and his associates in the postal service.

This claim appears to be meritorious, and the department is in favor of the passage of the bill, which provides for the payment of one year's salary, $1,600, to the estate of Mr. Frederick.

Respectfully,

F. H. HITCHCOCK, *Postmaster General.*

Mr. POWERS. Is that a letter from the Postmaster General?

Mr. DICKINSON. It is a letter from the Postmaster General, accompanied by a longer report from Mr. W. E. Cochran, inspector in charge.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

DRENZY A. JONES AND JOHN G. HOPPER.

The next business on the Private Calendar was the bill (S. 3452) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors for surveying Yosemite Park boundary.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be paid to Drenzy A. Jones and John G. Hopper, joint contractors, out of any money in the Treasury not otherwise appropriated, the sum of $2,649.37, for the surveys and resurveys of the Yosemite Park boundary, under contract 184, California, the boundaries of the park having been changed.

The SPEAKER pro tempore. Is there objection?

Mr. BUCHANAN. Mr. Speaker, reserving the right to object, I would like some explanation.

Mr. KAHN. Mr. Speaker, Drenzy A. Jones and John G. Hopper, deputy surveyors, secured a contract to survey the Yosemite National Park. The original contract was for $3,662, but it was subsequently increased to $5,762. The Yosemite National Park is in the high Sierras. The floor of the Yosemite Valley is 4,000 feet above the level of the sea, and many of the points in the park at 8,000 to 10,000 feet above the level of the sea.

In order to do the surveying one has to cross great gulches, and in many places precipitous walls of solid rock confront those engaged in the work. The surveyors completed the work and sent in their notes. The department found that there were errors.

I may say that the work of surveying in the Yosemite National Park can only be performed during three or four months in the year. There is a great fall of snow in the high Sierras, and until the snow is melted it is practically impossible to do the work. The surveyors went back to correct the errors. The Surveyor General of the United States for the State of California accepted the corrections and sent the matter back to the Land Office here in Washington with his approval. The Land Office had another officer of the Government go over their work and found that there were still some corrections to be made.

Mr. MADDEN. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. MADDEN. That was the resurvey?

Mr. KAHN. Yes.

Mr. MADDEN. Why did they have to resurvey?

Mr. KAHN. Because of errors in the first survey.

Mr. MADDEN. They did not do their work well?

Mr. KAHN. Well, I suppose they omitted some necessary markings.

Mr. MADDEN. This bill provides for the payment of both surveys?

Mr. KAHN. No; but for the work that they really did.

Mr. MADDEN. Both times?

Mr. KAHN. Both times. I want to say that on one occasion, when they went into the valley to do the work, the Interior Department had failed to notify the soldiers who were on guard. Through this failure the party were arrested and lost that entire season, although it cost them hundreds of dollars to equip the expedition into the valley. They went back next year and tried to do the work.

Mr. MADDEN. The gentleman thinks they are entitled to pay for all the time they put in for the survey work?

Mr. KAHN. Yes; and I believe the department has no objection to paying it.

Mr. HOWARD. Mr. Speaker, will the gentleman from California permit me to call his attention to what appears in about the third or fourth line from the bottom of the report, on page 2? The department says:

In view of the fact that the survey would now be of little if any value to the Government because of the change in boundary by act of Congress, the department will not oppose payment of the said sum of $2,649.37 on the contract, notwithstanding the unsatisfactory condition of the survey.

This report says that the department will not oppose it, but they do not say that they approve it, and in the next paragraph it will be seen that the report shows that the surveyors made so many errors in making the survey of this park that the survey was of absolutely no value to the Government.

Mr. KAHN. Mr. Chairman, if the gentleman will permit——

The SPEAKER pro tempore. Is there objection?

Mr. HOWARD. Mr. Speaker, I object.

JOHN G. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 24942) for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims.

The Clerk read the bill, as follows:

Be it enacted, etc., That the estate of John G. Campbell, deceased, who was a Delegate to the House of Representatives from Arizona in the Forty-sixth Congress, and who became a resident of the United States at a very early age and supposed himself to have become a citi-

zen by the naturalization of his father, be, and is hereby, relieved from any disability under the laws of the United States and from any defect of naturalization, and the administrator of said estate is hereby authorized to prosecute Indian depredation claim No. 2925, now pending in the United States Court of Claims, and to receive judgment therein the same as if the said John G. Campbell had been naturalized under the laws of the United States at the date of the loss alleged; and for this purpose the said Court of Claims is vested with full jurisdiction.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, the bill possibly might confer jurisdiction upon other matters. Would the gentleman have any objection to an amendment adding at the end of the bill the words:

So far as the citizenship of said Campbell is concerned.

The bill would then read:

And for this purpose the said Court of Claims is vested with full jurisdiction, so far as the citizenship of said Campbell is concerned.

Mr. HAYDEN. That is the only question.

Mr. MANN. That is what the gentleman wants to get at?

Mr. HAYDEN. That is what I want to get at.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I offer as an amendment at the end of the bill the following, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 5, after the word "jurisdiction," insert the words "so far as the citizenship of said Campbell is concerned."

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MARIA M'MURDIE.

The next business on the Private Calendar was the bill (H. R. 1567) for the relief of Maria McMurdie.

The Clerk read the bill, as follows:

Whereas on August 2, 1887, John McMurdie, an employee of the customhouse at Chicago, Ill., while in the discharge of his duties, was instantly killed by the sudden moving of an elevator cable while the deceased was in the act of stepping over same: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Maria McMurdie, widow, and the heirs at law of the said John McMurdie.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. ANTHONY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Illinois [Mr. MADDEN] a question. This bill, I believe, carries $5,000?

Mr. MADDEN. The committee recommends the payment of $720, one year's compensation, and amends the bill so that it carries $720.

Mr. ANTHONY. Then the bill really carries only one year's compensation?

Mr. MADDEN. Yes.

Mr. HOWARD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he can tell the House why this claim has been delayed from 1887 until now?

Mr. MADDEN. Yes. There has been attempt after attempt made to get action upon the part of the Committee on Claims, and this is the first time we have ever been able to do it.

Mr. HOWARD. Does not the gentleman think that the claimant was guilty of gross contributory negligence in stepping over a thing that he knew was dangerous?

Mr. MADDEN. I am sorry to say that I can not agree with my friend from Georgia. The machinery was unprotected.

Mr. HOWARD. Mr. Speaker, the gentleman from Illinois is always right, and I will not object.

Mr. BUCHANAN. Mr. Speaker, I want to ask the gentleman if he does not think this allowance is quite liberal, in the face of the fact that we have sat here this evening and men have objected to claims that were just and did not carry an amount up to what should have been carried for the injury received. It does not seem to be consistent. I am not going to object to this.

Mr. DIFENDERFER. Mr. Speaker, I am.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. MADDEN. Mr. Speaker, I hope the gentleman from Pennsylvania will reserve his objection.

Mr. DIFENDERFER. Mr. Speaker, I will withhold the objection for a moment.

Mr. MADDEN. Mr. Speaker, I desire to make a statement in connection with the case. I hope the gentleman will pay attention to what I say in this connection. The man McMurdie, for whose widow this bill is proposed to be passed, was a fireman in the employ of the Government of the United States in the customhouse at Chicago. While in the performance of his duty in the attic of the building, he was required to pass over the cables that were used in connection with the operation of the elevators. These cables were not in any way protected, and he was caught in the sleeve of a machine as a result of this unprotected cable and killed almost instantly. His widow is an old woman. She is living on the charity of her only daughter, whose husband is barely able to make a living for his wife and children. This woman has not very much longer to live.

It would be a great mistake, in my judgment, for any person to object to the passage of a bill so meritorious, and I hope my friend from Pennsylvania will withdraw his objection.

Mr. DIFENDERFER. Mr. Speaker, I object.

ROBERT T. MARTIN.

The next business on the Private Calendar was the bill (H. R. 25318) for the relief of Robert T. Martin.

The bill was read.

Mr. POU. Mr. Speaker, I ask that that bill be passed over. I will object to it myself. My reason for making the objection is that since the bill was introduced, as I understand, the department has changed its ruling and the claimant has been paid.

MARY J. WEBSTER.

The next business on the Private Calendar was the bill (S. 4839) for the relief of Mary J. Webster.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BUCHANAN. Mr. Speaker, I will reserve the right to object.

Mr. FRENCH. Mr. Speaker, the bill is practically a bill for the quieting of title to 80 acres of land that was entered by Mary J. Webster in 1904 under the desert-land law. After she expended, according to the evidence here, some $2,000 in trying to bring water by means of digging a ditch to this land she found that the water percolated through the ditch to such an extent that after six years she gave up that attempt. In the meantime it was discovered the entryman could develop the land fairly well and farm it by the method of dry farming, and she continued to cultivate the land, attempting in 1910 to acquire it by scrip.

It developed later that the scrip that she had purchased was not based upon valid service, and the department, on appeal so decided, and gave her 60 days in which she might appeal. Prior to this an order had been issued by the department that in such cases the right of appeal should be limited to 30 days. Now, the local land office sent her the notice, giving her 60 days' right of appeal. She took her appeal within the 60 days plus the customary 10 days, but in the meantime a claimant by the name of Vier P. Peterson had offered a homestead filing upon the land and acquired certain equities.

The House committee has offered an amendment requiring that the Secretary of the Interior shall adjudicate the amount of damages due Vier P. Peterson and that Mary J. Webster shall pay this to the said Peterson and that he shall retain his homestead right intact. The bill then provides that patent shall be issued to Mary J. Webster. I will also say that for several years the land has been cultivated.

Mr. BUCHANAN. Mr. Speaker, reserving the right to object, I want to say this may be a just claim and——

Mr. HOWARD. Mr. Speaker——

Mr. BUCHANAN. And if I may be permitted——

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry. Who has the floor?

Mr. BUCHANAN. I have the floor. I ask for the regular order.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. FRENCH. I hope the gentleman will withhold his objection for a moment.

Mr. RAKER. Mr. Speaker, I think the gentleman will withhold his objection. [Cries of "Regular order!"]

The SPEAKER pro tempore. The regular order is demanded.

JOSEPH HUNTER.

The next business on the Private Calendar was the bill (H. R. 5221) granting a pension claim to Joseph Hunter.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COX. I object.

Mr. GRAHAM. Will the gentleman withhold his objection?

Mr. COX. I will reserve it if the gentleman wants to make a statement, but I will object later on.

The SPEAKER pro tempore. The Chair is desirous to state that in order to transact the business if gentlemen are going to make objections they should make them——

Mr. COX. I object, Mr. Speaker.

Mr. GRAHAM. Mr. Speaker, the House might as well adjourn. There will be no more business done to-night.

Mr. DIFENDERFER. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the motion was rejected.

WARREN E. DAY.

The next business on the Private Calendar was the bill (S. 4033) for the relief of Warren E. Day.

The bill was read, as follows:

An act (S. 4033) for the relief of Warren E. Day.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Warren E. Day, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,200, being for professional services rendered and medicine furnished the Hualapai Indians in Arizona Territory, under the orders and approval of the Commissioner of Indian Affairs, during the years 1883 and 1884.

Mr. MANN and Mr. GRAHAM rose.

Mr. GRAHAM. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. I am waiting for my colleague [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, this sort of hit-and-miss legislation is unworthy of this House. Claims have been refused to-night that are overflowing with merit. Other claims, less meritorious, have been passed. We may as well send a committee of three out to throw dice to see what claims shall pass and what claims shall not pass. No more bills will pass to-night if I have the power to speak.

Mr. MANN. Mr. Speaker, reserving the right to object, my colleague had a bill that was just objected to. It was the case where a man had a pension, and his name was stricken off the roll by the Pension Bureau. He obtained a pension nine years afterwards, and this bill presented here is to pay him a pension during those nine years. If my colleague's bill should pass the House, we might just as well make up our minds that every time we pass a special pension bill, we must date it back to the date of disability. I do not think when he desires to break a precedent of that sort, he ought to take offense for not being able to pass a bill by unanimous consent, and without discussion.

Mr. GRAHAM. Mr. Speaker, the report on this bill shows that the name of the soldier was improperly stricken from the pension roll. The committee which afterwards recommended the passage of a private bill said that they thought the passage of that bill restored to him the pension which had lapsed during the nine and odd years that he was off the roll. The report in this case says:

On consideration the committee thinks that the name of the soldier should not have been dropped from the pension roll, and, therefore, recommends the passage of this bill.

Mr. MANN. But it is true, is it not, that the Pension Office would not restore the man to the pension roll until he got a special act of Congress? The committee may now say, but that does not carry much weight, that he ought not to have been stricken from the roll, but the Pension Office would not restore him.

Mr. GRAHAM. But it further appears that he was improperly stricken off, and the report here shows how. He was stricken off in 1880 by some sort of star-chamber process then in effect. He was unjustly stricken from the roll. He is an old man, suffering from stomach trouble incurred in the service, from which has grown something like epileptic fits. He is impoverished. He lives off his relatives now, part of whom live in my district and a part of whom live in the district of my friend from Missouri [Mr. DICKINSON]. I say, Mr. Speaker, it is utterly useless for us to sit here and throw dice as to which bill shall pass and which shall not.

Mr. MANN. I think it is unwarrantable for the gentleman to make that charge against the House because he can not get an unworthy proposition passed through the House.

Mr. GRAHAM. I would like to know in advance who is going to get the lucky dice.

Mr. MACON. Regular order, Mr. Speaker.

Mr. POWERS. Will the gentleman yield to me for a question?

Mr. HAMILTON of Michigan. I hope to get some lucky dice myself.

Mr. COOPER. Regular order, Mr. Speaker.

The SPEAKER pro tempore. All of this debate is by unanimous consent.

Mr. COVINGTON. I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. The Clerk will report the next bill.

Mr. COX. I ask unanimous consent, Mr. Speaker——

Mr. GRAHAM. The regular order.

Mr. HAYDEN. I hope the gentleman will not object. This is my bill, and I desire to explain it to the House.

The SPEAKER pro tempore. The demand for the regular order is equivalent to an objection. The Clerk will report the next bill.

LIEUT. SYDNEY SMITH.

The next business on the Private Calendar was the bill (H. R. 25623) to authorize the transfer of Lieut. Sydney Smith from the retired to the active list of the Army.

The bill was read as follows:

A bill (H. R. 25623) to authorize the transfer of Lieut. Sydney Smith from the retired to the active list of the Army.

Be it enacted etc., That First Lieut. Sydney Smith, who was retired in June, 1908, be transferred from the retired list of the United States Army to the active list, to take rank as though he had not been retired, when there shall be a vacancy in that grade; but nothing herein contained shall be construed to increase the total authorized commissioned strength of the Army.

The SPEAKER pro tempore. Is there objection?

Mr. GRAHAM. Reserving the right to object——

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. GRAHAM] object?

Mr. GRAHAM. Yes.

The SPEAKER pro tempore. The Clerk will read the next bill.

Mr. WATKINS. I hope the gentleman will not object.

The SPEAKER pro tempore. May the Chair inquire whether the gentleman from Illinois [Mr. GRAHAM] intends to object?

Mr. GRAHAM. The gentleman does.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. KAHN. Mr. Speaker, I move that the House adjourn.

The SPEAKER pro tempore. The gentleman from California [Mr. KAHN] moves that the House adjourn. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

The SPEAKER pro tempore. The Clerk will report the next one.

HEIRS OF NICHOLAS CHANO.

The next business on the Private Calendar was the resolution (H. Res. 734) referring the bill (H. R. 16737) for the relief of the heirs of Nicholas Chano, deceased, to the Court of Claims.

The resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. GRAHAM. I reserve the right to object.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore. Regular order is demanded. The Clerk will report the next one.

Mr. KAHN. Mr. Speaker, I make the point that there is no quorum present.

Mr. MANN. Mr. Speaker, what became of the resolution? No objection was made to the resolution.

The SPEAKER pro tempore. A demand for the regular order is equivalent to an objection. The Clerk will report the next bill.

Mr. MANN. But no objection was made to the resolution.

Mr. KAHN. Mr. Speaker, I withdraw the point of no quorum.

Mr. MANN. My colleague reserved the right to object, and I asked for the regular order.

Mr. GRAHAM. I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

GEORGE W. CARY.

The next business on the Private Calendar was the bill (H. R. 25527) for the relief of George W. Cary.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GRAHAM. I object.

Mr. RAKER. Will not the gentleman withhold his objection for a moment?

Mr. KENDALL. The regular order, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. HAMLIN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. HAMLIN] moves that the House adjourn. The question is on agreeing to that motion.

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. HAMLIN. A division, Mr. Speaker.

Mr. GOLDFOGLE. Mr. Speaker, I raise the point that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. HAMLIN] demands a division.

The House divided; and there were—ayes 18, noes 66.

So the House refused to adjourn.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. GRAHAM. Mr. Speaker, we could not hear the announcement of the Chair at this point.

The SPEAKER pro tempore. The ayes were 18 and the noes were 66, and the House refused to adjourn.

Mr. GRAHAM. Mr. Speaker, it is evident that there is not a quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] There are 138 gentleman present—not a quorum.

Mr. CLARK of Florida and Mr. MANN moved a call of the House.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] and the gentleman from Florida [Mr. CLARK] move a call of the House. The question is on agreeing to that motion.

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. MANN. I ask for a division on a call of the House. I make the point of order that the motion to adjourn is dilatory. We have just voted it down two or three times.

The SPEAKER pro tempore. A division is called for.

The House divided; and there were—ayes 62, noes 30.

The SPEAKER pro tempore. A call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Evans	Kindred	Peters
Aiken, S. C.	Fairchild	Kinkaid, Nebr.	Plumley
Alexander	Fergusson	Knowland	Porter
Allen	Ferris	Konig	Prince
Ames	Finley	Konop	Prouty
Anderson	Fitzgerald	Kopp	Pujo
Andrus	Focht	Korbly	Rainey
Ansberry	Fordney	Lafean	Randell, Tex.
Ashbrook	Fornes	Lafferty	Ransdell, La.
Ayres	Foss	Langham	Redfield
Barchfeld	Fuller	Langley	Rees
Barnhart	Gardner, Mass.	Lawrence	Reilly
Bartholdt	Gardner, N. J.	Lee, Ga.	Reyburn
Bartlett	Garner	Lenroot	Richardson
Bates	Garrett	Lindsay	Riordan
Borland	George	Linthicum	Roberts, Mass.
Bradley	Gillett	Littlepage	Roberts, Nev.
Brantley	Glass	Littleton	Rodenberg
Broussard	Goeke	Longworth	Rothermel
Brown	Good	Loud	Rubey
Bulkley	Gould	McCall	Rucker, Mo.
Burgess	Gray	McCoy	Saunders
Burke, Pa	Greene, Mass.	McCreary	Sells
Burleson	Greene, Vt.	McGillicuddy	Sharp
Burnett	Gregg, Pa.	McGuire, Okla.	Sherley
Butler	Gregg, Tex.	McKellar	Simmons
Calder	Griest	McKinley	Sims
Callaway	Gudger	McLaughlin	Sisson
Candler	Guernsey	McMorran	Slayden
Cannon	Hamill	Maher	Sloan
Carter	Hamilton, W. Va.	Martin, Colo.	Smith, Saml. W.
Cary	Hammond	Martin, S. Dak.	Smith, N. Y.
Clayton	Hardwick	Matthews	Sparkman
Cline	Hardy	Mays	Speer
Coury	Harris	Merritt	Stack
Copley	Harrison, N. Y.	Miller	Steenerson
Cravens	Hartman	Mondell	Stephens, Nebr.
Crumpacker	Haugen	Moon, Pa.	Stephens, Tex.
Curley	Hawley	Moon, Tenn.	Stevens, Minn.
Currier	Hay	Moore, Tex.	Sweet
Dalzell	Hayes	Morgan, La.	Talbott, Md.
Danforth	Heflin	Morrison	Taylor, Ohio
Daugherty	Helgesen	Morse, Wis.	Thayer
Davenport	Henry, Conn.	Mott	Thistlewood
Davidson	Henry, Tex.	Murdock	Thomas
Davis, Minn.	Higgins	Murray	Tilson
Davis, W. Va.	Hill	Needham	Townsend
De Forest	Hinds	Neeley	Turnbull
Dent	Houston	Norris	Underhill
Dies	Howell	Nye	Underwood
Dixon, Ind.	Howland	Oldfield	Vare
Dodds	Hughes, Ga	Olmsted	Vreeland
Donohoe	Hughes, W. Va.	O'Shaunessy	Weeks
Doughton	Hull	Padgett	Whitacre
Draper	Humphrey, Wash.	Page	White
Driscoll, D. A.	Jackson	Palmer	Wilder
Driscoll, M. E.	James	Parran	Wilson, Ill.
Dwight	Johnson, Ky.	Patten, N. Y.	Wilson, N. Y.
Dyer	Johnson, S. C.	Patton, Pa.	Wood, N. J.
Ellerbe	Jones	Payne	Woods, Iowa
Estopinal	Kent	Pepper	Young, Mich.
			Young, Tex.

The SPEAKER pro tempore. One hundred and thirty-seven Members, not a quorum, have answered to their names.

ADJOURNMENT.

Mr. POU. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 6 minutes p. m.) the House adjourned until Saturday, February 15, 1913, at 11.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of Mahoning River, Ohio, with a view to snagging that portion between Warren and Levittsburg and 5 miles farther toward its source (H. Doc. No. 1396); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of St. Johns River, Fla., from outlet of Lake Harney to Lake Washington, including removal of bars in Lakes Harney and Puzzle (H. Doc. No. 1397); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the Acting Secretary of the Treasury, submitting estimate of appropriation for the construction or purchase of gasoline motor boat for service in the customs collection district of Corpus Christi, Tex. (H. Doc. No. 1398); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, submitting draft of legislation and recommending construction of new assay office building, New York City (H. Doc. No. 1399); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PROUTY, from the Committee on the District of Columbia, to which was referred the bill (S. 5861) to enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purposes; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, reported the same without amendment, accompanied by a report (No. 1517), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GREEN of Iowa, from the Committee on Claims, to which was referred the bill (H. R. 5352) for the relief of the estate of Moses M. Bane, reported the same with amendment, accompanied by a report (No. 1516), which said bill and report were referred to the Private Calendar.

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (S. 2953) for the relief of George P. Chandler, reported the same without amendment, accompanied by a report (No. 1518), which said bill and report were referred to the Private Calendar.

Mr. ESTOPINAL, from the Committee on Naval Affairs, to which was referred the bill (S. 8348) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr., reported the same with amendment, accompanied by a report (No. 1520), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 28759) to regulate the speed of common carriers of passengers by railroads in certain cases, and to provide a punishment for a violation of the act; to the Committee on Interstate and Foreign Commerce.

By Mr. MADDEN: A bill (H. R. 28760) for the establishment of a bureau of public highways; to the Committee on Agriculture.

By Mr. O'SHAUNESSY: A bill (H. R. 28761) for the purchase of additional land and for repairing the Federal building at Bristol, R. I.; to the Committee on Public Buildings and Grounds.

By Mr. CLAYTON: A bill (H. R. 28764) to amend section 2 of an act entitled "An act regulating fees and costs, and for other purposes," approved February 22, 1875; to the Committee on the Judiciary.

Also, a bill (H. R. 28765) to amend section 44 of an act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States"; to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 836) amending the rules of the House of Representatives; to the Committee on Rules.

Also, resolution (H. Res. 837) directing the Secretary of the Treasury to furnish the House of Representatives with certain information; to the Committee on Ways and Means.

By Mr. HUMPHREYS of Mississippi: Resolution (H. Res. 838) to provide for reprinting House Document No. 1346; to the Committee on Printing.

By Mr. FRENCH: Memorial from the Legislature of the State of Idaho, protesting against the House amendment to the Senate bill known as the three-year homestead bill; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McCALL: A bill (H. R. 28762) for the relief of Patrick Conley; to the Committee on Military Affairs.

By Mr. PETERS: A bill (H. R. 28763) granting a pension to Celestia Watkins; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of 7 citizens of the fifth congressional district of Ohio, favoring the passage of legislation to provide a suitable reward for Arlington A. Robinson as a testimonial for services rendered to the United States in discovering the true northern axis of the earth, etc.; to the Committee on Appropriations.

By Mr. BATES: Petition of the Erie County Bird Club, of Pennsylvania, favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. BURKE of South Dakota: Petition of sundry citizens of Brown County, S. Dak., favoring the passage of legislation for an investigation of the persecution by the Government of the editors of the Appeal to Reason; to the Committee on Expenditures in the Post Office Department.

Also, petition of the Webster Commercial Club, of Webster, S. Dak., favoring the passage of the Weeks bill (H. R. 27567) for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of members of the Bird Lover Club of Brooklyn, N. Y., favoring the passage of the McLean bill for granting Federal protection to migratory birds; to the Committee on Agriculture.

By Mr. CAMPBELL: Petition of Local Columbus of Socialist Party of Kansas, favoring the passage of legislation for an investigation of the persecution of the editors of the Appeal to Reason by the Government; to the Committee on Expenditures in the Post Office Department.

By Mr. DYER: Papers to accompany bill (H. R. 22741) granting a pension to Thomas Paine; to the Committee on Pensions.

Also, petition of the St. Louis Screw Co., St. Louis, Mo., favoring the passage of Senate bill 7782, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of Ernest Thompson Seton, Greenwich, N. J., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of the Downtown Taxpayers' Association, Brooklyn, N. Y., favoring insertion of a clause in the naval appropriation bill providing for the building of one of the new battleships in a Government navy yard; to the Committee on Naval Affairs.

Also, papers to accompany bill (H. R. 27803) granting a pension to John G. Hunt; to the Committee on Invalid Pensions.

Also, petition of Edward Schnurr, O. H. Kurtz, J. Welch, Conrad Peterson, Louis Kettmann, John N. Chadeaym, J. E. Baker, and J. C. Ramsay, of St. Louis, Mo., favoring the passage of House bill 25685, providing for the labeling and tagging of all fabrics and articles of clothing intended for sale which enter into interstate and foreign commerce, and providing penalties for misbranding; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Harry M. Pollard, of Mendota, Ill., favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of the American Protective Tariff League, New York, for the repeal of section 2 of the Canadian reciprocity act and for protection for the paper and pulp industry; to the Committee on Ways and Means.

Also, petition of the Illinois legislative board of the Brotherhood of Locomotive Engineers, Charleston, Ill., favoring the passage of the workman's compensation bill as amended by the Judiciary Committee of the House of Representatives; to the Committee on the Judiciary.

By Mr. GOULD: Petition of doctors of Bucksport, Me., protesting against the passage of House bill 28277, providing a special tax on the sale of opium or coca in any form; to the Committee on Ways and Means.

Also, petition of the Woman's Club, of Skowhegan, Me., protesting against the passage of any legislation tending to destroy the present national system of forest preservation; to the Committee on Agriculture.

By Mr. HIGGINS: Petition of Little River Grange, No. 36, Hampton, Conn., favoring the passage of the agricultural extension bill for the advancement of the interests of agriculture; to the Committee on Agriculture.

By Mr. LAFFERTY: Petition of the Friends Quarterly Meeting, of Portland, Oreg., protesting against the passage of House bill 8141, for enlarging the Army and Navy; to the Committee on Military Affairs.

By Mr. LEVY: Petition of American Protective Tariff League of New York, for the repeal of section 2 of the Canadian reciprocity act and for protection for the paper and pulp industry; to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of American Protective Tariff League of New York, for the repeal of section 2 of the Canadian reciprocity act, and for protection for the paper and pulp industry; to the Committee on Ways and Means.

By Mr. MANN: Petition of the League of Cook County (Ill.) Clubs, Chicago, Ill., favoring the passage of legislation for reduction of the tax on oleomargarine; to the Committee on Agriculture.

By Mr. MARTIN of South Dakota: Petition of the Webster Commercial Club, of Webster, S. Dak., favoring the passage of the Weeks bill (H. R. 27567) for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. MATTHEWS: Petition of the Woman's Christian Temperance Union of Monongahela, Pa., favoring the passage of the Kenyon-Sheppard bill for preventing the shipment of liquors into dry territory; to the Committee on Interstate and Foreign Commerce.

By Mr. O'SHAUNESSY: Petition of Howard I. Gardner, Providence, R. I.; Maud L. Stevens, Newport, R. I.; Judith B. Hopkins, East Providence, R. I.; and the Rhode Island Horticultural Society, favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of M. Vervena, Providence, R. I., protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of the Downtown Taxpayers' Association, Brooklyn, N. Y., favoring the insertion of a clause in the naval appropriation bill providing for the building of one of the new battleships in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the system Federation of Harriman Lines, favoring the passage of legislation for investigation of the present condition of equipments of the railways and for improvement of the condition of the American railway employee; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Indiana State Sealers' Association, Indianapolis, Ind., favoring the passage of legislation providing for a standard barrel for fruits, vegetables, and other dry commodities; to the Committee on Interstate and Foreign Commerce.

By Mr. SMALL: Petition of the Board of Trade of Winston-Salem, N. C., favoring the passage of legislation for amending the banking laws of the United States; to the Committee on Banking and Currency.

By Mr. SPARKMAN: Petition of No. 1765, United Brotherhood of Carpenters and Joiners of America, Orlando, Fla., favoring the passage of the Clayton limitation bill relative to amending certain laws of the judiciary; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of Fremont Brown and other citizens of Urbana, Ohio, favoring the passage of legislation asking for an investigation of the Federal prison at Fort Leavenworth, Kans.; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of the Sailors' Union of the Atlantic, New York, relative to the payment of the crews of the Panama Steamship Line and the special privileges granted to said company which is controlled and owned by the United States Government; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Unity Republican Club, of the twentieth assembly district, New York, favoring the passage of House bill 25685, providing for the labeling and tagging of all fabrics and articles of clothing intended for sale which enter into interstate and foreign commerce, and providing penalties for misbranding; to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *February 15, 1913.*

(*Legislative day of Tuesday, February 11, 1913.*)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

EXERCISES FOR THE DAY.

The PRESIDENT pro tempore (AUGUSTUS O. BACON) called the Senate to order and directed the Secretary to read the resolution of the Senate adopted on the 28th of January last.

The Secretary (Charles G. Bennett) read the resolution, as follows:

Resolved, That Saturday, the 15th day of February, be set apart for appropriate exercises in commemoration of the life, character, and public service of the late JAMES S. SHERMAN, Vice President of the United States and President of the Senate of the United States.

The PRESIDENT pro tempore. The Senate is now in session for the purposes of this resolution.

GUESTS OF THE SENATE.

At 12 o'clock and 3 minutes p. m. the Sergeant at Arms (E. L. Cornelius) announced the Speaker and Members of the House of Representatives of the United States.

The Speaker was escorted to a seat on the left of the President pro tempore, and the Members of the House of Representatives, the Clerk, Sergeant at Arms, and Chaplain of the House occupied the seats assigned them.

At 12 o'clock and 6 minutes p. m. the Sergeant at Arms announced the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States, who were conducted to the seats provided for them in the area in front of the Secretary's desk.

At 12 o'clock and 8 minutes p. m. the Sergeant at Arms announced the ambassadors and ministers plenipotentiaries from foreign countries to the United States, and they were conducted to the seats assigned them.

At 12 o'clock and 10 minutes p. m. the Sergeant at Arms announced the President of the United States and the members of his Cabinet, who were escorted to the seats provided for them in the space in front of the Secretary's desk.

The other invited guests, the judges of the Commerce Court, the judges of the Court of Customs Appeals, the judges of the courts of the District of Columbia, the officers of the Army and Navy stationed in Washington, the members of the Interstate Commerce Commission, and the members of the Civil Service Commission, occupied seats on the floor of the Senate.

The PRESIDENT pro tempore. Prayer will now be offered by the Chaplain of the Senate.

PRAYER.

The Chaplain of the Senate, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, Thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting, Thou art God. We thank Thee, O Holy One, that in a world of fleeting change and where naught abides we can take refuge in Thee who inhabitest eternity. Because Thou art so great, and for that Thy years have no end, therefore canst Thou stoop even to us who seem but children of a day. Bend over us now, we beseech Thee, and for our weakness give Thou us of Thy strength, and in the darkness of our sorrow bid the light of Thy Holy Spirit to shine upon us.

Thou knowest all, our Father, and because Thou knowest Thou canst help. Thou knowest how weak and frail we are. Therefore look we unto Thee, who art Lord alike of life and of death. To Thine unfailing compassion we turn, even to Thee, who dost note Thy children's pain and sorrow. We bring to Thee our empty hearts, our loneliness, our pain, and lay them at Thy feet. If we drop a tear, it is not because we doubt Thee or because we murmur at Thy will, but because of the great love we bear to him whom Thou hast called from our visible presence and whom we this day mourn. In Thy name we consecrate this day to him.

Thou hast taken from us, our Father, the Vice President of this Nation and the President of this Senate. As we record the greatness of our loss and faintly utter our tributes of love and honor, aid Thou us. Touch Thou our lips, we pray Thee, that the measure of our hearts' affection may find utterance this day. Inspire our minds, and by Thy Holy Spirit quicken our remembrance, that the life which Thou hast taken from us may live before us as he lives before Thee.

O Thou who art the Giver of every good and perfect gift, sincere and fervent thanks we render unto Thee for the life, the character, and the public service of Thy servant, the Vice President of the United States. For the fruitage of his labors, for the blessed and unfading memory of his life, for these, our Father, we thank Thee more than our lips can say. And now, that Thou hast called Thy servant to Thy nearer presence and to Thy higher service, we yield him to Thy love and keeping. May his soul rest in peace!

We commend to Thee, most merciful Father, the hearts made desolate by this loss. Let the light of Thy countenance dispel the grief and gloom of the home where Thy servant was wont to dwell. Comfort, we pray Thee, the wife and family as we, alas, can not do. Touch their hearts with Thy love and heal their wounds. Though Thou leadest them through the valley of the shadow of death, may they fear no evil. Let the rod of Thy faithfulness and the staff of Thy loving kindness comfort them. Give unto them beauty for ashes, the oil of joy for mourning, and the garment of praise for the spirit of heaviness. Graciously grant that neither life with its burdens nor death with its sorrows may be able to separate them from the love of God which is in Christ Jesus our Lord.

And now may God our Father, who hast loved us with an everlasting love and called us into His eternal kingdom in Christ, comfort our hearts and stablish them in every good word and in every good work. Unto Him be glory and honor, dominion and power, now and forevermore. Amen.

MEMORIAL ADDRESSES ON THE LATE VICE PRESIDENT SHERMAN.

The PRESIDENT pro tempore. For the purposes of this commemoration a certain order of exercises has been adopted, in pursuance of which there will be addresses made by Senators and some of the guests on this occasion. The Chair now recognizes the senior Senator from New York [Mr. ROOT].

ADDRESS OF SENATOR ROOT.

Mr. ROOT. Mr. President, Vice President SHERMAN was born in the city of Utica, on the banks of the Mohawk, on the 24th of October, 1855. He came of English stock. His father, Richard U. Sherman, was a native of the same county and was one of its well-known and esteemed citizens. His grandfather, Willett Sherman, was one of the early settlers upon the lands relinquished by the Oneida Indians toward the close of the eighteenth century, and he was one of the first manufacturers of central New York. The grandson was graduated from Hamilton College in the class of 1878. He was admitted to the bar in 1880 and became a successful lawyer. In 1884 he was made mayor of his native city. In 1886 he was chosen by the people of the great manufacturing region of the upper Mohawk to represent them in the Fiftieth Congress; and for more than 20 years he continued to represent them with but one break in his continuous service through reelection to the Fifty-first, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, and Sixtieth Congresses. He became a potent factor in the House of Representatives. He was an active member of the Committee on Interstate and Foreign Commerce; he was chairman of the Committee on Indian Affairs; and he was long a member of the Committee on Rules, one of that little group of three constituting a majority of the committee, who, under the former rules of the House, guided the course of legislation and accomplished the nearest approach to responsible parliamentary government which this country has ever seen. Through frequent designation as Chairman to preside over the House sitting in Committee of the Whole, where so great a part of the business of the House is done, he gradually rose to general recognition as a parliamentarian of the first order and a presiding officer of the highest effectiveness. In his own city, as the years passed, evidences accumulated of the respect and confidence in which

a community so rarely errs while it renders unpremeditated judgment upon the character of one known through the contact and observation of daily life. He was made treasurer of his church, the Dutch Reformed Church, of Utica, and chairman of its board of trustees. He was chosen to be president of the Utica Trust & Deposit Co. He was made a trustee of his alma mater and a member of the executive committee of its board of trust. Children grew up about him and the wife of his youth, in a home where virtue, family affection, cheerfulness, honor, and obedience ruled. It was one of those homes which, indefinitely multiplied among a people, are the safe foundations of just and free self-government, and sure guaranties of the future in a republic. From near and far throughout that region the unfortunate and struggling learned to come to him, their Representative, and his kindness and ready sympathy never failed them. No trouble of another was ever too great or too small to command his attention. His patience under such demands was never worn out. His willingness to take trouble for others was never overtaxed. In the feelings of his people grateful appreciation of the poor and humble for his kindly service was mingled with general pride in the honor of his representation and of his citizenship.

The long and distinguished career as a Representative in Congress was brought to a close by Mr. SHERMAN'S election to the Vice Presidency in November, 1908. He was renominated by his party for the same high office in 1912, but a fatal malady already had been established, and before the election, at his home in Utica, on the 30th of October, 1912, his earthly course came to its end.

Senators know, but few outside of the Senate fully appreciate, how great a service he rendered as presiding officer in this Chamber during the three and one-half years which followed the inauguration of March, 1909. Only experience can give a full understanding of the difficulties of legislation, the obstacles to progress in legislative business presented by the persistent advocacy of a multitude of varying opinions, and the impossibility of wise and judicious consideration when feelings are exasperated and personal prejudices and antipathies are excited. Only through experience can one learn how much the success of legislative consideration depends upon the spirit which pervades the legislative chamber, and how much depends upon the firm and intelligent application of those rules of procedure which the experience of centuries has shown to be necessary in the conduct of legislation. During all the years in which Vice President SHERMAN presided over the Senate we felt the calming and steadying effect of a serene and potent presence in the chair. The justice of his rulings was the product not merely of intellectual integrity, but also of essential kindliness of feeling and consideration. Not only the rulings were fair, but the man was fair. He was strong and self-possessed and untroubled, with a gentle and delicate sense of humor subdued to the proprieties of the place, with swift certainty of conclusion, founded upon knowledge and accurate thinking, carrying conviction and making acquiescence natural. He expedited business by always doing promptly the right thing without vacillation or delay. In the rare instances when he found himself mistaken, prompt acknowledgment and reparation were accorded with such frank sincerity that the sufferer by the mistake felt himself the gainer. He was positive without dogmatism; certain without personal overconfidence. He controlled procedure under the rules without making them the instruments of irritation or oppression, and without sacrificing the spirit to the letter. Senators of all parties became his friends. All lamented his untimely death, and all join here in doing honor to his memory.

All associated action among men exhibits an inevitable conflict between the idea of combined efficiency and the idea of individual freedom. Neither can prevail without some sacrifice of the other. The difference is temperamental, and the two types of character are hard to reconcile and are prone to misjudgment, each of the other.

Mr. SHERMAN was of the type which seeks efficiency by the law of its nature. His instincts were for order, discipline, intelligent direction, voluntary subordination to a common purpose, definite conclusions, achievement. So in politics, from first to last, he was always for party organization and party responsibility. In the House he was always for the most effective rules of procedure, and as a parliamentary presiding officer he naturally made the application of parliamentary rules a means of progress rather than an obstacle. His character exhibited in high degree the virtues of his type. He had the capacity for sympathetic appreciation of the feelings and motives of others which makes associated action easy. He had a genius for friendship which conciliated affection and disarmed enmity. He thought much of the common cause in which he was enlisted, and little of his own advantage; much of general success and little of personal advancement. He was modest and unassuming—never vaunted himself or pressed himself forward. He never sought the spotlight on the public stage. He was free from the exaggerated egoism which has wrecked so many fair causes. He had the unselfishness and self-control to obey where others rightly led, and he had the clearness of intelligence, the force of personality, and the decision of character to lead, so that others might follow. He was simple and direct in thought and action. He was frank and truthful and entirely free from that cowardice which breeds deception. He had naturally an unconscious courage which needed no screwing up to the sticking point. Among all the multitude who have known him, in boyhood and in manhood, in private and in public, not one can recall a mean or ignoble or cruel or deceitful word or act on his part. He was sincere in his beliefs, he was faithful to his word, he was steadfast in his friendships, he was loyal to every cause that he espoused. His life made men happier; his example is making men better. His service will endure in the fabric of our institutions.

In this Republic, unlike many nations which enjoy constitutional government, we grant no titles of nobility and no decorations for honor. As public servants complete their work and pass from the stage of action, the judgment of their contemporaries finds no such definite means of expression, and so we have come here to-day to render in this ceremony the verdict of our generation upon the private virtues and the public service of JAMES SCHOOLCRAFT SHERMAN. The Senate and the House of Representatives, the Chief Justice and the Associate Justices of the Supreme Court, the ambassadors and ministers of foreign powers, the President and his Cabinet, the civil and military and naval officers of the Nation, a multitude of friends who knew him and of countrymen who knew him not, join here to set in the archives of our Government a record of honor which will remain so long as the Nation he served so well endures.

ADDRESS OF SENATOR MARTIN OF VIRGINIA.

Mr. MARTIN of Virginia. Mr. President, to an orator or an essayist the aspirations, achievements, and character of the late Vice President SHERMAN would furnish a theme big enough and broad enough to invite and justify an effort of the most philosophic and ambitious proportions. My time, opportunity, and humble abilities have not tempted me to undertake to offer to the Senate to-day anything on that plane. My only desire is very briefly and in plain and simple words to pay some tribute to the memory of a personal friend, a patriotic citizen, and an able and upright public officer.

I knew Vice President SHERMAN chiefly in his relations to the Senate as its presiding officer and in his relations with Senators in his daily contact and association with them. He was elected Vice President of the United States on the 3d day of November, 1908. He took the oath of office and entered upon the discharge of his duties on the 4th day of March, 1909. On that day he first presided over the Senate. The last day on which he presided over the Senate was the 12th day of June, 1912, at which time a serious illness, which on the 30th day of October, 1912, terminated fatally, compelled him to discontinue his active work and go to his home at Utica, N. Y., where on the 30th day of October, 1912, he departed this life.

Between the 4th day of March, 1909, and the 12th day of June, 1912, a period of three years and more than three months, he was rarely absent from his post of duty in the Senate. During that period I can say with perfect safety that no one heard from him, either from the chair as the presiding officer of the Senate or in his association with Senators, a harsh, unkind, unjust, or unpleasant word.

The Senate during my 18 years of service in the body has been fortunate in its presiding officers, but in no instance, either of a Vice President or a President pro tempore, has the body been honored with an abler, more courteous, or more impartial presiding officer than Vice President SHERMAN. He was as just and as fair to one side of the Chamber as to the other. He was as courteous, considerate, and as just to the Democrats as he was to the most conspicuous and able Republicans in the body. He was by training and conviction a Republican in politics; he was always loyal to his party. He was by nature a partisan. I have no doubt I am as intense a partisan as he was, and I trust I am as devoted to the Democratic Party as he was to the Republican Party; but, Mr. President, in the Senate there is much less of politics than is generally supposed to exist.

In respect to questions essentially political in their nature Senators divide on political lines, but questions of that character constitute only a very small per cent of the questions which come before the Senate; and in defining questions essentially and properly political I would limit them to questions in

respect to which Senators form their opinions in accordance with their convictions as to the policies in their judgment most promotive of the public welfare. In the Senate rarely, if ever, are questions treated as political questions with a view to gaining political advantages for the one party or the other. From my experience and observation in the Senate I can say I have found very little disposition on either side of the Chamber to deal with public questions with a view to party advantage rather than with a view to the public welfare. From this broad and patriotic point of view the late Vice President SHERMAN was a partisan in respect to questions essentially and properly of a political nature. So long as men adhere to this patriotic and honorable line of division on political questions politics does not and can not interfere with cordial personal relations or lead to unjust, unfair, or partial rulings from the Chair. A partisan only in this higher and nobler sense, and actuated only by patriotic motives, it was inevitable that the official rulings of Vice President SHERMAN from the chair would always bear the impress of honest conviction and intelligent consideration and command the respect of Senators on both sides of the Chamber.

As his rulings were impartial as between the two political parties in the Senate, so his personal friendships were not confined to the members of either one of the political parties. He was my personal friend. My associations with him constitute one of the most pleasing features of my public life. He enjoyed to the fullest extent the confidence and esteem of the Democrats as well as of the Republicans of the Senate, and with many of them he was on terms of the closest friendship. Democrats consulted and advised with him as freely as the Republicans did. There was no sham or hypocrisy in his character. In his personal association with Senators he was always frank, cordial, and courteous. In the conduct of the business of the Senate he was attentive, vigilant, just, and able. He was a careful student of parliamentary law, and in his rulings rarely, if ever, erred; but whether he erred or not, there was never an occasion during his official life in the Senate when any Senator questioned his fidelity of purpose or his careful consideration of any question presented to him or his earnest desire to dispose of it correctly and justly.

His death brought the deepest sorrow to every Member of this body. In the official business of the Senate he has been missed more than words can reasonably express. The country at large has lost one of its noblest citizens and a public officer of the highest ideals, devoted to the faithful discharge of every duty devolved upon him.

ADDRESS OF SENATOR GALLINGER.

Mr. GALLINGER. Mr. President, when on a certain occasion the late Vice President called me to the desk, saying that he felt ill, and asked me to take the chair for the remainder of the day, he added, with pathos in his voice, "I am not at all sure how long I shall be able to continue to preside over the Senate." He then told me something of his fears, and as he left the Chamber my heart sank, and what followed a little later was not a matter of complete surprise to me. As was his custom in emergencies, Mr. SHERMAN made a brave fight against the disease that had fastened itself upon him, and only surrendered when poor, weak human nature succumbed to the inevitable.

JAMES SCHOOLCRAFT SHERMAN was a strong type of the best in our public life. He was an intelligent legislator, an ideal presiding officer, a powerful debater, and an orator of acknowledged ability. He was a good friend, a charming companion, and a loving husband and father, whose popularity was nation-wide. His death was a shock not only to his countrymen, but beyond our borders it was felt as a calamity. He died as serenely and bravely as he lived.

Mr. President, the predominant note in Mr. SHERMAN'S life was geniality and good nature. From him radiated a sweetness and tenderness that were contagious. No one came in contact with him without feeling the influence of a pure, generous, lovable soul. He was kind to animals, fond of sports, and a lover of nature. In good literature he found great pleasure, and in the study of economic questions he took special delight.

In both Houses of Congress Mr. SHERMAN was universally liked, and in every relation of life he was honored and respected. We sadly miss him from this Chamber, where he was held in highest esteem by the entire membership. While a strong party man, he was free from narrow partisanship. He was in the truest sense a patriot, loving his country and its institutions, and devoted to the happiness and welfare of all classes of its people. He was broad-minded and large-hearted, incapable of a meanness, and filled with sympathy and love for his fellows. Such a life surely did not end when death came. Rather let us believe that it was the beginning of a higher and better existence, and that the earthly activities of our friend were but the prelude to a life of greater beauty, of grander aspirations, and of nobler achievements. In the contemplation of the great mystery that surrounds death and immortality, which no one, however wise, can fully interpret, we may well exclaim:

Shall I say that what heaven gave
Earth has taken?
Or that sleepers in the grave
Reawaken?
One sole sentence can I know,
Can I say:
You, my comrade, had to go,
I to stay.

And so, Mr. President, to this brief and inadequate tribute to a dear friend, whose memory will always be lovingly treasured in my heart of hearts, I can but add the simple word "adieu."

ADDRESS OF SENATOR THORNTON.

Mr. THORNTON. Mr. President, it is to me a source of mingled sorrow and pleasure to have been asked to speak on this occasion.

Of sorrow, because it brings freshly to my mind the thought of the loss of him whose memory we are assembled to honor, and of pleasure because of the opportunity given me to add my short tribute of respect and affection to the fuller tributes placed on the altar of his memory this day.

It was not my good fortune to know him as long as did others who have preceded or will follow me, but I shall ever esteem it fortunate for me that I knew him at all.

My acquaintance with Mr. SHERMAN only dated from my entrance into the Senate in 1910, yet in the time that I knew him I learned to love him because of his sweet spirit, his gracious demeanor, his kindly consideration, coupled with the fine sense of humor that added to the charm of his personality and made his companionship so agreeable.

These were the traits of character that won my heart soon after we met and held it to the end.

And it is not on the statesman, the Congressman, the presiding officer of the Senate, or the Vice President of the United States that my mind lovingly dwells, but on the lovable man.

And I do not know how better to illustrate these winning qualities I have mentioned and the recognition by others of their exercise than by relating an incident in which he and I were the actors and the comment of a third party thereon.

He was not presiding over the Senate on the morning I was sworn in, and I did not meet him for four days thereafter. Then he came to my seat and with that pleasant smile we all so well remember, said: "Senator, I have not had the opportunity of making your acquaintance, but I wish now to introduce myself and to say that I welcome you to the Senate and hope your stay with us will be always agreeable and pleasant to you."

And after a moment of pleasant chat he left, taking a part of my heart with him.

About a day after this little incident, one of my Democratic friends from the House of Representatives, who had seen long service in that body with Mr. SHERMAN and was on intimate personal terms with him, came over to the Senate and sat down by me and said: "Have you met my friend, JIM SHERMAN, yet?" Then I told him of the incident of the previous day and of how much I had appreciated the gracious action, and his comment was: "Now is not that exactly like JIM SHERMAN."

This was the beginning of my acquaintance with him, this the first of the many acts of kindness shown me by him during the two years that followed until death stayed the hand always so ready to be uplifted for the help of others.

And so it was that I learned to love him while he was here, and so it is that I shall love his memory since he has gone.

And I am sure that my experience with him is that of all with whom he came in contact, for he was filled with the spirit of kindness toward others and many there are besides myself who loved him living and mourn him dead. And if the beautiful dream of the poet be true, that on the roll of the book of gold hereafter the names of those who loved their fellow men shall be first inscribed, then will his name be found high up on the list.

We will no more see the winning smile, no more feel the cordial hand grasp, no more receive the acts of kindly sympathy, but the memory of it all will remain with us and make us feel thankful that we knew one whose impulses through life prompted his conduct toward others to the end that he might contribute to their happiness.

ADDRESS OF SENATOR LODGE.

Mr. LODGE. Mr. President, the tie which binds those who have been long together in the public service is apt to grow very close as

the years glide by. Mr. SHERMAN and I, as it chanced, began our congressional life at the same time, in the Fiftieth Congress, 26 years ago. Except for two years, when he was out of the House for one term, we have been together ever since. He remained in the House, was one of its most trusted leaders and most efficient Members. During all those years I saw him constantly, and it was with peculiar pleasure that, as the president of the convention, I declared his nomination as the Republican candidate for the Vice Presidency in 1908. His service here in the high office to which he was chosen is so recent that it is as fresh in our minds as the grief we have all felt for his untimely death. I say "untimely," for he was still far from the chilling precincts of old age, and any death is premature which strikes a man down when he is in the prime of his abilities, when he is ripened by long training and wide experience, and when his life is still valuable to his country, still ample in promise for a yet larger service in the future.

Of his long and successful career as a legislator I shall not attempt to speak. Others who saw him at work year after year in the House can alone do him sufficient justice in this respect. But there is one phase of his public work of which I wish to say a few words, because he there attained to an excellence not often reached in what is always an exacting and sometimes an ungrateful duty. During his long service in the House he gradually came to be recognized as the best Chairman of the Committee of the Whole whom that great body had known in many years.

To preside not merely well but effectively in the House Committee of the Whole is a severe test of a man's qualities, both moral and mental. He must have strength of character as well as ability, quickness in decision must go hand in hand with knowledge, and firmness must always be accompanied by good temper.

Many if not most persons seem to regard parliamentary law as a collection of haphazard and arbitrary rules. No view could be more erroneous. General parliamentary law, like all other systems of law or jurisprudence, rests upon certain underlying principles, and is designed to carry out those principles and to effect particular purposes for which the system exists. Parliamentary law aims to insure the transaction of business by legislative bodies, to eliminate disorder and confusion from the process, to make impossible the occurrence of situations where there is no thoroughfare and no way out, and to preserve the proper rights of minorities.

For the attainment of these objects, so essential to the transaction of business in any legislative assembly or any large body which debates and votes, parliamentary law has been developed by practice and perfected by long experience. A presiding officer of high and marked ability like Mr. SHERMAN must therefore possess a full knowledge of the principles upon which parliamentary law is based and also understand the philosophy of the system so that he can apply it at will to any given question. Besides this familiarity with general parliamentary law and in addition to a firm grasp of its principles, a presiding officer must know thoroughly the rules of the particular body which he serves. In the case of our House of Representatives the rules are many and complicated and the literature to which they have given rise in discussions, decisions, and precedents is voluminous in the extreme. In the Senate, on the other hand, the rules are simple and their burden is light, but they are administered in conformity with habits and customs which have slowly grown up during a century and which, for that very reason, can be understood and appreciated only by the exercise of patient and observant care. Mr. SHERMAN, as Chairman of the Committee of the Whole in the House and as President of the Senate, met the exacting and very difficult requirements of both positions with a success as complete as it is rare. He was equally master of general parliamentary practice and its principles and of the various systems peculiar to the two branches of Congress. Always alert, prompt, and clear in decision, rapid in the conduct of business, he was courtesy and kindness itself to all the Members of the House and Senate. A strong party man, of deep convictions as to political principles, when in the chair he recognized no party divisions on the floor. To him in that high and responsible place each Member of this body was simply a Senator with rights and obligations equal to those of every other Member of the body. He understood thoroughly also that most essential fact, that the first duty of a presiding officer is to preside, and, when questions of order are raised, to decide. He realized fully that it was far better to run the risk of an occasional error, against which his knowledge and experience protected him, than, like Lord Eldon, to say continually "I doubt." He knew that the presiding officer who hesitates is, if not always lost, quite sure to find control of the helm slipping from him, to see the public business drift off on the baffling waves of debate, ground on the shoals of delay, or sink, a helpless wreck, even when in sight of land. Therefore he ruled, as he conducted the general business, clearly and without doubt or hesitation.

He exhibited also in a high degree, whenever occasion demanded, the steady courage which is at all times so important, but which is not always associated in the minds of most people with the qualifications of a presiding officer. Correct rulings may readily be as unpopular as a righteous vote or an honest speech, and it is very easy to create a doubt under cover of which the unpopular ruling can be escaped. This Mr. SHERMAN never did. He was as incapable of making a wrong ruling through fear as he was of ruling wrongly to advance a personal or party interest. I remember well one occasion when a very popular and much-desired amendment was offered to an appropriation bill where it was plainly out of order. Under the Senate rules the Chair may submit a question of order to the Senate. It was not necessary in this instance that Mr. SHERMAN should rule wrongly; it was only necessary to stand back and allow the Senate to set the rule aside. Mr. SHERMAN was urged to submit the question of order to the Senate. He declined to do so. He refused to evade his duty. The point of order was made, and he sustained it. It was not popular to do this, but it was right, and the act showed not only courage but a high conception of public duty.

I have dwelt upon this single phase of Mr. SHERMAN's public service, because time forbids that I should do more and because the high excellence which he achieved as a presiding officer, both in the House and Senate, is in itself at once an exhibition and a proof both of his ability, his intellectual keenness, and of his force of character. But I can not end these most inadequate words without speaking of him for an instant as a friend and wholly apart from his public service. He was one of the best and most loyal of friends. Indeed, his loyalty to a friend was so strong that he more than once bore troubles not his own and endured censure when he had no fault, rather than desert one to whom his friendship had been given. He was one of the pleasantest and most agreeable of companions, full of fun and humor, and with a sympathetic interest which ranged over many subjects and touched many men. By those who knew him well he is greatly missed. Not a day goes by that I do not think of him here and of our talks together, that I do not wish I could hear once again that hearty laugh and cheery voice, that I could see him as he was, now serious, now mirthful, but always strong and kind and full of sympathy with those for whom he cared. He died in the highest office but one of the Republic. The office will be filled, but the place which he had made for himself in the affection of those who knew him will remain vacant and unoccupied.

ADDRESS OF SENATOR KERN.

Mr. KERN. Mr. President, it was during the presidential campaign of 1908, and in the city of Chicago, that I first met JAMES S. SHERMAN. We were opposing candidates for Vice President, and at that particular time and place the political situation was the subject of well-nigh universal discussion. Both of us were in the midst of the contest. I have never forgotten the genial warmth of Mr. SHERMAN's greeting and the ease with which he captured my friendship.

Before that meeting I had him in mind as a formidable political adversary—a foeman worthy the steel of any man, but none the less a foeman. After looking into his genial face, which reflected that gentle spirit, and hearing his words of kindly greeting which so clearly proceeded from a heart full of affection for his fellow men I was never able to regard him otherwise than as my friend.

Some weeks later as the campaign proceeded I was about to be introduced to a very large political assemblage in his home city of Utica, when a telegram was handed me. It was from Mr. SHERMAN, who was in a distant part of the country, bidding me welcome to his city, expressing his hearty good will, and urging me to call upon his family while in Utica.

A few days later, when the word came to me that a member of my family had been suddenly stricken by disease, I had scarcely turned my face toward home, abandoning the compaign for a time, when from my opponent, this great-hearted man, came a message full of sympathy, expressing in tenderest phrase his hopes that my worst fears might not be realized.

Within a week of the election, when a foul libel assailing my reputation had been published in a single eastern newspaper, the first knowledge I had of the article came from Mr. SHERMAN, deprecating the publication and reassuring me of his high personal regard.

When I came to the Senate two years ago he was so anxious to show his good will and emphasize his personal friendship that within five minutes after the oath had been administered to me he invited me to take the gavel and preside over the Senate. I protested that I was a stranger, not only to this

body but its procedure, but he insisted, saying, "It will be only for a few minutes and it is for my own pleasure and gratification that I ask you to do me this personal favor."

And from that time on until the last he never lost an opportunity to make me feel that however wide our political differences—and they were irreconcilable—I had in him a friend on whose fidelity I might always rely.

Such incidents may be tiresome, in so far as they refer to my personal connection with them, but it seemed to me that the recital of these bare facts would serve to illustrate the kindness of heart and nobility of spirit of this man whose untimely death we mourn, with far greater force than I could possibly portray them in any combination of words, however ingeniously arranged or eloquently expressed.

While the election of 1908 brought to me defeat, disastrous as such things are counted or measured amongst men, the campaign brought to me in the nature of recompense the friendship of this man, which during his life I treasured as one of my dearest possessions, and now that he has "gone forever and ever by," the memory of that friendship will bless and inspire me to my latest day.

There are men here who knew him intimately throughout his long and honorable public career, covering a period of nearly a quarter of a century, and who, therefore, must have loved him well, but I doubt if any of such men had greater reason than I for yielding to him a full measure of affectionate regard or who felt a deeper sense of personal loss when death took from me such a friend.

It is not my purpose to speak of this man's official life, nor of the distinction gained by him during his years of service as a Representative in Congress of a rich and populous district, or those other years of service here as the Vice President of the United States.

The people of the Utica district honored and trusted him, and he was altogether faithful to their interests. They loved him, and he gave them his personal affection in return. He won their continued support by his fidelity to duty, but he won their hearts by his unfailing kindness and gentle bearing to everyone.

And so in this body. As a presiding officer he was able and impartial, and because of the ability with which he discharged the duties of his high office he was honored by the Senators from every State. And yet when he died and a deep sense of personal loss and bereavement oppressed us, it was not of his great ability as a presiding officer, or the loss that the Nation had sustained in the loss of its Vice President, that we thought first, but rather of the great heart of the man, of his genial manners, his gentle ways, and his never-failing love for his fellow man.

His public record is one of which his family and friends may be justly proud. He will be doubtless remembered as a commanding figure in the councils of the Nation in that period during which he served the people. But beyond and above all this, the memories of his cheery smile, his kindly deeds, his generous conduct toward political friend and foe alike, which made men love him, will find their way into the history of the times in which he lived, and in the homes of the people at least will add luster to his name.

It is better that a man should have the personal affection of the hundreds who know him well and love him for the sweetness of his life and character than that he should have the applause of the millions because of great public achievements, while hungering for the joys of personal friendship of which he knows nothing.

The Divine Master when on earth, being called upon for a solution of the problem as to what was necessary in the conduct of man to insure the inheritance of eternal life, declared that he who loved God and who also loved his neighbor as himself should surely live, and in further exemplification of the law of love which glorified the new dispensation declared: "A new commandment I give unto you, that ye love one another."

What a true disciple of this Christian doctrine, what a consistent follower of these divine teachings was the late Vice President of the United States!

And if we may rely upon the teachings and promises of the Man of Galilee, as with confidence we do, then is the future of our friend assured, for he has come into that inheritance of eternal life which has been promised to all who, keeping God's commands, have loved their fellow men.

ADDRESS OF SENATOR LA FOLLETTE.

Mr. LA FOLLETTE. Mr. President, in the brief time assigned me I can offer but the simplest tribute to a personal friend.

I first met the late Vice President 25 years ago, when he became a Member of the Fiftieth Congress. I had entered the House of Representatives two years before. We were of the same age. We were both Republicans. We became friends. We served together four years. We were both retired from the public service on the 4th of March, 1891. We did not meet again for 15 years.

In those intervening years he had been returned to the House of Representatives, where he had risen to position and to power. I had gone back to my State, to find another call to service.

When we again met in this Chamber, a decade and a half had wrought great changes in political parties and in the country. We were both Republicans, but he was of one school, I of another. He believed that the interests of business and the interests of the country were at all times identical. I believed otherwise. But while we disagreed on many if not most matters of legislation, our friendly personal relations remained unbroken to the end.

Looking back upon the years in which he laid the foundations of his career, I can well understand its influence upon his conception of the obligations of public service. The strongest men are, in some degree at least, the product of their environment. But whatever may have been the influences directing the course of Mr. SHERMAN'S thinking, that course was a steadfast and consistent one throughout his life. His convictions were strong and were strongly maintained. He never skulked or evaded, but with resolution and courage fought out every issue openly, to victory or to defeat.

From the House of Representatives he was chosen to be Vice President of the United States. But in the hour of his greatest triumph, when life and hope were strongest within, the hand of death was laid upon him. At the very threshold of his new career the grim messenger met him. From the first its shadow went with him in and out of this Chamber, stood over him at his desk, followed him down the corridors, pursued him to his home. Month after month, waking or sleeping, in social cheer or the still hours of the night, it was his constant companion. Before all others he was the first to know what threatened him. His ear first caught the mandate that chills the heart and slows the pulse: "Be ye ready, the summons cometh quickly."

He indulged in no delusions touching the final issue. His clear vision saw straight to the open tomb. To go down in defeat and to rise again and fight on demands courage of a high order. To face death when it breaks life off in the middle and to make no sign is the supreme test.

He understood. But he took care that those who were nearest and dearest to him should not know. He bore an outward geniality and spirit that dispelled fear from all his friends, while caring for every detail, and making the final preparation.

Mr. President, the longest span of life is but a day—a day of sunshine and shadow between the impenetrable darkness of two eternities. The mystery of our coming and going we can not solve; but—

> We believe that God is overhead;
> And as life is to the living,
> So death is to the dead.

ADDRESS OF SENATOR WILLIAMS.

Mr. WILLIAMS. Mr. President, Mr. JAMES S. SHERMAN, Vice President of the United States, was cut down in the high tide of physical and mental virility and maturity.

Shakespeare pictures life as a one-act play with seven scenes, and of the seventh he says:

> Last scene of all,
> That ends this strange eventful history,
> Is second childishness and mere oblivion,
> Sans teeth, sans eyes, sans taste, sans everything.

The man whose personality we recall to-day least of all men would have desired to live that long. Rather was his temperament that of one who would heed the admonition:

> Gather ye rosebuds while ye may,
> Old Time is still a-flying,
> And this same flower that smiles to-day
> To-morrow will be dying.

For that reason was he called "Sunny Jim." He was sunny in appearance, in speech, in thought, in feeling. But it was not the rippling sunniness of short, breaking wavelets on the surface of a shallow brook; the stream of his thought was deep and strong and steady.

I first met him in 1893, when both of us were Members of the Fifty-third Congress. We were of totally opposite schools of political thought, opposite heredities and environments, but we soon became warm personal friends of that type who are said to be "hale fellows well met," extending one to the other every possible personal courtesy, and in legislative work every possible favor consistent with our respective partisan obligations. He was experienced, I not; and so it came to pass that he showed me how to do things in a parliamentary way.

In 20 years' acquaintance I never saw a frown on his face, nor did I ever see a shadow or a cloud. He must have had his sorrows and troubles, as all of us have, but whatever they were he never afflicted others with them. He shared his enjoyments, not his worries, with his friends.

He had been when I first met him already a Member of two Congresses—the Fiftieth and the Fifty-first—though defeated for the Fifty-second. He was after the Fifty-third a Member successively of seven more Congresses, and then for nearly four years Vice President of the United States. "He wore his honors meekly." Pride of office was as alien to him as taking himself too seriously in any other way would have been. Among his fellows he did his work patiently, vigilantly, intelligently, genially, and, above all, equably—never seeking the first place for glory nor the last to shirk labor or responsibility, but meeting with marked ability whatever fell to him as his share in his country's or his party's tasks in that great arena of struggling and often excited gladiators—the House of Representatives. The favorite of three Speakers—Reed, Henderson, and CANNON—all of whom, when forced to leave the chair at critical moments demanding a quick, decisive, self-possessed, and able parliamentarian in their stead, delighted to call him to it, he yet never held a committee assignment in the House higher than that of Judiciary at one time and Interstate and Foreign Commerce at another. For years he could have had a place on Ways and Means or Appropriations—the two leading committees there—for the asking. But there were always friends who wanted preferment, and he always subordinated himself to them, thereby making the task of the Speaker, who was in those days always the party leader, easier and the pathway of his friends pleasanter.

He proved himself easily equal, if not superior, wherever he was placed. He fell below the demands of no responsibility or task laid upon him. His action was decisive; his speech facile, lucid, and terse, though unpretentious. I used to think in the House that he was the ablest and the readiest presiding officer we ever had after Reed died, and that he handled bills of which he had charge on the floor more rapidly, more easily, and with clearer explanations to Members not on the committee and seeking information than any other Member.

Above all, he did all with irresistible pleasantness of demeanor and appealing modesty. When with a point of order he took a Member off his feet and the floor, he did it with a smile, which was itself an apology, as much as to say, "I hate to trouble you, old fellow, but really the business of the House must go on in an orderly and prescribed way"; or, "I hate to disturb you of all men, but this is my only way of meeting an exigency of party management." Of nearly all men I ever met, he knew best that no man has a right to take himself or his share of human work and human honors too seriously. Men are too many, the earth is too small, and other planets and solar systems are too numerous and large and earthly life is too short for that.

> Oh, why should the spirit of mortal be proud?
> Like a fast-flitting meteor, a fast-flying cloud,
> A flash of the lightning, a break of the wave,
> He passes from life to his rest in the grave.
> * * * * * * *
> And the fever called living
> Is conquered at last.

After his death his friends may say that he was—

> A man that Fortune's buffets and rewards
> Has ta'en with equal thanks.

I am not an old man yet, as life is measured here in Washington, and yet there are perhaps more of the men who were in public life when Mr. SHERMAN and I first entered it who are now waiting to shake our hands on the other shore than there are on this.

> Friend after friend departs:
> Who hath not lost a friend?
> There is no union here of hearts
> That finds not here an end.
> * * * * * * *
> Over the river they beckon to us—
> Loved ones who've crossed to the farther shore.

Perhaps the best thing we can do here is to so deal with men and women, too, that we shall be neither ashamed nor afraid to meet them hereafter. This I believe this man did. I have met him by the funeral bier; in the political struggle, where we crossed swords in earnest and fateful conflict; around the banquet board. He was always the same and always a gentleman, in manners, speech, and conduct. He carried sunshine with him in this life. Why can we not hope that he carries it with him over there?

Of course none of us know with certainty what death is, nor can we know except with the eye of faith. How can we, when we do not even know what life is or whence it is?

> Life! I know not what thou art,
> But know that thou and I must part;
> And when or where or how we met,
> I own to me's a secret yet.

Or, as another sweet singer expresses it:

> Like to the grass that's newly sprung,
> Or, like a tale that's new begun,
> Or, like the bird that's here to-day,
> Or, like the pearl'd dew of May,
> Or, like an hour, or, like a span,
> Or, like the singing of a swan—
> E'en such is man, who lives by breath;
> Is here, now there—in life and death.

But if, as I fervently believe, existence is one duration, of which what we call life is one part on this side of the dividing portal which we call death and of which what we call eternity is the part on the other side—if, as Longfellow says:

> There is no Death! What seems so is transition;
> This life of mortal breath
> Is but a suburb of the life elysian,
> Whose portal we call Death.

Or if, as another sings—

> The living are the only dead;
> The dead live never more to die—

then, why in sweet Heaven's name can we not go through life as JAMES S. SHERMAN did, with smiles upon our faces, meeting our tasks earnestly and honestly, but cheerfully, not sadly—doing our best and leaving the sad faults and sins of us, like little children, to the pity of the All Father whose mysteriously weak and strong and unfathomable creatures we are?

The body of him has been laid away in "God's acre"—I like that ancient Saxon phrase which calls the burial ground God's acre; it is just—and though a Nation here, through us, its representatives, is met with fit observance to do him ceremonious honor—all deserved by faithful, long, honest, intelligent public service, deserved by courteous, kind-hearted human serviceableness and cleanness in private life—I do not think he wants us to be sad or to make others sad in his death, except in so far as we can not help it because of the mutual missing of him. It is for the living who have been left by the loving and beloved dead and not for the dead themselves that we are called to sorrow, because, as to him who has passed the portal where this "mortal coil," the flesh, is "shuffled off," a freer and a broader life, untrammeled by flesh limitations and undeflected by flesh temptations, begins.

> The soul, immortal as its Sire,
> Shall never die.

ADDRESS OF SENATOR CURTIS.

Mr. CURTIS. Mr. President, no one outside his family circle felt more than did I the death of JAMES S. SHERMAN, the Vice President of the United States. For years I was associated with him in the House of Representatives, and early learned not only to respect him but to love him. His qualities not alone as a man, as a legislator, as a parliamentarian, but as a friend, impressed themselves upon me and quickly endeared him to me in many ways, and that endearment deepened as time went by. Mr. SHERMAN was more than a friendly acquaintance to those with whom he frequently came in contact. He was a fatherly man. He was at once interested in the things in which you were interested, and immediately took upon himself the cloak of helper and adviser. He was thus particularly useful and congenial to new Members, and commanded for himself respect and support in everything he undertook. In fact, I believe, and make bold at this time to assert, that JAMES S. SHERMAN enjoyed the real loving friendship and affection of more men throughout the country than any other one American living. He had traveled extensively in the United States, and there was scarcely a town in this broad Nation in which he might appear, whether or not his coming had been heralded, that some man would not step to his side, and, throwing his arm about his neck, accost him in terms of pleasure and of attachment.

Long and close association with Mr. SHERMAN in the House gave me keen appreciation of his talents as a legislator, while all of you here to-day are aware of his exceptional abilities as a presiding officer and as an exponent of parliamentary law. While seeking no recognition as an orator, he was ready in debate, and, though kindly and considerate to his opponents on the floor, drove home arguments with such conciseness and good effect that defeat in a contest on legislative matters rarely overtook him. His readiness under all circumstances to gauge a situation in its true light, his quickness to take advantage of opportunities made him, to my mind, one of the most successful and best Representatives, and he was valued and complimented as such not only by the people of his district but of the United States. His efforts were not centralized or localized. As chair-

man of the Committee on Indian Affairs and as a leading member of the great Committee on Interstate and Foreign Commerce his field of labor was broad and varied, and in nothing did he shirk his responsibilities, but was constantly working for the enactment of legislation of a character which would inure to the benefit of the public and of those whose interests were at stake. A large number of the most important statutes born in these committees bear witness to-day to his ability and able judgment.

Mr. SHERMAN was a partisan, open and unequivocal. He made plain his position on public policies and public questions at every opportunity, and rather, I always thought, enjoyed such declarations. There was never any misunderstanding as to where he stood on any question, and he would lose with grace, upholding his ideals, rather than yield to those beneath whose veneering was a desire to either please or advantage his opponent. He disliked pretense and detested dishonesty. While easy of approach and ready to listen to those who sought him, he was quick to detect and resent imposition or insincere motives. On such occasions his indignation would assert itself by vigorous expression and prompt refusal, and the discovery would rarely be forgotten.

Some of Mr. SHERMAN'S warmest friends were numbered among those who did not always agree with him either in politics or in policy. He was democratic, unostentatious, genial. His sympathy was deep and easily stirred. He saw the right in all that he did, but finding himself mistaken in any situation or degree, his acknowledgment of the fact was quick, earnest, and sincere. In fact, in private and public life Mr. SHERMAN met, as fully as it is possible to meet, every demand upon him as a citizen, a neighbor, a friend, and a statesman.

In his family relations he was particularly blessed. His enjoyment and contentment reached its height when his family was gathered about him, and its members, more than any others, will miss him as a devoted husband, loving, gentle father, and jealous protector.

It is difficult, indeed, to realize that JAMES S. SHERMAN has gone never to return. Had he been spared there were other heights which he might have reached, but after traveling well the road of service to his people, his party, and his Nation, he was stricken down in the prime of life and left us lonely and sorrowful at his demise. We miss his cordial greeting, his heartfelt hand grasp, his tender solicitude. His memory will live always and we are better for having known him. His career will ever be a shining example before the youth of our country and the tributes paid him heretofore and to-day, which, though they do not add to his worth or his greatness, are confessions of love, respect, and esteem on the part of those who not only knew him but who enjoyed in his presence and at his side those delightful characteristics and that personal charm which endeared him to young and old and which remained with him to the end.

He has gone. He has trod the path we shall tread when the summons comes. Let us be as well prepared in all things as was he, for the good he did lives after him. Our struggle here may be longer, yet for whatever time it be we will go on as "weary ships to their haven under the hill."

> But O! for the touch of a vanish'd hand,
> And the sound of a voice that is still!

ADDRESS OF SENATOR CUMMINS.

Mr. CUMMINS. Mr. President, it seems to be the way of this turbulent, fighting world of ours that in life the people, and especially the public people, are chiefly concerned with their never-ending disagreements; but in the presence of death, with its majestic and solemn harmonies, we no longer hear the noise of the conflict and we lay aside the weapons of our warfare. We are conscious then, as at no other time, of the immensity of that limitless region in which the peace of common purpose always reigns.

In his lifetime there were some things upon which the late Vice President and myself were not in accord, but now that he has joined the immortals upon the other shore my memory refuses to perform its accustomed office, and just now I am wondering what these differences were. In the stead of a recollection of controversy there comes trooping into my mind the remembrance of his noble manhood, his lofty character, his strong, keen intellect, his unsurpassed candor, his perfect fairness, and his tender heart. Into every political contest he carried not only the flawless courage but the sensitive honor of the knights in the olden time. He hit hard, but only when he was face to face with his adversary. The body of his enemy felt his blows; but the wounds he inflicted were always found on the breast, never on the back. The American people had a name for him, and they will cherish it so long as humanity holds the affection which lightens and sweetens mortal existence.

To be loved by close associates and immediate followers is a joy that many men experience, but to be loved by the whole number of one's acquaintance is a distinction that but few men have attained, and our lamented friend was one of these rare, choice spirits of the world.

For nearly four years JAMES S. SHERMAN, as Vice President of the United States was the presiding officer of the Senate. Others have spoken, and spoken well, of his service elsewhere. My purpose is to record my high appreciation of his service here. The qualities which fit a man to guide the deliberations of a body like ours, to administer the rules which govern it and to render quick justice to all its members, are rarely united in a single man. High above every other quality is the power to be fair and impartial. Most men, I think, want to be fair, but there are only a few men who, in the moments of stress and storm, have the capacity to be fair. Vice President SHERMAN had this quality in as high degree as any man I ever knew. During all the time he directed our deliberations he was eminently just. So successful was he that throughout all the days of fierce debate, days in which feeling ran strong, there never arose the least suspicion of his perfect impartiality.

He was a skilled parliamentarian. He was not only master of the general subject, but, what is more wonderful, he was master of the mysterious rules which we have adopted for our own government. His decisions were quickly made and were delivered with precision and emphasis. The operations of his mind were not only accurate, but they were lightninglike in their rapidity. He was courteous, but his firmness was as striking as his courtesy. Many illustrious men have occupied the chair to which he so worthily succeeded, but I venture to say that no one of them discharged its duties more faithfully or more efficiently than did he.

All in all, I have never known a presiding officer who combined all the qualities of mind and conscience demanded by such an office more completely than they were united in him; and when the Master called him he laid down the authority of his commanding position among us with the love, the respect, the confidence, and the admiration not only of every Senator but of all his fellow men.

With hearts full of sorrow we say of him the best that can be said of any man—the world is better because he lived in it.

ADDRESS OF SENATOR OLIVER.

Mr. OLIVER. Mr. President, few men have lived and died who were better loved than JAMES SCHOOLCRAFT SHERMAN. I leave it to those who knew him from his earlier years to tell the story of his public life, and will content myself with saying a very few words about SHERMAN the man—for it was as man to man that we knew each other best. I never met him until after he was Vice President and I was a Senator, not quite four years ago; but we were thrown into close companionship during the long extra session of 1909, and from that association there grew a friendship which, on my part, was at least as strong as I ever felt for any man, and I believe that on his part it was just as strong. No man could be with him long without becoming his friend. His very presence compelled friendship. The sunny smile which dominated his face, and about which so much has been said and written, was not the mere mask of the hail fellow well met, but the outward manifestation of an inborn and ingrained kindly nature, filled to the full with the joy of living and the delight of mingling with his fellow men. What most endeared him to men was his intense humanity. He was human all through, and he loved human kind; and those of us who were admitted to the inner cloisters of his intimacy feel that in losing him we lost a part of our own selves, and that life for us will never again be as complete a thing as it was before he was taken away.

Hypocrisy was a thing abhorrent to him, and political hypocrisy he could tolerate least of all. Not once but often have I heard him in unsparing terms denounce men in public life who, to please the passing whim of the people, advocated or supported measures or policies in which he knew they did not believe.

He was first and last a partisan, and an intense one at that; but his partisanship was in no way tainted with bitterness of spirit. It arose from the very intensity of his convictions. He believed from his heart that his country's welfare depended on the continued supremacy of his party, and he saw no path to progress but by way of its success; and with zeal unflagging and spirit undaunted, in and out of season he labored for that success. I know, for he told me more than once, that with waning health and growing years he longed to withdraw from

the conflict, and spend the days that might remain to him in the companionship of the wife and sons who were the objects of his tenderest affection; but with his rare political insight he well knew that last year's fight was to be a losing one; and he would not—constituted as he was, he could not—be recreant in its adversity to the party which had honored him in the days of its triumphant prosperity. So, like the true soldier that he was, he died with his face to the foe, under the standard of the party he had served so well, and in whose principles he so implicitly believed.

He was a man, take him for all in all;
We shall not look upon his like again.

ADDRESS OF SENATOR O'GORMAN.

Mr. O'GORMAN. Mr. President, I join in the estimate of the late Vice President, which has been so eloquently pronounced by my distinguished colleague, and I share in the general grief caused by the premature closing of a career which only a few months since was rich in achievement and full of promise for the future. It is no small achievement to serve as a political leader in city, county, and State; to represent an important constituency in the National House of Representatives for 18 years, and at the end of so long a period of exacting public service to be elevated to within one step of the highest office within the gift of a free people. In public life such was the record of JAMES SCHOOLCRAFT SHERMAN. Its mere recital is an eloquent eulogy on the character and attainments of the citizen in whose memory we now pause to pay a last tribute of affectionate respect. It is no mere ceremonial that the Senate, over whose counsels he presided for four years, should bestow that homage which friendship and patriotism ever offer to the true man, the faithful public servant, the enlightened statesman. During his active and useful career Mr. SHERMAN witnessed the mightiest strides in material development the world has ever seen. He saw the Republic grow from the chaos of Civil War to its present commanding place among the nations of the earth. He saw the Empire State, of which he was a native son, leap forward with giant bounds, valiantly maintaining her place at the head of the mighty procession of the States of our majestic Union. His pride in the forward strides of the State and Nation was justified, for in the upbuilding of both he played the part of an active, earnest, and public-spirited citizen.

Neither a laggard nor a drone, for more than 25 years he was in the thick of the conflict which accompanies and stimulates progress. Throughout his life Mr. SHERMAN was a popular type of the American optimist, and imparted confidence and enthusiasm to all within the influence of his delightful personality. Industrious and successful in private enterprise, he was alert and influential in public affairs, and ably contributed to that ceaseless mental combat and attrition of thought whose constant flashes light the guiding torch of civilization which illumines the pathway of liberty and law. His impulses were generous, his sympathies broad, his intellect keen. He was a patriot. He loved his country and its institutions. For many years, at great personal and domestic sacrifice, he gave loyal, generous, and disinterested service to advance the public weal and uphold his country's honor. He had unbounded faith in the Republic; he had unwavering confidence in his countrymen and in their attachment to the principles of liberty and their capacity to right wrongs and uproot evils. In their active, watchful, and vigilant patriotism he saw the best security against the evils that beset all governments. His best tribute was the repeated expression of confidence and approbation that came to him from his fellow citizens in central New York, who knew him so well and valued his character and attainments so highly.

After years of industry and earnest effort in party council and public arena the citizen whose deeds we now commemorate was raised to the exalted station of Vice President of the United States, from which he passed with honor to the grave.

As President of the Senate he measured up to the best traditions of that high office. No Member of this body can forget the charm of his bearing or the ability, scrupulous impartiality, and fine courtesy with which he presided over the deliberations of this Chamber. The promptness and fairness of his rulings were no small contribution to the expedition of public business, and the lucidity with which he revealed his exceptional knowledge of parliamentary law was a constant source of pleasure and gratification.

Laying no claim to the gifts of genius, he won a high place in the Nation's councils by that persistency of effort and strength of character which constitute the genius of success. Above all, he was the true American and ideal citizen in his domestic life, and by his devotion to home and family commanded the deep respect of a moral and chivalrous people. As a stream can rise no higher than its source, so a Nation can be no better than its homes. In the family circle are found those spiritual agencies which save society from corrosion and decay. Unless a nation grows morally as well as materially, spiritually as well as intellectually, its future is dark and its days are numbered. For Mr. SHERMAN'S success in life we commended him; for the enviable places that he won among his fellow men we praised him; for the public honors that he earned we admired him; yet in this solemn hour, sanctified by the liberated spirit of the comrade whom we mourn, I would pay tribute to those traits of character which made the loving husband, the devoted father, the faithful friend, the good citizen. These were the titles that he won; they were the flowers of love and duty and friendship that blossomed along his pathway through life. They constitute the fairest garland that can be placed upon his tomb.

Mr. President, our departed friend gave his best to the service of the people. Who can do more? The State of New York has given many of her sons to the service of the Nation, and high upon her roll of fame posterity will inscribe the high character and unblemished record of JAMES SCHOOLCRAFT SHERMAN.

ADDRESS OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The PRESIDENT pro tempore. The Chair now recognizes the Speaker of the House of Representatives.

Speaker CLARK. Mr. President, of all the wise and salutary things done by the fathers of the Republic, one of the wisest and most salutary was dividing Congress into two bodies.

There is a House habit and a Senate habit, differing widely. This difference grows out of the difference in numbers, the difference in average age, and the difference in the length of tenure. Some Representatives never learn the House habit; some Senators never learn the Senate habit; a few observant men learn both habits. That Mr. Vice President SHERMAN learned both habits thoroughly and well is sufficiently attested by the fact that he presided with eminent success over the large and tumultuous assembly of the House of Representatives and over the smaller and more sedate assembly of the Senate.

I hope that it will not be taken as an ungracious word for me to suggest to Senators that JAMES SCHOOLCRAFT SHERMAN was a House product. We trained him: we gave him his promotion; we sent him to the service of the Nation in his capacity of Vice President.

There is no finer school under the sun than the House of Representatives for mental pugilistics. Personally we are courteous to each other, but there is no such thing as House courtesy that influences the course of legislation.

It might be well to state for a moment how reputations are made in the House. They are made in two ways—one by a brilliant oratorical performance and the other by assiduous industry in the committees and on the floor of the House. I used to divide the membership with reference to rising in the House into two classes—the quick climbers and the steady climbers.

A few men make a national reputation in that House by one great oration. I saw Lafe Pence, of Colorado, in the Fifty-third Congress, make a national reputation the second day after he was sworn in, and I saw Charles E. Littlefield, of Maine, make a national reputation by one great oration within about three months of the time when he was sworn in; but these are exceptional cases. As a rule, the men who achieve high position in the House do so by slow and steady climbing. Vice President SHERMAN went up and up in the House gradually until he got into the front rank. One day, in a hot political debate there, I dubbed the small coterie to which he belonged as the "Big Five," a name which stuck.

There is much truth in Longfellow's lines:

The heights by great men reached and kept
Were not attained by sudden flight,
But they while their companions slept
Were toiling upward in the night.

That was the case with Mr. SHERMAN. He presided in the House and also in the Senate with grace, firmness, fairness, unfailing courtesy, rare good sense, and to the entire satisfaction of Representatives and of Senators. Though he was never elected Speaker, he was frequently assigned by three Speakers to preside temporarily over the House proper as well as over the Committee of the Whole.

While not an orator, he was a strong debater and illumined every subject which he discussed; because he never spoke on any subject on which he was not well informed—an example which all public speakers would do excellently well to follow.

A fine stage presence, graceful gestures, most gracious manners, a musical, well-modulated voice of good carrying power,

exquisite taste in the selection and arrangement of words, enabled him to please the House of Representatives, the most critical and at the same time the fairest and justest audience in the wide, wide world. Though he killed the pet bills of many Members, he had not an enemy in the membership of the House. He seemed to have taken for the basis of his action the saying of Thackeray that "the world is like a looking-glass. Smile at it, and it smiles back; scowl at it, and it scowls back; hit at it, and it hits back."

He was a most successful pilot of measures through the House, the chief reason being that he moved on lines of least resistance. Adhering to his opinions with tenacity, fidelity, and courage, he antagonized no one unnecessarily. To use a common and expressive sentence, he took things by the smooth handle, and thereby accomplished much.

Amiability was the chief characteristic of the man, and, after all, Tennyson was right when he said:

Kind hearts are more than coronets,
And simple faith than Norman blood.

Whether in committee or on the floor or in the chair, like charity, as described by St. Paul in his splendid rhapsody in the thirteenth chapter of First Corinthians, he suffered long and was kind; envied not; vaunted not himself; was not puffed up; behaved himself not unseemly; was not easily provoked. In fact, he had himself so well in hand that he could not be baited into an exhibition of bad temper. He gave sharp blows, and received them with perfect equanimity. In victory he was not offensively jubilant; in defeat he was not utterly cast down. He appeared equal to both extremes of fortune, clearly realizing, with his optimistic philosophy, the astounding swiftness with which political situations change in this rapid age.

In the House he was a prime favorite on both sides of the big aisle, which constitutes the line of demarcation in politics, but not in personal friendships or robust Americanism. When he was translated from that energetic and boisterous body to the dignity and quietude of the Vice Presidency his fellow members, while sincerely rejoicing at his promotion, just as sincerely regretted his departure from their midst.

The House most heartily joins the Senate and the President of the United States in doing honor to this typical American. His fitting epitaph would be:

Mens aequa in ardals.

ADDRESS OF THE PRESIDENT OF THE UNITED STATES.

The PRESIDENT pro tempore. As a fitting close to these ceremonies, the Chair now recognizes the President of the United States.

President TAFT. Mr. President, after the eloquent tributes that have been paid to the memory of the late Vice President SHERMAN by his associates, who knew him well, it is not for me to add anything new to that which has been said, and well said.

Mr. SHERMAN was a man with whom no one could come in contact without feeling better for the meeting and with a more kindly disposition toward his fellow men and the world at large.

Life, on the whole, is made up of a series of what appear to many to be insignificant incidents, and there are those who in their own thoughts, in their own affairs, and in what they regard as the large issues of society recognize no necessity for attention to the daily encounters and the hourly exchanges of thought and of treatment between individuals. To them life is apparently a series of grand stage plays, which are to mark the character of the players permanently, and that which intervenes between these plays is of no importance. This view is accentuated as men grow in self-absorption and lose the sense of proportion with respect to their own importance—a weakness to which most men in greater or less degree are prone. A character that is the antithesis of such tendencies makes for himself a place among all with whom he has personal association that is durable and fragrant. This was one of the lovable and most marked traits of Mr. SHERMAN. Everyone, high or low, intimate or distant, who met him, felt the influence of his good will, of his earnest desire to accord to each one the courtesy and recognition of his right as a member of society to which he was entitled. Any painful feeling that he had to cause by what duty required him to say was as painful to him as it was to the person to whom he felt called upon in this way to speak.

He never exaggerated his own importance. He deprecated the personal equation. He was always for helping a cause or some other person, and he had truly that charity and love of his fellow men which, as the poem has it, is really the love of God, and made the name of Abou Ben Adhem lead all the rest.

Educated at one of those truly American small colleges, with high patriotic ideals, derived from the history of the struggle for liberty regulated by law as embodied in our Constitution, Mr. SHERMAN came to manhood to the study and successful practice of law, but in a few years drifted, as so many country lawyers do, into politics. He loved politics; he correctly thought that he could be engaged in nothing more useful to his country, and he became a partisan on principle. As might be expected from one of his generous self-deprecatory attitude of mind, he minimized the personal and exalted his party cause. He came to believe thoroughly and, in my judgment, rightly that the only possible means of securing effective, permanent, and just popular government, truly representative of the people, is through parties, and therefore he was willing to give up much of his personal judgment to reconcile the views of himself and his associates upon a few great principles.

His personal popularity carried him into the mayoralty of the city of his birth, in which he lived his life long. Then he came to Congress, and for 20 years he was a Member, and a prominent member of the Republican Party, in the great popular House of Representatives. There he exhibited great ability as a debater and legislator, which his fellows fully recognized. But in contemporary history Mr. SHERMAN suffers in comparison with others less deserving, because the work that he wrought, the influence that he exerted, the progress and reforms that he helped to bring about, were not recorded in the headlines of newspapers, or, indeed, in the news columns or editorials, for he was content to work quietly to achieve an object, and made no conditions that should attach his name to the success of the work in hand.

He was an influential and leading Member of that body during the controversies that took place over the question whether the House of Representatives should be permitted to do business or should be at the mercy of the minority, and he stood with one of the great Speakers of that body for progress, and it was achieved.

He was at the head of the Indian Committee in the House, and no problems in our Government are more difficult than those within the jurisdiction of that committee. They involve the proper, businesslike consideration and disposition of questions of the management of trust property into which the discretion of the particular official having control can be very little restricted by law. Conditions in and near the Indian country are such that neighboring public opinion can not be trusted to do justice to the Indians or to carry out the charitable purposes of the Government. The situation is prolific of schemes to defraud the wards of the Nation.

No one will know, except those most intimate with the course of legislation and with the details of appropriation bills, the work JAMES S. SHERMAN and a few of his associates did in the elimination of fraud and the maintenance of the honor of the Nation in preserving to the Indians what was theirs. And thus we may say truly that the great work that the man whose early death we deplore did for his fellow men was done as an adviser, as a quiet but active worker in the shadow of some more conspicuous person, all arising from the disinterested patriotism, the high-minded party spirit, and the inherent modesty of the man.

I need not recite to those who had so much better opportunity than I to observe it and feel it the clear and rapid thought and the equally clear and rapid expression of decision which in the administration of the parliamentary law that Mr. SHERMAN displayed frequently as the presiding officer of the House of Representatives and continuously during his term as Vice President as President of the Senate. He was a model presiding officer. Preserving his temper under all conditions, and some of them most difficult, he ruled with firmness and with a courtesy that disarmed the sometime heat of those whose views he was overruling.

And now there is but one more word to speak, and that one utters in the tenderest tone and makes most brief. What might be expected from a man of his heart and his constant appreciation of the feelings of others, from one of nature's gentlemen, his domestic life, his love of wife and children and fellow townsmen, made a circle so sweet, a home so bright, a neighborhood so full of love for him that even in the few hours that we were permitted to spend in the city where he lived and died the overwhelming evidences of affection for him were most impressive on every hand; and his great qualities were revealed in a most remarkable tribute which his memory called out from his beloved pastor, the president of Hamilton College.

We have celebrated the memorial of a modest American, a distinguished patriot, an able statesman, a noble man!

RECESS.

Mr. ROOT. I now move that, after the guests of the Senate shall have retired, the Senate, as a further mark of respect to the memory of the late Vice President, stand in recess until 12 o'clock noon, on Monday, the 17th of February.

The PRESIDENT pro tempore. Before submitting the motion, the Chair will give opportunity, as indicated by the Senator from New York, for the guests of the Senate to retire. The Sergeant at Arms will announce the order in which they will retire, so that they may do so without confusion.

The President of the United States and the members of his Cabinet, the ambassadors and ministers plenipotentiary to the United States, the Chief Justice and Associate Justices of the Supreme Court of the United States, the Speaker and Members of the House of Representatives, and the other guests of the Senate thereupon retired from the Chamber.

The PRESIDENT pro tempore. The Senator from New York [Mr. ROOT] moves that, as a further mark of respect, the Senate now stand in recess until 12 o'clock on Monday.

The motion was unanimously agreed to; and (at 2 o'clock and 30 minutes p. m., Saturday, February 15) the Senate took a recess until Monday, February 17, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 15, 1913.*

The House met at 11.30 a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee that our Republic is not ungrateful, but holds in sacred memory the men who laid her foundations deep and strong and wide. The brave men who have fought her battles, the statesmen who have breathed their spirits into her sacred institutions and kept them inviolate, as evinced by the special order of the day in memory of a noble son, who proved himself worthy of the confidence reposed in him by his fellow countrymen. May his life be an incentive to faithful service and nobility of soul to those who survive him.

Be Thou solace to those who knew and loved him, and let the everlasting arms be about the bereaved wife and children, that they may look forward with confidence to the unchanging love of a heavenly Father who doeth all things well. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS OF SOLDIERS OF INDIAN WARS.

Mr. RICHARDSON. Mr. Speaker, I call up the conference report on the bill (H. R. 14053) to increase the pensions of surviving soldiers of Indian wars in certain cases.

The SPEAKER. The gentleman from Alabama calls up the conference report on the bill H. R. 14053, which the Clerk will read.

The Clerk read as follows:

CONFERENCE REPORT (NO. 1519).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 14053) to increase the pensions of surviving soldiers of Indian wars in certain cases, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter stricken out and inserted by the Senate, insert "twenty"; and the Senate agree to the same.

WILLIAM RICHARDSON,
IRA W. WOOD,
W. A. DICKSON,
Managers on the part of the House.

P. J. MCCUMBER,
MILES POINDEXTER,
Managers on the part of the Senate.

STATEMENT.

This bill as it passed the House proposed to increase the pensions of soldiers of the Indian wars to $30 per month. The Senate reduced the amount to $12 per month. The conferees recommend that the amount be $20 per month.

WILLIAM RICHARDSON,
IRA W. WOOD,
W. A. DICKSON,
Managers on the part of the House.

The conference report was agreed to.

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. The Chair announces the designation of the gentleman from Michigan [Mr. DOREMUS] to preside as Speaker pro tempore at the eulogies to-morrow.

CONTESTED-ELECTION CASE—HAWKINS AGAINST M'CREARY.

Mr. GOLDFOGLE. Mr. Speaker, by direction of the Committee on Elections No. 3, I present a privileged report in the contested-election case of Frank H. Hawkins against George D. McCreary, from the sixth district of Pennsylvania.

The SPEAKER. Is it a unanimous report?

Mr. GOLDFOGLE. It is a unanimous report.

The Clerk read as follows:

REPORT.

This contest comes from the sixth congressional district of Pennsylvania, and was brought by Frank H. Hawkins against the Hon. George D. McCreary, the sitting Member.

The contestant delayed the filing of the testimony in the case until some time during the second session of the Sixty-second Congress. The contestant's brief was not filed or submitted until after the third session began. Acceding to the request of the counsel for the contestant, a hearing of the case was not held until the third session. In view of the serious charges of fraud and corruption and of illegal registration and illegal voting at the congressional election in said congressional district in 1910, your committee, notwithstanding the delay referred to, concluded to hear the case.

The testimony of numerous witnesses was carefully considered, and counsel for both sides fully heard.

Allowing the contestant the votes which he claims should have been counted for him and deducting them from the number credited on the returns to the contestee, and entirely eliminating from the returns the votes in the districts wherein it was shown irregularities either in registration or voting occurred, it would still appear that the contestee, Mr. McCreary, had a majority of the remaining votes.

While it was charged and from the evidence it appeared that at the time of the election in 1910 and for years prior to that time gross evasion of the law, illegal registration, fraudulent voting, and corrupt conduct had occurred in Philadelphia, yet legal proof was lacking to establish the fact that the fraud and corruption and illegal methods complained of entered into the election in the congressional district under consideration such as would justify a finding that the election of the Member from the sixth congressional district of Pennsylvania was vitiated, and that in consequence his seat in this House ought to be declared vacant. Upon the hearing before this committee the contestant declared that if the committee could not find in his favor, so that the seat could be awarded to him, he did not desire to have the seat held by Mr. McCreary declared vacant.

It was conceded by the parties to this contest that in the city of Philadelphia a committee of seventy, composed of highly prominent, influential, and distinguished citizens, was formed for the purpose of taking steps to purify the elections in that city. That committee had charged itself with the duty of discovering and exposing fraud and corruption at elections, improper and illegal conduct of election officials, and prosecuting and bringing to justice violators of the election laws.

It was testified on the hearing that however assiduous that committee of seventy might have been in their efforts to purify the elections in Philadelphia and to remedy the evils that sprang out of the vicious and criminal practices that obtained for many years in that city, yet such committee would not, though it might have it in their power, lend their aid toward developing or securing testimony of such illegal, fraudulent, or criminal acts if it tended to aid a contestant seeking a seat in the House of Representatives who might, were he seated, vote for a revision of the tariff.

That any committee composed of men of the high standing and character which the committee of seventy possessed should fail to extend its aid or lend such support as may have been within its power to render to any man who had been the victim of improper practices at elections, or fraudulent or corrupt conduct at the polls, or of violations of election laws because of such assistance they might aid one who was at variance with them in their opinion on the tariff is something which, to say the very least, is highly regrettable.

The evidence in this case falls short of showing that Frank H. Hawkins received a majority of the lawful votes cast at the election. The evidence adduced does not establish the existence of such a state of affairs as would justify the House in declaring the seat of Mr. McCreary, who for years has borne an honorable record in this body, vacant.

Your committee unanimously recommend for adoption the following resolutions:

House resolution 839 (H. Rept. 1525).

Resolved, That Frank H. Hawkins, the contestant, was not elected a Member of the House of Representatives in the Sixty-second Congress, and is not entitled to a seat therein.

Resolved, That the Hon. George D. McCreary was duly elected a Member of the House of Representatives in the Sixty-second Congress, and is entitled to a seat therein.

The resolutions were agreed to.

ADDITIONAL HELP IN ENROLLING ROOM.

Mr. LLOYD. Mr. Speaker, I present from the Committee on Accounts a privileged resolution.

The Clerk read as follows:

House resolution 812 (H. Rept. 1524).

Resolved, That the Clerk of the House be, and he is hereby, authorized, during the remainder of the present session, to employ such additional clerical help as may be needed in the enrolling room, to be paid out of the contingent fund: *Provided*, That not more than $150 shall be so expended, and no person shall be employed at a rate exceeding $6 per day.

The resolution was agreed to.

ORDER OF PROCEDURE.

The SPEAKER. Under the special order adopted a few days ago, at 10 minutes of 12 to-day the House, without adjournment and without taking a recess, will proceed to the Senate Chamber, and, after the ceremonies are concluded, will return to this Chamber and will immediately resume the session where we left off. The Chair makes that announcement in order that Members may know that the session is to be resumed.

CONTESTED-ELECTION CASE OF EUGENE C. BONNIWELL AGAINST THOMAS S. BUTLER.

Mr. COVINGTON. Mr. Speaker, by direction of the Committee on Elections No. 1, I submit the following privileged report in the contested-election case of Eugene C. Bonniwell against Thomas S. Butler in the seventh congressional district of Pennsylvania.

The SPEAKER. The report will be printed, under the rule, and referred to the House Calendar.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent that the report may be printed in the RECORD also.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the report be printed in the RECORD. Is there objection?

There was no objection.

The report (H. Rept. 1523) is as follows:

EUGENE C. BONNIWELL AGAINST THOMAS S. BUTLER.

Mr. COVINGTON, from the Committee on Elections No. 1, submitted the following report (to accompany memorial of Eugene C. Bonniwell to Speaker and House of Representatives, December 14, 1912):

On the 14th day of December, 1912, Mr. Eugene C. Bonniwell, who, at the election of 1912, was the Democratic candidate for the House of Representatives in the seventh congressional district of Pennsylvania, transmitted to the Speaker of this House a paper, as follows:

PAPER OF MR. BONNIWELL.

WAYNE, PA., *December 14, 1912.*

Hon. Champ Clark, Speaker of the House of Representatives, and Members of the House of Representatives, Washington, D. C.

GENTLEMEN: I hereby file notice of objection to the right of Thomas S. Butler to represent the seventh congressional district of Pennsylvania in the Sixty-third Congress and assign the following reasons:

First. The seventh congressional district of Pennsylvania is composed of Chester and Delaware Counties. To procure a majority upon the face of the election returns at the election held November 5, 1912, certain agents of the Republican organization of this district, in the service of and on behalf of Thomas S. Butler, the nominee herein, and certain other nominees did, by fraud and perjury, falsely preempt upon the official ballot of the State of Pennsylvania two titles, one being "Bull Moose" and the other "Roosevelt Progressive." Each title was intended and designed to deceive and mislead the voter whose intention was to vote the ticket upon which Theodore Roosevelt was a candidate, to wit, the Washington Party of Pennsylvania. To accomplish these ends these men forged alleged preemptors' names to the certificates of preemption. They forged hundreds of names in order to place the names of Thomas S. Butler for Congress and William C. Sproul for State senator and the Republican candidates for the State legislature upon these two false and pretended Progressive tickets. They forged these names alphabetically, without even the feeble pretense of disguising the handwriting. They forged signers to the affidavits required at the ends of these nomination papers. They impersonated the affiants before the justice of the peace. These facts were known to Thomas S. Butler. Objections, under the ballot laws, were filed to the right of these fraudulent pretenders to masquerade as supporters of Roosevelt by the real Washington Party nominees. Copies of the objections were served upon Thomas S. Butler and the other candidates. Thomas S. Butler and the other candidates appeared in the Dauphin County court answering such summons and maintained their right to remain upon the perjured and forged tickets. The objections were dismissed upon a technicality, and Mr. Butler continued thereon in the face of the glaring frauds. Thereafter and prior to the election, seven men, active in the councils of the organization supporting Thomas S. Butler, were arrested upon the charges of forgery and perjury and held in bail for court. Despite the convincing evidence, Thomas S. Butler willingly shut his eyes to the nauseous scandal. Funds were supplied by the men interested to the fraudulent committees masquerading as Progressives. The seventh congressional district was circularized by letter falsely asserting that the Bull Moose ticket was the only genuine Roosevelt ticket in the seventh district, and thereby upward of 4,332 voters were deceived and misled into voting for Thomas S. Butler for Congress.

It is submitted that the perjury and corruption herein averred was the result of a deliberate conspiracy on behalf of the organization leaders whose candidate Thomas S. Butler was. He was cognizant of its details long before election. He approved of the forgery and perjury by remaining a candidate upon the said tickets after public notice. That these acts of themselves disqualify him from membership in the House of Representatives of the United States.

If further reason be deemed essential that this conspiracy went to the vitals of this election, let the pollution of the grand jury of Delaware County at this December session of court speak for itself. The bills of indictment charging the seven men with perjury and forgery were to be submitted to this December grand jury. The sheriff of Delaware County is S. Everett Sproul, brother of State Senator William C. Sproul, the Republican leader of Delaware County, and, with Thomas S. Butler, most concerned in these nominations. The grand jury, always the bulwark of the people's liberties, was prostituted by politicians to save their tools from conviction. Twelve false jurors, not drawn or entitled to serve, 6 of them members of the Republican county committee, 2 more relatives of Republican officials, were secretly added to the 11 bona fide jurors, and this corrupted jury sought to destroy justice in its very temple by ignoring the indictments against the forgers and perjurers, and so make a mockery of the law. This treacherous body, not content with dismissing every indictment laid against the corruptionists, to terrorize future men temerarious enough to assail their vicious acts, imposed over $700 in costs upon J. Watts Mercur, the fearless citizen who brought these prosecutions, Washington Party nominee for State senator, against William C. Sproul. That 12 jurors were illegal Mr. Mercur discovered. Upon the fact being presented to the court of common pleas of Delaware County the dishonest grand jury was summarily dismissed, all indictments recalled, and a sweeping investigation set upon foot. It was public knowledge that this contest was to be instituted, based upon these frauds. It can not be doubted that one of the chief aims of the men most concerned was to destroy this ground for contest. This pollution of justice merits the expulsion of this Representative from the Halls of Congress.

Second. That the expense accounts filed in this district are false and fraudulent; that money, thousands of dollars unaccounted for by any candidate or committee, were expended in the seventh district on behalf of the Republican candidates, Butler and Sproul in particular, as will be shown upon the hearing of this contest.

Third. That a committee especially organized by personal friends of Thomas S. Butler, styled the Butler League, composed and caused to be published false and libelous articles concerning the contestant.

Fourth. The West Chester Village Record is a local newspaper largely owned and controlled by T. L. Eyre, Republican boss of Chester County, and personal representative of Thomas S. Butler.

The Chester Republican is a local paper largely owned and controlled by Senator William C. Sproul, a Republican boss, and personal representative of Thomas S. Butler in Delaware County. On August 15, 1912, the West Chester Village Record published the following editorial:

The Hon. Thomas S. Butler, the Republican nominee for Congress, was born and reared in the Society of Friends, and is proud of his Quaker ancestry. His opponent, Eugene C. Bonniwell, is a Roman Catholic.

On August 28, 1912, the Chester Republican reprinted this editorial. Coincident with the two said editorials messengers in the employ of supporters of Thomas S. Butler traversed the district, having in their possession and circulating a blasphemous and infamous libel, a copy of which is hereto attached, pretended to be an oath of the Knights of Columbus, of which body the contestant is a member. So revolting are the terms of this document and so nauseating its pledges that the injury it did not merely to the contestant but also to the Knights of Columbus and to Catholics in general can hardly be measured in terms.

I charge that the circulation of this oath and the publication of the two editorials herein referred to were part of a conspiracy, precisely as was the forgery and perjury referred to in paragraph 1—a conspiracy by the same people for the purpose of arousing religious rancor and of defeating the Democratic nominee. The Constitution of the United States prohibits any religious test for office. The organization supporting Thomas S. Butler created such a test, blazed bigotry in the hearts and minds of the ignorant, and slandered and vilified a great body of honorable men.

I file no complaint because of adverse election returns. The Democracy of Pennsylvania is inured to adversity. Nor is this complaint registered because of defeat resultant upon faith or race. In these things I own a just pride and do not protest if, because of either, political honors are to be denied me. But when a calumnious, viperish attack upon either faith or race is launched, injecting religious bigotry into the political affairs of this Nation, then this protest is made in the certain confidence that all patriotic men, mindful of the religious as well as the political liberty that the forefathers designed should be our heritage, will rise and strike down the beneficiary of such a treacherous and dastardly movement.

For myself I make no appeal to your honorable body that I may be seated. That a plurality of the legal votes cast in that district were cast for me no one pretends to deny, but representations is the least of my concerns. This I do maintain, that this man, receiving his election under these circumstances, adding the felonies of forged papers, perjured acknowledgments, and violated grand jury to the more wicked crime of religious slander, ought not to be tolerated in the House of Representatives.

Respectfully submitted.

EUGENE C. BONNIWELL.

KNIGHTS OF COLUMBUS OATH.

I, ——— ———, now in the presence of Almighty God, the blessed Virgin Mary, the blessed St. John the Baptist, the Holy Apostles, St. Peter and St. Paul, and all the saints, sacred host of Heaven, and to you, my Ghostly Father, the superior general of the Society of Jesus, founded by St. Ignatius Loyola, in the pontification of Paul the III, and continued to the present, do by the womb of the Virgin, the matrix of God, and the rod of Jesus Christ, declare and swear that His Holiness, the Pope, is Christ's vice regent and is the true and only head of the Catholic or Universal Church throughout the earth; and that by virtue of the keys of binding and loosing given His Holiness by my Savior, Jesus Christ, he hath power to depose heretical kings, princes, States, Commonwealths, and Governments and they may be safely destroyed. Therefore to the utmost of my power I will defend this doctrine and His Holiness's right and custom against all usurpers of the heretical or Protestant authority whatever, especially the Lutheran Church of Germany, Holland, Denmark, Sweden, and Norway and the now pretended authority and Churches of England and Scotland, and the branches of same now established in Ireland and on the Continent of America and elsewhere, and all adherents in regard that they may be usurped and heretical, opposing the sacred Mother Church of Rome.

I do now denounce and disown any allegiance as due to any heretical king, prince, or State, named Protestant or Liberals, or obedience to any of their laws, magistrates, or officers.

I do further declare that the doctrine of the Churches of England and Scotland, of the Calvinists, Huguenots, and others of the name of Protestants or Masons to be damnable, and they themselves to be damned who will not forsake the same.

I do further declare that I will help, assist, and advise all or any of His Holiness's agents, in any place where I should be, in Switzerland, Germany, Holland, Ireland, or America, or in any other kingdom or territory I shall come to, and do my utmost to extirpate the heretical Protestant or Masonic doctrines and to destroy all their pretended powers, legal or otherwise.

I do further promise and declare that, notwithstanding I am dispensed with to assume any religion heretical for the propagation of the Mother Church's interest, to keep secret and private all her agents' counsels from time to time, as they intrust me, and not divulge, directly or indirectly, by word, writing, or circumstances whatever, but to execute all that should be proposed, given in charge, or discovered unto me by you, my Ghostly Father, or any of this sacred order.

I do further promise and declare that I will have no opinion or will of my own or any mental reservation whatsoever, even as a corpse or cadaver (perinde ac cadaver), but will unhesitatingly obey each and every command that I may receive from my superiors in the militia of the Pope and of Jesus Christ.

That I will go to any part of the world whithersoever I may be sent, to the frozen regions north, jungles of India, to the centers of civilization of Europe, or to the wild haunts of the barbarous savages of America without murmuring or repining, and will be submissive in all things whatsoever is communicated to me.

I do further promise and declare that I will, when opportunity presents, make and wage relentless war, secretly and openly, against all heretics, Protestants and Masons, as I am directed to do, to extirpate them from the face of the whole earth; and that I will spare neither age, sex, or condition, and that will hang, burn, waste, boil, flay, strangle, and bury alive these infamous heretics; rip up the stomachs and wombs of their women, and crush their infants' heads against the walls in order to annihilate their execrable race. That when the same can not be done openly, I will secretly use the poisonous cup, the strangulation cord, the steel of the poniard, or the leaden bullet, regardless of the honor, rank, dignity, or authority of the persons, whatever may be their condition in life, either public or private, as I at any time may be directed so to do by any agents of the Pope or superior of the Brotherhood of the Holy Father of the Society of Jesus.

In confirmation of which I hereby dedicate my life, soul, and all corporal powers, and with the dagger which I now receive I will subscribe my name written in my blood in testimony thereof; and should I prove false or weaken in my determination, may my brethren and fellow soldiers of the militia of the Pope cut off my hands and feet and my throat from ear to ear, my belly opened and sulphur burned therein with all the punishment that can be inflicted upon me on earth and my soul shall be tortured by demons in eternal hell forever.

That I will in voting always vote for a K. of C. in preference to a Protestant, especially a Mason, and that I will leave my party so to do; that if two Catholics are on the ticket I will satisfy myself which is the better supporter of Mother Church and vote accordingly.

That I will not deal with or employ a Protestant if in my power to deal with or employ a Catholic. That I will place Catholic girls in Protestant families that a weekly report may be made of the inner movements of the heretics.

That I will provide myself with arms and ammunition that I may be in readiness when the word is passed, or I am commanded to defend the church either as an individual or with the militia of the Pope.

All of which I, ——— ———, do swear by the blessed Trinity and blessed sacrament which I am now to receive to perform and on part to keep this, my oath.

In testimony hereof, I take this most holy and blessed Sacrament of the Eucharist and witness the same further with my name written with the point of this dagger dipped in my own blood and seal in the face of this holy sacrament.

The Hon. Thomas S. Butler, the Representative in this House from the seventh congressional district of Pennsylvania, and who was a candidate for election to the Sixty-third Congress from said district at the election of 1912, has filed a paper in the nature of an exception and answer to the paper of the said Eugene C. Bonniwell, as follows:

EXCEPTION AND ANSWER OF REPRESENTATIVE BUTLER.

To EUGENE C. BONNIWELL:

You will please take notice that I hereby except to your notice "of objection to my right to represent the seventh congressional district of Pennsylvania in the Sixty-third Congress," having been elected thereto at an election held on the 5th day of November, 1912, a copy of which notice was delivered at my residence in the borough of West Chester on the 16th day of December, 1912. I except to your notice of objection for the reason that said notice is so vague, indefinite, and general in its terms and allegations that I can not tell what I am called upon to answer, and for the further reason that the said notice does not meet the requirements of the statutes and laws of the United States relating to objections to qualifications for the office of Representative in Congress. At the proper time I shall urge a committee of the House of Representatives, or the House of Representatives itself, to dismiss your notice for the reason stated above. I shall particularly insist before said committee or the House of Representatives itself that your notice on its face admits that I was regularly elected a Member of Congress to represent the seventh congressional district of Pennsylvania in the Sixty-third Congress, and that the result of said election would not be changed if all you allege in your notice were true.

Not waiving my right to except to your objection because of its informality and because of its time of service, as well as its manner of service, nor for the reasons stated above, nor for any other legal reason or reasons, I hereby make such answer as the general vague allegations of your notice of objection enable me to make.

You concede my election and you do not contest my right to a seat in the Sixty-third Congress on the ground that I was not legally elected thereto, but you object to my membership in such Congress because of disqualifications alleged by you. I quote from your notice of objection addressed to the Speaker and Members of the House of Representatives:

GENTLEMEN: I herewith file notice of objection to the right of Thomas S. Butler to represent the seventh congressional district of Pennsylvania in the Sixty-third Congress. (Objection, p. 1.)

That these acts of themselves disqualify him from membership in the House of Representatives of the United States. (Objection, p. 2.) This pollution of justice merits the expulsion of this Representative from the halls of Congress. (Objection, p. 5.) I file no complaint because of adverse election returns. (Objection, p. 5.) For myself I make no appeal to your honorable body that I may be seated. * * * This I do maintain: That this man receiving his election under these circumstances, adding the felonies of forged papers, perjured acknowledgments, and violated grand jury, to the more wicked crime of religious slander, ought not to be tolerated in the House of Representatives. (Objection, p. 5.)

First. It is true, as alleged in your notice, that the seventh congressional district of Pennsylvania is composed of Chester and Delaware Counties. I live at West Chester, in Chester County. I deny that "to procure a majority upon the face of

the election returns at the election held November 5, 1912, certain agents of the Republican organization of the seventh congressional district, in my service and on my behalf, did by fraud and perjury, falsely preempt upon the official ballot of the State of Pennsylvania, two titles, one being 'Bull Moose' and the other 'Roosevelt Progressive.'" I had nothing whatever to do with the preemption of these titles on the official ballot of Pennsylvania. I was not consulted by the preemptors and did not know at the time the names of the preemptors residing in Delaware County. I did not know at the time the nomination papers were circulated for signatures who circulated them, who signed them, or who procured others to sign them. I had nothing whatever to do with procuring signatures to these nomination papers. I asked no one to sign them. I was told by some of the advocates of the election of Theodore Roosevelt, residing in Chester County, that they were in favor of the local tickets named in this congressional district and that they proposed to preempt the title of "Bull Moose" and form a ticket, with the names of Roosevelt electors and the candidates for State offices named at the Republican State convention at the head, to be followed with the names of all the local candidates selected by the Republican voters at the uniform primaries held April 13, 1912. I was asked whether or not I would permit my name to remain on such ticket; I answered that I would, provided all of the Republicans named in our congressional district at the same primaries were given a similar privilege. I have no knowledge of either the preemption or formation of the "Bull Moose" ticket in the seventh congressional district beyond that stated herein. There was no "Roosevelt Progressive" ticket in Chester County. I know nothing whatever of the preemption of the title "Roosevelt Progressive" in Delaware County and of the formation of its ticket there beyond that stated in this answer. I aver that certain of the Roosevelt leaders in the State of Pennsylvania were in sympathy with the State and local nominations of the Republican Party, where such nominations were effected without any suspicion or taint of fraud, as was the case in the seventh congressional district; that in pursuance of authority conferred by the statutes of the State of Pennsylvania, these Roosevelt leaders preempted these two titles, "Bull Moose" and "Roosevelt Progressive," for Roosevelt presidential electors and the Republican State ticket. They afterwards obtained signatures at large throughout the State of Pennsylvania to nomination papers for Roosevelt electors and the candidates named at the Republican State convention. Their purpose was to enable the voter to cast a ballot with a single mark for the Roosevelt electors, the Republican State candidates for Congressman at large, for auditor general, and for State treasurer, and for the local Republican candidates selected at the aforesaid uniform primaries.

I deny that the titles "Bull Moose" and "Roosevelt Progressive" were intended and designed to deceive and mislead the voter whose intention was to vote the ticket upon which Theodore Roosevelt was a candidate, to wit, the Washington Party of Pennsylvania. I aver that the use of these titles did not in fact deceive and mislead any voters. This allegation of intent and design to deceive and mislead the voter was raised on objections filed against the "Bull Moose" and "Roosevelt Progressive" tickets by Frederick A. Howard, the Washington Party candidate for Congress in the seventh congressional district, in the court of common pleas of Dauphin County, Pa., and dismissed, after full hearing thereon, in the following decree:

> And now, October 9, 1912, after hearing, the within objections are overruled and dismissed and the prothonotary is directed to certify this action to the secretary of the Commonwealth. An exception to this order is sealed for the objector.
>
> By the court:
>
> SAM'L J. M. MCCARRELL, J.

It was not alleged in the objections filed in Dauphin County that I acted with the preemptors of the Bull Moose and Roosevelt Progressive Parties for any fraudulent or improper purpose. Copies of these objections are attached to this answer, marked "Exhibit A."

It was at this hearing in Dauphin County, on October 9, 1912, that I first learned that the genuineness of some of the names of the signers (living in Delaware County) to the nomination papers of the Bull Moose and Roosevelt Progressive Parties was challenged. I did not have the opportunity to examine these nomination papers exhibited in said court. I deny that I had any knowledge prior to this hearing in the Dauphin County court "that hundreds of names were forged in order to place my name for Congress and William C. Sproul for State senator and the Republican candidates for the State legislature upon these tickets." I further deny that I had any knowledge prior to the hearing aforesaid "that names were forged alphabetically without even the feeble pretense of disguising the handwriting," and that they "forged siguers to the affidavits required at the ends of these nomination papers, and that they impersonated the affiants before the justice of the peace," nor have I any such knowledge now further than that obtained by common report. I do know that the statute of Pennsylvania requires objections to nomination papers to be filed in the Dauphin County court, sitting at Harrisburg. I believe that J. Watts Mercur, the candidate for State senator on the Washington Party ticket, prepared the objections to said nomination papers, and the single ground of objection alleged was the intent and design to mislead and deceive, and that no forgeries of signatures were alleged. The alleged forgeries, if any were committed, must have been known to the said J. Watts Mercur, because he had in attendance at said hearing four or five of the alleged signers from Delaware County as witnesses to prove that they had not signed their names to the nomination papers, and counsel for objector insisted that they should be heard. Counsel for the nominees objected upon the ground that the notice served exhibited no notice of such ground of contest. The court sustained the objection; counsel for objecter then requested the court to permit objections to be filed nunc pro tunc; the court doubted its authority to extend the time limited by the act of assembly, and counsel for objector, Mr. Robinson, concurred with that view of the court. I deny that the one objection filed was dismissed upon a technicality and aver that it was dismissed after a hearing in which it was fully considered. During the hearing in court Mr. Gilbert, of counsel for the nominee, stated that I was ready and wished to state under oath my knowledge concerning the preparation of these nomination papers. The court stated that it could not hear testimony that did not relate to any objection presented to it, and permission to testify was not given me. Immediately upon the disposition of the question raised and considered by the court, I made inquiry of several citizens of Delaware County about the charges made that some of the signatures attached to the nomination papers prepared in Delaware County were not genuine. I was assured by them that they believed that all the persons whose names were attached to these nomination papers had either signed them or had authorized them to be signed. During the hearing in Dauphin County one of the sitting judges asked of counsel, in my presence, whether a sufficient number of unchallenged and unimpeachable names appeared upon these petitions to satisfy the requirements of the statute and to which no exception could be taken. The answer of counsel was that it required under the statute but 327 names to make the nomination for Congress and that there were 30 more than that number of unquestioned signatures. Immediately following this disposition of the objections by the Dauphin County court photographs were made of these alleged forgeries and exhibited at public meetings held in this congressional district prior to the election, and the questions of dishonesty practiced in procuring some of these signatures to these nomination papers became one of the issues of the campaign.

I admit that a few days prior to the election I learned through the public press and from the comments thereon that certain men in Delaware County had been arrested, charged with having forged some signatures of Delaware County residents to certain nomination papers. I knew personally but two of these men charged with these offenses. I do not know to what organization you refer when you state that these men were "active in the councils of the organization supporting Thomas S. Butler." I deny that I willingly shut my eyes to the "nauseous scandal." I immediately inquired of those I thought well informed, and learned that the men who were charged with these crimes dehied their guilt and insisted that they would be able to prove their innocence in courts of justice. In one prosecution the preliminary hearing was waived; in three other prosecutions evidence was taken before the committing magistrate; two of the men charged were discharged and the third was held for court. I was credibly informed that all the accused men insisted upon their innocence and declared their ability to establish it when the chance should be given them in court. I did not believe them guilty, and they have not at the time of the filing of this answer been pronounced guilty by a court of justice. With more than enough unchallenged names on the petitions, with the knowledge that many more signatures could have been had for the mere asking, it seemed to me unbelievable that the fraud alleged could have been practiced. It was said by those accused and by others that these prosecutions were brought by the political enemies of the accused for political effect upon the campaign in the hope that the voters of the district might thereby be induced to cast their votes against Republican candidates whose names were found upon the Bull Moose and Roosevelt Progressive tickets and in favor of the Washington ticket, upon which J. Watts Mercur, the prosecutor, was a candidate for the State senate in Delaware County.

I have no knowledge of funds supplied to any persons or committees except as hereinafter fully set out in answer to the second paragraph of your objection.

I have no knowledge that the seventh congressional district was circularized by letter falsely asserting that the Bull Moose ticket was the only genuine Roosevelt ticket in the district. I never saw or heard of such a circular. I deny that 4,332 voters were deceived and misled into voting for me for Congress. I aver that had all these 4,332 votes—cast for me on the "Bull Moose" and "Roosevelt Progressive" tickets—been cast for the Washington Party ticket, which you allege in your objection was the real intention of the voters, such a vote would not have elected the Washington Party candidate, and would not have increased or affected your vote and would not have prevented my election. There were at least 30 Republican meetings held in this congressional district. There were many held by the Washington Party and there were many held by the Democratic Party. At these meetings issues were discussed, all the tickets in the field were talked about. The formation of the Bull Moose ticket and the Roosevelt Progressive ticket was condemned by speakers at public meetings held by the Washington Party and discussed in the public press by the members of the same party. The attention of the voters was called to the appearance of these tickets and advertisements were inserted in the newspapers by the Washington Party managers, warning the people against voting the Bull Moose or the Roosevelt Progressive tickets, upon the ground that they were not real Roosevelt tickets; which ticket was the genuine Roosevelt ticket was disputed among the Roosevelt people in this district. I attach copies of their advertisements appearing daily during the campaign in the Daily Local News, of West Chester, showing the contentions on this account which existed during the campaign, marked "Exhibit B."

While I had nothing to do with the origin or formation of the Bull Moose and Roosevelt Progressive tickets, I aver that, so far as I have any knowledge, they were made for the legitimate object of permitting Republicans who desired to vote for Theodore Roosevelt and the Republican State and local tickets an opportunity to do so by making one mark.

I deny that "the perjury and corruption averred on your objection were the result of a deliberate conspiracy on behalf of the organization leaders, whose candidate I was." I knew nothing of any such conspiracy. I deny "that I had any knowledge of its details long before election." I deny that "by remaining a candidate upon these tickets I thereby approved of the forgery and perjury," if any there were.

I have learned through the public press that there was a crime committed in Delaware County by some person or persons in the corruption of its jury lists. For the commission of this crime I am in no way responsible and in it I am no way involved. Who committed this crime courts and investigators have failed as yet to expose. I have no knowledge of either the offense or the offenders except that which has been published in the public press. This crime affected in no way the free will of the people expressed at the polls. It was committed subsequently to the election and in no way affects its legality. While I hereby denounce the perpetration of this offense, and its perpetrators as well, I care not to which party they belong or with whom they may have been formerly affiliated, I insist with all the positiveness at my command that I did not know that such an offense was to be committed and that I do not know who committed it, but I do know that whoever did commit it was not acting as an agent or ally of mine, nor had I any association with them for such purpose. I admit that you have made public declarations of your purpose to make an objection or contest to my seat in Congress, but I deny that this crime was committed to destroy one of your grounds for contest; the ignoring of these bills of indictment in Delaware County would present no obstacle to a consideration by Congress of the forgeries and perjuries alleged by you to have been made upon these nomination papers.

You state that "this pollution of justice merits the expulsion of this Representative from the Halls of Congress." I agree with you that anyone who aided, abetted, encouraged, or knowingly permitted such a crime, or failed to make public any knowledge that such a crime was to be committed, or, having knowledge of those who committed it, now conceals it, is not only unfitted to sit in Congress, but is unfitted to be a citizen of any law-abiding community; but, as hereinbefore stated, I positively deny any connection with, knowledge of, or responsibility for the crime.

Second. I deny "that the expense accounts filed in this district, so far as they relate to me, are fraudulent and false and that money, thousands of dollars unaccounted for by any candidate or committee, was expended by me or on my behalf." The election expenses incurred by me, or by those who acted for me with my knowledge, are contained in the statements filed by me and are absolutely correct and accurate. I contributed $500 to each of the two regularly organized Republican executive committees of Chester and Delaware Counties, which money was spent by the two committees in the conduct of the campaign for the whole Republican ticket on which I was a candidate. Aside from these two contributions, all the election expenses incurred to secure my election to the Sixty-third Congress, of which I have any knowledge, excepting that which was expended by the Thomas S. Butler League, referred to in your objection, are stated in my account on file with the Clerk of the House of Representatives at Washington and with the clerks of the courts of Chester and Delaware Counties, Pa. This account shows that I spent $1,401.10, including the contribution of $500 to each of the two Republican executive committees, as above stated. The account of the Thomas S. Butler League, filed with the clerk of the court of Chester County, as provided by law, shows that there was spent by it on my behalf and in order to secure my election the sum of $408. Excepting the expenditures above stated, I did not pay, give, or lend, or agree to pay, give, or lend, either directly or indirectly, any money or valuable thing for election expenses whatever. I authorized no one to expend any money for election purposes for me or on my behalf, and no one with my knowledge or with my consent incurred any expense whatever for that purpose beyond the amounts above stated. An examination of these accounts will show for what purpose these expenditures were made. They are all lawful, reasonable in size, and entirely within the statutes.

Third. I admit that a number of citizens of Chester County formed an association styled the Thomas S. Butler League. It was composed not of professional politicians, but of citizens of Chester County who desired my return to Congress. I had nothing whatever to do with the formation of this league or the conduct of its campaign. I contributed nothing toward its expenses, either directly or indirectly. You do not particularize in your objection the false and libelous articles which were composed and published by said league. I know of none, and I aver that the conduct of the Thomas S. Butler League was fair, and that all their efforts to secure my election were honorable.

Fourth. I admit that there is published at West Chester a paper known as the Village Record. I admit that T. L. Eyre owns it. Whether he is the Republican boss of Chester County, as you style him, is an open question. There are other men who claim the same distinction. He is my personal and political friend of many years, but I deny that he is my personal representative. I never had one. I admit that William C. Sproul is one of the three editors and proprietors of the newspaper published at Chester, Delaware County, known as the Morning Republican. I do not know whether he is the Republican boss of Delaware County, as alleged by you. Among Republicans whom I know he is not known as a boss. I never recognized either one of these men as my boss; indeed, they never assumed such ownership. I do know, however, that Senator Sproul is not and was not my personal representative in Delaware County, but I admit that he is my personal and political friend. You state in this paragraph of your objection that an editorial publication was made in these papers as follows:

> The Hon. Thomas S. Butler, the Republican nominee for Congress, was born and reared in the Society of Friends, and is proud of his Quaker ancestry. His opponent, Eugene C. Bonniwell, is a Roman Catholic (p. 4).

While I never saw or heard of it until I read the paragraph of your objection, I admit the truthfulness of it with pleasure, so far as it relates to me. I did not in any manner inspire it. Since your notice served on me, Mr. Eyre informs me that he had not seen or heard of the article of which you complain, although it appeared in his own newspaper. I have no knowledge of "any man, set of men, political organization, or its representative, employing or procuring messengers to traverse this congressional district and to circulate on my account or on any account the publication which you characterize as a blasphemous and infamous libel, known as Knights of Columbus oath." That this paper was circulated through this congressional district during this campaign I both admit and regret. I deny that I had anything whatever to do, directly or indirectly, with either its publication or its circulation. It came into this district through the mails, I am informed, and as fast as it appeared those who took my advice destroyed it. I am advised by those who know, that the same article was circulated and distributed in other parts of Pennsylvania than this congressional district during the last campaign, and I am further informed that this same article has been circulated not only in Pennsylvania, but in other States during political cam-

paigns for many years. I had no knowledge whatever of it until it appeared here during the last campaign, and from a source I know nothing about. Two or three of my political advocates showed me copies of this paper, which they had received through the mails. I requested them to ascertain where other copies of it had been received and to have all of them destroyed. I apprehended with alarm the use of such a document in a political campaign, or at any other time.

I did not believe in its truthfulness, and so stated my judgment concerning it on November 4, 1912 (as soon as complaint was made to me of its general circulation), through the columns of the West Chester Daily Local News, a paper with 17,000 circulation in this congressional district, a copy of which notice is herewith attached and marked "Exhibit C." Inasmuch as I did not wish to give this document, which I judged to be spurious, any notoriety whatsoever, I refrained from its public condemnation until the time when a general complaint was made to me, and I thought it my duty to publicly condemn it. In an interview with you, reported in the Daily Local News, of West Chester, December 2, 1912, you exonerated me from the responsibility for the publication or circulation of this paper by stating that it was not my work. A copy of this interview I attach to this answer, marked "Exhibit D." I never had a copy of the paper known as the "Knights of Columbus oath" in my possession, and I never heard the whole of it read until you furnished me with a copy of it, on the 16th day of December, 1912, by attaching it to your notice of objection. In no way am I guilty, either directly or indirectly, of having inspired or encouraged the circulation of this paper, and I am in no way, directly or indirectly, responsible for its appearance during this campaign or at any other time. I do not know who published it and sent it into this district, and I do not know who circulated it, except by common report. I deny that "the circulation of this oath and the publication of the two editorials were part of a conspiracy for the purpose of arousing religious rancor and of defeating the Democratic nominee." I have no knowledge of any conspiracy on the part of any persons for the purpose of arousing, or of any attempt being made during the campaign to arouse, a religious rancor. I have no knowledge of anyone having voted against you because of your religious views. They were spoken of in my presence but two or three times during the whole campaign, and upon each occasion I deplored a reference to such a subject. I know that the organization which supported me made no attempt to create a religious test and to "blaze bigotry" into the campaign, and, moreover, I know that these organizations had members of the Roman Catholic Church connected with them. I know, further, that active members of this church were my friends in the campaign, not only voting for me, but actively assisting me. I believe the circulation of this paper known as the "Knights of Columbus oath," notwithstanding my sincere efforts to suppress it, and spurious as I believed it to be, was of disadvantage to me and lost rather than gained votes for me.

I deny that there was any organized attack or any movement made upon you or upon your religious creed, or upon the ancient and honorable church of which you are a member. I deny "that there is nobody but believes that you received a plurality of the legal votes cast at the last election for Congressman in this district." Indeed, I never heard the suggestion from anyone but yourself. At the last election there were cast for Congressman in this district 40,137 votes. Of these, you received on the Keystone ticket 1,049 votes and on the Democratic ticket 11,176 votes, making in all 12,225 votes. Of the whole vote cast at this election, I received on the Republican ticket 14,944 votes, on the Bull Moose ticket 3,081 votes, on the Roosevelt Progressive ticket 1,251 votes, making a total of 19,276 votes. My majority over you was 7,051.

You make no criticism of the vote which I received on the Republican ticket, which exceeds that received by you on the Keystone and Democratic combined by 2,719 votes. You in no way challenge the correctness or the legality of the vote cast upon any ticket. You do not suggest that the will of the people was in any way overcome or interfered with or that any voter was deprived of his right secured him by law. You indicate no vote cast at this election that should be excluded for any reason whatever. You indicate none that should be counted that were not counted. You allege no fraud practiced at either the polls or elsewhere. You only ask Congress to unseat me because of misconduct (alleged by you) of persons and organizations, not named, whom you state voted for and supported me at the last election in the seventh congressional district, this misconduct in no way affecting the legality of the election or the size of my majority over you. You have in no way shown my connection with, nor my responsibility for, "the felonies of forged papers, perjured acknowledgments, violated grand jury, and the crime of religious slander." Your allegations of these offenses, committed by persons and organizations unnamed by you, you do not even sustain by oath or affirmation.

You are hereby notified that I will file a copy of these exceptions, answer, and counter notice with the Clerk of the House of Representatives within the time and in the manner required by law, so that the House of Representatives may make such disposition of your notice of objection and these exceptions, answer, and counter notice as it may see fit.

THOMAS S. BUTLER.

STATE OF PENNSYLVANIA, *County of Chester, ss:*

Before me, the undersigned, personally appeared Thomas S. Butler, whose name is signed to the above exceptions, answer, and counter notice, and being by me first duly affirmed, declares and says that he verily believes that the matters and things therein set forth are true.

THOMAS S. BUTLER.

Affirmed and subscribed before me this 2d day of January, 1913.

[SEAL.] MARY B. DARLINGTON, *Notary Public.*

My commission expires February 21, 1915.

EXHIBIT A.

In the court of common pleas of Dauphin County, Pa. No. 158, January term, 1913.

In re nomination of Thomas S. Butler for Congress for the seventh congressional district of Pennsylvania, under the name of "Roosevelt-Progressive."

To the honorable the judges of said court:

Frederick A. Howard, a resident of Chester, Pa., and a qualified elector of the aforesaid congressional district, objects to the nomination papers filed for Thomas S. Butler for the office of Congress for the seventh congressional district of Pennsylvania under the party name of "Roosevelt-Progressive" for the following reasons, viz:

Neither the electors signing the same, or the candidate named therein, are followers of Theodore Roosevelt or Progressives, as the name implies, but on the contrary are exerting all their power to defeat Theodore Roosevelt for the office of President of the United States, and therefore as such are not entitled to file any such nomination papers under such a party name.

That the said Thomas S. Butler is the Republican nominee for the office of Congressman in the aforesaid district.

That the said nomination papers were fraudulently filed, with the intent of deceiving the electors, by inducing them to believe from reason of said Butler's name appearing under said party name, as above, that he is a follower and supporter of Theodore Roosevelt, thus hoping to secure the votes of electors who are favorable to Roosevelt and who believe in his principles for the said Butler, while if they knew his true position they would vote against said Butler.

FREDERICK A. HOWARD.

Frederick A. Howard, the above objector, being duly sworn according to law, deposes and says that the facts set forth in the foregoing objections are true to the best of his knowledge and belief.

FREDERICK A. HOWARD.

Sworn and subscribed before me this 3d day of October, 1912.

[SEAL.] WM. H. TRICKER, *Notary Public.*

Commission expires January 19, 1915.

STATE OF PENNSYLVANIA, *County of Delaware, ss:*

Thaddeus Shinkel, constable in the city of Chester, in said county and State, being duly affirmed according to law, deposes and says that he served a carbon copy, of which within paper is the original, upon the within-named Thomas S. Butler personally, in his office, West Chester, Chester County, Pa., at 10 a. m., this 4th day of October, 1912.

THADDEUS SHINKEL.

Affirmed and subscribed before me this 4th day of October, 1912.

[SEAL.] CHARLES PALMER, *Notary Public.*

Commission expires January 23, 1915.

And now, October 5, 1912, time for hearing fixed October 9, 10 a. m. By the court:

GEORGE KUNKEL, *P. J.*

And now, October 9, 1912, after hearing, the within objections are overruled and dismissed, and the prothonotary is directed to certify this action to the secretary of the Commonwealth. An exception to this order is sealed for the objector.

By the court:

SAM'L J. M. MCCARRELL, *J.*

In the Court of Common Pleas of Dauphin County, Pa. No. 159, January term, 1913.

In re nomination of Thomas S. Butler for Congress for the seventh congressional district of Pennsylvania, under the name of "Bull Moose."

To the honorable the judges of the said court:

Frederick A. Howard, a resident of Chester, Pa., and a qualified elector of the aforesaid congressional district, objects to the nomination papers filed for Thomas S. Butler for the office of Congress for the seventh congressional district of Pennsylvania, under the party name of "Bull Moose" for the following reasons: The name of "Bull Moose" is commonly applied to the party now supporting Col. Theodore Roosevelt for the office of President of the United States, and his supporters and followers are commonly called "Bull Moosers."

Neither the electors signing the aforesaid papers nor the candidate named therein are followers or supporters of Theodore Roosevelt, but, on the contrary, are exerting all their powers to defeat Theodore Roosevelt for the office of President of the United States, and therefore are not such electors as are entitled to file any such nomination papers under such a party name.

That the said Thomas S. Butler is the Republican nominee for the office of Congressman in the aforesaid district.

That the said nomination papers were fraudulently filed, with the intent of deceiving the electors, by inducing them to believe from reason of said Butler's name appearing under said party name, as above, that he is a follower and supporter of Theodore Roosevelt, thus hoping to secure the votes of electors who are favorable to Roosevelt, and who believe in his principles, for the said Butler; while if they knew his true position they would vote against said Butler.

FREDERICK A. HOWARD.

Frederick A. Howard, the above objector, being duly sworn according to law, deposes and says that the facts set forth in the foregoing objections are true to the best of his knowledge and belief.

FREDERICK A. HOWARD.

Sworn and subscribed before me this 3d day of October, 1912.
[SEAL.] WM. H. TRICKER,
Notary Public.

Commission expires January 19, 1915.

STATE OF PENNSYLVANIA, *County of Delaware, ss:*

Thaddeus Shinkel, constable in the city of Chester, in said county and State, being duly affirmed by law, deposes and says that he served a carbon copy of which the within paper was the original upon the within-named Thomas S. Butler personally in his office, West Chester, Chester County, Pa., at 10 a. m. this 4th day of October, 1912.

THADDEUS SHINKEL.

Affirmed and subscribed before me this 4th day of October, 1912.
[SEAL.] CHARLES PALMER,
Notary Public.

Commission expires January 23, 1915.

And now, October 5, 1912, time for hearing fixed October 9, 10 a. m.
By the Court:

GEORGE KUNKEL, *P. J.*

And now, October 9, 1912, after hearing, the within objections are overruled and dismissed, and the prothonotary is directed to certify this action to the secretary of the Commonwealth. An exception to this order is sealed for the objector.

By the court:

SAML. J. M. MCCARRELL, *J.*

EXHIBIT B.

[Political.]

By making an X in the circle of the Bull Moose ticket you will vote for Theodore Roosevelt and Hiram W. Johnson, the two greatest American citizens living, and at the same time you will be casting a vote for the State ticket and Congress, Hon. Thos. S. Butler; State senate, Thos. R. McDowell; legislature, Jacob V. Pennegar, Theo. Pennock, Samuel A. Whittaker. Remember, this is the popular ticket and one which appeals to every honest Republican. Roosevelt and Johnson. The only genuine Progressive Roosevelt and Johnson ticket is the Washington ticket. Vote it straight by [X] in square opposite the word "Washington" at foot of ballot.

JOHN J. GHEEN,
Washington Party Chairman.

EXHIBIT C.

[Political.]

To the voters of Chester County:

I understand there is an anonymous circular being distributed to-day calculated to injure my opponent on the Democratic ticket.

I want to emphatically disavow my knowledge or sanction of this plan of campaign; and I want to further emphatically state that this circulation is without the knowledge and consent of the Republican county committees of Chester and Delaware Counties.

THOMAS S. BUTLER.

EXHIBIT D.

MR. BONNIWELL TO FILE PROTEST TO CONGRESSMAN BUTLER TAKING HIS SEAT IN NEXT CONGRESS—HE WILL FILE HIS PAPERS WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES NOT LATER THAN DECEMBER 16.

On December 16 Eugene C. Bonniwell, of Wayne, the defeated candidate for Congress in the recent election, will file with the Clerk of the House, at Washington, D. C., his formal charges of alleged irregularity used by the Butler forces in securing the election of Mr. Butler.

On this date the 30 days allowed by the law for the filing of charges of this nature expires, and as soon as the Clerk of the House receives the papers from Mr. Bonniwell he will at once send a copy to Congressman Butler, who has 30 days for filing his reply. Then the matter is referred to the Election Committee on Contests, and a day for the hearing of evidence is set, so the matter will not come up for real action until the last of March.

To-day Mr. Bonniwell is in Washington to take up before the Election Committee on Contested Elections the case of Hawkins *v.* McCreary, he representing Mr. Hawkins. Last evening before he left his home at Wayne he made the following statement to a reporter of the News:

"No; I will not file my charges to-morrow," said Mr. Bonniwell after query had been made on this point. "You see," he continued, "I have 30 days after the official count is made, and that time does not expire until December 16, but I will most certainly have it in the hands of the Clerk of the House by that time. The purport of my charges will be the illegal use of money, especially in Delaware County, by the Butler forces, also the methods used to preempt the Bull Moose Party, and then I will send a copy of the circular that was put out which was said to be the oath of the Knights of Columbus, and of which order I am a member. That was done for no other purpose than to injure me. While this can not be said to be the work of Mr. Butler, he was a beneficiary of the fraud practiced, which is, in the eyes of the law, the same thing as being one of the parties. I have collected a great deal of evidence, and it will all be brought before the committee at the hearing which will be held in Washington. I will practically represent myself in the matter, although one of the addresses will be made by City Solicitor Michael Ryan, but I will conduct the case, as I have had experience in similar cases, I being the representative of Mr. Hawkins, of Philadelphia, in his contest over the election, two years ago, of Mr. McCreary, of Philadelphia. I will make my appeal to-morrow in Washington, so you see I will have the experience of this case to become acquainted with the methods necessary. I feel that when the disclosures I have in my possession are made before the committee that they will see the irregular methods used to defeat me and that some action will be taken. I can not say more at this time other than the matter ought all to be thrashed out by April 1 of the coming year."

From different sources word has come that Mr. Bonniwell has been most active in collecting evidence for his proposed fight, and representatives of him have been both in Chester and Delaware Counties interviewing different leaders as well as voters to secure certain information. In the meantime Hon. Thomas S. Butler sits on the "lid" and says nothing, he refusing to discuss the prospects of his seat being contested, saying: "There is nothing in it in any shape or form, and I have no fear." Mr. Butler left West Chester yesterday for Washington, where he will close up the matters that are to be done in this the last session of Congress under President Taft.

These two documents were referred to this committee on the 7th day of January, 1913, by the Speaker with this statement:

The SPEAKER. The Chair has in his possession two communications. One of them purports to be a notice of contest by Eugene C. Bonniwell against Mr. Butler, of the seventh Pennsylvania district. On examination of the document, however, it turns out not to be a notice of contest, but to be something more in the nature of a memorial to this House, setting forth that the gentleman from Pennsylvania [Mr. Butler] ought to be expelled from the House. The Chair also has a copy of the reply of the gentleman from Pennsylvania [Mr. Butler], and without consuming any more time the Chair refers both papers to the Committee on Elections No. 1. (CONG. RECORD, p. 1688.)

On the 20th day of January, 1913, this committee addressed to Mr. Bonniwell and Representative Butler notices to appear before the committee on the 24th day of January, at 9 o'clock a. m. These notices were in the form of letters as follows:

LETTER TO MR. BONNIWELL.

WASHINGTON, D. C., *January 20, 1913.*

Mr. EUGENE C. BONNIWELL,
Wayne, Pa.

DEAR SIR: There has been referred to the Committee on Elections No. 1 of the House of Representatives of the Sixty-second Congress a proceeding filed by you against Hon. Thomas S. Butler, a Representative from Pennsylvania. Upon that proceeding the Speaker of the House ruled on January 17, as follows:

"The SPEAKER. The Chair has in his possession two communications. One of them purports to be a notice of contest by Eugene C. Bonniwell against Mr. Butler, of the seventh Pennsylvania district. On examination of the document, however, it turns out not to be a notice of contest, but to be something more in the nature of a memorial to this House, setting forth that the gentleman from Pennsylvania [Mr. Butler] ought to be expelled from the House. The Chair also has a copy of the reply of the gentleman from Pennsylvania [Mr. Butler], and without consuming any more time the Chair refers both papers to the Committee on Elections No. 1."

Your memorial is directed to the Hon. CHAMP CLARK, Speaker of the House of Representatives, and is consequently directed to the present Congress. The paper alleges that you object to the Hon. Thomas S. Butler holding a seat in the Sixty-third Congress.

It also alleges conduct which, you assert, should cause Hon. Thomas S. Butler to be expelled from the House.

This committee, or the House of Representatives of the Sixty-second Congress, has no jurisdiction to determine any matters affecting the seat of any Member elect in the Sixty-third Congress, and in view of the equivocal character of your paper you are notified to appear before this committee at 9 o'clock a. m. on Friday, January 24, 1913, to show what cause, if any, you have for this committee to determine the right of Hon. Thomas S. Butler to continue to hold a seat in the Sixty-second Congress.

Yours, truly,

FRANK MILLER, *Clerk.*

LETTER TO MR. BUTLER.

WASHINGTON, D. C., *January 20, 1913.*

Hon. THOMAS S. BUTLER,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I herewith inclose copy of a letter which the committee, at a meeting this morning, instructed me to forward to Mr. Eugene C. Bonniwell relative to his memorial to the House of Representatives concerning your right to a seat in the House.

The committee also instructed me to forward a copy of the letter to Mr. Bonniwell to you, with the instruction that you be notified to appear before the Committee on Elections No. 1 on Friday, January 24, 1913, at 9 o'clock a. m.

Yours, truly,

FRANK MILLER, *Clerk.*

Mr. Bonniwell did not appear before the committee on the day of the hearing, but sent to the chairman the following letter:

LETTER FROM MR. BONNIWELL.

PHILADELPHIA, *January 21, 1913.*

Hon. TIMOTHY ANSBERRY,
Chairman Committee on Elections No. 1,
House of Representatives, Washington, D. C.

MY DEAR SIR: Your favor of the 20th instant at hand, and I fully concur in your judgment that this Congress has no jurisdiction. I wish to put formally of record, in reply to your notice addressed to me of the above date and signed "Frank Miller, clerk," to appear before your committee at 9 a. m. Friday, January 24, 1913, that I do not consider that I have any status under this notice to present a case against Mr. Butler at this time. I might direct your attention to the fact that technically—and this point has actually been made by counsel for the Hon. George D. McCreary in the pending contest of Frank H. Hawkins *v.* George D. McCreary—that there are no rules and no body legally constituted to provide for an election contest of an incoming Congress until that Congress has actually met; or, in other words, that the regulations of the Sixty-first Congress concerning contests, notices thereof, etc., need not bind the Sixty-second Congress, nor those of the Sixty-second the Sixty-third.

The rules of the Committee on Elections of the House of Representatives contain no specified form for a notice of contest beyond that it shall be "in writing" and "in such notice shall specify particularly the grounds upon which he relies upon a contest." The rules do not even require that a copy of said notice shall be sent to the officers of the House. This notice of contest was served upon Thomas S. Butler "within 30 days after the result of such election had been determined by the board of canvassers." It could hardly be more explicit in its language:

"I hereby file notice of objection to the right of Thomas S. Butler to represent the seventh congressional district of Pennsylvania in the Sixty-third Congress, and assign the following reasons:

"First. Fraud and perjury.

"Second. Illegal expenses.

"Third. Libel.

"Fourth. Religious attack upon the Knights of Columbus, in violation of the constitutional right of citizenship."

Each of the foregoing grounds, if proven, being conclusive reasons for refusing to permit the contestee to hold his seat.

Inasmuch as there can not be a Speaker of the House or Clerk of the House of the Sixty-third Congress until December or, in the event of a special session, at the pleasure of the President, and as this Congress has provided certain rules for the regulations of contested-election cases, it was deemed by me advisable to also file copies of said objection with the present Speaker of the House, in order that the same might in form comply with the present regulations. I might add that the pleasant certainty that the present distinguished Speaker will, in all likelihood, preside over the next Congress persuaded me to address him by name in future, rather than in blank as the Speaker or Clerk.

We are about to begin to take testimony in support of the various allegations named in this notice of contest. This testimony, under the rules, can not be completed for 75 days, nor printed, I take it, for a period of a month following that.

Therefore, while thanking your committee for its unusual courtesy and the opportunity of developing before this Congress the vicious and infamous conduct of the representatives of the Republican organization supporting Mr. Butler, I feel that in due justice to myself, as well as to the citizens of Delaware County, whose ballot rights were violated and whose grand-jury wheel was padded, that I should proceed in an orderly fashion in setting forth this evidence, so that Congress may act with due judgment and discretion.

I would therefore pray your honorable committee that your judgment indicated in your letter of the 20th, to wit, that this committee and this Congress are without jurisdiction in this matter, and that it is a subject matter for the incoming Congress, be made the text of your report, if any be needed.

I am, with much respect,

Yours, very sincerely, EUGENE C. BONNIWELL.

Representative Butler appeared at the hearing, was examined by the committee, and made a full denial of all the charges contained in the memorial of the said Eugene C. Bonniwell, so far as they in any manner affected him.

This committee, of course, has no jurisdiction to determine any matters affecting the right of any person to a seat in the House of Representatives in the Sixty-third Congress. It does not, therefore, attempt to pass upon any question involved in any valid contest which may have been instituted against the said Thomas S. Butler by the said Eugene C. Bonniwell or anyone else, alleging that he and not the said Thomas S. Butler is the duly elected Representative from the seventh congressional district of Pennsylvania in the Sixty-third Congress.

However, from a careful examination of the document filed by Mr. Bonniwell, it appears that the Speaker was entirely correct in declaring that it is a paper in the nature of a memorial to this House alleging certain acts and conduct by persons for which Representative Butler, it is asserted, should be expelled.

The paper, or memorial, is addressed to "Hon. CHAMP CLARK, Speaker of the House of Representatives, and Members of the House of Representatives, Washington, D. C."

The only Congress in which Mr. CLARK is or ever has been Speaker of the House of Representatives is the present, or Sixty-second Congress, and the only "Members of the House of Representatives" in being are the Members of this House.

It is true that the paper of Mr. Bonniwell begins with the statement:

I hereby file notice of objection to the right of Thomas S. Butler to represent the seventh congressional district of Pennsylvania in the Sixty-third Congress.

But in the said paper Mr. Bonniwell distinctly states:

I file no complaint because of adverse election returns—

And—

For myself I make no appeal to your honorable body that I may be seated.

The paper of Mr. Bonniwell being filed with this House and the author disclaiming that it is filed as a notice of contest, in which he intends to claim the seat of Representative BUTLER in the Sixty-third Congress, and it containing such allegations against Representative Thomas S. Butler, the sitting Member from the seventh congressional district of Pennsylvania, as follows:

This pollution of justice merits the expulsion of this Representative from the Halls of Congress—

And—

This man receiving his election under these circumstances, adding the felonies of forged papers, perjured acknowledgments, and violated grand jury to the more wicked crime of religious slander, ought not to be tolerated in the House of Representatives.

The committee has felt it to be its duty to examine with some care the document to ascertain whether there are any charges made against Representative Butler which warrant reporting to this House a resolution recommending his expulsion.

The paper of Mr. Bonniwell is adroitly drawn, but when analyzed it is found to be one of innuendo and not of direct charge. It refers to perjury and forgery in connection with the nominations of Representative Thomas S. Butler and candidates for local offices in Chester and Delaware Counties, Pa., and asserts that these crimes of perjury and forgery were committed through a conspiracy. But there is no charge that Representative Butler committed or furthered the perjury or forgery or took part in the alleged criminal conspiracy.

The paper of Mr. Bonniwell further refers to an alleged pollution of the grand jury of Delaware County, Pa., after the election of 1912, and at a time when certain election officials were about to be indicted for alleged offenses at that election, but there is no actual charge that Representative Butler participated in, furthered, or was even cognizant of the alleged conspiracy to pollute the grand jury.

The paper of Mr. Bonniwell asserts that Representative Butler has filed a false and fraudulent expense account under the State law as a candidate for election as a Representative in the Sixty-third Congress. This, if true, charges a crime against Representative Butler, but we find that there is provided ample machinery under the laws of Pennsylvania to try that charge. It has been the uniform practice of this House not to investigate a charge of crime against a Member where it has been denied by him and where he can be legally prosecuted in the courts. If Representative Butler shall be prosecuted under the corrupt-practices act of Pennsylvania and shall be found guilty, then an entirely different proposition may arise upon which to memorialize either this House or the House of the Sixty-third Congress.

The paper of Mr. Bonniwell alleges that a committee especially organized by the friends of Thomas S. Butler, styled the Butler League, composed and caused to be published false and libelous articles concerning Mr. Bonniwell. It will be noted that it is not charged that said false and libelous articles were either prepared or published by Representatives Butler or that he even had knowledge of their publication. It merely charges that these publications were made by the personal friends of Hon. Thomas S. Butler. This allegation, if true, might make "the personal friends" of Representative Butler guilty of a crime, but it certainly could not make Representative Butler himself guilty of a crime.

The paper of Mr. Bonniwell further alleges that—

The West Chester Village Record is a local newspaper, largely owned and controlled by T. L. Eyre, Republican boss of Chester County and personal representative of Thomas S. Butler.

and that this newspaper published an editorial calling attention to the religion of the said Eugene C. Bonniwell, and that this editorial was republished in the Chester Republican for the purpose of arousing religious rancor and defeating the Democratic nominee, Mr. Bonniwell.

This committee can not condemn too strongly the publication of the false and libelous article referred to in the paper of Mr. Bonniwell, and which was the spurious Knights of Columbus oath, a copy of which is appended to the paper. It also condemns the publication of editorials to excite religious prejudice in a political campaign. No man should be prosecuted for his religion, whether he be Catholic or Protestant. However, it is not alleged in the paper that Representative Butler published or caused the publication of either the false oath or the prejudiced editorials.

This committee does not intend either to inculpate or to exculpate those who conducted the campaign and election in the counties of Chester and Delaware, in Pennsylvania, in 1912. The campaign and the election in general are not proper subjects for investigation by the House of Representatives of the United States. The jurisdiction of the House of Representatives in such matters is based solely upon Article I, section 5, of the Constitution of the United States providing:

Each House shall be the judge of the elections, returns, and qualifications of its own Members, punish its Members for disorderly behavior, and with the concurrence of two-thirds expel a Member.

Under that power the House considers contests against the seat of a Member holding a certificate of election and memorials against a sitting Member or a Member about to take his seat under his certificate of election charging him with offenses which, if true, justify his expulsion from the House. The committee has already stated that it has no jurisdiction over any contest filed by anyone claiming the seat from the seventh congressional district of Pennsylvania in the Sixty-third Congress. Upon a careful consideration of the paper in the nature of a memorial filed by Mr. Bonniwell and other papers and evidence therewith the committee report that there is nothing shown or alleged against Thomas S. Butler which disqualifies him from holding his seat in the Sixty-second Congress.

The committee therefore recommends the adoption of the following resolution:

Resolved, That the memorial of Eugene C. Bonniwell against Thomas S. Butler, dated December 14, 1912, and addressed to and filed with the Speaker of this House, be laid upon the table.

MEMORIAL SERVICE IN THE SENATE.

The SPEAKER. The hour of 10 minutes of 12 having arrived, the House will proceed to the Senate Chamber.

Thereupon the Members of the House, preceded by the Sergeant at Arms and the Speaker, proceeded to the Senate Chamber.

At 2 o'clock and 35 minutes p. m. the Members returned, and the House was called to order by the Speaker.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. J. M. C. SMITH, for 10 days, on account of important business.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, as a further mark of respect to the memory of the late Vice President SHERMAN, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 36 minutes p. m.) the House adjourned until to-morrow, Sunday, February 16, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV a letter from the Secretary of War, transmitting with a letter from the Chief of Engineers report of examination on the water supply of the District of Columbia and the availability of the water power at Great Falls, Potomac River, for supplying light and power for the use of the United States and the District of Columbia (H. Doc. No. 1400), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk and referred to the several calendars therein named, as follows:

Mr. STEENERSON, from the Committee on the Post Office and Post Roads, to which was refered the bill of the House (H. Res. 869) requesting information of the President as to practicability of extending a 2-cent letter postage rate similar to that in force with Great Britain and Germany to other European countries desiring same, reported the same without amendment, accompanied by a report (No. 1521), which said bill and report were referred to the House Calendar.

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 28766) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings; and for other purposes, accompanied by a report (No. 1522), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BURNETT: A bill (H. R. 28766) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings; and for other purposes; to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas: A bill (H. R. 28767) to provide for the purchase of a site and the erection of a public building thereon at Bowie, State of Texas; to the Committee on Public Buildings and Grounds.

By Mr. HARRIS: A bill (H. R. 28768) for the relief of the State of Massachusetts; to the Committee on Claims.

By Mr. BERGER: Joint resolution (H. J. Res. 401) to acquire railroads on the ground of great public emergency and by the right of eminent domain; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 28769) for the relief of Joseph Black; to the Committee on Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 28770) to compensate the Nashville Trust Co., of Nashville, Tenn., trustee under the will of E. W. Cole, deceased, for damages to a building situated on the corner of Union Street and Fourth Avenue north, in Nashville, Tenn., and known as the Cole Building, as the result of a blast in improving the channel of the Cumberland River by a United States Government boat on Monday, August 13, 1912; to the Committee on Claims.

By Mr. CARY: A bill (H. R. 28771) granting a pension to Kate Lynch; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 28772) granting an increase of pension to Oliver Blystone; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 28773) granting an increase of pension to Albert Lacy; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BYRNS of Tennessee: Papers to accompany bill to compensate the Nashville Trust Co., Nashville, Tenn.; to the Committee on Claims.

By Mr. CARY: Petition of Isaac Prooty & Co., Spencer, Mass., protesting against any reduction of the present tariff on leather and shoes; to the Committee on Ways and Means.

Also, petition of David L. Williams, Hot Springs, S. Dak., favoring the passage of legislation for raising the salaries of the assistant surgeons of the Army; to the Committee on Military Affairs.

Also, petition of the Consumers' League of Wisconsin, Milwaukee, Wis., favoring the passage of House bill 27281, for limiting the hours of labor for the women in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of D. J. Mackedon, Milwaukee, Wis., protesting against the passage of the income-tax bill as reported before the House; to the Committee on Ways and Means.

Also, petition of Arthur Commission Co., Milwaukee, Wis., favoring the passage of legislation striking out the clause exempting from inspection meat slaughtered by a farmer on the farm for transportation in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of Crop Improvement Committee, Chicago, Ill., relative to the Page and Lever bills for improving the agricultural industry, and suggesting improvements on same; to the Committee on Agriculture.

By Mr. CLARK of Florida: Petition of H. B. Alban and various other citizens of Orlando, Fla., favoring the passage of House bill 22591, known as the Clayton limitation bill; to the Committee on the Judiciary.

By Mr. DICKINSON: Paper to accompany the bill H. R. 28749, granting a pension to James W. Scott; to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of the American Tariff Protective League, New York, N. Y., favoring the repeal of section 2 of the Canadian reciprocity act and for protection of the paper and pulp industry; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of the State of New York, favoring the passage of Senate bill 8114, to prevent discrimination in Panama tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Thomas Gelbert Ridgway, New York, N. Y., favoring the passage of House bill 1339, to increase the pension of veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the Illinois Manufacturing Association, Chicago, Ill., favoring the passage of legislation for the establishment of a tariff commision to aid Congress in tariff legislation; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of the State of New York, favoring the passage of Senate bill 8114, to prevent discrimination in the Panama tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIEST: Petition of the patriotic orders of Lancaster, Pa., favoring the passage of bill (H. R. 26537) to authorize the donation of a condemned cannon to the city of Lancaster, Pa., for a memorial in honor of the Spanish War veterans of Lancaster; to the Committee on Military Affairs.

Also, petition of Lieut. D. H. Nissley Camp, No. 74, Sons of Veterans, Mount Joy, Pa., and Lieut. David H. Nissley Post, No. 478, Grand Army of the Republic, favoring the passage of bill (H. R. 26674) to donate two condemned cannon to Post No. 478, Mount Joy, Pa.; to the Committee on Military Affairs.

By Mr. MANN: Petition of the Illinois Manufacturing Association, Chicago, Ill., favoring the passage of legislation to establish a tariff commission to aid Congress in tariff legislation; to the Committee on Ways and Means.

Also, petition of the Illinois Manufacturing Association, Chicago, Ill., favoring the passage of legislation for the establishment of a national drainage commission; to the Committee on Irrigation of Arid Lands.

By Mr. MOTT: Petition of the Chamber of Commerce of the State of New York, favoring the passage of Senate bill 8114, to prevent discrimination in Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Tariff Protective League, New York, N. Y., favoring the repeal of section 2 of the Canadian reciprocity act and for protection of the paper and pulp industry; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 16, 1913.*

The House met at 12 o'clock noon, and was called to order by Mr. DOREMUS as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our God and our Father, our life and our hope, for in Thy keeping is the destiny of men, we gather here to-day in memory of men who by dint of industry and faithful service proved themselves worthy of the confidence reposed in them, and have passed on to the reward of the faithful. It is well thus to commemorate their service and record their history as an ensample to those who shall follow them. Strengthen our faith, encourage our hope, and inspire us to noble endeavors, that we may merit the confidence of our fellow men and Thy loving kindness. Help us and their dear ones to say in all faith, Thy will be done.

So long Thy power has blest us, sure it still
Will lead us on
O'er moor and fen, o'er crag and torrent, till
The night is gone,
And with the morn those angel faces smile
Which we have loved long since, and lost awhile.

In the spirit of Him who brought to light life and immortality. Amen.

The Clerk began the reading of the Journal of the proceedings of yesterday.

Mr. HAMILTON of Michigan. Mr. Speaker, I ask unanimous consent that the reading of the Journal be dispensed with.

The SPEAKER pro tempore. Is there objection?

There was no objection.

THE LATE REPRESENTATIVE WEDEMEYER.

The SPEAKER pro tempore. The Clerk will report the first special order of the day.

The Clerk read as follows:

On motion of Mr. HAMILTON of Michigan, by unanimous consent,
Ordered, That Sunday, February 16, 1913, at 12 o'clock m., be set apart for addresses upon the life, character, and public services of Hon. WILLIAM W. WEDEMEYER, late a Representative from the State of Michigan.

Mr. HAMILTON of Michigan. Mr. Speaker, I offer the following resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 840.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. WILLIAM W. WEDEMEYER, late a Member of the House from the State of Michigan.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of the memorial exercises of the day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was agreed to.

Mr. DODDS. Mr. Speaker, we are here at this time to pay a last tribute of respect to our late friend and colleague, WILLIAM WALTER WEDEMEYER. It is a sad and solemn duty for us all, but for those of us who are from Michigan, his home State, it is especially so. We knew him so well and were so thoroughly interested in him and in his future that his untimely death means much to us indeed. Had we been asked, when we assembled here at the beginning of the present session, to prophesy as to the one of us who would be first called upon to lay down the burdens of earthly life and pass over to the great beyond, I am sure that none would have named or had in mind the brother who has actually been taken from us. The youngest of us all; a giant in strength and, seemingly, in power to endure; with conditions about him apparently the most pleasing and self-satisfying, surely "WEDIE," as we were wont to call him, would have been the last one in our thoughts. But half of his life—as lives do go—was gone; and we were of a mind that years and years were yet to come to him in which, as in the past, his life would tell for good. But what we least expect most often comes; and now he is no more. "The bubble which seemed to have so much solidity has burst, and we again see that all below the sun is vanity."

Mr. WEDEMEYER obtained his education in the University of Michigan, where he completed both the literary and the law courses, being well equipped when he left it for the vocation in life in which he was to engage—the practice of the law.

My acquaintance with him began some 16 years ago, when he was but 23 years of age. This was during the first McKinley campaign, in the results of which he was much interested, and always after we were earnest friends. To know him was to become interested in him. It could easily be seen that he was one of those to whom the many talents had been given, and consequently much was expected of him in return. He seemed to know this, and "expecting no indulgence from others, he showed none to himself." There was, therefore, much of realization as well as promise in the life so unexpectedly ended. Deputy railroad commissioner of his State before reaching the age of 25 years, consul to Georgetown, British Guiana, soon afterwards, and a Member of this great legislative body before reaching the age of 38 years mark him as a man in whom the people had much confidence. Also, besides his other professional work at the time of his death, and besides his work as a Member of Congress, he was national counselor for the American Insurance Union, a position of much responsibility.

Those who really knew the esteemed brother whose loss we mourn know that he was no ordinary man. In all that goes to make the manly man—intelligence, morality, kindliness of heart—he was the peer of any.

In politics he was a stanch Republican. Though always for progression, he was for progression within his party.

He never pretended to be what he was not, but was always sincere, true, and natural.

He was an honest man in thought, in purpose, and in deed, and sham and falsehood were by him abhorred.

He was of a cheerful disposition and in a remarkable degree possessed the power to impart that cheerfulness to others.

His work as a speaker in the McKinley campaign, before referred to, first brought him into prominence as a State orator and ranked him as such among our very best. Wherever he spoke he was admired both for what he said and how he said it, and he invariably left his hearers with a desire to hear more. Well informed, clear in speech, logical and eloquent, and with a most attractive personality, he had a singular power over the minds of men, and thus he grew in favor.

He was a candidate for Congress in his district in the year 1898 and again in the year 1902, and each time lacked but a few votes of the number necessary to secure for him the desired nomination, the election after nomination being regarded as certain.

At the primary election held in 1910 he secured this nomination, and his election followed. That his service here was for so brief a period is greatly to be regretted. His fitness for the work was exceptional, and his life here would have continued to be a life of usefulness and one that would have brought him high distinction. But—

Again a prince has fallen in the fight—
The val'rous champion of the truth and right;
Determined, honest, level-headed, just,
Who broke no promise nor betrayed a trust!
His genial face with courtly kindness beamed—
By friends beloved, by all mankind esteemed.
Peace to his manly soul and sweetest rest
With that glad throng whom love of God has blest!

Mr. WILLIS. Mr. Speaker, I can scarcely make it seem possible that our friend has gone away. I suppose I was associated with Mr. WEDEMEYER as intimately as any Member of this House. Not a day passed but what he was in my office or I was in his office. Not many votes were cast by either of us while he was here without our consulting together, and we have all become so accustomed to his presence amongst us that we can scarcely realize that he has gone away.

In the few minutes that I speak I shall undertake something that perhaps is unsual, perhaps out of place, but it seems to me there is no better way of judging of a man than by knowing something of his thoughts and something of the books that he reads. It has been written, "As a man thinketh, so is he." Some one has said, "If you will show me what you read I will tell you what you are."

It will be forever a fond recollection to me that many hours were spent by me with this strong, heroic soul in the reading of things that he liked and that I liked; and I am reminded just now of a little poem that he recited to me many and many a time, from the pen of James Whitcomb Riley, an old familiar poem, perhaps, which yet expresses the thought I have in mind just now. I can hear Mr. WEDEMEYER's voice as he read this to me the first time:

I can not say and I will not say
That he is dead. He is just away!
With a cheery smile and a wave of the hand
He has wandered into an unknown land,
And left us dreaming how very fair
It needs must be, since he lingers there.

And you—oh, you, who the wildest yearn
For the old-time step and the glad return—
Think of him faring on, as dear
In the love of there as the love of here;
* * * * *
Think of him still as the same, I say;
He is not dead—he is just away!

He read and recited that to me many times. It expresses the thought I have at this moment. I think I shall never be able to realize that Mr. WEDEMEYER has done other than simply "gone away." His life became so mingled with my life that the fond recollection of it shall remain with me through time and eternity.

My acquaintance with Mr. WEDEMEYER did not extend over so many years. I met him first, I think, in the winter of 1908, although before that time he was well known in our State as a campaign orator and as a lecturer. I think it was in the winter of 1908 that he came to Kenton, the county seat of Hardin County, in which I live, to address a great banquet of the Young Men's Republican Club. I became intimately acquainted with him from the beginning. I remember, after the banquet was over and the crowd had dispersed, that I went up to his room, and the great, big, jolly fellow sat down and we talked of our families, talked of politics, talked of our hopes, ambitions, and disappointments, and talked somewhat of literature.

I remember that he inquired of me if I had ever read a little selection which he proceeded to recite with tremendous effect and deep pathos. I read it now because it expresses Mr. WEDEMEYER'S philosophy of life. He would not have us wrapped in deep sorrow; that was not his way of looking at things. He believed in taking things as they are and making the best of them and doing what we can for people while they are on earth. I remember in our interchange of thought upon this subject I recited to him this little stanza, which seemed to meet with his approval, and which I have since heard him recite many times:

A rose to the living is more
Than sumptuous wreaths to the dead;
In filling love's infinite store,
A rose to the living is more
If graciously given before
The hungering spirit has fled—
A rose to the living is more
Than sumptuous wreaths to the dead.

It expresses less beautifully and completely the same thought as is expressed in the selection he quoted:

Closed eyes can't see the white roses;
Cold hands can't hold them, you know;
Breath that is stilled can not gather
The odors that sweet from them blow.
Death with a peace beyond dreaming
Its children of earth doth endow,
Life is the time we can help them,
So give them the flowers now!

Here are the struggles and striving,
Here are the cares and the tears;
Now is the time to be smoothing
The frowns and the furrows and fears.
What to closed eyes are kind sayings?
What to hushed heart is deep vow?
Naught can avail after parting.
So give them the flowers now!

Just a kind word or a greeting;
Just a warm grasp or a smile—
These are the flowers that will lighten
The burdens for many a mile.
After the journey is over
What is the use of them; how
Can they carry them who must be carried?
Oh, give them the flowers now!

That was Mr. WEDEMEYER'S philosophy of life—to do good every day, to make somebody happy, to lift a burden here, to cheer some one with a glad jest or a happy smile or a generous deed.

I may not speak at length of his services here in this body, and yet what little I shall say comes from the heart, because I think I knew pretty nearly what his positions were upon public questions, because, as I have said, we talked over most of the things that we would have occasion to act upon. I simply refer, in passing, to one or two of his speeches which I think were great speeches.

Mr. Speaker, I have heard many splendid orators, but I have heard few men that had more power with a great audience than WILLIAM W. WEDEMEYER. There was a magnetism of personality, there was a charm of persuasion of voice, there was a cogency of reasoning, of sound logic that marked the great orator. As I have suggested before, in Ohio he was well known, and whenever it was announced that WEDEMEYER, of Michigan, was to address a meeting, the crowd was limited only by the capacity of the hall.

That reputation which he had made as an orator, almost nation-wide in its extent, was fully sustained by his services here. As I recall the first speech that he made in the House, it was a speech relative to the investigations that had been had concerning matters in the State Department. I know that Mr. WEDEMEYER with his accustomed energy and attention to detail had spent days and nights and weeks in going into every detail of that case, and his heart was in it. While there was difference of opinion here in the House relative to the merits of the controversy, Mr. WEDEMEYER felt that certain officials of the State Department had been wrongly accused. He threw all the weight of his mighty soul into the fight and made a great speech, which all will remember who were fortunate enough to hear it.

He was very active in the discussion that resulted ultimately in the admission of Arizona and New Mexico as States into the Union, and I think I violate no rules as to secrecy relative to the proceedings in the committee when I say that no man on the Committee on the Territories, with the possible exception of the chairman, did as much to bring Arizona and New Mexico into the Union as did Mr. WEDEMEYER. Constant in his attendance upon the sessions of the committee, studying all the details, familiarizing himself with the arguments, he was a power in favor of the admission of those two new States. But the thing in which he took the greatest delight was that group of questions that we call the Alaska questions. Mr. WEDEMEYER was thoroughly familiar with the situation in Alaska. He had visited the place, had talked with the people, face to face; he had studied the question at first hand, and he was enthusiastic in his belief as to the possibilities for the future in that great undeveloped empire. If Members were not fortunate enough to be in the House the day he made his speech on the Alaska government bill, I dare say they would be well repaid if they would hunt out the speech and read it now. It was a mighty effort, and it shows Mr. WEDEMEYER'S breadth of view, his strong grasp of public questions.

It is not necessary to call the attention of Members here to the fact, because we all know it. But one thing that I wish to call particular attention to and make a part of this solemn record that we are making up as to his services is his devotion to his duties. I have never seen in any legislative body a man who gave more careful, constant attention to the public business than did Mr. WEDEMEYER, even when he was called away, as he was very infrequently. When he had to be out of the city, through his capable and efficient secretary, or through some of his friends in the House, he kept in constant touch with the public business. He knew exactly what was going on, and always left instructions that if anything important came up to wire him and he would be here, no matter what the cost. He gave constant attention to his work. We have seen him sitting at his desk here, through the long day, always at work—always at work in the interest of the people, in the interest of his constituents. I have left my office many a time at 10 or 11 o'clock at night, and going by Mr. WEDEMEYER'S office would find him at work, studying some public question. I dare say, Mr. Speaker, there has never been a man who served in this House who gave his life more completely to the services of the people who elected him than did Mr. WEDEMEYER.

I have a little memento here to which I shall only refer. I have shown it to some of the Members of the Michigan delegation. It is just a little note illustrative of Mr. WEDEMEYER'S intense devotion to his people and of his extreme care as to details. He gave it to me on the eve of his departure from this city forever, saying, as he went away, that it was possible a certain bill in which his people were vitally interested might come up while he would be away. He did not think it would. He thought he would be back before the bill would be considered, but he handed me this written memorandum, requesting me to attend to the matter if the bill came up. I shall keep this memorandum until his son is old enough to understand what it means, and then I shall give it to George as a token of the attention of his father to the public business, his absolutely unflagging devotion to the interests of the people who elected him.

Another thing to which I wish to refer in passing is the profound interest which Mr. WEDEMEYER had in the Latin American countries. Those of you who were fortunate in having an intimate acquaintance with him know that he had studied that situation and that great question thoroughly. As you are aware, for a time he was United States consul to a South American country, and was entirely familiar with that group of questions connected with the Latin American situation.

Not only that, but Mr. WEDEMEYER studied and understood world politics. As you know, he was of German descent. He spoke the German language as fluently as he spoke English,

He had traveled a great deal. He was perfectly familiar with Germany, with Austria, with France, as I have stated before, with Alaska, with Central America, with Mexico, and with South America. He understood the great problems of world politics, and he had a grasp of those problems not possessed by many men of his time.

I should like to speak a word of his personal characteristics. The one I think of first was his intense, unyielding, absolutely profound patriotism, in the widest and deepest and best sense. As his colleague, the gentleman from Michigan [Mr. DOBBS], has said, Mr. WEDEMEYER was truly progressive in every thought, in every act. His sympathy was with humanity. He was for the things that benefited the great mass of the people, and it was perfectly natural that it should be so, because he came from the ranks of the common people. By his illustrious living he has given an example to the youth of his State of the possibilities of citizenship in this great Republic.

Mr. WEDEMEYER made himself what he was. He worked his own way through high school, college, and university. His sympathies were with the common people. How often have I discussed with him, how often have I heard his eloquent voice ring out in behalf of the folks back on the farm, the folks who live in the little villages. He neither knew nor cared much about the requirements of high society or about the blandishments of wealth; but that great, strong, patriotic soul did know to its depths the life of the common people, and there never was a thought, there never was an act, while he was a Member of this House that was not in the interest of true progress in absolutely the best sense.

I have said he was patriotic. Perhaps, carrying out the thought I suggested at the beginning, I can best illustrate that by reading another selection, from the pen of Moses Owen, which he frequently read to me from this very book. It is one from which we frequently read. Here are a couple of stanzas that I have heard him recite with tremendous, soul-stirring power. They tell the story of the battle flags in the State capitol at Augusta, Me.:

Nothing but flags, but simple flags,
Tattered and torn and hanging in rags;
And we walk beneath them with careless tread,
Nor think of the hosts of the mighty dead
That have marched beneath them in days gone by,
With a burning cheek and a kindling eye,
And have bathed their folds with their life's young tide,
And dying, blessed them, and blessing, died.

Nothing but flags; yet, methinks, at night
They tell each other their tale of fight;
And dim specters come, and their thin arms twine
Round each standard torn, as they stand in line,
As the word is given—they charge, they form,
And the dim hall rings with the battle's storm;
And once again, through smoke and strife,
These colors lend to a nation's life.

Mr. WEDEMEYER was intensely patriotic, and he was never happier than when he was doing something for an old soldier—getting some adjustment made in his pension papers or something of that kind. He was the true friend of him who bore the burden of battle and of his widow and his orphans. Another characteristic was his love for home, for wife and children—his firm grounding in those things which in the life of this Republic or in the life of any nation are absolutely fundamental. This man proudly wore the stainless flower of his unsullied manhood. There was never a word nor a thought nor an act but what was in harmony with the highest devotion to the responsibilities and sacredness of his home.

How often have we seen him coming here, or into our offices, all aglow, his face wreathed in smiles; he would pull out of his pocket a letter scrawled in those unintelligible lines that only the baby fingers know how to make; unintelligible to others, and yet he seemed to understand them all. Here was an undecipherable message from little Josephine, or here was a loving note from Mary, or here was a letter from George, telling of some of his experiences in school. Mr. WEDEMEYER carried those letters around, doted upon them, read them to his friends. He believed, I say, in those things that are finest and sweetest and most permanent and enduring in this life.

He was a man that thought an almost infinite amount of wife and children. His devotion to them was without flaw or blemish. Perhaps that quality of his character could be illustrated again by something in literature. I remember well the circumstance under which he called my attention to this that I am about to read. I had never seen it before. He had invited me to dinner at his hotel, and after dinner he invited me up to his room to read me something. I went with him, and he read this from McCanis. It was the way Mr. WEDEMEYER spent the odd moments, in reading things like this. I am reading these paragraphs, Mr. Speaker, because I think they show the character of the man in whose honor we have met to-day. A man who puts in his time reading this kind of literature and thinking this kind of thoughts is not likely to go far wrong. "WEDIE," as we loved to call him, was tender and sympathetic and home-loving. He understood that the family life was the enduring foundation of the Nation. Sad, sweet paragraphs like these I am about to read appealed to him, and as he read them to me in voice eloquently rich, I was deeply moved:

A little, winding railway in a southern county connects two widely parallel systems known as the C. & G. The trains are small and meek when compared with the long aggregations of cars with which they connect at G.

But to the old man who sat to-day in one of the cramped, uncomfortable coaches defects were not apparent. For 40 years little cars like these had passed his door. Along this same road he and Mary had taken their wedding trip. How proud he was of her when they returned, and he had taken her home, where his father and his father's father had lived before him. There they had lived and labored together, going on Saturdays to the village and on Sundays to the little church; and there Tom had been born.

It seemed hard to realize that all this was long ago, for so much had happened since then. No lusty boy would come rushing to meet him to-day; the rocking chair where she used to sit would be very still. The old man choked a little and wiped his eyes with his cotton handkerchief.

He had not known what all this meant to him until he had left it. He had been lonely, and Tom had persuaded him to go live with him. But it was all so strange in this new place, so little like he had pictured it. He said nothing. They were kind to him and he must not seem ungrateful. He would not admit, even to himself, that he wished to go back, but he grew so silent, white, and still that his son watching his wistful face was touched.

"Father," said he, "am I not your son? Tell me." And the old man answered humbly, "Tom, I am old and getting childish, but I want to go back. I've never lived anywhere else before and—and she's there, Tom."

So to-day he was going home; back to the hills and trees; back to his old house and graves; back where she had left him to wait until she had called him; and the journey was almost done.

The sunshine crept across the car and the noise of voices grew lower and lower. Somehow it was evening and he was coming home down the long lanes between the fields. Over the hills came the tinkle of bells as the cattle came home to the milking; here, running to meet him, was little Tom, the red stains of berries still marking his face and fingers; and there by the gate, the lovelight as strong in her eyes as on the day they were married, stood Mary, the wife of his youth.

"I am late," he said, "and tired."

"Come," she said, "you can rest now; it is only a step more." And a long, quavering sigh of relief—and—he was at home. The little rough train went jolting along and reached his station at last. But when the conductor shook him he did not answer.

On another occasion when I was with Mr. WEDEMEYER in his room he read these fugitive lines from some author whose name I have forgotten:

The poem was Eugene Field's Little Boy Blue, and at the very first lines of it the old lady became all attention:

"The little toy dog is covered with dust,
But sturdy and stanch it stands;
And the little tin soldier is covered with rust,
And his musket molds in his hands."

Very slowly, as she read on, the tears came into her eyes and dimmed the spectacles so that she could scarcely see the lines of the second verse:

"'Now, don't you go till I come,' he said,
'And don't you make any noise!'
Then, toddling off to his trundle bed,
He dreamed of his pretty toys.
And as he was dreaming, an angel song
Awakened our little boy.
Oh, the years are many"—

Yes; they were many! It was more than half a century ago now. The paper dropped from the old lady's hand and rustled to the floor. There was no use in trying to read any more, for her thought had flown away now to the time when she had had just such a Little Boy Blue as that. Since then she had had lots of other children. Even now, as she sat there in the twilight, she could hear the shouts of her grandchildren at play not far away, but little Geordie had been her first-born, and somehow the others were different, and nobody knew just how but herself. She had daughters to console her in her widowhood, and when her married daughter had died her children had been left. But with little Geordie it was different. They only knew of him by the little headstone in the graveyard; but to her—why, after reading that little poem it seemed as though it were only yesterday that he was toddling along beside here, rosy and bright and full of fun. And he used to say just those things—she remembered.

"Why, mother," said her daughter as she came in, "you've been crying! What's the matter?"

"It was nothing, dear," answered the old lady as she wiped her eyes. "I was reading, you know, and it upset me a little. It was only a bit of newspaper verse."

Mr. Speaker, I believe what I said in the beginning, that if you know what a man reads and thinks you know what he is. This man in this great city, with all its attractions, amusements, entertainments, allurements, and blandishments, in the odd moments of his time read this kind of literature. He believed in the home and the things associated with it that are the finest and tenderest and fairest.

Another thing I should call attention to was his unfailing friendliness and sympathy. Mr. WEDEMEYER knew every Member in this House before he had been here two weeks. He made friends; he could not help it. The expression of his countenance was a benediction; you all knew him, and you knew him before he had been here many days. He was friendly with everybody,

and he took an interest in the things in which his friends were interested. I can bear testimony to that through the many conversations that we had. The contest in which I was engaged, my chances for reelection, appeared to interest him even more than his own affairs. WILLIAM W. WEDEMEYER was one of the most unselfish men I have known in public life.

Another characteristic was his unfailing good humor, his ability to see the funny side of things. It was like a burst of sunshine when he came to my room, always with a smile, and he could tell a funny story, not a vulgar story. I knew the man intimately for more than four years—and I think I was close to him; I am sure he was close to me—and in all the hours of our conversation here and elsewhere I never heard him tell a story that could not be told in the most polite company.

But, as I say, he saw the funny side, and he was a splendid story-teller. One moment he would have an audience convulsed with laughter; the next sobered with his sound logic and beautiful diction. That was one of the qualities of his character that it seemed to me stood out prominently.

Another was his courage. There come occasions in this House, Mr. Speaker, as we perfectly well know, there come votes which it would be convenient to avoid. These same things came to him, but there was nothing of the shirk about him; he always stayed here and did his duty; he never dodged a vote; he never evaded a responsibility. He was a man of courage, a man of the highest moral character, a man of the most abstemious habits, never under any circumstances using intoxicating liquors or tobacco in any form, and a man of absolutely unflinching honesty; honest with himself, honest with his fellow man, honest with his country, he typified all that is best in American life.

On another occasion Mr. WEDEMEYER invited me to come to his room. I accompanied him, as I had done many times before. He said, "I have found something else I want to read to you. It expresses a profound philosophy and my own belief." Then he read these words. It is a statement made by Victor Hugo on the question as to whether we shall live again. Here is what Mr. WEDEMEYER read to me:

I feel in myself the future life. I am like a forest once cut down; the new shoots are stronger and livelier than ever. I am rising, I know, toward the sky. The sunshine is on my head. The earth gives me its generous sap, but heaven lights me with the reflection of unknown worlds.

You say the soul is nothing but the resultant of the bodily powers. Why, then, is my soul more luminous when my bodily powers begin to fail? Winter is on my head, but eternal spring is in my heart. I breathe at this hour the fragrance of the lilacs, the violets, and the roses as at 20 years. The nearer I approach the end the plainer I hear around me the immortal symphonies of the worlds which invite me. It is marvelous, yet simple. It is a fairy tale and it is history. For half a century I have been writing my thoughts in prose and in verse; history, philosophy, drama, romance, tradition, satire, ode, and song, I have tried all. But I feel I have not said the thousandth part of what is in me. When I go down to the grave I can say like many others, "I have finished my day's work." But I can not say, "I have finished by life." My day's work will begin again the next morning. The tomb is not a blind alley; it is a thoroughfare. It closes on the twilight; it opens on the dawn.

That was Mr. WEDEMEYER'S belief. There is one other selection that he read to me or rather recited, because he was familiar with it, that expresses the same thought. He recited these verses with great depth of feeling:

Sunset and evening star,
And one clear call for me!
And may there be no moaning of the bar,
When I put out to sea,

But such a tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless deep
Turns again home.

Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark;

For tho' from out our bourne of Time and Place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crost the bar.

I last saw Mr. WEDEMEYER the night he left this city, just before the holidays. We ate the evening meal together, and the conversation was cheerful and pleasant. He was happy in the thought that he was soon to be at home with wife and children, and the main topic of conversation as we sat together was the family, the wife, the little children. There was somewhat of conversation concerning the trip that he was proposing to make to the Isthmus. He was collecting some information for an address he expected to make in the House on the Latin American situation and the Isthmian Canal. We had a very pleasant hour together, and I bade him good-by yonder at the gate at the Union Station. With a wave of his hand he went away. That was the last time I saw my friend.

Worn with the worry and trial of a fierce political contest, he sought a season of rest in the Latin American countries he loved so well. But it was not so to be. The strong bow had been bent to breaking. He was given every attention at the hands of loving colleagues with him, but the spirit was broken and the body weak. As at the eventide he paced the deck and gazed upon the tropic seas and looked up into the beautiful, mysterious, starlit southern skies, the fugitive thoughts of his fevered brain were of home and wife and children and how they might best be provided for. Let us believe that as he looked into the skies he read in the unspoken language of the stars a mystic meaning which only the parting soul ready to meet its Maker may know. Then in a moment the weary soul was at rest, and our friend, ready and without a tremor, met his Pilot face to face—that same good Pilot who said:

I am the resurrection and the life. He that believeth in Me, though he were dead, yet shall he live, and whosoever liveth and believeth in Me shall never die.

Mr. FOSTER. Mr. Speaker, when the word came that Mr. WEDEMEYER was dead every Member of the House was shocked. The people of the district he represented were appalled at the sad ending of this distinguished man. His service here was not of long duration, but short as it was he proved himself to be a valuable Member. He was always attentive to his public duties, endeavoring always to so act that he might give that honest service to the people he so well represented and to the country at large. His speeches in the House showed that he thoroughly studied the questions he discussed, and were always of a high order, giving real information to the Members on this floor. His beginning in life was an humble one. His parents were of that honest, industrious German nationality. When young he learned that in this life what was worth having must be gotten only by hard work, and he did not desire anything unless it came to him in an honest way. As a young man he set out to secure an education that he might be fitted in life so as to have an equal chance with others. He studied law, and began the practice of his chosen profession in his native city, and always kept in mind the lesson taught by the law that justice should be accorded to all men, whatever their station in life might be, and advocated the principle of equal justice to all. His actions were always open and fair. He detested deceit, and had no patience with those who would practice it. Kind and courteous at all times and tolerant of the difference in opinion with those with whom he came in contact, he tried in a kindly way to show by argument that his views were right. He did not frequently take part in debate, but his speeches on the admission of the Territories of Arizona and New Mexico into the Union as States and the bill to give a Territorial form of government to Alaska showed that he was master of his subject and that he was a firm believer in the right of the people to rule and govern themselves, and not that a few should say how the great majority should be controlled. It was my fortune to attend the memorial exercises held at Ann Arbor on the 26th day of last January, and it seemed to me there was universal mourning over the death of this good man, and those in all walks in life came out to the service to do honor to his memory. It is unfortunate that one so young and who could be so useful in life should be taken away so early, yet to Him above must we look for a reason of it all, which we can not now understand. To his bereaved wife and children we can offer but little in the way of consolation, but can only point to the life beyond the grave, which we have faith that he now enjoys.

If we believed that death ends all, then, indeed, would the going away of one of our friends be sad; but we believe that "in our Father's house are many mansions and that He goeth to prepare a place for us." This life at best is not long, yet there are those who accomplish much in the short time they stay here. Our departed colleague performed his part well. God in His fullness of love, I have no doubt, has taken his spirit to Himself and he is now at rest in that place where neither sorrow or death ever come. Let us remember it is not always the best to say of those who are gone that they lived long in the world, but better to say they lived well. We think of our friends when they die that they are gone forever, but they have only gone a little while before us and we will soon follow. May it be said of us we lived faithful to the duty imposed on us. We kept the faith and made a good fight. It does not matter so much to us how we die, but it is of great concern to us all how we live. Sometimes we are apt to wonder why it is that our friends should be taken away when it seems they have so much to live for and there seems to be so much for them to do. But God moves in a mysterious way—and yet let us not forget we live in a natural world, subject to all the trials and troubles of mind and body. Of all the monuments in the beautiful Arlington there are none more fully signifying service and what one can do and how little it matters to our bodies after we are gone than the one erected to those whose bones were gathered on the battle field and were unidentified. Yet they performed their part in the world and went down to

death for the cause in which they believed. Though their names are unknown here, yet I have no doubt their good deeds are recorded above. This should teach us the lesson that it matters but little to us after we are gone whether we have the finest of marble shafts erected to our memory or are buried in an unknown grave, but that our friends may have the consolation that we did our part in the world while we lived. Our colleague lived a good, honorable, and useful life. His private life was clean and above reproach. In his family he was a kind husband and a loving father. WILLIAM W. WEDEMEYER is not dead—he has just gone before. He is waiting on the other side of the river of death. Some day in the bright sunshine of the morning we shall see him.

Mr. McMORRAN. Mr. Speaker, one of the sad events of my 10 years in public life occurs to-day, when I feel called upon to pay tribute to one of the youngest Members of our Michigan delegation, WILLIAM W. WEDEMEYER, who succeeded our Hon. CHARLES E. TOWNSEND on his election to the Senate, and I think the sentiment of the entire Michigan delegation was that Mr. WEDEMEYER was a worthy successor of Mr. TOWNSEND and that the second district of Michigan had every reason to be proud of him as his successor.

When he came upon the floor of the House, with his splendid physique, his commanding position, and his genial manner, he won laurels with all those with whom he came in contact, and every Member in speaking of WEDEMEYER spoke of him in the highest terms and as a young man who would make his mark in the House. He was appointed on some of the most important committees in the House, especially the Committee on Territories, and to him and his associates of that committee were committed the duty of perfecting legislation for Alaska, and his report upon that subject was of a brilliant character and demonstrated to his colleagues that he had made his mark as a legislator. His arguments were forcible and clear in behalf of legislation for that Territory.

WILLIAM W. WEDEMEYER was a fair illustration of the opportunities offered to young men with perseverance and ability in this great Republic. In his early manhood it is said of him that he worked his own way through the high school and also through the University of Michigan. In Michigan he was looked upon as one of the coming men of our State.

He had a great reputation as a public speaker and was in great demand. As a campaigner he was not excelled by any of the Michigan men. He also had a great ambition to represent his district in Congress, and when he was elected with a large majority, I think no young man ever felt more proud of his promotion than did WEDEMEYER.

In talking with him just before the last campaign of 1912 I saw that he felt somewhat uneasy and was quite nervous over the possible results of the election. He said to me on different occasions that he felt that his district was largely "progressive," and just what the outcome would be he was unable to say. He felt ambitious to be returned, and after the campaign was over and defeat faced him, on his arrival at Washington I met him on different occasions and he seemed to be very much depressed, especially so just before he started for Panama. At that time he came to me and began deploring his defeat and could not understand it after all the hard work he had put in, and I saw that he was uneasy and in a moody condition. I endeavored to cheer him up by saying to him that if I had his ability, his wonderful physique, his ambition, and his profession, I should feel grateful to my district that they had relegated me to private life, but I saw I had made no impression upon him, and when I saw the account of his trip to Panama it seemed to me that he must have been out of his mind at times, as he had every reason to look forward with pleasure to his future life. He had a wife and three little children, who I know were very dear to him; his wife especially was all wrapped up in the future of their three children. He had a nice little home at Ann Arbor, was respected by his community, and that he should have thought it necessary to end his life in the way he did, leaving the responsibility upon his wife for the bringing up of that little family, leads me to think that he could not have been in his right mind.

I had hoped that our Michigan delegation during my career might not be broken by death, and when WEDEMEYER came amongst us I think the delegation felt proud of his association and little thought that his life was to end at so early a period, and we can only hope in crossing that great river to the great beyond that he has gone to a more fitting scene than we have to-day on earth.

Mr. HAMMOND. Mr. Speaker, WILLIAM W. WEDEMEYER was born near the city of Ann Arbor, Mich., of humble parentage. He went to school in the neighborhood of his home. He attended the great university in the city of Ann Arbor and worked his way through. He began the practice of his profession in the same city, and became a respected and eminent citizen of that community. He represented the district in which that city is located in the United States Congress. In childhood, youth, and later life he was identified with that part of his State.

It was my fortune to attend the memorial services held in the city of Ann Arbor. Never have I seen a greater genuine tribute paid to any man than was paid to our colleague on that day. Not only were the most distinguished men of the State present, but a great concourse of people, made up of those who knew the boy and knew the man.

I have heard it very often said by young men starting out in life, "I feel that I can not do quite so well here at home. I would like to go to some other place to make my way." Not so with WEDEMEYER. He stayed with those who knew him from his infancy, and no word of mine, and no other word that may be spoken, can tell a better story of the worth of the man than the simple statement that those who knew him best loved and admired him most.

I was on the boat going to Panama that carried Mr. WEDEMEYER there. I did not know him very well prior to that trip. I had met him perhaps half a dozen times. Of course, his mind was then affected, but apparently there are no two cases of mental disease that are just alike. He could speak of his delusions logically and reasonably. That he had delusions there is no doubt, but much of the time his mind was clear. During the trip to the Isthmus I learned much of the man. I should say that Mr. WEDEMEYER was one of the most ambitious men I have ever met. He was anxious to retain his seat in Congress. The loss of it was a great disappointment. He was anxious to play a part in public life, but he desired to make a record embellished by valuable service to the people he represented. He wanted to make a good record. He was ambitious to serve his country well. Ambition is too often allied with selfishness; but when a really ambitious man is unselfish and desires to serve others and be of use to them, the possibilities of his public service are almost infinite.

Shortly after we left New York Harbor I went to Mr. WEDEMEYER's room with him, and he showed me there a photograph of his wife and his children, and he spoke of them in words of pride and love. It seemed that his thoughts were centered upon two things: First, his family and what might come to them in case anything should happen to him; second, the blow to his prospects in having his public career checked. He brooded upon what he deemed his misfortune. Indeed, his greatest delusion was, as my friend [Mr. McMORRAN] has said, the belief that he could not be a great man, an able man, and a strong man out of public life. He felt that too much had been taken from him. He desired to stay in public life, because he knew that he could be of service to his country, because he knew he could bring honor upon himself and happiness to his family. In all things the family seemed to come first. He knew that his mind was diseased. He believed that it was irreparably injured. He thought he would never be a well and strong man again. Cherished ambitions gone, his mental strength failing, he feared he would be a burden to his loved ones instead of a help to them. Disappointed, grieving, sorrowing, another great quality of the man exhibited itself. I said he was ambitious. He was unselfish as well. He cared not what became of him if no others suffered. He could not bear to live to do no good for others and to be of no help to his family.

In the twilight of an early evening these thoughts came upon him. He looked at the bright stars above, at the black waters below, and, like a brave and courageous soldier, he went to a soldier's death.

Mr. HAMILTON of Michigan. On the night of January 2, 1913, word was flashed back to land from the steamship *Panama*, bound northward from Colon, of the death of WILLIAM W. WEDEMEYER by drowning.

The tangled thread of life which his troubled mind had been picking at for many feverish days and nights was ended and the problem "to be or not to be" was solved.

At the meridian of his physical and mental powers some lesion somewhere, some rift in the thin partition between the normal and the abnormal, had let in strange, insistent voices, urging him out into the unknown.

Then night settled down upon the sea and the ship with its little company of passengers and crew, with their little artificial social distinctions and their little plans for permanence, went on its way; but the soul of WEDEMEYER had gone out into the illimitable spaces of eternity, on its way to the God who gave

it, in the region where "there shall be no night" and where "they need no candle, neither light of sun, for the Lord God giveth them light."

From time immemorial life has been compared to a voyage on which all set out with high hopes of treasure and renown, and some drop anchor in the lotus eaters' changeless land of rest and nothingness, and some are wrecked upon uncharted rocks, and some are lured to death by false lights; and some, gray with experience, battered by storms and disciplined by danger, with furled sails, come at last into the final port, where, whether only a faithful light in a cottage window awaits them or the boom of welcoming cannon greets them, the voyage is over and the cargo, whether of gold or "sand for Nero's circuses," is discharged.

WEDEMEYER, though young, had fared well and fared far, and early in life had learned to be his own pilot.

Without money and without backing he had gained a collegiate education and graduated from both the literary and law departments of the University of Michigan by dint of sheer hard work.

He spoke English and German with equal fluency and had read deeply in the literature of both languages.

His mind had been disciplined by scholastic training and by a postgraduate course in the practice of law and the school of politics.

He had been in turn commissioner of schools for his home county, deputy railroad commissioner of Michigan, consul at Georgetown, British Guiana, for a short time, Member of Congress for one term, and had been defeated by a narrow majority in the election of 1912.

His father and mother had come from Germany to the better opportunities of America, and their son illustrated in his own career what an American boy, endowed with energy and high ideals, can accomplish here, and his career gave his name significance.

Names are useful to identify us as items in the census list, but a name means little except as some one has given it character.

If you pick out a man in a crowd and ask who he is you are told his name, but that means little more than a means of arbitrary identification, except as the man himself has made his name mean something, and it means less when he is labeled by inheritance with a name of which he is unworthy.

Whether he realizes it or not, every man is giving his name a meaning every day by what he does and by what he says, confused though the meaning may be between what others take him for and what he himself guesses he may be. So names pass into history and become synonyms of patriotism, heroism, war, or craft.

The name WEDEMEYER stands to us who know him for 6 feet of physical manhood, illuminated by a character for honesty, courage, perseverance, steadiness, and sobriety, trained by study and research, warmed by a genial humor, and inspired by love for his family.

But, in a deeper sense, like Schopenhauer, we question in vain who we are; and after all the arguments for centuries of "doctors and saints" and scientists and philosophers "about it and about," we "come out by the same door wherein we went," and the conclusion of Paul condenses it all into a sentence, "If Christ be not risen from the dead, then is your faith vain."

Andrew D. White quotes Bismarck as saying of his early life:

> Many an hour did I spend in hopeless despondency, believing that my own and other people's existence was aimless and useless, perhaps only an accidental emanation of creation, arising and disappearing as dust from rolling wheels.

But if we gain courage by believing that we are not here by accident—that creation is not all a curious coincidence—if we gain courage and self-respect by believing that we are here by design of some supreme intelligence which cares, then the ancient questions come back to generation after generation—

Why must tragedies like this come upon us?

Why should fears and sorrows and temptations and criminal impulses crouch and lie in ambush like beasts of prey, not only in the human brain but all along the way of life?

Why the prodigality and the waste of life?

Why the brevity of life—the swift, short interval between our coming and departure—between the beginning of aspiration and the oblivion that closes over it?

Why, in this brief interval, do some, like motes, dance in the sunlight and others strive always in the shadows?

And why are talents, wealth, and power distributed unequally?

And the wisdom of the ages, speculating about things the knowledge of which is denied us, answers that eternity is long, without beginning and without end; that all is not ended here; that each is held accountable for what is given to him; that if this world were a garden of plenty, where there was no evil and therefore no choice between good and evil, then there would be no merit in resisting evil.

That, in our daily choice between good and evil, in our buffetings with circumstances, in our fights "with beasts at Ephesus," within us and without, we make character; that without character we would be nothing, and that by what we are we shall be known in eternity.

We say in sorrow it is not fair that one man should have to go through life with hunger, disappointment, suffering, and failure tracking his sinking footsteps, while another keeps step with laughter, plenty, and success; but somehow, as time ticks on, some of us come to understand dimly—to see through eyes "red with the rust of unshed tears" that perhaps success is not all of life and that fame and wealth and power are not the best things in life, nor suffering and failure the worst things in life.

But if the hope of conscious existence after the death of the body were to fade out of human life all this would be meaningless—the logic of existence would be utterly gone; the consolation of the weary and the oppressed would be turned to ashes, and the cries of human anguish, the prayers of human aspiration, would echo backward upon a hopeless world from a black, impenetrable wall, and the highest aspiration to nobler manhood would be gone.

If the belief that there is another stage of existence, where the day shall break and "the shadows flee away"; where the logic of life shall stand revealed; if the belief that there is an existence beyond this visible, tangible universe, where even man, sitting in judgment on himself, shall be obliged to recognize that he can not gather what he has not sown; if the belief that there is an existence beyond what our senses tell us of, where what we shall be shall have just relation to what we have been here—if all this shall fade out of human belief, then the very foundations upon which this huge yet delicate fabric of laws, government, and social institutions is built would slip from under us.

We say in sorrow it is unjust that a man in his prime, at the beginning of a career, should be cut down; that the hope men set their hearts upon should turn to ashes.

But shall the entity evolved out of yesterday and to disappear to-morrow querulously argue why and wherefore, with the power that made it, as it goes on its way?

Besides, who knows that a career has been cut short?

Tenacity of life is strong within us. We are seldom ready to lay down our tools and go out and shut the door forever; we always think we might have done more and better work, that the revolving wheel of life might have stopped at some lucky number, or that failure might have been transmuted into success.

George Frederick Watts spoke of his paintings as "only studies of the picture that might have been"; but who knows?

Who knows when the years would have begun to tarnish the golden age of cooperating talent and power of execution into the dimness of age, senility, and incompetency?

Time and again we see evidences that even experience is no safeguard against mistakes; that if life were patriarchal in its length each day would still bring new problems, and that the longest life ends where it began—in a dream of happiness never realized.

Old Jacob lived an hundred and thirty years. He had seen the angels of God ascending and descending. He had seen God face to face and still lived, and yet he told Pharaoh that "the days of the years of his life" had been "few and evil."

It all comes back to this: If this little space in eternity which we call life is the beginning and the ending of it all, then it is an inexplicable tragedy; if it is a stage in a journey onward, then it is an opportunity.

Mr. SLOAN. Mr. Speaker, the end of the Sixty-second Congress comes on apace. The week days and nights are filled with pressing legislation, while our Sabbaths are crowded with congressional memorials. No Congress of our history can equal our necrology record. Six Senators out of 96 and 19 Representatives out of 394. A mortuary loss beyond that of the so-called hazardous occupations. Almost constant attendance at sessions, away from usual comforts of home, under the fitful and varying season and climatic conditions of our National Capital, the tribute to the final taxgatherer has been heavy indeed. Hurried home visits for strenuous primary or election campaigns have severely tested the human fiber. It is little wonder that the weaker links of muscle or nerve have so often given way. The figure presented should be at once a pathetic plea against the Executive exercising extraordinary prerogatives

and the exactions of a critical constituency. In the falling off of this term's membership extreme age has had little part. Continued and lingering illness but little more. The shock of physical accident has claimed its victim. In most cases death has been but the climax of toil and strain, resulting in mental or physical weakness, not noticed by the rest until the weakened link had snapped and a garland graces the deserted desk. Then it is admirers speak and his colleagues mourn.

Congressman WILLIAM W. WEDEMEYER was among the fallen. Among his colleagues perhaps one of the last expected to be summoned. Like many of us, he was a new Member. In meeting my colleagues I judged after the manner of new Members. Of the old and distinguished Representatives we adapt our estimate to that resultant measure of a public man made by press and platform. Because every man who enters here is subjected to that leveling process based on praise or blame of colleague, criticism or encomium of the press, and the bold utterance, favorable or unfavorable, of the platform. Our judgment, therefore, of the older Members is, in part, ready-made. But new Members judge their fellows by stature, personal appearance, and those peculiar qualities beaming from countenance and seen in movement which go to make up the individual.

I looked upon our late colleague from Michigan with interest and admiration. He came from that lake-locked State of the North where so many men preeminent of brain and brawn have not only graced the public capital, but in the activities of the world made for themselves a quality and name which might be termed "Magic of Michigan." This is true not only of mature men, but our brother's alma mater on every field of collegiate manly sport has made the name of Michigan carry with it respect of public, and often consternation, to the opposing team or crew. Tall, erect, powerful, vibrant with energy, his features gleamed with intellectual force. When later seen in his early congressional forensic efforts there was predicted for him a great career, and for his State and district a distinguished Representative. Toward the end I saw him grow in power, influence, and esteem. To him the future seemed most kind.

The exigencies of disturbed political conditions brought about the defeat of many strong men and did not spare our friend. Defeat to him was a bitter draught in an unwelcome chalice. More bitter to him than to many others. Like too many, he erred in construing temporary rejection as a reflection upon his record and ability. That is not always a true test. The sovereign will is expressed regardless of record, service, or ability. Being sovereign, it brooks neither question nor criticism. So, the rejected servant must not seek to measure too accurately the consideration he has tendered for the favor the public may extend. The public seldom makes demand for us. She owes us no certain term. Her refusal to extend should neither be criticized nor commended.

He was one of a congressional party leaving New York for Panama, the scene of the world's greatest engineering feat. It was at that point where Columbus sought to find a passage to the Far East; but four centuries have taught us that it must be made; it can not be found. Congressman WEDEMEYER knew the tropic region, having ably represented his country's interests in that vicinity before his election to Congress. It was thought that the healing breezes of the sea would give him rest and restore his health; but six days on the Main merely accentuated his malady. So, the visit of our company to the great canal and its activities were not shared by him.

On January 2 we left Colon for New York on the ship *Panama*. It was a bright, balmy day. The Caribbean, known to seamen as "that fretful mistress," was unusually calm and inviting. We rejoiced in the glad thought that we were all "coming home." It was not thought that one of our number was "going home."

We watched the receding landmarks as the sun sank toward the other ocean. The Columbus statue faded from vision. Colon under its palms fell behind the horizon, and as the night came down the signal lights of Porto Bello alone told of solid earth. I talked with our brother just before nightfall. To attempted quip and labored joke he gave reluctant ear; but when I spoke in the language of his fathers and recited verses in Teuton tongue, he brightened and responded in kind, seeming then more like the "distinguished Member from Michigan" than I had observed for many days. Another hour had not passed when the tragedy of the southern sea had been enacted.

The sea had taken on a gentle roll, but it seemed with no fretful anger wrought. It was not dark, though no moon was there. The southern cross in majesty hung pendant in its place. The guard on the hurricane deck was low. His body fell athwart its rail. There was a splash and he was gone. "A break in the wave, and he passed from this life to a rest in the grave." In vain were engines stopped; bootless the searchlight swept the neighboring sea; and without result were boats, with hardy sailors manned, sent on missions of search.

> And our stately ship went on
> To its haven under the hill,
> But O for the touch of a vanished hand
> And the sound of that voice that is still.

Sadness and gloom marked our homeward voyage. Upon our memories were impressed that tragic scene which, until the final summons comes to us, whether on land or sea, we exchange those memories for present knowledge of our brother in that—

> Land far away 'mid the stars (as) I am told,
> Where they know not the sorrows of time,
> Where the pure waters wander through the valleys of gold,
> And life is a treasure sublime.

Unlike the oral musing of the melancholy Dane, he saw no "sea of trouble"; he may have found a sea of rest. We will not vaunt the stern philosophy of Aristotle nor yet take comfort from the stoicism of Seneca. We have a philosophy more modern and more comforting. It is the philosophy of Him "who doeth all things well," and who of us will say that it has not been so?

Had we our choice we would much prefer that a bell should have tolled, a shroud provided, and the body given to the earth; that a marble monument or granite shaft should mark the place; that an acacian shrub should stand above; and that flowers should be laid by loving hands to link him with their lives. But now only upon a chart marking distance from land, with memoranda of latitude and longitude, can his tomb be designated.

When we think of this place, near the historic shores of the Spanish Main, there is an interest prompted in his resting place. We know the coral reefs are there; layers of whitest pearls are in the sunken caverns; shells of rainbow beauty gleam and gems of richest quality, by nature placed, lie in the depths profound. In that vicinity lie sunken treasure-laden galleons and rich argosies sunk by sea-swept tempest or purposely sent to bottom to escape the pirate's capture. Doubloons of rich old gold are there; sparkling jewels dropped from shrunken fingers and richest ornament by beauty worn all lie in the "hollow sounding and mysterious main." But the richest, brightest, purest of all the gems and jewels as tributes paid to that exacting and remorseless deep are the mind and life of Congressman WEDEMEYER, for whom we this day sincerely mourn.

Mr. J. M. C. SMITH. Mr. Speaker, the hand of death has rested heavily on the Sixty-second Congress. Heretofore as I have listened to kind words and loving tributes of Members of different States delivered in memory of their dead brothers, I thought that Michigan was extremely fortunate in having no such office to perform. But at a time when we were thinking least about it the hand of death visited our delegation and took the youngest member, the one whom we thought might be the last to go. I am especially pleased to hear the tributes of love, affection, and esteem delivered here to-day not only from his colleagues from Michigan but from other States. It shows the high esteem and respect in which he was held by the Members of this House.

Mr. Speaker, Hon. WILLIAM W. WEDEMEYER, Congressman from the second congressional district of Michigan, elected at the November election of 1910, was serving his first term as Representative from that district when death overtook him on his way back to Washington from Panama.

Mr. WEDEMEYER was born in Washtenaw County, Mich., and after attending the district schools of that vicinity he went with his parents to Ann Arbor, where, after graduating from the high school, he worked his way through the University of Michigan with the untiring energy which characterized all that he did, and his beloved alma mater to him was always a personal pride and the subject of his constant solicitude. Mr. WEDEMEYER was nearing the age of 40 at the time of his death. He was a lawyer by profession, and had won an enviable reputation at the bar. He was a close student, a fine orator, and a convincing speaker. Before coming to Congress he had held many positions of honor and trust. He had served as school commissioner of his county, and was appointed deputy railroad commissioner of his State under Gov. Pingree. Subsequently he became consul to British Guiana, in South America. All of these positions he filled with credit and honor. Trained in the severe school of experience, when the morning sun of life, so full of hope and promise, seemed to be rising and shining most brightly, when success seemed so certain, when the public was so expectant of his superior ability and his great intellectual powers, he laid down the burdens of his activities amid the cherished hopes of his friends that to him would be long life

and long future usefulness, and he passed to the great beyond, a loved, esteemed, and greatly admired friend, husband, and father. His life's work and duties are ended, but the many deeds of kindness and of worth performed by him will remain an inspiration to us all and to those who come after us, and especially to those who, single handed and alone, must battle for position and honor. That the world is made better by his efforts, that his pure, upright, and noble life will lead others to higher walks, let us firmly believe. Let us cherish the hope that all will be well in the future and that we may perform our full duty, face our tasks, and as citizens take up the duty of performing better our part. Emerson says:

There is no record left on earth,
Save in the tablets of the heart.

WILLIAM WEDEMEYER was a man of exemplary life and high culture, and endeared himself to all by his cheerful, jovial, buoyant nature. He was a statesman; his State, his colleagues, and his acquaintances expected much of him, and their admiration for him was akin to affection. Large of stature and of heart, everybody loved him.

Mr. WEDEMEYER was greatly interested in his congressional work and duties. He practically carried his work with him, whether at his room, his office, or on the floor of the House, and found little time for diversion or entertainment. We can almost see him now there at his desk, when debate is the most strenuous and interest the most intense, reading, writing, working—always busy. "That is WEDEMEYER, of Michigan," was pointed out in the gallery and whispered on the floor of the House, when his large, stately, manly form passed down the aisle, always with a smile and a kindly word for all.

In the discharge of his trust the public welfare was his greatest solicitude. He conversed freely with his colleagues concerning the details of the measures upon which he voted, and his actions thereon were uniformly right. Public life to him carried no secrets. He served on the important Committees on Territories and on Expenditures in the State Department. He worked hard to give home rule to Alaska, and joined with his colleague, the Delegate, Mr. WICKERSHAM, in his greeting to that far-off land:

Hail from the land of the northern light,
Whose arctic halo illumines the night.
Hail from the land of the midnight sun,
Where the mighty Yukon's waters run.

Mr. WEDEMEYER's extensive travels, scrupulous uprightness, and high sense of honor gave him particular fitness for these positions. He was not returned to Congress in the election of 1912, and while he felt the defeat keenly, he seemed in good spirits and to be reconciled to the result, but overwork, a fall, and sickness undermined even his iron constitution.

It was my privilege to be present at the memorial exercises held in his home city of Ann Arbor. There thousands of his fellow townsmen, friends, and neighbors, with many from other cities and States, met in University Hall, where formerly he had received his college degree with highest honors. They paid high respect and tributes of love and esteem to his memory, and many testified to the worth of his splendid life.

We do well to meet here to-day and in this Chamber, the place of his last activities, to give expression to our admiration of the man and do reverence to the memory of our departed colleague. It is not given us to know or to look into the future life. Possibly some of us hesitate because death seems a long way off. However that may be, it is certain to come, and as Covert said on an occasion similar to this:

To the past go more dear faces,
Every year,
As the loved leave vacant places
Every year;
Everywhere their sad eyes meet us,
In the evening's dusk they greet us
And to come to them entreat us,
Every year.

But the true life draws nigher
Every year,
And its morning star shines higher
Every year;
Earthly hold on us grows slighter,
And its heavy burdens lighter
And the dawn immortal brighter,
Every year.

Mr. SWEET. Mr. Speaker, as one of the long-time friends of WILLIAM W. WEDEMEYER and one of his companions upon the trip to Panama, I wish at this time to briefly express my affection for him as a friend, my appreciation for him as a man of extraordinary ability and promise, and my admiration for his self-sacrificing heroism.

No one who had the good fortune to know Mr. WEDEMEYER intimately could fail to recognize in his friendship a peculiar quality of loyalty and whole-hearted devotion which ignored the existence of self-interest or political or other barriers. He valued men for their intrinsic worth. If they measured up to his standard of character and devotion to duty, he took them into his great heart without reserve. Such friends he found in all parts of the State of Michigan, and such friends he found among his colleagues of the Sixty-second Congress, who uniformly reciprocated his sentiment and now mourn his untimely decease with a deep sense of personal loss.

It is not my purpose to dwell upon the extraordinary mental equipment of Mr. WEDEMEYER or the success of his brief but honorable career, which gave promise of greater victories to come. I shall confine my remarks to a single phase of his character, which was brought out in the strongest colors during the last days of his life. Those of you who knew him merely as a conscientious worker in this House could hardly have realized the existence of the qualities to which I refer. Intimate friends who were not with him at the last could not have fully understood and appreciated them.

Within a few days the whole civilized world has been shocked at the news of the death of Capt. Scott, the great English Antarctic explorer, and his brave companions. No narrow line of nationality prevents the free expression of sympathy for these martyrs to the cause of science and admiration for their courage and endurance. The newspapers tell us that Capt. Lawrence E. G. Oates, whose invincible bravery in the Boer War obtained for him the title of "No Surrender Oates," a member of this band of explorers, performed an act of heroism never surpassed in the annals of history. With hands and feet badly frozen he believed that he had become a drag upon his companions and a menace to their escape. Leaving the little hut in which the party had taken shelter, with that simplicity which is characteristic of true greatness, he remarked, "I am going outside and may be gone some time"; and so he walked forth into the night and into the storm, never to return.

Such acts of self-sacrifice are not limited to any age or country. They are an honor to human nature. They glorify mankind.

Those who were with Mr. WEDEMEYER during his last days know that one department of his mind was the victim of serious disease. They know that just as a wounded soldier may sit and contemplate and freely discuss the chance of saving a mutilated member of his body, so did our friend endeavor to diagnose his own mental derangement. They know that he was fully convinced that recovery was impossible and that the future held for him no prospect of happiness for himself or of adding to the happiness of others. More than that, they know that by his own process of reasoning, which no argument could overcome, he was convinced that from that time forth his physical existence would be an ever-increasing burden to those he loved best.

Deploring as we must the possible error of his reasoning no one doubts its sincerity. If relief for Capt. Scott and his party had without their knowledge been within easy access, it would in no way have detracted from the heroism of Capt. Oates. The all-important point is his belief. We can never know the tortuous processes of reasoning which passed through the mind of our colleague, but from what he said to me on the last day of his life and from what he said to other members of our party, as well as myself, during the days previous, I shall never have any doubt that an intention to sacrifice himself for what he believed to be the good of others inspired him, and that the impulses of a great and generous heart were substituted for the control of a brain which no one realized more clearly than himself to be diseased.

Sensitive, conscientious, modest, and unassuming to the point of self-depreciation, he would be the last one to claim credit for what he did, and if he had spoken a final word it would have been like him to simply say, "I am going outside, and may be gone some time."

Mr. SHARP. Mr. Speaker, three weeks ago to-day, with the sky overhead as beautiful and as clear as reigns outside of this Chamber at this noonday hour, there was gathered in University Hall at Ann Arbor a notable gathering of mourners. Four thousand of that college town's people, augmented by many men of prominence from all over the State of Michigan and the National Capital, had come to do reverence and express their sorrow at the loss of a distinguished citizen. In that great assemblage were men high in the State's and Nation's public life, and instructors of the university of national reputation. On the platform near the center and about whom were gathered those who were to participate in the memorial ceremonies sat the venerable Dr. Angell, for a generation the president of one of America's greatest institutions of learning. With that calm dignity and serenity of countenance, the outward manifestation

of the spirit and nobility of character within, the presence of this grand old man of learning would in itself have sufficiently attested the regard and high esteem in which he whose death we here mourn was held among his own people. At the side of the venerable Dr. Angell sat President Hutchins, the virile head of that great university. On either side of him were seated distinguished men of Michigan who had come to express their sorrow and in one common voice sound the praises of the one for whom they mourned. In front of them sat with bowed heads, first and nearest to the platform, the closer friends of the deceased, and then the townspeople, filling every chair in the pit and galleries of that great auditorium—the scene on many occasions for a half century of rare educational, musical, and festal events.

Beginning the ceremonies early in the afternoon, as one speaker after another reviewed the life and character of our departed friend and colleague, the setting sun pouring through the western windows had flooded the chamber of mourning with its mellow light before the exercises were concluded. Of the speakers, some who had known him as friend and fellow townsman, spoke of his early struggle in life to secure the means by which he might pursue his studies through the university; others, whose acquaintance began with him in his early manhood, spoke in feeling terms of appreciation of his sterling qualities as a lawyer; while others who had been his coworkers in civic and political life referred in terms of highest praise to his achievements in that broader field of activity.

Such, my colleagues, were the scenes attending the memorial ceremonies of the late WILLIAM W. WEDEMEYER, in his home town of Ann Arbor on that Sabbath afternoon in counterpart to like ceremonies which we are attending to-day. Though the cruel waves of a tropical sea, in a most fateful manner, had robbed these ceremonies of his poor body, yet to those who knew him he was just as much present in spirit as though his living person was again among them, and the memory of what he was will dwell with them as long as they shall live.

It was President Garfield who said of Mark Hopkins, the president of Williams College, where he attended, that to have been merely acquainted and associated with him was in itself a liberal education. With how much more truth may it be said of the advantages, both as to the moral and mental training of one whose whole life has been spent in the atmosphere and environment of the great men who have since its beginning guided the destinies of such an institution as the University of Michigan. It has been said that poets and authors have in many instances won their inspiration from the scenes surrounding their childhood days, and we know that this must be true to some extent with men of lesser fame. Who shall say that that love of knowledge, those qualities of sterling character, and that desire to be useful to his fellow men did not spring from the inspiration of that institution quite as much indeed as from the knowledge of books which WILLIAM WEDEMEYER imbibed from his studies at Ann Arbor? May we not see in these attributes a reflection of the influence of example which came from association with those gifted men, and may we not—and I speak as an alumnus myself of that grand old university—also find an explanation for them in no small degree, not alone in the very environment of a town upon which nature has herself lavished so many charms in its hills, dales, and charming sylvan retreats on the banks of the Huron, but also from the daily contact with the townspeople so enlightened and alive to the importance of according to their students a most kindly and sympathetic welcome? WILLIAM WEDEMEYER would have indeed been recreant to his duty and false to his whole training had he been anything else than the splendid example of American manhood by which we knew him.

Others of his colleagues who have been fortunate in knowing him for a longer time than I have to-day justly spoken in praise of his services as a Member of this body. From my acquaintance with him, I think it not unwarranted to say for him that had the fate which governs human affairs held in store for him more kindly things and given to him a longer span of life his abilities and sincerity of purpose would have placed him in the front rank in the delegation which so ably represents his native State. My first impression of him as he appeared in earnest debate upon this floor never changed. Indeed, that impression settled into a firm conviction that he was destined to play an important part in the legislation of Congress if his constituents had the wisdom to see in him the promise which all of his colleagues could see. While we mourn his loss to-day, my colleagues, not only to the State and the Nation, but as deeply personal to ourselves, yet may we not be comforted in the thought that though that great mind, full of potential capacity—that temple of reason—was tottering to a fall, yet his last act was, after all, one of heroic purpose, and as he lived so he died, his last thought one of devotion and one of conscientious duty as husband and father, as the remnant of that clouded intellect saw it to be, to those he so dearly loved?

Mr. WILLIS. Mr. Speaker, my colleague from Ohio and others who have spoken on this occasion have referred to the memorial exercises held at Ann Arbor three weeks ago to-day. Those exercises certainly were a wonderful and touching tribute to the memory of a great man. Several of the friends of our deceased brother have asked that at least one of the many notable speeches made on that occasion shall be preserved in permanent form. I therefore ask unanimous consent to insert in the RECORD the remarks of former Congressman John J. Lentz, delivered on that occasion.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to print in the RECORD the remarks of former Congressman Lentz at the memorial services referred to. Is there objection?

There was no objection.

The matter is as follows:

Former Congressman John J. Lentz, of Columbus, Ohio, spoke at the Ann Arbor Wedemeyer memorial exercises not only as a close friend of Mr. WEDEMEYER but also in behalf of the American Insurance Union and in behalf of the Masonic bodies of the city of Ann Arbor, as follows:

"Never before and probably never again shall I occupy the same relation to any memorial service in honor of any man or woman as that which inspires me to perform a threefold duty to-day. I speak from a heart overflowing with gratitude and affection, remembering the fidelity and cordiality of Brother WEDEMEYER'S friendship from the 22d day of February, 1895, when we first met in this hall on the occasion of my delivering the Washington Birthday address on behalf of the law department of this the greatest of all the American universities.

"I speak of Brother WEDEMEYER, mindful of the eloquent and sympathetic words spoken by him in my own home on the 25th of July, 1910, in the parting hour when my best friends carried away from me forever the frail frame of her whose pure love, brilliant mind, and sympathetic heart were the greatest treasure and the brightest light that ever came into view upon the horizon of my earthly career.

"I also speak as the chosen representative of the Masonic bodies of this beautiful city of Ann Arbor, the home of his alma mater and the home of my alma mater, and as the national president of the American Insurance Union I speak of him as the national counselor of its national board, governing the fraternal and financial destiny of an institution extending its protection and fellowship to the homes of 28,000 good men and women throughout these United States, together with the tens and tens of thousands of their children who, through their parents, have learned to love the name of WEDEMEYER.

"Our departed brother became a member of the American Insurance Union on the 14th day of September, 1899, and was initiated in Golden Rule Lodge of the Masonic order of this city on the 12th day of April, 1900, and was passed and raised from degree to degree through the Blue Lodge, the Chapter, the Commandery, and reached the Shrine in the fall of 1906.

"My brothers of the Masonic order here advise me that he was always willing to help at all of their functions and that he was a strong and efficient factor in the growth of the Masonic order here. Those of us who knew him away from his home in this municipal center can appreciate how fully and how happily he served our Masonic brothers in their every purpose and their highest aims and ideals. From the beginning to the end of his Masonic career he demonstrated to each and every brother of that order, as he has always demonstrated to each and every member of every organization with which he was affiliated, that he was a man, every inch a man, free-born, of good repute, and well recommended and better and better recommended from day to day as men knew him better and better in his increasing power and influence and service.

"Our departed brother was no ordinary man. He was an example, and a leader in every walk of life. He was of heroic stature, physically, mentally, and morally. His was a personality so happy, so generous, so industrious that those who knew him best will never forget him nor will they ever realize that he has taken his departure and entered upon a career still more active in a sphere much larger than this our common mother earth. Philosophers, theologians, and scientists have for thousands of years discussed and analyzed the question of immortality. To all who knew WILLIAM W. WEDEMEYER, such discussions are vain and futile, because it is impossible to think of him without feeling and saying with one accord: 'Of course we shall meet him again.' We are as sure of his immortality and of meeting his genial companionable identity when we get into that future world ourselves as we are of our personal identity to-day in this world.

"If it be true, as Emerson has said, that to be rich in friends is to be poor in nothing, then well may we content ourselves and congratulate his good wife and children with the suggestion that WILLIAM W. WEDEMEYER was a millionaire in this world and he will be a multimillionaire by the time we join him in the world to come.

"It was Telemachus, of Athens, who said: ''Tis ever wrong to say a good man dies,' and there is no member of the national board or of the national cabinet or anywhere in the chapters of the American Insurance Union who will not agree with this old Athenian philosopher.

"It will be impossible to find anyone who knew our departed brother, WILLIAM W. WEDEMEYER, who will not agree with us that 'to know him was to love him.' His great, generous heart loved all mankind. He exemplified in his work and in his personal association with each and all of us the doctrine of 'loving his neighbor as he loved himself.' He was not only a true fraternalist but a great fraternalist—a positive, earnest, industrious soul that overlooked no opportunity and lost no opportunity to serve his fellow man.

"He was too broad and too great in his sympathies and in his generosity and in his religion to recognize class, faction, creed, or sect. He believed in a God that taught him that 'He who serves man the most loves God the best.'

"By every word and every act of our departed brother he taught us the value, the beauty, and the holiness of 'courage, honor, courtesy, and fidelity.' By every word and every act he taught us that he not only preached but practiced these great virtues, and with it all and

through it all he devoted himself to our creed of 'help in need' and 'all for one and one for all.'

"Each and every member of the national board is proud of the friendship, fellowship, and comradeship of our national counselor, the Hon. WILLIAM W. WEDEMEYER, and proud of his national distinction as a public servant, and grateful to his good wife and his three little children for the many hours, days, weeks, months, and years of his good time which they so generously permitted him to contribute to the cause and upbuilding of the American Insurance Union. We shall ever be grateful to his good mother, who gave him birth on the 22d day of March, 1873, and prepared him in his youthful years for a life and a career of honesty and fidelity so noble, so pure, and so true to his fellow man that we may justly claim for him what some distinguished Roman said of his friend: 'He was a better friend to everybody than anybody is to anybody.'

"We feel sure that we do not overestimate the great work of Brother WEDEMEYER's earthly career when we say that his untimely death, before he reached the age of 40, was largely due to the fact that ever since his boyhood he has crowded into each day of his life two or three times as much work as is ordinarily done by active and energetic men.

"In bearing testimony to his high ideals, his untiring energy, his restless anxiety to do more and more each day for all humanity, we feel justified in saying that it is not too high praise to claim for him that as a public servant, associated with Gov. Pingree and other distinguished men of the great Commonwealth of Michigan, and also associated with the great and good public men who make up the high and honorable body of our American Congress at Washington, he accomplished more within the short span of his earthly career than most men accomplish who live God's allotted years of threescore and ten.

"We are proud to have had the fellowship of such a graduate of the great University of Michigan, whose broad scholarship, brilliant oratory, and eminent statesmanship won for him and his alma mater a national distinction and prominence of more than a master's degree.

"Each member of our national board joins with the good wife and children of our departed brother in tearful sympathy in a bereavement over a loss that extends far beyond the walls of their good home and touches every one of the 28,000 members of the American Insurance Union, and touches all good men and good women in the United States who appreciate and honor the memory of Brother WEDEMEYER's generous, self-sacrificing, patriotic devotion to the betterment and advancement of his fellow men. And each and every member of our national board mourns with the members of his family and extends them the most sincere sympathy and tenders them every possible assistance in their bereavement.

"Remembering our good brother's happy personality, we can best express ourselves in the words of James Whitcomb Riley:

"'I can not say, I will not say,
That he is dead—he is just away.
With a cheery smile and a wave of the hand
He has wandered into an unknown land
And left us dreaming; how very fair
It needs must be, since he lingers there.
Think of him still the same, I say;
He is not dead—he is just away.'

"In the words of George Eliot, we are sure that he has—

"'Joined the choir invisible
Of those immortal souls who live again
In minds made better by their presence.'

"Or, in the words of Bulwer Lytton, let us say:

"'There is no death; an angel form
Walks o'er the earth with silent tread;
He bears our best loved things away,
And then we call them dead.'

"In our common grief, our utter helplessness, we cry out in the poetic thought of George Dyre Eldridge:

"'We come from the chambers of silence, the gift of the gods is breath.
We go to the chambers of silence, the gift of the gods is death.'"

LEAVE TO PRINT.

Mr. HAMILTON of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have leave to print on the life, character, and public services of the late Mr. WEDEMEYER.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that all Members may have leave to print in the RECORD remarks on the life, character, and public services of the late Mr. WEDEMEYER. Is there objection?

There was no objection.

THE LATE SENATOR NIXON.

The SPEAKER pro tempore. The Clerk will read the next special order.

The Clerk read as follows:

On motion of Mr. ROBERTS of Nevada, by unanimous consent,

Ordered, That Sunday, February 16, 1913, be set apart for addresses upon the life, character, and public services of Hon. GEORGE S. NIXON, late a Senator from the State of Nevada.

Mr. ROBERTS of Nevada. Mr. Speaker, I present the following resolutions, which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 841.

Resolved, That the business of the House be now suspended in order that opportunity may be given for tributes to the memory of Hon. GEORGE S. NIXON, late a Senator from the State of Nevada.

Resolved, That as a special mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these memorial exercises to-day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

The resolution was agreed to.

Mr. ROBERTS of Nevada. Mr. Speaker, we have assembled here to-day in an humble way to pay our respects to the memory and sterling character of the late Senator from Nevada, the Hon. GEORGE S. NIXON.

I knew him well. He was my friend and yours. He was cut down in the midday of life, at a time when he had become a most important factor in the upbuilding of his beloved State.

His life's work here is ended. The death angel has called him home. The friends he left behind will see him here on earth no more. The voice is hushed, and in the silent confines of a lonely tomb beside the crystal waters of the Truckee he sleeps the sleep that knows no waking—a fitting resting place for one who loved his native heath.

Warbling songsters in the trees,
Wild flowers waving in the breeze;
Sagebrush perfumes—God's behest—
A fitting place for one to rest.

His life was one worthy of emulation and shows what can be accomplished by one who starts out in the race of life under the most adverse circumstances but who carries with him a mental and a moral compass the needle of which points to the north pole of all that is fair, upright, and honorable in life. And yet he is not gone. He is among us, and in our every walk of life we feel his very presence. His life was so closely interwoven with the social, moral, political, and business fiber of our State and Nation that his death was a severe blow.

He was a plain, blunt, business man, quick, decisive, and possessed of wonderful energy. He received his early education in the stern school of adversity, and though possessed of millions at his death was ever mindful of the lowly rounds of life's ladder by which he did ascend. He was charitable, but his charity was of that healthy sort so seldom seen. What he did for others was never known. His left hand knew not what his right hand did.

His vast wealth was honestly acquired from the various industries of Nevada, and every dollar represented an honest endeavor to build up and husband the resources of an undeveloped State. His name was ever a guaranty that the many enterprises in which he was engaged were sound, stable, and legitimate; and when the panic of 1907 struck Nevada and many of the financial institutions began to close their doors, it was the Hon. GEORGE S. NIXON, directing a well-planned policy of endeavor, that saved countless millions of dollars to the people of Nevada and averted what seemed to be a death blow to Nevada and her industries. His banks, with his name and personal fortune behind them, stood as solid as the granite base of the high Sierras.

Born of humble parentage and nurtured in the wide and open fields of the western frontier, it was but natural that his pulse should beat in harmony with the common people and that he should ever be democratic in all things.

As a judge of men he had few equals. He was quick to see and quick to act. He had a wonderful grasp of national problems and was recognized as one of the safest men in the United States Senate. He was no orator and made no pretenses to being such. He was simply a plain, blunt, business man, who studied political questions and applied to them the same rules that guided him in business affairs. He faced the problems of life as he met them. He knew no such word as fail. He never whimpered or complained. He went through life an optimist, spreading sunshine along his pathway. He rejoiced with those whose fortunes brightened up their lives and sorrowed with those whose lives were veiled in sadness.

Loyal as a husband and father, true to the interests of his family, proud of his home and its surroundings, proud of the State he represented and which he did more toward advancing and developing than any other man, living or dead, he has passed on through life a respected, honored man among men, whose good works will live long after the foot of Time has trodden down his marble tombstone.

Senator NIXON was born in Placer County, Cal., in 1860. While a mere boy he took up the study of telegraphy in an office at Newcastle, near his home, and mastered it. He was soon recognized as apt, honest, and trustworthy, and was offered the position of operator at a small station on the C. & C. Railroad in Esmeralda County, Nev., which he accepted. From that time on his rise was rapid. His work was of such a character that in 1881 he was promoted to a higher position as operator at the Humboldt House, on the main line of the Southern Pacific. While in that position he made many influential friends who, recognizing his ability, offered him various positions of trust. He finally accepted a clerkship in the Washoe County Bank. He remained with that institution two years, thoroughly mastering the banking business. In 1886 he opened the First National Bank of Winnemucca, Nev., and, although he personally had but

$2,500 in cash at the time, the bank soon became known as one of the strongest financial institutions in the State.

In 1890 he was elected a member of the State legislature, and in 1905 he was elected United States Senator to succeed Hon. William M. Stewart. He was renominated without opposition and reelected in 1911. His stand upon public questions was open and aboveboard. He shrank from no duty, but met all opposition with characteristic frontier determination.

He was a State builder and a governmental mainstay. Whatever he engaged in, be it mining, farming, or politics, he applied to it the strict cardinal principles of honesty, sincerity, and determination, which crowned every effort with success.

He was a leader among men and an organizer of rare tact and constructive ability. He was practical in all things and scorned the theoretical. The true qualities and attributes of American manhood were developed in him in his early youth, and throughout an active life in private and public affairs he always took the lead. Independent, broadgauged, determined, and bent on accomplishing results, he was a potent factor in the upbuilding of the State and Nation.

Shortly after the great Tonopah mining excitement, at the solicitation of George Wingfield, he went to Tonopah, and while there associated himself with others in the establishment of a bank. He also invested in mining properties, which in a short space of time put him in the millionaire class. Subsequently he and Mr. Wingfield secured control of the Goldfield Consolidated Mines Co., of which he became president. This last investment added millions to his fortune. He afterwards disposed of all his mining interests to Mr. Wingfield and devoted himself almost exclusively to banking, farming, and stock raising.

He was ever true and loyal to his friends, which to a great extent made of him the admirable character that he was. Honest, big hearted, firm, and substantial, he commanded the respect and confidence of all who knew him. Ever at the front of the procession in all things which tended to the advancement of State and National affairs; ever bending his energies to do something worth while, he stood out preeminently as Nevada's foremost citizen.

He had in himself a continent of undiscovered character, and true to himself, true to his family, true to his constituency, true to his country, he acted the Columbus of his own soul.

The dark clouds of sorrow have hovered low over the homes of friends throughout the Nation, who realize that in his death one of the strong pillars of stable government has been removed and that those engaged in life's battle will see him on the firing line no more. Such is life. Such is death. It comes to all. It is inevitable.

And after all, what is it? A journey to an unknown land, from whose shores no traveler has ever yet returned.

A little while and those of us who now do mourn will take the selfsame journey. Season after season will come and go. Unborn mountain peaks will rear their heads above the deep blue waters of old ocean. Historic facts well known to-day will fade to dim tradition. Empires that flourish now will crumble and decay. All, all, will pass away. Naught will remain more inspiring, more enduring, than the priceless legacy of a good name. Such a heritage has the late Senator left to his family and his country.

> The memory of his good deeds will ever stay,
> A lamp to light us on the darkened way;
> A music to the ear on clamoring street,
> A cooling well amid the noonday heat;
> A scent of green boughs blown through narrow walls,
> A feel of rest when quiet evening falls.

Mr. KAHN. Mr. Speaker, practically every Sunday during the present session of Congress has been devoted to memorial services in honor of some departed Member of the Senate or the House. It has been said "Death loves a shining mark." Surely he has hurled his shafts in the Congress of the United States with terrific effect upon the membership of the two Houses during the past year.

Among those who have fallen in the good fight for the advancement of the welfare of the citizens of this Republic is GEORGE S. NIXON, a Senator from the State of Nevada. He was only 52 years old at the time of his death, and yet during the brief span of years that he was permitted to walk upon this earth he arose from poverty to affluence; from a lowly station in private life to an exalted position in the affairs of the Nation. He was able to perform these things because he had innate ability. His life fully exemplifies the latent possibilities that dwell within the frame of every American citizen.

He was born on April 2, 1860, in Placer County, Cal. His parents were pioneers who had journeyed from Tennessee to the Golden State. His early life was spent upon the hillsides that encircle the town in which he first saw the light of day. As a farmer's boy he roamed at will over the foothills of the Sierras. His opportunities for education were limited; he was taught by experience, and his knowledge was practical rather than academic. The outdoor life to which he became inured in his youth gave him a rugged constitution, and his communings with nature prepared him for those larger activities to which he was called after he had attained man's estate. He was of a most cheerful disposition. He was possessed of that quality which men call "personal magnetism," and he drew others toward himself in every walk of life into which he entered. His kindliness of manner and his readiness to extend a helping hand to those who were less fortunate than himself endeared him to all who were privileged to know him. In the Senate of the United States he was always active in advancing the interests of the far West, that section of our country which he knew so well and whose needs he endeavored most assiduously to supply. He had just been elected to a second term when the hand of death was laid upon him. The people of the State of Nevada recognized his true worth. He had contributed liberally from his store for their entertainment and their creature comforts, and when the news was flashed to them that GEORGE S. NIXON had answered his last roll call they felt that they had lost a true benefactor, a faithful public servant, and a public-spirited and kind-hearted fellow citizen. He had been faithful to them in his lifetime; they mourned his untimely death.

Mr. HAYES. Mr. Speaker, I am very glad to be present on this occasion to pay my simple tribute of respect to the memory of GEORGE S. NIXON, late a Senator from the State of Nevada. As has already been stated, Senator NIXON was born within the confines of my State and grew to manhood among the glories of the Sierra Nevada Mountains. He was a splendid example of what the youth of this land may accomplish by industry, temperance, energy, and perseverance. Coming from the smallest beginnings, a farmer's boy, he rose to be one of the great financiers of the West, and finally to fill the exalted position of Senator of the United States for his State.

I did not know Senator NIXON until I came to Washington as a Member of the Fifty-ninth Congress in 1905. I afterwards came to know him as one of the hardest working Members of the Senate, though not one of the noisy ones. He toiled as hard in the interest of his State and people as the hardest worked Member of either House and gave to the discharge of his official duties the full measure of his manly devotion. A less manly man would have chosen a life of ease and enjoyment, which his ample means would have enabled him to do, instead of cheerfuly and faithfully taking up the grinding task which we here know is the lot of the man who is chosen to represent his State in either branch of the Congress of the United States. Faithful to every duty, he merited and received the full measure of confidence of the people of his State, as he did of his colleagues and of the Members of this House. In 1910 he was nominated by the people of Nevada by an overwhelming majority, and afterwards unanimously elected by the legislature of his State to succeed himself, an honor that is given to but few men in the history of this country.

GEORGE S. NIXON was not only an honest, conscientious, and faithful legislator, he was a faithful, generous, and loyal friend, as I can testify from personal experience. His warm, generous heart prompted him to many unselfish and kindly acts that others than the recipients knew not of, but these flowers of affection will be always cherished and preserved in memory by those who knew him well as the brightest ornaments in the life of a most successful and much honored man.

Mr. Speaker, life is full of tragedies, many of them unseen, although enacted before our eyes. Few of them have the dramatic setting of the tragedy that accompanied the decease of our late colleague from Michigan, Mr. WEDEMEYER, who has been spoken of here this afternoon; but in the death of Senator NIXON one of these tragedies was enacted. The circumstances surrounding his taking off were particularly distressing. A man just in the prime of life, marvelously successful in business, happy in all his family and social relations, honored by his State as few men are honored, loved and respected by the distinguished men of the Nation, prepared by seven years of experience to render to the people of his State and his country a service in the Senate of the United States more valuable by reason of that experience, he was snatched away from it all by the hand of death and translated to other scenes and activities. To our short vision it looks as if such a result was all wrong, as though evil or chance had come in to destroy, so far as this man is concerned, the perfect and beneficent plan that an all wise and loving Creator is supposed to have for each one of his children. Our limited judgment would lead us to think that this man should have been left in his position of

honor and service until, full of years, like ripened fruit, he dropped to the earth when all men would say, "It is well; he has finished his work—now let him rest."

But a larger knowledge possibly, a more enlightened faith perhaps, has made many of us fervently believe that human life reaches not from the cradle to the grave, but from the cradle beyond the grave to the furthest stretches of eternity; that death is not the end, but only a step, an epoch in the continuous life of man, only changing the outer garments and stepping into another room, larger and more beautiful than the one we left, where the sunshine streams in brighter, where love is fuller and truer, where opportunity is broader and larger, and where, if we have here done well our part, the spurs to effort and achievement may be less selfish, and nobler and larger than here. This earth life is but the primary grade of that human school whose curriculum is not bounded by our years here, but reaches far into the great beyond. To those who have come to know this it will seem certain that, although unknown to him and to us, our brother and friend had finished the lessons of the primary school, and that therefore the Father has called him to a higher department, where larger development and wider knowledge await him, where not rest and inaction will claim him, but larger opportunity and wider usefulness will call into full activity every faculty of his manly and earnest nature. This thought should bring some consolation to those to whom he was near and dear as well as to us, his fellows, who knew him in the halls of legislation.

To most of us the death of Senator NIXON was most sudden and unexpected—probably not so to him. But in any case a man engaged in the faithful discharge of the duties that life brings to him, and who is living and doing day by day the best that is in him, needs no warning, no preparation for death. He is always ready. So was it with our friend. I am persuaded that he entered the life beyond as he lived in this—calmly, confidently, hopefully—and that all is now well with him. As we remember his generosity and manly virtues, as we think of the success and the honors to which he came from humble beginnings and an apparently unpromising environment, let us not forget that success for most men is only the result of intelligent, continuous, and earnest effort, and that the highest possible honor that can come to a man is a useful, well-spent life.

Honor and shame from no condition rise.
Act well your part; there all the honor lies.

THE LATE REPRESENTATIVE M'HENRY.

The SPEAKER pro tempore. The Clerk will report the next special order.

The Clerk read as follows:

On motion of Mr. ROTHERMEL, by unanimous consent,

Ordered, That Sunday, February 16, 1913, be set apart for addresses upon the life, character, and public services of Hon. JOHN G. MCHENRY, late a Representative from the State of Pennsylvania.

Mr. ROTHERMEL. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

House resolution 842.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. JOHN GEISER MCHENRY, late a Member of this House from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of the memorial exercises of the day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was agreed to.

Mr. ROTHERMEL. Mr. Speaker, the death of our departed brother, the late JOHN GEISER MCHENRY, and the other Members of this House who passed away in the Sixty-second Congress casts a gloom all over this Nation.

The journey of life lies along the dark valley of the shadow of death. Death knocks alike at the hovel of the poor and the palace of the rich. There is no spot or place on its pilgrimage where its presence is unknown. There is no family that will not feel the sting of it sooner or later.

To-day there is many an eye that is weeping and many a heart that is bleeding; I might even say that the hearts of the people of a great Nation are bleeding on account of the great and good men who passed away in the House and Senate in the Sixty-second Congress. There is many a home whose light is extinguished and whose altars are draped in testimonials of sorrow. There seems to be but a step between life and death, and man is carried from time into eternity by the breath of destiny. All the wisdom of all the ages stretches no farther than the little span of life bounded by the cradle and the grave.

I became acquainted with Mr. MCHENRY in the Sixtieth Congress. I soon discovered that he was a man of the people; he was like a brother to me; he was like a brother to all who knew him; he was modest, as is evidenced by his biographical sketch, which consists of but two lines in the Congressional Directory. He had those qualities and traits of character which tended to spread the sunshine of life among his fellow men and which linked him to his contemporaries in Congress in love and friendship.

He was a careful, courteous, and painstaking Member of Congress. He had those qualifications of a business man which are so necessary in the halls of legislation in order to do the business of the Government successfully. He was patriotic in the performance of his duties, and said to me on more than one occasion that he felt that the Government should be run in the interests of the people so as to create equal opportunities for all, and that as a Nation we should conduct ourselves so as to command the respect of the other Governments of the world. He believed that in governments, as in nature, nothing is stationary, but that there is an onward movement in the course of evolution for the common good of mankind.

With him the paths of duty ran parallel. As a husband and father he was a model; as a citizen he was one of the very best; as a legislator he ranked among the foremost. In short, he was a true American, whose loss is felt in the halls of legislation of the Government.

In order that a sketch of the life of this great and good man may have an imperishable place in the RECORD I want to read an article which appeared in the National Magazine of December, 1911:

"Mr. MCHENRY was born April 26, 1868.

"Out in the sixteenth district of Pennsylvania lives GEISER MCHENRY. He was born in Benton Township, and his ancestors represent the sturdy type of pioneer which has developed the country's best brain and brawn. Mr. MCHENRY was educated in the rural public schools of Pennsylvania, and drove a lumber team in his early youth, dreaming of the time when he could hang out his shingle as a lawyer. He was a practical dreamer, and realized that the first thing to do was to get started in business and await an opportunity to study law. After a course at the Orangeville Academy, he launched into a business career. As farmer, manufacturer, banker, and politician Congressman MCHENRY is a type of Pennsylvania thrift.

"He was elected to the Sixtieth Congress by a handsome majority, which has been greatly increased in the two succeeding terms. A member of the Appropriations Committee, Congressman MCHENRY's judgment is always sought on weighty matters, and whatever MCHENRY advises goes a long way, because he does think out things. He believes thoroughly in systematic organization and rational construction of all interests as related to the best interests of the public, and as a whirlwind political-campaign organizer he has but few equals.

"On his farm home at Benton he is at his best, for if there ever was a man who loved a farm it is JOHN G. MCHENRY. His farms are under the direct personal supervision of Prof. M. E. Chubbuck, a graduate in agricultural science from the agricultural department of State College, State College, Pa. On these farms experimental and demonstrating work is being carried on not only for the benefit of his community but for the entire country. Mr. MCHENRY's belief is that the first important step toward the solution of the high cost of living must be found in an increased production of our soil. And it is his belief that in this increased production great prosperity to the farmers as well as to the consumers will ensue. His bill now pending in Congress, asking for the appointment of an argricultural scientist to be located in every congressional district where agriculture is a leading industry, is said to be a measure of perhaps greater economic importance to the country than any other measure offered or acted upon in our National Legislature in recent years.

"To hear Congressman MCHENRY talk on the subject, even on a railroad train with the deafening roar of whirring wheels, makes one realize that he has got to the root of things. He insists that if the soil of Germany and England, a thousand years older than our soil and in a less favorable climate, can produce 28 to 32 bushels of wheat per acre there is no excuse for our producing an average of 12 to 14 bushels. He has at his fingers' ends—and in his mind's eye, for use on railroad trains—the figures and statistics to prove the economic necessity of this policy of placing our scientific Agricultural Bureau at Washington in immediate touch with the farmers of the United States. This, with scientific farm management, the Congressman declares—and you just have to share in his ear-

nest enthusiasm—will in time make America first as an agricultural nation, viewed from the standpoint of acreage production.

"This would not only mean the addition of countless millions to our national wealth, but also would be a blessing to the people who are the ultimate consumers, and provide for our steadily increasing population. Farm production has been keeping pace with the increased population by the yearly increased acreage, and within the next few years it is feared that all available public lands suitable for agriculture will be exhausted.

"Congressman McHENRY is first and above all a farmer, but the economic soundness of his argument has enlisted the hearty support of officials and wage earners alike.

"A man of high ideals and purposes, relentless in his energy and enthusiasm to accomplish the things that he sets out to do, Congressman McHENRY is deservedly strong in the affections of his constituents. You will not find many people in the sixteenth Pennsylvania district who do not approve of their Congressman's agricultural bill. It is said that by stepping to the telephone he can in almost the proverbial "twinkling of an eye" organize his district for a campaign. All who know him trust him, and in this unfailing confidence is reflected the painstaking service of one who has in him the sturdy Scotch-Irish blood of the clansmen of ancient days, who made things hum when they came to town. The gentle-voiced and gracious Pennsylvania Congressman may not look the part, but the real Scotch-Irish of rough-and-ready ancestors is there."

Mr. WILSON of Pennsylvania. Mr. Speaker, we have met here to-day because the Great Ruler of the Universe, to Whom all men of all ages have bowed the knee and offered up the innermost reverence of their souls, has taken from his activities in this life our beloved friend and associate, JOHN G. McHENRY. And we feel constrained to express in words our love of the man, our appreciation of his life work, and our sorrow at parting with him. Yet how inadequate are words for such expression. No language can convey the subtle sentiment that binds the hearts of friends. No human mind can grasp the full measure of good that follows the acts of men. We are like pebbles from the shores of eternity thrown into the ocean of time. The ripple we make spreads in ever-widening and ever-weakening circles, still having an influence after our senses have ceased to observe their effect.

And so it has been with the life of JOHN G. McHENRY. His good deeds will live after him. I knew him. I loved him. He was quiet, inobtrusive, and unassuming, yet beneath the placid surface was the fighting spirit of a man. The last time I saw him the grim reaper was approaching, but he felt no fear. He was struggling to overcome the disaster that fire had brought in its wake. One could see in the firm lines of his face and the determined expression of his eyes that he was imbued with the spirit of the poet, who said:

More than half beaten, but fearless,
Facing the storm and the night;
Breathless and reeling, but tearless,
Here in the lull of the fight,
I, who bow not but before Thee,
God of the fighting clan,
Lifting my fists I implore Thee,
Give me the heart of a man!

What though I live with the winners
Or perish with those who fall,
Only the cowards are sinners—
Fighting the fight is all.
Strong is my Foe—He advances!
Snapt is my blade, O Lord!
See the proud banners and lances!
Oh, spare me this stub of a sword!

Give me no pity, nor spare me;
Calm not the wrath of my Foe.
See where he beckons to dare me!
Bleeding, half beaten—I go.
Not for the glory of winning,
Not for the fear of the night;
Shunning the battle is sinning—
Oh, spare me the heart to fight!

Red is the mist about me;
Deep is the wound in my side;
"Coward," thou criest to flout me,
O terrible Foe, thou hast lied!
Here with my battle before me,
God of the fighting clan,
Grant that the mother who bore me
Suffered to suckle a man!

LEAVE TO PRINT.

Mr. ROTHERMEL. Mr. Speaker, I ask unanimous consent that all Members may have leave to print on the life, character, and public services of Mr. McHENRY.

The SPEAKER pro tempore (Mr. GREGG of Pennsylvania). The gentleman from Pennsylvania asks unanimous consent that all Members may have leave to print on the life, character, and public services of Mr. McHENRY. Is there objection?

There was no objection.

THE LATE RICHARD E. CONNELL.

The SPEAKER pro tempore (Mr. DOREMUS). The Clerk will read the next special order.

The Clerk read as follows:

On motion of Mr. AYRES, by unanimous consent,

Ordered, That Sunday, February 16, 1913, be set apart for addresses upon the life, character, and public services of Hon. RICHARD E. CONNELL, late a Representative from the State of New York.

Mr. FITZGERALD took the chair as Speaker pro tempore.

Mr. AYRES. Mr. Speaker, I offer the following resolutions, which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 843.

Resolved, That, in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. RICHARD E. CONNELL, late a Representative in Congress from the State of New York.

Resolved, That as a further mark of respect to the memory of the deceased, and in recognition of his distinguished career and his great service to his country as a Representative in Congress, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Resolved, That the Clerk of the House communicate these resolutions to the Senate.

Resolved, That the Clerk of the House be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The resolution was agreed to.

Mr. UNDERHILL. Mr. Speaker, it is not my purpose to deliver a studied eulogy on our late colleague, Mr. RICHARD E. CONNELL, who departed this life at his home October 30 last, but, rather, to render a brief tribute to one whom I had learned to love, respect, and admire.

My acquaintance with our colleague did not begin until after the election of 1910. For years previously I had known him as an editor of rare sagacity, a Democrat who believed thoroughly in the principles of his party, who was always ready to carry the standard, no matter how inclement the political skies might be and however hopeless the outlook for success. He fought for years before achieving a personal victory at the polls, and his perseverance in presenting upon the stump and through the columns of his newspapers his views finally brought to him the success he so richly deserved.

Our brother was a thorough American. His parents came from Ireland and were very poor in this world's goods. At the age of 13 he was left fatherless and compelled to assist his mother to earn support for herself and the other children. Any man who performs this function to the best of his ability and renders that noble service to a mother is almost sure to develop into a high type of manhood, and our late brother, Mr. CONNELL, certainly typifies this situation.

He was thoroughly American; he had not had the early opportunity for education which he would so much have enjoyed. He was a graduate of the school of experience and must have been an omnivorous reader, as he was one of the best informed of the many men who have had the same alma mater. He appreciated the opportunities presented by this country and was full of patriotism. He had only to look upon the Stars and Stripes to receive an inspiration for an oration that would make the blood of every American tingle with pride. His address on the flag at the first Members' banquet of this Congress a year ago was an eloquent effort full of classical reference and was received with many plaudits of praise.

His remarks upon the occasion of the admission of the Territories of New Mexico and Arizona into this Union, when he dwelt upon the addition of two stars to the flag, will be remembered by all as one of the most eloquent addresses made during the present Congress.

His untimely death just as he was about to be reelected was a great shock. Brother CONNELL had been renominated for election to the Sixty-third Congress and had made a vigorous fight throughout his district.

He was an excellent orator, and his services were much in demand. He had returned to his home after a speaking engagement for the day and evening, and at midnight left his chauffeur at the front door, with an injunction to return early in the morning, as he had an engagement that day that would take him away from home again. The details of his returning to his home, of his retiring and never awakening again, I shall not take the time to depict.

As many of his colleagues were unable, owing to the exigencies of the campaign, to pay personal tribute to his memory by attending his funeral, I ask unanimous consent that I may append to my remarks some articles appearing in the Poughkeepsie News-Press, which he edited before coming to Congress.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The articles above referred to are as follows:

[From the Poughkeepsie News-Press, Oct. 31, 1912.]

HON. R. E. CONNELL'S SUDDEN DEMISE PLUNGES CITY INTO PROFOUND GRIEF—SAD EVENT ELICITS TRIBUTES OF RESPECT AND SYMPATHY FROM COWORKERS IN PUBLIC LIFE, STATESMEN, JURISTS, AND JOURNALISTS—SKETCH OF HIS LIFE.

RICHARD E. CONNELL, Congressman of the twenty-first district, and for 23 years editor of the News-Press, was found dead in bed by his wife yesterday morning at 7.40 o'clock. Death had claimed Mr. CONNELL while he was asleep and when his wife called him in order that he might be ready for the automobile that was to take him to Middletown at 8 o'clock, she believed that he was sleeping peacefully after a hard night of campaigning.

He had returned home at 2 o'clock in the morning, after delivering five speeches, and riding 45 miles to his home. When he entered the house he was in his usual happy frame of mind. He bid Mr. Hawkey, his chauffeur, a happy good morning, and told him to be sure to be on time. When he entered the house, his wife heard him and spoke to him. He answered cheerfully and joked about his youngest daughter, Katharine, being asleep in his bed.

"I won't disturb her," he called to his wife; "she's tired, and I'll go to the small bedroom and sleep."

"But you're tired and must have your own room," answered Mrs. Connell, whereupon she awakened the daughter, and Mr. Connell joked with her as she left his room, expressing regret that she should have been disturbed.

He fell at once into a deep sleep. About 6 o'clock Mrs. Connell heard him sneeze twice, and remarked to another of her daughters that "papa must be awake."

He had requested to be called in time that he might be ready at 8 o'clock to meet Mr. Hawkey's automobile, and when 7.30 o'clock came and there was no sign of his having awakened, Mrs. Connell went to his room and called to him.

There was no reply to her summons. Then she shook him, and still he did not reply. Then she laid her hand on his forehead, and its coldness sent a thrill of apprehension through her. Again she shook him and there came no reply. Hurriedly she threw up the shades and was struck by the pallor of his face. Again she called him, but he did not answer her. Then thoroughly frightened, she called the other members of the family, and at once they realized that in the night death had come into their midst.

Death, ever relentless and cruel, respecting not the ties of family or friends, is a sad and solemn thing, come when and in what form it may. But there are occasions when it is as startling as it is sad, because of its suddenness and the prominence of its victim. We stand appalled when one in the midst of an energetic and useful life, and for whom we expect many years of devotion to the public weal, is in a moment called from his activities by that summons which none may disobey, at a time least expected and which to human view appears to be the very meridian of existence.

The announcement that the Hon. RICHARD E. CONNELL, Representative in Congress from this district, had died at his home early Wednesday morning was received with bated breath and tremulously, sorrowfully passed from lip to lip, while some sought corroboration by renewed inquiries, as if hoping that it might not be true.

HIS SUDDEN DEATH.

Mr. CONNELL retired nearly an hour after midnight Tuesday, apparently in his usual health but feeling somewhat tired, intending to go to Middletown, Orange County, Wednesday morning. At about 7.40 o'clock a. m. his wife went to his room to call him, and found him dead in bed.

The cause of death was heart disease, according to the statement of Dr. Powell, who was hastily summoned but whose services were not needed, the straggling spirit having burst the walls of its clay tenement and winged its flight.

Mr. CONNELL, as is well known, was serving his first term in Congress, and had made a record that secured him a hearty and unanimous renomination, with full prospect of reelection. He had been very active in the present campaign, and was sent by the national Democratic committee to speak in Vermont and Maine previous to the State elections in September.

IN THE HARNESS.

During the past month he had been addressing meetings in his own congressional district, taking in several places daily and speaking at each. On Tuesday, the day preceding his death, he spoke at Lake Mahopac, Patterson, and Towners in the afternoon and at Carmel and Brewsters in the evening. He had intended to go to Middletown, Orange County, Wednesday, to meet Hon. William Sulzer and make an address there, and speak again in the evening at the opera house in this city.

EARLY DAYS.

RICHARD E. CONNELL was the son of the late Richard and Ann Phelan Connell, who came to this country from Ireland in 1846. Richard was born in Poughkeepsie, November 16, 1857. He attended St. Peter's parochial school and the public schools until he was 13 years of age, when he went to work to support his mother, who was then a widow with several small children. His employment was at labor on the old P. & E. Railroad. Later he learned carriage painting in the shop of Streit & Lockwood, and afterwards was an attendant at the Hudson River State Hospital. While at the latter place he became prominent in amateur theatricals, his talents in this direction leading to frequent demands for his services at social and public affairs. While there he began taking an active part in politics and became a forceful speaker. One of his speeches at Hyde Park attracted the attention of the late Maj. James W. Hinkley, who soon afterwards employed Mr. CONNELL as a reporter on the News-Press. His industry, intelligence, and fidelity soon won promotion and in a few years he became managing editor, which position he held until April, 1911, when he commenced his duties in Congress.

HIS JOURNALISTIC WORK.

RICHARD EDWARD CONNELL was a lucid, convincing writer and was versatile withal, frequently dashing off gems of poetry and fanciful sketches worthy of celebrated authors. His limited school education was supplemented and replenished by much reading, keeping informed on current events, and with his many duties, and none neglected, he found time for literary culture that fitted him for companionship with learned professors and talented students.

He was a Democrat as a matter of principle, and worked hard and faithfully for the advancement of the party of his choice, using all honorable means to win success, which he believed would in due time come to those worthy to have it. In 1896 he accepted a nomination for Congress against the late Hon. John H. Ketcham, when there was no hope of success, and in 1898 and 1900 was an unsuccessful candidate for member of assembly, in each case making a sacrifice for the benefit of the party he loved. In 1907 he was appointed inheritance tax appraiser and held that office two years. He was police commissioner for three years. In 1910 he was elected to Congress by a plurality of 517 over the Hon. Hamilton Fish, Republican, Mr. Slater, the Prohibition candidate, receiving 677 votes.

CHARACTERISTICS.

Mr. CONNELL was frequently called on to make orations on Fourth of July, Memorial Day, and for schools, colleges, literary societies, religious, and other organizations. He had a clear voice, spoke fluently, and without hesitation, his best efforts being entirely extemporaneous.

A strong feature of Mr. CONNELL's character was his love of and pride in his family. On his return from a journey or an absence of only a few hours, the first thing after entering the office was to take the telephone and talk to his wife and children, though he might be going home in a short time. He was the champion of the soldiers of the Civil War, and never lost an opportunity to honor them and render them any service in his power. His work in securing pensions for deserving veterans is well known and has endeared him to all the boys in blue. It was largely due to his efforts in connection with Gen. SHERWOOD that the last liberal pension bill was passed.

His record in Congress, especially his speech on the admission of the two new States of Arizona and New Mexico, was pronounced one of the best orations and arguments ever made on the floor of the House of Representatives.

DEVOTED TO FAMILY.

His family consists of his wife, who was Mary E. Miller, his daughters, Mary, Anna, and Katharine, and a son, Richard. Mary graduated from Vassar College, and Richard is in Harvard College. During the sessions of Congress the son was his father's secretary. To them heartfelt sympathy is extended in the sorrow we all share.

In religion he was a Catholic, a communicant in St. Mary's Church and faithful to his every duty. He was a member of the Royal Arcanum, Knights of Columbus, and the Order of Elks.

In disposition he was a man to win friends and to hold them. His fellow workers, who knew him probably best of all, are of only one mind in proclaiming their loyal and earnest friendship for him.

TRIBUTES POUR IN.

Tributes which have poured into the city, some addressed to the stricken family and others to the News-Press every hour since the news of Mr. CONNELL'S death became current, are almost Nation wide in their scope, and there is no mistaking their being sincere.

Foes in the political arena were among the first to come forward and acknowledge their real feelings of admiration for the man as a man. Judges of the highest tribunals in the State, municipal officers, associates in Congress—men in every walk of life—joined in the tribute of sorrow.

—

[From Edmund Platt.]

Nothing had ever occurred either in years of strenuous newspaper rivalry or in political rivalry to interrupt the course of my friendship with RICHARD E. CONNELL. That we were rival candidates for the same high office this year made no difference. He was not a man who could for a moment think of cherishing any personal feeling against an opponent. As a newspaper writer Mr. CONNELL was painstaking, just, and accurate. He early developed a faculty for writing and for getting hold of news that attracted attention, and he had no equals in Poughkeepsie in expressing human sympathy or in depicting incidents in which pathos was a leading feature. His own sympathetic, generous nature and his broad experience, which had brought him much into contact with the unfortunate, prompted him to write from his heart.

Let no one think that Mr. CONNELL'S success, that his attainment of his ambition to serve his country in high office, was the result of luck or chance. As a young man when he had to work hard he spent his spare time studying the history of his country and in other profitable reading. He learned the art of public speaking, and when opportunity came to attain a position of prominence he was ready.

There never was a more genial, companionable man, a better friend, or a more generous opponent than RICHARD E. CONNELL.

—

[From Editor Brown, editor Enterprise.]

I have always thought very highly of RICHARD E. CONNELL. He rose from the humbler walks in life by the sheer force of his character. He had ability of a high order, he was true to his convictions, and he was true to his friends. He made a good record in Congress. He was a fine Representative for the people of this district; he was entirely worthy of the high honor that came to him in his election two years ago. It is a great loss to any community when such a member of it passes away. He closed his career in the middle of life, and we must all regret that he was not spared to continue a work for which he was well equipped and well adapted.

—

[From Mark G. Du Bois.]

In preceding Mr. CONNELL a few months on the News-Press, to which he came, if I remember, in 1887, I was familiar with his work and his personality from the start of his journalistic career and with the main incidents of his advancement in politics. Mr. CONNELL was equally facile as a writer and speaker.

In him were combined the poetry, romance, wit, and sentiment of the race that rules the world. Always proud of his Irish descent, Mr. CONNELL had just reason for his pride, for in him were combined all that is best of those qualities that have brought fame to Irish statesmen, orators, poets, writers, and soldiers the world over. Out of every reverse and discouragement Mr. CONNELL always caught a gleam of humor that made all around him smile. Every success elicited a bit of philosophy that made all of us think.

At social gatherings where a song or story were needed to promote the pleasure and interests of guests Mr. CONNELL was always willing to use his talents for the pleasure of others. He gladly prepared speeches and spoke extemporaneously at hundreds of gatherings where the only reward for his time and trouble was the consciousness that he was doing the best he could to serve others.

It is very sad to realize that this brilliant man has been taken away from his family who loved him so devotedly and to whom he in turn gave his whole life to help, to comfort and protect; that he has been removed from his friends, who trusted, admired, and respected him;

and that he lived such a short time to enjoy the success which came to him after a worthy career of many years of hard work.

I join with the editor of the News-Press and others associated, like myself, with Mr. CONNELL in journalism to lay my tribute to his memory before the world. He was a good and useful citizen, a credit to his country and his friends, an honor to his family, and a fine example of the best in humanity of character, genius, and achievement. What Mr. CONNELL achieved was over obstacles that few could have faced and overcome as he did. I deeply regret his death.

—

[Arthur A. Parks.]

The sudden death of Congressman RICHARD E. CONNELL falls as a shock in this community. Occurring without any premonition in the midst of an ardent political campaign in which he had both a personal and professional interest, the sense of fitness seems disturbed and the balance of sympathies deranged.

Mr. CONNELL'S eloquence as a speaker on political subjects brought him a reputation and a demand which broadened his own scope of vision and enlarged the man.

Rising from the ranks by his own efforts he attained a success far in advance of the usual lot in both business and politics, and his loss will be felt in all of his sphere of usefulness.

We extend our sincere sympathy and condolence to the family and friends of Mr. CONNELL in this hour of their bereavement.

—

[Judge Keogh.]

NEW ROCHELLE, N. Y., *October 30.*

Hon. JOSEPH MORSCHAUSER,
Supreme Court:

I am shocked beyond expression at the terrible news contained in your telegram of the death of RICHARD E. CONNELL. May I ask you to convey to his family, on my behalf, my deepest and sincerest sympathy in this hour of greatest affliction? He was a man of sterling ability, a true friend, and a brave and honorable adversary.

MARTIN J. KEOGH.

—

[Judge Hasbrouck.]

Faithful to his beliefs, loyal to his convictions, striving to be and to do right, he pursued his straight course, until he won the high position he held as well in the esteem of all who knew him as in the Government of his country. From a boy driving a dump cart on the construction of a railroad right of way to a leading Representative of his party in the House of Congress is a far step, but that was the breach closed by "DICK" CONNELL through his natural intelligence.

He had absolutely no extraneous help, but conquered apparently insurmountable obstacles. He was wholly self-educated, but thoroughly well educated.

A filial son, a devoted husband and father, a true friend—he will be missed and mourned by many.

His memory will long be cherished and his career should long be remembered as an example and stimulus for emulation by the youth in this country of magnificent opportunity.

—

[William W. Smith.]

I could have cried this morning when I heard of Mr. CONNELL'S death. I counted him as one of my very best friends. I hardly know what to say in the way of a tribute to him. I am still stunned by the knowledge of his death.

Mr. CONNELL was, indeed, a man of rare ability. His attainments were gained wholly through his own efforts. I have watched him ever since I have known him. I know that he established in Congress a name that will not soon die.

—

[Augustus B. Gray.]

In the death of RICHARD E. CONNELL I have lost a friend of many years and one who when engaged in the necessary conflicts engendered by different political affiliations never deviated from the fine sense and high standard of clean political methods which characterized his whole public life.

—

[Edward E. Perkins.]

The sudden death of RICHARD E. CONNELL has been such a shock that I can scarcely find words to express my feelings. There has been during my time no man in public life in Dutchess County whose character, personality, and achievement have made a more lasting impression upon the community.

From humble origin he rose to be our ablest orator and a national figure. His life's ambition was to be a United States Congressman, and we of the Democratic Party may be thankful that we assisted him in accomplishing his purpose. Had he lived until November 5, I believe the people of this district would have reelected him triumphantly.

My heart goes out to his little family, who usurped and enjoyed all of the love and affection that his big heart contained. The Democracy of this district is bereft of a powerful character by the death of RICHARD E. CONNELL. His life, however, has been a beacon to light the way of American youth to the achievement of high purpose and to the accomplishment of laudable ambition.

—

[Democratic county committee.]

Whereas we have learned of the death of Hon. RICHARD E. CONNELL, Congressman from this district and the nominee of the Democratic Party for reelection, and under circumstances that make his passing away a particularly sad affliction to the members of his family and friends and a great loss to the Democratic Party, of which he was an esteemed and respected leader: Therefore be it

Resolved, That we, the members of the Democratic county committee of Dutchess County in meeting assembled, do extend to his family our sincerest sympathy in this their hour of affliction; and be it further

Resolved, That this committee pay tribute to the splendid character, sterling integrity, and magnificent purpose that have always been manifested in his work as a citizen and an official.

Resolved, That a copy of these resolutions be forwarded to the family of Mr. CONNELL, spread upon the minutes of this meeting, and published in the newspapers.

Poughkeepsie, N. Y., October 30, 1912.

WILLIAM C. ALBRO, *Poughkeepsie.*
THOMAS J. COMERFORD, *Poughkeepsie.*
WILLIAM S. KETCHAM, *Dover.*

[Chamber of Commerce.]

The following resolutions were passed by the chamber of commerce Wednesday night, upon the death of Hon. RICHARD E. CONNELL:

"The chamber of commerce is again called upon to express its profound grief and regret because of the death of one of its members, Hon. RICHARD E. CONNELL, and wishes to place on record its high estimation of his character.

"His genius and energy as a man and citizen are shown in the success that has always accompanied his private undertakings, and his work for his city and his district in the congressional body where he represented both so worthily remains as a monument to his greatness of heart and qualities of statesmanship. His fine characteristics as a friend and associate, his courtesy and charm of manner, made all who knew him his loving friends. He was most loved and respected by those who best knew him, and no better testimony of his character can be found than his ability to retain the good will, interest, and friendship of his neighbors. He has now entered upon those great rewards in the hereafter which are received by the just and the good: Be it

"*Resolved*, That in the death of Hon. RICHARD E. CONNELL not only this chamber of commerce but also the city of Poughkeepsie and the twenty-sixth congressional district of the State of New York have lost a valued and respected Member and Representative whom we shall all miss and whose passing we shall profoundly regret. Be it further

"*Resolved*, That a copy of these resolutions be delivered to the family of the late Hon. RICHARD E. CONNELL and also published in the News-Press of the city of Poughkeepsie as the expression of the profound regret of the chamber of commerce, of which body he was so valued a member.

"Dated October 30, 1912.

"E. D. GILDERSLEEVE, *President.*
"E. E. PERKINS, *Vice President.*
"C. W. H. ARNOLD, *Vice President.*
"T. R. BEAL,
"P. C. DOHERTY,
"H. S. REYNOLDS,
"D. W. WILBUR,
"*Executive Committee.*"

—

[William H. Frank.]

This is the worst blow I've had in years.

Why, we were boys together and friends all our lives. I wish to express my deepest sympathy for his dear family; they were the dearest thing in life to him.

I'll never forget his tender solicitude for Mrs. Connell and the children when we all went out in my yacht for a sail up and down the river. He knew every hill and town—the history of each—and it was a most beautiful and touching thing to witness their love for him.

No; I simply can not say the things I would like to say. We have all lost a prince among men.

—

[Prof. S. R. Shear.]

The death of Hon. RICHARD E. CONNELL comes to me as a distinct personal shock, an irreparable loss. I had learned to know him well and to esteem him highly. He was and will continue to be a splendid example to every boy in our city. He believed that life is like a road; a splendid place in which to travel, but a very poor place in which to sleep and dream.

Speaking as a schoolman, I may say that his educational creed was briefly as follows:

"Reading is important, but readiness to perceive and to perform are vastly more so. Literature is valuable, but largeness of life and loftiness of purpose are invaluable. Penmanship is good, but perseverance is better. Drawing is useful, but without diligence no one can be worth while. Science is only a supplement to sympathy, and history but lays the foundation of honesty and uprightness."

Reverence for God, faith in humanity, chivalric regard for women, respect for true manhood, sympathy for age and for helplessness, fidelity to public trust, hatred of cant and insincerity, stood forth in his every life relation and marked him as a man well calculated to stand before kings.

His was the vicarious life. He was willing to spend and be spent. His heart went out to all humanity, and in striving to lift those about him he towered immeasurably toward the lofty ideals created by himself for his own guidance.

He was an honor to our city, a true friend, a noble specimen of God's handiwork, and in his going we are left the poorer. His memory will be a constant benediction, a fragrance that neither time nor eternity can dissipate.

—

[Spencer Sladden.]

The following unique tribute is from an associate of 11 years:

DEAR OLD FRIEND OF MINE: I would not and I could not believe the prints to-day when they told me you were gone; but to-night, as I stood by your bier and held your cold hand and spoke to you and you answered me not, I knew it was all too true.

And as I stood there, dear old friend and comrade, our 11 years together hurried through my mind in a panorama of happy memories. But why should I, now that you are gone, tell those who can not appreciate that which meant so much to you and me, the things that were so dear to us in common. They would not and could not understand the things that to you and me held such a world of meaning.

Who of all the hundreds that mourn you could ever understand the joys and sorrows that were ours—the joys and defeats that we met and conquered together in those happy days gone by, never to return again? But, dear old friend, your victories meant more to me than to all those you knew so well, because we had met defeat and had been crushed by it together more times than those of to-day will ever stop to remember.

And to-night, as my mind builds bridges back over memory's playground to the happy days that have gone never to return, memory's fires burn brightly and light the path that you choose to open.

And so, dear friend of mine, I say good night and God bless you, and I know the world will be better and brighter for your having lived in it, and if there is a lovelier life to come we know that your presence there before us will help to add a gleam of sweetness and sunshine to the pathway of those who are left to follow you.

So once again, as one who knew better than all others your cherished hopes and desires, your sorrows and your joys, I say good-by, dear friend, friend of mine, and may God bless and light your way to eternal happiness.

[E. D. Gildersleeve.]

I considered Mr. CONNELL a very dear personal friend. What I liked best about him was his great love of his home. His eager pursuit of truth and knowledge made him intelligent and competent to serve his country in the several official stations in which he was placed; and he proved himself both efficient and faithful to his trust. His life was exemplary and consistent; he was wise in counsel, and his endowments of mind and heart commanded our highest esteem. We should all be thankful to our Heavenly Father for the gift of such a man, one so worthy of our love. But we should not complain, for he has finally been summoned from the field of conflict to the rewards of the conqueror, leaving to his family a legacy, not of lamentation, but that of a good name, which shall ever abide in our memory. I will close with a clipping I have kept in my Bible for many years—a poem written by Mr. CONNELL himself on the death and burial of McKinley, entitled "McKinley's Grave":

Near two little mounds at Canton,
At rest till the judgment day,
Asleep with his little children,
As if weary of work, of play;
We bid him good-by forever
As back to the strife we go;
How sweet are the years with children
None but the blessed know.
The king in his tomb of marble,
Or high in the hall of fame,
May seem to rest in grandeur
That trappings and stones proclaim;
But sweeter the grave in Canton
Where rests our beloved to-day,
At rest with his little children,
Asleep till the judgment day.

—

[First memorial service.]

The first organization to call a memorial meeting for Mr. CONNELL is the Church of the Good Shepherd, in Newburgh.

An element of pathos enters into this matter.

Mr. CONNELL was to have addressed the men of the church on Friday night, November 1, at 7.30 o'clock, at their smoker.

The meeting will be held, but it will be turned into a memorial for the late Congressman, who was well known to the members and very popular with them.

—

[Other tributes.]

Further tributes from ex-Senator Newbold, Madison R. Aldrich, John K. Sague, Louis P. Haubennestel, D. W. Wilbur, C. N. Arnold, John A. Hanna, Isaac Sherrill, and others were received.

The bereaved family received many telegrams of condolence. Among them were the following:

—

[Telegrams.]

MONROE, N. Y., *October 30.*

Mrs. RICHARD E. CONNELL:

Just learned of the death of your distinguished husband. I have lost a dear friend, and in your sad bereavement I send you and all the family my heartfelt sympathy.

WILLIAM SULZER.

—

NEW YORK, *October 30.*

Mrs. RICHARD E. CONNELL:

I am terribly shocked, and assure you that I sorrow and sympathize with you, and regret extremely that I am not well enough to leave my room.

FRANKLIN D. ROOSEVELT.

—

NEW YORK, *October 30.*

Mrs. RICHARD E. CONNELL:

Accept my sincere sympathy in your bereavement. Mr. CONNELL will be greatly missed in Congress and by his many friends.

FRANCIS BURTON HARRISON.

—

NEW YORK, *October 30.*

Mrs. RICHARD E. CONNELL:

Sincere sympathy in your sorrow. Dutchess County has lost a loyal son.

FRANCIS G. LANDON.

—

NEW YORK, *October 30.*

Mrs. RICHARD E. CONNELL:

Please accept my deepest sympathy. Your great loss is shared by all who knew your husband.

PERRY BELMONT.

—

CATSKILL, N. Y., *October 30, 1912.*

Mrs. RICHARD E. CONNELL:

I extend to you my deepest sympathy in the death of your husband. He was my valued friend, and I share with you in large measure your sorrow in this affliction.

CLARENCE E. BLOODGOOD.

—

FUNERAL SATURDAY.

The funeral arrangements were completed late Wednesday evening. Services will be held at the house at 9.45 Saturday morning and at St. Mary's Church at 10.30. Many out-of-town clergymen will be present at the church service.

Mrs. Connell is completely prostrated by the terrible blow.

Richard E. Connell, jr., who was studying in Harvard, was summoned through a telegram which stated that his father was ill. He arrived in Poughkeepsie at 8.16 p. m., and only learned the tragic news when he arrived at the family home.

—

[Editorial from Poughkeepsie News-Press.]

RICHARD E. CONNELL.

RICHARD E. CONNELL was one of the most conspicuous examples of the self-made man that this community has known in a generation. His public and private life was clean from start to finish. That is a splendid thing to be able to say of any man, but it is not sufficient to say of Mr. CONNELL. He chose early and determined to seek knowledge in order to become a factor and a force for all that is good and worthy and righteous among his fellows, and in the face of crushing odds he succeeded, and so well that his sudden taking away causes genuine sorrow and regret.

He had long ago achieved a fair measure of success in this locality as an educator, writer, and champion of what he thought was right, but his crowning success came when he was made a Congressman and was given a bigger field. There he had already made splendid progress, and those same qualities which had caused him to be respected at home had marked him for distinction abroad. It is entirely fair to say that the people of his district, irrespective of party, were proud of him, and it was a fine thing that his life of toil and endeavor was so richly rewarded. He was proud to be sent to Congress, of course, but his ambition was not political. It was to give to his children that which had been denied him; and by doing his evident duty day by day he lived to learn that sometimes people reward right purpose of mind and faithfulness to principle. Along those lines came Mr. CONNELL's success. As he himself would write of another noteworthy man, "His whole career typifies American opportunity."

"American opportunity!" How CONNELL proved those words.

He wrote many comforting words in this newspaper to those in sorrow. We wish now that we could comfort his sorrowing ones as he has ours. We can only say simply that we are sorry our friend is dead.

Mr. SISSON. Mr. Speaker, I knew Mr. CONNELL intimately. He and I lived at the same hotel. I frequently talked with him about various subjects. Mr. CONNELL was a Democrat in the broadest sense of the word. He believed absolutely in the people and their right to control. Trained and educated, as has been stated, in the school of hard experience, he sympathized with the men who toil, and during all of the conversations that I had with him I never heard him utter a selfish thought. I never heard him utter an unkind word to or of any human being. There was not enough shadow in RICHARD CONNELL'S soul and heart to hide a sinister thought.

Coming, as he did, of Irish parentage, he knew the history of the Irish struggle for liberty, and his soul always went out for any people who are striving to get the right to rule and govern themselves. He not only believed in the general right of the people to rule and control everywhere; but he had an abiding faith in our present form of Government to insure this if properly administered.

He was an intense States-rights man. He believed in the right of local self-government, and he made himself extremely close to me on account of the many expressions of tender regard for the southern people in their struggles during the dark days of reconstruction in the South. I presume the stories that he heard at the knees of his mother and father of the Irish struggle for liberty caused him to have such intense love and devotion for a people who were unfortunate and for a people who were suffering as the people were in the South during those dark days.

I would invite attention especially to one peculiar characteristic of Mr. CONNELL. I believe he had the broadest charity, not only in the sense that he relieved the unfortunate and the poor, but in his consideration for the thoughts and feelings of other people. Frequently on the street I have seen him help an unfortunate person who asked for help. He did it without a moment's hesitation, and he responded to every call, and with the gift, though small, there was a tender regard and sympathy which is always more thankfully received than the gift itself. His charity was so broad that in measuring the faults and foibles of others he was able not only in private life but in public life to overlook the selfishness, to overlook the unkindness of others. He felt that it was the duty of the people of every age to endeavor to answer in the affirmative the question asked in the early history of the world, "Am I my brother's keeper?" He felt that when a people could answer that question in the affirmative, and each and every man could say, "Yes; I am my brother's keeper," that that people would then have solved the great questions of government. I believe firmly that when we shall have reached that position in our development, when the great majority of our people can feel that they are indeed their brothers' keeper, that legislation here and in the various States will be such as will give to all of the people equal opportunity and will bring about a situation that will realize more nearly equal conditions. If we shall be able, as each day goes, to add to our stock of information and knowledge, and to do that which makes us better than we were the day before, we will gradually reach that point where each and every one of us will begin to realize that we are our brothers' keepers.

No man in this world, no man in this complicated society, if he be a true man, can fail to answer the question in the affirmative. When that time shall come in the history of this Nation that men can answer that question in the affirmative, you will find that all of the hatred existing between the rich and the poor will disappear. We will have laws that will regulate the acquisition of property, so that the shrewd cunning of man to acquire property through special privilege and special law will be at an end. RICHARD CONNELL hated with all his Irish heart

this cunning of the unrighteously rich. If we all felt as CONNELL did on this subject, we would be able to more nearly equalize conditions as well as opportunities. It has become necessary, in my humble judgment, for the legislatures of the country to begin to regulate this intellectual cunning exercised in the acquisition of property, so that all fortunes may have a moral foundation. I agree literally with Judge Coleridge, in England, that property rights find lodgment in the doctrine of the general good. When the property rights of the present age and day and generation shall not be for the general good, then property rights ought not to be respected. My departed friend believed in this doctrine. He believed in true progress and true advancement. I am an optimist, but I am not so optimistic that I can be blind to the evils that surround us.

The man who is willing to close his eyes to the weaknesses of his social and civil institutions is the man who is unable to help his day and generation.

CONNELL was more of an optimist than I am. He believed in the final triumph of good and righteousness. And in your private conversations with him he would always fill you with hope. When some legislation would pass the House that outraged me I would always find consolation in talking with my good friend, because he always felt that if a wrong was done it would only take time to right it. He believed that this great Government of ours was an example to all the world, and he believed, as he said in that beautiful speech on the flag, that it was the emblem of equality throughout all the world. The example set by American patriots was always to him an inspiration. I have often heard him talk about the early struggle for American liberty and the part the Irish took in it, and I quite agree with him that if it had not been for the Irish in the Revolutionary War there could have been no success to American arms.

American liberty was achieved largely by the strong arm of the Irish patriots who loved freedom and equality; and CONNELL'S Irish heart went out in tender love for American institutions, and no opportunity ever presented itself on this floor that he was not the first man to fill the hearts of his people with patriotism by his eloquent addresses.

He is an example to all of us, because you can always point to RICHARD CONNELL'S life, when you talk to the boys in the rural districts who are born in poverty, and say he overcame difficulties and poverty, and so can you. The street gamin in every city can find an inspiration in DICK CONNELL. Why? Because here was a man who at 14 years of age had upon his shoulders the support of a widowed mother. For 16 years after the death of his father he worked at everything that his hand could find to do until he finally became a reporter on a newspaper in Poughkeepsie, and for 23 years he labored in this one field and did his people and his party great service, and continued to labor on the same newspaper until he came to Congress.

Every boy in America born in poverty is blessed. The boy who is born in luxury and ease is the boy who is cursed. There is no necessity for the boy born with a silver spoon in his mouth to devote his time and attention to those things that make him a useful man; but the boy who is born in poverty is compelled to struggle in order that he may win, and the struggle makes him only the stronger.

So I would point to DICK CONNELL as an example for all the poor boys in America. Look at him, see what he accomplished. Any American boy with energy and enterprise can accomplish success. DICK CONNELL'S life has been a success. It has been a benediction, and may the boys of America learn to do as DICK CONNELL did, and succeed in spite of poverty and in spite of all obstacles.

Mr. SMITH of New York. Mr. Speaker, it is the rule that men come to Congress to learn the procedure and to study the principles and policies of government. Mr. CONNELL had been a student of government from his early manhood. He entered the House of Representatives two years ago fully equipped to take part in the affairs of this Nation. He came here not as a pupil but as an instructor. He had been a writer of note. He was an eloquent and forceful public speaker. He was familiar with every great question pending in Congress. From the first day he took his seat as a Member of this body he was an essential part of the House, and no Member took a more active interest in the proceedings or had a more intelligent understanding of them than did he.

By education, experience, inclination, and temperament he was prepared for the duties that devolved upon him. He did not devote himself to the selfish demands of a locality or to the partisan problems that are ever present in a national assembly. He conceived higher aims and established loftier ideals. He went into the question of admitting the Territories of Arizona and New Mexico to statehood. When the division over the admission of these Territories appeared to be hopeless, he went forward with the contest, scorning consideration of political or partisan advantage, until, largely through his activity and intelligent persistency, an agreement on the admission of the States was reached.

Few outside of his close associates knew how hard he worked or how much he had accomplished. Despite the fact that he had been in Congress but one term, he was recognized as a ready and active debater. He was ever alert to protect the principles and policies that he avowed. Independent in spirit and free from affectation, he sought in all that he did to perform the highest duty to his country, his district, and himself. He might be described as a practical altruist. He was a militant idealist. He fought for his principles, and he had faith in their ultimate triumph. The House could ill afford to lose such a man. The shock and sorrow of his death sent a pang into the heart of each one that knew him. He was brilliant in conversation, kindly in judgment, and simple, direct, and just in all his dealings. He had an individuality that had impressed itself on his colleagues. A great future seemed in store for him. Those of us who were privileged to know him will not soon cease to mourn.

Mr. MAGUIRE of Nebraska. Mr. Speaker, while we have set apart this day to pay tribute to the memory of our lamented colleague, still I can not but feel how feeble and inadequate must be the effort when we scan the life story of our late friend and colleague, RICHARD E. CONNELL.

What we say here in the world's greatest parliamentary forum becomes the written record for to-morrow in the larger story of a country's growth and a people's progress.

In the perfection of the biographical record of the Nation we must of necessity touch lightly and imperfectly upon the story of one who played a leading part. While these are inadequate attempts of colleagues who know but a portion of his life story and, therefore, feel less the intensity of his virtues, still our utterances may, in a measure, assuage and feebly compensate the loss to a beloved family weighed down under almost unbearable grief.

RICHARD E. CONNELL was born in Poughkeepsie, N. Y., November 16, 1857. He there received his schooling; but at the age of 14 years his father died and he assumed the larger responsibilities and undertook the work of assisting his mother in the support and education of the family. Through boyhood and young manhood days his time was occupied at various industrial callings, but during these years he devoted his spare time to study and the improvement of his opportunities. In 1887 he became a reporter on the Poughkeepsie News-Press and later its editor, remaining with the paper for 23 years.

He has been honored by his home people and his State in many positions—civic, political, and otherwise—and in 1910 was elected to Congress as a Democrat. In the midst of an active campaign for reelection to Congress he suddenly died at his home on October 30, 1912. Death came to him in the prime of life, apparently in the full possession of his intellectual and physical vigor. He leaves in his immediate family a wife, son, and three daughters to mourn his loss.

When Mr. CONNELL came to Congress we lived at the same hotel and it was my privilege to come more closely in touch with him as a legislator and a man. He was companionable, versatile, and cheerful of disposition. It seemed as if the candor and honesty of the man and the very music and sunshine of his soul enraptured you. Modest in manner, unassuming, and big souled, still he had a dignity and intellectual courage which commanded. Mr. CONNELL'S home life must have been a beautiful one, for his true qualities as husband and father were revealed when he was in the company of his family.

His early struggle was much the same as that of other boys of his time, but through the tragedy of events obstacles multiplied around him which intensified his sacrifice. Through the stern school of necessity and the inherent nature of the man he applied and made available a large amount of useful knowledge. In earlier years he became a great reader of high-class literature and a keen observer, who extracted something each day from the everyday incidents of life, and through the advancing years he became a scholar and an educated man in the larger sense and meaning of life's activities.

There was no duplicity or deceit in Mr. CONNELL'S nature and he extended no false sympathy and was easy to understand; he was clean of mind and pure of soul all the way through, and never wavered in his personal conduct or compromised with wrong. While his own standards of conduct were of the highest, still he did not exact from others the application of his own belief or rule of action. Tolerance of thought, he believed,

assured to every other man, the right to act and believe according to his own right standards of life. He was a devout Christian and each day seemed to bring to his soul new inspiration. Faith was an ever-commanding force in the life of our departed friend—faith in his fellow man, faith in his country, and faith in his God. To him it was a divine command and he did not arrogate to himself the right of its interpretation. Although thoroughly informed on matters of faith and religion, still he found enough in the business of human affairs to occupy his time and intellect, and accepted with childlike simplicity the faith and commands of the Divine Teacher.

Mr. CONNELL loved his country and its institutions, because he understood the structure and believed in the principles upon which it rested. Many times have I heard him express with feelings of emotion and pride the utmost confidence in the wisdom of our people and in the ultimate destiny of the American Republic. Every speech and public utterance of his breathed the lofty spirit of patriotism. He was a true American citizen and his State and the Nation will lose in his death a noble son and a man whose service will always merit the highest praise.

Mr. REILLY. Mr. Speaker, it is a singular and sad coincidence that two native-born sons of the great State of New York, one who had become the beloved Vice President of the United States, the other a distinguished Representative of one of her congressional districts, should both end their life work on the same day. On the 30th of October last RICHARD E. CONNELL, in whose memory we are here assembled to-day, passed away from the activities of this world, and on the same day Vice President SHERMAN died.

It was my good fortune to live with RICHARD CONNELL for over a year, and I had learned to love him for what he was worth, a man of the highest ideals, full of sentiment and patriotism and love for his fellow man.

His newspaper activities for 23 years caused between us a fellow feeling that led possibly more even than with others to an interchange of ideas. I believe his training fitted him particularly for the work he had to do in this House, and he came with unusual equipment.

But aside from his spirited Americanism, largely glorified by his noble ancestry, it was in the quietness of his private life that lay his sweetest charm. Devoted to his family above all things else, devoted to his friends, devoted to what he believed to be his life-work. Those of us who were fortunate enough to hear the magnificent speech upon the admission of New Mexico and Arizona to statehood will not for a moment doubt Mr. CONNELL'S Americanism. No finer tribute was ever paid to the flag than he paid on that occasion, when he pictured what the adding of two more stars to that field of blue meant. As he was patriotic in speech, so he was in action. Those of us who were with him on the occasion of the meeting of the new Members of Congress a year or so ago will never forget his recital of "The Fighting Race," Joseph I. C. Clark's beautiful poem, written upon the occasion of the destruction of the *Maine*, and depicting better than our words just what DICK CONNELL felt to be the principle that should impel men to do their duty, especially the duty they owe to their country.

We will long remember—and I wish I were gifted as he was gifted that I might recite that song of the Celt to you to-day as best typifying the fighting spirit for righteousness and for liberty that lived and throbbed continually in DICK CONNELL'S heart. His own patriotic nature was truly shown in those inspiring lines:

"Read out the names!" and Burke sat back,
And Kelly drooped his head,
While Shea—they call him Scholar Jack—
Went down the list of the dead.
Officers, seamen, gunners, marines,
The crews of the gig and yawl,
The bearded man and the lad in his teens,
Carpenters, coal passers—all.
Then, knocking the ashes from out his pipe,
Said Burke in an offhand way:
"We're all in that dead man's list, by Cripe!
Kelly and Burke and Shea."
"Well, here's to the *Maine*, and I'm sorry for Spain,"
Said Kelly and Burke and Shea.

"Wherever there's Kellys there's trouble," said Burke.
"Wherever fighting's the game,
Or a spice of danger in grown man's work,"
Said Kelly, "you'll find my name."
"And do we fall short," said Burke, getting mad,
"When it's touch and go for life?"
Said Shea, "It's thirty-odd years, bedad,
Since I charged to drum and fife
Up Marye's Heights, and my old canteen
Stopped a rebel ball on its way.
There were blossoms of blood on our sprigs of green—
Kelly and Burke and Shea—
And the dead didn't brag." "Well, here's to the flag!"
Said Kelly and Burke and Shea.

"I wish 'twas in Ireland, for there's the place,"
Said Burke, "that we'd die by right,
In the cradle of our soldier race,
After one good stand-up fight.
My grandfather fell on Vinegar Hill,
And fighting was not his trade,
But his rusty pike's in the cabin still,
With Hessian blood on the blade."
"Aye, aye," said Kelly, "the pikes were great
When the word was, 'Clear the way!'
We were thick on the roll in ninety-eight—
Kelly and Burke and Shea."
"Well, here's to the pike and the sword and the like!"
Said Kelly and Burke and Shea.

And Shea, the scholar, with rising joy,
Said, "We were at Ramillies,
We left our bones at Fontenoy
And up in the Pyrenees.
Before Dunkirk, on Landen's plain,
Cremona, Lille, and Ghent,
We're all over Austria, France, and Spain,
Wherever they pitch a tent.
We've died for England from Waterloo
To Egypt and Dargai,
And still there's enough for a corps or a crew,
Kelly and Burke and Shea."
"Well, here's to good honest fighting blood!"
Said Kelly and Burke and Shea.

"Oh, the fighting race don't die out,
If they seldom die in bed,
For love is first in their hearts, no doubt,"
Said Burke; then Kelly said:
"When Michael, the Irish Archangel, stands,
The angel with the sword,
And the battle dead from a hundred lands
Are ranged in one big horde,
Our line, that for Gabriel's trumpet waits,
Will stretch three deep that day,
From Jehoshaphat to the Golden Gates—
Kelly and Burke and Shea."
"Well, here's thank God for the race and the sod!"
Said Kelly and Burke and Shea.

And here's thank God that it has been my fortune, and the fortune of many of us, to have lived and known such a true patriot, such a true American, as DICK CONNELL.

Mr. COLLIER. Mr. Speaker, we have assembled here to-day to pay our tribute of respect to the memory of our late colleague, Hon. RICHARD E. CONNELL, of the State of New York.

Life is but a brief span; it has its sunshine and its shadows; it is characterized by an endless struggle for existence, a perpetual striving for advantage, and the way is strewn with the wrecks and monuments of those who have failed and those who have attained what the world calls success. Its uncertain course is a series of daily battles in which each of us, no matter how lowly our walk in life may be, must play our part.

In the endless strivings and struggles which mark human progress "in the unequal distribution of wealth, power, capacity, pleasure, and opportunity," there are found on every side tragedy and comedy, sorrow and joy, pathos and pleasure, happiness and despair.

In this great struggle some may wear the victor's crown of laurel, while others may go down in dust to dark defeat. For some "breasts may throb with love and lips may thrill on meeting other lips as fond, and life shall be to them a paradise, while other hearts shall bleed and break, and life for them shall be a never-ending night."

There is so much that we can and should do for each other; there are so many ways in which we can lift the burdens from other shoulders; there are so many opportunities presented for improving the conditions of our fellow man, that in the brief space allotted us here on earth of right and necessity our concern must ever be for the living and not for the dead.

But yet it is an eminently appropriate custom sanctified by long usage that on God's hallowed day we should lay aside the cares and the pleasures, the vexations and the trials of life, and reverently gather together to give expression to the debt of gratitude we owe our lamented dead, and pay a passing tribute of respect to the memory of those who have crossed over the river, and "with a countenance like the lightning and in raiment white as snow" wait upon the other shore.

Mr. CONNELL is no more. The kindly heart has ceased to beat. Cut down in the very zenith of his usefulness, suddenly and without warning, his spirit has gone to its eternal rest. He has gone, but his cordial greeting, his friendly smile, his hearty hand grasp still linger in our memories.

Our late colleague did not serve quite one term in Congress. He entered here in March, 1911, and died October 30, 1912. But for over 25 years he was an ardent and able advocate of the principles of Democracy. He was the editor of the Poughkeepsie News-Press for a number of years, beginning his connection with that journal as a reporter in 1887. He was often honored by the Democratic Party, frequently accepting a nomi-

nation at its hands when there was no hope of success, but always ready and willing to make any sacrifice for the benefit of the party he loved.

It was my good fortune to become intimately acquainted with Mr. CONNELL soon after he entered Congress. This acquaintance quickly ripened into a sincere and lasting friendship. We lived at the same hotel, and I had ample opportunity to become familiar with those sterling qualities of heart and mind which so endeared him to all who knew him.

Mr. CONNELL was a man of generous heart, of lofty ideals, and inspired at all times with a spirit of intense patriotism. He was an orator of unquestioned ability. Though his legislative career was short, yet, notwithstanding his brief service here, on several occasions he demonstrated his skill as a logician, his learning as a scholar, his profound knowledge of public affairs, and his power as an orator. His long training as a journalist gave him that experience in marshaling the salient points of his argument which is so essential here, where of necessity the time for debate is so limited.

Our departed colleague was a Jeffersonian Democrat of the old school. He had implicit faith and confidence in the wisdom, the ability, and judgment of the American people.

He believed with the great exponent of Democracy that "Independence can be trusted nowhere but with the people in mass," for "they are the only sure reliance of the preservation of our liberty."

I have never heard that confidence, that abiding trust and faith in the wisdom of the great masses of our people more beautifully and eloquently portrayed than in a speech he made on the floor of the House upon the admission of New Mexico and Arizona to statehood. His speech upon that occasion attracted nation-wide prominence and elicited much applause from those who had the good fortune to be present.

He was discussing that feature in the bill relating to the recall of the judiciary, and though opposing the recall as applied to his own State, eloquently gave expression to the confidence he had in the American people.

"I am convinced, Mr. Chairman," he said in part, "that, so far as the recall is concerned, I voice the present thought of the vast majority of those who sent me here when I oppose it as applied to members of the judiciary or to any other public servant in New York State; but when opposition to the recall involves a denial of the intelligence and patriotism of the American people sufficient to warrant confidence in them to exercise that power to the safety and honor of the courts, I protest against the doctrine plainly defined in that argument. Recall or no recall, the courts are safe in the care of the people, as are the destinies of the Republic. If this be not true, then who shall mark the limit beyond which the people shall not go in government, and who shall curtail their power?

"The gentlemen picture the judge against whom the recall has been invoked by 25 per cent of the voters as consigned to oblivion and disgrace. Pray, what would the 75 per cent of the people to whom the judge would resubmit himself be doing in the meantime?

"Suppose, sir, that by any conception of conditions it were possible to-day for the Standard Oil Co. to apply the law of recall to the judges of the Supreme Court of the United States. Surely it would not be the rabble that would be behind such a recall; but should that powerful organization, with all its millions and all the ramifications of its far-reaching power, array itself behind such a movement, do the gentlemen believe that the American people would not rally around that court and give such an approval to the judges as to dazzle the world by the emphasis of their democracy and the splendor of their power? And if those who are dissatisfied with the Standard Oil decision should invoke the recall, aimed at the court, do the gentlemen imagine that the result would be different?"

The man who gave utterance to that statement was not afraid to trust the people.

His lofty ideals of patriotism were beautifully expressed in the closing words of that same speech, when he said:

"New Mexico and Arizona, this Democratic House of Representatives bids you welcome to the Union. Forevermore be represented among the stars of the most beautiful banner that ever waved between earth and sky. It is the banner whose united stars gleam as a beacon of hope to the oppressed of every land, and under whose shadow liberty dwells and justice reigns. It is the banner for which the father of his country prayed that it might triumph over tyranny, through every danger withstand the enemies of the Republic, and vindicate the inalienable rights of mankind.

"Come, New Mexico and Arizona, enter into the Union, for whose mission heroes have sacrificed their blood on the battle fields of a Nation. Come, make still more invincible, still more beautiful, the American flag, the truest banner of freedom, the sweetest emblem of hope, since the cross cast its redeeming shadow upon a lonely hill."

Mr. Speaker, Mr. CONNELL will long be remembered by those who knew him here. He was faithful to his trust, he was devoted to his duties, he was a conscientious legislator, he was a courteous gentleman, and a consistent Christian. In his death the people of his district have lost a faithful public servant, a sincere friend, and an able advocate.

Upon an occasion of this kind it is our melancholy privilege to give to the family of our lamented colleague the assurance that though the one dear to them is no longer in our midst, yet he is not forgotten, for the tender chords of memory will bring back to us the recollection of him who, with his kindly word, his cheery smile, his gracious and sincere manner, his cordial friendship, and manly qualities, endeared himself to all who knew him.

And though his voice is hushed and silent, his familiar face is missing, and his vacant chair stands empty, yet—

I can not say and I will not say
That he is dead. He is just away.
With a cheery smile and a wave of the hand
He has wandered into an unknown land,
And left us dreaming how very fair
It needs must be, since he lingers there.
And you, oh you, who the wildest yearn
For the old-time step and the glad return,
Think of him faring on, as dear
In the love there as the love here.

Mild and gentle as he was brave,
When the sweetest love of his life he gave
To simple things; where the violets grew
Pure as the eyes they were likened to,
The touches of his hand have strayed
As reverently as his lips have prayed;
When the little brown thrush that harshly chirred
Was dear to him as the mocking bird;
And he pitied as much as man in pain
A writhing honey bee wet with rain.
Think of him still as the same; I say
He is not dead—he is just away.

For—

It is idle to talk of the future,
Of the sad might have been 'mid our tears;
God knew all about it,
Yet took him away from the oncoming years.

God knows all about those who love him,
How bitter that parting must be;
And yet through it all God is loving
And knows so much better than we.

Mr. KINDRED. Mr. Speaker, it is well that we, in life, should, in the midst of life's activities, pause to sacredly observe an occasion like this and to drop a flower and a tear in memory of our departed friends. In the exercise of this high, but sad, duty we not only confer some measure of honor upon those who have gone to "that undiscovered country, from whose bourne no traveler returns" to greet us again on this material earth, but we at the same time cultivate our own conceptions and understanding regarding the highest of things—that is, what we call life here and life hereafter. We ourselves profit in thus meditating upon the virtues and even the failings of the lives of those who have left us and in cherishing the sublime philosophy leading us to an abiding faith in immortality of the soul, which old-fashioned idea, even as a scientific theory, is borne out by much recent investigation.

It is peculiarly fitting, then, that we to-day gather here to memorialize the life and character of one of our most worthy colleagues, RICHARD E. CONNELL, the late Representative from the twenty-first congressional district of New York, who served as a Member of this House with honor and distinction from the date of his election, in November, 1910, to the time of his death.

RICHARD E. CONNELL was born of rugged Irish parents, both of whom—as I have heard him state—came to this country as poor emigrants a few years prior to his birth, which took place in Dutchess County, N. Y., November 16, 1857. He died October 30, 1912, very unexpectedly, from rupture of the aorta, after severe mental and physical strain, incident to his hotly contested campaign for reelection to the House of Representatives. He conducted this campaign as he did every other undertaking, with marked ability, fairness, judgment, and energy. His personal popularity and his force of character behind it was indicated by his election over a strong and distinguished opponent from a congressional district that had always previously been overwhelmingly opposed to his party's principles.

He grew up amid the poor surroundings of a family who had spent their all to seek their fortunes on American soil, and as a

boy and as a young man sought and performed almost any honest work he could obtain, always doing his work well and honorably. Not unlike the great Lincoln, he was ambitious even as a boy and snatched from such hours of toil every possible opportunity for study and mental improvement, going when he could to the public schools.

In his comparatively early manhood he worked his way up to the position of local news gatherer or reporter in and around Poughkeepsie, N. Y., for the only Democratic daily newspaper in that city, the News-Press, which he filled for many years so acceptably to his employers and to the community that he was made, until he entered Congress, the editor in chief of this important paper. In this capacity, as editor, Mr. CONNELL found for many years a splendid field for the development and exercise of his talents as a writer, thinker, and eloquent public speaker, and his talents were in these directions versatile and of a high order. This versatility and literary taste led him also to keenly appreciate not only general literature but also poetry and blank verse, to which he, with his usual modesty, occasionally contributed.

His course and record as a Member of the House and as an active member of the Committees on Territories and War Claims were such as to win for him the approval and friendship of his fellow members and of his constituents, whom he always faithfully and industriously represented.

We come now to consider him in his more intimate and personal relations. Like so many others of the Irish race, from which he sprang, his was a choice, lovable, and true spirit, shining out most to those who knew him best. It was my good fortune to have known him well for many years since 1890, when he did reportorial work in Poughkeepsie and while I was a physician on the staff of the Hudson River State Hospital, located there, and with which he had been honorably connected. He was always a loyal friend, always held and acted on the highest civic ideals, always sympathetic, and was one of the broadest, most liberal-minded men I ever knew. His was a helpful, hopeful life, shedding its luster of generous, cheerful helpfulness upon all with whom he came in contact. He was free from affectation; a constructive, good citizen and neighbor; a patriotic, patient, consistent worker for the upbuilding of his church, his town, his State, and his country; but above all these were those still nobler qualities as a family man, a faithful, tender, devoted husband and father. I was one of several Members of the House who attended his funeral ceremonies at St. Mary's Church, at Poughkeepsie, and was profoundly impressed by the sincere evidences of sorrow, love, and respect manifested by the vast throng who gathered there to honor him on that solemn occasion, representing, as they did, every phase of religious, political, and social life.

A man of RICHARD CONNELL'S life, character, works, and faith still lives; such men do not die, for in the words of an unknown author—

There is no death; the stars go down
To rise upon some fairer shore,
And bright in heaven's jeweled crown
They shine forevermore.

There is no death; an angel form
Walks o'er the earth with silent tread;
He bears our best-loved things away,
And then we call them dead.

Born into that undying life,
They leave us but to come again;
In all, in everything, the same,
Except in grief and pain.

And ever near us, though unseen,
The dear immortal spirits tread.
For all the boundless universe is life;
There are no dead.

Mr. DOREMUS resumed the chair as Speaker pro tempore.

Mr. FITZGERALD. Mr. Speaker, I desire to join in this tribute to the memory of our deceased colleague, RICHARD E. CONNELL. The pressure of public business at this time in the session has prevented me from preparing that comprehensive review of the life and character of this remarkable man which I desired. I did not care, however, to permit the occasion to pass without recording my admiration for one whom I cherished as a loyal friend. Born in the Hudson Valley, he was a typical American citizen. He was one of those described by Artemus Ward as of the class that went to work at 14 years. All his life was a struggle. He was not born with the opportunities or advantages of wealth or social position. His only attributes were character, courage, and determination to do the best possible. Like many men born in the Hudson Valley, where that majestic stream flows quietly and serenely to the sea and nature stands out in bold and picturesque hills behind which the peace-inspiring valleys are cultivated to advantage, he had a deep, broad, and sympathetic nature and was bold and untiring in work and yet was peaceful and loving in manner, all the while doing those things which make the world better.

Mr. CONNELL came to the House well advanced in life, but he had accumulated wide information and had had an experience that well equipped him for the arduous duties of membership in the House. He was not ambitious to do things merely for the sensations resulting. He was not of the showy kind, and he had no desire to attract attention by peculiar and unusual expressions of views upon public questions. He was a man endowed with great common sense, with a very wide knowledge of the history of this country and of the forces and elements that go to make up the country's prosperity. He was an industrious man. Those who were acquainted with his work in the House are aware that he entered with great energy upon the performance of his duties. He was one of the many men who come here and contribute materially to the success of important legislation, and yet because their work is done in the quiet of the study or in the seclusion of the committee room few outside of their colleagues ever know or realize or appreciate how important the services are which they render or how valuable are their contributions to the country's development and well being. I had learned to know and to love Mr. CONNELL. He had a broad, kind, generous heart. He had a loving disposition. He was a loyal friend. His friendship was prized by all who knew him. It helped to make service in this House more satisfactory and more pleasant for many men.

He has left behind in many ways evidences of the good he has done, and his memory will be cherished and revered by all who had the opportunity and pleasure of having come in contact with him.

Mr. AYRES. Mr. Speaker, we are met here to-day to fittingly commemorate the life and public services of our lamented colleague, RICHARD E. CONNELL. In the term of his service in this House he earned the respect and affection of us all. I use the word "earned" advisedly, because Mr. CONNELL came here without the advantage of any previous legislative experience, and his career was one of continually increasing usefulness and appreciation. He was constant in attendance upon his duties, always faithful to every responsibility. His extraordinary oratorical gifts first came to the attention of the House upon the occasion of a speech delivered on the bill for the admission of Arizona and New Mexico. This gave a fitting opportunity for a display of the earnest and brilliant patriotism which was his most striking characteristic, and his eloquent peroration roused the audience to a high pitch of enthusiasm. The State of New York has in recent years sent to Congress few men who combine the ability to perform useful and effective work with the gift of eloquent and emotional expression, and Mr. CONNELL'S future was therefore looked forward to with more than ordinary interest.

Alas, the grim reaper, who is no respecter of personality, saw fit to remove our colleague upon the threshold of a greater usefulness, and we are left to mourn his loss. His death was dramatic. Just a week before the election, on October 30 last, in the midst of a hotly contested campaign, when the attention of his county and district were centered upon his every movement, the end suddenly came. Instantly his city was plunged into profound gloom. Flags flew at half-mast, shops were closed, the ordinary avocations of citizens were discontinued, thus showing the entire respect in which Mr. CONNELL was held alike by his partisans and by those who were politically opposed. At the memorial services, held at St. Mary's Church, crowds found it impossible to obtain admittance.

Mr. CONNELL'S life in Washington was but typical of his entire career. Born into humble circumstances, he progressed ever into constantly greater spheres of usefulness. Every step of advance was earned by faithful service. His life and the great success that attended him speak eloquently of the genius of American institutions.

Mr. Speaker, I ask unanimous consent that leave to print upon the life, character, and public services of Mr. CONNELL be granted for five legislative days.

The SPEAKER pro tempore. Is there objection?
There was no objection.

ADJOURNMENT.

Then, in accordance with the resolution heretofore agreed to (at 4 o'clock and 6 minutes p. m.), the House adjourned until to-morrow, Monday, February 17, 1913, at 12 o'clock noon.

SENATE.

MONDAY, *February 17, 1913.*

(Legislative day of Tuesday, February 11, 1913.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. GALLINGER took the chair as President pro tempore under the order of the Senate of December 16, 1912.

CREDENTIALS.

Mr. BROWN. Mr. President, I have the honor to present the credentials of my successor, and I ask to have them read.

The PRESIDENT pro tempore. The credentials will be read.

The Secretary read the credentials of GEORGE W. NORRIS, chosen by the Legislature of the State of Nebraska a Senator from that State for the term beginning March 4, 1913, and they were ordered to be filed.

Mr. CATRON. Mr. President, I present the credentials of my colleague [Mr. FALL] and ask that they be read.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of ALBERT BACON FALL, chosen by the Legislature of the State of New Mexico a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

Mr. CURTIS. Mr. President, I present the credentials of my successor.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of WILLIAM H. THOMPSON, chosen by the Legislature of the State of Kansas a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

Mr. SMITH of Georgia presented the credentials of AUGUSTUS O. BACON, appointed by the governor of the State of Georgia a Senator from that State from the 4th day of March, 1913, until the next meeting of the legislature thereof, which were read and ordered to be filed.

COMMERCIAL AND AGRICULTURAL ORGANIZATIONS.

The PRESIDENT pro tempore laid before the Senate the following communication from the Secretary of Commerce and Labor, which was read:

DEPARTMENT OF COMMERCE AND LABOR,
Washington, February 15, 1913.

SIR: By direction of the President, and in conformity with Senate resolution No. 406 of December 12, 1912, I have the honor to transmit herewith lists of the commercial and agricultural organizations of the United States.

The list of the agricultural associations has been prepared through the courteous cooperation of the Department of Agriculture, at the request of the Secretary of this department.

The list of commercial organizations has been compiled in the Bureau of Foreign and Domestic Commerce of this department. That bureau in the exercise of its functions of promoting commerce and manufacture maintains close relations with those organizations throughout the United States which are engaged in promotive service for the commercial interests of their districts, and a record of the activities of these trade bodies is kept as a part of the current files of that office. Although this record was fairly complete, it has been supplemented as far as practicable in the time permitted, and the list which is transmitted herewith is believed to be a fairly complete one and to contain the names of practically all the commercial organizations in towns with 2,000 inhabitants or more. An acknowledgment should be made to a number of secretaries of important commercial organizations who have materially assisted the bureau in securing complete lists of associations in certain States.

As the value of the list of these organizations it is believed is greatly enhanced if the essential facts in regard to each association are also reported, there has been included as far as practicable with the list of names of commercial organizations herewith submitted a concise statement of the functions of each—its duties, income, number of members, special interests served, and the committees and bureaus under which this service is conducted. With this information, which has been recorded by the use of convenient symbols, it is possible for the business man to obtain a definite knowledge of the character of each trade body listed herewith.

Respectfully, CHARLES NAGEL, *Secretary.*

The PRESIDENT OF THE SENATE,
Washington, D. C.

(Inclosure No. 21167.)

Symbols are employed to indicate (1) the field of service of the respective local commercial organizations and (2) their special activities. Separate sets of symbols are used for this purpose, the first, or "A," series being given under the heading "Field of service," and the second, or "C," series under the heading "Remarks." The latter series indicates special activities of organizations directed by departments or committees. Following is a key to the various symbols:

FIELD OF SERVICE.

A1. Civic and industrial development of district.
A2. Interests of local retail merchants.
A3. Interests of local manufacturers of miscellaneous products.
A4. Civic improvements only.
A5. Interests indicated in title of organization or special service not indicated by preceding symbols.

SPECIAL ACTIVITIES.

C. Conventions.
CC. Foreign trade.
C1. Retail trade.
C2. Wholesale trade.
C3. Market quotations.
C4. Grain weighing and inspection.
C5. Charity investigations.
C6. Transportation.
C7. Classified library.
C8. Industrial.
C9. Local credits.
C10. Weekly journal.
C11. Monthly journal.
C12. Employment.
C13. Agriculture.
C14. Daily bulletin.
C15. Quarterly bulletin.
C16. Biweekly journal.

The PRESIDENT pro tempore. Without objection, the communication and accompanying papers will be referred to the Committee on Printing.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusion filed by the court in the following causes:

Kate P. Chesley, administratrix de bonis non cum testamento annexo of the estate of James A. Chesley, deceased (S. Doc. No. 1088); and

Washington Loan & Trust Co., administrator de bonis non cum testamento annexo of Edward S. Keyser, deceased (S. Doc. No. 1089).

The foregoing findings were, with the accompanying papers, referred to the Committee on Pensions and ordered to be printed.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE LEGARE.

Mr. TILLMAN. Mr. President, I wish to give notice that on March 1, 1913, I will ask the Senate to consider resolutions commemorative of the life and public character of GEORGE S. LEGARE, late a Representative in Congress from the State of South Carolina.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. BRANDEGEE. Mr. President, I wish to make a parliamentary inquiry as to whether any morning business is in order at the present time.

The PRESIDENT pro tempore. The present occupant of the chair is of the opinion that it would not be in order. The matter that was laid before the Senate was on the desk of the President pro tempore.

Mr. BRANDEGEE. The Senator from Kansas [Mr. CURTIS] last Friday afternoon gave notice that he would call up the District of Columbia appropriation bill this morning. At that time unanimous consent had been granted that we should proceed to vote not later than 4 o'clock to-day upon all amendments pending and upon the bill authorizing the construction of a dam across the Connecticut River. As Senators know, there are quite a number of amendments pending and they will need explanation. I wish to suggest to the Senator from Kansas if he does not think the District appropriation bill should be laid aside in time for Senators to explain their amendments, so that they may be voted upon intelligently.

Mr. CURTIS. I will state to the Senator that at 2 o'clock, if that will give sufficient time, and if the appropriation bill is not then completed, I will ask that it be temporarily laid aside.

Mr. BRANDEGEE. Of course I am ready to vote upon the bill and the amendments now, but if other Senators request the Senator from Kansas to lay the bill aside I hope he will concur in the request.

Mr. CURTIS. I will gladly do so.

Mr. SMITH of Arizona. May I interrupt the Senator from Kansas?

Mr. CURTIS. Certainly.

Mr. SMITH of Arizona. Mr. President, I had expected to submit some observations on the pending bill and would prefer to do it now. I know of at least two other Senators who wish to occupy 30 or 40 minutes all told. I shall in the present condition of the bad cold I have ask the indulgence of the Senate to print many of the authorities, which are mere decisions of the courts, instead of reading them or having them read to the Senate. With the understanding that I can take the floor, say, at 2 o'clock, of course I shall yield that the appropriation bill may be proceeded with now.

Mr. CURTIS. I think the appropriation bill will be completed before 2 o'clock. If it is not, I will gladly consent to

lay it aside at that hour, or I will ask to have it laid aside before that hour if any Senator desires to take the floor on the pending bill.

Mr. SMITH of Arizona. With that understanding, I have no objection to the Senate proceeding with the appropriation bill.

Mr. CURTIS. I now move to take up the District of Columbia appropriation bill.

Mr. JONES. I simply desire to say that I wish to submit some observations on the bill relating to the Connecticut River, but I understand that the Senator from Kansas will be willing to yield at any time.

Mr. CURTIS. I said that I would yield at 2 o'clock, and I will yield at any time before 2 that any Senator desires.

Mr. JONES. With that understanding, I am willing that the Senator shall proceed with the appropriation bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 104. An act for the relief of Carl Krueger; and

S. 2733. An act for the relief of the estate of Almon P. Frederick.

The message also announced that the House had passed the following bills, with amendments, in which it requested the concurrence of the Senate:

S. 8178. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8274. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8275. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 8314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14053) to increase the pensions of surviving sailors of Indian wars in certain cases.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2839. An act for the relief of William Hommelsberg;

H. R. 6793. An act for the relief of Charles A. Bess;

H. R. 8921. An act for the relief of William H. Seward;

H. R. 18727. An act for the relief of Lewis Wood;

H. R. 24296. An act for the relief of Alonzo D. Cadwallader;

H. R. 26648. An act for the relief of David Crowther;

H. R. 24661. An act for the relief of James Parsons;

H. R. 24942. An act for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims;

H. R. 28607. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914;

H. R. 28672. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors; and

H. R. 28746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message further transmitted to the Senate resolutions of the House on the life and public services of Hon. GEORGE S. NIXON, late a Senator from the State of Nevada.

The message also transmitted to the Senate resolutions of the House on the life and public services of Hon. JOHN GEISER MCHENRY, late a Representative from the State of Pennsylvania.

The message further transmitted to the Senate resolutions of the House on the life and public services of Hon. RICHARD E. CONNELL, late a Representative from the State of New York.

The message also transmitted to the Senate resolutions of the House on the life and public services of Hon. WILLIAM W. WEDEMEYER, late a Representative from the State of Michigan.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore and delivered to the committee to be presented to the President of the United States:

S. 186. An act for the relief of Francis Grinstead, alias Francis M. Grinstead;

S. 3873. An act for the relief of Lewis F. Walsh;

S. 4030. An act for the relief of Sylvester W. Barnes;

S. 4043. An act divesting intoxicating liquors of their interstate character in certain cases;

S. 5262. An act for the relief of Sylvester G. Parker; and

H. R. 14053. An act to increase the pension of surviving soldiers of Indian wars in certain cases.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CURTIS. I move that the Senate proceed to the consideration of House bill 28499, the District of Columbia appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28499) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CURTIS. I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be considered first.

Mr. SMITH of Georgia. I object to that course. It seems to me that the wise way to handle a bill of this kind is to have it read paragraph by paragraph and allow Senate committee amendments and floor amendments to be offered as we dispose of a paragraph.

Mr. CURTIS. If the Senator objects, I will not press the request.

Mr. SMITH of Georgia. I object.

The PRESIDENT pro tempore. Objection is made, and the Secretary will proceed to read the bill.

Mr. SMITH of Georgia. I do not object to dispensing with the reading of the bill. I object to taking up the committee amendments first.

The PRESIDENT pro tempore. The bill will be read, and amendments will be considered as they are reached, either committee amendments or amendments offered by individual Senators.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "General expenses," on page 2, line 3, after the word "one" where it occurs the third time, to strike out "$1,300" and insert "$1,400," so as to make the clause read:

Executive office: Two commissioners, at $5,000 each; engineer commissioner, so much as may be necessary (to make salary $5,000); secretary, $2,400; assistant secretaries to commissioners—one $1,500, one $1,200; clerks—one $1,600, one $1,500, one $1,400, two at $1,200 each, one, who shall be a stenographer and typewriter, $1,000, one $840, one $720, one $600; messengers—one $600, one $480; stenographer and typewriter, $840; two drivers, at $600 each.

Mr. SMITH of Georgia. I understand that all these salaries are fixed by law. If I am right about that, I make the point of order that they can not be changed in this way.

Mr. CURTIS. This increase was made by the committee upon the recommendation of the Commissioners of the District of Columbia.

Mr. SMITH of Georgia. But that is not sufficient. If there is a general statute fixing a salary, it is a part of the organic law, and you can not change it in an appropriation bill. It takes a special statute to make the increase. I make the point of order that the proposed increases can not be made in this way.

Mr. CURTIS. Mr. President, I do not think the point of order is well taken. This is an item that was estimated for by the Commissioners of the District of Columbia, and it has been reported by one of the standing committees of the Senate. Therefore it is not subject to the point of order.

The PRESIDENT pro tempore. The Chair is of the opinion that the point of order is not well taken and will overrule the point of order. The question is on agreeing to the amendment of the committee.

Mr. SMITH of Georgia. I desire to make an objection to these increases. All through the bill there runs a systematic line of increases in the salaries. I believe that the expense of administration in this District has been just as great as it ought to be, and that this is not a proper time to increase the salaries.

The PRESIDENT pro tempore. Senators agreeing to the amendment of the committee will say "aye." [Putting the question.] The ayes appear to have it.

Mr. SMITH of Georgia. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when Mr. BOURNE's name was called). I desire to state that my colleague [Mr. BOURNE] is detained on a joint committee between the two Houses upon official business.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I withhold my vote in the absence of that Senator.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. He is not present, and I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. He is not present, and therefore I withhold my vote.

Mr. WILLIAMS (when his name was called). I ask if the Senator from Pennsylvania [Mr. PENROSE] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. WILLIAMS. I have a pair with him, and will therefore withhold my vote.

The roll call was concluded.

Mr. SMITH of Michigan. I am paired with the Senator from Missouri [Mr. REED]. I transfer that pair to the Senator from Oregon [Mr. BOURNE] and vote. I vote "yea."

Mr. SMITH of South Carolina. I transfer my general pair with the Senator from Delaware [Mr. RICHARDSON] to the Senator from Oklahoma [Mr. GORE] and vote. I vote "nay."

The result was announced—yeas 43, nays 28, as follows:

YEAS—43.

Bradley	Cummins	McCumber	Root
Brandegee	Curtis	McLean	Smith, Ariz.
Bristow	Dillingham	Martine N. J.	Smith, Md.
Brown	du Pont	Nelson	Smith, Mich.
Burnham	Fall	Newlands	Smoot
Burton	Gallinger	Oliver	Stephenson
Catron	Gamble	Page	Sutherland
Chamberlain	Guggenheim	Paynter	Swanson
Clark, Wyo.	Jackson	Percy	Townsend
Crane	Jones	Perkins	Wetmore
Crawford	Lodge	Poindexter	

NAYS—28.

Ashurst	Gardner	Myers	Smith, Ga.
Bacon	Gronna	O'Gorman	Smith, S. C.
Brady	Johnson, Me.	Overman	Stone
Bryan	Johnston, Ala.	Pomerene	Thomas
Clarke, Ark.	Kenyon	Sheppard	Thornton
Culberson	Kern	Shively	Tillman
Fletcher	Lea	Simmons	Webb

NOT VOTING—24.

Bankhead	Cullom	La Follette	Reed
Borah	Dixon	Lippitt	Richardson
Bourne	Foster	Martin, Va.	Warren
Briggs	Gore	Massey	Watson
Chilton	Hitchcock	Owen	Williams
Clapp	Kavanaugh	Penrose	Works

So the amendment of the committee was agreed to.

The reading of the bill was resumed, on page 2, line 3, and the Secretary read as follows:

Purchasing division: Purchasing officer, $3,000; deputy purchasing officer, $1,600; computer, $1,440; clerk, $1,500; clerks—one $1,300.

Mr. SWANSON. On page 2, line 13, after the word "one," I move to strike out the sum "$1,300" and to insert in lieu thereof "$1,450."

Mr. President, I wish to say in connection with this amendment that the District Commissioners have repeatedly recommended that this salary be fixed in accordance with my amendment. The committee in the House of Representatives examined the matter and reported it at that sum, but it went out in the House on a point of order. This is one clerk who has been isolated; he does the same work as do the other clerks in that office but gets only $1,300. By some past legislation, which I can not understand, he has not been promoted with the others. It seems to me to be an act of justice and equality that the amendment should carry.

Mr. CURTIS. Mr. President, the increase was recommended by the commissioners, and, so far as I am personally concerned, I have no objection to the amendment. However, this amendment was not agreed to by the committee.

The PRESIDENT pro tempore. The question is upon the amendment.

Mr. SMITH of Georgia. Mr. President, all through this bill run increases; all through this bill are amendments from the committee which, I think, involve changes that will cause large outlays of money. I am not objecting to these small increases one by one on account of simply the two or three cases that first appear, but my objection is to the increase of the appropriation which the amendments suggested by the Senate committee will provide. I think that it is a mistake, especially at this time, when there is to be a change of the administration of the District, to increase these salaries. I think we ought to hold down the expense of administering the affairs of the District. I do not think the appropriations contained in the bill, a number of them suggested by amendments which will be reached later on, ought to be made. My objection now and my resistance of these particular items of increase have not reference so much to those items, but are made to emphasize my objection to practically all of the increases of expenditure that the amendments from the Senate committee will provide.

Mr. CURTIS. Mr. President, I want to state for the committee that in this bill there are fewer increases than in any bill that has ever heretofore been reported from the Committee on the District of Columbia. There was no increase made until after a very careful study of the estimates; there was no increase made that did not meet the approval of all of the members of the committee who were present.

Mr. CLARKE of Arkansas. May I ask the Senator from Kansas a question?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Arkansas?

Mr. CURTIS. I do.

Mr. CLARKE of Arkansas. I wish to ask the Senator whether this particular item has been estimated for or was recommended by a standing committee?

Mr. CURTIS. This item has been estimated for.

Mr. CLARKE of Arkansas. Then, why did not the committee include it in the bill as reported to the Senate?

Mr. CURTIS. As I stated a moment ago, the committee made just as few increases as possible, and thought that this one might be left out, because there were other employees similarly situated who would be entitled to the increase if granted in this case. We thought those whose salaries we reported to increase were more entitled to increases than the one proposed to be increased by the amendment of the Senator from Virginia.

Mr. CLARKE of Arkansas. Did I understand the Senator from Kansas correctly, then, when he said he accepted this amendment, so far as he might do so?

Mr. CURTIS. I said that, so far as I was personally concerned, I would not object to it; that it was estimated for. I did not make a point of order against it, because the point of order would not lie. Personally, I have no objection to the increase in this one case.

Mr. CLARKE of Arkansas. I supposed that the Senator was in charge of the bill and was sustaining the policy outlined by the committee when they reported the bill and omitted to recommend this increase.

Mr. CURTIS. I simply expressed my personal feeling in what I said.

Mr. SMOOT. Mr. President, I desire to call the Senator's attention to the fact that the increase was estimated for, as stated by the Senator from Kansas. It was also reported by the Committee on Appropriations of the House, but went out on a point of order in that body.

Mr. CLARKE of Arkansas. Never mind about its historical position before the Senate. What about the merits of the particular item?

Mr. SMOOT. The subcommittee, after considering the statement made by the commissioners as to whether the salary should be increased, decided that it should not and reported it at the present rate as provided by law—$1,300.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Virginia [Mr. SWANSON].

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 2, line 15, after the word "storekeeper," to strike out "$900" and insert "$1,000," so as to read:

Purchasing division: Purchasing officer, $3,000; deputy purchasing officer, $1,600; computer, $1,440; clerk, $1,500; clerks—one $1,300, 6 at $1,200 each, 3 at $900 each, 6 at $720 each; inspector of fuel, $1,500; assistant inspector of fuel, $1,100; storekeeper, $1,000.

Mr. SMITH of Georgia. I desire to ask for the yeas and nays on that amendment.

The PRESIDENT pro tempore. The Senator from Georgia demands the yeas and nays.

The yeas and nays were ordered.

Mr. OLIVER obtained the floor.

Mr. CRAWFORD. I ask that the amendment be stated.

The PRESIDENT pro tempore. The Senator from Pennsylvania first addressed the Chair.

Mr. OLIVER. I should like also to have the amendment stated.

The PRESIDENT pro tempore. The amendment will be again stated.

The SECRETARY. On page 2, line 15, after the word "storekeeper," the committee reported to strike out "$900" and to insert in lieu thereof "$1,000."

Mr. CURTIS. Mr. President, by unanimous consent, I should like to state what the District Commissioners said in reference to the matter.

The PRESIDENT pro tempore. The Senator does not need to ask unanimous consent. The Senator will proceed.

Mr. CURTIS. The Commissioners of the District of Columbia in regard to this matter say:

The duties of this position require a man of high integrity, one of good judgment, and with a general knowledge of the relative qualities of the various supplies furnished the District government, as upon the incumbent devolves the duty of the custody of all samples submitted by bidders; this duty is particularly onerous at the time annual bids are received on the more than 5,000 items of general supplies. After samples are accepted and used as the standard of qualities of the supplies that are to be furnished under respective contracts, it is his duty, upon request of the interested department, to compare all deliveries with the accepted samples, for the purpose of seeing that the supplies furnished equal the contract quality. He is also charged with the management of the storeroom of stationery and other supplies which is maintained in this office and from which are issued such supplies used by offices in the District Building. The person filling this position is not only required to receive and issue stock, but in addition is also required to do all the clerical work incident to the same, such as keeping record of receipts and issues and making deliveries to departments, renewing the stock as it becomes depleted, etc.

Mr. OLIVER. Mr. President, as a member of the subcommittee, I want to say that if I have any objection to the changes made by the subcommittee in the bill it is because they have not made sufficient advances in small salaries. They have made practically none in the larger salaries, and what advances they have granted have been to men who are underpaid. After hearing what has been read by the Senator from Kansas I say that I would be ashamed to vote against this advance; and, as an employer of men all my life, I would be ashamed in my private establishment to employ a man to perform such duties as this man performs and pay him only the salary that is provided for in this bill.

The cost of living has greatly advanced, and the small salaries have not advanced in proportion. I say that we, as lawmakers and fixers of salaries, ought to consider what it costs a man to live in these days and to grant him an advance, if not commensurate, at least to provide something to correspond to the increase which is involved in his cost of living from day to day.

Mr. SMITH of Maryland. Mr. President, as a member of the subcommittee, I want to say that we scrutinized these recommendations very carefully, and I think I can say that, if Senators will compare this bill with other District of Columbia appropriation bills which have been passed by the Senate, they will find fewer increases than in any bill for many years. So far as an increase of salary is concerned, I do not think it is anything out of order. We find it in our private business, we find it in the case of corporations employing men; and why is it that the men employed by the Government, who receive these small salaries, the increase of which is recommended by the departments, and in this case recommended by the commissioners, shall not be considered by the committee? I see no reason why they should not be considered at this time as well as at any other time, even if there is going to be a new administration; and so I hope that these small increases will not be refused by the Senate. I do not think they will amount in all to $10,000.

Mr. SMITH of Georgia. Mr. President, the reasons presented by the Senator from Kansas [Mr. CURTIS], by the Senator from Pennsylvania [Mr. OLIVER], and by the Senator from Maryland [Mr. SMITH] in this particular instance appeal to me, and if the order for the yeas and nays may be vacated by unanimous consent, I am willing to have that done and yield on this question. The important matters that I have in view come in a little later.

The PRESIDENT pro tempore. In the absence of objection, the ordering of the yeas and nays will be vacated.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 2, line 16, after the word "driver," to strike out "$480" and insert "$600," so as to read "driver, $600."

The amendment was agreed to.

The next amendment was, on page 3, line 1, after the word "one," where it occurs the first time, to strike out "$1,500" and insert "$1,800," so as to make the clause read:

Building inspection division: Inspector of buildings, $3,000; principal assistant inspector of buildings, $1,800; assistant inspectors of buildings—11 at $1,200 each; fire-escape inspector, $1,400; temporary employment of additional assistant inspectors for such time as their services may be necessary, $3,000; civil engineers or computers—1, $1,800; 1, $1,500; chief clerk, $1,500; clerks—1 at $1,050, 1 at $1,000, 1 who shall be a stenographer and typewriter, $1,000, 1 at $900; messenger, $480; assistant inspector, $1,500.

The amendment was agreed to.

The next amendment was, on page 3, line 20, after the word "necessary," to strike out "$1,700" and insert "$2,400," so as to read:

Plumbing inspection division: Inspector of plumbing, $2,000; principal assistant inspector of plumbing, $1,550; assistant inspectors of plumbing—1 at $1,200, 4 at $1,000 each; clerks—1 at $1,200, 1 at $900; temporary employment of additional assistant inspectors of plumbing and laborers for such time as their services may be necessary, $2,400.

The amendment was agreed to.

The next amendment was, on page 4, line 4, after the words "In all," to strike out "$114,510" and insert "$115,830," so as to make the clause read:

In all, $115,830.

The amendment was agreed to.

Mr. CURTIS. Mr. President, to save time, I ask unanimous consent that when the bill is completed the Secretary may be permitted to correct the totals.

The PRESIDENT pro tempore. Without objection, that order will be made.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 5, line 15, after the words "assistant cashier," to strike out "$1,400" and insert "$1,500," and in line 18, after the words "in all," to strike out "$21,700" and insert "$21,800," so as to make the clause read:

Collector's office: Collector, $4,000; deputy collector, $2,000; cashier, $1,800; assistant cashier, $1,500; bookkeeper, $1,600; clerks—3 at $1,400 each, 1, $1,200, 1, $1,000, 3 at $900 each; clerk and bank messenger, $1,200; messenger, $600; in all, $21,800.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 5, line 23, after the words "chief clerk," to strike out "$2,250" and insert "$2,500," and on page 6, line 5, after the words "in all," to strike out "$43,656" and insert "$43,906," so as to make the clause read:

Auditor's office: Auditor, $4,000; chief clerk, $2,500; bookkeeper, $1,800; accountant, $1,500; clerks—3 at $1,600 each, 3 at $1,400 each, 1, $1,350, 4 at $1,200 each, 5 at $1,000 each, 1, $936, 2 at $900 each, 2 at $720 each; messenger, $600; disbursing officer, $3,000; deputy disbursing officers, $1,600; clerks—1, $1,200, 2 at $1,000 each, 1, $900; messenger, $480; in all, $43,906.

Mr. CURTIS. Mr. President, I move that that amendment be disagreed to.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 6, line 6, after the words "corporation counsel," to insert "to be appointed by the President, by and with the advice and consent of the Senate," so as to make the clause read:

Office of corporation counsel: Corporation counsel, to be appointed by the President, by and with the advice and consent of the Senate, $4,500; first assistant, $2,500; second assistant, $1,800; third assistant, $1,600; fourth assistant, $1,500; fifth assistant, $1,500; stenographers, one $1,200, one $840; clerk, $720; in all, $16,160.

Mr. SMITH of Georgia. Mr. President, I move to amend that amendment by adding, after the word "President," the words "of the United States," to distinguish it from the president of the board of commissioners.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 6, line 15, after the word "janitor," to strike out "$480" and insert "$600"; in line 16, after the word "janitor," to strike out "$360" and insert "$480," and in the same line, after the words "in all," to strike out "$3,360" and insert "$3,600," so as to make the clause read:

Coroner's office: Coroner, $1,800; morgue master, $720; assistant morgue master and janitor, $600; hostler and janitor, $480; in all, $3,600.

The amendment was agreed to.

The next amendment was, on page 7, after line 2, to insert:

For the erection of shelters on the open space at the intersection of Ohio and Louisiana Avenues with Tenth and Twelfth Streets, bounded by Tenth and Twelfth and B and Little B Streets NW., known and designated as the farmers' produce market, and the necessary paving in connection therewith, $32,000; and the limitation of 10 cents per day for each space at the above-mentioned market contained in the act of June 27, 1906, is hereby revoked, and the Commissioners of the District of Columbia are authorized to charge hereafter not to exceed 20 cents per day for each space in accordance with the provisions of the aforesaid act.

Mr. LODGE obtained the floor.

Mr. SMITH of Georgia. I desire to make the point of order that this is legislation. If the Senator from Massachusetts——

Mr. LODGE. I thought I was recognized. I did not mean to interfere with the Senator's remarks.

Mr. SMITH of Georgia. I hope the Senator will proceed.

Mr. LODGE. Mr. President, if I understand the situation of these proposed shelters, it is directly opposite the National Museum.

Mr. SMITH of Georgia. That is just the point I was about to make.

Mr. LODGE. That is a building containing collections of enormous value. It seems to me that fact in itself is an objec-

tion to establishing the hay market there permanently, if we can find some other position for it. Then I think it is proper to say that the Regents of the Smithsonian Institution were informed the other day that Mr. Freer, whose great collections have been made over to the United States, has increased his gift for the construction of a building to house his collections from $500,000 to $1,000,000. He is going to give this great building and these great collections to the United States. It is very much desired by the Regents of the Smithsonian Institution, and all who are connected with that portion of the affairs of the Government, to use that space, if possible, in the future for the construction of this great building, which undoubtedly will be a very handsome one, which is a gift to the people of the United States. I had hoped the committee would not press this amendment to make permanent the hay market at that point. It seems to me it might be put somewhere else.

Mr. SMITH of Georgia. Mr. President, I intended to make very much the same suggestion that has been made by the Senator from Massachusetts. I intended to add, also, that I had no idea that Congress would permit such a structure to remain there for any length of time if it should be put there. It would be an eyesore; it would be a serious interference with the improvements that have taken place and are to take place. Beyond any question, if built, the first thing Congress would do would be to order it torn down and removed. It is to just such waste of public moneys as this that I desire to urge objections.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMOOT. I thought the Senator had concluded.

Mr. SMITH of Georgia. No. I desire to make the point of order.

The PRESIDENT pro tempore. The Senator from Georgia makes the point of order against the item that it is general legislation.

Mr. SMITH of Georgia. If there is any doubt about it, Mr. President, I desire to submit precedents in support of the point of order.

The PRESIDENT pro tempore. The Chair thinks it is not necessary.

Mr. SMOOT. Mr. President, I desire to state that the first part of the amendment is not subject to a point of order, because it has been regularly estimated for. I believe myself that the latter part, from "$32,000," on page 7, line 8, down to and including the word "Act," in line 14, is no doubt subject to a point of order.

The committee considered this matter very carefully. I will state frankly that there was doubt in the minds of the committee as to whether or not it was a proper provision to put in. About 260 wagons come to this market every day, and the produce is distributed from them. I am told by the commissioners that sometimes there have been as many as 545 wagons down there.

The commissioners have thought a great deal over the problem of locating this market at some point that would be a central point, not only for the farmers, but for the people of the District who wish to buy their produce.

I believe myself that if this market is to be removed, we should spend no more money there; but if we are going to continue it in the place where it is at present, the expenditure asked for is absolutely necessary. Every Senator who has ever visited this market knows that the present condition is a disgrace to the District of Columbia. It is a dirty place; it is kept in such a way that it is unwholesome and unclean, and it is an eyesore before the National Museum.

I am not going to object if the whole thing goes out on a point of order; but I wished to state that much, as far as the committee were concerned, as to why they put it in.

The PRESIDENT pro tempore. The point of order made by the Senator from Georgia [Mr. SMITH] is sustained. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 7, after line 20, to insert:

Fish wharf and market: Market master and wharfinger, who shall have charge of the landing of vessels, the collection of wharfage and dockage rentals, and the collection of rents for fish houses at the municipal fish wharf and market hereinafter established, for not exceeding 16 months at the rate of $75 per month, beginning March 1, 1913, $1,200; assistant market master, who shall also act as laborer, for the same period, at the rate of $50 per month, not exceeding $800; in all, $2,000, to be immediately available; and the Commissioners of the District of Columbia are authorized and directed in the name of the District of Columbia to take over, exclusively control, regulate, and operate as a municipal fish wharf and market, the water frontage on the Potomac River lying south of Water Street, between Eleventh and Twelfth Streets, including the buildings and wharves thereon, and said wharf shall constitute the sole wharf for the landing of fish and oysters for sale in the District of Columbia; and said commissioners shall have power to make leases, fix and determine rentals, wharfage and dockage fees, and to collect and pay the same into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia, and to make and amend, from time to time, all such regulations as they may deem proper for the control, regulation, and operation of said municipal fish wharf and market; and all leases, subleases, and other private rights of occupancy in and to any or all of said property are terminated on, from, and after March 15, 1913; and all laws and parts of laws requiring the advertisement and sale of rights and privileges for a fish wharf or dock, and all laws or parts of laws inconsistent with the provisions hereof are repealed.

The amendment was agreed to.

The next amendment was, on page 11, line 5, after the word "repairs," to strike out "$1,600" and insert "$1,800," and in line 9, after the words "in all," to strike out "$26,050" and insert "$26,250," so as to make the clause read:

Municipal architect's office: Municipal architect, $3,600; superintendent of construction, $2,000; chief draftsman, $1,700; draftsmen—one $1,400, one $1,300; heating, ventilating, and sanitary engineer, $2,000; superintendent of repairs, $1,800; assistant superintendent of repairs, $1,200; boss carpenter, boss tinner, boss painter, boss plumber, boss steam fitter, five in all, at $1,200 each; boss grader, $1,000; machinist, $1,200; clerks—one $1,050, one $620; copyist, $840; driver, $540; in all, $26,250.

The amendment was agreed to.

The next amendment was, on page 12, line 11, after the word "surveyor," to strike out "$1,800" and insert "$2,000," and in line 17, after the words "in all," to strike out "$25,725" and insert "$25,925," so as to make the clause read:

Surveyor's office: Surveyor, $3,000; assistant surveyor, $2,000; clerks—1 at $1,225, 1 at $975, 1 at $675; 3 assistant engineers, at $1,500 each; computer, $1,200; record clerk, $1,050; inspector, $1,200; draftsmen—1 $1,225, 1 $900; assistant computer, $900; 3 rodmen, at $825 each; chainmen—3 at $700 each, 2 at $650 each; computer and transitman, $1,200; in all, $25,925.

The amendment was agreed to.

The next amendment was, on page 12, line 25, after the word "Library," to strike out "including Takoma Park branch"; on page 13, line 3, after "$1,000," to insert "one in charge of periodicals, $1,000"; in line 4, after "$1,000," to strike out "six" and insert "five"; in line 5, before the word "at," to strike out "including one in charge of Takoma Park branch"; in line 5, after the word "five," to strike out "including one for the Takoma Park branch"; in line 6, after the word "three," to strike out "including one in charge of Takoma Park branch"; in line 16, after the words "in all," to strike out "$41,900" and insert "$42,180"; and in line 18, after the word "open," to strike out "on the same days and during the same hours" and insert "at least seven hours per day on the same week days," so as to make the clause read:

Free Public Library: Librarian, $3,500; assistant librarian, $1,500; chief circulating department, $1,200; children's librarian, $1,000; librarian's secretary, $900; reference librarian, $1,000; assistants—1 $1,000, 1 in charge of periodicals, $1,000, 5 at $720 each, 5 at $600 each, 3 at $540 each, 3 at $480 each; copyist, $480; classifier, $900; cataloguers—1 $720, 1 $600, 2 at $540 each; stenographer and typewriter, $720; attendants—6 at $540 each, 5 at $480 each; collator, $480; 2 messengers, at $480 each; 10 pages, at $360 each; 2 janitors, at $480 each, 1 of whom shall act as night watchman; janitor of Takoma Park branch, $360; engineer, $1,080; fireman, $720; workman, $600; library guard, $720; 2 cloakroom attendants, at $360 each; 6 charwomen, at $180 each; in all, $42,180; and hereafter the Takoma Park branch shall be kept open at least seven hours per day on the same week days as the Free Public Library shall be open to the public.

The amendment was agreed to.

The next amendment was, on page 14, line 3, after the word "Library," to strike out "including Takoma Park branch," so as to make the clause read:

Miscellaneous, Free Public Library: For books, periodicals, and newspapers, including payment in advance for subscriptions to periodicals, newspapers, subscription books, and society publications, $7,500.

The amendment was agreed to.

The next amendment was, on page 14, after line 14, to insert:

Takoma Park branch: For maintenance, employment of branch librarian and assistants, substitutes, and other special and temporary service, extra service for Sundays and holidays, purchase of books, newspapers, and periodicals, including payment in advance for subscriptions to newspapers and periodicals, binding, fuel, lighting, repairs, including the employment of personal services therefor, and other contingent expenses, the rates of compensation of all employees to be determined by the board of library trustees, $4,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 23, to insert:

National Library for the Blind: For aid and support of the National Library for the Blind located at 1729 H Street NW., $5,000.

Mr. CURTIS. I move to strike out the word "National" before "Library," where it occurs the second time.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "Contingent and Miscellaneous Expenses," on page 15, line 15, after the words

"Board of Charities," to strike out "including an allowance to the purchasing officer and to the secretary of the Board of Charities of not exceeding $360 each per annum for maintenance of vehicle for use in the discharge of their official duties," so as to read:

For contingent expenses of the government of the District of Columbia, namely: For printing, checks, books, law books, books of reference, and periodicals, stationery; detection of frauds on the revenue; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; maintaining and keeping in good order the laboratory and apparatus in the office of the inspector of asphalt and cement; damages; livery, purchase, and care of horses and carriages or buggies and bicycles not otherwise provided for; horseshoeing; ice; repairs to pound and vehicles; use of bicycles by inspectors in the engineer department not to exceed $800; and other general necessary expenses of District offices, including the sinking-fund office, Board of Charities, excise board, personal-tax board, harbor master, health department, surveyor's office, superintendent of weights, measures, and markets office, and department of insurance, and purchase of new apparatus and laboratory equipment in office of inspector of asphalt and cement, $36,000; and the commissioners shall so apportion this sum as to prevent a deficiency therein.

The amendment was agreed to:

The next amendment was, on page 16, after line 18, to insert:

Telephones connected with the system of the Chesapeake & Potomac Telephone Co. may be maintained in the residences of the superintendent of the water department, superintendent of sewers, secretary of the Board of Charities, health officer, chief engineer of the fire department, and superintendent of police, of the District of Columbia, under appropriations contained in this act.

The amendment was agreed to.

The next amendment was, on page 19, line 20, before the word "materials," to strike out "other"; in line 24, before the word "under," to strike out "Bureau of Standards" and insert "testing bureaus of the Federal Government," so as to make the clause read:

Hereafter materials for fireproof buildings, other structural materials, and all materials other than fuel purchased for and to be used by the government of the District of Columbia, and necessary to be tested, shall be tested by the testing bureaus of the Federal Government under the same conditions as similar testing is required to be done for the United States Government.

Mr. CURTIS. In line 22, I move to amend the amendment by inserting after the word "shall" and before the words "be tested" a comma and the words "if requested by the commissioners."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 22, after line 2, to insert:

Repaving with asphalt or asphalt block the roadway of C Street NE. from First Street to Fourth Street, 32 feet wide, $12,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 5, to insert:

For paving Twenty-third Street from Kalorama Road to S Street with concrete pavement, including curb on both sides where not already set, for a roadway 24 feet wide, $8,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 9, to insert:

For constructing a suitable viaduct and bridge to carry Benning Road over the tracks of the Pennsylvania, Baltimore & Washington Railroad Co. and of the Baltimore & Ohio Railroad Co., in accordance with plans approved by the Commissioners of the District of Columbia, to be available until expended, $110,000; and authority is hereby given to purchase or condemn, in accordance with existing law, any land necessary to widen said Benning Road so as to permit the construction of said viaduct and bridge in accordance with the approved plans, as above, the cost of said purchase or condemnation to be paid out of this appropriation, and the said commissioners are hereby authorized to make the necessary expenditures for the construction of said viaduct and bridge and approaches under the like conditions prescribed for the expenditure of the appropriation for a subway and bridge at Cedar Street, contained in the act of May 18, 1910, making appropriations for the expenses of the District of Columbia for the fiscal year 1911: *Provided*, That the cost of constructing said viaduct and bridge within the limits of the rights of way of said Philadelphia, Baltimore & Washington Railroad Co. and the Baltimore & Ohio Railroad Co. shall be borne and paid, half by said railroad companies in proportion to the widths of their respective rights of way and half by the United States and the District of Columbia, as provided in section 10 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and said sums shall be paid by said companies to the Treasurer of the United States, one half to the credit of the District of Columbia and the other half to the credit of the United States, and the same shall be valid and subsisting liens against the franchises and property of said Philadelphia, Baltimore & Washington Railroad Co. and the Baltimore & Ohio Railroad Co., respectively, and shall be a legal indebtedness of said companies in favor of the District of Columbia, jointly for its use and the use of the United States as aforesaid, and the said lien or liens may be enforced in the name of the District of Columbia by bill in equity brought by the commissioners of said District in the supreme court of said District, or by any other lawful proceedings against the said Philadelphia, Baltimore & Washington Railroad Co. or said Baltimore & Ohio Railroad Co., or both, and any relocation in the line or change in the grade of the tracks of the Washington Railway & Electric Co. necessary to permit the completion in accordance with approved plans of the viaduct and bridge and approaches herein provided for shall be made by and at the cost of said railway company, and in the event of said railway company failing or refusing to do such work the same shall be done by the Commissioners of the District of Columbia, the cost to be paid from the appropriation for said bridge and viaduct and collected from said street railway company in the manner provided for in section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

The amendment was agreed to.

The reading was continued to line 23, on page 25.

Mr. CURTIS. After line 23, I move to insert the following:

The Commissioners of the District of Columbia are hereby authorized and directed to strike from the plan of the permanent system of highways for the District of Columbia Crittenden Street NW., between Iowa Avenue and Seventeenth Street, and to omit the said street between the limits named from any future subdivision of the parcel of ground through which the said Crittenden Street runs.

I wish to state that I offer the amendment at this time because I promised to bring it to the attention of the committee, but failed to do so, for I thought there was nothing from the commissioners on the subject. I afterwards found that I had a letter from the commissioners recommending it and it had been reported by the Committee on the District of Columbia and passed the Senate. Therefore I offer the amendment in the Senate.

Mr. SMITH of Georgia. I make the point of order that that is undoubtedly new legislation.

Mr. CURTIS. I think it will be subject to the point of order on the ground that it is not estimated for and it is new legislation.

Mr. SMITH of Georgia. And also that it is new legislation.

The PRESIDENT pro tempore. The point of order is sustained on the ground that it is general legislation.

The reading of the bill was resumed.

The next amendment was, on page 26, line 8, after the word "streets," to insert "to be disbursed and accounted for as 'Construction of suburban roads and suburban streets,' and for that purpose shall constitute one fund," so as to make the clause read:

Construction of suburban roads: For construction of suburban roads and suburban streets, to be disbursed and accounted for as "Construction of suburban roads and suburban streets," and for that purpose shall constitute one fund, as follows.

Mr. SMITH of Georgia. I wish to ask the chairman of the subcommittee just what that is for. I do not understand it.

Mr. CURTIS. That is put in so that they may keep all accounts on that subject together and simply have one separate account for suburban roads.

Mr. SMITH of Georgia. It has no bearing whatever upon the proposed change charging a part of the expense of building these roads against the property holders?

Mr. CURTIS. It has not.

The amendment was agreed to.

The next amendment was, on page 27, after line 17, to insert:

Northwest, Kalmia Street, end of macadam to Rock Creek Park, grade and improve, $10,200.

The amendment was agreed to.

The next amendment was, on page 27, after line 19, to insert:

Northwest, Sherman Avenue, Florida Avenue to Columbia Road, improve, $25,000.

Mr. SMITH of Georgia. I desire to ask the Senator in charge of the bill whether these road extensions are included in general legislation already adopted?

Mr. CURTIS. They are carrying out a part of the plan adopted for street improvement which was recommended by the commissioners. A great many more were recommended than we put in.

Mr. SMITH of Georgia. If they are simply recommended and if there has been no legislation establishing these extensions, I make the point of order against the amendment.

Mr. CURTIS. The commissioners, of course, have the authority under the law to recommend the improvement of streets whenever deemed necessary. The committee has inserted the items upon their recommendation.

Mr. SMOOT. All these are highways now, and they have been established by law.

Mr. CURTIS. Yes; by law.

Mr. SMOOT. This is an appropriation for repairs.

Mr. CURTIS. And for grading and paving.

Mr. SMOOT. And the items are estimated for. I will state to the Senator, however, that in footing them all up there is a little more than the estimate called for—a few thousand dollars more.

Mr. SMITH of Georgia. There is an increase of $10,000 by the Senate committee on these streets, I understand.

Mr. CURTIS. The bill carries some $90,000 more than the House allowed for that purpose and is some $30,000 in excess of the amount estimated in gross sum; but we thought in conference we could determine those that needed paving most and reduce those amounts. We thought that was better than to pick them out, because in the House they had very long and

extensive hearings on these streets, and we did not. We put them in with that object in view. They are not for new streets.

Mr. SMITH of Georgia. It is my understanding of the rule that a street can not be extended in an appropriation bill.

Mr. CURTIS. These are not——

Mr. SMITH of Georgia. Let me finish. A street can not be extended or laid out in an appropriation bill.

Mr. CURTIS. It is not the object to lay out any new streets. I misunderstood the Senator's question. This is only to improve existing streets. These are merely improvements on existing streets. No new streets are laid out.

Mr. SMITH of Georgia. Then the Senator did not understand my question.

Mr. CURTIS. I misunderstood the Senator's question.

The PRESIDENT pro tempore. Is the point of order withdrawn?

Mr. SMITH of Georgia. It is withdrawn.

The amendment was agreed to.

The next amendment was, on page 27, after line 21, to insert:

Northeast. Franklin Street, Twenty-second Street eastward, grade and improve, $5,500.

The amendment was agreed to.

The next amendment was, on page 27, after line 23, to insert:

Northeast. Thirteenth Street, Rhode Island Avenue to Franklin Street, grade, $3,400.

The amendment was agreed to.

The next amendment was, at the top of page 28, to insert:

Northwest. For paving, with asphalt, Connecticut Avenue NW., between Calvert Street and the north end of the Connecticut Avenue Bridge, $2,800.

The amendment was agreed to.

The next amendment was, on page 28, after line 3, to insert:

Northeast. Hamlin Street, Twelfth to Thirteenth Streets, grade, $4,450.

The amendment was agreed to.

The next amendment was, on page 28, after line 5, to insert:

Northwest. Chesapeake Street, Wisconsin Avenue to River Road, grade and improve, $3,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 7, to insert:

Northwest. Illinois Avenue, Kennedy Street to Ingraham Street, and Kennedy Street, Ninth Street to Georgia Avenue, grade and improve, $8,700.

The amendment was agreed to.

The next amendment was, on page 28, after line 10, to insert:

Northwest. Eighth Street, Jefferson to Longfellow Streets, grade and improve, $2,300.

The amendment was agreed to.

The next amendment was, on page 28, after line 12, to insert:

Northwest. V Street, Flagler Place to First Street, pave (30 feet), $3,800.

The amendment was agreed to.

The next amendment was, on page 28, after line 14, to insert:

Northwest. Nineteenth Street, Park Road to Newton Street, grade and improve, $3,500.

The amendment was agreed to.

The next amendment was, on page 28, after line 16, to insert:

Northwest. Macomb Street, Thirty-third to Thirty-sixth Streets, grade and improve, $8,500.

The amendment was agreed to.

The next amendment was, on page 28, after line 18, to insert:

Northwest. Kalorama Road, Twenty-third Street to Connecticut Avenue, pave (30 feet), $6,500.

The amendment was agreed to.

The next amendment was, on page 28, after line 20, to insert:

Northeast. Otis Street, Twelfth to Fourteenth Streets, grade, $4,200.

The amendment was agreed to.

The next amendment was, on page 28, line 23, after the words "In all," to strike out "$100,600" and insert "$192,450," so as to read:

In all, $192,450.

The amendment was agreed to.

Mr. SMITH of Michigan. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. On page 29, after line 6, it is proposed to insert:

Hereafter Sixteenth Street NW. shall be known and designated as "Avenue of the Presidents."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, at the top of page 31, to insert:

For new sidewalks and curbs around the Patent Office, $1,500.

The amendment was agreed to.

The next amendment was, on page 31, after line 2, to insert:

For replacing sidewalks and curbs around old Post Office Building, Seventh and Eighth, E and F Streets NW., $2,500.

The amendment was agreed to.

The next amendment was, on page 33, line 15, before the word "thereof," to strike out "one-third" and insert "15 per cent," so as to read:

And the Capital Traction Co. is authorized and required, within 90 days after said bridge shall be ready for the reception thereof, to remove its track from Twenty-sixth Street NW. between Pennsylvania Avenue and M Street and from M Street NW. between Twenty-sixth and Twenty-ninth Streets, and relocate the same in Pennsylvania Avenue and across the bridge herein provided for to a junction with their present tracks at Twenty-ninth Street and Pennsylvania Avenue NW., and to repave the said street space and the space on the M Street Bridge over Rock Creek from which said tracks are removed, all in accordance with plans to be approved by the Commissioners of the District of Columbia and to their satisfaction, and the same law now governing the paving and repairing of street pavements between rails and for a distance of 2 feet exterior thereto shall govern on the bridge herein provided for. And the Capital Traction Co. shall, after the completion of said bridge, pay into the Treasury of the United States, one-half to the credit of the District of Columbia and one-half to the credit of the United States, a portion of the total cost of said bridge and all incidental work thereto equal to 15 per cent thereof, and the same shall be a valid and subsisting lien against the franchises and property of said Capital Traction Co., and shall be a legal indebtedness of said company in favor of the District of Columbia.

Mr. SMITH of Georgia. Mr. President, I regard this modification of the bill as presented to us by the other House as a very serious one. I think the Capital Traction Co. ought to pay one-third of the expense of this bridge. It will be constructed, at least one-third for its benefit, and, as there seems to be no quorum present now——

Mr. CURTIS. Will the Senator from Georgia, before he asks for a quorum, permit me to have a letter read from the attorney of the Capital Traction Co., giving their side of this case? They made a very strong showing by letter before the committee.

Mr. SMITH of Georgia. But we know that the Capital Traction Co. has received enormous franchises——

Mr. CURTIS. That is true.

Mr. SMITH of Georgia. And that it has been given so much in this city, that it is as little as we can do to make it pay a fair proportionate part of an expenditure like this.

Mr. CURTIS. With the permission of the Senator, I ask that the letter which I send to the desk may be read by the Secretary.

The PRESIDENT pro tempore. Without objection, the letter will be read.

The Secretary read as follows:

THE CAPITAL TRACTION CO.,
Washington, D. C., February 17, 1913.

Hon. CHARLES CURTIS,
Chairman of Subcommittee of
Senate Committee on Appropriations.

DEAR SIR: I desire to protest against the enactment into law of the provision in bill (H. R. 28499) requiring the Captial Traction Co. to pay any part of the cost of the new bridge over Rock Creek at Pennsylvania Avenue, and as a basis for such exaction to compel the said company to remove its tracks from their present location and to run over said bridge. The Capital Traction Co.'s tracks are not on said bridge and the company has no desire to go on or over said bridge. Under its charter its tracks were run over said bridge and were accordingly operated from 1863 until 1875. In 1875 at the instance of the chief engineer of the Washington Aqueduct, Congress compelled the company to remove their railway tracks from the Pennsylvania Avenue Bridge over Rock Creek, then called the Washington Aqueduct Bridge, within one year from the date of said act; and by the same act required the company to lay their tracks along Twenty-sixth Street from Pennsylvania Avenue to M Street north, and thence along M Street into Georgetown to connect with their tracks on M Street. The requirements of this act were complied with by the company, and all the expense of relocating in order to go over M Street Bridge as required was borne the company. About 1890, when the company were contemplating the substitution of cable construction for horse-car service, in order to avoid the difficulties of cable construction at Twenty-sixth and M Streets, it applied to Congress for the privilege of returning to the Pennsylvania Avenue or Aqueduct Bridge, and offered to pay for any needed strengthening of the bridge for its accommodation with the cable construction. An act was introduced accordingly, Senate bill 4594, December 10, 1890, but this legislation failed of enactment and instead, by a provision of the District appropriation bill approved July 14, 1892, the company was required to repair the bridge across Rock Creek at M Street, at a cost not exceeding $10,000, and this repair (which was practically the rebuilding of said bridge) was under such compulsion done by the company.

When there was a reason and an advantage to the company for straightening its route and running over the Pennsylvania Avenue or Aqueduct Bridge, the right to do so was refused. Now, when the underground electric construction has superceded the cable construction, and the difficulties growing out of the angle or curve at Twenty-sixth and Pennsylvania Avenue no longer effect detrimentally the company by reason of the substitution of the underground system, it is sought by the pending act to compel us to remove from the M Street Bridge, practically built at the expense of the Capital Traction Co., to abandon its tracks down Twenty-sixth Street and on M Street approaching said M Street Bridge, and to remove to the Pennsylvania Avenue Bridge, for the purpose of giving color to an enforced contribution to the cost of building this new bridge. Not only are we required to lose what we have expended on the M Street Bridge and its approaches, but we have to build approaches to the Pennsylvania Avenue Bridge at a large cost and for no benefit whatever to the company.

We do not believe these facts were understood when this item was inserted in the bill by the House committee. No notice or knowledge of the intention to insert this provision was given to the company and, accordingly, no opportunity of making a statement afforded. Because of the pressure upon the Senate committee no hearings were had, and the only communication made by the company was a letter addressed to the subcommittee.

To compel the company to pay in part for this bridge when they are not an occupant of said bridge and do not desire to become an occupant of the bridge, and to undergo the expense that such removal would entail, comes very near to a violation of the rights of property, which are safeguarded by the Constitution and by law.

It is earnestly urged that this wrong be avoided, and I ask that when this item is discussed in the Senate that the facts herein stated shall be disclosed.

Respectfully submitted.

GEORGE E. HAMILTON, *President.*

Mr. CURTIS. Mr. President, I should like to state further to the Senator from Georgia that the Senate committee also recommended reducing the amount to that estimated by the District Commissioners, leaving the balance open; that is, from 15 per cent to one-third, to be settled in conference, and, if necessary, to give these people a chance to be heard.

Mr. SMITH of Georgia. Mr. President, I shall wish to discuss the matter at some length a little later; but I now merely want to say that I am not willing to see this matter simply left for settlement in conference. If the one-third is right, I should like to see the Senate make the record that it is right, instead of apparently being forced to make a better record by conference with the House. If it is wrong, then we, of course, ought not to do it. I think the one-third charge is right, and I should much prefer not to see the Senate yield upon it. The Senator from the State of Washington [Mr. JONES], however, desires to discuss the Connecticut River dam bill, which is to be voted on at 4 o'clock, and he has suggested that, instead of asking for a quorum now, he would be able to consume the time and let us pass over this amendment for the moment.

Mr. CURTIS. Then, Mr. President, I ask unanimous consent that the District of Columbia appropriation bill be temporarily laid aside, giving notice that I shall call it up at the first opportunity after the disposition of the Connecticut River dam bill.

The PRESIDENT pro tempore. Further consideration of the appropriation bill will be postponed, and the Senator's notice will be entered.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 8275) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 8314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 8178) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 8274) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 2839. An act for the relief of William Hommelsberg;
H. R. 6793. An act for the relief of Charles A. Bess;
H. R. 8921. An act for the relief of William H. Seward;
H. R. 18727. An act for the relief of Lewis Wood;
H. R. 24296. An act for the relief of Alonzo D. Cadwallader;
H. R. 26648. An act for the relief of David Crowther; and
H. R. 24661. An act for the relief of James Parsons.

H. R. 24942. An act for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims, was read twice by its title and referred to the Committee on Claims.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 28672. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 28746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

H. R. 28607. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, was read twice by its title and referred to the Committee on Appropriations.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. JONES obtained the floor.

Mr. McLEAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield for one moment?

Mr. JONES. Certainly.

Mr. McLEAN. I want to offer an amendment to the pending bill and have it printed. As the amendment is very short, I should like to have it read before it is printed.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. At the end of section 1 it is proposed to insert the following:

And provided further, That if said company shall neglect or refuse to pay any charge or return demanded of said corporation by the Secretary of War, either by order or under any contract, and such neglect or refusal is based on the ground that said charge or return is invalid or unconstitutional and not within the power of Congress to require, such neglect or refusal on the part of the company shall not affect the rights of said company to hold and exercise all the powers, rights, and privileges granted in this act; and in any suit brought against said corporation for the collection of said charge or return the said corporation shall have the right to enter its proper plea to test the constitutionality or validity of said charge or return, and the courts shall take cognizance of the same; and nothing in this section shall be understood as committing the Government to a policy of imposing or not imposing such charges or returns as are herein described from any other company or corporation seeking the assent of Congress under like or similar circumstances.

The PRESIDENT pro tempore. The proposed amendment will lie on the table and be printed.

Mr. JONES. Mr. President, I yield to the Senator from Arizona [Mr. SMITH], who, I understand now, desires to address the Senate.

Mr. SMITH of Arizona. Mr. President, the great difficulty with the bill now under consideration is found in the wide difference of opinion amongst Senators as to the powers granted the Federal Government under what is known as the "commerce clause" of the Constitution. No strict construction of that instrument is required in order to condemn the bill before us, and no construction, however liberal or wide, can include the powers attempted to be exercised under the very remarkable provisions of the measure before us. So far as the bill itself is concerned I would not consume the time of the Senate or my own time by a discussion of it, except for the reason that it gives senatorial sanction to a dangerous principle, and if enacted into law establishes a precedent so far-reaching, so disastrous in effects on the people of the Western States, that I can not

refrain from giving some of the reasons which impel me to oppose its passage, especially against that provision which recognizes the right of the Federal Government to exercise any right whatever over any power generated by the flowing waters in any State where such waters are not needed for navigation. This bill presumes to give such power, and for that reason I oppose it.

It is well to see before proceeding farther what the bill under consideration proposes to do, as well as the facts to which it is to be applied. There is, and has been for more than half a century, a dam across the Connecticut River, built by private capital. It does not impair navigation. The proposal is to permit the same people, or their successors in interest, to raise this dam to a greater height for the purpose of creating power for an electric plant. This additional height will improve the navigation of the stream as well as create the power mentioned. The Secretary of War, however, refuses to grant permission to elevate this dam unless the investors in the power enterprise, and who furnished all the money, shall agree to certain provisions and stipulations in a contract giving the Federal Government control over the power produced. Being thus "held up," the proponents consent to the terms exacted by the Government. Against this exaction we raise our protest.

Let us examine the question and discover, if we can, the actual powers delegated to the Federal Government by the States on the adoption of the Constitution, and, ascertaining this, we can clearly see what governmental powers were retained by the people.

I presume that no man on this floor will question the fact that before the adoption of the Constitution the Colonies were the absolute owners and in full control of all the waters washing their shores—the arms of the sea, the inlets and bays, and all streams within their respective boundaries. On achieving their independence each State became the absolute sovereign over its navigable waters, could, if it chose, prevent the use of them to the boats or craft of any other State, and thus seriously interfere with the trade and commerce of any State it pleased to punish or obstruct.

In contemplating the formation of a more perfect union it became at once apparent that the regulation of commerce on these waters was essential to the Federal Government in order that open commerce might be maintained among all the States, free from any State regulation or exactions. Hence came that provision of the Constitution giving "Congress power to regulate commerce among the several States," and so forth. Does anyone here think for a moment that the States intended to surrender any right to the water of their rivers further than was necessary to the regulation of commerce on the streams? The people intended to give and did give only an easement over these waterways of commerce. That this right to regulate commerce amounted only to an easement has been decided time and time again by the Supreme Court of the United States. It is unnecessary to say to any lawyer that no easement ever carried any power with it other than was necessary to its full use and enjoyment.

The rivers as means of interstate commerce are in no essential sense different from railroads engaged in the same business. Each are subject to regulation by Congress to an equal extent. The railroads' right of way over land is in principle the same as the steamboats' right of way over the rivers; both are easements pure and simple. Take the two cases cited by the Senator from Alabama [Mr. BANKHEAD], where one railroad condemned and paid for a right of way over the lands of another, and in the right of way discovered a valuable rock quarry and proceeded to sell the rock as fast as it was taken out. The owner of the land brought suit against the railroad and recovered the value of the stone sold, the court deciding that the easement—the right of passage over the land—carried no other right with it. The second case was in all respects similiar, except in the latter sand was extracted and sold from the right of way, with the same result at the end of the suit. On the citation of these cases the Senator from Ohio [Mr. BURTON] interrupted with the statement that the cases did not apply in any way to any principle in the measure under discussion. In illustrating the powers granted or attempted in this bill, no cases, in my judgment, could be more in point. They seem to me to be decisive of the question at issue here.

As I have said, on forming the Constitution the States relinquished to the Federal Government the simple right to *regulate commerce*. There were no railroads then; sailing vessels and small boats did the business. The States then surrendered this power in order that each might protect its trade against any combination of the other States, but they made no grant of power further than that specifically mentioned. This has been for years the settled doctrine.

Turn from the established rule and see what is attempted in this bill, and a mighty difference appears. We have indeed come to a parting of the ways. From the doctrine that the States—and I mean by that the people—had remaining in them all power that they had not delegated to Congress, we behold an effort through this bill and others like it to hand over to Congress the most sacred rights of the people—rights on which their prosperity as States had grown; rights on which their freedom and independence had so long and so securely rested. Before I get through I hope to show from decisions of the Supreme Court that where the Congress does not act in the matter of improving navigation the States can act. The State can always act as it pleases with its rivers, provided navigation is not interfered with or commerce impeded.

In Huse *v.* Glover (119 U. S., 543) the court said (pp. 548, 549):

> The State is interested in the domestic as well as in the interstate and foreign commerce conducted on the Illinois River, and to increase its facilities, and thus augment its growth, it has full power. It is only when in the judgment of Congress its action is deemed to encroach upon the navigation of the river as a means of interstate and foreign commerce that that body may interfere and control or supersede it. If, in the opinion of the State, greater benefit would result to her commerce by the improvements made than by leaving the river in its natural state—and on that point the State must necessarily determine for itself—it may authorize them, although increased inconvenience and expense may thereby result to private individuals.

The Senator from New York [Mr. ROOT], in order to maintain his advocacy of this bill, was forced by logic to assert that Congress could *create* commerce, and my understanding of his argument was that if it created means of commerce by erecting a dam in a river it was entitled to use or otherwise profit by any incidental value that might accrue from such construction, such as the electric power to be generated in this case.

I deny that any such power rests in the Constitution. I deny that the Federal Government can go into a State and, without its consent, make a navigable stream out of a nonnavigable one; and even if it could do so it does not follow that the Federal Government could also use or sell or contract with anybody for the use of any water power that might be developed by such invasion as it attempted in this bill.

Let us see what the Supreme Court has said on this subject. In Mobile *v.* Eslava (16 Peters, p. 277) the court holds directly that the right of navigation of State waters is simply an easement, and uses this language:

> The United States, then, may be said to claim for the public an easement for the transportation of merchandise, etc., in the navigable waters of the original States while the right of property remains in the States.
>
> The original States possessing this interest in the waters within their jurisdictional limits, the new States can not stand upon an equal footing with them as members of the Union if the United States still retain over their navigable waters any other right than is necessary to the exercise of its constitutional powers.

These powers, of course, being the regulation of commerce.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator yield to the Senator from Minnesota?

Mr. SMITH of Arizona. Certainly.

Mr. NELSON. What case is the Senator reading from?

Mr. SMITH of Arizona. The case of Mobile *v.* Eslava, in Sixteenth Peters, page 277.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Connecticut?

Mr. SMITH of Arizona. With pleasure.

Mr. BRANDEGEE. With reference to the statement made by the Senator from Arizona that Congress has no power to create navigation I should like to ask him if, in the case of an interstate river, a river flowing through more than one State, there is an obstruction in the channel, does he deny the power of the Government to appropriate money to go in and blast out rocks or deepen the channel?

Mr. SMITH of Arizona. On that condition; no. Is that an intrastate river or one running between two States?

Mr. BRANDEGEE. Interstate.

Mr. SMITH of Arizona. Navigable above and below?

Mr. BRANDEGEE. Irrespective of whether it is navigable above or below, if it can be made navigable by the operation of the Government under the clause of the Constitution authorizing it to regulate commerce among the States, would the Senator deny the right of the United States to appropriate in the river and harbor bill for blasting out rocks or deepening the channel?

Mr. SMITH of Arizona. That is wide of the question that we now have before us, for I have used that statement, "creating commerce," while conceding that it might probably have power under the word "regulate" to remove an obstruction

from an otherwise navigable stream. I was applying it to what I conceive to be the facts in this case—that at the head of navigation at the time of the adoption of the Constitution the State of Connecticut was the absolute owner of the confessedly nonnavigable waters above this ridge that now runs across the river.

Let me ask the Senator while he is on his feet how many miles of navigation on the river above the dam it is supposed that the dam will give?

Mr. BRANDEGEE. The present obstruction there, according to the report of the committee, consists of rapids to the extent of about 5 miles, and the lock provided for in the bill would make it navigable through to that extent. Of course, the Senator understands there is an existing lock there now, but it has become inefficient in view of the needs of modern navigation and the depth of draft of the boats. It adds 3 to 5 miles to the navigability of the stream.

Mr. SMITH of Arizona. Let me say right here, to test the purpose of this bill, whether it is for the purpose of improving the stream or whether it is for the purpose of creating electrical power, nobody on the face of the earth would think for a minute of spending millions of dollars to add 3 or 4 miles of navigation to a river in these days of modern transportation.

Mr. BRANDEGEE. Mr. President, I fear the Senator does not exactly understand what it is proposed to do. By making navigable this stretch 3 or 5 miles in length, that is at present nonnavigable, navigation will be opened up 50 miles above, away up into Massachusetts, up to Holyoke and Springfield.

Mr. SMITH of Arizona. That is the point about which I was asking the Senator. He misunderstood my question. So my criticism in that particular is probably unjustified.

Mr. BRANDEGEE. I did not understand the Senator.

Mr. SMITH of Arizona. I was asking how much more navigation it gave—how far it extended the line of commerce.

Mr. BRANDEGEE. Away up into the State of Massachusetts, making it an interstate stream.

Mr. SMITH of Arizona. But on the question of whether or not the Federal Government can create navigation, the State certainly owned all the water above this impediment in the river at the time of the adoption of the Constitution and it gave away nothing but the right to navigate. The State owned the balance of it; for in this same case of Mobile against Eslava the court uses this language, which I will read again:

> The original States possessing this interest in the waters within their jurisdictional limits, the new States can not stand upon an equal footing with them as members of the Union if the United States still retain over their navigable waters any other right than is necessary to the exercise of its constitutional powers. To recapitulate, we are of opinion: First, that the navigable waters within this State have been dedicated to the use of the citizens of the United States, so that it is not competent for Congress to grant a right of property in the same. * * *

Congress can not grant any right of property. Therefore can not supervise any contract concerning the surplus waters not needed for navigation.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield further to the Senator from Connecticut?

Mr. SMITH of Arizona. Certainly.

Mr. BRANDEGEE. I agree to that; but what has that to do with this case?

Mr. SMITH of Arizona. That is what I am endeavoring to show the Senator. There is the whole difficulty with this case. Whenever we get to a decision that squarely says you can not do it, we are asked what it has to do with the case.

Mr. BRANDEGEE. What right of property is Congress trying to give to anybody?

Mr. SMITH of Arizona. What right has it at all, except in the interest of navigation?

Mr. BRANDEGEE. None.

Mr. SMITH of Arizona. Then what is it doing in interfering with this contract for the use of the surplus water confessedly belonging alone to the State?

Mr. BRANDEGEE. It is providing, as one of the conditions of the issuance of the license, that they shall pay some money to be used in the interest of navigation.

Mr. SMITH of Arizona. By what power, under this decision, can they say what the State shall pay for its water that is not used or needed in navigation?

Mr. BRANDEGEE. They are not stating what the State shall pay for any waters at all.

Mr. SMITH of Arizona. What is the United States Government doing there at all, then?

Mr. BRANDEGEE. They are not doing anything there yet. They are trying to get there for the purpose of building a dam and a lock to help the navigation of the river. That is what the Government is trying to do. The people who are asking for the license are trying to get the license to build a dam to generate electrical power.

Mr. SMITH of Arizona. We understand all that. I am trying to find out the power of the Government, aside from navigation, whereby it has anything whatever to do with the surplus water, either to sell it or contract for its use or sale.

Mr. BRANDEGEE. But the Government is not selling any water that belongs to the State of Connecticut or anybody else.

Mr. SMITH of Arizona. What the agent can do the principal can do. Can the Senator's mind distinguish between the right of the Government to control this contract and the Government's right to work under the contract itself?

Mr. BRANDEGEE. I do not distinguish that.

Mr. SMITH of Arizona. Nor can anyone else. If the Government can work under it itself, it can work through its agent for any purpose it pleases, can it not? Where does the Senator drive himself?

Mr. BRANDEGEE. I do not understand the Senator, Mr. President.

Mr. SMITH of Arizona. I am unfortunate in not being able to make myself clear. I will try to make my position clearer to the Senator. My contention is that the Government has no business meddling with the affairs of the State of Connecticut and its people——

Mr. BRANDEGEE. I agree to that.

Mr. SMITH of Arizona. In a matter that does not injuriously affect the navigability of a stream. Confessedly this does not injuriously affect the stream or they would not permit the dam to be built. If it does not injuriously affect the stream, the Federal Government has exercised all the power it has; and it has nothing to grant, nothing to give, no supervision over any contract, no right to speak as to what the State of Connecticut shall do with water belonging to the State. It has no right to come in and lay an embargo on the consumers. It has no right to put into its Treasury money thus extorted from the private investment of the citizens of Connecticut in property with which Congress has nothing to do.

The case cited holds unequivocally that all water not essential to the use of commerce belongs to the State, and the State alone can exercise sovereign power over such water.

The interruptions have led me beyond what I had intended thus early to say, and to make my position clear I must, in a measure, start at the beginning and probably repeat something already expressed.

Mr. President, I maintain, and shall show by the very words of the Constitution, by its spirit, and by decisions of the Supreme Court, that all the waters in a State, navigable and nonnavigable, belong primarily and absolutely to the States in which they flow, with this simple modification, to wit, on navigable streams the General Government has an easement for the protection and improvement of commerce between the States. The nonnavigable streams of a State are owned absolutely by the State, and are under the exclusive sovereignty and jurisdiction of the State to the utter exclusion of any control by the Federal Government of any kind whatever.

That the proprietary ownership of public lands within any State by the Federal Government gives it no more control or sovereignty or rights over the waters flowing through such lands than it has over such waters flowing through private lands in Virginia or Connecticut. I am unable to see, after all that has been said and all the light that the trained and acute intellects of the advocates of this bill could throw upon it, how any man reverencing the Constitution, or regarding the reserved rights of the people, or respecting the decisions of the Supreme Court in respect of these rights can for a moment assent to the horrible doctrine that the Federal Government can invade the local rights of the people and lay a tax, or any burden, on their property that it does not likewise lay on every other community similarly situated. Charging a fee or license for power incidentally developed by any improvement of navigation, confessedly not needful for navigation, such waters being owned by the States, and turning the enforced proceeds away from the State into the National Treasury, strikes me not only as monstrous but revolutionary, if not actually treasonable, against the reserved rights of the people, which are fully as sacred as the powers specifically granted in the Constitution. Think, for a moment, what this proposal means.

Mr. President, I make the broad assertion that no case can be found, since the illuminating decision of Pollard *v.* Hagan (3 How.), among all the decisions of the Supreme Court, on which the advocates of this bill can with any confidence rely.

The Fox River cases, cited by the Senator from Ohio [Mr. BURTON], decide no such thing as he claims for them, for the point at issue there was in all respects different from the ques-

tion before us, as is sufficiently demonstrated in the analysis made of those cases by the Senator from Texas [Mr. CULBERSON] and the Senator from New York [Mr. O'GORMAN] in the conclusions of each already printed by the Judiciary Committee of the Senate. Where the Senator from Ohio [Mr. BURTON] makes the prime mistake in his argument is the assumption that in granting a concession to build a dam in a navigable stream that the Government of the United States *has given away a valuable right it possesses*, and in parting with such valuable right it can and should collect for the public good—the United States Treasury—any burden, tax, or toll that Congress sees fit to impose. This error of the erudite Senator is fundamental. He is too well practiced in debate to permit any evasion of his conclusions, provided you grant his premise. The trouble is that the Federal Government has *no right* that it can grant or sell in the navigable or other waters of the State or any waters in the United States. The Government itself can not obstruct navigation in the Connecticut River. It can give no other person any such right.

If you grant that the United States has such ownership as gives the power to obstruct navigation, when it sees fit, by erecting a dam across a river, then you are in an attitude to claim that it can dispose of any power created by the work, to whom it pleases and for what purpose it pleases. But who will contend that the Government has such jurisdiction over or right in the waters of a State as to permit the Federal Government to obstruct the navigation? Could the Federal Government, under the commerce clause of the Constitution, enter a State and obstruct a railroad carrying merchandise between the States? Under that clause in the Constitution, as I have already said, the power over commerce is the same when applied to railroads engaged in interstate commerce as it is over the rivers carrying freight and merchandise. Apply your new-born doctrine to interstate railroads and find, if you can, what station you will get off at.

The Government can not charge the State or the people of a State anything for improving the navigation of a river. The States primarily have that right. Let Congress say that the dam constructed, or to be built, does not interfere with or in any way hinder or obstruct the free navigation of the stream and it has exercised all the power it has in respect of that river. I repeat, with all emphasis possible, the Government has nothing to sell nor bargains to make touching that water when commerce is unimpeded by the State's action or anyone acting under State authority.

The States own the rivers within them, banks, bottom, and stream, subject only to the right of all the people of the United States to use them for the purpose of carrying their commerce in and among the States. The State has a right to build a bridge over any stream within its borders if commerce be not interfered with. Commerce between the States might be and universally is much enhanced and improved by the bridge.

More merchandise would, or often does, pass over such bridge in a day than the stream would carry in a month. Congress, whatever it may have done, without any contest, has no right, moral or legal, to charge anything or receive anything for the construction of a bridge by anybody over any river anywhere, provided that the bridge does not interfere with the navigation of the stream; and even though it does impede or impair the navigation, Congress can not take pay or toll, but is bound to have the obstruction removed. The only interest the Government has in navigable streams is a mere easement, and it has the power, of course, to protect, maintain, and improve the rivers for the more perfect use of the easement, navigation, commerce. Let us see what the Supreme Court, as well as other courts, State and Federal, have said in construing the Constitution in this regard, and incidentally see what has been decided touching the sovereignty of the State over the public lands within its border. One of the early cases, and the one most frequently cited, is that of Pollard's Lessee *v.* Hagan (3 How., 212), where the court uses this language:

> The right of Alabama and every other new State to exercise all the powers of government which belong to and may be exercised by the original States of the Union must be admitted and remain unquestioned, except so far as they are temporarily deprived of control over the public lands.
>
> * * * * * * *
>
> Nothing remained to the United States, according to the terms of the agreement, but the public lands. And, if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted.

And further on the court says:

> By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States, respectively; secondly, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States; thirdly, the right of the United States to the public lands and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land in controversy in this case.

Justice Bradley, in Shivély *v.* Bowlby (152 U. S.), which is one of the leading cases on this question, says:

> Upon the acquisition of a Territory by the United States, whether by cession from one of the States or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States for the benefit of the whole people and in trust—

In trust, mark you—

> for the several States to be ultimately created out of the Territory.
>
> The new States admitted into the Union since the adoption of the Constitution have the same rights as the original States in the tidewaters and in the lands under them within their respective jurisdictions. The title and rights of riparian or littoral proprietors in the soil below high-water mark, therefore, are governed by the laws of the several States, subject to the rights granted to the United States by the Constitution.

Which rights were merely rights to regulate commerce.

> The United States, while they hold the country as a Territory—

Mark this distinction—

> having all the powers both of national and of municipal government, may grant, for appropriate purposes, titles or rights in the soil below high-water mark of tide waters.
>
> But they have never done so by general laws, and, unless in some case of international duty or public exigency, have acted upon the policy, as most in accordance with the interest of the people and with the object for which the Territories were acquired, of leaving the administration and disposition of the sovereign rights in navigable waters, and in the soil under them, to the control of the States, respectively, when organized and admitted into the Union.

It was never intended that the great natural resources of any State should be reserved by the Federal Government for the pleasure or profit of the citizens of other States or a money profit to the Government itself. It is inconsistent with the condition existing in the original States and with the free exercise of local sovereignty and dominion within their borders.

In the case of Withers *v.* Buckley (20 How., 84) in considering the act of Congress of 1817, prescribing the free navigation of the Mississippi River and its effect on the State powers, among many other interesting and important things, the court said:

> That it could have no effect to restrict the new State in any of its necessary attributes as an independent sovereign government, nor to inhibit or diminish its perfect equality with the other members of the confederacy with which it was to be associated. These conclusions follow from the very nature and objects of the confederacy, from the language of the constitution adopted by the States, and from the rule of interpretation pronounced by this court in the case of Pollard's Lessee *v.* Hagan (3 How., p. 223).
>
> * * * * * * *

Again the Supreme Court says:

> The act of Congress of March 1, 1817, in prescribing the free navigation of the Mississippi and the navigable waters flowing into this river, could not have been designed to inhibit the power inseparable from every sovereign or efficient government, to devise and to execute measures for the improvement of the State, although such measures might induce or render necessary changes in the channels or courses of rivers within the interior of the State, or might be productive of a change in the value of private property.

And the court further says:

> It can not be imputed to Congress that they ever designed to forbid, or to withhold from the State of Mississippi, the power of improving the interior of that State, by means either of roads or canals, or by regulating the rivers within its territorial limits, although a plan of improvement to be adopted might embrace or affect the course or the flow of rivers situated within the interior of the State.

From these decisions it is clear that the State and not the United States owns the surplus water in the Connecticut River and can do just what it pleases with it. Any attempted interference by the Federal Government is attempted usurpation; any actual control is usurpation.

The precedent established is what *the real sensible* conservationists most particularly object to, and for reasons which I shall attempt to make plain.

Mr. President, when I observe the usurpation of power in the public-land States by the executive departments and by Congress, I am impelled by a sense of duty to call to the attention of Senators, and as far as I can the attention of the country, to the injustice under which the people of the West are suffering. The unbridled and, as I think, unconstitutional exercise of Federal power over matters in which the State alone has jurisdiction and sovereignty utterly destroys the hope of further development of some of the Western States and threatens their future existence as solvent Commonwealths.

I want in the outset, on this part of the subject, to say that I am as strongly in favor of the conservation of State and National resources as any man here or elsewhere. But I desire sensible conservation. I want to "render unto Cæsar the things that are Cæsar's," but not all that imperial Cæsar might claim. I want the General Government to be free and untrammeled in

the just use of all its powers. I want my State and yours equally free in the same use of the powers rightfully belonging to them. But Congress should remember, in dealing with the Western States, that if it has a giant's power it is tyrannous to use it like a giant. I think I can show that Congress has tyrannically used powers which are doubtful, and the Interior Department has exercised unjustly powers that it never had at all, and by rules, regulations, and orders dedicated our lands to silence and desolation. I have neither the time nor inclination to go into details, but I will stop long enough to assert that the *reversal of the rulings of more than half a century in the matter of mining locations alone* did, and is doing, more harm to one industry than all the good that that department has done the mining States in all their history. Why it was made no man in the West knows. That ruling is born of ignorance, profound ignorance, of the geological conditions in which the precious and semiprecious metals are found—ignorance or carelessness of the vast expense and labor involved in their output—and the manifold and widely distributed blessings attending their successful development. If Congress does not give relief, a blighting paralysis will strike the most beneficent industry, agriculture alone excepted, that the world has ever known. The same department—I do not in this allude to the present Secretary—a few years ago successfully urged on Congress the passage of a law giving the land-grant railroads scrip for the worthless and denuded lands held by the corporation in order to turn them into a forest reserve, and was by this the means of putting vast tracts of the best timbered lands in all the West in the hands of lumber barons, and doomed the forest to destruction the day the scrip was issued.

I make no claim of corruption against the department or the then Secretary, but cite the incident merely to show that the department when dealing with the subject nearest its heart and hope was not then less infallible than the present Secretary has shown himself to be in the matter of mining claims.

I did not take the floor to indulge in criticism, but for a much more serious purpose, and that is to demonstrate by the decisions of the Supreme Court that unjust exactions and burdens are laid on the public-land States by Federal power, or alleged power, that it does not impose on other States, and does not assert the power to impose them on other States, claiming to find warrant for these exactions in the title the Government has to the public lands.

I make the claim that the Government holds the public lands as a private proprietor and not as a sovereign. I doubt if under the Constitution the title is as complete and full for all purposes as an individual holds under a fee-simple title, for the reason, as I have shown, that these public lands are held under and subject to a trust for the use of the State and the citizens thereof. (Shively *v.* Bowlby, 152 U. S.)

I further claim that the running nonnavigable waters of every State are subject to the sovereign will of the State, and unaffected by the trust title the Government holds to the lands through which they flow, and especially so in those States where riparian rights no longer obtain or never did exist.

I further maintain that the Federal power over navigable waters within a State, as well as its interest in the public lands, is and must of necessity be found among the express grants in the Federal Constitution, and the terms of the grant—its language—measures the full power that can rightfully be exercised by the Federal Government over these subjects.

It follows, then, that the rules and regulations which Congress can make for protection of such proprietary title as the Government has can not interfere with the sovereign power of the State to build roads demanded by the necessity of the State—to dig a canal for the purposes of irrigation in some desert county or district of a State—nor can the Federal Government lay any tax or royalty on the State for the use of any lands within its borders for such essential public purposes. If Congress can prevent Arizona from building a necessary road over any lands within the State, then it can prevent any other State from doing the same thing, or else the equal sovereignty of the States is violated and the constitutional mandate in that particular nullified.

You can not set up title to the lands as a plea against sovereignty of the State. You can not, by your right to protect, regulate, and ultimately sell lands within a State, nullify the clause of the Constitution guaranteeing equality of all the States. Your limited title must succumb to the edict of the Constitution. The Government holds no higher or broader title to any acre of the public lands than it transfers to the individual by its patent. Yet no individual could successfully prevent the use of his land for necessary purposes of the State, nor can the Federal Government constitutionally or conscientiously do so.

The power of the Federal Government over the public lands is found in section 3 of Article IV of the Constitution, which declares that—

> The Congress shall have power to dispose of, and make all needful rules and regulations respecting the Territory or other property belonging to the United States.

This language gives no more than a proprietary interest in the public lands to the Federal Government. It can take care of them, use them and sell them, but neither in its supervision, by rules and regulations, nor by sale can the sovereignty which the State holds be usurped or nullified. Over the sovereign right of the State to build a public road the Congress has no more right to hinder in Arizona than it has in Texas. It can lay no toll or tax or royalty on any State or any subdivision of any State in any matter of State sovereignty whatever. The ownership of public lands within a State does not affect in any manner the full exercise of the States' inherent sovereignty.

The people of Texas, or the State of Texas, if you please, in whose borders no acre of public land was ever known, has no more power over the running waters in the State than every other State possesses over their respective streams. Yet, who will claim that Congress can invade the State of Texas and lay tribute or toll on water power developed on such streams? The full ownership of the nonnavigable waters does not lie in the ownership of the landholders along its banks, nor in all of them combined. Riparian right is not a title, and whatever easement or use it carried with it, does not affect in any way those States which *do not recognize riparian proprietorship at all.* The jurisdiction over this question has always been recognized as being in the State, as was said by the Supreme Court in the Water Power Company against Water Commissioner, One hundred and sixty-eighth United States, and citing with approval the same rule laid down in the leading case of Shively against Bowlby, in One hundred and fifty-second United States.

Riparian rights have not and never have been recognized in Arizona. The ownership of land does not affect title to the waters of the State. Whether private persons, or the Government itself, owns all the land along the stream, the right of the people under the laws of the State are not affected. Any citizen can still acquire title to the unappropriated waters in any stream by diverting any amount necessary and subjecting it to any beneficial use named in the statutes of the State. Arizona was admitted to the Union under a constitution which declared that the unappropriated waters in the State belonged to the people, and was subject to appropriation for the beneficial purposes mentioned. This act of admission confirmed the title to the waters in the State beyond all further controversy, and over these flowing streams Congress has no jurisdiction whatever. Nevertheless, the Department of the Interior claims under act of Congress and in exercising full power over this subject and laying what toll rentals and other conditions it pleases on the use of these waters by the State or any citizen of the State. If these exactions are not demanded under a claim of title to the waters they are extorted by claiming title to the land and prohibiting thereby the use or occupancy of any land necessary to the use of the water.

Appealing to the power of eminent domain, we could force any private owner holding title from the Government—being as full in all respects as the Government holds—to permit the use of the necessary land for the great public good. Thus, like that miserable dog in the manger, the department, being unable to devour our substance, proceeds to prevent our use of it. Under a pretense of suppressing monopoly, such restrictions in title and reservation of control, and such tolls are imposed, that no sensible man will invest in many enterprises so essential to the prosperity of the State and the betterment of its people.

The people of Arizona, in all matters within the jurisdiction of the State, can be trusted much further than they can trust the Federal Government in preventing monopoly, and also in destroying it, when found to exist, within its borders.

The Federal Government is no wiser or better than the States composing it. Where the States fail to meet wisely the problems and responsibilities which confront them, the Federal Government will be found in no such moral condition as to attempt the solution of these problems or assume the responsibilities for the people of the States. In our very creation it was wisely otherwise ordained. I have no fear of Arizona wasting her resources, or giving them over to the mercy of monopoly. Her legislature—and if it fail to act—her people can under the referendum prevent any franchise that savors of monopoly, by reserving the right of fixing tolls and charges and rates in all cases where the public is concerned.

If the General Government can lay a duty, or toll, or charge, or tax on the use of the resources of the State by its citizens, or the State itself, surely it can lay no just claim to the revenue

derived and cover it into the general fund of the United States Treasury, but the money so obtained should in equity be turned into the treasury of the State, so that it might supply in a small degree the enormous amount of taxes you have kept from our Treasury by reason of the enormous amount of the most valuable lands in the State which you have covered by reservations. You prevent us from collecting taxes on the property you have taken from us, as you allege for the general good of the United States, and proceed to collect from us and cover into the United States Treasury taxes on the use of resources clearly belonging to us and on which you have no moral right to lay your hand under any pretense whatever.

Where does the Federal Government find its charter to reserve "power sites" on nonnavigable streams in the public-land States? As I have shown, these waters belong to the States and can be used by the State for State purposes. The State has the right to fix such charges as it sees fit on the public carrier of electric power and fix what rate such carrier shall deliver it to the consumer. The cost of the enterprise, together with a reasonable profit on the business, is, of course, paid at last by the consumer. What right, I ask, has Massachusetts, Connecticut, or Virginia, or all the States combined, to lay any burden on the consumers of electric power generated by water owned by Arizona? Any money obtainable from such source for the right to generate the power belongs to the treasury of Arizona alone.

The great irrigation enterprises of the Government stand on a different footing, for in those cases the Government advances the money and requires its repayment by the people using the water, and let us here pause long enough to express the hope *that no more will be required of the water users than the necessary cost of the various enterprises.* But of this I will have more to say when proper occasion arises.

Mr. President, I pray further indulgence of the Senate for the purpose of examining certain decisions of the Supreme Court on the question of the State's absolute ownership and control of all nonnavigable waters within the States, and that the ownership by the Federal Government of the public lands does not affect the State ownership of the water.

And this ownership of water being reserved from the grant to the Federal Government, remained, as I have before shown, in the original States, and such ownership must remain in any State subsequently admitted in order to preserve the equality of the States prescribed in the Constitution. I think it was in Withers against Buckley where the court said:

> Could such an intention be ascribed to Congress, the right to enforce it may be confidently denied. Clearly, Congress could exact of the new State the surrender of no attribute inherent in her character as a sovereign independent State, or indispensable to her equality with her sister States, necessarily implied and guaranteed by the very nature of the Federal compact. Obviously, and it may be said primarily, among the incidents of that equality, is the right to make improvements in the rivers, watercourses, and highways situated within the State.
>
> * * * * * * *
>
> On her admission she at once became entitled to and possessed of all the rights of dominion and sovereignty which belonged to the original States. She was admitted and could be admitted only on the same footing with them. The language of the resolution admitting her is "on an equal footing with the original States *in all respects whatever.*" (3 Stat., 536.) Equality of constitutional right and power is the condition of all the States of the Union, old and new.

At this very moment we are heavily taxing our overtaxed people for the purpose of building great public highways within the State and for keeping our other roads in passable repair. Can any man who knows the spirit of the Constitution or the jealousy with which the local rights and powers of the States were guarded by the makers dare here assert that any State then existing, or thereafter created, could be compelled to ask Congress for a right of way in order to build a road over any land in a State not held and used by the Government for pure Federal purposes? The mere power to "dispose of and make needful regulations respecting the territory or other property of the United States" can not be so construed as to rob the State of one of the most essential prerogatives of its sovereignty. Otherwise citizens of a county in many of our States could not reach their country seat to serve as jurors or witnesses if Congress saw fit to exclude them from passing across lands claimed by the United States. If the sheriff can not go with his warrant wherever he pleases under the State laws, then no sovereignty is left in the State. And the sheriff with his summons in his pocket is no more essential to such State sovereignty than a right of way for public roads, canals, and so forth, across the lands within the State. In these matters the Government's title to the land must of necessity be subrogated to the greater right of the State to protect and maintain its own government.

Mr. President, I am not claiming that the Supreme Court has decided this particular question, but I am not afraid to hope that when the question comes squarely before it that it will decide it according to my contention, but probably not on account of it.

But let us recur to what the Supreme Court has said. In Huse against Glover (119) we find this language used in deciding the question of State or United States jurisdiction on the Illinois River, and in support of the position taken cites the cases appended to the quotation:

> The private inconvenience must yield to the public good. The opening of a new highway, or the improvement of an old one, the building of a railroad, and many other works, in which the public is interested, may materially diminish business in certain quarters and increase it in others; yet, for the loss resulting the sufferers have no legal ground of complaint. How the highways of a State, whether on land or by water, shall be best improved for the public good *is a matter for State determination*, subject always to the right of Congress to interpose in the cases mentioned. (Spooner *v.* McConnell, 1 McLean, 337; Kellogg *v.* Union Co., 12 Conn., 7; Thames Bank *v.* Lovell, 18 Conn., 500; S. C., 46 Am. Dec., 332; McIlreynolds *v.* Smallhouse, 8 Bush, 447.)

The cases mentioned were where the State's action by the judgment of Congress is deemed to encroach upon navigation. Earlier in my remarks I asserted that the State could, under its laws of eminent domain, at once seize land of any citizen who had a title just issued by the Government, and from that I attempted to demonstrate the injustice of the Government merely by reason of its title to land, exercising powers destructive of the State's sovereignty.

I find that in the case of United States against Chicago, page 17, the Supreme Court says: "It is not questioned that the land within a State purchased by the United States as a mere proprietor"—and permit me to say it holds the public lands by no other or superior title—"and not reserved or appropriated to any special purpose"—and, I presume, the court means any special Federal, or United States, purpose—"may be liable to condemnation for streets or highways like the lands of other proprietors, under the rights of eminent domain."

Judge Sawyer, in the case of The People against Shawver, reported in Thirtieth California, said:

> That the relation of the United States to the public lands since the admission of California is simply proprietary * * * like any citizen who owns land and not that of municipal sovereignty.

Mr. Justice Bradley, in the Shively against Bowlby case, One hundred and fifty-second United States, if he means what he says, reaches the full limit of my contention in the declaration that—

> Upon the acquisition of territory by the United States, whether by cession of one of the States or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States for the benefit of the whole people and *in trust for the several States to be ultimately created out of the territory.*

The Supreme Court of California, in its early days presided over by jurists whose learning and ability adorned the high position they held, decided time and again that the admission of any State into the Union conferred all sovereignty for all internal purposes on the State except such powers as are expressly conferred by the Constitution on the Federal Government, and that the United States had no interest in or power over the public lands other than any other proprietor would have over his own lands, which decisions have been as often sustained by the Supreme Court of the United States.

As to the waters of a State, whether navigable or nonnavigable, the United States has no right or title whatever except to improve the navigable waters and to prevent any obstruction of the commerce carried thereon, and any assumption of any other power is unwarranted.

Pursuing that argument one step farther, we find Justice Holmes, in Hudson Co. *v.* McCaster (209 U. S.), using this significant language:

> It appears to us that few public interests are more obvious, indisputable, and independent of particular theory than the interest of the public, of a State, to maintain the rivers that are wholly within it substantially undiminished except by such drafts upon them as the guardian of the public welfare may permit for the purpose of turning them to a more perfect use. This public interest is omnipresent wherever there is a State and grows more pressing as population grows. It is fundamental. Riparian rights have no deeper roots.

In concluding this part of my argument I will, Mr. President, content myself with one quotation from the now celebrated and much-discussed case of Kansas *v.* Colorado (206 U. S.), where Mr. Justice Brewer says:

> But it is needless to pursue the inquiry further in this direction. It is enough for the purposes of this case that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters.

Under all these decisions by what authority can it be claimed that the United States has power, commercially and for purposes of its own profit, to invade a State under pretense of safeguarding or improving navigation and proceed to sell power produced by the water unnecessary to navigation? And where, I ask, in the Constitution does any executive department of the Government find any warrant or excuse for invading a State

for the purpose of reserving power sites on nonnavigable State streams for commercial purposes unconnected with any governmental needs over and above the cry of its General Treasury for more supplies? We are willing to pay our part of such demands as this; we protest against paying more.

In Escanaba Co. *v.* Chicago (107 U. S., 678, 687) the court said:

> The doctrine declared in these several decisions is in accordance with the more general doctrine now firmly established, that the *commercial power of Congress is exclusive* of State authority *only* when the *subjects* upon which it is exercised are national in their character and admit and require uniformity of regulation affecting alike *all the States*. Upon such subjects only that authority can act which can speak for the whole country. Its nonaction is therefore a declaration that they shall remain free from all regulation. (Welton *v.* State of Missouri, 91 U. S., 275; Henderson *v.* Mayor of New York, 92 id., 259; County of Mobile *v.* Kimball, 102 id., 691.)

"In the matter of our right to carry water through canals over the public land, notwithstanding the alleged right of the Government to reserve power sites on our streams, the most that can be claimed is that the Federal Government might now, however inequitable it might be so to do, adopt rules and regulations under which, as a private proprietor, it could exact and receive such compensation as another private proprietor might exact within a State for a right of way connected with a public use. In so doing it could not, under the law, claim to be acting *pursuant to any public duty*, or for the *public benefit*, but merely as a selfish, private proprietor exacting, in connection with the development of local industry, such damages as resulted to its lands in connection with the easement or use.

"That its rights as a proprietor could in no event be so asserted as to impede or prevent the development of the State's resources or impose upon its citizens any unusual charges, or any terms or rights of way connected with continuing public uses, or reserve any official control or police power or regulation of business, or monopolies in Federal authority, or in any manner invade or seek to exercise such powers in conjunction with or in substitution for the State, are matters so well settled as to be beyond the pale of argument, or it would so appear if the Supreme Court of the United States is still assumed to have power to construe and interpret the law."

If the State of New Jersey, for instance, can protect its citizens in the free and uninterrupted use of its waters, subject to no charges, restrictions, or terms, except only such as the State itself imposes, what, I ask, becomes of all the decisions sustaining the equality clause of the Constitution, and what becomes of that constitutional guaranty to all the States if in public-land States this right was made subordinate to the following Federal powers, namely:

1. To impose a charge in connection with the right of way measured by the water or its products.

2. To withhold access to rights of way and use, except upon payment of what such "opportunity" is worth to divert, appropriate, and use it.

3. Reserving in Federal officials power of inspection, supervision, and determination of disputed questions and fixing of charges, and also power to determine questions of monopoly proceedings in restraint of trade and police powers fully invested in the State.

4. To permit uses of rights of way for beneficial uses—subject to be continued and compelled by mandamus under State authority—for limited periods only, at the end of which term the powers of the State and the rights of the owner would depend upon further governmental favor or departmental action, and beyond such term to be subject to further regulation, taxation, and limitations.

5. To compel a transfer of the water right to the United States, presumably to invest it with control and authority and taxing and charging power, as a condition of "permitting" the State and its agencies to install and enjoy a public use in the State.

But the fact is that such Federal powers are assumed in the public-land States, while its exercise in the original States was never dreamed of.

Let me hastily cite at random a few cases that may illustrate our contention.

In the United States *v.* Railroad (27 Fed. Cases) Judge McLean says:

> Within the limits of a State Congress can, in regard to the disposition of the public lands and their protection, make all needful rules and regulations. But beyond this it can exercise no other acts of sovereignty which it may not exercise in common over the lands of individuals. A mode is provided for the cession of jurisdiction when the Federal Government purchases a site for a military post, a customhouse, and other public buildings; and if this mode be not pursued, the jurisdiction of the State over the ground purchased remains the same as before the purchase. This, I admit, is not a decided point, but I think the conclusion is maintainable by the deductions of constitutional law.
>
> * * * * * * *
>
> But the important inquiry is whether the public lands are subject to the sovereignty of the State in which they are situated.
>
> It is a fair implication that if the State were not restrained by compact it could tax such lands. In many instances the States have taxed the lands on which our customhouses and other public buildings have been constructed, and such taxes have been paid by the Federal Government. This applies only to the lands owned by the Government as a proprietor, the jurisdiction never having been ceded by the State. The proprietorship of land in a State by the General Government can not, it would seem, enlarge its sovereignty or restrict the sovereignty of the State. This sovereignty extends to the State limits over the territory of the State, subject only to the proprietary right of the lands owned by the Federal Government, and the right to dispose of such lands and protect them under such regulations as it may deem proper. The State organizes its territory into counties and townships, and regulates its process throughout its limits, and in the discharge of the ordinary functions of sovereignty a State has a right to provide for intercourse between the citizens, commercial and otherwise, in every part of the State, by the establishment of easements, whether they may be common roads, turnpike, plank, or railroads. The kind of easement must depend upon the discretion of the legislature. And this power extends as well over the lands owned by the United States as to those owned by individuals. This power, it is believed, has been exercised by all the States in which the public lands have been situated. It is a power which belongs to the State and the exercise of which is essential to the prosperity and advancement of the country. State and county roads have been established and constructed over the public lands in a State, under the laws of the State, without any doubt of its power and with the acquiescence of the Federal Government. In this respect the lands of the public have been treated and appropriated by the State as the lands of individuals. These easements have so manifestly conduced to the public interest that no objection from any quarter has hitherto been made. And it is believed that this power belongs to the States.
>
> It is difficult to perceive on what principle the mere ownership of land by the General Government within a State should prohibit the exercise of the sovereign power of the State in so important a matter as the easements named. In no point of view are these improvements prejudicial to the general interest; on the contrary they greatly promote it. They encourage population and increase the value of land. In no respect is the exercise of this power by the State inconsistent with a fair construction of the constitutional power of Congress over the public lands. It does not interfere with the disposition of the lands, and instead of lessening enhances their value.
>
> Where lands are reserved or held by the General Government for specified and national purposes it may be admitted that a State can not construct an easement which shall in any degree affect such purposes injuriously. No one can question the right of the Federal Government to select the sites for its forts, arsenals, and other public buildings. The right claimed for the State has no reference to lands specially appropriated, but to those held as general proprietor by the Government, whether surveyed or not. The right of eminent domain appertains to a State sovereignty, and it is exercised free from the restraints of the Federal Constitution. The property of individuals is subject to this right, and no reason is perceived why the aggregate property in a State, of the individuals of the Union, should not also be subject to it. The principle is the same and the beneficial result to the proprietors is the same in proportion to their interests. These easements have their source in State power and do not belong to Federal action. They are necessary for the public at large and essential to the interests of the people of the State. The power of a State to construct a road necessarily implies the right not only to appropriate the line of the road, but the materials necessary for its construction and use. Whether we look to principle or the structure of Federal and State Governments or the uniform practice of the new States there would seem to be no doubt that a State has the power to construct a public road through the public lands.

Judge Sawyer said in People *v.* Shearer (30 Cal.) that since the admission of that State the public lands were held by the United States simply as proprietor and not as a municipal sovereign.

See also Woodruff *v.* North Bloomfield, etc., Co. (18 Fed. Cases, p. 772):

> Upon the cession of California by Mexico the sovereignty and the proprietorship of all the lands within its borders in which no private interest had vested, passed to the United States. Upon the admission of California into the Union, upon an equal footing with the original States, the sovereignty for all internal municipal purposes and for all purposes except such purposes and with such powers as are expressly conferred upon the National Government by the Constitution of the United States, passed to the State of California. Thenceforth the only interest of the United States in the public lands was that of a proprietor, like that of any other proprietor, except that the State, under the express terms upon which it was admitted, could pass no laws to interfere with their primary disposal, and they were not subject to taxation. In all other respects the United States stood upon the same footing as private owners of land. They could authorize no invasion of private property, either to enable their grantees to mine the lands purchased by them of the Government or otherwise. (Biddle Boggs *v.* Merced Min. Co., 14 Cal., 375, 376; People *v.* Shearer, 30 Cal., 658; Pollard's Lessee *v.* Hagan, 3 How., 223.)

We quote again from the case of Illinois R. R. Co. *v.* Illinois (146 U. S., 434):

> "The State of Illinois was admitted into the Union in 1818 on an equal footing with the original States in all respects. Such was one of the conditions of the cession from Virginia of the territory northwest of the Ohio River, out of which the State was formed. But the equality prescribed would have existed if it had not been thus stipulated. There can be no distinction between the several States of the Union in the character of the jurisdiction, sovereignty, and dominion which they may possess and exercise over persons and subjects within their respective limits."

How does this language lie parallel with the claim of some of our fellow citizens that the United States Government in States having public lands can impose terms on perpetual beneficial uses, unusual charges and restrictions, control over monopolies, and police powers in such States which the Federal Government does not claim to possess or exercise in other States?

The case is so often cited in this debate and by Senators in opinions given out from the Judiciary Committee by members of it on the resolution of inquiry submitted to that committee touching Federal power on navigable streams, that I will content myself with the following citation from the great case of Kansas *v.* Colorado (185 U. S.):

> We do not mean that its legislation can override State laws in respect to the general subject of reclamation. While arid lands are to be found mainly if not only in the western and newer States, yet the powers of the National Government within the limits of those States are the same (no greater and no less) than those within the limits of the original 13, and it would be strange if, in the absence of a definite grant of power, the National Government could enter the territory of the States along the Atlantic and legislate in respect to improving by irrigation or otherwise the lands within their borders.
>
> * * * * * * *
>
> But it is useless to pursue the inquiry further in this direction. It is enough for the purposes of this case that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters. Martin *v.* Waddell (16 Pet., 367), Pollard *v.* Hagan (3 How., 212), Goodtitle *v.* Kibbe (9 How., 471), Barney *v.* Keokuk (94 U. S., 324), St. Louis *v.* Myers (113 U. S., 566), Packer *v.* Bird (137 U. S., 661), Hardin *v.* Jordan (140 U. S., 371), Kaukauna Water Power Co. *v.* Green Bay & Mississippi Canal Co. (142 U. S., 254), Shively *v.* Bowlby (152 U. S., 1), Water Power Co. *v.* Water Commissioners (168 U. S., 349), Kean *v.* Calumet Canal Co. (190 U. S., 452). In Barney *v.* Keokuk, supra.

It seems clear then, Mr. President, to my mind at least, that the department, whether acting under presumed congressional authority or otherwise, has no power to enter a sovereign State and in direct derogation of the State constitution and laws withhold from the necessities of the people of the State the use of water within the State, for any beneficial purpose whatever.

That ownership of the public lands, especially where riparian rights do not exist, gives the Government no title to the streams or power over the same.

That the United States in order to acquire right or title to such water must do as the private citizen has to do, which is to divert it and submit it to beneficial use. The Government, however, must submit it to a governmental use in order to hold it against one wanting it.

Mr. President, may I be pardoned for a digression here?

I said in the outset that I was as much in favor of a sensible conservation of State and national resources as anyone can well be. I abhor monopoly in all its phases, whether practiced by individuals, or States, or the United States, except where the Constitution makes monopolies, such as in the administration of the Post Office Department, the issue of money, and such like necessary cases, where, instead of injury to the people, it subserves the common good of all. With this avowal of principle I want also to say that I have never claimed or owned or applied for a foot of public land through all the years of my residence in Arizona, except in mining claims, and for that I have only "a harvest of barren regrets" for the pains and penalties endured. I have no personal interest in any water course; and no act of Congress in respect of the same can injure me personally. I own no stock or shares in any corporation of any kind whatever and am under no obligation—personal or otherwise—to any of them anywhere. I make this declaration for no purpose other than that I may say what I have to say, and that you may hear, knowing my only purpose is to serve as best I can the public interest unprejudiced and uninfluenced by any purely personal interest of any kind whatever.

Mr. President, whatever the power of Congress may be, and giving whatever interpretation of the decisions cited that the Senate pleases, I am ready to maintain, and do maintain, that the public-land States are unjustly if not outrageously treated by Congress and the executive departments, whether they have or have not the Constitutional warrant for the exercise of powers of which we make complaint. If law is deficient in our aid, I file our bill in equity, and ask in the forum of conscience whether you will further oppress the struggling people in the new States and permanently retard that development which nature, together with their courage and fortitude, so amply promised and stands so willing to fulfill?

Prating about monopoly and crying from housetops against its aggression, the agents of the Government, and Congress itself, has established and is maintaining among us the most ruinous monopoly of modern times. I allude to the public-land policy of the United States as now administered, and the withholding from all useful purposes of the State one-half its area and all the lands growing a stick of timber of any lumber value. Not only this, but the alleged forest reserves have been in many cases extended far out on the plains, where nothing grows but grass, with the purpose of renting the lands for grazing privileges and turning the money away from the State into the National Treasury to pay or help to pay a horde of imported forest rangers, many of them good men, no doubt, but all impressed—if not obsessed—with the idea that the security of their tenure in office depends on the activity shown in making charges—as many as possible—against the settlers and others, who of necessity have business in or near such reserve.

Mr. President, while it may not be germane to the question now before us, I trust the Senate will bear with me yet a little longer, in view of the very great importance of the matters—to the public-land States—which I desire to call to legislative attention. And that is the enormous, ruinous reservations that have been made of the public lands in the Western States. Under a mistaken idea that the States are dangerous, and under the equal delusion that the Federal Government is safe, Congress has by statute turned over to Executive experiment almost every resource that the public-land States relied on for growth, progress, and prosperity. These States had a right to rely on their internal natural resources for future growth, even as the older States relied on and enjoyed them. The men that went forth from the older States, knowing something of the history of their homes, and braved and bore the perils and hardships of the West in the hope that they might give their children a better chance than they had had in life, never dreamed that when their courage and endurance had, in a measure, overcome the awful difficulties daily confronting them and laid the foundations of great States that the Federal Government would reverse its policy of a hundred years and seize from them without remorse and hold without shame everything on which existence as a State could depend; taking from them the most fruitful source of revenue, by depriving them from taxation of valuable lands, and holding the same at a great loss not only to the State, but to the General Government as well, dedicating the unused forest to fires, and the deserts to everlasting desolation, the streams so full of power doomed to useless unheard songs of idleness; to turn hope to despair, industry to unwilling repose; to raise at the gates of a greater Eden the sword forbidding entrance, and call all this *conservation of our natural resources;* and you may bask and smile in the effulgent glory of the new false light, but God have mercy on the victims of this new departure. What do these doctrinaire and ethical propagandists, headed by visionary cranks riding their hobby-horses recklessly over every hurdle that our rights, our property, and our lives can rear, expect to accomplish for either our good, their happiness, or the common interest? I freely grant they have no vicious purpose. On the contrary, I accord to them honesty of purpose. Fired by a romantic zeal, born of ignorance of existing conditions, through a cross on Sanca Panza, they go forth fully panoplied to a mighty assault on windmills of their own creation. And they call this *conservation.* "God forgive them, for they know not what they do."

Let us see what they have done and are doing. Speaking for Arizona, they have taken up half our State in reservations of different kinds, and in that half four-fifths of the available lands of the State are included. In other words, they have left to the State of Arizona less than one-fifth—yes, in fact, less than one-tenth—of its valuable lands for any purpose of use or revenue. These reservations are conducted or managed—or mismanaged—at a tremendous loss to the National Treasury and with ruinous effect on the State. And yet the eastern public has learned to call it conservation. If this sort of conservation continues long enough, it will depopulate the State and bankrupt the Federal Treasury. If conservation means spending money on national resources without any return, the time must come when you will find plenty of resources, but no money in your exchequer, and nobody ready to cash such assets. What is conservation, anyway? What does it mean? The high priest of the new departure has defined it to be "use without waste of our natural resources for the benefit of all the people." That sounds good. The statement of broad, general ethical principles always does. The popular conception of conservation, with which I fully agree, is that it permits the wise use and prevents the willful waste of the natural resources still found on the public domain. Conservation has been, however, intrusted to a bureau of the Agricultural Department which, having had no proper reproof, has grown arrogant and wasteful. This has gone on until conservation now threatens with destruction the very resources we are trying to hold for wise use and against profligate waste. The West sees this. The East does not. The East knows theoretical conservation as taught by mere theorists. The West knows it from actual experience as it is being practiced in the West. The East has been taught to believe that every western man is a land thief. The West knows that the greatest aid to land thieves, whether conscious of it or not, is the General Land Office administered through Federal authority, as in the cases where land scrip has been given railroads and their grantees for worthless lands, for forest-reserve purposes, and the scrip placed on the finest timber

lands in all the West. No greater robbery was ever perpetrated.

The trouble is that, whether good or bad, the West is bearing the burden of all this conservation for the whole Nation; for, aside from a few thousand acres in Michigan and Florida, the West bears the burden of largely over 190,000,000 acres reserved from local necessary use. Coal lands and oil lands have been locked up as national forests and local settlers denied any access to them or use of them; and they *call* this *conservation*.

Mr. President, I have gone further than I intended on this question, but I can not refrain from presenting a few expressions from Pearson's Magazine of January, 1913, written by Ed. H. Thomas, who seems familiar with the question and fair in his statements:

Western resources have been locked up by blanketing the public domain with reserves; coal lands, oil lands, etc., have been reserved as national forests.

The withdrawals are made without the least knowledge of the land; Bellingham, a city of 30,000 people, was included in a Washington coal-land withdrawal.

Total timber sales on the reserves for 7 years have averaged less than 9 per cent of the annual new growth, while a $3,000,000 annual deficit piles up.

Northwestern cities have to get their power from British Columbia, because water-power sites have been withdrawn without provision for their future use.

In Washington State alone decay annually kills 1,000,000,000 feet of timber on reserved land; total sales are 7,000,000 feet; waste like that keeps lumber prices up.

The Forestry Bureau thinks it wise to perpetuate forests which produce 33⅓ cents per year per acre on land which, if cultivated, would produce from $50 to $500.

Land along the international line is alike; just north of the line last year mines produced $11,000,000; just south, $800,000; the south mineral land is forest reserve.

Alaska is buying domestic fuel from British Columbia for from $17 to $30 per ton, while its own land is full of coal which it is not allowed to use.

Mr. President, I will not detain the Senate longer. At some future and more convenient time I hope to take up the question of conservation as now practiced; to suggest the miserable mistakes being made and to call attention to what should be done in respect of the natural resources located in the several States, and suggest the proper means to secure to the States their rightful interest in these resources, without loss to the great cause of conservation and without injury to the National Government, but at the same time conferring immeasurable benefits on the respective interested States. I appreciate the magnitude of the undertaking, but am ready to assume the burden when proper opportunity appears.

One thing, however, is as certain to-day as it was in the beginning. No one or one dozen States can afford to support the National Government. No one State should have more than its due weight of national burdens placed on it than every other State equally bears. Every State has, and always has had, about all it can do to support properly a State government's manifold demands on the resources of the State. Its internal obligations many times over exceed all just demands of the more general welfare of the whole country. Virginia and Massachusetts, in more wasteful days, and especially Michigan and Wisconsin, having permitted destruction of their resources, have no just claim to make on Colorado and Oregon. Times have changed. No State in the Union nor all of them combined are wider awake or more watchful of waste than is the State of Arizona, and Colorado, New Mexico, and Washington. The Government may have, and in fact has, permitted unpardonable waste of Arizona's natural wealth, but Arizona is not and has not been guilty. Under the beneficent power of the people, exercised through the referendum of all questionable legislative acts to the electorate, there is no need of your fear that we can not protect ourselves against aggressions of individual or corporate greed. Better far to trust the people of Arizona to protect themselves against cormorants that would consume or waste their substance than to leave their guardianship in the hands of an ill-advised and too often careless Congress.

Mr. JONES. Mr. President, the only provision in this bill over which there is any substantial controversy reads as follows:

And provided further, That the Secretary of War, as a part of the conditions and stipulations referred to in said act, may, in his discretion, impose a reasonable annual charge or return, to be paid by the said corporation or its assigns to the United States, the proceeds thereof to be used for the development of navigation on the Connecticut River and the waters connected therewith.

This provision is urged in the name of conservation and for the alleged purpose of creating a fund to be used in the improvement of the Connecticut River generally and the waters connected with it.

In the last analysis the real and only issue on this bill is whether by legislative authority some people shall have their property taken away for the benefit of some other people without compensation. I do not refer to the Connecticut River Co.; I am not concerned about its welfare; it can take care of itself. The consumers of its power are the people in whom I am interested, and why they should be required to contribute of their means to create a fund to improve navigation for the benefit of localities above or below them I am unable to comprehend.

While it would be well to have the legal authority of the Federal Government to impose charges for the use of power created, as it will be created under the terms of this bill, fully and clearly determined, and while our discussion has largely revolved around this proposition, we do not need to decide it in order to reach a correct conclusion as to what we should do. Conceding, merely for the sake of the argument, and for that purpose only, that the Federal Government has the legal right to impose this charge, should it do it?

The people think that conservation is at stake. This is not true. This will be a better conservation bill without this provision than with it. Those favoring this charge are the real obstructionists, the real anticonservationists. This proposition, however, would have no strength and no support at all except that the people have been led to believe that it is in the interest of conservation. Not all that is labeled "conservation" is conservation. We are in favor of conservation. We want our natural resources developed and used. We will agree to the most liberal construction of the Constitution in order to insure the proper use of the resources of the country. We are in favor of that conservation that will bring the greatest good to the people out of all our natural resources with the least expense to them and without monopoly. We want navigation promoted, waste power utilized, monopoly prevented, and fair, just, and reasonable rates for the consumers of power and other natural resources.

What is this bill? It is a bill to give the assent of Congress to the construction of a dam in a navigable river at a point where it is not now navigable to a corporation that desires to build that dam for the generation of water power. The sole purpose of the company is to develop power. In order to secure permanency for its investment and surety against its disturbance in the interest of navigation it asks the consent of Congress to put in this dam. Navigation interests should be protected, and we are in favor of protecting those interests fully. In the bill there is every provision necessary to furnish every facility required for present and prospective navigation where the dam is to be located at the expense of the company and without any cost to the general public. All such provisions are agreed to. There is no opposition to them. Unnatural monopoly is guarded against by the provision relating to assignments to which there is no opposition, and in order to guard further against possible monopoly I shall offer an amendment that will clearly and fully prevent it so far as this can be done by or through legislative enactment. It is agreed by all that fair, just, and reasonable charges by the company to the consumers of its power are assured by competition and effective public-utilities commissions in Connecticut and Massachusetts. In the alleged majority report submitted by the Senator from Ohio it is said:

The public interests seem to be fully safeguarded in this instance against exorbitant charges, because the generation and sale of electricity in the territory covered by this development are under the jurisdiction, both in Connecticut and Massachusetts, of well-organized utility commissions under State authority.

If this is not sufficient the amendment offered by the Senator from Idaho, giving the Interstate Commerce Commission authority over interstate rates, will supply any deficiency. What more is to be desired? Navigation is amply provided for, monopoly is guarded against, and just and reasonable prices are assured to the consumer. In what way is conservation neglected or prevented?

Notwithstanding all this it is insisted in the name and under the guise of conservation that the corporation must pay such annual charges to the National Government as the Secretary of War may from time to time impose. This is the issue. This is the real obstruction to real conservation. This is what continues the waste of this power against which our friends on the other side so loudly complain. What does it mean? It means an additional tax or burden on the people who consume the power. It will be a legitimate expense charge, just as much so as any other improvement cost. The Senator from Connecticut [Mr. BRANDEGEE] frankly admits that the consumer must pay whatever tax is thus imposed. The Senator from Ohio, recognizing the force of such admission and apparently more desirous of securing this legislative declaration than of protecting the people from exorbitant charges, tries to argue that the consumers will not have to pay this tax. In this he does an injustice to his usually good judgment and logical reasoning. He shows to what straits he is driven to maintain his position. He could just as fairly argue that the cost of putting in the dam

would not add to the cost to the consumer. The one would be just as logical as the other. No; if this charge is imposed the public-utility commission or the Interstate Commerce Commission, in determining the rates that are reasonable to be charged the consumers of this power, must take into consideration and allow for this tax, and the people will have to pay it.

What benefit comes from it; what good does it do? It does not improve the navigation of the river at this point, because that is assured by other provisions of the bill. It is of no benefit to the people who buy the power, because they must pay the tax.

Some say it will prevent monopoly, and this was the original ground upon which it was urged. I may be dull, stupid, and obtuse, but I must confess that I can not see why or how the levying of a tax by the National Government on the company producing the power will prevent monopoly or benefit the people. On the contrary, instead of preventing monopoly it will promote it. It will impose a burden on the production of this power that is not imposed on other power production, and thereby either prevent the development of such power propositions or reduce the competitive capacity of this company and other companies upon which such charges are not imposed. Instead of tending to secure lower prices to the consumers, it will have a tendency to raise the price at which other companies sell their power.

The Senator from Ohio seems to think that if this company charges more for its power than other companies that a part of this extra charge should come to the Government. What we insist is that this company shall not charge for its power any more than just, fair, and reasonable rates, and that is what the people desire and all they desire. If by the imposition of this charge it is recognized that this company may charge more than what is fair, just, and reasonable, the inevitable result will be that other companies will raise their charges nearly if not quite to the level of the charges of this company, and thus the imposition of a charge by the National Government upon this company will permit extortionate charges by all the power companies of the States involved.

A peculiar, strange, and mysterious suggestion as to the effect of this tax is put forth in the alleged majority report submitted by the Senator from Ohio. He says:

> It is believed that the authority of the Secretary of War to require a return to the Government in case the corporation earns more than a reasonable return upon its bona fide investment will be in effect a regulation of the charges of the company as well as a source of revenue to the Government, because it will be one of the most important factors to be taken into consideration by the commissions mentioned in fixing the rates of service which the company may charge.

Doubtless the impression conveyed by this statement is that such "a regulation of the charges of the company" would tend to lower prices, because the Senator from Ohio would not dare to suggest that a regulation tending to raise prices would be desirable. How the levying of a tax on the production of water power can lower the price to purchasers is beyond my comprehension, and when the Senator from Ohio wrote that sentence he must have been contemplating the real practical effects or results of modern paper conservation. The practice and administration of conservation policies thus far has resulted uniformly in higher prices to the people. Our forests have been conserved and lumber has increased in price. Coal deposits have been conserved and the price of coal to consumers has steadily advanced, and, if the policy of this bill is carried out, the conservation of water power, as it contemplates, will result in increased prices to consumers.

But, it is said, "this power has been going to waste since the river began to run. We want to stop it." Well, stop it. It rests with those who favor this provision whether it shall continue or not. Cut it out and the bill will pass the Senate without a moment's delay. The dam will be built, navigation will be provided for, power will be developed, and waste will stop. All that is necessary is to omit this unwise and indefensible provision.

"But," it is said again, "the navigation of the river above and below should be improved. Navigation is a public right and a public benefit, and it is for the public interest to collect a charge to go into a fund to improve the navigation of the Connecticut River not only at the point where the dam is to be constructed but at other places above and below and in adjacent waters."

That sounds good. Many have been "buncoed" by similar suggestions. Propositions without merit are often bolstered up with the plea of the "public benefit." The people sometimes have been deceived by it. What does it mean in this case? The people who will consume this power will pay for the improvement of navigation in the river at the point where the dam is located and a reasonable profit on the investment. That is certain. They pay for an improvement that is a great benefit to them, it is true, but it is really a greater benefit to others who do not pay a cent of the cost. Shipping interests and localities far away upon whom none of the burdens fall get the greatest benefits from the navigation provided. We go far enough when we impose upon the people of this locality the burden of improving the navigation at this point, the principal benefit of which goes to the people below, people at a distance, and to the people of Holyoke and other points above. This would seem to be enough to the most exacting, but it is not. The Senator from Ohio and others insist that these people must pay an additional sum to provide a fund for the improvement of the river at other points and for the benefit of those who pay nothing. This can not be justified on any legal or moral ground. The cold, bare, naked proposition is to take from some people's pockets money and put it in some other people's pockets without any compensation on the plea that "it benefits the public." The Secretary of War, in his report on this bill, referring to the provision imposing this charge to be devoted to the interest of navigation, says: "With such a provision I am of the opinion that the bill is in the interest of the public." If the public benefits, is it not fair that the public should pay? Is this another proposition which, in the name of progress, reacts to the feudal days when might and power made right? It is contrary to the fundamental principle of every American State. No constitution of any State in the Union says that private property may be taken for the public use without compensation, and I doubt if there is a constitution that does not expressly say that private property shall not be taken for the public use without compensation. There is no justice, there is no merit in the plea that the people of one locality shall be made to contribute of their means for the benefit of the general public, while other localities not only do not contribute but enjoy the fruits of such a contribution. When we are held up at the point of a gun and our money taken from us we call it highway robbery. When we hold up a community by legislative enactment and take their money for the profit or advantage of others, we call it "a public benefit" or "conservation." Whatever you call it, however, the act is just as indefensible in the one case as in the other.

"But," says the Senator from Ohio and others, "this company is willing to pay these charges in order to get this legislation." Of course, it is. It knows that when it pays these charges to the Government it will collect them from its customers. It loses nothing by accepting this measure. This tax is no burden on it.

"But," they say, "the imposition of this charge is in the interest of conservation." How, when, where, why, and to whom? They do not say and can not. It conserves nothing. It promotes nothing. It lightens no burden. It prevents no waste and, if persisted in as a policy, it will encourage monopoly, continue waste, and enhance prices. It will promote monopoly by diminishing the number of power plants. It will continue waste by retarding development. It will enhance prices by increasing the cost of production and restricting competition.

This charge is to be fixed after ascertaining the profits of the company and making due allowance for all expenditures, and so forth. How are these profits to be ascertained? There is no provision in the bill in this respect. Under what authority and through what officers will the Secretary of War ascertain what the profits, expenditures, and so forth, of this company are? After the passage of this bill, is it expected that Congress will be asked to create a bureau and provide inspectors to investigate and ascertain these matters? If assent is given to the construction of dams in other parts of the country with this provision attached, the creation of such a bureau and the appointment of such inspectors will be the inevitable result. That is the real purpose behind this bill. That is the real motive behind those who are sedulously cultivating a public sentiment in favor of this class of legislation under the guise of "the public benefit." The expense of such a bureau would be great, and once established would simply add one more tentacle to the pernicious bureaucratic system that is taking possession or practically controlling governmental activities. Some seem to think that this bill gives the Government supervision and control over the affairs of the company, the issuance of stock, and so forth. Not so. There is nothing in the bill giving this power, even if it could be granted to any Federal official.

We are in favor of every provision within the authority of Congress in bills of this kind to protect and promote the interest of the people, and especially of the localities directly affected. We want our water powers conserved, developed, and used. We do not want them to be monopolized any more than is absolutely necessary by reason of the conditions under which they must be developed, and we want the power when developed to be sold to consumers at the very lowest possible rates. We want navigation interests fully protected, promoted, and conserved, and no strict construction of our constitutional power will be indulged in to prevent this. We will not stand in the

way of legislation which will fully protect the interests of navigation at the point to be improved. We will agree to all legislative provisions necessary to prevent monopoly and extortion. President Roosevelt, in his message vetoing the bill permitting the construction of a dam in Rainy River, laid down certain provisions which he thought legislation of this kind should contain. His message showed that his greatest fear was of a monopoly. That there is a monopoly in our water power now more or less far-reaching and more or less increasing in power and extent beyond the limits of a natural monopoly we have no reason to doubt, and I am willing, as I have said, to support all provisions which, in my judgment, will tend to curb and destroy monopoly.

I desire to say that President Roosevelt is entitled to a great deal of credit for his efforts in favor of imposing proper conditions upon grants of this kind. There are certain conditions that should be imposed. It was well, in order to bring this matter to the attention of the people, to bring it home to them, that he stopped the passage of bills not containing reasonable restrictions, so that the attention of the people should be riveted upon this question and a correct and wise solution worked out.

That is what we want to do on this bill, and that is what we can do and what we are willing to do. In his message on the Rainy River bill he concluded in this wise:

In place of the present haphazard policy of permanently alienating valuable public property we should substitute a definite policy along the following lines:

First. There should be a limited or carefully guarded grant in the nature of an option or opportunity afforded within reasonable time for development of plans and for execution of the project.

That is all provided for in the pending bill. That condition is complied with.

Second. Such a grant of concession should be accompanied in the act making the grant by a provision expressly making it the duty of the designated official to annul the grant if the work is not begun or plans are not carried out in accordance with the authority granted.

That provision is also complied with in the pending bill.

Third. It should also be the duty of some designated official to see to it that in approving the plans the maximum development of the navigation and power is assured or at least that in making the plans these may not be so developed as ultimately to interfere with the better utilization of the water or complete development of the power.

That condition is also complied with in the present bill and by the general law that is referred to and made a part of it.

Fifth. Provision should be made for the termination of the grant or privilege at a definite time, leaving to future generations the power or authority to renew or extend the concession in accordance with the conditions which may prevail at that time.

That condition is also complied with in this bill, although not exactly in the terms recommended by President Roosevelt. I myself would prefer an unconditional termination of the assent at a definite time, but the alleged majority seem to think that their provision in this regard is preferable, and I am willing to accept it. The committee reporting the bill deemed, after careful consideration, that it was wisest to provide for the renewal of the franchise, if it may be called such, without absolute termination as recommended by him.

Again he says:

Further reflection suggests a sixth condition, viz:

The license should be forfeited upon proof that the licensee has joined in any conspiracy or unlawful combination in restraint of trade, as is provided for grants of coal lands in Alaska by the act of May 28, 1908.

That provision is attempted to be complied with in this bill by making the right of assignment conditioned upon the approval of the Secretary of War. In order to make it more certain that monopoly will be prevented, I have offered an amendment which I propose to ask the Senate to vote upon, which is to be inserted after the word "otherwise," in line 18, on page 2, and reads as follows:

Provided further, That if at any time said Connecticut River Co., or its assigns, shall be owned or controlled by any device, permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that it shall form a part of, or in any way effect any combination, or be in anywise controlled by any combination in the form of an unlawful trust, or enter into any contract or conspiracy in restraint of trade in the production, development, generation, transmission, or sale of any power or electrical energy, then the permit herein granted may be forfeited and canceled by the Secretary of War through appropriate proceedings instituted for that purpose in the courts of the United States.

It seems to me that, with the adoption of that amendment, the recommendations of President Roosevelt would be fully complied with in this respect.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. I do.

Mr. BURTON. Has Congress ever inserted a similar provision to that in any bill granting a privilege?

Mr. JONES. I do not see why that makes any difference. If we have not done so, it is time to do it now.

Mr. BURTON. We have had frequently before us propositions to incorporate in tariff bills provisions to the effect that if in any industry there should be a combination or trust the duty on the article involved should be withdrawn. And has not Congress invariably refused to insert such a provision?

Mr. JONES. There is no argument against the adoption of the proposition in this case.

Mr. BURTON. Is it not a fair and just way to leave the execution of the antitrust law to the courts under general regulation, without seeking in this way to bring about their execution, making one rule in one case and another rule for all the rest of the country in every other form of enterprise?

Mr. JONES. That same question might be asked with reference to some of the other provisions of this bill. There are new provisions in the proposed bill. You ask for a policy not applied to other interests. Why not leave them out? Why not follow the same course as heretofore in regard to these matters?

We are willing and anxious to prevent the evils complained of and feared, but we propose to do it in an effective way, and not by an ineffective provision that can result in nothing but a burden on the people.

Mr. THOMAS. Mr. President.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. Certainly.

Mr. THOMAS. I notice that the proposed amendment provides that, under the conditions which are recited, the franchise may be forfeited. Why not insert the word "shall" as a substitute for the word "may"?

Mr. JONES. I would be perfectly satisfied to do that.

Mr. THOMAS. So as to make it mandatory upon the Secretary of War to proceed under those circumstances.

Mr. JONES. That will be agreeable to me, and I shall modify my amendment to that effect. That will more certainly effect the purpose I desire. Then I desire to suggest to the Senator from Ohio [Mr. BURTON] that if that provision were adopted in this bill, it should be adopted, of course, in every bill of a similar character, so as to apply throughout the country everywhere.

I am going to suggest in my remarks a little further on, but I mention it right here, that I think we ought to frame a general legislative act embodying all the provisions of this bill except the proposition to make an annual charge, and put in it a proposition like this to prevent monopolies. Then we would have a good law under which people could come and ask for these permits and develop power all over the country. I will also suggest to the Senator from Ohio that that very provision, almost word for word, was inserted in the coal-land laws of Alaska, so that it is not entirely without precedent.

Mr. President, I have not read the fourth recommendation of President Roosevelt. We have complied in this bill with every proposition that he recommends in order to prevent monopoly, in order to bring about conservation, in order to have good legislation for the control of these water powers, except the fourth. The fourth proposition reads like this:

Fourth. There should be a license fee or charge which, though small or normal at the outset, can in the future be adjusted so as to secure control in the interest of the public.

I have already shown the principal reasons why I do not think that proposition should be put in the bill, and why I do not think that it would be really in the interest of the public, or, if it should be in the interest of the public, that it is right to impose a burden of that kind upon a particular locality, which must be for the benefit of localities and people not paying the charges. Anything that is in the interest of the general public should be paid for and discharged by the general public. I am satisfied that if President Roosevelt would consider this proposition from every angle he would not insist upon a proposition of this character. While he may be positive in his opinions, he never hesitates to change his views when he finds he is wrong.

Mr. President, we who oppose the provision for an annual charge are not in favor of giving the consent of Congress to the building of this dam unconditionally, as some allege. We are in favor of requiring the work to be commenced within a certain time. We are in favor of having it completed by a definite time. We are in favor of requiring the dam and locks to be built in accordance with plans to be approved by the War Department and that such dam and locks shall be sufficient not only for the present but for all prospective navigation needs. We are in favor of requiring the lock or locks to be turned over to the Federal Government free of cost. We are in favor of requiring the gates of the locks and such electrical power as may be necessary to light and operate the same to be furnished free. We are in favor of no assignment of the rights of the company, except under the approval of the Secre-

tary of War or under the decree of a court of competent jurisdiction. We are in favor of a strong legislative provision against this company or its property becoming a part of any conspiracy or combination, or its being controlled in any way so as to operate or be used in restraint of trade. We are in favor of such permits being granted only when and where there are effective local agencies to regulate the prices to be charged, so that consumers of power may have to pay only just and reasonable rates, and that the Interstate Commerce Commission shall have authority over the rates charged for interstate power. These conditions are all clearly within the power and right of the Federal Government to impose. They are all in the interests of the public and place no unnecessary burdens on consumers. Adopt such a policy, pass such a law as a model for such future legislation, and you secure real conservation that will benefit the public and not enrich the "special interests." With such a measure waste will cease, navigation will be promoted, monopoly will be prevented, the public will secure power at just and reasonable rates, and all the objects and purposes of real conservation will be accomplished, and that too without any unnecessary attacks upon consumption.

Mr. President, I am not going to discuss the legal questions concerned with this matter at any length. This has already been fully done. The real question of the right of the Federal Government to exact a charge for the power developed by the construction of a dam after navigation has been fully protected by a company at its own expense and on its own lands has never been presented to the courts. Those cases relied upon as substantiating this right are not at all in point. In neither of them was the commerce clause of the Constitution involved or mentioned, but each was decided upon the particular facts of the case.

In Kaukauna Water Power Co. *v.* Green Bay & Mississippi Canal Co. (142 U. S., 254) a grant of land had been made to the State of Wisconsin by the Federal Government for the improvement of navigation in the Fox River. The State had accepted the grant and passed an act for the improvement of the river. It acquired, by appropriate proceedings, the necessary lands, waters, or materials for the use of the public in the construction of the necessary improvements and paid for the same. In the act passed by the Legislature of the State of Wisconsin it was provided that—

> Whenever a water power shall be created by reason of any dam erected or other improvement made on any of said rivers, such water power shall belong to the State, subject to the future action of the legislature.

The sole question in this case, as stated by Mr. Justice Brown, was "whether the act of the Legislature of Wisconsin of August 8, 1848, reserving to the State the water power created by the erection of the dam over the Fox River, as construed by the supreme court of the State, and the proceedings thereunder, operate to deprive the plaintiffs in error of their property without due process of law." The powers of the Federal Government were not involved in any way.

Green Bay & Mississippi Canal Co. *v.* Patten Paper Co. (172 U. S., 58), the other case relied upon, grew out of the same facts and did not involve the consideration of the construction of the commerce clause of the Constitution. The case rested and was decided upon the grants and contracts connected with it. The syllabus states the basis for the decision very clearly, as follows:

> Under the legislation and contracts set forth in the opinion of the court in this case the water power incidentally created by the erection and maintenance of the dam and canal for the purpose of navigation in Fox River is subject to control and appropriation by the United States, and the plaintiff in error is possessed of whatever rights to the use of this incidental water power that could be granted by the United States.

In this case the United States made certain grants to the State of Wisconsin for the improvement of navigation in Fox River. The State accepted the grant and undertook the improvement, and in its legislative act provided that—

> Whenever a water power shall be created by reason of any dam erected or other improvement made on any of said rivers, such water power shall belong to the State, subject to the future action of the legislature.

The right of the State to make this reservation was not questioned. In 1853 the State, by appropriate legislation, granted and transferred to a certain company the uncompleted works of improvement and "all and singular the rights of way, dams, locks, canals, water power, and other appurtenances." Evidently this water power, not by force of the commerce clause of the Constitution but by direct grant, became the property of the United States and, of course, was subject to disposition by it, as by any other owner. The court, by Justice Shiras, said:

> Whether the water power incidentally created by the erection and maintenance of the dam and canal for the purpose of navigation in Fox River is subject to control and appropriation by the United States, owning and operating those public works, or by the State of Wisconsin, within whose limits Fox River lies, is the decisive question in this case.

Does the court proceed to consider this question and decide it on the powers given to the United States by the commerce clause of the Constitution? Not at all. But the court says:

> Upon the undisputed facts contained in the record we think it clear that the canal company is possessed of whatever rights to the use of this incidental water power that could be validly granted by the United States.

What the United States could grant depended not upon the commerce clause of the Constitution but "upon the undisputed facts contained in the record." What were the facts in the record? By what right would the United States control these water-power privileges? This is clearly stated by the court as follows:

> And, subsequently, by act of March 23, 1871, the State authorized the Green Bay & Mississippi Canal Co., which had become the owner of the entire improvement works, lands, and water powers by purchase at the foreclosure sale, to sell and dispose of the same to the United States.

And, in the opinion of the court, this, in effect, was done. The court said:

> The legal effect and import of the sale and conveyance by the canal company were to vest absolute ownership in the improvement and appurtenances in the United States, which proprietary rights thereby became added to the jurisdiction and control that the United States possessed over the Fox River as a navigable water.

Could anything be clearer? The court recognized the right to these waters and water powers as a proprietary right. As a proprietor and owner by actual grant and purchase, of course the United States could deal with them as it saw best, and it was by virtue of this proprietary right and not because of its powers under the commerce clause that the United States did deal with them.

That the only right which the Federal Government has in the Connecticut River is the right to control, protect, and promote navigation is settled by direct decision of the Supreme Court, and that all other rights or property in said stream are subject only to the State laws and State control is equally well settled by a long line of decisions.

In Pollard's Lessee *v* Hagan et al., (3 How., 212) the court says:

> Although this is the first time we have been called upon to draw the line that separates the sovereignty and jurisdiction of the Government of the Union and the State governments over the subject in controversy, many of the principles which enter into and form the elements of the question have been settled by previous well-considered decisions of this court, to which we shall have occasion to refer in the course of this investigation.

After discussing conditions and the powers of the Federal Government while Alabama was a Territory, the court says:

> And this brings us to the examination of the question whether Alabama is entitled to the shores of the navigable waters and the soils under them within her limits.

After discussing the source of title of the United States to the lands embraced in the proposed State of Alabama and the right by the United States acquired thereunder, the court says:

> Alabama is therefore entitled to the sovereignty and jurisdiction over all the territory within her limits, subject to the common law, to the same extent that Georgia possessed it before she ceded it to the United States. To maintain any other doctrine is to deny that Alabama has been admitted into the Union on an equal footing with the original States, the Constitution, laws, and compact to the contrary notwithstanding. But her rights of sovereignty and jurisdiction are not governed by the common law of England as it prevailed in the colonies before the Revolution, but as modified by our own institutions. In the case of Martin and others *v.* Waddell (16 Pet., 410), the present Chief Justice, in delivering the opinion of the court, said: "When the Revolution took place, the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable water and the soils under them for their own common use, subject only to the rights since surrendered by the Constitution." Then, to Alabama belong the navigable waters and soils under them in controversy in this case, subject to the rights surrendered by the Constitution to the United States; and no compact that might be made between her and the United States could diminish or enlarge these rights.

The court closes its opinion as follows:

> By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States, respectively.

Shively *v.* Bowlby (152 U. S., 1) discusses at great length the rights of the State and of the Federal Government in navigable waters, and distinguishes various decisions rendered by the court. The court, at page 48, says:

> We can not doubt, therefore, that Congress has the power to make grants of lands below high-water mark of navigable waters in any territory of the United States whenever it becomes necessary to do so in order to perform international obligations or to effect the improvement of such lands for the promotion and convenience of commerce with foreign nations and among the several States or to carry out other public purposes appropriate to the objects for which the United States hold the Territory.

After thus asserting the power of the Federal Government over the property in a territory the court says:

IX. But Congress has never undertaken by general laws to dispose of such lands. And the reasons are not far to seek.

The Congress of the United States in disposing of the public lands has constantly acted upon the theory that those lands, whether in the interior or on the coast above high-water mark, may be taken up by actual occupants in order to encourage the settlement of the country; but that the navigable waters and the soils under them, whether within or above the ebb and flow of the tide, shall be and remain public highways; and, being chiefly valuable for the public purposes of commerce, navigation and fishery, and for the improvements necessary to secure and promote those purposes, shall not be granted away during the period of territorial government, but unless in case of some international duty or public exigency shall be held by the United States in trust for the future States, and shall vest in the several States, when organized and admitted into the Union, with all the powers and prerogatives appertaining to the older States in regard to such waters and soils within their respective jurisdictions; in short, shall not be disposed of piecemeal to individuals as private property, but shall be held as a whole for the purpose of being ultimately administered and dealt with for the public benefit by the State after it shall have become a completely organized community.

On page 58 the court continues as follows:

The United States, while they hold the country as a Territory, having all the powers both of national and of municipal government, may grant, for appropriate purposes, titles or rights in the soil below high-water mark of tidewaters. But they have never done so by general laws, and, unless in some case of international duty or public exigency, have acted upon the policy, as most in accordance with the interest of the people and with the object for which the Territories were acquired, of leaving the administration and disposition of the sovereign rights in navigable waters and in the soil under them to the control of the States, respectively, when organized and admitted into the Union.

Mr. President, the policy that we may adopt and provide for in this bill ought to be such that it can be applied to all sections of the country. We are required to determine what shall be the policy of Congress with reference to grants of this kind. We ought to do it. We ought to adopt such a policy as will permit the development of water power all over the country for the people's benefit. There are water powers all over the United States that are waiting for development, that ought to be developed, that ought to be made to benefit and serve the interests of the people of the country. No other section of the country is more interested in a wise, fair, and equitable decision of this question than the section of the country that I in part represent.

It is estimated that upon the Columbia River and its tributaries there can be developed twenty-five or thirty million horsepower five times as much horsepower as is now developed and in use in the entire United States. So the policy that we are to adopt with reference to this development is an important one to us. This is one reason why I am opposed to the imposition of this charge, because I think that it is unwise, that it is unfair, that it is unjust, that it is inequitable, and that it can not be justified upon any basis whatever when the interests of the consumers are considered; and they, really, are the only ones in whom I am especially interested.

I believe the people of my State are better able than anybody else to determine what shall be just, fair, and reasonable rates to be charged for power developed in my State. They know the situation. They know the local conditions. They know the surroundings. We believe we can say what is a fair, just, and reasonable charge better than the people of any other section of the Union. To take any other position is to assume that our people are not so capable of looking after their own affairs as some one else who knows nothing of local conditions. I deny this most emphatically. We have provided ample means for the protection of our people from exorbitant charges. We have provided for a public-utilities commission. I desire to put in the RECORD, and I desire to read to the Senate, the provisions of our law enumerating the powers that we have given to the public-utilities commission over matters of this kind, and the law speaks for itself and needs no statement from me as to its efficiency.

Article 6 of chapter 117 of the session laws of 1911, providing for a public service commission, defines the powers of the commission in relation to public service companies:

SEC. 54. Charges and service of gas companies, electrical and water companies to be fixed by commission.

Whenever the commission shall find, after a hearing had upon its own motion, or upon complaint as herein provided, that the rates or charges demanded, exacted, charged, or collected by any gas company, electrical company, or water company for gas, electricity, or water, or in connection therewith, or that the rules, regulations, practices, or contracts affecting such rates or charges are unjust, unreasonable, unjustly discriminatory or unduly preferential, or in any wise in violation of the provisions of the law, or that such rates or charges are insufficient to yield a reasonable compensation for the service rendered, the commission shall determine the just, reasonable, or sufficient rates, charges, regulations, practices, or contracts to be thereafter observed and enforced, and shall fix the same by order, as hereinafter provided.

Whenever the commission shall find, after such hearing, that the illuminating or heating power, purity or pressure of gas, the efficiency of electric lamp supply, the voltage of the current supplied for light, heat, or power, or the purity, volume, and pressure of water supplied by any gas company, electrical company, or water company, as the case may be, is insufficient, impure, inadequate, or inefficient, it shall order such improvement in the manufacture, distribution, or supply of gas, in the manufacture, transmission, or supply of electricity, or in the storage, distribution, or supply of water, or in the methods employed by such gas company, electrical company, or water company as will in its judgment be efficient, adequate, just, and reasonable.

Whenever the commission shall find, after hearing, that any rules, regulations, measurements, or the standard thereof, practices, acts, or services of any such gas company, electrical company, or water company are unjust, unreasonable, improper, insufficient, inefficient, or inadequate, or that any service which may be reasonably demanded is not furnished, the commission shall fix the reasonable rules, regulations, measurements, or the standard thereof, practices, acts, or services to be thereafter furnished, imposed, observed, and followed, and shall fix the same by order or rule, as hereinafter provided.

Mr. President, we do not desire to have a policy adopted in the passage of this bill which will be applied to our section of the country and will interfere with the rights and powers and jurisdiction of our public-service commission. We believe this commission can fully protect the consumers, the people who buy water power, from extortionate, unfair, unjust, and unreasonable charges. We are ready and willing to join hands with our friends from Connecticut and put into this bill the necessary language to make reasonable and full provision for navigation, if you please, at the locality to be benefited. We are ready and willing to join with them in putting into the bill every provision that is necessary to prevent monopoly. Then we think we can trust the local body, the local organization, to see that the people—and they are the ones in whom we are really interested; their welfare is really the welfare that is to be conserved by the passage of this legislation—shall get their water power and their electrical power at fair, just, and reasonable rates. I am willing to go this far with reference to this bill. I am willing to make it within the power of the Secretary of War to refuse a permit until it is clearly shown that the local authorities have ample legislative power and have provided the necessary State agencies to protect the people of the State, the people of the locality, against extortion. What more can anyone ask? What good purpose can be served by any other provision? Mr. President, I am heartily in favor of real conservation, but I am unalterably opposed to unnecessary and unjust taxation.

Mr. O'GORMAN. Mr. President, much of the discussion in relation to the pending bill has been devoted to a consideration of public policy rather than to a careful appreciation of the limitations and restraints imposed upon the National Government by the Constitution. I am opposed to the bill, because it recognizes a principle that can not be supported by any provision of the Constitution.

Prior to the Revolution the Crown of England owned the waters of the Connecticut River and the soil thereof. At the time of the Revolution, when Connecticut became an independent State, it succeeded to the rights theretofore possessed by the King of England. The State of Connecticut became the owner of the Connecticut River and the soil and bed of the stream. It had absolute power and dominion over the river and the soil of the stream. This was so held by Chief Justice Taney in Martin *v.* Waddell (16 Peters, 367). When the Constitution of 1787 was adopted, Connecticut, in common with the other States, conferred upon the Federal Government certain enumerated powers and authorities. The only power conferred upon the Federal Government at the time of the adoption of the Constitution, so far as it affected the ownership and dominion of the rivers in the various independent States, as they then were, was the so-called "commerce clause" of the Constitution, which provided that the Congress should have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

It is now claimed by the advocates of this obnoxious measure that when the thirteen independent States, sovereign in their ownership of the various rivers, conferred upon the Federal Union the right to regulate commerce with foreign nations and among the several States the States practically surrendered the sovereign powers that they were then exercising over their own rivers; because if the views of those who defend this legislation are followed to a logical conclusion, the States exercise no rights in the rivers of the country which the Federal Government is bound to respect.

Under this language of the Constitution, empowering the Federal Government to regulate interstate commerce, the courts from time to time declared that the Federal Government had the right to do whatever it considered necessary for the purpose of promoting the navigability of the streams and the rivers, but that is the only authority that may be invoked by the Federal Government respecting this subject. The Federal Government has had conferred upon it the naked power to go into any river and do what it deems essential for the purpose of promoting the navigability of the river.

Mark you, that is simply a power to do a specific thing. It is a mere easement and has been so declared by the Supreme Court. The advocates of this measure insist that the naked power to do a specific thing carries with it practically an appropriation of property rights—a conclusion that can not be indulged in without doing violence to simple, plain, and unambiguous language.

The claim, in brief, is made that if, as an incident of the improvement the Federal Government may make in promoting the navigation of a river, a surplus water power is created, that water power so created belongs to the Federal Government and may be leased or sold or made a source of revenue to the Government. That is an absolutely erroneous theory, which first found support in the careless reading of two decisions of the Supreme Court of the United States—Kaukauna *v.* Green Bay (142 U. S., 254) and Green Bay *v.* Patten (172 U. S., 58). Certain Senators persist in their error, notwithstanding the fact that their attention has been called to the circumstance that when the Supreme Court held in the Wisconsin cases that the Federal Government had a right to the excess water power created as an incident of the improvement, the ruling was based upon an express grant from the State of Wisconsin to the Federal Government, and not because of any rights believed to be secured under the commerce clause.

In the case of Illinois *v.* People (146 U. S. Sup. Ct. Repts.) the court said:

> It is the settled rule of this country that the ownership of and dominion and sovereignty over lands covered by tidewaters within the limits of the several States belong to the respective States within which they are found, and with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interest of the public in the waters, and subject always to the paramount right of Congress to control their navigation, so far as may be necessary for the regulation of commerce with foreign nations and among the States. This doctrine has often been announced by this court, and is not questioned by counsel of any of the parties.

The contention has been urged upon us during this discussion that notwithstanding the constitutional restraints the time has arrived when the Federal Government should have control of the disposition of these valuable water powers of the country. But with respect to that I should like to call attention to the views of the Supreme Court in the case of Kansas *v.* Colorado (206 U. S., p. 46), where it is said:

> The Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States, and in that alone; that the manifest purpose of the tenth amendment to the Constitution is to put beyond dispute the proposition that all powers not granted are reserved to the people; and that if in the changes of the years further powers ought to be possessed by Congress they must be obtained by a new grant from the people. While Congress has general legislative jurisdiction over the Territories, and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State, except to preserve or improve the navigability of a stream; that the full control over those waters is, subject to the exception named, vested in the State.

In United States *v.* Rio Grande (174 U. S., 709), Mr. Justice Brewer, alluding to the limited and restricted function of the National Government in relation to navigation, said:

> The Hudson River runs within the limits of the State of New York. It is a navigable stream and a part of the navigable waters of the United States, so far at least as from Albany southward. One of the streams which flows into it and contributes to the volume of its waters is the Croton River, a nonnavigable stream. Its waters are taken by the State of New York for domestic uses in the city of New York. Unquestionably the State of New York has a right to appropriate its waters, and the United States may not question such appropriation, unless thereby the navigability of the Hudson be disturbed.

These authorities establish the proposition that the ownership of the waters and soil of navigable streams is in the State, and that the Federal Government has no right or power to interfere with the State's property except for the purpose of preserving or improving the navigability of a river. The surplus water or power produced as an incident to the public improvement made by the Government in aid of navigation belongs to the State. Under the commerce clause the Government acquires no title or property interest whatever in the river or bed thereof. The Constitution confers a naked power to regulate commerce; nothing more. The title of the State remains unimpaired, both as to the water and as to the soil. There is no power expressed or implied in the Constitution justifying the claim that the Federal Government may appropriate such surplus water or power. The assertion of such a right would constitute an interference with and confiscation of the property of the State by the Federal Government. The State is the owner of its natural resources, and, within its properly reserved power, has an absolute right to make use of its property, including the water power of its rivers, subject only to the limitation that it can not impede commerce and navigation.

The right of the Government to sell or lease its own property does not justify this attempted appropriation of the property of a State. Section 3, Article IV, of the Constitution is a grant of power to the United States of control over its own property, but what belongs to the State can not be the property of the Federal Government.

The United States is not authorized by any of the enumerated powers to engage in the business of manufacturing, transmitting, or selling electrical power, whether at cost or for a profit; and the commerce clause was never designed to permit the Federal Government to secure revenue or profit as an incident to the promotion of the facilities of navigation.

Federal expenditures must be reimbursed exclusively through taxation. The function of taxation is to secure sufficient money to perform the delegated governmental functions. This power was limited by section 8, Article I, as follows:

> The Congress shall have the power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

The Constitution merely permits regulation in the interest of navigation and commerce by the Federal Government. Regulation does not mean appropriation or confiscation of the rights of a State in its natural resources.

The contention in favor of the right of the Federal Government to lease the excess water power is without authority or reason to sustain it. Kaukauna Co. *v.* Green Bay (142 U. S., 254) and Green Bay Co. *v.* Patten (172 U. S., 58) are not in point and do not support the proposition. The commerce clause was not involved in either case. In the former case the controversy arose between a State and a riparian owner, and in the latter case the right of the Federal Government grew out of a grant and was not based upon the commerce clause.

The claim is made that the Government's improvement creates the excess power, but the fact is that the water that produces the power concededly belongs to the State, and the only effect of the improvement by the Government is to enlarge the potentiality of the State's water at the point of improvement.

The Government has no more right to claim ownership of the increase of the water than the State or a riparian owner would have to require the Government to make compensation for impairment of the stream at other points resulting from the improvement. Where depreciation is necessarily caused by the improvement for navigation the State must bear the loss; where appreciation results from the improvement the State is entitled to the gain. In either case the property affected belongs to the State. As we have seen, the title of the State includes the water as well as the bed of the rivers. The right of the State, under its title, to appropriate the water, subject only to the power of the Government under the commerce clause, is recognized by the cases cited, and the State's title necessarily excludes dominion over its waters by the Government except for the single purpose above indicated. The Government may improve navigation; it can not confiscate the property of the State.

It is claimed that as the power of the Government can be granted or withheld, the Government has the right to impose conditions upon the grant. I can not approve of that extraordinary proposition. Every function delegated to the Government presumably is to be exercised in good faith. The States granted this power to the Federal Government, assuming that it would be used for the legitimate promotion of commerce, and, as an incident to that, for the promotion of the navigability of the several streams and rivers.

It has been said here within the last day or two that this right, now possessed by the Federal Government, is so complete that there is no power elsewhere; there is no power in the courts to coerce the Federal Government to assent to the building of a dam in a river, and that, inasmuch as that power remains in the Government, it may impose any condition, however onerous, however foreign to the expectations of the fathers of the Republic, who drafted the Constitution; and in that connection it is claimed that it has a perfect right to utilize these surplus waters for the purpose of creating a revenue with which to meet the expensé that the Government incurs in making the particular improvement. But that contention is made in disregard of the express provision in the Constitution that the revenue to meet public expenditures is to be raised in a way specifically pointed out in that instrument.

We hear very much in these days of the usurpation of power by the Federal Government. When the general dam acts were passed by Congress in 1906 and 1910 they contained provisions which involved a clear usurpation of power, and they should be repealed at once. The Government undertook by that legislation to withhold its consent to reasonable and salutary measures looking to the promotion of commerce, unless it were permitted to secure a revenue in a method never contemplated by the Constitution nor by those who drafted that instrument.

I am not much concerned about the pending bill, further than that it gives recognition to what I conceive to be a vicious principle. If there is any general sentiment throughout the country that the functions of the Federal Government should be enlarged with respect to the water powers of the land, let the right be conferred upon the Federal Government in a legitimate way. Let the Constitution be amended, and, if the States are willing to surrender more of their reserved powers, let the States do so. But until this change is brought about in a constitutional method, I believe it is the duty of every Senator to resist these encroachments, insidiously made, upon the reserved rights of the States. If the Federal Government is permitted, in disregard of constitutional restraints, to take property from the States, where will its operations stop? If it may appropriate and engage in the sale of electrical power belonging to a State, as was said the other day by the Senator from Colorado [Mr. THOMAS], why may it not go further and operate a trolley system or a manufacturing plant or do other things in disregard of the limitations of the Constitution?

The greatest security against encroachments upon the rights of the people is to be found in confining the Federal Government to the powers specifically granted in the Constitution. This bill can not be adopted, as it is proposed, without doing violence to the organic law of the land, and without doing a lasting injury to the State of Connecticut as well as to every other State in the Union.

Mr. McLEAN obtained the floor.

Mr. BRANDEGEE. We are approaching so near the hour at which we agreed to take the vote that I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Connecticut suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Simmons
Bacon	Dillingham	McCumber	Smith, Ariz.
Bankhead	du Pont	McLean	Smith, Ga.
Borah	Fall	Martin, Va.	Smith, Md.
Bourne	Fletcher	Martine, N. J.	Smith, S. C.
Brady	Foster	Nelson	Smoot
Brandegee	Gallinger	O'Gorman	Stephenson
Bristow	Gardner	Oliver	Stone
Burnham	Gore	Overman	Swanson
Burton	Gronna	Page	Thomas
Catron	Guggenheim	Paynter	Thornton
Chamberlain	Jackson	Percy	Tillman
Clapp	Johnson, Me.	Perkins	Townsend
Clark, Wyo.	Johnston, Ala.	Poindexter	Warren
Clarke, Ark.	Jones	Pomerene	Webb
Crane	Kenyon	Richardson	Works
Crawford	Kern	Root	
Culberson	Lea	Sheppard	
Cullom	Lippitt	Shively	

The PRESIDENT pro tempore. On the call of the roll of the Senate 73 Senators have answered to their names. A quorum of the Senate is present. The Senator from Connecticut will proceed.

Mr. McLEAN. The amendment which I offered this morning could not be printed in time for Senators to read it. I ask that it be read again.

The PRESIDENT pro tempore. The amendment will be again read.

The SECRETARY. Add at the end of section 1 the following additional proviso:

And provided further, That if said company shall neglect or refuse to pay any charge or return demanded of said corporation by the Secretary of War, either by order or under any contract, and such neglect or refusal is based on the ground that said charge or return is invalid or unconstitutional and not within the power of Congress to require, such neglect or refusal on the part of the company shall not affect the rights of said company to hold and exercise all the powers, rights, and privileges granted in this act and in any suit brought against said corporation for the collection of said charge or return the said corporation shall have the right to enter its proper plea to test the constitutionality or validity of said charge or return, and the courts shall take cognizance of the same, and nothing in this section shall be understood as committing the Government to a policy of imposing or not imposing such charges or returns as are herein described from any other company or corporation seeking the assent of Congress under like or similar circumstances.

Mr. McLEAN. Mr. President, before this measure is lowered or raised to its last resting place I should like to make a few remarks as the nearest friend of the victim in a geographical sense. In a material way I have no further interest in this question than that of my fellow citizens in general, but in view of the fact that my home is close to the spot where this dam will be built, or would be built but for the fact that the surplus water would wash away State sovereignty and incidentally undermine the foundation of the Constitution itself, I am persuaded that it is my duty to call the attention of the Senate to the real character of the about-to-be deceased.

I believe that if the Senators who have opposed this measure lived where I do they would realize that it is sometimes wise and sometimes profitable to meet conditions and their demands rather than take counsel of speculation and improbability.

First, I wish to call the attention of the Senate to the fact that the precise question presented by this measure is susceptible of two answers. We can pass the bill authorizing the development of this water power subject to the condition imposed by the executive department, which we will say is a confiscation of an infinitesimal part of the net income, or we can defeat this measure and in that way, to use a western term, we can confiscate the whole proposition.

I think I can safely assume that no Senator wants to subscribe to the policy of preventing the creation of wealth in this country. We would have no respect for a government that prevented the development of its natural resources through fear that when developed they could not be controlled.

I do not believe it is necessary, Mr. President, for this Government to wrap its latent wealth in the napkin of congressional impotency, through fear that the State or the Nation will reap where it has not sown.

The first section of the bill presents a solemn legal question. It is a question that has been discussed on the floor of the Senate for nearly a week. The Senator from Washington [Mr. JONES], who preceded the junior Senator from New York [Mr. O'GORMAN], a few minutes ago declared that he would not discuss the legal question involved, because no case presenting a similar condition of facts had ever been presented to the Supreme Court. The Senator from New York who preceded me began his remarks this afternoon with the statement that the bill had been discussed for many days upon the theory that the policy involved was objectionable, but that he wished to call the attention of the Senate at this late hour to the fact that the bill is offensive to the Constitution, and the Senator from New York is absolutely certain that the question presented by this bill has been determined by the Supreme Court.

So, Mr. President, it has been debated for nearly a week, with almost as many opinions as there have been debates. A few days ago two Senators of great learning in constitutional law cited precisely the same case in defense of diametrically opposed conclusions.

It seems to me it must be evident that the question, and the real question, which we must have decided before we can legislate intelligently upon this question at all must be answered by the Supreme Court of the United States, and until that question is answered by the Supreme Court the situation will present to Congress a condition full of doubt, full of trouble, and full of loss, not only to the people of Connecticut, but to the people of every other State in the Union.

I think it is clear that unless we find a way out for this measure Congress will have put an end to the development of water powers in this country. This question has been agitated for years; commissions have been appointed, composed of able lawyers; reports have been received full of valuable data, maps, and so forth, and nothing has been done.

The Senator from Ohio [Mr. BURTON] and the Senator from Nevada [Mr. NEWLANDS] have presented unanswerable arguments why Congress should lose no time in dealing with this question in an intelligent and effective way in conjunction with the several States.

It is my belief, Mr President, that where the State authorities are satisfied and have granted full authority to the capital interested, where the representatives of that State in Congress are satisfied with the proposed plan, when the individuals who are to furnish the capital are satisfied, the least that Congress can do is to find some way whereby the question will be decided which must be decided before we can agree upon a general law that will lead to a final disposition of this important question. I repeat, it is evident that the question involved is one that the Supreme Court alone can answer, and it is for this reason that the amendment I have offered should be adopted. Many valuable suggestions have been made in relation to this measure by the opposition. It is not necessary for me to disagree with anyone in appealing for a reprieve of this measure, and it is not necessary for any Senator here to disagree with me so far as the real, vital question is concerned.

The Senator from Minnesota [Mr. NELSON] presented objections to this measure because he disapproved the extension of the powers of administrative officers. He will remember that in this case we are dealing not with a Secretary of War but with the President of the United States, who we all know has a very intimate connection with legislation. We know that it is his duty to examine every bill that comes before Congress and return it with his disapproval if it seems to be his duty. It appears to me that we must solve this question upon some other basis than the one which requires a two-thirds vote of both Houses of Congress in order to be successful.

The Senator from California [Mr. WORKS] and the Senator from Idaho [Mr. BORAH] object to the bill because, as they claim, it is possible that the charge imposed may be put upon the ultimate consumer. Mr. President, the situation is that the people who live within the circuit of this proposed development of power want cheap power; they want cheap heat and cheap light; and it can not be contended that the development of 30,000 additional horsepower within 20 miles of 250,000 people, close to Hartford, can increase the present price of heat or power. If it has any effect at all, it must render it cheaper.

The people of Connecticut do not care whether they buy power of the United States Government or of the State of Connecticut or of an individual. What they want is cheaper heat and light and power; and it must be clear that they have everything to gain and nothing to lose if the bill passes, no matter whether the tax goes to the State of Connecticut in the first instance and is expended upon the highways or goes into the Treasury of the United States and is expended in improving navigation in the Connecticut River. In no event can it result in anything but an improvement in present conditions there.

And so we come right back to the real trouble. No matter from what angle we view this important subject, we shall never be in a position where we can draw a bill that will get more than 10 votes in this body until we know whether the tax proposed offends the Constitution or not. Congress can answer this question to-day, and it may find to-morrow that it has answered it incorrectly.

I am a firm believer in State rights; but, Mr. President, I believe in a government by brains and not boundary lines. I do not believe that any citizen of the United States should suffer an irreparable financial loss on account of the fact that he is also a citizen of a State, and I do not believe that a citizen of a State should suffer irreparable loss on account of the fact that he is also a citizen of the United States.

I think it will be utterly impossible for us to get an intelligent and effective solution of this problem until a case is presented to the Supreme Court which involves the critical issue which has been discussed here for more than a week. I believe that every Member of this body would vote for this bill but for the unfortunate precedent that they feel would be established. I do not think that the other objections to the bill which have been raised would be considered important factors enough to prevent the passage of the bill, but for the fear that it will operate as a precedent which Congress will be under obligation to follow in some other State.

Mr. President, if we attach a protest to this bill, such as is embodied in my amendment, a declaration that our purpose in approving the bill is not to establish a precedent that is to be followed in other States, but precisely the contrary, a declaration that we will pass this bill because we want to know what can be done by Congress without offending the Constitution, I can not conceive of any avenue that will lead to a final settlement of this question except the one that is pointed out to us by the only authority which can tell us what the Constitution means, namely, the Supreme Court.

There is another Senator who wishes to discuss this question, and while I might add many reasons to those already stated——

Mr. CLAPP. I would desire a moment before 4 o'clock, if the Senator could accommodate himself to my desire.

Mr. McLEAN. I only desire to make my point clear. I think in the future precisely the same political conditions will arise that are here to-day. We shall have the same shades of opinion, if we consign this bill to the grave, coming up next year and the year after—one Senator in favor of a general proposition because it goes a certain distance in one direction; his colleague opposed to it for that very reason; another Senator opposed to certain provisions because they go too far in another direction—and so between these extremes of opinion you will have as many shades as there are men debating the question, just as you have them to-day and have had them here for a week.

The precedents we can establish to-day are two. We can pass the bill, relying upon the fact that 100,000,000 sovereign people will be able later on to remove the obligations in this bill if they think it is unjust; and we can start the machinery to-day, and the only machinery that can be started, which will put us in a position where we can solve this problem later on; and it is a very important question. We can not tell without experience how it will or can be solved intelligently and economically, and we can not tell without the opinion of the Supreme Court what lines we can take or can not take under the Constitution.

We know that we have hardly ascended the foothills of the ranges that lie above and beyond us in the improvement of hydroelectric power. It is something that means millions upon millions of dollars to the people of this country. It seems to me that it would be wise to begin, if possible, and begin now, to put Congress in a position where, without any further delay, we can act in a way that will not prevent longer the development of the natural resources of this country as exemplified by the developed water power.

I wish to give notice that I shall offer the amendment which I have proposed in the nature of a substitute to the amendment offered by the Senator from Alabama [Mr. BANKHEAD]. If it is adopted, the Connecticut River Co. will test the right of the Federal Government to exact the proposed charge and the way will be cleared for future action.

Mr. CLAPP. Mr. President, I have no difficulty whatever in reconciling my views to the proposition that Congress has the power which is asserted in this bill, but, as I propose to vote against the bill, I would not want that vote hereafter to be used as an argument against my voting to sustain the power asserted in the bill.

I desire to say that in my judgment section 5, without being so intended by the author of the bill, puts it in the power of the men who hold the charter under the bill, if it becomes a law, either to force the United States Government to take this property or violate the pledge contained in the bill; and not only that, but in that event establishes a rule for determining the value of the property, which, of course, I could not assent to.

Therefore, unless section 5 be amended so as to relieve the Government of the possible burden the holders of the charter might some day impose upon it, I shall vote against the bill, although I believe in the fundamental principles of the measure.

Mr. NELSON. Mr. President, the amendment pending is the motion of the Senator from Alabama [Mr. BANKHEAD] to strike out all after line 18 in section 1 of the bill. The amendment offered by the Senator from Connecticut [Mr. McLEAN] is no substitute for that, because if that is stricken out the amendment of the Senator from Connecticut is of no value. It seems to me we ought to vote upon that question first.

Mr. McLEAN. On which question, may I ask the Senator?

Mr. NELSON. On the motion of the Senator from Alabama to strike out.

Mr. McLEAN. That, of course, entirely negatives the value of my amendment. If it is in order, Mr. President, I offer my amendment as an amendment to the amendment offered by the Senator from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. President, I beg to suggest to the Senator from Connecticut that while I am not very sure that we have a written rule on the subject the practice has been uniform, as far as I remember, that a committee may perfect its bill by amendments before other amendments are properly in order. Am I correct about that?

The PRESIDENT pro tempore. That is the usual custom, the Chair will suggest, if amendments are to be offered looking to perfecting the original bill.

Mr. BRANDEGEE. But can not a Senator offer an amendment to perfect a committee amendment?

The PRESIDENT pro tempore. Beyond a doubt.

Mr. BRANDEGEE. As a substitute?

The PRESIDENT pro tempore. Beyond a doubt.

Mr. BANKHEAD. Then does the Chair hold that the amendment offered by the Senator from Connecticut is to be voted upon before the amendment which the committee offered to strike out the proviso?

The PRESIDENT pro tempore. The Chair would hold that, if the Senator from Connecticut offers his amendment, as he states he does, as a substitute for the amendment submitted by the Senator from Alabama, it is in order. The question will be then upon the amendment submitted by the Senator from Connecticut to the amendment submitted by the Senator from Alabama.

Mr. McLEAN. On that question I ask for the yeas and nays.

Mr. OLIVER. Let it be read.

Mr. BORAH. I ask that the amendment be again read.

The PRESIDENT pro tempore. It will be again read.

The SECRETARY. Add at the end of section 1 the following additional proviso:

And provided further, That if said company shall neglect or refuse to pay any charge or return demanded of said corporation by the Secretary of War either by order or under any contract, and such neglect or refusal is based on the ground that said charge or return is invalid or unconstitutional and not within the power of Congress to require, such neglect or refusal on the part of the company shall not affect the rights of said company to hold and exercise all the powers, rights, and privileges granted in this act and in any suit brought against said corporation for the collection of said charge or return, the said corporation shall have the right to enter its proper plea to test the constitutionality or validity of said charge or return and the courts shall take cognizance of the same; and nothing in this section shall be understood

as committing the Government to a policy of imposing or not imposing such charges or returns as are herein described from any other company or corporation seeking the assent of Congress under like or similar circumstances.

The PRESIDENT pro tempore. The Chair will suggest that manifestly this is not an amendment to the amendment offered by the Senator from Alabama. It deals with an entirely different section.

Mr. BRANDEGEE. With the same section, of course.

Mr. McLEAN. It is precisely the same section. I propose to add the additional proviso at the end of section 1.

Mr. SHIVELY. It comes at the end of the amendment.

The PRESIDENT pro tempore. The Chair is clearly of the opinion that it is not an amendment to the amendment offered by the Senator from Alabama [Mr. BANKHEAD]; and the question will be first upon the amendment of the Senator from Alabama.

Mr. BURTON. Mr. President, is not that a proper amendment to add at the end of section 1? It explains and modifies a portion of the bill at the end of that section. Is it not in order to present that in the first instance?

Mr. BRANDEGEE. I want to make one suggestion in that connection. I think, if that amendment is added at the end of section 1, it being in the nature of a substitute for the amendment of the Senator from Alabama, it is equivalent to voting down the amendment of the Senator from Alabama, leaving section 1 as it would be with this amendment adopted. In that view of it, I thought it was in order as an amendment.

The PRESIDENT pro tempore. The Chair is clearly of the opinion that it is not an amendment to the pending amendment. The question is upon the amendment of the Senator from Alabama.

Mr. BRANDEGEE. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BRANDEGEE. I want to ask the Senator from Alabama if it is not necessary to make a change in that part of his proposed amendment which reads "amend by striking out of section 1, beginning after the word 'act,' in line 15, page 2"?

The PRESIDENT pro tempore. That modification of the amendment has already been made.

Mr. BRANDEGEE. Then, should it not propose to amend by changing the language so as to make it read "amend by striking out of section 1, beginning after the word 'otherwise,' in line 18, on page 2"?

The PRESIDENT pro tempore. That is precisely the form in which the amendment is, the Chair would suggest. The question is on the amendment submitted by the Senator from Alabama.

Mr. NEWLANDS. Mr. President, I should like to have the amendment stated.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend by striking out of section 1, beginning after the word "otherwise," in line 18, on page 2, the following:

And provided further, That the Secretary of War, as a part of the conditions and stipulations referred to in said act, may, in his discretion, impose a reasonable annual charge or return, to be paid by the said corporation or its assigns to the United States, the proceeds thereof to be used for the development of navigation on the Connecticut River and the waters connected therewith. In fixing such charge, if any, the Secretary of War shall take into consideration the existing rights and property of said corporation and the amounts spent and required to be spent by it in improving the navigation of said river, and no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurtenant works and property, allowing for the cost of construction, maintenance and renewal, and for depreciation charges.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. BANKHEAD. I ask for the yeas and nays, Mr. President.

Mr. McLEAN. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Connecticut will state it.

Mr. McLEAN. I understand that if the amendment offered by the Senator from Alabama is adopted, the amendment which I offered will never be in a position to take the place of the amendment offered by the Senator from Alabama. In other words, if that amendment is adopted, the Senate will not have the opportunity to vote for my amendment as a substitute.

The PRESIDENT pro tempore. The Senator from Connecticut can afterwards offer his amendment in any form that he may see fit to submit it. The question is on the amendment proposed by the Senator from Alabama [Mr. BANKHEAD], on which he has demanded the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. Not knowing how he would vote if present, I withhold my vote.

Mr. DILLINGHAM (when his name was called). In the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a general pair, I withhold my vote.

The roll call was concluded.

Mr. MARTINE of New Jersey. I am authorized to announce the pair of the senior Senator from New Jersey [Mr. BRIGGS] with the Senator from West Virginia [Mr. WATSON].

Mr. SMITH of Michigan (after having voted in the negative). I observe that the junior Senator from Missouri [Mr. REED] has not voted. In view of the pair I have with him, and not knowing how he would vote if present, I withdraw my vote.

The result was announced—yeas 53, nays 29, as follows:

YEAS—53.

Ashurst	Curtis	Martin, Va.	Stephenson
Bacon	Fall	Myers	Stone
Bankhead	Fletcher	Nelson	Sutherland
Borah	Foster	O'Gorman	Swanson
Bourne	Gamble	Oliver	Thomas
Bradley	Gardner	Overman	Thornton
Brady	Gronna	Paynter	Warren
Bryan	Guggenheim	Percy	Webb
Catron	Johnson, Me.	Sheppard	Wetmore
Chamberlain	Johnston, Ala.	Shively	Williams
Clark, Wyo.	Jones	Simmons	Works
Clarke, Ark.	Kern	Smith, Ariz.	
Culberson	Lea	Smith, Md.	
Cummins	McCumber	Smith, S. C.	

NAYS—29.

Brandegee	Dixon	Lodge	Poindexter
Bristow	du Pont	McLean	Pomerene
Brown	Gallinger	Martine, N. J.	Richardson
Burnham	Gore	Newlands	Root
Burton	Jackson	Owen	Townsend
Clapp	Kenyon	Page	
Crane	La Follette	Penrose	
Crawford	Lippitt	Perkins	

NOT VOTING—13.

Briggs	Hitchcock	Smith, Ga.	Watson
Chilton	Kavanaugh	Smith, Mich.	
Cullom	Massey	Smoot	
Dillingham	Reed	Tillman	

So Mr. BANKHEAD's amendment was agreed to.

Mr. BORAH. I offer the amendment which I proposed a few days ago as a new section to the bill.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. It is proposed to add at the end of the bill, as section 6, the following:

That the provisions of the act entitled "An act to regulate commerce," passed and approved on the 4th day of February, 1887, together with the amendments thereto, shall apply to any corporation or any person or persons engaged in transmitting hydroelectric power or electricity from one State, Territory, or District of the United States to any State, Territory, or District of the United States, or from one place in a Territory to another place in the same Territory or to any foreign country, and that the term "common carrier" as used in said act and the amendments thereto shall include companies engaged in transmitting hydroelectric power or electricity as aforesaid: *Provided*, That said act shall not apply to the transmission of hydroelectric power or electricity wholly within one State and not transmitted to or from a foreign country, from or to any State or Territory as aforesaid; that the rules prescribed in said act as to just and reasonable charges or rates and the procedure relative to other common carriers, in so far as applicable, shall apply to such company, person, or persons transmitting hydroelectric power or electricity as aforesaid, and to the fixing and establishing of just and reasonable charges or rates fully and completely.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Idaho.

Mr. BORAH. I call for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON], and therefore withhold my vote.

Mr. DILLINGHAM (when his name was called). I have already announced my pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. For that reason I withhold my vote. I desire that this announcement shall stand on all the votes on the bill, unless the Senator from South Carolina returns.

The roll call was concluded.

Mr. CULLOM. As there is apparently a unanimous vote in favor of this amendment, I will take the liberty of voting, notwithstanding my pair with the Senator from West Virginia [Mr. CHILTON]. I vote "yea."

The result was announced—yeas 82, nays 1, as follows:

YEAS—82.

Ashurst	Brady	Burton	Crane
Bacon	Brandegee	Catron	Crawford
Bankhead	Bristow	Chamberlain	Culberson
Borah	Brown	Clapp	Cullom
Bourne	Bryan	Clark, Wyo.	Cummins
Bradley	Burnham	Clarke, Ala.	Curtis

Dixon	Kenyon	Overman	Smith, S. C.
du Pont	Kern	Page	Smoot
Fall	La Follette	Penrose	Stephenson
Fletcher	Lea	Perkins	Sutherland
Foster	Lippitt	Poindexter	Swanson
Gallinger	Lodge	Pomerene	Thomas
Gamble	McCumber	Richardson	Thornton
Gardner	McLean	Root	Townsend
Gore	Martin, Va.	Sheppard	Warren
Gronna	Martine, N. J.	Shively	Webb
Guggenheim	Myers	Simmons	Wetmore
Jackson	Nelson	Smith, Ariz.	Williams
Johnson, Me.	Newlands	Smith, Ga.	Works
Johnston, Ala.	O'Gorman	Smith, Md.	
Jones	Oliver	Smith, Mich.	

NAYS—1.

Paynter

NOT VOTING—12

Briggs	Hitchcock	Owen	Stone
Chilton	Kavanaugh	Percy	Tillman
Dillingham	Massey	Reed	Watson

So Mr. BORAH's amendment was agreed to.

Mr. PAYNTER subsequently said: Mr. President, I desire to make a statement in view of the fact that I have voted for the bill and it contains the amendment adopted on motion of the Senator from Idaho [Mr. BORAH]. I voted against that amendment, not fully understanding its purport. After having read the amendment and understanding it, I want to say I most heartily concur in the principle expressed by it, and had I understood the amendment as it really is I should have voted for it and not against it. I thought it was subject to the same objection as was the provision stricken out by the amendment offered by the Senator from Alabama [Mr. BANKHEAD], but after reading the amendment I realized that it was not an effort to invade by the Federal Government what I believe to be the province of the States. If I were permitted to do so, I would change my vote upon that amendment, and if it can be done by unanimous consent I would be glad to be recorded as having voted for the amendment.

Mr. JONES. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "otherwise," in line 18, page 2, it is proposed to insert the following proviso:

Provided further, That if at any time said Connecticut River Co., or its assigns, or its property shall be owned or controlled by any device, permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that it shall form a part of, or in any way effect any combination, or be in anywise controlled by any combination in the form of an unlawful trust, or enter into any contract or conspiracy in restraint of trade in the production, development, generation, transmission, or sale of any power or electrical energy, then the permit herein granted shall be forfeited and canceled by the Secretary of War through appropriate proceedings instituted for that purpose in the courts of the United States.

Mr. JONES. I ask for the yeas and nays on that amendment.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Washington, on which he demands the yeas and nays. Is there a second? [After a pause.] In the opinion of the Chair, not a sufficient number have seconded the demand.

Mr. JONES. I should like to have the other side of that. I think there were several Senators whom the Chair did not see who seconded the demand.

The PRESIDENT pro tempore. There were not a sufficient number. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. POINDEXTER. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The junior Senator from Washington offers an amendment, which will be stated.

The SECRETARY. At the end of the amendment just agreed to it is proposed to add the following:

Said Connecticut River Co., its successors and assigns in the ownership of the water-power plant to be developed by and in connection with the dam referred to herein, shall pay to the Secretary of War 1 per cent of the net profits derived from the operation of said plant. The Secretary of War shall have authority to collect said charge and shall pay one-half of all sums so collected into the Treasury of the United States, and one-half thereof into the treasury of the State of Connecticut; and the Secretary of War shall have authority to examine the books of said company, its successors and assigns, for the purpose of ascertaining the profits thereof.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the junior Senator from Washington.

The amendment was rejected.

Mr. CUMMINS. Mr. President, I move to amend the bill by striking out section 5.

The PRESIDENT pro tempore. The Senator from Iowa moves to amend the bill by striking out section 5, which will be read.

The Secretary read as follows:

SEC. 5. That upon the termination for any cause whatever of the authority, rights, and privileges granted hereby, or any renewal thereof, the United States may renew the same or the grant may be made or transferred to other parties. Unless the grant is renewed to the original grantee or its assigns, as herein provided, the United States shall pay or require its new grantee to pay to said original grantees or its assigns, as full compensation, the reasonable value of the improvements and appurtenant works constructed under the authority of this act and of the property belonging to said corporation necessary for the development hereby authorized, exclusive of the value of the authority hereby granted. Said improvements and appurtenant works and property shall include the lands and riparian rights acquired for the purposes of such development, the dam and other structures, and also the equipment useful and convenient for the generation of hydroelectric power or hydromechanical power, and the transmission system from generation plant to initial points of distribution, but shall not include any other property whatsoever. Such reasonable value shall be determined by mutual agreement between the Secretary of War and the owners, and, in case they can not agree, then by proceedings instituted in the United States district court for the condemnation of such properties. The basis for determining the value shall be the cost of replacing the structures necessary for the development and transmission of hydroelectric power by other structures capable of developing and transmitting the same amount of marketable power with equal efficiency, allowance being made for deterioration, if any, of the existing structures in estimating such efficiency, together with the fair value of other properties herein defined, to which not more than 10 per cent may be added to compensate for the expenditure of initial cost and experimentation charges and other proper expenditures in the cost of the plant which may not be represented in the replacement valuation herein provided.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Iowa. [Putting the question.] By the sound the noes appear to have it.

Mr. CUMMINS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON], and therefore withhold my vote.

Mr. SMITH of Michigan. I again announce my pair with the Senator from Missouri [Mr. REED]. If he were present, I should vote "nay."

Mr. STONE (when his name was called). I vote "yea." I desire to announce that my colleague [Mr. REED] is detained at home by the serious illness of his wife and by important business.

The roll call was concluded, and the result was announced—yeas 55, nays 27, as follows:

YEAS—55.

Ashurst	Crawford	Kern	Shively
Bacon	Culberson	La Follette	Simmons
Bankhead	Cummins	Lea	Smith, Ariz.
Borah	Curtis	McCumber	Smith, Md.
Bourne	Dixon	Martin, Va.	Smith, S. C.
Bradley	Fall	Myers	Stone
Brady	Fletcher	O'Gorman	Sutherland
Bristow	Gamble	Overman	Swanson
Brown	Gardner	Paynter	Thomas
Bryan	Gronna	Percy	Thornton
Catron	Johnson, Me.	Perkins	Tillman
Chamberlain	Johnston, Ala.	Poindexter	Williams
Clapp	Jones	Pomerene	Works
Clarke, Ark.	Kenyon	Sheppard	

NAYS—27.

Brandegee	Gallinger	Nelson	Smoot
Burnham	Guggenheim	Oliver	Stephenson
Burton	Jackson	Owen	Townsend
Clark, Wyo.	Lippitt	Page	Warren
Crane	Lodge	Penrose	Webb
Dillingham	McLean	Richardson	Wetmore
du Pont	Martine, N. J.	Root	

NOT VOTING—13.

Briggs	Gore	Newlands	Watson
Chilton	Hitchcock	Reed	
Cullom	Kavanaugh	Smith, Ga.	
Foster	Massey	Smith, Mich.	

So the amendment of Mr. CUMMINS was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. The bill having been read three times, the question is, Shall it pass?

Mr. ROOT. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I again announce my pair with the junior Senator from West Virginia [Mr. CHILTON]. If he were present, I should vote "yea."

The roll call having been concluded, the result was announced—yeas 74, nays 12, as follows:

YEAS—74.

Ashurst	Bradley	Burnham	Crane
Bacon	Brady	Catron	Cummins
Bankhead	Brandegee	Chamberlain	Curtis
Borah	Brown	Clark, Wyo.	Dillingham
Bourne	Bryan	Clarke, Ark.	Dixon

Fall	Kern	Page	Smith, S. C.
Fletcher	Lea	Paynter	Smoot
Foster	Lippitt	Penrose	Stephenson
Gallinger	Lodge	Percy	Stone
Gamble	McCumber	Perkins	Sutherland
Gardner	McLean	Pomerene	Swanson
Gore	Martin, Va.	Richardson	Thornton
Gronna	Martine, N. J.	Sheppard	Tillman
Guggenheim	Myers	Shively	Warren
Jackson	Nelson	Simmons	Wetmore
Johnson, Me.	O'Gorman	Smith, Ariz.	Williams
Johnston, Ala.	Oliver	Smith, Ga.	Works
Jones	Overman	Smith, Md.	
Kenyon	Owen	Smith, Mich.	

NAYS—12.

Bristow	Crawford	Newlands	Thomas
Burton	du Pont	Poindexter	Townsend
Clapp	La Follette	Root	Webb

NOT VOTING—9.

Briggs	Cullom	Kavanaugh	Reed
Chilton	Hitchcock	Massey	Watson
Culberson			

So the bill was passed.

MEMORIAL ADDRESSES ON LATE REPRESENTATIVES FROM PENNSYLVANIA.

Mr. OLIVER. Mr. President, on the 7th of this month I gave notice that on March 1 I should ask the Senate to consider resolutions commemorative of the life, character, and public services of Hon. HENRY H. BINGHAM, Hon. GEORGE W. KIPP, and Hon. JOHN G. MCHENRY, late Members of the House of Representatives from the State of Pennsylvania. I wish to withdraw that notice and to give notice that I shall ask the Senate to consider such resolutions on Thursday, February 27, at such hour as may be convenient for the calling up of the same.

IMMIGRATION OF ALIENS—VETO MESSAGE.

Mr. LODGE. Mr. President, I move that the Senate proceed to reconsider the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, which was returned by the President with his objections; and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STONE. Mr. President, I wish to inquire just what the effect of the motion would be. If the motion were agreed to, would its effect be to reconsider the action of the Senate, or would it be a vote upon whether the Senate agrees or disagrees to the proposition of passing the bill notwithstanding the objections of the President?

The PRESIDENT pro tempore. As the Chair understands the motion, it is simply to proceed to the consideration of the bill.

Mr. LODGE. The motion that I made is in the language of the Constitution, that the House in which the bill originated shall proceed to reconsider the bill which the President returns without his approval. The motion the Senator from Missouri suggests will apply when the vote is taken on the question of passing the bill over the veto or sustaining the veto.

Mr. STONE. In other words, if the motion to reconsider should be agreed to, what then would be the status of the matter?

Mr. LODGE. That would bring before the Senate the question as to whether we should support the veto or overrule it.

Mr. STONE. Suppose the motion to reconsider should be disagreed to?

Mr. LODGE. That would end it, naturally.

Mr. STONE. In that event would the bill be passed, notwithstanding the objections of the President?

Mr. LODGE. No; this simply brings the matter before the Senate. If my motion is disagreed to, that shows that the Senate declines to reconsider it, and is equivalent to sustaining the veto.

The PRESIDENT pro tempore. The Chair will suggest that, in the opinion of the Chair, the motion should be to take the bill and message from the table for consideration, and that then the constitutional question should be propounded.

Mr. LODGE. Certainly.

Mr. BACON. Mr. President, I may be in error, but I think the language of the Constitution, when it says that the House in which the bill originated shall proceed to reconsider it, means that it shall proceed to consider it again, and not that there shall be a reconsideration for the purpose of reversal.

Mr. LODGE. Undoubtedly.

Mr. BACON. And the proper question is whether or not the bill shall pass, the veto notwithstanding.

Mr. LODGE. The bill and the veto message are not before the Senate. The motion is to proceed to the consideration of the bill.

The PRESIDENT pro tempore. The yeas and nays have been ordered on the motion of the Senator from Massachusetts to take the bill and message from the table. The Secretary will call the roll.

The question having been taken by yeas and nays, resulted—yeas 75, nays 9, as follows:

YEAS—75.

Ashhurst	Cummins	La Follette	Root
Bacon	Curtis	Lea	Sheppard
Bankhead	Dillingham	Lippitt	Simmons
Borah	Dixon	Lodge	Smith, Ariz.
Bourne	du Pont	McCumber	Smith, Ga.
Bradley	Fall	McLean	Smith, S. C.
Brady	Fletcher	Martin, Va.	Smoot
Brandegee	Foster	Myers	Sutherland
Bristow	Gallinger	Nelson	Swanson
Brown	Gamble	Oliver	Thomas
Burnham	Gardner	Overman	Thornton
Burton	Gore	Owen	Tillman
Catron	Guggenheim	Page	Townsend
Chamberlain	Jackson	Penrose	Warren
Clark, Wyo.	Johnson, Me.	Percy	Webb
Clarke, Ark.	Johnston, Ala.	Perkins	Wetmore
Crane	Jones	Poindexter	Williams
Crawford	Kenyon	Pomerene	Works
Culberson	Kern	Richardson	

NAYS—9.

Clapp	O'Gorman	Shively	Stephenson
Gronna	Paynter	Smith, Mich.	Stone
Martine, N. J.			

NOT VOTING—11.

Briggs	Cullom	Massey	Smith, Md.
Bryan	Hitchcock	Newlands	Watson
Chilton	Kavanaugh	Reed	

So Mr. LODGE's motion was agreed to.

The PRESIDENT pro tempore. The bill is before the Senate. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. LODGE. Mr. President, I do not desire to delay for a moment the vote on this bill. The bill was fully discussed in every stage, and came back twice from conference. The President has rested his objections on the single point of the literacy test, and has referred us to the accompanying letter of the Secretary of Commerce and Labor for his reasons. There are no reasons offered in that letter which have not been considered constantly during the last 20 years the question has been before Congress, and it seems to me there is no reason why we should not immediately dispose of the question stated by the Chair. I do not myself wish to discuss the matter at all. I hope the Senate is ready to vote.

Mr. MARTINE of New Jersey. Mr. President, apropos of the remarks of the Senator from Massachusetts [Mr. LODGE], I desire to send to the desk a telegram which I have received with reference to this subject, and I ask that it be read.

The PRESIDENT pro tempore. Without objection, the telegram will be read.

The Secretary read as follows:

NEW YORK, *February 16, 1913.*

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.:

The Hebrew Sheltering and Immigrant Aid Society, composed of American citizens in all parts of the country, respectfully pray that you exercise your functions as a representative of the people in Congress and refuse to pass the immigration bill, S. 3175, over the veto of His Excellency William Taft, President of the United States. This bill contains uncalled-for drastic provisions which are bound to exclude from our shores decent law-abiding men and women for no good reason. No matter what the motives of the authors, this bill is based upon false notions. We are convinced as an organization that has worked among immigrants for a quarter century and is coming in daily contact with every strata of immigration that our immigrants in this country have made good. In their loyalty to the United States they rank next to none. In their patriotism and devotion to the principles of liberty they occupy the same place as any patriotic native American. They appreciate our glorious institutions more than a great many Americans who can trace their ancestry back for several generations. They have not given cause for the Congress of the United States to legislate for the exclusion from our shores of their kind. We are satisfied that the calm judgment of the American people is not in favor of the further restriction of immigration. Our laws provide sufficiently against the incoming of the mentally and physically unsound, and these laws are rigidly enforced by the United States Government. Our country is large enough, and there are enormous stretches of land lying bare and awaiting the human hand and brain to develop them. We pray that you do not permit the spirit of "narrow nativism" to override the just veto of the Chief Executive of this Nation.

Respectfully,

LEON SANDERS, *President.*
JACOB MASSEL, *Secretary.*

Mr. MARTINE of New Jersey. Mr. President, when this measure was before this body last year I expressed myself in most positive terms and with all the earnestness of my nature as being unequivocally opposed to it, and I am now gratified to see that the President of the United States has seen fit to send his veto to this body. As a self-respecting citizen and as an American I could not vote at this crisis to override the President's veto of this measure. As a principle I am opposed to it.

I insist that the literacy test has accomplished nothing of good and that it can accomplish nothing of good in the matter

of immigration to this country. It will be subversive of the whole policy and system of immigration in this land.

The best that has been accomplished in this great land for its development has come from men from the other side who were not asked the question: "Can you read or can you write?" And when the Nation's life was in crisis and struggle, and you asked him to shoulder his musket and fix his bayonet for a charge you never questioned as to whether he could read or write, but you garnered him in and bade him go on and defend your Constitution and your flag.

I say, Mr. President, that during the whole history of this country of the men who have carved out their fortunes and have made our country great, a great many, and those of their progeny who came after them, were utterly unable to write. I know within my own knowledge of men who can neither read nor write who have accumulated wealth in this land, and have made most respected and honored citizens.

I believe the passage of this measure can result in no good. It has accomplished nothing where it has been tried, and it can accomplish nothing to-day.

The argument, I know, will be advanced, "Oh, we have a different class to-day from what we had 40 or 50 years ago." Yes; different somewhat, but in the main it is the same. Earnest, honest men, endowed with God's good health, have come here to seek a refuge and to carve out for themselves a fortune and to aid us in developing this great country.

It is said that the Italians are dangerous people in this land. I insist there are good Italians, and as a race they are an industrious race. I defy the gentlemen advocating this measure to find an Italian beggar in the streets of your city or any other city. An Italian beggar is unknown. They are industrious and frugal to a degree that is unparalleled.

If literacy must be the gauge, I insist, Mr. President, that the most dangerous alien who can come to the shores of this fair land is the intellectual and intelligent villain, the intellectual and conniving scoundrel. I have no fear of the man who may not be able to read or write or translate in comparison with the man who is able in letters and at translation, if you choose, and in reading or writing. In comparison, I think, they have been plotting villains and have brought disaster not only to our own country but almost every other land to which they may have had access.

Mr. President, I recall very well having drunk in a good deal of inspiration from the words of a distinguished Senator in this body when, on April 7, 1908, he declared in these words:

Within the last 20 years, however, there has been a great change—

In referring to immigration—

Within the last 20 years, however, there has been a great change in the proportion of the various nationalities emigrating from Europe to the United States. The immigrants from Great Britain and Ireland and from Germany and Scandinavia have come down in numbers as compared with immigrants from countries which, until very recent years, sent no immigrants to America. We have never received, and do not now receive, any immigration from Spain or any considerable immigration from France and Belgium. The great growth in recent years in our immigration has been from Italy, from Poland, Hungary, and Russia, from eastern Europe, from subjects of the Sultan, and is now extending to the inhabitants of Asia Minor. With the exception of the Italians—

And it is these who are discriminated against largely—

With the exception of the Italians, these people have never been amalgamated with or brought in contact with the English-speaking people or with those of France, Germany, Holland, and Scandinavia, who have built up the United States. I except the Italians not merely because their noble literature and splendid art are a part of our common inheritance but because they are conspicuously one of the countries which belong to what is known as western civilization. They, like ourselves, are the heirs of the civilization of ancient Rome, and until one has traveled in eastern Europe and studied the people one does not realize how much this signifies.

These words and more are the words of the distinguished Senator from Massachusetts [Mr. LODGE] when he saw fit and proper to laud the immigration of Italians to this fair land of ours.

I insist, Mr. President, in my own Commonwealth, in the southern part of the State of New Jersey, and in many other States, where there are millions of idle acres demanding the work of toilers, of industrious, honest men, there is a rich opportunity, and we can invite them here. I ask as the only restriction healthy bodies, clean minds, and moral purposes, and then, with these broad acres and a splendid Constitution, we can assimilate and digest the whole world better to our advantage, better to the world's Christianization and to the civilization of humanity.

I shall vote with all the earnestness of my nature to sustain the President's veto of this bill.

Mr. SMITH of Michigan. Mr. President, I desire to send to the desk a telegram received from many representative Polish citizens, or citizens of Polish origin, protesting against overriding the President's veto. I should like to have the telegram read and the names appended thereto, representing many thousands of the most respected citizens of Grand Rapids, Mich., printed in the RECORD without reading.

The PRESIDENT pro tempore. Without objection, the telegram will be read.

The telegram was read, and the names appended thereto were ordered to be printed in the RECORD, as follows:

GRAND RAPIDS, MICH., *February 16, 1913.*

HON. WM. ALDEN SMITH,
Senate, Washington, D. C.:

Justice demands that you vote to uphold President Taft's veto of the Dillingham-Burnett immigration bill. The bill is so unjust that we are forced to request you to stand by our President, who considers that good clean men and women may come into our great country without having to stand a literacy test. We all know that in some countries the people are so unfortunate as to not have the opportunity to get an education; we have had a great many come here that could not read nor write and they have made some of our best citizens and their children very learned good men and women. We the undersigned most earnestly request your assistance, and have signed on behalf of our respective societies and as individuals.

Committee in charge from Polish National Benevolent Society; Polish American Industrial Society; Polish Progressive Benevolent Society and Knights of John Sobieske and Society, Michael Buzalski, president, Y. Stanley Jacowski, secretary; Rev. L. P. Krakowski, pastor of the Polish Sacred Heart congregation; Rev. Joseph Pietrasik, pastor of St. Isidore's congregation; Rev. C. Skory, pastor of St. Adalberts Church; Polish National Benevolent Society (a corporation), Michael Buzalski, president; Polish American Industrial Society (a corporation), F. Centilli, president; Grand Rapids central committee, representing six local branches of the Polish National Alliance of the United States, Julian Malsizewski, president; Polish Progressive Benevolent Society, Valentine J. Banaszak, president; Red Hussars' Benevolent Society, Adam Walchewski, president; Sacred Heart Society of Sacred Heart Parish, Jan Radlicki, president; Pulaski Guard Benevolent Protective Association, Jan Jochim, president; Sacred Heart Society of St. Isadore Sacred Parish, Frank Michalski, president; St. Isadore's Benevolent Society, Anthony Sakowiski, president; St. Hedwig Benevolent Society, B. Z. Czubinski, president; Knights of St. Casimir, A. Panfil, president; St. Casimir Benevolent Society, Frank Andrysiak, president; St. Adalberts Sons Aid Society, Jan Kosowiski, president; St. Hyacinth Aid Society, Aug Michalski, president; St. Stanislaus Aid Society, Casimir Talalay, president.

Mr. O'GORMAN. Mr. President, I ask that the Secretary read the message of the President, together with the communication from the Department of Commerce and Labor, in relation to the pending bill.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

Mr. STONE. Mr. President, I would most respectfully invite the attention of Senators to the letter of Secretary Nagel. I am sure they have not read it.

The PRESIDENT pro tempore. The message and the letter from the Secretary of the Department of Commerce and Labor will be read as requested.

The Secretary read as follows:

To the Senate:

I return herewith, without my approval, S. 3175.

I do this with great reluctance. The bill contains many valuable amendments to the present immigration law which will insure greater certainty in excluding undesirable immigrants.

The bill received strong support in both Houses and was recommended by an able commission after an extended investigation and carefully drawn conclusions.

But I can not make up my mind to sign a bill which in its chief provision violates a principle that ought, in my opinion, to be upheld in dealing with our immigration. I refer to the literacy test. For the reasons stated in Secretary Nagel's letter to me, I can not approve that test. The Secretary's letter accompanies this.

WM. H. TAFT.

THE WHITE HOUSE, *February 14, 1913.*

DEPARTMENT OF COMMERCE AND LABOR,
Washington, February 12, 1913.

MY DEAR MR. PRESIDENT: On the 4th instant Mr. Hilles, by your direction, sent me Senate bill 3175, "An act to regulate the immigration of aliens to and the residence of aliens in the United States," with the request that I inform you at my earliest convenience if I know of any objection to its approval. I now return the bill with my comments.

In view of the number of hearings and the general discussion that have been had no more than a brief reference to many of the points will be necessary. The following are some of the objections that have been raised:

First. No exception has been made in behalf of Hawaii. You have been assured that it is proposed to meet this objection by joint resolution. Even if this plan should not be carried out, I do not regard the objection as sufficiently serious to affect the merits of the bill.

Second. The provision that persons shall be excluded who can not become eligible under existing law to become citizens of the United States by naturalization is obscure, because it leaves unsettled the question as to who are to be regarded as white persons. But this is merely a perpetuation of the uncertainty which is now to be found in the naturalization law.

Third. The provision that the Secretary may determine in advance, upon application, whether it is necessary to import skilled labor in any particular instance, that this decision shall be held in abeyance for 30 days, and that in the meantime anyone objecting may appeal to the dis-

trict court to try de novo such question of necessity is unsatisfactory. The provision for the appeal to the courts is probably unconstitutional, but even if the entire provision proves ineffective the law will be left substantially where it is, and so this does not constitute a grave objection to the bill.

Fourth. The provision that the Secretary may detail immigrant inspectors and matrons for duty on vessels carrying immigrants or immigrant passengers is objected to by foreign countries, but inasmuch as this is left to the discretion of the Secretary, and it is understood, for illustration, that Italy insists upon such practice with respect to all steamship companies taking immigrants from her shores, it does not seem to me that this is a controlling objection.

Fifth. The provision in section 7, with respect to the soliciting of immigration by steamship companies, vests the Secretary with somewhat drastic authority by way of imposing fines and denying the right of a steamship company to land alien immigrant passengers. Again, this is not mandatory, and therefore does not go to the heart of the bill.

It appears to me that all these and similar objections might well have been considered in committee and may become the subject of future consideration by Congress, but, fairly considered, they are of incidental importance only and furnish no sufficient reason for disapproving this bill.

With respect to the literacy test, I feel compelled to state a different conclusion. In my opinion, this is a provision of controlling importance, not only because of the immediate effect which it may have upon immigration and the embarrassment and cost it may impose upon the service, but because it involves a principle of far-reaching consequence with respect to which your attitude will be regarded with profound interest.

The provision as it now appears will require careful reading. In some measure the group system is adopted—that is, one qualified immigrant may bring in certain members of his family—but the effect seems to be that a qualified alien may bring in members of his family who may themselves be disqualified, whereas a disqualified member would exclude all dependent members of his family, no matter how well qualified they might otherwise be. In other words, a father who can read a dialect might bring in an entire family of absolutely illiterate people, barring his sons over 16 years of age, whereas a father who can not read a dialect would bring about the exclusion of his entire family, although every one of them can read and write.

Furthermore, the distinction in favor of the female members of the family as against the male members does not seem to me to rest upon sound reason. Sentimentally, of course it appeals, but industrially considered it does not appear to me that the distinction is sound. Furthermore, there is no provision for the admission of aliens who have been domiciled here, and who have simply gone abroad for a visit. The test would absolutely exclude them upon return.

In the administration of this law very considerable embarrassment will be experienced. This at least is the judgment of members of the immigration force, upon whose recommendations I rely. Delay will necessarily ensue at all ports, but on the borders of Canada and Mexico that delay will almost necessarily result in great friction and constant complaint. Furthermore, the force will have to be very considerably increased, and the appropriation will probably be in excess of present sums expended by as much as a million dollars. The force of interpreters will have to be largely increased and, practically speaking, the bureau will have to be in a position to have an interpreter for any kind of language or dialect of the world at any port at any time. Finally, the interpreters will necessarily be foreigners, and with respect to only a very few of the languages or dialects will it be possible for the officials in charge to exercise anything like supervision.

Apart from these considerations, I am of the opinion that this provision can not be defended upon its merits. It was originally urged as a selective test. For some time recommendations in its support upon that ground have been brought to our attention. The matter has been considered from that point of view, and I became completely satisfied that upon that ground the test could not be sustained. The older argument is now abandoned, and in the later conferences, at least, the ground is taken that the provision is to be defended as a practical measure to exclude a large proportion of undesirable immigrants from certain countries. The measure proposes to reach its result by indirection, and is defended purely upon the ground of practical policy, the final purpose being to reduce the quantity of cheap labor in this country. I can not accept this argument. No doubt the law would exclude a considerable percentage of immigration from southern Italy, among the Poles, the Mexicans, and the Greeks. This exclusion would embrace probably in large part undesirable but also a great many desirable people, and the embarrassment, expense, and distress to those who seek to enter would be out of all proportion to any good that can possibly be promised for this measure.

My observation leads me to the conclusion that, so far as the merits of the individual immigrant are concerned, the test is altogether overestimated. The people who come from the countries named are frequently illiterate because opportunities have been denied them. The oppression with which these people have to contend in modern times is not religious, but it consists of a denial of the opportunity to acquire reading and writing. Frequently the attempt to learn to read and write the language of the particular people is discouraged by the Government, and these immigrants in coming to our shores are really striving to free themselves from the conditions under which they have been compelled to live.

So far as the industrial conditions are concerned, I think the question has been superficially considered. We need labor in this country, and the natives are unwilling to do the work which the aliens come over to do. It is perfectly true that in a few cities and localities there are congested conditions. It is equally true that in very much larger areas we are practically without help. In my judgment, no sufficiently earnest and intelligent effort has been made to bring our wants and our supply together, and so far the same forces that give the chief support to this provision of the new bill have stubbornly resisted any effort looking to an intelligent distribution of new immigration to meet the needs of our vast country. In my judgment no such drastic measure, based upon a ground which is untrue and urged for a reason which we are unwilling to assert, should be adopted until we have at least exhausted the possibilities of a rational distribution of these new forces.

Furthermore, there is a misapprehension as to the character of the people who come over here to remain. It is true that in certain localities newly arrived aliens live under deplorable conditions. Just as much may be said of certain localities that have been inhabited for a hundred years by natives of this country. These are not the general conditions, but they are the exceptions. It is true that a very considerable portion of immigrants do not come to remain, but return after they have acquired some means, or because they find themselves unable to cope with the conditions of a new and aggressive country. Those who return for the latter reason relieve us of their own volition of a burden. Those who return after they have acquired some means certainly must be admitted to have left with us a consideration for the advantage which they have enjoyed. A careful examination of the character of the people who come to stay and of the employment in which a large part of the new immigration is engaged will, in my judgment, dispel the apprehension which many of our people entertain. The census will disclose that with rapid strides the foreign-born citizen is acquiring the farm lands of this country. Even if the foreign-born alone is considered, the percentage of his ownership is assuming a proportion that ought to attract the attention of the native citizens. If the second generation is included it is safe to say that in the Middle West and West a majority of the farms are to-day owned by foreign-born people or they are descendants of the first generation. This does not embrace only the Germans and the Scandinavians, but is true in large measure, for illustration, of the Bohemians and the Poles. It is true in surprising measure of the Italians; not only of the northern Italians, but of the southern.

Again, an examination of the aliens who come to stay is of great significance. During the last fiscal year 838,172 aliens came to our shores, although the net immigration of the year was only a trifle above 400,000. But, while we received of skilled labor 127,916, and only 35,898 returned; we received servants 116,529, and only 13,449 returned; we received farm laborers 184,154, and only 3,978 returned, it appears that laborers came in the number of 135,726, while 209,279 returned. These figures ought to demonstrate that we get substantially what we most need, and what we can not ourselves supply, and that we get rid of what we least need and what seems to furnish, in the minds of many, the chief justification for the bill now under discussion.

The census returns show conclusively that the importance of illiteracy among aliens is overestimated, and that these people are prompt after their arrival to avail of the opportunities which this country affords. While, according to the reports of the Bureau of Immigration, about 25 per cent of the incoming aliens are illiterate, the census shows that among the foreign-born people of such States as New York and Massachusetts, where most of the congestion complained of has taken place, the proportion of illiteracy represents only about 13 per cent.

I am persuaded that this provision of the bill is in principle of very great consequence, and that it is based upon a fallacy in undertaking to apply a test which is not calculated to reach the truth and to find relief from a danger which really does not exist. This provision of the bill is new, and it is radical. It goes to the heart of the measure. It does not permit of compromise, and, much as I regret it, because the other provisions of the measure are in most respects excellent and in no respect really objectionable, I am forced to advise that you do not approve this bill.

Very sincerely, yours, CHARLES NAGEL, *Secretary.*

The PRESIDENT.

During the reading of Secretary's Nagel's letter.

Mr. O'GORMAN. I should like to have the reading of the letter suspended now, and move that the Senate adjourn until 12 o'clock to-morrow.

The motion was not agreed to.

After the reading of Secretary Nagel's letter.

Mr. DU PONT. Mr. President, I do not like to detain the Senate at this late hour, and I shall do so only for a moment. I desire to say that I disapprove of the illiteracy clause in the pending bill, and shall therefore vote to sustain the President's veto.

Some years ago I had occasion to examine the muster rolls of the continental line of the Revolutionary Army, and I discovered that in many companies as high as 75 or 80 per cent of the soldiers were illiterates and foreigners. If those men—those illiterates, those foreigners—were then good enough to risk their lives in assisting to obtain our independence, it seems to me that the same class of men are now good enough to assist in the development of this great country by their labor on the farms, in the mines, and in every other department where labor is so much needed.

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. STONE. Mr. President——

Mr. LODGE. The yeas and nays, of course, are necessary under the Constitution.

The PRESIDENT pro tempore. The Constitution requires that the vote in such a case shall be taken by yeas and nays.

Mr. STONE. I will ask the Senator from Massachusetts [Mr. LODGE] to adjourn the further consideration of this bill until to-morrow at some hour when we may agree to vote. There are some Senators who would like to make observations in opposition to the bill. I do not know whether there are any who wish to speak in favor of it. For myself, I desire to say a few words in support of the President's veto, but I would rather the matter should go over until some hour to-morrow.

Mr. LODGE. Mr. President, if we can agree to vote to-morrow I shall be very glad to comply with the suggestion of the Senator from Missouri. The bill and the message of the President are now the unfinished business of the Senate, and, therefore, would come up to-morrow at 2 o'clock. Therefore I ask unanimous consent that, not later than 5 o'clock to-morrow, a vote be taken on the question of sustaining the veto.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts?

Mr. CLAPP. Mr. President, I shall object to any unanimous-consent agreement. Let us proceed with this matter and dispose of it.

The PRESIDENT pro tempore. Objection is made.

Mr. LODGE. I have nothing further to do, then, of course, but to keep the matter before the Senate, though I do not like to interfere with other business. I wish to say to the Senator from Minnesota that the suggestion did not come from me, but it came from the opponents of the bill.

Mr. CLAPP. I did not mean that in any such sense.

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. CLARKE of Arkansas. I believe there is one motion which can be made by which we can attend to the matter to-morrow, and I move that the Senate adjourn.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Arkansas. [Putting the question.] The noes appear to have it.

Mr. MARTINE of New Jersey. I call for the yeas and nays, Mr. President.

The yeas and nays were ordered; and, being taken, resulted—yeas 25, nays 58, as follows:

YEAS—25.

Brady	du Pont	Martine, N. J.	Stephenson
Brown	Fletcher	Myers	Stone
Catron	Gronna	O'Gorman	Townsend
Chamberlain	Kenyon	Paynter	Williams
Clarke, Ark.	Kern	Pomerene	
Culberson	Lippitt	Shively	
Cullom	Martin, Va.	Smith, Md.	

NAYS—58.

Ashurst	Curtis	McCumber	Smith, Ariz.
Bacon	Dillingham	McLean	Smith, Ga.
Bankhead	Dixon	Nelson	Smith, Mich.
Borah	Fall	Oliver	Smith, S. C.
Bourne	Gallinger	Overman	Smoot
Bradley	Gardner	Owen	Sutherland
Brandegee	Gore	Page	Swanson
Bristow	Guggenheim	Penrose	Thomas
Burnham	Jackson	Percy	Thornton
Burton	Johnson, Me.	Perkins	Tillman
Clapp	Johnston, Ala.	Poindexter	Webb
Clark, Wyo.	Jones	Richardson	Wetmore
Crane	La Follette	Root	Works
Crawford	Lea	Sheppard	
Cummins	Lodge	Simmons	

NOT VOTING—12.

Briggs	Foster	Kavanaugh	Reed
Bryan	Gamble	Massey	Warren
Chilton	Hitchcock	Newlands	Watson

So the Senate refused to adjourn.

Mr. STONE. Mr. President, I should like to have the bill read by the Secretary for the information of the Senate. I am a little apprehensive that some, if not most, of the Senators have not read the bill.

The PRESIDENT pro tempore. The Senator from Missouri requests that the bill shall be read. That order will be made, in the absence of objection.

Mr. LODGE. Mr. President, I do not know of any rule that compels the reading of the bill. It is perfectly familiar to Senators, I think, and I do not wish to have the time consumed uselessly. If Senators wish to speak, that is one thing, but I do not think we should have documents read, and I object.

The PRESIDENT pro tempore. Objection to the reading is made.

Mr. STONE. I can read the bill.

Mr. LODGE. I know the Senator can read it, but I do not want to put him to that trouble. I should like very much if we could make the agreement which I have proposed, which was, in fact, suggested by the Senator from Missouri. I do not think it is possible to take a vote at this late hour, if there are Senators who desire to speak, and so I will renew the request, if it be agreeable to the Senator from Missouri.

Mr. STONE. If the Senator will pardon me, there are two or three Senators who desire to address the Senate on the pending question, and after conference with the Senator from Massachusetts, in charge of the measure, it was agreed between them and him that we would adjourn until 12 o'clock to-morrow, and that the vote should be taken not later than 5 o'clock. I believe it can be taken much earlier than 5 o'clock. There is certainly no disposition, so far as I am advised—and I think I can speak with confidence—on the part of anyone merely to delay the consideration and final disposition of this question; but there is reason in all things; and I join with the Senator from Massachusetts in again asking the Senate to allow this matter to go over until to-morrow with an assurance that there is no disposition to obstruct the early disposition of it.

Mr. LODGE. Mr. President, I renew the request, and I hope the Senator from Minnesota will allow us to adopt that course. It is the quickest way of disposing of the matter. We shall gain nothing by sitting here this evening, in my opinion. I renew the request, which is, in brief, that we shall vote on the bill to-morrow, not later than 5 o'clock.

Mr. CLAPP. Will the Senator make it 3 o'clock?

Mr. LODGE. I am perfectly willing to make it 3 o'clock, if that is agreeable.

Mr. STONE. If we can begin a little earlier than 2——

Mr. LODGE. The bill can be taken up immediately after the routine morning business and voted on not later than 3 o'clock.

Mr. STONE. If we can begin at 1——

Mr. KERN. Make it 4.

Mr. NELSON. Mr. President, will the Senator from Massachusetts yield to me?

Mr. STONE. What is the need of a controversy here about half an hour?

Mr. LODGE. Exactly.

Mr. STONE. Several Senators desire to be heard, not extensively, but within reasonable limits. My friend from Minnesota is so generous and fair in all things that I am sure I need only to present the matter to him.

Mr. NELSON. Will the Senator from Missouri yield to me?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. STONE. I do.

Mr. NELSON. It is very important that we should dispose of the appropriation bills. Therefore I would suggest that unanimous consent be asked that we take up this bill to-morrow, immediately after the reading of the Journal, and dispose of it by a final vote before 3 o'clock, or not later than 3 o'clock.

Mr. LODGE. That is all right.

Mr. STONE. That is satisfactory to me.

Mr. OLIVER. Mr. President, there are quite a number of committee reports that have been delayed, and on that account there ought to be a short time allowed for routine morning business.

Mr. LODGE. That will come immediately after the vote. It will not cut off the routine morning business.

Mr. SMOOT. That will be all right.

Mr. LODGE. It will not cut it off if the vote is taken at 3 o'clock.

The PRESIDENT pro tempore. Will the Senator from Massachusetts restate his request?

Mr. LODGE. I ask that to-morrow, immediately after the reading of the Journal, the immigration bill, with the President's objections, be taken up, and that the vote upon it be taken not later than 3 o'clock.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts?

Mr. CLAPP. I objected to the other suggestion not for purposes of delay, but because I thought we ought to go to work and dispose of this matter. I do not want to stand against the will of the Senate. We have an immense amount of work yet before us at the present session. If it is the sense of the Senate that we should pass upon this matter at 3 o'clock to-morrow, while I deprecate that policy, I shall not any further interpose an objection.

Mr. CLARK of Wyoming. Mr. President, I rise to a parliamentary inquiry. Will the taking up of this bill by unanimous consent cut off morning business to-morrow?

Mr. LODGE. No.

Mr. CLARK of Wyoming. I am asking the Chair.

The PRESIDENT pro tempore. It would preclude the presentation of morning business, except by unanimous consent, after the disposition of this measure.

Mr. CLARK of Wyoming. I supposed that was true; and in that event, unless the request for unanimous consent is so amended that we can take up the morning business, I shall have to object.

Mr. LODGE. I thought it would be open to morning business. I will add to the request, then, that after the disposition of this question the morning business shall be disposed of.

The PRESIDENT pro tempore. Is there objection to the modified request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

INCOME TAX.

The PRESIDENT pro tempore presented a joint resolution passed by the Legislature of Wyoming, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
Office of the Secretary of State.

UNITED STATES OF AMERICA, *State of Wyoming:*

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following copy of senate joint resolution No. 2,

adopted by the Legislature of the State of Wyoming, has been carefully compared with the original, filed in this office on the 6th day of February, A. D. 1913, and is a full, true, and correct copy thereof:

Senate joint resolution ratifying an amendment to the Constitution of the United States of America granting power to Congress to levy a tax on incomes.

Whereas both Houses of the Sixty-first Congress of the United States of America at its first session by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

A joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed by an amendment to the Constitution of the United States, which when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely:

"ART. XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration."

Therefore be it

Resolved by the Senate of the State of Wyoming (the House of Representatives concurring), That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Wyoming.

That certified copies of this preamble and joint resolution be forwarded by the secretary of state of this State to the President of the United States, Secretary of State of the United States, to the Presiding Officer of the United States Senate, to the Speaker of the House of Representatives of the United States, and to each Senator and Representative of the United States, and to each Senator and Representative in Congress from the State of Wyoming.

By the president:

BIRNEY H. SAGE.

By the speaker:

MARTIN L. PRATT.

10.52 a. m., February 3, 1913.

JOSEPH M. CAREY, *Governor.*

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 10th day of February, A. D. 1913.

[SEAL.] FRANK L. HOUX,
Secretary of State.

By F. H. WESCOTT,
Deputy.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial adopted by the Legislature of Idaho, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

[Certificate of certified copy.]

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Wilfred L. Gifford, Secretary of State of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of House joint memorial No. 1; by Mason; passed the house January 23, 1913; passed the Senate January 31, 1913; which was filed in this office on the 5th day of February, A. D. 1913, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 7th day of February, A. D. 1913, and of the independence of the United States of America the one hundred and thirty-seventh.

[SEAL.] WILFRED L. GIFFORD,
Secretary of State.

House joint memorial 1.

To the honorable the Senators and Representatives of the United States in Congress assembled:

Your memorialists, the Legislature of the State of Idaho, respectfully represent that—

Whereas a bill, known as the "three-year homestead bill," was passed by the Senate of the National Congress on February 5, 1912, said bill being without any requirements as to the cultivation of homesteads; and

Whereas the said bill was afterwards amended in the National House of Representatives so as to require cultivation, and was finally approved on June 6, 1912; and

Whereas said cultivation clause works a hardship upon settlers who have taken up or who will take up homesteads in the timbered sections of the State of Idaho and in other Western States in that those settlers who are dependent upon their own resources and labor to maintain their families and to improve their homesteads can not comply with the provisions of said law;

We therefore pray and earnestly urge that relief be granted to these homesteaders by appropriate amendment, so as to make the provisions of the said law applicable to the timbered sections of this and other Western States.

The Secretary of State of the State of Idaho is hereby instructed to forward copies of this memorial to the Senate and House of Representatives of the United States, and copies of the same to our Senators and Representatives in Congress.

This memorial passed the house of representatives on the 23d day of January, 1913.

C. S. FRENCH,
Speaker of the House of Representatives.

This memorial passed the Senate on the 31st day of January, 1913.

HERMAN H. TAYLOR,
President of the Senate.

I hereby certify that the within house joint memorial originated in the house of representative during the twelfth session of the Legislature of the State of Idaho.

[SEAL.] DAVID BURRELL,
Chief Clerk of the House of Representatives.

The PRESIDENT pro tempore presented a joint memorial of the Legislature of Idaho, which was ordered to lie on the table and to be printed in the RECORD, as follows:

[Certificate of certified copy.]

STATE OF IDAHO,
Department of State.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 2, by committee on privileges and elections, recommending the passage of the Kenyon-Sheppard bill—passed the house January 27, 1913; passed the senate February 3, 1913—which was filed in this office on the 5th day of February, A. D. 1913, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 7th day of February, in the year of our Lord one thousand nine hundred and thirteen and of the independence of the United States of America the one hundred and thirty-seventh.

[SEAL.] WILFRED L. GIFFORD,
Secretary of State.

House joint memorial 2.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislature of the State of Idaho, respectfully represent that—

Whereas a bill is now pending in Congress having for its purpose the guaranteeing to the respective States the fullest jurisdiction over all intoxicating liquors consigned to them from the time they enter the State, said bill being known as the Kenyon-Sheppard bill;

Whereas we believe that under the present laws the State is seriously handicapped in carrying out its policies relative to the liquor traffic, and that the passage of such act would be of great benefit to the several States: Now therefore

Your memorialists urgently recommend said bill be enacted into a law at the earliest possible time.

The secretary of state of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States and copies of the same to our Senators and Representatives in Congress immediately upon the passage of the same.

This house joint memorial passed the house of representatives on the 27th day of January, 1913.

C. S. FRENCH,
Speaker of the House of Representatives.

This house joint memorial passed the senate on the 3d day of February, 1913.

HERMAN H. TAYLOR,
President of the Senate.

I hereby certify that the within house joint memorial originated in the house of representatives during the twelfth session of the Legislature of the State of Idaho.

[SEAL.] DAVID BURRELL,
Chief Clerk of the House of Representatives.

The PRESIDENT pro tempore presented a joint resolution passed by the Legislature of Ohio, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

House joint resolution 11.

Joint resolution relative to funds in the Federal Treasury and to provide for the distribution and use of the income therefrom.

Whereas there was on deposit in the Federal Treasury at the close of business January 21, 1913, to the credit of the general revenue fund the sum of $136,120,738; and

Whereas the sum of $136,120,738 represents the normal credit balance of such fund; and

Whereas the amount of such credit balance is not at this time nor prior hereto has ever been in active circulation; and

Whereas the amount of such fund should be loaned to the banking institutions of the various States on the basis of competitive bidding; and

Whereas the general business, manufacturing, commercial, and agricultural interests of Ohio, as well as of every other State, would be greatly benefited through the investment, use, and privilege of such Federal credit balance; and

Whereas the amount of revenue that should be obtained from the use of such Federal Treasury balance should be credited to the respective States in which such funds are employed; and

Whereas the total amount of interest paid by the banks of the respective States to the Federal Government should be credited to the respective States employing such fund; and

Whereas the amount so credited to such respective States should be used in constructing and maintaining highways: Therefore be it

Resolved by the General Assembly of the State of Ohio, That the Congress of the United States be, and is hereby petitioned to enact statutes providing for the deposit of funds in the Federal Treasury in any of the banks of the United States upon competitive bidding as to interest, and upon approved security. And that the income from such deposits be credited to the treasurer of the State in the respective States in which such funds were on deposit; and be it

Resolved, That the income from such deposits as are credited to the treasurer of such States having employed such funds be credited to the highway construction and improvement funds to be used as are other funds for such construction and improvement purposes; and be it further

Resolved, That the secretary of state be, and is hereby, directed to forward duly authenticated copies of this resolution to the President of the United States Senate and to the Speaker of the House of Representatives of the United States, with the request that the same be laid before the Senate and House for prompt consideration.

C. L. SWAIN,
Speaker of the House of Representatives.

HUGH L. NICHOLS,
President of the Senate.

Adopted January 20, 1913.

UNITED STATES OF AMERICA,
STATE OF OHIO,
Office of the Secretary of State.

I, Chas. H. Graves, secretary of state of the State of Ohio, do hereby certify that the foregoing is an exemplified copy, carefully compared by

me with the original rolls now on file in this office and in my official custody as secretary of state and found to be true and correct, of a joint resolution adopted by the General Assembly of the State of Ohio on the 29th day of January, A. D. 1913, entitled "Joint resolution relative to funds in the Federal Treasury, and to provide for the distribution and use of the income therefrom."

In testimony whereof I have hereunto subscribed my name and caused the great seal of the State of Ohio to be affixed at Columbus, Ohio, this 13th day of February, A. D. 1913.

[SEAL.]

CHAS. H. GRAVES,
Secretary of State.

The PRESIDENT pro tempore presented a telegram, in the nature of a petition, from Local Union No 242, United Mine Workers' Association of Iowa, praying that an investigation be made by Congress of the conditions in the strike zone of the West Virginia coal fields, which was referred to the Committee on Education and Labor.

He also presented the petition of John Buzzuffi, of New York, N. Y., and telegrams in the nature of petitions from the Polish National Alliance and the Polish Alma Mater of America, praying Congress to sustain the President's veto of the immigration bill, which were ordered to lie on the table.

Mr. TILLMAN. I present a concurrent resolution adopted by the Legislature of South Carolina, which I ask may be printed in the RECORD and be referred to the Committee on Military Affairs.

There being no objection, the concurrent resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

A concurrent resolution.

Be it resolved by the house of representatives (the senate concurring), That the United States Senators and Representatives in Congress for South Carolina be, and they are hereby, requested to approve and use their influence in securing the passage of the Pepper militia pay bill, now pending in Congress, if consistent with their views as to the desirability of the legislation.

That the clerk of the house is instructed to forward a copy of this resolution to the Senators and Representatives in Congress from this State.

The house agrees to the resolution and orders that it be sent to the senate for concurrence.

By order of the house:

JAMES A. HOYT,
Clerk of the House.

The Senate agrees to the resolution and orders that it be returned to the house with concurrence.

By order of the senate:

W. M. MANN,
Clerk of the Senate.

Mr. GRONNA. I present several telegrams, in the nature of petitions, praying that the Congress sustain the veto of the President of the immigration bill. I ask that the telegrams lie on the table and be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

NEW YORK, *February 16, 1913.*

Hon. ASLE J. GRONNA,
United States Senate, Washington, D. C.:

The Hebrew Sheltering and Immigrant Aid Society, composed of American citizens in all parts of the country, respectfully prays that you exercise your functions as a representative of the people in Congress and refuse to pass the immigration bill (S. 3175) over the veto of His Excellency William H. Taft, President of the United States. This bill contains uncalled-for drastic provisions, which are bound to exclude from our shores decent law-abiding men and women for no good reason. No matter what the motives of the authors, this bill is based upon false notions. We are convinced as an organization, that has worked among immigrants for a quarter century and is coming in daily contact with every strata of immigration, that our immigrants in this country have made good. In their loyalty to the United States they rank next to none. In their patriotism and devotion to the principles of liberty they occupy the same place as any patriotic native American. They appreciate our glorious institutions more than a great many Americans who can trace their ancestry back for several generations. They have not given cause for the Congress of the United States to legislate for the exclusion from our shores of their kind. We are satisfied that the calm judgment of the American people is not in favor of the further restriction of immigration. Our laws provide sufficiently against the incoming of the mentally and physically unsound, and these laws are rigidly enforced by the United States Government. Our country is large enough and there are enormous stretches of land lying bare that are awaiting the human hand and brain to develop them. We pray that you do not permit the spirit of "narrow nativism" to override the just veto of the Chief Executive of this Nation.

Respectfully,

LEON SANDERS, *President.*
JACOB MASSEL, *Secretary.*

CHICAGO, ILL., *February 17, 1913.*

Hon. A. J. GRONNA,
Washington, D. C.:

Hope the veto of the immigration bill will be sustained.

A. V. EILERT,
Secretary and Treasurer Skandinaven.

NEW YORK, *February 14, 1913.*

Senator ASLE J. GRONNA,
United States Senate, Washington, D. C.:

I trust that you will do all that lies in your power to sustain the President's veto of the immigration bill.

LOUIS MARSHALL,
President American Jewish Committee.

Mr. GRONNA presented a memorial of the General Federation of Women's Clubs of North Dakota, remonstrating against the transfer of the control of the national forests of the United States to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Kulm, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Kenmare, N. Dak., and a memorial of the congregation of the Seventh-day Adventist Church of Max, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of G. A. Fraser, Fargo, N. Dak., praying for the passage of the so-called Owen health bill, which was ordered to lie on the table.

Mr. FLETCHER presented a memorial of the Board of Trade of Tampa, Fla., and a memorial of sundry citizens of Miami, Fla., remonstrating against the enactment of legislation providing for the Federal regulation of pilots and pilotage, which were referred to the Committee on Commerce.

Mr. CULLOM presented a memorial of members of the Woman's Club of Chicago, Ill., remonstrating against the enactment of legislation transferring the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of sundry citizens of Illinois, praying for the enactment of legislation to increase the compensation paid to railroads for carrying the mails, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the Trades and Labor Council of Danville, Ill., favoring the strict enforcement of legislation providing for the inspection of locomotive boilers and safety appliances for railway equipment, etc., which were referred to the Committee on Interstate Commerce.

Mr. SMITH of South Carolina presented a concurrent resolution passed by the general assembly of the State of South Carolina, favoring the passage of the so-called Pepper militia pay bill, which was referred to the Committee on Military Affairs.

Mr. ASHURST presented resolutions adopted by the Phoenix and Maricopa County Board of Trade, of Phoenix, Ariz., recommending that the present area of Indian reservations in the Salt River Valley and in the vicinity of the Salt River Valley be not extended, and favoring the adoption of a plan for the reduction rather than the extension of the Indian reservations, which were referred to the Committee on Public Lands.

Mr. ROOT presented a memorial of the congregation of the Seventh-day Adventist Church of the Bronx, New York, and memorials of sundry citizens of Rome and Oneida, N. Y., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. DU PONT, from the Committee on Pensions, to which was referred the bill (S. 8438) granting an increase of pension to Annie G. Hawkins, reported it without amendment and submitted a report (No. 1211) thereon.

Mr. BOURNE. From the Committee on Post Offices and Post Roads I report back favorably with amendments the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, and I submit a report (No. 1212) thereon.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. GAMBLE. From the Committee on Indian Affairs I submit a report (No. 1213) to accompany the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, which I ask may be printed.

The PRESIDENT pro tempore. The report will be received and printed.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 8404) for the relief of Jeanie G. Lyles, reported it without amendment and submitted a report (No. 1214) thereon.

Mr. OLIVER, from the Committee on Manufactures, to which was referred the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or

transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, reported it with amendments and submitted a report (No. 1216) thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to which was referred the bill (S. 4681) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., to authorize a change in the permanent system of highway plans, to provide for the condemnation of certain streets, and for other purposes, reported it with amendments and submitted a report (No. 1215) thereon.

PAY OF OFFICERS OF THE NAVY.

Mr. SMITH of Maryland. From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 7278) providing that the pay of officers of the Navy commence from the date they take rank as stated in their commissions, and I submit a report (No. 1217) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that all officers of the Navy who, since the 3d day of March 1899, have been advanced or may hereafter be advanced in grade or rank pursuant to law shall be allowed the pay and allowances of the higher grade or rank from the dates stated in their commissions.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN K. WREN.

Mr. BRISTOW. From the Committee on Military Affairs I report favorably without amendment the bill (H. R. 22939) for the relief of John K. Wren, and I submit a report (No. 1220) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that in the administration of the pension laws John K. Wren, who served in Company D, Sixty-sixth Regiment Ohio Volunteer Infantry, shall be held and considered to have been honorably discharged from said company and regiment on the 16th day of December, 1863. But no rights or benefits under any law shall accrue to John K. Wren prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM KAISER.

Mr. BRISTOW. From the Committee on Claims I report favorably without amendment the bill (H. R. 16127) for the relief of William Kaiser, and I submit a report (No. 1218) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Treasury to pay to William Kaiser $565.04, the amount lost by him while postmaster at Faribault, Minn., throught the failure of the First National Bank of that city.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIAN HEDGES.

Mr. KENYON. On behalf of the senior Senator from Montana [Mr. DIXON] I report back favorably from the Committee on Military Affairs the bill (H. R. 19191) for the relief of Christian Hedges, and I submit a report (No. 1219) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committe of the Whole, proceded to its consideration. It provides that in the administration of the pension laws Christian Hedges, late captain Company G, Seventh Regiment Iowa Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from military service of the United States as a member of said regiment on the 6th day of July, 1864. But no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEPARTMENT OF LABOR.

Mr. BORAH. Mr. President, I give notice that to-morrow, immediately following the disposition of the unanimous-consent agreement as to the veto message on the immigration bill, I shall move to take up and consider Calendar No. 856, being the bill (H. R. 22913) to create a department of labor.

Mr. SMOOT. I ask the Senator from Idaho if he intends his notice to interfere with the consideration of the District appropriation bill.

Mr. BORAH. I do not care to modify my notice. We can dispose of that question when the time comes.

Mr. SMOOT. I merely desire to call attention to it, Mr. President.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PAYNTER:

A bill (S. 8477) to authorize and direct the Commissioners of the District of Columbia to cause to be removed all obstructions from West Virginia Avenue, in the city of Washington, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CLAPP:

(By request:) A bill (S. 8478) to provide for the sale and conveyance of the inherited Indian lands; to the Committee on Indian Affairs.

A bill (S. 8479) granting a pension to William A. Gray; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 8480) to construe the name of E. T. Bourger, as the same appears in the report of Hawkins-Taylor Commission in relation to Company F, Osage County Battalion, Missouri Home Guards, to refer to Joseph Bourgeret, of Osage County, Mo.; to the Committee on Military Affairs.

A bill (S. 8481) granting a pension to Louisa Squires; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 8482) for the relief of James P. Ruggles, and others; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 8483) granting an increase of pension to Thomas W. Michael (with accompanying paper); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 8484) to amend the charter of the East Washington Heights Traction Railroad Co.; to the Committee on the District of Columbia.

By Mr. BORAH:

A bill (S. 8485) granting an increase of pension to Marsena De Witt McKane (with accompanying papers); and

A bill (S. 8486) granting a pension to Sarah R. Vancourt (with accompanying papers); to the Committee on Pensions.

By Mr. WEBB:

A bill (S. 8487) to prevent the desecration of the flag of the United States and to provide punishment therefor; to the Committee on the Judiciary.

By Mr. CHILTON:

A bill (S. 8488) for the relief of Anthony Lawson; to the Committee on Claims.

A bill (S. 8489) granting a pension to George W. Cook;

A bill (S. 8490) granting a pension to A. T. Landress (with accompanying paper); and

A bill (S. 8491) granting an increase of pension to Samuel W. Ake (with accompanying paper); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 8492) granting an increase of pension to David S. Fairchild; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 8493) granting an increase of pension to Emsey O. Young; to the Committee on Pensions.

A bill (S. 8494) for the relief of Charles Ashwell and others (with accompanying paper); to the Committee on Claims.

By Mr. LA FOLLETTE:

A bill (S. 8495) granting an increase of pension to Elisha L. Ashley; to the Committee on Pensions.

By Mr. BRYAN:

A bill (S. 8496) to amend section 8 of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes"; and

A bill (S. 8497) to repeal section 3 of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1900"; to the Committee on Post Offices and Post Roads.

By Mr. SMITH of Maryland:

A bill (S. 8498) for the relief of John E. Semmes, receiver of the Columbian Iron Works & Dry Dock Co., of Baltimore, Md.; to the Committee on Claims.

By Mr. BRISTOW:

A bill (S. 8499) granting an increase of pension to George W. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 8500) establishing compensation of certain customs officials; to the Committee on Finance.

A bill (S. 8501) granting an honorable discharge to George W. Biggs; to the Committee on Military Affairs.

A bill (S. 8502) granting an increase of pension to Harrison D. Boyer (with accompanying papers);

A bill (S. 8503) granting an increase of pension to Peter Banks (with accompanying papers);

A bill (S. 8504) granting an increase of pension to Margaret A. Pepper (with accompanying papers); and

A bill (S. 8505) granting an increase of pension to William H. Jackson (with accompanying papers); to the Committee on Pensions.

By Mr. NEWLANDS:

A joint resolution (S. J. Res. 161) granting permission to the Woman's Titanic Memorial Association to erect a memorial structure in Potomac Park, in the city of Washington; to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMITH of Maryland submitted an amendment proposing to appropriate $80,000 for the construction of a post-office building at Cambridge, Md., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. BRISTOW submitted an amendment proposing to appropriate $1,575.55 for a pavement in front of the post office and courthouse at Salina, Kans., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. ROOT submitted an amendment proposing to appropriate $350,000 to acquire, by purchase, condemnation, or otherwise, part of the block on which the post office in the Borough of Brooklyn, city of New York, N. Y., is located, etc., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $75,000 for the purchase of a site and the erection thereon of a suitable building for the use and accommodation of the city of Waverly, N. Y., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment relative to a reissuance of Treasury drafts, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $15,000 to increase the limit of cost for the public building at York, Pa., intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also (by request) submitted an amendment relative to the retirement of officers of the Navy now on the retired list who prior to June 30, 1911, became incapacitated for active service by reason of physical disability incurred in line of duty, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate $225 to pay James F. Belford for services rendered as secretary to the Commission to Investigate the Pneumatic-Tube Postal System, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—HARRY M. OSBORNE.

On motion of Mr. GUGGENHEIM, it was

Ordered, That the papers accompanying the bill S. 737, Sixty-second Congress, first session, granting a pension to Harry M. Osborne, be withdrawn from the files of the Senate, no adverse report having been made thereon.

THE INITIATIVE AND REFERENDUM.

Mr. OWEN. I offer a substitute for Senate resolution No. 413, and ask that it be read, lie on the table, and be printed.

The resolution (S. Res. 413) was read, ordered to lie on the table, and to be printed, as follows:

Resolved, That the system of direct legislation, such as the optional initiative and referendum adopted by Oklahoma, Oregon, California, Washington, Arizona, Utah, Colorado, Montana, North Dakota, South Dakota, Missouri, Arkansas, Nebraska, Wisconsin, Ohio, and Maine, is in harmony with and makes more effective the representative system and the principle of the sovereignty of the people upon which this Republic was founded and is not in conflict with the republican form of government guaranteed by the Constitution.

Mr. OWEN. I desire to give notice that on Monday next, after the disposition of the regular routine morning business, I shall address the Senate upon the resolution.

EULOGIES ON THE LATE VICE PRESIDENT.

Mr. SMOOT submitted the following concurrent resolution (S. Con. Res. 41), which was read, considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed and bound, under the direction of the Joint Committee on Printing, 14,100 copies of the proceedings and the eulogies delivered in Congress on James Schoolcraft Sherman, late Vice President of the United States, with illustration, of which 4,000 copies shall be for the use of the Senate, 8,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senators and Representatives of the State of New York, and 100 copies, bound in full morocco, for the use of Mrs. James Schoolcraft Sherman: *Provided*, That there shall be included in such publication the proclamation of the President and the proceedings in the Supreme Court of the United States upon the death of Vice President Sherman, and an account of the funeral services at Utica, N. Y.

CONDITIONS IN THE CITY OF MEXICO.

Mr. ASHURST. I submit a resolution and ask that it lie on the table and be printed.

The resolution (S. Res. 464) was read and ordered to lie on the table and to be printed, as follows:

Whereas according to the best information obtainable by the American people and by the Senate of the United States, American citizens now residents of the City of Mexico, capital of the Republic of Mexico, have been compelled to take refuge within the American Embassy, to escape the dangers of a warfare now being conducted in the Republic of Mexico;

Whereas Americans and other noncombatants have been wounded and killed while within the shelter of their own homes and while seeking safety in the residences of the official representatives of their respective Governments; and

Whereas the American Embassy has been under fire and the life of the American ambassador and his family and other American citizens gathered there for safety have been and are jeopardized, and assaults have been made upon official representatives of the Government of the United States; and

Whereas official communications between the American Government and its diplomatic representatives in the city of Mexico are either censored or garbled by and under authority of the Government of Mexico, and foreign Governments appear to look to the Government of the United States to protect life and property and maintain a state of law and order; and

Whereas the President of the United States is quoted as having stated that Congress must share with him whatever action may be taken with regard to the present deplorable state of affairs in Mexico: Therefore be it

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interests, to transmit to the Senate full and complete copies of all correspondence, cables, telegrams, and other communications received by him or by the Department of State or by the Department of the Navy relative to conditions in the City of Mexico, and copies of all instructions sent to the American diplomatic representatives and officers of the Army and Navy in command of vessels or military forces that have been placed under orders and directed to hold themselves in readiness to protect American interests, copies of such communications and orders being necessary to the end that Congress may properly assume whatever responsibility the President at any time may believe Congress should share with him.

CONDITIONS IN PAINT CREEK, W. VA., COAL FIELDS.

Mr. BORAH submitted the following resolution (S. Res. 463), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a committee of three Members of the Senate be appointed by the President of the Senate to make a thorough and complete investigation of the conditions existing in the Paint Creek coal fields of West Virginia, for the purpose of ascertaining—

1. Whether or not a system of peonage is maintained in said coal fields.

2. Whether or not access to post offices is prevented; and if so, by whom.

3. Whether or not our treaty obligations with other countries are being violated; and if so, by whom.

4. If any or all of those conditions exist, the causes leading up to such conditions.

5. Whether or not the Commissioner of Labor or any other official or officials of the Government can be of service in adjusting such strike.

6. Whether or not parties are being convicted and punished in violation of the laws of the United States.

Said committee, or any subcommittee thereof, is hereby empowered to sit and act during the session or recess of Congress, or of either House thereof, at such time and place as it may deem necessary; to require, by subpœna or otherwise, the attendance of witnesses and the production of papers, books, and documents; to employ stenographers to take and make a record of all evidence taken and received by the committee, and keep a record of its proceedings; to have such evidence,

record, and other matter required by the committee printed and suitably bound; and to employ such assistance as may be deemed necessary. The chairman of the committee, or any member thereof, may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. The claim that any testimony or evidence given may tend to incriminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceedings, except in prosecuting for perjury committed in giving such testimony. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any questions pertinent to the investigation herein authorized, shall be deemed guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not more than $1,000 nor less than $100 and imprisoned in a common jail for not more than one year nor less than one month, as provided in section 102 of the Revised Statutes of the United States.

The expenses thereof shall be paid from the contingent fund of the Senate on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Contingent Expenses.

EIGHT-HOUR LAW.

Mr. BORAH. I ask the Chair to lay before the Senate the action of the House on the disagreeing votes on House bill 18787.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon public works of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

Mr. BORAH. I ask that the Senate concur——

Mr. BURTON. I ask that the matter may go over.

The PRESIDENT pro tempore. It will go over.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 58 minutes p. m., Monday, February 17) the Senate adjourned until to-morrow, Tuesday, February 18, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 17, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, our heavenly Father, that we may touch hearts with Thee and feel the influx of Thy spirit mingling with our spirit and thus consciously renew our relationship with Thee, be strengthened, purified, ennobled, and led forward to new victories, new achievements in the work Thou hast given us to do. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

INCOME TAX.

The SPEAKER. The Chair will announce to the House, to save the trouble of reading a long document, that he has received a communication from the secretary of state of Wyoming announcing that the legislature of that State has ratified the income-tax amendment.

The communication is as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming:*

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following copy of senate joint resolution No. 2, adopted by the Legislature of the State of Wyoming, has been carefully compared with the original, filed in this office on the 6th day of February, A. D. 1913, and is a full, true, and correct copy thereof:

Senate joint resolution ratifying an amendment to the Constitution of the United States of America granting power to Congress to levy a tax on incomes.

Whereas both Houses of the Sixty-first Congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following propositon to amend the Constitution of the United States of America in the following words, to wit:

A joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed by an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely:

"ART. XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionments among the several States and without regard to any census or enumeration";

Therefore be it

Resolved by the senate of the State of Wyoming (the house of representatives concurring), That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Wyoming.

That certified copies of this preamble and joint resolution be forwarded by the secretary of state of this State to the President of the United States, Secretary of State of the United States, to the Presiding Officer of the United States Senate, to the Speaker of the House of Representatives of the United States, and to each Senator and Representative in Congress from the State of Wyoming.

By the president:

BIRNEY H. SAGE,
Secretary of the Senate.

By the speaker:

MARTIN L. PRATT,
Chief Clerk.

10.52 a. m., February 3, 1913.

JOSEPH M. CAREY, *Governor.*

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 10th day of February, A. D. 1913.

[SEAL.]

FRANK L. HOUX,
Secretary of State.

EXTENSION OF REMARKS.

Mr. SHARP. Mr. Speaker, I ask unanimous consent that there may be printed in the RECORD an article by Mr. Alfred W. Lawson, of New York, the editor and proprietor of the monthly magazine Aircraft. This article upon the subject of aviation is very interesting and illuminating and contains in it much that is of valuable information. I deem this request not inappropriate at this time, inasmuch as the subject of aerial navigation as it concerns a means of national defense and attack, will be, I believe, one of the features of the forthcoming naval appropriation bill. Other bills involving different phases of this subject are also in course of preparation and will claim our attention during the next Congress. While the zeal of the author has led him to make some recommendations with which we may not all fully agree, yet I believe his suggestions are timely and of much value, not only to Congress but to the country at large. Indeed, I believe Congress is fast coming to appreciate the importance of this new field of enterprise in its varied possibilities.

The SPEAKER. The gentleman from Ohio asks unanimous consent to print in the CONGRESSIONAL RECORD an article by Mr. Alfred W. Lawson on the subject of flying machines.

Mr. MANN. Mr. Speaker, reserving the right to object, how long is this article?

Mr. SHARP. I should think it would take probably three columns of the CONGRESSIONAL RECORD. I have made no estimate.

Mr. MANN. If the gentleman will make his request that he have leave to extend his remarks in the RECORD by printing this article, I shall have no objection.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection? [After a pause.] The Chair hears none.

The article is as follows:

A RECOMMENDATION TO CONGRESS.

(By Alfred W. Lawson.)

To the Members of the House of Representatives and the United States Senate:

As a private citizen I beg leave to address you, both individually and collectively, upon a subject which I consider of vital importance to this glorious Nation, upon a subject which, although new and little understood at present, must within a very short period take its place at the very head of human interest and progress. I allude to air craft and air navigation.

I want to point out to you a few facts in connection with what has already been accomplished in this new method of transportation and what reasonable development may be expected in the immediate future, and I want to show you with facts and figures and argument just why it becomes necessary at this time for Congress to give this subject most careful consideration and bring to bear upon it that rare good judgment and foresight which anticipates and avoids difficulties with preparedness, and thereby demonstrates the wisdom that distinguishes the preeminent minority from the eminent majority. In offering this address, gentlemen, I fully recognize the great number and variety of present-day problems you have to occupy your time, and, of course, it would be unreasonable to expect that you had given any especial attention to the development or the possibilities of air transportation during its embryo state; nor could you have been expected to do so when taking into consideration that the majority of our American publicists have seen fit to only spread broadcast the gruesome and sensational side of the subject, and thereby harass American progress, in contradistinction to the attitude of the publicists of European countries, who endeavor to educate their people in the scientific and industrial value of the movement.

So I address you, gentlemen, as one who has given much time and thought to this great subject—a specialist in this line, you might say—and give you the benefit of five years' constant investigation of the matter, summed up in the fewest possible words and relating only to that which concerns the people of the United States the most. I address you as one who knows.

I speak not as the elastic dreamer, who overleaps at a bound all the obstacles which naturally block up the passageway of progress and which require years to remove, nor as the habitual doubter who, with eyes in the back of his head, can see nothing to the fore, and naturally scouts and denies the possibilities of progress of any nature whatsoever.

I speak as one who has studied closely the lines of air-craft development, its possibilities and probabilities, and calculated conservatively regarding the time necessary to overcome certain mechanical and human obstacles while attaining its natural and healthy growth. By knowing the facts and carefully weighing the theories I have obtained a perspective from which my views on the subject should be as clear

on what has already taken place and that which should follow—as effects follow causes—as it is possible for a frail mentality to acquire.

I may say here that owing to my having acted in the capacity of editor in chief of two aeronautical periodicals during the past five years my opportunities have been unusually extended for obtaining authoritative information as well as the views of the best-informed men throughout the entire world upon the different phases of the movement, which practically enables me to arrive at very substantial conclusions.

So, to begin with, I will state that the time has now arrived for this Nation to start the construction of a great aerial fleet, both for offensive and defensive purposes. In fact, in view of the great progress already made by other nations along this line, further delay on our part must be considered little short of criminal negligence. Delay is jeopardizing the best interests of our people in general and the efficiency of our Army and Navy in particular. For every year we delay now two or more years will be required later to overtake other nations, who now lead us and who are increasing that lead with every setting of the sun.

As I write the United States of America stands thirteenth on the list of Governments who have made expenditures for the purpose of aerial development. China still ranks below us, but so pitifully insignificant have been the American appropriations for this work that China could overtake and go beyond us in a day.

It can be seen from the table which accompanies this address that Germany leads the countries of the world in governmental expenditures, having to date spent approximately $12,000,000 for their aeronautical equipment, and if you will pause momentarily to compare Germany's $12,000,000 with America's $300,000 expenditure you can see at a glance the awful inferiority of our position. For this amount Germany has acquired 320 aeroplanes, 22 dirigibles, and 9 great military sheds, as against 19 aeroplanes, 1 puny dirigible, and 1 military shed of the United States Government.

If you compare the United States position with that of France, it is almost as bad, as France has expended approximately $9,000,000, for which they can show 300 aeroplanes, 19 dirigibles, and 7 sheds.

Russia, Italy, England, Japan, Brazil, Belgium, Greece, Bulgaria, and Spain also outrank us in governmental work. Not only do these countries lead us, but they are running away from us as a greyhound can run away from a snail. Furthermore, almost every little second, third, fourth, and fifth rate country in the world is showing more governmental activity in aeronautics than this Government. For instance, as I speak new reports have just reached me that little Belgium has decided to purchase 27 more aeroplanes, while such countries as Denmark, Greece, etc., are making preparations to acquire large numbers of machines in the near future.

The haste made to equip aerially by these different countries, and the feverish haste made by Germany and France in particular, with Japan just getting a flying start, has more significance than the average mind comprehends. There are great scientists and famous war strategists in harness to-day who will tell you that within a few years "that country's air fleet which controls the air above will control the ground or water below"; and whether or not their predictions will be fulfilled the fact remains that there are at least a half dozen countries who are now preparing for just such a state of affairs.

The purpose of this address, however, is not to delve so much into the future as it is to show you just what exists at present and what could happen now in case war broke out between the aerially armed foreigner and the aerially unarmed United States. Germany, for instance, could play havoc with this country if war broke out to-day. Yes, within 30 days they could have within our shores and right up over our heads at least 10 great armor-clad air cruisers of the Zeppelin and Schuette-Lanz types and 200 or more of the latest pattern war aeroplanes. How, you ask? The easiest way possible. These 10 great air cruisers could be accompanied across the ocean by a flotilla of steamships with supplies, just as a fleet of naval vessels are accompanied by colliers and supply ships on their long voyages.

They could be reprovisioned, regasolined, and recharged with hydrogen gas as often as necessary en route by these supply ships, and again innumerable times while standing off our very shores, say, a hundred miles away and out of sight of our forts and fleets. (The word airship should only be used when referring to a rigid dirigible—that is to say, it should depend upon a solid structure, a hull braced from the inside, for its rigidity, instead of depending on the pressure of the gas itself. It should have separate and independent gas chambers, which should perform the same functions as the air-tight compartments of an ocean steamship, and be able to carry a large number of passengers. It is about as foolish to call one of those little two or three passenger-carrying dirigible balloons as an airship as it would to refer to a two or three passenger-carrying motor boat as a steamship. To call an aeroplane an airship shows absolutely no aeronautical breeding whatsoever.) These airships, which have a radius of action of about 1,200 miles, and are capable of staying in the air for 48 hours without the necessity of having to be restocked with gasoline or hydrogen, could float over our forts and fleets as though they never existed and find their way right to the very hearts of our great cities. New York, Boston, Philadelphia, Baltimore, or Washington could be put in a terrible state of panic by the very knowledge of these monsters being above them loaded with explosives and rapid-firing guns such as all the latest German air cruisers are now fitted with.

It would require but two or three of these great ships of the air to float over Washington and lay its magnificent public buildings in waste. They could pour down shot and shell, in fact, tons of ignitible explosives right over the Halls of Congress themselves, and the strangest part of the whole affair would be our absolute helplessness to prevent it. They could come and go by day or by night without opposition by merely rising high enough. All they would have to do would be to discharge their cargo of explosives and return over our great fortresses, without fear or harm, to their ocean convoy, reload, and repeat the operation as often as time would allow.

Furthermore, while Germany also has a great naval fleet that could back them up, even this would be hardly necessary, for the reason that a few air scouts could find and remain in constant touch with our own warships, and by wireless telegraphy post their convoy steamships as to their location and movements, thereby enabling the cheaper, unarmed supply ships to keep out of the way of the high-priced war vessels.

Besides the 10 big, powerful armor-clads of the air (Zeppelin and Schuette-Lanz types), each of the Germany supply ships would be accompanied by many hydroaeroplanes, to be utilized for scout work as well.

Such feats could be performed to-day; what I am saying is not relating to the future. Germany has these airships now; they are armed, tried, proved, officered, manned, and being experimented with constantly, and with each and every day's development Germany is getting nearer and nearer to the vital points of America, from a war viewpoint, while the great strides they have already made and are still making over there are so far in advance of us that even if we begin immediately to push forward it will require years before we can overtake them.

I do not want to overload you with statistics, but can not resist the temptation to call your attention to some figures recently compiled by the Zeppelin Co. concerning the performances of their airships from January 1, 1912, to December 1, 1912, which will give some idea of the magnitude of air traffic as now practiced in Germany.

Out of 334 days Zeppelin airships were operated during 308 days, with the total number of hours in the air 1,167, during which time a distance of 41,145 miles were covered and 10,291 people carried (4,682 passengers and 5,609 crew).

One single airship—the *Viktoria Luise*—made 225 trips, with a total duration of 497 hours, covering 17,737 miles in an air line and carrying 4,336 people (2,409 crew and 1,927 passengers).

It might also be stated here that during all of these trips, or any others made by the Zeppelin ships previously, there has never occurred one fatal accident—read again, very slowly and thoughtfully, during the many years of experimentation, and in many cases accidents to the ships, of the hundreds of trips made and tens of thousands of miles covered and tens of thousands of passengers carried, not one life was lost from a Zeppelin airship. Strange, isn't it, especially after your favorite editor has been repeatedly telling you how man's efforts to navigate the air was draining the population of the world.

Aerial fleets and expenditures of the different Governments (approximate).

Country.	Government aeroplanes.	Government dirigibles.	Government expenditures.
1. Germany	320	22	$12,000,000
2. France	300	19	9,000,000
3. Russia	150	10	6,000,000
4. Italy	125	8	4,000,000
5. Austria	100	7	3,000,000
6. England	60	6	2,500,000
7. Japan	50	4	1,000,000
8. Belgium	40	2	800,000
9. Brazil	18	3	500,000
10. Bulgaria	35	.....	350,000
11. Greece	30	.....	325,000
12. Spain	20	2	310,000
13. United States[1]	19	1	300,000
14. Roumania	14	.....	200,000
15. Denmark	10	1	150,000
16. Holland	8	.....	100,000
17. Turkey	6	.....	80,000
18. Mexico	6	.....	70,000
19. Norway	5	.....	60,000
20. Servia	3	.....	50,000
21. Argentina	3	.....	40,000
22. China	2	.....	30,000
23. Montenegro	1	.....	15,000

[1] The estimate on the United States includes the appropriation of March 3, 1911, for $125,000 and that of August 24, 1912, for $100,000 as well as allowing $75,000 expenditure of the Navy to date.

It must be understood that with air craft was born an entirely new science of engineering and navigating and that airship engineers and navigators of the air must be educated and developed with the same care and attention that is bestowed upon marine engineers and navigators—in fact more so, because it requires a higher developed mentality to succeed in the new order of things.

Great air cruisers can not be built in a day, neither can men be trained to man them in a day. It requires years of actual experimentation through a course of development from the seed upward.

An idea prevailed in the British Navy a short time ago that an airship could be built by British engineers to equal or surpass the qualities of a German Zeppelin. Yes, the product of the English constructors, who had never built airships before, was to be as good or better than the product of the Germans who had spent years in the accumulation of practical experience in airship construction and operation. So an order was given to one of the largest engineering concerns in England for a great Zeppelin type, rigid airship. Well, the ship was built according to the specifications of some men who had spent much valuable time in figuring and theorizing, but who, unfortunately, had had no actual training or experience, with the result that while it looked like a Zeppelin it acted quite differently when let loose into the great highway above. To be short, it lacked the main essentials of a Zeppelin—knowledge and experience gained from years of trials and failures—and upon one of its first test trials it came to an untimely end by breaking into two separate and distinct parts.

Just what happened in England is just what would no doubt happen in America if one of our great engineers in some other line undertook to build a "Zeppelin" or a "Schuette-Lanz" without first passing through a long course of airship study, experimentation, and some failures. Our greatest engineer in any other line would be a mere novice in airship construction. In fact, he would probably be worse than a novice because he would try to inject his old methods and principles into an entirely new dimension.

So with Germany several years in the lead in airship construction and air navigation, enjoying the benefit of a great fighting fleet of air cruisers manned by crews trained right up to the minute and America without an air fleet, without airship constructors, and without men educated and trained in air navigation, this country, in case of war with Germany would present about as pitiable a sight during the conflict as that presented by the savage Filipino tribesmen who undertook to fight with their bows and arrows and antiquated firearms our trained American soldiers with their up-to-date quick-firing guns.

Now, if Germany with a great aerial fleet could blind us with a rain of fire and explosives from above to-day, Japan could do the same thing to-morrow, for that country is even now stealthily collecting a fleet of both aeroplanes and dirigibles, and what is more, they are experimenting with them and training their best men to handle them. The Japanese fleet could lay off of any of our western coast cities from Seattle to

Panama and by utilizing the very latest up-to-date aeroplanes and airships could fly over our forts and fleets as though they never existed. Luckily for us Japan has not made the great strides in aerial methods that Germany has yet. She started later; in fact, she started later than the United States, but within one short year she has outdistanced us in governmental appropriations for aeronautical work at a ratio of about 8 to 1.

If Japan keeps up this ratio of aerial progress within the next five years, and the United States persists in remaining inactive as it has done almost entirely during the past four years, Japan will have gained an advantage, from a war standpoint, which it will require at least from 5 to 10 years of our best efforts to overcome, while, if war broke out between the two countries in the meantime, we surely would have to pay a terrible penalty for our procrastination.

Not only does the expenditure of huge sums of money by the different Governments for aerial purposes develop war strength for those countries, but it also aids in the development of their industrial side as well. For instance, because the Government of France spent several millions of dollars for the purchase of aeroplanes, the manufacturers of aeroplanes in France secured a tremendous advantage over the aeroplane manufacturers of the United States for the simple reason that it gave the Frenchmen a home market to dispose of their machines and consequently that much more money to carry on the work with. This naturally induced some of the greatest engineers in France to enter the industry, and when it was found that the Government spent its money for flying machines capital in quantity then became available for building and experimental purposes, with the result that the American manufacturer with little or no capital at his disposal and no governmental market for his product found great difficulty in trying to compete in the world's market with his French rival, who was nursed, so to speak, upon governmental supplies during his infancy period. So it can readily be seen that the knife is cutting both ways against America—it cuts both in war and industry.

Therefore for the reasons mentioned and many other good reasons I could offer, if I could but have your time and attention, I herewith recommend that Congress immediately appropriate the sum of $10,000,000 for the purpose of creating an adequate American aerial fleet of both aeroplanes and airships, together with their necessary equipment as well as the cost of their operation.

And, furthermore, I recommend that Congress immediately pass a bill giving both the Army and Navy the power to enlist a sufficient number of officers and men to be educated in the theory and trained in the practice of aerial maneuvers.

I also recommend that the duty be taken off foreign airships (rigid dirigibles) for a period of two years from date in order to stimulate the importation of a few of these leviathans which would eventually lead to their construction in this country.

And, again, I recommend that suitable provision be made to subsidize airships, either manufactured or operated by properly organized companies in the United States of America, that their ships of the air can be utilized by this Government in case of war or during maneuvers in times of peace. These airships, of course, at other times would be used for passenger-carrying service between important points.

While I recommend the temporary suspension of the tariff from airships (rigid dirigibles) for the reason that we have no concerns in this country who have demonstrated their ability to construct them, still I would like to have it distinctly understood that I am in favor of a heavy tariff being placed on aeroplanes, for the reason that there are a number of well-organized, well-equipped American concerns capable of building aeroplanes equally as good, if not better, than the foreigners, and as home industries should be encouraged in the United States as they are encouraged in other countries, I furthermore recommend that every heavier-than-air machine, whether it be of the overland or over-water variety, purchased by the United States Government, must be made in whole or in part entirely upon United States soil. For our air fleet in war will eventually develop only that efficiency that we are capable of putting into it ourselves, and it is a thousand times better for this Government to purchase now even a slightly inferior flying machine from a home manufacturer, and thus enable him to enlarge and improve his efficiency with the use of the purchase money, than to buy a better machine from a foreign concern, thus enabling it to still further increase its power over the American manufacturer with the use of our capital. This rule should be made effective at least until such time as the infant industry in America has developed to a point where it can maintain its standard without favor.

The policy of this country should be to have as efficient an air force as any other country in the world, and in order to do so we must figure on overtaking the countries who are now leading us. To overtake Germany, for instance, would require at least five years' time, so that if this should be our aim, in order to do so by the year of 1919, we must arrange a progressive policy in aeroplane and airship addition which will permit us to catch up instead of falling further behind. At a very conservative estimate I place the German air fleet in the year of 1919 at more than 100 dirigibles and more than 1,500 aeroplanes, so that if we intended to catch her or take a leading position with the great aerial powers of the world it will be necessary for us to outline our policy and begin work along this line at once with these figures as the goal.

No less than 150 aeroplanes and 2 rigid dirigibles should be added to our forces this year, with at least three military airship sheds. One of these sheds should be erected in the Panama Canal Zone, while one should be located somewhere along the North Atlantic coast, and the other somewhere on the Pacific seaboard.

Above all things it should not be forgotten that suitable provision must be made immediately for the enlistment of a large enough force of officers and men to be thoroughly trained in up-to-date airmanship. At the present time Germany has over 300 trained aeroplane pilots, in addition to several hundred trained men for the navigation of airships—an air force that altogether exceeds 600—whereas we have in our United States service less than a dozen trained airmen, and, worse still, no provision has yet been made for that purpose. The few members that can be spared for that sort of work by the Signal Corps in the Army or those taken from the ranks of Navy officers make up our entire air force.

It is to be hoped, therefore, gentleman that the foregoing recommendations will receive your most earnest consideration and support, and that the position, honor, and power of this country may not be further jeopardized through lack of progressive action.

No man can serve his country in a more worthy manner than by adding his mite toward the development of nature's latest and greatest gift to mankind—the power to navigate the air.

Respectfully submitted.

ALFRED W. LAWSON,

HOMESTEAD ALLOTMENTS, CHOCTAW AND CHICKASAW NATIONS.

The SPEAKER. The Clerk will report the first bill on the Unanimous Consent Calendar.

The Clerk read as follows:

A bill (H. R. 25507) to authorize certain changes in homestead allotments to the Choctaw and Chickasaw Nations in Oklahoma.

Mr. BROUSSARD. Mr. Speaker, when the House adjourned the other day the bill H. R. 25762 was under consideration, and on my motion it was passed without prejudice for consideration this day.

The SPEAKER. What was the statement of the gentleman?

Mr. BROUSSARD. I stated, Mr. Speaker, that on the last unanimous-consent day the House had under consideration the bill H. R. 25762. It was not completed, and it was passed on my motion for consideration this day without prejudice, so that that bill is the unfinished business of the last unanimous-consent day.

Mr. MANN. Mr. Speaker, there was no unfinished business on unanimous-consent day.

The SPEAKER. It seems to the Chair the gentleman from Louisiana is mistaken about what happened. That bill was called up and the gentleman asked to pass it over without prejudice. That is all that was done to it.

Mr. BROUSSARD. Well, does not it come up as the first thing this morning?

The SPEAKER. It would come up in its natural place on the calendar, wherever that is.

Mr. BROUSSARD. All right, Mr. Speaker.

The SPEAKER. There is no such thing as unfinished business on Unanimous Consent Calendar. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 25507) to authorize certain changes in homestead allotments of the Choctaw and Chickasaw Indians in Oklahoma.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to set aside from the homestead allotment of the Choctaw and Chickasaw Indians in Oklahoma, duly and legally enrolled as of one-half or more Indian blood, a homestead of 80 acres, which shall be subject to all the restrictions now prescribed by law for homesteads of Choctaw and Chickasaw allottees of one-half or more Indian blood.

SEC. 2. That all restrictions upon lands belonging to allottees of less than three-quarters Indian blood, as shown by the tribal rolls, which are by this act changed from homestead to surplus allotments, shall immediately after such change as made be removed.

SEC. 3. That by and with the consent of the allottee the Secretary of the Interior is hereby authorized and directed to cause to be sold, at a fair price, all or any portion of the surplus allotments of the Choctaw and Chickasaw allottees of three-quarters or more Indian blood and pay over to such allottee or his guardian not less than one-fourth of the proceeds of such sale, and to invest and reinvest the remainder of such proceeds in permanent improvements upon the remaining unsold homestead, or as the best interest of such allottee may require, with authority to pay over all or any part thereof to such allottee in the discretion of the Secretary of the Interior.

SEC. 4. That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules, regulations, terms, and conditions, not inconsistent with this act, as he may deem necessary to carry out its provisions: *Provided*, That final payment by the purchasers of land hereunder shall not be deferred longer than five years after the sale is made, and interest on such deferred payments shall not be charged to exceed 5 per cent per annum: *Provided further*, That nothing contained herein shall be construed to prohibit the Secretary from removing restrictions upon such allottees as may, in his opinion, be fully competent, nor to impose restrictions removed from land by or under existing law.

Mr. BURKE of South Dakota. Mr. Speaker, the bill which has been called is a bill of the gentleman from Oklahoma [Mr. CARTER], who is absent in Oklahoma at present by consent of the House. The chairman of the committee that reported this bill does not happen to be present, and I ask unanimous consent that the bill be passed over.

Mr. GARRETT. Mr. Speaker, reserving the right to object, will the gentleman state what effect that will have, as this is the last unanimous-consent day——

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. GARRETT. Mr. Speaker, I reserved the right to object.

Mr. MANN. I was going to call the attention to what effect it would have and then object. The rule provides that the Unanimous Consent Calendar is called on suspension day. The last six days of the session are suspension days, and the Unanimous Consent Calendar, therefore, is on call on the last six days of the session.

The SPEAKER. Is the gentleman certain of that?

Mr. MANN. I am absolutely certain of it.

The SPEAKER. That unanimous-consent business is in order on the last six days?

Mr. MANN. I am, Mr. Speaker, and the practice in the last Congress was, not that unanimous-consent bills were taken up every day immediately after the reading of the Journal when nobody demanded the regular order, but that the Unanimous Consent Calendar, during the six days, was called when it was convenient for the House or when anybody demanded the regu-

lar order. And as no one can tell when the Unanimous Consent Calendar will be called during the last six days, I shall object to passing over any bill on the Unanimous Consent Calendar to-day.

Mr. BURKE of South Dakota. The question I will submit is in the form of a parliamentary inquiry. The gentleman from Illinois [Mr. MANN] says that the Unanimous Consent Calendar will be in order on the last six days, and therefore he proposes to object to all bills on the Unanimous Consent Calendar to-day where there is a request to pass them over without prejudice. My parliamentary inquiry is, Can not a bill which has been on the calendar only once be placed upon the calendar again if it goes off by objection to-day?

The SPEAKER. Of course it can.

Mr. GARRETT. Mr. Speaker, if the gentleman will permit, I understood the gentleman from Illinois [Mr. MANN] to state that during the last six days it would not be possible to know at what hour or what time the Unanimous Consent Calendar might be called.

Mr. MANN. I take it that under the rule it could be required to be called at the time fixed by the rule. As a matter of convenience in the House during the last six days of the last Congress the only time we had practically was where during the last six days the Unanimous Consent Calendar was called at the convenience of the House.

Mr. GARRETT. The rule, of course, provides that on the days when it is in order to move to suspend the rules that the Unanimous Consent Calendar shall be called immediately after the approval of the Journal?

Mr. MANN. Yes; I understand. I object.

The SPEAKER. We might as well have this matter settled. If this rule is construed literally, then the last six days you will not do anything except to call this Unanimous Consent Calendar and have suspension of the rules?

Mr. MANN. If the Chair will permit, if this rule should be construed literally, and anyone should insist on the regular order during the last six days for the calling of the Unanimous Consent Calendar, it would not take more than about two minutes to dispose of all the bills on it, because all the bills would be objected to as soon as the number and the title were read.

The SPEAKER. Everybody understands the last six days will be largely taken up with appropriation bills and conference reports.

Mr. MANN. Undoubtedly. There was no trouble in the working of the rule before, and I apprehend there will be no trouble again.

Mr. NORRIS. And I would like to suggest, Mr. Speaker, that these motions must be on the calendar at least seven days.

Mr. GARRETT. Three days.

Mr. NORRIS. Three days. So that by mere lapse of time if the calendar is once cleared, you will not be able to put any of them on again.

Mr. HARDWICK. If the gentleman from Illinois will permit, I want to suggest that while motions to suspend the rules are in order during the last six days as well as unanimous consents, according to the calendar, yet neither one of them would interfere in the slightest with the consideration of conference reports on appropriation bills. It is a matter for consideration of the Chair. They are not of higher privilege than the consideration of conference reports or appropriation bills. The latter two would come first, I think.

The SPEAKER. Has the gentleman read the rule?

Mr. HARDWICK. Yes, sir.

Mr. MANN. I suggest to the Speaker no one can hold up the House by the Unanimous Consent Calendar or by demand for the regular order, because if anyone demands to do that it is a very short shift to dispose of the Unanimous Consent Calendar by objection.

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] object to that bill?

Mr. MANN. I did, and to its being passed over.

The SPEAKER. Did he object to its being passed over without prejudice?

Mr. MANN. I objected to its being passed over without prejudice and I objected to its consideration.

Mr. CLAYTON. Mr. Speaker, may I ask the gentleman from Illinois a question? There was some confusion in the House and some of us over here did not perhaps catch the gentleman's statement. We desire to know whether the gentleman stated that he would object to every bill which would be called up to-day under unanimous consent?

Mr. MANN. Oh, not at all. I said that I should object to bills being passed over without prejudice.

Mr. CLAYTON. Now I understand the gentleman. There was so much confusion that I could not hear the gentleman's statement.

The SPEAKER. That bill will be stricken from the calendar, and the Clerk will report the next one.

STANDARD BARREL FOR DRY COMMODITIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23113) to fix the standard barrel for fruits and vegetables.

The title of the bill was read.

Mr. TUTTLE. Mr. Speaker, I ask unanimous consent that the Clerk read the committee substitute in lieu of the original bill.

The SPEAKER. The gentleman from New Jersey [Mr. TUTTLE] asks unanimous consent that the substitute be read in lieu of the original bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the substitute.

The Clerk read as follows:

That the standard barrel for fruits, vegetables, and other dry commodities shall be of the following dimensions when measured without distention of its parts: Diameter of head inside of staves, 17¼ inches; distance between heads, inside measurement, 26 inches; the outside bilge or circumference shall not be less than 64 inches; and the thickness of staves not greater than four-tenths of an inch: *Provided*, That any barrel of a different form having the same distance between heads and a capacity of 7,056 cubic inches shall be a standard barrel.

SEC. 2. That it shall be unlawful to sell, offer, or expose for sale in any State, Territory, or the District of Columbia, or to ship from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to a foreign country, a barrel containing fruits or vegetables or any dry commodity of less capacity than the standard barrel defined in the first section of this act or subdivision thereof known as the half barrel; and any person guilty of a violation of any of the provisions of this act shall be liable to a penalty of $1 and costs for each barrel so unlawfully sold or offered for sale or shipped, as the case may be, to be recovered at the suit of the United States in any court of the United States having jurisdiction: *Provided, however*, That no barrel shall be deemed below standard within the meaning of this act when shipped to any foreign country and constructed according to the specifications or directions of the foreign purchaser, if not constructed in conflict with the laws of the foreign country to which the same is intended to be shipped.

SEC. 3. That reasonable variations shall be permitted, and tolerances shall be established by rules and regulations made by the Director of the Bureau of Standards and approved by the Secretary of Commerce and Labor. Prosecutions for offenses under this act may be begun upon complaint of local sealers of weights and measures, or other officers of the several States and Territories appointed to enforce the laws of the said States or Territories, respectively, relating to weights and measures: *Provided, however*, That nothing in this act shall apply to barrels used in packing or shipping cranberries or commodities sold exclusively by weight.

SEC. 4. That this act shall be in force and effect from and after the 1st day of July, 1913.

Mr. HAY. Mr. Speaker, I reserve the right to object.

Mr. AUSTIN. Mr. Speaker, I am going to insist on an objection to all reservations of points of order on all of these bills.

The SPEAKER. Is there objection?

Mr. FIELD. I object, Mr. Speaker.

The SPEAKER. The bill will be stricken from the calendar. The Clerk will report the next one.

EFFICIENCY OF PERSONNEL OF NAVY AND MARINE CORPS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24225) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899.

The Clerk began the reading of the bill.

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. AUSTIN. Mr. Speaker, there will be no reservations of any points of order on any of these bills. I give notice now.

Mr. GARNER. The bill has not been read yet.

Mr. MANN. I was reserving the right to object for the purpose of asking one question, whether the author of the bill would be willing to substitute a repealing clause for the "plucking board" section instead of the proposition to amend it, because I shall object unless the section can be repealed.

The SPEAKER. The Chair does not know who is the author of the bill.

Mr. AUSTIN. I demand the regular order, Mr. Speaker.

Mr. GARNER. Let the bill be read.

The SPEAKER. The regular order is the reading of this bill.

Mr. MANN. I object.

The SPEAKER. Objection is made, and the Clerk will report the next one.

BRIDGE ACROSS MISSISSIPPI RIVER, BATON ROUGE, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25762) for the construction of a bridge across the Mississippi River at or near Baton Rouge, La.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Baton Rouge Bridge & Terminal Co., a corporation organized under the laws of the State of Louisiana, its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge, and all approaches thereto, across the Mississippi River at or near the city of Baton Rouge, La., at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That said bridge shall be so constructed, maintained, and operated that, in addition to its use for railroad trains and trolley cars, it shall provide for a separate roadway and approaches and continuous use by the public as a highway bridge, to be used for all kinds of highway traffic and travel, for the transit of which reasonable rates of toll may be charged and received, but no rate for passage of a single passenger on a railroad train shall exceed 25 cents.

SEC. 2. That the Interstate Commerce Commission shall have authority to make rules and regulations for the use of this bridge by any other common carrier engaged in interstate commerce at any time any other such common carrier may desire to use it jointly, and the Interstate Commerce Commission is authorized to fix charges for any such joint use, and such charges shall be based upon the relation that the proportionate use of each carrier bears to the interest of the net income from the sale of bonds to the amount of the actual cost of construction.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Louisiana [Mr. BROUSSARD]——

Mr. AUSTIN. I demand the regular order.

The SPEAKER. The regular order is demanded. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, I do not desire to use all the time to which I would be entitled. I rise merely for the purpose of asking a question which was not thoroughly answered when this bill was up for consideration before. If the gentleman from Louisiana [Mr. BROUSSARD] will kindly consent to answer, I think the matter can be settled very quickly. This bridge is to be constructed across the Mississippi River about 2,500 miles from its source. It is to be at substantially the lower terminus of this great inland waterway. Much money has been appropriated by the Government for the improvement of the Mississippi River for navigation purposes, and the expenditure of much more money is contemplated. I want the gentleman to state, if he will, whether the construction of this bridge at this point will impede navigation or interfere with the work that is being done for the prevention of floods or will in any way impair the results of the enormous expenditure upon the Mississippi River or the expenditure which is contemplated.

Mr. BROUSSARD. The construction of this bridge will not do any of the things which the gentleman inquires about, and the report of the engineer, which is embodied in the report of the committee upon the construction of the bridge, states that the bridge to be constructed upon plans to be approved by the Chief of Engineers will not interfere with navigation or with the use of the money expended for the improvement of the river.

Mr. MOORE of Pennsylvania. Then I understand the gentleman brings the bill into the House with the assurance of the War Department that the navigation of the Mississippi will not in any way be impeded?

Mr. BROUSSARD. Yes. Here is the report of the engineer:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, August 15, 1912.

Respectfully returned to the Secretary of War.

The accompanying bill (H. R. 25762, 62d Cong., 2d sess.) authorizing the construction of a bridge across the Mississippi River at or near Baton Rouge, La., is in the usual form and makes ample provision for the protection of navigation interests.

So far as those interests are concerned, I know of no objection to its favorable consideration by Congress.

W. H. BIXBY,
Chief of Engineers, United States Army.

Mr. MOORE of Pennsylvania. One further question. Has the gentleman fully considered, or have his constituents fully considered, the possible danger that a bridge constructed at this point might be in the event of floods?

Mr. BROUSSARD. Yes; and that is all provided for.

Mr. MOORE of Pennsylvania. There will be no backing up or overflowing of the land by reason of the construction of the abutments of the bridge?

Mr. BROUSSARD. No; it is proposed to build that bridge at least 125 feet above the water level, and I learned from the engineer's office that the span must be at least 1,000 feet, which is 220 feet wider than the span of the bridge at St. Louis, so that there will be no obstruction to navigation.

Mr. MOORE of Pennsylvania. Mr. Speaker, I have no objection.

The SPEAKER. It is too late to object anyway. The Clerk will report the first amendment.

The Clerk read as follows:

Amend, page 1, lines 6 and 7, by striking out after the word "bridge" in line 6, the comma and the words "and all approaches thereto."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, strike out all of section 2.

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 2, line 20, strike out the figure 3 and insert the figure 2.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. BROUSSARD, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 27941. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1914.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 14053. An act to increase the pension of surviving soldiers of Indian wars in certain cases.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3873. An act for the relief of Lewis F. Walsh;

S. 4030. An act for the relief of Sylvester W. Barnes;

S. 186. An act for the relief of Francis Grinstead, alias Francis M. Grinstead;

S. 5262. An act for the relief of Sylvester G. Parker;

S. 2733. An act for the relief of the estate of Almon P. Frederick; and

S. 104. An act for the relief of Carl Krueger.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 14053. An act to increase the pensions of surviving soldiers of Indian wars in certain cases.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Army appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill by title and read the amendments.

The Clerk read the title of the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914.

Mr. HAY. Mr. Speaker, I did not want to have the amendments read. I wanted to save time.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. RODDENBERY. Mr. Speaker, I object, in order that the bill may go to the committee.

The SPEAKER. The gentleman from Georgia objects.

Mr. HAY. Mr. Speaker, I ask unanimous consent that the bill may be printed with the Senate amendments numbered.

Mr. MANN. If it is referred to the committee, it does not require unanimous consent.

Mr. HAY. I ask that it be referred to the Committee on Military Affairs.

The SPEAKER. It is referred to the Committee on Military Affairs.

The Clerk will report the next bill.

EXCHANGE OF CONVEYANCES.

The next business on the Calendar for Unanimous Consent was the bill (S. 1589) to authorize the exchange of conveyances between the Florida East Coast Railway Co. and the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and empowered to exchange conveyances with the Florida East Coast Railway Co. for the adjustment of a boundary line between the military reservation of Key West Barracks, on the island of Key West, Fla., and the land in front of said reservation filled in by said railway company under permission of the Secretary of War, as authorized by law, in accordance with the memorandum of agreement between

said railway company and Maj. George G. Bailey, quartermaster, United States Army, dated December 5, 1910, which agreement is hereby ratified.

The SPEAKER. Is there objection?

Mr. HAMLIN. Reserving the right to object, Mr. Speaker, I think we ought to have some little explanation of this bill. I hold the report in my hand, and it gives no sort of information, except that the committee has considered it and reports it favorably.

Mr. SPARKMAN. It is true, Mr. Speaker, that the House committee report is very meager and gives no information as to the purpose of the measure; but it is a Senate bill, and the Senate committee's report is quite full and instructive.

Mr. HAMLIN. Then the Senate report ought to have been incorporated in the House report.

Mr. SPARKMAN. I agree with the gentleman. The purpose of the bill is, as the Senate report shows, to carry into effect an agreement entered into between the East Coast Railway Co., on the one hand, and the War Department, representing the Government, on the other. It seems that under a provision that was incorporated in the Army appropriation bill of 1907 the East Coast Railway Co. went upon land in front of what is known as the barracks in Key West.

Mr. HAMLIN. Is it a military reservation?

Mr. SPARKMAN. It was hardly a military reservation; it was submerged land in front of the military reservation. The Government had obtained this submerged land partly from the Government and partly, as I understand, from the State of Florida, which is the owner of all the submerged land within the 3-mile limit from shore. This was a little cove running up in front of the island of Key West. Other islands lie to the northward of that, some short distance away, and this submerged land lies between the main island and the smaller islands.

The State of Florida in two or three acts divested itself of the ownership of this property and vested it in the United States Government. When the East Coast Railway Co. was preparing to go into Key West, finding it difficult to obtain land there for its purposes, the island being very small and land being scarce, it sought to go upon this submerged land and obtained permission to use a part of this submerged land for terminal purposes, the Government having no special use for it. In addition to this, so I am told—I do not know it of my own knowledge—the Florida Legislature passed some law vesting in the railway company the title to other lands lying contiguous to that owned by the Government.

Mr. HAMLIN. Then it is the purpose of this bill to give the East Coast Co. title to land there?

Mr. SPARKMAN. The chief purpose is to establish a boundary line between the military reservation which has been partly filled in by the railroad company and the land owned by it in front of the military reservation.

Mr. MANN. If the gentleman from Florida will allow me, is not the purpose of the bill to establish the boundary line between the military reservation and the land of the Florida East Coast Railway Co., which is a very irregular boundary line, running in and out? The company is now filling in land on both sides of that irregular boundary line at their expense by agreement with the Government, and is not the only purpose of this act to make a comparatively straight boundary line without the Government losing any amount of property?

Mr. SPARKMAN. That is the purpose of the measure, and, as I understand it, the filling is already made, the Government getting the benefit of a part of the fill.

Mr. HAMLIN. Mr. Speaker, I have no objection.

Mr. MANN. Mr. Speaker, reserving the right to object, I think that unanimous consent should be asked to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The Chair will put that after consent has been given to consider the bill.

Mr. MANN. But I will have to object, unless the gentleman makes the request.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Florida asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SPARKMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CERTAIN TRACTS OF LAND IN CALIFORNIA AS PROPOSED FOREST RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26737) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations."

The Clerk read the title to the bill.

Mr. MANN. Mr. Speaker, as there is a similar Senate bill further down on the calendar, I shall object to this.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

COMPENSATION OF UNITED STATES GOVERNMENT CIVILIAN EMPLOYEES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20995) granting to the civilian employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

The SPEAKER. Is there objection?

Mr. EDWARDS. Mr. Speaker, reserving the right to object, I would like to get some information about this bill.

Mr. MANN. Mr. Speaker, reserving the right to object, it is very evident that this bill would require consideration and that we would not be able to pass it under a day.

Mr. CLAYTON. Mr. Speaker, I think the gentleman from Illinois is correct about that, but the gentleman from Ohio [Mr. HOWLAND] reported this bill from the Committee on the Judiciary, and I would like to have him make a statement in regard to it.

Mr. MANN. I would vote for the passage of the bill, but it is evident that it would take a day for its consideration. Therefore I feel constrained, owing to the condition of the calendar, to object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

UNITED STATES COURT AT OPELIKA, ALA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27827) to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 70. The State of Alabama is divided into three judicial districts, to be known as the northern, middle, and southern districts of Alabama. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Cullman, Jackson, Lawrence, Limestone, Madison, and Morgan, which shall constitute the northeastern division of said district; also the territory embraced on the date last mentioned in the counties of Colbert, Franklin, and Lauderdale, which shall constitute the northwestern division of said district; also the territory embraced on the date last mentioned in the counties of Cherokee, Dekalb, Etowah, Marshall, and St. Clair, which shall constitute the middle division of said district; also the territory embraced on the date last mentioned in the counties of Blount, Jefferson, and Shelby, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Walker, Winston, Marion, Fayette, and Lamar, which shall constitute the Jasper division of said district; also the territory embraced on the date last mentioned in the counties of Calhoun, Clay, Cleburne, and Talladega, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Bibb, Greene, Pickens, Sumter, and Tuscaloosa, which shall constitute the western division of said district. Terms of the district court for the northeastern division shall be held at Huntsville on the first Tuesday in April and the second Tuesday in October; for the northwestern division, at Florence on the second Tuesday in February and the third Tuesday in October: *Provided*, That suitable rooms and accommodations for holding court at Florence shall be furnished free of expense to the Government; for the middle division, at Gadsden on the first Tuesdays in February and August: *Provided*, That suitable rooms and accommodations for holding court at Gadsden shall be furnished free of expense to the Government; for the southern division, at Birmingham on the first Mondays in March and September, which courts shall remain in session for the transaction of business at least six months in each calendar year; for the Jasper division, at Jasper on the second Tuesdays in January and June: *Provided*, That suitable rooms and accommodations for holding court at Jasper shall be furnished free of expense to the Government; for the eastern division, at Anniston on the first Mondays in May and November; and for the western division, at Tuscaloosa on the first Tuesdays in January and June. The clerk of the court for the northern district shall maintain an office, in charge of himself or a deputy, at Anniston, at Florence, at Jasper, and at Gadsden, which shall be kept open at all times for the transaction of the business of said court. The district judge for the northern district shall reside at Birmingham. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Autauga, Barbour, Bullock, Butler, Chilton, Coosa, Covington, Crenshaw, Elmore, Lowndes, Montgomery, and Pike, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Coffee, Dale, Geneva, Henry, and Houston, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Chambers, Lee, Macon, Randolph, Russell, and Tallapoosa, which shall constitute the eastern division of said middle judicial district. Terms of the district court for the northern division shall be held at Montgomery on the first Tuesdays in May and December; for the southern division, at Dothan on the first Mondays in June and December; and for the eastern division, at Opelika on the first

Mondays in April and November: *Provided*, That suitable rooms and accommodations for holding court at Opelika shall be furnished free of expense to the Government. The clerk of the court for the middle district shall maintain an office in charge of himself or a deputy at Dothan, and shall maintain an office in charge of himself or a deputy at Opelika, which said offices at Dothan and Opelika shall be kept open at all times for the transaction of the business of said divisions. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Dallas, Hale, Marengo, Perry, and Wilcox, which shall constitute the northern division of said district. Terms of the district court for the southern division shall be held at Mobile on the fourth Mondays in May and November; and for the northern division at Selma on the first Mondays in May and November."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CLAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM C. GORGAS AND OTHERS.

The next business on the Calendar for Unanimous Consent was H. J. Res. 365, to permit Col. William C. Gorgas and certain other officers of the Medical Corps and certain officers of the Engineer Corps of the Army to accept service under the Republic of Ecuador.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of War is authorized to grant Col. William C. Gorgas and not exceeding two other officers of the Medical Corps and not exceeding three officers of the Engineer Corps of the Army leave of absence, without pay, and that they be permitted to assist the Republic of Ecuador in an advisory or other capacity in connection with the improvement of sanitary conditions in said Republic and to accept compensation therefor. The permission hereby granted shall be held to terminate at such date or dates as the Secretary of War may determine: *Provided*, That the United States shall not be liable for any expenditure hereunder, nor shall any money heretofore appropriated in connection with or for the construction of the Panama Canal be expended for purposes of sanitation outside of the Canal Zone.

With the following committee amendments:

Strike out all after the resolving clause and insert:

"That the Secretary of War, upon any future request of the Government of Ecuador, is authorized to grant Col. William C. Gorgas and not exceeding two other officers of the Medical Corps and not exceeding three officers of the Engineer Corps of the Army leave of absence, without pay, and that they be permitted to assist the Government of Ecuador in an advisory capacity in connection with the improvement of sanitary conditions in said Republic and to accept compensation therefor: *Provided*, That said compensation to said officers shall not exceed the amount paid to them on the Isthmus of Panama in connection with the construction of the Panama Canal: *And provided further*, That the United States shall not be liable for any expenditure hereunder, nor shall any money heretofore or hereafter appropriated in connection with or for the construction of the Panama Canal be expended for purposes of sanitation outside of the Canal Zone, except within the cities of Panama and Colon and other regions subject, under the terms of the treaty with Panama concluded November 18, 1903, to the authority of the United States for the construction, maintenance, operation, sanitation, and protection of the Panama Canal and other works necessary therefor, and hereafter the Secretary of War is directed to report to Congress all moneys spent for sanitation purposes in the cities of Panama and Colon and in the other regions subject under the treaty aforesaid to the authority of the United States.

"SEC. 2. That the permission hereby granted shall be held to terminate at such date or dates as the Secretary of War may determine."

The SPEAKER. Is there objection?

Mr. CARY. Mr. Speaker, reserving the right to object, I would like to hear from somebody having the resolution in charge.

Mr. SHERLEY. Mr. Speaker, the purpose of the resolution is expressed in the language of the resolution. Ecuador has asked permission of the Federal Government to lend her certain officers who have had experience in sanitation work for the cleaning up of one of her cities which is badly in need of such work being done, and which is a menace to-day to the health of all neighboring cities and countries and particularly to the health of the Panama Canal Zone. The purpose of the resolution is to authorize these officers to accept this employment under Ecuador at the expense of that country and without expense to this country in the performance of this work of sanitation.

Mr. NORRIS. I will state to the gentleman from Wisconsin that they could not do that under the Constitution without an act of Congress.

Mr. MANN. Mr. Speaker, will the gentleman from Kentucky yield?

Mr. SHERLEY. Yes.

Mr. MANN. What object is there in restricting the work these gentlemen may do to working in an advisory capacity?

Mr. SHERLEY. I understand that is the character of the work they want of these officers. Just why it is necessary to put in the word "advisory" I am not myself advised. The bill was introduced by the chairman of my committee, who is not able to be on the floor at the present time.

Mr. MANN. The gentleman will notice on page 2 of the resolution, in lines 17 and 18, the following language:

Provided, That said compensation to said officers shall not exceed the amount paid to them on the Isthmus of Panama.

There might be some question in reference to that, especially as these officers might not have been employed on the Isthmus of Panama. Would it not be better to change that and make it read:

Provided, That the rate of compensation paid to such officers shall not exceed the rate paid to them or similar officers on the Isthmus of Panama.

Mr. SHERLEY. I see no objection to that amendment.

Mr. MANN. That would be clear and the other would not.

Mr. SHERLEY. I think it is contemplated to detail men now on the Isthmus, and the matter might be cured by simply putting in the word "now," so that it would read:

Shall not exceed the rate now paid to them.

The gentleman's amendment is satisfactory, however.

Mr. NORRIS. What is the object of limiting their compensation to this amount?

Mr. SHERLEY. That amendment came from the Committee on Military Affairs, and I assume that it was to avoid temptation to any officers to extend their leave beyond that required in the doing of the particular work to be done that there should not be an inducement of extra pay.

Mr. NORRIS. On the other hand, unless they could get some extra pay, there would, of course, be no probability that the officers would want to go.

Mr. SHERLEY. There is no question about the willingness of the officers to undertake the work. While the committee was at Panama this matter came up, but there was no authority by which Col. Gorgas could be sent there. But knowing the importance of doing the work, he was sent down after an informal conference between the Secretary of War and the Members of Congress then on the zone, and I have now an amendment which I desire to offer to the second section which I will ask to have read and then explain the purpose of it.

Mr. MANN. Mr. Speaker, reserving the right to object, let us hear that amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out section 2 on page 2 and inserting the following:

"SEC. 2. The permission hereby granted shall be held to terminate at such date or dates as the Secretary of War may determine, and to authorize and sanction the payments already made by the Government of Ecuador to Col. William C. Gorgas and Maj. Robert E. Nobel, Medical Corps, United States Army, one civil engineer and one clerk, in connection with their recent visit of investigation to Ecuador."

Mr. MANN. That is all right.

Mr. SHERLEY. I will say in explanation of the amendment that there was no authority whereby these gentlemen could go there and accept compensation, but the matter was urgent. The situation there is one fraught with danger to Panama and to other countries near Ecuador. For that reason we felt that the circumstances were such as to warrant Col. Gorgas and his men being sent there. This is work so important that we would insist on its being done if necessary, and when we found the country not only willing to do it but asking the loan of these men, we felt it proper to enable them to undertake that work.

Mr. MANN. Regular order!

The SPEAKER. Is there objection?

Mr. PRINCE. Mr. Speaker, reserving the right to object, I want to be heard.

The SPEAKER. The other gentleman from Illinois [Mr. MANN] demands the regular order.

Mr. MANN. I will waive that for the moment.

Mr. PRINCE. Mr. Speaker, as a member of the committee I think I ought to be heard on this.

The SPEAKER. The gentleman will proceed; the Chair is simply construing the rules of the House.

Mr. PRINCE. Mr. Speaker, I think the House ought to know something about this matter intelligently when they vote on it.

Mr. BUTLER. The House will not vote on it; the gentleman from Illinois [Mr. MANN] has demanded the regular order.

Mr. PRINCE. Did the gentleman from Illinois demand the regular order?

Mr. MANN. I thought the gentleman wanted the bill considered.

Mr. PRINCE. No; I do not.

Mr. MANN. Is the gentleman going to object to it?

Mr. PRINCE. I think the House ought to know something about it before it is voted on.

Mr. MANN. The House will know that after it is considered. Does my colleague intend to object at the end?

Mr. SHERLEY. Mr. Speaker, I have no desire to prevent some debate of the matter if permission is given to consider it, and I suggest to the gentleman that it is a matter that the House ought to have an opportunity to consider.

Mr. PRINCE. Mr. Speaker, I do not want to object to the consideration of the bill, but I want to let the House know what they are doing when they vote on this bill.

Mr. SHERLEY. I am perfectly willing to give the gentleman such time as is within reason.

Mr. PRINCE. Mr. Speaker, if I am recognized as a member of the Committee on Military Affairs, I claim my own time.

The SPEAKER. The gentleman understands the rule.

Mr. PRINCE. I do.

The SPEAKER. If we get consideration of this bill, why, then the man who is in charge has an hour, and if he does not move the previous question, then, when he gets through with his hour——

Mr. MANN. May I ask my colleague how much time he desires to consume?

Mr. PRINCE. I do not think I will consume over five minutes——

Mr. SHERLEY. I will say to the gentleman——

Mr. PRINCE (continuing). Not to exceed 10 minutes.

Mr. SHERLEY. I will say to the gentleman I can assure him at least 10 minutes.

Mr. PRINCE. I do not want more than that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. Now, Mr. Speaker, I yield five minutes to the gentleman from Illinois.

Mr. PRINCE. Mr. Speaker, Guyaquil, Ecuador, is two and a half days' sail from the Canal Zone. True it is that it is a spot or place much infected by mosquitoes. Our quarantine laws protect us amply from Guyaquil or from any pestiferous places—that is, in South American countries. We have a hundred million people or thereabouts.

Ecuador has 4,000,000 people. The South American Republics now feel very unkindly toward our desire to get into some of their territory. When this bill appeared before the Committee on Military Affairs, there came representatives from the South American countries finding considerable fault with this proposition. It was alleged, and as to the truth of it I am not prepared to say, that there was a sanitary commission organized with a view to going down there and getting unreasonable concessions and at the same time drawing large, exorbitant, and inconceivable pay for services rendered.

The Committee on Military Affairs, after looking it over, substituted the amendment which we thought would probably cure the trouble that might arise, if any should arise. The old Government of Ecuador did permit some of our officers to go there, and they were anxious to have them come there for sanitation purposes. The new Government of Ecuador does not feel kindly disposed toward this proposition, but on account of their being small and helpless they dare not raise a hand against our going there in this way. In order to put the burden upon them and not to make it harder for commerce and for our people to do business with the South American Republics, we put in this provision that the Secretary of War, upon any future request of the Government of Ecuador, was authorized to grant it. It was intimated to us, if we made no limitation as to the expense, that there was an opportunity for officers to go and receive an enormous pay for services performed by them there. We then limited that so that it would be the same pay as was received on the Panama Canal. We made the wisest provisions we could, and finally agreed to the amendment that we have offered to the House.

Now comes another amendment to section 2, to approve and authorize friendly acts of some of our officers, and to pay them for services rendered to a defunct Government—one that has been defeated by the people. A new Government has been put in control in Ecuador.

Mr. SHERLEY. If the gentleman will permit, he misunderstood the entire purport of the amendment read.

Mr. PRINCE. I want to be correct.

Mr. SHERLEY. The gentleman is aware that Col. Gorgas and certain officers who have gone there went as the result of the invitation of the then Government of Ecuador?

Mr. PRINCE. The defeated Government.

Mr. SHERLEY. The now defeated Government. But at the time they went at the authorization and at the request of the Government of Ecuador. We are not putting an obligation upon Ecuador, and neither are we putting an obligation upon the Treasury of the United States; but they went, as the gentleman is aware, without authority of this Government. They had no right to go except by the authority of Congress. But those of us who knew the situation, and the administration itself, took the responsibility of telling these officers to go, and they obeyed the orders that were given them. The whole purpose of section 2 is to ratify their having gone, but it in no way affects the internal policy of Ecuador. And I entirely agree with the gentleman that this country ought not to force its services upon Ecuador, although I am also of the opinion that if Ecuador or any other country fails to maintain sanitary conditions, so as to remove a menace to the commerce and the health of this or any other nation, such other nation, being imperiled by their failure, ought to take very stringent action in the way of quarantine to bring about a change of affairs.

Mr. PRINCE. Have we not ample authority under the quarantine law to do so?

Mr. SHERLEY. Unquestionably, and would do it if it became necessary. But there is nothing in this instance or in this amendment that seeks in any way to interfere with Ecuador's internal policy or to force her into the doing of something she does not want to do.

The SPEAKER. The time of the gentleman from Illinois [Mr. PRINCE] has expired.

Mr. SHERLEY. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. PRINCE. If these gentlemen went there without the authority of the President or of Congress, but at the mere ipse dixit of some other people, and they now come in and approve of the thing they did, we will find that it will be like another case where we have invited the nations of the world to participate, and the argument is made that we must therefore make appropriations. We have ratified their going, and therefore we must pay them for the service they have rendered. That is the next step, as we move along in a legislative sense.

Now, all I desire to say, Mr. Speaker, is this: Our country is, in my judgment, going out into the world as a big policeman. Our place is at home, notwithstanding the rumbles down there in Mexico. [Applause.] Our place is here, minding our own business. We had our election here in this country, and it was by ballots, and we announced the result on the floor of this House last week, and the country acquiesced in it. Their method seems to be by bullets, and if our bystanders are in the way when they are electing their men down there in those foreign countries, let them get out of the way and not ask to have American blood and American bone and American manhood sent there for the benefit of American exploiters, to destroy their lives, as seems to be in the air. [Applause.]

Mr. HAMILTON of Michigan. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. PRINCE. Yes.

Mr. HAMILTON of Michigan. I wanted to ask the gentleman how he squares this expression of his views with our obligation under the Monroe doctrine? We, by the Monroe doctrine, do not recognize with equanimity the interference of foreign nations on this hemisphere, so that it is considered that a certain obligation devolves upon us to try to maintain conditions here in this hemisphere. Is the gentleman in favor of abrogating the Monroe doctrine?

Mr. PRINCE. If the proposition is ever brought into this House that we shall intervene or take control or send our troops down there, to stay from 5 to 10 years, at a cost of hundreds of millions of dollars and thousands of lives, when that question comes up I will meet it. But now I am talking on another question. You may go on and do this. I am not going to object. But I think the place of American officers, educated by our Government, is to attend to American business and to do the business of our country. We educate them at our expense. Now, here is proposed to be formed a sanitary commission of our officers. There is a demand for officers all the time. There is a demand on the Committee on Military Affairs for more officers, and as soon as we give more officers they want to go outside and do work that properly belongs to the civilians of this country. The work of sanitation belongs to civilians, and the work of engineering belongs to the civilians of this country, and it seems to me that, while I am not going to object to this bill, I will hesitate whether I shall support it or not when it comes up for passage. [Applause.]

Mr. SHERLEY rose.

Mr. MANN. Mr. Speaker, will the gentleman from Kentucky [Mr. SHERLEY] yield to me to offer an amendment?

Mr. SHERLEY. Yes.

Mr. MANN. I move, Mr. Speaker, to amend the committee amendment by striking out, on page 2, lines 17 and 18, the words "that said compensation to said officers shall not exceed the amount paid to them," and insert the language that I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 2, by striking out, after the word "therefor," the remainder of line 17 and all of line 18, and inserting the following: "The rate of compensation paid said officers shall not exceed the rate paid to them or similar officers."

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] is recognized.

Mr. SHERLEY. Mr. Speaker, I ask for a vote on that amendment.

The SPEAKER. The question is on agreeing to the amendment to the committee amendment.

Mr. PRINCE. Mr. Speaker, I should like to be heard on that for a moment.

Mr. SHERLEY. Just a moment, Mr. Speaker. I yielded to the gentleman time with the idea of getting the bill through. If the gentleman wants to take additional time, I shall move the previous question upon that amendment and the amendment I now offer because, in justice to the House, I must go forward——

Mr. PRINCE. My purpose is not delay. I have never tried that during my service in the House and never intend to. I want to ask the gentleman from Illinois what is the present compensation of each one of these officers.

Mr. SHERLEY. I do not suppose the gentleman from Illinois can answer that offhand. The salary of Col. Gorgas, one of the commissioners, is the salary of a commissioner, which is $14,000 a year. The gentleman is aware that these gentlemen receive under the canal government certain pay, which is in some instances in excess of the pay they would receive as Army officers. The purpose of the bill as reported, and of the amendment of the gentleman from Illinois, was simply to make certain that they should not get anything in excess of the sum they are now receiving.

Mr. PRINCE. That is, in excess of at least $14,000, with other privileges, which bring it up close to $20,000 a year.

Mr. SHERLEY. No; nothing like that. Col. Gorgas is the only man who is getting $14,000 a year, and he is not getting privileges amounting to $20,000 a year, and this would not authorize any privileges.

Mr. PRINCE. As a colonel in the Army, what is his pay?

Mr. SHERLEY. The gentleman knows that as well as I do. He is a member of the Committee on Military Affairs.

Mr. PRINCE. That is all I care to say.

Mr. SHERLEY. I ask for a vote.

The SPEAKER. The question is on the amendment to the committee amendment.

The amendment to the amendment was agreed to.

Mr. SHERLEY. I offer the amendment which I have sent to the Clerk's desk, an amendment to the committee amendment, to strike out paragraph 2 and insert.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out section 2 of the amendment and insert the following:

"SEC. 2. The permission hereby granted shall be held to terminate at such date or dates as the Secretary of War may determine, and to authorize and sanction the payments already made by the Government of Ecuador to Col. William C. Gorgas and Maj. Robert E. Noble, Medical Corps, United States Army, one civil engineer, and one clerk, in connection with their recent visit of inspection to Ecuador."

Mr. SLAYDEN. Mr. Speaker, I supported this measure in the committee, and I think it ought to pass; but I never have had brought to my attention before the fact that payments had already been made to officers of the Army without the consent of Congress, except in an instance in Cuba, which Congress acted upon, and which we received assurances at the time would not happen again.

Mr. SHERLEY. The gentleman from Texas may not have been present when I made my statement. This is what occurred: Here was a situation where it was exceedingly important that sanitary work should be done——

Mr. SLAYDEN. I recognize the importance of sanitary work. That is admitted.

Mr. SHERLEY. Congress was not in session. The Government of Ecuador had placed at the disposal of this Government a large sum of money to undertake this work. The gentleman is aware that there was no authority for our detailing this officer. The Secretary of War happened to be on the Isthmus at the time. There were a number of Members of Congress there. We talked the thing over informally. We recognized that there was no direct authority, but we believed that the situation was unique enough and important enought to warrant his letting these men go for the purpose of making a preliminary survey.

Mr. SLAYDEN. He must have recognized the fact that there is a direct prohibition of law against it.

Mr. SHERLEY. It entailed no payment upon the Government, and it was work that was very important in connection with the Panama Canal itself. We said to the Secretary informally, and that was the consensus of opinion of all the Members there, that under the circumstances we felt that he would be warranted in letting Col. Gorgas go there. He having gone under the instruction of his commander in chief, the administration having sent him and having consulted us, we did not feel that, in a matter which was done so openly, Congress would refuse.

Not long ago we had a situation in connection with the floods in the Mississippi. The Government turned in and sent down provisions and men without any authority of law. It is not a good practice. It is a practice that ought not to be enlarged, but it is a practice that, I submit, under certain circumstances has been and is warranted; and that was so in this case, in the judgment of those who were called upon to act under all these circumstances.

Mr. SLAYDEN. Mr. Speaker, I recognize the desirability of having the ports of Ecuador and all other Central American countries clean and free from menace to the Canal Zone——

Mr. MANN. This is not a Central American country.

Mr. SLAYDEN. But it is a serious fact when a high executive officer, for the second time, authorizes a deliberate violation of the law, and I think it ought to be a matter of record.

Mr. MANN. Will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. MANN. Did not an executive officer violate the law when Galveston was flooded and when the Mississippi River was flooded, and when something occurred up in Alaska?

Mr. SLAYDEN. How did he violate the law when Galveston was flooded?

Mr. MANN. They gave sustenance to the people and sent tents there without authority of law, and afterwards got it ratified by Congress, just as they did with relation to the floods of the Mississippi River last spring, and in Alaska, and as we did in San Francisco.

Mr. SLAYDEN. Now, if the gentleman will let me have a minute of my own time——

Mr. MANN. I did not know that the gentleman had any time. I thought the gentleman from Kentucky had the floor.

Mr. SLAYDEN. I arose to address the House on the amendment, which I had a right to do, I suppose.

Mr. MANN. Not without being recognized by the Chair.

Mr. SLAYDEN. I simply wanted to direct attention to the fact that Members of Congress have authorized a deliberate violation of law.

Mr. SHERLEY. Mr. Speaker, for my part I am here now ready to assume what responsibility there may be. I am a respecter of law; but not such a respecter of law as to disregard the common sense of such a situation, but to exercise common sense with other Members who had the responsibility put upon us. We assumed it, and I ask this Congress to ratify what I believe was a sensible action, whatever force or action was placed upon us. We did not seek the situation, but it was put up to us to decide. It was in the interest of humanity; it was in the interest of health; it was in the interest of common sense. I ask for a vote.

The SPEAKER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The SPEAKER. The question now is on the amendment as amended.

The amendment as amended was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERLEY, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

MANILA HEMP (H. DOC. NO. 1401).

The SPEAKER laid before the House the following message from the President of the United States, which was ordered printed and referred to the Committee on Ways and Means:

To the House of Representatives:

The following resolution was adopted by the House of Representatives February 10, 1913:

Resolved, That the President of the United States be, and he is hereby, requested to advise the House, if in his judgment not incompatible with the public interest, as to the facts regarding the exemption of American importers of Manila hemp from payment of the export tax thereon, stating, as nearly as may be practicable, what amounts of money have

been refunded to such importers by virtue of said exemption since the act of Congress of March 8, 1902, known as the Philippine tariff act, up to the present time, and to whom said amounts have been refunded.

An export tax was imposed on hemp, among other products of the Philippine Islands, prior to American occupation and has been continued by each of the several revisions of the tariff of the Philippine Islands since. It was fixed by act No. 230 of the Philippine Commission, revising and amending the tariff laws of the Philippine Archipelago, which was enacted September 17, 1901, at 75 cents per 100 kilos, or $7.50 per metric ton, and this rate has been continued in subsequent Philippine tariffs.

Prior to the passage of the act of March 8, 1902, this export tax was imposed on all manila hemp shipped from the Philippine Islands, whatever might be the destination. This was but one of the several articles on which duty was imposed, and it was, in general, regarded as being the article which was most able to bear the export duty, manila hemp being a natural monopoly of the Philippine Islands and it being impossible to replace it by any other fiber in many of the uses to which it is put.

By the act of March 8, 1902, "Temporarily to provide revenues for the Philippine Islands, and for other purposes," the act of the Philippine Commission, heretofore referred to, was confirmed, including the provisions imposing an export tax, but it was provided that the rate of duty paid upon products of the Philippine Archipelago coming into the United States should be less any duty or taxes levied, collected, and paid thereon upon shipment thereof from the Philippine Archipelago, and that this practical exemption of the export tax on shipments to the United States might be extended to articles coming in free under the United States tariff there was added this final provision to section 2 of the act of March 8, 1902:

But all articles, the growth and product of the Philippine Islands, admitted into the ports of the United States free of duty under the provisions of this act and coming directly from said islands to the United States for use and consumption therein shall be hereafter exempt from any export duties imposed in the Philippine Islands.

This section has its principal application in the importation into the United States of manila hemp. The only statement with reference to the specific object of the legislation is that of the chairman of the Committee on the Philippines of the Senate in reporting this bill on January 21, 1902.

Briefly, the objects as stated were to distribute the export tax remitted by increasing the price to the producer of hemp in the islands and decreasing the price of raw material to the manufacturer and of his product to the user of cordage in the States.

The loss to the Philippine treasury was to be more than made up by the provision of section 4 of the act that—

all duties and taxes collected in the United States upon articles coming from the Philippine Archipelago and upon foreign vessels coming therefrom shall not be covered into the general fund of the Treasury of the United States, but shall be held as a separate fund and paid into the treasury of the Philippine Islands, to be used and expended for the government and benefit of said islands.

Under the act of March 8, 1902, regulations were put in effect requiring that on exportation from the Philippine Islands, whatever its destination, the export duty on hemp should be paid, and that on submission of proper evidence within a period of two years thereafter that the hemp so exported had proceeded directly to the United States and had been consumed by manufacture therein, the amount of the export duty collected was refunded. The United States Navy, which is a regular purchaser of hemp, was exempted from this payment. Herewith is a copy of the regulations governing under the act of March 8, 1902. This will explain why the remission of this tax became known as a refund.

Those observing the practical application of the law in the islands believed that the remission of the export duty on hemp shipped directly to the United States for consumption therein did not increase the price to the producer, in so much as the purchase of hemp for export to the United States was made in competition with purchase for export to foreign countries, which paid the export duty provided in the Philippine tariff.

On the other hand, the amount of the export tariff remitted was a direct loss of that amount to the Philippine treasury, and the authorities in the Philippine Islands, to whom the treasury of the Philippine Islands was the first consideration, believing that this remission of the export duty was of no benefit to the hemp producer in the Philippine Islands and that it was a direct loss to the Philippine treasury, recommended, in reports covering several years, the abolition of this remission of export in favor of American consumers of hemp. Annexed hereto, marked "A," are collected these recommendations.

In 1904, when the War Department and the Philippine Government took up the study of a revision of the Philippine tariff, it was decided to recommend, among other changes, the abolition of this refund of the export tax on hemp, and the draft of a proposed tariff which was submitted by the War Department omitted this provision for a refund. It, however, was not approved by Congress, and the bill as passed, which was the act of Congress of March 3, 1905, embodied in section 13 the provision of the act of March 3, 1902, with reference to the exemption from export duties imposed by the Philippine Islands on all articles the growth and product of such islands admitted into the ports of the United States free of duty.

At the same session of Congress (58th Cong., 3d sess.) the Ways and Means Committee reported a bill (H. R. 17752) to amend the act of March 8, 1902 (H. Rept. 4867, 58th Cong., 3d sess.), which bill, however, as reported—though it did not pass—continued the exemption of export duties in the Philippine Islands in favor of exporters of the United States. The minority reported as a substitute House bill 18678, section 2 of which contained this provision:

All articles the growth and product of the Philippine Islands admitted into the ports of the United States free of duty under the provisions of this act, and coming directly from said islands to the United States for use and consumption therein, shall be hereafter exempt from any export duties imposed in the Philippine Islands—

which is identical with the exemption provision in the act of March 8, 1902, and in the act of March 3, 1905.

Notwithstanding the position taken by Congress, the Philippine Commission continued in its annual report to recommend the abolition of this exemption.

In 1909, when the revision of the Philippine tariff was again taken up, the Philippine Government submitted a proposed draft of a tariff act which eliminated this exemption. The discussion which followed in the hearings on this subject developed the fact that Congress would not waive the exemption of the export tax, and that the only way in which the Philippine Government could avoid this would be by abandoning the export duty altogether. That government was unwilling to do this, fearing that the loss of revenue which would result therefrom, added to the loss which would result from the admission into the Philippine Islands free of duty of American goods, would reduce the revenues of the government below the minimum necessary for its support. The 1909 tariff act contained, in section 13 thereof, the provision exempting from the export tax articles the growth and product of the Philippine Islands coming directly from said islands to the United States.

The foregoing is a recitation of the facts. It is believed that this exemption works no injury to the producer of hemp in the Philippine Islands but is a direct loss to the Philippine treasury of the amount of the exemption; that the exemption does not increase the price of hemp received by the producer nor does it decrease that price. In fact, the producer of hemp in selling it does not know, in the general case, whether it is later to be exported to the United States with an exemption of the export duty or to Great Britain with a payment of the export duty.

It may well be that the export tax itself falls directly on the producer of hemp, but the amount of the burden thus imposed on him can not be increased by the partial exemption in favor of American-consumed hemp.

After the passage of the tariff act of 1909, and when it had been rather fairly put to the Philippine Government that it could exempt the producer of hemp, if it saw fit, from the export tax, but that it could not, even though the tax were continued, impose that tax on hemp shipped direct to the United States for consumption therein, that Government ceased to repeat the recommendation which it had made for a number of years for the abolition of the exemption in favor of the American manufacturers.

After the enactment of the tariff act of August 5, 1909, the regulations governing the remission of export duty were modified, so that instead of requiring the payment of the export duty on hemp shipped direct to the United States a bond to secure the payment in case the hemp was not used in manufacture in the United States within two years was required, the bond being released on the submission of the requisite evidence that the hemp had been shipped direct to the United States and had been used for manufacture therein. Herewith is a copy of these regulations.

From these regulations it will be apparent that to answer as was doubtless intended the question as to what amount of moneys had been refunded it is necessary to consider the amount refunded under the act of 1902 until the regulations of 1909 went into effect and thereafter to consider the amount which was not collected due to the exemption of the law. Attached hereto is a table showing by years from 1902 the amount of export duty refunded, and a table showing since 1909 the amount of the duty which was not collected due to the exemption under consideration.

There is attached, marked "R," a list of the shippers of hemp from the Philippine Islands to whom refunds have been made, with an attached list of the factories in the United States in which the hemp was consumed. These statements begin with the year 1905, the first year that such reports were furnished the Bureau of Insular Affairs of the War Department. The statistics are given in bales. The bale is approximately 127 kilograms in weight.

It is believed that the recapitulation attached to each of the annual or quarterly tables will give the information desired, but the entire report in each case is inclosed, giving all the details on which the refund was based.

There is inclosed herewith a statement showing the collections in the United States held as a separate fund and paid into the treasury of the Philippine Islands under the provisions of section 4 of the act of March 8, 1902. These amounts are the collections which it was contemplated would more than supply the loss to the Philippine treasury of the hemp refunds. It will be observed that prior to the passage of the tariff act of 1909 the loss to the Philippine treasury was so met.

In fairness, also, it should be stated that those who have favored this refund have justified it on the grounds—

First. That it was unfair to admit an article into the United States free of duty, and at the same time, for the benefit of another Government, to place an export tax on this article at its point of origin.

Second. That by this preferential treatment of hemp exported to the United States the manufacturer of hemp in the United States was relieved of the condition which had hitherto existed of having the price of hemp controlled in London and of very generally having this hemp transshipped from London.

Third. That it increased the amount of freight which came direct from the Philippine Islands to the United States, and to this extent was a benefit to shipping engaged in the American-Philippine trade.

Fourth. That it decreased the price of cordage to the users thereof in the United States.

WM. H. TAFT.

THE WHITE HOUSE, *February 17, 1913.*

CLERKS OF UNITED STATES DISTRICT COURTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21226) providing for compensation for clerks of United States district courts.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, reserving the right to object, while I am in favor of the principles involved in this bill it is perfectly apparent that it would take all the balance of the day for its consideration without finishing it. I think at this time it has no place on the Unanimous Consent Calendar, and purely in the interest of orderly procedure of business in the House, I shall be compelled to object.

Mr. CLAYTON. Mr. Speaker, just a moment. I think the gentleman from Illinois is correct in his statement as to the length of time it would require to consider this bill. I think the bill ought to be considered carefully. I realize that it is not entirely perfect, and I know that there ought to be some amendments adopted.

I agree with the statement that the gentleman from Illinois has made. I ask unanimous consent that I may print in the RECORD as a part of my remarks a portion of the report that I made on this bill. I think it is in the interest of good legislation that the bill do pass. The United States marshals and district attorneys are now on salaries, and I think the tendency of all modern legislation in all of the States is to take officers off from the fee system and put them on a salary basis.

Mr. MANN. I entirely agree with the gentleman from Alabama and congratulate his committee on bringing this bill before the House. I hope at the next Congress it will receive early consideration.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD by printing a portion of the report. Is there objection?

There was no objection.

The following is the report by Mr. CLAYTON:

The Committee on the Judiciary, having had under consideration House bill 21226, providing for compensation of clerks of United States district courts, report it back with the following amendments, with the recommendation that the several amendments be agreed to and that the bill as amended do pass.

* * * * * * *

OFFICE OF CLERK OF CIRCUIT COURT ABOLISHED.

The judicial code which went into effect January 1, 1912, abolished the office of clerk of circuit court. Prior to that time in many cases the clerk of the circuit court also held the office of clerk of the district court, and received the compensation of both officers, to wit, an amount not over $7,000 per annum. The clerk of the district court must now in every case discharge all the duties heretofore incumbent upon both the clerk of the circuit court and the clerk of the district court. Section 839 of the Revised Statutes provides that out of the fees earned by him in his office the clerk of the district court may retain as compensation for his services a sum not to exceed $3,500, the amount (subject to this limitation) being fixed by the Attorney General as provided in said section. Under the old order which provided for a clerk of the circuit court and a clerk of the district court, there were in some districts more than one clerk of each the circuit court and the district court. Arizona had five district clerks as a Territory. Now, under the joint operation of this bill and the judicial code, the number is reduced to one. New Mexico had seven district clerkships as a Territory and now has one. Among districts having more than one may be mentioned the following: The eastern district of Kentucky, where there were six circuit court clerks and six district clerks; western district of Kentucky, where there were four circuit court clerks and four district clerks; and the western district of Virginia, where there were four circuit court clerks and four district clerks. Under the provisions of the judicial code there can be but one clerk in each district, or a total of 79 clerks.

BILLS INTRODUCED TO CHANGE COMPENSATION OF DISTRICT CLERKS.

Bills have been introduced in the Senate and the House of Representatives at this session of Congress to increase the maximum compensation to $5,000 per annum to be retained by the clerk out of his fees earned. It seems to be generally believed that $3,500 is in some cases too small a compensation for the clerk who now must discharge all the duties heretofore incumbent upon the two clerks, circuit and district, and in other cases that sum would be excessive compensation.

PURPOSE OF THIS BILL.

This bill has as its prime object the abolition of the existing system of compensating clerks of the district courts out of fees earned by them, and seeks to pay the clerks fixed salaries, similar to the plan now provided for the compensation of district attorneys and district marshals. These latter officers, attorneys and marshals, were put on salaries by the act approved May 28, 1896. (29 Stat. L., p. 179.) It is submitted that this measure is in harmony with that legislation and with like legislation which has been had in recent years in many of the States of the Union.

There has been no change in the method of compensating clerks of district courts since 1853. After careful consideration of all the measures pertaining to the compensation of the clerks of the district courts your committee has reached the conclusion that the salary system is, for many reasons, better than the fee system. By it there would be an improvement in the public service and the Government would be benefited by a saving annually of many thousands of dollars.

By the provisions of this bill all the fees of every character received by the clerks of the district courts will be paid into the Treasury of the United States, and the clerks will receive fixed salaries, which are stated in the bill. The information and the reasons which guided the committee in fixing these salaries are stated in the hearings and accompanying documents hereto appended.

By reference to the hearings, which are appended to this report, it will be found that after the payment of the salaries of clerks, deputies, and clerical assistants the United States will receive the services of the clerks without expense, and that fees collected from firms, individuals, and corporations will pay all the expenses of the clerks' offices, including the salaries of deputy clerks, and still leave a substantial balance to be turned into the Treasury. The reform proposed by this bill is, it is believed, worthy of legislative sanction.

The SPEAKER. The gentleman from Illinois objects and the bill will be stricken from the calendar.

MEMORIALS TO THOMAS JEFFERSON AND ALEXANDER HAMILTON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28468) providing for the erection of memorials to Thomas Jefferson and Alexander Hamilton in the District of Columbia.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, I object.

Mr. BURNETT. Mr. Speaker, I object.

The SPEAKER. The gentleman from Indiana and the gentleman from Alabama object. The bill will be stricken from the calendar.

STEAM YACHT "DIANA."

The next business on the Calendar for Unanimous Consent was the bill (S. 1653) to provide American register for the steam yacht *Diana*.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, I object.

Mr. EDWARDS. I object.

The SPEAKER. The gentleman from Massachusetts and the gentleman from Georgia object. The bill will be stricken from the calendar.

WALLKILL VALLEY CEMETERY ASSOCIATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28469) granting two condemned cannon to the Wallkill Valley Cemetery Association, of Orange County, N. Y.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to donate to the Wallkill Valley Cemetery Association, of Orange County, N. Y., two condemned bronze or brass cannon for use in connection with a monument in memory of the men of Company H, One hundred and twenty-fourth New York Volunteer Infantry, who died in the service of the United States during the Civil War. Such donation shall be made subject to the rules and regulations of the War Department, and the Government shall be put to no expense in connection therewith.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. BRADLEY. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill for amendment.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PATENT OFFICE FEES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28268) to amend sections 4931 and 4934 of the Revised Statutes of the United States.

The Clerk read the bill, with the committee amendments.

The SPEAKER. Is there objection?

Mr. PICKETT. Mr. Speaker, I object.

The SPEAKER. The gentleman from Iowa objects, and the bill will be stricken from the Calendar for Unanimous Consent.

UNITED STATES COURT AT JONESBORO, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28335) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 71 of chapter 5 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 71. The State of Arkansas is divided into two districts, to be known as the eastern and western districts of Arkansas. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, Columbia, Nevada, Ouachita, Union, and Calhoun, which shall constitute the Texarkana division of said district; also the territory embraced on the date last mentioned in the counties of Polk, Scott, Yell, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson, which shall constitute the Fort Smith division of said district; also the territory embraced on the date last mentioned in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy, which shall constitute the Harrison division of said district. Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the Fort Smith division, at Fort Smith, on the second Mondays in January and June; and for the Harrison division, at Harrison, on the second Mondays in April and October. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Lee, Phillips, St. Francis, Cross, Monroe, and Woodruff, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Independence, Cleburne, Stone, Izard, Sharp, and Jackson, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Crittenden, Clay, Craighead, Greene, Mississippi, Poinsett, Fulton, Randolph, and Lawrence, which shall constitute the Jonesboro division of said district; and also the territory embraced on the date last mentioned in the counties of Arkansas, Ashley, Bradley, Chicot, Clark, Cleveland, Conway, Dallas, Desha, Drew, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lincoln, Lonoke, Montgomery, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, and White, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October; for the northern division, at Batesville, on the fourth Monday in May and the second Monday in December; for the Jonesboro division, at Jonesboro, on the second Monday in May and the fourth Monday in November; and for the western division, at Little Rock, on the first Monday in April and the third Monday in October. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Little Rock, at Helena, at Jonesboro, and at Batesville, which shall be kept open at all times for the transaction of the business of the court. And the clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Fort Smith, at Harrison, and at Texarkana, which shall be kept open at all times for the transaction of the business of the court."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MACON, a motion to reconsider the vote by which the bill was passed was laid on the table.

RESTORING CERTAIN LANDS TO PUBLIC DOMAIN.

The next business on the Calendar for Unanimous Consent was the bill (S. 7448) restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. MILLER. Mr. Speaker, I will ask the gentleman to reserve his objection.

Mr. MANN. Mr. Speaker, I reserve the objection for a moment.

Mr. EDWARDS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Georgia objects, and the bill will be stricken from the calendar.

IOWA TRIBE OF INDIANS, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was House resolution 773, referring the bill (H. R. 27995) for the relief of the Iowa Tribe of Indians in Oklahoma to the Court of Claims.

The SPEAKER. Is there objection?

Mr. ELLERBE. Mr. Speaker, I object.

The SPEAKER. The bill will be stricken from the calendar.

TAX ON ADULTERATED BUTTER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27279) to amend the second clause of section 4 of chapter 784 of the United States Statutes at Large, volume 32, page 195.

The SPEAKER. Is there objection?

Mr. THOMAS. Mr. Speaker, I object.

Mr. KINKAID of Nebraska. Mr. Speaker, if it is not too late, will the gentleman withhold his objection to permit an explanation?

The SPEAKER. Does the gentleman withhold his objection or make it?

Mr. THOMAS. No, sir; I do not. I have read the bill.

The SPEAKER. The gentleman from Kentucky objects, and the bill will be stricken from the calendar.

ESTABLISHING IN THE BUREAU OF STATISTICS A DIVISION OF MARKETS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5294) to establish in the Bureau of Statistics, in the Department of Agriculture, a division of markets.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think it was the general understanding in the House when the agricultural bill passed, carrying the item of $50,000 for this purpose, that this bill would not be considered for passage at this session, and as that item went into the agricultural appropriation bill I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

PUBLICITY IN TAKING EVIDENCE.

The next business on the Calendar for Unanimous Consent was the bill (S. 8000) providing for publicity in taking evidence under the act of July 2, 1890.

The bill was read.

The SPEAKER. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, I object to this bill.

Mr. NORRIS. Will the gentleman withhold his objection?

The SPEAKER. The gentleman objects, and the bill will be stricken from the calendar.

DESERT-LAND ENTRIES, CHUCKAWALLA VALLEY, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26943) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The bill will be stricken from the calendar.

EXCHANGE OF SCHOOL LANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5068) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

The bill was read.

The SPEAKER. Is there objection?

Mr. MARTIN of South Dakota. Mr. Speaker, I reserve the right to object——

Mr. AKIN of New York. I object, Mr. Speaker.

The SPEAKER. The gentleman from New York objects, and the bill is stricken from the calendar.

STATUE TO THOMAS JEFFERSON.

The next business on the Calendar for Unanimous Consent was the bill (S. 745) providing for the erection of a statue to Thomas Jefferson, at Washington, D. C.

The bill was read.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. GARRETT). The gentleman from Indiana objects and the bill will be stricken from the calendar.

MINING EXPERIMENT STATION, HELENA, MONT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25990) to establish a mining experiment station at Helena, Lewis and Clark County, Mont., to aid in the development of the mineral resources of the United States, and for other purposes.

The bill was read.

Mr. GREEN of Iowa. Mr. Speaker, I object.

Mr. COX. Mr. Speaker, I object.

Mr. PRAY. Will the gentleman withhold his objection?

Mr. GREEN of Iowa. Certainly.

The SPEAKER pro tempore. The gentleman from Iowa reserved the right to object?

Mr. GREEN of Iowa. I do, but the gentleman from Indiana also objected.

Mr. PRAY. Will the gentleman from Indiana withhold his objection?

Mr. COX. I think we ought to proceed with this matter, but——

Mr. PRAY. Mr. Speaker, I know there were two or three similar bills which were objected to at the last session. They were all meritorious measures like the one now before the House for Montana. I want to say a word or two about this bill. The Secretary of the Interior very strongly recommends the establishment of such stations to aid in the development of the mineral resources of the Western States. Heretofore most of the work of the Bureau of Mines has been in connection with coal-mining investigations and experiments.

The purpose of this bill is to provide for making inquiries and scientific investigations relative to the mining, preparation, treatment, and utilization of ores and other mineral substances, with a view to improving health conditions, increasing safety, efficiency, economic development, and the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries. It is the desire also to facilitate the proper and efficient development of the resources of the public domain. The principal features of this bill are approved by the Secretary of the Interior and the Director of the Bureau of Mines, under whom the station would be operated. The passage of the measure will unquestionably very materially aid in the further development of the mining industry in the great State of Montana, where the extent and variety of mineral wealth and resources are almost without limit.

A question has been raised at the department as to the specific location of the station in the bill, the suggestion being made that if the selection of site were left to the proper officials of the Government the purposes sought to be accomplished might be carried out with greater efficiency and economy It was also intimated that a movable station might result in advantage, but no plans have been considered. Whatever course may be adopted later on in this regard the members of the Committee on Mines and Mining were convinced that Helena, the capital city of the State, situated in the heart of a great mining region, would be the logical point for the establishment of an experiment station in Montana. Railroad facilities are such that all mining sections of the State can be easily reached from this locality.

Agriculture and mining are regarded as the two great foundation industries of the country. No complaint is ever heard about the activities of the Agricultural Department in promoting the interests of the farmer. Lasting benefits have been bestowed upon him and great credit is due the Government. The miner should be accorded similar treatment; but until the establishment of the Bureau of Mines, in May, 1910, no special recognition has even been given him by the Government. It was not until the great mine disasters took place during the first session of the Sixtieth Congress that the people of the country were brought to a full realization of the enormous loss of life and waste of resources constantly going on in the mining and metallurgical industries.

Upon the establishment of the bureau the attention of Director Holmes and his assistants was first directed to coal mines, where over 700 lives had been lost within a month in mine fires and explosions. Mine-rescue and first-aid work was begun, and within a short time was extended throughout the United States. One of the mine-rescue cars was stationed at Billings, Mont., in close proximity to the coal fields of Montana and Wyoming. The work carried on is exceedingly important and the results attained during the past two years have fully justified the effort and expense to the Government. During the year 1911 over 50,000 miners attended the lectures and demonstrations given from the mine-rescue cars. With the increasing complexity of mining conditions throughout the country the need of further extending and developing this service will become more apparent. Experiments conducted at a mining station, such as is proposed by this bill, will in the course of time become indispensable to the mining industry.

There are over 1,500,000 men connected with mining operations in the various States, and thousands of them work under conditions of great hazard and discomfort. Although there are more than 80,000 mines in the country with which these men are associated, it is a significant fact that less than 20 per cent employ more than 10 men to each mine and the great majority employ less than 5 men. The hundreds of applications that are constantly being made to the bureau for information and assistance come very largely from men who are conducting their operations on limited capital.

Complaint was made at first that extension of this work would have a tendency to retard State and private effort. On that subject the Secretary of the Interior, after a careful investigation, made the following statement:

There is no foundation for the fear sometimes expressed that if such investigations as are here recommended be undertaken by the Government private corporations will unload their local problems on the Government laboratories. The result of recent experience has been just the reverse. When, in 1904, the Federal Government began the testing and analyzing of coals and later took up similar investigations of explosives, mine accidents, and mine-rescue work, similar objections were raised in each case; but in every case private corporations and private laboratories have been stimulated to greater activities in the investigation of new problems at their own expense. Nor is there any foundation for the similar objection to the investigation by the Federal Government that this would discourage the States from taking up their own local problems. When the aid of the Federal Government was sought in the establishment of agricultural experiment stations in each of the several States it was claimed that this would discourage similar activity on the part of the States. On the contrary, it has stimulated the States to even greater activity, and after several years of experience and development the aggregate amount now annually expended by the States for buildings and equipment and the maintenance of agricultural experiment stations is far in excess of that now expended by the Federal Government.

Since the establishment of the United States Geological Survey the number as well as the activities of the State geological surveys has largely increased. The testing of coals by the Federal Government has stimulated to similar activity at their own expense not only many private mining companies, but many States, municipalities, private institutions, and private manufacturing corporations.

And so it will be with the investigations of the Bureau of Mines in behalf of the mining industry; they will stimulate local inquiries and investigations by both the State and private corporations; they will neither compete with nor interfere with, but will rather increase, the work of the private laboratories.

I regret that gentlemen have decided to object to consideration of this bill. This is probably the last opportunity that will be given for its consideration at this session, which will expire in a few days.

There are two other bills on this calendar of importance to my State which will be reached later in the afternoon, and I hope they may be given consideration. One is to accept cession by the State of Montana of exclusive jurisdiction over the territory embraced within the Glacier National Park. This bill is strongly recommended by the Secretary of the Interior and is based upon the acts of Congress for the administration of the Yellowstone National Park and Hot Springs Reservation. Without the authority conferred by this bill the Secretary is unable to take care of the park property and protect the fish and game within the park boundaries. I read a communication recently from Supt. Galen, of the Glacier Park, urging favorable action on this bill and stating that it was absolutely necessary for the proper discharge of the duties imposed upon him.

A similar House bill which I reported from the Public Lands Committee was placed on this calendar at the last session, but was objected to on the ground that it would consume too much time in consideration under unanimous consent. Inasmuch as the bill was read at length to the House at the last session very little time ought to be required to act upon it this afternoon. The other bill referred to provides for the opening of the abandoned Fort Assinniboine Reservation to homestead settlement, and is supported by a favorable report from the Secretary of the Interior and a unanimous report from the Committee on the Public Lands. This reservation was abandoned by the War Department and turned over to the Interior Department a year ago last November. It consists of about 175,000 acres of arid land, and is situated 50 miles south of the Canadian line, about 7 miles from the city of Havre. In addition to the usual land-office fees a charge of $2.50 per acre is made upon applications filed within six months subsequent to the date of opening. A tract of land consisting of 640 acres, embracing the Government buildings at Assinniboine, is reserved from the operation of this act for the purpose of enabling the State of Montana to establish an agricultural, manual training, or other educational or public institution. The Secretary's favorable recommendation is in harmony with his report proposing a similar grant of lands within the former Lemhi Reservation to the State of Idaho. Both bills are meritorious and ought to have favorable action at this session.

The SPEAKER pro tempore. The gentleman from Iowa objects and the gentleman from Indiana [Mr. Cox] also objects, and the bill will be stricken from the calendar.

RELEASING CLAIM OF UNITED STATES TO LOT 306, PENSACOLA, FLA.

The next business on the Calendar for Unanimous Consent was the bill (S. 5377) releasing the claim of the United States Government to lot No. 306 in the old city of Pensacola.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from New York objects, and the bill will be stricken from the calendar.

RELEASE OF LANDS IN THE OLD CITY OF PENSACOLA.

The next business on the Calendar for Unanimous Consent was the bill S. 5378, an act releasing the claim of the United States Government to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola.

The bill was read, as follows:

Be it enacted, etc., That the United States hereby remises, releases, and quitclaims unto George W. Wright, Mattie La Rua, the heirs of W. D. Chipley, and the heirs of William Fisher, and their assigns, all that portion of the fractional block bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, Escambia County, Fla.

Also the following committee amendments were read:

Strike out all after the enacting clause down to and including line 9 and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent remising, releasing, and quitclaiming forever all right, title, claim, and interest of the United States of America in and to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the county of Escambia and the State of Florida, to such person or persons, firms or corporations, as shall make proof that he himself, or he and his grantor or grantors, has had continuous possession thereof under claim of ownership during the last 20 years next before the passage of this act. Such patent, however, shall be subject to any public easement or other adverse right suffered or granted by the patentee or his grantors.

The SPEAKER pro tempore. Is there objection?

Mr. MICHAEL E. DRISCOLL. I object.

Mr. MANN. Will the gentleman reserve the right to object?

Mr. MICHAEL E. DRISCOLL. I thought you wanted to save time.

Mr. MANN. I do not wish to save time at the expense of a bill that ought to be passed. I have no interest in this bill, but it ought to be passed.

The SPEAKER pro tempore. Does the gentleman from New York [Mr. MICHAEL E. DRISCOLL] object?

Mr. MICHAEL E. DRISCOLL. I reserve the objection.

Mr. MANN. Has the gentleman any special objection to the bill?

Mr. MICHAEL E. DRISCOLL. It looks to me like squatting on the land.

Mr. DENT. May I interrupt the gentleman from Illinois [Mr. MANN]? I reported this bill, but I did not introduce it. The author of it is the gentleman from Florida [Mr. MAYS].

Mr. MANN. This is a Senate bill.

Mr. DENT. I mean that he introduced a similar bill in the House. He is absent now on a Panama trip with a committee. This bill simply undertakes to quiet the title growing out of the occupation of this territory by Spain, and those claiming title have been in the undisputed possession of this property ever since some time during the forties. In fact, the property was divided under decree of partition by the court, as I recall the facts, some time in the early part of the forties. The House bill changes the Senate bill to this extent only. The Senate quitclaims the title in favor of the particular parties now in possession of the property.

Mr. MICHAEL E. DRISCOLL. To save time, I will withdraw the objection.

The SPEAKER pro tempore. Does the gentleman from New York [Mr. MICHAEL E. DRISCOLL] withdraw his objection?

Mr. MICHAEL E. DRISCOLL. I withdraw the objection.

Mr. MILLER. I withhold the right to object.

Mr. AUSTIN. Mr. Speaker, I demand the regular order on this bill.

The SPEAKER pro tempore. The regular order is the objection.

Mr. MILLER. I object.

LAUNCH FOR THE CUSTOMS SERVICE, LOS ANGELES, CAL.

The next business on the Calendar for Unanimous Consent was the bill (S. 3625) for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal.

The bill and the committee amendment were read.

The SPEAKER pro tempore. Is there objection?

Mr. COX. I object.

Mr. BATHRICK. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. Cox] and the gentleman from Ohio [Mr. BATHRICK] object. The Clerk will report the next bill.

SITE FOR IMMIGRATION STATION, BALTIMORE, MD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28280) to authorize the use as a site for the United States immigration station and grounds at the port of Baltimore of a piece of land acquired by the United States about the year 1836 as part of an addition to Fort McHenry, in the State of Maryland, and which is now under the control of the War Department, and authorizing the Secretary of the Treasury to acquire an outlet therefrom to the city streets and to contract and arrange for necessary railroad facilities.

The bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. AKIN of New York. I object.

The SPEAKER pro tempore. The gentleman from New York [Mr. AKIN] objects, and the bill will be stricken from the calendar.

FOREST RESERVATIONS, STATE OF CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 8279) to amend an act approved October 1, 1890, entitled "An act to set apart tracts of land in the State of California as forest reservations."

The bill was read.

The SPEAKER. Is there objection?

Mr. DAVIDSON. Mr. Speaker, I object.

Mr. RAKER. Will not the gentleman kindly reserve his objection for a moment? I would like to say to the gentleman that this is——

Mr. AUSTIN. Mr. Speaker, I demand the regular order.

The SPEAKER. If the gentleman from Wisconsin [Mr. DAVIDSON] insists on his objection, that is the end of it.

Mr. DAVIDSON. I insist on the objection.

Mr. RAKER. Mr. Speaker, I will ask the gentleman if he will not consent to give me two minutes' time in regard to this bill that has just been passed over? I am satisfied if he does there will be no man in the House who will object to it.

Mr. GREEN of Iowa. Regular order!

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. RAKER] may have two minutes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from California [Mr. RAKER] shall have two minutes in which to explain the bill. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I want to say to the House that the main purpose of this bill is to extend the time of leases of land in the Yosemite Valley from 10 years, as it is now, to 20 years, to the end that the Secretary of the Interior may grant a lease to those who are willing to expend from $250,000 to $700,000 in putting up a proper hotel and other necessary buildings in that park, with the right to lease under such proper conditions as may be prescribed by the Secretary, and always under his control and reservation, giving the lessee full opportunity to mortgage, subject to the control of the Secretary of the Interior, and when the time expires the private individual who takes the second lease shall pay a reasonable price to the first lessee.

The Secretary of the Interior has been willing and the people of California and the West have been asking for 10 years to get men to take a lease and build such a hotel. Practically all arrangements have been made to the end that there shall be a hotel built there, costing private individuals at least $500,000, and without a sufficient length of time of 20 years no man will go into that park and put the money in. He can not afford to do it.

The entire State of California and the West are asking and pleading this House to give this legislation in order that the proper improvement may be made, and I earnestly ask the gentleman who made the objection if he can not see his way clear to let this bill pass the House. It has already passed the Senate without amendment, is fully recommended by the Secretary of the Interior and all the officers concerned, and is recommended by all the organizations in the State of California and throughout the West. It is to the interest of the public service and not to the interest of any private individual. The hotel that is there now is a disgrace to this country.

The SPEAKER. The time of the gentleman from California has expired.

Mr. RAKER. Would not the gentleman withhold his objection?

Mr. DAVIDSON. No; I insist on my objection.

The SPEAKER. The gentleman from Wisconsin [Mr. DAVIDSON] insists on his objection, and the bill is stricken from the calendar.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD, chairman of the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union and, with the accompanying report (No. 1526), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves all points of order on the bill.

NORTHEASTERN DIVISION, NORTHERN JUDICIAL DISTRICT OF GEORGIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25781) to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 77. The State of Georgia is divided into two districts, to be known as the northern and southern districts of Georgia. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Campbell, Carroll, Clayton, Cobb, Coweta, Cherokee, Dekalb, Douglas, Fannin, Fayette, Fulton, Gilmer, Gwinnett, Henry, Milton, Newton, Pickens, Rockdale, and Spalding, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Clarke, Elbert, Franklin, Greene, Hart, Jackson, Morgan, Madison, Oglethorpe, Oconee, and Walton, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Chattahoochee, Clay, Early, Harris, Heard, Meriwether, Marion, Muscogee, Quitman, Randolph, Schley, Stewart, Talbot, Taylor, Terrell, Troup, and Webster, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Bartow, Chattooga, Catoosa, Dade, Floyd, Gordon, Haralson, Murray, Paulding, Polk, Walker, and Whitfield, which shall constitute the northwestern division of said district; also the territory embraced on the date last mentioned in the counties of Hall, White, Lumpkin, Dawson, Forsyth, Banks, Habersham, Stephens, Rabun, Towns, and Union, which shall constitute the northeastern division of said district. Terms of the district court for northern division of said district shall be held at Atlanta on the second Monday in March and the first Monday in October; for the eastern division, at Athens on the second Monday in April and the first Monday in November; for the western division, at Columbus on the first Mondays in May and December; for the northwestern division, at Rome on the third Mondays in May and November; and for the northeastern division, at Gainesville on the fourth Mondays in April and November. The clerk of the court for northern district shall maintain an office in charge of himself or a deputy at Athens, at Columbus, at Rome, and at Gainesville, which shall be kept open at all times for the transaction of the business of the court. The southern district shall include the territory embraced on the said 1st day of July, 1910, in the counties of Appling, Bulloch, Bryan, Camden, Chatham, Emanuel, Effingham, Glynn, Jeff Davis, Liberty, Montgomery, McIntosh, Screven, Tattnall, Toombs, and Wayne, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Baldwin, Bibb, Butts, Crawford, Dodge, Dooly, Hancock, Houston, Jasper, Jones, Laurens, Macon, Monroe, Pike, Pulaski, Putnam, Sumter, Telfair, Twiggs, Upson, Wilcox, and Wilkinson, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Burke, Columbia, Glascock, Jefferson, Jenkins, Johnson, Lincoln, McDuffie, Richmond, Taliaferro, Washington, Wilkes, and Warren, which shall constitute the northeastern division; also the territory embraced on the date last mentioned in the counties of Berrien, Brooks, Charlton, Clinch, Coffee, Decatur, Echols, Grady, Irwin, Lowndes, Pierce, Thomas, and Ware, which shall constitute the southwestern division; and also the territory embraced on the date last mentioned in the counties of Baker, Ben Hill, Calhoun, Crisp, Colquitt, Dougherty, Lee, Miller, Mitchell, Tift, Turner, and Worth, which shall constitute the Albany division. Terms of the district court for the western division shall be held at Macon on the first Mondays in May and October; for the eastern division at Savannah on the second Tuesdays in February, May, August, and November; for the northeastern division, at Augusta on the first Monday in April and the third Monday in November; for the southwestern division, at Valdosta on the second Mondays in June and December; and for the Albany division at Albany on the third Mondays in June and December."

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, page 3, by inserting after the word "November," in line 7, the following: "*Provided*, That suitable rooms and accommodations for holding court at Gainesville shall be furnished free of expense to the Government."

The SPEAKER. Is there objection?

Mr. WHITACRE. Mr. Speaker, I object.

The SPEAKER. The gentleman from Ohio [Mr. WHITACRE] objects, and the bill is stricken from the calendar. The Clerk will report the next bill.

Mr. MANN. Mr. Speaker, this is one of those bills of which we have passed so many. Is the gentleman from Ohio [Mr. WHITACRE] really objecting to the bill, or objecting to the taking of it up for consideration? Well, if gentlemen are going to object to bills like this that are purely local in a State, dividing up judicial districts——

The SPEAKER. It is not debatable.

Mr. MANN. Well, I know it is not debatable, but I make the point of order that there is no quorum present if gentlemen do not want to be fair.

Mr. WHITACRE. Mr. Speaker, I withdraw my objection.

Mr. MANN. Then I will withdraw my point of order.

The SPEAKER. The gentleman from Ohio [Mr. WHITACRE] withdraws his objection, and the gentleman from Illinois [Mr. MANN] withdraws his point of order. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, page 3, by inserting after the word "November," in line 7, the following: "*Provided*, That suitable rooms and accommodations for holding court at Gainesville shall be furnished free of expense to the Government."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BELL of Georgia, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS MONONGAHELA RIVER, W. VA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27837) to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River in the State of West Virginia.

The bill was read, as follows:

Be it enacted, etc., That the Buckhannon & Northern Railroad Co., a corporation organized under the laws of the State of West Virginia, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River, near Catawba, from a point suitable to the interests of navigation, on the left shore of said river above the mouth of Pricketts Creek, a southern tributary to said river in Paw Paw district, to a point on the right shore of said river above the mouth of said Pricketts Creek in Winfield district, all in the county of Marion, in the State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906. Said bridge shall be constructed for the passage of railway trains propelled by steam, electric, or other power, and at the option of the corporation for which it is built may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for a reasonable rate of toll, to be fixed by said company and approved by the Secretary of War. Said bridge shall be commenced within one year from the time this act goes into effect and completed within three years thereafter.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 10, after the word "point," insert the words "suitable to the interests of navigation."

Page 2, strike out lines 7 to 16, inclusive.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. If there be no objection, the committee amendments will be considered as agreed to.

Mr. MANN. Mr. Speaker, the first committee amendment ought to be disagreed to.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 10, after the word "point," strike out the words "suitable to the interests of navigation."

Mr. MANN. Mr. Speaker, that language is already in the bill in lines 7 and 8, and ought not to be duplicated.

Mr. CULLOP. I should like to call the attention of the gentleman from Illinois to the fact that if I remember correctly, when the bill was considered in the committee, we found that it was necessary to insert this language at that point because of the manner in which it is inserted below. If the gentleman will examine it, he will see that the bill only makes it from a point suitable to the interests of navigation on the left shore.

Mr. MANN. This is the form we have always used:

From a point suitable to the interests of navigation on the left side to a point on the right side.

Mr. CULLOP. The committee thought otherwise at the time the bill was considered.

Mr. MANN. This is the only time, however, when the committee has ever reported such an amendment.

Mr. CULLOP. And this is the only time, perhaps, in this Congress that a bill in that peculiar language has been presented here.

Mr. MANN. Every bill is in practically the same form.

Mr. CULLOP. Not as this one.

Mr. MANN. As a rule it is from a point on one side of the river to a point on the other side of the river.

The SPEAKER. The question is on the first committee amendment.

The amendment was rejected.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 2, by striking out all of lines 7 to 16, inclusive.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

PERSONNEL OF THE REVENUE-CUTTER SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (S. 7461) construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908.

The bill was read, as follows:

Be it enacted, etc., That in computing the length of service which shall entitle a warrant or petty officer to longevity pay under the eighth section of the act approved April 16, 1908, entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," all service rendered under the official designation of "pilot" in the Revenue-Cutter Service shall be included.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COX. Mr. Speaker, reserving the right to object, I would like an explanation of this bill. I find that the Senate report is about four or five lines long and the House report is eight lines long.

Mr. MANN. I will say to my friend from Indiana that the bill will not bear explanation.

Mr. CALDER. Mr. Speaker, if this bill is enacted into law, it will give to seven men formerly employed as pilots the longevity pay to which they would be entitled if their titles had been properly construed when the law was originally enacted.

Mr. MANN. And it would, as I understand it, allow an increase of longevity pay to these men from 1908 down to date, amounting to in the neighborhood, altogether, of $15,000 to date, not to mention the amount that might be paid in the future. In my judgment, it is on a parallel with the construction of longevity pay dated from the entrance to Annapolis and West Point, and I think it has gone quite far enough.

Mr. COX. Then, Mr. Speaker, I object.

The SPEAKER. The gentleman from Indiana objects. The bill will be stricken from the calendar.

BRIDGE OVER GREAT KANAWHA RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28187) to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha River, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the county court of Kanawha County, W. Va., is hereby authorized to construct, maintain, and operate a wagon and foot bridge and approaches thereto, for the use of the public, across and over the Great Kanawha River, at a point suitable to the interests of navigation, at or near the city of Charleston, Kanawha County, W. Va.

SEC. 2. That the construction, maintenance, and operation of said bridge herein authorized shall be in all respects in accordance with and subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

With the following committee amendments:

Page 1, line 5, strike out the words "wagon and foot."
Page 1, lines 5 and 6, strike out the words "for the use of the public."
Page 1, strike out lines 9 and 10.
Page 2, line 1, strike out "and subject to."
Page 2, add after line 4:
"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS YELLOWSTONE RIVER, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28021) authorizing the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. to build a bridge across the Yellowstone River in sections 15 and 16, township 151 north, range 104 west of the fifth principal meridian, in the State of North Dakota.

The Clerk read the title to the bill.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent to substitute the bill S. 8089, of a similar tenor, on the Speaker's table. This bill is in a long form, while the Senate bill is in the proper form.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to substitute the Senate bill of a like tenor for the House bill, and that the House bill lie on the table. Is there objection?

There was no objection.

The Clerk read the bill (S. 8089) permitting the building of a railroad bridge across the Yellowstone River from a point on the east bank in section 15 to a point on the west bank in section 16, township 151 north of range 104 west of the fifth principal meridian, in McKenzie County, N. Dak., as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., a railway corporation organized under the laws of the States of Michigan, Wisconsin, Minnesota, and North Dakota, its successors or assigns, to build a railway bridge across the Yellowstone River from a point on the east bank in section 15 to a point on the west bank in section 16, township 151 north of range 104 west of the fifth principal meridian, in McKenzie County, N. Dak., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That this act shall be null and void unless the bridge herein authorized be commenced within one year and completed within two years from the date of approval of this act.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MANN. Mr. Speaker, I move to strike out section 2 of the bill. It is already covered by the general bridge law.

The question was taken, and the amendment was agreed to.

Mr. HELGESEN. Mr. Speaker, I move to amend by inserting on page 1, line 8, after the word "point" the following words: "at a point suitable to the interests of navigation."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 8, after the word "point" by inserting the words "at a point suitable to the interests of navigation."

The amendment was agreed to.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

ISSUE OF PATENTS AND SURVEYS OF PRIVATE LAND CLAIMS.

The next business on the Calendar for Unanimous Consent was the bill (S. 6781) in reference to the issuance of patents and copies of surveys of private land claims.

The Clerk read the bill at length, with committee amendments.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, does this bill practically accomplish anything except to release to owners of private land claims in New Mexico about $2,500 which they would otherwise have to pay in order to obtain patents and copies of plats of surveys?

Mr. FERGUSSON. About that amount.

Mr. MANN. Why should we release to these owners of large tracts of land, which they obtained without any consideration in the first place, the payment of that sum of money?

Mr. FERGUSSON. The object is to make uniformity as to the delivery of patents in private land claims. When the private land claim court was created in 1891 that had charge of settling the Spanish claims for New Mexico, it was provided that the United States should pay half and the claimant the other half of the surveys. That was on the theory, as I understand it, that in ascertaining the part of a land claim rejected it was necessary for the Government to ascertain the facts by surveying a large quantity of land owned by the Government, and in order to make it uniform this bill provides that the same method shall be pursued with reference to private land claims—to make it applicable to all other land claims. That seems to be fair and reasonable, because in ascertaining the land that belongs to the individual the Government ascertains the boundaries of its own land. It is of joint benefit to both to have this survey.

Mr. MANN. What is the area of private land claims in New Mexico?

Mr. FERGUSSON. I do not know personally, but the report is full on the subject. It contains two letters from the department.

Mr. MANN. There are millions of acres.

Mr. FERGUSSON. I think this bill will apply——

Mr. AUSTIN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Tennessee demands the regular order, which is to ascertain if there is objection to the present consideration of this bill.

Mr. MANN. I object. I think, Mr. Speaker, we had better keep a quorum in the House as the gentleman from Tennessee seems anxious to get at the public buildings bill.

The SPEAKER. Does the gentleman from Illinois raise the point of no quorum?

Mr. MANN. I do; and I think we will have to keep a quorum here the rest of the afternoon.

Mr. AUSTIN. I think we can keep them here.

Mr. MANN. I would not be surprised.

The SPEAKER (after counting). One hundred and thirty Members present—not a quorum.

Mr. GARRETT. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ames	Fairchild	Jones	Peters
Andrus	Farr	Kitchin	Porter
Ansberry	Ferris	Knowland	Pou
Ayres	Flood, Va.	Korbly	Pujo
Barchfeld	Focht	Lafean	Rainey
Broussard	Gardner, N. J.	Lafferty	Randell
Brown	George	Levy	Rauch
Buchanan	Gill	Lewis	Redfield
Burke, Pa.	Gillett	Lindsay	Reyburn
Burleson	Gray	Littleton	Richardson
Carter	Greene, Vt.	McCall	Riordan
Cline	Guernsey	McGuire, Okla.	Scully
Conry	Hamill	Maher	Sims
Copley	Hamilton, W. Va.	Matthews	Smith, J. M. C.
Covington	Hammond	Mays	Speer
Crumpacker	Harris	Moon, Pa.	Stack
Curley	Harrison, N. Y.	Morgan, La.	Stephens, Tex.
Curry	Hart	Morgan, Okla.	Taggart
Danforth	Hawley	Morse	Talbott, Md.
Davenport	Hayes	Murray	Taylor, Ohio
Davis, Minn.	Holland	Nelson	Thayer
Dixon, Ind.	Howell	Olmsted	Tilson
Donohoe	Hughes, Ga.	Palmer	Underwood
Driscoll, D. A.	Hull	Parran	Vare
Ellerbe	Johnson, Ky.	Patten, N. Y.	Wilson, Ill.
Evans	Johnson, S. C.	Pepper	Wilson, N. Y.

The SPEAKER. On this call 277 Members have answered to their names, a quorum.

Mr. GARRETT. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

DESERT-LAND ENTRIES IN THE CHUCKAWALLA VALLEY.

The next business on the Calendar for Unanimous Consent was the bill (S. 7875) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. AUSTIN. I object.

The SPEAKER. The gentleman from Tennessee objects, and the bill will be stricken from the calendar.

KIOWA, COMANCHE, AND APACHE CEDED LANDS, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28191) authorizing the extension of payments on certain town lots in the Kiowa, Comanche, and Apache ceded lands in Oklahoma.

The Clerk read the bill with committee amendments.

The SPEAKER. Is there objection?

Mr. AUSTIN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Tennessee objects to the consideration of the bill, and the bill will be stricken from the calendar.

STEAMBOAT INSPECTORS, LOS ANGELES, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28524) to create a board of local inspectors, Steamboat Inspection Service, for the port of Los Angeles, Cal.

The Clerk read the bill.

Mr. AUSTIN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Tennessee objects, and the bill will be stricken from the calendar.

CONTRACTS FOR TRANSFERRING FOREIGN MAIL.

The next business on the Calendar for Unanimous Consent was House resolution 778, directing the Committee on the Post Office and Post Roads to institute and carry forward an investigation into the letting of contracts, and so forth.

The Clerk read the resolution.

The SPEAKER. Is there objection?

Mr. AUSTIN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Tennessee objects, and the resolution will be stricken from the calendar.

HOTEL ON FORT HUACHUCA MILITARY RESERVATION, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (S. 6898) authorizing the Secretary of War to grant permission for the erection of a hotel on the Fort Huachuca Military Reservation, in Arizona.

The bill was read.

The SPEAKER. Is there objection?

Mr. BURNETT. Mr. Speaker, I object.

Mr. HAYDEN. Mr. Speaker, I hope the gentleman will withhold his objection.

The SPEAKER. The gentleman from Alabama objects, and the bill will be stricken from the calendar.

LOAN OF TENTS TO HELLA TEMPLE, DALLAS, TEX.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 143, authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine, to be held at Dallas, Tex., in May, 1913.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the executive committee of Hella Temple of the Ancient Arabic Order of the Nobles of the Mystic Shrine, at Dallas, Tex., having in charge the arrangements for the meeting of the imperial council of said order, to be held in Dallas, Tex., in May, 1913, such tents, with necessary flies, poles, ridges, and pins for each, as may be required at said meeting: *Provided*, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered to said executive committee of Hella Temple at such time prior to the date of such meeting as may be agreed upon by the Secretary of War and Mike H. Thomas, chairman of said executive committee: *Provided further*, That the Secretary of War shall, before delivering such property, take from said Mike H. Thomas a good and sufficient bond for the safe return of said property in good order and condition, the whole transaction to be without expense to the Government of the United States: *Provided further*, That hereafter no loan of tents shall be made except to the Grand Army of the Republic and the Confederate Veterans Association.

Mr. MANN. Mr. Speaker, reserving the right to object, and reserving a point of order on the bill, I take it that this bill belongs on the Union Calendar, although it is on the House Calendar. Apparently this Senate joint resolution says this is a very wicked thing to do; we will do it now, but we will never do it again. The resolution provides for the loaning of certain tents to an order, and then puts in this provision: "That hereafter no loan of tents shall be made except to the Grand Army of the Republic and the Confederate Veterans Association." If we ought not to make a loan of tents hereafter, then we ought not to make any now.

Mr. BEALL of Texas. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. BEALL of Texas. I think that is a very needless and useless provision, and if unanimous consent is given I shall move to strike out the last proviso.

Mr. MANN. Well, I see that the Masonic order is even stronger in the House than the pork barrel, and I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BEALL of Texas. Mr. Speaker, I desire to offer an amendment. I move to amend by striking out all after the word "States," in line 11, page 2, down to the end of the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, strike out the proviso beginning on line 11.

Mr. MANN. Mr. Speaker, I ask to have it read.

The Clerk read as follows:

Provided further, That hereafter no loan of tents shall be made except to the Grand Army of the Republic and the Confederate Veterans Association.

The SPEAKER. Without objection, the amendment will be agreed to.

Mr. FOSTER. Mr. Speaker, I object to that.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Senate joint resolution as amended was ordered to be read a third time, was read the third time, and passed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows

To Mr. HART, for five days, on account of illness.

To Mr. LITTLEPAGE, for three days, on acount of important business.

FORT ASSINNIBOINE MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 5138) authorizing the Secretary of the Interior

to survey the lands of the abandoned Fort Assiniboine Military Reservation and open the same to settlement.

The bill was read.

The SPEAKER pro tempore (Mr. BARNHART). Is there objection?

Mr. EDWARDS. Mr. Speaker, I object.

The SPEAKER pro tempore. The bill will be stricken from the calendar.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RAKER. I wonder whether or not there is any particular reason that these bills are objected to, or whether the fact that H. R. 28766 might come up to-day has anything to do with the taking of all these bills off the calendar? [Cries of "Regular order!"]

The SPEAKER pro tempore. The Chair can not undertake to say what is in the minds of Members. The regular order is demanded, and the Clerk will report the next bill.

GLACIER NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (S. 7318) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes.

The Clerk began the reading of the bill.

Mr. MANN. Reserving the right to object——

Mr. AUSTIN. Mr. Speaker, I demand the regular order.

Mr. HAMLIN. I think it is not worth while to take up the bill. I shall object to it——

Mr. MANN. It is a wonder the gentleman did not think of that before the reading was interrupted. The bill has only been read about half through. I was going to give a good reason for objecting to it.

Mr. HAMLIN. I do not doubt the gentleman has a good reason——

Mr. CLAYTON. Mr. Speaker——

The SPEAKER. It is not debatable.

Mr. CLAYTON. I know that; but I would like to have one minute to make a statement.

The SPEAKER. The gentleman from Alabama asks unanimous consent to speak for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON. Mr. Speaker, this bill seems to empower the commissioner of the park to try, convict, fine, and imprison for violation of law and park rules without court proceeding and without the intervention of a trial by jury. And therefore, if it had not been objected to, I would have objected to it on that ground.

The SPEAKER. The gentleman from Missouri [Mr. HAMLIN] and the gentleman from Tennessee [Mr. AUSTIN] both object.

Mr. AUSTIN. Mr. Speaker, I did not object to the consideration of the bill. I objected to the reservation of the objection.

DONATION OF CONDEMNED CANNON AND CANNON BALLS.

The next business on the Calendar for Unanimous Consent was the bill (S. 8273) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls.

Mr. MONDELL. Mr. Speaker, I object to the consideration of this bill.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] objects, and the bill will be stricken from the calendar.

COAL LANDS FOR MUNICIPAL PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26200) granting cities and incorporated towns coal lands for municipal purposes.

Mr. AUSTIN. Mr. Speaker, I object to the consideration of this bill.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] objects to the consideration of this bill, and it will be stricken from the calendar.

BRIDGE ACROSS MISSOURI RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28022) authorizing the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. to build a bridge across the Missouri River in sections 14 and 15, township 152 north, range 93 west of the fifth principal meridian, in the State of North Dakota.

Mr. HELGESEN. Mr. Speaker, I ask unanimous consent that the bill S. 8090 be substituted for this one and that the latter lie on the Speaker's table.

The SPEAKER. The gentleman from North Dakota [Mr. HELGESEN] asks unanimous consent that the Senate bill 8090 be substituted for the bill H. R. 28022, they being of similar tenor, and that the House bill lie on the table. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 8090) permitting the building of a railroad bridge across the Missouri River from a point on the east bank in section 14, Mountrail County, N. Dak., to a point on the west bank of said river in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west of the fifth principal meridian.

Be it enacted, etc., That the consent of Congress is hereby granted to the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., a railway corporation organized under the laws of the States of Michigan, Wisconsin, Minnesota, and North Dakota, its successors and assigns, to build a railway bridge across the Missouri River from a point on the east bank in section 14, Mountrail County, N. Dak., to a point on the west bank of said river in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west of the fifth principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That this act shall be null and void unless the bridge herein authorized be commenced within one year and completed within two years from the date of approval of this act.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. HELGESEN. Mr. Speaker, I move to amend by inserting after the word "point," page 1, line 8, "suitable to the interests of navigation."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 8, after the word "point," insert the words "suitable to the interests of navigation."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HELGESEN. Mr. Speaker, I move to strike out section 2, and have section 3 numbered "section 2."

The SPEAKER. The gentleman from North Dakota [Mr. HELGESEN] moves to strike out section 2, and number section 3 as "section 2."

The amendment was agreed to.

The bill as amended was ordered to a third reading, was read a third time, and passed.

DONATION OF CONDEMNED CANNON AND CANNON BALLS.

Mr. MONDELL. Mr. Speaker, I objected a moment ago to the consideration of the bill S. 8273, an act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls. I withdraw my objection.

The SPEAKER. The bill was ordered stricken from the calendar.

Mr. MANN. It is off the calendar.

Mr. KENDALL. Regular order, Mr. Speaker.

INTERSTATE TELEGRAPH AND TELEPHONE MESSAGES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3010) to fix the requirements governing the receipt, transmission, and delivery, and the preservation of messages of interstate telegraph and telephone companies.

The SPEAKER. Is there objection to consideration of the bill?

Mr. ADAIR. Mr. Speaker, I object.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] objects and the bill is stricken from the calendar.

JUDICIAL DISTRICTS IN IOWA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28635) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary."

Mr. KENDALL. Mr. Speaker, this is a lengthy bill, although it accomplishes only one purpose, namely, the transfer of one county in Iowa from the southern judicial district to the northern judicial district. I make this suggestion, because, if time is to be consumed, it ought to be consumed in the reading of the bill. The judges of both courts in Iowa, and the bar in each division, join in a petition that this bill be passed, and the Department of Justice recommends it.

The SPEAKER. The Clerk will report the bill.

Mr. KENDALL. If it is going to be objected to, the time of the House should not be taken up with it.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 81 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 81. The State of Iowa is divided into two judicial districts, to be known as the northern and southern districts of Iowa. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allamakee, Dubuque, Buchanan, Clayton, Delaware, Fayette, Winneshiek, Howard, Chickasaw, Bremer, Blackhawk, Floyd, Mitchell, and Jackson, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Jones, Cedar, Linn, Johnson, Iowa, Benton, Tama, Grundy, and Hardin, which shall constitute the Cedar Rapids division;

also the territory embraced on the date last mentioned in the counties of Emmet, Palo Alto, Pocahontas, Calhoun, Carroll, Kossuth, Humboldt, Webster, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, Franklin, and Butler, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Dickinson, Clay, Buena Vista, Sac, Osceola, O'Brien, Cherokee, Ida, Lyon, Sioux, Plymouth, Woodbury, and Monona, which shall constitute the western division. Terms of the district court for the eastern division shall be held at Dubuque on the fourth Tuesday in April and the first Tuesday in December, and at Waterloo on the second Tuesdays in May and September; for the Cedar Rapids division, at Cedar Rapids on the first Tuesday in April and the fourth Tuesday in September; for the central division at Fort Dodge on the second Tuesdays in June and November; and for the western division, at Sioux City on the fourth Tuesday in May and the third Tuesday in October. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Louisa, Henry, Des Moines, Lee, and Van Buren, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Marshall, Story, Boone, Greene, Guthrie, Dallas, Polk, Jasper, Poweshiek, Marion, Warren, and Madison, which shall constitute the central division of said district; also the territory embraced on the date last mentioned in the counties of Crawford, Harrison, Shelby, Audubon, Cass, Pottawattamie, Mills, and Montgomery, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Adams, Clarke, Decatur, Fremont, Lucas, Page, Ringgold, Taylor, Union, and Wayne, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Scott, Muscatine, Washington, and Clinton, which shall constitute the Davenport division of said district; also the territory embraced on the date last mentioned in the counties of Davis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapello, which shall constitute the Ottumwa division of said district. Terms of the district court for the eastern division shall be held at Keokuk on the second Tuesday in April and the third Tuesday in October; for the central division, at Des Moines on the second Tuesday in May and the third Tuesday in November; for the western division, at Council Bluffs on the second Tuesday in March and the third Tuesday in September; for the southern division, at Creston on the fourth Tuesday in March and the first Tuesday in November; for the Davenport division, at Davenport on the fourth Tuesday in April and the first Tuesday in October; and for the Ottumwa division, at Ottumwa on the first Monday after the fourth Tuesday in March, and the first Monday after the third Tuesday in October. The clerk of the court for said district shall maintain an office in charge of himself or a deputy at Davenport and at Ottumwa, for the transaction of the business of said divisions."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

COAL LANDS FOR GRAND JUNCTION, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26189) granting certain coal lands to the city of Grand Junction, Colo.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. BURNETT. I object.

THE LATE SENATOR JEFF DAVIS, OF ARKANSAS.

Mr. MACON. Mr. Speaker, I ask unanimous consent to have an order entered.

The SPEAKER. The Clerk will report the order.

The Clerk read as follows:

Ordered, That Sunday, February 23, 1913, be set apart for addresses upon the life, character, and public services of Hon. JEFF DAVIS, late a Senator from the State of Arkansas.

The SPEAKER. Is there objection to the present consideration of the order? [After a pause.] The Chair hears none. The question is on agreeing to the order.

The order was agreed to.

COUNCIL OF NATIONAL DEFENSE.

Mr. HOBSON. Mr. Speaker, I move that the House take up as the unfinished business the bill (H. R. 1309) to establish a council of national defense.

Mr. HARDWICK. Mr. Speaker, I raise a point of order.

The SPEAKER. What point of order does the gentleman raise?

Mr. HARDWICK. The committees are entitled to the preference to-day, this being the third Monday in the month.

The SPEAKER. It has been decided in a case exactly like this by both Speaker Carlisle and Speaker Reed that a matter such as that of the gentleman from Alabama [Mr. HOBSON] comes up as unfinished business.

Mr. HAY. Mr. Speaker, I demand a second.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is not the motion of the gentleman from Alabama [Mr. HOBSON] the unfinished business without being remade so?

The SPEAKER. It is the unfinished business, and the motion has been made.

Mr. FOSTER. I demand a second.

Mr. HARDWICK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. How did it become the unfinished business when it was objected to on the Calendar for Unanimous Consent?

The SPEAKER. Because the House adjourned before a second was obtained.

Mr. HAY. Now, Mr. Speaker, I demand a second.

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. HAY. I object.

The SPEAKER. The Clerk will report the bill, and then the Chair will take notice of the fact that a second has been demanded and refused to be considered as made, and the Chair will appoint tellers. But it is right and proper that the House should know what is in this bill. The Clerk will report it.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby established a Council of National Defense, consisting of the Secretary of War, who shall be president of the council, the Secretary of the Navy, the chairman of the Committee on Appropriations of the Senate, the chairman of the Committee on Foreign Relations of the Senate, the chairman of the Committee on Military Affairs of the Senate, the chairman of the Committee on Naval Affairs of the Senate, the chairman of the Committee on Appropriations of the House of Representatives, the chairman of the Committee on Foreign Affairs of the House of Representatives, the chairman of the Committee on Military Affairs of the House of Representatives, the chairman of the Committee on Naval Affairs of the House of Representatives, the Chief of the General Staff of the Army, the aid for operations of the fleet of the Navy, the president of the Army War College, and the president of the Navy War College.

SEC. 2. That said council shall determine a general policy of national defense and shall recommend to the President, for transmission to Congress, such measures relating to the national defense as it shall deem necessary and expedient: *Provided*, That in time of war said council shall meet only upon the request of the President of the United States.

SEC. 3. That said council shall meet at least once in each calendar year on such date or dates as it shall fix: *Provided*, That special meetings may be called by the president of the council, except in time of war: *And provided further*, That any member of the Cabinet, any Senator, any Representative, and any officer of the Army, Navy, Marine Corps, or Militia may be called for consultation at any meeting of the council.

SEC. 4. That for carrying out the purposes of this act there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $20,000, to be available until expended, and to be expended upon vouchers signed by the president of the council: *Provided*, That all necessary expenses of the chairmen of committees of the Senate and of the House of Representatives, when called to attend meetings of said council when Congress is not in session, shall be paid from this appropriation, upon approval by the president of the council.

Mr. MANN. Mr. Speaker, I demand a second.

The SPEAKER. A second has already been demanded.

Mr. MANN. I know it was; but that was before the bill was read. But I do not care.

The SPEAKER. The Chair ordered the bill to be read for the information of the House, and the Chair appoints the gentleman from Alabama [Mr. HOBSON] and the gentleman from Virginia [Mr. HAY] as tellers. Those in favor of seconding the motion to suspend the rules and pass the bill will pass between the tellers and be counted.

The House divided; and the tellers reported—ayes 55, noes 81.

The SPEAKER. The House refuses to second the motion to suspend the rules and pass the bill.

OMNIBUS PUBLIC-BUILDINGS BILL.

Mr. BURNETT. Mr. Speaker, I am directed by the Committee on Public Buildings and Grounds to move to suspend the rules and pass the bill H. R. 28766—the omnibus public-buildings bill.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT], by authority of the Committee on Public Buildings and Grounds, moves to suspend the rules and pass House bill 28766, which the Clerk will report.

The Clerk began the reading of the bill.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. FITZGERALD. I object.

The SPEAKER. The gentleman from New York objects.

The Clerk resumed and concluded the reading of the bill, as follows:

Be it enacted, etc., That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the acquisition of land for sites or the enlargement thereof, and the erection, enlargement, extension, remodeling, or repair of public buildings in the several cities hereinafter enumerated, the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased, respectively, as follows; and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of each of said buildings within its respective limit of cost, including site:

United States post office at Mobile, Ala., $75,000.

United States post office and courthouse at Gadsden, Ala., $8,000.

United States post office and courthouse at Opelika, Ala., $50,000, and the act of Congress approved June 25, 1910, is hereby amended so as to authorize the Secretary of the Treasury to construct said building in such way as to provide suitable accommodations for the United States courts.

United States post office at Greeley, Colo., $35,000.

United States post office at La Junta, Colo., $10,000.

United States post office at Live Oak, Fla., $15,000.
United States post office at St. Petersburg, Fla., $25,000.
United States post office at Carrollton, Ga., $7,500: *Provided*, That $750 of said amount may be used, in the discretion of the Secretary of the Treasury, for the acquisition of additional ground adjoining the present site.
United States post office at Elberton, Ga., $6,250.
United States post office and courthouse at Atlanta, Ga., $22,500.
United States post office at Cartersville, Ga., $6,250.
United States post office at Mount Vernon, Ill., $15,000.
United States post office at La Salle, Ill., $35,000.
United States post office at Hopkinsville, Ky., $20,000.
United States post office at Middlesboro, Ky., $25,000.
United States post office at Georgetown, Ky., $30,000.
United States post office at Milford, Mass., $15,000.
United States post office at Cadillac, Mich., $25,000.
United States post office and courthouse at Detroit, Mich., $70,000.
United States post office at Holland, Mich., $20,000.
United States post office at Minneapolis, Minn., $175,000.
United States post office and courthouse at Chillicothe, Mo., $65,000, and the act of Congress approved June 25, 1910, is hereby amended so as to authorize the Secretary of the Treasury to construct said building in such way as to provide suitable accommodations for the United States courts.
United States post office at Tupelo, Miss., $10,000.
United States post office at Laurel, Miss., $20,000.
United States post office and courthouse at Clarksdale, Miss., $55,750, and the act of Congress approved June 25, 1910, is hereby amended so as to authorize the Secretary of the Treasury to construct said building in such way as to provide suitable accommodations for the United States courts.
United States post office at Corinth, Miss., $3,500.
United States post office and courthouse at McCook, Nebr., $25,000.
United States post office at Morristown, N. J., $50,000.
For the acquisition of additional land for enlargement of site for a post office in the Borough of the Bronx, New York City, in the State of New York, $60,000.
That the provisions of the acts of Congress approved June 30, 1906, May 30, 1908, and June 25, 1910, for the acquisition of a site and the erection thereon of a public building at Yonkers, N. Y., at a total limit of cost of $250,000, be, and the same are hereby, amended so as to provide for the acquisition of a site only for said building at a limit of cost of $250,000, and the appropriations heretofore and to be made under said limit of cost for said site and building are hereby made available for the acquisition of such site only: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site, when acquired, a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use of the United States post office and other governmental offices, the cost of said building not to exceed $250,000.
United States post office at Gastonia, N. C., $20,000.
United States post office at Kinston, N. C., $20,000.
United States post office at Tarboro, N. C., $15,000.
For a site for a post-office building at Lumberton, N. C., $5,000 in addition to the amount heretofore authorized.
United States post office at Rocky Mount, N. C., $16,000.
United States post office at Piqua, Ohio, $45,000.
United States post office at Alliance, Ohio, $30,000.
United States post office and courthouse at Dayton, Ohio, $50,000.
United States post office and courthouse at Tulsa, Okla., $114,750.
United States post office at Reading, Pa., $70,000.
United States post office at Hanover, Pa., $10,000.
United States post office at Shelbyville, Tenn., $5,000.
For additional land for site for a United States post office at Winchester, Tenn., $2,300.
United States post office and courthouse at Corpus Christi, Tex., $70,000, and the act of Congress approved June 25, 1910, is hereby amended so as to authorize the Secretary of the Treasury to construct said building in such way as to provide suitable accommodations for the United States courts.
That the $90,000 authorized by the act of Congress approved June 25, 1910, for the extension, enlargement, remodeling, or improvement of the appraisers' stores at Galveston, Tex., and $40,000 in addition thereto, which sum of $40,000 is hereby authorized, shall be applied to the purposes set forth in the next following three items pertaining to or providing for public buildings at Galveston, Tex., namely:
For remodeling and reconstruction, for a courthouse, the building now used for appraisers' stores, $50,000.
For the purchase of suitable and convenient building and site for an appraiser's store, warehouse, and other purposes, and providing suitable offices therein, $65,000.
For rearranging and constructing offices in the third story of the post-office and customhouse building, $15,000. The act of Congress approved August 24, 1912, authorizing an expenditure of $8,000 for rented quarters and moving expenses, is hereby repealed.
United States post office at Cuero, Tex., $20,000.
United States post office at Brigham City, Utah, $20,000.
United States post office and courthouse at Brattleboro, Vt., $50,000.
United States post office and courthouse at Lynchburg, Va., $25,000.
United States post office at Moundsville, W. Va., $25,000.
United States post office at Sistersville, W. Va., $10,000.
SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the enlargement, extension, remodeling, rebuilding, or improvement of the following-named buildings within the respective limits of cost hereby fixed:
United States post office and customhouse at Oakland, Cal., $75,000: *Provided*, That this amount, or so much thereof as may be necessary, shall be used for the acquisition of additional land for the enlargement of the present site.
United States post office, courthouse, and other governmental offices at East St. Louis, Ill., $125,000.
United States post office at Evansville, Ind., $150,000.
United States post office at New Albany, Ind., $38,000.
United States post office and courthouse at Alexandria, La., $65,000.
United States post office at Winchester, Ky., $30,000: *Provided*, That this amount, or so much thereof as may be necessary, shall be used in erecting a second story on the present building, and for necessary changes in said building and in the mechanical equipment, lighting, and plumbing systems thereof.
United States post office and customhouse at Muskegon, Mich., $75,000: *Provided*, That not exceeding $10,000 of this amount may be expended for the enlargement of the present site.
United States post office at Kirksville, Mo., $40,000.
United States post office and courthouse at Lincoln, Nebr., $175,000.
United States post office at Poughkeepsie, N. Y., $68,000, and the Secretary of the Treasury is further authorized, in his discretion, to acquire by purchase, condemnation, or otherwise, out of this amount such additional land as may be necessary for the enlargement of the site for said building.
For the remodeling, extending, enlarging, or rebuilding the customhouse building at Toledo, Ohio, now used for courts and other Federal offices, $25,000.
For the enlargement of the site for a post-office building at Ashland, Ohio, $10,000.
United States post office and customhouse at Nashville, Tenn., $400,000.
That the present site in each of the cities heretofore mentioned shall not be enlarged by the acquisition of ground under the provisions of this act unless the Secretary of the Treasury is given specific authority herein to enlarge said sites, and where such authority is given the Secretary is authorized to secure, by purchase, condemnation, or otherwise, such additional ground as he may deem necessary, respectively: *Provided*, That the limits of cost hereinbefore respectively fixed shall include all necessary changes in, alterations and repairs of, the above-named buildings, and of the heating, ventilating, and plumbing systems and elevators therein which may become necessary by reason of or incident to the extension, enlargement, remodeling, improvement, or rebuilding of said buildings, or which it may be found expedient or advisable to make to such heating, ventilating, and plumbing systems and elevators because of the enlargement, extension, remodeling, improving, or rebuilding of said buildings; and the annual appropriations for the general maintenance of public buildings under the control of the Treasury Department shall be construed to be available for all other repairs to and equipment of said buildings, grounds, and approaches, and the heating, hoisting, plumbing, and ventilating apparatus thereof.
SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the erection and completion of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other governmental offices upon ground now owned by the United States or authorized to be acquired in each of the following cities, respectively, within its respective limit of cost hereby fixed:
United States post office and courthouse at Jasper, Ala., $100,000.
United States post office and customhouse at Douglas, Ariz., $100,000.
United States post office at Arkadelphia, Ark., $55,000.
United States post office at Fordyce, Ark., $50,000.
United States post office at Mena, Ark., $50,000.
United States post office at Bakersfield, Cal., $100,000.
United States post office at Durango, Colo., $100,000.
United States post office at Fort Morgan, Colo., $55,000.
United States post office at Rockville, Conn., $55,000.
United States post office at Greenwich, Conn., $90,000.
United States post office at Orlando, Fla., $60,000.
United States post office at Barnesville, Ga., $50,000.
United States post office at Statesboro, Ga., $50,000.
United States post office at Twin Falls, Idaho, $85,000.
United States post office at Taylorville, Ill., $60,000.
United States post office at Savanna, Ill., $50,000.
United States post office at Washington, Ind., $60,000.
United States post office at Huntington, Ind., $95,000.
United States post office at Washington, Iowa, $80,000.
United States post office at Maquoketa, Iowa, $50,000.
United States post office at Charles City, Iowa, $70,000.
United States post office at Grinnell, Iowa, $90,000.
United States post office at Hiawatha, Kans., $60,000.
United States post office at Minden, La., $50,000.
United States post office at Hammond, La., $50,000.
United States post office at Ashland, Ky., $80,000.
United States post office at Shelbyville, Ky., $50,000.
United States post office at Rumford, Me., $60,000.
United States post office at Caribou, Me., $50,000.
United States post office at Skowhegan, Me., $65,000.
United States post office at Frederick, Md., $90,000.
United States post office at Reading, Mass., $55,000.
United States post office at Attleboro, Mass., $100,000.
United States post office at Newburyport, Mass., $70,000.
United States post office at Charlotte, Mich., $65,000.
United States post office at Dowagiac, Mich., $55,000.
United States post office at Little Falls, Minn., $65,000.
United States post office at Montevideo, Minn., $50,000.
United States post office at Anoka, Minn., $50,000.
United States post office at Bonne Terre, Mo., $50,000: *Provided*, That the construction of said building shall not be begun until the site for same has been donated and title thereto accepted by the Secretary of the Treasury, as provided in section 25 of the act of Congress approved June 25, 1910.
United States post office at McComb, Miss., $50,000.
United States post office at Holly Springs, Miss., $45,000, $2,500 of which may be used, in the discretion of the Secretary of the Treasury, for the acquisition, by purchase, condemnation, or otherwise, of a site, in addition to the sum heretofore authorized for that purpose.
United States post office at Kalispell, Mont., $100,000.
United States post office at Aurora, Nebr., $50,000.
United States post office and courthouse at Chadron, Nebr., $110,000.
United States post office at Laconia, N. H., $75,000.
United States post office at Berlin, N. H., $65,000.
United States post office at East Orange, N. J., $125,000.
United States post office at Hackensack, N. J., $100,000.
United States post office at Woodbury, N. J., $55,000.
United States post office at Bayonne, N. J., $100,000.
United States post office and courthouse at Las Cruces, N. Mex., $125,000.
United States post office at Batavia, N. Y., $85,000.
United States post office at Syracuse, N. Y., $450,000.
United States post office at Hornell, N. Y., $85,000.
United States post office at Waterloo, N. Y., $55,000.
United States post office at Salamanca, N. Y., $75,000.
United States post office at Burlington, N. C., $65,000.
United States post office at Waynesville, N. C., $65,000.
United States post office at Shelby, N. C., $55,000.
United States post office at Dickinson, N. Dak., $90,000.
United States post office at Van Wert, Ohio, $70,000.
United States post office at Sidney, Ohio, $70,000.
United States post office at Elyria, Ohio, $100,000.
United States post office at Fremont, Ohio, $100,000.
United States post office at Middletown, Ohio, $100,000.
United States post office at Logan, Ohio, $60,000.

United States post office at Roseburg, Oreg., $100,000.
United States post office at Media, Pa., $60,000.
United States post office at Dubois, Pa., $85,000.
United States post office at Titusville, Pa., $75,000.
United States post office at Pottstown, Pa., $90,000.
United States post office at Tarentum, Pa., $60,000.
United States post office at South Bethlehem, Pa., $100,000.
United States post office at Columbia, S. C., $225,000.
United States post office at Marion, S. C., $50,000.
United States post office at Redfield, S. Dak., $60,000.
United States post office at Jellico, Tenn., $70,000, and the Secretary of the Treasury is authorized and directed to provide in said building suitable quarters for a mine-rescue station.
United States post office at Maryville, Tenn., $60,000.
United States post office at Humboldt, Tenn., $50,000.
United States post office at Navasota, Tex., $50,000.
United States post office at Belton, Tex., $55,000.
United States post office at New Braunfels, Tex., $50,000.
United States post office at Beeville, Tex., $50,000.
United States post office at Yoakum, $65,000.
United States post office at El Paso, Tex., $300,000.
United States post office at Nacogdoches, Tex., $55,000.
United States post office at Brenham, Tex., $60,000.
United States post office at Franklin, Va., $45,000.
United States post office at South Boston, Va., $50,000.
United States post office at Ellensburg, Wash., $75,000.
United States post office and customhouse at Aberdeen, Wash., $112,500.
United States post office at Seattle, Wash., $300,000.
United States post office at Williamson, W. Va., $50,000.
United States post office at Buckhannon, W. Va., $60,000.
United States post office at Neenah, Wis., $80,000.
United States post office at Antigo, Wis., $70,000.
United States post office at Merrill, Wis., $75,000.
United States post office and courthouse at Madison, Wis., $550,000, and the Secretary of the Treasury is authorized to expend from this sum such amount as may be necessary for the demolition of the present building, either in whole or in part.
United States post office at Buffalo, Wyo., $62,500.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and to contract for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other governmental offices in each of the cities enumerated in this section, within its respective limit of cost, including site, hereby fixed:

United States post office at Decatur, Ala., $65,000.
United States post office at Andalusia, Ala., $50,000.
United States post office on the State line dividing West Point, Ga., and Lanett, Ala., $50,000.
United States post office, United States courts and jail at Cordova, Alaska, $100,000.
United States post office at Marianna, Ark., $50,000.
United States post office at Russellville, Ark., $50,000.
United States post office at Rogers, Ark., $70,000.
United States post office at Red Bluff, Cal., $60,000.
United States post office and customhouse at San Pedro, Cal., $60,000.
United States post office at San Luis Obispo, Cal., $80,000.
United States post office at Willows, Cal., $75,000.
United States post office at Glenwood Springs, Colo., $100,000.
United States post office at Mystic, Conn., $55,000.
United States post office at Branford, Conn., $55,000.
United States post office and courthouse at Marianna, Fla., $70,000.
United States post office at Sanford, Fla., $70,000.
United States post office at Lakeland, Fla., $75,000.
United States post office at Fitzgerald, Ga., $75,000.
United States post office at Douglas, Ga., $55,000.
United States post office at Washington, Ga., $55,000.
United States post office at Moultrie, Ga., $65,000.
United States post office at Dawson, Ga., $60,000.
United States post office at Sandpoint, Idaho, $70,000.
United States post office at Marion, Ill., $70,000.
United States post office at Olney, Ill., $70,000.
United States post office at Paxton, Ill., $60,000.
United States post office at Hoopeston, Ill., $70,000.
United States post office at Charleston, Ill., $75,000.
United States post office at Batavia, Ill., $95,000.
United States post office at Metropolis, Ill., $50,000.
United States post office at Jerseyville, Ill., $65,000.
United States post office at Aledo, Ill., $65,000.
United States post office at Valparaiso, Ind., $95,000.
United States post office at Rochester, Ind., $70,000.
United States post office at Kendallville, Ind., $75,000.
United States post office at Bluffton, Ind., $70,000.
United States post office at North Vernon, Ind., $60,000.
United States post office at Clinton, Ind., $60,000.
United States post office at Shelbyville, Ind., $80,000.
United States post office at Cedar Falls, Iowa, $95,000.
United States post office at Chariton, Iowa, $70,000.
United States post office at Carroll, Iowa, $70,000.
United States post office at Cherokee, Iowa, $70,000.
United States post office at Glenwood, Iowa, $50,000.
United States post office at Vinton, Iowa, $70,000.
United States post office at Cherryvale, Kans., $60,000.
United States post office at Eldorado, Kans., $60,000.
United States post office at Pratt, Kans., $60,000.
United States post office at Thibodaux, La., $50,000.
United States post office at Glasgow, Ky., $60,000.
United States post office at Marion, Ky., $70,000.
United States post office at Saco, Me., $60,000.
United States post office at Salisbury, Md., $80,000.
United States post office at Southbridge, Mass., $80,000.
United States post office at Leominster, Mass., $90,000.
United States post office at Malden, Mass., on a site to be donated, $90,000: *Provided*, That the construction of said building shall not be begun until the site for same has been donated and title thereto accepted by the Secretary of the Treasury, as provided in section 26 of this act.
United States post office at Amherst, Mass., $80,000.
United States post office at Houghton, Mich., $100,000.
United States post office at Cheboygan, Mich., $70,000.
United States post office at Wyandotte, Mich., $75,000.
United States post office at Mount Pleasant, Mich., $75,000.
United States post office at Bad Axe, Mich., $55,000.
United States post office at Bemidji, Minn., $75,000.
United States post office at Fairmont, Minn., $65,000.
United States post office at St. Peter, Minn., $60,000.
United States post office at Liberty, Mo., $60,000.
United States post office at Washington, Mo., $60,000.
United States post office at Butler, Mo., $60,000.
United States post office at Fayette, Mo., $55,000.
United States post office at Water Valley, Miss., $50,000.
United States post office at Central City, Nebr., $55,000.
United States post office at Vineland, N. J., $70,000.
United States post office at Montclair, N. J., $130,000.
United States post office at Hoosick Falls, N. Y., $80,000.
United States post office at Long Island City, N. Y., $200,000.
United States post office at Owego, N. Y., $75,000.
United States post office at Cohoes, N. Y., $100,000.
United States post office at Walden, N. Y., $65,000.
United States post office at Saranac Lake, N. Y., $90,000.
United States post office at Fort Plain, N. Y., $65,000.
United States post office at Thomasville, N. C., $55,000.
United States post office at Coshocton, Ohio, $115,000.
United States post office at Washington Court House, Ohio., $80,000.
United States post office at Martins Ferry, Ohio, $85,000.
United States post office at Kenton, Ohio, $80,000.
United States post office at Gallipolis, Ohio, $75,000.
United States post office at Wilmington, Ohio, $75,000.
United States post office and courthouse at Woodward, Okla., $110,000.
United States post office at Durant, Okla., $80,000.
United States post office at Chandler, Okla., $55,000.
United States post office at Lock Haven, Pa., $100,000.
United States post office at Pittston, Pa., $100,000.
United States post office at Lewistown, Pa., $75,000.
United States post office at Indiana, Pa., $90,000.
United States post office at Hollidaysburg, Pa., $80,000.
United States post office at Berwick, Pa., $80,000.
United States post office at Franklin, Pa., $100,000.
United States post office at Tamaqua, Pa., $75,000.
United States post office at Donora, Pa., $75,000.
United States post office at Olyphant, Pa., $65,000.
United States post office at Monessen, Pa., $90,000.
United States post office at McKees Rocks, Pa., $80,000.
United States post office at Waynesburg, Pa., $75,000.
United States post office at Sayre, Pa., $80,000.
United States post office and customhouse at Beaufort, S. C., $50,000.
United States post office at Lancaster, S. C., $50,000.
United States post office at Bellefourche, S. Dak., $75,000.
United States post office at Franklin, Tenn., $55,000.
United States post office at Tullahoma, Tenn., $50,000.
United States post office at Athens, Tenn., $50,000.
United States post office at Gallatin, Tenn., $50,000.
United States post office at Pittsburg, Tex., $55,000.
United States post office at Mount Pleasant, Tex., $55,000.
United States post office at Commerce, Tex., $50,000.
United States post office at Vernon, Tex., $50,000.
United States post office at Cameron, Tex., $55,000.
United States post office at Comanche, Tex., $50,000.
United States post office at St. Johnsbury, Vt., $100,000.
United States post office at Waynesboro, Va., $52,500, $2,500 of which may be used, in the discretion of the Secretary of the Treasury, for the acquisition, by purchase, condemnation, or otherwise, of a site, in addition to the sum heretofore authorized for that purpose.
United States post office at Farmville, Va., $60,000.
United States post office at Norton, Va., $75,000, and the Secretary of the Treasury is authorized and directed to provide in said building suitable quarters for a mine rescue station.
United States post office at Salem, Va., $65,000.
United States post office at Front Royal, Va., $50,000.
United States post office at Leesburg, Va., $55,000.
United States post office at Charles Town, W. Va., $75,000.
United States post office at Beaver Dam, Wis., $80,000.
United States post office at Burlington, Wis., $70,000.
United States post office and customhouse at Mineral Point, Wis., $60,000.
United States post office at Tomah, Wis., $55,000.
United States post office at Oconto, Wis., $60,000.

SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site for the United States post office and other governmental offices in each of the cities enumerated in this section within its respective limit of cost hereby fixed:

United States post office at Union Springs, Ala., $5,000.
United States post office at Albertville, Ala., $5,000.
United States post office at Attalla, Ala., $5,000.
United States post office at Greenville, Ala., $5,000.
United States post office at Sylacauga, Ala., $5,000.
United States post office at Nogales, Ariz., $10,000.
United States post office at Stuttgart, Ark., $5,000.
United States post office at El Dorado, Ark., $5,000.
United States post office at Brinkley, Ark., $5,000.
United States post office at Modesto, Cal., $20,000.
United States post office at Newark, Del., $5,000.
United States post office, courthouse, and customhouse, Key West, Fla., $80,000.
United States post office at Lake City, Fla., $7,500.
United States post office at Toccoa, Ga., $5,000.
United States post office at Canton, Ga., $5,000.
United States post office at Rossville, Ga., $5,000.
United States post office at Sandersville, Ga., $5,000.
United States post office at Mendota, Ill., $10,000.
United States post office at Hillsboro, Ill., $10,000.
United States post office at Geneseo, Ill., $10,000.
United States post office at Havana, Ill., $10,000.
United States post office at Spring Valley, Ill., $10,000.
United States post office at Chicago, Ill., $50,000, and said site shall be located on or near East Sixty-third Street in said city: *Provided*, That the Secretary of the Treasury may, in his discretion, disregard the provisions of law requiring a site to be bounded upon at least two sides by streets, and may further, in his discretion, reduce or entirely dispense with the open space for fire protection.
United States post office at Woodstock, Ill., $17,000.
United States post office at Decatur, Ind., $10,000.
United States post office at Linton, Ind., $8,000.
United States post office at Noblesville, Ind., $10,000.
United States post office at Lebanon, Ind., $10,000.

United States post office at Greensburg, Ind., $12,000.
United States post office at Plymouth, Ind., $10,000.
United States post office at Warsaw, Ind., $10,000.
United States post office at Salem, Ind., $5,000.
United States post office at Fairfield, Iowa, $10,000.
United States post office at Oelwein, Iowa, $8,000.
United States post office at Marengo, Iowa, $5,000.
United States post office at Newton, Iowa, $10,000.
United States post office at Madisonville, Ky., $10,000.
United States post office at Central City, Ky., $7,500.
United States post office at Harrodsburg, Ky., $10,000.
United States post office at Eminence, Ky., $8,000.
United States post office at Paintsville, Ky., $5,000.
United States post office at Pikeville, Ky., $5,000.
United States post office at Prestonburg, Ky., $5,000.
United States post office at Murray, Ky., $5,000.
United States post office at Hodgenville, Ky., $5,000.
United States post office at Elizabethtown, Ky., $7,500.
United States post office at Cambridge, Md., $10,000.
United States post office at South Framingham, Mass., $15,000.
United States post office and customhouse at Benton Harbor, Mich., $25,000.
United States post office at Centralia, Mo., $7,500.
United States post office at Sikeston, Mo., $7,500.
United States post office at Westplains, Mo., $7,500.
United States post office at Unionville, Mo., $7,500.
United States post office at Mountain Grove, Mo., $7,500.
United States post office at Lebanon, Mo., $7,500.
United States post office at Lamar, Mo., $10,000.
United States post office at Salem, N. J., $10,000.
United States post office at Bath, N. Y., $15,000.
United States post office at Oneida, N. Y., $15,000.
United States post office at Lyons, N. Y., $15,000.
United States post office at Rutherfordton, N. C., $5,000.
United States post office at Mount Olive, N. C., $5,000.
United States post office at Edenton, N. C., $7,500.
United States post office at Lenoir, N. C., $8,000.
United States post office and customhouse at Fargo, N. Dak., $25,000.
United States post office at Napoleon, Ohio, $7,500.
United States post office at St. Marys, Ohio, $7,500.
United States post office at New Philadelphia, Ohio, $12,500.
United States post office at Millersburg, Ohio, $7,500.
United States post office at Frederick, Okla., $10,000.
United States post office at Hobart, Okla., $10,000.
United States post office at St. Johns, Oreg., $5,000.
United States post office at Tyrone, Pa., $25,000.
United States post office at Warren, R. I., $10,000.
United States post office at Dillon, S. C., $5,000.
United States post office at Huntingdon, Tenn., $2,500.
United States post office at Rogersville, Tenn., $3,000.
United States post office at Memphis, Tenn., $40,000.
For the acquisition, by purchase, condemnation, or otherwise of additional ground adjoining the post office and courthouse at Sherman, Tex., $5,000, or so much thereof as may be necessary.
United States post office at Gilmer, Tex., $5,000.
United States post office at Crockett, Tex., $5,000.
United States post office at Taylor, Tex., $5,000.
United States post office at Orange, Tex., $10,000.
United States post office at Coleman, Tex., $5,000.
For the acquisition, by purchase, condemnation, or otherwise, of additional ground adjoining the post office and courthouse at Dallas, Tex., $300,000, or so much thereof as may be necessary: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, in lieu of the foregoing, to acquire a new site by purchase, condemnation, or otherwise, for a post office at Dallas, Tex., at a limit of cost not to exceed $300,000.
United States post office at Nephi, Utah, $5,000.
United States post office at West Point, Va., $5,000.
United States post office at Colfax, Wash., $7,000.
United States post office at New Martinsville, W. Va., $12,500.
United States post office on west side at Milwaukee, Wis., $100,000.
United States post office at Newcastle, Wyo., $5,000.

SEC. 6. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, or additional ground adjoining the site already acquired, and to contract for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office, courts, and other governmental offices at Birmingham, Ala. The cost of said building and addition to site, or new site and building shall not exceed $1,000,000: *Provided*, That if the Secretary of the Treasury should decide to acquire a new site he may sell the site already acquired at an upset price of not less than $200,000, at public or private sale, in the discretion of the Secretary of the Treasury at such time and upon such terms as he may deem to be to the best interests of the United States and deposit the proceeds in the Treasury as a miscellaneous receipt.

SEC. 7. That the limit of cost for the acquisition of a site and the erection thereon of a suitable building for the accommodation of the post office and other governmental offices at New Haven, Conn., as provided by the act of Congress approved June 25, 1910, is hereby increased by the sum of $400,000, or so much thereof as may be realized from the sale of the old post-office and customhouse building and site thereof in the said city of New Haven, as provided in said act of June 25, 1910; and said act of June 25, 1910, is hereby amended so that the Secretary of the Treasury is authorized, in his discretion, to sell said old post-office and customhouse building and site before the completion of the new Federal building, on such terms as the Secretary of the Treasury may deem to be to the best interest of the United States subject to the provision and agreement that possession of same shall not be delivered until said new building is ready for occupancy.

SEC. 8. That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed on square No. 143, in the city of Washington, D. C., a fireproof building of modern office building type of architecture of sufficient area to afford when completed office accommodations for the entire organization at Washington, D. C., of the Geological Survey, Reclamation Service, Indian Office, Bureau of Mines, and such other offices and bureaus of the Interior Department as can be accommodated therein.

That the designs and estimates for said building shall be approved by a board consisting of the Secretary of the Treasury, the Secretary of the Interior, and the Superintendent of the Capitol Building and Grounds.

That for the purpose of beginning the construction of said building the sum of $500,000 is hereby authorized, and the unexpended balance of the appropriation for the acquisition of said square 143 is hereby made available as a part of said authorization for the employment, without regard to civil-service laws, rules, or regulations, of technical and engineering services in the Office of the Supervising Architect, exclusively to aid in the preparation of such plans and specifications and toward the commencement of the construction of said building.

That the foregoing authorization for the employment of technical and engineering services shall be in addition to and independent of the authorizations and appropriations for personal services for the Office of the Supervising Architect otherwise made: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby authorized shall be constructed or so planned as to cost, complete, including fireproof vaults, heating and ventilating apparatus, elevators, lighting fixtures, and approaches, but exclusive of site, not exceeding $2,500,000.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purpose within the ultimate limit of cost above mentioned.

SEC. 9. That so much of section 24 of the act of Congress approved May 30, 1908, as provides for the construction of buildings for a customhouse and other governmental offices, except United States courts and post office, and for a building for the United States appraisers' stores at Wilmington, N. C., be, and the same is hereby, amended so as to require that upon the enlarged site of the present customhouse and warehouse in said city the Secretary of the Treasury shall cause to be constructed a suitable and commodious fireproof building for the accommodation of the customs service, the appraisers' stores, the United States courts and court officials, and such other governmental offices, exclusive of the post office, as can be properly and conveniently quartered in said building; and that the limit of cost fixed by said act of May 30, 1908, is hereby extended by the sum of $118,750, and said act is hereby amended so as to fix the limit of cost for said new customhouse, appraisers' stores, and courthouse and enlargement of site thereof at not exceeding $418,750; and that the unexpended balances of the appropriations heretofore made pursuant to said section 24 of the building act of May 30, 1908, are hereby made available for the construction of the said building for customhouse, appraisers' stores, and courthouse hereinbefore prescribed; and the Secretary of the Treasury is authorized and directed to enter into contracts for the construction of such building for customhouse, appraisers' stores, and courthouse at Wilmington, N. C., within the limit of cost hereinbefore fixed.

SEC. 10. Post office at Lancaster, Pa., $80,000, together with the unexpended balance of the amounts heretofore appropriated for additional land and building; all to be available for the acquisition of a new site.

SEC. 11. That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site, or acquire it by condemnation or otherwise, in the city of Akron, Ohio, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the post office and other governmental offices, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed $400,000. And the Secretary of the Treasury is hereby authorized, when said building is completed and occupied by the United States authorities, to sell the present post-office building and site in said city of Akron at public or private sale, after proper advertisement, on such terms as he may deem to be to the best interests of the United States, to execute a quitclaim deed to the purchaser thereof, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt: *Provided*, That said building and site shall not be sold for any sum less than $160,000.

SEC. 12. That for the purpose of beginning the construction under the direction of a commission consisting of the Secretary of War, the Secretary of the Navy, and Superintendent of the United States Capitol Building and Grounds, and Ivory G. Kimball, representing the Grand Army of the Republic, of a memorial ampitheater, including a chapel, at the national cemetery at Arlington, Va., and in accordance with the plans of Carrere and Hastings, architects, of New York City, adopted by the commission heretofore appointed, there is hereby authorized the sum of $250,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum herein named, but the building herein provided for shall be constructed so as to cost, complete, including heating and ventilating apparatus and approaches, $750,000.

That said commission is hereby authorized to enter into contracts for the construction of said memorial amphitheater and chapel within the ultimate limit of cost above mentioned: *Provided further*, That the said commission may, in its discretion, expend, of the sum hereby authorized, not more than $75,000 for the purpose of constructing a mortuary chapel, in accordance with the plans of Carrere and Hastings referred to in this act, or to locate the same elsewhere in and upon the Arlington estate, in pursuance of any other plan which may be approved by the commission for that purpose.

SEC. 13. That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to convey by quitclaim deed to the city of Oneonta, N. Y., for street purposes and no other, all the right, title, and interest of the United States of America in and to all or so much of a 10-foot strip of land off the South Main Street side of the Federal building site in said city as he may deem advisable for said street purposes.

SEC. 14. That the Secretary of the Treasury be, and he is hereby, directed to purchase a site, or acquire it by condemnation or otherwise, on land at a convenient point between the incorporated city of Las Vegas, N. Mex., and the incorporated town of Las Vegas, N. Mex., and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the post office, courthouse, and other governmental offices, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of $125,000, and the post office herein provided for shall be used as a post office and courthouse and for other governmental purposes for both the incorporated city of Las Vegas and the incorporated town of Las Vegas, notwithstanding the general law requiring the maintenance of a post office in each county seat, and the authorization of $15,000 made for the purchase of a site in the town of Las Vegas is hereby repealed.

SEC. 15. That a commission, consisting of the Secretary of the Interior, the Commissioner of Patents, and the Supervising Architect of the Treasury Department, be, and is hereby, created, which shall cause plans and estimates to be prepared for a building to accommodate the Patent Office of the United States, and report the estimated cost thereof to the Congress, provided that such plans and estimates be

prepared under the direction of the Secretary of the Treasury. And for the preparation of such plans and estimates a sum not to exceed $5,000 is hereby authorized to be expended for employment of technical and engineering services in the Office of the Supervising Architect. That the foregoing authorization for the employment of technical and engineering services shall be in addition to and independent of the authorization and appropriations for personal services for the Office of the Supervising Architect otherwise made.

SEC. 16. That the Secretary of the Treasury be, and he is hereby, authorized and directed to sell, in whole or in part, the post-office site situated at Liberty Avenue and Sixteenth Street, in Pittsburgh, Pa., at public or private sale, after proper advertisement, at such time and on such terms as he may deem to be to the best interests of the United States, and to execute a quitclaim deed to the purchaser or purchasers thereof, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt: *Provided*, That all the land embraced in said site and shall not be sold for less than an aggregate of $750,000.

SEC. 17. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site for a suitable building and approaches, for the use and accommodation of the United States post office and other governmental offices in the city of Newark, in the State of New Jersey, the cost of said site not to exceed the sum of $800,000: *Provided*, That such site shall not be acquired until the Secretary of the Treasury shall have entered into a contract on behalf of the United States with a responsible purchaser for the sale of the site now occupied in said city by the post office at a minimum price of $1,800,000, such contract to provide for the use by the Government free of rent of said site and buildings thereon for governmental purposes until the completion and occupation by the Government of a building upon the site herein authorized to be acquired: *And provided further*, That the sale of the present site and building thereon shall be made only after proper advertisement and at such time and upon such terms as the Secretary of the Treasury may deem to be for the best interests of the United States, and the Secretary of the Treasury is hereby authorized to execute and deliver to the purchaser a quitclaim deed. The balance of said proceeds in excess of the amount paid for the site is hereby authorized for the construction of a new building complete, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use of the United States post office and other governmental offices, said building to be erected on the site herein authorized to be purchased: *And provided further*, That the Secretary of the Treasury, in his discretion, may disregard the provision requiring 40 feet open space for fire protection.

SEC. 18. That the Secretary of the Treasury be, and he is hereby, authorized and directed to prepare designs and estimates for a fireproof national archives building containing not less than 1,500,000 cubic feet of space, suitable for the orderly storage of records, documents, and other papers which have accumulated in the various executive departments and independent establishments, and in the files of the Senate and House of Representatives and offices of the White House, and are not needed for current use.

That the said designs and estimates shall be prepared with a view to the erection of the said building in the city of Washington, D. C., upon a lot of land large enough to contain ultimately a building embracing 4,000,000 cubic feet of space.

That the said designs and estimates shall make provision for a building capable of subsequent extension without impairing its architectural appearance from a capacity of 1,500,000 cubic feet to a capacity of 4,000,000 cubic feet.

That upon the completion of the said designs and estimates the Secretary of the Treasury shall report to the Senate and House of Representatives the minimum cost of such a building and the minimum cost of a suitable site therefor conveniently located in the District of Columbia.

SEC. 19. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, the land adjoining the present Federal building site in Ardmore, Okla., extending from said site to A Street by a depth of 145 feet in A Street, at a cost not exceeding $8,000, said sum to be paid out of the balance heretofore authorized for building and site in said city.

SEC. 20. That for the purpose of beginning the construction on the site heretofore procured of a suitable and commodious fireproof building for the accommodation of the United States Subtreasury and other governmental offices at St. Louis, Mo., the sum of $200,000 is hereby authorized: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding $1,000,000.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purpose within the ultimate limit of cost above mentioned.

SEC. 21. That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into a contract or contracts for the erection and completion of fireproof laboratories and other buildings suitable and necessary for the investigations of the Bureau of Mines, on a site hereinafter provided, in the city of Pittsburgh, Pa., within the total limit of cost hereinafter fixed.

That the said laboratories and other buildings shall be constructed under the direction of and in accordance with plans and estimates to be approved by a board consisting of the Director of the Bureau of Mines, the Chief of Engineers of the Army, and the Supervising Architect of the Treasury, and shall be so constructed as to cost, complete, with the necessary railroad sidings, approaches, plumbing, lighting, heating, ventilating and hoisting apparatus, and other necessary appurtenances, not to exceed the sum of $500,000, of which amount the sum of $250,000 is hereby authorized and shall be immediately available for the preparation of plans for said laboratories and other buildings and for carrying forward construction work. And the Secretary of the Treasury is hereby authorized to employ, without regard to civil-service laws, rules, or regulations, and to pay for at customary rates of compensation, out of this authorization, such technical and engineering services as may be recommended by the above board, to serve exclusively in the Office of the Supervising Architect of the Treasury Department to aid in the preparation of plans and specifications for and to supervise the construction of the work herein provided for: *Provided*, That the foregoing authorization for the employment of technical and engineering services shall be in addition to and independent of the authorizations and appropriations for personal services for the Office of the Supervising Architect otherwise made.

That the Secretary of War be, and he is hereby, authorized to transfer to the city of Pittsburgh, Pa., or to the board of public education of the said city of Pittsburgh, for public use, that part of the United States arsenal grounds in the city of Pittsburgh lying between Thirty-ninth and Fortieth Streets and between Butler Street and the tract of land transferred by the Secretary of War to the custody and control of the Treasury Department for a marine-hospital site by an instrument dated June 1, 1904, under authority of the sundry civil act of March 3, 1903, the land to be transferred to the said city of Pittsburgh being more particularly described as follows: Beginning at the northwest corner of the said tract of land transferred to the custody and control of the Treasury Department, and running thence along Fortieth Street in a northwesterly direction to the intersection of said street and Butler Street, 1,117½ feet, more or less; thence along Butler Street in a southwesterly direction to the intersection of said street and Thirty-ninth Street, 523 feet, more or less; thence along Thirty-ninth Street in a southeasterly direction to southwest corner of the said tract of land transferred to the custody and control of the Treasury Department, 1,100½ feet, more or less; and thence along the westerly boundary of said tract of land in a northeasterly direction to the place of beginning, 523 feet, more or less; and containing 13¼ acres, more or less, on the transfer by the board of public education of the city of Pittsburgh, or by the city of Pittsburgh, to the United States, for the use of the Bureau of Mines, under the Department of the Interior, as a site for the erection of the laboratories and other buildings hereinbefore provided for, of the tract of land in the said city of Pittsburgh, known as the Magee High School site, and lying on Forbes Street and the Baltimore & Ohio Railroad, and more particularly described as follows: Beginning in the center of Boundary Street at its junction with Forbes Street and running north 87 degrees 36 minutes 45 seconds east parallel to Forbes Street for a distance of 536.2 feet, more or less, to a stone monument; thence running south 2 degrees 23 minutes 15 seconds east for a distance of 150 feet, more or less, to a stone monument; thence north 87 degrees 36 minutes 45 seconds east for a distance of 115 feet, more or less, to a stone monument; thence north 2 degrees 23 minutes 15 seconds west for a distance of 58.89 feet, more or less, to a stone monument; thence south 52 degrees 26 minutes 15 seconds east for a distance of 20.80 feet, more or less, to a pin; thence south 50 degrees 41 minutes 15 seconds east for a distance of 413.8 feet, more or less, to a pin; thence south 15 degrees 28 minutes 45 seconds west for a distance of 326.70 feet, more or less, to a pin; thence north 76 degrees 45 minutes west for a distance of 1,144.75 feet, more or less, to the center of Boundary Street; and thence along the center of Boundary Street north 28 degrees 15 minutes east for a distance of 444.38 feet, more or less, to the starting point, and containing an area of 11½ acres, more or less: *Provided*, That before the above-described transfer by the Secretary of War to the city of Pittsburgh shall become effective, and as an express further consideration for said transfer, and for the surrender by the United States of a perpetual water supply now obtained from a reservoir located on the lands so to be transferred, the city of Pittsburgh, through its proper officers, shall covenant and agree, at its own expense, and within a reasonable time, to tap, within that part of the Pittsburgh supply depot and reservation between Butler Street and the Allegheny River retained by the United States, the 42-inch water main belonging to the said city which now crosses the said reservation under a revocable license, and thereafter to furnish, free of charge to the United States, all the water needed for all purposes upon the said reservation, and shall also agree to keep its own water main, pipes, hydrants, and other necessary appurtenances now located or hereafter to be located upon the same, in good condition and repair at its own expense.

SEC. 22. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, additional ground adjoining the present site of the post office, customhouse, and courthouse at Utica, N. Y., at a cost not to exceed $35,000, and that for the purpose of beginning the enlargement, extension, remodeling, repairing, or improvement upon the present site and the enlarged site herein provided for of said post office, customhouse, and courthouse and other governmental offices in said building, the sum of $180,000 is hereby authorized: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said enlargement, extension, remodeling, repairing, or improvement at the sum hereby named, but the enlargement hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, not exceeding $365,000.

SEC. 23. That the employment is hereby authorized of an architectural designer at a compensation of $6,000 per annum, a structural engineering expert at $5,000 per annum, and a heating, lighting, and ventilating engineering expert at $5,000 per annum, to serve in the office of the Supervising Architect of the Treasury Department, to assist the Supervising Architect in connection with the designing and standardizing of public buildings authorized to be erected under the control of the Treasury Department and the mechanical equipment thereof, and in connection with architectural and engineering work of said office of unusual magnitude or complication: *Provided*, That such services may be employed without regard to civil-service laws, rules, or regulations, and no person now in the employ of the Supervising Architect's office shall be eligible to such employment: *And provided further*, That the foregoing authorization for the employment of technical experts to assist the Supervising Architect shall be in addition to and independent of the authorizations and appropriations for personal services for the office of the Supervising Architect otherwise made.

SEC. 24. That the limit of cost for the construction of an immigration station at Baltimore, Md., is hereby increased by the sum of $100,000 and such further sum as may be realized from the sale of the site heretofore acquired for said immigration station. That the piece of ground forming a part of the land acquired by the United States about the year 1836 as an addition to the grounds of Fort McHenry, in the State of Maryland, which is described as follows: "Beginning for the same at the intersection formed by the southwesternmost outline and the southeasternmost outline of the property of the Baltimore Dry Dock Co., as conveyed by George W. McCrary, Secretary of War, to Baltimore Dry Dock Co., March 26, 1879, and recorded in Liber F. A. P., 836, folio 557, of the records of Baltimore City, which point of beginning is the southernmost corner of said Baltimore Dry Dock Co.'s land; thence southeasterly binding on the said southwesternmost outline produced southeasterly in a straight line 230 feet to intersect a line drawn southwesterly from the northwest branch of Patapsco River parallel to the above-mentioned southeasternmost outline of Baltimore Dry Dock Co.'s land and 230 feet therefrom measured at right angles thereto; thence northeasterly reversing said line so drawn and binding thereon 585 feet, more or less, to the northwest branch of Patapsco River; thence northwesterly binding on said northwest branch of Patapsco River 238 feet, more or less, to the above-mentioned southeasternmost outline of Baltimore Dry Dock Co.'s land; thence southwesterly binding

on said southeasternmost outline of Baltimore Dry Dock Co.'s land, 642 feet to the beginning, containing 3¼ acres, more or less," be, and the same is hereby, set aside and designated as a site for the immigration station to be constructed at the port of Baltimore; and the Secretary of the Treasury is hereby authorized to acquire, by purchase, condemnation, or otherwise, sufficient land along the southwestern boundary of the lot ceded by the United States to the Baltimore Dry Dock Co. and through the land of the Baltimore & Ohio Railroad Co. for an outlet from said immigration site and grounds to the city streets beyond, the said outlet not to cost more than $20,000, and to be paid for out of the funds authorized for said immigration station; and the Secretary of the Treasury is further authorized to contract and arrange for railroad facilities upon said outlet and immigration site; and the Secretary of the Treasury is further authorized and directed to sell, in such manner and upon such terms as he may deem for the best interests of the United States, the site heretofore acquired for said immigration station in the city of Baltimore, Md.; and to convey the last-mentioned land to such purchaser by the usual quitclaim deed.

SEC. 25. That for the purpose of beginning the enlargement, extension, remodeling, repairing, rebuilding, or improvement, upon the present site, of the United States post office and courthouse at Kansas City, Mo., so as to provide additional and necessary accommodations for the said post office, United States courts, and other governmental offices in said building, the sum of $150,000 is hereby authorized: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said enlargement, extension, remodeling, repairing, or improvement at the sum hereby named, but the enlargement hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, not exceeding $500,000.

That the Secretary of the Treasury be, and he is hereby, authorized to enter into contracts for the enlargement, extension, remodeling, repairing, and improvement of said building within the ultimate limit of cost above stated.

SEC. 26. That the Secretary of the Treasury be, and he is hereby, authorized and directed to accept for the United States, by donation, without expense to the United States, a suitable site for the use and accommodation of the post office and other governmental offices at Malden, Mass.

SEC. 27. That section 30 of the act of Congress approved June 25, 1910 (36 Stat. U. S., 696), authorizing the enlargement of the site for the new post office, courthouse, and customhouse at Honolulu, Territory of Hawaii, be, and the same is hereby, amended in so far as to provide that, in addition to the limit of cost fixed for such enlargement of site by said act, the unexpended balance of the original appropriation for site shall be available for the acquisition of said additional land, together with the further sum of $75,000, which is hereby authorized to be expended from the amount heretofore authorized for the construction of said building, and the limit of cost for such additional land is hereby increased accordingly.

SEC. 28. That the Secretary of the Treasury shall require all owners or agents of sites in each city mentioned in this act, where sites or additions to sites are to be purchased, to submit offers of sale in writing. And in case a site or addition to a site acquired under the provisions of this act contains a building or buildings, the Secretary of the Treasury is hereby authorized, in his discretion, to rent until their removal becomes necessary such of said buildings as may be purchased by the Government, or the land on which the same may be located, where the buildings are reserved by the vendors, at a fair rental value, the proceeds thereof to be deposited in the Treasury of the United States, and a report of the proceedings to be submitted to Congress annually: *Provided*, That each site selected under the provisions of this act shall be bounded upon at least two sides by streets, unless otherwise specifically provided.

SEC. 29. That proposals for the sale of land suitable for all sites, or additions to sites, provided for in this act, respectively, shall be invited by public advertisement in one of the newspapers of largest circulation of said cities, respectively, for at least 20 days prior to the date specified in said advertisement for the opening of said proposals. Proposals made in response to said advertisement shall be mailed and addressed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

SEC. 30. That all buildings authorized to be constructed, enlarged, or extended under the provisions of this act shall, unless otherwise provided herein, be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys: *Provided*, That in exceptional cases and for good cause shown the Secretary of the Treasury may, in his discretion, reduce the open space to less than 40 feet and to any dimensions which he shall deem sufficient to afford fire protection.

The SPEAKER. Is a second demanded?

Mr. FITZGERALD. I demand a second.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. FITZGERALD. I object.

The SPEAKER. The gentleman from New York objects, and the Chair appoints as tellers the gentleman from Alabama [Mr. BURNETT] and the gentleman from New York [Mr. FITZGERALD]. Those in favor of seconding this motion will pass between the tellers and be counted.

The House divided; and the tellers reported—ayes 154, noes 30.

The SPEAKER. The motion to suspend the rules is seconded. There will be 40 minutes' debate, 20 minutes to be controlled by the gentleman from Alabama [Mr. BURNETT] and 20 minutes by the gentleman from New York [Mr. FITZGERALD].

Mr. BURNETT. Mr. Speaker, there are several gentlemen, members of the committee, who have asked for time, and for that reason I shall take only seven or eight minutes to explain this bill as briefly as possible. It carries about $25,643,000.

It has been three years since a public-building bill has been passed. If we had had a bill a year ago, four or five million dollars less would have been necessary to be authorized in this bill.

This is not, as is often thought, an appropriation bill. It does not take presently any money out of the Treasury. It simply authorizes certain sums to be appropriated by the Appropriations Committee on the recommendation of the Secretary of the Treasury, and those appropriations will only be made and the money will only be taken out of the Treasury as the construction of the buildings, the improvement of buildings, or the purchase of sites demands.

It can not be said that this bill is for several reasons in a class with other appropriation bills. For instance, the river and harbor bill is an annual appropriation. As I have said, it has been three years since there has been any authorization for public buildings.

This bill authorizes the construction of a large building for the Geological Survey, the Bureau of Animal Industry, and many other of the offices of the Government in this city. That makes the amount of the bill much larger than it otherwise would have been.

The bill of three years ago carried an authorization for the making of plans and specifications for this building, but there was no authorization for any proposition to be constructed in this city.

Another large proposition is an amphitheater at Arlington, Va., which the committee thought was justified, and that was authorized.

Mr. Speaker, we have tried to make the bill as fair as possible, considering the various divergent interests of Government service in all parts of the country.

I think this bill is authorized by the caucus action of the Democratic Party. Last summer there was a caucus, and in that caucus it was decided that the omnibus public-building bill should be postponed until this session. With the assurance of the leaders of the party that there would be a bill of this kind at this time, I feel that it would be a breach of faith on the part of our party to disallow it.

Mr. Speaker, the various objects for which authorizations are made in this bill are as follows:

For increase of limit of cost (under sec. 1)	$2,356,550
For enlargement, extension, and improvement (under sec. 2)	1,491,000
For buildings upon sites now owned (under sec. 3)	8,420,000
For new buildings and sites (under sec. 4)	9,072,500
For purchase of sites only (under sec. 5)	1,304,000
Under other sections	2,999,750
Total authorization	25,643,800

I reserve the balance of my time.

The SPEAKER. The gentleman used three minutes and reserves the remainder of his time. The gentleman from New York [Mr. FITZGERALD] is recognized for 20 minutes.

Mr. FITZGERALD. Mr. Speaker, I am opposed to this bill. I am not surprised that the gentleman from Alabama announced that he would describe it as briefly as possible. The less said about it, the better for the bill or those who support it. It can not be defended from any standpoint of public necessity. There are now authorized 289 projects which have not yet been started. Ninety buildings heretofore authorized will be started during the next year, and it will take three years to complete the buildings already authorized.

The sham economists who have been talking economy and advocating public-building bills, which fasten obligations upon the Treasury, should either quit talking economy or should attempt to stop the authorizations which make inevitable the expenditure unnecessarily of large sums of public money.

I denounce as indefensible this method of passing a public-building bill. It ties together everybody with an item in it, and makes impossible that scrutiny and close attention to the various items required in a bill coming from a committee appropriating public money.

In the 20 minutes allowed to the opponents of the bill for debate it will be impossible to review all the items in the bill or to do anything but call attention to them. The bill was reported Saturday and it is called up to-day—Monday—under suspension of the rules under which the bill must be taken in its entirety without opportunity for amendment and with only 40 minutes' discussion. It is impossible in the time elapsing since the bill was reported to obtain the information required in order to analyze the bill carefully and to understand its provisions. The report of the committee does not contain any information as to the population of the various places at which buildings are to be erected, the postal receipts of the various communities, or the expenses to which the Government is now subject.

All such information should be contained not only in the report but placed in the RECORD so that the country might be

informed of the manner in which it is proposed to expend $25,000,000 for public buildings.

If these items could be scrutinized and challenged, many of them could not receive the approval of the House.

In the brief time available I have noted some of the items in this bill to which I wish to call the attention of the House. One for the erection of a building at Jaspar, Ala., with a population of 2,500 people, to cost $100,000. At Arkadelphia, Ark., a population of 2,745, the appropriation is to be $55,000. Why should a town of 2,500 population get $100,000 and a town of 2,700 population get $55,000? The report gives no information. Rockville, Conn., with a population of 7,900, building is limited to cost $55,000. Greenwich, Conn., with a population of 3,800, limit of cost $90,000; Orlando, Fla., with 3,800 population, limit of cost $60,000. Why the difference in the cost of these various buildings? At Las Cruces, N. Mex., the building is to cost $125,000; the population is 3,836.

At Jellico, Tenn., the building is to cost $70,000. The post-office receipts at Jellico last year were $8,424.49, and the cost of rent, fuel, and lights and supplies for the service in rented buildings amounted to $650. Three per cent on $70,000, which is a permanent charge on the revenues, excluding the cost of maintenance and service in the building when completed, is $2,100, or $1,500 more than the present cost of providing adequately for the public service.

At Maryville, Tenn., with a population of 2,381, the limit of cost is $60,000. The post-office receipts last year were $8,183.50. The cost of rent, fuel, and lights in rented quarters the last year was $400. Three per cent on $60,000 is $1,800, the permanent charge, regardless of cost of maintenance, an increase of $1,400 over the amount required for the proper conduct of the public service.

At Buffalo, Wyo., a town of 1,368 people, the limit of cost is $62,500.

For a post office at Willows, Cal., with a population of 1,100, the limit of cost is $75,000 for the building. At Glenwood Springs, Colo., 2,000 population, there is to be appropriated $100,000 for a building.

At Marianna, Fla., with 1,900 population, $70,000 is provided for the building. At Marion, Ky., a town of 1,627 persons, the limit of cost is $70,000. At Leominster, Mass., a town of 17,000 inhabitants, the limit of cost is $90,000. Bad Axe, Mich., 1,500 population, the limit of cost is $55,000.

Bellefourche, S. Dak., a town of 1,300 population, the cost is $75,000.

For a post office at Norton, Va., with a population of 1,800, $75,000. At Burlington, Wis., with a population of 3,200, $70,000.

I come now to the purchase of sites upon which public buildings will be authorized in the future.

Paintsville, Ky., population of 942, $5,000 for a site.

Hodgenville, Ky., with a population of 744, $5,000 for a site.

Mr. JAMES. Oh, the gentleman is mistaken. Hopkinsville has a population of 8,400.

Mr. FITZGERALD. I am talking about Hodgenville.

Mr. Speaker, this bill contains another innovation. It provides for the construction of a post-office substation in the city of Chicago. I have not been able to ascertain that Congress has ever heretofore erected a postal substation in any city. They are rented. Buildings are erected by private parties and leased to the Government. Never before has the Committee on Public Buildings and Grounds yielded to the demand for substations. I understand, however, that this bill has been so scientifically prepared that it can not be defeated. [Applause and laughter.] The Members on this side will note the alacrity with which Republicans, most of whom have been turned out because of their betrayal of the public trust, applaud that statement. [Laughter.]

Provision is made in the bill for a commission to prepare plans for the construction of a new office for the Patent Office, and no limit of cost is suggested. And yet, Mr. Speaker, the sundry civil bill carries an appropriation for an addition to the building now occupied by the Patent Office, which will furnish ample accommodations and save more than a million dollars. There is no need for another building if the present building be properly arranged and enlarged.

The report accompanying this bill states that nothing was done for Washington in the public-building bill three years ago. That is erroneous. Three years ago authority was given to spend $200,000 to prepare plans for three great departmental buildings in this city. The plans have practically all been prepared. These buildings are not placed in this bill at this time. Are they to appear in it later, before the session is over?

Let me call attention to an item in my own State. I do so because this bill should be discussed upon the merit of the items, not the criticism of individuals. In New York, near enough to where I live to attract my attention, is a situation that shows how the public-building bills become indefensible. In 1906 a site and public building were authorized for the city of Yonkers, just north of the line of New York City, to cost together $170,000. The law has been changed from time to time until in this bill the limit of cost of site alone is placed at $250,000, and the limit of cost upon the building is placed at $250,000 additional, so that instead of expending $170,000 in a community of about 80,000 people, with an income of about $13,000 in postal receipts, this Congress now proposes to expend $500,000. Certain information was sent to me from some of the officials of the city—Democratic officials—protesting against this legislation, with which I declined to be burdened, because I knew that under the procedure by which this bill was to be brought before the House it was impossible to discuss any of the various items upon their merits. I believe that the greatest reform the Democratic House can institute, next to defeating such indefensible bills as this one, is to prohibit recognition for the suspension of rules to pass bills of this character. I desire to say to this side of the House that you are placing burdens upon the Treasury for five or six years beyond the present time which will plague you in the future. These items can not be defended. This side of the House will have to meet the record and the charges that will be made after this bill passes. I do not appeal for the defeat of this bill particularly because these items may or may not be defended on their merits, but because nobody can justify authorizing obligations to erect public buildings which can not possibly be commenced inside of three years. This legislation is merely to gratify the unjustifiable desires of communities, or to permit Members to go back to their districts and to assure their constituencies that they have obtained for them improvements which are claimed to be necessary, but which will not be of any value or of any service for four or five years. The bill should be defeated. Its passage can not be justified.

How much time have I used, Mr. Speaker?

The SPEAKER. The gentleman has used 12 minutes.

Mr. FITZGERALD. Mr. Speaker, I reserve the balance of my time.

Mr. ROBERTS of Massachusetts. Mr. Speaker, will the gentleman yield to me to make a request for unanimous consent?

Mr. FITZGERALD. Mr. Speaker, I yield the gentleman one minute.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I ask unanimous consent to strike from the bill an item with regard to my own district, on page 22, lines 11 to 16, inclusive.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to strike from the bill the language which the Clerk will report.

The Clerk read as follows:

Page 22, line 11:

"United States post office at Malden, Mass., on a site to be donated, $90,000: *Provided*, That the construction of such building shall not be begun until the site for the same has been donated, and title thereto accepted by the Secretary of the Treasury as provided in section 26 of this act."

The SPEAKER. Is there objection?

Mr. AUSTIN. Mr. Speaker, reserving the right to object, I wish to ask the same privilege for every other Member of this House who is opposed to this bill, that he be allowed to strike from it the proposition that affects his own district.

Mr. BATHRICK. Mr. Speaker, I will ask the gentleman from Massachusetts if he introduced a bill for this project?

Mr. ROBERTS of Massachusetts. I introduced a bill calling for a respectable building, not for a $90,000 building to be placed on a $40,000 site to be donated.

Mr. BATHRICK. And the gentleman wants more money instead of less?

Mr. ROBERTS of Massachusetts. I want more money instead of less, or I want none.

The SPEAKER. The time of the gentleman from Massachusetts has expired. The gentleman from Tennessee asks unanimous consent to amend the request of the gentleman from Massachusetts, by providing that any Member shall have the privilege of having stricken from the bill every item in his own district. Is there objection?

Mr. MANN. Mr. Speaker, I think that is an impracticable way of legislation; hence I object. Gentlemen can make the request for themselves, if they desire. I object.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I renew my request.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to have stricken from the bill the language which was reported by the Clerk. Is there objection?

Mr. RAKER. Mr. Speaker, I object.

The SPEAKER. The gentleman from California objects. The gentleman from New York reserves the rest of his time, seven minutes.

Mr. BURNETT. Mr. Speaker, I yield five minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, during the time of my service in this House I do not recollect a bill of this character ever coming into the House for consideration that some gentlemen from some large city, where they have procured all of the public buildings necessary for the transaction of public business, did not rise and object. I am not going to detain this House long, but I propose to show in the few moments that I have the utter fallacy of the argument of the gentleman from New York [Mr. FITZGERALD]. If he does not know any more about some other things than he knows about these particular items or some of them that he has called to the attention of the House, then the gentleman's ignorance upon some questions would be so densely dark that Egyptian midnight would not be in a class with it. [Laughter.]

The gentleman refers to Jasper, Ala., as a town of 2,500 people which has been given $100,000 for a site and a building. The gentleman did not tell you that terms of the Federal court are held at Jasper, Ala., and that this authorization takes care of not only the post office but the Federal court which meets in that town.

Mr. FITZGERALD. No; and the gentleman's report does not show it either.

Mr. CLARK of Florida. It does not make any difference about the report; that is the fact, which the gentleman could ascertain.

Mr. CLAYTON. The bill shows it.

Mr. CLARK of Florida. The bill says "United States post office and courthouse, at Jasper, Ala." You will find it on page 11; and the gentleman could have obtained that information by inquiring at the Department of Justice.

Mr. FITZGERALD. The gentleman knows this bill was reported Saturday and was available to-day.

Mr. CLARK of Florida. Then, I want to call the gentleman's attention to another matter. The gentleman made a comparison between that town and the town of Arkadelphia, Ark., where $55,000 was appropriated for a building. That is simply a post office; there is no court at Arkadelphia, and that makes the distinction between those two towns. The gentleman then referred to Greenwich, Conn., and compared it with a town in my district—Orlando, Fla. He referred to the fact that Orlando had only 3,894 population. That was under the census of 1910. The city of Orlando to-day has fully a population of more than 6,000 and a winter population of at least 20,000 or 25,000, and the postal receipts are twenty-odd thousand dollars. The gentleman referred to Buffalo, Wyo., but he did not tell you that there was a land office at Buffalo, and that was to be taken care of by this authorization.

The gentleman referred to Marianna, Fla., as a small town of 1,900 or 2,000 population, but the gentleman did not tell you that the Federal court is held at Marianna, and that we were building a courthouse as well as a post office at that place. So far as Yonkers, N. Y., is concerned, the gentleman who lives there [Mr. ANDRUS], a member of this committee, is not here; but the fact is, as stated by Mr. ANDRUS, and it supports, Mr. Speaker, the very idea which some of us contend for, that we ought to have annual public building bills, because real estate is advancing at such a rate it is economy for the Government to buy sites in all these towns throughout this country at the earliest opportunity. Mr. Speaker, this bill has been gone into with the utmost care. I admit there are perhaps one or two items in the bill that do not exactly come up to the rules, but in all of these instances there are some peculiar facts which take them out of the rule.

Mr. Speaker, as has been said, it has been three years since an omnibus public building bill has been passed, and during these three years there has been a growth in the country and an enhancement of real estate values, such as has never before been witnessed in a like period in the history of the Republic. As a Democrat, I believe in retrenchment in governmental expenditures, but I believe in sane, common-sense retrenchment, and not in the senseless retrenchment demanded by the yellow journals of the land and the alleged economists in this House. This is the greatest Government on the earth to-day, and this Republic should not occupy the position of tenant anywhere within the confines of its great domain. I want to live to see the day when the Government of the United States will not house a single officer or employee in rented quarters, and I want to see this day come for two reasons:

First. Because from a business standpoint I am convinced that it will be infinitely cheaper for the Government to own all of the property necessary for the transaction of its business than it will be to pay rent; and

Second. Because the occupancy by its officials of buildings owned by the Government inculcates among the people of the various sections of the country a spirit of patriotic pride which is not measureable in dollars and cents. We can save money for the people by occupying our own buildings, and we can knit the affections of the people all over this glorious land in a closer bond of union by rearing in their midst an edifice for the transaction of the public business which, while being useful, will at the same time remind them of the majesty, the glory, and the power of this great Republic.

But, as to this bill, Mr. Speaker, as I have intimated, there may be four or five items in the bill which do not come strictly within the rule, and it would be little short of a marvel if this did not occur in the drafting of a bill of this character. I shall call attention to some more of them, however, which it is claimed should not have been included in this bill and endeavor to demonstrate that the objections made are not well founded.

Rockville, Conn., is referred to as a place of 7,900 population, where $55,000 is authorized; Greenwich, Conn., is referred to as a place of 3,800 population, where $90,000 is authorized; and Orlando, Fla., is referred to as a place of 3,800 population, where $60,000 is authorized; and then the question is asked, "Why the difference in the cost of these various buildings?" The figures are not quoted correctly with reference to these three cities. While Rockville, Conn., has a population of 7,977, the postal receipts for the last fiscal year amounted to only $18,671, whereas Greenwich, Conn., as shown by the last census, instead of having a population of only 3,800, had a population of 16,463, and the postal receipts for the last fiscal year amounted to $40,856. While it is true that the last census gives Orlando, Fla., a population of only 3,894, that place to-day easily has a population of more than 6,000 people, and the postal receipts for the last fiscal year amounted to $28,687. Each of these places already had a site, and when you consider the difference in postal receipts you will at once see that there has been no discrimination.

Las Cruces, N. Mex., while having, according to the last census, 3,836 population, it must be remembered that terms of the Federal court are held there, and that the United States land office is located there.

At Willows, Cal., in addition to the post office, officials in the Forest Service and animal industry had to be housed.

At Glenwood Springs, Colo., in addition to the post office, there is the United States land office and officials in the Forest Service for whom quarters must be provided.

At Leominster, Mass., the postal receipts for the last fiscal year amounted to $37,242, and at Bad Axe, Mich., the postal receipts for the last fiscal year amounted to $1,079.67. The bill carries $90,000 for the purchase of a site and the construction of a building for a post office at Leominster and $55,000 for the purchase of a site and the construction of a post-office building at Bad Axe; and both these items are clearly within the rule, and are therefore justifiable.

While Bellefourche, S. Dak., is a comparatively small town, the United States land office is located there and officials in the Reclamation Service are located there.

At Norton, Va., in addition to the post office, is a mine-rescue station.

At Burlington, Wis., the postal receipts for the last fiscal year amounted to $11,993, and the authorization of $70,000, being for the purchase of a site and the construction of a building, is well within the rule under which the committee has acted for many years.

Objection to the bill is made because it carries an authorization for the purchase of sites at $5,000 each at Nephi, Utah, and Newcastle, Wyo. Both of these are small places, but at the former place, in addition to the post office, is located a branch of the Forest Service; while at the latter place, in addition to the post office, it is a county site and the trading place of a vast territory, and is growing at a remarkable rate. This place, Newcastle, may be taken as typical of the few places which do not come strictly within the rule. While the last census showed a poulation of only 975 persons for Newcastle, the committee had indisputable testimony that the present population was fully 1,900, and the postal receipts for the past two quarters showed such gains as clearly indicated that the minimum of receipts which would entitle the town to a building would be reached long before another public-buildings bill will be presented to Congress. In fact, Mr. Speaker, in every case where a site was authorized at a town which did not come up to the rule in the matter of postal receipts, the committee was convinced by proper testimony that the limit would be reached before, in the usual course, Congress could be called upon to provide for a building. Gentlemen must understand that while the Committee on Public Buildings and Grounds in framing an omnibus public buildings bill considers

the question of population that is not the controlling factor. We give more consideration and weight to the amount of business done at the particular place and the number of the branches of the public service to be cared for.

Gentlemen must also remember that in the West and South, where most of the authorizations complained of are situate, the towns as a rule are small and scattered, but that they are generally the center of a large territory, and that therefore it is unfair to count when measuring their importance only those people who happen to live within the corporate limits of such towns. Gentlemen should also remember that in the West and South our towns are growing by "leaps and bounds," and they should further keep in mind that the changes in our postal service, and particularly the establishment of the parcel post and the postal savings banks, demand more space and better quarters for the transaction of the public business in this great department of the Government. I desire, also, Mr. Speaker, to remind gentlemen that it has been three years since we have had a public buildings bill; that it will probably be three years before any appreciable percentage of the total amount authorized by this bill will have to be appropriated and that therefore all this talk about this bill being instrumental in creating a deficit is simply "moonshine" and nothing more.

In conclusion, Mr. Speaker, I desire to repudiate the imputation that this is a "pork barrel" bill. Yellow journals and alleged Congressional economists indulge in that kind of talk whenever any legislation is sought or governmental function invoked in the interests of those who do not happen to live in the great cities, but the people understand this, and they are perfectly willing to be taxed in order to have their business conducted decently and in order and in quarters commensurate with the dignity of the greatest country on the earth.

The SPEAKER. The time of the gentleman has expired.

Mr. BURNETT. Will the gentleman use some of his time?

Mr. HARDWICK. We have used 13 minutes.

Mr. BURNETT. I yield three minutes to the gentleman from Kentucky [Mr. CANTRILL].

Mr. CANTRILL. Mr. Speaker, I simply want to answer the criticism of the gentleman from New York in reference to two or three items in Kentucky. He called special attention to Hodgenville and the small population of that town. Hodgenville is the birthplace of Abraham Lincoln, where there has been a magnificent memorial erected, and this committee thought it was but right that a slight token on the part of the Nation in the way of a site in this bill should be made at that point. The people of this Nation donated out of their own pockets a memorial to the birthplace of Abraham Lincoln, and that explains that item.

He called attention to Pikeville and Paintsville; the census of those towns was issued in 1910, and those towns have almost doubled in population since that time. They are in the center of the very richest mineral section in the United States, and railroads within the last year have just gone into that section, and it is the part of economy on the part of this House to donate the small sum of $5,000 for the purchase of sites at this time in those towns, because within the next two or three years they will be magnificent towns. And furthermore I want to say that these two or three items to which attention has been called are in eastern Kentucky. Eastern Kentucky is represented by two Representatives upon this floor, and in the two districts represented by them there is but $40,000 carried in this bill. It covers in aren one-half of Kentucky, and as the Democratic member on that committee I thought it was but fair that my colleagues should have this small allotment only for the purchase of sites, not for a building, in the richest mineral section in the United States that within the next few years will bring large postal receipts into the Government. I think the gentleman's criticism is unfair and unwarranted and I think that when gentlemen upon this side of the House understand the situation that they will stand by the committee in support of these few little items in the bill. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BURNETT. I ask the gentleman from New York [Mr. FITZGERALD] to use some of his time.

Mr. FITZGERALD. I have only one speech.

Mr. BURNETT. Then I will yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I appreciate the splendid service that the distinguished gentleman from New York [Mr. FITZGERALD] renders to the country and the House of Representatives as the head of the great Committee on Appropriations in this House, but I deny his right as a Member of this House, on every occasion, in season and out of season, to lecture his colleagues and peers about what they stand for, what they advocate, or how they intend to vote. We are all equals. We are all here with the sincere desire to promote and advance the best interests of our common country, and I challenge the gentleman's right to lecture his colleagues on either side of the House, calling them to the attention of the country in a spirit that is not fair, to say the least. We are acting here under the same oath that was administered to the gentleman from New York [Mr. FITZGERALD], and we deny his right as the public guardian of the National Treasury to lecture us on every possible occasion in voting for appropriation bills.

Mr. FITZGERALD. I did not expect it would have any effect on the gentleman from Tennessee. His record is too well known.

Mr. AUSTIN. I will let my colleagues on the floor of the House be the judges as to whether my record here is good or bad, and shall not permit the gentleman from New York to pass upon that question as the sole and only judge. I am coming back here by an increased majority every time, and that is an indication that my service is approved and appreciated by the people at home. [Applause.] And if I had as much for my district as the gentleman has for Greater New York in public buildings, harbor improvements, fortifications, and navy yard, I would not have the nerve to criticize my colleagues.

Now, the gentleman has called attention to two items in this bill in the district which I represent. One of them is Jellico, and he failed to give the House the information that the coal mines of that splendid mineral section are situated in that portion of eastern Tennessee and Kentucky, where the Bureau of Mines must locate and house a mine rescue station. At Maryville, on account of the acquisition of the Appalachian Forest Reserve, we need quarters for the officials of that department. In criticizing Norton, Va., in the district so well and faithfully represented by Mr. SLEMP, the gentleman overlooked the fact that a mine rescue station was to be located at that point. There is sufficient reason and justification for every item in this bill, and I say as a Republican Member of this House that a fairer bill was never drawn nor one that was more absolutely just to the minority side. And as compared with the bill reported by the last Republican Congress, this bill is in the line of retrenchment and reform, in spite of the declaration of the gentleman from New York, the leader of the Democratic side in charge of appropriations. [Applause.]

There is not a more conservative or more economical Member of Congress than the gentleman's colleague from New York [Mr. ANDRUS], who resides in Yonkers. He has been prudent and careful and painstaking in every item contained in this bill, and I defend him from the charge of improper motives or a failure to represent the interests of the people in the item in reference to Yonkers.

Mr. FITZGERALD. I did not charge any improper motives against the gentleman.

Mr. AUSTIN. The gentleman's criticism was unjust and unfair to his colleague [Mr. ANDRUS].

Mr. FITZGERALD. It was not unjust.

Mr. AUSTIN. And it is doubly unfair, because he is not here to defend himself as to the item.

Mr. FITZGERALD. I had no knowledge of his absence.

Mr. AUSTIN. The gentleman has good eyesight.

Mr. FITZGERALD. I say to the gentleman from Tennessee that if he were present I would say what I said concerning the Yonkers item in his absence. And I wish to say that the officials of the city of Yonkers are protesting against this item.

Mr. AUSTIN. This is a fair and just bill. It is an easy matter for the gentleman from New York [Mr. FITZGERALD] and others who are opposing this bill to stand here and ask us to vote millions of dollars for river and harbor improvements, for fortifications, for the Army, for the Navy, for reclamation projects; but on this bill they cry economy. [Applause.]

Mr. BURNETT. How much time have I left?

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] has four minutes, and the gentleman from New York [Mr. FITZGERALD] has seven.

Mr. BURNETT. I yield the balance of the time to the gentleman from Georgia [Mr. HARDWICK].

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] is recognized for four minutes.

Mr. HARDWICK. Mr. Speaker and gentlemen of the House, it is no easy matter to oppose a bill of this kind, when one's colleagues, who are his warm personal friends, are deeply interested in the measure. But it seems to me that I would fail to measure up to my own standard of duty, on this occasion, if I did not point out to the Members of this House some objections that induce me to oppose this bill.

I believe honestly and candidly that this is the worst bill of its kind that was ever reported to an American House of Representatives. [Applause.] Gentlemen, I say that without intending to give offense, and yet with the utmost frankness. There are things in this bill that no one can defend.

A MEMBER. What are they?

Mr. HARDWICK. Well, I will tell you: The appropriation of thousands of dollars to buy sites and erect buildings in towns of seven or eight or nine hundred population; the appropriation of other thousands in towns that do not come up to any of the rules and requirements that have ever prevailed on this subject in this House in any preceding Congress.

What have you done? For years every one of us has gone home—every one on both sides of this Chamber—and told our constituents that unless a town had at least $10,000 postal receipts the Representative would have but little chance to get a public building here. Hereafter none of us will be able to make such a defense against local demands. If any town of a few hundred population and a few thousand postal receipts, in any district, in the North or in the South, in the East or in the West, makes a demand for a public building, the Representative of the district in which that town is situated can make no such reply.

Mr. AUSTIN. Mr. Speaker, will the gentleman name a town of that size that is carried in the bill?

The SPEAKER. Does the gentleman yield?

Mr. HARDWICK. I can not yield, but I will name them soon enough. I can not yield to the gentleman from Tennessee or to anybody else.

The SPEAKER. The gentleman declines to yield.

Mr. HARDWICK. They have already been named by the gentleman from New York [Mr. FITZGERALD]. Two of them have been located in the State of Kentucky, and there are several not much larger in the State of Tennessee.

Mr. AUSTIN. Mr. Speaker——

Mr. HARDWICK. I can not yield.

The SPEAKER. Does the gentleman yield?

Mr. AUSTIN. The gentleman puts me at a disadvantage when he declines to yield and makes a misstatement.

The SPEAKER. Does the gentleman yield?

Mr. HARDWICK. The gentleman should take his seat. I can not yield.

The SPEAKER. The gentleman from Georgia declines to yield.

Mr. HARDWICK. The gentleman from Georgia will not make a misstatement. On the contrary, Mr. Speaker, I repeat the statement I made, that here it is proposed to appropriate in this bill for $5,000 sites in two towns of less than 1,000 population, and I take it that even the gentleman from Tennessee [Mr. AUSTIN] has got common sense enough to know that the Government of the United States is not going to buy a lot in a town unless it commits itself to the proposition of erecting a building there.

Now, gentlemen, not only that, but there are still other towns where the rental of buildings is a mere bagatelle compared with the interest on the cost of a Government building; where the interest on the cost of a building that you will erect and the cost of the lot largely exceed the rental value of perfectly suitable quarters. You are proposing to spend some of this money in such places.

But I know this bill is destined to pass this House. It is so constructed. It is rock-ribbed, moss-covered, and copper-bound. [Laughter.] There are enough Members on both sides and on all sides and in the middle and in the rear of this Chamber who are well provided for in this bill to carry it. I impute no unworthy motives to them, but they are bound to see that this bill passes.

But, gentlemen, I submit to you that each one of you in your heart of hearts knows that this bill is not right; that instead of being in the interest of the public service and of the people of the United States it is in the interest of the political fortunes of individual Members of Congress on both sides of this big aisle.

What will you be up against? Hereafter when a town of 1,000 or 2,000 people in your district demands that you at least give them a site, even if the total postal receipts are not more than two or three thousand dollars a year, you can no longer tell them that the House of Representatives and the Senate of the United States will not allow it. You have got to promise it, or some aspiring contestant who is rasher and more prodigal as to promises than you are will promise it, and the place that once knew you will know you no longer.

Mr. CLARK of Florida. Will the gentleman let me ask him a question?

Mr. HARDWICK. Not now.

The SPEAKER. The gentleman declines to yield.

Mr. CLARK of Florida. Just one question.

Mr. HARDWICK. All right.

Mr. CLARK of Florida. Did not the gentleman introduce in this House himself a bill to appropriate $60,000 to purchase a site and put up a building in his own town?

Mr. HARDWICK. Undoubtedly; and I am glad the gentleman asked me the question. My colleague upon the committee, the gentleman from Georgia [Mr. RODDENBERY], knows full well what the facts are.

Upon information from an unofficial source that the postal receipts of my home city were $10,000 a year, or in that neighborhood, I introduced such a bill. When it appeared that the receipts were but $7,600 I went to my colleague, the gentleman from Georgia [Mr. RODDENBERY], a member of this committee, and said to him, "I do not think I am entitled to it; I had thought the receipts were about $10,000 a year when I introduced the bill." He then said, "We have gone far below that amount; we have gone away below that, and under any rule that this committee has adopted you are entitled to it."

I was willing to give it up, and I told him if he thought it was right to do it, to go to the chairman and ask him to strike it from the bill. Gentlemen, there are 30 or 40 items, I believe, in this bill that are very much lower than the one you have put in for me.

Mr. ASHBROOK. You are mistaken.

Mr. HARDWICK. A dozen, at least.

Mr. CLARK of Florida. Point them out.

Mr. SABATH. There are more than a dozen.

Mr. HARDWICK. The gentleman from Illinois [Mr. SABATH] says there are more than a dozen. I will now undertake to specify a few of them, at least.

The bill carries an appropriation of $5,000 for a site at each of the following places, the names, population, and postal receipts of which I give from the official information furnished the Committee on Public Buildings and Grounds by the Post Office Department:

Albertville, Ala.; population, 1,544; postal receipts, $4,496.
Attalla, Ala.; population, 2,513; postal receipts, $4,516.
Nogales, Aria.; population, 3,514; postal receipts, $6,516.
Brinkley, Ark.; population, 1,740; postal receipts, $6,284.
Toccoa, Ga.; population, 3,120; postal receipts, $5,638.
Canton, Ga.; population, 2,002; postal receipts, $7,573.
Marengo, Iowa; population, 1,786; postal receipts, $7,086.
Paintsville, Ky.; population, 942; postal receipts, $3,753.
Pikeville, Ky.; population, 1,280; postal receipts, $5,120.
Prestonburg, Ky.; population, 1,120; postal receipts, $2,444.
Murray, Ky.; population, 2,089; postal receipts, $5,531.
Hodgeville, Ky.; population, 744; postal receipts, $3,230.
Rutherfordton, N. C.; population, 1,062; postal receipts, $5,320.
Mount Olive, N. C.; population, 2,789; postal receipts, $7,361.
Dillon, S. C., population, 1,757; postal receipts, $7,436.
Gilmer, Tex.; population, 1,484; postal receipts, $5,964.
Nephi, Utah; population, 2,759; postal receipts, $4,407.
Newcastle, Wyo.; population, 975; postal receipts, $3,973.

Also, the following appropriations for sites:

For Central City, Ky., $7,500; population, 2,545; receipts, $5,635.
For Eminence, Ky., $8,000; population, 1,274; receipts, $3,659.
For Elizabethtown, Ky., $7,500; population, 1,970; receipts, $6,896.
For Centralia, Mo., $7,500; population, 2,016; receipts, $6,561.
For Huntingdon, Tenn., $2,000; population, 1,112; receipts, $4,304.
For Rogersville, Tenn., $3,000; population, 1,242; receipts, $6,757.

So that it seems that there are at least 24 propositions in the bill that are much more indefensible than the one for my own town, Sandersville, Ga., and I have already explained to the House exactly what the facts are in connection with that item and my own conduct with reference to it.

That, however, is not of great importance except to myself. The real important thing is that the demonstration is complete that the bill we are about to pass is about the worst pork bill ever presented to this House. It is not based on the necessities of the public service; it is not based on any sound principle. It embarks us on a policy that will cost this country untold millions, much of it extravagantly and wastefully spent, unless it be checked somewhere.

On the list I have given are 3 villages of less than 1,000 population, 13 others of less than 2,000 population. There are 8 propositions where sites are appropriated for villages whose yearly postal receipts are less than $5,000 and 24 instances where the yearly postal receipts are less than $7,600.

Ah, gentlemen, our chickens are bound to come home to roost some day. You can not make these precedents without inviting, yea, urging, every village in every district in the United States to join in a gigantic raid on the Treasury in the years to come. I favor an efficient administration of the Government in its every department. I would not cripple a single department of our great Government by false or foolish economy; but when we know, as we do, that in the cases of these small villages that these public buildings are not necessary and not to be erected in the interest of the public service—for there is hardly a case in which the interest on the money we will spend for sites would not pay the yearly rental of suitable post-office quarters—then I insist the time has come to call a halt.

I can not vote for the bill. Talk is about the cheapest thing I know. I call on some of these gentlemen who for weeks and months have been posing as economists, denouncing battleships, denouncing river and harbor bills, holding up this appropriation bill or that for reasons of "economy," to join us in an effort to defeat this bill, even if we do lose some "pork" for our districts. I dispute the contention of the committee that the Democratic caucus ever instructed us to pass a public-building bill at all; certainly no caucus has ever favored this bill. I dispute the contention that this sort of "job" has been put up on the country before. If so, when? If so, does that justify us in another raid?

I know this bill will pass, but it will not do so except against my vote and over my protest, and I expect to find lined up and voting for it some of the gentlemen on this side who have been loudest in their shouts for economy.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. HARDWICK. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] has four minutes remaining.

Mr. BURNETT. Mr. Speaker, I ask that all who have spoken on this question be allowed to extend their remarks in the RECORD, and that any member of the committee who has not spoken be given the same privilege.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all gentlemen who have spoken and all members of the committee who have not spoken have the privilege of extending their remarks. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, that would not include other Members of the House outside of the committee?

The SPEAKER. It would not. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LANGLEY. I ask the same privilege.

Mr. SABATH. I ask the same privilege.

Mr. ROBERTS of Massachusetts. I ask the same privilege.

Mr. HUGHES of West Virginia. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to these various requests?

Mr. GOLDFOGLE. I make the same request.

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] asks to be included in this request. Is there objection?

Mr. MANN. I ask for the regular order now.

The SPEAKER. The gentleman from Illinois demands the regular order, which is equivalent to an objection.

Mr. MANN. No; I do not object to the requests which have been made.

The SPEAKER. Is there objection to these requests?

There was no objection.

Mr. RODDENBERY. Mr. Speaker, everybody knows, even Members who did not have towns big enough to get in the bill, that the public buildings bill is not an appropriation bill. It does not appropriate a dollar. It does fix the projects for which the Appropriations Committee may in future appropriate and as the funds in the Treasury will warrant. Last year at two meetings the Democratic caucus directed that this bill be brought in at this session instead of at that session. The Public Buildings Committee, in obedience to that caucus instruction, brought in this bill. Over two-thirds of the House will obey the caucus instruction and pass the bill. It is a bill providing for many needed public improvements that touch millions of our citizens. It is not in the interest of the Steel Trust and other big grafting business. It is for the people. There were items of about $5,000,000 total which I thought should be deferred, and moved to do so, but the judgment of the committee did not agree with mine.

Mr. LANGLEY. Mr. Speaker, the gentleman from New York [Mr. FITZGERALD] has seen fit to criticize the provision for a site at Paintsville, which is in the district I represent, and the remarks of the gentleman from Georgia [Mr. HARDWICK] were evidently directed in part to the items in the bill for that district. Of course, I accord to these gentlemen and the other opponents of the bill the utmost good faith in the stand they have taken. They simply do not understand fully the situation, at least so far as my district is concerned. In the first place, there is not a single public building in the district; not even a site for one has heretofore been provided for, nor is there a public work of any kind erected by the Federal Government. It is a mountain district, situated in that wonderful region in eastern Kentucky, which includes the upper valleys of the Big Sandy, Kentucky, and Licking Rivers, so rich in mineral resources, and which has the greatest coal field in the world. As my colleague, Mr. CANTRILL, whose fairness and unselfish aid to that section of the State we all appreciate, has already stated, the Big Sandy Valley, where Pikeville, Paintsville, and Prestonburg are located, is in the heart of that region which is just now being developed. Hundreds of coal operations have recently started up. Thousands of people have come there from other sections during the past two or three years. Railroad building is progressing on an extensive scale. Millions of capital are being invested. The time is not far distant when the mountains of eastern Kentucky will be the richest and most populous section of the State. Gentlemen have referred in their criticisms to the population as shown by the census reports of 1910. That is no criterion for these cases. An analysis of those reports discloses the fact that the increase in Kentucky's population for the preceding decade was almost wholly in that section, and the increase has been still more rapid there since that census was taken. In some of these places the population has nearly doubled in the past three years, and the amount of business has, of course, increased in like proportion. Why, Mr. Speaker, there is in that section one city that I have in mind with a population of over 2,000, the site of which was covered with forest when the census of 1910 was taken, and two years from now it will probably have a population of 10,000. I could give other instances almost as remarkable. Not only that, Mr. Speaker, but we shall shortly have need for public buildings in that mountain section for many purposes other than post-office work. I expect that in the not distant future we shall have a weather bureau station, and a mine rescue station, and a fish hatchery, and a good many other Government establishments at different points in the mountains. Moreover, the Federal court business is larger there than in any other section of the State and is growing rapidly, and we shall soon have, I trust, sessions of the Federal court at Pikeville. Indeed, Mr. Speaker, this is only a very small installment of the public buildings and other things that we deserve and are going to ask and expect from Uncle Sam. I would like to state some facts, for the benefit of the House, regarding the industries, growth, and prospective importance of the cities to which I have referred, but these data have all been submitted to your committee, and it has unanimously decided that they merit this recognition. I am glad that the National Government is at last beginning to recognize this great section of Kentucky as it deserves.

[Mr. BURNETT addressed the House. See Appendix.]

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—184 ayes and 46 noes.

Mr. FITZGERALD. I ask for the yeas and nays.

The SPEAKER. The question is on ordering the yeas and nays. All those in favor will rise.

The question was taken, and the Speaker announced that there were 39 in favor, not a sufficient number.

Mr. GOLDFOGLE. Tellers, Mr. Speaker.

Mr. FITZGERALD. Mr. Speaker, the vote on the yeas and nays was so close I ask for tellers.

The question of ordering tellers was taken.

The SPEAKER. Thirty-one gentlemen have arisen, not a sufficient number, and tellers are refused. The ayes have it. Two-thirds having voted in favor thereof, the rules are suspended and the bill is passed.

COLLECTION OF THE MILITARY AND NAVAL RECORDS OF THE REVOLUTIONARY WAR.

Mr. SMALL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 271) to authorize the collection of the military and naval records of the Revolutionary War with a view to their publication.

The Clerk read the title to the bill.

ADJOURNMENT.

Mr. CLAYTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 18, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of Agriculture submitting, pursuant to law, report of the operations of the Bureau of Animal Industry for the fiscal year ended June 30, 1912 (H. Doc. No. 953), was taken from the Speaker's table, referred to the Committee on Agriculture, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CARY, from the Committee on the District of Columbia, to which was referred the joint resolution (H. J. Res. 398) to direct and empower the Commissioners of the District of Columbia to revoke licenses under certain conditions, reported the same with amendment, accompanied by a report (No. 1527), which said bill and report were referred to the House Calendar.

Mr. SABATH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 28718) to authorize the St. Louis Belt, Illinois & Eastern Traction Co. to construct a bridge across the Mississippi River near the mouth of the Missouri River, reported the same with amendment, accompanied by a report (No. 1528), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 28715) to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River near Weldon Springs Landing, in the State of Missouri, reported the same with amendment, accompanied by a report (No. 1529), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 28571) to authorize the Northern Pacific Railway Co. to construct a bridge across the Mississippi River in Minneapolis, Minn., reported the same without amendment, accompanied by a report (No. 1530), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 28673) to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota, reported the same with amendment, accompanied by a report (No. 1531), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEENERSON: A bill (H. R. 28774) amending section 932 of chapter 89 of title 2 of the Alaskan Civil Code and Code of Civil Procedure; to the Committee on the Territories.

By Mr. FITZGERALD: A bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. MARTIN of South Dakota: A bill (H. R. 28776) excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves"; to the Committee on the Public Lands.

Also, a bill (H. R. 28777) providing for the issuance of patents to owners of town lots purchased from the United States at auction sales in certain cases; to the Committee on the Public Lands.

Also, a bill (H. R. 28778) to amend an act approved May 30, 1910, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect"; to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 28786) to provide for the purchase of a site and the erection of a public building thereon at Childress, State of Texas; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 28787) to provide for the purchase of a site and the erection of a public building thereon at Quanah, State of Texas; to the Committee on Public Buildings and Grounds.

By Mr. AYRES: Resolution (H. Res. 844) requesting the President to transmit information relating to City of Mexico; to the Committee on Foreign Affairs.

By Mr. HAY: Resolution (H. Res. 845) to nonconcur in gross in Senate amendments to H. R. 27941; to the Committee on Rules.

By Mr. SHARP: Joint resolution (H. J. Res. 402) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SLAYDEN: Joint resolution (H. J. Res. 403) to exempt the National Academy of Sciences from the payment of duty on medals imported for presentation by it in recognition of research work; to the Committee on Ways and Means.

By Mr. DUPRÉ: Concurrent resolution (H. Con. Res. 70) for a reprint of the Soil Survey of the New Orleans Area, Louisiana; to the Committee on Printing.

By Mr. ANSBERRY: Memorial of the Legislature of the State of Ohio, requesting the enactment of a Federal law regulating the exportation of food products; to the Committee on Interstate and Foreign Commerce.

Also, a joint resolution of the Senate and House of Representatives of the Legislature of Wyoming, ratifying an amendment to the Constitution of the United States of America granting power to Congress to levy a tax on incomes; to the Committee on Ways and Means.

By Mr. HAYES: Memorial of the Legislature of California, favoring the passage of the Newlands bill for a board of river regulation, etc.; to the Committee on Rivers and Harbors.

By Mr. LAFFERTY: Memorial of the State Legislature of Oregon, favoring an amendment to the Constitution of the United States permitting Congress to pass laws regulating the subject of marriage and divorce throughout the United States; to the Committee on the Judiciary.

Also, memorial of the Legislature of Oregon, favoring the enactment by Congress of a law providing for the closing of certain drawbridges across the Willamette River in the city of Portland, Oreg., between the hours of 7 a. m. and 9 a. m. and 5 p. m. and 7 p. m.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Oregon, urging Congress to undertake the immediate improvement of Tillamook Bay, Coos Bay, Coquille River, and Port Orford, on the Pacific coast; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Oregon, urging Congress at the present session to appropriate $1,400,000, to be immediately available, for the completion of the Celilo Canal; to the Committee on Rivers and Harbors.

By Mr. POST: Memorial of the Legislature of the State of Ohio, urging the enactment of a Federal law regulating the exportation of food products; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: Memorial of the Legislature of the State of Ohio, urging the enactment of a Federal law regulating the exportation of food products; to the Committee on Interstate and Foreign Commerce.

By the SPEAKER (by request): Memorial of the Legislature of the State of Ohio, favoring the enactment of law for depositing the funds of the Federal Treasury in banks upon competitive bidding as to interest and upon approved security; to the Committee on Ways and Means.

Also (by request), memorial of the Legislature of the State of Idaho, recommending the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURLESON (by request): A bill (H. R. 28779) for the relief of Pay Inspector F. T. Arms, United States Navy; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 28780) granting an increase of pension to Laura Fritts; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 28781) for the relief of the legal representatives of H. Mack Whitaker, deceased; to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 28782) granting a pension to Juliet S. White; to the Committee on Pensions.

By Mr. PETERS: A bill (H. R. 28783) granting an increase of pension to Margaret Gallagher; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 28784) to relinquish, release, and quitclaim all right, title, and interest of the United States of America in and to certain lands in the State of Mississippi; to the Committee on the Public Lands.

By Mr. SLOAN: A bill (H. R. 28785) for the relief of Dudley Walton; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Polish Woman's Alliance of America, Chicago, Ill., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also (by request), petition of the Board of Commerce, Commercial Club, Manufacturers and Producers' Association, and the Tariff Bureau, of Knoxville, Tenn., protesting against the passage of legislation reducing the present tariff on aluminum; to the Committee on Ways and Means.

Also (by request), petition of the National Association of United States Customs Inspectors, favoring the passage of legislation to fix the salaries of the customs inspectors by law; to the Committee on Ways and Means.

By Mr. CARY: Petition of the H. C. Schranak Co., Milwaukee, Wis., protesting against the passage of legislation to reduce the tariff on finished goods; to the Committee on Ways and Means.

Also, petition of the Federated Trades Council of Milwaukee and vicinity, Milwaukee, Wis., favoring the passage of legislation for an investigation of the conditions of the locomotive boilers and safety appliances and see that the inspection of same is enforced; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New Smyrna Board of Trade, New Smyrna, Fla., favoring the passage of legislation making appropriation to open up for commerce Mosquito Inlet, Fla.; to the Committee on Rivers and Harbors.

By Mr. DENVER: Petition of Albert J. Brown and other citizens of Wilmington, Ohio, favoring the passage of the Jones-Works bill limiting the number of saloons in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DIFENDERFER: Petition of Calvary Baptist Church, Morristown, Pa., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of Andrew Jackson Council, No. 64, Junior Order of United American Mechanics, New York, N. Y., favoring the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of the Chamber of Commerce of the State of New York, favoring the passage of Senate bill 8114, preventing discriminations in the Panama tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of the National Civic Federation, New York, favoring the passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of Andrew Jackson Council, No. 64, Junior Order of United American Mechanics, New York, favoring the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of the Merchants' Association of New York, favoring the passage of legislation for the adoption of a national budget, securing a change in the laws and practices now regulating Federal expenditures; to the Committee on Ways and Means.

By Mr. FULLER: Petition of Charles N. Prouty, New York, protesting against the passage of legislation for the reduction of tariff on leather and shoes; to the Committee on Ways and Means.

Also, petition of the Rockford (Ill.) Germania, G. S., the German Republican League, Rockford, Ill., and Charles K. Johnson, publisher of North Star, New York, N. Y., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Petition of the Lancaster (Pa.) Leaf Tobacco Board of Trade, favoring the passage of legislation for the reduction of tariff on imported wrapper tobacco; to the Committee on Ways and Means.

By Mr. HAYES: Petition of Carma J. Gibson, Morgan Hill, Cal., favoring the passage of the Kenyon "red-light" bill, for the cleaning up of the city of Washington for the inauguration; to the Committee on the District of Columbia.

Also, petition of the California State Board of Forestry, favoring passage of legislation making further appropriations for Federal aid in the protection of forested watersheds of navigable streams; to the Committee on Agriculture.

Also, petition of the Board of Trade of Winston-Salem, N. C., favoring the passage of legislation for immediate reform in the national banking system of the United States; to the Committee on Banking and Currency.

Also, petition of Kirk, Geary & Co., Sacramento, Cal., protesting against the passage of legislation reducing the present tariff on fine and medical chemicals; to the Committee on Ways and Means.

By Mr. HIGGINS: Petition of the Connecticut Public Library Committee, favoring the passage of legislation to extend the parcel post to include books of libraries; to the Committee on the Post Office and Post Roads.

Also, petition of the Socialists of Stonington, Conn., favoring legislation for an investigation of the action of the Department of Justice against the editors of the Appeal to Reason; to the Committee on Expenditures in the Post Office Department.

By Mr. LAFEAN: Papers to accompany bill (H. R. 28516) granting an increase of pension to John Hector; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: Petition of the International Union of Steam Engineers, Local Union No. 372, Portland, Oreg., favoring the passage of legislation for the repeal of the Dick military law, compelling all able-bodied citizens to be subject to serving in the militia; to the Committee on Military Affairs.

By Mr. LEVY: Petition of the Chamber of Commerce of the State of New York, favoring the passage of Senate bill 8114, preventing discrimination in the Panama tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Board of Trade and Business Men's Association, Portsmouth, favoring the passage of legislation adopting the Norfolk Navy Yard as the site for the new dry dock; to the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of the National Civic Federation, New York, N. Y., favoring the passage of the Federal workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Merchants' Association of New York, favoring the passage of legislation for the adoption of a national budget, and for securing a change in the laws and practices regulating Federal expenditures; to the Committee on Ways and Means.

Also, petition of John Kovacs, Brooklyn, N. Y., and Charles K. Johnson, publisher of North Star, New York, N. Y., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of Andrew Jackson Council, No. 64, Junior Order United American Mechanics, New York, favoring the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Petition of the Indiana Sealers' Association, Indianapolis, Ind., favoring the passage of legislation for the establishment of a standard barrel for fruit, vegetables, etc.; to the Committee on Coinage, Weights, and Measures.

Also, petition of Andrew Jackson Council, No. 64, Junior Order United American Mechanics, New York, N. Y., favoring the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of the Italo-American Alliance of the United States of America, Philadelphia, Pa., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. NORRIS: Petition of citizens of Harlan County, Nebr., favoring the passage of legislation to make an investigation of the persecution of the editors of the Appeal to Reason by the Government; to the Committee on Expenditures in the Post Office Department.

By Mr. O'SHAUNESSY: Petition of the Oliphant Club, Middleton, R. I., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. SMITH of New York: Petition of the Chamber of Commerce, Buffalo, N. Y., favoring the passage of Senate bill 6099, to empower the Interstate Commerce Commission to determine a uniform classification of freight rates, and propose suggestions relative to appointment of committee for same; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of California: Petition of the Chamber of Commerce of Los Angeles, Cal., favoring the passage of legislation providing for the building of two battleships instead of one; to the Committee on Naval Affairs.

By Mr. STEPHENS of Texas: Petition of Joe E. Johnston Camp, No. 259, United Confederate Veterans, Childress, Tex., favoring the passage of legislation granting pensions to the remnants of the Confederate veterans; to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *February 18, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Journal of the proceedings of the legislative day of Tuesday, February 11, 1913, was read and approved.

Mr. OLIVER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Pennsylvania suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dixon	McLean	Shively
Bacon	du Pont	Martin, Va.	Simmons
Bradley	Fall	Martine, N. J.	Smith, Ga.
Brady	Fletcher	Nelson	Smith, Mich.
Brandegee	Gallinger	Newlands	Smith, S. C.
Bristow	Gardner	O'Gorman	Smoot
Brown	Gronna	Oliver	Stephenson
Bryan	Jackson	Overman	Stone
Burton	Johnston, Ala.	Owen	Thomas
Catron	Jones	Page	Thornton
Clark, Wyo.	Kavanaugh	Paynter	Tillman
Clarke, Ark.	Kenyon	Penrose	Townsend
Crawford	La Follette	Percy	Webb
Cullom	Lea	Perkins	Williams
Cummins	Lippitt	Pomerene	
Curtis	Lodge	Richardson	
Dillingham	McCumber	Sheppard	

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. A quorum of the Senate is present.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusion filed by the court in the following causes:

The trustees of the Corinth Methodist Episcopal Church South, of Dinwiddie County, Va., *v.* United States (S. Doc. No. 1090); and

G. W. Chipman and W. J. Chipman, sole heirs of Joseph Chipman, deceased, *v.* United States (S. Doc. No. 1091).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

IMMIGRATION OF ALIENS.

The PRESIDENT pro tempore presented a telegram, in the nature of a petition, from members of the Polish Women's Alliance of America, praying that Congress sustain the President's veto of the immigration bill, which was ordered to lie on the table.

SENATOR FROM NEVADA.

Mr. NEWLANDS. Mr. President, my colleague, Mr. PITTMAN, is present and desires to be sworn in. His credentials are on file.

The PRESIDENT pro tempore. The Senator elect will present himself at the desk for that purpose.

Mr. PITTMAN was escorted to the Vice President's desk by Mr. NEWLANDS, and the oath prescribed by law having been administered to him he took his seat in the Senate.

IMMIGRATION OF ALIENS—VETO MESSAGE.

The PRESIDENT pro tempore. Under the unanimous-consent agreement the message of the President of the United States, returning to the Senate without his approval the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States is now before the Senate for consideration. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. STONE. Mr. President, I arise to speak in support of the President's veto. From the time that this particular bill first came before the Senate I have felt constrained to oppose what is known as the literacy test incorporated in the bill. There were two or three other objectionable provisions in the bill, but generally I have believed that the bill contained so many excellent provisions, calculated greatly to improve our immigration laws and the character of immigrants coming to this country that I have been reluctant to withhold my assent to it, but to this particular provision, the one which establishes the literacy test, I can not agree. I am as much opposed to it now as when the bill first came before the Senate, and I feel obliged to indorse the strenuous opposition of President Taft and Secretary Nagel to inserting a provision of that nature into our immigration laws.

Mr. President, Mr. Taft does not stand alone as to this policy among our Chief Executives. When Mr. Cleveland was the President a bill embodying substantially the same literacy test incorporated in this bill, and exactly the same as it appeared in the bill as at first presented to the Senate, was passed by Congress and sent to him. Mr. Cleveland vetoed that bill and on substantially the same ground taken by President Taft. I do not know that the opinion of even two Presidents of the United States, although of different political parties, should have any particular influence on the minds or judgment of Senators; in fact, I think Senators should act on their own judgments on all questions; but I think the fact referred to is entitled to most respectful consideration. It shows, at least, that, so far as the Chief Executives of the country to whom this question has been submitted are concerned, and this without regard to party distinction, they have expressed their disapproval of this so-called literacy test. I quote them as I might quote any man of great personal or official prominence whose judgment ought to weigh with us. But aside from what President Cleveland or President Taft may have thought or said, I take the position that this provision of this bill—the literacy test—is a radical and most undesirable departure from the established, traditional policy of this Government. I may, of course, be mistaken, but I regard this change in our policy as bad.

Mr. President, illiteracy is not to be desired; illiteracy, in fact, is a misfortune; but illiteracy is not a test, much less a decisive test, of either bad citizenship or good citizenship. I would rather have a hundred or a thousand illiterate men, women, and children come to this country from abroad with good, honest purposes—that is, with the thought in their minds and the purpose in their hearts of identifying themselves with our civilization and of making good citizens—I would rather have a thousand such, though they did not know a letter of any alphabet, than to have one educated agitator or anarchist, who comes to wave a red flag and who is bent on mischief and the fomenting of public disorder. All these and such as these men and women I would exclude with strong hand. I would shut the door in their faces. Mr. President, it is a fact, and every Senator knows it to be a fact, that it is the smart, half-educated, wild-eyed anarchist we have reason to dread. Who are the people who commit the revolting crimes we shrink from? You find them in the Black Hand, the Camorra, the nihilist organizations; and these, in large measure, are composed of men and women who could easily pass this literacy test. These you would not exclude by this test, and yet these are the people who commit the crimes we protest against as subversive of our ideas of government and likewise subversive of all public order. These are the people who commit the crimes that have disgraced civilization in their native lands, and they are the people who are importing their monstrous criminal practices to our shores.

Mr. President, I read, as I suppose most Senators did, recently, the harrowing, tragic story of a celebrated trial some place in Italy of a band of ruffians who had murdered a noted woman and her husband for some alleged treason to their organization; I believe this was in Naples, or mayhap in some other city of Italy. We read the story of the trial of those criminals before the court and wondered at the scenes enacted there, almost incomprehensible to us. Who were those criminals? They were educated men, of the Camorra, among them being even a priest, pity though it be. They were educated people. Who murdered Garfield? Who assassinated McKinley? Who committed nearly all these frightful crimes that have startled our people and aroused a natural and proper spirit of resentment among them and excited a just demand that all such should be excluded from our shores? Mr. President, there is not one of this class who could not easily and laughingly stand this educational test. An honest man, unhappily illiterate by force of circumstances, would be deported, but such as I speak of would come walking in.

Mr. President, I believe it to be absolutely safe to say that most of the people who come from Europe to the United States come with honest purposes. They frequently come—and this Senators should keep in mind—to give to their children better opportunities than they had at home. Let me read at this point, and in support of this statement, an extract from the letter of Secretary Nagel to the President—the Secretary who

has had charge for several years of the administration of our immigration laws:

My observation leads me to the conclusion that, so far as the merits of the individual immigrant are concerned, the test is altogether overestimated. The people who come from the countries named are frequently illiterate because opportunities have been denied them. The oppression with which these people have to contend in modern times is not religious, but it consists of a denial of the opportunity to acquire reading and writing. Frequently the attempt to learn to read and write the language of the particular people is discouraged by the Government, and these immigrants in coming to our shores are really striving to free themselves from the conditions under which they have been compelled to live.

Mr. President, here I wish to say something along my own very recent experience, supporting what the Secretary says. About two weeks ago I had the privilege, while in St. Louis, of attending a large gathering of Polish citizens in that city, commemorating an anniversary in connection with some great achievements accomplished in his native land by Kosciusko. There were about 3,000 people there, all Poles, with very few exceptions. They had songs, speeches, recitations, and all that; children from about 8 to 16 years participated in the exercises. It would be difficult to find an assembly of that number anywhere characterized by a higher degree of intelligence or patriotism, if one could judge by the spirit manifested in song and speech. Most of these people were immigrants.

Mr. SMITH of Michigan. Forced from their country.

Mr. STONE. Yes; and they brought with them their little children, no doubt many of them babes at the breast. These children are being educated in the public schools of our State; and like children are being educated in the schools of all our States, being fitted, and well fitted, for the duties and responsibilities of good citizenship. What happened in St. Louis at the time I speak of you can find happening in Michigan, in New Jersey, and in most of the States.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. STONE. I do.

Mr. SMITH of Michigan. I should like to remind the Senator from Missouri that when the statues of Kosciusko and Pulaski were unveiled in Washington, this city was literally filled with patriotic Polish-American citizens, who came here to pay their respect both to this Government for what it had done and to the distinguished Polish heroes who did so much for our liberty and Union.

Mr. STONE. Mr. President, the men named by the Senator from Michigan performed a part so heroic in the history of this country that it ought in itself make us hesitate to say that the oppressed poor of their native land, with their very meager opportunities for schooling should not come to this land of ours, for which these men gave their blood and one gave his life, because, forsooth, their descendants can not stand a literacy test of this kind.

Mr. President, we hear it said that this test is intended to exclude undesirable people from certain states in Europe or parts of states; but, mark you, it applies to all Europe. It applies to the English, the French, the German, the Scandinavian—it applies to all. No one questions that these people I have named, when they come, make good citizens and contribute much to the intellectual, industrial, and moral development of the country.

Mr. President, there is one clause in this bill so very bad that it ought in itself to move the Senate to reject the whole measure. To present this briefly, let me read from the letter of Secretary Nagel to the President:

In some measure the group system is adopted—that is, one qualified immigrant may bring in certain members of his family—but the effect seems to be that a qualified alien may bring in members of his family who may themselves be disqualified, whereas a disqualified member would exclude all dependent members of his family, no matter how well qualified they might otherwise be. In other words, a father who can read a dialect might bring in an entire family of absolutely illiterate people, barring his sons over 16 years of age, whereas a father who can not read a dialect would bring about the exclusion of his entire family, although every one of them can read and write.

Senators, think of that. I favor that clause of this provision; that is, if the literacy test remains in the bill, which provides that when the father can read he can bring in his family; except I do not agree to the provision that his sons over 16 years of age and under 21 shall be excluded any more than that his daughters over 16 years of age shall be excluded.

This question of excluding sons over 16, while admitting daughters, was before the Senate when the preliminary report of the conference committee was made some weeks ago and was then discussed. The Senator from Massachusetts [Mr. LODGE], in charge of the bill, was then asked why a son 16 years of age and a day over should be excluded and a daughter of like age should be admitted.

Mr. SMITH of Michigan. Sixteen years was the average age of the soldiers in the Rebellion.

Mr. STONE. My friend says 16 years was the average age of soldiers in the great Civil War between the States.

To shut away from parental association and influence a boy 16 years of age, instead of admitting him with his parents and to here have the opportunities that would come to him to learn, to equip and prepare himself for good citizenship according to our standards would, to my mind, be a cruel provision of law.

Senators, let me draw a mental picture: Imagine a ship landing at the port of New York with a father and mother aboard, and with them a daughter 18 years of age and a boy 16 years of age——

Mr. SMITH of Michigan. Healthy and sound.

Mr. STONE. Healthy, strong, vigorous, ambitious, full of hope. And now see the Commissioner of Immigration, or whatever the authority might be, admit the father, the mother, and the daughter, but turn back the 16-year-old boy—deport him, and thus separate and break up the family. Can you see the old mother, father, sister, watch the ship sail away with the boy? Can you see the tears in their eyes? Can you see the mother and father limping away with their little girl, broken hearted, to seek their fortunes somewhere in the wide expanse of this great land of ours? To my mind a law that would do this would be a cruel, barbarous law, and no such law should be in our statute books.

Mr. President, I said I should speak but a few moments. Here is a subject that could be dwelt upon at great length; but I wish to hurry to a close, keeping faith with my promise and observant of the rights of other Senators who desire to speak.

However, before I close, there is one phase of this subject to which I wish to advert. We all well know that too many of our young men, and even our older men, for that matter, are leaving the farms and going to towns and cities to live. We are also hearing much talk about high prices for food and the incidental distress of that. Speaking from experience, every man and family might well think of that. The more industrious, honest farmers we have to occupy and cultivate our lands, and produce food to feed the vast multitudes in our America and throughout the world, the better. Would it not be wise for us to have sturdy farmers come to us from Germany, Scotland, Scandinavia, and other lands, to enter upon this great work of helping to feed mankind? Let me read again what Secretary Nagle said on this subject. This Secretary has had chief charge of this whole business of immigration for nearly four years. He has been the head of it, studying it, and ought to be and reasonably is familiar, more familiar than most of us, with the subject. Here is what he says:

The census will disclose that with rapid strides the foreign-born citizen is acquiring the farm lands of this country. Even if the foreign-born alone is considered, the percentage of his ownership is assuming a proportion that ought to attract the attention of the native citizens. If the second generation is included it is safe to say that in the Middle West and West a majority of the farms are to-day owned—

Now, think of that!

In the Middle West and West a majority of the farms are to-day owned by foreign-born people or their descendants of the the first generation.

That is a very important statement. In the Middle West and West we find the fields from which our people are fed. Native Americans are leaving these fields to reside in towns and cities. It boots little just now to ask why this is so; it is sufficient to know that it is so. These sturdy immigrant farmers come not only to take the place of those who are quitting farm life for urban residence, but, in due course, they come also to settle and colonize what is now vacant territory. Would we not make a mistake to stop this line of most useful progress and development?

Mr. SMITH of Michigan. And yet the claim is made that all the farmers favor this bill.

Mr. STONE. Yes; that claim is made. But, Senators, listen to this further message from the Secretary—a part of what I was reading:

This does not embrace only the Germans and the Scandinavians, but is true in large measure, for illustration, of the Bohemians and the Poles. It is true in surprising measure of the Italians; not only of the northern Italians, but of the southern.

This is what the Secretary—the head officer of our Immigration Service—says. Is he honest, informed, sincere? Why should he seek to mislead the President or the Congress?

Mr. SMITH of Michigan. It is also true that the Dutch, the Hollanders, make the best of farmers.

Mr. STONE. Yes; that is true; the Dutch make the best of farmers. Everyone knows of the sturdy character and industrious habits of the Dutch, and every one of that kind we get into this country is one more fortunately added to our population. The Scotch, French, Germans, Scandinavians, Dutch, and many others from abroad constitute a large percentage of our

farming population. They are born farmers, have always been farmers. They come here to buy farms or to colonize waste places and make farms and farming communities. We would not do well, I think, to stop or seriously interfere with a forward movement of that kind.

Let me make this suggestion to the honorable members of the Immigration Committee and to the Senate: Instead of applying a drastic and almost inexcusably cruel test of admission, such as we are considering, would it not be better if we should give more attention to the distribution of the immigrants who come to our shores, so as to prevent, or at least greatly to minimize, the evil of congestion, by turning the tide to the agricultural sections, where labor is sorely needed, instead of allowing it to flow unchecked into overcrowded industrial centers?

Let me read again from the letter of Secretary Nagel to the President:

> We received farm laborers, 184,154—

That is, last year—

> and only 3,978 returned.

Nearly 185,000 farm laborers came here last year from Europe, and only a few returned. We ought to look after immigrants of this character and direct them to where they can find the best employment.

Mr. DILLINGHAM. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Vermont?

Mr. STONE. Certainly.

Mr. DILLINGHAM. Does the Secretary anywhere in his letter to the President tell where that large number of foreign laborers went to settle and the employment they went into?

Mr. STONE. I did not find a statement as to the exact countries from which these particular farm laborers came.

Mr. DILLINGHAM. If the Senator would like to know—I do not want to interrupt his speech——

Mr. STONE. It will not interrupt me.

Mr. DILLINGHAM. The records show that 72 per cent of all that vast number came from southeastern Europe, and that 82 per cent of those coming from southeastern Europe went into the Atlantic Division States, where the manufacturing establishments are located; not to the Central or North Central States, where agriculture so much prevails.

Mr. STONE. Does the Senator mean that they went into manufacturing or into farming?

Mr. DILLINGHAM. They went into manufacturing. Taking the 37 leading industries of America, as investigated by the commission, where they came into contact with over 620,000 individual employees, 59.9 per cent, almost 60 per cent, were foreign born.

Mr. STONE. Does the Senator from Vermont——

Mr. DILLINGHAM. I do not wish to interrupt the Senator and get into an argument with him, but I thought that the statement on the part of the Secretary was a misleading one, and that the Senator would be glad to have it corrected.

Mr. STONE. That is all right; the Senator does not interrupt me. It is not at all disagreeable. I should like to ask the Senator whether he joins issue with the Secretary on the statement that in the year named 184,154 farm laborers were received in this country?

Mr. DILLINGHAM. As to their being farm laborers in the countries from which they came, I have no doubt his statement is correct. I have not examined the record. But I thought the unfairness of the statement of the Secretary of Commerce and Labor to the President, in asking him to veto this bill, was in not telling him where these men had gone upon reaching the United States, and that they could not be found in the agriculture of the United States.

Mr. STONE. How many went into agriculture?

Mr. DILLINGHAM. I do not think any of them did.

Mr. STONE. Does the Senator mean to say that none of these immigrants——

Mr. DILLINGHAM. When I say none of them I mean no considerable number of them. Eighty-five per cent of all that came from southeastern Europe went into the Atlantic Division of States, and they are found at the seats of the great basic industries.

Mr. STONE. Where did you get that information?

Mr. DILLINGHAM. From the report of the Immigration Commission and from the statistics of the department.

Mr. STONE. Where did the Secretary who heads this service get his information?

Mr. DILLINGHAM. He has given only a small amount of the information. He has neglected to state a great number of things that should have been said, if he is the adviser of the President of the United States.

Mr. STONE. That is a rather serious indictment——

Mr. DILLINGHAM. It is my opinion.

Mr. STONE. To accuse the Secretary of trying to mislead the President. He speaks with great positiveness as to the number of farm laborers who came. I do not care, for the purposes of this argument, whether the 184,000 and more came from Italy or Germany or Scotland or any other particular country or whether they came from many countries. The point I had in mind was the statement made by the Secretary of Commerce and Labor, under whom the whole administration of our immigration laws is carried on, that 184,000 and over of farm laborers came last year into the country. This is the main point. These farm laborers came. Did these farmers come and then go into other and less profitable employments of the whole character of which they were ignorant? Do not the alleged statistics of my friend prove too much? Do they not prove that there is somewhere "a nigger in the woodpile"? Why were not these young farmer boys directed away from overcrowded manufacturing employments into pursuits to which they had been accustomed and where better wages and better conditions awaited them? There must be some fault in the administration of our law or in the law itself if the Senator's statistics are entitled to great credit.

Mr. DILLINGHAM. If the Senator will permit me, I will say that I am in full sympathy with him in his desire to have a proper distribution. If he will look at the records for the last 10 years, during which time we have admitted into this country substantially a million aliens, he will probably find that 65 per cent of the whole have been common or farm laborers abroad, but when he traces the points to which they have gone, the occupations in which they have engaged, and where they are now living he will find them not on the American farms, but he will find them doing the cheapest labor in the great manufacturing industries of the country.

Mr. STONE. That statement presents a rather startling situation to me, namely, that 65 per cent of these people of whom we are speaking, all of whom all their lives in their native lands were engaged in some form of agriculture, should preferably on coming here go into manufacturing pursuits and, moreover, into the cheapest labor of manufacturing; or, in other words, take the worst that manufacturing offers. That means they go into something they do not understand instead of going into agricultural or horticultural pursuits West or South to engage in work with which they are familiar and where at least as good wages, and I think better wages, could be obtained. I am warranted, Mr. President, in saying where better wages could be had, if we may judge by testimony taken in Congressional hearings as to wages received in Lawrence, Mass., and in other industrial centers, where the average wage has been scarcely enough for the working man and his family to subsist upon. What pitiful stories we have read about all this. Why should these farmers go into this class of work? If it be true, then it must be that some inducements were offered to them from some quarter, some effort made by somebody to pull them in that unnatural direction; and if that was done it was contrary to the laws of the United States——

Mr. DILLINGHAM. Will the Senator suffer a suggestion on that point?

The PRESIDENT pro tempore. Does the Senator from Missouri yield further to the Senator from Vermont.

Mr. STONE. Yes.

Mr. DILLINGHAM. If the Senator will look at the report of the Immigration Commission which relates to the place which he has mentioned in Massachusetts—Lawrence—I think he will find that probably 60 per cent are foreign born. I have not the figures before me, but a very large percentage—60 per cent and above, I think, of the male population of that town are foreign born, and while three-fourths are made up of English, Scotch, Irish, Scandinavian, and French-Canadians, we have one-fourth of that population that is of the recent immigration I have spoken of, who were farm laborers in their own country and have come here and have gone to these congested sections, and they have overcrowded the local market for labor until the prices for that common labor have been so low that they had a right to complain of them.

I never would criticize anyone for complaining of the wages paid to that class of labor, but it has resulted in the overcrowding of that class of labor in this country. That is the very basis upon which the commission recommended the literacy test as being the most feasible one to relieve that pressure in those centers.

Mr. STONE. Does the Senator think that these people were taken to these manufacturing centers as the result of some covert agreements or because of some underhanded, unlawful contracts?

Mr. DILLINGHAM. Not at all; not at all.

Mr. STONE. How did they ever happen to go there?

Mr. DILLINGHAM. It comes in this way: This incoming immigration is made up of men who wanted to come here, and who were in correspondence with their brothers, their cousins, and their friends, who had come before.

Mr. STONE. Yes; I have heard all that before.

Mr. DILLINGHAM. They correspond with them, and they tell them what is going on in this country, what the opportunities are, and they come; and it is probably true that 80 per cent of all who come know where they are going.

Mr. STONE. I have heard all that before.

Mr. DILLINGHAM. The Senator has heard it before, and it is true. It appears that about 90 per cent of them give their destination as some point where they are going to join friends or relatives. They go to these centers. They should go out to the farms, but they go to people of their own nationality, to those who speak their language, to whom they can communicate their thoughts, who lived abroad under the same conditions they had lived.

Mr. STONE. As I have had occasion to say before to-day, when other issues were before the Senate, it is exceedingly remarkable that the kindred of these Europeans residing here should write and invite their people to come over here and enjoy with them a feast of starvation. There must be something wrong about this story. It is unreasonable and unnatural.

Mr. DILLINGHAM. Mr. President, in answer to the inquiry of the Senator from Missouri, I should like to say——

Mr. STONE. There must have been some unlawful contract, some misuse of the law somewhere.

Mr. DILLINGHAM. They come here because they can do so much better than they could at home.

Mr. STONE. Better! A man can not do worse industrially than to starve.

Mr. DILLINGHAM. It appears that in 1907 this very class, the men employed in factories, sent home through the immigrant banks—not through the post office or the express companies or regular banks, but through what they call immigrant banks—$141,000,000, and they saved it by living on a plane that was un-American in character.

Mr. STONE. I think this much, at least, is evident, that if approximately 185,000 farm laborers—I say farm laborers—came to the United States last year and were by some means, of design or negligence, diverted to overcrowded manufacturing districts, where there was no demand for their labor and where wages were already on a starvation basis, instead of directing them along a different current out into the Middle West and the West, or down into the fruit regions of the South, where they could have found employment at remunerative wages, the authorities administering our immigration laws and having charge of this great business must have been derelict and fallen far short of their great responsibilities. I speak only of a situation, without intending either to accuse or defend.

Mr. DILLINGHAM. The Senator understands, of course, that the law provides that the Secretary of Commerce and Labor may establish a division of distribution and use his best efforts to bring about that result.

Mr. STONE. Yes; I understand that.

Mr. DILLINGHAM. But he has been able to accomplish but little along that line. In the law of 1907 we provided for that very fully.

Mr. STONE. Now, Mr. President——

Mr. DILLINGHAM. I beg the Senator's pardon. I will not interrupt him again.

Mr. STONE. No; the Senator has my absolute permission. He can proceed, if he wishes. I was just going to conclude. I have already taken too much of the time, and so I will conclude with this one statement and give way to others.

Mr. President, I am unwilling to overturn our old, wise, traditional, and humane policy in this particular respecting immigration, thus entailing, as this literacy test would, many grievous hardships upon honest immigrants, at the same time largely increasing the expenditures of the Government in administering the law, and all without any well-founded hope of accomplishing any substantial good to our own country. I feel constrained, with all due deference to what is manifestly a strong majority sentiment in the Senate against my view, to record my vote in favor of sustaining the position taken by the President of the United States.

Mr. CLARKE of Arkansas. Mr. President, I take advantage of this opportunity to say a word in explanation of my position on this question and of the vote I shall give. I am opposed to the literacy test as a matter of principle. It is not a rule as applied here that will remedy the evils against which it is now directed. I am aware that there exists a widespread dissatisfaction with the character of the present foreign immigration to this country. This in large measure is founded upon the misconduct of a large element of the foreigners who have sought our shores in recent years. An investigation of the circumstances of some of the most conspicuous of these outbreaks which have most distinctly accentuated that opposition to the further influx of that character of population discloses the fact that the events were not under the control and the outbreaks were not made by persons who are illiterate under the provisions of this act.

Ours is a Government which investigates things with care and acts generally in matters of such moment as this one is with deliberation and a perfect understanding of the effects and consequences of what it is that is to be done. The adoption of the literacy test is no test at all when it comes to excluding undesirable citizens. It is a part of the history of the assembling of the population which has made this splendid Republic what it is that many of them were foreigners and that a multitude of these could not enter our domain under the test which it is now proposed to apply.

There are still many more such who are anxious to seek our shores as a place of residence and who would constitute in the future, as their fellow countrymen have constituted in the past, some of the most loyal, most worthy, and most enterprising citizens that we have.

If it is the desire of the National Government to restrict the further admission of immigrants to our country at this time, it will best comport with the courage, candor, and dignity and, withal, sense of fairness of this country to adopt a discriminating system of selection as between individuals, classes, and countries that will condemn to exclusion people because of the opinions they hold or the tendencies that they possess that we can not tolerate here, or because they are deficient in things which are necessary to render their residence here as part of our body politic safe and wholesome. Possibly this involves a course of investigation that may be difficult to make, but better that than an erroneous and unjust system should be adopted, having no merit to commend it save its simplicity and the cheapness of its administration. It is better that it should be endured rather than gross injustice should be inflicted on a large element of people whose countrymen by their past fidelity and industry have given an earnest to the assurance that a further influx of that particular class of foreigners would not be objectionable. The criminal element of any foreign country that is being driven from home need not find a resting place here if we shall establish adequate rules for detection and identification and provide faithful and courageous officers to enforce these rules when they are promulgated.

Every nation owes it to itself as a primary duty to preserve and perfect itself, and it is the judge of the means that it will invoke to accomplish that end. If it is a fact that the immigration problem has become acute and serious to a degree that will warrant this country in saying to the world that we have for the present enough foreigners within our borders to answer all purposes of national development and progress, and that time is required to properly assimilate into our collective activities our foreign-born residents, then say so courageously and plainly and exclude for a given number of years all foreigners. That course would challenge the respect and considerate acquiescence of the countries of the world and meet the requirements of duty to ourselves. If this necessity can be shown to exist, I am willing to join those who would apply that character of remedy to existing evils, but I will not exclude anybody, otherwise capable of making a peaceable and industrious citizen, on account of his misfortune.

The lessons of my own personal observation and experience would convict me of insincerity if I did, because I know that some of the best citizens in this country to-day are persons who came here from foreign countries wholly unable to stand this proposed educational test, and I know as well that many of them have all over this country founded families who are an honor to the country and constitute in all the relations and vocations of life the very backbone and foundation of its greatness among the nations of the earth. I should think less of myself than I am willing to admit if I should be tempted into a position that would thus shame my own convictions and penalize any class of worthy people because of deficiency due more largely to oppression and misfortune than to neglect of opportunity.

I represent in part a State that has no prejudice against its foreign-born citizens. Some of the very best people in the State of Arkansas to-day are foreigners and the descendants of foreign-born people. They live in indiscriminate harmony with their native-born neighbors, and together with them they constitute a body of citizenship that can not be excelled on the globe in respect to peace, industry, self-respect, and all the ele-

ments that make for a God-fearing, upright, and progressive people. There is no condition there that calls for an imposition upon the rights of their kinsmen elsewhere in order to relieve conditions which, as the Senator from Vermont has said, exist in other sections of the country and that are wholly unsatisfactory.

We of Arkansas are willing to contribute much to restore a condition of peace and prosperity and a law-abiding spirit to other sections of our common country, but we are not willing to have it said that in attempting to make this contribution we permitted our judgment to be so swayed by the clamor of the hour as to select a means of doing so that will not only prove futile when subjected to a practical test but will in the effort inflict injustice on a large class of deserving people who are still welcome to our Commonwealth. The application of the so-called literacy test provided for in this bill will, in my opinion, prove ineffective for the purpose, for authentic information shows that a very large percentage of the most vicious and dangerous foreigners who come here can stand the test successfully. On the other hand, it is common knowledge that many worthy immigrants, possessing in the rough all the elements of manhood and industry necessary to make them good citizens here, will be excluded for a deficiency that is in nearly every case more a misfortune than a fault. There is no necessary connection between the misfortune of illiteracy and criminal and indolent habits and tendencies in life. I think the two situations should be more closely scrutinized and a juster process of discrimination adopted. In my humble opinion the justice and sound policy of the case can be more nearly approximated and our traditional policy of liberality to worthy foreigners more nearly maintained by a different method.

That is about all I intended to say. I voted against this literacy test every time it has been presented and upon grounds that were perfectly satisfactory to me and perfectly understood by me. It might have been best that this bill should have passed out of consideration without now being subjected to another vote here, but the vote is here without my choosing, and I must either vote the distinct convictions I hold or I must reverse myself. I am not willing to do the latter. I am opposed to the literacy test as a condition upon which worthy persons may enter this country as immigrants, and the only way by which I can make my vote harmonize with my convictions is to vote to sustain the veto of the President, and I shall accordingly do so.

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. NELSON. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The Senator from Minnesota suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Martin, Va.	Smith, Mich.
Bacon	Foster	Martine, N. J.	Smith, S. C.
Bourne	Gallinger	Nelson	Smoot
Bradley	Gamble	Newlands	Stephenson
Brandegee	Gardner	O'Gorman	Stone
Brown	Gore	Oliver	Sutherland
Bryan	Gronna	Overman	Swanson
Burnham	Guggenheim	Page	Thomas
Chamberlain	Jackson	Paynter	Thornton
Clark, Wyo.	Johnson, Me.	Perkins	Tillman
Clarke, Ark.	Jones	Pomerene	Townsend
Crawford	Kavanaugh	Sheppard	Wetmore
Cullom	Kern	Shively	Williams
Dillingham	La Follette	Simmons	Works
du Pont	Lea	Smith, Ariz.	
Fall	Lodge	Smith, Md.	

Mr. STONE. My colleague [Mr. REED] is unavoidably absent. I have a telegram from him saying that if he were present he would vote to sustain the President's veto. He is paired with the Senator from Michigan [Mr. SMITH].

The PRESIDENT pro tempore. Sixty-two Senators have answered to their names. A quorum of the Senate is present.

Mr. DILLINGHAM. Mr. President, I observe that in the very brief message sent to Congress by the President of the United States, in which he withholds his approval of the measure under consideration, he says:

> I do this with great reluctance. The bill contains many valuable amendments to the present immigration law which will insure greater certainty in excluding undesirable immigrants.
>
> The bill received strong support in both Houses and was recommended by an able commission after an extended investigation and carefully drawn conclusions.
>
> But I can not make up my mind to sign a bill which in its chief provision violates a principle that ought, in my opinion, to be upheld in dealing with our immigration. I refer to the literacy test. For the reasons stated in Secretary Nagle's letter to me, I can not approve that test. The Secretary's letter accompanies this.

I wish to call attention, in connection with this fact, to the circumstance that the Secretary of Commerce and Labor, in addressing the President on this subject as his adviser, does not in a single instance take up any of the questions reported by the Immigration Commission regarding the existing conditions in the United States—those conditions were fully set out in its reports and upon them were based the recommendations of that commission—but everything that he says in relation to such findings is in criticism of them. His letter to the President is distinguished chiefly for a failure to discuss any of those questions or to bring them to the mind of the Chief Executive. He discusses the question of the literacy test from the standpoint from which it has been discussed on the floor of the Senate this morning, that it will not tend to elevate the standard of individual immigrants who are coming to the United States. He also goes so far in his letter as to call attention to the great number of immigrants who have been admitted in the last year who are farmers, and leaves it to be inferred that they have gone to the farms of this country. Had that been so, the recommendation of the reading test would never have been made. That would have been a result which all the commissioners would have been glad to report; it is a result that we have aimed at in all legislation of recent years. The act of 1907 provided for a Bureau of Distribution, giving almost unlimited powers to the department to institute measures to divert the stream of immigration at the ports of entry and send it into the different States where land was for sale and where farm labor was in demand, but it has largely failed of its purpose. Even the Secretary does not claim that the scheme has been successful.

The truth is that the immigration which has been coming into the United States in the last 10 years has almost wholly gone to the Atlantic division of States where the great basic industries of this country are more largely conducted. The immigrants have gone to the centers, each class and each race to the center where his class and his race most predominate. The commission found that there was an oversupply of common, unskilled labor in those centers and that the conditions were un-American, not elevating in any sense. They looked about for a remedy for this evil, and they state in their report, after reciting all the different remedies which had been suggested, that, in their judgment the most feasible measure was the educational test, because it would exclude about one-third of those particular classes which are most a menace to the institutions of the United States; in other words, the most undesirable classes of immigrants.

Mr. President, I want to call attention to the fact that since the beginning of the Civil War we have admitted into this country something over 23,000,000, probably 24,000,000, of alien immigrants. The number that have been received may perhaps be more fully understood when I say that they constituted seven-tenths of the population of the United States at the outbreak of the Civil War. Down to 1882 the largest proportion of all the immigration to this country came from Great Britain, Ireland, Scotland, and the Scandinavian countries, Germany, Holland, and France, all of which was of the same basic stock as that of which the population of America is so largely made up. That immigration entered into all the industries, agricultural and otherwise, of the country, so that now it has been fully assimilated, and represents one of the strongest and best elements in American citizenship.

Nobody can say aught against the character of that immigration. Previous to 1882 we had admitted five or six millions, and probably 75 or 80 per cent of them came from the Netherlands, France, Scandinavia, Germany, Great Britain, and Ireland.

The height of the wave of that immigration was reached in 1882. Since that time the proportion coming from those countries has decreased, and the number coming from southern and southeastern Europe has been constantly increasing. That is owing to the fact that since 1870, when the great manufacturing, mining, and smelting industries of our country had become firmly established and were rapidly expanding, and a great demand for common and unskilled labor had been created, and immigrants from southern Europe have come to engage in those particular lines of industry, and the stream of such immigration has increased year by year to a most remarkable degree.

In order to plant that fact a little more firmly in the RECORD, I want to say that prior to 1882, what is termed the "old immigration," made up of the races I have indicated, constituted 87½ per cent of all that came. Only 13 per cent of that immigration came from other sections of Europe. Since that time, in a period of 25 years prior to 1907, the "old immigration" from northwestern Europe decreased from 87 per cent to 20 per cent of the whole, while the immigration from southern Europe increased from 13 per cent to 80 per cent of the whole. So, that at the present time substantially 80 per cent of our immigration

is from southern and eastern Europe rather than from northwestern Europe.

In this connection it should be understood to what sections of our country these immigrants have gone, what they have engaged in, and how far they have been assimilated. I find that prior to 1880, that being the census year, almost 56 per cent of the old class settled in the Central and North Central States, where the homestead act was under operation and where now in many of the States they and their descendants, as has been well stated here to-day, constitute a majority, perhaps, of the agricultural classes. During those years only 31 per cent, substantially one-third of it, came into the Atlantic division of States, showing that a large majority of the immigration entered into the development of the great West—the construction of railroads, the opening up of farms, and the establishment of the mining and smelting industries. But between 1880 and 1900, instead of 56 per cent going into the Central States, only 29.3 per cent went there, and 61.9 came into the Atlantic division of States, where the manufacturing interests were more largely developed.

Mr. THOMAS. I would like to inquire of the Senator from Vermont what proportion of that 29.3 engaged in the farming business—going into the States the Senator mentioned—really devoted themselves to the development of agriculture.

Mr. DILLINGHAM. Mr. President, it is impossible to state that accurately, for this reason: One of the statisticians of our Government has said that there was never a week day for a period of 20 years after the close of the Civil War that did not record the investment of a million dollars in railroad building and construction. I only quote him to show the intense activity there was in railroad construction following the adoption of the homestead law and the opening of the Pacific railroads.

Mr. THOMAS. My question had reference to the distribution of immigration during the last 20 years.

Mr. DILLINGHAM. Oh! I thought the Senator was referring to the old immigration.

Mr. THOMAS. No; the immigration of the last 20 years.

Mr. DILLINGHAM. I am coming to that. I will answer the Senator's question as I proceed. I had intended to discuss that question.

We must remember that from 1900 to 1911, a period of about 12 years, 72 per cent of this new immigration came from southern and western Europe. Of that 72 per cent of the entire immigration, 82 per cent went into the Atlantic division of States, where the manufacturing industries are so fully developed, and of this number substantially 60 per cent were farm laborers in the countries from which they came. And yet this 82 per cent have avoided our farms and have gone to these great manufacturing centers and have taken possession of the unskilled branches of labor and receive the lowest wages of any of those who are engaged in the manufactures. About one-third of our present immigration is of the old type; and they are almost wholly skilled laborers, and take the higher and better-paid branches of labor in the industries of the country.

The change that has come about since 1882 is shown in the last census, which speaks of the old element of immigration and the new element—that is, the foreign born still living in this country—in this way:

According to the last census it appears that in the 10 years preceding 1910 there has been a decrease to the extent of 300,000 in foreign-born residents coming from Great Britain, Ireland, Scotland, Germany, and the Scandinavian States, while the increase of those coming from southern and western Europe has gone from 1,800,000 to 5,000,000, or an increase of 3,200,000 in the 10 years.

I stated, in an interruption that I made while the Senator from Missouri [Mr. STONE] was speaking, that the Immigration Commission made an investigation of 37 of the principal industries of the United States east of the Rocky Mountains. They came in contact with 620,000 individual operatives in these industries. They found that taking them all together 59.9 per cent, almost 60 per cent, were foreign born; but they also found that the immigrants of the old immigration were occupying the good positions, those requiring skilled labor, while those of the new immigration, those who have been coming in such numbers during the last 10 years, were performing the lower grades of work, and were receiving correspondingly low prices for their labor. In the iron and steel industries, slaughtering, meat-packing, wool and the manufacturing of wool and worsted, coal, copper, leather, cotton goods, clothing, and silk goods, the average number of foreign born found in those industries amounted to 65.6 per cent of the whole.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from North Dakota?

Mr. DILLINGHAM. Gladly.

Mr. GRONNA. No one, I think, disputes the fact that the immigration from northwestern Europe has decreased, and that the immigration from southern Europe has increased. But that does not prove anything unless it can be shown that the people who come from that particular section of Europe are really undesirable.

Mr. DILLINGHAM. I shall deal with that question before I conclude my remarks.

Mr. GRONNA. That is why I wanted to make this observation at this time.

Mr. DILLINGHAM. I find that in the case of those who have come since 1899, of the Roumanians 93½ per cent were reported as being common or farm laborers; of the Bulgarians and the Servians, 92 per cent; of the Slovaks, 80 per cent; of the south Italians, 77 per cent; of the Russians, 82½ per cent. But there is nothing in the record to show that they have gone to the farms. As I stated a little while ago, the records at Ellis Island show that probably 90 per cent of them have gone to join friends or relatives, and most of them had railroad tickets from New York to the place of their destination. They knew in advance just where they were going. They went to the Atlantic division of States, to the seats of the great industries, where they found brothers, cousins, and friends—men who speak their own language and live under the conditions to which they have been accustomed.

That the labor market in all these places has become overcrowded can not be doubted by anyone who will take the reports of the Immigration Commission and patiently examine the facts there set forth. A comparison of the yearly and the weekly wages shows that fact very clearly. I have in my hand a statement showing that in the iron and steel industry—these are statistics gathered by the Immigration Commission—the weekly wage was $14.35; but, on an average, the men received for a year's service only $346, showing that they were employed less than one-half of the time; and, of course, there was an overcrowding of that class of labor if that was the fact. In the bituminous coal industry, while they were receiving $2.19 daily, we found that upon an average they were receiving only $443 annually, which indicated that they worked less than two-thirds of the time. The same was true of those engaged in silk manufacturing, and in woolen and worsted, and in leather, while those engaged in the manufacture of clothing probably worked substantially three-fourths of the time.

So I might go on down through the different industries; but all the testimony was of the character of that which I have just cited, in that a comparison of the yearly wages with the weekly wage showed that the men were largely out of employment.

I want to remark just here that the commission investigated 200 different communities where they found this overcrowded condition of common, unskilled labor, the result of the great increase in immigration during the last 10 years. When we had examined those 200 different localities where the foreign element predominated and conditions were so unwholesome, we sought to find a typical American manufacturing community, that we might compare the conditions existing in each. We searched the country over, but we failed to find such an American community in the manufacturing sections. It does not exist. Everywhere, in every place where these different industries have been planted and are flourishing, this cheap labor from southern Europe has, in the last 10 years, been coming in and crowding out the labor that was formerly employed. It has come in such numbers that the common labor market is actually overcrowded.

I have in my hand a statement I have made from the commissioner's report, showing the annual earnings of the Lithuanians, the Magyars, the Mexicans, the Polish, the Portuguese, the Roumanians, the Russians, the Ruthenians, the Servians, the Slovaks, the Slovenians, the Syrians, the Turkish, and the south Italians, employed in the manufacturing industries of the United States, investigated by the commission, doing the common labor of which I have spoken.

From this it appears that the annual average earnings of the men of these nationalities so employed was $396. Yet those men have lived under such conditions that they have saved from even those small earnings. In the year 1907 there was remitted to Europe through the immigrant banks alone $141,000,000. By "immigrant banks" I do not mean our national banks, nor savings banks, nor the express companies, nor money orders. I mean what they call the immigrant banks, oftentimes agents of steamship companies, whom they trust, being of their own nationality. In the year 1907, as I stated, there was remitted through those immigrant banks $141,000,000. That vast sum had been saved in spite of the small wages they had been paid, because they have lived in this country the life that they

lived in the old country. They have lived in communities, 20 in a family, with a boarding boss; they have cut their expenses to the very lowest point; their mode of life has been far below the American standard—far below any desirable standard. Fifty-five million dollars of that vast sum went to Austria-Hungary, $52,000,000 of it went to Italy, and $15,000,000 of it went to Russia.

It is necessary, in order that we may understand these conditions, to know something of the financial characteristics of this class of immigrants. They are unlike the old immigration, which came in family groups, looking for a home, for the education of their children, for the general growth and development and advancement of their higher interests. Of the 955,000 alien immigrants admitted between 1899 and 1910, 69.5 per cent, almost 70 per cent of the whole, were males. Of those coming from south Italy, Russia, Bulgaria, and Servia, 85¼ per cent were males; and it is probably true of the Greeks that there are a thousand men to one woman in this country.

What does this mean? It means that this late immigration is not of the type that built up American States, American industries, American institutions, and American citizenship. It is a new type, temporary in its character, that lives under conditions which the old class would not tolerate or submit to.

What about the wage earners with whom we came in contact? I have stated what a large proportion of the immigration is male, but we also found that, despite the fact that 55 per cent of all those examined were married, three-fourths of them had left their wives in Europe. A careful computation discloses the fact that substantially 86 per cent of the men that have gone into these communities in the last 10 years, and are living as I have already described, are either single men or are living single lives.

It is for the Congress of the United States to say whether that is a desirable immigration, particularly when it overcrowds the industries and reduces wages below a point consistent with good citizenship. We want every man engaged in American industries to have a wage that will help him to become an American citizen, that will enable him to live upon an American scale. I repeat, 86 per cent of these immigrants are either single or living a single life.

Comparing them with the old immigration, we find also that only 36 per cent of the new immigration seeks naturalization, while 85 per cent, almost 86 per cent, of the men of the old immigration have sought this privilege.

Having found, as the commission did, that in all of these great centers there was an overproduction of common labor, an amount of common labor that did not minister to the good of the community, the commission looked about to see how best they might limit the number of that class of immigrants coming into the United States. They considered an increase in the head tax, but such an increase would accomplish just that which we wish to avoid. Should we increase the head tax and make it $20, for instance, that would debar the man who wants to bring his wife and children—the man we most want, the man who intends to make a home and become one of us. If he has a wife and five children the head tax would amount to $140, which might prove prohibitive. So we could not accomplish the desired result in that way. We considered the various other measures that might be adopted to limit the number of immigrants of the more undesirable classes, and, as a result, all but one of the members of the commission—Mr. Bennet dissenting—said that, in their judgment, the most feasible single method was the literacy test, not as it would affect the individual, making him a better or a worse citizen by reason of his being able to read or write, but that the literacy test would reach those classes that constitute this great influx which has overcrowded the seats of industry.

How will it work? This bill does not affect the citizens of Great Britain or of Ireland or of Scotland or of Scandinavia or of Germany. Only 2.6 per cent of all that have come from those countries in the recent years are illiterates. Of this new immigration that has been coming in, including north Italians, where the degree of illiteracy is only between 2 and 3 per cent, to make a perfectly fair statement, 35.6 per cent are unable to read or write.

So it appears this provision simply reaches this latest type of immigration and will probably reduce its numbers to the extent of one-third of those who are now coming.

I might take time to say how this will apply to the different nationalities, but it is necessary to do so in detail; it would apply in varying degrees from 20 per cent in the case of some of the nations of southern and eastern Europe up to 68 per cent of certain others. Of those coming in in the last 10 years probably 68 per cent of the Portuguese were illiterate, and nearly 59 per cent of the Turkish. About 54 per cent of the south Italians and 48 per cent of the Roumanians were also illiterate. I will not weary the Senate by naming the different races, but will content myself with the statement that the average illiteracy of the races that come in largest numbers would be in the neighborhood of 41 per cent.

When I say that the old immigration is entirely different and that only a fraction over 2 per cent would be rejected, it will be seen that the purpose of this bill is simply to relieve the congestion in the congested districts of the United States where this recent immigration is mostly found, and to relieve us of that type of immigration that is transient in its character and which is not at all adapted to aid in building up and maintaining American institutions.

If we apply this test to the following nations, we get this result: Including south Italians, Poles, Slavs, Slovaks, north Italians, and the Croatians the average number debarred would be about 33 per cent, basing this estimate upon the illiteracy of those who have been coming during the last 10 years; but it is worthy of notice that this percentage is considerably lowered by including the north Italians, among whom the degree of illiteracy is only 2.6 per cent.

That reminds me of a significant fact which should not pass unnoticed, viz., that in Italy, north and south Italy, the same laws exist relating to education, but the north Italian is educated, while the south Italian is not educated. This result comes from a difference in the two races and in the environments surrounding them.

Mr. President, I have thus briefly and directly tried to bring to the attention of the Senate the conditions found to exist by the immigration commission, and upon which conditions the recommendation was based that this test be adopted. It remains only to examine two or three things that were said by the Secretary of Commerce and Labor in his most remarkable letter to the President of the United States.

It is a matter of common knowledge that the Secretary of Commerce and Labor has been opposed to the educational test from the beginning. I find upon consulting the newspapers that as early as January 18, 1911, in a speech made by him to the Union of the American Hebrew Congregations in New York, he used this expression:

> I wish to put myself on record as unqualifiedly opposed to a literacy test.

That was before the question was debated in Congress; before this bill was introduced; and some of the newspapers of the following day commented upon the great applause that greeted the Secretary's effort. His letter shows that he entertains the old-time feeling, an old-time prejudice, if I may use that expression, against the writing test.

My friend from Missouri [Mr. STONE] has quoted from that portion of his letter in which the Secretary criticizes the provisions of the bill, and in which he says that if the head of a family is admitted it may also admit the children who may be illiterate. If that is deemed to be an objection to the bill, I beg to call attention to the statistics I have already cited, showing the character of our immigration. We admitted 9,955,000 aliens in the last 10 years; of these almost 70 per cent were males. Three-fourths of those coming from southern Europe left their wives at home; 86 per cent of those examined were single or lived a single life. Where is the danger from illiterate children that would come with that class of immigration?

Even if children were to come uneducated we could take care of them. We have compulsory education established as a system in every State in the Union. Yet a great cry comes up here in the American Congress, that while we are adopting every means imaginable to build up our citizenship by promoting education, thus making our people intelligent, we should not close our doors to the class that do more to lower American standards than any other influence that can come.

The whole tenor of Secretary Nagel's letter to the President is one of pity for the immigrant. It is an argument for the foreigner, without a single word concerning the standards which we have established in the United States, of which we are proud and which ought to be maintained. It does not contain a word of sympathy for the American workingman, nor give evidence of any fear regarding our institutions. He suggests to the President that the enforcement of this law may cost us a million dollars annually. I say, in reply to that, if in the judgment of the American Congress the law is required, it is not for any officer of the executive branch of the Government to offer that criticism. But suppose, for the sake of argument, that the Secretary is correct in his estimate. We are turning a million dollars back into the Treasury every year that is derived from the head tax, and which is not required in the administration of the present law. Moreover, under the provisions of this bill, we have raised the head tax from $4 to $5,

which will give us an addition of $1,000,000 a year for this purpose.

But that is not the worst side of the Secretary's proposition. I do not know whether he knew the fact; if he did, he concealed it from the President. But in section 7 of the bill is a provision that every steamship company bringing to the United States a person who is unable to read in some language or dialect shall be fined $100 for so doing, and shall be compelled to take that person back to Europe free of charge. In view of that provision in the law, what additional work is to be laid upon his officials at the ports of entry of the United States? Years ago we applied that principle to steamship companies to prevent them from bringing those who suffered from contagious diseases; we have since extended the list until it covers almost every disease that can be discovered by a competent medical examination. What is the result?

In a single year the medical examinations given by steamship companies at the ports of embarkation prevented the embarkation of 40,000 intended immigrants. How was it done? The steamship companies employed at their own expense surgeons, who gave all intended immigrants the most thorough medical examination, knowing that if they permitted any immigrant to come who could not successfully meet the requirements of our law the company must take that person back to Europe and in addition pay the United States a fine of $100 for having brought such diseased person.

That medical examination abroad is an instrument for good to us that can not be measured. Under it the rejections at the German ports were so great as to alarm that Government. Intended immigrants from Russia, Austria, and Italy who came to take the German lines, who were rejected by the steamship surgeons, were so great in number that Germany became alarmed. To meet this danger Germany compelled the steamship companies to establish control stations all along the German frontier, and they compelled the examination to be had there, so that if the intended immigrant is rejected he will go back to his own country and not be left a public charge in Germany.

The result of our law has been such that in a period of 13 months preceding December 31, 1907, there were rejected at the ports of embarkation in Europe 27,799 intended immigrants and at the stations I have spoken of 11,882, making a total of 39,681, while we were rejecting at our ports only 13,000.

We have applied that same principle and the same obligation to the steamship companies in the case of immigrants who can not read, and it is in mercy to the immigrant as well as in justice to ourselves that we have done so. He needs no sympathy. He knows whether he can read before he starts. He may not know whether he is physically sound, but he does know whether he can read, and if he attempts to deceive it is the easiest thing in the world for those steamship companies to ascertain the fact whether he can read or not. If he can not read, the test is certain, and he will not present himself at our doors, and we do not need additional inspectors to enforce the provisions of this law.

Secretary Nagel advances another argument against the bill. He does not think that the reading test should be adopted until we have exhausted the possibilities of a rational distribution of this new immigration.

The Senator from Massachusetts [Mr. LODGE] and myself spent a great deal of time before the law of 1907 was adopted to frame and make just as strong as we could the provisions establishing a division of information, whose duty it is to promote a beneficial distribution of aliens admitted into the United States among the several States desiring immigration. If five years' trial has failed to induce our latest type of immigrants to seek the farms, what hope have we for the future?

The aliens will not go on farms. They do not come here for that purpose. You can not get them to leave those of their own nationality to lead a lonely life on a farm in an American family. They want to be with their own.

I have already called attention to the fact that before 1880 55⅞ per cent of the old immigration went to the North Central States and only 31⅛ per cent to the manufacturing States, and that in 1900, while only 29 per cent were going to the agricultural sections, 62 per cent, substantially, were coming to the manufacturing sections.

It appears also that between 1900 and 1910 there has been an actual decrease of 300,000 in the foreign-born races of the old classes resident in the United States, while there has been a net increase of the newer classes to the number of 3,200,000.

The census discloses another fact bearing upon this question. Down to 1890 the foreign born in the North Central States exceeded the foreign born in the Atlantic States, but in 1910 there were 2,000,000 more foreign born in the Atlantic division of States than there were in the Central and North Central States.

I do not think that I need to refer to the remarkable statement made by the Secretary as to the large number of agricultural laborers who came into this country last year. In my interruption of the Senator from Missouri [Mr. STONE] I called attention to the fact which I have already demonstrated, that the great body of them came to the Atlantic States and went to the seats of our great industries, and that it can not be demonstrated that any considerable number of them went to our farms.

Mr. President, it is not my disposition to criticize anybody unjustly, but it seems to me a strange thing that, when both branches of the Congress of the United States have passed this bill by a large majority, and when the RECORD shows that the literacy test was adopted in the Senate of the United States with only nine votes against it, the President of the United States should have interposed a veto based upon a letter from the head of one of his departments.

If Congress is to accept this veto as a finality, it is to say that the head of any one of the executive departments of the Government may determine what the laws of the United States shall provide, regardless of the opinion of the Congress of the United States upon the subject.

Mr. President, I have said all I care to on this subject. I hope I have made clear the grounds upon which the commission recommended this particular provision as a remedy for the evils which they have discovered.

Mr. LODGE obtained the floor.

Mr. THOMAS. I should like to make an inquiry of the Senator from Vermont.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. Certainly.

Mr. THOMAS. I have been greatly interested in this discussion and very much edified by it; but I should like to ask to what extent the commission ascertained that emigration from the southern and southwestern portion of Europe had been stimulated either by manufacturers or steamship companies, or by both.

Mr. LODGE. The southeastern portion?

Mr. THOMAS. And the southwestern, including Portugal.

Mr. LODGE. Oh, yes; Portugal.

Mr. DILLINGHAM. There was a large amount of evidence discovered in Europe when the commission was there, indicating that the agents of steamship companies in Europe were stationed in almost every country; that they were active and aggressive; that they held out inducements to men to emigrate; aided them all they could; advised them how to disregard the law successfully; and generally stimulated emigration from those countries to this. Then it is undoubtedly true that a great deal of the immigration to this country is stimulated by correspondence between friends and relatives. The conditions here are so much better than they are abroad that they are advised to come.

Mr. LODGE. Mr. President, the President in his message rests his objection to this bill upon the illiteracy test. He speaks of the rest of the bill and of the administrative features in high terms of praise, and expresses his reluctance to veto it on account of these other provisions.

Mr. President, attention has been so concentrated upon the illiteracy test that it is very easy to overlook the great importance of the rest of the bill, which would all be lost if the veto should be sustained. The administrative provisions represent the work of years; they embody the best conclusions of what the President calls a very "able commission," which devoted three years of hard work and careful investigation to this subject.

At the time of the last immigration act, in 1907, this same matter of an illiteracy test for admission was presented to Congress. It was then determined by the committees and by Congress that it was not wise to introduce the test into legislation without a special and further examination of conditions. A commission of nine members was appointed, three from the Senate, three from the House, and the Commissioner of Labor, Dr. Jenks, professor at Cornell, a very distinguished publicist and statistician, and Mr. Wheeler, afterwards Assistant Secretary of Commerce and Labor. That commission worked for three years; it employed experts through all parts of the country to examine every phase of immigration and the condition of the immigrant population; it sent a subcommittee abroad to investigate conditions at all the sources of immigration. The commission made a report of great value which fills 40 volumes, giving all the statistics and all the facts.

I mention this, Mr. President, because I wish to bring home to the Senate the fact that this bill represents the work of a

commission created by Congress and the President for the sole purpose of considering the advisability of imposing the illiteracy test or some other form of restriction. After the investigation was concluded the commission was unanimous that the condition of labor in our basic industries demanded restriction, and eight members of the nine agreed that the best form of restriction was the illiteracy test.

These administrative provisions represent also, Mr. President, the best opinion of the commissioners of immigration at our various ports, of the Commissioner General, and of the department. The administrative provisions, indeed, were very largely prepared in the department. All methods of administration are improved by this bill, but it contains additions and amendments to the existing law in certain respects which are of vital importance and to which very briefly I would fain call the attention of the Senate.

One of the great abuses of the immigration laws has been that there were no provisions in regard to seamen and stowaways. Immigrants excluded for physical defects or for disease were in the habit of getting employment on some steamship for a single voyage. Then, when they reached New York or some other port, they left the ship, and came in over the wharf without any examination whatever. The number of immigrants who have come in in that way in disregard of the laws of the United States has reached, it is estimated, 15,000.

Mr. President, this bill makes suitable provision for the case of seamen and stowaways. The laws excluding criminals have also been strengthened. There has, of course, long been on our statute books a provision for the exclusion of the insane, but it has been found very inadequate, and it has long been apparent that the examination of such cases made by the Government was insufficient.

That the Senate may realize how serious this matter is, they should understand that in the State of New York alone 47 per cent of the patients in the insane asylums in that State are of foreign birth, not of foreign parentage, but of foreign birth. They have come in as immigrant aliens. I think I am not wrong in saying that there are some 30,000——

Mr. ROOT. Thirty-five thousand.

Mr. LODGE. Thirty-five thousand persons in the insane asylums of the State of New York, and 47 per cent are immigrant aliens. By this bill the law in regard to insanity has been greatly improved. Provision has been made for a better and more thorough examination. All the health officers, all the experts in the different States charged with the care of the insane have advocated the passage of this bill and urged its signature upon the President.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. I do.

Mr. STONE. I should like to inquire how, in the opinion of the Senator from Massachusetts, did it ever happen that 47 per cent of the insane in the asylums in New York were immigrants? How did they get in?

Mr. LODGE. They got in because they were people who passed the examination in that respect; it was not discovered that they were insane. For that reason the provisions for examination have been improved. Now, Mr. President, here is another thing.

Mr. TOWNSEND. Before the Senator leaves that point, can he inform the Senate as to what proportion of that 47 per cent can read or write?

Mr. LODGE. Mr. President, I am not now discussing the illiteracy test; I am pointing out the other valuable features of the bill. I am coming to the illiteracy test immediately. Of course, insanity has nothing to do with the illiteracy test.

Tuberculosis is excluded under existing law. It was found, however, that many cases of tuberculosis have come in because the examination has been confined to that which appears in the lungs. We have added the words "in any form." Thousands of dollars are being spent by private subscription, by private munificence, and by the States to crush out so far as possible the ravages of that dread disease. And yet that simple change has been opposed by many of the very men who are disturbed about the illiteracy test. Much of the opposition to this bill has been to even such a salutary proposition as to add the words "in any form" after "tuberculosis."

We have also put into the bill a provision excluding all persons who can not become eligible for naturalization unless it is otherwise provided by treaties, conventions, or passport arrangements. Mr. President, the meaning of that is very plain. If for any reason treaties, conventions, and passport arrangements should not protect us in that regard, if for any reason they should fail, then this law would come into operation and Asiatic immigration would be excluded from this country. That is one of the most important and far-reaching provisions in the bill. It will be lost if the bill is lost.

We have also provided for the better care of immigrants on ships, so that they may come here under the best conditions and arrive in as good health as it is possible to secure. All these great improvements, agreed on substantially by all who have given attention to the subject, will be lost if the bill fails to become a law, and months, perhaps years, will elapse before we can get these provisions, framed with care and patience, after years of investigation, upon the statute books.

Mr. President, the sole objection of the President, as I have already said, is to the illiteracy test, and for his reasons he refers us to the letter of the Secretary of Commerce and Labor addressed to him. With all respect, I must say that no argument advanced on that point by the Secretary of Commerce and Labor is new. He speaks of this test in the close of his letter as new. It is not new, and the objections which he brings forward are in fact very old. They have been made; they have been discussed; they have been debated for years; they have been passed upon by Congress; they have been weighed and carefully considered.

Why, Mr. President, a bill containing the illiteracy test has passed the Senate in past years three times. I merely call attention to that fact to show that it is not new. Some of us have given attention to the study of this question for a much longer period than four years. Not only long before the present Secretary became the head of the Department of Commerce and Labor, but before that department was established, before it was even thought of, some of us had considered very carefully the illiteracy test as a method of intelligent restriction. If it could be said that this was a case of the wisdom of youth as opposed to the prejudices of age and experience, of course to that argument I could make no reply; but as the Secretary of Commerce and Labor has the misfortune to be nearly a year older than I am, that fatal argument can not be made of the superior knowledge of the young.

I repeat, sir, this is no new question to many of us. I began my work upon it when we had only just got beyond the point of making some little restriction against the diseased and the criminal, and had levied a small head tax for the maintenance of the service. Even those provisions were objected to at the start. It was argued that it was an outrage to levy a tax for the maintenance of the service and that no diseased person ought to be kept out of the country unless he actually had the cholera or the smallpox, which would send him to quarantine. The same arguments were made in those days against these provisions, the wisdom of which everyone to-day acknowledges, which are now made against the illiteracy test.

To illustrate the fact that this is no new question, I hold in my hand, Mr. President, a speech that I made on February 19, 1891, in the House of Representatives, in which I discussed the change in the character of our immigration which has just been set forth by the Senator from Vermont [Mr. DILLINGHAM]. I then called attention to the fact, which all men know, that this country was settled and built up by the people from Great Britain and Ireland, from Scandinavia, from Holland, from Germany, and from France. They were the people who made the American colonies; they created the country which has opened its gates so freely to the poor and oppressed of all nations. I pointed out that immigration was then, as it is now, coming into this country from eastern and southeastern Europe which had never been assimilated or brought seriously into contact with the people who had made the United States; that these new immigrants were the offspring of a different civilization, the civilization of Greece and Asia, as against the civilization of Rome, to which western Europe was the heir. I then said that the admission of these new elements demanded thought and care; that we ought not to run the risk of taking in these new elements faster than they could be properly assimilated with the body politic.

Again, in 1896 in the Senate, nearly 20 years ago, Mr. President, I discussed with great fullness this question of the illiteracy test. I think I then considered all the objections now brought against it. Whether I met them successfully or not, I certainly knew of them and considered them. I am not going to rehearse an old and forgotten speech to the Senate, but I will repeat a few lines of verse which I then quoted and which were printed on the outside of the pamphlet copy. The imagination of the poet, Mr. President, sometimes penetrates farther into the future and sees the central fact in a great question more clearly than the minds of even the ablest men of affairs. These lines were written by one of the men who has been an honor to American letters, by a poet much beloved

of all his fellow citizens—Thomas Bailey Aldrich. This is what I placed on the outside of the speech I made at that time:

O Liberty, white Goddess, is it well
To leave the gates unguarded? On thy breast
Fold Sorrow's children, soothe the hurts of fate,
Lift the down-trodden, but with hand of steel
Stay those who to thy sacred portals come
To waste the gifts of freedom. Have a care
Lest from thy brow the clustered stars be torn
And trampled in the dust. For so of old
The thronging Goth and Vandal trampled Rome,
And where the temples of the Cæsars stood
The lean wolf unmolested made her lair.

I mention this, Mr. President, merely to prove that some of us have given long and patient thought to this question, with no desire to discriminate against any race or any nation, but with an earnest wish to render the immigration to this country as valuable as possible, and at the same time as little harmful as possible.

Objections can be made to this legislation as they can be made to any other form of restriction or selection. All other forms have been carefully examined, but this is the best practicable form of selection and restriction which it has been possible to devise after 20 years of careful consideration. It has been proved over and over again, and beyond question by successive investigations, that the illiteracy test would exclude more who are undesirable and fewer who are desirable immigrants than any other. It has been shown over and over again that the illiterates form a very large proportion of those immigrants who are congested in the worst parts of our great Eastern cities.

The objection is constantly made that the illiteracy test would not exclude criminals or anarchists, because criminals and anarchists usually read and write. It seems to me that no objection more inept than this can be made. The purpose of the illiteracy test is not to exclude criminals; the exclusion of the criminal is provided for by other sections of the existing law, which have been improved and amended in this bill. Nevertheless, Mr. President, although it is not the purpose of the illiteracy test to exclude criminals, although it is not framed with that object in view, we have statistics to show that a very large proportion of those aliens who find themselves in the criminal courts are illiterate. The census of 1890 and the census of 1900 show that 21 per cent of the alien criminals are illiterates. I have here, however, something much more recent—a letter from the prosecuting officer of Somerset County, N. J., Frederick A. Pope, prosecutor of pleas, Somerset County, N. J., in which he says:

My duties as prosecuting attorney of Somerset County, N. J., have given me an excellent opportunity to check up in one important particular the investigations and conclusions of the Immigration Commission with reference to the illiteracy test. During the last two years I have kept a careful record of the last 114 criminal cases that I have prosecuted against aliens—

Of course, those are statistics relating only to alien criminals; they do not deal with the native born—

with the following interesting results:

	Illiterate.	Literate.
Homicide	3	
Atrocious assault and battery	34	6
Simple assault and battery	9	2
Larceny	14	2
Sexual crime	7	1
Perjury	2	1
Excise	11	5
Marriage	3	1
Frauds	2	4
Miscellaneous	6	1
Total	91	23

The following conclusions are deducible from the above:

(1) Of the 114 crimes committed by aliens 54 were acts of personal violence; and of these 54, 46 were committed by illiterates, while only 8 were chargeable to those able to read and write.

(2) Of the 46 committed by illiterates, 3 were homicides, 34 were atrocious assaults (by maiming and wounding with a deadly weapon), and only 9 were simple assaults, showing conclusively that the illiterate alien 37 times out of 46 makes use of a deadly weapon in order to avenge his wrongs, fancied or real.

(3) Out of 16 cases of larceny (stealing of all kinds), 14 defendants were illiterate.

(4) Out of 8 sexual crimes, 7 were committed by illiterates, 3 of these being carnal abuse of infants under 10 years of age.

(5) Out of 3 perjury cases, 2 were against illiterates; that is, of those brought to justice.

(6) Out of 16 cases for violation of excise laws, 11 were illiterates, showing an utter disregard for laws.

(7) Of the 4 crimes against the institution of marriage, 3 were illiterates.

(8) Only in cases of fraud did the literate exceed the illiterate.

I am, Mr. President, sincerely yours,

FREDERICK A. POPE,
Prosecutor of Pleas, Somerset County, N. J.

Now, last and most important of all, is the fact which was proven by the investigations of the commission, and which the Senator from Vermont has set before the Senate with such force and clearness, that the presence of illiterates in the basic industries is lowering the standard of living for American labor. I have here a copy of the letter addressed to the President by Dr. Jenks, of the Immigration Commission, who had charge of many of these investigations, which I shall read. He says:

FEBRUARY 8, 1913.

MY DEAR MR. PRESIDENT: I have noted in the papers that you have before you for consideration the new immigration bill, and that February 6 you gave a hearing on the bill. As a former member of the Immigration Commission, who gave a great deal of time to the consideration of the subject, I trust that I may express an opinion regarding the bill. The fundamental reason why there should be at the present time a rather widely extended restriction of immigration is the fact that *the number of unskilled workers coming in at the present time is sufficient to check decidedly the normal tendency toward an improved standard of living in many lines of industry.*

Of course I am well aware of the fact that Mr. Hourwich in his new book, as often before, and many others claim that the bringing in of these laborers simply fills the demand for unskilled workmen and that the American laborers and the earlier immigrants go to higher positions. That was doubtless true earlier; that is doubtless true in part now, but the figures collected by the Immigration Commission, on a sufficient number of industries in different sections of the country to give general conclusions, *prove beyond doubt that in a good many cases these incoming immigrants actually drive out into other localities and into other unskilled trades large numbers of American workingmen and workingmen of the earlier immigration who do not get better positions, but, rather, worse ones.* My own judgment and that of a number of our investigators when the work of the Immigration Commission began was substantially that upheld now by Mr. Hourwich and those who agree with him. But Prof. Lauck, our chief superintendent of investigators in the field, and, so far as I am aware, *every single investigator in the field, before the work ended reached the conclusion from personal observation that the tendency of the large percentage of immigration of unskilled workers is clearly to lower the standard of living in a number of industries, and the statistics of the commission support this impression.* I therefore changed my earlier views.

I think the illiteracy test is theoretically sound. It is, of course, true that it does not reach the criminal. It is not intended for that purpose. It is also true that at times it excludes the good laborers. The fundamental fact, however, is this—that on the whole it excluded the laborers from southern Italy and Austria-Hungary of the type *that the commission unanimously thought ought to be excluded at the present time*, especially the single man who comes here to stay only temporarily and who, in consequence, having no permanent interest in the country, eagerly accepts living conditions lower than those which would be accepted by Americans or the earlier immigrants. It should be kept in mind that the *Immigration Commission was absolutely unanimous in the opinion that there should be restriction;* also unanimous in the further opinion that this class of immigrants whom I have mentioned were the ones who should be excluded, *and the illiteracy test would exclude just this class.*

Mr. Bennet objected to the illiteracy test and wished to reach the same result by other means, and I should have agreed with him, as I think would Dr. Neill and perhaps other members of the commission, had we believed that it was practicable to reach that result in any other way. Considering the temper of Congress and the other measures proposed, *the illiteracy test seemed the only practical way.* The present action of Congress seems to confirm that view.

I notice in yesterday's morning paper that Mr. Bennet suggested that, inasmuch as this bill is faulty in certain minor particulars, it would be wise for you to veto it and let the incoming Congress pass another bill to the same effect if it wishes to do so. It strikes me that the argument should rather be that if this bill is in its main principle of exclusion sound, and on that point Mr. Bennet agreed with all the other members of the commission, Republicans and Democrats, it would be wise for you to sign the bill and let the incoming Congress make such minor changes in the laws as it might see fit to make.

I trust that *since this bill is in the main in accord* with the unanimous opinion of the Immigration Commission, *the one body of men that has really made a thoroughly sound, scientific study of the question,* you will see your way clear to giving it your approval, even though it may have minor defects.

Very respectfully and sincerely, yours,

JEREMIAH W. JENKS.

The PRESIDENT,
Executive Mansion, Washington, D. C.

In that conclusion, as Dr. Jenks says, the entire commission agreed; in fact, there was no escape from it. It is not a question of what wages they earn, although in many cases they accept very low wages, but whether their wages are good or bad they voluntarily live in a manner which lowers the standard of living of the American wage earner. Wherever the investigation was pursued, whether in Lawrence, Mass., or in the mines of Pennsylvania or elsewhere, the same facts come to the surface. That is the reason, Mr. President, that the American Federation of Labor, with its more than 2,000,000 members, has, through its national officers, given its cordial support to this bill. No better arguments than theirs were made before the commission. The best argument made at the general meeting at the White House was that of the secretary of the Federation, and the president of the Federation presented the case at great length to the President in more than one interview.

The outside opposition in the couniry to this test, now active in the dispatch of telegrams, is, at bottom, the same opposition that is made to every effort to improve our immigration laws or to restrict in any degree the number of immigrants. It comes from the steamship companies. For 25 years we have met that opposition at every turn. It is here to-day. The representatives of the companies are here in Washing-

ton. The counsel of one company has been with both committees, has pervaded the Capitol, has been present at the hearings which the President gave the conferees and also to the commissioner of immigration from New York. It is they who furnish the funds for the agitation, who fill the newspapers with advertisements, especially the newspapers published in foreign languages. I do not know why it is, but while great resentment is felt toward any representatives of American railroads or American manufacturers who come here in behalf of their interests, none is apparently ever felt toward those who come in behalf of foreign steamships. These companies are particularly interested in this matter, because the illiteracy test would bear more hardly on the birds of passage, as they are called, than on any others. One source of opposition to this bill has been from the railroads of the Southwest, who want to bring in citizens of that nation which is just now exhibiting such marked capacity for self-government to work on their roads. Even under existing law there has been great indignation at what has been done in that direction as violating our contract-labor laws. They tell us in excuse that these men are only seasonal laborers. Mr. President, the seasonal laborers are the worst element that are allowed to come in. In many branches of immigration 30 per cent go back, thus making a double profit to the steamship companies.

I put it at 30 per cent, but the Secretary of Commerce and Labor puts it higher. He says:

> During the last fiscal year 838,172 aliens came to our shores—

The figures, as I get them from the official reports, are that 1,017,155 came. Nonimmigrants and immigrants, of course, are all included in the word "aliens." Then the Secretary says:

> Although the net immigration of the year was only a trifle above 400,000.

He makes the number who returned nearly 50 per cent. These birds of passage do not come here, as the men of '48 came in the great immigration of that period, to make their homes, build up the country, and become part of our citizenship. They come here simply to take money out of the country. They come for the summer; they go back in the autumn. They live in a way which no American workman could endure, and then in the autumn gather up the money they have made here and go away, taking it back to their own country. They are an injury to the country, not a help, and on that class the illiteracy test would be particularly effective.

In the short time permitted to me I can not argue this question as it deserves to be argued. It has been argued so much that it should need no more argument. But, Mr. President, I fail to understand, for my part, why it is that the United States alone among nations is not thought to have the right that all nations have to say who shall come within its borders. It is the only country in the world where it is argued that people born in other countries who have never seen the United States are entitled to certain rights therein. It is for the citizens of the United States to say who shall come into their country. That is a primary right of every sovereign nation. Still less do I understand this extreme opposition to requiring that a man shall be able to read before he enters the United States. We do not allow a man to become a part of our body politic unless he can read and write his name. In my State for 60 years—and in many, if not most, of the States of the Union to-day—there is an illiteracy test applied as a prerequisite for voting. We do not hesitate to apply it to our own people. We force them to learn to read, no matter what their age, before they can vote or be naturalized. Why is it that we should hesitate to apply the same test to a foreigner who is coming here to receive the great privilege of living and working in this country and perhaps of becoming a citizen?

Mr. President, the belief in education in this country is one of our great beliefs. Why should we, in the case of foreigners alone, set a premium on ignorance? The rates of wages, the standards of living for the American workman, are affected now by this cry for more and cheap labor. It is better to go a little more slowly in the development of this country, in piling up fortunes, and see to it that we assimilate our citizenship as we go along. The rates of wages are affected. That is why we have excluded the Chinese, and also because they lower the standard of living; but most of all, Mr. President, under present conditions is the quality of American citizenship at stake. Congress, by an overwhelming majority, has decided that this is a reasonable defense of the quality of American citizenship, and I for one, Mr. President, hope that this body and the other House will place this bill upon the statute books.

Mr. WILLIAMS. Mr. President, I want to add one word only to what has been said. This morning, in one of the arguments made by one of the Senators against the literacy test, he either charged or intimated that it was being advocated because of a "prejudice against foreigners." I want to say that, so far as I am concerned, that charge falls hurtless. I have no sort of prejudice against foreigners. I am, upon the contrary, of the absolute conviction that a German or a Frenchman is as good as I am, or as any other American is, in every respect. I believe that within certain broad race lines human nature is the same everywhere. The white man's human nature is the same on the Mississippi, on the Hudson, on the Seine, on the Tiber, and on the Thames. The Chinaman's human nature is the same in Hongkong, Nanking, San Francisco, and New York. Negro human nature is about the same in Mississippi, in Cape Colony, in Senegambia, and in New York. The prejudice that I have is not a prejudice against foreigners; it is a prejudice against ignorance, and I do not care whether the ignorance is foreign or native.

Mr. President, I am not peculiarly a coward; but there is one thing that I am afraid of—I am as much afraid of ignorance as a delicate woman is of a drunken man staggering upon a narrow sidewalk. She knows that he has no fixed design to hurt her, but he may stagger against her; moreover, he may ignorantly imagine that she has struck him and resent it in blows. I am afraid of the man, whether foreign or native, who gropes about blindly, striking blindly against the wrongs that exist in the world without any information to teach him how or whither to strike. We have got enough of that ignorant resentfulness at home; we do not want to import any more of it from abroad. My advocacy of the literacy test is not based upon animosity and antagonism or prejudice against foreigners or any class of foreigners, but is grounded upon an absolute distrust and fear of, as well as an absolute antagonism to, ignorance itself—blind, groping, brutally striking, crass ignorance—whether it is here or whether it is imported from abroad; and there is no reason why, as legislators of a free American country, we should submit further to its importation.

A very great man once said that no nation can ever hope to live free and ignorant at the same time. You can not only not hope to live free and ignorant at the same time, but you can not hope to live largely free and largely ignorant at the same time. Intelligence, somehow or other, will rule, and must rule; but it is better that it should rule by a majority vote of intelligence, thus maintaining the symmetry of democratic and republican institutions. If it can not rule in any lawful way, it will and must rule, anyhow, even though the majority be a majority of ignorance.

I see no reason why any man who loves American institutions should want anybody added to its citizenship or to its residency hoping for citizenship, who is unable to read the Constitution of the country to which he comes. Why, even men are dangerous whom a little learning makes dangerous things, and who have not drunk deep of the Pierian spring. Men who can read and write, but can not read the Constitution and understand the institutions of the country to which they come are dangerous. How much more dangerous must be the men who can not read anything? They come here having "clean minds," it is said; oh, yes; but they are too clean; they are as clean as a blackboard that has been newly rubbed off. It is tabula rasa, and any demagogue and any scoundrel can write anything on it that he is cunning enough to suggest and able enough to impress, and controls and expresses all that there is on it.

The PRESIDENT pro tempore. In accordance with the unanimous-consent agreement, the vote will now be taken. The question is——

Mr. O'GORMAN. Mr. President, before taking the vote I ask the Secretary to read the telegram which I send to the desk.

The PRESIDENT pro tempore. Without objection, the telegram will be read.

The Secretary read as follows:

NEW YORK, *February 18, 1913.*

Senator O'GORMAN,
Capitol, Washington, D. C.:

The Order of the Sons of Italy in America, in the name of its 30,000 members, protests against the passage of the Burnett bill as unnecessarily oppressive and against the interests of the Union. Please to communicate this protest to the Senate.

FRANCIS MEZZATESTA,
Supreme Venerable of the Order.

Mr. JOHNSTON of Alabama. I ask that the telegram which I send to the desk be read.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the reading of a telegram. Without objection, the Secretary will read.

The Secretary read as follows:

DECATUR, ALA., *February 18, 1913.*

Senator JOHNSTON,
Washington, D. C.:

The thousands of Junior Order United American Mechanics of Alabama urge on you to cast your vote against Taft's veto on immigration.

WALTER J. NESBIT,
Past National Representative.

Mr. FALL. I ask that the letter and telegram which I send to the desk be read.

The PRESIDENT pro tempore. Without objection, the letter and telegram submitted by the Senator from New Mexico will be read.

The Secretary read as follows:

ROGERS, ARK., *February 14, 1913.*

R. F. DUCKWORTH,
National Hotel, Washington, D. C.:

Call attention of Senators and Congressmen to farmers' desire to have immigration bill on statute books, even over President's veto.

A. C. DAVIS,
National Secretary Farmers' Educational and Cooperative Union of America.

FARMERS' EDUCATIONAL AND COOPERATIVE UNION OF AMERICA,
Washington, D. C., February 14, 1913.

MY DEAR SENATOR: I beg to call your attention to the inclosed copy of a telegram signed by the national secretary of the above organization with reference to S. 3175.

The extensive membership of the above organization, as well as that of the National Grange and Farmers' National Congress, have been petitioning for the very legislation contained in S. 3175, and their legislative committees have appeared before congressional committees arguing for it annually with increasing interest.

The President in his 12-line veto message states that it is "with great reluctance" that he withholds his signature, and his only difficulty is the reading test recommended by eight or nine distinguished members of the Immigration Commission, after its searching four years' investigation, "as the most feasible single method of restricting undesirable immigration."

The farmers of the country believe we have enough illiteracy without importing any to further increase taxation burdens, and are strongly of the opinion arrived at by the commission that something ought to be done to better regulate our present enormous immigration along the lines of S. 3175. The fact that there were only 11,649 "farmers" in last year's immigration of 1,017,155 (Annual Report, p. 73) and that we lost to Canada alone over 130,000 better farmers shows that something ought to be done to bring about a better balance in immigration.

Certainly a rudimentary education better fits for the struggle for existence and for participation in our public affairs. It must be true that 1,000,000 literates are more desirable on the average than 1,000,000 illiterates.

Trusting that you may be interested in our attitude, which is contained in Senate Document No. 251 of this Congress, as well as the House committee hearings, and that you may be disposed to see this bill that was passed so decisively by the Senate last April, after three months' consideration, become a law this session, I am, with the highest esteem,

Very truly, yours, R. F. DUCKWORTH,
Chairman National Legislative Committee.

Mr. WEBB. I send to the desk a telegram, which I ask to have read.

The Secretary read as follows:

NASHVILLE, TENN., *February 18, 1913.*

Senator WILLIAM R. WEBB,
Washington, D. C.:

Thousands of Tennessee's best citizens will gratefully remember it you pass the immigration bill over Taft's veto.

JOHN W. HANCOCK.

Mr. MARTINE of New Jersey. Mr. President——

SEVERAL SENATORS. Regular order!

The PRESIDENT pro tempore. The regular order having been demanded, the question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? As the Constitution requires that this vote shall be taken by yeas and nays, the roll will be called.

Mr. O'GORMAN. Mr. President, I ask unanimous consent to have read the telegrams tendered by the Senator from New Jersey.

Mr. OLIVER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The regular order having been demanded, it can not be entertained, and the roll will be called.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I am informed that he is for this bill, and desires that I shall vote, and I will do so. I vote "yea."

The roll call having been concluded, the result was announced—yeas 72, nays 18, as follows:

YEAS—72.

Ashurst	Cullom	La Follette	Richardson
Bacon	Cummins	Lea	Root
Bankhead	Dillingham	Lippitt	Sheppard
Borah	Dixon	Lodge	Simmons
Bourne	Fall	McLean	Smith, Ariz.
Bradley	Fletcher	Martin, Va.	Smith, Ga.
Brady	Foster	Myers	Smith, S. C.
Brandegee	Gallinger	Nelson	Smoot
Bristow	Gamble	Newlands	Sutherland
Brown	Gardner	Overman	Swanson
Bryan	Gore	Owen	Thomas
Burnham	Jackson	Page	Thornton
Burton	Johnson, Me.	Penrose	Tillman
Chamberlain	Johnston, Ala.	Percy	Townsend
Clark, Wyo.	Jones	Perkins	Webb
Crane	Kavanaugh	Pittman	Wetmore
Crawford	Kenyon	Poindexter	Williams
Culberson	Kern	Pomerene	Works

NAYS—18.

Catron	Gronna	Oliver	Stephenson
Clapp	Guggenheim	Paynter	Stone
Clarke, Ark.	McCumber	Shively	Warren
Curtis	Martine, N. J.	Smith, Md.	
du Pont	O'Gorman	Smith, Mich.	

NOT VOTING—5.

Briggs	Hitchcock	Reed	Watson
Chilton			

The PRESIDENT pro tempore. The bill is passed, more than two-thirds of the Senators present having voted in the affirmative. [Manifestations of applause in the galleries.] The Chair will admonish the occupants of the galleries that no demonstrations are allowed on their part.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition from sundry residents of Porto Rico and representatives of commercial and industrial enterprises located in the city of San Juan, P. R., praying for the enactment of legislation limiting the jurisdiction of the United States District Court for Porto Rico, and also providing for an increase in the salary of the judge thereof, which was referred to the Committee on the Judiciary.

Mr. PERKINS. I present resolutions adopted by the Legislature of the State of California, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

The following resolution was offered by Mr. Guiberson:

"Whereas a bill has been introduced in the Senate of the United States by Hon. FRANCIS G. NEWLANDS, of Nevada, which, according to its title, proposes 'to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies'; and

"Whereas it has been proposed by the leading supporters of said bill that it be amended so as to provide for an appropriation of $5,000,000 annually for 10 years for the control of the Sacramento and San Joaquin Rivers and their tributaries and for a like appropriation for the control of the Colorado River; and

"Whereas this legislature is in hearty accord with the principles embodied in said bill and believes that the money proposed to be expended under it and the cooperation provided for in it will promote the general welfare; and

"Whereas the vastness and variety of the interests that will be benefited by the expenditures contemplated in the proposed amendments fully justify such participation by the National Government in the work of making the navigable streams of California as useful as possible to the public: Therefore be it

"*Resolved by the Assembly of the State of California*, That the Congress of the United States be, and both branches of said body hereby are, requested to pass said bill, with the amendments aforesaid, and that the Representatives of California in the Senate and the House of Representatives be requested to use their best efforts to that end; and be it further

"*Resolved*, That the chief clerk of the assembly be, and he hereby is, directed to send a copy of this resolution to each Senator and Representative in Congress from this State, to Hon. FRANCIS G. NEWLANDS, to the Vice President of the United States, and to the Speaker of the House of Representatives."

Adopted this 4th day of February, 1913.

L. B. MALLORET, *Chief Clerk.*

Mr. PERKINS presented a memorial of sundry citizens of California, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. CULLOM presented petitions of sundry citizens of Westville, Chicago, Elgin, Danville, Peru, Moline, Springfield, Rockford, and Peoria, and of the editor of the Daily Jewish Courier, of Chicago, all in the State of Illinois; of the publishers of the North Star, of New York, N. Y.; of members of the Polish National Alliance of America; and of the Polish Alma Mater of America, praying that Congress sustain the President's veto of the immigration bill, which were ordered to lie on the table.

He also presented petitions of John A. Logan, Jr., Camp, No. 17, of Danville; Robert M. Dyer Camp, No. 20, of Aurora; Schley Naval Camp, No. 58, of Chicago; and of Lincoln Home Camp, No. 64, of Springfield, Department of Illinois, United Spanish War Veterans, all in the State of Illinois, praying for the enactment of legislation granting pensions to widows and orphans of soldiers of the Spanish-American War, which were referred to the Committee on Pensions.

He also presented a petition of members of Rochelle Chapter, Daughters of the American Revolution, of Rochelle, Ill., praying for the enactment of legislation to prevent the desecration of the American flag, which was referred to the Committee on the Judiciary.

He also presented a petition of the Manufacturers' Association of Illinois, praying for the establishment of a court of

patent appeals, which was referred to the Committee on Patents.

He also presented a resolution adopted by the Manufacturers' Association of Illinois, favoring the establishment of a tariff commission, which was referred to the Committee on Finance.

He also presented resolutions adopted by the Manufacturers' Association of Illinois, favoring the creation of a national drainage commission, which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of sundry citizens of Elgin, Ill., praying for the enactment of legislation to increase the compensation allowed railroads for carrying the mails, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of New Canton, New Boston, Peoria, Pleasant Hill, Monmouth, Rockfort, Biggsville, Oquawka, and Jacksonville, all in the State of Illinois, and of sundry citizens of Hannibal, Mo., praying for the enactment of legislation extending the jurisdiction of the Mississippi River Commission as far north as Rock Island, Ill., which were ordered to lie on the table.

Mr. ASHURST presented a resolution passed by the Chamber of Commerce of Prescott, Ariz., favoring the adoption of a national budget system tending to provide better business methods for operating the finances of the Government, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Glendale, Ariz., praying for the enactment of legislation restoring to the public domain a certain part of the Gila River Indian Reservation embraced in township 2 south, ranges 3 and 4, and sections 1 to 12, both inclusive, etc., which was referred to the Committee on Public Lands.

Mr. NELSON presented a petition of sundry citizens of Pipestone, Minn., praying that an appropriation of $60,000 be made for the erection of a post-office building in that city, which was referred to the Committee on Public Buildings and Grounds.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Pipestone, Bath, and Staples, all in the State of Minnesota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of members of the Dakota County Good Roads Association, of Minnesota, praying that an appropriation be made for the construction of good roads throughout the country, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of members of the General Federation of Women's Clubs, of Crookston, Minn., remonstrating against the transfer of the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BRISTOW presented memorials of sundry citizens of Kincaid, Lebo, and Logan, all in the State of Kansas, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. WARREN presented a memorial of sundry citizens of Buffalo, Wyo., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. JONES presented a memorial of sundry citizens of Seattle, Wash., remonstrating against the enactment of legislation providing for the parole of Federal life prisoners, which was ordered to lie on the table.

He also presented a petition of members of the Woman's Wilson and Marshall Club, of Seattle, Wash., praying for the recognition by the United States of the Republic of China, which was referred to the Committee on Foreign Relations.

Mr. POMERENE. I present a joint resolution passed by the Legislature of the State of Ohio, which I ask may be printed in the RECORD and be referred to the Committee on Agriculture and Forestry.

There being no objection, the joint resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Senate joint resolution 9, requesting Senators and Representatives from Ohio in the National Congress to urge the enactment of a Federal law regulating the exportation of food products.

Resolved by the General Assembly of the State of Ohio, That the Senators and Representatives of Ohio in the Congress of the United States be, and they are hereby, requested to urge the enactment of a Federal law permitting the exportation of meat and all other necessary food products only during such periods when same are selling at reasonable prices in this country, and prohibiting the exportation of such food products before the average retail price of same becomes so high as to be out of proportion to the average wages of the working people of this country.

Be it further resolved, That the secretary of the State of Ohio transmit, immediately upon the passage of this resolution, a copy thereof to each of the Senators and Representatives from Ohio in the Congress of the United States.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Adopted January 22, 1913.

Mr. OWEN. I present a resolution adopted by the Legislature of the State of Oklahoma, which I ask may be printed in the RECORD and be referred to the Committee on the Judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

House resolution 16.

Whereas the Supreme Court of the United States has nullified the passage of an act by the lawmaking power of the State of Texas that no contract made with an individual in the State of Texas was binding on said individual or corporation providing for the sale of articles or merchandise manufactured or controlled by a trust, it being held that the exercise of this power by a State was an interference with an interstate commerce: Be it

Resolved, First, that it is the sense of the Legislature of the State of Oklahoma, and we hereby memorialize the Congress of the United States, that that body passed an act at this session of Congress to regulate trusts in the following manner, to wit: (a) First. That it be provided in said act that any contract or obligation made with any individual or corporation or association in reference to the sale, barter, or handling in any manner whatsoever of any product controlled or manufactured or bartered or sold by any trust or any corporation or individual belonging to or associated with in any manner whatsoever in carrying on his business with a trust, shall be void; and that it shall be a complete defense to the payment exacted for any article or merchandise, or any product of any trust so controlled, manufactured, or sold to plead as a defense to the payment of said obligation in any court of competent jurisdiction in any State of the United States as matter of fact that said subject matter of said contract was contracted for and with such corporation, individual, association, or trust.

Second. That Congress authorize in said act that State courts have concurrent jurisdiction with the district Federal trial courts of the United States.

Adopted by the house of representatives February 3, 1913.

I hereby certify that this is a true and correct copy of the above and foregoing resolution.

GUS POOL, *Chief Clerk.*

Mr. MYERS. I present a joint resolution passed by the Legislature of the State of Montana, which I ask may be printed in the RECORD and be referred to the Committee on the Judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

House joint resolution 2.

A joint resolution ratifying an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Whereas both Houses of the Sixty-second Congress of the United States of America, at its second session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"When vacancies happen in the representation of any State in the Senate the executive authority of each State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

Therefore be it

Resolved by the Senate and House of Representatives of the State of Montana, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislative Assembly of the State of Montana: And further be it

Resolved, That certified copies of this joint resolution be forwarded by the governor of this State to the Secretary of State at Washington and to the presiding officers of each House of the National Congress.

A. D. MACDONALD,
Speaker of the House.
W. W. MCDOWELL,
President of the Senate.

Approved, February 7, 1913.

S. V. STEWART,
Governor.

Filed February 7, 1913, at 3.20 o'clock p. m.

A. M. ALDERSON,
Secretary of State.

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. M. Alderson, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of house joint

resolution No. 2, ratifying an amendment to the Constitution providing that Senators shall be elected by the people of the several States, enacted by the Thirteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, on the 7th day of February, 1913.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 7th day of February, A. D. 1913.

[SEAL.] A. M. ALDERSON,
Secretary of State.

Mr. BRADY. I present a joint memorial adopted by the Legislature of the State of Idaho, which I ask may be printed in the RECORD and be referred to the Committee on Public Lands.

There being no objection, the memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

[Certificate of certified copy.]

STATE OF IDAHO, DEPARTMENT OF STATE.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 1, by Mason. Passed the house January 23, 1913; passed the senate January 31, 1913; which was filed in this office on the 5th day of February, A. D. 1913, and admitted to record.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 7th day of February, A. D. 1913, and of the independence of the United States of America the one hundred and thirty-seventh.

[SEAL.] WILFRED L. GIFFORD,
Secretary of State.

House joint memorial 1.

To the honorable the Senators and Representatives of the United States, in Congress assembled:

Your memorialists, the legislators of the State of Idaho, respectfully represent that—

Whereas a bill known as the three-year homestead bill was passed by the Senate of the National Congress on February 5, 1912, said bill being without any requirements as to the cultivation of homesteads; and

Whereas the said bill was afterwards amended in the National House of Representatives so as to require cultivation, and was finally approved on June 6, 1912; and

Whereas said cultivation clause works a hardship upon settlers who have taken up, or who will take up, homesteads in the timbered sections of the State of Idaho and in other Western States in that those settlers who are dependent upon their own resources and labor to maintain their families and to improve their homesteads can not comply with the provisions of said law;

We therefore pray and earnestly urge that relief be granted to these homesteaders by appropriate amendment so as to make the provisions of the said law applicable to the timbered sections of this and other Western States.

The secretary of state of the State of Idaho is hereby instructed to forward copies of this memorial to the Senate and House of Representatives of the United States, and copies of the same to our Senators and Representatives in Congress.

This memorial passed the house of representatives on the 23d day of January, 1913.

C. S. FRENCH,
Speaker of the House of Representatives.

This memorial passed the senate on the 31st day of January, 1913.

HERMAN H. TAYLOR,
President of the Senate.

I hereby certify that the within house joint memorial originated in the house of representatives during the twelfth session of the Legislature of the State of Idaho.

[SEAL.] DAVID BURRELL,
Chief Clerk of the House of Representatives.

Mr. WORKS presented resolutions adopted by the General Assembly of the State of California, favoring the passage of the so-called Newlands river-regulation bill with certain proposed amendments, which were referred to the Committee on Commerce.

Mr. CUMMINS. I present a number of telegrams from citizens of my State which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

BURLINGTON, IOWA, *February 14, 1913.*

ALBERT B. CUMMINS,
The Wyoming Apartments, Washington, D. C.:

The Senate Committee on Commerce has cut out our levee item in the House bill. This is a very important measure for the Mississippi River throughout southeastern Iowa, and goes from the State line to Rock Island, I wish you would do all you possibly can to have same restored by working with your fellow Senators and vote for same. An answer will be appreciated.

ALEX MOIR.

MUSCATINE, IOWA, *February 15, 1913.*

Senator A. B. CUMMINS,
Washington, D. C.:

Muscatine unanimously urges your help in restoring House provision extending Mississippi River Commission's jurisdiction up to Rock Island.

JOHN P. BREEN,
Chairman Rivers and Harbors Committee, Muscatine Commercial Club.

MUSCATINE, IOWA, *February 15, 1913.*

Senator A. B. CUMMINS,
Washington, D. C.:

Muscatine unanimously urges your assistance in restoring House provision extending Mississippi River Commission jurisdiction up to Rock Island because of the levee and needs of Muscatine Island and the bottom lands of Illinois opposite Muscatine.

WM. HOFFMAN,
F. D. THROOP,
W. S. HILL,
G. M. TITUS,
J. L. GIESLER,
CONRAD KOELER, *Mayor.*

WAPELLO, IOWA, *February 15, 1913.*

Hon. A. B. CUMMINS,
United States Senate, Washington, D. C.:

Senate Committee on Commerce has left out item in House bill involving interests of southeastern Iowa; very important to this county; restoration of this will be appreciated by eastern Iowa.

O. C. FARMER,
Chairman Board of Supervisors.
W. H. HURLEY,
County Attorney.
H. W. BAKER,
County Auditor.
J. A. BIGGER,
Editor Tribune.

BIGGSVILLE, ILL., *February 15, 1913.*

Hon. A. B. CUMMINS,
United States Senate, Washington, D. C.:

Kindly use influence to restore levee item in House bill.

FRANK E. ABBEY.

MOUNT PLEASANT, IOWA, *February 15, 1913.*

Hon. ALBERT B. CUMMINS,
United States Senate, Washington, D. C.:

The Senate Committee on Commerce has cut out our levee item in the House bill. This is a very important measure for the Mississippi River throughout southeastern Iowa and goes from the State line to Rock Island. I wish you would do all you possibly can to have same restored by working with your fellow Senators and vote for same. An answer will be appreciated.

JAS. T. WHITING.

FORT MADISON, IOWA, *February 15, 1913.*

Hon. A. B. CUMMINS,
United States Senate, Washington, D. C.:

The Senate Committee on Commerce has cut out levee item in the House bill. This is a very important measure for the Mississippi River throughout southeastern Iowa, and goes from the State line to Rock Island. We wish you would do all you possibly can to have same restored by working with your fellow Senators and vote for same. An answer will be appreciated.

J. R. FRAILEY,
Secretary Fort Madison First Association.

Mr. OLIVER presented a petition of the Chamber of Commerce of Pittsburgh, Pa., praying for the passage of the so-called Page vocational education bill, which was ordered to lie on the table.

He also presented a petition of the Ministerial Association of Altoona, Pa., praying for the enactment of legislation providing for the retirement of aged and infirm civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Grain and Hay Exchange of Pittsburgh, Pa., praying for the enactment of legislation to fix the requirements governing the receipt, transmission, delivery, and preservation of messages of interstate telegraph and telephone companies, which was referred to the Committee on Interstate Commerce.

Mr. BURTON presented the petition of A. H. Reed, chairman of the executive committee of the Lake Superior and Mississippi River Canal Commission, praying for the enactment of legislation relative to the improvement of navigable rivers, which was referred to the Committee on Commerce.

Mr. CRAWFORD presented a petition of members of the Commercial Club of Webster, S. Dak., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a petition of the Little River Grange, Patrons of Husbandry, of Hampton, Conn., praying for the enactment of legislation providing for the extension of agricultural colleges, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Derby and Ansonia, in the State of Connecticut, remonstrating against the passage of the so-called Dillingham-Burnett immigration bill, which were ordered to lie on the table.

Mr. TOWNSEND presented telegrams in the nature of petitions from the Polish National Benevolent Society, of Grand Rapids, Mich., and from Charles K. Johanson, publisher of the North Star, of New York, N. Y., praying that Congress sustain the veto of the President on the immigration bill, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of members of Old Number Four Chapter, Daughters of the American Revolution, of Charlestown, N. H., praying for the enactment of legislation to prohibit the desecration of the flag of the United States, which was referred to the Committee on the Judiciary.

He also presented a petition from members of the Park View Citizens' Association, of the District of Columbia, praying for the removal of the Tuberculosis Hospital from its present site to available grounds adjacent to the present workhouse at Occoquan, which was referred to the Committee on Appropriations.

He also presented a petition of Rev. J. Henning Nelms, pastor of the Church of the Ascension, of Washington, D. C., praying for the construction of a cross-town line of cars along M Street in the city of Washington, which was referred to the Committee on the District of Columbia.

He also presented a memorial of members of the Park View Citizens' Association, of the District of Columbia, remonstrating against the establishment of a penal institution or similar establishment in the vicinity of Park View, in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a telegram, in the nature of a petition, from members of Grand Lodge, No. 4, Independent Order of B'nai B'rith, of San Francisco, Cal., praying that Congress sustain the President's veto of the immigration bill, which was ordered to lie on the table.

He also presented a petition of members of the North Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation to regulate the price of water in the District, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the National Association for the Advancement of Colored People, remonstrating against the enactment of legislation prohibiting intermarriage between the races, which was referred to the Committee on the Judiciary.

SENATOR FROM TENNESSEE.

Mr. LEA. Mr. President, I rise to a question of privilege. I desire to present the credentials of Senator Elect JOHN K. SHIELDS, elected a Senator from the State of Tennessee for the term beginning March 4, 1913, and ask that they may be read.

The credentials of JOHN K. SHIELDS, chosen by the Legislature of the State of Tennessee a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

REPORTS OF COMMITTEES.

Mr. DU PONT. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 28699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes, to report it with amendments, and I submit a report (No. 1223) thereon. I give notice that I will call up the bill for consideration at the first opportunity.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. GALLINGER, from the Committee on the District of Columbia, to which the subject was referred, submitted a report (No. 1225), accompanied by a bill (S. 8516) to amend sections 801, 808, and 1199 of the Code of Law for the District of Columbia, which was read twice by its title.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 8227. A bill for the relief of Charlotte J. Pile, Eastmond P. Green, and Easie C. Gandell, owners of lots Nos. 53, 54, and 55, in square No. 753, Washington, D. C., with regard to assessment and payment of damages on account of change of grade due to construction of the Union Station in said District (Rept. No. 1227);

H. R. 23939. An act to legalize titles in the District of Columbia to certain citizens (Rept. No. 1226);

H. R. 21714. An act to amend Subchapter II of Chapter XIX of the Code of Law for the District of Columbia (Rept. No. 1228);

H. R. 21709. An act to amend Subchapter II of Chapter XIX of the Code of Law for the District of Columbia (Rept. No. 1229); and

H. R. 16319. An act to extend and widen Western Avenue NW., in the District of Columbia (Rept. No. 1230).

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 7891) to provide for annual assessments of real estate in the District of Columbia, reported it with an amendment and submitted a report (No. 1231) thereon.

He also, from the same committee, to which was referred the bill (S. 8306) to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by the act approved March 2, 1907, reported it with amendments and submitted a report (No. 1232) thereon.

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 6537. A bill for the relief of Catherine Maroney (Rept. No. 1233); and

S. 7566. A bill to authorize the widening and opening of Western Avenue, District of Columbia (Rept. No. 1234).

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection, reported it with amendments and submitted a report (No. 1235) thereon.

He also, from the same committee, to which was referred the bill (H. R. 28093) to amend the general pension act of May 11, 1912, reported it with an amendment and submitted a report (No. 1236) thereon.

He also, from the same committee, to which was referred the bill (S. 234) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, reported it with an amendment and submitted a report (No. 1237) thereon.

Mr. CURTIS. From the Committee on Appropriations I report back favorably, with amendments, the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, and I submit a report (No. 1224) thereon. I give notice that I will call up the bill for consideration as soon as possible after to-morrow.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. CATRON, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 7767. A bill for the relief of G. L. Taneyhill (Rept. No. 1238); and

S. 8002. A bill for the relief of Byron W. Canfield (Rept. No. 1239).

Mr. JONES, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 7492. A bill for the relief of John E. Johnson (Rept. No. 1240); and

S. 8233. A bill authorizing the Secretary of War to relieve the Washington-Oregon Corporation, as far as he may deem advisable in the public interests, from certain conditions in an act entitled "An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric transmission lines across the Vancouver Military Reservation, in the State of Washington," approved August 9, 1912 (Rept. No. 1241).

Mr. JONES, from the Committee on the District of Columbia, to which was referred the bill (S. 7889) to authorize the widening and opening of Rhode Island Avenue from Fourth Street east to the District line, reported it with an amendment, and submitted a report (No. 1242) thereon.

Mr. POMERENE, from the Committee on the District of Columbia, to which was referred the bill (S. 7723) to regulate the hours of employment and safeguard the health of females employed in the District of Columbia in any mill, factory, manufacturing or mechanical establishment, or workshop, laundry, bakery, printing, clothing, dressmaking, or millinery establishment, mercantile establishment, store, hotel, restaurant, office, or where any goods are sold or distributed, or by express or transportation company, or in the transmission or distribution of telegraph or telephone messages or merchandise, reported it with amendments and submitted a report (No. 1243) thereon.

Mr. BRYAN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 7051. A bill for the relief of I. H. Aiken (Rept. No. 1244); and

S. 7480. A bill for the relief of the legal representatives of Thomas B. McClintic, deceased (Rept. No. 1245).

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 6554) for the relief of Mrs. L. D. Goldsberry, submitted an adverse report (No. 1246) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (H. R. 25264) for the relief of W. A. Kelly, reported it without amendment and submitted a report (No. 1247) thereon.

He also, from the Committee on Military Affairs, to which was referred the bill (H. R. 21315) for the relief of Robert

Ross, reported it with an amendment and submitted a report (No. 1248) thereon.

Mr. CHAMBERLAIN (for Mr. HITCHCOCK), from the Committee on Military Affairs, to which was referred the bill (S. 7747) for the relief of Charles Dudley Daly, reported it with an amendment and submitted a report (No. 1249) thereon.

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (S. 3201) for the relief of Marion B. Patterson, reported it with an amendment and submitted a report (No. 1251) thereon.

He also, from the same committee, to which was referred the bill (H. R. 12131) for the reimbursement of Ralph E. Hess for two horses lost while hired by the United States Geological Survey, reported it without amendment and submitted a report (No. 1250) thereon.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 8487) to prevent the desecration of the flag of the United States, and to provide punishment therefor, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs, which was agreed to.

MAURICE EDGAR ROSE.

Mr. PERKINS. From the Committee on Naval Affairs, I report favorably, without amendment, the bill (S. 8357) for the relief of Maurice Edgar Rose, late assistant surgeon, United States Navy, and I submit a report (No. 1221) thereon. I call the attention of the junior Senator from New York [Mr. O'GORMAN] to the bill.

Mr. O'GORMAN. This bill is a very worthy measure and is reported favorably by the committee. I ask unanimous consent for its present consideration.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President to reinstate Maurice Edgar Rose as an assistant surgeon in the United States Navy and to place him on the 75 per cent pay list of retired officers of the United States Navy, the transfer to take effect at the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CULBERSON. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. PERKINS February 18, 1913, as follows:

[Senate Report No. 1221, Sixty-second Congress, third session.]

MAURICE EDGAR ROSE.

Mr. Perkins, from the Committee on Naval Affairs, submitted the following report, to accompany S. 8357:

The Committee on Naval Affairs, to whom was referred the bill (S. 8357) for the relief of Maurice Edgar Rose, late assistant surgeon, United States Navy, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following communication:

DEPARTMENT OF THE NAVY,
Washington, February 12, 1913.

MY DEAR MR. CHAIRMAN: In further reference to the bill (S. 8357) for the relief of Maurice Edgar Rose, late assistant surgeon, United States Navy, I have the honor to inform you that the Bureau of Navigation of this department, which has general supervision of the personnel of the Navy, has reported on this measure as follows:

"Maurice Edgar Rose was born June 15, 1884, and is now approximately 28½ years of age. He was appointed an assistant surgeon in the Navy June 27, 1907, and resigned from the service June 8, 1911. On January 15, 1912, he was appointed an acting assistant surgeon in the Navy, and served in that capacity until December 10, 1912, when he resigned. In all, Dr. Rose served in the Navy for approximately 4 years and 10 months.

"The bureau is satisfied from its records and the records of the Bureau of Medicine and Surgery that there has been a gradual development of mental disease in this case since Dr. Rose was first admitted to the sick list April 1, 1909, while serving as an assistant surgeon in the regular service; and there are reasonable grounds for belief that his mental deterioration had so far progressed at the time he submitted his resignation from the regular service, June 8, 1911, that he could not fully appreciate the consequences of his action.

"In view of the record in this case, and particularly of the fact that the disability originated in the line of duty, the bureau recommends that the department favorably indorse the proposed legislation for the relief of Dr. Rose now pending before both Houses of Congress."

The department approves the recommendation of the Bureau of Navigation.

Faithfully, yours, G. v. L. MEYER.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate."

FREDERICK H. LEMLY.

Mr. PERKINS. I am also directed by the Committee on Naval Affairs, to which was referred the bill (S. 8384) to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy, to report it favorably without amendment, and I submit a report (No. 1222) thereon. I call the attention of the Senator from North Carolina to the bill.

Mr. OVERMAN. I ask unanimous consent for the present consideration of the bill.

Mr. WARREN. I do not wish to object to the consideration of these bills, but with six appropriation bills here waiting, one of them half through, after the consideration of this bill I certainly shall feel that I must object to taking them up out of order. I hope this is not a long bill or that it will not lead to any extended debate.

Mr. OVERMAN. It is a short bill.

The PRESIDING OFFICER. It was the understanding of the Chair that the morning business was proceeding under a unanimous-consent agreement.

Mr. WARREN. But the morning business does not contemplate the passage of bills when reported from committees.

The PRESIDING OFFICER. Only unobjected bills. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the Navy to take the same rank and position on the list of passed assistant paymasters that he occupied on March 5, 1908 (the date upon which his resignation as a passed assistant paymaster in the Navy was accepted): *Provided*, That the said Frederick H. Lemly shall establish to the satisfaction of the Secretary of the Navy by the usual examinations required for promotion to the grade of passed assistant paymaster his fitness in all respects to perform the duties thereof: *And provided further*, That the said Frederick H. Lemly shall be carried as additional to the number of the grade to which he may be appointed or at any time thereafter promoted: *And provided further*, That nothing in this act shall be construed as entitling said Frederick H. Lemly to any pay or allowances from the date of the acceptance of his resignation herein referred to and the date of the passage of this act.

Mr. BRISTOW. Mr. President, of course I dislike to object to anything the Senator from North Carolina might want to do, but I understand that this man has been out of the service and it is proposed to bring him back again and put him in the same rank he would have held if he had continued in the service.

Mr. OVERMAN. He is not to be placed in exactly the same position. This man resigned to go home to see his father, who had been stricken with paralysis. He wants to get back in the Navy. The bill is strongly recommended both by the Secretary of the Navy and the bureau. He was a very faithful officer—one of the best in the Navy. He resigned on account of the condition of his father's health.

Mr. BRISTOW. If an officer in the Navy can resign and be out of the service for any purpose and then in the course of time, when years go by, be reinstated to the same place he would have held if he had continued in the service, it seems to me to be unjust.

Mr. OVERMAN. It is only the place of assistant paymaster. If he should go in now he would only get that position. That is the lowest position.

Mr. BRISTOW. If that is all it is I do not care anything about it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PERKINS. I ask that the report of the committee be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate Report No. 1222, Sixty-second Congress, third session.]

FREDERICK H. LEMLY.

Mr. PERKINS, from the Committee on Naval Affairs, submitted the following report to accompany S. 8384.

The Committee on Naval Affairs, to whom was referred the bill (S. 8384) to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following communication:

DEPARTMENT OF THE NAVY,
Washington, February 12, 1913.

MY DEAR MR. CHAIRMAN: Referring to your letter transmitting a bill (S. 8384) to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy, I have the honor to inform you that the facts in his case are as follows:

Frederick H. Lemly was born on May 12, 1880, and is now approximately 32 years and 6 months of age. He was appointed an assistant paymaster in the Navy on February 17, 1903; was promoted to passed assistant paymaster on June 16, 1903, and voluntarily resigned from the naval service on March 5, 1908. His total naval service was therefore approximately five years. The professional record of Mr. Lemly as an officer in the Pay Corps of the Navy is excellent.

The bill in question, if enacted into law, will place Mr. Lemly No. 6 on the list of passed assistant paymasters on the date of its approval, as an additional number in grade. It will give the Navy the services of an additional experienced pay officer of unquestioned ability. While it

is special legislation in favor of an individual, the department believes that the facts in the case warrant its recommendation of favorable action upon this measure as being also in the interests of the Government.

In view of the above, the department recommends that favorable action be taken upon this measure (S. 8384).

Faithfully, yours,

PHILIP ANDREWS,
Acting Secretary of the Navy.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WEBB:

A bill (S. 8506) granting an increase of pension to Margaret A. Bennett (with accompanying paper); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 8507) for the relief of William Allman and others; to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 8508) granting an increase of pension to Henry Fairley (with accompanying papers); and

A bill (S. 8509) granting an increase of pension to George A. Marks (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 8510) granting an increase of pension to Sarah A. Griswold (with accompanying papers);

A bill (S. 8511) granting an increase of pension to Sophronia E. Sawyer (with accompanying papers); and

A bill (S. 8512) granting an increase of pension to Catherine A. French (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 8513) to authorize certain changes in restricted allotments of the Indians of the Five Civilized Tribes of Oklahoma; to the Committee on Indian Affairs.

By Mr. CURTIS:

A bill (S. 8514) granting a pension to Esther M. Campbell (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 8515) providing for the purchase of a site and the erection of a public building thereon at Calumet, in the State of Michigan; to the Committee on Public Buildings and Grounds.

By Mr. CHAMBERLAIN:

A bill (S. 8517) making lands within the State of Oregon that have been withdrawn or classified as oil lands, subject to entry under the homestead or desert-land laws; to the Committee on Public Lands.

By Mr. WARREN:

A bill (S. 8518) to amend an act entitled "An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof," approved April 12, 1910 (with accompanying papers); to the Committee on Public Lands.

By Mr. SMOOT:

A bill (S. 8519) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices; to the Committee on Public Lands.

By Mr. CUMMINS:

A bill (S. 8520) granting a pension to William H. Spencer (with accompanying papers); to the Committee on Pensions.

By Mr. BRADY:

A bill (S. 8521) granting a pension to John Orr (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 8522) to prevent the employment of females in mills, factories, or manufacturing establishments for a longer period than eight hours; to the Committee on Education and Labor.

A bill (S. 8523) for the relief of John Dauberman; to the Committee on Military Affairs.

A bill (S. 8524) granting a pension to Kate Hauchett; and

A bill (S. 8525) granting an increase of pension to Joanna Kramer; to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 8526) to provide for the punishment of certain crimes against the United States (with accompanying papers); to the Committee on the Judiciary.

By Mr. BRADLEY:

A bill (S. 8527) authorizing and directing the purchase of a site for a Government building in Barbourville, Ky.; to the Committee on Public Buildings and Grounds.

A bill (S. 8528) granting an increase of pension to Adeline Stoker (with accompanying papers);

A bill (S. 8529) granting an increase of pension to Elender B. Gabbard (with accompanying papers);

A bill (S. 8530) granting an increase of pension to Mary Hammack (with accompanying papers);

A bill (S. 8531) granting an increase of pension to Katie Royston (with accompanying papers);

A bill (S. 8532) granting an increase of pension to Caroline Adams (with accompanying papers);

A bill (S. 8533) granting an increase of pension to Levi Hoskins (with accompanying papers);

A bill (S. 8534) granting a pension to Juliet S. White; and

A bill (S. 8535) granting an increase of pension to Alfred Lewis (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 8536) to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota; to the Committee on Commerce.

By Mr. JONES:

A bill (S. 8537) to extend the time for the completion of the Alaska Northern Railway, and for other purposes; to the Committee on Territories.

By Mr. STONE:

A bill (S. 8538) to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River near Weldon Springs Landing, in the State of Missouri (with accompanying papers); and

A bill (S. 8539) to authorize the St. Louis Belt, Illinois & Eastern Traction Co. to construct a bridge across the Mississippi River near the mouth of the Missouri River (with accompanying papers); to the Committee on Commerce.

By Mr. WETMORE:

A joint resolution (S. J. Res. 162) to exempt the National Academy of Sciences from the payment of duty on medals imported for presentation by it in recognition of research work; to the Committee on Finance.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRISTOW. On yesterday I submitted an amendment providing an appropriation for a pavement around the post office and courthouse at Salina, Kans., intended to be proposed to the sundry civil appropriation bill, and it was referred to the Committee on Public Buildings and Grounds. I move that that committee be discharged from its further consideration and that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. BROWN submitted an amendment proposing to appropriate $68,000 for the construction of a United States post-office building at Auburn, Nebr., intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $125,000 for the construction of a United States post office, land office, and weather bureau building at Alliance, Nebr., intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 for the construction of a United States post-office building at Wahoo, Nebr., intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CLARKE of Arkansas submitted an amendment providing that hereafter the salary of the United States district attorney for the western district of Arkansas shall be $4,000 per annum, and that hereafter the salary of the United States marshal for the western district of Arkansas shall be $4,000 per annum, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate $85,000 for the purchase of a site and the erection of a public building thereon at Apalachicola, Fla., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $71,000 for the purchase of a site and the erection thereon of a post-office building at North Topeka, Kans., etc., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $1,750,000 for the construction of an armory building for the National Guard of the District of Columbia, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to amend section 9 of the act of March 1, 1911, relative to the protection of the watersheds of navigable streams, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BRADLEY submitted an amendment proposing to appropriate $250,000 to carry into effect the provisions of the act of April 2, 1912, providing for the celebration of the semicentennial anniversary of the act of emancipation, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing for the establishment and operation of dispensaries in Knott and Perry Counties, Ky., by the Public Health Service of the United States, for the purpose of demonstrating, investigating, treating, and preventing trachoma, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment providing for the retirement of Thomas Harrison, a clerk in class 4 at the United States Naval Observatory, who has served in that department for 60 consecutive years, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $70,000 to provide for medical and sanitary relief of Eskimos, Aleuts, Indians, and other natives of Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $400 to purchase for the Skagit Tribe of Indians in the State of Washington a tract of land used by them as a tribal burial ground, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

Mr. WETMORE submitted an amendment providing that the appropriation in the sundry civil act approved March 4, 1911, for removing the fence and wall around the Botanic Garden, etc., is hereby made available for the fiscal year 1914, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PERKINS submitted an amendment providing for the participation of the United States in the Panama Pacific International Exposition, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Industrial Expositions and ordered to be printed.

Mr. OVERMAN submitted an amendment proposing to appropriate $2,810.20 for an additional amount required for the care and treatment of indigent patients under the contract made with the George Washington University Hospital for the fiscal years 1909, 1910, 1911, and 1912, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CRAWFORD submitted an amendment proposing to appropriate $2,000 for cement sidewalks and electric-light post lamps and fixtures about the new post-office building at Huron, S. Dak., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate $100,000 for the erection of a United States post-office building at Montrose, Colo., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $15,000 for a United States post-office building at Sterling, Colo., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $15,000 for a United States post-office building at Canon City, Colo., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $15,000 for a United States post-office building at Monte Vista, Colo., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the United States post office at Fort Morgan, Colo., from $55,000 to $75,000, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. PAYNTER submitted an amendment proposing to appropriate $5,000 for a United States post-office building at Falmouth, Ky., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $75,000 to acquire a site and erect thereon a United States post-office building and other Government offices at State College, Pa., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. POMERENE submitted an amendment proposing to increase the appropriation for demonstrating the best method of preventing hog cholera from $45,000 to $100,000, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. DILLINGHAM submitted an amendment proposing to increase the appropriation for nutrition investigations from $16,000 to $19,000, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment providing that nothing contained in the act approved June 26, 1912, shall be so construed as to prohibit the payment from the appropriation for the Department of Agriculture of expenses incidental to the delivery of lectures, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate $150,000 for the purchase of the right of the United States to use the Winestock process in the recovery of Government waste paper, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ROOT submitted an amendment proposing to increase the appropriation for the United States post office at Oneida, N. Y., from $15,000 to $25,000, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. THOMAS submitted an amendment proposing to increase the appropriation for the United States post office at La Junta, Colo., from $10,000 to $25,000, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. LODGE submitted an amendment proposing to increase the appropriation for the United States post office at South Framingham, Mass., from $15,000 to $25,000, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the United States post office at Milford, Mass., from $15,000 to $18,000, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the United States post office at Malden, Mass., on a site to be donated, from $90,000 to $175,000, intended to be proposed by him to the omnibus public buildings bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. JACKSON submitted an amendment proposing to increase the appropriation for the construction of an immigration station at Baltimore, Md., from $100,000 to $200,000, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

AIDS TO NAVIGATION.

Mr. GARDNER submitted an amendment intended to be proposed by him to the bill (H. R. 27789) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

MEDALS OF HONOR.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the bill (S. 8031) providing for the presentation of medals to all surviving soldiers of the Battle of Gettysburg, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS—BENJAMIN H. NORMAN.

On motion of Mr. WEBB, it was

Ordered, That the papers accompanying the bill S. 765, Sixty-second Congress, first session, granting an increase of pension to Benjamin H. Norman, be withdrawn from the files of the Senate, no adverse report having been made thereon.

INAUGURAL REVIEWING STANDS.

Mr. SHEPPARD. I offer a concurrent resolution and ask that it be read.

The PRESIDING OFFICER. The concurrent resolution will be read.

The Secretary read the concurrent resolution (S. Con. Res. 42), as follows:

Resolved by the Senate, the House of Representatives concurring, That the inaugural committee in charge of the reviewing stands upon Lafayette Square is hereby directed to set aside for the use of the press, the distribution to be under the direction of the standing committee of correspondents, 250 seats directly opposite the stand in which the President will review the inaugural parade, the seats to be sold at the prices prevailing in other portions of the same stand.

Mr. SHEPPARD. I will simply say in connection with the concurrent resolution that, having been a member and chairman of the Committee on Public Buildings and Grounds in the House when the bill for the usual inaugural permits was pending, if the House committee had not been assured that the members of the press would have been given sufficient accommodations the committee would have inserted the necessary reservation in the law at the time. I therefore submit the concurrent resolution in order that the members of the press may get proper accommodations.

Mr. SMOOT. Does the resolution provide for the expenditure of money? If so, it ought to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SHEPPARD. It does not.

The PRESIDING OFFICER. The Secretary informs the Chair that the concurrent resolution does not incur any expenditure.

Mr. SMOOT. Then I have no objection to the concurrent resolution.

Mr. SHEPPARD. I ask for its immediate consideration.

The concurrent resolution was considered by unanimous consent, and agreed to.

GOVERNMENT PROPERTY IN FOREIGN CAPITALS.

Mr. GALLINGER. I submit a resolution for which I ask present consideration.

The resolution (S. Res. 465) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of State is hereby directed, through the diplomatic and consular officers of the Government, to ascertain the system of taxing Government property in the several capitals of the leading countries of the world, a full and complete report on the subject to be transmitted to the Senate at the earliest practicable day.

OSAGE INDIAN CLAIMS.

Mr. OWEN. I wish to move that the bill (S. 5728) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States, reported by the Committee on Indian Affairs, relative to the Osage Indian fund, be referred to the Court of Claims for a finding of fact under the Tucker-Bowman Act.

Mr. SMOOT. Is that motion in order at this time?

The PRESIDING OFFICER. It is not in order. The Senator made it as out of order. It can only be entertained if there is no objection.

Mr. SMOOT. After the committee has reported a bill, without the action of the committee should such action be taken upon the motion of a Senator? Should not the bill be referred back to the committee and then have the committee take the action?

Mr. OWEN. I will state to the Senator from Utah that this bill was reported from the committee, authorizing the sending of the claims to the Court of Claims for the rendition of judgment on the facts and the law. Possibly the parliamentary objection made by the Senator is right, and that without the authority of the committee the motion may not be made, but the committee having authorized the larger authority to be exercised by the court in the bill they did recommend to the Senate, I thought it would be in order to make the motion. It is the best thing that can be done so late in the session.

Mr. SMOOT. If the Senator would not object, I am quite sure it would be the proper procedure to have the bill recommitted to the committee.

Mr. OWEN. I think the objection of the Senator is well taken, and I will withdraw the proposed motion.

The PRESIDING OFFICER. The motion is withdrawn.

EXPENSE OF THE DISTRIBUTION OF SEEDS, ETC.

Mr. KENYON. I ask unanimous consent to take up two Senate resolutions, Senate resolution No. 422 and Senate resolution No. 423. If they lead to any discussion I will withdraw the request.

Mr. CURTIS. I shall have to ask for the regular order. I dislike to do it, but I will have to insist on proceeding with the appropriation bill.

Mr. KENYON. This is information I am seeking from the Postmaster General and the Secretary of Agriculture, which, owing to circumstances over which we have no control on this side, will not be available after the 4th of March. The resolutions have been on the calendar for some time. I had expected to speak on them, but I am not going to inflict the Senate with a speech now.

Mr. CURTIS. If it will not take time, I have no objection.

Mr. KENYON. It will not take two minutes.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent for the present consideration of the resolution, which will be read.

The Secretary read Senate resolution No. 422, submitted by Mr. KENYON January 6, 1913, as follows:

Resolved, That the Postmaster General furnish to the Senate an estimate, if possible for him so to do, of the expense to the Government for the last four years of the carrying of seeds, plants, and bulbs franked through the mails.

The resolution was considered by unanimous consent and agreed to.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent for the present consideration of the following resolution, which will be read.

The Secretary read Senate resolution No. 423, submitted by Mr. KENYON January 6, 1913, as follows:

Resolved, That the Secretary of Agriculture furnish to the Senate an estimate of the expense to the Government for the last four years of purchasing or securing seeds, bulbs, plants, trees, etc., for free distribution by Members of Congress and the total number of packages so furnished. Also the expense of preparing the same for such free distribution and delivery of same to the mails.

The resolution was considered by unanimous consent and agreed to.

RIVER AND HARBOR BILL.

Mr. NELSON. Mr. President, I desire to state that I gave notice heretofore that I would call up the river and harbor bill to-day, but inasmuch as the District of Columbia appropriation bill is now before the Senate and has been partially considered, I give notice that I shall call up the river and harbor bill after the District appropriation bill has been disposed of.

REFERENCE OF TREATIES.

Mr. CULLOM. Mr. President, I ask unanimous consent, as in executive session, to refer to the Committee on Foreign Relations two treaties which have been sent to the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the treaties will be so referred and, together with the message and accompanying papers, ordered to be printed in confidence for the use of the Senate.

MEMORIAL ADDRESSES ON THE LATE SENATOR JEFF DAVIS.

Mr. CLARKE of Arkansas. I give notice that on March 1 I shall ask the Senate to consider resolutions commemorative of the life and public character of the late Senator JEFF DAVIS, from the State of Arkansas.

THE ELECTORAL COLLEGE (S. DOC. NO. 1092).

Mr. SHIVELY. Mr. President, I have here a thesis in a few pages by John Walker Holcombe on the subject of "The Electoral College." This work represents much research, thought, and reflection, and bears on a question of current public interest. I do not subscribe to all the conclusions of the author, but I regard the article as a valuable contribution on a live subject. I ask unanimous consent of the Senate that the paper be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CITIZENSHIP IN PORTO RICO.

Mr. POINDEXTER. I present an article from the Porto Rico Review relative to citizenship in that island. I ask that the article be printed in the RECORD.

There being no objection, the article was ordered to lie on the table, and to be printed in the RECORD, as follows:

CITIZENSHIP—A REPRINT.

The interest in our last editorial on "Citizenship" is fully appreciated by the Review. We have been requested to leave out other editorials to make its reproduction possible and this we cheerfully do.

CITIZENSHIP.

A citizenship bill passed the House at the last session of Congress, and was promptly sent to the Senate. In its natural course it was referred to the committee having in charge the affairs of Porto Rico. It is said that immediately upon the assembling of Congress the committee will report this measure back with a recommendation that it pass. It is also said that a majority of the Senate have expressed an intention of supporting the bill, but this is no doubt more or less hearsay.

We sincerely hope that the action of the Senate will be both speedy and favorable. It has been 12 years since civil government was established in this island, and for more than half of that time citizenship has been one of our constant expectations, this result being anticipated, because it had been promised by the great political parties of the United States, and because those organizations are believed to make good all promises of that character. As a matter of fact they have, in most instances, done so in the past. But many Porto Ricans became tired of waiting. Many lost confidence altogether, and some have taken advantage of the delay of Congress to act in which to work up various schemes. We do not apprehend that the Senate will care to hear more evidence as to the actual desire of our people. The question has been presented to Congress so many times, by so many different interests, and by men of all parties, with such force and clearness as to leave no doubt as to a large majority of our people.

We trust that Senators will not be impressed by stories to the effect that there has been a serious change of sentiment in Porto Rico. It is true that new schemes have been organized. It is a mistake to suppose that the people down here are any different from the people of the rest of the world. Some folks want a change of sovereignty every time they have a change of luck. There are men who change their party affiliations every time they meet with business misfortunes. Some men leave their associates in one party and join another, because they think they are not appreciated, and in such cases these men no sooner enter the lines of a new organization than they hoist a lightning rod, hoping that it may be struck by office. Human nature is the same here that it is in the States.

We urge the Senate to pass the bill, and to do so promptly, because it is a just measure, and for the reason that each day of delay makes more difficult the efforts of those who are struggling for the upbuilding of Porto Rico in the educational, political, and health-giving walks of life. Commercially, and in a business way generally, Porto Rico is all right, and as able to look out for herself as any other subdivision of our Nation; but to make money is not all of life for many people.

When Gen. Miles came here he promised citizenship. It may be said that he had no authority to make the promise. Perhaps not; but in throwing out this utterance, he responded only to the eager, cheering thousands that welcomed the flag he stood for, and listened for the one word they sought to hear. The entrance of Gen. Miles and his associates and comrades was not an invasion; it was a prolonged and thrilling reception by a people waiting for the advent of the flag which they had been taught represented equality before the law.

We urge the immediate passage of the bill, because we believe it is the best thing that the Senate can do for the United States. There will be something doing in this part of the world with the completion of the canal, and it will be well for Uncle Sam to have loyal friends in the West Indies who are to the "manor born." There are thoughts in connection with this phase of the question well worthy of consideration, but it is not wise to discuss them, and they will suggest themselves.

The Porto Rican is neither a citizen nor a subject of any nation, and he feels most keenly the humiliation of his position. And his humiliation is equaled by disappointment over the failure of the Congress to act. Do you not think, Senators, that the delay has been sufficient? And do you expect loyalty from a people to whom you deny the dignity and character of citizenship?

But you say, "Have we not legislated liberally for Porto Rico?" and we answer, "Financially; yes." But the money has been wisely expended. You may speed over our splendid roads in every or any direction, and as there is no speed limit outside the towns and cities, the schoolhouses will seem to be passed as frequently as the telegraph and telephone poles. You can always tell them, because the flag under which you legislate floats over every building. We have built roads and bridges in every direction, and the church buildings, the old ones have been burnished up until they look like new structures. Beside the big cathedrals that have been here for all of these years, and are now working as if under a new inspiration, you may hear the Methodists singing from the amen corner of their little churches, you may see the Baptists marching to the river, you may hear the Presbyterians reiterating the austere doctrines of Calvin and John Knox, while the Episcopal is here with his church, in which he chants the old prayers, and they all have their schools and hospitals.

We urge the passage of the bill in behalf of the laboring men of Porto Rico, who constitute two-thirds of the population. We, and no doubt you, hear much about our being a "proud people" and all of that sort of rot. But the fact is that the proud class is limited to a very few, comparatively, who believe that they have been born to the position of privilege, and the responsibility of living well and proper lives at the expense of those who toil; and Porto Rico is a land of workers, with but few of the really "proud," and we may add, not very essential, class. We urge the bill for the sake and in the names of those who actually work for a living and who in producing the great export figures that astonish even those at home. The laborers of the island desire citizenship. They will feel safe after the fact is realized. Their children, well dressed, full of hope and happiness, fill our schoolhouses to the number of 100,000, and their prospects have nerved the arm of labor to its greatest tasks. These are the men who have faith in the Stars and Stripes, and who have, through your committees, besought you for something tangible in the shape of future stability in the life that has been shown to them, and opened to their children the doors of opportunity.

Now, we know just what you will say, Senators. You will say that no sooner will this bill be signed than we will be wanting something else.

And there you are right. What? Oh, we do not know; but that we will want something is as sure as fate. And would you have us be content with this? No, indeed; for our work will have but just begun. We propose to make of Porto Rico the ideal commonwealth. Here we already have the finest climate in the world. We are not particularly proud of that fact, because we not produce the climate nor in any way assist in bringing about its perfections. But we do claim some credit for the finest automobiling, the best grapefruits, the sweetest oranges, and the rarest pineapples in the world. We do swell ourselves a little on the fact that we have made so few mistakes in working out the problems of self-government without much previous experience. We are not a little elated over the volume of trade of which you have heard so much. And then, we boast over the fact that we have no more cockfights on Sunday, not only because the people attend church nowadays, but because we have the best police force in the world, considering that it is only about 10 years old. And when every child in the island can read and write, and nearly every man owns his own home, we shall be a "proud people," indeed, and proudest of all of the dear old flag under which all of these wonderful achievements have been made possible.

So, Senators, please pass the bill without delay.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed, without amendment, the bill (S. 1589) to authorize the exchange of conveyances between the Florida East Coast Railway Co. and the United States.

The message also announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 8089. An act permitting the building of a railroad bridge across the Yellowstone River from a point on the east bank, in section 15, to a point on the west bank, in section 16, township 151 north, range 104 west, of the fifth principal meridian, in McKenzie County, N. Dak.; and

S. 8090. An act permitting the building of a bridge across the Missouri River from a point on the east bank, in section 14, Mountrail County, N. Dak., to a point on the west bank of said river, in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west, of the fifth principal meridian.

The message further announced that the House had passed the joint resolution (S. J. Res. 143) authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine to be held at Dallas, Tex., in May, 1913, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914; asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. HAY, Mr. SLAYDEN, and Mr. PRINCE managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 25762. An act for the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 25781. An act to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 27827. An act to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 27837. An act to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River in the State of West Virginia;

H. R. 28187. An act to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha River, and for other purposes;

H. R. 28335. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 28469. An act granting two condemned cannon to the Wallkill Valley Cemetery Association, of Orange County, N. Y.;

H. R. 28635. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes; and

H. R. 28766. An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

The message also announced that the House had passed the concurrent resolution (No. 38) of the Senate providing for the printing of the laws of the United States applicable to the Territory of Alaska, etc.

The message further announced that the House had passed the concurrent resolution (No. 34) of the Senate providing for the printing of the Judicial Code of the United States, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution (No. 68) providing for the printing of 15,000 additional copies of Report No. 98, United States Department of Agriculture, on systems of marketing farm products and demand for such products at trade centers, etc., in which it requested the concurrence of the Senate.

The message further announced that the House had passed a joint resolution (H. J. Res. 365) to permit Col. William C. Gorgas and certain other officers of the Medical Corps and certain officers of the Engineer Corps of the Army to accept service under the Republic of Ecuador, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 104. An act for the relief of Carl Krueger; and

S. 2733. An act for the relief of the estate of Almon P. Frederick.

ARMY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DU PONT. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. DU PONT, Mr. WARREN, and Mr. JOHNSTON of Alabama conferees on the part of the Senate.

MISSOURI RIVER BRIDGE, NORTH DAKOTA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 8090) permitting the building of a railroad bridge across the Missouri River from a point on the east bank in section 14, Mountrail County, N. Dak., to a point on the west bank of said river in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west, of the fifth principal meridian, which were, on page 1, line 8, after "point," to insert "suitable to the interests of navigation"; on page 2, to strike out lines 9 to 12, inclusive; and on page 2, line 13, to strike out "3" and insert "2."

Mr. GRONNA. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

YELLOWSTONE RIVER BRIDGE, NORTH DAKOTA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 8089) permitting the building of a railroad bridge across the Yellowstone River from a point on the east bank in section 15 to a point on the west bank in section 16, township 151 north, range 104 west, of the fifth principal meridian, in McKenzie County, N. Dak., which were, on page 1, line 8, after "point," to insert "suitable to the interests of navigation," and on page 2 to strike out lines 8 to 11, inclusive.

Mr. GRONNA. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

LOAN OF TENTS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 143) authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine to be held at Dallas, Tex., in May, 1913, which was, on page 2, lines 9, 10, and 11, to strike out "*Provided further*, That hereafter no loan of tents shall be made except to the Grand Army of the Republic and the Confederate Veterans' Association."

Mr. BRISTOW. I think the bill and amendment had better go over, because the proviso is one of the desirable features. The proviso has been stricken out, and the Committee on Military Affairs insisted upon its going in.

Mr. DU PONT. I concur absolutely in what the Senator from Kansas has said.

Mr. CULBERSON. I desire to call the attention of Senators to the fact that one Congress can not bind another on the subject of this proviso. I have no objection to the proviso itself.

Mr. BRISTOW. No; but the proviso is the important thing, and I shall insist that it be retained in the bill. I ask that the action of the House be disagreed to.

Mr. CULBERSON. I suggest to the Senator from Alabama that the bill should go to conference.

Mr. JOHNSTON of Alabama. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. DU PONT, Mr. WARREN, and Mr. JOHNSTON of Alabama conferees on the part of the Senate.

THE JUDICIAL CODE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to Senate concurrent resolution 34, providing for the printing of 25,000 copies of the Judicial Code, which were, in line 1, to strike out "fifteen" and insert "twenty," and, in lines 6 and 7, to strike out "5,000 copies for the use of the Senate document room."

Mr. SMOOT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

MARKETING OF FARM PRODUCTS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (No. 68) of the House of Representatives, which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of Report No. 98 of the United States Department of Agriculture, being a report on systems of marketing farm products and demand for such products at trade centers, 10,000 copies for the use of the House of Representatives and 5,000 copies for the use of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 25762. An act for the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 27837. An act to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River, in the State of West Virginia; and

H. R. 28187. An act to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha River, and for other purposes.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 25781. An act to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 27827. An act to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 28335. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

H. R. 28635. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 28469. An act granting two condemned cannon to the Wallkill Valley Cemetery Association, of Orange County, N. Y.; and

H. J. Res. 365. Joint resolution to permit Col. William C. Gorgas and certain other officers of the Medical Corps and certain officers of the Engineer Corps of the Army to accept service under the Republic of Ecuador.

H. R. 28766. An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CURTIS. I move that the Senate proceed to the consideration of the District of Columbia appropriation bill, House bill 28499.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes.

Mr. BORAH. I wish to ask the Senator in charge of the bill if he can give any estimate as to how long it will take to dispose of the bill?

Mr. CURTIS. I think the bill will be passed in the course of the afternoon. There are only three or four contested items; there are not many, at least.

Mr. BORAH. I understand the Senator from Minnesota [Mr. NELSON] has given notice that he will call up the river and harbor bill immediately thereafter. I only suggest at this time that it seems quite apparent to me we shall have to meet earlier the next day or two if we are not going to confine ourselves entirely to passing appropriation bills.

Mr. CURTIS. There is an amendment pending, Mr. President.

The PRESIDENT pro tempore. The pending amendment will be stated.

The SECRETARY. On page 33, line 14, before the word "thereof," the Committee on Appropriations report to strike out "one-third" and insert "15 per cent," so as to read:

And the Capital Traction Co. is authorized and required, within 90 days after said bridge shall be ready for the reception thereof, to remove its track from Twenty-sixth Street NW. between Pennsylvania Avenue and M Street and from M Street NW. between Twenty-sixth and Twenty-ninth Streets, and relocate the same in Pennsylvania Avenue and across the bridge herein provided for to a junction with their present tracks at Twenty-ninth Street and Pennsylvania Avenue NW., and to repave the said street space and the space on the M Street Bridge over Rock Creek from which said tracks are removed, all in accordance with plans to be approved by the Commissioners of the District of Columbia and to their satisfaction, and the same law now governing the paving and repairing of street pavements between rails and for a distance of 2 feet exterior thereto shall govern on the bridge herein provided for. And the Capital Traction Co. shall, after the completion of said bridge, pay into the Treasury of the United States, one-half to the credit of the District of Columbia and one-half to the credit of the United States, a portion of the total cost of said bridge and all incidental work thereto equal to 15 per cent thereof, and the same shall be a valid and subsisting lien against the franchises and property of said Capital Traction Co., and shall be a legal indebtedness of said company in favor of the District of Columbia, jointly for its use and the use of the United States, as aforesaid, and the said lien may be enforced in the name of the District of Columbia by bill of equity brought by the Commissioners of the said District of Columbia in the Supreme Court of said District or by any other lawful proceedings against the said Capital Traction Co.

Mr. CURTIS. Upon yesterday I had read a letter from the company stating that they had first erected their road across this bridge and then had removed it upon the direction of the District Commissioners and had built a bridge at their own expense over M Street. This cost the company about $12,000 after they had asked permission to go back to the Pennsylvania Avenue Bridge, which request was denied. They say they have no desire to go back to Pennsylvania Avenue and build their line across that bridge. The District Commissioners in their estimates ask for only 15 per cent, and the Senate committee recommend reducing the amount from one-third to 15 per cent to make it correspond with the estimate of the commissioners.

Mr. SMITH of Georgia. Mr. President, I think the House has taken the proper view of this matter. If in the progress of the city it becomes necessary to abandon an old bridge and change the thoroughfare to another point and build there a good bridge, it is but fair that the street car companies using that bridge should pay one-third of the cost.

Now, there is a large amount given to the street car companies for which they pay nothing. The original streets were built at public expense. Their franchises are known to be the most valuable franchises that are held in the land. All the growth of a city in which they have franchises adds to the value of their franchise.

There are particular points from time to time when, under equitable arrangement, if applied to that point alone, it might not be proper to charge the usual one-third of the cost of the construction of the bridge to the street car company; but, nevertheless, I think it is the practice in the cities to follow that course. That is the practice with which I am familiar. If you charged them everywhere all the benefit they received you would be charging them far more than you do charge.

The fact that in an occasional place when a public improvement is to be used by a street car company and the public also, the one-third practice places more upon the street car company than at that point might seem to be its proportionate charge is still fair, because there is such a large part of its use where the street car company does not pay any part of the great benefits which it receives.

Now, let us see just for a moment what is the effect of building a new bridge, improving the street. It is for the purpose of accommodating the public. It is for the purpose of stimulating the erection of new houses, the increase of passage of the people, the increase of population using the street. It will therefore necessarily eventually be for the benefit of the street car company, the patronage of which will increase in proportion to the value of the new improvement.

I think the view taken by the House is right, and that the one-third charge ought to be made. Therefore I urge it.

Mr. SMOOT. Mr. President, the House provision requiring the railroad to pay one-third was considered very carefully by the committee. I want to say to the Senator from Georgia that we had very little evidence to base the action of the committee on. If he will look at the hearings in the House, he will find there were about half a dozen questions asked. Col. Judson, who appeared in behalf of the item, told the members of the committee that 15 per cent was the amount that they intended to charge, and, also, he says:

In cases heretofore covered by law, 15 per cent has been the rule, but there is no general law on the subject.

I wish to say that with the meager amount of evidence that we had it was the opinion of the committee that the amount charged should be placed at 15 per cent, as recommended by Col. Judson, and in the meantime look into the matter. I will say to the Senator that I have on foot now an inquiry for additional evidence as to whether 15 per cent or whether one-third is the proper amount to charge.

Of course, if it goes into conference, the proper amount to charge can be agreed on there.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. Certainly.

Mr. POMERENE. Can the Senator from Utah inform us what has been the practice heretofore in this city?

Mr. SMOOT. The practice has been to charge 15 per cent.

Mr. CURTIS. May I add also that Commissioner Judson says the 15 per cent provided in the amendment would probably be an ample amount for them to pay.

Mr. POMERENE. Upon what premises do they base their conclusion that 15 per cent would be the proper proportion?

Mr. SMOOT. I wish to say to the Senator that the details as to why 15 per cent is a just compensation for the railroads to pay are not given in the testimony, and that is what I want to find out. That is what I have already asked for.

There is one thing about this particular item, however, that I wish to mention. The Senator no doubt knows that the tracks originally were on Pennsylvania Avenue, in the same place as proposed in this bill. For some unaccountable reason, which I never could understand, they were taken from Pennsylvania Avenue and run on M Street and then returned to Pennsylvania Avenue at an exceedingly great cost to the railroad company.

Mr. POMERENE. It is a matter of common knowledge that all these bridges must be made very much heavier and very much stronger, in order to accommodate the street cars, than they otherwise would have to be. It does seem to me that 15 per cent is a remarkably small proportion to charge this company.

Mr. SMOOT. There is no question as to the strength of the present bridge. I will say to the Senator that several changes have already been made in the bridge on M Street. I do not wish to stand here pleading for the traction company, because I am in sympathy with the statement made by the Senator from Georgia. They ought to pay every cent that is just; but I do not believe, after the statement we have from Col. Judson, that we should, without any additional evidence, increase the usual charge from 15 per cent to 33⅓.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. Certainly.

Mr. SMITH of Georgia. Is it not the practice in other cities where bridges are built across streets of ordinary width, and street car companies are given the privilege of using them with double tracks, to charge them one-third? Is not that about the rule?

Mr. SMOOT. That is one of the questions about which I have already asked for information; and if that is the case, I think they ought to pay one-third, and I shall insist that they do pay it, if I should happen to be on the conference.

Mr. SMITH of Georgia. My own view of the matter is this: The commissioner simply suggested 15 per cent because that small proportion has been the usual charge here, when, in point of fact, the usual charge has been larger in other cities

The truth is the street car company gets the benefit of one-third of the traffic across a bridge of that sort, and it is right that the company should contribute that proportion of the cost.

Mr. SMOOT. The commissioners say that they are making this bridge longer and very much wider than would be necessary for the railroad because they anticipate future parking between the tracks.

Mr. BRISTOW. Mr. President——

Mr. SMOOT. Now, I am not going to insist upon this question. I am not here trying to say that the railroad company shall pay only 15 per cent if they should pay more. But I do say that, on the evidence that was before the committee, they did feel that the proper way to proceed was to accept the recommendation of the commissioners, leave it for future conference, and then decide in conference as to what the proper amount was.

Mr. BRISTOW. I should like to inquire of the Senator from Utah if the fact that the bridge has to be made very much wider is not due to the traffic of the street cars over the bridge more than to anything else, and the bridge has to be wider or the other traffic would be certainly very much interfered with because of the street cars running over the bridge?

Mr. SMOOT. No, Mr. President; all I say is what the commissioners say that they propose to make the bridge wider because of the fact that they anticipate that it will be parked.

Mr. BRISTOW. Then, I ask this for information: Will not this change in the street car lines eliminate a very inconvenient curve that is now there?

Mr. SMOOT. Mr. President, whoever made the change in the first place made a very grave and serious mistake.

Mr. BRISTOW. It will be a great convenience, not only to the street car company, but to everybody else, to have this bridge constructed, will it not?

Mr. SMOOT. I think the street car company itself would have preferred to have remained on Pennsylvania Avenue. There is no question about that.

Mr. SMITH of Georgia. I should like to ask the Senator if it is not true that the increasing traffic was such on the old bridge at that point, the double tracks so interfered with traffic, that it was almost impossible for the public and the company both to use it?

Mr. SMOOT. I did not understand that that was the reason it was changed from Pennsylvania Avenue to M Street; but I will say that the increasing traffic at M Street, with that curve as it is to-day, of course, makes it absolutely necessary now that the tracks should be removed back to Pennsylvania Avenue.

The PRESIDENT pro tempore. The question is on the amendment of the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 34, after line 17, to insert:

And the Chief of Engineers, United States Army, is authorized and directed to transfer to the Commissioners of the District of Columbia the land under his jurisdiction in square 1194 which is necessary, in the judgment of said commissioners, for the construction of the aforesaid bridge and approaches.

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator in charge of the bill what he thinks is the value of this land that the Government contributes to this enterprise without compensation?

Mr. CURTIS. As I understand, it is not a very valuable tract of land, and it is absolutely necessary to carry out the former provision.

Mr. SMITH of Georgia. I shall not object to that amendment, Mr. President.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 34, after line 23, to strike out:

That hereafter whenever, under appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or by resurfacing an existing pavement from curb to curb or from gutter to gutter, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including the expenses of the assessment, to be made as hereinafter prescribed, shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road or portion thereof upon the roadway of which said new pavement is laid or the existing roadway of which is resurfaced: *Provided, however,* That there shall be excepted from such assessment the cost of paving or resurfacing the roadway space included within the intersections of streets, avenues, and roads, as said intersections are included within building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

The assessments hereinbefore provided for shall be levied in the following manner, namely, where the average width of roadway is 32 feet or less between curbs, or between gutters where no curb exists, one-half of the total cost of the work, including the expenses of the assessment, shall be assessed as hereinbefore provided; where the average width of roadway is greater than 32 feet between curbs, or between gutters where no curb exists, one-half of the proportion of the total cost of the work which the width of 32 feet bears to the total width of the roadway between curbs, or between gutters where no curbs exist, together with one-fourth of the proportion of the total cost of the work which the balance of the roadway width in excess of 32 feet bears to the total width of the roadway, including the expenses of the total assessment, shall be assessed as hereinbefore provided.

Assessments levied under the provisions hereof shall be payable and collectible in the same manner and under the same penalty for nonpayment as is provided for assessments for improving sidewalks and alleys in the District of Columbia, as set forth on page 248 of volume 28, United States Statutes at Large: *Provided,* That the cost of publication of the notice of such assessment upon the failure to obtain personal service upon the owner of the property to be assessed therein provided for, and of the services of such notices, shall be paid out of the appropriation for the work, and such assessments when collected shall be deposited in the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts.

Mr. SMITH of Georgia. Mr. President, I am very much opposed to striking out that provision. That is the provision which requires when property is improved, when new streets are built, and also when an entirely new street is made where an old street was, if the street is not over 30 feet wide, that one-fourth of the expense shall be charged to adjacent property holders on either side of the street and one-half be paid out of the Treasury.

Mr. President, that is a liberal rule to the property holder. In many of the growing cities one-third of the expense is charged to each of the adjacent property holders and one-third to the city proper.

I want to state that I have nothing but regard for the city and the District, and I do not intend to seek in any way to obstruct the progress of the city or to obstruct such legislation as will help to develop the city and to beautify it; but I only ask that property holders here be treated as well and no better, with regard to improvements, than the treatment property holders receive in the average city where the people control their own affairs. If you build a new street through any of the suburban property, to whom does the benefit principally go? It goes to the adjacent property owner; it does not go to the public. If I have a piece of acreage at the edge of the city and a splendid new street is built through it, who derives the chief benefit from that new street? I do, as the owner of the adjacent property, and I do not know——

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. I do.

Mr. BRISTOW. Let me inquire of the committee when these acreage tracts are laid out do not the owners of that property contribute practically all of these streets? That is my understanding as to tracts outside of the city proper.

Mr. SMOOT. You mean the property itself?

Mr. SMITH of Georgia. Some of these streets I have driven over have practically no houses on them.

Mr. BRISTOW. As I understand it, the property owners receive no benefit from general taxation for those streets at all.

Mr. SMITH of Georgia. Certainly, the proposition is to pay all of the expenditure out of the Treasury.

Mr. BRISTOW. I do not think so.

Mr. SMITH of Georgia. Oh, yes; it is so under this bill.

Mr. BRISTOW. I think not.

Mr. CURTIS. I think the Senator from Kansas wants to know—perhaps the Senator from Georgia misunderstood him—if in certain additions the streets have not been donated. I understand such to be the case in certain additions to the city.

Mr. SMITH of Georgia. Yes.

Mr. CURTIS. As I shall desire to answer the Senator's argument later, I will not take up any more time now.

Mr. BRISTOW. In order that I may be understood I will say, to illustrate, that there is an addition to the city within the District of Columbia known as Massachusetts Avenue Heights. I happen to be acquainted with some parties who laid out that property, and they tell me they are paying for all of the improvements, that they contribute all of the streets at their own expense, that they have macadamized the streets and put down the sidewalks without it costing the District a cent.

Mr. SMITH of Georgia. All the House provision requires is that in such improvements one-half should be charged to the property holders and one-half to the Treasury.

Mr. BRISTOW. Let me understand. Does the Senator think that if New Jersey Avenue should be resurfaced, the property owners on either side should pay for that resurfacing?

Mr. SMITH of Georgia. I think the property holders even on that street should pay part of it, but not all of it.

Mr. BRISTOW. Mr. President, it seems to me that is simply a public highway in which the whole community is interested.

Mr. SMITH of Georgia. But the passage over the street by the public gives the adjacent property its value; the more who pass over it the more valuable the property that abuts upon it. It is the passage in front of a man's property in a city which makes the value of the property; the more who pass over it the more the property increases in value as compared with the property of other citizens in other parts of the city. I do not deny that ordinary repairs should be kept up by the District; that the District should maintain and keep the streets in condition, repairing ordinary breaks until finally the surface is so worn out that new surfaces must be made. While the public has used the street, the use by the public has increased the value of the adjacent property.

Take a store property; and what makes its value? It is the number of people who pass in front of it; it is the use by the public in front of it that makes it valuable for the merchant and increases the rent.

Some of these appropriations are to build new streets. Some of the appropriations which, I understand, the committee have added are for renewing old streets that are worn out, while some are for entirely new streets. I can not discuss each of these streets in detail, but I insist where the public has used to such an extent a street in front of a store property as to wear it out, they have added to the rental value of the property, and the owner has derived a benefit that the public at large have not had. I think the division of one-fourth to the property owners on each side of a street and one-half to the public at large is just about an equitable arrangement between the two.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Nevada?

Mr. SMITH of Georgia. I do.

Mr. NEWLANDS. I do not know to what item in the bill the Senator from Georgia is addressing himself, but I should like to set him right regarding some facts within my knowledge as to the development of Washington. I happen to have some familiarity with this subject. Long before I entered Congress, over 20 years ago, I became interested as a trustee of an estate in what is called the Chevy Chase enterprise, involving a strip of land on both sides of Connecticut Avenue from the Zoological Park out to Chevy Chase. That enterprise involved the construction of a railroad from the intersection of Seventh and U Streets to Chevy Chase, Md., a part of it underground, the first underground electric railroad that was constructed in the city—a railroad which was afterwards consolidated with the Capital Traction Co., the old Washington & Georgetown Railroad Co. I am, therefore, familiar with the entire operations along the line of Connecticut Avenue from the Zoological Park out to the District line, a distance of about 3 miles.

I wish to say as to that enterprise that the owners of it dedicated Connecticut Avenue from Rock Creek out to the District line without cost to the District, even acquiring, where they did not own the land, the property of others, paying for it and then dedicating it to the District. They also graded, at their own expense, that entire avenue at a cost of about $250,000, without any aid whatever from the District. They also built steel bridges across Rock Creek and across Klingle Valley for the railway without cost to the District. Those bridges afforded accommodation to the public as well as to the railway. The Senator will observe on that line of development a number of side streets.

Mr. SMITH of Georgia. I yield the floor temporarily to the Senator.

Mr. NEWLANDS. A number of side streets have been macadamized and supplied with water pipes, sidewalks, trees, and everything of that kind. I wish to say that all that work was done at the expense of the parties in this enterprise without participation, so far as I can recollect, upon the part of the District government. There might have been some work done by the District in a few places, but not upon the streets within the limits of the lands of this company, if my recollection is right. The custom is in laying out a suburban region to lay out the streets, dedicate them to the public without cost to the District, to improve them, and then to sell the lots on long time to purchasers who are seeking homes. So, the Senator will perceive that in the suburban sections almost the entire improvement is made, in the first instance, by the property holders. Then, after the streets are developed and accepted, their maintenance is provided for by the District. The property gradually drifts into the hands of the home seekers and they become taxpayers. In that way very large values were built up out in that section. I think the assessed value of that region has probably within the last 15 years been increased tenfold—at all events it has been very largely increased, and the public burdens are distributed in that way.

The streets and avenues are laid out and improved in the first instance by the property owners themselves, and then their maintenance falls on the District government, which collects constantly increasing taxes for this and other public purposes. I do not mean to say that that has been the universal rule.

There have been some exceptions in the District, but not, I think, of late years. There have been some avenues which have been largely improved at the expense of the District government. For instance, I believe Sixteenth Street extended and Massachusetts Avenue extended were in considerable degree improved after dedication at the expense of the District. That was some years ago, when it was thought advisable for the District government to share in the development of the great arteries of travel; but the Senator will observe that the great improvements recently made on both sides of Massachusetts Avenue extended near the Naval Observatory have been put there by a private company. I understand that all that work has been done by the owners of the property, and that they have not only dedicated the streets without cost to the District, but they have done also the work of macadamizing, pipe laying, pavement making, and so forth, and the District has been to comparatively no expense. So also with the subdivisions on both sides of Sixteenth Street extended.

I think a general impression prevails to the contrary regarding those regions—the impression of the casual observer—that this is public work, being done for the public at public expense, when, as a matter of fact, so far as I know, it is being done at private expense; and so far as this enterprise with which I became identified before I became a Member of Congress and in which I am still interested is concerned, I may say that there was a scrupulous effort to avoid in any degree any imposition whatever upon the public. Of course after subdivision takes place and the lots are improved by structures, the revenue of the District is largely increased through the taxes derived from these subdivisions, and it is but fair that the streets and sidewalks should be maintained out of the general fund into which these taxes go.

Mr. SMITH of Georgia. Mr. President, the statement of the Senator from Nevada simply shows that my position is right. The people with whom he has been interested paid the entire expense of building their streets. I am only asking, and the House provision only asks, that where other new streets are being improved the District do not pay all the expense.

Mr. NEWLANDS. But I think the Senator will find that the District Commissioners will not, in the first instance, help to lay out any street; they insist upon the property owners doing it.

Mr. SMITH of Georgia. There is in this bill a proposition to pave with asphalt a number of roads that are now practically impassable and which have not before been paved, and to do it entirely at the expense of the District and National Government.

Mr. NEWLANDS. But I think the Senator will probably find that those are streets that were laid out originally and improved by the property owners.

Mr. SMITH of Georgia. No.

Mr. NEWLANDS. And that now they are simply to be subjected to the expense of resurfacing.

Mr. SMITH of Georgia. I am coming to that later on. Some of these streets have never had asphalt on them; have never been made really passable streets. They are short, and 90 per cent of the improvement inures to the adjacent property. Some of the short streets in this list will not be public highways at all.

What I am insisting upon is, first, as to the streets that have never been asphalted, that have never really been made first-class streets, and that are now to be put in that condition, that the property holders who derive a large part of the benefit should pay half. In the case of the company with which the Senator was connected they paid it all.

One of the objections to permitting the District to build a complete street, short though it may be, entirely at the expense of the public is that they can asphalt all the District streets. They will do it for some and refuse it for others, and that encourages the practice of special privileges to a few at the expense of the many.

Mr. SMOOT. Mr. President, no doubt the Senator has already noticed that the provision he is supporting has reference to every street in Washington, whether it is to be improved or whether it has already been improved or whether it is to be repaired.

Mr. SMITH of Georgia. And the Senate committee has stricken it entirely out, but have put in no substitute providing that in the new streets that may be built the property owner shall pay his part.

Mr. SMOOT. Mr. President, the committee have left the law just as it is to-day. They are not changing the law that has been in existence in the District of Columbia for over a third of a century. It seems to me that the position the Senator is taking amounts to this: That a building like the New Willard Hotel, for instance, standing on property worth $30 to $40 a square foot and with 100 feet facing upon the street, would not pay one cent more for the repair or the construction of the street in front of it than the poorest man in the outskirts of the District would have to pay upon his property, and that seems to me unjust——

Mr. SMITH of Georgia. I will answer the Senator.

Mr. SMOOT. It seems to me unjust after all the streets in the principal parts of the city have been constructed under the present system, now to say to the people in the more remote parts of the District, where the property is cheap, where perhaps it is not worth more than a dollar a front foot that they shall in turn pay just as much per front foot for the construction and maintenance of a road as would the owners of the New Willard Hotel, or of the Highlands, or of some of the great buildings in the city of Washington that cost half a million dollars each.

Mr. SMITH of Georgia. I am glad that the Senator is interested in the little places on the outside and thinks that the owners of the New Willard Hotel and of the big property on the inside should pay their share. I shall assume that they will pay their share. The small houses in the outlying sections are on narrower streets, as a rule, and the character of the streets is different. You do not put asphalt on streets away out in the suburbs, and the expense is far less. When you put down sidewalks or improve streets there they do not have the volume of use and will last much longer, and by adopting the proposition that when they wear out they are to be repaved at the expense of adjacent property holders, you put upon the property in the center of the city, of much more value, the burden of repaving when the increased traffic wears out the roadway.

Mr. SMOOT. Mr. President——

Mr. SMITH of Georgia. Mr. President, I do not yield to the Senator now. I want to go on with my line of thought.

The PRESIDENT pro tempore. The Senator from Georgia declines to yield.

Mr. SMITH of Georgia. Now, what has made the property on the outside of any value? It is the streets leading to it. By the growth of the city and central improvements farms have been changed to city lots. The Senator from Nevada [Mr. NEWLANDS] says that upon the outside property to which he has referred the owners actually did all the improvements themselves; they paid all the expense for streets themselves.

If they once have a good pavement opposite the small properties on the outside at an ordinary place, if properly kept up by the District authorities, it will last a lifetime, while here in the center an asphalt pavement adjacent to the more valuable property, such as the New Willard, constantly used by great travel, will wear out speedily. If we will call upon this property when the asphalt wears out to contribute its part for renewal, and if we will tax it for what it is worth, or 65 per cent of what it is worth, making the percentage of tax it pays equal in proportion to its actual value to the assessment on the outside property, we will even up the burdens.

Mr. President, I have had some experience in this matter. I am fortunate enough to own some central real estate in quite a growing and prosperous city. The sidewalks are made and charged to my property. When the street in front is improved two-thirds of the expense is charged to the adjacent property holders and one-third to the city at large. I think that is a practice that exists in all cities except this.

I am only asking that there be applied to the city of Washington the same rule with regard to taxing and paving and improvements, and the same rules with regard to traction companies, that are applied in other cities. When we say that the property owners on each side of a street are to pay one-fourth for improvements of this kind, we do not even then make the property holders pay for all of the benefit they receive. It is an equitable arrangement.

Take some of the short streets that it is proposed by this bill to pave. The public at large are not concerned in them. The real value is to the adjacent property; and these are, in so far as I have been able to judge them, the kinds of property, away out on the outskirts where the poor man's home, to which the Senator from Utah refers, has been built.

I am asking only, and the House provision will require only, that where a street improvement is made the benefit of which goes especially to the adjacent property holder he shall pay somewhat in proportion to the benefit he gets; and where it goes but in small part to the public at large the Public Treasury shall carry only a part of the burden. That is what the House provision means.

I stated before that my own experience has been to pay one-third—to pay all for the sidewalk, all for the curbing, all for the renewal of the sidewalk from time to time, and one-third for the street unless there is a street car track on it, in which event the street car company pays for the paving between its rails and 2 feet on each side of them; if it is a double-track railroad it pays for 2 feet on each side of the double track, and the balance of the expense of paving the street is charged up, one-third each to the adjacent property holders, and one-third to the people at large.

This is simply an effort to let those who get the benefit pay for the benefit rather than to take the money of the whole people and distribute it as special gifts to a few people.

Mr. CURTIS. Mr. President, the Senate committee, in reporting this bill, struck out this amendment because it changes the organic law of the District. I want to read the organic law, and then I want to call attention to the difference of the rights in the streets in the city of Washington as compared with other cities. I propose to take only a few moments.

The organic act provides:

> The cost of laying down said pavement, sewers, and other works, or of repairing the same, shall be paid for in the following proportions and manner, to wit:
>
> When any street or avenue through which a street railway runs shall be paved, such railway company shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of such roads and for a distance of 2 feet from and exterior to such track or tracks on each side thereof, and of keeping the same in repair; but the said railway companies, having conformed to the grades established by the commissioners, may use such cobblestone or Belgian blocks for paving their tracks, or the space between their tracks, as the commissioners may direct. The United States shall pay one-half of the cost of all work done under the provisions of this section, except that done by the railway companies, which payment shall be credited as part of the 50 per cent which the United States contributes toward the expenses of the District of Columbia for that year; and all payments shall be made by the Secretary of the Treasury on the warrant or order of the Commissioners of the District of Columbia, or a majority thereof, in such amounts and at such times as they may deem safe and proper in view of the progress of the work.

That is the organic act. The organic act was so provided in that way because of the peculiar conditions existing in the city of Washington. I judge that this is the only city in the United States where the absolute title to the streets in fee simple is in the Government.

Mr. SMITH of Georgia. I do not know about that. In my own State the title to all the streets is in the State, not the municipality.

Mr. CURTIS. Yes; but when a street is vacated, the title to the land goes to the adjoining property holders, does it not? That is not true in this District.

Mr. SMITH of Georgia. No; it does not, unless the legislature consents.

Mr. CURTIS. It does in several States in which I have looked up the law. When a street is vacated, the title to the land goes to the abutting property owners.

I read from the case of Van Ness *v.* City of Washington (4 Pet., p. 286):

> But it is sufficient for us, that here there is a solemn conveyance, which purports to grant an unlimited fee in the streets and squares, to the use of the United States; and we know of no authority which would justify us in disregarding the terms or limiting their import where no mistake is set up and none is established.

Mr. President, there is another reason why this change should not be made, and that is the peculiar conformation of the streets and lots in the city of Washington. Some of the lots, with a frontage, we will say, of 25 or 50 feet, or whatever it may be, have a depth of only 10 or 15 or 20 feet. Under this bill the owner of a lot 15 or 20 feet deep would pay just as much for paving the street in front of it as a man who owns a lot of the same frontage 110 or 125 feet deep.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Georgia?

Mr. CURTIS. Certainly.

Mr. SMITH of Georgia. What would a man do with a lot 15 feet deep? Where is such a lot located?

Mr. CURTIS. Oh, there are plenty of them here. Their shape results from the conformation of the streets, and some of them have very small buildings on them. I doubt if there is any other city in the country where the streets are laid out just as they are in this city, leaving so many small tracts as they have here. If the Senator has gone over the city he has found in many places little squares or small tracts, often not built up with houses, but used simply as storage places or dumps. You will find lots of them here in the city. I went around myself and saw many of them, and, thinking that they belonged to the city, I asked the District Commissioners if they could not clean

them out. The commissioner who was with me said they could not do so, because the property did not belong to the Government; it was owned by some private individual and was used simply as a storage place. Some of these places are eyesores to the community.

Mr. SMITH of Georgia. I will ask the Senator whether it would not be a good plan, then, to sell them out under execution and get rid of them, if they are eyesores to the community?

Mr. CURTIS. If the party had bought them it would hardly be fair to sell them out. It would hardly be fair to a poor man, who might have his last dollar invested there, to sell him out.

I should like to have read, in this connection, a letter on this subject written by George Truesdell, chairman of the committee on municipal finance. I think it answers some of the questions raised here much better than I can, and covers the situation fully.

The PRESIDENT pro tempore. Without objection, the letter will be read.

The Secretary read as follows:

WASHINGTON BOARD OF TRADE,
Washington, D. C., February 12, 1913.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations, United States Senate.

DEAR SIR: Your letter to Mr. Eynon, secretary of the Washington Board of Trade, stating that on account of pressure of business upon the members of the subcommittee in charge of the District of Columbia appropriation bill and in view of the lateness of the session it has not been definitely determined that hearings on the District bill will be granted has been referred to the committee on municipal finance.

Following your suggestion that the matter which the board of trade desires to present to the subcommittee be typewritten in as concise form as possible and sent to the committee by messenger at the very earliest moment possible, I have, as chairman of the committee on municipal finance, been requested to submit the following:

One of the objectionable amendments to the District bill adopted by the House of Representatives which the board of trade believes will work great hardship and injustice if enacted into law is the Borland amendment (p. 31, after line 6), which proposes to permanently change the plan of paying for paving and resurfacing streets in the District of Columbia by assessing one-half the cost of the same upon the abutting property instead of paying the whole cost from the general fund, as has been the practice under the organic act since 1878. The method of paying for such work by assessing a part of the cost upon the abutting property similar to the one proposed in the Borland amendment was given a thorough trial in the District during the reign of the board of public works, and after a searching investigation of District affairs by a joint select committee of Congress, lasting for several months, it was found it had wrought so much distress and injustice upon small property holders and so many inequalities upon all classes of property that it was discarded, and the plan now in vogue of paying for the same out of the general fund was substituted therefor.

However successful the Borland method may have been elsewhere, the plan upon which the city of Washington is laid out, with broad, rectangular streets and wide radiating avenues, varying in width from 85 to 160 feet, with numerous public squares, circles, and triangular reservations, does not lend itself to any equitable system of assessing the cost of paving the carriageways on a front-foot basis. Aside from the distress wrought upon the small property holders under this system, it was found, under the vast system of improvements inaugurated by the board of public works, impossible to devise any uniform and equitable method of applying the law to the large number of irregularly shaped lots varying greatly in depth and frontage in proportion to depth. In some instances triangular lots with broad sides on a paved street were eaten up by excessive taxation. Numerous suits grew out of this system of assessing, and it required several years to revise the assessments and a special act of Congress under which drawbacks aggregating hundreds of thousands of dollars were issued to property holders for overpayments.

No one who is familiar with the operation of this ill-advised system in Washington would ever advocate a return to it. On its face it appears to be reasonable that some part of the cost of paving the carriageways should be assessed upon the abutting property, because there is unquestionably some benefit resulting from the improvement. But it is impracticable to assess the benefits equitably, and in the long run complete justice will be done to all by defraying the cost from the general fund. Under the present law, in force for 35 years, the small property holder in the suburbs and on many of the unimproved streets of the city has contributed toward the payment in the older portions of the city, and now, when he is about to have his own street paved, he is, if the proposed change is made, to be assessed for costs. There is no demand for this change, and it would work great hardship and injustice upon a deserving class of small property holders in the suburbs and elsewhere who are paying for their homes in monthly installments. Moreover the proposed change would not reduce the tax on any property in the District a single dollar, and there is no public necessity for such a change, nor is there much analogy between this system and the existing law under which sidewalks and alleys are paved where the benefits are almost wholly local. The present revenues are adequate for all the work estimated for by the commissioners and aggregating several millions of dollars more than the House of Representatives has appropriated in the present bill.

Some charges have been made on the floor of the House of Representatives in support of this change that primeval forests have been leveled and streets paved through them and through waste places for the benefit of speculators, one-half at the expense of the United States, and that the Borland amendment, if it becomes a law, will check such expenditures. The charge is absolutely without foundation, all such work having been done wholly at the expense of the property holders, so far as paving streets is concerned, thereby increasing largely the revenues of the District. Moreover, under the existing law no street can be paved in the District at the expense of the public without a specific appropriation therefor, which, of course, is wholly under the control of the Appropriation Committees and Congress.

There are a number of items in this bill as it passed the House of Representatives which are made payable wholly from the revenues of the District in violation of the organic act. The Washington Board of Trade pleads for the integrity of that compact and protests vigorously against each and every departure from it by Congress. In behalf of the people of this Federal District, who are without direct representation in Congress, it respectfully urges upon your honorable committee to permit no infractions of that just measure, which has been pronounced a constitution by the Supreme Court of the United States in Ecklog v. The District of Columbia (135 U. S., 24, 243, 244).

The maintenance of the half-and-half plan, the vital feature of this constitution, is absolutely essential to the health, comfort, and convenience of the inhabitants of this Capital, and of all those persons who come here on public or private business, if it is to be maintained on the scale intended by its founders. In this connection your attention is invited to a report of the board of trade upon the financial relations of the District of Columbia and the Federal Government from 1871 to 1912, unanimously adopted January 19, 1912, a copy of which is sent herewith, with a request that it be considered a part of this communication and included in the printed record of the hearings.

Yours, very respectfully,

GEO. TRUESDELL,
Chairman Committee on Municipal Finance,
Washington Board of Trade.

Mr. SMITH of Georgia. Mr. President, I must say that I consider that a very rare letter. Some parts of it are really humorous. The writer says nobody is demanding this change; that the present arrangement is satisfactory. He actually says there is a constitution binding the United States Government to carry half of the entire expenses of the District, and he cites a Supreme Court decision. I shall take occasion later on to call attention to that decision; and I think I shall show that the writer of the letter is at least not an accurate lawyer.

There is some demand for this change. The House of Representatives have demanded it. This gentleman does not seem to think anybody has demanded it, even though the House of Representatives have seen fit to put it into an act of Congress. It is their duty to demand it. Some one else is interested in this matter besides the local board of trade. The people of the entire country are contributing one-half of the money that supports this District, and the people of the entire country have a right to say that the citizens of this District, when property holders, shall be treated as citizens of other cities are treated.

The writer of this letter undertakes to point out some peculiarity about the streets of this city that takes them entirely out of the ordinary rule. There are narrow places and sharp corners in other cities as well as in this city. But I do not desire to pursue the discussion further, just at this time, with such a scant attendance. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Georgia suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	du Pont	O'Gorman	Smith, Ga.
Bacon	Gallinger	Oliver	Smith, Md.
Bourne	Gamble	Overman	Smith, S. C.
Bradley	Gardner	Owen	Smoot
Brady	Johnson, Me.	Page	Thomas
Brandegee	Jones	Penrose	Thornton
Bristow	Kenyon	Percy	Townsend
Burton	Kern	Pomerene	Warren
Chamberlain	Lea	Richardson	Webb
Clapp	Lippitt	Root	Works
Clarke, Ark.	Martin, Va.	Sheppard	
Curtis	Myers	Shively	
Dillingham	Nelson	Smith, Ariz.	

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. SMITH of Georgia. Mr. President, I have hurriedly looked through this decision in 135 United States. There is nothing in it that conflicts with the early case in 20 Howard, Smith against The Corporation of Washington, in which the Supreme Court of the United States held that the title to the streets was in the Federal Government as trustee for the people, and that there was no difference between the relation of the Federal Government to the streets here and the relation of the sovereignty to the streets in most cities. The court held that the Federal Government was merely trustee for the benefit of the people, and that no different relation was created here from that which exists elsewhere.

We have, therefore, no basis sustained for applying a different rule here with reference to street improvements than exists in other cities, except that the National Government pays one-half of all of the expenses, and therefore the people of the entire country, rather than the people of the District of Columbia, bear this burden.

In urging that the House provision be adopted, I am asking only to apply to the District of Columbia the same rule in regard to street improvements that other cities apply, and that the individual property holder whose property is especially improved by a street placed in front of it shall carry a special part of the burden incident to the expense of making the improvement. The House provision puts the rule in a form that is

liberal to the property holder when it requires only one-fourth of the expense to be paid by each of the adjoining property holders, and one-half from the Treasury.

Mr. WORKS. Mr. President, I should like to ask the Senator from Georgia how the expense of paving streets in front of Government property is paid.

Mr. SMITH of Georgia. Here in the District of Columbia, or in other cities?

Mr. WORKS. Here in the District.

Mr. SMITH of Georgia. It is paid out of the Treasury, one-half by the General Government and one-half by the District of Columbia.

Mr. WORKS. Is any part of it, in that case, assessed against individuals?

Mr. SMITH of Georgia. Not at all; but the Government, owning the property, has paid one-half of the whole cost of it, an amount equal to that which this bill would assess to the adjoining property holders.

Mr. WORKS. And the property owners of the District have been taxed to pay the other half. Under those circumstances why should the Government insist that from this time on the property owners shall pay the whole expense of improving the streets?

Mr. SMITH of Georgia. I am not asking for that at all. I am asking only that they shall pay half of it.

Mr. WORKS. Half of it, then. Why should there be any change made from existing conditions, under which the Government has had its property improved, and other property owners within the District have not been compelled to pay one-third or one-half of the expense, or any other amount? If from this time on the property owners are compelled to pay one-third of the expense, of course they are put at an entirely unjust disadvantage as compared with improvements that have been made heretofore under the rules that have previously existed.

Mr. SMITH of Georgia. And because we have been improperly taking the money of all the people and giving it to part of the people, having had the fact brought to our attention, according to the argument of the Senator from California we must continue to follow that policy, even though it is apparent that it has not been fair; and in the future we must not compel the property holder to bear his just burden because in the past we have not done it.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. Yes.

Mr. WORKS. I am not putting it solely upon that ground. I agree thoroughly with what is stated in the letter that has been read here, that it is next to impossible to assess the property equitably when we come to consider the irregular condition of the streets and the irregular shapes and sizes of the lots. It will be next to impossible, it seems to me, to make any equitable assessment under those circumstances by which the people are required to pay according to the frontage of their ownership.

Mr. SMITH of Georgia. Mr. President, that line of argument has already been presented here, and I have replied to it and shown that in other cities where this practice is followed you find triangular lots. They are discovered in nearly every city. It is not suggested even that the application of this provision to the proposed improvement would create any injustice at all. No places are pointed out where the charges put against the property holders who are to be benefited by one-half of the improvement would in any sense be an injustice to them. At a later time, if there are peculiar triangular lots here, we could modify this rule when we come to improvements around them and take care of anything that would be unjust.

I see in this bill the expenditure of money to build new streets in front of practically unimproved property at a number of places where the money is not spent for the public at large, but more than half of it for the benefit of the individuals owning property on those streets. It is in this condition that the House sought to impose upon the people whose property is to be benefited a rule similar to that which stands in other cities, but more liberal and with a smaller charge than the rule applied in other cities.

As I said before, the rule with which I am acquainted is to charge one-third on all the adjacent property holders and one-third to the city. The House provision places only one-fourth upon each of the adjacent property holders and one-half on the Public Treasury. I think it is fair and it is equitable. There may be some criticism upon it occasionally, but it is far more equitable than to take the money of all the people to improve this property for a few of the people.

Mr. SMOOT. Mr. President, when I referred to the injustice of assessing property by the linear-foot frontage, the Senator from Georgia undertook to show that the reference cited by me was rather an erroneous one, because the paving which is outside the center of the city was not traveled upon so much and therefore did not wear out so quickly, hence did not cost so much to maintain, and that being the case it became a just assessment. He stated that the paving in front of the Willard Hotel wore out much more rapidly and the expense of repairing was much greater than the paving would be upon one of the side streets in the northwestern or northeastern part of the city.

Let me call the Senator's attention to the fact that there is almost as much injustice in the case of the property on the two sides of the street in front of the New Willard Hotel or upon Sixteenth Street or upon Connecticut Avenue under the system of assessment that he proposes as there is if we compare the assessment at the New Willard Hotel to the streets he referred to.

Take the New Willard Hotel property. Say that it has a frontage of 100 feet; then take the property on the other side of the street. There is just as much wear and tear upon the pavement of one side of the street as the other. The New Willard Hotel cost, no doubt, over a million dollars to erect. On the other side of the street the property cost very little indeed. Yet under the system the Senator proposes the property on both sides of the street would pay exactly the same amount for keeping the pavement in order.

Take Sixteenth Street, which we all know, and which will perhaps be known hereafter as the Avenue of the Presidents. We find a little shanty on one side—and there are a number of them—and perhaps the depth of the property is not more than 45 feet; upon the other side of the street, with perhaps no more frontage, but with a residence that cost a quarter of a million dollars upon the land.

Under the system that the Senator proposes the assessment for maintaining repairs of the street upon Sixteenth Street would be exactly the same to the little cottage as it is to the palace upon the other side.

Take Connecticut Avenue, let us refer to the Highlands, a building that cost over a half a million dollars, with perhaps a hundred feet frontage. Immediately across the street we find a vacant lot. Under the system proposed the maintenance of the street would be just as expensive on the vacant property as it would be upon the property known as the Highlands.

So I could take the Senator all over the city and show him that he is proposing a system of taxation unjust to the landowner of the District.

The Senator says that the people of the entire country pay the expense. I believe the American people from one end of the land to the other take as much interest in the beautifying of Washington, their Capital, as do the people living directly in the city; and it seems to me that the people of the United States are not unjustly taxed when we take into consideration the property in the District that is owned by the Government and which it does not pay taxes upon. Take the great parks around Washington——

Mr. SMITH of Georgia. Does the Senator say it does not pay a single cent of tax?

The PRESIDENT pro tempore. Will the Senator permit the Chair to suggest that before interrupting a Senator he must address the Chair and obtain permission. The rule requires it. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. Gladly.

Mr. SMITH of Georgia. Does the Senator claim that the Government pays nothing as a tax on its property? What does it pay?

Mr. SMOOT. Not outside of one-half. It pays it for the maintenance of the city government because of the very fact that the Government owns so much property in the District. As I was about to say, take Rock Creek Park and all the other parks that we have around the city, as well as all the Government buildings and vacant property. You do not find them in any other city of the United States. The conditions in this city are not to be compared with any other city, because a comparison of that kind would be unjust indeed.

Therefore, Mr. President, I think that the provision of the House was absolutely unjust to the District of Columbia. This has been often thrashed out. It has been referred to by the Senator from Kansas. In 1874 it was decided, and decided after a most exhaustive investigation, that the only just way of taxing the District was the half-and-half system.

I sincerely trust, Mr. President, that the Senate will disagree to the provision put in the bill by the House.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. The Senator from Georgia will pardon the Chair for a moment. In view of the condition of the public business, the Chair feels constrained to read Rule XIX, or a portion of it:

No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

The Chair reads this rule to admonish Senators.

Mr. SMITH of Georgia. Mr. President, I desire to take only two minutes to reply to one part of the speech of the Senator from Utah.

The PRESIDENT pro tempore. The Senator from Georgia will proceed.

Mr. SMITH of Georgia. The Senator referred to the proposition that the Government pays no tax on property. He then said it was true the half-and-half doctrine existed, and he called attention to the fact that the Government owns the parks. What does it own them for? The people. If the Government owns them, then it is simply that much contribution to the city; and it is entirely an unsound view of the Senator that the Government should pay taxes on parks that it gives to the city.

I am not attacking the half-and-half principle; I am applying my argument solely to the street improvements, and asking that the same rule which exists practically everywhere else shall exist in the District of Columbia.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. SMITH of Georgia. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. DILLINGHAM (after having voted in the affirmative). I withhold my vote, owing to the general pair I have with the senior Senator from South Carolina [Mr. TILLMAN], who has not voted.

Mr. SUTHERLAND. Has the Senator from Arkansas [Mr. CLARKE] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. SUTHERLAND. I have a pair with that Senator, and therefore withhold my vote.

Mr. SMITH of Michigan (after having voted in the affirmative). I voted inadvertently. I notice my pair, the junior Senator from Missouri [Mr. REED], has not voted. I take the liberty of transferring that pair to the Senator from Connecticut [Mr. MCLEAN], and will allow my vote to stand.

Mr. DILLINGHAM. I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Nebraska [Mr. BROWN] and vote. I vote "yea."

The result was announced—yeas 45, nays 19, as follows:

YEAS—45.

Bankhead	Dillingham	Martin, Va.	Smoot
Bourne	du Pont	Nelson	Stephenson
Bradley	Fall	Oliver	Swanson
Brandegee	Fletcher	Page	Thornton
Bristow	Foster	Penrose	Townsend
Burnham	Gallinger	Percy	Warren
Burton	Gamble	Perkins	Wetmore
Catron	Gardner	Poindexter	Williams
Chamberlain	Johnston, Ala.	Richardson	Works
Clapp	Jones	Root	
Crane	Lodge	Smith, Md.	
Curtis	McCumber	Smith, Mich.	

NAYS—19.

Ashurst	Kern	Owen	Smith, S. C.
Bacon	La Follette	Sheppard	Stone
Gore	Martine, N. J.	Shively	Thomas
Gronna	Myers	Simmons	Webb
Kenyon	Overman	Smith, Ga.	

NOT VOTING—31.

Borah	Crawford	Johnson, Me.	Pittman
Brady	Culberson	Kavanaugh	Pomerene
Briggs	Cullom	Lea	Reed
Brown	Cummins	Lippitt	Smith, Ariz.
Bryan	Dixon	McLean	Sutherland
Chilton	Guggenheim	Newlands	Tillman
Clark, Wyo.	Hitchcock	O'Gorman	Watson
Clarke, Ark.	Jackson	Paynter	

So the amendment was agreed to.

The Secretary resumed the reading of the bill.

The next amendment was, under the head of "Sewers," on page 37, line 10, after the word "sewers," to strike out "$130,000" and insert "$155,000," so as to make the clause read:

For suburban sewers, $155,000.

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, I want to insert in the RECORD at this point a statement showing the per capita expense of administration in cities in the United States of 300,000 or over. The statement shows that the only cities in this class with a larger per capita expense than Washington are New York, Boston, San Francisco, Cincinnati, and Los Angeles. Washington has a larger per capita expense than any of the remaining 12.

The PRESIDENT pro tempore. Without objection, the statement will be printed in the RECORD.

The statement referred to is as follows:

1. New York	$50.55
2. Chicago	27.45
3. Philadelphia	27.27
4. St. Louis	28.04
5. Boston	44.10
6. Cleveland	28.65
7. Baltimore	27.65
8. Pittsburgh	35.01
9. Detroit	23.39
10. Buffalo	33.29
11. San Francisco	42.43
12. Milwaukee	25.21
13. Cincinnati	41.50
14. Newark	31.88
15. New Orleans	25.62
16. Washington	35.04
17. Los Angeles	49.71
18. Minneapolis	29.66

Mr. OWEN. I should like to call the attention of the Senate to the fact that the District of Columbia has no practical organized government. Its authority is exercised by 17 different heads. The city ought to be given a charter that will be a model charter for the cities of the United States. I simply make that suggestion while this matter is up, because it accounts for the very high cost of the per capita of expenditures in this city. At a future time I shall call the attention of the Senate more directly to it.

Mr. WORKS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from California offers an amendment, which will be stated.

The SECRETARY. After line 15, on page 38, it is proposed to insert the following proviso:

Provided, That laborers on the streets shall be paid not less than $2 per day.

Mr. CURTIS. I accept that amendment, if the Senate does not object.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from California [Mr. WORKS].

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Streets," on page 39, after line 3, to insert:

Bathing beach: For superintendent, $600; watchman, $480; temporary services, supplies, and maintenance, $2,250; for repairs to buildings, pools, and the upkeep of the grounds, $1,500, to be immediately available; in all, $4,830.

For the construction, by contract or otherwise, of an underground drain from the fountain lying south of the White House, across the grounds of the White House (reservation No. 1) and of the Washington Monument (reservation No. 2) to the bathing beach near Seventeenth and B Streets NW., $2,500; and the Commissioners of the District of Columbia are authorized to enter said reservations for the purpose of installing said drain.

The commissioners shall submit for the consideration of Congress, in the annual estimates for the government of the District of Columbia for the fiscal year 1915, detailed estimates for the construction of not exceeding two public bathing beaches, with all necessary buildings, on separate sites other than that now used and where tidal water shall be constantly available for bathing purposes.

Mr. CURTIS. I offer the amendment to the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Kansas offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 39, line 15, after the word "drain," in the amendment reported by the committee, it is proposed to insert:

Provided, That the time, plans, and manner of doing the work shall first be approved by the officer in charge of public buildings and grounds in accordance with such restrictions as he may decide to be necessary for the protection of the property and interests of the United States.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 40, line 11, after the word "playgrounds," to strike out "$5,000" and insert "including not to exceed $100 for rent of storage houses, under the direction and supervision of the commissioners, $7,535," so as to make the clause read:

Playgrounds: For maintenance, equipment, supplies, tools, construction of toilet facilities and wading pools, fencing, grading, and repairs, including labor and materials, and necessary incidental and contingent expenses for all playgrounds, including not to exceed $100 for rent of storage houses, under the direction and supervision of the commissioners, $7,535.

The amendment was agreed to.

The next amendment was, on page 41, line 3, after the word "playgrounds," to strike out "$26,275" and insert "$28,810," so as to make the clause read:

In all, for playgrounds, $28,810, which sum shall be paid wholly out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "Public schools," on page 46, line 15, after the words "public schools," to strike out "$5,000" and insert "$6,000," and in line 22, after the words "in all," to strike out "$52,700" and insert "$53,700," so as to make the clause read:

Officers: Superintendent of public schools, $6,000; 2 assistant superintendents, at $3,000 each; director of intermediate instruction, 13 supervising principals, and supervisor of manual training, 15 in all, at a minimum salary of $2,200 each; secretary, $2,000; clerks—1 $1,400, 2 at $1,000 each, 1 to carry out the provisions of the child-labor law, $900; 2 stenographers, at $840 each; messenger, $720; in all, $53,700.

Mr. SMITH of Georgia. Mr. President, I desire to call attention to the word "minimum" found in line 19, where the language is "at a minimum salary of $2,200 each." I am satisfied that is a misprint and that the word should be "maximum." They fall below the assistant superintendents, and they only get $3,000.

Mr. CURTIS. The word "minimum" is correct. They go up from that.

Mr. SMOOT. That is the lowest amount paid, and they go from that amount up.

Mr. SMITH of Georgia. There is no maximum?

Mr. CURTIS. That is the lowest. They go up from that.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 53, after line 13, to strike out "Conduit Road, Chain Bridge Road, Fort Road, and Fort Slocum Schools, four janitors, at $150 each; in all, $600"; and in lieu thereof to insert, "Conduit Road, Chain Bridge Road, and Fort Slocum Schools, three janitors, at $150 each; in all, $450."

The amendment was agreed to.

The next amendment was, on page 53, line 25, after the words "In all," to strike out "$122,940" and insert "$122,790," so as to read:

In all, $122,790.

The amendment was agreed to.

The next amendment was, on page 54, line 5, before the word "medical," to strike out "Chief medical inspector of public schools, $1,800; twelve," and insert "Thirteen," and in line 9, after the words "in all," to strike out "$7,800" and insert "$6,500," so as to read:

Medical inspectors: Thirteen medical inspectors of public schools, one of whom shall be a woman, two of whom shall be dentists, and four of whom shall be of the colored race, at $500 each; in all, $6,500.

The amendment was agreed to.

The next amendment was, on page 55, line 14, after the words "provided for," to strike out "including an allowance of $300 for livery of horse for the superintendent of janitors," so as to make the clause read:

For contingent expenses, including furniture and repairs of same, stationery, printing, ice, purchase and repair of equipment for high-school cadets, and other necessary items not otherwise provided for, and including not exceeding $1,000 for books, books of reference, and periodicals, $47,500.

The amendment was agreed to.

The next amendment was, on page 56, after line 14, to strike out:

For the purchase of a motor car for the superintendent of schools at a cost not exceeding $1,000, and for the purchase of a motor delivery vehicle, at a cost not exceeding $2,000, the maintenance of the said motor vehicles, including the hire of drivers of both vehicles, not exceeding $600 per annum each, $4,200.

The amendment was agreed to.

The next amendment was, on page 57, after line 13, to insert:

Toward the construction of a new Central High School on the site purchased for that purpose and toward the grading and other work necessary to prepare the site, the grading of an athletic field, the construction of retaining walls, and the construction of an athletic stadium, and the total cost of said work shall not exceed $1,200,000 under contracts which are hereby authorized therefor, $300,000.

Toward the construction of a new M Street High School for colored pupils, on the site purchased for that purpose, and toward the grading of said site, and the total cost of said building shall not exceed $550,000, under contracts which are hereby authorized therefor, $150,000.

Mr. SMITH of Georgia. Mr. President, as to the high-school amendments, I desire to submit a point of order. As to the grammar school, however, beyond the Soldiers' Home, I do not desire to raise any objection at all.

Mr. CURTIS. I ask unanimous consent to pass over the items in reference to the Central High School and the M Street High School.

Mr. SMITH of Georgia. As to the items in reference to the two high schools, I should like to state just this much with reference to the matter: My objection is not to the high schools; I should be glad to vote money for high schools of smaller size; but I am opposed to congregating 2,600 children in one high school.

The PRESIDENT pro tempore. Without objection, the two items referred to will be passed over for the present.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 58, after line 5, to insert:

For the erection of a 16-room building on the site purchased west of Soldiers' Home Grounds, south of Rock Creek Road, $128,000.

The amendment was agreed to.

Mr. CURTIS. I offer an amendment, to come in on page 61, line 13.

The PRESIDENT pro tempore. The Senator from Kansas offers an amendment, which will be stated.

The SECRETARY. On page 61, line 13, before the word "privates," it is proposed to strike out "forty-nine" and insert in lieu thereof "fifty-eight."

Mr. CURTIS. I will say that I offer that amendment because, if they are not provided for in this bill, nine men may have to be discharged on the 1st of July.

Mr. SMITH of Georgia. What is the purpose of the amendment?

Mr. CURTIS. I offer the amendment because there are now nine extra men, and I am advised that if they are not provided for they may have to be discharged on the 1st of July, and it is not desirable to have them discharged.

Mr. POMERENE. May I ask that the amendment be again stated?

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The SECRETARY. On page 61, line 13, before the words "privates of class 1," it is proposed to strike out "forty-nine" and to insert "fifty-eight."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to, and the Secretary will correct the total.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Fire department," on page 65, after line 2, to insert:

Hereafter no member of the fire department shall, unless on leave of absence, go beyond the confines of the District of Columbia or be absent from duty without permission; and leaves of absence exceeding 20 days in any one year shall be without pay and require the consent of the commissioners, and such year shall be from January 1 to December 31, both inclusive, and 30 days shall be the term of total sick leave in any year without disallowance of pay; and leave of absence with pay of members of the fire department of the District of Columbia may be extended in cases of illness or injury incurred in line of duty upon recommendation of the board of surgeons, approved by the Commissioners of the District of Columbia, for such period exceeding 30 days in any calendar year as in the judgment of the commissioners may be necessary.

The amendment was agreed to.

The next amendment was, on page 66, line 7, after the word "items," to strike out "$25,000" and insert "$26,000," so as to make the clause read:

For contingent expenses, horseshoeing, furniture, fixtures, oil, medical and stable supplies, harness, blacksmithing, gas and electric lighting, flags and halyards, and other necessary items, $26,000.

The amendment was agreed to.

The next amendment was, on page 66, line 8, after the words "in all," to strike out "$130,800" and insert "$131,800," so as to read:

In all, $131,800.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I offer an amendment to come in on page 66, line 16.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 66, after line 16, it is proposed to insert:

For one combination chemical engine and hose wagon, $6,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Health Department," on page 68, line 1, after the word "exceeding," to strike out "$10,000" and insert "$15,000," so as to read:

For the enforcement of the provisions of an act to prevent the spread of contagious diseases in the District of Columbia, approved March 3, 1897, and an act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebrospinal meningitis, and typhoid fever in the District of Columbia, approved February 9, 1907, and an act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, approved May 13, 1908, under the direction of the health offi-

cer of said District, and for the prevention of other communicable diseases, including salaries or compensation for personal services, not exceeding $15,000.

The amendment was agreed to.

The next amendment was, at the top of page 71, to insert:

The action of the commissioners in locating a pound and stable for the health department on reservation No. 290, located along James Creek Canal at the intersection of South Capitol and I Streets SE., under the authorization contained in the District appropriation act approved March 2, 1911, is ratified and confirmed, and the jurisdiction and control over said reservation is transferred to the Commissioners of the District of Columbia: *Provided*, That the District of Columbia shall pay to the United States as compensation for the land contained in said reservation one-half the estimated value thereof, namely, $4,100, and there is hereby appropriated, entirely from the revenues of the District of Columbia, said sum of $4,100, which shall be deposited in the Treasury of the United States to the credit of the United States, and thereafter the title to said reservation shall be in the name of the District of Columbia.

Mr. SMITH of Georgia. Mr. President, I should like to have that amendment go over.

Mr. CURTIS. I have no objection to passing it over.

The PRESIDENT pro tempore. It will be passed over, without objection.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Courts," on page 72, line 2, after the words "District of Columbia," to strike out "$1,800" and insert "$2,000," and in line 5, after the words "in all," to strike out "$5,000" and insert "$5,200," so as to make the clause read:

Probation system: Probation officer, Supreme Court, District of Columbia, $2,000; probation officer, police court, District of Columbia, $1,500; assistant probation officer, police court, District of Columbia, $1,200; contingent expenses, $500; in all, $5,200.

The amendment was agreed to.

The next amendment was, on page 72, line 23, after the word "clerk," to strike out "$2,000" and insert "$2,200"; in the same line, after the word "one," where it occurs the first time, to strike out "$1,500" and insert "$1,600"; and on page 73, line 3, after the words "in all," to strike out "$28,380" and insert "$28,680," so as to make the clause read:

Police court: Two judges, at $3,600 each; clerk, $2,200; deputy clerks—1 $1,600, 1 $1,500, 2, at $1,200 each; deputy financial clerk, $1,500; 7 bailiffs, at $900 each; deputy marshal, $1,000; janitor, $600; engineer, $900; assistant engineer, $720; fireman, $480; 2 assistant janitors, at $300 each; matron, $600; 3 charmen, at $360 each; in all, $28,680.

The amendment was agreed to.

The next amendment was, on page 74, after line 13, to insert:

INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, $975,408.

Mr. CURTIS. Mr. President, I understand there will be a contest upon that amendment, and I therefore ask that it go over.

The PRESIDENT pro tempore. It will go over, without objection.

Mr. BRANDEGEE. Mr. President, I send to the desk an amendment, which I offer, to come in after line 10, on page 76.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 10, on page 76, it is proposed to insert the following:

For the expenses of the jury commission of the District of Columbia, including stationery and clerical assistance, $400.

The amendment was agreed to.

Mr. BRANDEGEE. I should like, in this connection, to have inserted in the RECORD a short statement which was inserted in the RECORD of last year when a similar amendment was adopted. I will send it to the desk.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

JURY COMMISSION, DISTRICT OF COLUMBIA,
May —, 1912.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations,
United States Senate.

SIR: The jury commission of the District of Columbia respectfully request that an item be inserted in the legislative, executive, and judicial appropriation bill, to read as follows:

"Jury commission, District of Columbia: For expenses of the jury commission, including stationery and clerical assistance, $400, one-half of which shall be paid from the revenues of the District of Columbia."

The sections of the code providing for a jury commission and the selection of jurors in this District are as follows:

"SEC. 198. Jurors: The clerk of the Supreme Court of the District of Columbia, the United States marshal, and the collector of taxes for said District are hereby constituted a commission to from time to time make the list of jurors for service in said court and fix the number of jurors to be listed therefor.

"SEC. 199. The said jurors shall be selected, as nearly as may be, from the citizens in the different parts of the District.

"SEC. 200. Jury box: The names shall be written on separate and similar pieces of paper, which shall be so folded or rolled up that the names can not be seen, and placed in a box to be provided for the purpose.

"SEC. 201. The box shall be sealed and, after being thoroughly shaken, shall be delivered to the clerk of the supreme court for safe-keeping."

From the above provisions it will be seen that a large amount of clerical work is increasingly involved in compiling and sifting the lists of competent jurors for two criminal, two circuit, one police, one juvenile courts and grand jury, keeping the lists and records of service, comparing said lists, and preparing the slips for the jury box. The entire list of names has not only to be tabulated, but the name of each juror entered upon a card index together with such information as to his age, occupation, and previous record of jury service. It is impossible for the clerk of the court, the marshal, and the collector of taxes to perform properly the detailed clerical work involved in preparing and keeping the jury records.

The compensation of jury commissioners before the code went into effect amounted to over $400 per annum, but the new commissioners have not received any compensation for their personal services, and no provision has been made for the necessary expenses of the commission.

Very respectfully,

JOHN R. YOUNG,
AULICK PALMER,
C. C. ROGERS,
Jury Commission, District of Columbia.

The court has requested me to earnestly indorse the above.

HARRY M. CLABAUGH,
Chief Justice.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Charities and corrections," on page 77, line 2, after the word "Secretary," to strike out "$3,000" and insert "$3,500"; in line 3, before the word "clerk," to strike out "chief"; in line 6, after the word "expenses," to strike out "including attendance on conventions"; and in line 7, after the words "in all," to strike out "$17,560" and insert "$18,060," so as to make the clause read:

Board of Charities: Secretary, $3,500; clerk, $1,200; stenographer, $1,200; messenger, $600; inspectors—1 at $1,200, 3 at $1,000 each, 2 at $900 each, 2 at $840 each; drivers—1 at $780, 3 at $720 each; hostler, $540; traveling expenses, $400; in all, $18,060.

Mr. CURTIS. Mr. President, I offer an amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 77, line 3, it is proposed to strike out "$1,200," where it occurs the second time, and insert in lieu thereof "$1,300," and to change the total so as to read "$18,160."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 77, after line 7, to insert:

Columbia Polytechnic Institute: For the instruction and employment of the blind of the Columbia Polytechnic Institute who are actual residents of the District of Columbia, and for the purchase and repair of machinery and tools which may be needed to equip a workshop for the blind of said District, $3,000, to be expended under the direction of the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 80, after line 11, to insert:

For road construction, $850.

The amendment was agreed to.

The next amendment was, on page 80, line 16, after the words "Home for Aged and Infirm," to strike out "$53,952" and insert "$54,682," so as to make the clause read:

In all, for Home for Aged and Infirm, $54,682.

The amendment was agreed to.

The next amendment was, on page 81, line 15, after the word "warehouse," to strike out "$600" and insert "$800," so as to make the clause read:

For the erection of a barn and warehouse, $800.

The amendment was agreed to.

The next amendment was, on page 81, line 17, after the words "National Training School for Girls," to strike out "$23,910" and insert "$24,110," so as to make the clause read:

In all, for National Training School for Girls, $24,110.

The amendment was agreed to.

The next amendment was, under the subhead "Medical charities," on page 83, after line 21, to insert:

For purchase and installation of disinfecting plant, $800.

The amendment was agreed to.

The next amendment was, on page 84, line 3, after the words "Tuberculosis Hospital," to strike out "$54,020" and insert "$54,820," so as to make the clause read:

In all, for Tuberculosis Hospital, $54,820.

The amendment was agreed to.

The next amendment was, under the subhead "Child-caring institutions," on page 86, line 24, after the words "Board of Charities," to strike out "$5,000" and insert "$6,000," so as to make the clause read:

For the care and maintenance of children under a contract to be made with the Washington Home for Foundlings by the Board of Charities, $6,000.

The amendment was agreed to.

Mr. CURTIS. I offer two amendments, to come in on lines 6 and 7, page 87. I ask that the Secretary may read them.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. In the item for superintendent of municipal lodging house, on page 87, line 7, it is proposed to strike out "$900" and insert in lieu thereof "$1,200."

The amendment was agreed to.

The SECRETARY. After "cook, $360," in the same line, it is proposed to insert "foreman, $360."

The amendment was agreed to.

Mr. CURTIS. I now move to strike out, in line 6, the words "who shall also act as foreman."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On line 6, page 87, it is proposed to strike out the words "who shall also act as foreman."

The amendment was agreed to.

Mr. POINDEXTER. I offer the amendment which I send to the desk, and ask that it be inserted at the end of line 13, page 87.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 87, after line 13, after the words "District of Columbia," it is proposed to insert a colon and the following:

Provided, That any honorably discharged soldier, sailor, or marine of the United States who served in the War with Spain or the Philippine insurrection shall be admitted thereto on the same terms and conditions as other inmates.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Temporary homes," on page 88, after line 12, to insert:

The reimbursement required to be made to the United States by the District of Columbia under the provisions of the sundry civil appropriation act approved August 24, 1912, on account of deficiencies in payments for the care and maintenance of the insane of said District during the fiscal years 1881 to 1911, inclusive, is hereby fixed at $719,536.09.

Mr. SMITH of Georgia. I should like to have that amendment passed.

Mr. CURTIS. I have no objection.

The PRESIDENT pro tempore. Without objection, the amendment will be passed for the present.

Mr. SMITH of Georgia. By calling the attention of the chairman of the subcommittee to my objection to this provision we may be able to dispose of it without calling for a quorum. I am not going to call for a quorum at this time. A report just received from the expert of the House who has been investigating these figures indicates that the sum is much larger than the one stated. For that reason I think we ought not to fix it at this amount.

Mr. CURTIS. I suggest that it be passed over, and I will examine it later.

Mr. SMITH of Georgia. Very well. I simply wanted to make that suggestion with a view of speeding the matter.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Anacostia River Flats," on page 93, after line 14, to insert:

In connection with said reclamation and development of the Anacostia River and flats from the Anacostia Bridge to the District line, the Secretary of War is authorized to acquire by purchase or by condemnation, for highway and park purposes, the fee simple and absolute title to the land along the Anacostia River on both sides thereof between the high-water lines of said river, as determined by the United States Coast and Geodetic Survey, and lines following approximately the contour of 10 feet elevation on each side of said river above mean low water at the United States Navy Yard, from the Anacostia Bridge to the northeast boundary line between the District of Columbia and Maryland; and also all land below the high-water lines on each side of said Anacostia River between the limits named that is not now owned by the United States; and the appropriation herein made for the reclamation and development of the Anacostia River and flats from the Anacostia Bridge northeast to the District line, and all appropriations heretofore made for said purpose are hereby made available for the purchase or condemnation of said land and for the payment of amounts awarded as damages for said land and the costs and expenses of the condemnation proceedings in the event that it is necessary to institute such condemnation proceedings: *Provided*, That if said land or any part thereof can not be acquired by purchase from the owners thereof at a price satisfactory to the Secretary of War, the Commissioners of the District of Columbia, upon the request of the Secretary of War, shall institute condemnation proceedings to acquire such land under the provisions of chapter 15 of the Code of Law for the District of Columbia.

Mr. SMITH of Georgia. I desire that that amendment go over, too.

Mr. CURTIS. I have no objection to its going over.

The PRESIDENT pro tempore. Without objection, the item will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Klingle Valley Park," on page 94, after line 22, to insert:

Under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia are authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for highway and park purposes to preserve the Klingle Road Valley, comprising approximately 26½ acres, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia: *Provided*, That the tract of land hereinafter described, containing about 2 acres, shall be excepted from condemnation for such park, viz, a detached portion of said described park lying at the extreme eastern end thereof, east of the east line of a proposed street 90 feet wide, said described land being land now assessed in the name of Thomas Armat.

There is appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages: *Provided*, That of the amount found to be due and awarded by the jury in said condemnation proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized, plus the costs and expenses of the proceedings, not less than one-third shall be assessed by the jury as benefits against those lots, pieces, or parcels of land situated, lying, or being within an assessment area hereby created, which assessment area shall embrace all of the area lying within the distance of one-fourth of a mile from any point of said park: *Provided further*, That all land owned by the United States or the District of Columbia lying within said assessment area shall be exempt from assessment, which benefits, when collected, shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts.

Mr. CURTIS. I have no objection to both park provisions going over, including the one on page 96.

The PRESIDENT pro tempore. In the absence of objection, then, the Klingle Valley Park item goes over.

Mr. BRISTOW. I should like to inquire when these items which are going over will be taken up. There are quite a number of them.

Mr. CURTIS. They will be taken up the first thing in the morning when we call up the bill, in the order in which they have been passed over.

Mr. BRISTOW. Some of the items I wish to look into myself. The Klingle Valley Park item goes over, then?

The PRESIDENT pro tempore. It has gone over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Piney Branch Valley Park," on page 96, after line 18, to insert:

Under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia are hereby authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land along and adjacent to the Piney Branch Valley and between Sixteenth Street and Fourteenth Street NW., and the land adjacent to the Municipal Hospital grounds between Fourteenth Street and Georgia Avenue NW., for park purposes, comprising in all approximately 42 acres of land, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia.

There is appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto and for the payment of the amounts awarded as damages: *Provided*, That of the amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized, plus the costs and expenses of the proceedings, not less than one-third shall be assessed by the jury as benefits against those lots, pieces, or parcels of land situate, lying, or being within an assessment area hereby created, which assessment area shall embrace all of the area lying within the distance of one-fourth of a mile from any point of said park: *Provided further*, That all land owned by the United States or the District of Columbia lying within said assessment area shall be exempt from assessment, which benefits, when collected, shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts: *Provided further*, That the Commissioners of the District of Columbia are authorized to abandon for highway purposes any existing streets or parts of streets within the territory before described except Fourteenth Street: *Provided further*, That the Commissioners of the District of Columbia are authorized to prepare a new highway plan for that portion of the District of Columbia lying west of Fourteenth Street, south of Taylor Street, east of Rock Creek Park, and north of Newton Street NW., under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to said act approved June 28, 1898: *Provided*, That section 4 of said amendment shall not apply to the territory above described: *Provided further*, That under this authority Mount Pleasant Street may be extended with a minimum width of 45 feet; that Perry Place may be extended with a minimum width of 50 feet; and that Fourteenth Street Road may be established with a minimum width of 50 feet; that upon

the completion and recording of said new highway plan it shall take the place of and stand for any previous plan for said portion of said District of Columbia.

Mr. BRISTOW. Should not that go over the same as the others? I make the request. The same principle is involved.

Mr. CURTIS. I have no objection to its going over.

The PRESIDENT pro tempore. The amendment will go over.

Mr. JONES. Mr. President, after the amendment ending on page 98, I desire to offer an amendment which would more properly come in on page 22. As I happended to be out when that page was reached, I will offer it at this time.

The PRESIDENT pro tempore. By unanimous consent, the Senator can insert it in the bill on page 22.

Mr. CURTIS. I ask the Senator to withhold his amendment and offer it to-morrow. It should go in on page 22.

Mr. JONES. That will be satisfactory.

The PRESIDENT pro tempore. The Senator from Washington withholds his amendment.

Mr. SMITH of Georgia. Can we not, by unanimous consent, have it read at this time?

The PRESIDENT pro tempore. The amendment will be read.

The Secretary read as follows:

For paving with sheet asphalt K Street north between Washington Circle and the bridge at Twenty-eighth Street west, $30,000.

Mr. CURTIS. That is not estimated for, and I regret to have to make the point of order against it.

Mr. JONES. I simply wish to make a brief statement in regard to the amendment. I should like to do so to-morrow.

The PRESIDENT pro tempore. The Senator can make it now.

Mr. JONES. I thought I would not take up the time to make it to-night.

The PRESIDENT pro tempore. Very well.

Mr. SMITH of Georgia. Mr. President, we are anxious to devote as much time as we can to the bill to-night, so as to get through with as much of it as possible.

The reading of the bill was continued to line 20, on page 99.

Mr. BRISTOW. Before we leave the small parks, I wish to make a suggestion to the Senator in charge of the bill. It seems that $15,000 is here appropriated for small parks and that the necessities for parks in Washington are for small parks. There are a lot of amendments which the committee seem to have incorporated in the bill enlarging the parks out in the vicinity of Rock Creek, where there are 1,600 or 1,700 acres of magnificent forest park, and in the city, where there is a congested population, there are no recreation grounds provided. Fifteen thousand dollars is appropriated for the small parks, when for parks that are really not needed there will be hundreds of thousands of dollars appropriated, if the bill is passed as reported, to get parks out where people do not live.

Mr. CURTIS. Forty thousand dollars was estimated for this purpose. Does the Senator wish to offer an amendment?

Mr. BRISTOW. In line 7, page 99, before the word "thousand," I move to strike out "fifteen" and insert "forty."

Mr. SMITH of Georgia. That is for little parks?

Mr. BRISTOW. Yes; for small parks.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 99, line 7, before the word "thousand," strike out "fifteen" and insert "forty," so as to read "$40,000."

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, under the head of "Water Department," on page 100, line 10, to strike out "$1,500" and insert "$1,600," and in line 19, after the words "in all," to strike out "$84,785" and insert "$84,885," so as to make the clause read:

For distribution branch: Superintendent, $3,300; draftsman, $1,600; foreman, $1,800; clerks—2 at $1,500 each, 4 at $1,200 each, 1 at $1,000, 1, $900; time keeper, $900; assistant foreman, $900; 3 steam engineers, at $1,100 each; assistant engineers—1 at $2,400, 1 at $1,600; leveler, $1,200; 2 rodmen, at $900 each; 2 chainmen, at $675 each; draftsman, $1,050; storekeeper, $1,000; assistant storekeeper, $750; assistant foremen—1, $1,275, 1, $1,200, 1, $1,125; chief steam engineer, $1,750; 3 assistant steam engineers, at $875 each; 4 oilers, at $610 each; 3 firemen, at $875 each; inspector, $1,200; janitor, $900; watchmen—1, $875, 1, $760, 1, $610; driver, $700; 2 messengers, at $540 each; driver, $630; chief inspector of valves, $1,400; in all, $84,885.

The amendment was agreed to.

The next amendment was, in section 6, page 106, after line 8, to strike out:

Bathing beach: For superintendent, $600; watchman, $400; temporary services, supplies, and maintenance, $2,250; for repairs to buildings, pools, and the upkeep of the grounds, $1,500, to be immediately available; in all, $4,750.

Mr. CURTIS. That is provided for in another part of the bill and of course should go out here.

The amendment was agreed to.

The next amendment was, on page 106, after line 12, to strike out:

INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, $975,408, which sum shall be paid out of funds and accounted for in accordance with the acts of Congress in relation thereto.

Mr. CURTIS. I ask consent to pass over the amendment contained in lines 13 to 16, inclusive, as that question is involved in another amendment.

The PRESIDENT pro tempore. Without objection, it will be passed over.

Mr. SMITH of Maryland. I offer an amendment and also present a letter in regard to it. I will say in regard to this matter that there has been information gotten since yesterday, and the Senator from Massachusetts [Mr. LODGE] and the Senator from Georgia [Mr. SMITH] have been informed of it, and they will offer no opposition to the amendment. It is an item that was struck out on a point of order.

I will say in regard to this appropriation that these buildings can be removed within a very short time. There are thousands of people in the District of Columbia who are asking for these shelters, and the farmers of Maryland and Virginia are very anxious for them. It is a means of bringing the producer and the consumer together, a means of giving cheap food and healthy food. We hear talk about the high cost of living, and this is one proposition that helps to solve the problem, as there is no middle man in it. As I said, it brings the producer and consumer together.

I wish to state, so far as the cost of this item is concerned, that the revenue now at 10 cents a day produces over $5,400. The revenue at 20 cents a day will be about $11,000, and the whole amount of the expenditure would be reimbursed in less than three years.

The PRESIDENT pro tempore. The Chair will inquire of the Senator if the proposed amendment is identical with the amendment that went out on a point of order?

Mr. CURTIS. I understand that it is the identical amendment.

Mr. SMITH of Maryland. I move to reconsider the vote.

The PRESIDENT pro tempore. The Chair will suggest that the point of order be withdrawn, if he will arrange it with the Senator from Georgia.

Mr. SMITH of Georgia. I consent to that.

The PRESIDENT pro tempore. The point of order is then withdrawn, and the question is on agreeing to the amendment.

Mr. SMITH of Georgia. I understood the Senator from Maryland also to state that although the Senator from Massachusetts is one of the Regents of the Smithsonian, after further information he does not object.

Mr. BRISTOW. I should like to inquire of the Senator in charge of the bill if it should not be 10 cents instead of 20 cents a day?

Mr. CURTIS. The commissioners think that 10 cents a day is too small a charge and that we had better make it 20 cents a day. I understand there is no objection to the amendment. It is recommended by the commissioners.

Mr. BRISTOW. I am in favor of making it as cheap as it can be made, because I am in thorough sympathy with the purpose in view.

Mr. SMITH of Maryland. I will state to the Senator the number of wagons that go to that shelter as it stands, without any shelter——

Mr. BRISTOW. I am in sympathy with the amendment, only I wanted to know if the charge could not remain at 10 cents if practicable instead of being increased to 20 cents.

Mr. SMOOT. All of the records show that they are perfectly willing to pay 20 cents; and that they would prefer to than to pay 10 cents for the accommodation they have to-day.

Mr. BRISTOW. All right.

The amendment was agreed to.

Mr. SMITH of Michigan. I offer an amendment to come in as a new section.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 106, after line 8, insert a new section in the bill, as follows:

SEC. 7. Hereafter not more than one painted or printed sign shall be placed on any piece of property in the District of Columbia advertised for sale or to rent, and then only when the owner of the property and the Commissioners of the District of Columbia consent thereto, and upon the payment of a license fee of $5 per year to the collector of taxes of the District of Columbia.

Mr. CURTIS. I make the point of order against that amendment. I will ask the Senator from Michigan to let the amendment go over until to-morrow.

Mr. SMITH of Michigan. Why? What is to be gained by it?

Mr. CURTIS. Then I make the point of order.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. CURTIS subsequently said: I wish to withdraw the point of order I made against the amendment offered by the Senator from Michigan.

The PRESIDENT pro tempore. The point of order having been withdrawn——

Mr. SMITH of Georgia. I should like to have the amendment read.

The PRESIDENT pro tempore. It will be again read.

The Secretary again read the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Michigan.

The amendment was agreed to.

Mr. OLIVER. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 28, line 18, after "$8,500" insert:

From Connecticut Avenue to Ross Place, $6,000.

Mr. SMITH of Georgia. I make the point of order that that was not estimated for.

Mr. CURTIS. I understand that it was estimated for.

Mr. OLIVER. It has been estimated for. It is in the Book of Estimates.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. POMERENE. On page 106, after line 8, I move to amend the pending bill by inserting Senate bill 3812, to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission, as it passed the Senate April 20, 1912. No legislation, I dare say, since I have been a Member of this body was given such careful consideration as that bill. As I remember, it passed the Senate unanimously. The need for this legislation it is not necessary to dwell upon to-night. I hope that the point of order will not be made against the amendment. It seems to me the only way in which we can get the legislation through at the present session. I feel that we will be doing a great service to this city if the amendment could be adopted to the pending bill.

We all recognize the fact that there is need of a thorough investigation of the public utilities in this District. This measure is in keeping with the progressive legislation which has been adopted in all or nearly all the important States in the Union.

Mr. SMOOT. Mr. President, in the first place I wish to say to the Senator from Ohio that I cheerfully voted for that bill when it was before the Senate. The bill has been before the other House for some time. The other House have not seen fit to pass it yet, nor did they see fit to put it upon this bill.

I know of a great many other amendments that are going to be offered to this appropriation bill; it is purely legislation, and for that reason, Mr. President, and for no other, I feel that I must make a point of order against the provision.

Mr. BRISTOW. I desire to offer——

The PRESIDENT pro tempore. The Senator will suspend a moment until this matter is disposed of.

Mr. CURTIS. If this matter is to lead to discussion, I ask the Senator to let it go over until to-morrow. There is not a quorum here.

Mr. LA FOLLETTE. I rose to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. LA FOLLETTE. Is that one of the questions which the President pro tempore was submitting to the Senate for its decision?

The PRESIDENT pro tempore. The present occupant of the chair will say that it is in the discretion of the Chair to submit any point of order to the Senate.

Mr. LA FOLLETTE. I know that is true; but it occurred to me that in the discussion on some amendment a few days ago the present occupant of the chair, then on the floor, stated that in this particular class of amendments, involving the question of new legislation, it had been customary to submit the matter to the Senate. I was not entirely clear in my recollection about it, and I wanted to make inquiry.

Mr. SMITH of Georgia. If the Senator will allow me, is not the question he submits to the Chair not whether the Senate wants the amendment put on but whether they honestly believe as Senators that the rules exclude it?

Mr. LA FOLLETTE. Certainly.

Mr. SMITH of Georgia. Then we have to vote it down.

Mr. LA FOLLETTE. But I have seen the Senate pretty liberal in its construction of that rule.

Mr. SMITH of Georgia. I should like to put it on, but——

Mr. FLETCHER. Rule XVI, if the Senator from Wisconsin will allow me, does seem to make it obligatory on the part of the Chair to submit the question to the Senate. It says:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

Mr. LA FOLLETTE. I think that is the rule.

Mr. FLETCHER. This is an amendment to a general appropriation bill.

Mr. CURTIS. I judge that this objection is made under the clause of Rule XVI, which relates to general legislation and not that which requires the question of relevancy to be submitted to the Senate. But I ask unanimous consent that the whole matter may go over until to-morrow morning.

The PRESIDENT pro tempore. Without objection, the amendment will go over.

Mr. CURTIS. We have worked hard to-day, and I wish to move an adjournment.

Mr. BRISTOW. I have an amendment I wish to offer.

The PRESIDENT pro tempore. The Chair will ask if there is objection to passing over the amendment offered by the Senator from Ohio?

Mr. CURTIS. On the point of order.

The PRESIDENT pro tempore. That will be considered as pending.

Mr. BRISTOW. I have an amendment that I desire to offer. I do not think it will cause any debate at all. After line 23, page 34, I move to insert what I send to the Chair.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 34, after line 23, it is proposed to insert:

That the Commissioners of the District of Columbia are hereby authorized to open, extend, or widen any street, avenue, road, or highway to conform with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown, adopted under the act of Congress approved March 2, 1893, as amended by the act of Congress approved June 28, 1898, by condemnation under the provisions of subchapter 1 of chapter 15 by the Code of Law for the District of Columbia: *Provided*, That the entire amount found to be due and awarded by the jury under such proceeding as damages for and in respect of the land condemned, plus the cost and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That the costs and expenses of the condemnation proceedings taken under the provisions thereof, and the amounts awarded as damages for and in respect of the land condemned, shall be paid entirely from the revenues of the District of Columbia, and shall be repaid to said District of Columbia from the assessments for benefits and covered into the Treasury of the United States to the credit of the revenues of the District of Columbia; and such sum as is necessary for said purpose during the fiscal year to end June 30, 1914, is hereby appropriated, payable entirely from the revenues of the District of Columbia.

Mr. SMOOT. I ask the Senator from Kansas to let the amendment go over and be printed. It involves quite a question.

Mr. BRISTOW. I am willing that it shall go over.

Mr. SMOOT. I will reserve any point of order upon it.

Mr. CURTIS. I rose to move that the Senate adjourn.

Mr. BRISTOW. If the Senator will yield just a moment, I wish to say the amendment simply gives the commissioners authority to open up a street outside the cities of Washington and Georgetown, where they think it is necessary, and assess the benefits instead of having to come to Congress for every little street that they have to open.

The PRESIDENT pro tempore. The amendment will go over.

Mr. NEWLANDS. I have two amendments, which I should like to have printed in the RECORD and printed for the use of the Senate.

The amendments submitted by Mr. NEWLANDS were ordered to be printed, and to be printed in the RECORD, as follows:

That the Commissioners of the District of Columbia are hereby authorized, whenever in their judgment the public interests require it, to prepare a new highway plan for any portion of the District of Columbia, and submit the same for approval, after public hearing, to the Highway Commission created by act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities"; that such highway plans shall be prepared under the provisions of said act of Congress and an amendment thereto approved June 28, 1898, and that upon approval and recording of any such new highway plan it shall take the place of and stand for any previous plan for the portion of the District of Columbia affected.

And the following:

That the Superintendent of Public Buildings and Grounds and the Engineer Commissioner of the District of Columbia, with the advice and the cooperation of the Commission of Fine Arts, are hereby authorized to prepare and submit to Congress a plan for the gradual acquisition and development of parks and playgrounds in the District of Columbia, with a view to meeting present and future requirements for health and

recreation, designating in such plan the areas which they deem it desirable to acquire, the probable cost of purchase, and the probable cost of improvement, and designating such parks in the order of their importance as to the time of acquisition.

Where disagreement shall exist between such officials and the commission the grounds of disagreement shall be stated. The landscape architect in the office of the Superintendent of Public Buildings and Grounds shall cooperate with such officials and such commission in such work, and the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated from any funds in the Treasury not otherwise appropriated for the expense of such inquiry and investigation.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 19, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 18, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, to whom our thoughts and ways are as an open book, strengthen every worthy ambition, discourage every ignoble desire, that the pages of this day's transactions may be free from stains or blots, that at its close we may read them with an approving conscience and feel deep down in our hearts the approving smile of Heaven. Hear us and answer our petition, O God our Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. NEELEY, indefinitely, on account of illness in his family.

To Mr. GRAY, indefinitely, on account of illness.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. ANDERSON was granted leave to withdraw from the files of the House the papers in the case of H. R. 24032, granting a pension to Lucie Boscian, no adverse report having been made thereon.

DIRECT ELECTION OF UNITED STATES SENATORS.

The SPEAKER. The Chair has in his hand communications from the secretaries of state of Texas, Montana, and Idaho, announcing the ratification of the seventeenth constitutional amendment, in reference to the direct election of Senators by the people.

DAILY HOUR OF MEETING.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following order.

The SPEAKER. The Clerk will report the order.

The Clerk read as follows:

Ordered, That, until otherwise provided, the daily hour of meeting shall be 10.30 o'clock a. m.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the order was agreed to.

Mr. FITZGERALD. Mr. Speaker, I wish to give notice that, commencing to-morrow, I shall ask the House to remain in session late at night until the sundry civil bill is disposed of.

The SPEAKER. The gentleman from New York gives notice that, beginning to-morrow, he will ask the House to stay in session until late to get through with the sundry civil appropriation bill.

Mr. MANN. Why not begin to-night?

The SPEAKER. The Chair does not know.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8033. An act to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut; and

S. 7278. An act providing that the pay of officers of the Navy commence from the date they take rank as stated in their commissions.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to bills of the following titles, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

S. 8178. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8274. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8275. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 8314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 41.

Resolved by the Senate (the House of Representatives concurring), That there shall be printed and bound, under the direction of the Joint Committee on Printing, 14,100 copies of the proceedings and the eulogies delivered in Congress on James Schoolcraft Sherman, late Vice President of the United States, with illustration, of which 4,000 copies shall be for the use of the Senate, 8,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senators and Representatives of the State of New York, and 100 copies, bound in full morocco, for the use of Mrs. James Schoolcraft Sherman: *Provided*, That there shall be included in such publication the proclamation of the President and the proceedings in the Supreme Court of the United States upon the death of Vice President Sherman, and an account of the funeral services at Utica, N. Y.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16127. An act for the relief of William Kaiser;

H. R. 19191. An act for the relief of Christian Hedges; and

H. R. 22939. An act for the relief of John K. Wren.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I am directed by the Committee on Military Affairs to report back to the House the Army appropriation bill (H. R. 27941, H. Rept. 1535) with Senate amendments and to ask unanimous consent that the Senate amendments be disagreed to and ask for a conference thereon.

The SPEAKER. The gentleman from Virginia states that he is authorized by the Committee on Military Affairs to report back the Army appropriation bill and to ask unanimous consent to disagree to the Senate amendments and ask for a conference. Is there objection?

Mr. PRINCE. Mr. Speaker, I would like to ask the chairman of the committee if he will give opportunity on the floor of the House when the conference report comes in to discuss some of the disagreements in case we desire to do so?

Mr. HAY. Undoubtedly.

Mr. PRINCE. I have no objection.

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, may I ask the gentleman how many Senate amendments there are?

Mr. HAY. There are 39 Senate amendments——

Mr. MANN. Forty.

Mr. RODDENBERY. Do they appear in the RECORD?

Mr. HAY. They do; they appear in the CONGRESSIONAL RECORD of last Friday, February 14.

Mr. RODDENBERY. Does the gentleman mean in the House part of the RECORD?

Mr. HAY. No; I mean in the transactions of the Senate.

Mr. RODDENBERY. But they nowhere appear in the House proceedings?

Mr. HAY. No; because they were offered and agreed to in the Senate. These are Senate amendments.

The SPEAKER. The House bill is printed with Senate amendments.

Mr. HAY. The House bill is also printed with Senate amendments, and the gentleman can examine them if he desires to do so.

Mr. RODDENBERY. Mr. Speaker, I would like to have a vote of the House or the committee on each amendment——

Mr. HAY. I can not hear the gentleman.

Mr. RODDENBERY. Mr. Speaker, it occurs to me that in the nature of the Senate amendments all increasing the amount of the bill, although the Committee on Military Affairs recommends the nonconcurrence in the amendments, that it would be calculated to more nearly enable the members of the Committee on Military Affairs and the other end of the Capitol to understand the sense of the House and the committee with reference to those amendments if a vote of the House or committee were taken on each of those amendments, either by a roll call or by a division, so that it might appear what strength of sentiment there is behind the nonconcurrence of the House in these several amendments.

Mr. HAY. I will say to the gentleman from Georgia [Mr. RODDENBERY] that the Senate has increased this bill by $684,000, which is quite a moderate increase upon a bill carrying over $90,000,000, and that the House conferees will endeavor just as earnestly to curtail that as far as it is possible to curtail it, whether we have a vote on it in the House or not. And I will say to the gentleman that I will do everything possible to cut that amount down as much as possible. And I will say further to the gentleman that, in response to a question by the gentleman from Illinois [Mr. PRINCE], I stated if anybody desired a vote to be had on any specific amendment I would be glad to give that opportunity.

Mr. RODDENBERY. I appreciate that the chairman of the Committee on Military Affairs, and the committee itself, have labored arduously to hold this bill down and to frame it for the good of the country, as well as for the performance of some high political obligations on this side. In view of the gentleman's statement and assurance in the matter, so far as I am concerned, I shall not object.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, there is one item in the bill concerning which I wish to make an inquiry, and that is an item of $25,000 for the shooting match——

Mr. HAY. At Camp Perry, Ohio?

Mr. COX. Yes. I would like to ask the gentleman whether or not, before he finally disposes of the Senate amendment, he will bring it back and give the House a chance to vote on it?

Mr. HAY. I will do so. I have no objection to the House voting on it now.

Mr. COX. I am not prepared to have the House vote on it now.

Mr. KAHN. It is always customary to take up a conference report, and if any Member of the House can find objections to any of the provisions of the conference report, they can ask that it be sent to another conference. That is always within the rights of Members.

Mr. HAY. I understand the gentleman from Indiana [Mr. Cox] wants a separate vote on that particular item.

Mr. COX. On that particular item. I am opposed to it.

Mr. HAY. If we should come to a full agreement the gentleman could not get his separate vote. Therefore, if the gentleman insists on it, and is not ready to go on now, I will bring it back and let the gentleman have his opportunity.

Mr. AUSTIN. I would like to ask the chairman of the committee having this bill in charge——

The SPEAKER. Is there objection?

Mr. AUSTIN. Reserving the right to object, I wish to say to the chairman that I would like to ask that the House be given an opportunity to have a separate vote on the Senate amendment to place the National Soldiers' Home in southern California under the War Department.

Mr. HAY. I do not know that the gentleman will gain anything by that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will announce the conferees.

The Clerk announced the following conferees: Mr. HAY, Mr. SLAYDEN, and Mr. PRINCE.

THE LATE REPRESENTATIVE LEGARE.

Mr. FINLEY. Mr. Speaker, I present the following order.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Ordered, That Sunday, February 23, 1913, be set apart for addresses on the life, character, and public services of the Hon. GEORGE S. LEGARE, late a Representative from the State of South Carolina.

The SPEAKER. The question is on agreeing to the order.

The order was agreed to.

MARKETING FARM PRODUCTS.

Mr. FINLEY. Mr. Speaker, I desire to call up the House concurrent resolution No. 68 from the Committee on Printing.

The SPEAKER. The gentleman from South Carolina [Mr. FINLEY] calls up a House concurrent resolution, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 68 (H. Rept. 1532).

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of Report No. 98 of the United States Department of Agriculture, being a report on systems of marketing farm products and demand for such products at trade centers, 10,000 copies for the use of the House of Representatives and 5,000 copies for the use of the Senate.

The SPEAKER. The question is on agreeing to the resolution.

Mr. FOSTER. I would like to inquire of the gentleman from South Carolina [Mr. FINLEY] if these are to be distributed through the document room or folding room?

Mr. FINLEY. Through the folding room. I will say also that the estimate of cost is $2,085.61.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

LAWS APPLICABLE TO ALASKA.

Mr. FINLEY. Mr. Speaker, I also offer the following privileged Senate resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Carolina offers a resolution, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 38.

Resolved by the Senate (the House of Representatives concurring), That there be printed 4,000 copies of the laws of the United States applicable to the Territory of Alaska, compiled by the Committee on Territories of the Senate and the Committee on the Territories of the House of Representatives in compliance with Public Act No. 334, 1,500 copies of which shall be for the use of the Senate and 2,500 copies for the use of the House of Representatives.

Mr. FINLEY. Mr. Speaker, I think the report should be read, so as to give the estimated cost.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

House report 1536, to accompany Senate concurrent resolution 38.

The Committee on Printing having had under consideration the Senate concurrent resolution (S. Con. Res. 38) providing for the printing of the laws of the United States applicable to the Territory of Alaska, reports the same back to the House with the recommendation that the resolution be agreed to with the following amendment: On line 2, after the word "printed," insert the words "and bound in buckram."

The estimated cost will be $8,394.66.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FINLEY. Yes.

Mr. MANN. How much of a volume is this, or how many volumes are there to be?

Mr. FINLEY. It contains the laws of the Territory of Alaska. The exact number of pages I do not remember.

Mr. MANN. I understand that it will be in three large volumes.

Mr. FINLEY. I believe there are to be three volumes. The cost is stated here in the report, and under the law we are compelled to report the cost of any item which the House or Senate orders printed.

Mr. MANN. Of course three large volumes of laws relating to Alaska will be of very little benefit to the majority of the Members of the House.

Mr. FINLEY. I suggest to the gentleman from Illinois that there are very few Members of this House who will ever open a volume or look at a page.

Mr. MANN. I think the gentleman is correct.

Mr. FINLEY. The purpose of this item of printing is to give to the people who are interested and to people who need these laws, particularly to those in office and in authority in the Territory of Alaska, the benefit of the publication. Of course, there are a few other people interested, but the number is comparatively small. I think the average Member of this House—in fact, nine-tenths of the Members—will never see a copy of this publication.

Mr. MANN. Here are three volumes of laws relating to Alaska, to be distributed through the folding room to the Members of the House. Most of the Members of the House will have no use for them, nor will their constituents have any use for them.

Mr. FINLEY. I will say to the gentleman that my first public service in this House was on the Committee on Territories, and I found then that there was a way to get whatever the people of the Territories wished by way of publications by Congress. In other words, the documents may be secured through Members of the House. If these publications were sent to the document room there would be criticism of the committee here on the floor.

Mr. MANN. I understand that; but I do not see any more reason for printing the laws relating to the Territory of Alaska, to be given away, than for printing the laws relating to anything else.

Mr. FOSTER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. FINLEY. Yes.

Mr. FOSTER. Will these volumes of laws relating to Alaska be used in Alaska or in this country?

Mr. FINLEY. They will go to the folding room and be distributed.

Mr. FOSTER. They are not for the use of the people of Alaska?

Mr. FINLEY. The resolution speaks for itself.

Mr. FOSTER. Does not the gentleman think that this report recommending an edition of 1,000 copies is sufficient? As suggested by my colleague [Mr. MANN], nobody particularly will have use for the copies of these laws. It seems to me that to print $8,000 worth of the laws relating to Alaska which will be of no particular benefit to anybody is just that much money spent where it will do no good.

Mr. FINLEY. I think my friend from Illinois will have no cause to complain about the distribution or the use of this publication. It is sought for largely by the people who have charge in the committees of the House and Senate of legislation for the Territory of Alaska.

Mr. FOSTER. Well, it seems to me that 4,000 copies is a large number to print for that particular purpose.

Mr. FINLEY. I would suggest to the gentleman that he has had service on committees at home in his own State and here in Congress, and he knows that it is quite impossible to absolutely meet the views of everybody who may read a resolution and have the right to vote on it. However, we do the best we can.

Mr. FOSTER. Oh, I am not censuring the gentleman from South Carolina or any member of his committee. I was simply suggesting that 4,000 copies is a good many.

Mr. FINLEY. I think the gentleman is mistaken. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, may we have the amendment read?

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the resolution, in line 2, by inserting, after the word "printed," the words "and bound in buckram."

Mr. MANN. Now, Mr. Speaker, if that resolution were not adopted, how would these volumes be bound? Would they be bound in paper?

Mr. FINLEY. There are three estimates. They would not be bound in sheep, I will say to the gentleman.

Mr. MANN. Would they be bound in paper?

Mr. FINLEY. Substantially.

Mr. MANN. Why should we pay the expense of printing and expensively binding volumes that are purely for the personal benefit of gentlemen outside?

Mr. FINLEY. If this publication is worth anything, it should be made in permanent form.

Mr. MANN. If it is worth anything, gentlemen who obtain it ought to be willing to pay for binding it.

Mr. FINLEY. We do not do that with all the publications that are issued by Congress.

Mr. MANN. We get our own congressional documents bound in paper.

Mr. BORLAND. Reserving the right to object, I should like to ask the gentleman——

The SPEAKER. The gentleman can not object. This is not a matter for unanimous consent. It is privileged matter.

Mr. BORLAND. I should like to ask the gentleman where this demand comes from for the printing of these laws.

Mr. FINLEY. Largely from people who are interested in the Territory of Alaska, some of them being Members of Congress and many of them not Members of Congress.

Mr. BORLAND. Interested in the way of prospective or actual investments?

Mr. FINLEY. Oh, well, I have served on the Committee on the Territories, and if the gentleman ever has such service he will find that there are hundreds of thousands of people who do not live in the Territory, yet are interested in it and in its affairs and laws. I am glad to say that we now have practically but one Territory, that of Alaska.

Mr. BORLAND. Is it not possible for the Territory to print its own laws and pay for the printing out of its Territorial funds?

Mr. FINLEY. I do not know about that. Congress has printed such publications as this heretofore. This resolution was introduced in the usual way, and I will say to the gentleman that it is an unusual thing to expect a Territory, when Congress passes the laws governing it, to print those laws.

Mr. BARTLETT. Mr. Speaker, I should like to ask the gentleman from South Carolina how long since this Code of Laws of the District of Alaska has been revised and approved by the Congress. My recollection is that it has been some 10 years since that was done.

Mr. FINLEY. I am sure the gentleman from Georgia will recollect that laws are passed at every session of Congress which relate to the Territory of Alaska.

Mr. BARTLETT. Will the gentleman permit me to say that I do not see why we should bind these laws in this costly binding for the District of Alaska when we do not bind our own laws in any such expensive form? It seems to me this is done to satisfy the aesthetic tastes of some Senator or Representative who expects to have a large number allotted to him as his quota.

Mr. FINLEY. The difference between binding in paper and in buckram is less than $2,000.

Mr. COX. The gentleman has answered the very question I wanted to ask him.

Mr. BARTLETT. That may be true. If we add $2,000 to this resolution and $2,000 to another resolution, 100 such resolutions will cost the Treasury $200,000. Perhaps gentlemen apprehend that when the Government is spending so much money it does not make any difference, that we will spend it all anyway.

The SPEAKER. The question is on the amendment.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. FINLEY demanded a division.

The SPEAKER. A division is demanded. Those in favor of this buckram amendment will rise and stand until counted.

The House divided; and there were—ayes 25, noes 37.

Mr. FINLEY. I ask for tellers, Mr. Speaker.

Tellers were refused, seven Members—not a sufficient number—rising to second the demand.

Accordingly the amendment was rejected.

The resolution was agreed to.

ANTITYPHOID VACCINATION.

Mr. FINLEY. Mr. Speaker, I send up another privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from South Carolina sends up another privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 785.

Resolved, That there be printed as a House document 100,000 copies of an article entitled "Antityphoid vaccination in the Army and in civil life," by F. F. Russell, major, Medical Corps, United States Army, to be distributed through the folding room of the House of Representatives.

Mr. FINLEY. I ask for the reading of the report (H. Rept. 1546).

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Printing, having had under consideration the House resolution (H. Res. 785) providing for the printing as a House document of 100,000 copies of an article entitled "Antityphoid vaccination in the Army and in civil life," report the same back to the House with the recommendation that the resolution be agreed to. The estimated cost will be $284.96.

The resolution was agreed to.

RULES OF PRACTICE IN COURTS OF EQUITY.

Mr. FINLEY. Mr. Speaker, I present the following privileged resolution from the Committee on Printing.

The Clerk read as follows:

House resolution (H. Res. 745) to provide for printing additional copies of Senate Document No. 972, Rules of Practice for the Courts of Equity.

Resolved, That there be printed for the use of the House document room 47,000 additional copies of Senate Document No. 972, Sixty-second Congress, third session, same being Rules of Practice for the Courts of Equity of the United States promulgated by the Supreme Court of the United States November 4, 1912.

Mr. FINLEY. Mr. Speaker, I ask for the reading of the report.

The Clerk read the report (H. Rept. 1537), as follows:

The Committee on Printing having had under consideration the House resolution (H. Res. 745) providing for the printing of additional copies of Senate Document No. 972, Rules of Practice for the Courts of Equity of the United States, reports the same back to the House with the recommendation that the resolution be agreed to with the following amendment: On line 2, strike out the words "House document room" and insert the words "House folding room." The estimated cost will be $457.37.

The committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

HEARINGS AGRICULTURAL EXTENSION DEPARTMENTS.

Mr. FINLEY. Mr. Speaker, I present also House resolution 769, authorizing the printing of 2,000 additional copies of hearings on H. R. 18160, agricultural extension departments.

The Clerk read the resolution, as follows:

House resolution 769.

Resolved, That the Committee on Agriculture shall be, and hereby is, empowered to procure the printing of 2,000 additional copies of the hearings before the House Committee on Agriculture in February and March, 1912, on H. R. 18160, agricultural extension departments.

Mr. FINLEY. Mr. Speaker, I ask that the report be read.

The Clerk read the report (H. Rept. 1539), as follows:

The Committee on Printing, having had under consideration the House resolution (H. Res. 769) authorizing the printing of 2,000 additional copies of hearings before the House Committee on Agriculture, reports the same back to the House with the recommendation that the resolution be agreed to. The estimated cost is $183.45.

The resolution was agreed to.

TRACHOMA.

Mr. FINLEY. Mr. Speaker, I present the following resolution authorizing the printing of a special article on trachoma among the Indians and others in the United States.

The Clerk read the resolution, as follows:

House resolution 774.

Resolved, That there shall be printed and bound in volume form, with accompanying illustrations, 100,000 copies of the special article on trachoma, etc., among the Indians and others in the United States, for the use of the House of Representatives, to be delivered to the House document room for distribution.

Mr. FINLEY. Mr. Speaker, I ask for the reading of the report.

The Clerk read the report (H. Rept. 1538), as follows:

The Committee on Printing having had under consideration the House resolution (H. Res. 774) providing for the printing of an article on trachoma among the Indians and others in the United States, report the same back to the House with the recommendation that the resolution be agreed to with the following amendment:

On lines 2, 3, and 4, strike out the words "100,000 copies of the special article on trachoma, etc., among the Indians and others in the United States" and insert the following: "28,000 copies of an article entitled the 'Nature, diagnosis, and treatment of trachoma among the Indians and others in the United States, by John Joseph Kindred.'" The estimated cost will be $500.

Mr. FINLEY. Mr. Speaker, I want to say to the House that since the 1st of January the state of the calendar has been such that the Printing Committee has been on the floor hardly at all. We have given way to everyone. Now, the pressure by Members of the House has become such that the Committee on Printing feels that it is its duty to bring in such resolutions as the committee think should pass, and give the House the opportunity to vote upon them. If there are any Members who think the Committee on Printing is unnecessarily taking up the time of the House, I want to say that I do not agree with them.

Mr. MANN. Neither do we. I should like to ask the gentleman whether this article mentioned in this resolution is by a Member of this House.

Mr. FINLEY. It is by a Member of this House, but was never printed in the CONGRESSIONAL RECORD.

Mr. MANN. Is it not rather unusual for the House to print a large number of copies of an article by a Member of the House to go to the document room, where presumably they will be largely under the control of the Member? I would like to have some articles printed for myself.

Mr. FINLEY. I will say to the gentleman that the present Committee on Printing of the House has not printed a speech delivered by a Member of the House as a public document, and will not while the committee consists of its present membership.

Mr. MANN. I heard the gentleman, the author of this article, deliver a speech on the subject of trachoma in the House.

Mr. FINLEY. This is a magazine article, and the gentleman who is the author of the article is a distinguished physician and the head of a great institution.

Mr. MANN. Mr. Speaker, I have no doubt of all that, but it is very unusual for the House to print free articles by Members of Congress. If that policy is to be adopted, I do not know where it will end, but I suspect that we will all have articles that we will want printed.

Mr. FINLEY. Mr. Speaker, the Committee on Printing is more often called upon to print articles relating to the public health than articles on all other subjects combined, and so far as I am concerned any article that appeals to me as being in the interest of the public health will have my support both in the committee room and in the House. I ask for a vote.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division, demanded by Mr. FINLEY, there were—ayes 46, noes 31.

So the resolution was agreed to.

STUDY OF SOILS OF UNITED STATES.

Mr. FINLEY. Mr. Speaker, I present another privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 831.

Resolved, That there shall be printed 2,100 copies of Bulletin No. 85, Bureau of Soils, United States Department of Agriculture, entitled "A Study of the Soils of the United States," for the use of the House document room.

The Clerk read the report (H. Rept. 1542), as follows:

The Committee on Printing having had under consideration the House resolution (H. Res. 831) providing for the printing of additional copies of Bulletin No. 85, Bureau of Soils, United States Department of Agriculture, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be $365.61.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ANTIMALARIAL MEASURES FOR FARMHOUSES, ETC.

Mr. FINLEY. Mr. Speaker, I present the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 788.

Resolved, That there be printed for the use of the House of Representatives, to be distributed through the document room, 25,000 copies of the reprint from Public Health Report No. 105, same being an article by Henry R. Carter, senior surgeon of the Public Health Service, entitled "Antimalarial Measures for Farmhouses and Plantations."

The Clerk read the report (H. Rept. 1541), as follows:

The Committee on Printing having under consideration the House resolution (H. Res. 788) providing for the printing of Public Health Report No. 105, being an article entitled "Antimalarial measures for farmhouses and plantations," reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be $83.60.

The SPEAKER. The question is on agreeing to the resolution.

Mr. FOSTER. Mr. Speaker, I desire to inquire of the gentleman if these are to be distributed through the document room?

Mr. FINLEY. They are to be distributed through the document room.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

FRIEDMAN'S CURE FOR TUBERCULOSIS.

Mr. FINLEY. Mr. Speaker, I present the following privileged resolution which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 834.

Resolved, That there be printed for the use of the House of Representatives, to be distributed through the document room, 36,000 copies of Friedman's cure for tuberculosis, the same being a reprint of Senate Document No. 1018, Sixty-second Congress, third session.

The Clerk read the report (H. Rept. 1543), as follows:

The Committee on Printing having had under consideration the House resolution (H. Res. 834) providing for the printing of Senate Document No. 1018, Sixty-second Congress, third session, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be $500.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. FINLEY. Yes.

Mr. DYER. Mr. Speaker, I would inquire of the gentleman why this document can not be printed and distributed through the folding room. There is no way by which Members can get notice that these documents are available in the document room. If they are put in the folding room we get a card.

Mr. FINLEY. Mr. Speaker, I will say to the gentleman that so far as I am concerned, and I am sure the committee is of the same mind, I shall be perfectly willing to have them distributed through the folding room.

Mr. SHERLEY. Mr. Speaker, I noticed from the reading by the Clerk that the document is referred to as Dr. Friedman's "cure." I understand from the public prints and from some informal talks with the heads of the Bureau of Health that there has been none of this culture yet obtained in America, and no proof of this cure. While I think publicity is well to be had, it occurs to me that a document so headed is apt to be very misleading and perhaps to do as much harm as good.

Mr. FINLEY. Mr. Speaker, I will be glad to have some of the physicians in the House discuss that question with the gentleman. I am not a physician.

Mr. SHERLEY. I understand that, and I do not expect the gentleman to discuss it from that viewpoint, but I am calling attention to the fact that the gentleman is proposing, apparently, to publish a document entitled a "cure" touching something about which it appears we have only very meager reports.

Mr. FINLEY. Mr. Speaker, I can say this: I have read both sides of the question, and if what I have read on one side in favor of the cure is correct, then I think the document should be printed and distributed to everybody throughout this country.

Mr. ROBERTS of Massachusetts and Mr. FOSTER rose.

The SPEAKER. To whom does the gentleman from South Carolina yield?

Mr. FINLEY. To the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, I would like to suggest to the gentleman from South Carolina that he ought to change the

word, as suggested by the gentleman from Kentucky, and instead of saying "cure for consumption" or "cure for tuberculosis" say "treatment" or "Dr. Friedman's treatment of tuberculosis," because that treatment has not yet been established as a cure for tuberculosis.

Mr. SHERLEY. As a point of fact, we have none of the culture yet.

Mr. FOSTER. And it has not been tried in this country.

The SPEAKER. Does the gentleman from South Carolina yield to the gentleman from Massachusetts [Mr. ROBERTS]?

Mr. FINLEY. I do.

Mr. ROBERTS of Massachusetts. I will state for the information of the gentleman from Illinois that the resolution now under consideration was introduced by myself, and the language "Friedman's cure" is taken from the language in the Senate document, of which this is to be a reprint, and this information that is contained in the Senate document is transmitted from the Secretary of State, it being the result of investigations and reports that have come to the State Department from abroad with regard to this treatment. Now, I agree with the gentleman that possibly the use of the language may be improper——

Mr. FOSTER. I think so.

Mr. ROBERTS of Massachusetts (continuing). But I tried to fix and identify the document so reprinted and therefore used the same language that I found in this Senate document.

Mr. FOSTER. But I suggest to the gentleman from Massachusetts that when we print a document of that kind and send it out and head it "Cure for tuberculosis," by Congress or whoever it may be done, it is misleading and it ought not to be done——

Mr. SHERLEY. If the gentleman will permit——

Mr. FOSTER (continuing). Especially at this time, when it is in an experimental stage.

Mr. SHERLEY. I would like to make this statement in order that the public may not be misled. I had a talk just two days ago with Dr. Blue, the head of the Marine-Hospital Service, touching this matter. The Government had been unable at that time to obtain any cultures, and I understand that Dr. Friedman is either on his way here to America or will shortly be here and that he proposes to demonstrate the efficacy of his remedy, but I have been getting letters, and I have no doubt other men have been getting letters, from people who are affected with tuberculosis who have been led by reports to the belief that the Government is in possession of some certain cure. Now, I do not think in advance of some further investigations we ought to give further credence to the belief, because it may result in bitter disappointment to people.

Mr. HAMILTON of Michigan. Mr. Speaker, I think the gentleman will recall that fraud orders have been issued against the use of the mails in the circulation of alleged "cures," and properly issued, where perhaps they came as near being cures as this may turn out to be.

Mr. ROBERTS of Massachusetts. At the time I introduced the resolution the Senate document had not been printed; it was in the hands of the Printer; but in my efforts to ascertain its title I referred to the CONGRESSIONAL RECORD giving the Senate proceedings of the date when that resolution was ordered to be printed and found in the article the language which I put into the resolution. Just a moment ago there has been placed in my hands a copy of this Senate document, and I see it is headed "Dr. Friedman's new treatment for tuberculosis." Now, in order that there may be no misunderstanding, I would move that the resolution be amended by striking out "Friedman's cure" and inserting "Dr. Friedman's new treatment for tuberculosis" to remedy the objection of the gentleman.

The question was taken, and the amendment was agreed to.

Mr. COX. Mr. Speaker, is the gentleman willing to offer an amendment so that this may be distributed from the folding room instead of the document room, so it may be available to every Member?

Mr. FINLEY. Mr. Speaker, I move to strike out "document room" and insert "folding room."

The question was taken, and the amendment was agreed to.

The resolution as amended was agreed to.

JUDICIAL CODE OF THE UNITED STATES.

Mr. FINLEY. Mr. Speaker, I send up the following privileged concurrent resolution of the Senate.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 34.

Resolved by the Senate (the House of Representatives concurring), That there be printed 30,000 copies of the Judicial Code of the United States, prepared under the direction of the Judiciary Committee of the Senate, 10,000 copies of which shall be for the use of the Senate and 15,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the Senate document room.

Mr. FINLEY. Mr. Speaker, I ask for the reading of the report.

The report (H. Rept. 1540) was read as follows:

Report to accompany Senate concurrent resolution 34.

The Committee on Printing having had under consideration the Senate concurrent resolution (S. Con. Res. 34) providing for the printing of 30,000 copies of the Judicial Code of the United States, reports the same back to the House with the recommendation that the resolution be agreed to with the following amendments: On line 6, strike out the word "fifteen" and insert "twenty"; and on lines 7 and 8, strike out the words "and five thousand copies for the use of the Senate document room."

The estimated cost will be $3,865.61.

Mr. MANN. How much will we have to pay the gentleman who compiled this work?

Mr. FINLEY. Nothing, so far as I know.

Mr. MANN. Sometimes these resolutions come in for the purpose of having the printing done, apparently, but for the purpose of paying somebody for preparing the work.

Mr. FINLEY. That has not been the case for two years, and will not be, so far as I can prevent it. I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on agreeing to the amendments.

Mr. DYER. Mr. Speaker, what are the amendments?

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

In line 6, strike out the word "fifteen" and insert "twenty," so that it will read: "Twenty thousand copies for the use of the House of Representatives."

In lines 7 and 8 strike out the words "and 5,000 copies for the use of the Senate document room."

Mr. DYER. Mr. Speaker, I ask that the gentleman offer an amendment that these be distributed through the folding room instead of the document room.

Mr. FINLEY. According to the original resolution these are for the use of the House of Representatives, and that means the folding room.

Mr. DYER. We never got them through the folding room before.

Mr. FINLEY. A resolution was not passed in this form before, but you will get them through the folding room under this resolution.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The resolution as amended was agreed to.

PENSION APPROPRIATION BILL.

Mr. BARTLETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28730, the pension appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, with Mr. DAVIS of West Virginia in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28730. The general debate having expired, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1914, and for other purposes, namely:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $180,000,000: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

Mr. RODDENBERY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. RODDENBERY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add, at the end of line 7, page 2, the following amendment as a limitation:

"*Provided*, That no pension shall be paid to any person out of this appropriation who is receiving a salary or wage in excess of $1,200 per annum, whether paid annually, monthly, or at other periods of time, except such person be on the pension roll for actual disabilities received in the service."

Mr. BARTLETT, Mr. AUSTIN, and Mr. KAHN reserved points of order on the amendment.

Mr. RODDENBERY. Mr. Chairman, this amendment, if gentlemen will observe it, merely provides that persons having a fixed earning of $1,200 a year shall not receive any money under this appropriation. It also provides that this limitation shall not be enforced if that soldier sustained actual injury in the line of his duty. If this amendment be adopted, it will save in this bill $12,500,000 and not withdraw a pension from any soldier now receiving a pension, provided that soldier saw actual service and sustained any injury therein. Moreover, last year, when the Sherwood bill was under consideration, the gentleman from Ohio [Mr. SHERWOOD] stated, as I remember, that from investigations that he made at certain Army posts from 15 to 30 per cent of them were receiving incomes in excess of $1,000. With that as a fair basis, calculated on the minimum per cent, if this amendment is adopted we will save in this bill $12,500,000, as stated, and not deny to one disabled soldier—a one-armed soldier, a one-legged soldier, an infirm soldier who contracted his infirmity in the line of service—a pension, but it will simply withdraw pensions from those who receive them solely and only on account of having served 30 days, 60 days, or 70 days when never wounded or never in a hospital. I merely desire to give Members an opportunity to carry out our platform, which declared for a generous pension policy and for honest retrenchment in public expenditures. [Cries of "Vote!" "Vote!"]

Mr. BARTLETT. Mr. Chairman, I reserved a point of order, but I am aware that amendments of like character to this have been held by former occupants of the chair to be a limitation even when the Holman rule was not in force. I can not call the Chair's attention just now to a particular case, but refer the Chair to questions of like character that are likely to arise on this bill.

It is proper that I should say to the Chair that while I reserved a point of order I do not believe the amendment is subject to a point of order, either under the Holman rule or without the Holman rule. Therefore I state frankly my views on the subject to the Chair, and I will not make the point of order to the Chair, and some one else who may not agree with my view and who may make the point can argue the question.

Mr. RODDENBERY. Mr. Chairman, if the Chair is not ready to rule, I would like to be heard.

Mr. BARTLETT. Mr. Chairman, without prejudicing anybody in the right to make a point of order, I will reserve it and allow some one who desires to make it to make it.

Mr. AUSTIN. Mr. Chairman, I made the point of order awhile ago. I now insist upon the point of order, and ask that the Chair rule on it.

Mr. RODDENBERY. Mr. Chairman, it would be superfluous for me to take up the time of the House to read to the Chair the Holman rule or the general rules of the House touching appropriations. This is a general appropriation bill appropriating money from the Treasury for pensions. The amendment offered limits the expenditure of this money. In an appropriation bill Congress, if it desires to do so, can decline to appropriate any money or all money that may be authorized by law. That, we might say, is one of the inherent powers of Congress, to decline, if it wants to, to appropriate. In other words, Mr. Chairman, if the Congress wanted to, it could decline to appropriate at all for the Army and the Navy and yet not violate any rules of the House.

That proposition will not be controverted by any gentleman. It has been so held by precedent after precedent. But particularly under the Holman rule is this amendment in order, even if it were not otherwise in order, as the effect of this amendment will be to reduce expenditures by declining to use a part of this appropriations upon conditions which are clearly stated in the amendment.

I do not desire to consume the time of the committee in discussing the point of order which has time and time again been ruled on. I could cite, if the Chair desired, a particular rule that is almost identical with this.

Mr. BARTLETT. Mr. Chairman, I desire to say in reference to the point of order that I did not make it because I did not believe under the precedents and practice and rules of the House that it was to be sustained. I have myself in legislation offered amendments upon appropriation bills of like character with this, limiting the expenditure to certain specified purposes and preventing the moneys from being expended otherwise. I deem this amendment a limitation on the expenditure of the money provided for in this bill.

I have stated that if the Chair desired I could call the attention of the Chair to cases where the exact point has been made in instances of like character. So far as I am concerned I do not propose to discuss it with the Chair when I can not bring to that discussion a conviction of the right of the position I am required to assume to the House.

Mr. SHERWOOD. Mr. Chairman, I doubt very much whether this amendment comes under the Holman rule, for this reason: That it would be the duty of the Pension Office, if this amendment should be adopted, to take measures to ascertain among all the 475,000 pensioners whether their income in each case is $1,200 a year or less.

That would delay the payment of the whole list, and when the expense of ascertaining the facts in every individual case is taken into account it is very doubtful whether it would not cost vastly more than would be saved by the amendment. Therefore I do not believe that it comes under the Holman rule.

The CHAIRMAN. Does the gentleman from Tennessee wish to be heard?

Mr. AUSTIN. No, Mr. Chairman; the gentleman from Ohio has covered the point I had in mind.

The CHAIRMAN. In the opinion of the Chair, the amendment is not necessarily in order under the Holman rule, but the Chair thinks it is a limitation of the purpose to which it is to be devoted, and therefore overrules the point of order.

Mr. MANN. Mr. Chairman, I entirely agree with the Chair that it is clearly a limitation on the appropriation. But even if the amendment is agreed to it would not in the end deprive the pensioners of their pensions, because they would have a claim to be prosecuted through the Court of Claims.

The adoption of this amendment, however, would do this: It would require the Pension Office to ascertain, before any pension was paid after the 1st of July, whether the pensioner was in receipt of a salary or wage to the amount of $1,200. We all know that the Pension Office is now congested with the disposition of applications under the Sherwood law, and to assume that the Pension Office will be prepared to determine whether every pensioner now on the rolls is in the receipt of a salary or wage to the extent of $1,200 by the 1st of July next is to assume an impossibility.

The gentleman from Georgia is very insidious in his opposition to the payment of pensions. If his amendment should prevail the majority of the pensioners would receive no pension after the 1st of July for many months, no matter if they starved before the pensions could be paid to them. It would be an insult to the pensioners to agree to a proposition like this. [Applause.]

Mr. BORLAND rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BORLAND. I rise to oppose the amendment.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. This matter has been considered by the House and by the subcommittee of the Committee on Appropriations having charge of the construction of the pension bill, and I believe that I am right in saying that the majority of that committee are in favor of the spirit of this amendment. We want to proceed as rapidly as we can to reduce this enormous pension roll to some sort of a basis of equity and justice among the pensioners of this country and the nonpensioners.

Every man is willing to go to the full extent that other civilizations have gone in compensating those who have lost a limb or their usefulness, or health, or earning power in the service of their country That is the full basis of pensions according to the idea of the civilized nations.

Every man in this House, whatever his position may be upon the questions involved in the Civil War, is agreed upon that principle of pensions, and that principle of pensions alone. But we have entered upon a system of paying old-age pensions, not for any disabilities contracted in the service, not because the pensioner is less able to earn a livelihood than before, but simply because he has lived to a certain specified age. I am free to say, however, that if a man was in the Civil War and is now living, that is some proof that the Civil War did him no particular harm either in health or earning power. Thousands of good citizens all over the country who have been paying taxes for years, laying bricks for 40 years, pushing a plow for 40 years, honest, sustaining citizens of the Government for 40 years, are not drawing old-age pensions, but we are paying old-age pensions to a limited class of citizens only.

I do not believe that justice requires, in fact, I believe that justice forbids our paying that class of pensions to men now in the enjoyment of earnings amounting to more than that of the average American citizen. If a man at the age of these pensioners can earn $1,200 he can scarcely contend that his services to the Government in the Army have limited or impaired his earning power, and justice is all on the side of this amendment.

But we have been considering these problems from time to time, cutting down the expense of the administration of the pension roll and eliminating these evils. The last time the pension bill was up, the first time it was proposed by a Democratic committee, we eliminated the pension agents and reduced that expense. Now the Pension Commissioner reports that that

change has been a most efficient one in his department. No matter what fight was had on the floor of this House or in another body, when it gets into operation the justice of it is recognized by the officials in charge and by the American people. In this bill we have eliminated a million dollars that would go to foreign pensioners, and that may cause a considerable fight on the floor of this House and elsewhere.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. WILLIS. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. WILLIS. I understood the gentleman to say that in his opinion justice was altogether on the side of this amendment, in which I entirely disagree with him. But will the gentleman explain how this amendment could be practically applied? This amendment says that if a man is receiving more than $1,200 a year by way of salary or wage, the pension shall not be paid to him. How could the Pension Office determine that?

Mr. BORLAND. To this extent, at least: I have had in mind for some time that men who are receiving more than $1,000 a year from the Federal Government by way of salary or emolument should not also receive a total disability pension from the Government, and that could be readily ascertained without very much expense or delay.

Mr. WILLIS. But this amendment says "$1,200 by way of salary or wage." How could the Pension Office determine that in the case of persons not in the employ of the Federal Government?

Mr. BORLAND. I think that is the only practical difficulty involved. The Pension Office is now wrestling with the problem of enforcing the Sherwood pension law. It is also wrestling with the problem of combining the agencies and paying the pensions by check to the pensioner, saving him from 48 hours to a week's time and some expense in getting his pension. It is solving these two great reforms as rapidly as possible; but I doubt whether the Pension Office at this time, without a large increase of its force, is able to meet this problem of ascertaining the facts in each particular case as to the wage that a man is drawing. When we have the machinery in operation to ascertain that fact, in my opinion it should go into the pension bill.

Mr. CAMPBELL. Does not the gentleman from Missouri know that just now the matter of 10 days, 2 weeks, or a month is a matter of great importance to a very large number of these pensioners. They are dying at the rate of thousands every month, and if you cause a delay of a month or six weeks in ascertaining whether or not a man is eligible for a pension you will find many new-made graves and pensioners in those graves, and the Government will be relieved from the payment of the pensions. Is that the policy we should pursue?

Mr. BORLAND. Let me say to the gentleman from Kansas that he has gone away beyond the point I make that the Pension Office is not equipped at this time to do this. When the Pension Office has solved the problem now before it, the question raised by the gentleman from Kansas will not be important. The pensioners are paid now in groups. It is three months between payments, and there will not be a month's delay for each pensioner at all. In the interim of 90 days between the last payment and the next payment these facts ought to be ascertained.

Mr. CAMPBELL. Would they not have to ascertain every three months whether a man was drawing a salary or having an income of $1,200 a year, which would bar him from drawing his pension?

Mr. BORLAND. I think not. When the rolls have been revised once the changes would be very slight from quarter to quarter.

Mr. MANN. Certainly you would have to ascertain every three months.

Mr. CAMPBELL. Certainly that fact would have to be ascertained every three months.

Mr. SHERWOOD. If the gentleman will allow me, there are a hundred thousand cases under the service-pension law that have not yet been adjudicated, and it would be impossible for the Pension Office to ascertain the facts demanded by this amendment between now and the 1st of July, so that the payment of pensions would be delayed from three to four months if this amendment should be adopted.

Mr. BARTLETT. Mr. Chairman, I should like to suggest that the name of every man drawing a salary from the Government and also drawing a pension can be ascertained in five minutes.

Mr. BORLAND. Of course, there is no trouble in ascertaining the names of those pensioners who are drawing salaries from the Government.

Mr. BARTLETT. None whatever.

Mr. DYER. The gentleman says it would be no trouble to ascertain the names of those in the Government service who are drawing this amount and also drawing pensions; but in a few months a great many of these pensioners will probably lose their positions. How will they then get back upon the pension roll?

Mr. BORLAND. They would get back by reapplication, I suppose, under rules that would be formulated for the enforcement of this order. If a man is stricken from the rolls and he becomes eligible to reinstatement, I presume a method will be provided for his reinstatement.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BARTLETT. I ask that the gentleman have two minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the gentleman from Missouri may have two minutes more. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Speaker, I intend to vote against this motion at this time, but I desire to say to the Members of the House that if they adopt such an amendment, whether they limit it generally to a salary of $1,200 or to a salary and emolument from the Government amounting to $1,200, the members of the Committee on Pensions will feel that the Members of the House have bound them to have this amendment written into the law.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. RODDENBERY. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Add at the end of line 7, page 2, the following amendment as a limitation:

"*Provided*, That no pension shall be paid to any person out of this appropriation who is receiving or has an income that amounts to $1,000 per annum, except such person be on the pension roll for actual disabilities received in the service."

Mr. RODDENBERY. Mr. Chairman, Members will observe that the amendment just voted down related to a $1,200 per annum salary or wage where the party performed actual labor to earn it—by the month or by a stated period. This amendment applies to a person who may or may not labor himself, but who has a fixed income of $1,000 per annum. If this amendment be adopted, it will not affect the pension of a soldier who sustained an injury in the line of duty as a soldier. This amendment, from the best sources obtainable, if adopted, will save to the Treasury $3,750,000. That saving will be made at the expense of no infirm, no crippled, no maimed, and no poverty-stricken soldier, but it will be made at the expense of those persons who now draw pensions from the Treasury who are recipients of a fixed income of as much as $1,000 a year, and they may on the side presumably be able to earn other sums.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield for a question?

Mr. RODDENBERY. I yield.

Mr. BURKE of South Dakota. How would the gentleman ascertain who should be dropped from the rolls, and what would be the expense?

Mr. RODDENBERY. I was coming to that in a minute. The gentleman has raised the question as to how this can be ascertained. If the gentleman will read the report of the Commissioner of Pensions for 1910, he will see that it shows that without any specific authorization of law he undertook to purge the pension rolls. His own report shows, according to what it says—but I doubt the full facts of it—that he sent inspectors, now in the employment of the Government, over the country seeking them out, found many, convicted some, and removed others from the rolls. They ascertain now under the law when a widow who is drawing a pension has been married and is fraudulently drawing it. They find out now when persons are by fraudulent means on the pension roll drawing pensions. With the vast money at the command of that department, with the great number of special pension agents all over the country doing this service, they can administer this amendment as they do other branches of work of the Pension Bureau. If the Commissioner of Pensions should see fit, in his judgment, to provide that on the payment of these certificates there should be attached to them an affidavit of the applicant or the affidavit of the pensioner, that within the last current year his income had not equaled $1,000, and there should be affixed thereto the signatures of others intimately acquainted, verifying the truth of that affidavit, so far as they knew, it would at least comply

with the law so as to prevent everybody who was getting a pension under this act and at the same time drawing an income of $1,000 from doing so except one class. If the Pension Bureau made that regulation, there is but one class of pensioners in the country on their own affidavit who could draw this pension, and that class of pensioners would be the men who would perjure themselves. I am here to say that I do not believe the 470,000 men on these rolls would commit perjury. You may think so, and by your vote you may say so, but I do not.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. RODDENBERY. I have not the time now. I would be glad to do so otherwise. This is a fair proposition. It will save money to the Treasury. I have offered an amendment that will not only carry out the Democratic policy of generous pensions to soldiers, but at the same time, if you will adopt it, will help us live up to our promise to the people to retrench expenditures and obviate extravagant appropriations.

Mr. CANNON. Mr. Chairman, I have listened to the amendment and I have listened to the speech of the gentleman from Georgia [Mr. RODDENBERY]. I hope and believe that his attitude touching pensions does not voice the attitude of the majority of that side of the House. You can not disburse $180,000,000 of money to eight or nine hundred thousand pensioners without here and there finding an individual who, in God's chancery, ought not to receive the money paid to him. You legislate for the great mass of people. Where a man receives $1,000, either from a little property that he has or from a wage, I would by no means cut off his pension.

The great mass of them do not receive $1,000; the great mass of them are dependent entirely upon their pensions and for relief under the laws touching them. I recollect very well when a service pension of $8 a month was given by legislation to the soldiers of the Mexican War. Visiting Gen. Oglesby, then Senator of the United States, who became general during the great contest for the preservation of the Union, coming from the State of Illinois, a man whose memory is revered by all men and whose personality they respected, one evening in company with two or three others, laughingly it was suggested: "Senator, you will get $8 a month under this law." "Yes," he said, "I will get it, and I will never draw a dollar from any effort of mine in public or private life that I prize so greatly as I do that $8 a month." It showed how he felt about it. Afterwards he told me, saying, "Why, a thousand dollars will not compensate me for the relief that is given by me to my comrades in the war for the preservation of the Union, to say nothing about an occasional something that is asked from the comrades in the War with Mexico." I think, and I want to suggest modestly and not unkindly to the gentleman from Georgia, that it is a waste of time, in my judgment, to seek to place these limitations upon the law. He says in the future, and my colleague from Missouri, Mr. BORLAND, gives notice that in the future, as soon as they can get ready, they are going to purge this roll. I do not believe that the roll will be disturbed by any additional legislation. God is rapidly diminishing the roll, and, in my judgment, probably the last pension legislation has been enacted that will be enacted. However, I will not prophesy as to that matter. I hope the amendment will not be agreed to.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word, and I ask, if I may desire so much time, to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none.

Mr. BARTLETT. Mr. Chairman, this paragraph carries $180,000,000 for pensions to be paid under all existing laws of the United States. Mr. Chairman, I have been here some 18 years. I come from one of the States which formed the Confederacy. My father, friends, and kindred took part in that struggle for the Confederacy. I am the son of a Confederate officer who dedicated all he had—his life, his fortune, and his sacred honor—to undertaking to carry to a successful determination the cause of the Confederacy.

I am proud of that fact, Mr. Chairman, and if my life be lengthened beyond the span allotted to me I will not desire any better or more glorious epitaph than the simple fact that I was the son of a Confederate officer. I have not in these years of my service, however much I have disagreed with the policy of pensions and granting them as has been followed out, felt called upon to resist except by my vote and by my non acquiescence the efforts made to pension or to increase pensions. I have my own views with reference to what should be granted as pensions. I believe that pensions ought to be given for services and for injury or disability. It is true, I have not the slightest doubt, that if the cause for which my father and his comrades fought had been successful, that government, if established, would have pensioned those who fought for the Confederacy. It is a distinction which my State enjoys that she was the first amongst the Confederate States that pensioned liberally those who fought in the Confederate Army from Georgia, and that she now liberally contributes to them and to their widows pensions for their service. They, in receiving that pension, had no government to look to except the State for which many thousands gave their lives, for which they suffered and endured the toils of the march and the struggles of battle, for that government which rose so fair and pure and fell so free of crime could not pension them, and the only relief they had was from the State. I have here, and I shall put it in the RECORD, what the States in 1911 paid from their treasuries to Confederate soldiers. I do not agree to the bill for which we are compelled by reason of its having been passed at the last session to add $30,000,000 to this pension roll; I did not vote for it; I did not think it was necessary; I voted against it, and I would vote against it to-morrow, but I realize that it had its inception and came from our Democratic colleagues, and it could not have become a law but for the overwhelming vote it received at the hands of the Democrats. I realize also that after that law had been enacted a Democratic national convention met at Baltimore, and, in dealing with this subject, with a full knowledge of what the pension law then was, with a statement of the record of this House and public documents of this Congress that the proposed Sherwood bill would cost over $75,000,000 a year, and if we enacted the law known as the McCumber bill it would cost at least $28,000,000 a year, the Democratic Party in convention assembled did not see fit to criticize it except to pledge itself to liberal pensions for soldiers and their widows.

I have no criticism to make of that platform. I have simply the duty placed upon me as a Member of this House and of that committee, and as chairman of this subcommittee, to report to this House the sums necessary to meet the requirements of the Government in the payment of pensions under the existing law.

We were told on Friday last by the distinguished gentleman from Ohio [Mr. SHERWOOD] that we appropriated about $8,000,000 too much. The estimate in this bill by the Pension Commissioner was $185,000,000. Upon inquiry and investigation before the subcommittee he reduced that estimate $5,000,000. My friend from Ohio says we have appropriated too much. I hope he can show that we have. I hope anyone who voted for the Sherwood bill or for the Senate bill with an idea that it would not increase the amount we put in here, and, if they believe it is too much, will rise in his place and offer an amendment to reduce it to $22,000,000 or $25,000,000, or any amount to which he believes it can be reduced.

Let us see what this committee has done in order to meet the requirements of the Pension Office.

It will be admitted, I apprehend, because the experts tell us it is true, that the increase by reason of the act of May 11, 1912, is $72 per pensioner. If anyone says it is any less, notices that it is any less, believes it is any less, I will thank him now to say how much less per pensioner the act of 1912 increases the amount he is entitled to receive under that act. I pause for any suggestion of that sort.

Then there were 470,000 applications under the act of 1912, which would increase the amount $33,840,000. It is estimated that a hundred of these old veterans die every day, making about 36,500 who will probably pass away in a year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. BARTLETT. If I can get my time extended. Mr. Chairman, I might as well ask for 10 minutes more, and after that I shall have nothing more to say on this matter.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. Certainly; I yield to the gentleman from Wisconsin with pleasure.

Mr. COOPER. The gentleman from Georgia says that the death rate approximates 36,000 a year?

Mr. BARTLETT. One hundred a day.

Mr. COOPER. That will increase very rapidly in the next few years.

Mr. BARTLETT. I think it will, undoubtedly.

Mr. COOPER. It will increase very rapidly in the next few years, because the pensioners of the Civil War will be approaching 80 years of age.

Mr. BARTLETT. I suppose by natural causes there will be an increase.

Mr. SHERWOOD. Will the gentleman allow an interruption?

Mr. BARTLETT. Certainly. I want to say, though, I am giving the figures of this particular bill for the next fiscal year.

Mr. COOPER. I have here a report of the hearings just handed to me by the gentleman from Iowa [Mr. GOOD], which shows that in 1912 the losses by death were 52,863.

Mr. BARTLETT. I had reference to all the pensioners in the Civil War, and that is offset by the gains. I had reference to that.

Mr. SHERWOOD. Will the gentleman allow an interruption?

Mr. BARTLETT. Yes.

Mr. SHERWOOD. The gentleman misapprehends what I said on Saturday. I said that $30,000,000 was too much on account of the Sherwood pension bill, but I did not say $180,000,000 was too much in the aggregate.

Mr. BARTLETT. I did not misunderstand the gentleman and I have not misquoted him. If the gentleman is right about it, or if the gentleman thinks that $32,000,000 or $1 or $1,000,000 or $8,000,000 or any sum is too much, I invite him to move to decrease it down to the amount that ought to be put on this bill; because according to the statement I have made, according to the evidence of the Pension Commissioner and the experts in the commissioner's office, the pension bill that left the House known as the Sherwood bill, and that came back here known as the McCumber bill, is responsible for this increase of $30,000,000. That is where the officials put it, there is where it belongs, and you can not escape it, because it increases the amount paid under that bill to $72 per soldier per annum, and we have to allow for these applications. If 470,000 applications were granted, we ought to have allowed $33,840,000, and if we allow for 70,000 applications which they say will be rejected—and the experience under this law is that there will not be that many rejected—we will have $28,000,000. So that we have not appropriated in this bill anything more than we did last year, except solely for the reason that this House saw fit by a large majority to put upon the statute book the act of May 11, 1912. There is no question about it.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Yes; of course.

Mr. MANN. The appropriation for the fiscal year 1912 was $153,000,000, I believe?

Mr. BARTLETT. Yes, and something over.

Mr. MANN. Regardless of the Sherwood bill, there would have been a natural decrease of probably in the neighborhood of $10,000,000.

Mr. BARTLETT. A witness who appeared before us said $2,000,000.

Mr. MANN. Ah, the deaths would amount to a good deal more than $2,000,000. At one time heretofore, without any increase, the amount dropped off $10,000,000 a year. Now, this year, on account of the Sherwood bill, there is not only $12,000,000 of actual increase, but also over what decrease would otherwise have occurred?

Mr. BARTLETT. Yes, sir.

Now, Mr. Chairman, reading from the testimony of Mr. Thompson, these facts are brought out:

Mr. BARTLETT. Will you explain to the committee how you arrive at the conclusion that you will require $180,000,000 to meet the expenditures on account of pensions for the next fiscal year?

Mr. THOMPSON. The annual value of the pension roll at this time, exclusive of the increase under the act of May 11, 1912, is about $150,000,000. While there will be a decrease on account of losses to the roll on account of death, this is overcome by the first payments made on the new certificates issued during the year. These first payments amount to some $5,000,000 each year. Add the $30,000,000 increase under the new law to the $150,000,000, and we arrive at the amount required for 1914, or $180,000,000.

The CHAIRMAN. Do you mean the act of May 11, 1912?

Mr. THOMPSON. Yes, sir. Now, this bill adding $30,000,000 to the annual value of pensions, the annual value of pensions has been increased to $180,000,000. That is as near as we can get at it. The average increase by this bill is about $72 per claim.

Now, that is what this committee has acted on and that is what we have done, realizing the full requirements of the law, for which two members of this subcommittee that reported this bill, as I know, did not vote, and for which they are not responsible. Speaking of this bill, which is increasing instead of decreasing and growing each year, my friend from Illinois, Mr. CANNON, said that it would not increase. Why, gentlemen, the Senate just yesterday passed two bills that will add $7,000,000 more to the pension roll. There is no end to it.

For myself, I am impelled solely by my duty to meet the requirements of the law in regard to pensions, although differing with those who have advocated and passed this system of pension laws and differing with the policy of it. The payment of pensions in large amounts to people simply for services does not meet my approval. But I reported this bill and shall vote for it, because as a Member of the House and as a member of the committee having jurisdiction of the bill I am compelled to report the money necessary for carrying out the obligations of the Government. It has been the policy of the Congress, during both Republican and Democratic control, to vote for these large pensions. For the law under which we are now appropriating $180,000,000, additional, for the next fiscal year, and for the present fiscal year we must provide a deficiency of $15,000,000 in the deficiency bill, Democrats are more responsible than Republicans.

I desire to submit a table showing the number of pensioners on the roll on June 30, 1912, and their geographical distribution:

Number of pensioners in each State and Territory, each insular possession, and each foreign country on the rolls June 30, 1912, and the amounts paid therein during the fiscal year 1912.

State or Territory.	Number.	Amount.
Alabama	3,585	$608,703.59
Alaska	74	13,310.53
Arizona	852	117,785.71
Arkansas	10,438	1,715,960.27
California	29,670	5,194,775.70
Colorado	8,772	1,574,102.51
Connecticut	10,673	1,827,068.46
Delaware	2,497	441,179.99
District of Columbia	8,046	1,435,994.93
Florida	5,121	894,152.21
Georgia	3,259	527,263.24
Idaho	2,375	447,103.39
Illinois	59,353	10,559,758.30
Indiana	52,413	10,015,321.80
Iowa	30,205	5,463,051.05
Kansas	33,241	5,938,069.29
Kentucky	22,777	4,022,588.45
Louisiana	6,191	973,892.01
Maine	15,142	2,804,068.03
Maryland	11,735	2,081,560.11
Massachusetts	36,121	6,094,662.53
Michigan	36,226	6,580,667.90
Minnesota	13,349	2,325,040.81
Mississippi	4,403	727,552.02
Missouri	42,786	7,645,626.01
Montana	2,460	411,694.72
Nebraska	14,090	2,524,192.44
Nevada	405	65,003.28
New Hampshire	6,820	1,282,107.64
New Jersey	19,539	3,307,706.49
New Mexico	1,714	313,100.07
New York	72,443	12,708,724.41
North Carolina	3,594	629,741.43
North Dakota	1,696	309,986.70
Ohio	82,895	15,080,951.76
Oklahoma	11,597	2,072,265.44
Oregon	8,187	1,346,558.46
Pennsylvania	82,300	14,292,762.69
Rhode Island	4,739	803,094.77
South Carolina	1,805	285,004.28
South Dakota	4,856	882,568.74
Tennessee	16,613	3,226,403.16
Texas	8,755	1,356,249.45
Utah	1,053	183,669.41
Vermont	6,870	1,364,726.97
Virginia	8,095	1,435,649.79
Washington	10,752	1,817,748.90
West Virginia	11,188	1,988,371.53
Wisconsin	21,920	4,105,528.10
Wyoming	932	161,726.43
Total	854,622	151,985,425.89
INSULAR POSSESSIONS.		
Guam	3	627.72
Hawaii	82	13,798.80
Philippines	81	12,210.92
Porto Rico	41	6,178.00
Total	207	32,815.44
FOREIGN COUNTRIES.		
Algeria	1	108.00
Argentina	15	2,661.15
Australia	101	17,918.43
Austria-Hungary	37	6,564.17
Azores	6	852.90
Bahamas	3	642.00
Barbados	2	255.27
Belgium	24	4,257.84
Bermuda	5	1,044.00
Bolivia	1	180.00
Brazil	4	744.00
British East Africa	1	144.00
British West Indies	3	402.00
Bulgaria	1	144.00
Canada	2,749	487,754.09
Cape de Verde Islands	1	96.00
Chile	12	2,128.92
China	16	2,848.00
Comoro Islands	1	90.00
Costa Rica	4	618.00
Cuba	62	10,999.42
Danish West Indies	2	288.00
Denmark	49	8,696.09
Dominican Republic	2	288.00
Dutch West Indies	6	900.00
England	477	84,624.57

Number of pensioners in each State and Territory, each insular possession, and each foreign country on the rolls, etc.—Continued.

State or Territory.	Number.	Amount.
FOREIGN COUNTRIES—continued.		
Egypt	2	$234.00
Fiji Islands	1	120.00
France	74	13,128.34
Germany	522	92,608.02
Greece	8	1,755.55
Guatemala	3	366.00
Haiti	1	216.40
Honduras	2	324.00
Hongkong	3	525.00
India	16	2,838.56
Ireland	453	80,366.73
Isle of Man	2	378.00
Isle of Pines	2	432.00
Italy	60	10,644.60
Jamaica	7	1,332.00
Japan	34	6,031.74
Korea	1	180.00
Liberia	7	916.00
Madeira	1	276.00
Malta	2	180.00
Mexico	186	32,998.26
Netherlands	10	1,510.67
Newfoundland	4	612.00
New Zealand	15	2,670.00
Nicaragua	2	255.50
Norway	76	13,520.50
Panama and Canal Zone	40	6,768.66
Paraguay	1	240.00
Peru	13	2,288.30
Portugal	3	641.40
Russia	18	3,176.40
Salvador	1	144.00
Samoa	1	96.00
Scotland	85	15,079.85
Seychelles Islands	1	144.00
Siam	1	108.00
South Africa	10	1,780.00
Spain	3	398.80
St. Helena	1	144.00
Sudan	1	204.00
Sweden	80	14,192.33
Switzerland	70	12,418.70
Tasmania	2	288.00
Tonga Islands	1	180.00
Turkey	20	3,548.13
Uruguay	3	888.00
Venezuela	1	144.00
Wales	30	5,322.60
Total	5,465	967,863.89

SUMMARY.

	Pensioners.	Payments.
Pensioners residing in States and Territories and payments to them	854,622	$151,985,425.89
Pensioners residing in insular possessions and payments to them	207	32,815.44
Pensioners residing in foreign countries and payments to them	5,465	967,863.89
Total	860,294	152,986,105.22
Payments by Treasury Department (Treasury settlements)		328.50
Total payments on account of Army and Navy pensions for the fiscal year		152,986,433.72

The number of Civil War pensioners on the roll at the end of the fiscal year 1911 was 529,884, and at the end of the fiscal year 1912 was 497,263.

The number of Civil War survivors on the pension roll who died during the fiscal year ended June 30, 1911, was 35,243, and the number who died during the fiscal year ended June 30, 1912, was 33,891.

It may be interesting, Mr. Chairman, to contrast the amount of pensions paid to the survivors of the Confederate Army with the amount paid to the survivors of the Union Army now residing in 11 Southern States, and accordingly I submit a table for that purpose:

	Confederate pensions.	Federal pensions.
Alabama	$875,000.00	$596,445.74
Arkansas	531,139.50	1,642,605.59
Florida	650,000.00	815,836.77
Georgia	944,694.08	543,352.41
Louisiana	175,000.00	1,024,613.60
Mississippi	400,000.00	724,961.82
North Carolina	450,000.00	654,072.49
South Carolina	264,000.00	302,562.44
Tennessee	520,000.00	3,190,810.87
Texas	521,000.00	1,504,851.68
Virginia	450,000.00	1,489,553.80
Total	5,780,833.58	12,489,667.21

In the above table are included pensions paid on account of the War with Mexico and the various Indian wars to residents of these States, under the heading "Federal pensions." Of course, for the purposes of fair comparison, pensions other than Civil War pensions should not be included. I regret that I have been unable to ascertain from the Commissioner of Pensions information upon which a proper deduction could be based. If, however, all pensioners of these other wars were residents of these 11 States, which, of course, they are not, there would have to be deducted—

On account of War with Mexico	$1,322,918.11
On account of Indian wars	575,086.52
Making a total of	1,898,004.63

If this overestimated amount be subtracted, we would have in these States the following result:

Federal pensions on account of the Civil War	$10,591,662.58
Confederate pensions on account of the Civil War	5,780,833.58
A difference in 1911 of	4,810,829.00

So, therefore, it is safe to say that the amount paid out last year by the Federal Government on account of Civil War pensions to residents in the 11 States which constituted the Confederacy is at least double the amount paid out by these States on account of State pensions to ex-Confederate soldiers.

Going back to the remote beginning of the pension system, it is interesting to know that the amount disbursed for pensions from July 1, 1790, to June 30, 1865, was $96,445,444.23. The amounts disbursed each year since that date, the cost of administration, including the entire expenses of the bureau in the settlement of claims, the cost of the pension-agency service and fees, and expenses of examining surgeons, and the number of pensioners on the roll at the close of each fiscal year are shown in the following table:

Disbursements for pensions and maintenance of pension system, 1866 to 1912.

Fiscal year.	Paid as pensions.	Cost, maintenance, and expenses.	Total.	Number of pensioners.
1866	$15,450,549.88	$407,165.00	$15,857,714.88	126,722
1867	20,784,789.69	490,977.35	21,275,767.04	155,474
1868	23,101,509.36	553,020.34	23,654,529.70	169,643
1869	28,513,247.27	564,526.81	29,077,774.08	187,963
1870	29,351,488.78	600,997.86	29,952,486.64	198,686
1871	28,518,792.62	863,079.00	29,381,871.62	207,495
1872	29,752,746.81	951,253.00	30,703,999.81	232,229
1873	26,982,063.89	1,003,200.64	27,985,264.53	238,411
1874	30,206,778.99	966,794.13	31,173,573.12	236,241
1875	29,270,404.76	982,695.35	30,253,100.11	234,821
1876	27,936,209.53	1,015,078.81	28,951,288.34	232,137
1877	28,182,821.72	1,034,459.33	29,217,281.05	232,104
1878	26,786,009.44	1,032,500.09	27,818,509.53	223,998
1879	33,664,428.92	837,734.14	34,502,163.06	242,755
1880	56,689,229.08	935,027.28	57,624,256.36	250,802
1881	50,583,405.35	1,072,059.64	51,655,464.99	268,830
1882	54,313,172.05	1,466,236.01	55,779,408.06	285,697
1883	60,427,573.81	2,591,648.29	63,019,222.10	303,658
1884	57,912,387.47	2,835,181.00	60,747,568.47	322,756
1885	65,171,937.12	3,392,576.34	68,564,513.46	345,125
1886	64,091,142.90	3,245,016.61	67,336,159.51	365,783
1887	73,752,997.08	3,753,400.91	77,506,397.99	406,007
1888	78,950,501.67	3,515,057.27	82,465,558.94	452,557
1889	88,842,720.58	3,466,968.40	92,309,688.98	489,725
1890	106,093,850.39	3,526,382.13	109,620,232.52	537,944
1891	117,312,690.50	4,700,636.44	122,013,326.94	676,160
1892	139,394,147.11	4,898,665.80	144,292,812.91	876,068
1893	156,906,637.94	4,867,734.42	161,774,372.36	966,012
1894	139,986,726.17	3,963,976.31	143,950,702.48	969,544
1895	139,812,294.30	4,338,020.21	144,150,314.51	970,524
1896	138,220,704.46	3,991,375.61	142,212,080.07	970 678
1897	139,949,717.35	3,987,783.07	143,937,500.42	976,014
1898	144,651,879.80	4,114,091.46	148,765,971.26	993,714
1899	138,355,052.95	4,147,517.73	142,502,570.68	991,519
1900	138,462,130.65	3,841,706.74	142,303,837.39	993,529
1901	138,531,483.84	3,868,795.44	142,400,279.28	997,735
1902	137,504,267.99	3,831,378.96	141,335,646.95	999,446
1903	137,759,653.71	3,993,216.79	141,752,870.50	996,545
1904	141,093,571.49	3,849,366.25	144,942,937.74	994,762
1905	141,142,861.33	3,721,832.82	144,864,694.15	998,441
1906	139,000,288.25	3,523,269.51	142,523,557.76	985,971
1907	138,155,412.46	3,309,110.44	141,464,522.90	967,371
1908	153,093,086.27	2,800,963.36	155,894,049.63	951,687
1909	161,973,703.77	2,852,583.73	164,826,287.50	946,194
1910	159,974,056.08	2,657,673.86	162,631,729.94	921,083
1911	157,325,160.35	2,517,127.06	159,842,287.41	892,098
1912	152,986,433.72	2,448,857.31	155,435,291.03	860,294
Total	4,286,922,719.65	123,328,719.05	4,410,251,438.70	

The CHAIRMAN. Does the gentleman withdraw his pro forma amendment?

Mr. BARTLETT. Yes; unless the gentleman from Ohio [Mr. SHERWOOD] wants to speak in opposition to it.

Mr. SHERWOOD. Mr. Chairman, according to the report of the Commissioner of Pensions there was paid out for pensions last year something over $155,000,000. That was before the so-

called Sherwood pension bill went into operation and before a dollar had been paid out under that bill.

Now, the proposed appropriation this year of $180,000,000 is not, I think, too large. I have never said so. It is an increase over last year of $24,564,709. That includes not only the pensions that have been allowed under the Sherwood law, but it also includes all the private pension bills that have been passed by the Committee on Invalid Pensions and by the other Committee on Pensions of this House. It includes all the increases under the McCumber Act also. It includes all the increases allowed by the Pension Office for the soldiers who lost their health in the Philippine Islands and in the Spanish War. So that the whole increase, added to the increases under the Sherwood bill, is $24,564,709.

Mr. AUSTIN. Does not that also include the increase to the soldiers who served in the War with Mexico?

Mr. SHERWOOD. Certainly. Now, the number of private pension claims allowed in this Congress under House and Senate bills is 4,985. The whole amount paid out for these private pensions is $804,307. I tried to get the statistics of the other Pension Committee, without avail, but the probable amount all told will be about $1,000,000.

The gentleman from Georgia [Mr. BARTLETT] states the number of pension claims that have been filed. That is no basis from which to argue or estimate. The basis of estimate is the number of pension claims that have been allowed. When we gave the Pension Office a large extra force last July they agreed to have these pension claims under the Sherwood Act adjudicated by the 1st of February or by the 1st of March. Now, they have allowed 300,000 claims, and as stated by the gentleman from Georgia, the average increase to every soldier is $6 a month, or $72 a year. Multiply that by 300,000 and you have $21,600,000 of increase.

What as to the balance? There are probably about 80,000 soldiers getting pensions by private bills, and they are getting more than they would be allowed under the Sherwood law. So they will not cause any increase. There are 100,000 cases pending now, and 50,000 of these claims are probably under the disability clause. Under the ruling of the Secretary of the Interior a soldier has to prove to the satisfaction of the Pension Bureau that he contracted his disability during the war, and it is estimated that not over 10,000 of those claims will be allowed.

So that as stated by myself on the floor of the House when this bill was up for final consideration, it will not carry over $22,000,000 increase; and these figures from the Pension Office, giving an increase of $24,000,000 for all increases, absolutely verifies what I said on the floor of the House last May.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. SHERWOOD. Not now. By the 1st of July there will not be alive of my old comrades over 465,000 soldiers.

Mr. BARTLETT. May I ask the gentleman a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERWOOD. I will not ask the indulgence of the House any further.

Mr. MADDEN. Mr. Chairman, I rise to oppose the amendment of the gentleman from Georgia.

The CHAIRMAN. Debate on that amendment has expired.

Mr. MADDEN. I move to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. MADDEN. Mr. Chairman, when a man offered himself as a sacrifice that the Nation which needed his services might live, he offered everything he had. No man could offer more than his life to the service of his country. It would be a great pity now if, by some chance or other, because a man happens to be fortunate enough to earn a thousand dollars a year, he should be cut off from the pension which the law allows to men who served in the Civil War.

The payment of a pension to a man who served the Nation in the time of its greatest need is no charity. It is a very inadequate compensation for the service rendered. It should be the proud boast of the Nation that it offers to every man who served during its time of greatest need some consideration in his declining days.

Mr. BARTHOLDT. If we propose to discriminate between those who receive a thousand dollars a year and those who do not, does not that make the whole pension roll a charitable institution?

Mr. MADDEN. Without any question. When the Government needed the services of men to preserve the Nation, no man was asked whether his income was a thousand dollars or a dollar. The question asked him then was, "Are you willing to fight and are you able to fight? Are you willing to give all you have to the service of your country that it may live?" The men from the South, as well as the men from the North, should be proud that we live to-day under a single flag.

They have opportunities which they would not be able to enjoy except for the condition in which we find ourselves to-day. We should be glad to have an opportunity to vote pensions to the soldiers and to their widows. If a man who earns $1,000 is not to be allowed a pension he would be required to make an affidavit every year as to what his income is. He might have $1,000 this year and next year only $500. Are you going to take him off the pension roll this year because, forsooth, he earns $1,000, and how are you going to put him on the roll again next year if he earns only $500? The proposition is impracticable and unworthy of the Congress of the United States; it ought not to be considered seriously on the floor of this House.

The soldiers of the Nation are deserving of every honor we can confer upon them. They have enabled us to live in a land of plenty; in a land protected by a single flag. They have enabled us to live in a land that is a power among the nations of the earth. They were the saviors of the country. We owe them a debt of gratitude. They are receiving no favor from the Nation when they draw their pensions. There is no charity in these pensions. We are giving them but a meager recognition for the services they rendered to the Nation.

Ah, the old soldiers ought to be given every comfort that can be given by the Nation in the few days they have to remain with us. They say that 52,500 died last year, and next year probably 100,000 will die, and the day is not far distant when all of these men will have passed away. While they remain we should be proud to do them honor. [Applause.] Mr. Chairman, I withdraw the pro forma amendment.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and amendments thereto be closed in one minute.

Mr. CULLOP. Mr. Chairman, reserving the right to object, we are not aware what other amendments will be offered.

Mr. BARTLETT. I move that all debate on the paragraph and amendments thereto be closed in 5 minutes.

Mr. RODDENBERY. Mr. Chairman, I make the point of order that no quorum is present.

Mr. BARTLETT. Mr. Chairman, I withdraw my motion.

Mr. RODDENBERY. And I withdraw the point of no quorum.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

The question was taken, and the amendment was rejected.

Mr. RODDENBERY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Add, at the end of line 7, page 2, the following:
"*Provided*, That no person shall be paid or receive any part of this appropriation who is receiving or receives a salary or emolument from the Federal Treasury in excess of $1,200 per annum as an officer or employee of the Government."

Mr. RODDENBERY. Mr. Chairman, I want to say that Members need not attempt unduly to expedite this matter. I am only consuming five minutes on each amendment; other Members are utilizing the time. I have a few amendments that I think are entitled to be considered. The amendment that you just voted down is the identical amendment that the Democratic Committee on Pensions last year brought in with a favorable recommendation to this House. And you vote it down. It is nothing that originated with me. Your own Democratic Invalid Pensions Committee brought in the same amendment on a bill.

Mr. BORLAND. Will the gentleman yield?

Mr. RODDENBERY. I can not yield. I was struck by the remark of my distinguished friend from Illinois, who said that $8 a month to these old captains and majors and generals was not so much for the money, but the mark of honor that went with it. I have here "Who is Who" and "Who's Who in America" for 1910, 1911, and 1912, and I find captains, and colonels, and generals, with their biographies, telling the high officials that they are and what big officers they are and what big offices they are now holding, among them Gen. Black, of the Civil Service Commission, and Col. Davenport, of the Pension Department, and not one of them puts in his autobiography that such has been his service that he is now drawing a pension. They seem to forget to chronicle in their biographies the great honor it is for them also to be drawing a pension. They tell of the great jobs they are holding now, but they forget the pensions.

This amendment, Mr. Chairman, is not subject to the objection that was raised to the others. Gentlemen said that you could not enforce the other amendments, because the Pension Department could not find the facts. You do not have to have any inspectors or detectives in respect to this amendment. This amendment provides that no officer or employee of the Government who is drawing a salary of over $1,200 a year—

$100 a month—shall receive any part of this pension appropriation. The fact that he is drawing a salary shows that he is not crippled or unable to work. The twelve-hundred-dollar limit is $500 a year more than the average man of a family in this country makes, and the man of family is supporting himself, his family, and paying the pensioners beside.

If you propose to vote this amendment down and say you will give a pension to a man holding down a fat job in the Government at more than $1,200 a year and add to it this invalid, old-age, or service pension, you can do it, but bid farewell forever to the pledge of the Democratic Party to form an honest, generous pension policy. You know what our platform said on Republican lavish appropriations and Democratic economy. Judge Parker, in opening the Baltimore convention last year, said of the Republican expenditures:

For their lavish expenditure of public funds they should be destroyed.

And that great auditorium of Democrats roared. When the campaign was being closed by President elect Wilson at Madison Square Garden October 28 he said:

God pity the man who promises the American people what he is not able to perform.

I make an axiomatic paraphrase, God pity the party that promises the American people what it will not perform.

Mr. BORLAND. Mr. Chairman, the gentleman from Georgia [Mr. RODDENBERY] said that the Democratic Pension Committee had brought in the Sherwood bill containing the provision just voted down. In that he is slightly mistaken. They limited the provisions of the Sherwood bill which gave the increase of pensions to those who had an income of less than the specified amount, but they left untouched the pensions under previous laws. The previous amendments of the gentleman from Georgia would have stricken down the pensions under previous laws, as well as under the act of May 11, 1912, and in that they went further than the amendment brought in by the Democratic committee. I want to say that in justice to the Democratic committee.

As to the amendment which the gentleman has offered now, I do not feel that the Committee on Appropriations ought to offer any objection to it. This pension bill calls now for $180,000,000. In addition to that, there will be $15,000,000 in the deficiency appropriation bill to make up the pensions of the year 1913, or a total of $195,000,000. Yesterday the Committee on Appropriations reported a bill for the sundry civil expenses of the Government carrying $113,000,000. That sundry civil appropriation bill is supposed to cover all of the activities of the Federal Government outside of the city of Washington and some inside of it; $113,000,000 covers all of the activities of the Federal Government outside of the city of Washington, but it takes $195,000,000 to pay the pensions alone. We have considerable dispute among ourselves about whether we will have two battleships or no battleship. A two-battleship bill for the Navy, the great policeman of the commerce of the Nation, would not bring the Navy bill much over $150,000,000, and leaving out one or two battleships would bring it down below $140,000,000. This bill calls for nearly $200,000,000. There is no justification, as the gentleman from Georgia says, for paying a pension to a man who is already drawing a salary or emolument from his Government for services that he is presumed to be performing to the value of that emolument.

If a man can draw $1,200 from the Federal Government, presumably earning that $1,200, he is drawing nearly twice as much as the average citizen outside of the Government service who is supporting himself, his family, and the Government. I do not believe we can face the American people and vote down this amendment which says that a man who is already drawing $1,200 from the Federal Government shall not be entitled to a pension based primarily upon the theory that he is in some way disabled by reason of his military service. I shall not oppose this amendment.

Mr. AUSTIN. Mr. Chairman, may I ask the gentleman how he would treat a public servant who is serving the State or the municipality who is receiving that sum of money?

Mr. BORLAND. We have not the same direct reach that we have in this instance.

Mr. AUSTIN. But it can be done.

Mr. RODDENBERY. Mr. Chairman, I will state to the gentleman from Tennessee that I will accept such an amendment if he will draw it.

Mr. BORLAND. Mr. Chairman, the question now is whether the same Government shall with one hand pay a salary and with the other hand pay a pension to the same identical officer. The Committee on Appropriations is not willing to oppose this amendment. We leave it to the judgment of the House.

I ask unanimous consent that debate on this be limited to 10 minutes.

Mr. AUSTIN. Oh, there are a number of us here who wish to speak.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that debate be limited to 10 minutes. Is there objection?

Mr. AUSTIN. Mr. Chairman, I object.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that debate be limited to 15 minutes.

The CHAIRMAN. The gentleman requests that debate on this amendment be limited to 15 minutes.

Mr. HOWARD. Mr. Chairman, I object.

Mr. BORLAND. Mr. Chairman, I move that debate be limited to 15 minutes.

The CHAIRMAN. The gentleman moves that debate be limited to 15 minutes.

The question was taken, and the Chairman announced the ayes seemed to have it.

On a division (demanded by Mr. AUSTIN) there were—ayes 80, noes 10.

So the motion was agreed to.

Mr. MANN. Mr. Chairman, if there are any old soldiers in the service of the Government, as there are, drawing their salaries from the Government, they are at least presumed to be performing the duties of their offices and earning their salaries. If they are not, the new administration about to come in will have the power to dismiss them. If they earn that money they ought to receive it, but the gentleman from Georgia [Mr. RODDENBERY], who, I regret to say, has not discovered that the Civil War is over and that good feeling is supposed to prevail between the sections of the country, still has the same spirit toward the northern soldiers that he would have had during the heat and excitement and animosity of the war. He wants to punish the old soldiers. He wants to injure the northern soldiers; he feels a hatred toward the men who wore the blue. We are willing, on our side, to treat with kindness and love the men who wore the gray in that great conflict, but it remains for the gentleman from Georgia, I suppose born since the Civil War, to inject into this House on every possible occasion the bitterness which he had, and which I believe does not in the main exist in the South, toward the old soldiers of the North. He wants to cast odium on the man who draws a pension; we want to cast glory on the man who draws the pension. [Applause.] He wants to make it an insignia of ignobleness; we count the pension roll a roll of nobility. I dare that side of the House to be led by the bitterness of the gentleman from Georgia, and I thank my Maker that a great majority even on the Democratic side of the House has shown in the past, as I believe it will show again to-day, that it honors the Union and the Union's defenders. [Applause.]

Mr. KENT. Mr. Chairman, it seems to me that the trouble with this pension business from start to finish is in the assumption that a pension is a reward of service and not a relief of need. [Applause.] As I see it, while I realize the debt that we all owe to those men who in time of strife and stress when the Union was in danger went out and risked their lives that the Union might be preserved, while I realize to the fullest extent that we owe to those men support in their declining years if they need that support. [Applause.] If from invalidism or injuries received in the war, they need our support, or if in the ordinary course of hard luck that is apt to come to any old men they need our support, we should grant it to them. We should relieve their needs, but we should not offer a bounty for their service. You can not pay for public services in terms of pensions. Who can say who is worthy of being paid for public services? As I said before on the floor of this House, the old woman who has brought up a family of children honorably, has educated them, has starved herself and suffered that she might produce for the Nation worthy offspring, that woman in terms of service is just as much entitled to a pension as these pensioners in the Civil War.

I am willing from my standpoint to say that these men are peculiarly entitled to reward by a grateful Nation for having preserved the Union but I do not believe that we are justified in spending the property of all the people in reward when that reward is not needed. I know of men of large fortunes who pride themselves on the fact that they are getting pensions when they do not need pensions, when there are many other people in this country who have been of equal service to the Nation who are in abject need, but who are not getting pensions. I believe this amendment is along the correct theory and I hope it will be adopted. [Applause.]

Mr. HOWARD. Mr. Chairman, the very unkind expressions of the gentleman from Illinois [Mr. MANN], in which he impugns the motives of my colleague from Georgia [Mr. RODDENBERY], furnish the reason for my participation in this debate. I very deeply regret that the gentleman from Illinois [Mr. MANN]

does not know my colleague [Mr. RODDENBERY] as intimately as I do. He is incapable of harboring animosity or possessing rancor of heart against any real soldier who wore the blue in that memorable struggle in the War between the States.

His fight and my fight is not directed against the payment of pensions to the maimed, the indigent, or enfeebled old soldier who did real service. It is against a system which has grown from Congress to Congress, stimulated by the political aggrandizement of candidates for office bidding for the influence of the "old-soldier vote," until the people are groaning under a load of $180,000,000 in annual appropriations to meet the payment of pensions, and this 50 years after the war.

President Garfield during his administration apologized to the people for the fearful amount appropriated for pensions when we were only appropriating $35,000,000 a year.

My observations are that this whole system of pensions as administered is wrong. The millionaire, the man in comfort, the man who did no real service, the wagon trailer, and the deserter have the same place on the pension roll. This great Government, in showing its gratitude to those who fought for the Union, can show it best by relieving those who are needy by appropriating an annual gratuity, and it is the duty of this Nation to see to it that none of the real old soldiers suffer in want.

Mr. Chairman, I feel assured that I express the sentiments of 90 per cent of the people whom I have the honor to represent in making the statement that they are not jealous, nor do they find fault with the payment of pensions to the deserving Union soldier. Even the old battle-scarred veterans of the Confederacy, who wore the gray, are magnanimous enough to want their adversaries upon the field of carnage dealt with liberally, and from them we hear no complaint.

It behooves someone from some section of this great Commonwealth to call attention to the reckless and extravagant way in which we are appropriating the people's money. From whence shall this criticism of the present pension system come? Do you think it would come from Democrat or Republican who has thousands of old soldiers and old soldiers' families in his district, who could elect or defeat any candidate who would not accede to their demands for a greater pension? If you wait for criticism to come from this source, we will wait till the crack of doom for a reduction of the enormous sum now being expended.

Mr. Chairman, I was born 10 years after the war on a farm located on the battle field of Atlanta. Gen. William T. Sherman and his staff had his headquarters in my father's home, and the body of the gallant Gen. McPherson, who was killed in this memorable battle, was prepared for burial and laid out in my father's home. The day after that everything my father possessed on earth was reduced to ashes, and from that day until the day of his death no one ever heard him utter a disparaging word against the brave men who participated in that struggle of the 22d of July, 1864. I have in my heart, and have always had, nothing but the kindliest feeling for the gallant old Union soldier. I would like to see him liberally dealt with. I would like to see the deserving and needy separated from that class of undeserving and well-to-do, but when I look at the figures before me and see that this Congress, in the control of my own party and pledged to an economical administration of the affairs of government, is spending $419,000,000 for past wars and in appropriations for future wars, and when I see the internal revenue and customs duties and corporation tax are only a little over $650,000,000, I can not but be amazed at the patience of the American people with past Congresses in tolerating such a condition in times of tranquillity and absolute peace.

Mr. Chairman, are we who happen to represent in part that great section of this glorious land called the South to be accused of hatred, malice, and violent prejudice simply because of the fact we enter a protest against willful, premeditated extravagance, against unjust, inequitable, and downright inequalities in the distribution of a pension fund? Shall a simple protest bring forth the "bloody shirt," a weapon most formidable at one time in our history, but the use of which at this day when, thank God, we are united by the everlasting ties of brotherly love, is an admission on the part of him who flaunts it that reason and justice can no longer be resorted to in defense of the present system, but that the advocate of this system must appeal to passion and prejudice and accuse those of us who feel that our pledges for an economical administration of the affairs of this Government are sacred of being possessed of the devil and incapable of casting out hatred and prejudice, and that our utterances emanate from such a source?

Mr. Chairman, the old soldiers, those who were real soldiers, agree with every word that I have uttered and that it is a system which allows the deserter to have his disabilities removed by an act of the American Congress and allows him to be placed side by side on what the gentleman from Illinois terms the "roll of honor" with the old soldier who bared his breast to the enemy's fire that he might save his country and his Union, while the coward and the laggard slunk away to a place of safety. They do not feel that this is fair treatment, and they do not feel that deep appreciation which all of these old soldiers would feel if the pension roll were in truth and in fact a "roll of honor." My own State of Georgia deals liberally with those old soldiers who wore the gray, and in truth and in fact the pension roll of my State is a roll of honor; but if that roll were left to contending politicians it would soon be a question of rivalry between candidates for office rather than a gratuity from the State acknowledging gratitude to those who were willing to lie down and die for the cause they thought to be right.

Mr. CULLOP. Mr. Chairman, the proposed amendment, as I understand it, is to prevent any employee of the Government, receiving a salary of $1,200 a year or more, from receiving a pension. I am opposed to that amendment. I shall vote against it.

Mr. BURLESON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURLESON. What is the limit of debate?

The CHAIRMAN. Fifteen minutes on the pending amendment and the amendments thereto, of which two minutes remain.

Mr. CULLOP. And I want to say in the short time I have, to the gentleman from Missouri [Mr. BORLAND], that when he says all the people of this country are against pensions, he never was more mistaken in his life. The people of this country approve the Sherwood pension bill——

Mr. BORLAND. The gentleman is fundamentally mistaken about what I said.

Mr. CULLOP. I am glad that I am mistaken, for I hope the gentleman would make no such mistake as that.

The patriotic heart of this country beats in sympathy with that great band of heroes who saved this Nation when in peril and made it the greatest country on earth. [Applause.] And the people of this country stand ready to support liberal pensions. I want to say to the gentleman from Georgia [Mr. RODDENBERY] that his party came into power under the promise to vote liberal pensions to the old soldiers of the Civil War. And the Republican Party went out of power in 1910 because it had failed to keep its promise upon that question to the old soldiers of the Union. [Applause.]

I hope the time will never come when a majority of the people of this country will oppose the pensioning of the men who offered their lives as sacrifice in defense of the Union, in the preservation of our institutions, and for the perpetuity of human liberty. To these men, who by their dauntless bravery, their great patriotism, marched forth at the call of their country to protect this Government, we owe a debt of gratitude we shall never be able to pay. As long as one survives this country should, and I hope will, show its appreciation for his great and most valuable service. If one of them by industry has prospered and made a competency since that great war ended, it should not be charged against him in estimating the value of his services to his country and the appreciation in which the same is held. Many have prospered, and I am glad of it, because of that fact, though, our obligation to them is not decreased nor our esteem of their service diminished. Because of it our debt of gratitude is the greater, and we should acknowledge it. The survivors of this great war witness with pride the result of their heroic efforts. They see in their declining years a reunited Union, a prosperous people prosecuting every avocation known to civilized man, a country the richest and most powerful in all the world. They rejoice that it is so. The argument has been made that economy requires a reduction of the expenditures for pensions. In response to that argument it is sufficient to say that the people have approved the policy adopted and indorse its continuance. They appreciate the services of these men and desire to acknowledge in a substantial way their gratitude. Patriotism requires it. It may be said this country pursues the most liberal pension policy of any country in the world. I am glad of it. It ought to do so. It is the richest and greatest country on earth; it leads the other nations of the world in all other things, and hence it is proper to do so in the reward it pays to the men who have defended its flag and preserved its institutions, who have made possible its standing before the world and enabled its people to accomplish their wonderful achievements. We should encourage rather than disparage their great work and stimulate the admiration the country owes and accords them. Let us

continue to emphasize their heroism and venerate their patriotism in order that in their declining years they may understand their efforts are appreciated by a generous people. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. RODDENBERY. Division, Mr. Chairman.

The committee divided; and there were—ayes 38, noes 102.

Mr. RODDENBERY. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Tellers are demanded. Those in favor of taking the vote by tellers will rise in their places and stand until they are counted. [After counting.] Only five gentlemen have arisen—not a sufficient number. Tellers are refused.

So the amendment was rejected.

Mr. RODDENBERY. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Add, at the end of line 7, page 2, the following amendment as a limitation:

"*Provided*, That no payment of pension shall be paid to any person out of this appropriation who owns property, real or personal, in excess of $3,000, except such person be on the pension roll for actual disability received in the service."

Mr. MADDEN. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. What is the ground of the gentleman's point of order?

Mr. MADDEN. In that it is a change of existing law.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] makes the point of order against the amendment that it is a change of existing law. The Chair overrules the point of order.

Mr. BORLAND. Mr. Chairman, I move that all debate on this amendment and all amendments to the pending paragraph close in 10 minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] moves that all debate on this amendment and all amendments to the pending paragraph close in 10 minutes.

Mr. MANN. Mr. Chairman, a parliamentary inquiry. Was not that order made before?

The CHAIRMAN. It was not made.

Mr. MANN. Then the motion is not now in order, because there has been no debate.

The CHAIRMAN. The previous order was on the pending amendment and all amendments thereto.

Mr. MANN. The gentleman's amendment is not in order.

The CHAIRMAN. The point of order is well taken. The gentleman from Georgia [Mr. RODDENBERY] is recognized.

Mr. RODDENBERY. Mr. Chairman, I wish to observe, as we are nearing the close of this debate, that the proponents of these amendments are consuming only five minutes on each amendment and are not asking for more time. When you propose to pass this bill unchanged, although amendments are offered which are reasonable and germane, and when Members consume time, as is done on the other side, without permitting the proponents to have five minutes in which to present their views, you set a new rule of legislative procedure in the committee.

This amendment which I now offer, gentlemen, was wrong in the figures as read by the Clerk, who read the figures "$3,000." It should be "$5,000." It was intended to provide that no person who did not receive an injury or contract a disease in the war and who has $5,000 worth of real or personal property shall receive a pension from this appropriation.

If it is your judgment that a man without wounds, without disease, without ills, without infirmity, who has of this world's goods $5,000 worth, should draw a pension; if you believe that the struggling, the laboring, the toiling millions of this country should be taxed to give a well and sound man who has $5,000 worth of property a pension, then vote against the amendment. If, on the contrary, you believe, as I believe, that the faithful soldier only should have a pension, and that if he is wounded or ill or infirm or diseased it should not be denied, then you will vote for my amendment.

I shall not reply resentfully to the criticism of my friend the gentleman from Illinois [Mr. MANN]. If he can be content to make it, I can cheerfully let it pass. Only take a moment to observe that when, a moment ago, he saw that the temper of this side of the House and the temper of some Members on the other side of the House was such as to adopt an amendment offered by me which prohibited the payment of a pension to an officeholder of the Government who is drawing more than $1,200 a year, he knew that argument, he knew that reason, he knew that justice would not warrant him in opposing that amendment. His only hope was the lawyer's last retreat in a desperate case—of "cussing" the other lawyer. So he turned on the proponent of the amendment, he having come from the southern portion of the country. One of the first experiences as a young lawyer I ever had in court was when I was assigned to defend a feeless criminal charged with robbery. The evidence was put in, and it was strong against my client. The case was proven overwhelmingly. Despairing, I turned to a senior lawyer, an ex-Member of Congress, and said, "Colonel, it looks as if there is nothing for me to say. The proof is insurmountably against us, and I might as well give up the case." "Give up the case?" says he; "No." I said, "But all the facts are against us." "The facts?" said he. "You ignoramus! The jury does not give a damn about the facts. Give the other lawyer hell, and you will win your case." [Laughter.] That is all my friend the gentleman from Illinois [Mr. MANN] could do. [Laughter.]

Gentlemen, the day is past and gone in this country, if not in the House, when people fail to recognize that from along the borders of Canada to the Gulf on the shores of Mexico and from the Atlantic to the Pacific every section of the country feels it a duty, an honor, and a privilege to accord to the Union soldier a just pension for his sacrifice and for his service to the country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I want to remind my friend from Georgia that we are approaching the end of a very busy session and that we have no disposition to cut off his debate on these amendments so long as new points are involved; but when they involve practically the same question we believe there has already been ample debate.

Mr. RODDENBERY. I have but two more amendments.

Mr. BORLAND. I move that all debate on the pending paragraph and all amendments thereto close in 10 minutes. I think that is eminently fair.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] moves that all debate on the pending paragraph and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. TOWNER. Mr. Chairman, it may be worth while for us to examine whether or not there is merit in the objection that is made by the gentleman from Georgia [Mr. RODDENBERY]. He is not alone in making objections of this character. There are many who join with him in doing so. There are many who think no pension ought to be granted to any Union soldier unless he is actually in need of a pension. I admit that there is good ground for such support of pension legislation, but I deny that it is the only support that pension legislation has or should have.

It is certainly true that this Nation can not be entirely indifferent to those who have made sacrifices, when they are in want and in need. Any Nation that is indifferent to the condition of those who have made sacrifices in its behalf is on the verge of its own destruction, because it destroys the very springs of patriotism.

But I go further than that, and I think this House goes further than that. It is not only relief of need that is the basis of our legislation, but it is also the reward of service. It is not sufficient that we merely pay a man who goes out to fight the battles of the country. It is of vastly more importance that we should make him understand that the risking of his life and the performance of his service will be appreciated by the country for which that service is rendered. This appreciation has been shown in every country throughout all the ages. The legions that followed Cæsar received their reward when they returned. Talents of gold and silver were thrown at their feet and triumphs were given them. The soldiers of Great Britain have from time to time received pensions of various kinds, as well as other rewards. Throughout our entire history, from Revolutionary days down to the present time, we have seen not only that the pay promised to the soldier was given, but also that the soldier was led to believe that it was of value to him to serve the country if he cared for the good opinion of mankind and of those who were to come after him.

We could raise no stronger bulwark in defense of our Nation in the coming years when we shall certainly have to pass many crises that will call for all the patriotic devotion of our citizens; we can construct no stronger bulwark in support of the safety and perpetuity of the institutions of this country than by saying to those who have borne arms in our defense, "You will not be forgotten. Not only will we give you the meed we promised, but the generous heart of the Nation will in every

way it can mark its appreciation of your service and your sacrifice." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAGGART. Mr. Chairman——

Mr. RODDENBERY. Mr. Chairman, I make the point of order that debate is exhausted.

Mr. TAGGART. Mr. Chairman, I move to strike out the last word. I would have greater sympathy with amendments of this nature if they really amounted to anything. We do not know now. No one is furnished with the statistics to show how many men are in the service of this Government, who are drawing salaries in excess of $1,200 and also drawing a pension. We have no facts before us at all. I venture to say that there are very few, and that the saving would be a comparative trifle. It would mean that a man was not entitled to a pension because he was employed by the Government at a stated salary. This is simply a penalty on serving the Government.

I would further have greater sympathy for the amendments at this time if I felt that they particularly burdened the people of that good State whose Representative is urging the amendments with such force and ability on this floor. If I have read and remember the statistics correctly, the good State of Georgia contributes to the internal revenue of the United States just a little more than half a million dollars. No statistics can be given as to what share of the import duties of the United States are paid by the citizens of that State, but assuming, as they have 2 per cent of the population, they pay 2 per cent of the $314,000,000 collected on imports it amounts to a little more than $6,000,000. The record shows that more than 3,000 pensioners are within that State receiving their quarterly installments of pensions and immediately spending that money among the citizens of the good State of Georgia. On top of that great disbursement of the Treasury the unparalleled generosity of this Congress, and this is evidenced by the bill that passed yesterday. In that bill $472,500 was voted to build public buildings in the State of Georgia, and the river and harbor appropriation bill shows that $856,000 and more was appropriated to improve the rivers and harbors of that State, making in all more than a million dollars directly received out of the Federal Treasury. In addition to this, $270,000 is appropriated by the sundry civil bill to carry on the work of constructing buildings already in progress in the State of Georgia.

If we should estimate the pensions of these pensioners that live in the State at the regular rate of people who are receiving pensions, I imagine that nearly another million dollars would be represented in that State.

Mr. BARTLETT. Oh, no; the gentleman is mistaken. I have the exact figures here of the pensions paid to the citizens of Georgia.

Mr. TAGGART. I would be glad to have the gentleman give them.

Mr. BARTLETT. They amount to $527,263.24.

Mr. TAGGART. Paid to the citizens of the State of Georgia?

Mr. BARTLETT. Paid to people who are residing in Georgia.

Mr. TAGGART. They do not lose their citizenship by drawing a pension, do they?

Those were the figures for the fiscal year ending June 30, 1912. Those pensions have been increased and the disbursement is now nearly a million dollars. Georgia is a singularly favored State. I believe that Georgia, this year, at least, is a net loss as a revenue producer. Should we add together the $472,500 authorized for public buildings, the $270,000 appropriated to complete public buildings, the $856,720 for rivers and harbors, and even the $527,263—the figures last year for pensions—we have $2,125,483. And should we add to this all the disbursements for salaries and other purposes by the Government in Georgia, which are not less than $8,000,000, making more than $10,000,000, it appears that Georgia is safely ahead of the game. Georgia is herself a pensioner.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

The question was taken, and the amendment was lost.

Mr. RODDENBERY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Add, at end of line 7, page 2, the following amendment as a limitation:

"*Provided*, That no pension shall be paid out of this appropriation to any person who is an inmate and cared for in a soldiers' home supported in whole or in part from revenues of the United States Treasury, except such person be on the pension roll for actual disabilities received in the service."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was lost.

Mr. RODDENBERY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, in line 2, page 2, by striking out "$180,000,000" and inserting "$150,000,000" in lieu thereof.

Mr. RODDENBERY. Mr. Chairman, I desire to state——

Mr. FOSTER and Mr. BORLAND made the point of order that all debate was closed.

Mr. RODDENBERY. Mr. Chairman, is it not in order in offering the amendment to state the grounds upon which this amendment can be made?

The CHAIRMAN. The Chair thinks it is not in order to debate the amendment either briefly or at length. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. RODDENBERY) there were 10 ayes and 33 noes.

So the amendment was lost.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year 1914, $300,000.

Mr. BARTLETT. Mr. Chairman, I stated on Friday the reason for the increase in this item in the bill. Heretofore there has been carried the amount of $200,000 for this service of examining surgeons. It was found after the passage of the act of May 11, 1912, that owing to a decision rendered by the Secretary of the Interior, which I have here and which I shall place in the RECORD as a part of my remarks, the necessity for this service has been doubled, and therefore the increase in surgeon fees. In other words, we have to have twice as many examinations by surgeons as we had prior to the time of the decision. That creates the necessity for the increase of $100,000 for the next fiscal year and the deficiency of $100,000 in this fiscal year.

I ask unanimous consent to insert in the RECORD the decision in the case of Charles King, a case which demonstrated the necessity for the increase in examinations.

The CHAIRMAN. Is there objection?

There was no objection.

The paper referred to is as follows:

[No. 10.]

DEPARTMENT OF THE INTERIOR,
Washington, December 10, 1912.

CHARLES KING.

Decided December 10, 1912.

PRACTICE—ACT MAY 11, 1912—DISABILITY OF SERVICE ORIGIN—MEDICAL EXAMINATIONS.

All claims under section 1 of the act of May 11, 1912, by persons who claim title to the $30 rate provided in said act for any person "who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other cause incurred in line of duty resulting in his disability is now unable to perform manual labor," must be considered and adjudicated in accordance with the well-established and uniform practice of the bureau and the department in claims under the general law wherein the question of title to the second grade or $30 rate is involved—that is, through the medical division of the bureau.

The adjudication of this claim on a certificate of a medical examination made prior to filing the claim was error.

LAYLIN, *Assistant Secretary:*

The appellant, Charles King, formerly a soldier of Company C, Ninth Iowa Volunteer Cavalry, while in receipt of a pension under the general law at the rate of $17 a month on account of disability arising from disease of eyes and piles, filed May 15, 1912, a declaration for pension under the provisions of the act of May 11, 1912, alleging that the said causes totally incapacitate him for the performance of manual labor.

The bureau, July 8, 1912, rejected said claim on the ground the evidence failed to show that he is unable, by reason of disability of service origin, to perform manual labor, as contemplated by the act of May 11, 1912.

The claimant in the appeal which was filed July 15, 1912, contends said action was erroneous in fact and law; that the evidence of his family physician, Dr. A. O. Williams, and two other witnesses, Jesse B. Skinner and Elihu H. Criley, fully sustains his claim.

The papers in the case were transmitted to the department by the bureau July 25, 1912, accompanied with a report from the Commissioner of Pensions, who says:

"* * * The disabilities of service origin set forth as the basis of title are those for which he is now pensioned under the general law at the rate of $17 a month, namely, disease of eyes and piles.

"Not all the claimant's impairment of vision is due to disability contracted in service, there being an error of refraction, which is a serious factor. Making due allowance for this, it is believed that the evidence submitted is insufficient to show that by reason of pensioned causes, disease of eyes and piles, the claimant is now unable to perform manual labor, as contemplated by the act of May 11, 1912, and the action complained of is therefore adhered to."

The affidavit of Dr. A. O. Williams, referred to in the appeal, reads as follows:

"I have known Charles King for 30 years. He is at the present time suffering from loss of eyesight and piles to such a degree that he is unable to perform manual labor. I have had occasion at various times in the past few years to prescribe for him while suffering from these ailments."

Jesse B. Skinner testified as follows:

"That I have been personally acquainted with said Charles King for over 30 years, and have been his neighbor for at least 10 years past; that he is now a great sufferer from piles, and his eyesight is very poor, so he can hardly see. Said disabilities prevent him from performing manual labor alone."

The other affidavit, that of Elihu H. Criley, is as follows:

"I have been personally and intimately acquainted with the claimant, Charles King, for the last 30 years, and am well acquainted with his present physical condition. His eyesight is now very bad, so he can hardly see, and he is greatly suffering with piles, and he is now unable to perform manual labor on account of said disabilities alone. I am not related to him in any way."

It is noted the adverse action was taken by the bureau in the absence of a medical examination of the claimant by an examining surgeon or a board of examining surgeons, and that the claim was adjudicated without submission of the case to the medical referee for consideration and advice.

As far as the department can determine, there is nothing in the evidence submitted in support of the claim that shows the impaired vision testified to is not due to the disease of eyes of service origin, or that an error of refraction is a serious factor.

It is true that an examination made by an expert (oculist) November 10, 1910, under a claim for increase under the general law filed October 6, 1910, showed the existence then of a not very serious refractive error, but it also showed that pterygia existed which encroached upon the pupillary space. There is no evidence now offered to show that these pterygia have not further extended and caused loss of vision.

The question involved is technical, and can not be determined without the advice of one well informed in medicine.

The law authorizing the appointment of a medical referee in the Bureau of Pensions and defining his duties is found in section 4776, Revised Statutes, and is as follows:

"The Secretary of the Interior is authorized to appoint a duly qualified surgeon as medical referee, who, under the control and direction of the Commissioner of Pensions, shall have charge of the examination and revision of the reports of examining surgeons and such other duties touching medical and surgical questions in the Pension Office as the interest of the service may demand."

It seems quite evident that this statute was intended to provide the commissioner means for determining questions involving medical and surgical matters, and it is equally evident that the question involved in the case at bar could not be properly determined without the advice of the medical referee; in other words, the "interests of the service" demanded such consideration.

It is not only true that this case should have received medical consideration, but it must be true of all cases arising under the provisions of the act of May 11, 1912, wherein the question of title to $30 a month arises, which is predicated upon an inability for the performance of manual labor from disease or other causes incurred in service and line of duty.

It seems hardly reasonable that any person not educated in medicine can properly differentiate the results of injuries and diseases of service origin from those having no relation thereto or connection therewith, certainly not when the case involves disease of eyes.

The department is of opinion that all claims under this provision of the act of May 11, 1912, should be considered and adjudicated in accordance with the well-established and uniform practice of the bureau in all claims under the general law wherein the question of title to the second grade or $30 rate is involved—that is, through the medical division of the bureau—and such practice is hereby directed.

The lack of a medical examination or consideration operated unjustly in this case. So far as the record shows, the pterygia (thickened masses of conjunctiva) may have in the past two years progressed so far as to warrant the allowance of the $30 rate; certainly a certificate of examination made two years prior to filing this claim is not sufficient evidence of the present physical condition of the claimant. The probability or possibility is distinctly a medical question, and should have been considered by that branch of the adjudicating force of the Bureau of Pensions.

The appellant's claim, in the view of the department, as expressed, was incorrectly and improperly adjudicated to his prejudice, and for that reason the action is reversed.

Mr. MANN. Mr. Chairman, could the gentleman tell us very briefly what that decision is?

Mr. BARTLETT. I did that last Friday, but I will repeat it.

Mr. MANN. Oh, I do not ask the gentleman to do that. I simply did not hear him last Friday.

Mr. BARTLETT. It is in the RECORD. The Commissioner of Pensions decided that when a man applied for a pension or an increase of pension under the act of May 11, 1912, on account of disability, inability to do any work, it was a question of fact to be determined by the affidavit of the claimant and his witnesses, and in the case that I have put in the RECORD the affidavit of physicians who knew him. That case was appealed to the Secretary of the Interior, and he decided it was not a question of fact, but that the bureau did not have the right to turn down that applicant until he had been examined by a surgeon. That decision increased the number of examinations, and there were required just twice as many as had been formerly customary. The examining surgeons receive $3 every time they make the examination. That brought about the increase necessary. We have, therefore, provided for the $300,000 in this bill and expect to be compelled to provide for a deficiency of $100,000 in the deficiency appropriation bill.

Mr. FOSTER. Mr. Chairman, in connection with what the gentleman from Georgia [Mr. BARTLETT] has just stated, I think that possibly he does not thoroughly understand the situation. The King case came up, I think, in this way. In the department it had been decided that he was not entitled to $30 a month on account of wounds and disease contracted in the Army. This decision was made not through an examination by physicians but after having been passed on by others than a board of medical review, and so the soldier or his attorney contended that under the law as enacted on May 11, 1912, he was entitled to have his case adjudicated by a board of surgeons. Under this law they are being considered by the medical board instead of by a board composed of members other than doctors, who passed upon the age and the length of service. It is not the case, as might be inferred from what the gentleman from Georgia has said, that all cases going there shall be referred to a medical board out in the country near where the applicant may live; but if in the judgment of the medical board it is necessary, or if it has been two or three or four or five years or more since the applicant has been examined, then he may, in the judgment of the medical board, be sent before an examining board for the purpose of determining whether he is entitled to this increase. That, I think, is all there is to that decision in the King case.

Mr. BARTLETT. I just filed the case for reproduction in the RECORD.

Mr. FOSTER. I would state to the gentleman that I have the decision in the King case, and I have read it with some degree of care.

Mr. BARTLETT. I do not think I misunderstood the case.

Mr. FOSTER. I think the gentleman's idea, so far as the general routine of these cases going through the Pension Office is concerned, is not correct.

Mr. BARTLETT. I do not understand what the gentleman means.

Mr. FOSTER. As I gather from the gentleman's statement, this King case is the cause of all these cases having to be examined.

Mr. BARTLETT. No; I did not say that.

Mr. FOSTER. Then let the gentleman tell us what he did say.

Mr. BARTLETT. This will be the third time, and I will undertake to do it as clearly as possible.

Mr. FOSTER. I think the gentleman's statement on Friday was incorrect.

Mr. BARTLETT. If I am wrong about it, then the Commissioner of Pensions is wrong about it. I said that the Commissioner of Pensions said that the decision rendered in that King case and in another case was responsible for the increase in the amount of surgeon fees asked for, and by reason of that decision the necessity to pass on applications for pensions had doubled up.

Mr. FOSTER. But I will state——

Mr. BARTLETT. If I am wrong, then the Pension Commissioner is wrong, that is all.

Mr. FOSTER. I will state this to the gentleman from Georgia, that it is not necessary that in all these cases an examination shall be had——

Mr. BARTLETT. That is that decision?

Mr. FOSTER. That is not the decision; the gentleman, I think, does not understand the decision.

Mr. BARTLETT. Well, I think I do.

Mr. FOSTER. It simply says this—if the gentleman will be kind enough to wait until I get through—the decision provides that on medical subjects or cases requiring the rating for the degree of disability shall be decided by doctors instead of by lawyers. That is all there is to it. It may not be lawyers, but others outside of the medical profession.

Mr. WILLIS. The gentleman has given these matters great attention——

Mr. FOSTER. No; I have not so great, but have read these cases as they have come up in the Pension Office.

Mr. BARTLETT. Evidently he has not.

Mr. FOSTER. I think the gentleman from Georgia, if he has given it attention, has misunderstood what the decision meant.

Mr. BARTLETT. It is not the fault of the gentleman from Georgia, but the fault of the gentleman from Illinois——

Mr. FOSTER. No; the gentleman from Georgia does not know when he does read, if he thinks he has read that right. I doubt whether the gentleman from Georgia has ever read the decision.

Mr. BARTLETT. The gentleman is making a statement that he is not warranted in making. I will reply to the gentleman in my own time.

Mr. FOSTER. I hope the gentleman will, and state the facts as they are.

Mr. WILLIS. Is it the contention of the gentleman from Illinois that under this decision as it now stands it is entirely possible for a claimant to get his claim passed and adjudicated favorably without a new medical examination?

Mr. FOSTER. Certainly. And it is in the discretion of the Pension Office when an examination shall be made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. I ask that the gentleman's time may be extended for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. FOSTER. As suggested by the gentleman from Ohio, it is entirely possible for a claim to be adjudicated without medical examination, but it is left for a medical board to determine whether the examination is necessary, and not a board to pass on it who know practically nothing about the pathological condition as might be shown by an examination in the papers or certificates filed.

Mr. MANN. Will my colleague yield for a question?

Mr. FOSTER. Yes.

Mr. MANN. I understand my colleague to say that the ruling was—and he apparently coincided with that—that now they considered it was more proper for medical men to determine whether a man had physical disability than for lawyers.

Mr. FOSTER. Yes.

Mr. MANN. Is that the ruling?

Mr. FOSTER. The ruling is this: That these matters shall be passed upon by a medical board instead of by a board which is not educated in medicine.

Mr. MANN. Have they just discovered in the Interior Department that doctors think they know more about physical disabilities than lawyers do?

Mr. FOSTER. Well, I do not know; they may just have discovered that, and I could not say as to that matter; but I do say this: Here comes a new law which has a provision in it giving $30 per month, provided the diseases or wounds contracted in the Army were such as to prevent the soldier from performing manual labor. The department undertook to adjudicate those claims by passing on them in reference only as to age and service, and not to take up a case that had not been examined for two or more years to determine whether that man was entitled to an increase or not, and this decision in the King case stopped that.

Mr. COX. Will the gentleman permit a question? Do I understand the gentleman's version of what is known as the King case, that it deprived lawyers of the right to adjudicate and try these cases and put that burden on the doctors, and the last effect of it has been to increase the appropriation $100,000?

Mr. FOSTER. Well, I would say that may be true. If Congress passes a law providing certain things shall be done and giving a man certain rights under that law, they have a right to have their cases adjudicated in a proper way under the law.

Mr. MANN. Will my colleague yield? As I understand it, a lawyer can tell by looking at a man whether there is anything the matter with him, but a doctor has to examine him.

Mr. FOSTER. I expect that is about right.

Mr. SHERWOOD. Was not that case decided on an appeal to the Secretary of the Interior as the supreme court of the Pension Office, and he decided that the condition of the soldier should be determined on testimony now, and that should be medical testimony?

Mr. FOSTER. Certainly; that is right. I will state when the King case went to the Assistant Secretary of the Interior that this man had not been examined for a period of two years and claimed the maximum rate under the law, and the Secretary of the Interior determined he was entitled to have his case adjudicated by a medical examination to determine what his disability was and also to determine how much the disability had progressed since the last examination.

The decision in the Green case also shows that the question of disability is to be determined by medical examination in which the Secretary of the Interior says:

The claim under consideration is based on disability of service origin and results, requiring professional medical skill to determine the pathological relation of the alleged resulting disability to the accepted cause of disability of service origin, and the degree of the existing disability therefrom, if pathological sequence is susceptible of establishment. Both questions are for the medical division and it was error to adjudicate the case without reference to and action by that division. If appellant's theory as to the relation between disability of service origin and other disabling factors can not be sustained on medical authority, the case undoubtedly will end there. If in whole or in part the pathological contention can be conceded, then the question of degree of disability attaches. This may be determinable without a medical examination; on the other hand a medical examination may be required. So every question is a medical question, for the consideration of the medical division, in order that no injustice be done either to the claimant or to the United States. The judgment is reversed on the authority of the decision in the Charles King case (19 P. D., 28), and the case is remanded for adjudication in accordance with the directions in that decision.

These decisions evidently show that a question such as we have been discussing must be decided under the present law in the same way it was decided under the old law; that is, by decision of the medical division.

Mr. AKIN of New York. Do you not really think it better for a soldier to die any time than to have a doctor or a lawyer come into the house?

Mr. MANN. They are likely to die if a doctor comes into the house.

Mr. FOSTER. I will state that is not a question to be considered here. So, Mr. Chairman, I think this is a question involved in this particular case just referred to in this decision of the Secretary of the Interior.

Mr. BORLAND. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Missouri moves that all debate on this paragraph and amendments thereto close in five minutes.

The motion was agreed to.

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. The Chair will state to the gentleman from Georgia [Mr. BARTLETT] that the time for debate on his pro forma amendment has been exhausted.

Mr. BARTLETT. Then, Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] withdraws his pro forma amendment and moves to strike out the last two words.

Mr. BARTLETT. Mr. Chairman, I may not understand the intricacies of the medical profession or be able to give any information as to what the decision of a doctor in any case might mean, because they differ so much that it is hard to determine what they think even after they have stated a case. I did not intend to mislead the House or to give any information that I had not obtained. I had read this case, although the gentleman from Illinois [Mr. FOSTER] intimated that I had not. I had read it carefully, and I will state that when it is put in the RECORD it will show that the Secretary of the Interior reversed that case because they did not have an examination of the applicant by a surgeon, and the direction was made that he be examined by a surgeon, and direction was given that in that character of cases surgeons be required to examine the applicant. Here it is:

The department is of the opinion that all claims under this provision of the act of May 11, 1912, should be considered and adjudicated in accordance with the well-established and uniform practice of the bureau in all claims under the general law wherein the question of title to the second grade or $30 rate is involved—that is, through the medical division of the bureau—and such practice is hereby directed.

That is all I said about the King case or as to what the opinion of the Commissioner of Pensions was, namely, that under the decisions rendered in that case and some other cases all applicants of that character had to be examined through the medical division of the bureau.

Now, it is suggested that because I made that statement I was not acquainted with the decision. I almost stated in terms what the decision was. I have read it, and the gentlemen ought to inform themselves of these things before they make such positive statements, Mr. Chairman.

Mr. FOSTER. Mr. Chairman——

The CHAIRMAN (Mr. FLOYD). The time of the gentleman from Georgia [Mr. BARTLETT] has expired.

Mr. BARTLETT. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment of the gentleman from Georgia [Mr. BARTLETT] will be withdrawn, and the Clerk will read.

The Clerk read as follows:

That $12,000, or so much thereof as may be necessary, out of the appropriation for clerk hire and other services contained in the act making appropriations for invalid and other pensions for the fiscal year ending June 30, 1913, is made available for postage on foreign mail, purchase and repair of furniture, filing cabinets, adding machines, addressing machines, typewriters, check-signing machines, and other labor-saving devices for the use of the disbursing office, Bureau of Pensions.

Mr. TRIBBLE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add, at the end of line 19, the following:

"*Provided*, That no part of the sum appropriated in this bill for the payment of pensions for the fiscal year ending June 30, 1914, shall be used to pay pensions to any person who resides in a foreign country or who is a citizen of a foreign country."

Mr. GARRETT. That is not germane.

Mr. BORLAND. I make a point of order against that amendment. It is not germane to the paragraph read.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

From and after July 1, 1913, no pension shall be paid to a nonresident who is not a citizen of the United States, except for actual disabilities incurred in the service.

Mr. TRIBBLE. Mr. Chairman——

Mr. GOOD. Mr. Chairman——

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, by striking out the last paragraph, including lines 20, 21, 22, and 23.

Mr. BORLAND. Mr. Chairman, on that amendment I ask unanimous consent that the gentleman from Iowa [Mr. GOOD] have 10 minutes and the gentleman from Georgia have 10 minutes and that all debate then close.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent that debate on the pending amendment be limited to 20 minutes, 10 minutes to be controlled by the gentleman from Iowa and 10 minutes by the gentleman from Georgia.

Mr. TRIBBLE. Mr. Chairman, reserving the right to object, I would like to know who he means by the "gentleman from Georgia."

Mr. COOPER. Reserving the right to object——

Mr. RODDENBERY. I object.

Mr. TRIBBLE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] will state it.

Mr. TRIBBLE. I ask if any gentleman on the floor of this House has a right to offer a substitute for an amendment which has been offered. The gentleman offered a motion to strike out the section. I now ask the privilege of offering the amendment that has just been read as a substitute for the amendment he offered.

Mr. BORLAND. Mr. Chairman, I make the point of order against that amendment as not being in order.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. TRIBBLE].

The Clerk read as follows:

Provided, That no part of the sums appropriated in this bill for the payment of pensions for the fiscal year ending June 13, 1914, shall be used to pay pensions to any person who resides in a foreign country or who is a citizen of a foreign country.

Mr. GOOD. Mr. Chairman, I make the point of order against the amendment that it is not germane to the paragraph or to the motion.

The CHAIRMAN. The Chair is of opinion that it is not germane to the amendment offered by the gentleman from Iowa [Mr. GOOD].

Mr. TRIBBLE. I offer this, Mr. Chairman, as a substitute for the amendment of the gentleman from Iowa and as a substitute for this paragraph.

The CHAIRMAN. The Chair does not believe the motion is in order now. The gentleman from Iowa [Mr. GOOD] moves to strike out these lines, and the gentleman from Georgia offers, as a substitute, to add something not at present in the bill. The Chair does not think the substitute is in order or germane to the motion to which it is offered as an amendment. The gentleman from Iowa has the floor in his own right.

Mr. GOOD. Mr. Chairman, the amendment which I have offered eliminates that provision of the bill which provides that no pension shall be paid to any person who is a nonresident and who is not a citizen of the United States except for disabilities incurred in the service. Mr. Chairman, this same provision was contained in the last appropriation bill, and this House by a good majority excluded that language from the bill.

What is the reason, Mr. Chairman, for pension legislation? On what theory does Congress pension the soldiers of the United States? Is it on the theory that Members of Congress want their votes? Is it on the theory that no matter how great the service has been in behalf of one's country a soldier can not be pensioned unless he votes in the United States? I never understood that that was the theory of pensions. I never understood that we passed a pension bill last May entitled, "A service pension," that simply gave a pension to the soldier that votes in the United States. Oh, no. We placed that measure far above any such consideration as that. We said that a man who served his country in the Army or Navy of the United States for a certain length of time, no matter where he lived, was entitled to a pension, and Congress granted him that pension. [Applause.]

Did the Government of the United States make inquiry when this country needed defenders whether a man came from Ireland, whether he lived in Germany, in Canada, or in the United States? Oh, no. We accepted their services then, and since that time, with the exception of a single period of two years, we have been paying pensions to the widows and dependent mothers and the brave survivors of that war without regard to where they lived. It is true that for two years we had on the statute books of the United States the identical provision that is here sought to be engrafted into the law, and that was during President Cleveland's second term. I hold in my hand a copy of a letter written by Judge Lochren, when he was Commissioner of Pensions, during the second Cleveland administration, and I wish to read what he said about this same provision. But first, Mr. Chairman, may I have order? because I want my friends on the other side to get the full effect of Judge Lochren's letter.

The CHAIRMAN. The committee will be in order. The gentleman from Iowa will proceed.

Mr. GOOD. Judge Lochren's letter is as follows:

A clause of chapter 187 of the public acts of the second session of the Fifty-second Congress provides:

"That from and after July 1, 1893, no pension shall be paid to a nonresident, who is not a citizen of the United States, except for actual disabilities incurred in the service."

I respectfully ask your attention to this clause, in the hope that you may recommend its repeal. It causes great trouble and annoyance to the excepted classes, who constitute the great bulk of nonresident pensioners, in compelling them to make proof that they belong to these excepted classes. And the final result is that payments under it are withheld from but few, save widows and dependent mothers, who have little else for their maintenance. The saving is too little to offset the suffering inflicted in individual cases. If all nonresidents were refused payments of pension some plausible argument might be made in support of such policy; but none can be urged in favor of this law, which, while giving annoyance to all, strikes only the most helpless.

I should not feel warranted in asking attention to this law but for the fact that it entails much work on this bureau, in answering communications, and seems to yield little practical results except annoyance and apparent cruelty. I recognize to the fullest extent that my sole duty is to execute and administer the laws as they are enacted—fairly and honestly interpreted.

Very respectfully,

WM. LOCHREN,
Commissioner.

THE SECRETARY OF THE INTERIOR.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. I would like to have five minutes more.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa be permitted to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. GOOD. According to the report of the Commissioner of Pensions we paid last year to nonresidents something like $967,000, which was paid to 5,450 pensioners. This money went to every country in the world. Four hundred and fifty-three persons residing in Ireland received pensions last year. Most of them are widows or dependent mothers. None of them received disabilities in the service, because they were not in the service. They are the widows of men who gave their lives to the service of our country, and by this provision we would strike at the widow and the dependent mother. I say it is unfair. It ill becomes a great body such as this. We will not save a single penny by the enactment into law of the provision I have moved to strike out. During the time that statute was on the books we paid $28,000 a year more to foreign pensioners than we ever paid before.

Mr. MANN. Will the gentleman yield for a question?

Mr. GOOD. Certainly.

Mr. MANN. The gentleman gave the amount paid to pensioners residing abroad as $967,000. Am I correct in assuming that more than half of that is paid to pensioners just across the border line in Canada, that about 10 per cent of it is paid to pensioners in Ireland, and about 10 per cent to pensioners in Germany, so that the three countries get 70 per cent of the entire amount?

Mr. GOOD. I think that is correct. Now, Mr. Chairman, it is impossible to tell how many of these persons who are pensioned would be deprived of a pension if this provision should become a law, because every nonresident pensioner, whether he is a citizen of the United States or not, will receive a pension if he incurred disabilities in the service and receives a pension by reason thereof. A great many of those who are receiving these pensions belonged to the regular establishment. They enlisted in the Regular Army of the United States and are receiving pensions because of disease or disability incurred in the service. They would not be deprived of a pension under this provision of law. No such person who received disabilities in the service, whether in the regular establishment or not, would be deprived of a pension; but as the former Commissioner of Pensions explained in his letter to the Secretary of the Interior, this provision strikes only at the widow and the dependent

mother; and if that is the policy of a great party that came into power on a plank in its platform for liberal pensions, then I feel that the people of the United States misunderstood what you meant by "liberal pensions." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TRIBBLE. Mr. Chairman, I move to perfect this paragraph by offering the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of the paragraph the following: "And no part of the sum appropriated in this bill for the payment of pensions for the fiscal year ending June 30, 1914, shall be used to pay pensions to any person who resides in a foreign country or who is a citizen of a foreign country."

Mr. GOOD. I make the point of order that that is not germane to the paragraph or to the motion to strike out.

The CHAIRMAN. The Chair will hear the gentleman from Iowa on his point of order.

Mr. BARTLETT. Is this a motion to insert?

Mr. TRIBBLE. It is a motion to perfect.

The CHAIRMAN. This is a motion to perfect the paragraph in the manner suggested. The Chair will hear the gentleman from Iowa on his point of order, if he desires to be heard.

Mr. MANN. The amendment offered by the gentleman, I take it, is a substitute for the paragraph in the bill. The paragraph in the bill is confined to the question of payments to nonresident pensioners.

Mr. TRIBBLE. I will say to the gentleman, if he will yield, that that is not the purpose of it. The purpose of it is to perfect the paragraph.

Mr. MANN. I am not arguing the purpose of it. I am arguing the point of order to the Chair.

The CHAIRMAN. The gentleman will proceed.

Mr. MANN. The provision in the paragraph relates only to the payment of nonresidents and persons who are not citizens of the United States. The amendment offered by the gentleman not only includes those who are nonresidents, but prohibits the payment of pensions to any person who is not a citizen of the United States, although he may be located within the United States. It does not seem to me that the amendment is germane to the provision, because the provision in the bill only relates to nonresidents, and the gentleman's amendment is to incorporate residence with that provision, an entirely different proposition.

Mr. BORLAND. Is the Chair prepared to rule?

The CHAIRMAN. The Chair will hear the gentleman from Missouri.

Mr. BORLAND. I do not care to be heard on the point of order.

Mr. TRIBBLE. Mr. Chairman, the purpose of the amendment offered is to be fair with the country. The gentleman from Iowa who preceded me made the statement that this is the only plausible resolution that can be offered, and he read from a decision by Judge Lochren, Commissioner of Pensions under Cleveland's administration, in which he stated that the only plausible resolution is the resolution I offer—almost in the indentical language as my amendment. Let us not deceive the people of the country. The Members of this House are not deceived. The amendment in this bill which provides that nonresidents shall not receive a pension except for actual disabilities does not mean anything. It is good as far as it goes, but it does not go far enough. The gentleman from Iowa has just read a decision from Judge Lochren, in which he states that when that law was on the pension statute books in the same language as this contained in this bill that it deprived only a few women and children of pensions. The word "disability" covers a multiplicity of diseases to ride in on the pension roll. The foreigners claim disabilities, and are therefore immune from this committee amendment, and the great mass of foreign pensioners are not deprived of pensions at all. The only plausible law that can be passed for the purpose of taking these foreigners off the pension roll is the amendment I am offering here now in good faith, expecting to pass it. The provision in this bill is deceptive. It offers to the country a proposition which says that these nonresidents shall not be entitled to pensions, and then winds up by saying "except for actual disabilities incurred in the service." You gentlemen know that most of these foreigners are on the pension roll on the specific claim of disability. The proper thing to do is to wipe them all off.

The Members of the House understand that. They know that the committee amendment will not decrease materially the foreign pension roll.

Mr. Chairman, the purpose of my amendment is to cut off all foreigners who are on the pension rolls of this country. They number 5,465, and they are drawing pensions annually to the amount of $967,863.89, $400,000 more than Georgia draws pensions to-day. Four hundred thousand dollars more goes into the foreign lands annually for pensions out of the Federal Treasury than goes to the soldiers in the State of Georgia—all kinds of pensions, including the Union soldiers who have settled in Georgia since the war.

Mr. TAGGART. Will the gentleman yield?

Mr. TRIBBLE. I can not yield. I now call attention to the statement I hold in my hand. This statement shows the number of foreigners on our pension roll and the amounts of money the taxpayers of this country pay them. It reads as follows:

Number of pensioners in each foreign country.

Foreign countries.	Number.	Amount paid.
Algeria	1	$108.00
Argentina	15	2,661.15
Australia	101	17,918.43
Austria-Hungary	37	6,564.17
Azores	6	852.90
Bahamas	3	642.00
Barbados	2	255.27
Belgium	24	4,257.84
Bermuda	5	1,044.00
Bolivia	1	180.00
Brazil	4	744.00
British East Africa	1	144.00
British West Indies	3	402.00
Bulgaria	1	144.00
Canada	2,749	487,754.09
Cape Verde Islands	1	96.00
Chile	13	2,128.92
China	16	2,848.66
Comoro Islands	1	90.50
Costa Rica	4	618.00
Cuba	62	10,999.42
Danish West Indies	2	288.00
Denmark	49	8,696.09
Dominican Republic	2	288.00
Dutch West Indies	6	900.00
England	477	84,624.57
Egypt	2	234.00
Fiji Islands	1	120.50
France	74	13,128.34
Germany	522	92,608.02
Greece	8	1,755.55
Guatemala	3	366.00
Haiti	1	216.40
Honduras	2	324.00
Hongkong	3	525.00
India	16	2,838.56
Ireland	453	80,366.73
Isle of Man	2	378.00
Isle of Pines	2	432.00
Italy	60	10,644.60
Jamaica	7	1,332.00
Japan	34	6,031.74
Korea	1	180.00
Liberia	7	916.00
Madeira	1	276.00
Malta	2	180.00
Mexico	186	32,998.26
Netherlands	10	1,510.67
Newfoundland	4	612.00
New Zealand	15	2,670.00
Nicaragua	2	255.50
Norway	76	13,520.50
Panama and Canal Zone	40	6,768.66
Paraguay	1	240.00
Peru	13	2,288.30
Portugal	3	641.40
Russia	13	3,176.40
Salvador	1	144.00
Samoa	1	96.00
Scotland	85	15,079.85
Seychelles Islands	1	144.00
Siam	1	108.00
South Africa	10	1,780.00
Spain	3	398.80
St. Helena	1	144.00
Sudan	1	204.00
Sweden	80	14,192.33
Switzerland	70	12,418.70
Tasmania	2	288.00
Tonga Islands	1	180.00
Turkey	20	3,548.13
Uruguay	3	888.00
Venezuela	1	144.00
Wales	30	5,322.60
Total	5,465	967,863.89

There are 477 foreigners in England, 522 in Germany. There are on our pension roll Chinese, Japanese, and all kinds of nationalities drawing our money.

Mr. BORLAND. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order, but the merits of the amendment.

The CHAIRMAN. The gentleman from Georgia will confine himself to the point of order.

Mr. TRIBBLE. Very well, Mr. Chairman, I will do so. Now, the purpose of my amendment is to perfect a law they attempt to put on the statute books which I claim will do nothing but

deceive the people. The gentleman from Illinois says that this section does not say anything about foreigners. What is the difference between foreigners and nonresidents? I am undertaking to perfect the text of this amendment, for the purpose of uncovering deception and that we may take them off our pay roll and not pretend to do so.

Mr. COOPER. Will the gentleman permit a question?

Mr. TRIBBLE. No, sir; I can not.

Mr. Chairman, this amendment I offer perfects the language of the bill; it is germane to the bill and the paragraph, and I contend it is in order and should be so held by the Chair.

In June, 1893, there were 3,856 foreigners on the pension roll of the United States. They received $666,967.04. Twenty years later this number has increased to 5,460. These foreigners pay no taxes in this country. In case of war with Germany arrayed against us would be 522 German soldiers on the pension roll of our country. I appeal to the gentlemen of this House to take this burden from the shoulders of your constituents, the tax-burdened citizens of our common country.

The CHAIRMAN. The Chair is prepared to rule. The paragraph as contained in the bill provides that after the 1st of July, 1913, no pensions shall be payable to those having a double disability—nonresidence and lack of citizenship. The amendment offered by the gentleman from Georgia undertakes one year later to deny pensions to those who possess either of the disqualifications rather than both. While the Chair is not perfectly clear about it, it seems to the Chair that the amendment is germane. The point of order is therefore overruled.

The question is on the amendment offered by the gentleman from Georgia to perfect the text.

The question was taken, and the amendment was lost.

Mr. BARTLETT. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. The question now recurs on the motion of the gentleman from Illinois to strike out the paragraph?

The CHAIRMAN. Yes; and five minutes' debate remains on the question.

Mr. BORLAND. Can not the gentleman from Iowa and I agree as to a time for debate on this amendment?

Mr. GOOD. How much time does the gentleman want?

Mr. BORLAND. I would like about 10 minutes.

Mr. GOOD. Mr. Chairman, I suggest that the gentleman limit the time to 15 minutes.

Mr. BARTHOLDT. Mr. Chairman, I should like to have a few minutes myself.

Mr. MANN. Limit it to 20 minutes, and let the gentleman from Missouri take 15, and let 5 minutes of it be controlled on this side.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 20 minutes, 5 minutes to be controlled by the gentleman from Iowa [Mr. GOOD] and 15 minutes by myself.

The CHAIRMAN. Is there objection?

Mr. FOWLER. Mr. Chairman, reserving the right to object, I would like to know how it is that this paragraph got in the control of two gentlemen of this House whereby they can agree as to what shall be done respecting it?

Mr. BORLAND. Mr. Chairman, I will say to the gentleman from Illinois that the gentleman from Iowa [Mr. GOOD] is the ranking Republican on the Pension Subcommittee. I have already conceded him 10 minutes, and I should like to have 10 minutes to discuss the matter myself.

Mr. BARTLETT. Mr. Chairman, I object, and I call for the regular order.

The CHAIRMAN. Objection is heard.

Mr. BORLAND. Mr. Chairman, in view of the enormous size to which our pension bill has grown, the committee thought it fair and just to the taxpayers of this country to insert a provision forbidding the payment of pensions to persons who are not citizens of this country and who do not even reside here. The clause is in the following words:

> From and after July 1, 1913, no pension shall be paid to a nonresident who is not a citizen of the United States except for actual disabilities incurred in the service.

The report of the Commissioner of Pensions shows that in 1912 the number of foreign pensioners was 5,465 and the amount paid them $967,803.89.

The gentleman from Iowa [Mr. GOOD] states that this amendment in the same language was on the statute books for about two years from 1893. I want the committee to understand some of the facts which led the subcommittee to renew that law. In 1893 a pension bill was brought into this House containing this provision, and it was stated at that time that there were foreign pensioners to the number of about 3,000. The amount paid to those foreign pensioners was about $350,000. It was said by some Members in debate that it ran as high as $400,000. That was very soon after the passage of the first service-pension law by this Congress, which was in 1890. Up to that time we were paying pensions upon the same principle as other civilized nations for disabilities incurred in service. The law of 1890 gave a pension to every man who had served 90 days in the Army. At that time there were only 3,000 foreign pensioners, and, in all, $350,000 were sent abroad for that purpose. To-day there are 5,450 foreign pensioners, and $967,000 of American money is being sent abroad. But the gentleman says some of this money may go to widows and orphans. Does the widow and orphan plea account for that kind of increase? The widow and orphan plea is a very convenient plea to perpetuate an abuse or to prevent a reform. I have only this to say in disposal of that plea, that the door of this House has always been open to private pension bills in the case of extreme need or in case of special reason why the pension should be made.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. In a minute. There is no reason why we should continue to pay a million dollars annually to foreign pensioners in order to avoid a few cases of clamorous hardship, which may be reported to the Pension Bureau and which can be corrected by private pension bills.

Mr. GOOD. Mr. Chairman, the gentleman is mistaken with regard to the amount paid to foreign pensioners during that time. There was about $666,967.04 during that time, the last year.

Mr. BORLAND. Last year?

Mr. GOOD. The last year under the provisions of the law of July 1, 1893.

Mr. BORLAND. Mr. Chairman, I want to refer the gentleman to the debate of Mr. Mutchler, of Pennsylvania, on February 10, 1893, when he brought in that pension bill. He said:

> Why, Mr. Chairman, during the year 1864, when we were paying enormous bounties in the North, men flocked from other countries, came here and entered our service, took the bounty which was offered, took the money they got as subsidy, and now live in foreign countries. Over 3,000 of these people are pensioners; and we are paying pensions to-day to men who never were citizens or residents of the United States, but who stayed here only long enough to be discharged from the armies and then return, amounting to very nearly $500,000 a year. The amount I do not exactly remember.
>
> Mr. TUCKER. Three hundred and fifty thousand dollars.
>
> Mr. MUTCHLER. My friend from Virginia says $350,000. It is more than that. It is $490,000, I think, a year. We are supporting thousands of those who live at home and never were here except long enough to accept the bounties paid, to be mustered into the service, not going beyond the State lines where they enlisted, to be discharged and go home and say that they have got rheumatism, and to say that the American Government must support them abroad. We are paying thousands abroad to-day to widows of those soldiers in foreign countries who never put foot upon American soil, and many of them, I venture to say, were unborn when their husbands were in the war in the United States.
>
> Now, I ask, Are these things right? If they are not right, will you help us to reform them? I do not object to our granting a pension to a foreigner who suffered actual disability while in the war. Any foreigner or nonresident who went into our war and was wounded, or suffered any other disability, although he may never have been a resident of this country and is not now, is, in my judgment, entitled to receive the same pension as the American soldier.

It will be noticed that the present measure preserves the pension to the foreigner if he was actually wounded or disabled in the service. But our pension laws now provide for the payment of pensions merely for service, without regard to disabilities. The recent act of May 11, 1912, greatly increases the amount of the pension on account of advanced age. This will cause a greatly increased amount of the taxpayers' money to go abroad. This is practically an old-age pension applying to Federal soldiers. The plainest justice seems to require that the men who receive this old-age pension ought not to abandon the Government that pays them.

We have 100,000 less pensioners on the rolls than we had in 1893, and yet the number of foreign pensioners has nearly doubled in that time. The result shows that these pensioners must have gone to Canada or to other countries, renounced their allegiance, and taken up citizenship abroad, else how could there be 5,400 at this time when there were only 3,000 in 1893?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Mr. Chairman, I shall be very glad to yield at the end of my speech, if I have the time. The amount of $1,000,000 sent abroad annually is not the only reason for urging this amendment. We have adopted a system by which we are paying the pensioners by checks from Washington. That involves a large saving both to the pensioner and to the Commissioner of Pensions, but the commissioner says we can not adopt

this principle in regard to foreign pensions, and I want to read what he says about that:

Mr. DAVENPORT. We are paying out nearly $1,000,000 annually (referring to foreign pensions).

Mr. BARTLETT. But that covers certain people who are actual citizens of the United States residing abroad either for business or on account of official duties.

Mr. DAVENPORT. That is so small a number that it would amount to very little. It would not cut any figure. I might say now, Mr. Chairman, that it is a difficult thing to keep track of foreign pensioners. How do we know whether one dies? How can we tell? Every little while we have to apply to the American consul abroad to have him look matters up.

Mr. BARTLETT. It would be a difficult matter to indict and prosecute anybody for signing the name of a dead pensioner.

Mr. DAVENPORT. Yes.

I want to call attention to this further fact, which is the only other fact that I desire to drive home at this time. Great Britain and her colonies have 3,900 of these foreign pensioners on American pension rolls. Twenty-seven hundred of these are in Canada alone. What is the law of Great Britain upon this subject? Does she pay any money to citizens residing in America? Not a dollar. The law of Great Britain is:

A pensioner who neglects to draw his pension for four successive quarters shall be struck off the pension pay list, and shall not be replaced unless he satisfactorily accounts for such neglect, and the secretary of state shall, at his discretion, grant or withhold the arrears of the pension or any portion thereof.

The pension of a pensioner under 50 years of age who quits the Dominion, either with or without leave, shall cease to be issued for the period of his absence, unless the secretary of state shall in any special case otherwise direct.

If the pensioner should be absent for over three years (without leave), it shall rest with the commissioners to recommend for the approval of the secretary of state that the pension be regranted from the date of the receipt of the report of the pensioner's return, either at the original rate or at a reduced rate, proportionate to the time that the pensioner has resided outside of the Dominion and has not been available for recall to service on an emergency.

If the pensioner is absent for three years without leave, it rests with the commissioner to recommend him for reinstatement. That is the law of Great Britain on the subject of pensions. Great Britain has had more men under her flag than any other country on the civilized globe. Great Britain has the biggest list of these foreign pensioners on the American pension rolls and yet she says when a man goes abroad and relinquishes his British citizenship his pension stops; if he goes abroad without leave his pension stops. Is this fair to the American taxpayer? Must he bear this burden for the benefit of a foreign population?

Mr. COOPER. Will the gentleman permit a question?

Mr. BORLAND. If I have time, and I do not think I have.

Mr. COOPER. The British law says under 50 years of age.

Mr. BORLAND. The gentleman can read the British law.

Mr. COOPER. The gentleman himself read it just now.

Mr. BORLAND. The British law forbids—and I will repeat that statement and the gentleman can refer to the law—the British law forbids the payment of pensions to aliens. It forbids the payment of pensions to nonresident British subjects unless they are nonresident by leave of the commissioner of state. That is the great military nation of Great Britain, and we are paying citizens of Great Britain, 3,900 of them, nearly a million dollars a year of American money and taking all the risk of fraud and failure to prosecute where there is a case of fraud or criminal conduct.

Mr. TOWNER. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. TOWNER. As I heard the figures, there are about 5,400 foreign pensioners, and 2,700 of them are in Canada?

Mr. BORLAND. Yes.

Mr. TOWNER. That is practically one-half of all the pensioners?

Mr. BORLAND. Practically one-half of them.

Mr. TOWNER. I would like to ask the gentleman if it is not true that a great majority of those who are in Canada now are there taking up homesteads and will probably return to the United States after they have acquired those homesteads.

Mr. BORLAND. No; they are there for the purpose of taking up homesteads, and I think they will probably stay there. They have left our country for good and ceased to be taxpayers or citizens here. They have to swear allegiance to the Canadian Dominion Government in order to take up the homestead, and thus they renounce their allegiance to the American flag. This amendment ought to pass.

It is but just to the old soldiers who stay in this country and continue to be supporters of our Government, who stand by the Old Flag.

Mr. Chairman, I move that debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Missouri moves that all debate on the paragraph and amendments thereto close in 10 minutes.

The question was taken, and the motion was agreed to.

Mr. CANNON. Mr. Chairman, I am surprised at this provision in the bill and in my judgment it ought not to be there. There is $487,000, that is over half of the total amount, paid to pensioners resident in Canada. There are $17,000 paid to people in Australia, $600 to people in Hungary, and so forth; in round numbers, $900,000. Over half of this amount is paid to nonresidents in Canada. I want you to march down here, if you choose, to Lafayette Square and see the monument erected to Lafayette, to Rochambeau, to Kosciusko, and another one to von Steuben. Never a one of them was a citizen of the United States. Three of those men had land grants. Now, Great Britain was not in sympathy with us during the struggle for the Union and she paid $15,000,000 at the close of that struggle on account of her violation of international law. The Government in Great Britain and Canada were against the United States, but the common people rose up and said, "No." In addition to that the seamen from the Canadian Atlantic seaboard enlisted in our Navy as they also enlisted in the Union Army and were valuable soldiers. Now there are large numbers of our citizens moving to Canada to make homes—farmers—they had service, many of them, in the war for the Union. They have got to swear allegiance before they can take up homesteads there. For one I will not vote for this proposition. [Applause.] In all the struggles that we have had in the United States men from Ireland, men from Scotland, men from England, men from Germany have come in without citizenship and some of them have gone abroad after that great struggle was over. I quite agree with the recommendation of the former Democratic Commissioner of Pensions, and while I do not quarrel with any Member on this floor for any opinion that he holds as to performing his duty to the Republic as he conceives his duty to be, for reasons assigned, so far as I can state them in five minutes, I do not believe that this provision has merit from any standpoint.

Why, this whole matter of pensions is twofold—one to compensate for the risk of the soldier and one to say to all the world and to all of our citizenship that, as we depend upon our citizen soldiery, they will be treated along the line of the policy that this Government has ever held. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, I am somewhat conversant with the reasons which impel pensioners to leave this country and seek a residence in the surroundings of their old homes. It is not for lack of patriotism, because they showed evidences of patriotism when they took up arms for the defense of this country. The reasons are mostly economical ones, Mr. Chairman. Most of these people are poor and dependent, and while it would be impossible for them to live in this country on the amount of pension they receive from a generous Government, they can afford to live on such a small pittance in Ireland and in Germany, and knowing this to be a fact, they frequently return to their families in foreign lands. In other words, many of them are compelled to leave this country temporarily in order to make both ends meet financially and economically.

Mr. AUSTIN. I will say to the gentleman that when I was American consul at Glasgow there were some fifty of such pensioners, and I put the question directly to them as to why they were living abroad, and they gave the very reason that you are giving now for the pensioners who have gone to Germany and Ireland.

Mr. BARTHOLDT. I know that to be the reason. The effect of this paragraph, if enacted into law, would be, merely to cite one instance, that the only surviving major general of the Civil War, Gen. Osterhaus, would be deprived of his pension.

Mr. BORLAND. He receives a pension under a special bill.

Mr. BARTHOLDT. My colleague from Missouri compares the pension system of Great Britain with the pension system of the United States. Why, in Great Britain the soldiers are simply hirelings of a monarchical system. In this country they were volunteers and free men patriotically offering their lives for the defense of the country, and if we were to pension our soldiers according to the system which is now in vogue in Great Britain we would not pay more than ten or fifteen millions of dollars in pensions altogether. This is a generous Government, which recognizes properly the men who came to its aid in time of its greatest need.

Mr. Chairman, I sincerely trust that the amendment of the gentleman from Iowa [Mr. GOOD] will prevail, because if not it would work a great hardship in thousands of cases and would amount to downright cruelty, as former Pension Commissioner Lochren has so truly said.

Mr. DYER. It would have the same effect on the widows of soldiers who are living abroad, would it not, if this amendment should be adopted?

Mr. BARTHOLDT. Yes. This would, of course, in the majority of cases apply to dependent mothers and widows. My attention is called to a part of the hearings in which Mr. Thompson calls attention to a law which was passed in 1792. It is section 1639 of the Revised Statutes, and reads as follows:

If any person, whether officer or soldier, belonging to the militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

Mr. BORLAND. And is not that done in this law? Does this amendment destroy any such provision?

Mr. BARTHOLDT. Yes; this amendment would destroy it in every case where a man is a nonresident.

Mr. BORLAND. The gentleman is mistaken about that.

Mr. BARTHOLDT. Under the Bancroft treaty a man must come to the United States every two years for the purpose of maintaining his citizenship. In other words, when I would go to Germany and reside there for two years, at the end of that period I would be asked by the Government, "Will you remain a citizen of the United States or become a subject of Germany?" If I want to remain a citizen of the United States I will have to return to this country for the purpose of having my citizenship extended. How can a poor pensioner, who lives with those who are dear to him, afford to pay the expenses of a biennial trip to the United States without depriving him of all the money, practically, that he has with which to sustain life?

The CHAIRMAN. The gentleman's time has expired, and all debate is exhausted. The question recurs on the amendment of the gentleman from Iowa [Mr. GOOD], which the Clerk will report.

The Clerk read as follows:

Page 2, strike out the last paragraph, being lines 20 to 23, inclusive.

The CHAIRMAN. The question is on agreeing to the motion.

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. BORLAND. A division, Mr. Chairman.

The committee divided; and there were—ayes 83, noes 28.

Mr. BORLAND. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. GOOD and Mr. BORLAND.

The committee again divided; and the tellers reported—ayes 88, noes 37.

So the motion was agreed to.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BARTLETT. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it pass as amended.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DAVIS of West Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, had directed him to report the same back with an amendment with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. BARTLETT. Mr. Speaker, I move the previous question on the bill and the amendment to final passage.

The SPEAKER. The gentleman from Georgia [Mr. BARTLETT] moves the previous question on the bill and the amendment to the final passage. The question is on agreeing to that motion.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. BARTLETT. A division, Mr. Speaker.

Mr. MANN. Mr. Speaker, I ask to have the amendment reported.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, by striking out the following, lines 20 to 23, inclusive:

"From and after July 1, 1913, no pension shall be paid to a nonresident who is not a citizen of the United States except for actual disabilities incurred in the service."

The SPEAKER. The gentleman from Georgia [Mr. BARTLETT] demands a division.

The House divided; and there were—ayes 81, noes 41.

Mr. BORLAND. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on agreeing to the amendment. Those in favor of the amendment will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 154, nays 112, answered "present" 9, not voting 105, as follows:

YEAS—154.

Akin, N. Y.	Fuller	Lenroot	Pray
Anderson	Gallagher	Levy	Prince
Andrus	Gardner, Mass.	Lindbergh	Prouty
Austin	Gillett	Littlepage	Rauch
Bartholdt	Goldfogle	Lobeck	Rees
Boehne	Good	Longworth	Reilly
Booher	Graham	McCall	Riordan
Bradley	Gray	McCoy	Roberts, Mass.
Browning	Green, Iowa	McCreary	Rodenberg
Burke, S. Dak.	Greene, Mass.	McDermott	Rothermel
Burke, Wis.	Greene, Vt.	McGillicuddy	Scott
Campbell	Gregg, Pa.	McGuire, Okla.	Scully
Cannon	Griest	McKenzie	Simmons
Carlin	Hamill	McKinley	Sloan
Cary	Hamilton, Mich.	McKinney	Smith, Saml. W.
Cline	Haugen	McLaughlin	Smith, N. Y.
Cooper	Hayes	Madden	Stephens, Cal.
Crago	Heald	Maguire, Nebr.	Sterling
Cullop	Helgesen	Maher	Stevens, Minn.
Curley	Higgins	Martin, Colo.	Stone
Currier	Hinds	Martin, S. Dak.	Sulloway
Curry	Howell	Merritt	Switzer
Dalzell	Howland	Moore, Pa.	Taggart
Danforth	Hughes, W. Va.	Morgan, Okla.	Taylor, Ohio
Davis, Minn.	Humphrey, Wash.	Morrison	Thayer
De Forrest	Jackson	Mott	Tilson
Dodds	Kahn	Murdock	Towner
Draper	Kendall	Murray	Underhill
Driscoll, D. A.	Kennedy	Nelson	Vare
Driscoll, M. E.	Kindred	Nye	Volstead
Dwight	Kinkead, N. J.	Olmsted	Warburton
Dyer	Knowland	O'Shaunessy	Wilder
Esch	Konop	Patton, Pa.	Willis
Estopinal	Lafferty	Payne	Wilson, Pa.
Focht	La Follette	Pickett	Wood, N. J.
Fornes	Langham	Plumley	Woods, Iowa
Foster	Langley	Porter	Young, Kans.
Fowler	Lawrence	Post	
French	Lee, Pa.	Powers	

NAYS—112.

Adair	Dickinson	Helm	Rubey
Adamson	Dies	Henry, Tex.	Rucker, Mo.
Aiken, S. C.	Difenderfer	Hensley	Russell
Alexander	Doremus	Holland	Saunders
Allen	Doughton	Howard	Sharp
Ayres	Dupré	Humphreys, Miss.	Sherley
Barnhart	Edwards	Jacoway	Sherwood
Bartlett	Faison	Johnson, S. C.	Sims
Beall, Tex.	Fergusson	Jones	Sisson
Bell, Ga.	Fields	Lee, Ga.	Slayden
Blackmon	Fitzgerald	Lever	Small
Borland	Flood, Va.	Lewis	Smith, Tex.
Brantley	Floyd, Ark.	Linthicum	Stedman
Buchanan	Francis	Lloyd	Stephens, Miss.
Bulkley	Garner	McKellar	Stephens, Nebr.
Burgess	Garrett	Macon	Stephens, Tex.
Burnett	Godwin, N. C.	Moon, Tenn.	Sweet
Byrnes, S. C.	Goeke	Moss, Ind.	Taylor, Ark.
Byrns, Tenn.	Goodwin, Ark.	Neeley	Taylor, Colo.
Callaway	Gregg, Tex.	Oldfield	Thomas
Candler	Gudger	Padgett	Townsend
Cantrill	Hamlin	Pepper	Tribble
Claypool	Hardwick	Raker	Tuttle
Collier	Hardy	Randell, Tex.	Watkins
Cox	Harrison, Miss.	Ransdell, La.	Webb
Daugherty	Hay	Redfield	Whitacre
Davis, W. Va.	Hayden	Reddenbery	Witherspoon
Dent	Heflin	Rouse	Young, Tex.

ANSWERED "PRESENT"—9.

Davidson	Hobson	Mann	Page
Fordney	McMorran	Needham	Sabath
Hill			

NOT VOTING—105.

Ainey	Donohoe	Kent	Reyburn
Ames	Ellerbe	Kinkaid, Nebr.	Richardson
Ansberry	Evans	Kitchin	Roberts, Nev.
Anthony	Fairchild	Konig	Rucker, Colo.
Ashbrook	Farr	Kopp	Sells
Barchfeld	Ferris	Korbly	Shackleford
Bates	Finley	Lafean	Slemp
Bathrick	Foss	Lamb	Smith, J. M. C.
Berger	Gardner, N. J.	Lindsay	Sparkman
Broussard	George	Littleton	Speer
Brown	Gill	Loud	Stack
Burke, Pa.	Glass	Matthews	Stanley
Burleson	Gould	Mays	Steenerson
Butler	Guernsey	Miller	Talbott, Md.
Calder	Hamilton, W. Va.	Mondell	Talcott, N. Y.
Carter	Hammond	Moon, Pa.	Taylor, Ala.
Clark, Fla.	Harris	Moore, Tex.	Thistlewood
Clayton	Harrison, N. Y.	Morgan, La.	Turnbull
Conry	Hart	Morse, Wis.	Underwood
Copley	Hartman	Norris	Vreeland
Covington	Hawley	Palmer	Weeks
Cravens	Henry, Conn.	Parran	White
Crumpacker	Houston	Patten, N. Y.	Wilson, Ill.
Davenport	Hughes, Ga.	Peters	Wilson, N. Y.
Denver	Hull	Pou	Young, Mich.
Dickson, Miss.	James	Pujo	
Dixon, Ind.	Johnson, Ky.	Rainey	

So the amendment was agreed to.

The Clerk announced the following pairs:
For the session:
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. UNDERWOOD with Mr. MANN.
Mr. PALMER with Mr. HILL.
Mr. HOBSON with Mr. FAIRCHILD.
Until further notice:
Mr. PETERS with Mr. ROBERTS of Nevada.
Mr. PATTEN of New York with Mr. NORRIS.
Mr. KORBLY with Mr. MILLER.
Mr. JOHNSON of Kentucky with Mr. MATTHEWS.
Mr. JAMES with Mr. WEEKS.
Mr. HUGHES of Georgia with Mr. LOUD.
Mr. HOLLAND with Mr. LAFEAN.
Mr. LITTLETON with Mr. KINKAID of Nebraska.
Mr. HARRISON of New York with Mr. HENRY of Connecticut.
Mr. HAMILTON of West Virginia with Mr. HARTMAN.
Mr. GLASS with Mr. SLEMP.
Mr. FERRIS with Mr. GUERNSEY.
Mr. FINLEY with Mr. HARRIS.
Mr. DONOHOE with Mr. GARDNER of New Jersey.
Mr. DIXON of Indiana with Mr. FOSS.
Mr. DENVER with Mr. CRUMPACKER.
Mr. COVINGTON with Mr. CALDER.
Mr. CLAYTON with Mr. COPLEY.
Mr. CLARK of Florida with Mr. BUTLER.
Mr. CARTER with Mr. BURKE of Pennsylvania.
Mr. BURLESON with Mr. ANTHONY.
Mr. BROWN with Mr. AMES.
Mr. BATHRICK with Mr. AINEY.
Mr. ASHBROOK with Mr. BATES.
Mr. ANSBERRY with Mr. BARCHFELD.
Mr. PUJO with Mr. MCMORRAN.
Mr. HULL with Mr. NEEDHAM.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. KITCHIN with Mr. FORDNEY.
Mr. RICHARDSON with Mr. THISTLEWOOD (either to be released when the other would vote the same way).
Mr. HOUSTON with Mr. MOON of Pennsylvania.
Mr. CONRY with Mr. FARR.
Mr. WILSON of New York with Mr. YOUNG of Michigan.
Mr. WHITE with Mr. WILSON of Illinois.
Mr. TALCOTT of New York with Mr. STEENERSON.
Mr. STANLEY with Mr. SPEER
Mr. SHACKLEFORD with Mr. J. M. C. SMITH.
Mr. RUCKER of Colorado with Mr. SELLS.
Mr. RAINEY with Mr. VREELAND.
Mr. AYRES with Mr. REYBURN.
From February 15 until February 25:
Mr. MCDERMOTT with Mr. HAWLEY (each reserving the right to vote on questions of local interest).

Mr. MANN. Mr. Speaker, I voted "aye." I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I desire to withdraw my vote and to be recorded present.

Mr. BATHRICK. I should like to vote "aye," Mr. Speaker.

The SPEAKER. Was the gentleman in the Hall of the House and listening when his name should have been called?

Mr. BATHRICK. I got in here very close to the calling of my name. I could not answer whether I was in the Hall or not.

The SPEAKER. The gentleman does not qualify.

Mr. DAVIDSON. Mr. Speaker, I voted "aye." Is the gentleman from Florida, Mr. SPARKMAN, recorded?

The SPEAKER. He is not.

Mr. BATHRICK. I desire to withdraw my vote and to vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. RODDENBERY. Mr. Speaker, I desire to offer a motion to recommit.

The SPEAKER. The gentleman offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

I move to recommit H. R. 28730, a bill making appropriation for the payment of invalid pensions, etc., with instructions to report back forthwith with the following amendments at the end of the bill, as follows: *"Provided*, That no pension shall be paid to any person out of this appropriation who is receiving a salary or wage in excess of $2,000 per annum, whether paid annually, monthly, or at other periods, except such person be on the pension roll for actual disabilities received in the service: *Provided further*, That no pension shall be paid to any person out of this appropriation who is receiving or has an income other than in the last preceding proviso that amounts to more than $2,000 per annum, or who owns property, real or personal, in excess of $10,000, except such person be on the pension roll for actual disabilities received in the service: *Provided further*, That no pension shall be paid to any person out of this appropriation who is an inmate of and cared for in any soldiers' home supported in whole or in part from revenues of the United States Treasury, except such person be on the pension roll for actual disabilities received in the service."

Mr. BARTLETT. Mr. Speaker, I call the previous question on the motion.

Mr. DYER. I make a point of order on the motion.

The SPEAKER. What is the gentleman's point of order?

Mr. DYER. The amendments in the gentleman's motion to recommit, if adopted, would repeal existing law.

The SPEAKER. All these propositions are simply limitations, and the point of order is overruled. The gentleman from Georgia [Mr. BARTLETT] moves the previous question on the motion to recommit.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. RODDENBERY) there were—ayes 39, nays 139.

Mr. RODDENBERY. Mr. Speaker, I make the point that no quorum is present.

Mr. FOSTER. Mr. Speaker, a yea-and-nay vote was just had and it was developed that a quorum is present.

The SPEAKER. Evidently there is a quorum present, and the motion to recommit is lost. The question now is, Shall the bill pass?

Mr. RODDENBERY. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 219, nays 40, answered "present" 9, not voting 113, as follows:

YEAS—219.

Adamson	Esch	Konop	Pray
Akin, N. Y.	Estopinal	Lafferty	Prince
Alexander	Fergusson	La Follette	Raker
Allen	Fields	Langham	Ransdell, La.
Anderson	Fitzgerald	Langley	Rauch
Andrus	Floyd, Ark.	Lawrence	Redfield
Ashbrook	Focht	Lee, Pa.	Rees
Austin	Fornes	Lenroot	Reilly
Barchfeld	Foss	Levy	Riordan
Barnhart	Foster	Lewis	Roberts, Mass.
Bartholdt	Fowler	Lindbergh	Rothermel
Bartlett	Francis	Linthicum	Rouse
Bates	French	Lloyd	Rubey
Bathrick	Fuller	Lobeck	Rucker, Mo.
Boehne	Gallagher	Longworth	Russell
Booher	Gardner, Mass.	McCall	Sabath
Borland	Garrett	McCoy	Scott
Browning	Gill	McCreary	Scully
Buchanan	Gillett	McGillicuddy	Sharp
Bulkley	Godwin, N. C.	McGuire, Okla.	Sherley
Burgess	Goeke	McKenzie	Sherwood
Burke, S. Dak.	Goldfogle	McKinley	Simmons
Burke, Wis.	Good	McKinney	Sloan
Burleson	Graham	McLaughlin	Smith, Saml. W.
Campbell	Gray	McMorran	Smith, N. Y.
Cannon	Green, Iowa	Macon	Stanley
Cantrill	Greene, Mass.	Madden	Stephens, Cal.
Cary	Greene, Vt.	Maguire, Nebr.	Stephens, Nebr.
Clark, Fla.	Gregg, Pa.	Mann	Sterling
Claypool	Griest	Martin, Colo.	Stevens, Minn.
Cline	Gudger	Martin, S. Dak.	Stone
Cooper	Hamill	Merritt	Sulloway
Cox	Hamilton, Mich.	Mondell	Sweet
Crago	Hamlin	Moon, Tenn.	Switzer
Cullop	Hardwick	Morgan, Okla.	Taggart
Curley	Haugen	Morrison	Taylor, Colo.
Currier	Hayden	Moss, Ind.	Thistlewood
Curry	Hayes	Mott	Thomas
Dalzell	Helgesen	Murdock	Tilson
Daugherty	Helm	Murray	Towner
Davis, Minn.	Henry, Conn.	Neeley	Townsend
Davis, W. Va.	Hensley	Nye	Tuttle
De Forest	Higgins	Olmsted	Underhill
Denver	Hinds	O'Shaunessy	Vare
Dickson, Miss.	Howell	Padgett	Volstead
Difenderfer	Howland	Page	Watkins
Dodds	Hughes, W. Va.	Patton, Pa.	Whitacre
Doremus	Humphrey, Wash.	Payne	Wilder
Doughton	Jackson	Pepper	Willis
Draper	Kahn	Pickett	Wilson, Pa.
Driscoll, D. A.	Kendall	Plumley	Wood, N. J.
Driscoll, M. E.	Kennedy	Porter	Woods, Iowa
Dupré	Kinkaid, Nebr.	Post	Young, Kans.
Dwight	Kinkead, N. J.	Pou	Young, Mich.
Dyer	Knowland	Powers	

NAYS—40.

Aiken, S. C.	Collier	Heflin	Sisson
Beall, Tex.	Dent	Henry, Tex.	Smith, Tex.
Bell, Ga.	Dies	Holland	Stedman
Blackmon	Edwards	Howard	Stephens, Miss.
Burnett	Ellerbe	Jacoway	Stephens, Tex.
Byrnes, S. C.	Faison	Jones	Taylor, Ark.
Callaway	Flood, Va.	Lever	Tribble
Candler	Gregg, Tex.	McKellar	Webb
Carlin	Hardy	Oldfield	Witherspoon
Clayton	Harrison, Miss.	Roddenbery	Young, Tex.

ANSWERED "PRESENT"—9.

Byrns, Tenn.	Hay	Houston	McDermott
Davidson	Hill	Johnson, S. C.	Small
Garner			

NOT VOTING—113.

Adair	Finley	Lamb	Rodenberg
Ainey	Fordney	Lee, Ga.	Rucker, Colo.
Ames	Gardner, N. J.	Lindsay	Saunders
Ansberry	George	Littlepage	Sells
Anthony	Glass	Littleton	Shackleford
Ayres	Goodwin, Ark.	Loud	Sims
Berger	Gould	Maher	Slayden
Bradley	Guernsey	Matthews	Slemp
Brantley	Hamilton, W. Va.	Mays	Smith, J. M. C.
Broussard	Hammond	Miller	Sparkman
Brown	Harris	Moon, Pa.	Speer
Burke, Pa.	Harrison, N. Y.	Moore, Pa.	Stack
Butler	Hart	Moore, Tex.	Steenerson
Calder	Hartman	Morgan, La.	Talbott, Md.
Carter	Hawley	Morse, Wis.	Talcott, N. Y.
Conry	Heald	Needham	Taylor, Ala.
Copley	Hobson	Nelson	Taylor, Ohio
Covington	Hughes, Ga.	Norris	Thayer
Cravens	Hull	Palmer	Turnbull
Crumpacker	Humphreys, Miss.	Parran	Underwood
Danforth	James	Patten, N. Y.	Vreeland
Davenport	Johnson, Ky.	Peters	Warburton
Dickinson	Kent	Prouty	Weeks
Dixon, Ind.	Kindred	Pujo	White
Donohoe	Kitchin	Rainey	Wilson, Ill.
Evans	Konig	Randell, Tex.	Wilson, N. Y.
Fairchild	Kopp	Reyburn	
Farr	Korbly	Richardson	
Ferris	Lafean	Roberts, Nev.	

So the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. AYRES with Mr. ANTHONY.

Mr. BROUSSARD with Mr. DANFORTH.

Mr. ANSBERRY with Mr. AINEY.

Mr. UNDERWOOD with Mr. BUTLER.

Mr. LEE with Mr. TAYLOR of Ohio.

Mr. SIMS with Mr. WARBURTON.

Mr. PUJO with Mr. SPEER.

Mr. HUMPHREYS of Mississippi with Mr. J. M. C. SMITH.

Mr. HARRISON of New York with Mr. PROUTY.

Mr. HAY with Mr. NELSON.

Mr. GOODWIN of Arkansas with Mr. MOORE of Pennsylvania.

Mr. GARNER with Mr. LAFEAN.

Mr. CRAVENS with Mr. KOPP.

Mr. BYRNS of Tennessee with Mr. HEALD.

Mr. BRANTLEY with Mr. COPLEY.

Mr. McDERMOTT. Mr. Speaker, I voted "aye," but I find I am paired with the gentleman from Oregon, Mr. HAWLEY, and I desire to withdraw that vote and be marked "present."

Mr. HILL. Mr. Speaker, I voted "aye." I am paired with the gentleman from Pennsylvania, Mr. PALMER, and I wish to withdraw that vote and answer "present."

The result of the vote was then announced as above recorded.

On motion of Mr. BARTLETT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. AYRES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the American merchant marine.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

DAILY HOUR OF MEETING.

Mr. CANNON. Mr. Speaker, I will be very glad if the Chair will announce while a rather full membership is present that the hour of meeting to-morrow is 10.30 o'clock. We expect to take up the sundry civil appropriation bill.

The SPEAKER. When the House adjourns to-day, or on any other day during this session, unless the order which was adopted this morning be changed, it will be to meet at 10.30 o'clock a. m. the next day, and Members will govern themselves accordingly.

Mr. MANN. Mr. Speaker, that order was entered this morning, but my recollection is that there is a special order for Sunday next for eulogies.

Mr. FITZGERALD. We will change that on Saturday.

Mr. MANN. Why not change that now?

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourn on Saturday next it adjourn to meet at 12 o'clock noon on Sunday, February 23, 1913.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourn on Saturday next it adjourn to meet at 12 o'clock noon on Sunday, February 23, 1913. Is there objection?

There was no objection.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28775) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes. Pending that, I ask unanimous consent that general debate be limited to two hours and a half, one-half to be controlled by the gentleman from Illinois, Mr. CANNON, and one-half by myself.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill. Pending the motion, he asks unanimous consent that general debate be limited to two hours and a half, one half to be controlled by himself and the other half by the gentleman from Illinois, Mr. CANNON. Is there objection?

Mr. CANNON. Mr. Speaker, as far as I am concerned, I will state that I am willing to consent to that order and hope that this side of the House will do so.

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask the gentleman how long he expects to keep the House in session this evening?

Mr. FITZGERALD. Mr. Speaker, I wish to have some of the general debate disposed of to-night.

Mr. MANN. There is no intention to have an evening session?

Mr. FITZGERALD. We will sit not later than 6.30 o'clock. To-morrow morning the gentleman from Kentucky, Mr. SHERLEY, a member of the committee which prepared this bill, desires to occupy an hour in the discussion of a proposed budget scheme he desires to present.

Mr. AUSTIN. Mr. Speaker, may I say to the gentleman that the chairman of the Committee on Immigration, Mr. BURNETT, desires to call up the immigration bill to-morrow?

Mr. FITZGERALD. Then, it will be over my protest, as the gentleman knows.

The SPEAKER. Is there objection?

Mr. RODDENBERY. Mr. Speaker, I would like to inquire of the gentleman from New York if, in the time at his disposal for general debate, he will be able to grant me about 15 minutes? I will say to the gentleman now, with that reservation, that I shall not be able to use it this afternoon, as the gentleman knows.

Mr. FITZGERALD. Mr. Speaker, I have arranged to give the gentleman from Kentucky [Mr. SHERLEY], who is a member of the subcommittee which prepared this bill, one hour, and the gentleman from Mississippi [Mr. SISSON], a member of the Committee on Appropriations, 15 minutes. I am hoping that I may be able to obtain about 10 minutes from the gentleman from Illinois [Mr. CANNON], in which to make a brief statement explaining the bill. Two weeks from to-day Congress adjourns, and I do not see how the House can well afford to give more than two hours and a half to general debate upon an appropriation bill. I would be very glad to accommodate the gentleman. This bill will take considerable time. It embraces 184 pages. We have pending estimates for $28,000,000 of deficiency, which must be considered. The naval bill has not yet been reported.

The SPEAKER. Is there objection?

Mr. RODDENBERY. Mr. Speaker, I object.

Mr. FITZGERALD. Mr. Speaker, I ask for a vote on my motion.

The SPEAKER. The question is on the motion of the gentleman from New York that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill, with Mr. HAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 28775, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. RODDENBERY. I object.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise. I will ask the Committee on Rules for a rule.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28775, the sundry civil appropriation bill, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7278. An act providing that the pay of officers of the Navy commence from the date they take rank as stated in their commissions; to the Committee on Naval Affairs.

S. 8033. An act to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16127. An act for the relief of William Kaiser;

H. R. 22939. An act for the relief of John K. Wren; and

H. R. 19191. An act for the relief of Christian Hedges.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned to meet at 10 o'clock and 30 minutes a. m. to-morrow, Wednesday, February 19, 1913.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the postmaster and custodian of the Government wharf at Sitka, Alaska, and recommending legislation authorizing the sale of said wharf (H. Doc. No. 1403), was taken from the Speaker's table, referred to the Committee on the Territories, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. EVANS, from the Committee on the Library, to which was referred the bill (H. R. 18720) to establish a legislative reference bureau in the Library of Congress, reported the same with amendment, accompanied by a report (No. 1533), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution (H. Res. 833) authorizing the Speaker to appoint three counselors, reported the same with amendment, accompanied by a report (No. 1534), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 18428) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., to authorize a change in the permanent system of highway plans, to provide for the condemnation of certain streets, and for other purposes, reported the same with amendment, accompanied by a report (No. 1545), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GALLAGHER, from the Committee on Rivers and Harbors, to which was referred the resolution (H. Res. 733) directing the Secretary of War to submit to the House the latest survey of the Chicago River, reported the same with amendment, accompanied by a report (No. 1544), which said resolution and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 28788) establishing the rank of officers of the United States Army on the relative list; to the Committee on Military Affairs.

By Mr. WILSON of Illinois: A bill (H. R. 28789) for the erection of a public building at Steger, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. LEVER: A bill (H. R. 28790) to investigate illiteracy and the causes thereof among the adult population of the United States; to the Committee on Education.

By Mr. DE FOREST: Resolution (H. Res. 846) granting to the Cabinet officers the privileges of the floor of the House of Representatives; to the Committee on Rules.

By Mr. RAKER: Resolution (H. Res. 847) for printing additional copies of Monograph No. 1, Children's Bureau; to the Committee on Printing.

By Mr. CARLIN: Resolution (H. Res. 848) to pay R. T. Cook for services as acting assistant foreman at branch folding room of the House of Representatives; to the Committee on Accounts.

By Mr. DYER: Joint resolution of the Legislature of Wyoming, ratifying the proposed income-tax amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. REYBURN: Joint resolution of the Legislature of the State of Wyoming ratifying an amendment to the Constitution of the United States of America granting to Congress power to levy a tax on incomes; to the Committee on Ways and Means.

By Mr. KAHN: Memorial from the General Assembly of the State of California, indorsing the Newlands bill to create a board of river regulation; to the Committee on Rivers and Harbors.

By Mr. ALLEN: Resolution of the Legislature of the State of Ohio, requesting Senators and Representatives from Ohio in the National Congress to urge the enactment of a Federal law regulating the exportation of food products; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Memorial from the General Assembly of the State of California, ratifying an amendment to the Constitution of the United States authorizing Congress to levy an income tax; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 28791) granting a pension to Zora Haggerty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28792) granting an increase of pension to Anna E. Lowman; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 28793) granting an increase of pension to George F. Wattson; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 28794) granting a pension to Ephriam J. Hopkins; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 28795) granting a pension to George W. Burk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28796) granting a pension to Joseph Turnbough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28797) granting a pension to Julia A. Dugan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28798) granting an increase of pension to Moses H. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28799) granting an increase of pension to Josephine D. Steffins; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 28800) granting a pension to Martha E. Brabson; to the Committee on Pensions.

Also, a bill (H. R. 28801) granting an increase of pension to Sarah L. Gilliss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28802) granting an increase of pension to Caroline Adams; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of citizens of the foreign colonies established in Porto Rico and commercial and industrial enterprises located in the city of San Juan, P. R., relative to the appointment to fill the vacancy of judge of the United States district court for Porto Rico; to the Committee on Insular Affairs.

Also (by request), petition of District Grand Lodge, No. 4, Independent Order of B'nai B'rith, San Francisco, Cal.; the Polish Alma Mater of America, Chicago, Ill.; and Scandinavian American citizens of New York, protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also (by request), petition of the State Council of Missouri, Junior Order United American Mechanics, St. Louis, Mo., and 300,000 American members of patriotic fraternities of Pennsylvania, favoring the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also (by request), petition of the Polish National Alliance, Chicago, Ill., protesting against the passage of Senate bill 3175,

for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. ANSBERRY: Petition of the International Brotherhood of Locomotive Engineers, Van Wert, Ohio, favoring the passage of Federal workmen's compensation bill; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Division No. 36 of Locomotive Engineers, favoring the passage of the workmen's compensation bill; to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petition of the St. Louis Screw Co., favoring the passage of the Burton bill (S. 7782) for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Western Advertising Co., St. Louis, Mo., favoring the passage of the McLean bill, for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. BATES: Petition of W. C. Curtis, chief engineer, Division No. 43, Meadville, Pa., favoring the passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the president of the board of trustees of the Edinboro (Pa.) State Normal School, favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. DICKINSON: Papers to accompany bill (H. R. 27458) granting an increase of pension to Robert A. White; to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 14531) granting an increase of pension to Oliver White; to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 28376) granting an increase of pension to Daniel Palmer; to the Committee on Invalid Pensions.

By Mr. DYER: Petition of the National Drainage Congress, Chicago, Ill., favoring the passage of legislation to create a national drainage commission; to the Committee on Irrigation of Arid Lands.

Also, petition of the Crop Improvement Committee, Chicago, Ill., favoring the passage of a compromise bill for the Page and Lever agricultural bills, and suggesting an amendment to same; to the Committee on Agriculture.

Also, petition of the Meyer Bros. Drug Co., St. Louis, Mo., protesting against the passage of legislation reducing the duties on medical chemicals; to the Committee on Ways and Means.

Also, petition of J. H. Woolsey, the Couradee Chair Co., and Hy Siroky, of St. Louis, Mo., favoring the passage of House bill 25685, for the labeling and tagging of all fabrics and articles of clothing intended for sale under interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of the St. Louis Public Library, St. Louis, Mo., favoring the passage of legislation extending the parcel post to include books, etc.; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Petition of the American Wood Preservers' Association, Baltimore, Md., protesting against the passage of legislation for removing creosote oil from the free list; to the Committee on Ways and Means.

Also, petition of the California Club, of San Francisco, Cal., favoring the passage of legislation making further appropriations for the suppression of the white slave traffic; to the Committee on Appropriations.

Also, petition of the New York State Conference on Taxation, Binghamton, N. Y., favoring the passage of legislation providing for the collection of statistics of wealth, debt, and taxation as authorized by the permanent census act; to the Committee on the Census.

By Mr. FRENCH: Petition of citizens of Stites, Idaho, favoring the passage of legislation for establishing rural cooperative credit and banking associations; to the Committee on Banking and Currency.

By Mr. GOLDFOGLE: Petition of the executive council of the National Civic Federation, New York, favoring the passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Board of Trade and Business Men's Association, favoring the adoption of the Norfolk Navy Yard for the establishing of a dry dock; to the Committee on Naval Affairs.

Also, petition of the Merchants' Association of New York, favoring the passage of legislation for the adoption of a national budget for changing the laws and practices now regulating Federal expenditures; to the Committee on Ways and Means.

By Mr. GOULD: Petition of the Past and Present Club, of Fairfield, Me., protesting against the passage of legislation tending to change the present national system of forest conservation; to the Committee on Agriculture.

By Mr. HINDS: Petition of Turner Grange, No. 23, Patrons of Husbandry, favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. LEE of Pennsylvania: Petition of foreign-born naturalized American citizens, representing foreign societies of the borough of Shenandoah, Pa., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of John E. O'Brien and Ladislaus W. Schenk, New York, protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Petition of the Brotherhood of Postal Workers, Denver, Colo., favoring the passage of legislation for increasing the salaries of the clerks in the Railway Mail Service; to the Committee on the Post Office and Post Roads.

Also, petition of James E. March, New York, N. Y., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of the Central Federated Union of Greater New York, protesting against the passage of House bill 8141, for placing the State militia on the national pay roll; to the Committee on Military Affairs.

By Mr. NEEDHAM: Petition of citizens of California and of the Eschscholtzia Camp Fire Circle, of Escalon, Cal., favoring the passage of the Weeks bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. RAKER: Petition of Redwood Lodge, No. 239, Brotherhood of Locomotive Firemen and Enginemen, Eureka, Cal., favoring the passage of House bill 27016, requiring all locomotives being used in interstate commerce to be equipped with headlights of not less than 1,500 candlepower; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of California, favoring the passage of the Weeks bill for the Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of the National Drainage Congress, Chicago, Ill., favoring the passage of legislation for the creation of a national drainage commission; to the Committee on Irrigation of Arid Lands.

By Mr. REILLY: Petition of citizens of Connecticut; the Italo-American Alliance of the United States of America, Philadelphia, Pa.; Panotti & Netta Co.; Doanto Laraia; the Italians of Hartford, Conn.; Charles K. Johnson, publisher North Star, New York; Gabriel Dziadik and Alexander Horbal, Derby, Conn.; the Italian colony, Middletown, Conn.; and Leonardo Suzio, Meriden, Conn., protesting against the passage of Senate bill 3175, for restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of the Lincoln Park Study Circle, of South Pasadena, Cal., protesting against the passage of legislation tending to change the present national system of forest conservation; to the Committee on Agriculture.

By Mr. TILSON: Petition of the Connecticut Public Library, of Hartford, Conn., favoring the extension of legislation to include library books and material at the lower rate of transportation provided for by the parcel post; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *February 19, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

EXPENSE OF DISTRIBUTION OF SEEDS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of Agriculture, which will be read.

The Secretary read as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 18, 1913.

The honorable the PRESIDENT OF THE SENATE.

SIR: In accordance with Senate resolution No. 423, which was passed yesterday, I have the honor to transmit herewith a statement showing

the estimated cost of purchasing the different classes of seeds and plants for congressional distribution, the estimated cost of preparing same for distribution and delivery to the mails, and the total cost of packages of each class distributed for the last four years from 1909–10 to 1912–13, inclusive.

The cost of purchasing seeds and plants includes the purchase price, freight and drayage, inspection of growing crops, office salaries, equipment and supplies; the cost of preparing the seeds and plants for distribution and delivery to the mails includes rent of warehouse, cost of equipment and repairs, labor, bags, boxes, wrapping paper, twine, etc., and hauling to the post office or mail cars.

I am also inclosing two copies of a recent publication of the department which sets forth in detail the entire procedure in the handling and distribution of seeds and plants of this department.

I have the honor to be, sir,

Very respectfully, JAMES WILSON, *Secretary.*

The PRESIDENT pro tempore. The communication and accompanying papers will be referred to the Committee on Agriculture and Forestry and be printed.

IMMIGRATION OF ALIENS—VETO MESSAGE.

Mr. GRONNA. I ask unanimous consent that I may make a statement explaining my vote on yesterday.

The PRESIDENT pro tempore. The Chair hears no objection, and the Senator from North Dakota will proceed.

Mr. GRONNA. Mr. President, in view of what was stated upon the floor of the Senate on yesterday when the immigration bill and the veto of President Taft on this same bill were considered, I wish to say just a few words in order to make my position clear.

After reading Secretary Nagel's letter to the President, I became more firmly convinced than ever before that the President was justified in vetoing the bill.

But, Mr. President, I would not take up the time of the Senate to make even this short statement were it not for the fact that the senior Senator from Massachusetts [Mr. LODGE], in his able speech in favor of this measure, made what I consider at least an uncharitable remark and which, in my opinion, is a reflection upon those who disagreed with him. I wish to state, Mr. President, that, so far as I am personally concerned—and I state it most emphatically—I deny that the influence of any steamship company, or any other company, had any influence upon me in the views which I have had and which I still entertain.

Mr. President, I come from the great western empire, which nature seems to have especially blessed with broad areas of rich and fertile lands. I myself am numbered among those who first blazed the trail of civilization toward that great western empire. I am counted among those who suffered the hardships endured by the pioneer of the western plains, and I am glad to be recognized among that class of men of the great Northwest who fully realize that these vast areas, rich and productive as they are, can not and will not bring to mankind the happiness and such blessings as God in his wisdom intended they should have, unless we can secure more people who will help to develop the country and in return share in the latent values of that vast productive section of the United States.

In the State which I in part have the honor to represent we have more than 45,000,000 acres of productive soil, with only some 600,000 people to occupy them. I believe that I voice the sentiment of at least a majority of our people when I say that our strongest hopes and our most earnest desires are that men—strong, virile men—will come and enjoy the splendid opportunities which that great region affords. We welcome them no matter under what flag they may have been born. We are not afraid of their ignorance, because, after all, I believe all men have a higher instinct than the dumb animals and the tame brutes, and even they are very useful in our section of this country.

Mr. President, it is not my purpose to take up any more of the time of the Senate, but I want to say that I have received no communication whatever from my State requesting me to vote to override the veto of the President. On the contrary I have received letters and telegrams asking me to sustain the President in his veto. I hold in my hand a letter which is very brief, written by one of the best known, honorable, and distinguished citizens of my State, which I will read into my remarks:

GRAND FORKS, N. DAK., *February 16, 1913.*

DEAR SENATOR: I am glad to see President Taft vetoed the Dillingham-Burnett bill. I can not see the justification of it and I hope the Senate will not pass it over his veto.

Sincerely, H. BENDEKE.

Mr. President, if I had believed that this bill, so far as the provisions upon which the President based his veto, would in any way better the condition of the laboring men of this Nation, no one would more gladly have joined in its support and asked for its enactment into law than I.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 16127. An act for the relief of William Kaiser;

H. R. 19191. An act for the relief of Christian Hedges; and

H. R. 22939. An act for the relief of John K. Wren.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The Chair lays before the Senate a telegram from the secretary of state of the State of California, which will be read.

The telegram was read and referred to the Committee on Immigration, as follows:

SACRAMENTO, CAL., *February 18, 1913.*

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
Washington, D. C.:

I am forwarding you herewith, as per instructions embodied therein, the following resolution. Kindly acknowledge receipt.

Resolution by Senator Sanford.

"Whereas there is pending in the Congress of the United States House bill No. 13500, by Congressman JOHN E. RAKER, of California; and

"Whereas House bill No. 13500 has for its object the extension of the Chinese-exclusion act so as to include all Asiatic laborers; and

"Whereas there is a misapprehension in the East as to California's position regarding oriental immigration: Therefore be it

"Resolved by the Senate and Assembly (jointly) of the State of California, That we approve of the passage of House bill No. 13500 and request Congress to pass the same.

"Resolved, That the secretary of the senate be instructed to send a copy of this resolution to the Vice President of the United States, to the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress."

WALTER N. PARRISH,
Secretary of State.

The PRESIDENT pro tempore laid before the Senate a communication from the secretary of the Commonwealth of Massachusetts, transmitting resolutions adopted by the general court of that State favoring the establishment of an international commission on the cost of living, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1913.

Resolutions in favor of the establishment of an international commission on cost of living.

Resolved, That the general court of the Commonwealth of Massachusetts, believing that the world-wide increase in the cost of living and the possibility of a continuance of this increase for an indefinite period is a matter of great importance, and believing that an international commission on the cost of living should be appointed to meet the urgent need to find a scientific basis for any reforms in this respect which can be accomplished by legislation, hereby approves of the effort to bring about such an international commission.

Resolved, That certified copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, to the presiding officers of both branches of Congress, and to each of the Senators and Representatives from Massachusetts.

In senate, adopted, January 31, 1913.

In house of representatives, adopted, in concurrence, February 6, 1913.

A true copy.

Attest:

FRANK J. DONAHUE,
Secretary of the Commonwealth.

Mr. NELSON presented resolutions adopted by the State Dairyman's Association of Minnesota, remonstrating against the enactment of legislation permitting the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

Mr. BRISTOW presented a petition of sundry citizens of Marion, Kans., praying that an investigation be made into the prosecution of the editors of the Appeal to Reason, published at Girard, Kans., which was referred to the Committee on the Judiciary.

Mr. PERKINS. I present a joint resolution passed by the Legislature of the State of California, remonstrating against the abolishment of the fourth internal-revenue district in that State. I ask that the resolution be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

SACRAMENTO, CAL., *February 18, 1913.*

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.:

I am forwarding herewith, as per instructions embodied therein, the following resolution. Kindly acknowledge receipt.

Resolution by Senator Boynton.

"Whereas the fourth internal-revenue district of California, with headquarters in Sacramento, and serving all the counties north of San Francisco to the Oregon line, and also the entire State of Nevada, was abolished on the 1st day of October last; and

"Whereas said district did an annual business of nearly $800,000; and
"Whereas said district was also consolidated with the first collection district of California, with headquarters in San Francisco, which district was so large that the Los Angeles district was separated from it two years ago; and
"Whereas the loss of the fourth district will work injury to this section of California and Nevada without any corresponding benefit to the first district; and
"Whereas an amendment known as Senate amendment No. 68 to the House of Representatives bill No. 26680, providing for the reestablishment of the aforesaid fourth revenue-collection district of the State of California, has been approved by the Senate of the United States Congress, and now goes to conference: Therefore be it

"*Resolved by the senate and assembly jointly*, That the Legislature of the State of California approves al of the provision of said amendment, and our Senators in Congress are hereby instructed and our Representatives requested to vote for and use every honorable means to secure the passage of said amendment to said bill; and be it

"*Resolved further*, That copies of this resolution be sent by telegraph to each of our Senators and Representatives in the Congress of the United States."

WALTER N. PARRISH,
Secretary of State.

Mr. PERKINS presented a joint resolution passed by the Legislature of California, favoring the extension of the Chinese exclusion law, so as to include all Asiatic laborers, which was referred to the Committee on Immigration.

Mr. CRANE presented resolutions adopted by the General Court of the Commonwealth of Massachusetts, favoring the establishment of an international commission on the cost of living, which were referred to the Committee on Foreign Relations.

Mr. TOWNSEND presented a memorial of sundry citizens of Coldwater, Mich., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. GALLINGER presented resolutions adopted by the Granite State Dairymen's Association of New Hampshire, remonstrating against the enactment of legislation permitting the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Farmers' Club of the Legislature of New Hampshire, praying for the passage of the so-called Page vocational education bill, which was ordered to lie on the table.

He also presented a resolution adopted by the Petworth Citizens' Association of the District of Columbia, favoring the proposed change of trackage of the Washington Railway and Electric Co. by continuing the Ninth Street railway service across the U Street railway to a proposed minor street and then east to Georgia Avenue, etc., which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. DIXON, from the Committee on Military Affairs, to which was referred the bill (H. R. 11627) to correct the military record of Barkley S. Denison, reported it without amendment and submitted a report (No. 1257) thereon.

Mr. DILLINGHAM, from the Committee on the Judiciary, to which was referred the bill (H. R. 21532) to incorporate the Rockefeller Foundation, reported it without amendment and submitted a report (No. 1258) thereon.

Mr. SMOOT, from the Committee on Claims, to which was referred the bill (H. R. 18294) for the relief of John C. Sullivan, reported it without amendment and submitted a report (No. 1259) thereon.

Mr. BRADLEY, from the Committee on Pensions, submitted a report (No. 1252) accompanied by a bill (S. 8540) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 433. Eleanor P. Bigler.
S. 2465. Arthur F. Shepherd.
S. 4811. Margaret B. Sherman.
S. 5175. La Salle Corbell Pickett.
S. 5742. Petrona B. Freeman.
S. 7454. Emma Z. Gilman.
S. 7774. Mary Bottino.
S. 7807. Ellen Barrett.
S. 7921. James Tiernan.
S. 7955. John Partello.
S. 8061. James W. Ellis.
S. 8064. John A. Lennon.
S. 8234. Estelle H. Wholley.
S. 8432. Frances P. O'Reilly.
S. 8437. Lewis L. Daniel.

Mr. BRADLEY, from the Committee on Pensions, submitted a report (No. 1253), accompanied by a bill (S. 8541) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 426. Margaret Liddle.
S. 1005. Laura Adam.
S. 1852. Mary E. Smith, now Faught.
S. 2262. Charles Hatfield.
S. 3141. Emily B. Smith.
S. 3323. Anna D. Pace.
S. 3358. George W. Crosley.
S. 3381. Elizabeth Lucken.
S. 3979. Martha A. Shute.
S. 4049. Demmie Inman.
S. 4085. Charles Miller.
S. 4089. Albert B. Cauby.
S. 4092. Young S. Ingram.
S. 4201. Franklin A. Work.
S. 4454. Annie B. Campbell.
S. 4500. Drusilla Peters.
S. 4672. Gertrude Brown.
S. 5020. Amos Spangler.
S. 5099. Josiah D. Hunt.
S. 5101. James P. Burdett.
S. 5301. Benjamin F. Kent.
S. 5315. James M. Brown.
S. 5318. John V. G. Price.
S. 5408. Jesse Sheets.
S. 5409. Mark Clark.
S. 5410. James L. Stroup.
S. 5470. Brazil Van Deusen.
S. 5524. Thomas J. Morris.
S. 5533. William Harper.
S. 5557. William T. Saylor.
S. 5558. Frances A. Cox.
S. 5564. James W. Ruff.
S. 5565. John D. Thomas.
S. 5704. Flora Annis.
S. 5770. Sophronia Roberts.
S. 5793. Henry A. Sheaff.
S. 5800. Margaret Montgomery.
S. 5977. Catharine Thomas.
S. 5982. Henry M. Lavo.
S. 6132. John D. Kirkpatrick.
S. 6134. George W. Klise.
S. 6139. Francis M. Oldridge.
S. 6146. Sarah A. Winans.
S. 6185. Charlotte B. Bentley.
S. 6316. John M. Jarvis.
S. 6320. Young Dougherty.
S. 6325. William Worthington.
S. 6343. George W. Wines.
S. 6443. Charles Crismon.
S. 6488. James W. Wachob.
S. 6489. David G. S. Gochanaur.
S. 6532. Franklin S. Curry.
S. 6578. Robert C. Carr.
S. 6584. Fanny Farley.
S. 6705. Emily J. Walton.
S. 6723. Josephus Brown.
S. 6821. Barzilla B. Jones.
S. 6979. Emma E. Myers.
S. 7167. Rachel B. Purdy.
S. 7286. Mary K. Munoz.
S. 7413. William H. Moore.
S. 7428. Lucy L. Norton.
S. 7544. J. Jay Buck.
S. 7604. Mary E. Lafontaine.
S. 7626. George W. Stratton.
S. 7736. Allen Meskimen.
S. 7776. William H. Wheeler.
S. 7820. Jefferson Hurst.
S. 7869. David A. Byers.
S. 7870. John N. Jones.
S. 7872. James H. Ragsdale.
S. 7910. Maria L. Bishop.
S. 7912. Imogene Crissey.
S. 7914. Henry A. Kelsey.
S. 7946. Mary McClure.
S. 7980. Isaac O. Foote.
S. 8004. Ellen M. Pember.
S. 8016. Stephen B. Woodruff.
S. 8043. Mary E. Beach.
S. 8044. John McCarthy.
S. 8046. Anna Kennedy.
S. 8070. Iselo Nicely.

S. 8100. Joseph M. Davis.
S. 8105. John M. Mower.
S. 8193. James L. Bacon.
S. 8194. John F. Yarnell.
S. 8199. Marthy E. Tracy.
S. 8219. William O. Steele.
S. 8238. Michael McDonald.
S. 8242. Johanna R. Busch.
S. 8263. Morton A. Pratt.
S. 8284. Mary R. Kendall.
S. 8287. James T. Mather.
S. 8301. Mary F. Nichols.
S. 8307. Martha J. Strayer.
S. 8309. George W. Brown.
S. 8325. Carrie A. Miller.
S. 8330. Leander Ledford.
S. 8338. Caleb E. Stewart.
S. 8341. Robert C. Jones.
S. 8343. William Oliver.
S. 8351. Daniel Eaton.
S. 8361. Mary E. Bennett.
S. 8367. Alice I. Simpson.
S. 8385. Asil N. Blanchard.
S. 8388. Thomas L. Collins.
S. 8392. Louisa M. Buchanan.
S. 8397. Otis Crawford.
S. 8401. Sarah Ann Kelly.
S. 8406. Mary E. Dow.
S. 8415. Jacob H. Gabbard.
S. 8425. George McPherson.
S. 8436. Mary A. Limbach.
S. 8446. William C. Jones.
S. 8448. Joseph Cook.
S. 8450. Kate Hoyberger.
S. 8481. Louisa Squires.
S. 8493. Emsey O. Young.
S. 8495. Elisha L. Ashley.

Mr. BRADLEY, from the Committee on Pensions, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

H. R. 27874. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors (Rept. No. 1260);

H. R. 28379. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors (Rept. No. 1261); and

H. R. 28282. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 1262).

Mr. MARTIN of Virginia, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 8377. A bill to authorize the Northern Pacific Railway Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River in Minneapolis, Hennepin County, Minn. (Rept. No. 1264);

H. R. 28187. An act to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha River, and for other purposes (Rept. No. 1263);

H. R. 27837. An act to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River in the State of West Virginia (Rept. No. 1266); and

H. R. 25762. An act for the construction of a bridge across the Mississippi River at or near Baton Rouge, La. (Rept. No. 1265).

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (H. R. 2070) for the relief of the estate of Antonia Sousa, deceased, asked to be discharged from its further consideration and that it be referred to the Committee on Pensions, which was agreed to.

Mr. SMITH of Michigan, from the Committee on Foreign Relations, to which was referred the bill (S. 13) to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China, reported it with an amendment and submitted a report (No. 1267) thereon.

MISSISSIPPI RIVER BRIDGE, BELTRAMI COUNTY, MINN.

Mr. NELSON. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 8536) to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota, and I submit a report (No. 1256) thereon. I ask for the present consideration of the bill. It will take but a minute.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGES.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably without amendment the bill (S. 8538) to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River near Weldon Springs Landing, in the State of Missouri, and I submit a report (No. 1254) thereon. I invite the attention of the Senator from Missouri [Mr. STONE] to the bill.

Mr. STONE. I ask for the present consideration of the bill just reported by the Senator from Virginia.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MARTIN of Virginia. I report back from the Committee on Commerce favorably, without amendment, the bill (S. 8539) to authorize the St. Louis Belt, Eastern Illinois & Traction Co. to construct a bridge across the Missouri River near the mouth of the Missouri River, and I submit a report (No. 1255) thereon.

Mr. STONE. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN CITIZENS IN EL PASO, TEX., AND DOUGLAS, ARIZ.

Mr. O'GORMAN. On behalf of the Committee on Foreign Relations, I report back favorably, without amendment, the bill (S. 8195) granting relief to certain American citizens in El Paso, Tex., and Douglas, Ariz. I ask the attention of the junior Senator from Arizona [Mr. SMITH] to this report.

Mr. SMITH of Arizona. I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. I shall not object to the consideration of this bill, but I wish to say that I shall object to the consideration of further bills this morning.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It appropriates $71,000, to be paid to the following-named persons in the amount specified to each, for injuries sustained by shots fired across the American boundary line by soldiers and revolutionists on the Mexican side of the line in the year 1911, to wit: Adolfo Varela, of El Paso, Tex., $3,000; Virginia Moorhead, of El Paso, Tex., $3,000; Abundio Soto, of El Paso, Tex., $4,000; Edwin G. Heaton, of El Paso, Tex., $2,000; Celia Griffiths, of El Paso, Tex., $15,000; A. R. Chandler, of El Paso, Tex., $12,000; Emma Larson, of Douglas, Ariz., $1,000; Elmer E. Crowe, of Douglas, Ariz., $5,000; Francis F. Williams, of Douglas, Ariz., $5,000; John W. Keate, of Douglas, Ariz., $4,000; Joseph W. Harrington, of Douglas, Ariz., $15,000; William R. White, of Douglas, Ariz., $2,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OLIVER:

A bill (S. 8542) granting an increase of pension to Alexander Patterson (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER (for Mr. TOWNSEND):

A bill (S. 8543) to provide for the erection of a public building in the city of Boyne City, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. JONES:

A bill (S. 8544) granting an increase of pension to Lucy M. Martin; to the Committee on Pensions.

By Mr. McLEAN:
A bill (S. 8545) granting an increase of pension to Albert L. Church (with accompanying papers);
A bill (S. 8546) granting an increase of pension to Bridget D. Farrell (with accompanying papers);
A bill (S. 8547) granting an increase of pension to Elizabeth J. Braman (with accompanying papers); and
A bill (S. 8548) granting an increase of pension to Carrie E. Hartwell (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN:
A bill (S. 8549) authorizing the President of the United States to appoint certain persons in the Regular Army and place them upon the retired list; to the Committee on Military Affairs.

(By request): A bill (S. 8550) providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent; to the Committee on Public Lands.

By Mr. SMOOT:
A bill (S. 8551) granting a pension to E. H. Maxfield, alias Hiram Maxfield (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD (by request):
A bill (S. 8552) to provide for making loans to individual Indians belonging to the Cheyenne River Indian Reservation in South Dakota from tribal Indian funds and upon approved securities under rules and regulations of the Department of the Interior; to the Committee on Indian Affairs.

By Mr. DU PONT:
A bill (S. 8553) granting a pension to Lurana M. Lowe (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of South Carolina:
A bill (S. 8554) for the purchase of a site and the erection thereon of a post-office building at Clinton, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. BRYAN:
A bill (S. 8555) to amend section 8 of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes"; to the Committee on Post Offices and Post Roads.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate $100,000 for the purchase of a site and the erection thereon of a post-office building and other offices of the Government at Phoenixville, Pa., etc., intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $75,000 for a United States post office at Valley City, N. Dak., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $75,000 for a United States post office at Jamestown, N. Dak., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. ROOT submitted an amendment proposing to appropriate $75,000 for the purchase of a site and the erection thereon of a United States post office and other Government offices at Walden, N. Y., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. NELSON submitted an amendment authorizing the Supreme Court of the District of Columbia, upon petition and motion duly made by the Secretary of the Interior, or by the contractor, after having first given notice of such motion to the parties in interest, to inquire into, hear, and forthwith determine the fulfillment of the contract of December 17, 1903, etc., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CATRON submitted an amendment proposing to appropriate $10,000 for an investigation of the range caterpillar, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. THOMAS submitted an amendment authorizing the Secretary of the Interior to enroll Tilla A. Provost and her son Harold Provost upon the rolls of the Nebraska Winnebago Indians, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and to be printed.

Mr. MYERS submitted an amendment proposing to increase the appropriation for administration and improvement of Glacier National Park, Mont., from $75,000 to $188,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BROWN (for Mr. HITCHCOCK) submitted an amendment proposing to appropriate $75,000 for a United States post office at Falls City, Nebr., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. LODGE submitted an amendment relative to the survey of Malden River, Mass., etc., intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

He also submitted an amendment providing for a preliminary survey of Lynn Harbor and the Saugus River, Mass., etc., intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. JONES submitted an amendment proposing to appropriate $20,000 for the purchase of a site for a public building at Pasco, Wash., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $150,000 for a public building at Vancouver, Wash., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment increasing the limit of cost of the public building at Everett, Wash., from $120,000 to $350,000, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $150,000 for a public building at Wenatchee, Wash., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. OLIVER submitted an amendment proposing to appropriate $1,500,000 for a United States post-office building at Pittsburgh, Pa., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate $75,000 for a United States post-office building at Albany, Oreg., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CRANE submitted an amendment providing that section 1243 of the Revised Statutes of the United States be made applicable to the commissioned officers of the Revenue-Cutter Service, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NEWLANDS submitted an amendment proposing to appropriate $60,000 for the purchase of a site and the erection of a Federal building at Fallon, Nev., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $65,000 for the purchase of a site and the erection of a Federal building at Winnemucca, Nev., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $50,000 for the extension, alteration, and improvement of the public building at Concord, N. H., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate $300,000 to commence the construction of a modern fireproof hospital building for the treatment of diseases peculiar to women and a lying-in asylum, to replace the present building of the Columbia Hospital for Women and Lying-in Asylum, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

THE ROCKEFELLER FOUNDATION.

Mr. CULBERSON. From the Committee on the Judiciary I submit the views of a minority on the bill (H. R. 21532) to in-

rorporate the Rockefeller Foundation, which I ask may be printed.

The PRESIDENT pro tempore. The report (No. 1258, part 2) will be received and printed.

WITHDRAWAL OF PAPERS—RICHARD L. MILLER.

On motion of Mr. MARTIN of Virginia, it was

Ordered, That the papers accompanying the bill (S. 2043) granting a pension to Richard L. Miller, Sixty-second Congress, first session, may be withdrawn from the files of the Senate, no adverse report having been made thereon.

INDIAN APPROPRIATION BILL.

Mr. GAMBLE. Mr. President, I give notice that following the disposition of House bill 28180, known as the river and harbor bill, I will ask the Senate to consider House bill 26874, the Indian appropriation bill.

POST OFFICE AT BRISTOL, VA.

Mr. LEA submitted the following resolution (S. Res. 466), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Postmaster General be directed to transmit at once to the Senate all petitions, both for and against the establishment of a post office at Bristol, Va., and also reports of post-office inspectors detailed to make an investigation thereof.

INCITEMENT OF INSURRECTION IN MEXICO.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 467), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas the Committee on Foreign Relations was authorized and directed by resolution agreed to by the Senate on July 26, 1912, to inquire, investigate, and report whether any associations, corporations, or other interests in the United States are encouraging rebellions in Cuba or Mexico; and

Whereas said committee was directed to report the result of its investigation and inquiry to the Senate during the first month of the third session of the Sixty-second Congress; and

Whereas it has been impossible to complete the inquiry and investigation in the time specified: Therefore be it

Resolved, That the Committee on Foreign Relations be, and is hereby, authorized and directed to continue such investigation and submit its report to the Senate not later than at the beginning of the next regular session of Congress.

WATER SUPPLY OF COLORADO SPRINGS.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

In lieu of the matter proposed in amendments numbered 1 and 2, on line 19, page 6, after the word "Agriculture" strike out all down to and including the word "Manitou," in line 20, page 6, and insert in lieu thereof the following: "at the expense of and in cooperation with the city of Colorado Springs and the town of Manitou, said expense to be borne and paid by said city of Colorado Springs and town of Manitou in proportion to the number of acres reserved for the respective use of each of said municipalities."

In lieu of the matter proposed in amendments numbered 3, 4, 5, and 6, strike out all of section 5 of the act and insert in lieu thereof the following:

"SEC. 5. That this act shall be subject to the legal rights of any municipality, person, or persons in or to the above-described premises, or any part thereof, or the water thereof."

REED SMOOT,
S. GUGGENHEIM,
FRANCIS G. NEWLANDS,
Managers on the part of the Senate.

JAMES M. GRAHAM,
EDWARD T. TAYLOR,
ANDREW J. VOLSTEAD,
Managers on the part of the House.

The report was agreed to.

HOUSE BILL REFERRED.

H. R. 28730. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, was read twice by its title and referred to the Committee on Pensions.

CHARLES DUDLEY DALY.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 7747) for the relief of Charles Dudley Daly.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of the bill named by him; which will be read for the information of the Senate.

The Secretary read the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint Charles Dudley Daly to the grade of first lieutenant of Field Artillery, United States Army, to take rank on the list of first lieutenants of Field Artillery next after the name of Charles P. Hollingsworth, and that no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of officers now authorized by law by reason of the passage of this act.

Mr. BRISTOW. I want time to consider that bill, Mr. President, and I object to its present consideration.

The PRESIDENT pro tempore. Objection is made.

Mr. LODGE. All right, if objection is made.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CURTIS. I move that the Senate proceed to the consideration of the District appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes.

The PRESIDENT pro tempore. The pending question is upon the amendment offered by the Senator from Ohio [Mr. POMERENE].

Mr. CURTIS. Mr. President, I ask unanimous consent to go back to page 57 and to take up in their order the amendments which were passed over. I think that would be the better course.

The PRESIDENT pro tempore. Is there objection to the suggestion of the Senator from Kansas? The Chair hears none.

Mr. POMERENE. Mr. President, I take it that that is without prejudice to the amendment which I have offered?

Mr. CURTIS. Certainly.

The PRESIDENT pro tempore. The first committee amendment passed over will be stated.

The first committee amendment passed over was, on page 57, after line 13, to insert:

Toward the construction of a new Central High School on the site purchased for that purpose and toward the grading and other work necessary to prepare the site, the grading of an athletic field, the construction of retaining walls, and the construction of an athletic stadium, and the total cost of said work shall not exceed $1,200,000 under contracts which are hereby authorized therefor, $300,000.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. NEWLANDS. Mr. President, the Senator from Georgia [Mr. SMITH] took special interest in that amendment, and I do not see him here.

Mr. CURTIS. Mr. President, in view of the objection that was made and the fact that the item was passed over at the suggestion of the Senator from Georgia [Mr. SMITH], who is occupied at the rear of the Chamber, I suggest that we wait until he is ready to have it taken up.

The PRESIDENT pro tempore. The amendment is before the Senate.

Mr. SMITH of Georgia. Mr. President, I hope the Senate will not adopt that amendment. I really think it is subject to a point of order. In connection with expressing my objection to the amendment, I wish to call attention also to the point of order.

This high school is to be built at a cost of a million and a half of dollars; it is to be built large enough to accommodate 2,500 pupils. I think a high school of such size unwise, both from an educational and an economical point of view. I think it is unwise from an educational standpoint, because in a location like the city of Washington, where there is so much space which is not dear all around the city, it would be far better to gather the children into smaller schools outside the city or near the suburbs than to undertake to concentrate so many of them in a central school in the center of the city.

One of the evils to be resisted in all public-school systems is the elimination of the individuality of the child. It is difficult, where you gather so many together under a single roof, to preserve the personality of the individual child in the training given to the individual child, and as you increase the number under the single roof you increase the difficulty. I believe it is far better for the boys and girls in the city to have a number of schools, none of them with more than 300 or 400—with 400 as the limit—scattered around the city, than to undertake to bring 2,500 into the city, putting them all in a single school. I am therefore opposed to it from an educational standpoint.

Mr. President, we already have three high schools in this District—the Central High School, accommodating about a

thousand pupils; the Eastern and the Western High Schools, carrying the number of high-school children up to about 1,900. The Central High School is not now crowded; it has room for more children. The Eastern and Western High Schools are crowded; the smaller schools are crowded. The Central School has unoccupied space. Now, we propose, with three schools that take care practically of the present boys and girls of the city, to begin building a new high school to accommodate 2,500—600 more than the entire present high-school population of the whites of the city.

It is unwise from an economical standpoint, because the bill proposes to spend a million and a half dollars and to finish the school by the end of three years. If we would take the $300,000 appropriated at present by this bill and add one high school to accommodate about 400 children we would accommodate all that the present demands of the city require for additional space for two or three years more. We could build it at once; we would not have to wait three years to finish it; we could build it next year, or even this year; we would certainly be ready for it by the fall of next year.

Mark you, this new school will not relieve the present pressure. It will not be finished for three years. If we build one to accommodate 400 children and finish it next year, we would then next year begin to relieve the pressure; we would accommodate all the wants of the city and have space for at least 200 children more than the pressure which is now upon the city.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. SMITH of Georgia. I do.

Mr. WILLIAMS. I want to ask the Senator from Georgia if he proposes to offer an amendment to the committee amendment substituting for that provision one or two high schools? It seems to me if the Senator from Georgia were to offer an amendment substituting for the proposition two high schools at such places as the Commissioners of the District or the board of education might designate, at $750,000 each, he would be occupying stronger ground than by merely opposing the amendment of the committee without offering anything in lieu of it.

Mr. SMITH of Georgia. I have an amendment which I shall present a little later on. We do not need two high schools at a cost of $750,000 each. Our existing three high schools accommodate the 1,900 high-school children of the city. The Central High School is not full, and the two others are a little overcrowded. One additional high school, to accommodate 400 children, would amply care for the wants of the city now and for several years to come. At the end of two or three years we should build another of about the same character. A school that will accommodate 400 can easily be built and the ground bought for $300,000.

I desire to repeat that we have now 1,900 pupils in the high schools; that the Central High School is not crowded; and that the two other schools are just accommodating all the children, but are a little crowded. I have here the report of the managers of those high schools, stating that they are still doing splendid work, although they want some additional school room, and that their only desire is to have them built right in connection with their present schools. My own view would be that we ought to build one more high school.

In addition to the three high schools, we have the manual-training school. We have recently enlarged its space, and the manager of that school says he is doing admirably. Work is now going on to increase the capacity and space of the manual-training school, and, with the completion of this additional work, his report shows that he will have ample facilities.

Mr. President, there is no provision of law for the erection of this high school. On the precedents that I find I believe a point of order could be made upon the amendment; but I am anxious to see the school facilities of Washington thoroughly cared for, and so I do not desire to press my objection in the shape of a point of order. I offer, however, the following substitute for the committee provision:

For the construction of a new high school, the site and plans for the same to be determined by the chairmen of the District Committees of the House and Senate, together with the Commissioners of the District, the total cost, including the site, not to exceed the amount of this appropriation, $300,000.

Mr. SMOOT. Mr. President, I should like to ask the Senator if a site has not already been purchased for the proposed new high school?

Mr. SMITH of Georgia. That would be a delightful place to put it on.

Mr. SMOOT. Perhaps I misunderstood the amendment suggested by the Senator, and I will ask him to read it again.

Mr. SMITH of Georgia. The amendment, as I have drawn it, authorizes the commissioners and the chairmen of the House and Senate District Committees to purchase a new site, if they so prefer, but it does not require them to do so. What I had in view was to leave it to their discretion, either to use the present site or to locate the new school elsewhere, if they thought best; in which event, if Congress saw fit, the present site could be disposed of.

Mr. SMOOT. I was wondering what the idea of the Senator was in relation to the site that we have already purchased. The Senator no doubt knows that we have purchased a site opposite the Garfield Hospital for the high school.

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. Costing something less than $300,000.

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. Does the Senator now by his amendment propose to give the District of Columbia Committees of the two Houses authority not to use the site purchased, but to purchase another one?

Mr. SMITH of Georgia. Yes. I think an entirely satisfactory site can be purchased for $30,000, but, of course, it would be farther out. I believe it is better to put a school of this kind farther out. I believe a location as far out as, or a little farther than, the National Cemetery, would be better for a boys' high school than inside the city. If the Senate prefers to have it placed on the lot which has already been purchased, I have no objection to that, and I will be entirely willing to modify my amendment to that effect.

The real point that I sought to press was my opposition to putting up a school for twenty-five hundred students, for two reasons: First, because such a school is objectionable from an educational standpoint; and, second, because it is objectionable from an economic standpoint. A school for 400 can be finished, and will care for the wants of the District for several years to come, and then, a few years later, that could be supplemented with another school to accommodate 400, and another accommodating 400 a few years after that, rather than to adopt the policy of housing 2,500 pupils in one school; and when that is full, what then? A general system of enlargement in reasonable size nearer the people will be better for the children and for the city.

Mr. CLARK of Wyoming, Mr. SMITH of Maryland, and Mr. NEWLANDS addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Georgia yield?

Mr. SMITH of Georgia. The Senator from Wyoming first rose; and I yield to him.

Mr. CLARK of Wyoming. I should like to ask the Senator, if he has the information, how many pupils per annum pass out from the lower grades into the high-school grades?

Mr. SMITH of Georgia. I have not that exact information. Of course, we understand that as they reach the higher grades of the grammar schools they fall off largely.

Mr. CLARK of Wyoming. Yes; but I was asking, with a view to settling it in my own mind, whether the addition of space for 400 pupils annually would accommodate all those who desire to enter the high schools?

Mr. SMITH of Georgia. I feel perfectly sure that that is true. Up to this time, in the entire history of the city, there have been only 1,900 pupils in the high schools in any one year.

Mr. CLARK of Wyoming. Can the Senator inform us as to the number of years in the high-school course?

Mr. SMITH of Georgia. I think it is a course of four years.

Mr. SMITH of Maryland. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. SMITH of Georgia. Certainly.

Mr. SMITH of Maryland. I wish to ask the Senator from Georgia whether he does not think the site we now own, which has been purchased for this school, would be too expensive a site for the school he proposes?

Mr. SMITH of Georgia. That was the view I had.

Mr. SMITH of Maryland. Would not the plan suggested by the Senator altogether do away with the site that has been purchased by the city? What would the Senator do with that site?

Mr. SMITH of Georgia. Was it purchased by the city?

Mr. SMITH of Maryland. By the Government, I mean.

Mr. SMITH of Georgia. I think that site could be sold and several sites of proper size could be bought on which schools could be erected that would accommodate 400 pupils each. I am sure if the Senator from Wyoming will turn to the report of the school board he will see that the increase in the high schools is at the rate of about 100 a year.

Mr. CURTIS. Mr. President, will the Senator permit me to interrupt him?

Mr. SMITH of Georgia. Certainly; I wish the Senator would do so.

Mr. CURTIS. I have a statement from the superintendent showing that there are about 500 new pupils a year for the different high schools.

Mr. SMITH of Georgia. That is not the increase, I am sure.

Mr. CURTIS. At the present rate of growth there will be 1,600 in three years prepared for the new high school. That would be an average of a little over 500 a year. The Senator must bear in mind that in addition to the high school he has referred to—although I did not intend to interrupt him——

Mr. SMITH of Georgia. I am glad to be interrupted.

Mr. CURTIS. I had intended to make this statement later. In addition to the school referred to by the Senator there are four other schools that are well crowded that would feed these two new schools. I shall call attention to those later on.

Mr. SMITH of Georgia. I should be glad to have the Senator give me the exact number of pupils who went into the high schools last year.

Mr. CURTIS. I can not do that at this time. I have sent for that information.

Mr. SMITH of Georgia. Mr. President, the number who go up from the grammar schools does not constitute the test of the increased pressure upon the high schools each year. There are a number who enter the high schools and drop out of them every year. The proper mode of determining the increased pressure each year is to go back to last year and see how many were in the high schools then and how many the year before and how many the year before that. You can not add to your high-school estimate the number who could go up from the grammar schools each year.

Mr. CLARK of Wyoming. Mr. President, that is the exact knowledge I was seeking. Knowing that the Senator from Georgia had made a study of this matter, I supposed he could give it to the Senate without delay.

Mr. SMITH of Georgia. I have not the exact figures in my mind; but the increase during the past five years, as I recall it, is about 600 in these three high schools. I may be inaccurate, but my recollection is, not having directed it particularly to the subject, that the increase was about 600 in the past four or five years. If the claim that the high schools increase over 500 each year were true, the entire number now in the high schools would be accounted for in three years. I looked into the matter sufficiently to satisfy myself that an increased facility now of 400 would take care of the high-school children for three or four years, while the large high school that is proposed will do nothing to relieve the situation for three years.

The objection to the committee's plan is that it furnishes accommodations so far off, and then of such very large size, when the more economical plan is to build more frequently and to build smaller high schools. In 12 months you can build a suitable high school for 400 children, and every few years build again to meet promptly a growing demand and yet do so with a much smaller expense. You will have the further advantage, which, to my mind, is, or should be, conclusive, that you will not be undertaking to pack 2,500 boys and girls of high-school age in a single place, when in this city there is so much space all around near at hand, and it is so much better, instead of concentrating them in the center of the city, to move them out away from the center, where more space and fresher air and less central city surroundings bear upon them, and where the opportunity for individuality is just as much more as 400 is less than 2,500.

Mr. CURTIS. Mr. President, in the appropriation bill approved March 2, 1911, I find the following provision:

For purchase of site for a new central high school, approximately 400,000 square feet, to be located north of Q Street, north and west of Tenth Street west, $250,000.

In the appropriation act of 1912 I find the following, and this is what controlled the committee, in addition to the study that has been given this question by the members of the committee:

The Commissioners of the District of Columbia are hereby authorized to use so much as may be necessary of any unexpended balances remaining in the appropriations for the purchase of a site for a new Central High School, and for the purchase of a site for a new M Street High School, contained in the District appropriation act for the fiscal year 1912, * * * for the employment of architectural services in the preparation of plans and specifications for said high schools, and for such other personal services and expenses in connection therewith as may be necessary: *Provided*, That the plans for the new Central High School shall provide accommodations for not less than 2,500 pupils.

The number was fixed after a very thorough examination. There were hearings lasting for several days, and those who favored the small schools were heard. Many recommended what has been advocated here to-day by the distinguished Senator from Georgia [Mr. SMITH]—the 400 plan. But after a careful consideration, and hearing the leading educators, and giving the case most careful consideration, the committee of 1912 agreed upon the 2,500 plan, and so put it in the act of 1912; and that is the law to-day.

Mr. SMITH of Georgia. Will the Senator allow me to interrupt him?

Mr. CURTIS. Certainly.

Mr. SMITH of Georgia. The Senator does not mean that there is any general statute fixing that as the rule, does he?

Mr. CURTIS. Oh, no. I say that the law of 1912 authorized the plan of a school for 2,500 pupils, as I have stated.

Mr. SMITH of Georgia. Is not this all it does? Does it not simply authorize the preparation of plans for such a school——

Mr. CURTIS. That is true.

Mr. SMITH of Georgia. One moment. But does that become any more the law binding on us than if a private citizen allowed an architect to get up plans for him for a house of a certain kind, and afterwards determined not to build that kind of a house? Does the act of 1912 settle the size of the school or constitute the rule of law as to the school any more than the mere fact that a private citizen allows an architect to get up a plan for a house for him makes it necessary for him to build such a house?

Mr. CURTIS. Mr. President, that act is binding only to this extent: There is written into the appropriation act the expression of the opinion of the Congress which adopted the report of a committee, made after careful consideration, that the large-school plan is better than the small-school plan. Of course, the Congress has the right to reduce the size of the school if it sees fit. I have simply called attention to the act to show that, after careful consideration, the number was fixed at 2,500.

I find, upon looking over the statistics of larger cities, that there are in the United States over 18 high schools that provide for the accommodation of from 1,600 to 3,200 young men and young women in each. In this city we have in the Central High School 1,130 pupils, and it has a seating capacity of only 1,274; so it will be seen that there is not room for many more pupils there. In the Eastern High School we have 417 pupils, and there is a seating capacity of 464. In the Western High School we have 648 pupils, with a seating capacity of 698. In the Business School, which is sometimes called the Business High School, and is commonly known as the Business High School, we have 1,147 pupils, with a seating capacity of 1,183. In the McKinley School, a technical school which is sometimes designated as a combination school, we have 947 pupils, with a seating capacity of 1,112.

In the colored schools we have the following: The M Street High School has a seating capacity of 786, with an attendance of 788, so that school is now overcrowded. In the Phelps Building, the business division for colored children, we have 219 students, with seats for 224. In the Armstrong Technical School there are 515 pupils, with seating capacity for 532.

It has been estimated that this new building could be completed in three years. Of course the other school, in the item following, for the colored children can be completed in a shorter time. I am advised by the officers of the school board that with the natural growth there will be in three years 1,600 more pupils ready to enter these schools.

There is no question but that new schools will be needed, and of course it is a question of policy as to whether in the item providing for the high schools the Senate will follow the recommendation of the committee and provide for 2,500 pupils, or whether it will change the whole plan and waste the money that has been used in the purchase of an excellent site.

Mr. SMITH of Georgia. Mr. President, will the Senator permit me to ask him a question?

Mr. CURTIS. Certainly.

Mr. SMITH of Georgia. Did we pay more than that site was worth?

Mr. CURTIS. Not at all.

Mr. SMITH of Georgia. Then, can it not be sold for what was paid for it?

Mr. CURTIS. Oh, probably it can be sold: yes.

Mr. SMITH of Georgia. Then the money would not be wasted.

Mr. CURTIS. The Senator knows it is pretty hard to get authority to sell Government property—property lying vacant, as there is lot after lot in the city of Washington owned by the Government vacant to-day, and buildings owned by the Govern-

ment unoccupied by Government offices. The Government is not expeditious in selling the property it accumulates. Here we have presented this question: One of the best architects in the preparation of plans and specifications for school buildings has been employed; plans and specifications have been prepared by him, and, I understand, have been adopted.

I hope the Senate will adopt the recommendation of the Senate committee, and will vote down the amendment offered by the Senator from Georgia.

Mr. NEWLANDS. Mr. President, I am quite in sympathy with the Senator from Georgia [Mr. SMITH] in his view regarding large schools. I do not believe any single school should involve so large a membership as 2,500. I believe the limit should be 500, and I believe in every case there should be ample accommodations in the way of playgrounds. But the difficulty in this case is that we have already entered upon a scheme for the construction of a high-school intended to accommodate 2,500 pupils; we have already gone to an expense, I believe, of $300,000 in securing an appropriate site for that school; and we have further secured plans, based upon the authorization of Congress, for a school involving a membership of 2,500.

I saw some time ago the plan of that school, and I must say it is one of the most attractive plans I ever saw. It will be an ornament to the city of Washington, and I have no doubt it will meet every requirement of scientific modern education.

That plan, as I recall, contemplated a central building with two wings. I assume that each one of these three structures, if we may so term them, will accommodate about one-third of the total number of 2,500. Inasmuch as we have thus far been committed to this plan, and have secured the site, I should doubt the wisdom of abandoning it altogether and substituting a smaller school of only three or four hundred pupils, and purchasing a site for that school.

It seems to me it would be profitable, if it could be done, to provide in this bill not for the foundation, as the bill provides, of the entire structure for 2,500 pupils, but to provide for the completion of the central portion of the structure already designed. The legislation sought for in the bill evidently has in contemplation horizontal sections extending over the entire ground space to be covered by the school when finally completed. The bill carries an appropriation of only $300,000 out of a total contemplated appropriation of $1,200,000 for the entire building. If we could construct the building in vertical sections instead of horizontal sections we could finish the central portion of the building within a year or two and have its use. We could build right up to the roof the entire central structure and have it for use within a year or a year and a half, leaving the two wings to be built hereafter; whereas if we make a horizontal section it means that we will expend this entire appropriation of $300,000 practically in the foundations of the building without having any portion of it available within a year or so for immediate use.

I ask the Senator in charge of the bill whether it would not be possible to provide a change in the mode of construction in such a way as to devote $300,000, or perhaps even an enlarged sum—$400,000—to the construction of the middle section of the building, leaving the wings to be constructed hereafter.

Mr. CURTIS. Offhand I would dislike to answer that question, but I will state that that matter could be looked into, the officers could be called before the conference, and we might remodel the amendment not to exceed the appropriation of $300,000. We would have no right in the conference to go beyond that amount, but we could provide that a part of the structure should be built first and then go on with the balance. That could be done, if it is found to be advisable, but I can not say whether it is advisable because I do not know.

Mr. NEWLANDS. I can understand, of course, that the Senator would not be able to commit himself upon that subject without expert advice, but I suggest that without exceeding the limit of $300,000 it would meet the necessities of the case. Assuming that the cost of each one of the structures would be about equal, and the middle section would cost about $300,000, we could appropriate that amount, and I imagine that it would be completed within a year.

I wish to say further, Mr. President, on this subject that I have observed for some time the contentions that have been going on regarding the public-school system of the District of Columbia. I believe in the suggestion which has been made by the Commissioners of the District that we should substitute for an inexpert board of education, selected from among citizens of the District, and most reputable citizens I am sure they are, an expert in education as the director of education in the District, to be selected as the other employees of the District are, by the District Commissioners, and to possess certain qualifications, and that we should give to the director the aid of an expert board composed of the best educators in the country and experts in education, for we know that education is now becoming a science in all the things that relate to the structure of buildings, the opportunities for ventilation, and so forth, and those subjects are securing the undivided attention of experts just as much as the engineering profession or the architects' profession, or any other profession.

It seems to me that we ought to establish a model system in this particular in the District of Columbia. I would feel very much surer in following the advice of a trained and expert director of education with the advice of such a board rather than the advice of a school board selected at random amongst the citizens of a great city, however excellent the membership of that board might be in the character of its citizenship.

I trust that at some time the District Committee or the Committee on Appropriations will insert in the proper bill legislation upon this line. I think with reference to this matter, if we can, we ought to take decisive action in favor of the suggestion of the Senator from Georgia, and we should at present limit the membership of this school to at least one-third of the number contemplated and provide accommodations for them. I do not object to having a $300,000 base for a $1,200,000 structure provided the grounds are adequate for the recreation of the school children.

Mr. SMITH of Georgia. Will the Senator allow me to interrupt him there?

Mr. NEWLANDS. Certainly.

Mr. SMITH of Georgia. Listening to the Senator's suggestion, I have drawn this little resolution, which perhaps would meet the situation:

Resolved, That a commission composed of two Senators and two Representatives be appointed by the Committees on the District of Columbia to report at as early a date as practicable upon the problem of increased high-school facilities for the District. Said commission shall have authority to take advice from experts on the subject; and an appropriation of $5,000 is hereby made, to be immediately available, for the expenses of the commission.

Mr. NEWLANDS. I would not wish to delay the immediate commencement of the building that is required to meet the increasing demands of the District for high-school instruction. The amendment which the Senator suggests would create that delay. It seems to me we should take some action now that will probably enable the committee to take the whole matter up in such a way as to meet the present demands and at the same time meet what I regard as a very wise suggestion of the Senator from Georgia.

Mr. SMOOT. Mr. President, I have given considerable attention to the evidence that was taken before the subcommittee of the House Committee on Appropriations. I wish to say to the Senator from Georgia that, judging from the evidence, the whole trend of education is toward larger numbers in the high schools. I notice in the testimony that was given that Mr. Ittner, the recognized leader as an architect of school buildings in America, testified that the trend is toward larger high-school buildings, not only as a matter of economy but for efficiency as well. He calls attention to the fact that all the plans he has drawn for high schools of late—and mentions the ones in St. Louis, Minneapolis, and Cleveland, Ohio, and a number of them in the State of New York—are larger in size in order to accommodate a larger number of children in the high schools.

I notice a description of the building in the testimony, and it is as follows:

> The building is built in the shape of a large square with two central courts. These courts are 40 by 80 feet and serve to light the interior of the building. The auditorium lies between the courts and the class rooms, and laboratories are placed around the perimeter of the building, where the natural light will never be impaired. There are eight stairways arranged in double flights at the intersection of the main and secondary corridors. Thus each stairway falls into service for a definite group of rooms, providing for rapid circulation, which is an important thing in a large high school when the classes are changing from room to room every 45 or 50 minutes. The auditorium has a capacity of 2,000, and it is planned so that it can be brought into use for large choruses, symphony productions, class drills, and graduating exercises—in fact, to give the maximum of service for high-school uses as well as arranged for evening lectures and concerts, should the board elect to put it to such uses. The entrances are arranged for ease of exit and circulation, and the shops, you will notice, are arranged in wings along the rear of the building, so that they may be built or not, just as you see fit.

Then further the testimony shows that the plans are such that any part of the building can be built at a time and added to afterwards.

In all the cities of the country the larger high schools are the rule to-day, and that is the trend of our educational system from one end of the United States to the other, and not the small schools. In the large schools the student does not lose his individuality. I think if there were going to be any change

made in our high-school system in the District of Columbia, the young ladies and the young men should be taught separately, in separate buildings. I think if we were going to make any change at all in this bill it should be along this line.

Mr. SMITH of Georgia. I agree with the Senator fully on that point.

Mr. SMOOT. But, Mr. President, as provided for in this bill, the building is to be one of the most beautiful structures, the best-arranged schoolhouse that is to be found in any part of the United States. It will be a credit to the District of Columbia, and not only that, but I believe it will be for the best interests of every student who attends, because I think the efficiency in such a school will be greater than if it were divided up into smaller schools.

I sincerely trust that the Senate will support the Committee on Appropriations of the Senate in placing this provision in the bill.

Mr. WEBB. Mr. President, it is not what a teacher teaches but what he inspires his pupils to learn that makes an efficient teacher. Personal contact and personal intimacy are the indispensable elements of a great teacher. When great multitudes of children are massed under one superintendent personal contact, the chief element of success in a teacher's work, is eliminated. In a 10-month session, 5 days to the week, there are only 200 school days in a whole year. One-half hour a day with private interviews with pupils will give only one hour to each pupil for the year, two interviews each. A school should be a well-regulated family. This is impractical when great multitudes are mechanically, and not personally, disciplined. I can conceive of no greater question in this District than a proper provision for our greatest asset—our children. The greatest need of our people is a reform in the schools. No other profession but that of the teacher is under the exclusive control of those who have no experience in a school except as a pupil. The ripe experience of the profession for that reason is not available.

Life is but an opportunity; to the ignorant the avenues to its satisfactions are closed; to the scholar these avenues are open. The scholar is not the mechanically taught but the personally inspired.

The greatest value of my schooldays from the beginning to graduation was the inspiration that came from contact with great personalities that were made possible by small bodies of students. That inspiration often comes outside of the schools. Then we have great men without the aid of the schools. The inspiration is the essential and only essential. Great masses of students tend to become a machine with lesson hearers and no teachers. With my views, I think it unwise to concentrate more than 2,000 pupils under one management. I have no objection to the size of the appropriation, but its direction toward its ends. I will not take the time of the Senate to discuss accessibility and other points that might be urged against this proposed concentration.

Mr. CURTIS. There is certain information I should like to give before the vote is taken. We have enrolled in the high schools in the District now 4,214 white pupils and 1,415 colored.

Mr. SMITH of Georgia. Four thousand whites enrolled?

Mr. CURTIS. Yes; making a total of 5,629. More than 1,400 pupils enter the high schools each year. I will state to the Senator that is made on the basis, as I said in my remarks, that the Business, the McKinley, and the Armstrong are virtually treated as high schools.

Mr. SMITH of Georgia. Mr. President, I hold in my hand the report of the school board which shows the total whites in the Central School to be 1,168; in the Eastern 405; in the Western 614. Those are the high schools of the city.

Mr. CURTIS. And the colored schools.

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. Those are the white high schools of the city.

Mr. CURTIS. Then there are the Business School, which, as I said, is treated now as a high school, the McKinley Technical, which is so treated, and the M Street, the colored high school, and the Armstrong Technical School, which is now termed a high school.

Mr. SMITH of Georgia. I am not talking about what is treated; I am talking about what is true, what are the facts. The Business School is not a high school; it is a different character of school; it extends the age away beyond the high-school age and it is for largely a different class of instruction. So there are not seeking to get to the high schools 4,000 whites. Those now admitted are 1,168, 405, and 614, and that is all. It is less than 2,000.

I have here the report of the principals of the three schools. The principal of the Central School admits that the school is not full. The other two complain that they are crowded, but say they are doing splendid work. You can not read these three reports without reaching the conclusion that the two smaller schools are called on more to take care of children than the large Central School, nor can you read the report without reaching the conclusion that they are doing better work than the larger schools.

The Senator from Utah [Mr. SMOOT] says that the trend in the cities is toward very large schools. Little has been learned in the great cities about high-school work. They are handicapped in their work; they have never accomplished for the children who attend them when crowded what the smaller schools in the rural sections have done. One of the reasons that the life-blood which furnishes the flower of the manhood of this country must come very largely from the country is the unfortunate crowding of children together in the cities and in the educational institutions of the cities.

There has never been any proof brought from any of these crowded schools that they have done or can do the proficient work that is done in the smaller high schools. We have just heard on the floor of the Senate from the man who, I believe, has done the greatest work in high-school training that has ever been done in the South, at any rate. He is now a Member of this Senate. I would not exchange his judgment for the judgment of an architect, who desires to put up a magnificent building. It is true that the architect thinks that the building ought to be one costing a million and a half dollars; it is true that there is a line of thought in the cities that longs for magnificent structures to adorn them. I care more, when it comes to a school, for what is going to be done for the mind and character of the boy and girl who goes to it, than I do for the outside walls of the building. I do not care anything for the great structures. I want room and air and individual attention, so far as possible, that men and women, not elegant brick walls and magnificent structures, may be the result of the school system.

I repeat, Mr. President, there has been no proof that good work can come from crowding children together. I think that the necessity of crowding them together has been due to the lack of space in the big cities, but that does not exist here.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. I do not understand that the students are going to be crowded together. I understand that the building itself, and the grounds surrounding it, are such that the pupils will not be crowded as they are and have been crowded in the Central High School or in either one of the other high schools in the city. The plan is that the air, the light, and the general arrangement of the building shall be such that no class will be crowded and no student will be crowded either in the building or on the grounds. It is only a question of the number of teachers as to whether the student comes in direct touch with his teacher or not; and, of course, the required number will be provided for.

Mr. SMITH of Georgia. Mr. President, is this to be run as a separate system of schools all at one place? Are they to be divided into separate playgrounds? Are they to be separated all the way through in all their relations? If so, we had better have separate schools. If not, then they are to be crowded together. The report recommending a larger school admits that it will be just as expensive. In the examination an effort was made to show that there would be some economy about it, but it was conceded that there would be none. That is the testimony which I have read.

Mr. SMOOT. That is——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Yes.

The PRESIDENT pro tempore. The Chair must insist upon the observance of the rule by Senators desiring to interrupt the Senator who is speaking.

Mr. SMITH of Georgia. I yield to the Senator from Utah.

The PRESIDENT pro tempore. Senators will address the Chair and get permission to interrupt. The Senator from Utah.

Mr. SMOOT. I was simply going to say, Mr. President, that the estimate upon the building itself is only 20½ cents a cubic foot, which is lower than it has been in any building erected in the District of Columbia. There may be no economy, so far as the number of teachers is concerned, but in the building itself and in the grounds there is economy, as shown by the testimony.

Mr. SMITH of Georgia. What are we going to do with the existing buildings? We now have three buildings that accommodate all the children in the high schools. The Senator from Kansas [Mr. CURTIS] undertakes to treat the students in the business school as high-school children, while many of them are grown. Do you propose to close those schools up? Do you propose to abandon all this investment in the three high schools at the business school and the two manual-training schools?

Mr. President, I am going to offer this amendment:

That a commission composed of two Senators and two Representatives be appointed by the Committees on the District of Columbia to report at as early a date as practicable upon the problem of increased high-school facilities for the District, and said commission shall have authority to take advice from experts on the subject; and an appropriation of $5,000 is hereby made, to be immediately available, for the expense of the commission.

Mr. CURTIS. Mr. President, I want to make a point of order, if the Senator from Georgia is through.

Mr. SMITH of Georgia. I am not through. I offer this as a substitute for the amendment reported by the committee. It has been suggested that this will cause delay. It will not. The plan of the committee involves three years' delay; the plan of the committee involves no building until the end of three years. If the commission which I propose investigates the question and determines to go on upon the present lot, they may determine to go on upon plans suggested by the Senator from Nevada [Mr. NEWLANDS] and simply build a structure for immediate use, eliminating a large part of this expensive structure, and not embarking us in the erection of a building that is to cost a million and a half dollars. It may determine to take the 400-pupil high-school plan. The commission can have the matter under consideration and report at an early day. Instead of delaying the problem, we ought to have whatever we do ready during the next year.

Mr. CURTIS. I make the point of order against the amendment that it is general legislation on an appropriation bill and that it carries an appropriation that has not been estimated for.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Georgia will be stated from the desk.

The SECRETARY. On page 57, in lieu of the committee amendment, in lines 14 to 20, inclusive, it is proposed to insert the following——

Mr. SMITH of Georgia. I propose the amendment as a substitute for both the high-school amendments.

The SECRETARY. And also for the next amendment, on page 58, from line 1 to line 5, inclusive, to insert the following:

That a commission composed of two Senators and two Representatives be appointed by the Committees on the District of Columbia to report at as early a date as practicable upon the problem of increased high-school facilities for the District. And said commission shall have authority to take advice from experts on the subject, and an appropriation of $5,000 is hereby made, to be immediately available for the expense of the commission.

The PRESIDENT pro tempore. The point of order is sustained. The question is upon the amendment proposed by the committee.

Mr. SMITH of Georgia. Then, Mr. President, I make the point of order against the amendment of the committee.

The PRESIDENT pro tempore. The point of order is overruled.

Mr. SMITH of Georgia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Georgia suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Lippitt	Sheppard
Brady	Dillingham	Lodge	Shively
Bristow	du Pont	McLean	Simmons
Bryan	Fall	Myers	Smith, Ariz.
Burnham	Gallinger	Nelson	Smith, Ga.
Burton	Gamble	Newlands	Smith, Md.
Catron	Gardner	O'Gorman	Smith, Mich.
Chamberlain	Gronna	Overman	Smith, S. C.
Chilton	Jackson	Page	Smoot
Clapp	Johnston, Ala.	Penrose	Stephenson
Clark, Wyo.	Jones	Percy	Tillman
Clarke, Ark.	Kavanaugh	Perkins	Townsend
Crane	Kenyon	Pittman	Wetmore
Culberson	Kern	Pomerene	Williams
Cullom	Lea	Richardson	Works

The PRESIDENT pro tempore. Sixty Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the amendment of the committee.

Mr. BRISTOW. Mr. President, I desire to say, before the vote is taken, that I can not get the consent of my mind to vote for any high-school building than is proposed to house 2,500 pupils. I do not believe that is in harmony with the modern methods of education. The whole tendency of modern times, as I understand, is to have smaller buildings. The colleges are not constructing such large buildings as they formerly did, but are constructing smaller buildings on their grounds. Colleges in my own State, with which I am familiar, have abandoned the idea of constructing buildings as large as they can make them; and I do not believe that any school building ought to hold more than 500 pupils. I believe that according to the reports that have been made in regard to the Washington high schools, the Eastern High School and the Western High School are doing better work than the Central High School, because there is not so much congestion.

Then, I want to make another inquiry. As I understand, this building is to be located near Tenth and Q Streets NW.?

Mr. CURTIS. Near Garfield Hospital.

Mr. BRISTOW. Yes; that is in the vicinity of the Central High School.

Mr. CURTIS. It is not very near the present Central High School.

Mr. BRISTOW. Well, the present Central High School is at Seventh and O Streets, and the proposed new building is not very far from that. To build a school that will house 2,500 students, it seems to me, is not the proper thing to do.

So far as the grounds are concerned, if they have a large lot there I would very much prefer to put a school building there that will house not to exceed a thousand; and if they have additional ground about it, all the better. We can not in Washington, especially in the congested parts of the city, have too many recreation grounds for the school children. I wish that the plans could be changed and a building erected there that would house a reasonable number of students, then erect another one at some other place, and not have the students coming for miles to a school where there will be great congestion and which is situated in a locality where the population is naturally congested.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. NEWLANDS. I wish to offer a substitute for the amendment of the committee.

The PRESIDENT pro tempore. The amendment in the nature of a substitute proposed by the Senator from Nevada will be stated.

The SECRETARY. In lieu of the committee amendment, on page 57, lines 14 to 20, it is proposed to insert the following:

Toward the construction of the central structure of a new Central High School on the site purchased for that purpose, to cost not exceeding $1,200,000, under contracts which are hereby authorized therefor, $300,000.

Mr. NEWLANDS. Mr. President, I wish to explain that that amendment is in harmony with what I have already said upon this subject. It would provide for the entire expenditure of the present appropriation of $300,000 upon a central structure, under plans which provide for a structure costing in all $1,200,000, leaving the appropriation for the wings hereafter to the wisdom of Congress after deliberation upon the subject. It would, at all events, secure to us high-school accommodations for about 800 pupils, one-third of the total number covered by the entire structure. It would practically complete within the year the entire main structure which can be used for students, whereas the plan of horizontal construction, covering the entire foundation provided for by the committee amendment, means that the children will not be able to occupy any portion of this school building for at least three or four years if we appropriate at the rate of only $300,000 annually, as the building is to cost $1,200,000.

It seems to me that the amendment meets the convenience of the city in preparing accommodations for about 800 students within a year, and that it will enable us to consider in the future the question whether we will build in such large units or whether we will make the unit a smaller one than is provided for in the committee amendment, and limit it to five or six or seven hundred pupils.

Mr. SMOOT. Mr. President, there is one thing to which I should like to call the attention of the Senator, and that is this: If we confine ourselves to building the central part of the school, we shall have the great auditorium and the administrative offices and shall incur the expense of constructing that part of the building which could not be used at once for the accommodation of students. Therefore I think if the amendment offered by the Senator were adopted, it would not reach what he hopes to have it do.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Nevada?

Mr. SMOOT. I yield.

Mr. NEWLANDS. I will ask the Senator whether this auditorium is in the main central structure?

Mr. SMOOT. I so understand.

Mr. NEWLANDS. Then would it not meet the view of the Senator if we should provide that this appropriation should be limited to the construction of the main central structure or one of the wings, according to the wisdom of the board of commissioners?

Mr. SMOOT. I think the wording of the amendment that has been suggested by the commissioners will cover every possible point, and I believe the wording is very much better than any we could offer.

Mr. NEWLANDS. But the Senator will recognize the fact that the entire $300,000 would do no more than prepare the foundations, and at the end of the year we would have no accommodations for the students; whereas my plan of immediately constructing the main structure, or one of the wings, will provide accommodations for the pupils.

Mr. WORKS. Mr. President, I am not so much concerned about the size of this building. I suppose, like all other school buildings, it will be divided into separate rooms, and the school will be divided into separate and distinct grades so that each individual teacher will have a reasonable number of pupils. My chief concern is about the kind of education that is being taught in the schools, not only of the District of Columbia, but of the whole country, at the present time.

We talk a good deal about our high schools. They are not high schools in any proper sense of the term. They have grown and grown and grown in the extent of the education they impart until they have become colleges and universities. They have been warped out of all proportion as a means of giving to the children of this country the useful education that should be imparted through the public schools.

I think there is a very general protest in the public mind against the extension of the education that is imparted through the public schools at the present time. I know I have felt it very strongly, and I have heard it expressed by others. If a commission should be appointed to deal with this question at all, I should rather see a thorough investigation made of the manner of conducting the schools and the education that is imparted to the children, with a view of bringing it back to the giving out of that education that would make the children useful men and women.

It is perfectly evident to every observing man that a very large proportion of the education, for which we are paying millions and millions of dollars in this country, is absolutely worthless to a large proportion of the children who are taught in the public schools. I do hope that some time some restraint, some restriction will be placed upon the expansion of the public schools through the influence of the teachers, who are allowed to have their own way with respect to it, while we simply appropriate the money for that purpose.

Mr. SMITH of Georgia. Mr. President, I move that the committee amendment be laid on the table.

The PRESIDENT pro tempore. The Senator from Georgia moves that the committee amendment be laid on the table. [Putting the question.] The "noes" appear to have it.

Mr. SMITH of Georgia. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. SMITH of Georgia. I ask that the count be again made.

The PRESIDENT pro tempore. The Chair will again put the question on ordering the yeas and nays. [A pause.] Not a sufficient number have seconded the call, and the yeas and nays are not ordered. The question is upon the substitute offered by the Senator from Nevada [Mr. NEWLANDS].

The amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment of the committee. [Putting the question:] The ayes appear to have it.

Mr. SMITH of Georgia. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SUTHERLAND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. CLARKE], and I understand he has not voted. In his absence I withhold my vote.

The roll call was concluded.

Mr. KERN (after having voted in the negative). Has the Senator from Kentucky [Mr. BRADLEY] voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. KERN. I withdraw my vote for the moment, and transfer my pair to the Senator from Oklahoma [Mr. GORE], and will vote. I vote "nay."

The result was announced—yeas 42, nays 26, as follows:

YEAS—42.

Brandegee	Dillingham	Nelson	Smith, Md.
Brown	du Pont	O'Gorman	Smoot
Burton	Gallinger	Oliver	Stephenson
Catron	Gamble	Page	Stone
Chamberlain	Jackson	Percy	Thornton
Clapp	Jones	Perkins	Townsend
Clark, Wyo.	La Follette	Poindexter	Warren
Crane	Lippitt	Pomerene	Wetmore
Crawford	Lodge	Richardson	Works
Cullom	McLean	Root	
Curtis	Martin, Va.	Smith, Ariz.	

NAYS—26.

Ashurst	Gardner	Martine, N. J.	Smith, Ga.
Borah	Gronna	Myers	Smith, S. C.
Bristow	Johnston, Ala.	Newlands	Thomas
Bryan	Kavanaugh	Overman	Tillman
Culberson	Kenyon	Pittman	Webb
Cummins	Kern	Sheppard	
Fletcher	Lea	Simmons	

NOT VOTING—27.

Bacon	Chilton	Hitchcock	Shively
Bankhead	Clarke, Ark.	Johnson, Me.	Smith, Mich.
Bourne	Dixon	McCumber	Sutherland
Bradley	Fall	Owen	Swanson
Brady	Foster	Paynter	Watson
Briggs	Gore	Penrose	Williams
Burnham	Guggenheim	Reed	

So the amendment of the Committee on Appropriations was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had failed to pass the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States over the veto of the President of the United States, two-thirds of the House of Representatives not agreeing to pass the bill.

EIGHT-HOUR LAW.

Mr. SHIVELY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 7, 8, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: After the word "persons," in line 2, page 3, strike out all the words down to the end of section 1 and insert the following: "employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States," so that the proviso in section 1 will read: "*Provided*, That nothing in this act shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States"; and the Senate agree to the same.

WILLIAM E. BORAH,
BENJAMIN F. SHIVELY,
Managers on the part of the Senate.

W. B. WILSON,
FRANK BUCHANAN,
Managers on the part of the House.

Mr. BURTON. Mr. President, I made some remarks on that measure, on a motion to reconsider. I do not desire to be further heard. I had understood, however, that the Senator from North Dakota [Mr. MCCUMBER] desired to be heard on it.

Mr. BORAH. Mr. President, the Senator from North Dakota has been here for some time and has not signified to anyone

who is connected with the report a desire to speak on it. I should like to see the matter disposed of.

Mr. SHIVELY. I ask for the adoption of the conference report.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

The conference report was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

The SECRETARY. At the top of page 58 insert:

Toward the construction of a new M Street High School for colored pupils on the site purchased for that purpose, and toward the grading of said site, and the total cost of said building shall not exceed $550,000, under contracts which are hereby authorized therefor, $150,000.

Mr. SMITH of Georgia. Mr. President, the same objection which I have urged to the preceding amendment I urge to this; but since we have gone through the fight on the first and the Senate has voted, I do not intend to repeat my reasons for objecting.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

The SECRETARY. On page 71, at the top of the page, insert the following:

The action of the commissioners in locating a pound and stable for the health department on reservation No. 290, located along James Creek Canal at the intersection of South Capitol and I Streets SE., under the authorization contained in the District appropriation act approved March 2, 1911, is ratified and confirmed, and the jurisdiction and control over said reservation is transferred to the Commissioners of the District of Columbia: *Provided*, That the District of Columbia shall pay to the United States as compensation for the land contained in said reservation one-half the estimated value thereof, namely, $4,100, and there is hereby appropriated, entirely from the revenues of the District of Columbia, said sum of $4,100, which shall be deposited in the Treasury of the United States to the credit of the United States, and thereafter the title to said reservation shall be in the name of the District of Columbia.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

The SECRETARY. On page 74, after line 13, insert:

INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, $975,408.

Mr. SMITH of Georgia. Mr. President, this item is offered by the Senate committee as a substitute for the last provision in the bill as it comes from the House. It involves a sum of something over $12,000,000 for which, in my opinion, the National Government is in no sense liable, but for which the District is liable. It is proposed to transfer that liability from the District to the National Government.

There are certain bonds known as the 3.65 bonds. It is with reference to those bonds that this provision applies. The House appropriated the money to meet the interest, but left the question of final liability between the District and the National Government to be determined by the law as it stands. The Senate committee undertake to determine that these bonds are to be paid for, half and half, by the National Government and the District. The bonds and the interest will amount to over $25,000,000.

Mark it, the House proposes to leave the question to be determined hereafter as to whether the law puts the liability on the National Government. The effect of the Senate committee amendment is not to leave it where the law leaves it, but to undertake to determine that half of the liability rests on the National Government.

Mr. President, these bonds were issued under an act passed in 1874. They were to take up indebtedness of the government of the District of Columbia, of the city of Washington, and of Georgetown, reaching back a number of years prior to that time. The indebtedness for which these bonds were issued was an indebtedness with which the National Government had nothing to do, for which it was in no sense liable; but the act of 1874 provided that the District might settle this indebtedness with bonds bearing interest at the rate of 3.65, and that the National Government guaranteed the payment of the bonds; but all money for the payment of the bonds was to be raised by taxes placed upon the property of the District. It was not a liability of the National Government. The act of 1874 did not make it a liability of the National Government. It simply guaranteed the bonds that the District wished to issue and provided that money should be raised by taxes upon the property of the District to pay the interest on the bonds and the principal.

Mr. SMITH of Arizona. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Arizona?

Mr. SMITH of Georgia. Certainly.

Mr. SMITH of Arizona. When do the bonds fall due?

Mr. SMITH of Georgia. I do not know.

Mr. CURTIS. Fifty years from 1874. They are being redeemed now.

The PRESIDENT pro tempore. Senators will address the Chair, and get permission.

Mr. CURTIS. I beg the Chair's pardon.

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. Certainly.

Mr. CURTIS. I say the bonds run 50 years from 1874, except that they may be redeemed from time to time, and about eight or ten million dollars have already been redeemed.

Mr. SMITH of Georgia. Mr. President, the act of 1874, as I said, provided that the bonds were to be paid from taxes levied on the property of the District. The National Government, to help the District dispose of the bonds in settlement of its debts contracted prior to that time, guaranteed the bonds and directed that taxes should be levied on the property of the District to pay the interest on the bonds and the principal on the bonds. That is the substance of the act of 1874.

That was four years before we passed the act of 1878, called the organic law of the District, under which for the first time the National Government agreed to pay half-and-half of a certain class of the expenses of the District. The act of 1876 following the act of 1874 provides as follows:

And in case there shall not be a sufficient sum of said revenues—

Referring to the revenues collected by taxes on the property in the District—

in the Treasury of the United States, at such time as said interest may be due, then the Secretary of the Treasury is authorized and directed to advance from any money in the Treasury not otherwise appropriated a sum sufficient to pay said interest, and the same shall be reimbursed to the Treasury of the United States from time to time as said revenues may be paid into said Treasury until the full amount shall have been refunded.

After the passage of the act of 1874 the District failed to meet from its revenues the interest on these bonds, and the act of 1876 was passed providing that the National Government would meet the interest as it fell due. The National Government had guaranteed the bonds, but provided that it should be charged up against the District funds when the National Government met the interest and should be paid back from time to time if the District had funds on hand to meet the payments.

So, Mr. President, there can be no doubt that this indebtedness for which the 3.65 bonds were issued was one with which the National Government had no connection and for which it in no wise was responsible. The act of 1874 providing for settling these past liabilities recognized the fact that the National Government was simply going security for the District, that the District was primarily liable, and that the revenues of the District were to pay all the bonds and the interest. The District not having the money, the act of 1876 provided that the National Government would advance the money, but it was to be returned to the National Government.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. Certainly.

Mr. WORKS. I do not know that I understood correctly the reading of the statute which has just been read by the Senator from Georgia. I should like to know, without requiring it to be read again, whether it provided merely for the payment of the amount then due or whether it is general in its terms, authorizing the National Government to advance the money to meet the obligations as the interest falls due.

Mr. SMITH of Georgia. I think it was general in its terms.

Mr. WORKS. Then, in that case, I should like to ask the Senator from Georgia whether, if this appropriation is made, it would not be made under the terms of that statute and the District still be liable to repay the amount advanced?

Mr. SMITH of Georgia. I think that would probably be true, but doubt about it is raised by the way in which the amendment of the Senate committee comes. The House committee

provided for the payment of the interest. The House provision is as follows:

INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, $975,408, which sum shall be paid out of funds and accounted for in accordance with the acts of Congress in relation thereto.

Mr. WORKS. It seems to me that if there is doubt as to whether this money should be paid at all by the National Government, or upon what terms and under what obligations it is paid, that should be made certain. I think that the provision in the House bill is objectionable on that ground, leaving it still in a state of uncertainty, and the amendment now proposed is no better. If this is an advancement, why not say so, and have it distinctly understood that we are not paying this money as a debt of the National Government, but that we are simply advancing it for the purpose of assisting the District for the time being to meet its obligation, leaving the District still under the obligation to repay the amount to the Government?

Mr. SMITH of Georgia. If the Senate is ready to finally decide that question and to make the thorough examination which, perhaps, it would wish to make, the suggestion of the Senator from California undoubtedly is right.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield further to the Senator from California?

Mr. SMITH of Georgia. Certainly.

Mr. WORKS. It may be, Mr. President, that the committee having this bill in charge has made that necessary investigation. Certainly I should want to know before voting for an appropriation of this large sum of money that there is some obligation resting upon the Government to pay that amount of money. If it is a direct and primary obligation on the part of the Government, well and good; we should make the appropriation. If, on the other hand, it is simply an advancement of money to aid the District, then it may be proper to do it with that distinct understanding. But I shall certainly want to know that this is a just obligation on the part of the Government before voting for this appropriation.

Mr. SMITH of Georgia. Mr. President, I have called the attention of the Senate to the act of 1874, and I have called the attention of the Senate to the fact that the obligations for which these 3.65 bonds were issued were not obligations of the National Government, but obligations of the District, made independent of the National Government.

Mr. TOWNSEND. If it will not disturb the Senator——

Mr. SMITH of Georgia. Not at all.

Mr. TOWNSEND. I should like to ask him the reason for the original indebtedness, how it originated, and for what purpose?

Mr. SMITH of Georgia. The original indebtedness, I understand, ran through a period of quite a number of years. Obligations were made in the District that were not met, some of the obligations going back to the city of Georgetown and some to the county of Washington. It would be impossible for me to give the Senator all the facts with reference to the original indebtedness. I carried my own examination only to the extent of ascertaining that it was an indebtedness created by the local authorities, with which the National Government was in no sense connected.

Mr. CURTIS. For the District.

Mr. SMITH of Georgia. For the District, or for Georgetown, or for the city of Washington. They were separate organizations.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. Certainly.

Mr. NELSON. Did not these debts, I ask the Senator, arise under what was called the Shepherd government at a time when the District had a government of its own, independent of the Federal system?

Mr. SMITH of Georgia. Yes; probably in part.

Mr. NELSON. I am inquiring about that.

Mr. SMITH of Georgia. They all arose prior to 1874, and they did arise, I understand, principally during the period that the District had entire control of its own affairs. A part of them originated from the city of Georgetown, a part of them from the city of Washington, and a part of them from the county of Washington. So I have seen it stated.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. Certainly.

Mr. WORKS. I hope the Senator from Georgia will pardon me for these frequent interruptions, but this is a subject with which I am not at all familiar, I am sorry to say, and I want to be informed. I understand from what the Senator from Georgia says that subsequent to the incurring of this debt the Government did obligate itself to pay one-half of the amount that might become due in the future.

Mr. SMITH of Georgia. Not at all. That is just what I do not think the Government has ever done.

Mr. WORKS. I understood the Senator's position to be that the arrangement, whatever it might have been, was made subsequent to that time, and therefore did not include the existing indebtedness.

Mr. SMITH of Georgia. Not at all. In 1878 what is called the organic act was passed, by which the Government undertook to furnish one-half of certain classes of current expenses incurred by the District of Columbia. Those expenses were to be current expenses of administration. That provision has no reference to the bonded indebtedness of the District of Columbia.

Mr. WORKS. That is precisely what I understood. Evidently the Senator from Georgia misunderstood me. I understood that, while there was by the organic act an obligation created on the part of the Government to pay one-half of certain expenses, the position of the Senator from Georgia is that it did not include the obligations that had already been incurred. Am I right about that?

Mr. SMITH of Georgia. Yes; or that it certainly did not include this obligation, but this obligation was a list of bonds issued to pay old debts that had been created from time to time during a number of years prior to 1874, and for the settlement of which the 3.65 bonds of the District of Columbia were authorized by the act of 1874. The District was authorized to issue the 3.65 bonds by the act of 1874 to settle an indebtedness with which the National Government had no connection. In the act of 1874 the National Government, to aid the District, guaranteed these bonds but expressly provided that the bonds were to be paid by money derived from taxes upon the property of the District, and that left the Government just like any other guarantor, the principal being primarily liable.

Then, the District not having had sufficient money raised from its proportional appropriation of its funds, because the act of 1874 provided for proportioning its revenue out and appropriating it to certain current expenses, only providing a part of it to go toward the interest on the 3.65 bonds, Congress by the act of 1876 provided that when the District failed to meet this interest, the National Government having guaranteed it, the Treasurer of the United States should pay it, and that it should be charged up against the District and the District should pay it back. I find nothing——

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Nevada?

Mr. SMITH of Georgia. I do.

Mr. NEWLANDS. I should like to ask the Senator from Georgia whether any committee of Congress, either of the Senate or the House, has passed upon the question as to whether these bonds were original obligations on the part of the United States Government undertaking to pay the existing debt of the District of Columbia, or whether they were simply the obligations of the United States, simply in the way of guaranteeing their payment, the amount to be refunded from the District funds. Has there been any finding of any committee?

Mr. SMITH of Georgia. I do not know.

Mr. NEWLANDS. Would it not be wise to submit that question to the Judiciary Committee of the Senate and get their opinion regarding it? There seems to be such a contrariety of views regarding the nature of the obligation, it seems to me it would be well to adopt that course.

Mr. SMITH of Georgia. I agree with the Senator. My objection to the Senate committee amendment was that it undertook to decide the question, and, so far as I could judge from the statutes, to decide it wrong. The committee undertake to decide it, and they decide that the National Government is liable, when, as I construe the indebtedness and as I grasp the situation, the National Government is not liable.

The subject came up, I found, in discussion on the floor of the House. It had never attracted my attention at all except as I read the debates on the floor of the House, which caused me to turn to the original act of 1874 and to the act of 1876 and to the act of 1878. The subject was discussed upon the floor of the House a few days ago when this bill was pending. Part of the Members of the House were sure that the National Government was in no sense liable; some of them thought that it was liable.

Therefore they, not feeling ready to decide the question, made the appropriation providing that subsequent decision should

be made as to whether the Government was or was not liable. They did not reach a conclusion upon which they were ready to settle that question, and therefore left it to be paid out of the funds and accounted for in accordance with the acts of Congress in relation thereto.

I am willing to leave it there, if we are not ready to decide it yet, and it seems to me we are not. I think it is a question which ought to be referred to the Judiciary Committee of the Senate or a joint body composed of members of the Judiciary Committees of both Houses, and receive more careful investigation than I have had time to give it. I was attracted to the question only by the debate on the floor of the House, and, turning to the act of 1874 and to the act of 1876, it seemed perfectly clear to me that the original plan did not contemplate donating payments made by the National Government to the District; and as the act of 1876 expressly declared that payments made by the Government were to be charged up to the District, I felt that we ought not to undertake to decide it without a more thorough investigation, and certainly not to decide it against the Government.

Mr. CURTIS. Mr. President, I think before passing upon this question the Senate is entitled to some of the facts; and I hope in a few moments to cover some of the questions that have been asked.

The Senate should recognize the fact that in the first place the Government received 5,129 acres of land in this District and the original owners retained 982 acres.

The District had a Government of its own until 1870. Up to 1835 the citizens of the District had expended in street improvements $629,971, while the Government had expended only $208,925. Because of that fact this question was referred to a committee of the Senate. Senator Southard made a report on the subject, and I quote from a part of the report of 1835, in which it says:

> If the streets are its property and to be regarded as altogether under its control, it is not easy to perceive why it should call upon or permit others to keep that property in order; and if the streets are to be regarded as for the joint convenience of the Government and the inhabitants, the expenses of maintaining them should be joint and in proportion to their respective interests.

That same report recommended that Congress refund to these people what they had paid out, and also recommended that in the future the Government should pay its part in keeping up and making the improvements in the city of Washington.

Up to 1871 the District of Columbia was under the control of a local government, and up to 1871 that local government had made as many improvements as possible. Congress not being liberal in its appropriations to assist, the District of Columbia found itself in debt $5,000,000. The streets were in bad condition and so Congress took hold of the situation, took the government away from the District, and made a Territorial form of government here. They gave the District of Columbia a governor, a secretary, a council of 15 members, a house of delegates of 22 members appointed by the President and confirmed by the Senate, a board of public works consisting of the governor and four citizens appointed by the President and confirmed by the Senate.

That board had control of the affairs of this District until 1874, and because of the plans it laid out, because of the improvements it made in the District of Columbia, the debt of the District increased $50,000,000.

Then it attracted the attention of Congress. First, the matter was so important that President Grant thought it deserved attention, and he in his message of 1873 referred to the subject. This is what he said about the obligations of our Government:

> The Government having large reservations in the city, and the Nation at large having an interest in their Capital, I recommend a liberal policy toward the District of Columbia, and that the Government should bear its just share of the expense of these improvements.

On the 1st of June, 1874, in compliance with the resolution of the House, passed January 26, on the legal relations of the District of Columbia and the United States, the Committee on the Judiciary rendered a report upon that question, and in it they found that the title of the streets was in the name of the General Government and were under its control. The committee was impressed with the belief that the Federal Government sustains such relations as would require it to contribute to municipal expenses, and it further found that the amount which should be so contributed was at least one-half. This was the report of the Judiciary Committee of the House of Representatives.

From the report of the committee:

> If the streets are its (the Federal Government's) property, and to be regarded as altogether under its control, it is not easy to perceive why it should call upon or permit others to keep that property in order; and if the streets are to be regarded as for the joint convenience of the Government and its inhabitants, the expense of maintaining them should be joint, and in proportion to their respective interests.
>
> Your committee are impressed with the belief that the Federal Government sustains at least such relation toward the citizens and the local government as would require it to contribute to municipal expenses an amount bearing the relation to the whole amount required, which the interest of the Federal Government here bears to the interest of the local government; and this they believe to be at least one-half.

The records show beyond any question that the debt was made, upon which $36,000,000 has been paid in interest, and a sinking fund, which was created by the officers of the General Government, in which the people of the District of Columbia had absolutely no say whatever.

The conditions were such in 1874 that Congress appointed a joint special committee of both Houses to thoroughly investigate and report upon the whole question, and the result of the report was that Congress abolished the so-called Territorial government and authorized the President to appoint three commissioners.

The act of 1874 referred to by the Senator from Georgia was the result of the work of that committee, and section 7 provides as follows:

> SEC. 7. That the sinking-fund commissioners of said District are hereby continued; and it shall be the duty of said sinking-fund commissioners to cause bonds of the District of Columbia to be prepared, in sums of $50 and $500, bearing date August 1, 1874, payable 50 years after date, bearing interest at the rate of 3.65 per cent per annum, payable semiannually, to be signed by the secretary, and the treasurer of said sinking-fund commissioners and countersigned by the comptroller of said District, and sealed as the board may direct, which bonds shall be exempt from taxation by Federal, State, or municipal authority, engraved and printed at the expense of the District of Columbia, and in form not inconsistent herewith. And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity. Said bonds shall be numbered consecutively and registered in the office of the comptroller of said District, and shall also be registered in the office of the Register of the Treasury of the United States, for which last-named registration the Secretary of the Treasury shall make such provision as may be necessary. And said commissioners shall use all necessary means for the prevention of any unauthorized or fraudulent issue of any such bonds. And the said sinking-fund commissioners are hereby authorized to exchange said bonds at par for like sums of any class of indebtedness in the preceding section of this act named, including sewer taxes or assessments paid, evidenced by certificates of the auditing board provided for in this act.

Now, the faith of the United States was pledged by that act to pay the interest on said bonds as the same became due, and to create a sinking fund for the payment of the principal thereof at maturity.

Mr. SMITH of Arizona. What is the date of the act?

Mr. CURTIS. 1874. Section 5 of the act provides:

> SEC. 5. That a joint select committee shall be appointed, consisting of two Senators, to be appointed by the Presiding Officer of the Senate, and two Members of the House, to be appointed by the Speaker of the House of Representatives, whose duty it shall be to prepare a suitable frame of government for the District of Columbia and appropriate drafts of statutes to be enacted by Congress for carrying the same into effect, and report the same to the two Houses, respectively, on the first day of the next session thereof; and they shall also prepare and submit to Congress a statement of the proper proportion of the expenses of said government, or any branch thereof, including interest on the funded debt, which should be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be based; and in the discharge of the duty hereby imposed, said committee is authorized to employ such assistance as it may deem advisable, at an expense not to exceed the sum of $5,000; and said sum, or so much thereof as may be necessary, be, and the same is hereby, appropriated for that purpose.

That is section 5 of the act of 1874, promising to have a committee prepare a suitable frame of government, and also to find the proper proportion of the expenses of the government, including interest on the sinking fund, which should be borne by the District and the United States, respectively.

As a result of the work of the committee of eight—three from the Senate and five from the House—the act of 1874, and various reports, the act of 1878, which was the organic act, became a law. But before I come to that, I desire to call the attention of the Senate to the fact that three days after the passage of the act of 1874 there was appropriated in the sundry civil appropriation act of June 23, 1874, for the District of Columbia, $1,300,000, including interest on the funded debt to July 1, 1874, with the following proviso:

> All of the above sums, except so much thereof as may be paid for interest as aforesaid, to be considered and adjusted hereafter as part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia.

That is the act of June 23, 1874, Eighteenth Statutes, page 210. Furthermore, in the first appropriation act of 1875, I find the following:

> *Provided*, That the said sum hereby appropriated ($482,500) shall be considered as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia and toward the payment of the interest on the funded debt of the District of Columbia.

That provision is taken from the act of February 1, 1875, Eighteenth Statutes, page 310.

Now, Senators, we come to the act of 1878, the act that is known as the organic act of the District, and that act fixes the amount which the General Government is to pay. I desire to read a few extracts from the organic act:

To the extent to which it shall approve of said estimates, Congress shall appropriate the amount of 50 per cent thereof.

* * * * * * *

And the remaining 50 per cent of such approved estimates shall be levied and assessed upon taxable property and privileges in said District, other than the property of the United States and of the District of Columbia; and all proceedings in the assessing, equalizing, and levying of said taxes, the collection thereof, the listing return and penalty for taxes in arrears, the advertising for sale, etc.

By that act the General Government pledged itself to pay 50 per cent of these debts.

Another thing. This is not new. When the question was presented to the House, Mr. Hendee, the chairman of the committee, used this language, so that there could be no mistake about it:

On the question as to whether the Government of the United States has pledged its faith for the payment of interest, Government officers and others interested have secured the written opinions of Mr. Pratt, of Indiana; Mr. Pierrepont, the former Attorney General of the United States; Mr. O'Connor; Mr. Birney; and other eminent and able lawyers, and they all agree in this one thing: That inasmuch as they agreed that the interest and principal should be taken care of when due, and inasmuch as the District had no voice in the transaction whatever, the United States is bound to see that there is no default; that, in fact, they are a Government bond. Mr. O'Connor and these gentlemen say that there is no question about the liability of the United States to see there is no default in the payment of the interest and of the bonds themselves.

Hence, if this one point is established—the liability of the Government, and we settle upon 50 per cent as the proportion the Government should pay, and the same for the District—as a matter of course the provision in the bill is a very wise one. These are the main features of the bill.

Mr. Hendee, in referring to this subject, said:

"There is another clause in the bill which I consider very wise and perhaps the most important provision in it. It provides that of the expenses or burdens of this District the United States Government shall bear 50 per cent. Up to the present time the relations of the General Government to the District have never been settled (the United States owns absolutely 55 per cent of the entire area of this District), and by the appraisal made a short time since the value of the property owned by the United States Government is about $95,000,000 and that owned by the District and by the people of the District $96,000,000. In other words, there is less than a million dollars difference between the actual appraised value of the property of the United States here and that of all other property here. I mean real property, of course. Yet, as I have said, up to this time nothing has ever been done to ascertain and establish the relative position of the United States Government and the District in relation to this matter. Whenever it has been deemed necessary to make improvements and pay expenses Congress has appropriated such sum as it saw fit, and the people of the District have been required to pay the balance by taxation and in such manner as Congress determined.

"Since the seat of government was permanently established in this District the entire expenditures of the United States for improvements in the District have been about $9,000,000, while the amount paid by citizens of the District for the same purpose exceeds the sum of $34,000,000. In other words, the amount taken from the pockets of citizens of the District and put into these improvements is about four times the amount which has been appropriated by the Federal Government. I make these statements upon data furnished from the Treasury Department and other departments of the Government, which give accurately the items, with dates of appropriations, etc.

"These appropriations on the part of the United States have been more frequent or perhaps more liberal within the last six or eight years than ever before. I think that within the first 70 or 71 years of the existence of this Government less than $2,000,000 were appropriated by the United States Government toward improvements in this city; the other six or seven millions have been appropriated since 1871. Twenty-three million dollars and over of the thirty-four or thirty-five millions expended in the District for improvements is in the form of a debt against the District. In regard to $13,000,000 of this debt there is a pledge or guaranty on the part of the United States that the interest as it accrues and finally the principal shall be paid. The remainder of that debt, about nine or ten millions, rests upon the District government alone, without any guaranty or pledge on the part of the United States. The interest upon this twenty-three or twenty-four millions of debt is a part of the annual expenditures of the District of Columbia and has to be regularly provided for."

This is the opinion, and this is the statement made in the House by the chairman of the committee when he reported the measure. Moreover, he said——

Mr. SMITH of Georgia. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Georgia?

Mr. CURTIS. Certainly.

Mr. SMITH of Georgia. Has the Senator ever seen one of those bonds?

Mr. CURTIS. I never have, I am sorry to say.

Mr. SMITH of Georgia. Does the Senator agree with the chairman of the House committee that they are Government bonds? If the House committee chairman made that statement about these 3.65 bonds, was he not just simply clear away from the facts?

Mr. CURTIS. With the act of 1874 guaranteeing those bonds they are the same as Government bonds. While I never read one of them, a friend of mine came to me the other day and wanted to know what was a good investment, and I said, "The Government is back of the 3.65 bonds of the District of Columbia, and I would advise you to buy them in preference to Government bonds, because they will yield you a greater interest." That is the way I feel about them.

Mr. SMITH of Arizona. What was the date of the report, if the Senator from Kansas please?

Mr. CURTIS. It is a report on the act of 1878, which fixes one-half as the part which the General Government was to pay. After fighting the matter out on the floor of the House, the House passed this act of 1878. On the floor of the House and in the Senate an effort was made to defeat that provision by offering substitutes for it. The question was fought out, and then, when it was finally settled, Members who opposed paying 50 per cent tried to reduce the amount to 25 per cent. That amendment was defeated. Then they tried to reduce it to 40 per cent, and that amendment was defeated, whereupon the original proposition, as I read it to the Senate a few moments ago, was agreed to, fixing the amount at 50 per cent.

It must be remembered that since 1878 Congress has assumed control of all the streets, the alleys, and the improvements in the District. A man can not erect a building here without complying with the laws of Congress. Congress has absolute control; Congress has made these debts without consulting the District. The debts have been made upon the assumption that the General Government would pay 50 per cent of that indebtedness. I say this without fear of successful contradiction.

Since 1878 down to this very day every appropriation providing for the expenses of the District has provided for the payment of the interest and the proportionate share of the sinking fund on a 50 per cent basis. That being true, what is the use of again submitting this question to the courts? What is the use of again raising a doubt when we have the law pledging us to 50 per cent and when Congress has recognized it from that day to this?

There was one item, as to which there was some question raised, as to whether it applied to the interest and also to a part of the sinking fund. If you will read the estimates of the Treasury Department, upon which the appropriation was based, you will find that it not only included interest but a proportionate share of the sinking fund.

One other thing. It is shown by official reports that from 1877 and 1878 the citizens up to 1878 had expended in this District $65,569,371, while the Government had only expended $27,311,000; in other words, the citizens had expended $38,357,421 more than the General Government had expended. Here we are, in the face of that, fighting over the interest on the sinking fund of $12,000,000.

Senators, Washington is the capital of the United States. It has been described as the Federal city. It is a wonderful city; and the Government has taken charge of it. More than that, in the decision of the Supreme Court, in which this question was involved, the act of 1878 was passed upon. That act of 1878 was construed by the Supreme Court—the opinion being delivered by one of the ablest judges that ever served in the capacity of Associate Justice—as being the organic act, and not only as the organic act, but as the very constitution of the District of Columbia.

So far as I am concerned, as one member of the committee, I believe that this question has been settled by every Congress from 1874 to the present time, as certainly it has been since 1878. It is the duty of Congress to help pay the expenses of improving the streets of this city, which belongs to the General Government. This is the capital of the United States, the capital of the whole country, the capital of the greatest Nation in the world, and I believe the people of the country would like to see Congress liberal enough in its appropriations to make this the most beautiful capital in the world.

Mr. SMITH of Georgia. Mr. President, the Senator from Kansas has passed from a discussion of the law of the case into a charming political speech, full of patriotism and devotion to the beautiful city of Washington. I appreciate all that he says about the city, but I really can not find from that part of his speech any aid to enable me to construe the statutes that are brought to the attention of the Senate.

There was a funded debt prior to 1874. It is referred to occasionally in the statutes. The 3.65 bonds are not referred to as "the funded debt"; the 3.65 bonds had not been disposed of in 1874, and "the funded debt" referred to in the act of 1874 applied to an entirely different matter. So much for the Senator's quotation from the act of 1874 with reference to the funded debt.

Immediately after the act of 1874 we find the 3.65 bonds referred to, and referred to not as a funded debt but always as the 3.65 bonds. Let us see how Congress treated them in 1876. I shall not read this provision from manuscript or undertake to repeat it from memory, but I quote it from page 106 of the United States Statutes at Large, volume 19:

That the Secretary of the Treasury shall reserve, of any of the revenues of the District of Columbia not required for the actual current expenses of schools, the police, and the fire department, a sum sufficient to meet the interest accruing on the 3.65 bonds of the District during the fiscal year beginning July 1, 1876, and apply the same to that purpose; and in case there shall not be a sufficient sum of said revenues in the Treasury of the United States at such time as said interest may be due, then the Secretary of the Treasury is authorized and directed to advance, from any money in the Treasury not otherwise appropriated, a sum sufficient to pay said interest, and the same shall be reimbursed to the Treasury of the United States from time to time as said revenues may be paid into said Treasury until the full amount shall have been refunded.

There is the language of the act of 1876 with reference to the 3.65 bonds, so clear and so simple that nobody can doubt it. The act of 1874 authorized the three-sixty-fives. They had not been issued, and they were not then part of the funded debt of the District referred to elsewhere in the act of 1874. They were bonds to be issued in the future, guaranteed by the Government, and referred to as "the three-sixty-fives"; and the act of 1874 expressly declared that the entire interest and principal of the three-sixty-fives should be paid by taxes levied on the property in the District of Columbia, and immediately thereafter the act of 1876 provided that when the National Government paid any of the interest or principal of these bonds it should be charged to the District.

Mr. CURTIS. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. Yes.

Mr. CURTIS. May I call the Senator's attention to the act of 1879, which I misplaced and did not read? That act refers not only to the interest on the sinking fund, but defines the position of Congress on that question.

Mr. SMITH of Georgia. On what page?

Mr. CURTIS. I have not the reference to the page, but it is in the sundry civil appropriation act approved March 3, 1879, and is as follows:

SEC. 3. That the sum of $1,632,098.78 be, and is hereby, appropriated for the purpose of paying one-half of the estimated expenses of the government of the District of Columbia for the fiscal year ending June 30, 1880, namely:

* * * * * * *

For the interest and sinking fund on the funded debt, $1,155,583.55.

And there is hereby appropriated, out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia, in pursuance of the act of Congress, approved June 11, 1878, for the fiscal year ending June 30, 1879, and annually thereafter, such sums as will, with the interest thereon at the rate of 3.65 per cent per annum, be sufficient to pay the principal of the 3.65 bonds of the District of Columbia issued under the act of Congress approved June 20, 1874, at maturity.

Mr. SMITH of Georgia. The distinction is right there drawn between the funded indebtedness and the three-sixty-fives. The half-and-half doctrine did apply to the funded debt, but the three-sixty-fives were to be paid out of the Treasury and charged against the District, and the act of 1878 again draws the distinction. The Senator from Kansas confused in his references to the statutes the funded indebtedness which existed prior to 1874 and the three-sixty-fives. They were referred to in the various acts in different language. The three-sixty-fives are always referred to as "the three-sixty-fives," and the funded indebtedness is referred to as "the funded indebtedness." The Government may have assumed one-half of the old funded indebtedness prior to 1874; but the three-sixty-fives which were to take up the indebtedness still outstanding and not funded at all in 1874, were to be guaranteed by the Government, and the act of 1874 expressly provided that they were to be paid for by taxes levied upon the property in the District.

Now, when we come to the act of 1878, that portion of the responsibilities of the District for which the National Government undertook to meet by an expenditure of one-half did not include the 3.65 bonds or the interest thereon. You will find the provision on page 104 of volume 20 of the United States Statutes at Large. As to the character and responsibilities of the District for which the National Government undertook to pay one-half, you will find that in no sense was the principal or the interest of the 3.65 bonds included. On the contrary, you will find that that act provides that as to all of those bonds the total shall be paid out of the Government's proportionate half, because it was to be a charge against the District exclusively, and when the Government paid them it was to constitute a part of its half of that contribution which the Government agreed to meet on a different class of liabilities of the District.

I do not claim to have read all of the statutes, but I do claim that the reasons presented by the Senator from Kansas do not sustain the proposition that the Government is to pay the three-sixty-fives; and when he says they were practically Government bonds the position is not justified by the facts. They were in no sense Government bonds.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. I yield.

Mr. CURTIS. Does the Senator contend that when the Government pledges its faith and arranges for the appropriation to meet those obligations they are not as good as Government obligations or bonds?

Mr. SMITH of Georgia. Oh, there is a vast difference between a thing being as good as something else and being the something else itself. What I am insisting is that while they were as good as Government bonds they were not Government bonds. If I owe a hundred thousand dollars and the Senator from Kansas guarantees my debt, it might make the hundred thousand dollar note perfectly good, but it would not make it the note of the Senator from Kansas; it would be my obligation; and if he paid it for me, he would come on me to pay it back to him. When the Senator calls the three-sixty-fives "Government bonds" he forgets the distinction between guaranteeing an obligation for which you are in no sense primarily liable, simply to help out the party for whom you make the guaranty, and making the obligation yourself; and that is the condition of these bonds. The whole argument the Senator built up was upon statutes referring to the funded indebtedness, which he himself shows by his quotation from the act of 1879 is entirely different from the three-sixty-fives. The act of 1879 still carries the distinction between the funded indebtedness of the District, of which the Government agreed to pay one-half by the act of 1874, and the three-sixty-fives, of which the Government did not undertake to pay half.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. SMITH of Georgia. Certainly.

Mr. TOWNSEND. Can the Senator inform the Senate how the interest on these bonds has been met since the bonds were issued, or rather since 1878?

Mr. SMITH of Georgia. I can not.

Mr. TOWNSEND. The Senator does not know whether or not they have been treated as an obligation, one-half of which was to be paid by the United States?

Mr. SMITH of Georgia. I do not.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. Certainly.

Mr. CURTIS. If I may be permitted to interrupt, I will say they have been appropriated for every year and treated as a joint obligation. A contest was made over the bill in the House which raised the question of the Government's responsibility for one-half of the interest. Mr. Blackburn contended that the Government was not responsible for the principal, but admitted that it was responsible for one-half the interest.

Mr. SMITH of Georgia. The Government was responsible for both the principal and the interest by the act of 1874, and all the confusion has grown out of that fact. If the Government has paid at any time this interest without charging it up to the District, it has been simply an improper payment, because the original transaction itself shows that the liabilities arose prior to 1874, and they were liabilities for which the Government was in no sense responsible. Besides, the act in which the Government guaranteed these notes expressly protected the Government from liability by providing that the money was to be raised by taxes on the property in the District. The act of 1876 following it, provided that the Secretary of the Treasury should pay the interest whenever it was necessary; but the Secretary of the Treasury, when he paid it, must charge it up against the District. The Government may have paid it since, but, if so, unless you show me some act of Congress changing the provision of the act of 1876, it ought to have been charged up against the District when the Government paid it. It would have been a gift at any time it was paid, for there was no liability. The act which guaranteed the bonds did not assume liability, except to the holders of the bonds, and, following the act, the Secretary of the Treasury was expressly directed when he made a payment to charge it up to the District.

Mr. President, all I ask is this: The subject came up for discussion in the other House and they concluded that they could

not decide it. Therefore, what did they do? They simply provided that the interest should be paid, without deciding it now, leaving it open for future consideration. I admit that it would be better to decide it; but are we in a position, judicially, to decide it? There may be something yet that can be found that will lead me to believe hereafter that, for some reason I do not now know, the Government ought to pay half; but, as I read the statutes, with my limited investigation suggested by the debate in the other House, I think the Government is liable.

This is the provision the House sent us:

For interest and sinking fund on the funded debt, $975,408, which sum shall be paid out of funds and accounted for in accordance with the acts of Congress in relation thereto.

It makes the appropriation, but it does not undertake to decide how the accounting shall take place in the future. If I am obliged to decide now I should say, with the light before me, that it should be charged to the District, and that the provision reported by the Senate committee is wrong.

The Senator from Kansas presented a line of argument to the contrary, which was based largely upon the proposition that the act of 1874 referred to the funded indebtedness and did not take into consideration the fact that the funded indebtedness referred to in all these acts was not the three-sixty-fives, but another class of indebtedness, and that all these acts refer to the funded indebtedness in one way and the three-sixty-fives in another. He based his entire argument upon the supposition that that reference to the funded debt in the act of 1874 applied to the three-sixty-fives, which were then being provided for but which had not been issued and which are not treated in any of the acts as a part of the funded indebtedness.

Mr. WORKS. Mr. President, I was anxious in the beginning to be informed as to the legal liability of the National Government with respect to this claim, and also to determine what the nature of that obligation was, whether as a principal debtor or guarantor. Without intending to reflect upon the argument made either by the Senator from Georgia or that made by the Senator from Kansas, I am not much better informed now than I was in the beginning; and that seems to have been the condition respecting this matter from the time this obligation was in some sense assumed by the National Government down to the present time. But I am perfectly satisfied, Mr. President, that, as a matter of justice, the Government should pay one-half of this indebtedness. About that I have no doubt whatever.

In addition to that, I am satisfied that, if an estoppel could run against the National Government, it should be estopped now from denying its obligation to pay one-half the indebtedness. Acting upon that theory, I shall support this amendment; but it does seem to me, Mr. President, that Congress should, once for all, in some way settle this question as to the liability of the Government, and the sooner that is done the better. If it is necessary that an act of Congress be passed acknowledging the obligation of the Government to pay any portion of this debt, that should be definitely fixed by Congress and the matter settled from this time on.

Mr. CURTIS. Mr. President, may I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Kansas?

Mr. WORKS. I yield.

Mr. CURTIS. I thought section 7 answered the Senator's question. I should like to read this extract from the act of 1874:

SEC. 7. That the sinking-fund commissioners of said District are hereby continued; and it shall be the duty of said sinking-fund commissioners to cause bonds of the District of Columbia to be prepared, in sums of $50 and $500, bearing date August 1, 1874, payable 50 years after date, bearing interest at the rate of 3.65 per cent per annum, payable semiannually, to be signed by the secretary and the treasurer of said sinking-fund commissioners and countersigned by the comptroller of said District, and sealed as the board may direct.

Showing clearly that these bonds were issued by the sinking-fund commissioners.

Mr. WORKS. On the other hand, Mr. President, it is contended by the Senator from Georgia, and I think with some force, that the statute of 1874 only went so far as to make the Government a guarantor for the payment of this debt and obligating itself to pay, the amount to be repaid by the District. That uncertainty ought in my judgment in some way by direct act of Congress to be cleared up.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee. [Putting the question.] By the sound, the ayes appear to have it.

Mr. SMITH of Georgia. I ask for a division.

The question being put, there were, on a division—ayes 15, noes 10.

Mr. SMITH of Georgia. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHEPPARD (when Mr. CULBERSON'S name was called). I desire to announce that my colleague [Mr. CULBERSON] is absent on business of the Senate, and is paired with the Senator from Delaware [Mr. DU PONT].

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote. I vote "yea."

The roll call was concluded.

Mr. NELSON (after having voted in the affirmative). I have an informal pair with the senior Senator from Georgia [Mr. BACON], and I therefore desire to withdraw my vote.

Mr. CLARK of Wyoming (after having voted in the affirmative). In the absence of the senior Senator from Missouri [Mr. STONE], with whom I have a general pair, I withdraw my vote.

Mr. DILLINGHAM (after having voted in the affirmative). I wish to inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. DILLINGHAM. I have a general pair with that Senator. I transfer it to the senior Senator from Nebraska [Mr. BROWN] and vote. I vote "yea."

Mr. BOURNE (after having voted in the affirmative). In the absence of the Senator from Alabama [Mr. BANKHEAD], with whom I have a temporary pair, I withdraw my vote.

Mr. KERN. In the absence of the Senator from Kentucky [Mr. BRADLEY], I transfer my pair with him to the Senator from Oklahoma [Mr. OWEN] and will vote. I vote "nay."

The result was announced—yeas 40, nays 15, as follows:

YEAS—40.

Burnham	Fall	Martin, Va.	Smith, Md.
Burton	Fletcher	Martine, N. J.	Smith, Mich.
Catron	Foster	O'Gorman	Smoot
Chamberlain	Gallinger	Oliver	Stephenson
Clapp	Gamble	Page	Thomas
Crane	Jackson	Penrose	Thornton
Cullom	Jones	Perkins	Townsend
Curtis	Lippitt	Pomerene	Wetmore
Dillingham	Lodge	Richardson	Williams
du Pont	McLean	Root	Works

NAYS—15.

Bristow	Johnston, Ala.	Myers	Smith, Ga.
Chilton	Kenyon	Overman	Smith, S. C.
Gore	Kern	Sheppard	Webb.
Gronna	Lea	Smith, Ariz.	

NOT VOTING—40.

Ashurst	Bryan	Johnson, Me.	Poindexter
Bacon	Clark, Wyo.	Kavanaugh	Reed
Bankhead	Clarke, Ark.	La Follette	Shively
Borah	Crawford	McCumber	Simmons
Bourne	Culberson	Nelson	Stone
Bradley	Cummins	Newlands	Sutherland
Brady	Dixon	Owen	Swanson
Brandegee	Gardner	Paynter	Tillman
Briggs	Guggenheim	Percy	Warren
Brown	Hitchcock	Pittman	Watson

So the amendment of the committee was agreed to.

The next committee amendment passed over was, on page 88, after line 12, to insert:

The reimbursement required to be made to the United States by the District of Columbia under the provisions of the sundry civil appropriation act approved August 24, 1912, on account of deficiencies in payments for the care and maintenance of the insane of said District during the fiscal years 1881 to 1911, inclusive, is hereby fixed at $719,536.09.

The amendment was agreed to.

The next committee amendment passed over was, on page 93, after line 14, to insert:

In connection with said reclamation and development of the Anacostia River and flats from the Anacostia Bridge to the District line, the Secretary of War is authorized to acquire by purchase or by condemnation, for highway and park purposes, the fee simple and absolute title to the land along the Anacostia River on both sides thereof between the high-water lines of said river, as determined by the United States Coast and Geodetic Survey, and lines following approximately the contour of 10 feet elevation on each side of said river above mean low water at the United States Navy Yard, from the Anacostia Bridge to the northeast boundary line between the District of Columbia and Maryland; and also all land below the high-water lines on each side of said Anacostia River between the limits named that is not now owned by the United States; and the appropriation herein made for the reclamation and development of the Anacostia River and flats from the Anacostia Bridge northeast to the District line, and all appropriations heretofore made for said purpose are hereby made available for the purchase or condemnation of said land and for the payment of amounts awarded as damages for said land and the costs and expenses of the condemnation proceedings in the event that it is necessary to institute such condemnation proceedings: *Provided*, That if said land or any part thereof can not be acquired by purchase from the owners thereof at a price satisfactory to the Secretary of War, the Commissioners of the District of Columbia, upon the request of the Secretary of War, shall institute condemnation proceedings to acquire such land under the provisions of chapter 15 of the Code of Law for the District of Columbia.

Mr. BURTON. I should like to ask a few questions in regard to that. Has any estimate been made as to the probable cost of these lands?

Mr. CURTIS. Mr. President, this item was put in the bill at the request of the District Commissioners, to carry out the provisions of the bill on page 93, from line 4 to line 14, where an appropriation of $100,000 is made. I understand that in order to carry out that provision the commissioners must have authority to condemn this land. What it will cost, of course, I can not tell, but I judge it will come within the $100,000.

Mr. BURTON. There is a very large area to be acquired under this provision. Is it not known that its cost would very much exceed $100,000?

Mr. CURTIS. I could not say as to that. The item put in was stricken out in the House on a point of order, as I understand, and it was stated to the committee that unless the latter part was to put in it would be useless to leave in the former part.

Mr. BURTON. Does not this provision commit the Government, in conjunction with the District of Columbia, to acquire all that land?

Mr. CURTIS. I think so.

Mr. BURTON. It goes without saying that $100,000 would not by any means pay for the whole of it.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

The amendment was agreed to.

The next committee amendment passed over was, on page 94, after line 22, to insert:

Under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia are authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for highway and park purposes to preserve the Klingle Road Valley, comprising approximately 26½ acres, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia: *Provided*, That the tract of land hereinafter described, containing about 2 acres, shall be excepted from condemnation for such park, viz, a detached portion of said described park lying at the extreme eastern end thereof, east of the east line of a proposed street 90 feet wide, said described land being land now assessed in the name of Thomas Armat.

There is appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages: *Provided*, That of the amount found to be due and awarded by the jury in said condemnation proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized, plus the costs and expenses of the proceedings, not less than one-third shall be assessed by the jury as benefits against those lots, pieces, or parcels of land situated, lying, or being within an assessment area hereby created, which assessment area shall embrace all of the area lying within the distance of one-fourth of a mile from any point of said park: *Provided further*, That all land owned by the United States or the District of Columbia lying within said assessment area shall be exempt from assessment, which benefits, when collected, shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts.

Mr. BRISTOW. Mr. President, to save time I will make a point of order against that amendment.

The PRESIDENT pro tempore. Upon what ground does the Senator make the point of order?

Mr. BRISTOW. That it is general legislation.

Mr. CURTIS. Then, if that is done, there ought to be a further amendment, to strike out lines 20, 21, and 22.

Mr. BRISTOW. If the committee suggests that——

Mr. CURTIS. If the point of order is sustained, I move to strike out lines 20, 21, and 22.

The PRESIDENT pro tempore. The Chair sustains the point of order. The Senator from Kansas offers an amendment, which will be stated.

The SECRETARY. On page 94, it is proposed to strike out lines 20, 21, and 22 in the following words:

KLINGLE VALLEY PARK.

For grading and improving Klingle Road between Woodley Road and Rock Creek, $12,000.

The amendment was agreed to.

The next committee amendment passed over was, on page 96, after line 18, to insert:

Under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia are hereby authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land along and adjacent to the Piney Branch Valley and between Sixteenth Street and Fourteenth Street NW., and the land adjacent to the Municipal Hospital grounds between Fourteenth Street and Georgia Avenue NW., for park purposes, comprising in all approximately 42 acres of land, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia.

There is appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto and for the payment of the amounts awarded as damages: *Provided*, That of the amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized, plus the costs and expenses of the proceedings, not less than one-third shall be assessed by the jury as benefits against those lots, pieces, or parcels of land situate, lying, or being within an assessment area hereby created, which assessment area shall embrace all of the area lying within the distance of one-fourth of a mile from any point of said park: *Provided further*, That all land owned by the United States or the District of Columbia lying within said assessment area shall be exempt from assessment, which benefits, when collected, shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts: *Provided further*, That the Commissioners of the District of Columbia are authorized to abandon for highway purposes any existing streets or parts of streets within the territory before described except Fourteenth Street: *Provided further*, That the Commissioners of the District of Columbia are authorized to prepare a new highway plan for that portion of the District of Columbia lying west of Fourteenth Street, south of Taylor Street, east of Rock Creek Park, and north of Newton Street NW., under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to said act approved June 28, 1898: *Provided*, That section 4 of said amendment shall not apply to the territory above described: *Provided further*, That under this authority Mount Pleasant Street may be extended with a minimum width of 45 feet; that Perry Place may be extended with a minimum width of 50 feet; and that Fourteenth Street Road may be established with a minimum width of 50 feet; that upon the completion and recording of said new highway plan it shall take the place of and stand for any previous plan for said portion of said District of Columbia.

Mr. BRISTOW. Mr. President, to save time I will make the same point of order on this amendment that I did on the other. As I stated yesterday, I do not think it is at all desirable to enlarge parks that now contain from 1,700 to 1,800 acres of forest by taking in a few acres on the side where people do not live in any great numbers. It is purely general legislation.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. CURTIS. Mr. President, in view of the sustaining of the point of order, I move to strike out lines 8 to 18, inclusive.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 96 it is proposed to strike out lines 8 to 18, inclusive, in the following words:

PINEY BRANCH VALLEY PARK.

For grading and improving a low, level road from Beach Drive, in Rock Creek Park, running along the Piney Branch Valley to Sixteenth Street and beyond Sixteenth Street so far as it may be necessary to return to the elevation of Sixteenth Street south of the bridge over Piney Branch with a suitable grade, $24,000.

For grading and improving a road from a point near the bridge over Piney Branch at Sixteenth Street, in the road above described, running along the Piney Branch Valley to Fourteenth Street, $21,000.

The amendment was agreed to.

The next committee amendment passed over was, on page 106, to strike out lines 13, 14, 15, and 16 in the following words:

INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, $975,408, which sum shall be paid out of funds and accounted for in accordance with the acts of Congress in relation thereto.

Mr. CURTIS. That language naturally goes out as the result of the vote on the amendment on page 74.

The amendment was agreed to.

The PRESIDENT pro tempore. The reading of amendments passed over has been concluded. The bill is still in Committee of the Whole and open to amendment.

Mr. KERN. I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 58, after line 16, it is proposed to insert:

For the purchase of ground north of Rhode Island Avenue on which to erect an additional school building for the Woodridge and Langdon neighborhood, $12,000.

Mr. KERN. That is recommended in the estimates, Mr. President.

The amendment was agreed to.

Mr. POMERENE. Mr. President, on yesterday I presented an amendment to the bill, to go in on page 106, which was, if I may explain to Senators who were not here at that time, to attach to this measure the public utilities bill just as it unanimously passed the Senate. The Senator from Utah [Mr. SMOOT] at that time made a point of order. I hope the Senator will withdraw it.

Mr. SMOOT. Mr. President, since I made the point of order upon the amendment offered by the Senator from Ohio I have had a good many Senators plead with me to withdraw the point of order. I stated last evening that I had voted for the same measure in the Senate. I am heartily in accord with it. There is no question that a point of order made against it would defeat the amendment. It is of such vital importance to the District, however, that I have come to the conclusion that I will withdraw my point of order and allow it to go on the bill, if no other Senator desires to make an objection.

I do this with a great deal of hesitancy, because I am led to believe that a great many amendments will be offered against which we shall be compelled to make points of order. As I stated, however, this matter is of vital importance, and as it seems to be almost the universal sentiment of the Senators present that it ought to go into the bill I have made up my mind to withdraw the point of order I made.

The PRESIDENT pro tempore. The point of order is withdrawn. The question is upon the amendment submitted by the Senator from Ohio.

Mr. CLARKE of Arkansas. Let us have it reported, in order that we may see what it is.

Mr. OLIVER. In order to save the time that will be required to read the amendment——

Mr. CLARKE of Arkansas. I withdraw the request. I have been informed as to the nature of the amendment.

Mr. OLIVER. Mr. President, I am compelled to renew the point of order. As a member of the District Committee, I voted to report this measure. I voted for it when it passed the Senate. It is a measure of extreme importance, and the Senate has done its full duty in passing it. I think it is up to the House, now, to adopt it as a piece of separate legislation. I do not think such far-reaching legislation as this should be attached to appropriation bills. I therefore feel compelled to raise the point of order against it.

Mr. SMOOT. Before the Senator does that, let me say just a word. I understand the bill as it passed the Senate, embodying the same ideas, has been in the House, as suggested by me the last time the matter was spoken of by the Senator, for a considerable length of time. I am also informed that the committee never has considered the bill and has scarcely held a meeting. The bill that we now have before us is one that was reported from the Appropriations Committee of the House and not from the District Committee of the House.

Mr. OLIVER. Mr. President, that is all the more reason why the bill is entitled to consideration by a committee of the House. It has been thoroughly considered by the Senate, it has been passed by the Senate, and the appropriate committee of the House ought to consider and pass it. I feel like insisting on the point of order.

Mr. POMERENE. Mr. President, I hope the Senator will reconsider his determination. If this were a matter of new legislation that had not been fully considered in committee and in the Senate, I should not insist upon it for one minute. But I think every Member of this body who has given any attention to District matters recently must appreciate the fact that there is no legislation that is so greatly needed as is this particular bill.

I realize that this amendment is not in compliance with the rules of the Senate, if the point of order is insisted upon. But are we to stick strictly to technical points of order, and thereby fail to enact vital legislation? Let the responsibility lie elsewhere, if it may; but let us not kill legislation of this kind by a technical objection.

With all due respect to the Senator, I ask that this point of order may be submitted to the Senate for its judgment.

Mr. WORKS. Mr. President, it may be that, technically speaking, this amendment is subject to a point of order; but to my mind it is one of the most important pieces of legislation that has come before the Senate for the last two sessions. The chairman of the District Committee gave weeks of time to an effort to perfect a bill that would meet the necessities of the occasion. The bill was reported to the Senate and was thoroughly discussed here. Various amendments were proposed at that time, and in order to perfect the bill the chairman of the committee moved that it be again referred to the District Committee. It was there considered with a great deal of care, and I think is about as nearly a perfect bill as could be made under the circumstances. It passed the Senate almost unanimously; and the manner in which its passage has been prevented ought to lead us, if it is possible to do so, to waive the point of order and see that it becomes a law. I think it is exceedingly important; and therefore I hope the matter may be submitted to the Senate in order that the sense of the Senate may be taken upon it.

Mr. OLIVER. Mr. President, it is very hard for me to withstand such appeals as have been made in behalf of this amendment. I have only to call the attention of Senators to the fact that the Constitution prescribes that there shall be three parties to legislation—the Senate, the House, and the President. To attach general legislation to appropriation bills, which must be approved as a whole or not at all, simply deprives two of the constituent parties of a voice in the making of such legislation. Therefore I am opposed to putting general legislation in any appropriation bill except in case of extreme necessity.

The extreme necessity does not exist in this case, for the simple reason that in ample time the Senate adopted this measure and sent it to the House, and placed upon that body the responsibility of considering and acting upon it. Of course the House has a perfect right to take its time; but since it has not passed the bill, the responsibility is upon it.

As I said, I voted for this legislation when it passed the Senate. I took part in its consideration in the District Committee, of which I was then a member. I am in favor of it. I object to its insertion here, however, as a matter of principle, simply because I think the legislation, if enacted, should be enacted by the joint action of both Houses of Congress and the President, and that each one of them should have a chance to consider and pass upon it. Therefore I am compelled to insist upon my point of order.

The PRESIDENT pro tempore. Under clause 2 of Rule XX—

The Presiding Officer may submit any question of order for the decision of the Senate.

In response to the appeals that have been made to the Chair to submit this question to the Senate, the Chair avails himself of the privilege of that rule and submits the question to the Senate, the question being, Is the amendment in order on the bill that is now under consideration?

Mr. OLIVER, Mr. BRISTOW, and Mr. LA FOLLETTE addressed the Chair.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Pennsylvania rose first.

Mr. OLIVER. I wish to say, Mr. President, that if the Chair, instead of taking the responsibility himself, intends to submit the question to the Senate, I have no doubt in the world what the result will be when it is submitted. Therefore, in order to save the time of the Senate, which is very valuable now, I withdraw the point of order.

The PRESIDENT pro tempore. The point of order is withdrawn.

Mr. BRISTOW. I desire to say what I rose to say, and that is that I intend to vote for this as an amendment. I am in favor of this legislation. It is not in order, however, if the point of order is made; and if it is submitted to the Senate I shall not vote that it is in order when I know it is not.

The PRESIDENT pro tempore. The point of order is withdrawn. The question is upon the amendment offered by the Senator from Ohio [Mr. POMERENE].

The amendment was agreed to, as follows:

PUBLIC UTILITIES COMMISSION.

SEC. 8. That for the purpose of this act the term "commission" when used herein shall mean the public utilities commission of the District of Columbia created by this act.

The term "commissioner" when used in this act shall mean one of the members of such commission.

The term "public utility" as used in this act shall mean and embrace every street railroad, street railroad corporation, common carrier, gas plant, gas corporation, electric plant, electrical corporation, water-power company, telephone corporation, telephone line, telegraph corporation, telegraph line, and pipe-line company.

The term "service" is used in this act in its broadest and most inclusive sense.

The term "corporation" when used in this act includes a corporation, company, association, and joint-stock company or association.

The word "person" when used in this act includes an individual and a firm or copartnership.

The term "joint rates" when used in this act with reference to street railways shall be taken to mean rates between unrelated lines now in effect under existing law or under contract, or which may hereafter be specifically authorized by law.

The term "extension or extensions" when used in this act shall include the reasonable extension of the service and facilities of every street railroad, street railroad corporation, gas plant, gas corporation, electric plant, electrical corporation, telephone corporation, telephone line, telegraph line, and telegraph corporation as the same are defined in this act.

The term "street railroad" when used in this act includes every such railroad, whether wholly or partly in the District of Columbia, by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for compensation, and includes all equipment, construction, maintenance, repairs, switches, spurs, tracks, terminals, terminal facilities of every kind, trackage, joint or reciprocal trackage, transfers of passengers between street railways having connecting lines and street railways having independent lines, subways, tunnels, and stations, used, operated, or owned by or in connection with any such street railroad, and all the property of the same used in the conduct of its business.

The term "street railroad corporation" when used in this act includes every corporation, company, association, joint-stock company or association, partnership, and person doing business in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any street railroad or any cars or other equipment used thereon or in connection therewith.

The term "common carrier" when used in this act includes express companies and every corporation, street railroad corporation, company, association, joint-stock company or association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any agency or agencies for public use for the conveyance of persons or property within the District of Columbia for hire. Steam railroads, the Washington Terminal Co., and the Norfolk & Washington Steamboat Co., and all companies engaged in interstate traffic upon the Potomac River and Chesa-

peake Bay are excluded from the operation of this act, and are not included in the term "common carrier."

The term "gas plant" when used in this act includes all buildings, easements, real estate, mains, pipes, conduits, service pipes, services, pipe galleries, meters, boilers, water-gas sets, retorts, fixtures, condensers, scrubbers, purifiers, holders, materials, apparatus, personal property, and franchises, and property of every kind used in the conduct of the business operated, owned, controlled, used or to be used for or in connection with or to facilitate the manufacture, distribution, sale, or furnishing of gas (natural or manufactured) for light, heat, or power.

The term "gas corporation" when used in this act includes every corporation, company, association, joint-stock company or association, partnership, or person manufacturing, making, distributing, or selling gas for light, heat, or power, or for any public use whatsoever in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, and in said District owning, operating, controlling, or managing any gas plant, except where the gas is made or produced and distributed by the maker on or through private property solely for its own use or the use of its tenants and not for sale to or for the use of others.

The term "electric plant" when used in this act includes all engines, boilers, dynamos, generators, storage batteries, converters, motors, transformers, cables, wires, poles, lamps, meters, easements, real estate, fixtures, and personal property, materials, apparatus, and devices of every kind operated, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale, or furnishing of electricity for light, heat, or power, and any conduits, ducts, or other devices, materials, apparatus, or property for containing, holding, or carrying electrical conductors used or to be used wholly or in part for the transmission of electricity for light, heat, or power, except where electricity is made, generated, produced, or transmitted by a private person or private corporation on or through private property solely for its own use or the use of tenants of its building and not for sale to or for the use of others.

The term "electrical corporation" when used in this act includes every corporation, company, association, joint-stock company or association, partnership, or person doing business in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any electric plant, including any water plant, or water property, or waterfalls, or dam, or water-power stations, except where electricity is made, generated, produced, or transmitted by a private person or private corporation on or through private property solely for its own use or the use of tenants of its building and not for sale to or for the use of others.

The term "water-power company" when used in this act includes every corporation, company, association, joint-stock company or association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, managing, or controlling any plant or property, dam or water supply, canal, or power station for the development of water power for the generation of electrical current or other power or for the distribution or sale of such electrical current or other power.

The term "telephone corporation" when used in this act includes every corporation, company, association, joint-stock company or association, partnership, and persons, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any plant, wires, poles for the reception, transmission, or communication of messages by telephone, telephonic apparatus or instruments, or any telephone line or part of telephone line, used in the conduct of the business of affording telephonic communication for hire, or which licenses, lets, or permits telephonic communication for hire.

The term "telephone line" when used in this act includes conduits, ducts, poles, wires, cables, cross arms, receivers, transmitters, instruments, machines and appliances, and all devices, real estate, franchises, easements, apparatus, fixtures, property, appurtenances, and routes used, operated, controlled, or owned by any telephone corporation to facilitate the business of affording telephonic communication for hire, or which licenses, lets, or permits telephonic communication.

The term "telegraph corporation" when used in this act includes every corporation, company, association, joint-stock company or association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any plant, wires, poles, or property for the purposes of communication, or of transmitting or receiving messages by telegraph, or by any telegraphic apparatus or instrument, or any telegraph line or part of telegraph line used in the conduct of the business of affording for hire communication by telegraph, or which licenses, lets, or permits telegraphic communication for hire.

The term "telegraph line" when used in this act includes conduits, ducts, poles, wires, cables, cross arms, instruments, machinery, appliances, and all devices, real estate, franchises, easements, apparatus, fixtures, property, and routes used, operated, controlled, or owned by any telegraph corporation to facilitate the business of affording communication by telegraph for hire.

The term "pipe-line company" when used in this act includes every corporation, company, association, joint-stock company or association, partnership, or person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, managing, or controlling the supply of any liquid, steam, or air through pipes or tubing to consumers for use or for lighting, heating, or cooling purposes, or for power.

This act shall apply to the transportation of passengers, freight, or property from one point to another within the District of Columbia, and any common carrier performing such service; and this act shall be so applicable and be so construed as to be free from conflict with those provisions of the Constitution of the United States and the laws in pursuance thereof relating to interstate commerce.

Corporations formed to acquire property or to transact business which would be subject to the provisions of this act, and corporations possessing franchises for any of the purposes contemplated by this act shall be deemed to be subject to the provisions of this act, although no property may have been acquired, business transacted, or franchises exercised.

SEC. 2. That every public utility doing business within the District of Columbia is required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished or rendered, or to be furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminatory charge for such facility or service is prohibited and is hereby declared unlawful. Every public utility is hereby required to obey the lawful orders of the commission created by this act.

SEC. 3. That every public utility doing business in the District of Columbia having tracks, conduits, subways, poles, wires, switchboards, exchanges, works, or other equipment shall, for a reasonable compensation, permit the use of the same by any other public utility whenever public convenience and necessity require such use, and such use will not result in irreparable injury to the owners or other users of such equipment; nor in any substantial detriment to the service to be rendered by such owners or other users. In case of failure to agree upon such use, or the conditions or compensation for such use, any public utility or any person, firm, copartnership, association, or corporation interested may apply to the commission, and if after investigation the commission shall ascertain that public convenience and necessity require such use and that it would not result in irreparable injury to the owners or other users of such equipment nor in any substantial detriment to the service to be rendered by such owners or other users of such equipment, it shall by order direct that such use be permitted and prescribe conditions and compensation for such joint use. Such use so ordered shall be permitted and such conditions and compensation so prescribed shall be the lawful conditions and compensation to be observed, followed, and paid, subject to recourse to the courts upon the complaint of any interested party, as hereinafter provided, which provisions, so far as applicable, shall apply to any action arising on such complaint so made. Any such order of the commission may be from time to time revised by the commission upon application of any interested party or upon its own motion.

SEC. 4. That the commission shall have power, after hearing and notice by order in writing, to require and compel every public utility to comply with the provisions of this act, and with all other laws of the United States applicable, and any municipal ordinance or regulation relating to said public utility, and to conform to the duties upon it thereby imposed or by the provisions of its own charter, if any charter has or shall be granted it: *Provided*, That nothing herein contained shall be held to relieve any public utility, its officers, agents, or servants, from any punishment, fine, forfeiture, or penalty for violation of any such law, ordinance, regulation, or duty imposed by its charter, nor to limit, take away, or restrict the jurisdiction of any court or other authority which now has or which may hereafter have power to impose any such punishment, fine, forfeiture, or penalty.

SEC. 5. That whenever any public utility or person shall propose any change in any law relating directly or indirectly to the property or operations of any public utility the said proposed change shall also and at the same time be submitted to the commission, which may take testimony and give a public hearing thereon, and the commission shall recommend such bills as will in its judgment protect the interests of the public and such public utility and transmit the same to the proper committees of the Senate and House of Representatives.

SEC. 6. That the commission shall ascertain, as soon and as nearly as practicable, the amount of money expended in the construction and equipment of every public utility, including the amount of money expended to procure any right of way; also the amount of money it would require to secure the right of way, reconstruct any roadbed, track, depots, cars, conduits, subways, poles, wires, switchboards, exchanges, offices, works, storage plants, power plants, machinery, and any other property or instrument not included in the foregoing enumeration used in or useful to the business of such public utility, and to replace all the physical properties belonging to the public utility. It shall ascertain the outstanding stock, bonds, debentures, and indebtedness, and the amount, respectively, thereof, the date when issued, to whom issued, to whom sold, the price paid in cash, property, or labor therefor, what disposition was made of the proceeds, by whom the indebtedness is held, so far as ascertainable, the amount purporting to be due thereon, the floating indebtedness of the public utility, the credits due the public utility, other property on hand belonging to it, the judicial or other sales of said public utility, its property or franchises, and the amounts purporting to have been paid, and in what manner paid therefor, and the taxes paid thereon. The commission shall also ascertain the gross and net income of the public utility from all sources in detail, the amounts paid for salaries to officers and the wages paid to its employees, and the maximum hours of continuous service required of each class. Whenever the information required by this section is obtained it shall be printed in the annual report of the commission. In making such investigation the commission may avail itself of any information in possession of any department of the Government of the United States or of the Commissioners of the District of Columbia.

SEC. 7. That the commission shall value the property of every public utility within the District of Columbia actually used and useful for the convenience of the public at the fair value thereof at the time of said valuation.

SEC. 8. That before final determination of such value the commission shall, after notice of not less than 30 days to the public utility, hold a public hearing as to such valuation in the manner hereinafter provided for a hearing, which provisions, so far as applicable, shall apply to such hearing. The commission shall, within 10 days after such valuation is determined, serve a statement thereof upon the public utility interested, and shall file a like statement with the District Committees in Congress.

SEC. 9. That the commission may at any time, on its own initiative, make a revaluation of the property of any public utility.

SEC. 10. That every public utility shall keep and render to the commission, in the manner and form prescribed by the commission, uniform accounts of all business transacted. Every public utility engaged directly or indirectly in any other business than that of the conduct of a street railway, or the production, transmission, or furnishing of heat, light, water, or power, or the conveyance of telegraph or telephone messages, shall, if required by the commission, keep and render separately to the commission in like manner and form the accounts of all such other business, in which case all the provisions of this act shall apply with like force and effect to the books, accounts, papers, and records of such other business.

SEC. 11. That the commission shall prescribe the forms of all books, accounts, papers, and records required to be kept, and every public utility is required to keep and render its books, accounts, papers, and records accurately and faithfully in the manner and form prescribed by the commission, and to comply with all directions of the commission relating to such books, accounts, papers, and records. In so far as practicable for the purposes of this act, the form prescribed shall be the form accepted by the Interstate Commerce Commission.

SEC. 12. That the commission shall cause to be prepared suitable blanks for carrying out the purposes of this act, and shall when necessary furnish such blanks to each public utility.

SEC. 13. That each public utility shall have an office within the District of Columbia in which it shall keep all such books, accounts, papers, and records as shall be required by the commission to be kept within the District of Columbia. No books, accounts, papers, or records required by the commission to be kept within the District of Columbia shall be at any time removed from the District of Columbia, except upon such condition as may be prescribed by the commission: *Provided*, That public utilities operating in the District of Columbia and elsewhere who have their general or executive offices outside of the Dis-

trict, may continue to keep their books, accounts, records, etc., at their executive or general offices, such public utilities being required, however, to produce before the commission such books, accounts, records, and papers from time to time as the commission may order.

SEC. 14. That the accounts shall be closed annually on the 31st day of December, and a balance sheet of that date promptly taken therefrom. On or before the 1st day of February following such balance sheet, together with such other information as the commission shall prescribe, verified by an owner or officer of the public utility, shall be filed with the commission, and a copy thereof transmitted to Congress.

SEC. 15. That the commission shall provide for the examination and audit of all accounts, and all items shall be allocated to the accounts in the manner prescribed by the commission. The agents, accountants, or examiners employed by the commission shall have authority, under the direction of the commission, to inspect and examine any and all books, accounts, papers, records, and memoranda kept by such public utilities.

SEC. 16. That every public utility shall carry a proper and adequate depreciation account. The commission shall ascertain and determine what are the proper and adequate rates of depreciation of the several classes of property of each public utility. These rates shall be such as will provide the amounts required over and above the expense of maintenance to keep such property in a state of efficiency corresponding to the progress of the industry. Each public utility shall conform its depreciation accounts to such rates so ascertained and determined by the commission. The commission may make changes in such rates of depreciation from time to time as it may find to be necessary. The commission shall also prescribe rules, regulations, and forms of accounts regarding such depreciation which the public utility is required to carry into effect. The commission shall provide for such depreciation in fixing the rates, tolls, and charges to be paid by the public. All moneys in this fund may be expended in keeping the property of such public utility in repair and good and serviceable condition for the use to which it is devoted, or invested, and, if invested, the income from the investments shall also be carried in the depreciation fund. This fund and the proceeds thereof shall be used for no other purpose than as provided in this section, unless with the consent and by order of the commission.

SEC. 17. That the commission shall keep itself informed of all new construction, extensions, and additions to the property of all public utilities, and shall prescribe the necessary forms, regulations, and instructions to the officers and employees of all public utilities for the keeping of construction accounts, which shall clearly distinguish all operating expenses and new construction.

SEC. 18. That nothing in this act shall be taken to prohibit a public utility, with the consent of the commission, from providing a sliding scale of rates and dividends according to what is commonly known as the Boston sliding scale, or other financial device that may be practicable and advantageous to the parties interested. No such arrangement or device shall be lawful until it shall be found by the commission, after investigation, to be reasonable and just and not inconsistent with the purposes of this act. Such arrangement shall be under the supervision and regulation of the commission. The commission shall ascertain, determine, and order such rates, charges, and regulations, and the duration thereof, as may be necessary to give effect to such arrangement, but the right and power to make such other and further changes in rates, charges, and regulations as the commission may ascertain and determine to be necessary and reasonable, and the right to alter or amend all orders relative thereto, is reserved and vested in the commission notwithstanding any such arrangement and mutual agreement.

SEC. 19. That each public utility shall furnish to the commission in such form and at such times as the commission shall require such accounts, reports, and information as shall show in itemized detail: Depreciation; salaries and wages; legal expenses; taxes and rentals; quantity and value of material used; receipts from residuals, by-products, services, or other sales; total and net costs; net and gross profits; dividends and interest; surplus or reserve; prices paid by consumers; and in addition such other items, whether of a nature similar to those hereinbefore enumerated or otherwise, as the commission may prescribe, in order to show completely and in detail the entire operation of the public utility in furnishing its product or service to the public.

SEC. 20. That the commission shall publish annual reports showing its proceedings relating to all the public utilities of each kind in the District of Columbia and such other occasional reports as it may deem advisable. The commission shall also publish in its annual reports the value of all property actually used and useful for the convenience of the public of every public utility as to whose rates, charges, service, or regulations any hearing has been held by the commission or the value of whose property has been ascertained by it under the provisions of this act.

SEC. 21. That the commission shall ascertain and fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage, or other condition pertaining to the supply of the product or service rendered by any public utility, and prescribe reasonable regulations for examining and testing such product or service and for the measurement thereof. It shall establish reasonable rules, regulations, specifications, and standards to secure the accuracy of all meters and appliances for measurements, and every public utility is required to carry into effect all orders issued by the commission relative thereto.

SEC. 22. That the commission shall provide for the examination and testing of any and all appliances used for the measuring of any product or service of a public utility. Any consumer or user may have any such appliance tested upon payment of the fees fixed by the commission. The commission shall declare and establish reasonable fees to be paid for testing such appliances on the request of the consumers or users, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance be found defective or incorrect to the disadvantage of the consumer or user.

SEC. 23. That the commission may purchase such materials, apparatus, and standard measuring instruments for such examination and tests as it may deem necessary. The commission, it agents, experts, or examiners, shall have power to enter upon any premises occupied by any public utility for the purpose of making the examinations and tests provided for in this act, and to set up and use on such premises any apparatus and appliances and occupy reasonable space therefor.

SEC. 24. That every public utility shall file with the commission, within a time to be fixed by the commission, schedules, which shall be open to public inspection, showing all rates, tolls, and charges which it has established and which are in force at the time for any service performed by it within the District of Columbia, or for any service in connection therewith or performed by any public utility controlled or operated by it. The rates, tolls, and charges shown on such schedules shall not exceed the rates, tolls, and charges now allowed by law, and shall be the lawful rates, tolls, and charges within the District of Columbia, and shall remain and be in force until set aside by the commission.

SEC. 25. That every public utility shall file with and as a part of such schedule all rules and regulations that in any manner affect the rates charged or to be charged for any service.

SEC. 26. That a copy of so much of said schedules as the commission shall deem necessary for the use of the public shall be printed in plain type and kept on file in every station and office of such public utility where payments are made by the consumers or users, open to the public, in such form and place as to be readily accessible to the public and so as to be conveniently inspected.

SEC. 27. That where a schedule of joint rates or charges is, or may be, in force between two or more public utilities, such schedules shall in like maner be printed and filed with the commission, and so much thereof as the commission shall deem necessary for the use of the public shall be filed in every such station or office, as provided in the preceding section.

SEC. 28. That no change shall thereafter be made in any schedule, including schedules of joint rates, except upon 10 days' notice to the commission, and all such changes shall be plainly indicated upon existing schedules, or by filing new schedules in lieu thereof 10 days prior to the time the same are to take effect: *Provided*, That the commission, upon application of any public utility, may prescribe a less time within which a reduction may be made.

SEC. 29. That copies of all new schedules shall be filed, as hereinbefore provided, in every station and office of such public utility where payments are made by consumers or users 10 days prior to the time the same are to take effect, unless the commission shall prescribe a less time.

SEC. 30. That it shall be unlawful for any public utility to charge, demand, collect, or receive a greater or less compensation for any service performed by it within the District of Columbia, or for any service in connection therewith, than is specified in such printed schedules, including schedules of joint rates, as may at the time be in force, or to demand, collect, or receive any rate, toll, or charge not specified in such schedule. The rates, tolls, and charges named therein shall be the lawful rates, tolls, and charges until the same are changed as provided in this act.

SEC. 31. That the commission may prescribe such changes in the form in which the schedules are issued by any public utility as may be found to be expedient.

SEC. 32. That the commission shall have power to adopt reasonable and proper rules and regulations relative to all inspections, tests, audits, and investigations, and to adopt and publish reasonable and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings of public utilities and other parties before it.

SEC. 33. That the commission shall keep itself informed as to the manner and method in which the business of all public utilities is conducted, and shall have the right to obtain from any public utility all necessary information to enable the commission to perform its duties.

SEC. 34. That the commission or any commissioner or any person or persons employed by the commission for that purpose shall, upon demand, have the right to inspect the books, accounts, papers, records, and memoranda of any public utility and to examine, under oath, any officer, agent, or employee of such public utility in relation to its business and affairs. Any person other than one of said commissioners who shall make such demand shall produce his authority to make such inspection or examination.

SEC. 35. That the commission may require, by order or subpœna, to be served upon any public utility in the same manner that a summons is served in a civil action in the Supreme Court of the District of Columbia, the production within the District of Columbia at such time and place as it may designate of any books, accounts, papers, or records kept by such public utility in any office or place without the District of Columbia, or verified copies in lieu thereof, if the commission shall so order, in order that an examination thereof may be made by the commission under its direction. Any public utility failing or refusing to comply with any order or subpœna shall for each day it shall so fail or refuse forfeit and pay to the District of Columbia the sum of $100, to be recovered in an action to be brought in the name of said District.

Attendance of witnesses and the production of such documentary evidence may be required from any place in the United States. And in case of disobedience to a subpœna the commission, or any party to a proceeding before the commission, may invoke the aid of any court of the United States or the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this act. And the said commission is hereby given power to call on any district attorney of the United States, the corporation counsel of the District of Columbia, or any counsel of the commission to enforce the provisions of this act in the proper courts of the United States, and on such call it shall be the duty of the said district attorney, corporation counsel, or any counsel of the commission, upon request of said commission, to enforce the provisions of this section, the costs and expenses incurred to be paid out of the appropriations for the expenses of the courts of the United States.

SEC. 36. That for the purpose of making any investigation with regard to any public utility the commission shall have power to appoint, by an order in writing, an agent, whose duties shall be prescribed in such order. In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted in this act to the commission and shall have power to administer oaths and take depositions. The commission may conduct any number of such investigations contemporaneously through different agents, and may delegate to such agent or agents the taking of all testimony bearing upon any investigation or hearing. The decision of the commission shall be based upon its examination of all testimony and records. The recommendations made by such agents shall be advisory only, and shall not preclude the taking of further testimony, if the commission so order, nor further investigation.

SEC. 37. That every public utility shall furnish to the commission all information required by it to carry into effect the provisions of this act, and shall make specific answers to all specific questions submitted by the commission. Any public utility receiving from the commission any blanks with directions to fill the same shall cause the same to be properly filled out so as to answer, fully and correctly, each question therein propounded, and in case it is unable to answer any question it shall give a good and sufficient reason for such failure; and said answer

shall be verified under oath by the president, secretary, superintendent, or general manager of such public utility, and returned to the commission at its office within the period fixed by the commission. Whenever required by the commission, every public utility shall deliver to the commission any or all maps, profiles, contracts, reports of engineers, and all documents, books, accounts, papers, and records, or copies of any or all of the same, with a complete inventory of all its property, in such form as the commission may direct.

SEC. 38. That upon its own initiative or upon reasonable complaint made against any public utility that any of the rates, tolls, charges, or schedules, or services, or time and conditions of payment, or any joint rate or rates, schedules, or services, are in any respect unreasonable or unjustly discriminatory, or that any time schedule, regulation, or act whatsoever affecting or relating to the conduct of any street railway or common carrier, or the production, transmission, delivery, or furnishing of heat, light, water, or power, or any service in connection therewith, or the conveyance of any telegraph or telephone message, or any service in connection therewith, is in any respect unreasonable, insufficient, or unjustly discriminatory, or that any service is inadequate or can not be obtained, the commission may, in its discretion, proceed, with or without notice, to make such investigation as it may deem necessary or convenient. But no order affecting said rates, tolls, charges, schedules, regulations, or act complained of shall be entered by the commission without a formal hearing.

SEC. 39. That the commission shall prior to such formal hearing notify the public utility complained of that a complaint has been made, and 10 days after such notice has been given the commission may proceed to set a time and place for a hearing and an investigation as hereinafter provided.

SEC. 40. That the commission shall give the public utility and the complainant, if any, 10 days' notice of the time and place when and where such hearing and investigation will be held and such matters considered and determined. Both the public utility and complainant shall be entitled to be heard and shall have process to enforce the attendance of witnesses.

SEC. 41. That if upon such investigation the rates, tolls, charges, schedules, or joint rates shall be found to be unjust, unreasonable, insufficient, or unjustly discriminatory or to be preferential or otherwise in violation of any of the provisions of this act, the commission shall have power to determine and by order fix and order substituted therefor such rate or rates, tolls, charges, or schedules as shall be just and reasonable. If upon such investigation it shall be found that any regulation, time schedule, act, or service complained of is unjust, unreasonable, insufficient, preferential, unjustly discriminatory, or otherwise in violation of any of the provisions of this act, or if it be found that reasonable service is not supplied, the commission shall have power to determine and substitute therefor such other regulations, time schedules, service, or acts and to make such order respecting and such changes in such regulations, time schedules, service, or acts as shall be just and reasonable. And upon any investigation for the purpose of determining upon and requiring any reasonable extension or extensions of lines or of service that shall promise to be compensatory within a reasonable time, the commission shall have power to fix, determine, and require every such extension or extensions to be made and the terms and conditions upon which the same shall be made: *Provided*, That no hearing shall be had and no order shall be made respecting such extension or extensions without notice to the public utility affected thereby, as provided in section 40 of this act.

SEC. 42. That if upon investigation it shall be found that any rate, toll, charge, schedule, or joint rate, or rates, is unjust, unreasonable, insufficient, or unjustly discriminatory or preferential, or otherwise in violation of any of the provisions of this act, or that any time schedule, regulation, act, or service complained of is unjust, unreasonable, insufficient, preferential, or otherwise in violation of any of the provisions of this act, or if it be found that reasonable service is not supplied, the public utility found to be at fault shall pay the expenses incurred by the commission upon such investigation.

SEC. 43. That the commission may, in its discretion, when complaint is made of more than one rate or charge, order separate hearings thereon, and may consider and determine the several matters complained of separately and at such times as it may prescribe. No complaint shall of necessity at any time be dismissed because of the absence of direct damage to the complainant.

SEC. 44. That whenever the commission shall believe that any rate or charge may be unreasonable or unjustly discriminatory, or that any reasonable service is not supplied, or that an investigation of any matter relating to any public utility should for any reason be made, it may, on its own motion, summarily investigate the same with or without notice.

SEC. 45. That if after making such investigation the commission becomes satisfied that sufficient grounds exist to warrant a formal hearing being ordered as to the matters so investigated, it shall furnish such public utility interested a statement notifying the public utility of the matters under investigation. Ten days after such notice has been given the commission may proceed to set a time and place for a hearing and an investigation as hereinbefore provided.

SEC. 46. That notice of the time and place for such hearing shall be given to the public utility and to such other interested persons as the commission shall deem necessary, as provided in section 40 of this act, and thereafter proceedings shall be had and conducted in reference to the matter investigated in like manner as though complaint had been filed with the commission relative to the matter investigated, and the same order or orders may be made in reference thereto as if such investigation had been made on complaint.

SEC. 47. That any public utility may make complaint as to any matter affecting its own product or service with like effect as though made by the commission or upon reasonable complaint as hereinbefore provided.

SEC. 48. That each of the commissioners and every agent provided for in section 36 of this act, for the purposes mentioned in this act, shall have power to administer oaths, certify to official acts, issue subpœnas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony. In case of disobedience on the part of any person or persons to comply with any order of the commission or any commissioner, or any subpœna, or on the refusal of any witness to testify to any matter regarding which he may be interrogated before the commission or its agent authorized, it shall be the duty of the Supreme Court of the District of Columbia, or a judge thereof, on application of a commissioner, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpœna issued from such court or a refusal to testify therein.

SEC. 49. That each witness who shall appear before the commission or its agent by its order shall receive for his attendance the fees and mileage now provided for witnesses in the Supreme Court of the District of Columbia, which shall be audited and paid in the same manner as fees in criminal cases within the District of Columbia are audited and paid, upon the presentation of proper vouchers, sworn to by such witnesses and approved by the chairman of the commission. No witness subpœnaed at the instance of parties other than the commission shall be entitled to compensation for attendance or travel unless the commission shall certify that his testimony was material to the matter investigated, and that his attendance as a witness was reasonably necessary.

SEC. 50. That the commission or any party may, in any investigation, cause the depositions of witnesses residing within or without the District of Columbia to be taken in the manner prescribed by law for like depositions in civil actions in circuit courts.

SEC. 51. That a full and complete record shall be kept of all proceedings had before the commission or its agent on any formal investigation had, and all testimony shall be taken down by a stenographer appointed by the commission.

SEC. 52. That whenever any complaint is served upon the commission under the provisions of this act the commission shall, before said action is reached for trial, cause a certified transcript of all proceedings had and testimony taken upon such investigation to be filed with the clerk of the Supreme Court of the District of Columbia.

SEC. 53. That a transcribed copy of the evidence and proceedings or any specific part thereof, in any investigation taken by a stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript of all the testimony in the investigation or of a particular witness, or of other specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had in such investigation so purporting to be taken and transcribed, shall be received in evidence with the same effect as if such reporter were present and testified to the fact so certified. A copy of such transcript shall be furnished on demand, free of cost, to any party to such investigation.

SEC. 54. That no franchise nor any right to or under any franchise to own or operate any public utility as defined in this act or to use the tracks of any street railroad shall be assigned, transferred, or leased, nor shall any contract or agreement with reference to or affecting any such franchise or right be valid or of any force or effect whatsoever unless the assignment, transfer, lease, contract, or agreement shall have been approved by the commission in writing. The permission and approval of the commission to the assignment, transfer, or lease of a franchise under this section shall not be construed to revive or validate any lapsed or invalid franchise or to enlarge or add to the powers and privileges contained in the grant of any franchise or to waive any forfeiture. It shall be unlawful for any street railroad corporation, gas corporation, electric corporation, telephone corporation, telegraph corporation, or other public utility corporation, directly or indirectly, to acquire the stock or bonds of any other corporation incorporated for or engaged in the same or similar business as it is, unless authorized in writing to do so by the commission, and every contract, transfer, agreement for transfer, or assignment of any such stock or bonds without such written authority shall be void and of no effect.

SEC. 55. That the commission shall, within its jurisdiction—

Have general supervision of all gas corporations and electrical corporations having authority under any general or special law or under any charter or franchise to lay down, erect, or maintain wires, pipes, conduits, ducts, or other fixtures in, over, or under the streets, highways, and public places in the District of Columbia for the purpose of furnishing or distributing gas or of furnishing or transmitting electricity for light, heat, or power, or maintaining underground conduits or ducts for electrical conductors, and all gas plants and electric plants owned, leased, or operated by any corporation.

Investigate and ascertain from time to time the quality and quantity of gas supplied by persons or corporations; examine or investigate the methods employed by such persons and corporations in manufacturing, distributing, and supplying gas or electricity for light, heat, or power, and in transmitting the same, and have power to order such reasonable improvements as will reasonably promote the public interest, preserve the public health, and protect those using such gas or electricity and those employed in the manufacture and distribution thereof or in the manufacture and operation of the works, wires, poles, lines, conduits, ducts, and systems connected therewith, and have power to order reasonable improvements and extensions of the works, wires, poles, lines, conduits, ducts, and other reasonable devices, apparatus, and property of gas corporations and electrical corporations.

Have power by order to fix from time to time standards for determining the purity or the measurement of the illuminating power of gas to be manufactured, distributed, or sold by persons or corporations for lighting, heating, or power purposes, and to prescribe from time to time the efficiency of the electric supply system, of the current supplied, and of the lamps furnished by the persons or corporations generating and selling electric current, and by order to require the gas so manufactured, distributed, or sold to equal the standards so fixed by it, and to prescribe from time to time the reasonable minimum and maximum pressure at which gas shall be delivered by said persons or corporations. For the purpose of determining whether the gas manufactured, distributed, or sold by such persons or corporations for lighting, heating, or power purposes conforms to the standards of illuminating power, purity, and pressure, and for the purpose of determining whether the efficiency of the electric supply system, of the current supplied, and of the lamps furnished conforms to the orders issued by the commission, the commission shall have power, of its own motion, to examine and investigate the plants and methods employed in manufacturing, delivering, and supplying gas or electricity, and shall have access, through its members or persons employed and authorized by it to make such examinations and investigations, to all parts of the manufacturing plants owned, used, or operated for the manufacture, transmission, or distribution of gas or electricity by any such person or corporation. Any employee or agent of the commission who divulges any fact or information which may come to his knowledge during the course of any such inspection or examination, except in so far as he may be directed by the commission, or by a court or judge thereof, or authorized by law, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $50 nor more than $500 for each offense.

SEC. 56. That no gas corporation or electrical corporation shall begin the construction of a gas plant or electric plant without first having obtained the permission and approval of the commission.

SEC. 57. That the commission shall appoint inspectors of gas meters, whose duty it shall be, when required by the commission, to inspect, examine, prove, and ascertain the accuracy of any and all gas meters used or intended to be used for measuring or ascertaining the quantity of gas for light, heat, or power furnished by any person or corporation

to or for the use of any person or corporation, and when found to be or made to be correct, the inspector shall seal all such meters and each of them with some suitable device, which device shall be recorded in the office of the commission.

No corporation or person shall furnish, set, or put in use any gas meter which shall not have been inspected, proved, and sealed by an inspector of the commission.

The commission shall appoint inspectors of electric meters, whose duty it shall be, when required by the commission, to inspect, examine, and ascertain the accuracy of any and all electric meters used or intended to be used for measuring and ascertaining the quantity of electric current furnished for light, heat, or power by any person or corporation to or for the use of any person or corporation, and to inspect, examine, and ascertain the accuracy of all apparatus for testing and proving the accuracy of electric meters; and when found to be or made to be correct the inspector shall stamp or mark all such meters and apparatus with some suitable device, which device shall be recorded in the office of the commission. No corporation or person shall furnish, set, or put in use any electric meter the type of which shall not have been approved by the commission or any meter not approved by an inspector of the commission.

Every gas corporation and electrical corporation shall provide, repair, and maintain such suitable premises and apparatus and facilities as may be required and approved by the commission for testing and proving the accuracy of gas and electric meters furnished for use by it, and by which apparatus every meter may be tested.

If any consumer to whom a meter has been furnished shall request the commission in writing to inspect such meter, the commission shall have the same inspected and tested; if the same, on being so tested, shall be found to be more than 4 per cent, if an electric meter, or more than 2 per cent, if a gas meter, defective or incorrect to the prejudice of the consumer, the inspector shall order the gas or electrical corporation forthwith to remove the same and to place instead a correct meter, and the expense of such inspection and test shall be borne by the corporation; if the same, on being so tested, shall be found to be correct, the expense of such inspection and test shall be borne by the consumer.

The commission shall prescribe such rules and regulations to carry into effect the provisions of this section as it may deem necessary and shall fix uniform reasonable charges for the inspection and testing of meters upon complaint.

SEC. 58. That if it be alleged and established in an action brought in any court for the collection of any charge for gas or electricity that a price has been demanded in excess of that fixed by the commission or by statute no recovery shall be had therein, but the fact that such excessive charges have been made shall be a complete defense to such action.

SEC. 59. That the appointment and power to remove the inspector of gas and meters and assistant inspectors of gas and meters from office is hereby vested in the commission. All the powers and duties of such inspectors conferred and imposed by statute shall be exercised and performed under the supervision and control of the commission: *Provided*, That the salaries of the inspector of gas and meters and every assistant inspector of gas and meters shall continue to be paid as heretofore and as now provided by act of Congress.

SEC. 60. That the inspector of gas and meters now provided for by law shall transfer and deliver to the commission all books, maps, papers, records, apparatus, and the property of whatsoever description in his possession, and said commission is authorized to take possession of all books, maps, papers, records, apparatus, and property of whatsoever description.

SEC. 61. That all public utilities to which an order of the commission applies shall make such changes in their schedules on file as may be necessary to make the same conform to said order, and no change shall thereafter be made by any public utility in any such rates, tolls, or charges, or in any joint rate or rates, without the approval of the commission. Certified copies of all other orders of the commission shall be delivered to the public utility affected thereby in like manner, and the same shall take effect within such reasonable time thereafter as the commission shall prescribe.

SEC. 62. That the commission may, at any time, upon notice to the public utility and after opportunity to be heard as provided in section 40 of this act, rescind, alter, or amend any order fixing any rate or rates, tolls, charges, or schedules, or any other order made by the commission, and certified copies of the same shall be served and take effect as herein provided for original orders.

SEC. 63. That all rates, tolls, charges, time and condition of payment thereof, schedules, and joint rates fixed by the commission shall be in force and shall be prima facie reasonable until finally found otherwise in an action brought for that purpose.

SEC. 64. That if at any time the commission shall be in doubt of the elements of value to be by them considered in arriving at the true valuation under the provisions of this act, they are authorized and empowered to institute a proceeding in equity in the Supreme Court of the District of Columbia petitioning said court to instruct them as to the element or elements of value to be by them considered as aforesaid, and the particular utility under valuation at the time shall be made party defendant in said action.

That any public utility and any person or corporation interest being dissatisfied with any order or decision of the commission fixing any valuation, rate or rates, tolls, charges, schedules, joint rate or rates, may commence a proceeding in equity in the Supreme Court of the District of Columbia against the commission, as defendants, to vacate, set aside, or modify any such decision or order on the ground that the valuation, rate or rates, tolls, charges, schedules, joint rate or rates fixed in such order is unlawful, inadequate, or unreasonable. The answer of the commission, on any such action being instituted against it, or the answer of any public utility on any such action being commenced by said commission against it, shall be filed within 10 days, whereupon said proceeding shall be at issue and stand ready for trial.

All such proceedings shall have precedence over any civil cause of a different nature pending in such court, and the Supreme Court of the District of Columbia shall always be deemed open for the trial thereof, and the same shall be tried and determined as are equity proceedings in said court. Any party, including said commission, may appeal from the order of decree of said court to the Court of Appeals of the District of Columbia, and therefrom to the Supreme Court of the United States, which shall thereupon have and take jurisdiction in every such appeal. That pending the decision of said appeal the commission may suspend the decision or order appealed from for such a period as it may deem fair and reasonable under the circumstances: *Provided*, That no appeal, unless the court or the commission shall so order, shall operate to stay any order of the commission: *And provided further*, That said commission shall not, nor shall any of its members, officers, agents, or employees, be taxed with any costs, nor shall they or any of them be required to give any supersedeas bond or security for costs or damages on any appeal whatsoever. Said commission, or any of its members, officers, agents, or employees, shall not be liable to suit or action or for any judgment or decree for any damages, loss, or injury claimed by any public utility or person, nor required in any case to make any deposit for costs or pay for any service to the clerks of any court or to the marshal of the United States.

SEC. 65. That every proceeding, action, or suit to set aside, vacate, or amend any determination or order of the commission, or to enjoin the enforcement thereof, or to prevent in any way such order or determination from becoming effective, shall be commenced, and every appeal to the courts or right of recourse to the courts shall be taken or exercised, within 120 days after the entry or rendition of such order or determination, and the right to commence any such action, proceeding, or suit, or to take or exercise any such appeal or right of recourse to the courts, shall terminate absolutely at the end of such 120 days.

SEC. 66. That no injunction shall issue suspending or staying any order of the commission, except upon application to the Supreme Court of the District of Columbia or a judge thereof, and only upon notice to the commission and after hearing had.

SEC. 67. That if upon trial of such proceeding or suit evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing before the commission or its authorized agent, or additional thereto, the court, before proceeding to render judgment, unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the commission, and shall stay further proceedings in said proceeding for 15 days from the date of such transmission. Upon the receipt of such evidence the commission shall consider the same and may alter, modify, amend, or rescind its order relating to such valuation, rate or rates, tolls, charges, schedules, joint rate or rates, time schedules, regulations, act, or service complained of in said action, and shall report its action thereon to said court within 10 days from receipt of such evidence.

SEC. 68. That if the commission shall rescind its order complained of the proceeding or suit shall be dismissed; if it shall alter, modify, or amend the same, such altered, modified, or amended order shall take the place of the original order complained of and judgment shall be rendered thereon as though made by the commission in the first instance. If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

SEC. 69. That in all trials, actions, and proceedings arising under the provisions of this act or growing out of the exercise of the authority and powers granted herein to the commission, the burden of proof shall be upon the party adverse to such commission or seeking to set aside any determination, requirement, direction, or order of said commission to show by clear and satisfactory evidence that the determination, requirement, direction, or order of the commission complained of is inadequate, unreasonable, or unlawful, as the case may be.

SEC. 70. That no person shall be excused from testifying or from producing books, accounts, and papers in any proceeding based upon or growing out of any violation of the provisions of this act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may have testified or produced any documentary evidence: *Provided*, That no person so testifying shall be exempted from prosecution or punishment for perjury: *Provided further*, That the immunity hereby conferred shall extend only to a natural person who, in obedience to a subpœna, gives testimony under oath or produces evidence, documentary or otherwise, under oath.

SEC. 71. That upon application of any person the commission shall furnish certified copies, under the seal of the commission, of any order made by it, which shall be prima facie evidence of the facts stated therein.

SEC. 72. That the power to create liens on corporate property by public utilities in the District of Columbia is hereby declared to be a special privilege, the right of supervision, regulation, restriction, and control of which is hereby vested in the public-utilities commission of the District of Columbia, and such power shall be exercised according to the provisions of this act.

SEC. 73. That no public utility shall hereafter issue any stocks, stock certificates, bonds, mortgages, or any other evidences of indebtedness payable in more than one year from date, until it shall have first obtained the certificate of the commission showing authority for such issue from the commission.

SEC. 74. That no public utility shall issue any stocks, certificates of stock, bonds, or other evidences of indebtedness for money, property, or services, either directly or indirectly, nor shall it receive any money, property, or services in payment of the same, either directly or indirectly, until there shall have been recorded upon the books of such public utility the certificate of the commission in this act provided for.

SEC. 75. That no public utility shall declare any stock, bond, or scrip dividend or divide the proceeds of the sale of any stock, bond, or scrip among its stockholders.

SEC. 76. That no public utility shall issue any stocks, certificates of stock, bonds, or other evidences of indebtedness secured on its property in the District of Columbia for the purpose of any reorganization or consolidation in excess of the total amount of the stocks, certificates of stock, bonds, or other evidences of indebtedness then outstanding against the public utilities so reorganizing or consolidating, and no such public utility shall purchase the property of any other public utility for the purpose of effecting a consolidation until the commission shall have determined and set forth in writing that said consolidation will be in the public interest, nor until the commission shall have approved in writing the terms upon which said consolidation shall be made.

SEC. 77. That no public utility shall apply the proceeds of any such stock, certificates of stock, bonds, or other evidences of indebtedness to any other purpose or issue the same on any less favorable terms than that specified in the certificate issued by the commission.

SEC. 78. That all stocks, certificates of stock, bonds, and other evidences of indebtedness issued contrary to the provisions of this act shall be void.

SEC. 79. That any public utility, or any agent, director, or officer thereof, who shall, directly or indirectly, issue or cause to be issued any stocks, certificates of stock, bonds, or other evidences of indebtedness contrary to the provisions of this act, or who shall apply the proceeds from the sale thereof to any purposes other than that specified in the certificate of the commission, shall forfeit and pay into the Treasury of the United States, one-half to the credit of the District of Columbia, not less than $1,000 nor more than $10,000 for each offense.

SEC. 80. That each and every director, president, secretary, or other official of any such public utility who shall make any false statement to secure the issue of any stock, certificate of stock, bond, mortgage, or other evidence of indebtedness, or who shall, by false statement knowingly made, procure of the commission the making of the certificate herein provided, or issue, with knowledge of such fraud, negotiate, or cause to be negotiated, any such stock, certificate of stock, bond, mortgage, or other evidence of indebtedness in violation of this act, shall be guilty of a felony, and, upon conviction thereof, shall be punished by a fine of not less than $1,000, or by imprisonment for a term of not less than one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 81. That if any public utility or any agent or officer thereof shall, directly or indirectly, by any device whatsoever, or otherwise, charge, demand, collect, or receive from any person, firm, or corporation a greater or less compensation for any service rendered or to be rendered by it in or affecting or relating to the conduct of a street railroad or street railroad corporation, common carrier, gas plant, gas corporation, electric plant, electric corporation, water power company, telephone line, telephone corporation, telegraph line, or telegraph corporation, or pipe line company, or to the production, transmission, delivery, or furnishing of heat, light, water, or power, or the conveyance of telephone or telegraph messages, or for any service in connection therewith than that prescribed in the public schedules or tariffs then in force or established as provided herein, or than it charges, demands, collects, or receives from any other person, firm, or corporation other than one conducting a like business for a like and contemporaneous service, such public utility shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be a misdemeanor and unlawful, and upon conviction thereof shall forfeit and pay to the District of Columbia not less than $100 nor more than $1,000 for each offense; and such agent or officer so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $50 nor more than $100 for each offense.

SEC. 82. That it shall be unlawful for any public utility to demand, charge, collect, or receive from any person, firm, or corporation less compensation for any service rendered or to be rendered by said public utility in consideration of the furnishing by said person, firm, or corporation of any part of the facilities incident thereto: *Provided*, That nothing herein shall be construed as prohibiting any public utility from renting any facilities incident to the production, transmission, delivery, or furnishing of heat, light, water, or power, or the supply of any liquid, steam, or air, through pipes or tubing, or the conveyance of telegraph or telephone messages, and paying a reasonable rental therefor; or as requiring any public utility to furnish any part of such appliances which are situated in and upon the premises of any consumer or user, except telephone station equipment upon the subscriber's premises, and, unless otherwise ordered by the commission, meters, and appliances for measurements of any product or service.

SEC. 83. That it shall be unlawful for any person, firm, or corporation to solicit, accept, or receive any rebate, concession, or discrimination in respect to any service in or affecting or relating to any public utility or the production, transmission, delivery, or furnishing of heat, light, water, or power, or any liquid, steam, or air, or the conveying of telegraph or telephone messages within the District of Columbia, or for any service in connection therewith whereby any such service shall, by any device whatsoever or otherwise, be rendered free or at a less rate than that named in the schedules and tariffs in force as provided in this act, or whereby any service or advantage is received other than is in this act specified. Any person, firm, or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $200 nor more than $1,000 for each offense.

SEC. 84. That any officer, agent, or employee of any public utility who shall fail or refuse to fill out and return any blanks, as required by this act, or shall fail or refuse to answer any question therein propounded, or shall knowingly or willfully give a false answer to any such question, or shall evade the answer to any such question where the fact inquired of is within his knowledge, or who shall, upon proper demand, fail or refuse to exhibit to the commission or any commissioner, or any person authorized to examine the same, any book, paper, account, record, or memoranda of such public utility which is in his possession or under his control, or who shall fail to properly use and keep his system of accounting, or any part thereof, as prescribed by the commission under this act, or who shall refuse to do any act or thing in connection with such system of accounting when so directed by the commission or its authorized representative shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $200 nor more than $1,000 for each offense, and a penalty of not less than $500 nor more than $2,000 shall, on conviction, be imposed on the public utility for each such offense when such officer, agent, or employee acted in obedience to the direction, instruction, or request of such public utility or any general officer thereof.

SEC. 85. That if any public utility shall violate any provision of this act, or shall do any act herein prohibited, or shall fail or refuse to perform any duty enjoined upon it for which a penalty has not been provided, or shall fail, neglect, or refuse to obey any lawful requirement or order made by the commission, or any judgment or decree made by any court upon its application, for every such violation, failure, or refusal such public utility shall forfeit and pay to the District of Columbia the sum of $200 for each such offense. In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or other person acting for or employed by any public utility acting within the scope of his employment and instructions shall in every case be deemed to be the act, omission, or failure of such public utility.

SEC. 86. That any person who shall destroy, injure, or interfere with any apparatus or appliance owned or operated by or in charge of the commission or its agents shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding $100 or imprisonment for a period not exceeding 30 days, or both.

SEC. 87. That every day during which any public utility, or any officer, agent, or employee thereof, shall fail knowingly or willfully to observe and comply with any order or direction of the commission, or to perform any duty enjoined by this act, shall constitute a separate and distinct violation of such order, or direction, or of this act, as the case may be.

SEC. 88. That whenever, after hearing and investigation as provided in this act, the commission shall find that any rate, toll, charge, regulation, or practice of any public utility within the District of Columbia is unreasonable or discriminatory, it shall have the power to regulate, fix, and determine the same as provided in this act.

SEC. 89. That every public utility shall, whenever an accident attended with loss of human life or personal injury without loss of human life occurs within the District of Columbia, upon its premises, or directly or indirectly arising from or connected with its maintenance or operation, give immediate notice thereof to the commission. In the event of any such accident, the commission, if it deem the public interest requires it, shall cause an investigation to be made forthwith.

SEC. 90. That the commission shall inquire into any neglect or violation of the laws or regulations in force in the District of Columbia by any public utility doing business therein or by the officers, agents, or employees thereof, or by any person operating the plant of any public utility, and shall have the power, and it shall be its duty, to enforce the provisions of this act as well as all other laws relating to public utilities.

SEC. 91. That the corporation counsel of the District of Columbia shall be the general counsel of the commission and shall receive from and be paid out of the appropriations provided and to be provided for the expenses of the commission in addition to his compensation otherwise provided by law the sum of $1,000 per annum, payable in equal monthly installments. It shall be the duty of the general counsel to represent and appear for the commission in all actions and proceedings involving any question under this act, or under or in reference to any act, order, or proceeding of the commission, and if directed to do so by the commission, to intervene, if possible, in any action or proceeding in which any such question is involved; to commence and prosecute all actions and proceedings directed or authorized by the commission, and to expedite, in every way possible, final and just determination of all such actions and proceedings; to advise the commission and each commissioner, when so requested, in regard to all matters in connection with the powers and duties of the commission and of the members thereof, and generally to perform all duties and services as attorney and counsel to the commission which the commission may reasonably require of him. The assistants to the corporation counsel shall perform such duties relating to matters arising under this act and all other matters as the corporation counsel may prescribe. The commission may, if at any time it deems necessary, employ other attorneys at law as additional assistants to the said general counsel for the performance of such extraordinary legal services for or in behalf of the commission at such special compensation for such additional assistants as the commission may prescribe, which said compensation shall be paid out of the appropriations herein provided and hereafter to be provided for the expenses of the commission. The said corporation counsel and any of his assistants designated by him or by the commission shall have the right to appear and prosecute any civil, quasi criminal, or criminal case to recover any penalty, forfeiture, fine, or for the imposition of any punishment provided for in this act, whether instituted by or on behalf of the United States of America or by or on behalf of the District of Columbia, or otherwise, and on every appeal provided by law. The commission may enforce its orders in any case by mandamus or other legal or equitable remedy in any court of competent jurisdiction, and it shall be the duty of the corporation counsel or his assistants to represent the commission in every such proceeding.

SEC. 92. That the provisions of this act shall be interpreted and construed liberally in order to accomplish the purposes thereof, and where any specific power or authority is given the commission by the provisions of this act the enumeration thereof shall not be held to exclude or impair any power or authority otherwise in this act conferred on said commission. The commission hereby created shall have, in addition to the powers in this act specified, mentioned, and indicated all additional, implied, and incidental power which may be proper and necessary to effect and carry out, perform and execute all the said powers herein specified, mentioned, and indicated. A substantial compliance with the requirements of this act shall be sufficient to give effect to all the rules, orders, acts, and regulations of the commission, and they shall not be declared inoperative, illegal, or void for any omission of a technical nature in respect thereto. That each section of this act, and every part of each section, are hereby declared to be independent sections, and the holding of any section or sections or part or parts thereof to be void, ineffective, or unconstitutional for any cause shall not be deemed to affect any other section or part thereof.

SEC. 93. That this act shall not have the effect to release or waive any right of action by the United States, or by the District of Columbia, or by any person, for any right, penalty, or forfeiture which may have arisen or which may hereafter arise under any law of the United States or any regulation in force in the District of Columbia; and all penalties and forfeitures accruing under this act shall be cumulative, and a suit for any recovery of one shall not be a bar to the recovery of any other penalty.

SEC. 94. That, first, unless the commission shall otherwise order, it shall be unlawful for any public utility within the District of Columbia to demand, collect, or receive a greater compensation for any service than the charge fixed on the lowest schedules of rates for the same service under the law in force at the date of the passage of this act; second, every public utility in the District of Columbia shall, within 30 days after the passage and publication of this act, file in the office of the commission copies of all schedules of rates and charges, including joint rates, in force at the date of the passage of this act; third, any public utility desiring to advance or discontinue any such rate or rates may make application to the commission in writing, stating the advance in or discontinuance of the rate or rates desired, giving the reasons for such advance or discontinuance; fourth, upon receiving such application the commission shall fix a time and place for hearing, and give such notice to interested parties as shall be proper and reasonable; if, after such hearing and investigation, the commission shall find that the change or discontinuance applied for is reasonable, fair, and just, it shall grant the application, either in whole or in part; fifth, any public utility being dissatisfied with any order of the commission made under the provisions of this section may commence a proceeding against it in the Supreme Court of the District of Columbia in the manner as is in this act hereinbefore provided, which action shall be tried and determined in the same manner as is in this act hereinbefore provided.

SEC. 95. The commission shall have the power in each and every instance to employ and to prescribe the duties of such officers, clerks, stenographers, typewriters, inspectors, experts, and employees as it may deem necessary to carry out the provisions of this act, and to fix and pay their compensation within the appropriations provided by Congress. The commission is hereby authorized, within the appropriation made by Congress, to incur and pay incidental expenses for postage, printing, blanks, books, law books, books of reference, and periodicals, stationery, binding, rebinding, repairing and preservation of records, desks, office furniture and supplies, traveling expenses of the commission, the commissioners, and every officer, agent, and employee thereof, and all other general expenses reasonably necessary to be incurred in carrying

out the purposes of this act. All payments and disbursements, as provided in this act, shall be made by the disbursing officer of the District of Columbia upon proper vouchers, certified as required by the commission; and the commission is hereby also granted power and authority to designate and appoint during its pleasure such officers, clerks, inspectors, and employees of the District of Columbia and members of the Metropolitan police force of the District of Columbia to perform any of the duties which the commission may from time to time, respectively, assign to them, and to employ any assistance and fix compensation therefor within the limits of the appropriations for its use herein or hereafter made by act of Congress.

SEC. 96. That the said commission shall hereafter exercise all the powers and have all the authority now vested by law in the Interstate Commerce Commission by virtue and under the act of Congress approved May 23, 1908, entitled "An act authorizing certain extensions to be made of the lines of the Anacostia & Potomac River Railroad Co., the Washington Railway & Electric Co., the City & Suburban Railway of Washington, and the Capital Traction Co., in the District of Columbia, and for other purposes," and said power and authority shall no longer be exercised by said Interstate Commerce Commission: *Provided*, That the orders, rules, and regulations made by the Interstate Commerce Commission shall continue to be in force until changed, repealed, altered, or amended by the commission created by this act, which said commission is hereby given power and jurisdiction to issue and, at its pleasure, to revoke all permits, or licenses, to carry this act into effect, and its rules and regulations shall be valid and binding on all public-service corporations and on all persons.

Whenever the commission shall be of opinion, after hearing had upon its own motion or upon complaint, that repairs, improvements, or changes in any street railroad, gas plant, electric plant, telephone line, telegraph line, pipe line, water-power plant, or the facilities of any common carrier ought reasonably to be made, or that any addition of service or equipment ought reasonably to be made thereto, or that the vehicles or cars of any street railroad or common carrier are unclean, insanitary, uncomfortable, inconvenient, or improperly equipped, operated, or maintained, or are in need of paint, or unsightly in appearance, or that any addition ought reasonably to be made thereto, in order to promote the comfort or convenience of the public or employees, or in order to secure adequate service or facilities, the commission shall have power to make and serve an order directing that such repairs, improvements, changes, or additions to service or equipment be made within a reasonable time and in a manner to be specified therein, and every such public utility is hereby required and directed to obey every such order of the commission.

SEC. 97. That all the powers created by this act and the duty of carrying this act into effect and enforcing the provisions thereof are hereby vested in and imposed on the Commissioners of the District of Columbia as a governmental and administrative agency, and said powers shall be exercised and said duties performed as additional and superadded powers to their powers and duties as Commissioners of the District of Columbia. The powers, authority, and duties hereby imposed on and granted said commissioners shall be permanent and are hereby imposed on and granted to the present Commissioners of the District of Columbit and their successors in office. The commission created by this act shall, so soon as convenient after its passage, organize by electing one of its number chairman, who shall serve until the first Monday in January, 1913. On the first Monday in January in each even-numbered year the commissioners shall meet and elect a chairman, who shall serve for two years and until his successor is elected. A majority of said commissioners shall constitute a quorum to do business, and any vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission. Any investigation, inquiry, or hearing within the powers of the commission may be made or held by any commissioner, whose acts and orders, when approved by the commission, shall be deemed to be the order of the commission. The commission shall have power to adopt and publish rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings pertaining to public utilities.

No commissioner shall be directly or indirectly interested in any public utility or in any stock, bond, mortgage, security, or contract of any such public utility; and if any such commissioner shall voluntarily become so interested his office shall ipso facto become vacant; and if any such commissioner shall become so interested otherwise than voluntarily he shall, within a reasonable time, divest himself of such interest, and if he fails so to do his office shall become vacant. Before entering upon the duties of his office each commissioner, the secretary of the commission, the counsel of the commission, and every employee of said commission shall take and subscribe the constitutional oath of office, and shall in addition thereto make oath or affirmation before and file with the clerk of the Supreme Court of the District of Columbia that he is not pecuniarily interested, voluntarily or involuntarily, in any public utility in the District of Columbia or elsewhere.

SEC. 98. That the sum of $40,000, or so much thereof as may be necessary, is hereby appropriated to carry out the provisions of this act, one-half out of the revenues of the District of Columbia and one-half out of any moneys in the Treasury not otherwise appropriated, and all moneys received from fines, forfeitures, and penalties shall be paid into the Treasury of the United States, one-half to the credit of the District of Columbia.

SEC. 99. That all the duties, powers, and authority of the Commissioners of the District of Columbia shall continue and remain in full force and effect notwithstanding this act; and all powers, authority, and duties of the municipality known as the District of Columbia and all rights vested in said municipality shall continue and remain in full force and effect notwithstanding this act. All the lawful ordinances and regulations made by the Commissioners of the District of Columbia as such, and all other lawful municipal ordinances and regulations, shall continue and remain in full force and effect, and may be altered, changed, or amended, and new ordinances and regulations may be made by the Commissioners of the District of Columbia, acting as such, hereafter, notwithstanding this act: *Provided*, That when any order of the commission created by this act shall be made which shall be inconsistent and repugnant to any municipal ordinance or regulation, or any ordinance or regulation made or to be made by the Commissioners of the District of Columbia, acting as such, then and in such event the order of the commission created by this act shall be given full force and effect, notwithstanding such municipal ordinance or regulation.

SEC. 100. That the board of directors of every public utility shall consist of not more than 15 nor less than 7 members, within which limitation the membership may be in any case increased or diminished, as the stockholders may from time to time determine.

SEC. 101. That, except as modified or changed by this act and until modified or changed under its provisions, all charters, statutes, laws, ordinances, and regulations now in force shall remain and continue to be in full force and effect until altered, amended, or repealed according to law: *Provided*, That all charters, statutes, acts, and parts of acts, laws, ordinances, and regulations inconsistent and repugnant to the provisions of this act, and only so far as inconsistent and repugnant thereto, are hereby repealed.

SEC. 102. That this act shall not affect pending actions or proceedings, civil or criminal, or quasi criminal, but the same may be prosecuted or defended as heretofore provided by law or regulation.

SEC. 103. That Congress reserves the right to alter, amend, or repeal this act.

Mr. SMITH of Arizona. I send to the Secretary's desk and offer the amendment that is indicated by the pencil mark on the paper.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 69, after line 9, insert:

For the equipment and maintenance of the bacteriological laboratory and for reference books and scientific journals, $2,100.

Mr. SMITH of Arizona. I ask the Secretary to read the paper which accompanies the amendment.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Arizona to the fact that the language is already in the bill, the only difference being in the amount appropriated. So the amendment would apply only to the amount.

Mr. SMOOT. I wish to make a point of order against the amendment. The committee has had this matter under consideration——

Mr. SMITH of Arizona. That does not raise a point of order.

Mr. SMOOT. I am perfectly aware of that, if the Senator will permit me, but it is legislation upon an appropriation bill, and I make the point of order against the amendment.

The PRESIDENT pro tempore. The Chair will inquire as to whether the amount named in the amendment has been estimated for.

Mr. SMITH of Arizona. Yes, sir; it is in the estimates.

Mr. CURTIS. Will the Chair please have the Secretary read the amendment again?

The PRESIDENT pro tempore. The amendment will be again read.

The SECRETARY. On page 69, line 9, strike out "$1,000" and insert "2,100."

Mr. SMITH of Arizona. Very well; let it go that way.

Mr. SMOOT. It is not estimated for. The amount estimated is $1,200.

Mr. SMITH of Arizona. How much has been allowed by the House?

Mr. SMOOT. One thousand dollars.

Mr. SMITH of Arizona. How does the point of order lie against the House here to increase it?

Mr. SMOOT. It has not been estimated for up to $2,000.

Mr. SMITH of Arizona. Does a point of order lie because the estimate does not reach this amount, and is the Senate foreclosed from exercising its judgment on it?

Mr. SMOOT. Mr. President, in looking over the Book of Estimates again I find that I was mistaken. The estimate of $1,200 is for the purchase and installation of new apparatus for the laboratory, but for maintaining and keeping in order the laboratory the estimate is $400. The House increased it from $400 to $1,000.

Mr. SMITH of Arizona. How can the Senator raise a point of order under that?

Mr. SMOOT. The point of order is that it has not been estimated for.

The PRESIDENT pro tempore. The point of order is sustained, inasmuch as the amount named in the amendment is not estimated for.

Mr. SMITH of Arizona. I asked to have the paper read, and I was taken off my feet by the point of order. I ask unanimous consent, if necessary, that the Secretary will read the paper accompanying the amendment. I wish to say to the Senate that I am acting for a Senator in this matter who is absent, and not for myself, or I would not trouble the Senate with it.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

In the estimates submitted by the health officer (see p. 749, Book of Estimates for 1913–14) there is given a list in detail of the articles, etc., for the proper equipment and the maintenance of the bacteriological laboratory for the next fiscal year; the amount required for new apparatus, for replacement of apparatus now worn out; and for the ordinary supplies; in all, $2,100.

The House bill allows only $1,000 of the amount asked for, which is entirely too small to meet the requirements of such a laboratory. This amount will be barely sufficient to keep the laboratory on its present basis, and will not allow for doing the work it is called upon to do and should do. Its function is to aid in the suppression of epidemic and contagious diseases and for the bacteriological examination of water, milk, and other food products; and without a sufficient sum being provided for its proper equipment and maintenance this can not be done.

Mr. SMITH of Arizona. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Insert, after line 10 on page 50, the following:

For equipment and maintenance of the chemical laboratory, $1,855.

Mr. SMOOT. I make the point of order that the amount asked for is not estimated for. The amount estimated for in the Book of Estimates is $1,200.

Mr. SMITH of Arizona. Let me understand the point of order, Mr. President.

The PRESIDENT pro tempore. The Chair will read that portion of the rule relating to amendments to appropriation bills:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

Mr. SMITH of Arizona. I will take the ruling of the Chair on it.

The PRESIDENT pro tempore. The Chair must rule that the amendment is not in order unless it is estimated for or has been recommended by some standing committee.

Mr. SMITH of Arizona. Then I offer the next amendment on the same page. I will take this occasion, however, before it is read to say that these items were left for me by the Senator from Oklahoma [Mr. OWEN], who was compelled to leave the Senate; and I must insist as far as I can on having the amendments voted on if a point of order does not lie against them.

The PRESIDENT pro tempore. The Senator from Arizona offers an amendment, which will be read.

The SECRETARY. On page 69, line 17, strike out "$240" and insert "$360."

The PRESIDENT pro tempore. This does not seem to be the right point in the bill.

Mr. SMITH of Arizona. Probably the page and line refer to the House print.

Mr. SMOOT. I suppose that is for the use of motor vehicles. The House appropriated $240. There is no particular estimate for that amount. The House thought it would require $240 per annum, and so did the Senate committee think the same amount necessary.

I will say to the Senator from Arizona that the same item was adopted in a good many other places in the bill, and they all carry $240. Therefore, I make the point of order against the amendment.

The PRESIDENT pro tempore. If the item has not been estimated for or recommended by a standing or select committee, the Chair will sustain the point of order.

Mr. JONES. Mr. President, I was heartily in favor of the amendment offered by the Senator from Ohio [Mr. POMERENE] being placed on this bill. Last April there was another measure prepared; after very great consideration and investigation it passed the Senate practically unanimously; and I think it is really of greater importance to the District of Columbia than that bill. I refer to the excise bill. It is a bill in which the people of the District have manifested more interest than in almost any other bill that has been proposed for them.

I recognize that the measure is subject to a point of order, but I do think that the considerations in favor of putting this amendment upon the bill are even greater than those that influenced us in putting the public-utilities amendment upon the bill.

Therefore I offer as an additional section the excise bill. It has been read in the Senate, and I do not think it is necessary to reread it.

Mr. JONES's amendment was to insert as a new section the following:

SEC. 3, PARAGRAPH 1. That no person, company, copartnership, association, club, or corporation shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, exchange for goods, give away, or otherwise furnish, in the District of Columbia, any intoxicating liquors, except as hereinafter provided. Wherever the term "intoxicating liquors" is used in this section it shall be deemed to include whisky, brandy, gin, wine, cordials, rum, ale, porter, beer, hard or fermented cider, and all other fermented, distilled, spirituous, vinous, and malt liquors, and every mixture of liquors which shall contain more than 2 per cent, by weight, of alcohol, and any mixture of liquor which shall contain less than 2 per cent of alcohol, if the same shall be intoxicating.

PAR. 2. That there shall be, and is hereby, constituted an excise board for the District of Columbia, which shall be composed of three members, to be appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall serve for a term of three years, and until their successors are appointed and qualified, except that the members first appointed shall serve for one, two, and three years, respectively, as may be designated by the President, or until their successors are appointed and qualified. The salary of said commissioners shall be at the rate of $2,400 per annum.

Hereafter no license shall be issued to a hotel having less than 50 bedrooms for guests, nor to any hotel the character of which, or the character of the proprietor or manager of which, is deemed objectionable by said board.

No saloon or barroom, other than in hotels and clubs, shall be licensed, allowed, or maintained within 150 feet of any other saloon or barroom.

No saloon, barroom, or other place where intoxicating liquor is sold at retail shall be licensed, allowed, or maintained within 300 feet of any alleyway occupied for residences or of places commonly called slums.

No saloon, barroom, or other place wherein intoxicating liquor is sold at retail or wholesale, other than hotels and clubs, shall be licensed, allowed, or maintained within 600 feet of any public schoolhouse, private school, college, or university, or within 500 feet of any place of religious worship, measured between the nearest entrances to each by the shortest course of travel between such places of business and public schoolhouse, private school, college, or university, or place of religious worship.

No license shall be granted to sell intoxicating liquors in the waiting room of any station or depot of any steam or electric railroad or other carrier for the transportation of passengers within the District of Columbia, nor shall any license be granted for the sale of intoxicating liquors within 150 feet of the railroad and terminal station building at the corner of M and Thirty-sixth Streets NW.

No license shall be granted for the establishment or maintenance of a barroom or other place for the sale of intoxicating liquors, otherwise than in sealed packages and not to be drunk on the premises, in any residence portion of the District of Columbia; and it shall be the duty of the excise board to determine in the case of each application for license whether the location where the barroom is to be located is or is not within the business portion of the District, and if not the license shall be denied; and the excise board is hereby authorized and required to determine in each case what is so far devoted to business as to constitute it a business street or section: *Provided*, That no license shall be granted for any saloon or barroom or any side of any square, block, or tract of land where less than 50 per cent of the houses and buildings, not including saloons or hotels and clubs having barroom licenses under this section, thereon are used for business purposes; and no place where intoxicating liquors are sold at wholesale shall be maintained or allowed, nor shall intoxicating liquors be sold at wholesale outside of the business districts as above provided.

No saloon, barroom, or wholesale liquor business shall be licensed, maintained, or allowed in the territory west of the following lines: The westerly line of the fire limits as now established from its southerly limits to where the same intersects with the mile limit of the Soldiers' Home; thence westerly and northerly along the said mile limit until the same intersects with Kansas Avenue; thence along Kansas Avenue to its intersection with the northern boundary of the District of Columbia.

Said board shall consider and act upon all applications for license to sell intoxicating liquors, after a report thereon by the chief of police, and the action of said board shall be final and conclusive. In no event, except by the unanimous action of the excise board, shall any license permitted under this section be granted until a report approving the granting thereof is made to the excise board by the chief of police. In the issuing of licenses for barrooms it shall be the duty of the excise board to adopt such a policy as will reduce the number of barrooms, including those in hotels and clubs, to not exceeding 300 by November 1, 1914. On the granting by said board of a license to sell intoxicating liquors the assessor shall issue a license to the applicant. Said board shall make such rules and regulations for carrying into effect this section as it may deem requisite and proper. It shall make an annual report to Congress setting forth the number of applications for license, whether favorably or unfavorably acted upon, the number of persons convicted for violation of this statute, and the number and amount of fines collected and uncollected; and said excise board is hereby authorized and empowered to summon any person before it to give testimony, under oath or affirmation, as to any matter affecting the operation of the laws regulating the sale of intoxicating liquors in the District of Columbia; and any member of the board shall have the power to administer oaths or affirmations for all purposes of administering said laws. Such summons may be served by any member of the Metropolitan police force, and the refusal or neglect of a witness to appear before the said board or to testify when required, may be punished in the same manner as a refusal to appear before the Commissioners of the District of Columbia, as provided for in the acts of February 20, 1896, entitled "An act to amend an act entitled 'An act to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes,' approved May 11, 1892," and July 1, 1902, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes." Witnesses so summoned shall be entitled to a fee of $1.25 for each day's attendance before the said board, payable out of the contingent fund of the Commissioners of the District of Columbia; and any witness giving statements to the said board on any material matter which he believes to be false shall be guilty of perjury and punishable accordingly.

PAR. 3. That the said board shall appoint a clerk at a salary of $1,500 per annum and an inspector at a salary of $1,500 per annum. Said inspector shall make inspections as may be required by this section, under the orders of the board, and make full report of such inspections to the board. He shall wear a badge indicating that he is such inspector of the excise board. The board shall keep a full record of all applications for license, of all recommendations for and remonstrances against the granting of licenses, and the actions taken thereon.

PAR. 4. That every person applying for a license to sell intoxicating liquors in said District shall file with the said board a petition for such license, and such petition shall be considered and acted upon by the board in the order in which such petition is filed and numbered. Said petition shall contain—

First. A statement giving the name and residence of the applicant and the time he has resided in the District of Columbia.

Second. A statement describing the particular place for which a license is desired, designating the same by street and number, if practicable, and if not, by such other apt description as will definitely locate it, and how long said applicant has been engaged in business at said place.

Third. The full name and residence of the owner of the premises upon which the business is to be carried on.

Fourth. A statement that the applicant is a citizen of the United States and a bona fide resident of the District of Columbia, and not less than 21 years of age, and whether such applicant has since March 3, 1893, been adjudged guilty of violating the laws governing the sale of intoxicating liquors or for the prevention of gambling in the District of Columbia.

Fifth. A statement that he intends to, and if licensed will, carry on such business for himself and not as the agent of any other person, company, copartnership, or corporation.

Sixth. A statement that he intends to superintend in person the management of the business for which he asks a license, and that if licensed he will so superintend the management of the business so licensed.

Said petition must be sworn to by the petitioner before a notary public or other person duly authorized to administer oaths and affirmations. If any false material statement is made in any part of said petition, the petitioner making said affidavit shall be deemed guilty of perjury, and on conviction thereof shall be subject to the penalty now provided by law for that offense; and in case a license has been issued to said petitioner the same shall be immediately revoked by said board. Notice of the filing of said petition shall be given by the applicant in such manner as may be prescribed by general rules and regulations adopted by the excise board; and if protests against the granting of such license are filed no final action shall be taken by the excise board until the protestants shall have had an opportunity to be heard, under rules and regulations prescribed by said board.

PAR. 5. That the licenses authorized and provided for by this section shall be of two classes, wholesale liquor licenses and barroom licenses. The fee for a wholesale liquor license until November 1, 1914, shall be $500 per annum, and for a barroom license $1,000 per annum until November 1, 1914; and thereafter the fee for a wholesale liquor license shall be $800, and the fee for a barroom license shall be $1,500 per annum. Every applicant for a liquor license shall deposit the amount of the license fee with the collector of taxes of the District of Columbia at the time of filing the application with the excise board. If, upon consideration of the application for license by the board as provided for in this section, the board shall decide to grant the license prayed for it shall notify the assessor, and the applicant shall thereupon receive his license; and only on the granting by said board of a license to any applicant to sell intoxicating liquor shall the assessor issue a license to such applicant. A barroom license shall be required for every hotel, tavern, barroom, club, or other place in which intoxicating liquors are sold or dispensed at retail. A wholesale liquor license shall authorize the licensee to sell intoxicating liquors in sealed packages only and in quantities not less than 1 quart in the aggregate, and not to be drunk on the premises where sold; and no wholesale license shall be granted until it is satisfactorily shown that the place where it is intended to carry on such business is properly arranged for selling such liquors as merchandise. Every place where intoxicating liquors are sold to be drunk on the premises or in quantities less than 1 quart, whether drunk on the premises or not, shall be regarded as a barroom; and the possession of intoxicating liquors, with the means and appliances for carrying on the business of dispensing the same to be drunk where sold, shall be prima facie evidence of a barroom within the meaning of this section, and the license therefor shall be known as a barroom license. All makers, brewers, and distillers of intoxicating liquors in the District of Columbia, and all agents of makers, brewers, and distillers established outside of the District of Columbia and selling their product in said District, shall be required to take out the wholesale license provided for in this section: *Provided*, That when such business is carried on at more than one place a license shall be required for each place. Before the excise board may grant a license to a club it must be satisfactorily shown that such club is duly incorporated; that its membership is bona fide, all being on an equal status with equal privileges and responsibilities; that its purposes are legitimate; and that the sale of liquor intended is no more than an incident, and is not a prime source of revenue. A license to a club shall be issued in the name of its president, and in case of violation of the provisions of this section in such club, he and the secretary, the treasurer, and the manager of the club shall be proceeded against collectively or severally in their individual capacities and, if convicted, be subject to the penalties prescribed in paragraph 14 of this section, and the license of said club shall be immediately revoked by the excise board.

PAR. 6. That under the license issued in accordance with this section no intoxicating liquors shall be sold, given away, or in any way disposed of to any minor, intoxicated person, or to any person who is in the habit of becoming intoxicated, if such last-named person's wife, daughter, mother, father, or guardian shall, in writing, request that the licensee shall not sell or furnish intoxicating liquors to such person, and ignorance of the age of any such minor shall not be a defense to any action instituted under this section; and no licensee under this section shall sell, give away, or dispense any intoxicating liquors to any person between the hours of 11 o'clock in the evening and 8 o'clock in the morning, nor on Sundays or legal holidays, and Inauguration Day, and between said hours, and on Sundays, legal holidays, and Inauguration Day every barroom and other place where intoxicating liquors are sold shall be kept closed; that no minor under the age of 18 years shall be allowed to enter or be permitted to remain in any place where intoxicating liquors are sold, other than a hotel or club; that the interior of every barroom shall at all times be exposed to full view from the street, without obstruction by screens, blinds, curtains, stained glass, bottles, boxes, signs, or other material, except in the case of clubs licensed under this section and hotels having only an interior barroom, which shall be exposed to full view from the corridors or passageways leading to the entrance or entrances to such barroom.

PAR. 7. That every wife, daughter, mother, father, or guardian, having made the request mentioned in the preceding section, who shall be injured in person or property or means of support by any intoxicated person concerning whom such request has been made or in consequence of the intoxication of any such person, shall have a right of action for all damages actually sustained, in his or her own name, against any person, individual, or corporation who shall after such request has been made, by selling, bartering, giving away, or otherwise furnishing intoxicating liquors contrary to such request, have caused the intoxication of such person. On the trial of any such suit proof that the defendant or defendants sold, bartered, gave away, or furnished such liquors to such intoxicated person on the day or about the time (and prior thereto) of such injury shall be prima facie evidence that the liquor so sold, bartered, given away, or otherwise furnished caused such intoxication. In any action by a married woman or other person legally entitled to recover damages for loss of support caused by such intoxication it shall only be necessary to prove that the defendant or defendants, after the making of such request, has or have given, bartered, sold, or otherwise furnished intoxicating liquor of any kind to such person during the period when such cause of action shall have accrued.

PAR. 8. That any minor, for the purpose of evading the provisions of paragraph 7 of this section, who falsely represents his age shall be deemed guilty of a misdemeanor, and be fined for each offense not more than $50, and in default in the payment of such fine shall be imprisoned in the reformatory or workhouse of said District not exceeding 30 days.

PAR. 9. That no license under this section shall be issued for a longer period than one year, and the year shall begin on the first day of November and end on the last day of October following; and no license shall be transferred by the licensee to any other person or to any other place, except with the written consent of the excise board upon a regular application therefor in writing and after notice and hearing as in this section provided upon an original application for a license; and the fee to be paid by the party applying for such transfer shall be $2, which shall be paid to the collector of taxes of the District before such transfer is made: *Provided*, That the excise board shall not allow the transfer of the license of any person against whom there are pending in the courts or before the excise board charges of keeping a disorderly house or violating the excise laws or the laws against gambling in the District of Columbia.

PAR. 10. That every person receiving a license to sell liquor under this section shall frame the same under glass and place it in a conspicuous place in his place of business, so that anyone entering such place may easily read such license.

PAR. 11. That all applicants for license and persons holding licenses under this section shall allow any member of the excise board or the duly authorized inspector of the said board full opportunity and every facility to examine, at any time during business hours, the premises where intoxicating liquor is manufactured, sold, or for which a license is asked or has been granted; and the same opportunity and facility shall be afforded by the licensee or some person acting in his stead, any member of the Metropolitan police force who has reasonable belief that the law is being violated to enter and examine at all times such licensed places, and no person or perons shall obstruct, hinder, or in any manner molest such inspector or officer, provided such inspector or officer exhibits a badge showing he is such inspector or officer.

PAR. 12. That regularly licensed druggists or pharmacists shall not be required to obtain license under the provisions of this section, but they shall not sell intoxicating liquors, nor compound nor mix any composition thereof, nor sell any malt extract or other proprietary medicines containing more than 2 per cent of alcohol, except such compounds, compositions, malt extracts, or proprietary medicines be so medicated as to be medicinal preparations or compounds unfit for use as beverages, except upon a written and bona fide prescription of a duly licensed and regularly practicing physician in the District of Columbia, whose name shall be signed thereto. Such prescription shall contain a statement that the disease of the patient required such a prescription, shall be numbered in the order of receiving, and shall be canceled by writing on it the word "canceled" and the date on which it was presented and filled, and kept on file in consecutive order, subject to public inspection at all times during business hours. No such prescription shall be filled more than once. Every druggist or pharmacist selling intoxicating liquors as herein provided shall keep a book provided for the purpose, and shall enter therein at the time of every sale a true record of the date of the sale, the name of the purchaser, who shall sign his name in said book as a part of the entry, his residence (giving the street and house number, if there be such), the kind and quantity and price of such liquor, the purpose for which it was sold, and the name of the physician giving the prescription therefor. Such book shall be open to public inspection during business hours, and shall be in form substantially as follows:

Date.	Name of purchaser.	Residence.	Kind and quantity.	Purpose of use.	Price.	Name of physician.	Signature of purchaser.

Said book shall be produced before the excise board or the courts when required: *Provided*, That pure grain alcohol may be sold without a physician's prescription for mechanical, medicinal, and scientific purposes by registered druggists or pharmacists, who shall keep a book for the purpose of registering such sales in a similar manner or form as required for the sale of intoxicating liquors as provided in this section: *Provided further*, That any person who shall make any false statement as to the purpose or use of alcohol purchased under the provisions of this section shall be deemed guilty of a misdemeanor and be fined for each offense not more than $50, and in default of the payment of such fine shall be imprisoned in the workhouse of said District not exceeding 30 days.

Any druggist or pharmacist who shall sell or dispense any intoxicating liquors, except in such manner as provided in this section, or who shall fail or refuse to keep the record herein required, or who shall refill any prescription, or who shall violate any other provisions of this paragraph, shall be guilty of illegal selling, and upon conviction thereof shall be subject to the penalties prescribed in paragraph 13 of this section. Upon a second conviction for said offense, in addition to the penalties prescribed in said paragraph 13, it shall be a part of the judgment of conviction that the license of such druggist or pharmacist to practice pharmacy shall be revoked, and the court before which such person is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue licenses to practice pharmacy in the District of Columbia.

Any physician who shall prescribe any intoxicating liquor except for treatment of disease which, after his own personal diagnosis, he shall deem to require such treatment, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $50 nor more than $200, and in default of payment of said fine shall be imprisoned in the District jail or workhouse for not less than 30 nor more than 90 days, and upon a second conviction for said offense, in addition to the penalty above provided, it shall be a part of the judgment of conviction that the license of such physician to practice medicine be revoked, and the court before which such physician is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue licenses to practice medicine in the District of Columbia.

PAR. 13. That any person, company, copartnership, corporation, club, or association manufacturing, selling, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, or otherwise furnishing any intoxicating liquors in the District of Columbia, without first having obtained a license as herein provided, or shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, exchange for goods, give away, or otherwise furnish, solicit, or receive orders for intoxicating

liquors in any part, section, or district of the District of Columbia wherein the same is prohibited by law, upon conviction thereof shall be fined not less than $250 nor more than $800, and in default in the payment of such fine be imprisoned in the District jail or workhouse for not less than two months nor more than six months; and upon every subsequent conviction for such offense shall, in addition to the penalty named, to wit, a fine of not less than $250 nor more than $800, be imprisoned in the workhouse of the District of Columbia not less than three months nor more than one year.

PAR. 14. That any person, company, copartnership, corporation, or club having obtained a license under this section, who shall violate any of its provisions shall, upon conviction of such violation, be fined not less than $100 nor more than $500, and the excise board may, in its discretion, revoke the license; and upon a second conviction of such violation such licensee shall be fined not less than $200 nor more than $500, and in addition to such fine the excise board shall immediately revoke the license. That upon the conviction of any licensee of keeping a disorderly or disreputable place, it shall be the duty of the excise board to immediately revoke the license of such convicted licensee, and after such revocation no license shall again be granted to him for said place or elsewhere, nor shall a license be granted to anyone else for said place for a period of three years from the date of said revocation of license.

PAR. 15. That no licensee under this section shall employ or permit to be employed any female, or allow any female or any minor or any person convicted of crime, to sell, give, furnish, or distribute any intoxicating liquors, or any admixture thereof, to any person or persons, nor permit the playing of pool or billiards, or any other games whatever, in the room where such liquors are sold or drunk, or in any adjoining or intercommunicating room; nor shall he, except in the case of hotels and clubs, permit the playing of music or theatricals of any kind, or provide other amusements in his place of business or in connection therewith. Nor shall any barroom licensee establish more than one bar under his license, and the sale or dispensing of liquors, except in case of hotels and clubs, shall be confined to the room in which said bar is located; nor provide or permit to be used more than one entrance to said barroom from the street, which entrance shall be the one mentioned in his application for license, unless the excise board shall especially permit an extra entrance. Nor shall any licensee sell, give, furnish, or distribute any intoxicating liquors to be carried away in buckets, pitchers, or other vessels, except sealed bottles or in original packages; nor shall any barroom licensee sell, give, furnish, or distribute any intoxicating liquors to any female, nor permit any female to enter or remain in his barroom: *Provided*, That bona fide guests of hotels and clubs having a license to sell intoxicating liquors may be served with liquors at meals in such hotels and clubs during the time liquor may be sold.

PAR. 16. That all applicants who have had a license during the preceding year who so desire shall apply for a renewal of such license on or before the 1st day of September of each license year: *Provided*, That in the event of the death of a person having a license under this section during a license year there shall be refunded to the personal representative of the deceased such amount of the license fee in proportion to the unexpired part of the license year: *Provided further*, That the minimum portion of said license fee to be retained for any portion of the license year, irrespective of its proportion to the entire year, shall be $200 in the case of barroom licenses and $100 in the case of wholesale licenses.

PAR. 17. That no license, either wholesale or barroom, shall be issued to any person or for any place located within 1,000 feet of the grounds of the marine barracks, the War College and engineer barracks, or of the navy yard, in the District of Columbia.

PAR. 18. That any person assisting in or aiding and abetting the violation of any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than $50 nor more than $100 or be imprisoned in the District jail or workhouse for not more than three months for each and every offense: *Provided*, That no witness shall be excused from testifying in any case brought under this section on the ground that his answers may tend to incriminate him in connection with any violation of this section, and such witness so testifying shall not thereafter be prosecuted for violation of any provision of this section concerning which such witness may have testified.

PAR. 19. That prosecutions for violations of the provisions of this section shall be on information filed in the police court by the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, and said corporation counsel or his assistants shall file such information upon the presentation to him or his assistants of sworn information that the law has been violated; and such corporation counsel and his assistants shall have power to administer oaths to such informant or informants, and such others as present themselves, and anyone making a false oath to any material fact shall be deemed guilty of perjury and subject to the same penalties as now provided by law for such offense.

PAR. 20. That if one or more persons who are competent witnesses shall charge on oath or affirmation before the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, representing that any person, company, copartnership, association, club, or corporation has or have violated or is violating the provisions of this section, by manufacturing, selling, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, giving away, or otherwise furnishing intoxicating liquor without license, or in a prohibited district or section, and shall request said corporation counsel or any of his assistants duly authorized to act for him, to issue a warrant, said attorney or any of his assistants shall issue such warrant, in which warrant the room, house, building, or other place in which the violation is alleged to have occurred or is occurring shall be specifically described, and said warrant shall be placed in the hands of the captain or acting captain of the police precinct in which the room, house, building, or other place above referred to is located, commanding him at once to thoroughly search said described room, house, building, or other place and the appurtenances thereof, and if any such shall be found, to take into his possession and safely keep, to be produced as evidence when required, all intoxicating liquors (if the same shall be found in quantities and in condition to suggest that it is kept for sale), and all the means of dispensing same, also all the paraphernalia or part of the paraphernalia of a barroom or other intoxicating-liquor establishment, and any United States internal-revenue tax receipt or certificate for the manufacture or sale of intoxicating liquor effective for the period of time covering the alleged offense, and forthwith report all the facts to the corporation counsel of the District of Columbia, and such intoxicating liquor or the means for dispensing same, or the paraphernalia of a barroom or other intoxicating-liquor establishment, or any United States internal-revenue tax receipt or certificate for the sale of intoxicating liquor effective as aforesaid, shall be prima facie evidence of the violation of the provisions of paragraph 1 of this section as charged or presented. If the accused shall be found guilty, the intoxicating liquor so seized shall, after the trial and time for writ of error, if no writ of error is taken, be destroyed by the police department; if the accused be found not guilty, the whole shall be held as his, its, or their property, or the property of the real owner.

PAR. 21. That it shall not be necessary in order to convict any person, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, of manufacturing or selling intoxicating liquors without license, or in any section of the District of Columbia where the manufacture and sale is prohibited, to prove the actual sale, delivery of, or payment for any intoxicating liquors, but the evidence of having or keeping them in hand and offering to sell or barter, exchanging for goods or merchandise, shall be sufficient to convict; nor shall it be necessary in a warrant or in information to specify the particular kind of liquor manufactured, sold, offered for sale, kept for sale, trafficked in, bartered or exchanged for goods or merchandise, or mentioned in orders solicited or taken for the purchase of intoxicating liquor, but it shall be sufficient to allege in the warrant or information that the accused manufactured, sold, offered for sale, kept for sale, trafficked in, bartered or exchanged for goods or merchandise, solicited for or received orders for intoxicating liquors, or kept it deposited to sell or barter.

PAR. 22. That every person who shall, within the District of Columbia, directly or indirectly keep or maintain, by himself or by associating or combining with others, or who shall in any manner aid, abet, or assist in keeping or maintaining any clubroom or other place in which any intoxicating liquors, the sale of which without a license is prohibited by this section, is received or kept for the purpose of use, sale, barter, giving away, or otherwise furnishing, or for distribution or division among the members of any club or association by any means whatever, without first having a license so to do, or in sections of the District wherein the sale of intoxicating liquor is prohibited, and every person who shall use, sell, barter, give away, or otherwise furnish, distribute, or divide any such liquors so received or kept shall be guilty of a misdemeanor and subject to the penalties prescribed in paragraph 13 of this section.

PAR. 23. That any person who shall, in the District of Columbia, in any street or alley, in any public place, or in or upon any street car, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting station, drink any intoxicating liquor of any kind, or if any person shall be drunk or intoxicated in any street, alley, or public or private road or in any passenger coach, street car, or any public place or building, or at any public gathering, or if any person shall be drunk or intoxicated and shall disturb the peace of any person, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $10 nor more than $100, or by imprisonment for not less than 5 days nor more than 30 days in the workhouse or jail of the District of Columbia, or by both such fine and imprisonment.

PAR. 24. That it shall be unlawful for any licensee under the provisions of this section to furnish or offer to furnish any free food or other gift of any kind or description to those buying or to prospective buyers of any of the liquors which said licensee offers or keeps for sale; and anyone violating the provisions of this paragraph shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than $10 nor more than $50, and, upon a second conviction for this offense, in addition to the foregoing penalty, the excise board shall forfeit the license held by such person.

PAR. 25. That the issuance of an internal-revenue special tax receipt or certificate by the United States to any person as a wholesale or retail dealer in distilled liquors or in malt liquors at any place within the District of Columbia shall be prima facie evidence of the sale of intoxicating liquors by such person at such place, or at any other place of business of such person in the District where such special tax receipt is posted and at the time charged in any prosecution under this section, but such time must be within the life of such receipt or certificate.

PAR. 26. That in the interpretation of this section words of singular number shall be deemed to include their plurals, and words of masculine gender shall be deemed to include the feminine, as the case may be.

The words "give away" where they occur in this section shall not apply to the giving away of intoxicating liquors to bona fide guests by any person in his hotel or private dwelling.

PAR. 27. That this section shall be in full force and effect from and after its passage, and shall be in lieu of and as a substitute for all existing laws and regulations in the District of Columbia in relation to the sale of intoxicating liquors in said District, except such laws as prohibit the sale of intoxicating liquors in certain defined sections or parts of the District and laws of Congress pertaining to persons, premises, and territory over which the Federal Government exercises jurisdiction; and all laws and parts of laws inconsistent with this section, except such prohibitive laws above referred to, be, and they are hereby, repealed.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment submitted by the Senator from Washington. The ayes appear to have it. The ayes have it, and the amendment is agreed to.

Mr. OLIVER. I make the point of order against the amendment.

Mr. JONES. I make the point of order that it comes too late, after the question has been passed upon and the Chair announced the result.

Mr. OLIVER. Mr. President, I had not time to get up, really, before the President announced his decision.

The PRESIDENT pro tempore. Without objection, the Senator from Pennsylvania will be recognized to make the point of order, and under clause 2 of Rule XX the Chair will submit the question to the Senate. Is the amendment in order on the pending bill? The Secretary will call the roll.

Mr. LA FOLLETTE. If there is to be a roll call on it, I should like to have the bill read. I do not know what I am voting upon.

The PRESIDENT pro tempore. The Senator from Wisconsin is entitled to have the bill read.

Mr. JONES. I desire to suggest that there has been no demand for a roll call.

The PRESIDENT pro tempore. The Chair was laboring under a misapprehension. The bill will be read.

Mr. LA FOLLETTE. I will not ask to have the bill read if there is simply to be an informal vote taken upon it. I do not want to delay the progress of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. JONES].

The amendment was agreed to.

Mr. LODGE. Mr. President, I offer the following amendment, to be inserted at the end of the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the end of the amendment just agreed to add as a new section the following:

SEC. —. That paragraph 10 of section 6 of the act approved July 1, 1902, making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, is hereby amended by adding at the end of said paragraph the following:

"Fourth. Household and other belongings not held for sale and owned by any person in the public service temporarily residing in the District of Columbia who is a citizen of any State or Territory and who is taxed on such personal property in such State or Territory."

Mr. CURTIS. I think that is the existing law, and I shall not make the point of order against it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

Mr. SMITH of Michigan. I desire to modify my amendment which was adopted yesterday by striking out all after the word "thereto." The part to be stricken out reads "and upon the payment of a license fee of $5 per year to the collector of taxes of the District of Columbia."

Mr. CLARK of Wyoming. On what page of the RECORD?

Mr. SMITH of Michigan. Page 3338.

The PRESIDENT pro tempore. Without objection, the vote by which the amendment was agreed to will be reconsidered. It is reconsidered, and the amendment to the amendment will be stated.

The SECRETARY. In the amendment, on page 106, after line 8, after the word "thereto," strike out the words "and upon the payment of a license fee of $5 per year to the collector of taxes of the District of Columbia."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BRISTOW. I offer an amendment, which I ask to have read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 34, after line 23, insert:

That the Commissioners of the District of Columbia are hereby authorized to open, extend, or widen any street, avenue——

Mr. CURTIS. To save time, as this is clearly legislation, I make the point of order against it.

The PRESIDENT pro tempore. The Chair thinks the amendment ought to be stated.

Mr. CURTIS. We can save time. I think the Senator from Kansas will admit that it is subject to a point of order.

The PRESIDENT pro tempore. It is not good legislation to interrupt the reading of an amendment. The amendment will be read.

The Secretary read the amendment, as follows:

That the Commissioners of the District of Columbia are hereby authorized to open, extend, or widen any street, avenue, road, or highway to conform with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown, adopted under the act of Congress approved March 2, 1893, as amended by the act of Congress approved June 28, 1898, by condemnation under the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia: *Provided*, That the entire amount found to be due and awarded by the jury under such proceeding as damages for and in respect of the land condemned, plus the cost and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That the costs and expenses of the condemnation proceedings taken under the provisions hereof, and the amounts awarded as damages for and in respect of the land condemned, shall be paid entirely from the revenues of the District of Columbia, and shall be repaid to said District of Columbia from the assessments for benefits and covered into the Treasury of the United States to the credit of the revenues of the District of Columbia; and such sum as is necessary for said purpose during the fiscal year to end June 30, 1914, is hereby appropriated, payable entirely from the revenues of the District of Columbia.

Mr. BRISTOW. Mr. President, before the point of order is made, I desire to say that I understand we have a system of highways that have been laid out and provided in the District of Columbia and accepted. Any street that is opened anywhere is opened in harmony with the plan which was adopted several years ago.

The amendment simply provides that when the commissioners believe that the public necessity requires the opening up of any of the highways which have already been adopted they shall proceed to open them up and assess the property that is benefited for the expense of opening up the highway.

Mr. CURTIS. The amendment applies only to existing highways?

Mr. BRISTOW. Only to existing highways.

Mr. CURTIS. I withdraw the point of order.

The PRESIDENT pro tempore. The point of order is withdrawn. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of Michigan. I offer an amendment to come in as a new section.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to add as a new section the following:

That the act entitled "An act regulating the speed of automobiles in the District of Columbia, and for other purposes," approved June 29, 1906, be and the same is hereby amended as follows: "That the Commissioners of the District of Columbia be, and are hereby, authorized and empowered to make needful regulations, from time to time, defining the rate of speed and method of conduct of horseless or motor vehicles, bicycles, or horse-drawn vehicles within the District of Columbia, so as to provide for the preservation of order and the protection of life, limb, and property upon the different roads, highways, streets, avenues, alleys, and public reservations, and in all public parks and places."

Mr. SMITH of Michigan. Mr. President, I simply desire to say that this has frequently been suggested and is quite necessary. The regulations have not been overhauled for 10 years, and they are wholly inadequate. I think it is very appropriate, indeed, that we should take this action.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I desire to offer an amendment to come in on page 22, after "twelve thousand," in line 5.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 22, after line 5, insert:

For paving with sheet asphalt K Street north, between Washington Circle and the bridge at Twenty-eighth Street west, $30,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MYERS. I offer an amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 26, after line 11, insert:

Northeast: New York Avenue, Florida Avenue to Bladensburg Road, grade and improve, $50,000.

Mr. MYERS. Mr. President, I offer this amendment at the request of residents of the District with whom I am acquainted and who have convinced me of the justice of their cause.

Mr. CURTIS. Let us have a vote upon it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NEWLANDS. I offer the following amendment, on page 34, after line 23.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment, which will be read.

The SECRETARY. On page 34, after line 23, insert:

That the Commissioners of the District of Columbia are hereby authorized, whenever in their judgment the public interests require it, to prepare a new highway plan for any portion of the District of Columbia, and submit the same for approval, after public hearing, to the highway commission, created by act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities"; that such highway plans shall be prepared under the provisions of said act of Congress and an amendment thereto approved June 28, 1898, and that upon approval and recording of any such new highway plan it shall take the place of and stand for any previous plan for the portion of the District of Columbia affected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nevada.

The amendment was agreed to.

Mr. MYERS. I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 26, after the amendment just agreed to, insert:

Northeast: M Street, Bladensburg Road to Twenty-eighth Street, grade and improve, $6,000.

The amendment was agreed to.

Mr. MYERS. I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 26, after the amendment just agreed to, insert:

Northeast: Bladensburg Road, H Street to District line, grade and improve, $12,000.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, preliminary to an amendment which I wish to offer I take a moment to remind the Senate that a movement has been on foot for some time to merge the public utilities of the District of Columbia into a holding company outside of the District of Columbia, a foreign company.

That simply means, Mr. President, that there is to be an increase in the capitalization of the already grossly overcapitalized public utilities of the District of Columbia, and that means that the public of to-day and the public for all time, is to be unjustly burdened, unless this merger be prevented.

I introduced a bill last December making this proposed merger unlawful. January 7 I reintroduced it modified as to one minor provision. The bill is still pending before the Committee on the District of Columbia. The bill which I now offer as an amendment is modeled upon the statute of Massachusetts upon the same subject.

I do not believe that either the purpose of the amendment or the form in which I am offering it can be objected to by any Senator, unless it be, which I can not well believe, that some Senator is in favor of this unwarranted and unjust proceeding which is attempted to be carried through by the public utilities of the District of Columbia.

I send to the desk the bill which I propose as an amendment, to come in at the end of the pending bill.

The PRESIDENT pro tempore. The Senator from Wisconsin submits an amendment, which will be read.

The SECRETARY. It is proposed to add at the end of the bill the following section:

SEC. —. That it shall be unlawful for any foreign public utility corporation, or for any foreign or local holding corporation, or for any local street railroad corporation, gas corporation, electric corporation, telephone corporation, telegraph corporation, or any other local public utility corporation, directly or indirectly, to own, control, or hold or vote stock or bonds of any public utility corporation organized under any general incorporation law or special act of the United States or authorized under any law of the United States to do business in the District of Columbia, except as heretofore or hereafter expressly authorized by Congress; and it shall be unlawful for any public utility corporation organized or authorized as aforesaid to sell or transfer any portion of its stock or bonds to any other public utility corporation or holding corporation whatsoever, unless heretofore or hereafter expressly authorized by Congress so to do; and every contract, transfer, agreement to transfer, or assignment by any said public utility corporation organized or authorized as aforesaid of any portion of its stock or bonds without such authority shall be utterly void and of no effect. That the Supreme Court of the District of Columbia, on application of the District of Columbia by its commissioners or attorney, or on application of the United States by its proper officer, or on application of any shareholder interested in any such corporations, shall have jurisdiction in equity to dissolve any public utility corporation organized under any general incorporation law or special act of the United States, or authorized under any law of the United States to do business in the District of Columbia, for violation of any of the provisions of this section or of their charters; and, further, to require any foreign public utility corporation, or foreign or local holding corporation which owns, holds, or controls, or which shall hereafter own, hold, or control any such stock or bonds contrary to any of the provisions of this act, to sell or dispose of the same and to refrain from voting such stock or bonds: *Provided*, That in case the allegations in any bill filed in said court relate to the ownership of stock or bonds of a local corporation by any foreign corporation, then it must be shown to the satisfaction of the court that such ownership includes at least 20 per cent of the capital stock of the local corporation.

That the word "foreign" when used in this section shall be construed to mean foreign to the District of Columbia, and the word "local" when used in this section shall be construed to mean local in the District of Columbia.

That each provision of this section and every part of each provision is hereby declared to be an independent provision, and the holding of any provision or provisions, or part or parts thereof, to be void ineffective, or unconstitutional for any cause shall not be deemed to affect any other provision or part thereof.

Mr. LA FOLLETTE. Mr. President, I neglected to say one word that I want to add. The Commissioners of the District of Columbia have approved of this bill. It was prepared with the assistance of the corporation counsel of the District. In order to prevent the consummation of the merger for the time being the commissioners began an action against the officers of the several public utility corporations. This action I understand is still pending. But the commissioners are advised that without legislation such as is proposed in the bill which I have offered as an amendment there is small chance of affording any substantial protection to the public interest.

I trust, Mr. President, that no point of order will be made against my amendment, and if it is adopted, as it certainly ought to be, that the conferees will insist upon its being retained in the appropriation bill.

Mr. OLIVER. Mr. President, I do not intend to make a point of order against this amendment, but I wish to get some information about it. For that reason I should like to hear from some member of the Committee on the District of Columbia as to how far that committee has gone with the consideration of such legislation.

Mr. CURTIS. The first bill was introduced as suggested by the Senator from Wisconsin in December. I had no knowledge of that measure at all except such as a member of the committee would naturally have and from reading in the RECORD that the bill had been introduced. I had not read it. Some time in January the Senator from Wisconsin called my attention to the fact that a bill of this kind had been introduced and that I had been named as chairman of the subcommittee. I at once took hold of the bill and found who were the members of the subcommittee and consulted them in regard to a meeting. I was then busy with other measures and unable to call a meeting until I returned, as I recollect, from my trip to Kansas. I then called a meeting of the subcommittee, and only one other member of the subcommittee attended. We called up the other members by phone, and two of them, I remember, were sick and the other was out of the city, and the subcommittee adjourned. I was then appointed unexpectedly as chairman of the subcommittee on the District of Columbia appropriation bill.

I was also on the Committee on Indian Affairs that had charge of the Indian appropriation bill; I also had charge of the diplomatic and consular appropriation bill; and every day and every night from that time to this I have been engaged. I will say to Senators that some nights I have worked on these bills until 3 o'clock in the morning. I have not had time to take up these other measures. If I had had time, the subcommittee would have met and passed upon this measure, I assure the Senator. I want to say this—and I want to say it to Senators in connection with the formation of new committees—that I hope no Senator will try to get on any great number of committees in the next Congress, for, if he had my experience and wished to work, he would have to work harder than he really ought to work or than he will want to work.

Mr. LA FOLLETTE. Mr. President, I trust the Senator from Kansas did not construe anything which I said in referring to the time of the introduction of the bill as a criticism upon him. I have conferred with him a number of times about the bill, and I am certain that he has exercised diligence in endeavoring to have the bill considered by the subcommittee; but the terms of the bill are so simple, Mr. President, and the purpose of the bill is so unquestionably in the public interest, that I felt that it could, with entire propriety, be offered to the Senate without the intervention and consideration of a committee. For that reason I have asked to have it incorporated as an amendment to this bill.

Mr. BURTON. I should like to make an inquiry about this bill. It seems to me it is merely a prohibition on any holding company in possession of public utilities, against one public utility company holding stock in another; and a provision to the end that, where such holdings now exist, the companies having them shall dispose of them. That is practically this bill, is it not?

Mr. LA FOLLETTE. Substantially.

Mr. BURTON. And that is all of it?

Mr. LA FOLLETTE. Substantially.

Mr. OLIVER. Mr. President, I wish to repeat what I said before, that I do not propose either to make any point of order against this proposed legislation or to vote against it; but I think, without any regard whatever to the character of the legislation, that this is what might be termed a most flagrant instance of the evil to which I referred when alluding to other amendments that were offered, of tacking general legislation onto appropriation bills. Here is a measure that has never received the consideration of any committee either of the Senate or of the other House, and with regard to which the Members of the Senate have had no opportunity of obtaining information except from the explanation that has been made by the Senator from Wisconsin. I do not believe that that is the right way to legislate; and if it were not that I do not want to stand here as the defender of these public utility corporations, with which I have neither interest nor sympathy, I would make a point of order against the amendment. I refrain from doing so with extreme reluctance—I want to say that—not that I have anything against this particular legislation, but that I do not believe in legislating in this way.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

Mr. NEWLANDS. I offer an amendment, which I send to the desk, to come in on page 99, after line 20.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment, which will be stated.

The SECRETARY. On page 99, after line 20, it is proposed to insert:

That the Superintendent of Public Buildings and Grounds and the Engineer Commissioner of the District of Columbia, with the advice and cooperation of the Commission of Fine Arts, are hereby authorized to prepare and submit to Congress a plan for the gradual acquisition and development of parks and playgrounds in the District of Columbia with a view to meeting present and future requirements for health and recreation, designating in such plan the areas which they deem it desirable to acquire, the probable cost of purchase, and the probable cost of improvement, and designating such parks in the order of their importance as to the time of acquisition.

Where disagreement shall exist between such officials and the commission, the grounds of disagreement shall be stated. The landscape architect in the office of the Superintendent of Public Buildings and Grounds shall cooperate with such officials and such commission in such work; and the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, from any funds in the Treasury not otherwise appropriated, for the expenses of such inquiry and investigation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RIVER AND HARBOR BILL.

Mr. NELSON. I move that the Senate proceed to the consideration of House bill 28180, being the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. NELSON. I ask unanimous consent that the formal reading of the bill may be dispensed with, that the bill be read for amendment, and that the committee amendments be first disposed of.

The PRESIDENT pro tempore. The Senator from Minnesota requests that the formal reading of the bill be dispensed with, that the bill be read for amendment, and the committee amendments be first considered. Is there objection? The Chair hears none, and it will be so ordered.

WASHINGTON RAILWAY & ELECTRIC CO. EXTENSION.

Mr. DILLINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Vermont?

Mr. NELSON. I will yield to the Senator from Vermont if the matter for which he desires consideration does not lead to debate and will not displace the river and harbor bill.

The PRESIDENT pro tempore. It will not displace that bill.

Mr. DILLINGHAM. I ask unanimous consent for the present consideration of Senate bill 4681. I will say, in connection with my request, that this bill, if amended as recommended by the committee, will simply provide for extending the street railroad from Wisconsin Avenue down Macomb Street to the District line, by way of Massachusetts Avenue, past the American University buildings. In this connection I will also say that the American University have a large plant there and are about to open their doors, but there are no public means of conveyance in that section. This bill is approved by the railroad company, it is approved by the people in that neighborhood, and by the Commissioners of the District of Columbia. I know of nobody who opposes it.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent for the present consideration of a bill the title of which will be read for the information of the Senate.

The SECRETARY. A bill (S. 4681) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co.; to authorize a change in the permanent system of highway plans; to provide for the condemnation of certain streets; and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 1, beginning in line 3, to strike out:

That the Washington Railway & Electric Co. of the District of Columbia be, and it is hereby, authorized and required to construct a double-track electric street railway beginning where its present tracks on Columbia Road intersect the tracks of the Capital Traction Co. at Eighteenth Street NW., thence over the existing tracks of the Capital Traction Co. along Calvert Street and across the Calvert Street Bridge, to Connecticut Avenue; and thence along Calvert street, as laid down on the amended highway plan hereinafter authorized, to Cleveland Avenue; thence along Cleveland Avenue to Thirty-fourth Street; thence along Thirty-fourth Street to Macomb Street; thence along Macomb Street to Massachusetts Avenue; and thence along Massachusetts Avenue in a northwesterly direction to the District line: *Provided*, That said railway shall be constructed and operated by overhead electric system from the eastern end of the Calvert Street Bridge to Massachusetts Avenue and the District line, and by underground electric system from Columbia Road and Eighteenth Street to the Calvert Street Bridge. That where the route provided for in this act coincides with the route of the Capital Traction Co. the existing double tracks of the said Capital Traction Co. shall be used in common upon terms mutually agreed upon, or, in case of disagreement, upon terms determined by the Supreme Court of the District of Columbia, which is authorized and directed to give notice and hearing to the interested parties and to fix and finally determine the terms of the joint trackage.

SEC. 2. That in order to provide for such street railway extension along Calvert Street, the Commissioners of the District of Columbia be, and they are hereby, authorized to prepare a new highway plan for Calvert Street, Rock Creek Drive, Twenty-eighth and Twenty-ninth Streets, between Connecticut Avenue and Cleveland Avenue, under the provisions contained in an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," as said act is amended by an act of Congress approved June 28, 1898, and upon the completion and recording of said new highway plan it shall take the place and stand for any previous plan for said portion of the District of Columbia.

SEC. 3. That upon the recording of said new highway plan the Commissioners of the District of Columbia be, and they are hereby, authorized to institute, in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, in the Supreme Court of the District of Columbia, a proceeding in rem to condemn the land that may be necessary for the opening of Calvert Street, as laid down on said amended highway plan referred to in section 2 hereof, and of Cleveland Avenue between Calvert Street and Thirty-fourth Street, and of Thirty-fourth Street between Cleveland Avenue and Woodley Road, as laid down on said highway plan, and of Macomb Street between Wisconsin Avenue and Massachusetts Avenue: *Provided*, That the entire amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be condemned for said extension and widening, plus the cost and expenses of said proceedings, shall be assessed by the jury as benefits, and there is hereby appropriated out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the said condemnation proceedings taken pursuant hereto, and for the payment of the amount awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

And in lieu thereof to insert:

That the Washington Railway & Electric Co. of the District of Columbia be, and it is hereby, authorized and required to construct an electric street railway beginning where its present tracks on Wisconsin Avenue intersect Macomb Street NW.; thence along Macomb Street to Massachusetts Avenue; and thence along Massachusetts Avenue in a northwesterly direction to the District line: *Provided*, That said railway shall be constructed and operated by overhead electric system.

The amendment was agreed to.

The next amendment was, in section 4 (2), line 3, after the words "after the," to strike out "date of confirmation of the verdict and award in the condemnation proceedings provided for in section 3 hereof" and insert "approval of this act," so as to make the section read:

SEC. 2. That the street railway extension provided for in section 1 hereof shall be begun within six months after the approval of this act, and shall be completed, with cars running thereon, within a period of two years from said date, and the said Washington Railway & Electric Co. shall, within 60 days from the date of the approval of this act, deposit with the collector of taxes of the District of Columbia the sum of $1,000 to guarantee the construction of said extension within the prescribed time, and if said extension is not so completed, with cars running thereon, within the prescribed time, said $1,000 shall be forfeited to the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes."

THE FRANCIS GIRARD GRANT, ALABAMA.

Mr. JOHNSTON of Alabama. Will the Senator from Minnesota yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Alabama?

Mr. NELSON. Yes; I will yield to the Senator from Alabama, but I trust no other Senator will ask me to yield.

Mr. JOHNSTON of Alabama. I ask unanimous consent for the present consideration of House bill 11478. It is purely a local bill, which has passed the other House.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the present consideration of a bill the title of which will be read for the information of the Senate.

The SECRETARY. A bill (H. R. 11478) to quiet title and possession with respect to a certain unconfirmed and located private land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all the right, title, and interest of the United States in and to the lands

situate in section 44, township 1 north, range 2 east, and section 49, township 1 north, range 1 east, containing 639.97 acres, in Baldwin County, Ala., known as the Francis Girard grant, shall be, in so far as the records of the General Land Office show the land to be free from conflict, granted, released, and relinquished by the United States, in fee simple, to the respective persons, estates, firms, or corporations, who would be the true and lawful owners under the laws of Alabama, including the laws of prescription had the private-land claim of Francis Girard been confirmed by the third section of the act of March 3, 1819 (3 Stat., p. 528), and to their heirs and assigns forever, as freely and completely, in every respect whatever, as could be done by patents issued therefor according to law; but nothing in this act shall in any manner abridge, divest, impair, injure, or prejudice any valid right, title, or interest of any person or persons in or to any portion or part of the lands mentioned, the true intent of the bill being to relinquish and abandon, grant, give, and concede any and all right, interest, and estate, in law or equity, which the United States is or is supposed to be entitled to in such lands, in favor of all persons, estates, firms, or corporations who would be the true and lawful owners under the laws of the State of Alabama, including the laws of prescription, in the absence of the interest and estate of the United States. The Department of the Interior shall cause patents to issue for such lands, and such patents shall issue in the name of the original claimant, and when issued shall be held for the use and benefit of the true and lawful owner or owners.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28180) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with.

Mr. BURTON. Mr. President, I desire to submit some general remarks on this bill, and I think there are one or two other Senators who also desire to speak, but perhaps the best way is to proceed with the bill for awhile and we will postpone the discussion of it until to-morrow.

Mr. NELSON. I wish that we might proceed to act on the amendments and the debate can follow afterwards. I do not want, of course, to cut off any Senator from debate.

The PRESIDENT pro tempore. The reading will be proceeded with.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Commerce was, on page 1, after line 9, to insert:

Improving Bass Harbor Bar, Me.: Completing improvement in accordance with the report submitted in House Document No. 1128, Sixty-second Congress, third session, $10,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 2, to insert:

Improving Deer Island Thoroughfare, Me.: Completing improvement in accordance with the report submitted in House Document No. 1128, Sixty-second Congress, third session, $40,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 6, to insert:

Improving Carvers Harbor, Vinalhaven, Me.: Completing improvement in accordance with the report submitted in House Document No. 624, Sixty-second Congress, second session, $16,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 10, to insert:

Improving Pepperells Cove, Me.: Completing improvement, $63,400.

The amendment was agreed to.

The next amendment was, on page 2, after line 19, to strike out:

Improving Medomak River, Me., in accordance with the report submitted in House Document No. 674, Sixty-second Congress, second session, $8,500.

The amendment was agreed to.

Mr. NELSON. I move the amendment which I send to the desk be inserted in lieu of the words stricken out by the committee amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 12, in lieu of the matter stricken out in lines 20 to 23, inclusive, it is proposed to insert:

Improving Medomak River, Me., in accordance with the report submitted in House Document No. 674, Sixty-second Congress, second session: Completing improvement, $17,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 3, after line 14, to insert:

Improving harbor at Plymouth, Mass.: Completing improvement in accordance with report submitted in House Document No. 1194, Sixty-second Congress, third session, and subject to the conditions therein contained, $83,500.

The amendemnt was agreed to.

The next amendment was, at the top of page 4, to insert:

Improving harbor of refuge, Block Island, R. I.: Continuing improvement, $50,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to insert:

Harbor of refuge at Point Judith, R. I.: For improvement in accordance with the report submitted in House document No. 911, Sixtieth Congress, first session, $100,000.

The amendment was agreed to.

The next amendment was, on page 4, line 11, after "$164,800," to insert: "Improving same in accordance with the report submitted in House Document No. 1369, Sixty-second Congress, third session, $100,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $827,800, exclusive of the amount herein and heretofore appropriated: *Provided further*, That no work in the harbor proper north of Fields Point shall be done until the Secretary of War is satisfied that the State or city shall have completed their proposed expenditures in the combined Providence and Pawtucket Harbors, up to at least $2,000,000, for public terminals or other permanent public harbor improvements: *Provided further*, That the dredged material may be deposited on shallow areas near the city of Providence if plans therefor can be arranged with local interests whereby the cost of the work to the United States will not be increased over that of towing to the present dumping ground;" so as to make the clause read:

Improving Providence River and Harbor, R. I.: Completing improvement in accordance with the report submitted in House Document No. 919, Sixtieth Congress, first session, $164,800; improving same in accordance with the report submitted in House Document No. 1369, Sixty-second Congress, third session, $100,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $827,800, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That no work in the harbor proper north of Fields Point shall be done until the Secretary of War is satisfied that the State or city shall have completed their proposed expenditures in the combined Providence and Pawtucket Harbors, up to at least $2,000,000, for public terminals or other permanent public harbor improvements: *Provided further*, That the dredged material may be deposited on shallow areas near the city of Providence if plans therefor can be arranged with local interests whereby the cost of the work to the United States will not be increased over that of towing to the present dumping ground.

The amendment was agreed to.

The next amendment was, on page 5, line 15, after "$10,000," to insert: "For improvement in accordance with the report submitted in House Document No. 1258, Sixty-second Congress, third session, $80,000; in all, $90,000;" so as to make the clause read:

Improving harbor at New Haven, Conn.: For maintenance, $10,000; for improvement in accordance with the report submitted in House Document No. 1258, Sixty-second Congress, third session, $80,000; in all, $90,000.

The amendment was agreed to.

The next amendment was, on page 6, line 12, after "$20,000" to insert "for improving the channel up to the Main Street Bridge in accordance with the report submitted in House Document No. 1333, Sixty-first Congress, third session; completing improvement, $235,700; in all, $255,700," so as to make the clause read:

Improving harbor at Flushing Bay, N. Y.: For maintenance, $20,000; for improving the channel up to the Main Street Bridge in accordance with the report submitted in House Document No. 1333, Sixty-first Congress, third session; completing improvement, $235,700; in all, $255,700.

The amendment was agreed to.

The next amendment was, on page 8, line 24, after "$250,000," to insert: "*Provided*, That so much of the foregoing amount as may be recommended by the Chief of Engineers and approved by the Secretary of War may be expended within the limits of the project heretofore adopted by Congress in securing a depth of not to exceed 35 feet in the through channel of East River and not to exceed 30 feet elsewhere," so as to make the clause read:

Removing obstructions in East River and Hell Gate, New York: Continuing improvement, including work at the Middle Ground and in the channel between North Brother and South Brother Islands, $250,000. *Provided*, That so much of the foregoing amount as may be recommended by the Chief of Engineers and approved by the Secretary of

War may be expended within the limits of the project heretofore adopted by Congress in securing a depth of not to exceed 35 feet in the through channel of East River and not to exceed 30 feet elsewhere.

The amendment was agreed to.

The next amendment was, on page 9, line 8, after "$100,000," to insert: "For improvement in accordance with the project numbered 3 in the report submitted in House Document No. 557, Sixty-second Congress, second session, $5,000: *Provided*, That no construction work shall be executed by the Federal Government beyond the channel limits of the existing projects until local or other interests shall furnish, free of cost to the United States, the necessary land for the right of way required for said project; in all, $105,000," so as to make the clause read:

Improving Harlem River, N. Y.: Continuing improvement, $100,000; for improvement in accordance with the project numbered 3 in the report submitted in House Document No. 557, Sixty-second Congress, second session, $5,000: *Provided*, That no construction work shall be executed by the Federal Government beyond the channel limits of the existing projects until local or other interests shall furnish, free of cost to the United States, the necessary land for the right of way required for said project; in all, $105,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 9, to insert:

Improving Hudson River Channel of New York Harbor, N. Y., in accordance with the report submitted in House Document No. 719, Sixty-second Congress, second session, $200,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $250,000, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 11, after line 14, to insert:

Improving Absecon Inlet, N. J., by dredging, to keep an open channel until the completion of the dredge heretofore authorized, $45,000: *Provided*, That no part of the appropriation herein made shall be available for expenditure until the Secretary of War shall be satisfied that local interests have made provision for furnishing the sum of $50,000 for said improvement and have placed the same to his credit and subject to his order in a bank to be designated by him.

The amendment was agreed to.

The next amendment was, on page 13, after line 4, to strike out:

Improving Woodbury Creek, N. J., in accordance with the report submitted in House Document No. 635, Sixty-second Congress, second session, and subject to the conditions set forth in said document, $8,000.

Mr. NELSON. I move that that amendment be disagreed to.

Mr. BURTON. Mr. President, just a word about that amendment. I trust the chairman of the committee will agree that a sufficient sum shall be provided to complete that project. The estimate is $38,000. In the case of two or three amendments on the second page of the bill, for instance, the item for improving Deer Island Thoroughfare, Me., provision is made for completing the whole improvement, $40,000. The engineer in reporting upon the Woodbury Creek, N. J., project says:

A plan of improvement at an estimated cost of $38,000 for first construction, with $2,000 annually for maintenance, is presented.

And he adds this:

The estimated first cost—

That is the $38,000—

should be made available in one appropriation.

It seems very unbusinesslike to appropriate these small amounts, and if the Senator from Minnesota will allow me, I should like to suggest that there be added at the end, in place of "$8,000," the words "completing improvement, $38,000."

Mr. NELSON. I have no objection to that amendment. The committee amendment may be disagreed to, and the amendment suggested by the Senator from Ohio may be inserted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

Mr. BURTON. Now, I move to strike out "$8,000" and insert "completing improvement, $38,000."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 13, line 14, before the word "Street," to strike out "Laylor" and insert "Lalor," and in line 15, before the word "Street," to strike out "Laylor" and insert "Lalor," so as to make the clause read:

Improving Delaware River, Pa., N. J., and Del.: Continuing improvement and for maintenance from Allegheny Avenue, Philadelphia, to the sea, $1,750,000; for maintenance of improvement from Allegheny Avenue, Philadelphia, to Lalor Street, Trenton, $20,000; and completing improvement above Lalor Street, Trenton, in accordance with the report submitted in House Document No. 830, Sixty-first Congress second session, and subject to the conditions recommended by the Chief of Engineers on page 2 of said document, $114,000; in all, $1,884,000.

The amendment was agreed to.

The next amendment was, on page 14, line 13, before the word "bridges," to insert "channel spans of the," so as to make the clause read:

Improving Allegheny River, Pa., in accordance with the report submitted in House Document No. 540, Sixty-second Congress, second session: The proviso attached to the item for this improvement carried in the river and harbor act approved July 25, 1912, that the appropriation of $300,000 therein contained be made subject to the condition that local interests should contribute an equal amount, is hereby revoked, and in lieu thereof the expenditure of said $300,000 is made subject to the following condition: *Provided*, That no part of said amount shall be expended until the Secretary of War shall have received satisfactory assurances that the channel spans of the bridges forming unreasonable obstructions to the navigation of the Allegheny River at Pittsburgh will be modified as recommended by a board of engineer officers in a report dated November 23, 1910.

The amendment was agreed to.

Mr. NELSON. Mr. President, in line 15, page 14, I move to strike out the word "modified" and insert the word "widened."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 14, line 15, it is proposed to strike out the word "modified" and insert the word "widened."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 16, line 5, after the word "session," to strike out "$100,000" and insert "completing improvement, $305,250," so as to make the clause read:

Improving harbor at Baltimore, Md., with a view to widening the channel of approach at York Spit, Chesapeake Bay, in accordance with the report submitted in House Document No. 1190, Sixty-second Congress, third session, completing improvement, $305,250.

The amendment was agreed to.

The next amendment was, on page 17, after line 6, to insert:

Improving Western Branch of Elizabeth River, Va.: Completing improvement in accordance with the report submitted in House Document No. 566, Sixty-second Congress, second session, $82,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 13, to insert:

Improving harbor of refuge at Cape Lookout, N. C.: Continuing improvement, $500,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $600,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 20, line 13, after "$20,000," to insert "*Provided*, That any part of said appropriation and local contribution unexpended in completing the improvement of said channel may be used in improving and enlarging the turning basin in front of the town of Beaufort," so as to make the clause read:

Improving waterways connecting Core Sound and Beaufort Harbor, N. C.: Completing improvement of channel by way of Taylors Creek, in accordance with the report submitted in House Document No. 546, Sixty-second Congress, second session, and subject to the conditions set forth in said document, $20,000: *Provided*, That any part of said appropriation and local contribution unexpended in completing the improvement of said channel may be used in improving and enlarging the turning basin in front of the town of Beaufort.

The amendment was agreed to.

The next amendment was, on page 20, line 24, to strike out "$120,000" and insert "$65,000," so as to make the clause read:

Improving Winyah Bay, S. C.: Continuing improvement and for maintenance, $65,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to insert:

Improving Archers Creek, S. C.: The paragraph providing for the improvement of Archers Creek, S. C., in the river and harbor act approved July 25, 1912, is hereby amended to read as follows: Improving Archers Creek, S. C: Completing improvement in accordance with the report submitted in House Document No. 513, Sixty-second Congress, second session, $25,000: *Provided*, That the land required for the widening be donated to the United States free of cost, and that permission be given for the deposit of the dredged materials on adjacent lands free of cost to the United States.

The amendment was agreed to.

The next amendment was, on page 22, after line 8, to insert:

Improving Fancy Bluff Creek, connecting Turtle River and Brunswick Harbor with Little Satilla River, Ga.: Completing improvement, in accordance with the report submitted in House Document No. 1342, Sixty-second Congress, third session, $8,000.

The amendment was agreed to.

The next amendment was, at the top of page 23, to insert:

Improving Savannah River at Augusta, Ga., in extension of the project authorized in the act of June 25, 1910, in accordance with the report submitted in House Document No. 1319, Sixty-second Congress, third session, $60,000, provided a like sum of $60,000 be contributed for said improvement by the city of Augusta under the same terms and conditions, as to such contribution, as are contained and provided in said act of June 25, 1910.

The amendment was agreed to.

The next amendment was, on page 24, after line 4, to insert:

Improving channel between St. Johns River, Fla., and Cumberland Sound, Ga. and Fla., by way of Sisters Creek, in accordance with the report submitted in House Document No. 898, Sixty-second Congress, second session, $50,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $51,000, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 24, after line 14, to insert:

Protecting shore of Anastasia Island, Fla., by groins, $15,000.

The amendment was agreed to.

The next amendment was, on page 25, line 9, after the word "document," to strike out "$200,000" and insert "$100,000," so as to make the clause read:

Improving Hillsboro Bay, Fla.: Continuing improvement in accordance with the report submitted in House Document No. 634, Sixty-first Congress, second session, and subject to the conditions recommended by the Chief of Engineers, United States Army, on page 2 of said document, $100,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 12, to insert:

Improving harbor at Miami (Biscayne Bay), Fla., in accordance with the report submitted in House Document No. 554, Sixty-second Congress, second session: The proviso in the river and harbor act approved July 25, 1912, that the appropriation of $100,000 therein contained, namely, "that no work shall be done by the United States on said project until the Secretary of War is satisfied that the portion of the work contemplated in this project to be done by the Florida East Coast Railway Co. will be promptly completed," is hereby amended so as to read as follows: "*Provided*, That no work shall be done by the United States on said project until the Secretary of War is satisfied that suitable terminal facilities will be provided as contemplated by paragraph 8 of the report of the Board of Engineers for Rivers and Harbors as set forth on page 15 of said Document No. 554."

The amendment was agreed to.

The next amendment was, on page 27, after line 7, to insert:

Improving Lake Crescent and Dunns Creek, Fla., from the St. Johns River to Crescent City, Fla.: Completing improvement in accordance with the report submitted in House Document No. 1320, Sixty-second Congress, third session, $25,000: *Provided*, That no part of the money herein appropriated shall be expended for the purchase of the right of way.

The amendment was agreed to.

The next amendment was, on page 29, line 17, after the word "increased," to insert "except to the extent of $20,000, which amount is hereby appropriated: *Provided further*, That not more than $20,000 shall be paid in any case for all rights claimed in and to said Grants Pass," so as to make the clause read:

Improving channel connecting Mobile Bay and Mississippi Sound, Ala.: The project adopted by the river and harbor act approved July 25, 1912, may, upon recommendation of the Chief of Engineers and approval of the Secretary of War, be modified to include the whole or any part of Grants Pass: *Provided*, That all rights claimed in and to Grants Pass shall be released and surrendered to the United States and that any saving or difference in the cost of actual construction that may result from the use of any or all of Grants Pass may, as compensation for said rights, be paid to the present owners of the pass or their assigns: *Provided further*, That the total cost of the completion of the project shall not be thereby increased except to the extent of $20,000, which amount is hereby appropriated: *Provided further*, That not more than $20,000 shall be paid in any case for all rights claimed in and to said Grants Pass.

The amendment was agreed to.

The next amendment was, on page 31, line 4, after the word "Vicksburg," to strike out "$10,000" and insert "$60,000," so as to make the clause read:

Improving Yazoo River, Miss.: For maintenance of improvement of mouth of Yazoo River and harbor of Vicksburg, $60,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 19, to strike out:

Improving channel from Galveston Harbor to Texas City, Tex.: Continuing improvement and for maintenance by dredging within the limits recommended in the report submitted in House Document No. 328, Sixty-first Congress, second session, $200,000.

The amendment was agreed to.

The next amendment was, at the top of page 34, to insert:

Improving channel from Galveston Harbor to Texas City, Tex.: Continuing improvement and for maintenance in accordance with report submitted in House Document No. 1390, Sixty-second Congress, third session, $500,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,100,000, exclusive of the amounts herein and hereby appropriated.

Mr. NELSON. I offer an amendment to that paragraph, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 34, line 7, it is proposed to strike out from the committee amendment the word "complete" and insert "prosecute"; also, in line 10, to strike out "hereby" and insert "heretofore."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 34, after line 11, to insert:

Improving Houston ship channel, Tex.: Continuing improvement and for maintenance. The Secretary of War may enter into a contract for or construct two suitable dredging plants to be used for the maintenance of the channel, when completed under the existing contract authorized by the act approved June 25, 1910, to be paid for as appropriations may from time to time be made by law not to exceed in the aggregate $400,000: *Provided*, That one-half of the cost of said dredging plants be contributed and furnished by the Harris County ship channel navigation district: *And provided further*, That before letting the contract for the construction of each dredging plant or beginning the work of its construction, said navigation district shall place to the credit and subject to the order of the Secretary of War, in a United States depository to be designated by him, the sum of $50,000, and shall satisfy him that the remainder of one-half of the cost of said dredging plant will be deposited in like manner from time to time as called for by him.

The amendment was agreed to.

The next amendment was, on page 36, line 18, after the word "authorized," to strike out "and commencing the construction of two additional locks and dams, $250,000," and insert "and for an accurate instrumental survey of the river, $350,000"; and in line 22, after the words "in all," to strike out "$275,000" and insert "$375,000," so as to make the clause read:

Improving Brazos River, Tex.: Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized and for an accurate instrumental survey of the river, $350,000; continuing improvement and for maintenance by open-channel work from Velasco to Old Washington, $25,000; in all, $375,000.

The amendment was agreed to.

The next amendment was, on page 37, line 4, after the words "authorized and," to strike out "commencing the construction of" and insert "locating," so as to make the clause read:

Improving Trinity River, Tex.: Continuing improvement with a view to obtaining a depth of 6 feet between the mouth and Dallas by the construction of locks and dams heretofore authorized and locating two additional locks and dams, $255,000; continuing improvement and for maintenance by open-channel work, $15,000; in all, $270,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 5, to insert:

Improving Arkansas River, Ark.: Completing improvement by protecting the north bank thereof in front of the Crawford County Levee, south of Van Buren, in sections 8, 9, and 10 in township 8 north, range 30 west, which shall be considered extraordinary emergency work, $30,000. This appropriation shall be expended as soon as practicable in continuation of the work now in progress at said point, and under a plan to be prepared by the Chief of Engineers.

The amendment was agreed to.

Mr. NELSON. I offer an amendment to come in at the end of line 23, page 38.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 38, after line 23, it is proposed to insert the following paragraph:

Improving White River at Devall Bluff, Ark., in accordance with the report submitted in House Document No. 1259, Sixty-second Congress, third session: Completing improvement, $14,000: *Provided*, That the necessary stumpage and brush for such improvement shall be furnished free of cost to the United States.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 39, line 20, before the word "maintenance," to insert "improvement and," and in the same line, after the word "maintenance," to strike out "$25,000" and insert "$76,000," so as to make the clause read:

Improving harbor at Cleveland, Ohio: For improvement and maintenance, $76,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 22, to insert:

Improving harbor at Arcadia, Mich.: Continuing improvement and for maintenance, including repair and reconstruction of the north pier, $20,000.

The amendment was agreed to.

The next amendment was, on page 41, line 10, before the word "improvement," to strike out "Continuing" and insert "Completing," and in the same line, after the word "maintenance," to strike out "$246,000" and insert "$312,000," so as to make the clause read:

Improving harbor at Manistee, Mich.: Completing improvement and for maintenance, $312,000.

The amendment was agreed to.

Mr. NELSON. I offer an amendment to come in on line 19, page 41.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 41, in line 19, it is proposed to strike out "$3,000" and insert:

Eight thousand dollars, of which amount $5,000, or so much thereof as may be necessary, may be expended for the extension eastwardly of the revetment along the north side of the cut connecting the Kalamazoo River with Lake Michigan.

Mr. BURTON. I should like to ask the Senator from Minnesota a question. Is that all for maintenance? Is it not for continuing the improvement?

Mr. NELSON. It is for maintenance in one sense. It is to restore old revetment work that has been destroyed.

Mr. BURTON. But is it properly included under that term?

Mr. NELSON. I am told by the Army engineers that it would come under that head.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 42, after line 4, to insert:

Improving Saginaw River, Mich., up to the mouth of the Tittabawassee River, in accordance with the report submitted in House Document No. 740, Sixty-first Congress, second session, additional to the sums appropriated and authorized to be appropriated therefor in the river and harbor appropriation act approved June 25, 1910, $100,000.

The amendment was agreed to.

The next amendment was, on page 42, line 18, after the word "maintenance," to strike out "$10,000" and insert "$24,000, of which amount not exceeding one-half may be expended for the improvement of that portion of said river above and to the westward of Ogden Street Bridge," so as to make the clause read:

Improving Menominee Harbor and River, Mich. and Wis.: For maintenance, $24,000, of which amount not exceeding one-half may be expended for the improvement of that portion of said river above and to the westward of Ogden Street Bridge.

Mr. NELSON. I offer an amendment to that amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 42, line 19, in the committee amendment, it is proposed to strike out "one-half" and insert "two-thirds."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. NEWLANDS. I offer an amendment which I send to the desk, and ask that it be printed and lie on the table and be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment to the pending bill, which will lie on the table and be printed in the RECORD.

The amendment referred to is as follows:

Insert the following after line 10, page 65:

"SEC. 2½. That for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end for the storage of flood waters in the watershed of such navigable rivers, including the beneficial use and control of such flood waters, in the maintenance so far as practicable of a standard flow for navigation, the reclamation of arid and swamp lands, and the development of water power; and for the protection of watersheds from denudation, erosion, and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies in plans and works, having in view such river regulation and control, the sum of $5,000,000 annually for each of the years following the 1st day of July, 1912, and up to the date of the completion and opening to commerce of the Panama Canal, and thereafter the sum of $50,000,000 annually for each of the 10 years following the completion of the Panama Canal, is hereby reserved, set aside, and appropriated and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury to be known as the river regulation fund.

"That of the said river regulation fund, until otherwise directed by law, one-tenth thereof shall be apportioned to the rivers on the Atlantic coast, one-tenth thereof to the rivers on the Gulf coast outside of the Mississippi River, one-fifth thereof to the Mississippi River from St. Louis to the Gulf, one-tenth thereof to the Missouri River and its tributaries, one-tenth thereof to the Ohio River and its tributaries, one-tenth thereof to the upper Mississippi River above St. Louis and its tributaries, one-tenth thereof to the Sacramento and San Joaquin Rivers and their tributaries in California, one-tenth thereof to the Columbia and Snake Rivers and their tributaries in Oregon, Washington, and Idaho, and one-tenth thereof in the connection of the Great Lakes with the Ohio and Mississippi Rivers.

"That a board is hereby created, to be known as the board of river regulation, consisting of the Chief of Engineers of the United States Army, the chairman of the Panama Commission, the chairman of the Board of Review of the Engineer Corps of the Army, the chairman of the Mississippi River Commission, the Director of the United States Geological Survey, the Chief of the Weather Bureau, the Forester of the Department of Agriculture, the Director of the Reclamation Service, the Chief of the Drainage Division of the Department of Agriculture, the Secretary of the Smithsonian Institution, one hydraulic engineer, one sanitary engineer, and one electrical engineer; the last three to be appointed by the President and to hold office at his pleasure, and each to receive an annual compensation of $7,500, payable out of the river regulation fund.

"The Chief of Engineers shall be the chairman of such board, and the secretary shall be annually elected by the board from its members.

"That the functions of said board shall be to investigate and obtain full information concerning all matters involved in or specifically related to the objects set forth in this section and for such purpose is authorized to expend a suitable and necessary proportion of the moneys therein appropriated; but said board shall not expend or incur liability for the expenditure of any money for the construction or execution of plans or projects without the specific approval of Congress, as hereinafter set forth; that said board is hereby authorized and directed to enlist through the President the services of any Federal department or bureau the statutory authority of which may involve investigations or constructive work that is necessary or desirable in the comprehensive performance of the objects set forth in such paragraph, and to bring into cooperation and to harmonize and unify the work of said departments or bureaus as may be necessary to provide against duplication or unwarranted or incomplete work with respect to the objects herein provided; and that said board is authorized to defray the expenses of such investigations or assistance to the extent of the ultimate cost thereof to said departments or bureaus through a transfer of equivalent proportions of the appropriation herein provided.

"That the board shall develop, formulate, and prepare plans for the accomplishment of the purposes herein provided, and shall report the same to Congress annually and at such other times as may be required; and whenever the recommendations or any parts thereof in said report shall receive the approval of Congress, the said board shall proceed to construct and execute the same in accordance with the plans so approved: *Provided*, That the provisions of this section shall be so administered as in no way to supersede or conflict with any specific provisions which Congress shall from time to time make by way of appropriations other than such as are made by this act for work and improvements to be performed or maintained by the Corps of Engineers, United States Army, but that all work prescribed under this section shall be supplemental to and coordinated with the work as specifically prescribed by Congress in other acts.

"That the board shall in all cases where possible and practicable encourage, promote, and endeavor to secure the cooperation of State and local government bodies, public and quasi public corporations, private associations, and persons in carrying out the purposes and objects of this act, including the securing of the financial cooperation of said parties; that it shall negotiate and arrange plans for the apportionment of work, costs, and benefits, and to secure the agreement and consent of said parties, contingent upon the final approval of same by Congress as herein provided, which approval and consent may include the acceptance and use of any funds or property donated or subscribed or in any way provided for cooperative work; but no moneys shall be expended under any arrangement for cooperation approved by Congress until the funds to be provided by the parties to such arrangement shall have been made available for disbursement.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 44, after line 9, to insert:

Grand Calumet River, Ind.: A change in the location of the channel of the Grand Calumet River through the lands of the Gary Land Co. and the Indiana Steel Co., corporations organized under the laws of the State of Indiana, in sections 34, 35, and 36, township 37 north, range 8 west, and in sections 2 and 3, township 36 north, range 8 west, Lake County, Ind., from the original location of such channel to a new location within the strip of land hereinafter described and the construction of a new channel within said strip of land, as the same has been done by said companies, is hereby authorized and approved: *Provided*, That the said Gary Land Co. and the said Indiana Steel Co. shall convey to the United States, free of cost, the right and easement to use said new channel and said strip of land as and for a free public waterway of the United States, and upon the acceptance of such conveyance by the Secretary of War the old channel of the river through the said lands shall be abandoned as a navigable waterway, and in its stead the aforesaid new channel, and any enlargement thereof which Congress may hereafter authorize shall become and forever remain a free public waterway of the United States and shall be subject to the laws heretofore and hereafter enacted by Congress for the improvement, preservation, and protection of navigable waters: *Provided further*, That the said companies or corporations shall have the right to occupy and use so much of the said strip of land as lies outside the high-water limits of the said new channel until such time as Congress shall authorize and make provision for the enlargement, widening, or other improvement of said channel, it being understood that such occupation and use shall be for temporary purposes only, and that the said companies or corporations shall place no structures or works of any kind on said strip or do anything that will tend to obstruct said channel or interfere with its free navigation by the public: *And provided further*, That nothing herein contained shall be construed as conferring any right, power, or privilege in conflict with any law or statute of the State of Indiana, in which said river is located. The said strip of land above referred to is described as follows: Beginning at a point on the west line of section 3, township 36 north, range 8 west, Lake County, Ind., which is 323.3 feet south of the northwest corner of said section; thence running easterly 3,430 feet, more or less, along a straight line, which, if continued, would intersect the east line of said section 3 at a point which is 319.6 feet south of the northeast corner of said section 3; thence along a curve convex to the south 1,017.45 feet, said curve having a radius of 5,829.6 feet; thence northeasterly 1,580 feet, more or less, along a straight line, said straight line making an angle of 10° with the first-described straight line; thence along a curve convex to the north 900 feet, more or less, said curve having a radius of 5,629.6 feet, to a point which is 100 feet, more or less, north of the south line of section 35 and also 1,170 feet, more or less, west of the middle line of said section 35; thence along a curve convex to the north 1,171.5 feet, more or less, to a point on the middle line of section 35, which is 154 feet north of the south line of said section 35; thence easterly 1,612.5 feet, more or less, along a straight line, which, if continued, would intersect the east line of said section 35 at a point which is 176 feet north of the southeast corner of said section 35; thence along a curve convex to the southeast 413.06 feet, said curve having a radius of 623.7 feet; thence northeasterly along a straight line 1,150 feet, more or less, to the south shore of the old river bed of the Grand Calumet River, said straight line making an angle of 38° with the last-described straight line; thence westerly 450 feet, more or less, along the south shore of the said old river bed of the Grand Calumet River; thence southwesterly 700 feet, more or less, along a straight line which is parallel to the aforementioned 1,150-foot line and 150 feet distant from same (measured at right angles); thence along a curve convex to the southeast 313.88 feet, said curve having a radius of 473.7 feet, and being parallel to the aforementioned 413.06-foot curve and 150 feet distant from same (measured at right angles); thence westerly 2,700 feet, more or less, along a straight line which is parallel to the aforementioned 1,012.5-foot line and 150 feet distant from same (measured at right angles); thence along a curve convex to the north 1,017.45 feet, said

curve having a radius of 5,829.6 feet, and being parallel to the aforementioned 900-foot curve and 200 feet distant from same (measured at right angles); thence southwesterly along a straight line 1,580 feet, more or less, said line being parallel to the aforementioned 1,580-foot line and 200 feet distant from same (measured at right angles); thence along a curve convex to the south 982.54 feet, said curve having a radius of 5,629.6 feet, and being parallel to the aforementioned 1,017.45-foot curve and 200 feet distant from same (measured at right angles); thence westerly 3,430 feet, more or less, along a straight line which is parallel to the aforementioned 3,430-foot line and 200 feet distant from same (measured at right angles) to a point on the west line of section 3; thence southerly along said line of said section 3 200 feet, more or less, to the point of beginning, containing approximately 46.209 acres.

The amendment was agreed to.

The reading of the bill was continued to line 9, on page 50.

Mr. NELSON. I offer an amendment, which I send to the desk, to come in at the end of line 9, page 50.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 50, line 9, after the word "available," it is proposed to strike out the period and insert a semicolon and the following:

And the Secretary of War is hereby directed to report to the House, as early as practicable, all encroachments and obstructions in the Chicago River and all its branches, together with such encroachments as have been made in and along the Lake Front between Lincoln Park and the Indiana State line.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, in the item of appropriation for improving Mississippi River from Head of Passes to the mouth of the Ohio River, on page 51, line 1, after the word "levees," to insert "which shall be considered extraordinary emergency work, and which may be done in the discretion of the Secretary of War, by hired labor, and without regard to hours, or otherwise," so as to read:

Improving Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement with a view to securing a permanent channel depth of 9 feet, $6,000,000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building of levees, which shall be considered extraordinary emergency work, and which may be done in the discretion of the Secretary of War, by hired labor, and without regard to hours, or otherwise, between the Head of Passes and Cape Girardeau, Mo., and for surveys, including the survey from the Head of Passes to the headwaters of the river in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river.

The amendment was agreed to.

Mr. STONE. Mr. President, I thought that amendment was on page 50.

Mr. NELSON. Mr. President, I was intending to go on with the bill down to the paragraph to which the Senator from Missouri objects and pass that over until to-morrow. I refer to the paragraph stricken out on page 52. We can dispose of the rest of the bill and have that passed over until to-morrow.

Mr. STONE. Then I will ask the Senator to pass the provisions relating to the Mississippi and the Missouri Rivers until to-morrow.

Mr. CLARKE of Arkansas. Not all of them.

Mr. NELSON. Very well. I desire to offer one little amendment in regard to the Mississippi River, to which I do not think the Senator has any objection.

Mr. CLARKE of Arkansas. There are certain items there that are in no wise in dispute, and that might be disposed of this afternoon.

Mr. NELSON. I have an amendment to go in at the end of line 4, on page 52. I do not think the Senator objects to it.

Mr. STONE. What is it?

Mr. NELSON. I will read the amendment:

Provided further, That of the amount herein appropriated, $250,000, or so much thereof as may be necessary, shall be expended for revetting, leveeing, and otherwise improving the left bank of said river at and near Memphis, Tenn., for the purpose of preventing damage by floods and promoting the interest of navigation.

Mr. STONE. Where does that come in?

Mr. NELSON. It comes in at the end of line 4, prior to the amendment to which the Senator objects. It does not in the least interfere with that.

Mr. STONE. I have no objection to that, I think.

Mr. NELSON. I offer that amendment, then, Mr. President.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Minnesota to the fact that there are certain other amendments on page 51 that have not yet been considered. Does the Senator desire that they shall be passed over?

Mr. NELSON. I do not think the Senator from Missouri has any objection to the amendments on page 51.

Mr. STONE. I think I have none.

Mr. NELSON. I know the amendment to which the Senator objects, and I do not want to take it up to-night. I want to give him full opportunity to discuss it to-morrow.

Mr. KENYON. Mr. President, I think I am interested in the same proposition as the Senator from Missouri. Our objection is to the amendment beginning on page 52, line 5.

Mr. NELSON. I think there is no objection to anything that precedes that, but I am anxious to go through the bill and leave that until to-morrow.

Mr. BURTON. If that section goes over, I must ask also that the amendment on page 53 go over.

The PRESIDENT pro tempore. The amendment in line 16, page 51, will be stated.

The next amendment of the Committee on Commerce was in the item of appropriation for improving Mississippi River from Head of Passes to the mouth of the Ohio River, on page 51, line 15, after the word "improvement" to insert: "Together with the mouth of the Yazoo River and harbor at Vicksburg, Miss., which, with any unexpended balance, are hereby transferred to, and placed under the control and jurisdiction of, such commission, may," so as to read:

Provided further, That the watercourses connected with said river and the harbors upon it, now under the control of the Mississippi River Commission and under improvement, together with the mouth of the Yazoo River and harbor at Vicksburg, Miss., which, with any unexpended balance, are hereby transferred to, and placed under the control and jurisdiction of such commission, may, in the discretion of said commission, upon approval by the Chief of Engineers, receive allotments for improvements now under way or hereafter to be undertaken, to be paid for from the amount herein appropriated.

Mr. NELSON. On page 51, line 19, the word "may" is printed in italics. It should be in roman.

The PRESIDENT pro tempore. Without objection, the amendment to the amendment will be made.

The amendment as amended was agreed to.

Mr. STONE. I do not exactly understand that.

Mr. NELSON. The word "may" is printed in italics. It should be in roman, because it is not a part of the amendment; that is all. The word is still left in.

Mr. STONE. I do not care about that.

The next amendment was, on page 51, line 23, after the word "appropriated," to insert the following additional proviso:

Provided further, That of the amount herein appropriated, $100,000, or such sum as may be necessary, shall be expended for revetting and otherwise improving the right bank of said river at and near Helena, Ark., for the purpose of preventing a breach in the levee by the caving of the bank at that point and for promoting the interest of navigation.

The amendment was agreed to.

Mr. NELSON. I offer the following amendment, to come in at the end of the amendment just agreed to.

The SECRETARY. On page 52, line 4, after the word "navigation" and before the period, insert a colon and the following:

Provided further, That of the amount herein appropriated, $250,000, or such sum as may be necessary, shall be expended for revetting, leveeing, and otherwise improving the left bank of said river at and near Memphis, Tenn., for the purpose of preventing damage by floods and promoting the interest of navigation.

Mr. PERCY. I ask that this amendment be allowed to go over with the others.

Mr. NELSON. Certainly. I shall ask that that part of the bill go over from the end of the amendment just adopted to the bottom of the page.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Minnesota to the fact that the amendment he submitted has not been adopted and the Chair understood the Senator from Mississippi to ask that it should go over.

Mr. PERCY. That is correct.

Mr. NELSON. Which amendment?

Mr. PERCY. The appropriation of $250,000 for the river at Memphis.

Mr. NELSON. Does the Senator object to that amendment?

Mr. PERCY. I object to that amendment.

Mr. NELSON. The amendment in reference to the river at Memphis?

Mr. PERCY. It is the amendment taking $250,000 out of the $6,000,000 appropriation. It was not before the committee and I do not know whether it is subject to a point of order or not. If it is I make the point of order.

Mr. BURTON. I ask the Senator from Minnesota to allow that amendment to go over. I should like to examine it somewhat.

Mr. NELSON. Very well.

Mr. BURTON. As I understand the proposition made to the committee was that the locality should contribute half the amount while the amendment as read contains no such provision.

Mr. NELSON. Very well, let it go over.

The next amendment of the Committee on Commerce was, on page 52, after line 4, to strike out:

Any funds which have been, or may hereafter be, appropriated by Congress for improving the Mississippi River between the Head of Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any part of said river between the Head of Passes and Rock Island, Ill.

Mr. NELSON. This amendment will be passed over.

The PRESIDENT pro tempore. It will be passed over.

Mr. NELSON. And all the balance on page 52.

Mr. KENYON. I ask to have the amendment on pages 53 and 54 passed over, down to line 5 on page 55.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The reading will be continued on page 55, line 5.

The Secretary resumed the reading of the bill at line 5, page 55.

The next amendment was, on page 55, line 10, after "$150,000," to strike out "of which amount at least $75,000 may be expended for such bank revetment as, in the judgment of the Chief of Engineers, may be in the interests of navigation"; in line 16, after the word "session," to strike out "$150,000; in all, $300,000" and insert "$175,000, of which amount, because of present emergency, an amount not exceeding $75,000 may be expended for such bank revetment above Elk Point as in the judgment of the Chief of Engineers may be necessary to extend and protect existing revetments and regulate channel flow in the interest of navigation; in all, $325,000," so as to make the clause read:

Improving Missouri River: For improvement and maintenance from Kansas City to Sioux City, $150,000; continuing improvement and for maintenance from Sioux City to Fort Benton, in accordance with the report submitted in House Document No. 91, Sixty-second Congress, first session, $175,000, of which amount, because of present emergency, an amount not exceeding $75,000 may be expended for such bank revetment above Elk Point as in the judgment of the Chief of Engineers may be necessary to extend and protect existing revetments and regulate channel flow in the interest of navigation; in all, $325,000.

Mr. STONE. I ask that the paragraph from line 9 to line 23, on page 55, may go over.

Mr. NELSON. I ask to go back to line 24 on page 54. The objection of the Senator from Iowa did not extend to that provision.

Mr. KENYON. I withdraw the objection.

Mr. NEWLANDS. Mr. President, if I am not interrupting Senators, I wish to ask the Senator from Minnesota as to whether we are now considering simply committee amendments?

Mr. NELSON. We are still considering committee amendments.

Mr. NEWLANDS. And there will be an opportunity to-morrow to offer other amendments?

Mr. NELSON. Certainly.

Mr. NEWLANDS. I wish to say that to-morrow I shall address myself to the amendment which I offered regarding a general provision for river regulation by the aid of a river-regulation board.

Mr. STONE. Does the Senator from Minnesota consent to let the provision from line 9 to line 23, on page 55, relating to the Missouri River, go over until to-morrow?

Mr. NELSON. Yes; all the provisions about the Missouri River are to go over. The whole paragraph can go over for improving the Missouri River, beginning with line 9 on page 55.

The PRESIDENT pro tempore. The amendment will be passed over.

Mr. NELSON. I ask that the amendment commencing on line 24, page 54, be taken up.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 54, after line 23, insert:

Improving the Mississippi River between Winnibigoshish and Pokegama Reservoirs, and the Leech River from its mouth to Leech Lake Dam, Minn., in accordance with the report submitted in House Document No. 1223, Sixty-second Congress, third session, $116,000.

The amendment was agreed to.

The PRESIDENT pro tempore. The reading will be continued at line 24, on page 55.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Commerce was, on page 56, line 18, after "$35,000," to insert "completing improvement in accordance with plan No. 3 in report submitted in House Document No. 1309, Sixty-second Congress, third session, $388,637; in all, $423,637," so as to make the clause read:

Improving harbor at San Diego, Cal.: For maintenance, $35,000; completing improvement in accordance with plan No. 3 in report submitted in House Document No. 1309, Sixty-second Congress, third session, $388,637; in all, $423,637.

The amendment was agreed to.

The next amendment was, on page 58, line 13, after the word "Congress," to insert "and the Secretary of War is authorized and directed to use any moneys that may be placed at his disposal by the authorities at Coos Bay for the improvement of the harbor at Coos Bay in widening and deepening the channels in accordance with the project heretofore adopted by Congress, and he is also authorized to use any Government plant available in connection therewith," so as to make the clause read:

Improving harbor at Coos Bay, Oreg.: For maintenance of the completed channels in Coos Bay and equipping and operating the bar dredge heretofore authorized, $80,000. And the Secretary of War is authorized and directed to use any additional moneys that may be placed at his disposal by the Port of Coos Bay, or by any other organization or by individuals for the improvement of the inner harbor of Coos Bay, and the said Secretary is also authorized, in his discretion, to use any Government plant available in connection therewith at such times as it may not be needed and employed on other work authorized by Congress; and the Secretary of War is authorized and directed to use any moneys that may be placed at his disposal by the authorities at Coos Bay for the improvement of the harbor at Coos Bay in widening and deepening the channels in accordance with the project heretofore adopted by Congress, and he is also authorized to use any Government plant available in connection therewith.

The amendment was agreed to.

The next amendment was, at the top of page 59, to insert:

Improving Tillamook Bay and Bar, Oreg., in accordance with the report submitted in House Document No. 349, Sixty-second Congress, second session, and subject to the conditions set forth in said document, $100,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, not exceeding in the aggregate $614,000, exclusive of the amount herein and heretofore appropriated, to be paid for, to an amount not exceeding $207,000, from appropriations which may from time to time be made by law, and to a further amount not exceeding $407,000 from funds to be furnished by local interests; the total expenditure from funds of the United States and from those of local interests to be equal in amount: *Provided further*, That no part of the appropriations herein and heretofore made shall be available for expenditure and no contract shall be entered into under the foregoing authorization until the Secretary of War shall be satisfied that said local interests have made provisions for furnishing the whole of said sum of $407,000 and have placed the same to his credit and subject to his order in a bank to be designated by him.

The amendment was agreed to.

The next amendment was, on page 60, line 5, after the words "Oregon City," to strike out "$30,000" and insert "$40,000, of which amount an amount not exceeding $10,000 may be expended in construction of a revetment near Independence, Oreg., if in the judgment of the Chief of Engineers the same is necessary in the interest of navigation," and, in line 13, after the words "in all," to strike out "$42,000" and insert "$52,000," so as to make the clause read:

Improving Willamette and Yamhill Rivers, Oreg.: For maintenance of improvement of Yamhill River and of Willamette River above Oregon City, $40,000, of which amount an amount not exceeding $10,000 may be expended in construction of a revetment near Independence, Oreg., if in the judgment of the Chief of Engineers the same is necessary in the interest of navigation; completing improvement of Willamette River from Portland to Oregon City in accordance with the report submitted in House Document No. 438, Sixty-second Congress, second session, $12,000; in all, $52,000.

The amendment was agreed to.

The next amendment was, on page 61, line 5, after the word "improvement," to strike out "$600,000" and insert "$1,200,000," so as to make the clause read:

Improving Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash.: Continuing improvement, $1,200,000.

The amendment was agreed to.

The next amendment was, on page 61, line 8, after the word "improvement," to strike out "$40,000" and insert "$60,000," so as to make the clause read:

Improving Columbia River and tributaries above Celilo Falls to the mouth of Snake River, Oreg. and Wash.: Continuing improvement, $60,000.

The amendment was agreed to.

The next amendment was, on page 61, line 10, after the word "improvement," to strike out "$25,000" and insert "$40,000," so as to make the clause read:

Improving Columbia River between Bridgeport and Kettle Falls, Wash.: Completing improvement, $40,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 21, to insert:

Valdez, Alaska: For the protection of the buildings and property of the United States at Valdez, Alaska, from glacial floods, $55,000.

Mr. NELSON. I ask that this amendment be disagreed to. There is a similar provision in another bill. It is provided for in the Army appropriation bill.

The amendment was rejected.

The next amendment was, on page 63, after line 13, to insert:

For emergencies: To provide for the restoration of channels for river and harbor improvements, heretofore or hereafter established or improved by the Government, where, by reason of emergency, the usual depth of such channel or customary use of such improvement can not be maintained, and there is no sufficient fund available for such restoration, the existing balances of similar emergency appropriations under the acts of March 3, 1905, March 2, 1907, March 3, 1909, and June 25,

1910, shall be available for allotment and use by the Secretary of War: *Provided*, That in no case shall such allotment be made unless recommended by the local engineer having such channel or improvement in charge and by the Chief of Engineers, respectively: *Provided further*, That for no single channel or improvement shall a sum be allotted greater than $10,000 per year per locality, nor shall any portion of such appropriation be allotted unless the same is necessary in the interest of navigation to protect and preserve the existing Government work.

The amendment was agreed to.

The next amendment was, on page 64, line 13, to insert as a new section the following:

SEC. 2. That the Secretary of War shall cause the Chief of Engineers of the Army and the Board of Engineers for Rivers and Harbors to report to Congress, in which shall be included a preliminary report not later than December 1, 1913, upon the saving, as well as other advantages, which can be accomplished by the adoption of the continuing contract system, the rapidity with which projects should be completed, upon methods of standardization by which the waterways of the country may be improved uniformly in proportion to their capacities and to the existing or probable demands of general commerce, and also report upon one or more systematized schemes of such improvement, involving all waterways heretofore examined, together with any natural or artificial channels, essential for the utilization thereof, whether heretofore examined or not; also upon all projects heretofore adopted, the further improvement of which is not desirable or the expenditure upon which is out of proportion to the benefit derived therefrom. Such report may include other related information pertaining to the uses or control of the waters of the country, and the sum of $100,000 or so much thereof as may be necessary, is hereby appropriated for such examination and report.

The amendment was agreed to.

The next amendment was, on page 65, line 11, to change the number of the section from "2" to "3."

The amendment was agreed to.

The next amendment was, on page 66, after line 7, to insert:

Thomaston Harbor, Me., with a view to securing greater depth and width of basin.

The amendment was agreed to.

The next amendment was, on page 66, after line 19, to insert:

Harbor of Marion, Mass.

The amendment was agreed to.

The next amendment was, on page 66, after line 20, to insert:

Salem Harbor, Mass., with a view to providing a channel 12 feet deep at mean low water from the outer harbor to the mouth of the South River.

The amendment was agreed to.

Mr. NELSON. I offer an amendment to come in at the end of the amendment just agreed to.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 66, after line 23, insert:

Lynn Harbor and the Saugus River, Mass., with a view to providing a channel 15 feet deep at mean low water from the mouth of the said Saugus River along the course of that river to the bridge at East Saugus.

The amendment was agreed to.

Mr. NELSON. I offer the following amendment to come in after the amendment just agreed to.

The SECRETARY. After the amendment just agreed to insert:

Malden River, Mass., with a view to a modification of the project.

The amendment was agreed to.

The reading was continued to line 8 on page 67.

Mr. NELSON. I offer an amendment, to come in at the end of line 8 on page 67.

The SECRETARY. On page 67, after line 8, insert:

Johnsons Creek, Bridgeport, Conn.

The amendment was agreed to.

The next amendment was, on page 67, line 10, after the word "depth," to strike out "in the East Branch" and insert "and removal of obstructions to navigation," so as to make the clause read:

Stamford Harbor, Conn., with a view to securing increased depth and removal of obstructions to navigation.

The amendment was agreed to.

The next amendment was, on page 67, after line 19, to insert:

New York Harbor, N. Y., upper bay, with a view to improving channel opposite anchorage grounds.

The amendment was agreed to.

The next amendment was, on page 68, after line 5, to insert:

Raccoon Creek, N. J., including the construction of a dike or jetty at the mouth if necessary.

The amendment was agreed to.

The next amendment was, on page 68, after line 12, to insert:

Leipsic River, Del.

The amendment was agreed to.

The next amendment was, at the top of page 69, to insert:

Blackwater River, Va., with a view to the removal of a shoal at the mouth.

The amendment was agreed to.

The next amendment was, on page 69, after line 2, to insert:

Hampton Creek, Va., with a view to widening and deepening the channel.

The amendment was agreed to.

The next amendment was, on page 69, after line 10, to insert:

Scotts Creek, Va.

The amendment was agreed to.

The next amendment was, on page 69, after line 11, to insert:

Harbor at Saxis, Va.

The amendment was agreed to.

The next amendment was, on page 70, after line 11, to insert:

Trent River, N. C., with a view to providing a depth of 12 feet from Newbern to Pollockville.

The amendment was agreed to.

The next amendment was, on page 70, after line 13, to insert:

Thoroughfare Bay, N. C., from Core Sound to Cedar Bay near the mouth of Neuse River, Pamlico Sound.

The amendment was agreed to.

The reading of the bill was continued to line 21, on page 70.

Mr. NELSON. At the end of line 21 I move to insert:

Jeremy Creek, S. C., from Morrisons Wharf to Morrisons Bridge, with a view to providing a depth of 4 feet and a width of 60 feet.

The amendment was agreed to.

The next amendment was, on page 71, after line 14, to insert:

Channel to East Pass from Apalachicola River by way of Crooked Channel with a view to providing suitable ship channel.

Mr. NELSON. I move to amend the amendment by inserting the word "Florida" after the word "River," in line 15.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 71, after line 17, to insert:

Canal from St. Johns River to Lake Beresford with a view to making a cut-off from the river to Lake Beresford near De Land River landing.

Mr. NELSON. I move to amend the amendment by inserting the word "Florida" after the word "River," in line 18.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 72, after line 4, to insert:

Key West, Fla.: For a harbor of refuge and for a safe anchorage for vessels of the Departments of the Navy, War, Treasury, Commerce and Labor, and Agriculture.

The amendment was agreed to.

The next amendment was, on page 72, after line 9, to insert:

Mosquito Inlet, Fla., with a view to securing a channel with suitable depth and width from the Atlantic Ocean to a point at or near the town of New Smyrna.

The amendment was agreed to.

The next amendment was, on page 72, after line 12, to insert:

Inland waterway from Wolf Bay to Mobile Bay, Ala.

Mr. NELSON. I move to amend the amendment of the committee by striking out the word "Wolf" and inserting the word "Pensacola," so as to read "Pensacola Bay to Mobile Bay."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 72, after line 19, to insert:

Paint Rock River, Ala., for a distance of 12 miles above its mouth.

The amendment was agreed to.

The next amendment was, on page 73, after line 11, to insert:

Licking River, Ky., with a view to the prevention of a cut-off at the town of Farmers, consideration being given to any tender of cooperation on the part of local interests.

The amendment was agreed to.

The next amendment was, on page 73, after line 14, to insert:

Ohio River above the dam at Louisville, Ky., with a view to such protection against overflow as may be necessary.

The amendment was agreed to.

The next amendment was, on page 73, after line 21, to insert:

Grand River, Mich., from its mouth to Fulton Street Bridge, Grand Rapids, with a view to changing the existing project so as to insure a depth of 15 feet.

The amendment was agreed to.

The next amendment was, at the top of page 74, to insert:

Black Lake Harbor, Mich., with a view to obtaining a uniform depth of 25 feet from Lake Michigan to the turning basin opposite the city of Holland.

The amendment was agreed to.

The reading of the bill was continued to line 5, on page 74.

Mr. NELSON. I offer an amendment, to come in at the end of line 5, on page 74.

The PRESIDENT pro tempore. The Senator from Minnesota offers an amendment, which will be stated.

The SECRETARY. On page 74, after line 5, it is proposed to insert:

Keweenaw waterway, Portage Lake Ship Canal, Mich., with a view to making a cut-off at Princess Point.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 74, after line 9, to insert:

Pere Marquette River, Mich., from deep water in the harbor of Ludington, following the south branch of said river, to the State road and iron bridge, and thence to the city of Scottville, with a view to the deepening of the channel by dredging and other improvements.

The amendment was agreed to.

The next amendment was, on page 74, after line 14, to insert:

Port Huron Harbor, Mich., with a view to constructing some compensatory structure in the St. Clair River fronting the city of Port Huron, between the foot of Lake Huron and a point below the Grand Trunk tunnel, that the city of Port Huron may have a depth of water not less than 20 feet from the present dock line out to the thread of the stream.

The amendment was agreed to.

The next amendment was, on page 75, after line 11, to insert:

Harbor of Minneapolis, Minn.

Mr. NELSON. I offer an amendment to the amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 75, line 12, at the end of the committee amendment, it is proposed to strike out the period and to insert a comma and the words "with a view to increased harbor facilities, including a turning basin."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, at the top of page 76, to insert:

Berkeley Harbor, Cal., with a view to the development and completion of the Berkeley inner harbor.

The amendment was agreed to.

The next amendment was, on page 76, after line 15, to insert:

San Leandro Bay, Cal., with a view to establishing at West San Leandro a deep-water channel to San Francisco Bay.

The amendment was agreed to.

Mr. NELSON. To follow that amendment, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Minnesota offers an amendment, which will be stated.

The SECRETARY. On page 76, after line 18, it is proposed to insert:

Mokelumne River at and between the junctions of the North and South Forks thereof, and the junction of the North Fork thereof with Snodgrass Slough, and the junctions of said North Fork of said river and said slough with the Sacramento River.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 76, after line 20, to insert:

Nehalem Bay and River, Oreg., including any plan for cooperation on the part of local interests.

The amendment was agreed to.

The next amendment was, on page 76, after line 22, to insert:

Willapa Harbor and the bar entrance thereto.

The amendment was agreed to.

The next amendment was, on page 77, after line 1, to insert:

The Apoon Mouth of the Yukon River, Alaska, from the improvement now under way to deep water.

The amendment was agreed to.

Mr. SMITH of Michigan. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Chair will suggest that the committee amendments are not yet completed.

Mr. SMITH of Michigan. This is a committee amendment and meets an emergency to which my attention has been called by the following telegram.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 4, on page 42, it is proposed to insert:

Improving Clinton River, Mich., $20,000.

The amendment was agreed to.

Mr. SMITH of Michigan. Mr. President, in connection with the amendment I ask to have printed in the RECORD the telegram which I send to the desk.

The PRESIDENT pro tempore. In the absence of objection permission is granted.

The telegram referred to is as follows:

MOUNT CLEMENS, MICH., *February 18, 1913.*

Hon. WILLIAM ALDEN SMITH,
Washington, D. C.:

Business men's association at special meeting to-night urges you to present need of Clinton River. Dredging must be done immediately. Condition serious; must have liberal appropriation. Association represents 500 business men; all are concerned about the matter.

CHARLES S. FERRIN, *President.*
CHARLES W. WARD, *Secretary.*

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 82, after line 7, to insert as a new section the following:

SEC. 9. That the Secretary of War is hereby authorized to receive from private parties such funds as may be contributed by them to be expended in connection with funds appropriated by the United States upon joint work of public improvement of rivers and harbors and private land reclamation, whenever such joint work and expenditure may be considered by the Chief of Engineers as advantageous to the joint interests concerned and not disadvantageous to the United States interests of navigation.

The amendment was agreed to.

The next amendment was, on page 82, after line 16, to insert as a new section the following:

SEC. 10. That the Secretary of War is hereby authorized, in his discretion, to rent Government dredges to private parties for use in the dredging of waterways under improvement by the General Government, or to agree with private parties for the deposit upon their land of the material dredged from waterways under improvement by the General Government, for a consideration mutually agreed upon, whenever in the opinion of the Chief of Engineers a combination of Government work and private work along the banks of such waterways appears desirable and will be to the advantage of the joint work and not disadvantageous to the United States interests of navigation; and the proceeds of such rentals or agreements may be deposited to the credit of the appropriation or appropriations for the improvement of the waterways affected and may be used in payment for additional work of improvement on such waterways.

The amendment was agreed to.

The next amendment was, on page 83, line 8, to change the number of the section from "8" to "11"; in line 11, before the word "low," to insert "lower"; in line 14, before the word "specified," to strike out "widths" and insert "dimensions"; and in line 15, after the word "increase," to strike out "in width," so as to make the section read:

SEC. 11. That unless otherwise expressed, the channel depths referred to in this and subsequent river and harbor acts shall be understood to signify the depth at mean lower low water in tidal waters, and the mean depth during the month of lowest water in the navigation season in rivers and nontidal channels; and the channel dimensions specified shall be understood to admit of such increase at the entrances, bends, sidings, and turning places as may be necessary to allow of the free movement of boats.

The amendment was agreed to.

The next amendment was, on page 84, after line 12, to insert as a new section the following:

SEC. 14. That the Secretary of Commerce and Labor is hereby authorized, empowered, and directed to define and establish anchorage grounds for vessels in improved harbors and bays of the United States, except as otherwise provided by law, wherever maritime and commercial interests shall request action by, and show to the satisfaction of said Secretary that such anchorage grounds are required for safe navigation, and to adopt suitable rules and regulations in relation thereto, and to take all necessary measures for the proper enforcement of such rules and regulations. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of $100; and the said vessel may be holden for the payment of such penalty and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of Commerce and Labor.

The reading of the bill was concluded.

Mr. JONES. I offer an amendment, to come in on page 76, after line 25.

The PRESIDENT pro tempore. The Senator from Washington offers an amendment, which will be stated.

The SECRETARY. On page 76, after line 25, it is proposed to insert:

Lake River, including Bachelors Slough, Wash.

The amendment was agreed to.

Mr. NELSON. Mr. President, I ask now to have the bill laid aside until to-morrow, as I understand the Senator from Massachusetts [Mr. LODGE] desires a short executive session. I give notice that I shall call up the bill to-morrow immediately after the routine morning business.

The PRESIDENT pro tempore. The bill will be laid aside.

EXECUTIVE SESSION.

Mr. LODGE. Solely for the purpose of disposing of two treaties reported by the Committee on Foreign Relations, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 20, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 19, 1913.

CONSULS GENERAL.

Charles Jonathan Arnell, of Washington, now Japanese secretary and interpreter to the embassy to Japan, to be consul

general of the United States of America at Mukden, China, vice Fred D. Fisher, nominated to be consul at Santiago de Cuba.

Leo Allen Bergholz, of New York, now consul at Kingston, Jamaica, to be consul general of the United States of America at Winnipeg, Manitoba, Canada, vice John Edward Jones, nominated to be consul general at Genoa.

William Coffin, of Kentucky, now consul at Jerusalem, to be consul general of the United States of America at Budapest, Hungary, vice Paul Nash, deceased.

Alphonse Gaulin, of Rhode Island, now consul general at Marseille, to be consul general of the United States of America at Calcutta, India, vice William H. Michael, resigned.

Frederic W. Goding, of Illinois, now consul at Montevideo, to be consul general of the United States of America at Guayaquil, Ecuador, vice Herman R. Dietrich, resigned.

Ross E. Holaday, of Ohio, now consul at Santiago de Cuba, to be consul general of the United States of America at Cape Town, Cape of Good Hope, vice Richard Guenther, resigned.

John Edward Jones, of the District of Columbia, now consul general at Winnipeg, to be consul general of the United States of America at Genoa, Italy, vice James A. Smith, nominated to be consul general at Marseille.

James A. Smith, of Vermont, now consul general at Genoa, to be consul general of the United States of America at Marseille, France, vice Alphonse Gaulin, nominated to be consul general at Calcutta.

CONSULS.

Joseph I. Brittain, of Ohio, now consul at Prague, to be consul of the United States of American at Kingston, Jamaica, vice Leo Allen Bergholz, nominated to be consul general at Winnipeg.

Ralph C. Busser, of Pennsylvania, now consul at Erfurt, to be consul of the United States of America at Trieste, Austria, vice Ralph J. Totten, nominated to be consul at Montevideo.

Homer M. Byington, of Connecticut, now consul at Bristol, to be consul of the United States of America at Leeds, England, vice Benjamin F. Chase, nominated to be consul at Leghorn.

Benjamin F. Chase, of Pennsylvania, now consul at Leeds, to be consul of the United States of America at Leghorn, Italy, vice Frank Deedmeyer, nominated to be consul at Prague.

Frank Deedmeyer, of Alabama, now consul at Leghorn, to be consul of the United States of America at Prague, Austria, vice Joseph I. Brittain, nominated to be consul at Kingston, Jamaica.

Fred D. Fisher, of Oregon, now consul general at Mukden, to be consul of the United States of America at Santiago de Cuba, Cuba, vice Ross E. Holaday, nominated to be consul general at Cape Town.

James H. Goodier, of New York, to be consul of the United States of America at Tahiti, Society Islands, vice North Winship, nominated to be consul at Jerusalem.

Wilbur T. Gracey, of California, now consul at Progreso, to be consul of the United States of America at Guadalajara, Mexico, vice Samuel E. Magill, deceased.

Ralph J. Totten, of Tennessee, now consul at Trieste, to be consul of the United States of America at Montevideo, Uruguay, vice Frederic W. Goding, nominated to be consul general at Guayaquil.

Roger Culver Tredwell, of Indiana, now a consular assistant, to be consul of the United States of America at Erfurt, Germany, vice Ralph C. Busser, nominated to be consul at Trieste.

North Winship, of Georgia, now consul at Tahiti, to be consul of the United States of America at Jerusalem, Turkey, vice William Coffin, nominated to be consul general at Budapest.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Cadet Engineer Gustavus Richard O'Connor to be third lieutenant of engineers in the Revenue-Cutter Service of the United States, to fill an original vacancy.

Cadet Engineer Walter Melchior Troll, to be third lieutenant of engineers in the Revenue-Cutter Service of the United States, to fill an original vacancy.

ASSISTANT APPRAISER OF MERCHANDISE.

John D. McEwen, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, to fill an existing vacancy.

COLLECTOR OF INTERNAL REVENUE.

Louis Le Bourgeois, of Louisiana, to be collector of internal revenue for the district of Louisiana, in place of Walter Y. Kemper, resigned.

UNITED STATES CIRCUIT JUDGE.

Arthur L. Brown, of Rhode Island, to be United States circuit judge for the first judicial circuit, vice Le Baron B. Colt, resigned.

UNITED STATES DISTRICT JUDGES.

Charles C. Mumford, of Rhode Island, to be United States district judge for the district of Rhode Island, vice Arthur L. Brown, nominated to be circuit judge for the first judicial circuit.

Peter J. Hamilton, of Alabama, to be United States district judge, district of Porto Rico, vice Paul Charlton, resigned.

PROMOTION IN THE PUBLIC HEALTH SERVICE.

Surg. Stephen D. Brooks to be senior surgeon in the Public Health Service, United States, to rank as such from January 19, 1913, in place of Senior Surg. Frank W. Mead, deceased.

REGISTER OF THE LAND OFFICE.

Harold T. Hopkins, of Oregon, to be register of the land office at The Dalles, Oreg., vice Charles W. Moore, term expired.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

Col. James Parker, Eleventh Cavalry, to be brigadier general, with rank from February 12, 1913, vice Brig. Gen. George S. Anderson, retired October 16, 1912.

Col. Hunter Liggett, Infantry, unassigned, to be brigadier general, with rank from February 12, 1913, vice Brig. Gen. Edward J. McClernand, retired December 29, 1912.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from February 11, 1913.

George Henry Buck, of Oregon; and
Robert Henry Wilds, of South Carolina.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Edwin P. Pendleton, Twenty-third Infantry, to be colonel from February 13, 1913. Under the provisions of an act of Congress approved March 3, 1911, the officer is herein named for advancement in grade in accordance with the rank he would have been entitled to hold had promotion been lineal throughout his arm since the date of his entry into the arm to which he permanently belongs.

Second Lieut. Benjamin F. Castle, Twenty-ninth Infantry, to be first lieutenant from February 10, 1913, vice First Lieut. Louis B. Chandler, Twenty-fifth Infantry, resigned February 9, 1913.

PROMOTIONS IN THE NAVY.

Capt. William B. Caperton to be a rear admiral in the Navy from the 13th day of February, 1913, to fill a vacancy.

Acting Asst. Surg. William G. Townsend to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 7th day of February, 1913, in accordance with a provision contained in an act of Congress approved August 22, 1912.

Machinist August Schulze to be a chief machinist in the Navy from the 27th day of December, 1912, upon the completion of six years' service as a machinist.

Capt. Philip S. Brown to be a major in the Marine Corps from the 22d day of August, 1912, to fill a vacancy.

Thomas M. Luby, a citizen of New Jersey, to be a second lieutenant in the Marine Corps from the 15th day of February, 1913, to fill a vacancy.

Lieut. Commander John S. Doddridge to be a commander in the Navy from the 1st day of July, 1912, to fill a vacancy.

Lieut. John W. Schoenfeld to be a lieutenant commander in the Navy from the 1st day of February, 1913, to fill a vacancy.

Lieut. Clarence L. Arnold to be a lieutenant commander in the Navy from the 5th day of February, 1913, to fill a vacancy.

Lieut. (Junior Grade) Harold Jones to be a lieutenant in the Navy from the 10th day of December, 1912, to fill a vacancy.

Lieut. (Junior Grade) Albert S. Rees to be a lieutenant in the Navy from the 20th day of December, 1912, to fill a vacancy.

Lieut. (Junior Grade) Alexander Sharp, jr., to be a lieutenant in the Navy from the 16th day of January, 1913, to fill a vacancy.

John Buckley, a citizen of Oregon, to be an assistant surgeon in the Navy from the 4th day of February, 1913, to fill a vacancy.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 5th day of February, 1913, in accordance with a provision contained in an act of Congress approved August 22, 1912:

George T. Vaughn, a citizen of Virginia, and
Lloyd P. Shippen, a citizen of Maryland.

Ensign Charles L. Brand to be an assistant naval constructor in the Navy from the 5th day of February, 1913, to fill a vacancy.

Boatswain Harry N. Huxford to be a chief boatswain in the Navy from the 31st day of January, 1913, upon the completion of six years' service as a boatswain.

The following-named citizens to be second lieutenants in the Marine Corps from the 6th day of February, 1913, to fill vacancies:

Norman C. Bates, a citizen of California;
Douglas B. Roben, a citizen of Michigan;
Harry K. Pickett, a citizen of South Carolina;
Maurice S. Berry, a citizen of Pennsylvania;
Harold D. MacLachlan, United States Army;
John B. Sebree, a citizen of California;
Vincent E. Stack, a citizen of the District of Columbia; and
Theodore A. Secor, a citizen of California.

Samuel R. White, jr., a citizen of Maryland, to be an assistant paymaster in the Navy from the 5th day of February, 1913, to fill a vacancy.

Asst. Paymaster Omar D. Conger to be a passed assistant paymaster in the Navy from the 1st day of July, 1912, to fill a vacancy and to correct the date of rank as given in nomination recently submitted in his case.

Asst. Paymaster John H. Knapp to be a passed assistant paymaster in the Navy from the 22d day of August, 1912, to fill a vacancy and to correct the date of rank as given in nomination recently submitted in his case.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 13th day of February, 1913, in accordance with a provision contained in an act of Congress approved August 22, 1912:

John A. Tompkins, a citizen of Maryland;
Albert E. Gallant, a citizen of New York.
Samuel S. Adams, a citizen of the District of Columbia;
William S. Thomas, a citizen of New York;
David A. Heffernan, a citizen of Massachusetts; and
Harold D. Meeker, a citizen of New York.

POSTMASTERS.

ALABAMA.

James A. Anderson to be postmaster at University, Ala. Office became presidential January 1, 1913.

May T. Fowler to be postmaster at Uniontown, Ala., in place of May T. Fowler. Incumbent's commission expired December 16, 1912.

A. W. Hawke to be postmaster at Samson, Ala., in place of A. W. Hawke. Incumbent's commission expired December 16, 1912.

Oscar C. Thigpen to be postmaster at Hurtsboro, Ala. Office became presidential October 1, 1912.

Hugh M. Wilson to be postmaster at Opelika, Ala., in place of Dallas B. Smith, deceased.

ARKANSAS.

Ben E. Allen to be postmaster at Beebe, Ark., in place of T. J. Camp, resigned.

A. J. Downing to be postmaster at Pocahontas, Ark., in place of Hiram L. Throgmorton, resigned.

CALIFORNIA.

Alfred Belieu to be postmaster at Watts, Cal. Office became presidential January 1, 1913.

Charles S. Martin to be postmaster at Sawtelle, Cal., in place of Walter Mundell, deceased.

Joseph Smith to be postmaster at Downey, Cal., in place of Joseph Smith. Incumbent's commission expired January 20, 1913.

Mrs. S. E. Stark to be postmaster at Loyalton, Cal., in place of William S. Collins. Incumbent's commission expired January 20, 1913.

Mary F. Stevenson to be postmaster at Imperial, Cal., in place of Horace E. Allatt. Incumbent's commission expired February 11, 1913.

CONNECTICUT.

Matthew E. McDonald to be postmaster at Simsbury, Conn., in place of George W. Fletcher, removed.

FLORIDA.

B. F. Gilbert to be postmaster at Zephyrhills, Fla. Office became presidential January 1, 1913.

John B. Leffingwell to be postmaster at Bradentown, Fla., in place of John B. Leffingwell. Incumbent's commission expires March 2, 1913.

Belle McKenzie to be postmaster at Panama City, Fla., in place of Belle Booth, name changed by marriage.

Lula Newton to be postmaster at Winter Garden, Fla. Office became presidential January 1, 1913.

Gilbert N. Sheppard to be postmaster at Blountstown, Fla. Office became presidential January 1, 1913.

GEORGIA.

Sarah J. Anthony to be postmaster at Shellman, Ga., in place of Sarah J. Anthony. Incumbent's commission expires March 3, 1913.

John R. Barclay to be postmaster at Rome, Ga., in place of John R. Barclay. Incumbent's commission expired January 27, 1913.

Willie W. Brown to be postmaster at Jonesboro, Ga. Office became presidential July 1, 1912.

Mary E. Hinton to be postmaster at Woodbury, Ga., in place of Mary E. Hinton. Incumbent's commission expired February 27, 1912.

John N. King to be postmaster at Rochelle, Ga., in place of John N. King. Incumbent's commission expires March 3, 1913.

John W. Kitchens to be postmaster at Fayetteville, Ga. Office became presidential January 1, 1912.

Walter M. Quinn to be postmaster at Whigham, Ga., in place of Walter M. Quinn. Incumbent's commission expired January 27, 1913.

Millard W. Rhodes to be postmaster at Louisville, Ga., in place of Lewis R. Farmer. Incumbent's commission expired January 27, 1913.

Gordon G. Ridgway to be postmaster at Royston, Ga., in place of Gordon G. Ridgway. Incumbent's commission expired February 27, 1912.

HAWAII.

Charles A. De Gew to be postmaster at Waialua, Hawaii, in place of Charles A. De Gew. Incumbent's commission expired February 18, 1913.

IDAHO.

Thomas Lane to be postmaster at Burke, Idaho, in place of Blanche S. Rowe, resigned.

ILLINOIS.

Henry A. Reither to be postmaster at Nashville, Ill., in place of Samuel A. Muller, deceased.

IOWA.

Olie H. Anderson to be postmaster at Wesley, Iowa, in place of Olie H. Anderson. Incumbent's commission expired January 11, 1913.

R. L. Bordner to be postmaster at Jesup, Iowa, in place of John C. Felts, removed.

Hays H. McElroy to be postmaster at Vinton, Iowa, in place of Hays H. McElroy. Incumbent's commission expired January 14, 1913.

John Maxwell to be postmaster at Grand Junction, Iowa, in place of Stephen C. Maynard. Incumbent's commission expired December 13, 1909.

Philip M. Mosher to be postmaster at Riceville, Iowa, in place of Philip M. Mosher. Incumbent's commission expired January 26, 1913.

Walter E. Newsome to be postmaster at Sabula, Iowa, in place of Walter E. Newsome. Incumbent's commission expired January 31, 1912.

Henry B. Nies to be postmaster at Marble Rock, Iowa. Office became presidential January 1, 1913.

George H. Otis to be postmaster at Monona, Iowa, in place of George H. Otis. Incumbent's commission expired January 28, 1912.

William M. Ricke to be postmaster at Breda, Iowa. Office became presidential January 1, 1913.

John C. Roberts to be postmaster at Hiteman, Iowa, in place of John C. Roberts. Incumbent's commission expires February 20, 1913.

Roscoe C. Saunders to be postmaster at Manilla, Iowa, in place of Roscoe C. Saunders. Incumbent's commission expired January 26, 1913.

W. A. Simpkins to be postmaster at Britt, Iowa, in place of W. A. Simpkins. Incumbent's commission expires February 20, 1913.

KANSAS.

Emma E. Cochran to be postmaster at Pratt, Kans., in place of John K. Cochran, deceased.

James Hall, jr., to be postmaster at Miltonvale, Kans., in place of James Hall, jr. Incumbent's commission expired January 12, 1913.

LOUISIANA.

J. Phillippe Breda to be postmaster at Natchitoches, La., in place of J. Ernest Breda, deceased.

Ernest Morgan to be postmaster at New Roads, La., in place of Ernest Morgan. Incumbent's commission expires March 2, 1913.

MASSACHUSETTS.

George L. Fish to be postmaster at Wayland, Mass. Office became presidential July 1, 1912.

Harrison V. Hall to be postmaster at Wrentham, Mass., in place of Harrison V. Hall. Incumbent's commission expired December 14, 1912.

W. Irving Kelsey to be postmaster at West Medway, Mass., in place of Daniel S. Woodman, deceased.

Leonard A. Saville to be postmaster at Lexington, Mass., in place of Leonard A. Saville. Incumbent's commission expired February 9, 1913.

MICHIGAN.

Oliver D. Carson to be postmaster at Galesburg, Mich., in place of Oliver D. Carson. Incumbent's commission expired January 12, 1913.

George Holland to be postmaster at Sheridan, Mich. Office became presidential January 1, 1913.

George L. Worthington to be postmaster at Brooklyn, Mich., in place of George L. Worthington. Incumbent's commission expired January 11, 1913.

MINNESOTA.

John Atz to be postmaster at Hancock, Minn., in place of John Atz. Incumbent's commission expired April 22, 1912.

Lewis Ellington to be postmaster at Crookston, Minn., in place of Elias Steenerson. Incumbent's commission expired January 14, 1913.

Ole C. Reiquam to be postmaster at Belgrade, Minn., in place of Ole C. Reiquam. Incumbent's commission expired January 22, 1913.

MISSISSIPPI.

Oliver Benton Quin, jr., to be postmaster at McComb, Miss., in place of Seth W. Collins, removed.

E. C. Schilling to be postmaster at Magnolia, Miss., in place of Alfred T. Leggett, resigned.

MISSOURI.

Warren T. Myers to be postmaster at Warsaw, Mo., in place of Warren T. Myers. Incumbent's commission expired January 14, 1913.

MONTANA.

George S. Haynes to be postmaster at Judith Gap, Mont. Office became presidential October 1, 1912.

NEW JERSEY.

George W. Branin to be postmaster at Millville, N. J., in place of George W. Branin. Incumbent's commission expired December 10, 1911.

Charles Morgenweck to be postmaster at Egg Harbor City, N. J., in place of Charles Morgenweck. Incumbent's commission expired January 26, 1913.

John H. Schilcox to be postmaster at Keasbey, N. J. Office became presidential January 1, 1913.

Nicholas J. Schweitzer to be postmaster at Cliffside, N. J. Office became presidential April 1, 1912.

Arthur F. Stecher to be postmaster at Riverside, N. J., in place of Arthur F. Stecher. Incumbent's commission expired December 16, 1912.

John Potter Winans, jr., to be postmaster at Linden, N. J. Office became presidential January 1, 1913.

NEW YORK.

Charles W. Clark to be postmaster at Oriskany Falls, N. Y., in place of Charles W. Clark. Incumbent's commission expired January 29, 1913.

John M. Gilmour to be postmaster at Morristown, N. Y., in place of John M. Gilmour. Incumbent's commission expired January 11, 1913.

Herbert J. Rouse to be postmaster at Cazenovia, N. Y., in place of Herbert J. Rouse. Incumbent's commission expired January 29, 1913.

Phil S. Spaulding to be postmaster at Whitesboro, N. Y., in place of Phil S. Spaulding. Incumbent's commission expired February 9, 1913.

NORTH CAROLINA.

Edward W. Timberlake to be postmaster at Wake Forest, N. C., in place of Edward W. Timberlake. Incumbent's commission expired May 20, 1912.

NORTH DAKOTA.

Albert E. Hurst to be postmaster at Rolette, N. Dak., in place of Albert E. Hurst. Incumbent's commission expires March 1, 1913.

C. A. Jordan to be postmaster at Cogswell, N. Dak., in place of John K. Soule. Incumbent's commission expires March 1, 1913.

E. M. Patton to be postmaster at Casselton, N. Dak., in place of Anna Callahan. Incumbent's commission expires February 20, 1913.

OHIO.

John C. Burrow to be postmaster at Cortland, Ohio, in place of John C. Burrow. Incumbent's commission expired January 21, 1913.

Gomer C. Davis to be postmaster at Shawnee, Ohio, in place of Gomer C. Davis. Incumbent's commission expired January 27, 1913.

Herman C. Glander to be postmaster at West Alexandria, Ohio, in place of Herman C. Glander. Incumbent's commission expired January 21, 1913.

Allen F. Hoffman to be postmaster at Kenmore, Ohio. Office became presidential January 1, 1913.

Lee G. Pennock to be postmaster at Urbana, Ohio, in place of Lee G. Pennock. Incumbent's commission expired January 26, 1913.

Granville W. Springer to be postmaster at Crooksville, Ohio, in place of Granville W. Springer. Incumbent's commission expired January 27, 1913.

Homer Sutterfield to be postmaster at West Union, Ohio, in place of Charles E. Frame. Incumbent's commission expires February 24, 1913.

OKLAHOMA.

William T. Barrett to be postmaster at Carmen, Okla., in place of William T. Barrett. Incumbent's commission expired January 14, 1913.

Harry S. Ferbrache to be postmaster at Stigler, Okla., in place of James F. Long, resigned.

E. R. Hughes to be postmaster at Elk City, Okla., in place of F. E. Nichols. Incumbent's commission expired April 28, 1912.

George W. Mellish to be postmaster at Comanche, Okla., in place of George W. Mellish. Incumbent's commission expires March 1, 1913.

OREGON.

Arunah Longwell to be postmaster at Echo, Oreg., in place of E. R. Ware, resigned.

PENNSYLVANIA.

Frank C. Fisher to be postmaster at Cheltenham, Pa. Office became presidential January 1, 1913.

George Fox to be postmaster at Altoona, Pa., in place of George Fox. Incumbent's commission expires March 2, 1913.

Charles H. Gulich to be postmaster at Philipsburg, Pa., in place of John Gowland. Incumbent's commission expired January 12, 1913.

Alexander H. Ingram to be postmaster at Oxford, Pa., in place of Alexander H. Ingram. Incumbent's commission expired January 29, 1913.

Rollo McCray to be postmaster at Waterford, Pa., in place of Frank A. Howe. Incumbent's commission expired January 13, 1913.

Cassius M. McLaughlin to be postmaster at Unity Station, Pa. Office became presidential January 1, 1913.

William Menzie to be postmaster at Dubois, Pa., in place of John B. Hess, deceased.

Walter W. Rhodes to be postmaster at Coudersport, Pa., in place of Martin Joerg, deceased.

Lewis D. Sell to be postmaster at Hanover, Pa., in place of Aaron Hostetter, deceased.

Frank A. Smith to be postmaster at Harrisburg, Pa., in place of Edward J. Stackpole. Incumbent's commission expired February 9, 1913.

PORTO RICO.

Jose Carrera to be postmaster at Humacao, P. R., in place of Jose Carrera. Incumbent's commission expired February 11, 1913.

Ramon A. Rivera to be postmaster at Arecibo, P. R., in place of Ramon A. Rivera. Incumbent's commission expired February 11, 1913.

SOUTH CAROLINA.

Allie J. Milling to be postmaster at Clinton, S. C., in place of John P. Little. Incumbent's commission expired February 9, 1913.

SOUTH DAKOTA.

William P. Antrim to be postmaster at Montrose, S. Dak., in place of William P. Antrim. Incumbent's commission expired December 11, 1911.

Arthur B. Chubbuck to be postmaster at Ipswich, S. Dak., in place of Arthur B. Chubbuck. Incumbent's commission expires March 1, 1913.

Orator H. La Craft to be postmaster at Clark, S. Dak., in place of Orator H. La Craft. Incumbent's commission expires March 1, 1913.

William McBurney to be postmaster at Tyndall, S. Dak., in place of Charles H. Stilwell. Incumbent's commission expired May 2, 1912.

Philip Schamber to be postmaster at Eureka, S. Dak., in place of Philip Schamber. Incumbent's commission expired February 10, 1913.

Allen H. Sperry to be postmaster at Mellette, S. Dak., in place of Arthur W. Jeffries, resigned.

TEXAS.

Hugh E. Exum to be postmaster at Shamrock, Tex., in place of Hugh E. Exum. Incumbent's commission expires March 1, 1913.

John C. McBride to be postmaster at Woodville, Tex., in place of John C. McBride. Incumbent's commission expires March 1, 1913.

VERMONT.

Alma Hammond Ayer to be postmaster at Richford, Vt., in place of Alma Hammond Ayer. Incumbent's commission expires February 24, 1913.

Otto R. Bennett to be postmaster at Manchester, Vt., in place of David K. Simonds. Incumbent's commission expired January 11, 1913.

Edward C. Woodworth to be postmaster at Arlington, Vt., in place of Edward C. Woodworth. Incumbent's commission expired January 22, 1913.

VIRGINIA.

E. T. Eiser to be postmaster at Wise, Va., in place of E. T. Eiser. Incumbent's commission expires February 20, 1913.

Joseph E. Rangeley to be postmaster at Stuart, Va., in place of Joseph E. Rangeley. Incumbent's commission expires March 2, 1913.

WISCONSIN.

Ole K. Anderson to be postmaster at Superior, Wis., in place of Ole K. Anderson. Incumbent's commission expired January 16, 1910.

John G. Burman to be postmaster at Amery, Wis., in place of John G. Burman. Incumbent's commission expired February 9, 1913.

Frank H. Colburn to be postmaster at Shiocton, Wis. Office became presidential January 1, 1913.

Fred P. Harmon to be postmaster at Belleville, Wis., in place of Fred P. Harmon. Incumbent's commission expires March 1, 1913.

Arthur W. Koch to be postmaster at Kewaskum, Wis., in place of August G. Koch. Incumbent's commission expired December 11, 1911.

Frank P. Kottke to be postmaster at Johnson Creek, Wis., in place of W. H. Schallert. Incumbent's commission expires March 3, 1913.

George B. Parkhill to be postmaster at Thorp, Wis., in place of George B. Parkhill. Incumbent's commission expired February 9, 1913.

Frank O. Perry to be postmaster at Shawano, Wis., in place of Frank O. Perry. Incumbent's commission expires March 2, 1913.

WYOMING.

Roy Shaver to be postmaster at Greybull, Wyo. Office became presidential January 1, 1913.

WITHDRAWAL.

Executive nomination withdrawn from the Senate February 19, 1913.

POSTMASTER.

Anna Callahan to be postmaster at Casselton, in the State of North Dakota.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 19, 1913.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, Father of all souls, whose blessings are beyond compare and outnumber the sands of the sea, the stars that reflect Thy glory in the heavens, help us to express our appreciation and gratitude for Thy loving kindness by living to the high watermark of Christian manhood day by day; that we may be, indeed, faithful citizens of the kingdom of heaven on earth, assured if we live well now we shall be prepared to live well then, when we shall have joined the innumerable throng beyond the confines of earth.

E'en though it be a cross
That raiseth me,
Still all my song shall be,
Nearer, my God, to Thee,
Nearer to Thee.

Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate having proceeded, in pursuance of the Constitution, to reconsider the bill (S. 3175) entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States," returned to the Senate by the President of the United States, with his objections, and sent by the Senate to the House of Representatives with the message of the President:

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DU PONT, Mr. WARREN, and Mr. JOHNSTON as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8357. An act for the relief of Maurice Edgar Rose, late assistant surgeon, United States Navy; and

S. 8384. An act to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 42.

Resolved by the Senate (the House of Representatives concurring), That the inaugural committee in charge of the reviewing stands upon Lafayette Square is hereby directed to set aside for the use of the press, the distribution to be under the direction of the standing committee of correspondents, 250 seats directly opposite the stand in which the President will review the inaugural parade, the seats to be sold at the prices prevailing in other portions of the same stand.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 8090) permitting the building of a railroad bridge across the Missouri River from a point on the east bank, in section 14, Mountrail County, N. Dak., to a point on the west bank of said river, in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west of the fifth principal meridian.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 8089) permitting the building of a railroad bridge across the Yellowstone River from a point on the east bank, in section 15, to a point on the west bank, in section 16, township 151 north, range 104 west of the fifth principal meridian, in McKenzie County, N. Dak.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the concurrent resolution of the Senate (S. Con. Res. 34) to print 30,000 copies of the Judicial Code of the United States.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to joint resolution (S. J. Res. 143) authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine to be held at Dallas, Tex., in May, 1913, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DU PONT, Mr. WARREN, and Mr. JOHNSTON of Alabama as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 8357. An act for the relief of Maurice Edgar Rose, late assistant surgeon, United States Navy; to the Committee on Naval Affairs.

S. 8384. An act to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy; to the Committee on Naval Affairs.

AMERICAN ACADEMY OF ARTS AND LETTERS.

Mr. TOWNSEND. Mr. Speaker, I ask to have——

Mr. BURNETT. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair wishes the gentleman from Alabama would withhold that request for a few minutes.

Mr. BURNETT. I withdraw the point, Mr. Speaker.

Mr. TOWNSEND. Mr. Speaker, I ask to have taken from the Speaker's table the bill (S. 4356) incorporating the American Academy of Arts and Letters, a similar bill being reported by the House committee and now on the calendar.

The SPEAKER. The gentleman from New Jersey [Mr. TOWNSEND] asks the Chair to lay before the House the bill S. 4356, a similar House bill being on the calendar. The Clerk will read.

The Clerk proceeded to read, as follows:

An act (S. 4356) incorporating the American Academy of Arts and Letters.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent that the reading of the Senate bill be dispensed with.

The SPEAKER. Is there objection? It has not been read, but the Clerk had started to read it.

Mr. MANN. Is the bill to be put upon its passage?

The SPEAKER. Yes.

Mr. MANN. Then I shall object.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4356) incorporating the American Academy of Arts and Letters.

Be it enacted, etc., That William Dean Howells, of New York; Henry James, of Massachusetts; Henry Adams, of the District of Columbia; Thomas Raynesford Lounsbury, of Connecticut; Theodore Roosevelt, of New York; John Singer Sargent, of Massachusetts; Horace Howard Furness, of Pennsylvania; Alfred Thayer Mahan, of New York; Daniel Chester French, of New York; John Burroughs, of New York; James Ford Rhodes, of Massachusetts; Horatio William Parker, of Connecticut; William Milligan Sloane, of New York; Robert Underwood Johnson, of New York; George Washington Cable, of Massachusetts; Andrew Dickson White, of New York; Henry van Dyke, of New Jersey; William Crary Brownell, of New York; Basil Lanneau Gildersleeve, of Maryland; Woodrow Wilson, of New Jersey; Arthur Twining Hadley, of Connecticut; Henry Cabot Lodge, of Massachusetts; Francis Hopkinson Smith, of New York; Edwin Howland Blashfield, of New York; William Merritt Chase, of New York; Thomas Hastings, of New York; Hamilton Wright Mabie, of New Jersey; Brander Matthews, of New York; Thomas Nelson Page, of the District of Columbia; Elihu Vedder, of Massachusetts; George Edward Woodberry, of Massachusetts; Kenyon Cox, of New York; George Whitefield Chadwick, of Massachusetts; Abbott Handerson Thayer, of New Hampshire; John Muir, of California; Charles Francis Adams, of Massachusetts; Henry Mills Alden, of New Jersey; George de Forest Brush, of New Hampshire; William Rutherford Mead, of New York; John White Alexander, of New York; Bliss Perry, of Massachusetts; Francis Davis Millet, of New York; Abbott Lawrence Lowell, of Massachusetts; James Whitcomb Riley, of Indiana; Nicholas Murray Butler, of New York; Paul Wayland Bartlett, of New York; George Browne Post, of New York, and their successors, duly chosen, are hereby incorporated, constituted, and declared to be a body corporate of the District of Columbia, by the name of the American Academy of Arts and Letters.

SEC. 2. That the purposes of this corporation are and shall be the furtherance of the interests of literature and the fine arts.

SEC. 3. That the American Academy of Arts and Letters shall consist of not more than 50 regular members, and the said corporation hereby constituted shall have power to make by-laws and rules and regulations; to fill all vacancies created by death, resignation, or otherwise; to provide for the election of foreign, domestic, or honorary associate members, and the division of such members into classes, and to do all other matters needful or usual in such institutions.

SEC. 4. That the American Academy of Arts and Letters shall hold an annual meeting at such place in the United States as may be designated and shall make an annual report to the Congress, to be filed with the Librarian of Congress.

SEC. 5. That the American Academy of Arts and Letters be, and the same is hereby, authorized and empowered to receive devises, bequests, and donations of real or personal property and to hold the same in trust, and to invest and reinvest the same for the purpose of furthering the interests of literature and the fine arts.

Mr. TOWNSEND. Mr. Speaker, this bill was considered by the House on February 15 and discussed at some length. In the course of the discussion it was developed that only two proposed amendments were desired by Members, and the chairman of the Committee on the Library, who reported the bill, informally agreed to both of these proposed amendments. One was by the gentleman from Missouri [Mr. SHACKLEFORD] and one was by the gentleman from Ohio [Mr. WILLIS]. I shall at the proper time offer these amendments and ask that they be adopted and that the bill be returned to the Senate with the request that the amendments be agreed to there. The committee has authorized me, in charge of the bill, to offer these amendments.

The SPEAKER. Now is the time to offer them.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. TOWNSEND. Certainly.

Mr. MOORE of Pennsylvania. I notice the name of Horace Howard Furness amongst those who are proposed as incorporators. My impression is that Mr. Furness is no longer living.

Mr. TOWNSEND. The bill provides that the men mentioned or their successors shall form this organization.

Mr. MOORE of Pennsylvania. It is all right if the gentleman understands.

Mr. CANNON and Mr. MILLER rose.

The SPEAKER. To whom does the gentleman yield?

Mr. TOWNSEND. I will yield first to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Did the bill pass the House? Is this an amendment to the House bill?

Mr. TOWNSEND. I offer it as an amendment to the Senate bill.

Mr. CANNON. This is a Senate bill?

Mr. TOWNSEND. This is a Senate bill.

Mr. CANNON. Did not a somewhat similar bill to this, for some scientific or artistic purpose, pass the House early in December, or some other time this winter?

Mr. TOWNSEND. A somewhat similar bill.

Mr. CANNON. What ever became of that bill?

Mr. TOWNSEND. It is the law.

Mr. MILLER and Mr. COVINGTON rose.

The SPEAKER. To whom does the gentleman from New Jersey [Mr. TOWNSEND] yield?

Mr. TOWNSEND. To the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Speaker, while I am heartily in favor of the bill, it has struck me forcibly why this very distinguished galaxy of men whose names are mentioned here as the original incorporators does not include any gentleman west of the Allegheny Mountains except one, Mr. James Whitcomb Riley, a very eminent man, living in Indiana; and the purpose of my inquiry is to ascertain, if the gentleman can inform me, just how the names were secured, how these individuals were selected, if they were selected, and what opportunity there was given for men eminent in letters and arts, at least as far west as Chicago, to become members of this organization, and why they were not in some way incorporated or placed in this bill?

Mr. TOWNSEND. I am glad to answer the gentleman's question. There is in existence already an association of men with similar interests to those mentioned in this proposed measure.

They comprise about 250 men, who write and make pictures and do those other things which naturally associate them together. These 250 men selected this list of 50 men. The gentleman will find in the original society, which has been in existence now for some 15 or 20 years, men distinguished in art and letters from the Pacific coast to the Atlantic coast.

The question was asked here—further to answer the gentleman's question—why so few southerners were included in this organization. Mr. Robert Underwood Johnson, the president of this association, sent me a list—I am sorry I do not have it here—showing that 18 of these 50 were born in the South and probably a proportionate number in the West. I did not select these men. I had nothing to do with their selection. They were selected by the 250 men I refer to, who naturally drew together in the interest of this proposed association.

Mr. MILLER. Mr. Speaker, may I ask the gentleman another question?

Mr. COVINGTON. Mr. Speaker, will the gentleman yield?

Mr. TOWNSEND. Yes.

The SPEAKER. To whom does the gentleman yield?

Mr. TOWNSEND. To the gentleman from Maryland.

Mr. COVINGTON. Is not the bill which passed the Senate, and which is now sought to be taken from the Speaker's table here and passed, practically the same measure which was considered in this House on a recent Calendar Wednesday upon a report from the Committee on the Library, and which was withdrawn after consuming a considerable part of that day, considerable opposition having developed to the bill?

Mr. TOWNSEND. No; that is not the history of the bill. The Committee on the Library substituted another bill for it, the Lincoln memorial bill, and that is the reason why there was no conclusion reached as to this bill. This is not practically the same; it is identical.

I would say to the gentleman that the reason why there was no conclusion reached on the day of consideration was that there was a good deal of discussion about proposed amendments, which resolved themselves substantially into two amendments, one by the gentleman from Missouri [Mr. SHACKLEFORD] and one by the gentleman from Ohio [Mr. WILLIS], which the chairman of the committee agreed informally to accept and which I am now authorized by the committee to submit to the House.

Mr. SHERLEY. Was there not also a great deal of opposition to the bill itself? I know my opposition was.

Mr. COVINGTON. That is what I wanted to find out from the gentleman from New Jersey, whether a good deal of the opposition was not directed to the bill itself, and whether, in order to reach the Lincoln memorial bill the committee found that they must withdraw it in order to leave the way clear for the Lincoln memorial bill.

Mr. GARRETT rose.

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT. Mr. Speaker, the House has important business, that can not wait. This bill can wait. I desire to make a privileged motion to lay it on the table.

Mr. GARDNER of Massachusetts. Mr. Speaker, I raise the point of order that the gentleman can not make that motion

while the gentleman from New Jersey is holding the floor in debate.

Mr. GARRETT. Mr. Speaker, the rule provides that—

When a question is under debate no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely.

I submit that it is in order to make that motion at this time. Of course the gentleman from New Jersey [Mr. TOWNSEND] will not make the motion to lay it on the table.

Mr. GARDNER of Massachusetts. Mr. Speaker, if the gentleman's interpretation of that rule is correct, it would be in order at any time to break into the middle of a debate, another man holding the floor, and move to refer to a committee or move the previous question. The same line of reasoning that would enable a Member to intervene on motions put would also enable him to move the previous question.

Mr. Speaker, will the Chair hear me one moment more?

The SPEAKER. Yes.

Mr. GARDNER of Massachusetts. I maintain that the gentleman from Tennessee [Mr. GARRETT] is not yet recognized. The Chair asked him, "For what purpose does the gentleman rise?" That is not a recognition. That has never been recognized in this House as a recognition.

The SPEAKER. Nobody claims that it is.

Mr. GARDNER of Massachusetts. I claim that until he is recognized he can not make a motion to lay on the table.

Mr. MANN. Mr. Speaker, the gentleman from New Jersey [Mr. TOWNSEND] had the floor for debate.

The SPEAKER. Undoubtedly—for an hour.

Mr. MANN. He had it for not to exceed an hour. Now, it is manifest that the gentleman from New Jersey having the floor in debate, I could not rise and take him off the floor by demanding the previous question. And yet, if the Chair should hold the motion of the gentleman from Tennessee [Mr. GARRETT] in order, he would also have to hold that the demand for the previous question could take the man off the floor in debate.

Mr. GARRETT. All that I desire to do is to save time.

Mr. TOWNSEND. I will take very little time, if you will allow me.

Mr. GARRETT. For the present I withdraw the motion, but I give notice that I shall make it at the proper time.

The SPEAKER. The gentleman having withdrawn his motion to lay on the table, it is not necessary for the Chair to cross that bridge until we come to it.

Mr. COVINGTON. Mr. Speaker——

The SPEAKER. Does the gentleman from New Jersey yield?

Mr. TOWNSEND. In a moment. I have no desire whatever to take the time of the House uselessly or without an object of importance. I have occupied very little of the time of the House. It appeared to me from the debate on the 15th of January that, of course, there was some opposition to this bill. What I am trying to do now is to determine according to the rules of procedure of the House how much opposition there is. The chief opposition centers upon the point covered by the amendment suggested by the gentleman from Missouri [Mr. SHACKLEFORD]. The committee are prepared to accept that amendment, and if the amendments are permitted to be read and the House can have the chance to decide what should be done with the bill, I have no doubt that the bill will pass and those who desire to vote against it can have the opportunity to do so.

Mr. SISSON. It may be that we can facilitate the business of the House by the gentleman from New Jersey answering a few questions.

Mr. TOWNSEND. I shall be glad to do so.

Mr. SISSON. If this amendment proposed by the gentleman from Ohio [Mr. WILLIS] and the amendment proposed by the gentleman from Missouri [Mr. SHACKLEFORD] shall go on the bill, and the conferees of the House are willing to insist upon the adoption of these amendments, I at this time will interpose no objection to the passage of the bill.

Mr. SLAYDEN. Will the gentleman from Mississippi permit me to interrupt him?

Mr. SISSON. I will if I have the permission of the gentleman from New Jersey.

Mr. TOWNSEND. I yield to the gentleman.

Mr. SLAYDEN. I can speak only for myself, but I shall be a member of the conference committee, and I will say for myself that insistence upon those amendments will be had.

Mr. GARDNER of Massachusetts. Mr. Speaker, as the ranking Republican member of the conference committee I assure the gentleman that I shall maintain the same position, and will come back to the House for further instructions unless the Senate agree to these amendments.

Mr. SISSON. Now, Mr. Speaker, at this particular stage of the game, notwithstanding the fact that, as gentlemen know, I have been opposed to all Federal corporations of every kind, I shall not delay, so far as I am concerned, the business of the House one moment after the statement of the chairman of the committee, the gentleman from Texas [Mr. SLAYDEN], and the statement of the gentleman from Massachusetts [Mr. GARDNER], ranking Republican member. I shall not delay the House one moment if they will accept these amendments, because I think they will put the bill where it can do no possible harm. I say this irrespective of my objections to Federal corporations.

Mr. TOWNSEND. That being the case, I ask that the amendments be read.

The SPEAKER. The Clerk will read the first amendment.

The Clerk read as follows:

Add to section 5, page 3, after line 23, the following:

"*Provided*, That said corporation shall not have power to buy or hold real state other than so much as may be required for the home of the National Academy of Arts and Letters."

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. The amendment having been offered by the gentleman from New Jersey, if a motion be now made to lay that amendment on the table and that motion should prevail, would it carry the bill to the table with it?

The SPEAKER. It would.

Mr. GARRETT. Then, Mr. Speaker, I move to lay the amendment on the table.

The question was taken; and on a division (demanded by Mr. TOWNSEND) there were 84 ayes and 55 noes.

Mr. MANN. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Illinois makes the point that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors; the Sergeant at Arms will notify absentees. All those in favor of laying the amendment on the table, which will carry the bill with it, will vote "aye" and those opposed will answer "no." The Clerk will call the roll.

The question was taken; and there were—yeas 174, nays 129, answered "present" 7, not voting 71, as follows:

YEAS—174.

Adair	Edwards	Jacoway	Riordan
Adamson	Ellerbe	Johnson, Ky.	Roberts, Mass.
Aiken, S. C.	Estopinal	Johnson, S. C.	Rothermel
Akin, N. Y.	Faison	Jones	Rouse
Alexander	Fergusson	Kahn	Rubey
Anderson	Fields	Kendall	Rucker, Colo.
Barnhart	Fitzgerald	Kennedy	Rucker, Mo.
Bartlett	Flood, Va.	Kent	Russell
Bathrick	Floyd, Ark.	Kitchin	Scott
Beall, Tex.	Fordney	Konop	Shackleford
Bell, Ga.	Fornes	La Follette	Sharp
Blackmon	Foss	Lenroot	Sherley
Boehne	Fowler	Lever	Sherwood
Booher	Francis	Lewis	Sims
Borland	Fuller	Lindbergh	Sisson
Brantley	Garner	Linthicum	Smith, Saml. W.
Broussard	Garrett	Lloyd	Smith, Tex.
Bulkley	Glass	McLaughlin	Stanley
Burgess	Godwin, N. C.	Macon	Stedman
Burnett	Goeke	Maguire, Nebr.	Stephens, Cal.
Byrnes, S. C.	Good	Martin, Colo.	Stephens, Miss.
Byrns, Tenn.	Gould	Martin, S. Dak.	Stephens, Nebr.
Callaway	Gray	Moon, Tenn.	Stephens, Tex.
Campbell	Greene, Vt.	Moore, Tex.	Switzer
Candler	Gregg, Pa.	Morrison	Taylor, Ark.
Cannon	Gudger	Morse, Wis.	Taylor, Colo.
Claypool	Hamilton, Mich.	Moss, Ind.	Thayer
Clayton	Hamlin	Neeley	Thomas
Cline	Hardwick	Oldfield	Tribble
Collier	Harrison, Miss.	Padgett	Turnbull
Covington	Hay	Page	Underhill
Cravens	Hayden	Patten, N. Y.	Underwood
Cullop	Helgesen	Payne	Watkins
Daugherty	Helm	Plumley	Whitacre
Dent	Henry, Tex.	Post	White
Denver	Hensley	Pou	Wilson, N. Y.
Dickinson	Hobson	Pray	Wilson, Pa.
Dies	Holland	Rainey	Witherspoon
Difenderfer	Houston	Raker	Wood, N. J.
Dixon, Ind.	Howard	Randell, Tex.	Woods, Iowa
Doremus	Howland	Ransdell, La.	Young, Kans.
Doughton	Hughes, W. Va.	Rauch	Young, Tex.
Driscoll, M. E.	Humphreys, Miss.	Rees	
Dyer	Jackson	Richardson	

NAYS—129.

Allen	Butler	Dodds	Gill
Andrus	Calder	Draper	Gillett
Ashbrook	Carlin	Driscoll, D. A.	Goldfogle
Austin	Cary	Dupré	Goodwin, Ark.
Bartholdt	Cooper	Dwight	Graham
Bates	Cox	Esch	Green, Iowa
Berger	Crago	Finley	Greene, Mass.
Bradley	Curley	Focht	Gregg, Tex.
Browning	Currier	Foster	Griest
Burke, S. Dak.	Dalzell	French	Guernsey
Burke, Wis.	Davis, Minn.	Gallagher	Hamill
Burleson	Davis, W. Va.	Gardner, Mass.	Hammond

Hardy	Loud	Olmsted	Stevens, Minn.
Hartman	McCall	Patton, Pa.	Stone
Hauzen	McCoy	Pepper	Sulloway
Hayes	McCreary	Peters	Sweet
Heflin	McGillicuddy	Pickett	Taggart
Henry, Conn.	McGuire, Okla.	Powers	Talcott, N. Y.
Higgins	McKellar	Prince	Taylor, Ala.
Hinds	McKenzie	Pujo	Tilson
Howell	McKinley	Redfield	Towner
Humphrey, Wash.	Madden	Reilly	Townsend
Kindred	Mann	Roddenbery	Tuttle
Kinkaid, Nebr.	Merritt	Sabath	Vare
Kinkead, N. J.	Miller	Saunders	Volstead
Knowland	Mondell	Scully	Warburton
Kopp	Moore, Pa.	Sells	Wilder
Langham	Mott	Simmons	Willis
Langley	Murdock	Slayden	Wilson, Ill.
Lawrence	Murray	Slemp	Young, Mich.
Lee, Pa.	Nelson	Sloan	
Levy	Norris	Small	
Longworth	Nye	Sterling	

ANSWERED "PRESENT"—7.

Hull	Needham	Parran	Thistlewood
McDermott	Palmer	Sparkman	

NOT VOTING—71.

Ainey	Davidson	James	Morgan, Okla.
Ames	De Forest	Konig	O'Shaunessy
Ansberry	Dickson, Miss.	Korbly	Porter
Anthony	Donohoe	Lafean	Prouty
Ayres	Evans	Lafferty	Reyburn
Barchfeld	Fairchild	Lamb	Roberts, Nev.
Brown	Farr	Lee, Ga.	Rodenberg
Buchanan	Ferris	Lindsay	Smith, J. M. C.
Burke, Pa.	Gardner, N. J.	Littlepage	Smith, N. Y.
Cantrill	George	Littleton	Speer
Carter	Hamilton, W. Va.	Lobeck	Stack
Clark, Fla.	Harris	McKinney	Steenerson
Conry	Harrison, N. Y.	McMorran	Talbott, Md.
Copley	Hart	Maher	Taylor, Ohio
Crumpacker	Hawley	Matthews	Vreeland
Curry	Heald	Mays	Webb
Danforth	Hill	Moon, Pa.	Weeks
Davenport	Hughes, Ga.	Morgan, La.	

So the motion was agreed to.

The following pairs were announced:

For the session:

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. PALMER with Mr. HILL, commencing January 8.

Until further notice:

Mr. MAYS with Mr. SPEER.

Mr. SMITH of New York with Mr. J. M. C. SMITH.

Mr. O'SHAUNESSY with Mr. ROBERTS of Nevada.

Mr. MORGAN of Louisiana with Mr. TAYLOR of Ohio.

Mr. MAHER with Mr. REYBURN.

Mr. LITTLETON with Mr. RODENBERG.

Mr. LAMB with Mr. PROUTY.

Mr. KORBLY with Mr. PORTER.

Mr. KONIG with Mr. MOON of Pennsylvania.

Mr. JAMES with Mr. WEEKS.

Mr. HUGHES of Georgia with Mr. HEALD.

Mr. HART with Mr. LAFFERTY.

Mr. HARRISON of New York with Mr. MATTHEWS.

Mr. HAMILTON of West Virginia with Mr. HARRIS.

Mr. GEORGE with Mr. GARDNER of New Jersey.

Mr. FERRIS with Mr. MCKINNEY.

Mr. EVANS with Mr. DE FOREST.

Mr. DONOHOE with Mr. FARR.

Mr. DAVENPORT with Mr. CURRY.

Mr. CONRY with Mr. DANFORTH.

Mr. CLARK of Florida with Mr. COPLEY.

Mr. CARTER with Mr. CRUMPACKER.

Mr. CANTRILL with Mr. BARCHFELD.

Mr. BUCHANAN with Mr. ANTHONY.

Mr. BROWN with Mr. AMES.

Mr. AYRES with Mr. AINEY.

Mr. ANSBERRY with Mr. BURKE of Pennsylvania.

Mr. PUJO with Mr. MCMORRAN.

Mr. LEE of Georgia with Mr. FAIRCHILD.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. KITCHIN with Mr. FORDNEY.

Mr. HULL with Mr. NEEDHAM.

Mr. WEBB with Mr. VREELAND.

Mr. RICHARDSON with Mr. THISTLEWOOD, commencing January 22, either to be released when the other would vote the same way.

Mr. MCDERMOTT with Mr. HAWLEY, commencing February 15, 1913, ending February 25, 1913, each reserving the right to vote on questions of local interest.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

IMMIGRATION OF ALIENS—VETO MESSAGE.

Mr. BURNETT. Mr. Speaker, I call up the immigration bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, and the veto message thereon.

Mr. COVINGTON. Mr. Speaker, I desire to call up a privileged resolution from the Committee on Elections No. 1, being the report of said committee upon the contested-election case of Eugene C. Bonniwell against Thomas S. Butler, seventh Pennsylvania district.

Mr. BURNETT. Mr. Speaker, I will ask the gentleman from Maryland how long this will take?

Mr. COVINGTON. One minute.

The SPEAKER. The Chair has already recognized the gentleman from Alabama [Mr. BURNETT].

Mr. COVINGTON. But, Mr. Speaker, mine is a resolution of the highest privilege.

The SPEAKER. The gentleman's resolution is not of higher privilege than a constitutional privilege. It is of no higher privilege than the matter called up by the gentleman from Alabama.

Mr. COVINGTON. Mr. Speaker, I will ask the gentleman from Alabama to withhold his motion for a short time.

Mr. BURNETT. How long will the gentleman from Maryland take?

Mr. COVINGTON. Not three minutes.

Mr. BURNETT. I will yield for that purpose.

The SPEAKER. Does the Chair understand the gentleman from Alabama to yield?

Mr. BURNETT. I do, for three minutes.

The SPEAKER. If the gentleman yields at all, he will yield the floor.

Mr. BURNETT. Then, Mr. Speaker, I will not yield. Mr. Speaker, I call up the bill S. 3175—the immigration bill—and the veto of the President thereon, and move to reconsider the bill, that that bill be passed, notwithstanding the veto of the President, and upon that I move the previous question.

The SPEAKER. The gentleman from Alabama moves to reconsider the immigration bill, and to pass it, the objections of the President of the United States to the contrary notwithstanding, and upon that he moves the previous question.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Under the Constitution the provision is that the question shall be, as I understand it, the passage on reconsideration, the objections of the President notwithstanding.

The SPEAKER. Yes.

Mr. MANN. The gentleman moves to reconsider. That is not to be put as a separate motion?

The SPEAKER. Oh, no.

Mr. MANN. I ask because I notice in another distinguished body they seemed to assume they might be able to vote down the question of consideration.

The SPEAKER. But this is another body.

Mr. MANN. And it follows the Constitution.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. Mr. Speaker, the gentleman from Alabama having made a motion which contemplates the previous question, I desire to know whether, there having been no debate, 40 minutes on a side will be allowed for discussion?

The SPEAKER. There will, undoubtedly, if no one undertakes to debate it before the question is put.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. Mr. Speaker, I understand the Speaker to say a motion to reconsider and a motion to pass is all one question?

The SPEAKER. It is all one question.

Mr. MADDEN. And it will be taken on one vote?

The SPEAKER. All on one vote. As a matter of fact, it did not require a motion. The Clerk will read the bill, and then read the message of the President, and then the message from the Senate.

The Clerk proceeded to read the bill.

Mr. BURNETT (interrupting the reading). Mr. Speaker, I ask unanimous consent that the reading of the bill may be omitted.

Mr. GOLDFOGLE. Mr. Speaker, I object.

Mr. CURLEY. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. LENROOT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LENROOT. Under what rule is the bill to be read?

The SPEAKER. That is the universal rule. Members have a right to know upon what they are voting.

Mr. LENROOT. Mr. Speaker, I desire to suggest for the consideration of the Speaker in that connection that this is a reconsideration of the bill; that the House has already acted upon the bill, and the matter stands in the same relation so far as its consideration is concerned as if a motion to reconsider had been made after the passage of the bill and that motion had prevailed.

The SPEAKER. The Clerk will read.

Mr. LENROOT. Therefore it is not any more in order to read the bill or require its reading than it would be in the case I have stated.

Mr. DALZELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DALZELL. Is it in order to move to dispense with the reading of the bill?

The SPEAKER. The Chair does not think it is.

Mr. MANN. Except through the Committee on Rules.

The SPEAKER. The Clerk will read the bill.

The Clerk resumed and concluded the reading of the bill, as follows:

An act (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

Be it enacted, etc., That the word "alien" wherever used in this act shall include any person not a native-born or naturalized citizen of the United States; but this definition shall not be held to include Indians not taxed or citizens of the islands under the jurisdiction of the United States. That the term "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone; but if any alien shall leave the Canal Zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens. That the term "seaman" as used in this act shall include every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place.

That this act shall be enforced in the Philippine Islands by officers of the General Government thereof designated by appropriate legislation of said Government.

SEC. 2. That there shall be levied, collected, and paid a tax of $5 for every alien, including alien seamen regularly admitted as provided in this act, entering the United States. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States, or by the alien himself if he does not come by a vessel, transportation line, or other conveyance or vehicle. The tax imposed by this section shall be a lien upon the vessel or other vehicle or carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied on account of aliens who have in accordance with law declared their intention of becoming citizens of the United States or on account of aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor on account of otherwise admissible residents of any possession of the United States, nor on account of aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section 23 of this act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: *Provided further*, That said tax, when levied upon aliens entering the Philippine Islands, shall be paid into the treasury of said islands, to be expended for the benefit of such islands: *Provided further*, That in the cases of aliens applying for admission from foreign contiguous territory and rejected, the head tax collected shall upon application be refunded to the alien: *Provided further*, That the provisions of this section shall not apply to aliens arriving in Guam or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent the provisions of this section shall apply.

SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had one or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country; persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port the Secretary of Commerce and Labor shall have consented to their reapplying for admission; persons whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway may be admitted in the discretion of the Secretary of Commerce and Labor; all children under 16 years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe; persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors, journalists, merchants, bankers, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 19 of this act.

That after four months from the approval of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relatives shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips, of uniform size, prepared under the direction of the Secretary of Commerce and Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in the various languages and dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. No two aliens coming in the same vessel or other vehicle of carriage or transportation shall be tested with the same slip. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Commerce and Labor that they are seeking admission to the United States solely for the purpose of escaping from religious persecution; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this act relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government, shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *Provided further*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Commerce and Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Commerce and Labor to be reached after a full hearing and an investigation into the facts of the case; but such determination shall not become final until a period of 30 days has elapsed. Within three days after such determination the Secretary of Commerce and Labor shall cause to be published a brief statement reciting the substance of the application, the facts presented at the hearing, and his determination thereon in three daily newspapers of general circulation in three of the principal cities of the United States. At any time during said period of 30 days any person dissatisfied with the ruling may appeal to the district court of the United States of the district into which the labor is sought to be brought, which court or the judge thereof in vacation shall have jurisdiction to try de novo such qestion of necessity, and the decision in such court shall be final. Such appeal shall operate as a supersedeas: *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens or subjects to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone: *Provided further*, That nothing in this act shall be construed to prevent, hinder, or restrict any alien exhibitor, or holder of a concession or privilege for any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, such alien mechanics, artisans, agents, or other employees, natives of his country, as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any business authorized

or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may prescribe both as to the admission and return of such persons: *Provided further*, That nothing in this act shall be construed to apply to accredited officials of foreign Governments nor to their suites, families, or guests: *Provided further*, That nothing in this act shall exclude the wife or minor children of a citizen of the United States.

SEC. 4. That the importation into the United States of any alien for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import, into the United States any alien for the purpose of prostitution or for any other immoral purpose, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor in any house or other place, for the purpose of prostitution or for any other immoral purpose, any alien, in pursuance of such illegal importation, shall in every such case be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment for a term of not more than 10 years and by a fine of not more than $5,000. Jurisdiction for the trial and punishment of the felonies hereinbefore set forth shall be in any district to or into which said alien is brought in pursuance of said importation by the person or persons accused, or in any district in which a violation of any of the foregoing provisions of this section occurs. That any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this act which relate to prostitutes, procurers, or other like immoral persons, attempt thereafter to return to or to enter the United States shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not more than two years. In all prosecutions under this section the testimony of a husband or wife shall be admissible and competent evidence against a wife or husband.

SEC. 5. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to induce, assist, encourage, or solicit the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the provisions of section 3 of this act, and for every violation of any of the provisions of this section the person, partnership, company, or corporation violating the same shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such aliens thus offered or promised employment as aforesaid, as debts of like amount are now recovered in the courts of the United States; or for every violation of the provisions hereof the person violating the same may be prosecuted in a criminal action for a misdemeanor, and on conviction thereof shall be punished by a fine of $1,000 or by imprisonment for a term of not less than six months nor more than two years; and under either the civil or the criminal procedure mentioned separate suits or prosecutions may be brought for each alien thus offered or promised employment as aforesaid.

SEC. 6. That it shall be unlawful and be deemed a violation of section 5 of this act to induce, assist, encourage, or solicit any alien to come into the United States by promise of employment through advertisements printed, published, or distributed in any foreign country, whether such promise is true or false, and either the civil or the criminal penalty imposed by said section shall be applicable to such a case: *Provided*, That States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States may advertise and by written or oral communication with prospective alien settlers make known the inducements they offer for immigration thereto, respectively.

SEC. 7. That it shall be unlawful for any person, association, society, company, partnership, corporation, or others engaged in the business of transporting aliens to the United States, including owners, masters, officers, and agents of vessels, directly or indirectly, by writing, printing, or oral representation, to solicit, invite, or encourage any alien to come into the United States, and anyone violating any provision hereof shall be subject to either the civil or the criminal prosecution prescribed by section 5 of this act; or if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any owner, master, officer, or agent of a vessel has brought or caused to be brought to a port of the United States any alien so solicited, invited, or encouraged to come by such owner, master, officer, or agent, such owner, master, officer, or agent shall pay to the collector of customs of the customs district in which the port of arrival is located or in which any vessel of the line may be found the sum of $400 for each and every such violation; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while the fine imposed remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit with the collector of customs of a sum sufficient to cover such fine: *Provided further*, That whenever it shall be shown to the satisfaction of the Secretary of Commerce and Labor that the provisions of this section are persistently violated by or on behalf of any transportation company, it shall be the duty of said Secretary to deny to such company the privilege of landing alien immigrant passengers of any or all classes at United States ports for such a period as in his judgment may be necessary to insure an observance of such provisions: *Provided further*, That this section shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements, confined strictly to stating the sailings of their vessels and terms and facilities of transportation therein.

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, or shall conceal or harbor, or attempt to conceal or harbor, or assist or abet another to conceal or harbor in any place, including any building, vessel, railway car, conveyance, or vehicle, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter or to reside within the United States under the terms of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in.

SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States any alien afflicted with idiocy, insanity, imbecility, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each and every violation of the provisions of this section. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $25 for each and every violation of this provision. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this act because unable to read or who can not become eligible, under existing law, to become a citizen of the United States by naturalization, as provided in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $100 for each and every violation of this provision. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

SEC. 10. That it shall be the mandatory and unqualified duty of every person, including owners, officers, and agents of vessels or transportation lines, other than those lines which may enter into a contract as provided in section 23 of this act, bringing an alien to any seaport or land border port of the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and on conviction thereof shall be punished by a fine in each case of not less than one hundred nor more than one thousand dollars or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Commerce and Labor it is impracticable or inconvenient to prosecute the owner, master, officer, or agent of any such vessel, a pecuniary penalty of $1,000 shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

SEC. 11. That whenever he may deem such action necessary the Secretary of Commerce and Labor may, at the expense of the appropriation for the enforcement of this act, detail immigrant inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. On such voyages said inspectors and matrons shall remain in that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons to observe such passengers during the voyage, and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulating immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to observe violations of the provisions of such laws and the violation of such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and report the same to the proper United States officials at ports of landing. Whenever the Secretary of Commerce and Labor so directs, a surgeon of the United States Public Health Service, detailed to the Immigration Service, not lower in rank than a passed assistant surgeon, shall be received and carried on any vessel transporting immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. Such surgeon shall be permitted to investigate and examine the condition of all immigrant and emigrant passengers in relation to any provisions of the laws regulating the immigration of aliens into the United States and such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and shall immediately report any violation of said laws to the master or commanding officer of the vessel, and shall also report said violations to the Secretary of Commerce and Labor within 24 hours after the arrival of the vessel at the port of entry in the United States. Such surgeon shall accompany the master or captain of the vessel in his visits to the sanitary officers of the ports of call during the voyage, and, should contagious or infectious diseases prevail at any port where passengers are received, he shall request all reasonable precautionary measures for the health of persons on board. Such surgeon on arrival at ports of the United States shall also, if requested by the examining board, furnish any information he may possess in regard to immigrants arriving on the vessel to which he has been detailed. While on duty such surgeon shall wear the prescribed uniform of their service and shall be provided with first-class accommodations on such vessel at the expense of the appropriation for the enforcement of this act. For every violation of this section any person, including any transportation company, owning or operating the vessel in which such violation occurs shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of $1,000 for each and every day during which such violation continues, the term "violation" to include the refusal of any person having authority so to do to permit any such immigrant inspector, matron, or surgeon to be received on board such vessel, as provided in this section, and also the refusal of the master or commanding officer of any such vessel to permit the inspections and visits of any such surgeon, as provided in this section, and no vessel shall be granted clearance papers pending the determination of the question of the lia-

bility of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

SEC. 12. That upon the arrival of any alien by water at any point within the United States on the North American Continent from a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or at any port of the said insular possessions from any foreign port, from a port in the United States on the North American Continent, or from a port of another insular possession of the United States, it shall be the duty of the master or commanding officer, owners, or consignees of the steamer, sailing, or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, contain full and accurate information as to each alien as follows: Full name, age, and sex; whether married or single; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); whether able to read; nationality; country of birth; race; country of last permanent residence; name and address of the nearest relative in the country from which the alien came; seaport for landing in the United States; final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; by whom passage was paid; whether going to join a relative or friend, and if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether a person who believes in or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or who disbelieves in or is opposed to organized government, or who advocates the assassination of public officials, or is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States; the alien's condition of health, mental and physical; whether deformed or crippled, and if so, for how long and from what cause; and such master or commanding officer, owners, or consignees shall also furnish information in relation to the sex, age, class of travel, and the foreign port of embarkation of arriving passengers who are United States citizens. That it shall further be the duty of the master or commanding officer of every vessel taking passengers from any port of the United States on the North American Continent to a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or from any port of the said insular possessions to any foreign port, to a port of the United States on the North American Continent, or to a port of another insular possession of the United States, to file with the immigration officials before departure a list which shall contain full and accurate information in relation to the following matters regarding all alien passengers, and all citizens of the United States or insular possessions of the United States departing with the stated intent to reside permanently in a foreign country, taken on board: Name, age, and sex; whether married or single; calling or occupation; whether able to read; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States or insular possessions thereof; if a citizen of the United States or of the insular possessions thereof, whether native born or naturalized; intended future permanent residence; and time and port of last arrival in the United States, or insular possessions thereof; and such master or commanding officer shall also furnish information in relation to the sex, age, class of travel, and port of debarkation of the United States citizens departing who do not intend to reside permanently in a foreign country, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the immigration officials at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each person of the classes specified taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section 14 of this act: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the duty of immigration officials to record the following information regarding every resident alien and citizen leaving the United States by way of the Canadian or Mexican borders for permanent residence in a foreign country: Name, age, and sex; whether married or single; calling or occupation; whether able to read; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States; intended future permanent residence; and time and port of last arrival in the United States; and if a United States citizen, whether native born or naturalized.

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, the names of those coming from the same locality to be assembled so far as practicable, and no one list or manifest shall contain more than 30 names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, etc., are contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is of any of the classes excluded from admission into the United States by section 3 of this act, and that also according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens, the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessels, and the manifests shall be verified by such surgeon before a United States consular officer.

SEC. 14. That it shall be unlawful for the master or commanding officer of any vessel bringing aliens into or carrying aliens out of the United States to refuse or fail to deliver to the immigration officials the accurate and full manifests or statements or information regarding all aliens on board or taken on board such vessel required by this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that there has been such a refusal or failure, or that the lists delivered are not accurate and full, such master or commanding officer shall pay to the collector of customs at the port of arrival or departure the sum of $10 for each alien concerning whom such accurate and full manifest or statement or information is not furnished, or concerning whom the manifest or statement or information is not prepared and sworn to as prescribed by this act. No vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine.

SEC. 15. That upon the arrival at a port of the United States of any vessel bringing aliens it shall be the duty of the proper immigration officials to go or to send competent assistants to the vessel and there inspect all such aliens, or said immigration officials may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where removal is made to premises owned or controlled by the United States, said transportation lines, masters, agents, owners, or consignees, and each of them shall, so long as detention there lasts, be relieved of responsibility for the safekeeping of such aliens. Whenever a temporary removal of aliens is made the transportation lines which brought them and the masters, owners, agents, and consignees of the vessel upon which they arrive shall pay all expenses of such removal and all expenses arising during subsequent detention, pending decision on the aliens' eligibility to enter the United States and until they are either allowed to land or returned to the care of the line or to the vessel which brought them, such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation, excepting only where they arise under the terms of any of the provisos of section 18 hereof. Any refusal or failure to comply with the provisions hereof to be punished in the manner specified in section 18 of this act.

SEC. 16. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health Service who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien; or, should medical officers of the United States Public Health Service be not available, civil surgeons of not less than four years professional experience may be employed in such emergency for such service, upon such terms as may be prescribed by the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor. Medical officers of the United States Public Health Service who have had especial training in the diagnosis of insanity and mental defect shall be detailed for duty or employed at all large ports of entry, and such medical officers shall be provided with suitable facilities for the detention and examination of all arriving aliens in whom insanity or mental defect is suspected, and the services of interpreters shall be provided for such examination. That the inspection, other than the physical and mental examination, of aliens, including those seeking admission or readmission to or the privilege of passing through or residing in the United States, and the examination of aliens arrested within the United States under this act, shall be conducted by immigrant inspectors, except as hereinafter provided in regard to boards of special inquiry. Immigrant inspectors are hereby authorized and empowered to board and search for aliens any vessel, railway car, conveyance, or vehicle in which they believe aliens are being brought into the United States. Said inspectors shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered, under the provisions of this act, who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission, or readmission to, or to pass through, or to reside in the United States shall be deemed guilty of perjury and be punished as provided by section 125 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States." Any commissioner of immigration or inspector in charge shall also have power to require the attendance and testimony of witnesses before said inspectors and the production of books, papers, and documents touching the right of any alien to enter, reenter, reside in, or pass through the United States, and to that end may invoke the aid of any court of the United States; and any district court within the jurisdiction of which investigations are being conducted by an immigrant inspector may, in the event of neglect or refusal to respond to a subpœna issued by any commissioner of immigration or inspector in charge or refusal to testify before said immigrant inspector, issue an order requiring such person to appear before said immigrant inspector, produce books, papers, and documents if demanded, and testify; and any failure to obey such order of the court shall be punished by the court as a contempt thereof. That any person, including employees, officials, or agents of transportation companies, who shall assault, resist, prevent, impede, or interfere with any immigration official or employee in the performance of his duty under this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not less than six months nor more than two years, or by a fine of not less than two hundred nor more than two thousand dollars; and any person who shall use any deadly or dangerous weapon in resisting any immigration official or employee in the performance of his duty shall be deemed guilty of a felony and shall on conviction

thereof be punished by imprisonment for not less than 1 nor more than 10 years. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. In the event of rejection by the board of special inquiry, in all cases where an appeal to the Secretary of Commerce and Labor is permitted by this act, the alien shall be so informed and shall have the right to be represented by counsel or other adviser on such appeal. The decision of an immigrant inspector, if favorable to the admission of any alien, shall be subject to challenge by any other immigrant inspector, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation.

SEC. 17. That boards of special inquiry shall be appointed by the commissioner of immigration or inspector in charge at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of the law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards. When in the opinion of the Secretary of Commerce and Labor the maintenance of a permanent board of special inquiry for service at any sea or land border port is not warranted, regularly constituted boards may be detailed from other stations for temporary service at such port, or, if that be impracticable, the Secretary of Commerce and Labor shall authorize the creation of boards of special inquiry by the immigration officials in charge at such ports, and shall determine what Government officials or other persons shall be eligible for service on such boards. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before such boards shall be separate and apart from the public. Such boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision, which shall be rendered solely upon the evidence adduced before the board of special inquiry. In every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of a board of special inquiry if adverse to the admission of such alien shall be final, unless reversed on appeal to the Secretary of Commerce and Labor: *Provided*, That the decision of a board of special inquiry, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis in any form or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section 3 of this act.

SEC. 18. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back, in accommodations of the same class in which they arrived, to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came. That it shall be unlawful for any master, purser, person in charge, agent, owner, or consignee of any such vessel to refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens; or to fail to detain them thereon; or to refuse or fail to return them in the manner aforesaid to the foreign port from which they came; or to pay the cost of their maintenance while on land; or to make any charge for the return of any such alien; or to take any security from him for the payment of such charge; or to take any consideration to be returned in case the alien is landed; or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless prior to reembarkation the Secretary of Commerce and Labor has consented that such alien shall reapply for admission, as required by section 3 hereof; and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that such master, purser, person in charge, agent, owner, or consignee has violated any of the foregoing provisions, such master, purser, person in charge, agent, owner, or consignee shall pay to the collector of customs of the customs district in which the port of arrival is located, or in which any vessel of the line may be found, the sum of $300 for each and every violation of any provision of this section; and no vessel shall have clearance from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine. If the vessel by which any alien ordered deported came has left the United States and it is impracticable for any reason to deport the alien within a reasonable time by another vessel owned by the same interests, the cost of deportation may be paid by the Government and recovered by civil suit from any agent, owner, or consignee of the vessel: *Provided further*, That the Commissioner General of Immigration, with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner General of Immigration, the deportation of any alien found to have come in violation of any provision of this act if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act; and the cost of maintenance of any person so detained resulting from such suspension of deportation, and a witness fee in the sum of $1 per day for each day such person is so detained, may be paid from the appropriation for the enforcement of this act, or such alien may be released under bond, in the penalty of not less than $500, with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required as a witness and for deportation. No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the appropriation for the enforcement of this act, be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

SEC. 19. That any alien, at any time within three years after entry, who shall enter the United States in violation of law; any alien who within three years after entry becomes a public charge from causes existing prior to the landing; except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within three years after the entry of the alien to the United States; any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; any alien who is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists, protects, or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose; any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified, shall return to and enter the United States; any alien convicted and imprisoned for a violation of any of the provisions of section 4 hereof; any alien, at any time within three years after entry, who shall enter the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported: *Provided*, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence, make a recommendation to the Secretary of Commerce and Labor that such alien shall not be deported in pursuance of this act; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment: *Provided further*, That the provisions of this section, with the exceptions hereinbefore noted, shall be applicable to the classes of aliens therein mentioned irrespective of the time of their entry into the United States. In every case where any person is ordered deported from the United States under the provisions of this act or of any law or treaty now existing, the decision of the Secretary of Commerce and Labor shall be final.

SEC. 20. That the deportation of aliens provided for in this act shall, at the option of the Secretary of Commerce and Labor, be to the country whence they came or to the foreign port at which such aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which they embarked for such territory; or, if such aliens entered foreign contiguous territory from the United States and later entered the United States, or if such aliens are held by the country from which they entered the United States not to be subjects or citizens of such country, and such country refuses to permit their reentry, or imposes any condition upon permitting reentry, then to the country of which such aliens are subjects or citizens, or to the country in which they resided prior to entering the country from which they entered the United States. If effected at any time within five years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation line by which such aliens respectively came, or, if that is not practicable, at the expense of the appropriation for the enforcement of this act. If such deportation is effected later than five years after the entry of the alien, or, if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from the appropriation for the enforcement of this act. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 18 of this act: *Provided*, That when, in the opinion of the Secretary of Commerce and Labor, the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner. Pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than $500 with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

SEC. 21. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis in any form or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary, in such amount and containing such conditions as he may prescribe, to the United States and to all States, Territories, counties, towns, municipalities, and districts thereof, holding the United States and all States, Territories, counties, towns, municipalities, and districts thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit

may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, District, county, town, or municipality in which such alien becomes a public charge.

SEC. 22. That wherever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable and the husband or father or other responsible person is willing to bear the expense of the treatment, they may be accorded treatment in hospital until cured and then be admitted, or if it shall be determined that they can be permitted to land without danger to other persons, they may, if otherwise admissible, thereupon be admitted.

SEC. 23. That the Commissioner General of Immigration shall perform all his duties under the direction of the Secretary of Commerce and Labor. Under such direction he shall have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder; he shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, at any time within three years after entry, at the expense of the appropriations for the enforcement of this act, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed; he shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not unnecessarily to delay, impede, or annoy persons in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose; it shall be the duty of the Commissioner General of Immigration to detail officers of the Immigration Service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges. He may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons of the United States Public Health Service employed under this act for service in foreign countries. The duties of commissioners of immigration and other immigration officials in charge of districts, ports, or stations shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Commerce and Labor: *Provided*, That for the purpose of making effective the provisions of this section relating to the protection of aliens from fraud and loss, and also the provisions of section 30 of this act, relating to the distribution of aliens, the Secretary of Commerce and Labor shall establish and maintain immigrant stations at such interior places as may be necessary, and, in the discretion of the said Secretary, aliens in transit from ports of landing to such interior stations shall be accompanied by immigrant inspectors.

SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner General of Immigration and in accordance with the provisions of the civil-service act of January 16, 1883: *Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, may employ, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the Official Register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw annually from the appropriation for the enforcement of this act $50,000, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August 18, 1894, or the official status of such commissioners heretofore appointed.

SEC. 25. That the district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and and criminal, arising under any of the provisions of this act. That it shall be the duty of the United States district attorney of the proper district to prosecute every such suit when brought by the United States under this act. Such prosecutions or suits may be instituted at any place in the United States at which the violation may occur or at which the person charged with such violation may be found. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

SEC. 26. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitation as the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe, and all receipts accruing from the disposal of such exclusive privileges shall be paid into the Treasury of the United States. No intoxicating liquors shall be sold at any such immigrant station.

SEC. 27. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 28. That any person who knowingly aids or assists any anarchist or any person who believes in or advocates the overthrow by force or violence of the Government of the United States, or who disbelieves in or is opposed to organized government, or all forms of law, or who advocates the assassination of public officials, or who is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, to enter the United States, or who connives or conspires with any person or persons to allow, procure, or permit any such anarchist or person aforesaid to enter therein shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment for not more than five years, or both.

SEC. 29. That the President of the United States is authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign Governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration.

SEC. 30. That there shall be maintained a division of information in the Bureau of Immigration and Naturalization; and the Secretary of Commerce and Labor shall provide such clerical and other assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State of Territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

SEC. 31. That any person, including the owner, agent, consignee, or master of any vessel arriving in the United States from any foreign port or place, who shall knowingly sign on the ship's articles, or bring to the United States as one of the crew of such vessel, any alien, with intent to permit such alien to land in the United States in violation of the laws and treaties of the United States regulating the immigration of aliens, or who shall falsely and knowingly represent to the immigration authorities at the port of arrival that any such alien is a bona fide member of the crew, shall be liable to a penalty not exceeding $5,000, for which sum the said vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

SEC. 32. That no alien excluded from admission into the United States by any law or treaty of the United States regulating the immigration of aliens, and employed on board any vessel arriving in the United States from any foreign port or place, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to regulations prescribed by the Secretary of Commerce and Labor providing for the ultimate removal or deportation of such alien from the United States, and the negligent failure of the owner, agent, consignee, or master of such vessel to detain on board any such alien after notice in writing by the immigration officer in charge at the port of arrival, and to deport such alien, if required by such immigration officer or by the Secretary of Commerce and Labor, shall render such owner, agent, consignee, or master liable to a penalty not exceeding $1,000, for which sum the said vessel shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

SEC. 33. That it shall be unlawful and be deemed a violation of the preceding section to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place, unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens: *Provided*, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place he shall be allowed to land for the purpose of so reshipping, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this act to the contrary notwithstanding, providing due notice of such proposed action first be given to the principal immigration officer in charge at the port of arrival.

SEC. 34. That any alien seaman who shall desert his vessel in a port of the United States or who shall land therein contrary to the provisions of this act shall be deemed to be unlawfully in the United States and shall, at any time within three years thereafter, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation for this act as provided in section 20 of this act.

SEC. 35. That it shall be unlawful for any vessel carrying passengers between a port of the United States and a port of a foreign country, upon arrival in the United States, to have on board employed thereon any alien afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, if it appears to the satisfaction of the Secretary of Commerce and Labor,

from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time; and for every such alien so afflicted on board any such vessel at the time of arrival the owner, agent, consignee, or master thereof shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $25; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine: *Provided further*, That such fine may, in the discretion of the Secretary of Commerce and Labor, be mitigated or remitted.

SEC. 36. That upon arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of all aliens employed on such vessel, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival; or lists containing so much of such information as the Secretary of Commerce and Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered, all cases in which any such alien has deserted the vessel, giving a description of such alien, together with any information likely to lead to his apprehension; and before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were not employed thereon at the time of the arrival, but who will leave port thereon at the time of her departure, and also the names of those, if any, who have been paid off and discharged, and of those, if any, who have deserted or landed or been duly admitted; and in case of the failure of such owner, agent, consignee, or master so to deliver either of the said lists of such aliens arriving and departing, respectively, or so to report such cases of desertion, or landing, such owner, agent, consignee, or master shall, if required by the Secretary of Commerce and Labor, pay to the collector of customs of the customs district in which the port of arrival is located the sum of $10 for each alien concerning whom correct lists are not delivered or a true report is not made as above required; and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and, in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine.

SEC. 37. The word "person" as used in this act shall be construed to import both plural and the singular, as the case may be, and shall include corporations, companies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any director, officer, agent, or employee of any corporation, company, or association acting within the scope of his employment or office shall in every case be deemed to be the act, omission, or failure of such corporation, company, or association, as well as that of the person acting for or in behalf of such corporation, company, or association.

SEC. 38. That this act, except as otherwise provided in section 3, shall take effect and be enforced from and after July 1, 1913. The act of March 26, 1910, amending the act of February 20, 1907, to regulate the immigration of aliens into the United States; the act of February 20, 1907, to regulate the immigration of aliens into the United States, except section 34 thereof; the act of March 3, 1903, to regulate the immigration of aliens into the United States, except section 34 thereof; and all other acts and parts of acts inconsistent with this act are hereby repealed on and after the taking effect of this act: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section 6, chapter 453, third session, Fifty-eighth Congress, approved February 6, 1905, or the act approved August 2, 1882, entitled "An act to regulate the carriage of passengers by sea," and amendments thereto: *Provided*, That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act, except as mentioned in the last proviso of section 19 hereof; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters, the laws or parts of laws repealed or amended by this act are hereby continued in force and effect.

The SPEAKER. The Clerk will read the President's veto message.

The Clerk read as follows:

To the Senate:

I return herewith, without my approval, S. 3175.

I do this with great reluctance. The bill contains many valuable amendments to the present immigration law which will insure greater certainty in excluding undesirable immigrants.

The bill received strong support in both Houses and was recommended by an able commission after an extended investigation and carefully drawn conclusions.

But I can not make up my mind to sign a bill which in its chief provision violates a principle that ought, in my opinion, to be upheld in dealing with our immigration. I refer to the literacy test. For the reasons stated in Secretary Nagel's letter to me, I can not approve that test. The Secretary's letter accompanies this.

WM. H. TAFT.

THE WHITE HOUSE, *February 14, 1913.*

The SPEAKER. The Clerk will read the message from the Senate.

The Clerk read as follows:

The Senate having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States," returned to the Senate by the President of the United States, with his objections, and sent by the Senate to the House of Representatives, with the message of the President returning the bill:

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

Mr. MURRAY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MURRAY. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURRAY. Since the real meat of the veto is in the short letter from Secretary Nagel, is it in order to request a reading of the Secretary's letter as a part of the veto message?

The SPEAKER. The Chair does not think it is a part of the veto.

Mr. MURRAY. Mr. Speaker, may I call the attention of the Chair to the definite reference in the letter of President Taft to the reasons stated in Secretary Nagel's letter to him which is appended to the veto and made a part of it by reference?

The SPEAKER. The Chair knows, but every time the President sends messages in here he refers to some other documents and he might refer to enough documents to take three days to read them.

Mr. MURRAY. I am sure it is not in this case—— [Cries of "Regular order!"]

The SPEAKER. The Chair rules it out.

Mr. MURRAY. Mr. Speaker, I would like to ask unanimous consent that the letter of Secretary Nagel, which takes only two or three pages, be printed for the information of the House.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to have Mr. Nagel's letter printed.

Mr. BURNETT and others. I object.

Mr. MANN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MANN. For a request for unanimous consent. I ask unanimous consent that the previous question may be considered as ordered and that the debate be 30 minutes on a side instead of 20 minutes on a side.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the previous question shall now be considered as ordered and to have 30 minutes of debate to a side instead of 20 minutes.

Mr. MOORE of Pennsylvania. Mr. Speaker, does that mean to dispense with a vote on the previous question?

The SPEAKER. It undoubtedly does.

Mr. MOORE of Pennsylvania. So that we can come directly to a vote on the bill itself?

The SPEAKER. Yes. Is there objection? [After a pause.] The Chair hears none. The previous question is ordered, and the gentleman from Alabama [Mr. BURNETT] is recognized for 30 minutes and the gentleman from Illinois [Mr. SABATH] for 30 minutes.

Mr. BURNETT. Mr. Speaker, this matter has been debated for more than a year, time and time again, and so far as I am concerned and so far as the friends of the bill are concerned I believe we are ready to vote upon this question, and so far as we are concerned we would be willing to waive, if the gentlemen on the other side would, the 30 minutes debate on a side and reach a vote at once, and I ask the gentleman if he will not agree to that proposition.

Mr. SABATH. Mr. Speaker, personally I have no objection and I would be willing to have a vote taken now, but there are some gentlemen who have requested me to yield them some time and if I can secure their consent to waive the time of debate I am willing——

Mr. MANN. This is just a waste of time.

Mr. BURNETT. Well, we will go ahead. [Cries of "Vote!"]

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. I would like to know what this proposition is.

The SPEAKER. The proposition is that the gentleman from Alabama [Mr. BURNETT] proposes to waive the 30 minutes if the gentleman from Illinois [Mr. SABATH] will waive his time.

Mr. MOORE of Pennsylvania. And come directly to a vote?

The SPEAKER. Why, of course.

Mr. MOORE of Pennsylvania. On the passage of the bill over the President's veto?

Mr. JAMES. I would suggest to the gentleman that could be done by unanimous consent.

The SPEAKER. If the two gentlemen themselves agree, the Chair will put the unanimous-consent matter.

Mr. SABATH. I desire just one-half a minute in which to consult with the gentleman from Pennsylvania [Mr. MOORE] on this proposition.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is the gentleman from Alabama [Mr. BURNETT].

Mr. SABATH. Mr. Speaker, I will agree to the proposition.

Mr. BURNETT. The gentleman does agree to that. I ask unanimous consent——

Mr. CURLEY. I object.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] will proceed.

[Mr. BURNETT addressed the House. See Appendix.]

Mr. CLAYTON. Mr. Speaker, I shall vote to override the President's veto and to sustain this legislation because my immediate constituency are in favor of restricted foreign immigration, and because I believe they are right in that view. My objection to this bill is that it does not go as far as I would like it to go in the matter of restricting such immigration. Mr. Speaker, I shall vote for it for the further reason that the industrial organizations throughout the Union are in favor of this legislation. In every department of industrial life where there is an organization, that organization, speaking for the constituency represented by it, has asked for this legislation. That includes the Federation of Labor, the Farmers' Union, and the National Grange, and all like organizations.

Another reason why I shall vote in favor of this legislation is that time after time on this floor Democrats have said that the labor of this country was not protected by high tariff because pauper labor was brought in from Europe from time to time to compete with the honest, skilled labor of America. I believed there was truth in that proposition, and I believe that there ought to be some legislation in behalf of the great industrial workers of this country to protect them against the cheap pauper labor of Europe.

Mr. MURRAY. Mr. Speaker——

The SPEAKER. Does the gentleman from Alabama [Mr. CLAYTON] yield to the gentleman from Massachusetts [Mr. MURRAY]?

Mr. CLAYTON. I can not yield to the gentleman. Some of the very best reasons assigned for overruling the veto of the President is in a letter of Prof. Jenks, dated February 8, 1913, and addressed to the President on this very question. I have not time to read it, but shall ask unanimous consent to print it as a part of my remarks. And I also desire to have printed in the RECORD the statement of Frederick A. Pope, the public prosecutor of Somerset County, N. J.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CLAYTON. Mr. Speaker, the letter of Prof. Jenks is as follows:

FEBRUARY 8, 1913.

MY DEAR MR. PRESIDENT: I have noted in the papers that you have before you for consideration the new immigration bill, and that February 6 you gave a hearing on the bill. As a former member of the Immigration Commission, who gave a great deal of time to the consideration of the subject, I trust that I may express an opinion regarding the bill. The fundamental reason why there should be at the present time a rather widely extended restriction of immigration is the fact that the number of unskilled workers coming in at the present time is sufficient to check decidedly the normal tendency toward an improved standard of living in many lines of industry.

Of course I am well aware of the fact that Mr. Hourwich in his new book, as often before, and many others claim that the bringing in of these laborers simply fills the demand for unskilled workmen and that the American laborers and the earlier immigrants go to higher positions. That was doubtless true earlier; that is doubtless true in part now, but the figures collected by the Immigration Commission, on a sufficient number of industries in different sections of the country to give general conclusions, prove beyond doubt that in a good many cases these incoming immigrants actually drive out into other localities and into other unskilled trades large numbers of American workingmen and workingmen of the earlier immigration who do not get better positions, but, rather, worse ones. My own judgment and that of a number of our investigators when the work of the immigration Commission began was substantially that upheld now by Mr. Hourwich and those who agree with him. But Prof. Lauck, our chief superintendent of investigators in the field, and, so far as I am aware, every single investigator in the field, before the work ended reached the conclusion from personal observation that the tendency of the large percentage of immigration of unskilled workers is clearly to lower the standard of living in a number of industries, and the statistics of the commission support this impression. I therefore changed my earlier views.

I think the illiteracy test is theoretically sound. It is, of course, true that it does not reach the criminal. It is not intended for that purpose. It is also true that at times it excludes the good laborers. The fundamental fact, however, is this—that on the whole it excluded the laborers from southern Italy and Austria-Hungary of the type that the commission unanimously thought ought to be excluded at the present time, especially the single man who comes here to stay only temporarily and who, in consequence, having no permanent interest in the country, eagerly accepts living conditions lower than those which would be accepted by Americans or the earlier immigrants. It should be kept in mind that the Immigration Commission was absolutely unanimous in the opinion that there should be restriction; also unanimous in the further opinion that this class of immigrants whom I have mentioned were the ones who should be excluded, and the illiteracy test would exclude just this class.

Mr. Bennet objected to the illiteracy test and wished to reach the same result by other means, and I should have agreed with him, as I think would Dr. Neill and perhaps other members of the commission, had we believed that it was practicable to reach that result in any other way. Considering the temper of Congress and the other measures proposed, the illiteracy test seemed the only practical way. The present action of Congress seems to confirm that view.

I notice in yesterday's morning paper that Mr. Bennet suggested that, inasmuch as this bill is faulty in certain minor particulars, it would be wise for you to veto it and let the incoming Congress pass another bill to the same effect if it wishes to do so. It strikes me that the argument should rather be that if this bill is in its main principle of exclusion sound, and on that point Mr. Bennet agreed with all the other members of the commission, Republicans and Democrats, it would be wise for you to sign the bill and let the incoming Congress make such minor changes in the laws as it might see fit to make.

I trust that since this bill is in the main in accord with the unanimous opinion of the Immigration Commission, the one body of men that has really made a thoroughly sound, scientific study of the question, you will see your way clear to giving it your approval, even though it may have minor defects.

Very respectfully and sincerely, yours,

JEREMIAH W. JENKS.

The PRESIDENT,
Executive Mansion, Washington, D. C.

And the statement of Mr. Pope is as follows:

My duties as prosecuting attorney of Somerset County, N. J., have given me an excellent opportunity to check up in one important particular the investigations and conclusions of the Immigration Commission with reference to the illiteracy test. During the last two years I have kept a careful record of the last 114 criminal cases that I have prosecuted against aliens, with the following interesting results:

	Illiterate.	Literate.
Homicide	3	
Atrocious assault and battery	34	6
Simple assault and battery	9	2
Larceny	14	2
Sexual crime	7	1
Perjury	2	1
Excise	11	5
Marriage	3	1
Frauds	2	4
Miscellaneous	6	1
Total	91	23

The following conclusions were deducible from the above:

(1) Of the 114 crimes committed by aliens, 54 were acts of personal violence; and of these 54, 46 were committed by illiterates, while only 8 were chargeable to those able to read and write.

(2) Of the 46 committed by illiterates, 3 were homicides, 34 were atrocious assaults (by maiming and wounding with a deadly weapon), and only 9 were simple assaults, showing conclusively that the illiterate alien 37 times out of 46 makes use of a deadly weapon in order to avenge his wrongs, fancied or real.

(3) Out of 16 cases of larceny (stealing of all kinds), 14 defendants were illiterate.

(4) Out of 8 sexual crimes 7 were committed by illiterates, 3 of these being carnal abuse of infants under 10 years of age.

(5) Out of 3 perjury cases, 2 were against illiterates; that is, of those brought to justice.

(6) Out of 16 cases for violation of excise laws, 11 were illiterates, showing an utter disregard for laws.

(7) Of the 4 crimes against the institution of marriage, 3 were illiterates.

(8) Only in cases of fraud did the literate exceed the illiterate.

I am, Mr. President, sincerely, yours,

FREDERICK A. POPE,
Prosecutor of Pleas, Somerset County, N. J.

The SPEAKER. The time of the gentleman has expired.

Mr. BURNETT. Will the gentleman from Illinois [Mr. SABATH] use some of his time?

Mr. SABATH. Mr. Speaker, I yield 15 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. CANNON].

The SPEAKER. The gentleman from Illinois [Mr. CANNON] is recognized for three minutes.

Mr. CANNON. Mr. Speaker, whatever the vote of this House may be, I shall record my vote against this unwise and, in my judgment, unpatriotic legislation. [Applause.]

Oh, Mr. Speaker, they speak of the urban population. Yes; the farmers' sons go to the city; then you turn around and say that the foreign population goes to the city.

The high cost of living is a shibboleth on your side, and yet the farmer, without labor, can not produce what he otherwise would.

It is stated that all federated labor is for this legislation; federated labor, composed in the main of people who have come across the ocean to our country, and have federated, and want to shut out their brethren now that they are here enjoying the blessings of our country.

The literacy test is sought to be imposed, and yet God knows that the people who have cursed this country by coming here from abroad are the Black Handers and the men who can read and write, the men who are accomplished.

I can not in three minutes characterize this bill as I feel I ought to. The gentleman from Alabama [Mr. CLAYTON] glories because the Federation of Labor and his constituents stand for this bill. I would to God that this labor might come and go to

Georgia and Alabama and elsewhere in the South, and you would then feel there the quickening influence from it that the Northland has felt. [Applause.] The gentleman speaks of the farmers' union. Oh, the farmers' union——

Mr. CLAYTON. That labor does not go to the farms. It stays in the towns and cities, and in the South it does not engage in the production of anything in the country.

Mr. CANNON. The gentleman says the farmers' union is for this legislation. What is the farmers' union? Does it represent the farmers of the Northland? No. Your farmers' union down South, abounding in prejudice, cooperates with Mr. Gompers's organization. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. BARTHOLDT].

The SPEAKER. But the gentleman has not the time to yield.

Mr. MOORE of Pennsylvania. I have 15 minutes. I yielded 3 minutes to the gentleman from Illinois [Mr. CANNON] and I yield 3 minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, no matter what the result of to-day's vote may be, one fact stands out most prominently, and that is the magnificent courage of President Taft and his unswerving loyalty to American ideals and American traditions. [Applause.]

This action in vetoing the immigration bill will be admitted by all, whether they voted for or against it, to be a splendid manifestation of these superb qualities, and will, I believe, challenge the admiration of friend and foe alike.

Speaking of the merits of this bill, who dares say the President is wrong? It is true that a majority can do what it pleases within the limitations of the Constitution; but it is no more true that a majority is always right than that the view which is temporarily popular is always the right view. The President has had the courage to put right and truth and honesty above all other considerations, and in doing so he is teaching a lesson in his plain and unostentatious way that will go down into history and will continue to stand as a true expression of Americanism, even at a time when we shall all be dead and forgotten.

What are the facts in this case, Mr. Speaker? Congress passes a bill with the avowed purpose of restricting immigration, but instead of honestly closing the gates altogether or instead of honestly saying "We want only so and so many to come every year," we hypocritically ride the high-horse of education by providing for a literacy test which will in effect shut out all those we want and admit those we do not want.

And this is not even the whole extent of the mental dishonesty displayed by the advocates of this legislation. By excluding the illiterate we aim to pose before the civilized world as a people actuated by our regard for education, while in reality we do not care for even educated immigrants, but use the educational test only as a mask to hide our real purpose, which is restriction. And then what? Then comes the climax, for after experts have demonstrated by facts and figures that there is not a single economical or political reason for such restriction, we stand unmasked as following the dictates of those who are actuated by racial prejudice and religious intolerance and are know-nothings, pure and simple.

Mr. Speaker, it was charitable on the part of the President that he passed over these objections without enumerating them, but his silence is as eloquent as it is charitable. Those who would read and learn can glean the truth from the masterly report made to the President by one who speaks from practical experience and intimate knowledge of this question, Secretary Nagel. History will justify the President and those who stand with him.

Mr. MOORE of Pennsylvania. I yield three minutes to the gentleman from Massachusetts [Mr. CURLEY].

The SPEAKER. The gentleman from Massachusetts [Mr. CURLEY] is recognized for three minutes.

Mr. CURLEY. Mr. Speaker, the contention has been made here by the chairman of the Committee on Immigration and Naturalization that the President's action was based solely on the report of the Secretary of Commerce and Labor. Mr. Speaker, as one who recognizes the good judgment and the wisdom of taking one's watch to a jeweler when it is out of repair rather than taking it to a blacksmith, I want to say that the action of the President in basing his position on the question of the literacy test on the report of the Secretary of Commerce and Labor bases it upon the most solid possible ground. [Applause.] The man who is charged with the responsibility of enforcing the provisions of statute law with reference to immigration is the man who is best qualified to judge as to what test should be applied and what test should not be applied.

I want to say that the enactment of this bill after the action of this House with reference to the memorial to Abraham Lincoln, the great emancipator, by an almost unanimous vote, within one week, is certainly a singular contradiction of thought upon the part of the membership of this House.

For more than 125 years the agitation has gone on to restrict the illiterate, to shut out the illiterate, and the best basis for the position taken is said to be this organization, the Junior Order of American Mechanics. They have lobbied Members of the House, they have written to Members of the House, they have secured pledges from the Members of the House, to do what? To vote in favor of a sugar-coated pill, the Burnett bill; but those men who promised should realize that their promise did not go to the extent of a bill of the character that is before this body for consideration to-day.

I want to say what I realize, that every man in this House knows that the highly educated man will not do common labor; that the farmers of this country find it difficult, if not impossible, to keep their own sons on the farm; that their own sons go to the cities, and that our net increase on account of immigration has only been one-half of 1 per cent each year for the last 5 years, whereas for the 50 years before it was 10 per cent.

I beg at this point to have incorporated a letter received from the head of the National Polish Alliance and certain telegrams from lovers of liberty.

POLISH NATIONAL ALLIANCE OF THE
UNITED STATES OF NORTH AMERICA,
PRESS AND INFORMATION DEPARTMENT,
Chicago, Ill., February 17, 1913.

Hon. J. M. CURLEY,
House of Representatives, Washington, D. C.

MY DEAR MR. CURLEY: I did all I could to help you in the unequal fight conducted so gallantly against the racial prejudice and bias of the misinformed restrictionists. That I did not do more is not my fault. As you can see from the clippings which I am sending you under separate cover, I have been actively engaged in writing about this matter throughout the entire month of December, just as I did during the last session of the Congress. The trouble with the representatives of our organizations is that they, being recruited from a new branch of immigration, trust implicity to the sense of American fairness and are unable to comprehend the injustice done to them and to act accordingly.

On December 21 last, when I succeeded in calling a joint meeting of the respresentatives of the various Polish organizations, I proposed to nominate at once a conference board or committee to study the immigration question thoroughly and be ready to go at any time to Washington in answer to summons. As a matter of fact, I foresaw this contingency in May of 1912 and wrote accordingly, repeating again my warnings in early December. But, as I said, our leaders did not grasp the situation, and it was very difficult to convince them that I was right. Further, our organizations are not well off financially, and have no special funds to plan and to conduct such a contest effectively. You see, then, the obstacles I had to contend with.

There is no end to arguments against the restriction policy, if only somebody would delve into the enormous piles of official undigested statistics. I suppose that you are acquainted with a book recently published about the immigration "problem" called "The Immigration and Labor," by I. A. Hourwich, Ph. D. You will find therein many valuable assets to the analysis of our neglected statistical matter.

While in Washington I have been delving into the 42 volumes of reports of the Immigration Commission, and have discovered many blunders and inconsistencies. The material collected therein is good and true in many instances, but the conclusions drawn therefrom are wrong and inconsitsent with the data furnished.

When I think of the causes which called this Immigration Commission into existence they remind me of the secret Russian agency called "Ochrana." Whenever there is a Russian citizen who is rather bold in expressing his opinions about the autocratic form of the Government or shows his displeasure at some of the inhuman methods, then "Ochrana" is instructed to collect evidence against him. And "Ochrana," faithful to instructions, does it by sending agents—"provocateurs"—who incite the unsuspecting victim against the Government, draw him into a net of conspiracies, and then give him away to a tribunal to be convicted on evidence thus obtained.

The Immigration Commission was created in 1907 for the express purpose to investigate whether there is any ground to pass a literacy-test law. And although the material collected by the commission, in spite of the prevailing bias and antiforeign feelings, speaks against such a law, her conclusions must naturally tally with the instructions, even though they conflict with the data upon which based and from which drawn.

I have been studying this project very impartially and cooly. Personally, although I realize the almost insurmountable difficulties the Poles of Russia have to acquire the most rudimentary education, I think that such a law would benefit them to a certain extent intellectually, because they would study how to read surreptitiously, even though they would have to spend sleepless nights and risk jail for it. But just think of their economical loss as well as the loss of opportunity to study here and to acquire that God-given love of liberty and human rights which permeates every alien in the United States. Its the environment that makes a man out of him in spite of himself; and to favor such a law a man must cease to be a man and must become deprived of conscience and despoil himself of every vestige of righteousness and justice.

This is the reason why I am fighting this law, not as an alien, but as an American, even though I am a naturalized one. There is an excuse for an alien who is misguided to such an extent by the sophistry of the thing as to believe this law beneficial to his countrymen, but there is no such excuse for an American who boasts of an immaculate record of his country's history who is proud of the time-honored principles of liberty and equality of opportunity.

I noticed in the CONGRESSIONAL RECORD that Mr. BURNETT, in his winding-up speech on the floor of the House, said something about the "swan songs of the Hammerling clans and the rubber-heeled treading of the corridors by the steamship companies' agents * * *." I

would like to answer him that if the upright and honest organizations who oppose this bill had as much money at their disposal as do the Junior Order of American Mechanics, the grange, the misguided leaders of the various labor unions, and the like, there would be, perhaps, a different story to tell. But we are poor; we do not possess sufficient means to gather material and data to rout the flimsy charges against the immigration; in a word, we are unable to defend ourselves, and this is the reason of our summary conviction, passed on us by trampling upon the most fundamental principle of justice, "Audiatur et altera pars." We are not heard; the trial is one-sided, and the verdict is based upon arguments submitted by the restrictionists.

* * * * * * *

Coming to the illiterate, there is a point that has not been fully discussed and properly brought to the front in this contest. Doubtless you have heard about frequent failures of the so-called "foreign banks" and "ticket agencies," wherein the poor, ignorant immigrants keep their savings. Now, these banks and agencies are usually operated by the educated immigrants. The restrictionists do not go deep enough into the psychology of foreign races. An educated man in Europe is brought up in a peculiar way. Thanks to the environment, he considers manual labor as degrading or below his calling. When he comes to the United States and finds himself in a community fundamentally different from his own, and further finds out that without the knowledge of the English language and customs prevailing here he is unable to find a suitable occupation, very frequently from an honest man he turns into a bird of prey, into a social parasite. His prey naturally is his own ignorant countryman. And this is the kind of immigration the restrictionists favor as against the ignorant but sturdy and honest worker.

The remedy for this evil is not in the debarring of the ignorant, honest immigrant, but in protecting him against the unscrupulous, educated bird of prey of his own nationality, and this is a point worthy of the consideration of our legislators.

There is an outcry against the swamping of Americans in the sea of foreigners invading this country. Tommyrot. So far the United States have been able to swallow and to assimilate more foreigners than any other country under the sun. Why? Because of the individual, racial, and social liberties enjoyed here by everybody. But once this country will raise an outcry and tell to certain foreigners that they are inferior and undesirable, or try to assimilate them par force, we will witness a reaction in the ranks of the offended nationalities. The most ignorant alien will naturally ask himself this question: "Why am I really inferior to an American? Let us see what the history of my people tells me." And he will study that history; he is bound to find out, then, of the great achievements and noble deeds of his ancestors, whether he be a Pole or an Italian, and will start to detest Americans for unfairness. Thus we are apt to create a racial problem within this country, because there is no man in this world who is not proud of his or his father's country's history and past greatness. This pride is inborn in us, and we will die with it.

Nine years ago I was in South America, where I was brought up and educated, although I am a native of Poland. From that distance I admired the American progress, institutions, and, above all, the American liberty. Not having a country of my own, I burned with the desire to make this my home. I came here in 1904, and that same year saw me in the ranks of this country's defenders—American Army. I broke the precedent by getting my naturalization papers before the required five years' residence, thanks to my military service.

When I landed in New York and my eyes rested upon the awe-inspiring skyscrapers, I felt an inner pride that many of my countrymen worked and died in their construction. When my eyes wandered upon the wonders of modern engineering, the Brooklyn bridges, I felt again a big man at the thought that one of them was designed by a countryman of mine, Ralf Modrzejewski, son of the famous Polish-American actress of that name.

But, after nine years of close scrutiny of the inner works of this great Republic—my adopted country—after witnessing the naturalization law of 1906, immigration law of 1907, and standing now in front of the most un-American project, my faith in America is shaken.

In 1876 Mr. C. Randolph, of Chicago, at one of the hearings in Congress, called the then newly projected head tax as a "lawless and unjust tariff on human flesh." To-day the same Congress found it advisable to let this income flow freely into the coffers of the Department of Commerce and Labor, without even mentioning the source, although the original intention was to use it to defray the accessory expenses in the regulation of immigration. How do the times change. * * *

There looms large before my vision the fearless figure of Payne, protesting in the name of this young Republic against the dastardly crime of the French Commune, the regicide of Louis XVI; I see further the gigantic form of Lincoln giving liberty to millions of physically and morally oppressed human beings; I vividly recall the latest noble deed of this country, the Spanish War, waged for the oppressed Cubans. But all this traditional love of liberty and justice, this readiness to defend the weak and the oppressed against the strong and the oppressors, is obscured by the latest inhuman project to keep away from this land those that produced this country's wealth, sacrificing to this end their limb, vigor, health, and life, and taking away in exchange a paltry 3 per cent of the fruit of their labors.

Yours, devotedly,

JOS. KAROSIEWICZ.

—

NEW YORK, *February 16, 1913.*

Hon. JAMES M. CURLEY, M. C.,
Washington, D. C.:

The Hebrew Sheltering and Immigrant Aid Society, composed of American citizens in all parts of the country, respectfully prays that you exercise your functions as a representative of the people in Congress and refuse to pass the immigration bill (S. 3175) over the veto of His Excellency William H. Taft, President of the United States. This bill contains uncalled for drastic provisions which are bound to exclude from our shores decent, law-abiding men and women, for no good reason, no matter what the motives of the authors. The bill is based upon false notions. We are convinced, as an organization that has worked among immigrants for a quarter century and is coming in daily contact with every strata of immigration, that our immigrants in this country have made good. In their loyalty to the United States they rank next to none. In their patriotism and devotion to the principles of liberty they occupy the same place as any patriotic native American. They appreciate our glorious institutions more than a great many Americans who can trace their ancestry back for several generations. They have not given cause for the Congress of the United States to legislate the exclusion from our shores of their kind. We are satisfied that the calm judgment of the American people is not in favor of the further restriction of immigration. Our laws provide sufficiently against the incoming of the mentally and physically unsound, and these laws are rigidly enforced by the United States Government. Our country is large enough and there are enormous stretches of land lying bare and awaiting the human hand and brain to develop them. We pray that you do not permit the spirit of "narrow nativism" to override the just veto of the Chief Executive of this Nation.

Respectfully,

LEON SANDERS, *President.*
JACOB MASEEL, *Secretary.*

—

PASSAIC, N. J., *February 17, 1913.*

Hon. JAMES M. CURLEY,
House of Representatives, Washington, D. C.

SIR: We, the undersigned members of the North Jersey Italian Progressive Political Club, do hereby protest against the enactment of the Burnett bill (H. R. 22527), which provides for the educational test, believing that the existing laws are sufficient to bar any undesirable immigrants, such as diseased persons and criminals, from entering this country. We also consider that the educational test and other like measures will only tend to deprive the United States of so many honest, sturdy workers. We can only hope now that the Senate and honorable President Taft will not join the House in its decision, but will come to a better understanding as to wishes of the majority of the American people having always at heart the best interests of the country.

FRANK VITOLE, *President,*
J. KISCIELLA, *Secretary,*
79 Bogart Avenue, Garfield, N. J.

Mr. MOORE of Pennsylvania. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, the gentleman from Alabama [Mr. CLAYTON], in discussing this measure a few minutes ago, said that the skilled labor of the country demanded this legislation. As a matter of fact, the illiteracy test will reach but a very small percentage of skilled labor. The illiterates are unskilled laborers, and it is unskilled labor that this country needs. [Applause.]

The gentleman is probably unaware of the fact that in his own State of Alabama 10⅞ per cent of the native whites of native parentage in that State are illiterates, and yet he, forsooth, would close the door of opportunity to people who would come here to earn their bread in the sweat of their brows; people who probably did not have the opportunity for acquiring an education in their own countries. How can he or his colleague [Mr. BURNETT] explain the great prevalence of illiteracy in their own State? Illiteracy among native-born Americans, if you please. Sweep your own doorsteps, gentlemen, before you complain of illiteracy among foreigners who have not had such opportunities as your own constituents have had for acquiring an education.

We in the West need unskilled labor. Our section is not as well developed as these eastern sections are. We need railroads to bring our products to the markets. The educated man does not care to and will not do the hard work of digging trenches, of laying ties and tracks, of ballasting roads. All over this country this kind of work is being done by illiterate foreigners. The educated, native-born citizens will not do it. In Germany and England, as well as in the United States, uneducated foreigners are depended upon to do this class of work. Educated men do not go onto the farms and work under all the conditions required of farm laborers. We have thousands, yes, hundreds of thousands, of acres of land in the West that would be cultivated if the labor were there to cultivate them. Their cultivation would add materially to the food products of this country. If we could get the labor to cultivate these farms, there is no doubt in my mind that we would be able to solve, in part at least, the question of the high cost of living. We have a demand for unskilled labor in the West far in excess of the supply. I favor many of the provisions of this bill. With the omission of the literacy test I would favor it. But I do not believe that test will keep out a single undesirable immigrant, and therefore I shall vote to sustain the President's veto.

Mr. MOORE of Pennsylvania. Mr. Speaker, the gentleman from Alabama [Mr. BURNETT], who has devoted himself most earnestly to the passage of this measure, and who will be entitled to most of the credit or discredit for it if it passes, has indicated that for months, even for years, we have debated this question in the House. I contend that the bill, as it comes before us now with the President's veto, has never been discussed in the House. We have had one section of the bill here for discussion, that pertaining to the literacy test alone, but all other features of the bill originated in conference, and have been brought here in every instance and forced through the House under the previous question. There has been no fair opportunity to debate the bill in the House.

Gentlemen upon the other side, who are posted upon this measure, have indicated that its passage will shut out of the country 250,000 immigrants per annum who can not read. If that is the effect of the bill, in a monetary sense alone, apart from the

loss of blood and sinew involved, it will mean that we would lose at least $1,000,000 per annum collected now by way of head tax at $4 per head.

But that is not the only side of the question. In shutting these men out and losing the value of their labor, in losing the head tax, which is a reduction of the revenues of the country, I suggest to the economists on the other side who are preparing economical public building bills and economical naval bills, that the Department of Commerce and Labor estimates that the enforcement of this act, if passed, will cost $1,173,000 per annum. You are going to fasten that charge upon the Government while you deduct from it the $1,000,000 in head tax that you would have collected from those who will be shut out. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, we are indebted to Secretary Nagel, of the Department of Commerce and Labor, for his clear and forceful letter to the President on this subject. He has indicated the difficulties that will arise in the enforcement of the act and has pointed out the hardship of the literacy test, but he is only one of many of the great thinkers who have enlightened us upon this matter. The distinguished historian-statesman, HENRY CABOT LODGE, in an address before the Boston City Club in March, 1908, discussing the assimilation of aliens, among other things, said:

"Within the last 20 years, however, there has been a great change in the proportion of the various nationalities emigrating from Europe to the United States. The immigrants from Great Britain and Ireland and from Germany and Scandinavia have come down in numbers as compared with immigrants from countries which, until very recent years, sent no immigrants to America. We have never received, and do not now receive, any immigration from Spain or any considerable immigration from France and Belgium. The great growth in recent years in our immigration has been from Italy, from Poland, Hungary, and Russia, from eastern Europe, from subjects of the Sultan, and is now extending to the inhabitants of Asia Minor. With the exception of the Italians, these people have never been amalgamated with or brought in contact with the English-speaking people or with those of France, Germany, Holland, and Scandinavia, who have built up the United States. I except the Italians, not merely because their noble literature and splendid art are a part of our common inheritance, but because they are conspicuously one of the countries which belong to what is known as western civilization. They, like ourselves, are the heirs of the civilization of ancient Rome, and until one has traveled in eastern Europe and studied the people one does not realize how much this signifies.

"I am not concerned here with whether the civilization of Rome was better than that of Byzantium, or of the Orient, or of China. I merely state the fact that the civilization of Rome was a widely different civilization from the others, and that was the civilization whose ideas we have inherited. In eastern Europe the people fell heirs, not to the civilization of Rome, but to that of Byzantium, of the Greeks of the lower empire. As an example of what I mean, the idea of patriotism—that is, of devotion to one's country—is Roman, while the idea of devotion to the emperor, the head of the state, is Byzantine. I point out these differences merely as conditions of the problem of assimilation which we have presented to us."

But the main point of objection which the President points out in his veto message is the literacy test—the barring of the door of hope to the poor and unfortunate immigrants who can not read. To this provision I have been opposed because I can not believe it is patriotic or humane for those of us who are already admitted to the United States to deny the right to others who want to come, simply because they can not read. One of my fellow townsmen, Mr. Louis S. Amonson, has so effectively dealt with this phase of the question in verse that I submit from him the following:

A MESSAGE TO CONGRESS FROM THE MEN AT THE GATE.

We've dug your million ditches,
  We've built your endless roads,
We've fetched your wood and water,
  And bent beneath the loads.
We've done the lowly labor
  Despised by your own breed;
And now you won't admit us
  Because we can not read.

* * * *

We've given honest labor,
  And liked our humble lot;
Our children learn the letters
  Their fathers haven't got.
We've fled from persecution
  And served you in our need,
But now you would debar us
  Because we can not read.

Most crooks are educated,
  And to the manner born;
Their white hands show no callous,
  They look on us with scorn.
Mere learning is not virtue,
  The word is not the deed;
Disdain, then, not your toilers
  Because they can not read.

Good friends, if we are brothers,
  Why do you raise this test?
Will talk, then, till your acres
  And feed your people best?
Your children, trained as idlers,
  Some workers you must need;
Don't bar our only refuge
  Because we can not read.

Your farms are half deserted,
  Up goes the price of bread;
Your boasted education
  Turns men to clerks instead.
We bring our picks and shovels
  To meet your greatest need;
Don't shut the gates upon us
  Because we can not read.

I also submit the following telegram asking that the President's veto be sustained:

PHILADELPHIA, *February 18, 1913.*

J. HAMPTON MOORE,
House of Representatives, Washington, D. C.:

In behalf of the 2,000,000 of members of the National German-American Alliance, I respectfully request you to sutain the President veto of the immigration bill.

C. J. HEXAMER, *President.*

New York, February 18, 1913.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.:

At a special meeting of the board of directors of the American Association of Foreign Language Newspapers, representing 20,000,000 naturalized American citizens, I am directed to appeal to you to sustain the President's veto of the immigration bill with its iniquitous literacy-test clause.

LOUIS N. HAMMERLING, *President.*

Mr. BURNETT. Mr. Speaker, I will now ask the gentleman from Illinois to yield some of his time.

[Mr. HAMILL addressed the House. See Appendix.]

Mr. BURNETT. I now yield 3 minutes to the gentleman from Ohio [Mr. BATHRICK].

Mr. BATHRICK. Mr. Speaker, I regret that I can not join my colleague from New Jersey [Mr. HAMILL] in extending profuse compliments to the President of the United States for his action in this matter. I think, on the other hand, that it is entirely proper on this occasion to call attention to the fact that this act of the President in vetoing this bill is the most sublime piece of inconsistency he has inflicted on this country since he has been in that high office.

It is not long since, as we all know, he vetoed a bill designed to reduce the tariff protection upon goods made by manufacturers of this country, and at the same time proclaimed the gospel of the wonderful high standard of American labor.

Now he refuses to give the labor of the country any protection at all against competition. He has plainly stated by his veto of the woolen goods bill and the steel bill that the manufacturers of these necessities of life, shall have high protection for what they sell. He also plainly states in his veto of the immigration bill that he is not in favor of any protection at all for the laborer who has only his labor to sell. He closes our ports against what the labor must buy that it may be sold at higher prices, but opens wide our ports for competitors to what the laborer sells that it may be sold at lower prices.

In his message he refers to Secretary Nagel, Secretary of Commerce and Labor. I say that Secretary Nagel is not secretary of commerce and labor in this matter. He has entirely forgotten that part of his department that has reference to labor. He is secretary for commerce alone; that kind of commerce that has memorialized you and me to vote in such a way as to bring in more competition to the labor that they say should be maintained on the high standard of America and

at the same time request that their tariff shall not be reduced and that they shall not have foreign competition in their business. In the name of consistency, where is the jewel in this case?

Some of the opponents of this bill raise a great hue and cry about the illiteracy test. Is it a hardship to ask a coming citizen of this country to read 40 words of his own language? Men can work as well and a little better who know how to read. It surely will not make them worse laborers.

Members from some States where they require an educational test for voters are against this bill. Do they deem it justice to ask more of their citizens now here than of those to come from abroad? Voting is the exercise of citizenship. Do these Members confess that the illiterates are never to become citizens of this country? If so, are they to be only hewers of wood and drawers of water, to be governed by others?

To vote against this bill is to refuse to strengthen our contract-labor law, which is a mockery to labor. To vote against this bill is to refuse to strengthen the Government's right to export the insane, the criminal, the immoral, and to refuse to aid in tightening our lines against disease.

Read the bill. These are the things you are against if you are against the bill.

Mr. BURNETT. I now yield three minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I yield to no man in this House in admiration and respect for President Taft. [Applause.] I have always voted to sustain his vetoes in this House, but I can not follow him on this measure. [Applause.] I wish for him success and happiness in his retirement to private life, but I believe it to be my patriotic duty to vote to override his veto in the interest of the American laborer and in the interest of all the American people.

The platform upon which the President was a candidate for reelection carried this plank:

> We pledge the Republican Party to the enactment of appropriate laws to give relief from the constantly growing evil of induced or undesirable immigration which is inimical to the progress and welfare of the people of the United States.

I indorsed that plank in our platform, gave the President my support, and I am acting in absolute good faith in casting my vote to override his veto.

The Republican Party has always stood for the protection of the American wage earner and the American workshop, and it certainly should stand for the protection of the American wage earner from the cheap foreign labor that is flooding the American labor market under the present immigration laws. Every man on this side opposing this measure in the speeches just made stood for and advocated the reelection of President Taft. Our platform was adopted at Chicago by an overwhelming vote of the delegates assembled from every State and congressional district in the United States. The Republican Members of this House owe it to the party and the country to stand here in solid phalanx to keep faith with the promises and pledges written in our platform.

Mr. Speaker, I wish to submit a copy of a letter I sent the President on this bill.

The letter is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 8, 1913.

Hon. WILLIAM H. TAFT,
President, Washington, D. C.

DEAR MR. PRESIDENT: I see from the public press that an effort is being made to influence you to veto the bill recently passed by Congress looking to the restriction of undesirable foreign immigration.

I sincerely trust that said bill will receive your approval. Legislation along these lines was approved, as you well know, in the platform upon which you were a candidate for reelection, and was strongly recommended by your worthy and beloved predecessor from Ohio, Hon. William McKinley.

The bill is in line with the recommendation of the commission created by Congress, which expended about $1,000,000 in a thorough and exhaustive investigation, lasting for several years.

I believe that the sentiment of the American people on this subject was demonstrated in the practically unanimous vote the bill received in the Senate and by the overwhelming majority in the lower House of Congress.

I add my cherished hope to the plea of others in favor of this bill and trust that our appeal to you will not be in vain.

This letter is not based upon passion or prejudice, but alone upon my just and impartial opinion and in the interests of our beloved country. With great respect,

Your obedient servant,
R. W. AUSTIN.

In conclusion I submit correspondence between one of my constituents, a prominent and valuable citizen, and myself on the President's veto of the bill now before the House:

THE CALLAHAN CONSTRUCTION CO.,
Knoxville, Tenn., February 15, 1913.

Hon. R. W. AUSTIN, M. C.,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I see that the President has vetoed the Dillingham-Burnett immigration bill, and his action has immensely pleased me. I would be very proud, indeed, if I could know that you would sustain the President's veto when the effort is made to pass it over his veto in the House, notwithstanding your previous support of the bill.

I don't know of any vote or speech of yours that has pained me more than your support of this measure. I consider the illiteracy test a most vicious provision, and in common with a great many people of the United States believe it is viciously conceived. The greatest Democratic President this country has had, Mr. Cleveland, and he whom I consider one of the greatest Republican Presidents we have had, Mr. Taft, have warned both political parties against this provision.

I was sorry to see in your speech you didn't concur in the claim made by some of the opponents of this bill that it was backed by an organization that was not only unpatriotic but unfair to the illiterate class not only in this country, but in the Old World, who are honest and good citizens, and they are in a deplorable state when they can not look to the able legislators to protect their just rights and their honesty of purpose on account of their forced illiteracy over which they had no control.

Very respectfully, yours,
GEO. W. CALLAHAN.

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 17, 1913.

Mr. GEORGE W. CALLAHAN,
Knoxville, Tenn.

MY DEAR MR. CALLAHAN: I have yours of the 15th, and in reply will state that I regret I can not comply with your wishes in reference to sustaining the President's veto on the immigration bill.

I would be very willing to vote for a modified bill which would even permit an illiterate to come into this country provided he could furnish satisfactory evidence from the land of his birth that he was honest, industrious, law-abiding, and intended to become an American citizen, but this is impossible under the present status of this matter.

The bill before the President was indorsed, with one exception, by every member of the commission appointed by President Roosevelt. This commission was composed of nine persons, who devoted four years of travel and study to the subject and expended a million dollars.

Their report covers over 40 volumes. Legislation along the lines of the restriction of undesirable foreign immigration was approved in the platform upon which President Taft was nominated.

I have absolutely no prejudice against any foreigner, but I am firmly of the opinion that we are getting too many undesirable people. Our eastern cities are overcrowded, and the governor of New York and other officials are appealing for legislation which will take an enormous burden off the taxpayers growing out of the care of the alien insane and criminal classes.

The conditions under which we are receiving foreign immigration is entirely different from what it was many years ago. Then less than 3 per cent of those who came to America were illiterate. Now I believe the estimate is over 30 per cent.

The steamship companies, in order to make money off the immigrants, are encouraging and bringing all classes of people to America, whether desirable or undesirable, and the sentiment in this country is growing rapidly in favor of immediate action on the part of Congress on this subject. This embraces not only public officials, but the farmers' union, labor organizations, and others.

I repeat that I am sorry my views do not meet yours on this subject. With kindest and best wishes to you and yours,

Sincerely,
R. W. AUSTIN.

Mr. BURNETT. Mr. Speaker, I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, practically every immigrant is either a prospective or a possible citizen. Therefore I view all immigration questions primarily from the standpoint of their possible effect upon our citizenship and our institutions. Some gentlemen view this question largely from economic and industrial standpoints. Those matters are entitled to due consideration, but with me the primary question is, How has and how will immigration affect the institutions and citizenship of the Republic? I have so high a regard for the efficacy of our institutions in the transforming of character and in the building up of citizenship from seemingly undesirable material that I am of the opinion that we would be safe, without any further restriction on immigration, if the immigrants now coming and to come in the future could be widely distributed throughout the land and have the benefit of contact with the entire body of our citizenship.

Mr. CURLEY. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Mr. Speaker, I have only three minutes, and I can not yield. Unfortunately, Mr. Speaker, such is not the case; at present the burden of assimilation is laid in the present congested condition of our immigration on comparatively few communities least competent to assimilate it. The literacy test is not a perfect restriction, but it is the best that we know of now.

It is to be regretted that it will keep out some good and honest people, but it will also keep out many who, however honest and well-meaning they may be, not being able to read, can not inform themselves as one should to become an American citizen.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. SABATH. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. BERGER].

Mr. BERGER. Mr. Speaker, we are all immigrants in this country except my good friend, the gentleman from Oklahoma, Mr. CARTER, and he is nine-sixteenths immigrant and seven-sixteenths Indian. [Laughter.] This country was built up by immigration, and it was built up largely by illiterate immigration. No one dares to say a word against the Irish, German, and Scandinavian immigration. It is considered highly desirable, and why? Not only because it is skilled labor—skilled

immigrants are really the competition our trade-unions fear—but because the Irish, German, and Scandinavian have become a big power in this country. That is the main reason. [Applause.] The educational test will certainly fail to limit the immigration of skilled mechanics.

I remember reading that in 1850 the Irish were shot down by the hundreds in the streets of Louisville, Ky., by the old Know-Nothings. "America for the Americans" was the cry of the so-called American party then, as it is the war cry of the modern Know-Nothings. The same objections were made against the Irish and the Germans in 1850 as are made now against the Jews, the Italians, and the Slavs. It was claimed that the Irish and the "Dutch," as the Germans were called, could not be digested; that they could not make good Americans. Now you are glad you have the Irish and the Germans. Fifty years from now you will be glad you have the Jews and the Italians. [Applause.] They will help to build up this country.

I have heard a great deal here about pauper labor. Gentlemen, I am the president of a trade-union. I have fought for high wages all of my life. But I am not afraid of the so-called pauper labor of Europe if you give us a fair chance to organize it. Do not use the police, the deputy sheriffs, the militia, and the courts against men who are fighting to improve their economic condition. Give the working class a chance in legislation. Your present laws are capitalistic; they are all in favor of one class—the employing class.

That is the reason why you have the conditions which prevailed at Lawrence, Mass. It was upon my resolution that the investigation took place. I know the conditions in Lawrence, Mass., better than any of the gentlemen here, and I say, again, that I am not afraid of the pauper labor of Europe if you give us a fair chance to organize the working class. I am against the bill and in favor of sustaining the President's veto.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

[By unanimous consent Mr. BERGER was granted leave to extend his remarks in the RECORD.]

Mr. SABATH. Mr. Speaker, I yield to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Speaker, I want only one minute for the purpose of explaining my vote upon the pending question. Owing to the condition of my health I was unable to be present in Congress during the prior stages of this bill upon its passage. Like all other Members, I for a long time have received a great many communications pro and con this proposition. In reply to one very radical letter in favor of the exclusion of foreign immigration I propounded to my constituent this proposition: If your mother had been an immigrant to the shores of the United States, and she was unable to read or write a word in any language, and you were a Member of Congress, and a measure was pending in Congress containing a provision for the exclusion of illiterate immigrants, what would you do? Mr. Speaker, I can only answer that question, with the approval of my conscience and in accord with the deepest sentiments of my heart, by voting to sustain the veto of the President of the United States. [Applause.]

Mr. BURNETT. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman from Alabama has 13 minutes remaining and the gentleman from Illinois 10 minutes.

Mr. BURNETT. Mr. Speaker, I yield eight minutes to the gentleman from Massachusetts, my colleague on the committee [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, the most legitimate issue in this whole immigration question comes right down to one point. Ought we to embark on a policy of restriction for the sake of restriction, that is to say, restriction for the sake of lessening the number of immigrants, whether good or bad, or ought we not? That is the legitimate issue, and on that issue the President of the United States takes one side and the House of Representatives has taken the other side.

It is because my beliefs are diametrically opposed to the beliefs of the President of the United States that I ask the House to vote to pass this bill over his veto. But, Mr. Speaker, the fundamental question of restriction has scarcely been discussed at all. In fact, most people hesitate to declare themselves in favor of an open door to all desirable immigrants. People say: "Oh, we are in favor of restriction, but we do not like the illiteracy test. That is not the right way to restrict. Why not make a direct restriction in numbers? Why not provide for a suspension of immigration?"

Mr. BARTHOLDT. That would be honest.

Mr. GARDNER of Massachusetts. Why not put a large head tax on the incoming immigrants, says the next man. The answer is this, Mr. Speaker. All those remedies have been discussed year after year. They were all thrashed out before the Immigration Commission which investigated this question at home and abroad. Many of the members of the Immigration Commission at first believed in methods other than the educational test. I understand that Prof. Jenks, of Cornell, and Dr. Neill, of the Bureau of Labor, were at first inclined toward restrictive policies different from the illiteracy test. Finally every single man on that commission, with the exception of Hon. W. S. Bennet, decided that the illiteracy test was the most practical one to impose. Here are the reasons: First, more people are in favor of this test than are in favor of any other test. Second, the weight of this test happens to fall principally on the less desirable immigration. "Yes," you say, "but we need labor on our farms." That may be true. I do not know, but I notice that the Secretary of Commerce and Labor admits that there is congestion of labor in our cities, although he says that it exists only in a few cities. As a matter of fact, over a period of years all the evidence tells a tale of great congestion of unskilled labor in our cities. Distribution is the remedy which Secretary Nagel prescribes. I am one of those who totally disbelieve in the possibility of effecting a practical system of distribution of immigrants. For six years we have had a distribution bureau in the Immigration Service. It has amounted to nothing at all. The State of South Carolina tried an experiment. She imported between 700 and 800 immigrants a few years ago. I am informed, Mr. Speaker, that not one single one of those immigrants imported into the State of South Carolina can now be found within the confines of that State. So much for trying to distribute immigration against the will of the immigrant and in defiance of economic laws. If you distribute him where he is not wanted, either economically or socially, he will not stay distributed.

Mr. CURLEY. Mr. Speaker——

Mr. GARDNER of Massachusetts. I can not yield now. Mr. Speaker, the principal argument made against the illiteracy test is that it does not keep out the criminals and the anarchists, but that it keeps out honest men. Of course it will not keep out all the criminals and all the anarchists, and, of course, it will exclude some honest men. However, on that point I shall present some interesting evidence. I hold in my hand a copy of a letter written to President Taft on February 8, 1913, by Frederick A. Pope, prosecutor of pleas of Somerset County, N. J. Listen to this extract:

> My duties as prosecuting attorney of Somerset County, N. J., have given me an excellent opportunity to check up in one important particular the investigations and conclusions of the Immigration Commission with reference to the illiteracy test. During the last two years I have kept a careful record of the last 114 criminal cases that I have prosecuted against aliens, with the following interesting results.

Now, let us see what these interesting figures tell us. Mr. Pope has prosecuted 114 cases against aliens. We know that out of every 4 immigrants 3 know how to read and 1 is unable to do so. You would expect this same proportion of illiteracy existing among alien criminals. In other words, out of every 4 alien criminals you would expect to find that 3 could read. The very reverse is the case. Prosecutor Pope's experience shows that aliens who can not read join our criminal classes much more readily than aliens who can read. Out of 114 aliens prosecuted by this official 91 could not read and 23 were able to do so.

Here is the table of Mr. Pope's prosecutions, and also the rest of his letter:

	Illiterate.	Literate.
Homicide	3	
Atrocious assault and battery	34	6
Simple assault and battery	9	2
Larceny	14	2
Sexual crime	7	1
Perjury	2	1
Excise	11	5
Marriage	3	1
Frauds	2	4
Miscellaneous	6	1
Total	91	23

The following conclusions are deducible from the above:

(1) Of the 114 crimes committed by aliens 54 were acts of personal violence; and of these 54, 46 were committed by illiterates, while only 8 were chargeable to those able to read and write.

(2) Of the 46 committed by illiterates, 3 were homicides, 34 were atrocious assaults (by maiming and wounding with a deadly weapon), and only 9 were simple assaults, showing conclusively that the illiterate alien 37 times out of 46 makes use of a deadly weapon in order to avenge his wrongs, fancied or real.

(3) Out of 16 cases of larceny (stealing of all kinds), 14 defendants were illiterate.

(4) Out of 8 sexual crimes, 7 were committed by illiterates, 3 of these being carnal abuse of infants under 10 years of age.

(5) Out of 3 perjury cases, 2 were against illiterates; that is, of those brought to justice.

(6) Out of 16 cases for violation of excise laws, 11 were illiterates, showing an utter disregard for laws.
(7) Of the 4 crimes against the institution of marriage, 3 were illiterates.
(8) Only in cases of fraud did the literate exceed the illiterate.
I am, Mr. President, sincerely yours,

FREDERICK A. POPE,
Prosecutor of Pleas, Somerset County, N. J.

Mr. CURLEY. I was going to ask the gentleman how many illiterates had been arrested and indicted for forgery.

Mr. GARDNER of Massachusetts. How many teeth has a hen?

Mr. CURLEY. I will say my purpose in asking that question is the fact that 90 per cent of the inmates of all prisons are literate.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. SABATH. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Mr. Speaker, believing that the objections of the President of the United States to the immigration bill are founded on sound common sense, that they are conceived in the spirit of humanity and American patriotism, and are in complete accord with American principles, I shall vote to sustain the President's veto. [Applause.]

The legislation proposed is unnecessary, harsh, ill considered, and objectionable. It is at last conceded by its advocates that the literacy test is intended as an exclusion measure and that it furnishes no test of character. It is intended under such a test to exclude, however physically and mentally and morally sound they may be, the illiterate foreigners from entrance to our shores. Such a bill violates the traditions of our Republic. It is opposed to the professions democracy has made in the past. It is undemocratic and, as it comes before us, is unworkable in practice.

Mr. Speaker, the bill attempts to reverse our Nation's sound and wholesome policy of receiving the foreigner healthy in mind and body, law-abiding and self-supporting, coming from abroad, where equal opportunity or educational advantages may have been denied them, and affording them under our beneficent system of constitutional government an asylum against oppression and persecution. [Applause.] It is directed against the foreign born wholly, regardless of the fact that immigration has served in an immense degree to build up the country, and in its marvelous development enrich its towns and cities and contribute to its growth, its welfare, and prosperity.

This bill is opposed by the many who have had ample opportunity to understand to the fullest extent by experience and observation the immigration question. Let me read but a single paragraph from a severe editorial criticism published in this morning's New York American upon the action of Congress in passing the immigration bill. There it is said:

A reading of the roll call of Congress makes us wonder how many of the parents of the lawmakers of this Nation would have been excluded under the very bill that is now so dangerously near becoming a law. * * *

I read that particularly because the well-timed and well-expressed remarks of the gentleman from Colorado [Mr. MARTIN] only emphasize the truth of that editorial statement.

Mr. Speaker, I too as much as any man am opposed to the admission to our land of the bad, the vicious, the pauper, and the really undesirable classes. But merely because a man, woman, or child, coming from abroad, happens to be illiterate, does not imply he or she belongs to either of these classes. Indeed I have in debate in this House heretofore pointed out how the illiteracy decreases of those who come over and avail themselves, some in a large degree, some in a small way, of the opportunity to learn to read and write. As for their children, they make wonderful progress in our schools, they advance in education with rapidity, they are eager to store their minds with knowledge, and in exceedingly large numbers they win, through brightness of mind and great aptitude for study, their way upward in school, in college, and university.

The gentleman from Wyoming [Mr. MONDELL] said in substance that the illiterates made most undesirable immigrants and he feared the flood of illiterate immigration. Let me point out to the Members of this House that in one of the most congested districts in New York—in a district filled and abounding with the foreign born, whose arrival in this country was comparatively recent, the circulation of books in a branch of the great Public Library was greater than that in any other of the 35 or 40 other branches in other parts of the city. [Applause.] In last night's New York Globe, in a well written and pithy editorial, that subject is thus accurately alluded to:

THE EAST SIDE READERS.

The Seward Park branch of the Public Library is in East Broadway, on the lower east side, where the population is dense, and where the proportion of recent immigrants is comparatively very high. And it is this branch among all the 35 to 40 branches of the Public Library that has the heaviest total circulation.

At the present day this is an old story. Hereabout we are all more or less used to the annual discovery that on the lower east side, judged by this library circulation test, the passion for reading is exceptionally strong. We wish these facts could be put every day in front of the Congressmen who are so keen about tests of literacy for immigrants.

Mr. Speaker, as I and others have frequently remarked on this floor, this demand for exclusion of immigration is not new. It is as old as the Republic itself. It is born of narrowness of views, often of prejudice, and in some cases of want of understanding immigration and its conditions. Gentlemen who are wholly unacquainted with immigration conditions, in whose districts no immigration has come, whose constituencies are mainly, and in some cases almost wholly, native born, are most zealous in their advocacy of this measure. It was so, too, with many who once loudly cried out against the entrance to the country of the Irish, the German, the Austrian, and the Scandinavian. Now the cry goes up against the Russian, the Italian, the Roumanian, the Pole, and the Slav. The country has grown and prospered despite the cries and lamentations of those who in the days of knownothingism demanded that the gates of the Republic be closed to the foreign born. So, too, in the future, though you admit a few illiterates who seek the God-given right of freedom and equal opportunity, the fears and alarms proclaimed on this floor by some of the advocates of this measure will vanish as thin air, and this country will go on, ever increasing in its prosperity and unparalleled greatness and its national glory. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SABATH. Mr. Speaker, it is not my desire to detain the House for any length of time, and were it not for the fact that I wish to call the attention of the Members to a few statements I would not delay the House even for this brief space of time. In the first place, I wish to congratulate the President upon his wise and humane act in vetoing this harsh and unreasonable measure; however, he was only following the example set him by a Democratic President, when, on March 2, 1897, Grover Cleveland vetoed a similar measure, stating in his message that—

A radical departure from our national policy relating to immigration is here presented. Heretofore we have welcomed all who came to us from other lands except those whose moral or physical condition or history threatened danger to our national welfare and safety. Relying upon the jealous watchfulness of our people to prevent injury to our political and social fabric, we have encouraged those coming from foreign countries to cast their lot with us and join in the development of our vast domain, securing in return a share in the blessings of American citizenship.

A century's stupendous growth, largely due to the assimilation and thrift of millions of sturdy and patriotic adopted citizens, attests the success of this generous and free-handed policy, which, while guarding the people's interests, exacts from our immigrants only physical and moral soundness and a willingness and ability to work.

* * * * * * * *

It is said, however, that the quality of recent immigration is undesirable. The time is quite within recent memory when the same thing was said of immigrants who, with their descendants, are now numbered among our best citizens.

As bearing out the last portion of President Cleveland's message relative to the quality of the immigration I desire to call your attention to some extracts from the report of the Immigration Commission, which has investigated the immigration problem and which commission certainly can not be charged with being overfriendly to the cause of immigration. On page 16 they say—

The new immigration has for the most part been carefully regulated so far as health and likelihood of pauperism are concerned, and, although drawn from classes low in the economic scale, the new immigrants as a rule are the strongest, the most enterprising, and the best of their class.

And again, on page 26, we find these words:

The effective administration of the present immigration law insures the admission to the United States of physically healthy immigrants, so that there is no adequate cause for concern in this regard.

On page 27 appears the following statement:

In the earlier days of unregulated immigration pauperism among newly admitted immigrants was one of the most serious phases of the problem. * * * At the present time, however, pauperism among newly admitted immigrants is relatively at a minimum, owing to the fact that the present immigration law provides for the admission only of the able-bodied, or dependents whose support by relatives is assured.

In speaking of the congestion of immigrants in the large cities we find the report contains the following:

On the whole, however, the average conditions were found materially better than had been anticipated.

* * * * * * * *

In many instances, too, where deplorable conditions were found they were due in part, at any rate, to circumstances over which the inhabitants have little direct control, such as a poor water supply or unsanitary drainage—matters that should be attended to by the city authorities.

These statements very clearly indicate that the findings of the commission do not justify their recommendations, and they should satisfy the most skeptical that the reports circulated by the Junior Order of American Mechanics, the so-called Farmers' Educational and Cooperative Union, the Order of Independent Americans, the Patriotic Order of Sons of America, and other similar organizations, to the effect that the law is not being enforced and that the present immigration is composed of paupers and degenerates, have been disseminated with a view of prejudicing the minds of the American people. I say without fear of successful contradiction that the prejudice against immigration and the demand for its restriction have been artificially created by false statements and doctored statistics which in the main have been circulated and distributed broadcast by professional patriots and by the lobbyists of the abovementioned organizations.

At this point I wish to read an extract from an editorial by Miss Jane Addams in the Survey of January 4, 1913, which is as follows:

After all, literacy is neither a test of character nor of ability; it is merely an index of the educational system of the community in which a man has been reared. The literacy test will always work in favor of the man from the city and discriminate against the man from the country. On the face of it, it would seem safer to admit a sturdy peasant from the mountains of Calabria than a sophisticated Neapolitan.

I also wish to call your attention to an editorial in the New York World of January 13, 1913, which is in part as follows:

But the greatest force of all back of the bill is that of secretly organized race and religious prejudice, which would thus use a misfortune of the illiterate millions of southern and eastern Europe to deny them an American opportunity of escaping the forces which keep them down. At its best such a bill is un-American. At its worst it is heartless in its denial of opportunity to honest and industrious but unfortunate men and women who seek a chance to better their lot in life.

In the editorial columns of the New York Independent, December 26, 1912, we find the following:

We can not approve the bill which has passed the House of Representatives, denying admission at our ports of immigrants who can not read, with certain minor exceptions, as of elderly parents and grandparents of immigrants who are literate. The persons excluded are mostly honest, hard-working men who would do the coarse labor of our industries. They will not learn to read, but their children will have to, will be compelled to.

The New York Evening Journal of December 23, 1912, has the following to say:

We beg to tell the Congressmen that it is not reading that makes useful citizens, but thinking. And many a man and woman in Europe, unable to read, but able to think, and longing for opportunity in a free country, would make better citizens for America than the man with all possibilities within himself and no energy to make him utilize it.

Then in the Philadelphia Public Ledger of January 10, 1913, there appears this statement:

The sole purpose of the regulation of immigration by the United States is to prevent the abuse of the asylum offered by this "land of the free" to the poor and oppressed of the Old World. Whenever regulation or restriction goes beyond this it becomes itself oppressive, and it is to be hoped that there will always be voices in America raised in protest against a policy that is both impolitic and inhumane.

The editorial columns of the Chicago Record-Herald for December 20, 1912, contain the following comment:

A reading test may admit forgers, blackmailers, "Black Handers," procurers, and other criminals, while excluding from the land of opportunity honest, industrious, willing workers who can not read simply because their respective countries failed to offer them educational facilities. Education is highly desirable, but in Europe, even to-day, its lack does not argue either shiftlessness or moral delinquency.

The extract which I shall next read is from the Milwaukee (Wis.) Wisconsin, for December 6, 1912, and it states that:

This country is the last in the world that should insist on literacy as a test of character. Americans have had one President of whom it was popularly asserted that he never knew how to write until his wife taught him, and he was not married till he had arrived at the age of 28. Literacy has no bearing whatever upon morality. It is not reliable as a test of intelligence.

Then I wish to call attention to the opinion of this problem as voiced by the Waterloo (Iowa) Times-Tribune, December 29, 1912. It says:

Congress has begun to wrestle again with the problem of how to keep out undesirable immigrants. So far the sentiment of that body has not crystallized about any definite policy, but it seems slowly to be centering upon education as one test. This would not seem entirely fair, for many of our best people are the near descendants of those to whom the American language was a sealed book. Yet these men and women made a vast contribution to the life and energy of this country. Some of the children of immigrants have become Presidents, while every department of private life is adorned with the same class.

Under date of December 18, 1912, the Detroit (Mich.) Free Press says:

With many persons the immigration question has become a bugaboo to frighten native-born children o' nights. Some apparently have an idea that the countries of Europe are deliberately shipping their peasants and undesirables and outcasts to the United States at the rate of several millions a year, and that in a very brief period there will be no more "real" Americans.

Then, still another paper, the Newark (N. J.) Star, in its issue of December 20, 1912, has the following to say:

The illiterate immigrant is no menace to our country. The educated or half-educated anarchist and criminal is. While the illiterate one is helping us produce wealth, he can learn to read and write much more readily than the educated immigrant can unlearn the lessons of anarchy.

And for the benefit of my friends from the South I wish to call particular attention to the following excerpt from an editorial appearing in the Charleston (S. C.) News-Courier December 9, 1912, which follows:

We do not favor a test of literacy for immigrants. While illiteracy is still largely present among our own people, many excellent citizens being unable to read and write, it is unfair to expect of foreigners, whose educational opportunities have been limited, even a fundamental knowledge of books. If this country means anything in the world's concept of opportunity, it is that it stands for freedom in a large sense, freedom to work for a living, freedom to learn, freedom to rise to wealth and power, freedom to go into the fields and take from them a living. America means a chance to get an education. Must we keep those out who have never had a chance of that kind anywhere else? How many of the men who fought in the Revolution were literate? Literacy is not yet a test of character. We can protect ourselves against ignorant voters, as we should, by an educational qualification in the suffrage laws. The illiterate immigrant is not dangerous to the Nation except as a voter. Let the reasons for prohibiting entry be based on character, on physical condition, not on a failure of previous opportunity. The literacy test would let many criminals in; it would keep many desirable immigrants out.

The injustice of this proposed legislation is fittingly portrayed in verse by Mr. Louis S. Amonson, of Newtown, Pa., and I now submit his "Message to Congress from the men at the gate":

A MESSAGE TO CONGRESS FROM THE MEN AT THE GATE.

We've dug your million ditches,
  We've built your endless roads.
We've fetched your wood and water,
  And bent beneath the loads.
We've done the lowly labor
  Despised by your own breed—
And now you won't admit us
  Because we can not read!

Oh, statesmen, high in Congress,
  From East, West, North, and South—
You render valued service,
  But mostly with the mouth.
The sons are like the fathers,
  Hard work is not their creed;
They won't swing picks and shovels,
  But then—they all can read!

We've given honest labor
  And liked our humble lot;
Our children learn the letters
  Their fathers haven't got.
We've fled from persecution
  And served you in our need,
But now you would debar us
  Because we can not read!

Most crooks are educated
  And to the manner born;
Their white hands show no callous,
  They look on us with scorn.
Mere learning is not virtue,
  The word is not the deed;
Disdain, then, not your toilers
  Because they can not read!

Good friends, if we are brothers,
  Why do you raise this test?
Will talk then till your acres
  And feed your people best?
Your children trained as idlers—
  Some workers you must need;
Don't bar our only refuge
  Because we can not read!

Your farms are half deserted—
  Up goes the price of bread!
Your boasted education
  Turns men to clerks instead.
We bring our picks and shovels
  To meet your greatest need;
Don't shut the gates upon us
  Because we can not read!

LOUIS S. AMONSON.

NEWTON, PA., *February, 1913.*

In connection with these comments of the press upon this proposed legislation I wish to read a few brief extracts from articles from the pen of Mr. Frederic J. Haskin, a writer who has devoted a great deal of careful study to the problem of immigration. He says:

Yet all authorities agree that in the "new" immigrant, as a rule, we have a diamond in the rough, a human being just as capable of transformation into a good citizen as his more fortunate brother from northwestern Europe.

And then again:

The comforting thought about the "new" immigration is that it has not much to unlearn. It is often easier to build a new house than to remodel an old one, and likewise it might be easier to make a good citizen of an illiterate villager from the lands of the Slovaks, the Italians, and the Finns than of their better-educated brethren who must first unlearn some fixed notions.

With reference to their ability as agriculturists we find him stating the following:

It is pointed out that the thing to do is to plant the immigrant where he can obtain a plot of ground and build a house on it, because there goes on most rapidly the process of Americanization. Go to Brown Park, Omaha, which has been improved by the Bohemians, Poles, and Lithuanians. What was a few years ago a rolling prairie is to-day studded with neat, well-kept homes, schools, and churches, having well-cultivated gardens and flowers and conforming to the best American standards among wage earners. Go to the Italian settlements in Rockland County, N. Y., Providence, R. I., and Rosetta, Pa. There the immigrants have their gardens, no matter what the soil is, and sometimes in striking contrast with adjacent homes of the neighboring Americans. The Poles on the abandoned farms of New England, the Italians on the swamps of New Jersey, and the Portuguese on Cape Cod have shown what they can do under conditions that have driven out older Americans, have shown that they can rehabilitate worn-out soil and build up a competence in waste places.

Mr. Speaker, the time does not permit, or I could read thousands of similar statements from people who have gone into this question with great care, and with a very few exceptions we would find that they have come to the conclusion that immigration has greatly benefited our Nation. The advocates of restriction place great stress upon the fact that the majority of the present immigrants come from southern Europe. To these gentlemen I again desire to state that the present immigration will demonstrate, in fact it is now demonstrating, that it is as good as the old, against which the same objections were raised in the years gone by.

Indeed, it is strange how much solicitude the gentlemen from the rural districts are showing for the people of the large centers. To them I desire to say that the city of New York, the city of Chicago, the city of Philadelphia, the city of Boston, and all the other large cities have managed to worry along in the past—in fact, have made wonderful progress—without the aid and advice of these gentlemen, and in the future they will be entirely capable of caring for their inhabitants without calling on the gentleman from Alabama [Mr. BURNETT], the gentleman from Georgia [Mr. RODDENBERY], the gentleman from California [Mr. HAYES], the gentleman from Kentucky [Mr. POWERS], the gentleman from Tennessee [Mr. AUSTIN], and the gentleman from Texas [Mr. DIES].

Mr. Speaker, the people from these large centers, who come in contact with the present-day immigration, are not here demanding its restriction; they are not seeking relief; and I defy anyone to successfully assert that he has been requested by the inhabitants of any city or section of the country in which these immigrants are living in large numbers to vote for this restrictive measure. Every advocate of this measure seems to reside in a section of the country to which immigration does not go, and to which it will not go unless the representatives from these sections change their methods.

Mr. Speaker, it has been stated by several gentlemen that the immigrants do not go to the farm. The statistics will show that the majority of the farms in the Middle West are tilled by foreign-born people or those of foreign parentage. It is true that the new arrivals may not at once secure a farm or a position on one; but as soon as they accumulate a few dollars and acquaint themselves with the conditions, their greatest desire is to secure a home and future for themselves and their children on the farm.

Mr. Speaker, I again deny the statement that the new immigrant lowers the standard of wages or the standard of living; never in the entire history of this country have wages and the standard of living been so high as they are at the present day. To these gentlemen who desire better inspection and better protection from those who might enter our doors through inadequate examinations I wish to say that we have passed a bill which is now in the Senate, and which, if it becomes a law, will strengthen the existing laws so that it will be absolutely impossible for anyone to be admitted who suffers with insanity or contagious diseases of any kind. The stowaway bill has also been passed and is also in the Senate, so the main features in this bill have already been covered by the bills that this House has unanimously passed and which are now pending in the Senate. The main thing that remains, outside of some administrative features, is the educational test, and as to that I desire to read part of the minority report on this bill, signed by five members of the Immigration Committee:

The illiteracy test provided in the bill will not serve to keep out the viciously inclined, the criminal, or the otherwise really undesirable alien.

Experience has demonstrated the fact that, with the educational facilities afforded in this land, thousands of illiterates who, unhappily, were denied educational opportunities in their native lands have learned to read and write here, and have shown an eagerness to acquire knowledge and fit themselves to become good citizens. It will also be noted that the exceptions provided in the bill are not broad enough to fully guard against the separation of families, though the majority of the committee admit that on humane and moral grounds separation of families should, as far as possible, be avoided and prevented. In our opinion the desirable immigrant is the healthy, law-abiding worker, who comes to this country in good faith, and the undesirable immigrant is the clever and educated schemer, who, immediately upon arrival, begins to find fault with our institutions.

And in conclusion I take pleasure in reading an extract from a letter which I know will be of great interest to all the Members of this House. It was addressed to Dr. Cyrus Adler, of Philadelphia, on October 21 last, by the Hon. Woodrow Wilson, and is as follows:

* * * I am in substantial agreement with you about the immigration policy which the country ought to observe. I think that this country can afford to use and ought to give opportunity to every man and woman of sound morals, sound mind, and sound body who comes in good faith to spend his or her energies in our life, and I should certainly be inclined, so far as I am concerned, to scrutinize very jealously any restrictions that would limit that principle in practice. * * *

Cordially and sincerely, yours, WOODROW WILSON.

There is nothing that I need to add to this broad and liberal expression of the views of the President elect on this vital question. [Applause.]

Mr. Speaker, I ask unanimous consent that all those who have spoken or may speak on this matter have the privilege of extending their remarks in the RECORD.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] asks unanimous consent that all those who have spoken, or may speak, on this matter have the privilege of extending their remarks in the RECORD. Is there objection?

Mr. MANN. I object.

Mr. SABATH. Then I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to revise my remarks.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to revise his remarks. Is there objection?

There was no objection.

[Mr. HAMILL, Mr. BURNETT, and Mr. GARDNER of Massachusetts, by unanimous consent, were granted leave to extend their remarks in the RECORD.]

Mr. SABATH. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has three minutes remaining.

Mr. SABATH. Mr. Speaker, I yield the remainder of my time to the gentleman from Massachusetts [Mr. MURRAY].

Mr. MURRAY. Mr. Speaker, first, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. MURRAY. Mr. Speaker, I shall print in the RECORD the report of Secretary Nagel to the President of the United States on the legislation on which we are about to vote. I believe that report should have been read, because in this matter I believe the President of the United States has tried to act, not as an Executive, not as a legislator, but as a judge taking testimony and hearing witnesses, and then rendering a judicial decision on the facts presented to him. He has been a President, Mr. Speaker, for four years, but he was a judge on the Federal bench for eight years, and before this time he had judicial training that equipped him to present a judicial opinion to anybody, even to this House of Representatives.

I have thought, as I have seen the senior Senator from Massachusetts [Mr. LODGE] on the floor of this House to-day and the gentleman, my colleague from Massachusetts [Mr. GARDNER], trying to override the veto of the President of the United States, that they both expressed great horror last spring when one of their erstwhile close companions in public life stood for the principle of the recall of judicial decisions. It is to-day an actual recall of a judicial decision to override this veto, just as it was a theory of government when Theodore Roosevelt in his preliminary campaign last year stood for that doctrine. [Applause.] And I say to my colleague [Mr. GARDNER] that it is well for him to be careful lest the fears of disorder he expressed last spring in Massachusetts with such strong feeling may find a real place in the public life of our Nation.

The gentleman from Pennsylvania [Mr. MOORE] tried to give the credit or blame for this legislation to the chairman of this committee, Mr. BURNETT, of Alabama. Mr. Speaker, I hope that no Democrat will take nor be allowed to have the credit nor the blame of this legislation. I know that the senior Senator from Massachusetts [Mr. LODGE] and the gentleman who happens to be his son-in-law, my colleague from Massachusetts [Mr. GARDNER], are entitled to such credit and will get such blame as this legislation, if adopted, will carry with it. They have made it their earnest purpose for many years, and the fact has been a frequent cause of complaint in our local campaigns

in Massachusetts, to put legislation of this kind upon the statute books.

I know little, if anything, of public sentiment in 47 States, but I know that the judgment of my own Commonwealth will be against it, and I predict that the verdict of our people will be overwhelmingly against this legislation. [Applause.]

The letter is as follows:

DEPARTMENT OF COMMERCE AND LABOR,
Washington, February 12, 1913.

MY DEAR MR. PRESIDENT: On the 4th instant Mr. Hilles, by your direction, sent me Senate bill 3175, "An act to regulate the immigration of aliens to and the residence of aliens in the United States," with the request that I inform you at my earliest convenience if I know of any objection to its approval. I now return the bill with my comments.

In view of the number of hearings and the general discussion that have been had no more than a brief reference to many of the points will be necessary. The following are some of the objections that have been raised:

First. No exception has been made in behalf of Hawaii. You have been assured that it is proposed to meet this objection by joint resolution. Even if this plan should not be carried out, I do not regard the objection as sufficiently serious to affect the merits of the bill.

Second. The provision that persons shall be excluded who can not become eligible under existing law to become citizens of the United States by naturalization is obscure, because it leaves unsettled the question as to who are to be regarded as white persons. But this is merely a perpetuation of the uncertainty which is now to be found in the naturalization law.

Third. The provision that the Secretary may determine in advance, upon application, whether it is necessary to import skilled labor in any particular instance, that this decision shall be held in abeyance for 30 days, and that in the meantime anyone objecting may appeal to the district court to try de novo such question of necessity is unsatisfactory. The provision for the appeal to the courts is probably unconstitutional, but even if the entire provision proves ineffective the law will be left substantially where it is, and so this does not constitute a grave objection to the bill.

Fourth. The provision that the Secretary may detail immigrant inspectors and matrons for duty on vessels carrying immigrants or immigrant passengers is objected to by foreign countries, but inasmuch as this is left to the discretion of the Secretary, and it is understood, for illustration, that Italy insists upon such practice with respect to all steamship companies taking immigrants from her shores, it does not seem to me that this is a controlling objection.

Fifth. The provision in section 7, with respect to the soliciting of immigration by steamship companies, vests the Secretary with somewhat drastic authority by way of imposing fines and denying the right of a steamship company to land alien immigrant passengers. Again, this is not mandatory, and therefore does not go to the heart of the bill.

It appears to me that all these and similar objections might well have been considered in committee and may become the subject of future consideration by Congress, but, fairly considered, they are of incidental importance only and furnish no sufficient reason for disapproving this bill.

With respect to the literacy test, I feel compelled to state a different conclusion. In my opinion, this is a provision of controlling importance, not only because of the immediate effect which it may have upon immigration and the embarrassment and cost it may impose upon the service, but because it involves a principle of far-reaching consequence with respect to which your attitude will be regarded with profound interest.

The provision as it now appears will require careful reading. In some measure the group system is adopted—that is, one qualified immigrant may bring in certain members of his family—but the effect seems to be that a qualified alien may bring in members of his family who may themselves be disqualified, whereas a disqualified member would exclude all dependent members of his family, no matter how well qualified they might otherwise be. In other words, a father who can read a dialect might bring in an entire family of absolutely illiterate people, barring his sons over 16 years of age, whereas a father who can not read a dialect would bring about the exclusion of his entire family, although every one of them can read and write.

Furthermore, the distinction in favor of the female members of the family as against the male members does not seem to me to rest upon sound reason. Sentimentally, of course it appeals, but industrially considered it does not appear to me that the distinction is sound. Furthermore, there is no provision for the admission of aliens who have been domiciled here, and who have simply gone abroad for a visit. The test would absolutely exclude them upon return.

In the administration of this law very considerable embarrassment will be experienced. This at least is the judgment of members of the immigration force, upon whose recommendations I rely. Delay will necessarily ensue at all ports, but on the borders of Canada and Mexico that delay will almost necessarily result in great friction and constant complaint. Furthermore, the force will have to be very considerably increased, and the appropriation will probably be in excess of present sums expended by as much as a million dollars. The force of interpreters will have to be largely increased and, practically speaking, the bureau will have to be in a position to have an interpreter for any kind of language or dialect of the world at any port at any time. Finally, the interpreters will necessarily be foreigners, and with respect to only a very few of the languages or dialects will it be possible for the officials in charge to exercise anything like supervision.

Apart from these considerations, I am of the opinion that this provision can not be defended upon its merits. It was originally urged as a selective test. For some time recommendations in its support upon that ground have been brought to our attention. The matter has been considered from that point of view, and I became completely satisfied that upon that ground the test could not be sustained. The older argument is now abandoned, and in the later conferences, at least, the ground is taken that the provision is to be defended as a practical measure to exclude a large proportion of undesirable immigrants from certain countries. The measure proposes to reach its result by indirection, and is defended purely upon the ground of practical policy, the final purpose being to reduce the quantity of cheap labor in this country. I can not accept this argument. No doubt the law would exclude a considerable percentage of immigration from southern Italy, among the Poles, the Mexicans, and the Greeks. This exclusion would embrace probably in large part undesirable but also a great many desirable people, and the embarrassment, expense, and distress to those who seek to enter would be out of all proportion to any good that can possibly be promised for this measure.

My observation leads me to the conclusion that, so far as the merits of the individual immigrant are concerned, the test is altogether overestimated. The people who come from the countries named are frequently illiterate because opportunities have been denied them. The oppression with which these people have to contend in modern times is not religious, but it consists of a denial of the opportunity to acquire reading and writing. Frequently the attempt to learn to read and write the language of the particular people is discouraged by the Government, and these immigrants in coming to our shores are really striving to free themselves from the conditions under which they have been compelled to live.

So far as the industrial conditions are concerned, I think the question has been superficially considered. We need labor in this country, and the natives are unwilling to do the work which the aliens come over to do. It is perfectly true that in a few cities and localities there are congested conditions. It is equally true that in very much larger areas we are practically without help. In my judgment, no sufficiently earnest and intelligent effort has been made to bring our wants and our supply together, and so far the same forces that give the chief support to this provision of the new bill have stubbornly resisted any effort looking to an intelligent distribution of new immigration to meet the needs of our vast country. In my judgment no such drastic measure, based upon a ground which is untrue and urged for a reason which we are unwilling to assert, should be adopted until we have at least exhausted the possibilities of a rational distribution of these new forces.

Furthermore, there is a misapprehension as to the character of the people who come over here to remain. It is true that in certain localities newly arrived aliens live under deplorable conditions. Just as much may be said of certain localities that have been inhabited for a hundred years by natives of this country. These are not the general conditions, but they are the exceptions. It is true that a very considerable portion of immigrants do not come to remain, but return after they have acquired some means, or because they find themselves unable to cope with the conditions of a new and aggressive country. Those who return for the latter reason relieve us of their own volition of a burden. Those who return after they have acquired some means certainly must be admitted to have left with us a consideration for the advantage which they have enjoyed. A careful examination of the character of the people who come to stay and of the employment in which a large part of the new immigration is engaged will, in my judgment, dispel the apprehension which many of our people entertain. The census will disclose that with rapid strides the foreign-born citizen is acquiring the farm lands of this country. Even if the foreign-born alone is considered, the percentage of his ownership is assuming a proportion that ought to attract the attention of the native citizens. If the second generation is included, it is safe to say that in the Middle West and West a majority of the farms are to-day owned by foreign-born people or they are descendants of the first generation. This does not embrace only the Germans and the Scandinavians, but is true in large measure, for illustration, of the Bohemians and the Poles. It is true in surprising measure of the Italians; not only of the northern Italians, but of the southern.

Again, an examination of the aliens who come to stay is of great significance. During the last fiscal year 838,172 aliens came to our shores, although the net immigration of the year was only a trifle above 400,000. But, while we received of skilled labor 127,016, and only 35,808 returned; we received servants 116,529, and only 13,449 returned; we received farm laborers 184,154, and only 3,978 returned, it appears that laborers came in the number of 135,726, while 209,279 returned. These figures ought to demonstrate that we get substantially what we most need, and what we can not ourselves supply, and that we get rid of what we least need and what seems to furnish, in the minds of many, the chief justification for the bill now under discussion.

The census returns show conclusively that the importance of illiteracy among aliens is overestimated, and that these people are prompt after their arrival to avail of the opportunities which this country affords. While, according to the reports of the Bureau of Immigration, about 25 per cent of the incoming aliens are illiterate, the census shows that among the foreign-born people of such States as New York and Massachusetts, where most of the congestion complained of has taken place, the proportion of illiteracy represents only about 13 per cent.

I am persuaded that this provision of the bill is in principle of very great consequence, and that it is based upon a fallacy in undertaking to apply a test which is not calculated to reach the truth and to find relief from a danger which really does not exist. This provision of the bill is new, and it is radical. It goes to the heart of the measure. It does not permit of compromise, and, much as I regret it, because the other provisions of the measure are in most respects excellent and in no respect really objectionable, I am forced to advise that you do not approve this bill.

Very sincerely, yours, CHARLES NAGEL, *Secretary.*

THE PRESIDENT.

The SPEAKER. The time of the gentleman has expired.

Mr. BURNETT. Mr. Speaker, I yield to the gentleman from Georgia [Mr. ADAMSON].

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] is recognized.

[Mr. ADAMSON addressed the House. See Appendix.]

Mr. BURNETT. Mr. Speaker, I yield to the gentleman from Texas [Mr. SLAYDEN].

The SPEAKER. The gentleman from Texas [Mr. SLAYDEN] is recognized.

Mr. SLAYDEN. Mr. Speaker, I supported this bill when it was before the House and I shall support it now, despite the veto of the President.

Gentlemen have been telling us for the last hour what induced them to give support to this and other immigration measures. I shall follow that example and give my reasons.

I vote for this bill because I believe that in doing so I am serving the best interests of the American people and the Republic. Being entirely convinced that the Republic can not

survive if we do not have a homogeneous people, I shall now, and on every occasion which may hereafter offer, do what I can to reestablish the homogeneity we have lost through excessive and unregulated immigration, and the loss of which endangers institutions that a large part of such immigrants neither comprehend nor sympathize with.

It is very generally admitted that we would be vastly better off if there were no alien races in the United States. One such race we have in large numbers. They came involuntarily and manifest no desire to leave. Asiatics, fleeing the hard conditions of overpopulated countries, where men are always cheap and wages low, have been shut out by law. They are declared to be unassimilable, and therefore undesirable. It has been often said in discussing the immigration question that they were not desirable because they did not merge with our people, did not intermarry; that they worked hard, saved their earnings, and went back to the countries from which they came. Those all seem to me excellent reasons for admitting them in preference to any other alien races, if any are to be admitted.

Certainly no white American ought to want social assimilation with any other race. A hybrid, mule or mulatto, is a less desirable part of our social and political fabric than a thoroughbred.

There is a wide difference even in the different families of the white race. Some strains are better and more desirable than others. If we are to have immigration, I want the best. I want those only whose ancestors have shown themselves to be in sympathy with free, representative institutions. But it is not possible to make a law which will admit them and altogether shut out the less advanced, less desirable people; therefore I shall support this measure because in a slight way it does impede the flow of immigration.

It has been abundantly shown that crime and literacy are not as intimately associated as crime and illiteracy, which, it seems to me, is a good enough reason for supporting the literacy test.

If this country were the last and only refuge for oppressed people in other parts of the world, I might, in the name of humanity, consent to waive my views and keep down the bars. But that is not the situation. South and Central America, Australia, and New Zealand offer all the advantages of climate, virgin soil, and democratic institutions that can be found in North America. In those countries, which are comparatively unpopulated, emigrants from Europe can find opportunities for material prosperity just as great as in the United States. My conscience is not troubled by these appeals to the "traditional American policy."

No policy, traditional or other sort, commands my respect or sympathy when I see that it is hurtful to the best interests of my country. I would not hesitate to abandon on Tuesday a policy adopted on Monday if I ceased to believe in it.

We have people enough in this country for the present. We can safely rely upon natural increase to fill up the unoccupied places. Density of population is not my standard of civilization. If it were, the conditions in India and China would make special appeal, which they do not. Nor am I fully persuaded that big export tables infallibly indicate happiness and prosperity among the people. The sweatshop output is great, but it comes from rooms fetid, unwholesome, and the abode of misery, and is not a feature of our commerce to which we can point with pride.

Better not develop too rapidly than to develop along the wrong lines. Leave some chances for Americans who have not been born. They will need all the land we have, and all too soon the time will come to our people, as it has to others, when the cry will be heard that there are too many people for the territory and that we must go out into the world and find a weaker people and take away from them their lands and sovereignty.

The gentleman from Illinois [Mr. CANNON] says he would like to see some of the quickening spirit of the North spread to the South so that—this is inferential—our people might get over their laziness and produce more and so lessen the cost of living.

Let me say a word for my own State. Last year Texas produced more than 4,500,000 bales of cotton, which, with by-products, were worth well up to $300,000,000. She produced large crops of grain and fruit and great quantities of cattle. As much as 85 per cent of these crops were entirely the products of white labor. Our young men are not flocking to the cities; they are cultivating the land and prospering, and they neither need nor desire help from any other country in the world.

The gentleman from New York [Mr. GOLDFOGLE] sets himself up as a guardian of "true Americanism." Great heavens! Think what a calamity it would be to "true Americanism" if he should go to sleep on his post!

Mr. Speaker, ours is an American country. I mean the South. I do not mean to say that other sections are not, but I do affirm that ours is, and we want to keep it so.

Free, representative government as we know it, as we enjoy it, had its origin among the ancient peoples who resided on or near the shores of the Baltic. The Witenagemot of the Germanic people, who there nourished the germ of liberty, was the progenitor of the British Parliament and the American Congress. Not all the people of Europe, highly civilized and advanced as they are, have shown comprehension of or sympathy for our scheme of government. But for us it is a valued possession, and we maintain it in its ancient purity in the South, no matter what the gentleman from New York may think. We have the true Apostolic Succession in this particular matter and we mean to hold on to it if possible.

Wide open and unguarded stand our gates,
And through them press a wild, motley throng,
Men from the Volga and the Tartar steppes,
Featureless figures of the Hoang Ho,
Malayan, Scithian, Teuton, Kelt, and Slav,
Flying the Old World's poverty and scorn,
These bringing with them unknown Gods and rites
Those tiger passions, here to stretch their claws.
* * * * *
O Liberty, White Goddess, is it well
To leave thy gates unguarded?
* * * * *
For so of old
The thronging Goth and Vandal trampled Rome,
And where the temple of the Caesars stood
The lean wolf unmolested made her lair.

Mr. BURNETT. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. FARR].

The SPEAKER. The gentleman from Pennsylvania [Mr. FARR] is recognized.

Mr. FARR. Mr. Speaker, every effort has been made here to put forth a defense for the foreigner in this country. The foreigner in this country needs no defense. His handiwork has been and is being wrought in every phase of this great country and Government, and the attempt to inject that kind of prejudice into this debate is unfortunate and uncalled for.

I come from a region in which the people of foreign birth and their children are in the majority, all earnestly working out their careers in good faith and in good conduct and with splendid results.

If any benefit follows the restriction intended by the provisions of this measure, it will help alike those who have come here from the old countries and those who are natives of this country. Indeed, the greater advantage would go to those who have come from foreign countries, because the investigation made by the Immigration Commission in 37 of the principal industries in the United States east of the Rocky Mountains shows that 60 per cent of the employees are foreign born.

The investigation of this commission also shows that, extending over a period of years, the large industrial centers have become overcrowded with unskilled labor; that the immigration does not go to the agricultural fields to till the soil and to produce, but in very large part to the big cities and the labor centers, adding to the congestion and to the consumption, thus increasing the cost of living and at the same time lessening the individual opportunities, particularly for full time, so essential to maintain the proper standard of living and right moral and intellectual development. The real question before us is whether some restriction of immigration is necessary and what method shall be adopted to lessen it.

The SPEAKER. The time of the gentleman has expired.

Mr. FARR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. BURNETT. Mr. Speaker, have gentlemen on the other side used all their time?

The SPEAKER. Their time is all exhausted.

Mr. BURNETT. Then, Mr. Speaker, I yield the remainder of my time to the gentleman from Alabama [Mr. HEFLIN].

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] is recognized.

Mr. HEFLIN. Mr. Speaker, in closing this debate I want to say that—

Once to every man and nation
Comes the moment to decide
In the strife of truth with falsehood
For the good or evil side.

The highest and best interest of my country is on the side of restricted immigration. The evil side of the question now under

consideration is the dangerous and indefensible side of unrestricted immigration. In defense of American ideals and institutions, aye, in defense of American civilization I shall vote to pass this bill over the veto of the President. [Applause.]

When will the American people wake up to the dangers that threaten us from the coming into our country of undesirable immigrants? Tramp, tramp, they come. Every year a large number of foreigners pour into our country, and under the present immigration law those are admitted who are absolutely unfit for American citizenship. Every year in the mass of a million people who come here from foreign countries there are thugs, degenerates, Black Handers, anarchists, and criminals. [Applause.]

The unfit and undesirable foreigner is the man that we desire to keep out of our country. The foreigner already here who is a good citizen, the man who came across the waters of his own volition to make this country his home, ought not to be opposed to the enactment of a law that would protect this country—which is his country as well as mine—from the influx of unfit and criminal classes from foreign countries.

The steamship companies are opposed to any measure that looks to the restriction of foreign immigration. Why? Because they make millions of money bringing these foreigners into our country. Time was when the industrious, deserving foreigner wanted to come to our country he went to work and secured funds and paid for his own transportation. Then, as a rule, but few undesirables and criminals came over to our country. Then it was harder for the unfit element to gain admission into the United States, but now the steamship companies do not inquire whether the foreigner is desirable or not. All they want to know is, Can he pay the transportation charges? They have excursions, and they advertise the glorious opportunities and possibilities in America, and they urge the foreigner to come to the United States. They have agents to hunt up any and all kinds of people and to tell them of the advantages afforded in America, and, Mr. Speaker, we are getting through this traffic in human beings by the steamship companies some of the very scum of the earth. [Applause.]

I hold in my hand the Washington Times of to-day, and it very strongly intimates that the steamship companies have been the cause of hundreds of telegrams being sent to Members, urging them not to vote to pass this immigration bill over the President's veto.

Mr. Speaker, when will this traffic in human beings stop? When will we pass a law in the interest of the American people on the subject of foreign immigration? [Applause.]

A few years ago, when the new King of Denmark took the throne, he immediately pardoned 700 criminals—degenerates, swindlers, thieves, and murderers. The people of Denmark did not want these criminals to remain in their country, and they made up money and purchased a ticket for every one of these criminals and put them on board a steamship headed for New York. Mr. Speaker, I believe that 85 per cent of the voters of America would this very hour vote to-day to pass this bill over the President's veto, and I appeal to the representatives of the American people to say by their votes to-day that this country shall not become a refuge and dumping ground for the refuse and criminal hordes of other countries. [Loud applause.]

The SPEAKER. The time of the gentleman from Alabama has expired. All time has expired. The question is, Will the House on reconsideration pass this bill, the objections of the President of the United States to the contrary notwithstanding? Under the Constitution this vote must be taken by the yeas and nays. Those in favor of passing this bill over the President's veto will, when their names are called, answer aye, those opposed will answer no, and the Clerk will call the roll.

The question was taken; and there were—yeas 213, nays 114, answered "present" 2, not voting 52, as follows:

YEAS—213.

Adair	Byrnes, S. C.	Dickinson	Garrett
Adamson	Byrns, Tenn.	Dies	Gillett
Aiken, S. C.	Callaway	Difenderfer	Glass
Akin, N. Y.	Candler	Dixon, Ind.	Godwin, N. C.
Alexander	Cantrill	Doughton	Goeke
Allen	Carlin	Draper	Good
Anderson	Clark, Fla.	Edwards	Goodwin, Ark.
Anthony	Claypool	Ellerbe	Gray
Ashbrook	Clayton	Faison	Greene, Vt.
Austin	Collier	Fields	Gregg, Pa.
Bartlett	Covington	Finley	Gregg, Tex.
Bathrick	Cox	Flood, Va.	Griest
Beall, Tex.	Cravens	Floyd, Ark.	Gudger
Bell, Ga.	Cullop	Focht	Guernsey
Blackmon	Currier	Foss	Hamilton, Mich.
Borland	Dalzell	Foster	Hamlin
Bradley	Daugherty	Fowler	Hardwick
Buchanan	Davis, Minn.	Francis	Harrison, Miss.
Burnett	Davis, W. Va.	French	Hartman
Butler	Dent	Garner	Haugen
Hay	Langley	Parran	Small
Hayden	Lawrence	Patton, Pa.	Smith, Saml. W.
Hayes	Lee, Ga.	Payne	Smith, Tex.
Heald	Lenroot	Pepper	Stanley
Heflin	Lever	Plumley	Stedman
Helgesen	Lewis	Porter	Stephens, Cal.
Helm	Lindbergh	Post	Stephens, Miss.
Henry, Conn.	Linthicum	Pou	Stephens, Nebr.
Henry, Tex.	Lloyd	Powers	Stephens, Tex.
Hensley	Longworth	Pray	Sulloway
Higgins	McCall	Prince	Sweet
Hinds	McGuire, Okla.	Rainey	Switzer
Hobson	McKellar	Raker	Taylor, Ala.
Holland	McKenzie	Randell, Tex.	Taylor, Ark.
Houston	McKinley	Rauch	Taylor, Colo.
Howard	McLaughlin	Redfield	Taylor, Ohio
Howland	Macon	Rees	Thomas
Hughes, W. Va.	Maguire, Nebr.	Richardson	Tribble
Hull	Martin, S. Dak.	Roddenbery	Turnbull
Humphrey, Wash.	Mondell	Rothermel	Underhill
Humphreys, Miss.	Moon, Tenn.	Rouse	Underwood
Jackson	Moore, Tex.	Rubey	Warburton
Jacoway	Morrison	Rucker, Colo.	Watkins
James	Morse, Wis.	Rucker, Mo.	Webb
Johnson, Ky.	Moss, Ind.	Russell	Weeks
Johnson, S. C.	Mott	Saunders	White
Jones	Murdock	Sells	Willis
Kent	Neeley	Shackleford	Wilson, Pa.
Kitchin	Nelson	Sharp	Witherspoon
Knowland	Norris	Simmons	Young, Kans.
Kopp	Oldfield	Sims	Young, Tex.
Lafferty	Padgett	Sisson	
La Follette	Page	Slayden	
Langham	Palmer	Slemp	

NAYS—114.

Andrus	Dwight	Konop	Rodenberg
Barchfeld	Dyer	Lee, Pa.	Sabath
Bartholdt	Esch	Levy	Scott
Bates	Estopinal	Lobeck	Scully
Berger	Fergusson	Loud	Sherley
Boehne	Fitzgerald	McCoy	Sherwood
Booher	Fordney	McCreary	Sloan
Broussard	Fuller	McDermott	Smith, N. Y.
Bulkley	Gallagher	McGillicuddy	Steenerson
Burgess	Gardner, Mass.	Madden	Sterling
Burke, S. Dak.	Gill	Maher	Stevens, Minn.
Burke, Wis.	Goldfogle	Mann	Stone
Burleson	Gould	Martin, Colo.	Talcott, N. Y.
Calder	Graham	Merritt	Thayer
Campbell	Green, Iowa	Miller	Thistlewood
Cannon	Greene, Mass.	Moore, Pa.	Tilson
Cary	Hamill	Murray	Towner
Cline	Hammond	Needham	Townsend
Cooper	Hardy	Nye	Tuttle
Crago	Harrison, N. Y.	O'Shaunessy	Vare
Curley	Hill	Patten, N. Y.	Volstead
Curry	Howell	Peters	Whitacre
De Forest	Kahn	Pickett	Wilder
Denver	Kendall	Prouty	Wilson, Ill.
Dodds	Kennedy	Pujo	Wilson, N. Y.
Doremus	Kindred	Ransdell, La.	Woods, Iowa
Driscoll, D. A.	Kinkaid, Nebr.	Reilly	Young, Mich.
Driscoll, M. E.	Kinkead, N. J.	Riordan	
Dupré	Konig	Roberts, Mass.	

ANSWERED "PRESENT"—2.

Barnhart	Farr

NOT VOTING—52.

Ainey	Davenport	Hawley	Morgan, La.
Ames	Davidson	Hughes, Ga.	Morgan, Okla.
Ansberry	Dickson, Miss.	Korbly	Olmsted
Ayres	Donohoe	Lafean	Reyburn
Brantley	Evans	Lamb	Roberts, Nev.
Brown	Fairchild	Lindsay	Smith, J. M. C.
Browning	Ferris	Littlepage	Sparkman
Burke, Pa.	Fornes	Littleton	Speer
Carter	Gardner, N. J.	McKinney	Stack
Conry	George	McMorran	Taggart
Copley	Hamilton, W. Va.	Matthews	Talbott, Md.
Crumpacker	Harris	Mays	Vreeland
Danforth	Hart	Moon, Pa.	Wood, N. J.

So, two-thirds not having voted therefor, the House upon reconsideration refused to pass the bill, notwithstanding the veto of the President.

The following additional pairs were announced:

Until further notice:

Mr. TAGGART with Mr. BROWNING.

Mr. LITTLEPAGE with Mr. WOOD of New Jersey.

Mr. AYRES with Mr. FAIRCHILD.

Mr. EVANS with Mr. HAWLEY.

Mr. KORBLY with Mr. LAFEAN.

Mr. LITTLETON with Mr. OLMSTED.

Mr. MORGAN of Louisiana with Mr. MCMORRAN.

Mr. STACK with Mr. VREELAND.

Mr. LAMB with Mr. MOON of Pennsylvania.

Mr. BRANTLEY with Mr. J. M. C. SMITH.

On this vote:

Mr. LINDSAY (to sustain veto) with Mr. ROBERTS of Nevada and Mr. DIXON of Mississippi (against).

Mr. CONRY (to sustain veto) with Mr. AINEY and Mr. TALBOTT of Maryland (against).

Mr. DONOHOE (to sustain veto) with Mr. HUGHES of Georgia and Mr. FARR (against).

Mr. FORNES (to sustain veto) with Mr. MCKINNEY and Mr. FERRIS (against).

Mr. COPLEY (to sustain veto) with Mr. CARTER and Mr. DAVENPORT (against).

Mr. FARR. I would like to ask the Chair if the gentleman from Pennsylvania, Mr. DONOHOE, voted?

The SPEAKER. He did not.

Mr. FARR. I am paired with the gentleman from Pennsylvania, and I desire to withdraw my vote of "aye" and vote "present."

Mr. FLOOD of Virginia. Mr. Speaker, I desire to be recorded.

The SPEAKER. Was the gentleman in the Hall and listening for his name when it should have been called?

Mr. FLOOD of Virginia. I was at the door.

The SPEAKER. Was the gentleman in the Hall?

Mr. FLOOD of Virginia. I think I was.

The SPEAKER. If the gentleman was simply at the door and not in the door or not inside, he does not qualify himself.

Mr. FLOOD of Virginia. I was coming in the door.

The SPEAKER. The Chair thinks the gentleman brings himself within the rule, and the Clerk will call his name.

The Clerk called the name of Mr. FLOOD of Virginia, and he answered "Yea," as above recorded.

Mr. GARDNER of Massachusetts. Mr. Speaker, is it in order to move to reconsider the vote?

Mr. MANN. I ask for the regular order.

The SPEAKER. The regular order is to complete this roll call, and the Chair will cross that bridge when he comes to it.

Mr. GARDNER of Massachusetts. Mr. Speaker, a parliamentary inquiry. I asked before the vote was announced whether anyone who voted in the majority had a right to move to reconsider.

Mr. MANN. The gentleman from Massachusetts knows that it is not in order to make a parliamentary inquiry before the announcement of the vote.

Mr. GARDNER of Massachusetts. Mr. Speaker, I desire to change my vote. I voted "aye," and I want to change my vote to "no."

Mr. MURRAY. Mr. Speaker, is it necessary for a Member to vote with the majority in order to move to reconsider?

The SPEAKER. It is required that he vote with the majority.

The result of the vote was then announced as above recorded.

Mr. GARDNER of Massachusetts. Mr. Speaker, I move to reconsider the vote by which the House refused upon reconsideration to pass the immigration bill, the President's objections notwithstanding.

Mr. MANN. And I make the point of order that the motion is not in order.

Mr. GARDNER of Massachusetts. Mr. Speaker, I should like to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. GARDNER of Massachusetts. Mr. Speaker, so far as I can discover, there has been no ruling on this question since 1844. A little before the middle of the last century this question came up, and the Chair at that time ruled that it was not in order to reconsider under circumstances such as confront us at this moment. But, Mr. Speaker, very many Members of the House voted to overrule the decision of the Chair, among them John Quincy Adams, one of the best parliamentarians of his day. The vote sustaining the Chair was very close indeed.

Now, I invite the Speaker's attention to the fact that he himself to-day ordered that this bill be read in full, and thereby put it distinctly in the position of a bill on its passage. He applied the rule of the House requiring a bill on its passage to be read. If it was sound to rule that this bill should be read in full, it must be in order to reconsider the vote by which it was rejected. The vote taken to-day differed in no way from a second vote on the passage of the bill, except that a two-thirds vote was necessary to pass it.

Mr. MANN. Mr. Speaker, we are proceeding under a constitutional mandate. A motion was made to reconsider the vote by which the bill was passed when the bill passed the House. That motion was laid on the table. The House, under the rules, had no way of getting at that bill again unless at the end of the regular order of the House it had taken the motion to reconsider from the table. But the Constitution steps in and says upon a veto of a bill the House shall take a vote. It is not optional with the House whether it then reconsiders the bill, although it was so stated the other day in a distinguished body at the other end of the Capitol. The House is not called upon to vote whether it will reconsider the bill at that time, but the Constitution says that the House shall, upon reconsideration, determine whether it will pass the bill; and the Speaker correctly stated the question under the constitutional mandate, Shall the House, upon reconsideration, pass the bill, the objections of the President to the contrary notwithstanding? That is a final vote, so held early in the history of the country. No one has ever before pretended that you could keep the thing bobbing back and forth, because under the contention of the gentleman from Massachusetts [Mr. GARDNER], if upon a reconsideration, which can be ordered by a majority of the House, the House again fails to pass the bill over the President's veto, then the gentleman from Massachusetts can again move to reconsider the vote; and the majority of the House—not a two-thirds vote—could keep the House voting upon that question from now until the end of doom or the expiration of the session. That is not the constitutional provision. The constitutional mandate has been complied with. The House has voted, upon reconsideration, not to pass the bill over the President's veto, and any other action which the House takes is invalid and without constitutional warrant. [Applause.]

The SPEAKER. The Chair is ready to rule. This vote was taken under the second subdivision of section 7 of Article I of the Constitution, which reads in this way:

> Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it. If, after reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House, respectively.

The Chair thinks that the motion to reconsider does not apply. This question, so far as the Chair has found, has never been raised but once, and that was on June 12, 1844, when the Hon. John W. Jones, of Virginia, was Speaker. The Chair will read the syllabus:

> The motion to reconsider may not be applied to the vote on reconsideration of a bill returned with the objections of the President.
>
> On June 12, 1844, a motion was made by Mr. Orville Hungerford, of New York, to reconsider the vote by which the House on the previous day refused, on reconsideration, to pass the bill (No. 203), entitled "An act making appropriations for the improvement of certain harbors and rivers," which had been returned with the objections of the President.
>
> The Speaker decided that inasmuch as the vote now proposed to be reconsidered was taken in a manner expressly provided for by the Constitution of the United States, and having been thus taken, the decision must be considered final, and no motion to reconsider was in order.
>
> From this decision Mr. John Quincy Adams, of Massachusetts, appealed. After debate the Chair was sustained by a vote of 97 to 85.

The footnote is fully as illuminating as the text, and the Chair will read that:

> On June 13, Mr. Adams gave his reasons for the appeal. He said the Constitution provided that the bill should be reconsidered with the President's objections. Reconsideration implied deliberation. But the vote had been taken under the operation of the previous question, which allowed no deliberation. Therefore the provision of the Constitution had been violated.
>
> The Speaker, replying, asked how it was that a motion to reconsider was ever entertained? It was only in virtue of the rules of the House. The bill was passed some days ago, and it was no sooner passed than a motion was made to reconsider it. That motion was rejected; all power under the rule was exhausted. Had it ever been heard of that a motion to reconsider, being once rejected, could be renewed? There was, however, a power higher than the rules which provided that whenever a bill was returned by the President of the United States with objections it was the duty of the House to proceed to reconsider it. Without that provision of the Constitution the House could never again have touched the bill; and the requirement of the Constitution having been complied with, there was no power in the House to touch the subject again.

The fact that that decision has never been raised since and has been acquiesced in for a period of 66 years is very persuasive.

A motion to reconsider is carried by a simple majority vote, but a bill can be passed over the presidential veto only by a two-thirds majority. If any other view were taken than the one held by Mr. Speaker Jones, quoted above, we might go on in a circle to the end of the session, never getting anywhere.

Another thing, under a suspension of the rules, also requiring a two-thirds majority, the motion to reconsider does not apply. For the reasons above stated the point of order raised by the gentleman from Illinois [Mr. MANN] is sustained.

Mr. GARDNER of Massachusetts. Mr. Speaker, with all due deference to the Chair, who I know intends to be absolutely fair in the matter, this being a very important question, I most respectfully appeal from the decision of the Chair.

Mr. UNDERWOOD. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] appeals from the decision of the Chair, and the gentleman from Alabama [Mr. UNDERWOOD] moves to lay the

appeal on the table. The Chair will ask the gentleman from Kentucky [Mr. SHERLEY] to take the chair on this vote.

Mr. SHERLEY assumed the chair as Speaker pro tempore.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Alabama [Mr. UNDERWOOD] to lay on the table the appeal of the gentleman from Massachusetts [Mr. GARDNER].

The question was taken, and the appeal was laid on the table.

Mr. GREENE of Massachusetts. Mr. Speaker, I desire to change my vote, I intended to vote aye on sustaining the Speaker.

The SPEAKER. The gentleman had his chance to vote. The Chair will recognize the gentleman from Maryland [Mr. COVINGTON].

BONNIWELL AGAINST BUTLER. p. 3215-3221.

Mr. COVINGTON. Mr. Speaker, I offer the following privileged resolution from the Committee on Elections No. 1.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 849 (H. Rept. 1523).

Resolved, That the memorial of Eugene C. Bonniwell against THOMAS S. BUTLER, dated December 14, 1912, and addressed to and filed with the Speaker of this House, be laid upon the table.

Mr. COVINGTON. Mr. Speaker, this resolution is based upon a unanimous report from the Committee on Elections No. 1, disposing of the paper in the nature of a memorial filed by Eugene C. Bonniwell against the gentleman from Pennsylvania [Mr. BUTLER], and referred to the committee by the Speaker some weeks ago. The resolution is not contested, and I move its adoption.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. I would like to ask the gentleman from Maryland whether the proper practice would not be to dismiss the memorial instead of laying it upon the table. I understand the Committee on Elections No. 1 has, of course, not entertained the memorial, but disregarded it after looking it over carefully. Now, the proper practice, I think, should be to dismiss the memorial. I simply mention that as a matter of practice.

Mr. COVINGTON. I will inform the gentleman from New York that in view of the equivocal character of the paper filed by Mr. Bonniwell the committee thinks the proper thing to do is to lay it on the table. We entertained it as a memorial, and we report that in so far as this House is concerned it contains nothing which warrants the committee in presenting a resolution to vacate the seat of Representative BUTLER in this House. We had nothing to do with whether or not there is pending any contest, and thought it proper to provide simply that the memorial do lie upon the table.

Mr. GOLDFOGLE. I only made the suggestion as a matter of parliamentary procedure; that is all, nothing more.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. COVINGTON, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

ORDER OF BUSINESS.

Mr. HENRY of Texas. Mr. Speaker, I submit the following privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 852 (H. Rept. 1549).

Resolved, That immediately upon the adoption of this resolution the House shall be resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 28775, a bill making appropriations for sundry civil expenses of the Government, and that without first reading the bill general debate shall be had thereon for not exceeding one hour, to be confined to the bill, one-half to be controlled by the chairman of the Committee on Appropriations and one-half by the senior minority member thereof.

Mr. HENRY of Texas. Mr. Speaker, the resolution is plain and speaks for itself. It is to the effect that immediately upon its adoption the House shall be resolved into the Committee of the Whole House on the state of the Union for the purpose of taking up the sundry civil bill, described in the rule, and then, without first reading the bill, there shall be had one hour of general debate, confined to the bill. That is all there is to the resolution.

Mr. DALZELL. Mr. Speaker, there is no disposition to discuss this rule on this side of the House, but I desire to yield two minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. HENRY of Texas. I will yield the gentleman two minutes.

Mr. MANN. May I ask the gentleman before he does that—I was engaged and did not hear the rule read—what does this rule provide?

Mr. HENRY of Texas. The rule provides to dispense with the first reading of the bill in the Committee of the Whole House on the state of the Union, and then have one hour's general debate.

Mr. MANN. It is rather an unusual procedure for the Committee on Rules to provide for dispensing with the first reading of the bill.

Mr. HENRY of Texas. It is going to be read at length under the five-minute rule. It will be read; it is not unusual; I think this has been done before.

Mr. MANN. I think I never remember it ever having been done except under suspension.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. Does this rule contain a provision limiting general debate to the bill?

Mr. HENRY of Texas. Yes; it limits it to the bill.

Mr. COOPER. Mr. Speaker, reserving the right to object, will the gentleman permit me to say a word?

Mr. HENRY of Texas. The gentleman has no right to object under the present parliamentary situation.

Mr. MANN. Let me ask the gentleman, if this rule passes, general debate will be limited to one hour, and, of course, that hour is wholly within the control of the Democratic side of the House?

Mr. HENRY of Texas. Oh, no. One-half to that side and one-half to this side.

Mr. COOPER. Will the gentleman from Texas yield to me one minute?

Mr. HENRY of Texas. I will yield to you a minute later. First I yield to the gentleman from Georgia [Mr. RODDENBERY] two minutes.

Mr. RODDENBERY. I want to inquire of the gentleman if those Members opposed to the bill can have something like 10 minutes on the question of the adoption of the rule?

Mr. HENRY of Texas. I yield to the gentleman 10 minutes.

Mr. RODDENBERY. I will be glad to take it.

The SPEAKER. To which gentleman does the gentleman from Texas [Mr. HENRY] desire to yield first?

Mr. HENRY of Texas. I desire that the gentleman from Georgia shall proceed now.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] is recognized for 10 minutes.

Mr. RODDENBERY. Mr. Speaker, before proceeding would it not meet the pleasure of the gentleman from Texas [Mr. HENRY], on account of the length of the rule, and it not having been available to the Members, to permit it to be read again so that Members may better understand it?

The SPEAKER. Without objection, the rule will be again read, and gentlemen will please refrain from conversation while it is being read.

The rule was again read.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] is recognized.

Mr. RODDENBERY. Mr. Speaker, I appreciate the 10 minutes the gentleman from Texas [Mr. HENRY] so kindly yielded to me to submit any views that I may entertain antagonistic to this rule, but I take this occasion to observe that, so far as I can recall, it is the first rule or the first measure in three years of service which I have seen presented to the House by the mover of it, where time was had for debate, that the mover of the proposition in control of the time has placed a restriction upon the opponents of the resolution requiring the opponents of the rule or bill to submit their objections before its advocates have given their reasons for its adoption.

Here is a bill of 184 pages, and it is proposed to change the standing rule of this House and put the committee to its consideration without the second reading provided by the rules. I have hastily examined Hinds' Precedents containing the rulings of previous Speakers on this question, and there runs throughout them a note without discord, but in perfect harmony, that the second reading, which is the reading in full of the bill, is one of the salutary rules for a deliberative body to enforce and exercise so that orderly and intelligent legislation may be enacted.

I find that prior to the adoption of the rules of the House, and in the Parliament of England, it was the custom to read the bill the first time in full, and in the earlier days of American legislation it was the practice to read the bill to the House in full, and in full before it was submitted to a committee for its consideration. And uniformly, therefore, before the bill was

considered, it was read in full a second time. For reasons that 10 minutes will not permit me to discuss that rule was abrogated. The first reading of the bill was later had by caption, but the decisions of the Speakers uniformly have justified that change in the rules on the ground that the right to have a bill read in full a second time would be preserved inviolate in legislation and in the deliberation of the House. But what is now proposed? This rule is without precedent as to any bill of great length in the history of our deliberations. It provides that we read a 184-page bill by caption only, and when we come to consider it in the Committee of the Whole House on the state of the Union this rule is reported to dispense entirely with its reading and bring it at once to reading for amendment.

Gentlemen may say, "You will read it paragraph by paragraph and amend it." But the fundamental principle involved in the scheme of legislation is that before the measure is taken up for amendment paragraph by paragraph the Members shall have had the entire bill read, so that their amendments may be submitted in the light of the entire legislation.

I presume, because I exercised my right under the rule on yesterday to ask that this bill be read, the gentlemen say it is necessary to do away with the arbitrary exercise and power of one fractious Member. If such be your judgment, exercise your powers in accordance with your sense of public duty; but as for me, sir, I shall not consent to charging the Treasury of the American people with $113,000,000 and violate the rule or suspend the rule and deny to Members a full reading of that legislation. Just this morning, on demand, the immigration bill was read in full, although it had been read in full before.

Here is what is behind that rule—you may see it in the newspapers of this morning: It is the great naval program which is being framed up to rush through in the final hours of this Congress. Those who want to raid the Treasury for the battleships know that if you take up the time for orderly consideration of this legislation we may not be able to legislate for Carnegie, for Morgan, for Cramp & Co., for the New York Steel Construction Co., so that they may further lay tribute on the American people in the building of fake naval armament.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. RODDENBERY. If the gentleman from Texas [Mr. HENRY] will give me more time, I shall be glad to yield.

The SPEAKER. Does the gentleman yield?

Mr. RODDENBERY. I can not yield. I wish I could.

I see from the daily papers where yesterday the Newport News Shipbuilding Co., the Dry Dock Co. of New York, the Fore River Shipbuilding Co., the New York Shipbuilding Co., the Cramp & Sons Co., the Midvale Steel Co., the Carnegie Steel Co., and the rest of them are laying a charge on the Federal Government for the construction of a great battleship, and the object of this rule is nothing more nor less than to run recklessly through this House a vast charge on the Public Treasury in order that in a day or two you may come to the naval bill and again put a burden of $150,000,000 more on the backs of the American people. [Applause.] I do not say that that is the object of the movers of this rule nor the object of the Rules Committee, because they act in obedience to what they consider their duty to the chairman of the great Committee on Appropriations, who gave notice yesterday that he would ask for the rule; but——

Mr. GARRETT. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. RODDENBERY. I must yield to my colleague.

Mr. GARRETT. Did not the gentleman vote to suspend the rules and pass the public-buildings bill the other day, without even a chance of amendment?

Mr. RODDENBERY. I did; and the bill was read, item by item, in full. There is no case on record where that bill in toto has been considered otherwise. No item goes into that bill except upon the personal application and personal hearing of each Member. More than that, it does not appropriate a dollar out of the Public Treasury, and unless the Committee on Appropriations sees fit to bring in an appropriation it never will. And more than that still, the Democratic caucus on two occasions last year directed that committee to defer the bringing in of the bill then, with the universal understanding to bring it in at this session of Congress. Our committee know how to pass legislation; we did not ask for a gag rule. We fetched her in, and we passed her under the regular rules. [Laughter and applause.] But Carnegie is not in that bill; Cramp construction trust is not in this bill; the great New York port is not in here; and therefore there is a trust-bred row raised. [Laughter.] But, gentlemen, the great masses of the people are in the public-buildings bill. [Applause.] The taxpayers are considered and cared for in that bill. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. RODDENBERY. I am against the rule. It is revolutionary. It is undemocratic, and it is unnecessary. [Applause.]

Mr. HENRY of Texas rose.

The SPEAKER. The gentleman from Texas agreed to yield one minute to the gentleman from Wisconsin [Mr. COOPER]. The gentleman from Wisconsin does not seem to be here.

Mr. HENRY of Texas. I will yield 10 minutes to the gentleman from Alabama [Mr. UNDERWOOD]. [Applause.]

The SPEAKER. The gentleman from Alabama is recognized for 10 minutes.

Mr. UNDERWOOD. Mr. Speaker, there is a great distinction between doing business for the American people and attempting to take away the rights of any Member of this House. The time has come, Mr. Speaker, when some gentlemen on this side of the House as well as gentlemen on the other side of the House should realize their responsibility to the American people. [Applause.]

We are charged with the control of this great Government. This bill carries on its pages the necessary appropriations to sustain the courts of the land and to pay the salaries of the men who collect the customs taxes that go to support and carry on this Government. Is there any man in this House that can stand before his constituens and say that he is willing to filibuster against a great supply bill like this and thus destroy the courts——

Mr. RODDENBERY. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Not right at this moment. Is there any man who can stand before his constituency and say that he is willing by a filibuster to destroy the courts and tear down the machinery by which the Government must be supplied with sufficient revenue? [Applause.]

Mr. RODDENBERY. Mr. Speaker, will the gentleman yield now?

Mr. UNDERWOOD. I can not now.

The SPEAKER. The gentleman from Alabama declines to yield.

Mr. UNDERWOOD. Now, Mr. Speaker, I understand that on yesterday the demand was made that this bill on its second reading should be read in full from the Speaker's desk. Now, if the denial of this right deprived any man in this House of a privilege or a right that he would be entitled to, in order to protect his constituents or to protect his rights in this House, I would be the last man to deny it to him. But this idea of a second reading of a bill in the House is merely a relic of an age that is past and gone. It is true in the early history of the English Parliament and in the early history of this Congress, when it is was not customary to print bills in advance of their presentation to the House, in order that every Member might be protected in his rights and know what the bill contained before it came before this House for final consideration, it was the rule that it should be read from the desk, to put him on notice. But, Mr. Speaker, this bill was read from the desk by its caption when the gentleman from New York [Mr. FITZGERALD] reported it to this House. Every Member of this House was given notice days ago that a sundry civil bill was to come before the House, and every Member of this House, including the gentleman from Georgia [Mr. RODDENBERY], knew that on the next morning he could go to the document room and get this bill in full and know every item in it from the first page to the last page. So that our relic of the past—a second reading of the bill—is manifestly unnecessary, protects no man's rights, interferes with no man's privileges; but the reading of that bill from the desk, demanded under a rule that is no longer necessary, meant the consumption of between four and five hours' time of this House, practically a legislative day, when we are within 11 days of the close of this session, when this calendar is filled with meritorious bills that are entitled to consideration; and to demand the idle reading of a bill, to consume four or five hours of the time of this House is, I think, indefensible at this stage of the proceedings. [Applause.]

Mr. RODDENBERY. Will the gentleman yield?

Mr. UNDERWOOD. I yield.

Mr. RODDENBERY. Are there any items in this bill that are required or authorized to be expended before July 1 of this year?

Mr. UNDERWOOD. I will say to you, sir, that this Congress, not the next Congress of the United States, is responsible for this bill. [Applause.]

Mr. RODDENBERY. I will ask the gentleman does he assert that the Republican Senate ought to shape this bill, or a Democratic Senate empowered to convene in less than two weeks?

Mr. UNDERWOOD. I will say to the gentleman that I think I am as intense a partisan about partisan politics as any man in this House, but when it comes to the great appropriation

bills—the supply bills to take care of our Government and support our Republic—I am not willing to drag them in the mire of partisan politics. [Applause.]

Mr. RODDENBERY. Does not the gentleman know that when this bill, like every other bill, comes back here from the Senate in the dying hours of this Congress, it will have vast pieces and species of imposition on the taxpayers of this country in the form of millions of dollars that he himself will not indorse?

Mr. UNDERWOOD. Well, I do not know whether it will or will not.

Mr. RODDENBERY. Has it not always contained them in the last three years?

Mr. UNDERWOOD. No; I do not say it always has.

Mr. RODDENBERY. I challenge the gentleman to point out a bill that has not—in the Senate amendments.

Mr. FITZGERALD. It did not in the current law.

Mr. UNDERWOOD. It did not in the law that was enacted this last year, and the gentleman himself did not raise any objection to the Senate amendments.

Mr. RODDENBERY. I fought it to a finish, but had mighty little help.

Mr. UNDERWOOD. Not on the last sundry civil appropriation bill.

Now, Mr. Speaker, all I have to say in conclusion is this: I think it would be manifestly foolish for this House to demand a second reading of a bill that is already published and before the Members of the House, when, under this rule, it will be read paragraph by paragraph and will be open to amendment and consideration by any Member of this House. I say, Mr. Speaker, that I think every Member of this House is entitled to have an opportunity fairly to consider these great supply bills, but that no man in this House is entitled to block the legislative wheels with the foolish and unnecessary invoking of a decadent and useless rule, and I hope this House will adopt this special rule and let the public business proceed.

Mr. HENRY of Texas. I yield 10 minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for 10 minutes.

Mr. MANN. Mr. Speaker, my distinguished friend from Alabama [Mr. UNDERWOOD] has shed many tears because he says some one demanded the second reading of the sundry civil appropriation bill from the Speaker's desk last night. When some gentleman undertook to correct him as to what the reading of the bill was, he insisted, upon full consideration, that he was correct and that the request was to dispense with the second reading of the bill from the Speaker's table; and yet the Journal, which has been approved by the House, will show that on February 17 the gentleman from New York [Mr. FITZGERALD], chairman of the Committee on Appropriations, by direction of that committee, reported the bill H. R. 28775, making appropriations for sundry civil expenses of the Government, and so forth, which was read a first and second time, referred to the Committee of the Whole House, and so forth.

So even our distinguished friends on the other side of the aisle, so disintegrated that they can not do business, do not even know enough about the rules of procedure to know what reading of a bill is in order.

A second reading of this bill has been had, and the Journal so shows. At least the Journal so showed, and it is not required to be read a second time in the House. What was asked was to dispense with the first reading of the bill in committee. And what is the situation? The Democratic Party is so demoralized that it pleads with its own Members that the rules of the House, which it made under a reform administration of the House, are so antiquated and decadent, as said by the gentleman from Alabama, that they ought not to be enforced at this stage of the proceedings.

Why at this stage of the proceedings? Why was not the sundry civil bill brought before the House before now? They bring it in at the last minute and say, "Gentlemen, please do not ask us to enforce the reform rules we made; excuse us from applying the rules. We have not brought in a bill soon enough to pass it under the rules, and we must pass it by unanimous consent." Why do you not reform your rules, or reform your practice, or, better still, reform both rules and your practice?

Bring your bill before the House at the proper time and then have some leadership on your side of the House. I am delighted to see the gentleman from Alabama back from his arduous duties at hearings and assume the leadership on the Democratic side of the House once more. He has been away, and he will excuse me if I say to him that I never saw such a demoralized lot of followers as he has had in his absence. [Laughter and applause.]

You can not run the House of Representatives on the principles of a town meeting. You thought you could, but you are finding out you can not. You are getting now to the point where you are begging this side of the House to let you violate the rules which you made and which when you made you said, "Here are rules which will enable the people through their chosen Representatives to do business, as compared with the old régime"; and you have reached the point now, which we did not even reach under the Cannon administration, where you have to bring in a rule to dispense with the reading of a bill which we are required to vote upon. [Applause on the Republican side.]

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I am sorry that my distinguished friend from Illinois [Mr. MANN] on the other side of the aisle looks at this question as he does. Whether this reading of the bill is called a first reading or a second reading is immaterial; it is a reading of the bill that in nine hundred and ninety-nine cases out of every thousand is dispensed with, and always has been dispensed with in this House since he and I have been Members of it, by unanimous consent. He knows, as well as I do, and the country knows, that the only time when this reading of the bill has ever been demanded in this House has been at times when some one desired to filibuster against a bill and destroy it.

Now, as to the speed of these appropriation bills. I recall that four years ago at this very time, when a new administration was coming in, and the gentleman's party was in power, not only this sundry civil bill but many of the other great supply bills were trembling in the balance as to whether they would become laws or not, not up to the eleventh day before adjournment but up to the very hour of adjournment, and the gentleman's party was in control of the House at the time. [Applause on the Democratic side.]

I am only appealing to this House not to demand unreasonable procedure that we are not accustomed to use. Let us consider these bills in an orderly way, giving everybody a chance to consider them, because, I will say to the gentleman from Illinois, if this side of the House is willing to follow what motions I make, these supply bills to support the Government of the United States will become a law. If we can not support the Government and pass them in an orderly way, by reason of filibustering tactics coming from any source, then I am willing to stand for a rule, no matter how drastic, that will supply the necessary funds to support the Government of the United States. [Applause.]

Mr. MANN. Will the gentleman yield for a question?

Mr. UNDERWOOD. Certainly.

Mr. MANN. Of course the gentleman knows that any filibustering is from that side of the House, and it has been the understanding on this side of the House that various gentlemen on the Democratic side of the House at the inspiration, supposedly, of the President elect, were endeavoring to prevent the passage of the supply bills at this Congress in order that they may be carried through the next Congress. Is the gentleman able to say what the attitude of the President elect is on this question?

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman that I am not here by authority or with authority to speak for the next President of the United States, but I will say to the gentleman from Illinois, without having authority to say so, that I am firmly convinced that any such statement as to the attitude of the next President of the United States with reference to these supply bills is absolutely erroneous. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, I hope that is true, and that the gentleman will convince his side of the House that it is true.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. HENRY of Texas. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 25 minutes.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, the gentleman from Illinois [Mr. MANN] is very ingenious, but he knows, as every other Member of the House who is familiar with the rules and the method of making up the Journal knows, that the only time reference in the Journal will be made to the second reading of a bill is when it is referred to the Committee of the

Whole House on the state of the Union, before the actual reading, and not after it has been read the second time.

Mr. MANN. Does the gentleman know of any other second reading of this bill in the House?

Mr. FITZGERALD. The only time the bill will be referred to in the Journal as having been read a second time is when it is referred to the Committee of the Whole House on the state of the Union, and, whether it be read in full before amendment or not, the Journal will not note the fact that it has or has not been read a second time after the bill is reported to the House.

Mr. MANN. Does the gentleman know of any other second reading of the bill in the House except of the second reading to which the Journal refers?

Mr. FITZGERALD. There is in effect a second reading. It is the reading of the bill under the five-minute rule.

Mr. MANN. But that is in Committee of the Whole House.

Mr. FITZGERALD. It is in effect a reading.

Mr. Speaker, the gentleman from Georgia [Mr. RODDENBERY] has been present when 10 of the appropriation bills have been considered in the House at this session, and he has not objected to dispensing with the second reading of any of those bills. His only purpose in this instance is to delay unnecessarily the business of the House. It comes with poor grace from the gentleman from Georgia [Mr. RODDENBERY] to criticize the committee in charge of this bill for requesting that this reading be omitted. He is a member of the Committee on Public Buildings and Grounds. That committee on Saturday last reported a bill making authorizations for public buildings to cost $25,000,000. The bill was not available until Monday morning, and the gentleman, as a member of the Committee on Public Buildings and Grounds, voted for a motion directing the chairman of that committee to make, on behalf of that committee, a motion to suspend the rules and pass the bill through the House, without opportunity for amendment, without a second reading, and without opportunity for more than 40 minutes' time in which to discuss the items in the bill.

Mr. RODDENBERY. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. No; I have only five minutes. The gentleman is mistaken about the practice of his own committee. The gentleman stated that the committee did not put items in the public buildings bill unless requested so to do by the Member in whose district the building was to be located and upon a personal appearance and appeal for such an item. Yet the committee put an item in the bill affecting a building in my district without my appearance, without my request, and they took it out when I protested against the item.

Mr. RODDENBERY. Mr. Speaker, the gentleman is mistaken. The facts are not in accordance with his statement.

Mr. FITZGERALD. The gentleman is not mistaken. The gentleman bases the statement upon a conversation with the chairman of the Committee on Public Buildings and Grounds, and he said, after a statement which I made about it, that he would ask the committee to take the item out.

Mr. RODDENBERY. The gentleman is entirely mistaken.

Mr. FITZGERALD. Mr. Speaker, I decline to yield.

The SPEAKER. The gentleman from Georgia must not interrupt the gentleman from New York without his permission.

Mr. FITZGERALD. Mr. Speaker, perhaps something will account for the desire of the gentleman from Georgia not to have discussion, not to have debate, not to have opportunity for amendment on the public building bill. He states that Members had to ask for items in that bill. He is a member of that committee. He has two items in the bill.

There was an item for a site and public building at Moultrie, Ga., with a limit of cost of $65,000. In 1900 the postal receipts at Moultrie were $3,090.08. The population was 2,221. The amount expended for accommodations necessary for the public service, including light and heat, was $96 a year. In 1912 the population had increased from 2,221 to 3,349 and the postal receipts had increased to $13,892.37. The cost to the Government for the accommodations necessary, including the heat and light, was $360 a year.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. RODDENBERY. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. In a minute. The interest at 3 per cent on $65,000 fixes a permanent charge on the Government of $1,950 a year, without taking into consideration the cost of service, heating and lighting the building.

At Dawson, Ga., also in the gentleman's district, is an item for a site and building to cost $60,000. In 1900 the postal receipts were $4,027.08; cost to the Government for accommodations was $270 annually; population, 2,926. In 1912 the receipts were $10,978.83; cost to the Government for necessary accommodations now, $400 a year; population, 3,827. The permanent charge upon the revenues, exclusive of maintenance and service, as a result of this investment will be $1,800 a year. I am not surprised, Mr. Speaker, that the gentleman serving on a committee reporting bills with such items, in which the members of the committee are vitally interested, insist that a bill carrying authorizations for public buildings aggregating $25,000,000 shall be considered and passed without opportunity for discussion or scrutiny of those items. The gentleman says that the bill did not appropriate any money. No; but this bill, the sundry civil bill, carries $14,000,000 to pay for the construction of buildings authorized in just as indefensible bills in the past, and in three or four or five years from now some other chairman of the Committee on Appropriations will be carrying appropriations in the sundry civil bill to construct buildings in these insignificant communities which when completed will make the people of the community ashamed of the town in which they live because the character of the public building will overshadow everything within 100 miles of the building.

Mr. Speaker, I believe it is necessary for this House to transact its business. I believe the gentleman from Alabama [Mr. UNDERWOOD] is correct when he asked the House to adopt this rule. The gentleman from Illinois [Mr. MANN] referred to the fact that this bill is not brought in at the proper time. Two years ago the sundry civil bill was brought in on the 23d day of February, one week later than this one was reported, and the attempt was made to pass the bill under suspension of the rules.

Mr. MANN. But the naval bill was not hung up as high as the columns of the roof.

Mr. RODDENBERY. Will the gentleman yield?

Mr. FITZGERALD. Not now. Whatever may have been the status of the naval bill the sundry civil bill was not ready to report; this one is. I now yield to the gentleman from Georgia.

Mr. RODDENBERY. Mr. Speaker, will the gentleman furnish me with a number of the copies of the statement he has made touching the buildings I have secured for my district, so I can circulate them in my district to show what a capable legislator I am?

Mr. FITZGERALD. Mr. Speaker, I decline to yield further. If the gentleman is so anxious to circulate that information in his district, let him purchase the requisite number of copies of the CONGRESSIONAL RECORD and do it at his own expense. [Applause.] He should not ask me to pay for the distribution as well as the cost of printing them. That is economizing too far to suit me. I hope the gentleman himself will not repeat the suggestion——

Mr. MANN. Agreeing, as we all do, upon the stress of conditions, would it not be well for the House to-day to remain in continuous session until pretty late to-night, so as to carry on the work of this House if there is any filibuster offered?

Mr. FITZGERALD. I hope the House will stay here until early to-morrow morning if the attempt is made to filibuster against this bill. I am prepared to do it, and if 100 Members will stay in the committee I am willing to keep the House in continuous session to transact the public business and to demonstrate to gentlemen that they can not prevent the House of Representatives doing the business required to be done under the Constitution.

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I am a Member of this House until the 4th of March next, a member of the minority with a great majority on the other side. It is usual to make the appropriations at the short session of Congress. I do not recollect of their having failed but once during my service, and that was way back, I believe, in 1878. Now, I am not responsible, and this side of the House is not responsible, directly for this bill, and yet after all is said and done we are Representatives, and as one member of the minority I feel that it is my duty to assist as best I can in the passage of these supply bills. Ah, say gentlemen occasionally on this side to gentlemen on that, wait until the saints come in. Well, the saints when they come in will have their hands full enough to keep the country hung up for week after week and month after month to enact the revenue legislation.

You may say, "What have we as partisan Republicans to gain by that?" The question is larger than that. I would, if in my power, pursue that policy which would enable your side of the House to work your will touching the revenues, and I have no desire to contribute directly or indirectly to a very long session of the first session of the Sixty-third Congress.

Now, gentlemen upon that side have given notice of an intention to filibuster. I do not believe there will be any assist-

ance from this side, but I want to say to the gentleman from New York [Mr. FITZGERALD], in charge of the bill, and the gentleman, the leader of the majority [Mr. UNDERWOOD], that the sundry civil bill has, as I roughly estimate, 2,000 items in it, each one of which is subject to amendment under the five-minute rule, and an amendment to the amendment, and subject, at least, to five minutes debate on each paragraph for and against, as well as a vote. And unless you are very severe as to amendments, and amendments to amendments, or substitutes for amendments, if two men or three men on that side desire to filibuster, under the rules of this House it will take from now to the 4th of March to pass this bill.

I trust that they will not filibuster. I would like to see this bill considered in an orderly way. As far as it goes, in my judgment, after examination, it is a good bill, and I am going to help pass it as best I can. But it is said you are going to run up against the buzz saw of one man or two men, or a half dozen men on the majority side in the endeavor to prevent your passing this bill under the rules of this House. Now this effort, if it shall be made, will defeat the bill unless you shall from time to time make such special rules by a majority of the House as you have the wisdom and courage to make.

I yield back the balance of my time.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 18787. An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1589. An act to authorize the exchange of conveyances between the Florida East Coast Railway Co. and the United States;

S. 8090. An act permitting the building of a railroad bridge across the Missouri River from a point on the east bank in section 14, Mountrail County, N. Dak., to a point on the west bank of said river in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west, of the fifth principal meridian; and

S. 8089. An act permitting the building of a railroad bridge across the Yellowstone River from a point on the east bank in section 15 to a point on the west bank in section 16, township 151 north, of range 104 west, of the fifth principal meridian, in McKenzie County, N. Dak.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 19191. An act for the relief of Christian Hedges;

H. R. 22939. An act for the relief of John K. Wren; and

H. R. 16127. An act for the relief of William Kaiser.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MCKINNEY, indefinitely, on account of illness.

To Mr. MORGAN of Oklahoma, for seven days, on account of important business.

ORDER OF BUSINESS.

Mr. HENRY of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. RODDENBERY. Division, Mr. Speaker.

The House divided; and there were—ayes 156, noes 3.

Mr. RODDENBERY. Mr. Speaker, I make a point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and one Members are present—a quorum. [Applause.]

So the resolution was agreed to.

The SPEAKER. Under the rules, the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

SUNDRY CIVIL APPROPRIATION BILL.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, with Mr. HAY in the chair.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. Mr. Chairman, this is the bill making appropriations for the sundry civil expenses of the Government. The estimates upon which the bill is framed aggregate $128,357,629.43, as they appear in the regular Book of Estimates. In addition, in various House documents supplementary estimates have been submitted aggregating $10,433,005.55, making a total of estimates considered by the committee of $138,790,634.98. The bill as reported recommends appropriations aggregating $113,271,614.66, which sum is a reduction of $25,519,020.32 under the estimates submitted by the departments. The reduction, as recommended by the committee, is $4,855,368.30 less than the bill for the current year.

To appreciate, Mr. Chairman, what had to be done in order to reduce this bill under the appropriations for the current year, it is necessary to recall that at the last session of Congress the estimates found in the regular Book of Estimates for consideration in the sundry civil appropriation bill aggregated $142,006,303.25, and certain supplementary estimates were transmitted in various House documents recommending additional sums aggregating $9,984,803.62, the total of estimates submitted to Congress at its last session for consideration in the sundry civil bill being $151,991,106.87.

The bill as reported to the House recommended $109,577,414.40, which was a reduction of $42,413,692.47 under the estimates submitted by the departments, and a reduction of $33,060,629.74 under the appropriations for the fiscal year ending June 30, 1912, so that this bill recommends appropriations of approximately $28,000,000 less than the sundry civil bill carried for the fiscal year 1912.

This has been done without the elimination of any items essential for the proper conduct of the public service, and it has also enabled the committee to include in this bill many items imperatively required to improve the public service, the enactment of which will very greatly tend to increase the efficiency of the various services and to promote their economical conduct.

This bill covers so wide a range of subjects wholly unrelated and disconnected that it is not possible to make a review of the various items of the bill, in the time at the disposal of the committee, so as to exhibit such a picture as would be of very great service to the Members in the consideration of the bill. The report of the committee, however, sets forth certain suggestions that have been made in the nature of limitations or legislation, and gives in tabular form the appropriations for the current year, the estimates submitted by the departments, the amounts recommended in this bill, and the pages of the bill upon which the various matters are found, so that Members by turning to the report can inform themselves fully in regard to any matters in the bill about which they may be interested.

Mr. SAMUEL W. SMITH. Mr. Chairman, will the gentleman submit to a question?

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. SAMUEL W. SMITH. How much money has been expended by the various investigating committees thus far during this Congress?

Mr. FITZGERALD. Mr. Chairman, the appropriations for the contingent fund of the House are carried in the legislative appropriation act, and the amounts expended by the various committees of the House come under the scrutiny of the Committee on Accounts. I have not had my attention called to the figures showing the totals expended for these purposes, nor have I recently made any inquiry regarding them, and I have not the information at hand which the gentleman seeks.

Mr. BARTLETT. I want to state, Mr. Chairman, that that information was given when we passed the legislative bill.

Mr. SAMUEL W. SMITH. Can the gentleman tell in round numbers what the total is?

Mr. BARTLETT. I am not on that committee and I can not recall the figures, and I do not suppose the gentleman, if he were present, would recall them.

Mr. SAMUEL W. SMITH. From the way the gentleman spoke I thought he had the figures.

Mr. BARTLETT. It was all gone into in detail heretofore, when the same question was asked and answered.

Mr. FITZGERALD. The only substantial increase of salary carried in this bill is one for the assistants to the plate printers in the Bureau of Engraving and Printing. In the Bureau of Engraving and Printing there are approximately 900 young women employed as assistants to the plate printers and en-

gravers. They are now receiving $1.50 a day. Their work is very onerous, the conditions under which they labor are very severe, and the testimony before the committee is to the effect that the young women engaged in this work, or great numbers of them, break down physically after three or four years of service in it. The committee has included in this bill a sufficient sum to enable their compensation to be raised 25 cents a day—from $1.50 to $1.75, or about $75 a year each.

This matter, Mr. Chairman, has been called to the attention of Congress on several occasions. From my experience and observation and knowledge of the Government service I am convinced that it is the most meritorious request for increase of compensation that has been submitted to Congress during my service in this House. These young women have no votes. They have no political influence. They are engaged in an arduous, difficult, and severe service for the Government, and the committee was unanimously of the opinion that whatever else might be done in this bill this particular increase was not only justified, but imperatively required by the conditions under which they serve.

One other important item in the bill I desire to call to the attention of the committee. The committee recommends the construction of a central power, heating, and lighting plant, to serve 20 Government buildings in the District of Columbia.

Its cost is limited to $1,494,000, and its operation will mean an annual saving to the Government for light, heat, and power of $173,000. A committee of engineers connected with various services under the control of the Treasury Department have been working upon the project for two years. They have gone into the matter very exhaustively, and when they presented the case to the Committee on Appropriations the committee invited the representatives of the local lighting company to appear with their engineers and to question, dispute, or challenge any of the assertions made by the engineers in the service of the Government. After an exhaustive hearing, based upon the information obtained at that time, and with the knowledge of what has been accomplished by the erection of the Capitol heating and lighting plant which is now under the control of the House commission in charge of the House Office Building, and which supplies light and heat to the Capitol, to the Senate and House Office Buildings, and to the Library of Congress, the committee were unanimously of the opinion that this was one of the most desirable projects that could be recommended at this time. Provision is made for a cross connection between the present Capitol plant and this new central heating and lighting plant, so that in the event of breakdown of one the other can act as a reserve. No private industry owning 20 great buildings scattered within an area susceptible of being served by a single heating, lighting, and power plant would consider purchasing its heat, light, and power from a private company. Not only as a matter of administration, but as a matter of economy such a private enterprise would have a plant of its own. In view of all the circumstances it seemed to the committee that a wise, economical, and proper administration of the public service demanded that this plant be authorized at this time.

Not only will it provide for the buildings now erected, but it will have sufficient capacity to heat and light the three buildings proposed for the Departments of State, Justice, and Commerce and Labor under the legislation enacted a few years since, and will also have sufficient capacity to provide for the proposed building for the Geological Survey, which is authorized in the public building bill that passed the House Monday.

Mr. STEPHENS of Texas. I desire to ask the gentleman if any steps have been taken to produce power and light from the Great Falls of the Potomac above this city? If that is true, would it not be better to use that power than to erect a great central plant, as is proposed by this bill? My understanding is that some appropriations have been made and some steps taken toward developing this water power.

Mr. FITZGERALD. An appropriation has been made to investigate the feasibility of utilizing the power at the Great Falls for the purpose of furnishing light, heat, and power to the city of Washington; but regardless of what the report of the engineers may be as to the amount of power that can be developed at that point, many difficult questions will arise if the Federal Government attempts to acquire the sites and the control of the power for the purpose of supplying the Government itself and the municipality in that way. And even if such a project can be carried out and power generated in that way, the testimony of those with whom I have conferred on the matter during several years is to the effect that it would be essential to have a plant with sufficient capacity to meet whatever demands might be made upon it in a period of drought and low water or of accident or breakdown at the plant at the Great Falls. So that even if the report of the engineers who are investigating this matter be to the effect that it is desirable to develop the power at the Great Falls, the information I have is to the effect that either the Government or some private enterprise must necessarily provide a plant of about the capacity of this one.

Mr. RODDENBERY. Mr. Chairman, would the gentleman like to have a quorum present?

Mr. FITZGERALD. I think there is a quorum present.

Mr. RODDENBERY. I will not make the point.

Mr. FITZGERALD. And I much prefer a quorum that is attentive than a larger number who might not be interested in what is said about the bill.

The matter of this plant, Mr. Chairman, was looked into at the last session of Congress by the committee, and the committee made no recommendation at that time, because it desired an opportunity to make the fullest and most complete investigation possible; and it seemed to the committee, after a consideration of all the circumstances, in view of our experience with the plant erected and now under the control of the Congress, that it was highly desirable to establish this plant, which will result in an annual saving of about $173,000.

Mr. Chairman, during the consideration of the bill it is hoped that it may be possible to give such explanation of the various items as Members may desire, and to have the bill considered in that way which will justify the recommendations made by Congress.

The gentleman from Georgia [Mr. RODDENBERY] during the discussion of the rule, called attention to what at times has been the practice of another body in the treatment of these bills.

I desire to insert in the RECORD a statement of what transpired in the last Congress, in so far as the sundry civil appropriation bill was affected, and trace its course from the day it was reported until final enactment.

The bill was reported to the House carrying $119,577,414.40. When it passed the House it carried $109,567,974.40, or a reduction of $10,000,000 under the amount recommended by the committee. The bill, as reported to the Senate, carried $115,021,989.70, an increase of less than $6,000,000. It passed the Senate carrying $116,322,730.20, an increase over the amount of the bill as passed by the House of about $6,800,000.

In view of the fact that the bill had passed the House $42,000,000 less than the estimates submitted to Congress, it can be seen that in a bill carrying $109,000,000 an increase of $7,000,000 was not a very large sum. Indeed, if that ratio had been followed in the increase made to the Indian appropriation bill, the task of the gentleman from Texas [Mr. STEPHENS] would have been much lighter. My recollection is that the Indian appropriation bill passed the House carrying about $7,000,000 and it passed the Senate carrying $14,000,000. So the Senate added to the Indian appropriation bill, which passed the House carrying $7,000,000, more than it added to the sundry civil bill, which carried $109,000,000 when it left the House, although it was $42,000,000 less than the estimates.

As finally enacted into law the bill carried $112,039,184.40, an increase over the bill as it passed the House of about $2,500,000. So that I feel justified in saying that considering the Senate is a coordinate body with the House in the legislative department of the Government, that while I differed with the representatives of the Senate as to some of the items in the adjustment of conditions upon these bills, it could hardly be said that to the sundry civil bill such an amount had been added as could not be justified from any standpoint.

The committee has inserted one other important provision in the bill. It is a provision requiring the head of each department or bureau prior to the beginning of each fiscal year to designate some official through whom all estimates or appropriations will pass, and the duty is imposed upon him of arranging and classifying the estimates, striking out useless and unnecessary verbiage, and couching them in the form usual in appropriating money for specified purposes. These persons are charged with the responsibility of carrying out the various acts of Congress enacted regarding the submission of estimates.

The object is to make as uniform as possible the submission of estimates and to standardize as far as possible the language in which the appropriations are couched, and to save the Congress the unnecessary and tremendous toil that is essential to rewriting the simplest item submitted, which, if some one in the departments were charged with that duty, would be done before they come here. It is a very desirable and important provision, and the committee hope that it will be carried into law.

Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used 24 minutes.

Mr. RAKER. Will the gentleman yield right there?

Mr. FITZGERALD. I will yield to the gentleman from California.

Mr. RAKER. Outside of those matters mentioned by the gentleman, is there much new legislation in this bill?

Mr. FITZGERALD. The report sets forth in italics from page 5 to page 10 every item in this bill that is a change of existing law or new legislation. So Members can take the report and see for themselves exactly what is proposed.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. LONGWORTH. This bill carries the sum which may be expended in the discretion of the Secretary of the Treasury for the repairs of various Federal buildings?

Mr. FITZGERALD. It does; $650,000.

Mr. LONGWORTH. Is that a larger sum than was carried in the last bill?

Mr. FITZGERALD. It is an increase of $25,000. That is due to the fact that every year there is an increase in the number of buildings going into commission, and as they are authorized and go into commission there is a permanent charge on the Government for their maintenance and upkeep, and it is necessarily increased. Under no system can the appropriation be reduced unless we abandon the buildings.

Mr. LONGWORTH. This is expended entirely in the discretion of the Secretary of the Treasury?

Mr. FITZGERALD. Yes; the Treasury Department determines the places where it shall be expended.

Mr. NORRIS. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. NORRIS. Mr. Chairman, I notice in this bill a large number of appropriations for public buildings in different parts of the country. Some of the appropriations are for the completion of public buildings within the authorization heretofore authorized by law, and others are for the continuation of work. There are some public buildings where the limit of cost was increased by the recent bill that passed the House, and which I presume will pass the Senate also.

Mr. FITZGERALD. I hope not.

Mr. NORRIS. That may be, but the gentleman will probably be disappointed.

Mr. FITZGERALD. I am not so sure about that, from the latest information.

Mr. NORRIS. I would like to ask the gentleman if he will have any objection to the proper change being made as we reach the different items, so that it will not say for the completion of a building when in fact an authorization has already been passed that would increase the authorization in that particular case?

Mr. FITZGERALD. If that bill becomes a law, wherever the authorization has been increased, this language, "to complete," would not affect it at all.

Mr. NORRIS. While the other bill is nothing but an authorization, it does not follow that Congress must appropriate all of the money that is authorized.

Mr. FITZGERALD. That is true.

Mr. NORRIS. If we appropriated a certain amount which should be for the completion of a certain building, the department would have no authority to go beyond that appropriation, even though there had been another authorization just prior to that.

Mr. FITZGERALD. It is completely within the authorization now made, and besides the gentleman from Nebraska would hardly expect me to conduct this bill upon the assumption that that public-building bill is likely to become a law.

Mr. NORRIS. I certainly do; and I think the gentleman's intelligence is such that he will be offended if any man for a moment intimated that the public-building bill, at least, would not pass the Senate; but be that as it may——

Mr. FITZGERALD. This thing has happened in the past time and again, and there has never been any difficulty.

Mr. NORRIS. There are a number of cases where even the gentleman would concede, or the principal officials in the department would concede, that a prior authorization was insufficient, and they were unable to get bids.

The CHAIRMAN. The time of the gentleman from New York has expired. The gentleman from Illinois [Mr. CANNON] is recognized for 30 minutes.

Mr. CANNON. Mr. Chairman, this bill is, in my judgment, as far as it goes, a proper bill. I want to say that I have never known a bill prepared with greater care, under the leadership of the gentleman from New York [Mr. FITZGERALD], with the able assistance on the majority side of the subcommittee of the Representative from North Carolina, Mr. PAGE, and the Representative from Kentucky, Mr. SHERLEY. I will be perfectly willing, speaking as to the whole bill, that it should be enacted into law. I think it is subject to criticism, not, however, for what it contains, but for something that it does not contain. I shall not seek to point out those things now nor do I know that I shall seek to bring them before the Committee of the Whole House on the state of the Union, because if matters are omitted when it goes to the Senate, perchance, if the Senate should have the same view that I have, the House later on will have an opportunity to consider amendments that the Senate may make.

The House is jealous and always has been touching the origin of appropriation bills as well as revenue bills. I hope it will continue to be so. Yet with the power of amendment in the Senate, which is plenary and has been in substantially all the past, it is well with that in view for the House to send the Senate a substantially good appropriation bill. Otherwise the Senate is liable to amend, and we are liable to be deprived practically near the close of the session of consideration of Senate amendments to the extent that we would consider them if they were reported in the House bill and passed by the House in the first instance. This power of amendment on the part of the Senate, especially as to revenue bills, has been exercised in the main so that the Senate may be said to originate revenue bills, from one standpoint, as well as the House. They can not originate in the Senate in the first instance, but the practice has grown up by which they strike out all after the enacting clause and put a bill of their own in in the shape of an amendment. I see before me the gentleman from Nebraska [Mr. NORRIS] and the gentleman from Kentucky [Mr. JAMES], who will soon enter the other Chamber. I hope they will be as competent there as they have been on this side, and I would be very glad, as I pass out of public life, to have them work a reform in the Senate. [Laughter.]

Now, I do not want to talk much about this bill. It does show an apparent reduction of nearly $5,000,000 from the bill of last year, and yet it is apparent and not real in fact, for the reason that the Panama Canal, including its fortifications, in this bill carries a reduction of ten and a half million dollars, in round numbers, from the appropriations of last year. And that is easily explained. The canal approaches completion, and it was not necessary to appropriate more than that carried by the bill. Now, if you exclude the reduction in the appropriations for the Panama Canal for the coming year over the appropriations for the current year, then the bill would show an increase, in round numbers, of five million seven hundred and ninety-six thousand and odd dollars. So that in fact this bill, excluding the Panama Canal, does show an increase over the current sundry civil law of almost $6,000,000.

Now, that is about all I want to say. It is very proper it should show no larger increase. I think it might be well increased to the extent of from three to five million dollars, and I should not be surprised if, after we get the Senate amendments and the House considers the amendments, and when it is finally enacted into law, it will not be increased over what this bill carries by from three to five million dollars.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. CANNON. I will.

Mr. STEPHENS of Texas. I desire to call the gentleman's attention to the fact that they have repealed a provision in the Indian appropriation act of last year in this language:

> The appropriation of $17,500, made in the Indian appropriation act for the fiscal year 1913, for construction of a sanitary sewer system in Platt National Park, Okla., to be expended under the direction of the Secretary of the Interior, is repealed.

Now, from the gentleman's long experience in this House at the head of this important committee, and also as Speaker of the House, Does he know of any instance where an act was repealed in this way?

Mr. CANNON. Oh, yes; in many instances; in several instances.

Mr. STEPHENS of Texas. It is certainly new legislation, is it not?

Mr. CANNON. Oh, whether it would be in order under the Holman rule, for which I am not responsible, I will not say. It probably would, because it would be legislation that reduces expenditures, but that will come up when the item is reached. As to the propriety of that repeal I will let the gentleman in charge of the bill and the gentleman from North Carolina [Mr. PAGE] or Mr. SHERLEY speak of that when it is reached. That is an appropriation, however, I will say in passing, that was made upon the Indian appropriation bill touching an item over which that committee had no jurisdiction and that comes from the sin of dividing these supply bills among several committees instead of having them in one committee to prepare the bills. There are six or seven of those appropriating committees, and each committee, in the rush of passing bills, looks after its real or supposed jurisdiction and frequently gets jurisdiction that

does not belong to it. In other words, and I will drop it there, under the rules dividing these bills, we are at sea, leading to great extravagance in my judgment and to much of improper appropriations. Some time or other the rules will be amended from necessity. Gentlemen, you have seen a hen with one chicken, and she makes more fuss about that poor little chicken than a hen which has 17 chickens as she struts and clucks and leads her brood after her. [Laughter.] Yet I did not intend to refer to that matter. Now, I want to say again what I said touching the adoption of the rule. In my service upon this Appropriations Committee this short session I have said to the majority of the committee, you come into full power on the 4th of March next, you will have the President as well as the House and the Senate—you now have the House, and the Senate as it is organized now when you bid for it—so that you are responsible there as you are responsible here, and now that you are to have the President after the 4th of March I wish you God's speed, and I desire merely that you prosper and that the country will prosper.

As I said once before, I can hardly say I hope, because hope when defined is desire crossed on expectation, but you have had a free hand, so far as I am concerned, in making this bill. You are responsible. It is your Executive, soon to be, and if you do not provide for the public service it is your fault, and if you are extravagant in providing for it, it is your fault, and I shall adhere, so far as I am concerned as a member of this committee and of such conference committees as I may serve upon, to that policy. I believe in majority rule, and I measure my words when I say so; majority rule and majority responsibility, and in all perfectly good faith, without criticizing any Member of either side of the House, to use an expression on the Wabash, "You have got to hump yourself" if you pass these bills. I say again, as I said a little bit ago, it is in the power of any one man under the present rules of the House, or under the general rules of the House as they formerly existed, to take up the time from now until the 4th of March in the House in Committee of the Whole House on the state of the Union in the consideration of this bill.

You may say, "What are we going to do? Is there somebody on either side of the House who is going to pursue that policy?" Well, I do not know. If somebody desires to consume the time, you will have to adopt a rule here to pass this bill, saying nothing about the deficiency bill and the naval bill.

I am a believer, I say again, in the majority ruling. I do not believe that 1 man representing 1 district, or 10 men representing 10 districts, or a large minority of this House representing their respective districts, have the right to block the will of the majority. You may say, "Is not the majority wicked from time to time?" Well, the minority always thinks so, or professes to think so, but, after all, there comes the responsibility every two years—and sometimes majorities become minorities. That is the condition now, so far as the Republican Party is concerned. And while some of you gentlemen, now in the majority, think you will be old men, and, if you continue long in the service, you will be buried in the end at the public expense while in the majority, though I am not a prophet, or the son of a prophet, I guess that, perhaps, something will happen so that you may become a minority.

I will not take further time. I believe there is no member of the committee on this side who desires to talk about this bill and, so far as I am concerned, I am willing to yield the balance of my time.

Mr. PAGE. Does the gentleman yield the balance of his time?

Mr. MONDELL. Will the gentleman yield to me?

Mr. CANNON. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has 13 minutes remaining.

Mr. CANNON. Does the gentleman from Wyoming [Mr. MONDELL] desire some time on the bill?

Mr. MONDELL. I did desire some time, and under the arrangement, which it was proposed to make, I was to have 15 minutes. I do not care now to take the time from other gentlemen who are anxious to speak, but I would like to have a few minutes.

Mr. CANNON. As I understood the gentleman, he wanted some time in connection with an item in the bill.

Mr. MONDELL. I wanted to talk on an item in the bill.

Mr. CANNON. How much time does the gentleman from North Carolina [Mr. PAGE] want?

Mr. PAGE. I wanted no time myself, but the chairman of the committee promised the gentleman from Mississippi [Mr. SISSON] 10 minutes, if he could give it.

Mr. CANNON. How much time has the gentleman from New York [Mr. FITZGERALD]?

Mr. PAGE. His time is exhausted.

Mr. SISSON. I have no desire to take the time from the other side. I am willing the gentleman from Wyoming should consume all the time, if he desires.

Mr. CANNON. Then, I yield all my time to the gentleman from Wyoming [Mr. MONDELL], and he can make such arrangement as he wishes with the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. I do not desire to ask the gentleman to yield time that belongs to his side.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Chairman, this bill carries appropriations amounting to something over $113,000,000. As the gentleman from Illinois [Mr. CANNON] has just stated, this is a seeming reduction below the appropriations for the current fiscal year of nearly $5,000,000, but, by reason of the fact that the appropriations for construction at Panama are reduced by upward of $10,000,000, the fact is the bill carries appropriations, exclusive of Panama construction, of nearly $6,000,000 in excess of the current law. I think the bill was very carefully considered by the subcommittee. I am frank to say that, as a member of the committee, I did not have time enough to thoroughly digest all its items, but, from what I know of the bill, I think it has been carefully prepared and that in the main its items are fair.

The faults of the bill, so far as it has faults, are mainly, as the gentleman from Illinois [Mr. CANNON] suggested, by reason of the fact that some of the items are too small or that entirely meritorious items have been left out. However, the committee has, under the circumstances and with an earnest desire to keep appropriations as low as possible, brought in, I think, a very excellent bill.

I want to call attention, however, to one item in the bill of nearly $5,000,000 I think wholly unnecessary, and I want every Member of the House who is not satisfied because some item that he is interested in has been left out, or because some item in which he is interested has been cut down, as well as all who believe in reasonable economy in public expenditures, and, beyond that, all those who are not favorable to wasteful and useless expenditures for war, to give some thought to this item.

We appropriate in this bill almost $5,000,000 for the fortification of the Panama Canal. This follows an appropriation of $3,000,000 heretofore made for the same purpose. No man knows, no estimate has been made or can be made which will give us any reasonably accurate information as to the ultimate cost of the proposed fortifications at Panama.

There is an estimate of $15,000,000, which was scaled down from another estimate of $25,000,000, which estimate of $25,000,000 did not, in my opinion, cover half of the ultimate cost of fortifications, and the items the bill carries are in a way related to that estimate of $15,000,000. But there is nothing in the bill, there is nothing in any law on the statute books, that in anywise controls or limits the ultimate or final expenditure for fortifications at Panama. In my opinion it will cost at least $50,000,000 to carry out the plan now in contemplation. Col. Goethals recently stated to the Committee on Naval Affairs and also to this committee that in his opinion it will require 25,000 men of all arms to protect the canal against an expeditionary force; 8,000 men to protect the canal against an ordinary landing force from a hostile fleet.

He further stated that in his opinion 25,000 men, which we must have there to meet an expeditionary force unloaded from transports, could not permanently hold the canal without reenforcements. He stated that in his opinion it might be possible for 25,000 men to hold the canal as long as the Russians held Port Arthur, which was nearly eight months. However that may be, in view of the fact that no such expeditionary force could be landed until the enemy had control of the sea, it would not be very material whether we could hold it for eight weeks or eight months, in view of the fact that at the end of that time the canal would fall.

Now, I mention all of this to illustrate how—in the calm judgment of the men who are advising us to pour out the people's money like water for the fortification of the canal and the upkeep of military establishment there—in the final analysis, against an enemy holding the sea, a power of the first magnitude, we can not hold the canal, no matter how much we may expend in fortifications.

If we place upon the canal 25,000 men, it is going to cost us $30,000,000 annually to maintain them. Think of it! Think of it, you who represent peace-loving, economy-demanding constituencies! This bill carries an item of $5,000,000, which has rendered impossible the granting of many appropriations that you desire, and it is only the beginning of an expenditure of

$50,000,000, necessitating an annual outlay of at least $30,000,000 for the military establishment to follow. My estimate is not high. It costs a thousand dollars a man to keep a soldier in the continental boundaries of the United States. It costs at least a third more than that to keep a man in the Tropics. But I am only adding 20 per cent to the cost of maintaining men here when I say that the force that Col. Goethals says must be held at Panama will cost us $30,000,000 every year. That means that you must face the certainty of an increase in the military bill of $30,000,000. In all the years during which we discussed the prospect of piercing the Isthmus, during all the years of survey preparation up to the time when the treaty which rendered the canal under our control possible was made, and afterwards, and until the canal was well under way, it never entered the mind of anyone that the canal would be fortified. Every President and every great statesman who discussed the matter from the earliest times down to Roosevelt emphasized the fact that the canal should be built in the interest of the commerce of the world and neutralized; and it was not until the country was shaken with a temporary spasm of jingoism, following the Spanish War, that anyone suggested that it would be necessary after building this great canal to spend a vast sum of money so long as it is in operation in the hopeless task of attempting to defend it. All the world stands ready to neutralize it. Great Britain is already pledged to see that no act of war is committed there, and yet we foolishly contemplate fortifying it and spending every 15 years enough for its protection to build it.

The CHAIRMAN. All time has expired. The Clerk will read the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

Amarillo, Tex., post office and courthouse: For continuation of building under present limit, $12,000.

Mr. STEPHENS of Texas. I move to strike out the last word, for the purpose of inquiring with reference to the appropriation of $12,000 for continuation of the post-office and courthouse building at Amarillo, Tex. Is that the estimate of the department as to the amount of money that should be expended during the next year?

Mr. FITZGERALD. That is the amount of money that will be required until June 30, 1914. It is the estimate of the department. The limit of cost is $200,000, and up to date there has been appropriated $40,000. That amount, as I recall it, was for the acquisition of the site. The plans are in course of preparation, and contracts will be made between the 4th of March and the 30th of June, 1914, and $12,000 will be required on the contract.

Mr. STEPHENS of Texas. That is the estimate by the Department of the amount of money that they can use up to that time.

Mr. FITZGERALD. That is all the money they can use up to June 30, 1914.

Mr. STEPHENS of Texas. That is the information I desire.

The Clerk read as follows:

For rent of temporary quarters at Charlotte, N. C., for the accommodation of Government officials and moving expenses incident thereto, $6,000; and the Secretary of the Treasury is authorized to use the assay office building at Charlotte, N. C., for the occupancy of certain Federal officials when the building has been placed in condition to accommodate them.

Mr. CULLOP. I move to strike out the last word, for the purpose of asking the chairman of the committee a question concerning lines 16 to 22, on page 6, and I also desire to ask the same question with reference to lines 20 and 21, on page 2. The provision is for the rent of buildings for the use of Government officials during the completion of the Federal building at Charlotte, N. C., $6,000. In the other item the amount, as I recall it, is $7,500. How long a period does that cover? Is it for one year?

Mr. FITZGERALD. Usually it is to the end of the next fiscal year.

Mr. CULLOP. That would be to June 30, 1914.

Mr. FITZGERALD. Yes; but frequently an estimate of an appropriation for rent is submitted before the accommodations are acquired. The estimate is based upon the best information that can be furnished by the local authorities, and frequently there is a surplus in the appropriation or the appropriation is inadequate.

Mr. CULLOP. Have the Government officials already made a contract for the rental in this case, or is this an appropriation under which Government officials are authorized to make contracts or provisions for the employees of the Government?

Mr. FITZGERALD. In some instances the rent items are to make payments under leases already made, and in other instances they are for the purpose of enabling the department to make leases when they arrive at the point where it is necessary to move the Government business out of the building to be remodeled into rented quarters.

Mr. CULLOP. Does this give Government officials the discretion to rent upon any such terms as they may be able, provided they do not exceed the appropriation? Or are they required to make a rental irrespective of the appropriation?

Mr. FITZGERALD. This is an estimate of the amount of money that will be required to pay for the accommodations that can be secured. Very frequently they are unable to tell, and the estimate is based upon information sent in from these places after in most cases an inspector has been sent there.

Mr. CULLOP. Sometimes I think great abuses are perpetrated upon the Government through these rental contracts, in which excessive charges are extorted, when they could be very easily avoided if so much favoritism, perhaps, was not shown. I think there are some instances in the bill of last year, as well as in this, where in a city of the population, perhaps, of this one the rentals were excessive. I have only made this inquiry for the purpose of calling attention to a practice that has grown up in that respect, which is not only injurious to the Government, but also to the public who have property around these buildings. In many instances they do not leave the matter open to competition, but through influences of some kind the renting is unfairly made, and excessive prices are paid. In places of perhaps not more than 7,000 or 8,000 people a rental of $6,000 a year would be a very excessive amount; and, as the gentleman very properly pointed out the other day when the public-building bill was under consideration, in many of these cities where public buildings are being located the Government could rent quarters sufficiently convenient for the dispatch of the public business for less than one-fourth of what the interest on the investment in the building would amount to. These abuses should not be tolerated, and a correction of them is most earnestly desired.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. I withdraw the pro forma amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RAKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Corpus Christi, Tex., post office and customhouse: For completion of building under present limit, $10,000.

Mr. GARNER. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry of the chairman of the Appropriations Committee. The item on line 18, page 7, is an appropriation of $10,000 for the completion of building under present limit at Corpus Christi, Tex. This building has not even been contracted for. The reason for it was that the appropriation originally was authorized for $70,000 to construct a post office at Corpus Christi. In the meantime Congress established a court at Corpus Christi and that necessitated an additional appropriation.

The matter was submitted to me as a Representative from that district, and I thought it was in the interest of economy not to build now, when later on a courthouse would have to be built, and in the interest of economy to build all the Government offices in one building. So it was held up. Now, in the bill which passed last Monday there was an additional appropriation authorizing $70,000 for that place. The site cost at the time it was purchased $9,000, so that there is $61,000 of the $70,000 left. The $70,000 with the $61,000 makes $131,000 which is available in case we get the $70,000 that was appropriated for yesterday. This building will not be constructed unless it is constructed under the $70,000 limit by this appropriation. Unless the public building bill becomes a law no contract can be made; and I may state for the information of the gentleman from New York that that city has increased since the site was purchased until now we can sell the site for $40,000 which only cost $9,000.

The Treasury estimates that $320,000 will be necessary to build a proper building at that point. I myself believe that it can be built for $175,000 or $200,000, and I believe it would be

in the interest of economy to provide now a sufficient amount of money to build such a building.

Mr. SHERWOOD. Will the gentleman state the size of the city—the population?

Mr. GARNER. It is a city of about 15,000 people.

Mr. FOSTER. This $10,000 appropriated for is the limit under the authorization. Of course the Committee on Appropriations is not authorized to make any larger appropriation than what has been authorized.

Mr. GARNER. I am aware of that fact; I am making this statement for the benefit of the committee that they may take such action as may be in the interest of economy. As far as I am individually concerned, I am anxious to see the building constructed, but I do believe it to be in the interest of economy not to build a post office now, when we shall need a courthouse later on. If we can not secure at this session a greater authorization than $70,000, I believe it will be my duty to these people to tell the architect to go ahead and draw the plans and build on the site, their building to cost $59,000; and when I do that I will come back to Congress, and Congress later will give to me, as it should do, a sufficient amount of money to build a courthouse.

Mr. SISSON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman from Texas a question. The gentleman from Texas would have no objection, would he, to this item going out of the bill at this time?

Mr. GARNER. I certainly would.

Mr. SISSON. The gentleman can not tell whether or not the public building bill is going to pass and whether this would be money wisely spent or not.

Mr. GARNER. I can not; but Congress having authorized an appropriation for a building, I am not willing to stand in the way of the demand of my constituents that this building shall be constructed within the limit. I have taken the responsibility of holding the contract up, and I did it in opposition to criticism from my own constituents, because I believed it to be in the interest of economy.

Mr. SISSON. I am in sympathy with the gentleman from Texas. Would the gentleman hold up the expenditure of this money until he could get an authorization for plans and specifications of the courthouse proposed, provided for in the bill which has passed the House and may pass the Senate?

Mr. GARNER. I will state that if my constituents will take my view of it they will do it. But the gentleman understands that where a man represents a city where there are such congested conditions from a post-office standpoint, where you have free deliveries and the receipts are near $35,000, with a large number of employees—and no longer than to-day I received a letter from the man renting the premises to the Government saying that he could not put in additional improvements they asked him to do—that under such pressure it may be too strong for me to ask the Treasury Department to hold it up longer.

Mr. SISSON. My purpose in asking the gentleman the question is to find out whether it would in any way embarrass the situation if this item went out of the bill.

Mr. GARNER. I think it would. I would not want to be in the position of asking the committee to cut out the appropriation, but I feel it my duty to call to the attention of the committee the situation. I am willing to have the thing go on, unless the committee thinks that in the interest of economy it ought to add $70,000 at this time. Let me say that although the Treasury Department estimates that $320,000 is necessary to build a building here, I only asked it to give $100,000, which made $159,000 for the entire building.

Mr. FITZGERALD. Mr. Chairman, this item illustrates the condition about which I have made complaint in discussing public-building bills. This building was authorized May 30, 1908, and five years after the authorization its construction is being held up at the request of the gentleman representing the district, because he states the building will be inadequate for the public service in the community. The same thing will be true five years from now in other instances, and gentlemen will be complaining that buildings authorized in the bill now pending in Congress will be inadequate to care for the public service in the communities for which they are authorized. If gentlemen do not wish to find themselves in such a position they should not support public-building bills authorizing buildings that can not possibly be put under construction for five years beyond the time the law is passed.

Mr. GARNER. Mr. Chairman, the gentleman should not shake his gory locks at me. I am not responsible for that.

Mr. FITZGERALD. I did not say the gentleman. What is the situation about this building? Bids were invited and submitted and were in excess of the amount of money available and were rejected. Plans were then arranged for the purpose of getting a building within the limit of cost. At the suggestion of the gentleman representing the district it was stated that the work has been held in suspense, and he intends to take the matter up with Congress at this session in the hope of obtaining an increase in the authorization; but the department is prepared to go ahead on this project if no additional authorization is made, and this amount of money will be necessary to carry on that work. The committee has followed the uniform rule of recommending the sum the department says will be necessary to enable it to proceed under the law. If the gentleman from Texas [Mr. GARNER] believes this to be unwise, that it is not economical, that it would be improvident, with the possession of all the facts, I shall welcome a motion to be submitted by him to strike the item out of the bill. It is unreasonable, however, to expect me to assume that responsibility.

Mr. ASHBROOK. Is it not a fact that the gentleman from Texas has asked to have this building held up on account of the great growth of that city and because of the further fact that the courts have been established there since the first authorization was made?

Mr. FITZGERALD. But, Mr. Chairman, in five years from the time that gentlemen have obtained items in the present public-building bill they hope their communities will go ahead and not retrograde, and that perhaps the public business will require the courts to be established there.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. NORRIS. Mr. Chairman, I move to strike out, on page 7, line 19, the word "completion" and insert the word "continuation."

Mr. FITZGERALD. Mr. Chairman, on that I reserve the point of order.

Mr. NORRIS. Mr. Chairman, I do this, I will say to the gentleman from New York, and particularly to the gentleman from Texas [Mr. GARNER], to have settled here a matter of construction that I think ought to appear affirmatively in the RECORD. If there is no doubt in regard to the construction, I expect to withdraw my motion. I interrogated the gentleman from New York [Mr. FITZGERALD] in general debate on the point I want to bring out now, but his time expired before we got through with the colloquy, and I do not want any doubt about the matter. The gentleman from Texas has a case here where there is not any doubt but what there ought to be an additional authorization. There are several items in this bill of which that same thing can be truly said, where, for instance, the department, under authorization, has advertised for bids, and is not able to get any bids. The recent public buildings bill that passed this House contained quite a number of items of authorization to fit this case and the others that are appropriated for in this bill. The question I raise here is, assuming that the public buildings bill passes and becomes a law, and that subsequent to that date this bill becomes a law, will the Comptroller of the Currency hold as to this item here, for instance, that this bill, passing last and being the last law on the statute, will be considered as an amendment to the authorization provided for in the public buildings bill, and hold that the part of the public buildings bill applying to this particular building has in fact by this appropriation bill been repealed?

Now, I would like to ask the gentleman from New York——

Mr. FITZGERALD. Mr. Chairman, I am informed that the uniform practice has been in these instances where the sundry civil bill carries a provision such as this for completion under a present limit of cost so much money, and within a few days in the closing days of the session a public buildings bill becomes the law which increases the limit of cost on a project, the Comptroller of the Treasury takes into consideration all the circumstances——

Mr. NORRIS. Has he done that in the past?

Mr. FITZGERALD. That has been done in the past—and has held that the intent of Congress is in such instances to make provision for a building of a different character than that for which this appropriation is made, and the Treasury Department prepares its plans in accordance therewith.

Mr. NORRIS. I understand in a case like this and in other cases in this bill that these words "within the present limit of cost" would be held to mean that this would not repeal, even though it were passed last, the provision in a bill authorizing an increase for a public building in these various places.

Mr. FITZGERALD. My information is that the comptroller looks to the record and the intent of Congress, and that being clear that the authorization was to be increased, plans are prepared accordingly.

Mr. NORRIS. I believe that is correct, but I wanted to have no doubt of it. I withdraw my amendment.

Mr. FITZGERALD. There is no doubt of it.

Mr. SHERWOOD. How much money has already been made available in this case?

Mr. FITZGERALD. What case is that?

Mr. SHERWOOD. Of Corpus Christi?

Mr. FITZGERALD. Sixty thousand dollars has been already appropriated.

Mr. SHERWOOD. And this will make a $70,000 building.

Mr. FITZGERALD. It will make the building and site to cost $70,000.

The Clerk read as follows:

Hopkinsville, Ky., post office: For continuation of building under present limit, $45,000.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I ask unanimous consent to print in the RECORD an editorial that appears in the current issue of the Scientific American on the problems of the Mississippi River.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD by printing an article which appears in the Scientific American on the subject of the Mississippi River. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Riverside, Cal., post office: For completion of building under present limit, $25,000.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. I would like to get some information from the chairman of the Committee on Appropriations. In 1910 there was an authorization made for a public building at Robinson, Ill., and providing $70,000 for a building and site. The site has been secured, I think possibly a year ago, but this bill does not carry any appropriation for the commencement of this building, and I would like to know if the department considers that it is not possible to prepare plans and let a contract for the beginning of this building before Congress meets again next fall and makes another appropriation.

Mr. FITZGERALD. Mr. Chairman, no estimate was submitted for a building at Robinson, Ill. There are about 289 buildings authorized which have not been started. Ninety buildings will be started in the next fiscal year, and it will take nearly three years before all of those already authorized will be reached. Robinson, Ill., was provided with an authorization for a public building three years ago, in 1910, and apparently it will be a year or two, or perhaps three, before plans are prepared and the department is ready to enter into contract. This emphasizes what I have heretofore called to the attention of the House, that it is absolutely futile to obtain authorizations for public buildings far in advance of the time when it is possible to construct them. It has been stated to me, however, by reliable authorities that there is a great public necessity for accommodations for the governmental service at Robinson, and I regret that so many other projects have been authorized as to delay the completion of this worthy project.

Mr. FOSTER. Let me say to the gentleman from New York that Robinson, Ill., is in the center of one of the largest oil-producing sections of the country and is a place of considerable importance, as is every town in the district that your humble servant has the honor to represent.

I fully agree that authorizations should not be made on public buildings long in advance of when they can be constructed, but I desire to say to the chairman of the committee that, like other Members upon the floor who have authorizations for public buildings, we are asked when our public building is to be commenced and when it will be completed. Of course, if there can be no part of this money used for two or three years, why, of course, it is wiser not to appropriate it now, but I just wanted to understand the situation. I am not in sympathy either with passing public building bills five or six years in advance of the time when they can be commenced or even be completed, so I simply wanted to get the information that I may have it for the people whom I have the honor to represent.

Mr. FITZGERALD. Gentlemen understand that these buildings are given a number in the Treasury Department as soon as the site is acquired, and then the buildings are taken up in the regular order. Robinson, Ill., is not sufficiently high on the list to be reached within the next fiscal year.

Mr. FOSTER. Until after another appropriation is made?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOSTER] has expired.

Mr. FOSTER. Mr. Chairman, I withdraw the pro forma amendment.

Mr. SISSON. Mr. Chairman, I move to strike out the last word. I simply want to say to the gentleman from Illinois [Mr. FOSTER] that there is a town in my district which is in exactly the same situation as his, and in order to assure the gentleman from Illinois that the Committee on Appropriations is absolutely fair with him, I will say that I am a member of that committee and I received exactly the same treatment from the committee that the gentleman from Illinois has received. I would like very much, of course, to have the project in my own district carried out at once, but in view of the fact that the Supervising Architect assures us they are being taken up by numbers, ours will be taken up in regular order.

Mr. FOSTER. Let me suggest to my friend from Mississippi, it is not a complaint upon my part that I am making. I simply wanted to get the information in reference to this matter, so that it could appear in the RECORD.

Mr. HAMILTON of Michigan. May I ask the gentleman a question? You say these projects are taken up by numbers. What is the process of numbering?

Mr. SISSON. They are numbered on the date of the acquisition of the site.

Mr. HAMILTON of Michigan. The date of the conveyance?

Mr. SISSON. The date the Government gets title to the site and the title is approved. Then it is given in the Supervising Architect's office.

Mr. HAMILTON of Michigan. Exactly. I thought if it depended on when the inspectors inspected the ground, the inspectors might begin to inspect some sites earlier than others.

Mr. SISSON. You will find there is some delay in acquiring the titles, and some of these appropriations are delayed for that reason.

Mr. CAMPBELL. I would like to ask if there has ever been any disposition on the part of the Committee on Appropriations not to furnish sufficient money to the Supervising Architect's Office to hurry the work?

Mr. SISSON. We have always given the Supervising Architect all he has asked for. The Committee on Appropriations, however, believe that if they would standardize these buildings, they could facilitate the work and turn out three or four times as many buildings by the same plans for different buildings, costing the same amount of money, in different portions of the country.

Mr. CAMPBELL. I quite agree with that.

Mr. AUSTIN. I will say to the gentleman from Mississippi [Mr. SISSON] that that is the policy of the Supervising Architect's Office now.

Mr. SISSON. I understand that in the last year they adopted that plan, but heretofore they had not done so.

Mr. COLLIER. I would like to ask my colleague a question: Are you advised how many of these public buildings are being turned out now each month? In other words, what progress they are making?

Mr. SISSON. My information is they are turning out about 90 buildings every 12 months. In some months they turn out more buildings than in others—of course, depending on the size of the buildings and the extent of the plans and specifications.

Mr. COLLIER. But the general average is about 90 a year?

Mr. SISSON. About 90 a year. That is my information.

Mr. COLLIER. I have one which has been on the roll for some time.

The Clerk read as follows:

For establishing new life-saving stations and lifeboat stations on the sea and lake coasts of the United States, authorized by law, $20,000, to be available until expended.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Just what can be done under this provision for new life-saving stations carried in the bill?

Mr. FITZGERALD. What can be done?

Mr. MANN. Yes.

Mr. FITZGERALD. I do not know just how much can be done. Three or four stations have been authorized, and the Superintendent of the Life-Saving Service requested an appropriation of $20,000 to enable the service to do such work as was possible. They have an unexpended balance available of $17,000, and the $17,000 and $20,000 is to enable them to commence one or two stations.

Mr. MANN. Do they not, as a matter of fact, build new stations out of this item, without any regard as to whether they have been authorized by law or not?

Mr. FITZGERALD. It says "stations authorized by law."

Mr. MANN. I know that is what it says. I think possibly they construe this as sufficient authorization. However, I have no doubt they need new stations.

Mr. FITZGERALD. There are a number of stations authorized that have not been built. Within a year or two such stations have been authorized.

Mr. GARNER. The crux of the question of the gentleman from Illinois [Mr. MANN] is whether they will be authorized to build out of this appropriation a station that has not been authorized by law.

Mr. FITZGERALD. The appropriation itself specifies "stations authorized by law."

Mr. GARNER. Has it been the custom to build out of this appropriation stations that have not been authorized by law?

Mr. FITZGERALD. I do not see how they could be built unless they are authorized by law. The Secretary of the Treasury will not approve the expense unless they are authorized.

Mr. MANN. I am inclined myself to think that the item making the appropriation is a sufficient authorization by law and that it is so construed. If you would say "specifically authorized by law," or "heretofore authorized by law," that might cover it.

Mr. FITZGERALD. If any instance such as the gentleman from Illinois refers to has taken place it was probably before these words were inserted in the appropriation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REVENUE-CUTTER SERVICE.

For expenses of the Revenue-Cutter Service: For pay and allowances of captain commandant and officers of that rank, senior captains, captains, lieutenants, engineer in chief and officers of that rank, captains of engineers, lieutenants of engineers, 2 constructors, not exceeding 7 cadets and cadet engineers, 2 civilian instructors, and pilots employed, and rations for pilots; for pay of warrant and petty officers, ships' writers, buglers, seamen, oilers, firemen, coal heavers, water tenders, stewards, cooks, and boys, and for rations for the same; for allowance for clothing for enlisted men; for fuel for vessels, and outfits for the same; ship chandlery and engineers' stores for the same; actual traveling expenses or mileage, in the discretion of the Secretary of the Treasury, for officers traveling on duty under orders from the Treasury Department; commutation of quarters; for maintenance of vessels in the protection of the seal fisheries in Bering Sea and the other waters of Alaska, and the enforcement of the provisions of law in Alaska; for maintenance of vessels in enforcing the provisions of the acts relating to the anchorage of vessels in the ports of New York and Chicago, and in the Kennebec River, and the movements and anchorage of vessels in St. Marys River; for temporary leases and improvement of property for revenue-cutter purposes; not exceeding $5,000 for the improvement of the depot for the service at Arundel Cove, Md.; not exceeding $150 for medals for excellence in marksmanship; contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and all other necessary miscellaneous expenses which are not included under special heads, $2,300,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. I see this item carries provision for revenue-cutter cadets. Can they have more cadets under the existing provision of law?

Mr. FITZGERALD. Last year Congress provided that no more additional cadets should be appointed without specific authority by Congress. This is to provide for the appointment of seven cadets.

Mr. MANN. The committee thinks this a sufficient authorization?

Mr. FITZGERALD. This is the number requested.

Mr. MANN. I do not remember the exact language of last year's bill.

Mr. FITZGERALD. It was the opinion of the committee that this is a sufficient authorization.

Mr. MANN. The provision last year was that "no additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress." Now, this is merely an appropriation, and it seems to me there ought to be added to that provision an authorization. Why not, in line 17, page 37, after the words "cadet engineers" insert the words "who are hereby authorized"?

Mr. FITZGERALD. There will be no objection to that. The department asked for it in a different form, and the committee inserted it in this way.

Mr. MANN. I understand.

Mr. FITZGERALD. There will be no objection to that amendment, because that is the number that it is desired shall be appointed.

Mr. MANN. Mr. Chairman, I move to insert, in line 17, page 37, after the words "cadet engineers," the words "who are hereby authorized."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

After the word "engineers," in line 17, page 37, insert the words "who are hereby authorized."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, when employed, including increase of grade rate of printers' assistants, to $1.75 per day, $1,437,475, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denominations than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] moves to strike out the last word.

Mr. FOSTER. I understand that the plate printers' assistants now receive $1.25 per day, paid by the Government out of the wages earned by the plate printers, and that this amount was increased to $1.50 a day, and the extra 25 cents is now paid out of the fund which is appropriated by Congress.

Now, as I understand, this provision proposes to increase the wages of the assistants to the plate printers to $1.75 per day, and in this appropriation, as I understand, the committee has added an amount something like $63,000. I am not sure as to the amount. This increases it from $1.50 to $1.75 a day. What I wanted to ask of the chairman of the committee is whether this language is in such shape that it may be understood that this extra 25 cents which they are to receive if this bill becomes a law will be paid out of the extra amount that is appropriated in this bill, or whether it might be construed to take the extra 25 cents out of the wages of the plate printers?

Mr. FITZGERALD. I do not believe there is any doubt that the extra 25 cents will be paid from the appropriation and not be deducted from the plate printers' pay. The plate printers have a contract with the bureau, and in that contract their compensation is fixed, and provision is made that $1.25 a day shall be deducted and paid to the assistants.

In 1900 there was an increase of 25 cents to the assistants, and the amount was not deducted from the pay of the plate printers, but was paid from the appropriation.

Mr. FOSTER. Let me suggest to the gentleman from New York that in that appropriation, when the wages were increased to $1.50 per day, there was no provision in the law saying that their wages should be increased to $1.50 per day, but it was left as it was, $1.25, in the bill, and the Secretary of the Treasury fixed the amount at $1.50, and the extra 25 cents was paid by the Government.

Mr. FITZGERALD. I am informed that prior to 1900 the bill carried a provision that the compensation should be $1.25 a day. In that year the limitation was stricken out and the additional money was given. The committee inserted this language in this way, so that the House would understand that the bill was proposing to make this increase of 25 cents a day. And further, although the Secretary of the Treasury has the power to make the increase if the appropriation be given, it is doubtful whether he would care to exercise it, unless Congress expressed its intention that the increase should be made.

I might add that I requested that the Director of the Bureau of Engraving and Printing be communicated with about the matter; and this particular matter was called to his attention, but he does not appear to have replied to it.

Mr. FOSTER. Let me suggest to the gentleman from New York that in 1900 the appropriation bill provided for the payment of $1.25 to the plate printers' assistants, but after that year all reference to the $1.25 was dropped out of the bill. That is, it was dropped out in 1901, 1902, and so on.

Mr. FITZGERALD. That is true.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOSTER. I should like to have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. The plate printers have a very effective organization. They are among the highest-paid mechanics in the Government service, and they are very thoroughly organized. One of their officers called at the committee room to-day or yesterday, and his attention was called to this provision, and no criticism or objection was made to the manner in which it was proposed to be done. These men are thoroughly informed as to the effect of the legislative provisions relating to them, and they undoubtedly would have called the attention of the committee to any change necessary to prevent the additional money being taken from the plate printers.

Mr. FOSTER. Does the gentleman from New York think that in order to secure this increase of 25 cents per day, making it $1.75 for these assistants, it is necessary to put in this language—

Including increase of grade rate of printers' assistants to $1.75 per day—

Or if the amount estimated for by the Secretary of the Treasury to pay this extra 25 cents per day is allowed by the committee, and if the House and Senate agree to it, would the Secretary give this extra 25 cents a day without this provision being in the bill? Or would it create some doubt in the mind of the comptroller or auditor whether this extra amount was to be deducted from the pay of the plate printers, or whether it should be taken out of this $63,000 additional which is proposed to be appropriated?

Mr. FITZGERALD. The estimate of the bureau was increased the exact sum required to pay this additional compensation. This provision is inserted:

Including increase of grade rate of printers' assistants to $1.75 per day.

I do not see that there can be any misunderstanding that the purpose and intention of Congress is to appropriate sufficient money to pay the additional 15 cents a day in the grade rate of operators and 25 cents a day in the pay of plate printers' assistants out of the funds appropriated by the Government.

Mr. FOSTER. I understand the Secretary of the Treasury has the right to fix the amount to be paid these plate printers' assistants. That is, he could fix it at $1.75 a day or $2 a day if he so desired.

Mr. FITZGERALD. If he so desired, and had the money.

Mr. FOSTER. If he had the money. Now, if this has been dropped out of the bill up to this time, and you have given the amount necessary to pay this additional 25 cents, what is the objection to leaving out that language—

Including increase of grade rate of printers' assistants?

Mr. FITZGERALD. Because I want this money used for that purpose and not a different purpose, and it might be.

Mr. FOSTER. I certainly hope the same may be done. The gentleman thinks this makes that available for that purpose and nothing else?

Mr. FITZGERALD. Yes.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

During the fiscal year 1914 all proceeds derived from work performed by the Bureau of Engraving and Printing, by direction of the Secretary of the Treasury, not covered and embraced in the appropriation for said bureau for the said fiscal year, instead of being covered into the Treasury as miscellaneous receipts, as provided by the act of August 4, 1886 (24 Stat., p. 227), be credited when received to the appropriation for said bureau for the fiscal year 1914.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee why should this money not go back to the Treasury as provided by law?

Mr. FITZGERALD. The Bureau of Engraving and Printing in competition was awarded three years ago the contract for printing the postage stamps by the Post Office Department. It amounts to $700,000 or $800,000 a year. The Post Office Department pays for that work out of appropriations made for that department, and under the law that money would be covered into the Treasury as miscellaneous receipts. In order to do the work the bureau utilizes the appropriation made to enable it to print the notes that are necessary, and it reimburses that appropriation with the appropriation from the Post Office Department. It is a difficult matter to arrange, and it has been suggested at various times that the matter be made permanent, but the committee continues it from year to year to keep track of it and not to forget that the appropriation is made in this way.

Mr. FOWLER. Has this been the custom in years past?

Mr. FITZGERALD. It has for several years—ever since the Bureau of Engraving and Printing was awarded the contract for the printing of the stamps.

Mr. FOWLER. It was not on the bill of last year?

Mr. PAGE. Oh, yes; it is not new; it was in the bill a year ago.

Mr. FITZGERALD. The gentleman from Illinois is referring to the item with reference to the work performed by the Bureau of Engraving and Printing under direction of the Secretary of the Treasury?

Mr. FOWLER. Yes.

Mr. PAGE. The gentleman will find that was in the bill of last year and has been for several years.

Mr. FITZGERALD. It has been in the bill since the bureau was awarded this contract for the printing of postage stamps, and the bureau is doing it for less money—I think there is a saving of about $90,000 to the Government.

Mr. FOWLER. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Miscellaneous objects, Treasury department.

Mr. GARNER. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amend page 40, between lines 16 and 17, by inserting the following: "To enable the Secretary of the Treasury to purchase one motor boat as provided in the act of Congress approved February 10, 1913, $6,000."

Mr. FITZGERALD. That ought to go in another part of the bill relating to customs.

Mr. GARNER. Mr. Chairman, at the suggestion of the members of the committee that it is not offered at the proper place, I will withdraw the amendment for the present.

The Clerk read as follows:

Expenses of national currency: For distinctive paper, including transportation, traveling, mill, laundry, and other necessary expenses, and expenses of officer detailed from the Treasury, salaries for not more than two months of not exceeding 1 register, 2 assistant registers, 5 counters, 5 watchmen, and 1 skilled laborer; in all, $66,345.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to have printed in the RECORD a resolution passed by the Legislature of the State of California relative to the fourth internal-revenue district, covered by amendment 68 of the legislative, executive, and judicial appropriation bill.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The following is the matter referred to:

SACRAMENTO, CAL., *February 18, 1913.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

I am forwarding herewith, as per instructions embodied therein, the following resolution. Kindly acknowledge receipt.

Resolution by Senator Boynton.

Whereas the fourth international revenue district of California, with headquarters in Sacramento and serving all the counties north of San Francisco to the Oregon line, and also the entire State of Nevada, was abolished on the 1st day of October last; and

Whereas said district did an annual business of nearly $800,000; and

Whereas said district was also consolidated with the first collection district of California, with headquarters in San Francisco, which district was so large that the Los Angeles district was separated from it two years ago; and

Whereas the loss of the fourth district will work injury to this section of California and Nevada without any corresponding benefit to the first district; and

Whereas an amendment known as Senate amendment No. 68 to the House of Representatives bill No. 26680, providing for the reestablishment of the aforesaid fourth revenue collection district of the State of California, has been approved by the Senate of the United States Congress, and now goes to conference: Therefore be it

Resolved by the senate and assembly jointly, That the Legislature of the State of California approves all of the provisions of said amendment, and our Senators in Congress are hereby instructed and our Representatives requested to vote for and use every honorable means to secure the passage of said amendment to said bill; and be it

Resolved further, That copies of this resolution be sent by telegraph to each of our Senators and Representatives in the Congress of the United States.

WALTER N. PARRISH,
Secretary of State.

Mr. RAKER. Mr. Chairman, I also ask unanimous consent to insert a resolution of the Legislature of the State of California relative to House bill 13500.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The resolution is as follows:

SACRAMENTO, CAL., *February 18, 1913.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

I am forwarding you herewith, as per instructions embodied therein, the following resolution. Kindly acknowledge receipt.

Resolution by Senator Sanford.

Whereas there is pending in the Congress of the United States House bill No. 13500, by Congressman JOHN E. RAKER, of California; and

Whereas House bill No. 13500 has for its object the extension of the Chinese exclusion act, so as to include all Asiatic (laborers); and

Whereas there is a misapprehension in the East as to California's position regarding oriental immigration: Therefore be it

Resolved by the senate and assembly jointly of the State of California, That we approve of the passage of House bill No. 13500, and request Congress to pass the same.

Resolved, That the secretary of the senate be instructed to send a copy of this resolution to the Vice President of the United States, to the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress.

WALTER N. PARRISH,
Secretary of State.

The Clerk read as follows:

Operating supplies for public buildings: For fuel, steam, light, water, ice, lighting supplies, electric current for lighting and power purposes, telephone service for custodian forces; removal of ashes and rubbish, snow, and ice; cutting grass and weeds, washing towels, and for miscellaneous items for the use of the custodian forces in the care and maintenance of completed and occupied public buildings and the grounds thereof under the control of the Treasury Department; and in the care and maintenance of the equipment and furnishing in such buildings; and for miscellaneous supplies, tools and appliances required in the operation (not embracing repairs) of the mechanical equipment, including heating, plumbing, hoisting, gas piping, ventilating, vacuum cleaning and refrigerating apparatus, electric-light plants, meters, interior pneumatic-tube and intercommunicating telephone systems, conduit wiring, call-bell and signal systems in such buildings, including the customhouse at Washington, D. C., but excluding any other public building under the control of the Treasury Department within the District of Columbia, and excluding also marine hospitals and quarantine stations, mints, branch mints, and assay offices, and personal services, except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building, $1,600,000. And the appropriation herein made for gas shall include the rental and use of gas governors, when ordered by the Secretary of the Treasury in writing: *Provided*, That no sum shall be paid as rental for such gas governors greater than 35 per cent of the actual value of the gas saved thereby, which saving shall be determined by such tests as the Secretary of the Treasury shall direct.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. What is the purpose of the provision in the bill which authorizes the Secretary of the Treasury to put in gas governors for saving gas, and how much is to be gained by the introduction of the governors?

Mr. FITZGERALD. The committee went into the matter last year quite fully, and my recollection is that the governors were put in in very few places. The clause provides that they shall not be put in unless the rental paid for them is not greater than 35 per cent of the value of the gas saved.

Mr. MADDEN. How do they gauge the amount of gas saved, and what is the total amount of money paid for gas under this item?

Mr. FITZGERALD. I can give the gentleman the information in a moment. In the majority of the buildings now being constructed they use electric light, substituting it for the gas wherever possible.

Mr. MADDEN. The only point I wanted to ascertain was whether the chairman of the committee or any other member of the committee knew how much each governor cost, and if you knew exactly how much gas they saved?

Mr. FITZGERALD. The estimates for next year for gas and gas governors was $65,000. In 1912 there was expended $58,395 for gas and gas governors out of an appropriation of $1,580,000. For electric current and light and power purposes the estimate is that they will expend $545,000 in the next fiscal year. In 1912 there was expended $516,604. The amount expended for gas is about 10 per cent of the amount expended for light.

Mr. MADDEN. Mr. Chairman, I have no disposition to take up any time of the committee at all, but I wish the chairman of the committee would request the Secretary of the Treasury, or whoever has jurisdiction of this, to make some kind of a report showing the percentage of saving made by the expenditure of this money for governors. If they have not such information, it ought to be supplied.

Mr. FITZGERALD. I will turn to that in a moment.

Mr. MADDEN. Mr. Chairman, I do not care to take up the time of the committee at all.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, and for no other purpose whatever, except in the protection of the person of the President and of the person chosen to be President of the United States, $135,000: *Provided*, That no part of this amount be used in defraying the expenses of any person subpœnaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice this item which, I suppose, is for the maintenance of the so-called secret service, authorizes the protection of the President and the person chosen to be President. There is another item in the bill that may be used also for the protection of the President. I notice it did not provide in the other item that it might be used for the protection of the person chosen to be President.

Mr. FITZGERALD. An item is carried under the Department of Justice where the language is used, for the "protection of the President," but that has never been used for that purpose except on one occasion. It is out of this appropriation that the expenses are paid, and it was in this item that it was thought desirable to insert this provision.

Mr. MANN. As a matter of fact, if it is inserted in this item, ought it not to be inserted in the other item?

Mr. FITZGERALD. All of the services, so far as can be ascertained, will be paid from this item. This is the Secret Service Division of the Treasury Department. The other item is for special agents in the service of the Department of Justice, and there was some doubt as to the wisdom of putting the language in the other item.

Mr. MANN. When will this item take effect, so far as the protection of the person chosen to be President is concerned? Is it to take effect after the election in November, after the electoral college meets, after the canvass of the result, or after the meeting of the next Republican convention?

Mr. FITZGERALD. Mr. Chairman, perhaps I can make a statement that will cover this proposition. After the last election the question of making some provision for the President elect, the person chosen to be President, came up. There was no authority for it. Four years ago under similar circumstances the administration detailed some of the Secret Service men to guard the then President elect, Mr. Taft, and the situation was such that the administration assumed the responsibility of detailing men for the same purpose at this time. This bill will not be effective until after the President elect is inaugurated; but the committee believed that it was desirable to initiate at this time the practice of inserting this language in the item, so that it would not come up as a new proposition in the session of Congress immediately preceding the presidential election, when gentlemen might believe to insert it at that time, for the first time, would be a confession that their party would not succeed.

Mr. MANN. Mr. Chairman, I quite agree with the gentleman that it is perfectly proper to put in the item, although it can not be effective during the fiscal year for which this appropriation is made; but I think at the same time, owing to the form of the language used, that there ought to be some statement as to when it becomes operative in the opinion of the committee reporting it.

Mr. FITZGERALD. The intention is to make a provision to guard the person of the candidate who by the returns on election night apparently is to be chosen by the electoral college as the President of the United States.

Mr. MANN. Mr. Chairman, does the gentleman think that this language does that?

Mr. FITZGERALD. There was considerable controversy as to what particular language should be used. Personally, I believe that that person is popularly known as the President elect, and that such an expression would adequately describe the person and would be sufficient. There was a difference of opinion as to that, and finally this particular expression was adopted.

Mr. NORRIS. The language is subject to a point of order, is it not, or would have been if it had been made?

Mr. MANN. Oh, I think so.

Mr. NORRIS. What I want to ask is this: It will be subject to a point of order next year if it goes on the bill?

Mr. MANN. Very likely.

Mr. NORRIS. Therefore it will be subject to a point of order the year following and every year, and the very year you will want to use it, four years from now, it is still subject to the point of order.

Mr. FITZGERALD. That is a provision for the protection of the President himself, and the authority for that——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Probably the point of order would not be made, but when it comes to the comptroller the comptroller must decide. Now, of course, no person is chosen to be President, in one sense, at the November election, but if it is the intention of the committee, as far as they are concerned—and that is the understanding of the House—that this specially provides immediately after the November election when we vote indirectly for President, possibly the comptroller would so construe it from the debate, and that is the reason I asked the question.

Mr. NORRIS. The point I want to bring out, I want to say, is this: That everybody knows this appropriation will not be used unless there should be a death, or something of that kind, of the President or Vice President——

Mr. MANN. It would not be used then.

Mr. NORRIS. And probably not then. It will not be used next year, but it ought to be in the appropriations by virtue of a law, and it seems to me as long as this is subject to a point of order the committee might just as well have put it in, or we ought to amend this so it would be the law.

Mr. FITZGERALD. This is the situation: The law authorizes the suppression of counterfeiting, and there has been built up in the Treasury Department what is known as the Secret Service force. Some years ago an occasion arose when it became desirable to afford some personal attendance upon the President for his protection, and from that has grown up a detail of the members of this force to guard the President at all times. There is no statute authorizing that, but this provision provides that this money shall be used for suppressing counterfeiting, guarding the person of the President, and for no other purpose.

Mr. NORRIS. I understand that; but there ought to be a law that would permit a detail of these men for guarding not only the President but the President elect. That ought to be the law. When it becomes material, in a few years from now, some one man may make a point of order, and at the particular time when it is desirable to use it we will not be able to get it.

Mr. FITZGERALD. I doubt, if it is carried now as well as the other provision, that an occasion will ever arise when the Congress will not be able to——

Mr. NORRIS. But I think it ought to be the law.

Mr. MANN. The objection will be obviated if you amend this language by inserting after the word "States," in line 3, page 48, "which is hereafter authorized."

Mr. NORRIS. But the amendment is not in order.

Mr. MANN. It is subject to the point of order.

Mr. NORRIS. The provision itself is subject to the point of order, so I understand.

Mr. MANN. I offer this amendment, after the word "States," in line 3, page 48, insert the words "which is hereafter authorized."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 48, line 3, after the word "States," insert the words "which is hereafter authorized."

Mr. OLMSTED. Mr. Chairman, just a moment. Would it not be better to put it in after the word "protection," in the first line at the top of the page?

Mr. MANN. My amendment would make it read "protection of the person of the President and of the person of the person chosen to be President of the United States, which is hereafter authorized."

Mr. OLMSTED. "Protection which is hereafter authorized."

The CHAIRMAN. The question is on the amendment——

Mr. FITZGERALD. How is that reported?

The CHAIRMAN. The Clerk will report the amendment again.

The Clerk read as follows:

Page 48, line 3, after the word "States," insert the words "which is hereafter authorized."

Mr. FITZGERALD. I would suggest to insert the word "protection," so it would read, "which protection is hereafter authorized."

Mr. MANN. That is right, and I ask to modify the amendment.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 48, line 3, after the word "States," insert the words "which protection is hereafter authorized."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To defray the expenses of collecting the revenue from customs, $10,150,000. And the provisions of the act of March 3, 1879 (20 Stat., p. 386), as amended by the act of April 27, 1904 (33 Stat., p. 396), authorizing the Secretary of the Treasury to expend out of the appropriation for defraying the expenses of collecting the revenue from customs such amount as he may deem necessary, not exceeding $150,000 per annum, for the detection and prevention of frauds upon the customs revenue, are hereby further amended so as to increase the amount to be so expended for the fiscal year 1914 to $200,000.

Mr. GARNER. Mr. Chairman, I offer the amendment which I sent to the Clerk's desk a moment ago to be inserted between lines 9 and 10, page 49.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 49, between lines 9 and 10, by inserting the following:

"To enable the Secretary of the Treasury to purchase one motor boat, as provided in the act of Congress approved February 10, 1913, $6,000."

Mr. GARNER. Mr. Chairman, I might explain, for the benefit of the committee, that this item was not submitted to the Appropriations Committee for consideration until the bill had been partly made up, for want of time of the Treasury Department to make an estimate. It has been authorized at this session of Congress. It is necessary for the service down there, and I hope that the members of the Appropriations Committee will accept the amendment.

Mr. FITZGERALD. Mr. Chairman, a bill was passed one day on the unanimous-consent calendar providing for a motor boat for use in the customs service at Corpus Christi, and it has become a law. It authorized the Secretary of the Treasury to acquire such a motor boat. On the 14th of February, after hearings had been concluded and the bill practically made up, an estimate was transmitted to Congress for this item in accordance with the authorization. For a number of years requests have been made at various times for motor boats for the customs service. I have never yet looked into one of these cases critically and been convinced that there was any necessity for such motor boat. Had this estimate been submitted to the committee sufficiently early, proper officials of the Treasury Department would have been summoned before the committee, and if they had demonstrated there was actual necessity for a boat in the service, the committee would have reported the item, as it was authorized by law. Under the circumstances, without any knowledge as to the necessity, without having had an opportunity to examine into it, the committee declined to recommend the appropriation and can not support the amendment.

Mr. MANN. Mr. Chairman, what the gentleman from New York [Mr. FITZGERALD] says is, of course, in the main correct, or all correct in one way. And yet we have had the practice in the House when certain legislative committees report bills for authorization for certain purposes. It has never been considered, I think, that the Committee on Appropriations, immediately after such an appropriation passed by Congress, was entitled to any veto of the proposition. Sometimes when an omnibus bill is passed the Committee on Appropriations may conclude that certain items ought to be delayed; but Congress looked into the necessity of this motor boat. Congress determined that it was necessary. The House and the Senate and the President passed a law at this session providing for that boat. I do not think that under circumstances like that it rests with the Committee on Appropriations to say that there is no necessity for it.

Mr. CULLOP. Will the gentleman permit an interruption?

Mr. MANN. Certainly.

Mr. CULLOP. In the bill that authorized the purchase of this boat for use at Corpus Christi there is also a provision that it may be detailed for use at or ordered to other places, whenever the Government may need it, and in the committee it was shown by the authorities of the Treasury Department that there was a necessity for this boat to be employed in that service, not only at that one place, but at other places where the Treasury Department might direct it to be used.

Mr. FITZGERALD. At what other places?

Mr. CULLOP. At such other places as in the discretion of the Treasury officials it might be needed and required.

Mr. FITZGERALD. It might be needed and required at Santiago, where they have been requesting to go for some years, but it could not be detailed there very well.

Mr. CULLOP. At such other places as the Treasury Department desire to employ it in the service. No objection certainly can be urged against this matter.

Mr. MANN. Mr. Chairman, unless we put in an authorization under such circumstances the result will be that the bills themselves will carry the appropriation. I have never thought it desirable, when these authorizations were made, appropriations should be carried in the bill, but unless the Committee on Appropriations can show some reason why this motor boat should not be authorized, certainly right after Congress has authorized it, there is presumption it is needed.

Mr. PAGE. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. PAGE. If the Appropriations Committee making up this bill had been given sufficient time and opportunity they might have been able to show it. The gentleman says we should claim no power of veto, yet we do claim we ought to have the right to investigate, and that was not given us in this instance.

Mr. MANN. Oh, the Committee on Appropriations and all the members of it had the right to investigate, when this bill was on the calendar, the necessity of this motor boat, and the House passed the authorization recently, determining the necessity of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARNER. Mr. Chairman, I ask for five minutes in which to explain the necessity of this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER. Mr. Chairman, for the information of the gentleman from New York [Mr. FITZGERALD] and his associates on the committee, I want to call attention to a letter received by the Committee on Interstate and Foreign Commerce, which committee had occasion to consider this bill and report it to the House. This bill was reported unanimously from the Committee on Interstate and Foreign Commerce after that committee had investigated the subject. A letter was written by the Acting Secretary of Commerce and Labor, in which he called the attention of the Secretary of the Treasury to the fact that this boat was very much needed, and he uses this language:

Through the Division of Special Agents, this department has received complete reports regarding the conditions in the Texas districts, including that of Corpus Christi. There are 21 documented vessels and 150 undocumented motor boats in the district, and this number is rapidly increasing. The district has a water frontage of 227 miles. As one of the most important of his duties, the collector is required by statute to enforce, under the direction of this department, the navigation laws. He now has a sailboat nearly 40 years old and practically useless for this purpose.

Vessels can not be inspected from the shore, and for a proper enforcement of the navigation laws it will be necessary for the collector to be furnished with a suitable vessel either by hire or purchase.

Now, I call the attention of the gentleman from New York to this statement:

It costs from $15 to $20 a day to hire such a vessel, and as it can be used the year round a purchase would be more economical and much more effective, especially if the present bill may be amended so as to permit of its use at Port Lavaca and on Matagorda Bay, where there are no customs officers or facilities for enforcing the laws, and on connecting waters.

Mr. PAGE. Mr. Chairman, will the gentleman yield?

Mr. GARNER. Yes.

Mr. PAGE. It says the boat "can be used." Is there a necessity for its use every day in the year?

Mr. GARNER. He says there is.

This boat is for use at Port Lavaco and Matagorda Bay, where there are no customs officers or facilities for enforcing the laws, and on connecting waters.

In addition to that, the Secretary of the Treasury has written this letter recommending the purchase of the motor boat:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 10, 1913.

Hon. WILLIAM C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

SIR: I acknowledge the due receipt of your letter of the 6th ultimo, referring to this department for an expression of its views thereon a copy of bill H. R. 26549, "to provide for the construction or purchase of motor boat for customs service."

This bill provides for the purchase or construction of a gasoline motor boat for service in the customs collection district of Corpus Christi, Tex., at a cost not to exceed $6,000.

The department has carefully looked into the matter of such a boat in this district and is satisfied that the best interest of the service there and in that vicinity will be served by such a boat. I have, therefore, to inform you that I approve the proposed purchase or construction of a boat and recommend that the bill pass.

* * * * * * *

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

Now, here is the situation, gentlemen: I have had requests from that customs district for $200,000 for the purpose of erecting an office for the collection of customs at that port. There is more than $2,000,000 of exports at that port annually, and they have an old sailboat down there that is 30 years old. It is economy to purchase this motor boat. Has the Committee on Appropriations got to the point where it can ignore the wishes of this House? The gentleman from New York [Mr. FITZGERALD], the chairman of the committee, not 20 minutes ago stated to the House that he had carried appropriations in this bill that were not justified by their merits, although there had been authorizations of them by Congress.

Mr. FITZGERALD. The gentleman from New York made no such statement as that.

Mr. GARNER. The gentleman made the statement that there were items in the bill that were no better than those in the one passed yesterday, and he said the one carried yesterday was not justified.

Mr. FITZGERALD. I said that some of the buildings in the bill carried yesterday were not justified.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask that I may have five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is recognized for five minutes.

Mr. FITZGERALD. I wish to call this fact to the attention of the gentleman, Mr. Chairman, that if we proceeded on his theory and appropriated at the request of the departments for everything that are authorized by law the gentleman would ask us to add to this bill the $25,000,000 that we eliminated from it.

Mr. GARNER. I call the attention of the gentleman to the fact that this is a specific authorization of Congress, authorized on the 5th day of this month. Congress investigated this matter. The Committee on Appropriations is not the only committee of this House that has the interests of the country at heart. I submit that the Committee on Interstate and Foreign Commerce is composed of men as patriotic as those on the Committee on Appropriations. I submit that this House, having passed this bill by unanimous consent, after inquiry had been made as to the necessity of this boat and after the bill has gone to the Senate and been acted upon there and has been approved by the President, it little behooves the Members or the chairman of the Committee on Appropriations on the floor of the House to object to it, especially when the Secretary of the Treasury recommends its passage.

Mr. FITZGERALD. Mr. Chairman, I desire to say, if the gentleman from Texas or anybody else believes that the Committee on Appropriations is simply going to work as automatons, to recommend appropriations authorized by law, without investigation or judgment, he is mistaken. We are going to exercise the best judgment we can, and we are going to follow that judgment and make recommendations in accordance with that judgment. There are life-saving stations that were authorized as far back as 30 or 40 years ago for which appropriations have not been made and will not be made. The money for them has been refused year after year.

Mr. GARNER. Will the gentleman yield just there?

Mr. FITZGERALD. I have only a few minutes left. The committee had no opportunity to make any investigation of this matter, and, so far as I am concerned, I will not vote to report or to include in this bill items, no matter how meritorious the gentleman from Texas or any other gentleman may assert them to be, unless I have an opportunity to satisfy myself that they are justified.

I know that nearly all the departments of the Government during the past two years have suddenly become possessed of a desire to accumulate as many gasoline launches as they can squeeze out of the Government. I have no doubt it will be a very delightful acquisition for the collector of the port on the southern coast of Texas. The gentleman read a statement in which he said, I believe, that there are about 160 or 170 vessels to be inspected. Anybody who is familiar with conditions at seaports knows that the launch would be used but a very little part of the time.

The Committee of the Whole are in possession of the facts and can dispose of this matter as they please.

Mr. RODDENBERY. Mr. Chairman, I move to strike out the last word. A question arises just here in connection with this item and in connection with the previous statement made by the chairman of the committee [Mr. FITZGERALD] that this sundry civil appropriation bill carries now appropriations for items authorized in the public-building bill for 1910 that were just as indefensible as items carried in the public-building authorization bill which passed the House this week.

I submit that it is not within the province of the Appropriations Committee to determine whether or not an authorization passed by Congress is defensible or indefensible, but it is up to the Committee on Appropriations, when they go to make up a budget for these items, to consider the state of the Public Treasury, and if the Public Treasury at a particular time does not justify the items that we provided for in a public-building authorization bill or any other authorization bill it is the duty of the Appropriations Committee not to carry it.

Furthermore the Appropriations Committee is not the judge of whether an authorization made by Congress is wise or unwise; but I take it that the Appropriations Committee, in considering the authorizations in the 1910 bill and in the bill which passed this House this week, will not permit an appropriation to go into its bill if it is not warranted by the state of the Public Treasury, and as the chairman of a Democratic Appropriations Committee in a Democratic House I presume he will not provide any appropriation for any authorization if it is against the fixed and definite pledges of the party to keep our appropriations down to a figure less than the extravagance of the Republicans.

Mr. FITZGERALD. Will the gentleman yield?

Mr. RODDENBERY. Yes.

Mr. FITZGERALD. The chairman of the Committee on Appropriations has only one vote, and without the support of the

gentleman and his associates he will be able to do nothing to keep the pledges of the Democratic Party.

Mr. RODDENBERY. I think the chairman is exactly correct; and I should have said that the Appropriations Committee under the lead of its chairman.

Mr. Chairman, I shall ask a little indulgence when my time is up.

With reference to the indefensibility of the items in the public-building bill of 1910, I call attention to the fact that in that bill, to which the gentleman from New York [Mr. FITZGERALD] refers, there was carried an appropriation for Yonkers, N. Y., of $35,000; for Auburn, N. Y., $50,000; that that indefensible bill carried $80,000 for Cortland, N. Y.; for Fulton, N. Y., $75,000; for Johnstown, N. Y., $75,000; for Mount Vernon, N. Y., $100,000; for North Tonawanda, N. Y., $80,000; for Oneonta, N. Y., $75,000; that indefensible bill carried for Great Falls, N. Y., $100,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. I ask unanimous consent that the time of the gentleman from Georgia [Mr. RODDENBERY] be extended five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from Georgia be extended five minutes. Is there objection?

There was no objection.

Mr. RODDENBERY. That indefensible bill carried for Gouverneur, N. Y., $70,000; for New Rochelle, N. Y., $125,000; for Port Jervis, N. Y., $80,000. That indefensible 1910 bill carried for Bronx, N. Y., $125,000, in addition to $100,000 heretofore authorized; for Dunkirk, N. Y., $20,000; for Nyack, N. Y., $15,500; for Syracuse, N. Y., $100,000, in addition to $225,000 heretofore authorized. It authorized for the United States post office at Utica, N. Y., $100,000; for Waterloo, N. Y., $11,000, in addition to the amounts heretofore authorized.

And those are not all the New York items.

Mr. FITZGERALD. Will the gentleman yield?

Mr. RODDENBERY. I yield.

Mr. FITZGERALD. That bill came before the House under suspension of the rules, and I denounced it just as vigorously and opposed it just as strenuously as I did the bill on Monday. I am not responsible either for that one or this one.

Mr. RODDENBERY. Yes; and I make the same observation on that that I did on the bill which passed this week, that when an authorization has come in for the Brooklyn Navy Yard and other great public interests in which the gentleman from New York is interested he has not fought them.

Mr. FITZGERALD. The gentleman has not found me advocating any items for that either.

Mr. RODDENBERY. The gentleman has never found any necessity for it. The House upon great public improvements for the navy yards and for public buildings walks up and provides for them. The gentleman from New York, however, when he sees in his mind's eye two great battleships in process of construction and catches a vision of the contracts for steel for the hulls, the contracts for the bodies of them, the contracts for the powerful engines, the expensive boilers and turbines, the contracts for the equipment of them, the contracts for the brass and the gold trimmings, the contracts for the great volume of glass that adorns these wonderful palatial constructions, when he sees a chance for the vast millions of money for these things to be placed with the various construction companies, supply companies, and steel-trust companies, when he sees a chance that they may sell to the Government a type of steel for $100 a ton more than they sell it in the market in other places, I do not see him doing anything to save the onslaught on the Treasury for $20,000,000 for these battleships.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. SISSON. Mr. Chairman, I want to do what is necessary to get the floor.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on this item and amendment be closed in five minutes.

Mr. SISSON. Will the gentleman let me have my five minutes first?

Mr. FITZGERALD. I want to close debate before the gentleman starts.

Mr. SISSON. I would like to know, Mr. Chairman, whether I have been recognized?

The CHAIRMAN. The gentleman from Mississippi has been recognized.

Mr. SISSON. I want to state that I do not believe there is a man in the House who will charge that I have been one of the extravagant Members of this House. On the contrary, I have been frequently laughed at on account of my penuriousness because I do believe in conserving the public funds.

Mr. Chairman, I do not believe the criticism of the gentleman from Georgia is at all deserved in reference to the gentleman from New York. I have served on the Committee on Appropriations with him for nearly two years. He is not only faithful and patient and hard working, looking after all the details of these bills, but if the other Democratic committees in this House had accomplished one-half as much as the committee over which he presides has accomplished, then we would have been able to save $250,000,000 over the appropriations of the last Republican Congress.

Mr. RODDENBERY. Mr. Chairman, I am in thorough accord with the gentleman, but I wish he would go further and designate the committees by name that have prevented the saving of this $250,000,000.

Mr. SISSON. Mr. Chairman, I do not at this time care to enumerate the various committees, nor do I care to reflect upon those committees. I want to make these remarks in defense of the three Democrats of this committee that brought in this sundry civil bill. They are the gentleman from New York [Mr. FITZGERALD], the gentleman from North Carolina [Mr. PAGE], and the gentleman from Kentucky [Mr. SHERLEY]. The gentleman from Illinois stated that the minority Members were willing that the majority Members might make up this bill.

The last bill that they brought into this House saved $33,000,000 over the $142,000,000 provided by the last Republican committee. This bill was criticized on the floor by some Republican Members as a cheese-paring measure for the purposes of election, but when this bill comes before the House after the election it comes with $4,800,000 less than the former bill, and yet no man can say that anybody or any department in the public service has suffered by the treatment it has received at the hands of this committee. Instead of criticizing this committee and its distinguished chairman, who has worked almost day in and night out for 30 days endeavoring to carry out the pledges of the party, he ought to receive the commendation of every Democrat here.

I do not believe there is a more violent enemy to extravagance on this floor than I am. I voted against the river and harbor bill, I voted against the public-building bill, and I will vote against the naval bill unless it is reduced in amount. Not only that, but I have voted against the pension bill. I deserve no credit for that because there are very few pensioners in my district, but I should have done so had there been in my district. I am not criticizing the men who voted for it, but I do say that no criticism should be made of the distinguished chairman of this committee, who has performed such valuable services for the public and for the country.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. I ask for two minutes more.

The CHAIRMAN. The gentleman from Mississippi asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. RODDENBERY. Will the gentleman yield for a moment?

Mr. SISSON. I will.

Mr. RODDENBERY. Did the gentleman have an item in the public buildings bill?

Mr. SISSON. I did.

Mr. RODDENBERY. Mr. Chairman, does not the gentleman know that, notwithstanding the general rule of the committee requiring $10,000 of postal receipts, that the postal receipts for his town for which he introduced a bill amounted to only $9,348? Yet the Public Building Committee approved his bill and authorized his building. Now he boasts that he voted against the bill.

Mr. SISSON. Then, Mr. Chairman, I am in an infinitely better position than many were who were put into the bill. I say this—and I mean what I say: When these bills come in, and I receive the same treatment that other Members receive, I am satisfied. But notwithstanding the fact that I had an item in the bill, I voted against the bill, because we are going to spend, at the rate we are going now, $121,000,000 more than the last Republican Congress spent. Not only that, but we are going now into a revision of the tariff within the next few months, and we do not know whether or not we are going to affect the revenues, nor how much, and yet the Democratic Congress is expending at the present rate $121,000,000 more than the last Republican Congress; and if it were not for the fact that the Constitution had been amended with respect to an income tax, we would face a deficit in the Treasury the very first year that Mr. Wilson comes into office.

Mr. RODDENBERY. Mr. Chairman, I thoroughly agree with my colleague.

Mr. SISSON. And for that reason I have been a consistent Democrat in the fact that I have opposed all of the extravagances.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. RODDENBERY. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for three minutes more.

Mr. SISSON. One minute more is all that I ask.

The CHAIRMAN. Is there objection to the gentleman from Mississippi proceeding for one minute?

There was no objection.

Mr. RODDENBERY. Mr. Chairman, I ask that the gentleman may proceed for three minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the gentleman from Mississippi may continue for three minutes. Is there objection?

Mr. SHERLEY. Mr. Chairman, I object. The gentleman asks for only one minute.

Mr. RODDENBERY. Then, Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Georgia makes the point of order that there is no quorum present.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi may proceed for three minutes——

The CHAIRMAN. The Chair did not hear anybody object to the gentleman having three minutes.

Mr. DYER. Because the gentleman is making a very good speech from a Republican standpoint.

Mr. RODDENBERY. Mr. Chairman, the gentleman from Kentucky [Mr. SHERLEY] objected, and I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Georgia makes the point of order that there is no quorum present. The Chair will count. [After counting.] Sixty-two Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken, S. C.	Fergusson	Kopp	Riordan
Ainey	Ferris	Korbly	Roberts, Mass.
Akin, N. Y.	Finley	Lafean	Roberts, Nev.
Alexander	Focht	Lafferty	Rodenberg
Allen	Fordney	Langham	Rouse
Ames	Fornes	Lawrence	Rucker, Colo.
Ansberry	French	Lee, Ga.	Rucker, Mo.
Anthony	Fuller	Lever	Sabath
Ayres	Gardner, Mass.	Levy	Saunders
Bartholdt	Gardner, N. J.	Lewis	Scott
Bates	George	Lindsay	Sells
Beall, Tex.	Gill	Littlepage	Sharp
Blackmon	Gillett	Littleton	Sherwood
Booher	Glass	Loud	Simmons
Bradley	Goldfogle	McCall	Sims
Broussard	Good	McCreary	Slayden
Brown	Gould	McGuire, Okla.	Slemp
Browning	Gray	McKellar	Small
Burgess	Green, Iowa	McKenzie	Smith, J. M. C.
Burke, Pa.	Greene, Mass.	McKinley	Smith, Saml. W.
Burke, S. Dak.	Gregg, Pa.	McKinney	Smith, Tex.
Burleson	Gregg, Tex.	McMorran	Sparkman
Butler	Gudger	Madden	Speer
Campbell	Guernsey	Maher	Stack
Cantrill	Hamill	Martin, Colo.	Stanley
Carter	Hamilton, W. Va.	Martin, S. Dak.	Stedman
Cary	Hamlin	Matthews	Steenerson
Clark, Fla.	Hardwick	Mays	Stephens, Miss.
Claypool	Hardy	Merritt	Stephens, Nebr.
Clayton	Harris	Miller	Stephens, Tex.
Conry	Harrison, N. Y.	Mondell	Sweet
Cooper	Hart	Moon, Pa.	Switzer
Copley	Hartman	Moon, Tenn.	Talbott, Md.
Covington	Hawley	Moore, Tex.	Talcott, N. Y.
Crago	Heald	Morgan, La.	Taylor, Ala.
Cravens	Heflin	Morgan, Okla.	Taylor, Colo.
Crumpacker	Helgesen	Morrison	Taylor, Ohio
Currier	Henry, Conn.	Morse, Wis.	Thayer
Curry	Henry, Tex.	Mott	Thistlewood
Dalzell	Higgins	Needham	Towner
Danforth	Hill	Neeley	Tribble
Davenport	Hinds	Nelson	Turnbull
Davidson	Hobson	Nye	Tuttle
Davis, Minn.	Holland	Padgett	Underhill
Davis, W. Va.	Houston	Palmer	Volstead
De Forest	Howell	Parran	Vreeland
Dent	Howland	Patten, N. Y.	Warburton
Dickson, Miss.	Hughes, Ga.	Payne	Webb
Dies	Hughes, W. Va.	Peters	Weeks
Dodds	Hull	Pickett	Whitacre
Donohoe	Humphrey, Wash.	Plumley	White
Doremus	James	Porter	Wilder
Doughton	Johnson, Ky.	Powers	Wilson, Ill.
Draper	Johnson, S. C.	Pray	Wilson, N. Y.
Driscoll, M. E.	Jones	Prince	Wilson, Pa.
Dupré	Kahn	Pujo	Witherspoon
Dwight	Kendall	Rainey	Wood, N. J.
Edwards	Kent	Randell, Tex.	Young, Kans.
Ellerbe	Kindred	Redfield	Young, Mich.
Estopinal	Kinkaid, Nebr.	Rees	Young, Tex.
Evans	Kinkead, N. J.	Reyburn	
Fairchild	Konig	Richardson	

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he answered "Present."

The SPEAKER resumed the chair, and Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee finding itself without a quorum he had directed the roll to be called, and 136 Members had responded to their names, and he reported herewith the absentees.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee finding itself without a quorum he had caused the roll to be called and 136 Members, a quorum, responded to their names, and he reports herewith the absentees. The committee will resume its sitting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas——

Mr. SISSON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SISSON. I think I had some time coming to me when the point of no quorum was made.

The CHAIRMAN. The gentleman objected and there is no time remaining. The question is on the amendment proposed by the gentleman from Texas.

The question was taken and the Chair announced the ayes seemed to have it.

Mr. FITZGERALD. A division, Mr. Chairman—I withdraw the demand for a division.

The question was taken, and the amendment was adopted.

The Clerk read as follows:

Scales for customs service: For construction and installation of special automatic and recording scales for weighing merchandise, and so forth, in connection with imports, at the various ports of entry under direction of the Secretary of the Treasury, of which $60,000 shall be immediately available, $125,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I would like to have the attention of the gentleman from New York. Last year the sundry civil bill carried a provision for a reorganization of the customs service.

Mr. SHERLEY. What is the request of the gentleman?

Mr. MOORE of Pennsylvania. Last year the sundry civil bill carried a provision for the reorganization of the customs service, and I would like to know what has become of it?

Mr. SHERLEY. Well, the law that was passed last year is still the law, and I understand that there is a proposed program of reorganization submitted by one of the Assistant Secretaries, and that it is now before the Secretary of the Treasury for either approval or rejection.

Mr. MOORE of Pennsylvania. It was indicated by the gentleman from New York, chairman of the Committee on Appropriations, that this reorganization was in the interest of economy, and the appropriation was cut from $10,500,000 to $10,150,000. I should like to know whether during the current year they have been able to get along with the $10,150,000?

Mr. SHERLEY. I understand there is a deficiency pending of some $750,000 for the current year.

Mr. MOORE of Pennsylvania. Seven hundred and fifty thousand dollar deficiency pending?

Mr. SHERLEY. Pending.

Mr. MOORE of Pennsylvania. Then the $10,150,000, which was a reduced appropriation from the $10,500,000 previously allowed, has not been sufficient during the current year to conduct the customs service?

Mr. SHERLEY. That would seem to be so if the deficiency estimate is a warrantable one. It has not yet been passed upon by the Committee on Appropriations.

Mr. MOORE of Pennsylvania. Well, this bill now before us provides for an appropriation equal in amount to the appropriation of last year, an economy appropriation, a reduced appropriation, of $10,150,000, and if there is a deficiency of $750,000 on the current year's bill, is it not a fair presumption that there will be a deficiency of $700,000 next year unless the reorganization is effected?

Mr. SHERLEY. Well, we assume the reorganization will be effected and we are assuming the law will be obeyed. In my judgment it was the duty of the Secretary of the Treasury to have made his report to Congress at the meeting of Congress, and I think that was what was intended, but unfortunately the law was so worded that while it required him to make his report to the Congress it did not say at the beginning of the Congress, and up to this time we have not had his report.

Mr. MOORE of Pennsylvania. The committee having started out to economize on the customs service, intending to save money, and having incurred upon the new plan a deficiency of $700,000, is it not fair to ask the committee whether it is likely to stand by its guns or whether there is to be a change in its reorganization plans?

Mr. SHERLEY. I suggest to the gentleman that his statement is hardly accurate. The committee has incurred no deficiency at all. The department has incurred the deficiency, and they have not yet adopted a plan which they find requisite. The committee still insists the law is in the interest of economy, and in the face of that fact the committee felt it was only proper it should appropriate the amount which they say was sufficient for the current year.

Mr. MOORE of Pennsylvania. Is not the deficiency due entirely to the fact that not enough money was appropriated for the current year to cover the ordinary expenses of collecting customs?

Mr. SHERLEY. No; I should say it is due to the fact they did not reorganize the customs service and run it in a more economical manner.

Mr. MOORE of Pennsylvania. Does the gentleman think, in view of the situation now existing, and the ascertainment of a deficiency of $700,000, that it is sufficient to appropriate in this bill $10,150,000 for the year to come?

Mr. SHERLEY. The committee thought so, and therefore recommended that amount, and the Treasury officials seemed to think that would be a sufficient amount.

Mr. MOORE of Pennsylvania. Notwithstanding that the deficiency exists?

Mr. SHERLEY. That is all they ask.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MOORE] has expired.

Mr. OLMSTED. Mr. Chairman, I would like to call the attention of my colleague from Pennsylvania [Mr. MOORE] to the testimony of the Assistant Secretary of the Treasury, which he will find in the hearings. Of course, if a plan is to be put into operation for the reorganization of the customs service, the plan must first have the approval of the Secretary of the Treasury. Then it is the custom to have it approved by the President. Now, the Assistant Secretary of the Treasury has prepared a plan and all the items that go to make up the plan for such reorganization. He submitted it to the Secretary of the Treasury, and the Secretary has not yet passed upon it, and therefore it has not passed up to the President. The Assistant Secretary, however, estimates that there will be a saving of approximately $330,000 in one item and $230,000 in another as the result of this reorganization when it shall have been carried into effect and if it is carried into effect according to the plans he has submitted.

Mr. MOORE of Pennsylvania. I will say to the gentleman that I have been informed that this deficiency exists. It was a question in my mind whether it was safe to go on permitting this deficiency to occur from year to year, unless, of course, there was a reorganization. Let me ask the gentleman from Pennsylvania [Mr. OLMSTED] whether the reorganization was to have been reported at this session of Congress?

Mr. OLMSTED. It is expected that it will be reported at this session of Congress. As the gentleman from Kentucky [Mr. SHERLEY] has said, the expectation, or at least the hope, was that it would be reported at the beginning of the session, so that it might be considered in connection with the preparation of this bill.

Mr. SHERLEY. If the gentleman will permit, the law says:

Such reorganization shall be communicated to Congress at its next regular session, and shall constitute for the fiscal year 1914, and until otherwise provided by Congress, the permanent organization of the customs service.

Mr. MOORE of Pennsylvania. Does that mean the present session of Congress?

Mr. SHERLEY. I am reading the law of last year, and unquestionably it meant this session of Congress.

Mr. MANN. I do not think it was contemplated it would be reported at the beginning of the session.

Mr. OLMSTED. I said it was hoped that it would be.

Mr. SISSON. If the gentlemen of the committee will look in the hearings, they will see that Mr. Curtis says the plan is in the President's hands and they do not know what the President will do with it; and on the preceding page you will find that Mr. Curtis states the estimate asked for, including a stationery account, is $10,150,000, and the committee gave them what they asked for.

Mr. MOORE of Pennsylvania. In spite of the fact that the deficiency exists?

Mr. SISSON. In spite of the fact that they expect to reorganize the entire department and expect to save this appropriation from a deficiency.

Mr. MOORE of Pennsylvania. The gentleman has the testimony in his hands. Was the estimate predicated upon the reorganization?

Mr. SISSON. Upon the reorganization.

Mr. PAGE. Mr. Chairman, for the information of the gentleman from Pennsylvania [Mr. MOORE], who emphasizes the fact that there is a deficit of $700,000 to cover the appropriation for this service during the present fiscal year, I would like to call his attention to the fact that there have been deficiency appropriations covering this item running back through all the years. For instance, in the year 1912 there was a deficiency of $5,315,000; in 1911, $5,500,000; and in 1910, $5,518,000. So the deficiency under the current law is very much less than it has been for several years past, and the committee in making up the appropriation bill for the current year can not be charged, certainly, with appropriating a less amount for this service than the committee that preceded it did in the preceding years, because the deficiency is very much less than it has been for a number of years, and in this bill, as has already been stated, the appropriation for the service is all that the service asked for.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay, allowance, and commutation of quarters for commissioned medical officers and pharmacists, $547,640; at least six of the assistant surgeons provided for hereunder shall be required to have had a special training in the diagnosis of insanity and mental defect for duty in connection with the examination of arriving aliens with special reference to the detection of mental defection.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] moves to strike out the last word.

Mr. FOWLER. Mr. Chairman, I desire to inquire of the gentleman in charge of the bill why it is that this item is so much larger than the amount appropriated for the same purpose in the last bill? I discovered that it is about $110,000 more.

Mr. SHERLEY. It is by virtue of an act that was passed by Congress last year increasing the pay of all these officers. In accordance with that act it is necessary to appropriate the sum now stated.

Mr. FOWLER. Is this amount for the purpose of paying salaries?

Mr. SHERLEY. It is.

Mr. FOWLER. Altogether?

Mr. SHERLEY. It is for pay, allowances, and commutation of quarters in accordance with the law passed last year.

Mr. FOWLER. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Hygienic Laboratory, Washington, D. C.: For additional building for research work, disinfection, experiments, and housing animals, $25,000.

Mr. SISSON. Mr. Chairman, I desire to reserve a point of order on this item. Where is this building to be located here, mentioned at the top of page 53, the Hygienic Laboratory? I reserve a point of order on the paragraph.

Mr. SHERLEY. I understand it is out by the old Naval Observatory, where the Naval Hospital is now located.

Mr. SISSON. It struck me that it was a considerable amount. My attention was not called to it in the committee. It seems to me to be a considerable amount to pay for a building for the housing of animals.

Mr. SHERLEY. It is not only for the housing of animals, but it is for a building for carrying on research work, disinfection, and experiments.

Mr. SISSON. It is all on account of animals, is it not?

Mr. SHERLEY. The animals kept there are animals that are experimented upon.

Mr. MANN. Rabbits and guinea pigs.

Mr. SHERLEY. I want to say that there is no more important work in behalf of human kind than the work that is being done there in the way of experiments on guinea pigs and other animals incident to the study of diseases.

Mr. RODDENBERY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Georgia reserves a point of order.

Mr. SHERLEY. Mr. Chairman, the item is not subject to a point of order. It is work in progress. It is an institution that is established, and the item is in order on the appropriation bill.

Mr. RODDENBERY. Mr. Chairman, I make a point of order; and on the point of order, if the Chair is in doubt, I would like to be heard.

Mr. MANN. Does the gentleman make the point of order or reserve it?

Mr. RODDENBERY. I reserved it, Mr. Chairman, and the gentleman propounds the question whether I made it. I am willing to reserve it, but if the question is propounded by the Chair I will make it.

Mr. PAGE. I ask the gentleman to reserve it.

Mr. RODDENBERY. I will reserve it.

The CHAIRMAN. The gentleman from Georgia reserves his point of order.

Mr. RODDENBERY. The gentleman says this is for an additional building for research work, disinfection, experiments, and so forth. What buildings are these?

Mr. MANN. It is a building up there where the Lincoln Memorial is to be, belonging to the Public Health Service, and if there is a gentleman here who has not been up there and examined the work that is being done, he ought to go up there and see it, and it will be a liberal education to him. That is where they discovered the hookworm and the methods of its prevention. That is where the research work of the Public Health Service is being carried on. It is the most valuable work now being carried on for the benefit of the health of man anywhere in the world.

Mr. OLMSTED. This department has discovered a way of controlling Brill's disease and typhus fever.

Mr. RODDENBERY. Was that done in this new building?

Mr. MANN. Not in this new building, but this is to be in addition to the buildings already there.

Mr. FITZGERALD. This building is to take the place of certain wooden structures that are so located as to be a great fire menace. Secondly, it will furnish more suitable quarters for the laboratory work of the Public Health Service. On page 360 of the hearings it appears that at the present time we have three frame buildings, constructed when the laboratory was first established in 1904. It is proposed that this new building shall by 30 by 90 feet, and to be of cement or brick construction, two stories and a basement or a part basement. This statement is contained in the testimony of Dr. Anderson, who is connected with the Hygienic Laboratory.

Mr. RODDENBERY. The construction of the additional building does not mean that it is an improvement or addition to the old building, but it is to be a separate building.

Mr. SHERLEY. It is a separate building, but it is in addition to the buildings that they now have, in which they have been carrying on the work they have been doing since 1904.

Mr. MANN. Will the gentleman from Kentucky yield?

Mr. SHERLEY. Certainly.

Mr. MANN. We have had before Congress for a number of years two distinct propositions concerning the Public Health Service. One was the creation of a department of health and one was the enlargement of the work that had been carried on by what was known as the Public Health and Marine-Hospital Service. I think it is safe to say that the House was opposed to the creation of a new department in the Government, to be called the department of health; but at the same time it was quite willing to increase the research work being done by the Government in connection with public-health affairs, and at the last session of Congress there was passed a bill enlarging the work done by the Public Health Service. One of the purposes of this action was to forestall the creation of a new department of health. The item just preceding this item in the bill is in conformity with that act, and this item is the result of that legislation. It authorizes research work in connection with the Public Health Service, which was given the new title of the Public Health Service in place of the old title of the Public Health and Marine-Hospital Service, and in my judgment will avoid the necessity of even urging the creation of a department of health.

Mr. SHERLEY. If the gentleman will permit——

Mr. MANN. Certainly.

Mr. SHERLEY. There is no isolation room there now, and as a result of the lack of one three of the attendants who were there in connection with the work contracted disease, one of them the foot-and-mouth disease and two of them contracted measles from animals inoculated in these experiments. On page 360 of the hearings it will be found that these buildings are also liable to fire. They are heated by stoves, and are very close to other buildings of value. The committee felt that, on the showing made, we were warranted in proposing the appropriation.

Mr. RODDENBERY. This all goes to show the great importance of proper public buildings in the country. Under the statement of the gentleman from Illinois [Mr. MANN] and of the gentleman from Kentucky [Mr. SHERLEY], this is clearly subject to a point of order, but I quite agree that it is proper wherever public buildings are necessary or economical for the public service that they should be constructed, and so I do not make the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CENTRAL HEATING AND POWER PLANT.

The Secretary of the Treasury is authorized and directed to have constructed, under the direction of the Supervising Architect of the Treasury, upon the land and wharf property of the United States hereinafter described, a central heating, lighting, and power plant, to furnish heat, light, and power for the buildings, old and new, of the Bureau of Engraving and Printing, the buildings of the Department of Agriculture, the Treasury Building, the White House and the buildings on the grounds thereof, the State, War, and Navy Building, the Winder Building, the Mills Building, the Court of Claims Building, the buildings, old and new, of the National Museum, the Smithsonian Institution Building, the Army Medical Museum Building, the Fish Commission Building, the Washington Monument, the District Building, the Post Office Department Building, and the buildings, when constructed on the site heretofore acquired, for each of the Departments of State, Justice, and Commerce and Labor.

Mr. LANGLEY. Mr. Chairman, I make the point of order on this paragraph.

Mr. FITZGERALD. I ask that the paragraph which has just been read, and the succeeding paragraphs down to and including the paragraph ending in line 7, page 56, be treated as one item. They all relate to the same subject.

Mr. LANGLEY. That is all right. I reserve the point of order against all the paragraphs indicated by the gentleman.

Mr. HOWARD. Let the Clerk read all the paragraphs.

The Clerk read as follows:

The total limit of cost of such central heating, lighting, and power plant, including all necessary buildings, boilers, engines, generators, pumps, machinery appliances and equipment, tunnels, ducts, etc., is fixed at not to exceed the sum of $1,494,104, and the Secretary of the Treasury is authorized to enter into contracts to the full limit of cost hereby fixed.

Mr. MANN. Was unanimous consent given to consider all these paragraphs together?

Mr. FITZGERALD. I asked unanimous consent that they be considered as one paragraph.

Mr. MANN. I am not sure that the request was submitted.

Mr. LANGLEY. It was not submitted by the Chair.

The CHAIRMAN. If there be no objection, the request of the gentleman from New York [Mr. FITZGERALD] will be considered as agreed to, that all these paragraphs be treated as one, down to line 7, on page 56.

Mr. LANGLEY. I desire to reserve a point of order on all of the paragraphs.

The Clerk, proceeding with the reading of the bill, read as follows:

Authority is given for making a cross connection between the central heating, lighting, and power plant aforesaid and the Capitol power plant, so that either plant may supply to the other electric energy in case of a breakdown or other emergency, such connection to be equipped with the necessary meters so that reimbursement may be made for the amount of current actually supplied by either of said plants to the other.

The lease dated April 8, 1908, between the Commissioners of the District of Columbia and John Miller for wharf property in the District of Columbia, situated on the Potomac River and described as structures Nos. 24, 25, 26, and 27, section 3, as shown on the official map placed in evidence by the United States in the case of the United States v. Martin F. Morris et al. (174 U. S., p. 196), for a period of five years ending March 15, 1913, and any interest thereunder, is terminated without compensation under the covenant contained in said lease that it may be terminated at any time without compensation by act of Congress, and the land and property covered by said lease, being land owned by the United States fronting on Water Street between Thirteenth and Thirteenth-and-a-half Streets SW., together with land owned by the United States on the Potomac River, fronting on Water Street, between Thirteenth-and-a-half and Fourteenth Streets SW., are hereby designated as the site for said heating, lighting, and power plant: *Provided*, That the building or buildings of said central heating, lighting, and power plant shall be so located upon said site as to reserve a sufficient area for an asphalt plant for the District of Columbia in the event of such asphalt plant being hereafter authorized.

For the commencement of said plant the sum of $150,000 is appropriated.

The Secretary of the Treasury is further authorized and empowered to employ on a salary basis in the Office of the Supervising Architect such technical services as may be deemed necessary in connection with the plans, specifications, and construction of the power plant herein provided for and to pay for such services at such price or rates of compensation as he may consider just and reasonable from the appropriation hereinbefore made: *Provided*, That not to exceed $35,000 shall be available from said appropriation for such technical services: *And provided further*, That the foregoing authorization for securing the services of specially qualified persons shall be in addition to and independent of the authorizations and appropriations for personal services in the Office of the Supervising Architect otherwise made.

Mr. LANGLEY. Mr. Chairman, I reserve a point of order to all these paragraphs. I desire to make one or two inquiries about it. Is not this a matter which should have been considered by the Committee on the District of Columbia?

Mr. RODDENBERY. Mr. Chairman, so that it may be clearly understood, the point of order is reserved to all of these paragraphs?

The CHAIRMAN. They are to be considered as one paragraph. The gentleman from Kentucky reserves a point of order to all of the paragraphs as one.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Kentucky is mistaken; the supplying of heat and light and power to these buildings in the District of Columbia is within the jurisdiction of the Committee on Appropriations. The results of a very exhaustive investigation originating in the last session of Congress, based upon information, plans, and detailed specifications and estimates prepared by three of the most competent engineers in the Government service, were submitted to the committee, and representatives of the local company were invited, with their engineers, to point out errors or mistakes or inaccuracies in the report based upon the investigation of the Government engineers—one the chief engineer of the Revenue-Cutter Service, one the chief engineer in charge of the Treasury Building, and the chief engineer of the Bureau of Engraving and Printing. Their records were checked up by the engineer in charge of the Capitol power and lighting plant and demonstrated that the erection of this power plant would result in an annual saving of $173,000.

It is true that the local companies would like contracts which would aggregate in excess of $258,000 a year. The committee endeavored to ascertain whether such an arrangement could be made with the local companies as would make it more desirable to obtain the service from them rather than put in this central plant and discard the separate isolated plants in each one of the buildings.

Anyone who will investigate the matter with an impartial mind will come to the conclusion that the only sensible, proper course to pursue is for the Government to have a plant that will provide light, heat, and power for the twenty-odd buildings within an area that can properly be supplied from one plant.

Mr. COX. Will it be made large enough for future needs?

Mr. FITZGERALD. The proposed plant, with a limit of cost of $1,500,000, will not only supply the 20 buildings named, but will have a sufficient capacity to provide the heat and light necessary for the three proposed buildings—for the Department of State, for the Department of Justice, the Department of Commerce and Labor, and the proposed building for the Geological Survey—and at the same time afford a reasonable reserve to supply the buildings served by the Capitol power plant in case of a breakdown or an emergency. It is proposed by a cross connection to connect this plant with the Capitol power and lighting plant and have the Government itself furnish at rates for which the local companies can not compete the great amount of light, power, and heat required in these particular buildings.

The committee recommended this investigation because the matter is peculiarly within its control.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask for 5 minutes more.

The CHAIRMAN. The gentleman from New York asks that his time be extended 5 minutes. Is there objection?

There was no objection.

Mr. AUSTIN. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. AUSTIN. I think I am for the gentleman's proposition, but I want information as to how this will affect the proposition to develop the electrical power on the Potomac above the city of Washington?

Mr. FITZGERALD. The statement is made that even if the report of the engineers demonstrates that there is sufficient capacity at Great Falls to develop the power adequate to furnish light and power to the city, that it would be necessary to have a steam plant for reserve purposes, and a plant of this character would be necessary for the Government service.

Mr. AUSTIN. In other words, this would not in any way interfere with the project at Great Falls, on the Potomac River?

Mr. FITZGERALD. It would not. This matter was pressed particularly on the committee at this time because the committee was faced with the great necessity of making some provision for the heating, light, and power required in the Bureau of Engraving and Printing Building, which is now in course of erection.

Mr. HOWARD. If the gentleman will yield, has the committee any estimate of the operating expenses per annum of this plant after it is completed? It will be $286,000 per annum, will it not?

Mr. FITZGERALD. No; it is $211,000.

Mr. HOWARD. What proposition was made by the local electric light and power company to enter into a contract to furnish the Government the same service as is contemplated by this plant?

Mr. FITZGERALD. They said they would furnish light at 2 cents a kilowatt hour and steam at 24 cents a thousand pounds. At the present time we have with them, however, a sliding contract, and I defy anyone in Washington to figure out the rate the Government is paying for electric light under these contracts.

Mr. LANGLEY. How does the gentleman know that this will be an economical proposition if he can not figure that out?

Mr. FITZGERALD. It is based on the report and statements of the three engineers who prepared the report and which was checked up by the engineer in charge of the Capitol power plant. We did not rely upon the theories either of the engineers representing the Government or the engineer representing the local lighting company. We base our judgment upon the experience had in the operation of the Capitol power plant by which this building and the two Office Buildings and the Library of Congress are heated and lighted. The proposed plant will be practically of the same capacity. We know we are furnishing light and heat much more cheaply than we could purchase it before we erected the Capitol power plant.

Mr. COX. Mr. Chairman, I would like to ask the gentleman one question.

Mr. FITZGERALD. Mr. Chairman, if the gentleman will permit, I recollect a few years ago the local company made a proposition which the Committee on Appropriations submitted to the House. It was sent back for further investigation. We investigated further. The company, as I recall, asked for a contract to furnish 6,000,000 kilowatt hours at 6 cents a kilowatt hour, and for all beyond that the rate was reduced; but the cost of it, when the average cost of supplying the light was ascertained, made it about three times what it is costing us to furnish light with one of the many small plants that we have.

Mr. COX. I would like to ask the gentleman a question in connection with what he stated a moment ago as to the proposition which the local company proposed to furnish light at, namely, 2 cents per kilowatt hour. Was that price any lower than what they have been furnishing it at heretofore?

Mr. FITZGERALD. Oh, yes. This is the first time anybody suggested any such terms to the Government, and those terms would not have been suggested if the local company had not ascertained that the Committee on Appropriations was investigating and considering this proposition.

Mr. COX. Does not the gentleman believe that they would never have submitted that reduced price if it had not been for the committee's proposition which it then had under consideration?

Mr. FITZGERALD. That is true; and not only that, but there is a more serious matter than that, as pointed out by the engineers.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that my time be extended for five minutes.

Mr. LANGLEY. Mr. Chairman, I understood that I had the floor on the reservation of a point of order.

The CHAIRMAN. But the gentleman's time expired, and the gentleman from New York took the floor.

Mr. FITZGERALD. I have no disposition to deprive the gentleman of the floor.

The CHAIRMAN. Is there objection to the request of the gentleman from New York to proceed for five minutes?

There was no objection.

Mr. FITZGERALD. If we are furnished heat and light and power by the local company, it would be necessary to build certain conduits connecting the Government buildings with the local company plant and whatever additional plants it will be necessary to obtain to furnish the heat and light and power. The Government engineers have pointed out that after the first contract expires or any renewals, the company will own the conduits and the Government will then be at the mercy of the company, unless the Government itself wishes to go to the expense of supplying the conduits.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. HOWARD. Mr. Chairman, I understand that the public utility bill was passed at the other end of the Capitol to-day. Should that bill pass this House, what effect would that have upon contracts made by the Government with certain corporations for public utility service?

Mr. FITZGERALD. I do not think any bill that we pass can affect any contracts now in existence or that have already been made.

Mr. HOWARD. I understand this is a new contract, the proposal to furnish heat and light and power for $256,000 per annum.

Mr. FITZGERALD. Mr. Chairman, I am not familiar with the terms of that bill, but this proposed contract is much more favorable to the consumer, which in this case is the Government, than any contract which now exists either with the Government or with any private party, and it would not have been submitted or suggested had it not been for the fact that it was known that this was to be proposed. At present the local company is furnishing $70,000 worth of current and light for some of these buildings.

The Government is furnishing a greater portion both of the light, heat, and power from isolated plants in these buildings. If this plant is erected these other plants will be scrapped, and it is estimated that the salvage will be worth $250,000. Instead of having a separate plant for the National Museum, a separate plant for the State, War, and Navy Departments, a separate plant for the Treasury building, a separate plant in these various buildings, we will have what any business concern would have, a central plant where economies from modern inventions and up-to-date methods can be adopted and their advantages derived by the Government. The striking out of this item does not enlarge the possibilities of obtaining service from the local companies because I assume that Congress will do what it has done heretofore, it will continue to authorize these small plants because it has found it economical to operate these small plants in isolated buildings rather than to purchase power, light, and heat from the local companies.

Mr. HOWARD. I would like to ask the gentleman a question.

Mr. FITZGERALD. I yield.

Mr. HOWARD. The gentleman mentioned the fact that the report shows that if the Potomac Electric Light & Power Co. is allowed, or any other power company, to lay conduits or pipes, or whatever may be necessary to conduct this steam and electric current to these buildings, we would be at the mercy of this corporation after the expiration of the term of contract. Upon what theory does the gentleman base that? Could not the Government make a contract conditional upon the granting of a franchise? We could retain the franchise. If the Government of the United States made such a contract and did not retain the right to the franchise, and this company went into its own buildings with its conduits, it would certainly be a very unbusinesslike proposition on the part of the Government.

Mr. FITZGERALD. Well, the fact is that under all the contracts under which we are now operating with the local company, the Government is paying more for the service than it would have to pay if it were furnishing all the power, light, and heat it uses.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SISSON. Mr. Chairman, I would like to call the attention of the gentleman from Kentucky [Mr. LANGLEY] and say that the engineers' report, on an investigation of this matter, states that the cost of the Capitol plant, with all changes in the various buildings incident to being served by said plant, was approximately $1,500,000, while the estimated cost of the proposed plant is $1,494,104, or practically the same amount of money. Now, the plant which supplies light for the four buildings—the Capitol, the two Office Buildings, and the Library—saves the Government annually—and I would like the gentleman from Kentucky to notice this—since being placed in operation the Capitol plant has effected an annual saving of approximately $140,005.89. Now, that is annually. That has been the average saving to the Government in lighting those four buildings.

Mr. LANGLEY. Will the gentleman permit a question there? This is new legislation, is it not?

Mr. SISSON. This is new legislation.

Mr. LANGLEY. Why is not this proposition brought in here in the regular way?

Mr. PAGE. This is the regular way.

Mr. FITZGERALD. This is the way the Capitol plant got in.

Mr. LANGLEY. Then, if this is the regular way, the point of order could not be sustained on it.

Mr. PAGE. It is in the regular way in that the committee from which it comes has jurisdiction over the light and heating apparatus of all these buildings.

Mr. SISSON. One further proposition I desire to submit to the gentleman from Kentucky. Now, the proposed proposition by the engineers will save to the Government from $167,345 to $189,445 annually. Now, I will state to the gentleman from Kentucky that originally I was opposed to this proposition, but I am from Missouri and can be shown——

Mr. LANGLEY. So am I; I am from Pike County, Ky., and it is practically the same thing.

Mr. SISSON. But when I realized that the proposition is a good one for the taxpayers of the United States Government and is saving them money, and it will not prevent the Government in the future from using the water power at Great Falls, there can be no objection in the world to this legislation going on this bill for the heating and lighting of all these Government buildings. The heating and lighting of all the Government buildings has always been carried on the sundry civil bill.

Mr. LANGLEY. If the gentleman will permit me, my observation has been, and it is based upon a connection with the departmental service here for a good many years, that when a proposition of this kind is advanced, while it is estimated at the time it will only cost a certain amount of money, it ultimately results in a good deal larger expenditure than at the time it was thought it would result in.

It may be true that the estimate may be a little too low, but even if the plant should cost $2,000,000—and nobody believes it will cost that—you will make money for the Government by establishing it.

There is a matter which has not been called to the attention of the committee, and that is this: When you have all these different plants all over the city, your managerial or directing expenses are multiplied by the number of plants which you have. Therefore, with this one plant, the high-salaried men can be reduced down to where you have one man managing this dangerous machinery.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. SISSON] has expired.

Mr. HOWARD. Mr. Chairman, it is not my purpose to delay the progress of this bill. However, this is quite a large item, and as I have heard so very much in the last few days from my colleagues on this side of the Chamber in relation to economy, I thought the probability was it might be well for us to obtain some substantial facts.

I want to call the attention of the committee to a certain fact, and I can give a concrete illustration of the position the Government is in here by relating a circumstance in my own city of Atlanta. The Georgia Railway & Electric Co., furnishing heat and light to the city of Atlanta—and now I have reference only to the lighting—were conducting a steam power plant at the beginning of their operations in that city. A little later they harnessed the Chattahoochee River. Immediately upon the harnessing of that river, to obtain water power for the production of this other power, there was a decrease in the contracts of the system amounting to about 20 per cent. About two years ago the Georgia Railway & Electric Co. purchased Tallalah Falls, which can develop about 60,000 horsepower, one of the greatest water powers in the South. The city of Atlanta in the last three months made a new contract with this company for a reduction of over 30 per cent of what their original contract was upon the establishment of the plant at Bull Sluice.

As all members of this committee know, there is not any one thing on earth in which there has been more development than in electrical appliances for the carrying of voltage. Why, only 10 years ago the proposition of carrying electrical current without a transformer station on an electric railroad of 20 miles was an unheard-of proposition. To-day they are carrying electricity in my own State over 180 miles by means of the new inventions for carrying electrical voltage.

Now, is it not the businesslike thing to do, when we are called upon to appropriate $1,494,000, in view of the fact that we have just spent $20,000 to have the engineers investigate the harnessing of Great Falls up on the Potomac River—and I understand from the press that this engineer will make a favorable report and that you can get all the light and all the power and adequate supply of water for this great city from that particular location—to delay matters a little bit?

Mr. PAGE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Georgia [Mr. HOWARD] yield to the gentleman from North Carolina [Mr. PAGE]?

Mr. HOWARD. Certainly.

Mr. PAGE. The gentleman will admit, of course, that even in the event of the harnessing of the Great Falls of the Potomac, and the utilization of the water in the city of Washington, we will get no heat from that proposition?

Mr. HOWARD. That is true.

Mr. PAGE. When the testimony of the engineers in the division of the requirements of this plant, as divided between the quantity of heat and the quantity of light, is that two-thirds of the energy of this plant will be required for the heating of these buildings, and two-thirds of the construction of these buildings will be for the heating of these buildings, how is the gentleman going to heat them when the power of Great Falls is developed 50 years from now and transmitted to Washington?

Mr. HOWARD. In 50 years, so far as the gentleman from North Carolina and myself are concerned, we may be cooking our breakfast on an electric stove. I make my coffee now on an electric plate, and they may be heating these buildings by electricity in less than 10 years.

Mr. PAGE. They may be heating some other buildings, but not these.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. HOWARD] has expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. HOWARD. Now I have figured this on a business basis. These people have agreed, now, to enter into a contract to the effect that if, by virtue of any new invention, they can reduce the contract price of this light and heat and power to the Government they will do it, and their contract price now is $256,000, or they agreed to furnish this service for $256,000.

Mr. FITZGERALD. Their contract now is $270,000, but they furnish light and heat and power to certain buildings only.

Mr. HOWARD. I am talking about every function that this plant proposes to perform. These people say they will perform those functions for $256,000. Your own experts say, in the hearings of February 13 and 14, that the cost of the upkeep of this plant will be at least $280,000 a year, or else I have read the figures wrong.

Mr. FITZGERALD. The gentleman is mistaken about that.

Mr. HOWARD. I would be delighted to have the gentleman from New York correct me if I am in error. The hearings are put in here without regard to the calendar days. I refer to the hearing on the 11th day of February. I can not put my hand on that particular portion of it, but the amount was over $200,000.

Mr. RODDENBERY. It is $211,000.

Mr. HOWARD. Yes; $211,000. Now, take the investment of $1,494,104 at 3 per cent. Take the natural wear and tear of the machinery—and in passing it may be said that electrical machinery, as every man on the floor of this House knows, is more susceptible to atmospheric conditions, more susceptible to deterioration and the burning out of the armatures and generators, than perhaps any other kind of machinery.

Mr. SHERLEY. Mr. Chairman, will the gentleman permit me to interrupt him?

The CHAIRMAN. Does the gentleman yield?

Mr. HOWARD. Yes.

Mr. SHERLEY. Every one of those items of interest and maintenance was figured in; they were all figured in with the experts of the local company present; and in each instance he was asked to check, and we were unable to get from him any refutation of the accuracy of the statements made by these gentlemen. There are one or two items that were omitted that he stated should be included, but even then he was unable to give a justification for his proposal.

Mr. HOWARD. Mr. Chairman, I think my record in the House in the last two or three years will show that I am just as much in favor of economy as other gentlemen are. I want to be with the gentlemen of the committee if they think this is the proper course to pursue at this time; but I say that this contract with this local company is not a matter to be lightly treated. It has a right to receive the Government's patronage, if it will take it on a reasonable and fair basis. The Government of the United States holds within its bosom the right to regulate these contracts. It is within the power of the Government to obtain all necessary information about Great Falls. The Government retains the control of its streets and holds a control over the easement on the lines of this company, and I think that at this time, as the hearing shows, when a special and separate bill was drawn to provide for this very thing, this is not the opportune time to legislate on this bill on a matter of such great importance to the people of the District and to the Government of the United States, especially in view of the fact that we are $120,000,000 over any appropriation bill in the history of the Nation, which is not entirely chargeable to the majority in this House.

Mr. COX and Mr. LANGLEY rose.

Mr. LANGLEY. Mr. Chairman, if the gentleman from Indiana [Mr. Cox] desires to make a statement I can wait.

The CHAIRMAN. The gentleman from Indiana [Mr. Cox] is recognized.

Mr. COX. Mr. Chairman, I took this bill home with me last night and studied the item, and at first my impression was that it was a bad proposition; but the more I studied it and the more deeply I delved into the subject the more I became convinced that this is one of the most important and meritorious propositions in the entire bill. I believe that this House and Congress and the country are under obligations to this committee for bringing this proposition before the Congress in the way it has.

The testimony taken before the committee discloses the fact, indisputably so, that the bare mention of this proposition by the committee compelled the Potomac Electric Light & Power Co. to lower its contracts and to lower its cost of light and heat to the Government. I believe it has been known for years that this lighting company in the city of Washington has been practically holding up the Government, has been overcharging for its light; and if this be the only remedy—and it looks to me that it is the only remedy—in my judgment it is money well spent. Never until this proposition was advanced in the Committee on Appropriations did this lighting company come to the conclusion that it could afford to lower its price of light and heat to the Government; but at the first mention of the matter it was eager and anxious to reduce its price of heat and light—dead anxious to get to cover. It is peculiar it only woke up to the situation after the committee had begun this investigation.

Mr. CARY. Is it not a fact that the Potomac Electric Light & Power Co. has been charging the Government 6 cents per kilowatt hour, while the Capitol plant has been making it for less than 1¾ cents?

Mr. COX. I think so.

Mr. CARY. And it is about time it reduced that 6 cents per kilowatt hour.

Mr. HOWARD. Has not the Interstate Commerce Commission the right to regulate the rates of these public-utility corporations?

Mr. COX. I do not think so.

Mr. PAGE. No.

Mr. COX. I think the result of this will be the same as with reference to a number of other things. For years we were at the mercy of the Powder Trust, paying, if I recollect, as high as $1 and $1.14 per pound. Eventually the Government went into the manufacture of powder, and to-day we are getting our powder, I presume, practically as cheap as any nation on the face of the earth, getting it for 53 or 54 cents a pound. I doubt we would be getting powder to-day at that reduced price if the Government had not entered upon the manufacture of powder, but I think it is a fair assumption that if the Government had not gone into the manufacture of powder we would not be getting it to-day at the low price of 53 or 54 cents a pound.

I could name other things. I recollect that some few years ago the Committee of the Whole passed an amendment to the Post Office appropriation bill, prohibiting the Government from printing return cards upon envelopes. At that time a Dayton (Ohio) concern had the contract. That work was costing $1,500,000 a year. Between the time that the House passed the amendment to the Post Office appropriation bill and the time when it was pending in the Senate the Post Office Department entered into a contract with the same concern for the same kind of work in the same quantity at a reduced figure, which amounted to $400,000. In my judgment we would never have gotten the benefit of that reduction of $400,000 if the Dayton people had not come to the conclusion that Congress was going to cut them out of the chance of renewing their contract.

Now, I do not know whether this is a monopoly or not, and I do not care, because I believe it is agreed by everybody that it has been overcharging for its light and heat, and if the only remedy is for the Government to embark upon this business, I say, embark upon it; erect this plant, and let it eventually inure to the benefit of the people of the country. I am sure the gentleman from Kentucky [Mr. LANGLEY] is sincere in reserving this point of order, but I hope he will not press it. For once we have a chance to get back at a monopoly that for years has been overcharging for the service it has rendered the Government. It is in line with progress; the various municipalities of the Nation are endeavoring to buy, own, and operate their own lighting and heating plants.

Mr. MANN. Mr. Chairman, for a number of years after I came into the House the Capitol Building itself was heated and lighted from a plant in the basement of this building. After awhile we provided what is known as the Capitol power plant, to heat and light this building, the two office buildings, the Library Building, and, I believe, afterwards the Census Building. Last summer, in company with my colleague [Mr. CANNON], I made a visit to this Capitol power plant, to see what they were doing down there. I do not believe any gentleman in this House can go down to that power plant and observe the methods carried on there, the cheapness with which power

and light are produced, and then oppose the provisions for a central heating, lighting, and power plant for the Government buildings as provided in this item. Certainly no Member can oppose this proposition in the interests of the Government, because the service rendered through a central plant is so much cheaper and so much better than the service rendered through a separate plant, or through the purchase of light from an outside company, that there can be hardly any comparison. We have now here connected with the Capitol Building the best, or one of the best, heating and lighting plants anywhere in the United States. All over the country they are putting in these central plants where there are a number of Government buildings or university buildings congregated; and for the Government to be behind in providing good power, heat, and light cheaply in its own central plant in the Capital of the country is no credit to the gentleman who objects to this proposition.

Mr. OLMSTED. Mr. Chairman, I do not suppose there is any set of buildings as extensive as the public buildings proposed to be supplied from the proposed central power plant anywhere in the United States but what have their own power plant for lighting and heating purposes. I know the capitol at Harrisburg has one, and that it is making electricity and furnishing heat cheaper than it could be had from the local company. The public buildings in Philadelphia supply themselves with light and heat, and a great many of the largest hotels have their own plants. They find it cheaper. Our great manufacturing establishments have their own plants for supplying light and heat.

It is almost always the case that where the local company is supplying public buildings it puts up the price much higher than it ought to. Even if we had a public-utilities commission to regulate the rates and make them reasonable, still a reasonable rate would, of course, include a profit to the local company, and that profit we can save if we could not save anything else by having our own plant for these public buildings. I was at first rather startled by the size of this proposition, but after listening to the gentleman who explained its operation and the saving that would ensue, I became thoroughly convinced that it was a matter of wise economy to make the expenditure. I believe that every Member who will give it careful consideration will arrive at the same conclusion.

Mr. LANGLEY. Will the gentleman yield?

Mr. OLMSTED. I will.

Mr. LANGLEY. Why not extend the power plant in the Capitol to these Government buildings instead of installing a new one?

Mr. OLMSTED. Because it is not large enough.

Mr. LANGLEY. Why would it not be more economical to make it large enough?

Mr. OLMSTED. It would be more economical to erect this central plant, and it may be more economical to furnish the heat and light from this larger plant for the Capitol buildings after it is constructed.

Mr. LANGLEY. I hope it is not necessary, Mr. Chairman, to state, after the record I have made during my service of six years in this House, that I am in favor always of an economical administration of the affairs of the Government. I will be perfectly frank in stating why I reserved a point of order on these paragraphs. In the first place, I believe there is too much legislation on appropriation bills. I think too many propositions of magnitude like this are brought forward in this manner when they ought to be considered by the regular committees which have jurisdiction of the subject matter.

This bill was reported day before yesterday, a bill carrying many millions of dollars, and now we must consider it under the whip and spur of the gentleman from New York.

Mr. FITZGERALD. I beg the gentleman's pardon; not under the whip and spur; I have been very liberal.

Mr. LANGLEY. Oh, the gentleman has been very liberal on this proposition because he knows it is subject to a point of order.

Mr. CANNON. I do not agree with the gentleman from Kentucky that it is subject to a point of order.

Mr. LANGLEY. Well, that is a matter of opinion. I believe it is, and that the Chair would so hold. I know very little about the government of the District of Columbia. I have not had time to study it. I have been too busy with things more directly affecting my own district and State. I have not had a chance to read the hearings on it. I was told late this afternoon that this proposition, involving a million and a half or two million dollars, was coming up to-night, and I concluded that I would endeavor to get some insight into the matter if I could.

We have just passed a public buildings bill through this House. I represent a district that has not a Government building of any kind in it, a district of magnificent resources, a district which is destined to become the richest and the most populous section in Kentucky. [Applause.] And yet when I asked for the small sum of a few thousand dollars to purchase sites for some public buildings subsequently to be constructed, and the Lord only knows when we will get enough money to build them if we acquiesce in all these propositions involving millions, my efforts were criticized.

The gentleman from New York and others spoke disparagingly of the effort. Naturally, being a loyal Representative of my district, I felt a little bit incensed at that, knowing that the district has not had the recognition it should have from the Federal Government in the way of public improvements, as compared with other sections of the country. Too many gentlemen indulge in cheeseparing on small matters like the ones I was advocating and yet they handle millions as if they were pennies when it comes to questions like this one. I am not objecting to economy, but I want a square deal.

Feeling as I did about this matter and hearing that there was a proposition of this kind to be considered to-night, I decided to reserve the point of order, not because I was convinced that the recommendation of the committee was wrong, but because I wanted to hear what the facts were. I have listened to the statements and the arguments of gentlemen who ought to know the situation and I am still in doubt as to whether it will save anything for the Government in the end; but this debate has convinced me of one thing, and that is that there are several gentlemen on the floor who know a great deal more about the question than I do, and I therefore shall not insist on the point of order, but leave it to those who are better posted on the subject than I am to do it. I hope that I have, at least, been instrumental in shedding some light upon the situation.

Mr. CANNON. I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. CANNON. I merely make this motion for the purpose of saying that I have——

Mr. RODDENBERY. Mr. Chairman, do I understand——

The CHAIRMAN. For what purpose does the gentleman from Georgia rise?

Mr. RODDENBERY. Mr. Chairman, the gentleman from Kentucky [Mr. LANGLEY] and I have both reserved points of order on the several paragraphs.

The CHAIRMAN. The gentleman from Kentucky reserved the point of order, and the gentleman from Kentucky stated that he would not make the point of order, and the Chair recognized the gentleman from Illinois, Mr. CANNON, to move to strike out the last word. The Chair did not hear the gentleman from Georgia reserve the point of order.

Mr. OLMSTED. Mr. Chairman, I make the point of order that it is too late to reserve the point of order.

Mr. RODDENBERY. Of course, it is entirely up to the Chair.

The CHAIRMAN. The Chair did not hear the gentleman from Georgia reserve the point of order, and having recognized the gentleman from Illinois to offer an amendment, the gentleman from Illinois is now entitled to the floor, and it is too late to make the point of order.

Mr. CANNON. Mr. Chairman, I merely desire to state, without consuming much time, that there was an investigation touching this power plant 12 months ago, entered into very fully. Then the proper reference was made for further investigation. A very searching hearing was then had, not only upon the part of those who represented the Government but upon the part of those who were seeking to get a contract for lighting and heating. After that hearing I have no hesitation in saying that in my judgment this bill ought to pass with this provision in it.

The Clerk read as follows:

Readjustment of boundaries: For acquiring, by condemnation, all the lots, pieces, or parcels of land, other than the one hereinafter excepted, that lie between the present western boundary of the National Zoological Park and Connecticut Avenue, from Cathedral Avenue to Klingle Road, $107,200, or such portion thereof as may be necessary, said land when acquired, together with the included highways, to be added to and become a part of the National Zoological Park. The proceeding for the condemnation of said land shall be instituted by the Secretary of the Treasury under and in accordance with the terms and provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia: *Provided*, That the tract of land hereinafter described, containing 5,820 square feet, shall be excepted from such condemnation, namely, parcel recorded on the books of the assessor of the District of Columbia as [illegible], and now assessed in the names of Thomas R. and Martha G. Harney: *And provided further*, That in determining the amounts to be assessed against the lots, pieces, or parcels of land in the neighborhood of the land to be condemned for the extension or enlargement of said park, the jury shall take into consideration the respective situations and topographical conditions of said lots, pieces, or parcels of land and the benefits and advantages they may severally re-

ceive from the extension or enlargement of said park by the adding thereto of said land to be condemned, and shall assess such benefits against said lots, pieces, or parcels of land and against any and all other lots, pieces, or parcels of land the jury may find benefited by the said extension or enlargement of said park, as aforesaid, as the jury may find said lots, pieces, or parcels of land will be benefited: *And provided further*, That as the several assessments authorized to be made are made by the jury they shall severally be a lien upon the land assessed and shall be collected as special improvement taxes in the District of Columbia, and shall be payable as provided in subchapter 1 of chapter 15 of the Code of Law for the District of Columbia; such assessments, when collected, to be deposited in the Treasury of the United States to the credit of the United States.

Mr. LANGLEY rose.

Mr. FOWLER. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. Does the gentleman reserve the point of order?

Mr. LANGLEY. I make the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Illinois. What is the point of order that the gentleman makes?

Mr. FOWLER. Mr. Chairman, I make the point of order. This is legislation without authority of law. It is not a limitation, and it can not come under any provision of the Holman rule.

The CHAIRMAN. The Chair will ask the gentleman if he does not understand that this land is adjoining other land belonging to the Government, belonging to this park; and, if that is true, whether he then thinks this is subject to a point of order?

Mr. FOWLER. Mr. Chairman, I am not advised as to whether there is any intervening land between the proposed tract of land and the Zoological Park.

Mr. FITZGERALD. Mr. Chairman, this land which it is proposed to acquire adjoins the present Zoo Park.

The CHAIRMAN. That is what the bill practically says. The Chair will state to the gentleman from Illinois that it has been held on several occasions that the purchase of adjoining land for a work already established is considered the continuation of a public work, and is therefore not obnoxious to the rule. Unless the gentleman has some other authority, the Chair will be compelled to overrule the point of order.

Mr. FOWLER. Mr. Chairman, I do no desire to offer any authorities upon the question at all. It appeared to me upon its face to be subject to a point of order, because it was for the condemnation of property which was not authorized by law.

The CHAIRMAN. The Chair will call the attention of the gentleman to a decision rendered some time ago, to be found in Hinds' Precedents, volume 4, section 3766, where it was held that the purchase of adjoining land for a work already established was in continuation of a public work and therefore not obnoxious to the rule. The Chair will say that in that case the point of order was made by the present occupant of the chair, and therefore that ruling was very much impressed upon him.

Mr. MANN. Mr. Chairman, may I ask the Chair whether that was in the case of the Government Hospital for the Insane?

The CHAIRMAN. Yes.

Mr. MANN. I remember that case.

The CHAIRMAN. The Chair overrules the point of order.

Mr. COX. Mr. Chairman, I move to strike out the last word. I want to get some information. I have not had time to read these hearings upon this point. How much land is proposed to be taken?

Mr. PAGE. Ten and sixty-three one hundredths acres.

Mr. FITZGERALD. I can describe the property.

Mr. LANGLEY. It is a little over $10,000 an acre.

Mr. FITZGERALD. The gentleman is familiar with the Zoo Park. There is an entrance from Connecticut Avenue into the park. This is land between the two streets, the park and Connecticut Avenue. The committee provides that one-third of the cost shall be assessed on the abutting property owners. I have here a diagram. This is Connecticut Avenue, and this is where it crosses, and right here is the entrance of the park. At that entrance there is a little stand for peanuts, crackers, and things like that, and the proposition is to acquire land between that street and this and bring the park out here.

Mr. COX. Is it for the purpose of enlarging the park?

Mr. FITZGERALD. It is. The price that is fixed in the bill is fixed by taking the assessed valuation—that is, two-thirds of the value under the law—and adding one-half and providing for the assessing of one-third of that cost——

Mr. COX. What is it assessed at now; does the gentleman know?

Mr. FITZGERALD. It is $71,080, and in order to get the price the committee took——

Mr. COX. Is it owned by private individuals or some real estate company?

Mr. FITZGERALD. It is owned by parties who are prepared and have arranged to subdivide and build houses upon it during this season, and if it is added to this park it must be done at this time. A representative came before the committee—was present before the committee when Dr. Walcott, Secretary of the Smithsonian Institution, and other officials of the Zoo were there—and he showed the plans to the committee providing for building upon the property, and I am quite certain that the owners of this property have no desire to sell it.

Mr. COX. Is it laid out now in lots, this land which the committee proposes to buy; is it platted?

Mr. FITZGERALD. It is not exactly laid out in lots, but they are prepared to build a number of houses on the entire plat.

Mr. HELM. How near is that to the concrete bridge that leads to Chevy Chase?

Mr. FITZGERALD. If the gentleman has gone to the Zoo by way of Connecticut Avenue he will understand this is property on both sides of the entrance to the boundary street. Here is the diagram which shows it.

Mr. LOBECK. There is one house built on that land.

Mr. FITZGERALD. It was suggested that that house be taken, and I think it was suggested it could be obtained for $14,000, but the committee did not recommend it.

Mr. COX. It excepted the house?

Mr. FITZGERALD. Yes; only one house is in there. Perhaps this will explain the situation. The Zoo Park and the Rock Creek Park are familiar to all. I come from a large city and I know from the development that has taken place in Washington that everybody will regret 10 or 15 years from now if residences are permitted to be built on that portion of this property. I think it will be a great mistake.

Mr. COX. Is the whole amount included in the condemnation proceedings?

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. I ask for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COX. Is the entire land to be paid for out of this $107,200; does that include the cost of the condemnation proceedings?

Mr. FITZGERALD. Yes.

Mr. COX. It is way within the limit?

Mr. FITZGERALD. It is.

Mr. COX. I withdraw my pro forma amendment.

Mr. SISSON. Mr. Chairman, I move to strike out the last two words, if that is necessary. I want to call the attention of the committee to the fact that there were three propositions before the committee—one involving the purchase of 3.17 acres of land, the other involving the purchase of 10.63 acres of land, and one involving the purchase of 4.21 acres of land, and another proposition of simply 0.48 acre. I do not notice the last. Now, it seems one Mr. Doyle, who represented Fisher & Co., stated in reference to this matter that the real estate interests that he represented there—when asked by Mr. PAGE about whether this land could be condemned under the condemnation proceedings at anything like the assessed value plus one-third, his answer was that he could not state exactly; that that would depend, of course, upon the condemnation proceedings.

Mr. FITZGERALD. He told us it would cost a good deal more.

Mr. SISSON. He told us it would cost more than that. Now, my opinion was that if it is like land heretofore purchased that it would cost nearly six times the assessed value.

Mr. COX. I understood the gentleman from New York [Mr. FITZGERALD] to say that that whole thing was to be cleaned up within the limit of $107,000.

Mr. FITZGERALD. If they condemn, and the award is in excess of this money, they can not take it unless Congress——

Mr. SISSON. It does this, Mr. Chairman: It commits the Government, after this authorization is allowed, absolutely to the purchase, and to take it at the price——

Mr. COX. Has the gentleman any doubt whether or not this tract of land we propose to buy will eventually cost more than $107,000?

Mr. SISSON. I have not a doubt of it, and the real estate representative who was before the committee, when asked by the gentleman from North Carolina [Mr. PAGE], who was a member of the subcommittee, about the value of it, declined, as the hearing will show, to state that it could be bought for its assessed value, which is two-thirds of its value plus one-third, and yet that $107,000 is for the purpose of purchasing

this 10.63 acres of land. My judgment is that you will not get the land for anything like that.

Mr. COX. What will be the proceeding then? We will pay $107,000 and afterwards Congress will be asked to appropriate more?

Mr. SISSON. Only $107,000 has been appropriated. A judgment can be obtained by condemning this land and under the peculiar laws of the District that land can not be sold to another. It is absolutely so that a man can not dispose of it after condemnation, although the Government has no money to pay for it.

Mr. FITZGERALD. I think the gentleman is mistaken. The lodgment of the Capitol buildings and grounds is under a peculiar provision enacted in reference to that. There was an instance where Congress authorized the condemnation of Indian Head, and the appropriation was not sufficient. If it had not been that the money had been obtained from private sources to secure the land for that purpose, the condemnation would have failed.

Mr. SISSON. Now, Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SISSON. Now, the point I wanted to call the attention of the committee to was this——

Mr. PAGE. Will the gentleman allow a question?

Mr. SISSON. Yes.

Mr. PAGE. There is evidence before the committee in this testimony, and I have no doubt the gentleman has read it, that there was an assessment against the abutting property to the amount of at least one-third of the cost of this land.

Mr. SISSON. Now, Mr. Chairman, since I have only five minutes, I wish to say that there is testimony here in which one of the witnesses states that there would be some enhancement of the value of the land not taken, and that that assessment could be made against the land and credited on the amount that might be awarded. But he did not undertake to tell anything about how much the value would be, and there is no evidence to show how much it would be.

Mr. COX. That is, the assessment?

Mr. SISSON. No; the assessment of benefits. There is absolutely nothing in the record to show what the assessment of benefits will be.

Mr. MANN. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. MANN. Suppose the condemnation judgment amounted to $150,000, and they go ahead and assess benefits against the adjoining property to the extent of $43,000, would they not acquire the land then?

Mr. SISSON. I think so.

Mr. MANN. Is not the limit of cost that can come against the Government practically $107,000?

Mr. SISSON. The limit of the cost of the land would be of course the benefits that might be assessed over and above that.

Mr. MANN. Of course, if the land costs more and the benefits are assessed against the adjoining property——

Mr. FITZGERALD. That was not the intention of the committee.

Mr. MANN. That might not have been the intention, but I think that is the result.

Mr. FITZGERALD. I think, as to what the gentleman points out, the intention was that the Government should contribute two-thirds of the value, and that the property would be obtained within the $107,000.

Mr. MANN. That is very well, but the bill provides that the property shall be assessed any benefit it enjoys. Now, if the Government pays $107,000 and it does not go over that, and they give awards for a greater amount and assess it on the adjacent property because it is benefited, I do not see that we have any objection to that.

Mr. SISSON. I do not. I have no objection to that except this, that if my information is correct as to the peculiar condemnation laws of the Federal Government in the District of Columbia, you give the commissioners the absolute right to condemn the property, and thereby commit Congress to the purchase of the property in the future, irrespective of the price at which it is condemned.

Mr. MANN. I think it is subject to be dismissed at any time if there is not the money to make the purchase.

Mr. SISSON. It would be subject to be dismissed at any time by the property owners themselves, but the gentleman knows the experience of this body in the purchase of real estate.

Mr. MANN. There is nobody to pay it to except the owners of the real estate.

Mr. COX. Suppose we put our $107,000 into it, and that, plus the assessed benefits, does not equal the condemned value. Then what shape is it in?

Mr. MANN. You can not disburse the $107,000 until the Attorney General or some one else representing the Government passes on the title.

Mr. SISSON. They will simply come in and say they have been deprived of the use of the property, or have been deprived of the sale of it, by this condemnation, and that we have created at least a moral obligation to purchase that property; and they will come in and ask for an additional appropriation. So far as I know, there has never been one of these park propositions where you have not been able, as a rule, to put it through this House, except it goes out on a point of order.

Mr. MANN. On the theory of the gentleman from Mississippi we could not condemn any property; that is, we would not be safe in doing it. Now, where we say we will appropriate so much money, we are quite safe; we need not to go beyond that no matter what they say. We condemn property for post-office buildings and property for other purposes. We do not have to pay unless we want to.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MANN. Will the gentleman yield?

Mr. SISSON. I want to say, Mr. Chairman, in reply, before I yield to the gentleman from Illinois, that what he says is quite true, that you ought not to complain of the condemnation law, because it is absolutely essential in many instances, where we can not agree on the price, that the Government should have the power of eminent domain and exercise that power, and then require the party to wait until the award is made, and then afterwards pay the money by legislation.

Mr. COX. What does the gentleman say as to the necessity of the Government buying this property for a park?

Mr. SISSON. My judgment is different from other members of the committee.

Mr. COX. Let us hear what the gentleman's judgment is.

Mr. SISSON. The gentleman will recollect that there was considered here some time ago a proposition to buy property on the Klingle Ford Road, which went out on a point of order. This is near that property, as the witnesses testify.

Mr. COX. Does it adjoin the Klingle Ford property?

Mr. SISSON. The evidence does not show that, but my belief is that it is near to it.

Mr. PAGE. There is no evidence to that effect. It goes to the Klingle Ford Road.

Mr. COX. If it goes to the Klingle Ford Road, does it not adjoin the Klingle Ford land?

Mr. MANN. The other Klingle Ford proposition is on the other side of the park.

Mr. PAGE. That is true.

Mr. SISSON. Mr. Doyle's testimony shows that that proposition was before the subcommittee of which the gentleman from Texas [Mr. BURLESON] is the chairman.

Mr. MANN. That is the one that runs across Sixteenth Street.

Mr. SISSON. If Mr. Doyle's testimony is correct—and of that I am not absolutely sure—it is across the park from the other property. Now, this road runs between the property adjoining the park and Connecticut Avenue. The property next to the park, according to the testimony here, is reasonably level property, but there is also some testimony here that shows that the property owners desired to fill it in some time ago, but they did not do it, so that from that evidence, not having seen the property with my own eyes, I gathered that it must be one of these fringes of timber; it must be one of these pieces of property which Mr. Doyle or Mr. Fisher, representing the real-estate people, desires to furnish to the Government; property which can not be divided into lots.

Mr. FITZGERALD. The gentleman is not speaking of this tract, is he?

Mr. SISSON. A portion of it.

Mr. FITZGERALD. Oh, no; this tract abuts on Connecticut Avenue.

Mr. SISSON. Does the portion that adjoins the park front on Connecticut Avenue?

Mr. FITZGERALD. It runs right to the park. Here is a diagram which shows exactly what it is proposed to purchase.

Mr. SISSON. By the diagram I see that this line adjoins the park. Now, just how much of this is broken and not level I do not know. I gathered from the testimony that there is a portion of it which is broken. Now, the testimony shows that some of this can be subdivided into lots. The testimony does not show how much of it can be, but with all the land we have in the District of Columbia I do not believe it is necessary at this particular time to purchase this land. For that reason I have raised the question here now.

Mr. COX. Is the park overcrowded in any way so as to bring about an absolute necessity for the purchase of this land?

Mr. SISSON. I do not think so.

Mr. PAGE. Unless this land is acquired by the park the result will be that houses will be built between the present line of the park and Connecticut Avenue, absolutely obscuring the park from that public highway, except an entrance to it about 30 feet wide leading out to Connecticut Avenue.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. I desire to extend my remarks by printing in the RECORD the portion of the testimony that bears upon this particular case.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The testimony referred to is as follows:

Mr. WALCOTT. Yes, sir. That is one plan, and another plan is to reduce the cost by taking in that area [indicating] on Connecticut Avenue to a distance beyond Jewett Street to give a broad entrance there. That takes in 4.20 acres, and the value of that ground based on the assessment is $66,570. Another plan is to take an entrance 400 feet wide on Connecticut Avenue and make an adjustment with the owners of the property outside of the park boundary between Connecticut Avenue and the park boundary, so as to give them parts of this area [indicating] and receive back in return from them the other section indicated here [indicating]. That is scheme No. 4, and the value of the ground that would be taken is $5,357.

Mr. PAGE. Could the ground be obtained at anything like its assessed value?

Mr. BAKER. We are not quite certain. This is based on the assessment.

The CHAIRMAN. And that is supposed to be two-thirds of the real value.

Mr. BAKER. That is the assessed value; and these figures, which are one and one-half times the assessment, are what might be called the market value of the property.

Mr. WALCOTT. The assessed value is two-thirds of the actual value of the property, and this is the actual value of the property based upon the assessed two-thirds value.

The CHAIRMAN. The assessed value is only two-thirds of these figures?

Mr. WALCOTT. Yes, sir.

* * * * * * *

Mr. BAKER. The owner of that property resides in Paris, and she has given orders to her agent, Fisher & Co., to go ahead and grade down this property.

Mr. DOYLE. From the owner's point of view, from what has been stated, this property would have been graded a long time ago on that subdivision, but Col. Judson wanted the Klingle Road built. That was before another committee, and this is before Mr. BURLESON'S committee now. There is a bill in Congress now, and has been for four years, to buy that low ground from here [indicating] to Rock Creek Park. We have been opposing it, because we want to get rid of this grade and fill up this low ground. The real estate interests that I represent——

The CHAIRMAN (interposing). I thought you were here as a representative of the Museum.

Mr. WALCOTT. He is speaking now about another bill. This is the land over here [indicating] that we need. This is simply a question of trying to arrange the boundary so as to bring the park out to Connecticut Avenue.

Mr. DOYLE. I am trying to give a reason why this property is available. We have had a map prepared by Mr. Olmsted which shows just what our suggestion is. Now, instead of having that street [indicating] circular around there it should be straight, because no one in the world requires it that way. It goes nowhere. Olmsted proposes that this street be made straight, and take in a part of the Zoo Park here [indicating], which could possibly be exchanged for property here [indicating], as shown on this plat. If the line were established here [indicating], it would leave us a tier of lots fronting on Connecticut Avenue with the backs to the park, which would be objectionable, but if they made the exchange we would have two tiers of lots, one fronting Connecticut Avenue and one fronting the park. This would give them ground of practically equal value, and they would require practically no appropriation, unless they wanted to enlarge their entrance to 400 feet wide.

Mr. WALCOTT. If I owned that land, I would be willing to give a 400-foot entrance there, because that would bring this property to the park boundary. I should say that they could well afford to do that.

Mr. DOYLE. I know only the real estate side of it. That could be worked out by a condemnation commission, and if my testimony was not good it would not be accepted.

Mr. WALCOTT. As a commercial proposition, if I owned that ground I would be willing to do that.

Mr. DOYLE. All of that would have to be taken up in detail and every lot valued. We would have a double tier of lots here [indicating]; one fronting Connecticut Avenue and the other the park.

Mr. BAKER. Mr. Chairman, it is not satisfactory to have houses there which will back upon the park. We are already suffering, as you are aware, at the eastern part of the park in that way.

The CHAIRMAN. Which scheme does this $18,650 contemplate?

Mr. BAKER. That is for the land extending only to the connecting highway from Cathedral Avenue to Klingle Road.

Mr. PAGE. The land between the present boundary and the road?

Mr. BAKER. Between the present boundary and that small, insignificant road.

The CHAIRMAN. How much will be required to take the land between Connecticut Avenue and the boundary?

Mr. BAKER. $106,620. There are four plans for extension of the park which are submitted for your consideration and which may be summarized as follows:

	Amount of land added to park.	Cost, estimated at one-half more than assessed value.
Plan 1, as per estimates submitted: Extends the park to a narrow unsatisfactory road	*Acres.* 3.17	$18,066
Plan 2: Extends the park to Connecticut Avenue between Cathedral Avenue and Klingle Road	10.633	106,620
Plan 3: Extends the park to Connecticut Avenue for a part of this distance only	4.20	66,570
Plan 4: Extends the park to Connecticut Avenue along either side of Jewett Street, making, including that street, a strip 400 feet wide and allowing an adjustment of the boundary, which would provide a straight continuation of Twenty-third Street. It adds 1.303 acres of privately owned land and takes away 0.817 acre, being a net addition of	.486	5,357

The cost stated for this is estimated from the average assessment.

Some of the area proposed to be included within the boundary of the park is at present public streets. The transfer of the jurisdiction of these should be made to the National Zoological Park.

Of these plans, No. 2 is by far the best and the one which would secure a permanent satisfactory boundary. It seems probable that the cost could be reduced by assessing a proper amount of benefits upon the neighboring property. If one-third were so distributed, the amount required would be $71,080, assuming, of course, that a jury of condemnation would agree with what the board of assessors have reported as the value.

Plan No. 3 is the next in order of worth and advantage to the park and would assure a good frontage upon Connecticut Avenue. Plan No. 4, while apparently the cheapest, would involve a deep cut for the road (Twenty-third Street) along the boundary of the park and necessitate a large amount of expensive grading within the park to adjust the topography. Afterwards the graded area would have to be planted and improved. The total expense would probably be well toward the sum required for plan No. 3, which would not require any such adjustment.

Mr. PAGE. Mr. Chairman, this proposition to purchase 10.63 acres of land lying between the present boundary of the Zoo and Connecticut Avenue was brought to the attention of the committee by Mr. Walcott, and the committee, after investigating the matter thoroughly, found out that unless this land is acquired by the Government a local real-estate company intend to subdivide it into lots and place it on the market, which will result in cutting off the most popular entrance to the park from the public highway, with the exception of a narrow roadway in the center of the land that is now proposed to be purchased. The committee did not think it was desirable that this great park, belonging to the city, should be thus cut off from a public highway and from accessibility.

Mr. SHERWOOD. How wide is that roadway?

Mr. PAGE. I can not answer exactly, but I should guess 30 or 40 feet.

Mr. SHERWOOD. That is a pretty good roadway.

Mr. COX. It strikes me this is a pretty high price—practically $10,000 an acre. Is there no other land that could be used just as well to enlarge the Zoo Park which can be purchased for a cheaper price?

Mr. PAGE. There is absolutely no other land that can be bought. It is not particularly for the enlargement of the Zoo so much as it is to acquire this particular ground for the purpose of preventing houses being constructed between the park and Connecticut Avenue at this particular place.

Now, as to whether this land would cost the amount that we have allowed in this bill, I will call attention to the fact that the sundry civil bill a year ago carried an appropriation of $85,000 for acquiring some land at the Bureau of Standards. That $85,000 was fixed upon the assessed value of the land, plus one-third. That condemnation has now been made, and the land has been priced, not at $85,000, but at $68,000, and I think the probability is that instead of the cost of this piece of land exceeding the $106,000 here appropriated it will be less than that amount, and that there is no possible contingency by which the Government will have to pay more than the amount that is written in the bill for the acquirement of this land.

Mr. COX. What does the gentleman think about that property? Does he think we can actually buy this land and get title to it, including the cost of condemnation proceedings, for $107,000?

Mr. PAGE. I do; when you take into consideration the assessment against the benefits.

Mr. FOWLER. I desire to ask the gentleman how many acres there are in the Zoological Park?

Mr. PAGE. About 190 acres, I am informed.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. CULLOP. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana. [After a pause.] The Chair hears none.

Mr. FOWLER. I understand the Government owns Rock Creek Park.

Mr. PAGE. That is my understanding.

Mr. FOWLER. How many acres are there in Rock Creek Park?

Mr. PAGE. About 1,200 acres.

Mr. FOWLER. Why not add Rock Creek Park to the Zoological Park, making a magnificent park, instead of going out here and buying land at $10,000 an acre lying up in the mouth of a gulch?

Mr. PAGE. I see no necessity of that since the Zoological Park and Rock Creek Park adjoin each other. You could hardly tell now where one begins and the other ends.

Mr. FOWLER. If you put the two parks together——

Mr. PAGE. They are together, you do not have to put them together.

Mr. FOWLER. If you convert Rock Creek Park to the same use that is now made of the Zoological Park, what need have you for any more land?

Mr. PAGE. The only additional use is to acquire this land that is now lying between the park and a great public highway, to keep it from being built upon by private owners and probably back yards creating nuisances on the edge of a public park.

Mr. COX. Mr. Chairman, I move to strike out the paragraph. A great deal of evidence and a great many facts have been detailed by gentlemen in charge of this bill, all of them sincere, but it strikes me that they do not agree among themselves. One member of the committee sincerely doubts whether we will ever get through the proposition after paying for the land, because of the condemnation plus the assessed benefits, for $107,000.

Mr. PAGE. Which gentleman of the committee?

Mr. COX. The gentleman from Mississippi, Mr. SISSON.

Mr. PAGE. He is a member of the Appropriation Committee, but not a member of the subcommittee.

Mr. COX. Other members of the Appropriation Committee state that the Government will get through with it, but can not state it as a fact, but give it as their judgment that we can eventually acquire this tract of land, including the cost of condemnation, for $107,000. Mr. Chairman, I am a little leery of this proposition. Of course reasons have been assigned that it is necessary for the Government to acquire it before it is finally platted and buildings put thereon. I am rather afraid, Mr. Chairman, that this proposition is in the hands of certain real estate agents, who are holding that before Congress as a scarecrow to compel Congress to buy it, and buy it now, to the end that if they do not buy it, later on in the future when Congress desires to have it buildings will have been erected thereon and they will have to be paid for.

I do not believe anything has been elicited in the numerous answers made by gentlemen in charge of the bill showing the necessity of the purchase of this land at this time, and therefore I move to strike it out.

The CHAIRMAN. The gentleman from Indiana moves to strike out the paragraph.

The question was taken, and the amendment was lost.

The Clerk read as follows:

INTERSTATE COMMERCE COMMISSION.

For salaries of seven commissioners, at $10,000 each, $70,000.
For salary of secretary, $5,000.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the provision of $5,000 for the secretary. That is in excess of the provision of the statute which provides by act of March 2, 1889, that the salary of the secretary shall be $3,500. I therefore make the point of order on it.

Mr. FITZGERALD. Mr. Chairman, I desire to call the attention of the gentleman from Illinois to the fact that since the passage of that act not only has the commission been enlarged and the compensation increased from $7,000 to $10,000, but the work of the Interstate Commerce Commission has been added to enormously, and this salary has been paid to the secretary for a number of years. Nobody believes that there is any possibility of obtaining a man competent to be secretary to that commission and to handle the work of it at $3,500. Not only that, but this commission is the only one, I think, in the governmental service that this year submitted for this bill estimates requesting less money to conduct the service than is appropriated during the current year.

This secretary, whom I have seen in connection with the work of the committee, I believe to be one of the most efficient men in the Government service, and while the act of 1889, to which the gentleman calls attention, fixes the salary of the secretary at $3,000——

Mr. FOWLER. $3,500 a year.

Mr. FITZGERALD. $3,500—the commission has been completely reorganized, and I was under the impression that at the time the commission was enlarged, when the compensation of the commissioners was increased, the salary of the secretary had also been increased. If it was not, it should have been.

Mr. FOWLER. Mr. Chairman, the Hepburn bill, which passed Congress on July 1, 1910, did increase the number and the salaries of the members of the Interstate Commerce Commission, but it did not increase the salary of the secretary.

Mr. CANNON. Mr. Chairman, will the gentleman permit an interruption?

Mr. FOWLER. Certainly.

Mr. CANNON. Mr. Chairman, I do not know whether there has been any law changing the salary since the commission was first organized, but the Interstate Commerce Commission reaches more people in its administration of the law than any other commission in the Government, or that ever existed in the Government, and the secretary is to that commission what the clerk of the Committee on Appropriations is to the Committee on Appropriations. I feel quite sure, whether it is subject to a point of order or not, that my colleague will not make the point of order, but rather I would sooner increase to $7,500 in order that we may keep a competent man in charge of it.

Mr. MANN. Mr. Chairman, will my colleague yield?

Mr. FOWLER. Yes.

Mr. MANN. Mr. Chairman, the title of secretary to the Interstate Commerce Commission is on the whole rather misleading. Our popular conception of the Interstate Commerce Commission, of course, is that it is dealing with railroad rates and matters of that sort, and that the secretary——

Mr. FOWLER. Mr. Chairman, I yielded for a question.

Mr. MANN. I beg the gentleman's pardon. I thought he was yielding when reserving the point of order.

The CHAIRMAN. The gentleman from Illinois made the point of order. Does the gentleman reserve it?

Mr. FOWLER. Mr. Chairman, I made the point of order at the time and I desire to press the point of order.

The CHAIRMAN. Will the gentleman from New York give his attention for a moment?

Mr. FITZGERALD. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I move to insert, in line 23, page 60, after the word "secretary," the figures "$3,500."

The Clerk read as follows:

Page 60, line 23, amend by inserting after the word "secretary" the figures "$3,500."

Mr. FOWLER. Mr. Chairman, I suggest to the gentleman that he also insert the words "salary of the secretary."

Mr. MANN. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois [Mr. MANN].

Mr. FOWLER. Mr. Chairman, I thought I had the recognition of the Chair.

Mr. FITZGERALD. Mr. Chairman, I think I have the floor. I have offered an amendment.

The CHAIRMAN. The gentleman from New York is entitled to the floor.

Mr. FITZGERALD. If these gentlemen will make their application, I will decide to which one I will yield.

Mr. FOWLER. Mr. Chairman, will the gentleman from New York yield?

Mr. MANN. I do not make any application. I want the floor in my own right.

The CHAIRMAN. To whom does the gentleman from New York yield?

Mr. FITZGERALD. I yield to the gentleman from Illinois.

Mr. MANN. I do not ask the gentleman to yield to me.

Mr. FOWLER. Mr. Chairman, I suggest to the gentleman that he also include in his amendment the words "for salary of secretary," as that part went out along with figures denominated in the lines.

The CHAIRMAN. Without objection, the amendment will be so modified. The question is on the amendment offered by the gentleman from New York.

Mr. MANN. Mr. Chairman, is it permissible for anyone else to ask for recognition while the gentleman from New York is on his feet?

Mr. FITZGERALD. Mr. Chairman, I yield the floor.

Mr. MANN. I thank the gentleman. Mr. Chairman, my colleague from Illinois [Mr. FOWLER] a moment ago struck out the provision "salary of the secretary, $5,000," and declined to reserve the point of order for an explanation of the item. As I was saying when he cut me off, we get a popular misconception of the duties of the secretary of the Interstate Commerce Commission. He is, in fact, the administrative head of the enforcement of the safety-appliance law. He is the man who has charge of the laws to enforce the various safety appliances, covering the railroads all over the United States. He is the man in whom the railway employees are more interested than any other man in the United States, the one who has charge of that work, the one who supervises it. The Interstate Commerce Commission nominally has jurisdiction of the enforcement over these safety-appliance laws, but the Interstate Commerce Commissioners give very little attention to it, except when there is a hearing before them. The secretary is the administrative head of that work, and instead of the salary being $3,500 or $5,000, the Government might well afford to pay $7,500.

My colleague, who always claims that he is a friend of the laboring man, that he is the special friend of the man who works, strikes down the man who protects every railway employee in the United States by enforcing the safety-appliance laws, by requiring the railroad companies to equip their cars with all of the old safety appliances and all of the new safety appliances, and can no longer pretend that he is the friend of the railroad man as against the railroad owner.

Mr. COX. Equally as responsible a position as the Secretary to the President.

Mr. CANNON. More so.

Mr. FOWLER. Mr. Chairman, I desire to say that my amendment is in harmony with the statute as it exists to-day.

Mr. PAGE. Will the gentleman yield?

Mr. FOWLER. In a moment. The appropriation of any amount without authority of law is an unwarranted invasion of the rights of the people of this country. [Applause.] The gentleman who has served in this body for 16 years and claims to be perfect was chairman for four years of the Committee on Interstate and Foreign Commerce and had ample opportunity to report a bill to increase the salary of this secretary whom he claims presides over such an important duty to the laboring people of this country, and yet he has stood all these years here on the floor of this House, and I presume he monopolized the floor in previous Congresses as he has in this one, and has never done anything to raise the salary of this man to what he says would be a decent salary. [Applause.] Now, because of the dereliction of duty on his part and on his side of the House he comes here as a rebuker of men who ask that legislation conform to the statutes and the laws of this country. [Applause.] Consistency, thou art a jewel! "The serpent that did sting my father now wears his crown." [Applause.] Mr. Chairman, I know the importance of the duty of the Interstate Commerce Commissioners and the secretary of this great bureau, but I am compelled to make the point of order against this item because it has no authority under the law, and he who stands and defends it stands against the rights of the people in the face of the law. The gentleman stands upon the floor of this House always in a scolding tone [laughter] and administers a lecture to every man who does not agree with him. [Applause.] And he holds up a red flag and shakes it in the face for the purpose of trying to overawe and disquiet any man who will stand against his ideas.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAGE. Mr. Chairman, I move to strike out the last word. I have no desire, Mr. Chairman, to consume time or prolong a controversy over an item that has already been settled by the making of a point of order and which goes out of the bill. But I do not think it is fair or right that we should proceed without one or two statements going in the RECORD that I feel like putting there. I am inclined to agree with the gentleman from Illinois [Mr. FOWLER] in his arraignment of his colleague from Illinois [Mr. MANN] for not having before this time increased the salary of this very important official, since he was the man who was chairman of the committee having jurisdiction over this legislation for several years in this House. But, as a matter of fact, this salary of $5,000 has been carried in the bill for five or six years without a question being raised about it. It remained for the distinguished gentleman from Illinois [Mr. FOWLER] to come into this House and find out that this man was getting more than was provided in the statute, but it ought to go in the RECORD that when this salary of $3,500 was fixed by the statute in 1888, in the original legislation creating the Interstate Commerce Commission, at that time there were only five of these commissioners, and there was only a limited force at work in this office, and they had only limited jurisdiction.

Mr. FOWLER. Mr. Chairman——

Mr. PAGE. I will yield in a moment. That salary now of $5,000 is less commensurate with the amount of work done by the man who now holds this position than $3,500 was when the statute was enacted. I want to say in this connection, it having been brought to my attention, that this gentleman who occupies this position to-day as secretary of the Interstate Commerce Commission was induced to surrender a place carrying a salary larger than that he now receives in order to accept the place as secretary to the commission, and if any action ought to be taken in connection with his salary I agree entirely with the other gentleman from Illinois [Mr. CANNON], who made the remark a little while ago that instead of being reduced down to what the statute which was enacted in 1888 requires, it ought to be increased to at least $7,000. He is of more value, in my judgment, in the administration of the laws we have placed upon the statute books, the laws regulating the great corporations of this country, and in the enforcement of those laws than is any member of this commission who draws $10,000 a year.

I think, while he has the law upon his side, he has neither equity nor justice in getting this man's salary reduced who is performing so valuable a service.

Mr. FOWLER. Will the gentleman yield?

Mr. PAGE. I yield.

Mr. FOWLER. If this salary is inadequate, why did not the gentleman offer an amendment to the Hepburn bill—while it was being considered in 1910—to increase the salary of this secretary?

Mr. PAGE. If the gentleman will allow me, I confess my ignorance. It having been carried in the law so many years, I never took the trouble to look up what the statute was, knowing that the gentleman was earning his money.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on this amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. FITZGERALD].

The amendment was agreed to.

The Clerk read as follows:

For the payment of all authorized expenditures under the provisions of the act of February 17, 1911, "to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," including such stenographic and clerical help to the chief inspector and his two assistants as the Interstate Commerce Commission may deem necessary and allowances in lieu of subsistence while away from official headquarters to persons whose traveling expenses are authorized by said act to be paid at not to exceed $4 per day, $210,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice this item is reduced from $225,000 in the current law to $210,000 in the present law.

Mr. FITZGERALD. The estimate was $225,000. The information brought to the committee was such that it did not appear as if more than $210,000 could be expended.

Mr. COX. Mr. Chairman, I see the per diem rate here is fixed at $4 per day. This item is called for under what is known as the "safety-appliance act."

Mr. FITZGERALD. I think that is the "boiler-inspection act."

Mr. COX. Now, what I would like to be informed upon is, if the gentleman can tell me, whether or not the per diem is fixed uniformly at $4 per day? I see the language of the statute is "not to exceed $4 per day." Is it fixed uniformly at $4 per day?

Mr. FITZGERALD. In some instances it is $3.

Mr. COX. In some instances it is $3 and in some instances it is $4.

Mr. FITZGERALD. Perhaps I misunderstood the gentleman.

Mr. COX. This is my query: The per-diem limit is fixed at $4 per day. Now, I want to ask the gentleman whether or not that is the uniform per diem allowed, to wit, $4 per day. In other words, have we given him the maximum amount all the time?

Mr. FITZGERALD. I am not certain. They are authorized to be paid not to exceed $4 per day in lieu of subsistence. A man traveling away from home and doing this work is supposed to be in larger cities, in most instances, where the cost of accommodations is a little higher, to pay more for subsistence.

Mr. COX. Does not the gentleman feel they could get along very easily on $3 per day?

Mr. FITZGERALD. If they were compelled to do so, they could. I have gotten along on less money because I have been compelled to do so. After all, it is desirable to make some fair, reasonable, decent allowance to Government employees. The compensation is not very great.

Mr. COX. These men get a salary of from $1,800 to $2,400 a year, do they not? I know it is a position that is greatly sought.

Mr. FITZGERALD. They get $1,800.

Mr. COX. The employees are generally locomotive engineers, are they not?

Mr. MANN. Most of them.

Mr. FITZGERALD. They are high-grade mechanics; high-grade men.

Mr. COX. I quite agree with the gentleman that they are high-grade men.

Mr. Chairman, I move to strike out "4" and insert "3" in line 10, page 62.

The CHAIRMAN. The gentleman from Indiana [Mr. Cox] offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 62, line 10, strike out the figure "4," after the word "exceed," and insert in lieu thereof the figure "3."

Mr. FITZGERALD. I hope the amendment will not be agreed to.

Mr. COX. I want to make just one statement: I think $3 a day, Mr. Chairman, is plenty for this item. I do not desire to be parsimonious with these employees, but $3 per day is what the post-office inspectors get, traveling substantially all over the country exactly as this class of men travel, in the same cities, through the same sections of the country, and it looks to me that this class of people are no higher class than the post-office inspectors.

Mr. FITZGERALD. What do the post-office inspectors receive?

Mr. COX. They receive from $1,600 to $2,400.

Mr. PAGE. What per diem do they receive?

Mr. COX. They receive $3 per diem. For years and years they drew $4 per day, but Congress two or three years ago reduced it to $3 per day.

Mr. FITZGERALD. The post-office inspector goes to small communities as well as the large ones, and, averaging it up, he gets much the best of it. This work, however, is usually done in the larger centers of population.

Mr. COX. I think that these inspectors go to all the railroad divisions throughout the United States, do they not? Many of those divisions are located in small places. I know they are out in my country, where there are considerable railroad centers—small towns of 5,000, and so on—where they get along well on $3 per day at a hotel.

Mr. EDWARDS. This language merely authorizes the expenditure of not to exceed $4 a day. Where the money is not expended the balance is turned in.

Mr. COX. I understand they expend the maximum amount, $4 per diem. I think the amendment ought to obtain—ought to carry.

Mr. PAGE. Mr. Chairman, I merely want to call the attention of the committee to the fact that there is a difference between the expenses of these employees and those of the post-office inspectors. These men, by the testimony had before the committee and from my own observation, are called almost altogether to the large centers of population, where the cost of subsistence is greater, of course, than it is in the small places in the country, and the fact that the maximum is written down here, $4 per diem, is not conclusive evidence that the maximum is always allowed. That is a mere assumption. There is no evidence offered here or offered before the committee to show that it is always allowed.

Mr. COX. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. PAGE. Yes.

Mr. COX. Can the gentleman inform the committee if the $4 per diem is paid to them in a lump sum, whether they use it or not?

Mr. PAGE. I can not say so. I say there is a lack of information on either side of the question, and the statement that they are paid the full amount of $4 a day is simply a presumption, because there is no evidence to show that they are paid the maximum.

Mr. BARTLETT. This is the per diem for the men who are engaged in the inspection of boilers?

Mr. PAGE. Yes; they are the boiler inspectors.

Mr. BARTLETT. Can the gentleman from North Carolina conceive of a more important service to the traveling public than that which is performed by these men who are provided for in the bill?

Mr. PAGE. I can not. The statement was made by the gentleman from Indiana [Mr. Cox] a moment ago that these men are ex-locomotive engineers. Possibly some of them are, but I think more of them were appointed from the class of boiler makers than from the ranks of locomotive engineers. But at any rate they are skilled men.

Mr. BARTLETT. I want to say to the gentleman that according to my information they were appointed, after a thorough examination, on account of their efficiency and experience.

Mr. PAGE. That is true; decidedly true.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I ask for one more minute.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. COX. I thoroughly agree, Mr. Chairman, with the statement of the gentleman that these are skilled men, but so far as the examination is concerned I have looked into that and I find it is not a serious examination at all. Up until three years ago $4 a day was allowed to the post-office inspectors. Finally Congress reduced the amount to $3 per diem. That effected a saving, Mr. Chairman, of sixty-odd thousand dollars a year, and I have heard no complaint from the post-office inspectors from that day to this that they are not able to get along with it, and there is no evidence here this evening showing that this entire sum of $4 a day is actually used or consumed by these inspectors or showing whether or not it goes to increase their salary. In my judgment they can get along very easily and very nicely on $3 per diem in any city in the United States.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. COX. Yes.

Mr. EDWARDS. Would not this language reach the point that the gentleman is making—insert on page 62, in line 9, after the word "whose" the word "actual," so that the language would read, "whose actual traveling expenses are authorized by said act to be paid at not to exceed $4 per day"?

Mr. COX. It would.

Mr. EDWARDS. I suggest that, then, in lieu of the gentleman's amendment, if he will accept it.

Mr. COX. The gentleman can prepare his amendment and have a vote on it, but let us have a vote on my amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. Cox].

The question was taken, and the amendment was rejected.

Mr. EDWARDS. Mr. Chairman, I offer the amendment that I just a moment ago suggested to the gentleman from Indiana, to insert, on page 62, line 9, the word "actual" after the word "whose," so that that language will read, "whose actual traveling expenses are authorized by said act to be paid at not to exceed $4 per day."

The CHAIRMAN. The gentleman from Georgia [Mr. EDWARDS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "whose," on line 9, page 62, insert the word "actual."

Mr. MANN. I was not opposed to the amendment offered by the gentleman from Indiana [Mr. Cox], but I think this proposition is not a feasible one. These locomotive boiler inspectors are sent out in a hurry frequently to make examinations in case of explosions, and to examine locomotive boilers in various places. It would be a very great inconvenience to require them to report their actual traveling expenses. The amount involved is not sufficient. The Interstate Commerce Commission can easily reach what are about the actual traveling expenses, but to require a sworn statement, or even a certificate, or proof by affidavit, which this would require, would involve much trouble, and has never been found to be feasible in the Government. I do not believe we wish to try it on these men.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Georgia [Mr. EDWARDS].

The amendment was rejected.

The Clerk read as follows:

Rock Island Arsenal, Rock Island, Ill.

Mr. MOORE of Pennsylvania. I move to strike out the last word. Can the gentleman from New York tell us what became of the estimated item for dredging for the Frankford Arsenal?

Mr. FITZGERALD. It remains where is has been for several years. [Laughter.]

Mr. MOORE of Pennsylvania. Was it not considered by the committee at all?

Mr. FITZGERALD. It was carefully considered, but the committee did not recommend it.

Mr. MOORE of Pennsylvania. Was it not very earnestly recommended by the department?

Mr. FITZGERALD. It was, but the committee did not believe it was an item which was properly chargeable to the Government.

Mr. MOORE of Pennsylvania. The committee did not care to enter upon the project of dredging Frankford Creek in order to reach the arsenal.

Mr. FITZGERALD. For several years it was contended that it was necessary to dredge Frankford Creek for the purpose of doing away with certain offensive odors, for the benefit of the neighboring population, as well as for the improvement of navigation. The committee having expressed its opinion very forcibly that such purposes were purely local and were properly chargeable to the local authorities, refused to make the appropriation. This year the department based its request for the money, not upon the reasons formerly assigned, but they asserted that it would be very desirable to fill in certain low lands belonging to the arsenal, and that the easiest, best, and cheapest way would be to dredge the channel and take the material from the channel and put it on the lowlands belonging to the arsenal.

Mr. MOORE of Pennsylvania. How much was asked for that purpose?

Mr. FITZGERALD. The amount asked was $11,300.

Mr. MOORE of Pennsylvania. The department certainly did not ask $11,300 for the benefit of the inhabitants residing in the neighborhood. It asked it for the benefit of the Government, did it not?

Mr. FITZGERALD. No; the smell was offensive to the population, not to the Government. [Laughter.]

Mr. MOORE of Pennsylvania. Did the War Department seek to make that appropriation in order to benefit the people of the vicinity? I think the gentleman is mistaken. What did the department want the $11,300 for?

Mr. FITZGERALD. They wanted to dredge that channel.

Mr. MOORE of Pennsylvania. For the benefit of the Government.

Mr. FITZGERALD. I have stated my recollection of the situation.

Mr. MOORE of Pennsylvania. After the committee carefully considered it they decided to recommend $4,000, did they not?

Mr. FITZGERALD. That is for an entirely different matter. That is for a concrete sewer through the arsenal to take the place of an open sewer which now runs through it. It is to improve the sanitary conditions of the arsenal. It is an entirely different item than the dredging of the creek.

Mr. MOORE of Pennsylvania. And for that purpose the committee recommended $4,000.

Mr. FITZGERALD. Yes; and that was the amount requested.

The Clerk read as follows:

For increasing the capacity of the plant at the Rock Island Arsenal for the production of field artillery matériel, $250,000:

Mr. MOORE of Pennsylvania. I move to strike out the last word. Rock Island Arsenal gets $250,000 under this item. I should like to know whether any of that amount, which is for an increase in the size of the plant, is intended to be used for the manufacture of small arms and ammunition?

Mr. SHERLEY. No. They have very nearly completed the supply of small arms necessary. As a result of the lessening of that work it will be possible to perform a larger proportion of work in connection with mobile artillery matériel by making the changes here suggested. As a result it is expected that a very great saving will be made to the Government in the cost of the work.

Mr. MOORE of Pennsylvania. What becomes of the appliances for the manufacture of small arms and ammunition?

Mr. SHERLEY. There will be some small-arms ammunition still made, but much of the machinery there will still be available. What this is particularly for is to supply the additional room that is necessary at the arsenal in order to undertake the work in connection with the mobile artillery matériel.

Mr. MOORE of Pennsylvania. It increases the capacity of the plant to the extent of $250,000?

Mr. SHERLEY. It increases it in one sense, but it changes the character of the capacity rather more than increasing it.

Mr. MOORE of Pennsylvania. I notice that the total appropriation for Rock Island is $280,520. That is a fair appropriation, and I am glad to see Rock Island Arsenal advance; but I call attention to the fact that the committee could not grant $11,000 to the Frankford Arsenal.

Mr. SHERLEY. The answer to that is that the purposes were entirely different and had entirely distinct reasons back of them. In one instance we thought the reason good and in the other we did not.

Mr. FITZGERALD. And the result of the expenditure of the $250,000 will be a saving to the Government of over $2,000,000.

Mr. MOORE of Pennsylvania. I do not object to it at all, but I wanted to know if there was any shifting of the center of manufacture.

Mr. FITZGERALD. Yes; some of the work done at Rock Island will be discontinued and concentrated at the Springfield Arsenal, where a part is now done, but it will not affect in any respect the work done at the Frankford Arsenal.

The Clerk read as follows:

Under Quartermaster's Department.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 63, strike out line 21 and insert in lieu thereof the following: "Under quartermaster corps."

The Clerk read as follows:

Barracks and quarters, seacoast defenses: For the construction and enlargement of barracks and quarters for the Coast Artillery and of other buildings in connection with the adopted project for seacoast defenses, including the installation therein of plumbing and of heating and lighting apparatus, to be expended as in the judgment of the Secretary of War may be necessary, $115,078: *Provided*, That no part of this sum shall be used for the construction of officers' quarters to cost in excess of the limits established in the sundry civil appropriation act approved May 27, 1908.

Mr. TILSON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee what part of the appropriation is for the erection of buildings at Fort Wadsworth.

Mr. FITZGERALD. No part of it at any post about New York.

Mr. TILSON. Is not there necessity really for some permanent building at Fort Wadsworth?

Mr. FITZGERALD. From complaints I have received from that place I imagine that there is very great necessity.

Mr. MANN. But the modesty of the chairman would not allow him to ask for it. [Laughter.]

Mr. FITZGERALD. But from the estimates submitted by the department there appears to be no necessity.

Mr. TILSON. From my own knowledge there is a necessity and the chairman would have been justified in asking for a considerable appropriation.

Mr. FITZGERALD. I hope in the near future, with the change in the administration, that imperative improvements near my district will not be overlooked when the estimates are made. Unfortunately they seem to have been up to this time.

The Clerk read as follows:

QUARTERMASTER CORPS.

Mr. FITZGERALD. Mr. Chairman, I submit the following amendment.

The Clerk read as follows:

Page 64, strike out line 15, "Quartermaster Corps."

The amendment was agreed to.

The Clerk read as follows:

For continuing the construction of the necessary accommodations for the Seacoast Artillery in the Philippine Islands, $200,000.

Mr. SISSON. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if he took into consideration the fact that the islands might be abandoned?

Mr. FITZGERALD. Regardless of the policy of the United States as to the retention of the Philippine Islands, these particular quarters will be necessary if we are to maintain a permanent base for military operations.

Mr. SISSON. It will be a part of what we retain even though we surrender the islands?

Mr. FITZGERALD. That seems to be the opinion of all the military authorities. They are establishing a very strongly fortified place, which controls the entrance to Manila Bay.

Mr. GARRETT. This is in the territory that is retained by the United States under the Jones bill?

Mr. FITZGERALD. I am not sure. They are the islands at the entrance of Manila Bay. They are Corregidor, Cabella, and El Frailey, a group of islands at the mouth of Manila Bay. It is the place where all of our guns have been erected and where provision has been made for making a final stand for a great many months. These buildings are now in the course of construction, and it seems to be essential that they be completed.

The Clerk read as follows:

Cavalry post, Hawaii Territory: For completing the construction of officers' quarters, barracks, storehouses, etc., necessary for the accommodations of headquarters and two squadrons of Cavalry, $350,000, to be immediately available.

Mr. ANTHONY. Mr. Chairman, I move to strike out the paragraph. I would like to ask the chairman of the committee if this is an appropriation for new construction in Hawaii?

Mr. FITZGERALD. It is construction that is now under way—headquarters and accommodations for two squadrons of Cavalry at Schofield Barracks.

Mr. ANTHONY. Has the work of building a Cavalry post already been commenced there?

Mr. FITZGERALD. Yes.

Mr. ANTHONY. In other words, has the committee given its approval to the idea of maintaining a regiment of Cavalry in the Hawaiian Islands?

Mr. FITZGERALD. Four years ago the first appropriation was made for the accommodation of two squadrons of Cavalry. Since that time the War Department has determined that it is essential to station six regiments of Infantry, a regiment of Cavalry, and a number of other troops there.

Four years ago the committee was under the impression that it would cost about $700,000 or $800,000 to accommodate the garrison that was to be placed in the Hawaiian Islands. As nearly as can be ascertained it appears now it will cost between eight and nine millions of dollars. This money is for the purpose of finishing the work now in progress. Later in the bill there is a provision requiring complete plans and detailed estimates of all the accommodations required for the Coast Artillery at the Hawaiian Islands to be submitted to Congress at the next session so that Congress may determine what program it will adopt before proceeding further.

Mr. ANTHONY. The reason I asked the question is that I have heard this idea of stationing a regiment of Cavalry in an island in the middle of the ocean severely criticized. I have heard that from a military standpoint it is absurd.

Mr. FITZGERALD. Mr. Chairman, it is due, I think, to a peculiar condition on the island of Oahu. There are fifty or sixty thousand persons there of a certain race, all supposed, so far as we are able to ascertain, to be men who have been trained in military schools and in the armies of their country. If there is ever any trouble between the United States and the only nation that is likely to take the Hawaiian Islands, our base of supplies in the Pacific, it is essential to have such a force on the islands as will make it impossible for an uprising to take place and the mobilizing of these men into an effective force.

Mr. ANTHONY. Is it not a fact that a regiment of Infantry would do that police work just as efficiently?

Mr. FITZGERALD. All of the professors in the War College and the members of the Board of Strategy and the representatives of the General Staff have advanced the other view.

Mr. ANTHONY. The answer that an official at the department gave me for wanting to keep cavalry on that island was that it was 30 miles from coast to coast, and cavalry could be moved faster to resist a landing force from an imaginary enemy, or something of that kind.

Mr. FITZGERALD. I do not believe it is intended for the purpose of resisting landing parties. I think the placing of these men is to utilize them for the purpose of preventing any effective mobilization of individuals who are supposed to constitute an effective fighting force if they can be drawn together.

Mr. ANTHONY. My own opinion is that it would be a very wise procedure if the committee would wipe out any appropriation for a Cavalry garrison there.

Mr. FITZGERALD. Four years ago the entire General Staff appeared before the committee, and in order to permit them to sleep of nights that post was authorized.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Headstones for graves of soldiers: For continuing the work of furnishing headstones of durable stone or other durable material for unmarked graves of Union and Confederate soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries, at navy yards and stations of the United States, and other burial places, under the acts of March 3, 1873, February 3, 1879, and March 9, 1906, also for continuing the work of furnishing headstones for unmarked graves of civilians interred in post cemeteries under the acts of April 28, 1904, and June 30, 1906, also for furnishing headstones for the unmarked graves of Confederate soldiers, sailors, and marines in national cemeteries, $30,000.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word. It will be remembered that when this item was up a year ago there was some discussion concerning it. I do not wish to raise the same point I did then, except to get some information. This is the item that provides an appropriation to purchase headstones for graves of soldiers. In the current law the amount provided is $75,000, and that is the amount for which the estimates were sent in. I notice the provision in this item is $30,000, and I wondered what the reason was.

Mr. FITZGERALD. I will state to the gentleman this is all that was requested.

Mr. WILLIS. Seventy-five thousand dollars is provided for in the estimates. Do the hearings show there was——

Mr. FITZGERALD. Yes; they said that is all that was required, and the committee gave it.

Mr. WILLIS. There is another question I desire to ask the gentleman. The language in lines 21, 22, and 23 is new. It seems to me that is already provided for in lines 9, 10, 11, and 12.

Mr. FITZGERALD. The Committee of the Whole last year attempted to make provision for furnishing headstones for unmarked graves of Confederate soldiers, sailors, and marines in national cemeteries, and the Judge Advocate General held that the committee did not succeed in so doing.

Mr. WILLIS. Without the additional language is not the intention perfectly clear, as set forth in lines 9, 10, and 11?

Mr. FITZGERALD. I have a letter prepared by the Judge Advocate General to the Chief of the Quartermaster Corps. I will put the letter in the RECORD. This language is inserted to include what is the intention of Congress. I will print this letter in the RECORD.

Mr. WILLIS. All right, I will withdraw the pro forma amendment.

The letter is as follows:

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, January 25, 1911.

From: Judge Advocate General.
To: Chief of the Quartermaster Corps.
Subject: Item in sundry civil bill for headstones for unmarked graves of Confederate soldiers.

1. The views of this office are desired as to whether the item in the sundry civil bill (H. R. 25069, 62d Cong., 2d sess.) for headstones for graves of soldiers (lines 22 to 25, p. 56, and lines 1 to 9, p. 57) would permit of furnishing headstones for the unmarked graves of Confederate soldiers, sailors, and marines in national cemeteries. In other words, the question is whether the use of the word "Confederate" (line 24, p. 56) would broaden the authority beyond the limits specified in the acts providing for the marking of graves for Confederate dead of northern prisons. The appropriation provides for "continuing the work of furnishing headstones * * * for unmarked graves of Union and Confederate soldiers, sailors, and marines in national, post, city, town, and village cemeteries, national cemeteries at navy yards and stations in the United States, and other burial places" under the several acts referred to, including the act of March 9, 1906 (34 Stat., 56), which provided for the marking of graves of Confederate dead of northern prisons. In the opinion of this office, the word "Confederate" refers to the act of March 9, 1906, supra, and the use of the word in the appropriation would not permit of the marking of graves of Confederate soldiers, etc., in established national cemeteries, etc.

2. If it is desired to broaden the authority to include such graves, it is suggested that after the words "nineteen hundred and six" (line 5, p. 57) there be inserted the following words: "Also for furnishing headstones for the unmarked graves of civilians and Confederate soldiers, sailors, and marines in national cemeteries."

E. H. CROWDER,
Judge Advocate General.

Mr. OLMSTED. I will state to the gentleman from Ohio the words in lines 11 and 12 apply only to graves of Union and Confederate soldiers——

Mr. WILLIS. No; the gentleman does not read all of it. It says, "Union and Confederate soldiers, sailors, and marines," which is the same as in the lines referred to, 21, 22, and 23. The language is identically the language in lines 9, 10, and 11.

Mr. OLMSTED. In lines 18 and 19 the gentleman will notice it refers to civilians.

Mr. MANN. The gentleman will notice commencing with line 14 this is all under the acts of March 3, 1873, February 3, 1879, and March 9, 1906, and so forth. Probably these acts would provide for Confederate graves, and if they do not, why, you could not furnish them under this appropriation.

The Clerk read as follows:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of three civilian commissioners; for clerical and other services, labor, iron gun carriages, the mounting of siege guns, monuments, markers, and historical tablets giving historical facts, compiled without praise and without censure; maps, surveys; roads, bridges, restoration of earthworks, purchase of lands, purchase and transportation of supplies and materials; and other necessary expenses, $44,000.

Mr. CAMPBELL. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question. I notice in all these national military parks that provision is made for making roadways and maps and tablets and marking places. I have been through many of these cemeteries and find that work has already been done. What is the purpose of providing for making roads where roads have already been made, and providing marks where marks are, apparently, established at this time?

Mr. FITZGERALD. There are maintenance items—upkeep. Some of these military parks are still working along the original plans, but these items are mostly for upkeep.

Mr. MANN. Will the gentleman permit a question? Is it not also true that if there was nothing of this sort estimated and provided for there would be no necessity for the civilian commissioners now drawing salaries?

Mr. CAMPBELL. Getting warm.

Mr. FITZGERALD. A provision was carried last year which prevented the filling of any more vacancies.

Mr. MANN. Yes; I understand; but I notice these gentlemen seldom resign, and, I think, never die.

Mr. FITZGERALD. Does the gentleman ask that an amendment be made to abolish them?

Mr. MANN. No; I say I notice they seldom resign and, I am glad to say, never die.

Mr. FITZGERALD. I have very great pleasure in saying they seem to be all in fairly good health.

Mr. CAMPBELL. I withdraw the pro forma amendment.

The Clerk read as follows:

For improvement and maintenance of Judiciary Park, $2,500.

Mr. EDWARDS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question and getting some information. In the last item read, page 74, line 23, "For improvement and maintenance of Judiciary Park, $2,500," I notice on page 73, for all parks, for instance, "For ordinary care of Lafayette Park, $2,000." Why are the words "ordinary care" used there?

Mr. FITZGERALD. It was inserted in there at some time when there was a special appropriation for some extraordinary improvement.

Mr. EDWARDS. In other words, the point I want to get information on as to the care of these various parks is that the care of one is not to be different from the care of another, notwithstanding this language?

Mr. FITZGERALD. The language was probably put in there some time when there was a special appropriation for some special improvements.

Mr. EDWARDS. Thank you.

The Clerk read as follows:

For extraordinary repairs and refurnishing of the Executive Mansion, to be expended by contract or otherwise, as the President may determine, and to be immediately available, $15,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I presume this item is necessary in the bill. What is intended to be done with this $15,000 item?

Mr. FITZGERALD. To redecorate and refurnish and resupply the White House. It is a customary item at the beginning or at the end of each administration.

Mr. MANN. How much does it take to furnish the White House?

Mr. FITZGERALD. I do not know. This is for decorations, furniture, and such matters.

Mr. MANN. There is $35,000 that is already carried in the law. That looks like a very good amount to refurnish a moderate building. I do not object to the item. I will be greatly surprised if the Democratic President, believing in Democratic simplicity, will use the money.

Mr. FITZGERALD. The President of the United States sent for me, and said he had been a tenant of the White House for four years, and was going out, and that, knowing the condition of the White House, and the tremendous wear and tear upon it during the last four years, he hoped Congress would deal liberally with his successor as it had with him. But that was not necessary. Four years ago $53,500, a special appropriation, was required. The White House has been somewhat generally overhauled at the end of every four years.

Mr. SAMUEL W. SMITH. Will the gentleman yield? Can the gentleman say how often the White House is refurnished and redecorated?

Mr. FITZGERALD. When Congress appropriates the money. If we do not appropriate it, they can not do it.

Mr. MANN. Four years ago I believe there was $53,000 provided. This year $59,000 is provided. Unless they are going to finish an additional portion of the White House, I doubt whether it is needed. The White House is in very good shape now—in such good shape that it could obtain a tenant from any portion of the country without any difficulty at all. [Laughter.]

Mr. FITZGERALD. I must confess if it were open for occupancy by myself I would not have much fault to find with its present condition. After all, it is the home of the President of the United States.

Mr. MANN. I have not any objections to having it as nice as it can be furnished.

Mr. FITZGERALD. Congress has always insisted that it be kept in as good condition as possible, and when furniture becomes frayed and worn and the walls soiled——

Mr. MANN. I have been in the White House sufficiently to know that the furniture is not frayed and worn nor the walls soiled.

Mr. FITZGERALD. Well, the gentleman from Illinois has had the advantage of me. I have not had the same opportunities during the last four years to observe the condition of the White House as I hope I shall during the next four years.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. I am quite willing to give to the President the authority to spend such money as he may desire; but then, I was quite willing to give to the Speaker of the House an automobile. We had an automobile for a while with a Republican Speaker, but with Democratic simplicity the Speaker is required to hike along with his legs or take a street car to get here and lose a good deal of time in coming. I would give the Speaker an automobile and I would give the President an automobile.

Mr. FITZGERALD. I would give one to the chairman of the Committee on Appropriations.

Mr. MANN. I know, but you would be the only one in the House who would do it. [Laughter.]

Mr. FITZGERALD. If nobody would make a point of order against it, I would be perfectly willing to offer such an amendment. I know we could save the cost of it many times over in a year.

Mr. MANN. Here is a President elect who has been able to determine two things, so far as I have been able to ascertain from the press, as they have been given out to the world. One is, that, because of Democratic simplicity, he did not want to have an inaugural ball. The other was an announcement flashed all over the country that he had finally selected a secretary who, by the way, because of Democratic simplicity, will draw $6,000 a year salary after the 4th of March, while the present secretary draws $7,500 before the 4th of March. And I dare say that no one on the Democratic side of the House, after insisting a year ago, against our protest, that the salary should be reduced, will have the gall now to propose to increase it. I do not believe that the new President, believing, as he does, in Democratic simplicity, will undertake to expend $50,000 in refurnishing the White House when it does not need refurnishing to the extent of more than the ordinary appropriation.

Mr. CAMPBELL. Mr. Chairman, I think the gentleman from Illinois [Mr. MANN] could have stated that the incoming President had reached three conclusions instead of two. He has also decided to wear a silk hat on inauguration day, and has given that intelligence to the country. [Laughter.]

Mr. MANN. Well, I had not learned that. [Laughter.] I commend him for all his decisions thus far, and I hope he will keep up making righteous opinions, although I think it will gall some gentlemen on that side if he does.

Mr. GARRETT. It is natural for the gentleman from Illinois to pay attention to those things.

Mr. FITZGERALD. Mr. Chairman, the President elect may not thus far have made many decisions, but he will make them so quickly after the 4th of March that the gentleman from Illinois [Mr. MANN] will regret that he should be making them at all. I have no doubt that when made they will be made for the benefit and the welfare of the country. [Applause.]

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

On page 77, line 22, insert the following:

"For making alterations in the attic of the Executive Mansion, to provide additional room, and for additional furniture, to be expended by contract or otherwise, as the President may determine, and to be immediately available, $9,500."

Mr. FITZGERALD. Mr. Chairman, I may say that at the beginning of the present administration an appropriation of $53,500 was made for the alteration of the Executive offices, and extraordinary repairs to the White House, so that the additional appropriation asked for now, to make these changes in the attic and changes in the terrace, and for extraordinary repairs, is less than half of what was given for the changing of the Executive offices and for extraordinary repairs at the beginning of the present administration.

Now, that does not mean that there is to be any such conduct of the public affairs or in the maintenance of the White House as will make anyone regret the situation. The President himself has submitted these matters in connection with placing the White House in that condition in which it is essential and desirable that it should be continued for the occupancy of the President and his family.

The pending amendment proposes to make certain alterations in the attic, on the third floor of the White House, so that the rooms there can be used for sleeping apartments. The President stated that even with his present family during the past four

years he has at times been embarrassed for want of accommodations for persons whom it was desirable to entertain overnight at the White House. The President elect's family is considerably larger than that of the President. The President had these plans prepared and the estimates submitted to the committee, and urged that the committee recommend the appropriation of this sum in order to make the necessary alterations. It was inadvertently omitted from the bill in reporting it, although it was believed to be in the bill.

Mr. SAMUEL W. SMITH. Mr. Chairman, I would like to ask the gentleman from New York [Mr. FITZGERALD] one further question for information. When Congress makes an appropriation shall the President, whoever he may be, have the sole say of the changes that are made in the White House?

Mr. FITZGERALD. That has been the practice. In the refurnishing and repairing and keeping the White House in condition it has been customary to place the money at the disposal of the President and provide for its expenditure upon his certificate. I know of no instance where there has ever been any justification for the belief that there was any betrayal of the trust placed in the President as to the propriety of the expenditure.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. Has the gentleman the items of the appropriation of four years ago, to which he refers?

Mr. FITZGERALD. Part of it was for the refurnishing of the White House. Part of it was for the enlargement of the Executive offices, if I recall correctly.

Mr. MANN. The gentleman's statement to the House was not quite frank.

Mr. FITZGERALD. I read Col. Cosby's statement.

Mr. MANN. The gentleman's statement was that the items in reference to the President's house, and so forth, four years ago were nearly twice what they are now. The fact is that four years ago there was an appropriation to double the size of the Executive offices, which was not chargeable to the incoming administration or to the White House at all.

Mr. FITZGERALD. I read Col. Cosby's statement that it included the enlargement of the Executive offices.

Mr. MANN. I did not hear the gentleman.

Mr. FITZGERALD. I read the statement, or stated exactly what it was, and I based what I said entirely upon that statement.

Mr. OLMSTED. Does the gentleman think the Executive office should be enlarged to make room for the hungry office seekers who are coming?

Mr. GRAHAM. Four years ago that was necessary.

Mr. MANN. Mr. Chairman, I remember when the White House proper was not only the home of the President and his family, but also contained the Executive offices. That was true in the McKinley administration and in the Cleveland administrations; and there was a good deal of business transacted up there, and there were a great many callers during the last Cleveland administration and during the beginning of the McKinley administration. They all went up to the White House proper and had plenty of room, for a time at least, to transact their business.

Subsequently we remodeled the White House proper and provided the Executive offices. Ever since that time, when we moved the offices out of the White House proper and increased the amount of living room in the White House, it seems to me there has been a cramping of the space up there. Before that there was not very much difficulty. Some families lived in the White House with quite a number of children, and they did not have any difficulty. I never heard that President Lincoln, who had some family, had any difficulty at all in providing sleeping quarters for his children or his guests in the White House proper.

Yet I am quite willing to provide, in the modern spirit of large houses and expensive establishments, plenty of room for all the family of the President of the United States, regardless of his politics.

Mr. FITZGERALD. The gentleman from Illinois is not quite as well qualified to discuss ample quarters for families as I am. I am willing to submit my judgment as to what is necessary for a reasonably fair-sized family against the judgment of the gentleman from Illinois.

Mr. MANN. I will say right now, Mr. Chairman, that if I ever have the honor and the pleasure of seeing the gentleman from New York occupy the White House I will be quite content to build an addition nearly as large as the present White House in order to accommodate his family. [Laughter.]

Mr. FITZGERALD. I hope that will not be quite necessary.

Mr. MANN. I think it will be needed.

Mr. CANNON. Absolutely. I met the gentleman a year or two ago one Sunday morning, when he was taking a walk with his children, and I counted seven of the handsomest little children you ever saw. [Applause.]

Mr. MANN. And they looked like their mother. [Laughter.]

Mr. FITZGERALD. Yes; they are all good looking.

Mr. MANN. They are all good looking. I am not surprised that the gentleman from New York should offer the amendment. What surprises me is that some of our Democratic economists, after all this talk about Democratic simplicity, wish to add to the expensiveness and the size of the rooms in the White House. On our side of the House we are willing to do that, and I congratulate some of the gentlemen on the other side of the House, because now they are afraid to peep. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment.

Mr. OLMSTED. Mr. Chairman, as I sat at my desk during a little lull in the proceedings to-day, studying the Scriptures, as is my wont, I came across a little quotation or phrase which seemed to me to fit the present condition of the President elect.

Mr. Chairman, I am in favor of enlarging the Executive office as proposed in order to make room for the horde of those who, having been out for 16 years, are anxious to get their feet in the trough; and I am in favor of improving the attic, as is suggested, or such other parts of the Executive Mansion as may be desired, so that the President may have a safe place of retreat from the hungry crowd which will press upon him. [Laughter.] When I think of the great pressure which will be put upon him to remove fourth-class postmasters and assistant postmasters all over the country from the civil-service order so that new men may get in; when I think of the rush for the 2,000 positions to be secured because of the refusal, contrary to all precedent, to confirm appointments made in due course by the President about to retire; when I think of the ten disappointed for every one who gets a job; when I think of the factional troubles already existing in his own party in both branches of Congress; when I think of the struggles and discussions they will have in trying to agree upon tariff bills, and of what will happen to them if they do pass the tariff bills that some of them now contemplate; when I consider all these things I am reminded of the saying of the Prophet Isaiah:

> Hell from beneath is moved for thee to meet thee at thy coming.

[Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

> Improvements, birthplace of Washington, Wakefield, Va.: For repairs to fences and cleaning up and maintaining grounds about the monument, $100.

Mr. EDWARDS. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. I am not opposed to the appropriation, but I want to ask the chairman of the committee who owns this property for which this item is inserted, improving the birthplace of Washington, at Wakefield, Va.?

Mr. FITZGERALD. There is a monument erected there by the Government.

Mr. EDWARDS. Now, as to the other item for the building where Abraham Lincoln died?

Mr. FITZGERALD. That is owned by the Government.

The Clerk read as follows:

> Commission of Fine Arts: To meet the expenses made necessary by the act approved May 17, 1910, entitled "An act establishing a Commission of Fine Arts," including the purchase of periodicals, maps, and books of reference, to be disbursed, on vouchers approved by the commission, by the officer in charge of public buildings and grounds, who shall be the secretary and shall act as the executive officer of said commission, $5,000.

Mr. PAGE. Mr. Chairman, I move to strike out the paragraph. This commission known as the Fine Arts Commission was brought into existence a few years ago by appointment at the hands of the President of the United States without any authority of law. The sundry civil appropriation bill for the fiscal year 1910, approved March 4, 1909, made the provision to stop the payment of any money whatever for compensation or expenses of any commission, council, board, or other similar body unless the same should have been authorized by law.

In consequence of this paragraph in that appropriation bill the Committee on the Library reported a bill for the creation of this Commission of Fine Arts, and the same was approved March, 1910. The act at that time authorized an annual expense not to exceed $10,000.

In pursuance of this law appropriations have been made for the fiscal year of 1911 of $10,000; for the fiscal year of 1912, $8,800; for the fiscal year of 1913, $5,000; and the item which is carried for the fiscal year of 1914 carries $5,000.

The purpose of this commission, composed, I will say, of eminent architects—and I have no criticism of these gentlemen—is supposed to be a supervision of the construction of the public buildings of the United States and to bring about an architectural situation, or aspect, or prospect, that is an improvement on some of the public buildings that have been erected in the city of Washington.

I am ready to admit that there is room for improvement, and I have been somewhat reconciled to the existence of this commission until I was informed a little while ago that they were responsible for the erection of the three tall poles between the Union Station and the statue of Columbus, with the eagles on top. When I learned that they were responsible for this monstrosity I made up my mind that I would renew the fight I had formerly started on this commission to discontinue the appropriation.

Mr. FITZGERALD. Where did the gentleman get his information that they were responsible?

Mr. PAGE. That was general information not specific enough for me to reveal. I think the gentleman from New York was my informant. [Laughter.]

Mr. FITZGERALD. I must decline any responsibility for that information.

Mr. SHERLEY. I knew that it was inaccurate. [Laughter.]

Mr. PAGE. In addition to this piece of art, which many of us have to look on every day as we pass on the street cars going and coming from our homes, I find in the Canal Record, under date of February 5, an item giving the names of the commission who are on a trip to the Canal Zone to investigate prospective buildings.

I suppose part of this appropriation of $5,000 is being used to send these gentlemen of the Commission of Fine Arts on a winter vacation down to the climate of the Canal Zone.

Mr. SHERLEY. If the gentleman from North Carolina will read the hearings had before the committee, he will find that, instead of this being a matter of surprise, Col. Cosby stated that it was expected some members of the commission would go to Panama for this purpose.

Mr. PAGE. That was equally as great a surprise as the item I found in the Canal Record.

Mr. SHERLEY. That was an item that also escaped my friend's attention.

Mr. CULLOP. The provisions of this bill are not available until the 1st of July.

Mr. PAGE. Out of the present appropriation for the current year of $5,000. But what amazes me is what structures——

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. PAGE. Mr. Chairman, I ask the indulgence of the committee for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PAGE. Mr. Chairman, my curiosity is somewhat excited, having had the pleasure of going to the Canal Zone and seeing some of the construction, as to what particular structure there will most appeal to the æsthetic taste of the general public, or even of the Commission of Fine Arts. There are great piles of concrete that form the locks and great masonry that makes the dam, but in a few years the jungle of the Tropics will have covered the dam and the water will have covered up most of the concrete that has gone into the construction of the locks for the canal. I can not understand why they should pass upon any structure that is to be erected upon the Canal Zone, unless they have gone down to inspect and see that the extensive barracks and quarters for military occupation are to be along artistic lines.

Mr. Chairman, it is a small item, but in my judgment an unnecessary expenditure of just this much money without results for the taxpayers. [Applause.]

Mr. SHERLEY. Mr. Chairman, I always enjoy the speeches of my friend from North Carolina [Mr. PAGE], and I can appreciate the opportunity for a little wit at the expense of a commission on fine arts. It has always been more or less the habit of a legislative body to have fun with what they are pleased to call the highfaluting notions of art commissions. There are times when I have felt a little out of patience with particular commissions because of particular recommendations, and yet when I realize that this commission is composed, and has been composed from the beginning, of men who are of the first rank in their professions; when I realize that they give their services to the Government without compensation; that it is to them a labor of love; and when I look not simply at some poles in front of the Union Station but at some of the monstrosities of public buildings that were erected in a period of democracy in this country, when to consider the question of art was looked upon as beneath any real, true inhabitant of a republic, I am more or less reconciled to the existence of this commission.

If gentlemen will read the hearings, they will find the commission has rendered very valuable service to the Government of the United States, and except for a very limited cost of travel and of a few employees, they have done it without expense. They have, among other things, recently passed upon the Lincoln memorial, the competition for the Perry memorial at Put-in-Bay, the German memorial at Germantown, the Fort Recovery Monument, the Guilford Court House Monument, the monuments in Washington to John Paul Jones, Gen. Grant, and Commodore Barry, and so forth, and I could recite other instances of their activities.

Mr. PAGE. Mr. Chairman, will the gentleman permit an interruption?

Mr. SHERLEY. Certainly.

Mr. PAGE. They have passed upon these structures that the gentleman names, but is there any evidence that they changed or made any suggestion of change in the plans?

Mr. SHERLEY. Mr. Chairman, I am quite sure that they have repeatedly made suggestions, and as a result of these suggestions there have been changes of plans, and I am sure that the excellency of many of these works of art and monuments is the result of the intelligent criticism of these men.

The gentleman wonders what they could possibly do at Panama. These hearings show that they have gone there, at least part of them, for the purpose of looking over plans touching a permanent town that will be built there, and I suspect that, notwithstanding the gentleman's suggestion, the jungle will not cover these buildings, as they are to be permanent. Among other things, for instance, we are building there a great hall for the storage of the records of the canal. It is perfectly proper that in the designing of that some attention should be paid to its artistic appearance.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. I insist that when you consider that these men are all eminent in their professions, that their work is voluntary, that something more than a laugh at their expense ought to be produced to warrant us in dispensing with their services. If there has been any one thing in which we have improved as a Nation, it has been in our appreciation of the artistic and the beautiful. The Chicago Fair was a revelation to the people of America, and when for the first time we saw gathered together such magic buildings that had sprung up overnight we had presented to our entranced eyes a new conception of art and architecture.

As a result of that experience the people of America have taken an increasing interest in the beauty of their public buildings, and we no longer have the hideous monstrosities of the War and Navy Building, of the Pension Office, of the Post Office, repeated in modern public buildings in America; and largely this has come about through the intelligent criticism of patriotic men willing to give their time, because of the love of their profession, in helping to educate the American people in a better appreciation of art and beauty. [Applause.]

Mr. CANNON. Mr. Chairman, I make the pro forma amendment for the purpose of saying that my colleagues upon this committee in the majority have proved their interest in their remarks, and the gentleman from North Carolina [Mr. PAGE], with whom I am acquainted, I am quite sure has a better artistic eye than I have, but after all at the hour of half past 10 o'clock at night, as we have made much of progress upon this bill, and I hope we will continue to make progress, there comes a little time for humor, and I am quite sure my friend from North Carolina in making this motion did it for the purpose of getting a rise out of the gentleman from Kentucky [Mr. SHERLEY], and he got it, and it was worth the time that we have had. That is all I want to say. [Laughter and applause.]

Mr. SISSON. Mr. Chairman, I want to support the motion of the gentleman from North Carolina [Mr. PAGE]. In the first place, I do not believe that the expenses of the art commission can be summed up in this $5,000 of salary. This is a very expensive luxury we are having, this art commission. The numerous and sundry suggestions they make are along expensive and ornate lines. Now, I have no objection to my friend from Kentucky [Mr. SHERLEY] speaking of the old-fashioned Democratic ideas and the gentleman from Illinois [Mr. MANN] twitting us for our Democratic simplicity. I still believe in that doctrine. I have not changed my views at all, nor shall an art commission change them. The great trouble is that whatever

utility a building may have, when you begin to put the art commission's ornamentations on it is always an expensive luxury. I do not believe in a hideous building, and I do not know that I am a judge at all, but I do not think that the State, War, and Navy Building is a hideous building. I have never taken much stock in the artistic design of the Post Office Building, but still the Post Office Building is serving every purpose and is a good and substantial building so far as I know; and if the expense of the art commission was limited to $5,000 then it might do, but you will find that you can not get five art commissioners who will agree on one plan of beauty that will not be severely criticized by any other five men of equal talent throughout the country, because the question of architectural design is not a settled one; it is rather in a chaotic condition now. The chances are we will never be able to improve any over the old Greek models, and I do not believe you will ever improve over the architectural design of the present Treasury Building. In my humble judgment I think it is one of the prettiest buildings in the city, artistic in its every proportion, and we had no art commission when that building was designed.

Mr. CULLOP. Will the gentleman consider the Library Building over here?

Mr. SISSON. The Library Building is not, in my judgment, a bad building. The interior of it is a beautiful building; but we had no art commission——

Mr. SHERLEY. Does the gentleman know about the employment of experts in connection with the Library in order that it might be made a beautiful building?

Mr. SISSON. I know in the interior decorations that was true.

Mr. SHERLEY. It is true of its outside appearance as well.

Mr. SISSON. But so far as the outside appearance was concerned, there was no art commission to pass upon it.

Mr. SHERLEY. There was expert advice.

Mr. SISSON. Various plans were submitted to a very distinguished body of men who passed upon the plan, but at last it all depends upon the legislation and the appropriation end or the commission or body selected that is building the building as to whether it would be good or bad.

Mr. MANN. Is it not a fact that the new columns for the Treasury Building, the beauty of which the gentleman admired, were put there at the suggestion of the Fine Arts Commission?

Mr. SISSON. That may be true; and the only difference is that the other columns that they had were divided into sections. The same number of columns were there that are there now, and the only difference is you now have solid pieces of granite top and bottom, whereas before they were divided into sections. The appearance of the building is the same now as it was before, and the additional expense of a vast amount was occasioned by this art commission, which is my objection to it. It is too expensive in its advice.

Mr. MANN. Mr. Chairman, some of our friends over on the other side of the aisle were so in the habit of kicking when the Republicans were in control of the Government that they can not get over that habit. Last year about this time in the consideration of the bill the distinguished gentlemen who are now fighting this item were just having agony over another item of the bill for traveling expenses for the President of the United States, $25,000. That item went through to-night without a murmur or a wink from our friends over there, but a year ago they agonized because the President was to have $25,000 in addition to his salary. They let that item go by and now attack the Fine Arts Commission.

Mr. SISSON. Will the gentleman yield? I ask unanimous consent to return to the item of traveling expenses, and move to strike it out.

Mr. MANN. I shall not object. I shall be glad to do that. The gentleman was here in the Hall of the House when the item was read. He knew then was the time to strike it out, and he knows now that if anybody seriously believed he could strike it out, objection would be made. The gentleman ought to have been Johnny-on-the-spot then instead of now.

Mr. SISSON. I want to say to the gentleman from Illinois that, as a matter of fact, they did slip the item by me, because I gave notice in the committee I was going to strike it out.

Mr. MANN. I saw the gentleman sitting in his seat watching the bill.

Mr. SISSON. But the gentleman is not stating the fact now, because I was not reading the bill. I became so interested in my own remarks that I let them get by the point. [Laughter.]

Mr. MANN. That is the trouble with the gentleman. He is very often more interested in his own remarks than the rest of us are. [Laughter.]

Now, Mr. Chairman, the Fine Arts Commission is a commission created by act of Congress, and the departments of the Government are required, under the law, to ask the Fine Arts Commission for advice before they can do a great many things. To strike this item out of the bill, how will it be done?

The Fine Arts Commission does not draw a salary. My distinguished friend from North Carolina [Mr. PAGE] takes exception—and I wondered he would say what he did—saying that these gentlemen were enjoying a winter trip to Panama at the expense of the Government. How many here have been to Panama at the expense of the Government? The gentleman from North Carolina and myself have been there at the expense of the Government. These gentlemen do not go any more or as much at the expense of the Government as we did, and I expect they will do just as much good on the Isthmus as we did.

Mr. PAGE. Mr. Chairman——

Mr. MANN. And I think it was well worth while sending the gentleman from North Carolina [Mr. PAGE] to Panama at the expense of the Government, and it will be again. I think it is well worth while to send the Fine Arts Commission down there to give some advice, so that when we have finished the greatest waterway in the world the things that appear above the surface, as far as we can control them, will appear beautiful to those who go by. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment of the gentleman from Illinois will be withdrawn.

The question is on the amendment of the gentleman from North Carolina [Mr. PAGE].

The question was taken, and the amendment was rejected.

Mr. SISSON. Mr. Chairman, I ask unanimous consent to return to the item of the President's traveling expenses, so that I may make a motion to strike that item out of the bill.

Mr. FITZGERALD. I object. I have always been in favor of the item.

Mr. SHERLEY. I object, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving harbor at San Francisco, Cal.: For continuing improvement by the removal of Centissima Rock, $110,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. If it were necessary, I would be quite willing to stay here all night, but we have now been in session for 12 hours and have made very good progress.

Mr. FITZGERALD. We can run through these river and harbor items, and then we will quit.

Mr. MANN. Very well.

Mr. FITZGERALD. There probably will be no discussion.

The Clerk read as follows:

Improving Houston Ship Channel, Tex.: For continuing improvement of the channel formerly designated as Galveston Ship Channel and Buffalo Bayou, $950,000.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 82, in line 9, after the word "Bayou," insert the words "in completion of contract authorization."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving Snohomish River, Wash.: For continuing improvement, $105,000.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

On page 86, in line 2, after the word "improvement," insert the words "in completion of contract authorization."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving Willapa River and Harbor, Wash.: For continuing improvement, in completion of contract authorization, $23,132.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 82, in lines 6 and 7, strike out the words "in completion of the contract authorization."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. We are at the end of those items that the gentleman from New York [Mr. FITZGERALD] referred to.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. ANDERSON. I ask unanimous consent to extend my remarks in the RECORD on the construction of a national railroad in Alaska.

The SPEAKER. The gentleman asks to extend his remarks in the RECORD. Is there objection?

There was no objection.

COPIES OF CONFERENCE REPORTS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following concurrent resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That all conference reports shall hereafter be made in triplicate, and triplicate copies be delivered as soon as prepared to the enrolling clerk of the House in which the bills originated.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of this resolution. Is there objection?

Mr. MANN. Reserving the right to object, as I understand, this resolution would require all conference reports hereafter to be made in triplicate, whether on Senate bills or House bills. This is a House resolution.

Mr. FITZGERALD. A concurrent resolution.

Mr. MANN. It does not seem to me that there is any occasion for requiring a copy of every conference report to be delivered to the enrolling clerk unless it be on appropriation bills. That might be desirable. Many of the Members of the House who go on conference committees do not have clerks who are thoroughly familiar with requirements of this sort, and I do not see any necessity of it. I suppose the purpose of it is to have copies of the appropriation bills. Why not confine it to that?

Mr. FITZGERALD. The object is to facilitate the work of the enrolling room during the remaining days of the session.

Mr. MANN. Yes.

Mr. FITZGERALD. The practice of the Committee on Appropriations has been to prepare three copies of their conference reports. That has been of such great advantage that the enrolling clerks have requested that it be extended to all conference reports. Perhaps it would carry out the purpose of the matter if it were restricted to appropriation bills.

Mr. MANN. I am not at all certain that it will work successfully, although I am willing to try it on appropriation bills. Copies of conference reports are not always the same, but when a conference report is presented to the Senate it is printed, and when it is presented to the House it is printed at some time or other. If there are errors they are discovered. Here is a proposition to deliver another conference report to the enrolling room which never is presented to either body. If there is an error in it, of course the error will be copied into the enrolled bill.

Mr. FITZGERALD. The purpose of this is to enable the enrolling clerks to start their work. The comparison will be made with the original.

Mr. MANN. But this is an original. The enrolling clerks are not going to compare an enrolled bill with two original conference reports. When you deliver a paper in triplicate each one is an original. I have no objection, if you confine this to the appropriation bills.

Mr. FITZGERALD. I will ask to amend the resolution by inserting, after the words "conference reports," the words "on general appropriation bills."

Mr. GARRETT. I ask unanimous consent that the matter may go over until morning.

Mr. FITZGERALD. I will ask that the matter go over.

The SPEAKER. The matter will go over until to-morrow morning.

OLEOMARGARINE.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to have certain resolutions of the Minnesota State Dairyman's Association relative to the manufacture and sale of oleomargarine printed in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to have certain resolutions of the Minnesota State Dairyman's Association printed in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

MINNESOTA STATE DAIRYMAN'S ASSOCIATION,
Nicollet, Minn., February 12, 1913.

Hon. G. N. HAUGEN,
Washington, D. C.:

DEAR SIR: We desire to call your attention to the following resolution, passed at the annual convention of the Minnesota State Dairyman's Association, held at Northfield, January 21–24, 1913:

"Whereas there are now before the Committee on Agriculture of our National Congress two bills for enactment into laws governing the manufacture and sale of oleomargarine, one known as the Lever bill, which is being supported by the oleomargarine interests, and one known as the Haugen bill, which is indorsed by the National Dairy Union; and

"Whereas we believe the Haugen bill, if enacted into law, will best protect the producer and consumer of pure butter from fraud and deceit and at the same time not hamper the manufacturers of oleomargarine in the distribution of their product at a minimum expense for revenue tax: Now therefore be it

"*Resolved*, That the Minnesota State Dairyman's Association in convention assembled at Northfield, Minn., this 23d day of January, 1913, do indorse the Haugen bill and urge our Senators and Representatives in Congress to use all honorable means to secure the passage of the said Haugen bill; and be it further

"*Resolved*, That the secretary of this association is hereby instructed to forward a copy of this resolution to Hon. G. N. HAUGEN and request him to introduce it as a resolution in Congress to the end that it shall appear printed in the CONGRESSIONAL RECORD; and be it further

"*Resolved*, That the secretary of this association is instructed to forward a copy of this resolution to N. P. Hull, secretary of the National Dairy Union, and to our Senators and Representatives in Congress."

Respectfully, F. D. CURRIER, *Secretary.*

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 48 minutes p. m.) the House adjourned until Thursday, February 20, 1913, at 10.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Chesapeake Bay, Md., off Pooles Island (H. Doc. No. 1406); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of employment of civilian engineers on river and harbor work (H. Doc. No. 1407); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Postmaster General, transmitting, on behalf of the board of trustees of the postal savings system, report for the fiscal year ended June 30, 1912 (H. Doc. No. 1408); to the Committee on the Post Office and Post Roads and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HUMPHREYS of Mississippi, from the Committee on the Territories, to which was referred the bill (H. R. 28731) to extend the time for the completion of the Alaska Northern Railway, and for other purposes, reported the same with amendment, accompanied by a report (No. 1547), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOBECK, from the Committee on the District of Columbia, to which was referred the bill (H. R. 18013) fixing the price of gas and regulating the quantity of carbon monoxide in gas in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1550), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BROWNING, from the Committee on Naval Affairs, to which was referred the bill (S. 7169) to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps, reported the same without amendment, accompanied by a report (No. 1548), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 28803) for the acquisition of a site for the erection of a building at Caruthersville, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. O'SHAUNESSY: A bill (H. R. 28804) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. CLAYTON: A bill (H. R. 28809) to provide for the punishment of certain crimes against the United States; to the Committee on the Judiciary.

By Mr. CANTRILL: Resolution (H. Res. 851) authorizing the payment of $1,200 to G. D. Ellis for expert services rendered during the first, second, and third sessions of the Sixty-second Congress; to the Committee on Accounts.

By Mr. WEBB: Resolution (H. Res. 853) directing the Attorney General to furnish the House with certain information; to the Committee on the Judiciary.

By Mr. CURLEY: Memorial from the Legislature of the State of Massachusetts, favoring the establishment of an international commission on the high cost of living; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Memorial adopted by the General Assembly of the State of Ohio, asking for the enactment of a Federal law regulating the exportation of food products; to the Committee on Interstate and Foreign Commerce.

By Mr. WEEKS: Memorial of the General Court of the Commonwealth of Massachusetts, in favor of the establishment of an international commission on the cost of living; to the Committee on Foreign Affairs.

By the SPEAKER: Resolutions of the General Court of the Commonwealth of Massachusetts, in favor of the establishment of an international commission on the cost of living; to the Committee on Foreign Affairs.

By Mr. KNOWLAND: Resolutions passed by the Assembly of the State of California, urging the passage of Senate bill 122 (the Newlands bill) to create a board of river regulation, etc.; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LEE of Georgia: A bill (H. R. 28805) for the relief of the legal representatives of Elijah Lumpkin, deceased; to the Committee on War Claims.

By Mr. MADDEN: A bill (H. R. 28806) granting an increase of pension to John F. Thomas; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 28807) granting a pension to Samantha Buvinger; to the Committee on Invalid Pensions.

By Mr. WITHERSPOON: A bill (H. R. 28808) for the relief of the Methodist Episcopal Church South, of Decatur, Miss.; to the Committee on War Claims.

By Mr. LEE of Georgia: Resolution (H. Res. 850) referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary" (Public act No. 475, 61st Cong., 2d sess., p. 1138); to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of citizens of Portage, Wis., favoring the passage of the McLean bill, for the Federal protection of migratory birds; to the Committee on Agriculture.

Also (by request), petition of the American Society of Zoologists, favoring the passage of the McLean bill, for the Federal protection of migratory birds; to the Committee on Agriculture.

Also (by request), petition of Gus Boltz, asking the impeachment and removal of the present judge, Cornelius D. Murane, and the acting district attorney, N. Castle, of the District of Alaska; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of W. S. Watson and others, of Payne, Ohio, favoring the passage of legislation reducing the tariff on sugar; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of the State of Indiana Sealers' Association, favoring the passage of legislation for a standard barrel and more uniform weights and measures for fruits, vegetables, etc.; to the Committee on Coinage, Weights, and Measures.

By Mr. BATES: Petition of the Consumers' League of Meadville, Pa., favoring the passage of House bill 27821, limiting the hours of labor of women in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CALDER: Petition of the Chamber of Commerce of the State of New York, favoring the passage of Senate bill 8114, preventing discrimination in the Panama tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. COPLEY: Petition of the College Church of Wheaton, Pa., favoring the passage of the Kenyon "red light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. DIFENDERFER: Petition of the First Presbyterian Church of Conshohocken, Pa., favoring the passage of the Kenyon-Sheppard bill to prevent the shipment of liquors into dry territory; to the Committee on the Judiciary.

By Mr. DYER: Petition of Jewish citizens of St. Louis, Mo.; I. L. Schoen, St. Louis, Mo.; Scandinavian citizens of New York City; Italian Club and others, of St. Louis, Mo.; and Beth Israel Lodge and Lodge No. 234, Independent Order B'rith Sholom, protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of organized labor of Boston, Mass.; State Council of Missouri, Junior Order United American Mechanics; Lion Council, Junior Order United American Mechanics, St. Louis, Mo.; and H. E. Willis, Washington, D. C., favoring the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of the board of directors of the American Association of Foreign Language Newspapers, protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of citizens of Philadelphia, Pa., favoring the passage of legislation to submit to arbitration the clause relative to the tolls at the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of the District Branch of the National Woman's River and Harbor Congress, favoring the passage of legislation making appropriations to cover expenses for analyzing the water of the Potomac; to the Committee on Appropriations.

By Mr. FORNES: Petition of the Lackawanna Steel Co., New York, protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Charles H. Stees, secretary of the Patriotic Order Sons of America, Philadelphia, Pa.; James Duncan and Henry Abraham, Boston, Mass., favoring the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of the American Association of Foreign Language Newspapers, protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. GREGG of Pennsylvania: Petition of John F. Miklosky, Latrobe, Pa.; Tony Roy, Greensburg, Pa.; Bruno Floro, Jacobs Creek; Morris Pollak, Butler; the First National Bank, New Kensington; F. L. Demay, Johnstown; John L. Lengyel and other citizens of Greensburg and Trauger; Italian-American citizens, Mount Pleasant; Tony Testa and Anglo Testa, Queensburg; Leonard Difoggi and others, of Butler, Pa.; and George Slaine, Mount Pleasant, Mich., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of O. T. Porter, Wick Haven, Pa., favoring the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. LAFEAN: Papers to accompany bill (H. R. 28516) granting an increase of pension to John H. Hector; to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the Lackawanna Steel Co., New York, N. Y., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of the Retail Dry Goods Association, New York, N. Y., protesting against the passage of the amendment to House bill 27148, transferring the classification of books from the third class to the fourth class; to the Committee on the Post Office and Post Roads.

Also, petition of H. E. Willis, assistant grand chief and national legislative representative of the Brotherhood of Locomotive Engineers, Washington, D. C., favoring the passage of the workmen's compensation bill; to the Committee on the Judiciary.

By Mr. MOTT: Petition of the governor of the State of New York and others, protesting against the passage of the proposed bill to regulate and control the waters of the Niagara River; to the Committee on Foreign Affairs.

Also, petition of the Patriotic Order Sons of America, Philadelphia, Pa., wage earners of Boston, Mass., and W. B. Griffith, New York, favoring the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of Local Union No. 8, United Hatters of America, Brooklyn, N. Y., protesting against the passage of legislation for a reduction of duty on hats; to the Committee on Ways and Means.

Also, petition of the Lackawanna Steel Co., New York; the American Association of Foreign Language Papers, New York; and the German American State Alliance, New York, protesting against the passage of Senate bill 3175, for the restriction of immigration over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. O'SHAUNESSY: Petition of the Polish National Alliance Branches, Woonsocket, R. I.; Providence Immigration Society; Adams R. Aiello and Carlo Constantio, Providence, R. I.; and Joseph M. Tally, protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of Local Union 534, Brotherhood of Painters, Decorators, and Paperhangers of America, Newport, R. I., protesting against the passage of Senate bill 8141, for placing the State militia on the national pay roll; to the Committee on Military Affairs.

Also, petition of the Modern Political Club, Providence, R. I., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of Maraget N. Goodwin, Providence, R. I.; Sarah J. Eddy and M. S. Hall, Bristol Ferry, R. I., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of Alice Hall Walter, Providence, R. I.; Aulem Dalmey and 3 others, of Boston, Mass.; Audubon Society of Rhode Island, Providence, R. I., and Thomas William R. Trowbridge, Providence, favoring the passage of the McLean bill, granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. REILLY: Petition of the American Association of Foreign Newspapers, protesting against the passage of Senate bill 3175, for restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of member of Division No. 348, Brotherhood of Locomotive Enginemen, favoring the passage of the workman's compensation bill as amended by the House; to the Committee on the Judiciary.

Also, petition of the Waterbury Central Labor Union, Waterbury, Conn., favoring an amendment to the naval appropriation bill providing for the building of one of the new battleships in a Government navy yard; to the Committee on Naval Affairs.

By Mr. SCULLY: Petition of Charles K. Johanson, publisher North Star, New York, and the Polish Alma Mater of America, protesting against the passage of Senate bill 3175, for restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of 200 voters of Seabright, N. J., and Washington Camp, No. 85, Patriotic Order Sons of America, Red Banks, N. J., favoring the passage of Senate bill 3175, for restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. SPEER: Petition of pupils of the public schools of Sharpsville, favoring the passage of the McLean Bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. STEVENS of Minnesota: Petition of the Minnesota State Dairymen's Association, favoring the passage of the Haugen bill to protect the producer and consumer of pure butter from fraud; to the Committee on Agriculture.

By Mr. STEPHENS of California: Petition of the Senate of the State of California, favoring the reestablishment of the fourth revenue collection district of the State of California; to the Committee on Ways and Means.

Also, petition of residents of San Francisco, Cal., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. TILSON: Petition of the New Haven Pomona County Grange, No. 5, of Connecticut, favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. WILSON of New York: Petition of the Central Federated Union of Greater New York and vicinity, protesting against the passage of House bill 8141, placing the State militia on the national pay roll; to the Committee on Military Affairs.

Also, petition of the Merchants' Association of New York, favoring the passage of legislation for the adoption of a national budget for changing the laws and practices now regulating Federal expenditures; to the Committee on Ways and Means.

SENATE.

THURSDAY, *February 20, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

COLUMBIA HOSPITAL FOR WOMEN.

The PRESIDENT pro tempore laid before the Senate a communication from the president of the board of directors of the Columbia Hospital and from the Superintendent of the United States Capitol Building and Grounds, transmitting, pursuant to law, plans and specifications for a new building for the Columbia Hospital for Women and Lying-in Asylum in the District of Columbia, which, with the accompanying papers and illustrations, was referred to the Committee on the District of Columbia.

REPORT ON POSTAL SAVINGS (H. DOC. NO. 1408).

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster General, transmitting, pursuant to law, the annual report of the operations of the Postal Savings System for the fiscal year ended June 30, 1912, which, with the accompanying paper, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

DISPOSITION OF USELESS PAPERS (H. DOC. NO. 1409).

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a list of papers accumulated in the Bureau of Lighthouses which are no longer needed or useful in the transaction of public business and which have no historical value, and recommending that the papers be disposed of. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Arkansas [Mr. CLARKE] and the Senator from New Hampshire [Mr. BURNHAM] as the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Builders' Exchange of Pittsburgh, Pa., praying for the enactment of legislation providing for the protection of migratory birds, which was ordered to lie on the table.

Mr. CLARK of Wyoming. I present a joint memorial, adopted by the Legislature of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following and hereto attached copy of enrolled joint memorial No. 1, House of Representatives, State of Wyoming, has been carefully compared with the original, filed in this office on the 15th day of February, A. D. 1913, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 17th day of February, A. D. 1913.

[SEAL.] FRANK L. HOUX,
Secretary of State.
By F. H. WESCOTT,
Deputy.

(Original house joint memorial No. 1. Twelfth Legislature of the State of Wyoming.)

Enrolled joint memorial No. 1, House of Representatives, State of Wyoming.

Memorial to the Senate and House of Representatives of the United States relative to the administration of the public-land laws.

Be it resolved by the House of Representatives of the State of Wyoming (the Senate concurring), That the Congress of the United States be memorialized as follows:

Whereas the State of Wyoming has been, and is being, discriminated against by the unjustifiable rulings of the Department of the Interior in the administration of the land laws; and

Whereas the Department of the Interior has particularly discriminated against this State in the rulings it has made concerning irrigation projects under the Carey Act, thereby retarding the development of the State; and

Whereas the major portion of the special agents of the department are men from the extreme East and not familiar with conditions in the West; and

Whereas these same special agents act more as persecutors of settlers than prosecutors of fraudulent entries; and

Whereas the rules and regulations laid down by the Forestry Department have become so burdensome and costly that it has and is forcing men and companies out of business and depriving many of our local men of employment: Now therefore be it

Resolved, That we protest against the administration of the land laws which prevents the irrigation, reclamation, and settlement of our public lands; that we favor an enlarged and additional homestead law; that if we must have special agents, that they be Western men, familiar with conditions; that we demand that the regulations relative to the cutting of timber for local use be altered so that residents may secure timber and lumber at reasonable instead of prohibitive prices: Be it further

Resolved, That the secretary of state be instructed to send a copy of this memorial to the United States Senators and Representatives in Congress from Wyoming.

MARTIN L. PRATT,
Speaker of the House.
BIRNEY H. SAGE,
President of the Senate.

Approved February 15, 1913, at 3.30 p. m.
JOSEPH M. CAREY, *Governor.*

Mr. CULLOM presented a memorial of members of the Negro Fellowship League of Chicago, Ill., remonstrating against the enactment of legislation prohibiting intermarriage between races in the District of Columbia, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Springfield and Rock Falls, in the State of Illinois, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. TOWNSEND presented memorials of sundry citizens of Sumner, Leslie, and Charlotte, all in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. WARREN presented a joint memorial passed by the Legislature of the State of Wyoming, praying for the enactment of legislation providing for an enlarged and additional homestead, which was referred to the Committee on Public Lands.

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the memorial was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 2 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 22d day of January, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 7th day of February, A. D. 1913.

[SEAL.] BEN W. OLCOTT,
Secretary of State.

House joint memorial 2.

To the honorable the Senate and the House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represents that—

Whereas the city of Portland, in the county of Multnomah, State of Oregon, is divided by the Willamette River, a navigable stream; and

Whereas the east and west side districts of said city of Portland are connected by five drawbridges, over which are operated electric street car lines and across which wagons, automobiles, and other vehicles and foot pedestrians are compelled to pass daily; and

Whereas more than two-thirds of the business population of said city of Portland residing on the east side of said Willamette River is compelled to cross said bridge during the morning hours in order to reach their respective places of business, and across said bridge during the evening hours in order to reach their homes; and

Whereas the draws of said bridges are constantly open for the passage of boats, ships, steamers, and other craft; and

Whereas the opening of said draws tends to delay traffic and causes great annoyance to those who have occasion to cross and recross said bridges: Therefore be it

Resolved, That your memorialists favor the enactment of a Federal law providing for the closing of the draws of all said bridges between the hours of 7 a. m. and 9 a. m., and 5 p. m. and 7 p. m., and for the passage of such a law your memorialists will ever pray.

Adopted by the house January 16, 1913.

C. N. MCARTHUR,
Speaker of the House.

Adopted by the Senate January 17, 1913.

DAN J. MALARKEY,
President of the Senate.

(Indorsed: House joint memorial No. 2. Adopted by the house January 16, 1913. Adopted by the senate January 17, 1913. W. F. Drager, chief clerk. Filed January 22, 1913. Ben W. Olcott, secretary of state.)

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the memorial was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 5 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 27th day of January, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 7th day of February, A. D. 1913.

[SEAL.] BEN W. OLCOTT,
Secretary of State.

Senate joint memorial 5.

Whereas the opening of the Panama Canal will bring to the Pacific seaboard a largely increased volume of waterway traffic, necessitating the thorough improvement of our waterways and the enlargement of our harbor and dockage facilities; and

Whereas the Columbia River and its tributaries constitute the greatest inland waterways system of the Pacific coast of America and the second greatest of the Nation; and

Whereas the preeminent importance of this waterway has been recognized by the National Government hitherto by large appropriations covering its improvement from its mouth inland; and

Whereas one of the great steamship lines of the world, namely, the Hamburg-American Line, has selected the Columbia River as the Pacific coast terminal for its trans-Pacific-oriental service; and

Whereas the volume of traffic tributary to the Columbia gateway virtually embraces in actual freight carried or directly affected by its water craft the entire coast business, inward and outward, of the Columbia and Snake River basins (a territory almost 250,000 square miles in extent); and

Whereas the full benefits to be obtained from the operation of this waterway can only be secured by its complete and adequate improvement: Therefore be it

Resolved by the senate (the house concurring), That we hereby memorialize the Congress of the United States at its present session to appropriate the sum of $1,400,000, to be immediately available, for the completion of the Celilo Canal and the opening of the Columbia and Snake Rivers to free navigation, this sum being in reality only an increase of $800,000 over the amount necessary to carry on this work on the continuous-contract basis already in operation.

Resolved, That we urge upon Congress the importance of this appropriation in order to save the net sum of $100,000, according to the estimate of the United States engineers in charge of this work.

Resolved, That the opening of the Celilo Canal and the Columbia and Snake Rivers to free navigation during the year 1915 will stimulate the building of municipal docks, the extension of feeder lines of railway, and the construction of steamboats, barges, etc., essential to the development of a vast traffic territory.

Resolved further, That the completion of these improvements at the time indicated will enable the people of the Pacific Northwest, both American and Canadian, to fittingly celebrate the opening of the Celilo Canal and the Columbia River in conjunction with the international ceremonies in honor of the Panama Canal in 1915, thus giving notice to the world of an all-water route from the ports of the world to the interior of western America and British Columbia.

Adopted by the house January 23, 1913.

C. N. MCARTHUR,
Speaker of the House.

Passed by the senate January 21, 1913.

DAN J. MALARKEY,
President of the Senate.

(Indorsed: Senate joint memorial No. 5, by Senator Joseph. J. W. Cochran, chief clerk. Filed January 27, 1913. Ben W. Olcott, secretary of state.)

Mr. CHAMBERLAIN. I present a joint resolution passed by the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the joint resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint resolution No. 5 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 27th day of January, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 7th day of February, A. D. 1913.

[SEAL.] BEN W. OLCOTT,
Secretary of State.

Senate joint resolution 5.

Whereas the completion of the Panama Canal emphasizes the importance of the improvement of every harbor on our coast line from the northern boundary of the State of California to the Columbia River; and

Whereas there are many bays along the Pacific coast capable of becoming splendid harbors, particularly those of Tillamook Bay, Yaquina Bay, Coos Bay, Coquille River, and Port Orford, and others, each of which, with a comparatively small cost to the Federal Government, could be made ports of entry for all coastwise vessels, as well as those of deeper draft; and

Whereas tributary to these harbors are millions of feet of lumber in our matchless forests, as well as large sections of agricultural land capable of producing great harvests, to say nothing of the products of our mines and our streams, all of which must reach the markets of the world through these channels; and

Whereas each of these harbors are now in direct rail communication with other parts of the world, whereby a proper distribution of commerce and the assembling of the products may be maintained: Therefore be it

Resolved, That the senate, the house concurring, memorialize our Representatives in Washington and request them to earnestly urge Congress to improve these ports and waterways and secure necessary and ample appropriations for the immediate improvement of these harbors that will open them for at least all coastwise vessels, so that the products of our forests, our mines, and our soil may thereby reach the world's markets.

Adopted by the house January 23, 1913.

C. N. MCARTHUR,
Speaker of the House.

Adopted by the senate January 17, 1913.

DAN J. MALARKEY,
President of the Senate.

(Indorsed: Senate joint resolution No. 5, by Senator Hollis. J. W. Cochran, chief clerk. Filed January 27, 1913. B. W. Olcott, secretary of state.)

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the joint memorial was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 3 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 27th day of January, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 7th day of February, A. D. 1913.

[SEAL.] BEN W. OLCOTT,
Secretary of State.

Senate joint memorial 3.

Whereas the number of divorces throughout the United States has been increasing during the past 50 years at an alarming rate and under the present system there is no uniform law covering this subject in the several States; and

Whereas at the present time the several States are operating under laws so entirely divergent that the legitimacy of children is often made a serious question and property rights are frequently uncertain; and

Whereas the question is one that strikes at the very foundation of our social organization and we deem it necessary and proper that the law in relation thereto should be uniform throughout the United States, and that such law should be so safeguarded that fraudulent divorces can not be secured: Now therefore be it

Resolved, That we instruct our Senators in Congress and request our Representatives at Washington to use their best endeavors to have Congress propose an amendment to the Constitution of the United States whereby the Congress may pass laws regulating the subject of marriage and divorce throughout the United States.

Concurred in by the house January 23, 1913.

C. N. MCARTHUR,
Speaker of the House.

Adopted by the senate January 16, 1913.

DAN J. MALARKEY,
President of the Senate.

(Indorsed: Senate joint memorial No. 3, by committee on Federal relations. J. W. Cochran, chief clerk. Filed January 27, 1913. B. W. Olcott, secretary of state.)

BOARD OF RIVER REGULATION.

Mr. NEWLANDS. Mr. President, I present a resolution adopted by the Legislature of the State of California, memorializing Congress to pass the bill to create a board of river regulation, which I had the honor to introduce early in this session.

I also present a joint resolution adopted by the Legislature of the State of South Dakota to the same effect, which I should like to have printed in the RECORD.

The PRESIDENT pro tempore. Without objection, that order will be made.

Mr. NEWLANDS. I also present a memorial from the Philadelphia Board of Trade, favoring the passage of the bill to create a board of river regulation, and so forth. I should like to have that also printed in the RECORD.

Mr. CRAWFORD. If the Senator from Nevada will permit——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from South Dakota?

Mr. NEWLANDS. I do.

Mr. CRAWFORD. I think the resolution from the State of South Dakota, which the Senator has just presented, has already been printed in the RECORD.

Mr. NEWLANDS. I have that resolution here amongst the papers that were sent to the committee, and I was about to inquire of the Senator whether it had been printed in the RECORD.

Mr. CRAWFORD. I presented the resolution and two or three others from the Legislature of South Dakota some days ago, and they were all printed in the RECORD.

Mr. NEWLANDS. Did all those resolutions relate to the river regulation bill?

Mr. CRAWFORD. The resolution is so important, and relates to a question so important to the country, that I do not object to it being again printed in the RECORD in connection with the Senator's proposed legislation.

Mr. SMOOT. I hope the Senator will not ask that the resolution be again printed in the RECORD if it has already been so printed.

Mr. NEWLANDS. After receiving the assurance from the Senator from South Dakota [Mr. CRAWFORD] that the resolution has heretofore been printed in the RECORD I shall not, of course, ask that it be again printed.

The PRESIDENT pro tempore. The Senator from Nevada withdraws his request?

Mr. NEWLANDS. Yes, as to the printing of the resolution from the Legislature of the State of South Dakota. I should, however, like to have the other resolutions printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the resolutions will be printed in the RECORD.

The resolutions are as follows:

CALIFORNIA LEGISLATURE, ASSEMBLY,
Sacramento, February 6, 1913.

HON. FRANCIS G. NEWLANDS,
United States Senate, Washington, D. C.

DEAR SIR: I have the honor to hand you herewith a copy of a resolution adopted by the Assembly of the State of California on the 4th day of February, 1913.

Very truly, yours, L. B. MALLORY,
Chief Clerk.

The following resolution was offered by Mr. Gulberson:

"Whereas a bill has been introduced in the Senate of the United States by Hon. FRANCIS G. NEWLANDS, of Nevada, which, according to its title, proposes 'to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies'; and

"Whereas it has been proposed by the leading supporters of said bill that it be amended so as to provide for an appropriation of $5,000,000 annually for 10 years for the control of the Sacramento and San Joaquin Rivers and their tributaries and for a like appropriation for the control of the Colorado River; and

"Whereas this legislature is in hearty accord with the principles embodied in said bill and believes that the money proposed to be expended under it and the cooperation provided for in it will promote the general welfare; and

"Whereas the vastness and variety of the interests that will be benefited by the expenditures contemplated in the proposed amendments fully justify such participation by the National Government in the work of making the navigable streams of California as useful as possible to the public: Therefore be it

"*Resolved by the Assembly of the State of California*, That the Congress of the United States be, and both branches of said body hereby are, requested to pass said bill, with the amendments aforesaid, and that the Representatives of California in the Senate and the House of Representatives be requested to use their best efforts to that end; and be it further

"*Resolved*, That the chief clerk of the assembly be, and he hereby is, directed to send a copy of this resolution to each Senator and Representative in Congress from this State, to Hon. FRANCIS G. NEWLANDS,

to the Vice President of the United States, and to the Speaker of the House of Representatives."

Adopted this 4th day of February, 1913.

L. B. MALLOREY, *Chief Clerk.*

PHILADELPHIA BOARD OF TRADE,
ORGANIZED 1833,
Bourse Building, Philadelphia.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

This memorial of the Philadelphia Board of Trade respectfully represents:

That through its committee on inland transportation it has examined the provisions of Senate bill No. 122, introduced by Senator NEWLANDS, having for its purpose the creation of a board of river regulation with the view of securing the maintenance by the Federal Government of an adequate levee and bank-revetment system in the low States bordering the Ohio and Mississippi Rivers, and for the ultimate adoption of a policy of stream control which shall check and minimize the formation of floods, which have proved so disastrous in the loss of life and property;

That the yearly damage caused by preventable floods in the drainage basin of the Ohio River, and the damage caused by the great flood of 1912 in the Mississippi Valley, certainly justify the most liberal appropriations and the most careful study for their causes, with the view of securing remedial measures for their prevention;

That Philadelphia, while far removed from the territory affected by these floods, sympathizes with the sufferers therefrom, and believes that in the last analysis the great losses affect unfavorably every business interest, and the General Government is called upon to aid by legislation in securing for the afflicted sections of the country immunity from the recurrence of these devastating floods: Therefore

Your memorialist, the Philadelphia Board of Trade, petitions your honorable bodies to favorably consider and pass Senate bill No. 122, known as the "Newlands river regulation bill."

And your memorialist will ever pray.

PHILADELPHIA BOARD OF TRADE,
WILLIAM M. COATES, *President.*

[SEAL.]

Attest:

W. R. TUCKER, *Secretary.*

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Finance, to which was referred the bill (S. 276) to create a tariff board, reported it with amendments.

He also, from the same committee, to which was referred the bill (S. 279) providing for the refund of certain duties incorrectly collected on cutch, reported it without amendment.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (S. 7319) to authorize the sale and issuance of patent for certain land to H. W. O'Melveny, reported it without amendment and submitted a report (No. 1272) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 8130) granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply, reported it with amendments.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 8389. A bill to provide for an enlarged homestead (Rept. No. 1275); and

H. R. 27875. An act authorizing the President to convey certain land to the State of Texas (Rept. No. 1274).

Mr. SMOOT, from the Committee on Public Lands, to which was referred the joint resolution (H. J. Res. 326) providing for extending provisions of the act authorizing extension of payments to homesteaders on the Coeur d'Alene Indian Reservation, Idaho, reported it without amendment and submitted a report (No. 1273) thereon.

He also, from the same committee, to which was referred the bill (H. R. 26812) to provide for the selection by the State of Idaho of phosphate and oil lands, reported it without amendment and submitted a report (No. 1269) thereon.

He also, from the Committee on Finance, to which was referred the bill (H. R. 24703) to extend the authority to receive certified checks drawn on national and State banks and trust companies in payment for duties on imports and internal taxes and all public dues, reported it without amendment and submitted a report (No. 1276) thereon.

Mr. CURTIS, from the Committee on the District of Columbia, to which was referred the bill (S. 7640) to incorporate the Virginia Terminal Co., reported it with an amendment and submitted a report (No. 1277) thereon.

Mr. OLIVER, from the Committee on Commerce, to which was referred the bill (S. 8324) to appoint James W. Keen as master's mate in the Revenue-Cutter Service and to place him as such upon the retired list, reported it without amendment and submitted a report (No. 1278) thereon.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 7060) for the relief of Samuel H. Walker, reported it with an amendment and submitted a report (No. 1279) thereon.

He also, from the Committee on Military Affairs, to which was referred the bill (H. R. 24061) for the relief of James Parsons, reported it without an amendment and submitted a report (No. 1280) thereon.

Mr. SIMMONS, from the Committee on Finance, to which was referred the bill (H. R. 12339) to refund certain taxes paid by the Louisiana Distillery Co. (Ltd.), of New Orleans, La., reported it without amendment and submitted a report (No. 1281) thereon.

Mr. WILLIAMS, from the Committee on Finance, to which was referred the bill (H. R. 18213) to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States, reported it with an amendment and submitted a report (No. 1282) thereon.

PORT OF LOS ANGELES, CAL.

Mr. PERKINS. From the Committee on Commerce I report back favorably without amendment the bill (S. 8429) to create a board of local inspectors, Steamboat-Inspection Service, for the port of Los Angeles, Cal., and I submit a report (No. 1268) thereon. I call the attention of my colleague [Mr. WORKS] to the bill.

Mr. WORKS. I ask for the present consideration of the bill reported by my colleague.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4414 of the Revised Statutes of the United States by inserting in the first paragraph thereof, after the words "New Orleans, La.," and before the words "Juneau, Alaska," the words "Los Angeles, Cal."; and also by inserting in the fifth paragraph thereof, after the words "Portland, Me.," and before the words "Juneau, Alaska," the words "Los Angeles, Cal."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL ACADEMY OF SCIENCES.

Mr. LODGE. From the Committee on Finance I report back favorably without amendment the joint resolution (S. J. Res. 162) to exempt the National Academy of Sciences from the payment of duty on medals imported for presentation by it in recognition of research work, and I ask for its present consideration.

The PRESIDENT pro tempore. The joint resolution will be read in full for information.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It exempts the National Academy of Sciences from the payment of duty on medals which it may import for presentation in recognition of researches undertaken for the benefit of science and mankind.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE DEPARTMENT OF CONGRESSIONAL LIBRARY.

Mr. ROOT. From the Committee on the Library I submit a report to accompany the bill (S. 8337) to create a legislative drafting bureau and to establish a legislative reference division of the Library of Congress (S. Rept. 1271). The bill has already been favorably reported. I ask to have the report printed. With the report I submit a copy of the hearings before the committee, which need not be reprinted.

The PRESIDENT pro tempore. The report will be received and printed.

Mr. ROOT. I give notice that on the 24th, at the first opportunity after the completion of the routine morning business, I shall ask the Senate to consider and act upon the bill, subject, of course, to conference reports and appropriation bills.

PHOSPHATE AND OIL LANDS IN IDAHO.

Mr. BORAH. I wish to ask unanimous consent to have a bill passed which was reported this morning favorably by the Committee on Public Lands. It is the bill (H. R. 26812) to provide for selection by the State of Idaho of phosphate and oil lands. I do not think any possible discussion will arise on the bill.

Mr. SMOOT. I will state that I just reported the bill from the Committee on Public Lands, and its provisions are exactly the same as those that have already been passed relative to a number of other States. I do not think the bill will lead to any discussion whatever.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HOMMELSBERG.

Mr. JONES. From the Committee on Military Affairs, to which was referred the bill (H. R. 2839) for the relief of William Hommelsberg, I report the bill favorably without amendment, and I submit a report (No. 1270) thereon. I call the attention of the junior Senator from Michigan [Mr. TOWNSEND] to the report.

Mr. TOWNSEND. I ask unanimous consent for the present consideration of the bill. It is a short measure.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in the administration of the pension laws William Hommelsberg shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, First Regiment United States Cavalry, on the 30th day of November, 1865, and that no pension, bounty, or allowances shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COL. WILLIAM C. GORGAS AND OTHERS.

Mr. DU PONT. From the Committee on Military Affairs I report favorably, without amendment, the joint resolution (H. J. Res. 365) to permit Col. William C. Gorgas and certain other officers of the Medical Corps and certain officers of the Engineer Corps of the Army to accept service under the Republic of Ecuador, and I ask unanimous consent for its present consideration.

Mr. OLIVER. I should like to hear again read the second proviso of the joint resolution with regard to the compensation.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Provided, That the rate of compensation paid to said officers shall not exceed the rate paid to them or similar officers on the Isthmus of Panama in connection with the construction of the Panama Canal.

Mr. OLIVER. I move to strike out that proviso.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves to amend the joint resolution in the manner which will be stated by the Secretary.

The SECRETARY. On page 1, line 11, it is proposed to strike out the following proviso:

Provided, That the rate of compensation paid to said officers shall not exceed the rate paid to them or similar officers on the Isthmus of Panama in connection with the construction of the Panama Canal.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

ISAAC THOMPSON.

Mr. DIXON. From the Committee on Military Affairs I report back favorably, without amendment, the bill (H. R. 3957) for the relief of Isaac Thompson, and I submit a report (No. 1283) thereon. I call the attention of the Senator from New York [Mr. O'GORMAN] to the bill.

Mr. O'GORMAN. I ask unanimous consent for the present consideration of the bill

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Isaac Thompson, now a resident of Columbus, Franklin County, Ohio, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company F, First Regiment Ohio Volunteer Cavalry, on the 26th day of February, 1865, and that no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT COURTS OF PENNSYLVANIA.

Mr. CLARK of Wyoming. From the Committee on the Judiciary I report back favorably, without amendment, the bill (S. 7802) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, to which I ask the attention of the Senator from Pennsylvania.

Mr. PENROSE. This bill merely permits the district court of the middle district of Pennsylvania to sit in the town of Sunbury in addition to the other cities specified where the court shall sit. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 8556) to provide for the purchase of a site and the erection of a public building thereon at Honey Grove, Tex.;

A bill (S. 8557) for a public building and site at Orange, Tex.;

A bill (S. 8558) for a public building and site at Denton, Tex.;

A bill (S. 8559) for a public building site at Sweetwater, Tex.; and

A bill (S. 8560) to provide for a public building site at Memphis, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. OLIVER:

A bill (S. 8561) for the relief of Mary L. Adair and others; to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 8562) granting an increase of pension to Sarah J. Burke; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate $5,000,000 for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate, Va., etc., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $1,200 to pay Robert W. Farrar for indexing and extra services as clerk to the Committee on Pensions, Sixty-second Congress, third session, and $1,200 to pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, Sixty-second Congress, third session, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. POMERENE submitted an amendment proposing to appropriate $6,000 to enable the Interstate Commerce Commission to print and furnish to the States report form blanks and to reprint the proceedings of the National Association of Railway Commissioners in annual convention, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BROWN submitted an amendment proposing to appropriate $2,000 for grading, seeding, sodding, and the construction of new walks and curbing in and about the United States public building and grounds in the city of Beatrice, Nebr., intended to be proposed by him to the omnibus public buildings bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM submitted an amendment proposing to appropriate $25,000 for the continuation of aeronautical investigations under the direction of the Smithsonian Institution, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $100,000 for protecting the seal fisheries of Alaska, and so forth, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $225,000 for the purchase or construction of a steam vessel for use in connection with the fur-seal, salmon, and other fisheries of the Pacific coast, and equipment of the same, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment providing that hereafter section 7 of the act of August 26, 1912, shall not apply to the payment, out of moneys appropriated or which may be hereafter appropriated in lump sum for the Department of Agriculture, for personal services of employees engaged in sci-

entific or technical work, and so forth, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. PENROSE submitted an amendment relative to leaves of absence for employees of the postal service, and so forth, intended to be proposed by him to the Post Office appropriation bill, which was ordered to lie on the table and be printed.

Mr. JONES submitted an amendment proposing to appropriate $500,000 for the purchase of a site and the erection thereon of a public building to care for immigrants arriving at the city of Seattle, State of Washington, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. NELSON submitted an amendment authorizing the Supreme Court of the District of Columbia to inquire into, hear, and determine the issues of law and fact pending between the Secretary of the Interior and the National Automatic Fire Alarm Co., of Washington, D. C., etc., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CURTIS submitted an amendment providing that after June 30, 1913, the first grade for clerks in first and second class post offices and carriers in the city-delivery service shall be abolished and that appointments shall be made to the second grade, etc., intended to be proposed by him to the Post Office appropriation bill, which was ordered to lie on the table and be printed.

PRESIDENT LINCOLN'S GETTYSBURG SPEECH.

Mr. ROOT submitted the following resolution (S. Res. 468), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be, and it is hereby, directed to ascertain and determine upon the correct version of President Lincoln's Gettysburg speech and to report the same to the Senate.

JENNIE M. ALDRICH.

Mr. BURNHAM submitted the following resolution (S. Res. 469), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Jennie M. Aldrich, widow of L. W. Aldrich, late a messenger of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

BUREAU OF MINES.

Mr. POINDEXTER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, and 8, and agree to the same.

That the Senate recede from its amendment numbered 9.

MILES POINDEXTER,
GEORGE SUTHERLAND,
Managers on the part of the Senate.

M. D. FOSTER,
W. B. WILSON,
JOSEPH HOWELL,
Managers on the part of the House.

The report was agreed to.

SNAKE RIVER BRIDGE, WYOMING.

Mr. JONES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That the Secretary of the Interior is hereby authorized to use such portion of the reclamation fund, not to exceed $27,000, and in no event more than three-fourths of the sum that may be necessary for the construction of a bridge across Snake River, at a point in township 41 or 42 north, range 116 or 117 west, Wyoming, to be determined by the Reclamation Service, with the view of best serving the people of Jackson Hole and adjacent territory in Wyoming: *Provided*, That no part of the funds herein authorized to be used, except such as may be necessary for the making of examinations and estimates, shall be expended until the Secretary of the Interior shall have obtained, from the proper local authorities, satisfactory guaranties of the payment, by the said local authorities, of one-fourth of the cost of said bridge; and that the said local authorities assume full responsibility for and will at all times maintain and repair the said bridge and approaches thereto: *Provided further*, That the amount of the reclamation fund so used shall be charged as a part of the cost of the reclamation project or projects the construction and development of which have caused the necessity of such bridge."

And the House agree to the same.

W. L. JONES,
F. E. WARREN,
FRANCIS G. NEWLANDS,
Managers on the part of the Senate.

W. R. SMITH,
A. W. RUCKER,
M. P. KINKAID,
Managers on the part of the House.

The report was agreed to.

INDIANS OCCUPYING RAILROAD LANDS.

Mr. CURTIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5674) for the relief of Indians occupying railroad lands, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the amendment proposed by the House insert the following: "Situated within the States of Arizona, New Mexico, or California"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the amendment proposed by the House insert the following: "Within a period of three years after the approval of this act"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the amendment proposed by the House insert the following: "And have patented to it other vacant nonmineral, nontimbered, surveyed public lands of equal area and value situated in the same State, as may be agreed upon by the Secretary of the Interior, provided that the total area of land that may be exchanged under the provisions of this act shall not exceed 3,000 acres in Arizona, 16,000 acres in New Mexico, and 5,000 acres in California"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: Amend the title so as to read: "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, and California"; and the House agree to the same.

ROBERT J. GAMBLE,
CHARLES CURTIS,
W. J. STONE,
Managers on the part of the Senate.

JOHN H. STEPHENS,
CARL HAYDEN,
CHARLES H. BURKE,
Managers on the part of the House.

The report was agreed to.

Mr. CURTIS. I ask that the letter of the Secretary of the Interior explaining the amendments may be printed in the RECORD without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1913.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

SIR: The Indian Office has just brought to my attention the CONGRESSIONAL RECORD of January 6, page 1072, at which time Senate bill 5674, Sixty-second Congress, second session, which passed the Senate May 7, 1912, was under discussion by the House. Certain amendments were suggested to the bill as passed by the Senate, but a copy of the bill with the amendments suggested by the House is not now before me. It is noted, however, from the RECORD that the following was offered as an amendment, which was agreed to, the amendment being inserted in line 2, page 2, of the bill:

"And have patented to it other vacant nonmineral, nontimbered, surveyed public lands of equal area and value, situated in the same State, as may be agreed upon by the Secretary of the Interior: *Provided*, That the total area of the land that may be exchanged under provisions of this act shall not exceed 4,000 acres."

Field men of the Indian Office now in the city and those conversant with conditions affecting Indians living on lands granted to railroad companies within Arizona and New Mexico have pointed out that the limitation of 4,000 acres as fixed by the bill in its amended form is entirely inadequate.

By letter dated October 16, 1912, in a communication addressed to Hon. CARL HAYDEN, now a member of the Committee on Indian Affairs in the House, the department advised him that judging from the number of cases heretofore presented involving the railroad lands occupied by Indians the area affected by the bill under consideration would probably not exceed 1,500 or 2,000 acres. This information was based solely on the number of concrete cases which had been up to that time brought to the attention of the Indian Office, and was offered as a suggestion without first-hand knowledge of conditions in the field, and it was not presumed that the information therein contained would be used as a basis for fixing in the act any limitation on the area to be affected thereby should it become a law. As originally submitted to your committee by departmental letter dated February 24, 1912, the draft of a bill along the lines of that found in Senate bill 5674 did not specify any limited number of acres to be governed by its provisions, but left the matter open with a view of handling all cases where it could be shown that Indians have continuously, for a period of five years or longer, occupied lands granted to a railroad company so as to enable the Indians to receive the lands in allotment and satisfy the claims of the railroad company by relinquishment with selection of lieu lands elsewhere.

Under date of January 17, 1913, the supervisor in charge of unallotted Indians in northern California and western Oregon addressed the Indian Office as follows:

"SIR: I have the honor to inclose herewith copy of the bill S. 5674, as printed on page 1072 of the CONGRESSIONAL RECORD of January 6, 1913. Upon debate of this bill committee amendment was offered as follows:

"'Situated within the States of Arizona or New Mexico.'

"If not too late, I would request that this bill be amended to apply to lands situated within the State of California. There are Indians in that State who have resided for much longer than five years upon lands covered by the Central Pacific land grant. If something is not done in this line I fear that action may be taken to jeopardize the rights of Indians who have occupied these lands for many years, and in some cases made valuable improvements thereon.

"Very respectfully,

"HORACE G. WILSON, *Supervisor.*"

The original draft submitted to the Committees on Indian Affairs by this department did not limit the application of the bill to the States of Arizona and New Mexico, but after its passage by the Senate the bill was amended in the House so as to limit its application to the two States named, the amendment being inserted on page 1, line 6, after the word "lands." The Indian Office and the department would prefer to see the words "situated within the States of Arizona or New Mexico" eliminated from the bill, as it would make the legislation general and would enable this department to handle any case involving railroad lands occupied by Indians, regardless of the particular State in which such land might be located. Should your committee deem it essential, however, to limit the application of the bill to specific States, it is respectfully recommended that the bill be further amended by including therein the State of California.

It is not known at this time just how many Indians living within the States now known to be affected may be benefited by legislation authorizing allotment to them of lands granted to railroad companies which the Indians may have occupied for a period of five years or longer, but present information indicates that not more than 4,000 acres will be required for exchange in Arizona, while 20,000 acres each in New Mexico and California is suggested as an area that will probably meet the needs in those States. It would be preferable to have the bill fix no limitation on the number of acres, as it is impossible at this time to say with definiteness just what area may be involved, but if your committee feels it essential to place some limitation on the quantity of land to be governed by the provisions of the bill it should at least be changed to accord with the areas above named.

This department will be pleased if the matter, including the amendments suggested herein, can be given favorable consideration at an early date, as it is of great importance to a large number of Indians living on railroad lands in the Southwest.

Respectfully,

SAMUEL ADAMS,
Acting Secretary.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on February 20, 1913, approved and signed the following acts:

S. 186. An act for the relief of Francis Grinstead, alias Francis M. Grinstead;

S. 3873. An act for the relief of Lewis F. Walsh;

S. 4030. An act for the relief of Sylvester W. Barnes; and

S. 5262. An act for the relief of Sylvester G. Parker.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed without amendment the bill (S. 4681) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 21220) to extend the power of the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 1589. An act to authorize the exchange of conveyances between the Florida East Coast Railway Co. and the United States;

S. 8089. An act permitting the building of a railroad bridge across the Yellowstone River from a point on the east bank in section 15 to a point on the west bank in section 16, township 151 north, range 104 west of the fifth principal meridian, in McKenzie County, N. Dak.;

S. 8090. An act permitting the building of a railroad bridge across the Missouri River from a point on the east bank in section 14, Mountrail County, N. Dak., to a point on the west bank of said river in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west of the fifth principal meridian; and

H. R. 18787. An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

RIVER AND HARBOR BILL.

Mr. NELSON. Mr. President, I move that the Senate proceed to the consideration of House bill 28180, the river and harbor bill, on which I understand the Senator from Ohio [Mr. BURTON] desires to address the Senate.

Mr. BRADLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Kentucky?

Mr. NELSON. Certainly.

Mr. BRADLEY. By reason of the extreme necessities of the case I move that the Senate proceed to the consideration of Senate bill 3201.

The PRESIDENT pro tempore. The Senator from Kentucky asks unanimous consent for the present consideration of a bill, which will be read by title for the information of the Senate.

The SECRETARY. A bill (S. 3201) for the relief of Marion B. Patterson.

Mr. BRISTOW. Mr. President, I object to the consideration of that bill.

The PRESIDENT pro tempore. Objection is made. The Senator from Minnesota [Mr. NELSON] moves that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other puposes.

Mr. BURTON. Mr. President, I desire to present some general considerations on this bill.

The PRESIDENT pro tempore. The Senator from Ohio will suspend a moment. The Chair has found it extremely difficult during the last two days to preserve order in the Senate, and he appeals this morning to Senators to observe the rules and to refrain from audible conversation in the Chamber.

Mr. STONE. Mr. President, I should like to ask the Senator from Minnesota whether he thinks he will conclude this bill to-day.

Mr. NELSON. I want to go on with the bill, and it is my intention to do so. I feel that it is important that I should go ahead with it because other appropriation bills are awaiting the passage of this bill.

Mr. STONE. I have no wish——

Mr. NELSON. But, of course, if Senators desire to speak I can not prevent them from doing so.

Mr. STONE. No; of course not.

Mr. NELSON. The Senator from Ohio [Mr. BURTON] desires to discuss the bill in general, but he waived his right yesterday and allowed the bill to proceed and the most of it to be disposed of, stating that he would make his remarks subsequently.

Mr. BURTON. Mr. President——

Mr. STONE. Mr. President, if the Senator from Ohio will allow me——

Mr. BURTON. I yield to the Senator from Missouri.

Mr. STONE. I wish to say that there are two items in this bill in which I feel a very special interest and upon which I desire to be heard by the Senate. For two days I have been suffering from a bronchial affection, among other things, which has made me so hoarse that I am scarcely able to speak. I wish to ask the Senator in charge of the bill whether he would consent to allow the provision upon page 52, from line 5 to line 23, inclusive, and the provision on page 55, from line 9 to line 23, inclusive, to go over until immediately after the morning business to-morrow.

Mr. NELSON. I do not feel warranted in putting the bill over for another day. Of course, the debate to-day may consume most of the day, and there will be no evening session, but other appropriation bills are waiting to be proceeded with, the Senators in charge of them having kindly given way to the river and harbor bill. Under those circumstances I do not feel that, in justice to those appropriation bills, I can consent to allowing the pending bill to go over until to-morrow.

Mr. CLARKE of Arkansas. I hope the Senator from Minnesota——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. BURTON. I yield to the Senator from Arkansas.

Mr. CLARKE of Arkansas. I hope the Senator from Minnesota will comply with the request of the Senator from Missouri. There is a disputed matter in the bill, which will be discussed more or less at length, and I believe, with the disposition that is manifested on both sides, that an arrangement can be made which will really shorten the time that will be devoted to that particular feature of the bill. It is rather fundamental in character, and one which, I think, is required to be thoroughly understood by the Senate before it can be intelligently passed upon. I really believe we shall make progress by complying with the request of the Senator from Missouri, since I know that it is made in good faith because of a disability with the character of which I am entirely familiar, and I believe that the liberal and fair character of the procedure here will justify the Senator from Minnesota in granting the request.

Mr. NELSON. I wish to say to the Senator that I understand the Senator from Ohio is going to make some extended remarks.

Mr. BURTON. I do not think I shall occupy more than an hour.

Mr. NELSON. The Senator from Nevada [Mr. NEWLANDS] is also anxious to make some remarks. I also intend to speak for a short time. Those speeches will probably take up most of the day, and before the day is over we shall know better where we are.

Mr. CLARKE of Arkansas. Even under that statement of the case, the Senator does not make much sacrifice in letting the matter in which the Senator from Missouri is interested go over until to-morrow morning.

Mr. NELSON. Can we get an agreement as to a time for voting on the bill to-morrow?

Mr. STONE. Oh, I am sure of that.

Mr. NELSON. At what time?

Mr. CLARKE of Arkansas. What time does the Senator from Missouri indicate?

Mr. NELSON. Can we take a vote by 2 o'clock?

Mr. STONE. Mr. President, of course, if the Senator is not disposed to accept the suggestion I am making in the kindest spirit, we shall have to go on and do the best we can. There is no disposition to procrastinate.

Mr. NELSON. I will say to the Senator that I have no disposition to crowd this matter. Let us go on with the bill and see what we can accomplish to-day, and then we shall know better what to do.

Mr. STONE. I should like to know as to this before we proceed, if I can know it. Senators must see that at the moment I am suffering from a rather severe disability, and I should like to go and receive some treatment; but if the matter is to go on I will stay, if the Senator is not disposed to be kindly or generous about it, which would be foreign to his usual course in such matters. I merely make the request. The Senator can turn it down if he wishes.

Mr. MARTIN of Virginia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Virginia?

Mr. BURTON. Certainly; I yield to the Senator from Virginia.

Mr. MARTIN of Virginia. Mr. President, it seems to me that this matter ought to be disposed of, and disposed of now. There are just two items in this bill about which the Senator from Missouri is very much concerned. The Senator from Missouri is ill; his physician says he is not in condition, owing to a throat trouble for which he is receiving treatment, safely to proceed wth the discussion to-day, and I think it would be unprecedented in this body, or in any other body, to refuse to postpone the matter about which he wishes to be heard for a single day, in order to enable him to present his views to the Senate. Such action can not possibly retard the final disposition of the bill. The bill can be taken up, and consent might be obtained now that those two items be taken up to-morrow morning immediately after the completion of the morning business. I hope the Senator from Minnesota will see the real necessity for postponing those two items until to-morrow. As I have said, such action will not retard the bill, and it is a proper courtesy to be extended to the Senator from Missouri when he is not physically able to present his views to the Senate to-day. I hope that the Senator from Minnesota will consent that those two items may go over and be taken up immediately after the completion of the routine morning business to-morrow. The remainder of the bill can be completed to-day and all general remarks on the bill can be made to-day, and we can simply reserve these two items until the Senator from Missouri is able to present his views to the Senate.

Mr. STONE. Mr. President, I am going to make a request that the items I have indicated will not be considered to-day, but that they and the bill so far as not completed to-day will be taken up to-morrow morning, immediately after the routine morning business, and disposed of to-morrow.

Mr. CLARKE of Arkansas. By 5 o'clock.

Mr. BURTON. Mr. President, I wish to say, about fixing any specific hour, that, as regards those items, there will be discussion, and both sides will desire to be heard. I am adverse to having any specific hour named. If the whole bill is to be disposed of to-morrow——

Mr. STONE. Before adjournment to-morrow.

Mr. BURTON. "Before adjournment to-morrow" would be better.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I am interested in the first subject suggested by the Senator from Missouri. It has not been debated at all. I would be perfectly willing that the vote should be fixed for the legislative day, but not for a particular hour, because I do not know—and no one can tell—to what the debate may lead. It has not yet been opened up.

Mr. SIMMONS. Does the Senator mean the legislative or the calendar day? He said "the legislative day."

Mr. CUMMINS. The legislative day.

Mr. SIMMONS. That might last for several days.

Mr. CUMMINS. I do not want to delay the disposition of this bill a minute. I have something to say about it. I will be as brief as possible in my observations, but I do not want to make them until after the Senator from Missouri has spoken, because he is vastly more familiar with the details of that particular subject than am I. I therefore hope that the unanimous-consent agreement, if one is asked, will not involve voting at a particular hour or during the calendar day, although I do not believe that the debate will go over the calendar day. I think it ought to be the legislative day.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. The Chair understands that the Senator from Missouri [Mr. STONE] has made a request for a unanimous-consent agreement, which the Secretary will read.

The SECRETARY. The Senator from Missouri [Mr. STONE] asks unanimous consent that the two items relative to Mississippi River improvements, one on page 52, beginning with line 5, which proposes to strike out all of lines 5 to 13 and insert the matter that is printed in the bill on the same page, in lines

14 to 23, both inclusive, and also the item, on page 55, relating to the Missouri River, be passed over, and that to-morrow they be taken up, after the routine morning business, and be disposed of to-morrow.

Mr. CUMMINS. May I ask, in a parliamentary way, whether that would not be the calendar day?

Mr. CULLOM. Of course.

The PRESIDENT pro tempore. Undoubtedly it would be.

Mr. CUMMINS. I ask the Senator from Missouri to change it so that it will be the legislative day.

Mr. STONE. I am perfectly willing.

Mr. WILLIAMS. I hope we shall not make any more unanimous-consent agreements about legislative days. We can drag on two or three days under such agreements. I should feel very much disposed to object to a request involving the legislative day.

Mr. CUMMINS. Of course, I am not making the request, and I believe we would get to a vote very much sooner without any agreement than with an agreement. I think a very few hours would finish the debate on this particular subject. But when you fix a set hour, one who wants to speak upon the subject does not know whether or not he will have an opportunity to do it; and until we have proceeded far enough with the debate to know that those who desire to speak upon it will have the opportunity to do so, I do not want a particular hour fixed for the votes.

The PRESIDENT pro tempore. Objection is made.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. BURTON. Certainly.

Mr. NEWLANDS. I would suggest to the Senator from Minnesota that it is entirely safe to postpone until to-morrow the consideration of the items in which the Senator from Missouri is interested, because the general debate and the consideration of other amendments will doubtless take all of to-day. It seems to me we can easily adjust this matter by postponing the consideration of these items until to-morrow, without putting any limit whatever upon their disposition.

There is no disposition on the part of anyone, as I understand, to delay the bill; but there is a desire, particularly upon the part of those who are interested in the items presented by the Senator from Missouri, to have a full discussion regarding them.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. BURTON. I yield to the Senator from Wyoming.

Mr. WARREN. I have only this to say: If we are going to conclude the business of this session, it is impossible to make any more unanimous-consent agreements for legislative days. I have no objection, if the chairman of the committee in charge of this bill has not, to its lying over; but the moment the floor is vacated we must follow it up with other important matters. We have half a dozen appropriation bills lying here now, any one of which can be taken up and proceeded with. We have, on an average, an appropriation bill for every day of the remainder of the session. There are other important matters. The Senator from Idaho has an important one. We can not give up the time necessary for unanimous-consent agreements to be continued a full week, like the last agreement for a legislative day.

Mr. WILLIAMS. Mr. President, I wish to submit a request for unanimous consent, with the permission of the Senator from Ohio.

Mr. BURTON. Certainly.

Mr. WILLIAMS. First, in explanation of it, I am certain that most if not all of to-day will be taken up with debate upon other matters. I ask unanimous consent that the two items referred to by the Senator from Missouri [Mr. STONE], when they are reached, be passed over and be taken up and proceeded with to-morrow immediately after the morning hour.

Mr. NELSON. Mr. President, I will agree to that.

Mr. CRAWFORD. That is fair.

Mr. NELSON. I will agree to it, with the understanding that we go on and consider the bill to-day and have remarks made upon it by those who desire to speak.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Mississippi [Mr. WILLIAMS]? The Chair hears none, and it is so ordered. The Senator from Ohio has the floor.

Mr. NELSON. I should like to have the request read.

The PRESIDENT pro tempore. The unanimous-consent agreement will be read by the Secretary.

The SECRETARY. It is agreed, by unanimous consent, that as the amendments recommended by the committee on pages 52 and 55 (H. R. 28180), relative to Mississippi and Missouri River improvements are reached to-day (Thursday, February 20, 1913), they will be passed over, and that on Friday, February 21, 1913, immediately upon the conclusion of the routine morning business, the amendments indicated will be taken up and disposed of on that day.

Mr. BORAH. Mr. President——

Mr. CUMMINS and other Senators. That was not the unanimous-consent agreement.

Mr. WILLIAMS. That was not my request.

Mr. CUMMINS. That was a former request.

Mr. WILLIAMS. The request is right down to a point which I will indicate if it may be handed to me.

Mr. BURTON. If I may suggest, it is right down to the words "disposed of on that day."

Mr. WILLIAMS. I did not say anything about being "disposed of on that day." What I said was, "and shall then be proceeded with," so as to make it the special business.

Mr. NELSON. That is satisfactory; and we will go on with the rest of the bill and the speeches to-day. That is satisfactory.

The PRESIDENT pro tempore. The unanimous-consent agreement will be again stated.

The SECRETARY. Change the end of the agreement, as before given, to read "and their consideration proceeded with."

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. BURTON. Mr. President, I desire to present some general observations upon this bill and to criticize some of the specific items contained in it. The criticism rests especially upon the methods exemplified in this measure and upon some objectionable projects for which appropriations are made.

I may say in the beginning that it is very difficult to trace to anyone the blame for these conditions. I recognize the very patient work performed by the Committee on Rivers and Harbors of the House. Its chairman, especially, was untiring and faithful in the performance of his duties. The Senate committee also gave to this measure painstaking attention. But there is a pressure for river and harbor appropriations which it is almost impossible to resist. It is a part of the general extravagance in national, State, and municipal affairs which is now prevalent and which has been prevalent for many years.

The American people have been complaining of the high cost of living, and the pinch of that high cost is being felt in many if not nearly all homes. They fail to recognize that one reason for this added cost is the greater cost of government and the smaller degree of care and supervision which is given to public enterprises.

In a way we who are Senators and Representatives are compelled to yield to the demands of the people. It has been a matter of experience that if any project is brought here, however wasteful, however objectionable it may be, is sought to be included in a river and harbor bill, eventually it is almost certain that an appropriation will be secured. If delegations from chambers of commerce, if resolutions of State legislatures, can not accomplish what is desired, telegrams sent in at the last moment are sufficient to cause Members to yield.

So this evil, like every other one, must be traced to the ideals and demands of the people, to the fact that there is no general public opinion which supports economy in expenditures. Thus, while we have not unduly enlarged the amount appropriated for rivers and harbors, there has been a lack of care in methods and a more grievous lack of care in the selection of projects for which we appropriate.

I will repeat, briefly, the objections which I have made to prior river and harbor bills. In the first place, the policy of dribbling appropriations, which was noticeable in 1910, still survives in this bill, and it is a glaring objection to it. The very first item in the measure before us is an appropriation for Portland Harbor. It is a necessary and important improvement. It was strongly recommended by the Engineer Corps. The cost was estimated at $360,000, with a recommendation that the whole amount should be made available in one bill. What has been done? One hundred and fifty thousand dollars is appropriated; the remaining $210,000 is left to future Congresses.

If a single contract could be made for that work not only would there be a very great saving in expense—a saving which has been estimated to range from 10 to 30 per cent in continuing contracts—but the community would know that the work would be done, and those who intend to build docks and wharves or provide shipping would know precisely what to depend upon.

There is a still worse evil in these dribbling appropriations. A small amount is apportioned in a bill to a project and is adopted without scrutiny, when if the question were placed before us of appropriating the whole amount Congress very likely would reject it. Why, in a bill a couple of years ago

there was authorized an improvement to cost $1,050,000, made up of three locks and dams, each costing $350,000. Congress appropriated $100,000—not a sufficient amount to construct either one of those locks and dams; not sufficient even to begin the work properly. I believe if we had discussed here on the floor the question of appropriating a million and fifty thousand dollars for that project, it would have been rejected by a decided vote. This is but one illustration of the general method pursued in this and other bills. We can hardly claim that we are candid with the country or fair to each other when an improvement of considerable magnitude is presented here, and we appropriate but a fraction of the total amount required for it. If that project will cost $1,050,000, to use this illustration again, why not publish to the country what we are doing? Why not provide for the whole amount at one time, instead of allowing it to go forth that we have made an appropriation of $100,000, knowing that $950,000 must follow?

So, Mr. President, for these reasons, for economy, to secure assured results, to secure that degree of scrutiny and care which is necessary, it is desirable that the continuing contract system should be adopted. I do not know how many items there are in this bill. There are, perhaps, three or four hundred. I aver with the greatest of confidence that it would be far better to pick out half of the projects and finish them. Indeed, if there are two projects of equal merit, instead of having them going on side by side and scattering appropriations over years, why not complete one, and when you are through with that take up the other, and pursue the methods which are adopted in the business world, and which every consideration of good policy suggests we should pursue here?

I will call attention to an item which came to us from the House—a little improvement in the State of Maine, one of the first half dozen. The estimate to do the work was $17,000, and it was recommended by the Engineer Corps that the whole amount be made available at one time. There was no other practical way to do the necessary work. The bill comes to us with an item of $8,500, half the amount necessary for the proposed improvement. That satisfies the community; that gives gratification, perhaps, to the Congressman from the district; but it does not accomplish what is sought. It is not in line with the policy that the Government of the United States should approve or follow.

Still another item a little further on—a proposed improvement of the Bronx River, near to the city of New York, to cost $930,000—comes to us with a recommendation that the work be done under one appropriation or authorization, so that the contractors may get their plant together and prosecute it from start to finish. What is done in this bill? One hundred and thirty thousand dollars is appropriated, without any mention whatever of the remaining $800,000, leaving that to the uncertain action of future Congresses, and compelling a very large additional cost because of this partial provision. I might set forth similar illustrations everywhere in the bill.

There is one feature of this measure which I heartily commend. In the appropriations for maintenance, for the taking care of public works, in almost every instance the recommendation of the engineers has been followed. Indeed, as regards perhaps nineteen-twentieths of the bill it might just as well have been framed at the War Department and sent here. This leads to the conclusion that perhaps at some future time Congress may see fit to appropriate a lump sum of some millions, giving that to the control of the Corps of Engineers, and enabling them to spend it where it is necessary for the maintenance of public works.

That certainly has advantages over the presentation of a bill with hundreds of items where the amounts are scattered all over the country.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. BURTON. Yes.

Mr. NEWLANDS. May I call the attention of the Senator from Ohio to the fact that I have an amendment pending providing for exactly what the Senator suggests may be desirable, the creation of an ample fund and the cooperation of the various services that relate to water and the cooperation of the various sovereigns affected, so that the jurisdiction and the powers and the moneys of all are united in a great work of river regulation and its promotion as instrumentalities of transportation? I shall hope to have the help of the Senator from Ohio in my effort to have that amendment put upon this bill.

Mr. BURTON. Mr. President, the reference that I made was to the cost of the maintenance of public works. I would not feel like going so far as to abdicate the functions of Congress relating to the selection of projects or relating to the general policy as to the amount to be expended. Perhaps at a later time I may make a few remarks on the bill of the Senator from Nevada, with which I am quite familiar. I know he has given a great deal of time and labor to it. But the central idea of his bill is to turn the whole subject over to the executive department, appropriating a lump sum for each year, and authorizing a commission or board to expend it as they choose. I should not feel like going so far.

Mr. NEWLANDS. I wish to call the attention of the Senator to the fact that the amendment provides that these plans shall be made through the cooperation of the services that are now working in a detached way in relation to our rivers, but that the plans must be approved by Congress. Of course those plans will involve a complete statement of each project and the amount necessary for the completion of that project and the installment amount that will be required during the session at which the report is made.

Mr. BURTON. I will go as far as anyone in any measure which shall secure the cooperation of the different bureaus and departments of the Government. I may, if I have time, make some reference to that subject later.

Mr. President, in making our appropriation for rivers and harbors we must recognize the changed conditions. A far greater share of the traffic of the country is now carried by the railroads than formerly. Let us take the case of the Mississippi River. Fifty years ago the lines of traffic were along that river. Freight was shipped from as far north as St. Louis, and even above, down to New Orleans, and supplies were obtained from the mouth upstream not only in the Mississippi Valley but along the Ohio River. After a time railways were constructed, which provided a new method by which traffic might be handled, some paralleling the stream and others crossing it at right angles. The general direction of traffic in that neighborhood was changed from north and south to east and west.

Then the proportion carried by the railroads has been constantly increasing. In 1871, 44 per cent of the freight shipped out of the city of St. Louis went by water. In the year 1900 that portion had dropped from 44 per cent to one-half of 1 per cent. So that the proportions in 1871 and 1909 were as 88 to 1.

Mr. President, it is useless to close our eyes to the fact that this shows that the methods of handling the traffic of the country have changed.

It is said that the reason for improving these streams is very largely the regulation of freight rates. I maintain that that is an erroneous policy. Waterways and railways alike are agencies for transportation. The question is which is the better way. The railways, built by private capital, cost money; the improvement of rivers and harbors costs money. In either case the amount expended is a charge upon the resources of the country.

The better way to regulate freight rates is by legislation, by the appointment of commissions, by the exercise of those functions which the different departments of the Government possess. Also, if the improvement of a waterway lowers freight rates in that locality, is it quite just to that greater area which is removed from that waterway? Whatever decrease must be made in charges on the railways paralleling the river or waterway must practically be made up by increased charges where waterway competition does not exist.

There has been much discussion in the German Empire on this subject, and much opposition has developed to the expenditure of the moneys of the Empire for the improvement of the River Rhine. The argument of the opposing party is that the valley of the Rhine already has a great advantage over all the rest of Germany. Eighty or ninety per cent of the manufacturing which requires heavy material is in that valley and near to the river. It is said to those in the valley: You have a great advantage already, and now by making appropriations for the Rhine we are increasing that advantage and increasing it at the expense of all the other portions of Germany.

Mr. President, within certain limits, I think it well to maintain waterways for the sake of regulating freight rates. I can not conceive of a time when the people of the country would be willing to abandon the Mississippi or the Ohio as arteries for the carrying of freight. These rivers are frequently useful also in times of congestion, when the demands upon other agencies for transportation are so great that they can not provide for the unusual demands. It is perfectly manifest, however, that you can not maintain a waterway merely for the sake of providing for emergencies, because no business will be profitable unless it can be comparatively continuous. But when you go beyond a reasonable check on high charges and extortions and make the central and guiding principle the regulation of freight rates you adopt an erroneous policy.

There are illustrations all over the country of appropriations for streams which were once most useful agencies of commerce but where now the commerce is practically nil. I beg the pardon of the Senator from Louisiana [Mr. FOSTER] for referring to one in his State. It is, however, the best illustration of this condition. I refer to the Red River. At the close of the Civil War there was a fleet gathered at Shreveport made up of most magnificent ships and suitable for carrying traffic on any river in the world. It was used for years after that for carrying to market the cotton and other products of the soil. We have expended close to $3,000,000 on that stream. But in the year 1910 what was its traffic? Leaving out timber and logs, which could be floated down the stream without improvement, the total traffic was 62 tons, and the official report gravely puts down one passenger. Sixty-two tons of traffic and one passenger! I will say for the satisfaction of the Senator from Louisiana that in the following year the traffic increased somewhat, so that the general freight, aside from logs and timber, was three or four thousand tons.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. I do.

Mr. SHEPPARD. As a matter of fact, the Red River is not in a condition to be navigated.

Mr. BURTON. I fear, according to the statement which the Senator from Texas made, that it never can be put in a condition for navigation.

Mr. SHEPPARD. It is an injustice to say that no traffic is carried on the river now and that for that reason it ought not to be improved.

Mr. BURTON. Does the Senator from Texas maintain that it has deteriorated, after the $3,000,000 spent on improvements, from what it was in its natural state?

Mr. SHEPPARD. The $3,000,000 have not been expended in such a way as to improve it materially. It is an instance of the dribbling appropriations the Senator spoke of a while ago. We have appropriated only $100,000 or $200,000 a year, and the money has been almost wasted, so far as any results as to navigable condition are concerned.

Mr. BURTON. I can not agree with that conclusion. The money has been appropriated in a manner to produce the best results. The conclusive fact is that traffic conditions have changed. Before any considerable amount had been expended there was traffic—and great traffic—on this river, but now that $3,000,000 have been expended it has dropped so that it is practically nothing.

Take the Missouri River about the year 1857, before the expenditure of large sums of money on it. The railway trains carried their passengers to Jefferson City, and, I think, at one time, beyond; and from there they were carried by boat to Kansas City. It was the regular medium by which passengers were carried. But to-day, after more than $10,000,000 have been expended, the traffic has almost disappeared; it is mostly sand and gravel, which is carried a mile or so.

I have already referred to the Mississippi River above and below St. Louis, showing that this great city, the largest on the Mississippi River, formerly sent 44 per cent of its traffic by river, but now only one-half of 1 per cent.

It is not necessary for me to go into the question of the advantages of the railways. They have advantages which the waterways do not possess. They can reach any part of the country. Their field is the United States, so far as distribution is concerned. If an article of freight is shipped from New York, it can go by rail to any town of importance anywhere in the country, but if that freight is shipped by water it is limited to the wharfs and landings on that stream or its connecting waters. If you transfer it from water to rail transportation, the cost of transfer is usually so considerable that any saving in expense is entirely offset. Again, in the case of factories and warehouses, it is possible to construct railway switches to the very door. Thus the wider area of distribution, the greater ease of reaching the place where freight is consumed and from which it is shipped, have given an advantage to the railways which is inevitable. On the other hand, there have been means, which you may call artificial in their nature, such as lowering rates when there is water competition, by which the waterways have been driven out of business. So far as legislation can be enacted to prevent discrimination against river transportation, laws should be adopted by Congress.

The commission of which the Senator from North Carolina [Mr. SIMMONS] and myself were members reported a few years ago a bill which provided that where the rate was lowered on railways competing with waterways and was afterwards raised, they should be compelled to show that that lowering and subsequent raising was due to some cause other than an effort to eliminate competition. That bill became a law, and in some localities in the country it has brought very material benefits.

There is one other point in these bills to which I wish to call attention. This is the constant tendency to make them mere vehicles for appropriating money for the benefit of private property. The river and harbor bill every year should be confined most carefully to the one vital object of navigation, nor should any proposition be presented to us under the guise of an improvement for navigation which has as its ulterior purpose the preservation of property.

Perhaps in the discussion which may occur to-morrow I shall wish to say something about the levees on the Mississippi River. There is a dangerous tendency to appropriate large sums of money where the real object is not to benefit navigation but to improve the abutting property.

Mr. President, in this great developing country we must make provision for all uses of water and for its control; we must make provision for protection against floods; we must provide against the washing away of the soil by erosion or otherwise; we must provide for clarifying water so that it may not be a menace to health; we must provide for irrigation, where that is possible. We must take up the subject which I think is of pressing and, I may almost say, of supreme importance—the utilization of water power.

All these must be carried along together under one great comprehensive plan, in which expense shall be apportioned according to benefits. If the improvement benefits a city in its water supply or health conditions, that city should pay its share of the expense. If the improvement benefits navigation, the Federal Government should pay its share of the expense. If it prevents a farm from being washed away or overflowed, the farmer should pay his reasonable share of the expense. We shall never reach a just and rational policy until an apportionment is made in that manner.

People oftentimes complain, "Why have not larger appropriations been made?" Mr. President, it is because of the feeling on the part of so many that these appropriations were injudicious and that they were devoted to purposes which were not national in their scope. Once make this a great problem, in which Nation and State and municipality and private individual shall join, then I will cooperate with anyone in making liberal provision for the development of this country along the line of controlling rivers and utilizing them for beneficial purposes.

The policy prevailed from the year 1896 to 1909, during which time I had the honor of being connected with the Committee on Rivers and Harbors. We recognized that the improvement of many of these rivers would confer benefits which were problematical; that it was a question whether or not they would be beneficial. Numerous plans have been presented for taking up and improving all the rivers of the country under one comprehensive plan.

Mr. President, I fear it will be a long time before Congress will commit itself to this. One of the first things we should do is to adjust the relation of the waterways and the railways so that they may work in cooperation. Another thing is to try out this problem and see whether or not the improvement of a river is going to produce traffic; whether or not it is going to be a profitable expenditure of money.

I am perfectly willing to take the obloquy of having opposed a great many of these projects which I was satisfied could not be profitably undertaken. Congress should select a sufficient number for the purpose of navigation alone and study the results. As I said here three years ago, there are two projects in this country which will determine whether great inland waterways can be profitably improved on a large scale.

One is the barge canal from Lake Erie to the Hudson River and thence by the Hudson to the ocean. That has been undertaken by the State of New York at an expense originally computed to be $101,000,000. I regard that, Mr. President, as by far the most promising project on a large scale in the United States, because it connects the vast area of manufacturing and agricultural territory tributary to the Great Lakes with the eastern seaboard. It also gives a return route for the merchandise of New York City and for all the varied products that are landed on the seacoast to be transported into the interior. If that will not succeed, no great project can succeed. It is nearing completion, and we all feel a natural curiosity to know what measure of success it will attain.

The other most promising project in the country is the Ohio River, extending from Pittsburgh to its mouth, at Cairo, about 960 miles. At the head of that river are enormous supplies of coal, great manufactories of iron; also near its head are great quantities of sand and clay suitable for the manufacture of glass and of brick. Below is a great area, not only on the Ohio

River, but on the Mississippi as well, now only scantily supplied with those articles. On the lower portion farm products are raised, which are consumed on a great scale, and also many raw materials which can be manufactured in the upper portion.

A great deal of skepticism prevailed as to the adoption of this project when it was commenced. I myself shared the doubt whether this would prove a profitable investment. We have now commenced it and promised to finish it at an early day, however, and it is desirable to rush it to completion. Below Cairo, in the Mississippi, there is a depth of 9½ feet at all times, and above the mouth of the Ohio there is a depth of 8 feet up to St. Louis, with a contiguous territory which affords a splendid market for all the varied products of the upper river and its tributaries, the Monongahela and the Allegheny.

Until we have tried those two projects we are groping in the dark in improving other large streams which promise far less. Yet we are going ahead and appropriating money when we are wholly uncertain whether the result will be failure or success. I do not mean to say, however, that a moderate amount of navigation ought not to be provided for on all these larger streams; but if the plan is to improve them on a grand scale at the expense of tens of millions of dollars, I insist that we are taking a leap in the dark, without knowing whether or not our money will be wasted.

We are in the midst of a period of startling changes in our whole industrial life, especially as it relates to methods of transportation; and while I can not expect my voice will always be heard in opposition to these great projects which promise so little, I feel that I should be doing less than my duty to the Senate if I did not say here that adopting these projects at this time is a most dangerous policy until we at least know something more of the results which can be accomplished.

Mr. President, I wish to file as part of my remarks a copy of the report made by me from the Rivers and Harbors Committee of the other House in the year 1907, and to have it printed in the RECORD, as I do not want to detain the Senate by reading it.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Without objection, permission to do so is granted.

The report referred to is as follows:

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, submitted the following report (to accompany H. R. 24991):

The Committee on Rivers and Harbors, having had under consideration House bill 24991, files the same and respectfully reports thereon, recommending that the bill do pass.

The measure carries in cash appropriations $35,181,612 and in authorizations for expenditures under continuing contract appropriations which may hereafter be made a further sum of $48,634,526.

The following statement gives the amounts of appropriations and authorizations in recent river and harbor bills:

Year.	Cash.	Authorized.	Total.
1896	$12,659,550.00	$59,616,404.91	$72,275,954.91
1899	16,091,841.94	23,866,324.13	39,958,166.07
1902	26,771,442.00	38,336,160.00	65,107,602.00
1905	18,181,873.41	17,184,657.63	35,366,533.04
1907 (as reported by Committee on Rivers and Harbors)	35,181,612.00	48,634,526.00	83,816,138.00

The aggregate of appropriations and authorizations is larger than in any preceding river and harbor bill, although the act of June, 1896, contained a larger amount of authorizations. There are several distinctive features in this bill:

1. Provision is made for completion in a much larger proportion of the projects than in any preceding measure.

2. The total amount necessary to complete the unfinished improvements, which the committee regards as most important, is provided by appropriation or authorization if completion can reasonably be expected within four years from July 1, 1907. Also upon large projects, where the amount required to finish the work is necessarily indeterminate, such as in the three divisions of the Mississippi River, provision is made for an equal time.

3. New projects are not adopted unless provision is made for completion.

4. In the case of rivers and harbors of secondary importance a somewhat larger amount than in former acts is appropriated for a considerable number of the most promising improvements.

In providing for the completion of new projects a radical departure from former methods has been adopted by the committee. It has been thought best to undertake no new improvement unless the whole amount required for its completion, whether the project involves large or small expense, is appropriated or authorized. This policy has been followed with barely an exception. It is believed that the advantages of such a method are sufficiently obvious. Assured results will be obtained at an early date by the completion of the improvement. More substantial benefit will be conferred by selecting the most deserving projects and avoiding the scattering of appropriations. The expense for each improvement will be very much diminished, because work can be more advantageously and economically prosecuted if the whole amount necessary to complete is made available. It is also true as a practical fact that when the total expense is to be provided at one time more careful consideration will be given to a proposed improvement and the question of its adoption more intelligently considered. The rule has been followed that between two projects equally deserving it is better to complete one than to make partial appropriations for both.

Sixty-eight million seven hundred and seventeen thousand three hundred and ninety-eight dollars of the amounts included in the bill are for improvements of considerable magnitude already undertaken by the Government or for further improvements in connection therewith, where increased traffic requires additional facilities.

The following is a list of appropriations and authorizations of this kind in which a division is made into two classes: First, those aggregating $1,000,000 or more; second, those aggregating $200,000 or more, but less than $1,000,000:

First class—$1,000,000 or more.

	Cash.	Authorization continuing contract.
Harbor at Boston, 35-foot channel (to complete)	$500,000	$3,804,000
Harbor of New York, Ambrose channel (to complete)		1,148,510
Black Rock Harbor and Channel	1,000,000	1,000,000
Delaware River below Philadelphia (to complete)	895,000	500,000
Patapsco River and channel to Baltimore (to complete)	500,000	1,715,000
Channel from deep water in Hampton Roads to Norfolk	282,000	850,000
Savannah Harbor	300,000	700,000
Black Warrior, Warrior, and Tombigbee Rivers	350,000	1,842,000
Southwest Pass, Mississippi River, below New Orleans (to complete)	1,000,000	1,500,000
Galveston Harbor	300,000	700,000
Cleveland Harbor	223,000	900,000
Lock and Dam No. 26, Ohio River (to complete)	265,000	800,000
Ohio River, general improvement and completing unfinished work on locks and dams	1,458,966	1,500,000
St. Marys River at the Falls, additional lock and duplicate canal (to complete)	1,200,000	5,000,000
Detroit River, alternative channel (to complete)	2,000,000	4,670,950
Mississippi, from head of passes to mouth of Ohio River	3,000,000	6,000,000
Mississippi River, between Ohio and Missouri Rivers	250,000	750,000
Mississippi River, between the Missouri River and Minneapolis	500,000	1,560,000
Mouth of Columbia River, Wash. and Oreg. (to complete)	750,244	1,700,000
Total	14,774,210	36,670,460

Total of appropriations and authorizations, $51,444,670.

Second class—Appropriations and authorizations aggregating $200,000 or more, but less than $1,000,000.

	Cash.	Authorization continuing contract.
Massachusetts:		
New Bedford	$100,000	$200,000
Sandy Bay, harbor of refuge	100,000	100,000
Rhode Island: Newport (to complete)	85,000	165,900
Connecticut:		
New Haven breakwater	100,000	150,000
Bridgeport Harbor (to complete)	113,000	350,000
New York:		
Oswego Harbor	100,000	100,000
East River and Hell Gate	250,000	
Hudson River	250,000	
Buffalo Harbor	583,436	
New Jersey: Newark Bay and Passaic River to Newark	200,000	650,000
Pennsylvania:		
Monongahela River, Dam No. 5 (to complete)	250,042	500,000
Allegheny River, dam at Springdale, repairs (to complete)	200,000	
Washington, D. C.: Potomac River at Washington	258,000	
North Carolina: Cape Fear River at and below Wilmington	165,000	250,000
Georgia: Brunswick Harbor (to complete)	146,650	350,000
Florida:		
Biscayne Bay (conditional—to complete)	100,000	146,000
Key West	200,000	
Alabama:		
Mobile	200,000	360,000
Alabama River	200,000	
Mississippi: Pascagoula River	200,000	
Louisiana: Red River, Louisiana, Arkansas, Texas, and Oklahoma	250,000	
Texas:		
Sabine Pass	160,000	200,000
Aransas Pass and Bay	200,000	290,000
Galveston ship channel and Buffalo Bayou	200,000	200,000
Brazos River, from Old Washington to Waco	75,000	150,000
Trinity River	75,000	300,000
Arkansas: Ouachita and Black Rivers, Arkansas and Louisiana	140,780	200,000
Tennessee:		
Cumberland River, Tennessee and Kentucky above Nashville (to complete part recommended)	150,000	400,000
Tennessee River, Chattanooga, Tenn., to Riverton, Ala.	467,970	213,000
Kentucky: Kentucky River	100,000	420,000
Michigan:		
Ludington Harbor (to complete)	100,000	739,087
Detroit River (old project)	150,000	150,000
Wisconsin:		
Milwaukee Harbor (to complete)	200,000	392,000
Manitowoc Harbor (to complete)	100,000	276,000
Minnesota: Duluth, Minn., and Superior, Wis	525,000	
Illinois: Chicago Harbor (to complete)	250,000	
Missouri:		
Osage River (to complete)	78,000	160,000
Missouri River (general improvement)	300,000	
California:		
San Luis Obispo Harbor (to complete)	63,660	200,000
Oakland Harbor (to complete)	68,208	300,000

Second class—Appropriations and authorizations aggregating $200,000 or more, but less than $1,000,000—Continued.

	Cash.	Authorization continuing contract.
Oregon:		
Columbia River, between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash.	$100,000	$500,000
Columbia and Lower Willamette Rivers below Portland, Oreg.	300,000	
Washington: Grays Harbor and Bar entrance	200,000	400,000
Hawaiian Islands: Honolulu Harbor	200,000	200,000
Total	8,260,741	9,011,987

Total of appropriations and authorizations, $17,272,728.

Total of appropriations and authorizations, pending improvements, $200,000 to $1,000,000, inclusive	$17,272,728
Add total of appropriations or authorizations for pending improvements in amounts of $1,000,000 or more	51,444,670
Total	68,717,398

The following is a list of appropriations made for improvements which may be designated as new projects, although some of them are closely connected with or extensions of projects already adopted. For all of these an amount sufficient for completion has been appropriated or authorized:

Project.	Appropriations, cash.	Expenditures authorized, continuing contracts.
Maine:		
Cape Porpoise Harbor	$46,000	
Penobscot River	130,000	
Kennebec River	75,000	$200,000
Massachusetts:		
Beverly	38,500	
Dorchester Bay and Neponset River	125,233	
Connecticut: Norwalk and East and South Norwalk	63,500	
New York: Coney Island Channel	188,300	
New Jersey:		
Cold Spring Inlet, Cape May	311,000	900,000
Perriwig Bar, Delaware River, between Trenton and Bordentown	50,000	
Salem River	29,000	
Cohansey River	55,800	
Delaware:		
Broadkill River	33,330	
Maryland: Crisfield Harbor	37,707	
North Carolina: Meherrin River, from the mouth thereof to the town of Murfreesboro	6,000	
Florida:		
Fernandina	115,000	
Withlacoochee River	65,400	150,000
Alabama: Conecuh River	31,000	
Mississippi:		
Wolf and Jordan Rivers	30,000	
Big Sunflower	100,000	
Louisiana: Inland waterway	89,292	200,000
Texas:		
Intercoastal waterway	133,829	300,000
Sulphur River	36,000	
Tennessee: Caney Fork River	3,000	
Wisconsin: Two Rivers Harbor	90,000	
Alaska: St. Michael Canal	98,000	150,000
Hawaiian Islands: Hilo Harbor	200,000	200,000
Porto Rico: San Juan	157,500	600,000
Total	2,338,391	2,700,000

Total new projects, $5,038,391.

SUMMARY.

Total appropriations and authorizations for existing projects in amounts of $200,000 or more	$68,717,398
Total appropriations and authorizations for new projects	5,038,391
Total	73,755,789

The balance of $10,060,349 is made up of a variety of items, including $300,000, the usual appropriation for examinations and surveys; an emergency fund of $300,000; an appropriation of $190,000, part of which is conditional, for the survey of a deep waterway from St. Louis to the Gulf. This balance also includes appropriations for the maintenance and extension of various rivers and harbors, the amounts for which are not included in the above lists, including approximately 300 projects already under improvement, and upon which appropriations have heretofore been made.

In the discussion of the river and harbor bill of 1902 attention was called to a popular misapprehension to the effect that a very large amount of money was appropriated for rivers and creeks of trivial importance, and it was shown that the total amount appropriated in the act of that year for streams having a tonnage of less than 100,000 tons, or a traffic of a value less than $1,000,000, was $417,000.

It is impossible to make an accurate comparison of such appropriations in the act of 1902 with those recommended in this bill. Some streams on which no considerable traffic has yet developed are appropriated for, with the expectation that traffic may follow the improvement of these channels. The actual appropriations for the smaller streams already under improvement in which no considerable additions are contemplated are, however, approximately the same as in the bill of 1902, or somewhat less than half a million of dollars.

In many instances a comparison shows that the traffic upon this class of streams has greatly increased since 1902, while in other cases the amount has remained stationary or even diminished.

While doubts have been expressed of the propriety of improving waterways of mere local importance at national expense, it must be conceded that if there is a comparison between appropriations and benefits the provision made for many of them is as beneficial as any appropriations in the bill. In this list may be included, with the amount or value of traffic and the amount herein appropriated, the following:

Project.	Appropriation.	Annual tonnage carried.
Thames River, Conn	$30,000	446,004
Bronx River and East Chester, consolidated	29,000	387,368
Mantua Creek, N. J.	34,450	136,105
Raccoon Creek, N. J.	15,000	263,317
Smyrna River (Duck Creek), Del.	2,000	204,731
Nanticoke River, Del. and Md.	2,000	121,760
Neuse and Trent Rivers, N. C.	30,000	731,554
Waccamaw River, N. C. and S. C.	20,000	297,630
St. Johns River, Fla., above Jacksonville	25,000	269,610
White River, Ark.	30,000	100,083
French Broad and Little Pigeon Rivers, Tenn.	2,000	188,700
Petaluma Creek and Napa River, Cal.	23,239	404,983
Okanogan and Pend Oreille Rivers, Wash.	20,000	55,917

Liberal provision is made for the prosecution or completion of improvements in a considerable number of rivers or harbors of secondary importance, and in cases where satisfactory results are anticipated substantial additions have been made to the average of prior appropriations. Among improvements of this class are:

Project.	Appropriations, cash.	Expenditures authorized, continuing contracts.
Rhode Island: Pawtucket River (conditional)	$138,584	
Connecticut: Thames River	30,000	
New York:		
Bronx River and East Chester Creek	29,000	
Ogdensburg Harbor	75,000	
Delaware: Mispillion River	40,000	
Virginia: Rappahannock River	77,729	$90,000
South Carolina: Santee, Wateree, and Congaree Rivers and Estherville-Minim Creek Canal	150,000	
Georgia:		
Oconee, Altamaha, and Ocmulgee rivers	60,000	
Chattahoochee River, Ga. and Ala., below Columbus	150,000	
Florida:		
East Pass and Carabelle	60,000	
Apalachicola Bay	85,000	
Manatee River	70,710	
Louisiana: Bayou Teche	130,000	
Texas: Brazos River, from Velasco to Old Washington	75,000	
Tennessee: Tennessee River, above Chattanooga, and Little Tennessee River	105,000	
Michigan:		
Holland Harbor	138,452	
Grand River	88,000	
Wisconsin: Two Rivers Harbor	90,000	
Minnesota: Red River of the North, Minn. and N. Dak.	15,000	
California: Sacramento and Feather Rivers	50,000	
Washington: Columbia River and tributaries above the mouth of Snake River	120,000	

Mr. BURTON. I have asked for the insertion of this report, Mr. President, because in my judgment it sets forth the policy which should properly govern our river and harbor work. Several distinctive features marked the bill on which the report was made. In most of the appropriations provision was made for completion, but we could hardly expect to provide for the completion of a great project such as the Mississippi River in one bill. We did, however, provide for the completion of the improvement of New York Harbor, the great channel to the sea; Boston Harbor; Black Rock, the entrance to the barge canal; the Delaware River to Philadelphia; the Patapsco River below Baltimore; the channel to deep water from Hampton Roads for Norfolk; Savannah Harbor; the Southwest Pass of the Mississippi River for all the improvements that were then before us; Galveston Harbor, not entirely, but for substantial progress upon the improvement then contemplated; Cleveland Harbor; the Detroit River; and the locks in the St. Marys River—those were regarded as at the forefront—New York, Boston, New Orleans, Philadelphia, Baltimore, and the larger cities, together with these interior channels. These were selected from among all the improvements in the country.

When it was introduced in the House that bill carried the sum of $83,816,000 in appropriations, and the authorizations contained therein showed that the committee did not hesitate to recommend the expenditure of large amounts. They regarded it as perfectly proper to make the appropriations large, provided results were obtained.

New projects, as a rule, were not commenced unless there was a provision for their completion. Old projects of lesser importance were prosecuted to completion as nearly as that was feasible. I sincerely regret that since that time this policy has been succeeded by more numerous and scattered appropria-

tions, including almost every congressional district where there is a channel or harbor to improve, often commencing with one-tenth of the amount ultimately desired. I trust that, on further consideration of the subject, Congress may yet go back to that plan, which, after 10 years of labor, was judged to be the best method. It was by no means an easy task to stand up against all these varied demands throughout the United States; it was by no means easy to handle all the projects on the lists that had been before commenced and partially completed.

In referring to some injudicious appropriations which have been made from time to time, I have prepared a little statement. Mr. President, in which there is a comparison between the Missouri River on the one hand and the Delaware River on the other, showing that, approximately, an equal amount has been expended on the two rivers. The traffic on the one is 370,011 tons, of the value of $1,082,415; the traffic on the other is 27,260,019 tons, of the value of $1,218,016,813; showing that, with practically equal appropriations, the traffic on the Delaware is 74 times as great as that on the Missouri and its value is approximately 1,200 times as great. I have here also a comparison of the Red River with six other rivers, and I will ask the consent of the Senate to have these two statements printed in the RECORD.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

The statements referred to are as follows:

Missouri River compared with the Delaware River, sea to Trenton, N. J.

MISSOURI RIVER.

To complete (and more)	$17,600,000
Expended	18,691,432
Appropriated	2,325,000
Traffic	370,011
Value	1,082,415

DELAWARE, SEA TO TRENTON.

To complete	8,120,000
Expended	17,188,000
Appropriated	1,884,000
Traffic	27,260,019
Value	1,218,016,813

Perhaps no comparison of the cost and results of improving streams is more surprising than a comparison of the Missouri and Delaware Rivers. The amounts already expended on these two rivers are approximately the same. It is estimated that it will cost about twice as much to finish the improvement of the Missouri as for the Delaware. The appropriation for the Missouri is somewhat in excess of that for the Delaware.

River.	To complete.	Expended.	Appropriated.	Traffic.	Value.
Red	.....	$3,115,377	$177,000	$51,762	$371,090
Penobscot	.....	506,300	.....	655,204	11,000,000
Mystic	.....	292,000	25,000	3,606,670	17,181,500
Pawtucket	.....	546,584	.....	508,025	6,380,722
Anacostia	$518,062	787,000	75,000	345,347	31,567,750
Sacramento and Feather	.....	1,092,000	.....	505,285	32,000,000
Combined	.....	3,223,884	100,000	5,620,531	98,029,972

The futility of trying to create commerce by the improvement of a river where commerce does not exist is nowhere better illustrated than by comparing the results on the Red River with those of six other rivers, the cost of improving which combined is substantially equal to the cost of improving the Red River. These rivers are the Penobscot, Mystic, Pawtucket, Anacostia, and Sacramento and Feather. The cost of the improvement in each instance is somewhat over $3,000,000. The traffic on the Red River, which is practically confined to the region of its mouth, was by the last report 51,762 tons, having a value of $371,190. The combined traffic of the rivers mentioned was 5,620,531 tons, having a value of $98,129,972. It will be seen that the combined traffic on the rivers mentioned was 108 times as great as that on the Red River and its value 264 times as great.

From this it would appear that one cent spent on the rivers named has produced far greater results than a dollar spent on the Red River.

Mr. BURTON. Generally speaking, Mr. President, improvement of harbors has brought far more salutary and profitable results than the improvement of rivers. Indeed, in looking over this bill I can find very little to criticize in the selection of harbors for improvement. Nearly all of them will develop a very considerable traffic and will make it possible to ship more profitably both abroad and to other portions of our country the products of the United States.

It is for the most part in the improvement of the rivers that we notice the waste. I want to call attention to-day to one line of appropriations for rivers where there has been an exceptional waste—that is, in the expenditures for locks and dams. According to the engineers' report the total expenditure on rivers and harbors for 27 years, from 1886 to 1912, inclusive, was $529,583,000. Of that amount there has been expended for the construction of locks and dams $112,349,000. In addition to this $102,870,000 is required to complete locks and dams now under way. Some of these have been extremely helpful, but they are exceptional in their nature. One which stands out in a class by itself is the lock and dam in St. Marys River between Lake Huron and Lake Superior. Through this lock is carried the iron ore from the mines of Minnesota and Wisconsin. A large quantity of grain also goes down, and also a very large quantity of coal is carried on the return trip. The total amount expended on this improvement to date is $12,932,822. A further amount of $4,950,000 is required.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. I do.

Mr. NELSON. The remarks of the Senator are extremely interesting, and I wish to ask him if he has the figures of the tonnage that passes through?

Mr. BURTON. Yes, I have; and I will give them in a moment.

Mr. NELSON. Very well.

Mr. BURTON. The tonnage that passed through that lock or those locks for the last year—for there are more than one—was 26,237,785 tons, a traffic far beyond that of the Suez Canal in volume, though, of course, not as great in value. The Canadian lock on the other or northerly side of the river gave passage, as I recall it, to an almost equal amount.

In order that I may not be misunderstood, I wish to say that it is very difficult to compare the Suez Canal with the St. Marys Canal, because at the latter the actual number of tons carried is counted, while at the Suez Canal it is the net tonnage of the boats going through upon which computation is made; but, after making allowance for any discrepancy or inaccuracy, the traffic through the canal in the St. Marys River is undoubtedly far greater than that through the Suez Canal.

What does this improvement illustrate? It illustrates that the most favorable place for the location of a canal, with or without locks and dams, is between two great bodies of water where there is a natural barrier between them, comparatively short in length or breadth, like an isthmus, by piercing which you can bring two great systems of waterways together. A most notable example is the Suez Canal, connecting the Mediterranean and the Red Seas and, of course, other waters; another example is the Panama Canal and also the canal at Corinth. If a judicious selection is made, that is a profitable kind of a canal to construct. Money expended by the Government in St. Marys River has been as useful as that invested in any river and harbor improvement since the formation of the Government.

There is another exceptional case; that is the Ohio River, which I have already mentioned. There is a traffic of about 12,000,000 tons every year on that river. Before the construction of locks and dams there was navigation for a varying period during the year, and the construction of locks and dams will make it possible to utilize the river during the entire year, except when it is closed by ice, for an average not to exceed two months during the year.

There is another river where locks and dams have been required, and that is the Monongahela. There an exceptional condition exists. That river, with the Allegheny, forms the Ohio River. Pittsburgh, with its environs, is perhaps the greatest center in the world for the manufacture of iron and steel, and for the purposes of that industry it is necessary to have a vast quantity of coal. Coal mines originally existed right down to the very edge of the stream. Now it is necessary to go inland for some distance to obtain coal, but they are able to carry that coal by water from the mines to the mills at Pittsburgh and to those on the Monongahela and near by on the Ohio at a cheaper rate of transportation than prevails for carrying coal anywhere else in the world. In a hearing some years ago before the Rivers and Harbors Committee of the House it was estimated that the total cost of carrying a ton of coal on this river to the mills was not more than 15 cents per ton, and, as a result, a traffic has been built up there which last year amounted to 10,740,040 tons.

The Big Kanawha is another illustration. There an expense of $4,233,000 has been incurred, and a traffic developed amounting to 1,392,000 tons last year. Of course, the results shown here are not nearly so great as in the other cases.

The Alleghany furnishes still another illustration. I think it is somewhat doubtful whether that project will develop such gratifying results as in the other cases. The traffic there is about the same in tonnage as on the Kanawha, or about one million three or four hundred thousand tons.

There is one river or bayou in the South which has been improved at very considerable expense—the Bayou Teche—which shows the effects of canalization. It has been canalized at an expense of about $400,000. There exists on it a traffic of about 800,000 tons of very valuable material.

Mr. President, I have shown thus far the bright side of the picture. But when you go beyond the improvements I have named it is very difficult to find a single case in the United States where in the construction of locks and dams the benefits have been commensurate with the cost. I want to call attention to one project which was, I am inclined to think, a heritage from previous Congresses of the day when most of us here first came to Washington, and that is the Illinois and Mississippi Canal in the State of Illinois.

Mr. NELSON. Mr. President, does the Senator mean what is called the Hennepin Canal?

Mr. BURTON. The Hennepin Canal; yes. Father Hennepin was a great and good man, but his name bears a grave responsibility in that this canal was called after him. When it was first projected Members of Congress were elected in Iowa and Illinois because of their advocacy of it. The men who argued the loudest for the Hennepin Canal won the favor of the people. They came here to Washington even after the canal was under way and showed how the grain of Iowa, the grain of Minnesota, and the grain of Illinois would be carried through the Hennepin Canal to Chicago and shipped out from that city. They did not stop short of saying that the prices of flour and of food would thereby be lowered in many States. We have expended in the original construction of that canal the sum of $7,646,746. The expenses of operation last year were $188,000, and the previous year they were $197,000. In this connection I want to say that the cost of the canals I have mentioned does not include annual maintenance charges. The annual cost of care and maintenance is paid out of the Treasury without any action by Congress under the act of 1884, which makes care and maintenance a charge directly by a warrant on the Treasury.

To revert to the Hennepin Canal, let us see what amount of tonnage they have there. I should almost like to ask the Senator from Iowa if any of the products of his State go through this canal; but whether they do or not, we used to be able——

Mr. KENYON. I will say to the Senator that I am sure they do not.

Mr. BURTON. Thank you. Now, let us see the result. What was the traffic on that whole canal? The original cost was $7,646,000, to which we must add a maintenance charge of about $190,000 a year. The traffic through it last year was 37,641 tons. The annual cost of maintenance, leaving out the interest on the original cost, is $5 a ton; more than enough, probably, to take the freight and ship it to New York City from any part of that region.

There is one illustration here that shows the real amount of freight traffic on that canal. At Lock No. 37 the passage of freight of a commercial nature was 50 tons up and 16 tons down, a total of 66 tons. The Government tonnage for maintenance was 4,286 tons up and 699 tons down. I suppose that was for carrying gravel and other material necessary for revetting and protecting the banks. For 62 tons of commercial traffic it was necessary to carry through that lock 4,985 tons of material, or 65 tons of material to 1 ton of commerce.

Mr. President, I think that is carrying to an extreme the policy of constructing locks and dams. Yet I am not sure that this case is any worse than some of the rest. Even when it required only about half a million dollars to complete the Hennepin Canal, after $7,000,000 had been expended, the Rivers and Harbors Committee of the House hesitated a long while as to whether or not they would finish the project. But it was thought that such a stupendous public work having been undertaken, and over $7,000,000 having been paid out, it would not be businesslike to leave it undone simply for $500,000. If it had come to us as an original proposition, however, I am quite sure we would not have recommended this $500,000.

Mr. KENYON. Is the Senator from Ohio also familiar with what is known as the Fever River project in northern Illinois, where a large sum of money was expended to make the Fever River navigable?

Mr. BURTON. The Fever River?

Mr. KENYON. It never has been navigable for anything except naphtha launches on moonlight evenings, so far as I am aware.

Mr. BURTON. I do not think that stream has been improved by the Government. The Senator does not mean the Galena River?

Mr. KENYON. Possibly it is the Galena River.

Mr. BURTON. Or the Rock River.

Mr. KENYON. I understand, however, it is the Fever River.

Mr. BURTON. Is it a tributary of the Illinois River?

Mr. KENYON. Yes.

Mr. BURTON. That is improved in connection with the Hennepin Canal, I take it.

At the Big Sandy River five locks and dams have been constructed at a cost of $1,700,000. The amount necessary to complete them would be $3,555,000, requiring in all 21 locks and dams. I congratulate the Senate that this item does not appear in this bill, and I believe it was not in the last bill. In the years along from 1899 to 1907 it was almost always the last item in controversy between the House and the Senate. In one or two instances it stood for hours in the way of agreement. Appropriations were demanded, however, until there was a total cost of $1,700,000, and five blocks were completed.

It was argued that this improvement would bring to market one of the finest coal supplies in the world. I may remark incidentally that several members of the Rivers and Harbors Committee received letters telling them that the purchase of coal lands on the Big Sandy or its tributaries would be an exceedingly profitable investment, as the Government was contemplating its improvement. While I am very sure none of the Members purchased, the project was advocated with a great deal of earnestness.

What was the result? Last year 545 tons of coal were carried on that river; and here is an excerpt from the engineers' report:

> So far the improvement is reached by one coal mine, which ships principally by rail. Few, if any, of the coal mines lie in such position that the coal can be readily placed on barges.

A survey was ordered last year; and it is quite likely that this old friend will appear again at some other time, but I trust no appropriation will be made for it.

The amount of traffic was materially greater on this river before a single lock or dam was built.

I might multiply indefinitely these instances of improvements by locks and dams. Several years ago I called attention to the Kentucky River as one of the very best object lessons on the subject. That river has been improved at a cost of $4,113,500, with a cost for operation of $2,204,000, since it was acquired by the Government and work undertaken—an aggregate of $6,317,500 expended on that river. In 1889 there were 5 dams, with a traffic of 435,595 tons. In 1909, with 11 dams, there was a traffic of 422,854 tons—that is, with 11 dams as against 5 dams 20 years before, the traffic dropped off 13,000 tons. In 1911, with 11 dams, there was a traffic of only 254,721 tons—a very large drop from 1909. In 1912 there was a still further decrease in traffic, from 254,721 tons to 209,249 tons.

Thus it would seem that with 12 dams as against 5 the traffic had been more than cut in two or had fallen to less than half; and if we may judge by the past, it is only a question of the construction of a few more dams when the traffic will have entirely disappeared.

Of this amount by far the greater share—in fact, nearly all the tonnage—is logs and timbers, in the handling of which, the Engineer Corps say, locks and dams are a detriment rather than an advantage—a detriment to the logs because the locks interfere with their free course; an injury to the locks and dams because there is constant danger of the logs colliding with them, or in some way injuring the machinery by running against it.

I might mention also the Green River in that State, the Barren River, and others in great variety.

The Black Warrior River has cost the Government about $7,327,795, with a further cost yet to complete it of $1,754,600—a total cost of about $9,000,000. That improvement, the canalizing of that river, has been advocated on the ground that it would bring the coal fields of northern Alabama to the Gulf; that at Mobile there is a great demand for coal, which must be brought by boat from other places, while in the upper reach of the river there are inexhaustible supplies. The improvement has been under way for nearly 20 years.

I regard that, Mr. President, as another experiment that may bring results unless some traffic can be developed in carrying that coal from the northerly end of the improvement to the southerly end. There is no similar small stream in the country the improvement of which will result in benefits anything like commensurate with the cost. As I stated, we have expended, or will expend, this $9,000,000, and I very much question whether this traffic will be developed. In the meantime the railways have been carrying the coal, I believe, for $1.25 from the headwaters of the river to New Orleans.

Another object lesson is to be found in the Tennessee River, in the lock and dam at Muscle Shoals, which is quite impressive. The cost of this improvement, which was under construction between 1875 and 1890, was $3,191,000. The cost of maintenance since that time has been $1,222,000—an aggregate of something over $4,400,000. The traffic going through that canal in 1910 was only 8,782 tons. The maintenance cost during that year was $44,069, or somewhat in excess of $5 for every ton carried. That, Mr. President, is a very violent application of

the theory that it is desirable to build locks and dams and canalize rivers for the regulation of railway freight rates.

In the case of a river and a competing railway, if that competing railway cost, say, $5,000,000, instead of canalizing the river at another expense of $5,000,000 would it not be better for the law-making power to regulate the rail rates and make them fair rather than to resort to that roundabout and wasteful method to accomplish a result that could be attained by a legislative body in a day?

There are two other streams to which I wish to refer. They are the Trinity and the Brazos Rivers, in the State of Texas.

Years ago a report was filed here regarding the canalization of the Trinity River for 511 miles, from the city of Dallas to the sea. The engineer's report—and he is really a very able man—sounded very much like the glowing prospectus of a real-estate dealer. He told of the magnificent resources in the northern part, at the head of the river, and of the timber and the stone along the central and southern portions which could be shipped up stream to northern Texas and Oklahoma. True, there was some scarcity of water, but he thought that could be amply provided for by digging artesian wells!

Congress has appropriated for that project the sum of $1,682,267. The original estimate of the cost was $4,600,000, and the dams were estimated to cost $85,000 apiece.

Mr. NELSON. There were to be 35 dams, if I may make the suggestion.

Mr. BURTON. I had understood it was 37. Was it 35?

Mr. NELSON. Thirty-five.

Mr. BURTON. It was estimated that they would cost $85,000 apiece. Not a single dam has been constructed but what has cost more than twice as much as this estimated figure. So that to complete this improvement, which the most sanguine man must say is a very doubtful experiment, would cost, in the long run, probably $10,000,000—that is, the total cost, including what we have already expended. And yet not a single dam has been put in use. Work has been done upon some six or seven of them. One has been completed; another has been practically completed; but it has been necessary to hold open the upper dam so that sewage from the city of Dallas may go through, and nobody knows whether or not there is going to be sufficient water in the upper portion of the river to supply the needs of navigation. Yet in every Congress pressure is exerted upon us for at least two more locks and dams on that river.

Mr. President, I think we should pause and examine that project. The original survey was but a reconnoissance. There were no sufficient borings. There was no sufficient examination of the quantity of water available. There were no sufficient measurements of the fall of the river. Yet we have gone on thus far with the work.

About the year 1905 the citizens of Dallas came here and said that if two or three locks and dams were built in the upper portion of the river these would make the river navigable to what is called the East Fork, 60 miles below Dallas, where an added supply of water is furnished by a tributary. They said that if we would go ahead and expend the money necessary for building those dams they would contribute to the project, and with a great deal of public spirit they did contribute, thereby showing their confidence in it. I think they contributed about $67,000. It was concluded that we would try that out and see whether with the improvement above the East Fork navigation could be provided. They claimed that with that the river would be navigable four months of the year and they could see whether or not it could be used.

But what has been done? Instead of confining attention to the upper section of 60 miles above the East Fork, dams are being scattered all along below that point, apparently with too much attention to providing one lock and dam for each congressional district.

Mr. NELSON. Mr. President, let me call the Senator's attention to the fact that in one river and harbor bill they skipped from the upper dam, to which the Senator has referred, down to Hurricane Shoals, over 200 miles away, and located a dam there. They had to build a railroad 15 miles from the dam to get material for building it; and that dam is costing, with the construction of that railroad and the other items, over $400,000.

Mr. BURTON. Yes. Mr. President, until we know the precise conditions, I think we might about as well locate these locks and dams on the bank of the river, as to put them in the stream. There never has been any accurate survey of the proposed improvements. Yet the provisions of the bill as they come to us are always "two additional locks and dams." They do not bother about finishing what is under way. One of these dams was 10 years in construction.

Mr. NELSON. Two of them.

Mr. BURTON. I stand corrected; that is right. Two of them have run on for practically 10 years without completion and without utilization. Throw away results, throw away assurance that it will do any good, but in every bill provide for two additional locks and dams on this river.

Mr. President, I most confidently aver that this and other projects should be reviewed. For example, by a Senate amendment we have provided in this bill for an instrumental survey in the Brazos River, which was recommended by the engineer officers years ago.

Again, the Brazos River does not show very much better prospects than the Trinity. I regret to say anything that can in any way be regarded as opposing the wishes of any State of the Union; but the people of the State of Texas know that wherever a project has been suggested that promised results I have stood for the most progressive policy, and for generous appropriations. But when it comes to this attempt to canalize these rivers when no man knows whether or not any good is to be accomplished when one of them stands to cost $10,000,000 before it is finished and the other probably $8,000,000, I must say that I feel like standing in the way, so far as I can, and at least uttering a note of warning that we are wasting public moneys without any prospect of securing adequate result, and without doing them one particle of good.

You can not even regulate freight rates by improving waterways unless you have water. You can not relieve congestion caused by sending unusual quantities of products to market unless you have a waterway through which you can carry those products.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. I do.

Mr. NELSON. The Senator must not forget that the engineer told us that they could pump the water right up from the Gulf of Mexico.

Mr. BURTON. He told us that. I am sure he meant that as an extreme bit of sarcasm such as we hear once in awhile. He said he had grave doubts about the water supply, and then added the engineers were told to make an instrumental survey and see whether this river could be utilized for transportation. They said we can pump water from the Gulf of Mexico. He did not think favorably of the artesian-well problem. He said that if artesian wells could be dug anywhere, the farmers in that locality needed water so much that they probably would put them on their own farms and restrict to a comparatively small area the supply that could be utilized by the Government.

Now, Mr. President, I think I have called the attention of the Senate to the worst forms of extravagance in our river and harbor appropriations. It is but a repetition for me to say what I have said on former occasions, that we should adopt the continuing-contract system in the case of both new and old improvements; that we should not undertake a project until we had the most adequate expert information in regard to it; that we should not undertake more than we can accomplish within a reasonable time. And that means to eliminate this dribbling policy of scattering appropriations all over the United States.

Again I wish to emphasize the statement that when anyone comes here with a great plan for the improvement of rivers, much as I may sympathize with it, we must recognize the experimental nature of many of these improvements.

I repeat what I have said. That does not mean you are going to abandon these great arteries. They can be used for certain purposes. But it does mean that before we go ahead and expend great sums upon them or take up all this great system of rivers we must know whether there is ever going to be any traffic upon them. Even if it is impossible to correct what seems to me to have been an error in the policy of Congress in the last two or three annual bills, I trust that we shall take up this great waterway problem and solve it in a way that will secure us against extravagance and injudicious policies and at the same time secure a maximum of benefit to the whole people.

Mr. NELSON. Mr. President, I desire to ask for a vote on the amendment on page 53. It was one of the amendments passed over last evening. I think there is no objection to it, and it is not included in the amendment that the Senator from Missouri called attention to. It is on page 53, commencing on line 6.

Mr. BURTON. That is the improvement at Minneapolis and St. Paul?

Mr. NELSON. Yes.

Mr. BURTON. I must say that I do not feel like opposing that, though I think it establishes a precedent that will come home to trouble us. It seems to me it is a stretch of Federal

power even for a person who has the most liberal ideas regarding the utilization of water power created in conjunction with works of navigation. It provides that those who rent it shall—

pay in addition an annual sum of 4 per cent upon such amount as the United States shall have invested and expended in the completion of the project by which such water power is developed and maintained over and above the amount actually expended and which would have been expended in completion of the project for navigation only.

I do not know but that I am intruding on the time of the Senator from Minnesota.

Mr. NELSON. Oh, no.

Mr. BURTON. That is virtually saying, then, that the Government shall spend $800,000 for the improvement of navigation and shall then add $400,000 to that.

Mr. NELSON. No; $600,000.

Mr. BURTON. Is $600,000 the last estimate?

Mr. NELSON. I mean the total cost is $640,000. That is what they pay 4 per cent on.

Mr. BURTON. That is, the Government in improving rivers for the purpose of navigation shall construct works sufficient for navigation, and then shall add on another $640,000, which conveys, of course, an indirect benefit to navigation, and then shall lease the power created to a private company for 4 per cent.

Mr. NELSON. It is not a private company. It is a public company.

Mr. BURTON. Well, private or public, in the result I fear it will make little difference, even though it is one of the best companies representing the city of Minneapolis, the city of St. Paul, and the State University of Minnesota. I most distinctly want to say that if the Senate adopts this amendment I do not wish to be bound by it as a precedent. Let it be understood that it rests on very exceptional circumstances, and is not to be accepted as declaring a general policy. I question the Federal power to do this, and it seems to me to be giving away valuable rights of the Government.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 53, after line 5, the Committee on Commerce report to insert:

The Secretary of War is hereby directed to make and enter into an agreement with the Municipal Electric Co., a public corporation organized and existing under the laws of the State of Minnesota, for the purpose of utilizing the hydroelectric power developed by the surplus waters not needed for navigation by the dam described and provided for in House Document No. 741, Sixty-first Congress, second session, as adopted by Congress in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 25, 1910. Such agreement shall provide that for the privileges secured thereby said corporation shall pay to the United States the fair and proportional cost of maintenance of said dam, lands, and appurtenant works, and also pay in addition an annual sum of 4 per cent upon such amount as the United States shall have invested and expended in the completion of the project by which such water power is developed and maintained over and above the amount actually expended and which would have been expended in completion of the project for navigation only: *Provided*, That no part of the cost of installation, transmission, or operation of the power plant shall be borne by the United States. Such amount shall be determined by the records in the office of the Chief of Engineers, and the said annual payments for rent and maintenance shall be made on or before the 2d day of January of each year, and the rent shall begin with the use of the power commercially by the said Municipal Electric Co., and not later than one year after said company has been notified by the Secretary of War that the water is available. The right shall be reserved to the United States and included in such contract for the United States to purchase and use such supply of said power as may be required for its own purposes on the same terms and conditions as the said power is sold or distributed to the members of said public corporation of the State of Minnesota: *Provided further*, That said corporation shall furnish free of charge to the United States such power as shall be deemed necessary, in the opinion of the Chief of Engineers, to properly operate and light such lock and dam and appurtenant works for the purposes of navigation. The right to alter, amend, or repeal is hereby expressly reserved.

Mr. KENYON. On agreeing to this amendment I will ask for the yeas and nays, but first I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Iowa makes the point of no quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bourne	Cullom	Lea	Root
Bradley	Cummins	Lippitt	Sheppard
Brandegee	Curtis	Lodge	Shively
Bristow	Dillingham	McCumber	Simmons
Bryan	Dixon	Martine, N. J.	Smith, Ariz.
Burton	Foster	Myers	Smith, S. C.
Catron	Gallinger	Nelson	Smoot
Chamberlain	Gamble	Newlands	Swanson
Chilton	Gardner	O'Gorman	Thomas
Clapp	Gronna	Oliver	Thornton
Clark, Wyo.	Jackson	Overman	Tillman
Clarke, Ark.	Johnson, Me.	Percy	Warren
Crane	Jones	Perkins	Webb
Crawford	Kenyon	Pittman	Williams
Culberson	Kern	Pomerene	

The PRESIDENT pro tempore. On the call of the roll 59 Senators have answered to their names. A quorum of the Senate is present. The Senator from Iowa demands the yeas and nays on agreeing to the amendment of the committee.

Mr. THOMAS. Mr. President, before the amendment is submitted to a vote I desire to say something in opposition to it, because I think it involves to a very large extent the same conditions which were adopted by a majority of the Senate in the Connecticut River bill.

This amendment occupies two pages of the bill, pages 53 and 54.

The Secretary of War is hereby directed to make and enter into an agreement with the Municipal Electric Co., a public corporation organized and existing under the laws of the State of Minnesota, for the purpose of utilizing the hydroelectric power developed by the surplus waters not needed for navigation by the dam described and provided for in House Document No. 741, Sixty-first Congress, second session, as adopted by Congress in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 25, 1910. Such agreement shall provide that for the privileges secured thereby said corporation shall pay to the United States the fair and proportional cost of maintenance of said dam, lands, and appurtenant works, and also pay in addition an annual sum of 4 per cent upon such amount as the United States shall have invested and expended in the completion of the project by which such water power is developed and maintained over and above the amount actually expended and which would have been expended in completion of the project for navigation only.

I have read enough to emphasize the principal objection I have to this amendment, which is that the Government is going to expend money, first, for navigation purposes, and next, for the improvement of the power in the stream for the benefit of the corporation which is mentioned in the amendment. I contended the other day that that was precisely what the Government really was providing for in the expenditure to be made by the corporation in that instance in the bill which we then had up for discussion.

The Senator from Ohio has just called attention and has emphasized the fact that on many of the locks and dams and much of the other improvements in the rivers of this country, which we carry on under the pretense and for the ostensible purpose of improving navigation or making the rivers more navigable, the money is really expended for the purpose of increasing and creating water power, which water power, of course, is intended to be utilized by private concerns for profit. I think that he established his contention most conclusively.

Here there is no pretense, as I read the amendment—and I may read it incorrectly—but that the Government proposes to expend a sum of money for a double purpose, one of which it has no jurisdiction over, no right to expend money for, and the other of which, of course, is within its province and authority. After the expenditure of this extra sum of money, the purpose is to authorize the Secretary of War to make a contract, the conditions of which are largely discretionary, with the Municipal Electric Co. for the use of this power, for which it is claimed the company is to pay the Government of the United States 4 per cent per annum upon the amount actually expended, and which would have been expended in the completion of the project for navigation only.

I think it was established beyond question in the debate over the other bill that the measure and the limit of the national authority over the streams of this country is found in the commerce clause of the Constitution, and that when it has exercised that authority to the extent to which it may do so its control ceases and its ownership of anything which may have been created by virtue of the improvement, whoever it may belong to, does not belong to the Government of the United States.

If the Government can in the case of the Mississippi River, under the guise of improving its navigability, expend $1,000,000 for that purpose, and at the same time expend another million for the purpose of improving water power, to be given or leased or sold to some one else, if you please, why may not that become and why will it not become one of the features of the river and harbor bills of the country? I am opposed to it. I do not think that the Senate should permit a measure of this kind to go upon the statute books. It is a bad precedent. It is one of which advantage will be taken, and, what is more, we have no right to expend public moneys for any such purpose. I therefore oppose this amendment on pages 53 and 54.

Mr. NELSON. Mr. President, it is not my purpose on this occasion, with reference to other measures pending, to enter into any academic discussion of the subject. I simply rise for the purpose of correcting some misapprehensions.

I think when the Senator from Colorado [Mr. THOMAS] understands this question fully he will see no objection to the

amendment. I will undertake to explain it in as brief a manner as possible.

First of all, I will take as my text, before I proceed, a part of a report which was made by me as chairman of a subcommittee to the full Committee on the Judiciary in reference to this water power. I take it as a preliminary text:

If for the purpose of improving the navigability of a stream carrying interstate commerce the Federal Government constructs and maintains a dam, with locks and gates, the Government has the undoubted right to establish and maintain, in connection with such dam, an electric-power plant for the purpose of furnishing motive power to operate such locks and gates. And the Federal Government has the right to sell, lease, or rent, for compensation, any surplus power that may arise from and be an incident to such an improvement of navigation.

In order that the Senate may fully understand this question, I will go on and state that the Mississippi River, after starting in Lake Itasca, flows down through the cities of St. Paul and Minneapolis. Those cities by land are about 10 miles apart, though the suburbs are fast getting close together. By the Mississippi River, from below the falls at Minneapolis down to about the center of St. Paul, the distance is between 12 and 13 miles.

The Mississippi River was originally improved for navigation purposes up to St. Paul, to what is called the Omaha Bridge. The Omaha Bridge is about the center of St. Paul.

The people of Minneapolis were very anxious to get navigation extended to the falls. As Senators well know it is one of the greatest wheat markets in the country and by all odds the greatest flour manufacturing town in the country. They were anxious to get water transportation so that they could ship flour and wheat down the Mississippi and distribute it among the towns along the river, and ship such of it as they might abroad.

The Minnesota River, a smaller stream, comes in from the west. The reach of the river from the Omaha Bridge up to the mouth of the Minnesota had a navigable depth at low-water stages of about 3½ feet and from the Minnesota River up to the falls from 2 to 2½ feet in its natural low-water state. The current above, as Senators know, is very swift and strong.

In 1894, pursuant to a Government survey that had been ordered, provision was made in the river and harbor act of that year for the building of two dams between St. Paul and Minneapolis, one 2 or 3 miles above the junction of the Minnesota River, I think, and the other 2 or 3 miles farther up. Dam No. 1, the lower one, was to have a lift of 13.3 feet. The upper dam, No. 2, was to have a lift of 13.8 feet. It was supposed when they got the two dams completed they would have a navigable channel of between 5 and 6 feet up to what is called the Washington Avenue Bridge in Minneapolis, right below the falls.

They worked under that plan and finally, in 1910, the Government engineers came to the conclusion that instead of having two dams in that reach of the river—only about 12 miles altogether—and two sets of locks, it was better to have only one, and have that higher. Senators will perceive, if you add the lift of each dam, one 13.3 feet and the other 13.8 feet, it makes a total lift of about 27 feet.

The Government in 1910 concluded to abandon one of those dams and complete the other one and make it 30 feet high. They did it for two reasons: First, it was to give a navigable channel of from 8 to 9 feet and raise a pool of water for the permanent purpose of furnishing electric power to run the gates and locks. The two smaller dams that were first planned did not have sufficent power for any purpose, and the Government engineers, after clear and careful deliberation, came to the conclusion, as I said, in 1910, to substitute one dam; that is, to take one of the smaller dams and make it a 30-foot dam. They are at work. That work is pretty nearly finished. It is expected to be finished, I think, during the present year, or nearly so. It is nearly all finished.

Now, a water power is being created incidental to this dam and, while it was built primarily for navigation, the two great cities and our State university were anxious to prevent that water power from falling into the hands of a monopoly.

There was an electric company there. A man by the name of Harries, from this city, is at the head of it. It is a General Electric company. They offered the Government, and the report shows it, $500,000 to get control of this power. Our people at St. Paul and Minneapolis and our State university, which is situated between the two, were anxious that this power plant should not fall into the hands of a monopoly. They came down here two years ago and said, "We would like to rent this surplus water power for the use of the two cities and the State university." I will say, incidentally, that the population of those cities and their suburbs is perhaps to-day over 600,000, a full quarter of the population of the entire State. We have a State university near the banks of the river in the suburbs of Minneapolis on the east side that has between 6,000 and 7,000 students. It has an agricultural school appurtenant to it, with about 1,200 students; it has a medical department and a law department, and is in all respects a full-fledged university.

As I said, two years ago representatives of the cities and the university came down here to see me about this matter. They were afraid that this private electric company would get control over it. I said to them, "There is no authority for your cities to lease this power. Go to work and get authority from your legislature and get incorporated as a municipal corporation for the purpose of getting this benefit for your State university and for the two cities."

So, Mr. President, pursuant to my suggestion and my interest in it, the Government was building the dam, and it was nearly completed. My interest was to get as much benefit as possible for those two large cities and for our State university. In 1911 our State legislature passed the law from which I shall presently read. Before doing so, however, I wish to say that under our State constitution private corporations can not be created by special act, but must be created under a general law. The general law that authorized the creation of this corporation is framed, however, in such a way that it does not fit anything but this particular case. It is not very long, and I will read it to the Senate to show how well the matter is guarded:

CHAPTER 141—S. F. NO. 496.

An act to authorize the formation of public corporations, under certain circumstances, in order to secure and provide electrical energy, at approximate cost, for cities and any State institution—

That refers to the university—

in any such city.

Be it enacted by the Legislature of the State of Minnesota:

FORMATION OF PUBLIC CORPORATIONS FOR DEVELOPMENT OF WATER POWER.

SECTION 1. Any city—

Now, listen to the language, and you who have been in the locus in quo will see how it fits:

Any city situated upon a river where there may be secured a developed water power conveniently near for utilization in the creation and development of electrical energy to supply such city and any State institution therein—

That is, the university—

with such energy at approximate cost, either alone or in conjunction with an adjacent city—

That is, St. Paul—

may do so through a public corporation, formed at its request, as hereinafter provided.

ONE CITY MAY UNITE WITH ANOTHER.

SEC. 2. Any such city which may desire to avail itself of the provisions of this act shall proceed as follows:

If there is another city—

And there are two of them, called the Twin Cities—

If there is another city adjacent thereto, it shall be invited, by resolution of the legislative branch of the city first mentioned, to unite with the latter in securing the organization of such public corporation. If such adjacent city within 30 days thereafter shall, by resolution, accept such invitation, said city shall, by further resolution of their respective legislative bodies, declare their desire to so secure such water power and to have organized under this act a public corporation therefor, and shall, by the same resolution, request the respective mayors or other executive heads (by whatever name known) of said cities and the president or other executive head of the governing or managing board of any State institution—

Referring again to the State university—

(or of the senior State institution, if more than one), in such cities, to proceed to form such corporation under this act.

Then it provides what steps shall be taken by one of the cities. I do not want to go into that.

Section 3 is as follows:

OFFICIALS TO MEET UPON CALL OF MAYOR.

SEC. 3. The officials designated shall meet upon the call of the mayor (of the larger of the cities if more than one) at his office—

That would be at Minneapolis, because it is the larger of the two cities—

and shall proceed to organize themselves into a public corporation under some appropriate name for the objects and purposes stated in section 1, and shall unite in a certificate which shall state the name and objects of the corporation, the fact that it is organized under this act, and that the members of the corporation shall be themselves, during their respective terms of office, and their respective successors in such offices. Such certificate shall be recorded in the office of the secretary of state.

Section 4 provides for the election of officers and the adoption of by-laws for the government of the corporation.

Section 5 reads as follows:

AUTHORIZED TO ACQUIRE AND DEVELOP WATER POWER.

SEC. 5. Such public corporation, when organized, shall be authorized and empowered to acquire by lease or otherwise any developed water power within or near the corporate limits of the cities whose officers are, ex officio, members of such corporation; to acquire all necessary lands, rights, and privileges, and to provide itself with a suitable hydro-electric plant, fully equipped with auxiliary power plant necessary to utilize economically said water power, and with the necessary means of distribution of the electrical energy therefrom.

The next section prescribes how the electrical energy shall be distributed. It is as follows:

DISPOSITION OF ELECTRICAL ENERGY.

SEC. 6. The electrical energy so developed shall be disposed of as follows: First, to the grantor—

That is, the United States—

from whom the water power is acquired if the contract therefor so provides; second, to any State institution in such city—

That would be our State university—

or cities desiring the same; and, third, any surplus then remaining in equal shares, to the cities whose officers are members of the corporation, if more than one, otherwise the whole to the single city.

I call especial attention to section 7, because it shows how the charges which can be made are limited. It contains a limitation, and a very wholesome one, to the end that the people of those cities, the municipalities and the State university, may get into court. Let me read that section:

SAME RATE TO ALL PATRONS.

SEC. 7. The same rate shall be charged by the corporation to all users of electrical energy so supplied, whether the user is the grantor of the water power, a State institution, or a city, and that rate shall be sufficient to pay and cover the cost of operation, maintenance, interest charges, and the retirement of any indebtedness, and to provide for the renewal of the plant and for a reasonable emergency fund, and no more.

There are the emphatic words. The corporation can not charge any more than what is necessary for the purposes stated.

I have here a certified copy of the certificate of incorporation, which I shall read, and I beg Senators to listen to it. As Senators will have perceived from the reading of the act, while on its face it is a general law, and it could not be anything else under our State constitution, yet its phraseology is so framed that it could not very well fit anything but the two cities of St. Paul and Minneapolis and our State university. I will now read the certificate of incorporation:

CERTIFICATE OF INCORPORATION.

The cities of Minneapolis and St. Paul, Minn., having by resolutions of their respective legislative bodies duly expressed and declared their desire and election in accordance with the provisions of chapter 141, laws of 1911—

That is the law I have just read—

to secure for said cities and the University of Minnesota, located in said city of Minneapolis, the benefits of any water power now developed or which may hereafter be developed within or near the corporate limits of said cities, and having by said resolutions expressed their desire and election to have a public corporation organized in accordance with the provisions of said chapter 141, laws of 1911, for the purpose of acquiring any such water power and for the purpose of utilizing said water power in the creation and development of electrical energy to supply said cities and the said University of Minnesota with electrical energy at approximate cost.

Now therefore John Lind—

I presume many Senators know him for he has been governor of our State and a Representative in Congress—

Now therefore John Lind, the president of the board of regents of the University of the State of Minnesota; James C. Haynes, the mayor of the city of Minneapolis, Minn.; and Herbert P. Keller, the mayor of the city of St. Paul, Minn., in accordance with the request of the legislative bodies of said cities and pursuant to chapter 141 of the laws of 1911, being "An act to authorize the formation of public corporations under certain circumstances in order to secure and provide electrical energy at approximate cost for cities and any State institution in any such city," approved April 13, 1911, and for the purpose of forming such corporation, do hereby certify as follows:

1. The name of the corporation—

The name, no doubt, may seem suspicious to some—"the Municipal Electric Co." You would probably have no idea that it was the two cities of Minneapolis and St. Paul and the State university which composed that public corporation. Many of you, no doubt, supposed it was a private corporation—

1. The name of the corporation shall be "Municipal Electric Co.," and its principal place of business shall be at the University of Minnesota.

2. The objects of this corporation and the general nature of its business shall be to acquire by lease or otherwise any developed water power within or near the corporate limits of Minneapolis or St. Paul, or either of them, and from said water power to develop electrical energy, and to distribute the electrical energy so developed to any Federal institution and to any State institution within said cities, or either of them, and to the cities of Minneapolis and St. Paul, and to that end and for that purpose to acquire all necessary lands, rights, and privileges, and to provide itself with the necessary electric plant or plants and with the necessary means of distribution of electrical energy, and to do all things necessary to carry out the purpose and object above expressed and to that end to perform all and singular the powers and duties granted and described in and by chapter 141 of laws 1911.

3. The members of this corporation shall be John Lind, the president of the board of regents of the University of Minnesota; James C. Haynes, the mayor of the city of Minneapolis, Minn.; and Herbert P. Keller, the mayor of the city of St. Paul, Minn., during their respective terms of office as such president of the board of regents of the University of Minnesota, and such mayors of said cities and their respective successors in such offices.

Whoever are the mayors of those two cities for the time being and whoever is the president of the board of regents of our State university constitute the corporation.

I need not read the remainder of the certificate, but I shall ask to have the statutes from which I quoted, together with the certificate of incorporation, printed entire in the RECORD. It is signed by John Lind, president of the board of regents of the University of Minnesota; James C. Haynes, mayor of the city of Minneapolis; and Herbert P. Keller, mayor of the city of St. Paul, Minn.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Permission to do so will be granted, in the absence of objection.

The papers referred to are as follows:

CHAPTER 141—S. F. NO. 496.

An act to authorize the formation of public corporations, under certain circumstances, in order to secure and provide electrical energy at approximate cost for cities and any State institution in any such city.

Be it enacted by the Legislature of the State of Minnesota:

FORMATION OF PUBLIC CORPORATIONS FOR DEVELOPMENT OF WATER POWER.

SECTION 1. Any city situated upon a river where there may be secured a developed water power conveniently near for utilization in the creation and development of electrical energy to supply such city and any State institution therein with such energy at approximate cost, either alone or in conjunction with an adjacent city, may do so through a public corporation formed at its request as hereinafter provided.

ONE CITY MAY UNITE WITH ANOTHER.

SEC. 2. Any such city which may desire to avail itself of the provisions of this act shall proceed as follows:

If there is another city adjacent thereto, it shall be invited by resolution of the legislative branch of the city first mentioned to unite with the latter in securing the organization of such public corporation. If such adjacent city within 30 days thereafter shall, by resolution, accept such invitation, said city shall, by further resolution of their respective legislative bodies, declare their desire to so secure such water power and to have organized under this act a public corporation therefor, and shall, by the same resolution, request the respective mayors, or other executive heads (by whatever name known) of said cities, and the president or other executive head of the governing or managing board of any State institution (or of the senior State institution if more than one) in such cities to proceed to form such corporation under this act.

If there is no adjacent city, or if there is one and it fails or refuses to unite in the adoption of such resolutions within 30 days, the legislative body of the city which may desire to avail itself of the provisions of this act shall, by resolution, request its mayor or other executive head, its city engineer or the head of its engineering department (if known by any other name), and the president or other executive head of the governing or managing board of any State institution (or of the senior institution if more than one) within such city to proceed to form such a corporation under this act.

OFFICIALS TO MEET UPON CALL OF MAYOR.

SEC. 3. The officials designated shall meet upon the call of the mayor (of the larger of the cities if more than one) at his office, and shall proceed to organize themselves into a public corporation under some appropriate name for the objects and purposes stated in section 1, and shall unite in a certificate which shall state the name and objects of the corporation, the fact that it is organized under this act, and that the members of the corporation shall be themselves during their respective terms of office and their respective successors in such offices. Such certificate shall be recorded in the office of the secretary of state.

CORPORATION TO ELECT OFFICERS AND EMPLOY A MANAGER.

SEC. 4. Such corporation, when organized, shall provide for and elect such officers as it may designate, and may employ a manager and such other agents and servants as may be necessary for the corporate business, and may adopt such rules, regulations, and by-laws for the government of the corporation and of its employees as may seem best; but the members of such corporation shall receive no pay or compensation as such members or as officers, but may have their actual expenses.

AUTHORIZED TO ACQUIRE AND DEVELOP WATER POWER.

SEC. 5. Such public corporation, when organized, shall be authorized and empowered to acquire by lease or otherwise any developed water power within or near the corporate limits of the cities whose officers are ex officio members of such corporation; to acquire all necessary lands, rights, and privileges; and to provide itself with a suitable hydroelectric plant, fully equipped with auxiliary power plant necessary to utilize economically said water power, and with the necessary means of distribution of the electrical energy therefrom.

DISPOSITION OF ELECTRICAL ENERGY.

SEC. 6. The electrical energy, so developed, shall be disposed of as follows: First, to the grantor from whom the water power is acquired, if the contract therefor so provides; second, to any State institution in such city or cities desiring the same; and third, any surplus then remaining, in equal shares, to the cities whose officers are members of the corporation, if more than one, otherwise the whole to the single city.

SAME RATE TO ALL PATRONS.

SEC. 7. The same rate shall be charged by the corporation to all users of electrical energy so supplied, whether the user is the grantor of the water power, a State institution, or a city, and that rate shall be sufficient to pay and cover the cost of operation, maintenance, interest charges, and the retirement of any indebtedness, and to provide for the renewal of the plant and for a reasonable emergency fund, and no more.

ISSUANCE OF BONDS.

SEC. 8. Such corporation shall likewise be authorized to raise money by the sale of its bonds or certificates of indebtedness to carry out the objects and purposes of the corporation, and the indebtedness evidenced thereby shall be a lien upon all the property, rights, and franchises of the corporation.

Approved, April 13, 1911.

CERTIFICATE OF INCORPORATION.

The cities of Minneapolis and St. Paul, Minn., having by resolutions of their respective legislative bodies duly expressed and declared their desire and election in accordance with the provisions of chapter 141, Laws of 1911, to secure for said cities and the University of Minnesota, located in said city of Minneapolis, the benefits of any water power now developed, or which may hereafter be developed within or near the

corporate limits of said cities, and having by said resolutions expressed their desire and election to have a public corporation organized in accordance with the provisions of said chapter 141, Laws of 1911, for the purpose of acquiring any such water power and for the purpose of utilizing said water power in the creation and development of electrical energy to supply said cities and the said University of Minnesota with electrical energy at approximate cost.

Now, therefore, John Lind, the president of the board of regents of the university, of the State of Minnesota; James C. Haynes, the mayor of the city of Minneapolis, Minn.; and Herbert P. Keller, the mayor of the city of St. Paul, Minn., in accordance with the request of the legislative bodies of said cities, and pursuant to chapter 141, laws of 1911, being "An act to authorize the formation of public corporations under certain circumstances in order to secure and provide electrical energy at approximate cost for cities and any State institution in any such city," approved April 13, 1911, and for the purpose of forming such corporation, do hereby certify as follows:

1. The name of the corporation shall be "Municipal Electric Co." and its principal place of business shall be at the University of Minnesota.

2. The objects of this corporation and the general nature of its business shall be to acquire by lease or otherwise any developed water power within or near the corporate limits of Minneapolis or St. Paul, or either of them, and from said water power to develop electrical energy and to distribute the electrical energy so developed to any Federal institution and to any State institution within said cities, or either of them, and to the cities of Minneapolis and St. Paul, and to that end and for that purpose to acquire all necessary lands, rights, and privileges and to provide itself with the necessary electric plant or plants and with the necessary means of distribution of electrical energy, and to do all things necessary to carry out the purpose and object above expressed, and to that end to perform all and singular the powers and duties granted and described in and by chapter 141 of laws of 1911.

3. The members of this corporation shall be John Lind, the president of the board of regents of the University of Minnesota; James C. Haynes, the mayor of the city of Minneapolis, Minn.; and Herbert P. Keller, the mayor of the city of St. Paul, Minn., during their respective terms of office as such president of the board of regents of the University of Minnesota, and such mayors of said cities, and their respective successors in such offices.

4. This corporation shall commence at the time of the execution of this certificate and shall continue thereafter perpetually.

5. The management of the business of this company shall be vested in the aforesaid corporate members so long as they shall respectively hold the offices above named, and in the persons who shall succeed them in said offices from time to time, it being the intent hereof that the chief executive officer of each of said cities and the executive head of the board of regents, or other governing body of said university, shall be the governing body of this corporation.

6. Said corporate members shall annually elect one of their number as president of the corporation, and may appoint a secretary thereof from their own members or otherwise and such other officers, agents, and employees as it may deem necessary for the proper conduct of the business of this corporation, and fix the compensation of such agents and employees, provided only that no members of this corporation shall receive any compensation for services rendered as members or officers of this corporation, and may adopt such by-laws, rules, and regulations for the government of the corporation and its officers, agents, and servants as to said members shall seem best. The first president of this corporation shall be Herbert P. Keller, and the first secretary shall be James C. Haynes, who shall hold office until their respective successors are chosen and qualified.

In witness whereof the parties have hereunto subscribed their names at the city of Minneapolis, Minn., this 24th day of November, 1911.

JOHN LIND,
President of the Board of Regents of the University of Minnesota.
JAMES C. HAYNES,
Mayor of the City of Minneapolis, Minn.
HERBERT P. KELLER,
Mayor of the City of St. Paul, Minn.

In the presence of—
FRANK J. WATEROUS.
WM. P. ROBERTS.

STATE OF MINNESOTA, *County of Hennepin, ss:*

On this 24th day of November, 1911, before me, a notary public within and for said Hennepin County, Minn., personally appeared John Lind, president of the board of regents of the University of Minnesota, James C. Haynes, mayor of the city of Minneapolis, Minn., and Herbert P. Keller, mayor of the city of St. Paul, Minn., to me personally known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

[NOTARIAL SEAL.] WM. P. ROBERTS,
Notary Public, Hennepin County, Minn.

(My commission expires January 7, 1914.)

Filed for record in this office on the 25th day of November, A. D. 1911, at 10.30 o'clock a. m.

JULIUS A. SCHMAHL,
Secretary of State.

—

UNITED STATES OF AMERICA,
STATE OF MINNESOTA,
Department of State.

I, Julius A. Schmahl, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with record of the original instrument in my office of articles of incorporation of Municipal Electric Co., as recorded in Book U–3 of incorporations on page 704, and that said copy is a true and correct transcript of said instrument and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in St. Paul, this 30th day of January, A. D. 1913.

[SEAL.] JULIUS A. SCHMAHL,
Secretary of State.

Mr. NELSON. As I have said, this high dam, as we call it for short, is nearly completed, but there must be something else done. It will take perhaps a million dollars for the Twin Cities and the university to establish a power house, with dynamos and other electrical appliances, to create the necessary power. All of these must be put in by this municipal corporation. They are to provide everything; they are to distribute all the power, the Government simply building the dam.

The situation is this: The dam is about completed. There is no use of letting that water power go to waste, and the question is, Will you allow that surplus power to be utilized by these cities for municipal purposes, will you let it be idle, or will you let it go to a private corporation which has offered $500,000 for it? To my mind, this is a very important matter, not only as it relates to this case, but it is an important precedent.

This is a case where the Federal Government and the State of Minnesota concur. There is no question of State rights involved. It is not like the Connecticut River Dam proposition which was before the Senate some days ago. That referred to a dam built by private capital, where the Government did not invest a single penny, but still sought to make charges. This project, when completed, will be all paid for by the Government; it is the property of the Government, built primarily for the purpose of navigation, but, incidentally, it has created this water power.

It seems to me that true conservation is not to let this power lie idle; it is not to auction it off to the highest bidder and let it pass into the hands of a corporation which would hold the people by the throat. True conservation is to let the public utilize these agencies at reasonable and moderate figures, and under the charter of this corporation it is their right and their duty to make the charges reasonable. They must furnish the power at such a rate as will be sufficient to pay the cost of the plant, the cost of distribution, the cost of maintenance, and all that pertains to it, and "no more," as the law says.

I take it, if Senators will reflect, they will come to the conclusion that in such a case as this, where a large city is situated near a Government dam on a water power, it is precisely one where we ought to conserve that power. So I am not ashamed to say that I suggested to those cities the formation of this corporation for this purpose. Although my home is 140 miles from St. Paul and 130 miles from Minneapolis, and I have no personal interest in the matter, yet I am anxious that the people of the Twin Cities shall have the use at cost of that electrical power for public purposes and that our great State university shall have it. That is the object and purpose of this provision in the bill.

I am greatly interested in our State university. While it was not my fortune in my younger days to be able to get a university education and I merely had the advantages of an academy something on the New England plan, yet for more than 15 years I was a member of the board of regents of our State university, and I have taken a great interest in it. We have the finest agricultural school, I think I can fairly say, without exception, in the entire country, situated but a short distance from the main buildings. They have over 1,200 students, daughters and sons of the farmers of the State, and we have the courses so arranged that during the middle of the summer, when they are needed on the farm, the students remain at home, and during the fall and winter they can attend that school. We have a great educational system in Minnesota, and we have two fine cities, but in none of its institutions do I take a deeper interest than in our great university. It is right on the banks of the Mississippi River, within a stone's throw of it, and it should have the privilege of utilizing this power.

What is more, I want to say—and I have nothing to conceal—that the Government has acquired the riparian lands where the dam is being built, and the two cities have been so afraid that some outside corporation would try to gobble up this power that they have secured the riparian rights from the dam up to Minneapolis for the purpose of preventing it passing into private hands; in other words, they have secured the lands that will be flooded by the dam.

Mr. DIXON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Montana?

Mr. NELSON. Certainly; I yield.

Mr. DIXON. I am very much interested in the Senator's statement. May I ask him what is the amount of the capital stock of this company, and to whom will the stock be issued?

Mr. NELSON. The company has no capital stock. They have no right to issue any stock; they only have authority to issue bonds to secure the money to build the electric plant.

Mr. DIXON. Is there any limitation in regard to the right of assignment? Could the rights of this corporation be transferred to outside parties?

Mr. NELSON. I think there is such a limitation, but if there is not I should have no objection to its being inserted. The Senator can very well see that those cities and the university would not want to assign the right to anybody.

Mr. DIXON. This is purely and simply——
Mr. NELSON. For municipal purposes.
Mr. DIXON. For the municipal purposes of Minneapolis and St. Paul and for the State university?
Mr. NELSON. That is all.
Mr. DIXON. And will be controlled——
Mr. NELSON. By them and nobody else.
Mr. DIXON. By the trustees, who will be the mayors of Minneapolis and St. Paul and the president of the State university?
Mr. NELSON. The president of the board of regents of the State university.
Mr. DIXON. The president of the board of regents?
Mr. NELSON. The three officials who hold office for the time being. As I have said, they will issue no stock. I did not read the last section of the law, but it will be printed in the RECORD, and that section of the law shows just what they can do. Here is what they can do:

ISSUANCE OF BONDS.

SEC. 8. Such corporations shall likewise be authorized to raise money by the sale of its bonds or certificates of indebtedness to carry out the objects and purposes of the corporation, and the indebtedness evidenced thereby shall be a lien upon all the property, rights, and franchises of the corporation.

There is no stock, and consequently there can be no dividends. The corporation is authorized simply to issue bonds and certificates to raise the money to construct the power house and purchase the electrical appliances.

I think, if Senators will carefully consider this matter, they will find, first, that this is a case where the State and the Federal Government cooperate. There is no question as to what is the right of the Federal Government and as to what is the right of the State. In the next place, this is a municipal corporation, which desires to secure the power for municipal purposes in order to distribute it to the people of the Twin Cities and to the university at cost.

I want to call attention to the fact that when this matter was first introduced in the House it provided that the chartered corporation should pay a minimum of 3 per cent on the amount of the extra cost. We have increased it to 4 per cent on the extra cost. According to the report of the engineers, the extra cost will be $640,000, so that the cities will pay 4 per cent on $640,000. My opinion, from experience in other matters, is that it will probably be a little higher before the dam is finally finished.

Now I want to call the attention of Senators to another matter, and that is that the Government of the United States can borrow its money at 3 per cent. Three per cent would be a fair rate of interest; but we have inserted here 4 per cent upon this investment. If you count the regular rate at which the Government secures its money at 3 per cent, you will find here 1 per cent in addition, which will be in the nature of a sinking fund to reimburse the Government.

I agree with the Senator from Colorado in his main principles, but I think, upon the facts in this case, the situation, as the Senator will see from what I have said, is entirely unique. This is not, as I have said, like the Connecticut River case. This is a case where the Federal Government with its own money builds the dam and is allowing the electric power to be utilized for municipal purposes.

Mr. OWEN. Mr. President——
The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Oklahoma?
Mr. NELSON. Certainly.
Mr. OWEN. I desire to ask whether the Government, in providing for this water power at Federal expense, will be compensated in any way from the proceeds of the power thus developed?
Mr. NELSON. They get 4 per cent on the extra cost of the dam. As I figure it, taking the present extra cost as it is estimated, it will amount to about $25,000 a year. Undoubtedly it will be more in time. The Government simply builds the dam. Before the Government could secure the power, they would have to build a power house, put in dynamos and all necessary electrical appliances, and provide for the cost of maintenance.
Mr. FLETCHER. Mr. President——
The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Florida?
Mr. NELSON. Yes.
Mr. FLETCHER. I suggest to the Senator from Minnesota that the Government gets another advantage, and that is, the locks are to be operated by the power to be furnished by the municipalities.
Mr. NELSON. Oh, yes; the locks and gates in the dam are to be operated free of charge to the Government by the chartered company.
Mr. DIXON. Mr. President——
The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Montana?
Mr. NELSON. Certainly.
Mr. DIXON. Since my first interruption a Senator has handed me a copy of the articles of incorporation, and I think this provision should be laid before the Senate. What I was asking was whether there was any possibility of there being a transfer of this right to any private corporation.
Mr. NELSON. I do not think they could do that without the consent of the State.
Mr. DIXON. But I think the Senator from Minnesota should state, for the benefit of the Senate, that the articles of incorporation further provide:

That no members of this corporation shall receive any compensation for services rendered as members or officers of this corporation.

Mr. NELSON. I thank the Senator very much.
Mr. DIXON. I think it is very carefully drawn.
Mr. NELSON. Yes; I omitted to read that. The articles of incorporation are very carefully guarded, so that the officials who constitute the corporation can receive no compensation at all for their services.
Mr. DIXON. So it is purely for municipal and public purposes.
Mr. NELSON. Purely and simply for public purposes, and nothing else.
Mr. THOMAS. Mr. President——
The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Colorado?
Mr. NELSON. Certainly.
Mr. THOMAS. Mr. President, I have no doubt whatever, after listening to the Senator's explanation and statement of the character of the enterprise with which the Government proposes to deal in this amendment, that it is a most desirable and beneficent one. I have no question, too, but that the rights of the public have been as thoroughly safeguarded by legislation and by subsequent charter provisions as it is possible to do. If there is or could be any enterprise of any sort that would justify the Government's expenditure which I object to, it certainly would be something which, like this, is designed to contribute to the welfare of two large urban centers of population and a great State university. There can be no question but that the general purpose of the enterprise is one which must redound very largely to the benefit of the immediate community concerned and indirectly to the State in so far as it contributes to the well-being and development of the university. The difficulty, however, is not to be found in the direction which this improvement ultimately takes nor in the objects which may ultimately be accomplished by recognizing the right of the Government to make the expenditure, and therefore I do not think the Senator has met my objection or in any manner explained or defended against the fundamental proposition of power upon the part of the Government to do what it seems from the statement of the Senator has been done very largely, this being an uncompleted project.

I have some general acquaintance with this project through the press, and particularly through the magazines, which have devoted some space to it, and which have not only outlined its purposes as tending to beautify that section of the State, and particularly as an advantage, generally speaking, to the university, but also its prominence as a great work of public improvement. If the Government, however, may expend money for this purpose, then it is difficult, in my judgment, to find any limit upon its right to expend money in the same way for other purposes or for the same purpose, the control of the property created or the power generated not being so closely safeguarded as here seems to be the case.

Of course I was familiar with the report to which the Senator called attention and in which his conclusion was that, under circumstances like this, the Government was entitled to a certain property right in water power when it results from its own expenditure; but I have been unable to coincide with that conclusion. I think that if the Government, by the expenditure of money for the improvement of navigation directly, either by increasing the energy of the water or in some other direction, can create something which theretofore did not exist in the water and which it afterwards owns, then it may delegate to a citizen or a corporation the right to make the improvement and invest itself with the same right as a result of the corporation's expenditure.

In other words, I am unable to draw a distinction between the consequences of a direct and an indirect improvement. I believe they are the same in each instance, and that where the private improvement under the consent of the Government is carried on it is necessarily, in a legal sense and in so far as any legal consequences flow from it, a public improvement and not a private one.

That brings us to this proposition: Can the Government of the United States, directly or indirectly, under its power to improve the navigability of a river, go beyond that purpose and make an expenditure out of the Public Treasury which is not designed for the improvement of navigation, but is designed to create a surplus supply of water or a surplus supply of energy in water not needed for the purpose of navigation and connected with it only in the sense that the improvement which is made is an identical one?

That is the fundamental proposition involved in this amendment. I contend that if we recognize that right, we can not very well place any limitation upon its exercise.

The Senator admits very candidly that the extra expenditure involved in this improvement—and by that I assume he means the expenditure over and above the amount necessary for improving the navigability of the stream—is $640,000, which may fall somewhat below the ultimate expenditure. What is that $640,000 for? To improve navigation? Not at all. To create a surplus supply of water? Yes; if the amendment itself is to be taken as a guide for our information, because the tenth and eleventh lines on page 53 refer to the utilization of the hydro-electric power developed by the surplus waters not needed for navigation. The dam, therefore, was constructed for the purpose of obtaining water needed for navigation and for the purpose of obtaining surplus water not needed for navigation.

Why may not the Government expend $6,400,000 for this purpose as well as $640,000? And if it may expend $640,000 in excess of the amount required for the particular improvement in the Mississippi River at Minneapolis and St. Paul, why may it not make a similar improvement at St. Louis whenever the people of that great city, by some arrangement with the Government, use the Treasury of the United States, under the ostensible purpose of improving the navigability of the river, for the purpose of creating a surplus energy in the river, to be utilized either by the municipality or by some private corporation, or by both? Why may it not repeat the same practice at Pittsburgh, at Cincinnati, at Portland, Oreg., wherever there is a large community upon any of the navigable streams of the country?

If we enter upon that process of expenditure, Mr. President, I contend that we can place no limit whatever upon the amount to be expended, or upon the authority of the Government in that direction. If it may use the money of the Treasury, under the ostensible purpose of improving navigation, for the purpose of creating a surplus amount of water, it may use it for some other purpose. All of this tends to the ultimate conclusion that this great power, given to the Government of the United States as an essential attribute of sovereignty, is to be used as an agency for the creating of property and then for utilizing itself the property so created, selling it or leasing it. Between this instance, which receives the support of the Senator from Minnesota, and the case of the Connecticut River, which last week was opposed by the Senator from Minnesota, the only difference is that in the one case the improvement is made by the Nation directly, and in the other it was to be made by a private corporation, the Connecticut River Co.

The University of Minnesota is one of the greatest educational institutions of the country. The Senator may well be proud of what it has accomplished, and what it certainly will accomplish. I imagine, however, that the university will continue its great work of benefit to the State, and the education of youth, and the extension of its various spheres of influence in their several directions, just as much and just as well, although perhaps at a little greater expense, notwithstanding the fact that this amendment may not be adopted.

If its rejection would result in great injury to that institution, I certainly should be tempted to suppress my objections to the amendment and vote for it, because I believe the cause of public education is one of the most important, if not the most important of all the objects of public concern, both national and State.

Fortunately, however, we are not confronted with any dilemma of that sort. On the contrary, it appears from the statement of the Senator that the two cities own the riparian rights which are here necessarily involved. That being the case, it is the cities that are the owners of this surplus energy, by virtue of the fact that they are riparian owners. Under those circumstances I see no reason why they may not go on with their work of improvement under this arrangement, which has been sanctioned by the State legislature. Hence, in so far as concerns the immediate consequence flowing to the communities interested, it is not, after all, of very great importance.

But, Mr. President, why should not this condition result from the expenditure of this money? It has been expended for the benefit of the riparian owner. If the improvement has already been made, and the money therefor has been expended, why should not the cities of Minneapolis and St. Paul return to the Treasury of the United States this surplus amount of money which the Government had no right and no power to expend for this particular purpose?

The Senator has said that this is an instance of Federal and State cooperation; and so it is. But the cooperation is after the fact of the expenditure instead of before or coincident with the fact. The State comes in here after the Government has expended nearly half a million dollars upon a scheme or for an object which is beyond its power. Hence, it seems to me, there is no cooperation here in the sense that there should be and must be cooperation between the State and Federal Governments in matters of this kind, and which ultimately must come if there is to be conservation in the true sense of the term and our rivers are to be managed and improved as they ought to be.

It is true that the Government has reserved the right to such power as may be necessary to operate the locks free of charge to the United States; but that is not the only reservation that appears in the amendment. I find another, as follows:

> The right shall be reserved to the United States and included in such contract for the United States to purchase and use such supply of said power as may be required for its own purposes on the same terms and conditions as the said power is sold or distributed to the members of said public corporation of the State of Minnesota.

Of course I am ignorant of what governmental demand may exist for power outside of and beyond that necessary to operate the locks; but the reservation, to be effectual, should have been as broad as the demand might be.

We are here confronted, therefore, with this situation: The Government expends $640,000, not to improve navigation, but to create surplus energy in the stream. Then it confers upon the Secretary of War the power to transfer or assign this new property so created; and instead of making a reservation coincident with its own requirements in the future, it limits that merely to the operation of the locks, and then must go into the market and pay such price for any surplus power generated from its own property created through an unlawful expenditure of money as is charged to other consumers of the power to be generated from this new property.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. THOMAS. Certainly.

Mr. NEWLANDS. May I ask the Senator from Colorado whether, in his view, this arrangement of cooperation would be unobjectionable provided the electric company, acting under the authority of the State, should expend upon this structure, in furtherance of its purpose to generate electric power, the extra amount which the United States now proposes to expend on that structure in order to make it suitable for the purposes of the electric company?

Mr. THOMAS. Of course in answering that question some consideration must be taken of the power of the particular State, whose constitution might interfere with the adoption of that course.

Mr. NEWLANDS. I was assuming that this company had the power and the authority from the State to enter into such an arrangement, by which the Nation would expend the amount of money necessary to make a structure in aid of navigation, and the corporation, under the authority of the State would expend in addition to that an amount of money which would make the dam serviceable for its purposes. In that event, would the Senator regard this transaction as unobjectionable?

Mr. THOMAS. Assuming that the State or the corporation, or both, are the owners of the riparian rights, I should think that would be a very desirable method of cooperation.

Mr. NEWLANDS. The Senator, then, does not object to cooperation between the Nation and the State?

Mr. THOMAS. Not at all.

Mr. NEWLANDS. Or between the Nation and a corporation acting under the authority of the State?

Mr. THOMAS. Not at all.

Mr. NEWLANDS. But the Senator simply insists that the National Government can not invest in this enterprise any moneys except those that are required for navigation, and that all additional moneys for a private purpose, and one relating to the State jurisdiction, should be expended either by the State or by a corporation acting under authority of the State?

Mr. THOMAS. Yes; my position is that the——

Mr. CLAPP. Mr. President, will the Senator yield to me for a moment?

Mr. NEWLANDS. Let the Senator answer my question.

Mr. THOMAS. Does the Senator desire to reply to the Senator from Nevada?

Mr. CLAPP. Not exactly to reply; but there is one phase of this question which I think the Senator could answer better if he understood the situation.

Mr. THOMAS. I was about to answer the question asked by the Senator from Nevada.

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. THOMAS. Certainly.

Mr. CLAPP. This dam is on the Mississippi River. It is intimately connected with the reservation system above these cities and the use of the water stored in the reservoirs below the cities. At one time it was suggested that the State and the two cities form this corporation, and that they themselves take the dam at a certain point and build the additional dam themselves. But the Federal authorities, and I think very properly, took the position that there could be no coordinated management or supervision of this work. Hence it was decided to adopt the plan of letting the Federal Government build this dam and absolutely control it, and having the cities and the State for its university pay this revenue, which would meet the cost to the Government, if it should be bonded, of getting the money, and leave an excess of 1 per cent per annum over and above what it would cost the Government. For that reason the project of these cities and the State taking the dam at a certain height and building it higher was abandoned, and this was adopted.

Mr. THOMAS. I have already said, Mr. President, that the project is a most excellent one. No man can find any sort of fault with it, or indulge in any harsh criticism of it, as it was outlined by the Senator's colleague a few moments ago. That part of the discussion which I was endeavoring to carry on when interrupted by the Senator from Nevada was caused by the insistence of the senior Senator from Minnesota that this was a case of Federal and State cooperation. I think he stated, or at least I gathered, that his purpose was thus to differentiate it from the Connecticut River case of last week. My contention was that there was a point where this cooperation began; but, based upon the information supplied by the Senator from Minnesota, that cooperation succeeded instead of preceding the extra surplus expenditure of the Government not needed for purposes of navigation.

I think I have forgotten the question of the Senator from Nevada, or at least I have not it clear in my mind.

Mr. NEWLANDS. My inquiry was whether the transaction would be entirely unobjectionable provided the State, or a corporation acting under the authority of the State, should invest in this dam the extra amount necessary in order to make it serviceable for electric-light purposes?

Mr. THOMAS. I think that is what it ought to do. I think that, in order to place the Government in statu quo, this corporation, so well safeguarded, both by the terms of its charter and by the legislation which authorizes it, ought to go a step further and reimburse the Government for the amount of money that it has expended.

Mr. NEWLANDS. Let me ask the Senator whether this result would not follow, that the Government would own a part of the structure, and the State, or the corporation acting under the State, would own another, and there would be a divided ownership, which would be exceedingly inconvenient, and which would prevent the successful operation of this dam for either national or State purposes? I will ask him, further, whether it would not involve not only a divided ownership, but a divided operation and control of the dam itself that would be exceedingly inconvenient?

If the Nation and the State have a right to cooperate in the construction of an individual structure that is intended to meet the uses of both sovereignties, having that broad right, have not they the right to conduct it in a businesslike way? And if the businesslike way involves either the Nation or the State building the entire structure, why can not a businesslike arrangement be made by which the sovereign which puts no money into the investment may compensate the other, either by a fair rental, or by an interest charge, or by an absolute reimbursement? The Senator will see that an absolute reimbursement means a divided ownership, which may be exceedingly inconvenient.

Mr. THOMAS. On the contrary, I perceive no such difficulty whatever. The Senator supported the Connecticut River bill the other day. That bill expressly provides that all of the improvement shall be made at the private expense of the company, after which that part of the improvement which is absolutely necessary for the Government operation of the improved channel of the stream shall be conveyed to it gratis, which of course means that the dam itself remains the property of the private corporation. At the same time I can perceive no difficulty flowing from a joint ownership of the dam by the State and by the Nation, the General Government, of course, having supervision and absolute control for purposes of navigation, its control arising from that power thus exercised.

It is very easy, if there should be such cooperation, to carry it on under terms and conditions which might be established and provided for by the Corps of Engineers or some other competent national authority. Those are all matters of detail, Mr. President, which seem to me to be of no great consequence.

I have already occupied more time than I intended to occupy upon this subject, and I shall not attempt to discuss the matter further.

Summarizing what I have said, my objection embodies the fundamental proposition that the Government can not and should not, under the guise of carrying out a great work of sovereignty, indulge in expenditures for the making of improvements or acquiring property not necessary to, but wholly or at least in part foreign to, the purposes of the expenditure which it has authority to make.

My attention has been called to section 3 of Rule XVI as bearing upon this amendment, from which I will read:

> No amendment which proposes general legislation shall be received to any general appropriation bill.

This amendment certainly proposes general legislation. I therefore make the point of order that it is obnoxious to section 3 of Rule XVI of the Rules of Procedure of the Senate.

Mr. NELSON. Mr. President, on the point of order, this is a special case that follows the appropriation for the dam. That appropriation of $185,000 is for this dam, and the amendment relates simply to this particular dam. It is not of a general character. It is not general legislation.

Mr. NEWLANDS. Mr. President, I should like to ask the Senator from Ohio [Mr. BURTON] whether it has not been customary to insert legislation of this kind in river and harbor bills? Is not the river and harbor bill regarded not simply as an appropriation bill, but a bill providing authority for surveys, and so forth, and also appropriating money for projects?

Mr. BURTON. Mr. President, I do not think any discussion has arisen on that subject in the Senate. In the House it is regarded as a quasiappropriation bill, and material relating to public works and rivers and harbors is considered in order. That is, it is not regarded as strictly an appropriation bill and governed by the rules which pertain to appropriation bills.

Mr. NEWLANDS. I remember hearing the Senator make that statement at the committee meeting the other day when the question arose.

Mr. BURTON. That is certainly the rule in the House. It is not regarded as absolutely confined within the limits which pertain to an appropriation bill, as it will appear that the modification of projects or provisions relating to associated projects are subjects which could not well be disposed of except in this bill. For that reason the rule has been established that it is not limited by the strict rules pertaining to appropriation bills, at least in the House.

The PRESIDENT pro tempore. Will the Senator from Minnesota kindly restate his observation about the point of order?

Mr. NELSON. The objection is made that this is general legislation. This is not general legislation. It does not relate to dams in general. It relates to this particular dam. The appropriation immediately preceding, of $185,000, is for this very dam. It does not use the word "dam," but it is for that very dam, as the Senator from Ohio can vouch for. This relates to that subject matter. It is special, not general. It is not general in the sense of being general legislation.

Mr. O'GORMAN. Mr. President, I have great sympathy for this legislation; and I should be the last Member to offer any objection to a measure that seems to be so generally desired by the people of Minnesota, particularly the people of St. Paul and Minneapolis. But I have this to remark: If the Senate adopts this amendment, it should reconsider its action respecting the Connecticut dam bill, upon which we voted a few days ago. There can be no distinction in principle between the two matters. If it is necessary, for the purpose of promoting the navigation of the Mississippi River, to make an improvement, the Federal Government should make it, but only for that single and specific purpose. There is not a word in the Constitution that justifies the Federal Government in going into one of the rivers of the country and, either by cooperation with the State

or otherwise, undertaking to make an improvement which, in the case of the legislation proposed, concededly is not necessary for the purpose of navigation, because the amendment distinctly recognizes that the contemplated improvement is not necessary for navigation.

The PRESIDENT pro tempore. If the Senator from New York will pardon the Chair, the question now before the Senate is the point of order raised by the Senator from Colorado, that it is general legislation.

Mr. O'GORMAN. I assumed the Chair had passed on it.

The PRESIDENT pro tempore. The Chair will take occasion to say that there is no more difficult question ever presented to the Chair than to sometimes determine whether or not a given item in an appropriation bill is general legislation. The custom in the Senate has been rather liberal, the Chair thinks, in ruling that matters are of a general nature when sometimes they are of a special or local nature. In turning to some well-established authorities, the Chair will read a few lines.

The Century Dictionary defines general legislation as follows:

General legislation: That legislation which is applicable throughout the State generally, as distinguished from special legislation, which affects only particular persons or localities.

Local legislation, local statute: Such legislation or statute as is in terms applicable not to the State at large but only to some district or locality and to the people therein.

Bouvier, who is a well-known authority, says:

GENERAL LAW (legislation): Laws which apply to and operate uniformly upon all members of any class of persons, places, or things requiring regislation peculiar to themselves in the matters covered by the laws. Statutes which relate to persons and things as a class. Laws that are framed in general terms, restricted to no locality, and operating equally upon all of a group of objects which, having regard to the purpose of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves. (Bouvier, vol. 1, 877.)

Bouvier further says:

"General," with reference to the subject matter of the statute, is synonymous with "public" and opposed to "private," but with reference to the extent of territory over which it is to operate is opposed to "local." * * * and means that the statute to which it applies operates throughout the whole of the territory subject to the legislative jurisdiction. * * * Further, when used in antithesis to "special," it means relating to all of a class instead of to men only of that class. * * * In deciding whether or not a given law is general, the purpose of the act and the objects on which it operates must be looked to. If these objects possess sufficient characteristics peculiar to themselves and the purposes of the legislation is germane thereto they will be considered as a separate class, and legislation affecting them will be general; but if the distinctive characteristics of the class have no relation to that purpose of the legislature, or if objects which would appropriately belong to the same class have been excluded, the classification is faulty, and the law not "general." The effect, not the form of the law, determines its character.

The present occupant of the chair remembers well that the late President pro tempore, Mr. Frye, decided in more than one instance that a matter which related simply to a locality was not general legislation, and overruled, as the Chair remembers, the point of order on more than one occasion.

In this case the Chair is somewhat troubled as to the point of order raised, and, under his privilege, established by the rules of the Senate, will submit the question to the Senate. Is the amendment in order on this bill? Senators agreeing that it is in order will say "aye." [Putting the question.] The ayes appear to have it. The ayes have it.

Mr. THOMAS. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. O'GORMAN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New York suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bourne	Dillingham	Kern	Poindexter
Bradley	Dixon	Lea	Pomerene
Brandegee	du Pont	Lodge	Richardson
Bristow	Fall	McCumber	Root
Burton	Fletcher	McLean	Sheppard
Catron	Foster	Martin, Va.	Shively
Chamberlain	Gallinger	Martine, N. J.	Simmons
Chilton	Gamble	Myers	Smith, Ariz.
Clapp	Gore	Nelson	Smith, Ga.
Clark, Wyo.	Gronna	Newlands	Smith, S. C.
Clarke, Ark.	Jackson	O'Gorman	Smoot
Crawford	Johnson, Me.	Oliver	Thomas
Cullom	Johnston, Ala.	Page	Thornton
Cummins	Jones	Penrose	Works
Curtis	Kenyon	Percy	

The PRESIDENT pro tempore. On the call of the roll 59 Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the amendment.

Mr. THOMAS. May I ask for a submission of the point of order to the Senate?

The PRESIDENT pro tempore. The point of order was dealt with by the Chair. The Chair submitted it to the Senate, and it was decided that it was in order. The question now is upon agreeing to the amendment of the committee.

Mr. BRANDEGEE. Mr. President, I wish to make the announcement that if the Senate approves of this amendment I shall offer the Connecticut River dam bill as an amendment, which is much less objectionable, in my opinion, than the pending amendment. I think there ought to be some principle about the legislation, and we ought to be consistent in our policy.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. NEWLANDS. Mr. President, the debate which has taken place regarding this amendment, taken in connection with the practical admission of the Senator from Ohio [Mr. BURTON] that the system hitherto pursued regarding river and harbor appropriations has broken down, indicates the necessity of some legislation that will enable the treatment of a river in such a way as to make it beneficial for every public use, the necessity of legislation which will bring about cooperation between the sovereigns having jurisdiction over detached uses of our waters, so as to bring about their highest development, with a view to meeting all the demands of civilization.

Mr. President, the Senator from Ohio has been for the last three or four years presenting his indictment not only against the bills providing for rivers and harbors but against the system which has grown up with reference to the development of rivers and harbors, and yet for years, in the House of Representatives, that Senator was chairman of the Rivers and Harbors Committee and was a dominant figure in all legislation relating to the development of rivers and harbors. The bills which were brought in there were in the main satisfactory to him. The bills which were finally passed were in the main satisfactory to him. The system which has thus far prevailed is the system for which the Senator from Ohio, as chairman of the Rivers and Harbors Committee of the House, is and has been largely responsible.

Mr. BURTON. Will the Senator from Nevada yield to me?

Mr. NEWLANDS. Certainly.

Mr. BURTON. I think the Senator did not hear what I said this morning when I pointed out the difference in policy at the time I was chairman of the Rivers and Harbors Committee of the House—a very essential difference—that of not beginning projects unless provision was made for their completion. As a result of that there were many less projects, and I maintain they were very much more carefully selected than has been the case in the recent bills. That policy was not absolutely pursued during the early years, from 1889 to 1902, because it was impossible to remodel or reform the existing system. If the Senator from Nevada will do me the kindness to read the report on the bill of 1907, which will appear in the RECORD tomorrow morning, he will see how very clearly the point was at that time presented.

Mr. NEWLANDS. I wish to say, Mr. President, that the remark I was making did not involve criticism of the Senator from Ohio. I was about to add that the system of river and harbor improvements pursued under his guidance in the House of Representatives was vastly improved. When he took hold of the leadership of this subject there a system prevailed called the "pork-barrel" system, a system with which we are all familiar, and which it is unnecessary to describe.

We had the pork barrel in projects just as we had it in offices, and the aim of thoughtful men was to substitute the merit system, both in projects and offices.

We have made great progress with reference to offices. We have made great progress with reference to projects. Every year has witnessed an advance in the merit system as applied to both. The Senator from Ohio is to be complimented for the great work which he undertook in this direction in the House. The Corps of Engineers through his efforts was made a dominant figure in all the plans with regard to rivers and harbors and their execution. A board of review was established, before which doubtful projects were tested, and without whose approval legislation was rarely initiated; a steady and gradual advance was made, not only in effective planning, but in effective work.

But in the very nature of things the great enterprise of developing a river for navigation can not be successfully pursued unless there is a single power or a combination of the various powers having jurisdiction, and unless the development of the river can be so planned and executed that the various uses of the river, including the works necessary to develop such uses, dovetail into each other.

So river improvement has broken down. It is to-day ineffectual for the purpose which Congress has in view in the exercise of its interstate-commerce power, namely, the promotion of navigation. It has been just as ineffectual in the development of a complete waterway as the action of a railroad company would be in the construction of a railway in detached portions here and there, a stretch of 10 miles here and a stretch

of 10 miles there, without any connection between the various structures.

So far as the question of expenses is concerned, the full development of a river within rational limits of expenditure depends upon every remunerative use of that river and the development of every remunerative use. The Congress of the United States under its jurisdiction can consider only one use of the river, and that is its use for navigation. Yet there are numerous profitable uses. There is the use of the water for irrigation; there is the use of the water for the development of water power and of hydroelectric power; there is the control of the water in such a way as to redeem vast areas of swamp land and make them profitable. Yet the Nation has jurisdiction over only one of these uses, the use for navigation. It is denied the opportunity of entering upon these other uses, which would be largely compensatory of the cost of the projects, though by reason of its ownership of the public domain it has been in a limited degree able to embrace irrigation in its works as a means of preparing its arid domain for settlement.

Now, under what jurisdiction are these other uses? They are under the jurisdiction of the State. Therefore we have the jurisdiction and the control over our rivers divided between the national sovereignty on the one side and 48 different States upon the other.

Correct planning requires that these sovereigns shall get together by some process so that they can cooperate in plans and works, and so that individuals acting as the agents or under the authority of each sovereign can so develop their respective works as to make them dovetail into each other and thus reduce the cost for each separate use.

Can there be any doubt, Mr. President, but that if a private corporation owned the great Mississippi River and all the areas which it traverses, including its tributaries, such a corporation would view that entire river, with all its tributaries and source streams, as a unit, and that in contemplating the development of that river for one useful, beneficial, and profitable use it would consider how far the other uses could be developed in such a way as to be either wholly or partly compensatory? Yet for 100 years we have been moving along this line of individualized effort, and the system has broken down. The question still is, How can we develop our rivers for navigation and make them useful in the transportation of the country?

Of course, the influence of the railways has been against this throughout. For many years our railroads were almost overdeveloped. They were greedy for traffic, greedy for transportation, and wherever they had the opportunity they would run the waterways out of business by unfair methods. The spectacle was presented of the Nation permitting one of its servants to club another public servant out of the opportunity for usefulness. So we find that the influence of the railways has been against the development of waterway transportation. It has not been against the development of our rivers, provided it could be done in an ineffective way. They did not object so much to the expenditure of public moneys for the development of our rivers as they objected to this expenditure in an ineffective way.

So throughout the years we have been going along with this ineffectual method of taking up individual projects here and there as a part of the spoils system, without comprehensive plans involving the union of all the services in the country that relate to water and involving the union of all the sovereignties that have jurisdiction over the subject.

Mr. President, if we will look at the map which hangs upon the wall we will find that, generally speaking, there are about eight or nine great watersheds or drainage areas in this country. Commencing at the Atlantic coast, we find the Atlantic waterways all running into the Atlantic Ocean or into the bays and sounds connected with the Atlantic Ocean. The scientific treatment of that coast involves comprehensive plans which will insure the construction of an inland waterway connecting with all the rivers from Massachusetts Bay, through Cape Cod, down to Florida, stretching through Long Island Sound, Delaware River and Bay, Chesapeake Bay, Pamlico Sound, and then, after passing through Florida by a canal, extending its way to a similar inland waterway upon the coast of the Gulf, and there connecting with the next watershed, the Mississippi watershed, a watershed covering nearly two-thirds of the area of the entire country, embracing not only the Mississippi River but all its tributaries from the Great Lakes down to the Gulf, and from the Appalachian and Allegheny Mountains on the one side to the Rocky Mountains on the other.

All the waters that fall upon that vast area are emptied into the Gulf of Mexico through a narrow pass which you will see depicted upon the map near New Orleans, where the Mississippi River makes it way out through the Passes into the Gulf of Mexico. And so this vast mass of water falling from the heavens in the various seasons of the year, capable of being used everywhere for benefaction, is allowed uncontrolled to drift below, to the destruction of towns and cities and vast cultivable areas.

Now, what purposes of benefaction can it be used for? Above, in that vast semiarid area, the flood waters can be led over the plains and used for purposes of cultivation and production, thus diminishing the flood when it is destructive and feeding the stream later on through the slow processes of percolation when the water is needed for purposes of navigation.

Then, below, what use can the regulation of this water be put to? In the reclamation of a vast area of alluvial soil, stretching all the way down from the Missouri on both sides of the river to and including Louisiana. The productiveness of an area of vast fertility is almost annually arrested by these very waters, when, if arrested above, and either stored artificially for power or led over the lands for the purpose of irrigation, would be most beneficial, in the increase of wealth and prosperity.

Mr. President, what is the problem, then, of the people in Louisiana, and Mississippi, and Tennessee, and Arkansas, and Missouri?

There the difficulty is too much water. What is the difficulty away out in the semiarid regions in the upper reaches of the Missouri and the Platte and other rivers tributary to them? Too little water. What is the difficulty in the Mississippi region? The difficulty there is that these waters are allowed to pursue their course in a period of flood and to wash the banks into the streams, creating obstructions to navigation. Finally, they rush down in the lower reaches of the river and threaten great cities and towns, protected by enormous levees, in some cases extending even to the height of the houses. Substantially all that we have done has been to treat the lower part of that river, to take hold of the floods after they have reached the lower part of the river, and to arrest their spread over the adjoining lands by levee protection, that involving also bank protection through revetment work as a means of preventing the destruction of the levees themselves by bank caving. So we have been spending millions of dollars down there, not in any connected plan relating to navigation, but simply with a view of protecting these areas and these cities and these towns from overflow as a result of floods, which floods, if utilized above, would be turned into beneficial agencies.

So it is to the west. We have the watershed of the Rio Grande depicted upon the map taking its source in the arid region and emptying into the Gulf of Mexico. Then farther on we have the watershed of the Colorado running into the Gulf of California; both of these rivers capable of being navigated, both of them capable of the use of their waters most extensively for irrigation and the development of water power. Further, we have the watershed of San Francisco Bay depicted on the map, with the Sacramento and its tributaries, the San Joaquin River and its rivers, commanding the most fertile valley in the world, emptying into San Francisco Bay, which in turn empties, through a narrow gorge called the Golden Gate, into the Pacific Ocean. There the same problems of irrigation, water power, swamp-land reclamation, and navigation confront us, the solution of each aiding in the solution of all; one half of this vast area thirsty for the waters which fall on the other half, and which can be diverted from their mad race to the ocean and applied to the development of power and the cultivation of the arid soil. Then we have to the north of that drainage area the watersheds of the Columbia and Snake Rivers, the Snake being a tributary of the Columbia. These two rivers traverse the States of Washington, Oregon, Idaho, and western Montana, and are capable of being used both for navigation and irrigation and for the development of water power. Yet our course thus far has been to bring in simply a river and harbor bill one half or more of which is devoted to appropriations for harbors and the other half to appropriations for rivers, the latter made in such a way as to take care of simply detached localities here and there without any comprehensive or collective planning that would result in these rivers, from their sources to their mouths, being used for all the beneficial purposes to which they can be put.

Mr. President, a movement has been going on for the last seven or eight years in the line of the development of natural resources. It was inaugurated during the administration of Mr. Roosevelt, and constitutes one of the most creditable policies of his administration. An Inland Waterways Commission was appointed by him, without statutory authority, about seven or eight years ago. It was appointed under his power of recommendation to Congress relating to legislation. As it served without compensation, it was no burden upon the Public Treasury; in fact, it had no statutory existence.

The Senator from Ohio [Mr. BURTON], then a Member of the other House, was a member and chairman of that commission. The then Senator from Missouri, Gen. Warner, and myself constituted the senatorial representation on that committee. There was also on that commission the present Senator from Alabama [Mr. BANKHEAD], who then was a Member of the other House. In addition to that, the chiefs of the various scientific services were members of the commission—the Chief Forester; the Chief of the Reclamation Service; the Chief of the Bureau of Corporations, at that time engaged in an exhaustive study of water transportation; a representative of the Bureau of Soils of the Agriculture Department; and the Chief of Engineers of the Army. From their report, from which I shall insert extracts in the RECORD, you will find that they recommended the treatment of a river as a unit from source to mouth, with all of its tributaries; cooperation between the Nation and the States in plans; cooperation between the Nation and the States in work, each within its jurisdiction, and with such apportionment of costs and benefits as would properly apportion to each jurisdiction the cost belonging to it and to each jurisdiction the benefits belonging to it. They recommended teamwork upon the part of the sovereigns, and they recommended teamwork upon the part of the services that relate to the use of water.

We found that the Engineer Corps of the Army alone had control of the improvement of our rivers, yet we found numerous other scientific services which were engaged in study or work in some way regarding the waters of the country. The Geological Survey, through its engineers, was engaged in the study throughout the entire country of all of the phenomena relating to water. The Reclamation Service was engaged at the upper reaches of these very navigable rivers, taking out the waters over the arid and semiarid plains in canals and storing them up in enormous structures for the purpose of irrigation. Then the Forest Service was engaged in its study relating to the usefulness of the forests themselves in the conservation of water, the services which the forests perform in absorbing the moisture and letting it out gradually into the small streams through which it finds its way into the navigable rivers, instead of permitting the precipitation to rush hastily to the large rivers, where its destructive force would be injurious both to navigation and to agriculture. All these various scientific services—the Reclamation Service, the Geological Survey, the Weather Bureau, the Forestry Service, the Drainage Service, the Coast and Geodetic Survey, and the Engineer Corps of the Army—engaged in the study of matters relating to waters were working in a detached way, without consultation with each other and without union either of plans or of work, each of them jealous of the jurisdiction of the other, each of them resisting any invasion of its own jurisdiction, and all of them more or less at war with each other, although they were all the servants of the Government.

We concluded that the first thing to do was to bring them into cooperation through a board consisting of the chiefs of these services, who, aided perhaps by a hydro-electric engineer, a hydraulic engineer, and a sanitary engineer, would study in a connected and related way all these questions relating to the use and the control of the water, and present to the National Government a connected plan of works.

That report of the Inland Waterway Commission was signed by all its members. There were some qualifying words on the part of the Chief of the Engineer Corps of the Army; there were some qualifying words by myself, or rather words of enlargement, for I wished to create a commission of large powers, to create a fund of $50,000,000 annually for 10 years for the development of our rivers, and to give this board of regulation a free hand within the limits of our appropriation, simply providing that they should enter upon no work unless the money for its completion was in the Treasury. The other members of the commission believed in a large fund; they believed in the cooperation of the services; they believed in the cooperation of the Nation with the States; but some of them believed that Congress ought not to give and some that Congress would not give such an organization a free hand in plans and works, but that it should present its plan to Congress in detail and that those plans should be approved by Congress.

My recommendation was, in my judgment, in the line of efficiency and of celerity in the work, for we have pursued practically that system in the reclamation works of the country, where we gave the Secretary of the Interior, with the aid of a board of engineers, comparatively a free hand, and also in the construction of the Panama Canal, and both those works, in the general satisfaction which they have given the country, in my judgment attest the wisdom of the plan.

There was no question on the part of any member of that commission that there should be cooperation between the services that relate in any degree to water; that there should be cooperation between the Nation and the States; that there should be an ample fund provided for continuous work stretching over a period of 10 years.

After that report was made the Conservation Congress was called at Washington at the White House. That congress was attended by almost all the governors of the States and by many men of distinction from every State in the Union. By a unanimous voice they declared in favor practically of this policy. Later on the political conventions met. The Republican convention in general terms, in 1908, indorsed this policy. The Democratic convention in express terms indorsed it, declaring specifically for the treatment of a river, with all its tributaries, as a unit; declaring specifically for the cooperation of the scientific services, for the cooperation of the Nation and the States, for a large fund, and for continuous work. Later on that policy in the last campaign was generally indorsed by the Republican Party and specifically indorsed in all its details by the Democratic convention and later by the Progressive Party convention.

During all this time waterway conventions have been held all over the country in which this general policy has been advocated. Boards of trade and chambers of commerce throughout the country have indorsed it, and there has been hardly a dissenting note, so far as the course of legislation is concerned.

Six years ago, in 1907, before the Inland Waterways Commission made its report I presented a tentative bill in the Senate providing for the cooperation of the services, the cooperation of the Nation and States, a large fund, a regulating board, and continuous work. That bill had a hard time in the Committee on Commerce, of which I was a member, but finally, after a struggle, I got out a modified bill, unanimously reported by the Committee on Commerce, providing for an inland waterway commission, which was to make plans for works upon the lines which I have suggested.

Just about that time an unfortunate controversy arose between Mr. Roosevelt and Congress, in which an effort was made by withholding appropriations and forbidding the service of Government officials on these investigating commissions, and in other ways to check him in the lines that he was pursuing of independent investigation regarding the conservation of the natural resources of the country. As a result of that controversy, during the closing days of the session, when I was endeavoring day after day to bring up that modified bill for consideration, with the absolute assurance that if it once got before the Senate it would pass, its pathway was obstructed by two eminent members of the Republican Party of the Senate and by two eminent members of the Democratic Party, who stood on watch to prevent its consideration.

I wish to say that during that time a fuller and more complete bill which I had offered was referred to the then Secretary of War, Mr. Taft, for his report, and while at that time the Corps of Engineers was hardly friendly to this idea, for it involved in some degree, as they regarded it, though I think mistakenly, a trespass upon their jurisdiction, Mr. Taft made a report, extracts from which I shall insert in the RECORD, in which he unqualifiedly indorsed this policy, and said that the time had come for comprehensive plans involving the intelligence and the energies of all the services involved and all the sovereigns involved. That bill was never reported. Since then at every Congress I have introduced a bill of a similar nature, and have sought by amendment to the river and harbor bill to secure action upon this subject. It is only recently that we have seen the dawn of a new light in that committee.

I am sorry the Senator from Minnesota [Mr. NELSON], the chairman of the Commerce Committee, is not in his seat, but I do not think that I do him an injustice when I say that for some time he looked upon this enlarged policy with great caution; and yet the other day, as the result of his experience with reference to these bills, he declared that in the future he would favor enlarged action upon this subject; that he was against the consideration of these questions in the detached way in which they have been considered, and would favor the organization of a board or commission and the creation of a large fund. He went so far as to declare that he would leave the expenditure of that fund to the members of that commission as a means of securing more comprehensive and more effective results than those attained under the present system. The Senator from Minnesota is in his seat now, and I ask him whether I have correctly stated his position upon this question?

Mr. NELSON. Mr. President, in answer to the kindly question of the Senator from Nevada, I beg leave to say that in a general way the Senator has expressed my sentiments. I have come to the conclusion that we could do much better work and should squander less money if we appropriated a gross sum and

placed it in charge of a board of five or seven competent Army engineers with power to determine what improvements should be made, and where, in our rivers and harbors.

While a great many of the improvements we are making are fully justified in the interests of navigation, yet my observation has led me to believe that in a great many instances we really squander money; it is wasted on improvements that never ought to have been made; but what can we do? Representatives and Senators are clamorous; they introduce their bills, and it is utterly impossible to resist them. I think it would require almost supreme power to infuse a new spirit into Representatives and Senators, as well as into the American people, to bring about a reform. I think the work should first be started through our great newspapers and the magazines, from the pulpit, and along educational lines, to infuse people with a new spirit, with less of the spirit of Mammon, so that we would all come to look upon this question just as we would if it were our own business. I am sure that if we were to look upon river and harbor improvements as though it were a matter of our own, and the money came out of our own pockets, we would in many instances refrain from scattering the money as it has been scattered in the case of many improvements.

I owe an apology to the Senator from Nevada for taking up so much time. I should be glad if the Senator would allow me to have a vote on my amendment.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. NEWLANDS. Certainly, I yield.

Mr. BRANDEGEE. Mr. President, I desire to send a proposed amendment to the amendment to the desk, which I shall offer at the proper time. I do not care to puncture the address of the Senator from Nevada, but at the conclusion of his remarks I shall ask that the amendment be read to the Senate.

Mr. NEWLANDS. I did not catch the last remark of the Senator.

Mr. BRANDEGEE. I will ask that the amendment be read to the Senate after the Senator from Nevada has finished.

Mr. NEWLANDS. Mr. President, I will state to the Senator from Minnesota that I will not delay him long in the consideration of his amendment. I call attention to the remarks of the Senator from Minnesota, who has long served upon the Commerce Committee of the Senate, who has had a large experience in the development of our rivers, who has served on committees that have made investigations of the Mississippi, the Missouri, and other rivers, and whose experience has probably been as large as that of any Member of this body. He testifies to the ineffectiveness of the present system, and the Senator from Ohio [Mr. BURTON] has also testified to it. I caught a few of the latter's phrases. He said there has been lack of care in the selection of projects and lack of care in methods.

He speaks of the ineffectiveness of expenditures already made, but he also speaks of the experimental side of this question as if we had to go through a further period of experiment before we could agree upon an effective system.

Mr. President, I claim that the period of experiment has expired. We have been experimenting with this question for over 100 years. We know that other nations have dealt with it successfully. We know that in France river transportation and canal transportation and railway transportation all are coordinated and each has a proper place in their system of transportation. We know that in Germany they have pursued their waterway development side by side with their railway development and their ocean transportation development, and they have conducted them all in such a way as to make them dovetail into each other, the waterway transportation cooperating with the railway transportation, and both of them cooperating with ocean transportation in such a way as to diminish the inconvenience and the cost, and in such a way as to make Germany's course absolutely triumphant in the advancement of its commerce.

Waterway transportation is no new thing. Our only difficulty is that we have not improved and developed our waterways in any consecutive method. We have allowed the railways to sandbag the waterways. We have allowed one public servant to destroy another public servant. The result is that these two servants do not cooperate in the service of the country, but the efficiency of the one has been practically destroyed by the monopolistic and destructive efforts of the other.

There is no reason why we should not make the same study in this country that Germany has made of the complete development of waterway, railway, and ocean transportation, and the first step in that direction is the proper development of our inland waterways.

We have to-day the Panama Canal, a connecting link between the waterway systems of the Pacific coast, the Atlantic coast, and the Gulf coast, including the entire valley of the Mississippi River. There is no reason why in the future vessels of standard draft should not start from St. Louis, go down the Mississippi River, through the canal, up to the Pacific coast, up into San Francisco Bay, and up both the Sacramento and the San Joaquin Rivers. There is no reason why they should not pursue the same course regarding the Columbia and the Snake Rivers, connecting as they do four States and reaching far into the interior. There is no reason why this entire system should not be planned in such a way as to secure a contemporaneous development of the reclamation of our swamp lands, the reclamation of our arid lands, the development of our forests, and the development of hydroelectric power, which is daily becoming more and more a factor in our domestic life and entering into domestic activities more than any other force.

When I interjected something of this kind this morning, while the Senator from Ohio [Mr. BURTON] was speaking, and urged the importance of dealing with the subject in a large way through a commission of experts the distinguished Senator said something about "abdicating legislative functions." Is it a legislative function to do executive work?

All this is work of planning and of construction. It is simply a proper exercise of our legislative functions to create an effective organization for doing effective executive work and to give that organization large and comprehensive powers so that there will be not only plans made, but work done. If we allow such an organization to be hamstrung all the way along by the agencies of obstructive legislation, we shall never secure substantial results.

Mr. President, I know the Senator from Minnesota is anxious to have a vote, and I shall not at this time conclude what I have to say. I shall only say, with reference to this particular provision in which the Senator from Minnesota is interested, regarding a cooperative arrangement between the National Government and the State of Minnesota regarding a dam promotive both of navigation and water power, that it illustrates and accentuates everything I have been saying. His amendment proposes practically a cooperation between the Nation and a State in the utilization of a structure to be placed in a river in such a way as to meet the demands of the national jurisdiction in the promotion of navigation and to meet the demands of the State jurisdiction in a matter of proper domestic development.

Why should the Senator from Minnesota be compelled to come here to Congress with this specific project and ask our assent? Why should any Senator or Representative be compelled to come here with reference to every project of this nature when by general legislation we can provide for cooperation between the Nation and the States and provide a fund under which that cooperation may be accomplished? Why should the time of the Congress of the United States be taken up in the constant discussion of individual projects here and there all over the United States, which may be multiplied indefinitely if we once enter upon the question, when by turning the matter over to a competent board, with ample funds, as we did the Panama Canal and the reclamation work, we will secure not only more effective results, but more speedy results?

This very bill shows, by the analysis presented to me by the Corps of Engineers, that nearly $37,000,000 is to be expended, of which over $14,000,000 goes for harbors and about $23,000,000 for rivers. That has been somewhat increased by the amendments of the Senate committee, aggregating some three or four million dollars additional. Twenty-two million dollars is appropriated in this bill for the regulation of rivers, and you will find that, of all that $22,000,000, $15,000,000 is to be spent upon the Mississippi River and its tributaries.

With the consent of the Senate, I will put in the RECORD this analysis of the bill as it passed the House, made at my request by the Corps of Engineers. My idea was to group the appropriations for rivers made in the river and harbor bill, not under the head of States but under the head of the respective drainage areas or river systems, considering every river with its tributaries as a unit.

The matter above referred to is as follows:

List of appropriations for systems of rivers made by H. R. 2880, Sixty-second Congress, third session, the amounts given herein being included in accompanying statements for rivers and for harbors.

Delaware River and Bay system:	
Philadelphia to the sea	$1,750,000
Philadelphia to Trenton	20,000
Above Lalor Street, Trenton	114,000
Alloway Creek	7,000
Cooper River	5,000
Mantua Creek	13,000

Delaware River and Bay system—Continued.	
Maurice River	$30,000
Raccoon Creek	13,000
Salem River	15,000
Woodbury Creek	8,000
St. Jones River	5,000
Appoquinimink, Murderkill, and Mispillion Rivers	27,000
Broadkill River	5,000
Leipsic River	5,000
Little River	1,000
	2,018,000
Chesapeake Bay system:	
Broad Creek	2,000
Nanticoke	3,600
Chester, Choptank, Warwick, Wicomico, Pocomoke, La Trappe, and Manokin Rivers, and Tyaskin Creek	33,510
Susquehanna River	51,230
Anacostia River	75,000
Potomac River	33,000
James River	75,000
Mattaponi and Pamunkey Rivers, and Occoquan Creek	15,000
Pagan River	1,000
Rappahannock River	25,000
Upper Machodoc Creek	3,200
Onancock River	1,000
	318,540
Cape Fear River system:	
At and below Wilmington	352,940
Northeast, Black, and Cape Fear Rivers	12,000
	364,940
Neuse and Trent Rivers system	12,000
Great Pedee River system	15,000
Waccamaw River	30,000
	45,000
Santee, Wateree, and Congaree Rivers system	60,000
Altamaha, Oconee, and Ocmulgee Rivers system	40,000
Apalachicola Bay system	20,000
Apalachicola River and Chipola River	7,000
Flint River	15,000
Chattahoochee River, Ga. and Ala	80,000
Caloosahatchee River	2,000
	124,000
St. Johns River system	611,800
Orange River	1,000
	612,800
Holmes River system	2,500
Chattahoochee River	9,000
	11,500
Mobile Bay system:	
Alabama River	100,000
Black Warrior, Warrior, and Tombigbee Rivers, etc	1,366,000
Coosa River	136,000
	1,602,000
Mississippi River system:	
Southwest Pass	500,000
Head of Passes to mouth of Ohio River	6,000,000
Ohio River to Missouri River	1,000,000
Missouri River to Minneapolis, Minn	1,500,000
St. Paul to Minneapolis, Minn	185,000
Yazoo River and tributaries (Tallahatchie, Coldwater, Tchula Lake, Steele and Washington Bayous, Lake Washington, and Bear Creek)	40,000
Big Sunflower River	120,000
Ohio River	2,350,000
Tennessee River	1,105,000
French Broad and Little Pigeon Rivers	15,000
Cumberland River	10,000
Monongahela River	178,200
Allegheny River	2,000
Illinois River	100,000
Missouri River	2,300,000
Osage River	15,000
Gasconade River	10,000
Arkansas River	48,000
White River	20,000
Cache River	2,000
Black and Current Rivers	25,000
St. Francis and L'Anguille Rivers and Blackfish Bayou	7,000
Red River	117,000
Ouachita River	202,500
Saline River	3,000
Bayous Macon, Bartholomew, D'Arbonne, and Corney, and Boeuf and Tensas Rivers	16,000
Bayou Lafourche, La	2,000
	15,872,700
Sacramento and Feather Rivers system	40,000
Mokelumne River	1,000
Petaluma Creek and Napa River	18,000
San Joaquin River, Fremont Channel, McLeod Lake, and Stockton and Mormon Channels	186,132
Mokelumne River, Cal	1,000
	246,132

Columbia River system:	
Columbia and lower Willamette Rivers	$100,000
At the mouth	1,000,000
At the Cascades	100,000
Between foot of Dalles Rapids and Celilo Falls	600,000
And tributaries above Celilo Falls to Snake River	40,000
Between Bridgeport and Kettle Falls	25,000
Cowlitz and Lewis Rivers	23,500
Snake River	25,000
Willamette and Yamhill Rivers	42,000
Grays River, Wash	500
Total	2,016,000

List of appropriations made by H. R. 28180, Sixty-second Congress, third session, for rivers.

Kennebec, Me	$30,000
Medomak, Me	8,500
Merrimac, Mass	10,000
Housatonic, Conn	20,000
Mystic, Conn	8,160
Thames, Conn	12,000
Saugatuck, N. Y. (See Harbors.)	
Browns Creek, N. Y	10,000
Hudson, N. Y	1,000,000
Wappinger Creek, N. Y	3,500
Matawan Creek, Raritan and South Rivers, Compton and Cheesequake Creeks. (See Harbors.)	
Absecon Creek, N. J	1,600
Alloway Creek, N. J	5,000
Cooper River, N. J	5,000
Elizabeth River, N. J	15,445
Hackensack, N. J	50,000
Mantua Creek, N. J	15,000
Maurice, N. J	30,000
Raccoon Creek, N. J	13,000
Salem, N. J	15,000
Toms, N. J	1,000
Tuckerton Creek, N. J	5,000
Woodbridge Creek, N. J	3,000
Woodbury Creek, N. J	8,000
Allegheny River, Pa. (maintenance)	2,000
Monongahela, Pa	178,200
Appoquinimink, Murderkill, and Mispillion Rivers, Del	27,000
Broad Creek River, Del	$2,000
Broadkill, Del	5,000
Leipsic, Del	5,000
Little, Del	1,000
St. Jones, Del	5,000
Waterway between Rehoboth and Delaware Bays, Del	41,725
Nanticoke River (including Marshyhope Creek), Del. and Md	3,600
Chester, Choptank, Warwick, Wicomico, Pocomoke, La Trappe, and Manokin Rivers, and Tyaskin Creek, Md. (See Harbors.)	
Susquehanna River, Md	51,230
James, Va	75,000
Mattaponi and Pamunkey Rivers and Occoquan Creek, Va	15,000
Onancock River, Va	1,000
Pagan, Va	1,000
Rappahannock, Va	25,000
Upper Machodoc Creek, Va	3,200
Waterway, Norfolk to Beaufort Inlet, Va. and N. C	800,000
Bay River, N. C	1,000
Fishing Creek, N. C	1,500
Neuse and Trent Rivers, N. C	12,000
New River and waterways to Beaufort, N. C	5,000
Northeast, Black, and Cape Fear, N. C	12,000
Shallotte, N. C	9,845
Swift Creek, N. C	500
Waterways connecting Core Sound and Beaufort Harbor, N. C	20,000
Waccamaw, N. C. and S. C	30,000
Great Pedee, S. C	15,000
Santee, Wateree, and Congaree Rivers, S. C	60,000
Flint, Ga	15,000
Satilla River, Ga	10,000
Altamaha, Oconee, and Ocmulgee Rivers, Ga	40,000
Chattahoochee River, Ga. and Ala	80,000
Coosa River:	
At Mayos Bar	30,000
Between Roome and Dam No. 4	25,000
Lock and Dam No. 4 and Dam No. 5	81,000
Waterway, Savannah, Ga., to Fernandina, Fla	100,000
Channel, Apalachicola River to St. Andrews Bay, Fla	130,000
Apalachicola River (cut-off, Lee Slough, lower and upper Chipola Rivers), Fla	7,000
Caloosahatchee River, Fla	2,000
Crystal, Fla	2,000
Holmes, Fla	2,500
Indian, Fla	22,000
Manatee, Fla	5,000
Orange, Fla	1,000
St. Johns River, Fla.:	
Jacksonville to Palatka	19,600
Palatka to Lake Harney	42,200
Withlacoochee, Fla	5,000
Choctawhatchee, Fla. and Ala	9,000
Escambia and Conecuh Rivers, Fla. and Ala	8,000
Alabama, Ala	100,000
Black Warrior, Warrior, and Tombigbee Rivers, Ala	1,338,500
Tombigbee River, Ala. and Miss.:	
Mouth to Demopolis, Ala	12,500
Demopolis to Walkers Bridge, Miss	15,000
Big Sunflower, Miss	120,000
Pascagoula and Leaf, Miss	14,000
Pearl, Miss	37,000
Wolf and Jordan, Miss	5,000
Yazoo River and tributaries, Miss. (Yazoo, Tallahatchie, Big Sunflower, and Coldwater Rivers; Tchula Lake; Steele and Washington Bayous; Lake Washington; Bear Creek)	40,000

Water hyacinth in Mississippi, Louisiana, and Texas		$15,000
Bayous Bartholomew, Macon, D'Arbonne, and Corney; and Boeuf and Tensas Rivers, La		16,000
Bogue Falia, Bayou Manchac, and Amite, Chefuncte and Tickfaw Rivers, La		7,000
Bayou Lafourche, La		2,000
Bayou Queue de Tortue		1,000
Bayou Teche, La		40,000
Bayou Vermilion and Mermentau River, La		16,200
Waterway, Mermentau River to Sabine River, La. and Tex		190,000
Red River, La., Ark., and Tex. and Okla.:		
Below Fulton, Ark		75,000
Fulton, Ark. to mouth Washita River		42,000
West Galveston Bay channel and tributary streams, Texas		25,000
Brazos River, Tex.:		
Old Washington to Waco, locks and dams		250,000
Velasco to Old Washington, maintenance		25,000
Trinity River, Tex.:		
Between mouth and Dallas		255,000
Open-channel work, maintenance		15,000
Waterway on coast of Texas		50,000
Cypress Bayou, La. and Tex		500
Ouachita River, Ark. and La		202,500
Arkansas River, Ark. and Okla		48,000
Cache, Ark		2,000
St. Francis River, including L'Anguille River and Blackfish Bayou, Ark		7,000
Saline River, Ark		3,000
White River, Ark		20,000
Black and Current, Ark. and Mo		25,000
Cumberland, Tenn.:		
Above Nashville	$5,000	
Below Nashville	5,000	
		10,000
French Broad and Little Pigeon, Tenn		15,000
Tennessee River:		
Above Chattanooga	$510,000	
Between Chattanooga and Browns Island	385,000	
Between Florence and Riverton	100,000	
Below Riverton	110,000	
		1,105,000
Ohio River (locks and dams)		1,800,000
Ohio River, maintenance by open-channel work		550,000
Rouge River, Mich		5,000
St. Joseph, Kalamazoo, and Menominee Rivers. (See Harbors.)		
Fox River, Wis		20,000
Red River of the North, Minn. and N. Dak		7,500
Illinois, Ill		100,000
Mississippi River:		
Head of Passes to mouth of Ohio	$6,000,000	
Ohio to Missouri Rivers	1,000,000	
Missouri River to Minneapolis	1,500,000	
St. Paul to Minneapolis	185,000	
		8,685,000
Missouri River, Kansas City to mouth		2,000,000
Missouri River, Kansas City to Sioux City		150,000
Missouri River, Sioux City to Fort Benton		150,000
Gasconade, Mo		10,000
Osage, Mo		15,000
Mokelumne, Cal		1,000
Petaluma Creek and Napa River, Cal		18,000
Sacramento and Feather, Cal		40,000
San Joaquin River, Fremont Channel, McLeod Lake, Stockton and Mormon Channels		186,132
Willamette and Yamhill, Oreg		42,000
Yaquina, Oreg		28,800
Columbia, at Cascades, Oreg		100,000
Columbia, between foot of Dalles Rapids and head of Celilo Falls, Oreg		600,000
Columbia and tributaries, above Celilo Falls to mouth of Snake River		40,000
Columbia, between Bridgeport and Kettle Falls, Wash		25,000
Snake, Oreg., Wash., and Idaho		25,000
Cowlitz and Lewis, Wash		23,500
Grays, Wash		500
Skagit, Wash		10,000
Chehalis, Wash. (See Harbors.)		
Total rivers		22,091,435

List of appropriations made by H. R. 28180, Sixty-second Congress, third session, for harbors.

Portland, Me	$150,000
St. Croix River, Me	75,000
Burlington, Vt	2,000
Narrows of Lake Champlain, Vt	6,000
Boston, Mass	25,000
Mystic River, Mass	25,000
Hyannis, Mass	24,000
Lynn, Mass	84,000
Nantucket, Mass	51,312
Pollock Rip Channel, Mass	125,000
Newburyport, Mass	25,000
Pawcatuck River, R. I	6,000
Providence (river and harbor), R. I	164,800
Fivemile River, Greenwich, and Westport, and Saugatuck River, Conn	5,000
Milford, Conn	5,000
Connecticut River, below Hartford	15,000
New Haven, Conn	10,000
Buffalo Harbor, N. Y	167,375
Cape Vincent, N. Y	36,000
Flushing Bay, N. Y	20,000
Great Sodus Bay, N. Y	4,000
Hempstead, N. Y	5,000
Huntington, N. Y	5,000
Mattituck, N. Y	10,000
New York Harbor, N. Y., including Ambrose Channel	200,000
East River and Hell Gate, N. Y	250,000
Newtown Creek, N. Y	50,000
Harlem River, N. Y	100,000
Gowanus Bay, Bay Ridge, and Red Hook channels	300,000
Great South Bay	5,000
Jamaica Bay	$300,000
Staten Island Sound	500,000
Arthur Kill	30,000
Bronx River	130,000
East Chester Creek	20,000
Westchester Creek	12,000
Ogdensburg, N. Y	37,970
Olcott, N. Y	4,000
Oswego, N. Y	110,000
Plattsburg, N. Y	4,000
Port Chester, N. Y	15,000
Rondout, N. Y	5,000
Saugerties, N. Y	2,500
Keyport Harbor, Matawan Creek, Raritan and South Rivers, Shoal Harbor, and Compton and Cheesequake Creeks, N. J	33,500
Pittsburgh, Pa	5,000
Newark Bay and Passaic River, N. J	300,000
Raritan Bay, N. J	20,000
Shrewsbury River, N. J	10,000
Delaware River:	
Philadelphia to the sea	1,750,000
Philadelphia to Trenton	20,000
Above Lalor Street, Trenton	114,000
Wilmington, Del	30,000
Baltimore, Md	100,000
Rockhall, Queenstown, Claiborne, and Cambridge; and Chester, Choptank, Warwick, Wicomico, Pocomoke, La Trappe, and Manokin Rivers; and Tyaskin Creek	33,510
Anacostia River (Washington, D. C., harbor)	75,000
Potomac River (Washington, D. C., harbor)	50,000
Potomac River (Lower Cedar Point Harbor)	3,000
Norfolk Harbor, Va	195,500
Beaufort Harbor, N. C	5,000
Beaufort Inlet Harbor, N. C	10,000
Cape Fear at and below Wilmington	352,940
Morehead City, N. C., harbor	2,000
Charleston Harbor, S. C	71,616
Winyah Bay, S. C., harbor	120,000
Waterway between Charleston and Alligator Creek, etc., South Carolina	25,000
Brunswick, Ga	33,250
Savannah Harbor, Ga	345,000
Above Augusta, Ga	3,470
Below Augusta, Ga	125,000
Charlotte, Fla	4,000
Fernandina, Fla	40,000
Key West, Fla	15,000
St. Petersburg, Fla	15,000
Apalachicola Bay Harbor, Fla	20,000
Clearwater Harbor and Boca Ceiga Bay, Fla., and channel to Tampa Bay	2,000
Hillsboro Bay, Fla	200,000
St. Josephs Bay, Fla	10,000
St. Lucie Inlet, Fla	100,000
Sarasota Bay, Fla	13,000
Tampa Bay, Fla	9,000
St. Johns River, Fla., Jacksonville to the sea	550,000
Mobile Harbor, Ala	255,000
Mobile Bar, Ala	20,000
Biloxi, Miss	5,000
Horn Island Pass, Miss	5,000
Gulfport, Miss	87,000
Pascagoula, Miss	110,000
Vicksburg, and Yazoo River at	10,000
Johnsons Bayou, La	2,500
Southwest Pass, Mississippi River	500,000
Galveston Channel, Tex	200,000
Galveston-Texas City Channel, Tex	200,000
Port Bolivar Channel, Tex	50,000
Sabine Pass-Port Arthur Canal Channel, Tex	400,000
Brazos River at the mouth, Tex	25,000
Aransas Pass-Corpus Christi Channel, Tex	10,000
Pass Cavallo-Port Lavacca Channel, Tex	5,000
Port Aransas (Harbor Island), Tex	500,000
Cleveland Harbor, Ohio	25,000
Conneaut Harbor, Ohio	200,000
Port Clinton Harbor, Ohio	500
Toledo Harbor, Ohio	105,000
Cheboygan Harbor, Mich	14,000
Detroit River, Mich	155,000
Frankfort Harbor, Mich	3,000
St. Marys River (at the falls), Mich	500,000
Grand Marais (harbor of refuge), Mich	20,000
Ludington, Mich	5,000
Manistee, Mich	246,000
Marquette Bay (harbor of refuge), Mich	5,000
Ontonagon, Mich	9,000
St. Joseph (harbor and river), Mich	6,000
Saugatuck (and Kalamazoo River), Mich	3,000
South Haven, Mich	3,000
Menominee (harbor and river), Mich	10,000
Ashland, Wis	40,000
Green Bay, Wis	14,000
Kenosha, Wis	24,000
Kewanee, Wis	6,000
Port Washington, Wis	4,500
Port Wing, Wis	10,000
Sheboygan, Wis	237,000
Two Rivers, Wis	4,000
Duluth-Superior, Minn. and Wis	375,280
Warroad, Minn	2,000
Zippel Bay, Lake of the Woods, Minn	1,000
Indiana, Ind	225,000
Calumet River, Ill. and Ind	20,000
Chicago River, Ill	10,000
Waukegan, Ill	18,500
Humboldt, Cal	20,000
San Pablo Bay, Cal	40,000
Los Angeles, Cal	121,000
Suisun Channel, Cal	14,500
Oakland, Cal	275,000
Redwood Creek, Cal	3,000
San Diego, Cal	35,000

Coos Bay, Oreg	$80,000
Nehalem Bay, Oreg	100,000
Coquille River, Oreg	6,000
Siuslaw River, Oreg	5,000
Columbia and lower Willamette River, Oreg	160,000
Columbia River at the mouth, Oreg	1,000,000
Puget Sound Harbor, Wash	25,000
Port Townsend Bay-Oak Bay waterway	62,500
Puget Sound-Lake Washington waterway	5,000
Grays Harbor (and Chehalis River), Wash	30,000
Honolulu Harbor, Hawaii	225,000
Total harbors	14,771,523

Mr. NEWLANDS. We are already entering upon this work in a large way, but we are entering upon it in a detached way, in an unscientific way, in a way that will not bring substantial and speedy results. Is it not time for us now to graft upon this very bill an amendment which will create a river regulation board, which will appropriate $5,000,000 annually for the plans and works of that board until the Panama Canal is completed and which will then provide a fund of $50,000,000 annually for 10 years, which will provide for the cooperation of the Nation with the States, which will provide for the cooperation of the scientific services, and which will secure full development, by the cooperation of the Nation and the States, of all the waterways of the country, in every section of the country, giving preference to no section, but providing, as we did with reference to the Reclamation Service, that so far as practicable contemporaneous work shall be conducted in all sections of the country?

We will thus lighten the labors of Congress, which are now becoming so heavy; and, with other reforms, we may hope to see the time when we can transact the public business without remaining in Washington throughout the entire year and transact that business more effectively than we do now.

This is an era of scientific inquiry and of scientific and expert work. All the great agencies of civilization are now employing the experts everywhere. This method lies at the bottom of corporate success. It lies at the bottom of almost every successful enterprise. Why should we, claiming that an American can do everything and upon the plea that we should not abdicate our functions, endeavor to cover by our individual deliberations and individual actions all the expert work that a great Nation can enter upon?

In this great era of industrial advancement can not Congress pursue the methods of the great men in finance and in corporate activities, who utilize to the highest extent the intellects of others—experts in their various capacities—and thus maintain undiminished their strength and their power? Must we always go through our legislative functions overloaded, as we are to-day, by details that can well be intrusted to others, and that ought to be intrusted to others? It is characteristic of great minds to utilize the brains of others, and only in that way can great accomplishment be reached.

The Senator from Minnesota is desirous of securing a vote on his amendment, and I will not at this time detain the Senate further. The proposal of the Senator presented such an object lesson of the necessity of a broad cooperative policy that I could not forbear making some comment, which will, I trust, be instructive in the consideration of the amendment which I will offer to-morrow, and the insertion of which I should like to be made in the RECORD.

The amendment referred to is as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, viz: After line 10, page 65, insert the following:

SEC 2½. That for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end for the storage of flood waters in the watershed of such navigable rivers, including the beneficial use and control of such flood waters, in the maintenance so far as practicable of a standard flow for navigation, the reclamation of arid and swamp lands, and the development of water power; and for the protection of watersheds from denudation, erosion, and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies in plans and works, having in view such river regulation and control, the sum of $5,000,000 annually for each of the years following the 1st day of July, 1913, and up to the date of the completion and opening to commerce of the Panama Canal, and thereafter the sum of $50,000,000 annually for each of the 10 years following the completion of the Panama Canal, is hereby reserved, set aside, and appropriated and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury to be known as the river regulation fund.

That of the said river regulation fund, until otherwise directed by law, one-tenth thereof shall be apportioned to the rivers on the Atlantic coast, one-tenth thereof to the rivers on the Gulf coast outside of the Mississippi River, one-fifth thereof to the Mississippi River from St. Louis to the Gulf, one-tenth thereof to the Missouri River and its tributaries, one-tenth thereof to the Ohio River and its tributaries, one-tenth thereof to the upper Mississippi River above St. Louis and its tributaries, one-tenth thereof to the Sacramento and San Joaquin Rivers and their tributaries in California, one-tenth thereof to the Columbia and Snake Rivers and their tributaries in Oregon, Washington, and Idaho, and one-tenth thereof in the connection of the Great Lakes with the Ohio and Mississippi Rivers.

That a board is hereby created, to be known as the board of river regulation, consisting of the Chief of Engineers of the United States Army, the chairman of the Panama Commission, the chairman of the Board of Review of the Engineer Corps of the Army, the chairman of the Mississippi River Commission, the Director of the United States Geological Survey, the Chief of the Weather Bureau, the Forester of the Department of Agriculture, the Director of the Reclamation Service, the Chief of the Drainage Division of the Department of Agriculture, the secretary of the Smithsonian Institution, one hydraulic engineer, one sanitary engineer, and one electrical engineer; the last three to be appointed by the President and to hold office at his pleasure, and each to receive an annual compensation of $7,500, payable out of the river regulation fund.

The Chief of Engineers shall be the chairman of such board, and the secretary shall be annually elected by the board from its members.

That the functions of said board shall be to investigate and obtain full information concerning all matters involved in or specifically related to the objects set forth in this section, and for such purpose is authorized to expend a suitable and necessary proportion of the moneys therein appropriated; but said board shall not expend or incur liability for the expenditure of any money for the construction or execution of plans or projects without the specific approval of Congress, as hereinafter set forth; that said board is hereby authorized and directed to enlist through the President the services of any Federal department or bureau the statutory authority of which may involve investigations or constructive work that is necessary or desirable in the comprehensive performance of the objects set forth in this section, and to bring into cooperation and to harmonize and unify the work of said departments or bureaus as may be necessary to provide against duplication or unwarranted or incomplete work with respect to the objects herein provided; and that said board is authorized to defray the expenses of such investigations or assistance to the extent of the ultimate cost thereof to said departments or bureaus through a transfer of equivalent proportions of the appropriation herein provided.

That the board shall develop, formulate, and prepare plans for the accomplishment of the purposes herein provided, and shall report the same to Congress annually and at such other times as may be required; and whenever the recommendations or any parts thereof in said report shall receive the approval of Congress the said board shall proceed to construct and execute the same in accordance with the plans so approved: *Provided*, That the provisions of this section shall be so administered as in no way to supersede or conflict with any specific provisions which Congress shall from time to time make by way of appropriations other than such as are made by this act for work and improvements to be performed or maintained by the Corps of Engineers, United States Army, but that all work prescribed under this section shall be supplemental to and coordinated with the work as specifically prescribed by Congress in other acts.

That the board shall in all cases where possible and practicable encourage, promote, and endeavor to secure the cooperation of State and local government bodies, public and quasi public corporations, private associations, and persons in carrying out the purposes and objects of this act, including the securing of the financial cooperation of said parties; that it shall negotiate and arrange plans for the apportionment of work, costs, and benefits, and to secure the agreement and consent of said parties, contingent upon the final approval of same by Congress as herein provided, which approval and consent may include the acceptance and use of any funds or property donated or subscribed or in any way provided for cooperative work; but no moneys shall be expended under any arrangement for cooperation approved by Congress until the funds to be provided by the parties to such arrangement shall have been made available for disbursement.

Mr. BRANDEGEE. Mr. President, I offered an amendment to the amendment and announced that I would ask the Secretary to report it to the Senate, which I now do.

Mr. O'GORMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New York suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Dillingham	Martin, Va.	Root
Brandegee	Fall	Myers	Sheppard
Bristow	Fletcher	Nelson	Simmons
Bryan	Gallinger	Newlands	Smith, S. C.
Burton	Johnson, Me.	O'Gorman	Smoot
Chilton	Johnston, Ala.	Oliver	Thomas
Clapp	Jones	Page	Thornton
Clark, Wyo.	Kenyon	Penrose	Townsend
Clarke, Ark.	Kern	Percy	Warren
Crane	Lea	Perkins	Webb
Crawford	Lodge	Pittman	Williams
Cummins	McCumber	Pomerene	
Curtis	McLean	Richardson	

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present.

Mr. KENYON. Mr. President, I do not want to insist upon my demand for the yeas and nays on this amendment and will withdraw the demand.

The PRESIDENT pro tempore. The demand for the yeas and nays on the amendment of the committee is withdrawn. The Senator from Connecticut offers an amendment to the amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the proposed amendment the following words:

Said agreement shall not be complete and operative until there shall be filed with the Secretary of War an agreement signed by the said Municipal Electric Co. and the proper authorities of the State of Minnesota in which is recognized and acknowledged the full authority of the State of Minnesota to supervise, regulate, and control the rates to be charged by said company, its successors and assigns, for the energy developed and the right of said State from time to time to readjust such rates, and the right of said State to supervise, regulate, and con-

trol said corporation, its successors or assigns, its management, stocks, bonds, or evidences of indebtedness in such manner as may be provided from time to time by the laws of said State, and the right of said State to exact from said corporation, its successors or assigns, such annual charges as may be just and reasonable, taking into account the amount spent and required to be spent by said corporation in improving the navigation of said river, and the right of said corporation to a reasonable return on the fair value of such dam and appurtenances, works, and property, allowing for the cost of construction, maintenance, and renewal.

Mr. BRANDEGEE. Mr. President, that is a sample of one of the amendments with which the Senate burdened the Connecticut River dam bill. There are several of them here, one of them authorizing the Secretary of War to cancel the permit if the company ever in any way, directly or indirectly, should become identified with any "trust" or anything of that kind. I simply had this read to show what the Senate had done in the other case; but I decline to embarrass the Senator's amendment with any such suggestions, and I withdraw the proposed amendment.

The PRESIDENT pro tempore. The amendment to the amendment is withdrawn. The question is upon the amendment of the committee.

Mr. O'GORMAN. Upon that I call for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays are demanded. Is there a second?

Mr. BORAH. Mr. President, may I ask which amendment is now to be voted upon?

The PRESIDENT pro tempore. It is the part in italics on pages 53 and 54 of the bill.

Mr. BORAH. Before that amendment is voted on I should like to know what is the difference in principle between this amendment and the Connecticut dam bill that was voted on the other day? I have been compelled to be absent for a time.

Mr. BRANDEGEE. I do not know.

Mr. NELSON. Mr. President, the main difference is that this dam is built by the Federal Government and owned by the Federal Government entirely, and this company is created by the State of Minnesota to utilize it for the purpose of furnishing electric power to the two cities of St. Paul and Minneapolis and to the State university.

Mr. BORAH. Mr. President, this amendment reads:

Such agreement shall provide for the privileges secured, thereby said corporation shall pay to the United States the fair and proportional cost of maintenance of said dam.

And so forth.

There is a difference so far as the physical facts are concerned; but there is no difference, to my mind, between the principle which is involved in this amendment and the one which was involved in the Connecticut Dam bill; that is, that the Government of the United States is proposing to impose a burden for the special benefit of navigation, which burden will finally be paid by those who use this power. It is even more objectionable than the Connecticut dam bill—it has all of its vices and none of its virtues. I can not understand how the Senate can disapprove the Connecticut bill and approve of this amendment.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator from Idaho if this difference does not exist: In the Connecticut River project the question in debate was, if the dam was raised sufficiently high to serve the purpose of navigation, did the Government own the power incidentally created or not? This amendment proposes to go to the extent of creating an addition to the dam for the purpose of creating power. The difference between the two is that one is clearly within the function of the Government—that is, to build the dam—and the only question is whether the incidental power created by that dam is Government property or not. This includes that and goes further, and grants to the Government the right to construct, at an additional cost, a dam for the purpose of generating power.

Mr. BORAH. Mr. President, I am not going to delay the vote on this matter. I have expressed myself on the other measure, so that it is not necessary to go into a discussion of it. I do not desire to delay it. But the difference which the Senator states is not a difference except in a very limited way, because the principle which is involved, in my judgment, is just the same.

Mr. SMITH of South Carolina. I should like to call the Senator's attention to this fact, because it seems to me there is such a clearly marked difference that it is not even a subject of argument. The Government has the power delegated to it to construct a dam to improve navigation, and, where the circumstances demand such action, it is obligatory. As to the incidental water power that may be generated by the use of the power of the Government, the question in the case of the Connecticut River dam was, What were the Government's rights in that incidental power? In this measure the Government builds the dam to the extent of creating the necessary depth of water for navigation, and then goes further and builds an addition to that dam for the purpose of creating additional water power for commercial purposes. It not only recognizes the right of the Government in the ownership of waters incidentally generated in the construction of the dam, but it grants it the power to build a dam for the purpose of creating a water power.

Mr. O'GORMAN. Mr. President, I desire to add a few words to what I said earlier this afternoon. In my judgment, in principle this amendment is as objectionable as the Connecticut dam bill, which was before us a few days ago. In some respects it is worse than the Connecticut dam bill. This much is clear: The Senate can not adopt this amendment without stultifying itself, and without giving encouragement to those who advocated the Connecticut dam bill to renew their efforts to have that bill passed by Congress, although this body by a large majority, a few days since, declared that its principles were obnoxious to the Constitution of the United States.

Mr. NEWLANDS. May I ask the Senator from New York whether he regards the amendment as objectionable if the State of Minnesota, or this corporation organized under its authority, will joint with the United States in the construction of the dam, the United States paying that proportion of it that is useful to navigation and the State or its agent, acting under its authority, paying that proportion which creates the power necessary for the development of electricity?

Mr. O'GORMAN. I would consider that proposition absolutely indefensible. The State of Minnesota can not enlarge the power of the Federal Government, and under the restricted and enumerated powers possessed by the Federal Government it has no right to the pretensions recognized by this measure.

Mr. NEWLANDS. The Senator, therefore, contends that in this case, where a structure in the river is necessary for navigation, and that structure can also be made available for the development of water power, it would be incompetent for the Nation to enter into an arrangement with the State by which the Nation would pay that portion of the cost which would promote navigation and the State or its agent would pay that proportion and the cost which would promote the development of electric power.

Mr. O'GORMAN. There is only one way provided by the Constitution of the United States for the reimbursement of expenses incurred by the United States Government, and that is by the taxing clause of the Constitution. The Federal Government, in disregard of the authority and limitation, can not seek to impose a specific tax upon the locality where a necessary improvement is made by the Federal Government under the commerce clause. If the navigability of a river needs improvement, it is the duty of the Government to go into that river and make the improvement, and once it is made the function of the Government is exhausted. The rights and the powers and the authority of the State remain absolutely unimpaired.

Mr. NEWLANDS. I do not think the Senator understood my question. The question that I put did not involve taxation or a charge for the use of the dam, or anything of that kind. It simply involves a case where the Nation desires to promote navigation and a dam is necessary for that purpose; and the State wishes to promote the development of hydroelectric power; and the same dam is useful for that purpose it requiring only a somewhat larger expenditure. I ask the Senator whether he objects to an arrangement by which the Nation and the State can cooperate in that work, each paying the part of the cost of the structure that belongs to its jurisdiction.

Mr. O'GORMAN. I gave, I think, a sufficient answer to that proposition; and beyond that I have to remark that that is not the proposition we are called to vote upon. That is not the proposition involved in the bill affecting the improvement of the Mississippi River.

Mr. NEWLANDS. But I was addressing myself to the question as to what arrangement could be made, in the judgment of the Senator, to promote a very highly desirable end, namely, the promotion of navigation and the development of the hydroelectric power by means of the same structure, the work involving the sovereignty and the jurisdiction of the Nation and the State, and involving a certain degree of cooperation between them. Is it the Senator's view that there can be no cooperation between the Nation and the States in a work of that kind, where each does its part, each contributes to the cost, and each receives the benefit of the use that belongs to its jurisdiction?

Mr. O'GORMAN. Each power, the Federal Government on the one hand and the State on the other, is operating within a sphere altogether its own. There is no need, as was suggested here to-day, to have this very valuable surplus water wasted. If the organization in which the cities of Minneapolis and St.

Paul and the university of the State are interested is the owner of the riparian rights, as has been stated here, I know of no reason why, without this legislation, it can not go in and make use of this surplus water to a point that will not impair the navigability of the river.

Mr. NEWLANDS. Mr. President, I simply wanted to pursue the matter with the view to securing from the Senator some solution of a very desirable object, and that is the utilization from the same structure in the interest of efficiency and economy of two uses, one the national use relating to navigation and the other the State use relating to the promotion of hydroelectric power. I wanted to have the light of the Senator's judgment as to how we could accomplish that desirable purpose within the constitutional powers of both sovereignties.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. CLARKE of Arkansas. Mr. President, I voted against the insertion in the Connecticut River dam bill of the proposition to allow the National Government to take toll for the right to employ the surplus water created by that dam, but I shall vote for this particular amendment upon a perfectly distinct ground, or rather for a reason that is entirely distinguishable from the principle involved in that bill.

The National Government has the option of improving rivers or withholding certain improvements. All legislative powers are discretionary powers. If the National Government sees proper to make it a condition upon which it will improve a river that any incidental revenues which might be derived from the improved condition shall be devoted in part to the payment of the expense of that improvement, it is well within its rights when it insists that that shall be done.

Where the National Government sees proper to improve a river by the utilization and installation of a dam and it finds in doing so it has created a surplus of waters which can be commercially used by being employed in the creation of electric power, it has a right to sell that surplus to anyone or to harness it itself and sell it in its completed form.

In my judgment, when the National Government is not called upon to improve any particular reach of a river it has no other rights than those of navigation. If it shall be deemed proper to install a dam at a point where the dam is not necessary for the purpose of improving navigation but it is installed there for the single purpose of creating power, the National Government has no authority to deal with that structure further than to see to it that in its construction it does not operate as an obstruction to navigation.

For reasons good or bad the National Government proposes to install this dam at St. Paul and Minneapolis. If in doing so a surplus of water is created that would run to waste if it were not employed for the wholesome purpose of creating this power, it has the right to say that that power shall not run to waste, because no government was ever designed that would compel an idle, vain, foolish, or unremunerative thing to be done.

I find I have no difficulty, therefore, in drawing a distinction between the two propositions, and I shall vote to put this amendment on the bill.

Mr. O'GORMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from New York?

Mr. CLARKE of Arkansas. With pleasure.

Mr. O'GORMAN. May I ask a question of the Senator from Arkansas? Could not the State of Minnesota provide for the use and consumption of extra water beyond what is needed to improve the navigability of the river?

Mr. CLARKE of Arkansas. It could not; for the reason that there is a proprietary right as well as a governmental involved. When the National Government condemns a site on which to erect a dam and erects the dam, nobody without the consent of the proprietor can enter on that dam for any purpose.

Mr. O'GORMAN. Can it take more water than is necessary for the specific purpose?

Mr. CLARKE of Arkansas. It is not a question of taking water. The Government does not assume to take a drop.

Mr. O'GORMAN. It is appropriating it.

Mr. CLARKE of Arkansas. No; it is not appropriating anything.

Mr. O'GORMAN. Then what is the objection to the State providing for the use of the surplus water?

Mr. CLARKE of Arkansas. It simply has not created it. The locus is there, but it can not enter upon the premises for the purpose of doing anything with it. The dam itself belongs to the National Government. It is put upon a site condemned or seized for that purpose, and the existence of the surplus there is due to the exercise of the governmental power of the United States. The thing that prohibits invasion on the structure at that particular point is the right of proprietorship in the National Government, acquired when the Government expended money there to erect the dam. It is a proprietor as well as a government. It is a proprietor of the dam and has all the rights of possession. It has the right of protecting its possessions like any other proprietor, and you can not enter on the dam and do anything good or bad with it without the consent of the National Government. The distinction is a daylight distinction from my standpoint. I find no difficulty whatever in voting for this amendment.

Mr. BRANDEGEE. Mr. President, before the question is put I wish to make a statement that will not take 30 seconds. I voted in favor of the Connecticut River bill because I had absolutely no doubt of its entire constitutionality, inasmuch as the payment provided for by the company to the Government was to be expended for purposes of improving the navigability of the stream, and for those purposes only.

As to this provision, I have some doubt about its constitutionality; but in order that the question may be adjudicated by the Supreme Court I shall vote in favor of this provision. I consider that it is fairly well adapted to raise the question squarely in the court.

Mr. CLARKE of Arkansas. May I ask the Senator from Connecticut whether he proposes to offer the Connecticut River dam bill as an amendment to this bill?

Mr. BRANDEGEE. The Connecticut River dam bill as it passed the Senate by a very large majority, with the amendments, I expect will be offered later on, at a proper time, when the bill is being considered for amendments by individual Senators.

Mr. CLARKE of Arkansas. I take advantage of the circumstance while I am on my feet at this time to say——

Mr. NELSON. The Senator from Connecticut does not offer it as an amendment at this time?

Mr. BRANDEGEE. Not at all.

Mr. CLARKE of Arkansas. The reason why I think the Minnesota case is distinguished from that is because of the fact of the proprietorship of the National Government of the dam and the right to utilize any incidental value that may be created by it. It is the same as if the National Government owned a military reservation or an Army post and a railroad sought to cross it. If the use by the railroad company would be entirely consistent with its use as an Army post, there would be no reason why the National Government should not be paid for that right.

A Senator near me suggests that as the Connecticut River dam is entirely constructed by a private corporation and at its own expense the National Government has no part in the erection of the dam, and therefore has no proprietary interest to protect.

Mr. JONES. The amendment is open to amendment, is it not?

The PRESIDENT pro tempore. It is open to amendment.

Mr. JONES. I wish to move to strike out all of lines 22, 23, 24, and 25 on page 53, and lines 1 and 2 on page 54.

The PRESIDENT pro tempore. The Senator from Washington moves to strike out certain lines in the amendment, which will be read.

The SECRETARY. On page 53, beginning with line 22, strike out:

> And also pay in addition an annual sum of 4 per cent upon such amount as the United States shall have invested and expended in the completion of the project by which such water power is developed and maintained over and above the amount actually expended and which would have been expended in completion of the project for navigation only.

Mr. JONES. Mr. President, just a word. I understand this dam was built for the purpose of creating and perfecting navigation. If in the building of it the Government has had some property in the water that it has to a certain extent impounded, I do not believe it ought to make any charge for the use of water that is not necessary for navigation purposes.

I understand this is a municipal corporation. Every cent imposed upon this power will have to be paid by the people. Therefore I think the Government ought not to make this charge, but it should let the people of St. Paul and Minneapolis get the benefit of it.

That is the reason why I have moved to strike out the clause which has been read at the desk.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment. [Putting the question.] The nays appear to have it.

Mr. JONES. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BOURNE (when his name was called). I have a temporary pair with the Senator from Alabama [Mr. BANKHEAD]. Consequently I do not feel at liberty to vote. If I were at liberty to vote, I would vote "nay."

Mr. CHILTON (when his name was called). I have a pair with the Senator from Illinois [Mr. CULLOM]. I do not know how he would vote on this question.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. As that Senator is absent because of illness, I withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As that Senator is not in the Chamber, I will withhold my vote.

Mr. KERN (when his name was called). I have a general pair with the Senator from Kentucky [Mr. BRADLEY]. Not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. CLARK of Wyoming. I will transfer my pair with the Senator from Missouri [Mr. STONE] to the junior Senator from Idaho [Mr. BRADY] and vote. I vote "yea."

Mr. TOWNSEND. I should like to announce that the senior Senator from Michigan [Mr. SMITH] is unavoidably absent and that he is paired with the junior Senator from Missouri [Mr. REED].

Mr. CHILTON. I transfer my pair to the junior Senator from Maine [Mr. GARDNER] and vote. I vote "nay." While I am on my feet I wish to announce the absence, on account of illness, of my colleague [Mr. WATSON], and that he is paired with the senior Senator from New Jersey [Mr. BRIGGS].

The result was announced—yeas 10, nays 54, as follows:

YEAS—10.

Borah	Johnston, Ala.	Smith, Ariz.	Williams
Clark, Wyo.	Jones	Thornton	
Fall	O'Gorman	Tillman	

NAYS—54.

Ashurst	Curtis	Martine, N. J.	Sheppard
Brandegee	Dillingham	Myers	Simmons
Bristow	Dixon	Nelson	Smith, Ga.
Bryan	Fletcher	Newlands	Smith, S. C.
Burnham	Gallinger	Oliver	Smoot
Burton	Gamble	Overman	Stephenson
Catron	Gronna	Page	Sutherland
Chamberlain	Johnson, Me.	Penrose	Swanson
Chilton	Kenyon	Percy	Thomas
Clapp	Lea	Perkins	Townsend
Clarke, Ark.	Lodge	Poindexter	Webb
Crane	McCumber	Pomerene	Wetmore
Crawford	McLean	Richardson	
Cummins	Martin, Va.	Root	

NOT VOTING—31.

Bacon	Cullom	Kavanaugh	Shively
Bankhead	du Pont	Kern	Smith, Md.
Bourne	Foster	La Follette	Smith, Mich.
Bradley	Gardner	Lippitt	Stone
Brady	Gore	Owen	Warren
Briggs	Guggenheim	Paynter	Watson
Brown	Hitchcock	Pittman	Works
Culberson	Jackson	Reed	

So Mr. JONES's amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is now upon the amendment reported by the committee.

Mr. KENYON. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BOURNE (when his name was called). I have a temporary pair with the Senator from Alabama [Mr. BANKHEAD], but I am at liberty to vote "yea" on this question, knowing that, if present, the Senator from Alabama would vote in that way. I therefore vote. I vote "yea."

Mr. CHILTON (when his name was called). I transfer my pair with the senior Senator from Illinois [Mr. CULLOM] to the Senator from Alabama [Mr. BANKHEAD], and vote. I vote "yea."

Mr. DU PONT (when his name was called). I again announce my pair with the senior Senator from Texas [Mr. CULBERSON]. As I do not know how he would vote on this question if present, I withhold my vote.

Mr. KERN (when his name was called). I again announce my pair with the Senator from Kentucky [Mr. BRADLEY], and withhold my vote, not knowing how he would vote if present.

The roll call was concluded.

Mr. CHILTON. I wish again to announce the pair of my colleague [Mr. WATSON] with the Senator from New Jersey [Mr. BRIGGS]. I will let this announcement stand for the remainder of the day.

The result was announced—yeas 46, nays 16, as follows:

YEAS—46.

Ashurst	Cummins	Martin, Va.	Simmons
Bourne	Curtis	Martine, N. J.	Smoot
Brandegee	Dillingham	Nelson	Stephenson
Bristow	Dixon	Newlands	Sutherland
Burnham	Fletcher	Oliver	Swanson
Catron	Gallinger	Page	Tillman
Chamberlain	Gamble	Penrose	Townsend
Chilton	Gronna	Percy	Webb
Clapp	Lea	Perkins	Wetmore
Clarke, Ark.	Lodge	Pomerene	Williams
Crane	McCumber	Richardson	
Crawford	McLean	Root	

NAYS—16.

Borah	Fall	Myers	Smith, Ariz.
Bryan	Johnson, Me.	O'Gorman	Smith, S. C.
Burton	Johnston, Ala.	Poindexter	Thomas
Clark, Wyo.	Kenyon	Sheppard	Thornton

NOT VOTING—33.

Bacon	Foster	La Follette	Smith, Md.
Bankhead	Gardner	Lippitt	Smith, Mich.
Bradley	Gore	Overman	Stone
Brady	Guggenheim	Owen	Warren
Briggs	Hitchcock	Paynter	Watson
Brown	Jackson	Pittman	Works
Culberson	Jones	Reed	
Cullom	Kavanaugh	Shively	
du Pont	Kern	Smith, Ga.	

So the amendment was agreed to.

Mr. McLEAN. Mr. President, in view of the character of the amendment which has just been adopted to the river and harbor bill, I desire to give notice that at the proper time I shall offer as an amendment Senate bill 8033, which is the Connecticut River dam bill, which passed the Senate the other day with several amendments attached. For the information of the Senate, I will say that the amendment which I shall offer is the bill as it passed the Senate; that is, it includes the amendment offered by the Senator from Alabama [Mr. BANKHEAD], the amendment offered by the Senator from Washington [Mr. JONES], and the amendment offered by the Senator from Idaho [Mr. BORAH].

Mr. NELSON. Mr. President, we have now disposed of all the amendments to the pending bill except the two amendments in which the Senator from Missouri [Mr. STONE] is interested, which we have agreed should lie over until to-morrow, and the amendment which the Senator from Connecticut [Mr. MCLEAN] proposes to offer to-morrow. I therefore ask that the bill may be now laid aside.

Mr. THOMAS, Mr. PERCY, and others addressed the Chair.

The PRESIDENT pro tempore. One Senator at a time, please. The Senator from Colorado [Mr. THOMAS] first addressed the Chair, and the Chair will recognize him.

Mr. THOMAS. Mr. President, I want to ask unanimous consent to take up a measure, but I shall do that later.

Mr. NEWLANDS. Mr. President, I wish to make a statement in connection with the statement made by the Senator from Minnesota [Mr. NELSON]. I shall also ask a vote to-morrow upon the amendment which I have offered providing for the creation of a river regulation board.

Mr. NELSON. Certainly; the Senator's amendment will come up to-morrow. I ask now that the bill be laid aside for the day.

Mr. BORAH. Mr. President——

Mr. PERCY. I should like to ask the Senator from Minnesota a question in regard to the bill.

The PRESIDENT pro tempore. The bill, under the agreement made this afternoon, will necessarily go over, as an agreement was reached that committee amendments should first be considered, and there are such amendments which are to be considered to-morrow.

Mr. PERCY. What I wished to ask does not relate to that, Mr. President. I wish to know what disposition was made of the amendment offered proposing to appropriate $250,000 to the city of Memphis? Did that go out, as I understand, on a point of order?

Mr. NELSON. I will state that the Senator from Mississippi made the point of order, and the point was sustained. That is my recollection.

Mr. PERCY. That is my recollection of it.

Mr. NELSON. I ask that the pending bill may be laid aside.

Mr. BORAH. Mr. President, before that is done I want to say that I shall offer some amendments to the bill to-morrow, and I presume that will be in order.

The PRESIDENT pro tempore. That will be in order. Without objection, the bill will be laid aside.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. CURTIS. I move that the Senate proceed to the consideration of House bill 28607, the diplomatic and consular appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, which had been reported from the Committee on Appropriations with amendments.

Mr. CURTIS. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first disposed of.

The PRESIDENT pro tempore. Without objection, that order will be made.

The Secretary proceeded to read the bill.

The first amendment was, under the subhead "Boundary line, Alaska and Canada, and the United States and Canada," on page 12, line 7, after the word "notes," to strike out "$100,000" and insert "$105,000," so as to make the clause read:

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary to reduce field notes; and for the more effective demarcation and mapping, pursuant to the treaty of April 11, 1908, between the United States and Great Britain, of the land and water boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary to reduce field notes, $105,000, together with the unexpended balance of previous appropriations for these objects.

The amendment was agreed to.

The next amendment was, on page 16, after line 5, to strike out:

FISHERIES CONVENTION, UNITED STATES AND CANADA.

For the payment of the compensation of a commissioner on the part of the United States under the convention between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 11, 1908, and of the share of the United States of the expenses that may be incurred in carrying out the convention during the fiscal year ending June 30, 1914, $2,000.

The amendment was agreed to.

The next amendment was, under the subhead "Waterways treaty, United States and Great Britain: International Joint Commission, United States and Great Britain," on page 18, line 22, after the name "District of Columbia," to insert "expense of printing"; and, on page 19, line 16, after the word "purpose," to insert "to be disbursed under the direction of the Secretary of State," so as to make the clause read:

For salaries and expenses, including salaries of commissioners and salaries of clerks and other employees appointed by the commissioners on the part of the United States with the approval solely of the Secretary of State, including rental of offices at Washington, D. C., expense of printing, and necessary traveling and other expenses, and for the one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and other purposes, signed January 11, 1909; as well as for the payment of necessary expenses incurred and compensation for services rendered under the direction of the Secretary of State in the examination and preparation of cases involving the use, distribution, or diversion of waters and other questions or matters of difference covered by the treaty of January 11, 1909, between the United States and Great Britain, and in representing this Government and the American interests involved in the presentation of such cases before the International Joint Commission constituted under that treaty, the unexpended balance of the appropriation made for this object for the fiscal year 1913 is hereby reappropriated and made available for this purpose, to be disbursed under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 19, after line 21, to insert:

Contribution toward the adornment of the Peace Palace at The Hague: To enable the United States to contribute to the adornment of the Palace of Peace at The Hague, by sending some object of art of national production, $30,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 6, to insert:

International conference for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships: For the participation of the United States by official technical delegates at the international conference to be called by the British Government to meet in London during the year 1913 for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships, $5,000, to be immediately available.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JEANIE G. LYLES.

Mr. THOMAS. I ask unanimous consent for the present consideration of the bill (S. 8404) for the relief of Jeanie G. Lyles.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SMOOT. Mr. President, I desire to ask the Senator from what committee the bill is reported?

Mr. THOMAS. It was reported on February 17 from the Committee on Claims by the Senator from South Dakota [Mr. CRAWFORD].

Mr. SMOOT. Is there a printed report accompanying the bill?

Mr. THOMAS. There is a printed report.

Mr. SMOOT. All I wish to say is that, if this bill should become a law, it would be entering upon a policy which I think would lead to the expenditure of a great deal of money. I was not present in the Claims Committee when the bill was passed upon, and I do not like to offer an objection as against the chairman of that committee; but it does seem to me that it is a very dangerous precedent to establish, and that such a bill should not be passed unless there is some real good reason for so doing.

Mr. THOMAS. There is, Mr. President, and I think the report of the committee will disclose the reason. The report is brief, and I ask that it may be read.

The PRESIDENT pro tempore. Without objection, the report will be read.

The Secretary proceeded to read the report submitted by Mr. CRAWFORD on the 17th instant, and read as follows:

The Committee on Claims, to whom was referred the bill (S. 8404) for the relief of Jeanie G. Lyles, having considered the same, report thereon with a recommendation that it do pass.

The right of the claimant to the sum allowed and recommended by this committee is based upon an invention of an attachment to a packsaddle for carrying a rapid-firing gun on horseback, by First Lieut. De Witt C. Lyles, of the Twentieth United States Infantry, who died in the general hospital, Washington Barracks, December 9, 1903, and who was a son of the claimant. This young officer, while serving in the Philippine War, was afterwards required to go into rough and mountainous country to fight the enemy, and was forced to carry his rapid-firing gun on horseback, which was very unhandy. To obviate the difficulty he invented a frame, or attachment to a saddle, which was adopted by the War Department, and has been in general use ever since as a military device for carrying rapid-firing guns overland on horseback.

This invention was patentable, but no patent was taken out by the inventor; and as it does not appear from the evidence that he spent any time from his military duties in working out this invention, and inasmuch as the Government has received as much benefit from its use as it could have done had it been patented, in which case the Government would have been required to pay the inventor a royalty, it is deemed by the committee that it is right and proper for the Government of the United States to pay about what the royalty would be had the invention been patented. In order to arrive at an equitable allowance the whole question has been submitted to the War Department, and we are advised by that department that $2,500 would not be excessive, with a recommendation to pay that amount. The committee did not agree altogether with this recommendation, but in their better judgment they have recommended the payment, in full satisfaction of the claim, of the sum of $1,500.

The committee was further prompted in making this recommendation by the feeling that we ought to encourage inventions useful to the Army by those who are engaged in our military service by paying whatever is reasonable for such inventions. It was estimated in 1910 by the War Department that more than 3,000 of these packsaddle attachments were either in use or ordered to be put in use in the United States Army.

The claimant is shown to be dependent upon the invention for support.

Mr. SMOOT. Mr. President, I will say that that bill will lead to quite a good deal of discussion if it is proceeded with, and therefore I object to its consideration at this time.

The PRESIDENT pro tempore. The Senator from Utah objects.

GREAT KANAWHA RIVER BRIDGE, WEST VIRGINIA.

Mr. CHILTON. I ask unanimous consent for the present consideration of the bill (H. R. 28187) to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha River, and for other purposes. This bill, and another which I shall also ask to have taken up, are very important to my State and the localities interested. They are both reported favorably from the Committee on Commerce.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE, WEST VIRGINIA.

Mr. CHILTON. I now ask the Senate to take up for consideration the bill (H. R. 27837) to authorize the Buckhannon

& Northern Railroad Co. to construct and operate a bridge across the Monongahela River, in the State of West Virginia.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PACKAGES UNDER FOOD AND DRUGS ACT.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Manufactures with amendments, on page 2, line 7, after the words "*Provided, however,*" to strike out "That reasonable variations shall be permitted and tolerances shall be established by rules and regulations made in accordance with provisions of this act" and insert "That the Secretary of Agriculture is authorized to establish rules and regulations permitting reasonable variations where in his judgment exactness is impracticable, and shall keep a record thereof: *Provided further,* That the provisions of this paragraph shall not apply to articles in packages or containers when the retail price of such article is 6 cents or less," and, in line 22, before the word "months," to strike out "twelve" and insert "eighteen," so as to make the bill read:

Be it enacted, etc., That section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, be, and the same is hereby, amended by striking out the words "Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package" and inserting in lieu thereof the following:

"Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however,* That the Secretary of Agriculture is authorized to establish rules and regulations permitting reasonable variations where in his judgment exactness is impracticable, and shall keep a record thereof: *Provided further,* That the provisions of this paragraph shall not apply to articles in packages or containers when the retail price of such article is 6 cents or less."

SEC. 2. That this act shall take effect and be in force from and after its passage: *Provided, however,* That no penalty of fine, imprisonment, or confiscation shall be enforced for any violation of its provisions as to domestic products prepared or foreign products imported prior to 18 months after its passage.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PUBLIC HEALTH SERVICE.

Mr. FLETCHER. I ask unanimous consent for the present consideration of the bill (S. 7722) to promote the efficiency of the Public Health Service.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SMOOT. Mr. President, I have not the papers with me, as I did not expect the bill to come up at this time. I desire to offer certain amendments to it, and then I shall have no objection to its consideration. I therefore ask the Senator from Florida to let it go over.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

WASHINGTON-OREGON CORPORATION.

Mr. JONES. I ask unanimous consent for the present consideration of the bill (S. 8233) authorizing the Secretary of War to relieve the Washington-Oregon Corporation, as far as he may deem advisable in the public interests, from certain conditions in an act entitled "An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric transmission lines across the Vancouver Military Reservation, in the State of Washington," approved August 9, 1912. I will state that this is a short bill, and is purely a local one.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 21, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 20, 1913.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who didst call us into being and hast endowed us with marvelous faculties of mind and soul, we realize the great responsibility which comes with these precious gifts and we most humbly and devoutly pray for wisdom, strength, and grace that we may use them for the uplift of humanity and the betterment of our individual life, that Thy kingdom may come and Thy will be done in every heart as it was in the heart of the Christ. Amen.

The Clerk began the reading of the Journal of the proceedings of yesterday.

Mr. RODDENBERY. Mr. Speaker, I make the point that no quorum is present.

Mr. HARDWICK. Mr. Speaker, I move a call of the House.

Mr. RODDENBERY. I withdraw the point of order of no quorum, Mr. Speaker.

Mr. HARDWICK. Then I withdraw the motion for a call of the House.

The Clerk completed the reading of the Journal, which was approved.

CALIFORNIA SCHOOL LAND INDEMNITY SELECTIONS.

Mr. RAKER. Mr. Speaker, the bill S. 5068 is on the calendar, and the Committee on the Public Lands will not have an opportunity to get into their report the decision of the Commissioner of the General Land Office, and I ask unanimous consent that that report and decision be printed in the RECORD, so that it may be available when the bill comes up for consideration before the House.

The SPEAKER. The gentleman from California asks unanimous consent to have the document which he refers to printed in the RECORD. Is there objection?

There was no objection.

The document is as follows:

CALIFORNIA SCHOOL LAND INDEMNITY SELECTIONS—LAKE PROTESTS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, February 18, 1913.

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to submit the following memoranda and recommendations with reference to the "Lake protests" against the certification of certain school land indemnity selections pending on behalf of the State of California in the General Land Office.

These protests attack the validity of selections made under the procedure authorized by the departmental decision found in 28 L. D., 57, in which it was held:

"Where a forest reservation includes within its limits a school section surveyed prior to the establishment of the reservation, the State under the authority of the first proviso to section 2275, Revised Statutes, as amended by the act of February 28, 1891, may be allowed to waive its right to such section and select other land in lieu thereof."

This decision was rendered January 30, 1899, notwithstanding the fact that Judge Wellborn, in the case of Hibberd *v.* Slack (84 Fed. Rep., 571), December 6, 1897, had taken a substantially contrary view of the proper construction of sections 2275 and 2276, Revised Statutes, as amended by the act of February 28, 1891. While no reference was made to the Hibberd case in the departmental decision, it was, however, not because the decision was not known, but rather apparently for the reason it was not regarded as of controlling effect, and it was later so expressly stated (34 L. D., 599). In any event the department adhered to the position taken in this matter of exchange and later followed it in the adjustment of the school grant to other States, notably in the reported cases of Dunn et al. *v.* State of California (30 L. D., 608), Territory of New Mexico (29 L. D., 364, and 34 L. D., 599); also in the case of State of California (34 L. D., 613).

Under these rulings a large number of school indemnity selections, probably aggregating 200,000 acres, were made by the State of California wherein were designated as bases sections 16 and 36 in forest reservations that were established subsequent to the public survey. These selections would doubtless have passed to certification had it not been for other difficulties encountered in the adjustment of the California school grant, which led practically to a suspension of all certificates for a number of years, a condition which only recently has ceased to exist.

The State continued to make selections, using as bases therefor surveyed school sections situated in national reservations, for several years, but as efforts were made to purchase the bases so used, and acting under the advice of the attorney general of the State, the Thompson Act was passed by the California Legislature March 24, 1909. This act made radical changes in the manner of administering the school grant, and, among other things, provided:

"All selections heretofore made by the Surveyor General and which are now pending before the Land Department of the United States based upon surveyed school sections situated within the exterior boundaries of a permanent reservation, shall be, if accepted by the United States Land Department, deemed to be valid bases, and upon the listing of such lands the title of the State to such surveyed school sections shall pass to and vest in the United States."

November 29, 1909, Fred W. Lake, of Oakland, Cal., addressed a letter to the General Land Office, as follows:

"Please be advised that clients of mine claim in place the school lands enumerated in list inclosed, and which lands, I understand, have been offered as bases for lieu selections that are now pending and undetermined in your office.

"These are surveyed lands, the fee whereof vested in the State of California upon survey and before they were offered as bases. While they might be surrendered as bases under the act of Congress of February 28, 1891, amending sections 2275 and 2276 of the Revised Statutes, such surrender and use was legally impossible until authorized by act of the State legislature. Your attention is called to the fact that until the passage of the act of March 24, 1909, no such legislation was ever had in California. It is the claim of my clients that until that date surveyed school sections in place were not legally available for use in California as bases, and that their designation as such by the State land officer was ultra vires and void. In an opinion rendered to the Surveyor General, the State's attorney general so advised in 1907.

"Before March 24, 1909, clients of mine duly claimed and appropriated the land enumerated in list inclosed under the laws of the State of California providing for the sale of school lands. By the proceedings had they instituted between themselves and the State contracts for the purchase and sale of these lands, and these contracts, they contend, are still subsisting and unexecuted. Suits in the courts of the State to enforce these contracts have been brought in some of the cases, and in due course and shortly will be brought in all of them. The purpose of this letter is to put you upon notice of these claims to the school lands in place."

Receipt of this letter was acknowledged, but no formal response was made until April 4, 1910, when Mr. Lake was advised:

"It is well settled that in adjusting congressional grants of land to the State the executive officers of the United States have no jurisdiction to review transactions between the State and the purchaser, nor between the State and its locating agent and determine whether such purchasers or location agents complied with the provisions of the laws relating to the sale of the lands. (Frasher *v.* O'Connor, 115 U. S., 102.)

"Under the general rule of law announced in this case and the section of the Political Code of California, just quoted, the surveyor general of the State is the party with whom the United States must deal in adjusting the school-land grant, and, so far as known to this office at the present time, if the lands to which you refer have, as a matter of fact, been offered in exchange under section 2275, Revised Statutes, they have been offered in accordance with the laws of the State and of the United States. This office, therefore, can not be controlled in the adjustment of said school grant by litigation between the State and would-be purchasers."

And the list accompanying his letter was accordingly returned to him.

By letter of April 14, 1910, Mr. Lake again transmitted the lists of lands in which he alleged that his clients had an adverse interest, again urging their claims and closing with the statement:

"I return again the list of school sections claimed by my clients in place. Perhaps on further consideration of the matter you will think it proper to at least keep this list for reference in your office."

Thereafter Mr. Lake, by letter of May 16, 1910, inclosed to the department copies of the correspondence between the land office and himself on the subject of the claimed rights of his clients. This letter was acknowledged on June 7, 1910, by Secretary Ballinger, but so far as the files disclose no other response was made until after report was received from the State.

By letter of June 11, 1910, the General Land Office submitted to the State surveyor general of California a copy of the list of lands accompanying the protest of Mr. Lake and requested advice in the premises with such statements as might be deemed appropriate or necessary in connection with the adjudication of the State's pending selections. At that time a caveat was put on the status cards in the land office showing the assertion of the claims to the base lands by Lake's clients.

October 19, 1910, the attorney general of the State of California, acknowledging the receipt of the letter of June 11, 1910, to the surveyor general, responded at length, but confined his answer largely to the situation in the school-indemnity question as it existed in California after the passage of the Thompson Act of March 24, 1909, concluding as follows:

"From the foregoing it is apparent:

"First. That as to all selections made subsequently to March 24, 1909, no question can arise as to the authority of the surveyor general to assign surveyed sixteenth and thirty-sixth sections, situated within the exterior boundaries of permanent forest reservations, as bases for indemnity selections.

"Second. All selections made by the surveyor general prior to March 24, 1909, and April 24, 1909, and based upon surveyed sixteenth and thirty-sixth sections are recognized as and declared to be good and valid.

"The applications referred to by Mr. Lake were presented prior to March 24, 1909, and in a number of cases he has commenced mandate proceedings to compel the surveyor general to file the same. In view of this fact I have advised the surveyor general to submit to you a list of those sections for which Mr. Lake presented applications, and also a list of those selections made since March 24, 1909, under the provisions of the Thompson Act.

"As to the latter, as above stated, the surveyor general has full authority to assign surveyed bases, and Mr. Lake's objections would not apply thereto. As to the former I shall notify you of the result of the litigation commenced by him. It is not the desire of the State to have your department list any selection where the validity of the bases assigned may be at all doubtful, but there can be no question in view of the legislation above referred to, as to any such surveyed bases."

The next action in this matter appears to have been taken June 16, 1911, when the following departmental letter was addressed to Mr. Lake.

"I have received your letter of June 9, 1911, inclosing a copy of a letter addressed to the department May 16, 1910, relative to certain surveyed sections 16 and 36 in the State of California, which have been designated by the State surveyor general as bases for indemnity selections. It appears from your letter that the base lands were then and are now claimed by certain citizens of the State adverse to their designation as bases, and that these claims are now in process of litigation in the State court.

"In reply I have to advise you that a list of the school selections claimed by your clients is now on file in the General Land Office, and notation has been made on the records of that office showing that claims have been asserted to said lands under the State laws. No selection will be listed or certified to the State where the validity of the bases is at all doubtful, and until the result of the pending litigation affecting these school sections is announced, the selections based thereon will remain suspended in the General Land Office."

There is now pending before Congress Senate bill No. 5068, which provides:

"That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to make exchange of lands with the several States for those portions of the lands granted in aid of common schools, whether surveyed or unsurveyed, which lie within the exterior limits of any Indian, military, national forest, or other reservation, * * * and any such exchange, whether heretofore or hereafter approved, shall restore full title in the United States to the base land without formal conveyance thereof by the State."

This act contemplates, on behalf of the United States, the same legislative action in the matter of authorizing the exchange of school lands as that now involved in the Lake protest. In other words, both the State of California and Congress will have legislated favorably upon the procedure adopted in the department in 1899.

At the present time none of the Lake suits has been pressed to a conclusion, and so far as known here, no immediate intention of such action is entertained, either by Lake or the State. It has come to the official knowledge of this office in many instances that parties holding under school indemnity selections that are in all respects ready for action, were it not for the pendency of the Lake protest, have, in order to secure favorable action upon their selections, secured, as to them, the relinquishment and abandonment of the Lake protest for a money consideration paid to him. It thus appears that the continued suspension of action on the selections because of the Lake protest will cause indefinite delay, and has unwittingly brought about a condition that has induced at least some of the purchasers of the selected lands to believe it is necessary, in order to get action on their selections, to procure a waiver or release of Lake's claim or protest.

The beneficiaries of the State selections being the real parties in interest have no available method of expediting or procuring the disposition of the litigation between Lake and the State, or, so long as the suspension continues, of getting action in the department on the selections in which they are interested. They are, therefore, protesting against the suspension and are urging the revocation thereof, and in this have been joined by the State. These things have raised the question of the propriety of longer continuing this order of suspension. The whole matter, including suggestions made by Mr. Lake and others interested with him, has been carefully considered, and after mature deliberation it is recommended:

1. The passage of the pending bill in Congress should be secured, the exclusion of the proposed Idaho amendment first being insisted upon.

There is nothing in Lake's contention as to the contractual rights secured by his clients through a mere rejected application to purchase. This proposition was fully considered in practically a similar case arising in California. The court held:

"Where there is no contract and no vested right in the intending purchaser, the withdrawal of the lands from sale by repeal of the statute authorizing sale, or otherwise, absolutely terminates the power of the officers of the Government to take the steps necessary to transfer the title." (Messenger *v.* Kingsbury, 158 Cal., 611.)

The passage of such an act as the one now in contemplation is no more than a congressional declaration of the principles of exchange found in the statute by the department, and while it is not a legal necessity to give vitality to those sections, it will doubtless serve to inspire confidence in titles now thought by some to be doubtful.

2. Mr. Lake's contention should be ignored, whether Congress enacts this or similar legislation. The order of June 16, 1911, in which Mr. Lake was advised that "until the result of the pending litigation affecting these school selections is announced the selections based thereon will remain suspended in the General Land Office," should be revoked.

The order was issued after apprising the State of Mr. Lake's contentions and receipt of response from the attorney general of the State, in which he reported commencement of mandamus proceedings to compel the surveyor general to file the Lake offers to purchase, it being assumed that the cases would be vigorously prosecuted to a final determination and that no objection to the suspension would be made by the State, in view of the fact that the attorney general reported that he had advised the surveyor general to submit to me a list of these selections for which Mr. Lake presented applications. The State is now urging revocation of the rule of suspension, and as the Lake protests seem to rest alone upon the circuit court decision in the case of Hibberd *v.* Slack, which the department has specifically refused to follow, as many selections have been heretofore approved in contravention of said decision, and as the the department even to-day is approving like selections where not included within the Lake protest, there would seem to be no real justification for longer suspending action merely because of these protests. It is therefore evident that no reason longer exists why the department should not proceed in the orderly administration of the school grant to the State of California and give no further attention to the Lake protest. This action is therefore recommended, due notice to be given to the State officials and also to Mr. Lake.

Respectfully, FRED DENNETT, *Commissioner.*

FEBRUARY 18, 1913.

Recommendation approved. WALTER L. FISHER, *Secretary.*

BUREAU OF MINES.

Mr. FOSTER. Mr. Speaker, I call up the conference report on the bill H. R. 17260, to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines."

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT (NO. 1552).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, and 8, and agree to the same.

That the Senate recede from its amendment numbered 9.

M. D. FOSTER,
W. B. WILSON,
JOSEPH HOWELL,
Managers on the part of the House.

MILES POINDEXTER,
GEO. SUTHERLAND,
Managers on the part of the Senate.

STATEMENT.

The committee of conference on the disagreeing votes of the two Houses begs leave to submit the following statement on Senate amendments to H. R. 17260:

The House conferees receded from its disagreement to Senate amendments as follows:

(1) Page 2, line 10, strike out the word "direction" and insert "approval," as it is thought the word "approval" is in better form than that of "direction," as the Director of the Bureau of Mines directs the work with the approval of the Secretary of the Interior.

(2) Page 2, line 15, after "and," inserting the words "conserving resources through" more clearly defines the scope of the act, and for this reason receded to its disagreement of the amendments.

(3) Page 2, line 18, strike out the comma after "industries" and insert a semicolon.

(4) Page 2, line 18, strike out "the" before the word "peat," as the word is superfluous.

(5) Page 2, line 19, after "peat" insert a semicolon.

(6) Page 2, line 19, after the word "and" insert the words "on behalf of the Government to investigate," as it more clearly defines the intention of the act and it makes it clear that the investigations are to be done on behalf of the Government of the United States.

(7) Page 2, line 21, insert the words "mining, preparation, treatment, and use," as this defines more clearly the intention of the investigation and it is necessary to investigate as to the method of mining and preparation, treatment, and the most efficient use.

(8) Page 3, lines 12 to 20, the Senate struck out all down to the proviso and inserted the following language:

"SEC. 4. In conducting inquiries and investigations authorized by this act neither the director nor any member of the Bureau of Mines shall have any personal or private interest in any mine or the products of any mine under investigation, or shall accept employment from any private party for services in the examination of any mine or private mineral property, or issue any report as to the valuation or the management of any mine or other private mineral property."

The intention of this amendment is that no employee of the Bureau of Mines is to have any interest in any mining property under investigation or accept any employment of any private party for the purpose of examining any mining property of any kind, and it is intended to make this provision plain.

(9) Page 4, line 3, the Senate conferees receded from its disagreement to the amendment inserting the words "of explosives" so as to limit the investigation to that alone, but it is believed that the bureau should be empowered to investigate other safety appliances, such as lamps and mining machinery.

M. D. FOSTER,
W. B. WILSON,
JOSEPH HOWELL,
Managers on the part of the House.

The SPEAKER. The Chair will inquire of the gentleman from Illinois, as a matter of procedure, if this ought not first to be presented to the Senate?

Mr. FOSTER. This is a House bill, and the House has possession of the papers.

The SPEAKER. How did the House get possession of the papers?

Mr. FOSTER. Because they were turned over to us by the conferees. We asked for the conference.

Mr. MANN. If the House asked for the conference, the conference report should first be presented in the Senate.

The SPEAKER. That is the usual procedure. The Chair understands that the gentleman from Illinois has physical possession of the papers?

Mr. FOSTER. Yes.

The SPEAKER. Did the gentleman from Illinois get possession of the papers in the regular way?

Mr. FOSTER. Yes.

Mr. MANN. Where are the papers?

The SPEAKER. The papers are here.

Mr. MANN. If we asked for the conference, the papers ought to be in the other body.

The SPEAKER. They ought to, but if the House has possession of the papers in the legal and regular way it is sufficient. The only trouble about it is that it confuses the enrolling clerk.

Mr. FOSTER. It does not matter to me, Mr. Speaker, except that we have possession of the papers, and I think there is no objection by the Senate conferees.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

WATER SUPPLY, COLORADO SPRINGS AND MANITOU, COLO.

Mr. GRAHAM. Mr. Speaker, I call up the conference report on the bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT (NO. 1551).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the act (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

In lieu of the matter proposed in amendments numbered 1 and 2, in line 19, page 6, after the word "Agriculture," strike out all down to and including the word "Manitou," in line 20, page 6, and insert in lieu thereof the following: "at the expense of and in cooperation with the city of Colorado Springs and the town of Manitou, said expense to be borne and paid by said city of Colorado Springs and town of Manitou in proportion to the number of acres reserved for the respective use of each of said municipalities."

Amendments numbered 3, 4, 5, and 6: In lieu of the matter proposed in amendments numbered 3, 4, 5, and 6, strike out all of section 5 of the act and insert in lieu thereof the following:

"SEC. 5. That this act shall be subject to the legal rights of any municipality, person, or persons in or to the above-described premises, or any part thereof, or the water thereof."

JAMES M. GRAHAM,
EDWARD T. TAYLOR,
ANDREW J. VOLSTEAD,
Managers on the part of the House.

REED SMOOT,
S. GUGGENHEIM,
FRANCIS G. NEWLANDS,
Managers on the part of the Senate.

STATEMENT.

The conference agreement is a compromise in the nature of a substitution for the language of about four lines of the bill as it passed the House and the Senate amendments thereto, and the report as adopted only makes one change of substance in the bill as it passed the House.

The first Senate amendment, which is in line 19, page 6, section 3, of the printed bill, strikes out the provision of the bill, as it passed the House, placing the administration of the land in the Secretary of Agriculture in cooperation with the city of Colorado Springs and the town of Manitou, and adds in lieu thereof the provision that such administration shall be by and at the expense of said city and town.

The Senate conferees receded from the first part of that amendment, thereby leaving the administration in the hands of the Secretary of Agriculture as it passed the House, and the House conferees agreed to such administration being at the expense of said city and town in proportion to the number of acres of land reserved for each, respectively.

That is the only important change that the conference makes in the House bill.

The Senate amendments which occur in section 5 in relation to legal rights heretofore "or hereafter" acquired are stricken out and the remainder of the Senate amendments in that section are retained.

With that change the section is rewritten, making it read as follows:

"SEC. 5. That this act shall be subject to the legal rights of any municipality, person, or persons in or to the above-described premises or any part thereof or the water thereof."

The terms of the section as agreed upon are, as the House conferees believe, practically the same in substance as it passed the House; and substantially the same as the law would be even if the section were not in the bill at all. But it was deemed desirable to retain this provision in the bill for the purpose of formally recognizing all existing legal rights.

JAMES M. GRAHAM,
EDWARD T. TAYLOR,
ANDREW J. VOLSTEAD,
Managers on the part of the House.

The conference report was agreed to.

TRANSPORTATION OF ALIENS.

Mr. SABATH. Mr. Speaker, I ask to have the bill (H. R. 21229) to extend the power of the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor, with Senate amendments, taken from the Speaker's table and submitted to the House.

The SPEAKER. The Clerk will report the amendments.

The Senate amendments were read.

Mr. SABATH. I move to concur in the Senate amendments.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

LOAN OF MONEY.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimouse consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

TWO-CENT LETTER POSTAGE RATE.

Mr. STEENERSON. Mr. Speaker, I desire to call up a privileged resolution, House resolution 809, requesting information of the President as to the practicability of extending a 2-cent letter postage rate similar to that enforced with Great Britain and Germany to Norway, Sweden, Denmark, and the Netherlands.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 809.

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to transmit to the House of Representatives all information that may be in his possession or the possession of the Department of State or the Post Office Department as to the practicability of extending a 2-cent letter postage rate, similar to that in force with Great Britain and Germany, to Norway, Sweden, Denmark, and the Netherlands, and whether offers or intimations of a willingness on the part of any of said countries to establish such postal rates have been received, and if received, what action was taken in that behalf and the reason therefor.

Mr. HARDWICK. Mr. Speaker, I reserve the point of order on the resolution.

The SPEAKER. What point of order does the gentleman reserve?

Mr. HARDWICK. Mr. Speaker, I reserve the point of order that it calls upon the executive departments for conclusions and arguments rather than for facts, and it is not privileged for that reason, under the rule.

The SPEAKER. How does the gentleman contend that it calls for conclusions?

Mr. HARDWICK. Because it asks them to report on the practicability of something.

Mr. GARRETT. Mr. Speaker, at the end of the resolution they are requested to report the reason therefor.

Mr. STEENERSON. It simply calls for information as to the reasons.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Georgia that it is merely asking for some information in the department as to whether we could extend the 2-cent postage rate between this country and Norway and the other countries named.

Mr. HARDWICK. Mr. Speaker, I am not opposed to the resolution, but I do not see the chairman of the Committee on Rules on the floor.

Mr. STEENERSON. It is a unanimous report from the Committee on the Post Office, and the committee desires the information.

Mr. HARDWICK. Mr. Speaker, if that be true, whether the point of order be good or not, I shall not press it.

The SPEAKER. The Chair is rather inclined to think that if the gentleman insists upon the point of order, it is well taken.

Mr. MANN. I think so.

The SPEAKER. The four words "and the reason therefor" would make it obnoxious to the rule.

Mr. HARDWICK. Do I understand the gentleman from Minnesota to say that the chairman and all the members of the Committee on the Post Office and Post Roads favor the passage of this resolution?

Mr. STEENERSON. Yes; it comes with a unanimous report.

Mr. HARDWICK. Mr. Speaker, I shall not make the point of order.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTRA COPY OF CONFERENCE REPORTS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 854.

Resolved, That the managers on the part of the House shall, during the remainder of this session, present with all conference reports an extra copy for the use of the enrolling clerk.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

STREET RAILWAY EXTENSION, MACOMB STREET.

The SPEAKER laid before the House the bill (S. 4681) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes, a similar House bill being on the calendar.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Do I understand that a similar bill to this is on the House Calendar?

Mr. JOHNSON of Kentucky. Mr. Speaker, I can state for the information of the gentleman that there is, as I understand it, an exact copy of this bill on the House Calendar.

Mr. MANN. Mr. Speaker, I think the gentleman is mistaken. The House bill is on the Union Calendar.

The SPEAKER. It is on the Union Calendar? Ought it to be on the House Calendar?

Mr. MANN. I do not think it ought to be on the House Calendar. I have no objection to the consideration of the bill by unanimous consent. I think the House bill is properly on the Union Calendar.

Mr. JOHNSON of Kentucky. Then, Mr. Speaker, I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to consider this bill at the present time. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

An act (S. 4681) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes.

Be it enacted, etc., That the Washington Railway & Electric Co. of the District of Columbia be, and it is hereby, authorized and required to construct an electric street railway beginning where its present tracks on Wisconsin Avenue intersect Macomb Street NW.; thence along Macomb Street to Massachusetts Avenue; and thence along Massachusetts Avenue in a northwesterly direction to the District line: *Provided*, That said railway shall be constructed and operated by overhead electric system.

SEC. 2. That the street railway extension provided for in section 1 hereof shall be begun within 6 months after the approval of this act, and shall be completed, with cars running thereon, within a period of 2 years from said date, and the said Washington Railway & Electric Co. shall, within 60 days from the date of the approval of this act, deposit with the collector of taxes of the District of Columbia the sum of $1,000 to guarantee the construction of said extension within the prescribed time, and if said extension is not so completed, with cars running thereon, within the prescribed time, said $1,000 shall be forfeited to the District of Columbia.

SEC. 3. That in addition to the deposit hereinbefore referred to, the said company shall deposit such further sum or sums as the commissioners may require to cover the cost of inspection and the cost of changes to public constructions or appurtenances in public highways caused by the construction of said extension.

SEC. 4. That all plans of location and construction of said extension shall be subject to the approval of the Commissioners of the District of Columbia, and all excavations in public highways shall be made under permits from said commissioners and subject to regulations prescribed by them. That said extension shall be constructed in a substantial and durable manner, subject to the inspection of said commissioners, and all changes to existing constructions and appurtenances in public space shall be made at the expense of said company.

SEC. 5. That the said Washington Railway & Electric Co. shall have, over and respecting the extension of its line herein provided for, the same rights, powers, and privileges that it has by its charter and amendments or by law over and respecting its other routes, and shall be subject in respect thereto to all the other provisions and requirements, duties, and obligations of its charter and amendments and of law. That in addition to the obligation placed upon said company by its charter and law regarding the maintenance of the space between its rails and tracks and 2 feet adjacent thereto on each side thereof the said company shall, in connection with its track construction and simultaneously therewith, grade the highways through which its tracks shall be extended under the provisions of this act for a distance of 2 feet outside of the outer rails of its tracks to such section and profile as may be approved by the Commissioners of the District of Columbia, and shall bear and defray all of the costs of such grading, which shall be done to the entire satisfaction of said commissioners.

SEC. 6. That Congress reserves the right to alter, amend, or repeal this act.

Mr. AUSTIN. Mr. Speaker, reserving the right to object——

The SPEAKER. Consent has already been granted, and there is no opportunity now to object.

Mr. AUSTIN. Mr. Speaker, then I wish to ask the chairman of the Committee on the District of Columbia if the government of the District of Columbia receives any compensation for these valuable franchises that are granted to street railway companies?

Mr. JOHNSON of Kentucky. None whatever.

Mr. AUSTIN. When are we going to reach a time when the people are going to get something for these valuable concessions?

Mr. JOHNSON of Kentucky. The gentleman is as well informed upon that subject as I am.

Mr. AUSTIN. Has the District of Columbia or the government of the city of Washington ever received anything for a single street railway franchise in this city or the District?

Mr. JOHNSON of Kentucky. I understand not.

Mr. AUSTIN. Then how long do the franchises last?

Mr. JOHNSON of Kentucky. I am not advised. This makes it revocable at any time by an act of Congress.

Mr. AUSTIN. Does the gentleman and his committee intend to ever bring legislation into this House that will compensate the people for the franchises that are given away?

Mr. JOHNSON of Kentucky. The present committee will expire with this session of Congress, and it would be too late to bring in anything of that kind now. I have no information as to who will compose the next District Committee, and, therefore, have no idea as to what they will bring in.

Mr. AUSTIN. What is the position and policy of the present committee on that subject?

Mr. JOHNSON of Kentucky. I am not advised as to the position of the other members of the committee. As to myself I can say I believe there ought to be a franchise tax for all these things.

Mr. AUSTIN. Mr. Speaker, I give notice that as long as I am in this House no franchise shall ever be extended or a new franchise ever granted unless the people receive due compensation for the same.

Mr. CANNON. Will the gentleman allow me just a word?

The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from Illinois?

Mr. JOHNSON of Kentucky. I do.

Mr. CANNON. Mr. Speaker, a companion bill to this I introduced early in the session. I did it at the request of many citizens in the northwest part of the city and at the especial request of Mr. Hamilton, in charge of construction of the great National Methodist University. This institution when complete will be one of the great universities in the United States—yes, in the world. This railway will not only render easy access to this university, but also to the Episcopal Cathedral School for boys and girls and to an important Catholic institution; in addition it will accommodate a large and growing suburban population on the heights overlooking the city. The gentleman from Kentucky [Mr. JOHNSON] tells me, and I have no doubt the statement is correct, that one of the street railways is willing to construct the proposed railway.

Mr. JOHNSON of Kentucky. Everybody is.

Mr. CANNON. That the people are satisfied, that everybody is satisfied. Now, I just want to say a word in reply to the gentleman from Tennessee [Mr. AUSTIN]. A railway franchise for a traction company in the city of Washington proper, the settled part of it, is a very valuable property. There is no franchise tax there, but I happen to know that this extension that I speak of is where there is a development being made and where the franchise might in the end be profitable, but if I was a street railway company I would hesitate a long time, and I have knowledge in Illinois about municipal charters, before on my own motion I would construct this railway.

Mr. JOHNSON of Kentucky. If the gentleman will permit an interruption just there, I may say that the street car companies are taxed in the District of Columbia upon their gross receipts.

Mr. CANNON. Yes.

Mr. JOHNSON of Kentucky. Then this would, I take for granted, augment their gross receipts and in that way it would bring a revenue into the District of Columbia.

Mr. CANNON. The gentleman is correct about that; and I want to say that in my service in Congress when I came here there was nothing but horse railways, one on Pennsylvania Avenue and one on F Street, and very poor railways at that. Congress forced these railways to abandon horsepower and utilize first a cable system and then an electric system, and again there was no tax on these railways. We forced by law upon these railways a tax of 4 per cent on their gross earnings. I do not believe there is anybody in the House now except myself who was here when that legislation was enacted. Congress has plenary power to tax them now; plenary power to repeal or amend their charters. We had to use this plenary power before we could force these roads that had horsepower to keep up with modern improvements. I think, whatever as a matter of theory we might have about it, that with this plenary power of Congress the railways can be looked after and, I have no doubt, will be looked after. I therefore am glad to contribute by voice and vote to the enactment of this legislation. I express the hope it will be enacted. It meets the approval of one of the most industrious chairmen of the Committee on District Affairs that I have ever known in the House.

Mr. DYER. The gentleman forgets that the whole committee is very industrious.

Mr. CANNON. Precisely. I want to compliment the whole committee. It is well guarded, and everybody is satisfied about the matter.

Mr. AUSTIN. Mr. Speaker——

The SPEAKER. The question is——

Mr. CANNON. I believe I have the floor. I yield.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] borrowed the floor. [Laughter.]

Mr. JOHNSON of Kentucky. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I have known the ex-Speaker of this House for more than 30 years. When I first came to Washington as a private secretary to a Member of Congress, who represented the District I now represent, the gentleman from Illinois [Mr. CANNON] was then in Congress. I do not question his motives, and I think one of the splendid things in his long and illustrious career in this House is his fidelity to public duty, and that none of his bitterest enemies can point to any public act reflecting upon his character or his honor. I do not know anything about this proposition except what has developed in this short discussion, but I hope it will call attention to the fact that the American Congress owes a duty to the people of this city and District and to the people of the United States to get busy and bring legislation here that will exact fair and just compensation for the valuable franchises that have been given away to private corporations.

Mr. DYER. Will the gentleman yield?

Mr. AUSTIN. In a moment. The people of the United States have an interest in this matter, because our constituents under the present law are required to contribute one-half of the money necessary to conduct the public affairs of the District of Columbia and Washington City. We owe it to our constituents to compel a just return for the valuable franchises that are enjoyed by private corporations in this city. The electric light company, the gas company, and the traction companies, each and every one of them, should be required by law to pay a fair and just annual contribution to the public treasury of this city. And we owe it to the people of this city that are being daily taxed by every one of these private corporations in the charges fixed for gas, electric light, and transportation on the street car lines not only to compel these companies to pay the operating expenses and fixed charges, but also to pay dividends upon watered stock. The American people demand of those intrusted with legislation that they shall be protected in the cost of living from having these exactions imposed upon them by private enterprise and by dividends upon watered stock. And I trust that the District Committee which will represent us in the next Congress will bring legislation in here to compel these corporations to pay for these valuable franchises and privileges, and also to relieve the people of the District of Columbia by compelling the traction companies to furnish sufficient rolling stock that when the people—men, women, and children—are compelled to pay transportation over their lines, they will be given something except a strap to hold on to in order to ride in their cars.

Mr. DYER. Will the gentleman yield?

Mr. AUSTIN. I yield back my time.

Mr. JOHNSON of Kentucky. I will say to the gentleman that I agree with him in the general trend of his remarks, and I will also say in this bill there is a provision requiring the street car companies not only to build, but to forever maintain a roadbed between its tracks and for 2 feet on the outside of the tracks.

Mr. GREEN of Iowa. Will the gentleman yield in that connection?

Mr. JOHNSON of Kentucky. Yes.

Mr. GREEN of Iowa. Why is it that the bill provides especially that the street railway shall be constructed and operated by an overhead electric system?

Mr. JOHNSON of Kentucky. Because it is out in the country, and there is no need for an underground system at the present time.

Mr. GREEN of Iowa. That is quite true, but the railway company would so construe it, without some such provision, that they would carry it in perpetuity.

Mr. JOHNSON of Kentucky. If the gentleman will read the last section of the bill, he will see there is nothing perpetual about it.

Mr. MADDEN. You could not compel them to build an underground system without an underground sewerage system.

Mr. JOHNSON of Kentucky. It does not need this provision to have it operated by an overhead system.

Mr. GREEN of Iowa. It ought to be inserted. It could not be done in any other way.

Mr. JOHNSON of Kentucky. I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. I want to say, Mr. Speaker, that I have so much confidence in the chairman of this committee that I would be slow to disapprove this bill, although I have never heard the bill read, and do not know the section of the country which it serves. But I wanted to ask the gentleman from Kentucky how many miles of additional track will be built under the provisions of this bill?

Mr. JOHNSON of Kentucky. I have not measured the distance.

Mr. SIMS. But surely the gentleman has some idea about it.

Mr. JOHNSON of Kentucky. It goes from Wisconsin Avenue and Macomb Street to the District line.

Mr. SIMS. Has not the gentleman a general idea of the distance?

Mr. JOHNSON of Kentucky. No; I have no idea of the distance, but I do not think it is important.

Mr. SIMS. It is two or three miles, is it not?

Mr. JOHNSON of Kentucky. Perhaps.

Mr. SIMS. How many people will this new line serve? A number of churches have been mentioned. Is that neighborhood a settled community?

Mr. JOHNSON of Kentucky. I do not know that any churches will be served, but there is a Methodist institution of learning out there that needs the car line very badly, and there is an Episcopalian institution of learning there and also a Catholic one. They are all clamoring for it, and nobody is objecting to it.

Mr. SIMS. The gentleman means institutions of learning that can not be served well without street car facilities?

Mr. JOHNSON of Kentucky. They can not be served at all without them.

Mr. SIMS. When I served on the gentleman's Committee on the District of Columbia, I found that the street car companies usually objected to any extension of their lines unless they were themselves concerned in behalf of the extension. The street car companies have always divided the cost per mile per passenger on their various lines in determining their net receipts per passenger. Now, if you have a considerable mileage in a thinly settled section of the city, the company, of course, loses money in that portion of the service, and then they use that as an argument against reducing the cost of fares on their lines generally. They say, "We have to serve a large and thinly settled portion of the city of Washington, and therefore our revenues from that portion of our mileage have to be supplemented by the additional revenues that we receive from other lines."

Mr. CAMPBELL. Is not that the way any prudent and successful business man would conduct his business?

Mr. SIMS. I am stating to the House the objection that the street car companies usually urge to proposed extensions.

Mr. CAMPBELL. Is not that natural?

Mr. SIMS. I will let the House draw its own conclusions as to whether it is natural or not, but it results in preventing the reduction of the fare even on those portions of their lines where the community is thickly settled. This is an extension by the overhead-trolley system, which is much cheaper in construction than the underground system, and it is proposed to be a single-track line, as I take it.

Mr. JOHNSON of Kentucky. Yes; a single-track line.

Mr. SIMS. Yes; it is a single track; and I want to call the attention of the House to the fact that when we authorize this extension with overhead trolley and single track we do not want them to come in afterwards and say that we forced them to go into a thinly settled country, and have them use that as an estoppel upon us when we attempt to reduce the price of fares in the thickly settled portions of the city.

Mr. JOHNSON of Kentucky. I will say to the gentleman just there that that situation can not possibly arise, because the street car people are on record, in a communication addressed to the Committee on the District of Columbia, to the effect that they are not opposed to this proposition.

Mr. SIMS. I know they are not opposed to this, but they will use this act to show that their cost per passenger has been increased by reason of being obliged to extend their lines into a thinly settled portion of the city. I want to say now that the street car companies, when future efforts are made to reduce the cost of service in the city proper—the car companies will come in and say that by the mandate of Congress they have been obliged to furnish to the people miles and miles of railway in a sparsely settled section of the city which will increase the general cost of operation per passenger, and therefore they can not reduce the rate of fare. But I do not know enough about this particular bill to oppose it or to favor it.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 58, noes 6.

So the bill was passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FREE FEDERATION OF LABOR OF PORTO RICO.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to have printed as a House document an address by the Free Federation of Labor of Porto Rico, entitled "The Tyranny of the House of Delegates of Porto Rico," dealing with what the Free Federation of Labor deems essential in the interest of legislation in Porto Rico.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILSON] asks unanimous consent to be allowed to print the document that he names. Is there objection?

Mr. HARDWICK. Mr. Speaker, reserving the right to object, I wish to inquire of the gentleman if he has secured the consent of the gentleman from South Carolina [Mr. FINLEY], the chairman of the Committee on Printing.

Mr. WILSON of Pennsylvania. I have not.

Mr. HARDWICK. Then, at his request and for him, I object.

The SPEAKER. The gentleman from Georgia objects.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28775, the sundry civil appropriation bill, with Mr. HAY in the chair.

Mr. SIMS. Mr. Chairman, I do not think I can occupy the time of the committee to better advantage than to read from the Fort Worth Record, of Fort Worth, Tex., in its issue of February 16, 1913, a communication to that paper from a distinguished Member of this House, the Hon. JAMES L. SLAYDEN, under the title of "Ship subsidy undemocratic," and the editorial on said communication in the same issue of said newspaper, which are as follows:

[Hon. JAMES L. SLAYDEN, in the San Antonio Express.]

"SHIP SUBSIDY UNDEMOCRATIC.

"WASHINGTON, D. C., *February 8, 1913.*

"A few days ago I read an editorial in your paper on Panama Canal tolls in which you quoted freely from the masterful argument of Senator ROOT, of New York, and with flattering liberality from an address which I made in Brooklyn, January 12.

"In the quotation from my speech you referred to only one phase of the question as I presented it, to wit, the moral view. That aspect of the case is covered by the treaties and the obliga-

tions growing out of them. I do not believe that any man, certainly any unprejudiced man, can read the treaties and come to any other conclusion than that we are as plainly and strongly obligated as it is possible for language to make a contract. A decent regard for the opinions of other people and our own self-respect both command us to live up to our engagements.

"But I want, very briefly, to discuss another feature of the case.

"When the Panama bill was being considered in the House of Representatives I declared myself against exemption from the payment of tolls for any class of shipping. On that point I said: 'To grant the free use of the canal to the coastwise trade, and only to that trade, will be a discrimination in favor of a branch of shipping that already enjoys a law-made monopoly and does not need this additional favor.'

"In the same speech I stated my opinion to be that as all the taxpayers had built the canal and dedicated it to commerce, its upkeep cost, which will be nearly $30,000,000 a year, should be charged to the traffic that will go through it.

"In my speech on the conference report delivered August 17, after discussing the treaties, I said: 'Furthermore I differ, on purely economic grounds, from some of the suggestions that have been made. This canal has been built at a huge expense to all the people. It will be maintained at a cost of approximately $30,000,000 a year. If ships are permitted to go through without the payment of tolls it will be an annual subsidy to that extent levied upon the taxpayers.'

"A little further along in the same speech I said: 'Now, surely, these people and this trade that first and directly benefit by the canal ought to pay the cost of its maintenance. The taxpayers of the United States as a whole have paid for and will present it to them, and it is not too much, I repeat, to ask that the traffic through the canal shall keep it in repair and pay operating expenses.'

"I also pointed out the fact that foreign shipowners, no matter how willing they may be to carry our produce from one American port to another at reduced rates, are not permitted to share it, thus compelling our producers and consumers to pay more for such service than they would otherwise have to pay and that the proposed exemption would be 'rank, offensive subsidy.'

"Time and reflection have confirmed the views expressed in June and August, 1912.

"Some Democrats who shy at the word 'subsidy' denied the charge I made then and tried to defend their position as Democratic. Now comes the Secretary of State, Mr. Knox, a great lawyer, who says in a document which was deliberately written, with every word weighed and considered, that it is subsidy. He is one of the most distinguished members of a political party which believes in subsidies and is not afraid to say so.

"Under the heading 'Merchant marine' the Baltimore (Democratic) platform says: 'We believe in fostering by constitutional regulation of commerce the growth of a merchant marine * * * but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.'

"That is the declaration of a Democratic principle and very properly finds a place in a Democratic platform.

"But under the heading 'Panama Canal' this is also found: 'We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal.'

"They are directly and plainly contradictory. One paragraph declares a Democratic principle; the other approves a Republican policy and asks that a needless burden be imposed on the people.

"The lesson we get from it is that conventions that sit in a crowded hall in distressingly hot weather, and amid such scenes of disorder and excitement that clear thinking and deliberate action are quite impossible, are not good places for legislation.

"To which of these contradictory planks in that platform is the Democratic Party bound, that which declares a Democratic principle or that which approves a Republican policy?

"Mr. ADAMSON, of Georgia, chairman of the committee which reported the Panama Canal act, says that he has asked scores of delegates to the Democratic convention if they knew that the last of the two planks was in the platform, and that he has never found one who did. I have myself asked a good many and have only found one who did know it, and that is the author, Mr. NEWLANDS, of Nevada.

"Mr. NEWLANDS was elected Senator from Nevada by a Democratic legislature, and he is an excellent and agreeable gentleman, but he has some views that would make Thomas Jefferson's hair stand on end with horror. He, like the Republican Secretary of State, Mr. Knox, is friendly to the idea of subsidies.

"A bill to repeal this undemocratic measure is now pending in the House of Representatives, and Democrats who believe in the principles of their party would do well to make their views known in Washington.

"DEMOCRATIC DILEMMA.

"In an interesting and informing letter to the San Antonio Express Congressman JAMES L. SLAYDEN makes perfectly plain and incontrovertible two facts which discredit the Democracy of the act exempting American shipping from paying tolls on service through the Panama Canal.

"The first is that Secretary Knox in his controversy with Great Britain defends the exemption on the sole ground that it is a subsidy. Indeed, the discrimination in favor of American vessels must be conceded as a violation of the Hay-Pauncefote treaty except upon the ground that it is a subsidy or grant of aid or remission of tolls. Advocates of the exemption are between two horns of a dilemma, viz, a discrimination contrary to solemn treaty or a subsidy paid to shipowners by taxpayers. We can understand how a Republican can favor the subsidy as one method of taking from the many for the benefit of the few, but we can not understand how a Democrat opposing a subsidy or the taxation of the many for the benefit of the few can favor this rank violation of Democratic principle.

"The other point is that the declaration of the Baltimore platform in favor of the exemption of American shipping was adopted without the knowledge of anyone except its author, Mr. NEWLANDS, of Nevada. It was slipped in covertly and railroaded through while the delegates were thinking of something else. The platform in another plank condemns 'bounties or subsidies,' and thus cancels any obligation which a Democrat might feel himself to be under to support this particular heresy because it happens to be in the party's platform. The contradiction incidentally exhibits the loose and irresponsible manner in which party platforms frequently are constructed as to minor particulars. Such a platform declaration as this, in the face of the declared general principle in opposition to subsidies, is binding upon no Democrat of conscience and intelligence.

"Mr. SLAYDEN shows conclusively that if the United States permits this treaty to go to The Hague for interpretation the award of arbitration is certain to be adverse to the American contention. If the treaty does not go to The Hague the United States will appear in a sorry plight before the nations of the world.

"Therefore the rational course is to repeal the act of exemption. If a subsidy is to be granted to American shipping let it appear in proper form and without disguise, but on that point the position of the Democratic Party is so positive and so consistent that there can be no two views of Democratic policy."

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent to extend my remarks, for the purpose of inserting in the RECORD a letter from the Rev. C. Everett Conant, Ph. D., professor of modern languages in the University of Chattanooga, and certain newspaper clippings.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The documents referred to are as follows:

UNIVERSITY OF CHATTANOOGA,
DEPARTMENT OF MODERN LANGUAGES,
Chattanooga, Tenn., February 14, 1913.

Hon. M. E. OLMSTED, M. C.,
Washington, D. C.

SIR: I have just read in this morning's press reports that you are taking a hand vigorously in the fight against the Jones bill, and am taking the liberty to extend to you my hearty congratulation for lending your aid to the cause of sanity in dealing with the Philippine problem.

Having spent six years in the islands as official translator and interpreter to the Philippine Commission, and having come in close contact with the Filipino people, learning their language and customs, I can say without overstatement that I understand the situation from the standpoint both of the Government and of the people, and I can say without reserve that no greater calamity could befall the illiterate 95 per cent of the Filipino population than to be subjected to the tyrannic domination of the Filipino cacique, or political boss. And it is just this latter class that is raising the whole cry for "electric" independence. To the 95 per cent, the poor fisherman and laborer, it is a matter of indifference whether the country is "independent" or a colony, so long as he is undisturbed in his peaceful occupation of earning a few cents each day for rice and a few more for the Sunday cockfight.

The independence-agitating ilustrado approaches this ignorant and contented class and tells the fisherman that he is in bondage to a foreign Government, and explains that such a state of affairs is not what it should be, and that there would be much more fish and rice for all under independence. He, of course, omits to say that the independence is only for the cacique himself, who will take away from the poor fisherman a good share of the rice he is now getting. But the poor, bewildered analphabet says: "I don't understand this independence matter very well; but you are educated and know, so it must be the thing for us to get, and I will do anything you tell me to and help all I can."

This is the way independence agitation is worked up in the island, and the American Government has been and is there to protect the helpless 95 per cent from the would-be peculations of the sham patriot. I love the cordial, hospitable 95 per cent, and so I protest against any act of our Congress that would subject them to the bondage of the most contemptible variety of bossism of which I have known or read.

Faithfully, yours,

C. EVERETT CONANT, PH. D.

[From the Chicago Record-Herald of February 17, 1913.]

WOULD KEEP THE PHILIPPINES.

CHICAGO, *February 16.*

To the Editor:

Representative OLMSTED, of Pennsylvania, spoke against the Jones Philippine independence bill in Congress February 13.

On our trip around the world two years ago, Mrs. Schwabacher and myself visited the Philippines, stopping at Manila, and meeting a great many prominent people residing there. It appears to me suicidal to allow the Philippines to govern themselves for many years to come.

Although there are intelligent and educated people in Manila, the inhabitants of the various islands are mostly far from understanding what free citizenship would mean. The country has been under the yoke of the Spaniards and other Latin races for the last 200 years. In fact, there are still a good many head hunters and man eaters in various portions of these islands, and to try to give the people freedom after being governed by the United States for one or two decades is useless. We have never had the opportunity to learn what enormous and unlimited resources that country has and what a vast amount of benefit it will become to the United States in time.

The forests of valuable hardwood timbers are almost beyond comprehension and the great mineral wealth of the country has never been explored.

The tropical climate is capable of raising enough cane to supply the United States with almost all the sugar consumed by its people, as there is never any fear of having frosts or freezes, with which our Southern States have to contend.

The United States never has had a fair chance of showing what value the Philippines are to this country, and after having its valiant sons shed their blood for possession, we are not in favor of turning our backs and leaving the country again the prey of foreign dynasties or of its own discontented and aggressive leaders.

M. SCHWABACHER.

[From the Washington Post of February 20, 1913.]

WOULD HOLD ISLANDS—CARDINAL GIBBONS OPPOSED TO FREEING FILIPINOS—UNFIT FOR SELF-GOVERNMENT—HIS EMINENCE STRONGLY AVERSE TO ANY PROMISE OF INDEPENDECE—FOR UNITED STATES TO SURRENDER ITS RESPONSIBILITY FOR ITS ORIENTAL WARDS, HE HOLDS, WOULD BE "AN ACT OF DISHONOR."

BALTIMORE, *February 19.*

Cardinal Gibbons, in an interview printed here this afternoon, announced his firm opposition to any declaration by the Government regarding the independence of the Philippine Islands in the near future. The cardinal asserts that a "scuttle" policy in the islands would be a dishonorable act, and is firm in the belief that the American people will never indorse such a policy.

Before making any change in the Philippine policy of the Government, the cardinal suggests that the President be authorized by Congress to appoint a commission to investigate conditions in the islands at first hand, so that its recommendations with respect to the future be based upon observations on the ground.

RESPONSIBILITY OF AMERICAN PEOPLE.

The cardinal, in the course of the interview, said:

"Those islands were taken as a war measure. Some may think it would have been better for us never to have exercised our jurisdiction over them, but once American sovereignty was established in that archipelago, the responsibility for the welfare and development of the Filipinos devolved upon the American people, and upon their shoulders it rests to-day.

"The Filipinos—the vast majority of them, at any rate—have never been consulted regarding their independence. But even could it be demonstrated that a large number of Filipinos desired that independence, in my judgment, the inhabitants of those islands, as a whole, are utterly unprepared to shoulder the responsibility which independence will place upon them.

"For the United States to reverse its repeatedly declared policy with respect to these islands would, in my earnest belief, be a dishonorable act. It would work great harm to those investors, as well as to the Filipinos themselves, for this country to withdraw and witness a resultant reign of anarchy. It should be borne in mind that the development of those islands is essential to the development of the Filipino.

PRAISE FOR PRESIDENT TAFT.

"I have been in frequent conferences with the President upon this problem, which is so near to his heart. No citizen of the United States is better equipped with information on the conditions in those islands than President Taft. He is a man of close observation, judicial temperament, and entirely disinterested, save as every American should be interested in seeing his country do well the task set before it. In his efforts on behalf of the common welfare of those islands and of the United States, Mr. Taft has shown unselfish courage and patience of a rare order.

"I have also recently conferred with the present Governor General, Mr. Cameron Forbes. In addition, I have conferred with many private citizens who have spent considerable time in those islands, and for many years I have been in constant touch with the Philippine people through correspondence with the bishops and clergy among them.

"All are unanimous in their deprecations of the early autonomy of those islands; all are emphatic in their opposition to the fixing of any definite or indefinite time when the Filipinos might be capable of self-government; all are among the best friends the Filipinos have."

The Clerk read as follows:

For pay of inspectors, deputy inspectors, crews, office force, and expenses of office, $10,200.

Mr. FITZGERALD. I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 87, line 4, strike out the word "crews."

The amendment was agreed to.

The Clerk read as follows:

International Waterways Commission: For continuing the work of investigation and report by the International Waterways Commission, authorized by section 4 of the river and harbor act approved June 13, 1902, $15,000, to be immediately available.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I believe last year we made an appropriation for this International Waterways Commission until December 31, 1912. I suppose that was done on the understanding that after December 31, 1912, the commission would be discontinued. I do not know why the Congress should limit the last appropriation until the end of the last calendar year, unless it was intended to end the commission with that. Now, is it intended to revive this commission?

Mr. FITZGERALD. The reason for the insertion of the provision to which the gentleman refers is that for several years a representative of the commission had made the statement that their work would be finished in another year. Each year they came back and said, "another year." Not very much definite information could be obtained. After the passage of the last sundry civil act, which provided that they should report to Congress, and which appropriated for them only until December 31, 1912, Congress then commenced to get information as to what work was actually being done and what remained to be done.

There are other matters upon which the commission is at present engaged, and it is estimated now that it will take from 1 year to 15 months to complete all its work.

Mr. MANN. If this commission continues to be appropriated for, it will be in existence 15 years from now.

Mr. FITZGERALD. Yes.

Mr. MANN. This appropriation is intended to pay the salaries of the commissioners from December 31 last, although Congress in the last appropriation act decided that it would only pay them until the end of the last year. Now we propose to go back and pay them.

I think the main work that this commission has ever done has been to advise the city of Chicago as to how it ought to dispose of its sewage. So far we have not taken that advice very seriously, and certainly have not followed it, and probably will not follow it. Of course, if Congress desires to make an appropriation for a commission to advise Chicago as to how to dispose of its sewage, with the knowledge that that information will be of no especial benefit to the city of Chicago and probably will not be followed, I shall not object.

Mr. GARNER. Are you trying to educate the people of Chicago?

Mr. FITZGERALD. I simply desire to say that I have been endeavoring to end this commission, and I think Congress now has the information upon which it will be justified in holding the commission to its estimate.

Mr. CAMPBELL. Does the gentleman from New York know of any reason that would justify this appropriation and the revival of this commission for another year?

Mr. FITZGERALD. If the committee did not know of any reason, it certainly would not have recommended the item.

Mr. CAMPBELL. I think it would not only be interesting but valuable to have some information that would justify at least one of the many commissions that we are continuing from year to year. I never knew one of them to finish its work.

Mr. FITZGERALD. Under article 4 of the treaty of April 11, 1908, between the United States and Great Britain, there is imposed the obligation of defining a specified portion of the boundary between Canada and the United States.

Mr. GARNER. Mr. Chairman, is not this the commission that we appropriated for in the diplomatic and consular appropriation bill?

Mr. FITZGERALD. This has never been appropriated for in the diplomatic and consular bill.

Mr. GARNER. We consolidated three of these boundary commissions between Canada and the United States at one time. I thought perhaps we had hooked them all up together.

Mr. FITZGERALD. You did not get this one. This commission did not furnish any very definite information as to what it was doing, and we have been trying to get rid of it, and for that purpose refused to appropriate beyond the 31st of December, 1912. Since that time information has come which makes it apparent that to carry out the work involved under the treaty they will require this sum.

Mr. CAMPBELL. Where is this commission located?

Mr. FITZGERALD. Their office is located at Buffalo, N. Y. The personnel of the American members consists of a retired

Army officer, Gen. Ernst, Mr. George Clinton, and Prof. E. E. Haskell, an hydraulic engineer.

Mr. CAMPBELL. How many members are there of the commission?

Mr. FITZGERALD. Three; and the compensation is $3,000 a year.

Mr. GARNER. Mr. Chairman, it is very evident from the language of this paragraph, as well as from the statement of the gentleman from New York, that it does not belong in this bill.

Mr. FITZGERALD. Oh, the gentleman is mistaken.

Mr. GARNER. It is evident that it belongs to the diplomatic and consular bill, because it is an international commission dealing with an international problem with a foreign country, and if any of these commissions belongs under the jurisdiction of the Committee on Foreign Affairs, this does.

Mr. SISSON. Will the gentleman yield?

Mr. GARNER. Certainly.

Mr. SISSON. It looks to me, from the hearings, as if there might be a duplication of the work.

Mr. FITZGERALD. No.

Mr. SISSON. Because other commissions are at work on the boundary and would have a right to fix this boundary.

Mr. FITZGERALD. The gentleman is mistaken. This commission has a specific duty to perform. For a long time there has been a clear line of demarcation between these commissions carried in the sundry civil bill and those carried in the diplomatic bill. It was always the rule that the diplomatic bill should carry the commissions the duties of which were performed outside of the United States, while the sundry civil bill carried all commissions the members of which performed practically all of their duties within the territorial boundaries of the United States and where the disbursements were made in the United States. Mr. Hitt, for a great many years chairman of the Committee on Foreign Affairs, repeatedly insisted that the diplomatic bill should not be burdened with the expense of commissions which were not a part of the diplomatic service and whose services were rendered in the United States and the disbursements of which were made in the United States. Commissions along the line of this commission have always been carried in the sundry civil bill.

Mr. GARNER. May I interrupt the gentleman?

Mr. FITZGERALD. Yes.

Mr. GARNER. The language of this paragraph does not convey the purpose of the commission or the duties it performs. We have now three commissions marking or designating the line between Canada and the United States. Two of them are carried in the diplomatic bill and one is carried here, in addition to the High Joint Waterway Commission that we had some discussion about the other day. I can not understand the necessity for so many waterway commissions.

Mr. FITZGERALD. I agree with the gentleman, and I say that we have been trying to get this commission out of existence.

Mr. GARNER. Suppose we strike out the item and let the gentlemen give some reason.

Mr. FITZGERALD. They have given a reason, and it was only after they demonstrated that there were three matters upon which they were engaged that ought to be completed, and when they were completed there would be no excuse for them to continue further, that the committee agreed on the item.

Mr. GARNER. In other words, this is the final settlement of their matters?

Mr. FITZGERALD. Yes; and the Secretary of War recommended the appropriation.

Mr. MANN. If the gentleman will pardon me, I think it is only fair to the commissioners to state that the high joint commission carried in the diplomatic bill has no jurisdiction over the Great Lakes, and possibly not over the waters running through the St. Lawrence. This commission, by virtue of the treaty, has special jurisdiction over the waters which flow through the St. Lawrence.

The Clerk read as follows:

For household, including the same objects specified under this head for the central branch, $100,000: *Provided*, That no part of this sum shall be used for fuel oil if it shall appear to the board of managers that coal as a fuel can be procured and used more economically.

Mr. ANTHONY. Mr. Chairman, I move to strike out the last word. I notice in this paragraph an appropriation for household expenses, including the fuel at the western branch of a national home located at my home town. I find there has been an increase of $15,000 in this item, and that in the hearings it is explained that this $15,000 increase is to cover the increase in the price of fuel at that institution. Two years ago I called the attention of the House to the fact that there was a grave question as to whether it was not costing the Government more money to burn oil for fuel there than it was to burn coal, which is produced in the mines adjacent thereto. Each year since that time there has been a steady advance in the price of fuel oil. Last year it advanced. The price of coal remained the same. Yet the committee continued the use of fuel oil. This year the price of fuel oil has steadily advanced until it has become prohibitive to the commercial institutions near by, yet this branch of the soldiers' home proposes to continue the use of fuel oil, when the figures show without question of doubt that it will cost the Government from $20,000 to $25,000 more this year to continue the use of oil for fuel than it will to use coal.

There is no question about that. The board of managers claims that it is desirable to continue the use of oil upon the ground solely of its convenience and from the fact that it will cost some money to put the plant into a condition to burn coal; but in spite of the figures they produce there is absolutely no question but that the Government will lose from $10,000 to $25,000 a year from now on in the use of fuel oil at that one institution, and if the imaginary economy that is practiced on this one item at this branch of the soldiers' home be practiced at the other branches, it reflects very badly indeed upon the way in which the business interests of these homes at large are being administered. I happened to notice in the hearings that there is an admission this year that oil will prove the most expensive from the treasurer of the board of managers, who in a telegram to President Wadsworth, of the board, says:

[Telegram.]

MAJ. JAMES W. WADSWORTH,
Washington, D. C.:

Gov. Cooke reports price of fuel oil next fiscal year 2.9 cents per gallon; increase of 0.22 cent per gallon over present contract. At this price use of coal appears required under the law; suggest household appropriation be reduced to $85,000 and an appropriation of $50,000 for installation of coal-handling equipment be secured. If this can not be done the restrictive clause attached to household appropriation should be omitted.

HARRIS, *General Treasurer.*

The telegram of the general treasurer is correct. Instead of its costing the Government $10,000 to $15,000 more this coming year, it will be more nearly $25,000 if oil is continued instead of coal, the cheaper fuel.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that his time be continued for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. Will the gentleman now turn to the next page and read the letter of Mr. Wadsworth?

Mr. ANTHONY. I will be glad to, in time.

Mr. SHERLEY. I have just obtained time for the gentleman for that purpose.

Mr. ANTHONY. I thank the gentleman very much. Instead of its going to cost the Government from $10,000 to $15,000 more to continue the use of oil, it is going to cost nearer to $25,000 more for the use of oil. Instead of its going to cost the Government $50,000 to install a proper coal-consuming plant there, I will quote from the letter mentioned by the gentleman from Kentucky——

Mr. SHERLEY. Read all of the letter.

Mr. ANTHONY (continuing). In which the president of the board of managers says:

The increased cost of labor required in handling the coal would amount annually, as estimated, to $2,518, and the increased cost of repairs to the boilers and coal-conveying apparatus incidental to the use of the coal would, at a low estimate, amount to $2,000.

That would be $4,518 necessary to change that plant over for the temporary use of coal.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, I do not want the gentleman to seem to be quoting a letter, when he is quoting only part of it and putting a construction upon it.

Mr. ANTHONY. I intend to quote the parts that are pertinent to my argument.

Mr. SHERLEY. But the House wants to know the whole facts.

Mr. ANTHONY. I hope the House will look into all of the facts, because if it does not do it it will deliberately squander $25,000 more for fuel in the coming year than it is necessary to do.

Mr. Chairman, there is a mass of figures bearing on this question that have been placed before the committee. There is a mass of figures from the advocates of the mines and the coal miners favoring the use of coal, and there is a mass of figures by the officials of the home and the board of managers advocat-

ing the use of oil. It is possible that flaws can be found in the figures advanced by both sides, but it is an absolute fact, and I am familiar with the facts, that the figures based on coal consumption date back to five or six years ago. Since that time the radiation of the steam plant at the home has been vastly improved, so that these figures are no criterion of what would be the cost for the use of coal at the institution now. I am going to ask the House only to put a proper proviso in the limitation that is in the bill that will make it absolutely certain that the Government gets the cheapest and most economical fuel at that home, which I take it is what we all should ask for.

Mr. FITZGERALD. Mr. Chairman, it is natural for the gentleman from Kansas [Mr. ANTHONY] to advocate the use of that fuel which is produced in his own district and which must increase the labor and remuneration of those residing in the district.

Mr. ANTHONY. The gentleman is absolutely right.

Mr. FITZGERALD. The only interest of the committee is to do that which is for the best interest of the Government. Since the gentleman from Kansas [Mr. ANTHONY] declined to state to the committee the facts in the letter of the chairman of the board of managers, I shall read that letter to the committee and state that upon the information furnished in that letter the committee acted:

HEADQUARTERS, ROOMS 932-934 NEW YORK LIFE BUILDING,
346 Broadway, New York, N. Y., January 29, 1913.

Hon. JOHN J. FITZGERALD,
Chairman Appropriations Committee,
House of Representatives, Washington, D. C.

MY DEAR SIR: Since filing with you, on Monday last, a brief statement in regard to the fuel question at the Western Branch of the National Home for Disabled Volunteer Soldiers I have received further information on the subject, which I desire to submit for the consideration of the committee.

The governor of the Western Branch was requested to ascertain and report the present contract price of coal on the British thermal unit basis for the Federal prison at Leavenworth, Kans., and the average cost per ton as delivered under that system. On the 27th instant he reported by telegraph as follows:

"Federal penitentiary has contract for coal on British thermal unit basis at $2.86 per long ton, mine run, on track at penitentiary. Penitentiary unloads cars; average price $2.74½ long ton. Mine is same as formerly furnished home, located 1 mile south of home."

The price of fuel oil being quoted at $0.029, the 2,200,000 gallons required for the year's supply would amount to $63,800. Should coal be used 22,000 tons would be required. At the price paid at the Federal prison on its present contract the cost would be $60,280, an apparent saving of $3,520 as compared with the cost of oil.

The increased cost of labor required in handling the coal would amount annually, as estimated, to $2,518, and the increased cost of repairs to the boilers and coal-conveying apparatus incidental to the use of coal would, at a low estimate, amount to $2,000.

The difference between the cost of coal as compared with oil is $3,520 in favor of coal, but as the excess annual cost for labor and repairs amounts to $4,518, the expenditure for fuel, oil being used, would be $1,098 less than would be required for the use of coal.

It must also be understood that in order to use coal with the degree of economy on which the foregoing comparison is based an initial expenditure of at least $50,000 for the installation of a coal and ash conveying apparatus, and the alteration of the boilers to adapt them to the use of coal must be made, and even this amount would not provide a strictly up-to-date equipment.

That is, to put in a modern up-to-date plant will require an expenditure of approximately $75,000. But, to put all the letter in the RECORD:

The estimate under household, Western Branch ($100,000), is based upon the presumption that the use of oil will be continued, the price to be paid for the same not to exceed $0.0290 per gallon.

It is hoped that the amount named in the estimate will be appropriated.

Very truly, yours, J. W. WADSWORTH,
President Board of Managers
National Home for Disabled Volunteer Soldiers.

Mr. Chairman, it appears that if a modern up-to-date plant be installed for the purpose of utilizing coal for fuel instead of oil that even then the present price, based upon the present price for oil and the price for coal now paid by the penitentiary at Leavenworth for coal at the mines, from which it would be purchased for the home, the difference would be $1,098 in favor of oil as against coal. Under these circumstances, not only this committee but no other committee having the interest of the Government at stake will recommend the use of coal requiring an expenditure of $75,000 and then to have an added burden instead of reducing the burden to the Government. A number of figures were submitted and computations were made, but here are the concrete facts that can not be denied or misunderstood. Under these circumstances, Mr. Chairman, it seemed to the committee that the sensible thing to do was to continue this matter in the way in which it had been. The chairman of the board of managers is a former Member of this House, Mr. Wadsworth. I have known him a great many years, and during his service here, and I believe he is one of the most efficient men who administers any part of the public service. I know that since he has been chairman of the Board of Managers of the National Home for Disabled Volunteer Soldiers the cost of maintaining and conducting those homes has been materially lessened, and he has, during the years I have served on this committee, given to the committee information which has enabled it to introduce and to effect economies. Against the recommendations based upon such a record, and the desire of a locality, that is natural, to have utilized the fuel which it produces, we prefer, in the interest of the Government, to follow the recommendation of the gentleman charged with the responsibility of having these homes conducted in the most economical manner possible.

Mr. SAMUEL W. SMITH. Before the gentleman sits down, will he state the number of members of the board and their salaries?

Mr. FITZGERALD. There is only one of them who receives a salary; there are nine members of the board, and this committee recommended last year, and it is recommending this year, that vacancies as they occur be not filled until the board be reduced to five members. It is apparent with a local manager for each home a member of the board the best results in administration can not be obtained because each manager is endeavoring to obtain just what he wants for his particular home, and they do not conduct things on that broad scale necessary to successful administration.

Mr. SAMUEL W. SMITH. Do they get any salary?

Mr. FITZGERALD. The president of the board gets $1,000 and the secretary $500.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ANTHONY. Mr. Chairman, I move to strike out the last two words. I regret that the gentleman from New York in charge of the bill has allowed himself to be influenced by statements made by his personal friend, President Wadsworth, of the board of managers, in face of facts which I say to this committee are absolutely incontrovertible. Now, I desire to point out to the gentleman from New York just two things in the letter of President Wadsworth which are incorrect and unfair statements, to say the least. In the first place, he bases the probable consumption of coal at 22,000 tons, which was the consumption the last year coal was used. As I said to the committee, since coal was last used there thousands of dollars have been spent in improving the steam-radiation facilities there, and figures have been shown that there has been an increase of efficiency of the plant of at least 20 per cent since coal was used, so you must credit coal with the increased efficiency of steam-radiation plant, and instead of calculating at 22,000 tons you should calculate it at 18,000 tons. Then, again, the chairman of the board of managers has been unfair when he has taken the figure of $2.74 a ton, the price at which coal is delivered at the Federal penitentiary, as the price which the Government will have to pay at the soldiers' home.

The Federal penitentiary is located 3 miles farther away from the mine. It costs 25 cents a ton more for freight to deliver the coal there, and the statement is made by the mine owners that they will furnish this same coal for $2.50 a ton to the soldiers' home. And more than that, they will furnish what is known as slack coal, a steam coal used for commercial institutions thereabouts, at $1.50 a ton, which will cut the figures of the president of the board of managers 50 per cent, and instead of it costing the Government $60,000 for coal it will cost nearer $40,000 a year for coal, if it is burned. In order to get this directly before the House, and in a way I do not believe the gentleman from New York can help but admit is fair, I shall propose this amendment. There is now a limitation on the paragraph that the cheapest fuel shall be used as between coal and oil. The board of managers has decided that oil is the cheapest, because it is "more convenient" to handle. Those were the words which were used in their resolution adopted last year.

Now, I am going to submit an amendment, to be inserted after the word "managers," where the limitation is placed upon the bill, that the cheapest fuel—coal or oil—shall be used "after investigation and report by the Bureau of Mines."

The War Department and other departments of the Government, whenever they make a fuel contract, leave it to the Bureau of Mines to ascertain the comparative efficiency of the various fuels. One of the functions of that bureau is to make an investigation of fuel contracts made by the Government, and I do not believe that so far the soldiers' home board has taken advantage of the existence of the Bureau of Mines to determine whether or not they are using the cheapest fuel, although the law says that that shall be done. I am simply going to ask in this amendment that this whole proposition be referred to the Bureau of Mines, and then let the board of managers act upon exact information. I will ask the gentleman from New York [Mr. FITZGERALD] if he would be willing to accept an amendment of that kind?

Mr. FITZGERALD. No; I would not.

Mr. ANTHONY. Then, Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kansas [Mr. ANTHONY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "managers," on line 6, page 94, the words: "After investigation and report by the Bureau of Mines."

Mr. SHERLEY. I make a point of order on the amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr. SHERLEY. It changes existing law and it is legislation on the bill. It requires a decision of the Bureau of Mines before an expenditure of an appropriation which is now in order.

Mr. ANTHONY. I would like to be heard on that.

Mr. BORLAND. Mr. Chairman, I would like to be heard also.

Mr. ANTHONY. I would like to have the Chair take into consideration the organic law which created the Bureau of Mines. If he will refer to page 370, Sixty-first Congress, second session, he will find these words:

That the Secretary of the Interior is hereby authorized to transfer to the Bureau of Mines from the United States Geological Survey the supervision of the investigation of structural materials and the analyzing and testing of coals, lignites, and other mineral fuel substances.

And I will say that it is the common practice of all departments of the Government to take advantage of this provision.

The CHAIRMAN. Can the gentleman show any law that provides these investigations shall be made by the Bureau of Mines?

Mr. ANTHONY. It does not say that all investigations shall be made, but it says that the bureau shall make them—probably when they are asked to do it.

The CHAIRMAN. What the Chair would like to know is, is it imposed as a duty on the Bureau of Mines to investigate coal used by the various departments?

Mr. ANTHONY. Unquestionably it is their duty under the wording of the law.

Mr. SHERLEY. It does not state anything of the kind. It is perfectly clear the law does not require anything like that. There is nothing in the act creating the Bureau of Mines that compels and makes it mandatory that there shall be an examination by the Bureau of Mines before an expenditure of money for the purchase of fuel at a soldiers' home.

Mr. ANTHONY. Undoubtedly. I say it is mandatory that the Bureau of Mines should make such an investigation if requested, and I think it should be so construed.

Mr. MANN. The item in the bill is a limitation on the appropriation. The gentleman from Kansas [Mr. ANTHONY] adds to that a part of a limitation, and the only question which could render it subject to a point of order would be the assumption that this conferred upon the Bureau of Mines authority to make the investigation which it does not now possess. But it does possess the authority to make the investigation now under the organic law creating the Bureau of Mines. This does not confer any new authority upon the Bureau of Mines, because they already have the authority to make the investigation. It is true they are not required to make it unless they are asked to, but they have the authority to make it. This is a pure limitation upon the appropriation, as it seems to me.

The CHAIRMAN. The Chair will hear the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman, my impression, if the Chair please, was that the provision came in in front of the proviso. Of course there is no law now by which it is mandatory on the Bureau of Mines to make an investigation of the fuel used at this particular home, but it is true that the organic law of the Bureau of Mines warrants that bureau in making investigations. But touching anything affecting their rights, this is not the place in the bill for an instruction to them. If it is in order, it must be in order simply as a limitation upon this appropriation.

The CHAIRMAN. The Chair overrules the point of order.

Mr. SHERLEY. Now, Mr. Chairman, I desire to be heard on the proposition.

There is one member of the Board of Managers that has control of the National Soldiers' Homes who is in a unique position. He comes from a State that has no National Soldiers' Home within its borders, and he has no local personal pressure brought to bear upon him. It is true that the Committee on Appropriations have shown a good deal of respect for the views of the head of this board. He is a man who served in this House for years, and we believed that his service here warranted a high opinion as to the soundness of his judgment. But aside from that, we recognize what familiarity with these homes early brings to the attention of all—that he did not have that local pressure brought to bear upon him that often colors the judgment even of those who try their best to be impartial.

Now, I understand thoroughly how the gentleman from Kansas [Mr. ANTHONY], representing his constituency, should be able to bring himself to the conclusion that a great harm has been done to the coal miners of his district and State because their coal was not being used as fuel in this National Soldiers' Home.

Mr. ANTHONY. The gentleman ought to consider this simply as a question of fact. The gentleman has no right to impugn my motives.

Mr. SHERLEY. I do not impugn the gentleman's motives. Indeed, I say the gentleman would be unworthy of representing his district if he did not have a natural zeal in regard to it. But this committee has no such zeal. It has no reason to discriminate either for or against the fuel produced in any section, and from the evidence that was adduced before the committee we did not believe there was any warrant for making the change suggested, and we submit the hearings now as proof of that fact.

Now, what is the proposition of the gentleman? On the surface it seems to be a very fair proposition to have the Bureau of Mines undertake an investigation.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. I can not yield now. But the result of this, if it is to be established, is to have put into the hands of this bureau the determination of all manner of questions that it was never contemplated it should determine. I have no objection to the Bureau of Mines making a report to Congress, and then letting Congress determine from that report whether the findings of the bureau warrant one thing or the other. But for us absolutely to delegate our authority over the matter to this bureau is asking what I do not think the Congress ought to grant.

Mr. ANTHONY. Mr. Chairman, will the gentleman permit me to ask him a question there?

Mr. SHERLEY. Certainly.

Mr. ANTHONY. Is not the gentleman aware of the fact that every single fuel contract entered into by the War Department is first submitted to the Bureau of Mines to determine the purity and efficiency of the fuel?

Mr. SHERLEY. I am aware of the fact that the Bureau of Mines makes certain investigations, but I am not aware of the fact that its findings are binding upon the department and that we are to have it as an arbiter as to the expenditure of money. I do not believe it is well for the Bureau of Mines, I do not believe it is well for the people of America, to put that much power in the hands of that bureau. That bureau will continue its value to this country by simply being an investigator of facts and a reporter of facts.

Whenever you put into the hands of the officials of that bureau the absolute power to determine whether a given contract shall or shall not be let to a given concern, or for a given quantity of fuel, you are taking the first step toward undermining the influence and impartiality of that bureau. And I submit to this House that it ought not to be done. I have no objection on earth to a report by the bureau, but its report ought not to control Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word of the amendment.

I do not believe that my colleagues on the Committee on Appropriations will oppose this amendment after they have given a little further attention to the condition of affairs at the Western Branch.

Before any questions are asked about my relation to that branch, or the relation of my district to it, I want to say that the fuel oil which is used at the Western Branch is brought from Sugar Creek, in the outskirts of Kansas City, in my district. That is the great distributing market now in that section of the country for fuel oil for large heating plants and institutions of that kind.

My district also is a coal market of considerable size, the center of a large coal field which lies in Missouri and Kansas. There are coal mines also in Leavenworth, 30 miles from Kansas City. So that the fuel question is as much related to my district as it is to the district of the gentleman from Kansas. There are in the city of Leavenworth a Federal penitentiary, a soldiers' home, the military post, and possibly other institutions that buy coal upon Government contracts. We have been fighting for the last three years to secure an open fuel market for these institutions. There has been a closed fuel market, in my judgment, in the past, due to the fact that these institutions at Leavenworth have been buying coal solely upon the basis of the price per ton, regardless of the heat value of the coal. On that basis of buying coal, solely on the price per ton without regard to the quality of the coal, the coal mines in Leavenworth

can undersell any other fuel, because they pay no railroad transportation and in some cases no switching. It has not been possible to get rates to put in any other class of fuel. But if the coal is bought, as large consumers of fuel now buy it, upon the basis of its heat-producing value, or what is known as the British thermal unit, then the coal market is an open market, and coal from Lexington, Mo., or from any other section, if it is high-grade coal, can be brought in there. Although it is bid at a price a few cents higher per ton, yet in its heat-producing value it is cheaper in the long run than the coal that goes in at a lower price per ton. That is only possible if a scientific investigation is made and a report is made of the British thermal unit value of the coal as it is offered.

We had this fight up in regard to the Federal penitentiary, as I recollect it, about a year ago. The penitentiary is under the control of the Attorney General, and as a result of my fight the Attorney General now submits coal contracts to the Bureau of Mines for report. Now all the coal contracts of the War Department also are submitted first to the Bureau of Mines for a report of the value of the coal under the British thermal unit. The contract is let upon that basis, not by the Bureau of Mines, but by the proper officer having the right to let the contract. He does it upon the advice and after the investigation of this Government department, the Bureau of Mines.

This is not proposed to add to the limitation on this bill. This bill says now that no part of the sum shall be used for fuel oil if it can be made to appear to the managers that coal can be used as a fuel more economically. It gives them the right now to change from fuel oil to coal, and the only addition by this amendment is to give them the advice and assistance of a scientific department of the Government specially organized for that purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I ask five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. Will the gentleman yield for a question?

Mr. BORLAND. In a minute. I want to make one more statement and then I will yield. I believe it is true that fuel oil has been cheaper in the immediate past than coal. I believe that is true because all the great manufacturing establishments, hotels, and apartment houses in my city changed a few years ago from the coal heating apparatus to fuel-oil heating apparatus.

I know it is true that there is less waste in the fuel oil, because you practically burn all of it, whereas in coal there is a waste of slack, and so forth. Then coal involves the handling, and that must be charged against the coal, which is greater than the cost of handling fuel oil.

Mr. SHERLEY. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. SHERLEY. Is it the gentleman's understanding of the amendment that it makes the Bureau of Mines an arbiter to determine how the contract shall be let, whether for coal or fuel oil?

Mr. BORLAND. No.

Mr. SHERLEY. Does the gentleman understand that the law now gives the Bureau of Mines the right to investigate as to fuel to be used at any Government institution?

Mr. BORLAND. Yes.

Mr. SHERLEY. Then of what use is the amendment?

Mr. BORLAND. The Bureau of Mines is now charged with investigating contracts let by the Federal penitentiary at Leavenworth, but there is another institution there, the soldiers' home, in which they do not, because the home is under the separate management of this board of managers.

Mr. SHERLEY. The gentleman does not quite get the point. Either the amendment gives the Bureau of Mines control over the decision or it does not. If they already have the power, then the amendment is of no use. If it gives them the control, they ought not to have it. If they have the power now, you need not put it in the bill.

Mr. BORLAND. The gentleman is not quite accurate. The Bureau of Mines is clothed with the general power to conduct investigations, but they must be referred by specific cases. When we had the question up in regard to the Federal penitentiary contract, I claimed that the contract for the Lexington coal was cheaper than the Leavenworth coal, and we had it sent to the Bureau of Mines. Now, I think, that being true in regard to the Federal penitentiary located at Leavenworth, it ought to be true as to the best possible way of handling the matter with reference to the soldiers' home, although the soldiers' home is controlled by the board of managers.

Mr. SHERLEY. Was it not within the power of the Bureau of Mines to make the examinations there?

Mr. BORLAND. At its own instance, I think not.

Mr. SHERLEY. I differ with the gentleman.

Mr. BORLAND. If it was within their power, I think there is no need of the amendment. It is claimed now that there is going to be a shortage of fuel oil for two reasons, first, because of the enormous consumption of fuel oil which has occurred, and, second, because there has been a legal attempt made to put the Standard Oil Co. out of business. Whether that legal attempt will succeed or not I am not here to discuss, but it is claimed that the Standard Oil Co. has got to cease business at a fixed time.

Mr. CAMPBELL. If the gentleman will allow me, has not the order been made, and has not the Standard Oil Co. served notice that it is going to quit on Saturday of this week?

Mr. BORLAND. Yes; I think a former governor of Missouri claims to have put the Standard Oil Co. out of business, and it has got to close down its works at Sugar Creek and other points in Missouri at a certain date which is close at hand. I do not know that that will occur. But it is manifest that there must be some reasonable opportunity for the Government in this use of fuel oil to go back to coal if coal appears to be the cheaper. Now, I am not complaining of the board of managers here for not conscientiously discharging their duty. I am saying that here is the Bureau of Mines which is capable of giving scientific information on the subject to large users of fuel regarding the British thermal unit value of coal, which the board of managers can not determine.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. BORLAND. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Missouri asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. BORLAND. The board of managers of the home could not determine the British thermal unit value of coal from Lexington or Leavenworth or Fort Scott, or any other place, because they do not know. The board of managers can look at the price per ton; they can look at the freight rate; they can look at the cost of handling; they can look at the switching charges and cost of changing the plant, but they can not tell the fuel value of the coal. We have a department specially created for that purpose, and, as I say, we had this matter thoroughly thrashed out when we were letting the contract for the Federal prison. I believe we met the difficulties properly in the case of the Federal prison.

Mr. SHERLEY. Did you have special legislation in order to bring that about in the penitentiary case?

Mr. BORLAND. No; we did it by agreement with the department, just as we may here.

Mr. SHERLEY. That is it exactly.

Mr. FOSTER. Mr. Chairman, it seems to me that the amendment offered ought not to be placed in this bill. The province and duty of the Bureau of Mines is to investigate certain coals offered for sale to the Government. As a matter of fact, we know that the Bureau of Mines does investigate both in the mine and in the laboratory, as to the relative value of coal for steam and heating purposes. This amendment proposes that the Bureau of Mines shall not only investigate that subject but that it shall determine whether it is cheaper in this particular instance to use coal or oil. It occurs to me that we would not want to confer such power as that on the Bureau of Mines, but if Congress determines that coal shall be used in this particular institution, or the board of managers determine that, then it is the duty of the board of managers to call upon the Bureau of Mines for the determination of whether that particular coal is more economical to use than any other kind of coal from a different mine. It seems to me that this amendment ought not to prevail. I do not believe the Bureau of Mines ought to be clothed with that kind of power, and I do not believe it is within the province and duty of that bureau to determine matters of this kind proposed in this amendment.

Mr. ANTHONY. Mr. Chairman, with reference to the amendment, which practically refers this whole question to the Bureau of Mines, I would say to the House that it is only doing in the case of fuel required for soldiers' homes what is done in respect to every other fuel contract for the Government in most of the large departments; and to show the committee that there is abundant ground and reason for this reference I will state that, in order to make sure in my own mind I was right in my contention that coal was cheapest under present conditions, I submitted a proposition to the Bureau of Mines. I submitted a statement to them as to which was the most economical fuel to the Government at the Western Branch—coal at two and a half dollars per ton, the price at which it could be obtained,

or fuel oil at two and nine-tenths cents per gallon, the price the Government will have to pay on its next contract.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield for a moment?

Mr. ANTHONY. Certainly.

Mr. SHERLEY. Did the gentleman include in his statement, in order that the Bureau of Mines might know all of the facts, what cost there would be incident to the use of coal rather than oil?

Mr. ANTHONY. I informed them there would be certain differences, and the bureau stated all of the facts would have to be taken into consideration; but the difference is so much, the range is so wide between the economy of one fuel and the other that it ought to make this House sit up and take notice.

Mr. SHERLEY. Just one other question. The Bureau of Mines is now investigating fuels tendered under bids, to be used at the penitentiary there, and the gentleman obtained that?

Mr. ANTHONY. I do not know that they are now. They did, I believe, at one time.

Mr. SHERLEY. The gentleman from Missouri [Mr. BORLAND] says it is being done. It was done without any special enactment; and I insist now that the gentleman does not need any law to do what he wants.

Mr. ANTHONY. But here is a separate organization authorized by Congress. The board of managers is responsible to no one but Congress. Here is a bureau of the Government which absolutely refuses to take advantage of the information that it can secure from the Bureau of Mines, and they meet down here in a room in the Ebbitt House—four or five exceedingly nice gentlemen—and they decide this scientific question among themselves. I contend that is not a proper way for the Government to handle a problem of this kind.

Mr. SHERLEY. Does the gentleman mean to say that this board of managers has refused any offer or effort on the part of the Bureau of Mines to report on the fuel?

Mr. ANTHONY. They have never referred the question to the Bureau of Mines, although the other departments of the Government follow that practice.

Mr. SHERLEY. Has the gentleman ever requested that the Bureau of Mines make a report on fuel tendered for use?

Mr. ANTHONY. It has not been my province to do so.

Mr. SHERLEY. I think it is; and I do not think the gentleman ought to reflect on men unless he can show all of the facts in regard to the matter.

Mr. ANTHONY. It is the duty of the board to take that step and not my duty.

Mr. SHERLEY. It seems to me if I were criticizing them for their failure, I would, at least, have tried to bring it about.

Mr. ANTHONY. Let me continue the results of this investigation by the Bureau of Mines. The Bureau of Mines states in a letter addressed to me:

DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, February 11, 1913.

Hon. D. R. ANTHONY, Jr.,
House of Representatives, United States,
Washington, D. C.

SIR: In reply to your letter of February 6, the engineers of the Bureau of Mines report as follows:

The records of the bureau show the heating value of Leavenworth lump coal, as delivered on Government contracts, to be 10,950 B. t. u. per pound, as received. The cost of 1,000,000 heat units would be $0.114 with lump coal at $2.50 per ton of 2,000 pounds. The bureau has no record of the value of Leavenworth slack coal, but it can be estimated to be about 9,500 B. t. u. per pound, and the cost of 1,000,000 heat units as $0.079 at the price of $1.50 per ton.

The fuel oil referred to is believed to have a specific gravity of 0.89 and an average heat value of 19,367 B. t. u. per pound, which, at $1.13 per barrel of 42 gallons, would make the cost of a million B. t. u. $0.1873.

The cost of heat in the fuel for slack, lump, and oil would be in the ratio of 1 to 1.44 to 2.37, and this would be the ratio of cost of heat in the steam, provided the cost of handling fuel was the same and the efficiency of the furnace and boiler was the same. The efficiency is, however, lowest with the slack and highest with the oil, and the cost of handling is in the same order. It makes the problem of selection of the cheapest fuel, therefore, dependent upon the construction and management of the particular plant, as well as the unit cost of the fuel. Assuming the evaporation from oil to be one-third more than from slack coal, the oil would cost 78 per cent more than the coal.

This difference would be applied to the added cost of firing coal, handling ash, and adapting furnaces to the use of slack fuel.

Very respectfully,

J. A. HOLMES, *Director.*

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. FITZGERALD. Mr. Chairman, I desire to inquire how much more time is desired, so that I may move to close debate.

Mr. ANTHONY. I shall try to conclude in five minutes.

Mr. FOSTER. Mr. Chairman, I would like to have five minutes.

Mr. FITZGERALD. Then, I move that all debate on the paragraph and amendments thereto be closed in 10 minutes.

The motion was agreed to.

Mr. ANTHONY. Mr. Chairman, one other statement. The branch of the Standard Oil Co. that furnishes this fuel oil has announced that it will furnish no more contracts for fuel oil for any purpose.

The gentleman from Missouri [Mr. BORLAND] has stated that the Standard Oil monopoly in Missouri may probably go out of business, and there exists a grave doubt——

Mr. BORLAND. Not out of business; but I said that Gov. Hadley said that he would put it out of business.

Mr. ANTHONY. I hope he will put it out. There is grave doubt on and after the next present fiscal year whether fuel oil can be obtained at all, and to show the fact that the other commercial institutions near by have given up their fuel oil, apparently for economical reasons, I had inserted in the hearings letters from seven of the largest steam users in Kansas City—the Armour Packing Co., the Schwarzchild & Sulzberger Co., the Swift Co., the Fowler Co., the Metropolitan Street Railway Co.—and all of those great steam users have made a statement in the committee hearings here that on account of the great increase in the price of fuel oil they have been compelled to change their plants and go back to the use of coal. So I say, gentlemen, that it is high time that the board of managers at this little steam plant of theirs out in Kansas should get some idea of economical business methods, and if it requires $10,000 or $25,000 to change that plant back to the use of coal that they will be amply justified in taking such action. I hope that this committee will adopt the amendment which I have proposed.

Mr. WILSON of Pennsylvania. Mr. Chairman, if this amendment is adopted it will impose additional duties upon the Bureau of Mines, duties which should not be imposed upon that bureau.

Mr. ANTHONY. Will the gentleman yield for an interruption there?

Mr. WILSON of Pennsylvania. In just a moment. The determination of what constitutes the cheaper fuel can only be arrived at by including commercial problems as well as the actual test of the heat units of that fuel. When you impose upon the Bureau of Mines the task of determining the commercial problem involved in arriving at what the cost of the fuel is, then you are taking the bureau into a field where it has no place, and if carried to its fullest conclusion will divert the Bureau of Mines from the problems it ought to deal with to commercial problems. There is not only the question of the heat unit of coal or fuel in the problem, but there is the question of transportation, there is the question of handling, there are a number of similar questions that are purely commercial questions, and the Bureau of Mines should not have that duty imposed upon it. As it is now the Bureau of Mines can determine what heat units are found in different fuels; they have the right under existing law to determine the value based upon heat units, and having determined that value, then it should devolve upon that branch of the Government which has to purchase the fuel to determine which fuel it will use, and I trust that this amendment will not be adopted, and that this additional duty will not be imposed upon the Bureau of Mines, thereby diverting it from its proper function.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MONDELL. I rise to discuss the motion before the House.

The CHAIRMAN. All time has expired.

Mr. MONDELL. I ask unanimous consent that I may discuss it.

The CHAIRMAN. Did the gentleman from Wyoming make a request?

Mr. MONDELL. I ask unanimous consent to discuss the matter for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to discuss the matter for five minutes.

Mr. FITZGERALD. Mr. Chairman, debate was closed by motion after a very lengthy discussion, and I do not think, after closing debate by motion——

Mr. MONDELL. If the gentleman wants to object, well and good.

Mr. FITZGERALD. I will object.

The CHAIRMAN. The gentleman objects, and the question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. ANTHONY) there were—ayes 27, noes 63.

So the amendment was rejected.

Mr. BORLAND. Mr. Chairman, I offer an amendment, following the word "economically," line 7, page 94.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 94, line 7, after the word "economically," insert the following: "And upon this question it may take the advice of the Bureau of Mines as to the heat value of the fuel."

Mr. MANN. Mr. Chairman, I make the point of order, or I will reserve the point of order. I ask to have the amendment reported again.

The amendment was again reported.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that debate is closed.

Mr. BORLAND. I hope the gentleman will reserve the point of order.

Mr. FITZGERALD. Oh, debate is closed on the paragraph.

Mr. BORLAND. But debate on the point of order is not closed.

The CHAIRMAN. The Chair will ask the gentleman from New York whether the board of managers now has the right under the law to take the advice of the Bureau of Mines?

Mr. FITZGERALD. I think they have.

Mr. MANN. It would still be legislation, Mr. Chairman, whether they have that right or not.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For hospital, including the same objects specified under this head for the Central Branch, $50,000.

Mr. SAMUEL W. SMITH. Mr. Chairman, in view of the statement that the Standard Oil Co. has been put out of business, I send to the Clerk's desk a short editorial which appeared in the Flint Daily Journal, of January 31, 1912, which I would like to have read in my time.

The CHAIRMAN. Without objection, the Clerk will read the editorial.

The Clerk read as follows:

COMPETITION.

Producers are selling crude oil at $2.33 a barrel. The price has been increased 7 cents a barrel every day this week.

Consumers are paying more for oil than at any time in years. The prospects are that the prices will continue to advance throughout the spring and summer.

The Standard Oil monopoly has been dissolved and competition has been restored.

What is the answer?

President Taft once stated, in effect, that there could not be competition without higher prices. If competition in the oil fields exists at the present time, his statement has been proved and his judgment has been vindicated.

If the dissolution of monopolies in all fields of business enterprise is to be attended by the same results as in the oil business, there is going to be a large number of supporters of monopoly within the next few years.

The Clerk read as follows:

Pacific Branch, Santa Monica, Cal.: For current expenses, including the same objects specified under this head for the Central Branch, $47,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The gentleman from Michigan [Mr. SAMUEL W. SMITH] sent a clipping to the desk a moment ago relative to the increased price of oil in face of the dissolution or attempted dissolution or supposed dissolution of a certain oil monoply.

I desire to call the attention of the House to the fact that one of the reasons for the present high price of oil is that a large proportion of the oil-producing territory of the country is now withdrawn from exploration and development. In the enthusiasm which some gentlemen have had for what they are pleased to call conservation, the Government agents have hovered on the flanks of the venturesome and courageous "wildcatter," and whenever, after long and arduous toil and great expenditure, he has developed a showing of oil, they have proceeded to withdraw all of the lands surrounding him—everything upon which his foot has not been actually planted at the moment of withdrawal. The result has been that a number of fields—several of great promise in my own State—have been tied up, and development that would have gone on and would have gone on by leaps and bounds, thus meeting partly the increased demand for oil, has been practically prohibited.

Congress has provided no legislation for the disposition of the lands withdrawn, and for an excellent reason, in my opinion, because it would be impossible under the legislation that could be secured at this time to develop new fields. And so we have this situation, namely, an increasing demand for oil, an increasing price for oil, and some of the most promising oil fields in the country withdrawn from development; some of them lands upon which men have spent large sums of money, lands upon which they have endeavored earnestly for many years to secure oil in paying quantities; and at just about the time their hopes seemed possible of realization and the era of development begun the withdrawal act is put into operation and the industry is suspended and property confiscated. Nothing that could be done at this time would have so helpful an effect upon the oil market, be so effective in bringing down the price of oil, as to have the Government restore to appropriate entry some at least of the land now withdrawn. On many of these lands men established claims and made large expenditures of money long before the date of withdrawal. I earnestly hope they may be restored to entry so that development may proceed.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Battle Mountain Sanitarium, Hot Springs, S. Dak.: For current expenses, including the same objects specified under this head for the Central Branch, $24,000;

For subsistence, including the same objects specified under this head for the Central Branch, $38,000;

For household, including the same objects specified under this head for the Central Branch, $42,000;

For hospital, including the same objects specified under this head for the Central Branch, $35,000;

For transportation of members of the home, $6,000;

For repairs, including the same objects specified under this head for the Central Branch, $14,000;

For farm, including the same objects specified under this head for the Central Branch, $5,000.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Dakota [Mr. MARTIN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 97, by inserting, after line 19, the following: "For combined chapel and amusement hall, $37,500."

Mr. FITZGERALD. I reserve a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] reserves a point of order on the amendment.

Mr. MARTIN of South Dakota. Mr. Chairman, the Battle Mountain Sanitarium, at Hot Springs, S. Dak., is the hospital branch of the National Home for Disabled Volunteer Soldiers. The treatment that is given there is especially beneficial to those suffering from rheumatism, bladder troubles, and similar disabilities, and those suffering from those afflictions in the various nine branches of the National Home for Disabled Volunteer Soldiers are sent to Battle Mountain Sanitarium for treatment. Somewhere between 1,200 and 1,500 of such patients have been treated in that institution in the last 12 months. The capacity of the sanitarium was so strained that for a period of three or four months they were unable to take in any new patients. The records of that institution show that 83 per cent of those that are sent there are benefited by the treatment they receive, and only 9 per cent receive no appreciable improvement. The institution is one of the best equipped hospitals on the continent. Indeed, I doubt if there is one anywhere equal to it. It cost to construct about $750,000.

At present there is no chapel or amusement building at that home, although all the other branch homes have such an institution. There is no place where a hall of that character is more needed, because, as is readily seen, these men when they are convalescent should have some means of amusement. Some of those that are sent there never recover, and about 8 per cent of those who arrive die there. Therefore there is a particular demand for an appropriate chapel. The management never asked for an amusement hall or chapel until a year ago. They have used the second story of another building, which was intended for a steam laundry, for chapel and library purposes, and inasmuch as they must have a place in which the patients may be amused during their convalescent period they have used an entire ward, which would accommodate 100 beds, for that purpose.

Now it is proposed by the management to erect a combined chapel and amusement hall, the first story to be used as an amusement hall, the second as a chapel, and the third as an assembly room and library. I will read from the hearings on this subject of one year ago. The item came up by a special estimate a year ago, the board of managers having passed a resolution requesting this amount. Gen. Barry, the local manager of the home, is a member of the National Board of Managers, and I ask the indulgence of the committee while I read this record, because it is short:

Gen. BARRY. This institution has grown to a large membership, because it is peculiarly adapted to the treatment of old men's complaints. It is well adopted to the treatment of bladder troubles, to which old men are subject. This building is really a necessity, and it is believed that it will enable us to accommodate 100 more patients. By removing the amusement hall in the basement we think it will accommodate 100 more patients without any increase of cost. The same medical staff can care for them. At the present time orders for admission are extended by reason of the crowded condition of the sanitarium. If we had this

additional building, we could take care of 100 more men. The library is in the rear of the chapel. We need the room the chapel occupies for a mess room for the civilian employees, numbering about 72, who now dine in the mess hall for members of the home. If we had this room that the chapel occupies now, it would enable us to feed the civilian employees in a mess hall and remove them from the main mess hall. I suppose we will use a part of this building for a library and reading room. The convalescent men should have a quiet place there to read. There is a great deal of reading done there, because these men go there for treatment, and they have to occupy their time in one way or another. Some of them amuse themselves in the amusement hall, but a great percentage of them are readers. The institution has grown a great deal during the last two years, and they cared for in the past year 750 members. The percentage of the improved is 81 and the unimproved is 9 per cent. The sanitarium is a credit to the Government and is doing good work. I think the building asked for is very much needed, and will supply something that is very much required in that institution. At the present time the chapel is unable to accommodate the men who attend divine services there. For that reason we ask this appropriation for the building.

It will thus be seen that this room in the second story of the laundry building, which is now used for a chapel, could be used as a mess hall for the civilian employees, now numbering 73. One hundred beds could be put in this other building, which is really a dormitory, a hospital building, as soon as the amusement-hall provision is made for the convalescents.

Therefore by an expenditure of practically 5 per cent of what this plant has cost to complete for this necessary equipment, the actual accommodations to members could be enlarged 25 per cent. They now accommodate in round figures 400, and sometimes in crowded conditions a little more. By this small expenditure they could accommodate 500, and very well provide for the needs of the patients in that institution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of South Dakota. I ask unanimous consent that I may proceed for three minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that he may proceed for three minutes. Is there objection?

There was no objection.

Mr. MARTIN of South Dakota. Now, the chairman of the committee and the ranking colleague of the gentleman from New York, the gentleman from Kentucky [Mr. SHERLEY] have to-day upon the floor of this House paid very high compliment to Mr. Wadsworth, a former Member of this body, who is the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers. I am able to bring to the attention of the committee the indorsement of Maj. Wadsworth for these important and needed improvements. He said:

This hospital is in the shape of an octagon. Here is the plan [exhibiting it]. We propose to place this building at this point here [indicating] and fill up this space here [indicating]. This will be accessible to the rest of the hospital without going out of doors.

And in another place in his testimony:

The CHAIRMAN. Has there ever been any request for this before?

Mr. WADSWORTH. No, sir; because we thought that there were other things more necessary. Now, however, we have reached the point where we think this addition to the building ought to be made.

I concur in all that the gentleman in charge of this bill has said as to the conservatism and reliability of Mr. Wadsworth, the president of this board of managers. The committee have adopted his recommendation in cutting down some items that were requested by this institution. Will not the committee be equally consistent and adopt his recommendation as to this important improvement?

As I have already stated, it will enable the institution to accommodate 100 more men, at an expense of only $37,500, from the fact that buildings constructed for hospital and other purposes must now be used for these very purposes because of the crowded condition of the institution and because this usual provision for all the homes has not been provided at the Battle Mountain Sanitarium.

I appreciate the attitude of the committee generally toward propositions to enlarge these homes, because this is a disappearing view. The old soldiers are disappearing; but let me remind you that the sanitary branch, or hospital branch, will be the last of the whole series to go out of active business. These men are growing more and more decrepit day by day and year by year, and this institution will be required when some of the others which are used simply for homes will no longer be needed.

Mr. FITZGERALD. I desire to call the attention of the Chair to the sundry civil act approved March 3, 1903:

For completion of said Battle Mountain Sanitarium, and for each and every purpose connected therewith, including all buildings necessary in the discretion of and approved by the Board of Managers, National Home for Disabled Volunteer Soldiers; and said board shall cause to be procured plans for all buildings authorized herein and in the act of May 29, 1902, establishing said sanitarium, based upon accurate estimates, and cause the same to be constructed within said estimates, and cause to be furnished all other needful objects authorized herein or by said act, to the end that said sanitarium shall be completed and ready for occupancy and operation in all of its details within the sums herein and heretofore appropriated for the establishment of said sanitarium.

Maj. Harris, in his statement before the committee last year, said:

The original plan for a sanitarium, as approved, did not provide for a chapel.

The first request or application for money to provide this additional building was submitted to Congress at its last session in a supplemental estimate.

This item is in excess of the authorization in the act of 1903, which fixed the limit of cost on the plant to be established. The building is, therefore, not authorized and is subject to a point of order.

Mr. MARTIN of South Dakota. Mr. Chairman, I did not understand that the gentleman made any point of order.

The CHAIRMAN. The gentleman reserved a point of order.

Mr. MARTIN of South Dakota. I did not hear it. Mr. Chairman, this is certainly a continuing improvement or project already adopted by Congress. The original appropriation fixed the limit of cost of this plant at $150,000 only, but from time to time Congress has appropriated for new buildings in order to complete a public work. I do not understand that at this late date, in the face of that policy adopted by Congress in the various bills to complete this institution, that it is subject to a point of order, as it is plainly a part of the necessary facilities of the institution.

The CHAIRMAN. The Chair thinks it is subject to a point of order, and therefore sustains the point of order.

Mr. SAMUEL W. SMITH. Mr. Chairman, I move to strike out the last word. I see that on page 91, in providing for the home at Dayton, Ohio, there is a provision for the pay of the farmer. How many acres are there in that farm?

Mr. FITZGERALD. I do not recall. All of these homes have a farm upon which considerable quantities of vegetables are raised for the use of the home. I believe they maintain, in some cases, a sufficient number of cows to supply the milk for their use.

Mr. SAMUEL W. SMITH. Does the gentleman know what they pay the farmer at Dayton, Ohio?

Mr. FITZGERALD. No; I do not. At that farm they do not raise any vegetables, but they have about 70 cows, and in answer to the gentleman's former question, I think there are 578 acres in the farm.

Mr. SAMUEL W. SMITH. Has the gentleman any data to show how much they pay the farmer?

Mr. FITZGERALD. I have not at present.

Mr. SAMUEL W. SMITH. I notice, in the case of the Dayton Home, where you appropriate $24,000, you specify the pay of the farmer and other employees, but in the other cases you simply say, for the farm, so many thousand dollars.

Mr. FITZGERALD. There is a provision for the other homes which says "including the same objects specified under this head for the Central Branch." That is to prevent repetition in all the subsequent items.

The Clerk read as follows:

Hereafter vacancies existing or vacancies occurring in the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall not be filled until the whole number of members of such board is reduced to five, and thereafter the number of members constituting said board shall not exceed five.

Mr. FOWLER. Mr. Chairman, I make a point of order against the paragraph.

Mr. FITZGERALD. This item reduces expenditures, Mr. Chairman, and it is in order under the Holman rule.

Mr. FOWLER. I think, Mr. Chairman, it proposes to change existing law. Of course, it might have a tendency to curtail expenditures.

Mr. FITZGERALD. It reduces the number of persons who travel and the number of employees who assist them. It reduces the number of offices created by law. That is exactly within the Holman rule.

Mr. LOBECK. These managers get no salary, do they?

Mr. FITZGERALD. The president is paid a salary.

Mr. LOBECK. But you would not remove him?

Mr. FOWLER. I do not think, Mr. Chairman, on its face, there is a reduction in expenditure, and that is what must appear under the terms of the Holman rule.

The CHAIRMAN. The Chair will ask the gentleman from New York if any salary attaches to the services of this board?

Mr. FITZGERALD. The president is paid, the secretary is paid, and they are allowed traveling expenses and clerk hire.

Mr. LOBECK. Whenever they are doing inspection work.

Mr. FOWLER. The traveling expenses necessary to be incurred in connection with these homes can not be increased by virtue of the number of the board of managers. The work to be done must be done, and whether it is done by one man or by twenty, the traveling expenses must necessarily be the same. I can not see upon the face of this paragraph that it does come

under that provision of the Holman rule where it must appear that it reduces expenses. The able gentleman who is the chairman of this committee says that the president has a salary. If there were no more than the number provided by this paragraph, there would still be a president with a salary, and this paragraph does not upon its face show a reduction of expenditures, and it can not be maintained upon that theory of that rule.

Mr. SHERLEY. Mr. Chairman, I desire to call attention to the fact that these members do travel, that their expenses are paid, that they have clerk hire as an incident to being members of the board, and that a reduction in number necessarily brings about a reduction in expenditures and comes directly under the provision of the Holman rule, which says—

By the reduction of the number and salary of the officers of the United States, etc.

Mr. FOWLER. But it must be the number and salary, not the number alone—the number and salary.

Mr. SHERLEY. The gentleman is mistaken again. The full provision reads:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill, etc.

The word "and" is the same as the word "or" in the phrase:

By the reduction of the number and salary of the officers of the United States.

The CHAIRMAN (Mr. SAUNDERS). The members of this board of managers live at varying distances from the national home. When they are called into session, they receive a travel allowance, or mileage. In addition their expenses are paid for the time when they are sitting to transact business. This being so, it is apparent that if we reduce the membership of this board, we will measurably reduce expenditures. Hence this paragraph is clearly within the benefit of the Holman rule, and is in order. The point of order is overruled.

Mr. FOWLER. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

Mr. ANTHONY. Mr. Chairman, there must be some reason for bringing in a new paragraph like the one under discussion.

The CHAIRMAN. The gentleman from Illinois was recognized. Does the gentleman desire to speak to his motion?

Mr. FOWLER. Mr. Chairman, if the gentleman from Kansas will permit.

Mr. ANTHONY. Mr. Chairman, I will take the floor after the gentleman from Illinois.

Mr. FOWLER. Mr. Chairman, I desire to say that this board, as I understand, has been created for the purpose of taking care of the various national soldiers' homes in this country. There ought to be an adequate commission for this purpose, and in the wisdom of Congress the number has been placed at nine, as I remember. I can not see any reason now why that number should be reduced. It is proposed by this paragraph to reduce it in a peculiar way; that is, whenever a member of this board dies his place shall not be filled. It is one of the peculiar ways of destroying these public positions.

Mr. Chairman, this Congress can do itself no greater honor than to permit this board to stand as it is, a monument to the men who offered their lives a sacrifice for the good of the country. I have great respect for the man who seeks to make appropriation in harmony with the law and who seeks retrenchment of expenditures, but a retrenchment of expenditures which minimizes only in its terms, in my opinion, is no retrenchment at all. If you limit this board to five now, after a while another bill will be reported in this House reducing the number to three, and then some time in the future some peculiar fit of retrenchment will seize the committee and it will provide that the offices filled here in this board shall not be filled at all upon the death of those holding them.

Mr. FITZGERALD. Mr. Chairman, this board is not maintained, as the gentleman seems to imagine, as a monument, but rather to administer economically and efficiently the national soldiers' home. The enactment of this provision is for the welfare of the men who, unfortunately, are compelled, in their declining years, to live in these homes. The inmates have been dying off gradually, and in order to have the homes administered for their best interest and that of the Government and to take the board out of the surrounding local influences, it has been universally conceded that this is a desirable provision to carry in the bill. It was carried in the bill last year. The gentleman from Illinois did not then discover what a "terrible" provision it was, and I think if he were familiar with the facts he would not now have said anything about it.

Mr. LOBECK. Is not one of the reasons why the gentleman wants to reduce the number here to five that there is a movement on foot—a bill has passed the Senate—to put these homes under the War Department? The home out in California—a bill has passed already in the Senate——

Mr. FITZGERALD. The suggestion has been made, and I know that it has not very much favor. Membership on this board is not limited to veterans of the Civil War; there are nine men, and each one, except the president, is the local manager of a home.

Mr. LOBECK. They are all veterans of the war.

Mr. FITZGERALD. No; I know of a member, not now on the board, but who was a Member of this House, and who was never in the war. This provision is in the interest of efficient and economical administration and the welfare of the men for whom the homes are provided.

Mr. LOBECK. These men who are on these boards now have given their time and their experience and most of them are experienced men in their State in taking care of the local soldiers' homes——

Mr. FITZGERALD. If the gentleman wishes to ask a question, I will answer it, but if he desires to express his views in favor of this amendment I do not care to be interrupted. I have looked into this matter and I know that better results will be obtained by having a board divorced from the local and peculiar surroundings that affect the men located in each home. Men, who are familiar with these homes because of close contact with them, agree, unless there is some peculiar individual interest, that this undoubtedly is a very desirable provision.

Mr. FOWLER. I desire to ask the chairman of the committee if he thinks that a new Member can catch all the tricks in a bill if it is brought in and introduced one day and asked to be considered the next day.

Mr. FITZGERALD. There are no tricks in this bill and any man of ordinary intelligence can take the report on it and in three minutes find every item like this. They are specifically set forth in italics, lest, perchance, some gentleman like the gentleman from Illinois might overlook them if we did not have a sign post provided for them; the committee did not feel it was taking advantage of such Members in reporting the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Chairman, there seems to be some other reason than that which has been found for the advancement of this provision in the bill. It is a fact that this House has already passed a resolution filling the vacancies that exist on the board of managers—passed it quite a while ago—and that resolution is now pending in the Senate, but for some reason it is being held up there. I do not quite understand why the House should come along at this stage of the game and endeavor to nullify a resolution filling the vacancies on that board to which it has just given its approval.

Mr. SHERLEY. If the gentleman will permit, the gentleman puts the cart before the horse. Is it not endeavoring to comply with the provisions of the House of last year that they were not to be filled instead of trying to fill these places?

Mr. ANTHONY. Oh, no. I understand that some months ago a resolution was passed by the House, which went to the Senate, filling the vacancies that now exist.

Mr. SHERLEY. Yes; but a year ago a provision was passed which said that these vacancies should not be filled.

Mr. ANTHONY. And defeated in the Senate, as should have been done. There is absolutely, Mr. Chairman, no reason why the membership of this board should be reduced unless it should be to center all power in the hands of a few men who desire to retain control of that board.

Mr. SHERLEY. Want to delocalize it.

Mr. ANTHONY. Yes.

Mr. MANN. What has become of that resolution?

Mr. ANTHONY. It is pending in the Senate; it has been reported favorably by the Senate committee and is pending in the Senate.

Mr. MANN. It has been reported favorably, as far as the gentleman's interests are concerned?

Mr. ANTHONY. I understand so.

Mr. MANN. I understand the Senate already has reported striking out the name of the gentleman in whom the gentleman is interested and has inserted another name.

Mr. ANTHONY. The gentleman is entirely mistaken. There has been one additional vacancy since the bill went to the Senate, and the Senate has stricken out one of the House names and inserted another.

Mr. MANN. Some one else has been stricken out.

Mr. ANTHONY. That is correct. Now, Mr. Chairman, I think it would be extremely unwise for this House to pass legislation of this kind, changing the make-up of the Board of Managers of the Soldiers' Homes, especially under the present conditions under which the board of managers have to do business. Their administration of the homes is under fire. It is being criticized very severely, and I am opposed, as one Member of the House, to the enactment of a provision like this, which would tend further to center the power and control of that board in a few hands instead of in a number.

Mr. GUERNSEY. Mr. Chairman, I move to strike out the last two words.

It seems to me the first duty of the Government toward the inmates of these homes is their proper care. I understand there are now 11 managers for the homes. The reduction of this number of managers to five will not give the proper supervision to the homes that they are now receiving. At the present time the managers are scattered about, so that they are near the homes, and the manager that is nearest a home visits it frequently and is more familiar with its needs than the reduced number of managers could possibly be with the homes scattered as they are all over the country. And, further than that, on the ground of economy it is not clear to me that the plan will result in economy. Certainly with 5 managers it will be necessary for some of them to travel much farther to visit homes than the 11 managers are required to do, with many of them located near the different homes. I hope the motion of the gentleman from Illinois [Mr. FOWLER] will prevail.

Mr. FOWLER. Mr. Chairman, I desire to speak in opposition to the amendment.

Mr. Chairman, I trust I will not be trespassing upon the time of the House when I contend for the preservation of the official channel through which these national homes are maintained and cared for.

I know, as a matter of fact, that there are some men in this House who are not very favorable to pensions of the Union soldiers. Neither are they much in favor of maintaining homes for the unfortunate soldiers who are now poor and unable to take care of themselves. Diseased in body, failing, because of age, in mentality, these men must either become a public charge upon individual localities or be taken care of by the bounty of this Government. I have no disposition to criticize the gentleman from New York [Mr. FITZGERALD] because of his attitude against striking out this provision or his attitude against liberal pensions for soldiers. But it ill becomes the gentleman, who has had long years of experience in this House, mixing and whetting his mind against the minds of such men as Tawney, DALZELL, and PAYNE, schooled under such influences, he has become an adept, not only in legislation but in preparing bills in this House—I say it ill becomes him to say that there is nothing in his bill that is not in harmony with the law——

Mr. FITZGERALD. I did not say that.

Mr. FOWLER (continuing). When there can be numbers of points picked out in his bill that would appear to be jokers. I have all due respect for the wisdom and integrity of the gentleman, but I detest the fat hog who will get to the swill trough first, whip off all of the poor ones, and eat the swill himself. He has fed here in the public crib of this country as a lawmaker for many years and had opportunities that other men have not had, and it ill becomes him to criticize men who seek to make his bill conform to law. Ah, he reported it one evening about dark, and the next day he was in this House asking for its consideration, a bill of——

Mr. FITZGERALD. Of 184 pages.

Mr. FOWLER. Of 190 pages.

Mr. FITZGERALD. We do not count the index.

Mr. FOWLER. Oh, yes; you do not count the index.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Chairman, I hope this section may be stricken out.

Mr. SHERLEY. Mr. Chairman, we do not always count the index, but sometimes some Members "thunder in the index." But coming back to the merits of this proposition, the reason for the recommendation of the committee was simply that we believed you would have a more efficient as well as a more economical administration by a reduction of numbers. Now, those of you who are familiar with the organization of these homes know that the practical management of them is under the charge of a governor, who receives compensation for his labor. The result of having an organization of this kind is not so much to see that the individual needs are taken care of as it is to have individual wants exaggerated. The whole proposition could be well stated in one word—that it is believed that it would be advisable to delocalize some of the conditions that now exist in connection with the management of soldiers' homes; and the need of that is best illustrated by the local speeches that are being made against the proposition.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. There were two amendments to the amendment, and I do not know that they have been withdrawn yet. One was to strike out the last word.

The CHAIRMAN. The Chair will announce that they are withdrawn. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the Chair announced that the "noes" seemed to have it.

Mr. FOWLER. A division, Mr. Chairman.

The committee divided; and there were—ayes 8, noes 34.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

State or Territorial homes for disabled soldiers and sailors: For continuing aid to State or Territorial homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, $1,200,000: *Provided*, That no part of this appropriation shall be apportioned to any State or Territorial home that maintains a bar or canteen where intoxicating liquors are sold: *Provided further*, That for any sum or sums collected in any manner from inmates of such State or Territorial homes to be used for the support of said homes a like amount shall be deducted from the aid herein provided for, but this proviso shall not apply to any State or Territorial home into which the wives or widows of soldiers are admitted and maintained.

Mr. RUCKER of Colorado. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Colorado [Mr. RUCKER] offers an amendment, which the Clerk will report.

Mr. MANN. Mr. Chairman, will the Chair allow a correction to be made in the spelling of the word "eighteen" at the end of line 10, page 99?

The CHAIRMAN. Without objection, the Clerk will make the correction indicated by the gentleman from Illinois [Mr. MANN].

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Colorado [Mr. RUCKER].

The Clerk read as follows:

At the end of line 22, page 99, insert the following: "That all the aforesaid homes shall be available to ex-Confederate regularly and honorably discharged soldiers."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that amendment.

The CHAIRMAN. A point of order is made against the amendment.

Mr. RUCKER of Colorado. Mr. Chairman, I do not know about its being subject to a point of order. This is a new matter; certainly a new matter in this Congress.

The CHAIRMAN. Does the gentleman desire to speak to the point of order?

Mr. RUCKER of Colorado. Yes; to the point of order.

Mr. FITZGERALD. Mr. Chairman, I will reserve the point of order for five minutes, and then I will insist on it.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] reserves a point of order. The gentleman from Colorado will proceed.

Mr. RUCKER of Colorado. I want to say, Mr. Chairman, that it is well known, not only to the membership of this Congress, but to the country at large, that if there were a bill before the House asking for pensions for ex-Confederate soldiers, there would not be one ex-Confederate soldier upon this floor nor the son of a Confederate soldier who would vote for it. But my amendment seeks to take care of those who are so feebly conditioned, possibly both in mind and in body, that they are not able to take care of themselves.

I want to say in this connection to the managers of this bill that I know of but one State in this Union where in the State home the ex-Confederates are entitled to all of the privileges along with the ex-Union soldiers, and that is the State from which I come. The measure was passed there by a unanimous vote upon the motion of an ex-Union soldier, and I appeal to gentlemen of this House whether it would not be better to follow the example of the State of Colorado and let the Nation give these old and feeble-limbed individuals who served in the "lost cause" admission to the national homes as we have done in our little State soldier's home in Colorado.

Mr. FITZGERALD. Mr. Chairman, there has been no demand for this legislation. Most of the Southern States have very generously taken care of their ex-Confederate soldiers,

and I believe it is not wise to precipitate a discussion on this matter simply upon the suggestion of one Member, and I insist on the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

BACK PAY AND BOUNTY.

For payment of amounts for arrears of pay of two and three year volunteers, for bounty to volunteers and their widows and legal heirs, for bounty under the act of July 28, 1866, and for amounts for commutation of rations to prisoners of war in States of the so-called Confederacy, and to soldiers on furlough, that may be certified to be due by the accounting officers of the Treasury during the fiscal year 1914, $25,000.

Mr. TAYLOR of Ohio. I move to strike out the last word, and I ask leave to extend my remarks on the pro forma amendment by inserting in the RECORD the address of Hon. Jesse B. Roote, of Butte, Mont., before the Washington State Bar Association.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD, and as a part thereof to insert the document indicated. Is there objection?

There was no objection.

Mr. NORRIS. Mr. Chairman, I rise to oppose the formal amendment of the gentleman from Ohio. I want to inquire of the chairman of the committee or of anyone else in regard to this particular paragraph.

Mr. FITZGERALD. Which one?

Mr. NORRIS. The one ending in line 7, page 100. It seems to make an appropriation for arrears of pay, for bounty, and so forth, and permits the widows and legal heirs to obtain the bounty on proper application. I should like to ask the gentleman if either the act of July 28, 1866, or some subsequent act, did not limit the filing of those claims, and if the time for filing them has not expired by virtue of the statute of limitations?

Mr. FITZGERALD. My recollection is that a limitation was fixed several times; but last year——

Mr. MANN. I think perhaps I can give the gentleman some information.

Mr. FITZGERALD. But last year a provision was inserted in the sundry civil act requiring that all the claims should be filed before December 31, 1912.

For the current year the appropriation is $200,000. For 1912 it was $300,000. It is now estimated by the auditor that $25,000 will be sufficient.

Mr. NORRIS. This appropriation can only be used for the payment of such claims as have been filed.

Mr. FITZGERALD. Prior to December 31, 1912.

Mr. NORRIS. Claims that are now pending.

Mr. FITZGERALD. Yes.

Mr. SHERLEY. It is estimated that there are about 4,000 claims, and Mr. Congwer stated that $25,000 would probably take care of them.

Mr. NORRIS. About what proportion of these claims have been allowed in the past?

Mr. SHERLEY. I do not know that all of these claims will be allowed, but Mr. Congwer said:

We have something over 4,000 claims on hand.

Prior to that he had stated:

I think if you will make that about $25,000 it will be ample to meet the claims we have on hand now.

Mr. NORRIS. Can the gentleman give me any information as to whether there will be any claims unprovided for?

Mr. SHERLEY. Only the statement that they consider that this amendment will be sufficient to take care of them.

Mr. NORRIS. Have you any evidence as to whether or not all the claims have been filed that would have any rights if they were filed?

Mr. FITZGERALD. The situation was this: There were a number of agents or attorneys who had been making a business of digging up these claims and filing them after getting retainers from the interested parties. That was practically all the work they did. The rest of it was done in the auditor's office.

Mr. NORRIS. Yes.

Mr. FITZGERALD. Congress provided that all the claims should be filed before December 31, 1912, and also prohibited agents or attorneys from receiving any compensation for presenting or prosecuting these claims. The combination of the two provisions is likely to stop it.

Mr. NORRIS. Can the gentleman state whether the limitation that we have passed is likely to shut out any just claims? Of course, if there are any old soldiers or widows of old soldiers who are entitled to this money, they should be paid.

Mr. FITZGERALD. Fifty years have elapsed since these claims accrued.

Mr. NORRIS. That is true; but I thought the committee might have some information as to how many there were.

Mr. FITZGERALD. I think all the meritorious cases have long since been paid. About $10,000,000 have been paid in the last 20 years.

Mr. NORRIS. Does the gentleman know how many claims have been paid within the last 10 years?

Mr. FITZGERALD. I do not. I can tell the amounts that have been paid in the last 10 years.

Mr. NORRIS. What was paid last year?

Mr. FITZGERALD. For the current year $200,000 was appropriated.

Mr. NORRIS. That was the appropriation.

Mr. FITZGERALD. They use all the appropriation, as a rule. The appropriations have been as follows:

For 1912, $300,000; for 1911, $467,000; for 1910, $400,000; for 1909, $400,000; for 1908, $500,000; for 1907, $200,000; for 1906, $200,000; and so on.

Mr. NORRIS. Can the gentleman tell me whether those amounts were all used up?

Mr. FITZGERALD. My recollection is that the appropriations were practically used up. In some cases these amounts include deficiencies.

The Clerk read as follows:

PUBLIC BUILDINGS.

Repairs of buildings, Interior Department: For repairs of Interior Department and Pension Buildings, and of the old Post Office Department Building, occupied by the Interior Department, including preservation and repair of steam-heating and electric-lighting plants and elevators, $30,000, of which sum not exceeding $7,500 may be expended for day labor, except for work done by contract.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. I notice in these paragraphs for the appropriation of the Department of the Interior there is no provision as to under whose direction the money shall be expended.

Mr. FITZGERALD. They are expended under the direction of the chief clerk of the Interior Department.

Mr. GREEN of Iowa. I would like to inquire whether the law makes any provision for the work being done under contract?

Mr. FITZGERALD. Seven thousand five hundred dollars is the amount which may be expended for day labor. The balance must be utilized by contract.

Mr. GREEN of Iowa. That is a general provision that applies to all the items unless otherwise specified in the bill?

Mr. FITZGERALD. The other items are by contract; $7,500 is practically for permanent repairs.

Mr. GREEN of Iowa. I desired to make the inquiry now so as to save time as to the other items of the bill. There is an appropriation of $220,000 for repairs to the Capitol. Will that be made under contract? That is on the following page.

Mr. FITZGERALD. I will discuss that when we come to it.

Mr. GREEN of Iowa. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For repairs and improvements to the Patent Office Building, as set forth in Senate Document No. 543 of the Sixty-first Congress, to be expended under the direction of the Supervising Architect of the Treasury, and to be immediately available, $220,000.

Mr. MANN. Mr. Chairman, I reserve a point of order to the paragraph.

Mr. SAMUEL W. SMITH. Mr. Chairman, I reserve a point of order. I hold in my hand Senate Document No. 543, a letter from the Secretary of the Treasury submitting an estimate for appropriations for repairs and improvements to the Patent Office Building. I would like first to ask the chairman of the committee if there was any attention given to the proposition to straighten F Street when the committee considered this appropriation?

Mr. FITZGERALD. No; there was not.

Mr. SAMUEL W. SMITH. I would like to read a few lines from the report of the Commissioner of Patents, Mr. Edward B. Moore. It is as follows:

I desire also to call your attention to the accompanying report showing the condition of business in the Patent Office from 1836 down to January 1, 1910, which shows the increase in volume of work, the expenses of the bureau, and the net surplus each year. It can readily be seen that the office is self-supporting, the revenues coming in from fees paid by the inventors. The surplus all told is now within a few dollars of $7,000,000, which is a net surplus, after deducting salaries and charges of every sort against the bureau.

I want to ask the gentleman if the amount of this appropriation comes out of the $7,000,000?

Mr. FITZGERALD. These repairs will provide ample accommodation for the storage of the copies of the patents.

Mr. SAMUEL W. SMITH. That is not what I asked the gentleman.

Mr. FITZGERALD. I did not quite catch the gentleman's question.

Mr. SAMUEL W. SMITH. I understand what these improvements are to be made for, but the commissioner says that the surplus all told is within a few dollars of $7,000,000. Now, what I want to know is if the $220,000 is to come out of this $7,000,000?

Mr. FITZGERALD. That money has all been covered into the Treasury. There is no separate fund which can be said to be to the credit of the Patent Office. That report shows that a certain amount of money has been expended for the maintenance of the Patent Office and that the receipts are so much, and so they say we have a surplus of $7,000,000. You might as well say that there was a surplus to the credit of the Treasury Department in the collection of the total revenues above the cost of the service.

Mr. SAMUEL W. SMITH. Every little while the statement is made that the Patent Office has a surplus of $7,000,000, with which they ought to be able to build any kind of a building they want.

Now, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial which appeared in the Washington Post of yesterday.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by printing an editorial. Is there objection?

There was no objection.

The editorial is as follows:

DEMOCRATS FOR PROTECTION.

The appeal of Mayor Fitzgerald, of Boston, to President Elect Wilson to use his influence against any reduction of the present duty of 12 per cent on boots and shoes merely shows a further disposition on the part of many Democrats to view the tariff as a local issue. Apparently, the only real difference between the rank and file of Democrats and Republicans is that the former believe the tariff a local issue, while the latter believe it to be a national issue. In justice to the leaders of the Democratic Party, it must be said that men like Mr. UNDERWOOD and Mr. CLARK are sincerely in favor of a tariff for revenue only, with application to all the States, but the great majority of their supporters, not only in the House and Senate but throughout the country, take a purely local view.

Time and again during the hearings before the Ways and Means Committee, pleaders for protection revealed themselves as stalwart supporters of the Democratic Party. At the hearing on the lumber schedule George W. Jones, representing the North Carolina Pine Association of Sawmill Manufacturers, took sharp issue with the plank in the Democratic platform favoring free trade, and yet admitted that he was a member of the Democratic State committee of his home State.

At one of the later hearings W. C. Temple, of Tampa, Fla., took the trouble to explain that the first time he ever voted he cast his ballot for Grover Cleveland, while the last time he cast it for Woodrow Wilson. He wanted the present duty on fruits maintained.

There are few Democrats in the United States who do not recognize the necessity of protection. Their position is different from that of Republicans only in degree. The Republican wants all industry, in all parts of the country, to enjoy protection; the Democrat, in each case, wants protection for his own State, but a tariff for revenue only in every other State.

Democratic members of the Florida Citrus Exchange threaten to quit the Democratic Party forever if it carries out its present plans to reduce the duties on fruit. Similar threats come from other Democratic sections. The rank and file of the Democratic Party itself is likely to be converted completely to the doctrine of a protective tariff if the party leaders attempt to put the Democratic theory of tariff revision into destructive practice.

Not only did a majority of the voters declare for protection definitely at the last election, but those who actually voted for Wilson have since been urging it. In the face of such an overwhelming sentiment, the members of the Ways and Means Committee, now engaged in making up the tariff bills, would show wisdom by proceeding along conservative lines.

Mr. MANN. Mr. Chairman, in the public-building bill which we passed the other day we made provision for plans for a new Patent Office. I take it that this is a temporary expedient if the other building should be constructed.

Mr. FITZGERALD. No; even if they move the Patent Office out of this building there will still be a demand for office accommodations which can be provided far cheaper in this way than any other way.

Mr. MANN. But suppose somebody should propose over in the House Office Building to construct a one-story building in the court there, would it not be similar to this proposition?

Mr. FITZGERALD. No; I think not. I think the Patent Office court is a larger one.

Mr. MANN. On the contrary, I should think it was a smaller court. I should be bitterly opposed to the proposition over here.

Mr. FITZGERALD. This runs two squares, from Seventh to Ninth Street.

Mr. MANN. I remember a few years ago I was chairman of a special committee in the House. I found the end of all of the corridors in the Capitol fenced off from the light and air by little cubby-holes, put there for the benefit of some committees or something of that sort, owing to the pressure for room in the Capitol. I succeeded in having all of those removed, so far as the House side was concerned, and have since resisted anything that tends to shut off the light and sunshine from the interior of a building where it properly can come in. I think it is a sin to do anything in the Patent Office Building or any other of the Government buildings in Washington which will tend to prevent the sun shining into the rooms, where it can be done, and the free circulation of air. We are becoming a tuberculosis-stricken people, and it is in the main because we shut light and sunshine out of our rooms. I do not know whether this building will do that or not, but if it will, I will do everything I can to defeat it. That is the reason I ask the gentleman whether it will or not.

Mr. FITZGERALD. The assurances given to the committee were that it would not. The plan originated with those in charge of the building itself. It has been gone into very thoroughly, and I believe it is a very desirable improvement.

Mr. NORRIS. The improvement is set forth in this Senate document?

Mr. FITZGERALD. Yes.

Mr. NORRIS. Could the gentleman explain to us what that provides?

Mr. FITZGERALD. My recollection is that 35 additional well lighted and ventilated rooms are made available in this way.

Mr. NORRIS. Is there any change made in the entrance to the building?

Mr. FITZGERALD. No; this is in the interior court.

Mr. NORRIS. And it does not change the exterior?

Mr. FITZGERALD. No.

Mr. MANN. Mr. Chairman, yesterday I asked the gentleman from Wisconsin [Mr. NELSON], a member of the Committee on Public Buildings and Grounds, which committee has had up the subject of the Patent Office, if he would not look into this matter, and I gave him a copy of the report upon which this item is predicated. After examining it he expressed to me the opinion that it would not interfere with the light and sun in this Patent Office Building. I wanted the statement of the chairman of the committee upon the subject. I will never consent, where I can prevent it, to putting a building on open air spaces in parks when that building does not belong there as a part of the park features, or in any court spaces in public buildings, where it interferes with the air and sunshine.

Mr. HAMILTON of Michigan. Mr. Chairman, may I ask the gentleman the dimensions of this open place in the old Interior Department Building?

Mr. FITZGERALD. If the gentleman will wait, I think I can find it for him.

The CHAIRMAN. Does the gentleman from Illinois withdraw his reservation of the point of order?

Mr. MANN. I will withdraw the point of order.

The CHAIRMAN. The Clerk will read.

Mr. HAMILTON of Michigan. Mr. Chairman, one moment. I move to strike out the last word. I do it for the purpose of pursuing the inquiry that the gentleman from Illinois started. He says he is opposed to the exclusion of light and air. If we know the dimensions of this court and we know the size of the building proposed to be constructed, we can judge for ourselves.

Mr. FITZGERALD. The building runs from Seventh to Ninth Street.

Mr. COOPER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER. Has the point of order been reserved on the Patent Office item?

The CHAIRMAN. The point of order was reserved by the gentleman from Illinois, and he subsequently withdrew the point of order. The gentleman from Michigan has now moved to strike out the last word.

Mr. COOPER. I was about to renew the point of order.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that it comes too late.

The CHAIRMAN. The gentleman is too late.

Mr. FITZGERALD. Mr. Chairman, the building proposed to be erected is four stories, 80 feet wide, with a corridor 10 feet wide in the center of it.

Mr. HAMILTON of Michigan. Eighty feet square?

Mr. FITZGERALD. Eighty feet wide.

Mr. HAMILTON of Michigan. How long?

Mr. FITZGERALD. I do not know the length of the court across which it goes.

Mr. HAMILTON of Michigan. Will it occupy the whole of the court?

Mr. FITZGERALD. Oh, no; the Commissioner of Patents and the chief clerk of the Interior Department, where this plan originated, have stated that it would not interfere with the lighting and ventilating of the present building, and they are more vitally interested in that than any outsiders would be.

Mr. HAMILTON of Michigan. I am very much in sympathy with the views expressed by the gentleman from Illinois.

Mr. FITZGERALD. I am in sympathy with the same movement. I would not favor the erection of any building which would in any way interfere with the most perfect ventilation and light from natural sources. There is no necessity for having any public building in such a condition that would bring criticism because it was insanitary or ill ventilated.

Mr. HAMILTON of Michigan. I assume the gentleman from New York has made a very careful investigation and satisfied himself, or this bill would not carry this appropriation——

Mr. FITZGERALD. This matter has been urged very vigorously and earnestly for several years by these officials.

Mr. MADDEN. A similar provision was reported in this bill some years ago for an addition to the Congressional Library Building. There has been no serious effect resulting from the construction of that building in that court, has there?

Mr. FITZGERALD. That was a large interior stack.

Mr. MADDEN. That is about the same thing as this.

Mr. FITZGERALD. That is practically the same thing; it was to put a light steel-and-glass structure there.

Mr. MADDEN. There has been no complaint about the construction of that over there, has there?

Mr. FITZGERALD. No; but there was very great criticism of the suggestion.

Mr. MADDEN. That is, at the time?

Mr. FITZGERALD. I have never heard any complaint. That originated with the Librarian, and of course he was thoroughly familiar with the situation.

Mr. COOPER. If the gentleman from New York will permit, do I understand this $220,000 is expended for a construction in the court of the Patent Office?

Mr. FITZGERALD. Across the court. It practically divides the court in two.

Mr. COOPER. Does not the gentleman from New York think that the much wiser course would be to build a new Patent Office, in keeping with the dignity of the office itself, which is really one of the most important institutions in this Government?

Mr. FITZGERALD. Well, the Patent Office Building is one of the most majestic buildings in the city, and the only trouble about it is that they require additional space.

Mr. COOPER. Well, I know; but has it never occurred to the gentleman that the air in the Patent Office is not good; that the building is not ventilated as modern structures are?

Mr. FITZGERALD. The trouble is this: The building is so congested now that it is necessary to utilize space in the corridors and in the rooms for stacks containing copies of patents. Under the law there must be printed 100 copies of every patent issued. They are accumulating at a tremendous rate, and are being put in the corridors and rooms and are crowding out the employees. With this additional space that condition will be relieved.

Mr. MADDEN. Is that for storage space?

Mr. FITZGERALD. Oh, no; it is not for storage space.

Mr. COOPER. Mr. Chairman, I have been in the building many times when the air was noticeably bad. I have heard complaints from employees that when the windows were opened the draft was dangerous, and when they were closed the air became so foul as to be dangerous. Instead of a Government like this putting $220,000 into a structure inside of a court, it would be much better to erect an appropriate, commodious, and entirely new building. Nothing in the history of the Government has been of more lasting benefit to all of the people than has the wonderful work of our inventors. The models of their inventions, with all of the documents relating to them and to the respective patents issued thereon, ought to be housed in one of the finest structures in this city—a building as fine as the Congressional Library.

Mr. PAGE. Mr. Chairman, I want to suggest to the gentleman from Wisconsin and to the committee, that the committee investigated this proposed building across the court in the interior of the Patent Office Building and found that it will not detract from the light or ventilation of the present building, and it will provide office space that is immediately needed for the occupants of the Patent Office, and it does not conflict in the slightest degree with the suggestion offered by the gentleman from Wisconsin that that particular bureau of the Government ought to have a new building. For the purpose of this argument I am willing to grant that, but we can construct the proposed building here within the space of eight months, and it can be utilized almost immediately to relieve the great congestion, and it is to be hoped that some of the bad ventilation and bad air may be gotten out of the old building within a reasonable time, so as to make it more suitable for the purpose of carrying on this bureau of the Government. We would not be able within five years, in my judgment, to erect a new building to give that relief.

Mr. COOPER. Will the gentleman permit a question?

Mr. PAGE. I yield.

Mr. COOPER. Will the construction of the proposed addition in the court tend in any way to improve the ventilation of the old part of the building?

Mr. PAGE. Not in the slightest degree. Neither will it make it worse.

Mr. COOPER. It could not make it worse.

Mr. PAGE. The gentleman will not contend that the Government is going to throw away and put into a scrap heap the building known as the Patent Office?

Mr. COOPER. I would not put it into a scrap heap, but I would leave it as it is to-day and proceed properly with the construction of a new and greatly needed Patent Office. I would not put a quarter of a million dollars into the construction of anything in that court.

Mr. PAGE. Even though there be a building constructed for a Patent Office, there are other bureaus under the Department of the Interior that are now in rented buildings, and this structure will not be thrown away, but can be utilized by the various bureaus that are now paying rents, and, in the opinion of some of us, enormous rents, in the District of Columbia.

Mr. COOPER. Does the gentleman say that other bureaus of the Government will be put into the new building in the court?

Mr. PAGE. No; I say in the event there is a new Patent Office and that bureau moves into the new building, this building that is proposed here can be utilized by some other bureaus under the Interior Department.

Mr. COOPER. Mr. Chairman, it has always been my firm conviction that the courts of buildings in this city, where the heat on the streets in the summer not infrequently runs to more than 100 degrees in the shade, ought not to be filled by structures of any kind. Has the gentleman an idea that there is to-day any court in any building in this city which is too large, in view of the summer heat, under which employees suffer here?

Mr. PAGE. That is a matter of opinion merely, and this committee was convinced this change would not make the rooms in the present building uncomfortable. The construction of it is going to be placed under the supervision of the Superintendent of the Capitol Building and Grounds, and its construction will be along lines that will make it at least comfortable for the people who have to work in it.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 101 strike out all after the word "Congress," in line 9, down to and including the word "Treasury," in line 11, and insert in lieu thereof the following:

"All of the work to be done under the supervision and direction of the Superintendent of the Capitol Building and Grounds."

Mr. FITZGERALD. Mr. Chairman, the object of this is to relieve the Supervising Architect from this burden. He states that his office is so overloaded he can not undertake the work.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. FITZGERALD].

Mr. MONDELL. Mr. Chairman, I trust the amendment may be adopted. I want to say just a word about this building. It is one of the monumental buildings of this Capital city, and it is a building so constructed that, while it is old, it can be filled with modern plumbing where such is lacking, and it can be well ventilated. I occupied an office in that building for nearly two years. At that time the building was not so crowded as now and the ventilation generally was excellent. The difficulty with this building and many other public buildings is that, as we begin to crowd them and there is increased demand for space, they not only line the corridors with bookracks and files packed away for reference but, what is infinitely more harmful, they often close the ends of the corridors and make rooms of them. The result is that the corridor affords no ventilation, it simply runs against a dead wall and is of no such benefit in the ventilation of the building as it should be. That is the present condition of this building and a number of other public buildings.

I am inclined to the opinion that the improvement contemplated will not only not interfere with the ventilation of this building, but will be an improvement. This is a court between wings running to the street, and it is proposed to place on it a building with sufficient room to afford excellent ventilation between the buildings.

The construction of that building will make it possible to so relieve the congestion in the other building that it can be restored to its former condition as to the corridors, and when so restored the building can be well ventilated. The only trouble with that building now is that it is too crowded. There are

too many people in the building, and some of the plumbing needs renewing. There are many hundreds of tons too much material in the building, and it is important that we should get that material out.

Now, as to whether or no we should use this building permanently for the Patent Office is in no wise involved in this question. It is a building that ought to be valuable for generations for public uses, because it is a well-built structure, calculated to last for a great length of time, and is so built that, if not crowded, it is easily and readily ventilated. Any fault that it may have in that regard now is due to its overcrowded condition.

In my opinion we will beyond all doubt and in the no distant future provide another building for the present Patent Office. That office is not like some of our Government bureaus, a constantly reducing service, but one that will grow to great dimensions, and it is entitled to and will no doubt secure a permanent, new building of its own; but, as I said, we should not settle this question with any reference to that of a permanent building for the Patent Office.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I yield.

Mr. COOPER. Is the gentleman aware of the fact—it is a fact, I am informed—that there are rooms in the Patent Office in which 20 people are working with only one place for washing facilities and with no running water at that? Talk about that being a modern building, with modern accommodations and systems of ventilation! I do not know where the gentleman gets his idea of modern ventilation. There is no approach to anything like it in that building.

Mr. MONDELL. If the gentleman quoted me correctly, he would not say that I said anything about its being well ventilated and well appointed. I said nothing of the kind. I said it is a building that can be easily and readily ventilated if it is not crowded. It can also be fitted with modern plumbing. The building is now in a tremendously crowded condition and, of course, the ventilation is bad and toilet accommodations are inadequate.

Mr. TOWNER. Mr. Chairman, I will not say that I shall oppose the adoption of this amendment, but I think gentlemen ought to hesitate a long time before committing themselves to this proposition.

Gentlemen will notice that this proposition is based on a report made, embraced in Senate Document No. 543, in the Sixty-first Congress. From an examination of that document I find that it is proposed to excavate the interior of the court of the building to the level of the basement floor, and to erect thereon a one-story structure in which to accommodate photolithographic copies of drawings, and to erect in the center of said court a building 80 feet wide, four stories high, with a central hall, 10 feet wide, connecting with the north and south wings of the present building, which will give 32 rooms 17 by 35 feet, which will accommodate 17 divisions, or nearly 300 employees.

We have it on the testimony of Members of this House that the present building, with the interior court entirely open and available for purposes of furnishing light and ventilation, does not do so; in fact, they assert that the building is not really habitable for work as it is; and yet it is proposed by this proposition to erect in the interior of this court a building four stories high to take up almost all of this room, and these men that are to occupy it are to be accommodated by what space may be left on either side of this court to furnish them light and ventilation.

It is also expected that what space may be thus left will furnish light and ventilation for the remainder of the building. If it were proposed originally to erect in the city of Washington a building that was to cost $220,000 and to establish it in an interior court, where it would be possible that only a very few feet of the space for air and ventilation could be obtained for those who are working therein, would any gentleman here present advocate that kind of a proposition? And yet that is what is here proposed—to erect in this space a large building four stories high, costing $220,000, with no opportunity afforded for adequate light or ventilation.

I might say that when the Commissioner of Patents appeared before the Committee on Public Buildings and Grounds he stated that it would be nearly impossible to so rearrange or rebuild this building as to give them the accommodations that they need, and he therefore advocated before that committee that a new building should be given to them.

I realize the fact that this building, this department, is inadequately furnished, and, as suggested by the gentleman from Wisconsin [Mr. COOPER], it is entitled to a good building. I would have been glad to see it included in the present omnibus building bill, and I hope that some satisfactory arrangement will be made soon to secure for this important department a suitable and adequate building.

But, Mr. Chairman, it would be vastly better now for us to hire and rent the additional space required than to build this addition, which, in my judgment, will have to be abandoned after it is erected. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

Enlarging the Capitol Grounds: To continue the acquisition of the land described in the sundry civil appropriation act approved June 25, 1910, and as authorized and prescribed in said act, for enlarging the Capitol Grounds, $500,000.

Mr. SISSON. I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 103 by striking out the paragraph from lines 16 to 20, both inclusive.

Mr. SISSON. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that he may proceed for 10 minutes. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, may I ask how long this debate is likely to run on this item?

Mr. SISSON. I hope not long; but of course I have no idea.

Mr. MANN. I wondered if we could not arrange in advance as to the length of time.

Mr. SISSON. So far as I am personally concerned, unless several gentlemen want to be heard on the proposition, I am willing to agree to 10 minutes on a side.

Mr. PAGE. I ask unanimous consent that the debate on this paragraph and amendments thereto may be concluded in 20 minutes, 10 minutes to be used on this side of the House by the gentleman from Mississippi [Mr. SISSON] and 10 minutes to be under the control of the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. Is there objection?

Mr. CULLOP. I object.

Mr. MANN. How much time does the gentleman from Indiana want?

Mr. CULLOP. I do not know yet whether I will want any time. It will depend on the course of the debate; but I think I should like 5 minutes.

Mr. MANN. Make it 15 minutes on a side.

Mr. PAGE. I amend my request in that way.

The CHAIRMAN. The gentleman asks unanimous consent that the debate on this paragraph and all amendments thereto be closed in 30 minutes; that the gentleman from Mississippi [Mr. SISSON] have 10 minutes and the gentleman from Illinois [Mr. CANNON] 15 minutes under his control——

Mr. PAGE. And that the gentleman from Indiana [Mr. CULLOP] have 5 minutes.

The CHAIRMAN. And that the gentleman from Indiana [Mr. CULLOP] have 5 minutes. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, this matter has been in controversy for some time. This item went into the sundry civil bill about three years ago. It is not necessary to go in detail into the history of how it got into the bill, but this is the continuation of a project for the purpose of purchasing all of the property between the Capitol and the Union Station.

I have never felt that the United States Government needed all of that property. A great deal of it is built up with as good buildings as there are in the city. When the original estimate came in as to the expense that it would be to the Government, a little over $3,000,000, I stated that at the very next session of Congress it would cost more than $5,000,000, according to the assessed value; and if they had purchased all the land that was originally contemplated to be purchased it would have cost more than $5,000,000.

This property next to the Union Station was ground which the Union Station Co. ought to have parked for itself, and the turning over of all this property to the Federal Government gives the Union Station Co. the benefit of the park at the expense of the Government of the United States.

The commission that was appointed under the original act has had $1,500,000 at its disposal. About $1,200,000 of that money has been expended. The commission now has to its credit about $300,000. The property which was taken first were the squares next to the Senate Office Building, commonly known as the Babcock property. Then they bought the property of which a portion belonged to the Baltimore Railroad Co., and unless I had a map here I could not indicate the square. The report shows the squares, but, in the absence of a map, you can not

determine the exact location unless you are thoroughly familiar with the property.

Now, I do not believe that it is necessary for the Government to proceed at this time. I do not believe that it was ever necessary for the Government to own this property. We have an opportunity here to cease purchasing any more of this property. If the Government should need the property already purchased in the future for its buildings, or for any other purpose, then the money has not been thrown away.

The last time this matter was up in the House I made a motion to strike this clause out of the bill, but, as gentlemen who are here will recall, there were not more than thirty-odd people—perhaps 40 or 45—in the Chamber. The Baltimore convention was in session, and just prior to that the Chicago convention had been in session, and with the understanding that the Members might attend the Chicago convention and with an understanding that Members might attend the Baltimore convention, there was a gentleman's agreement made that there should be no points of order that no quorum was present. I was bound by that agreement and did not make it, so a very few Members have ever voted on the matter.

At that time it was put in the bill by 4 or 5 votes, according to my recollection. I recall that there was one Republican that voted on that side against it, and the balance of the votes against it were Democratic.

Now, at that time if we could have had a full expression of the membership of the House, and they had determined to continue the purchase of the property, I would not at this time press this matter, but I believe it is a useless expenditure of public money, and I insist that the paragraph go out. In addition to that it means the adding to the care of the Capitol grounds a space about double what it is now, and I do not believe it is necessary; especially do I not believe it necessary when if the Union Station people desired that it should be park property it might park its own property, because the Union Station railroad companies own two squares adjacent to and contiguous to it, and portions of two other squares adjoining that property.

I introduced a resolution, which the Committee on Rules did not report, the committee being divided, a proposition for ascertaining who were the owners of the property. That matter was never gone into because the committee declined to report the resolution.

I do not care now to discuss that matter, but prior to the time the money was expended I would have liked to know who owned the property. I trust that the membership of this House will not now put upon the Treasury the burden and the expense not only of purchasing the balance of this property but of maintaining and caring for it, and tearing down this good property, for it is good property. There are several squares where the property is not in the best of shape, but from Arthur Place up to the Senate Office Building the property will compare favorably with any property in any portion of the city of Washington.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. STEPHENS of Texas. Is the Maltby Building one of the buildings that will be torn down?

Mr. SISSON. Yes.

Mr. STEPHENS of Texas. Is it not a fact that it is contemplated putting 30 or 40 Congressmen in there?

Mr. SISSON. I understand there is such a proposition, but I do not know.

Mr. STEPHENS of Texas. Is it not one of the best buildings in that square?

Mr. SISSON. I have been in it and it is a good building. Whether it is one of the best I do not know. I have been uniformly and earnestly opposed to the purchase of this property. I am willing, if we can get a full expression of the membership of the House, if we can get a full committee to pass upon it, and the committee shall determine this question against me at this time, I am willing to quit the fight. But I am unwilling to do so unless we have a full committee, or a full House, and get a vote on the proposition. Then if it is against me, and we have a quorum of the Committee of the Whole, I am willing to quit. If I have any time, Mr. Chairman, I yield it back.

Mr. CANNON. Mr. Chairman, I want to yield a little time to the chairman of the committee, who is out at just this present moment. Will the gentleman from Indiana use some of his time?

Mr. CULLOP. I prefer that the gentleman from Illinois use his time now.

Mr. CANNON. Mr. Chairman, I ask the chairman to notify me at the end of 10 minutes.

Mr. Chairman, a law was enacted taking, in round numbers, 12 squares between the Capitol Grounds and the Senate Office Building down to, I believe, First Street, and then across, with a view of having roads or avenues angling across to the terminal. That is a law. It was not in its detail a wise law, although it has worked out to the place where we now find ourselves. A commission was appointed, consisting of the Vice President, the then Speaker of the House, and the Superintendent of the Capitol, with directions to purchase if it could be purchased at a fair price, and if not to condemn the property. Five hundred thousand dollars a year under this law was to be appropriated. There have been $1,500,000 appropriated in three years. We first condemned the two blocks between the Capitol and the plaza, where the old Baltimore & Ohio depot stood, and between the Senate Office Building and the western boundary of the plat described. It was supposed that it would cost about $7,000,000 to acquire this property. It was hoped that it might be acquired for less money; that when the Government had declared by law that it was going to take it that the owners of the property would fall over themselves to sell it at a cheap price, as they could not sell it to anybody else. That was the theory. We advertised, when we got the first $500,000, for offers for all of the property.

Mr. SISSON. Mr. Chairman, will the gentleman permit an interruption?

Mr. CANNON. I have but little time.

Mr. SISSON. I think the gentleman is mistaken in his statement. The original estimate when this bill went into effect was $3,200,000, was it not?

Mr. CANNON. I have a copy of a hearing here, held May 31, 1912, before the subcommittee.

Mr. SISSON. But I am speaking of the first estimate.

Mr. CANNON. The gentleman has had his time. I do not recollect nor do I care. I had nothing to do with the enactment of this legislation, directly or indirectly. A year ago, in May, 1912, at a hearing at which this matter was up, what were supposed to be the best judges we could get stated that it would amount to $7,000,000 in the aggregate. We advertised. We obtained bids for nearly all of the property, but it aggregated, according to my recollection, something over $8,000,000. We could not buy a single tract; and then we condemned a part of the land that I have referred to—the two blocks—for $1,100,000, in round numbers.

Mr. TOWNSEND. That is, for those two blocks?

Mr. CANNON. For those two blocks; and they are the most valuable blocks.

Mr. MADDEN. How did that price compare with the offers made by the owners?

Mr. CANNON. Oh, it was, say, 25 per cent less; I would not be certain. I am satisfied, after full inquiry, after the condemnation proceedings, after the report of the commissioners and of everybody else, that it was condemned at a less price than property was ever before condemned at by the Government. That has been paid for, substantially. There are $380,000 left not yet paid, unexpended.

Another half million dollars and then another half million dollars were appropriated, making a million and a half altogether. We found that as we appropriated, appropriating a part of it, the price would spring with the future appropriations. We took the advice of the Attorney General, after full investigation, and he said that it could all be condemned without waiting for the appropriation. It has been appraised, and the values have been found, and it is ready now to be acquired by the Government whenever we make the appropriation.

Mr. MADDEN. How much does it all amount to?

Mr. CANNON. In one moment. In good conscience, as it has all been condemned, it ought to be paid for. The law provided for an appropriation of $500,000 yearly, and the committee, after investigation, has recommended the appropriation for the $500,000. I will now give the gentleman from Illinois the information that he desires. All of this property, save alone Arthur Place—which my friend was very anxious should not be condemned because it has a new expensive hotel built on it—was condemned for $4,323,000, in round numbers. We left Arthur Place out, because we found that from the Peace Monument, on the Avenue, by cutting off a little bit of the present Capitol Grounds, we could dispense with it, and if Congress ever desires that it be condemned in the future it can be condemned.

Mr. TOWNSEND. Is that in addition to the blocks already condemned?

Mr. CANNON. No; that amount, $4,323,000, includes all. From the last condemnation $380,000 appropriated remained, and if this appropriation is made there will be $500,000 to be added to the $1,500,000, making $2,000,000 appropriated. But

it will require in the end, to finish up and for the whole property, $2,823,972.35 yet to be appropriated, which includes the half million dollars recommended by this bill.

Now, the gentleman from Mississippi says the law ought never to have been passed. It was passed. We have acquired these two blocks. They were residences. They have all been condemned and almost entirely paid for. I think Congress acted wisely. The Continental Hotel has been put up. This condemnation does not include that, and around this Plaza and in the Plaza, if Congress had not taken this property and provided that it should be taken by law, hotels and buildings would have been put up. And so it is on the east side of the Plaza, as it appears now.

The CHAIRMAN. The gentleman has used 10 minutes.

Mr. CANNON. Well, I will use two minutes more. Undoubtedly buildings would have been put up and in the end would have been taken. We have got the terminal, we have got the Capitol, and now we have got this property at the lowest possible price, and I want to congratulate the Attorney General and the appraisers and all hands for the price at which this property has been condemned.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. CANNON. Yes.

Mr. COOPER. The gentleman said a little while ago the estimate at one time was $7,000,000. I recall distinctly I heard many men say it would be $10,000,000, and here is the Attorney General's report, testifying before the committee, that members of the committee, even in the last year, thought it would be $7,000,000.

Mr. CANNON. It is an exceedingly advantageous purchase by condemnation, and I believe the appropriation ought to be made, so far as this bill is concerned, which only carries $500,000 that the law provided for yearly. I am glad we condemned the property and that we have got it, whether Congress objects to the condemnation now or not, simply for the reason that if we had condemned $500,000 a year I have no doubt, bidding against ourselves by condemnation piecemeal, that it would have cost at least a million and a half or two million dollars more.

Mr. CULLOP. Will the gentleman yield for a question right there?

Mr. CANNON. My time is short. If I can have unanimous consent for five minutes for the chairman of the committee, I will use the balance.

Mr. CULLOP. I will give the gentleman one minute of my time if the gentleman will answer my question.

Mr. CANNON. Can I have unanimous consent for five minutes more?

Mr. CULLOP. I ask unanimous consent that the gentleman have five minutes.

Mr. SISSON. I shall object, unless I can get five minutes.

Mr. CANNON. Well, that is all right; I would just as soon the gentleman have five minutes more as not.

Mr. CULLOP. I ask that each gentleman may have five minutes, as both seem to be well posted.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

Mr. CANNON. Now, I want to say that this is a great Capital. All the people that come from all over the country to it land at that terminal. I was not in favor of the terminal, but now we have got the terminal I am glad we have got it. The Congress was wiser than I was, and when they land there, let me tell you, gentlemen, that, with the multiplied hundreds of thousands who come, they will be glad to see no big building or small building between that landing place and the Capitol. [Applause.] Let me say again that a constituent of mine, a close-fisted farmer, a year or two ago came down here, and I showed him some attention, and, among other places, I took him over to the Library, and he went through it. "Well," he said, "this cost a good deal." "Yes; it is an expensive thing," and he looked at it. He had never seen anything like it. I said, "It is the greatest show building on earth, and they say it costs $1.70 for every book that is removed from a shelf." He looked all around, and he swelled up—he was worth not to exceed $20,000—and he said, "I am glad it does, and I am glad to have the chance of seeing it." [Applause.] One other instance. Two boys enlisted in the Army at the beginning of the war for the Union. They came down here—they had a few days' leave of absence—and they looked about and went about this Capitol, and one of them said, as he looked at the Capitol and climbed the steps and looked about him, "My God! I never realized before what this country meant." And he said, "Let what happen to me that may, it is an object lesson for which I am willing to die." [Applause.] Oh, gentlemen, there is something in sentiment. You know how rich this country is. I am for a sufficient Capital; I am for good buildings; I am for an arts commission. I want to do it and do it well; it is worth a hundred times its cost. [Applause.]

Mr. DICKINSON. Will the gentleman answer just one question?

Mr. CANNON. Yes.

Mr. DICKINSON. Will you please state what will be the aggregate cost of the entire property already taken and to be taken?

Mr. CANNON. Four million three hundred thousand dollars, in round numbers.

I will reserve the balance of the time of the chairman of the committee, who will be in a little later.

Mr. CULLOP. Mr. Chairman, in 1910, when this policy was begun, I thought then the manner in which it was instituted was entering upon a very expensive course, and I am still of that opinion.

I have no objection to the beautifying of the grounds between this Capitol and the Union Station. I believe that it ought to be improved, and I believe all the necessary steps should be taken to make them as attractive as possible. But the part I am objecting to now on this policy is this: I understand that the entire cost of the real estate that is to be acquired will amount to $4,323,491.28, and that this addition, which makes up the difference between that sum and the $7,000,000, is for the cost of removal of the buildings.

Mr. CANNON. Oh, no. There is no $7,000,000 limit on it; and the wreckage will pay a profit for its removal, and more, too.

Mr. CULLOP. That is the question I wanted to ask the gentleman. I see here that on May 31, 1912, the Attorney General reports that the entire cost will amount, as was disclosed at that hearing, to $7,000,000.

Mr. CANNON. That was the best estimate that we could get.

Mr. CULLOP. Now, I believe the gentleman from Illinois [Mr. CANNON] will agree with me that the property to be removed will pay the expense of removing the same?

Mr. CANNON. And a good deal more.

Mr. CULLOP. And a good deal more; and all the Government should be out for the acquirement of this property is the $4,323,471.28.

Mr. CANNON. That is all it will be out.

Mr. CULLOP. Now, I find that it is contended by gentlemen on this floor that the value of the property to be removed—the houses and the material in them—will not pay the cost of the removal, but that the Government will be put to an expense for the removing of the same.

Mr. CANNON. My information, from the best-trained men that I could get at, is that the wreckage will more than pay for the removal of it.

Mr. CULLOP. In my judgment, the wreckage ought not only to pay for the removal of it, but a large part of the expense of improving the grounds.

Mr. CANNON. I think it will in part do so. Just how much, I do not know. I am only dealing with what I know about it, namely, the condemnation of the property.

Mr. CULLOP. Now, there has been already appropriated $1,500,000. The policy is, as I understand it, to appropriate half a million each year until the whole scheme is consummated.

Mr. CANNON. I want to say to my friend that I do not want to deceive anybody. We found that we could condemn this property much cheaper at wholesale than at retail. Now, Congress need not appropriate a cent, need not necessarily take any of it, but I believe it is equitable, and I hope when the matter is fully presented finally, and when it is considered during this session, the $3,200,000 necessary to completely pay for this property will be appropriated. [Applause.]

Mr. CULLOP. It is therefore, Mr. Chairman, the manner in which this affair was instituted that deserves criticism. Of course, the value of these properties soared when the first step taken was to pass a provision through Congress to acquire the same. It served notice on the owners that the Government was going to purchase the properties, and then, naturally, the owners, with this authentic knowledge, would increase the price far above the real values. After telling them the Government was to have their properties they well knew they could dictate the price, and they have done so. This is the feature of the matter which, in my opinion, merits complaint and deserves criticism. They have done, in holding out for an excessive price, just what others would have done under like circumstances. It was their opportunity, and they have embraced it. Prudence in business methods would have suggested a different plan for the acquirement of these properties. Now, it is asserted, and I do not know by what authority, that a large sum will be required to remove the buildings on these grounds. This ought not to be

the case if it is contemplated. The value of the wreckage, if properly handled, will not only pay for the removal of the same but should be sufficient to leave, after paying all such expense, a large surplus. I am opposed to appropriating anything for this purpose, and I hope if any such an appropriation is proposed it will be voted down. Practical business methods should be applied to this matter, and if they are the public will profit thereby.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. CULLOP] has expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, I believe I have five and one-half minutes.

Now, this property will cost, if you include the property on which the Driscoll Hotel now stands, the amount which I stated it would cost when I first made the fight against the proposition, to wit, about $5,000,000. When this item was put in in the Senate on the sundry civil bill the estimates then made by those people who advocated the proposition was $3,200,000. Now, after they put the law on the statute books, I find men coming before this commission and saying it is worth $7,000,000. I never said it would be worth $7,000,000. I pointed out at one time on this floor, when I first addressed myself to this, that it would cost $5,000,000, and if they had condemned all the property it would have cost $5,000,000. I had the matter investigated at the time, and, upon the estimates I had, it would have cost that amount.

If they had taken all of the property, it would have cost $5,000,000, notwithstanding the fact that the original estimate when this law was passed was for $3,200,000, and now these witnesses who come before this commission say that a reasonable price was $7,000,000.

Why, that was while they were selling it to Uncle Sam, and property that was assessed at $1 per square foot was condemned on the testimony of the witnesses at a much higher figure. I am not censuring the gentleman from Illinois [Mr. CANNON] or the commission, because under the rules that obtain in the purchase and sale of real estate in this city they could not help themselves, under the testimony, if they wanted to buy property here.

Now, we all believe in beautifying the Capitol Grounds. But how many crimes are committed on the Federal Treasury in the name of beautifying the Capitol Grounds! How many times do we find people giving the opportunity to Congress to buy a fringe of timber for the purpose of enlarging the parks! I did not believe, and I do not believe now, that this property which is being purchased could be purchased for less than $5,000,000, and if they had taken all the property that was included in the original proposition it would have cost $5,000,000. Now they eliminate some of it, and it will cost four million and some odd thousand dollars. Only $1,200,000 has been expended of that amount.

I trust that the committee will vote this section out of the bill, because I do not believe that the condition of the Public Treasury, in view of the expenses of this session of Congress, will warrant us in spending money for things that may wait.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, can the gentleman state what the assessed valuation of the property was?

Mr. SISSON. The Chair is evidently mistaken. I was watching the clock carefully, and my belief is that I have some time remaining.

The CHAIRMAN. The time of the gentleman has expired, according to the record kept by observation of the clock here. The gentleman from Illinois [Mr. CANNON] is entitled to four minutes.

Mr. CANNON. How much time did the Chair say I have remaining?

The CHAIRMAN. Four minutes.

Mr. COOPER. Mr. Chairman, will the gentleman yield for a question?

Mr. CANNON. I yield to the gentleman from New York [Mr. FITZGERALD] four minutes, and the gentleman from Wisconsin [Mr. COOPER] asks if I will yield to him 30 seconds.

Mr. COOPER. I simply wish to quote the figures given in the report signed by the gentleman from Illinois [Mr. CANNON] and Elliott Woods as to the condemnation proceedings. They say:

> The commission therefore recommends that the sum of the awards, $3,264,434.78, less the available balance, $380,462.43, of the former appropriations on hand, namely, $2,823,972.35, be appropriated by Congress at the present session to satisfy the awards when confirmed by the court, and thus immediately vest title to the property in the United States.

That shows that the balance to be paid for the land would not be $2,300,000, but $2,823,932.35. The $500,000 in the pending paragraph is to apply on that last amount. Is that correct?

Mr. CANNON. Yes.

Mr. FITZGERALD. Mr. Chairman, four or five years ago Congress determined to buy the property between the Union Station and the Senate Office Building.

Mr. SISSON. I know the gentleman does not want to make a misstatement. It was in June, 1910, three years ago.

Mr. FITZGERALD. Yes; three years ago; and since that time $1,500,000 has been appropriated for that purpose. According to the report of the commission, as the result of the condemnation proceedings, there will be required a little over $2,000,000 in addition to the $500,000 carried in this bill.

I am one of those, Mr. Chairman, who believes that this property should be acquired in order to add it permanently to the Capitol Grounds.

I regret that the gentleman from Mississippi [Mr. SISSON] takes the attitude he does toward this matter. I called attention last year to the fact that to another great Mississippian was due the present Capitol Grounds and the addition of the two wings of this Capitol; and one of the things that is seldom mentioned, but which redounds greatly to the credit of Jefferson Davis, is the fact that under his leadership and by his efforts the two wings of this Capitol were authorized and the Capitol Grounds were extended to their present dimensions. That was half a century ago, and to-day, with the Union Depot constructed and the development of Washington proceeding rapidly, a proper addition to these Capitol Grounds is the land between the two buildings.

Now gentlemen are familiar with the situation. It was stated and variously estimated that it would cost $7,000,000 or more in order to acquire this land, but the report shows that the total cost will be less than $5,000,000. I know of no public improvement more desirable in this city.

Mr. SISSON. I am sure, Mr. Chairman, that the gentleman does not want to make a misstatement.

Mr. FITZGERALD. No; I do not.

Mr. SISSON. I have the record here, and I want to correct a statement I made. The original estimate was that it would cost $3,600,000. I thought it was $3,200,000.

Mr. FITZGERALD. That is true. But the statement has repeatedly been made in the discussion of this item that, based upon previous experiences, the cost of this ground would exceed $7,000,000.

The commission has declined to make any private purchases. I understand the gentleman from Illinois [Mr. CANNON] has repeatedly stated that in view of his connection with the commission, and of the criticisms made of such commissions, he has insisted that this land be taken in condemnation proceedings.

I hope the amendment will not prevail.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Mississippi to strike out the paragraph.

The amendment was rejected.

The Clerk read as follows:

> Restoration of lands in forest reserves: To enable the Secretary of the Interior to meet the expenses of advertising the restoration to the public domain of lands in forest reserves, or of lands temporarily withdrawn for forest-reserve purposes, $16,000.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman from New York [Mr. FITZGERALD] if this is the same amount that was appropriated last year.

Mr. FITZGERALD. Last year it was $20,000.

Mr. RUCKER of Colorado. Was it all expended?

Mr. FITZGERALD. It is available this year and we can not tell just yet. But this amount, $16,000, is the estimate of the Commissioner of the General Land Office, and a statement of the amount he believed would be required. We have given all that was requested.

Mr. RUCKER of Colorado. Mr. Chairman, I ask leave to withdraw the pro forma amendment, and I move to strike out "sixteen" and insert in lieu thereof "twenty."

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amend, page 106, line 10, by striking out "sixteen" and inserting in lieu thereof "twenty."

Mr. RUCKER of Colorado. Mr. Chairman, this sum of money is to be expended all over the country. Some 400,000,000 acres of land are in forest reserves. We have 15,000,000 acres of land in forest reserves in the State of Colorado. This bill is the progeny of an administration favoring the taking up and keeping from the taxing power of these various States where these forest reserves are located the land included in them. We are

now getting into another atmosphere politically, and it is my belief that if $20,000 was needed heretofore, when a small number of acres were eliminated from the forest reserves in the State of Colorado, we ought now to have $20,000, because, in my judgment, the work of that department is going to be materially increased, for I believe the incoming administration is going to eliminate very much more land from our forest reserves than the former administration did.

In this connection I want to say that there has been an infusion of new blood into the legislative hall at the other end of this Capitol from Colorado, and there is going to be an infusion of new blood in the next Congress at both this and the other end of the Capitol, and all of the present and the new Members, except one distinguished gentleman, are against this bureaucratic policy heretofore in vogue with reference to these forests, and bulwarked as they will be by an administration, whose face will be set against such policy, much may be expected.

In this connection, as I see my time is up, I want to include as a part of my remarks a report appearing in a recent issue of the Rocky Mountain News of a lecture delivered by Mr. John F. Shafroth, then governor, now Senator elect, before the students at the University of Michigan about 10 days ago. I ask to have it printed as a part of my remarks upon this question, because it deals directly with this and other kindred questions.

The CHAIRMAN. If there be no objection, the request of the gentleman will be granted.

There was no objection.

The article referred to is as follows:

SHAFROTH SLAPS PINCHOT POLICY—ENTIRE STUDENT BODY OF ANN ARBOR HEARS PROTEST OF COLORADO SENATOR—LIKENED TO BRITISH TAX—STATE IN SAME SITUATION AS WERE THIRTEEN COLONIES, EVEN IN REVENUE'S EXPENDITURE.

Senator John F. Shafroth addressed the entire student body and faculty of Ann Arbor University, his alma mater of the days of seventy-six, last night by special invitation of the faculty tendered him weeks ago. Ann Arbor also is the college home of his son Morrison, a graduate of the class of 1910, and William, who is now attending the college. Senator Shafroth was an honored guest Saturday night at the annual "jay hop" or "prom," the great social event of the year there.

UNDUE BURDEN INTENDED.

Gov. Shafroth in part said:

"Pinchot's policy would not only deprive the States of the means of raising the necessary revenue to establish and maintain good government, but in addition to that injustice the advocates thereof propose to make revenue for the Federal Treasury by taxing the natural resources of the West. By so doing they propose to make the mountain States pay an undue proportion of the burdens of the National Government.

"It has been estimated by the Geological Survey at Washington that there are contained within the boundaries of Colorado 371,000,000 tons of coal. More than three-fourths of this coal is upon the public domain. If a rental of 10 cents a ton is to be imposed upon that natural resource of Colorado, it would mean ultimately that the citizens of our State must contribute $27,000,000,000 to the Federal Treasury. This tax is advocated on the ground that it will prevent waste.

"According to this geological report Colorado alone has sufficient coal to supply the world, at the present rate of consumption—of about 1,250,000,000 tons per annum—for 300 years. Although my State is now mining 11,000,000 tons of coal a year, yet our production for 50 years has exhausted only one-half of 1 per cent of our coal deposit.

RENTAL ON WATER POWER.

"It has been estimated by the authorities at Washington that from 1,000,000 to 2,117,000 horsepower can be generated from falling water in Colorado. If the Government is to charge $1 per horsepower as a rental for a temporary right of way for transmission lines, and conducting that water on Government land until it attains a height sufficient to generate power, it will mean, when this power is fully developed, a rental to the National Government from the inhabitants of Colorado of from $1,000,000 to $2,117,000 a year. It must be remembered that every horsepower generated by falling water saves the burning on the average of 21 tons of coal each year.

"If royalties are to be paid for the extraction of the precious and base metals, other millions will be turned into the Federal Treasury from the natural resources of our State. It may be that it will be proposed, as is done in the forestry department at Washington, that one-fourth of the receipts will be turned over to the State treasury, to be used only for certain purposes to be prescribed by the Federal Government.

BRITISH TAX RECALLED.

"But is it equal or fair treatment to our Commonwealth for the Government to impose any tax whatever upon our natural resources, which it has never imposed upon the older and richer States of the Union? It must be remembered that the act of Parliament of Great Britain, imposing duties upon goods shipped to the thirteen colonies, against which our forefathers rebelled, provided that the revenues derived therefrom should be expended in America for its protection and defense.

"All taxes upon production must ultimately be paid by the consumer—yea, more, such policy means that the people will have to pay additional prices for such products far in excess of the royalties which will be obtained by the National Government. It will put our people at a disadvantage in the struggle for industrial supremacy.

"Of the entire Union, the mountain State of Colorado is the best protected territory from foreign invasion. Even without a navy or fortifications no hostile power could ever devastate our fair Commonwealth. Yet in the form of import duties and internal-revenue taxes we cheerfully contribute to the National Government our fair proportion, even if those revenues are largely spent in building *Dreadnoughts*, in constructing seashore fortifications, and in being prepared for war against a hostile nation. The last Congress appropriated over $200,000,000 for these purposes.

CHEERFULLY AIDS OTHERS.

"We have no navigable streams, yet our Representatives in Congress cheerfully vote appropriations for improving the rivers and harbors of the country for internal and foreign commerce. In the Sixty-first Congress alone these appropriations for rivers and harbors amounted to $88,902,830.

"The State of Colorado pays into the National Treasury more than $5,000,000 a year, which is its fair proportion of the revenues of the Government collected from all the States of the Union. But the Western States object most strenuously to paying additional millions, the effect of which must be to retard the development of their natural resources.

"It is bad enough to be compelled to exempt from taxation, until disposed of, the 15,000,000 acres of forest reserves and 9,000,000 acres of coal lands of the public domain in Colorado, and thereby make us pay an equivalent for these lands every 30 years and yet never own a foot of the same. But we can not, in addition to that, consent to a tax upon our natural resources, to be paid into the Federal Treasury."

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be adopted. The bill carries the amount estimated for by the Commissioner of the General Land Office, and it is believed that this sum will be necessary. The work that is done depends upon the lists received from the Department of Agriculture, and, based upon the experience of the Land Office during the past, the commissioner believes that the $16,000 will be sufficient. Under these circumstances there is no reason for appropriating a larger sum.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. RUCKER].

The amendment was rejected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8195. An act granting relief to certain American citizens in El Paso, Tex., and Douglas, Ariz.;

S. 8536. An act to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota;

S. 8538. An act to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River near Weldon Springs Landing, in the State of Missouri; and

S. 8539. An act to authorize the St. Louis Belt, Illinois & Eastern Traction Co. to construct a bridge across the Mississippi River near the mouth of the Missouri River.

The message also announced that the Senate had passed without amendment bills of the following title:

H. R. 11478. An act to quiet title and possession with respect to a certain unconfirmed and located private land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict;

S. 4681. An act to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Opening Indian reservations (reimbursable): To meet the expenses pertaining to the opening to entry and settlement of such Indian reservation lands as may be opened during the fiscal year 1914: *Provided*, That the expenses pertaining to the opening of each of said reservations and paid for out of this appropriation shall be reimbursed to the United States from the money received from the sale of the lands embraced in said reservations, respectively, $20,000.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee if he can give us any information as to the cost of these reservation openings; if he has any figures that will show what the expense is in connection with any one of the openings, or more than one?

Mr. FITZGERALD. I do not recollect.

Mr. MONDELL. Will the gentleman from New York yield to me? The only expense paid out of this fund, or the principal expenses, are the traveling expenses of the office force here in Washington to attend the opening, and whatever expense is necessary at the point where the openings are had.

Mr. BURKE of South Dakota. Can the gentleman give us information as to how much is required? It seems to me that $20,000 is a large sum. The superintendent who directs the opening is a man already in the service of the Government in the General Land Office.

Mr. MONDELL. And a very careful man.

Mr. BURKE of South Dakota. A very careful man, and a man whom I hope to see promoted in the near future.

Mr. MONDELL. I join with the gentleman in that hope.

Mr. BURKE of South Dakota. But the expense must be largely traveling expenses, except, I presume, in the matter of advertising, maps, circulars containing instruction as to how the opening shall be conducted, and so forth, considerable is expended.

Mr. MONDELL. My understanding is, and I judge from the hearings, that a large portion of this is to be used at one opening, the Fort Peck opening. I think the gentleman knows that the officer of the department who has charge of these openings will not go to any unnecessary expense.

Mr. BURKE of South Dakota. I agree with the gentleman.

Mr. MANN. May I inquire of the gentleman what patronage this officer has?

Mr. MONDELL. None.

Mr. BURKE of South Dakota. None in the world.

Mr. MANN. Then I can not understand the purpose of these complimentary remarks.

Mr. MONDELL. He is a good Democrat and has made a good commissioner.

Mr. BURKE of South Dakota. Not only a good Democrat but a good Missouri Democrat.

The Clerk read as follows:

For the investigation as to the causes of mine explosions, methods of mining, especially in relation to the safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to the mining industry, $347,000.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word. I have just received a telegram and I have not had time to verify the statements contained in it. It is signed by the president and the secretary of the Ohio miners. It is as follows:

COLUMBUS, OHIO, *February 19, 1913.*

Hon. FRANK B. WILLIS,
House of Representatives, Washington, D. C.:

We have just learned the committee has reduced the appropriation asked by Bureau of Mines to $100,000. We believe this is inadequate for the purpose of placing our mines in a safe condition. The mining industry being one of the most important in America, we believe that Congress should appropriate sufficient funds so that the Bureau of Mines can consummate the work nobly commenced by them in devising ways and means of protection for the miners of the United States. Trust that you will give your support in behalf of the appropriation asked by the Bureau of Mines.

JNO. MOORE,
President Ohio Miners.
G. W. SAVAGE,
Secretary-Treasurer Ohio Miners.

Now, I have had no chance to verify that statement, but I desire to know of the gentleman in charge of the bill what the fact is.

Mr. PAGE. Which item is the gentleman referring to?

Mr. WILLIS. The item is at the bottom of page 111, for the investigation as to the cause of mine explosions, the methods of mining, especially in relation to the safety of miners, and so forth.

Mr. MONDELL. I will say that the amount carried in the bill is the amount of the estimate.

Mr. PAGE. The amount carried in the bill is the estimate.

Mr. MONDELL. I think the item which the gentleman's telegram refers to is the next item.

Mr. PAGE. The item to which the gentleman from Ohio calls attention is an increase of $27,500 over the current appropriation and is the amount of the estimate.

Mr. WILLIS. What information has the gentleman about the next item?

Mr. PAGE. That is just the same.

Mr. WILLIS. Then is the telegram based on misinformation?

Mr. PAGE. It has been increased, and the estimate is allowed.

Mr. WILLIS. That increase is satisfactory.

Mr. WILSON of Pennsylvania. If the gentleman will pardon me, I think the telegram of the gentleman from Ohio has reference to the item in the paragraph beginning on line 10, page 112, where the amount appropriated is $100,000, and the estimate was $250,000. That is for the investigation into the mining and treatment of ores and other mineral substances with special reference to safety and waste.

Mr. WILLIS. The gentleman says the estimate was $250,000 on that item.

Mr. PAGE. That is an item in regard to other mining than coal—metalliferous mining. We can take that up when we reach it. Mr. Chairman, I desire to ask unanimous consent to return to page 110, line 14, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to return to page 110, line 14, for the purpose of offering an amendment.

Mr. MANN. Let us hear the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 110, line 14, after the sum of "$90,000," insert the following: "to be immediately available."

The CHAIRMAN. Is there objection to returning to page 110, line 14?

There was no objection.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. COVINGTON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28499. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 26812. An act to provide for selection by the State of Idaho of phosphate and oil lands; and

H. R. 2839. An act for the relief of William Hommelsberg.

The message also announced that the President of the Senate pro tempore appointed Mr. CLARKE of Arkansas and Mr. BURNHAM members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Commerce and Labor.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For inquiries and investigations into the mining and treatment of ores and other mineral substances, with special reference to safety and waste, $100,000: *Provided*, That no part thereof may be used for investigation in behalf of any private party, nor shall any part thereof be used for work authorized or required by law to be done by any other branch of the public service.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move to strike out "$100,000," in line 12, page 112, and insert "$250,000."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 112, line 12, strike out the figures "$100,000" and insert in lieu thereof the figures "$250,000."

Mr. WILSON of Pennsylvania. Mr. Chairman, that is the item dealing with the investigations relative to the safety in metalliferous mines. The bureau has been exceptionally successful in its work in dealing with coal mines. From the time that we first began appropriating for the investigation into the cause of mine disasters growing in a large measure out of the work done by the Federal Government, there has been a gradual reduction in fatal accidents in coal mines. In 1907 the fatal accidents in coal mines were 3,197. In 1912 they were 2,375, a very material decrease, notwithstanding the fact that our production of coal had increased. In 1907 there was one life lost for every 144,000 tons of coal mined. In 1912 there was one life lost for every 232,000 tons of coal mined. A great deal yet remains to be done along that line of work, but very little has been done with regard to carrying on investigations for the purpose of promoting safety in metalliferous mines, and this increase in the appropriation is essential in order that that work may be carried on.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. MANN. Does the gentleman think that a comparison of two years of that sort is of any value? Suppose next year there should be a large loss of life, would the gentleman be in favor of abolishing the Bureau of Mines?

Mr. WILSON of Pennsylvania. Mr. Chairman, I have in my hand a comparison for each of the years from 1907 down to and including 1912, and it shows a continuous decrease during that period of time.

Mr. MANN. When was the Bureau of Mines organized?

Mr. WILSON of Pennsylvania. The Bureau of Mines was not organized until 1909, but we made an appropriation of $150,000 which was for the purpose of investigating the causes of mine disasters in 1907.

Mr. MANN. And I suppose the decrease is due to the fact that we made that appropriation?

Mr. WILSON of Pennsylvania. The decrease is due in a great measure to the spirit of cooperation that has been engendered by the officials of the bureau between the coal-mine owners and the coal miners themselves, and the information that the bureau has been able to bring out, necessary for a knowledge of what is responsible for the various accidents, and the application of that information by mine owners and the mine workers themselves.

Mr. POWERS. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. POWERS. Is it not true that the Federal Government sends mining rescue cars all over the country, visiting the various coal mines, to teach the miners how to prevent mine accidents?

Mr. WILSON of Pennsylvania. It has sent a number of mine rescue cars to various parts of the country. There are nine, I believe, altogether in the bureau. It has sent them to different points throughout the country and has given information to miners that has been discovered by the bureau or that was available otherwise relative to safety in mines.

Mr. POWERS. There is one in my district now.

Mr. WILSON of Pennsylvania. But there have been other means by which the bureau has been able to convey to the mine owner and the mine worker information relative to the best methods of promoting safety.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may be permitted to continue for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WILSON of Pennsylvania. Mr. Chairman, they have made a number of experiments relative to the causes of explosions. For instance, they have demonstrated conclusively that there are two or three ways in which the chances of explosions from coal dust may be materially reduced, such as the injection of a steam jet into the intake airway, thereby carrying moisture to lay the dust, making it so that it does not rise or ignite when an explosion takes place, thus reducing the chances of accidents. They have discovered that the sprinkling of a very small amount of fine dust, crushed from the shale underlying or overlying the coal, sprinkled in the airways, working places, and traveling ways, reduces the inflammability of coal to such a point that explosions from coal dust can not occur. That information is being conveyed to the mine owners and workers and to some extent being put into practical operation; all this beside the spirit of cooperation that has been engendered. Having done this magnificent work with regard to coal-mining operations, and still going on with that line of work, there ought to be a sufficient amount appropriated to enable the bureau to go on with a similar line of work in metalliferous mines.

The death rate in metalliferous mining at present is greater from accidental causes than in coal mining. That change has come about because of the reduction in death rate by accidents in coal mining. In copper mining the death rate by accident is 5.33 per thousand. In iron mining it is 4.29 per thousand. In gold, silver, lead, and zinc mining it is 3.84 per thousand, and for coal mining it has finally been reduced to the point of 3.17 per thousand. In addition to that the health conditions in metalliferous mining ought to be taken into consideration. One of the most prominent insurance companies made an investigation recently in the State of Montana preparatory to taking risks there, and they discovered that in copper mining the number of deaths among miners by accident was 17.6 per hundred; from tuberculosis and pneumonia, both trade diseases, 43.45 per hundred; and from all other causes, 39.49 per hundred; showing the necessity of investigating the conditions, not merely for the purpose of promoting safety in our metalliferous mines, but for the purpose of promoting the health of those who are engaged in mining; and I trust, Mr. Chairman, that this amendment will prevail.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed in 30 minutes.

Mr. MILLER. That is satisfactory to me, if I can have 10 minutes. It is a very important item.

Mr. FOSTER. I think the time ought to be limited to five minutes to a Member.

Mr. MILLER. This is a very important item, and one upon which I think it is not improper to spend a few minutes.

Mr. FOSTER. I have given some attention to it, and I would be willing to cut it down——

Mr. MILLER. I certainly have not encroached upon the time of the House.

Mr. FITZGERALD. Mr. Chairman, I move that all debate upon the paragraph and amendments thereto be closed in 30 minutes.

The CHAIRMAN. The gentleman from New York moves that all debate upon the paragraph and amendments thereto be closed in 30 minutes.

The question was taken, and the motion was agreed to.

Mr. MILLER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MILLER. For the purpose of speaking on the paragraph.

The CHAIRMAN. The Chair recognized the gentleman from California [Mr. RAKER]. The Chair will later recognize the gentleman.

Mr. RAKER. Mr. Chairman, the full estimated appropriation, $250,000, is needed for safety and waste investigations in metal and mineral mining. The amount carried in the bill is $100,000, which is an increase of $50,000 over the appropriation of last year. The full estimate of $250,000 is needed for the work of this bureau. The work which has been done and is being done by the Bureau of Mines under the current appropriation of $50,000 has been divided into general investigations concerning safety and waste; the generation of noxious productions in smelting operations; miscellaneous mining investigations, with special reference to waste or loss and health conditions; treating methods in mining, with special reference to safety, including especially tunnels opened by the United States Reclamation Service; safety and waste investigations in mining and treatment of lead and zinc. Dr. Holmes, Director of the Bureau of Mines, stated before the Committee on Appropriations that no investigation had been made relative to the waste of gas in connection with the burning of oil and the manufacture of coke, but that there was a large and enormous waste there, and in speaking upon that subject in connection with the mineral-mining industry he made the following statement (hearings for 1904, p. 710):

> On that general work I would like to say that, as a result of the investigations we have conducted during the present year, we have tried to get a clear idea of what work of a similar kind was actually needed, following along the general lines of policy which I outlined in the beginning and which seemed proper for a governmental agency to undertake, and we found that throughout the metal-mining regions the ventilation of the mines and the condition of air in the mines are far worse than those in the coal mines, so far as the health conditions are concerned. In fact, improvement along that line is one of the greatest needs of our metal-mining industry. The majority of these mines have no means of ventilation at all. There are turned loose into the sluggish air in those mines all of the noxious gases that arise from explosives and other sources. Furthermore, in connection with the kinds of explosives used in metal mining, there is great need for investigation because of the fact that it has a direct bearing upon the health conditions in the mines.

Also, on pages 225 and 226, as follows:

> Mr. HOLMES. I would like, Mr. Chairman, if I may, to make a brief general statement in regard to these increases in appropriations for the Bureau of Mines. It may seem that the bureau is asking for pretty large increases, especially this increase from $50,000 to $250,000 for investigations in connection with the safety and waste problems in the mineral industries other than coal. During the past three years, ever since the bureau was established, I have been urged from several different sources to recommend much larger appropriations even than $250,000 for this work; and I have declined to submit any recommendation for a larger appropriation until that field had been gone into pretty thoroughly and I felt we knew just what ought to be done, how it could be done, and whether or not the results which were anticipated could be accomplished. The information gathered during the past two or three years and the experience obtained during the expenditure of the small appropriation during the current year has led me to realize the need of extending to other branches of the mining industry inquiries and investigations similar to those now under way in relation to coal mining, especially researches with reference to safety and waste problems. I believe it is eminently practicable and proper for the Federal Government now to undertake such work in relation to metal mining and the miscellaneous mineral industries. These examinations already made lead me to believe that the appropriation now asked for work of this kind is not only urgently needed and can be expended effectively for accomplishing the purposes for which Congress created the Bureau of Mines, but that it is all needed for that work, and any serious reduction in the amount of the appropriation will mean not only a decrease in the amount we can accomplish, but a reduction in the effectiveness of the entire work.
>
> If it were simply an investigation of resources I should not feel so urgent about it, as such an investigation might wait; but the problems which it is proposed to investigate relate to a large loss of life, preventable maladies among miners from avoidable conditions, and an extensive and preventable waste of resources of national importance—a loss of life and waste of resources which is already in progress to an extent and on a scale which makes it a national discredit.
>
> The CHAIRMAN. The most important work that was considered in connection with the Bureau of Mines was the prevention of accidents and preservation of life.
>
> Mr. HOLMES. Yes.
>
> The CHAIRMAN. In coal mining particularly, was it not?
>
> Mr. HOLMES. For 10 years before the Bureau of Mines was established an agitation for it had been under way all through the West, and bill after bill during each session of Congress was introduced looking to the establishment of a department or a bureau of mines, with a

view to helping to improve the general mining conditions in the western mining regions. These western people were not thinking of coal mining as mining at all. With them metal mining is the industry; but when the Bureau of Mines was established in 1910 the establishment was accomplished through the cooperation of the coal interests, and most of the speeches and debates pending the passage of the bill dwelt upon the big coal-mine disasters.

Mr. PAGE. They were the most striking at that time?

Mr. HOLMES. They were just at that time, yes; but the death rate is now larger and the health conditions are now worse in the metal mines. The situation which I have described in connection with the metal-mining industries is a serious one. Now that we have in hand the necessary preliminary information, and we know what ought to be and what can be accomplished, it would seem that if the General Government is ever to do anything toward the improvement of conditions in the metal-mining industries the work should be inaugurated now on a scale somewhat commensurate with its urgency and importance.

The current appropriation for the mine-accident work under the Bureau of Mines—$320,000—is not only necessary, but is even inadequate for the proper investigation of the different safety problems relating to coal mining alone. Even under this appropriation there are no funds available for the proper investigation into some of the larger causes of coal-mine fatalities, such as falls of roof, accident from equipment, and so forth; and the appropriation is sufficient to operate the 7 existing mine-rescue cars for only 7 months out of the 12.

The $27,000 added by the House committee will be scarcely more than sufficient for operating the mine-rescue cars during the additional three or four months of the year and for the necessary extension of the coal-dust explosion experiments in the experimental mine. There will still be need for additional funds in order to carry on proper investigations into the other large causes of the loss of life in coal mines, such as falls of roof and the handling of mine equipment. (See hearings, 1914, pp. 704, 705, and 707, upper half.)

No part of this appropriation, therefore, can be utilized for investigations in the metal or miscellaneous mineral mining operations, for the reason that all of it, and more, is needed for further work relative to coal-mining conditions and safety.

We ask you to give your support in this effort to secure this increase of the amount of the appropriation provided from $100,000, as approved by the Appropriations Committee, to $250,000, as recommended by the Secretary of the Interior and approved by the President, for investigations looking to safety in the metalliferous mines of the country and the possible improvement of conditions under which mining operations are carried on.

Already experience has demonstrated that coal-mine accidents can be reduced by an investigation and educational work.

The Federal effort looking to safety in coal-mining operations, begun in 1907, has been contemporaneous with a most marvelous and gratifying change, as evidenced by the following figures:

Year.	Men killed per million tons of coal produced in the United States.	Tons of coal produced in the United States per man killed in mining.
1907	6.93	144,000
1908	6.05	165,000
1909	5.79	173,000
1910	5.66	177,000
1911	5.48	183,000
1912	4.29	233,000

The investigations carried on under the small appropriation made for this work last year demonstrated that the loss of life in precious-metal mining operations is greater per thousand men employed than in the coal mines, and the above results justify us in again asking an appropriation for this work sufficient to cover an intelligent effort looking to the safety of the men engaged in underground work.

Safety and efficiency must go hand in hand in our economic development, and the purpose of the appropriation asked for is that the various questions involved in the economy of mineral production and in the safety of the miners shall thus find solution. The problems involved are more varied, more intricate, and require higher scientific knowledge for their solution than the problems presented by the agricultural industry, the cooperation with which, so generously given by the Federal Government, has been productive of such highly beneficial results.

In relation to this matter Dr. Holmes stated before the Committee on Appropriations:

In 1907, the year before we inaugurated this work, the quantity of coal mined for each death was 144,000 tons. During 1912 the amount of coal mined for each death was 234,000 tons.

The memorandum submitted by Dr. Holmes follows:

Production, number of men employed, and number of men killed in and around the coal mines of the United States in the calendar years 1907 to 1912, inclusive.

Calendar year.	Production.	Number employed.	Number killed. Total.	Per 1,000 employed.	Per 1,000,000 short tons of coal mined.	Production per death.
	Short tons.					*Short tons.*
1907	461,406,000	655,418	3,197	4.88	6.93	144,000
1908	404,933,000	672,794	2,449	3.64	6.05	165,000
1909	460,761,000	666,523	2,668	4.00	5.79	173,000
1910	501,596,000	725,030	2,840	3.92	5.66	177,000
1911	496,221,000	728,348	2,719	3.73	5.48	183,000
1912[1]	550,000,000	750,000	2,350	3.13	4.27	234,000
Total			16,223			

[1] Subject to slight revision.

During the six years included in the above tabular record 16,223 able-bodied men engaged in productive industry lost their lives in coal-mine operations in the United States. The figures indicate also that if the death rate of 1907 had continued through the five years following, this loss of life would have been at least 3,000 more than the figures just mentioned. They also indicate that notwithstanding a large increase in coal production during 1912 over 1911 the death list in the coal mines for 1912 was nearly 400 less than that for 1911.

The decrease in fatalities indicated in this table has been more largely in connection with the decrease in mine explosions, to which subject the investigations of the Bureau of Mines have been mainly devoted since 1908. This fact is brought out in the following statement:

As indicating the need for investigations concerning falls of roof and mine equipment, attention may be called to the following tabular statement, which shows that while during the past three years there has been, in fatal coal-mine accidents from mine explosions (concerning which special investigations have been conducted), a decided reduction both in actual numbers killed and in the percentage of the total yearly loss of life, there has been less reduction in actual numbers, and even an increase in the percentage of fatalities from the two other large causes of fatal coal-mine accidents, i. e., falls of roof and mine equipment:

Percentages of the total loss of life in coal mines from the three chief causes during the past 3 years.

	Percentage of total deaths from falls of roof, etc.	Percentage of total deaths from mine equipment.	Percentage of total deaths from explosions.
1910	46.1	17.2	18.2
1911	48.6	17.3	14.0
1912	48.9	19.0	12.5

While the reduction in accidents and the improvements of health conditions are matters of prime importance, the question of reducing the waste in the mining and utilization of metal and general mineral resources of national importance is worthy of special investigation and consideration by the Government. Again quoting from the statement of Dr. Holmes before the Committee on Appropriations, he makes the following lucid statement upon this matter:

I want to say something more with reference to this general mine-safety problem, and that is in connection with ventilation. We know that the explosives being used in some of the metal mines emit poisonous gases that enter the mine air which the men have to breathe. In addition to that we know that in a large number of these mines, where the drills give off a very fine dust, tuberculosis is the prevailing disease among the miners, and we find that that disease is directly attributable to the fine silicious dust which is given off from these rock drills. That is one of the problems that we have not been able to take up, except in a general way, to find out what the situation is. Of course, we can not stop the drilling, because they must drill wherever they mine; but the thing to do is to find some way to prevent the dust, and I believe that is entirely practicable.

The need of investigations looking to greater safety and the improvement of mine conditions in metal and general mineral mining operations is now greater than in coal mining. These facts are clearly brought out from what has been shown from the statements made by Dr. Holmes before the committee. It is a subject of vast importance to the country and one that should be given liberal support by the Government. The situation is one that needs full consideration and investigation by the Bureau of Mines and will bring good results. I trust that the committee will see its way clear to adopt this amendment. I want to call the committee's attention to the fact that in metal mining in the West, many of the men who work there for a short time are subject to these occupational diseases caused by dust from the drills, bad conditions underground, and want

of proper ventilation. Many lives could be saved by proper investigation and methods devised, whereby these present deadly results would be prevented, and new methods can be found to relieve the present deplorable situation.

Quoting again from the hearing, Dr. Holmes states:

I am outlining the work of the Bureau of Mines from this standpoint—i. e., from the standpoint of safety and waste, the general-welfare side of the question.

As to the general mining conditions, there is certainly throughout the metal mining region to-day as great, if not a greater, need of reform than there is in the coal-mining region. We have not, for lack of funds, been able to collect complete statistical data, but we have tried to ascertain the leading causes of fatal accidents in the metal-mining industry; and our investigations show that the death rate per 1,000 men employed is considerably greater in the metal-mining industry than in the coal-mining industry.

More than 4 men out of every 1,000 men employed are killed annually; and last year, as nearly as we can get the records together, there were not less than 27,000 men injured or killed (most of them being injured) in the metal mines alone. In addition to that, so far as I can find out, the number of men whose health was injured in connection with mine operations from breathing poisonous gases or dust, or both, and from other causes has been much larger in the case of metal mines than in coal mines. In the expenditure of the $50,000, while conducting a number of important investigations, we have also endeavored to find out the conditions under which miners labor in the metal mines of the country, and we find the serious need of reforms as indicated. In addition, we have been trying to get together the material for a revision of the mining laws, rules, and regulations relating to mining conditions.

I have compared the record of the United States during the year 1911 in the matter of metal-mine fatalities with that of other countries, with a result which shows that for each 10,000 men employed in metal mines the total deaths were as follows: Great Britain, 16 deaths out of each 10,000 employed; Germany, 14 deaths out of each 10,000 employed; United States, 41 deaths out of each 10,000 employed.

Mr. MONDELL. Will the gentleman yield?

Mr. RAKER. Certainly; I yield to the distinguished gentleman from Wyoming.

Mr. MONDELL. What is the State of California doing to remedy that condition or to prevent its continuance?

Mr. RAKER. She is doing what is done in other States, and more. The State of California is doing all in her power to relieve the condition of the miners in that State.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I may revise and extend my remarks in the RECORD on this subject.

The CHAIRMAN. The gentleman from California asks unanimous consent that he may extend and revise his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER. Mr. Chairman, the gentlemen who have so far spoken upon this amendment have confined their remarks to the conditions of safety in the mining industry. If there were no other considerations that might be brought to mind in connection with this paragraph, those are sufficient and ample to justify an increase of the appropriation, but, Mr. Chairman, there is another branch of the work carried on by the Bureau of Mines under the provisions of this paragraph of equal importance, if anything can be of equal importance to safety in mining.

Gentlemen will observe that the provisions of this paragraph enable the Bureau of Mines to carry on investigations into the methods of mining and into the treatment of ores. We have lately received with much pleasure the last report of the Secretary of Agriculture, in which he shows to the American people that during the period of years he has occupied the position of Secretary of Agriculture the agricultural products of the United States have increased until they now reach in round numbers $9,000,000,000, a magnificent total. It has largely been the result of scientific agriculture, the adaptation of the crop to the soil and to the climate. If we should consider the possible duplications in this total, arising from counting separately such items as cattle and hay and corn and live stock, items that should really be merged in many instances, the grand total would be reduced to perhaps six or seven billions, still a magnificent total. Every dollar expended through the Agricultural Department has returned manyfold increase to the country. We are spending this year in that department some twenty-five millions—a large sum, but a splendid investment of every dollar. The expenditures through this department in the last 16 years have multiplied tenfold, because we have found the expenditure wise and exceedingly profitable.

That which I desire to call to the attention of the membership of the House at this time is the necessity in the mining world for that same scientific treatment of its problems and its features that has been so valuable in the agricultural world. In round numbers the mining industry of the United States last year produced $2,000,000,000 worth of wealth. This is net wealth, Mr. Chairman—absolutely net. The mining industry is to-day the basis of a large part of the art, the science, and the industry of the United States. The whole world leans upon the product of its mines.

The average mind perhaps believes that wherever gold is found it is wealth, wherever iron is found it is wealth, wherever copper is found it is wealth, but those conversant with mining and mining conditions know such is not true in the least. That gold, that iron, that copper is ever mixed with other minerals and other substances, and becomes wealth only when it can be separated and shipped so as to be merchantable. By new mining processes developed or devised, by new methods of treating ores the valueless mass to-day will become the great wealth of to-morrow. The science of metallurgy is the handmaiden of mining, just as the science of engineering is indispensable to it. The Bureau of Mines should have sufficient funds to bring to the mining world the aid of science in both the mining and the treatment of ores. Vast wealth can thus be produced, just as the application of the science of botany, of the science of chemistry, and the science of meteorology has so stimulated and advanced the cause of agriculture. It is the intensified application of brains to industry, and therein always lies the great profit.

I want to call the attention of the committee, if I have time, to two or three items of paramount importance in respect to which I think the Bureau of Mines could well afford, in the interests of the wealth and welfare of the country, to spend some of the additional $150,000 here asked for. And the first I shall mention is the newly discovered element called radium. This is a subject new to all except a few of the very eminent scientists of the world. It is the latest element to be discovered, and by some considered one of the most important of all. Certain it is that its properties are likely to change many of the theories of matter hitherto accepted, and perhaps furnish new methods of treating disease. The possibilities of this element now entertain the close study and attention of the most eminent scientists of Europe. There are found in this world just two places producing the ore from which radium is reduced. One place is in Colorado and the other is in Austria. No man in America knows how to reduce the ore and produce radium. No laboratory in this country has ever been devised to carry on the work. No man in America has yet undertaken it. The undertaking is too great for a private concern or individual. There were shipped from the State of Colorado last year 600 tons of pitchblende, or carnolite, which is the ore from which radium is made. Where was it shipped? It was shipped to Germany. The total production of radium in the world last year was 5 grams, and the 600 tons of ore shipped from Colorado were sufficient, in the minds of well-informed scientists, to produce the entire 5 grams. Thus America probably gave to Europe all the radium produced last year, and not a particle did we produce for ourselves, all because we knew not how to do it. We are to-day letting that wealth leave the United States to enrich other countries. It is not available to the American people. It is not available to the scientists of America. It is a contribution that is sent to the Old World, because, ignorant heathens that we are, we know not how to use the wealth nature has given us.

Now, possibly 5 grams will seem like a small quantum, but 1 ounce of radium is worth $2,500,000.

This is a very respectable sum in itself, and yet the greatest value of this mineral is not its intrinsic or commercial value, as its greatest value lies in the aid it gives to science and scientific investigation. The properties of radium are being utilized in the treatment of disease and in the processes of scientific experimentation. It is one of the forces of nature man is learning to use, vastly to his advantage, and yet its use and its worth and its value are not for Americans, though the mineral itself comes from America.

The application of metallurgy to the treatment of ores is not new, the science is of some antiquity, and yet it is now in a rapidly developing stage. Metallurgy teaches how to treat ores so as to make them useful to and usable by man. If the process is reasonably cheap, wealth is produced. By discovering new metallurgical processes, ascertaining new methods of treating and reducing ores many ores hitherto valueless become exceedingly valuable. Thus many ores are mixed with sulphides and many ores, like copper, are found as sulphides. Admixed with these sulphides also may be the precious metals of gold and silver. Vast areas of such ores are now known which are valueless until some metallurgical process is discovered for treating them.

We are told, Mr. Chairman, that we are living in an iron age. Doubtless we are. Iron is king. Without iron the conveniences

of life would fail and present industrial processes would disappear. Iron ore is found quite generally distributed over the world, and yet but a very small part of the known deposits of ore are to-day merchantable and therefore of value. Metallurgy discovered how to free iron ore of two of its deleterious ingredients, sulphur and phosphorus, when these elements exist in quantities not too great. The greatest iron mines of the world are along the north shore of Lake Superior in the State of Minnesota. Of the known deposits there found only a relatively small part is actually of value. If a process can be found for separating titanium from iron ore there will come to the use and increase the wealth of man areas of iron in Minnesota ten times greater than any now under operation. The resulting wealth would run into the billions. What is true here is also true elsewhere. This is work for the Bureau of Mines. During the past year I understand this bureau has conducted experiments to discover a method to reduce titaniferous ores. Progress has been made. The work should be continued with more ample resources, that they make a more complete effort. Every dollar invested in this work will return a hundred and a thousand fold. We have beheld the marvelous results attending the application of science to agriculture. So excellent have been those results and so favorable has that work impressed Congress that during a recent and relatively brief period Congress increased the appropriation for the Department of Agriculture from two and a half million to twenty-five million dollars. The Bureau of Mines, destined to aid mining as the Department of Agriculture has aided agriculture, has been in existence some three years, and the appropriation here is not three-quarters of a million.

If we respond to the call of humanity and extend every aid to the protection and preservation of human life and limb in this great industry, if we respond to the call of sound business and invest to produce large returns of material wealth, we will grant the increase asked for.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER. I ask, Mr. Chairman, that I may have five minutes more.

Mr. FOSTER. I object, Mr. Chairman.

Mr. MILLER. I hope the gentleman will not object.

Mr. FOSTER. Let me say to the gentleman from Minnesota that my time is all gone. I can not get a minute myself.

Mr. MILLER. There are 20 minutes left. I will say to the gentleman, if it is desired to hasten with the bill, that result may be obtained——

Mr. FOSTER. Make your point of order. I object.

The CHAIRMAN. The gentleman from Colorado [Mr. TAYLOR] is recognized.

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. AUSTIN. Mr. Chairman, I think this amendment ought to receive the approval of the House. It is in line with the recommendation and estimate submitted to the Committee on Appropriations by Prof. Holmes, the chief of this new bureau. He is a very able and conscientious public servant, and I am sure, knowing him as well as I do, that he is not given to extravagance, and in submitting this estimate and urging this additional appropriation he has no motive except the promotion of the public interest and the public walfare.

Congress was certainly derelict in not establishing a Bureau of Mines many, many years ago. When we consider the vast amount of money invested in mining operations and the great army of industrial workers who are engaged in this dangerous and hazardous work, and the great and incalculable benefit that they render to the country, we certainly have not yet gone as far as we should in making appropriations that this worthy cause deserves.

The amount of money that Congress has already appropriated for the maintenance of this bureau has been used largely in connection with the coal-mining operations of the country, and if that industry deserved—and it did deserve—favorable action of Congress, no good or valid reason can be submitted here why the same treatment should not be extended to the other lines of the mining industry in which millions of capital are invested and countless thousands of men are employed, whose lives and health are daily involved in mining operations.

The American Congress has never received, I venture the assertion, a greater return for the money actually voted by Congress than that received for the equipment and work prosecuted by the Bureau of Mines under the direction of Prof. Holmes. I trust that we at this time shall recognize the needs of this service and the justice and fairness of this demand of an efficient bureau chief, so as to give him the means with which to make this bureau what we certainly intended it should be, and what it certainly deserves to be.

I shall vote for this amendment, and I hope my colleagues on this side will do the same.

Mr. RUCKER of Colorado. Mr. Chairman, there is no objection whatever to an appropriation when it is applied to discovering new methods of protecting life and health in the coal mines. This amendment and this appropriation is asked for an entirely new purpose. We have scarcely had time since the first appropriation was made to know what it has availed us. Yet we know that fatalities in mining of metal ores are much greater than in any other and ought to receive commensurate recognition.

We have not been in the harness long enough to determine what such an appropriation would accomplish, but if you will take what has been done under the appropriation for the benefit of the coal miners, you will discover that the death rate has decreased about one-half in the last five years, since the bureau first went into the business, and that the efficiency of the laborers engaged in coal mining has increased in the matter of tonnage about one-half during the same period.

Every one knows that in metalliferous mining the men employed go down into the bowels of the earth some times thousands of feet. Necessarily they are subjected to more inconveniences and more dangers than the coal miners are subjected to, barring the mere question of explosions from coal dust in coal mining.

I ask to include as a part of my remarks a letter received this morning from the secretary of the Bureau of Mines pertaining to this subject.

The letter is as follows:

AMERICAN MINING CONGRESS,
Washington, D. C., February 19, 1913.

Hon. A. W. RUCKER,
Washington, D. C.

DEAR SIR: May we ask your support in an effort to secure an increase of the amount of the appropriation provided in the sundry civil appropriation bill from $100,000, as approved by the Appropriations Committee, to $250,000, as recommended by the Secretary of the Interior and approved by the President, for investigations looking to safety in the metalliferous mines of the country and the possible improvement of conditions under which mining operations are carried on?

The Federal effort looking to safety in coal-mining operations, begun in 1907, has been contemporaneous with a most marvelous and gratifying change, as evidenced by the following figures:

Year.	Men killed per million tons of coal produced in the United States.	Tons of coal produced in the United States per man killed in mining.
1907	6.93	144,000
1908	6.05	165,000
1909	5.79	173,000
1910	5.66	177,000
1911	5.48	183,000
1912	4.29	233,000

The investigations carried on under the small appropriation made for this work last year demonstrated that the loss of life in precious-metal mining operations is greater per thousand men employed than in the coal mines, and the above results justify us in again asking your further cooperation in the effort to secure an appropriation for this work sufficient to cover an intelligent effort looking to the safety of the men engaged in underground work.

Safety and efficiency must go hand in hand in our economic development, and the purpose of the appropriation asked for is that the various questions involved in the economy of mineral production and in the safety of the miners shall thus find solution. The problems involved are more varied, more intricate, and require higher scientific knowledge for their solution than the problems presented by the agricultural industry, the cooperation with which, so generously given by the Federal Government, has been productive of such highly beneficial results.

We earnestly urge you to give support to the movement looking to an increase, by amendment on the floor of the House, of this appropriation to the $250,000 required by the Bureau of Mines for properly carrying on this work.

Very respectfully, yours,

THE AMERICAN MINING CONGRESS.
J. F. CALLBREATH, *Secretary.*

Mr. PRAY. Mr. Chairman, I desire to speak briefly in support of this amendment. It seems to me that it is very important that we should at this time increase the appropriaion in accordance with the esimates submitted by the Secretary of the Interior, for the reason that heretofore most of our efforts in the Bureau of Mines have been directed toward the improvement of conditions in the coal-mining sections of the country.

The total number of men engaged in the mining industry in the United States is about 2,000,000, of whom 750,000 are engaged in coal mining and 1,000,00 in metalliferous mining. The statistics at the present time show that there are nearly as many lives lost in the metal-mining regions of the country and in metalliferous mining as in coal mining; but until last year

no appropriations were made looking to the benefit of the metalliferous miners or the improvement of conditions as to safety in that class of work. Therefore I say that I sincerely believe it behooves us at this time to increase this appropriation so that it will be in accordance with the estimates prepared by the Secretary of the Interior.

The work of the Government looking to the improvement of coal-mining conditions was inaugurated in a small way in 1908–9, and has been continued to the present time.

Nothing was done by the Government in behalf of the improvement of conditions in metal mining and mineral industries other than coal until for the current year (1913) an appropriation of $50,000 was made. The bill as it passed the House last year carried no appropriation for this work. The Senate inserted $100,000. The House committee forced the acceptance of a compromise on $50,000. Even the amount recommended for this year by the department and by the President—$250,000—is small as compared to the real needs of the situation. It ought to be granted by the House in full.

The great majority of the mines in the United States are small mines, working 10 men or less each. In these small mines the hazards are even greater than in the larger ones. In the larger mines, however, there are many new risks, and the conditions are more complicated and difficult to handle.

In regard to the urgent need of extending investigations to the metal-mining industries of the Western States, the director makes the following statement in his second annual report, for the fiscal year ended June 30, 1912:

> Inasmuch as the appropriations for the Bureau of Mines during the past year were not sufficient to permit any extension of the work beyond the investigations relating to the mining and utilization of coal it was not possible to extend these investigations to the metal-mining industries. Meanwhile, however, the ratio of accidents to the number of men employed has been larger in many metal mines of the country than it has been in many of the coal mines, and the average is nearly the same in the two. There is therefore serious need for the extension of the mine-accident work into the metal-mining field.
>
> Moreover, the loss of life in connection with metallurgical operations in different parts of the country deserves special consideration. The serious need of inquiries and investigations looking to the improvement of conditions at metallurgical plants has become more and more apparent as preliminary inquiries have been made.

The Bureau of Mines was established May 16, 1910. This was the first substantial recognition the second greatest industry in the United States had ever received from the Federal Government. It seems almost incredible that this basic industry, with an annual output of over $2,000,000,000, with 40 States interested in mining operations, should have waited so long before receiving aid from the Government, and especially so when we take into account the further fact that, from 1889 to 1909, 30,000 miners lost their lives as a result of their hazardous employment.

The Agricultural Department had been established for many years, also the Department of Commerce and Labor, the Bureau of Corporations, and many other bureaus of the Government, but the prospect of establishing a Bureau of Mines did not become promising until the hearings of the Committee on Mines and Mining in the Sixtieth Congress, instituted shortly after the four coal-mine explosions in December, 1907, in which 700 lives were sacrificed. This series of disasters, with appalling loss of life, aroused the people of the country to a realization of the frightful consequences that had followed in the wake of coal-mining operations in the several States for many years and which, in number of fatalities, was greatly in excess of those incident to mining in other countries where the conditions were not so favorable as in the United States.

It has been evident for some time to members of the Committee on Mines and Mining that the Bureau of Mines is greatly in need of further assistance from Congress. Lack of funds has resulted in a curtailment of important investigations. The metal-mining industries have received practically no consideration.

Mine-rescue and first-aid work is of great importance and should be carried forward in all departments of mining because the efficient maintenance of this branch of the service is more desirable and necessary than any other, but there should be no lack of activity in other branches. The income of the bureau should be increased so that the demands for all classes of work may be properly met. Had it not been for the lateness of the season when the greater activities were begun the mine rescue cars and stations could not have been maintained properly during the first year of their establishment. Instead of an appropriation of $100,000 I am convinced from reports and estimates submitted that for work relating to safety in the metal-mining industries the amount ought to be increased to $250,000. The saving of human life and prevention of accidents in mining operations is, in my judgment, so important and necessary that there can be no question as to the wisdom of appropriating this amount to be economically expended under the able administration of Dr. Holmes. No man in the Government service is more deserving of our unstinted praise for devotion to duty than the present able director of this great bureau. There are to-day in operation under the bureau seven mine rescue cars and six mine rescue and experiment stations. In order that the field of mining operations could be more effectively carried on there should be at least two more mine rescue cars in operation. The director has made it evident to us that the cars and stations have been operated on an economical basis. His reports will, I believe, show that the work has been conducted with the strictest economy consistent with the high degree of efficiency demanded by the public.

The records show that 750,000 men are employed in and about the coal mines of the country and more than 1,000,000 in other mineral industries. This is an important fact in connection with the proposed amendment. The greater part of the work of the bureau in the past has related chiefly to coal mining, but there is no question that the time has come when the metalliferous mines should be given attention, and if this amendment is adopted, as it should be, they will receive great benefit from the educational and experimental work carried on by the bureau. When the bureau was first proposed in the Sixtieth Congress, objections were heard in some quarters on the ground that the creation of such a bureau would mean Federal control of mining operations. But no complaints of that kind are to be heard to-day. It did not take very long to convince even the most skeptical that the work of the bureau would be largely educational in character, like the Agricultural Department.

The expectation often expressed by those familiar with the purposes of the bureau is that mine-rescue and first-aid work will result in the training and equipment of bodies of miners in all sections of the country ready for any emergency. It is conceded by all who have followed the progress of events in this respect that the information imparted by the experts in the bureau is of inestimable benefit to miners and operators alike, not only in rescue work, but in the matter of prevention of accidents and improvement of mining conditions generally.

Mining companies and operators throughout the country have signified a desire to cooperate with the bureau in an effort to provide every possible safeguard for the protection of their men. I know of instances in my own State where operators have purchased the latest equipment and devices known, and have welcomed the experts from the bureau to their mines and have afforded them every facility to carry on their educational and demonstrational work. A spirit of good will and hearty cooperation has been manifested in all departments of mining. The miners and operators have confidence in the men connected with this branch of the Government service. Several times since the creation of this bureau and the inauguration of mine-rescue work have the miners of the country been furnished with evidence in great mine disasters of the skill and heroism of the crews that have been sent out in charge of the rescue cars and from the rescue stations. Some of these men have been killed in an effort to rescue entombed miners and others have been crippled for life. At the beginning of this session we passed a bill, which, I am glad to say, has since become a law, providing compensation for injured employees engaged in these hazardous undertakings. The compensation is, of course, wholly inadequate; no such relief is ever adequate; but it is, at any rate, a slight recognition of their services and will provide some relief, and to that extent it is a step in the right direction.

The amendment now under consideration ought to be adopted by an overwhelming vote.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not prevail. Investigation of metallurgical mining was authorized last year, and Congress appropriated $50,000 to enable the bureau to commence the work. In this bill the committee recommends $100,000, or an increase of 100 per cent.

It is a notorious fact that it is a waste of money to expand unusually the functions or work of any service of the Government unless time be given for it to expand properly.

This bureau has been treated more liberally by the Committee on Appropriations in this bill and in the current law than any other bureau in the public service. The increases have averaged each year about 20 per cent over the appropriations for the preceding year. It seems to me the committee has done all that could reasonably be expected.

Congress started the work of protecting those engaged in the coal-mining industry and furnished the rescue cars, the purpose, as stated by the Director of the Bureau of Mines, being to go from place to place and train the miners, to enable the

employers to obtain the equipment, and then have the service carried on by the States and private individuals.

The State of Illinois has taken up this work. It maintains its own equipment, its own cars, and its own mine-rescue stations, and it seems to me many of these gentlemen from other States should take the necessary steps in order that their States shall do this work and not place the burden on the Federal Government.

Some discretion must be exercised in recommending these appropriations. For 1911, exclusive of the cost of removing this bureau from under the Geological Survey and the rent of quarters, $475,000 was appropriated; for 1912, $475,000 was appropriated. For the current year, on the recommendation of the Committee on Appropriations, the sum was enlarged to $583,100, an increase of $107,600 over the appropriation for 1912; and in the present bill the amounts aggregate $662,000, or an increase of $78,900 over current law.

It seems to me that the bureau has been adequately provided for in the bill, and this increased amount can not be justified.

Mr. RUCKER of Colorado. The Secretary of the Interior approved of this appropriation, did he not?

Mr. FITZGERALD. An estimate was submitted for the amount asked for here, but the estimates at this session aggregate $25,000,000 in excess of the amount carried in the bill. If the committee were to accept the recommendations of all the departments as to the various sums estimated as being desirable or necessary for the service under their departments, it would be impossible to supply the money required. The committee has treated this bureau liberally. It has increased the money available for this work 100 per cent, and it seems to me that it is going rapidly enough into the prosecution of this work, which is important and must be developed and extended gradually. I hope the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 42, noes 43.

Mr. AUSTIN. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. WILSON of Pennsylvania and Mr. FITZGERALD.

The committee again divided; and the tellers reported that there were—ayes 47, noes 55.

So the amendment was rejected.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

Education in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the education and support of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, and rental of school buildings; for textbooks and industrial apparatus; for pay and necessary traveling expenses of general agent, assistant agent, superintendents, teachers, physicians, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, $200,000; so much of which sum as may be necessary for the purchase of supplies shall be immediately available: *Provided*, That no person employed hereunder as special agent or inspector, or to perform any special or unusual duty in connection herewith, shall receive as compensation exceeding $200 per month, in addition to actual traveling expenses and per diem not exceeding $4 in lieu of subsistence, when absent on duty from his designated and actual post of duty: *Provided*, That of the sum hereby appropriated not exceeding $7,000 may be expended for personal services in the District of Columbia.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, by striking out after the word "employees," in line 3, page 114, to and including "$200,000," in line 5, page 114, and insert in lieu thereof the following: "And to provide for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, rental, and equipment of hospital buildings; for books and surgical apparatus; for pay and necessary traveling expenses of physicians, nurses, and other employees, and all other miscellaneous expenses which are not included under the above special heads, $270,000."

Mr. HUMPHREY of Washington. Mr. Chairman, I offer this amendment at the request of the Bureau of Education. I was very glad to present it when the matter was called to my attention. I have no more interest in the people of Alaska than any other Member of this House should have, except that I am perhaps a little more familiar with the conditions that exist there. On my visits to Alaska I have seen what were populous villages a few years ago entirely wiped out, the inhabitants exterminated almost entirely by diseases that had been contracted from the whites. These diseases are tuberculosis, syphilis, and trachoma, principally. There are no well-equipped hospitals in Alaska, and the purpose of this amendment is to appropriate $70,000 for the establishment of hospitals. The physicians report that under the modern treatment by the use of what is known as "6 0 6" syphilis yields readily and the results have been very satisfactory; but this treatment can not be given without a hospital. They have no hospital facilities in Alaska suitable for this purpose.

From personal observation, as well as from reports from the physicians in Alaska, it is evident that the natives of that district will be exterminated within a few years, unless they receive medical relief. In this particular bill, within a few pages—I think on the next page from where this item occurs—we have appropriated some $15,000 to prevent the extermination and to protect the game of Alaska. I am in favor of that. We appropriate some $3,000 to feed the buffalo herd, and the country has been much exercised over the likely extermination of the buffalo. We have appropriated millions of dollars to protect the seal herd in Alaska from extermination, and it does seem to me that it is worth at least $70,000 to this Government to prevent the extermination of the natives of Alaska. I approve all of the appropriations to which I have referred, but it does seem to me that it is little short of a national disgrace that we refuse to appropriate a dollar to establish hospitals in that Territory, and I am appealing to the membership of this House to correct this situation, and I trust that the chairman of the committee will not oppose this amendment.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman from Washington yield for a question?

Mr. HUMPHREY of Washington. Yes.

Mr. HUMPHREYS of Mississippi. Where did the gentleman get his estimate of $70,000?

Mr. HUMPHREY of Washington. I get that estimate from the Bureau of Education.

Mr. HUMPHREYS of Mississippi. How much of that is intended for the erection of hospitals?

Mr. STERLING. Forty thousand dollars. I get that from the hearings. There are two hospitals at $20,000 each.

Mr. HUMPHREY of Washington. And the rest of it is to be expended in the training and education of nurses and such other matters as are incidental to caring for the afflicted. I trust that this committee will favor this amendment, and I again express the hope that the chairman of the committee will not oppose it. I am making the appeal entirely upon the ground of humanity.

The following letter is from the Commissioner of Education:

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, February 19, 1913.

HON. WILLIAM E. HUMPHREY,
House of Representatives, Washington, D. C.

DEAR SIR: Knowing your interest in all matters relating to Alaska, and your conviction of the need of appropriation for the medical relief of the natives of Alaska, I venture to request your aid in offering the following as an amendment to the present sundry civil bill:

"To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, rental, and equipment of hospital buildings; for books and surgical apparatus; for pay and necessary traveling expenses of physicians, nurses, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, to be immediately available, $70,000."

This item was included in the Book of Estimates for the fiscal year 1914, but is not included in the sundry civil bill as reported by the House Committee on Appropriations.

A similar amendment to the sundry civil bill was adopted by the Senate last year, but was lost in conference committee.

Your assistance in this matter will be greatly appreciated by this bureau.

Very respectfully,

P. P. CLAXTON,
Commissioner.

Report of health conditions among the natives of Alaska.

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION, ALASKA DIVISION,
Washington, January 22, 1913.

SIR: I have the honor to submit the following report and recommendations relating to the natives of Alaska:

My detail in the Territory has enabled me to inspect the settlements of the Indians on the southeastern coast and upper Yukon River; of the Aleuts along the southwestern coast and in the vicinity of Cook Inlet; and of the Eskimos on the lower Yukon and on the coast of Bering Sea.

In my inspection I endeavored to examine as many natives as possible, and in these examinations special effort was made to determine the number suffering with tuberculosis, trachoma, and venereal disease. In addition, I made a personal study of the sanitary conditions in the villages, and interviewed physicians and other persons who possessed any knowledge of the conditions that I was interested in.

DISEASES.

Sanitary conditions and the prevalence of disease vary somewhat in different sections of Alaska; syphilis is most prevalent in the southwest, eye diseases in the southeast, while pulmonary tuberculosis I believe to be most common among the Eskimos.

I found the following conditions and diseases present in the native population: Trachoma, keratitis, cataracts, blepharitis, conjunctivitis, corneal opacities, blindness, heart disease, stomach troubles, adenoids,

tonsillitis, hysteria, paralysis, locomotor ataxia, pneumonia, pleurisy, tuberculosis, scabies, impetigo, syphilis, scrofula, rickets, rheumatism, epilepsy, ptomaine poisoning, and gonorrhea. Erysipelas, smallpox, measles, and infantile paralysis have occurred in epidemics.

EYE DISEASES.

Eye diseases are most common in the southeast. About 23 per cent of the natives in this section show evidence of eye trouble, while the Eskimos, the least afflicted, only 6 per cent.

Trachoma is a chronic disease of the eyelids, very contagious, and if neglected causes much suffering and may result in blindness. This disease is most common in the southwest (13 per cent). Trachoma is classified as a dangerous contagious disease by the United States Public Health Service, and immigrants having this trouble are not permitted to enter the United States.

I believe that 80 per cent of the blindness and partial loss of vision among the Alaska natives could have been prevented if these cases had received proper treatment in the early stage of the disease.

All cases of trachoma should be removed to hospitals for treatment, for while at large they are a menace to the community. The eye being a delicate organ, all treatment of eyes should be performed only by physicians and experienced trained nurses, as much harm may result from interference by inexperienced persons.

SYPHILIS.

It is rather difficult to determine accurately the number of natives having syphilis, for the symptoms of this disease are not always manifested externally, even when present within the system. A large percentage of blindness and corneal opacities are due to the inherited type of this disease.

In my opinion the only practical method for treating syphilis in the natives is in hospitals, by the intravenous injection of Salvarsan (606); this treatment has been tried and has given wonderful results. Unfortunately, in southwestern Alaska, where this disease is most common, this treatment can not be administered, because no hospitals are available.

TUBERCULOSIS.

Tuberculosis is the principal disease, and if not eradicated in the near future will exterminate the native population of Alaska in the course of 60 to 70 years. All forms of tuberculosis (pulmonary, osseous, glandular) are present. The percentages of tuberculosis and the type of disease vary in different parts of the Territory; the pulmonary form is most common among the Eskimos, while tuberculosis of bones is most prevalent along the southern coast. I have seen a number of cases of spinal tuberculosis followed by paralysis, which condition could have been prevented by proper and timely treatment.

I am of the opinion that 15 per cent of the native population is infected with tuberculosis, including all forms and both the active and latent type, while in 7 per cent it is present in the active stages.

The home conditions are responsible for this infection, for in the crowded, unventilated rooms all eat from the same dish, drink from the same teapot spout, use the same towel, and expectorate on the same floor. It is there that the principal danger of contagion exists, and it is there that tuberculosis, trachoma, and syphilis are most frequently contracted.

VITAL STATISTICS.

According to the United States census of 1900 the native population of Alaska was 29,536; in 1910 it was only 25,331, a decrease of 4,205, or 14.5 per cent.

Dr. M. H. Foster, in a report to the commissioner of education, dated August 11, 1911, states that at Sitka, where presumably accurate records of births and deaths have been kept by the churches, for a period of 5 years and 7 months the annual birth rate has been 72.3 per 1,000 and the annual death rate 85.4 per 1,000, showing a decrease in population of 13 per 1,000. During the year 1912 the birth rate was 24 and the death rate 29.3 per 1,000, a decrease of only 5.3 per 1,000.

This improvement in the Sitka village, which is an example of the improvement in other sections of Alaska, I attribute chiefly to the influence and efforts of physicians, nurses, teachers, and hospitals now under the Bureau of Education. It demonstrates the fact that the outlook for the general improvement of the native is encouraging and the task feasible. Give the native a white man's chance and I am positive that he will respond equally as well.

RECOMMENDATIONS.

Medical relief for the native is necessary and urgent. The tubercular, syphilitic, and trachomatous should be removed to properly equipped hospitals for treatment. Trained nurses should be employed for field work; a nurse should remain in a village for a sufficient period to treat and cure the minor ailments, discharging ears, infected sores, and inflamed eyes. A portion of her time should be devoted to education—teaching mothers the proper care and feeding of infants, preparation of food, cleanliness in the homes, the necessity of ventilation, the proper collection and disposal of tubercular sputum, etc. This work is just as important and necessary as that performed in hospitals.

PRESENT MEDICAL SERVICE.

The present medical service in Alaska is entirely inadequate to the demand. At present there is no appropriation available for the erection of hospitals, although these institutions are necessary for the proper treatment of the cases. The physicians who are now employed are working at a disadvantage in buildings which are unsuited for the treatment of sick; but even with this equipment good results are being accomplished. The present medical work should therefore be extended and placed upon a firm and permanent basis.

HOSPITALS.

The solution of the medical problem in Alaska is, therefore, the establishment of well-equipped hospitals, the employment of physicians and nurses, the isolation of the infected, and the education of the native in hygiene and sanitation.

The area of the Territory of Alaska is one-fifth of that of the United States, and transportation facilities are inadequate and expensive; the erection of one central hospital is therefore impracticable. I recommend therefore that a chain of small hospitals be established along the coast and on the Yukon River at points most convenient to the greatest number of natives. The sick can then be sent to the nearest hospital at little expense. In my estimate I have indicated the points which, to my mind, would serve the greatest number of people at the least expense.

As a part of these hospitals, the erection of fair living quarters for the physicians and nurses, with as many of the comforts and conveniences as possible, is as essential as the accommodations for patients. Many of these places are isolated, the treatment of the native is not always pleasant, and the persons engaged in this work should receive encouragement and consideration. There is no inducement for competent and reliable persons to enter this service if they are to be underpaid, or if they are to be without comfortable living quarters and compelled to work without the necessary appliances, drugs, and assistants.

Such hospitals may be utilized also for training native girls in nursing. As an experiment, I consider it worth the trial to detail suitable girls to these institutions for this purpose.

EXPENSES.

The estimate of the appropriation required for the erection, equipment, and maintenance of these hospitals, for salaries of physicians, nurses, and attendants, traveling expenses, drugs, and supplies for the first year is $274,600; the cost of maintaining this service in the future, after the buildings have been provided, would be approximately $160,000.

It is very important to meet this medical problem in Alaska immediately, earnestly, and on a permanent basis, while the percentage of contagion and cost of the work are comparatively low and within control; otherwise the situation may become more serious and even equal that of the Indians of the State of Oklahoma, of whom 50 per cent have recently been found to have trachoma.

An appropriation of at least $125,000 is required in order to begin this work with an efficient organization. With this amount the hospitals which are now operated may be improved and continued, two new hospitals may be erected at places where most required, and the entire field may be supplied with physicians, nurses, and drugs.

CONCLUSION.

The native of Alaska, like the Indian of the States, is being gradually deprived of his natural means of support; each succeeding year the old native finds it more difficult to provide for himself. The Government has recognized this fact, and by providing schools and establishing reindeer herds is endeavoring to assist the coming generation to cope with the new situation.

With the advent of the white man into the Territory the native has contracted his diseases, with the result that tuberculosis and venereal and eye diseases are degenerating and depopulating the race. "Health is better than wealth" applies to the native as it does to the whites. Of what value are schools if the pupils they educate may not live to benefit by the education?

It is bad economy for the Government to maintain schools without hospitals. The native of Alaska is as much in need of medical treatment as he is of education; these are inseparable, and both are essential factors to his welfare. Cure him of his ills, teach him to live properly and under sanitary conditions, and he will profit by the education received in schools, become a worthy citizen, and continue to be self-supporting.

In conclusion I desire to express my thanks and appreciation of the hearty cooperation and assistance given to me by the officials of the Bureau of Education and the teachers of the Alaska school service.

Respectfully,

EMIL KRULISH,
Passed Assistant Surgeon, United States Public Health Service.

The COMMISSIONER OF EDUCATION.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I am not fully advised about the amount that is needed for hospitals. They have some hospitals in Alaska.

Mr. HUMPHREY of Washington. They are rented hospitals, what they call temporary structures, and they are not permitted to repair them. There are four of those.

Mr. HUMPHREYS of Mississippi. Under the advice of the governor of Alaska, the Committee on the Territories in the Senate and in the House have passed a bill which will provide about from $17,000 to $20,000 a year for the care of persons in Alaska who are indigent and incapacitated from nonage, old age, sickness, or accident, and provision is made for the administration of that fund by the United States marshal's office instead of through the governor's office, which has proven to be a very cumbersome and inefficient and ineffective method of administration. This fund is to be 10 per cent of the Alaska fund, which is $200,000, and some years $170,000, so that it will be from $17,000 to $20,000 a year. That, according to the best information we have been able to get, is all that is needed for the relief of persons in Alaska who are indigent and incapacitated not only by sickness, but through old age, nonage, or accident. For that reason I asked the gentleman where he got his figures, because this bill is approved by the Delegate from Alaska and the governor of Alaska and contemplates an expenditure of only $17,000. That bill has passed the Senate and it came to the House and was amended and is now in conference, and I feel quite sure that it will become a law in a few days.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. WILLIS. Mr. Chairman, I am quite familiar with the legislation to which the chairman of the Committee on the Territories referred, but does he think that the provisions of that bill are sufficient to reach the cases that are contemplated in the amendment offered by the gentleman from Washington? Under that bill could they go ahead and build hospitals? I do not recall any such provision in the legislation at all. It does not seem to me that there is any conflict between that legislation and what is proposed by the gentleman from Washington.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, the gentleman from Washington advises me that $40,000 of this is intended to be used for the construction of two hospitals. I have no information upon that subject. There is no information presented to our committee that these hospitals are needed. So I am not advised, and therefore can not answer that question; but the $30,000, however, is asked for the other purpose of sus-

taining and giving relief and maintenance to those who are sick. Under the bill, which is entirely satisfactory to the Delegate from Alaska and which is recommended by the governor, $17,000 is considered sufficient. So that even if $40,000 was needed—and upon that I express no opinion, because I have no information—only $17,000, or $20,000 at the outside, would be needed, and they have that in this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes additional in order that I may ask him some questions.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. WILLIS. I understood the gentleman to say there was no information before our Committee on the Territories that a hospital was desirable.

Mr. HUMPHREYS of Mississippi. Yes; I have no information at all.

Mr. WILLIS. Has the gentleman forgotten the testimony that was given before our committee by a number of gentlemen, and particularly by Bishop Peter T. Rowe, who spoke at great length on this subject and filed voluminous documents before the committee urging that precise thing, namely, the erection of a hospital?

Mr. HUMPHREYS of Mississippi. I am not informed on that; but this amendment contemplates the expenditure of $40,000. Now, the gentleman from Washington asked for $30,000 more, whereas the governor and Delegate advised the committee that this bill (S. 267) carries a sufficient amount, so I submit to the gentleman all the——

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. HUMPHREY of Washington. Last year we spent $32,000 as an emergency fund for the purpose of taking care of the sick. With $40,000 for hospitals and $32,000 for such expenditure, it is $2,000 more than we are asking now.

Mr. HUMPHREYS of Mississippi. Where was the $32,000 spent?

Mr. HUMPHREY of Washington. It was taken from the educational fund and spent for the purpose of taking care of the sick.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WILLIS. Mr. Chairman, I wish the gentleman from New York would reserve the point of order just for a few minutes. I do not desire to detain the committee, and five minutes will be sufficient. Mr. Chairman, of all the matters that have come before the Committee on Territories none has appealed to me more than this one, and I want to refer particularly to the hearings to which I referred briefly a minute ago. The fact is that the condition that obtains among the natives of Alaska almost beggars description. I have before me here two statements which at this time I ask permission to insert in the RECORD at the close of my remarks if there be no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. WILLIS. One is a statement of Bishop Peter T. Rowe relative to the condition of the natives in Alaska. There is one paragraph in that letter in which he says:

> In a word, the natives of Alaska are fearfully diseased—30 per cent are afflicted with tubercular disease—many are blind. They are a menace to the white population, and as wards of this great Nation, whose country is possessed by the white people, their food and fur places being taken from them, it is only just to do something to relieve their miserable condition now, as we have heretofore failed to do anything for them.

Then in another statement his language bears out what has been already given here. The governor of Alaska, who is certainly conservative in what he says and what he recommends in reference to Alaska—the governor of Alaska in his published report and in his statement before our committee specifically urged a provision such as contemplated by the amendment offered by the gentleman from Washington. The governor of Alaska said, among other things:

> The existence of infectious diseases, alarming in their nature and wide prevalence among the native people, calls for vigorous action. Thirty-six per cent are infected by tuberculosis, 26 per cent by venereal diseases; trachoma and conjunctivitis are prevalent; other cases, strongly suspected to be leprous, were also discovered. The menace of infection extends to the white population.

In other words, he urges, in order that these cases may be properly cared for, there shall be just such a provision as is contemplated by this amendment; and the governor further says:

> If we must make a choice as between the hospitals and schools, in God's name, give us hospitals. We want to save the lives of these people.

What boots it to teach the Indian boy to read the English language if at the same time he is afflicted with a loathsome disease that is to strike him down to his grave? The fact is, gentlemen of the committee, that the natives of Alaska are in such a condition that unless something is done, as is contemplated by this amendment, they will simply be exterminated, and I do not believe that the American people are in a disposition to look with approval upon any such calamity as that.

As the gentleman from Washington [Mr. HUMPHREY] has said, we have made appropriations here to protect the seal herds—and properly so. We make a great appropriation to provide for the propagation of food fishes in Alaska—and properly so. However, as I pointed out to this House last year, very much of that which we are expending for the propagation of food fishes is a loss, because great corporations along the Pacific coast are taking millions upon millions of pounds of edible fish out of the waters of Alaska every year and making them into fertilizer. And yet we go on making these appropriations. But, forsooth, we have not the money to save the lives of men.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. WILLIS] has expired.

Mr. WILLIS. The following are the letters which I obtained unanimous consent to insert:

WASHINGTON, D. C., *January 8, 1912.*

To his excellency the PRESIDENT.

SIR: While traveling through Alaska last winter, on my missionary work, I found the natives everywhere in such conditions of disease, want, and misery that I there and then resolved to come to Congress and plead with you for some remedial help on their behalf. Their condition is most pitiable. As wards of our Government, they must be protected. The time has come for something to be done.

THE CONDITIONS.

1. Diseases are largely prevalent. The governor of Alaska, in his report of 1910, pages 18–20, says: "The existence of infectious diseases, alarming in their nature and wide prevalence among the native people, calls for vigorous action. Thirty-six per cent are infected by tuberculosis, 26 per cent by venereal diseases; trachoma and conjunctivitis are prevalent; other cases, strongly suspected to be leprous, were also discovered. The menace of infection extends to the white population."

In the reports of education in Alaska of 1910–11, published by the Bureau of Education, attention is drawn to this distressing and serious situation. Officers and surgeons of the Revenue-Cutter Service bear similar testimony.

2. The resources of their food supply are being taken by white men, cannery companies, etc., so that actual want is very common among them.

3. Liquor peddling among the natives prevails, in spite of the law against it, to their demoralization and debauchery. Prosecution seems utterly ineffective to check the evil or protect the people.

In a word, the natives of Alaska are in such a condition of helpless misery that only some immediate, strong, merciful action on the part of the Government can save them from a swift extinction. Though they are slowly disappearing, are bound to do so before the advance of the superior race, yet as wards of our Nation, as original occupants of this land, it is but a matter of justice, mercy, that the Government should do its best to shield and save them from conditions that are hastening them to a miserable death.

THE REMEDY.

May I offer some suggestions in the way of relieving the distressing conditions?

1. Reservations should be immediately made. Before all available lands and streams are occupied by the white settlers and fish-canning companies reservations should be made for the natives. This can be done now without expense. It will have to be done some time, but if deferred it will mean much difficulty and expense.

The "Metla Khatla Reserve" is a striking illustration of the benefits of this "reservation" plan. There the natives have been secluded, have supported themselves, have attained a high state of local self-government, of health, happiness, and prosperity.

Last winter I visited the Copper River Indians and their Chief Good-la-Taw. He gave a pot-latch, and in an address said: "My people have always lived here. The bones of my fathers and the bones of their fathers lie in these hills. The white people, many and strong, are taking from us our homes. The Great White Father has so much land in Alaska, and surely will give my people these few acres, so they may die in peace. The white man's ways are not our ways, and the end of the journey is not far. My people are but children, who need the care of a wise father."

2. It will be necessary to pass some law to compel the people living by themselves, here and there, far removed from each other, to come together on the chosen site for reservation.

3. The advantages: They can be better, more economically, cared for. One good school in each reservation will suffice where now six or more schools are carried on, and to an attendance fearfully small. It can be made more useful than as conducted now. As it is, how can children who are diseased, poor, and hungry avail themselves of the schools as at present provided? Then they can be ministered to in a medical way that will be satisfactory, and that is not possible now. They can be trained into self-government, and under wise supervision will be able to support themselves entirely.

These are suggestions, and are the result of 16 years' experience. How to carry them into effect is the question upon which I seek your judgment and guidance.

I am, your obedient servant,

PETER T. ROWE, *Bishop of Alaska.*

—

CORDOVA, ALASKA, *March 17, 1912.*

To the Hon. FRANK B. WILLIS,
Representative from Ohio, Washington, D. C.

MY DEAR MR. WILLIS: In writing you it is necessary that I first introduce myself. I am P. T. Rowe, Bishop of Alaska.

Deeply distressed with the ravages disease is making among the natives of Alaska, I felt compelled to visit Washington this past winter and present to His Excellency the President the facts. I did so, and the President was most interested, sympathetic, and responsive. He told me that he would join in any recommendations toward meeting the situation and referred me to the Secretary of the Interior. I interviewed the Secretary, who also was deeply interested, but felt that it was a question for Congress to deal with. So I applied to Members of Congress and had the honor of being invited to appear before the House Committee on Territories and the Senate committee. The needs of the "natives of Alaska" were presented and are on record. A copy of the statement is inclosed herewith. May I ask you kindly to consider the same? As a result of my report, it was suggested that a bill be prepared asking for remedial relief. This is being done. It will, I hope, be duly presented. May I ask you to give it your favorable consideration and support? It would be a stigma upon our civilization and Government to disregard so just and so needy a cause.

In a word, the natives of Alaska are fearfully diseased—30 per cent are afflicted with tubercular disease—many are blind. They are a menace to the white population, and as wards of this great Nation, whose country is possessed by the white people, their food and fur places being taken from them, it is only just to do something to relieve their miserable condition now, as we have heretofore failed to do anything for them.

The bill will call for an appropriation to provide a home for the blind, a sanitarium for the tuberculosis cases, and that their health and sanitary care be placed under the governmental Health and Quarantine Department.

I think that a commission should be appointed to attend to this whole matter. I believe it would be advisable to put them under the Indian Commission. I also believe that the scattered ones should be grouped in selected places, gradually, where they could support themselves, be looked after economically in hospitals, educated, trained into self-government. Something must be done—done promptly—for their relief, and so I beg you to give, if you can, your kind support toward passing the bill which will be presented and which seems the most advisable one to offer just now.

Faithfully, yours,

P. T. ROWE.

Home address: 945 Twenty-first Avenue N., Seattle, Wash.

Mr. FITZGERALD. Mr. Chairman, it is very interesting to have these gentlemen complain because the Committee on Appropriations does not assume the jurisdiction belonging to the committee of which they are members and legislate on this bill. Whenever the committee does attempt to do it these gentlemen are very critical about the assumption of their authority; yet the Committee on the Territories, of which the gentleman from Ohio [Mr. WILLIS] is a member, have had under consideration a bill dealing with the relief of persons other than natives of Alaska, and this matter impressed that committee so forcibly that they never made the slightest reference to relief of this character in that legislation which is now pending in conference. A request was submitted to the Committee on Appropriations which contemplates a string of hospitals through Alaska not authorized by law. The Bureau of Education, starting in 1906 with an appropriation of $15,000 for Alaska, is now receiving $200,000 a year to furnish relief and to help educate these natives, yet at the same time filling gentlemen with these stories and with criticisms of the Committee on Appropriations. If they would attend to the duties of their own committee and consider the subjects of which they have jurisdiction, provision would have long since been made for the relief, if relief be necessary, in Alaska.

If a number of hospitals are to be established in Alaska, I am inclined to agree with a great many gentlemen that they should not be under the Bureau of Education, but rather under the Public Health Service. This appropriation of $200,000 has been available for physicians, and yet, from all the testimony that can be obtained, we might just as well have been depositing the money in the Bering Sea, so far as the effectiveness of the work done by them is concerned. Until legislation is carefully prepared and enacted providing properly for hospitals and hospital service, I am not prepared to say that this appropriation should carry authority to permit the Bureau of Education to go ahead and establish hospitals where it pleases, under the character of control that they have in connection with the other services. As these hospitals are not authorized by law, I shall insist on the point of order.

Mr. STERLING. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. STERLING. I do.

The CHAIRMAN. Does the gentleman from New York [Mr. FITZGERALD] insist on the point of order?

Mr. FITZGERALD. I insist upon it.

Mr. STERLING. I think I have a right to discuss it, even if the gentleman does insist.

Mr. FITZGERALD. I think not. I am in charge of the bill.

The CHAIRMAN. The Chair will hear the gentleman from Illinois [Mr. STERLING] on the point of order.

Mr. STERLING. Certainly. That is what I want to talk about.

Mr. Chairman, there can not be any doubt but that the Appropriations Committee has jurisdiction over this matter. The bill provides for the education and the support of the natives of Alaska—the Indians, the Aleuts, and the Eskimos. The Committee on Appropriations undertakes to appropriate $200,000 for the education and the support of the natives of Alaska. Now, if there is any authority of law for the appropriation of $200,000 for the purpose as specified in the bill, there is authority of law for the appropriation of $70,000 additional.

The bill provides that this $200,000 may be used for the erection of schoolhouses. I do not know of any express authority of law for the building of schoolhouses, but I have no doubt it is perfectly competent for the Government, under the power to educate the Indians, to build schoolhouses, and just as sensibly they have the right to build hospitals for the support of the natives of Alaska. What is there more essential to the support of those natives than medical aid, and hospital service, and surgical service?

The Chair will note that at the bottom of page 113 the bill as it is now provides:

To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the education and support of the Eskimos, Aleuts, Indians, and other natives of Alaska.

Then it proceeds:

For the erection, repair, and rental of school buildings.

In the amendment offered by the gentleman from Washington [Mr. HUMPHREY] the very same language is used—"for the erection, repair, and rental of" hospitals. The one goes to the education of the natives of Alaska. The other goes to the support of the natives of Alaska.

The CHAIRMAN. The Chair will ask the gentleman from Illinois if he has any law other than this appropriation bill which authorizes him in stating that there is a law authorizing the erection of hospitals in the Territory of Alaska?

Mr. STERLING. There is no express law providing for the erection of hospitals, neither is there express law for the erection of schoolhouses, but here is the point that I desire to make, if the Chair will listen to me for a minute: It is not subject to a point of order if the provision now contained in the bill relating to the erection of schoolhouses is not subject to a point of order.

The CHAIRMAN. Does the gentleman make the point of order against that?

Mr. STERLING. I do not. I do not want to do that; I want it to remain. It is too late to make the point of order against that section of the bill; and the point of order not having been made against that provision it is proper now to insert this amendment, even if it is not authorized by law. An amendment to a provision in a bill that is subject to a point of order, if it is germane to the bill, is not subject to a point of order unless the point of order is made against the entire paragraph.

The CHAIRMAN. Does the gentleman think that the erection of a hospital is germane to a bill providing for the erection of a schoolhouse?

Mr. STERLING. No, sir; but it is germane to a bill providing for the support of the natives of Alaska. That is the provision in this bill under which hospitals are justified, and just as much so and just as clearly so as the erection of schoolhouses is admissible under the provision providing for the education of the natives of Alaska. There can be no distinction, and if this is subject to a point of order the entire paragraph is subject to a point of order. The provision relating to the erection of schoolhouses is subject to a point of order, because it is no more necessary, no more nearly related to the education of the Alaskans, than is the building of hospitals and the supply of medical service necessary to their support. Therefore, Mr. Chairman, it is wholly immaterial at this point whether the paragraph is subject to the point of order or not. No point was made in apt time against it, and so it will remain—at least it can not go out on a point of order. So the question as to whether the amendment is authorized by existing law does not arise. It is a competent amendment, even though not authorized by law, if it is germane to the subject matter of the paragraph. It must be germane under that provision of the paragraph pertaining to the support of the Alaskan natives. Support necessarily implies medical and surgical aid and the necessary equipment for this service, such as hospital aid and physicians and surgeons.

Mr. Chairman, there can be no doubt, it seems to me, on that question. This amendment is germane to the provision for support, the same as schoolhouses and teachers are germane to the provision for the education of the natives. It being germane, the question as to whether it is authorized by law can not be urged against it because the point was not urged against the paragraph. The amendment for hospitals is authorized for support of natives as plainly as schoolhouses are authorized for their education.

Mr. Chairman, I desire to say a word as to the merits of the amendment. The condition of the Eskimos, Aleuts, and Indians of Alaska is deplorable. They are rapidly diminishing in numbers, due to disease, the most fatal of which are tuberculosis, trachoma, and syphilis. In the last 10 years their numbers have fallen off more than 4,000. This is an awful fatality. In 1900 there were 29,536 native population in Alaska. In 1910 there were only 25,331, a decrease of 4,205, or 14.5 per cent. This great decrease was due to the ravages of these diseases.

Mr. Chairman, I read from the report of the Bureau of Education:

For years the reports of the governor of Alaska, of the teachers of United States public schools in Alaska, of medical officers of the Government serving on revenue cutters in Alaskan waters, and of officers of the Army stationed in Alaska have emphasized the fact that the checking of disease among the natives of Alaska is an urgent national duty. Efforts to obtain congressional appropriations for this purpose have not been successful. Realizing the absolute necessity for action, the Bureau of Education, under a decision from the Comptroller of the Treasury, is using part of the appropriation for the education of natives of Alaska in endeavoring to furnish medical relief in the manner set forth elsewhere in this report. Under the comptroller's decision the Bureau of Education may not erect hospitals in Alaska. The use of part of the appropriation for the education of the natives of Alaska for the suppression of disease is an emergency measure. The entire appropriation for education in Alaska is urgently needed for the work of providing adequate educational facilities and for the industrial development of the native population. It should not be diminished. The appropriating of funds to enable the Bureau of Education to provide adequately for the medical and sanitary relief of the natives of Alaska is urgently recommended.

We ought to heed the admonition of this report. We are derelict if we do not do something to stop these ravages. The white man's civilization brought these diseases to the door of the wigwam and tepee, and it is the duty of the white man's government to take them away. Let me quote from the reports of the governor of Alaska for the years 1910 and 1911. It is so important, in his judgment, that he urged the matter in both reports, as follows:

The existence of infectious diseases, alarming in their nature and wide prevalence among the native people, calls for vigorous action. The menace of infection extends to the white inhabitants, for there are Indian, Eskimo, or Aleut villages in the immediate neighborhood of nearly all the principal towns, and the natives mingle freely among the whites in public places. The conditions have certainly not improved since 1908, when, in southeastern Alaska, a physical examination being made by one of the school physicians of 1,161 natives, 418, or 36 per cent, were found to be affected with tuberculosis, and 308, or 26 per cent, were found to be affected with venereal diseases. Among other diseases prevalent in southeastern Alaska, as well as in several other parts of the Territory, are trachoma and conjunctivitis; and in the Alaska Peninsula are several cases, which, after long and careful examination, are strongly suspected to be leprosy.

There is no law which requires the natives to observe any of the ordinary rules of sanitation, and their unfortunate condition is often traceable directly to the filthy condition of their villages and the dwellings in which they live. Yet these people are generally respectful of the law, and a simple set of statutory requirements imposing a mild penalty for nonobservance would unquestionably cause a great improvement in sanitary conditions. The welfare of the white inhabitants, as well as that of the natives, demands such a law.

This bill appropriates $200,000 for the education of these people. What folly it is to do this and give nothing for their relief from these horrible diseases. It is far better to cure them than to educate them, but we can and ought to do both.

The CHAIRMAN. The Chair is ready to rule. The Chair does not think that the amendment of the gentleman is germane, in the first place, to the paragraph, and, again, the Chair does not think it is authorized by law. It has been ruled over and over again that an appropriation of this character can not be held to be in order as a continuation of a public work. The Chair sustains the point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks by inserting a letter in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STERLING. Mr. Chairman, I ask the same privilege.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

All expenditures of money appropriated herein for school purposes in Alaska shall be under the supervision and direction of the Commissioner of Education and in conformity with such conditions, rules, and regulations as to conduct and methods of instruction and expenditure of money as may from time to time be recommended by him and approved by the Secretary of the Interior.

Mr. MANN. Mr. Chairman, I reserve a point of order on this paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order on the paragraph.

Mr. MANN. Suppose this paragraph should go out. What would be the effect?

Mr. SHERLEY. I suppose if it went out the effect would probably be the same as if it were in.

Mr. MANN. I think so, too. It will be under the control of the Secretary of the Interior. I make a point of order against the paragraph.

Mr. SHERLEY. If that be so, I do not think it is subject to a point of order.

Mr. MANN. Oh, yes; it is. It is subject to a point of order.

Mr. SHERLEY. It does not change existing law.

Mr. MANN. Oh, yes; it does change existing law.

Mr. SHERLEY. Then its being in must make some difference.

Mr. MANN. No. If it is in, it leaves it under the control of the Commissioner of Education. If it is out, it leaves it under the control of the Secretary of the Interior, who may commit it to the Commissioner of Education.

Mr. SHERLEY. What does the gentleman say to the proposition that it is a limitation on the expenditure, anyway, and not legislation?

Mr. MANN. I do not think that is it. It is legislation, pure and simple.

The CHAIRMAN. The Chair is inclined to sustain the point of order unless the gentleman from Kentucky offers some reasons that are convincing.

Mr. SHERLEY. I do not think it is material enough to argue.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For the suppression of the traffic in intoxicating liquors among the natives of Alaska, to be expended under the direction of the Secretary of the Interior, $12,000.

Mr. WILLIS. Mr. Chairman, I move to insert, after line 10, page 115, the following language:

To provide for the erection of buildings as is provided in the act approved June 25, 1910, $25,000.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amend, page 115, after line 10, by inserting the following: "To provide for the erection of buildings as provided in the act of June 25, 1910, $25,000."

Mr. FITZGERALD. I reserve a point of order against the amendment.

Mr. WILLIS. I am willing to have the gentleman make the point of order.

Mr. SHERLEY. We should like to know what the act of 1910 is.

Mr. WILLIS. The act approved June 25, 1910, a copy of which I hold in my hand, reads as follows:

Be it enacted, etc., That there is hereby established at Fairbanks, in the Territory of Alaska, and at Nome, in the Territory of Alaska, respectively, a detention hospital for the temporary care and detention of the insane, wherein all insane and other patients in charge of the United States marshal shall be detained until transported to the asylum provided by law for their permanent care and cure, or otherwise disposed of as provided by the laws of the United States; and the sum of $25,000 is hereby appropriated out of any moneys in the United States Treasury not otherwise appropriated, not exceeding one-half thereof to be expended in the erection and equipment of the hospital at Fairbanks, and not exceeding one-half thereof to be expended in the erection and equipment of the hospital at Nome.

I have read the first section of the act.

Mr. SHERLEY. Now, I make the point of order that the power under that act has already been exercised and the money appropriated, and ought not to be reappropriated.

Mr. WILLIS. When was the money appropriated?

Mr. SHERLEY. When the act was passed. The gentleman has just read it.

Mr. WILLIS. As I understand, there has never been any actual appropriation.

Mr. SHERLEY. The act appropriates the money. It may not have been spent.

Mr. MANN. It says:

And the sum of $25,000 is hereby appropriated out of any moneys in the United States Treasury not otherwise appropriated.

Mr. WILLIS. I had not previously read the act of June 25, 1910, and upon examination of it I concede the point of order.

The Clerk read as follows:

Yosemite National Park, Cal.: For protection and improvement, construction and repair of bridges, fences, and trails, and improvement of roads other than toll roads, $100,000.

Mr. RAKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, in line 21, page 115, by striking out the figures "100,000" and inserting in lieu thereof "233,703."

Mr. RAKER. Mr. Chairman, I want to call the attention of the committee to this amount of $233,703, an increase of $133,-

703 over and above the amount allowed in this bill. Two hundred and thirty-three thousand seven hundred and three dollars is the amount that is estimated by the Secretary of the Interior, which he states, and which the evidence before the committee shows, is absolutely necessary to put this park in shape so it can be properly used. We have there a large piece of property belonging to the Government, and at the present time there is no means by which the people of the United States are able to get in this park by automobiles, the latest means of travel, as they ought to be able to do. There ought to be a sufficient amount expended, as recommended by the department, so that the roads to and in this park coming from the south and from the north, as well as from the end of the railroads, be put in proper shape. We have expended large sums of money for other purposes, and this expenditure will put it in the shape in which it ought to be for its proper use and protection.

In the testimony taken by the Committee on Appropriations, the chief clerk of the Secretary of the Interior and other officials were present, and that testimony showed the need and the necessity for this appropriation as estimated.

I want to call the attention of the committee to the fact that representatives of an association consisting of 86,000 people were in the Yosemite Valley last fall with the Secretary of the Interior, and with all the superintendents of the national parks, and full investigation was made and hearing had, and they desire that this park, with the other parks, be put under a park bureau, to the end that one man, the head of that bureau, can give his entire attention to this large and important matter.

The revenues from the public parks, even with the public roads built and put in proper shape, as they ought to be in the parks, will be practically sufficient to maintain the parks as they ought to be. I trust that the committee at this time will see its way clear to adopt this amendment raising it from $100,000 to $233,703, covering the amounts under the estimate. It is needed. The Government, by a small appropriation, should not prevent this park from being used to its full extent. It is one of the playgrounds of the people of this Nation. The Government should provide for the proper improvement of its great property. Ten times as many people would visit this park if the proper and necessary improvements are made. The entire State of California is anxious for this road improvement. There can be no possible reason why automobiles should not be permitted to enter the park. If roads are provided, they can. The State of California is expending $18,000,000 for good roads. Certainly this Government should meet the same needs for its most wonderful park by providing proper roads over its property.

Mr. KNOWLAND. Mr. Chairman, in supporting this amendment I desire to commend the committee for increasing the appropriation carried in the pending bill by $50,000 over the amount carried in the sundry civil bill when it left the House last year. While the appropriation is increased, the amount should be as large as provided in the amendment just offered by my colleague.

I wish to direct attention to the fact that the Yosemite National Park has received comparatively small appropriations for the improvement of roads. California has authorized a bond issue of $80,000,000 for the improvement of roads throughout that State. We have had appropriated for the roads in the Yosemite National Park since it was taken over by the Government about $113,000. There has been appropriated for the Yellowstone National Park for the improvement of roads over $2,000,000. The roads in that park are in excellent condition, with the result that during recent years appropriations for roads have not been necessary. Of course, I appreciate that the Yellowstone is a larger and older park, but still, even these facts would not fully account for the marked difference in the amounts appropriated.

Mr. WARBURTON. If the gentleman from California will pardon me, the Yellowstone Park has $150,000 appropriated in this bill.

Mr. KNOWLAND. For roads?

Mr. WARBURTON. Yes.

Mr. KNOWLAND. I have a statement from the War Department showing that for the past six years practically no appropriations were made for roads, because they had been placed in such good condition.

Mr. WARBURTON. They are placed under the direction of the War Department. Last year there was $177,000 appropriated for the Yellowstone Park.

Mr. KNOWLAND. I do not think this was for roads. However, I want to call attention to the fact that the Government has been particularly generous with the Yellowstone National Park in the building of roads but that it has not been in reference to the Yosemite National Park. At this particular time we of California are anxious that the roads be placed in a condition so that the visitors whom we expect in California within the next few years will be able to enter the park with comfort. When the roads are placed in condition, automobiles will be allowed within the park.

The following letters from the Secretary of the Interior and from the Chief of Engineers show the amounts appropriated for roads in the Yosemite and Yellowstone National Parks:

AUGUST 17, 1912.

Hon. W. L. FISHER,
Secretary of the Interior.

MY DEAR SIR: If available, will you kindly furnish me with the following data:

Total amount expended in road construction in Yellowstone Park.
Total amount appropriated for road construction in Yellowstone Park.
Total amount expended for road construction in Yellowstone Park during the last six years.
Total amount appropriated for road construction in Yellowstone Park for the last six years.
Total amount expended for road construction in Yosemite Park since the Federal Government took charge.
Total amount appropriated for road construction in Yosemite Park since the Federal Government took charge.

Very truly, yours,

J. R. KNOWLAND.

DEPARTMENT OF THE INTERIOR,
Washington, August 22, 1912.

Hon. J. R. KNOWLAND,
House of Representatives, Washington, D. C.

SIR: I am in receipt of your letter of August 17, 1912, requesting information as to the amount of money appropriated and expended for road work in the Yellowstone National Park, as well as the total amount expended for roads in Yosemite Park since the Federal Government took charge, and the total amount appropriated for road construction in Yosemite Park since the Federal Government took charge.

The expenditure of the appropriations for road construction and other improvements in the Yellowstone National Park being under the supervision of the Secretary of War, your letter has accordingly been forwarded to that officer for consideration.

In relation to the Yosemite National Park, it may be stated that the park was created by the act of October 1, 1890, from which date up to July 1, 1898, no appropriations whatever were made by Congress for this park. Subsequently appropriations were made for the improvement of Yosemite National Park generally, "For protection of Yosemite National Park and the construction of bridges, fencing, and trails, and improvements of roads other than toll roads, to be expended under the supervision of the Secretary of the Interior," to wit:

1899	$4,000
1900	4,000
1901	4,000
1902	4,000
1903	6,000
1904	6,000
1905	25,400
1906	5,400
1907	5,750
1908	30,000
1909	30,000
1910	30,000
1911	62,000
1912	50,000
Total	266,550

From 1899 to 1905 the appropriations for the park, which were small, were expended in the cost of administration, the construction and repair of trails, etc.

After the passage of the joint resolution of June 11, 1906, accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same within the metes and bounds of the Yosemite National Park, it became evident that the Government would be compelled to take some steps toward the construction of proper roads leading into and on the floor of the Yosemite Valley, and accordingly the following amounts were expended for that purpose, either from the park appropriations or from the park revenues, in each of the following years, to wit:

	From congressional appropriations.	From park revenues.
1906	$8,000.00	
1907		$17,000.00
1908	13,000.60	
1909	12,729.99	
1910	13,440.60	20,329.03
1911	18,997.79	
1912	6,125.63	3,955.38
	72,294.01	41,284.41

Making a total expenditure in all for road work of approximately $113,578.42.

The above totals are approximate only and are taken from the memorandum records in the department. To get at the exact figures would necessitate an examination of the vouchers on file in the auditor's office. This would take up more time than it would be practical to allot from the clerical force engaged in this work in the Secretary's office, considering the demands for current business.

Very respectfully,

CLEMENT S. UCKER, *Chief Clerk.*

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, August 22, 1912.

Hon. J. R. KNOWLAND,
United States House of Representatives.

SIR: 1. I have the honor to inform you that your letter of the 17th instant, addressed to the Secretary of the Interior, making inquiry con-

cerning expenditures in the Yellowstone and Yosemite National Parks, has been referred to this office.

2. The total amount expended in road construction in Yellowstone National Park to June 30, 1912, is about $1,115,383.05 for the permanent work. About $200,000 was expended in early work, which has since been replaced and which does not form a part of the completed system, and maintenance and repairs have cost about $731,001.37, making the total expenditure for construction and maintenance of the roads and bridges to June 30, 1912, $2,046,384.42.

3. The total amount appropriated for roads and bridges to and including March 4, 1911, was $2,046,586.23.

4. The total expenditure for road and bridge work in the park during the six years ending June 30, 1912, was $409,875, but this amount was principally for maintenance and repairs, as the park road system was practically finished during the fiscal year ending June 30, 1906.

5. The total amount appropriated during the six years from and including June 30, 1906, to June 30, 1912, was $405,000, but all of the appropriations during that period were for maintenance and repair of improvements, with the exception that the act approved March 4, 1911, authorized a road extension to properly connect with the new Canyon Hotel. The excess of expenditures over appropriations during that period is explained by the fact that there was on June 30, 1906, a balance available from the appropriation of March 3, 1905, which by the terms of the act was made available until expended.

6. I take pleasure in sending you a copy of Appendix GGG of the Annual Report of the Chief of Engineers for 1911, which contains the latest published annual report on the work in question.

7. It is understood that reply to your inquiries concerning the Yosemite National Park will be made by the Department of the Interior, which has charge of the road work in that park.

Yours, respectfully,

W. H. BIXBY,
Chief of Engineers, United States Army.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was lost.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise. I will state to the Members that it is for the purpose of permitting the Committee on Naval Affairs to report the naval bill and to transact some trifling business, and then the committee will resume its sitting. I move that the committee now rise.

The motion was agreed to; accordingly the committee determined to rise, and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28775, the sundry civil appropriation bill, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8536. An act to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota; to the Committee on Interstate and Foreign Commerce.

S. 8538. An act to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River near Weldon Springs Landing, in the State of Missouri; to the Committee on Interstate and Foreign Commerce.

S. 8539. An act to authorize the St. Louis Belt, Illinois & Eastern Traction Co. to construct a bridge across the Mississippi River, near the mouth of the Missouri River; to the Committee on Interstate and Foreign Commerce.

S. 8195. An act granting relief to certain American citizens in El Paso, Tex., and Douglas, Ariz.; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 11478. An act to quiet title and possession with respect to a certain unconfirmed and located private-land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict; and

H. R. 2839. An act for the relief of William Hommelsberg.

NAVAL APPROPRIATION BILL.

Mr. PADGETT, chairman of the Committee on Naval Affairs, by direction of that committee, reported the bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes (H. Rept. 1557), which was read the first and second times and, with accompanying papers, was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS reserved all points of order on the bill.

Mr. PADGETT. Mr. Speaker, the gentleman from Mississippi [Mr. WITHERSPOON] and other members of the committee desire to submit minority views, and I ask unanimous consent that they have leave to do so, not to delay consideration of the bill.

Mr. FOSS. Within what period of time?

Mr. GARNER. Five days, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Mississippi [Mr. WITHERSPOON] and others, members of the Committee on Naval Affairs, have leave to file minority views within five legislative days, not to interfere with the consideration of the bill. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I have a trifling matter I want to present to the House. I ask unanimous consent to take from the Speaker's table the bill H. R. 28499, the District of Columbia appropriation bill, nonconcur in all the Senate amendments, and request a conference.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the bill H. R. 28499, the District of Columbia appropriation bill, disagree to all the Senate amendments thereto, and ask for a conference. Is there objection?

Mr. WILLIS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Ohio objects. Under the rule the bill will be referred to the Committee on Appropriations.

Mr. FITZGERALD. Mr. Speaker, I ask that it be printed and the Senate amendments numbered.

The SPEAKER. It will be printed with the Senate amendments numbered when it is referred.

PRINTING OF TARIFF HEARINGS.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House concurrent resolution 71.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 2,500 copies of the tariff hearings before the Committee on Ways and Means of the House of Representatives the 6th day of January last, 1,700 copies for the use of the House and 800 copies for the use of the Senate.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I think probably the resolution will be effective, although the law provides that there must be an estimate of the cost submitted by the Committee on Printing before the House can do this. If it does not conflict so that the printing may be done, I have no objection.

Mr. UNDERWOOD. Mr. Speaker, I will state to the gentleman from Illinois that the resolution is absolutely the same in language that was passed four years ago for the printing of the same hearings, and the books were printed at that time under the same action being taken by the House now.

Mr. MANN. Without a report from the Committee on Printing?

Mr. UNDERWOOD. Without a report.

Mr. MANN. It may be that the Public Printer will violate the law, and that he did before. I do not know. The law specifically provides that it must be done before the printing is done.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. HUMPHREYS of Mississippi. The resolution, as I caught it, does not provide for distribution through the folding room.

Mr. MANN. This goes through the folding room.

Mr. UNDERWOOD. It will go through the folding room. The purpose of the resolution is to provide the Members of the next House with copies of these hearings before the tariff bill is reported.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28775—the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, with Mr. HAY in the chair.

The CHAIRMAN. The gentleman from California [Mr. NEEDHAM] had offered an amendment, which the Clerk will report.

The Clerk read as follows:

Page 115, line 21, change the period to a colon, and add: "*Provided*, That in the administration of the Yosemite National Park the laws applicable to the Yellowstone National Park now in force relating to the granting of leases are hereby extended to the Yosemite National Park."

Mr. FITZGERALD. Mr. Chairman, on that I make the point of order.

Mr. NEEDHAM. Mr. Chairman, will the gentleman reserve the point of order a few moments?

Mr. FITZGERALD. Mr. Chairman, I intend to make it. If the gentleman wishes to use five minutes, I have no objection.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add, at the end of line 21, page 115, the following:

"*Provided*, That in the administration of said Yosemite Park the Secretary of the Interior is hereby authorized and empowered to grant leases, for periods of not exceeding 20 years, at annual rentals, and under terms and conditions to be determined by him, to any person, corporation, or company he may authorize to transact business in the Yosemite National Park, for separate tracts of land, not exceeding 20 acres each, at such places, not to exceed 10 in number to any person, corporation, or company in said park, as the comfort and convenience of visitors may require for the construction and maintenance of substantial hotel buildings and buildings for the protection of motor cars, stages, stock and equipment, etc. Such leases may, at the option of the Secretary of the Interior, contain appropriate provisions for the appraisement, at the expiration of the lease, of the value of such hotel and other buildings (or portions thereof) as may be constructed by the lessees, respectively, and the payment of the same to the lessees in case a new lease be made to persons other than the said lessees, such payments to be made by said new lessees, respectively.

"That any person or corporation or company holding a lease or leases within said park for the purposes above described is hereby authorized, with the approval of the Secretary of the Interior, to execute mortgages upon his or its rights and properties, including his or its contract or contracts with the Secretary of the Interior; such mortgages shall be executed in duplicate and delivered to the Secretary of the Interior for his approval, and upon his approval thereof he shall retain one of said duplicates and file the same for record in his office.

"That any mortgage, lien, or encumbrance created under the provisions hereof shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, and any purchaser under a foreclosure of such encumbrance shall take subject to all the conditions assumed by the original lessee or contractor.

"That all provisions of existing law in relation to said park not in conflict herewith are hereby continued in full force and effect."

Mr. FITZGERALD. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Sequoia National Park, Cal.: For the protection and improvement, construction, and repair of bridges, fences, and trails, and improvement of roads other than toll roads, $15,550.

[Mr. WARBURTON addressed the committee. See Appendix.]

Mr. WARBURTON. Mr. Chairman, I desire to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. WARBURTON].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. WARBURTON. Division, Mr. Chairman.

The committee divided; and there were—ayes 8, noes 35.

So the amendment was rejected.

Mr. WARBURTON. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 116, after "$13,400," in line 6, insert:

"That the United States Government cedes to the State of Washington title in fee simple to and jurisdiction over all of the land within Mount Rainier National Park on the condition that the State of Washington shall maintain said park as a national public park; that the State of Washington may sell such timber in the park as the commissioners herein mentioned may find will not injure the scenic beauty of the park, and that the proceeds from the sale of timber shall be used solely for the construction of roads, bridges, and trails within the park and the protection and the beautifying the same; that the proceeds from the sales of timber shall be first used to widen the present roadway in the park to Paradise Valley to the full width of 16 feet and the building of necessary trails; after such road is so improved the said commissioners shall locate and construct a road around the mountain connecting with the road aforesaid as rapidly as funds may become available; that not more than one-tenth of the timber within said park shall be removed within seven years from the date of the passage of this act and not more than one-tenth every recurring seven years thereafter; that no timber shall be sold on land that has once been logged within a period of 50 years after the same has been logged; that no timber shall be sold or land logged within 40 rods of the present Government road or roads to be constructed. That a commission of three men of the highest standing and character within the State of Washington shall be appointed by the governor of the State, who shall have charge of said park, and who shall act without compensation, and whose duties shall be to carry out the provisions of this act and such additional rules and regulations as shall be prescribed by the Legislature of the State of Washington not inconsistent with the conditions herein contained.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that.

[Mr. WARBURTON addressed the committee. See Appendix.]

Mr. FITZGERALD. Mr. Chairman, I simply desire to say this: The department submitted an estimate, which the committee has recommended. Subsequently, after the representatives of the department, the gentleman from Washington [Mr. WARBURTON], and some others appeared before the committee, a belated estimate came in, requesting an appropriation of $175,000 for the improvement of the park, although in the original Book of Estimates the estimate for this purpose was but $13,400.

In attempting to justify the supplemental estimate the Secretary of the Interior made this statement:

The superintendent of the Mount Rainier National Park, in accordance with instructions from this department, transmitted estimates for the park for the fiscal year ending June 30, 1914, in the total sum of $343,400, which estimates were, upon consideration by the department, reduced to $13,400, the amount embodied in the annual Book of Estimates, page 643.

This action was taken in view of the fact that the total estimates for 1914, as submitted by the various bureaus of the department alone, exceeded by $11,200,000 the annual estimates for the fiscal year ending June 30, 1913. This amount was deemed excessive, and it was necessary to require each bureau, park, or other branch to bear a proportion of reduction.

I have, however, concluded from information brought to my attention as to the necessity for the improvement and extension of present roads in the Mount Rainier National Park and for the construction of new trails, that the best interests of the park would be subserved by submitting the herewith further estimate in the sum of $175,000.

Mr. Chairman, it requires more stability than this on the part of the departments regarding their belief as to what is required for the public service to enable Congress to act intelligently. The amount is taken out, before the annual estimates are submitted to Congress, in order to make a good showing. After a time has elapsed items are put back in order to obtain moneys that may or may not be highly desirable or important. It is impossible in a short session of Congress to keep track of the many shifts made by departments regarding estimates, waiting until a bill is practically complete and then shifting their position and expecting committees to be able to determine just what is proper.

I am not at all certain but that the most advisable thing to do would be to turn this park over to the State of Washington. I believe that the park is not of such a character as to justify its maintenance as a national park, although it has features and characteristics that undoubtedly would make it highly desirable to the State to preserve and develop it.

I insist upon this point of order because it is proper that some committee with jurisdiction should have an opportunity to take up the suggestion of the gentleman from Washington and work out a plan, and if it be determined that under proper conditions the park should be transferred to the State I should not oppose it.

It is impossible for the committee under these circumstances to permit the incorporation of such a comprehensive provision in the bill. I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Crater Lake National Park, Oreg.: For protection and improvement, and repairing and extension of roads, $3,000.

Mr. LAFFERTY. Mr. Chairman, I move to strike out $3,000 and insert $100,000.

The CHAIRMAN. The gentleman from Oregon offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 116, line 15, strike out "$3,000" and insert "$100,000."

Mr. LAFFERTY. Mr. Chairman, the Chief of Engineers of the Army has made a report, which has been adopted by the department, and in the estimate sent to the Committee on Appropriations by the Secretary of the Treasury an appropriation of $100,000 is asked for the purpose of building roads in the Crater National Park, in Oregon. The estimates include $7,540 for the mere purpose of protecting, improving, repairing, and extending the roads of that park, making the total estimate $107,540, whereas the amount given by this bill is only $3,000.

The bill last year gave $3,000 for this purpose and $50,000 for the roads. Last year the same amounts were included in the estimate as this year, to wit, $107,540.

Now, if the Democratic Committee on Appropriations and the Democratic Party, soon to be in complete control of the Government, feel that the Government is so poor that it will be unable to maintain these national parks, then, even though the State of Oregon joined the Democratic procession last winter, in so far that it cast its electoral vote for the Democratic nominee for the Presidency, we people out there feel that we would gladly accept legislation such as has just been proposed by the gentleman from Washington [Mr. WARBURTON]; and if the Crater

Lake National Park should be ceded by the Federal Government to the State of Oregon under such safeguards as would guarantee that none of the lands would ever be alienated, but would be retained for public purposes, and that none of the timber would ever be wasted, and that all of the natural resources inside of the boundary of the park would be preserved and safeguarded further so that the cession to the State would be revoked if any of these conditions should ever be violated, the State of Oregon would be glad to accept it. And while I know that this amendment to increase this appropriation to $100,000 will be voted down, I feel it my duty as a representative of the State to offer this amendment and to make the suggestion that we would accept the same offer that has been made by the gentleman from Washington [Mr. WARBURTON].

Mr. FITZGERALD. The gentleman from Oregon bases his appeal largely upon the ground that the electoral vote of Oregon has been cast for the Democratic Party in the last election. Perhaps if the State had gone further in its election returns it might have appealed more forcibly to the committee.

For the current year $50,000 was given for the improvement and construction of roads in the Crater Lake Park. At the end of this year there will be an unexpended balance of $48,000. Only $2,000 will be spent during this year. More than that, investigation discloses that the construction of the roads in this park, as proposed and in the manner intended, is practically for the benefit of the casual automobile tourist. The committee does not believe that $600,000 should be spent in the Crater Lake Park for roads merely to accommodate the occasional automobilist who happens to stray into that vicinity.

I hope the amendment will not be agreed to.

Mr. LAFFERTY. Is it not a fact that the estimate shows that Gen. Bixby recommended first $150,000, and that it was desired to finish this road construction in time for the Panama Canal Exposition at San Francisco in 1915?

Mr. FITZGERALD. The fact remains that at the end of the current fiscal year $48,000 will remain unexpended of an appropriation of $50,000. The only mistake that seems to have been made was that the committee was overliberal at the last session in giving $48,000 more than could be utilized during the current year, and it was done at a time when the committee was not overanxious to appropriate money unnecessarily.

I hope this amendment will not be agreed to.

The amendment was rejected.

The Clerk read as follows:

Platt National Park, Okla.: Pursuant to the authority conveyed in section 64 of the act approved July 1, 1902 (Stat. L., v. 32, p. 656), all of the land comprising the Platt National Park in the State of Oklahoma is transferred and title thereto vested in the State of Oklahoma.

Mr. MILLER. Mr. Chairman, I make a point of order against the paragraph.

Mr. STEPHENS of Texas. There are three other paragraphs relating to the same subject.

The CHAIRMAN. The gentleman makes a point of order to the first paragraph.

Mr. MILLER. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER. I made the point of order immediately upon the conclusion of the reading of that paragraph by the Clerk. Will not that point of order have to be disposed of before we proceed to the reading of the next paragraph?

The CHAIRMAN. The Chair thinks so.

Mr. MILLER. If the gentleman will consent that the three paragraphs may be grouped and the point of order made as to all I am willing.

Mr. FITZGERALD. No; the gentleman must first prove that this paragraph is subject to a point of order.

Mr. MILLER. Then, Mr. Chairman, I would like briefly to address myself to the point of order. I have no doubt the committee considers it in order, because of the operation of the Holman rule.

Mr. FITZGERALD. No.

Mr. MILLER. It may be that I assume too much, and if I have I will be corrected. Mr. Chairman, I think that this is a matter of great importance and one that should not be disposed of by a moment's thought or a moment's discussion. Unfortunately the hour of the day is such that it will not receive the attention from Members of the House to which I think it is entitled.

Mr. FITZGERALD. It is five hours probably before adjournment.

Mr. MILLER. Well, my staying powers are pretty good, and if the gentleman will permit this to be discussed for some time we may get at the bottom of it.

Mr. COOPER. I want to say to the gentleman that if this is insisted on I shall raise the point of no quorum.

Mr. SHERLEY. If what is insisted upon?

Mr. COOPER. If this item goes through.

Mr. SHERLEY. The gentleman from Wisconsin can make any points that he chooses. The committee put this in in good faith and proposes to keep it in if it can.

Mr. STEPHENS of Texas. Will the gentleman from Minnesota permit a suggestion?

Mr. MILLER. I shall be glad to, but I have hardly got started on my point of order.

Mr. STEPHENS of Texas. This paragraph and the next one ought to be considered together.

Mr. MILLER. I am afraid if we start to read the next one we shall lose our rights.

The CHAIRMAN. The paragraphs will have to be disposed of as they are read.

Mr. MILLER. Mr. Chairman, the provision of law upon which the paragraph is stated to be in order is a chapter in the laws of 1902, signed by the President July 1. This is not only a statute, it is vastly more, it is a treaty. This paragraph proposes, Mr. Chairman, to violate a treaty between the United States and the Choctaw and Chickasaw people. It is not simply repealing a law in the interest of economy, but it is violating the solemn compact known as a treaty made by the United States in its sovereign power with the Choctaw and Chickasaw Tribes of Indians in their sovereign power. Therefore, if by invoking the Holman rule, or any other rule of the House, it is in order on an appropriation bill to violate a treaty obligation with the United States, we can here and now revoke every treaty between the United States and Great Britain or France or Russia or any other country. I do not believe there can be any construction of the rule which will permit a violation of the treaty by a paragraph in an appropriation bill. This is one paragraph in a long treaty, and it is not an unimportant treaty. This provision repeals part of a treaty, and in so doing changes existing law.

Mr. BARTLETT. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. BARTLETT. Will not the gentleman concede the power of Congress to pass a law revoking the treaty?

Mr. MILLER. Most assuredly Congress has the power, but not to do it in an indirect way on an appropriation bill.

Mr. BARTLETT. If it is in order, we can do it on an appropriation bill.

Mr. MILLER. But the point I am making is that it is new legislation, repealing a statute now on the statute books; also repealing a treaty; therefore not in order, because changing existing law.

Mr. BARTLETT. I did not think the gentleman would take the position that we could not do it if it was in order.

Mr. MILLER. No. The point of order I am making is that it is new legislation and not in the interest of economy. There is no reduction or economy mentioned in the paragraph, and it is a change in existing law and in direct violation of treaty obligations.

Aside from the merits of the case, it seems to me that that statement embraces the vital points to be considered. I started to say a few moments ago that this was not an unimportant treaty. It is the most important treaty, except one, ever made between the United States and the Indians in the Southwest. This is a treaty which the United States wanted the Indians to make. The Indians were exceedingly reluctant to make it. The United States were exceedingly anxious to have it made. It contains many features that have proven of the utmost importance in the administration of the Indian affairs in the Five Civilized Tribes. That which to the Indian mind was dearer than dollars and cents, that which appealed to patriotism as they knew it, above that of anything else, was the spot hallowed to them by tradition, by song, by love, and by utility—the sulphur springs of this park. These are in the heart of the great Chickasaw and Choctaw Indian country.

It is the center of Indian lore, the center of Indian tradition. By the terms of this treaty we propose that there shall be a breaking up of tribal governments, of tribal organizations; that there shall be no longer an Indian reservation; there shall no longer be a communal holding of property; that there shall be a segregation of property and the cutting up of land into allotments, that each Indian might have his proportionate share; and the Indian governments cease, as such, to exist.

The CHAIRMAN. The Chair would ask whether or not this particular park is included in the act referred to in the paragraph in volume 32 of Statutes at Large, at page 656?

Mr. MILLER. It is, I will state to the Chairman, and the Chairman will, of course, be immediately advised that this is but a legislative ratification by Congress of a treaty entered into between the United States and these Indian tribes. It is known

as that of July 1, 1902. It was subject to ratification by the Indians, which ratification was made by an election held subsequent to July 1, but it is a treaty. It is the putting upon the statute books, as far as the United States is concerned, ratification of a treaty that had been negotiated between the representatives of the Indians and the United States, and the fact that it appears upon the statute books here is simply the ratification by the United States Congress. The subsequent ratification by the Indians was made by their election held in September of that year. So that is not simply a statute. This is a ratification of a treaty which the United States had made.

Mr. FITZGERALD. But a treaty is a law.

Mr. MILLER. It is more than a law.

Mr. FITZGERALD. Oh, no; it is not.

Mr. MILLER. I beg the gentleman's pardon. It is a law and more than a law. It has in some respects the same standing as the Constitution.

Mr. SHERLEY. Oh, the gentleman is mistaken as to that.

Mr. MILLER. I am not mistaken in that. The treaty is a law, but it is more than a law.

Mr. FITZGERALD. It is just common law.

Mr. SHERLEY. If the gentleman will read the decision of the Supreme Court in the Chinese exclusion cases he will find that that court expressly held that an act passed at a later date than the treaty could and did, if its terms so indicated, abrogate a treaty.

Mr. MILLER. I have great respect for the legal opinion of the gentleman from Kentucky, but I do not accede to that proposition of law.

Mr. SHERLEY. And that proposition I am sure is accurate.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. MILLER. Certainly. I do not care to be understood as saying that Congress can not repudiate a treaty.

Mr. FITZGERALD. It can amend it.

Mr. BARTLETT. And it can repeal it.

Mr. MILLER. But you can not compel the other party to accept it. We repealed the treaty with Russia a little while ago. We can repeal this treaty and take the consequences, but to do so is repealing existing law.

The CHAIRMAN. The Chair will ask the gentleman from Minnesota whether he contends this treaty was not ratified by the Indians?

Mr. MILLER. It was ratified by the Indians.

The CHAIRMAN. Wherein does this violate the treaty?

Mr. MILLER. It is a repealing of one of the important provisions in the treaty, thereby changing a treaty and existing law.

The CHAIRMAN. The Chair would like the gentleman from Minnesota to call his attention to it.

Mr. MILLER. I should be pleased to do it. In the meantime I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, of course the old method of making a treaty with the Indians was under the Constitution. This is no longer a real treaty. Congress does this by act of Congress. If it were a treaty merely, it would be ratified by the Senate.

Mr. COOPER. Mr. Chairman, the Constitution itself makes a treaty a law, declares it shall be nothing but a law.

Mr. MANN. But this is not a treaty under the Constitution.

Mr. MILLER. The gentleman from Illinois very aptly and properly suggests the peculiar characteristics of a treaty between the United States and the Indian tribes.

Mr. MANN. In the old days a treaty between the United States and the Indians was ratified by the Senate as a treaty. Now it is done by an act of Congress as an act of Congress and not as a treaty.

Mr. MILLER. There is that difference. There is no question about that.

Mr. MANN. Of course it has the same effect. An act of Congress is just as binding as a treaty.

Mr. MILLER. Mr. Chairman, I will read to the Chair that portion of the treaty which is contained in paragraph 64, and the part to which I call especial attention begins about the middle of the paragraph.

I will read the first of the paragraph to have it clear before the House:

> The two tribes hereby absolutely and unqualifiedly relinquish, cede, and convey unto the United States a tract or tracts of land at and in the vicinity of the village of Sulphur, in the Chickasaw Nation, of not exceeding 640 acres, to be selected, under the direction of the Secretary of the Interior, within four months after the final ratification of this agreement, and to embrace all the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks as may be deemed necessary by the Secretary of the Interior for the proper utilization and control of said springs and waters of said creeks, which lands shall be so selected as to cause the least interference with the contemplated town site at that place consistent with the purposes for which said cession is made, and when selected the ceded lands shall be held, owned, and controlled by the United States absolutely and without restriction, save that no part thereof shall be platted or disposed of for town-site purposes during the existence of the two tribal governments.

That is the language which conveys by the Indians the cession. Mr. Chairman, it is not an act of Congress except to put upon the statute books a treaty. Now, if we should pass this act we have violated a direct obligation. There is no question about it, and a violation of an obligation, of course, incurs a claim.

The CHAIRMAN. Will the gentleman read the proviso on page 656?

Mr. MILLER. I will be glad to do so, but, Mr. Chairman, for the purposes of this discussion I do not consider the proviso of any importance, and I will state my reason——

Mr. SHERLEY. Read it, so the committee will understand it.

Mr. MILLER. The proviso reads as follows:

> *Provided, however,* That nothing contained in this section shall be construed or held to commit the Government of the United States to any expenditure of money upon said lands or the improvements thereof, except as provided herein, it being the intention of this provision that in the future the lands and improvements herein mentioned shall be conveyed by the United States to such Territorial or State organization as may exist at the time when such conveyance is made.

Unquestionably that expresses a hope or a policy that at some time this park and this land shall be conveyed to the State of Oklahoma, but it does not convey it. It does not provide the machinery of conveyance and it does not say when. One of the things that first must be determined before the Government could convey it manifestly is a disposition upon the part of the State of Oklahoma to receive it and we have nothing of that kind before us. We can not convey a title to some one who can not or will not receive it. We might undertake it, but certainly it would not be a very good policy or be very effective, and the next paragraph but one, as well as the next paragraph, makes a confession that the State of Oklahoma does not want it, is not ready for it, will not receive it, because the astounding thing is conveyed here that it is to be put up to auction and sold to the highest bidder, which is in violation of both the letter and the spirit of the treaty. I will say to the gentleman that I think it is not improper that this should be conveyed at some time to the State of Oklahoma, but not until some provision is made by the State to accept it and care for it in accordance with the provisions of the treaty.

Mr. SHERLEY. Mr. Chairman, if the Chair pleases, the question before the Chair is the particular paragraph read, and not what follows after in the bill; neither is there any question as to whether the State will or will not accept the conveyance. The very act to which the gentleman refers contains in it a proviso indicating the right and the intention in pursuance of the very act to make conveyance of this property, and therefore, on the question of it being in order, we maintain that manifestly the act creating it contemplates its conveyance and it was left to the discretion of Congress when to make such conveyance.

Mr. MILLER. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. MILLER. Of course, Congress has the power to convey, but can it be done on an appropriation bill?

Mr. SHERLEY. That is the question here. If it is authorized by law, it can be on an appropriation bill, and that is the whole question at issue.

Mr. NORRIS. Will the gentleman yield there for a question?

Mr. SHERLEY. Certainly.

Mr. NORRIS. Does the gentleman contend that under the proviso as read the land could be conveyed to the State of Oklahoma without legislation by Congress?

Mr. SHERLEY. No.

Mr. NORRIS. Then, if it takes legislation, does it follow that it could be done on an appropriation bill?

Mr. SHERLEY. Money can not be paid out of the Treasury except by an act, but whenever there is an authorization for a particular purpose it is in order on an appropriation bill to make an appropriation.

Mr. NORRIS. This is not an appropriation. Is it not legislation?

Mr. SHERLEY. But it is legislation authorized.

Mr. NORRIS. Of course, it is legislation authorized. We have the right under the Constitution to provide for the building of another public building, but if you put it in an appropriation bill it would be legislation just the same—legislation that Congress could make, but not under an appropriation bill.

Mr. SHERLEY. But the gentleman is mistaken in his premise that legislation is not in order on an appropriation bill.

Legislation that is authorized is in order, and is carried right in this bill in a number of instances in which we are legislating, but we are legislating in accordance with existing law.

Mr. STEPHENS of Texas. I desire to call your attention to one matter in this item of the bill. This land belonged originally to the Choctaw and Chickasaw Tribes of Indians. In 1892 it was determined to allot this land among these Indians individually. The tribes made a treaty with the United States providing for that purpose. That is the treaty and the law referred to in the bill and in the act cited here. That act required these Indians, after the matter had been submitted to them, to ratify it by an affirmative vote before it became a law. That was done, and the treaty became a law. Now I find this language in this bill, viz:

All of the land comprising the Platt National Park in the State of Oklahoma is transferred and title thereto vested in the State of Oklahoma.

That is in the last lines of this paragraph to which we are objecting. How is it possible in an appropriation bill to divest a title out of the United States and vest it in the State of Oklahoma without violating the rule against legislating on an appropriation bill? How would it be possible, without legislation, to force Oklahoma to take a title to this park? Would it not require legislation to do so? This is clearly legislation on an appropriation bill, and this provision is not germane to anything in the bill, and, on both grounds, the point of order should be sustained.

Mr. MILLER. If the gentleman will just permit me to summarize what I was trying in a disconnected way to present to the Chair, I will say that I agree with the gentleman from Kentucky [Mr. SHERLEY] that the proviso in the paragraph contemplates legislation of this character. I agree with the gentleman if legislation of this character had occurred an appropriation would be in order on the bill. But surely it can not be contended that where there is an existing law that simply contemplates future legislation that legislation can be made on an appropriation bill. It must be brought before the House and treated like any other piece of legislation, as such. Now, Mr. Chairman——

Mr. SHERLEY. Will the gentleman permit an inquiry?

Mr. MILLER. Certainly.

Mr. SHERLEY. What rule can he state, of the rules of the House, that prevents legislation on an appropriation bill that is not changing existing law?

Mr. MILLER. This is changing existing law. There may be at some time some legislation on this subject. There may be legislation on a million subjects. There may be legislation conveying this park to the State of Kentucky. There probably will not be, but there might be, and there might be legislation of a thousand different kinds upon a thousand different subjects, but it would not be in order on an appropriation bill.

Mr. SHERLEY. We pass here bills authorizing the doing of a particular thing in the future, just as this act authorizes the conveyance in the future. Now, does the gentleman contend because the existing law that authorized the thing being done did not at that time do it, that therefore it is not in order in an appropriation bill to do it now?

Mr. MILLER. I will ask the gentleman, in reply, this question: Is this provision anything more than an expression of policy that is reserved for the United States to follow?

Mr. SHERLEY. Yes; it is an authorization.

Mr. MILLER. An authorization from whom?

Mr. SHERLEY. An authorization to the Government to convey.

Mr. MILLER. I do not think it is anything more than a policy, and nothing except this: If the United States Government ever does see proper to pass legislation of this character, the Indians will not have a claim against the Government.

The point I desire to make, Mr. Chairman, if I may summarize it in a few words, is this: While that proviso in a few words is a declaration of policy that legislation can subsequently be had and will not create a claim against the Government, yet to do so here is legislation making a change of existing law. It never did authorize specific legislation disposing of the entire subject on an appropriation bill.

Mr. MANN. Mr. Chairman, the rule is:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order.

Now, what is the existing law? Under the existing law the title to this park is in the United States, with an understanding or agreement provided by law that it may transfer the title to the State of Oklahoma. But under the law now existing the title is in the United States. It requires law to change that title; it requires a change of existing law to change that title, because under the existing law the title is in the United States, with authority under the law, which it would have without regard to the law, to transfer the title. But the very purpose of the provision in the bill is to change existing law, putting the title in the United States, and transferring the title to the State of Oklahoma.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. FITZGERALD. A transfer of title is not a change of law.

Mr. MANN. It can only be done by law.

Mr. FITZGERALD. The law provides that the title shall either be in the United States or in the State of Oklahoma.

Mr. MANN. The purpose of this paragraph is to change the title by act of Congress. That is law.

Mr. SHERLEY. You change the title to money when you appropriate it.

Mr. MANN. No; you do not change the title to money by an appropriation. You authorize the expenditure of money in the Treasury by an appropriation.

Mr. SHERLEY. You may or you may not. You may actually give the money to the individual.

Mr. MANN. You said it is a transfer.

Mr. COOPER. Mr. Chairman, will the gentleman permit me to ask him a question that has just occurred to me?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. COOPER. In order to transfer the title to land, as between private individuals, there must be an acceptance, either actual or constructive, of the deed, or else there will be no transfer of title. Now, as the gentleman has said, the title to this land was acquired by treaty from Indians and is in the Government of the United States, and it is utterly impossible for the Government of the United States to transfer it to the State of Oklahoma unless there be an acceptance by that State.

Mr. MANN. I quite agree with the gentleman that not only is the purpose of this amendment by law to transfer the title, but if enacted it could not transfer the title unless the State of Oklahoma accepts it, because we have not the power to make the State of Oklahoma accept the title.

Mr. CULLOP. May I interrupt the gentleman there?

Mr. MANN. Certainly.

Mr. CULLOP. Is not the situation this, that now by law the title to this property is in the United States, and in order to divest itself of the title it must pass an act authorizing it to be done?

Mr. MANN. I think that is right.

Mr. CULLOP. And if a Government official should attempt to convey this property without such an act passed by Congress the conveyance would be absolutely void.

Mr. MANN. We have no method that I know of of transferring title to anything except under and in accordance with the provisions of law, either between individuals or between governments.

Mr. SHERLEY. That is true; but it is equally true with respect to any money in the Treasury, and we transfer title to it by an appropriation.

Mr. MANN. We do not transfer the title to the money. We authorize the expenditure of the money.

Mr. SHERLEY. We do more——

Mr. MANN. That is an appropriation. It has always been construed that this provision of the rule with reference to changing law does not affect the question of appropriation. Now, the very purpose of this provision is to change the existing law. There can be no other purpose in it. I wish it were in order. I should like to see the title transferred to the State of Oklahoma, but I do not think it worth while to violate the rules in order to do it.

Mr. COOPER. Mr. Chairman, I desire to say just a word on this. If this provision is enacted into law, it will be an absolute nullity taken alone, because the mere executing of a deed by a grantor does not transfer the title to the grantee. To transfer title requires acceptance, either actual or constructive, by the grantee. In this case there is no acceptance nor any offer to accept.

Mr. SHERLEY. Will the gentleman permit a question?

Mr. COOPER. Please first permit me to finish what I am saying. Here is an attempt by the Government of the United States, the owner of real estate, to transfer title to the State of Oklahoma. The language of the paragraph is—

The title is hereby transferred and vested in the State of Oklahoma.

But the title would not be transferred to nor vested in the State of Oklahoma by merely enacting this paragraph into law. In other words, standing alone and by itself it would accom-

plish absolutely nothing. Therefore we must consider it in conjunction with the next paragraph—as impliedly a part of it—and then it is clearly subject to a point of order.

Mr. SHERLEY. If the gentleman will allow me, is he not confusing the wisdom and the effectiveness of the provision with the parliamentary question? The Chair is not concerned as to whether you are making a good conveyance or not, so far as the point of order is concerned. That may come properly when you consider the merits.

Mr. COOPER. Mr. Chairman, I am simply saying that if nothing is to be done except enact the pending paragraph into law, then nothing will be done. On its face the paragraph is without meaning. There is no way in which the Government of the United States can force this title by this statute upon the State of Oklahoma. The State of Oklahoma has never agreed to accept it, and this paragraph, if made a law by Congress, would be a mere brutum fulmen.

Mr. HAMILTON of Michigan. Perhaps the gentleman from Wisconsin can remove the difficulties that I have in putting a construction on what he is saying. Take the case of the creation of a State out of a Territory. There is a large amount of public lands in the Territory. The Government conveys and gives to the State about to be created out of the Territory a large area of land.

Mr. MANN. We give the title because we have the power to create the State.

Mr. COOPER. The Government has all the title there is.

Mr. HAMILTON of Michigan. We pass an enabling act by virtue of which the Territory may become a State. The gentleman says there must be an acceptance. I have been wondering what must be the equivalent of an acceptance.

Mr. COOPER. It has not been the practice to take the title from an Indian tribe and then by statute arbitrarily give the title to the State, without something from the State in the way of an acceptance.

Mr. HAMILTON of Michigan. I am inclined to agree with the gentleman as to that, but the broad proposition which the gentleman laid down about a conveyance by the Government of public lands, and the suggestion that it could not be done without some acceptance by the State grantee or the Territorial grantee, raised the question in my mind as to what acceptance, constructive or otherwise, there might be in the case suggested.

Mr. MANN. I think the gentleman has in his mind the creation of a State out of a Territory. We create the State, and when we transfer to the State the title to school sections or other land, that is an act of Congress vesting title in the State, because the State is our creature.

Mr. HAMILTON of Michigan. Oh, no.

Mr. MANN. Under the Constitution it is.

Mr. COOPER. But the Territory does not become a State without a ratification by it of the enabling act and the acceptance of the conditions imposed in it.

Mr. HAMILTON of Michigan. We have set aside reservations and given them to a State without any acceptance, express or implied, by the State, as I recall it.

Mr. COOPER. That may be very true, but there was an acceptance afterwards which conveyed the title. What I am saying is that this individual paragraph by itself, if enacted into law, would not convey the title to Oklahoma.

The CHAIRMAN. It seems to the Chair that the point in this case is whether the paragraph changes existing law. The law is not, in the opinion of the Chair, changed by the paragraph. It simply conveys the title, which Congress has the power to do under the law cited in the paragraph, and therefore the Chair overrules the point of order.

Mr. MILLER. Mr. Chairman, I move to strike out the paragraph, and I desire to say a few words on the merits of the proposition. While the Platt National Park is not the most important spot, it is one of the most important spots on the American Continent. I am astonished that the gentlemen should bring in this proposition in the sundry civil bill. I do not care to criticize so great and important a committee, composed of such magnificent Members of the House as it is, and yet I can not but feel that they have usurped their jurisdiction in a very material way. If there is to be considered by this House legislation transferring this park, it should come from the Indian Committee of the House, and yet I will waive that.

Mr. FITZGERALD. What jurisdiction has the Indian Committee over the national parks?

Mr. MILLER. No more jurisdiction over them than the Committee on Appropriations has over this paragraph just read.

Mr. FITZGERALD. But the Chair has held it in order, which demonstrates that it has jurisdiction.

Mr. MILLER. If we are going to proceed on the merits of the case of transferring it from the Government to the State of Oklahoma, it is a question that the Indian Committee should handle. As far as the appropriations are concerned for these parks, while they belong to the United States, that is a matter entirely within the jurisdiction of the Committee on Appropriations.

Mr. FITZGERALD. But that jurisdiction was invaded last year by the Committee on Indian Affairs.

Mr. MILLER. We did not make any appropriation.

Mr. FITZGERALD. The Indian appropriation bill carried an appropriation for a sewer.

Mr. MILLER. But that was in connection with an Indian matter.

Mr. FITZGERALD. Not at all.

Mr. MILLER. The gentleman will understand that there are two phases to that question. I do not think we can conserve any good purpose, however, by quibbling about the details. I want to call the attention of the House to the circumstances surrounding this Platt National Park. It is only 640 acres, but it is 640 acres of the most picturesque, the most healthful, the most interesting, the most delightful, the most valuable spot in the entire Southwest. It cost us to purchase it a round million dollars. We now propose to give it away to somebody who does not want to take it because they are not in a position to handle it. Are we to transfer the title to property for which we paid a great sum of money to somebody or anybody, whether they will take it or not?

Now, the point I would like to have the gentlemen of the House understand with reference to this property is that it is not a park in the general sense of the term, for the pleasure and beauty of its scenery, and so on; it is a famed spot of the Southwest, having the greatest mineral springs, probably, on the American Continent. The sulphur springs of French Lick are of minor consequence in importance and value to the sulphur springs at this spot.

Mr. MANN. The State ought to be glad to get them.

Mr. MILLER. That is so if we turned them over at the right time. In addition the bromide springs have been pronounced by medical and expert scientists to be the finest on earth. The value of these springs is a thousandfold greater than all the other parks, so far as I know, notwithstanding their beautiful scenery, to the American people and the United States. I will agree that the United States Government can well afford to transfer this park to the State of Oklahoma if Oklahoma were in a condition and ready to receive and care for it.

Why, Mr. Chairman, we hear vastly about conservation. Gentlemen are so concerned in conservation that if a poor homesteader wants to get 160 acres on a desert or in the woods we try to circumscribe him by rules and laws that make his life a hardship, and I have heard gentlemen speak of such a one here as almost to call him a pirate and a thief, because he was presuming to get some of Uncle Sam's property. Here you propose to turn around and give away this most valuable possession.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER. Mr. Chairman, I would like a little more time. I ask for five minutes.

The CHAIRMAN. The gentleman from Minnesota asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MILLER. If conservation means anything, it means keeping to the Government that which belongs to the Government if it be of commercial or property value. I maintain that the sulphur springs and the bromide springs in this park are commercially valuable beyond any similar property in the United States. Mr. Chairman, if the Government cared to do it, wanted to do it, and could, it might go into the business of bottling up water from this spring and selling it at every drug store and on every train in America, and getting a large revenue from it.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Certainly.

Mr. MOORE of Pennsylvania. Will the gentleman tell us why we are asked to dispose of the property? Is there any reason for it?

Mr. MILLER. Mr. Chairman, I have never heard any reason given excepting an indisposition on the part of some of the Members of the House, and perhaps of the Senate also, to bear the burden of maintaining it at present.

Mr. MOORE of Pennsylvania. How much is the burden of maintenance?

Mr. MILLER. I do not know. The chairman of the committee can tell us in a word. There is maintained there at

present a keeper, and I think an assistant or two—probably a very few thousand dollars.

Mr. MANN. Eight thousand dollars for this year.

Mr. MILLER. Eight thousand dollars for this year—an insignificant sum. I want to say one word further in respect to this. Gentlemen know full well that the State of Oklahoma can not and will not accept title to this property at the present time.

Mr. HAMILTON of Michigan. Will the gentleman state why not?

Mr. MILLER. How can the State of Oklahoma have machinery arranged at the present time to forthwith take this? She might be willing to do it if you gave time for a commission to be appointed and proper proceedings to be taken, but forthwith to throw into her lap a park like this without any machinery on her part to take care of it——

Mr. HAMILTON of Michigan. Is not her lap large enough and receptive enough to take a million dollars' worth of property?

Mr. MILLER. If it was immediately remunerative, perhaps it would be.

Mr. HAMILTON of Michigan. But the gentleman suggests something about constructing hotels and resorts in that vicinity.

Mr. MILLER. But it takes time and costs money to build them.

Mr. HAMILTON of Michigan. But it would be forthcoming.

Mr. SAMUEL W. SMITH. If it is so valuable, why does not the Government sell it to somebody?

Mr. MILLER. In the first place, it would be a direct violation of the treaty. My observation is that these springs, to be made valuable, ought to be in the possession of the United States, and they should be handled so that the people of the country can enjoy them and get the beneficial results of them, or else they should be sold to private individuals for proper handling. I understand it has been proposed to construct a sanitarium at this place. The climate is healthful, it is much cooler than the surrounding portions of the Southwest on account of its elevation and the general direction of the wind, and the wind blows hard down there. It has a salubrious climate, and it is a delightful spot. It would make an ideal spot for convalescing patients, such as our soldiers who come from service in the Tropics, and I understand it has been seriously contemplated to establish a sanitarium at this place by the Government for such convalescing patients. I do not urge or ask for that. I am simply stating that that was one of the ways in which it was thought at one time or another this might be used.

But apart and aside from that, it seems to me incredible that gentlemen would propose here to hurl chunks of ice upon the most cherished and loved object of two of the greatest Indian tribes in the United States. We begged of these Indians to make this treaty of 1902. We got on our knees and supplicated them to do it. We went further, we bribed them to do it, and I will not take back the words. One of the things that they tenaciously clung to was this spot, that has been hallowed by their ancestors, that is dear to them on account of its traditions, that is valuable to them on account of its health-giving properties, and it was agreed that this must be preserved in their midst, in order that their children and their children's children might have the benefits of it, and they made us agree that the United States Government shall maintain this spot for that purpose in their midst, sacred and reserved, or that it shall be turned over to the State of Oklahoma, which in turn shall carry on the same work.

Mr. SAMUEL W. SMITH. The gentleman says that it would be a violation of the treaty to sell it. Would it be a violation of the treaty to give it away?

Mr. MILLER. I have tried to so convince the Chair, but was not successful. I sincerely trust that gentlemen will not oppose this amendment. I am serious about this. I will say that if this will receive careful consideration I think there will be no objection on any side to effectuating the object so desired, but it can only be done after a careful investigation and after a conference with the State of Oklahoma, its officials, and provision made by the State of Oklahoma to accept it.

Mr. NYE. I understand it is conceded here that the title to this park property is in the United States Government?

Mr. MILLER. That is true.

Mr. NYE. Now, there is a recitation in the act which my colleague read that it is the intent hereafter to convey to Oklahoma.

Mr. MILLER. Well——

Mr. NYE. Does that create any obligation on Oklahoma, or have we any right to compel conveyance?

Mr. MILLER. I will say to my colleague it simply is an expression of policy that the United States Government shall convey it at some future time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, there are in this alleged national park about 800 acres. The gentleman from Minnesota says it is one of the most desirable places in the Southwest. For some people it is a very remunerative gold mine. It contains certain so-called mineral springs. According to those living in the town of Sulphur Springs, drawing a livelihood from the sick and infirm, these springs have medicinal properties; the waters will cure every ill to which man is heir. Three years ago residents, physicians from the town of Sulphur Springs, appeared before the Committee on Appropriations and described the marvelous properties of these springs; that a woman 80 years of age, having used crutches for 20 years, came to Sulphur Springs one evening, went to the spring, took a draft of water, and the next morning leaped into an automobile and rode away. Persons suffering from insomnia, unable even to take a nap upon a train, however fatigued they might be from travel, would go to Sulphur Springs, take one or two drafts of water, and then fall into sweet and sound slumber from which not even the trumpet of Gabriel would awaken them. It made no difference what the person was afflicted with, one or two drafts of these sulphur waters, as set out in the prospectuses of the residents of Sulphur Springs who are maintaining sanitariums there, would put a person in most perfect health. The fountain of perpetual youth has at last been found, according to these assertions, and those who journey to Sulphur Springs can live on indefinitely. There is a stream running through——

Mr. HAMILTON of Michigan. Are there any graveyards in that vicinity at all?

Mr. FITZGERALD. There are not any graveyards; nobody ever dies who drinks the bromides or sulphur waters of those springs.

A stream of water runs through these 840 acres of land, and the town of Sulphur Springs is located on its borders. Its inhabitants, formerly having their homes within the park and having them bought by the Government under a permit from the Department of the Interior, take water free of cost from this stream and sell it to the people of Sulphur Springs.

The town has emptied its sewage into this so-called national park, and after failing for years to obtain funds from the Committee on Appropriations with which to build a sewer through the park, the Committee on Indian Affairs, in the Indian appropriation act for the current year, carried an appropriation of $17,500 to defray half the cost of building a sewer through this national park for the disposition of the sewage of the town of Sulphur Springs. It now appears, however, that if this sewer is built the Government will find, when it reaches the boundary of the park, that some private individual owns the property on the other side of the line and is insisting that if any attempt is made to build this sewer and empty this filth upon his land he will appeal to the court to protect him against the defamation that will result. Hence it is now asserted that, having arranged to have the Government pay $17,500 for the purpose of paying half the cost of building this sewer, the Government must appropriate about $35,000 to provide septic tanks into which this sewage may be emptied, because it will be——

Mr. MILLER. Will the gentleman yield? As I recall, the gentleman stated a few moments ago the Committee on Indian Affairs assumed jurisdiction of this and appropriated——

Mr. FITZGERALD. Well, it did; it assented to the Senate amendment, which appropriated $17,500 as half the cost of building this sewer.

Mr. MILLER. I will ask the gentleman if that amendment was not offered on the floor of the House when the Indian appropriation bill was up? The Indian Committee never assumed jurisdiction.

Mr. FITZGERALD. If the gentleman had resisted the amendment, it would not have been adopted. But in view of the fact that one of these gentlemen was a Representative from the State of Oklahoma, it is apparent how little chance the House had to be represented as it should have been.

Now, here is the situation. They are taking water that belongs to the United States and making a profit out of it. They are asking the United States to defray the cost of their sewage system. The town is existing on the profit it makes out of the advertisement of these waters and the accommodations of persons coming to be benefited by them.

The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that my time be extended two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. In no sense whatever is this a national park, and the committee believed it should be turned over to the State. It was induced to do this because another situation developed. We have the Hot Springs in Arkansas. Great expenditures have been made there, and this year the committee was asked to appropriate $642,000, most of it to provide ample sewage facilities for the town, and the balance to erect new bathhouses to be conducted by the Government. The committee believed that when these sulphur springs are so extensively advertised and developed as the Hot Springs in Arkansas have been, it is most desirable that the United States should as quickly as possible be relieved from the obligation of maintaining these health sanitariums.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. STEPHENS of Texas. Is it not a fact that the United States has been paying more than half—in fact, all—for the building of the sewer system in the city of Hot Springs, Ark.?

Mr. FITZGERALD. Oh, there is a different system there entirely. They have been appropriating the revenues, which I think amount to about $40,000 a year.

Mr. STEPHENS of Texas. Are we not paying half the expenses of the sewage system of this city?

Mr. SHERLEY. And that is because the sewerage was on Government property, but here we are asked to take care of the sewerage of a town off the reservation.

Mr. FITZGERALD. And contributing this park, without any resultant benefit to the Government or to the park. In 1909 Congress appropriated $14,000 to construct this sewer, and it was utilized for some other purpose.

Mr. NYE. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. NYE. Does the gentleman consider it a pressing necessity for the Government to get rid of this?

Mr. FITZGERALD. I do. The more quickly the Government gets rid of this the better it will be for it.

Mr. NYE. Why was it so anxious to get this from the Indians?

Mr. FITZGERALD. It was not anxious to get it. I served six years on the Committee on Indian Affairs, and I know something about the way in which Indian treaties were formerly negotiated and the way in which they were ratified by Congress. Very frequently the Government was put in the attitude of seeking to obtain certain concessions from the Indians that everybody who had any information about resisted, and knew would be very detrimental to the Government.

Mr. MILLER. Does the gentleman from New York think it would be better procedure and better business to defer this proposed transfer until the State of Oklahoma has manifested its capacity and willingness to accept it?

Mr. FITZGERALD. There is no indication and no evidence that the State of Oklahoma will not take this park. It has taken everything else it could separate the United States Government from in the way of lands and money. And I can not assume that it will refuse public lands or public moneys when tendered to it by the Government.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLER. Mr. Chairman, I ask unanimous consent that the gentleman have two minutes more, so that I may ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER. Is there any way by which the State of Oklahoma could accept a title to this, other than by act of its legislature?

Mr. FITZGERALD. None. It is not customary for either States or individuals to accept gifts before they are tendered to them. We propose to tender the gift, and we feel quite certain the State will not only accept it, but will leap at the opportunity to take it.

Mr. MILLER. Can the gentleman advise the House when the Legislature of the State of Oklahoma will next be in session?

Mr. FITZGERALD. No.

Mr. MILLER. Will it not be two years?

Mr. FITZGERALD. The people will have plenty of time to consider this proposal and investigate the wonderful merits of the springs and the remarkable value of the property.

Mr. MILLER. Where is it proposed that the title of this property will be floating in the ensuing two years, pending the action of the State of Oklahoma? Would it go ad coelum—to the heavens?

Mr. FITZGERALD. I will state to the gentleman that that question need not be troublesome, even if the Legislature of the State of Oklahoma is not now in session.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to state that, in my judgment, the motion of the gentleman from Minnesota should prevail.

I do not think this House should incorporate in this bill a provision vesting the title of the Platt National Park in the State of Oklahoma, and at the same time divesting the Government of the United States of the title to this park, investing the State of Oklahoma with it, without the knowledge or consent of the State of Oklahoma. The Representatives of the State of Oklahoma were present last year when this matter was under discussion, and——

Mr. KENDALL. It now seems to be the purpose of the Committee on Appropriations, in passing this park on to the State of Oklahoma, to do it in the absence of the Oklahoma Representatives.

Mr. STEPHENS of Texas. That seems to be true.

Mr. FITZGERALD. But, Mr. Chairman, we can not postpone the consideration of this bill to suit the convenience of Members of Congress. This is public business.

Mr. STEPHENS of Texas. Would it not be necessary to get the consent of the State of Oklahoma before giving the State this park? How do we know that they will accept it?

Mr. FITZGERALD. I think it would be advisable to get it.

Mr. STEPHENS of Texas. This provision forces the State of Oklahoma into an awkward position, and I hope, therefore, that the amendment of the gentleman from Minnesota will be adopted and this unjust provision stricken from the bill.

Mr. Chairman, by act of Congress and with the approval of the Indians this land became the land of the National Government, to be used for the purposes of a public park. It was found to be a very valuable health resort, and many people from the whole southwestern country visited this place to use its mineral waters. The State of Oklahoma is not able to take care of that park as it should be cared for, for the reason that nearly all the land in the territory of the old Five Civilized Tribes is nontaxable. Under a recent decision of the Supreme Court it is declared that not one cent of tax can be collected on much of that land. The State has to build, and is building to the best of its ability, courthouses and jails and schoolhouses and a capitol building. That State is new and in debt, and it has not the money to take care of this national-park burden. Under the present circumstances I am certain it would be impossible for this State to take on this additional burden. The United States now has this property and obtained it under an agreement and solemn treaty with the Indians to maintain it as a national park. Therefore I think that the Government should hold this park until some legislation could be passed that would be satisfactory to the town of Sulphur and the State of Oklahoma. Their Congressmen should be heard on this floor on this important subject before we act.

Mr. SHERLEY. Mr. Chairman, there is some reason why we should proceed with some rapidity in the disposal of this park, and that is we had a somewhat bitter lesson taught us last year on the Indian appropriation bill as to what it will cost to keep it. If it means that we have to construct for the benefit of the municipality of Sulphur a sewerage system because that town is unable or unwilling to perform the duties of a municipality, we should understand that fact and act accordingly.

There has been before the Committee on Appropriations ever since I have been a member of that committee a proposal to get this sewerage system there. It never got any farther than a proposal with either the Democrats or Republicans in that committee, because in my judgment and in the judgment of everybody else that considered it, it had no equity under the sun. And yet all of a sudden it turned up as an amendment to the Indian appropriation bill, put on in the Senate and agreed to by the House conferees.

If this park, under the present circumstances attending the consideration of that bill, is to have constant appropriations made in the Indian appropriation bill, I think we had better get rid of it in some sort or other in a hurry. There is no reason in the world why the treaty with the Indians should not be carried out. The very terms of that treaty, the very terms by which it became in order on this bill to propose this provision, contemplates the giving of that park to the State of Oklahoma.

I hear a great deal of talk on this side of the House about State rights, but I hear precious little about State duties. They are always willing to talk about State rights when they want to prevent something being done, but they are never willing to assume the obligations of State sovereignty. It is a poor rule that does not work both ways. We should give this park to the State of Oklahoma, and if the people of that State have not enough State pride to take it, we ought to be informed of that fact. It ought not to be made the excuse for getting money out of the Treasury of the United States to take care of the municipality of Sulphur.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Minnesota [Mr. MILLER].

The question was taken; and on a division (demanded by Mr. MILLER) there were—ayes 8, noes 35.

Accordingly the amendment was rejected.

The Clerk read as follows:

If the State of Oklahoma shall fail or refuse to accept the Platt National Park as herein authorized to be conveyed to it from the United States, the same shall be appraised and sold either by sealed proposals for the purchase of the same or by public auction, after advertisement of the sale for such time as in the judgment of the Secretary of the Interior the public interest may require, the proceeds of such sale, after payment therefrom of the expenses of making the same, to be covered into the Treasury as miscellaneous receipts.

Mr. MILLER. I make a point of order against the paragraph as a change in existing law; and if gentlemen have not forgotten the arguments they made in resisting the point of order to the preceding paragraph, I apprehend they will have to concede that this point of order is well taken.

The CHAIRMAN. Does the gentleman from New York care to be heard on the point of order?

Mr. FITZGERALD. I do not.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

The appropriation of $17,500, made in the Indian appropriation act for the fiscal year 1913, for construction of a sanitary sewer system in Platt National Park, Okla., to be expended under the direction of the Secretary of the Interior, is repealed.

Mr. MILLER. I make the point of order against that paragraph as a change of existing law.

Mr. MANN. Is not this good under the Holman rule?

Mr. MILLER. No; this is not to decrease the amount of the bill. This is changing the appropriation of a year ago.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Just a moment. I believe it is admitted that the Committee on Appropriations has jurisdiction over this park and over appropriations made for the maintenance of the park, and would have jurisdiction over the appropriations for a sewer in the park. Now, the provision of the Holman rule is:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

The CHAIRMAN. Does the gentleman maintain that the Committee on Appropriations has jurisdiction to legislate on the subject of sewers through a park?

Mr. MANN. Undoubtedly. The Committee on Appropriations has jurisdiction over all the expenditures in the national parks.

Mr. FITZGERALD. Oh, yes; this appropriation belongs to the Committee on Appropriations.

Mr. SHERLEY. There are any number of items in this very bill in regard to things of that kind.

Mr. MILLER. The gentleman has just said this is a sewer, not in the park, but in the city of Sulphur.

Mr. SHERLEY. Oh, no; it is in the park.

Mr. MANN. It is a city sewer through the park for the benefit of the city of Sulphur.

Mr. MILLER. I do not agree with the gentleman's conclusions.

Mr. MANN. It is a sewer through the park, no matter for whose benefit it may be.

Mr. STEPHENS of Texas. It was necessary that the sewer pass through the park.

Mr. MANN. Whatever the reason was, it was a sewer through the park. Now, the Committee on Appropriations is the only committee of the House that has jurisdiction over appropriations for the maintenance of national parks; and while it is true that this item slipped into the Indian appropriation bill by way of a Senate amendment, that does not change the jurisdiction of the House committees. So that it is within the jurisdiction of the Appropriations Committee in reference to appropriations for sewers, that the committee having jurisdiction has reported this item in the bill which does retrench expenditures.

Mr. STEPHENS of Texas. This is a repeal of the act of last year, and I desire to call attention to the hearing before the committee having this matter in charge, in reference to the $17,500 for the sewer in the city of Sulphur. Mr. Ucker, who was before the Committee on Appropriations, said:

In the Indian appropriation bill last year Congress appropriated $17,500 for a sewer when the city should raise a like amount. The city raised the money and deposited it with the disbursing officer of the department and he covered it into the Treasury, so that there is $35,000 available for this sewer.

This act has been carried out in part. I think this item is clearly subject to the point of order.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Illinois makes the point that this is in order under the Holman rule. The Chair will call the attention of the gentleman to the provision which he read. It does not apply to the bill. It applies to the power to amend the bill.

Mr. MANN. I did not discuss that part of the matter because it has been ruled several times by Chairmen on this same subject that that provision covered the item in the bill where the committee reporting the bill had jurisdiction of the subject matter. In other words, if this should be stricken out on the point of order now, and the Committee on Appropriations should immediately offer the item again and it should be held in order, the Chair will readily see that that would be a work of supererogation, and so the various Chairmen in the last few years have ruled that if the Committee on Appropriations, or the Committee on Military Affairs, or any other committee, had jurisdiction of the matter covered by the item in the bill as reported, they would have the same authority in that way as they would have by offering an amendment on the floor.

The CHAIRMAN. It does not seem to the Chair that the Committee on Appropriations has jurisdiction over this subject matter, and therefore the Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 118, after line 22, insert the following:

"The appropriation of $17,500, made in the Indian appropriation act for the fiscal year 1913, for construction of a sanitary sewer system in Platt National Park, Okla., to be expended under the direction of the Secretary of the Interior, is repealed."

Mr. MILLER. I make a point of order against it. The amendment read is in the identical language, word for word, as the item that went out on the point of order.

Mr. FITZGERALD. I did not catch the ground on which the Chair sustained the point of order. Do I understand the Chair sustained the point of order on the ground that the committee had no jurisdiction?

The CHAIRMAN. The Chair stated that, in his opinion, the committee had no jurisdiction to enact this legislation. It is legislation, and I do not suppose the gentleman will deny that it is. It is repealing a law, which it does not seem to the Chair that the committee has jurisdiction to do.

Mr. FITZGERALD. In order that there may be no confusion in the future, I wanted the Chair to state his ruling. The committee has jurisdiction of the items for the park, but the Chair puts his ruling on the ground that it has no jurisdiction to repeal the statute.

The CHAIRMAN. The gentleman is, of course, familiar with that portion of the rule dealing with change of existing law. It has been held that even for the Committee on Appropriations to construe a law is not in order, and certainly it can not be in order for the committee to repeal the law already enacted. The Chair sustains the point of order.

The Clerk read as follows:

HOWARD UNIVERSITY.

For maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, and for ice and stationery, the balance of which shall be paid from donations and other sources, of which sum not less than $1,500 shall be used for normal instruction, $60,000.

Mr. MADDEN. Mr. Chairman, I move to amend the item by striking out the figures "$60,000" and inserting the figures "$69,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 119, line 4, strike out the figures "$60,000," at the end of the line, and insert in lieu thereof the figures "$69,000."

Mr. MADDEN. Mr. Chairman, there was an estimate made of $9,025 for additions to the teaching force in Howard University which was not allowed by the committee. The item reads as follows:

Assistant, English	$600
Assistant, mathematics	750
Assistant, chemistry	600

Two assistants, at $300	$600
English teacher	1,000
History teacher	1,500
Instructor in English	500
Latin and French	600
Geography	600
Instructor in bookkeeping	500
Head of Clark Hall	1,000
Cashier	250
Music	525
Total	9,025

No part of this estimate has been allowed. The enrollment is 1,409, and 85 per cent of those are in actual attendance the whole year round. The enormous amount of work which the university is to-day doing can not be done with its present staff, and it seems to me that if we are going to maintain this institution it ought to be maintained at the highest possible standard. [Applause.]

It ought not to be maintained in such a way as to prevent it from doing the work which it was intended it should do. It is doing a first-class work. It is turning out men who are useful citizens of America. They are factors in the communities to which they go after they have received their education here, and the Congress of the United States should encourage in every way within its power the development of the institution and give to those who attend the institution the highest opportunities within its powers to receive the kind of education they ought to receive. The failure to appropriate is a source of great embarrassment to the institution, and I sincerely hope that the committee will agree to the adoption of this amendment.

Mr. COOPER. Mr. Chairman, I would like to ask the gentleman from New York a question. I observe that there is no appropriation relating to Howard University for a new building.

Mr. FITZGERALD. My recollection is they requested a new building.

Mr. COOPER. I was about to ask the gentleman from New York if there was not an urgent appeal for a new building?

Mr. FITZGERALD. There was a request made, as I recall, for a new assembly hall, but the committee did not feel justified in recommending it.

Mr. COOPER. I regret that nothing of the kind has been inserted in the bill, because I have information upon which I rely from competent judges that there is a very great need for a new building.

Mr. FITZGERALD. Mr. Chairman, the committee considered very carefully the request made for this additional money for the teaching force and concluded not to recommend it. In 10 years the appropriations for the teaching have been doubled by Congress. Appropriations are purely gratuitous. I believe this institution is doing a very good work. I was quite instrumental a few years ago in obtaining an appropriation for an additional building known as science hall, but I believe that the appropriation recommended is adequate to enable the institution to continue its development. I have no doubt that from time to time as the necessity becomes greater Congress will give to the institution such sums as will be necessitated by the development of the work. Upon consideration of the request and from a knowledge of the conditions that existed the committee believes that $60,000 will be sufficient, together with the small additional sum available from the endowment, to adequately maintain the teaching force. There is no hostility to the institution. I think everybody feels friendly toward it and is anxious to have it maintained in proper shape.

Mr. MADDEN. Does not the gentleman think that a reduction of estimates from $69,000 to $60,000 is a source of embarrassment to the institution, and does take away the degree of efficiency which should be maintained there?

Mr. FITZGERALD. Not necessarily. Congress has rarely appropriated the amount requested for this purpose.

Mr. SHERLEY. The maximum amount that has ever been appropriated since 1903 is $60,000.

Mr. MADDEN. But after all, the gentleman from Kentucky and the gentleman from New York will not deny the fact that the institution is growing.

Mr. FITZGERALD. I think that it is not growing in numbers of students. I think it is at its capacity now.

Mr. SHERLEY. Mr. Chairman, I think this, and I am perfectly frank in saying to the gentleman that I believe the Congress of the United States can not afford to do other than be fair and liberal with Howard University. Yet I believe that its growth and increase has been infinitely greater in the way of income and appropriations than, for instance, the University of Virginia, where I went and received my education, which institution has been miserably poor and has struggled from year to year, although one of the greatest universities in America. I do think the committee has been liberal in its treatment of the university. There certainly has been no attempt on the part of any of us to discriminate in any degree.

Mr. MADDEN. I have not any doubt but that the committee recommended what was its best judgment. I have given some consideration to this question and have made some considerable investigations as to the needs of the institution. I am sincere in my suggestion that there surely ought to be something more than $60,000 appropriated in this bill, and I hope the committee will do what seems to me to be justice in this case.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 10, noes 21.

So the amendment was rejected.

Mr. KENDALL. Mr. Chairman, I offer the amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting as a new paragraph, after line 4, page 119, the following:

"For assembly hall for use of university, $75,000."

Mr. FITZGERALD. Mr. Chairman, on that I reserve the point of order. Does the gentleman desire five minutes to discuss it?

Mr. KENDALL. Yes; to discuss the amendment.

Mr. FITZGERALD. I intend to make the point of order.

The CHAIRMAN. Does the gentleman from New York reserve the point of order?

Mr FITZGERALD. I will reserve the point of order.

Mr. KENDALL. I desire to be heard briefly upon the amendment I have offered for the construction of an assembly hall at Howard University. It may possibly be the purpose of the committee to reject the proposition, as it did last year when it was advanced by the gentleman from Illinois [Mr. CANNON], but I impose upon the indulgence of the House to submit a suggestion or two which ought to be accorded serious consideration.

Mr. Chairman, I am persuaded that very few Members on this floor and, indeed, very few people in the country have any proper appreciation of the magnitude or the importance of the work that is being prosecuted at Howard University. The institution has invested in real estate, buildings, and equipment $1,300,000. It has annual revenues approximating $180,000, with annual disbursements aggregating the same amount. It has a faculty consisting of 132 professors and teachers, with an enrollment of 1,500 young men and young women, attracted from all sections of the country. It presents a curriculum as suitable and as comprehensive as that of any university in the country. Since its establishment in 1867 it has conferred diplomas upon about 4,000 graduates, who are now resident in every section of the United States, exerting an influence that can not be overestimated for the enlightenment, the education, the elevation of the colored race. Now, Mr. Chairman, what I have proposed here is the erection of an assembly hall for this institution. The Interior Department recommended this auditorium and submitted an estimate to the Committee on Appropriations. I quote now from page 540 of the Book of Estimates:

The only assembly hall of the university, with 1,500 students, is Rankin Memorial Chapel, which seats only 600. The increase in collegiate, academic, and industrial students so crowded the chapel last year that a large body of students could not be seated, interfering with the best discipline and order. There is no assembly hall for seating the people on special occasions, although Howard University is becoming more and more the center for the broader education of an entire race in educational, civic, and moral life. A plain and commodious assembly hall can be built in the natural amphitheater on the west side of the campus at moderate cost. The board of trustees regard the proposed building as indispensable.

That was the report that was submitted to the Committee on Appropriations by the Department of the Interior. Dr. Newman, the distinguished president; Prof. Parks, the excellent treasurer; and Prof. Cook, the efficient secretary of the university, all appeared and were examined as to the imperative necessity for the construction of this building. I quote from page 845 of the hearings:

The CHAIRMAN. The next item is for an assembly hall for university uses, $75,000.

Dr. NEWMAN. That is an item which is greatly needed because of the fact that the assembly of the students is the only place where we handle them for general purposes of conduct, admonition, rebuke, etc. The general officers of the university, of course, can not do that in the classroom, and at present we can only get about 600 of our students into our chapel, or a little over that; and where it is necessary to speak to them, as the secretary and I have to do constantly, about general conduct, we can not handle the whole body, and you know how, in a body of students, things grow unless they are corrected on the instant; consequently a large hall is deemed by the trustees absolutely necessary.

The CHAIRMAN. What kind of a building is this to be? Have you any plans or designs to submit? Who made this estimate?

Mr. COOK. The estimate was first made last year by the former president. He had some plans and was very well advised about it. You

understand we have no place even to hold a commencement. There is no kind of general meeting we can hold for Howard University unless we leave the campus and go outside. There is no place down town for us, because a good many places will not rent to a colored institution.

The CHAIRMAN. We want to know something about the character of the building you are to have and who made this estimate. What are you going to get for $75,000?

Mr. COOK. We would expect to have a large auditorium, with certain rooms in the front of it.

The CHAIRMAN. Has anything definite been done toward working out the character of building you are to have under this appropriation?

Dr. PARKS. President Thirkield had plans drawn by the architects and estimates made.

The CHAIRMAN. What was the building to be?

Dr. PARKS. An auditorium holding from 1,500 to 2,000 people, with some rooms on the front of it, and a rostrum.

The CHAIRMAN. What are the dimensions of the building to be as planned?

Dr. PARKS. I do not carry that information in my mind. I did not think it would be called for, and I do not know the definite figures.

The CHAIRMAN. You can get that information for us?

Dr. PARKS. Yes.

NOTE.—There is submitted herewith a letter from the architect. The sketch plans for the building have been sent to the committee rooms.

WASHINGTON, D. C., *February 8, 1913.*

HOWARD UNIVERSITY.

GENTLEMEN: Herewith please find sketch plans for assembly hall for the university. The building to be of brick, conforming to the new buildings recently erected at the university, with stone and terra-cotta trimming. The building would be fireproof up to and including the first floor. The interior would be finished in plaster, with wood floors generally, except that the corridors would be of tile; the woodwork to be of birch, the lighting to be with electricity, and the heating from the central plant now in operation.

I would estimate the cost of this building at $75,000.

Yours, very truly,

A. P. CLARK, Jr., *Architect.*

Mr. Chairman, the time has gone by, it seems to me, when the Government can afford to restrain its generosity toward this great institution. It ought to be our policy to extend it the most liberal encouragement, because it has been recognized by men who have had opportunity to inform themselves as a great school, conducted by great men, and rendering a great service. President Cleveland watched the university with much interest and commended it strongly. Here is what he said upon one occasion:

I have had occasion to become familiar with the work being done by the Howard University, and it meets my cordial approval.

The institution had an enthusiastic friend in President McKinley, and in a public address he said:

It would be difficult to exaggerate the excellent influence that is constantly being exerted by Howard University. I hope the people of the country may respond generously for its support.

President Roosevelt always manifested the most intelligent interest in the institution, and in one of his messages to Congress he said:

This institution has been devoted throughout its career to turning out men and women who should be teachers and helpers of their own people toward the higher life. Upon their leading and teaching much depends for their race and for their country.

It is unnecessary to say that since President Taft has been in the White House as Chief Executive he has had a more complete and intimate understanding of the school, of its promise, and of its performance than any of his predecessors, and he has been one of its most devoted adherents. He said:

This university offers to the colored race what it needs and without which it can not make advancement, to wit, colored leaders of thought in every profession, who shall lead the whole race onward and upward. Everything that I can do as an Executive in the way of helping along this university I expect to do. I expect to do it because I believe it is a debt of the people of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. KENDALL. Now, Mr. Chairman, I had the honor last May to attend a banquet tendered by the alumni as a testimonial to Prof. George W. Cook, whom I am proud to consider my personal friend, upon the completion of the thirty-eighth year of his connection with this university as secretary and business manager. It was a most interesting occasion. I think I was the only white man present. I know I was the only man in that company who in his speech was limited to one language. There were 250 men there, lawyers, doctors, teachers, ministers, merchants, and bankers, from Massachusetts to Colorado, and from Minnesota to Texas, a splendid assemblage of men, and a powerful demonstration of the efficacy of the work that is being done at Howard University. [Applause.]

I was profoundly impressed with the school and with its possibilities. I have no hesitancy in asserting that if the people generally understood the results which are being accomplished in this institution, and the limitations which embarrass it, they would authorize double the appropriations for its support that are included in this measure. I resolved that if I had opportunity I would contribute whatever influence I may have to make possible its development and its prosperity in the great work in which it is engaged.

I have therefore presented this amendment which authorizes the construction of an assembly hall. At present no place is provided where commencement exercises can be held, and from 250 to 300 pupils are graduated each year. There is no hall in which the student body may congregate for any purpose, either for admonition, for instruction, or, as Prof. Cook said before the committee, for rebuke, which is sometimes necessary, I suppose, in educational institutions.

The Department of the Interior recognizes the vital and immediate need of this building, and so it sent to the Committee on Appropriations an estimate, accompanying it with plans, designs, and specifications, prepared by the architect, showing that a suitable and satisfactory structure could be erected for the sum of $75,000. In the circumstances, I earnestly hope that the committee will consent that my amendment may be attached to the bill, so that this splendid institution, a university that is not surpassed by any school on the Western Continent, may not be restricted in the possibilities for usefulness it ought to enjoy. [Applause.]

Mr. PAGE. Mr. Chairman, I do not care to discuss at any length either the institution or the amendment that has been offered by the gentleman from Iowa [Mr. KENDALL]. It has been already stated that the committee has been from time to time liberal with this institution, and there is not, certainly, in the committee or on the part of any Member of this House otherwise than a liberal feeling toward it. In this bill the committee has increased the appropriation $4,000 over the current law. And then it must be remembered, too, Mr. Chairman, that the appropriation carried in this bill for this institution is a gratuity after all, and its benefits are not confined even to the race which is American. The catalogue discloses the fact that there are a number of students from other countries who are receiving the benefits of the appropriation made by the Congress. The appropriation as it has been made, as it is carried in this bill, meets with the approval not only of myself but of everybody else upon the committee and upon the floor, I imagine. But as to the amendment offered by the gentleman from Iowa [Mr. KENDALL], the necessity, even, for this assembly hall was not sufficiently impressed upon the committee to warrant us in recommending it, although there was an estimate made.

Mr. Chairman, I make the point of order that it is not authorized by law.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Penitentiary, Leavenworth, Kans.: For continuing construction, $100,000, to be available immediately and to remain available until expended, all of which sum shall be so expended as to give the maximum amount of employment to the inmates of said penitentiary.

Mr. SISSON. Mr. Chairman, as to this item for the penitentiary at Leavenworth, Kans., how much more, I will ask the chairman of the committee, is supposed to be necessary to complete this work?

Mr. FITZGERALD. Nobody knows. The gentleman will recall that the committee has placed a provision in the bill which prohibits the construction of any additional building at either Leavenworth or Atlanta unless specific authority be granted by Congress. The official in charge stated that the amount of work to be done depended very largely on the amount of fees the architect seemed to desire for the year.

Mr. SISSON. The only reason I called attention to the item was for the purpose of bringing out the fact that it does not seem that we can ever complete these two propositions.

Mr. FITZGERALD. This should be stated, however, that the construction of these buildings has afforded the only means of utilizing the labor of the convicts, and it is regarded as highly essential that some form of labor should be provided for the men confined in prisons.

Mr. COX. The gentleman has touched on the very point that I wanted to inquire about, and that is this: Why that peculiar language, "all of which shall be so expended as to give the maximum amount of employment to the inmates of said penitentiary"?

Mr. FITZGERALD. There are no shops or other means of employment for the Federal prisoners at these penitentiaries, and it is essential to keep them occupied. One of the great problems of prison administration is to furnish employment to the inmates of the prisons, and they have been utilized as far as possible in constructing these buildings.

Mr. COX. To help construct these works?

Mr. FITZGERALD. Yes.

Mr. COX. The Government does not pay them anything while they are working?

Mr. FITZGERALD. No; it does not.

Mr. SISSON. Now, I will state to the gentleman that it is a fact that you have so much better discipline when the men

are employed; but, so far as I am personally concerned, I would like very much to see a system in vogue where these convicts can be used for some useful public works of some kind.

Mr. COX. On the highways?

Mr. SISSON. Either upon the post roads or upon the levee work that the Government is doing, and have the prisoners properly clothed and fed, instead of lying around these penitentiaries and having nothing to do except when they are put on some new addition to the penitentiary.

Mr. COX. At the Government expense.

Mr. SISSON. Yes.

The CHAIRMAN. The pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

No additional building for any purpose whatever shall hereafter be commenced at any United States penitentiary except after authority or specific appropriation therefor shall have been granted by Congress.

Mr. MANN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. MANN. Apparently, under this provision they could not construct an outbuilding of any kind, even if it were in connection with the building work on the penitentiary. If you wanted to put up a shelter at some place, you could not do that without specific authority.

Mr. FITZGERALD. The object of this is to obtain information in advance. From year to year the Department of Justice requests Congress to appropriate. For instance, as in this case of the penitentiary at Atlanta, the department requests $175,000. The limit of cost of that building was $1,500,000, and we have already expended $1,515,000.

Mr. MANN. You do not need to appropriate for it if you do not want to.

Mr. FITZGERALD. But this is what happens: Each year the department comes to Congress and states that it has in course of construction a building, and it is impossible to tell what the cost will be and impossible to tell when some other building is to be started or where the end is to be.

Mr. MANN. Very well, if they need the building. If they do not, you do not need to recommend an appropriation for it.

Mr. FITZGERALD. Under the contract system with the architects they largely determine the amount of work that is to be done.

Mr. MANN. Well, I do not think the Committee on Appropriations is entirely under the thumb of the architects.

Mr. FITZGERALD. Well, ever since I have been a member of it, nearly eight years now, it has been absolutely helpless in regard to these buildings at the Federal prisons.

Mr. MANN. Here is the situation about it: In the first place, under this language if you should authorize the construction of a main building you could not put up a tool shed unless that was included specifically in the authorization. You could not put up a place to store anything in or a place to put cement in to preserve it from the weather unless it was specifically authorized. But, in the second place, until Congress makes some provision for giving work to the inmates of the penitentiary they had better be allowed to put up stone buildings, even if they have to pull them down after they have put them up, and then rebuild them. It is cruel to confine men without giving them anything to do. I would rather appropriate a little money now and then to give them some work to do, which they claim to be necessary, and which no one denies the necessity of, rather than keep them in confinement with nothing to do.

My recollection is that we have just recently passed a resolution for a commission—passed it in the House the other day—to visit the penitentiaries and make recommendations. There was such a proposition here.

Mr. BEALL of Texas. Mr. Chairman, I will state to the gentleman from Illinois that my understanding is that the gentleman from Tennessee some time ago called up a resolution looking to the formation of a commission; but my recollection is that it was not passed, unless it was called up a second time. I think it was objected to the first time it was called up.

Mr. MANN. It was called up a second time, and I think it was passed. I think we can afford to wait before we determine that these men shall not have anything to do. Therefore I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 121, by adding at the end of line 21 the following:
"No part of any money appropriated in this act under the Department of Justice shall be used for beginning the construction of any new or additional buildings at any Federal penitentiary."

Mr. MANN. I have no objection to that.

Mr. FITZGERALD. This will accomplish what we desire, and will not prevent the other thing.

Mr. MANN. That is true.

Mr. BEALL of Texas. In the preparation of this bill, did the gentleman from New York get any information as to how much had been paid to the architects at Leavenworth during the past year?

Mr. FITZGERALD. No.

Mr. BEALL of Texas. I will state that I was informed by the Department of Justice a month or six weeks ago that the architects who had charge of the improvements at Leavenworth had presented bills to the Department of Justice for approximately $30,000 for their services during the past year. Does the gentleman from New York remember the fact that the bill which passed the House last year contained a provision that not to exceed $3,500 should be paid to the architects for the year ending June 30, 1913? That was stricken out in the Senate and remained out in conference, and the architects for the Leavenworth prison presented bills for their services for the past year of $30,000, when the total appropriation for the buildings at Leavenworth contained in the last sundry civil bill was only $100,000.

Mr. COOPER. What were the "services"? Were they commissions?

Mr. BEALL of Texas. They were commissions. I will state to the gentleman from Wisconsin, if the gentleman from New York [Mr. FITZGERALD] will permit me, that in my judgment the architects for the Leavenworth Penitentiary have been collecting commissions upon work that they did for years while under an annual salary of $3,500. In other words, for years they received a salary of $3,500—from 1897 up to about 1908—and then the contract was changed and they were given a percentage compensation, and that percentage was calculated to a very large extent upon the work that they had already done under the annual salary allowance.

Mr. COOPER. Does the gentleman mean to say that while these gentlemen were Government employees, in receipt of a salary of $3,500 a year, they claimed commissions?

Mr. BEALL of Texas. I mean to say this: That about 1897 they were employed in connection with the Leavenworth Penitentiary, and prepared the preliminary plans and started the construction of that building now being constructed. They continued for 10 years or more upon that annual-salary basis, and then the contract was changed by the Department of Justice, and they were given 5 per cent commission upon the estimated cost of the construction at Leavenworth, but a large part of the architects' work had already been done before the new contract was made.

If the gentleman from New York [Mr. FITZGERALD] will permit me, I think the contract with these architects that the Department of Justice made in connection with the construction work at Leavenworth was absolutely indefensible. I have no doubt that these architects have received double compensation—the compensation at $3,500 a year for 10 years, or about that time—and then, since the contract was changed, they received their percentage commission for much work that they did while they were receiving annual compensation.

Mr. McKENZIE. If the statements that the gentleman from Texas has just made are true, are not these men liable to indictment for a criminal act?

Mr. BEALL of Texas. I do not know about that. The Department of Justice in about 1908 or 1909 changed their contract, and gave them compensation at the rate of 5 per cent upon the cost of all the work in progress at Leavenworth, and for several years they had been working upon that construction out there at an annual salary of $3,500 a year, and under the new contract they received this commission upon the cost of work that had been done while they were receiving a yearly salary.

Mr. FITZGERALD. Mr. Chairman, I do not know how much has been paid to the architects. Last year the committee went into the matter exhaustively, and in order to get control of the situation it is necessary to be in a position to know before the buildings are started what they will cost and what compensation will be paid for architects' services. The amendment now pending will, I think, bring the matter into such shape that the House will have the information and be able to control the situation.

Mr. COOPER. Is it the understanding of the gentleman from New York that this change of contract by which these architects would receive a commission was made retroactive, so that it covered a period when they were under a salary?

Mr. FITZGERALD. I have not looked that matter up.

Mr. COOPER. That seems to be the understanding of the gentleman from Texas.

Mr. FITZGERALD. The gentleman from Texas is chairman of the Committee on Expenditures in the Department of Justice and that committee conducted a very exhaustive investigation and is very familiar with all the facts in connection with the matter.

Mr. COOPER. It is a most remarkable thing if the change in the contract was made retroactive.

Mr. FITZGERALD. Everybody who has looked into it thinks it is a remarkable situation. The firm of architects in St. Louis has been collecting fees for the construction of two penitentiaries—one at Leavenworth, Kans., and the other at Atlanta, Ga.

Mr. COX. I would like to ask the gentleman whether or not the Attorney General allowed the $30,000?

Mr. BEALL of Texas. I have no facts on that subject. I requested the Department of Justice to advise me with respect to the claim presented by the architects in connection with the Leavenworth prison. They sent me a statement that verified what I had been informed of before, that at that time there was pending in the Department of Justice claims of the architects amounting to $30,000, when the entire appropriation for this year for the prison at Leavenworth was $100,000. They asked for $30,000 out of that $100,000 for that compensation for services as architects during this year. At the time this information was furnished the claims had not been paid, and I hope the department will refuse their payment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. Will the gentleman yield to me?

Mr. BEALL of Texas. Mr. Chairman, I move to strike out the last word in order to give the gentleman from Illinois an opportunity to ask a question.

Mr. McKENZIE. I wanted to ask whether the gentleman knows if any part of the $30,000 has been allowed?

Mr. BEALL of Texas. I do not know. At the time the report was made to me it had not been, and I have no later information as to whether the account had been adjusted or whether any part of it had been paid. I will state that in my judgment the most extravagant and most extraordinary allowances have been made to these architects. Prior to this bill of $30,000 they have collected between $80,000 and $100,000 for construction work at Leavenworth and an equal amount on construction work at Atlanta.

Mr. McKENZIE. In my opinion the gentleman from Texas ought to pursue this matter to the final end.

Mr. BEALL of Texas. I intend to. I will state for the information of the gentleman from Wisconsin [Mr. COOPER] that this construction work began at Leavenworth about 1897 and 1898 upon a basis of an annual salary to these architects of $3,500. They began the work of construction there and proceeded for 10 years, and then there was a change in the contract, and under that new contract they were given compensation upon a basis of 5 per cent, I think it was, upon the cost of construction then in progress at Leavenworth, when a large part of their work had been done during the years when they were receiving compensation of $3,500 a year.

I called the attention of the House to it last year and endeavored to correct the situation by an amendment limiting the expenditures during this year to $3,500. I really supposed that, because of payments previously made, there would not be any considerable amount claimed by the architects under the contracts for this year, but I received information from Leavenworth that there was a bill for $30,000 before the Department of Justice in behalf of these architects.

I made inquiry of the department and that information was confirmed by the statement and they gave me the items. The bill that was presented claimed $30,000 out of a total appropriation of $100,000, leaving only $70,000 to be used for actual construction if these excessive fees are paid.

Mr. MANN. The gentleman has the items, and why not put them in the RECORD?

Mr. BEALL of Texas. Mr. Chairman, I have not the items immediately at hand, but, with the permission of the committee, I will be glad to insert them in the RECORD at a later date.

Mr. FOSTER. Mr. Chairman, does the gentleman state that after 10 years under contract at an annual salary they were then given another contract which gave them 5 per cent upon work that was done while the first contract was in force?

Mr. BEALL of Texas. I do state that as a positive fact. They served for $3,500 a year for several years, and yet under a new contract they received $15,000 or $20,000 a year for doing the same work formerly done for $3,500 per year, and a certain portion of their commission was for work that had been done while they were upon the annual salary.

The CHAIRMAN. The time of the gentleman from Texas has expired. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York. The Chair will suggest that inasmuch as the last paragraph went out on a point of order the amendment should come in in line 21.

Mr. FITZGERALD. Mr. Chairman, I will ask that it be inserted at the proper place.

The CHAIRMAN. Without objection, that will be done. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

MISCELLANEOUS OBJECTS, DEPARTMENT OF JUSTICE.

Conduct of customs cases: Assistant Attorney General, $8,000; assistant attorneys—1 $5,000, 1 $4,500, 1 $3,000; special attorneys and counselors at law in the conduct of customs cases, to be employed and their compensation fixed by the Attorney General, as authorized by section 30 of the act of August 5, 1909, $35,000; necessary clerical assistance and other employees at the seat of government and elsewhere, to be employed and their compensation fixed by the Attorney General; supplies, printing, traveling, and other miscellaneous and incidental expenses, to be expended under the direction of the Attorney General, $27,000; in all, $82,500.

Mr. FOWLER. Mr. Chairman, I make the point of order against the paragraph, especially that part of it which reads as follows:

Assistant Attorney General, $8,000.

By the act of February 25, 1871, provision was made for three Assistant Attorneys General, at a salary of $5,000 annually. By the act of March 3, 1891, provision was made for an additional Assistant Attorney General, on a salary of $2,500. By the act of June 13, 1892, an appropriation of $2,500 additional was made to pay for this Fourth Assistant Attorney General, and his salary was fixed by that act at $5,000 a year. So the revised statute as it now stands makes provision for four Assistant Attorneys General, at a salary of $5,000 each. There is no authority for increasing the salary of this Attorney General from $5,000 to $8,000 per annum.

Mr. FITZGERALD. Mr. Chairman, the gentleman has not discovered the law under which these particular officials were created. They were created in what is known as the Payne-Aldrich Tariff Act. I have sent to the Library to get a copy of that act. I ask that the paragraph be passed temporarily.

Mr. FOWLER. Mr. Chairman, I have no disposition to press the point of order until the gentleman can procure that act.

The CHAIRMAN. Without objection, the paragraph will be passed temporarily.

There was no objection.

The Clerk read as follows:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, and referees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice as may be directed by the Attorney General, including not to exceed $10,000 for necessary employees at the seat of government, to be expended under the direction of the Attorney General, $450,000.

Mr. KNOWLAND. Mr. Chairman, I move to strike out the last word. I notice in the hearings that the special commissioner for the suppression of the white-slave traffic asks that appropriation for the suppression of the white-slave traffic be placed under a special head.

Mr. FITZGERALD. Mr. Chairman, it is in this item. The department requested us to segregate the appropriation for the enforcement of the white-slave traffic act, known as the Mann law, but the committee could see no reason for having the appropriation for the enforcement of all other criminal acts in one paragraph and the appropriation for the enforcement of a particular act segregated. The committee declined to separate the items and determined to keep them in one paragraph.

Mr. KNOWLAND. Does not the gentleman think that there is merit in the contention of the commissioner that under the present arrangement they do not know exactly how much money they will receive, and that if a special paragraph was provided some of the other work requiring appropriations might not take the money required for this particular and important work?

Mr. FITZGERALD. In this way the Attorney General allots the amount of money he believes is required for that particular work, and he has available a larger fund for the purpose, if it be deemed necessary, than if the amount were segregated. The gentleman can understand that if we were to segregate the appropriations for the detection and prosecution of crimes under every penal statute this bill would be so long that it could never

be read, and there is no reason why the amount available for the prosecution of offenders under one statute should be segregated any more than under another.

Mr. KNOWLAND. The amount this year is $50,000 more than that of last year.

Mr. FITZGERALD. Yes. The estimate in the two items as submitted by the department was for $500,000 segregated, and the committee, appreciating the money was available and interchangeable, recommended $450,000, which is an increase of $50,000 over the current law.

Mr. KNOWLAND. How much increase will that make for the white-slave bureau?

Mr. FITZGERALD. Whatever the Department of Justice, the Attorney General, determines is necessary of this fund will be expended in that manner.

Mr. KNOWLAND. The additional $50,000 does not go, then, to this bureau?

Mr. FITZGERALD. They are spending at present over $100,000 a year out of the present appropriation.

Mr. KNOWLAND. There was a deficiency for this year, was there not, of $25,000?

Mr. FITZGERALD. I have not examined the deficiency estimates thus far. I believe it is good administration to keep the item in its present shape, and the committee believe that the amount recommended should be sufficient.

Mr. BURKE of South Dakota. Will the gentleman yield? About three years ago, I desire to say to the gentleman from New York, when the Indian appropriation bill was pending, the committee arranged the appropriations that had been previously made separately for certain purposes in the Indian service and reduced the aggregate, maintaining that it was in the interest of good administration; and I recall very distinctly that the gentleman from New York very strenuously objected to what he called lump-sum appropriations.

Mr. MANN. He was on the other side then.

Mr. FITZGERALD. This is an entirely different situation.

Mr. BURKE of South Dakota. Not at all.

Mr. FITZGERALD. I insist it is. I know what I am talking about in this connection.

Mr. BURKE of South Dakota. I want to ask the gentleman if he has changed his views with reference to what are termed "lump-sum appropriations" since that time?

Mr. FITZGERALD. No. The idea here is whether there shall be built up separate independent forces and organizations for the protection and prosecution of offenders under various penal laws or whether the department shall continue with the present organization to be utilized as the necessities require. Nobody can tell what the violations of the various penal statutes will be. That is something nobody can anticipate.

Mr. BURKE of South Dakota. The gentleman has just stated the Attorney General apportions these amounts for the different purposes. My recollection is that we used exactly the same argument at the time the matter I have referred to was under discussion, and the gentleman argued that he thought the House was just as capable of segregating and determining how much should be expended for these various purposes as the head of some department.

Mr. FITZGERALD. The gentleman was attempting a consolidation of items; the committee is not doing that.

Mr. BURKE of South Dakota. No; the appropriation, to be specific, was in reference to farmers, matrons, and persons employed in looking after timber on Indian reservations, and previously bills carried separate items for those purposes. The committee brought in a lump-sum appropriation for these several purposes and reduced the aggregate considerably, and the gentleman from New York, I remember distinctly, was very much opposed to what he termed a lump-sum appropriation.

Mr. FITZGERALD. The difference is this. In that case——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman from California be allowed five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. In that case the committee attempted a consolidation of items, while in this case the Committee on Appropriations is endeavoring to appropriate an additional lump-sum appropriation——

Mr. BURKE of South Dakota. I was wondering whether or not the fact that the gentleman is now in a position of responsibility perhaps had something to do with his change of ideas upon this subject of appropriating money. I want to say I am in accord with the gentleman's view, because it was the position I took three years ago when we had the bill before the House in the Indian appropriation bill, at which time the gentleman took an opposite position.

Mr. KNOWLAND. In further reference to this matter, Mr. Chairman, I would like to read an extract from the testimony of Mr. Finch. He says:

> Because with the growth of the white-slave work there is always the possibility that we might be crowded out on the white-slave work. That is one thing that should be prevented.

I should think that when a man who is as familiar with the work as Mr. Finch fears that something of that kind might occur, every consideration should be shown him.

Mr. FITZGERALD. I believe the committee has recommended ample funds to conduct the work. I am quite in sympathy with the efforts being made to suppress this evil, and I think in the administration of this fund there will be no difficulty. If by any possibility a mistake has been made or additional funds are required, I think there is no objection on the part of Congress to appropriating the moneys necessary to do the work.

Mr. KNOWLAND. If that is the attitude, I am glad to hear it. I think the committee has always showed a disposition to give the full amount asked for. I know they did last year and I assume they have this year also, and the only anxiety I had was there might be a possibility of the appropriation being diverted.

Mr. FITZGERALD. I believe with the items segregated it would have been necessary to have had an increase in each of them, but with them together it is unnecessary to appropriate with the organization as large a sum as otherwise might be necessary.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. MANN. My understanding is that the Committee on Appropriations not only appreciates the value of the work being done under that law, but is in sympathy with the work, and is quite willing to furnish all the needed funds.

Mr. FITZGERALD. In entire sympathy, and has tried to cooperate heartily with the department in the work.

Mr. Chairman, I ask to return now to the item which was passed over temporarily—section 30 of the present tariff law, page 122. The gentleman from Illinois [Mr. FOWLER] makes a point of order against the position of the Assistant Attorney General at $8,000, because it is a violation of law in that it increases the compensation of the position. Under the law, Mr. Chairman, the compensation is fixed at $10,000, and the committee is providing a place at $2,000 less than the law authorized. Section 30 of the so-called Payne tariff law—the act of August 5, 1909—provides:

> That there shall be appointed by the President, by and with the advice and consent of the Senate, an Assistant Attorney General, who shall exercise the functions of his office under the supervision and control of the Attorney General of the United States, and who shall be paid a salary of $10,000 per annum.

This is the position for which the committee appropriated $8,000 a year.

Mr. FOWLER. What is the name given to the position?

Mr. FITZGERALD. Assistant Attorney General.

Mr. FOWLER. In section 30?

Mr. FITZGERALD. In section 30; yes. It is that $10,000 place. The committee has provided only $8,000, and that is all the man receives.

Mr. FOWLER. Mr. Chairman, I desire to let the matter pass until I can make a little further examination.

Mr. FITZGERALD. There is no question about it. I have the law, and I think we should dispose of it. This is a position provided in this bill, at $2,000 less than the law authorizes, and that is not subject to a point of order.

Mr. FOWLER. I have the bill before me now, Mr. Chairman, and in reading that section of the bill that is referred to as section 30, I have not been able to find it yet.

Mr. FITZGERALD. If the gentleman will read section 30——

Mr. FOWLER. All I desire, Mr. Chairman, is that it may stand until I can read that section.

Mr. FITZGERALD. I have just read it to the gentleman.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent to pass the paragraph referred to temporarily. Is there objection?

There was no objection.

The Clerk read as follows:

> Inspection of prisons and prisoners and parole: For the inspection of United States prisons and prisoners, and for the collection, classification, and preservation of criminal identification records, and their exchange with the officials of State and other institutions, to be expended under the direction of the Attorney General, $10,000.

Mr. BEALL of Texas. Mr. Chairman, I move to strike out the last word.

I do not desire to consume the time of the committee and delay the consideration of this bill except just long enough to

call the attention of the committee to the fact that in connection with these Federal prisons this Congress will soon have two problems to meet and two problems to solve. The first is in connection with the parole board, that deals with the question of the parole of these Federal prisoners. At present it is composed of the superintendent of prisons and the warden and the physician of each of the penitentiaries. I think I am authorized to say that it is the opinion of the warden of each of these penitentiaries, as well as the opinion of the physician in each of these penitentiaries, that they should not be members of this parole board, but that the parole board should be constituted of three members entirely different from the present constituted officers. The warden of the penitentiary comes in direct and personal contact with the prisoners under his charge, and he ought to be in position not to serve as a member of the parole board, but as an adviser of the parole board, and to give the parole board the benefit of the information which he has secured as warden.

And the same thing is true of the prison physician. As the board is now constituted, the superintendent of prisons very largely dominates the board. He is located here in Washington. He is the superior officer of the wardens and of the prison physicians. The meetings of this board must be adjusted to suit his convenience, and I think that I am within the bounds of truth when I say that the parole board is very largely constituted of just one man.

Mr. SISSON. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Texas [Mr. BEALL] yield to the gentleman from Mississippi [Mr. SISSON]?

Mr. BEALL of Texas. With pleasure.

Mr. SISSON. I would like to ask the gentleman from Texas, because I do not know exactly the facts, as to who constitutes this board?

Mr. BEALL of Texas. The parole board of the Leavenworth Penitentiary is composed of the superintendent of prisons here in Washington, the warden of the Leavenworth Penitentiary, and the physician of the Leavenworth Penitentiary, and the same thing is true at Atlanta.

Mr. SISSON. The superintendent lives here in Washington?

Mr. BEALL of Texas. In Washington. And the same is true of McNeil Island as to the composition of the board.

I think that there was a very serious mistake made in the law creating and constituting this board of parole. It ought to be composed of other than the superintendent of prisons or the warden of the penitentiary or the prison physician.

Now, another problem, Mr. Chairman, that this Congress has got to meet and got to solve within three or four years: At Leavenworth and Atlanta you have something like 2,000 men. You have no employment on earth for them except to look after the affairs of the prison and the construction work that is in progress. It must necessarily follow that in the near future the construction work at Leavenworth and at Atlanta will end, and this Congress will be confronted with a situation where it will have perhaps 3,000 men with no provision of any kind made for their employment.

I think it is one of the problems that Congress ought to begin to grapple with at a very early date, to make provision to give these convicts employment when the construction work ends, as it must end in the near future.

Mr. CULLOP. Are there but two of these prisons?

Mr. BEALL of Texas. There are three prisons, but there are but two big prisons.

Mr. CULLOP. Where are they?

Mr. BEALL of Texas. One is at Leavenworth, and one is at Atlanta, and one at McNeil Island, in the State of Washington; but that is a comparatively small prison.

Mr. CULLOP. Now, are the convicts in the two prisons the gentleman has named not engaged in any other work or business than that of constructing the prisons?

Mr. BEALL of Texas. That is the entire opportunity for the employment of the convicts at those two institutions, except caring for the prison, doing the work in the kitchen and in the dining room and upon the grounds. They have no employment for these convicts except this construction work, which must end in the near future, because these buildings will be completed; and then you will have two or three thousand men on your hands, without any employment for them. It will not be good for the men, and it will not be good for the penitentiary system.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman, I ask that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CULLOP. Now, has the Government entered upon any policy of furnishing some kind of employment, some kind of public work for the Government, so as to engage and employ these men while they are there?

Mr. BEALL of Texas. Not in the slightest degree. There has not been a single, solitary thing done by Congress looking to the making of any provision for the employment of these men when the construction work ends, and it ought to be done in the very near future.

Mr. SISSON. What does the gentleman think about putting them on the public roads and on the public work of improving rivers and harbors and levees and other work that is being done now by the Federal Government?

Mr. BEALL of Texas. Well, the gentleman from Texas has not gone very far into the subject, but I do not think he needs to go very far into the subject to say that it would not be feasible or practicable to use the prisoners at Leavenworth in road construction throughout the United States or to use the prisoners at Atlanta or elsewhere on similar work.

Mr. SISSON. What does the gentleman think of turning them over for the building work in the States or in river and harbor work where ordinary labor is used?

Mr. BEALL of Texas. I can not solve that problem. A few weeks ago I introduced a resolution here, the purpose of which was to give to the Committee on Expenditures in the Department of Justice an opportunity to look into this question and to investigate it and to take testimony on it and to try to arrive at some sane conclusion as to how these men could be employed. I knew the disposition on the part of the House to look with disfavor upon these propositions to give these committees authority to sit outside of Washington, and therefore I have not pressed the resolution. But sooner or later this Congress has got to solve this problem, because this construction work will end before very long and you will have two or three or four thousand idle men upon your hands. It is not, as I say, good for the men and it is not good for the rights of the Government to have these men idle and unemployed.

I simply wanted to call the attention of the House to the fact that this is a problem you will have to meet and solve in the very near future.

Mr. SHERLEY. Mr. Chairman, I desire to say just a word in connection with what the gentleman from Texas [Mr. BEALL] has said.

I thoroughly agree with him that the time is at hand when the present system of employing these men upon construction work will have to be discontinued, and I wanted to suggest one thought in connection with the solution of that problem. That is that I have always believed that, instead of undertaking to make a profit out of convict labor, either for the benefit of the State or for the benefit of a contractor, what ought to be done in the interest of humanity is to employ these men in various kinds of work, credit them with a fair wage, debiting that credit with their upkeep cost, and then give to any dependent members of their families, or to themselves upon the expiration of their terms, such sums as they have properly earned, in order that they may have an opportunity to start again in life and become useful citizens, instead of the present system, which sends a man out at the end of his term in prison without any opportunity on earth and with practically all society arrayed against him. [Applause.]

There has been much prejudice in America against the sale of convict-made goods, and that prejudice has been warranted where the sale has represented simply a profit to contractors who have used this labor at an unfair price and then have underbid honest labor outside. But if these men were credited with a proper sum as representing the value of their labor, then the goods manufactured by them would not enter into unfair competition with goods made outside, and the work done by the convicts would give them the opportunity that society owes to itself and owes to them.

Mr. BEALL of Texas. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. BEALL of Texas. I will ask the gentleman if he does not believe that every convict at Leavenworth, Atlanta, and McNeil Island, after this construction work ends, should be employed in the manufacture of goods that the Government of the United States needs?

Mr. SHERLEY. I am inclined to think they could be. I am not prepared to undertake to name the particular kind of employment to which they should be put, but I do insist that the principle of crediting them with a reasonable return for their labor, after debiting them as they should be debited with their cost to the State, should be followed, in order that their families, who are sometimes dependent on them, may be taken care of, and that the individual may start life with some chance

to succeed as an honest man and without the certainty which exists to-day of his being driven back into the walks of vice and crime.

Mr. CULLOP. Is it not the policy now of most of the prisons in the different States to give the convict a certain amount for excess work, which sum accumulates, and he has the right to draw it and send it to his family or draw it at the end of his term.

Mr. SHERLEY. I do not think that is universal. It may exist in some States, but in many States it unquestionably does not.

Mr. CULLOP. It does exist in the State of Indiana.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILSON of Pennsylvania. I move to strike out the last two words. I agree with the gentleman from Kentucky [Mr. SHERLEY], so far as he goes. The man who is in prison should be credited with his earnings, less the expense, and the money either used for taking care of his family while he is in prison, or given to him in a lump sum when he leaves, so that he will have something with which to start life anew. But that does not solve the problem. Men are sent to prison primarily for the welfare of society, and being sent there primarily for the welfare of society they should not be so employed as to injure society. Nevertheless, they should be employed. Their own welfare and the welfare of society requires that they should be employed. The great criticism that has been made against convict-made goods has come because of the fact that it has been customary to use the convicts in any given prison or penitentiary in one particular line of industry, thereby placing a large amount, or a comparatively large amount, of the material consumed from that industry into competition with free labor, to the injury of society itself. In my judgment the way to solve that problem, in addition to the suggestion made by the gentleman from Kentucky, is to make your industries in your penitentiaries as thoroughly diversified as it is possible to make them, so that the product of the labor coming from the prison will not materially affect any one industry outside of the prison. When they have diversified that industry and placed the workmen in the prison at work at hand labor, learning the rudiments and fundamental principles of trades, then you will have created a condition where the prisoner is kept busy earning something for himself or his family, at the same time having no injurious effect upon the industries outside of the prison, and having no injurious effect upon free labor. In my judgment that is the ideal condition and the ideal method of handling prison labor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. I should like to ask the gentleman a question.

Mr. MANN. I demand the regular order.

The CHAIRMAN. The regular order is demanded.

Mr. FOWLER. Mr. Chairman, there was a provision passed over on page 122.

Mr. FITZGERALD. I ask now to return to that provision to which the point of order was reserved.

Mr. FOWLER. On examination of the statute of 1909, which created the Court of Customs Appeals, I discover that it provided for an Assistant Attorney General at a salary of $10,000 a year.

I desire to compliment the chairman of this committee and the other members of his committee that in the preparation of this bill they have made a true effort in the direction of retrenchment and reform in this item. I withdraw the point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This salary has never been more than $8,000.

Mr. FOWLER. The statute provides for $10,000.

Mr. MANN. That was a Senate amendment; the House has never made it more than $8,000. May I ask the gentleman why they left out the Deputy Assistant Attorney General in this branch of the service? Is he no longer needed?

Mr. FITZGERALD. The services were discontinued about the first of the year, and the Assistant Attorney General in charge of the work says that there is no necessity for the office.

The Clerk read as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $10,000 for salaries of necessary employees at the seat of government, $300,000.

Mr. HAMILL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 15, on page 124, insert the following:

"*Provided, however,* That no part of this money shall be expended in the prosecution of any organization or individual for entering into any combination or agreement having in view the increase of wages, the shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof, not in itself unlawful."

Mr. FITZGERALD. To that, Mr. Chairman, I reserve a point of order.

[Mr. HAMILL addressed the committee. See Appendix.]

Mr. FITZGERALD. Mr. Chairman, I am surprised that the gentleman from New Jersey should offer this amendment. This appropriation becomes available on the 1st of July next. At that time a distinguished citizen of the State of New Jersey will occupy the White House, and the attorney who will be in charge of the Department of Justice will be selected by him. On former occasions I have supported such a provision, because of my lack of confidence, justified by events in Republican administration.

Mr. MANN. The gentleman from New Jersey seems to feel the same way about the next administration. [Laughter.]

Mr. FITZGERALD. I am unwilling to admit or have it intimated that the Democratic administration proposes to utilize an appropriation specifically provided for the purpose of enforcing the antitrust law, to suppress the illegal trusts and combinations that have been oppressing the people, for the purpose of attempting to coerce, or control, or destroy organizations of labor existing for the purpose of advancing the welfare of their members. Under the circumstances I not only am opposed to the amendment, but I hope that this side of the House will unite with me in preventing this reflection upon the incoming Democratic administration by writing this into the law. [Applause.]

Mr. MANN. Mr. Chairman, it is a little beyond my understanding what the falling of the angels has to do with the failures of the Democratic Party. I can not conceive any connection between angels and Democrats. [Laughter.]

Mr. HAMILL. Mr. Chairman, a Republican never could know what an angel is.

Mr. MANN. Mr. Chairman, all over the country those interested in politics and statecraft have endeavored to get some kind of line in their minds upon the incoming President. I have noticed that a great many Democratic Members have been over to New Jersey; and when you talk to them in private after they get back they are able to give you very little information concerning the attitude of the new President, but now we are getting light. Evidently those who are nearest to him distrust him.

The gentleman from the State of New York [Mr. FITZGERALD] has confidence in the President elect, but the gentleman from his own State, who has been in association with him, fears the Attorney General to be appointed by the President elect, and the gentleman from New Jersey [Mr. HAMILL], having more knowledge of the President elect, may be correct. Perhaps we are not justified in trusting him. At least, it is quite certain that the gentleman from New Jersey is not willing to trust the new President or his Attorney General, and seeks to bind his hands in advance, because of intimate knowledge acquired after years of association, and thereby distrust. [Laughter.]

Mr. HAMILL. Mr. Chairman, of course I do not agree, nor does anyone else, with the ingenious but specious argument of the gentleman from Illinois [Mr. MANN], but I am glad to know that, whatever his motive may be, his speech indicates that he will support me in this amendment, and I am willing to take strength even from him and from his side in this meritorious course. This is one of the rare occasions when his party is right.

Mr. SISSON. Mr. Chairman, I want to say just a word. I am in favor of the amendment offered by the gentleman from New Jersey [Mr. HAMILL]. I do not know just what the ruling of the Chair will be in reference to the matter, but the history of this Sherman antitrust act is one which is interesting at least to me. Mr. Sherman, Mr. Edmunds, and Senator George, of my own State, constituted the three men who drafted the Sherman antitrust act, and Senator George, of Mississippi, insisted that an amendment very like that offered by the gentleman from New Jersey ought to have gone on the original act. He was assured in the Senate, he was assured in the debate, that the act could not apply to labor organizations, because every man had the inalienable right to control the price of his own labor and to control the price of the product of his own labor, but the Supreme Court, in construing this act, disagreed with the majority members of the committee, Mr. Sherman and Mr. Edmunds, and agreed with Senator George, from my own State, to wit, that this amendment should have gone on the bill.

There is a right interesting bit of history. When this matter was passed on in the Senate Senator George, of Mississippi, was sick and unable to be present, or he would have offered on the floor of the Senate the amendment in substantially the language that the gentleman from New Jersey has drawn it; and

Senator Sherman and Senator Edmunds were not opposed to the amendment, but simply said it was surplusage; and if they had taken the position of Senator George in the Senate when this legislation was originally passed, the amendment would have gone on in practically the language that the gentleman from New Jersey has offered it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken; and on a division (demanded by Mr. PAGE) there were—ayes 30, noes 22.

So the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the first word of the paragraph. Last year we appropriated $200,000 for this purpose. I tried my best to get the gentlemen in control to increase the amount last year. I congratulate them this year on increasing the amount to $300,000. I suppose, of course, the gentleman from New York [Mr. FITZGERALD] will make the usual, narrow-minded, partisan reply that he could trust the Democratic administration with the expenditure of the money. I venture to say that there never has been an Attorney General and will not ever be again in many years an Attorney General who will do as much toward enforcing the antitrust law as the present Attorney General, Mr. George W. Wickersham. [Applause on the Republican side.]

When he went into the Cabinet, coming from New York City, with, I suppose, corporate connections as a lawyer, many people believed he would be under the influence more or less of, or at least be influenced by, the large combinations. But he has never swerved from what he believed was the right thing in endeavoring to prosecute suits against what people called the "big fellows"—the trusts and combinations. Whether his judgment has always proved right or wrong on one of these things no one can tell. People can criticize, but he has been on the square; and if the next Attorney General, whether he comes from inside this House or outside this House, will do as well, he will reflect great credit upon the incoming administration. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I do not know what the gentleman from Illinois means by the usual Democratic argument to justify this appropriation. There is a deficiency estimate of $100,000 submitted to Congress by this administration which is to pay debts incurred by the employment of Republican attorneys at very high prices, the Attorney General insisting that the Democratic administration would require a similar sum next year. My familiarity with the items of expenditure under this appropriation makes me doubt exceedingly that such an amount will be needed, but having experimented for several years and finding that the department insists on spending about the sum appropriated and the Republican administration not having succeeded in exterminating all the trusts that are operating in violation of the law——

Mr. MANN. The gentleman evidently misunderstood what I said. I did not criticize the increased amount; on the contrary, I complimented the gentleman on increasing the amount this year, in view of what I endeavored to get him to do last year.

Mr. FITZGERALD. I understand the gentleman did not criticize the increased amount. He was criticizing in advance what he hoped would be the reason given for the increase.

Mr. MANN. I have not criticized; that would have been the reason.

Mr. FITZGERALD. As I was saying, I doubt if the Democratic administration can be conducted in such an extravagant manner as to utilize, even in the enforcement in a much more effective manner than the present administration, this entire sum, but members of the committee and myself do not always agree, and the chairman does not always have his way, and so this amount is recommended for use during the coming fiscal year.

Mr. MORSE of Wisconsin. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MORSE of Wisconsin. How is this money expended—for special assistants, for witness fees, or in what way?

Mr. FITZGERALD. Well, for lawyers and counselors at law and special counsel, and retired officials on the pay rolls at low compensation and paid out of this appropriation much higher sums, clerical services, and for the legal machinery necessary in the conduct of many of the very important suits brought by the department.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WARBURTON. I ask unanimous consent that the gentleman may have two minutes more. I want to ask him a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. All right; ask it.

Mr. WARBURTON. I understood the gentleman to say the chairman did not always have his way on the committee. I would like to know, if it does not betray the secrets of the committee, when it was the gentleman did not have his own way.

Mr. FITZGERALD. I did not have my own way when the committee struck out the items in which the gentleman was interested. I was very heartily in favor of some of them, but the committee overruled my judgment.

Mr. SLOAN. Mr. Chairman, the gentleman spoke of high-priced attorneys——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HAMILL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

Mr. RODDENBERY. Mr. Chairman, I desire to offer an amendment to come after the amendment of the gentleman from New Jersey, which has been adopted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting, after the amendment just adopted, the following: "*Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products or associations of farmers who cooperate or organize in an effort to obtain and maintain a fair and reasonable price for their products."

Mr. RODDENBERY. Mr. Chairman, I should like to discuss fully this amendment and the manifest justice of it, but at this hour of the night I am not physically able to do so. I must, however, make just this remark, that efforts on the part of the agricultural people to maintain fair and reasonable prices and compensation for the products of their toil, their labor and sweat, stand on like footing of reason, of justice, and of right, with the amendment in the interest of fair treatment of labor which we have just adopted and which I cheerfully voted for. This amendment, which I submit to the judgment of the committee, if adopted will accord to the agricultural associations and tillers of the soil an opportunity to organize, cooperate, and standing together without fear of prosecutions in the Federal courts, to maintain the price of their products when the bears on the speculating curbstone and gambling exchanges conspire to run the prices of their products down. These gambling conspirators force prices down when the farmers are ready or compelled to market them, only to run them sky-high when they have sold them. Thus continually the farmer who toils and sweats to support himself and feed and clothe the world gets the minimum price for his labor, while the gambler and speculator, who neither toils nor sweats, craftily reaps the reward of the man who should have it. [Applause.]

Mr. EDWARDS. Mr. Chairman, I regret that my colleague is not physically able to discuss this amendment more at length. I can not let this opportunity pass, however, without submitting a few remarks in support of his amendment. We have just passed, by a vote of this committee, a proposition to prevent the prosecution of labor organizations under certain conditions. I am sure that the principle involved in this amendment is just as worthy of support as the principle involved in the amendment we adopted just a few moments ago. I believe that if this amendment is adopted it will afford great protection to the farmers of this country. The time has come, in my opinion, when the farmers, like other men, in order to protect their interests and advance them, are compelled to stand together in organizations.

As has been pointed out by my colleague, the farmers are dealt with more harshly in the markets of this country and in the markets of the world than any other class of people. I was interested in the remarks of the gentleman from Mississippi [Mr. SISSON] as to why that amendment offered by the gentleman from New Jersey [Mr. HAMILL] should prevail to prevent, in certain cases, the prosecution of labor organizations. I was interested in the history recited by him, in the part that Senator George of Mississippi played in the matter, and the reasons why it should prevail. And the same reasons apply in this case. I think it is high time that, while we are lending this degree of protection to the labor organizations of the country, we should likewise give to the farmers the same degree of protection. I hope that the amendment will prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the amended paragraph and insert in lieu thereof the following.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the amended paragraph and insert the following:
"Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $10,000 for salaries of necessary employees at the seat of government, $299,000."

Mr. FITZGERALD. Mr. Chairman, what has transpired demonstrates the necessity of appropriating this money in this way. If random amendments are to be adopted, excluding aggregations or organizations which may or may not be violating the law, it may be just as well to make no appropriations whatever to enforce the law.

I have not the same feeling of doubt or suspicion regarding the incoming administration that some of my colleagues seem to have. If at any time in the administration of public affairs during the next four years abuses arise and improper proceedings are brought and this appropriation is utilized in a manner not contemplated by law, I shall not hesitate to support such provisions as may be necessary to control the administration.

But at the very outset it is inconceivable to me that Members upon this side shall publish to the country their distrust of the incoming administration by intimating or suggesting that the incoming Democratic administration proposes to utilize, in ways not contemplated and never suggested, a fund provided for the purpose of suppressing illegal combinations that have been oppressing the country. I hope that this side of the House will not adopt any such amendment, but that it will make the appropriation in the manner here suggested.

Mr. HAMILL. Mr. Chairman——

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] has the floor.

Mr. HAMILL. I thought the gentleman had finished.

Mr. FITZGERALD. I have.

Mr. ADAMSON. Mr. Chairman, we were very much amused at the bulls gotten off by the distinguished gentleman from New Jersey [Mr. HAMILL] in the course of his eloquent advocacy of a good proposition. We have heard what we have long been familiar with—the taunts and jeers of the Republican Party against the Democratic Party, which is about to come into its own and give the people their own Government for the next four years [applause], and I hope in such a manner as will enable them to hold it for the next quarter of a century. [Applause.]

Mr. MANN. You have a great disappointment in store for you, then. [Laughter.]

Mr. ADAMSON. The distrust expressed by the Republicans has also been answered, I regret to say, by the distinguished chairman of the Committee on Appropriations in the wrong way. The gentleman from New Jersey did not mean distrust. I wish to give to the committee the true version of the motive that prompted those who voted for the two amendments which the gentleman from New York is trying to get rid of now. It is this: The incoming Democratic administration expects honestly to administer the law as it is written. Therefore we wish to do the country and the administration and ourselves the justice to see that that administration has the law in the proper shape to administer. [Applause.]

Mr. HAMILL. Mr. Chairman, I appreciate all the humor that has been injected into this discussion, and I appreciate also just how sound is the view taken by the distinguished gentleman, chairman of the Committee on Appropriations, in opposing the amendment which I have offered.

He puts his opposition to my amendment upon the ground that it expresses distrust of the incoming administration. Mr. Chairman, that is pure buncombe and nonsense, although the distinguished chairman did not mean it to be so.

We are here engaged in the business of legislation, and I would not vest any man with discretion in a case where I, as a legislator, could definitely tell him what to do.

Now, the chairman of the Committee on Appropriations assumes that labor unions will not be investigated by a Democratic Attorney General, because the Attorney General will be so friendly to labor that he would not for a moment think of conducting an investigation into a labor organization. Very well. It can not be any harm for us to express to him definitely, in the terms of a statute, precisely what the chairman indicates he would do if left to his own discretion. And it is no reflection upon anybody for this House to tell an officer of the Government how he shall expend an appropriation of public money which it, in its discretion and in its wisdom, chooses to appropriate. [Applause.] Therefore I hope the substitute will be defeated and that my amendment will be retained in the bill. [Applause.]

Mr. RODDENBERY. Mr. Chairman, I do not desire to question the parliamentary right of the chairman of the committee to offer this amendment——

Mr. FITZGERALD. There is no question about it——

Mr. RODDENBERY. But I do desire to submit to the members of this committee that a rule was adopted yesterday directing that the first and second reading of the bill should be dispensed with, which meant that under the rule the bill would be read paragraph by paragraph; that the Members here, who represent the people of the United States, might perfect this bill. We have now reached a paragraph in this bill. Members on the floor have offered two separate amendments to this paragraph. Those amendments have been discussed. The committee have adopted them. The paragraph is perfected according to the will of the committee. When the paragraph has been adopted according to the will of the committee, the chairman of the Appropriations Committee moves to strike out the paragraph as perfected by the committee, and now submits to you that because the will of the Committee on Appropriations, as expressed in the bill, has been altered, you gentlemen ought to walk up like senseless automatons and destroy the deliberate legislative fabric of which you are the responsible and capable architects. [Applause.]

Mr. SAUNDERS. Mr. Chairman, I submit that it is altogether a mistaken view to say that by engrafting these amendments on the pending bill, we are thereby put in the attitude of distrusting the incoming administration. On the contrary, we, the lawmaking department, are simply prescribing, as we have the right to do, the path in which the Executive shall walk. It is the duty of the executive department to enforce the laws as it finds them, and should it happen that the laws are written so broadly that they fairly cover by their terms subjects which were not within the original intent of the lawmaking department, it is not to be imputed as error to the executive department if it enforces the laws to the extent of those terms. But if it is historically true, as stated by the gentleman from Mississippi [Mr. SISSON] that it was not intended in the inception of the antitrust statute that it should apply to farm associations, or organized labor, it is altogether right that at this time we should except such associations, and organizations from the operations of this bill. In the beginning it was understood they should be excepted, and we are now seeking to make this understanding effective.

We have prescribed by the first amendment in effect that the operation of the antitrust law shall not attach to certain labor organizations. We have prescribed in effect by the second amendment that it shall not attach to certain organizations of farmers.

Mr. McKENZIE. Will the gentleman from Virginia assume to take the position that if a combination of farmers enters into a real, genuine trust, or if a combination of labor unions forms a trust that is injurious to the citizens of the country, the President of the United States and the Department of Justice should not have the power to investigate that matter?

Mr. SAUNDERS. That is the effect of these amendments.

Mr. McKENZIE. Do you think that is good legislation?

Mr. HAMILL. I beg the gentleman's pardon. The gentleman from Illinois [Mr. McKENZIE] assumes a condition that does not exist. Labor unions are not a trust. They do not corner labor, and their door is always open to the entrance of anybody who wants to come in and take advantage of it.

Mr. SAUNDERS. I will not enter into these distinctions. I am not attempting to go into the reasons why labor organizations should be excluded from the operations of the antitrust law, or why organizations of farmers combining to increase the price of the products of their farms should be exempted from the operations of the same law. I am simply seeking to bring out the fact, as stated by the gentleman from Mississippi that it was not intended in the beginning that these classes of our citizens should be included within the operations of this particular statute. Their operations were not to be considered as trusts, or intended to be inhibited. By the amendments adopted to-night by the vote of this body, we have in substance written into the existing law the fair intent of that law, as it was conceived in the beginning. That being so, it is altogether a mistaken attitude to treat this action as an expression of distrust of the incoming administration. Whether these amendments are good, or bad legislation is a matter that this body has disposed of when it wrote them into the pending bill. I do not propose to reopen the discussion on the merits of these amendments. But I am free to say that the arguments which have been advanced in support of the contention that labor organizations should be excepted from the operation of the antitrust laws, apply with far greater force to the second amendment which relates to associations of farmers.

We have adopted these amendments. Should we now with no sufficient reasons advanced undertake to undo the work that

we have done? There is every reason why we should abide by the action which we have taken.

Mr. FITZGERALD. Mr. Chairman, I move to close debate on the pending paragraph and amendments thereto.

Mr. GREEN of Iowa. Will the gentleman allow me two or three minutes?

Mr. FITZGERALD. I move to close the debate in three minutes.

The CHAIRMAN. The gentleman from New York moves that the debate on the paragraph and amendments thereto close in three minutes.

The motion was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, I deny that the gentleman from Georgia [Mr. RODDENBERY] has correctly represented the farmers of this country. It is true that in the past there has been an effort made by some legislatures in some of the States, but so far as I know unsupported by the farmers' organizations, to provide that farmers as a class should not be subject to the same laws, rules, and regulations as other persons. But the proposition of the gentleman from Georgia goes far beyond this. It says, in effect, that the farmers of the country desire to break the laws and then desire not to be prosecuted for so doing. I deny that, as far as my constituents are concerned, and I represent the farming district.

Mr. SAUNDERS. It is not within the operation of the law.

Mr. GREEN of Iowa. Then if it is not within the operation of the law, as the gentleman from Virginia says in an undertone, there would be no necessity for it. My constituents do not ask any favors when it comes to breaking the law. They expect to obey the law, and they expect that those who do not obey the law will be punished.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was lost.

The Clerk read as follows:

For 15 copies of volume 57 of the Lawyers' Cooperative Edition, $90.

Mr. COOPER. Mr. Chairman, I would like to ask the gentleman from Kentucky in regard to this provision, on page 125, line 15, "to pay the publishers of the Federal Reporter," etc., then, in lines 19 and 20, "for 15 copies of volume 57 of the Lawyers' Cooperative Edition, $90." What are those?

Mr. SHERLEY. Supreme Court's report.

Mr. COOPER. Ought it not to be inserted?

Mr. SHERLEY. That is ample; that language has been carried right along in the bill. There is only one edition of the Lawyers' Cooperative reports.

Mr. COOPER. But it does not say reports. It says Lawyers' Cooperative Edition.

Mr. SHERLEY. I have no objection to the gentleman offering the amendment.

Mr. COOPER. Mr. Chairman, I offer the following amendment: After the word "edition," line 20, insert the word "Supreme Court of the United States."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 125, line 20, after the word "edition," insert the words "Reports of the Supreme Court of the United States."

Mr. CULLOP. Mr. Chairman, these reports carry the decisions from all the different States. They are collected from decisions of different States of the Union. In addition to this, I see the price is fixed at $6 a volume. Is not that rather higher than they are usually sold for?

Mr. MANN. Where does the gentleman get the price of $6 a volume?

Mr. CULLOP. "Fifteen volumes at $90."

Mr. SHERLEY. The testimony before the committee was that would be the price of the new volumes.

Mr. CULLOP. Then, there must have been a change in the price.

Mr. SHERLEY. There has been a change in the price, as they are supposed to contain more decisions than heretofore.

Mr. PAGE. Mr. Chairman, the language in this paragraph has been carried in the bill from time to time, and I see no reason why the language should be changed or why the statute should be burdened with language absolutely unnecessary, and therefore I hope the amendment will be voted down.

Mr. COOPER. Mr. Chairman, the fact that the language has heretofore been carried in the statute is no reason why it should not be changed.

Mr. PAGE. There seems to have been no question about the language. It has been understood by everybody and there has been no confusion about it.

Mr. COOPER. The gentleman, in his anxiety to have the report of this committee and the bill as reported absolutely untouched, fails to acknowledge what is palpable to everybody else. Lines 19 and 20 constitute a paragraph, and there is not a word in the paragraph about reports of the Supreme Court of the United States. The paragraph—lines 19 and 20—is complete in itself, and provides simply for "15 copies of volume 57 of the lawyers' cooperative edition, $90." It is perfectly plain that it needs an amendment to make its meaning understood.

Mr. SHERLEY. If the gentleman will permit, the only edition that is known to the profession as the lawyers' cooperative edition of the Federal reports is the edition of the Supreme Court decisions.

Mr. COOPER. This does not say the lawyers' cooperative edition of the Federal reports, but only the "lawyers' cooperative edition."

Mr. SHERLEY. It does not need to, because there is a subdivision that is supposed to carry down in construction of the language. I have no objection to the gentleman's amendment, but no one, the comptroller or anybody else, has ever misunderstood the language.

Mr. ALEXANDER. Why might it not refer to the cooperative edition of the statutes?

Mr. COOPER. It could, except to the members of the committee.

Mr. SHERLEY. I will tell the gentleman why it could not, because the heading of the paragraph says Federal Court Reports and Digests. All of these are under that caption.

Mr. ALEXANDER. It is very apparent to me that the amendment ought to be made.

Mr. MANN. There is a law that governs it in any event. It does not make any difference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. COOPER) there were—ayes 28, noes 24.

So the amendment was agreed to.

Mr. MANN. Mr. Chairman, I was listening and endeavoring to catch, but could not hear the Clerk when he read down to the paragraph just above. I desire to return to that paragraph for the purpose of moving to strike out the word "twelve," in line 18, and insert the word "thirteen."

Mr. PAGE. Mr. Chairman, the committee will accept that amendment.

The CHAIRMAN. Without objection the committee will return to that paragraph.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For supplies, including exchange of typewriting and adding machines for the United States courts and judicial officers, to be expended under the direction of the Attorney General, $35,000.

Mr. WARBURTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

For support of the National Training School for Boys, District of Columbia: Superintendent, $2,500; assistant superintendent, $1,500; teachers and assistant teachers, $9,120; chief clerk, $1,000; storekeeper and steward, $600; matron of school, $600; parole officer, $900; office clerk, $720; assistant office clerk, $480; 6 matrons of families, at $240 each; foremen of and skilled helpers in industries, $3,800; farmer, $600; assistant farmer, $420; teamster, $360; florist, engineer, and shoemaker, at $540 each; baker, and tailor, at $600 each; cook, $480; assistant engineer, $420; laundress, $360; dining-room attendant, boys', $300; dining-room attendant, officers', $240; housemaid, $216; seamstress, $240; assistant cook, $300; nurse, $600; watchmen, not to exceed 8 in number, $3,360; secretary and treasurer to board of trustees, $900; in all, $34,270.

Mr. PAGE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 136, line 9, strike out the figures "$34,270" and insert in lieu thereof the figures "$34,276."

Mr. PAGE. It is for the purpose of correcting the total.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

In all, for National Training School for Boys, $45,770.

Mr. PAGE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 136, line 24, strike out the figures "$45,770" and insert in lieu thereof the figures "$45,776."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

UNDER THE DEPARTMENT OF COMMERCE AND LABOR.

LIGHTHOUSE SERVICE.

General expenses, Lighthouse Service: For supplies, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks and purchase of land for same, the establishment of post lights, buoys, submarine signals, and fog signals, the establishment of oil or carbide houses, not to exceed $10,000: *Provided*, That no oil or carbide house erected hereunder shall exceed $550 in cost; the construction of necessary outbuildings at a cost not exceeding $200 at any one light station in any fiscal year, the improvements of grounds and buildings connected with light stations and depots, wages of laborers attending post lights, pay of temporary employees and field force while engaged on works of general repair and maintenance, and pay of laborers and mechanics at lighthouse depots; rations and provisions or commutation thereof for keepers of lighthouses, offices and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels, and money accruing from commutation for rations and provisions for the above-named persons on board of tenders and light vessels may be paid on proper vouchers to the person having charge of the mess of such vessels, reimbursement under rules prescribed by the Secretary of Commerce and Labor of keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all $5,000 in any fiscal year, fuel and rent of quarters where necessary for keepers of lighthouses, the purchase of land sites for fog signals, the rent of necessary ground for all such lights and beacons as are for temporary use or to mark changeable channels and which in consequence can not be made permanent, the rent of offices, depots, and wharves, traveling expenses, including per diem in lieu of subsistence under rules prescribed by the Secretary of Commerce and Labor not to exceed $4 per day, and mileage, library books for light stations and vessels, and technical books and periodicals not exceeding $1,000, and for all other contingent expenses of district offices and depots: *Provided*, That hereafter supplies and equipment for special works of the Lighthouse Service may be furnished from general stock and the appropriation "General expenses, Lighthouse Service," reimbursed therefor from the respective appropriations for special works, and for contingent expenses of the office of the Bureau of Lighthouses in Washington, $2,750,000.

Mr. COVINGTON. Mr. Chairman, I make the point of order against the proviso beginning with the word "*Provided*," in line 21, page 138, down to and including the words "special works," in line 25, it being new legislation.

Mr. SHERLEY. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Hereafter when any condemned supplies, materials, equipment, or land can not be profitably used in the work of the Lighthouse Service, the same shall be appraised and sold, either by sealed proposals for the purchase of the same, or by public auction, after advertisement of the sale for such time as in the judgment of the Secretary of Commerce and Labor the public interest may require, the proceeds of such sales, after the payment therefrom of the expenses of making the same, to be deposited and covered into the Treasury as miscellaneous receipts, as now provided by law in like cases.

Mr. COVINGTON. Mr. Chairman, I make the point of order that the paragraph is new legislation.

Mr. SHERLEY. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Salaries, Lighthouse Service: For salaries of 17 lighthouse inspectors, and of clerks and other authorized permanent employees in the district offices and depots of the Lighthouse Service, exclusive of those regularly employed in the office of the Bureau of Lighthouses, Washington, D. C., $360,000.

Mr. CALDER. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 139, after line 25, add the following:

"*Provided*, That each and every employee of the Lighthouse Service compensated at a per diem rate of pay be, and is hereby, granted 15 working days' leave of absence each year without forfeiture of pay during such absence: *Provided*, That no employee of the class herein mentioned shall be entitled to any leave until he has served 12 consecutive months, when he may be granted 15 days' leave, and that during the second or any subsequent year 15 days' leave at the rate of one and one-fourth days per month, as earned, may be granted from the beginning of the second service year: *Provided further*, That the inspectors of the several lighthouse districts shall have discretion as to the time when the leave can be allowed without detriment to the service, and that absence on account of sickness shall be deducted from the leave hereby granted."

Mr. SHERLEY. I reserve the point of order for five minutes.

Mr. CALDER. Mr. Chairman, this amendment was prepared by the Lighthouse Bureau. Its passage is recommended by that bureau. It puts the mechanics and laborers in the Lighthouse Bureau in exactly the same position as mechanics in the other bureaus of the Department of Commerce and Labor. Congress has from time to time passed provisions putting mechanics and laborers in the different departments of the Government in such position that they might have 15 days' leave of absence each year with pay. In the city of Washington we give the employees of the Bureau of Engraving and Printing and in the Government Printing Office 30 days' leave of absence with pay. Previous to the creation of the Bureau of Lighthouses these same mechanics and laborers were given 15 days' leave of absence with pay, but the Comptroller of the Treasury has so construed the law that they are not allowed any leave of absence under the present arrangement. It seems to me that these men are entitled to the same consideration given men employed in the navy yards and arsenals, and I hope the gentleman from Kentucky will see fit to withdraw his point of order and permit these men to be treated fairly.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. CALDER. Yes.

Mr. MANN. The Committee on Interstate and Foreign Commerce has just had stricken out of the bill two items, which they recently recommended to the House, on the ground that they did not belong in this bill.

Does this amendment, coming from another member of the Committee on Interstate and Foreign Commerce, meet the approval of that committee, and do they desire to have this amendment inserted in this bill, having just stricken out of the bill other provisions they believe in but thought another committee ought not interfere with them?

Mr. CALDER. Mr. Chairman, I have not been authorized by the Committee on Interstate and Foreign Commerce to propose this amendment. Nevertheless the Secretary of Commerce and Labor has recommended this amendment, and the Department of Commerce and Labor drew it and handed it to me.

Mr. SHERLEY. Can the gentleman state the position of his committee, because we would like to know. If they want to protect their jurisdiction, we are glad to help them; if they do not, we would like to know about it.

Mr. CALDER. I presented the amendment, thinking perhaps this would be the only opportunity to have justice done to these men at this session of Congress.

Mr. MANN. The gentleman does not assume that the Committee on Interstate and Foreign Commerce will not do justice to these men?

Mr. CALDER. Oh, no; but the condition of legislation at this time is such that a measure of this kind can not be passed, except in some such manner as this.

Mr. SHERLEY. Is that the reason for making the point of order to the provision which has just gone out?

Mr. CALDER. I am not in the confidence of the gentleman who made the point of order. He did not tell me he intended to do so.

Mr. PAGE. The members of the Appropriations Committee thought as did the gentleman from New York, and for that reason they put this item in the bill.

Mr. MADDEN. The gentleman from New York understands the disposition on the part of the Committee on Appropriations to do justice wherever we——

Mr. CALDER. I trust the point of order will be withdrawn.

Mr. SHERLEY. I will withdraw the point of order.

Mr. PAGE. I make the point of order.

The CHAIRMAN. The gentleman from North Carolina makes the point of order, and the point of order is sustained.

The Clerk read as follows:

For offshore soundings and examination of reported dangers on the coasts of the United States, and of coasts under the jurisdiction of the United States, and to continue the compilation of the Coast Pilot, and to make special hydrographic examinations, and including the employment of such pilots and nautical experts in the field and office as may be necessary for the same, $15,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Can one of the gentlemen of the committee inform us what the appropriation for this item was last year?

Mr. PAGE. What is the item?

Mr. MOORE of Pennsylvania. For compilation of the Coast Pilot, page 141, beginning with line 8.

Mr. PAGE. It is the same appropriation carried in this bill, $15,000.

Mr. MOORE of Pennsylvania. Well, the bureau has recommended publishing an inland Coast Pilot that is of very great value. I have just seen a copy of it during the last few days. There undoubtedly will be a heavy demand for that publication, and I would like to know to what extent it is to be published, if the gentleman knows.

Mr. PAGE. The department made no recommendation to the committee. There was no estimate made for any other publication.

Mr. MOORE of Pennsylvania. The publication is to be sold, is it?

Mr. PAGE. I believe so.

Mr. MOORE of Pennsylvania. Not allotted to Members of Congress to any large extent?

Mr. PAGE. There is an appropriation for printing, and it is available for printing this document to be put on sale.

Mr. MOORE of Pennsylvania. It is to be put on sale in the regular way?

Mr. PAGE. In the regular way.

Mr. MOORE of Pennsylvania. The copy I have seen is one of the most valuable waterways publications of which I have knowledge.

Mr. MANN. Buy it.

Mr. MOORE of Pennsylvania. I am perfectly willing to buy it for myself, answering the gentleman from Illinois, but there will be a very heavy demand for this publication whether it is for sale or for distribution through Members of Congress, and I do not think that any appropriation heretofore has been spent for the publication of an inland Coast Pilot. Am I right about that?

Mr. FITZGERALD. The proper course to pursue would be to introduce a resolution providing for printing it as a House document and putting at the disposal of Members a number of the documents.

Mr. MOORE of Pennsylvania. It contains diagrams and maps. It is a chart.

Mr. PAGE. I understand there is a provision of law that places 10 copies of this to the credit of each Member of Congress.

Mr. MANN. Ten what?

Mr. PAGE. Ten charts.

Mr. MOORE of Pennsylvania. I withdraw the pro forma amendment.

The Clerk read as follows:

BUREAU OF FISHERIES.

Office of commissioner: Commissioner, $6,000; deputy commissioner, $3,500; chief clerk, $2,400; accountant, $2,100; librarian, $1,500; clerks—1 of class 4, 3 of class 3, 1 to commissioner $1,600, 1 of class 1, 1 $1,000, 10 at $900 each; engineer, $1,080; 3 firemen, at $720 each; 2 watchmen, at $720 each; 5 janitors and messengers, at $720 each; janitress, $480; messenger boy, $360; 4 charwomen, at $240 each; in all, $44,980.

Mr. RAKER. Mr. Chairman——

Mr. FOWLER. Mr. Chairman, I make a point of order against the paragraph. The provision of the statute of January 20, 1888, provides as follows:

There shall be appointed by the President, by and with the advice and consent of the Senate, a person of scientific and practical acquaintance with fish and fisheries, to be a Commissioner of Fish and Fisheries, and he shall receive a salary at the rate of $5,000 a year, and he shall be removable at the pleasure of the President.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I move to amend by inserting in lieu of "$6,000," which was stricken out, "$5,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FOWLER. I do not desire to press a point of order against the librarian at $1,500.

Mr. RAKER. Mr. Chairman, I would like to ask the gentleman in charge of the bill what is the total amount provided for under the Bureau of Fisheries, including the stations and all. I thought it was in the bill here, but I do not find the total. I would like to know what it is.

Mr. FITZGERALD. It is $989,140.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I simply want to call the committee's attention to a condition of the fisheries in the Truckee River. I do not suppose the committee would submit to an amendment placing on here an appropriation of $10,000 for putting a fish ladder in the Truckee River at the Derby Dam?

Mr. FITZGERALD. The committee has never carried an appropriation establishing a fish hatchery unless it was authorized by law. It must originate in the Committee on the Merchant Marine and Fisheries.

Mr. RAKER. I want to call the committee's attention to this: Here is something over $9,000 being expended in the propagation and handling of fish. Here is a dam, built by the Government at many millions of dollars' expense, on a stream well supplied with mountain trout and salmon trout from Pyramid Lake, into the recesses of the Truckee River and into Lake Tahoe, and within the last two years there has been a loss in fish of at least $150,000. Upon both sides of the stream during the running season, with this dam there, built by the Government and being maintained by the Government, practically loads upon loads of fish from 1 foot to 2½ feet long go to waste. There has been a slight appropriation of $2,000 for the dam, but the State of California and the State of Nevada, through their legislatures, are urging a proper dam to be built there.

I want to call the committee's attention to the fact of the expenditure of money in a matter of this kind, when there are such conditions as we actually have, a lake 60 miles in length by 22 miles wide, namely, Lake Pyramid, and then the river that flows into it, and having its source in the Sierra Nevada Mountains, a part of it in Lake Tahoe, where thousands, or at least $150,000, worth of property of the Government has been destroyed within the last two years, it does seem as though some provision ought to be made by which it can be prevented.

While we have a bill before the Committee on Irrigation, the matter has come so late it seems there ought to be some provisions made for that when, by the mere expenditure of a reasonable amount at this time, where it is necessitated by the Government work, it could be done. We might go ad libitum into building fish hatcheries, and have more superintendents and architects putting in stations to propagate fish and send them all over the country; and while we are doing that we idly permit the destruction of that property that we actually have and that is worth many hundreds of thousands of dollars to us. I did not know but that the committee might see its way clear to permit an amendment here at this time so as to prevent any possible question as to this matter. The fish commissioner of California and the fish commissioner of Nevada have looked into this matter. I have many affidavits on the subject and photographs showing the actual conditions. Of course, the Department of the Interior is taking some action, but the legislatures of these States and the authorities are persistent in the matter and proper relief should be given. The property of the Nation ought to be provided for, particularly where the Government itself goes in and builds these dams.

Mr. FITZGERALD. I think what the gentleman speaks of is fish ladders. They are not provided for.

Mr. RAKER. There would not be any way to get it in the bill at this time?

Mr. FITZGERALD. Provision is usually made for that in the act erecting the dam. It seems to me the Government engineers in erecting this dam for irrigation purposes should have made provision for the ladder.

Mr. RAKER. There is a small ladder, but it is not sufficient, as claimed by both States. And if a provision was to be made, it would tend to relieve the tension of the States of California and Nevada and bring about splendid results.

The Clerk read as follows:

Afognak (Alaska) Station: Superintendent, $1,500; foreman, $1,200; 2 skilled laborers, at $960 each; 3 laborers, at $900 each; cook, $599; in all, $8,220.

Mr. KNOWLAND. Mr. Chairman, I move to strike out the last word, for the purpose of asking unanimous consent that I may submit, in connection with the remarks I made to-day in regard to the Yosemite Valley, two letters from the department touching those appropriations.

The CHAIRMAN. The gentleman from California [Mr. KNOWLAND] asks unanimous consent to extend his remarks in the RECORD by the insertion of two letters indicated by him. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Division of Alaska Fisheries: Chief of division, $3,500; assistant, $1,800; clerks—1 of class 2, 1 of class 1, 1 $900; 2 agents and caretakers, at $2,000 each; janitor service, fur-seal fisheries, $480; 2 physicians, Pribilof Islands, at $1,500 each; 2 school-teachers, Pribilof Islands, at $1,200 each; storekeeper, Pribilof Islands, $1,800; for the following, to be appointed by the Secretary of Commerce and Labor—agent, Alaska salmon fisheries, $2,500; inspector, Alaska salmon fisheries, $1,800; assistant agent, Alaska salmon fisheries, $2,000; assistant agent, Alaska salmon fisheries, $1,800; warden, Alaska service, $1,200; 4 deputy wardens, Alaska service, $900 each; in all, $33,380.

Mr. PAGE. Mr. Chairman, I ask unanimous consent that the paragraph just read may be passed over for the present because of the fact that two gentlemen who are interested in that paragraph are absent to-night, and one of them is a member of the committee.

Mr. MADDEN. Mr. Chairman, I offer an amendment to the paragraph, which I send to the Clerk's desk.

Mr. PAGE. Let the amendment be considered as pending.

The CHAIRMAN. The gentleman from North Carolina [Mr. PAGE] asks unanimous consent that the paragraph may be passed over for the present, and the gentleman from Illinois [Mr. MADDEN] offers an amendment, which, without objection, will be considered as pending. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

On page 152, in line 16, strike out the words "two agents and caretakers, at $2,000 each," and insert in lieu thereof "agent, fur-seal fisheries, $3,650; assistant agent, fur-seal fisheries, $2,920; 2 assistant agents, at $2,190 each; naturalist, fur-seal service, $3,000." In line 18 of the same page strike out the word "two" and insert in lieu thereof the word "three." In line 24 of the same page strike out "$1,200" and insert in lieu thereof "$1,500." In line 1 of page 153 strike out "$900" and insert in lieu thereof "$1,200."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. MADDEN. It is not subject to a point of order.

Mr. FITZGERALD. I want to find that out.

Mr. MADDEN. Mr. Chairman, I wish to ask, before consent to pass this paragraph over is given, is it the intention of the committee to finish the bill to-night and then go back to this item before we adjourn?

Mr. FITZGERALD. We can hardly finish the bill to-night, but we will do as much as possible. I doubt if we can finish the bill to-night. There are some matters that will probably take considerable time, and it will be necessary to dispose of them to-morrow.

Mr. MADDEN. I have no objection.

The CHAIRMAN. Without objection, the paragraph will be passed over.

There was no objection.

Mr. BURNETT. Mr. Chairman, I would like to ask the gentleman from New York [Mr. FITZGERALD] how long this will take?

Mr. FITZGERALD. Oh, an hour or two.

Mr. BURNETT. Then I make the point of no quorum.

Mr. FITZGERALD. I hope the gentleman will withhold his point.

Mr. BURNETT. I will withhold it for the present.

Mr. FITZGERALD. There are a number of items in the bill, routine matters, that are not controverted, and the committee can easily run through them.

Mr. BURNETT. I will withhold my point of no quorum for a short time.

The CHAIRMAN. The paragraph will be passed over with the amendment of the gentleman from Illinois [Mr. MADDEN] considered as pending and a point of order reserved on the amendment. The Clerk will read.

The Clerk read as follows:

Propagation of food fishes: For maintenance, equipment, and operations of the fish-cultural stations of the bureau, the general propagation of food fishes and their distribution, including the moving, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, and temporary labor, $335,000.

Mr. EDWARDS. Mr. Chairman, I wish to offer an amendment. I move to strike out the period after that paragraph, insert a comma, and insert the following language at the place I suggest, on line 15, page 153.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. EDWARDS].

The Clerk read as follows:

Amend, page 153, line 15, after the figures "335,000," by inserting the following:

"*Provided*, That not to exceed $25,000 of this amount shall be used for the establishment of a fish-cultural station in the State of Georgia, for the propagation of shad and other fishes, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point, to be selected by the Secretary of Commerce and Labor."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] makes a point of order against the amendment

Mr. MANN. Mr. Chairman, I call for the regular order.

Mr. EDWARDS. I would like, Mr. Chairman, to discuss the point of order.

Mr. FITZGERALD. I make the point of order that the station is not authorized by law.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] makes a point of order, and the gentleman from Georgia [Mr. EDWARDS] desires to discuss the point of order.

Mr. FITZGERALD. Then I will reserve the point of order.

Mr. MANN. Mr. Chairman, I will reserve a point of order; and, pending that, I make a request for unanimous consent that all Members who have an item which they wish to present as an amendment to any paragraph in this bill may have five minutes in which to advocate its adoption. [Laughter.]

Mr. FITZGERALD. I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Inquiry respecting food fishes: For expenses of the inquiry into the causes of the decrease of food fishes in the waters of the United States, and for investigations and experiments in respect to the aquatic animals, plants, and waters, in the interests of fish culture and the fishery industries, including expenses of travel and preparation of reports, and for all other necessary expenses in connection therewith, $40,000.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to strike out the last word. I should like to ask to what extent this appropriation for an investigation of the destruction of fish has been used heretofore in relation to what are known as the menhaden fisheries along the coast? This item has been in the bill before——

Mr. FITZGERALD. So far as I am informed, there has been no investigation of the menhaden fisheries.

Mr. MOORE of Pennsylvania. To whom are these reports of investigations of the decrease of fishes made?

Mr. FITZGERALD. To the Secretary of Commerce and Labor.

Mr. MOORE of Pennsylvania. One of the reasons for the decrease of food fish in northern waters is the catches made by those who are known as menhaden fishers, who seek them for fertilizing purposes. It is commonly understood that food fish are very generally destroyed in this way. We have very little information on this subject, and I should like to know whether any reports have been made as the result of these expenditures heretofore.

Mr. FITZGERALD. I am not familiar with the reports that have been made. I know something about the menhaden fisheries. They take those fish for the oil and also utilize what is left for fertilizer.

Mr. MOORE of Pennsylvania. Forty thousand dollars a year is a large sum to spend for investigations of this kind. Where are the investigations made? In what particular waters are they carried on—inland waters or on the coast? The destruction of fish occurs very largely on the coast.

Mr. FITZGERALD. Inland waters, coast waters, lakes, and whatever places are called to the attention of the Commissioner of Fisheries.

Mr. MOORE of Pennsylvania. Forty thousand dollars is spent annually for this purpose. Can the gentleman give the net results of these investigations? The decrease of food fishes is a serious matter, which enters into the food supply and the cost of living. There is a decrease of food fishes in northern inland waters and along the north Atlantic coast. It is due to certain causes. If we spend $40,000 a year to investigate, why can we not ascertain what the causes are?

Mr. EDWARDS. That same condition exists all down the Atlantic coast.

Mr. MOORE of Pennsylvania. There are reasons why the fish disappear, and some of them are not wholly natural. The spreading of oil upon the water is one reason, the catching of food fish for fertilizer is another reason. Are we getting any results from the expenditure of $40,000 a year for this purpose?

Mr. KENDALL. Somebody suggested yesterday that the food fishes on the Pacific coast were being taken by great corporations that were converting them into fertilizer. Is that true or not?

Mr. MOORE of Pennsylvania. I am trying to find out whether we get any results from this expenditure.

Mr. FITZGERALD. The committee went very exhaustively into this matter last year. The Commissioner of Fisheries made this statement:

The scientific investigations of the bureau are directed primarily to the improvement of methods of fish culture, to the determination of the conditions in lakes and streams with respect to the introduction of fishes, and the development of fisheries, such, for instance, as those for oysters, sponges, etc., which, from their nature, are not susceptible of benefit by means of the ordinary methods of fish culture. Some of the recent results obtained are as follows: Inquiries resulting in the improvement of the oyster laws and methods of oyster culture of Delaware, Maryland, North Carolina, South Carolina, Alabama, and Louisiana. In the latter State the oyster fishery has risen from 959,000 bushels to 4,504,000 bushels per annum. Since the adoption of the bureau's recommendations thousands of acres of previously barren bottoms are now productive. The oyster fishery of the United States has an annual value to the fisherman of $16,000,000.

Mr. MOORE of Pennsylvania. If the gentleman will pardon me, I do not care to have him read all that——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask for two minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks for two minutes more. Is there objection?

There was no objection.

Mr. FITZGERALD. I am giving the information the gentleman requested as to the value of these investigations and their character.

Mr. MOORE of Pennsylvania. I do not think it answers the question that I put to the gentleman a moment ago. Forty thousand dollars a year is being spent, for what purpose? For an inquiry into the causes of the decrease of food fishes in the waters of the United States. Now, we have no information as to whether we have investigated the cause of the decrease, because apparently the causes are not reported. Even if they were reported, we have nothing to show that the $40,000 expenditure results in any steps taken to prevent the decrease.

Mr. FITZGERALD. The gentleman is mistaken. The reports are published, but I do not have time to read the reports of all of the investigations made by the departments of the Government.

Mr. MOORE of Pennsylvania. I understand that, but there ought to be some justification before the committee of the expenditure of $40,000, and some remedy should be applied.

Mr. FITZGERALD. I was trying to give the gentleman information, but he declines to permit me. These reports are very full and lucid, and I would be very glad to have the gentleman read them himself at his leisure.

Mr. MANN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. MANN. What makes the gentleman say that there are $40,000 expended for inquiry into the causes of the decrease of food fishes?

Mr. MOORE of Pennsylvania. Because that is what the paragraph states, beginning on line 21 and line 22.

Mr. MANN. Then it says, "And for investigations and experiments in respect to the aquatic animals, plants, and waters in the interests of fish culture," and so forth. That is what the money is expended for.

Mr. MOORE of Pennsylvania. We are inquiring into what everybody knows to be the true reason for the decrease of food-fish supply in the northern waters.

The CHAIRMAN. The time of the gentleman has again expired.

The Clerk read as follows:

Alaska fur-seal fisheries protection and support: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska, transportation of supplies to and from the islands, traveling expenses and subsistence for caretakers while on said islands, and for all other expenses necessary to carry out the provisions of the act approved August 24, 1912, entitled "An act to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911," and for the protection of the salmon fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, $75,000.

Mr. HARRISON of Mississippi. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if this includes an appropriation for the sale of the skins at these islands?

Mr. FITZGERALD. I am not sure out of which particular appropriation the expenses of travel and selling the skins are paid.

Mr. HARRISON of Mississippi. Has the gentleman got any information as to what revenue was derived last year from the sale of the skins?

Mr. FITZGERALD. Three hundred and some odd thousand dollars.

Mr. HARRISON of Mississippi. The reason I ask is that since they have stopped pelagic killing I thought they would get a larger revenue than they did formerly.

Mr. FITZGERALD. Under the recent treaty all killing is stopped for a period of five years except such killing as may be necessary to furnish fresh meat to the natives.

Mr. HARRISON of Mississippi. Does the gentleman know whether the revenue was increased last year?

Mr. FITZGERALD. The last sale was under the former law. I will give the gentleman the exact figures.

Mr. KENDALL. Has there been any previous appropriation under this head?

Mr. FITZGERALD. Yes.

Mr. KENDALL. What was the amount of the appropriation last year?

Mr. FITZGERALD. Ninety thousand dollars.

Mr. KENDALL. Has the gentleman any information as to how the money was disposed of?

Mr. FITZGERALD. Yes.

Mr. KENDALL. For whom?

Mr. FITZGERALD. They expended it largely in the purchase of supplies which are sent up to the Pribilof Islands to be distributed among the natives.

Mr. KENDALL. I think the gentleman is mistaken in saying that the money that went up to support the natives came out of this appropriation.

Mr. FITZGERALD. It does come out of this appropriation.

Mr. KENDALL. I know it is in this bill.

Mr. FITZGERALD. This very item says "including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands."

Mr. KENDALL. Has that language been in former appropriations?

Mr. FITZGERALD. Yes. That part of the provision is not changed. This is the item out of which that is paid.

The Clerk read as follows:

For the construction of two steel cars for the distribution of useful food fishes to take the place of cars Nos. 2 and 5, obsolete and unsafe, $30,000.

Mr. SISSON. Mr. Chairman, I will ask the gentleman from New York how many of these cars they have.

Mr. FITZGERALD. I think there are four cars, but they are all of wood. They are very old, and a number of railroads do not permit wooden cars to be put in trains.

Mr. SISSON. My purpose in asking is because in a great many sections of the country, and especially in the section I represent, there has been some little trouble in getting the fish distributed on time, and the complaint has been that it is because of lack of cars.

Mr. FITZGERALD. They need the cars and they should be built of steel to meet modern conditions.

The Clerk read as follows:

For payments to be made to Great Britain and Japan under the terms of article 11 of the convention for protection and preservation of the fur seal and sea otters in lieu of their share of sealskins for the yearly seasons of 1912 and 1913, and in accordance with the act of August 24, 1912, to give effect to the above-named convention, of which amount the sum of $20,000 shall be immediately available, $40,000.

Mr. HELM. Mr. Chairman, it is now about 25 minutes after 10 o'clock. We are starting on a new heading in the bill, and it occurs to me that there is no quorum present.

Mr. FITZGERALD. Mr. Chairman, I suggest to the gentleman that I have to start in at 9 o'clock in the morning. I desire to finish this bill and then prepare the general deficiency bill. I think the gentleman should permit us to work at least as long as the House is willing to stay, so that we may finish what we can that is not controverted. I would like to finish the work, and unless I am permitted to work 17 or 18 hours a day it can not be done.

Mr. HELM. Mr. Chairman, I am afraid the gentleman will overwork himself, and I make the point of no quorum.

The CHAIRMAN. The gentleman from Kentucky makes the point of no quorum. The Chair will count. [After counting.] Eighty-three Members present; not a quorum.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28775, the sundry civil bill, and had come to no resolution thereon.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 26 minutes p. m.) the House adjourned until to-morrow, Friday, February 21, 1913, at 10.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of New River from Radford, Va., to Hinton, W. Va. (H. Doc. No. 1410); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

2. A letter from the Acting Secretary of Commerce and Labor, transmitting a list of useless papers on file in the department, and requesting authority to destroy the same (H. Doc. No. 1409); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HOWLAND, from the Committee on the Judiciary, to which was referred the bill (S. 7385) to relinquish the claim of the United States against the grantees, their legal representatives and assigns, for timber cut on Petaca land grant, reported the same without amendment, accompanied by a report (No. 1554), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEE of Georgia, from the Committee on War Claims, to which was referred the resolution (H. Res. 850) referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary" (Public act No. 475, 61st Cong., 2d sess., p. 1138), reported the same with amendment, accompanied by a report (No. 1553), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FARR, from the Committee on Claims, to which was referred the bill (S. 7488) for the relief of George L. Thomas, reported the same without amendment, accompanied by a report (No. 1555), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 5448) for the relief of Fred A. Emerson, reported the same with amendment, accompanied by a report (No. 1556), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GODWIN of North Carolina: A bill (H. R. 28810) to authorize the Virginia & Carolina Southern Railroad Co. to construct a bridge across the Lumber River at or near the town of Lumberton, N. C.; to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: A bill (H. R. 28811) to reduce the number of officers of the Army; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HOUSTON: A bill (H. R. 28820) providing for the publication of the Official Register of the United States; to the Committee on the Census.

By Mr. HUMPHREYS of Mississippi: A resolution (H. Res. 855) to extend the jurisdiction of the Committee on Rivers and Harbors; to the Committee on Rules.

By Mr. BURLESON: A Resolution (H. Res. 856) to nonconcur in gross in Senate amendments to H. R. 28499; to the Committee on Rules.

By Mr. WEBB: A resolution (H. Res. 857) directing the Attorney General to furnish the House of Representatives with certain information; to the Committee on the Judiciary.

By Mr. PETERS: Resolutions of the general court of the Commonwealth of Massachusetts, favoring the establishment of an international commission on the cost of living; to the Committee on Foreign Affairs.

By Mr. CALDER: Joint resolution of the Senate and House of Representatives of the Legislature of the State of Wyoming, ratifying an amendment to the Constitution of the United States granting Congress the power to levy a tax on incomes; to the Committee on Ways and Means.

By Mr. LA FOLLETTE: Senate joint memorial of Washington State Legislature, asking Government resurvey of Palouse irrigation project, Franklin County, Wash.; to the Committee on Irrigation of Arid Lands.

Also, senate joint memorial of Washington State Legislature, urging legislation by Congress to restrict immigration of undesirable foreigners; to the Committee on Immigration and Naturalization.

Also, senate joint memorial of Washington State Legislature, urging passage of H. R. 5966, providing monuments to mark the Oregon trail; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAMLIN: A bill (H. R. 28813) granting an increase of pension to George T. Johnson; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 28814) for the relief of Hannibal E. Peck; to the Committee on War Claims.

Also, a bill (H. R. 28815) granting a pension to Daisy D. Knox; to the Committee on Pensions.

By Mr. RAKER: A bill (H. R. 28816) for the relief of Bert Harris; to the Committee on Claims.

By Mr. VOLSTEAD: A bill (H. R. 28817) granting a pension to Ervin Everson; to the Committee on Pensions.

Also, a bill (H. R. 28818) granting an increase of pension to Rosa C. Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28819) granting an increase of pension to Clara M. McCrady; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Builders' Exchange League, of Pittsbugh, Pa., favoring the passage of the McLean bill providing for the protection of all migratory birds; to the Committee on Agriculture.

By Mr. ALLEN: Petition of the United Mine Workers of America, Columbus, Ohio, favoring the passage of legislation for an investigation of the West Virginia coal strike; to the Committee on Labor.

By Mr. ANDERSON: Petition of business men of Fountain, Minn., favoring the passage of legislation to compel concerns selling direct to the consumer by mail to pay their share in the expenses for building up the local community—county and State; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of Weed & Kennedy, of New York, favoring the passage of Senate bill 6497, introduced by Mr. McLEAN, for the protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Retail Dry Goods Association, New York, protesting against the passage of House bill 27148, for transferring the classification of books from third to fourth class; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. John B. Salo, Brooklyn, N. Y., favoring the passage of House bill 25685, for the labeling of all goods and articles intended for sale under interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of Geiger Spring and 5 other citizens of New York, favoring the passage of House joint resolution 393, providing for the giving of gold medals to all the Gettysburg survivors on the occasion of the fiftieth aniversary, July, 1913; to the Committee on Military Affairs.

Also, petition of the Merchants' Association of New York, favoring the passage of legislation for the adoption of the national budget and for changing laws and practices now regulating Federal expenditures; to the Committee on Ways and Means.

Also, petition of members of the Loyal Legion and others, favoring the passage of the bill recommending the adoption of the Star Spangled Banner as the national anthem; to the Committee on the Library.

By Mr. DAVIS of Minnesota: Petition of the Audubon Society of Gaylord, Minn., and the Gohper Campfire Club, of Hutchinson, Minn., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of the Minnesota State Dairymen's Association, favoring the passage of a law defining the percentage of butter fat legal butter should contain; to the Committee on Agriculture.

Also, petition of the Minnesota State Senate, favoring the passage of Federal legislation authorizing national banks to make loans on farm-mortgage securities; to the Committee on Banking and Currency.

Also, petition of the Minnesota Educational Association, favoring the passage of legislation for the establishment of a national university in Washington, D. C.; to the Committee on Education.

Also, petition of the Fergus Falls (Minn.) Scandinavian Temperance Union, favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of intoxicating liquors into dry territory; to the Committee on the Judiciary.

Also, petition of the Dakota County (Minn.) Good Roads Association, favoring the passage of the bill for Federal aid for road construction; to the Committee on Agriculture.

Also, petition of the Minnesota State Dairymen's Association, Nicollet, Minn., favoring the passage of the Haugen bill for preventing any fraud and deceit to be practiced on the producer and consumer of pure butter; to the Committee on Agriculture.

By Mr. DYER: Petition of the Cook County Truck Gardeners' Association, of Riverdale, Ill., protesting against legislation for

the reduction of the present tariff on sugar; to the Committee on Ways and Means.

Also, petition of the National Liquor League of the United States, Chicago, Ill., and Joseph Delabar, St. Louis, Mo., favoring the passage of legislation eliminating the item appropriating $5,500 for sending delegates to the International Congress on Alcoholism; to the Committee on Foreign Affairs.

Also, petition of H. E. Willis, national legislative representative of the Brotherhood of Locomotive Engineers, Washington, D. C., favoring the passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Second Baptist Church, George A. Edgar, Northern Baptist Convention, St. Louis Christian Ministers' Association, and Oak Hill Presbyterian Church, all of St. Louis, Mo., favoring the passage of the Kenyon-Sheppard interstate liquor bill (S. 4043) prohibiting the shipment of intoxicating liquors into dry territory; to the Committee on the Judiciary.

Also, petition of the Missouri Naval Reserves, St. Louis, Mo., favoring early action by Congress on the Naval Militia bill (H. R. 2588) for promoting the efficiency of the Naval Militia, etc.; to the Committee on Naval Affairs.

By Mr. ESCH: Petition of 150 Methodist Episcopalians of Reedsburg, Wis., favoring the passage of the amendment to House bill 27876 providing for the closing of the gates of the Panama-Pacific Exposition on Sundays; to the Committee on Industrial Arts and Expositions.

Also, petition of the Cook County Truck Gardeners and Farmers' Association, Riverdale, Ill., protesting against the passage of legislation for the reduction of the present tariff on sugar; to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petition of the General Court of Massachusetts, favoring the passage of a bill for the establishment of an international commission on the high cost of living; to the Committee on Foreign Affairs.

By Mr. GOULD: Petition of citizens of Boston, Mass., favoring the passage of the McLean bill (S. 6497), for protection of migratory birds; to the Committee on Agriculture.

By Mr. HAYES: Petition of San Jose Grange, No. 10, Patrons of Husbandry, of San Jose, Cal., and the Audubon Society of San Francisco, Cal., favoring the passage of Senate bill 6497, for protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Woman's Club of Palo Alto, Cal., favoring the passage of legislation making further appropriations for the suppression of the white-slave traffic; to the Committee on Appropriations.

Also, petitions of Flournoy Carter, of Oxnard; Henry D. Hall, of Santa Cruz; George L. Reese, of Ventura; W. C. Werry, of Palo Alto; H. F. Kehworthy, of Salinas; Leslie W. Fritz, of Pacific Grove; Lillian F. Billings, of Santa Clara; George E. Kirby, of San Luis Obispo; L. R. Hunt, of Santa Barbara; Minnie W. Kenney, of Monterey; and Fred W. Suter, of Gilroy, all of the State of California, favoring the passage of the bill placing assistant postmasters in classified service; to the Committee on the Post Office and Post Roads.

By Mr. LANGLEY: Petition of E. A. H. Beyland and others, favoring the passage of House bill 22641, providing that storekeepers, gaugers, and storekeeper-gaugers shall be allowed actual expenses not exceeding $1 while on duty under assignment away from their legal residence; to the Committee on Expenditures in the Treasury Department.

Also, petition of John Bodwell, Paxton, Ill., favoring the passage of House bill 1339, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. RAKER: Petition of the school children of Ontario, Cal., favoring the passage of the Weeks bill, for the protection of migratory birds; to the Committee on Agriculture.

By Mr. RUCKER of Colorado: Petition of the Ladies' Auxiliary, No. 27, N. A. L. C., Denver, Colo., favoring the passage of the Hamill bill, providing for the retirement of aged and infirm civil-service employees; to the Committee on Pensions.

By Mr. STEPHENS of Texas: Petition of numerous merchants of the thirteenth congressional district of Texas, favoring the passage of legislation compelling concerns selling direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: Petition of the National Civic Federation, New York, N. Y., favoring the passage of the Federal workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of the State of New York, favoring the passage of Senate bill 8114, preventing discriminations in the Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Protective Tariff League, favoring the repeal of section 2 of the reciprocity act for the protection of the paper and pulp industry; to the Committee on Ways and Means.

By Mr. VREELAND: Petition of North Otto Grange, No. 990, Otto, N. Y., favoring the passage of the McLean bill, granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. WILSON of New York: Petition of the Electrotypers' Board of Trade of New York, protesting against the passage of House bill 27148, placing books, etc., under the head of fourth-class matter; to the Committee on the Post Office and Post Roads.

By Mr. YOUNG of Texas: Petition of citizens of Tyler, Tex., favoring the passage of the Haugen bill for preventing practices of fraud on the producer and consumer of pure butter; to the Committee on Agriculture.

SENATE.

FRIDAY, *February 21, 1913.*

Rev. William Alexander Major, D. D., of Seattle, Wash., offered the following prayer:

We thank Thee, O God, that we believe that Thou art, and that Thou art a rewarder of those who diligently seek Thee. Thou art the God of Abraham, Isaac, and Jacob. Thou art the God of Abraham Lincoln. Thou art the God of our forefathers. Thou art our God.

We thank Thee, our heavenly Father, for all the good that has come to us. We bless Thee for the good that is coming. We thank Thee that we live in the best day the world has seen. We rejoice that our lawmakers and our ministers of justice are doing for the world to-day a splendid work. We thank Thee, O God, for the broad spirit of brotherhood which is pervading the world and which is constantly, certainly moving us upward. We praise Thee, O God, that each man is coming into his own. We rejoice that a little one is becoming a thousand, and at the promise that every weak nation shall become a great nation.

We pray that the Senate of the United States may more and more have men whose service and sacrifice shall bring glory to Thee and good to every individual. We bless Thee this morning for the inheritance on which we have fallen, and we thank Thee that in the face of the alarmist we to-day look upon conditions the like of which for good, the promise of which for good, the world has never seen. For the inheritance from our fathers we thank Thee to-day. Not unto us, O God, not unto us, but unto Thy name be glory, for Thy mercy and Thy truth's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

POST OFFICE AT BRISTOL, VA. (S. DOC. NO. 1100).

The PRESIDENT pro tempore (Mr. GALLINGER) laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of the 19th instant, the original copies of all petitions both for and against the establishment of the post office at Bristol, Va., and also the original copies of all reports of post-office inspectors detailed to make an investigation thereof, which, with the accompanying papers, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

CONTINGENT FUND, SECRETARY OF WAR (S. DOC. NO. 1096).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting a supplemental estimate of appropriation in the sum of $10,000 for a contingent fund for the Secretary of War, for investigation and experimentation and to secure better methods of administration with a view to increased efficiency and greater economy in the transaction of public business, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

DOROTHY E. BACON V. UNITED STATES (S. DOC. NO. 1099).

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of Dorothy E. Bacon, widow of Francis H. Bacon, deceased, *v.* The United States, which;

with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to a concurrent resolution (No. 71) providing for the printing and binding of 2,500 copies of tariff hearings before the Committee on Ways and Means of the House, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House has signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 4681. An act to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes;

H. R. 2839. An act for the relief of William Hommelsberg; and

H. R. 11478. An act to quiet title and possession with respect to a certain unconfirmed and located private-land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict.

SENATOR FROM IOWA.

Mr. CUMMINS. Mr. President, I present the credentials of my colleague [Mr. KENYON], which I ask may be read.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of WILLIAM S. KENYON, chosen by the Legislature of the State of Iowa a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a telegram, in the nature of a petition, from the Farmers' Grain Dealers' Association of Illinois, praying for the establishment of standard grades of grain, etc., which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Association of Commerce of Chicago, Ill., praying for the adoption of a national budget system tending to provide better business methods for operating the finances of the Government, which was referred to the Committee on Finance.

He also presented a petition of General Joseph Wheeler Camp, No. 38, Department of Illinois, United Spanish War Veterans, of Joliet, Ill., and a petition of George H. Ellis Camp, No. 13, Department of Illinois, United Spanish War Veterans, of Bloomington, Ill., praying for the enactment of legislation granting pensions to widows and orphans of soldiers of the Spanish-American War, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Carterville and Williamson County, in the State of Illinois, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. DILLINGHAM presented memorials of sundry citizens of Jamaica, Bondville, and West Wardsboro, all in the State of Vermont, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. LODGE. I present resolutions adopted by the Commonwealth of Massachusetts in favor of establishing an international commission on the cost of living. I ask that the resolutions be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1913.

Resolutions in favor of the establishment of an international commission on the cost of living.

Resolved, That the general court of the Commonwealth of Massachusetts, believing that the world-wide increase in the cost of living and the possibility of a continuance of this increase for an indefinite period is a matter of great importance, and believing that an international commission on the cost of living should be appointed to meet the urgent need to find a scientific basis for any reforms in this respect which can be accomplished by legislation, hereby approves of the effort to bring about such an international commission.

Resolved, That certified copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, to the presiding officers of both branches of Congress, and to each of the Senators and Representatives from Massachusetts.

In senate adopted January 31, 1913.

In house of representatives adopted in concurrence February 6, 1913.

A true copy.

Attest:

FRANK J. DONAHUE,
Secretary of the Commonwealth.

Mr. LODGE presented memorials of sundry citizens of Williamsburg, Mansfield, and Foxboro, all in the State of Massachusetts, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. JONES. I present a joint memorial of the Legislature of Washington, which I ask may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the memorial was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
THE STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, Secretary of State of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 2, passed January 21 and 23, 1913, relative to the Palouse project for obtaining water from the Snake River by gravity, to irrigate certain lands, with the original copy of said senate joint memorial No. 2 as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original, and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the Capitol, at Olympia, this 11th day of February, A. D. 1913.

[SEAL.] I. M. HOWELL,
Secretary of State.

Senate joint memorial 2.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, being the thirteenth regular session, most respectfully petition and state as follows:

The vast area comprising the great State of Washington is made up in part of arid lands, the agricultural possibilities of which have already been demonstrated, and the most fertile soil lies in Franklin County, bounded on one side by the Snake River and on the other by the Columbia River. The climate is ideal, and adapted to a large variety of crops, both fruit and vegetable, and to agricultural industries.

In addition to the ideal soil and climatic conditions the transportation facilities are the best, both by rail and water, thus providing a sure market and outlet for the produce of the valley at a minimum cost and at the proper time for the producer.

The arid region referred to in Franklin County comprises about 100,000 acres of land north of Pasco and along the coulee between Pasco and Connell.

About eight years ago the United States Reclamation Survey undertook a survey of this land and made what is known as the Palouse project survey. This survey contemplated securing water by a gravity system from the Palouse River, and the report of this survey estimated the cost for a water right to be $31.46 per acre. Upon the board of consulting engineers of the Reclamation Service going over the figures of the estimates made by the engineers in charge of the survey the cost per acre was raised approximately to $63, and the board of consulting engineers advised the abandonment of the project for two reasons—one that the estimated cost of $63 per acre was prohibitive, and, the other, doubts in regard to the Washtucna Coulee—which was to be turned into a reservoir to hold storage waters—retaining the storage waters.

Even admitting that the cost of a water right under the gravity system would be $63 per acre, we think it has been amply demonstrated that these lands would easily bear their cost, as many Government projects have already been undertaken where the cost per acre was more than $63, and in some cases the lands were not as favorably situated.

As the question of the Washtucna Coulee retaining water was never sufficiently tested and the fact that there are many other places along the source of the Palouse River where water can be stored, we believe that the Reclamation Service should make a further survey of this project to determine definitely the question of the Washtucna Reservoir holding water and the determination of what other points would be feasible on the Palouse River for the construction of storage reservoirs.

The Palouse River is the only river from which water can be secured by gravity to irrigate this vast territory, and while this great project is laboring under the handicap of an adverse report from the Reclamation Service, private capital will not go to the expense of making any surveys.

As the final report of the board of consulting engineers did not state that the project was not feasible, we believe that a survey should be made to settle definitely the merits of the project; that the survey determine whether the project is practical or whether it is not.

Wherefore we, your memorialists, most respectfully urge an immediate survey and report upon the Palouse project to determine definitely the feasibility of obtaining water by gravity from the Palouse River to water these lands, and if the project is found feasible that the same be constructed.

Passed the senate January 21, 1913.

LOUIS F. HART,
President of the Senate.

Passed the house January 23, 1913.

HOWARD D. TAYLOR,
Speaker of the House.

(Indorsed.)

STATE OF WASHINGTON, *ss:*

Filed in the office of secretary of state February 11, 1913.

I. M. HOWELL,
Secretary of State.

By J. GRANT HINKLE,
Assistant Secretary of State.

Mr. JONES. I present a joint memorial of the Legislature of Washington, which I ask may be printed in the RECORD and referred to the Committee on the Library.

There being no objection, the memorial was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
THE STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 5, passed by the senate January 29, 1913, passed by the house February 10, 1913, with the original copy of said senate joint memorial as enrolled now on file in this office, and find the same to be a full, true, and correct copy of said original, and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol, at Olympia, this 15th day of February, A. D. 1913.

[SEAL.] I. M. HOWELL,
Secretary of State.

Senate joint resolution 5.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate of the State of Washington, in legislative session assembled, do most respectfully state, represent, and petition as follows:

Whereas on the 19th day of April, 1911, Mr. WILLIAM E. HUMPHREY, Congressman of the first district of the State of Washington, introduced House bill No. 5966, providing for the permanent location, marking, and monumenting the Old Oregon Trail from the Missouri River to Puget Sound as a memorial to the hardy pioneers whose hardships, suffering, and brilliant achievements saved the Oregon country to the Union; and

Whereas the Good Roads Association of the State of Washington, in convention regularly assembled at Tacoma, on the 5th day of November, 1912, did unanimously indorse, urge, and petition for the final passage of said House bill No. 5966, with a liberal appropriation therefor, for the reason that the passage thereof will be a just and proper, although long-delayed, recognition of the achievements of the said pioneers, and be the means of starting the building of national highways: Now, therefore,

Your memorialists, in the name of and for the people of the State of Washington, and speaking in behalf of the State of Washington and of all the people living in the territory traversed by the Old Oregon Trail, earnestly and respectfully petition and urge that said House bill No. 5966 be immediately passed, for the reason and upon the ground that the passage of the bill will tend to increase the patriotism of the present and future generations of our country and make more sacred to those of the future the achievements of our great Nation and its hardy pioneers who enlarged the boundaries of liberty as they extended the frontier of their Nation and who finally made possible the wonderful heritage of a free country from ocean to ocean, with permanent institutions and benefits to endure through all time, and for the further reason that this act will stimulate and eventually guarantee the building of a national highway so much needed by the producing classes of our country.

Passed the senate January 29, 1913.

PLINY L. ALLEN,
President of the Senate.

Passed the house February 10, 1913.

HOWART D. TAYLOR,
Speaker of the House.

(Indorsed.)

STATE OF WASHINGTON, *ss:*

Filed in the office of secretary of state February 14, 1913.

I. M. HOWELL,
Secretary of State.
By J. GRANT HINKLE,
Assistant Secretary of State.

Mr. JONES. I present a joint memorial of the Legislature of Washington, which I ask may be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the memorial was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 6 (passed by the senate January 28, 1913; passed by the house February 10, 1913) with the original copy of said joint memorial as enrolled now on file in this office, and find the same to be a full, true, and correct copy of said original and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol at Olympia this 15th day of February, A. D. 1913.

[SEAL.] I. M. HOWELL,
Secretary of State.

Senate joint memorial No. 6.

To the honorable Senate and House of Representatives of the United States:

Your memorialists, the Senate and House of Representatives of the State of Washington, respectfully petition that—

Whereas the opening of the Panama Canal will, through the establishment of direct steamship lines from the countries of Europe, bring about an immense increase in immigration to the Nacific northwest: Therefore be it

Resolved, That the house and senate of the State of Washington do request the Congress of the United States to pass such restrictive legislation as will stop the influx of undesirable foreigners: And be it further

Resolved, That a copy of this resolution be forthwith transmitted to the Senate and House of Representatives of the United States, at Washington, D. C., and to each Senator and Congressman from the State of Washington, for their use in endeavoring to secure the passage of such restrictive legislation.

Passed the senate January 28, 1913.

PLINY L. ALLEN,
President of the Senate.

Passed the house February 10, 1913.

HOWARD D. TAYLOR,
Speaker of the House.

[Indorsed.]

STATE OF WASHINGTON, *ss.:*

Filed in the office of secretary of state February 14, 1913.

I. M. HOWELL,
Secretary of State.
By J. GRANT HINKLE,
Assistant Secretary of State.

Mr. NELSON presented a memorial of the Council of Jewish Women of St. Paul, Minn., remonstrating against transferring the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PERKINS presented resolutions adopted by Local Branch No. 231, National Association of Letter Carriers, of Fresno, Cal., favoring the enactment of legislation providing for the retirement of civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented resolutions adopted by the Epworth League Alliance of San Francisco, Cal., favoring the ratification of treaties of arbitration with the nations of the world, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by Roosevelt Camp, No. 9, Department of California, United Spanish War Veterans, of Los Angeles, Cal., praying for the enactment of legislation granting pensions to widows and minor children of officers and enlisted men who served in the War with Spain, which were ordered to lie on the table.

Mr. WILLIAMS presented a memorial of sundry citizens of Monroe County, Miss., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. SMITH of Michigan presented a petition of the Chamber of Commerce of Detroit, Mich., praying for the creation of a United States court of patent appeals, which was referred to the Committee on Patents.

Mr. BRANDEGEE presented a memorial of the Christian Endeavor Union of Danbury, Conn., remonstrating against the repeal of the so-called "canteen" law, which was referred to the Committee on Military Affairs.

Mr. STEPHENSON presented memorials of sundry citizens of Waupaca County, Monroe County, and Richland County, all in the State of Wisconsin, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. McLEAN presented a memorial of the Christian Endeavor Union of Danbury, Conn., remonstrating against the repeal of the so-called canteen law, which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented a memorial of sundry citizens of the District of Columbia, remonstrating against the passage of the so-called Hardwick bill, prohibiting intermarriage between the races in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. O'GORMAN. I present a letter from the chairman of the Commodore Barry Branch of the American Continental League, of Jersey City, N. J., transmitting resolution adopted by a meeting of the league by citizens of that city, which I ask may be read.

There being no objection, the memorial was read, as follows:

JERSEY CITY, N. J., *February 15, 1913.*

The Hon. JAMES A. O'GORMAN,
Senate Chamber, Washington, D. C.

SIR: Inclosed herewith please find copy of a resolution adopted unanimously at a meeting of the Commodore Barry Branch of the American Continental League, held in Arcanum Hall, corner Clinton and Jackson Avenues, Jersey City, on Wednesday evening, February 12.

The resolution was presented and its adoption moved by Mr. Patrick O'Mara, 782 Grand Street, Jersey City. Mr. William P. Cleary, 368 York Street, Jersey City, seconded the motion, and Dr. F. K. McMurrough, 100 Lafayette Street, spoke at length on the matter.

The meeting was representative and very enthusiastic.

Very respectfully,

J. P. LEYDEN, *Chairman.*
R. O'REILLY, *Secretary.*
181 Winfield Avenue, Jersey City, N. J.

We, citizens of Jersey City, assembled to honor the memory of George Washington, proclaim our unwavering allegiance to the principles of government set forth in the Declaration of Independence to the Constitution of the United States;

We affirm our conviction that the warning against entangling alliances with the powers of the Old World conveyed to the American people in Washington's Farewell Address has been fully justified by the progress made by this Republic, largely by strict adherence to that policy during the past century. It is more than ever necessary now, when the conflicting interests of the great powers have turned Europe practically into an armed camp and made the outbreak of war on a colossal scale a strong probability in the near future. In such a war American interests could only be protected by strict neutrality;

We favor the peaceful settlement of all differences that may arise with foreign Governments, but we are unalterably opposed to the arbitration of any question involving the vital interests, the honor, the domestic policy or the territorial integrity of the United States, or the conclusion of an arbitration treaty with any European power that might be interpreted as binding this country by special ties of friendship with that power, or calculated to injure, even incidentally, the interests of any other nation; and we protest in an especial manner against any extension of the provisions of the existing arbitration treaty with Great Britain or of the treaty ratified by the Senate in March, 1912, but not yet put in force;

We oppose the passage of the bill introduced into the Senate by Mr. ROOT to repeal the free tolls portion of the Panama Canal act; we protest against the proposition to submit to arbitration an act of the United States Congress affecting the domestic policy of the country and the regulation of its shipping, and we heartily approve and indorse the attitude on this question of Senator JAMES A. O'GORMAN, of New York, and Representative JAMES R. MANN, of Illinois;

We emphatically protest against the proposed appropriation by Congress of $7,000,000 for the celebration of one hundred years of peace with England, and against the appropriation of any public money whatever, either by State or National authority, for any such purpose. We protest in an especial manner against the proposed joint naval and military reviews in connection with that celebration as a direct menace to the peace of the world and a deliberate attempt to aid England in her quarrel with Germany over questions which involve no American interest, and we brand the whole movement as a thinly disguised attempt to bring about an Anglo-American alliance, fraught with disaster and dishonor to this Republic;

We favor the proper celebration by the Government and people of the United States of the centennial of the Battle of New Orleans, of the writing of the national anthem, "The Star-Spangled Banner," and of the burning down of the Capitol in Washington by the British Army. We are anxious to be at peace with England, as well as with the rest of the world, but we insist that the nation which sought to destroy this Republic during the Civil War and which swept American commerce from the sea with vessels built in English shipyards, armed with English guns and manned by British seamen, while the other nations of Europe, except the French Empire, were friendly, shall not be selected for special marks of friendship when its Government is notoriously preparing for war, and alone, of all the Governments of the world, is contesting our control of the Panama Canal;

We favor the eventual removal of all monarchical authority from the American continent and the acquisition by purchase of Bermuda, Jamaica, the Bahamas, St. Thomas, the Belize, and all other insular or continental territory now held by European Governments and which may be used as bases of operations against the Panama Canal or for attack on the United States, and we assert that such acquisition is absolutely necessary, not only for the safety of the canal but for the adequate protection of the interests of the American people:

Resolved, That copies of this declaration be sent to Senator O'GORMAN for presentation to the Senate, to Representative MANN for presentation to the House of Representatives, to the Members of Congress from this city, to the governor of the State, the members of the State legislature, and the mayor of the city.

The PRESIDENT pro tempore. What disposition does the Senator from New York desire to have made of the memorial?

Mr. O'GORMAN. I ask that it may lie on the table for the present.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BOARD OF RIVER REGULATION.

Mr. NEWLANDS. Mr. President, I understand from the Senator from South Dakota [Mr. CRAWFORD] that he was mistaken in his statement yesterday that the memorial of the Legislature of South Dakota urging the passage of the bill known as the Newlands river-regulation bill was printed. I therefore ask that the memorial be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, that order will be made.

Mr. CRAWFORD. The statement of the Senator from Nevada is correct. I presented some memorials from the legislature of my State and they were printed in the RECORD. It was my recollection that this memorial was included with them, but I discover that it was not. I would be glad to have it printed in the RECORD.

The memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA,
State of South Dakota, ss:

I, Frank Glasner, secretary of state of the State of South Dakota, do hereby certify that the annexed bill, to wit, senate joint resolution No. 14, was duly passed by the 1913 session of the Legislature of the State of South Dakota and is now in full force and effect.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota this 4th day of February, A. D. 1913.

[SEAL.]

FRANK GLASNER,
Secretary of State.
By J. T. NELSON,
Assistant Secretary of State.

Joint resolution and memorial requesting the Congress of the United States to pass the Newlands bill, relating to river regulation.

Be it enacted by the Senate of the State of South Dakota (the House of Representatives concurring):

SECTION. 1. That the Congress of the United States is hereby memorialized to enact during the present session the Newlands bill, providing for the creation of a board of river regulation and for the control and beneficial use of flood waters, and we urge our Senators and Representatives in Congress to employ their best efforts to accomplish this end.

REPORTS OF COMMITTEES.

Mr. ROOT, from the Committee on Industrial Expositions, to which was referred the bill (S. 7826) to provide for the participation of the United States in the Panama-Pacific International Exposition, reported it with an amendment and submitted a report (No. 1287) thereon.

Mr. ROOT. I report favorably from the Committee on Industrial Expositions, to which it was referred, the amendment submitted by Mr. PERKINS, on the 18th instant, providing for the participation of the United States in the Panama-Pacific International Exposition, intended to be proposed to the sundry civil appropriation bill, and I submit a report (No. 1286) thereon.

The PRESIDENT pro tempore. Does the Senator from New York desire to have the amendment referred to the Committee on Appropriations?

Mr. ROOT. I will ask what is the wish of the Senator from California upon that point.

Mr. PERKINS. I ask that it be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The amendment will be referred to the Committee on Appropriations and printed.

AGRICULTURE APPROPRIATION BILL.

Mr. BURNHAM. From the Committee on Agriculture and Forestry I report back favorably, with amendments, the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914, and I submit a report (No. 1288) thereon. I give notice that immediately following the disposition of the Indian appropriation bill I shall ask the Senate to take up and consider this appropriation bill.

The PRESIDENT pro tempore. Meanwhile the bill will be placed on the calendar.

PUBLIC BUILDINGS BILL.

Mr. SUTHERLAND. From the Committee on Public Buildings and Grounds I report back favorably, with amendments, the bill (H. R. 28766) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings; and for other purposes, and I submit a report (No. 1291) thereon. I give notice that as soon as the Indian appropriation bill is disposed of, or, if that be found impossible, as soon as the Post Office appropriation bill is disposed of, then I shall ask the Senate to consider this bill.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

AIDS TO NAVIGATION.

Mr. NELSON. From the Committee on Commerce I report back favorably, with an amendment in the nature of a substitute, the bill (S. 8414) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes, and I submit a report (No. 1285) thereon. The bill ought to receive speedy action, and I ask for its present consideration. There is no need of reading more than the substitute which has been reported by the committee.

The PRESIDENT pro tempore. The amendment reported by the committee will be read.

The SECRETARY. The Committee on Commerce report to strike out all after the enacting clause and insert:

Be it enacted, etc., That the Secretary of Commerce and Labor is hereby authorized to establish, provide, or improve the following aids to navigation and other works in the Lighthouse Service, under the Department of Commerce and Labor, in accordance with the respective limits of cost hereinafter respectively set forth, which shall in no case be exceeded.

To construct and equip a lighthouse tender for general service at cost not exceeding $250,000.

FIRST LIGHTHOUSE DISTRICT.

To establish a light at or near Dog Island, entrance to St. Croix River, Me., at a cost not exceeding $3,500.

To construct and equip a light vessel to be placed near Mohegan Island, off the entrance to Penobscot Bay, Me., at a cost not to exceed $125,000.

THIRD LIGHTHOUSE DISTRICT.

Improvements at Great Salt Pond Light Station, R. I., including moving the fog signal and building a keeper's dwelling, at a cost not to exceed $25,000.

To erect a carpenter shop at the general lighthouse depot, Tompkinsville, Staten Island, N. Y., at a cost not exceeding $23,000.

Improvement of the offices and laboratory at the general lighthouse depot, Tompkinsville, Staten Island, N. Y., at a cost not exceeding $21,000.

Completion of the reestablishment of Passaic Light and Fog-Signal Station, Newark Bay, N. J., including authority to build on a new site, if necessary, at a cost not to exceed $45,000.

FIFTH LIGHTHOUSE DISTRICT.

Aids to navigation in Cambridge Harbor, Md., at a cost not to exceed $4,000.

SIXTH LIGHTHOUSE DISTRICT.

Purchase of a site and construction of a wharf and buildings, and purchase of the necessary equipment, so far as funds may permit, for a depot for the sixth lighthouse district, at a cost not to exceed $125,000.

EIGHTH LIGHTHOUSE DISTRICT.

Aids to navigation in Atchafalaya Entrance Channel, La., at a cost not to exceed $50,000.

To construct and equip light vessels for South Pass and Southwest Pass Entrances to the Mississippi River, La., at a cost not to exceed $250,000.

Improvements of the aids to navigation and establishment of new aids on the Mississippi River below New Orleans, La., at a cost not to exceed $50,000.

NINTH LIGHTHOUSE DISTRICT.

Light station on Navassa Island, in the West Indies, at a cost not to exceed $125,000, of which authorization not exceeding $500 shall be applied to securing and placing in some appropriate place on the lighthouse or the base thereof a durable and ornamental tablet, on which shall be made suitable memorial mention of the researches and contributions of Commander Matthew Fontaine Maury, United States Navy, to the science and cause of navigation.

Purchase for lighthouse purposes of approximately one-half acre of land in the vicinity of the lighthouse reservation at Port Ferro Light Station, P. R., for the purpose of constructing a watershed and cistern, and the appropriation "General expenses, Lighthouse Service," for the fiscal year in which the purchase is effected, is hereby made available for the purchase of said site.

TENTH LIGHTHOUSE DISTRICT.

Rearrangement, rebuilding, and improvement of the aids to navigation at Ashtabula Harbor, Ohio, at a cost not to exceed $45,000.

Removal, reconstruction, and improvement of the fog-signal station at Cleveland, Ohio, at a cost not to exceed $17,600.

Light and fog-signal station and improvement of aids to navigation at Lorain Harbor, Ohio, at a cost not to exceed $35,000.

Establishment of aids to navigation at Huron Harbor, Ohio, at a cost not exceeding $4,500.

ELEVENTH LIGHTHOUSE DISTRICT.

Additional aids to navigation at Ashland, Wis., at a cost not to exceed $25,000.

A pierhead light and lighted buoy at Oconto Harbor, Wis., at a cost not to exceed $5,000.

Improvements at Detroit Lighthouse Depot, Mich., at a cost not to exceed $15,000.

TWELFTH LIGHTHOUSE DISTRICT.

Establishment of aids to navigation in the harbor of Manistique, Mich., at a cost not to exceed $20,000.

Improvement of the fog signal at Manistee Pierhead Range, Mich., at a cost not to exceed $9,000.

Improvement of the fog signal at Poverty Island, Mich., at a cost not to exceed $9,000.

SIXTEENTH LIGHTHOUSE DISTRICT.

Light and fog signal at or near Cape St. Elias, Alaska, at a cost not to exceed $115,000.

SEVENTEENTH LIGHTHOUSE DISTRICT.

Aids to navigation and improvements of existing aids in Puget Sound and adjacent waters, Wash., at a cost not to exceed $30,000.

Improvement of Warrior Rock Light Station, Columbia River, Oreg., including the purchase of additional land, at a cost not to exceed $2,000.

For the construction and equipment of a light vessel to Mark Orford Reef, Oreg., $125,000.

EIGHTEENTH LIGHTHOUSE DISTRICT.

Improvements at Point Pinos Light Station, Cal., at a cost not to exceed $30,000.

To authorize the completion of the unfinished portion of the Government road from Rollerville to the Point Arena Lighthouse, Mendocino County, Cal., at a cost not to exceed $3,000.

For establishing a light and fog-signal station on or near North Farallon Island, Cal., $100,000.

Light and fog-signal station at or near Point Vincente, Cal., at a cost not to exceed $75,000.

NINETEENTH LIGHTHOUSE DISTRICT.

Aids to navigation in Pearl Harbor, Hawaii, at a cost not to exceed $80,000.

Improvements of light station at Kauhola Point, Hawaii, at a cost not to exceed $15,000.

Hereafter the purchase of necessary additional land for light stations and depots is authorized under rules prescribed by the Secretary of Commerce and Labor: *Provided*, That no single acquisition of such additional land shall cost in excess of $500.

Hereafter supplies and equipment for special works of the Lighthouse Service may be furnished from general stock and the appropriation "General expenses, Lighthouse Service," reimbursed therefor from the respective appropriations for special works.

Hereafter when any condemned supplies, materials, equipment, or land can not be profitably used in the work of the Lighthouse Service the same shall be appraised and sold, either by sealed proposals for the purchase of the same, or by public auction after advertisement of the sale for such time as in the judgment of the Secretary of Commerce and Labor the public interests require, the proceeds of such sales, after the payment therefrom of the expenses of making the sales, to be deposited and covered into the Treasury as miscellaneous receipts as now provided for by law in like cases.

Hereafter the salaries of lighthouse inspectors, including one inspector for the general service, and excepting the inspector of the third lighthouse district, shall not exceed $3,000 each, or an average of $2,700 each.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENLARGED HOMESTEAD ACT—SOUTH DAKOTA.

Mr. CRAWFORD. Mr. President, a report from the Committee on Public Lands was made and printed on yesterday on the bill (S. 8359) to provide for an enlarged homestead. It concerns a matter in which my State is interested, and which, if anything is to be done with it, should pass the Senate without delay. I do not think it will create any discussion whatever.

I will state that a bill passed both Houses and was approved by the President enlarging homesteads of nonirrigable and arid lands in arid regions to 320 acres. Subsequently an act including the State of Idaho containing the same provision passed both Houses. The bill I introduced, which was reported yesterday, simply includes South Dakota in the group of States, and I should like to have unanimous consent to have the bill taken up and acted upon.

The PRESIDENT pro tempore. If the Senator from South Dakota will withhold his request until the morning business is closed, the Chair will then recognize the Senator for that purpose.

Mr. CRAWFORD. Very well.

PHYSICAL VALUATION OF RAILROADS—HOUR OF MEETING.

Mr. LA FOLLETTE. From the Committee on Interstate Commerce I report back favorably with amendments the bill (H. R. 22593) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for physical valuation of property of common carriers subject thereto and securing information concerning their stocks and bonds and boards of directors, with the recommendation that as amended the bill be passed, and I submit a report (No. 1290) thereon.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. LA FOLLETTE. Mr. President, I wish to submit at this time, if I may be recognized for that purpose, a request for unanimous consent to take up House bill 22593, just reported by me, for consideration on Monday, the 24th of February.

The PRESIDENT pro tempore. Does the Senator suggest an hour at which he desires the vote shall be taken?

Mr. LA FOLLETTE. I will send the formal request to the desk.

The PRESIDENT pro tempore. The Senator from Wisconsin submits a proposed unanimous-consent agreement which will be read.

The Secretary read as follows:

It is agreed, by unanimous consent, that on Monday, February 24, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22593) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for physical valuation of property of common carriers subject thereto and securing information concerning their stocks and bonds and boards of directors, and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill, through the regular parliamentary stages, to its final disposition.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. SMOOT. Mr. President, I should like the Senator from Wisconsin also to make an exception of the appropriation bills—that the unanimous-consent agreement shall not interfere with appropriation bills. Then I shall not have any objection to the request.

Mr. LA FOLLETTE. Of course, I must accept that suggestion, Mr. President.

Mr. BORAH. Before this subject is disposed of, I should like to suggest whether we can not meet at 10 o'clock after Monday morning?

Mr. SMOOT. I was going to make a motion this morning, and perhaps I had better do it now while the question is up, that the Senate——

The PRESIDENT pro tempore. The Senator will kindly withhold his motion until the pending matter is disposed of.

Mr. SMOOT. Very well.

Mr. LA FOLLETTE. I should be very glad, I will say, if the motion suggested by the Senator from Utah [Mr. SMOOT] is to be made, to have it apply to Monday, rather than to the days following Monday. That would allow a little more time for the consideration of the bill which I have named, if it shall be found that the bill provokes very much debate, though I do not believe it will.

The PRESIDENT pro tempore. It will be noted in the unanimous-consent agreement that appropriation bills are excepted.

Mr. BRANDEGEE. May I suggest to the Senator from Wisconsin that he make it a part of the unanimous-consent agreement that the Senate meet at 10 o'clock on that day?

Mr. LA FOLLETTE. I will include that suggestion in my request, unless it is certain to be covered by the motion to be made by the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. Mr. President, I move that when the Senate adjourns to-day it adjourn to meet to-morrow morning at 11 o'clock; that the eulogies, of which notice has been given for to-morrow, begin at 2 o'clock; and that, beginning on Monday, the 24th instant, the Senate meet at 10 o'clock in the morning.

The PRESIDENT pro tempore. The question is on the motion submitted by the Senator from Utah.

The motion was agreed to.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement as modified by the Senator from Wisconsin [Mr. LA FOLLETTE]? The Chair hears none, and it is agreed to.

ISAAC THOMPSON.

Mr. DIXON. On yesterday I reported from the Committee on Military Affairs the bill (H. R. 3957) for the relief of Isaac Thompson. I ask leave to submit a report (No. 1283) to accompany the bill.

The PRESIDENT pro tempore. The report will be received and printed.

DAVID CROWTHER.

Mr. DIXON. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 26648) for the relief of David Crowther, to report it favorably without amendment, and I submit a report (No. 1289) thereon. By mistake a written report was submitted yesterday and printed. I call the attention of the Senator from New York [Mr. O'GORMAN] to the bill.

Mr. O'GORMAN. I ask unanimous consent for the present consideration of the bill reported by the Senator from Montana.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that in the administration of the pension laws David Crowther shall hereafter be held and considered to have been absent with proper authority and in the line of duty as a soldier while serving as a member of Company I, Sixth Regiment Maine Volunteer Infantry, but no pension, bounty, or allowances shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CATRON:

A bill (S. 8563) granting an increase of pension to Grace A. Overhuls; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 8564) for the relief of the heirs of Elijah D. Guthrie (with accompanying papers); to the Committee on Claims.

A bill (S. 8565) to authorize the Virginia & Carolina Southern Railroad Co. to construct a bridge across the Lumber River at or near the town of Lumberton, N. C.; to the Committee on Commerce.

By Mr. SMITH of Michigan:

A bill (S. 8566) granting an increase of pension to Charles Newton Eddy;

A bill (S. 8567) granting a pension to Martin Malone; and

A bill (S. 8568) granting an increase of pension to Fred E. Williams; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 8569) granting a pension to I. M. Conley;

A bill (S. 8570) granting a pension to Samuel O. Johnson;

A bill (S. 8571) granting a pension to Margaret C. Jenkins; and

A bill (S. 8572) granting a pension to Aron Angle; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to appropriate $5,950 for expenses of delegates to the Fourteenth International Congress against alcoholism at Milan, Italy, September, 1913, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment providing for the purchase or construction in Government yards, in accordance with plans and specifications to be prepared by the Navy Department, and to have a cargo capacity of 12,000 tons of coal and a speed of at least 14 knots per hour, two colliers to cost not exceeding $1,000,000 each, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LEA submitted an amendment providing for the participation of the Government of the United States in the National Conservation Exposition to be held at Knoxville, Tenn., during the fall of 1913, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Industrial Expositions and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $101,424 for the maintenance of the office of the Superintendent of Documents, intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

COMMITTEE SERVICE.

Mr. NEWLANDS was, on his own motion, relieved from further service upon the Committee on Industrial Expositions.

Mr. MARTIN of Virginia submitted the following resolution, which was read, considered by unanimous consent, and agreed to:

Resolved, That the following assignment to service on committees be made, namely:

Mr. KEY PITTMAN, of Nevada, to Claims, Pacific Railroads, Coast and Insular Survey, Expenditures in the Department of Justice, and Industrial Expositions.

COMMISSION ON ECONOMY AND EFFICIENCY.

Mr. DILLINGHAM submitted the following resolution (S. Res. 470), which was read, considered by unanimous consent, and agreed to:

Resolved, That the President be requested to send to the Senate any additional information submited by the Commission on Economy and Efficiency relating to the matter of saving in recovery of Government waste paper.

GERTRUDE WILSON.

Mr. CRANE submitted the following resolution (S. Res. 471), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Gertrude Wilson, widow of Washington Wilson, late a laborer of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

AFFAIRS AT ELLIS ISLAND (S. DOC. NO. 1098).

Mr. LODGE. I have a copy of the annual report of William Williams, commissioner of immigration at the port of New York, in reference to Ellis Island affairs, for the year ended June 30, 1912. It is a very valuable paper. I ask that it be printed as a public document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CONSTITUTION, THE COURTS, AND THE PEOPLE (S. DOC. NO. 1095).

Mr. SUTHERLAND. I send to the desk a copy of an article taken from the Yale Law Journal, being an address delivered by Ralph W. Breckenridge, of the Omaha bar, at the annual meeting of the California State Bar Association, at Fresno, November 22, 1912, on "The Constitution, the courts, and the people." I ask that the article be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CAREY ACT PROJECTS (S. DOC. NO. 1097).

Mr. SMOOT. I present a report of the committee appointed by the Secretary of the Interior to make an investigation into and report upon the history and present condition of the Carey Act projects. I do this because the Public Lands Committee have the subject in hand and they desire the use of this report. I ask that the report be printed as a public document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FLOOD CONTROL OF THE MISSISSIPPI RIVER (S. DOC. NO. 1094).

Mr. PERCY. I ask to have printed as a Senate document an address delivered by the president of the Mississippi River Commission, at Memphis, Tenn., September 26, 1912, before the Interstate Levee Association, on the "Lessons of the flood of 1912," together with a short editorial on the same subject taken from the Scientific American of February 15.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TARIFF HEARINGS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (No. 71) of the House of Representatives, which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring). That there be printed and bound 2,500 copies of tariff hearings before the Committee on Ways and Means of the House of Representatives since the 6th day of January last, 1,700 copies for the use of the House and 800 copies for the use of the Senate.

ENLARGED HOMESTEAD ACT—SOUTH DAKOTA.

The PRESIDENT pro tempore. Are there further concurrent or other resolutions? If not, morning business is closed. The Chair now recognizes the Senator from South Dakota.

Mr. CRAWFORD. I ask unanimous consent for the present consideration of the bill (S. 8389) to provide for an enlarged homestead.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivision, under the provisions of this act, in the State of South Dakota, 320 acres, or less, of arid, nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body and not over 1½ miles in extreme length: *Provided*, That no lands shall be subject to entry under the provisions of this act until the lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation, at a reasonable cost, from any known source of water supply.

SEC. 2. That any person applying to enter land under the provisions of this act shall make and subscribe before the proper officer an affidavit as required by section 2290 of the Revised Statutes, and in addition thereto shall make affidavit that the land sought to be entered is of the character described in section 1 of this act, and shall pay the fees now required to be paid under the homestead laws.

SEC. 3. That any homestead entryman of lands of the character herein described, upon which final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his former entry, which shall not, together with the original entry, exceed 320 acres, and residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

SEC. 4. That at the time of making final proofs as provided in section 2291 of the Revised Statutes, the entryman under this act shall, in addition to the proofs and affidavits required under said section prove by two credible witnesses that at least one-eighth of the area embraced in his entry was continuously cultivated to agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-fourth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry.

SEC. 5. That nothing herein contained shall be held to affect the right of a qualified entryman to make homestead entry in the State of South Dakota under the provisions of section 2289 of the Revised Statutes, but no person who has made entry under this act shall be entitled to make homestead entry under the provisions of said section, and no entry made under this act shall be commuted.

SEC. 6. That whenever the Secretary of the Interior shall find that any tracts of land in the State of South Dakota subject to entry under this act do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate 320,000 acres, and thereafter they shall be subject to entry under this act without the necessity of residence upon the land entered: *Provided*, That the entryman shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of said entry, and that after six months from date of entry and until final proof the entryman shall reside not more than 20 miles from said land and be engaged personally in preparing the soil for seed, seeding, cultivating, and harvesting crops upon the land during the usual seasons for such work unless prevented by sickness or other unavoidable cause. Leave of absence from a residence established under this section may, however, be granted upon the same terms and conditions as are required of other homestead entrymen.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIVER AND HARBOR BILL.

Mr. NELSON. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. NELSON. There are two amendments in the bill that went over until to-day for the convenience of the Senator from Missouri [Mr. STONE]. Before we take up those amendments I desire to offer two amendments to the bill, and preceding action upon them I ask to have read at the desk a letter from Gen. Bixby which explains the necessity for the amendments.

The PRESIDENT pro tempore. The amendments will first be stated, and then the letter will be read.

Mr. NELSON. I should be glad to have the letter first read.

The PRESIDENT pro tempore. Very well. Without objection, the Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 21, 1913.

Hon. KNUTE NELSON,
United States Senate.

SIR: 1. I have the honor to invite your attention to the accompanying copy of letter reporting the burning of the United States dredge *C. B. Comstock*, at the mouth of the Brazos River on the 17th instant.

2. This dredge has been employed on harbor improvements on the coast of Texas, particularly at the mouth of the Brazos River and at Port Aransas. The Engineer Department has no other dredge which is available and suitable for carrying on the improvements upon which the *Comstock* has been engaged, nor, so far as known, has any contractor.

3. The appropriations carried in the pending river and harbor bill for the improvements upon which this dredge has been engaged are not sufficient to permit the construction of another dredge, and unless a new dredge is available as early as practicable the channels of these ports will unquestionably deteriorate to such an extent that navigation will be seriously interfered with.

4. It is therefore requested that, if practicable, the appropriations carried in the pendng river and harbor bill for the mouth of the Brazos River, Tex., and Port Aransas, Tex., each be increased by $100,000, with authority to construct a dredge.

Very respectfully,
W. H. BIXBY,
Chief of Engineers, United States Army.

The PRESIDENT pro tempore. The first amendment presented by the Senator from Minnesota will be stated.

The SECRETARY. On page 35, line 9, it is proposed to strike out "$500,000" and insert the following:

Six hundred thousand dollars, of which $100,000, or so much as may be necessary, may be expended as part payment for the construction of a dredge to replace the U. S. dredge *C. B. Comstock*, destroyed by fire.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment submitted by the Senator from Minnesota will be stated.

The SECRETARY. On page 36, line 25, it is proposed to strike out "$25,000" and insert in lieu thereof the following:

One hundred and twenty-five thousand dollars, of which $100,000, or so much thereof as may be necessary, may be used as part payment for the construction of a dredge to replace the U. S. dredge *C. B. Comstock*, destroyed by fire.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NELSON. Mr. President, I desire further to say that I made an error last night in replying to the Senator from Mississippi [Mr. PERCY]. An amendment was offered by me to the Mississippi River item relating to revetment work in front of Memphis. After the amendment had been offered the Senator from Mississippi made a point of order against it. In the meantime the Senator from Ohio [Mr. BURTON] asked that the amendment go over. I supposed yesterday that the point of order had been sustained; but it seems from the RECORD that I was in error and that that amendment, subject to the point of order, is still pending. It went over at the instance of the Senator from Ohio. I shall be glad to have that matter taken up and disposed of now, subject to the point of order.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 52, after the word "navigation," in line 4, it is proposed to insert the following:

Provided further, That of the amount herein appropriated, $250,000, or such sum as may be necessary, shall be expended for revetting, leveeing, and otherwise improving the left bank of said river at and near Memphis, Tenn., for the purpose of preventing damage by floods and promoting the interest of navigation.

Mr. PERCY. Mr. President, the point of order made against the amendment is that it is not in accordance with the report of a standing committee and that it is covered by no estimate.

The PRESIDENT pro tempore. The Chair will be pleased to hear from the Senator presenting the amendment as to the question of order.

Mr. NELSON. Mr. President, I really presented the amendment myself, at the instance of the junior Senator from Tennessee [Mr. WEBB]. It was not strictly a committee amendment. The Senator called my attention to it, and I told him I would offer it on the floor, which I did.

The PRESIDENT pro tempore. The Chair will be pleased to hear from the Senator from Minnesota on the point of order. The point of order is made against the amendment.

Mr. NELSON. I am not clear about the point of order; and, so far as I am concerned, I shall be satisfied with whatever the Chair may deem to be the proper ruling.

The PRESIDENT pro tempore. As the Chair understands the matter, this is a diversion of $250,000 from the $6,000,000 appropriated in the bill.

Mr. NELSON. Yes; and it is not a committee amendment.

The PRESIDENT pro tempore. It appears that the $6,000,000 are to be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers. Do those plans, specifications, and recommendations cover the proposed improvement contemplated in the amendment?

Mr. NELSON. That I am not able to say. I do not know whether they do or not.

Mr. PERCY. They do not, Mr. President.

The PRESIDENT pro tempore. The Senator from Mississippi states that they do not. Under those circumstances the Chair is constrained to sustain the point of order. The question is upon the amendment on page 52 of the bill.

Mr. NELSON. That amendment begins on line 5. I understand the Senator from Missouri [Mr. STONE] desires to address the Senate on that amendment.

The PRESIDENT pro tempore. The amendment is before the Senate, to strike out and insert.

Mr. CUMMINS. Mr. President, before the Senator from Missouri discusses the question, which undoubtedly he will do with a great deal more familiarity with the details than I have, I desire to say a word or two with regard to it.

The Mississippi River Commission was organized under an act of Congress passed June 28, 1879. Its powers were stated in that act. I read briefly from the act in order that the Senate may have in view precisely what the commission was organized to accomplish.

Mr. BURTON. I will ask the Senator from what statute he is about to read?

Mr. CUMMINS. The act of June 28, 1879.

Mr. BURTON. As found in the engineer's report?

Mr. CUMMINS. In the engineer's report, in part 3, at page 3695:

> To direct and complete such surveys of said river between the Head of Passes, near its mouth, to its headwaters—

I particularly desire that the Senate shall notice that its duty was to complete the survey of the river between the Head of Passes and its headwaters—

> as may now be in progress, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, of said river and its tributaries as may be deemed necessary by said commission to carry out the objects of this act.

It appears from the extract I have read from the law creating the commission that it has jurisdiction, complete and whole, over the Mississippi River from its headwaters to its mouth, or to the Head of Passes. When, however, appropriations have been made heretofore to be expended by the Mississippi River Commission or under its direction they have been limited to a part of the river. They were first limited to that part of the river between the Head of Passes and the mouth of the Ohio River. That stretch was afterwards increased or enlarged so that it embraced the river between the Head of Passes and Cape Girardeau.

The bill as it came from the House appropriated $6,000,000 for the improvement of the river between the Head of Passes and Cape Girardeau. Among the things that the Mississippi River Commission was authorized to do was to set apart a sum for the building of levees. In that respect the appropriation can be used for a purpose not within the contemplation of the appropriations for other parts of the Mississippi River, and, indeed, other rivers as well.

The House, after making this appropriation, concerning which I make no complaint—if I were to make any change in it, I would increase it rather than to diminish it—further provided:

> Any funds which have been, or may hereafter be, appropriated by Congress for improving the Mississippi River between the Head of Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any part of said river between the Head of Passes and Rock Island, Ill.

The effect of this provision in the House bill was to authorize the Mississippi River Commission to take some part, if it chose to do so, of the sum allotted to the building of levees, and use it in the construction of that kind of work north of Cape Girardeau, between that point and Rock Island, Ill.

The committee proposes to strike out that part of the House bill and thus confine, as it has been heretofore confined, the expenditure of money for the purpose of constructing levees to a point south of Cape Girardeau, and therefore to exclude all that territory lying along the river north of the cape to the headwaters, or, as the bill provided, to Rock Island, Ill.; and it proposes to substitute for that portion of the House bill a provision which I now read:

> The Mississippi River Commission shall make an examination of the Mississippi River from Cape Girardeau, Mo., to Rock Island, Ill., with a view to such improvements as will at the same time promote navigation, develop water power, and protect property adjacent to said river from damage by floods; and in making such examination consideration shall be given and recommendations made as to plans for cooperation by the localities affected; and for the purpose of such examination the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. President, as we who live north of Cape Girardeau look at the matter, this is simply a polite way of postponing the time at which we can become the beneficiaries of the appropriation, so far as the building of levees is concerned. I do not speak now for the State of Missouri. I have no intimate acquaintance with its geography. I do know, however, that there are large tracts of land bordering the river and north of the cape which are in need of the cooperation of the General Government, or in need of the assistance of the General Government, in order to protect them from floods.

Passing to my own State, while we have no such area of lands subject to overflow as have some of the States lying south of the cape or south of the Ohio River, we have some lands that are just as subject to overflow as any lands in Arkansas or any in Mississippi or any in Louisiana, and we feel that as to those lands we have just as much right to the protection and the help of the Mississippi River Commission as has land lying farther south.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I do.

Mr. WILLIAMS. Why does not the Senator, then, couple the provision for the protection of his State with a demand for a sum of money for that purpose, instead of taking it away from the lower river, to which it has been adjusted after careful estimates and consideration? Why does not the Senator add to the proposition which he desires an independent appropriation for his purposes, instead of taking money from a purpose not even sufficiently provided for, by his own confession in the earlier part of his remarks?

Mr. CUMMINS. Mr. President, the House of Representatives is responsible for the provision of the bill which I desire shall be left in it. I assume that the House of Representatives believed that $6,000,000 was sufficient for all that part of the river which the bill actually covered as it left the House.

Mr. WILLIAMS. The Senator, then, supposes something that is not justified by the facts of the case. The estimates were for more, and we got less than the estimates. The point is this: Of course the House of Representatives has passed the bill in this shape. That does not prevent the Senator from amending it here into such shape as shall help his State without hurting ours.

Mr. CUMMINS. No, Mr. President; I have no power to offer an amendment of that kind. It would be subject to a point of order. If the Committee on Commerce had chosen to increase the appropriation of $6,000,000, believing that more than that sum would be required if levee building were attempted north of the mouth of the Ohio, I not only should have made no objection to it, but I should have accepted it, believing that it had done a wise thing. It did not do so, however. On the contrary, it attempted to remove the northern stretch of the river entirely from the jurisdiction of the commission in so far as building levees was concerned.

Mr. PERCY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I do.

Mr. PERCY. The Senator is doubtless aware that there was no estimate before the Committee on Commerce as to what would be required to be expended on levee building north of Cape Girardeau. Under the customary way in which appropriations are carried in this bill there was nothing upon which an appropriation for that purpose could be predicated. There was no way to ascertain whether the addition necessary to cover work north of Cape Girardeau commensurate with the extension asked would call for $100,000 or $10,000,000 additional.

Mr. CUMMINS. Mr. President, I will reply to the senior Senator from Mississippi as I did to the junior Senator from that State. The House had before it the estimate of the Board of Engineers.

Mr. PERCY. I beg to differ with the Senator in regard to that.

Mr. CUMMINS. It concluded that $6,000,000 was sufficient for the whole stretch of the river. Mark you, we are not insisting that, for the general improvement of the Mississippi River, any part of the $6,000,000 shall be expended north of the mouth of the Ohio. We are only insisting that so much of the appropriation as is allotted for the building of levees may be extended north of the Ohio. The report of the Board of Engineers, I understand, required a larger sum than $6,000,000, but the House was not convinced that a larger sum was necessary. In connection with granting $6,000,000 it said that if the Mississippi River Commission wanted to do it—it is not mandatory upon the commission, but if it wanted to do it—it could take a part of the sum which was allotted to levee building and use it in the northern part of the river.

I assume that the House was intelligent in its action. I assume that it understood the necessities of the various localities and that it enacted this provision in the light of adequate knowledge.

Mr. PERCY. I will say, Mr. President, that the Senator is in error in supposing that there were any engineers' estimates before the Rivers and Harbors Committee of the House on this subject. So far as the printed hearings before that committee are concerned, it is not disclosed that there was ever given a hearing or that there was any information of an official character before the committee upon which this action was predicated.

Mr. CUMMINS. I have not examined the hearings, and the Senator from Mississippi may be right about that. Nevertheless, I must still insist that the House and the House committee had the information that was necessary to enact a provision of this sort.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I do.

Mr. BURTON. I think that is a point of very vital importance. I desire to state to the Senator from Iowa that the Chief of Engineers appeared before the Committee on Commerce and expressly stated that they had no estimate, and indeed on questioning it appeared that he could express no opinion as to what the expense would be of making those levees.

Mr. CUMMINS. Either north or south?

Mr. BURTON. North, not south. There they are very detailed.

Mr. CUMMINS. I understood the Senator from Mississippi to say they had no estimates either north or south.

Mr. PERCY. No; the Senator misunderstood me.

Mr. BURTON. Above Cape Girardeau, no; below Cape Girardeau, yes.

Mr. CUMMINS. I have no doubt that is true, because hitherto the Mississippi River Commission has had no authority to spend any part of the money which is allotted north of Cape Girardeau, and therefore naturally there would be no estimate. The commission already has authority under the original act to make an examination north of the Ohio River. It can expend any part of the $6,000,000 that it pleases in making the survey, if it has not already surveyed it, although I know that certain parts of that territory have been surveyed until there would seem to be no further opportunity for the acquisition of the least information upon the subject. The commission already has that power, but it has no power to spend any part of the sum which it sets aside for levees north of the part I have indicated.

Now, we can not divide the work of the Mississippi River Commission. I am thoroughly convinced that it ought to consider this problem as a whole. It ought to consider what effect levee building in Iowa and in the northern part of Missouri and in Illinois will have upon the current and the flow in the south river. It ought to have gone on long ago to do this thing, at least to acquaint Congress and acquaint the Board of Engineers with the real situation. But it has not done so; and all we ask is that if it desires to do so, it may expend some part of this money in that way. There is no value in giving it authority to survey or examine the north part of the river. The commission has that authority now, and has had it ever since it was organized. The difficulty is that the appropriation to carry out this work is limited to that part of the river which I have described.

I do not suppose that any great part of the money will be taken to build levees at all. We do not get very much of the Government's help in that quarter of the country. That is because we have not needed very much of the Government's help. There is an appropriation for improving the upper Mississippi of a million and a half dollars, I think. But that, of course, is not to be expended, and not one penny of it can be expended there, in the building of levees, for the only authority, as I understand it, for the building of protective banks is with the Mississippi River Commission, and it must be specially authorized to do it before it can proceed with that kind of work.

I am not able to see the justice of it. I think that our people whose lands are annually overflowed have just as much right to have the Mississippi River Commission look over their lands and determine whether it ought to aid the authorities of the State, or the municipal authorities in keeping the water of the Mississippi River away from that land, as to look over the lands of any other State.

If the bill as passed by the House is kept as it is, and it can be shown that the appropriation of $6,000,000 is not sufficient to do the full work, I would be the last man in the world to oppose an increase in that appropriation. But at some time or other we ought to be brought within the jurisdiction and within the scope of the assistance of the Mississippi River Commission, and we will not rest content until we are. We are perfectly willing to see money expended at all points upon the Mississippi River necessary to protect the adjacent lands, but while the Government is doing for one State what undoubtedly it ought to do it seems to me that we can well ask that we shall come next in the distribution of the Government's bounty.

I hope very much that the provision made by the House will be allowed to stand as a part of this appropriation bill. It is in exact harmony with the views that have been so eloquently and so emphatically stated by the Senator from Ohio [Mr. BURTON]. It is in exact harmony with the general plan that is proposed by the Senator from Nevada [Mr. NEWLANDS]. It is taking into account the whole situation and proceeding to deal with it according to the conditions which affect every part of it.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. As I understand the Senator, he is speaking to the committee amendment to strike out.

Mr. CUMMINS. Yes; I am speaking against the committee amendment which proposes to strike out lines 5 to 13, inclusive, on page 52.

Mr. BORAH. And the Senator is opposed to the amendment of the committee offered as a substitute?

Mr. CUMMINS. Of course, if the committee amendment proposing to strike the lines out of the bill as passed by the House is adopted, I do not say that then I will be opposed to the committee amendment for survey or examination.

Mr. NELSON. If the Senator will allow me, the amendment in italics is intended as a substitute for what is proposed to be stricken out.

Mr. CUMMINS. I understand that. I am speaking now upon the justice of retaining the House provision as it came to us.

Mr. BORAH. I wanted to ask some one who is familiar with the substitute in regard to a clause in it. Perhaps I should wait until some one speaks in behalf of it. There is one clause I want to know something about before I vote on it.

Mr. CUMMINS. I do not know what part of the proposed substitute the Senator from Idaho refers to——

Mr. BORAH. I will call the Senator's attention to it.

Mr. CUMMINS. But I do want to say, before he calls my attention to it, with regard to the power given there to the Mississippi River Commission, it already has the power of survey and examination as fully as it could be given by any additional statute.

Mr. BORAH. The amendment says "the Mississippi River Commission shall make an examination of the Mississippi River from Cape Girardeau, Mo., to Rock Island, Ill., with a view to such improvements as will at the same time promote navigation, develop water power," and so forth.

Mr. CUMMINS. It does not confer any power to develop water power, because——

Mr. NEWLANDS. Mr. President, it is impossible on this side to hear what the Senator is saying.

The PRESIDENT pro tempore. Complaint is made that the Senator from Iowa is not heard.

Mr. BORAH. A few days ago, when we had the Connecticut River bill up, we seemed to be only feeling our way. Here is a distinct grant of power to develop water power, disregarding the question entirely whether it is connected with navigation.

Mr. CUMMINS. I have been so much impressed with the injustice of striking out the House provision that I have not carefully analyzed the proposed substitute. I might as well say now that I agree to the general view that the United States

has no constitutional authority to develop water power as such. I do not think that it could constitutionally enter the Mississippi River and build a dam across it simply to create the power which the dam would generate. There must, of course, be the primary object of improving the navigation of the river. If this substitute is supposed to give the commission the authority to go along the river and organize dam companies and power companies, without regard to navigation, it is an additional reason why the proposal of the committee ought not to be accepted.

Mr. BRANDEGEE and Mr. NEWLANDS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Iowa yield, and to whom?

Mr. CUMMINS. I yield to the Senator from Connecticut, who first claimed the floor.

Mr. BRANDEGEE. I suppose, then, the Senator would not think that Congress could lawfully appropriate for levees designed simply to protect the land from overflow under the commerce clause.

Mr. CUMMINS. I do not.

Mr. BRANDEGEE. I agree with the Senator.

Mr. CUMMINS. I do not believe that under the Constitution the Government of the United States can build levees simply to enhance the value of lands lying along the streams; but if the levee improves the navigation, increases the facilities of commerce, then the Government can build levees. I do not know of any instance in which levees are built solely for the purpose of enhancing the value of lands. I yield now to the Senator from Nevada.

Mr. NEWLANDS. I am in entire sympathy with the Senator in his objection to striking out the provision that extends the operation of the Mississippi River Commission as far as Rock Island. However, I wish to call his attention to the fact that the substitute contained in the amendment of the committee in the following lines does not endeavor simply to provide for the development of water power, but it provides for the examination of the Mississippi River, "with a view to such improvements as will at the same time promote navigation, develop water power, and protect property adjacent to said river from damage by floods." So I imagine that comes within the exception which the Senator stated——

Mr. CUMMINS. Undoubtedly.

Mr. NEWLANDS. That it is competent for the United States to enter into the construction of works if they aid in navigation.

Mr. CUMMINS. Nominally, at least. I suppose all the levees they have built have been for the promotion of navigation. I have never heard any other reason given for their construction; not any constitutional reason, at least.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I do.

Mr. BURTON. I wish to call the attention of the Senator from Idaho and the Senator from Iowa to the fact that the language contained in the proposed substitute, "develop water power," follows the general statute relating to the making of examinations, which is found on pages 77 and 78 of the bill. I will read briefly, with the consent of the Senator from Iowa——

Mr. CUMMINS. I recognize that what the Senator from Ohio has said is true.

Mr. BURTON (reading)—

That every report submitted to Congress, in addition to full information regarding the present and prospective commercial importance of the project covered by the report and the benefit to commerce likely to result from any proposed plan of improvement, shall also contain such data as it may be practicable to secure in regard to the following subjects.

The first subject is the existence and establishment of private terminal and transfer facilities. The next, beginning with line 14, on page 78, is just the same as this provision:

The development and utilization of water power for industrial and commercial purposes.

Then it goes on to say:

Such other subjects as may be properly connected with such project: *Provided*, That in the investigation and study of these questions consideration shall be given only to their bearing upon the improvement of navigation, to the possibility and desirability of their being coordinated in a logical and proper manner with improvements for navigation to lessen the cost of such improvements and to compensate the Government for expenditures made in the interest of navigation, and to their relation to the development and regulation of commerce.

That provision was first inserted in the river and harbor act of 1909, and it has been carried in each river and harbor act since that time.

Mr. CUMMINS. I look upon it as wholly immaterial, because I have no objection to the information being gathered, but I would have very great objection to the Government building a dam that could not by any possibility improve navigation and that could only add to the commercial energy of the country. For instance, I put this case to the Senator from Ohio: Suppose we have a stretch in the Mississippi River in which there is a 40-foot channel, deeper than by any possibility any boat passing along the river requires for navigation; suppose it to be a proper place for a dam 30 or 40 feet high, that would generate a vast amount of power but would not in any wise improve the river for the passage of boats. Does the Senator from Ohio think that the United States could, under its Constitution, proceed to build a dam across the river and sell the power that would be generated by it to those who use it in commerce?

Mr. BURTON. Not if the dam was to be constructed merely for water power.

Mr. CUMMINS. Certainly not.

Mr. BURTON. Of course the object of this provision has been to consider these related subjects; however, not necessarily with a view to their development by the Government, but either by private parties in connection with improvements to navigation or as an incident to Government work. That is the object of the provision, and this proposed amendment would clearly be interpreted as being in the line of the general policy as to examinations adopted after 1909.

Mr. CUMMINS. I think that is very probable, and I make no objection to it whatever, because all that information is useful, or will be useful some time. I am only attempting to state my view with regard to the power of the Government as to water powers.

But to return to the subject, the only objection, as it seems to me, to this provision is that it will take some of the money which it is necessary shall be expended south of the Ohio River and expend it north of the Ohio River. That is true if the sum allotted for levee building by the Mississippi River Commission is no more than sufficient to take care of the situation south; but the Mississippi River Commission has the power to take any part that it likes of the $6,000,000 that is here appropriated for levee building, and it can still leave all that is required for the necessities of the southern part of the river. Moreover, it is not required by this provision to expend any money in the northern part of the river if it believes that the public welfare will be better served by the expenditure of all of it in the southern part of the river. So there can be no validity in that objection unless those who favor the committee provision are afraid that the commission will not deal fairly with the situation; and that, I am sure, they can not justly apprehend.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I do.

Mr. WILLIAMS. I think the Senator from Iowa will agree with me that if the House provision were kept in the bill the Mississippi River Commission would regard it as a direction; but how much money they might spend would be a different thing. The estimates made for what is needed on the lower Mississippi are over $50,000,000, and what is given is given them in driblets, year by year a certain amount. This year the committee has given, of the $50,000,000 or more that is needed, $6,000,000 for immediate expenditure.

If the commission regards it as a direction, as it undoubtedly will, some of that $6,000,000 will be taken and diverted to another purpose. If the Senator did not want to do that, and merely wanted to help his own cause without hurting the other cause, which he admits to be insufficiently provided for, then why not accompany this proposition with a proposition to increase the $6,000,000 to six and a half million dollars, or to whatever sum he thinks is proper? To propose to increase the appropriation would not be subject to any point of order, because it would still fall within the estimates.

Mr. CUMMINS. I am perfectly willing to stand for that proposition.

Mr. WILLIAMS. But the Senator is doing it in such a way as while obviously helping him plainly is taking away from us that which we need.

Mr. CUMMINS. Mr. President, I do not want to take away one penny from the south part of the river if it is needed, but I would very much like to see a broad and comprehensive plan for the improvement of the whole river that would go forward under an annual appropriation, that would not require this debate and this discussion every year in Congress. I believe in that with the Senator from Nevada [Mr. NEWLANDS].

The Senator from Mississippi says that it will require $50,000,000 to build the levees in the southern part of the river;

that is, from the Ohio River south, and he may be right about it. I have no reason to doubt his estimate.

Mr. WILLIAMS. It is not my estimate; it is the estimate of the engineers.

Mr. CUMMINS. If so, we ought to adopt that plan now, and go on with it continuously under contracts that are not intermittent by a change in the temper or disposition of Congress from year to year. I agree to that, and I will join the Senator from Mississippi any time in bringing about that state of affairs; but when that is brought about, of course this improvement ought not to end with the mouth of the Ohio River. This $50,000,000 ought to be added to so that it will embrace the whole Mississippi River, because a levee along certain parts of the Ohio and the northern part of the Missouri will do just as much to promote navigation and to render secure the channel which they help to create as in the south part of the river. The objection I have is, that we are excluded—absolutely excluded—from the protecting care of the commission.

Mr. WILLIAMS. But the Senator seems not to have understood me. The point I was making was that you ought at the same time to increase the appropriation so that what is expended for the upper Mississippi shall not be taken from the lower Mississippi.

Mr. CUMMINS. I have not offered any amendment at all to the bill. I am simply discussing the merit of the amendment proposed by the committee. If the Senate refuses to accept the amendment proposed by the committee, and then there is offered an amendment enlarging the appropriation for the whole river to Rock Island, I certainly shall look upon it with great favor, because I can but admit that the provision made by the other House is a great deal less than the estimate of the Board of Engineers. Let us, however, first settle the matter on the right principle, and then afterwards deal with the amount of the appropriation.

It seems to me reasonably certain that if the Senate will extend the jurisdiction of the commission over to Rock Island, then it can deal intelligently and, as I have no doubt it will deal, impartially, as well as patriotically, with the amount of the appropriation; but to say that the jurisdiction shall not be extended because the appropriation is too small, and to determine that before we reach the amount of the appropriation, is to erect an insuperable obstacle to the consideration of the question that I am discussing. We can not discuss it; we can not decide both these things at the same time, because the committee has proposed an amendment here upon which we must vote. I hope very much that to accomplish the ends of obvious justice the committee amendment will be rejected and that the House provision will be permitted to stand. Then we can deal fairly and properly with the amount of the appropriation when we have first settled the extent over which the work of the commission shall go.

Mr. PERCY rose.

Mr. NELSON. Mr. President, I propose in a few minutes, with the consent of the Senator from Mississippi [Mr. PERCY], to make a brief statement to the Senate, not for any aggressive purpose, but to explain to the Senate the true situation in reference to this amendment.

I think my friend from Iowa [Mr. CUMMINS], as well as my friend from Missouri [Mr. STONE]—and I count them both my friends—are laboring under a misapprehension about this matter. The substitute amendment is really, when considered carefully, in the interests of what those Senators desire. It is a rule with Congress and with the committees of Congress which have charge of river and harbor matters, whenever improvements are desired, to have the Engineer Department, in the first instance, make what is called a preliminary survey, and, if they think the improvement is worthy, then to make a final survey, with a plan and estimate, giving us data by which we can be guided in making the appropriations.

In this case, applying that rule, in 1879 the Mississippi River Commission was created, and, in general terms, the commission was given permission to make a survey of the river; but they have never made a survey of this reach of the river for the purpose of determining where and to what extent levee protection shall be provided. There is not an estimate of any kind on file regarding it.

The bill appropriates $6,000,000 for the improvement of the river from Cape Girardeau—if Senators will turn to the map on the wall they will observe Cape Girardeau is at the top of it—down to the Head of Passes. That is the estimate of the Mississippi River Commission and of the War Department for this year, and we have adopted it.

Even if this paragraph which has been stricken out were in the bill, the Mississippi River Commission could not do anything more than make a survey this year. No plan has been outlined, and they have never examined any reach of that river above Cape Girardeau to ascertain in what sections of the river levees are needed.

From Cape Girardeau up to Rock Island is a distance of between four and five hundred miles. Unlike the river below, the lowlands subject to overflow are here and there in patches. In most instances high banks extend to the shores of the river itself. The condition is a good deal like that on the lower Mississippi or a portion of the west side of that reach of the river.

On the west side of the river, from Cape Girardeau down to the mouth, the whole country needs levee protection. The whole country is divided into what we call basins for levee protection. The basin from Cape Girardeau is called the St. Francis Basin; below that is the White River Basin; and then below that, extending to the mouth of the Red River and the Atchafalaya, is the Tensas Basin. Then, on the east side, as Senators will see on the map, where the blue line extends, is what is called the Yazoo Basin. When you get down to Vicksburg you strike highlands most of the time until you get below Baton Rouge, La. There are some patches on that side of lowlands, as the Senator from Mississippi knows. The Senator came before the committee last year to get an appropriation for that portion of the river, and we treated him just as we are doing now. We said, "Before anything can be done there must be an examination and survey." Is that not correct?

Mr. WILLIAMS. Yes.

Mr. NELSON. He sought to get an appropriation for that reach of the river from Vicksburg down to near Baton Rouge. Now, the point I desire to explain——

Mr. CUMMINS. Is it the Yazoo Basin of which the Senator was just speaking?

Mr. NELSON. No; I refer to the other basin below there.

Mr. CUMMINS. That was already in the hands of the Mississippi River Commission. The commission already had authority to expend any money it wanted to spend for levee purposes along there.

Mr. NELSON. But they have never made an estimate or an examination and survey.

Mr. CUMMINS. And that is just exactly what we want done here.

Mr. WILLIAMS. They refused to build levees for the same reason that they refused above, to wit, that it was not evident that the building of levees in that stretch would improve navigation.

Mr. CUMMINS. And we want the commission to have the same jurisdiction over that part of the river along Iowa, Illinois, and Missouri that it has over that part of the Mississippi to which the Senator from Minnesota last referred. We may not get a single bit of work done, but we want to be within the pale, just as you have been within the pale all these years.

Mr. BURTON. Will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. NELSON. I yield to the Senator.

Mr. BURTON. I wish to call the attention of the Senate to the fact that the case of the Senator from Mississippi is a very much stronger one than this, because the area in which we required a report and a survey, on which we refused to make any appropriation or recognize it as a proper place for levees, was one already within the jurisdiction of the Mississippi River Commission, while the area from Cape Girardeau up to Rock Island is not now and never has been under the jurisdiction of the Mississippi River Commission, except for the matter of gauging, and so forth.

Mr. CUMMINS. It is fully within the jurisdiction of the commission so far as everything, except spending money, is concerned.

Mr. CULLOM. That is true.

Mr. CUMMINS. And that part of the lower river, to which the Senator from Ohio has just referred, was within the jurisdiction of the commission. The commission had authority to spend any part of the appropriations which have been made for years on that stretch, if it so desired.

Mr. BURTON. But, Mr. President, we absolutely refused the right to expend money, though it was within their jurisdiction, until an estimate was made.

Mr. CUMMINS. Undoubtedly; and you may refuse to do it now. I am not complaining of that. All that I want is an opportunity to invoke their discretion in the matter.

Mr. NELSON. Mr. President, if Senators will listen to me a little further, I think I can point out why this substitute reported by the committee is directly in the interest of and provides the only way in which they can secure what they want. Simply by granting the authority to the Mississippi River Commission, as proposed in the lines stricken out, you have no

assurance that the commission will expend any money on the reaches of the river above Cape Girardeau, and you can count on it for certain that, under the law, the members of the commission will never spend a dollar until there has been an examination, a survey, and an ascertainment of where and to what extent levees are needed, and what the cost is going to be. We have gone at this in a manner that will help you to get just what you want in a legitimate way; and we have appropriated $100,000 for that purpose. We have adopted the same plan here that we have in every other case of river and harbor improvement. The substitute provision reads:

The Mississippi River Commission shall make an examination of the Mississippi River from Cape Girardeau, Mo., to Rock Island, Ill., with a view to such improvements as will at the same time promote navigation, develop water power, and protect property adjacent to said river from damage by floods; and in making such examination consideration shall be given and recommendations made as to plans for cooperation by the localities affected; and for the purpose of such examination the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from California?

Mr. NELSON. Certainly.

Mr. WORKS. Mr. President, it seems to be conceded here on all sides that the National Government has no power to expend money for the development of water power or for the protection of property along a river. On the other hand, the Senator from Iowa [Mr. CUMMINS] says that he has no objection to the Government spending this money for the purpose of making investigations for that very object. Now, I wonder, if that be so——

Mr. CUMMINS. I hope I have stated no such thing. The objectionable part of the proposed substitute is so allied and connected with proper purposes that I do not intend to object to it.

Mr. WORKS. I listened to the Senator pretty closely when he was discussing that subject because I noticed what seemed to be an inconsistency in his position with respect to it. I may not quote his language exactly, but certainly he conceded that it might be all right for the Government to make these investigations and that he had no objection to it dong so. Now, I should suppose that there should be objection to the Government spending its money for the purpose of investigating matters about which it has no power to act, and money that should go to other purposes, to protect people below and to protect navigation, is being wasted in making investigations about matters as to which the Government has no power to act.

I suggest to the chairman of the committee that from the language of the amendment the words "develop water power and protect property adjacent to said river from damage by floods" ought to be stricken out. I understand perfectly that the work that is done for the improvement of navigation of the river does protect property owners necessarily, but everybody concedes that the Government has no power to expend its money for any such purpose as that.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NELSON. Certainly.

Mr. NEWLANDS. If the Senator from Minnesota will yield to me for a moment, I should like to have the attention of the Senator from California. I wish to call the attention of the Senator from California to the fact that the investigation called for by this provision is not with a view to the making of such improvements as will develop water power and protect adjacent property, but "with a view to such improvements as will at the same time promote navigation, develop water power, and protect property adjacent to said river from damage by floods."

There are certain kinds of improvement that will be useful for all of these purposes, and you can not take care of one without partially taking care of the others. So this is simply an examination with a view to securing a report upon an improvement that will secure various uses of the waters of the river and various controls of the waters of the river, but with a view, doubtless, to assigning the cost according to the jurisdiction, the National Government assuming only that portion of the cost which belongs to its jurisdiction, and the States and private parties assuming that which belongs to them. I call the Senator's attention to the fact that this is not an examination purely for the development of water power, but for the development of improvements that will at the same time take care of all of these various uses.

Mr. WORKS. Mr. President, it seems to me the explanation of the Senator from Nevada has made the matter a little worse than it was before. According to his construction of the amendment, it does not provide for an investigation for the improvement of the navigation of the stream at all. The language is:

With a view to such improvements as will at the same time promote navigation.

That is to say, the investigation is not for the purpose of improving navigation at all, but it is for the purpose of ascertaining something else that will at the same time improve navigation. That certainly is a singular way of putting a provision of this kind, because all of us know that the only thing the Government can legitimately do is to make an investigation that may result in the improvement of the navigation of the stream. It seems to me, in view of what has been said by the Senator from Nevada, that the whole amendment needs to be rewritten.

Mr. BURTON. Mr. President, will the Senator from California listen to me while I read to him briefly from the statute creating the Mississippi River Commission? This act was passed in 1879. I read it to show the variety of purposes included in these examinations.

Mr. WORKS. Mr. President, if the Senator will allow me, that would not alter the case, so far as the power of the Government is concerned.

Mr. BURTON. It does show, however, under what plan we have been acting for more than 30 years, and I think it is well to have included in the RECORD the language of this statute. First—

To direct and complete such surveys of said river betwen the Head of Passes near its mouth to its headwaters as may now be in progress, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, of said river and its tributaries as may be deemed necessary by said commission to carry out the objects of this act.

Now let me read what comes later:

To take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel—

That might all be for navigation—

and protect the banks of the Mississippi River, improve and give safety and ease to the navigation thereof, prevent destructive floods, promote and facilitate commerce, trade, and the postal service.

That shows the variety of objects included.

I beg the pardon of the Senator from Minnesota for taking so much time.

Mr. NELSON. I wish to say something to the Senator from California [Mr. WORKS] that I think will throw some light upon this matter. It seems to me he is unnecessarily critical in regard to it.

My friend here, the Senator from Iowa [Mr. CUMMINS], knows that on the Mississippi River, at Keokuk, there were rapids, and that for the improvement of navigation there the Government built a large dam.

Mr. CUMMINS. It authorized the building of it.

Mr. NELSON. Yes; it authorized the building of it. That dam not only promotes navigation there, but it creates a great water power in connection with it. The making of these surveys and examinations does not commit us to the projects examined. We want information as to whether, in connection with building dams in a river for purposes of navigation, there will be, as an incident to it and in connection with it, a water power. That is the object of it.

As to this matter of protecting lands against floods, we know as a matter of fact that these appropriations which we have made for levees on the Mississippi River, while they are ostensibly and to some extent for navigation, are not altogether for that. They are for the reclamation of lands subject to being flooded. The fact about this matter is that it is a good deal like our oleomargarine legislation. We levy a tax of 10 cents a pound upon oleomargarine, ostensibly to secure revenue, as a revenue measure, but it is really a measure for the protection of the farmers. That is what it is.

In the case under consideration we do not take jurisdiction away from the Mississippi River Commission.

Mr. WORKS rose.

Mr. NELSON. I will yield to the Senator if he wishes.

Mr. WORKS. No; I am entirely patient with the Senator. I desire to say something later.

Mr. NELSON. I have the floor, I think. I will yield if the Senator wishes to ask a question.

Mr. WORKS. If the Senator has the floor, I will yield the floor to the Senator. I understood to the contrary.

Mr. NELSON. No; I had the floor and yielded for questions, and the Senator asked questions of somebody that was interrogating me.

Mr. WORKS. That may be. If the Senator will pardon me just a moment, I will conclude what I have to say, and then I will be out of the way.

Mr. NELSON. Very well.

Mr. WORKS. The effect of what the Senator from Minnesota has said, to be quite plain about it, is that this is an effort to do something that the Government has no power or authority whatever to do, under the guise of doing what the Government may properly do. That is the whole situation. Senators may feel that that is justified under the circumstances. I am not criticizing their position with regard to the matter, except as to the construction that is attempted to be placed upon the language of this amendment.

It seems to be conceded by everybody here, including the Senator from Minnesota, that the Government has no power whatever to engage in the matter of developing power, and therefore it must follow necessarily that it has no power to expend money for the purpose of determining whether or not power can be developed, because that belongs to another government altogether, namely, the government of the States. As I said a while ago, the language that is used here is certainly peculiar, as far as concerns attempting to arrive at what seems to be the purpose of the amendment.

Mr. NELSON. It is the language that has been in the law for a good many years, as the Senator from Ohio reminds me.

When these surveys are made, and a recommendation is made that a dam shall be built at a given place in a navigable stream to promote navigation, what harm is there in ascertaining—on the contrary, is it not of much value to us to ascertain—whether in connection with the building of that dam for navigation purposes a water power can be developed and used in connection with it? It will not do to take such a narrow view of the case. If we build a dam for the purpose of improving navigation, and incidentally a power comes from it, why should that power go to waste? Why should we not utilize it in some form?

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Mississippi?

Mr. NELSON. Certainly.

Mr. WILLIAMS. If the Senator from Minnesota will pardon me, the very language of the provision keeps it from being obnoxious to the objection made, for this reason: It is so careful not to confer any power to survey merely with the purpose of developing water power that it says that the survey shall be made so as to show what at the same time can be done to promote navigation and these other purposes.

Mr. NELSON. Certainly.

Mr. WILLIAMS. So if the purpose of navigation does not go along in company with the others, the provision does not apply. The purpose of navigation must be present—all of these purposes must be present at the same time.

Mr. NELSON. I want to say to my friends from Iowa and to my friends from Missouri that I am not hostile to this improvement. I am pointing out here by this substitute the way in which they can secure an appropriation and the only way in which they can secure it.

The Mississippi River Commission has been in existence since 1879. It was created by an act of that year. It was given authority by the act creating the commission to make a survey of the river. It has made a kind of an instrumental survey, but never for the purposes contemplated by the friends of this improvement of the river, from Cape Girardeau up to Rock Island. I have looked through all the reports of the Mississippi River Commission as far as I could find them. I have communicated with the War Department to ascertain whether they had made an examination or survey of this reach of the river above Cape Girardeau up to Rock Island for the purpose of determining where and to what extent levee protection is needed, either in the interest of navigation or otherwise. There are no data on hand, no estimates of what is needed, and there is nothing that we can go by in appropriating money.

If you leave in the bill the paragraph that has been stricken out by the committee, it is like the Pope's bull against the comet. You put that reach of the river under the jurisdiction of the commission, but you do not place the commission in shape to do anything. The commission never will expend a dollar on that reach of the river until there has been an examination and a survey to ascertain in what localities and to what extent levees are needed and what appropriation is needed for that purpose.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from California?

Mr. NELSON. I do.

Mr. WORKS. I am inclined to think the Senator from Minnesota is right upon that proposition. What I said about it was not in the way of objection to the investigation that is provided here for legitimate purposes. My criticism was upon the fact that the investigation is being extended to something over which the Government has no power.

Mr. NELSON. That does not apply to this matter any more than it did to the investigation in California, where they had a great scheme for the expenditure of nineteen or twenty million dollars to protect lands from being flooded by the Sacramento River.

Mr. WORKS. Exactly so, Mr. President. The Senator can not meet what I have to say by contending that something which is wrong has been done in the State of California. California has no more right to appropriations for illegal purposes than the State of Minnesota or the State of Mississippi. It does not depend upon what California has had or what it has not had. It is simply a question of power. I do not think the Senator from Minnesota is justified in attempting to meet the argument I have made by any such reference to what has been done in California. If it has been done, it has not been done at my instance.

Mr. NELSON. I am not saying that; but I say they adopted the same principle. The California Débris Commission, for the purpose of improving the Sacramento River, sought to get an appropriation for protecting the land adjacent to it from the débris that was brought into the river by mining operations. Of course I do not charge my friend from California with it, but a recommendation was made to us to appropriate, I think, eighteen or twenty million dollars in all to protect that land from the débris in the Sacramento River produced by the operations of miners.

Mr. WORKS. Mr. President, did Congress appropriate the $20,000,000?

Mr. NELSON. No.

Mr. WORKS. I thought not.

Mr. NELSON. Certain gentlemen from California, however—I do not care to say whom—appeared before the committee and strenuously advocated that appropriation. But I am wandering from the subject, Mr. President.

Mr. KENYON. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. NELSON. Certainly.

Mr. KENYON. I will not do so, if it will interfere with the Senator's remarks.

Mr. NELSON. Oh, no; I enjoy questions.

Mr. KENYON. The Senator from Minnesota, as I understood him, said that if the House provision remains in the bill nothing can be expected, in any event, but a survey from the Mississippi River Commission next year. That is correct, is it not?

Mr. NELSON. And you have no assurance that they will make the survey you want.

Mr. KENYON. Then, of course, there could be no harm in that provision remaining in, from the standpoint of our southern friends that it will reduce the amount of money that they desire expended in their communities, and very properly——

Mr. NELSON. Let me put a question to my friend from Iowa before he gets deeper into the mud.

Mr. KENYON. This is water, not mud.

Mr. NELSON. I will ask the Senator, in all frankness, whether he wants to give the people of Iowa a scarecrow, and say that he has given them something substantial in the bill when he has not?

Mr. KENYON. No, sir; our scarecrows have all gone north. We have none in our State. I wanted to suggest that that provision remain in, and also the provision that the committee suggests. Then no one could be harmed and the exact purpose would be accomplished. No money would be taken that should be used in the South, and the survey would be made and we would be under the jurisdiction of this commission for the future.

Mr. NELSON. But are we not putting them under the jurisdiction of the commission? We say the commission shall make this survey. We are leaving the jurisdiction under the Mississippi River Commission, and we are telling them, in the substitute we have offered, to do what they have failed to do since 1879—to make surveys, estimates, and plans as to what improvements are needed in this reach of the river. We give them $100,000 for that purpose and tell them to furnish us the data. Then, when they bring the data before Congress, I have no doubt Congress will do the same for this reach of this river that it has done for the lower Mississippi River.

Mr. CULLOM. The law of 1879 authorized that survey. Why was it not made?

Mr. NELSON. That is it, exactly. I can not say. They have never made it; and there is nothing in the bill here as it came from the House and in the language that is sought to be stricken out that makes it mandatory. It is only our substitute that for the first time enjoins upon the Mississippi River Commission the making of this survey.

Mr. MYERS. Mr. President, as the Senator from Minnesota says he enjoys being asked questions, I presume I am free to ask him one in my feeble way.

Mr. NELSON. Certainly.

Mr. MYERS. If the House provision should be left in, would it prevent any survey being made?

Mr. NELSON. It would not prevent it, but they would never do anything. They have not done anything since 1879.

Mr. MYERS. If these people say they want the survey made for them, why not let them have it?

Mr. WILLIAMS. Because they hope to get a little money appropriated for work in Mississippi. That is why.

Mr. NELSON. They have never made a survey heretofore. The Senator from Mississippi has had experience with the Mississippi River Commission. His reach of the country, from the Yazoo Basin down to near Baton Rouge—if you can see that wide strip on each side of the river there [indicating] from a little above Lake Ponchartrain to the foot of the Yazoo Basin—has never been improved by the Mississippi River Commission. They have had the power all these years, but they have never done it.

Mr. WILLIAMS. They never would make the survey and make the estimates until they were directed to do it by a provision identical with the one which the Committee on Commerce is now putting in this bill for the upper reach.

Mr. NELSON. My good friend from Mississippi came in last year and wanted us to give him an appropriation for those reaches of the river down there [indicating], little spots between the bluffs that were flooded. They were meritorious cases. The Mississippi River Commission had not acted, and refused to act; but we put a mandatory provision in the bill last year requiring an examination and survey. When that is made we will have the data by which the citizens of the State of Mississippi, whom the Senator from Mississippi before me so ably represents, will get the relief they desire.

I am quite willing that the people from Cape Girardeau up to Rock Island on both sides of the river should get the relief. I am not hostile to it. It is not like the lower river. It is only little spots here and there for a short distance that require help. I am quite willing that they should get it, but get it as we have to get all other river and harbor improvements. If you simply put it under the jurisdiction of the Mississippi River Commission, they will not expend a dollar until there has been a thorough examination and survey. They will not even do that, judging from past experience, until you put in a mandatory provision, as we have done in this bill.

Now, I want to tell Senators another thing: The Committee on Commerce is a large committee. We have 17 members. There was a difference of opinion on this matter. Finally, by way of compromise, to satisfy all interests and at the same time to do justice to this matter and put it where it could secure the help it wanted, we agreed on this substitute. The substitute is in no manner intended as hostile to securing this relief in due time.

Now, the commission will have to make this survey if this passes. We will have appropriated the money. If they make the survey and furnish us the data during the next long session of Congress, pointing out to us what reaches of the river need levee protection, how much is required and how much should be immediately appropriated, when they give us that data there will be no trouble in securing the appropriation. I take it there will be no objection, if the necessary appropriation is made, to placing it under the Mississippi River Commission.

I am not hostile to this improvement, but it is because I want it done in the manner we are carrying on all river and harbor improvements that I am in favor of this substitute. Without the substitute the people in the section involved from Cape Girardeau up to Rock Island will never get the relief that they have expected. They will be just in the condition then that they have been in all these years. From 1879 down the Mississippi River Commission have had jurisdiction to make a survey, but they have never made it, and they will fail to do it here unless you put this mandatory provision in. We not only order them to do it, but we appropriate the money for it, not taking it out of the other appropriation.

So I say, with all candor, if I represented the State of Iowa as the Senator from Iowa [Mr. CUMMINS] does, or the State of Missouri as the able Senator from Missouri [Mr. STONE] represents it, or the State of Illinois ably as the Senator from Illinois [Mr. CULLOM] has represented that State for this long time, I would want just this substitute, because that is the only way in which you can secure legitimately and rapidly the improvement that you need in this case.

I am not tenacious about this matter at all, Mr. President. I am not making these remarks for aggressive purposes. Personally to me it makes no difference which way this matter goes, whether it is voted up or voted down. But in my innermost heart I believe there are cases in the upper reach of the river where the people are entitled to relief of a similar kind to that which we give on the lower river, and in order to give that relief we require what this substitute proposes to do, a survey and an estimate.

Mr. PERCY. Mr. President, before discussing the committee amendment, in passing, I should like to say a word or two about the bill itself.

The bill as it came from the House carried an appropriation of $37,112,958 cash and for continuing contracts $3,760,000. To that the Commerce Committee of the Senate has added cash appropriation of $4,254,487 and continuing contracts have been increased by $3,235,800, making the bill as it now stands before the Senate carry cash appropriation of $41,367,445 and on continuing contracts $6,995,800. It carries 311 projects calling for appropriations.

It is inevitable that a bill carrying such a large amount and made up of so many different projects must embrace projects of widely varying merit; that there are some projects in it which should never have been undertaken, and that there are some which have been proven to be failures, as shown by the illustration used by the Senator from Ohio [Mr. BURTON] of Trinity River, Tex., in which he stated that notwithstanding the earnest belief in the project of the people there, manifested by their cooperation and large contribution toward the improvement of that river, the improvement has not realized the expectation which had been entertained in regard to it.

The bill has been ably, I might also say mercilessly, criticized. Every defect in it has been held up to public attention and nothing but the defects in it have received consideration or discussion.

The two Senators who probably are as well or better posted than any two in this Chamber on river and harbor improvements, the distinguished senior Senator from Ohio [Mr. BURTON] and the senior Senator from Nevada [Mr. NEWLANDS], have both discussed the demerits and defects of the measure. It is true that these two eminent critics widely differ as to the remedies they propose for those defects. The Senator from Ohio suggests that there should probably be a cessation of all attempts to improve inland navigation until the experiments now being made by the building of the canal in New York and by the improvement of the Ohio River are tried out; that legislation can better control railroad rates than water competition. He even advanced the argument that it might be unfair to improve those waterways in the localities which are favored with waterways, because by such improvements you emphasize the disparity between the favored and the less favored localities. He would rather suggest that no further appropriations be made until we have experimented on the two I have mentioned, whereas the Senator from Nevada, as a remedy for the defects pointed out in the bill, would suggest a $50,000,000 appropriation allotted geographically, to be followed and not preceded by investigation and estimate. It is certain that either of these gentlemen would have criticized a bill advocated by the other on the lines proposed by him with as much earnestness, and probably with more force, than he has criticized the bill now before the Senate. It merely illustrates that it is much easier to point out the defects of a measure than it is to substitute for that measure one not subject to criticism.

Both these distinguished Senators, however, are members of the Commerce Committee, which committee has unanimously reported this bill favorably for the consideration of the Senate. So, notwithstanding their criticism, it is fair to presume that that criticism is directed toward what they may deem to be the illogical construction of the bill, and not toward its genuine merits.

There is no money that is paid out of the United States Treasury the payment of which is more carefully safeguarded than the money that is paid under a river and harbor bill. Every project in it must first have been considered and surveys made, with recommendations from the Board of Engineers as to the feasibility and the desirability of the proposed project, and then the appropriation is made on the basis of the estimate by the engineers as to what should be appropriated for that particular project.

If it be that political influence or activity can inaugurate an unworthy scheme, the Corps of Army Engineers stand between that scheme and the Federal Treasury. As long as the bill is safeguarded in that way the legislation is wise and beneficent, and to the extent that that safeguard is disregarded the legislation becomes vicious and indefensible.

Whatever scheme may be finally agreed upon, whether it be the treatment of the waterways by a commission, or whether it

be additional information to be furnished to, and action by, Congress, at last the appropriations must rest upon the reports, the investigations, the surveys, and the estimates made by the Corps of Army Engineers; and a better safeguard can not be devised.

As to the amendment reported by the committee, it is with the greatest reluctance that I feel forced to support the amendment and to oppose the provision that was contained in the bill as it came from the House. I recognize that the gentlemen who are favoring that provision have been constant in their support of the needs of the lower Mississippi River and have recognized the merit of the claims of the lower river, and I would not willingly do anything to in any way impair that friendship or diminish the zeal with which they have supported such appropriations. But I am profoundly impressed with the conviction that the provision which was contained in the bill as it came from the House is not only unprecedented but its consequences are so far-reaching as almost to be revolutionary.

The Mississippi River Commission now has jurisdiction from Cape Girardeau, a short distance above the mouth of the Ohio River, to the Head of Passes, a distance of nearly 1,000 miles, in which there are embraced about 1,500 miles of levees. It is sought by the House provision to extend that jurisdiction to Rock Island, Ill., a distance of about 454 miles, and not only that, the bill carries with it, in response to the estimates made by the Mississippi River Commission and approved by the Chief of Engineers, an appropriation of $6,000,000, to be expended between Cape Girardeau and the Head of Passes.

The appropriation of $6,000,000 contained in the bill was placed in it in response to the estimate made by the Mississippi River Commission, approved of by the Chief of Engineers, for work to be done on the lower Mississippi River. There is not any claim from any quarter that the amount allotted is in excess of what is needed. All know that the appropriation is pitifully inadequate. How inadequate it is I would illustrate by saying that notwithstanding the appropriation of a similar amount last year for the lower river there are to-day and have been for more than four weeks about 700,000 acres of that lower valley flooded by the Mississippi River. Farms, villages, and meadows have been changed into an icy lake covering 700,000 acres of land.

No one makes the claim that the appropriation is aught but inadequate for the purposes for which it was recommended. But it is sought now to permit the commission to use such part of that as they may see fit on the 450 miles of the upper river, no mile of which is embraced in that estimate. It is sought to reverse the very basis upon which this entire bill is founded, namely, that there shall be an estimate preceding an appropriation to carry out the work for which the estimate is made. There has been no report made to any committee of Congress. There has been no estimate made by any department of Government showing what areas are to be protected in that 454 miles reach, showing their extent or value, showing what kind of levees or how many miles of levees are sought to be built, showing what the cost of the proposed work will be. There is no information before any committee in Congress or in the possession of the Mississippi River Commission or the Chief of Engineers which shows whether that work will cost $100,000 or $10,000,000.

Yet from an appropriation made for a definite purpose it is sought to authorize the commission to expend any or all of it in the prosecution of a project in regard to which Congress is absolutely without data or information. That is the unprecedented nature of this proposition.

It is said that that part of the river is under the jurisdiction of the Mississippi River Commission. It has not been so treated since 1879. Millions of dollars have been expended on the upper river, not through the instrumentality of the Mississippi River Commission but through the Chief of Engineers and the Engineer Corps. This very bill carries in it $2,685,000 for the upper Mississippi River, to be expended under the direction of the Chief of Engineers and not through the Mississippi River Commission. Jurisdiction over that reach of the river has been exercised by the Engineer Corps.

The suggestion is made that this is one treatment for the entire river. That is not even sought here. It is only sought to take a part of whatever the Mississippi River Commission may allot for levee purposes and authorize the use of it by that commission in the upper reach of the river. The lower part of the river still remains under the jurisdiction of the commission, and the upper part for every purpose but levee purposes under the jurisdiction of the Chief of Engineers.

Does not Congress, before it says to the Mississippi River Commission "you are authorized to expend any part of this or any other appropriation on these 454 miles of river," desire from that commission or from the Engineer Corps some data as to the magnitude of the work upon which Congress is entering? If it does not, it contravenes every project for which the Senate has ever made an appropriation in a river and harbor bill.

Again, Mr. President, I apprehend that this provision is revolutionary in its character to this extent. It means either the beginning of the end of levee building on the Mississippi River or it means an extension of that levee building much beyond what Congress has ever yet signified its intention to go.

If the commission is authorized to expend a part of this appropriation on levee building upon the upper Mississippi River, there can be no argument advanced as to why levees should not be built on the Ohio, the Tennessee, the Cumberland, the Atchafalaya, the Red, and the Black River of Louisiana. All have exactly the same basis of contention for governmental aid, because, Mr. President, there is nothing before Congress, no report from any department of this Government, which suggests that levee building on that reach of the river may be for the improvement of navigation as well as for the reclamation of private property. It may be that the report which has been asked for will disclose that the levee building there will be an aid to navigation, but I will say that when the Chief of Engineers was before the Commerce Committee of the Senate, in response to an inquiry if the same reason obtained in regard to navigation on the upper Mississippi as influenced the building of levees on the lower, he said: "So far as I am advised, or know, levee building there will have no influence upon the navigability of the stream." Whether it will or not can only be determined when you have had the proper survey made and a report made upon which Congress can intelligently act.

It may be that the time will come, it may be that the time has come, when Congress will, under certain provisions and safeguards, expend money for the building of levees solely for the protection and reclamation of private property; but when that time does come it is certain that, before going into that kind of work, there are some questions that Congress will require to be answered. What are the areas for which you are seeking protection? Can you secure that protection by any system of fair taxation of the localities themselves? When Congress is prepared to take up the protection of private property by levee building it will certainly require a statement as to the area to be protected, the value of it, the necessity for congressional aid, what efforts have been made to protect the area by local taxation, and what is the cost of the proposed work.

Mr. President, you can not conceive of any scheme calling for congressional aid which would not at the outset furnish to Congress this information. Yet no particle of this information has been furnished as to the work to be done on the 454 miles between Cape Girardeau and Rock Island, Ill.

It may be thought, Mr. President, that possibly it does not come with good grace from representatives of the lower Mississippi River to oppose an appropriation for the benefit of this upper reach. To that I would say that that question is not before the Senate. It is not an appropriation for that reach of the river which is here sought. It is the right to come in and divide and participate in an appropriation made for the specific purpose of improving the lower Mississippi River.

What kind of credentials did the lower Mississippi River come to Congress with when it sought and succeeded in obtaining some congressional aid? More than a quarter of a century ago the representatives of the lower river came to Congress for aid, and when they did they said, first, that there is a vast area needing and demanding this protection; that the great basins of the lower Mississippi River comprise 26,000 square miles, an area greater in extent than the combined area of the States of Maryland, Massachusetts, Delaware, Rhode Island, and Connecticut, and in fertility unsurpassed, capable of producing Connecticut, and in fertility unsurpassed, capable of producing a cotton crop equal to the cotton crop to-day of the United States, with, in dollars and cents, from $800,000,000 to $1,000,000,000.

The Senator from Iowa [Mr. CUMMINS] has suggested that the area protected is not a fair subject for consideration. Undoubtedly, Mr. President, the area protected is not a controlling, but it is a most potential, factor as to whether or not the Government should extend aid. For illustration, if Congress were told to-day that the States I have mentioned—Maryland, Rhode Island, Delaware, Connecticut, and Massachusetts—having a less combined area than the Delta of the lower Mississippi, were threatened with a tidal wave which would submerge the entire country and destroy their property, which could only be averted by congressional action, it would rise to the dignity of a national question almost, regardless of the cost; but if the same statement were made in regard to a thousand acres of land, with an undisclosed cost of protection, it would scarcely be held to merit consideration at the hands of Congress.

Not only, Mr. President, did we show that we had an empire in extent and a mine of wealth in its inexhaustible fertility demanding protection, but we showed that, through their local levee boards, the people of that great valley had expended millions upon millions of dollars, raised by the most onerous system of taxation that a free people ever subjected themselves to, in an effort to secure protection. The system of taxation which had existed when the people of the lower valley came to Congress for aid has been diminished no whit during the period through which that aid has been extended to them. To-day that entire lower valley, through its 18 levee boards, is levying a tax infinitely greater than that borne by the people of any other part of these United States in their efforts, by giving their millions in addition to what the Government will extend to them, to procure protection. There never has been, and there is not to-day, any desire to escape taxation, but only when that taxation has passed the limit of endurance is there a desire that the Government shall aid in securing protection to that great valley.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. PERCY. I do.

Mr. STONE. Can the Senator state approximately how much has been expended by the 18 levee boards of which he speaks?

Mr. PERCY. Since the Government extended its first aid there has been approximately $58,000,000 expended by the local levee boards.

Mr. STONE. Can the Senator also state approximately how much the Government of the United States has contributed to this great work of levee building?

Mr. PERCY. The Government has expended up to the last report made by the president of the Mississippi River Commission, in a statement before the River and Harbor Committee of the other House, within the past two months about $26,000,000. There has been an expenditure of more than $2 by the local levee board to every $1 expended by the Government.

Mr. CLARKE of Arkansas. Mr. President, let me ask the Senator from Mississippi whether or not all that $26,000,000 was spent on levees, or whether most of it, or a great deal of it, was not spent for the revetment of banks and in improving the channel?

Mr. PERCY. No, sir. That $26,000,000 is the estimate of expenditure for levees.

Mr. NEWLANDS. If the Senator from Mississippi will permit me, I desire to ask him a question.

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Nevada?

Mr. PERCY. I do.

Mr. NEWLANDS. Is it not a fact that about $70,000,000 in all has been spent by the National Government on the Mississippi River in the region within the jurisdiction of the Mississippi River Commisson, and that a little less than $30,000,000 of that has been spent upon the levees alone?

Mr. PERCY. I do not think the total expenditure reaches that amount, but the question that I was answering was a question of the Senator from Missouri [Mr. STONE] as to the amount which had been expended for levees, which is about $26,000,000, by the National Government.

During the past year these local levee boards by this system of taxation, notwithstanding the country there had been flooded by the water in 1912, raised and devoted to the purpose of securing protection for themselves more than $4,000,000. But, Mr. President, it was when we realized the futility of our efforts to protect ourselves, no matter how grievous was the taxation, that we came to Congress and showed that, owing to the floods that poured down through the upper Mississippi, the Missouri, and the Ohio Rivers and their great tributaries, the water of more than 26 States passed down the lower Mississippi River. Some idea of the amount of flood water carried down that river may be had by a consideration of the statement made by the president of the Mississippi River Commission before the River and Harbor Committee of the House that during the last flood of 1912, at the crest of that flood and for 48 days during that flood, twelve times as much water went down the lower river as passes over Niagara Falls.

In addition to the immense volume of water which renders protection so difficult, there was the further factor of caving banks which rendered unstable and temporary whatever levees could be built by local effort and required the effort of the National Government to revet those banks.

But, Mr. President, in addition to the magnitude of the task, in addition to the inability of that great country to protect itself by local taxation, the claim was made, and has been verified by the best engineers from that time down to to-day, that it was impossible to make that river navigable without the control of the flood waters by levees and without the revetment of the banks, so as to control the low-water stages of the river.

I know, Mr. President, that it has become somewhat the custom to belittle the idea that these levees are instrumental in benefiting navigation or that navigation itself is beneficial in fixing rates. That subject has been repeatedly and thoroughly considered by the committees of Congress. Just as an illustration—and it is merely taken from a hundred others in the testimony offered during the years before both committees of Congress which go to show the effect of this navigation upon rates—I will read to the Senate a brief statement made before the Commerce Committee of the Senate by Mr. Pillsbury, a very large shipper from Minneapolis and St. Paul. He said:

> We consider the presence of the Mississippi River and the fact that it is kept in a navigable condition the great regulator of railroad rates; that the benefits should not be measured by the tonnage as much as by the possibilities of sending the freight by water.
>
> The amount of flour shipped out of Minneapolis is something enormous—13,000,000 barrels. A great deal of this would go by the Mississippi River unless the railroads maintained the cheapest rate known in the country almost.
>
> Mr. NELSON. And the Mississippi being there keeps the rates down?
>
> Mr. PILLSBURY. The fact of the Mississippi being there prevents them from making any combination to maintain excessive rates. The necessity is not so much the amount carried by the steamers as the amount that can be carried.

Mr. H. G. Wilson, for many years an official in the freight traffic department of the Kansas City, Fort Scott & Memphis Railroad, is recognized as one of our most efficient authorities on the subject of transportation rates. He recently stated in an address before the Rivers and Harbors Committee of Congress that railroad rates from the territory known as "seaboard territory"—lying east of Pittsburgh and Buffalo—to points as far west as Galena, Kans., and Denver, Colo., were all affected by the water transportation of the Mississippi River.

It is the potentiality for transportation more than the tonnage actually carried, although that tonnage is immense for local points, such as Memphis, Vicksburg, and other points up and down the river, but not of through freight, which regulates railroad charges on through freight over an immense scope of country.

Again, as to whether levees are an indispensable adjunct in furnishing navigability to the river, in testifying several years ago before a Senate committee, Lieut. Suter then, now Gen. Suter, retired, a most experienced and able engineer, used this expression while the then Senator Gibson was examining him:

> Senator GIBSON. You stated a moment ago, in reply to a question by the chairman, that if you were improving the Mississippi River, even if it were running through a wilderness, if the country through which it ran were not peopled, you would still build levees on the banks?
>
> Lieut. Col. SUTER. Yes, sir.
>
> Senator GIBSON. Why do you hold that opinion?
>
> Lieut. Col. SUTER. Because I consider that the improvement of the stream for navigable purposes without it is impossible.

And from the very creation of that commission down to to-day, that has been the weight of the best expert engineering opinion of the Army Corps of the United States. So we have a right to base the claim, not only on the reclamation of the vast amount of country protected, but on the fact that the protection of that country is certainly not an argument against levee building, and that the best expert opinion shows that levee building is essential to maintaining the navigability of that great river.

Mr. President, for these reasons, working through the years in waterways conventions, through the public press, by hearings before committees in both Houses of Congress, the project for the protection of the lower valley of the Mississippi has at last won its way to an established place in the legislation of our country. When this fruition has come through 25 years of labor, are we to be asked to divide the insufficient and inadequate appropriation given to us by Congress, with a stretch of the river as to which Congress is without information? Are we to be asked to go into a partnership with a scheme of undisclosed merit? If there be merit, however great, no testimony to that merit is before Congress.

The amendment proposed to this bill by the Senate committee, under which the Mississippi River Commission is directed to make a survey of that 454 miles and to present to Congress a report showing the areas to be protected, showing the necessity for national aid, showing the inability of those districts to protect themselves by taxation, showing the cost of the proposed work on which we are going to embark, surely gives to that 454 miles every advantage, every opportunity to show whether there be merit or lack of merit in the proposition.

Furthermore, by that report Congress will be informed as to whether the question of navigability enters into that protection; it will be informed as to whether that levee building can be justified as an aid to navigation, or whether that levee building is solely for the protection of private property. With that

information before it, if Congress, under the circumstances disclosed, is willing to go into the protection of private property, not as an adjunct to navigation, I am not prepared to say that there will be found aught of an unfriendly attitude on the part of those who come from the lower river; but certainly, in order to act intelligently upon this proposition, Congress is entitled to that information.

Through this kind of work, through the merit of what we have submitted to Congress, we have, if I may use the expression, accumulated here, to be disbursed in that lower river, $6,000,000, and now the upper river comes in and asks for a part of the distribution of that fund, in the accumulation of which it had no part. The most liberal treatment of laborers recorded in sacred or profane history is contained in the parable of the laborers in the vineyard; but even the laborer who came in at the eleventh hour and received the same wage as those who had borne the scorch and burden of the day labored one hour in the vineyard.

This proposition as to the upper river has been discussed in no public convention of which I am advised, in no waterway congress, not in the public press of the day, not in the committee rooms of Congress, not in the Halls of Congress. Is it fair to ask that a system which has won recognition by merit shall, in the absence of all data and information, be forced into a partnership with one of undisclosed merit?

The Senator from Iowa [Mr. CUMMINS], who I see has just come into the Chamber, made the statement that unless the proposed levee work could be justified as a benefit to navigation as well as a protection to private property it could not in reason be justified. That being true, before saying to this commission "You are authorized to spend money in that levee building," is it not proper, first, to acquire the information by a competent survey as to whether the question of navigability enters into the aid to be extended?

My colleague [Mr. WILLIAMS] reminds me that the only evidence on that subject at all, the only official expression on the question as to the levee building there in any way affecting navigation, is the opinion of the Chief of Engineers before the Commerce Committee that so far as he knew or as he could surmise from his knowledge of the small basins flooded in that stretch of the river no levee building would in any wise be of benefit to the navigation of the river in that stretch.

Unless, Mr. President, the Senate is willing to reverse the rule upon which it has always based these appropriations and to enter upon a work without data and without information it will, in my judgment, and it should sustain the action of the Commerce Committee of the Senate in striking out the House provision and inserting in lieu of it the provision which directs the commission to make a survey which will furnish the information upon which we can intelligently act and which carries with it an appropriation of $100,000 for that purpose.

Mr. STONE and Mr. NEWLANDS addressed the Chair.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Senator from Missouri is recognized. Does he yield to the Senator from Nevada?

Mr. NEWLANDS. I shall try to secure the floor when the Senator from Missouri concludes.

Mr. MYERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	du Pont	Martine, N. J.	Smith, Ga.
Bourne	Fletcher	Myers	Smith, Md.
Bradley	Foster	Nelson	Smith, Mich.
Brady	Gallinger	Newlands	Smith, S. C.
Brandegee	Gamble	O'Gorman	Smoot
Bristow	Guggenheim	Oliver	Stone
Burnham	Jackson	Overman	Sutherland
Burton	Johnson, Me.	Owen	Swanson
Catron	Johnston, Ala.	Page	Thomas
Chamberlain	Kenyon	Paynter	Thornton
Clapp	Kern	Percy	Tillman
Clarke, Ark.	Lea	Perkins	Townsend
Cullom	Lippitt	Pomerene	Warren
Cummins	Lodge	Richardson	Webb
Curtis	McCumber	Sheppard	Wetmore
Dillingham	McLean	Simmons	Williams

Mr. TOWNSEND. I desire to state that the senior Senator from Washington [Mr. JONES] is absent from the Senate on committee work.

The PRESIDING OFFICER. Sixty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. STONE. Mr. President, I purpose to confine what I have to say within as narrow limits as possible.

The question before the Senate is whether the provision on page 52 of the bill, lines 5 to 13, inclusive, shall be struck out. I take it that that is the first question before the Senate—the first to be voted upon. If the Senate should sustain the action of the committee in striking out the provision alluded to, I understand that then the question would recur upon whether the amendment substituted should be agreed to, that being open to amendments.

The House of Representatives, in framing this bill, appropriated $6,000,000 for continuing the improvement of the Mississippi River under the Mississippi River Commission, for the general purpose of improving the river, for the building of levees, and so forth, and further provided in the same general clause that—

> Any funds which have been, or may hereafter be, appropriated by Congress for improving the Mississippi River between the Head of Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any part of said river between the Head of Passes and Rock Island, Ill.

All I have read, and other clauses that I have not read, are embraced in one general provision of the House bill. I wish to have that clearly understood. There is $6,000,000 carried in the bill for the general improvement of the river, for the building of levees, and for other purposes recited, followed by the provision I have read, namely, that the Mississippi River Commission, with the approval and under the direction of the Secretary of War, may expend such part of the $6,000,000 as may be set apart for levee building at any point deemed advisable from the Head of Passes to Rock Island, Ill.

I heard something said here to-day, repeated by different Senators, to the effect that the $6,000,000 was appropriated for the improvement of the river from the Head of Passes to Cape Girardeau, a short distance above the mouth of the Ohio. In a sense that is true, but it is not wholly true. We must take the whole provision, not a part of it. This is what the House of Representatives did in making this bill. The House provided that so much of the $6,000,000 appropriation as might be set apart by the commission, under the authority it holds, for levee purposes, might be expended along the entire stretch of the Mississippi from the Gulf of Mexico to Rock Island, Ill.

I do not think, therefore, that the position is correct which has been assumed by some Senators that the $6,000,000 was appropriated for expenditures in improving the river only from the Passes to Cape Girardeau. That is not the language of the bill as it came from the House.

Mr. PERCY. Mr. President, will the Senator yield for a question?

Mr. STONE. Yes.

Mr. PERCY. Is it not true, however, that the House committee had before it an estimate of $6,000,000 for the work from Cape Girardeau to the Passes, and had before it no estimate whatever for the work from Cape Girardeau to Rock Island?

Mr. STONE. The Mississippi River Commission has from year to year made estimates, which have been laid before Congress, for the improvement of the Mississippi River.

Mr. PERCY. Mr. President, just one more interruption.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. STONE. I yield.

Mr. PERCY. For the improvement of the Mississippi River from Cape Girardeau up, the Mississippi River Commission has made no estimate at any time.

Mr. STONE. Mr. President, I think that is correct. The Mississippi River Commission, at least in recent years, has made no estimates for improvements above Cape Girardeau. But that is due to the fact that hitherto for some years the appropriations in the main have been made for that stretch of the river from Cape Girardeau to the Head of Passes. It is not that the Mississippi River Commission did not have jurisdiction, under the terms of the law creating it, over the stretches of the river north of Cape Girardeau; but in the past the appropriations have been made for the improvement of that part of the river from Cape Girardeau to the Gulf.

Just how that happened I shall not now attempt to explain, except I might venture to say that the Senators and Members representing the States of Arkansas, Mississippi, and Louisiana have been a little smarter and more attentive and urgent in securing limitations on the appropriations than we have been in the territory bordering the river above Cape Girardeau.

The Senator from Mississippi [Mr. PERCY] said that this question had not been discussed anywhere until now; that it had been suddenly thrust upon congressional attention. Why, Mr. President, conventions of people interested in the improvement of the upper Mississippi have been held at different places for years past. The Senator said there had been none, but he is mis-

taken. Upper-river conventions have consistently and continuously urged that the upper Mississippi should be treated on a par with the lower Mississippi.

The mere fact that the advantage in the application of these appropriations has heretofore gone to our brethren in the Southern States should not stand against the justice or the right of the cause we are advocating—that the upper part of the river shall be treated as fairly and generously and in the same way as the lower part of the river. This equality is sure to come, and it had as well come now as later. The people of Illinois, Iowa, and Missouri who live along this stream have just as much right to be fairly treated, and to be treated on exactly the same terms, as the people living along the borders of the river in the States farther to the South.

I was told some days ago that if this provision, put in by the House, remained in the bill, it meant the defeat of this river and harbor bill. That sort of thing has been said. Mr. President, I do not reply to that in a like threatening spirit. For one, I do not wish to defeat this river and harbor bill. The Senate may not do justice to the people I represent, or to the people of Illinois and Iowa, but we will not on that account attempt to defeat an act of justice and of great benefit to the people who live in other States along the river. I am here to appeal briefly for what I believe is a simple act of justice, neither more nor less.

Mr. President, what we ask is only that the Mississippi River Commission be authorized to expend, if deemed necessary and if circumstances and conditions arising make it expedient, some small part of this great appropriation for the benefit of our people in Illinois, Iowa, and Missouri. This river is one stream, and I can not conceive why anyone should contend by word or act—and acts speak louder than words—that the people in the more northerly States should not be placed on a level of absolute equality in treatment with the people of Arkansas, Mississippi, and Louisiana. That is all we ask.

Even if the House provision should be accepted, I do not believe that any considerable part of the appropriation in this bill would be expended this year on the upper Mississippi. The Senator from Minnesota [Mr. NELSON] declared here an hour ago that even if the bill were left as it came from the House, at most only a very small part of this appropriation could be wisely and economically expended in the upper Mississippi during the current fiscal year. He thinks probably none of it could be so expended, but at most only a small part of it. That accords with my own view.

The Senator from Mississippi [Mr. PERCY] said that this was a departure that menaced the whole system of levee building on the southern stretches of the river; that it would endanger the work already done, and that it would enlarge the operations of the commission to such an extent that it might result in the downfall of the whole project of improvement. Therefore, I take it, the Senator thinks we should have no aid for our people in Illinois, Iowa, and Missouri, and that we should not come under the care and jurisdiction of this great commission, for fear the extension of its operations might result in disaster to levee building in the South. That is hardly as generous an argument as I should have expected from my usually broad-minded friend from Mississippi.

Mr. President, I said the fight that we are making will be won. It may be turned down here to-day, and if so, we will make no effort to defeat this bill; but it is well to say that the people of three such States as Illinois, Iowa, and Missouri, knowing that they are entitled to every consideration that is accorded to the people along the more southerly stretches of the river, will come here with an insistence that will not be gainsaid. This thing will have to be done, because it is right and just. The opposition to it is indefensible. It ought to come now.

Mr. CLARKE of Arkansas. Mr. President, does the character of the argument the Senator is making preclude the asking of questions? I will not disturb him if he desires to proceed without interruption.

Mr. STONE. No; I yield to the Senator. I do not know just what he means by "the character of the argument."

Mr. CLARKE of Arkansas. The Senator is proceeding along the line that the Mississippi River from Cape Girardeau up has been very sadly neglected; in fact, that no provision whatever has been made for it. I wish to call his attention to the fact that, on page 53 of the bill, this provision appears:

> Improving Mississippi River from the mouth of the Missouri River to Minneapolis, Minn.: Continuing improvement and for maintenance, $1,500,000.

There, in one item, $1,500,000 is appropriated for the very territory the Senator is talking about.

Mr. STONE. Yes.

Mr. PERCY. Along the line of that remark, let me suggest that the bill carries $2,685,000 for the upper Mississippi, to be disbursed under the direction of the Chief of Engineers.

Mr. STONE. Yes; I know that. The Senators illuminate everything they touch, but it was not necessary to throw light upon that particular subject.

Mr. PERCY. The Senator neglected it so in his argument that it might be thought he had overlooked it. I was satisfied he had not overlooked it.

Mr. STONE. No; I had not overlooked it. But, Mr. President, the clause which is at issue is not for the improvement of the channel of the river, but for the construction of levees in aid of navigation.

The provision is to this effect:

> Any funds which have been, or may hereafter be, appropriated by Congress for improving the Mississippi River between the Head of Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of War, etc.

Mr. CLARKE of Arkansas I will intrude only one more time, to call the Senator's attention again to page 50 of the bill, where an appropriation of $6,000,000 is made, a part of which he proposes to divert by the amendment he has just read—by the use of this language:

> Continuing improvement with a view to securing a permanent channel depth of 9 feet, $6,000,000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building of levees * * * and for surveys.

Mr. STONE. Yes.

Mr. CLARKE of Arkansas. Every dollar of that money can be expended on the improvement of the river, if so much of it shall be required, without devoting a single dollar of it to the construction of levees, unless it is the more important feature of the improvement contemplated.

Mr. STONE. Of course; everyone knows that. We also know, however, that the Mississippi River Commission has authority to set apart for levee building such portion of this appropriation as may be deemed advisable for levee building.

Mr. CLARKE of Arkansas. Mr. President, that statement is only partially true. The Mississippi River Commission does not set apart a specific sum of money to be devoted to the construction of levees; but it takes up certain defects in the levees, or certain places at which an improvement or the construction of a levee is absolutely required at the time, and an appropriation is made for that particular project. Sometimes they are not able to supply all the places that require them, and this bill will not enable them to do it this time.

Mr. STONE. But the Senator certainly does not deny that the Mississippi River Commission does set apart certain portions of the appropriation for levee building?

Mr. CLARKE of Arkansas. For specific projects, yes; not specific parts of the appropriation, but for specific improvements. For instance, suppose there is a break in the Beulah levee. They set apart a certain sum to repair that. The Senator would not want to take a part of that and carry it up to Iowa and Missouri, would he?

Mr. STONE. What is the meaning of the provision which says that the commission may expend, between the Head of Passes and the mouth of the Ohio River, such funds as may be allotted to levees?

Mr. CLARKE of Arkansas. I will intrude on the Senator once more, and then I will quit. They are not allotted to levees generally as levees, but they are allotted to each specific improvement that the necessities of the river require. When an allotment is made it is made, for instance, for the improvement of the levee at Beulah or for the improvement of the levee at Lake Providence, La. The Senator would not want to take one of those allotments and carry it up to Missouri, would he? That is what the amendment contemplates.

Mr. STONE. No; I should not want to do that.

Mr. CLARKE of Arkansas. We are agreed, then.

Mr. STONE. But I think if they could allot something for Beulah or some other point in that vicinity they could allot something for levees in the States I have mentioned.

Mr CLARKE of Arkansas But that is not what is provided by the amendment the Senator is advocating. It says—

> Any funds * * * which may be allotted to levees.

Mr. STONE. That is the difference between tweedledum and tweedledee—whether they make allotments in a gross sum for levee purposes or whether, exercising a discretional power, they make specific allotments to given points for levee purposes is not important. It seems to me it is wholly immaterial whether allotments are made in the one way or the other.

The last river and harbor appropriation bill, in which $6,000,000 was appropriated for the Mississippi River, did contain a

provision for the general improvement of the river, for the building of levees which shall be considered extraordinary emergency work, and so on—

Provided, That in view of the existing emergency $4,000,000 of the money hereby appropriated is set apart for the repair and construction of levees.

There was a specific levee appropriation. Now, levee-building allotments, under the House bill, would be left to the judgment of the commission.

You gentlemen in the Southern States have been very generously treated in the use of public moneys for the construction of your levees. You have not been more generously treated than you deserved. You have not received a dollar since I have been here that I did not cheerfully vote for. I served eight years on the Committee on Commerce, and there was no better friend of yours on that committee than I. I stood by you on all occasions, I think, without exception. And now, when I ask that a large part of my State, and when the Senator from Illinois and the Senators from Iowa ask that their States be put on terms of equality with yours, you think we are trying to plunder you, that we are trying to rob you. Does this money belong to the people of Arkansas, Mississippi, and Louisiana? No. It belongs to the people of the United States. It is in the Treasury of the United States, and my people contributed to the raising of the fund from which the $6,000,000 will come.

We did as much in that direction as did the people of Arkansas, Mississippi, and Louisiana, and now when the House of Representatives, treating this whole question as one question, appropriates money out of the common Treasury of the United States for this great purpose, sees proper to authorize the commission, if the emergency should arise, to use a part of it in the northern stretch of the river, why do you object?

Mr. PERCY and Mr. WILLIAMS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Missouri yield, and to whom?

Mr. STONE. I will yield in a moment. Mr. President, it is absolutely surprising and disappointing to all of us to have the Senators from the South come here in that spirit. I suppose the sinister thing we call selfishness enters into the bosoms of even Members of Congress, and it may find its way even into the hearts of Senators from sovereign States.

Mr. WILLIAMS. From Southern States?

Mr. STONE. Yes; even from Southern States, unnatural as it may seem.

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. STONE. I do.

Mr. WILLIAMS. Mr. President, I notice with what earnestness and vigor the Senator from Missouri said upon an equal footing, and all he desired was that the project should be placed upon an equal footing with the lower Mississippi. I wish to ask him if he thinks that he is putting the two projects or the two sections upon an equal footing when he requires of one, to wit, ours, that it shall submit to a previous survey, examination, and report, and shall furnish proof of its merit, and from Missouri—and Missourians always want to be shown—there shall be required neither survey, nor examination, nor report, nor any proof of the merits of the scheme? Is that putting them on an equal footing?

Mr. STONE. Mr. President, I submit that if at Beulah, for example, a levee was endangered by a recent flood, or at any other point——

Mr. WILLIAMS. That was reported on 10 years ago.

Mr. STONE. The Senator from Mississippi must know, he does know, that if there was a point on that river to-day that was suddenly endangered the commission could take such moneys out of the appropriation of $6,000,000 as they thought necessary to protect that levee without having any survey made of it.

Mr. WILLIAMS. That will be simply because the survey has been long ago made and a levee recommended and a levee built, and when the levee broke again no further survey was needed, and, moreover, because on the whole lower stretch of the river the engineers have long since said levees are necessary for navigation. The only evidence in connection with your right is the word of one engineer, who said it could not possibly be of any benefit to navigation.

Mr. STONE. I do not know what engineer, if any, ever made that foolish report. I do know that engineers make many absurd reports.

Mr. President, so far as surveys go, they are made along the whole river, and engineers report that it is advisable to make or support levees at given points. The local people are building levees and the Government, cooperating with them, aids in the construction of levees. That is all there is to that.

Mr. WILLIAMS. No.

Mr. STONE. What else is there to it.

Mr. WILLIAMS. They look upon the area back of the levee, they report upon the condition of the river and ascertain where the levee should be, and they report upon the question whether the erection of the levee will or will not aid navigation. It is a principle of the Commerce Committee of the Senate never to recommend an appropriation for a river and harbor work except when it is based upon a survey and an estimate, and the object is to prevent the public money from being wasted in problematical enterprises.

Mr. STONE. Mr. President, is a survey intended to find the extent of the area that would be protected by a levee or that would be endangered by the absence of a levee? There is not a Mississippi plantation darkey who could not tell the extent of territory in his section that would be flooded by a great overflow of the river. You do not need a survey for that. All that is the merest chaff.

Mr. PERCY. Can the Senator give us any idea of the area which is to be protected by the proposed levees along the 454 miles of extension?

Mr. STONE. Yes; about a million acres.

Mr. PERCY. How is it distributed between the States?

Mr. STONE. The greater part of it will be in Illinois; the next greater part will be in Missouri.

Mr. PERCY. Can the Senator give any idea of the number of levee boards, and what they have contributed to their local protection?

Mr. STONE. Yes; I can. They have 16 levee districts organized on the upper Mississippi, and they have expended altogether approximately $16,000,000 in the construction of levees.

Mr. President, I have a sample statement on that point here before me. It was handed to me by a Member of Congress from East St. Louis, Mr. RODENBERG.

The length of the levee district at East St. Louis is about 22 miles. This levee runs from Alton, Ill., or near there, to some considerable distance below East St. Louis. The total distance is about 22 miles. That levee district has already expended, including a provision for the issuing of bonds for the completion of the levee, a total of about $7,000,000.

Mr. PERCY. What is the taxable value of the area protected by that levee?

Mr. STONE. I can not state that. It is very great, though the levee is not very long.

Mr. PERCY. I was only asking to see if the taxable value was such that it was fair to suppose that the district could protect itself by local taxation rather than by governmental aid.

Mr. STONE. About 10 miles of the 22 miles front East St. Louis. This levee district runs from about 15 miles above East St. Louis to about 7 miles below. About 15 or 20 miles below East St. Louis, in the same congressional district on the Illinois side, is the Harrisonville levee, which cost about $400,000, already expended. This levee is between 5 and 6 miles long.

I have other data of that kind here, showing a very large expenditure, and all by the local people.

Mr. President, the outlying country that would be protected by these particular levees is the great American bottom. That bottom runs out 20 miles from the river, and every foot of it is subject to inundation. There is not a richer or more productive land in this country. It is densely populated. The land is covered with truck farms, with wheat fields, and corn fields. That is an example of what our people are doing and of the danger that menaces them.

Mr. President, the Lord knows I am more than willing to do everything in my power to protect the lowlands of Arkansas, Louisiana, and Mississippi, but I think that the people of Illinois, Missouri, and Iowa are equally entitled to consideration from all the agencies of our Government. We will submit to nothing less.

The Mississippi River Commission is a great commission. It has done a great work. It is doing a great work now. When the commission was created, it was given jurisdiction over the entire river from the Gulf to the headwaters. It is, under the terms of the law, just as much the commission for the upper Mississippi as the lower Mississippi. The Senator from Iowa [Mr. CUMMINS] read and commented upon the law of 1879, the organic act creating the Mississippi River Commission and defining its powers. I need not amplify what he said. In the fourth section of that act I find these words:

It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the

Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service.

That is the language of the organic act, and that act creating this commission gave to the commission jurisdiction over the river from the Head of Passes to St. Paul.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. STONE. Certainly; I yield.

Mr. CUMMINS. As supplementing what has just been said by the Senator from Missouri, I desire to call his attention to the fact that in the very appropriation bill we are now considering the provision appropriating $6,000,000 for the improvement of the Mississippi River contains a clause authorizing the Mississippi River Commission to survey the whole river, not from the Head of Passes to the mouth of the Ohio, but from the Head of Passes to the headwaters of the Mississippi, and any part of the appropriation of $6,000,000 can be used for the purpose of surveys. It has long been the duty of, or within the authority of, the commission to survey. I read on page 51, after reciting the appropriation of $6,000,000 "for the general improvement of the river, for the building of levees," and so forth—

Between the Head of Passes and Cape Girardeau, Mo., and for surveys, including the survey from the Head of Passes to the headwaters of the river.

So we only want for the appropriation for levees just what is already authorized for surveys.

Mr. STONE. Mr. President, we do not need authority for a survey. The Mississippi River Commission has made surveys for the Mississippi River. The Senator from Minnesota [Mr. NELSON] stated this morning just what I am stating. There have been numerous surveys made of the upper and lower Mississippi River.

Mr. President, I served for eight or nine years on the Committee on Commerce, and I discovered long ago that when you had a Missouri or upper Mississippi River proposition before that committee, no matter what its merits, you might expect some—at least one—distinguished member of the committee to thrust his strong arm out in strenuous opposition. I have always regretted this phase of this subject, because of its apparent sectional character.

Mr. President, I was about to say I discovered long ago that when the Senator from Ohio [Mr. BURTON] or some other Senator found that he was being hard pressed on a measure before the Commerce Committee he would propose a "survey" as a side-tracking process. A survey is like sprinkling salt on a bird's tail to make him tame and gentle. That is an old scheme of postponement; it means defeat by procrastination and delay. That is the "dope" now presented to our lips—a survey. We do not need a survey. What we want is action. It is not even necessary to confer jurisdiction on this river commission to work for us, for it already has that jurisdiction; but we want to give that commission to understand by this legislation that it must look after the upper Mississippi as well as the lower Mississippi.

Mr. President, I must quit; my throat is hurting me. I can say only a few words in addition. Senators of the South, this is as much our commission as it is yours; those of us in the upper part of the river have as much claim to it as have you, and we contribute as much to its maintenance and to the great work it does as do you, and we appeal to you to be fair with us.

It costs less—far less—to construct levees in the upper Mississippi than it does to construct levees in the lower Mississippi; they do not have to be made so high or so broad, and when once constructed they possess a permanency unknown to the levees of the South, and that because of the absence of the rapid erosion that eats into your banks. As a general rule—having occasional exceptions, of course; but as a general—up in Illinois, in northern Missouri, and in Iowa, when a levee is built it will not be washed into the river by the falling in of a bank. Now, why do you men of the South wish us to go on alone paying millions for the construction of our levees and to go on draining our lands at enormous cost, bearing the whole burden ourselves, without sharing in the assistance you are getting from the Government? My brethren of the South, do not stand against us in this matter.

Mr. WORKS. Mr. President, in the course of my remarks submitted a short time ago I questioned the correctness of the language used in this amendment. In response to something that I said, the Senator from Minnesota [Mr. NELSON] referred to an appropriation that was asked for by the people of the State of California for the improvement of the Sacramento River, and in terms indicated that he regarded it as a scheme to secure money out of the Treasury of the United States. In fact, he referred to it as a scheme to secure an appropriation of $20,000,000 from the National Government.

There was an appropriation asked for by the people of my State for the improvement of the Sacramento River. I am satisfied that the Senator from Minnesota, just-minded as I know him to be, did not intend to prejudge the question that has been presented to his committee as to the justice of the claim for that appropriation, and in view of what he has said I do not think I should allow the impression to remain upon the mind of any Senator here that the request for an appropriation was in any sense improper or unjust. So I feel it incumbent upon me to call the attention of the Senate to just what that appropriation is. I can not do it better than to refer to the bill itself, which is quite brief. It is as follows:

A bill for improvement of the Sacramento River and tributaries, Cal.

Be it enacted, etc., That there be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, $100,000, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for improving Sacramento River and tributaries, Cal., and for the control of débris and floods, in accordance with the report printed in House Document No. 81, Sixty-second Congress, first session, with a view to the completion of such improvement within a period of 11 years; and the Secretary of War is hereby authorized to enter into a contract or contracts for such materials and work as may be necessary for the completion of this improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $10,900,000, exclusive of the amounts herein and heretofore appropriated: *Provided*, That $22,000,000, being twice the amounts herein appropriated and authorized to be appropriated, shall be furnished for the work by the State of California; and no part of the appropriation herein made shall be available for expenditure except for necessary preliminary work, such as preparation of plans, etc., and no contract shall be entered into under the foregoing authorization until the Secretary of War shall be satisfied that the State of California has made provision for furnishing the said sum of $22,000,000 and has deposited in the Treasury of the United States $1,000,000 and satisfied the Secretary of War that the remaining $21,000,000 of said sum will be deposited in like manner from time to time as appropriations for the work may be made by Congress, and in amounts equal to twice those so appropriated: *Provided further*, That the Treasurer of the United States is hereby authorized to receive from the State of California any and all sums of money that have been or may hereafter be appropriated by said State for the purpose herein set forth, and when so received the said sums are hereby appropriated for said purpose, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers.

It will be seen that the total appropriation provided for was $33,000,000, and of that sum the State of California obligated itself to pay $22,000,000, or two-thirds of the amount. There was no call, Mr. President, for anything on the part of the Government but the improvement of the navigation of the Sacramento River, one of the chief navigable streams of the State. As a result of the work to be done by the National Government, however, there would be a large body of land which would be benefited by simply keeping the river within its banks. In view of that benefit which resulted to the State, in addition to the benefits which resulted from the increase of navigation, the State is ready to pledge itself to pay two-thirds of the amount necessary to be expended for that purpose. This was brought about by a statute enacted by Congress providing for the formation of a débris commission, as it was called, that was to make a complete investigation and survey of the Sacramento River for the purpose of determining the best and most feasible plan for improving navigation. The act provided that one-half of the expense of the investigation should be paid by the State, and that was done; the necessity for it resulted from an act of negligence on the part of the National Government. It had permitted hydraulic mining to be carried on extensively in the upper part of the Sacramento River, or near by, by which the débris was carried into the stream and navigation practically destroyed for a large part of its distance. The purpose of this appropriation mainly was to dredge out the débris that had accumulated in the stream as the result of the mining that was permitted by the National Government to be carried on.

There never has been in the matter of making appropriations by the Government for the improvement or the protection of the navigable streams of this country a more just demand made by any State in the Union than this one; and there is no reason why it should have been characterized by the Senator from Minnesota as a scheme to secure money from the Public Treasury. The statute that I have referred to was passed away back in 1893. Under that statute investigations and surveys were made by the commission that was provided for, consisting of engineers of the Army, acting entirely under the direction of the War Department. The result of this application for an appropriation by the Government was brought about by the report that was made by that commission. The attempt was simply to secure sufficient money to improve the navigable character of the stream as reported and estimated for by the commission.

So far as the pending question is concerned, my own judgment about it is, and always has been—and I think that conforms to the judgment of other Senators here—that the right and power of the Government is confined to the protection and promotion of the navigability of the stream; but to this end I think it is the duty of the National Government to confine its navigable streams within their banks. In doing that, necessarily the Government is protecting the lands that may be flooded or submerged by failure to do just that thing, and I think the people who are owning land along the line of the streams are entitled to that protection in that way as a part of the protection that is due from the Government of the navigable stream itself.

Those are my views, in brief, with respect to it. Therefore I am in entire sympathy with the efforts that are being made by the people of the States bordering upon the Mississippi River to have their lands protected by taking care of the stream by the necessary levees, no matter whether it is on the lower or the upper Mississippi. Just exactly the same condition of things exists in California on the Sacramento River, and there is no reason why our people should not be protected just as the people in Mississippi and in the other States along the Mississippi River are to be protected. Therefore I am sorry that the Senator from Minnesota should apparently have passed upon this question that is now before his committee. It is a matter that has been partially heard. Some of our people from California have been here for the purpose of submitting to the committee their reasons why this improvement should be made. The engineers of the Army have been there, and explained minutely what work has been done by them and the plan that has been devised for the improvement of the river. That is a matter that we hope will be left open until it can be carefully investigated by the committee and the rights of our State determined.

I should not have taken up the time of the Senate in discussing that appropriation but for the remarks that were made by the Senator from Minnesota, which seemed to call for a few words on my part.

Mr. WILLIAMS. Mr. President, I do not think that any amount of intellectual ingenuity or any amount of sophistry can dress up the nakedness of this proposition so that it will be really disguised. The proposition presented from the upper Mississippi is not at all the same proposition that is presented from the lower Mississippi. A levee even on the upper Mississippi is a matter of 3 or 4 or 5 or 6 feet, and the areas to be protected are inconsiderable; the areas do not run back from the river very far. The use of the levee in order to promote navigation is not to be witnessed there. The only Army engineer whose opinion has been asked said before the Commerce Committee that building levees in this stretch would not improve navigation at all. When the lower Mississippi gets out of its banks, it makes an inland sea 60 miles wide, stretching from the Ozark hills, in Arkansas, to the Yazoo hills, in Mississippi—a turbulent, muddy stream.

Some time ago I presented a proposition somewhat like this that faces Senators now. It was for a stretch of country from Vicksburg, on the east side, down to Bayou Sara, La., on the east side. The Mississippi River Commission had refused to levee there, for the reason, first, they said, that it would not improve navigation—the engineer took that position—and that the areas were too inconsiderable. The question was presented to the Commerce Committee, and the Commerce Committee demanded, and very naturally, that if there was merit in the scheme it ought to be shown by an estimate after inspection, examination, and report. They, therefore, adopted a provision authorizing and directing the Mississippi River Commission to make an examination and survey in almost precisely the same language which is adopted in this bill. The Mississippi River Commission did make the survey and has made a recommendation, upon which I shall base the demand for legislation in the future with confidence that the demand will be met; but it was, in my opinion, unreasonable of me that I should ask of the Commerce Committee that it should appropriate the public moneys until I had first satisfied them in the proper and accustomed and usual way that the scheme was worthy of recognition.

Mr. President, for years and years the conduct of this Government toward the great Mississippi River would have been laughable if it had not been so tragic and pathetic. We have spent $400,000,000 and more for the Panama Canal, and we will never get in any one year of our existence one-tenth of the revenue in the shape of public taxes paid to State, county, and Federal Governments and commerce promoted that we would get through the Mississippi River in any one year; but instead of taking up the great Mississippi River problem as a separate problem, which the engineers, after surveys and after reports, show will need $58,000,000, I believe, for levees alone, besides the work of revetment, canalization, and dredging, running it up to something like $100,000,000, Congress doles out driblets of from four to five or six million dollars and sometimes as little as $3,000,000 a year; and about as fast as we get the work upon its feet, the great river again bursts its shackles and sweeps away what was done. Then, when after long struggle and after the great overflow of last year, in which people lost not only their property and their houses, the shelter over their heads, but their cattle, their horses, and everything of that sort, and in which many of them lost their lives; and after the overflow of this year, which upon a more localized area has brought almost equal suffering, we come here and are given the pitiable sum of $6,000,000—such part of it as the Mississippi River Commission may choose to be allotted for levees south of Cape Girardeau. When we come to the Congress in that condition, after having spent $54,000,000 of our own money, counting only the amounts expended since the Government first came to our help, during which time, if you consider that the levees are erected two-thirds for protection and one-third for navigation, we have contributed more than $2 to every dollar appropriated by the Government, and counting the sums which we spent prior to the time the Government began to give any assistance at all, at least 10 times as much as we have spent since—after we have done all that, here comes in a backdoor scheme to have a part of the little driblet that has been given to us to do this work diverted and put somewhere else in the country upon the theory that it is fair.

The Senator from Missouri [Mr. STONE] stands here and appeals to us to be fair. I appeal to him to be fair; and if there is merit in his scheme, let it stand upon its own bottom. That is not all. Let him name the amount of money he wants while he is describing the work to be done, and let Congress, with its eyes wide open, appropriate the amount of money that is necessary for the project which he desires carried forward.

The Senator asks us to be generous. In my country when a man is furnished his rations as a part of his wages he gets 4 pounds of meat a week. If he had a wife and two children, and had been only paid 3 pounds, if somebody came along and suggested to him to be generous by giving him a pound of it, I imagine the reply would be "Go out and work for your own meat." We have worked for it; we have suffered for it; we have paid our money for it; we have died for it; and we have not yet got one-tenth of what we ought to be getting. Even upon the theory that two-thirds of the work is for protection and the other one-third alone is for the improvement of navigation we have paid our two-thirds and more.

When it comes to the question of navigation, every authority from Robert E. Lee, long before the war, down to now has said that levee work was absolutely indispensable for the improvement and maintenance of navigation of the lower Mississippi, a silt-bearing stream that fills up its bed when it stretches out into an inland sea and becomes stagnant water; and the only way of getting the channel open is to keep the flood waters confined and let them sweep along and carry in solution the silt and the mud. The upper Mississippi has not the same problem at all; it is a clear-water stream, and its areas are so insufficient that the river can not spread out into great inland seas, stagnating, depositing, and filling up.

The proposition there, if it is one that stands upon the same footing as ours does, will be reported fairly by the engineers to be such; and, if it is, then Senators can get their appropriation upon the merits of their own project without taking it from us.

One of two things is going to happen: Either the Senator from Minnesota [Mr. NELSON] is right, and the Mississippi River Commission will not allot a dollar to the upper Mississippi, not even for a survey, or else they will take a part of the money that has been allotted and appropriated to our purposes upon estimates which called for more and will divert it to that portion of the river. In either event there is no argument for the position taken by the Senator from Missouri.

The Senator from Missouri says that we have hitherto received these appropriations because we people down in Louisiana, Arkansas, and Mississippi were smarter than the people in Missouri and Illinois and Iowa. If that be true, it is news to us and will be equally news to them.

Why is a river and harbor bill generally called a "pork-barrel bill"? Why is it that it is not so generally called a "pork-barrel bill" now as it was 20 years ago, when I first came to Congress? It is because so many ill-considered schemes get a place upon it. What is the only way to prevent ill-considered schemes from getting a place upon it? It is to adopt some rule for the guidance of committees and for the two Houses. What

is the best rule? To say that no appropriation shall be made of public moneys out of the Treasury for river and harbor work until the matter has been properly examined by proper officials and recommended, or until such data have been furnished the two Houses as that they can, from their own knowledge, conclude that it was rightful to be done, and overrule the opinion of the engineers. It is not without reason that this rule has been made, and I for one would hate to see it set aside, because, if you once begin at the last moment to bring in schemes before the two Houses without any hearing, without any engineers' report, without any estimates, or anything of that sort, you are out on a sea of chaos; you do not know what you are doing.

So far as I am concerned, I feel this way about this proposition: I think that if the Senators who brought this proposition in had coupled with it a proposition to add $500,000 or $1,000,000 to the $3,000,000 appropriated, I might have voted for it; but even then I have my doubts as to whether I could consistently do so without a report from some competent expert authority giving the reason for the project itself.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. WILLIAMS. Certainly.

Mr. STONE. I seriously doubt whether there have been any of what my friend calls estimates, scientifically and accurately prepared, as to the expense of levees, generally speaking. But, after all, is it not true that the expenditures made on levees are the result of immediate conditions, somewhat suddenly arising? The Senator talks about estimates. We have estimates as to the cost of levees. The Senator does not imagine that fifteen or eighteen million dollars have been spent in levee districts without estimates, made by very competent engineers, does he?

Mr. WILLIAMS. Where are they?

Mr. STONE. Where are what?

Mr. WILLIAMS. Where are these estimates of which the Senator speaks?

Mr. STONE. They are filed with the officers of these levee boards. Where are the estimates of which the Senator from Mississippi speaks?

Mr. WILLIAMS. Right in the War Department, and in these two committees—the Committee on River and Harbors of the House, and the Committee on Commerce of the Senate.

Mr. STONE. What are those estimates?

Mr. WILLIAMS. They are estimates in detail——

Mr. STONE. I should like to see them. I have served on that committee a good while, and I should like to see the estimates—these fine-spun, elaborate estimates of the cost of things. I should like to see them. It is very easy to stand here and talk about estimates, but I want to see them.

Mr. WILLIAMS. The Senator can go and see them whenever he wishes. He can go and look at the reports of the engineers at the War Department.

The Senator speaks about the estimates that some levee board or district committee has, somewhere down in Illinois or elsewhere, that is not here to guide the committee, and not here to guide the Senate. He has thus far produced an ex parte statement from the Representative in one district in which one levee exists. The Senator certainly will not tell me, he certainly will not tell the Senate, that he has given the Senate any data upon which the Senate could go, any basis upon which they could form a conclusion.

Mr. STONE. But I should think the river commission could easily ascertain every fact necessary.

Mr. WILLIAMS. Then, if the River and Harbor Committee could have ascertained it, and if the evidence could have been presented to that committee, why was it not presented?

Mr. STONE. I did not say the River and Harbor Committee; I said the Mississippi River Commission.

Mr. WILLIAMS. Oh, the river commission! The river commission has rules by means of which it proceeds to collect its data, and upon that data it bases its conclusions. It sends out its expert engineers to make the surveys and report. They report as to the probable commerce, they report as to the area, they report as to the navigability of the river, they report as to the effect of the work upon the navigability of the river, and then they report incidentally anything else that may occur from which they hope a profit may result to the Government in the way of partial reimbursement.

The Senator tells us that all he wants is to be put on a par. All I ask of him is that he shall consent to be put on a par.

Mr. STONE. I do consent.

Mr. WILLIAMS. I beg pardon; the Senator does not. On the contrary, the Senator wants to break into the back door without coming into the front door, without announcing his presence by knocking at the Engineer Department, without announcing his presence by knocking at the anteroom of the two committees. He wants to come in with an ex parte statement of some sort, and come in at our back door and take a part of our poor little 3 pounds of meat, when our necessities are 6 pounds.

Senators say they have just as much right to share this money on the upper Mississippi as we have on the lower Mississippi. Perhaps they have. I do not deny it. I do not know whether they have or not. All I am doing is standing up here like a Missourian and demanding to be shown. I am perfectly willing that they should share it upon precisely the same terms and under the same conditions, after passing through the same avenues and according to the same formalities.

The Senator says the fight for this project will be won. I do not know; I hope so. I can say this much: Whenever the proper reports are made, and it is shown that this is a meritorious cause, if it needs $500,000 or $1,000,000 or $2,000,000 I shall vote for it. But I do not want to vote to share money that has been estimated, and the full estimates not granted, for levees upon the lower Mississippi, and have it diverted to a purpose which is not even known to be meritorious thus far, however meritorious it may be or however meritorious it may be shown to be at some future day.

Of course I would not charge any attempt here to avoid examination, survey, and report. I understand how these things occur. I introduced a bill last year myself to make an appropriation for a purpose very much like this. That lower country is very much like this upper country. The hills come in toward the river, now jagging into it, now out, now 5 miles, now 14, sometimes 20 miles back. The committee took the position that I ought to pursue the accustomed course and get a survey, and have the engineer report, first, as to how many of the areas could be properly leveed with benefit to our navigation and with incidental benefit to the lands behind; secondly, if lands were totally lost by being thrown out in the stream, how much of them ought to be regarded as having been condemned by the Government for public purposes and therefore purchased by the Government. I waited patiently for that report, and the report came in too late for use this year.

Mr. CUMMINS. Mr. President——

Mr. WILLIAMS. One more word, Mr. President, and then I will yield to the Senator. When you reduce this to its nakedness, without fallacy, without intellectual ingenuity, without sophistry, without unnecessary verbiage of any sort, it amounts simply to this: After the Engineer Corps and the Mississsippi River Commission have estimated that a certain amount of money is absolutely necessary for levee construction upon the lower Mississippi, a part of it shall be taken away and deflected for other purposes elsewhere.

If Senators contend that that is not what they mean to do they can cure it very easily. They can couple their proposition here and now with a proposition to increase the appropriation and provide that the amount of the increase, a quarter of a million or half a million, or what not, shall be appropriated to levee building on the upper river, provided, of course, the Mississippi River Commission thinks it improves the navigability of the stream.

Mr. CUMMINS. Will the Senator now yield to me?

Mr. WILLIAMS. Yes; I yield to the Senator.

Mr. CUMMINS. The Senator from Mississippi, I take it, is willing that we shall be put in the same position that the State of Mississippi was with regard to the appropriation which he has just mentioned; that is, where he is now seeking further information from survey and examination. The Senator is willing for that to be done?

Mr. WILLIAMS. Yes; that is just what the Commerce Committee wants to see that you get.

Mr. CUMMINS. As far as I am concerned, I accept that and leave it to the Senate to determine whether or not we are in the same position. Every moment for years it has been in the power of the Mississippi River Commission to build levees along the river at the point to which the Senator has referred. The commission could have taken every dollar of the appropriation for years and, if it had considered it wise, it could have built levees at that point. All I ask is that we shall be put in the same position. If we can not show that these levees ought to be built, then of course not a penny will be expended for them. But does not the Senator from Mississippi see that we are not in the same position?

Mr. WILLIAMS. No; I do not.

Mr. CUMMINS. Is it not true that for years the stretch of the river to which the Senator has referred has been under the jurisdiction of the Mississippi River Commission?

Mr. WILLIAMS. The whole river has been under the jurisdiction of the commission.

Mr. CUMMINS. And is it not true that the commission has had the power to take the appropriation and build levees along that stretch?

Mr. WILLIAMS. The whole river, as the Senator from Missouri very clearly showed, has been under the power of the commission.

Mr. CUMMINS. It has been under the jurisdiction, but not under the appropriation. The stretch of the river to which the Senator from Mississippi has referred, however, has been under the appropriation as well as under the jurisdiction.

Mr. WILLIAMS. Ah, yes.

Mr. CUMMINS. Therefore he is not willing that we shall be put in the same position. That stretch of the river was put under the power without any examination or preliminary survey whatever.

Mr. WILLIAMS. The Senator from Iowa is talking about verbal differences, not actual differences. If the Senator from Iowa says that the Mississippi River Commission at any time could have leveed the stretch from Vicksburg to Bayou Sara under the appropriation as it was made, and could not have leveed the stretch from Cape Girardeau to Rock Island under the appropriation as it was made, of course he is absolutely right.

Mr. CUMMINS. That is all.

Mr. WILLIAMS. But that is a mere difference in form and verbiage; nothing else. As a matter of fact, the Mississippi River Commission took the position that as to this stretch of country down there, the amount which it would cost to build levees would be so out of proportion with the areas protected by it, and so out of proportion with the amount of improvement to the navigability of the river, that they would not spend the money; so, when it came to the point we were upon exactly the same footing.

Mr. CUMMINS. They took that position with us.

Mr. WILLIAMS. They were treating both areas exactly alike. With a very much stronger case than yours—I was within the territorial limits of the appropriation, at any rate—the Commerce Committee, holding to a salutary rule, sent me to the engineers and to the river commission, with a provision making it mandatory upon the part of the river commission to make a survey and report; and now, notwithstanding the fact that you are not within the territorial area of the appropriation, they give you precisely the same relief. In other words, they make it mandatory upon the Mississippi River Commission, and provide that they shall make a survey and report, so that proper data and information may be before the proper committees of Congress, and may be brought by them before the Congress of the United States.

Mr. CUMMINS. Precisely.

Mr. WILLIAMS. However anybody might have wanted to hide it, or however anybody might imagine that somebody did want to hide it, what you are trying to do is to slip into the back door.

Mr. CUMMINS. No, Mr. President. I was simply rising to call to the attention of the Senate the difference between the Senator's situation there and ours.

Mr. WILLIAMS. I have taken no advantage of my situation that the Senator has not taken of his.

Mr. CUMMINS. If the Mississippi River Commission does not want to levee our part of the country, it does not have to do so. It may turn us over to the same examination that the Senator from Mississippi says it turned him over to.

Mr. WILLIAMS. Here is what the Government did with those people, and they did not do it with yours: They leveed the river above them and below them on the same side. They leveed the river upon the other bank, and they virtually made their lands a part of the channel of the Mississippi River. The commission adopted the line of hills back from the river as a levee, and virtually condemned for public purposes, without compensation, some of the fairest plantations that ever existed in that part of the country. When I came with that absolute hurt and damage, which was recognized by the commission itself in a pathetic expression of it, describing the condition of things there, the committee still sent me over the route that they now propose to send you, and the Government have not condemned your property to the bed of the river, as they did ours.

A few more words, Mr. President, and I am through. I hope the public sense of the American people and the sense of the American Congress may be stirred to the point where the Mississippi River may be treated as it ought to be treated, as a great independent proposition, as the Panama Canal was. I hope the machinery of the Panama Canal may be brought up here as soon as the canal is finished and put to work dredging out every bump, beginning at the Passes and coming up, until what is now a 9-foot channel from St. Louis down to New Orleans will become, by dredging half a dozen bumps or so, a 14-foot channel all the way. I hope that they will conjoin levee building, revetting, and canalizing at a few places where the bend is simply too great and where, owing to the extremity of the bend, the river is being diverted to the opposite side and digging out the sand and sloughing off the banks all the time, until the bend becomes so extreme that it cuts across again on the short way. I hope they will stop all that.

The Mississippi River will never be dealt with satisfactorily upon this driblet plan, because about the time you get a little meritorious work done the great river takes it in its mighty arms and scatters it among the woods, along the banks, and in the bed of the river all around. It is cruel when it starts out, and little pigmy works can not stand before it. It is not a question of engineering at all; it is merely a question of money. There is no substantial disagreement in the minds of engineers as to what must be done and could be done and how the Mississippi can be controlled and made navigable all the time. The only trouble in the world is the matter of money.

If you can afford to pour out money like water for digging a ditch across the Isthmus of Panama to benefit an almost negligible and insignificant foreign commerce, you can certainly afford to spend one-fourth of the amount in benefiting the most gigantic domestic commerce that any country on the face of the earth ever bore upon its bosom, or any country, perhaps, ever will bear, promoting it and encouraging it and making it grow, not in arithmetical but in geometrical ratio year by year.

No people were ever so blessed as this country was with this great artery of commerce, right down the middle of the great cotton-bearing and sugar-bearing and grain-bearing area of the country. All that is necessary is to go at it with patriotism and in a proper way and do the work, and do it with a view to the navigability of the stream. When you once have made it navigable with a 14-foot channel, you will never have any more trouble about overflows. You can not get enough fall in it, if it is canalized at the proper places, straightened at some places, given an increased velocity of current and therefore increased force and volume in bearing off the silt, and is properly revetted at the places where there is danger of the sand being scooped out and the banks falling. It will not be once in 50 years that there will be enough water to threaten the people with destruction. It is not, as some Senator has said, a question of navigability alone; it is a question of interstate commerce just as much as a question of navigability.

Mr. MYERS. Mr. President, I have listened with much interest to this discussion since a little after noon to-day, and as a consequence I have something of a headache. I suppose Senators will think I want to give a part of my headache to them if I rise to address a few remarks to them. I assure them that I am not selfish with my headache, and I am quite willing to share it with them.

Mr. President, I believe in reunions of the Blue and the Gray. I am always glad to see the North and the South shake hands over the bloody chasm if other people are not crushed and trampled underfoot and their rights denied by the operation. I am charmed with the delightful exhibition of a reunion of the Blue and the Gray that we have seen on this floor to-day, emanating from the venerable senior Senator from Minnesota, who, I believe, was a gallant soldier in the Union Army in the late War between the States, and participated in on the other hand by the distinguished junior Senator from Mississippi, whose father, I believe, was a gallant soldier in the armies of the Confederacy. I am delighted at all such exhibitions of good will. I am glad to see the far North and the far South come together with the glad hand of fellowship. But what about the State of Missouri that is put in between the two extremes, that is neither North nor South, and that has some rights, I believe, as a member of the Union?

I am glad to see these fraternal exhibitions of the North helping out the South, but I believe there are others concerned who have rights, and I do not like to see such a fraternal exhibition denying rights to other people who are innocent intervenors occupying the middle ground.

It is very seldom that I vote or take a stand in this body different from my associates from the far South. It is very seldom that I differ from them in opinion about matters which come before this body. But I believe there are others that have rights; there are others to be considered; and in this particular instance it appears plain to me that the right of the matter is not with them in their contention. It seems plain to me that there is a disposition here to deny equal rights to the people of the States of the upper Mississippi Valley, particularly to the people of the States of Missouri, Illinois, and Iowa.

Far be it from me to have any feeling against the people of the lower Mississippi Valley, from Cairo south, or to infringe upon their rights in any way whatever. I love that country and its people. By birth, raising, association, ancestry, heritage, feeling, and principle I am one of them, and I always will be one of them, even if I should move to Alaska or to the North Pole to live. But as a Member of this body I realize that there are other sections of the country that have rights and that should be considered in a matter of this kind.

I speak for a section of the country that belongs neither to the upper nor to the lower Mississippi Valley, that will not be directly benefited by any legislation along this line in behalf of either the upper or the lower Mississippi Valley. But the people of my section of the country and of my State help to raise the money that will be donated by this legislation to whatever section of the Mississippi River Valley may receive it. The people of the entire country are interested in a fair and a just and a proper expenditure of the money which they all contribute to raise.

We pay our share of this money by paying a tariff tax on everything we eat or wear or consume, by paying our share of the internal-revenue taxes of the country, and by every other form and mode of taxation to which the people of the different States are subjected for the purpose of raising Federal revenue. I believe the people of the entire country should have something to say, and not alone the people of either the upper or the lower Mississippi Valley, about what is right and just in this matter.

I know, as has been eloquently depicted here, that the people of the lower Mississippi Valley are a long-suffering people, and that the hand of calamity has been heavily laid upon them. For four dark and bloody years the cruel hand of war and devastation was laid upon that people, and several times since then the gaunt specter of pestilence—yellow fever—has cast its deadly shadow across their threshold, and the turbid waters of the Mississippi have worked the destruction of their lives and their property. I sympathize with them in all those things. But I do not believe that sympathy should go to the extent of denying rights that belong to other people and to other States in the Union that are on an equal footing with the States of the lower Mississippi Valley.

The State of Missouri is no less a sovereign State of the Union than the State of Mississippi; neither is the State of Illinois or the State of Iowa. They are all members of the Union, on an equal footing, and the people of those States are entitled to the same consideration in legislation of this kind as the people of the lower Mississippi Valley.

The matter seems to me to resolve itself to this: The Senator from Minnesota [Mr. NELSON], in response to a question by me, stated that even if the House provision should be stricken out and the Senate committee amendment adopted in lieu thereof the people of the upper Mississippi Valley could get no more than a survey out of this proposition in the next year or two. If that is going to be the case, who is hurt by it? How are the people of the lower Mississippi Valley States hurt in any wise if that is true? As the Senator from Minnesota is chairman of the Commerce Committee, which has studied this proposition and has brought in this amendment, I take it he ought to know something of what the probable consequences would be if the House provision should be stricken out and the Senate committee substitute put in; or, contra, if it is not done, it seems to me he ought to be versed in what the probable consequences would be. He says that if the contention of the Senator from Missouri prevails here the upper States will get only a survey anyway, and I conceive that nobody is hurt by it. On the other hand, the junior Senator from Mississippi [Mr. WILLIAMS], in his remarks upon the question, said that he was quite sure of the States of the upper Mississippi Valley getting the benefit of some of this appropriation for levee work. If it can so result, then they would get it according to law. It would not be contrary to law or else they could not get it. If they can get according to law such part of it as the Mississippi River Commission may think proper, why should they not have it? If they can get it according to law, and the Mississippi River Commission, with its knowledge of the situation and the facts, sees fit to grant to them some small proportion of this appropriation—such as in its judgment under all the circumstances and the necessities of the case those States ought to have in just proportion to their needs, their necessities, their condition, their damage, and their circumstances in the premises—then what will be wrong about it? I can not see where any wrong would result in either one of those events to the people of the lower Mississippi Valley States.

If the upper States get nothing but a survey out of this, then the people of the lower States give up no part of the appropriation. If, on the other hand, the people of the upper States get a small percentage of this appropriation, in a manner allowed by law, such as in the judgment and discretion of the Mississippi River Commission they should get, who has any right to complain?

It does seem to me, Senators, that the people of the upper and the lower Mississippi Valley ought to be placed on an exact footing in this matter without any discrimination. Why should not all be treated alike? I am opposed upon principle to taking money away from the whole people by process of legislation and putting into the pockets of a part of the people. That is contrary to my Democracy, my principle, my conscience, and my belief. But if it must some time from necessity be done, and may constitutionally be done, then I believe it ought to be applied alike to all the people in the same class. I do not believe that it ought to be applied to a part of the people in one class and denied to a part of the people in the same class.

While I am generally, upon principle, opposed to all such legislation, I recognize that there are necessities which arise when it ought to be done and may properly be done under the Constitution and the necessities of the case. When we get to that extremity why give a part of the people who need it the benefit of it and deny it to the other part of the people who need it and are equally entitled to the benefit of it? Why give the people of the lower Mississippi Valley the benefit of this necessity and emergency and deny it to the people of the upper Mississippi Valley? I believe they are all in the same class. I believe it is a principle of law that if legislation applies equally to all the people in a certain class, and there is good ground for it, it is not class legislation; but if it applies to only a part of the people in a certain class and not to others, then it is subject to the objection of being class legislation, which is obnoxious to the spirit of our laws and our Constitution and Government.

Are not all the people of the Mississippi Valley in the same class in regard to this matter? It is true, I admit, that the people of the lower Mississippi Valley States suffer more from devastation and destruction by the flood waters of the Mississippi River than do the people of the upper Mississippi Valley States. But that is only a difference in degree. It is not a distinction upon principle; it is only a matter of degree and amount.

We all know, I believe, as a matter of general information, at least I know, that the waters of the upper Mississippi Valley every few years overflow the banks and submerge thousands of acres of valuable land in Missouri and Illinois. Every few years the rich bottom lands in Illinois opposite Hannibal, Mo., are flooded, buildings, stock, and fences are swept away, and lives are lost. I read that in the newspapers. It is a matter of common knowledge and information. It is not to the extent, of course, to which the same kind of destruction prevails in the lower Mississippi Valley States, but it is of the same kind and nature. There are rich Mississippi River bottom lands in the State of Missouri above Hannibal, extending from Hannibal to Keokuk, Iowa, that are every few years submerged and overflowed by the flood waters of the Mississippi River. I can not see why anyone should contend that the people of the upper Mississippi River Valley are not entitled to the same consideration in principle and spirit and degree in legislation of this kind as the people of the lower Mississippi Valley.

It seems to be the consensus of opinion here, in which I concur, that Congress may only appropriate money for the purposes of building and maintaining levees where it will improve the navigation of a river. If that be the case, the building and maintaining of levees in the upper Mississippi River Valley will certainly be as helpful to navigation as in the lower Mississippi Valley. If the building and maintenance of those levees incidentally protect life and property in the lower Mississippi Valley, they protect life and property in the upper Mississippi Valley. Why are not the life and property of the people of the upper Mississippi Valley as dear to them as to the people of the lower Mississippi Valley to them? If one should be the object of legislation by Congress, incidental it may be true, should not the other equally be the object of legislation?

It seems to be contended here with much force and vigor that the people of the upper Mississippi Valley are not entitled to consideration in this matter because there have been no estimates and specifications as to the need and cost of this work. I never dreamed that it was necessary to have the report of an engineer to establish the fact that the building and maintaining of levees where rivers are accustomed to overflow their banks would be helpful to navigation. Common knowledge teaches us that without the report of any engineer.

We all know that when the river overflows its banks, whether it be in the North or in the South, it washes sand and débris into the bed of the river and creates sand bars; that it washes away the land in the low-lying bottoms adjoining the river and

changes the current of the river and destroys a permanent and a steady current. It seems to me that it takes no report of an Army engineer to tell the Members of this body that those things are detrimental to the navigation of the river and that if the building and maintenance of levees obviate that condition, then the building and maintenance of those levees would be helpful to the cause of navigation. I fail to see any difference in principle in the application of this legislation between the upper and the lower Mississippi Valley.

If this body, in its wisdom, would see fit to confer upon the Mississippi River Commission the same right that has been exercised by the Senate Committee on Commerce, to send the people of the upper Mississippi Valley to the War Department to make a showing of their necessities and to get a report of Army engineers before their necessities will be recognized by the Mississippi River Commission, then I do not see why the Mississippi River Commission is not as competent and as capable of doing that as is the Senate Committee on Commerce.

It appears that the Senate Committee on Commerce has adopted a rule of its own—I know nothing of its being a rule of this body—by which it refuses to bring in a bill to appropriate money for a purpose of this kind until such time as the applicants for it and the sufferers in need of it have gone to the War Department and made known their needs and obtained the report of an Army engineer. But if the Senate Committee on Commerce can exercise that discretion and that power and jurisdiction, and this body sees fit to confer the same power, the same jurisdiction, and the same discretion on the Mississippi River Commission, what is there in right or justice to keep this body from substituting the Mississippi River Commisson and its judgment in a matter of that kind in lieu of the Senate Committee on Commerce and its judgment?

I seek not to criticize the Senate Committee on Commerce for taking this stand. It may be a wise and judicious stand. There may be need of it. But if this body, in its wisdom, has sufficient confidence in the Mississippi River Commission, which certainly is equally well versed in the topography and condition of the Mississippi River, and if this body sees fit to confer upon the Mississippi River Commission the same power and jurisdiction to be exercised in its judgment as is now exercised by the Senate Committee on Commerce, I can not see where any harm will result.

If that be followed, as it seems to be the opinion of the Senator from Minnesota and other Senators will be followed, then there can be no danger of the people of the upper Mississippi River Valley getting any part of this money before they have shown their needs therefor and the justice of giving it to them.

It seems to be the idea of some of my associates from the lower Mississippi Valley States that this is an attempt on the part of the Senator from Missouri and other Senators from the upper Mississippi Valley to take away from them something that belongs of right to them; that the Senator from Missouri and his associates who stand with him are trying to rob them of something that belongs to them. Mr. President, I do not believe that the Federal Government owes money to any State or the citizens of any State. I do not believe that any State in the Union has a right to claim that the Federal Government owes it money for purposes of this kind. I do not believe that the Federal Government owes any of us anything except the right guaranteed in the Bill of Rights of the Federal Constitution. But if the Federal Government, in its wisdom and under the Constitution, in proper and legitimate cases, where necessity requires it, sees fit in the exercise of a constitutional function to appropriate money to a part of the people of the country for the improvement of navigation along rivers and the incidental benefit of lands adjoining those rivers, I say Congress has a right to say where that money shall go. There is no State nor section nor spot of this Union that has exclusive right to that help from the Federal Government. If this body, in its wisdom, sees fit to say that provided the necessity may be shown to the Mississippi River Commission a part of this money shall go to the upper Mississippi River in the States of Missouri, Illinois, and Iowa, I do not believe that anybody has been robbed of his constitutional rights.

I do not believe this is an attempt by the people of the upper Mississippi River Valley to get money in through the back door, as has been charged here. When the House of Representatives sends a bill here, which comes in at the front door of this Chamber as an act of the House of Representatives of Congress, and it comes before this body in the regular and legitimate way, I have never heard it was trying to put something through the back door.

It seems to me that if there might be room for anybody to charge that something was coming through the back door it might be charged that the committee amendment was coming through the back door. But I make no such charge. Both views of this matter are fairly and squarely before this body, and I believe it is for this body, in its wisdom and judgment, to say where this money may be permitted to go and whether or not it shall apply alike to all sections of the Mississippi Valley that are in the same class and suffering under the same conditions. It is for this body to say whether all shall be put upon the same footing and treated alike.

It appearing to me that the amendment of the Senator from Missouri is designed to have that effect, I am heartily in favor of it, and in right and conscience I can stand for it, and I am in favor of voting down the amendment reported by the Senate Committee on Commerce.

Mr. BURTON. Mr. President, I desire to address the Senate for only a very few minutes.

There are two conclusive objections to the amendment of the Senator from Missouri [Mr. STONE], which also lie to the House provision. The first is that it is an invariable requirement, before Congress enters upon a public work in rivers and harbors, that there should be an examination and an estimate of the cost.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. BURTON. I should like to proceed for just a little time.

Mr. STONE. The Senator spoke of my amendment. I have offered no amendment.

Mr. BURTON. It has been referred to as your amendment.

Mr. STONE. What?

Mr. BURTON. Reinstating the provision proposed to be stricken out of the House bill. At any rate, the Senate understands precisely what I mean. I am opposed to the House provision and in favor of the amendment reported by the Committee on Commerce. Most of the mistakes and extravagances and unsatisfactory results which have arisen in our river and harbor policy have been due to the prosecution of improvements where either there was no examination or an insufficient examination. We are behind many other nations in this regard. In France there is a much more elaborate investigation before work is commenced.

It would be unfair to make this provision included in the House bill without such an examination. We require, Mr. President, when a proposition for an improvement costing only $5,000 is brought here from any part of the country that nothing shall be done upon it until after the most careful examination and report recommending it has been made by the Board of Engineers. It has to run the gantlet. It must be examined not only by the local engineer but in most cases by a division engineer, and then pass under the examination of a board of review. Still further, it must be approved by the Chief of Engineers, and formally, at least, by the Secretary of War. What is proposed to be done by this provision? It is to place in this bill, made up of appropriations for the continuance of public works, examined and recommended, this, which has had no examination whatever.

Mr. President, the second objection is the difference in the conditions between the upper and the lower Mississippi River. I desire to point to the map hanging on the wall of the Chamber, which, if carefully examined, will tell the whole story. From about Cape Girardeau down on the major part of the Mississippi River there are low alluvial lands. The jurisdiction of the Mississippi River Commission for a long time extended only to Cairo. By statute in 1906 it was extended to Cape Girardeau, because conditions from Cairo up to Cape Girardeau were similar to those below. What is the condition below Cape Girardeau which requires the construction of levees? The land bordering on the river is low and flat, and behind the banks, if there are banks, there are wide stretches of lowland. If the bank is not protected by levees, the river is likely to leave its accustomed channel and spread over the adjoining country.

I wish to again call attention, Mr. President, to the exceedingly crooked quality of the river below Cairo. It is probably the most crooked stream, at least of any considerable size, in the world. You could very appropriately use as to it the poetical quotation:

> Nowhere such a crooked stream
> Save in fancy or in dream.

At each one of those bends in that alluvial country there is danger that the river in time of flood may leave its banks and take an entirely different course, the result of which would be that the navigable quality of the river would be very seri-

ously injured, if not destroyed. Above the section referred to is the one for which the House provision is inserted. There is no such condition there. For the most part there are high banks, there are stretches here and there of lowland which are liable to overflow, but there is no necessity for levees for maintaining the navigable capacity of the stream. The construction of levees would protect the adjacent property, but it would not be required to keep the river within its accustomed channels.

This subject was taken up by the Mississippi River Commission after the formation of that body in 1879. The act of 1882 made appropriations to be expended by that commission to the amount of $4,123,000. It was provided that of that amount $600,000 might be expended between Cairo and the mouth of the Illinois River, including $35,000 for the harbor at Alton. Two hundred thousand dollars was appropriated for improvement between the Illinois River and the Des Moines Rapids, near the city of Keokuk.

In the bill of 1884 reference is made to the part above the Ohio merely in recognition of the appropriations already made for that stretch. But, beginning with 1886, and from that day to this, there has been no jurisdiction given to the Mississippi River Commission, nor any authority for the construction of levees, except below Cairo, with the exception that since 1906 their jurisdiction has extended to Cape Girardeau.

It is asked, Why has not a survey been made? Why, Mr. President, during all these years they were making surveys. And what was the conclusion that they reached? That the construction of levees for the sake of navigation was not necessary except below Cairo. Even if they made no formal report in the way of a survey they at least came to a determination, which was based upon their study of the river, which was to the effect that no levees should be provided in the upper sections. That shows the difference between the two portions of the river.

I think I can speak without any bias between the two sections when I say to the Senate that it would be unfair to divert a part of this $6,000,000 from the southerly portion and expend it in the northerly. In the first place, one of the most destructive floods ever known on this globe occurred in that lower region last year. Cities were inundated; great expanses of agricultural territory were overflowed for weeks; there was loss of property and of life and widespread destruction. The first thing to do is to repair the damage done by that great flood. They have had no such calamity in the northerly section.

For 20 years there has been barely a whisper from anyone in that locality for appropriations for levees, but here, after this frightful calamity, after the apportionment of an amount which is confessedly insufficient to make the needed repairs and improvements in the southerly section, this request is brought in to apportion a part above Cape Girardeau. I can not quite agree with the Senator from Minnesota [Mr. NELSON] that no part of this $6,000,000 would be expended above Cape Girardeau. Perhaps it would not be expended actually during this year, but action would be taken. The commission would understand that Congress meant something in adding this provision:

> Any funds which have been, or may hereafter be, appropriated by Congress for improving the Mississippi River between the Head of Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any part of said river between the Head of Passes and Rock Island, Ill.

Each year when the appropriation is made the members of the commission meet; they make an apportionment of the funds. While they might not actually expend any part of the $6,000,000 during that year, they would, at least, divert a part of it for this new stretch of the river.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Washington?

Mr. BURTON. I do.

Mr. JONES. Would the commission be likely to make any apportionment before they had made a survey to determine what should be done?

Mr. BURTON. They very likely would make a survey, but whether they made a survey or not, that upper portion is provided for. Again, there are certain levees in the upper portion that have been under construction by municipalities and private parties.

Mr. JONES. I want to say that I am heartily in favor of the practice of making a survey and having it approved, and so on, before the appropriation is made; but, as I understand it, under the provision in the House bill, as the House had it, no expenditure can be made until a survey has been made by the commission.

Mr. BURTON. It does not so provide in the section.

Mr. JONES. It says:

> In accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers.

Of course, there would be nothing for him to approve until the survey was made and the plans and specifications were decided upon.

Mr. BURTON. Let me just explain what would be the natural course there. The Mississippi River Commission go over the river twice a year—once in November and again in April or May, once in the period of high water and the other time in the period of low water. They direct their engineers to go over the whole river and point out what work is needed. Now, if this provision should be adopted, there is a new section of the river, and it would be necessary not only to go over that part from Cape Girardeau down, but from Cape Girardeau up to Rock Island. There are localities there where levees should be constructed, and that portion of the river would have just the same kind of a claim on the commission as the portion below.

Mr. JONES. But, nevertheless, they would not make any expenditure until after they had made their plans and specifications, which would require a survey; and that would have to be approved by the Chief of Engineers.

Mr. BURTON. But they would have a year and two months—indeed, if this bill passes before the 4th of March, and I take it that it will, a year and four months—in which to make an apportionment of the appropriation.

Mr. JONES. It seemed to me that about the only difference between the two provisions was that in the first one the commission are not absolutely required to make a survey, while in the amendment proposed by the committee they are actually required to make a survey, and the amendment makes an appropriation for that purpose.

Mr. BURTON. There is a much broader and greater difference than that.

Mr. JONES. I should like to hear the Senator point it out.

Mr. PERCY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. BURTON. Certainly.

Mr. PERCY. Is it not true that this is exactly a reversal of the policy heretofore pursued in river and harbor appropriations where the money is turned over to the commission?

Mr. BURTON. Decidedly.

Mr. PERCY. Under the policy outlined here, the money is first put into the hands of the commission, and the commission is authorized to make the expenditure if the survey proves the expenditure to be desirable, whereas in every other appropriation ever made to the commission the commission first makes the survey and the estimate and submits that to the committee, and through the committee to Congress, and Congress then determines whether an appropriation shall be made to cover that estimate on the work which the commission has outlined.

Mr. BURTON. But there is more than that in this provision. There is a direction that the commission shall exercise jurisdiction over this portion of the river, and they may expend, under the direction of the Secretary of War, money already appropriated.

Mr. JONES. Well, Mr. President, that brings out one point that I wanted to get clear. Should I understand that the appropriations recommended by the committee for this commission are based upon surveys and estimates already submitted by the commission?

Mr. BURTON. Those surveys and estimates give a general direction to the committee in recommending appropriations. The commission, however, have a wide discretion in the matter of the places they shall select and the amounts they shall expend.

Mr. JONES. And the commission, after the appropriations are made, can make further surveys and apply the money to points different from those before the committee when they recommended the appropriation?

Mr. BURTON. Certainly. Indeed, they do not in their estimates specify all the places. The reports, in a general way, show the most urgent points, but they do not in detail specify the points where the money is to be expended on which their estimates are based.

Mr. JONES. Then in making the appropriations for the commission the usual rule of first requiring the surveys to be made before the appropriations are made is not followed?

Mr. BURTON. Well, I think it is hardly correct to say that the usual rule is not followed. This is a continuing project

from year to year, and this is part of a great plan of improvement——

Mr. JONES. Yes; I understand that.

Mr. BURTON. While in the case of a harbor it would be a specific amount at one point and for one general purpose.

Mr. JONES. Yes; but the appropriation would be based upon a specific estimate by the commission, although it may actually be applied to other parts of the project that have never been estimated for.

Mr. BURTON. Certainly. It would be applied to the whole great project—levees, dredging, revetments, and improving of harbors all along the river. The Senator from Washington will realize—I have no doubt he does now understand—that, in the case of a great river like the Mississippi, it is impossible to tell in advance just where the most pressing need for the money will occur. Now, I want to give just one——

Mr. JONES. Before the Senator proceeds, then, the only effect really of this provision of the House bill is to extend the scope of that commission to a further stretch of the river, is it not?

Mr. BURTON. Yes.

Mr. STONE. And to that, of course, the Senator from Ohio is firmly, continuously, and forever opposed——

Mr. BURTON. I do not know, Mr. President——

Mr. STONE. Under any and all circumstances.

Mr. BURTON. The Senator from Missouri spoke of his having favored appropriations for the Great Lakes and the Ohio River, and regretted that I did not favor the Missouri. Well, Mr. President, there are rivers and rivers. The Ohio River has a traffic of 12,000,000 tons a year, while the Missouri River, taking out sand and gravel, which is conveyed a mile, much of it even less, has a traffic, varying from year to year, of perhaps thirty to forty thousand tons, and a good share of that is near the mouth of the river; in other words, as I once showed by figures, the Ohio has 300 times as much traffic as has the Missouri. It is not with me local partiality; it is that ratio of 1 to 300.

Three or four harbors on the Great Lakes, lying within a few miles of where I live, handle more tonnage in a year than was ever handled on the Missouri River since the Louisiana purchase. I think that is a sufficient answer to the Senator from Missouri as to any possible intimation of partiality.

Now, I want to say something about this estimate. We ought to know where we will land, Mr. President.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. BURTON. Certainly.

Mr. STONE. I wish to say, if the Senator will permit me, since he has introduced the Missouri River, that, although the Missouri River is not the subject of discussion at this time, I am not willing to accept the statement of the Senator from Ohio with respect to the Missouri River as a correct statement. I have heard that statement of his more than once, but I think there is an entirely different side to it. However, this is hardly the occasion to discuss the Missouri River.

Mr. BURTON. I would say, in regard to the upper Mississippi, that the bill as reported by the Committee on Commerce appropriates $1,000,000 for the 180 miles from Cairo to the mouth of the Missouri. It appropriates $1,500,000 for that part between the mouth of the Missouri and St. Paul. Those portions are certainly quite as generously cared for as the lower Mississippi, where the distance is longer, the urgency greater, and the public work in progress is far more expensive.

To resume what I was saying about the estimates, let us see where we would land. One gentleman appeared before one of the committees of Congress and said that the total cost of these levees in the upper portion of the Mississippi—that is, up to Rock Island—would be $4,000,000. Another person who came here advocating the improvement said that in a levee district including the city of East St. Louis, only a small part of this stretch, the cost would be $10,000,000. There you have them side by side. One man says that for the whole river, from Cape Girardeau up to Rock Island, it will cost $4,000,000 to do the work that is contemplated. Another says that a short stretch on one side of the river would cost $10,000,000. What would we be doing, here in the Senate, if we committed ourselves to a project where there was such uncertainty as that ahead of us?

Mr. President, I sincerely hope the Senate provision will prevail. I want to say that this amendment providing for a survey is one of the most generous I ever saw inserted in a river and harbor bill. It requires that the Mississippi River Commission shall make the examination. It requires that they shall report to us. It does not seem to include, as ordinary surveys do, a provision that they shall report on the advisability of the project. Such a provision ought to be in it, and ought to be in all such legislation. I think I may say to the friends of this improvement that if there is a favorable report they will be on much more stable and reliable ground after this examination is made than they are now.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. Certainly.

Mr. NELSON. If the Senator will allow me, if this were a matter that concerned my own State and I wanted an appropriation to secure the making of the improvement, I should certainly favor this amendment for a survey instead of the other, because if a survey should be made it would lay the foundation for an appropriation at the next session of Congress. If you do not provide for a survey, you will be in the same position in respect to this improvement next year that you are now.

Mr. BURTON. Yes; the same uncertainty and lack of reliable information would exist as now.

I want to say one thing further, Mr. President. We have heard a great deal about precedents here lately. The portion below Cape Girardeau is under the Mississippi River Commission. The portion above is under the Corps of Engineers of the United States Army. It is considered that those two portions of the channel of the Mississippi are widely distinct. If you adopt this amendment and apportion money for levees, I do not see where you are going to stop. Confessedly the building of levees above Cape Girardeau in the nonalluvial portion of the river is not for navigation. It is for the protection of property. There may be a very remote influence on navigation, but that is all. If you do that for the upper portion of the Mississippi, from Cape Girardeau to Rock Island, why must you not do it on that portion of the Mississippi from Rock Island to St. Paul? Why must you not do it on the Ohio River from Cairo to Pittsburgh, where the destruction by flood is tenfold greater than it is on this section of the Mississippi? Why must you not do it on the Kentucky River and on the Green River? Passing over to Virginia, why must you not do it on the James River?

Some day, Mr. President, we shall have to enter upon a great plan for protection against floods, but we are not ready for it now. We are not ready for it without a more careful consideration of plans and a more thorough understanding of the subject.

Mr. NELSON. Mr. President, it is now nearly 6 o'clock. There are many Senators who desire to speak on this matter. In view of that fact, I move that the Senate adjourn.

Mr. BURTON. Will the Senator withhold that motion for a minute?

Mr. NELSON. Very well; I yield to the Senator from Ohio.

Mr. BURTON. I give notice that when the committee amendments are finished I shall offer as an amendment the bill which relates to the Connecticut River Co. I submit the amendment and ask that it may be printed and lie on the table.

The PRESIDENT pro tempore. That order will be made.

Mr. CUMMINS. Will the Senator from Minnesota yield to me?

Mr. NELSON. Certainly.

Mr. CUMMINS. I desire to suggest to the Senator from Minnesota that to-morrow will be fully occupied with the memorial exercises, save an hour or two, and I ask him whether he desires to bring this bill up for consideration to-morrow?

Mr. NELSON. I do. I shall ask the Senate to take it up immediately after the disposal of morning business.

Mr. SMOOT. Immediately after the reading of Washington's Farewell Address; and then we can proceed with it until 2 o'clock.

Mr. NELSON. Yes; until 2 o'clock. I do this because other appropriation bills are waiting for the disposal of this one. There are two or three other appropriation bills on the calendar. They are all waiting for this bill to be disposed of, and unless they are soon reached it will be difficult to give them proper consideration. Therefore, I am anxious to dispose of this matter.

Mr. CUMMINS. I have no objection, Mr. President; but I doubt whether it will advance the bill very much if we spend only an hour on it to-morrow.

Mr. NELSON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 46 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 22, 1913, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 21, 1913.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Speak to us, O God our Father, source of all wisdom, power, and purity, that we may be inspired and guided in the resolves of the hour, that they may be well pleasing in Thy sight and redound to the good of those here represented. If God is with us, who can be against us? If God is in us, who can thwart His purposes? If God is round about us, He shall deliver us from evil. So we believe, so we trust, so we pray. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4681. An act to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 18787. Relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28775, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28775, the sundry civil appropriation bill, with Mr. HAY in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

IMMIGRATION SERVICE.

Expenses of regulating immigration: For all expenses of the enforcement of the laws regulating the immigration of aliens into the United States, including the contract-labor laws; for the costs of the reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; for the enforcement of the provisions of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States" and acts amendatory thereof; for expenses of necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said act; also for preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for the refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Commerce and Labor, $2,550,000: *Provided*, That from and after July 1, 1913, all Chinese persons ordered deported under judicial writs shall be delivered by the marshal of the district or his deputy into the custody of any officer designated for that purpose by the Secretary of Commerce and Labor, for conveyance to the frontier or seaboard for deportation in the same manner as aliens deported under the immigration laws.

Mr. MANN. Mr. Chairman, I reserve a point of order. What change from the existing law does this make in reference to the deportation of Chinese?

Mr. FITZGERALD. Under existing law, when a Chinaman is ordered deported he is turned over to a marshal and conducted by the marshal or one of his deputies to the border or to the ship on which he is to be deported. All other aliens who are deported are in the custody and under the control of the Department of Commerce and Labor, and the officials of that department state that if the Chinamen who are to be deported are also placed under their control they frequently will be able to send them in custody of the same marshal who is taking other persons and would have control over the expense of the administration.

Mr. MANN. Well, do the courts order the Chinese deported?

Mr. FITZGERALD. Well, there must be a proceeding to deport a Chinaman.

Mr. MANN. Well, I was under the impression the only thing the courts had to determine was the question of habeas corpus as to their right to remain in the country.

Mr. FITZGERALD. No; I understand after they apprehend a Chinaman that then there is a proceeding that is necessary to obtain an order of deportation, but I am not familiar with it at the moment.

Mr. MANN. That would be a very strange thing if it were true. I may be wrong, but I was under the impression that when we apprehended a Chinaman for the purpose of deportation sometimes he sues out a writ of habeas corpus on the ground that he has a right to be here.

Mr. FITZGERALD. No; when a Chinaman is apprehended, in order to prove that he is not legally in this country it has to be established in a legal proceeding. I am not quite familiar with it now; I was some time in the past. Here is the statement——

Mr. MANN. In the absence of those gentlemen who are special guardians of the deportation of Chinamen I will not insist upon the point or order, and I withdraw it.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ALLEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the House of Representatives to bills of the following titles:

S. 5674. An act for the relief of Indians occupying railroad lands; and

S. 3947. An act to provide for a bridge across Snake River, in Jackson Hole, Wyo.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 3957. An act for the relief of Isaac Thompson;

H. R. 27837. An act to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River in the State of West Virginia; and

H. R. 28187. An act to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha River, and for other purposes.

The message also announced that the Senate had passed with amendments bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 28607. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914;

H. R. 22526. An act to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, approved June 30, 1906; and

H. J. Res. 365. Joint resolution to permit Col. William C. Gorgas and certain other officers of the Medical Corps and certain officers of the Engineer Corps of the Army to accept service under the Republic of Ecuador;

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7802. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 8233. An act authorizing the Secretary of War to relieve the Washington-Oregon Corporation, as far as he may deem advisable in the public interests, from certain conditions in an act entitled "An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric transmission lines across the Vancouver Military Reservation, in the State of Washington," approved August 9, 1912;

S. 8429. An act to create a board of local inspectors, Steamboat-Inspection Service, for the port of Los Angeles, Cal.; and

S. J. Res. 162. Joint resolution to exempt the National Academy of Sciences from the payment of duty on medals imported for presentation by it in recognition of research work.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

To pay to Barbara Kauffels for information that led to the collection of $3,000 in penalties from the Bloomsburg Silk Mills, of Lock Haven, Pa., for importing aliens under contract, in violation of the immigration laws, $1,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. FITZGERALD. Mr. Chairman, I desire to state that this woman furnished information against the company mentioned in this provision, the Bloomsburg Silk Mills, of Lock Haven, Pa., and certain actions were instituted as a result of which they finally compromised by the payment, if I recall it correctly, of some $3,000. It is customary in those cases to pay a reward not exceeding a certain amount—I forget the exact limit. This was the wife of one of the employees. Representatives of the department said the methods resorted to by this company were the most ingenious that had been devised for the purpose of violating the alien contract-labor law, and if it had not been for the information furnished by this woman they could not have succeeded.

Mr. MANN. Well, I think it properly belongs to the Committee on Claims, does it not?

Mr. FITZGERALD. These items are always carried in the sundry civil bill.

Mr. MANN. Not always, but occasionally.

Mr. FITZGERALD. There were some last year.

Mr. MANN. I remember. I doubt whether it is a very good policy to carry this item in the sundry civil bill.

Mr. FITZGERALD. This estimate is submitted under the act of October 11, 1888, which allows payment to the informer of not exceeding 50 per cent of the amount recovered.

Mr. MANN. Who has that authority?

Mr. FITZGERALD. The Department of Commerce and Labor.

Mr. MANN. And they have no funds out of which to make the payment; is that the point?

Mr. FITZGERALD. No; as each case arises they submit an estimate for the amount they believe should be paid within the provision of law by appropriation by Congress. There is no fund provided in advance.

Mr. MANN. Well, I will withdraw the point of order.

The Clerk read as follows:

DEPARTMENT OF STATE.

For expenses of the Fourth International Congress on School Hygiene to be held in Buffalo, N. Y., August 25–30, 1913, $30,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on that. I dislike to embarrass the distinguished gentleman from New York [Mr. FITZGERALD]. On August 19 there was approved a joint resolution providing:

That the President of the United States is hereby requested to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene to be held in Buffalo, N. Y., on August 25–30, 1913: *Provided*, That no appropriation shall be granted at any time hereafter in connection with said congress.

This item was for the purpose of granting an appropriation of $30,000 in connection with that congress. When that joint resolution came up before the House last August it came up on the Unanimous Consent Calendar. My colleague from Illinois [Mr. FOSTER] and myself each reserved the right to object, and in the course of the consideration of the bill, pending the right to object, this debate took place:

Mr. DANIEL A. DRISCOLL. I would like to state the citizens of Buffalo, by public subscription, will care for the people invited to this congress.

The gentleman from New York [Mr. DANIEL A. DRISCOLL] had charge of the resolution. I made this remark:

Well, I should doubt that. I do not doubt the gentleman believes it and the citizens state it, but I have heard that statement a great many times.

And some more remarks along the same line. Whereupon the gentleman from New York stated:

I would like to ask the gentleman from Illinois, providing this amendment was passed, would he object, provided that no appropriation shall be granted at any time hereafter in connection with said congress?

Mr. MANN. Well, I will say to the gentleman frankly, I am not in favor of inviting foreign Governments to an international exposition or meeting of any kind without our Government can be represented.

Mr. DANIEL A. DRISCOLL. Would the gentleman be opposed to a proposition to care for our representatives?

Mr. MANN. Well, probably not; but I do not desire to put myself on record on that.

And so forth.

Mr. MANN. I will have to object, unless the gentleman asks that it go over, so as to permit them to properly prepare the resolution.

The matter passed over temporarily and in a few minutes thereafter was called up again by the gentleman from New York [Mr. DANIEL A. DRISCOLL], and he offered an amendment:

Provided, That no appropriation shall be granted at any time hereafter in connection with said congress.

The resolution was not objected to, but was agreed to and became a law.

Now, can we have no faith in statements made by gentlemen on the floor? There are two gentlemen from New York from the city of Buffalo; one of them presents a resolution concerning this hygiene congress, who states that no appropriation shall be asked for hereafter and that the citizens will pay the expenses, and that goes into the law. I assume now that the other gentleman from Buffalo [Mr. SMITH] will state that he is not bound by that; that hence the appropriation ought to be granted. I think when a gentleman comes on the floor of the House with a resolution and states that no appropriation will be asked for and, to show his good faith, offers an amendment, which is incorporated into the law, providing that no appropriation will be asked for, that good faith demands that other gentlemen interested in the proposition shall speak then or forever thereafter hold their peace.

Mr. RODDENBERY. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. RODDENBERY. Has the gentleman from Illinois [Mr. MANN] reserved a point of order on this paragraph?

Mr. MANN. I have.

Mr. RODDENBERY. That is the item of $30,000?

Mr. MANN. It is.

Mr. RODDENBERY. May I inquire of the gentleman, not having heard him fully, is it not his position that the item is not authorized by law?

Mr. MANN. It is not only not authorized by law, but it is forbidden by law.

Mr. RODDENBERY. That is my understanding of it.

Mr. FITZGERALD. Mr. Chairman, whatever assurance or statements may have been made by the gentlemen in the House, however binding they may have been upon themselves, they could not bind persons outside of the House. So on the 22d of January of this year the President of the United States sent to the Congress this message:

To the Senate and House of Representatives:

On the 19th of August last Congress passed the following resolution: *"Resolved, etc.*, That the President of the United States is hereby requested to direct the Secretary of State to issue invitations to foreign governments to participate in the Fourth International Congress on School Hygiene, to be held in Buffalo, N. Y., August 25 to 30, 1913: *Provided*, That no appropriation shall be granted at any time hereafter in connction with said congress."

At the time the resolution was passed there were three gentlemen in Buffalo whose means and whose interest in the congress were such that the people of Buffalo had every reason to believe that the expense of the congress would be contributed by these, their citizens. Since that time the three citizens have died, and there is no written obligation on the part of their estates to meet the necessary expenses.

I recommend the appropriation of $30,000 (to which the citizens of Buffalo will have to add a substantial sum) as a contribution of the Government to the fund necessary to make the reception of the congress accord with what we regard as American hospitality.

Personally, I am very much opposed to any invitation of this sort at the instance of the Government in which the Government does not assume all the expenses of entertainment. Other countries much less able than the United States never extend an invitation of this sort without having proper preparation for the reception of the guests of the nation.

In the peculiar circumstances of the present resolution, I urgently recommend the appropriation of the sum mentioned to enable the obligation of the invitation to be properly met. The proviso in the resolution was an unfortunate one, in my judgment, but whether it was so or not, under the circumstances it offers no reason for Congress not to take the proper course.

WM. H. TAFT.

THE WHITE HOUSE, *January 22, 1913.*

It is quite apparent that the gentleman who made these assurances could not control or prevent the three distinguished residents of Buffalo from coming to an untimely end before they had an opportunity to contribute the $50,000, which assurances had been made they would contribute; and in view of this appeal of the President for an appropriation to meet a portion of the expense, so that the representatives of foreign nations would not be neglected, the committee believed it to be but proper to submit the matter to the House, so that it could take such action as, under all the circumstances, would be proper.

I recall the incident connected with the passage of the resolution. At that time I was not aware that three citizens of Buffalo had agreed to contribute the necessary funds to meet these expenses. Perhaps it would have been more thoughtful and safer to have secured some written obligation——

Mr. MANN. How could a written obligation be any stronger than an act of Congress?

Mr. FITZGERALD. I mean a written obligation from the gentlemen who offered to contribute the $50,000. In the ab-

sence of anything but their statement that they would contribute the money, they having passed away and no volunteers having come forward, the matter is placed in an embarrassing situation.

Mr. HAMILTON of Michigan. Mr. Chairman, may I ask the gentleman what the population of the city of Buffalo is?

Mr. FITZGERALD. It is about 440,000.

Mr. HAMILTON of Michigan. Does it not impress the gentleman with a sense of profound regret that there are no survivors of those three public-spirited men who are willing to contribute to this Hygienic Congress?

Mr. FITZGERALD. The President stated that it will be necessary for them to contribute a very large sum.

Mr. MANN. Mr. Chairman, when this resolution was reported to this House, after being introduced by the gentleman from New York [Mr. DANIEL A. DRISCOLL] and going to the Committee on Foreign Affairs, presided over by another distinguished citizen of New York, now the chief magistrate of that State, the report was made without any information in it at all. The only thing in the report submitted by the Committee on Foreign Affairs to the House was the statement that the committee reported the passage of the joint resolution. When the resolution was before the House this statement was made by the now governor of New York, then the chairman of the Committee on Foreign Affairs:

> Mr. Chairman, this bill was introduced by the gentleman from New York [Mr. DANIEL A. DRISCOLL] and reported without addition from the Committee on Foreign Affairs. It carries no appropriation. Mr. DRISCOLL informed the committee that no appropriation would be necessary, and that no appropriation will be asked for, either now or in the future; and on that representation the committee reported the bill.

Now the excuse is given——

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. MANN (continuing). That three gentlemen died in Buffalo within the last year.

Mr. MADDEN. Only three? [Laughter.]

Mr. MANN. I apprehend that there is no city in the United States of 440,000 inhabitants where it will not be opportune to say at the end of six months, "Three of our citizens have died." [Laughter.] Does it happen that the only three citizens of public spirit which Buffalo had last August have passed away, and that their mantle has fallen upon no one else in the town? If that is the case, the joint resolution had better be repealed and the invitation withdrawn.

Mr. SISSON. Mr. Chairman, I recollect distinctly when this matter was up on the resolution to authorize the invitation that there were a number of objections to it, and the gentleman from New York [Mr. DANIEL A. DRISCOLL] came to a number of us who were objecting to it and arranged this clause in his resolution, providing that no appropriation would be asked for at any time. There was some little difference of opinion even then as to whether it ought to be permitted to go through by unanimous consent, but with the repeated assurances of the two gentlemen from New York, Mr. Sulzer and Mr. DANIEL A. DRISCOLL, not only that no appropriation would ever be asked and that the money was in hand, but also that the people of Buffalo were simply asking the invitation to be given in order that they might have this meeting in their city, the objections were not pressed.

Now, the trouble with all these matters is that after they get through, and after the invitation is extended, they always come back to Congress and ask Congress to take care of them.

Now an effort may be made to have this matter put on in the Senate, in spite of the law which specifically provides that no money shall be paid out of the Treasury for the purpose of paying the expenses of this conference.

Mr. KENDALL. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Certainly.

Mr. KENDALL. I call the attention of the gentleman to the fact that his committee has recommended this appropriation.

Mr. SISSON. Yes; but I happen to be one member who was opposed to it, and I served notice in the committee that this could not go through with my permission.

Mr. KENDALL. I simply do not want the gentleman to inculpate the Senate, when his own committee is equally guilty.

Mr. SISSON. I am not endeavoring to inculpate the Senate, except that I say without hesitation that if this bill comes back from the Senate with this item in it I trust that the House will see to it that the bill does not pass with the item in it.

Mr. BARTLETT. The gentleman says he was one of the committee who was opposed to this item. The gentleman knows that there were others upon the committee who were opposed to it.

Mr. SISSON. And among them was the gentleman from Georgia [Mr. BARTLETT] and the gentleman from Tennessee [Mr. BYRNS]. I do not recall who the others were.

Mr. CANNON. Mr. Chairman, I was one of the subcommittee that helped to prepare this bill, and I favored the insertion of this item of appropriation. I supposed when I came into the Chamber that this item was being discussed on its merits. I now understand that my colleague, the gentleman from Illinois [Mr. MANN], reserved a point of order. Upon the point of order I desire to say that legislation has been had that authorized the President to issue invitations, which have been accepted, and people are coming from foreign countries. I am inclined to think, upon the merits, that this is a good convention and is justified from the standpoint of medical science and the public health.

I say I voted to report this item. I never have placed any faith in pledges made touching expositions or the holding of meetings like unto this, where Congress authorizes the President to invite and where foreign representatives accept. On the merits I believe it is a worthy object. Now, on the alleged death of three men there has been failure. This meeting is to be held; the people are to come, and I think it is the duty of this great body never to invite the world to come as our guests for any object unless we understand that Uncle Sam is to pay a proper bill.

Take the case of the Buffalo Exposition. The assassination of President McKinley resulted in a decreased attendance and they ran up against failing propositions. All kinds of pledges had been made that Congress would not be called upon to appropriate anything; yet we paid private contractors; and I am not sure but we ought to have done so, because they made their contracts in good faith, and were to lose, in round numbers, $400,000, as I recollect it. They were scattered over the country—some in Chicago, some in St. Louis, and so on.

Years and years ago the New Orleans Exposition was a complete failure; yet it was a very considerable exposition, and we hardly ever got through paying those bills. And so it runs.

Mr. MADDEN. What about Jamestown?

Mr. CANNON. So far as my vote is concerned, if I get the opportunity, I am going to vote for this $30,000 item, with the hope that in the future this great body will not authorize anything that covers an invitation to the world to come here unless it understands that we are in honor bound, for the public welfare and the public honor, to make a proper appropriation.

Mr. HUMPHREYS of Mississippi. What is this $30,000 to be expended for?

Mr. CANNON. For the expenses of this meeting and, I take it, as incidental thereto, to do as the United States always has done and as foreign countries always have done, provide a place, with all the miscellaneous expenses that are necessary. They can not be very large, because they are inside of $30,000.

Mr. SMITH of New York. Mr. Chairman, this is to be the fourth session of the International Congress of School Hygiene. Three other sessions have been held. One of these was conducted in London, one in Paris, and another in Berlin. In each case the Government of the country in which the congress convened paid the expenses of the convention. When we come here asking for an appropriation for the congress in Buffalo we are doing precisely what was done in the countries of Europe, which, as the President aptly says, are far less able to bear this character of expense than we are. [Applause.] The gentleman from Illinois [Mr. MANN] has referred to the fact that Buffalo is not taking care of this situation. Buffalo has already raised approximately $40,000 by public subscription to assist in defraying the expenses of this convention. It has also arranged to bond itself for $30,000 to assist in paying the cost of receiving distinguished visitors from other nations. In addition to all this, I wish to call the attention of Members to the fact that this is not a local matter, it is an international congress.

Mr. GARNER. Will the gentleman yield?

Mr. SMITH of New York. I yield.

Mr. GARNER. This being an international congress in its nature, why is it that the Committee on Foreign Affairs did not have jurisdiction of this rather than the Committee on Appropriations?

Mr. SMITH of New York. The original bill was sent to the Committee on Foreign Affairs.

Mr. KENDALL. Did not the original resolution, as considered by the Committee on Foreign Affairs, provide that the Government was not to be obligated for any expense?

Mr. SMITH of New York. The Committee on Foreign Affairs did not put that provision in the resolution.

Mr. KENDALL. Was not that resolution reported favorably on the assurance of the gentleman from New York [Mr. DANIEL A. DRISCOLL] that no expenditure would be requested of the Government?

Mr. SMITH of New York. Mr. Chairman, I would like to continue my statement. When the resolution came into the House

my colleague from Buffalo [Mr. DANIEL A. DRISCOLL] agreed in good faith to put in the provision suggested by the gentleman from Illinois [Mr. MANN]. At that time Mr. Adam, a former mayor of Buffalo, a man worth millions of dollars, a man who has done much for the city and whose reputation for philanthropy will never die, agreed to pay the expenses of conducting this congress in the public interest. We could not tell at that time that Mr. Adam was soon to die, but he did die suddenly. Mr. T. Guilford Smith, regent of the University of the State of New York, agreed with Mr. Adam to assist in paying the expenses of this congress. But he also died, and Mr. Pardee, the third member of the committee, was also called by death.

We are raising in the city $70,000 for this Congress, which is national and international in character. We feel that the Government of the United States, which is spending millions of dollars in every direction for the protection and preservation of the public health, can well afford to spend this insignificant sum of $30,000 in order to get the benefit of the experiments and research in school hygiene from the leading scientists of the civilized world.

Mr. FITZGERALD. Mr. Chairman, I ask for the regular order. Does the gentleman from Illinois intend to make his point of order?

Mr. MANN. The gentleman from New York demands the regular order, without any further effort to change my mind, and I will therefore make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RODDENBERY. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

After line 14, page 159, insert:

"Department of State: For expenses of the Fourth International Congress on School Hygiene to be held in Buffalo, N. Y., August 25–30, 1913, $30,000. Provided it is expressly understood that this shall not be construed as pork, but pot liquor."

Mr. MANN. I make a point of order to that.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

PUBLIC PRINTING AND BINDING.

Office of the Public Printer: Public Printer, $5,500; purchasing agent, $3,600; chief clerk, $2,500; accountant, $2,500; assistant purchasing agent, $2,500; cashier and paymaster, $2,500; clerk in charge of the CONGRESSIONAL RECORD at the Capitol, $2,500; assistant accountant, $2,250; chief timekeeper, $2,000; paying teller, $2,000; telegrapher and clerk, $1,800; clerks—2, at $2,000 each; 9 of class 4, 11 of class 3, 6 of class 2, 6 of class 1; 9, at $1,000 each; 5, at $900 each; 16, at $840 each; paymaster's guard, $1,000; chief doorkeeper, $1,200; doorkeeper, $1,200; 6 assistant doorkeepers, at $1,000 each; messengers, 2, at $840 each; chief delivery man, $1,200; 5 delivery men, at $950 each; telephone switchboard operator, $720; 3 assistant telephone switchboard operators, at $600 each; 6 messenger boys, at $420 each; in all, $132,060.

Mr. WILLIS. Mr. Chairman, I offer the following amendment.

Mr. FOWLER. Mr. Chairman, I make a point of order against the paragraph. By the act of January 12, 1895, the office of Public Printer was created, with a fixed salary at $4,500. This bill carries an appropriation for the salary of Public Printer at $5,500. I make the point of order against "Public Printer, $5,500."

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD. Mr. Chairman, I move to insert, in place of the language stricken out, "Public Printer, $4,500."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Page 161, line 23, after the word "two," strike out the word "six" and insert the word "eight."

Mr. WILLIS. Mr. Chairman, this amendment proposes to change the number of clerks provided for in line 23, in class 1, from six to eight. I call attention to the fact that this is in accordance with the estimates and also in accordance with the recommendation of the Public Printer as set forth in the hearings, page 1073. In the Book of Estimates on this item the following statement is made in a note:

Increase of two clerks submitted. An increase of two clerks of class 2 is recommended. The allowance of the proposed number of clerks of class 3, with this increase of clerks of class 1, will provide for the promotion of four clerks at $1,000 per annum to $1,200 per annum. Two of these clerks are expert stenographers and perform work of a very high class. The other two are performing work of a high grade that is intricate and difficult and requires the special training acquired during service in the Government Printing Office.

The same statements, in effect, are made by the Public Printer in his statement before the committee, to which I have already referred, and which will be found in the hearings at page 1073. The substance of it is simply this: Here is a class of clerks doing a high grade of service. Some of them, as I know personally, have done this work for 10 or 12 years without the slightest increase in salary. The Public Printer is of opinion that it is not a matter that simply concerns these clerks, but it is a matter that concerns the benefit of the public service, that these men who have been doing this high grade of work in the most efficient manner possible should be given a reasonable and slight increase in salary, and therefore he recommends in the hearings the exact increase that I am suggesting in this amendment. I hope, Mr. Chairman, that the amendment will be accepted by the committee and agreed to, because it is fair and just, in the interest of efficiency and real economy in the public service, and meets with the approval of those who are charged with the management of this great Government bureau.

Mr. FITZGERALD. Mr. Chairman, two or three years ago the force in the Printing Office was rearranged and readjusted, and compensation fixed. From time to time applications have been made for the increase of compensation of certain employees there. The committee looks into the circumstances in the various cases, and does the best it can. This proposition is merely to increase the salaries of two persons. If the committee were to increase the compensation of every individual in the Government service in whom the various Members of Congress happen to be interested, there would be quite a large list of increases, and these increases, instead of being made upon some orderly basis, would be quite haphazard. I hope the application of the gentleman to have the salaries of these two particular persons increased will not be granted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

Mr. RODDENBERY. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman from New York a question. On page 161, line 22, we find provision for two clerks at $2,000 each. What did the bill of last year carry; that is, the current law?

Mr. FITZGERALD. The current law carries one at $2,000.

Mr. RODDENBERY. Why is the increase made to two at this time?

Mr. FITZGERALD. Because it was believed that it was a particularly meritorious case.

Mr. RODDENBERY. How meritorious? Was it that some particular man was to have the job?

Mr. FITZGERALD. Length of service of a particular individual, and the character of service performed by him. The man has been 18 years in the service.

Mr. RODDENBERY. Where does he appear in the bill for the current year?

Mr. FITZGERALD. He was a clerk of class 4, and received a salary of $1,800 a year.

Mr. RODDENBERY. And now he is transferred to one of two, at $2,000 each?

Mr. FITZGERALD. One of these men at present is a clerk in class 4. Clerks of class 4 under the law receive compensation of $1,800 a year.

Mr. RODDENBERY. Mr. Chairman, it occurs to me that it may be necessary from time to time to make proper increases for the efficiency of the service, but I doubt—and I merely desire to make the observation—the propriety of fixing a rule that is evidenced frequently here, that these increases are made and new classifications created just to fit particular individuals who either themselves or in conjunction with their immediate Congressmen become active to get a raise of salary.

Mr. FITZGERALD. Mr. Chairman, I can furnish the gentleman with the information, if he wishes. This bill, if the increase had not been made, would have read in this way in line 22: Instead of 2 clerks, at $2,000 each, and 9 of class 4, it would have read 1 at $2,000 and 10 of class 4.

Mr. RODDENBERY. So, in effect, it is a transfer.

Mr. FITZGERALD. It is a transfer of a clerk from class 4, which is an $1,800 position, to a position at $2,000.

Mr. RODDENBERY. And this is simply a $200 increase?

Mr. FITZGERALD. Yes.

Mr. RODDENBERY. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Office of the Deputy Public Printer: Deputy Public Printer, $4,500; clerks—two of class 1, one $900; chemist, $1,600; messenger, $840; in all, $10,240.

Mr. FOWLER. Mr. Chairman, I make the point of order against the paragraph. The paragraph provides for a Deputy Public Printer at a salary of $4,500. Section 44 of the printing act of January 12, 1895, provides for a chief clerk with a salary of $2,400 per annum. Section 36 of the same act provides that in the case of the death, resignation, absence, or sickness of the Public Printer the Chief Clerk of the Government Printing Office

shall perform his duties until the disability is removed. The first authority for the position of Deputy Public Printer was contained in the legislative, executive, and judicial appropriation act, approved February 26, 1907, Thirty-fourth Statutes at Large, page 943, where the following item appears:

Deputy Public Printer, $3,600.

After the paragraph containing this item there followed a provision that the office of Deputy Public Printer should be filled by the selection and appointment by the Public Printer of a suitable person, who should perform the duties theretofore required of the chief clerk, have supervision of the buildings occupied by the Government Printing Office, and perform such other duties as might be required of him by the Public Printer.

Prior to the passage of this act the chief clerk of the Government Printing Office received a salary of $2,750, and the estimate on which the appropriation for Deputy Public Printer, at $3,600 per annum, was based contained a statement that the $850 increase was for supervision of buildings, and so forth.

Mr. Chairman, it has been repeatedly held that where a statutory position has been created, with a salary fixed, it is improper to carry an appropriation in an appropriation bill for another officer or create another position for the purpose of discharging the same duties as the office created by the statute. This law having established the office of chief clerk, and fixed the salary thereof, it is not in order under an appropriation to provide for an unauthorized office and fix a salary in lieu thereof. Mr. Chairman, this same question came up in the House upon the sundry civil bill in a former Congress, and is recorded in volume 4 of Hinds' Precedents, section 3680, in which it was then decided:

The law having established an office and fixed the salary, it is not in order on an appropriation bill to provide for an unauthorized office and salary in lieu of it.

If the chief clerk of the Government Printing Office can legally perform any one of the statutory duties provided in the organic printing act for that office, he must, under the law, perform all the duties attaching to that office; and if the revival of the title of chief clerk as provided for in the sundry civil bill approved March 4, 1911, does not revive the statutory office of chief clerk, then a point of order will lie against that position.

I will be very glad, Mr. Chairman, to furnish the Chair with my brief of authorities upon this question, and I ask permission to insert the same in the RECORD.

The CHAIRMAN (Mr. FOSTER). Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FOWLER. Mr. Chairman, I submit the following brief of authorities in support of my contention:

"On lines 8 and 9, page 162, of the sundry civil bill a point of order will lie against the provision for Deputy Public Printer, since the position is not statutory but is only authorized by the current appropriation bill.

"Section 44 of the printing act of January 12, 1895, provides for a chief clerk, with a salary of $2,400 per annum. Section 36 of the same act provides that in the case of the death, resignation, absence, or sickness of the Public Printer the chief clerk of the Government Printing Office shall perform his duties until the disability is removed.

"The first authority for the position of Deputy Public Printer was contained in the legislative, executive, and judicial appropriation act approved February 26, 1907 (34 Stats. L., 943), where the following item appeared: 'Deputy Public Printer, $3,600.' After the paragraph containing this item there followed a provision that the office of Deputy Public Printer should be filled by the selection and appointment by the Public Printer of a suitable person, who should perform the duties theretofore required of the chief clerk, have supervision of the buildings occupied by the Government Printing Office and perform such other duties as might be required of him by the Public Printer. Prior to the passage of this act the chief clerk of the Government Printing Office received a salary of $2,750, and the estimates on which the appropriation for Deputy Public Printer, at $3,600 per annum was based contained a statement that the $850 increase was for supervision of buildings.

"The act making appropriation for the legislative, executive, and judicial expenses of the Government for the year ended June 30, 1909, carried an appropriation of $3,600 for the Deputy Public Printer and repeated the provision with respect to the appointment, qualifications, and duties of the Deputy Public Printer. Up to this time a number of the positions in the Government Printing Office, the salaries of which were specifically appropriated for, were carried in the legislative bill, but the sundry civil bill for the fiscal year ended June 30, 1910, approved March 4, 1909, carries all appropriations for the Government Printing Office, and in this bill the salary of the Deputy Public Printer was increased to $4,500. In the hearings before the House Subcommittee on Appropriations for the last two years there appears the statement by the Public Printer that the secretary was performing the duties of the chief clerk, and the sundry civil bill approved March 4, 1911, provides for a chief clerk for the Government Printing Office; and in discussing the provision for a chief clerk on the floor of the House, the chairman of the committee, Mr. Tawney, in explaining why the title of private secretary was to be changed to chief clerk, said:

"We intend to give him something to do by making him chief clerk, instead of private secretary to the head of the organization. * * * The committee thought and the Public Printer recommended that it had better be changed, so that he might be assigned to duty as chief clerk instead of serving as secretary. (Cong. Rec., Feb. 25, 1911, p. 3594.)

"It follows, therefore, that the person holding the position of chief clerk of the Government Printing Office, which is statutory, should perform the duties of that office, but no change was made in the compensation of the Deputy Public Printer because of the taking from his office of all duties formerly performed by the chief clerk; and as the supervision of the Government Printing Office buildings is now exercised by a competent superintendent of buildings, it follows, as a logical conclusion, that the excuse for the continuance of the office of Deputy Public Printer no longer exists, as there are no duties for him to perform, and the position should therefore be abolished and the appropriation for public printing and binding relieved of $4,500 of the much-talked-of overhead charge. The provision for Deputy Public Printer clearly violates paragraph 2 of House Rule XXI and paragraph 3 of Senate Rule XVI. There are numerous precedents for sustaining a point of order against such a provision as this.

"The mere appropriation for a salary does not thereby create an office so as to justify appropriations in succeeding years. (Secs. 3590 and 3670, vol. 4, Hinds' Precedents.)

"Those upholding an item in an appropriation bill should have the burden of showing the law authorizing it. (Sec. 3697, vol. 4, Hinds' Precedents.)

"On January 19, 1905, the Army appropriation bill was under discussion in the Committee of the Whole House. When the provision that 'no steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had and obtained' was reached, a point of order was made that the provision involved legislation. Mr. Hull, of Iowa, stated that the provision had been carried in the Army bill for three years, but that he would not claim that it was statute law in the sense that it would continue in force if dropped from the present bill, as the word 'hereafter' was not in the phraseology. The point of order was sustained, and, when the decision of the Chair was appealed from, the House sustained the Chair. (Vol. 4, sec. 3822, Hinds' Precedents.)

"On March 23, 1904, while the Post Office appropriation bill was under consideration in the Committee of the Whole House, a point of order was made against the proposed amendment limiting the compensation to be paid per mile for carrying the mail. The Chair said:

"The Chair thinks that the proviso applies only to this bill, and if this same language was in the last bill it applied only to that bill. If the word 'hereafter' had been used, the Chair would be inclined to think that that language, being included in the last bill, would make it statute law, but the present proviso applies only to this bill. (Vol. 4, sec. 3829, Hinds' Precedents.)

"Neither the word 'hereafter' nor any other phraseology indicating the intent of Congress that the provision for Deputy Public Printer should be permanent appeared in the bills appropriating for that office, or anywhere else. During the three years when no appropriation was made for the position of chief clerk that office was not abolished but merely in suspense. A mere omission on the part of Congress to appropriate money does not necessarily repeal distinct law authorizing a certain thing to be done, especially in the absence of a repealing provision. (Vol. 4, sec. 3595, Hinds' Precedents.) The omission to appropriate during a series of years for an object authorized by law does not repeal that law, and, consequently, an appropriation when proposed is not subject to a point of order. (Vol. 4, sec. 3595, Hinds' Precedents.) It can not be taken as the intent of Congress in providing temporarily for a Deputy Public Printer that the statutory office of chief clerk should thereby be abolished.

"The law having established an office and fixed the salary, it is not in order on an appropriation bill to provide for an unauthorized office and salary in lieu of it. (Vol. 4, sec. 3680, Hinds' Precedents.) If the chief clerk of the Government Printing Office can legally perform any one of the statutory duties provided in the organic printing act for that office, he must, under the law, perform all the duties attaching to that office;

and if the revival of the title of chief clerk, as provided for in the sundry civil bill approved March 4, 1911, does not revive the statutory office of chief clerk, then a point of order will lie against that position."

Mr. FITZGERALD. What is the gentleman's contention?

Mr. FOWLER. Mr. Chairman, my contention is that there is no authority for the office of Deputy Public Printer; that when he was first provided for in the appropriation bill it conferred upon the Public Printer the authority to select such a man and that he should discharge the duties of chief clerk theretofore provided for by the Revised Statutes, and my contention is, Mr. Chairman, that the Appropriation Committee can not attach on an appropriation bill a provision creating a new office with a new salary to take the place of a statutory office, and that is what this bill seeks to do.

Mr. FITZGERALD. Mr. Chairman, the act of February 26, 1907, which was the legislative appropriation act, provides as follows:

The office of Deputy Public Printer shall be filled by the selection and appointment by the Public Printer of a person skilled as a practical printer and versed in the art of bookbinding, and who shall perform the duties heretofore required of the chief clerk, have supervision of the buildings occupied by the Government Printing Office, and perform such other duties as may be required of him by the Public Printer.

That provision unquestionably provides for the appointment of a Deputy Public Printer. The amount of his compensation is not fixed in that act or in any other act, and under the decisions where a compensation is not fixed the amount provided in the current law is the sum to be considered in disposing of points of order. The compensation here is the same as in the current law, and I submit the gentleman's point of order is not well taken.

Mr. FOWLER. I desire, Mr. Chairman, to ask the gentleman if it is not a fact that this act of 1907 was nothing more or less than a current act?

Mr. FITZGERALD. Oh, it was only an ordinary statute enacted by Congress to provide the means of carrying on the Government. The gentleman may not think that is a law, but it is and just as effective as if it were enacting legislation without appropriations in it.

Mr. FOWLER. And I further desire to inquire if it is not a fact that it provided that the Deputy Public Printer should perform the duties of chief clerk?

Mr. FITZGERALD. Yes; but since that time the work of the Government Printing Office has been so great that a chief clerk is provided under the office of Public Printer at $2,500 a year by law.

The CHAIRMAN. May the Chair inquire of the gentleman from New York [Mr. FITZGERALD] if it is his contention that it was the legislative bill of 1907 which created the office of Deputy Public Printer?

Mr. FITZGERALD. Unquestionably.

The CHAIRMAN. Will the gentleman from New York kindly send that to the Chair?

Mr. FITZGERALD. I will.

The CHAIRMAN. The Chair is of the opinion that this provision in the act of 1907 conveys the intention of Congress to create the office of Deputy Public Printer, and in this provision there is no salary fixed for the office. In the judgment of the Chair it is within the province of the Appropriations Committee to appropriate what in its judgment is necessary, and for it to become a law by the approval of Congress.

Therefore, the Chair overrules the point of order.

Mr. FOWLER. Mr. Chairman, may I suggest to the Chair that it has been repeatedly held that where an office has been created by permanent law and the salary fixed therefor, that an appropriation committee can not create another office to perform the duties of that office in derogation of the law?

The CHAIRMAN. The Appropriations Committee at the time might have exceeded its authority in doing that, but nobody having raised the point of order, and it having been done, the Chair is of the opinion that Congress did that and had a perfect right to do it.

Mr. FOWLER. It has been held repeatedly, Mr. Chairman, by this House, that where an appropriation for a position not authorized by permanent law has been carried in a bill successively that an appropriation for that office does not necessarily create an office, and a point of order at some subsequent time may be made against it, and may be, and ought to be, sustained.

The CHAIRMAN. The Chair is of the opinion that it was the intention of Congress at this time to create the office of Deputy Public Printer. It did not fix the salary, and the Appropriations Committee is acting within its power when it fixes the salary of that office. And then it is for Congress to determine whether that salary shall be allowed or not. So the Chair thinks this is entirely within the rules and is not subject to the point of order.

The Clerk read as follows:

For printing and binding for Congress, including the proceedings and debates, $1,750,000. And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, within the fiscal year for which this appropriation is made.

Mr. FOWLER. Mr. Chairman, I move to strike out the paragraph. Mr. Chairman, I desire to ask the chairman of the committee how much of this sum—$1,750,000—is devoted to the binding of various books and pamphlets in cloth, morocco, and half morocco, and any other binding Members of Congress may see fit to select? Mr. Chairman, I understand that this provision is intended to give an opportunity to Members of Congress to take any public document, whatever it may be, to the Public Printer and have it bound in whatever character of binding he may elect.

Mr. FITZGERALD. The law provides that each Member of Congress may have bound one copy of any document issued during the session of Congress.

Mr. FOWLER. I understand, Mr. Chairman, that that is true; that there is a law making such provision. I desire, further, to ask the gentleman if that law was not passed only a few years ago in order to correct, or in an attempt to correct, the abuse of the privilege given Members of Congress?

Mr. FITZGERALD. It was passed in 1895. That was 18 years ago. It was passed before I came to Congress, because it has been the law ever since I have been here.

Mr. FOWLER. Now, Mr. Chairman, I am not disposed to be against an appropriation for any matter that is necessary, but I verily believe that there are many books and documents of various kinds which have been bound at an exceedingly great expense, when, in fact, it did not inure to the benefit of anybody. And I believe that Congress ought to take this question up and regulate the character of binding in which these documents are to be bound. The resolution brought in by the gentleman from South Carolina [Mr. FINLEY], chairman of the Committee on Printing, designating the character of binding in which certain documents were to be printed, to wit, buckram, in my opinion, was a step in the right direction. But to leave to the caprice of Members of Congress the choice of having any kind of a document bound in morocco is too expensive to the people of this country, and it ought not to be. If there is a statute, Mr. Chairman, granting this authority, it ought to be either modified or repealed. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOWLER] has expired.

Mr FITZGERALD. This authority is contained in the so-called "Richardson binding act" of 1895, which codified the previous laws. If the gentleman thinks there is an abuse and the statute should be repealed or modified, as he is a very industrious and ingenious and able Member of this House, he should take it up, prepare a bill, send it to the Committee on Printing, and have it reported to the House. In this bill we appropriate for a service authorized by law.

Mr. MANN. What became of the amendment? I understood my colleague offered an amendment to strike out the paragraph.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to withdraw my motion. As the paragraph is authorized by law, I am aware of the fact that the motion could not prevail in this House.

The CHAIRMAN. The Chair understood the gentleman from Illinois [Mr. FOWLER] to move to strike out the last word. Without objection, the amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the Treasury Department, $340,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. Does the printing for the Public Health Service bulletins come under this item?

Mr. FITZGERALD. It comes under the Treasury Department.

Mr. MANN. I supposed so. I notice there is no increase in the appropriation over the current law. I think it is very important to increase the size of the editions of the popular bulletins that are gotten out by the Public Health Service. You carry in this bill an item for $200,000 for conducting additional research work, and so forth, in the Public Health Service.

They have issued a number of bulletins of great value which ought to be widely distributed.

It is true that I had intended to do myself the honor to appear before the Committee on Appropriations, when it made up this bill, and urge that there be some increase for the publishing of the Public Health Service bulletins.

Mr. FITZGERALD. There has been no complaint about the appropriation in the Treasury Department. They have always had a surplus.

Mr. MANN. They may always have had a surplus, but they are not given money enough or else are not permitted—I do not know which—to publish a sufficient number of some of these bulletins. It is true that the House recently agreed to a concurrent resolution to print a larger number of one or two of the bulletins, but they are issuing some bulletins of popular value, in language which the ordinary person can understand, bulletins of great service, which ought to be rather widely distributed for the purpose of preventing disease and telling people how to maintain better sanitary conditions.

Mr. PAGE. Mr. Chairman, will the gentleman permit an interruption?

Mr. MANN. Yes.

Mr. PAGE. If this amount of the appropriation for the Treasury Department were increased without some particular direction as to the printing of these bulletins, has the gentleman any assurance that a greater number of them would be printed?

Mr. MANN. No. I am not making a complaint against the committee. I am calling the matter to the attention of the House. I think we ought to carry, if it is possible to do so, a specific appropriation for printing for the Public Health Service or else get authority to increase the number of bulletins printed. In the Public Health Service law passed at the last session of Congress increasing the authority of that service there was included the right to print the bulletins, and if we had that carried into effect by the printing of the popular bulletins we would do the country a great service—greater than we can do in any other direction along these lines, in my judgment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the War Department, $190,000: *Provided*, That the sum of $3,000, or so much thereof as may be necessary, may be used for the publication, from time to time, of bulletins prepared under the direction of the Surgeon General of the Army, for the instruction of medical officers, when approved by the Secretary of War.

Mr. HELM. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Kentucky [Mr. HELM] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, by inserting after the word "that," on page 164, line 23, the following: "No part of this sum of money shall be expended for the printing of any matter not authorized by law, except," so that the paragraph as amended will read as follows:

"For the War Department, $190,000: *Provided*, That no part of this sum of money shall be expended for the printing of any matter not authorized by law, except the sum of $3,000, or so much thereof as may be necessary, may be used for the publication, from time to time, of bulletins prepared under the direction of the Surgeon General of the Army, for the instruction of medical officers, when approved by the Secretary of War."

Mr. HELM. Mr. Chairman, if I understand the statute under which this appropriation is carried, and I think I am advised as to it, the matter rests solely within the discretion of the War Department, or rather the discretion of the officials connected with the War Department, for what purpose this sum of money, $190,000, can be expended.

I have a suspicion that well-nigh amounts to a conviction that this sum of money can be used by way of employing a press bureau or a press agency to promulgate or scatter abroad the views of the officers of the Army on any particular legislation affecting the War Department. The bill that passed Congress at this session making an appropriation for the maintenance of the Army, under the subdivision of the Army War College, carried a total appropriation of $9,000. Among the items included in that appropriation are printing and binding. Also an appropriation of $7,660,153 under the subdivision of regular supplies, in which the printing of department orders and reports are included. Also under the Medical Department, which carries a total appropriation of $775,000, there is included printing matter and advertising matter. Under the Ordnance Department, with a total appropriation of $330,000, is included an item for advertising.

I hold in my hand a pamphlet that was published and paid for out of this appropriation of $190,000 carried in the bill before the committee. This pamphlet is entitled, "Three years' enlistment for the Army. Views of the President, the Secretary of War, the Chief of Staff, the General Staff Corps, and of the officers of the Army War College, the Army School of the Line, the Mounted Service School, the Coast Artillery School, and the United States Military Academy."

The purpose of this publication, which was scattered broadcast over the United States, is to create a sentiment in line with the views of the officers of the War Department. This is not a document the printing of which is authorized by law. My amendment is to limit these offices to the publication of such matter as is authorized by law—no more and no less.

It strikes me as wholly and entirely inappropriate for Congress to place at the command of the War Department the sum of $190,000 or any other considerable sum of money which it can use for the purposes for which a portion of it was used in the manner that I have pointed out.

Mr. MANN. Will the gentleman yield for a question?

Mr. HELM. With pleasure.

Mr. MANN. The gentleman says "authorized by law." Does he mean authorized specifically by law? Take, for instance, the Army cookbook. Is there any specific authority for the publication of the cookbook for the Army?

Mr. HELM. I can not advise the gentleman whether there is any specific authorization for such a document or not.

Mr. MANN. Would the gentleman's provision, if enacted into law, prohibit the publication of the Army cookbook if it is not specifically authorized by law? That is what I want to know.

Mr. HELM. Whether the Army cookbook is or is not authorized by law, I think this sum of money can be so misapplied and misused that some safeguard ought to be put upon it before Congress authorizes or votes that sum of money.

If there are such publications as the cookbook or other matters that are essential for the good service or efficiency of the Army, I have naught to say against them. But I do protest most vehemently and in the strongest terms at my command against Congress putting at the command of the War Department, the Navy Department, or any other department, but more especially the Army and the Navy, a sum of money which can be used for electioneering purposes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HELM. I ask unanimous consent for five minutes longer.

The CHAIRMAN. The gentleman asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. HELM. As suggested by my friend, this document that I hold in my hand can be very properly characterized as a lobbying document. It is to create throughout the land a sentiment in favor of such matters as the War Department wants to impress upon the minds of the people. If the War Department favors an Army of 600,000 men it can utilize this $190,000 for the purpose of advertising and promoting that scheme. If the Navy Department wants to create a sentiment throughout the country for big navies or large expenditures in the Navy Department, it can do the same thing. The next item in this bill is $153,000, placed at the command of the Navy Department for precisely the same purposes; and I submit to you men if it is not true that when these Army and Navy appropriations are being prepared for passage by Congress the press gets extremely lively? Is it not a fact that the magazines and periodicals about that season of the year carry publications favoring big navies and big armies? As I said, I have a suspicion that amounts to a conviction that these enormous sums of money for printing and publications that are placed at the disposition of the Army and Navy are sometimes used for the purpose of creating press views and press agencies. I do not know whether it can be construed as authorizing the purchasing of space in periodicals and newspapers to create sentiment in favor of big navies and big armies, but it is significant that more is seen in print about the time an Army or Navy appropriation is under consideration.

Now, this amendment that I offer restricts the use of this sum of money to such matters as are authorized by the Congress of the United States. I discovered on reading the hearings that even the publications of the engineers are paid for out of the appropriation carried for rivers and harbors. But if you examine the bill making appropriations for the support of the Army and the different appropriations contained therein—we all well understand that while these appropriations carry other items and are not used altogether for printing—I do not say that $7,000,000 will be used for printing, but I do tell you that, under the law, the $7,000,000 could be used for printing.

Mr. HOBSON. Will the gentleman yield?

Mr. HELM. I will.

Mr. HOBSON. Can the gentleman point out any part of this pamphlet to which he has called attention which would not be frankable and is not frankable?

Mr. HELM. I do not understand that the opinion of officers of the Army is frankable. If the officers express an opinion that we ought to have an Army of 600,000 men, I do not understand that that is a frankable document that can be sent out broadcast over the United States without the payment of postage. This document is the opinion of different heads of divisions or heads of departments in the Army as to what they think about the term of enlistment. Members will recollect that when the last Army bill was before the House a term of five years was authorized in the bill. The War Department went up in the air. It rebelled against such a proposition, and hence this document was published and sent broadcast. Every Member of Congress received it, and Heaven knows where else it went. No man can tell what other documents similar to this were sent out by the War Department to create similar sentiment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. Mr. Chairman, I ask that the gentleman have three minutes in addition.

Mr. FITZGERALD. I want to oppose the amendment offered by the gentleman from Kentucky.

The CHAIRMAN. The gentleman from Alabama asks that the time of the gentleman from Kentucky be extended three minutes. Is there objection?

There was no objection.

Mr. HOBSON. I do this merely to point out, as I read along in this pamphlet—I have not looked it clear through, but I find the President quoted, and it states that the President, in a special message to Congress under date of December 21, 1911, said—of course that is frankable. I find next the Secretary of War, in a letter to the chairman of the Committee on Military Affairs, says—and so on.

Mr. HELM. Is a letter from the Secretary of War written to you frankable by you?

Mr. HOBSON. Not written to me.

Mr. HELM. Written to anybody?

Mr. HOBSON. I think an official letter from the Secretary of War to the chairman of the Naval Committee or the chairman of the Committee on Military Affairs would be frankable. I believe we are constantly printing at the Government's expense letters from the chiefs of bureaus to the officials and chairmen of committees.

Mr. MANN. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. MANN. If a letter from the Secretary of War is not frankable, is a letter to a private individual frankable by a Member elect of Congress? We all know that that is now being done.

Mr. HOBSON. The opinion of various officers is quoted in this pamphlet. I have not looked it through in detail. For instance, Gen. Carter is quoted in a hearing had before the Committee on Military Affairs.

Mr. HELM. Does not the gentleman know that this document is an opinion of the officers of the Army on the three-year enlistment plan, printed after the last Army bill was introduced?

Mr. HOBSON. I am sure that it does contain the opinion of experts on the subject, but the point I am making is that I do not believe that the department has ever been violating the franking privilege and that this document contains frankable material. I can not see where the gentleman's strictures lie. I agree with him in principle that funds should not be available to send out matter that is not frankable.

Mr. HELM. Does the gentleman think it ought to be left entirely to the officers of the War Department and the officers of the Navy Department to say what they think ought to be published and scattered abroad pertaining to the different departments?

Mr. HOBSON. I think the compilation of expert opinions on technical matters would be of great value, and that the simple limitation of its frankability ought to apply and no further.

Mr. HELM. The gentleman thinks it ought to be left to the discretion of the War Department to establish a press agency and bureau for the purpose of disseminating their opinions about matters of legislation?

Mr. HOBSON. I do not; but I think the Department of the Navy, the Department of the Army, or the Department of Commerce and Labor ought to have it within their power to compile into documentary form materal that is proper, particularly frankable material, and that any Member should be able to send that out under his frank. He probably could not be supplied with quantities of it. He would probably have to pay for it if he ordered it printed, just as he would for a speech of his own.

Mr. HELM. If their letters and opinions are frankable, why place $190,000 at their disposal for the purpose of having this printing done?

Mr. HOBSON. I do not believe they use that $190,000 for any such purpose.

Mr. HELM. Will the gentleman take this assurance from me, that when my attention was directed to this publication I called up the Public Printer or the person in charge, and he told me that the cost of printing of this was paid out of this fund that is carried in the sundry civil appropriation bill under the general printing law, section 93.

Mr. HOBSON. May I ask the gentleman how much was printed and how much the bill was?

Mr. HELM. It was small, but if they can print this kind of a document it occurred to me what other kind of a document may they print and in how large quantities have they been printing them?

Mr. HOBSON. Take the Army and Navy regulations and various other documents of a similar nature that are essential to the efficiency of the Army and the Navy. They are printed, as they should be, and if there should appear any abuse in this printing privilege, I think that abuse should be brought to the attention of Congress, so that it may be corrected.

Mr. HELM. I think this is one of those abuses.

Mr. HOBSON. I want to ask the gentleman if he could tell us how much of the public treasure was spent in paying for the printing of that document. We might then be able to tell if it is an abuse.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. FITZGERALD. Mr. Chairman, whatever may be the situation relative to abuse by the War Department of its authority to print, the amendment proposed by the gentleman from Kentucky [Mr. HELM] in my opinion will not cure it. The department can not use this appropriation or any other appropriation for any purpose unless it be authorized by law. If printing be authorized by law, this appropriation is available to pay for it. If it be not authorized by law, the comptroller will not pass the accounts.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. HELM. I suppose the gentleman is familiar with section 3 of the general printing act, which reads as follows:

> When any department, the Supreme Court, the Court of Claims, or the Library of Congress shall require printing or binding to be done, it shall be done on the certificate that such work be necessary for the public service.

The point I make is this, that under that there is the broadest possible discretion. Anything that any particular officer in the War Department may think is good for the public service may be printed.

Mr. FITZGERALD. But that broad discretion will not be cured by the insertion of a provision that the money shall not be expended except for printing authorized by law. That is all it can be expended for now, and if there be an abuse in printing in the War Department, the change must be made in the law. I have some sympathy with the purpose of the gentleman from Kentucky.

Mr. HELM. If this amendment be adopted limiting the use of this fund to such matters as are authorized by law, does the gentleman say then that anything that appeals to an officer of the Army as being good for the public service can be printed, or would it be such matter as has received the sanction of Congress in the way of a public document or an authorized publication of some kind?

Mr. FITZGERALD. But, Mr. Chairman, if the purpose of the gentleman is to prohibit any printing whatever, unless some statute authorizes it——

Mr. HELM. It is not that.

Mr. FITZGERALD. One moment, let me finish—then I am decidedly opposed to this amendment.

Mr. HELM. That is not the purpose of it.

Mr. FITZGERALD. This printing appropriation is for all sorts of blanks, for reports, for orders, and various matters that are essential in the conduct of the War Department. If any correction is to be made, it must be by an amendment of that printing act, and the amendment proposed by the gentleman from Kentucky will not prevent the printing of anything about which he complains.

Mr. HELM. Will it not put a limitation upon the discretion?

Mr. FITZGERALD. Well, you can not put a limitation upon the discretion of the department in this bill, because it is subject to a point of order—it is legislation.

Mr. HELM. It certainly does occur to me you can say for what purpose the appropriation can be expended.

Mr. FITZGERALD. But the appropriation can only be expended for printing authorized by law. I hope the amendment will not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and the Chairman announced the noes seemed to have it.

Upon a division (demanded by Mr. HELM) there were—ayes 20, noes 40.

So the amendment was rejected.

The Clerk read as follows:

Section 13 of the river and harbor appropriation act approved July 25, 1912, is repealed.

Mr. EDWARDS. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman a question.

Mr. MANN. I reserve a point of order on the paragraph.

Mr. RODDENBERY. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. FITZGERALD. I think it is too late.

Mr. MANN. I reserved a point of order on the paragraph.

Mr. RODDENBERY. I thought the gentleman from Georgia reserved a point of order.

Mr. SHERLEY. The gentleman from Georgia offered an amendment.

Mr. FITZGERALD. If the Chair thinks the point of order has been made in time; but I understand the gentleman from Georgia made his motion and addressed the Chair, and started to interrogate me before anybody reserved the point of order.

The CHAIRMAN. The Chair is informed the gentleman from Illinois [Mr. MANN] was on his feet and reserved the point of order.

Mr. EDWARDS. I desire to ask the chairman of the committee what this section proposes to do?

Mr. FITZGERALD. Section 13 of the river and harbor act of the current year is as follows:

The printing of matter relating to river and harbor work, including the reports, compilations, regulations, etc., whose preparation is allowable under War Department regulations may, upon recommendation of the Chief of Engineers and the approval of the Secretary of War, be made from river and harbor appropriations.

That makes a permanent, indefinite appropriation for printing for river and harbor work. All of the appropriations for printing for all of the various services of the Government are carried in this bill. It is now possible to ascertain how much each service expends for printing and to exercise that proper control that is essential to the administration of the public service. Under the provision here referred to, it is possible to expend money out of appropriations made for work to improve rivers and harbors for what no one ever knows or ever will know or can keep track of what is expended for printing.

Now, the department has always been given all of the money essential to print what is necessary, and it is to correct the insertion of this matter, which I think would never have been done by the committee and which was most surely an inadvertence.

Mr. SPARKMAN. I would like to ask the gentleman if he knows to what extent the War Department or the Chief of Engineers has expended money under that provision up to this time?

Mr. FITZGERALD. No; I have not that information.

Mr. SPARKMAN. I would like further to ask——

Mr. FITZGERALD. I know he can expend all the money appropriated for river and harbor work for printing if he sees fit under this provision.

Mr. SPARKMAN. No——

Mr. FITZGERALD. But he can.

Mr. SPARKMAN. I do not think the gentleman intends to say that.

Mr. FITZGERALD. The law gives the authority, whatever may be done.

Mr. SPARKMAN. Evidently the gentleman does not mean that.

Mr. FITZGERALD. I do mean that he has that authority, and the only limit is the amount appropriated for river and harbor work.

Mr. SPARKMAN. That is an exception, and limited to the necessity, of course. There is a necessity, however, for the expenditure of some more money than they have been getting, I can say to the gentleman.

Mr. FITZGERALD. The War Department two years ago had an unexpended balance of about $55,000 for printing, and there could not have been any necessity for funds for printing, because they could not expend 20 per cent of the appropriation that was available.

Mr. SPARKMAN. I do know, Mr. Chairman, I will say to the gentleman, that complaints have come to our committee when we would call for certain papers that ought to have been printed—letters, documents, maps, and so forth—that they did not have sufficient money to do the necessary printing to give the River and Harbor Committee and to give this House the information which it should have in order to enable it to pass intelligently upon propositions that came before it. Now, it is a very common thing, if the gentleman will read the report on the various projects, to see a note at the foot of the page that certain documents were not printed because——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask that my time be extended.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SPARKMAN. If the amount of money at their command is to be limited, they can not print those things.

Mr. FITZGERALD. I repeat that for the year 1912 the unexpended balance for printing in the War Department was in the neighborhood of $55,000. They have always had a surplus in their printing appropriation. The last time a request was made for a deficiency was in the year 1903—10 years ago. So they have never suffered from a shortage of funds for printing in that department. Now, to make available appropriations for every project for printing, upon the written request of the Chief of Engineers, with the approval of the Secretary of War, is absolutely destructive of proper administration.

Mr. SPARKMAN. Occasionally we have to send down there to the War Department and get the files in order to inform ourselves.

Mr. FITZGERALD. They had the money.

Mr. SPARKMAN. I only know that they tell me they did not have a sufficiency for that purpose.

Mr. FITZGERALD. Is the gentleman going to make the point of order?

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] reserve the point of order?

Mr. MANN. Section 13 of the river and harbor act, passed last July, was itself subject to a point of order when it went through the House.

Mr. FITZGERALD. It was put in as a Senate amendment. The gentleman is mistaken.

Mr. MANN. It would have been subject to a point of order if it had been put in in the House. It went through the House in the conference report, and was agreed to last July. It seems to me a sort of silent play to enact legislation one year, and then before there is any test of it have another committee the next year propose to repeal it.

Mr. SHERLEY. The trouble is that we had not a chance. It slips in in the Senate and comes here in conference.

Mr. MANN. They have a chance. Every Senate amendment that comes here is subject to a separate vote in the House.

Mr. SHERLEY. Oh, well, that may be theoretically true, but, practically, the gentleman is too old a legislator to believe it is always so. The trouble is that the Engineer Corps, which is one of the most efficient corps in the Army, have a notion that any sort of restriction on their discretion is a mistake, and when any corps has that notion it is time to change it.

Mr. MANN. I am not sure whether that trouble exists more in the Army than in the Committee on Appropriations.

Mr. SHERLEY. That is a case of the gentleman's lack of knowledge.

Mr. MANN. It frequently happens that I have great lack of knowledge, and am quite willing to admit it, and if some members of the Committee on Appropriations would make the admission sometimes it would not be so necessary to prove it. However, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For the Navy Department, $153,000, including not exceeding $33,000 for the Hydrographic Office, of which latter sum not exceeding $8,000 is for the use exclusively in printing and binding a revised edition of 2,500 copies of the American Practical Navigator, Bowditch.

Mr. BURNETT. Reserving the right to make a point of order against the paragraph, I would like the gentleman to explain that provision as to printing and binding a revised edition of 2,500 copies of the American Practical Navigator, Bowditch.

Mr. FITZGERALD. That is designed to help to keep naval vessels off the rocks. The American Practical Navigator, Bowditch, is a publication essential to the navigation of ships. The last edition was printed in 1903. Certain changes have been made, and this is to enable an edition to be printed with those changes. It is a highly technical work and a valuable one to navigators, and it is for use in the Navy.

Mr. BURNETT. I make a point of order against it.

Mr. FITZGERALD. I submit it is not subject to a point of order. It is a limitation upon the amount that may be expended for printing which is authorized.

Mr. MANN. Is not this book sold?

Mr. FITZGERALD. I do not recall.

Mr. MANN. I think it is sold. I think it all comes back.

Mr. FITZGERALD. If it is sold, it is sold by the superintendent of documents.

Mr. MANN. The Hydrographic Office sells it, as they sell other publications. It is absolutely essential, like publishing hydrographic maps, which navigators buy at the Hydrographic Office.

Mr. BURNETT. Can it be bought in the markets of the country?

Mr. FITZGERALD. The Hydrographic Office prepare all the data and have all the information.

Mr. BURNETT. Are they allowed to sell it?

Mr. MANN. I think they sell all their publications, including hydrographic maps. That is what the Hydrographic Office is for.

Mr. FITZGERALD. But, Mr. Chairman, I desire to call the attention of the Chair to the fact that this is a limitation upon the amount that may be expended in the publication of this document. Under the printing act any printing certified by the head of a department——

The CHAIRMAN. Does not the gentleman from New York propose to take $8,000 from the $33,000 and devote it to the publication of this particular book?

Mr. FITZGERALD. What is being done is limiting the amount of the $33,000 that may be expended.

The CHAIRMAN. The gentleman can not by that sort of a limitation legislate on the bill.

Mr. FITZGERALD. This is not legislation. If the Chair will look at the printing act he will find that this is certified.

The CHAIRMAN. If there is no authority for the printing of the document——

Mr. FITZGERALD. There is no authority for the printing of any document.

Mr. BURNETT. You might as well say, Mr. Chairman, that there could be a limitation on the $33,000 to be devoted to the printing of an edition of the works of Macaulay or an edition of Burns's poems.

Mr. FITZGERALD. I will ask that the item be passed over temporarily until I can consult the authorities.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to pass over the item temporarily. Without objection, that will be done.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the Interior Department, including not exceeding $45,000 for the Civil Service Commission and not exceeding $25,000 for the publication of the Annual Report of the Commissioner of Education, $295,000.

Mr. RODDENBERY. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

Mr. RODDENBERY. It is this: On page 165, in line 13, after the word "commission," insert the words "*Provided*, That no part of this appropriation shall be paid to any person who is drawing a pension on the ground of permanent total disability."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. If the gentleman from Georgia reduces his amendment to writing, so that the Chair can have it before him, the Chair will pass upon it.

Mr. MANN. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. FITZGERALD. I reserved the point of order.

Mr. MANN. As soon as the Chair can see the amendment the Chair can pass upon it. Well, the Chair heard the amendment.

The CHAIRMAN. The Chair desires to see the amendment.

Mr. MANN. If the amendment is not in writing, I make a point of order against it.

Mr. CULLOP. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. MANN. If the gentleman from New York [Mr. FITZGERALD] can explain that this money is not paid to anyone as salary, it seems to me that that would dispose of the proposition.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

The Clerk read as follows:

On page 165, line 13, after the word "Commission," insert the following:

"*Provided*, That no part of this appropriation shall be paid to any officer who is drawing a pension for total disability."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that it is not germane. This appropriation is made to pay for printing, not to pay the compensation of officers. I call the attention of the gentleman from Georgia [Mr. RODDENBERY] to the fact that this money is not used to pay the compensation of anybody in the Civil Service Commission. This is the amount of printing that can be obtained from the Government Printing Office upon requisition from the Civil Service Commission.

Mr. RODDENBERY. Of course, Mr. Chairman, I take it that the gentleman's statement is correct; and if it be so, I will not insist upon my amendment, and I will concede that it is subject to a point of order.

Mr. FITZGERALD. This limits the amount of work that can be done at the Government Printing Office for the Civil Service Commission.

Mr. RODDENBERY. I doubt seriously the capacity of anybody permanently and totally disabled for the performance of labor to spend this money. I withdraw the amendment.

The CHAIRMAN. The gentleman from Georgia withdraws his amendment. The Clerk will read.

The Clerk read as follows:

For the Department of Agriculture, including not to exceed $47,000 for the Weather Bureau, and including the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, and in pursuance of the provisions of public resolution No. 13 of the first session Fifty-ninth Congress, and also including not to exceed $137,500 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as they shall direct, $490,000.

Mr. RODDENBERY. Mr. Chairman, I move to strike out the last word of the paragraph just read.

I wish to make an inquiry of the chairman of the committee as to the language of that paragraph, first, "For the Department of Agriculture, including not to exceed $47,000 for the Weather Bureau," and so forth, and also the language on line 7, "including not to exceed $137,500 for farmers' bulletins," and so forth. Does that cover the farmers' bulletins generally, or are they the bulletins known as the farmers' bulletins exclusively published in the Weather Bureau of the Department of Agriculture?

Mr. FITZGERALD. That does not include the Weather Bureau farmers' bulletins distributed by Members of Congress.

Mr. RODDENBERY. It is just the general bulletin?

Mr. FITZGERALD. Yes.

Mr. RODDENBERY. Now, would there be any objection on the part of the committee to accepting an amendment here providing, on line 11, that these bulletins are to be sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress through the Division of Publications in the Department of Agriculture?

Mr. FITZGERALD. Oh, yes; there would be very great objections. We cured that abuse last year, and we do not want it to recur again.

Mr. RODDENBERY. In other words, it is the opinion of the Committee on Appropriations that the change we made last year, to have them sent direct from the Government Printing Office, is preferable to sending them through the Division of Publications?

Mr. FITZGERALD. Yes. Just as soon as those two divisions work in cooperation and the Division of Publications stops its efforts to get the work back and tries to cooperate properly with the Printing Office the complaints that have been made will cease. Let me say to the gentleman that now when the bulletins are ordered from the Department of Agriculture the requisition is sent to the superintendent of documents. The documents are wrapped, franks placed on them, and they are routed for delivery, so that when the mail bag leaves the Printing Office it leaves for its destination and all of the handling and classifying in the post office is eliminated.

Mr. RODDENBERY. I wanted to bring to the attention of the gentleman a concrete case. I received a notification from a demonstration agent of the Agricultural Department that there would be a general farmers' meeting at a certain town at a certain time, and he sent me a list of a large number of practical agricultural bulletins that he desired to have delivered there at that time. I forthwith ordered them from the Division of Publications, and I presume, of course, that the Division of Publications transmitted those orders wherever they should go; but the bulletins arrived two or three days after the

meeting. It occurred to me that the method of ordering them through this division and then relaying them through the other department did not get very prompt facility, and it occurred to me that if it is proper to send them out direct from the Government Printing Office we might expedite the proper use of those facilities by providing some machinery whereby the orders of Representatives and Senators would go direct to the person who is to transmit the documents. I prefer the system of sending them direct from the Division of Publications.

Mr. FITZGERALD. That is not necessary, and I doubt if it is desirable. The accounts of the Members should be kept in the Agricultural Department. When this transfer was made there was some friction between the two staffs, and this year the committee had the Public Printer and a representative of the Department of Agriculture before them; I believe we finally got those gentlemen to an understanding of just what particular accounts should be kept. The Department of Agriculture wanted the Printing Office to keep practically the same account that it was keeping, and the cost of doing so would have been greater than the cost of the bulletins themselves.

Mr. RODDENBERY. I agree that the duplication of accounts should be avoided.

Mr. FITZGERALD. Now what happens sometimes is that, through this dispute as to where these accounts should be kept, certain numbers are exhausted which, if they had been better accounted for, probably would have been kept in stock. The bulletins are printed, assorted, and when the order comes, are wrapped, and the franks attached to them in the same building, and when the bag leaves the Printing Office it goes to the mail train for the destination for which the bulletins are intended.

Mr. RODDENBERY. And the same rule would apply to one item ordered?

Mr. FITZGERALD. Yes; to one order.

Mr. RODDENBERY. I withdraw the amendment.

Mr. BURNETT. Mr. Chairman, I move to strike out the last word in order to ask the gentleman a question. Does not the Printing Office keep an account against the Member also?

Mr. FITZGERALD. No; it does not.

Mr. RODDENBERY. It just keeps an account against the Agricultural Department of the number of bulletins sent.

Mr. FITZGERALD. That is all.

Mr. BURNETT. So that it does not require two sets of bookkeeping?

Mr. FITZGERALD. No; the Public Printer declined to keep an account against the Members.

Mr. BURNETT. Is not the expense entailed in this way: When the order is made to Mr. Arnold, the chief of the division, he then sends it over to the Public Printer. That requires some extra work, does it not?

Mr. FITZGERALD. Yes; but not nearly equivalent to the cost of wrapping the bulletins several times, transferring them from the Printing Office to the Department of Agriculture, taking off the outer wrapper, restoring them, and then rehandling them again when they are ordered, shipping them back to the Post Office, and then having the Post Office Department classify and route them. They go from the press to the storeroom in the one building now. When they leave that building they go in a mail sack, which is destined for the post office from which they are to be distributed.

Mr. BURNETT. It seems from what the gentleman from Georgia has said, and I have had a similar experience, that there is a delay somewhere.

Mr. FITZGERALD. There was some friction, and I think perhaps it was natural that the Department of Agriculture should prefer to retain all of the powers and duties which it has. There is no doubt but that this is the most desirable system that could be devised, and it has been advocated for 30 years.

Mr. BURNETT. In regard to the amount allowed, is the same amount allowed this year as was last?

Mr. FITZGERALD. We gave the amount requested by the department for farmers' bulletins. This year it is $12,500 in excess of the current year, on account of the new Members.

Mr. RODDENBERY. It has been stated here that the Public Printer did not keep any account with the Members. With whom does he keep an account?

Mr. FITZGERALD. With the Department of Agriculture.

Mr. SHERLEY. The Public Printer keeps his account with the Department of Agriculture.

Mr. RODDENBERY. I want to suggest that as a business proposition a system that permits the Public Printer to keep both accounts is not a good one. When a Member orders out a public document through the Department of Agriculture the Member gets no notice back except from the Division of Publications, saying, "Your request is complied with." Neither the Member or Division of Publications knows positively whether the order is actually filled. There is not that working connection, that system, that is necessary to exist in a well-regulated business. The Public Printer, whose duty it is to send out and disburse these bulletins on the order of Congressmen is not answerable except in a general way and has nothing to do with the indivduals who prefer the orders transferred to him. No business man would tolerate that system in his business.

Mr. FITZGERALD. Well, this system has had the approval of every well-equipped expert that has investigated it.

Mr. RODDENBERY. I do not controvert the general scheme; but there is no reason, after a system is inaugurated, why any defect that may be found or pointed out in it should not be perfected.

Mr. FITZGERALD. The Public Printer should not be obliged to keep an account with the Members.

Mr. RODDENBERY. I do not insist upon that.

Mr. BURNETT. The gentleman refers to the ordering in block by the Agricultural Department. That is not the way it occurs. For instance, I get almost every day a request for a bulletin from an individual. I send the numbers to Mr. Arnold and ask him to send them. He has to transmit them to the Public Printer, and he takes it up; and if there is one or two or half a dozen, does the Public Printer charge that number against the Agricultural Department?

Mr. SHERLEY. If the gentleman from New York will permit, the department makes the request on the Public Printer under this allowance for printing for a certain number of farmers' bulletins, just such numbers as he thinks will be needed. When the individual Member sends to the Department of Agriculture for a bulletin, they send the request over to the Public Printer, and the Public Printer does not undertake to keep a separate account with each Member, but he has charged the department with the cost of printing, we will say, 10,000 bulletins, crediting it with that number, and when he sends out a certain number he credits himself with the number, so that his accounts with the Department of Agriculture may finally balance. The Department of Agriculture, on the other hand, keeps an individual account with each Member of Congress.

Mr. BURNETT. If I send for one bulletin to-day and another to-morrow, it goes first to the Agricultural Department and then to the Printing Office, and is each one of these charged on the books to the credit of the Agricultural Department? That is, is each particular number charged against the department in each individual case?

Mr. SHERLEY. No; they have a system by which, when the bulletins are taken out of the bin in which they are kept, they can be simply charged against the Agricultural Department.

Mr. BURNETT. It takes more bookkeeping.

Mr. SHERLEY. I think it takes very much less.

The Clerk read as follows:

Fifth. For the purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the commission deems necessary to best promote the construction of the Panama Canal, including the purchase, or construction in Government yards, in accordance with plans and specifications to be prepared by the Navy Department, and to have a cargo capacity of 12,000 tons of coal and a speed of at least 14 knots per hour, two colliers to cost not exceeding $1,000,000 each, and including the payment of damages caused to the owners of private lands, or private property of any kind, by reason of the grants contained in the treaty between the United States and the Republic of Panama proclaimed February 26, 1904, or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection therein provided for, whether compromised by agreement between the claimant and the chairman of the commission or allowed by a joint commission, and the payment for land and land under water as authorized in section 3 of the Panama Canal act, for the departments of construction and engineering, quartermaster's, subsistence, disbursements, and examination of accounts, $5,000,000.

Mr. CULLOP. Mr. Chairman, I make the point of order against the provision commencing on line 24, page 172, with the word "including" and ending with the word "each," in line 4, page 173. There is no law authorizing any such appropriation.

Mr. FITZGERALD. Mr. Chairman, the provision is authorized in section 6 of the so-called Panama Canal act, approved August 24, 1912, under the following provision:

The President is also authorized to establish, maintain, and operate through the Panama Railroad Co., or otherwise, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies for vessels of the Government of the United States, etc.

Since the authority is given to provide all other necessary "facilities," including those enumerated, necessary to provide

coal for facilities of the United States, and as coal must be transported to the Isthmus, the committee submits that the facilities for the transportation of coal must be authorized.

Mr. RODDENBERY. Mr. Chairman, the gentleman from New York, in order to hold this item in the bill, specifically relies upon that part of section 6 of the Panama act of 1912 which he has just read.

Mr. FITZGERALD. That is the only authority. If it is not authorized by that, it is not authorized at all.

Mr. RODDENBERY. If it is not authorized by that, the gentleman concedes that it is not authorized at all. By the terms of section 6 the President is authorized to—

establish, maintain, and operate, through the Panama Railroad Co., or otherwise, dry docks—

I shall endeavor not to be tedious, and it is unnecessary for me to read to the Chair the numerous decisions touching the extent to which an Appropriation Committee can provide for dry docks. If this were an express statute in no way connected with the President to be carried out by Executive order, but under general law, it would not authorize the construction of a dry dock except in accordance with the rules and decisions with which the Chair is already entirely familiar. Nor would it authorize a collier. Then take the next:

wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal—

The Chair will remember the legislation already had touching the establishment of coaling stations and coal storage on the Isthmus. The Chair will also recognize in what manner the coaling station is now operated. Then—

and, incidentally, for supplying such at reasonable prices to passing vessels, in accordance with appropriations hereby authorized to be made from time to time by Congress as a part of the maintenance and operation of the said canal.

Mr. Chairman, just here I desire to direct the attention of the Chair especially to page 171 of the bill, which is in this language:

To continue the construction of the Panama Canal, to be expended under the direction of the President, in accordance with an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans."

Mr. Chairman, the act described in that paragraph is the act of 1902, and not the act of 1912, and that paragraph is the basis upon which the succeeding paragraphs, numbered first, second, third, fourth, fifth, and so forth, depend, and this point of order is made against the fifth paragraph. Will the Chair indulge me to call attention to the current appropriation law? The current law is in language identical with paragraph 5 down to and including the words "Panama Canal," on line 24, and then for the first time the following language appears:

Including the purchase or construction in Government yards, in accordance with plans and specifications to be prepared by the Navy Department, and to have a cargo capacity of 12,000 tons of coal—

And there is no such vessel afloat—

and a speed of at least 14 knots per hour, two colliers, to cost not exceeding $1,000,000 each.

Mr. Chairman, there is nothing in the act of 1912 that the gentleman reads that authorizes the Appropriations Committee to provide for a collier, which, by the dictionary and in naval terms, is a convoy vessel, for war, and has never been defined to be anything else.

There is now no such vessel with a speed of 14 knots and a capacity of 12,000 coal tons, and there is no Government navy yard in the United States that has the facilities for constructing such a vessel except the Government navy yard at Brooklyn, which is in the district of the distinguished chairman of the Committee on Appropriations, the gentleman from New York [Mr. FITZGERALD]. [Applause and laughter.]

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. RODDENBERY. I can not yield. The gentleman would better go to the telephone now and find out about the Philadelphia and Norfolk yards before he contradicts the statement that there is no Government navy yard that can construct such a vessel except the Brooklyn Navy Yard.

Mr. KNOWLAND. Mr. Chairman, will the gentleman yield?

Mr. RODDENBERY. I can not yield.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. RODDENBERY. I yield to the gentleman. I want to disclaim any suggestion that the gentleman is getting any "pork." It is just chitlings—chitlings—chitlings. [Laughter.]

Mr. FITZGERALD. Mr. Chairman, I merely want to call the attention of the gentleman to a fact with which he is not familiar or that he has overlooked, and that is, that the navy yard at Mare Island, Cal., on the Pacific coast, is building such colliers at the present time.

Mr. RODDENBERY. And I now challenge the gentleman from New York to consent to an amendment to this paragraph providing that if these colliers are constructed they shall be constructed in the California navy yard.

Mr. FITZGERALD. Well, we will discuss that when we come to it.

Mr. RODDENBERY. I guess so.

Mr. FITZGERALD. I will ask the gentleman to confine himself to the facts; he was not stating accurately the facts.

Mr. RODDENBERY. Then, Mr. Chairman, I will not tediously tax the Chair with decisions, but if the Chair will take section 3727 of Hinds' Precedents, volume 4, it says:

The construction of a new vessel for the Coast Survey was held not to be the continuation of a public work or object.

And the gentleman from New York does not insist upon this as being in continuation of a public work, but he says it rests absolutely on the statute, section 6, which gives the President of the United States, Mr. Chairman, the right by Executive orders over the administration of the Panama Canal as specifically provided therein. I now call the Chair's attention to section 3736 of the Precedents, in which this is stated:

On the other hand, it is settled by the precedents that appropriations for a new naval station, for a new navy yard, for the selection of a site for a naval station, for the establishment of an armor-plate factory, for the erection of buildings for a naval hospital with authority to acquire a new site, for the construction of stationary dry docks are not in order in general Navy appropriation bills unless previously authorized by law.

I read further:

Including, among other things, naval stations, navy yards, hospitals, magazines, and stationary dry docks, do not ipso facto constitute a public work or object in progress, and appropriations therefor must be previously authorized by law.

Now, what does the Chair find in section 12 authorizing the construction of two great naval vessels, or an appropriation clause in which is the unusual language, "including the purchase"? If they are to be purchased, where is authority of law for it and who will do the purchasing?

Or construction in Government yards, in accordance with plans and specifications to be prepared by the Navy Department.

The language just read definies tonnage capacity and speed limit and is on its face a specific provision for the construction of two vessels whose primary qualities and equipments constitute colliers fit only as a part of a general naval system. It has never been held, and the Chair will see that it would be the ultimate result if this provision be now ruled in order, that the section authorizes the sundry civil appropriation bill to carry provision for the construction of warships to convoy coal. If the point of order were reserved and not made I should like to develop this question so the Chair could perceive how that under section 6 it is absolutely preposterous to undertake in this bill to provide for the construction of these vessels on the theory that the President, vested with Executive power, derives any such practical authority incident to performing his duties touching the Panama Canal. If the construction insisted on by the committee is to be given to this section, that section then empowers the Government through this committee to provide a fleet of 10 vessels without further authorization to support the fortifications of the Government there.

Mr. HOBSON. Will the gentleman permit a question?

Mr. RODDENBERY. I yield to the gentleman.

Mr. HOBSON. I assume the gentleman agrees to the proposition that we should have colliers for the canal. I want to ask him, as he is a practical man, whether he does not think that their construction under plans of the Navy Department so that they would be of actual service in time of war would be advisible from every standpoint of the public service?

Mr. RODDENBERY. I quite agree with the gentleman, but it must be authorized by law and originate with the committee having jurisdiction of it, to wit, the Committee on Naval Affairs.

Mr. ADAMSON. May I interrupt the gentleman?

Mr. RODDENBERY. I yield to the gentleman from Georgia.

Mr. ADAMSON. I hope the gentleman does not concede the proposition propounded by the gentleman from Alabama, and that his answer does not concede that we ought to construct colliers for the Navy, because when the Secretary of the Navy came before us with this original proposition and asked us to charge to the canal fund the construction of these colliers that the Navy might use, we refused to do so, and our committee had jurisdiction of the matter.

Mr. RODDENBERY. No; the gentleman misunderstands what I conceded in response to the question of the gentleman from Alabama, and that was that it might be well to construct, under the supervision of the Navy Department, colliers to be used in case of war in connection with our present naval establishment. And that is the bane of this provision in the law. There never was devised—and I have made a careful study of it, Mr. Chairman—a more ingenious provision in any statute ever brought in, except the provision on a Senate bill several

years ago of a similar provision for the purchase of the *Anton* and another vessel——

Mr. ADAMSON. The *Christobal*.

Mr. RODDENBERY. The *Christobal*. After that provision was put in it was found out that that legislation had provided for the purchase of two certain described vessels when there were but two such vessels in the world, and they were owned by a corporation worth millions of dollars.

The CHAIRMAN. The Chair will ask the gentleman to confine himself to the point of order.

Mr. RODDENBERY. I will invite the Chairman's attention to the fact that he can not find a more ingeniously contrived appropriation scheme than contained in this paragraph. Mark you, paragraph 5 is based on this language:

To continue the construction of the Panama Canal, to be expended under the direction of the President in accordance with the act of 1902.

Section 5, down to the provision for colliers, follows the current law, which rested on the act of 1902 and which was passed before there was an act of 1912. And now they ingraft in here the naval-vessel phraseology and seek to hold it in upon a statute that they do not cite and upon a statute upon which by the express language of the bill they do not rely. Section 12, by its plainest terms, if it gives the right to construct two colliers, fixes no limit to the authority under it to appropriate for warships. I know the Chair is so thoroughly familiar with the rule respecting the need of authorization by law before this great expenditure can be made that I shall dismiss this phase of the subject. I respectfully submit to the Chair, with indebtedness to him for his patient attention to the argument, that there is no authority upon which this provision can rest, except the authority of the committee which reported it, and that has not reached the place yet in the House where it is law.

Mr. CULLOP. Mr. Chairman——

The CHAIRMAN. The Chair is ready to rule. The Chair understands the gentleman from New York [Mr. FITZGERALD] bases his contention upon the statute which provides:

The President is also authorized to establish, maintain, and operate, through the Panama Railroad Co. or otherwise, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies for vessels of the Government of the United States.

The Chair does not think that that language would authorize the building of these colliers provided for in this bill and therefore sustains the point of order.

The Clerk read as follow:

Twelfth. For materials, supplies, equipment, construction and repairs of buildings, medical aid and support of the insane, and of indigent persons permanently disabled, while in the line of duty and in the employ of the Isthmian Canal Commission, from earning a livelihood, and contingent expenses of the department of sanitation on the Isthmus, including not exceeding $100,000 for the construction of a quarantine station, $300,000.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. I notice in this item there is a provision for a quarantine station. The station, as I understand, is located over there on one of the little islands at the Pacific end of the canal.

Mr. FITZGERALD. It is necessary to provide an ample quarantine station. It was the opinion of some of the officials on the Isthmus that there should be two. From the information the committee has obtained, it is quite apparent that one station will be sufficient, with a detention station at the other end.

Mr. FOSTER. Is this station to be located on the Atlantic side of the canal?

Mr. FITZGERALD. That is to be left to the authorities.

Mr. FOSTER. The reason I ask it is that there is one over there now at Colon, as I understand.

Mr. FITZGERALD. That is in the city. I am inclined to believe the station will be on the Pacific side, and it will be on a new location.

Mr. FOSTER. And then abandon the one on the other side?

Mr. FITZGERALD. Yes. That will probably be utilized by the military forces, and made untenable in time of war by the use of the guns. It is on Culebra Island.

Mr. FOSTER. It is located over there now?

Mr. FITZGERALD. It is on Culebra Island now; yes. The fire of the guns in the defenses will sweep over that, and in target practice it is claimed the guns will interfere very seriously with it.

Mr. FOSTER. I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Illinois withdraws his pro forma amendment, and the Clerk will read.

The Clerk read as follows:

The foregoing sums, so far as necessary, shall be available for the operation of the canal, for the permanent organization authorized to be established under the Panama Canal act, for dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies, for office buildings, quarters, and other necessary buildings, for the payment of claims arising out of injuries or deaths of employees, and for the consolidation and preservation of the files of papers and other records which have accumulated or may accumulate during the construction of the canal and needed or useful or having a permanent value or historical interest.

Mr. CULLOP. Mr. Chairman, I desire to make a point of order against the provision, commencing on line 9, page 176, with the word "and" and ending with the word "interest," in line 13. It reads as follows:

And for the consolidation and preservation of the files of papers and other records which have accumulated or may accumulate during the construction of the canal and needed or useful or having a permanent value or historical interest.

There is no authority of law for any such provision as that.

Mr. FITZGERALD. The gentleman is mistaken. It was authorized in the last session of Congress, and I refer the Chair to the provision.

Mr. MANN. I think it was in the bill at that time.

Mr. FITZGERALD. It was in this bill last year. It is the law now.

Mr. CULLOP. That does not make it law, Mr. Chairman.

Mr. FITZGERALD. I will find the provision and read it.

Mr. ADAMSON. Mr. Chairman, the provision of law was put in in the Senate last year after we knocked it out on a point of order. If that division has been established, I will concede that it is the law; but if the division has not been established, it is not.

Mr. FITZGERALD. Section 5 of the sundry civil act passed last year provides that—

The chairman of the Isthmian Canal Commission is authorized to establish a division of records and, as the requirements of the service permit, to consolidate in the custody thereof the files of papers and other records which have accumulated or which may accumulate during the period of the construction of the Isthmian Canal; and he is directed to carefully preserve, properly index, and arrange for use all papers needed or useful in the transaction of current business or having a permanent value or historical interest; and he is authorized to destroy or otherwise dispose of duplications in the files and other papers which are not needed or useful in the transaction of current business and have no permanent value or historical interest and which have been recommended to him for destruction or other disposition by a committee of three competent persons who have personally examined the papers, and in connection with their recommendation have submitted a concise statement of the condition and character thereof.

This provision makes the appropriation available to do the work authorized in that act.

Mr. CULLOP. Now I would like to ask the gentleman from New York another question on that subject. Has that division been established by order of Col. Goethals, the officer in charge or at the head of the government there?

Mr. FITZGERALD. It is immaterial whether it was established or not. Authority is given, and this makes the appropriation available to do the work. I do not recall whether it has been established or not.

Mr. CULLOP. What I desire to say in that connection is that the Committee on Interstate and Foreign Commerce, which has charge of the canal business, or jurisdiction of it, has had no notification or knowledge of the establishment of the division or a station as required by that act, and until that is done there is no authority for any appropriation and no necessity for any. What we contend is that no such order has ever been made, up to this time, and therefore there is no authority for the appropriation on that subject.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. MANN. Mr. Chairman, the gentleman from Indiana [Mr. CULLOP] confuses, I think, between authority and necessity in arguing the point of order. He says there is no authority or necessity. Whether there is necessity may depend upon a fact. Whether there is authority depends upon the law.

Now, the law authorizes this consolidation and this preservation of documents. Under the theory of the gentleman from Indiana, when we pass a law authorizing something to be started we can not make an appropriation until it is started, and it can not be started until after an appropriation is made. In that way you could never get anything done, because the gentleman's theory is that you can not appropriate for this until after this organization has been perfected, and, of course, the organization could not be perfected until after an appropriation is made.

Mr. CULLOP. Mr. Chairman, will the gentleman yield there?

Mr. MANN. Certainly.

Mr. CULLOP. The appropriation was made last year, and this would be merely a double appropriation for the same purpose and with the same object in view.

Mr. MANN. I say that the gentleman does not distinguish between authority and necessity. If the item was in order last year, it is in order this year. The gentleman is discussing the necessity and the authority.

Mr. ADAMSON. The item was put in in the Senate after it had been ruled out of order in this House.

Mr. MANN. Oh, I beg the gentleman's pardon. The gentleman from Georgia [Mr. ADAMSON] made a point of order on one item in this bill. The gentleman from Georgia is not omnipresent, and is not present all the time, and even while he was present in the Hall last year the gentleman from New York [Mr. FITZGERALD] offered an amendment covering this matter, and it was agreed to by the House. It was subsequently changed in the Senate, but the item was offered in the House, and no objection was made by any gentleman of the Committee on Interstate and Foreign Commerce, although it was subject to a point of order at the time and could only go through by unanimous consent.

Mr. ADAMSON. If that is true, Mr. Chairman, if the gentleman from Illinois will permit, I am sorry to hear the statement made that way. I made a point of order, and I called the attention of the committee and of the Chairman of the committee to it, and it was sustained. Then I was called away providentially, and it is hard for me to believe that my colleagues would have put it through again under the circumstances in this House.

Mr. MANN. My recollection is, being in favor of the proposition myself, I did not care to make a point of order on it, and when the gentleman from New York [Mr. FITZGERALD] offered an amendment after awhile which covered this item in a different form from what it was in the bill originally, I turned around and looked at the gentleman from Georgia [Mr. ADAMSON], supposing he would make a point of order; and as the gentleman did not, I assumed that it met his approval.

Mr. ADAMSON. Mr. Chairman, I compliment the gentleman on his recollection. He is distinguished for recalling a great many things that happened, but I suppose his imagination, coming to the aid of his recollection, will help him to recollect a lot of things that did not happen. [Laughter.]

Mr. MANN. Not this time.

The CHAIRMAN. The Chair is ready to rule. This identical language is carried in the bill of last year, the current law, and, moreover, it is authorized, it seems to the Chair, by section 5, which was referred to by the gentleman from New York. The Chair therefore overrules the point of order.

The Clerk read as follows:

In all, $16,265,393, the same to be immediately available and to continue available until expended: *Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications and colliers, and exclusive of the amount used for operating the canal and for the permanent organization after the canal is opened for use and operation, shall be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and section 39 of the tariff act approved August 5, 1909.

Mr. STEVENS of Minnesota. Mr. Chairman, I move to strike out the words "and colliers," in line 24, page 176.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 176, line 24, strike out the words "and colliers."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. STEVENS].

The question was taken; and on a division (demanded by Mr. ADAMSON) there were—ayes 12, noes 7.

Accordingly the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask now to return to the item of printing for the Navy Department, page 165, to which the gentleman from Alabama [Mr. BURNETT] reserved a point of order. The act of June 21, 1866, provides:

That there shall be a hydrographic office attached to the Bureau of Navigation in the Navy Department, for the improvement of the means for navigating safely the vessels of the Navy and of the mercantile marine, by providing, under the authority of the Secretary of the Navy, accurate and cheap nautical charts, sailing directions, navigators, and manuals of instructions, for the use of all vessels of the United States and for the benefit and use of navigators generally.

SEC. 2. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized to cause to be prepared, at the Hydrographic Office attached to the Bureau of Navigation in the Navy Department, maps, charts, and nautical books relating to and required in navigation, and to publish and furnish them to navigators at the cost of printing and paper, and to purchase the plates and copyrights of such existing maps, charts, navigators, sailing directions and instructions as he may consider necessary and when he may deem it expedient to do so, and under such rules, regulations, and instructions as he may prescribe.

The American Practical Navigator, by Bowditch, is the particular publication purchased under this statute.

The sundry civil act of 1886 requires that all printing and engraving for the Geological Survey, the Coast and Geodetic Survey, the Hydrographic Office of the Navy Department, and the Signal Service shall hereafter be estimated for separately and in detail and appropriated for separately for each of said bureaus.

The Secretary of the Navy is authorized to publish these books for the use of navigators, and the estimate comes specifically in detail because of the requirement of the act of 1886.

The CHAIRMAN. Does the gentleman from Alabama care to be heard on the point of order?

Mr. BURNETT. I think, Mr. Chairman, that a careful reading of that statute, as I caught it, does not authorize the payment for a revised edition of a particular work of some particular author. The gentleman's first argument was that it was a limitation, and you could just as well make a limitation upon the publication of anything else, it seems to me, as to include the work of this particular author.

Mr. FITZGERALD. This particular book belongs to the Government. The copyright was purchased; also the plates; and it has been revised by the Hydrographic Office.

The CHAIRMAN. The Chair calls the attention of the gentleman from Alabama to the language establishing the Hydrographic Office, which authorizes the Secretary of the Navy to cause to be prepared in the Hydrographic Office maps, charts, and nautical books. It seems to the Chair that this is ample authority for this appropriation. The Chair therefore overrules the point of order. The Clerk will read.

The Clerk read as follows:

FORTIFICATIONS, PANAMA CANAL.

For the following for fortifications and armament thereof for the Panama Canal, to be immediately available and to continue available until expended, namely:

Surveys: For detailed surveys of the areas on the Canal Zone required for military purposes, including the cost of marking permanently the boundaries of such areas, $12,000.

Mr. MONDELL. Mr. Chairman, the item just read and the items that follow on the next page and part of page 180 all provide for fortifications for the Panama Canal. The appropriation here carried amounts to $4,870,000. In addition the bill carries an authorization of a million and a half, making the total carried by the bill and authorized $6,376,000. The total estimates were $6,769,522, so that the committee granted the sum of the estimates less $393,522.

In these items of appropriation, however, the committee does not include the item of $1,594,520 estimated for barracks and quarters, the increase of the appropriation as to the other items over the original estimate being due to the fact that supplemental estimates increased the original estimate by a million and a half of dollars.

We have heretofore appropriated for the fortification of the Panama Canal about $3,000,000. The amount heretofore appropriated and now proposed to be authorized and appropriated therefor will amount to more than $9,000,000.

This is only the beginning of appropriations the end of which no man can tell, the estimate for which has never been made by anyone.

Mr. Chairman, I am one of those who believe it is a wicked waste of the people's money to attempt to fortify the Panama Canal, but I realize that having started upon these fortifications the probability is that Congress is not at this time in the frame of mind to agree with my views. This being true, I would not feel like taking up the time of the House at this late hour of the session in discussing the matter for a single moment if I were not impelled by a strong sense of duty so to do.

I believe the time is bound to come in the no distant future when we shall rise to a realization of the fact that we have not only violated treaty obligations, but we have started on an enormous expenditure to no purpose whatever, except to our very great discredit as a treaty-keeping people and to our very great loss as a nation.

Even those who have most urged fortifications at Panama admit that if we shall lose command of the sea, in spite of all the fortifications we may build and all the guns we may plant and all the men we may maintain there, we shall under the attack of a power of the first class ultimately lose the canal.

I said in discussing these matters a year ago that I hardly felt it worth while to suggest that in fortifying we are violating our treaty obligations, because it seems as though we had come upon a time when suggestions of that kind, instead of inclining men to inquire whether it be true and if so insist our obligations be adhered to, inclines them to insist that we must do what we want to do without regard to what we may have promised to do or not to do.

In order that it may be clear that we have no authority to do this and no justification for it, I shall read just one paragraph of article 3 of the Hay-Pauncefote treaty. This is the solemn obligation binding our people:

The canal shall never be blockaded, nor shall any right of war be exercised or act of hostility committed within it. The United States shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

As the item now before us is an item for surveys only, and therefore necessary for that police protection the treaty contemplates, I have not offered a motion to strike it out and will withdraw my pro forma amendment.

The Clerk read as follows:

Purchase of land: For the purchase of land on the Canal Zone required for military purposes, $50,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I said a moment ago that this expense upon which we have started will finally aggregate a sum that no man can estimate, that no man has tried to estimate. It is true there was an estimate at one time of $25,000,000, which so frightened certain gentlemen that it was scaled down to about $15,000,000. Neither the original $25,000,000 nor the $15,000,000 embraced one-half of the cost of either the emplacements or of the guns, barracks, and quarters for the number of troops which Col. Goethals believes will be necessary. That work at the most conservative estimate will cost $50,000,000. And then our chief military advisers and the men who have been responsible for this proposition of fortification say that it will take at least 25,000 men to hold the canal against an expeditionary force.

In answer to an inquiry by the gentleman from Kentucky as to whether we should keep that number on the Canal Zone or not, Col. Goethals said, "I am a military man. If I were going into the defense of that canal, I should keep those men there all the time." Asked how long we could hold the canal against an expeditionary force, which force could only be landed if we lost the control of the sea, he said, "As long as the Russians held Port Arthur." Twenty-five thousand men on the Canal Zone would mean an expenditure, at the least possible estimate, of $30,000,000 every year so long as time shall run. Thirty million dollars laid upon and added to the military burdens of a people proclaiming themselves peace-loving, believed to stand for the reduction of armaments, and anxious to use their powerful influence in the promotion of peace!

Fifty million dollars in the first instance, fifty millions for a great naval station at one or both ends of the canal; for if we fortify the canal, there is no excuse for denying it. Fifty million dollars for the barracks and quarters, guns and emplacements, and fifty millions more for the naval stations, and $30,000,000 per annum for men, and you have the awful burden that this appropriation contemplates placing upon the American people. Gentlemen have risen to protest against the reduction of items necessary for the peace and comfort of our people in the development of our Nation. The committee has pared here and there and lopped off everywhere, in order that we may throw away five millions of the people's money to no good purpose in the violation of treaty obligations, and to learn after it is all done that it is utterly wasted.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. CANNON. Mr. Chairman, I desire just two minutes of the five that are at my disposal to say that I always listen with interest to the gentleman from Wyoming [Mr. MONDELL]. What he says is very interesting, but if carried legitimately and logically to its ultimate conclusion, we would pull down the fortifications at every harbor, on every coast, disband the Army and abandon the Navy, and let the peace that passeth all understanding control the situation. I do not know whether or not it is wise to fortify the canal. From the best advice that we could get, this Congress concluded to do it. That is behind us. If I held the same view that the gentleman does, if it is dangerous and is going to cost all of the men and all of the money that he says it will cost, then I should be in favor of filling up the canal. I say this much just for self-protection.

Mr. SLAYDEN. Mr. Chairman, when the proposition to construct the canal across the Isthmus of Nicaragua was being discussed I was one of the most ardent and perhaps ill-informed advocates of the project to be found in this entire country. I believed that it would contribute quickly and greatly to the prosperity of this country to have a transisthmian canal. When it was proposed to shift the site of the canal from Nicaragua to Panama I was so impressed with the importance of the canal that I was persuaded to abandon my first love, Nicaragua, and to consent to the shifting upon the theory that a sea-level canal would be constructed. When that was abandoned I began to lose faith in the project. I looked further and further into it, and long ago reached the conclusion that in a commercial way the canal would not, certainly in my time nor perhaps in that of the next two or three generations, be a good investment. It has cost such huge sums of money and will cost so much annually to maintain it that it will be quite impossible in the lifetime of any man in this House, no matter how rapidly commerce may grow, for us ever to get a reasonable interest upon the investment.

Another argument that influenced and largely controlled my votes in the legislation that preceded the construction of the canal was the argument so repeatedly made on the floor of this House and in the Senate that if we would only dig the canal it would lessen our naval expenses, because it would double the effectiveness of the Navy which we had for the reason that we could then quickly transport our Pacific Coast Navy to the Atlantic coast to meet these imaginary foes in these imaginary wars that in the minds of some gentlemen in this House are always threatening us. Also, on the other hand, when a nation of 45,000,000 people, at this moment torn by internal political dissension, without the highest credit in the financial markets of the world, threatened us we could carry the fleet from the Atlantic to the Pacific coast. The whole theory about it has now changed.

It not only has not doubled the effectiveness of our Navy, it not only has had no tendency to lessen the annual appropriations to support the Navy, but we are seriously told that we must double our Navy now because we have to defend the canal. We are compelled to have as much navy at each end of the canal as previously we had on both oceans. We were led to believe it would not be necessary for us to maintain such huge naval forces when we got the canal and the means of communication.

Mr. Chairman, I hope the purchase of land will not be authorized in this appropriation bill. I believe that military policies have been adopted that will cost untold sums of money and that are altogether unnecessary. [Applause.]

Mr. MANN. Mr. Chairman, I have noticed a disposition of late on the part of many gentlemen in and out of Congress to roast the Government for its attitude concerning the Panama Canal. I think no one in this House, when we passed the original canal act, believed that it would be a financial benefit to the Government. It was not constructed for the purpose of getting a return upon the money, but every time anything has been done concerning the canal, after the attitude of the Government has been settled, various gentlemen in and out of Congress proceed to give comfort to people abroad by denouncing the policy of the Government. After a policy has been settled I would much prefer to hear some of these gentlemen defend that policy. Almost every speech that is made on the subject is made by those ardent gentlemen who never know when they are whipped, and after they have been beaten time and time again they continue to disturb the air by continuous and constant criticism. If I had had the same favors from the Army Establishment as have been showered upon the States of Wyoming and Texas, I would be ashamed to criticize the policy of the Government concerning the Army at the Panama Canal. [Applause.]

The Clerk read as follows:

Seacoast batteries: For the construction of seacoast batteries on the Canal Zone, $2,365,000.

Mr. MONDELL. Mr. Chairman, the gentleman from Illinois [Mr. MANN], instead of discussing the matter under consideration, has indulged himself, as he occasionally does, in scolding Members. He talks about our opposing the policy of the Government.

What is the Government? Why, the Government is the people. We represent the people. The gentleman talked about settled policies. No policy is ever settled until it is settled right. The gentleman suggests we are criticizing some one. I am criticizing no one, unless the argument I attempt to make may be a criticism of those of my colleagues who did vote to fortify the canal. I believe in the canal, and I am not disturbed that it will not prove a paying proposition from a financial standpoint; but I protest, in the name of the people, who do not understand what we are doing, against the burdens we are laying upon them. Mr. Chairman, I dream no dreams of universal peace. I realize that Governments are founded on force and that in the last analysis men may break treaties if their lives and that of their nation depends upon it, but here is a proposition in regard to which the interests of all the world is on the side of peace. Here is a great work that all the world wishes well; all that the world desires in regard to it is that it shall be kept open and the use of it allowed upon equal

terms, to which we are pledged. And from the first day our people began to talk of piercing the Isthmus every American President and every great statesman that studied the question and wrote and spoke of it, down to and including the predecessor of the present occupant of the White House, declared in terms unmistakable that it was our duty and intent, and the only wise policy in building this great waterway and opening it to the commerce of all the world, to keep it free from frowning guns and control it in the interest of commerce; and only about three years ago did we finally depart from that view and attitude which our people had taken and assumed——

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MONDELL. In a moment. And assuming an attitude of frenzied jingoism and bullying might, proceeded to plan fortifications. It is proposed to spend millions enough every 15 years as long as this old earth shall swing to build the canal, pouring out enough of the people's money in that time to build the canal in a senseless plan of fortifying it on the foolish theory we can in that way defend it. [Applause.] Who wants to take it? We could not give it to any nation on earth to-day and lay upon them the burden of maintaining it, but all the world applauds the progressiveness and wisdom of our people, who have spent their money in building it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Chairman, if I had been disposed to criticize the attitude of the Government in connection with the canal, I could have found abundant text in almost every act connected with it since we began the work, of which I am not particularly proud, by taking the zone from a country which held our solemn guarantee that we would protect its integrity and its sovereignty, and including, in my judgment, the deliberate violation of a solemn treaty that ships passing through the canal should be treated on terms of equality. But I was not criticizing that. I was directing my criticism to the fact that there was provision here for the undertaking of enormous, unnecessary, inexcusable military plans which are not needed for the defense of the canal.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SLAYDEN. In one moment—and incidentally I desire to call attention to the fact that when we were ready to make the original appropriations for canal construction our military advisers told us that it would double the effectiveness of our Navy, that we would have to build fewer battleships, that we would have to spend fewer hundreds of millions of dollars for the Navy, because we could shift fleets from one ocean to the other. The fact that such arguments were made can not, I suppose, be successfully challenged. Now I yield to the gentleman.

Mr. MOORE of Pennsylvania. Does the gentleman know of any efforts that are being made now by governmental agencies for the development of American commerce through the canal?

Mr. SLAYDEN. I did not quite catch the gentleman's question.

Mr. MOORE of Pennsylvania. The gentleman has spoken of the canal as a military enterprise and objects to the expenditure for fortifications, and so forth. Does the gentleman know whether the Government is putting forth, or whether Congress has authorized the Government to put forth, any efforts to develop American commerce through the canal?

Mr. SLAYDEN. I know it is true that the Government is putting forth efforts to develop our commerce with Central and South America because I have recently had a talk with some of the officials of the State Department, and, although I may sometimes doubt the wisdom of some of their methods, I concede them perfect sincerity in their position.

Mr. MOORE of Pennsylvania. The State Department, of course, is dealing with the subject generally; but does the gentleman think the United States commercial organizations are being considered in the matter of South American trade, as are the organizations of Germany and Great Britain who are competing in that market?

Mr. SLAYDEN. Are they being considered by our administration?

Mr. MOORE of Pennsylvania. Is there any governmental move to promote commerce?

Mr. SLAYDEN. I think there is; yes.

Mr. MOORE of Pennsylvania. I know of none.

Mr. SLAYDEN. My information comes from some of the officials of the State Department, and I assume that they are loyal to American commerce and anxious to see it developed.

Mr. MOORE of Pennsylvania. The incorporation of a chamber of commerce that might have considered the proposition was attempted recently, but it was not recognized by Congress. I think the gentleman will find that throughout the proceedings of Congress the whole enterprise has been treated as a military enterprise rather than a commercial enterprise, which the country originally intended it to be.

Mr. SLAYDEN. I think the military feature of the canal has been overemphasized. I have believed for some time that the canal would not give us commercial benefits commensurate with the cost. I have changed my views in that respect completely, I will say to the gentleman from Pennsylvania. I believe, as the gentleman from Pennsylvania evidently does, that more attention to trade and less to soldiering would increase our commerce and not imperil our country.

Mr. CULLOP. Mr. Chairman, the gentleman from Texas [Mr. SLAYDEN] is correct when he says that the Panama Canal will not be a self-sustaining institution, or, rather, will be an expensive institution for this country for a number of years. The best authority that we have upon that subject shows that it is true that it will not be self-sustaining, in all probability, for 25 years, and appropriations constantly will have to be made in order to sustain the operations of the canal. This fact no one can successfully deny. But that does not necessarily show that it will not be a benefit to the United States. The results to the people of this country from the building of the Panama Canal will be accomplished under the building up of the trade of the country, its commerce, and its manufacturing, and its other interests. In these lines of industry great results must necessarily follow and redound to our great benefit. It is proposed and very safely predicted, I undertake to say, that very large advantages will flow to this country from the building of the Panama Canal. And doubtless the Government has never entered upon an enterprise in all its history that in the end will prove so advantageous to it as will the construction of this waterway. It will make new markets for our products, and furnish new and cheaper opportunities to purchase what we are compelled to buy from other countries. It will extend our markets for productions and extend our industrial operations, furnish sale for goods, and employ additional labor, building up new enterprises, and expanding the prosperity of our people. In this respect no one can approximate the value of this project to our people.

We should not underestimate its great benefit, not only to our country but to the world. Every country will enjoy its benefit; every people will profit by reason of its construction. It may not earn money for the Public Treasury, but it will swell the prosperity of the whole people and promote the welfare of the entire Nation, and thereby remunerate this Government for the great outlay of treasure expended in its construction.

Now, Mr. Chairman, the question of the fortification of the Panama Canal is one, doubtless, upon which we can expend large sums of money uselessly, and it has been forcefully contended from very able sources, well posted upon this proposition, that we were without authority to fortify the Panama Canal. But that question has been settled by Congress, and from the policy adopted we can not depart. It is now the settled policy. At least, the policy of so doing is one that may have been doubted. It is now and ever has been to the interest of every nation on the face of the earth to keep the Panama Canal open. The dangers that have been apprehended by some on the floor of this House as to the closing of the canal by some hostile nation are without foundation. It is to the great interest of every nation on earth to see that the Panama Canal is kept open, and the large expenditures made for fortifications are made doubtless without any necessity whatever, and more for the sustaining of a jingo policy than one of necessity for the protection of that great institution.

It is, however, necessary to guard well the expenditures made in connection with the proposition of erecting the fortifications. Grave abuses must be prevented, if possible, in connection with the operation of the Panama Canal, and Congress should guard with especial interest this matter every time the question is presented to it.

What nation would dare attack the Panama Canal? What nation would attempt to close it? What nation would oppose the free and unrestricted use of the same? If any nation so attempted, every other country on earth would immediately become its foe, every nation on earth would immediately become arrayed against the nation that would attempt such an act. It would menace the commerce of every country on earth and therefore no nation on earth would undertake such a responsibility or invoke such a displeasure.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Electric light and power plants: For the purchase and installation of electric light and power plants for the seacoast fortifications on the Canal Zone, $173,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the paragraph.

Mr. MONDELL. Let us have the amendment reported so that we will know what it is.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Strike out, page 179, line 5:
"Electric light and power plants: For the purchase and installation of electric light and power plants for the seacoast fortifications on the Canal Zone, $173,000."

Mr. MONDELL. Mr. Chairman, I referred a moment ago to the fact that up until within a very brief period no one at home or abroad had ever dreamed of the fortification of this canal when built.

Its fortification is squarely in the teeth of our treaty obligations. Of course Great Britain does not object, for by so doing we relieve her from responsibility.

What will happen if we fortify? The canal becomes at once the vulnerable point of attack for any enemy that we might have—a veritable heel of Achilles, the point where we may be attacked most readily and where the injury, compared with the risk to the enemy, will be greater than at any other point. The moment the canal is attacked, it is closed, not only to our commerce and ships of war, but also to the commerce of all the world.

A single hostile battleship in the Caribbean and off the Bay of Limon, and the canal is sealed. The chip is on our shoulder. We invite our enemy to strike—not for the purpose of securing the canal; no one wants to own it; but for the purpose of damaging us, for the purpose of closing it, for the purpose of taking it and, in the end, if given back, to exact from us an indemnity equal to its cost.

Col. Goethals told the committee the other day, what other men have said from time to time, that no attack would be made upon the canal until we lost command of the sea, and therefore all these expenditures for fortifications and for soldiers are only in the event that we are beaten in the Caribbean and on the Pacific. And if we are beaten, any power of the first class, having more transports than we, being as near the canal—at least the eastern powers—as we are, having secured control of the sea, can land any number of men on the Canal Zone. These men can be landed far from the fire of any gun we can plant. Upon both sides are harbors readily available; and once landed, there is no difficulty of approaching the canal with an expeditionary force. Col. Goethals says the best he promises is that, with 25,000 men, we might hold the canal as long as the Russians held Port Arthur—no longer, for the enemy in command of the sea can reenforce himself, while we, being deprived of that command, can not land a man or a pound of provisions or ammunition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I rise to oppose the motion of the gentleman from Wyoming [Mr. MONDELL] to strike out the paragraph.

The gentleman from Wyoming a few moments ago said that I scolded Members of the House in the remarks that I made. That may be true; I do not know. It is very difficult to tell how it strikes other people, but I am very certain that I did not scold as many Members of the House as has the gentleman from Wyoming. He then proceeded to deliver a veritable diatribe against the House itself and its action and its attitude and its policy; not only the House, but the House and the Senate; and not only the House and the Senate, but the House, the Senate, and the President—the whole policy of the President.

Being new to the study of the subject of the canal, the gentleman from Wyoming has two or three times reiterated and again stated that no one dreamed of fortifying the canal until three years ago. That is because that is the first time the gentleman from Wyoming had had his attention attracted to the canal at all.

The fact is that the first bill that was introduced into the Congress on the subject of the Government constructing the canal, introduced by Col. Hepburn, chairman of the Committee on Interstate and Foreign Commerce, providing for a canal to be constructed by the Government at Nicaragua, provided in the first bill, almost in the first line, that it should be constructed, fortified, and defended by the United States. But the gentleman from Wyoming had not waked up at that time and did not know that a canal was under consideration, and it was not until the gentleman from Ohio, Gen. Keifer, made his celebrated speech of a few hours long, a few years ago, on the subject of fortifications that the gentleman from Wyoming learned that there was a canal to be constructed or fortified. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Wyoming [Mr. MONDELL].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Searchlights: For the purchase and installation of searchlights for the seacoast fortifications on the Canal Zone, $285,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 179, by striking out lines 8, 9, and 10.

Mr. MONDELL. Mr. Chairman, I fear that in five minutes I shall not be able to answer fully the very logical and convincing argument of the gentleman from Illinois [Mr. MANN] against the propositions for which I am contending, which amount, as I recall them, to the statement that some one several years ago introduced a bill proposing fortifications for the canal. What I said was, and I repeat it, that every President, every statesman, who considered the subject, down until a very few years ago, discussed the matter from the standpoint of neutralization, and never until the matter was taken up three or four years ago, or a short time before that, did anyone seriously consider fortifications. I recall how that bill that the gentleman refers to was received, and that part of it was not seriously considered by anyone with whom I talked.

Mr. MANN. It passed the House, anyhow.

Mr. MONDELL. I want to say to the gentleman that I did study the canal proposition before the time to which he refers.

Mr. MADDEN. Will the gentleman yield?

Mr. MONDELL. I have only five minutes, and I want to continue the discussion.

The CHAIRMAN. The gentleman declines to yield.

Mr. MONDELL. In the last five minutes which I used I referred to the fact that Col. Goethals had said that, do what we might, spend what we may, we can not hold the canal against a strong foreign force, sufficiently strong to take the sea and land forces from transports.

Now, what will happen if we do not fortify? We are pledged not to fortify. It seems to me no honest man can read that treaty without being convinced that it was not intended that we should fortify the canal, and that we relinquished all thought of it, if we ever had any thought of it, when we signed and ratified that treaty.

What if these items are now stricken from the bill and no further steps taken toward fortifying the canal? What would be the condition? We would be under the Hay-Pauncefote treaty, under which Great Britain stands pledged to use all of her forces for the purpose of preventing any act of war within the Canal Zone.

Mr. MANN. No; she does not.

Mr. MONDELL. For the purpose of preventing bombardment, for the purpose of keeping it neutral, free, and open to the ships of all the world; so that as our treaty obligations now stand, the two greatest nations in the world are pledged to the defense of the canal and pledged to keep it open to commerce at all times. All the balance of the world is ready to join us in pledging the dedication of the canal to peace and commerce under our management.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. TOWNER. Mr. Chairman, it occurs to me that it must be evident to any gentleman who will think about the proposition that generalizations are not what this House would like to consider now. It is easy to say that we built the canal exclusively for commercial purposes, but gentlemen should remember that if it had not been for the *Oregon* being on the Pacific coast and that the protection of our eastern seacoast was deemed to be vital to the safety of our country, and if it had not been that the *Oregon* made that memorable 10,000-mile voyage, we would not yet have acquired the Canal Zone and built the Panama Canal.

In the minds of all the people who have thought about it, the protection of the country and the commercial interests of the country have been blended, and I think that is true with regard to the consideration of the question whether the canal should be fortified or not.

It is easy to say, as the gentleman from Wyoming has said in his speech, that no one conceived that this canal should be fortified when its construction was begun. Yet I have no doubt that if, out among the citizenship of the land, you had gone to anyone and said to him, "Why, if we build a canal we will have to fortify it," he would have said, "Yes." It is not the fact

of protection and fortification that now stands in our eyes as an impediment. It is the enormity of it.

I think there can be no possible question that having invested $400,000,000 in that which is now the property of the United States that it is as well entitled to protection as any other part of our coast line or any other property of the United States.

Gentlemen say that we should not go so far; but how far ought we to go? We ought not to leave it entirely unprotected. We must do something in that regard, and how are we going to do otherwise than to take the opinions of men who carefully considered it and do that which is just and best for us in the premises?

Gentlemen might make the same speech and the same objections against fortifications on other of our shores to the east and to the west. Our present land fortifications are manifestly inadequate and will always be inadequate. There will never be a time when an army can not be landed and our possession of the coast lost if our Navy be swept from the sea. The same objections might be made against the fortification of any part of our coast that is made against the fortification of the Canal Zone. Let us view this not only seriously, but also patriotically. Let us act for the real interest and dignity of the Nation, and if it shall cost millions of dollars to protect the canal, we will have to pay millions of dollars. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SHERLEY. Mr. Chairman, I move to close debate and amendments thereto.

The CHAIRMAN. The gentleman from Kentucky moves to close debate on the paragraph and amendments thereto.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming to strike out the paragraph.

The question was taken, and the amendment was lost.

The Clerk read as follows:

Sanitary clearing: For sanitary clearing, filling, and drainage in vicinity of camps, posts, and defensive works on the Canal Zone, as follows:

Margarita Island——

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. The gentleman from Wyoming stated in the course of his remarks that until three years ago no one had ever heard of the question of fortifying the canal. I want to state for the information of the gentleman from Wyoming that the party of which he is an honored member declared in favor of the fortification of this canal in a national convention held in Philadelphia in 1900. On the subcommittee on resolutions, of which the chairman was Charles W. Fairbanks, there were Senator Davis, of Minnesota, and Senator Carter and your humble servant and others. The work of writing the plank on the construction of the canal was put in my hands. I wrote this plank, which was debated. The plank is as follows:

We favor the construction, maintenance, operation, fortification, and protection of an Isthmian canal by the Government of the United States.

[Applause.]

The Republican Party went to the people of the United States on that platform, and it was indorsed, and Mr. McKinley was elected the President of the United States for a second term, and legislation has been enacted in conformity with the pledge of the Republican Party and is now being carried forward to a successful conclusion.

It would be folly to leave the canal without protection. We are beginning to build a canal 5 miles out into each of the oceans, and we are digging a channel beginning 5 miles from the shore 500 feet wide and 42 feet deep, and no ships can enter the canal without first entering this channel. Unless we have the channel protected by guns built on the heights overlooking the channel, any ship of any foreign nation unfriendly to the United States could enter the canal without interruption.

But as it is to-day, with the fortifications we are now constructing, and which will be built in good time, no ship can enter this channel without coming under the guns of these fortifications. It is the right and the duty of the American people to insist upon every precaution being taken that can be given by the construction of fortifications. [Applause.]

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MOORE of Pennsylvania. Was the thought underlying the plank in the platform of 1900 favorable to military or commercial development?

Mr. MADDEN. The thought was that when the canal was constructed it would develop the commerce of the United States and the world. The secondary thought was that when we had expended the money of the American people in the construction of that waterway, when we should have uninterrupted access to the two oceans by the Navy of the United States, we could protect the property interests of the Pacific coast as well as the Atlantic coast.

Mr. MOORE of Pennsylvania. But the development of commerce was the actuating first cause?

Mr. MADDEN. The development of commerce was the first consideration, and the only way in which it was believed commerce could be protected in its development was to protect the waterway connecting these two great oceans. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I move to close debate on the paragraph and all amendments thereto.

The motion was agreed to.

The Clerk read as follows:

For filling swamp in rear defensive works, $180,000.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the last word. I merely wish to call the attention of the House to an international agreement which seems to have been entirely forgotten, but when reminded of that agreement, the Members will better know what they are doing when they are voting millions and millions of dollars for the fortification of the Panama Canal. At the second Hague conference, in 1907, an agreement was entered into by all of the signatory powers—it was a unanimous agreement—that all cities, towns, and unfortified places should be immune from bombardment. In other words, the guns of the enemy should never be directed at a city, village, town, or an unfortified place, and this agreement was signed and sanctioned by all of the nations who were represented at The Hague. If we now proceed to fortify the Panama Canal we are actually inviting the attack of the enemy. If it was unfortified the enemy would respectfully halt in front of that great international agreement, providing they wanted to respect it, and so far there are very few instances in history, in spite of the assertions of some of our war friends to the contrary, where such agreements have not been honorably respected. In other words, we say to the world we will put this canal in such a position that it can not be protected hereafter by the international agreement, and we invite the attack of the world by fortifying it. I wonder whether this House and the Senate of the United States have taken into consideration the existence of that international agreement, and if they have, whether these appropriations are made in defiance of that agreement or whether it is the intention of the American Congress to go on record as willingly violating a solemn compact to which the United States is a party.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on the paragraph and all amendments thereto be now closed.

The motion was agreed to.

The Clerk read as follows:

For clearing and improving permanent post site and drill ground at Miraflores, $30,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I desire to carry a little further an idea suggested by the gentleman from Missouri [Mr. BARTHOLDT]. He called attention to the fact that the canal, if neutralized, would halt at its gate any hostile fleet. Aye, more than that. If any hostile fleet was so forgetful of the international obligations of its Government as to flaunt all the world in the face and attempt to take an unfortified canal, we would retake it unless we were beaten to a condition where we could neither hold nor take. And when we did retake it, under all of the laws of war and with the sanction of all the world, we would visit a judgment upon those who so violated international laws that all the world would ne'er forget. Unfortified, it is not a prize of war if taken. On the contrary, it would place an awful obligation on those who attempt to take it. Fortified, it is a prize of war, only to be returned under the laws of war at the cessation of hostilities on the payment of all that it cost and more. The gentleman from Iowa [Mr. TOWNER] says that we would never have constructed the canal but for the historic voyage of the *Oregon* around the Horn, and we are going to fortify it so that if we ever do have a war we will again have to send our battleships around the Horn. [Applause.] There is no naval or military man on earth whose judgment any man will stand for who will not tell you that the canal is sealed the moment a declaration is made by any great power, and no great power is going to make a war declaration without at least one battleship at one portal of that waterway. Talk about defending it! You are sealing it. You are depriving yourselves and all the world of the use of it, and you are spending the money of the American people like water down there amid the swamps and hills of the Tropics. If the American people could understand what this means, how utterly without sense or judgment it is, how impotent it all comes to be, none of us would vote for a dollar there. We would do the thing our treaty obligates us

to do, namely, plant a few quick-firing guns around the locks, keep a few marines there, and police it against any ordinary marauding force, and, through international agreement or without it—for we have enough treaties—dedicate it forever to the peaceful commerce of all the world.

Mr. SHERLEY. Mr. Chairman, I move to close debate on the paragraph and all amendments thereto.

The motion was agreed to.

The Clerk read as follows:

Armament of fortifications: For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, to cost ultimately not to exceed $2,506,000, $1,000,000: *Provided*, That the Chief of Ordnance is authorized to transfer to and use in the fortifications of the Panama Canal one 16-inch gun and carriage, procured, or to be procured, out of appropriations heretofore made under armament of fortifications for continental United States.

Mr. MONDELL. Mr. Chairman, this item is not for fortifications, but for guns.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MONDELL. I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, pages 179 and 180, by striking out lines 18 to 25, inclusive, on page 179, and lines 1 and 2 on page 180.

Mr. MONDELL. Mr. Chairman, this paragraph carries an appropriation of $1,000,000 and authorizes the expenditure of $2,506,000 for guns, not for fortifications. Even though gentlemen are not willing to vote to dispense with the building of fortifications, there certainly is not any such rush about the building of guns for those fortifications that we need to make this appropriation at this time. Gentlemen may wonder why I am so insistent upon taking the time of the House, which does not seem to agree with me in this matter. It is because I have studied it, have read about everything that has been said on the subject by those who favor and those who oppose fortifications, and taking that all together these facts are to me so patent that he who runs may read: That the canal is safe from all assaults with a small police force and without the expenditure of a single dollar for fortifications or soldiers other than those necessary for such a force; that if fortified it is open to assault and will be assaulted if we have a war, and if assaulted by a great nation that controls the sea will be taken in spite of our fortifications; that neutralization costs not a cent; that fortifications will cost every 15 years, if we carry out the present program, enough to build another canal. We could afford to lose the canal, which we would not if the canal is not fortified, at the end of 50 or 100 years and take it back again, which we could do after preparation against any nation on earth rather than spend so much for fortifications. If we become so weak and pusillanimous that we could not take the canal if anyone should dare attack it, we will never be able to hold it, fortifications or no fortifications. I ask Members who do not believe in rushing headlong into expenditures without at least some thought of what it leads to, to vote to strike out this item.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. Will the gentleman yield for a question before he sits down?

Mr. MONDELL. I have not the time.

Mr. SHERLEY. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be now closed.

The CHAIRMAN. The gentleman from Kentucky moves that all debate on the paragraph and all amendments thereto be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. MONDELL) there were—ayes 22, noes 72.

So the amendment was rejected.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, $575,000.

Mr. McCALL. Mr. Chairman, I move to strike out the last word. The gentleman from Iowa [Mr. TOWNER] has referred to the great cost of this work and the necessity for defending it. That suggests to my mind the cost of fortifications. I understand that the testimony taken before the Committee on Appropriations showed that the War Department estimated that the force to be employed in time of peace for the defense of the canal was 8,300 men. The cost of the employment of this force will amount to about $10,000,000 a year, which would be the interest charge on about $500,000,000 of Government bonds. That is, the annual cost of maintaining that force, which would more than equal, or would about equal, the interest charge on the cost of originally building the canal. But I understand further that Col. Goethals testified that there should be from 20,000 to 25,000 men there, and that as a military proposition he would have those men there all the time, because of the difficulty of getting reenforcements there at the beginning of a war.

Mr. SHERLEY. I have so much respect for the gentleman from Massachusetts that I do not want his statement to be inaccurate touching Col. Goethal's testimony. I do not think a reading of that testimony warrants the statement that he thinks we ought to keep 25,000 men there.

Mr. McCALL. I would ask the gentleman if Col. Goethals did not expressly state that to the committee and if it is not in the printed testimony?

Mr. SHERLEY. I do not think so; and in order that I might not be mistaken I have twice this morning reread his testimony. He stated in his judgment we should have men there necessary for the holding of the canal for any period against a force that had been landed there when we had lost control of the canal.

But in response to a direct question of mine, narrowing it right to the proposition of whether he advocated the keeping of that number of men there, he answered, "No."

Mr. McCALL. Mr. Chairman, I am entirely willing to let the matter rest on the reading of his testimony. The explanation of Col. Goethals, in reply to the gentleman from Kentucky [Mr. SHERLEY], did not clear up his previous statement in any way whatever. He distinctly stated he thought there should be from 20,000 to 25,000 men there, and, in view of the difficulty in getting reenforcements at the beginning of war, when, of course, an enemy would be on hand to attack, he thought they should be kept there. That is the way I read his original statement, and I do not think that original statement was cleared away by his answer to the gentleman from Kentucky [Mr. SHERLEY].

Now, if it should be necessary to keep that number of men there all the time, you can see the annual cost of maintaining the canal would be two or three times over the interest charge on the Government's investment in it. If we fortify the canal, and it is taken away from us in time of war, then it forms an admirable fortified base for our enemy to use and from which to attack us upon either of the two great oceans. And if it is taken away from us in time of war——

Mr. HOBSON. Will the gentleman yield?

Mr. McCALL. I will in a moment.

And if it is taken away from us in time of war, and it has been well fortified by us, then it will be a matter of great difficulty for us to get it back again.

Mr. HOBSON. My question is, simply, that all of this is on the assumption that we lose control of the sea; but if we have control of the sea is it not clear that the canal will be available to us and not available to the enemy and therefore of great advantage?

Mr. McCALL. Of course, if we have control of the sea, then we could defend the canal in precisely the same way as England defends the Suez Canal. She has control of the sea, and she does not defend the Suez Canal with a single gun in any fort.

This canal is being built primarily for commerce, and we are changing it into primarily a war proposition. I believe that, if the canal is neutralized by the governments of all the great nations, in view of the sacrifice of this Nation in making the gift to civilization of this great canal, the nations of the world will make it a highly penal act for any nation to violate its neutrality. The canal will be protected by the agreement of the great nations and by the sense of justice of the world, and it will be far safer than if we make it the spoils of war by converting it into a military proposition by diverting it from the purpose for which it should have been created as a highway for the commerce of all nations, and by lining it with cannon from one end to the other. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I was one of those who opposed the fortification of the Panama Canal. The matter was thrashed out in Congress and settled. The country has proceeded to erect the necessary defensive works in accordance with the determination of Congress. This bill carries the appropriation necessary to continue the work under way. It is futile to waste time now on these items, discussing whether the country has the power to fortify, or whether it was advisable to fortify, or whether an international arrangement could or could not have been made. If the United States is to abandon the policy of fortifying the canal, it must be done differently than it seems to be thought of here. I hope gentlemen will not take further time unnecessarily in academic debate on these items, but will permit those of us who have stayed here late at night

to have this bill finished so that we may turn to other work that is waiting.

I move to close debate on the paragraph and all amendments thereto.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] moves to close debate on the paragraph and all amendments thereto.

The motion was agreed to.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Fire control: For the construction of fire-control stations and the purchase and installation of accessories therefor, $200,000.

Mr. NORRIS. Mr. Chairman, I move to strike out the last word.

I was one of the Members of this House, at the time the question was before it of fortifying the canal, who was opposed to the fortification. I think we made one of the greatest mistakes of the present age when we decided to fortify it. But, Mr. Chairman, that question was thrashed out then, and after a long debate and after full consideration, both in the House and in the Senate, it was decided that we should enter upon the fortification of the canal and of the Panama Zone. Money has already been spent and some fortifications erected. It would be absolutely foolish, it seems to me, and even unpatriotic, though we thought we had made a mistake when a majority had decided it should be fortified, that we should try to prevent the proper and adequate carrying out of that policy now.

I am in favor, Mr. Chairman, of properly fortifying it, of going to almost any limit to properly fortify it, although I would be glad to vote to-day for a reopening of the consideration of the question, to change our policy, and to abandon entirely the fortification of the Panama Zone. After all, I do not know but that in the end it will work out all right, because it is developing now, as those of us who were opposed to the fortification said it would, that it is costing dollars where those who favored it said it would cost cents, and this question of armament, this question of building up great navies for the purpose of destroying property and taking lives, will in the end be settled, I believe, by the commercial interests of the world, realizing that as a matter of taxation alone such a policy will break down the taxpayers and make paupers of all the civilized nations of the world, and eventually they will wake to the fact that even though they may not be moved by considerations of humanity, they will be moved by considerations of dollars and cents to refuse to follow this foolish, this unnecessary expenditure of public money all over the world for the purpose of fortifying, for the purpose of building up useless navies for the destruction of property and the taking of human life.

But as long as we have decided to fortify, as long as we have decided to take any particular port and fortify it, we ought not to do it in any slipshod or half-way manner. The minute we begin to fortify the Panama Canal we invite the attack of any nation that is at war with us, and it would be silly, it seems to me, to build any fortification that is not ample, that is not absolutely the best that modern ingenuity can devise. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I move to close all debate on the paragraph and all amendments thereto.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] moves to close all debate on the paragraph and all amendments thereto. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In all, specifically for fortifications and armament thereof for the Panama Canal, $4,870,000.

Mr. MONDELL rose.

Mr. SHERLEY. Mr. Chairman, all of these items are in accordance with the estimates that have been submitted, and they have been carefully considered.

Mr. Chairman, I now move to close debate on the paragraph and all amendments thereto.

Mr. MONDELL. Mr. Chairman, I hope the gentleman will amend that motion. I think we can get along just as well if we consider these matters.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] moves to close debate on the paragraph and all amendments thereto.

Mr. MONDELL. Mr. Chairman, I move to amend that and close debate in 10 minutes.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] moves to amend the motion by providing that debate on the paragraph and all amendments thereto close in 10 minutes.

Mr. BUCHANAN. Mr. Chairman, there is an amendment of great importance to the labor people of this country that is desired to be offered at this time, and I hope the gentleman from Kentucky will withdraw his motion.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] will have an opportunity to offer his amendment.

Mr. SHERLEY. Mr. Chairman, I do not desire to prevent the offering of an amendment or a reasonable amount of debate on it, but I think the committee has been unusually indulgent in permitting a lot of academic talk to be had here in the consideration of this bill.

Mr. BUCHANAN. Mr. Chairman, I want to offer an amendment in which the labor people of this country are very much interested.

Mr. SHERLEY. Mr. Chairman, in order that the gentleman from Illinois [Mr. BUCHANAN] may offer his amendment and in order that there shall be debate on it, I move that all debate on the paragraph and all amendments thereto be closed in 15 minutes.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] moves that all debate on the paragraph and all amendments thereto close in 15 minutes.

Mr. MONDELL. Mr. Chairman——

Mr. SHERLEY. That motion is not debatable. Let us have the regular order, Mr. Chairman.

The CHAIRMAN. The question is on the motion of the gentleman from Kentucky [Mr. SHERLEY], that all debate on the paragraph and all amendments thereto be closed in 15 minutes.

The motion was agreed to.

Mr. PEPPER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa [Mr. PEPPER].

The Clerk read as follows:

Amend, at the end of line 11, page 180, by adding the following: "*Provided*, That no part of the appropriations herein made shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government who shall make or cause to be made with a stop watch or other time-keeping device a time study of the movements between the starting and completion of any job of any such employee; nor shall any part of the appropriations herein made be available to pay any premium or bonus or cash reward to any such employee in addition to his regular wages, except for suggestions resulting in improvement or economy in the operation of any Government plan."

Mr. FITZGERALD. I reserve a point of order on that amendment.

Mr. PEPPER. Mr. Chairman, this amendment is offered as a result of the work of the Committee on Labor, following an investigation that took place in the first part of the present Congress of the so-called Taylor system of shop management.

There is now on the Calendar of the House a bill which I introduced, reported favorably by the Committee on Labor, which contains provisions similar to those of the amendment just offered.

Mr. FITZGERALD. I withdraw the point of order.

Mr. PEPPER. The question of the merits of this amendment has been thrashed out for nearly a year. The laboring men of this country are interested in the proposition. The Government has undertaken to establish in its manufacturing establishments the so-called scientific shop management. The committee which investigated the subject found that the chief objection to this system consisted in the items referred to in this amendment. We are asking here that the appropriations which are available in the manufacture of guns and various kinds of armament, largely made in the Watertown Arsenal, which has already inaugurated this Taylor system, shall come under the provisions of this bill.

We believe it is nothing more than right that the conditions under which the American laboring man shall work in Government manufacturing establishments shall be conditions that conduce to the best and highest results for American labor, and these provisions of this so-called scientific management—which is, by the way, a misnomer, and scientific only in name—are un-American and tend to humiliate the individual. This system is a stimulating device which seeks to establish a high speed and which is unjust to the American workman from every standpoint. I believe that the amendment is one which should receive the vote of every member of this committee.

Mr. BERGER. I want to suggest to the gentleman from Iowa that the amendment would be better inserted on page 184, after line 20, because if he inserts it now it will only apply to work in Panama, and he wants it to apply to all Government work.

Mr. PEPPER. The reason why it is offered at this time is because in the opinion of gentlemen interested it should prop-

erly apply as a limitation upon a specific appropriation, and this particular appropriation is to be expended largely in the Watertown Arsenal, where that system is now inaugurated. I might say to the gentleman that under the terms of the amendment it applies to the appropriations herein made, which will include all appropriations in the bill.

Mr. BERGER. I suggest to the gentleman that it would be much plainer and less apt to be misconstrued if he would insert his amendment on page 184, after line 20.

Mr. PEPPER. We discussed the matter of offering it at that point, and it was the opinion of those interested that it had better be offered here.

Mr. BERGER. Very well.

Mr. BUCHANAN. Mr. Chairman, I feel certain that no Member of this House will object to this amendment if he understands the results of the so-called Taylor system. In the few minutes that I will have in which to address the House, I desire to call attention to some statements made in a printed pamphlet by Rear Admiral Edwards, United States Navy, who for several years was head of the steam engineering department of the Navy, for three years inspector of machinery at William Cramp & Sons' shipyard and engine-building company, and for the past two years has been general inspector of machinery for naval vessels building on the Atlantic coast. This was inserted in the RECORD by myself under leave on August 5, 1912. I point to it specially for the reason that he gives in it the opinions of the most efficient engineers and manufacturers in the country, pointing out the fetishism of this Taylor system. He quotes here from Mr. Bradlee of the Stone & Webster Co.:

That is the well-known firm of Stone & Webster, of Boston, expert authorities on the engineers and industrial matters.

The form of organization adopted naturally has the same end in view. The number of overseers, supervisors, experts, and specialists in proportion to the number of workmen is materially increased.

Special accounting systems are adopted to show at a glance what proportion of the cost of a piece of work is necessary and what proportion is caused by waste of energy. The information so obtained is used as a guide to prevent waste in the future.

The workman is encouraged to cooperate through the use of a bonus system which aims to give the highest pay to the most efficient worker.

These methods applied to certain cases have produced some very surprising and satisfactory results, but it is by no means a necessary conclusion that they can be universally applied with equal success.

As I have already indicated we are all of us familiar with the general principles underlying the methods of the efficiency engineer; many of us make frequent use of these principles in the conduct of our business.

In other words, he points out as all other engineers do in this matter that it has failed to produce anything new.

Mr. Edwards goes on to state, and I certainly agree with him, that one of the most important things about a manufactory or industrial work is the management of it. Oftentimes the workmen are held responsible for wrong management, and therefore I want to quote what Mr. Edwards says:

An important element of industrial success is efficient, systematic, and complete supervision by the administrative and technical officials of the plant. Where intelligent, considerate, and capable supervision exists the best energies of the employees are aroused. Scientific management tends rather to minimize supervision by substituting a very comprehensive system of planning and routing the work. Experience shows that the most efficient method of keeping track of the work is by personal supervision, and not through a system of cards and records.

VITALITY OF AMERICAN ARTISAN ALREADY STRAINED.

In a pamphlet issued by the London Board of Trade regarding the industrial conditions of the States of New York, New Jersey, and Connecticut for 1910, there is contained the following extract from a report submitted by the British consul general of the port of New York:

"Every worker in America puts more energy in his work than does the European in his own country. Speeding is partly responsible for this, but the reserve of energy is no greater in American than in European stock. American energy is consequently exhausted more rapidly. Between the ages of 40 and 50, when the European workman is at his best, the American frequently breaks down. Physical exhaustion, dyspepsia, or nervous prostration follows, and the man's life as a worker is done. His place is taken by a younger man.

"So long as there is an abundant supply of labor through foreign immigration the vacant places can easily be filled. If the stream stops there will not be so much heard of the superiority of the American workingman, for America would then have to depend upon her own children, whose stock of vitality is not greater than that of their parents, whether American or foreign."

Brighter and more energizing conditions of work are required. The daily-task idea is simply another step to enervating work and exhausted vitality, and it is not surprising that welfare experts believe that a halt should be called in the attempt to increase the work pace.

The minute subdivision of operations and the speeding up of machines constitute two of the basic principles of scientific management. Such practice does not make for the training of high-grade artisans, although it may result in financial benefit to highly skilled or experienced individual employees.

It is not difficult to train common labor and boys to operate some special machines with rapidity and skill. Such training, however, is neither of permanent benefit to the Nation nor the individual, for after the laborer is detailed to such work it will be the exception when he will cheerfully go back to manual labor. Time-study methods may increase for a time the output of the machine, but only at the expense of the development of the man.

The most serious evil connected with automatic work is due to the fact that it makes for mental retrogression of the employee. It is likewise responsible in considerable part for the general socializing process that is going on even in the better class of shops of the country.

In relation to this special feature Dean Herman Schneider, of the University of Cincinnati, gave an address on "An analysis of work" before the Chicago Commercial Club on November 11, 1911. This address contained the results of his investigations of the psychological effect of various kinds of work upon the operator. It was his opinion that when the work became more and more automatic the minds of the artisans became more and more lethargic.

The best kind of citizenship can not be built on 54 hours per week of automatic work, compensated for on a differential basis. The repeated spontaneous and unaccountable strikes of automatic workers bears testimony to the fact that these employees undoubtedly labor under intense strain, and the whole plan of scientific management, at least as regards shop management, is in the direction of increasing both the toil and the strain.

THE RESENTMENT OF SKILLED LABOR TO THE PRINCIPLES OF THE SYSTEM.

In general, organized labor opposes the introduction of the principles of scientific management. In analyzing the cause of this resentment it appears as if the opposition of skilled labor is based upon the following distinct objections:

First. According to Mr. Taylor's own statement, it does not increase wages in proportion to the increased output produced by the employee.

Second. The employees bitterly resent the implication that they do not render either efficient or conscientious service and that "soldiering" is the rule and not the exception when daywork is carried on.

Third. The labor leaders regard the movement as a step to general piecework payment—a system which the average artisan believes to be of some benefit to the highly skilled workman when first introduced, but of eventual detriment to the average mechanic. It appears to be their belief that the compensation for piecework is generally reduced just as soon as the employer finds out the maximum output which can be secured from the high-grade man. It has been asserted by a welfare labor organizer that "the bait of higher earnings for the energetic has too often proven a delusion and snare. Pacemaking, speeding up, and rate cutting are processes with which labor has been long familiar. And, taught by past experience, labor is not unnaturally suspicious now lest scientific management may turn out to be a new method of scientific skinning."

Fourth. The system has a tendency to entail such an intense and close application to work as to be injurious to the permanent health of the employee.

Rightfully, labor thus considers that scientific management is but an attempt to hold it permanently responsible for our business ills and for the general results of inefficient management. The inference may not be founded upon facts, but such appears to be the belief of a very large contingent of both skilled and unskilled labor.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. POWERS. Mr. Chairman, I ask to have the amendment again reported.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

Mr. FITZGERALD. Mr. Chairman, I am not familiar with the conditions which have prompted the offering of the amendment. An investigation was conducted some time ago by a committee of this House, but I do not know whether a bill has ever been reported upon the subject or not. In some instances the desire is frequently exhibited to work men in excess of the speed that should be required of them. But I am unwilling to vote for this amendment without fuller opportunity to obtain information about the conditions.

Mr. MURRAY. Will the gentleman yield?

Mr. FITZGERALD. I have only a few moments.

Mr. MURRAY. I wanted to ask the gentleman whether or not a bill substantially like this amendment has not been reported by a special committee to which he refers, and by the Labor Committee?

Mr. FITZGERALD. I have already stated that I did not know. I can not keep track of all the bills that are reported to the House.

Mr. WILSON of Pennsylvania. I think I can answer the question.

Mr. FITZGERALD. I have only a minute and I decline to yield. This bill carries appropriations under which are manufactured all the guns, the armament, carriages for the seacoast artillery, the operation of the various manufacturing establishments of the Government in the nature of arsenals, and my recollection is that the so-called Taylor system is not in effect at either establishment.

There may be abuses in connection with their operation, but if so, they should have been called to the attention of the House by the parties interested in the matter so that we could have had some opportunity to familiarize ourselves with the conditions. The bill carries a very large appropriation, essential to the conduct and maintenance of the various establishments, and I hope, as this is not a matter that Members are thoroughly conversant with, that the proposed amendment will not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 43, noes 42.

Mr. FITZGERALD. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. PEPPER and Mr. FITZGERALD.

The committee again divided; and the tellers reported that there were 51 ayes and 58 noes.

So the amendment was lost.

The Clerk read as follows:

SEC. 2. That all funds collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the zone postal service, and from court fees and fines, and collected or raised by taxation in whatever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June 30, 1914, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, including any balances unexpended in prior years, after setting aside a miscellaneous and contingent fund of not exceeding $10,000, to the maintenance of the public-school system in the zone; to the construction and maintenance of public improvements within the zone; to the maintenance of the administrative districts; and for the expenses of the subdivisions of the Canal Zone after they are established under section 7 of the Panama Canal act; to the maintenance of Canal Zone charity patients in the hospitals of the Isthmian Canal Commission, and to the maintenance of administrative district prisoners. A detailed and classified statement of all receipts and expenditures without the duplication of items under this paragraph shall be submitted to Congress after the close of the fiscal year 1914.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I do not want to unduly lengthen the debate in regard to the matters I have been discussing. Just one or two more observations and I am through. The gentleman from New York [Mr. FITZGERALD] suggests that it is foolish to discuss this question at this time, because we have settled it. If it was settled at all, it was settled by this House on this very same bill, and here is the place to unsettle it. The gentleman from Nebraska [Mr. NORRIS], generally or frequently logical, has become so illogical that because the House on one occasion declared for fortifications against his better judgment, then and now, he says it would be unpatriotic not to carry on this wasteful expenditure which he has never justified. This is the place to modify this policy. This is the time to do it and we ought to do it.

The gentleman from Kentucky [Mr. SHERLEY], judging by what he said a few moments ago, does not clearly recall what Col. Goethals said. Col. Goethals, in answer to a question by the gentleman from Kentucky [Mr. SHERLEY] as to whether it would be necessary to keep on the Canal Zone at all times the 20,000 or 25,000 men he considers necessary, said:

I am a military man, Mr. SHERLEY. I know the difficulty of reenforcing at the outbreak of war. If I were going into the defense of that canal, I would keep all these men there all the time.

That is what we are looking forward to. Gentlemen have complained because items they are interested in are not in this bill or are greatly reduced, and yet they are contemplating voting to throw away $5,000,000, the presence of which in this bill has rendered it impossible to adequately provide for works needed for the development of our country—to be thrown away in the Isthmus, the beginning of expenditures the end of which no man can see, but which, when all expended, will be utterly valueless when the day of test comes.

Neutralize the canal and all the world freely joins in its protection. Fortify it and any nation at war with you is pledged to take and destroy it. At the proper time I shall offer the motion, if I have the opportunity, to recommit the bill, striking all these items from it.

Mr. SHERLEY. Mr. Chairman, I move to close all debate on the paragraph and all amendments thereto.

The motion was agreed to.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 3. That during the fiscal year 1914 all moneys received by the Isthmian Canal Commission or the governor of the Panama Canal from any services rendered or materials and supplies furnished employees, the Panama Railroad Co., the Canal Zone government, the Panama Government, and other departments of the United States Government, from hotel and hospital supplies and services; from rentals, wharfage, etc.; from labor, materials, and supplies and other services furnished vessels and to those unable to obtain similar labor, materials, supplies, and services elsewhere, shall be credited to the appropriation from which payments for the materials, supplies, labor, or other services were originally made; except that moneys received from the sale of material and equipment purchased and used for construction purposes, and as a reimbursement for the expenditures incurred in constructing waterworks, sewers, and pavements in the cities of Panama and Colon, including interest on such expenditures, excluding payments on account of the expenses for maintenance of such waterworks, sewers, and pavements incurred under agreement with the Panama Government, and otherwise herein disposed of, shall be covered into the Treasury as miscellaneous receipts; and except that after the canal is opened for use and operation the net profits accruing from the operations herein authorized shall annually be covered into the Treasury of the United States, as provided for the profits accruing from the business authorized in section 6 of the Panama Canal act.

Mr. CULLOP. Mr. Chairman, I make the point of order against the paragraph because it is new legislation.

The CHAIRMAN. In what respect?

Mr. CULLOP. The entire paragraph changes the course of administration in regard to the receipts and disbursements of the Panama Canal government.

Mr. FITZGERALD. I think not.

Mr. CULLOP. It is in violation of the present canal act.

Mr. FITZGERALD. I think the gentleman is mistaken. It consolidates the paragraphs and makes provisions in accordance with the terms of the Panama Canal act reported from the gentleman's committee.

Mr. STEVENS of Minnesota. Mr. Chairman, the paragraph certainly makes a change in the credits of the revenues from the Panama Canal. I think they are credited now to the repair and construction fund. This makes an entirely different course of credit, and I think is not within the jurisdiction of this committee.

The CHAIRMAN. Will the gentleman from Minnesota point out the difference between this law and the law to which he refers?

Mr. STEVENS of Minnesota. The note in the Book of Estimates shows the purpose of the paragraph.

Mr. CULLOP. I will read that to the Chair:

NOTE.—The Panama Canal act authorizes the establishment of numerous business enterprises and provides that the moneys expended in the conduct of such enterprises may be reinvested without being covered into the Treasury, and that the net profits only of the business shall be covered into the Treasury annually. Business enterprises other than those specifically mentioned in the Panama Canal act will also have to be carried on by the canal-operating organization. The hotels will continue to be operated, hospital services will have to be rendered, and hospital supplies will necessarily be furnished to some extent. Employees will necessarily obtain a great many supplies and some services from the canal organization; materials and services will also be furnished the Panama Railroad Co., the Canal Zone government (and thus paid for out of local revenues), the Panama Government and other departments of the United States Government.

It is essential that all the various authorized activities should be managed and the receipts disposed of under the same general provisions of law and that the moneys received should be available for continued use without being covered into the Treasury. Moreover, the net profits on the operations of the canal should be covered into the Treasury without exception.

At the present time all funds realized by the commission, except moneys received from employees, which are, by section 8 of the sundry civil appropriation act of March 4, 1907, credited to appropriations, are deposited as "Miscellaneous receipts" and reappropriated for use under classified appropriations for the department of construction and engineering only. Certain items are thus credited to construction appropriations which properly should not be so treated under the general provisions of law providing for the construction of the canal and the estimates of the final cost of the canal. The two important items of this kind are the amounts received from the sale of scrap and equipment used in construction work after it is no longer needed and the amount paid by the Panama Government as a reimbursement for the cost of constructing waterworks, sewers, and pavements in the cities of Panama and Colon. There is a third item which can not be considered as a proper credit to construction appropriations, and that is the net profit received from services rendered and sales made at the present time. However, this item is comparatively small and unimportant and should not cause any change in procedure until the canal is opened for use and operation, as the cost of determining the amount of the profits would probably exceed the profits received.

The specific exclusion of the payments made on account of maintaining the waterworks, sewers, and pavements in the cities of Panama and Colon, which is by agreement imposed upon the commission, from the general provision requiring the covering into the Treasury of the moneys received as a reimbursement for the expenditures incurred in constructing waterworks, sewers, and pavements in those cities is for the purpose of enabling the commission to carry out its agreement without at the same time making the cost of such work a charge against the total cost of canal construction as estimated for and as limited by the authorized bond issue. Under items 7, 8, and 9 specific provisions are submitted authorizing the use of the sums paid by the Government of Panama, either directly or through water rentals, for the maintenance of waterworks, sewers, and pavements in the cities of Panama and Colon for those purposes. Under previous legislation these amounts, as well as the amounts paid for reimbursing the commission for constructing the waterworks, sewers, and pavements, have been made available for use under any appropriation for the department of construction and engineering. It is proposed now that the sums paid for the maintenance charges only shall be used for repairing and maintaining those works in Panama and Colon and that the payments made to reimburse the United States for the cost of construction shall be covered into the Treasury.

There is no logical reason for covering the amounts received from the Panama Railroad Co. or from the Canal Zone government into the Treasury as "Miscellaneous receipts," instead of crediting them to the proper appropriations, as the relations of the two interests are so closely identified with the commission. Moneys received from other departments of the United States Government for services rendered or materials furnished are covered back to the credit of the appropriation from which payments for such materials or services were originally made. The only reason given by the Comptroller of the Treasury for deciding that the moneys received from the Canal Zone government should be covered in as "Miscellaneous receipts" was the practice followed by the commission in its treatment of such funds, covering the early years of the work on the Isthmus.

This section is intended to unify all the provisions relating to the disposition of moneys received during the remainder of the period of construction and after the canal is opened for use and operation. It will place the operations of the canal upon a strictly business basis, in so far as the use of a capital is concerned, and will give the canal the benefit of all moneys appropriated for its use, whereas now moneys expended for supplies which are necessarily furnished the Panama Railroad Co. and the Canal Zone government, etc., though such expenditures are fully authorized, would be entirely lost to canal appropriations, except for the temporary provision contained in each appropria-

tion act. It also provides for the deposit in the Treasury as "Miscellaneous receipts" of all moneys received from all sources which can not be considered as a proper credit to canal construction or to canal operation. (Geo. W. Goethals, chairman.)

The CHAIRMAN. The Chair would like to see the legislation.

Mr. CULLOP. I will call the Chairman's attention to that. I have it here. It is section 6 of the Panama Canal act. This is in direct conflict with the provisions of that act, and is, therefore, new legislation. It changes existing law.

The CHAIRMAN. The Chair will hear from the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, I wish the gentleman would state in what respect this changes the law.

Mr. CULLOP. Mr. Chairman, the change of the law is that monthly or periodically they do not have to cover the receipts into the Government Treasury under the existing law, and by this law they do. It is an entire change of law. The jurisdiction of that subject, under the rules of this House, is with the Interstate and Foreign Commerce Committee and not with the Appropriation Committee.

Mr. STEVENS of Minnesota. Mr. Chairman, perhaps I can make it plain. The law as it stands, as I recollect, provides these revenues shall be credited to the fund of construction and repair. This amendment, down to line 15, on page 182, provides that that law shall be changed and that these receipts shall be covered into the Treasury as miscellaneous receipts. I think that is the purpose of the amendment down to that point as I read the provision.

Mr. SHERLEY. Mr. Chairman, I want to call attention to this fact: It appears from what gentlemen have said that they are confusing the provisions of the law with the provisions in bills heretofore carrying appropriations, and are holding that because this is not the same as those, that therefore this is contrary to law, which does not follow at all. The question before the Chair to determine is whether the provision here is contrary to existing law touching the government of the Canal Zone enacted at the instance of the committee of which these gentlemen are such zealous members.

The CHAIRMAN. The Chair understands the gentleman from Minnesota [Mr. STEVENS] to contend that the change in the law is as to these receipts being covered into the Treasury. He maintains that the canal act of August 24, 1912, provides that they shall not be covered into the Treasury. Is that the point?

Mr. STEVENS of Minnesota. Yes.

The CHAIRMAN. Well, it seems that the gentleman correctly states the law. The canal act provides that moneys received from the conduct of said businesses may be expended and reinvested for such purposes without being covered into the Treasury of the United States, and the paragraph here provides that they shall be covered into the Treasury of the United States as miscellaneous receipts.

Mr. STEVENS of Minnesota. That is it, Mr. Chairman.

The CHAIRMAN. Now, if the gentleman from Kentucky can explain the matter——

Mr. SHERLEY. Mr. Chairman, I was not prepared to say what the canal act stated. I am perfectly willing to accept the Chair's statement as to that, but I did not want the Chair to assume that because this bill differed from the bill of a year ago therefore it was subject to a point of order.

Mr. CULLOP. No; but that conflicts directly with the organic act for the operation of the Panama Canal.

The CHAIRMAN. The Chair will ask the gentleman from Minnesota to what part of the paragraph he directs his point of order?

Mr. STEVENS of Minnesota. I think, Mr. Chairman, the paragraph is divided into two parts: First, down as far as line 15 on page 182, which provides in substance that the revenues now going into the fund of construction and repair shall hereafter go into the Treasury as miscellaneous receipts; and, secondly, that after the canal is opened certain revenues that are not now provided for, that otherwise would go to the fund of construction and repair, by the provision below, line 15 to the end of the paragraph, shall hereafter come under the provision of section 6 of the canal act. Now, that did not come under the provisions of section 6 of the canal act, but came under the particular fund of construction and repair. It changes both of those provisions of the law.

The CHAIRMAN. Does the gentleman make the point of order against the whole paragraph?

Mr. STEVENS of Minnesota. Yes; I understand the gentleman from Indiana did.

Mr. CULLOP. Yes.

The CHAIRMAN. Very well. The Chair will hear the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, I am still unable to ascertain in what respect this provision is not in accordance with the law. It was prepared for the purpose of conforming with the Panama Canal act, making it possible to carry on its operations in accordance with the law.

The CHAIRMAN. The Chair has in his hand the Panama Canal act, and this seems to conform to that act.

Mr. FITZGERALD. It may be; but these gentlemen do not seem to take this fact into consideration. Congress has been making certain receipts available for use on the work of the canal, and to harmonize with what Congress has been doing and the legislation enacted by it this paragraph has been drafted. If they believe it is subject to the point of order and the Chair is convinced of it, it can be taken out. How the canal operations will be continued in the absence of it nobody will ever be able to tell, and I doubt if they can be.

The CHAIRMAN. From what knowledge the Chair has before him the Chair is compelled to sustain the point of order.

The Clerk read as follows:

That until the close of the fiscal year 1914, when any material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal is no longer needed, or is no longer serviceable, it may be sold in such manner as the President may direct, and without advertising in such classes of cases as may be authorized by him.

Mr. CULLOP. Mr. Chairman, I make the point of order against that paragraph, because it is new legislation and in conflict with the legislation now existing under the act of 1912 for the operation of the Panama Canal.

Mr. FITZGERALD. The provision has heretofore been carried. The purpose is to enable the Government of the United States to realize from the sale of equipment no longer necessary in the operation of the canal the best prices possible. If gentlemen do not wish that to be done I can not help it.

Mr. CULLOP. This is new legislation.

Mr. FITZGERALD. Well, it is clearly in the interest of the Government.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 4. That the consolidation of the functions of receiving, disbursing, and accounting for the funds of the Canal Zone Government and the Panama Railroad operations on the Isthmus with the funds appropriated for the Panama Canal is authorized in so far as may be practicable, provided that separate accounts shall be kept of the transactions under each fund.

Mr. CULLOP. Mr. Chairman, I make a point of order against the section just read, because it is new legislation and in conflict with the law now existing.

Mr. FITZGERALD. This is different, Mr. Chairman. This provides for the abolishment of certain offices and is in order under the Holman rule. Two separate accounting organizations exist. The object of this is to put them together and eliminate a large number of employees, who will then be unnecessary. The reading of the provision itself makes that clear.

Mr. ADAMSON. Mr. Chairman, there are two or three troubles in the way of the gentleman's defense by setting up the Holman rule, and one is that the Panama Railroad Co. is not under the jurisdiction of his committee, and never has been. It is a New York corporation, and has been under the jurisdiction of the Committee on Interstate and Foreign Commerce even before the Panama Canal was ever commenced or the zone acquired by the United States Government.

Mr. FITZGERALD. I think not. We acquired the railroad when we acquired the Canal Zone.

Mr. ADAMSON. We did not. The gentleman does not betray that degree of accurate information which he sometimes exhibits in talking about matters. Accuracy ought to be essential.

The CHAIRMAN. The Chair would like to ask the gentleman from New York whether this provision reduces the number of employees on the salary list?

Mr. FITZGERALD. Undoubtedly it will. If it goes into effect, it will eliminate a very large number of Government employees.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 5. That hereafter the head of each executive department and other Government establishment shall, on or before July 1 in every fiscal year, designate from among the officials employed therein one person whose duty it shall be to supervise the classification and compilation of all estimates of appropriations, including supplemental and deficiency estimates to be submitted by such department or establishment. In the performance of their duties persons so designated shall have due regard for the requirements of all laws respecting the preparation of estimates, including the manner and time of their submission through the Treasury Department to Congress; they shall also, as nearly as may be practicable, eliminate from all such estimates unnecessary words and make uniform the language commonly used in expressing purposes or conditions of appropriations.

Mr. LAFFERTY. Mr. Chairman, I move to strike out the last word.

The State of Oregon is as much interested as any State in the Union in the Panama Canal. The object of the building of that canal was to reduce freight rates in the United States. We are not yet certain whether coastwise trade will be permitted to go through the canal free or whether it will be charged toll; but if tolls are charged, they will be proportionate, I presume, to the cost of maintaining the canal.

Every citizen of the United States is interested in having the cost of maintaining the canal as cheap as possible. For that reason I favor the attempts that have been made here to-day to strike out the items for the purpose of fortifying it. It seems to me that a few years ago Congress, in a way, committed itself to a plan of fortification, but the Government can change its course of conduct at any time the same as an individual may change his course of conduct. But for the first time we appropriate to any considerable extent for the purpose of beginning these fortifications. By this bill it is proposed to appropriate $5,000,000 in round numbers for them. It has been stated that in every 15 years these appropriations will amount to as much as the original cost of the canal. It seems to me to be a matter of the highest importance to the people of this country that, unless fortification is absolutely necessary, it be dispensed with. And I hope that the motion to recommit will be seriously considered by the House, and also that the motion to strike out these items will prevail.

The Clerk read as follows:

SEC. 6. That all of the records relating to naturalization or declarations of intention to become citizens of the United States and all certificates of naturalization filed, recorded, or issued prior to an act to validate certain certificates of naturalization approved June 29, 1906, in or from the county court of Davidson County, Tenn., shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this act further validated or legalized.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve a point of order on this paragraph. It is susceptible of explanation, I am sure.

Mr. BYRNS of Tennessee. Mr. Chairman——

Mr. MOORE of Pennsylvania. It is an item that seems properly to come before the Committee on Immigration and Naturalization, and I should like the gentleman to indicate why it is in this bill.

Mr. BYRNS of Tennessee. I want to state to the gentleman, Mr. Chairman, that there are some 500 citizens who were naturalized under proceedings which were instituted in the county court of Davidson County, Tenn. The gentleman will recall that under the act of 1906, the present law, certain prescribed forms are fixed, and the operation of the law is placed entirely under the control of the Federal officials, but prior to that time there were no fixed or prescribed forms, and any court of common law jurisdiction, with a clerk and seal of the court, was considered as having the necessary jurisdiction to issue naturalization papers.

Mr. MOORE of Pennsylvania. About how many certificates of naturalization are involved?

Mr. BYRNS of Tennessee. I think there are less than 500. I can not say accurately. I will say this to the gentleman, that the Bureau of Naturalization recently sent an inspector to Nashville, Tenn., for the purpose of looking into this very matter. Many years ago these citizens secured their naturalization papers in perfect good faith. The Davidson County court assumed jurisdiction, and they have been exercising the rights of citizenship ever since that time, until two or three years ago a case came up in the Federal court and Judge Sanford, the district judge, held that their naturalization papers were invalid, solely because the county court of Davidson County was not vested with proper jurisdiction; it was not a court of general jurisdiction, but a court having statutory jurisdiction of certain classes of cases.

Mr. MOORE of Pennsylvania. This question was raised last year in the matter of the court of Louisville, was it not?

Mr. BYRNS of Tennessee. Yes.

Mr. MOORE of Pennsylvania. You want the legislation as proposed at the present time to validate those certificates?

Mr. BYRNS of Tennessee. Yes; the Secretary of Commerce and Labor says in reply to a letter I wrote to the department that it should be done in order to do justice to these people who have heretofore been exercising the rights of citizenship.

Mr. AUSTIN. They want to get them ready to vote for the gentleman, to return him to Congress. [Laughter.]

Mr. MOORE of Pennsylvania. I have no objection to that.

Mr. BYRNS of Tennessee. Many of them do not now live in that district.

Mr. TILSON. Mr. Chairman, I would like to inquire of the gentleman why should not this come up on the Unanimous-Consent Calendar? No one would object to anything of that kind.

Mr. BYRNS of Tennessee. I will say to the gentleman that this course follows the precedent set last year with reference to the police court at Louisville.

Mr. TILSON. I think this should be done, but I was asking why it should not be done in the regular way.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not insist upon the point of order.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to file a letter that I have received from the department relative to this matter.

The CHAIRMAN. The gentleman from Tennessee [Mr. BYRNS] asks unanimous consent to print a letter in the RECORD. Is there objection?

There was no objection.

The following is the letter referred to:

DEPARTMENT OF COMMERCE AND LABOR,
Washington, January 29, 1913.

DEAR SIR: The department has to acknowledge receipt of your letter of the 27th instant, relative to naturalization papers procured through the county court of Davidson County, Tenn., prior to the passage of the naturalization act of June 29, 1906.

It would appear that the same situation exists with regard to the persons so naturalized as in the cases of those aliens who had been admitted to citizenship by the criminal court of Cook County, Ill., and by the Louisville city court, sometimes called the Louisville police court, Kentucky. In all of the three instances the persons naturalized have been the victims of an error upon the part of the said courts in assuming a jurisdiction which they were not by law authorized to exercise. Recognizing this situation, apparently, the act of June 29, 1906, entitled "An act to validate certain certificates of naturalization," was passed, which validated all certificates theretofore issued by the criminal court of Cook County, Ill., so far as lack of jurisdiction was concerned, but no further. Section 9 of the act of August 24, 1912, validated declarations of intention filed in, and certificates of naturalization issued by, the Louisville city court to the same extent and up to the said date.

The department can see no reason why similar action should not be taken on behalf of those persons who have been admitted to citizenship by the county court of Davidson County, Tenn. In fact, it sees no other means by which injustice to such of the persons so naturalized as were qualified to become citizens may be avoided.

Very truly, yours,

BENJ. S. CABLE,
Acting Secretary.

Hon. JOSEPH W. BYRNS,
Representative in Congress, Washington, D. C.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 7. That libraries heretofore designated by law as depositaries to receive books and other Government publications shall hereafter, during their existence, continue such receipt; and new designations may be made when libraries heretofore chosen shall cease to exist or other designations shall hereafter be authorized by law.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order on the paragraph.

Mr. MANN. Mr. Chairman, does the gentleman from New York [Mr. FITZGERALD] consider it is absolutely essential to fix the present libraries and public depositories without any chance to change them? The method used to be that there was a depository for each congressional district, named by the Member of Congress from that district. I think probably the number of Members of Congress has increased, while the number of depositories has not decreased.

Mr. FITZGERALD. The statement is made that the only value in receiving these Government publications consists in the continuity of the reception of them. If the sets are broken and distributed partly at one time to one library and at another time to another library, it makes the publications of little value at either place.

Mr. MANN. My understanding is, on the contrary, that the majority of the libraries in the United States which are now designated as public depositories decline to receive all the public documents.

Mr. FITZGERALD. I have no information on that.

Mr. MANN. They desire to send them back. It takes only a few years for a library of ordinary capacity to fill up all of its shelves with public documents. Now, of course, in some of the large cities, where they have a great deal of shelf room in their libraries, they are able to take care of these, but the ordinary city library in the ordinary congressional district in the United States probably has not got the capacity in the way of shelf room to take care of the literature, or whatever you would call it, published by the Government for a long series of years.

Mr. KENDALL. Is not that difficulty relieved by the fact that the books on being read and reread are worn out? [Laughter.]

Mr. MANN. I know that the superintendent of documents has been urging this. If the gentleman thinks that it is necessary, I shall not insist upon the point of order. I will withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws his point of order. The Clerk will read.

The Clerk read as follows:

SEC. 8. That all sums appropriated by this act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year 1914, and all laws or parts of laws in conflict with the provisions of this act are repealed.

The CHAIRMAN. The Chair will call the attention of the gentleman from New York [Mr. FITZGERALD] to the fact that a paragraph was passed over last evening, to be returned to before the bill was finished.

Mr. FITZGERALD. Mr. Chairman, I ask that we return to the provision about the Alaska fisheries.

Mr. BURNETT. Mr. Chairman, I move to strike out the last word of the section just read.

The CHAIRMAN. The gentleman from Alabama [Mr. BURNETT] moves to strike out the last word of the paragraph just read.

Mr. RODDENBERY. Mr. Chairman, was a point of order reserved on the paragraph?

The CHAIRMAN. It was not.

Mr. BURNETT. Mr. Chairman, a few days ago the chairman of the Committee on Appropriations [Mr. FITZGERALD], in criticizing the Committee on Public Buildings and Grounds, said, referring to the gentleman from Georgia [Mr. RODDENBERY]:

> The gentleman stated that the committee did not put items in the public buildings bill unless requested so to do by the Member in whose district the building was to be located and upon a personal appearance and appeal for such an item. Yet the committee put an item in the bill affecting a building in my district without my appearance, without my request, and they took it out when I protested against the item.

Now, Mr. Chairman, I want to say that that bill was introduced by the gentleman from Brooklyn, Mr. CALDER. It was brought to the attention of the committee by him, and by several other gentlemen who had visited the location. The committee knew nothing about it not being in his district. When it was brought to the attention of the committee that perhaps it was not, and was not a proper item—that fact being called to our attention by the gentleman from Brooklyn, Mr. WILSON, who came before the committee—we asked the clerk of the committee to request the gentleman from New York [Mr. FITZGERALD] to come before the committee. He said he could not come before the committee, being busy, I suppose, with other matters, possibly with the million-dollar collier proposition that went out on a point of order a while ago, in which the Brooklyn Navy Yard was interested. The gentleman did not come, but he called me to the phone. Before he had done that, however, his colleague, Mr. WILSON of New York, had come before the committee and had brought to the attention of the committee the fact that it was not in Mr. CALDER's district, and the committee had decided to strike it out.

The gentleman from New York [Mr. FITZGERALD] called me to the phone as acting chairman of the committee and stated that he had had no claim that business was congested there, or that they needed the building, and he said that, so far as he was concerned, he did not desire it or ask for it; but, so far as making any protest against it, he stated that if the committee wanted to make the district a present, or words to that effect, they would have to do so. I think the statement of Mr. FITZGERALD put the gentleman from New York [Mr. WILSON] in an unjust attitude, because he was the man who came before us, and I understood from the gentleman from New York [Mr. FITZGERALD] that the latter had had a conversation with Mr. CALDER and knew that the bill was in; but in spite of all that he did not call attention of any member of the committee, so far as I know, to that fact until we had called him up in order to make the inquiry.

Yesterday I called the gentleman's attention to the fact that it was sought to put it into the bill over in the Senate, and I asked him to see the Senators over there and see that it be taken out or kept out if it was so desired. I notice that it is in the bill that has been reported by the Senate committee. I notice that the gentleman's colleague, Senator O'GORMAN, has introduced a proposition for about $3,000,000. Now, I hope the gentleman's insistency will follow all along the line with regard to these particular items. I simply wanted to state this, because I was not here at the time, and I did not want it to go out that the gentleman had been making these protestations to the committee all along in regard to this item.

Mr. FITZGERALD. Mr. Chairman, when the public-building bill was discussed I stated the facts. The clerk of the gentleman's committee called me on the telephone—I did not call the gentleman—and he stated that the item for the post office in Brooklyn was in the bill, and he wanted to know my attitude about it. I arranged to have Mr. BURNETT called to the telephone, and I stated that I knew such a bill had been introduced; that it affected a building located in my district; that there had never been any intimation to me that any such addition was necessary; that I did not know the value of the property; that I did not favor the item; and that I believed it should not go in the bill.

The gentleman stated that he would repeat that statement to the members of his committee, and would request them to take the item out.

I do not claim that I am entitled to all the credit for taking the item out, because I know that three of my colleagues in Brooklyn were opposed to the item.

So far as restoring the item to the bill in the Senate is concerned, I said to the gentleman from Alabama that I had reason to believe that it would be reinserted, and I hoped that he would not agree to it in conference. He said that he hoped I would use my influence to keep it out, because he did not want to jeopardize the bill by insisting that it should go out; that if necessary he would agree to the item in order to obtain the other items in which he was so much interested.

For the other $20,000,000, in addition to that put into the bill by the Senate, I am not responsible; and I now publicly request, in the interest of the public service, that the gentleman and those associated with him as managers on the part of the House do not consent to the item for the additional land for the Brooklyn post office.

If additional room be needed, the very room that they now speak about desiring to acquire by purchase can be had by renting, and when the time comes, if it does come, to provide additional and necessary facilities, it can be done after the matter is thoroughly considered by the eight Representatives from Brooklyn, and after some discussion with the representatives of various commercial and civic bodies who have the interest of the public at heart. Brooklyn has a population of 1,700,000 people. Its postal receipts aggregate $3,000,000 annually, and with three or four of the Representatives from that community objecting to an item to acquire additional land for the purpose of enlarging the present post office, I believe that the chairman of the committee ought not to be so anxious to compel the purchase of this property until some independent investigation can be made by those representing the community as to whether the amount requested is a reasonable sum to be paid for the property to be purchased; and I believe, if the facts are properly canvassed, there will not be any such public sentiment in Brooklyn as will justify anybody in requesting an extension of the present post-office building there, as contemplated by the item of which mention has been made. Now, Mr. Chairman, I ask to return to page 152, where an amendment was offered.

Mr. RODDENBERY. Mr. Chairman, I offer the following amendment to the paragraph, page 184.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 20, strike out all after the word "fourteen."

Mr. RODDENBERY. I want to ask the gentleman from New York if there are any provisions in the bill that need an expressed repealing clause in this act?

Mr. FITZGERALD. I can not recollect, but that is the customary provision in all appropriation bills. Congress frequently appropriates for a less compensation to officers than the statutory compensation, and in order to prevent a claim being presented as a result of the appropriation being to some extent authorized, the provision has been carried in the bill.

Mr. RODDENBERY. What would be the effect if in the provisions of the bill we had permitted the increase of salaries above the amount authorized by statute?

Mr. FITZGERALD. It would have no effect on them.

Mr. RODDENBERY. Are there any such items in the bill?

Mr. FITZGERALD. I think there are, unless the gentleman from Illinois has taken them out.

Mr. RODDENBERY. Why does not this language, "shall be in full for such salaries for the fiscal year 1914," have the effect of preventing any claims? It seems to me the last line has the effect of making the increases in this bill not subject to a point of order subsequently because we have a statutory authorization.

Mr. FITZGERALD. Oh, the gentleman is mistaken. That language is in the current law, but it did not prevent points of order being sustained in this bill.

Mr. RODDENBERY. My question was more in the line of inquiry than fixed conviction.

Mr. FITZGERALD. It is a customary provision in appropriation bills, and a very salutary one to the Treasury.

Mr. RODDENBERY. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The gentleman from New York asks to return to page 152, line 16, where the gentleman from Illinois [Mr. MADDEN] has an amendment pending and the gentleman from New York reserved a point of order. The Clerk will report the amendment.

The Clerk read as follows:

On page 152, in line 16, strike out the words "two agents and caretakers, at $2,000 each," and insert in lieu thereof "agent, fur-seal fisheries, $3,650; assistant agent, fur-seal fisheries, $2,920; two assistant agents, at $2,190 each; naturalist, fur-seal service, $3,000"; in line 18 of the same page strike out the word "two" and insert in lieu thereof the word "three"; in line 24 of the same page strike out "$1,200" and insert in lieu thereof "$1,500"; in line 1 of page 153 strike out "$900" and insert in lieu thereof "$1,200."

Mr. MADDEN. Mr. Chairman, from 1870 to 1910 the right of taking seals on the seal islands was leased. In addition to taking seals, the lessees conducted a store on each island for the purpose of supplying the native population with clothing and provisions.

In 1910 the agents for the seal fisheries—act of April 21, 1910—took over all the duties and responsibilities formerly exercised by the company officers in San Francisco and the company employees stationed on the seal islands. This, of course, was in addition to their regular duties of administering justice, governing the natives, and protecting the islands.

The company's office force in San Francisco purchased and shipped the supplies necessary for the conduct of the business and the subsistence of the natives and others domiciled on the islands. The duties of the company's representatives on the islands were to take sealskins and prepare the same for market—a highly technical work in itself—to purchase and care for fox skins taken by the natives, to make requisition for supplies and equipment, to conduct a store, and keep up the station in an efficient manner for carrying on the business of the islands.

For this work the company force numbered seven and sometimes eight regular employees.

The seal agents number four. To further reduce this number is to invite disaster to the business. These four agents have, since July 1, 1910, performed all the duties formerly exercised by the company agents and themselves. Since that date the Treasury receipts from the sales of seal and fox skins taken and cured by these agents show a net profit of $531,993.71. Under the contract system, as it existed from 1890 to 1910, the Government's profit would have been less than $200,000.

The seal agents are bonded officers, and the only persons on the islands charged with the custody of $150,000 worth of property and $3,000 to $5,000 in cash.

The argument that the services of the agents can be dispensed with because commercial killing has been discontinued is without weight. Food killing is still to go on, and the skins so procured must receive the same attention as those taken for commercial purposes. Besides sealing, the agents perform a multitude of duties essential to the peace and good government of the island communities, in addition to caring for numerous Government interests, which must suffer or fail in case of the removal of half of the present small force.

The native population comprises 300 souls, living on two islands 40 miles apart.

It seems to me that if the proposal of the Committee on Appropriations to reduce this force is enacted into law, the interests of the Government of the United States on the seal islands will be very much retarded and unprotected. There never was a more important duty performed by servants of the Government than the duties devolving upon these men, and to say that we can reduce the force and maintain the efficiency as well as protect the interests of the Government it seems to me has no weight whatever. If there ever was a time when we should continue the entire force, this is the time, for the Government itself is in control of the work of killing the seals. We no longer allow pelagic sealing. We no longer allow outsiders to do the work of seal killing. All the seals killed under the present law are killed by direction of the Secretary of Commerce and Labor, and the men are more needed on the seal islands now than they ever were before, and by their continuance in the service we not only protect the rights of the people who live on the islands, but we protect the seal herd as well, and we increase the revenues of the Government Treasury.

Mr. FITZGERALD. Mr. Chairman, under the treaty which was negotiated all killing of seals is prohibited for five years, except those necessary to furnish fresh meat to the natives on the Pribilof Islands. When the killing was conducted for the purpose of supplying the market with sealskins, a force of four agents was provided. Two of them spent their time in Washington and the other two on the Pribilof Islands, and they alternated every other year. This matter was very thoroughly investigated by a committee of the House, of which the gentleman from Pennsylvania [Mr. ROTHERMEL], now a member of the Committee on Appropriations, was chairman; upon their investigation and upon their recommendation the agents heretofore provided were dropped out, and two agents and caretakers, one for each island, were provided. That is all that is necessary, unless it is desired to keep these men unnecessarily upon the pay rolls of the Government. I hope the amendment will not be agreed to.

Mr. FRENCH. Mr. Chairman, I want to say just a few words on the amendment offered by the gentleman from Illinois [Mr. MADDEN], and I trust his amendment may prevail. The action taken a year ago by Congress in extending the time for several years within which pelagic sealing shall not be continued, was that the herds of seals may be enlarged. The herds must be properly cared for, and in my judgment this can only be done best by having two caretakers upon each of the two islands where the rookeries are located, which are the breeding places of the seals. One of the important duties of these caretakers is to protect the seals from those who would, without authority, people of our and of other countries, go to the islands and by unlawful practices poach upon the herds that are there, make raids upon the rookeries, and take away the seals or skins for the money that they can get for them. The last time that raids were made they were so timed that they were made upon two rookeries upon the island at the same time. I say that it is in the very interest of the law that we enacted a year ago to have at least two agents upon each island, in order that they may properly care for the herds that are there. More than that, we should maintain two agents or caretakers, for at times it is necessary that one be spared for purposes in the interest of the work itself, to go to the United States for provisions or for other reasons, returning then to the islands. We should not make it necessary to leave the islands without a caretaker and with constant danger to the herds.

One of the features of the amendment of the gentleman from Illinois has to do with the number of teachers that shall be on the islands. We have three teachers to-day. Two of them are employed by specific act. The other is employed by the Department of Commerce and Labor under the general authority that that department has. There are two islands. On one of the islands there are something like 50 school children of all grades, and the department feels that two teachers should be there. We have a man and his wife there to-day on the island of St. Paul in the school work. The wife is employed under the general power of the department, because the conditions warrant it, and I submit we ought to provide for the additional teacher in the bill that we are considering at this time.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be closed in five minutes.

The motion was agreed to.

Mr. McGUIRE of Oklahoma. Mr. Chairman, with respect to this amendment I desire to submit a few observations. A great deal of testimony has been submitted before the Committee on Expenditures in the Department of Commerce and Labor within the last two years with respect to this force now employed on these islands, and if this amendment does not prevail and if the law is changed it will probably be done by the committee for the reason that we have ceased killing seals. I would have the Members keep in mind that these employees who are there at this time were not put there because of the killing of seals. That was not the purpose; they are not the parties who were employed for that purpose. They were put there for the protection of the natives, of the animals upon the islands, and for the purpose of protecting the seals, and it is a false assumption to assume that the force ought to be reduced simply because we have discontinued the killing of seals upon the islands. For instance, there is probably not a native upon those islands who is not addicted to the habit of drink. We have found it necessary to protect them from that habit. Some of you gentlemen, perhaps, will remember a great number of years ago—I think in 1879—the natives of an island in Bering Sea were absolutely annihilated by reason of rum being left there by whaling vessels.

Mr. FITZGERALD. If these agents are necessary on the Pribilof Islands, what are they doing here in Washington every winter?

Mr. McGUIRE of Oklahoma. There is only one of them——

Mr. FITZGERALD. There are two of them.

Mr. McGUIRE of Oklahoma. There is only one of them who is in the habit of coming to Washington at certain seasons of the year.

Mr. FITZGERALD. Two of them are here.

Mr. McGUIRE of Oklahoma. I will answer the gentleman's question. Two sometimes come for the purpose of purchasing supplies, and when here are at work in the department, and they are not cut out.

Mr. FITZGERALD. The gentleman is mistaken; we cut them all out and put in the men who are necessary.

Mr. McGUIRE of Oklahoma. These men are employed when here and must be brought in the interest of the service.

Mr. FITZGERALD. They should be up there all the time.

Mr. McGUIRE of Oklahoma. There never has been to exceed two men from the islands in the department; but the point I am trying to emphasize is that these people have been sent there not for the purpose of killing but for the purpose of protecting the people, the seals, and the animals upon the islands.

Mr. KENDALL. How many native people are there on the islands?

Mr. McGUIRE of Oklahoma. About 380 native; and the seals will increase and there should be somebody there to prohibit their killing and their ultimate destruction.

Mr. FITZGERALD. We make provision in this bill for those people.

Mr. KENDALL. They are provided for.

Mr. McGUIRE of Oklahoma. There is not ample provision unless you leave the same number of people there who are there now. The department advises that these people are necessary, and the department is fully advised in respect to that matter and I hope that this amendment will prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 61, noes 83.

So the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to return to page 116 of the bill for the purpose of correcting an item relating to the Platt National Park, and I will send the request to the desk.

Mr. FITZGERALD. I can not consent to returning to that.

The CHAIRMAN. The gentleman from New York objects.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28775, the sundry civil appropriation bill, and had directed him to report the bill with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the Clerk may correct totals and renumber the sections where it is necessary by reason of eliminations.

The SPEAKER. The gentleman from New York asks unanimous consent that the Clerk be authorized to correct totals and change the numbers of the sections where the same may be necessary. Is there objection? [After a pause.] The Chair hears none. Is there a separate vote demanded on any amendment?

Mr. MANN. Mr. Speaker, I ask for a separate vote on the amendment or amendments, I think, coming in on page 124 at the end of line 15, the Hamill and Roddenbery amendments, if they are separate or if they are together, whichever it is. I do not know whether they are reported as two amendments or not.

The SPEAKER. Does anybody else demand a separate vote on any other amendment? If not, the Chair will put the other amendments en gross.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. On what amendment does the gentleman from Illinois [Mr. MANN] demand a separate vote?

Mr. MANN. On the Hamill and Roddenbery amendments.

Mr. MOSS of Indiana. I ask that those two be separated and a vote first be taken on the Roddenbery amendment and then on the Hamill amendment.

Mr. KENDALL. Mr. Speaker, I rise to suggest that the Roddenbery amendment was really an amendment to the amendment proposed by the gentleman from New Jersey [Mr. HAMILL], and they ought to be considered as one.

Mr. HAMILL rose.

The SPEAKER. For what purpose does the gentleman from New Jersey rise?

Mr. HAMILL. To make a suggestion that my amendment was not incorporated with the amendment of the gentleman from Georgia and that it is an independent one.

A MEMBER. Let us dispose of the other amendments first, Mr. Speaker.

Mr. KENDALL. I wish to make a suggestion in order to clarify the situation. I think the Roddenbery amendment will be found to relate to the amendment offered by the gentleman from New Jersey [Mr. HAMILL].

Mr. FITZGERALD. I ask for the regular order.

The SPEAKER. The regular order is, Does any Member desire a separate vote on any other amendment?

Mr. MOSS of Indiana. Mr. Speaker, I would like to ask after my rights. I ask about the Roddenbery amendment.

The SPEAKER. We have not come to that yet.

Mr. MOSS of Indiana. I ask whether they were one amendment or separate?

The SPEAKER. The Chair will have to examine them and see.

Mr. MOSS of Indiana. I ask for a separate vote on the amendment of the gentleman from Georgia [Mr. RODDENBERY].

The SPEAKER. The Chair wants to put the other amendments en gross first, if no separate vote is demanded on other amendments than the ones mentioned. The question is on agreeing to the other amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. Now, the Clerk will report the Hamill amendment first and then report the Roddenbery amendment.

The Clerk read the amendment of the gentleman from New Jersey [Mr. HAMILL], as follows:

After line 15, on page 124, insert the following:

"*Provided, however,* That no part of this money shall be expended in the prosecution of any organization or individual for entering into any combination or agreement having in view the increase of wages, the shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof not in itself unlawful."

Mr. MANN. Now, a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. The Hamill amendment, which has just been reported, was inserted at the end of a line in the bill. After that amendment was agreed to, it being a limitation upon an appropriation item, the gentleman from Georgia [Mr. RODDENBERY] offered his amendment to come in, I take it, at the end of the Hamill amendment, both being limitations upon the same item in the appropriation bill. Are they to be treated as one amendment in the House or as two amendments?

The SPEAKER. The Chair thinks that they should be treated as two amendments. Here is what happened.

Mr. MANN. Everybody here knows what happened. I wanted to get it before the House.

The SPEAKER. They will be treated as two amendments. What inquiry does the gentleman from Indiana [Mr. Moss] wish to make?

Mr. MOSS of Indiana. I was asking to have them separated.

The SPEAKER. They will be separated, and the vote on the amendment of the gentleman from New Jersey [Mr. HAMILL] will be taken first.

Mr. CANNON. I hope that it will be again reported.

The SPEAKER. Without objection, the Clerk will again report the amendment.

The amendment was again read.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. I ask for a division.

Mr. HAMILL. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from New Jersey [Mr. HAMILL] demands the yeas and nays. Those in favor will rise and stand until they are counted. [After counting.] Thirty gentlemen have risen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] One hundred and thirty-four gentlemen have risen in the negative, and 30 is not a sufficient number.

Mr. HAMILL. Mr. Speaker, I ask for tellers on that vote.

The SPEAKER. The gentleman from New Jersey demands tellers.

Mr. FITZGERALD. Tellers on what?

The SPEAKER. Tellers on the yeas and nays on this amendment.

Mr. FITZGERALD. Then I make the point of order, Mr. Speaker, that the gentleman is not entitled to tellers under the demand for the yeas and nays. It is discretionary with the Chair, and it is never granted unless the vote is so close that the Chair, for his own guidance, may grant it.

The SPEAKER. The Chair thinks the gentleman's point of order is well taken.

Mr. MURRAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURRAY. Has the Chair declared the vote on the Hamill amendment?

The SPEAKER. Not yet; but he will declare it.

Mr. MANN. Mr. Speaker, I ask for a division on the Hamill amendment.

The House divided; and there were—ayes 107, noes 67.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the Roddenbery amendment.

The Clerk read as follows:

Add, at the end of the Hamill amendment the following:

"*Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products or associations of farmers who cooperate or organize in an effort to obtain and maintain a fair and reasonable price for their products."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 109, noes 73.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. RODDENBERY. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] offers a motion to recommit with instructions.

Mr. MONDELL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The Chair will endeavor to find out which gentleman is entitled to make the motion. Is the gentleman from Georgia [Mr. RODDENBERY] opposed to this bill?

Mr. RODDENBERY. I am opposed to the bill.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is not the gentleman from Wyoming [Mr. MONDELL], a member of the Committee on Appropriations, entitled to prior recognition under a former ruling made by the Speaker?

The SPEAKER. The Chair thinks he will stand by the rulings he makes himself. [Laughter.] Is the gentleman from Wyoming [Mr. MONDELL] opposed to this bill?

Mr. MONDELL. I am opposed to the portion of the bill that I propose to have stricken out.

The SPEAKER. That will not do. Is the gentleman from Georgia opposed to the bill?

Mr. RODDENBERY. I am opposed to the bill, and I move the previous question on the motion to recommit.

Mr. FITZGERALD. Let the gentleman's motion be reported.

The SPEAKER. The Clerk will report the motion.

Mr. RODDENBERY. And I move the previous question.

Mr. FITZGERALD. The gentleman is not recognized for that purpose.

The Clerk read as follows:

Mr. RODDENBERY moves to recommit the bill H. R. 28775 to the Committee on Appropriations with instructions to report the same back forthwith amended as follows:

"Strike out each and every sum of money therein appropriated, including totals, and substitute therefor 90 per cent of each and every such sum of money therein appropriated, including totals, so that each and every such sum and all totals in the bill as reported from the committee shall be reduced 10 per cent."

Mr. MANN. Mr. Speaker, I make the point of order that that is not in order.

The SPEAKER. The Chair overrules the point of order.

Mr. MANN. Well, Mr. Speaker——

Mr. RODDENBERY. Mr. Speaker, I move the previous question.

Mr. MANN. The gentleman offers as an amendment a motion which as a fact is not possible of execution. It is impossible for the Committee on Appropriations to report that bill back at once, reducing each item 10 per cent, and if the gentleman had offered the amendment on the floor of the House to reduce each item to 90 per cent it would not have been in order.

The SPEAKER. The Chair will inquire of the gentleman why it would not be in order?

Mr. MANN. Because the gentleman must reduce his amendment to writing, showing what it really is.

Mr. UNDERWOOD. Mr. Speaker, I rise to oppose the proposition made by the gentleman from Illinois [Mr. MANN]. I think clearly the motion of the gentleman from Georgia [Mr. RODDENBERY] to recommit is in order with instructions, because the instructions are entirely intelligible to the committee. But it seems to me, Mr. Speaker, what the gentleman from Illinois complains of is the unintelligent way in which it is proposed to reduce the appropriations, and not the question of the point of order.

Mr. RODDENBERY. Will the gentleman from Alabama yield to me——

The SPEAKER. The Chair does not care to hear the gentleman from Georgia——

Mr. FITZGERALD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. If this motion is carried, will it reduce by 10 per cent the appropriation for public buildings contained in this bill?

The SPEAKER. Of course it would reduce everything. The Chair would like to answer the gentleman from Illinois [Mr. MANN].

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. Would it reduce the appropriation for battleships?

The SPEAKER. It would reduce everything in the bill and nothing that is not in it. It is purely a question of arithmetic; and as far as the committee not being able to report it forthwith, that is to be construed by the ordinary rules of common sense.

Mr. FITZGERALD. Mr. Speaker, under the rule "to report forthwith" means at once, and it is a physical impossibility for anyone to obey the direction contained in that motion.

Mr. RODDENBERY. Mr. Speaker, I have here the bill——

The SPEAKER. The gentleman from Georgia has moved the previous question on his motion. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to this motion to recommit.

The question being taken, the Speaker announced that the "noes" appeared to have it.

Mr. SHERLEY. I should like a division.

The House divided; and there were—ayes 10, noes 153.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. MANN. On that I ask for a division.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 171, noes 7.

Mr. RODDENBERY. Mr. Speaker, I make the point of order that no quorum is present.

Mr. GARDNER of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. The gentleman from Georgia stated that he was opposed to this bill when the gentleman from Wyoming [Mr. MONDELL] demanded recognition. Has the gentleman from Wyoming [Mr. MONDELL] no rights, in view of the fact that on the test vote the gentleman from Georgia did not vote against the bill?

Mr. RODDENBERY. The gentleman from Georgia voted against the bill and now makes the point of no quorum present.

The SPEAKER. The gentleman is out of order. The Chair takes the gentleman's word on that.

Mr. RODDENBERY. And it is good, Mr. Speaker. [Laughter.]

The SPEAKER. The gentleman from Georgia makes the point of order that no quorum is present. The Chair will count.

Pending the count,

Mr. RODDENBERY. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman withdraws the point, and the bill is passed.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

ADULTERATED FOOD, ETC.

The SPEAKER laid before the House the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, with a Senate amendment.

The Senate amendment was read.

Mr. ADAMSON. Mr. Speaker, I move to disagree to the Senate amendment and ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. ADAMSON, Mr. COVINGTON, and Mr. STEVENS of Minnesota.

WILLIAM C. GORGAS AND OTHERS.

The SPEAKER laid before the House the joint resolution (H. J. Res. 365) to permit Col. William C. Gorgas and certain other officers of the Medical Corps and certain officers of the

Engineer Corps of the Army to accept service under the Republic of Ecuador, with a Senate amendment thereto.

The Senate amendment was read.

Mr. HAY. Mr. Speaker, I move to disagree to the Senate amendment and ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. SLAYDEN, Mr. DENT, and Mr. PRINCE.

NOBLES OF THE MYSTIC SHRINE.

The SPEAKER laid before the House the joint resolution (S. J. Res. 143) authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine, to be held at Dallas, Tex., in May, 1913, with a House amendment thereto disagreed to by the Senate.

Mr. HAY. I move to insist on the disagreement of the House to the Senate amendment, and ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. SLAYDEN, Mr. WATKINS, and Mr. KAHN.

PENSIONS.

The SPEAKER laid before the House the bill (S. 8314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with a House amendment.

Mr. RUSSELL. Mr. Speaker, I move to insist on the House amendment and agree to a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. RUSSELL, Mr. ADAIR, and Mr. FULLER.

The SPEAKER also laid before the House the bill (S. 8274) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with a House amendment.

Mr. RUSSELL. Mr. Speaker, I move that the House insist on its amendment and agree to the conference asked for.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. RUSSELL, Mr. ADAIR, and Mr. FULLER.

The SPEAKER also laid before the House the bill (S. 8178) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with a House amendment.

Mr. RUSSELL. Mr. Speaker, I move that the House insist on its amendment and agree to a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. RUSSELL, Mr. ADAIR, and Mr. FULLER.

PROOF OF SIGNATURES AND HANDWRITING.

Mr. CLAYTON. Mr. Speaker, I ask to take from the Speaker's table for present consideration the bill H. R. 20102, and move to concur in the Senate amendments.

The SPEAKER laid before the House the bill (H. R. 20102) relating to proof of signatures in handwriting, with Senate amendments.

The Senate amendments were read.

Mr. CLAYTON. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 26279. An act granting the Fifth-Third National Bank, of Cincinnati, Ohio, the right to use original charter No. 20; and

H. R. 26648. An act for the relief of David Crowther.

R. W. POWER.

Mr. PROUTY. Mr. Speaker, I rise to make a privileged report from the subcommittee appointed under House resolution 756, for the investigation of the affairs of the Commercial Fire Insurance Co., the First National Fire Insurance Co., et al., said resolution having been passed by this House on the 16th day of December, 1912. (H. Rept. 1561.)

This report shows that R. W. Power was called as a witness, duly sworn, and refused to testify to matters that the committee deems pertinent to the inquiry. A full and complete copy of the record is set out in this report. I therefore move that the Speaker of the House be instructed to certify this matter to the district attorney for the District of Columbia, pursuant to sections 102, 103, and 104 of the Revised Statutes of the United States, for action thereon by the district attorney as by statute provided, and I ask that this report and the indorsement of the Speaker be printed.

Mr. CLAYTON. I notice that the gentleman from Iowa designates the officer as the attorney for the District of Columbia. I think he is designated "United States district attorney for the District of Columbia." I would ask the gentleman to look into it, if he is not sure, and ascertain the proper designation of the officer.

Mr. MANN. The appropriation for the office is carried as "United States district attorney."

Mr. CLAYTON. I think he is only known to the law as United States district attorney for the District of Columbia and not as attorney for the District of Columbia.

Mr. MANN. His designation is "United States district attorney for District of Columbia."

The SPEAKER. What is the suggestion of the gentleman from Alabama?

Mr. CLAYTON. That the language of the report should confirm the official designation of this officer.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the motion made by the gentleman from Iowa be amended so as to change the designation of the prosecuting officer of the District of Columbia to conform with the law. Is there objection?

There was no objection.

The motion of Mr. PROUTY was agreed to.

CONSOLIDATION OF CUSTOMHOUSES.

Mr. GARDNER of Massachusetts. Mr. Speaker, I move to discharge the Committee on Ways and Means from further consideration of House resolution 837, and to pass the same.

The SPEAKER. The gentleman from Massachusetts moves to discharge the Committee on Ways and Means from further consideration of House resolution 837 and pass the same. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 837.

Resolved, That the Secretary of the Treasury is directed to inform the House of Representatives whether a plan has been prepared for consolidating the customhouses of the United States, and if so, what ports are affected, and whether a plan has been prepared to discontinue needless offices and employments as may be necessary to make such organizations effective and within the limit of cost of $10,150,000 as authorized in the act making appropriations for sundry civil expenses for the fiscal year ending June 30, 1913.

Mr. UNDERWOOD. Mr. Speaker, I reserve the point of order for a moment. I think this resolution calls for an opinion and not for a statement of facts, and therefore is not in order as a privileged resolution, but I am willing that the House shall vote upon it.

Mr. FITZGERALD. Mr. Speaker, if it is not privileged I shall make the point of order, because the law did not place this duty upon the Secretary of the Treasury, but upon the President of the United States, and it would be somewhat incompatible for the House to ask the Secretary of the Treasury whether a plan has been prepared which under the law must be put into force by the President.

Mr. GARDNER of Massachusetts. Mr. Speaker, no point of order, in my opinion, lies against the privilege of this resolution. The rules clearly make it privileged seven days after its introduction. It is nothing more than a resolution of inquiry addressed to the head of a department. As a matter of fact, the first part asks whether a plan has been prepared for the consolidation of customhouses, and the second part asks whether a plan has been prepared to carry out the provisions of the last sundry civil bill relative to certain proposed economies. The first part of the resolution can be answered by saying "Yes; such and such ports are affected," and the second part can be answered by the word "yes" or the word "no." There is no request in the resolution for the opinion of anyone.

Mr. OLMSTED. How about the third part of the resolution?

Mr. FITZGERALD. I would suggest, Mr. Speaker, that the House has already that information.

Mr. GARDNER of Massachusetts. Mr. Speaker, is the gentleman discussing the point of order?

Mr. FITZGERALD. Mr. Speaker, I am not discussing the point of order, but I am stating as a fact that the Assistant Secretary of the Treasury testified before one of the committees of this House that such a plan had been prepared and was under consideration, and it seems futile to pass this resolution.

Mr. GARDNER of Massachusetts. If the gentleman is going to discuss the merits of the proposition I submit that I also ought to have an opportunity to discuss its merits.

The SPEAKER. Neither gentlemen will discuss it until the point of order is decided.

Mr. OLMSTED. Mr. Speaker, as I heard the resolution read I thought there was in it a provision asking the Secretary of the Treasury whether the plan as proposed would bring it within the expense of $10,150,000, the amount appropriated in the bill we have just passed. That would call for an opinion.

Mr. GARDNER of Massachusetts. Mr. Speaker, the sundry civil appropriation bill last year directed that a plan be prepared to discontinue needless offices and bring the limit of cost under $10,150,000. This resolution asks whether such a plan has been prepared in accordance with the statute.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. GARDNER of Massachusetts. Yes.

Mr. GARRETT. Does not the use of the word "needless" necessarily involve an opinion?

Mr. OLMSTED. I was about to suggest that.

The SPEAKER. The Chair will read the resolution so that everyone may understand what it is:

Resolved, That the Secretary of the Treasury is directed—

To do what?—

to inform the House of Representatives whether a plan has been prepared for consolidating the customhouses of the United States.

That is proposition No. 1, and it can be answered yes or no. Second:

And if so, what ports are affected—

That can be answered specifically—

and whether a plan has been prepared to discontinue needless offices and employments as may be necessary to make such organization effective and within the limit of cost of $10,150,000, as authorized in the act making appropriations for sundry civil expenses for the fiscal year ending June 30, 1913.

Mr. GARRETT. Mr. Speaker, the use of the word "needless" there would seem to me to call for an opinion, would it not?

The SPEAKER. The Chair thinks that the Secretary would have to give an opinion as to whether this brings it within that limit of $10,150,000, and that makes it obnoxious to the rule.

Mr. GARDNER of Massachusetts. Then, Mr. Speaker, I call up House resolution 829, which I offered two days before.

Mr. FITZGERALD. Mr. Speaker, has the Chair sustained the point of order?

The SPEAKER. The Chair has sustained the point of order.

Mr. FITZGERALD. Then I demand the regular order.

Mr. GARDNER of Massachusetts. This is the presentation of a privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 829.

Resolved, That the Secretary of the Treasury is directed to inform the House of Representatives whether a plan has been prepared for consolidating the customhouses of the United States; and if so, what ports are affected.

Mr. FITZGERALD. Mr. Speaker, I make the point of order the gentleman can only introduce that through the basket.

Mr. GARDNER of Massachusetts. It has been introduced more than seven days and the committee never reported it.

Mr. MANN. The gentleman moves to discharge the Committee on Ways and Means.

Mr. GARDNER of Massachusetts. Of course.

Mr. FITZGERALD. What is the gentleman's motion?

The SPEAKER. The motion of the gentleman is to discharge the Committee on Ways and Means from the further consideration of the resolution just read, and to pass it.

Mr. GARDNER of Massachusetts. And that the same be now considered.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. UNDERWOOD) there were—ayes 79, noes 87.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask for the yeas and nays, and pending that I ask that these proceedings be rescinded, and the gentleman from Alabama [Mr. UNDERWOOD] have 10 minutes to debate this question—the question of discharging the committee—and that I have 10 minutes, which was the understanding that I thought I had with the gentleman from Alabama.

The SPEAKER. The gentleman from Massachusetts demands the yeas and nays, and pending that——

Mr. UNDERWOOD. Mr. Speaker, I will state to the House that I stated to the gentleman from Massachusetts that if he asked for 10 minutes' debate on this question I would not object, but the gentleman failed to ask for 10 minutes.

Mr. GARDNER of Massachusetts. I did not understand; we were discussing the point of order.

The SPEAKER. The gentleman is asking it now.

Mr. UNDERWOOD. If the gentleman will abide by the decision of a rising vote, I would rather yield the 10 minutes to that side for debate than to have a roll call; if we can have an understanding, we will settle the question without a roll call.

Mr. GARDNER of Massachusetts. That is satisfactory to me.

Mr. MANN. Mr. Speaker, I move to reconsider the vote by which——

The SPEAKER. Without objection—it will save time—the whole proceedings be vacated, and the gentleman from Massachusetts asks that he shall have 10 minutes and the gentleman from Alabama 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. It is understood the gentleman will not ask for a roll call.

Mr. GARDNER of Massachusetts. I shall not request any or vote for any.

Mr. UNDERWOOD. Very well.

Mr. GARDNER of Massachusetts. Mr. Speaker, this is part of an old, old question, the old, old attempt to legislate historic customhouses out of existence. In one form or another this proposition has come up in this House again and again. Usually the attempt has been frustrated by points of order. Twice it has been beaten on a square vote. The older Members on both sides of the House will remember that the last time the proposition came to a square vote was when the motion was made by the gentleman from New York [Mr. PAYNE] to go into the Committee of the Whole House on the state of the Union to consider the bill for customhouse consolidation. That motion was handsomely voted down, and a long wrangle ensued. Now, Mr. Speaker, here is what was done last year: In the sundry civil bill a provision was inserted directing the President to prepare a plan which would necessitate the abolition of many an historic customhouse on the Atlantic coast and elsewhere. Was any attention paid to the resolution in the House? Mr. Speaker, I do not want to do the chairman of the Committee on Appropriations [Mr. FITZGERALD] any injustice, but I have looked through his remarks on the sundry civil bill last year and I can not find that he said a word about this provision which was included in it.

I have looked at his report on the sundry civil bill last year and I can not find that he said a word about this consolidation of the customhouses which we empowered the President to make. I have been through the debate, hurriedly, I admit, but accurately, I believe, and I find only one little allusion to the matter, one single statement from the gentleman from Illinois [Mr. CANNON] to the effect that a provision is coming in the next paragraph of the bill looking to retrenchment in the matter of customhouses. That provision of which I speak went through Congress and nobody knew anything about it except the people who devised it. Mr. Speaker, every time hitherto that the attention of the House has been called to this consolidation plan, it has been defeated. Now I am told that the Treasury Department has elaborated a plan to reorganize the customs service. If I am correctly informed, every customhouse in the State of Massachusetts is merged into the port of Boston. I have no doubt that the same fate hangs over the customhouses in many other States whose Representatives in Congress are entirely unconscious of the danger.

They have not heard of this proposal. There has been, in my opinion, a deliberate policy to keep in ignorance those Members of Congress who might make trouble. Not one of you, outside the members of the two Finance Committees, knows the plan of the Treasury, for hitherto that department has refused to make it public. Men have endeavored to see that plan but have not been permitted to do so.

Members of Congress know nothing about it. Gentlemen from North Carolina know nothing of it. Yet their customhouses are affected. Gentlemen from South Carolina know nothing of it; yet they too are affected. In fact many a Member of this House from the Atlantic coast, from the Pacific coast, and from the Canadian border has been kept in blissful ignorance of the plan to abolish the customhouse in his district.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] is recognized for 10 minutes, and the gentleman from Massachusetts [Mr. GARDNER] reserves the balance of his time.

Mr. UNDERWOOD. Mr. Speaker, for nearly 10 years the Treasury Department has recommended the abolishment of certain ports and subports in the United States where one or two or three or four or five dollars of revenue was collected and where the expenses of maintaining those ports ran up to $1,000 or $2,000 a year. In other words, they were a special privilege for somebody in that district, and the Government of the United States got nothing out of them. They have also recommended the abolishment of certain useless offices. Everybody knows that it costs the Government of the United States more to collect its revenue at the customhouses than any other government in the world, by reason of these facts. Now, the Appropriations Committee carried in the sundry civil bill last year a provision authorizing the President of the United States to thoroughly investigate this question and then, by a proper measure, to abolish useless customhouses where the amount of the receipts did not anywhere near equal the amount of disbursements, and to abolish customhouses that were doing nothing and were a charge on the country.

Mr. PAYNE. May I interrupt the gentleman by just a word?

Mr. UNDERWOOD. Yes.

Mr. PAYNE. Some of these customhouses cost $600 to $800 for services, and the amount collected is only a dollar or two of revenue.

Mr. UNDERWOOD. Now, Mr. Speaker, this question was considered by the House. Some may not have known it became a law, but it was because they were not on the floor when the bill was passed. It is absolutely in the interest of economy. I do not know what ports the President is going to abolish or what offices he is going to abolish, but he has got to abolish them in the interest of economy and of the public service; and if you are not satisfied after he has abolished them you can introduce a bill to reinstate them.

But if you were to pass this resolution it would not do any good. You can not stop the President. Within two weeks he is going out of office, and before that time he is going to issue this proclamation. I say it is simply absurd for this House to pass a resolution to ask the Secretary of the Treasury to tell you what the President of the United States is going to do about this matter.

Now I yield two minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, the gentleman from Massachusetts [Mr. GARDNER] spoke of having looked through the remarks of various Members of the House and found nothing about the item in the sundry civil appropriation bill. In the report made to the House on the 3d of June and accompanying the bill every item of a legislative character was set forth. On page 9 of that report is the following:

LIMITATIONS.

Limitations with respect to expenditures or legislative provisions within clause 2 of Rule XXI of the House, not heretofore enacted, are recommended as follows.

That calls attention to the fact that these provisions came under the rule of the House prohibiting legislation on appropriation bills. On page 11 the report states:

On page 44—

And then, set forth in italics, is the provision which was incorporated in the bill and under which the President is authorized to act. It has been the unvarying rule of the Committee on Appropriations, in its reports accompanying the appropriation bills, to set forth in italics the legislative provisions contained in the bill. They occupy only five or six pages of the report, and it is done so that every Member of the House may easily ascertain what, if any, legislation is proposed, so that they may inform themselves without the difficulty of going through the entire bill.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. GARDNER of Massachusetts. In all these pages of italics I can not find where the matter is referred to.

Mr. FITZGERALD. I will read:

On page 44:

"Section 3687 of the Revised Statutes of the United States is repealed, to take effect from and after June 30, 1913.

"The President is authorized to reorganize the customs service and cause estimates to be submitted therefor on account of the fiscal year 1914 bringing the total cost of said service for said fiscal year within a sum not exceeding $10,150,000 instead of $10,500,000, the amount authorized to be expended therefor on account of the current fiscal year 1913; in making such reorganization and reduction in expenses he is authorized to abolish or consolidate collection districts, ports, and subports of entry and delivery, to discontinue needless offices and employments, to reduce excessive rates of compensation below amounts fixed by law or Executive order, and to do all such other and further things that in his judgment may be necessary to make such organization effective and within the limit of cost herein fixed; such reorganization shall be communicated to Congress at its next regular session and shall constitute for the fiscal year 1914 and until otherwise provided by Congress the permanent organization of the customs service."

Mr. GARDNER of Massachusetts. It is the text of the bill you were reading—six or seven pages of it.

Mr. FITZGERALD. All that the committee can reasonably be expected to do is to set out legislative provisions in its report and call attention to them. It should not be necessary to send special messengers, with these provisions marked, to Members whose time is otherwise so much occupied that they can not see them.

Mr. GARDNER of Massachusetts. Mr. Speaker, does the gentleman yield for a question?

Mr. FITZGERALD. Just one moment. This bill was reported on the 3d day of June, and it passed the House on the 21st day of June. It was stated in the report exactly what was proposed. It is too late now for the gentleman to claim, or try to intimate, that information was withheld from the Members or that anything was done in a manner that did not permit them to obtain, or that prohibited them from obtaining, the information that should be available.

That is all I desire to say. I was somewhat surprised at the time because the matter was not discussed, but there was no obligation on my part to invite opposition or provoke discussion.

Mr. GARDNER of Massachusetts. Did the gentleman call attention to it on the floor of the House? Did he call attention to this change in his speech?

Mr. FITZGERALD. I do not recall. I think the gentleman from Illinois, in his opening remarks on the bill, called attention to it.

Mr. GARDNER of Massachusetts. He did not make any remarks.

Mr. FITZGERALD. But it was useless so far as the gentleman from Massachusetts was concerned, because he was not present, and even if I had called attention to it it would not have been of any benefit to him.

Mr. GARDNER of Massachusetts. The RECORD shows that I was present on that day.

Mr. FITZGERALD. Then the gentleman was not as alert and as attentive as he usually is. [Cries of "Vote!" "Vote!"]

Mr. HILL. Mr. Speaker, in the absence of the gentleman from Indiana [Mr. COX], chairman of the Committee on Expenditures in the Treasury Department, I want to say to the Members of the House that this whole subject was thoroughly gone into in 1911 by that committee and a unanimous report was made, and concurred in by both Republicans and Democrats, in favor of a change from present methods. That report was published, and the hearings were published and sent out, if I am not mistaken, to all the Members of Congress, and the matter was pending for several months before action was taken by the Committee on Appropriations.

In my judgment their action ought to be ratified now. I know of no more extravagant proposition in the United States than paying a man hundreds of dollars for collecting $1. There are many other cases of a similar kind, although not as extreme as that. The committee, after full consideration, after taking full testimony, were unanimous in their report that the reform—for it is a reform—should be made.

Nobody will be injured by it. Take my own State for example. The gentleman from Massachusetts [Mr. GARDNER] says he can not find out about this. I wanted to find out, and I went to the Treasury Department and found that five collectorships in the State of Connecticut were to be consolidated into one, as they ought to be, and a deputy put in place of the collector at each of the four other ports. No one will be harmed by it, I repeat. Anybody who wants to take out papers for a sailboat or transact any customhouse business can do it just as readily through a deputy as he could with the collector who receives two to five thousand dollars salary. This reform ought to be effected in the interest of good management and under the plain dictates of prudence and wise economy.

Mr. GARDNER of Massachusetts. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has five minutes.

Mr. GARDNER of Massachusetts. Mr. Speaker, all this discussion is beside the question. The question is whether we shall have knowledge beforehand as to what is proposed. All I am asking is a chance to examine this carefully guarded plan.

I know that there are a great many customhouses where the receipts do not equal the expenditures, but many of them must be maintained in order to prevent smuggling. I know that there are many customhouses that probably ought in some way to be reorganized; but I believe that we have a right to know what sort of reorganization is contemplated.

The sole reason given by the gentleman from Alabama [Mr. UNDERWOOD] to explain why the House should deny itself this information rests on the supposition that the President has already decided to adopt this Treasury plan. Now, if that supposition is correct, of which I have some doubt, Mr. Speaker—if it is true that the President has made up his mind to act without giving Members of Congress a chance to know what is going on—then, in my opinion, he is following a mistaken course.

Mr. SHERLEY. Does not the gentleman know that the law requires him to do it during this session of Congress?

Mr. GARDNER of Massachusetts. If he is going to do it at all, the law requires him to do it during this session of Congress. Members are beginning to find out that their customhouses are being abolished, and they are going to the President about it. I myself have written a letter to him to-day, protesting against the abolition of the port of Gloucester. I know that New Bedford, in my State, has sent a deputation to the President. The only reason why more deputations are not visiting the President every day to present the side of the case opposed to centralization is because nobody knows about the matter. I do not believe that until this afternoon a quarter of the Members of this House knew that this change was in contemplation.

Mr. MANN. Will the gentleman yield for a question? If one is in favor of the reorganization, how ought he to vote on the gentleman's motion?

Mr. GARDNER of Massachusetts. He ought to vote to give the House a chance to learn what is proposed and a chance to

protest. That is all I am asking for, that the Members of the House shall have a chance to protest.

Mr. MANN. Is the purpose of getting this information to get people to protest?

Mr. GARDNER of Massachusetts. Yes; that is it precisely. That is the purpose of this debate, whether the resolution is adopted or not.

Mr. MANN. Then I am not in favor of the gentleman's proposition.

Mr. MOORE of Pennsylvania. Has it not been a matter of common knowledge, particularly since the Maine delegation waited upon the President about three weeks ago, that this plan has been prepared?

Mr. GARDNER of Massachusetts. I venture to say that half the Members did not know that the Maine delegation has been protesting.

Mr. SHERLEY. How long has the gentleman from Massachusetts known about the reorganization going on?

Mr. GARDNER of Massachusetts. I have known of it quite a little while, but I expected to get exact information long ago. It was only recently that I found that definite information was being purposely withheld.

The SPEAKER. The question is on agreeing to the resolution.

Mr. MANN. Was the committee discharged?

The SPEAKER. No; it was not. The question is on discharging the committee.

The question being taken, the motion was rejected.

IMMIGRATION BILL—QUESTION OF PARLIAMENTARY PROCEDURE.

The SPEAKER. The Chair desires to make a statement to the House about a ruling he made the other day. When the question was on passing the immigration bill over the President's veto the Chair ordered the Clerk to read the bill. The gentleman from Wisconsin [Mr. LENROOT] raised the point of order that it was not necessary to read the bill. The Chair overruled the point of order and had the bill read.

On mature reflection the Chair has concluded that his ruling was wrong, and he makes this statement now so that that ruling will not be taken as a precedent, either by the present occupant of the chair or by any of his successors in office. The Chair thinks the matter ought to be straightened out while it is fresh in the memory of the House. [Applause.]

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill, H. R. 28812, and pending that motion I ask unanimous consent that the time for general debate may be equally divided between those in favor of the bill and those opposed, one half of the time to be controlled by the gentleman from Texas [Mr. GREGG] and the other half by myself, with the further understanding that the general debate may be continued during the session this afternoon and to-night, and that upon adjournment to-night general debate may be closed. I wish to say that, speaking for myself, I will ask that the House remain in session, if necessary, until 11 o'clock to hear general debate, no other business to be transacted.

Mr. FOSS. I understand it is also a part of the arrangement that the gentleman from Tennessee [Mr. PADGETT], chairman of the Committee on Naval affairs, will yield to me one-half of his time.

Mr. PADGETT. That is correct.

Mr. FOSS. Mr. Speaker, I have no objection.

Mr. CULLOP. Mr. Speaker, I desire to inquire of the chairman of the Committee on Naval Affairs if it is proposed that the general debate shall be closed with to-days' session?

Mr. PADGETT. To-night; yes.

Mr. CULLOP. How long do you propose to run?

Mr. PADGETT. Until 11 o'clock to-night.

Mr. CULLOP. Mr. Speaker, I object.

The SPEAKER. The gentleman from Indiana objects.

Mr. PADGETT. Mr. Speaker, I want to serve notice that on the assembling of the House to-morrow I shall move to close general debate.

The SPEAKER. The question is on the motion of the gentleman from Tennessee that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill.

The question was taken; and on a division (demanded by Mr. CULLOP) there were—ayes 121, noes 18.

Mr. CULLOP. No quorum, Mr. Speaker.

The SPEAKER. The gentleman from Indiana makes the point of no quorum. The Chair will count. [After counting.] One hundred and sixty-nine Members present, not a quorum.

Mr. CULLOP. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. CULLOP) there were—ayes 28, noes 116.

Mr. CULLOP. I move a call of the House.

Mr. MANN. A call is not necessary; it is automatic. The new leader over there fell down this time.

The SPEAKER. There is an automatic call, and the Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from Tennessee to go into Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill. Those in favor of the motion will say "aye" and those opposed will say "no."

The question was taken; and there were—yeas 179, nays 34, answered "present" 4, not voting 164, as follows:

YEAS—179.

Adair	Driscoll, D. A.	Kahn	Padgett
Aiken, S. C.	Driscoll, M. E.	Kendall	Page
Ainey	Dupré	Kennedy	Patton, Pa.
Akin, N. Y.	Dyer	Kent	Payne
Alexander	Esch	Kindred	Plumley
Allen	Farr	Kinkaid, Nebr.	Pou
Anderson	Fields	Kinkead, N. J.	Pray
Ashbrook	Fitzgerald	Kitchin	Rainey
Austin	Flood, Va.	Knowland	Raker
Barnhart	Fordney	Konop	Rees
Bates	Foss	La Follette	Reilly
Bathrick	Foster	Lamb	Roberts, Mass.
Bell, Ga.	Fowler	Langham	Rubey
Blackmon	French	Langley	Russell
Boehne	Gallagher	Lawrence	Scott
Borland	Gardner, Mass.	Lee, Ga.	Scully
Browning	Garner	Lee, Pa.	Sherley
Buchanan	Garrett	Lenroot	Simmons
Bulkley	Graham	Lever	Smith, Saml. W.
Burgess	Greene, Mass.	Lindbergh	Smith, Tex.
Burke, S. Dak.	Greene, Vt.	Linthicum	Sparkman
Burke, Wis.	Gregg, Tex.	Littlepage	Stedman
Butler	Griest	Lloyd	Stephens, Cal.
Bryns, Tenn.	Gudger	Lobeck	Sterling
Candler	Guernsey	Loud	Stone
Cannon	Hamill	McCall	Sulloway
Cantrill	Hamilton, Mich.	McCoy	Sweet
Cary	Hamlin	McGillicuddy	Switzer
Clark, Fla.	Hardwick	McKellar	Taggart
Claypool	Harrison, Miss.	McKenzie	Talcott, N. Y.
Collier	Hay	McLaughlin	Thistlewood
Cox	Hayden	Macon	Tilson
Crago	Hayes	Madden	Townsend
Cravens	Helm	Maguire, Nebr.	Tribble
Curley	Henry, Tex.	Mann	Turnbull
Curry	Hensley	Martin, S. Dak.	Tuttle
Daugherty	Higgins	Moon, Tenn.	Underhill
Davidson	Hill	Moore, Pa.	Underwood
Davis, Minn.	Hobson	Moss, Ind.	Volstead
Davis, W. Va.	Holland	Mott	Warburton
Dé Forest	Howell	Murdock	Watkins
Dent	Howland	Murray	Wilder
Dickinson	Humphreys, Miss.	Needham	Wilson, Pa.
Dixon, Ind.	Johnson, Ky.	Olmsted	Woods, Iowa
Dodds	Jones	O'Shaunessy	

NAYS—34.

Beall, Tex.	Doughton	Jacoway	Taylor, Ark.
Booher	Edwards	Neeley	Taylor, Colo.
Burnett	Faison	Oldfield	Thomas
Byrnes, S. C.	Finley	Roddenbery	Webb
Callaway	Floyd, Ark.	Rouse	Whitacre
Clayton	Francis	Sherwood	Willis
Cline	Goodwin, Ark.	Sisson	Young, Tex.
Cullop	Hardy	Stephens, Miss.	
Dies	Howard	Stephens, Tex.	

ANSWERED "PRESENT"—4.

Adamson	Gregg, Pa.	Hull	Shackleford

NOT VOTING—164.

Ames	Difenderfer	Hart	McKinney
Andrus	Donohoe	Hartman	McMorran
Ansberry	Doremus	Haugen	Maher
Anthony	Draper	Hawley	Martin, Colo.
Ayres	Dwight	Heald	Matthews
Barchfeld	Ellerbe	Heflin	Mays
Bartholdt	Estopinal	Helgesen	Merritt
Bartlett	Evans	Henry, Conn.	Miller
Berger	Fairchild	Hinds	Mondell
Bradley	Fergusson	Houston	Moon, Pa.
Brantley	Ferris	Hughes, Ga.	Moore, Tex.
Broussard	Focht	Hughes, W. Va.	Morgan, La.
Brown	Fornes	Humphrey, Wash.	Morgan, Okla.
Burke, Pa.	Fuller	Jackson	Morrison
Burleson	Gardner, N. J.	James	Morse, Wis.
Calder	George	Johnson, S. C.	Nelson
Campbell	Gill	Konig	Norris
Carlin	Gillett	Kopp	Nye
Carter	Glass	Korbly	Palmer
Conry	Godwin, N. C.	Lafean	Parran
Cooper	Goeke	Lafferty	Patten, N. Y.
Copley	Goldfogle	Levy	Pepper
Covington	Good	Lewis	Peters
Crumpacker	Gould	Lindsay	Pickett
Currier	Gray	Littleton	Porter
Dalzell	Green, Iowa	Longworth	Post
Danforth	Hamilton, W. Va.	McCreary	Powers
Davenport	Hammond	McDermott	Prince
Denver	Harris	McGuire, Okla.	Prouty
Dickson, Miss.	Harrison, N. Y.	McKinley	Pujo

Randell, Tex.	Rucker, Mo.	Smith, N. Y.	Towner
Ransdell, La.	Sabath	Speer	Vare
Rauch	Saunders	Stack	Vreeland
Redfield	Sells	Stanley	Weeks
Reyburn	Sharp	Steenerson	White
Richardson	Sims	Stephens, Nebr.	Wilson, Ill.
Riordan	Slayden	Stevens, Minn.	Wilson, N. Y.
Roberts, Nev.	Slemp	Talbott, Md.	Witherspoon
Rodenberg	Sloan	Taylor, Ala.	Wood, N. J.
Rothermel	Small	Taylor, Ohio	Young, Kans.
Rucker, Colo.	Smith, J. M. C.	Thayer	Young, Mich.

So the motion was agreed to.

The following pairs were announced:

For the session:

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. RIORDAN with Mr. ANDRUS.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. FORNES with Mr. BRADLEY.

Mr. LITTLETON with Mr. DWIGHT.

Until further notice:

Mr. PUJO with Mr. McMORRAN.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. ANSBERRY with Mr. BARCHFELD.

Mr. AYRES with Mr. BARTHOLDT.

Mr. BARTLETT with Mr. ANTHONY.

Mr. BRANTLEY with Mr. AMES.

Mr. BROUSSARD with Mr. BURKE of Pennsylvania.

Mr. CARLIN with Mr. CALDER.

Mr. BROWN with Mr. CAMPBELL.

Mr. CARTER with Mr. COPLEY.

Mr. CONRY with Mr. CRUMPACKER.

Mr. COVINGTON with Mr. DALZELL.

Mr. DAVENPORT with Mr. CURRIER.

Mr. DENVER with Mr. DANFORTH.

Mr. DIFENDERFER with Mr. FOCHT.

Mr. DONOHOE with Mr. FAIRCHILD.

Mr. DOREMUS with Mr. FULLER.

Mr. ESTOPINAL with Mr. DRAPER.

Mr. EVANS with Mr. GARDNER of New Jersey.

Mr. FERGUSSON with Mr. GOOD.

Mr. FERRIS with Mr. HARRIS.

Mr. GEORGE with Mr. HARTMAN.

Mr. GLASS with Mr. SLEMP.

Mr. GODWIN of North Carolina with Mr. HAUGEN.

Mr. GOEKE with Mr. HEALD.

Mr. GOLDFOGLE with Mr. HELGESEN.

Mr. HAMMOND with Mr. HENRY of Connecticut.

Mr. HARRISON of New York with Mr. HUGHES of West Virginia.

Mr. HART with Mr. LAFFERTY.

Mr. HEFLIN with Mr. HUMPHREY of Washington.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. HUGHES of Georgia with Mr. JACKSON.

Mr. JAMES with Mr. WEEKS.

Mr. KONIG with Mr. McCREARY.

Mr. KORBLY with Mr. McGUIRE of Oklahoma.

Mr. LEVY with Mr. McKINNEY.

Mr. LEWIS with Mr. McKINLEY.

Mr. MAHER with Mr. MATTHEWS.

Mr. MARTIN of Colorado with Mr. MILLER.

Mr. MORGAN of Louisiana with Mr. MONDELL.

Mr. PATTEN of New York with Mr. MERRITT.

Mr. PALMER with Mr. LONGWORTH.

Mr. PETERS with Mr. NYE.

Mr. POST with Mr. PICKETT.

Mr. RANDELL of Texas with Mr. PORTER.

Mr. RANSDELL of Louisiana with Mr. PRINCE.

Mr. RAUCH with Mr. PROUTY.

Mr. RICHARDSON with Mr. ROBERTS of Nevada.

Mr. ROTHERMEL with Mr. SELLS.

Mr. RUCKER of Missouri with Mr. J. M. C. SMITH.

Mr. RUCKER of Colorado with Mr. SPEER.

Mr. SABATH with Mr. RODENBERG.

Mr. SAUNDERS with Mr. TAYLOR of Ohio.

Mr. SHARP with Mr. STEENERSON.

Mr. SIMS with Mr. TOWNER.

Mr. SLAYDEN with Mr. VARE.

Mr. SMITH of New York with Mr. POWERS.

Mr. SMALL with Mr. VREELAND.

Mr. STEPHENS of Nebraska with Mr. WOOD of New Jersey.

Mr. STANLEY with Mr. WILSON of Illinois.

Mr. WHITE with Mr. YOUNG of Kansas.

Mr. PEPPER with Mr. YOUNG of Michigan.

Mr. LINDSAY with Mr. NELSON.

Ending February 25, 1913:

Mr. McDERMOTT with Mr. HAWLEY.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 8389. An act to provide for an enlarged homestead.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 8233. An act authorizing the Secretary of War to relieve the Washington-Oregon Corporation, as far as he may deem advisable in the public interests, from certain conditions in an act entitled "An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric transmission lines across the Vancouver Military Reservation, in the State of Washington," approved August 9, 1912; to the Committee on Military Affairs.

S. 7802. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

S. J. Res. 162. Joint resolution to exempt the National Academy of Sciences from the payment of duty on medals imported for presentation by it in recognition of research work; to the Committee on Ways and Means.

S. 8389. An act to provide for an enlarged homestead; to the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 26812. An act to provide for selection by the State of Idaho of phosphate and oil lands;

H. R. 23293. An act for the protection of the water supply of the city of Colorado Springs and of the town of Manitou, Colo.;

H. R. 21220. An act to extend the power of the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor;

H. R. 17260. An act to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910;

H. R. 27837. An act to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River, in the State of West Virginia;

H. R. 28187. An act to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha River, and for other purposes;

H. R. 26648. An act for the relief of David Crowther; and

H. R. 3957. An act for the relief of Isaac Thompson.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 11478. To quiet title and possession with respect to a certain unconfirmed and located private land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict; and

H. R. 2839. For the relief of William Hommelsberg.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 28607, a bill making appropriations for the Diplomatic and Consular Service, to nonconcur in the Senate amendments and request a conference.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees.

The Clerk read as follows:

Mr. FLOOD of Virginia, Mr. GARNER, and Mr. McKINLEY.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, pending the announcement, I wish to renew the request which I submitted that general debate may proceed to-night until 11 o'clock, if there be so many as desire to speak, and that the time may be divided as I indicated in my first request.

The SPEAKER. Is there objection?

Mr. CULLOP. Mr. Speaker, I object to the unanimous-consent request.

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] objects.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 28812, the naval appropriation bill, with Mr. ALEXANDER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 28812, the naval appropriation bill, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. CARY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. PADGETT. Let the Clerk read.

The Clerk proceeded to read the bill.

Mr. BOOHER. Mr. Chairman, this is a very important matter, the reading of this bill, and I notice that very few Members are present. They all ought to be here, and I make the point of order there is no quorum present.

Mr. CARY. Mr. Chairman, I move a call of the House——

Mr. HARDWICK. That is not in order, Mr. Chairman, under the rule. You can have a call of the committee.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union reported that that committee had had under consideration the bill H. R. 28812, the naval appropriation bill, and had come to no resolution thereon.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 33 minutes p. m.) the House adjourned to meet at 10.30 a. m. to-morrow, Saturday, February 22, 1913.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of Commerce and Labor, transmitting a detailed statement of the number of documents received and the number distributed by this department during the calendar year 1912 (H. Doc. No. 1411); to the Committee on Expenditures in the Department of Commerce and Labor and ordered to be printed.

2. A letter from the president of the board of directors of Columbia Hospital and the Superintendent of the United States Capitol Building and Grounds, submitting plans and specifications of a new building for Columbia Hospital for Women and Lying-in Asylum (H. Doc. No. 1412); to the Committee on Appropriations and ordered to be printed with illustrations.

3. A letter from the Secretary of the Treasury, transmitting a copy of a communication of the Acting Secretary of the Navy reporting adjustment and determination of amount due owner of the wharf at the foot of Commerce Street, Norfolk, Va., for damages for which vessels of the Navy were found to be responsible (H. Doc. No. 1413); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of Agriculture submitting additional estimates of appropriation for inclusion in the general deficiency bill made necessary on account of the recent fires in the Bureau of Plant Industry (H. Doc. No. 1414); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolution were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HOUSTON, from the Committee on the Census, to which was referred the bill (H. R. 28820) providing for the publication of the Official Register of the United States, reported the same with amendment, accompanied by a report (No. 1559), which said bill and report were referred to the House Calendar.

Mr. COLLIER, from the Committee on Industrial Arts and Expositions, to which was referred the bill (H. R. 19224) to provide for a permanent exhibit of the resources of the States of the Union in or near Washington, D. C., reported the same with amendment, accompanied by a report (No. 1558), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (S. 1068) authorizing the extension of First Street east, and for other purposes, reported the same without amendment, accompanied by a report (No. 1562), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LAFFERTY: A bill (H. R. 28821) for additional protection of the Bull Run Forest Reserve and the sources of the water supply of the city of Portland, in the State of Oregon; to the Committee on the Public Lands.

By Mr. PARRAN: A bill (H. R. 28822) to provide for the construction of a military post road from the city of Washington, D. C., through the counties of Prince Georges and Anne Arundel, in the State of Maryland, to Annapolis, Md.; to the Committee on Agriculture.

By Mr. CLAYTON: A bill (H. R. 28823) to provide for a struck jury in all civil actions triable by jury; to the Committee on the Judiciary.

By Mr. STEENERSON: A bill (H. R. 28824) providing for compensation to postal employees injured while in the performance of official duties; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: A bill (H. R. 28825) restoring to the public domain certain lands heretofore reserved for reservoir purposes in Big Valley, in Lassen and Modoc Counties, and in Round and Pitt River Valleys, in Modoc County, Cal.; to the Committee on Irrigation of Arid Lands.

By Mr. HAYDEN (by request): A bill (H. R. 28831) directing the Secretary of the Interior to enter into contracts with water users' associations for the purpose of collecting the cost of construction of reclamation works, and for other purposes; to the Committee on Irrigation of Arid Lands.

Also (by request), a bill (H. R. 28832) to provide for the disposition of money received from the sale of power developed on reclamation projects, and for other purposes; to the Committee on Irrigation of Arid Lands.

Also (by request), a bill (H. R. 28833) creating the office of director of the Reclamation Service, and for other purposes; to the Committee on Irrigation of Arid Lands.

Also (by request), a bill (H. R. 28834) to extend the time for the repayment of the cost of reclamation projects; to the Committee on Irrigation of Arid Lands.

Also (by request), a bill (H. R. 28835) establishing the farm unit on reclamation projects, and for other purposes; to the Committee on Irrigation of Arid Lands.

Also (by request), a bill (H. R. 28836) authorizing homestead entrymen who are officers of water users' associations to reside off their entries during their terms as such officers; to the Committee on Irrigation of Arid Lands.

By Mr. WILSON of Pennsylvania: A bill (H. R. 28837) to regulate the hours of labor in continuous working plants of the United States; to the Committee on Labor.

By Mr. AKIN of New York: Resolution (H. Res. 858) calling upon employees of the Weather Bureau to give evidence as to certain alleged irregular conditions existing therein, etc.; to the Committee on Agriculture.

By Mr. DUPRÉ: Resolution (H. Res. 859) for a reprint of the Soil Survey of the New Orleans Area, La.; to the Committee on Printing.

By Mr. MURRAY: Memorial from the Legislature of the State of Massachusetts, relative to an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor; to the Committee on the Judiciary.

By Mr. WEEKS: Memorial from the Legislature of the State of Massachusetts, relative to an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor; to the Committee on the Judiciary.

By Mr. WARBURTON: Senate joint memorial of Washington State Legislature, urging legislation by Congress to restrict immigration of undesirable foreigners; to the Committee on Immigration and Naturalization.

Also, senate joint memorial of the Washington State Legislature, asking Government survey of Palouse irrigation project, Franklin County, Wash.; to the Committee on Irrigation of Arid Lands.

Also, senate joint memorial of Washington State Legislature, urging passage of House bill 5966, providing monument to mark the Oregon Trail; to the Committee on Agriculture.

By Mr. RAKER: Resolutions passed by the State Senate of the Legislature of California, urging the passage of House bill 13500; to the Committee on Immigration and Naturalization.

By Mr. HUMPHREY of Washington: Senate joint memorial of the Washington State Legislature, asking Government survey of the Palouse irrigation project, Franklin County, Wash.; to the Committee on Irrigation of Arid Lands.

Also, senate joint memorial of the Washington State Legislature, asking Congress to pass restrictive legislation to stop undesirable immigration into the United States; to the Committee on Immigration and Naturalization.

Also, senate joint memorial of the State Legislature of Washington, urging the passage of House bill 5966 providing for the location, marking, and monumenting of the Oregon trail from the Missouri River to Puget Sound; to the Committee on Agriculture.

By Mr. LAFFERTY: Senate joint memorial of the Legislature of Oregon, favoring passage of House bill 2981 to create Saddle Mountain National Park; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Oregon, urging the necessary proceedings to secure the north half of the northeast quarter of section 9, township 34 south, range 7 east, of Willamette meridian, in the Klamath Reservation, Oreg., for a fish hatchery; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 28826) granting an increase of pension to John Bullock; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 28827) granting an increase of pension to Daniel L. Witt; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 28828) granting an increase of pension to Elizabeth McClarg; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 28829) for the relief of the legal representatives of Wilson Bloodworth; to the Committee on War Claims.

By Mr. POST: A bill (H. R. 28830) granting an increase of pension to Francis M. Tillinghast; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of business men of Lanesboro, Minn., favoring the passage of legislation to compel concerns selling direct to the consumer entirely by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petition of the Dayton (Ohio) Chamber of Commerce, favoring the passage of the Page bill granting Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of Mrs. A. E. Rolls and 21 other citizens of Coshocton County, Ohio, protesting against the passage of the Johnston Sunday bill for the proper observance of Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BURNETT: Petition of citizens of Madison County, Ala., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. BYRNS of Tennessee: Petition of sundry ladies of Nashville, Tenn., favoring the passage of legislation for the preservation of the Old Colonial Exchange, Charleston, S. C.; to the Committee on the Library.

By Mr. CARY: Petition of the Wisconsin Machinery & Manufacturing Co., Milwaukee, Wis., protesting against the passage of House bill 28570, for providing uniform regulations for boats engaged in towing service; to the Committee on the Merchant Marine and Fisheries.

Also, petition of George P. Barth, of Milwaukee, Wis., favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of A. C. Burill, of Madison, Wis., favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Cook County Truck Gardeners and Farmers' Association, Riverdale, Ill., protesting against the passage of legislation reducing the present tariff on sugar; to the Committee on Ways and Means.

Also, petition of the governor and others of the State of New York, protesting against the passage of the legislation for the control and regulation of the Niagara River; to the Committee on Foreign Affairs.

By Mr. CRAGO: Petition of residents of Point Marion, Pa., favoring the passage of legislation for investigation of the persecution of the editors of the Appeal to Reason by the Department of Justice; to the Committee on Expenditures in the Post Office Department.

By Mr. CURRIER: Petition of sundry school children of Bradford, N. H., favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of the American Protective Tariff League, New York, N. Y., favoring the passage of legislation to repeal section 2 of the reciprocity act, to protect the paper and pulp industry; to the Committee on Ways and Means.

By Mr. FULLER: Petition of I. P. Brest, Moravia, Pa., favoring the passage of House bill 1339, for increasing the pensions of veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. GARNER: Petition of the Cosmos Club, Corpus Christi, Tex., protesting against the passage of legislation tending to change the present national system of forest conservation; to the Committee on Agriculture.

By Mr. HAYES: Petition of the Cook County Truck Gardeners and Farmers' Association, of Riverdale, Ill., protesting against the passage of legislation to reduce the present tariff on sugar; to the Committee on Ways and Means.

Also, petition of the Dunham, Carrigan & Hayden Co., favoring the passage of the Weeks bill (H. R. 27567) for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Humboldt County Dairy Association, California, favoring the passage of the Haugen bill to prevent the manufacture and sale of butter substitutes colored in imitation of butter; to the Committee on Agriculture.

By Mr. KINDRED: Petition of the Central Federated Union of New York and vicinity, protesting against the passage of House bill 8141, for placing the State militia on the national pay roll; to the Committee on Military Affairs.

By Mr. LINDSAY: Petition of J. P. Brest, New Castle, Pa., favoring the passage of House bill 1339, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of the General Court of the Commonwealth of Massachusetts, favoring the passage of an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor; to the Committee on the Judiciary.

By Mr. PAYNE: Petition of the Consumers' League of Auburn, N. Y., favoring the passage of House bill 27281, for limiting the hours of work for the women of the District of Columbia; to the Committee on Labor.

Also, petition of the New York State Conference on Taxation, Binghamton, N. Y., favoring the passage of legislation for enlarging the work of the Census Department; to the Committee on the Census.

By Mr. RAKER: Petition of Gadaden Council, No. 14, Junior Order United American Mechanics, favoring the passage of House bill 13500, amending an act to regulate the immigration of aliens into the United States; to the Committee on Immigration and Naturalization.

Also, petition of the Dunham, Carrigan & Hayden Co., San Francisco, Cal., favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Petition of the Friday Morning Club, Los Angeles, Cal., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. TALCOTT of New York: Petition of the Chamber of Commerce of the State of New York, favoring the passage of Senate bill 8114, to prevent discriminations in the Panama tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of New York, favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of

Washington for the inauguration; to the Committee on the District of Columbia.

Also, petition of the United Hatters of North America, Brooklyn, N. Y., protesting against the passage of legislation for the reduction of tariff on hats; to the Committee on Ways and Means.

Also, petition of the Waterville (N. Y.) school, favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. UNDERHILL: Petition of citizens of New York, favoring the passage of the McLean bill for granting Federal aid to all migratory birds; to the Committee on Agriculture.

SENATE.

SATURDAY, *February 22, 1913.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, we thank Thee for the Providence which brings us to this day of holy and patriotic memory. In the light of the great example of him whom Thou wast pleased to make the father or our country, we here, with grateful and adoring hearts, consecrate ourselves anew to the service of this Thy people. Receive our offering, we pray Thee, and grant that by Thy grace this may be that happy Nation whose God is the Lord.

O God, who dost commit unto us the swift and solemn charge of life, we thank Thee for the life, the character, and the public service of him whom our lips shall this day name. We can not forget him who labored by our side, who shared our counsels, and who brake with us the bread of life. We honor ourselves, our Father, in honoring him who honored Thee. Despite our loneliness, we are the richer because such have lived. Though his body is buried in peace, his name liveth, and his memory is henceforth safely enshrined in our hearts.

We pray Thee, our heavenly Father, to comfort those to whom this sorrow is most bitter and to whom this loss is most sore. Grant, we humbly pray Thee, that their hearts may evermore be in unbroken communion with his emancipated spirit. Quiet their restless and yearning hearts, until the day of the fuller life shall break and the shadows of our earthly sorrows shall flee away.

In the name of Him who abolished death and brought life and immortality to light, hear Thou our prayer. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The PRESIDENT pro tempore (Mr. GALLINGER). Pursuant to the order heretofore made by the Senate that upon this day Washington's Farewell Address shall be read to the Senate, and in accordance with the designation made by the President pro tempore of the Senate, the Senator from Connecticut, Mr. BRANDEGEE, will now execute the order.

Mr. BRANDEGEE read the address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country, and that in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you, but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself, and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that while choice and prudence invite me to quit the political scene patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which, not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which can not end but with my life, and the apprehension of danger natural to that solicitude urge me, on an occasion like the present, to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies wil be most constantly

and actively, though often covertly and insidiously, directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North it finds its particular navigation invigorated, and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East in a like intercourse with the West already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern, Atlantic and western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government, better calculated than your former, for an intimate union and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government; but the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presuppose the duty of every individual to obey the established Government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the Nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system; and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited,

remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the Government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchial cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest, instead of warming, it should consume.

It is important likewise that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments, ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation, for, though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion it should be enlightened.

As a very important source of strength and security cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object, which is always a choice of difficulties, ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations, cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas, is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by

pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils. Such an attachment of a small or weak toward a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence—I conjure you to believe me fellow citizens—the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us will not lightly hazard the giving us provocation, when we may choose peace or war as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world—so far, I mean, as we are now at liberty to do it—for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences, consulting the natural course of things, diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our Nation from running the course which has hitherto marked the destiny of nations—but if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism, this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself the assurance of my own conscience is that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress, without interruption, to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after 45 years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things and actuated by that fervent love toward it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize,

without alloy, the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEO. WASHINGTON.

UNITED STATES, *17th September, 1796.*

ESTIMATES OF APPROPRIATIONS (S. DOC. NO. 1101).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting supplemental estimates of appropriations required by the War Department, for the fiscal year 1914, for barracks and quarters, roads, walks, wharves, and drainage, water and sewers at military posts, $780,428, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

DEPOSIT OF PUBLIC MONEYS IN NATIONAL BANKS (S. DOC. NO. 1103).

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 11th instant, information relative to the order directing certain changes in the method of handling receipts and disbursements of the Government. The communication and accompanying papers will be printed and referred to the Committee on Appropriations, and the communication will be ordered printed in the RECORD.

The communication is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 21, 1913.

The PRESIDENT OF THE SENATE.

SIR: By direction of the President, I have the honor to make reply to the inquiry contained in the resolution of the Senate agreed to February 11, 1913, concerning the order which went into effect on February 1, directing certain changes in the methods of handling the receipts and disbursements of the Government.

Before the establishment of the national banking system in 1863, the Government's fiscal machinery consisted principally of the Treasury and the Subtreasuries. A predominating feature of this system, still in part prevailing, is that it requires the use of money as distinguished from checks in the daily fiscal operations of the Government; that is to say, an Assistant Treasurer can only issue certificates of deposit to collection officers upon the receipt of currency—can only accept their collections in actual money; and checks drawn on the Subtreasuries are paid in actual money.

The national bank act (sec. 5153, Rev. Stat.) provided that all national banks, when designated as depositaries by the Secretary of the Treasury, shall be the financial agents of the Government; and in them may be deposited the revenues "except receipts from customs." So that since 1863 all revenues except from customs could be and mainly have been deposited in banks like the funds of private persons, and those of State, municipal, and other governments. Congress removed the restriction as to customs by an act approved March 4, 1907, entitled "An act to amend the national bank act and for other purposes" and thus abolished an exception that had ceased to have any use and had become a mere survival. Under the above provision of the national bank act it has been the practice for many years to have the banks receive internal-revenue taxes and transmit them to the subtreasuries. In the year 1870—in order to meet the public convenience and to conform to general business customs—collectors of internal revenue began to take checks in payment of internal revenue; but did so at their personal risk. When, at the request of the Treasury Department, this form of payment was made legal by the act of March 2, 1911, the practice had already become universal as to internal revenue. Up to that time, however, customs payments were still made in currency—though some practical mitigations of this cumbersome practice had in the course of the years been introduced. Since the passage of the act of 1911, both customs and internal revenue are paid by check. But, as stated, notwithstanding the present legal practice of receiving checks in payment of customs and internal revenue, these checks must be cashed before the proceeds can be deposited in the Subtreasuries. In all Subtreasury cities except Cincinnati and Philadelphia this is done through the agency of the clearing house.

As the daily payments of the Government are practically equal to its daily income, the desirability of a method whereby the receipts and payments shall clear each other is apparent; and the method to be complete should bring about this clearing before the point is reached of converting the checks into currency in the Subtreasuries. The new plan, regarding which the Senate has made inquiry, is designed to accomplish this result, and will accomplish it as a matter of course.

Its operation can not result in an automatic accumulation of Government funds in national-bank depositories, for there are the restrictive regulations which are applied under section 5153 of the Revised Statutes to national banks holding Government funds. Under these restrictions every national-bank depositary is required to have on deposit with the Treasurer of the United States security in the form of bonds to the full amount of the authorized balance the Government has with the bank. I say authorized balance, because the limit of the deposits in each bank is fixed by the Treasury Department and usually continues at one amount for a considerable time; and under the new plan these strictly limited amounts, secured by bonds, will be dependent upon the amount of the daily business done by the bank for the Government. With special exceptions these bonds have been either Government bonds or bonds for which the Government is financially responsible. The bank is permitted to hold the amount of its authorized deposit with which to transact the Government's business, but must transfer immediately all amounts in excess of this authorized balance from whatever source received. The department directs these transfers under standing instructions to the points where funds are needed for payments. Under this system the depositary banks have for years handled the entire income from internal revenue without any accumulation of funds in the banks in excess of their authorized balances. Last year internal-revenue receipts exceeded the income from customs, amounting to $321,612,199.

Under the new plan customs receipts are to be handled in the same manner as the internal revenues—under the excellent and progressive law of March 4, 1907; and, of course, with the restrictions and limitations on the banks unchanged.

Moreover, in times like the present, when the Government's income and outgo practically offset each other, it is hardly necessary to take seriously the fear that the deposits in New York banks will be increased by hundreds of millions. Before you can deposits hundreds of millions you must have the money.

Why this law of 1907 was not availed of at once I do not know. I authorized the preparation of plans to put it into effect as soon as I heard of it, which was about September 1 of last year.

Instead of the authorized balances held by banks being more or less inactive as they have been in the past, a feature of the new plan provides that the banks shall pay the checks of disbursing officers which are now drawn on the Treasurer of the United States instead of on the banks or Subtreasuries and charge the same to the account of the Treasurer, in whose name the funds in the bank are deposited. Section 3593 of the Revised Statutes provides that "All public moneys paid into any depositary shall be subject to the draft of the Treasurer of the United States, drawn agreeably to appropriations made by law." Section 3620 of the Revised Statutes authorizes disbursing officers to keep their accounts with the Treasurer of the United States and with Assistant Treasurers. The accounts or credits of all disbursing officers have accordingly now been placed with the Treasurer of the United States, as authorized. No balances are held in any banks to the credit of disbursing officers; but all Government moneys in the banks are to the credit of the Treasurer of the United States. This feature of the new plan makes it possible for the first time for the Treasury to have a far more exact daily knowledge of the financial accounts of the Government; for against the credit given each disbursing officer with the Treasurer of the United States is charged the checks drawn by the disbursing officer and paid by the depositary banks and Subtreasuries and sent daily to the Treasury. The banks making these payments for the Government out of their authorized balance are furnished daily with Government deposits sufficient to restore the balance to its fixed amount. In this way, as previously stated, the daily income will in the banks meet and clear the daily expenses of the Government, and only the excess of income over disbursements will be deposited in currency with the Subtreasuries.

Another advantage of the new plan which is of peculiar importance is the added convenience to the creditors of the Government. Checks drawn on the Treasurer of the United States are now good at par wherever they may be presented, since any depositary will pay them. Particularly will this benefit pensioners. Heretofore in a great many cases exchange has been charged pensioners by banks in cashing their checks because they were payable only at Subtreasuries or the Treasury. The new plan for pension payments, approved by Congress August 17, 1912, became effective February 1, and was the controlling reason for fixing that date for making the entire change.

The purpose, therefore, of the new system is to so handle the Government's income as to meet its payments with the same convenience to its creditors and with the same par values that are customary in the best regulated private business, and so that only the excess of Government receipts shall find its way into the Treasury or Subtreasuries.

One of the necessary requirements of the plan is the distribution of the revenues to the banks in just the proper amounts to keep their authorized balances filled. Another requirement of the plan is to make those authorized balances suited to the amount and character of the business done; that is to say, to give them funds just in proportion to the payments they make for the Government. Up to the present time, under the new system, the bank balances have still been replenished by transfers direct from the Subtreasuries. The feature of depositing customs receipts direct with the banks—which has not yet been begun in the Subtreasury cities, and is therefore not yet in full operation—will obviate much of the necessity for these transfers. These deposits, however, will not exceed the payments made by the banks.

It may be stated that in the brief trial the new plan has had it is working satisfactorily. The department has found itself able to handle the accounts and take care of all of the disbursements throughout the country without serious hitch. Of course, in making such a comprehensive change, it must be expected that there will be details to adjust, all of which require a little time. Meanwhile the banks throughout the country have cooperated cordially.

The necessity under the new plan of having additional depositary banks in the subtreasury cities made necessary an adjustment of the bank accounts in general. This resulted in net increased deposits being made amounting to a total of $363,000. While no depositaries were discontinued, there has been ordered withdrawn from existing depositaries a total of $6,090,000; there has been added in new depositaries $6,453,000, making, as stated, a total increase in banks of $363,000. Of this sum $4,963,000 has been placed in the nine Subtreasury cities. The total amount in banks is approximately $50,000,000; but as the reductions ordered are to take place on March 1 this amount will be cut down to approximately $46,000,000 at that time. Security has been required to the full amount of the deposits, consisting of United States bonds, District of Columbia, Porto Rico, Hawaiian, Philippine, Philippine Railway, and Manila Railway bonds. No interest is or ever has been charged on these deposits, as they constitute the active accounts of the Government upon which no interest charge is contemplated by law.

In making new depositaries it has been specified to each that the balances would be adjusted from time to time to meet the Government needs.

The total payments made by the Subtreasuries during the last fiscal year, which indicates also the amount of disbursing officers' accounts during that time, is as follows:

Baltimore	$14,781,760.03
Boston	32,636,655.40
Chicago	49,946,150.02
Cincinnati	18,923,771.38
New Orleans	16,841,291.95
New York	276,038,159.92
Philadelphia	34,702,796.95
San Francisco	43,436,595.97
St. Louis	33,890,565.62
Washington	81,854,121.97
Total	603,051,869.21

There is transmitted a list of the depositary banks with their balances on December 31; a list of the depositaries added on account of the new system, and the amount of their balances; and a list of the banks holding inactive accounts upon which interest is paid to the Government. The postal savings funds are handled by the Post Office Department, and that feature of the resolution has been referred to the Postmaster General.

Respectfully,

FRANKLIN MACVEAGH,
Secretary.

MRS. MARY MACARTHUR.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the secretary of state of the State of Wisconsin, transmitting a certified copy of a resolution adopted by the legislature of that State memorializing Congress to grant a life pension to the widow of the late Lieut. Gen. Arthur MacArthur.

Mr. LA FOLLETTE. I ask that the communication and the resolution of the legislature may be read.

The PRESIDENT pro tempore. They will be read.

The Secretary read as follows:

DEPARTMENT OF STATE,
Madison, Wis., February 20, 1913.

PRESIDENT OF THE SENATE,
Washington, D. C.

DEAR SIR: In compliance with the provisions of joint resolution No. 21, senate, I am transmitting herewith a copy of same.

Very truly, yours,

J. S. DONALD, *Secretary of State,*
Per COBBAN.

Senate joint resolution 21.

Resolved by the senate (the assembly concurring), That the Congress of the United States be memorialized to testify its appreciation of the great and distinguished services of the late Lieut. Gen. Arthur MacArthur throughout his life by voting to his widow a pension of $2,500 per year, as has been done in the cases of other officers of his rank.

Resolved further, That a copy of this resolution be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States, and to each of the Senators and Representatives from this State.

HOWARD TEASDALE,
President of the Senate.
MERLIN HULL,
Speaker of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The PRESIDENT pro tempore. The communication and the resolution of the Legislature of Wisconsin will be referred to the Committee on Pensions.

EIGHT-HOUR LAW.

The PRESIDENT pro tempore laid before the Senate a communication from the secretary of the Commonwealth of Massachusetts, transmitting a certified copy of resolutions adopted by the General Court of that Commonwealth, petitioning for the submission of an amendment to the Constitution giving Congress power to regulate the hours of labor in the United States, which were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1913.

Resolutions relative to an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor.

Resolved, That the General Court of the Commonwealth of Massachusetts, believing that there is injustice both to industries and labor by reason of the lack of uniformity in the laws of the several States respecting hours of labor, respectfully petitions the Congress of the United States that Congress propose an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor and to make the same uniform throughout the United States.

Resolved, That certified copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officers of both branches of Congress, and to each of the Senators and Representatives from Massachusetts.

In house of representatives, adopted, January 30, 1913.
In senate, adopted, in concurrence, February 4, 1913.
A true copy. Attest:

FRANK J. DONOHUE,
Secretary of the Commonwealth.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 20102) relating to proof of signatures and handwritings.

The message also announced that the House had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

The message further announced that the House had passed the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendment to the joint resolution (S. J. Res. 143) authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine to be held at Dallas, Tex., in May, 1913, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SLAYDEN, Mr. WATKINS, and Mr. KAHN managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 8178) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. FULLER managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 8274) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. FULLER managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 8275) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 8314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two House thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. FULLER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ADAMSON, Mr. COVINGTON, and Mr. STEVENS of Minnesota managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FLOOD of Virginia, Mr. GARNER, and Mr. MCKINLEY managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the joint resolution (H. J. Res. 365) to permit Col. William C. Gorgas and certain other officers of the Medical Corps and certain officers of the Engineer Corps of the Army to accept service under the Republic of Ecuador, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SLAYDEN, Mr. DENT, and Mr. PRINCE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 3957. An act for the relief of Isaac Thompson;

H. R. 17260. An act to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910;

H. R. 21220. An act to extend the power of the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor;

H. R. 23293. An act for the protection of the water supply of the city of Colorado Springs and of the town of Manitou, Colo.;

H. R. 26048. An act for the relief of David Crowther;

H. R. 26812. An act to provide for selection by the State of Idaho of phosphate and oil lands;

H. R. 27837. An act to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River in the State of West Virginia; and

H. R. 28187. An act to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha River, and for other purposes.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted by the board of aldermen of New York City, N. Y., favoring the construction of battleships at the New York Navy Yard, which were referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Martinsburg, W. Va., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. BRISTOW presented memorials of sundry citizens of Herndon and Nekoma, in the State of Kansas, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Wakeeney, Kans., praying for the enactment of legislation authorizing the Government to loan money to farmers at a certain per cent, which was ordered to lie on the table.

Mr. GRONNA presented a memorial of sundry citizens of Stutsman County, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. LODGE. I present resolutions adopted by the General Court of the Commonwealth of Massachusetts, favoring the submission of an amendment to the Constitution giving to Congress the power to regulate the hours of labor in the United States, which I ask be referred to the Committee on the Judiciary.

These resolutions have been already presented by the Chair and they were ordered printed in the RECORD.

Mr. WARREN. I present a joint memorial of the Legislature of the State of Wyoming indorsing and recommending the passage of House bill 27012, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the memorial was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following and hereto attached copy of enrolled joint memorial No. 4, House of Representatives State of Wyoming, has been carefully compared with the original, filed in this office on the 18th day of February, A. D. 1913, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 18th day of February, A. D. 1913.

[SEAL.] FRANK L. HOUX,
Secretary of State,
By F. H. WESCOTT,
Deputy.

Original house joint memorial No. 5, Twelfth Legislature of the State of Wyoming.

Enrolled joint memorial 4, House of Representatives State of Wyoming.

Memorial to the Senate and House of Representatives of the United States relative to the expenditure of 25 per cent of the receipts from the national forests for the construction and maintenance of roads and trails within the national forests from the States in which such proceeds are derived.

Be it resolved by the House of Representatives of the State of Wyoming (the Senate concurring), That the Congress of the United States be memorialized as follows:

Whereas there was introduced in the House of Representatives of the Congress of the United States in the third session of the Sixty-second Congress, being House roll 27012, a bill providing for the expenditure of 25 per cent of the receipts from the national forests for road and trail construction; and

Whereas said bill provides for the expenditure of 25 per cent of all moneys received from the national forests for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; and

Whereas we believe that a portion of such proceeds should be expended upon the development and advancement of the States within the boundaries of which are the resources which produced the revenue: Now therefore be it

Resolved, That we indorse and recommend passage of said bill.

MARTIN L. PRATT,
Speaker of the House.
BIRNEY H. SAGE,
President of the Senate.

Approved February 17, 1913, at 4.45 p. m.

JOSEPH M. CAREY, *Governor.*

Mr. PAGE presented memorials of the congregation of the Seventh-day Adventist Church of Enosburg, and of sundry citizens of Woodstock, Hartland, and Taftsville, all in the State of Vermont, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. STONE presented petitions of Hamilton Fish, Junior, Camp, No. 1, and Nelson Cole Camp, No. 2, of St. Louis, and of James Rush Lincoln Camp, No. 12, of Hannibal, United Spanish War Veterans, Department of Illinois, and of sundry citizens of St. Louis, all in the State of Missouri, praying for the enactment of legislation granting pensions to widows and minor children of soldiers who served in the Spanish-American War, which were ordered to lie on the table.

He also presented a petition of the Trades and Labor Assembly of Springfield, Mo., and a petition of the Federation of Labor of Sedalia, Mo., praying that an investigation be made into the methods of enforcing the Federal laws relating to the inspection of locomotives and railway safety appliances, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of members of the Home Culture Club, of Bonne Terre, Mo., remonstrating against the transfer of the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of sundry citizens of Ozark, Mo., remonstrating against the enactment of legislation permitting the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Trades and Labor Assembly of Hannibal, Mo., praying for the enactment of legislation providing for the construction of the proposed new battleships in Government navy yards of the country, which was referred to the Committee on Naval Affairs.

He also presented a memorial of Local Division No. 141, Order of Railway Conductors, of St. Joseph, Mo., remonstrating against the passage of the so-called workmen's compensation bill, which was ordered to lie on the table.

He also presented a memorial of members of the Stationers' Club of St. Louis, Mo., remonstrating against the enactment of legislation to codify, revise, and amend the laws relating to patents, which was referred to the Committee on Patents.

He also presented a petition of the Trades and Labor Assembly of Springfield, Mo., praying for the enactment of legislation regulating injunctions and the punishment for contempt of court, which was referred to the Committee on the Judiciary.

He also presented petitions of the Board of Trade of Kansas City, the Commercial Club of Kansas City, and of the State Association of Master Plumbers, all in the State of Missouri, praying for the adoption of a 1-cent postage on all first-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Kansas City, Clinton, Chitwood, Nevada, and Carthage, all in the State of Missouri, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

FIFTH-THIRD NATIONAL BANK OF CINCINNATI, OHIO.

Mr. KERN. From the Committee on Finance I report back favorably without amendment the bill (H. R. 26279) granting the Fifth-Third National Bank of Cincinnati, Ohio, the right to use original charter No. 20, and I submit a report (No. 1284) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Comptroller of the Currency to issue to the Fifth-Third National Bank of Cincinnati, Ohio, charter No. 20 in lieu of their present charter, No. 2798, said charter No. 20 being the original charter number of the Third National Bank of Cincinnati, Ohio, which bank was merged and consolidated with the Fifth National Bank of Cincinnati,

Ohio, in the year 1908, under the name of the Fifth-Third National Bank of Cincinnati, Ohio, said consolidated bank having succeeded to all the assets, good will, rights, privileges, and emoluments of the Third National Bank of Cincinnati, Ohio.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, as follows:

By Mr. CURTIS:

A bill (S. 8573) granting an increase of pension to George M. Trickey; to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 8574) providing for the erection of a monument to commemorate the site of old Fort Morgan, Colo. (with accompanying papers); to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate $250 to pay Edward T. Clark for extra services in connection with the preparation of the immigration bill, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing that the time within which claims may be presented for refunding of sums illegally withheld from owners of private dies under section 3425 of the Revised Statutes be extended to December 31, 1913, intended to be proposed by him to the general deficiency appropriation bill, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment fixing the limit of cost of the appraisers' stores building at Boston, Mass., to $1,250,000, intended to be proposed by him to the omnibus public buildings bill, which was ordered to lie on the table and be printed.

Mr. NELSON submitted an amendment providing that in all cases hereafter certified the accounting officers shall in stating balances follow the decisions of the United States Supreme Court or of the Court of Claims of the United States after the time for appeal has expired, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate $150,000 for a United States post-office building at Roseburg, Oreg., intended to be proposed by him to the omnibus public buildings bill, which was ordered to lie on the table and be printed.

Mr. MYERS submitted an amendment authorizing the Secretary of the Interior to determine and provide for payment out of the reclamation fund on account of any damage to property not liquidated in advance that has heretofore or may hereafter arise under an implied contract for reimbursement and which may be due to the operation and management of work constructed under the reclamation act of June 17, 1902, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $150,000 for the construction and enlargement of military posts, of which amount $10,000 shall be available for the construction of a building for instruction purposes at Fort Leavenworth, Kans., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 for an international joint commission, United States and Great Britain, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ROOT submitted an amendment authorizing the President to appoint a commission of seven members, to be known as the Peace Centennial Commission, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LEA submitted an amendment proposing to appropriate $10,000 for the construction and maintenance of a lodge at the entrance of the national park for the keeper of said park at Lookout Mountain, Tenn., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to amend the act approved February 4, 1913, by inserting, after the words "loan associations," in the title of the act and also in section 10 thereof, the word "pawnbrokers," intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. STONE submitted an amendment proposing to appropriate $47,550 for one additional mail lift and one combination freight and passenger elevator and for additions to mail apparatus and other improvements, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WETMORE submitted an amendment authorizing the Secretary of the Navy to cause the necessary repairs and preservation of the U. S. S. *Constellation*, *Portsmouth*, and *Olympia*, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

DEPARTMENT OF LABOR.

Mr. BORAH. Mr. President, I wish to ask unanimous consent that on Tuesday next the Senate will take up Order of Business No. 856, House bill 22913, for consideration immediately after the routine morning business, and that we shall vote upon the bill, together with the amendments, not later than 3 o'clock on that day. It is what is known as the Department of Labor bill.

Mr. SMOOT. Mr. President, I shall have to object to that unless the agreement provides that it shall not interfere with appropriation bills or conference reports.

Mr. BORAH. Of course, the Senator can exercise his privilege to object. I will only say that it is not my purpose to interfere with those bills, but I prefer not to insert that in the unanimous-consent agreement. We can take care of that matter when it comes up. If we make that exception, it may be utilized for the purpose of interfering with this bill.

Mr. SMOOT. I have no desire at all to prevent a vote upon the bill, but at this stage of the session I do not believe a unanimous-consent agreement ought to be made unless it provides that it shall not interfere with appropriation bills and conference reports.

Mr. BORAH. I will insert that exception, then, Mr. President.

The PRESIDENT pro tempore. The unanimous-consent agreement asked for will be stated by the Secretary.

The SECRETARY. It is agreed, by unanimous consent, that on Tuesday, February 25, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22913) to create a Department of Labor, and that at not later than 3 o'clock p. m. on that day the Senate will proceed——

Mr. BORAH. Permit me to state there that I will insert the calendar day instead of an hour.

The SECRETARY. And that on that day the Senate will proceed, without further debate, to vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition; such consideration, however, not to interfere with the consideration of appropriation bills or conference reports.

Mr. SMOOT. Does not the Senator think the legislative day would be better than the calendar day at this time of the session?

Mr. LODGE. Oh, no. I should have to object to any legislative-day agreement, Mr. President.

Mr. BORAH. I think the calendar day would be better.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Idaho? The Chair hears none, and it is so ordered.

HOUSE BILL REFERRED.

H. R. 28775. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

SAMUEL H. FISHER.

Mr. BRANDEGEE. I ask unanimous consent that as in executive session the nomination of Samuel H. Fisher, of Connecticut, to be United States district judge for the district of Connecticut, which has been lying on the table for several days, may be referred to the Committee on the Judiciary. There is a vacancy in the office. The committee meets on Monday, and I should like to get the nomination there, so that it may be considered by the committee.

Mr. CLARKE of Arkansas. I object.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that as in executive session the

nomination of the district judge named may be referred to the Committee on the Judiciary.

Mr. CLARKE of Arkansas. I withdraw the objection.

Mr. BRANDEGEE. It is merely a reference to the committee.

Mr. CLARKE of Arkansas. I have no objection to that.

The PRESIDENT pro tempore. Without objection, the nomination will be referred to the Committee on the Judiciary.

RIVER AND HARBOR BILL.

Mr. NELSON. Mr. President, I move that the Senate proceed to the consideration of House bill 28180, the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SIMMONS. Mr. President, I wish to offer an amendment, on page 19 of the bill, at the end of line 2, to strike out the period and insert a colon and the following:

Provided, That not exceeding $2,000 thereof may be used for providing a channel to and from quarantine station, with a depth of water equal to project and depth of main river channel.

The PRESIDENT pro tempore. The Chair will suggest to the Senator that that amendment is not now in order. The committee amendments must first be disposed of. There is an amendment pending.

Mr. SIMMONS. I should like, out of order, to ask unanimous consent that it may be offered at this time. It is a very small matter, and does not ask for any additional appropriation. It simply takes $2,000 of the appropriation to make a channel for the quarantine station in the river.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that his amendment may be offered at this time. Is there objection? The Chair hears none, and the amendment will be stated by the Secretary.

The SECRETARY. On page 19, at the end of line 2, it is proposed to strike out the period and insert a colon and the following:

Provided, That not exceeding $2,000 thereof may be used for providing a channel to and from quarantine station with a depth of water equal to project and depth of main river channel.

The amendment was agreed to.

The PRESIDENT pro tempore. The pending amendment is on page 52 of the bill, commencing at line 14.

Mr. NELSON. Mr. President, for the sake of securing harmony—and I understand this will be satisfactory to all interests—I offer the following amendment to the amendment of the committee:

To strike out all after the word "examination," in line 22, page 52, and insert in place thereof the following:

"And for the building of such levees between said points upon the river in aid of navigation, as may be found necessary or desirable by the commission and approved by the Chief of Engineers, the sum of $200,000 is hereby appropriated."

That is to be a substitute for all in the committee amendment after the word "examination," in line 22.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the words proposed to be inserted by the committee, on page 52, line 22, after the word "examination," strike out the words "the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated," and in lieu insert:

And for the building of such levees between said points upon the river in aid of navigation, as may be found necessary or desirable by the commission and approved by the Chief of Engineers, the sum of $200,000 is hereby appropriated.

Mr. CLARKE of Arkansas. Mr. President, I hope that amendment will be adopted, because by its adoption and the acceptance of the amendment as amended it will fix a policy against which the Senators and Representatives from the lower Mississippi district can have no possible objection. It has never been their purpose to interfere with national aid to a river in any section of the country. We have not denied that appropriations could be properly made and that they were desirable in the upper Mississippi. Our contention has never gone to the extent of having it understood or committing ourselves otherwise to any policy that pretended that the lower Mississippi Valley was the only part of the United States where appropriations could be made in aid of the construction of levees for the various purposes for which levees are deemed desirable.

The principle of this amendment is that Congress in the exercise of its judgment has determined that the time has arrived when the levee interests of the upper Mississippi were to be looked to as an independent proposition and distinct from the lower Mississippi. The lower Mississippi has problems of its own, and they are not like the situation which exists anywhere else in this country. Their treatment has been a matter of growth. A great many experimental efforts have been made; a great many dollars have been invested from which no good results have followed. Finally a comprehensive and connected system has been evolved from past experience and past failures until we have entered upon a policy which will ultimately redeem that great valley from overflow.

So far from exhibiting a desire to oppose any amendment to provide for any other section similarly afflicted, each has imposed upon us a burden that can only be discharged by cooperating in every legitimate way with the representatives of other sections of the country, and we do so cheerfully.

Now that the objectionable principle involved in the provision incorporated by the House has been eliminated in a way that respects the rights of the upper Mississippi Valley without prejudice to the rights of the lower valley, we are not only willing to vote for it, but do so with some cheerfulness.

Mr. NELSON. I desire to have a vote upon this amendment to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is upon the amendment as amended.

Mr. NELSON. That is to strike out and insert the amendment as amended.

Mr. KENYON. I should like to make an inquiry. A certain number of reaches are proposed to be stricken out. Is that the amendment we are now voting on?

The PRESIDENT pro tempore. The question is on striking out and inserting the amendment as amended.

Mr. CULLOM. I should like the whole amendment to be inserted read, so that we may see what it is.

The PRESIDENT pro tempore. The amendment as amended will now be read, at the request of the Senator from Illinois.

The SECRETARY. On page 52, beginning with line 5, strike out to line 13, inclusive, and in lieu insert:

The Mississippi River Commission shall make an examination of the Mississippi River from Cape Girardeau, Mo., to Rock Island, Ill., with a view to such improvements as will at the same time promote navigation, develop water power, and protect property adjacent to said river from damage by floods; and in making such examination consideration shall be given and recommendations made as to plans for cooperation by the localities affected; and for the purpose of such examination and for the building of such levees between said points upon the river in aid of navigation as may be found necessary or desirable by the commission and approved by the Chief of Engineers the sum of $200,000 is hereby appropriated.

Mr. CUMMINS. I desire to say that so far as I am concerned the committee amendment as amended is satisfactory.

Mr. CULLOM. It is satisfactory to me.

Mr. STONE. Mr. President, after consulting different Senators respecting the differences that have arisen between us and having in view the main object of those cooperating with me, I am willing to say to the Senate that while not entirely satisfactory it is acceptable, and I shall vote for the amendment as amended.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

Mr. STONE. Before——

Mr. NELSON. The next amendment is on page 55, striking out certain words. I wish to say to the Senator from Missouri about that matter that the committee had no information as to what was needed in regard to it in the way of bank revetments. We struck it out for the purpose of getting it into conference, and if it appears in conference that a bank revetment is needed we shall certainly agree to it. I wish the Senator would leave that paragraph of the bill stand as proposed by the committee.

Mr. STONE. Before we take that up I should like to ask the Senator from Minnesota a question, and that means that we shall go back to the Mississippi River item.

Mr. NELSON. No; the Mississippi River item has been disposed of.

Mr. STONE. Yes; we have agreed to that amendment. I wish to ask the Senator whether he would object to an amendment to the Mississippi River Commission item increasing the salaries of the commissioners from $3,000 to $6,000.

Mr. NELSON. That ought not to be in this bill. The matter of increasing salaries ought to be in another bill. I do not think it is proper to put that into this bill, and I have no au-

thority on behalf of the committee to agree to it. I trust the Senator will not complicate the matter.

Mr. STONE. I am not going to do it without the consent of the Senator from Minnesota. I suppose a point of order would lie against it.

Mr. NELSON. It certainly would, and I should feel it to be my duty to make the point of order.

Mr. STONE. I am not going to put the Senator to the necessity of making a point of order, but I do desire to say at this juncture that I am clear in the opinion that the members of the Mississippi River Commission, who are now receiving $3,000, are not adequately compensated. The members of other commissions performing like service and requiring no more of their time and attention are receiving $6,000 per annum. Of course I shall not press the matter beyond making this statement, but in the next bill which comes before Congress I hope that this manifest injustice will be rectified.

The PRESIDENT pro tempore. The paragraph of the bill on page 55, commencing in line 9, has not been dealt with.

Mr. STONE. Now, as to the Missouri River item, I am always disposed to follow——

Mr. NELSON. If the Senator will allow me, I stated a moment ago—I do not know whether the Senator heard me or not—that the committee had no information as to whether any revetment work there was needed, so we struck it out for the purpose of having it put into conference. If the House conferees show that it is a case as meritorious as the one below, we would certainly agree to it. I wish the Senator would let it go as it is to conference.

Mr. STONE. Mr. President, the House of Representatives put in the item proposed to be stricken out by the Committee on Commerce. The item is in this language. After appropriating $150,000 for the improvement of the Missouri River from Kansas City to Sioux City, this item follows:

Of which amount at least $75,000 may be expended for such bank revetment as, in the judgment of the Chief of Engineers, may be in the interests of navigation.

Why the committee struck it out is, in a measure, conjectural.

Mr. NELSON. I was trying to explain that to the Senator. I am afraid he did not understand me.

Mr. STONE. I understood what the Senator from Minnesota said.

Mr. NELSON. I said the committee had no information as to whether anything was needed for revetment there. Objection was made to it, and the committee agreed to strike it out for the purpose of putting it in conference. After we get the matter into conference, if there is necessity for the appropriation, we will restore it. The Senator can rely upon it that the committee will do what is just and fair in the premises.

Mr. STONE. Yes; I suppose I ought to have faith; indeed, there is no reason, I presume, from my experience here, why I should not have utmost faith in what the committee of conference will do.

But, Mr. President, there have been two surveys made of the river between Kansas City and Sioux City, made in pursuance of provisions inserted in river and harbor bills at the instance of the Committee on Commerce. There was great danger of the river breaking in at one point south of St. Joseph through what is known as Lake Contrary. The river banks have eroded until the river is within a short distance of this lake, and if the river should flow into that lake and pour on down through a long chain of lakes it would change the bed of the river; at least it would divide the waters of the river and result in very great injury to the people living there.

Now, that is one item. Then there is an island above St. Joseph, some distance just north of the island—I can not at the moment call the name of the island—on the Kansas side, where a like difficulty and danger appear.

When I was upon the Committee on Commerce I asked that some part of the money appropriated for the improvement of the river north of Kansas City might be set apart for revetting and protecting the banks on the Missouri side and on the Kansas side. I was then told that under the rules of the Commerce Committee, which had been a long time before adopted and rigidly adhered to, when appropriations were made for these rivers, a particular sum would not be set apart for expenditure at a given point. Now, that rule has been departed from. It has been departed from on the Mississippi River. My distinguished friend from Arkansas, the senior Senator [Mr. CLARKE], has wisely used his great influence upon the Committee on Commerce to induce that committee to set apart $100,000 of the appropriations made for the Mississippi River for expenditure at or near Helena, Ark.

Mr. CLARKE of Arkansas rose.

Mr. STONE. The Senator need not get up, because I entirely approve of what he did and I congratulate him and his constituents.

Mr. CLARKE of Arkansas. Approval and congratulation will not supply the fact. I have not been a member of the Committee on Commerce for some years. The only thing that commended that amendment to the favor of the committee and the Senate was its merits. The appropriation was not diverted from any purpose designed by Congress in making the appropriation; it was simply provided that in the choice of projects which would come under the jurisdiction of the Mississippi River Commission, they should give it preference because of the urgent character of the improvement.

Mr. STONE. The Senator knows that was a departure from the long-established practice of the committee.

Mr. CLARKE of Arkansas. I think not. It was in entire accordance with the practice of directing how an appropriation should be actually expended as between a number of projects for all of which it was intended. It was no departure from the procedure of the committee and no straining whatever of any rule that governed that committee in its deliberations.

Mr. STONE. We have agreed to that item setting apart $100,000 for expenditure at and near Helena. But the President pro tempore, long a member of the Committee on Commerce, knows, and every member of that committee knows——

[Mr. NELSON held a whispered conversation with Mr. STONE.]

Mr. TOWNSEND. Mr. President, I am unable to understand the debate that is going on at this time. May we not have order, so that we can hear the conversation between the Senators.

Mr. STONE. Mr. President, I yield.

[Laughter on the floor and in the galleries.]

The PRESIDENT pro tempore. The Senate will be in order, and the occupants of the galleries will likewise be in order. The next amendment passed over will be read.

The SECRETARY. On page 55, line 10, after "$150,000," strike out the words:

Of which amount at least $75,000 may be expended for such bank revetment as in the judgment of the Chief of Engineers may be in the interests of navigation.

Improving Missouri River: For improvement and maintenance from Kansas City to Sioux City, $150,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 55, line 16, after the word "session," to strike out "$150,000; in all, $300,000," and insert "$175,000, of which amount, because of present emergency, an amount not exceeding $75,000 may be expended for such bank revetment above Elk Point as in the judgment of the Chief of Engineers may be necessary to extend and protect existing revetments and regulate channel flow in the interest of navigation; in all, $325,000."

The amendment was agreed to.

Mr. NELSON. That disposes of the committee amendments. I understand that the Senator from Tennessee [Mr. WEBB] has an amendment to offer, and also the Senator from Nevada [Mr. NEWLANDS].

Mr. WEBB. I desire to offer an amendment to the pending bill. I send it to the desk, and ask that it may be read.

The PRESIDENT pro tempore. The Senator from Tennessee offers an amendment, which will be read.

The SECRETARY. On page 52, after line 23, insert:

That the sum of $200,000 is hereby appropriated, to be expended by the Mississippi River Commission, for revetting, leveeing, and otherwise improving the left bank of the Mississippi River at and near Memphis, Tenn., in cooperation with the municipal authorities at Memphis, for the purpose of preventing damage by floods and promoting the interests of navigation.

Mr. CLARKE of Arkansas. Mr. President, I feel compelled to renew the point of order against that amendment, which was made to a similar one on a former occasion and for the same reason. It proposes to add a new item to the appropriation bill without having been referred to the committee or having been included in any estimate.

Mr. LEA. If the Senator from Arkansas will yield for a moment. I hope he will not make that point of order. The entire trouble at Memphis is caused by the appropriations which have been made for doing work on the lower and upper Mississippi River. If it were not for those very generous appropriations, to which we have not objected and with which we have cooperated, there would be no trouble at Memphis. Every dollar that is expended on the lower Mississippi is causing a condition at Memphis that necessitates revetting and levee work, which would result in great damage to the city of Mem-

phis if it were not done, and it is not fair to ask the city of Memphis alone, the only point on the Mississippi River affected, to pay the damages that are caused by protecting other sections. I hope, therefore, the Senator from Arkansas will not insist on the point of order.

Mr. CLARKE of Arkansas. Mr. President, I made the point of order with the perfect understanding of what it meant. I am not averse to contributions by the Government to better conditions at Memphis, whether they arise from the construction of levees elsewhere or not. In the first place, I do not agree with the Senator that the construction of levees anywhere has had anything to do with conditions at Memphis. I am entirely friendly to the interests of Memphis, and would be glad to help them at any time when it could be done without seriously complicating greater interests elsewhere.

This matter has been considered elsewhere and has not met with favor. It can only have the effect of loading this bill with unpopular provisions at this time. When we have a better opportunity to give it the consideration that it deserves and to work out all the equities that inhere in it, I shall not only not object to it, but I shall be very glad to cooperate with the representatives from the State of Tennessee. At this time, however, I think it inopportune, in view of the history of the provision and the necessity for keeping this bill as free as possible from provisions that not only may delay its passage but may ultimately defeat it. I therefore renew the point of order.

Mr. WEBB rose.

The PRESIDENT pro tempore. Does the Senator from Tennessee desire to be heard on the point of order?

Mr. WEBB. Mr. President, I wish to say that the construction of levees to protect the lowland of Arkansas reduced the channel of the river to less than one-fifth of its original width at flood tide. That brought a flood upon the city of Memphis that put out the lights, cut off the water, choked the sewers, and produced typhoid fever. This is an additional appropriation, and I hope the Senator from Arkansas will withdraw his point of order against it.

Mr. NEWLANDS. Mr. President, I should very much question whether this item is subject to a point of order. Here we have an existing appropriation providing for the narrowing of the flood area of the Mississippi River opposite Memphis through the construction of levees upon the Arkansas side, which are designed partly to promote navigation and partly to protect large cultivable areas. The city of Memphis is situated on the bluff side, and the Arkansas side is the swamp side of the river. The result of the contraction of the river by those levees has been to force the flood of the river against the bluff side at Memphis in such a way as to seriously injure the public works there and to seriously imperil the health of the people. The work that has been inaugurated, recollect, is the work of narrowing the river, and this amendment is simply intended to carry out the existing work in such a way as to make it innocuous to the city and to its inhabitants.

It seems to me that the amendment is entirely in order, it being to provide for a part of an existing work; and it seems to me that it would be a very wise exercise of the judgment of Congress in providing now for the cooperation of the Mississippi River Commission with the municipal authorities of Memphis, through teamwork that will result in continuing the operation of narrowing the river without injury to the adjoining country.

Mr. LEA. Mr. President, as this point of order is different from the point of order which was ruled on by the Chair the other day, I ask that it be submitted to the Senate.

The PRESIDENT pro tempore. The rule is very explicit in this matter. First, as the Chair understands, the proposed appropriation has not been estimated for, and, next, the rule states that amendments proposing new items of appropriation to a river and harbor bill shall, before being considered, be referred to the Committee on Commerce, which in this instance has not been done. Therefore, the Chair reluctantly sustains the point of order.

Mr. CLARKE of Arkansas. I very reluctantly made the point of order.

Mr. NEWLANDS. Mr. President, I offer the amendment which I send to the desk, and ask that it be read.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment, which will be read.

The Secretary proceeded to read the amendment, which was, on page 65, after line 10, to insert a new section.

Mr. SIMMONS. Mr. President, I desire to ask the Senator from Nevada, as we are a little pressed for time, if he would consent to dispense with the reading and explain in a few words his amendment? I think the amendment can probably be better understood by Senators by an explanation than by a reading of it.

Mr. NEWLANDS. Mr. President, pursuant to the suggestion of the Senator from North Carolina, I ask that the amendment which I have offered be inserted in the RECORD without reading.

The PRESIDENT pro tempore. Is there objection to the request that the further reading of the amendment be dispensed with, and that it be inserted in full in the RECORD? The Chair hears none, and it will be so ordered.

The proposed amendment is to insert as a new section the following:

SEC. 3. That for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end for the storage of flood waters in the watershed of such navigable rivers, including the beneficial use and control of such flood waters, in the maintenance so far as practicable of a standard flow for navigation, the reclamation of arid and swamp lands, and the development of water power; and for the protection of watersheds from denudation, erosion, and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies in plans and works having in view such river regulation and control, the sum of $5,000,000 annually for each of the years following the 1st day of July, 1913, and up to the date of the completion and opening to commerce of the Panama Canal, and thereafter the sum of $50,000,000 annually for each of the 10 years following the completion of the Panama Canal, is hereby reserved, set aside, and appropriated and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury to be known as the river-regulation fund.

That of the said river-regulation fund, until otherwise directed by law, one-tenth thereof shall be apportioned to the rivers on the Atlantic coast, one-tenth thereof to the rivers on the Gulf coast outside of the Mississippi River, one-fifth thereof to the Mississippi River from St. Louis to the Gulf, one-tenth thereof to the Missouri River and its tributaries, one-tenth thereof to the Ohio River and its tributaries, one-tenth thereof to the upper Mississippi River above St. Louis and its tributaries, one-tenth thereof to the Sacramento and San Joaquin Rivers and their tributaries in California, one-tenth thereof to the Columbia and Snake Rivers and their tributaries in Oregon, Washington, and Idaho, and one-tenth thereof in the connection of the Great Lakes with the Ohio and Mississippi Rivers.

That a board is hereby created, to be known as the Board of River Regulation, consisting of the Chief of Engineers of the United States Army, the chairman of the Panama Commission, the chairman of the Board of Review of the Engineer Corps of the Army, the chairman of the Mississippi River Commission, the Director of the United States Geological Survey, the Chief of the Weather Bureau, the Forester of the Department of Agriculture, the Director of the Reclamation Service, the Chief of the Drainage Division of the Department of Agriculture, the Secretary of the Smithsonian Institution, one hydraulic engineer, one sanitary engineer, and one electrical engineer; the last three to be appointed by the President and to hold office at his pleasure, and each to receive an annual compensation of $7,500, payable out of the river-regulation fund.

The Chief of Engineers shall be the chairman of such board, and the secretary shall be annually elected by the board from its members.

That the functions of said board shall be to investigate and obtain full information concerning all matters involved in or specifically related to the objects set forth in this section, and for such purpose is authorized to expend a suitable and necessary proportion of the moneys therein appropriated; but said board shall not expend or incur liability for the expenditure of any money for the construction or execution of plans or projects without the specific approval of Congress, as hereinafter set forth; that said board is hereby authorized and directed to enlist through the President the services of any Federal department or bureau the statutory authority of which may involve investigations or constructive work that is necessary or desirable in the comprehensive performance of the objects set forth in this section, and to bring into cooperation and to harmonize and unify the work of said departments or bureaus as may be necessary to provide against duplication or unwarranted or incomplete work with respect to the objects herein provided; and that said board is authorized to defray the expenses of such investigations or assistance to the extent of the ultimate cost thereof to said departments or bureaus through a transfer of equivalent proportions of the appropriation herein provided.

That the board shall develop, formulate, and prepare plans for the accomplishment of the purposes herein provided, and shall report the same to Congress annually and at such other times as may be required; and whenever the recommendations or any parts thereof in said report shall receive the approval of Congress the said board shall proceed to construct and execute the same in accordance with the plans so approved: *Provided*, That the provisions of this section shall be so administered as in no way to supersede or conflict with any specific provisions which Congress shall from time to time make by way of appropriations other than such as are made by this act for work and improvements to be performed or maintained by the Corps of Engineers, United States Army, but that all work prescribed under this section shall be supplemental to and coordinated with the work as specifically prescribed by Congress in other acts.

That the board shall in all cases where possible and practicable encourage, promote, and endeavor to secure the cooperation of State and local government bodies, public and quasi public corporations, private associations, and persons in carrying out the purposes and objects of this act, including the securing of the financial cooperation of said parties; that it shall negotiate and arrange plans for the apportionment of work, costs, and benefits, and to secure the agreement and consent of said parties, contingent upon the final approval of same by Congress as herein provided, which approval and consent may include the acceptance and use of any funds or property donated or subscribed or in any way provided for cooperative work; but no moneys shall be expended under any arrangement for cooperation approved by Congress until the funds to be provided by the parties to such arrangement shall have been made available for disbursement.

Mr. NEWLANDS. Mr. President, the amendment which I have offered is a condensation of a bill which I have presented in different phases during the last six or seven years for the

regulation of rivers by the creation of a board of river regulation, which shall bring into coordination the various scientific services of the Government whose duties in any way relate to the conservation or the use of water, such as the Reclamation Service, the Forestry Service, the Geological Survey, the Engineer Corps of the Army, the drainage service, and other scientific services of that kind. It provides for a river regulation fund, to which is appropriated until the completion of the Panama Canal only $5,000,000 annually, and after that time the sum of $50,000,000 annually for a period of 10 years, thus providing a sum of a little over $500,000,000, which will be expended in the regulation of our rivers during the next 10 or 12 years and which will insure continuous work upon all the watersheds of the country, that work embracing not only the cooperation of the services that relate to water, but the cooperation of the Nation with the States, so that the plans can be mutually prepared by the river regulation board and organizations effected by the States in such a way that the works contemplated by the respective sovereignties will dovetail into each other without conflict of jurisdiction and without the intrusion of any sovereign upon the jurisdiction of the other. It will insure teamwork that will secure the complete regulation of rivers, not only for the purposes of navigation, but for the purpose of storage for irrigation, storage for water-power development, control for swamp-land regulation, and all other uses to which the waters of rivers can be put, the idea being that every river is to be regarded as a unit composed of the main river, its lateral tributaries and source streams, and that the river should be developed by the exercise of all the powers and functions of the sovereigns and parties interested in the river in such a way as to secure its highest and best use for every purpose, the works to be constructed in such a way as to apportion the costs and the benefits to the relative jurisdictions.

The history of this proposed policy is as follows: In 1907 President Roosevelt appointed an Inland Waterways Commission, composed of two Senators, two Representatives, and five chiefs of the various services of the Government interested in water development—the Chief of Engineers of the Army, the Chief of the Forestry Service, the Chief of the Reclamation Service, the Chief of the Bureau of Corporations, and a representative of the Bureau of Soils. The duty assigned to that board by the executive department was to make an investigation as to the best method of regulating our rivers in such a way as to secure their highest use. That commission traveled all over the country. They made a report, in which they recommended practically everything contained in this amendment, with the exception that there was a difference of opinion as to whether a large fund should be created or whether the reports of the river board should come to Congress and appropriations be made based upon their reports, as now is the custom with reference to the river and harbor bill. To that report, in which I concurred as a member, I added an addendum, which is brief and the wisdom of which I think has been demonstrated by subsequent history. My statement was as follows:

I concur in the report of the commission, but desire to emphasize my belief that it is of the highest importance that in dealing with subjects relating to the respective powers, rights, and interests of the Nation, States, municipalities, corporations, and individuals, large powers and a comparatively free hand should be given to an administrative body of experts in the full development of projects, lest the complexity of the transactions, the time necessary to secure congressional approval, and difference of view as to purpose or method, may result in indecision and delay, the worst enemies of effective development.

An ample fund should be provided, to be reenforced from time to time either by legislative appropriation or by bond issue, and the administrative board, or commission, should be given the power not only to investigate projects, but also, when determined to be feasible, to enter, with the approval of the President, upon their immediate execution; but the power should be limited so as to prevent such administrative body from entering into any contract unless there are sufficient unappropriated moneys in the fund to meet the cost thereof.

Unless some method of construction and development insuring prompt decision and execution and continuous and consecutive work by a body of experts is adopted, I fear that the best of projects may be wrecked in the shoals and quicksands of legislation.

Mr. President, prior to the report of the Inland Waterways Commission I had introduced a bill covering this subject. That bill went to the Committee on Commerce, and was referred by the committee to the Inland Waterways Commission and to the Secretary of War for their opinion as to its merits. I wish to quote briefly from the report of the Inland Waterways Commission:

1. Several of the leading provisions of the bill are in accord with the recommendations of the commission in a report submitted on February 3 last and transmitted to the Congress by the President on February 26. Among these are (a) the provision for coordination of navigation with related uses of the waters; (b) the provision for cooperation between the Federal Government, States, municipalities, communities, corporations, and individuals; (c) the provision for correlating existing agencies in the Departments of War, Interior, Agriculture, and Commerce and Labor in such manner as to secure effective administration; and (d) the provisions looking toward the control of running waters in such manner as to protect and promote navigation. In so far as these provisions are concerned, the bill has the unqualified approbation of the commission.

* * * * * * *

3. The general purpose of the bill is in harmony with the comprehensive plan for improving and developing the waterways of the country framed by the commission and approved by the President in his message of February 26 last.

The Secretary of War, Mr. Taft, also made a report upon this bill, quotations from which I shall ask to have inserted in the RECORD. In that report the Secretary of War approved the bill. I shall not delay the Senate in the consideration of this bill by quoting freely from the report, but shall content myself with placing the extracts in the RECORD. I will simply say that he most emphatically indorsed the principle of coordinating the various Federal agencies and scientific bureaus in this work, and that he approved the method provided by the bill for bringing the Nation and the States into cooperation.

Shortly after that a conference of the governors was held at the White House, May 13, 1908. I shall ask to insert in the RECORD a statement from their resolutions, in which they unanimously indorsed the principle of cooperation in this work between the scientific services of the Government, cooperation of the Nation with the States, and the study and development of all our rivers in such a way as to promote every civilized use.

The PRESIDENT pro tempore. Without objection, leave will be granted as requested by the Senator.

The matter referred to is as follows:

[Extracts from the letter of Secretary of War William H. Taft to the Senate Committee on Commerce, dated Apr. 17, 1908, on the same subject.]

"(c) The bill provides for correlating the existing agencies in the Departments of War, Interior, Agriculture, and Commerce and Labor through certain powers vested in the President. The need for some such plan is sufficiently shown by the fact that while this country is better endowed with waterways than any other our streams are less used for navigation and other public purposes than those of other countries. Since this provision touches duties placed on the War Department by law, it has received careful consideration. It does not appear that the measure would interfere with the functions of the War Department, or with the continuation and extension of the engineering work now performed there, but it is believed that the provision for administration would tend to promote the general welfare. Accordingly this feature meets the approbation of the War Department.

* * * * * * *

"(e) The bill provides also for the initiation of projects by a board of experts. These provisions affect the work of the War Department and have had careful consideration. Suitable provisions for expert initiation and prompt execution are essential to the proper development of any system of river improvement. The chief defect in the methods hitherto pursued lies in the absence of executive authority for originating comprehensive plans covering the country or natural divisions thereof. The creation of an inland waterways commission for the purpose of initiating plans for the improvement of waterways seems to me a more effective way of a general plan for the improvement of all the waterways in the country than under the present provisions of law. This would not dispense with the admirable machinery furnished by the War Department for the improvement of waterways when the plan has been determined upon and is to be executed. But it supplies what does not exist in the law now—a tribunal other than Congress charged with the duty of originating and developing a satisfactory plan."

Secretary Taft adds:

"3. In its present form the bill might be construed to curtail indirectly certain functions of the War Department, which is now charged with large discretion in waterway affairs. Possible ambiguity on this point should be removed."

Mr. Taft goes on and gives the history of the Engineer Corps of the Army and shows how it drifted into the control of our waterways.

"Under the same long-standing arrangement"—

Mr. Taft says—

"it is the policy of the War Department to maintain a trained body of military engineers with a view to the national defense, and to keep these engineers in training in time of peace by detail to civil duty allied to their professional duty in time of war or military preparation; and it was in carrying out this policy that the functions of the War Department pertaining to waterways have been more and more largely intrusted to the Engineers of the Army during the 110 years since the Army and Navy were separated in distinct departments. This policy has long been sustained by the Congress, although the military engineers have been prohibited from initiating projects or originating plans for meeting the growing needs of commerce. It is desirable to continue the policy of keeping the military engineers in training and at the same time rendering their skilled service available in work on waterways, although it is not necessary to vest them with the power of initiative, which they have not exercised in the past and which is, perhaps, inconsistent with their primary duty in connection with the military establishment of which they form a part. A provision that the Chief of Engineers of the Army shall be a member of the commission proposed to be created, and a further provision specifically covering the detail of military engineers to the service of the commission whenever such detail shall be consistent with their military duties, would remove any possible ambiguity and would be in accord with the custom and policy of the War Department."

[Extracts from the conference of governors, held at the White House, May 13–15, 1908.]

We declare our firm conviction that this conservation of our natural resources is a subject of transcendent importance, which should engage unremittingly the attention of the Nation, the States, and the people in earnest cooperation. These natural resources include the land on

which we live and which yields our food; the living waters which fertilize the soil, supply power, and form great avenues of commerce; the forests which yield the materials for our homes, prevent erosion of the soil, and conserve the navigation and other uses of the streams; and the minerals which form the basis of our industrial life, and supply us with heat, light, and power.

We agree that the land should be so used that erosion and soil wash shall cease; and that there should be reclamation of arid and semiarid regions by means of irrigation, and of swamp and overflowed regions by means of drainage; that the waters should be so conserved and used as to promote navigation, to enable the arid regions to be reclaimed by irrigation, and to develop power in the interests of the people; that the forests which regulate our rivers, support our industries, and promote the fertility and productiveness of the soil should be preserved and perpetuated; that the minerals found so abundantly beneath the surface should be so used as to prolong their utility; that the beauty, healthfulness, and habitability of our country should be preserved and increased; that the sources of national wealth exist for the benefit of the people, and that monopoly thereof should not be tolerated.

We commend the wise forethought of the President in sounding the note of warning as to the waste and exhaustion of the natural resources of the country, and signify our high appreciation of his action in calling this conference to consider the same and to seek remedies therefor through cooperation of the Nation and the States.

We agree that this cooperation should find expression in suitable action by the Congress within the limits of and coextensive with the national jurisdiction of the subject, and, complementary thereto, by the legislatures of the several States within the limits of and coextensive with their jurisdiction.

We declare the conviction that in the use of the national resources our independent States are interdependent and bound together by ties of mutual benefits, responsibilities, and duties.

* * * * * * *

We recognize in our waters a most valuable asset of the people of the United States, and we recommend the enactment of laws looking to the conservation of water resources for irrigation, water supply, power, and navigation, to the end that navigable and source streams may be brought under complete control and fully utilized for every purpose. We especially urge on the Federal Congress the immediate adoption of a wise, active, and thorough waterway policy, providing for the prompt improvement of our streams and the conservation of their watersheds required for the uses of commerce and the protection of the interests of our people.

Mr. NEWLANDS. I will quote just one sentence:

We recognize in our waters a most valuable asset of the people of the United States, and we recommend the enactment of laws looking to the conservation of water resources for irrigation, water supply, power, and navigation, to the end that navigable and source streams may be brought under complete control and fully utilized for every purpose. We especially urge on the Federal Congress the immediate adoption of a wise, active, and thorough waterway policy, providing for the prompt improvement of our streams and the conservation of their watersheds required for the uses of commerce and the protection of the interests of our people.

Later on the political parties, in 1908, took action upon this subject. With the permission of the Senate, I will insert in the RECORD quotations from the platforms of 1908 and 1912, from which it will be seen that all of these parties recognized and indorsed the policy embraced in the river regulation bill which I have offered, and in this amendment, which is a condensation of that bill.

The PRESIDENT pro tempore. Without objection, leave will be granted.

The matter referred to is as follows:

[Declarations of the platforms of the Democratic and Republican Parties in 1908 relative to the improvement of the waterways.]

DEMOCRATIC PLATFORM 1908—WATERWAYS.

Water furnishes the cheaper means of transportations, and the National Government, having the control of navigable waters, should improve them to their fullest capacity. We earnestly favor the immediate adoption of a liberal and comprehensive plan for improving every water course in the Union which is justified by the needs of commerce; and, to secure that end, we favor, when practicable, the connection of the Great Lakes with the navigable rivers and with the Gulf through the Mississippi River, and the navigable rivers with each other, by artificial canals, with a view of perfecting a system of inland waterways to be navigated by vessels of standard draft.

We favor the coordination of the various services of the Government connected with waterways in one service, for the purpose of aiding in the completion of such a system of inland waterways; and we favor the creation of a fund ample for continuous work, which shall be conducted under the direction of a commission of experts to be authorized by law.

—

REPUBLICAN PLATFORM 1908—CONSERVATION.

We indorse the movement inaugurated by the administration for the conservation of the natural resources. * * * in the line of this splendid undertaking is the future day, equally, imperative, to enter upon a systematic improvement upon a large and comprehensive plan, just to all persons of the country, of the waterways, harbors, and Great Lakes, whose natural adaptability to the increasing traffic of the land is one of the greatest gifts of benign Providence.

NATURAL RESOURCES.

We repeat the demand for internal development and for the conservation of our natural resources contained in previous platforms, the enforcement of which Mr. Roosevelt has vainly sought from a reluctant party; and to that end we insist upon the preservation, protection, and replacement of needed forests, the preservation of the public domain of home seekers, the protection of the national resources in timber, coal, iron, and oil against monopolistic control, the development of our waterways for navigation and every other useful purpose, including the irrigation of arid lands, the reclamation of swamp lands, the clarification of streams, the development of water power, and the preservation of electric power generated by this natural force, from the control of monopoly; and to such end we urge the exercise of all powers, National, State, and municipal, both separately and in cooperation.

—

[Declarations of the platforms of the Democratic, Republican, and Progressive Parties in 1912 relative to the improvement of the waterways.]

DEMOCRATIC PLATFORM.

We renew the declaration of our last platform relating to the conservation of our national resources and the development of our waterways. The present devastation of the lower Mississippi Valley accentuates the movement for the regulation of river flow by additional levee and bank protection below, and the diversion, storage, and control of the flood waters above, and their utilization for beneficial purposes in the reclamation of arid and swamp lands and the development of water power, instead of permitting the floods to continue, as heretofore, agents of destruction. We hold that the control of the Mississippi River is a national problem. The preservation of the depth of its water for the purpose of navigation, the building of levees to maintain the integrity of its channel and the prevention of the overflow of the land, and its consequent devastation, resulting in the interruption of interstate commerce, the disorganization of the mail service, and the enormous loss of life and property, impose an obligation which alone can be discharged by the General Government.

To maintain an adequate depth of water the entire year and thereby encourage water transportation is a consummation worthy of legislative attention and presents an issue national in its character. It calls for prompt action on the part of Congress, and the Democratic Party pledges itself to the enactment of legislation leading to that end.

We favor the cooperation of the United States and the respective States in plans for the comprehensive treatment of all waterways with a view of coordinating plans for channel improvement with plans for drainage of swamp and overflowed lands, and to this end we favor the appropriation by the Federal Government of sufficient funds to make surveys of such lands, to develop plans for draining the same, and to supervise the work of construction.

We favor the adoption of a liberal and comprehensive plan for the development and improvement of our inland waterways with economy and efficiency, so as to permit their navigation by vessels of standard draft.

REPUBLICAN PLATFORM.

The Mississippi River is the Nation's drainage ditch. Its flood waters, gathered from 31 States and the Dominion of Canada, constitute an overpowering force which breaks the levees and pours its torrents over many million acres of the richest land in the Union, stopping mails, impeding commerce, and causing great loss of life and property. These floods are national in scope, and the disasters they produce seriously affect the general welfare. The States unaided can not cope with this giant problem; hence we believe the Federal Government should assume a fair proportion of the burden of its control, so as to prevent the disasters from recurring floods.

* * * * * * *

We favor a liberal and systematic policy for the improvement of our rivers and harbors. Such improvement has been made upon expert information and after a careful comparison of cost and prospective benefits.

PROGRESSIVE PARTY PLATFORM.

The rivers of the United States are the natural arteries of this continent. We demand that they shall be opened to traffic as indispensable parts of a great nation-wide system of transportation in which the Panama Canal will be the central link, thus enabling the whole interior of the United States to share with the Atlantic and Pacific seaboards in the benefit derived from the canals. It is a national obligation to develop our rivers, and especially the Mississippi and its tributaries, without delay under a comprehensive general plan covering each river system from its source to its mouth, designed to secure its highest usefulness for navigation, irrigation, domestic supply, water power, and the prevention of floods. We pledge our party to the immediate preparation of such a plan, which should be made and carried out in close and friendly cooperation between the Nation, the States, and the cities affected. Under such a plan the destructive floods of the Mississippi and other streams which represent a vast and needless loss to the Nation would be controlled by forest conservation and water storage at the headwaters and by levees below, land sufficient to support millions of people will be reclaimed from the deserts and the swamps, water power enough to transform the industrial standings of whole States would be developed, adequate water terminals would be provided, transportation by river would revive, and the railroads would be compelled to cooperate as freely with the boat lines as with each other. The equipment, organization, and experience acquired in constructing the Panama Canal soon will be available for the Lakes-to-the-Gulf deep waterways and other portions of this great work, and should be utilized by the Nation in cooperation with the various States at the lowest net cost to the people.

Mr. NEWLANDS. I shall not weary the Senate with the reading of these various platforms. It is sufficient to say that in 1908 the Republican Party indorsed this policy in general terms, and the Democratic Party indorsed it in express terms, specifically demanding what the pending amendment provides, namely, coordination of the services, cooperation with the States, an ample fund for continuous work, the dovetailing of plans so as to insure the construction and completion of works that would serve all the uses to which a river can be put, whether those uses are under national or under State jurisdiction, but providing for this teamwork and cooperative work in such a way as to preserve the integrity of the jurisdiction of each sovereign. The Democratic platform of 1912 indorsed and repeated its insistence upon the declaration of 1908, and added to it a declaration that the recent flood on the Mississippi River accentuated the demand for the development of this policy. The new party, the Progressive Party, added its demands to those of the Republican and Democratic Parties in favor of broad and com-

prehensive plans, ample funds, continuous work, and teamwork between the Nation and the States.

Mr. President, my impression is that at different sessions of Congress I have introduced three bills upon this subject, each of which I regard as an improvement upon the other. The first bill, which I introduced in 1907, was a bill entitled, if I recollect rightly, "A bill for the creation of an inland waterway commission." The pending bill provides for the creation of a river regulation board. It contains everything that is contained in the other bill and contains elaborations which I think will add to its efficiency.

The first bill, it will be recalled, was referred to the Secretary of War, Mr. Taft, and received his approval. The last bill was referred to the Secretary of Agriculture, the Secretary of the Interior, the War Department, and the Secretary of the Smithsonian Institution, the latter being for many years, as will be remembered, the Director of the Geological Survey—an experienced official and most capable administrator—who has been familiar with every phase of waterway development in this country for many years. I will ask that the communication from the Secretary of Agriculture may be read. It is addressed to the Committee on Commerce.

The PRESIDENT pro tempore. Without objection, the letter will be read, as requested.

The Secretary read as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, April 4, 1912.

Hon. KNUTE NELSON,
Chairman Committee on Commerce,
United States Senate.

MY DEAR SENATOR: I have received, by reference from the clerk to your committee, Senate bill 122, introduced by Mr. NEWLANDS, "to create a board of river regulation," etc. It is a comprehensive measure with regard to the control and utilization of flood waters. I have referred the bill for comment to three of the chiefs of bureaus in this department, and inclose herewith copies of their reports, in which they discuss the matter, I think, very intelligently.

I have been for some time impressed with the fact that sooner or later the Congress of the United States, probably in cooperation with the States, will be compelled to inquire carefully into the waters of the country that are now going to waste, with a view to their utilization in the production of maximum crops. Where we depend entirely upon rainfall we do not always get maximum crops, because there are long periods of drought that prevent. We had such droughts last year. I believe it will be necessary, eventually, for the Federal Government, or the Federal Government and the States, or in some cases each State individually, to work out a comprehensive system of saving flood waters—the surplus waters that run away in spring and winter and during flood times in summer. This can be done, as it has been done in other countries, by arranging for a system of reservoirs beginning near the head of streams and continuing the reservoirs down the streams until all the advantage is secured that can be had from confining the waters for use on the land in dry times. I think the entry upon the subject is timely and wise, and any cooperation this department can extend will be cheerfully given.

There is a line of work in this connection that must be done by the Weather Bureau in ascertaining the precipitation found on each of the streams, and this feature I think it would be well for the committee to look into, if it has not already been considered.

Very truly, yours,

JAMES WILSON, *Secretary.*

Mr. NEWLANDS. Mr. President, as the time is short I shall not have the other reports read, but shall ask that they be inserted in the RECORD.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, January 29, 1913.

The COMMITTEE ON COMMERCE,
United States Senate.

GENTLEMEN: I am in receipt of your request for such suggestions as I may deem proper touching the merits of Senate bill 122, "To create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies."

This bill is based upon two principles which have not been hitherto generally recognized in the construction of public works for river improvement. These principles are, first, that a river from its source to mouth, with all of its tributaries, is a unit in all its most important physical and functional characteristics. It should therefore be dealt with as a whole and not piecemeal, and in dealing with it for any single use, such as navigation, we should not lose sight of the other uses to which it can be put, such as water supply, irrigation, power, drainage, etc. River improvement should harmonize these uses, treating the river system as a unit for this purpose, and should provide for the cooperation of the Nation, States, and individuals to that end. The same principle applies, only in less degree, to the unification of all river systems into one comprehensive whole.

The second principle is that this work of waterway improvement in its details should be guided and determined as an administrative and not as a legislative matter, and therefore that a large fund should be provided and replenished from time to time as may be necessary, this fund to be expended at the discretion of a competent administrative commission of experts without specific appropriations or limitations, except of a broad general character, by Congress. The proposed commission is to consist of the chiefs of the Federal bureaus whose duties are now concerned with specific phases of the problem, together with specially qualified experts to be appointed by the President.

I am heartily in accord with these principles and believe that legislation embodying them should be enacted. I have not attempted, however, to criticize the bill in detail.

Very respectfully,

WALTER L. FISHER, *Secretary.*

WAR DEPARTMENT,
Washington, January 27, 1913.

MY DEAR SENATOR NEWLANDS: I have at last had an opportunity to read and consider the bill introduced by you in the first session of the present Congress (S. 122) to create a board of river regulation, and to provide a fund for the regulation and control of the flow of navigable rivers, etc. The bill relates to many bureaus and departments of the Government not within my jurisdiction, and it contains many administrative features, which will doubtless be the occasion of much discussion and probable difference of opinion. As to the details of these features, I can not, especially in the limited time which I have, express any opinion. But so far as my observation extends, the bill is the first attempt to treat in a comprehensive and constructive manner the national problem afforded by our rivers and waterways. It is only of late years that we are beginning to obtain an adequate idea of the extent of this problem. It is only of late that the effect of forestration upon stream flow and erosion has been studied and appreciated, and that it has been learned how the navigable character of our long rivers may in part depend upon conditions at their headwaters. It is only of late years that the science of engineering has suggested conserving and standardizing the flow of our navigable rivers by systems of reservoirs at their heads. It is only within comparatively recent years that our engineers have developed the method of making navigable our long and shallow streams by canalization or the slack-water method. And it is even later yet that our people have begun to realize the necessity of saving and utilizing in this development, for the purpose of reducing its expenses, the valuable incidental water powers which may be created in the development itself.

Our conception, therefore, of what constitutes a navigable river and our appreciation of the various elements which enter into its development have been greatly widening. We see now that the problem of developing and preserving its navigability is no longer necessarily confined to removing obstructions in that part of the river in which navigation exists, but may extend to countless remote branches and sources of supply. We also see how the improvement of the river may be intimately connected with and dependent upon another development—that of water power—which formerly we may have regarded as a thing quite separate and apart.

This growth of knowledge in respect to the problem necessarily postulates a similar broadening in our treatment of it. To the Federal Government has been confided the care of our navigable streams. The Federal Government is also the proprietor of vast tracts of public and forest land, upon the protection of which the stream flow ultimately depends. It is also the proprietor of other semiarid lands, whose future use depends upon irrigation taken from navigable waters or their sources of supply. One of its departments has also direct relations with the development of our farming lands and the preservation of our forests. All of these activities of the Government impinge upon each other, and they also at the same time impinge at many points upon the jurisdiction, the property, and the powers of the several States.

Under these circumstances it is manifest that the problem of our navigable rivers can no longer be treated as a mere problem of dredging and deepening, of removing snags and obstructions, of confining our work to those stretches of river where commerce is actually plying, but must extend to those vital sources of supply upon which the very existence of the river depends. And it is equally manifest that in exercising this widening responsibility the Government must avail itself of all proper and possible means to economize the inevitable expense. If the general taxpayers of the country are to be called upon, for example, to protect the dwellers along the lower Mississippi Valley against the floods of that river, by taking over the expense of caring for its levee system, they must be permitted to reduce this enormous burden by availing themselves of all the by-products of water power which can be developed in the improvement not only of that river, but of all our other navigable streams.

Under our present system there is no such coordination of effort. Government action which may affect a single river is distributed among different bureaus and different departments, which have at present no necessity and practically no opportunity even for common discussion. This leads not only to lack of cooperation and action, but it often perpetuates conflicting scientific theories under circumstances where the conflict might be removed by mutual discussion and comparison of work. Instances have come under my personal observation, for example, where the views held by members of the Corps of Engineers as to the effect of forestration upon stream flow were radically different from those held by the Geological Survey and by the Forest Service.

It is manifest that such conditions work against effectiveness and in the direction of waste and expense. Such lack of cooperation would not be permitted in any private organization possessing the functions of our Federal Government. The various agents entrusted with responsibility over the various parts of the problem would be brought into mutual relations where they would be obliged to discuss and coordinate the mutually interdependent features, and a system would be arranged by which a consistent view of the whole problem could be obtained and by which it could be attacked intelligently in all its parts.

I understand that this is the purpose of your bill, and such a purpose must appeal to any one who has considered the problem. As I said in the beginning, I can not undertake to discuss the administrative methods by which you undertake to solve the problem. I may say, however, that my own inclination would be to lay primary emphasis upon the creation of a board whose duty it would be to discuss and harmonize and recommend rather than to actually appropriate funds. The latter function may meet objection, which would not exist in the case of the former. And it seems to me that the former functions are the most pressing and important in our present situation.

I may also observe that my experience indicates that our executive and bureau officers are already weighed down with about as much labor and as many functions as can be wisely performed. There is not a little danger of loading down our administrative machinery to inefficiency. In conferring such extensive powers as your bill contemplates upon a board largely composed of existing officials, we should be on our

guard lest we impair the existing enforcement of the law by entrusting it entirely to men who are already overworked. Such details, however, are doubtless under observation by yourself, and the suggested criticism, if held well founded, could be met by amendment.

Very respectfully,

HENRY L. STIMSON,
Secretary of War.

Hon. FRANCIS G. NEWLANDS,
United States Senate.

[United States National Museum; International Exchanges; Bureau of American Ethnology; National Zoological Park; Astrophysical Observatory; International Catalogue of Scientific Literature.]

SMITHSONIAN INSTITUTION,
Washington, U. S. A., February 7, 1912.

To Hon. KNUTE NELSON,
Chairman Committee on Commerce,
United States Senate, Washington, D. C.

SIR: In reply to your request of January 5, 1912, that the Committee on Commerce be furnished with suggestions touching upon the merits of Senate bill No. 122 and the propriety of its passage, I beg to state that the bill has been duly examined.

GENERAL FEATURES OF BILL.

I am in full accord with the general features of the bill, and think that if they are carried into effect it would be of great advantage and value not only to the citizens of the United States but as an example to the various civilized nations of the world. The comprehensive scheme outlined calls for a coordination of many effective forces now at the service of the Government that can not fail to give practical results of a constructive nature and great value and to stimulate the action of individual States and municipalities.

The problems involved are of such a character and concern such vast interests that it is only by taking them up in the broadest possible manner that successful and permanent results can be obtained. This will involve the expenditure of a large amount of money, energy, and time, but with wise planning and effective administration the results can not fail to be of the greatest value and service as long as the civilized people exist on the North American Continent.

The administration and execution of a work of such magnitude might properly hereafter involve a redistribution of some of the bureaus concerned so as to bring a majority of them into one of the existing departments that might become equivalent to a department of public works and conservation.

WORK OF THE SMITHSONIAN INSTITUTION.

The bill provides in section 11:

"That it shall be the duty of the Secretary of the Smithsonian Institution to give especially attention to the acquisition from foreign countries and from all sources of all obtainable knowledge concerning the problems involved in the work of the board and to diffuse and disseminate the same, and to establish and maintain a museum of conservation in which such knowledge shall be placed before the people, with object lessons illustrating the disastrous consequences that have resulted from the failure of such conservation and particularly the failure to conserve the forest and water resources in other countries of the world, and to utilize the resources of the institution under his charge, which may be available for that purpose, to aid in the education of the public in the elements of knowledge which lead to the successful regulation of water and of the flow of rivers and the use of water in connection with agriculture and the intensive cultivation of land and in connection with other industries."

It is my belief that a museum of conservation, such as is contemplated in this bill, can be satisfactorily established and maintained in connection with the National Museum system if adequate means are supplied for the purpose. Such a museum, which would consist largely of models, charts, maps, diagrams, and photographs, would ultimately require a considerable amount of space for its installation. In the beginning provision might be made for its accommodation in the buildings now under the control of the institution, but additional room would be called for in the near future if its rate of growth were commensurate with the scope and importance of the subject.

The preparation of the models and other exhibits, which must be accurate in detail, would require time and necessitate the employment of skilled modelers and other workmen. In the beginning it would be necessary to secure measurements, charts, photographs, etc., of typical areas in various parts of the world showing the methods and effects of conservation and reclamation and of others showing the results of neglect of such activities; also of the forms of engineering works best adapted to the purposes of conservation and of other objects and scenes illustrating the subject under consideration. In this manner an adequate basis could be obtained for accurate educational models suitable for the museum.

As regards the acquisition and dissemination of knowledge relative to the conservation of natural resources and allied topics, the Smithsonian Institution could doubtless accomplish much of what is desired through an extension of its exchange service and its system of correspondence. It would, however, in my judgment, be necessary in this connection also to send experts and agents to obtain information at first hand. It is taken for granted that much new information would be desired regarding conservation operations, etc., which could only be obtained by studies made in the places in which these operations are carried on. It would be important also in connection with the subject of forestry, mentioned in this bill, to have studies made of forests which are still in an undisturbed natural condition, especially the forests of Central and South America, which are extensive and diversified and have been but little affected by human activities. The natural relations existing between forests, water supply, and soils could be studied there to better advantage perhaps than in any other part of the world.

I would call your attention to a certain inconsistency in the bill as regards the dissemination of information procured under the direction of the board. In section 11 it is made the duty of the Smithsonian Institution to disseminate this knowledge, and in section 6 the board is directed to "print, publish, and disseminate" the "information, data, and facts collected and obtained by the various bureaus or offices of the Government."

Having had a somewhat varied experience in connection with the administration of the Geological Survey, which included hydrographic work and the Reclamation Service, the early development of the Forest Service and policy, and the past five years as Secretary of the Smithsonian Institution, I am submitting as appendices some general statements combining my own and experts' views on the following different points:

1. Conservation of water resources.
2. Conservation of water resources in respect to irrigation.
3. Conservation of forest resources.

Very respectfully, yours,

CHARLES D. WALCOTT, *Secretary.*

Mr. NEWLANDS. I will read a sentence or two from each of them to indicate how thoroughly they approve the principle of this bill.

Secretary Fisher says:

This bill is based upon two principles which have not been hitherto generally recognized in the construction of public works for river improvement. These principles are: First, that a river from its source to its mouth with all of its tributaries is a unit in all its most important physical and functional characteristics. It should, therefore, be dealt with as a whole and not piecemeal, and in dealing with it for any single use, such as navigation, we should not lose sight of the other uses to which it can be put, such as water supply, irrigation, power, drainage, etc.

He then declares the second principle to be that this work of waterway improvements, in its details, should be guided and determined as an administrative and not a legislative matter, and therefore that a large fund should be provided, and so forth.

The Secretary of War, Mr. Stimson, by mistake addressed his letter to me personally instead of to the chairman of the Committee on Commerce; but it is a report upon the pending bill. It is a report prepared with great care, and contains a most valuable vindication of the policy to which I have referred. He emphatically approves the system proposed, of coordination of bureaus and services, cooperation with States, an ample fund, continuous work, and the contemporaneous development of every use to which a river can be put by the exercise of the joint powers and functions of the Nation and the States.

The letter from the Secretary of the Smithsonian Institution, Mr. Walcott, formerly the Director of the Geological Survey, also indorses every essential principle of this bill, as a result of the long experience of that gentleman in the scientific work of the Geological Survey, which first undertook a general study of the waters of the United States, and under whose jurisdiction the Reclamation Service was developed most efficiently.

Mr. President, I have here also numerous resolutions and comments of a public character upon this bill, which I should like to have inserted in the RECORD without reading. They include the indorsement of this bill by the Legislatures of California, Louisiana, and South Dakota, the indorsements of numerous waterway associations, chambers of commerce, and boards of trade.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

Joint resolution concurred in by Senate and House, Louisiana Legislature, June 6, 1912, at the request of the Louisiana Reclamation Club.

Whereas the great flood of 1912 has demonstrated that the National Government only can obviate a recurrence of such overflow disasters in the future by a national policy under which an adequate levee system will be built and maintained as national fortifications against invasion and destruction by the forces of nature; and

Whereas the steadily increasing volume of the floods in the lower Mississippi Valley has been largely caused by the changed condition of the watershed in the States comprising the drainage basin of the Ohio, upper Mississippi, and Missouri Rivers; and

Whereas these causes and conditions are beyond the control of the States bordering the Mississippi from Cairo to the Gulf, and can only be controlled by the National Government. Now therefore be it

Resolved by the House of Representatives of the State of Louisiana (the Senate concurring therein), That the National Government should immediately extend such temporary relief as may be necessary to repair the broken levees and to maintain them in future, and to control the river in its channel by revetments and bank protective works which will safeguard against the destruction of levees by caving banks and shifting channels.

Resolved further, That in working out plans for flood prevention and the protection of the lowlands of the Mississippi Valley from overflow, the Mississippi River and all its tributaries and source streams should be treated as a unit, and a comprehensive and adequate levee system, to be permanently maintained by the National Government, should be supplemented by a system of reservoirs on the headwaters of the Ohio and its tributaries, and also on the upper Mississippi, and by a system of flood-water canals and storage reservoirs in the Missouri River Valley by means of which the flood plane at Cairo would at all times be so reduced that no combination of high water in the three upper rivers would ever create a great flood in the lower Mississippi Valley, and at the same time prevent overflow and damage by floods in the valleys of the Ohio, the upper Mississippi, and Missouri Rivers.

Resolved further, That the Nation can not longer afford to permit its resources of soil, of power, of water, and of navigation to be carried as a wasteful and destructive flood to the sea, and that since the States themselves can not, in the general interest, prevent this waste, the Federal Government should conserve such floods at their sources and subject the now wasted waters to beneficial use.

Resolution of the Assembly of the State of California.

The following resolution was offered by Mr. Guiberson:

"Whereas a bill has been introduced in the Senate of the United States by Hon. FRANCIS G. NEWLANDS, of Nevada, which, according to its title, proposes 'to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection, and for the beneficial use of flood waters and for water storage, and for the protection of watersheds from denudation and erosion, and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies'; and

"Whereas it has been proposed by the leading supporters of said bill that it be amended so as to provide for an appropriation of $5,000,000 annually for 10 years for the control of the Sacramento and San Joaquin Rivers and their tributaries, and for a like appropriation for the control of the Colorado River; and

"Whereas this legislature is in hearty accord with the principles embodied in said bill, and believes that the money proposed to be expended under it and the cooperation provided for in it will promote the general welfare; and

"Whereas the vastness and variety of the interests that will be benefited by the expenditures contemplated in the proposed amendments fully justify such participation by the National Government in the work of making the navigable streams of California as useful as possible to the public. Therefore be it

"Resolved by the Assembly of the State of California, That the Congress of the United States be, and both branches of said body hereby are, requested to pass said bill, with the amendments aforesaid, and that the Representatives of California in the Senate and the House of Representatives be requested to use their best efforts to that end. And be it further

"Resolved, That the chief clerk of the assembly be, and he hereby is, directed to send a copy of this resolution to each Senator and Representative in Congress from this State, to Hon. FRANCIS G. NEWLANDS, to the Vice President of the United States, and to the Speaker of the House of Representatives."

Adopted this 4th day of February, 1913.

L. B. MALLORY,
Chief Clerk.

Joint resolution of the Legislature of South Dakota.

A joint resolution and memorial requesting the Congress of the United States to pass the Newlands bill, relating to river regulation.

Be it enacted by the Senate of the State of South Dakota (the House of Representatives concurring):

SECTION 1. That the Congress of the United States is hereby memorialized to enact during the present session the Newlands bill, providing for the creation of a board of river regulation and for the control and beneficial use of flood waters, and we urge our Senators and Representatives in Congress to employ their best efforts to accomplish this end.

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, *State of South Dakota, ss.:*

I, Frank Glasner, secretary of state of the State of South Dakota, do hereby certify that the annexed bill, to wit, senate joint resolution No. 14, was duly passed by the 1913 session of the Legislature of the State of South Dakota and is now in full force and effect.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota this 4th day of February, A. D. 1913.

FRANK GLASNER,
Secretary of State.
By J. T. NELSON,
Assistant Secretary of State.

Mr. NEWLANDS. The President elect, Mr. Wilson, has also declared himself on this subject in a telegram addressed to me, as president of the recent irrigation congress, as follows:

SEA GIRT, N. J., *September 30, 1912.*

Hon. FRANCIS G. NEWLANDS,
President National Irrigation Congress, Salt Lake, Utah:

Please express to the National Irrigation Congress my hearty approval of the policy it is met to promote, and especially of the policy of supplementing bank and levee protection by storage of flood waters above for irrigation and water power, turning floods from a menace into a blessing and at the same time abundantly feeding navigable waters.

WOODROW WILSON.

(C. A. Woolsey Paint & Color Co., manufacturers and importers of paints and varnishes.)

JERSEY CITY, N. J., *December 26, 1912.*

Hon. FRANK O. BRIGGS,
Washington, D. C.

SIR: Communications have been received by us from a number of our customers located in the South, who have been affected by the overflowing of the Mississippi River in the recent and past floods which have occurred in that section, and earnestly request our cooperation for the immediate enactment of the Newlands river regulation bill, S. 10900, Sixty-first Congress, third session, introduced in the Senate by Senator NEWLANDS on March 1, 1911, entitled:

"A bill to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end, and to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage and for the protection of watersheds from denudation and erosion and from forest fires and for the cooperation of Government services and bureaus with each other and with States, municipalities, and local agencies."

For the further purpose of uniting forces for an organized demand on the Congress at Washington our friends of the South have issued a call requesting friends of the movement to attend the National River Regulation and Flood Prevention Congress to be held in New Orleans, January 6 and 7, 1913.

We are naturally interested in the growth, progress, and upbuilding of the South, both from a business standpoint and a feeling that the lives and property of those living in such places should be looked after to a certain extent by our Government, and we therefore respectfully refer the matter to you for your consideration, hoping that you may see your way clear to support the proposed legislation, as we believe that they are justified in looking to the country at large to help them in this matter.

Very truly, yours,

C. A. WOOLSEY PAINT & COLOR CO.
F. WOOLSEY, *President.*

LIST OF SOME OF THE ORGANIZATIONS WHICH HAVE INDORSED THE NEWLANDS RIVER REGULATION BILL, SPECIFICALLY OR IN PRINCIPLE, WITH COPIES OF SOME OF THEIR RESOLUTIONS.

The bill has been indorsed, among others, by the Pittsburgh Chamber of Commerce, the Nineteenth National Irrigation Congress, the National Rivers and Harbors Congress (in principle), the National Drainage Congress, the New Orleans Progressive Union, the Louisiana Reclamation Club, the Louisiana Bankers' Association, the Illinois Association of Drainage and Levee Districts, St. Louis Merchants' Exchange, City Club of Memphis, and by the following organizations in California: California section of the National Irrigation Association; boards of supervisors of the counties of Madera, Merced, and San Joaquin; the chambers of commerce of the cities of San Francisco, Madera, Merced, Ceres, Modesto, Lodi, and Fresno, and of Stanislaus County; the La Grande Board of Trade; the Los Angeles Clearing House Association; the cities of Madera, Turlock, and Modesto; the Women's Improvement Clubs of Madera, Merced, Modesto, Livingston, Escalon, Salida, and Raymond; and the River Regulation Commission of Stockton.

LOS ANGELES CLEARING HOUSE ASSOCIATION.

Resolutions indorsing and advocating the enactment by the Congress of the Newlands river regulation bill (Senate bill 122, introduced Apr. 6, 1911, by Senator FRANCIS G. NEWLANDS), entitled "A bill to create a board of river regulation, and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection, and for the beneficial use of flood waters and for water storage, and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other, and with States, municipalities, and other local agencies":

"Whereas reports made by Maj. J. W. Powell, first Director of the United States Geological Survey; Gen. Hiram M. Chittenden, of the Engineer Corps of the United States War Department; United States Engineer Ullert, and others; also through surveys and investigations made by the Pittsburgh Flood Commission, have shown the practicability of the storage of the flood waters of the rivers of the whole country to the end that destructive floods may be controlled and the waters heretofore wasted may be conserved for the use of navigation and irrigation where required; also the necessity of the drainage of the swamp and overflowed lands; and

"Whereas a condition which now causes wide devastation it is shown may be controlled and transformed into a great natural resource, reclaiming millions of acres of land now uncultivable, thus benefiting and enriching every section of the country from the Atlantic to the Pacific; and

"Whereas the Newlands river regulation bill embodies the provisions requisite for the carrying into effective operation of the beneficial objects desired to be accomplished: Now, therefore, be it

"Resolved, That the Los Angeles Clearing House Association hereby indorses said Newlands river regulation bill and requests the Senators and Congressmen from this State to urge its passage by the Congress."

I certify that the foregoing is a true and correct copy of a resolution passed at a special meeting of the Los Angeles Clearing House Association held yesterday afternoon.

JAMES B. GIST, *Secretary.*

CHAMBER OF COMMERCE OF PITTSBURGH.

Resolution adopted April 13, 1911.

Whereas a bill was introduced in the Senate of the United States by Senator NEWLANDS on March 1, 1911, entitled "A bill to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage, and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies"; and

Whereas the primary purpose of said bill is to bring into conference and cooperation the National Government with the States, municipalities, counties, and local districts for the construction of the works necessary for the regulation of the flow of rivers and for flood prevention and protection, and provides a fund of $50,000,000 annually for 10 years for said purpose; and

Whereas the passage of said bill by Congress would result in the relief not only of Pittsburgh but of all cities and communities on the Ohio, Missouri, and Mississippi Rivers from destructive floods and increase the flow of the rivers in the low-water season for navigation: Now therefore be it

Resolved, That the Chamber of Commerce of Pittsburgh hereby indorses said Newlands river-regulation bill and requests the Senators and Congressmen from this State to urge its passage by Congress; and

Resolved further, That the secretary be instructed to send a copy of this resolution to all boards of trade and chambers of commerce in cities on the Ohio, Missouri, and Mississippi Rivers, and urge their active support for this measure.

The Nineteenth National Irrigation Congress on December 9, 1911, at Chicago, adopted the following as one of its resolutions:

"We indorse and recommend the Newlands bill (S. 122) to create a board of river regulation, and urge every delegate to this congress to cooperate in all possible ways to aid in securing its enactment by the Federal Congress during the present session."

The National Rivers and Harbors Congress at Washington, D. C., on December 8, 1911, adopted the following as its first declaration:

"We urge the adoption by the Government of a broad, liberal, comprehensive, systematic, and continuous policy of waterway development, a policy which has heretofore been unanimously pledged by the great political parties of the country in convention assembled, which pledges have not as yet been redeemed."

National Drainage Congress, Chicago, Ill., December 9, 1911:

"*Resolved*, That * * * we do especially recommend the creation of a national commission to make the necessary surveys and estimates of cost and to work out a comprehensive plan of national reclamation in connection with the several States, designed to coordinate the mutual interests of the various States in a practical State and Federal system of consistent and progressive drainage, reclamation, and development; and that sufficient funds be appropriated by the National Government to carry on the work of the commission."

SAN FRANCISCO CHAMBER OF COMMERCE.

Resolution adopted at meeting of board of directors, January 5, 1912.

Whereas a bill was introduced in the Senate of the United States by Senator NEWLANDS on March 1, 1911, entitled "A bill to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and, as a means to that end, to provide for flood prevention and protection, and for the beneficial use of flood waters, and for water storage, and for the protection of watersheds from denudation and erosion, and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies"; and

Whereas the primary purpose of said bill is to bring into conference and cooperation the National Government with the States, municipalities, counties, and local districts for the construction of the works necessary for the regulation of the flow of rivers and for flood prevention and protection, and provides a fund of $50,000,000 annually for 10 years for said purposes; and

Whereas the passage of said bill by Congress would result in the relief, not only of Pittsburgh, but of all cities and communities on the Ohio, Missouri, and Mississippi Rivers from destructive floods, and increase the flow of the rivers in the low-water season for navigation: Now therefore be it

Resolved, That the San Francisco Chamber of Commerce hereby indorses said Newlands river-regulation bill and requests the Senators and Congressmen from this State to urge its passage by Congress.

SAN FRANCISCO CHAMBER OF COMMERCE,
M. H. ROBBINS, Jr., *President*.
A. B. C. DOHRMANN, *Secretary*.

WASHINGTON, D. C., *January 15, 1912*.

Hon. JOSEPH E. RANSDELL,
President National Rivers and Harbors Congress,
Colorado Building, Washington, D. C.

DEAR SIR: At a meeting of the directors of the National Rivers and Harbors Congress immediately following the last annual meeting of the congress it was suggested that this organization should advocate a policy not only having for its purpose the improvement of waterways for navigation but for all the beneficial uses to which the water could be put. The suggestion was advanced:

First. Because the proponents believed that in no other way could an orderly and continuous development of waterway improvements be possible.

Second. Improvement and development of other beneficial uses would be in aid of and not in conflict with improvement for navigation.

Third. An enormous saving in public funds and direct and lasting benefits to the public would ensue.

Fourth. It would unite in a common cause a large number of people and organizations interested in various phases of water use and control who are now advocating and exploiting the particular use only in which they are more directly concerned.

Fifth. The result would be that an irresistible public sentiment would be created to which Congress would be compelled to respond and which would be in harmony with the declarations of the platforms of the great political parties demanding the carrying out of a policy having for its purpose the conservation and utilization of the waterway for all beneficial purposes from its source to its mouth.

No direct action was taken, but a committee was appointed charged with the duty of reporting to the directors upon the question, with the object of giving full opportunity and time for its consideration before the next annual meeting of the organization. The undersigned were appointed as such committee and beg leave to report as follows:

I. There are a number of governmental scientific agencies having in charge and under their control various national public resources. Generally speaking, these agencies are fairly equipped to carry on their work and are in charge of competent men. The Engineer Corps of the Army, the Reclamation Service, the Geological Survey, the Forest Service, and other branches of the Agricultural and Interior Departments are illustrative. These agencies in the public interest should be in the closest cooperation and coordination, but such is not the case.

II. The various departments are frequently dealing with the same agency or public resource in its application to some particular service, giving but little, if any, consideration to coordination with other available services or uses to which such agency or public resource might be put. This is not the fault of the departments, but the failure of Congress to make provisions therefor. It is the opinion of the committee that the best results can only be secured and the public interest promoted through cooperation and unity of purpose and action.

III. There is scarcely a river worthy of improvement for navigation but what has other beneficial uses to which it could be put and other conditions which require treatment and consideration, all of which bear directly upon the navigability of such river or add to the productiveness of adjacent territory or further development of such territory. We refer to forest protection, prevention of damage from flood, soil erosion, drainage, irrigation, and water-power development. It would therefore seem in the public interest that the improvement of a waterway for navigation could well contemplate the conservation and utilization of such manifestly beneficial uses at the same time.

IV. It is generally conceded that the improvement of rivers for navigation is a necessity and that this improvement should be based on a comprehensive scheme under some general plan of related projects, the work to be carried on continuously until completed.

V. At the present time there are a large number of organizations and vast numbers of people interested in various phases of water use and development which, it would seem, could be united in common purpose for a common use. Transportation is a tax that touches all, and producer and consumer alike are interested in securing cheap and efficient means of transportation. Therefore those who create tonnage are directly interested in its reaching the markets at the lowest possible cost, and those who propose to engage in water transportation are certainly interested in the development of tonnage tributary to the waterways.

The foregoing facts are well known. The committee do not feel it incumbent upon them to enter into an extended argument to show that coordination of service and cooperation of effort between the various governmental agencies and the sovereignties, national and State, are not only desirable, but necessary, if real efficiency and the best results are to be secured. On the contrary, we feel that those who oppose such a seemingly natural, logical, and businesslike policy should show wherein the cause of the improvement of rivers for navigation would be detrimentally affected by its adoption.

In time both organizations and individuals are likely to become too conservative. In other words, the tendency is to follow rather than to lead, and we believe this organization should lead public opinion, not follow it.

We would hesitate to suggest for adoption anything of a novel character, but we are convinced that this organization must take advanced ground upon all questions respecting the improvement of our waterways and should cooperate with every individual and organization willing to work to this end.

We therefore recommend that this organization should advocate a comprehensive scheme of waterway development of related projects:

That this scheme should involve and consider all the beneficial uses which the waterway may serve or to which it may be put;

That the work of the various scientific services of the Government should be coordinated;

That the several States and the Nation should cooperate and act in harmony in all matters of common interest; and

That funds should be provided so that work on all approved projects can be carried continuously to completion.

The committee submits the foregoing suggestions for your consideration.

JOSEPH N. TEAL,
JAMES E. SMITH,
FRANCIS G. NEWLANDS.
Committee.

River regulation, in the words of George H. Maxwell, must become the campaign cry of the people of the Mississippi Valley, no matter what their party politics, if their fertile fields are to be made safe from overflow and their country is to be freed from the adverse opinion of the remainder of the world.

"The flood waters of the Mississippi River and its tributaries can be regulated, and such regulation, in conjunction with a good levee system, will forever safeguard the valleys from overflows," said Mr. Maxwell, who is an ardent supporter of the Newlands river-regulation bill, to-day. "The entire country will back up the demand of the people of the Mississippi, the Ohio, and the Missouri Valleys for constructive legislation of this character."

In proof of his assertion he exhibited the following telegram from the far West:

STOCKTON, CAL., *April 8-9, 1912*.

Mr. GEORGE H. MAXWELL,
Executive Chairman Board of Control.
National Drainage Congress, St. Charles Hotel, New Orleans.

DEAR SIR: We extend our heartful sympathy to the sufferers from the present floods in the East and the South. Our sympathy is tinctured with shame, as we know that the appalling loss of life and property could and ought to have been prevented. As a people we have the intelligence and the money to do the required work that will control forever the flood area of our country, whether in the East, the South, or the West. We know how to change the awful destructive flood forces into constructive and beneficial powers. With these forces we can improve and make permanently navigable our inland waterways, generate enormous quantities of electric power, make safe the investments and increase the improvements in our great valleys, and while doing so shall remove the danger of drought or fear of it. The time is opportune for an immediate start on this great work. The Panama Canal is now nearly finished. Even now the services of a part of the splendid working army is being dispensed with and part of the equipment is being sold. These trained men should be kept together, and the equipment that can be used in the South and East or in the West should be at once put in order for the work that must be done to save the lives and property of our people by properly conserving the natural forces and resources of our country. There can be no excuse for another hour's delay. The sinking of the *Maine* with so large a part of her gallant crew in Habana aroused our people to war. What can we say to a watching world if we refuse to act as promptly and as energetically when the lives of our people are being taken by floods that we can control or droughts that we can prevent? To the loss of life we must add the destruction of property so vast that its value, if wisely used, would prevent forever such losses. Under such conditions can we still say that we have a government of the people, by the people, and for the people, to enable us, a people, to claim without shame that we so govern ourselves? We pray that you will take such action at New Orleans and immediately thereafter at Washington that the Newlands bill may be enacted into law and the good work of conservation and control be started without further delay.

Yours, truly,
THE RIVER REGULATION COMMISSION OF STOCKTON, CAL.,
By J. L. CRAIG, *Chairman*.

Resolutions of Southern Commercial Congress.

NASHVILLE, TENN., *April 9, 1912*.

We urge the immediate adoption by Congress of a broader, more aggressive, comprehensive, systematic, and continuous policy of waterway improvement, thereby carrying out the wish of people of the country as expressed in the platforms of both the great political parties in the national conventions of 1908, to the fulfillment of which both parties pledged themselves, but which pledges have not been redeemed.

We favor the adoption of a law by Congress granting the use of the Panama Canal to American ships engaged in coasting commerce free of tolls, and the prevention of the use of the canal by any steamship line owned or controlled by a railroad or any monopolistic interest.

We favor such legislation as is necessary to induce the construction of a merchant marine for the United States and the carrying of American commerce in American ships made under the American flag.

EXTENSION OF POWERS.

We recommend that the powers of the Interstate Commerce Commission be extended over shipment by water, so as to oblige proper division of rates by railroads and connections, and fix minimum as well as maximum rates for water-borne traffic.

Properly equipped terminals being as essential as channels to the successful use of waterways, we urge that such terminals be provided

under public ownership or control, so that they may be open to all comers on equal and reasonable terms.

We favor liberal annual appropriations for the improvement of rivers and harbors, and disapprove the policy of delay and interruption in work begun and of practicing economy at the expense of the construction work of the Government.

We urge upon Congress the adoption of such laws as will compel co-ordination and cooperation between railways and waterways in the interchange of traffic, and that will remove destructive competition of railways against waterways.

—

CHAMBER OF COMMERCE OF PITTSBURGH,
OFFICE OF THE SECRETARY.

Resolution adopted April 13, 1911.

Whereas a bill was introduced in the Senate of the United States by Senator NEWLANDS, on March 1, 1911, entitled "A bill to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce," and as a means to that end to provide for flood prevention and protection, and for the beneficial use of flood waters, and for water storage, and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies; and

Whereas the primary purpose of said bill is to bring into conference and cooperation the National Government with the States, municipalities, counties, and local districts for the construction of the works necessary for the regulation of the flow of rivers and for flood prevention and protection, and provides a fund of $50,000,000 annually for 10 years for said purposes; and

Whereas the passage of said bill by Congress would result in the relief not only of Pittsburgh, but of all cities and communities on the Ohio, Missouri, and Mississippi Rivers, from destructive floods and increase the flow of the rivers in the low-water season for navigation: Now therefore be it

Resolved, That the Chamber of Commerce of Pittsburgh hereby indorses said Newlands river regulation bill and requests the Senators and Congressmen from this State to urge its passage by Congress; and

Resolved further, That the secretary be instructed to send a copy of this resolution to all boards of trade and chambers of commerce in cities on the Ohio, Missouri, and Mississippi Rivers and urge their active support for this measure.

—

[From the Fresno Republican, Apr. 10, 1912.]

CHAMBER INDORSES NEWLANDS BILL FOR RIVERS.

The board of directors of the Fresno Chamber of Commerce yesterday passed a resolution, presented by John Fairweather, vice president of the National Irrigation Congress, in which it indorsed the Newlands river regulation bill, now before Congress. Copies of the resolution will be forwarded to the California Representatives at Washington. The resolution is as follows:

"Whereas a bill was introduced in the Senate of the United States by Senator NEWLANDS on March 1, 1911, entitled 'A bill to create a board of river regulation and to provide a fund for regulation and control of the flow of navigable rivers, in aid of interstate commerce," and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters, protection of watersheds from denudation and erosion, and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies; and

"Whereas the primary purpose of said bill is to bring into conference and cooperation the National Government with the States, municipalities, counties, and local districts for the construction of the works necessary for the regulation of the flow of rivers and for flood prevention and protection, and provides a fund of $50,000,000 annually for 10 years for said purposes; and

"Whereas the passage of said bill by Congress would result in the relief not only of Pittsburgh, but of all cities and communities on the Ohio, Missouri, Mississippi, Sacramento, San Joaquin, and Kings Rivers, from destructive floods and increase the flow of the rivers in the low-water season for navigation and irrigation: Therefore be it

"*Resolved*, That the Fresno County Chamber of Commerce hereby indorses said Newlands river regulation bill and requests the Senators and Congressmen from this State to urge its passage by Congress."

The supervisors followed yesterday the example of the directors of the chamber of commerce, and on the showing made by John Fairweather, vice president of the National Irrigation Congress, indorsed the Newlands river regulation bill in Congress as a measure of relief against destructive floods, while also one for increasing the flow of rivers in low-water season for navigation and irrigation.

—

[From the Madera (Cal.) Tribune, Apr. 15, 1912.]

RESOLUTIONS FAVORING FLOOD-WATER CANAL.

The following resolutions were adopted at the District Federation of Women's Clubs in Fresno at their recent session:

Resolutions indorsing the Newlands bill and the resolutions of the California Legislature requesting the Federal Government to construct a flood-water canal and reservoir from the San Joaquin River, near Pollasky.

Be it resolved, That the California Federation of Women's Clubs for the San Joaquin district, in convention assembled in the city of Fresno, indorse the Newlands bill in Congress (S. 122) and the resolutions of the California Legislature requesting the Federal Government to construct a flood-water canal and reservoir from the San Joaquin River; and be it further

Resolved, That our Senators, Hon. GEORGE C. PERKINS and Hon. JOHN D. WORKS, and our Representatives, Hon. J. C. NEEDHAM, Hon. JOHN E. RAKER, Hon. WILLIAM D. STEPHENS, Hon. S. C. SMITH, Hon. E. A. HAYES, Hon. JULIUS KAHN, Hon. JOSEPH R. KNOWLAND, and Hon. WILLIAM KENT, be, and they are, requested to use all honorable means at the present session of Congress to secure the legislation requested in said resolutions; and be it further

Resolved, That the secretary of this convention be, and she is hereby, directed to mail forthwith to each of our said Senators and Representatives a copy of these resolutions.

LOUISIANA BANKERS' ASSOCIATION.

Resolution adopted at annual meeting, Covington, La., April 27, 1912.

Whereas a bill was introduced in the Senate of the United States by Senator NEWLANDS on March 1, 1911, entitled "A bill to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage, and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies"; and

Whereas the primary purpose of said bill is to bring into conference and cooperation the National Government with the States, municipalities, counties, and local districts for the construction of the works necessary for the regulation of the flow of rivers and for flood prevention and protection, and provide a fund of $50,000,000 annually for 10 years for said purposes; and

Whereas the passage of said bill by Congress would result in the relief not only of Pittsburgh but of all cities and communities on the Ohio, Missouri, and Mississippi Rivers from destructive floods and increase the flow of the rivers in the low-water season for navigation: Now therefore be it

Resolved, That the Louisiana Bankers' Association hereby indorses said Newlands river-regulation bill and requests the Senators and Congressmen from this State to urge its passage by Congress.

LOUISIANA BANKERS' ASSOCIATION.

—

STOCKTON, CAL., *April —, 1912.*

Mr. GEO. H. MAXWELL,
Executive Chairman Board of Control,
National Drainage Congress,
St. Charles Hotel, New Orleans, La.

DEAR SIR: We extend our heartfelt sympathy to the sufferers from the present floods in the East and the South. Our sympathy is tinctured with shame, as we know that the appalling loss of life and property could and ought to have been prevented. As a people we have the intelligence and the money to do the required work that will control forever the flood area of our country, whether in the East, the South, or the West. We know how to change the awful destructive flood forces into constructive and beneficial powers. With these forces we can improve and make permanently navigable our inland waterways, generate enormous quantities of electric power, make safe the investments, and increase the improvements in our great valleys, and while doing so we shall remove the danger of drought, or fear of it. The time is opportune for an immediate start on this great work. The Panama Canal is nearly finished. Even now the services of a part of the splendid working army is being dispensed with and part of the equipment is being sold. These trained men should be kept together, and the equipment that can be used in the South and East or in the West should be at once put in order for the work that must be done to save the lives and property of our people by properly conserving the natural forces and resources of our country. There can be no excuse for another hour's delay. The sinking of the *Maine* with so large a part of her gallant crew in Habana aroused our people to war. What can we say to a watching world if we refuse to act as promptly and as energetically when the lives of our people are being taken by floods that we can control or droughts that we can prevent? To the loss of life we must add the destruction of property so vast that its value if wisely used would prevent forever such losses. Under such conditions can we still say that we have a government of the people, by the people, and for the people? To enable us, a people, to claim without shame that we so govern ourselves we pray that you will take such action at New Orleans and immediately thereafter at Washington that the Newlands bill may be enacted into law and the good work of conservation and control be started without further delay.

Yours, truly,
THE RIVER REGULATION COMMISSION OF STOCKTON, CAL.,
By J. L. CRAIG.

—

NEW ORLEANS PROGRESSIVE UNION.

Resolution adopted at meeting of board of directors May 2, 1912.

Whereas a bill was introduced in the Senate of the United States by Senator NEWLANDS on March 1, 1911, entitled "A bill to create a board of river regulations and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage, and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies"; and

Whereas the primary purpose of said bill is to bring into conference and cooperation the National Government with the States, municipalities, counties, and local districts for the construction of the works necessary for the regulation of the flow of rivers and for flood prevention and protection, and provides a fund of $50,000,000 annually for 10 years for said purposes; and

Whereas the passage of said bill by Congress would result in the relief not only of Pittsburgh, but of all cities and communities on the Ohio, Missouri, and Mississippi Rivers, from destructive floods and increase the flow of the rivers in the low-water season for navigation: Now therefore be it

Resolved, That the New Orleans Progressive Union hereby indorses said Newlands river-regulation bill and requests the Senators and Congressmen from this State to urge its passage by Congress.

NEW ORLEANS PROGRESSIVE UNION,
JAMES W. PORCH, *President.*
M. B. TREZEVANT,
Secretary-Manager.

—

LOUISIANA RECLAMATION CLUB.

Resolution adopted at meeting held Tuesday, May 14, 1912.

Whereas throughout a wide extent of country that is comprised within the trade territory of New Orleans the great flood of 1912 in the Mississippi Valley has made thousands homeless, ruined crops, drowned live stock, destroyed buildings and improvements, and will seriously retard the advancement and development of that territory; and

Whereas every business man and property owner in New Orleans will feel the loss from this great disaster in a decreased volume of business, deferred collections, reduced property values, stagnation of trade, and lessened demand for real estate; and

Whereas the danger of a recurrence of such disasters is a menace to the prosperity, growth, and development of New Orleans, and such danger can only be permanently removed through the adoption by the Congress of the United States of a broad national policy under which the Federal Government will in future guarantee protection against overflow by taking over and maintaining the levee systems as national fortifications against invasion by the destroying forces of nature, just as it now maintains military and naval forces and builds fortifications as defenses against foreign invasion; and

Whereas the construction of the great engineering works and reservoirs that would store the floods of the Ohio River and thereby aid in affording protection from overflow in the lower Mississippi Valley is warranted by the benefits therefrom to the Ohio Valley alone in flood prevention, incidental power development, and navigation, and a similar policy is likewise justified in the Missouri Valley for the same reasons, and also because the water there may be used for the irrigation of millions of acres of arid lands; and

Whereas in no possible way can the construction of such works for headwater control of the floods in the territory of their origin do otherwise than benefit the lower Mississippi Valley by regulating the flow of the river, and thereby improving it for navigation and giving additional security and protection against floods; and

Whereas the steadily increasing volume and rising flood plane of the flood in the lower Mississippi Valley have been largely caused by the changed conditions of the watershed in the States comprising the drainage basin of the Ohio, upper Mississippi, and Missouri Rivers, and those conditions and causes are beyond the control of the States bordering the Mississippi River from Cairo to the Gulf, and can only be controlled by the Federal Government: Now therefore be it

Resolved, That the Federal Government should immediately extend such temporary relief as may be necessary to repair the broken levees and to maintain them in future, and to control the river in its channel by revetments and bank protective works which will safeguard against the destruction of levees by caving banks and shifting channels; and

Resolved further, That in working out plans for flood prevention and the protection of the lowlands of the Mississippi Valley from overflow the Mississippi River and all its tributaries and source streams should be treated as a unit, and a comprehensive and adequate levee system to be permanently maintained by the National Government should be supplemented by a system of reservoirs on the headwaters of the Ohio and its tributaries, and also on the upper Mississippi, and by a system of flood-water canals and storage reservoirs in the Missouri River Valley, by means of which the flood plane at Cairo would be at all times so reduced that no combination of high water in the three upper rivers would ever create a great flood in the lower Mississippi Valley, and at the same time prevent overflow and damage by floods in the valleys of the Ohio, the upper Mississippi, and the Missouri Rivers; and

Resolved further, That the Nation can not longer afford to permit its resources of soil, of power, of water, and of navigation to be carried as a wasteful and destructive flood to the sea, and that since the States themselves can not, in the general interest, prevent this waste, the Federal Government should conserve such floods at their sources and subject the now wasted waters to beneficial use; and

Resolved further, That the Louisiana Reclamation Club hereby indorses and approves the resolution of the Pittsburgh Chamber of Commerce adopted on April 13, 1911, indorsing the Newlands river-regulation bill, and urging its passage by Congress; and

Resolved further, That the business men and property owners of New Orleans be, and they are hereby, urged to extend their hearty personal cooperation and financial support to the Louisiana Reclamation Club in its work for the organization of a national campaign, through the National Reclamation Association, to accomplish the early passage of the Newlands river-regulation bill by Congress.

—

[Night letter.]

WESTERN UNION TELEGRAPH CO.,
Stockton, Cal., May 23, 1912.

Mr. GEORGE H. MAXWELL,
New Orleans, La.:

We on the coast believe this is the opportune moment to force passage of the NEWLANDS bill. The present disaster in the Mississippi Valley should of itself be sufficient reason to prompt its passage. If existing conditions in Mississippi Valley do not change the inertia of Congress, we can not conceive what would be impressive enough to cause them to perform their duty. Keep us informed on any important movement at any point.

THE RIVER REGULATION COMMISSION OF STOCKTON, CAL.,
J. L. CRAIG, *President.*

—

LOS ANGELES CHAMBER OF COMMERCE,
Los Angeles, Cal., June 13, 1912.

Resolution indorsing and advocating the enactment by the Congress of the Newlands river regulation bill (S. 122), introduced April 6, 1911, by Senator FRANCIS G. NEWLANDS, entitled: "A bill to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage, and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies." * * *

Whereas reports made by Maj. J. W. Powell, first Director of the United States Geological Survey, and later surveys, investigations, and reports of the Geological Survey; also reports by Gen. Hiram M. Chittenden, of the Engineer Corps of the United States War Department, Engineer Charles Ellet, jr., and others; also surveys and investigations made by the Pittsburgh flood commission have shown the practicability of the storage of the flood waters of the rivers of the whole country to the end that destructive floods may be controlled and the waters heretofore wasted may be conserved for the use of navigation and irrigation where required; also the necessity of the drainage of the swamp and overflowed lands;

Whereas a condition which now causes wide devastation it is shown may be controlled and transformed into a great natural resource, reclaiming millions of acres of land now uncultivatable, thus benefiting and enriching every section of the country from the Atlantic to the Pacific; and

Whereas the Newlands river regulation bill embodies the provisions requisite for the carrying into effective operation of the beneficial objects desired to be accomplished: Now therefore be it

Resolved, That the Los Angeles Chamber of Commerce hereby indorses the said Newlands river regulation bill and requests the Senators and Congressmen from this State to urge its passage by the Congress, and approves the resolution of the Pittsburgh Chamber of Commerce indorsing said bill, adopted by that body on April 13, 1912; and be it further

Resolved, That the National Irrigation Association and National Reclamation Association be, and are hereby, urged to at once put forth all their efforts toward inaugurating and carrying on a campaign directed toward the furtherance of the purpose of the foregoing resolution.

I hereby certify that the above is a true and correct copy of the resolution adopted by the board of directors of the Los Angeles Chamber of Commerce at their regular meeting held June 12, 1912.

H. Z. OSBORNE, *President.*

Attest:

H. B. GURLEY, *Assistant Secretary.*

—

Resolution of the Twentieth Irrigation Congress, at Salt Lake City, October 3, 1912.

We renew our indorsement of the Newlands river-regulation bill and urge its enactment by the Federal Congress during the coming session. The bill provides for the complete control of the flood waters of our rivers in such a way as to promote irrigation and drainage, the development of power, the extension of navigation, and the protection of the lowlands from destructive floods.

—

PHILADELPHIA BOARD OF TRADE,
Philadelphia.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

This memorial of the Philadelphia Board of Trade respectfully represents:

That, through its committee on inland transportation, it has examined the provisions of Senate bill No. 122, introduced by Senator NEWLANDS, having for its purpose the creation of a board of river regulation with the view of securing the maintenance by the Federal Government of an adequate levee and bank revetment system in the low States bordering the Ohio and Mississippi Rivers and for the ultimate adoption of a policy of stream control which shall check and minimize the formation of floods, which have proved so disastrous in the loss of life and property.

That the yearly damage caused by preventable floods in the drainage basin of the Ohio River, and the damage caused by the great flood of 1912 in the Mississippi Valley, certainly justify the most liberal appropriations and the most careful study for their causes, with the view of securing remedial measures for their prevention.

That Philadelphia, while far removed from the territory affected by these floods, sympathizes with the sufferers therefrom and believes that in the last analysis the great losses affect unfavorably every business interest and the General Government is called upon to aid by legislation in securing for the afflicted sections of the country immunity from the recurrence of these devastating floods: Therefore

Your memorialist, the Philadelphia Board of Trade, petitions your honorable bodies to favorably consider and pass Senate bill No. 122, known as the "Newlands river-regulation bill."

And your memorialist will ever pray.

[SEAL.]

WM. M. COATES,
President Philadelphia Board of Trade.

Attest:

W. R. TUCKER, *Secretary.*

—

Resolutions of the National Flood Prevention and River Regulation Conference at New Orleans. Unanimously adopted January 7, 1913.

Whereas the great flood of 1912 in the lower Mississippi Valley demonstrated the necessity for the complete national regulation of our rivers from source to mouth, including their tributaries, in such a way as to restrain the floods, not only by levee construction, revetments, and bank protection in the lower river valleys, but also by source-stream control of the flood waters, so far as possible, in the territory of their origin, by all adequate and practicable means of water conservation, including flood-water canals and reservoirs, in aid of navigation, reclamation, and power development, thus transforming the floods from agencies of destruction into agencies of production and saving for beneficial use the enormous national wealth that now goes to waste in floods and maintaining a sustained and well-regulated flow for navigation; and

Whereas the policy approved and urged by President Elect Woodrow Wilson, in his telegram to Hon. FRANCIS G. NEWLANDS, of September 29, 1912, which has been read to this conference, of supplementing bank and levee protection by the storage of flood waters above for irrigation and water power, thereby turning floods from a menace into a blessing and at the same time abundantly feeding navigable waters, can be best carried into practical effect and operation by concentrating constructive effort upon the greater river systems of the country and treating each of such systems as a unit from source to mouth and completing, with all possible expedition, adequate levees and bank-protective works in the lower valleys as national defenses against the destroying forces of nature, supplementing such works of defense by the simultaneous construction of all effective and practicable works for source-stream control; and

Whereas in order that this may be done it is necessary that an appropriation should be made sufficient for the entire work of construction, without interruption or delay, in the same continuous way in which the work on the Panama Canal has been so rapidly pushed forward to completion: Now therefore be it

Resolved, That as rapidly as the works on the Isthmus are completed so as to dispense with them there that the trained force of engineers and skilled workmen and such machinery as may be available for and adapted to this new work shall be forthwith transferred to the Missis-

sippi Valley and there set to work under the same competent leadership which has directed their work on the Panama Canal, to the end not only that all destructive floods in the "Sugar Bowl of the Continent" in the valley of the Mississippi River, as well as its tributaries, shall be forever safeguarded against and the shadow of their menace lifted forever from the pathway of its future progress and development, but also that the great Isthmian waterway now approaching completion shall be supplemented by the most complete system of inland waterways existing in any nation of the world; and be it further

Resolved, That the Newlands-Bartholdt river-regulation bill, in order that it may more fully and completely accomplish the great objects above set forth, shall specifically appropriate not less than $10,000,000 annually, $100,000,000 in all, for work on the Mississippi River and its tributaries, other than the Ohio, from St. Louis to the Gulf; and $10,000,000 annually for 10 years, $100,000,000 in all, for work in the drainage basin of the Missouri River; and $10,000,000 annually for 10 years, $100,000,000 in all, for work in the Ohio River drainage basin; and $5,000,000 annually for 10 years, $50,000,000 in all, for work in the drainage basin of the Colorado River; and $5,000,000 annually for 10 years, $50,000,000 in all, for work in the drainage basin of the rivers of the Sacramento and San Joaquin Valleys in California; and be it further

Resolved, That the annual appropriation for 10 years to the Corps of Engineers of the United States Army shall be increased in said bill from $24,000,000 to $29,000,000, $290,000,000 in all, to be expended for levees, revetments, and other works for river regulation and control, as now specified in said bill, and also for building bank-protective works to prevent erosion and cutting of the banks and consequent caving and destruction of the levees and to control the river and hold it in a permanently fixed and established channel; and be it further

Resolved, That the said bill be further amended so as to specify more particularly in its title and in the first section of the bill its purpose and object of preventing silt and sedimentary material from being carried into and deposited in navigable rivers, channels, and harbors, and for the conservation of the water resources of the United States, and that in subsequent sections of the bill its purpose of promoting river regulation by land reclamation should be, wherever provided for, made to include drainage to an equal extent with irrigation in order that the flow of rivers shall be regulated and controlled in aid of navigation, not only by the use of flood waters for irrigation on the upper tributaries but also by controlling them in fixed and established channels in the lower valleys, thereby aiding navigation and at the same time promoting land reclamation by both irrigation and drainage; and be it further

Resolved, That the specific appropriation in said bill for the Bureau of Plant Industry of the Department of Agriculture shall be reduced from two to one million dollars annually for 10 years, and that the appropriation for the Forestry Service for the acquisition of lands under the Appalachian Act shall be reduced from five to one million dollars annually for 10 years, the total amount of said reductions to be added to the appropriation for the Corps of Engineers of the United States Army for work under said bill as hereinbefore provided; and be it further

Resolved, That on international rivers or streams the board of river regulation may cooperate with other nations and the representatives thereof in the same manner and to the same extent that they are now directed by said bill to cooperate with the States of the United States; and be it further

Resolved, That the President of the Mississippi River Commission shall be a member of the board of river regulation created by said bill; and be it further

Resolved, That, in the judgment of this conference, the passage by Congress of the Newlands-Bartholdt river-regulation bill can be accomplished by a great educational campaign similar to that which resulted in the passage of the national irrigation act and the Appalachian Act, and that to facilitate and expedite the conduct of such a campaign the National Irrigation Association and the National Reclamation Association should be merged into one great national organization under the broader name of the National Reclamation Association, more particularly as the national irrigation act is officially known as the United States reclamation act and the Government service created by that act and through which it is administered is known as the United States Reclamation Service.

NEWSPAPER COMMENTS AND EDITORIALS FAVORABLE TO THE NEWLANDS RIVER REGULATION BILL.

[From the Philadelphia Evening Item.]

RIVER NAVIGATION AND FLOODS.

PHILADELPHIA, PA., *March 13, 1911.*

Senator FRANCIS G. NEWLANDS, of Nevada, is one of the best-informed men on the subject of river navigation in the United States. In his recent speech in the Senate on this subject he gave the Nation an amount of practical information, which, so far as we know, is unmatched in the same space to be found anywhere. We can touch on a few points only here.

He said we must realize that the country needs and demands legislation from Congress that will include regulation, improvement, and development of all the waterways of the United States under broad and comprehensive plans.

Regarding irrigation works, with only eight years' work we have to-day 23 projects, some completed, and all well along toward completion.

So far these newly irrigated lands have become the most valuable, or as valuable, per acre of any producing lands in the United States, lands which a decade ago could not even be given away, so worthless in their desert aspects did they appear to the farmer.

Methods can and will be devised for the Nation to cooperate with the States to provide a proper apportionment of costs and benefits, so instead of wasting time on question of jurisdiction we could unite all powers and create a common benefit for all the people.

The development of our waterways as efficient machines for transportation requires primarily the regulation of river flow. For if the flow of the rivers be regulated in such a way as to avoid the extreme of floods and the opposite extreme of low water, we will always have in the rivers a navigable stage of water to transport boats for passengers and freight.

We must first prevent floods. We can make use of the natural reservoirs which nature has provided for the absorption of the rains, and we can create artificial reservoirs for the storage of flood waters, as we are now doing on the Panama Canal.

The natural reservoirs are the forests and the agricultural lands, which absorb the rainfall and the melting snows. Our aim should be to everywhere increase the porosity and absorbent properties of the soil and thus prevent the run-offs which swell our streams into great floods, which now aggregate a damage upon property of the stupendous sum of nearly two hundred millions a year in the United States.

Aside from the question of whether or not the denudation of our forests will diminish rainfall, there can be no doubt whatever that the destruction of forest growth will diminish the absorption of falling waters on the soil.

The reports of the Geological Survey show clearly that wherever there has been a destruction of forest growth there follows immediately a hardening of the surface, the erosion of the soil, and the rapid run-off which carries the soil and silt and the material from the mountains and hillsides down into the channels of the rivers, choking navigation. Therefore the preservation of the forests upon these great watersheds, which are the sources of water supply, is an essential element in the control of floods which affect the channels of navigable rivers.

The next thing to consider is the increase of the absorbent properties of the soil itself wherever it is farmed or cultivated. Plowing and cultivation, and of terraced and irrigated fields systematically practiced, facilitate the absorption of moisture. By such and like scientific means the soil is prevented from being washed into the creeks and streams and finally into the navigable rivers; they arrest this constant flow of vast areas of alluvial soil down into the Ohio, the Missouri, and the Mississippi Rivers, and also from the Appalachian Mountains, and the White Mountains, and the Allegheny Mountains down the rivers that flow into all the channels emptying into the bays and sounds on the Atlantic seaboard.

In that manner, adds Mr. NEWLANDS, we will not only perform the work of facilitating the storage of water in the soil by intelligent methods of cultivation and thereby aid in regulating the river flow, but we will also prevent the enormous waste of soil of the country, which is robbing the cultivated areas of vast amounts of fertile, cultivable soil and depositing it in rivers, bays, sounds, and gulfs, where it is not wanted.

The next thing to be considered is artificial reservoirs. The people of Pittsburgh have recently caused to be made a survey of the watersheds of the Allegheny and Monongahela Rivers, and they have found there many large sites that can be utilized for storage purposes. They are seriously studying the question of constructing these reservoirs with a view to avoiding the destructive floods which at present inflict an annual injury upon Pittsburgh, and the year of the great flood of 1907 caused damage in that city alone amounting to from $5,000,000 to $10,000,000.

So it is everywhere. Localities are considering the question of flood destruction and are working at the problem, not only in its local aspects but in its national aspects. The States at the lower ends of rivers are calling upon the Nation to see to it that they are not damaged by the run-offs from States above them.

[From the Pittsburgh (Pa.) Post, Mar. 16, 1911.]

FOR FLOOD PROTECTION.

The declaration by George H. Maxwell that the enactment of the Newlands bill by Congress will add fifty to a hundred millions to the value of property in the Pittsburgh industrial district has aroused an increased interest on the subject of flood protection. The Newlands bill was introduced in the United States Senate by Senator NEWLANDS, of Nevada, and it provides for an annual appropriation of $50,000,000 for 10 years to regulate and control the flow of navigable rivers in aid of interstate commerce and as a means to provide for flood protection.

This act, Mr. Maxwell declares, will afford Pittsburgh the protection desired, and by proving a guaranty of safety would result in a tremendous enhancement of values. Mr. Maxwell, as the executive director of the flood commission, has made a thorough study of conditions, and his statement must be accepted as wholly devoid of extravagance. It serves to show what the flood menace inflicts in the way of business losses and depreciation in the value of affected real estate.

The flood commission has made commendable progress in the preparation of plans, but it is stated both State and national aid will be required. The Newlands bill, owing to the broadness of its scope, is recognized as the best legislation that has been advanced. It covers every State in the Union. A bill is also pending in the legislature which authorizes county commissioners to expend moneys for flood protection.

Naturally, the citizens of Pittsburgh will await with keen interest for the development of this all-important matter. I means much to them both as to business and comfort. With the positive claims that the danger can be overcome there will be an increased demand for a condition that would be of such incalculable benefit to the city and all its business interests.

[From the Lockport (N. Y.) Sun, Dec. 12, 1911.]

ONE MILLION ACRES IN NEW YORK.

The immediate drainage of the 80,000,000 acres of swamp and overflow land in the United States, the immediate regulation and control of the flood waters of every river in the country, the immediate development of a national policy for the control of the entire drainage-water question as a unit, are the aims of the National Drainage Reclamation Association, just formed in Chicago of men from the South, Southeast, East, Southwest, Middle West, and far West.

To this end the new association will get behind the bill introduced in the Senate by Senator NEWLANDS providing for the regulation and control of all rivers and streams, storing their flood waters, and distributing them in times of low water.

James R. Garfield, former Secretary of the Interior, and Gifford Pinchot, former Chief Forester and at present the president of the National Conservation Association, were present at the organization meeting. Each spoke at length upon the magnitude of the work the association was about to undertake, and each spoke of the necessity for a strong organization built upon the policy of national patriotism.

As the name of the association indicates, its primary work will be to compel the Federal Government to take immediate steps to reclaim the 80,000,000 acres of swamp and overflow lands that are scattered all over the country. At the same time it will give its aid and support to every other conservative movement—to forestry, irrigation, river regulation. The word "reclamation" in the name indicates the comprehensiveness of the aims of the association.

"We want to reclaim these 80,000,000 acres of swamp lands," said Edmund T. Perkins, of Chicago, who called the meeting. "We want to add to the permanent wealth of the country five or eight billion dollars

worth of land and hundreds of millions of dollars to the value of the annual crops from our lands. We want Uncle Sam to do this for the sake of all this people—to provide more homes for his nephews and nieces, to increase the prosperity of the land, to decrease the high cost of living.

"Because every section of the land has swamp acres this is not and can not be a sectional movement. There are nearly 14,000,000 swamp acres in the States immediately surrounding Chicago—in Illinois, Iowa, Minnesota, Wisconsin, and Michigan. There are more than a million such acres in New York and New Jersey; there are nearly 3,000,000 such acres in California and Oregon; there are 25,000,000, approximately, along the Atlantic coast; and there are more than 30,000,000 in the Mississippi and Ohio and Missouri Valleys."

—

[From the Lincoln (Nebr.) Journal, Jan. 19, 1912.]

The Newlands reclamation bill is one of the most comprehensive conservation measures ever placed before Congress. It contemplates devoting $50,000,000 a year for a period of 10 years to the general subject of water control in the United States. It is proposed to unite all of the hydrographic activities of the Government into one harmonious plan. The idea is to impound and store the flood waters of the upper reaches of the rivers for irrigation; to provide channels as the rivers near the sea large enough to carry away floods without damage, and at the same time serve as waterways for commerce. With the plan goes the reclamation of the swamps and the reforestation of the mountains to prevent erosion and check sudden freshets. It is easy to figure a return on this investment running up into the billions of dollars. In general, the plan is workable. Of the financial benefits to be derived from it there can be but little question. The main point to guard against is the enhancement of the value of private lands at the expense of all the people. The national irrigation act provided for the return of all the money expended to the Treasury as a result of the enhancement in the value of the lands served by the Government ditches. It would be only just to arrange for the same policy with reference to vast areas of property directly benefited by the Newlands program.

—

[From the Pueblo (Colo.) Journal, Jan. 19, 1911.]

WATERWAY IMPROVEMENT.

The proposal of Senator NEWLANDS to make a thorough investigation of the inland waterways of the country has merit which ought to insure its passage by Congress. Under his plan every use to which water can be put will be considered; the rivers will be examined as to their possibilities for freight carrying and power purposes; practical plans will be formed for improvements and estimates of the cost made. It is a big undertaking, which will require the expenditure of considerable money for the preliminary work, but the expense will be small in comparison to the good to be accomplished. Accurate facts will be secured and the Government enabled to go about the work of waterway improvement in a systematic manner, and not in the haphazard way which is of so frequent occurrence. Under the "pork-barrel" methods which have existed immense sums have been voted in the past for "improvements" which were of no account, the only good thing about them being that employment was furnished.

A feature about the Newlands measure which can be objected to is that for the appointment of a special board to consider the matter of improvements. A salary is provided for the members, and as their task will take a number of years, the expenditure on this item alone would be considerable. There must be some supervising board to direct the work, but one could be secured without any additional salary expense. The Government has plenty of engineers and experts in its employ, and these could be detailed to make the investigation. The Army engineers and the experts connected with the Interior Department are well fitted for the task, and with substituting a board composed of such the Newlands bill would be the ideal method for getting at a businesslike handling of the waterway problem.

—

[From the Woman's National Daily, St. Louis, Mo., Jan. 27, 1911.]

ESCHEWING PORK.

Senator NEWLANDS has offered an amendment to the river and harbor bill providing for the appointment of a board to consider all questions of inland waterways, irrigation, swamp-land drainage, and forest preservation in its relation to the streams. This is not a general conservation commission, but one charged with the consideration of all the phases of inland navigation. It would be the province of this board to study all the projects, harmonize and coordinate them, and make recommendations to Congress for specific action. This is something the friends of waterways have long demanded. It is the proper way to cut the "pork barrel" from appropriation bills, and therefore should receive the approval of the President. It is the way to harmonize the various projects and get all their friends to pulling together for such of them as the board considers desirable and practicable.

Having expended half a billion on the Panama Canal, as we shall have done by the time it is put into operation, particularly if we erect elaborate fortifications, and then add largely to the Navy to protect the fortifications, as we should be compelled to do, we could well afford to expend a like sum upon a properly devised system of waterways for the development of internal transportation. We have expended hundreds of millions in the past with comparatively little to show for it. We shall continue to waste money in the same way, pork or no pork, unless we systematize the work as Senator NEWLANDS provides for in this bill, or in some other way involving the same general principle. This amendment will probably not carry in the brief time Congress has yet to consider it. Indeed, it may be the means, by delay caused by its discussion, of preventing the bill itself from passing, and thus adding one more to the calls for a special session. But, soon or later, it will be passed, because it appeals to the business sense of the people.

—

[From the Gulf States Farmer, New Orleans, March, 1912.]

COOPERATION IS THE WATCHWORD OF THE NATIONAL DRAINAGE CONGRESS.

The object of the Second National Drainage Congress, to be held in New Orleans on April 10–13, 1912, will be to work out a national policy for river regulation and control, for protection from overflow, for flood prevention, and for land reclamation by the irrigation of arid lands and the drainage of swamp and overflow lands, that will harmonize and unite every section of the United States in a great campaign for its adoption by the National Government.

This national policy must be one that will bring into complete cooperation and harmony the National Government, the States, and all local districts and municipalities in actual constructive work.

It must be a policy that will clearly recognize the constitutional limitations of the National Government, and require of the National Government that it shall do only such things as are clearly within those constitutional limitations and for which precedents already exist in legislation heretofore enacted.

It must be a policy which will unite in its support the Ohio River Valley, which requires flood prevention, as well as navigation; the upper Mississippi River Valley, which requires a sufficient enlargement of the reservoir system on the headwaters of the Mississippi River to regulate the river flow for navigation and for water-power development; and the Missouri River Valley, which requires storage reservoirs and flood-water canals for irrigation, navigation, protection from overflow, flood prevention, and water-power development.

The precedents already exist for the doing of all these things by the National Government, but its work through the different bureaus, services, and departments lacks cooperation, and is for that reason inadequate and wasteful.

In the lower Mississippi Valley, if the National Government will protect the banks, prevent caving and the destruction in that way of existing levees, preserve and maintain the navigable channels, construct adequate outlets and controlling works, and build the large canals necessary for navigation and as part of a comprehensive drainage system, the rest of the work of the reclamation of the swamp and overflow lands will be accomplished through State, district, and local action.

In the State of Louisiana the recent decision of the State supreme court sustaining the constitutionality and validity of drainage bonds issued under State statutes provides the way for securing the capital necessary for the local drainage work, and it is neither desirable nor necessary that this work should be undertaken by the National Government, even though it were within its constitutional power.

It will thus be seen that the object of the National Drainage Congress will not be to strike out any new and radical national policy, but its slogan will be "Cooperation and harmony." It will aim to bring into cooperation, coordination, and harmonious and united constructive work all the agencies which are now at work in an inadequate and disconnected way.

It is in this work of bringing order out of chaos, eliminating controversy, and perfecting a broad working plan which will unite territorially the entire Mississippi Valley from Canada to the Gulf of Mexico, with the Ohio River Valley on the east and the Missouri River Valley on the west—a vast region embracing more than one-third of the entire area of the United States—that the National Drainage Congress so much needs the cooperation by attendance as a delegate at its meeting in New Orleans on April 10–13 of every one who would be benefited by the development of the Mississippi Valley.

Those who contribute to the success of this great movement for uniting so many heretofore divergent ideas and plans in one great workable whole that will solve the problem of navigation, drainage, protection from overflow, and flood prevention in the lower Mississippi Valley, and at the same time apply to similar conditions anywhere in the United States, will help to do the country a service as great as any which can be rendered to it in any way in this generation. The problem is so vast and far-reaching in its importance and magnitude that it overshadows every other public question. It dwarfs into comparative unimportance even the Panama Canal.

In the State of Louisiana alone there are 10,000,000 acres of land that can be reclaimed for agriculture by drainage, protection from overflow, and flood prevention. Louisiana is larger by 10,000 square miles than the combined area of Belgium, Holland, and Denmark, has greater latent agricultural resources, and will sustain a larger population than those countries. Their combined population is now 16,000,000, while that of Louisiana is only 1,600,000. The annual agricultural production of Louisiana to-day is $85,000,000. If its 10,000,000 acres of reclaimable land were drained and cultivated, it would increase the agricultural production of the State over a billion dollars—more than twice the entire gold production of the world. And these stupendous figures show the possibility of development by river regulation and land reclamation in only one State.

If the western boundary line of Mississippi were extended south to the Gulf of Mexico, that part of Louisiana lying to the east of that line would embrace an area as large as Belgium. If the unreclaimed lands in that territory which are now an uninhabited waste, were drained and intensively cultivated, as are the lands of Belgium, by a densely settled rural people, there would be within a radius of 100 miles of New Orleans a population as large as that of Belgium. The population of Belgium is 7,200,000. What would that mean to New Orleans? It would mean that it would rival Antwerp, the third great seaport of the world, in its commercial prestige and world trade; while Baton Rouge would grow to be as great and beautiful a city as Brussels.

Every smaller city, town, village, and hamlet in the whole Mississippi Valley and Gulf States would grow and develop proportionately in population. Every merchant, wholesale or retail—every manufacturer—every professional man, engineer, lawyer, doctor, or dentist—every real estate owner—every planter, farmer, fruit grower, or truck gardener, would be correspondingly benefited. All would share in the enormous prosperity that would be created by this stupendous development of wealth from natural resources.

—

[From the Gulf States Farmer, April, 1912.]

THE NATION-WIDE NEWLANDS PLAN—SENATOR NEWLANDS'S BILL BEFORE CONGRESS TO AID DRAINAGE—ITS WIDE SCOPE.

[From our Washington correspondent.]

Four billion dollars more in farm products each year; this sum added annually to the wealth in the United States for the prosperity of its farmers, merchants, manufacturers, railroads, and bankers and their employees; this is the result of a national business investment under consideration in this Congress. It is proposed in the bill for river regulation drawn by Senator NEWLANDS and known as the Newlands bill.

Four billion dollars per annum in perpetuity from the investment by Uncle Sam of $50,000,000 a year for 10 years—$500,000,000.

The Newlands bill has a scope big enough to perform as a harmonious whole the big tasks to which the Government has set its hand.

The bill is considered one of the broadest and most comprehensive conservation measures ever drafted. By coupling all the work proposed by it with the idea of promoting interstate commerce by means of navigable rivers it brings within the constitutional limitations of the Federal Government such tasks as the drainage and reclamation of swamp lands, the irrigation of arid and semiarid lands, the protection of forests, the elimination of dangers from floods, etc.

The Newlands bill has received the enthusiastic indorsement of many public men and associations. It was indorsed unqualifiedly at the

nineteenth meeting of the National Irrigation Congress held recently in Chicago. It is being earnestly supported by the Pittsburgh flood commission. It has just been indorsed by Edmund Perkins, president, and Isham Randolph, vice president, of the American Reclamation Federation, at the annual meeting in Chicago. It has the support of most of the members of the National Drainage Congress, organized in Chicago last month, and probably will be officially indorsed by that organization at its second meeting, in New Orleans, April 10 to 13.

* * * * * * *

DECLARED CONSTITUTIONAL.

Many expert constitutional lawyers have pronounced the bill constitutional. They say this is about the only way in which the National Government can undertake such work as drainage and reclamation of swamp lands, irrigation works, forest preservation.

* * * * * * *

Edmund T. Perkins, of Chicago, vice president and acting president of the National Drainage Congress, who was the engineer of the Reclamation Service for several years, is an ardent supporter of the Newlands bill. "It is such a splendid constructive measure, and with such far-reaching beneficial effects to the entire country, that it ought to be passed immediately," he said. "It is all that the irrigation advocates could want, all that the drainage enthusiasts could wish for, all that the forest men could desire; it provides for the conservation of the water, forest, and soil resources of the whole country."

George H. Maxwell, director of the Pittsburgh flood commission, is more enthusiastic even than Mr. Perkins. Mr. Maxwell is a member of the executive committee from Pennsylvania of the National Drainage Congress. "The Newlands bill," says Mr. Maxwell, "unites every aspect of conservation in a comprehensive plan that can be carried out by the Federal Government for the benefit of the whole Nation; and does it in what I consider the only constitutional way such a work can be done—under the policy of aiding interstate navigation and controlling, regulating, and standardizing the flow of navigable rivers."

* * * * * * *

—

[From the Spectator, Pittsburgh, Friday, Apr. 7, 1911.]

FLOOD COMMISSION'S GREAT WORK.

Mr. George H. Maxwell, executive director of the flood commission of Pittsburgh, writes as follows to the Spectator:

"Is not $100,000,000 added to the value of property in the Pittsburgh industrial dristrict a proposition large enough to merit the active and vigorous cooperation of every business man in the district? The figure I give is the conservative estimate of the benefits that would immediately result if the Pittsburgh industrial district were safeguarded against floods. That would be done, beyond all question or peradventure of doubt, if the Newlands river-regulation bill were enacted into a law by Congress."

The bill which Senator NEWLANDS has before the Senate at Washington has attracted a great deal of favorable attention and provides for the construction by the Federal Government of storage reservoirs and irrigation works wherever necessary to furnish water not only for irrigation purposes but for the prevention of devastating floods.

It is this latter purpose that is specially applicable to the Pittsburgh district, for with the Newlands bill made a law the work of constructing great reservoirs at the headwaters of the Allegheny and Monongahela Rivers could be carried on, with the splendid and profitable result of ending the costly ravages to Pittsburgh and suburbs by great floods.

Such a proposition should receive the prompt, hearty, and generous support of business men and all other citizens of Pittsburgh. Certainly the adding of $100,000,000 to the value of property in our industrial district is a grand thing, and yet to attain it nothing is really needed but the support of the people.

In this great work the Pittsburgh Chamber of Commerce is taking an active, aggressive, and splendidly efficient part. Let its work be backed up by the influence and the financial support of business men and all people of the Pittsburgh district. The chamber of commerce flood commission was originally organized with 34 business and professional men, and is now being enlarged to include representation of the various industrial, commercial, and manufacturing interests.

—

[From the Fresno Morning Republican, Sunday, Apr. 7, 1912.]

CONTROL OF FLOOD WATERS.

EDITOR REPUBLICAN: We have noticed very recently accounts of the old and often-repeated story that Pittsburgh is flooded again; and this week the old, old story comes again that the Missouri, La Platte, and the Mississippi Rivers are raging torrents and doing millions of dollars of damage to the people in their vicinity. We may not this year have such reports of the Kings, San Joaquin, and Sacramento Rivers, but under usual conditions we shall hear of such things in future years; we had it last year and will again. Because of these ever-recurring floods Pittsburgh some time ago raised $100,000 to make surveys and estimates to store the flood waters that do so much damage (we might say annually to their city), and out of a large number of sites for reservoirs we understand they have selected 17 of the most favored ones, and that if these are built the flooding of Pittsburgh will be a thing of the past, and the flood waters that do so much damage will be made a useful servant of the people. And Pittsburgh is preparing, if in the event they can not get the Government to aid them in this work, to go on and do it alone. As Pittsburgh in the past has been one of the most favored cities in the country to receive benefits through the Government's protective policy, they have good grounds to continue to plead for aid from their point of view on this matter. One of their Congressmen has a bill now before Congress for a large appropriation to help in this work. Of course, if it became a law it would be a local matter, yet of great benefit to a large section of country. But if Congress would pass Senator NEWLAND'S river-regulation bill, known as S. 122, which appropriates $50,000,000 a year for 10 years, it would become a national affair, and as this bill provides for cooperation with States, counties, and even small districts, for the benefit of the people all over, wherever they take enough interest in such work to do something to help themselves. This great constructive measure should become a law at the earliest possible moment.

Some people say it is all well enough to appropriate the money, but where is it to come from without more taxation of the people? We answer, let the Government stop building battleships costing about $15,000,000 each before they are ready to leave our shores on a peaceful mission, for we have no wars on our lands and not the slightest prospect of one; yet some of the "chair warmers" at Washington want to-day to spend $20,000,000 on a single battleship, and they want one or two of this kind every year. These "chair warmers" are men on duty keeping their seats warm and imagining all kinds of disasters are going to come upon us as a nation if we do not keep building these engines of destruction. Congress now being in session, we hear from these infant industrial "chair warmers" that we are in danger again of the Japanese invading us, which is all "bosh and rot" to many of our great and notable men. It is time the people waked up to the enormous expenditure that our Government is spending every year preparing to kill people and only giving a paltry few dollars in helping the "mainstay" of the Government, to wit, agriculture. It is well to remember that 70 cents out of every dollar collected by the Government every year is spent in paying for past wars and preparing for future ones that will never come. This leaves 30 cents for all the rest of the work. We constantly hear of the high cost of living, and if the same policy is carried on as in the past we will hear more of it.

We need more land under cultivation, and we have it here at home if the Government only turns its attention to it. We have 80,000,000 acres of swamp and overflow land made so by these ever-recurring floods, and nearly every acre of these lands could be made a garden spot for our people to live on in peace and plenty. It must be reclaimed, and it will be as soon as our people wake up to its advantages and its great possibilities.

The great national drainage congress that will be held in New Orleans the coming week will be one of the largest congresses ever held in this country, and we have no doubt it will speak in no uncertain words a demand that our Government does take notice that in this great work a substantial start shall be made and that at once in the work to reclaim these vast areas of the richest lands on the face of the globe. In a short space of time our Government will have an abundance of material and machinery on hand when the Panama Canal is completed, and this could be brought home and put to good use in this reclamation work in preparing these lands for homes, and it must be done.

We are glad that Mr. Frank Short is going to that drainage congress, sent by the Panama fair commission; by this we know that our State will be heard from. The writer of this communication holds credentials from the head officers of the drainage congress, but it takes more than credentials to go so far to attend, no matter what the great object of the gathering may be. We are positive, knowing some of the leading men of this congress, that Senator NEWLAND'S bill, S. 122, will be strongly indorsed by that congress, and this we know every county board of supervisors and every chamber of commerce, board of trade—in fact, every organization of every description in this State and other States—should pass strong resolutions indorsing the Newlands river-regulation bill, and every resolution should be sent to every Congressman and every Senator at Washington and a private note that this measure must be passed and become a law this session of the Congress. If this were done we could be in line for assistance, not only of drainage but of irrigation—what our west side so much needs.

JOHN FAIRWEATHER.

—

[From the Courier Journal, Louisville, Ky., Apr. 7, 1912.]

CONTROL OF FLOODS.

It is evident that the levee system along the Mississippi River, while a great protection in the case of ordinary high water, is a source of no small danger in times of extraordinary floods.

Many years ago, when an engineer of some note suggested a system of storage reservoirs for controlling floods and also for increasing river stages at seasons of low water, he was almost laughed out of court. His plan was regarded as visionary and impractical, and nobody gave it very serious attention. The engineer long ago passed to his last account, but the idea has survived, and there is pending in the United States Senate a bill, offered by Senator NEWLANDS, which bears the following title:

"A bill to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage, and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies."

A few years ago the Chamber of Commerce of Pittsburgh organized a flood commission to investigate the question of flood control and make a report thereon. The commission delved deeply into the subject, and finally recommended storage reservoirs as a means of flood prevention. As reasons for indorsing the reservoir plan it cited the following:

"The flood relief would be extended over hundreds of miles of tributaries and of the main rivers, including the Ohio, for many miles below Pittsburgh.

"The impounded flood water, with proper manipulation of the reservoir system, would considerably increase the low-water flow of the tributaries and of the main rivers.

"This increased low-water flow would greatly aid navigation and interstate commerce.

"The increased low-water flow would notably improve the quality of the water for domestic and industrial purposes.

"The sewerage problem of Pittsburgh and of many other communities along the rivers would be simplified.

"The public health would be protected against the dangers arising from the insanitary conditions caused by overflow and by extreme low water.

"A considerable amount of water power would be incidentally developed."

The commission found that there were many available sites for reservoirs in the vicinity of Pittsburgh. In fact, it selected 43 such sites, and had most of them surveyed. The opinion was expressed that adequate flood reduction at Pittsburgh could be obtained with 17 reservoirs, and the estimate was made that these reservoirs could be constructed at a cost of $20,000,000. In 10 years the flood damage at Pittsburgh has aggregated more than half this amount. The area affected by floods in the city includes real estate of the assessed valuation of $160,000,000. If relieved from the flood menace, it is believed this property would be increased in value at least $50,000,000, or more than twice the cost of a system of reservoirs. The commission believes it would be the part of wisdom for the city to build the reservoirs.

The National Drainage Congress is to meet in New Orleans April 10 to 13. Considering present conditions along the Mississippi River, the congress is likely to devote considerable attention to the question of flood prevention. A discussion of the reservoir plan which seems to be so strongly favored by Senator NEWLANDS and the Pittsburgh flood commission would add much to the interest of the convention.

[From the Chronicle Telegraph, Pittsburgh, Pa., Apr. 8, 1912.]

FLOOD PREVENTION.

Senator NEWLANDS, of Nevada, in taking up the cudgels in behalf of the Pittsburgh flood commission's plan of flood prevention, directs attention to the inadequacy of unrelated improvement projects, such as channel dredging and levee protection. If we are to prevent disastrous floods and make the rivers serve their proper function of waterway navigation, he contends each river must be treated as a unit from source to mouth and treated in a scientific and orderly manner. This is the view enunciated by President Taft in his speeches and recommendations relative to river improvement, and it is in accordance with this view that the President has advised the taking up of the improvement of the Ohio as a starter and the prosecution of this work in a logical way until the problem of securing all-the-year-round navigation has been solved. To the idea so advanced in its general aspect no serious objection is raised in any quarter. The vital difficulty is to interest Congress in operations requiring so large an expenditure as the proposed improvement entails. While the present economy spasm lasts the prospects are not encouraging. Sooner or later, however, Congress must concede the public necessity that exists and provide the means of meeting it, in so far as Federal obligation goes.

[From the Terre Haute (Ind.) Tribune, Apr. 8, 1912.]

ANNUAL WASTE.

Annual and semiannual repetitions of floods such as are devastating the Mississippi, Ohio, and Missouri Valleys, causing the loss of many lives and damage to property that will probably total more than $50,000,000, would be prevented by the passage of Senator NEWLANDS's "river-regulation" bill now pending in Congress. This is the statement of Frank B. Knight, member for Illinois of the executive committee of the National Drainage Congress.

The Newlands bill would place the task of regulating the navigable waters—treating them all as parts of a unified, comprehensive system—in the hands of a commission. It provides for the storage of the flood waters in natural and artificial reservoirs, to hold them back until times of drought, when they can be let loose and maintain the navigable rivers at a proper depth. The reforestation of the watersheds is only one of the methods contemplated by the bill for checking the floods. Others are the construction of artificial reservoirs where these are possible and practicable, and the full utilization of natural reservoirs. It provides for carrying the surplus waters out over the arid and semiarid districts, in irrigating operations, to let it seep back gradually through the soil. It provides for the digging of drainage channels to carry off the surplus waters from the lower reaches of the river, to help keep the navigable channels at a standard depth and prevent them from being shifting; also to utilize these drainage channels as additional waterways.

It provides also for the construction of dikes and levees. The levee system is a good thing and has accomplished a great deal to protect people and property and to reclaim overflowed lands. But this work has been done by piecemeal; the various sections are unrelated. In times of unusual conditions, as at present, the entire levee system is endangered because the work of controlling the rivers has not been started at the headwaters and among the tributaries.

[From the Pittsburgh (Pa.) Post, Apr. 9, 1912.]

THE MISSISSIPPI FLOOD.

The flood in the Mississippi River must be regarded as a national calamity. More than 30,000 persons have been driven from their homes, a number not yet fully calculated drowned, while the monetary loss will exceed $10,000,000. Inasmuch as the end is not yet, these figures will probably be greatly exceeded, as many communities heretofore prosperous are in danger of being wiped out of existence.

These floods, with their attendant disasters, will continue just as long as scientific means are not adopted for keeping them under control. The present disaster proves the inadequacy of the levee system.

Senator NEWLANDS, who is to address the Pittsburgh flood commission next week, favors a system of river government that will not be piecemeal. He believes that each river must be treated as a unit from source to mouth in order to guarantee the perfection of the precautions taken for the safety of the people. It is evident, however, that if the Mississippi Valley is to be spared repetitions of these disasters a form of levee must be developed that will not break. This would involve a tremendous cost, but it would be warranted when we take into consideration the millions that are swept away by the floods, the loss to business, and the suffering imposed on the people. It is a problem that calls for the most careful scientific research.

[From the Nashville (Tenn.) Banner, Apr. 9, 1912.]

DEEP WATERWAYS.

Senator NEWLANDS, one of the distinguished men the Commercial Congress has brought to Nashville, is interested in the improvement of waterways and points out that the present floods emphasize the necessity for that great work. He was quoted in the Banner's news columns yesterday as saying:

"In order to accomplish anything in this direction, we must undertake the work in a big way—just as we did the Panama Canal and the irrigation works. We must appropriate at least $50,000,000 annually for 10 years and tell our engineers and constructors to 'plan big.'"

Senator NEWLANDS, though now representing one of the States in the far West, is a native of Mississippi. He therefore knows something of the great river, whose unruly waters are now devastating the adjacent lands, and of the possibilities that would come of its control.

Senator NEWLANDS is right in placing waterway improvement on a parity of importance with such great public works undertaken by the Government as the Panama Canal and the irrigation of arid lands. The work should be undertaken on a big scale with a view to great accomplishment.

The improvement of the Mississippi River and its tributaries will be made the more pressing by the completion of the Panama Canal. All the vast valley will need the deep waterway to send its exports to the nearest port of shipment.

Deep waterway is a matter in which the South—that portion west of the Blue Ridge Mountains at least—has a vital interest. Senator NEWLANDS should have the strong support of this region in what he proposes. And it is not a matter for the South alone, but for the whole Mississippi Valley, and that is a very considerable portion of the country.

[From the Lynchburg (Va.) News, Apr. 10, 1912.]

THE RIVER PROBLEM.

The great flood in the Mississippi and its affluents is attracting public attention to one of the greatest problems confronting the American people. The Mississippi drains the central part of the United States, a region of wonderful fertility, already densely inhabited and destined to support a much larger population in the near future. The recurring floods bring danger to life and destruction to property throughout the great Mississippi Valley. It is estimated that the present overflow has cost the lives of 30 persons and destroyed property to the value of $10,000,000. How can such disasters be averted? How can the mighty river be controlled? That is the problem that the people of this country must endeavor to solve. It is a problem of greater magnitude than the construction of the Panama Canal, and its solution may involve a greater outlay. The people of Holland have protected their country against the North Sea by the construction of dikes. The original cost was enormous, and many thousands of dollars are expended every year in protecting and repairing the dikes on which the salvation of the country depends. The floods of the Mississippi are even more unmanageable than the waves of the North Sea. The best engineering skill of the age will be taxed to the utmost to devise means for restraining the angry waters. The sediment brought down by the floods has already raised the bed of the river above the level of the adjacent land. Whenever a break occurs in the levee the waters rush through and cover an immense area of fertile land. The Egyptians thousands of years ago attempted to control the Nile by constructing great reservoirs or lakes to hold back a part of the flood. The British are doing something of the same kind now by building the Aswan Dam. These examples may give a hint to our engineers. This subject came under discussion on Monday in the Southern Commercial Congress. Senator NEWLANDS made some very wise suggestions, which were published in this paper on yesterday, but their importance justifies their reproduction here.

Senator NEWLANDS advocated the appropriation of at least $50,000,000 a year for 10 years by the General Government to dam the great rivers and store their flood waters in such a manner as to prevent freshets and afford a constant flow of water throughout the year.

"The Mississippi flood," he said, "accentuates the agitation for big action regarding our waterways. The full regulation of our rivers can never be secured by mere channel dredging and levee protection. The whole river must be treated from source to mouth, including all its tributaries, by preventing swift run-off of the storm waters through storage and diversion of flood waters, both natural and artificial.

"We must undertake the work in a big way—just as we did the Panama Canal and the irrigation works."

Senator NEWLANDS is on the right road. Of course, his plan means the outlay of an enormous amount of money, but the object to be attained justifies the outlay. No nation was ever before called on to undertake a work of such magnitude. But this Republic is to-day the richest country in the world and it can afford the outlay. Then, too, it must be remembered that the benefits of the work, if properly done, will not be confined to the present generation, but will continue to bless those who come after us indefinitely, and it must not be forgotten that the saving of the loss of $10,000,000 a year, to say nothing of the loss of life as a human sacrifice, will furnish a motive for Government liberality in this matter which must command the general approval of the American people.

[From the Evening Star, Newark, N. J., Apr. 11, 1912.]

A NATIONAL PLAN OF FLOOD PREVENTION.

There is an object lesson for the National Drainage Congress at New Orleans on the need of an intelligent national waterways policy in this week's tremendous flood in the Mississippi Valley. Local devices to confine the mighty torrents have proven their feebleness. Senator NEWLANDS, of Nevada, shows that each river, with its sources and tributaries, must be treated as a unit, so that the surplus water can be held back in storage and used to irrigate arid lands and furnish power. Thus we shall harness one of the mighty forces of nature and make it man's profitable servant instead of his destructive foe. Senator NEWLANDS goes so far as to place this problem above the construction of the Panama Canal, and he argues that if it costs the Nation $50,000,000 a year for the next decade the money will be wisely and profitably spent. He urges that the scientific skill of the Nation and the States be enlisted in comprehensive plans of storage, irrigation, drainage, and flood prevention, embracing the 15 arid and the 15 swamp-land States.

[From the Trenton (N. J.) True American, Apr. 11, 1912.]

TO PREVENT FLOODS.

Flood devastation along the Mississippi, Missouri, and Ohio Valleys has been greater in some localities than ever before, but when it is known that the damage annually from floods throughout the country totals $100,000,000 the news of the present rampages will not create surprise. While Senator NEWLANDS's river-regulation bill, now pending in Congress, aims to prevent this great damage annually, the cost of the reform would reach sums that would appear almost prohibitive. Senator NEWLANDS would put a commission in charge of the rivers, construct reservoirs for the storing of the water, establish a system of reforestation, build levees, dig drainage canals, and in other ways endeavor to prevent the great overflows that bring distress and death. Expense should not be a deterrent when it provides a remedy for an evil as great as this. Taking into consideration the loss of life, the damage to property, the deprivations of those who inhabit the valleys, and the soil erosion, the proposition of Senator NEWLANDS might in the end prove an economy.

[From the Columbus (Ohio) Dispatch, Apr. 11, 1912.]

TO CONTROL THE FLOODS.

Senator NEWLANDS believes in checking the floods of spring, and, besides having a practical plan, has the courage to advocate for this purpose the expenditure of $500,000,000—$50,000,000 bonds a year for a decade. It has been amply demonstrated, he declares, that channel improvement alone is a failure, that dikes can not be built high enough or strong enough to confine the waters to their natural channel. It is time to turn to something else, and that is, he believes, the construction of reservoirs into which the surplus water may be turned and from which it may be taken for the purpose of irrigating the dry lands and for making power, a universal need in the industry of the country.

Anticipating the objection that there is not money for this enterprise, the Senator holds up to ridicule the nation that has not money enough for its necessary constructive work, and suggests the taxation

of wealth by inheritance, corporation, employment, and other similar taxes. Whatever the result of this propaganda, it is timely, for there is even now before the country the spectacle of the destruction of property and life by the floods in the great rivers. That it is not only a tremendous loss of property and business activity, but also an enormous waste of energy, needs no demonstration. The only possible argument is as to the course to be adopted to prevent the loss and to conserve and employ the energy. The Senator's estimate that the control of the floods overshadows in importance the construction of the Panama Canal invites credence.

—

[From the Nashville (Tenn.) Banner, Apr. 12, 1912.]

RIVER IMPROVEMENT.

Senator NEWLANDS's idea that appropriations for river improvement should be a lump sum and the work directed in systematic manner in lieu of the present "pork-barrel" process, with local specifications, is one that deserves attention.

A great deal of money has been spent in river improvements that is of only partial benefit, because other parts of the river are left unimproved. According to the Newlands idea the Government should complete the improvement of all rivers throughout their navigable length. That is a commendable idea and suggests a plan that would be a great improvement on the piecemeal, patchwork plan of river improvement that has been so long ineffectively pursued.

The waterways of the country are of great value to internal commerce, and ought to be improved to the highest possible point, making unobstructed navigation possible. Under the present system of river improvement everything is left to the enterprise of interested localities in securing special appropriations. The work is done in spots and without any connected system. Years are spent before anything substantial is accomplished, and then the lack of continuous improvement throughout the whole length of the stream renders local improvements of little avail. Some sort of reform in the method of river improvement is sorely needed, and the Newlands idea seems to be a good one.

—

[From the Shreveport (La.) Times, Apr. 12, 1912.]

PLEDGES NOT FULFILLED.

Senator NEWLANDS hails from the arid West and therefore is not immediately concerned about the floods in the Mississippi Valley or about waterways and how they should be treated in order to make them serve the country's welfare. Nevertheless Senator NEWLANDS has ideas on the subject, and he has not been slow to express them. He makes the charge that both political parties have failed to keep their pledges with respect to waterway improvement.

Senator NEWLANDS left Washington last Sunday on a speech-making trip to agitate the adoption of a constructive policy for the development of waterways. He spoke before the Southern Commercial Congress at Nashville Monday and was scheduled to address the National Drainage Congress yesterday in New Orleans. From New Orleans he will go to Pittsburgh to speak at a dinner given by the Pittsburgh Flood Commission.

"The present floods demonstrate forcibly the substantial foundation for the agitation for large action as to our waterways," said Senator NEWLANDS before leaving Washington. "Our rivers can never be regulated properly by unrelated projects for their improvement, such as by channel dredging and levee protection. If we are ever to prevent these disastrous floods and make the rivers serve their proper function of waterway navigation, each river must be treated as a unit from source to mouth and developed in a scientific manner. I shall urge the different associations which I address to appear immediately at Washington and demand from both political parties the performance of their platform pledges with respect to waterways. These platforms called for the cooperation of the scientific services of the Government, for cooperation between the Nation and the States, and for big continuing appropriations for the development of our waterways under comprehensive plans."

This idea has been indorsed in its essential principles by President Taft, when Secretary of War, and it is under legislation of this character that the Panama Canal and the national irrigation works have been so successfully prosecuted.

—

[From the Goldfield (Nev.) Tribune, Apr. 12, 1912.]

NEWLANDS'S PLAN APPROVED.

Out in this arid country reports from the flooded districts of the South have scarcely more than passing interest. Nevertheless a Nevada man is at the head of the waterways commission which has had under advisement for years plans for ameliorating conditions along the Mississippi, Missouri, and Ohio Rivers and their tributaries during the annually recurring floods.

Senator FRANCIS NEWLANDS has a bill pending in Congress which has been approved by the National Drainage Congress now in session at New Orleans. It is estimated that the damage from these floods during normal seasons amounts to at least $100,000,000 annually. This year the loss will be infinitely greater and the destruction of life and property will mark an epoch in national history. The Newlands proposed legislation bill provides for an outlay of $50,000,000 a year for a period of 10 years. This would be employed in the construction of levees, retaining walls, and reservoirs to impound surplus flood waters for use later in the year when the waterways are almost useless for want of a supply to keep their sluggish channels clear of obstructions. The Chicago Post, in treating the subject, outlines the plan as follows: It is proposed to treat the navigable streams as units from their sources to their mouths. Under the constitutional clause giving the United States Government exclusive jurisdiction over navigable waters Congress has the right to control, regulate, and standardize the streams. Under the public-health clause the Government is compelled to protect its citizens from floods and disease resulting from floods. The Newlands bill provides for carrying the surplus waters out over the arid and semiarid districts, in irrigation projects, to let it seep back gradually through the soil. It provides also for a uniform system of levees which has heretofore been done piecemeal without any correlation of effort or design. At present the entire levee system is endangered, because the work of controlling the rivers has not been started at the headwaters and among the tributaries. The Newlands bill has been indorsed all over the country, including the Irrigation Congress, the Pittsburgh Flood Commission, and numerous boards of trade and chambers of commerce.

—

[From the Providence Tribune, Apr. 13, 1912.]

THE RIVER FLOOD PROBLEM.

At the meeting of the National Drainage Congress in New Orleans the other day Senator NEWLANDS very truly said that the most vital function of that body is to bring order out of chaos, reconcile differences, eliminate controversies, and perfect a working plan broad enough to unite the entire Mississippi Valley. It has been demonstrated that the attempt to regulate rivers by channel improvement alone is a mistake; the proper way is to decrease the flood and raise the ebb and thus secure a stable flow of water. To do this it is necessary to treat each river as a unit, including its source and tributaries, with a view to storing and holding back the floods and utilizing the flood waters in the irrigation of arid lands and the development of water power, coupled with the construction of canals for drainage.

This work is not incomparable in importance with the construction of the Panama Canal. It would be tremendously expensive, but if it were done under comprehensive plans and with cooperation between the Federal and the State Governments the development of each use for the surface water would lessen the cost of maintaining a channel for navigation and would help to make practicable improvements the cost of which would otherwise be prohibitory. In the State of Louisiana alone it is said that there are 10,000,000 acres of rich agricultural land that can be reclaimed by drainage, protection from overflow, and flood prevention.

Every section of the Mississippi Valley is interested in some feature of the problem, and the object desired is to combine all elements into harmonious, concerted effort for the common good. To that end the skill of the various scientific services of the Nation and States should be united. Comprehensive plans should be prepared under their direction, embracing the 13 arid States and the 15 swamp-land States. The work might be organized under the supervision of the Engineer Corps of the Army in much the same way as the Panama Canal service.

"Let us candidly admit," said Senator NEWLANDS, "that during the next 10 years the work will cost $500,000,000, and provide a continuous appropriation of $50,000,000 annually in the firm faith that the money will be well invested. Once we unite in the support of such a policy the Ohio River Valley, with its need of flood protection; the upper Mississippi Valley, which requires the construction of reservoirs for the storage of water for navigation and for the control of floods; the Missouri River Valley, with similar needs; and the lower Mississippi Valley, with its need of drainage and flood protection; then it will be found that the National Congress will respond to the demand as it never has and never will respond to the demand for fitful and ineffective work by projects."

The pledges of both parties in 1908 as to waterway development have not been fulfilled, and the disastrous occurrences of the last two weeks should induce the people to express to Congress their emphatic opinion that it is time for both parties to redeem these pledges, instead of merely renewing them two months hence for campaign purposes. The excuse that the revenues do not warrant the expenditure can no longer be accepted. If the Government has not enough money to provide for this great constructive work, then there must be created more revenue by additional taxes levied on the wealth of the country in the form of inheritance taxes, corporation taxes, or occupation taxes, based on income. It would be an outrage, of course, to increase the taxes on consumption, from which nearly the entire revenue of the Federal Government is now derived; but there is no reason why the wealth of the country should not respond in some form to the obligations of the Government to exercise fully the power conferred upon it in the interest of the whole people.

—

[From the Reno (Nev.) Journal, Apr. 15, 1912.]

PROGRESSING.

It is one of the inexplicable things of nature that while one section of the country is flooded and damaged in the millions by too much water another is suffering to the same extent for lack of water. Possibly it is not entirely a natural phenomenon so far as floods are concerned, for these seem to have a pretty close relation to the cutting off of the timber resources of this country; but whether it is natural or artificial it is apparent that the conditions may be greatly mitigated and ameliorated by both public and private action.

Senator NEWLANDS's address in Nashville is peculiarly timely in the present flood emergency. His remarks appear to have a value and application not before so clearly seen. His theories are not mere academic ones, but have a practical import that can be readily brought down to that great measure of dollars and cents.

The Nevada Senator has persisted in the ideas of irrigation and reclamation for many years. He has had little encouragement from parties engaged in the perpetual bickering and puttering of partisan politics, but it is some comfort to know that the time is approaching when the country may expect to realize the practical results of his work.

—

[From the Santa Ana (Cal.) Blade, Apr. 16, 1912.]

TO PREVENT FLOODS.

Annual and semiannual repetitions of floods such as are devastating the Mississippi, Ohio, and Missouri Valleys, causing the loss of many lives and damage to property that will probably total more than $50,000,000, would be prevented by the passage of Senator FRANCIS NEWLANDS's river regulation bill, now pending in Congress. This is the statement of Frank B. Knight, consulting engineer, of Chicago, member for Illinois of the executive committee of the National Drainage Congress. Before leaving for New Orleans to attend the second meeting of that organization, April 10 to 13, Mr. Knight declared that the United States Government will be in the position of neglecting a plain duty until it protects its citizens from such destructive internal foes as floods and the disease that results from them.

"The damage to property from floods amounts to at least $100,000,000 a year," he said. "The Newlands river regulation bill provides a method of preventing floods at a cost of but $50,000,000 a year for 10 years. An editorial in the Chicago Post on the present situation says: 'Aside from the old question of saving the trees on the watershed so that the spring floods will be slower in running off, the only thing to be done is to keep on in the present course. More levees and higher levees will have to be built until the Mississippi is thoroughly harnessed.'

"The Newlands bill provides for an additional method. It proposes to treat the navigable streams of the country as units from their sources to their mouths. Under the constitutional clause giving the United States Government exclusive jurisdiction over navigable waters, Congress has the right to control, regulate, and standardize the streams. Under the public-health clause of the Constitution it is the duty of the Government to protect its citizens from these internal foes, floods, and diseases resulting from floods.

"The Newlands bill would place the task of regulating the navigable waters—treating them all as parts of a unified, comprehensive system—in the hands of a commission. It provides for the storage of the flood

waters in natural and artificial reservoirs, to hold them back until times of drought, when they can be let loose and maintain the navigable rivers at a proper depth. The reforestation of the watersheds is only one of the methods contemplated by the bill for checking the floods. Others are the construction of artificial reservoirs where these are possible and practicable, and the full utilization of natural reservoirs. It provides for carrying the surplus waters out over the arid and semi-arid districts, in irrigation operation, to let it seep back gradually through the soil. It provides for the digging of drainage channels to carry off the surplus waters from the lower reaches of the river, to help keep the navigable channels at a standard depth and prevent them from being shifting, also to utilize these drainage channels as additional waterways.

"It provides, also, for the construction of dikes and levees. The levee system is a good thing and has accomplished a great deal to protect people and property and to reclaim overflowed lands. But this work has been done by piecemeal; the various sections are unrelated. In time of unusual conditions, as at present, the entire levee system is endangered, because the work of controlling the rivers has not been started at the headwaters and among the tributaries.

"These floods occur and recur year after year. We can expect them to continue. We have the means, the ability, and the power to stop them. And it would be economy to do so. It would be economy even without considering the enormous waste of soil fertility caused by each flood.

"The people of Illinois, as well as those of the other Central States, are awake to the necessity of controlling the rivers. The existence of some 600 drainage and levee districts in Illinois shows that. But all flood prevention and drainage work needs to be brought under one comprehensive system."

The Newlands bill has been indorsed by a number of organizations all over the country, including the National Irrigation Congress, the Illinois Association of Drainage and Levee Districts, the Pittsburgh Flood Commission, and many boards of trade and chambers of commerce.

It will probably be indorsed by the National Drainage Congress at New Orleans.

—

[From the Ithaca (N. Y.) Journal, Apr. 16, 1912.]

CHECK THE FLOODS.

Day after day the public has been reading of the destructive floods in the Mississippi Valley until to nearly everyone has occurred the question whether something could not be done to prevent their recurrence year after year as has been the experience in the past.

Reforestation, of course, is the first suggestion for checking the enormous damage that is done by the high water. There is no denying that planting trees in the headwaters of the Mississippi would do a great deal to hold back the water.

Deepening the channel of the river is another suggestion that would help some, but the relief that it affords is only temporary as the stream gradually carries back as much as is taken out. Dredging if kept up, of course, will materially help to improve the situation. But neither of these methods would be sufficient.

What is needed is a series of dams in connection with an improved system of levees together with the two foregoing suggestions. That would solve the problem and put an end to the frightful annual loss of life and property.

Storage dams would not only hold back the water in times of flood, but they could be used in connection with a system of irrigation that would make them a profitable investment. In the rivers that flow into the Mississippi no doubt they could be made to develop light and power.

Senator NEWLANDS, in an address before the National Drainage Congress at New Orleans last week, declared that the problem of preventing the floods in the Mississippi Valley overshadowed in importance the construction of the Panama Canal; and so it does.

It would be tremendously expensive, yet if there were cooperation between the Federal Government and the various States affected the work could be carried to a successful completion. In the State of Louisiana alone there are 10,000,000 acres of rich agricultural land that could be reclaimed in connection with a proper system of handling the Mississippi's waters.

—

[From the Pittsburgh (Pa.) Chronicle Telegraph, Apr. 17, 1912.]

WATERWAY LEGISLATION.

Speaking at the banquet of the chamber of commerce and the flood commission last night Senator NEWLANDS, of Nevada, extended assurances of ultimate cooperation by Congress in the work of flood prevention which are full of encouragement. Mr. NEWLANDS admits that as it is Congress lags behind in this respect, public opinion in regard to the need of a logical system of flood prevention and river improvement being far in advance of congressional action. He holds, however, that it rests only with the public bodies interested in the solution of the problems in question to inspire adequate action at Washington. This, in his judgment, may be brought about by uniting upon some cooperative measure, full and comprehensive in its nature, as a substitute for the piecemeal system at present prevailing. Should a measure of this character be prepared and urged with due earnestness, Congress would be certain to respond. There is sound sense in the counsel thus given, and it is to be commended accordingly to the notice of the various river and harbor associations, waterway associations, and flood-prevention associations that are working, each on its own lines, in the various regions affected.

—

[From the Christian Science Monitor, Boston, Mass., Thursday, Apr. 18, 1912.]

LEVEES AND THE FLOODS.

As one of the Representatives in Congress of the State of Louisiana, JOSEPH E. RANSDELL has for years been among the foremost and ablest advocates of waterway improvements in the Mississippi Valley. As United States Senator elect from the same State it may reasonably be expected that after March 4 next his devotion to the cause for which he has so long and so faithfully contended will be continued and his usefulness to it increased. The other day in the National Drainage Congress at New Orleans he made an eloquent plea in behalf of the levee system of the lower Mississippi. According to one of the local newspapers, he directed attention to the vast benefit the levee system had been to the protection of fertile lands from overflow, and urged that the congress should insist upon stronger and higher levees and the greatest possible energy in improving and protecting those embankments.

Nobody even in the most superficial way acquainted with conditions along the lower Mississippi and its immediate tributaries will undertake to controvert Mr. RANSDELL'S testimonial to the service rendered by the levees in the past, but in the light of conditions that are even now present throughout a large section of the low country and in the Delta, is it not opportune to question the value of these barriers? Have they not failed repeatedly in times of emergency? Are they not failing now as safeguards of the plantation and reclaimed areas?

Owing to the topography of the country through which they flow, the lower Mississippi and its immediate tributaries must always be held within levees or artificial banks. This goes without saying. But would it not be a much wiser plan for the States subject to river floods and inundations to give hereafter less attention to effect and more to cause?

The levees would not need to be so strong or so high; they would not need to be constructed with regard to so much power of resistance if the strain upon them was diminished. Under ordinary pressure the levees should and would stand for years with little repair. Subject, as they are now, to the full force of the flood tide, crevasses are common, and the losses resulting from levee destruction alone, to say nothing of consequential damages, are enormous.

It is to be sincerely hoped that Senator Elect RANSDELL and his southern colleagues will unite with the middle western and northwestern delegations in Congress in a comprehensive movement for the storage of flood waters and the prevention of floods. Floods can be prevented at the headwaters and along the courses of the Mississippi and its tributaries by diversion of the surplus flow of the spring freshets into reservoirs much more effectually than by attempting to confine the vast cumulative volume after it has entered the main artery. How futile are the levee embankments has been all too apparent during the last two weeks. Has not the time come when men like Senator Elect RANSDELL should look to remedying the trouble at the root rather than in the branch?

—

[From the Courier Journal, Louisville, Ky., Apr. 19, 1912.]

THE FLOW OF THE OHIO.

Senator NEWLANDS'S bill to create a board of river regulation, with a view to flood prevention, has as one of its objects the building of storage reservoirs. The Newlands bill is a measure which provides for the cooperation of the National Government with States, municipalities, counties, and districts in flood protection, drainage, reclamation, forest preservation, and a multitude of other things. It would appropriate $50,000,000 a year for 10 years for these purposes. As it is receiving some indorsements from influential sources, the opinion of the Geological Survey as to the feasibility of reservoirs along the Ohio is worthy of note.

—

[From the Ogden (Utah) Examiner, Apr. 19, 1912.]

PEACE AND THE TREASURY.

In a recent address delivered by Senator NEWLANDS before the National Drainage Congress at New Orleans the frank statement was made that the one solution of the problem of big rivers was to appropriate $500,000,000 at once, and then a continuing provision of fifty millions a year indefinitely.

It looks like a tremendous amount of money. Possibly the Nation would gasp at such a mighty appropriation.

But the United States is less startled at a like expenditure for war. Of course, it is wise to be prepared against the possible attack of a foreign power. But out of the resources provided by the people there certainly should be an expenditure sufficient to prevent a recurrence of such flood horrors as this year has known.

The Treasury ought to be regarded as available for the uses of peace quite as much as for the demands of war. It is a bad commentary on the wisdom of the lawmakers if a preventable flood can waste millions of dollars in property and scores of lives. It is an equally bad commentary when the desert waits to bloom because there is no money left after providing for the Army and Navy—and that for a cultivated nation and in a time of peace.

—

[From the Salt Lake City (Utah) Tribune, Apr. 22, 1912.]

TO CURB THE FLOODS.

In view of the destructive floods in the Mississippi River and its great tributaries, the present is considered by Senator NEWLANDS, of Nevada, as an opportune time to inquire into the feasibility of controlling the surplus waters of the Mississippi Valley by way of storing them at their height and releasing them later on when the water is low, in order to help navigation. Accordingly he has introduced a bill to provide a board and a fund "for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection, and for the beneficial use of flood waters, and for water storage and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies."

He has also introduced another bill making an appropriation of $8,000,000 for the relief of the present sufferers by the floods along the Mississippi and its tributaries.

Referring to the matter of controlling the flood waters of the Mississippi Valley, the task is generally referred to in the eastern papers as one not impossible, but impracticable by reason of its assumed great cost. And yet the losses every year by the floods amount to millions of dollars. How many years would it take to have these losses aggregate as much as the cost of the work of flood prevention? We do not believe that it would be necessary to take very many years in order to make the accounts balance.

Taking the Ohio River to begin with, the floods are heavy and destructive every year. Occasionally the destruction amounts to very large figures, and the computation of those who have studied this question is that the losses of one generation would fully provide means for protecting all coming generations from destruction by floods in that river. The valleys of the tributary streams of the Ohio are long, usually quite narrow, but in all of them are good sites for dams and space for large reservoirs. It would cost a good deal of money to do the work, nor should the task of controlling all of the river floods of the Mississippi Valley be begun at once, for so little would be done in any one place that it would hardly count for anything. But if the work should be begun on the headwaters of the Ohio River, and extended to the main tributaries of that river, there can be little done but that the whole flood situation there could be controlled at an expense that would not be extraordinary when compared with the annual losses that the floods inflict. Senator NEWLANDS'S bill to set on foot the preliminaries by way of inquiring into the feasibility of such control is a good one, and now is a good time to pass it.

[From the Cincinnati (Ohio) Enquirer, Apr. 26, 1912.]

CONSTRUCTIVE LEGISLATION.

When a broad, well-considered, far-reaching, constructive measure is brought forward it is entitled to careful notice and consideration. It is well known that the methods of dealing with the great Mississippi floods have been spasmodic without sufficient general plan of continuity and wholly inadequate to control the constantly recurring disasters which they cause.

In order to meet the problem and at the same time to provide economically and scientifically for universal control and utilization of flood waters, Senator NEWLANDS introduced a bill for river regulation which has as yet received no consideration, but the principles of which have been approved in the platforms of both parties. Speaking to an amendment to the river and harbor bill, Senator NEWLANDS said:

"This question has been taken up in great detail by the Irrigation Congress, whose problems relate to the mountain regions above, tributary to the Mississippi River, and by the Drainage Congress, whose problems relate to the reclamation of swamp lands in the Mississippi Valley below; and they, in connection with the other waterway associations of the country interested in waterway development as a matter of navigation, have substantially agreed that the best way, the full and comprehensive way, of taking hold of the question of river development for purposes of navigation, to which the Federal jurisdiction attaches, is by regarding the river with all its tributaries as a unit; regarding the Mississippi River, with its tributaries of the Ohio, the Tennessee, and the Cumberland on the east, and with its tributaries of the Missouri, the Platte, and the Arkansas on the west, as a unit; requiring cooperative treatment upon the part of both the Nation and the State, the Nation being interested in developing these rivers for transportation, the States and the Nation both being interested in the development of the waste land of the country, whether it be the arid land above or the swamp land below, and also in the development of that great natural resource, the water power of the country, for the purpose of hydroelectric expansion.

"Suggestion is made that through a system of cooperation of the great scientific services of the country full and comprehensive plans can be made covering all these various forms of development, and also covering such an apportionment of costs and of benefits as will assign to the different sovereignties certain proportions of the cost, just as they receive certain proportions of the benefit."

That would be genuinely constructive legislation, with no politics in it, and of very great benefit to the whole country, and Congress, even though it be a campaign year, ought to spare the time to take it up and pass it. The country would appreciate attention to the real wants and interests of the people along such lines.

[From the Salt Lake City Tribune, May 3, 1912.]

Senator NEWLANDS, of Nevada, has taken a comprehensive view of the destructive floods in the Mississippi River which have impelled the Government to send large measures of relief and to spend great sums of money in feeding the homeless and distressed. He has brought forward in the Senate a proposition to provide what is called "a river regulation fund" of $50,000,000 annually for a period of 10 years after the completion of the Panama Canal, and an annual expenditure of $5,000,000 in the intermediate years. This he proposes as an amendment to the river and harbor bill offered by himself. The plan contemplates the control at the headwaters as well as at the lower branches of the troubled rivers of the Mississippi Valley system. The Senator claims that his measure not only would prevent destructive floods in all of the great watersheds of the country, but would provide for the use of flood waters on arid lands, for swamp-land reclamation, and for the development of water power. One-fifth of the money appropriated is to be spent on the lower Mississippi and one-tenth each on Atlantic coast rivers, Gulf rivers, exclusive of the Mississippi, the upper Mississippi, the Ohio, the Missouri, the Sacramento and San Joaquin, and the Columbia and Snake Rivers, and the remaining tenth in connecting the Great Lakes with the Ohio and Mississippi. The cooperation of the great hydraulic engineers of the country with the Engineer Corps of the Army is invoked, they to work under the supervision of the river regulation board, which is provided by the measure, and the cooperation of this board with States and municipalities is provided for.

The scheme is as broad as the country, and its great merit is that it will bring to bear upon the mighty question of handling the surplus waters of the United States the best scientific and practical knowledge in the country, as well as the unlimited resources of the National Treasury in the solution of the question. It is a vast proposition, comprehensive as to all the river systems, and as beneficial as it is inclusive.

There is no question about the practicability of the operations proposed by Senator NEWLANDS. The great deterrent is the vastness of the labor required; but since the engineering skill of the country is equal to the task, and since the resources of the National Treasury, applied as they would be generally throughout the country, are sufficient to meet the cost of solving the problem, there seems to be no reason to doubt the practicability of the Newlands program. The idea has been suggested by many heretofore, but there has been no concrete proposal in Congress to move for the solution of the great question in a practical way until now. Mr. NEWLANDS now comes forward with this practical proposition, involving a cost altogether of $500,000,000. We believe that this cost would go very far to settling the whole question; perhaps it would be ample for all the work.

The problem is to control the flood waters, store them at favorable locations in the valleys of the tributaries of the great streams, and release these stored waters later on when they would be beneficial to navigation. On the lower Mississippi River the great problem is to strengthen the banks and to prevent their being washed away. This can be done by proper piling and riprapping work, which the hydraulic engineers fully understand, and work which they have already said will be ample for the purpose.

The proposition of Senator NEWLANDS is both statesmanlike and eminently practical. It is, perhaps, too much to expect that the average Member of Congress will rise to the full comprehension and necessity of meeting the difficulties as Senator NEWLANDS proposes to meet them, but we can not doubt that eventually this matter will be taken up substantially on the lines marked out by him, and that the country will show that it is able to handle its river systems as well as the ancients in Egypt, Chaldea, and Assyria were able to handle the great rivers of their countries. To allow such vast destruction by floods and such impediments to navigation as annually intervene is a reproach to the skill and practical ability of the American people, and it can not be supposed that this reproach will be allowed to lie upon us forever.

[From the New Orleans (La.) Item, May 3, 1912.]

SOUTHERN VOTES WILL DO IT.

The Newlands bill provides the only radical and permanent remedy for such floods as now threaten so great an area of the Mississippi Valley and its tributaries or have already wreaked loss upon thousands of helpless people.

We are told, upon what we believe to be reliable authority, that the success of the Newlands bill in Congress now depends upon the southern vote. The West will support it. The Pittsburgh flood commission, representing important and influential interests near the headwaters of the Ohio, has indorsed it, and has already outlined for its own section a comprehensive plan for checking flood at its source. The southern vote is needed, and the southern vote, so we are told, will put this great measure through Congress.

New Orleans approves the Newlands bill. The Progressive Union indorsed it on Thursday. It is of vital importance, not only to Louisiana, not only to the Mississippi Valley, but to every State whose rivers flow into the Mississippi and to every State which has any large area in need of drainage or any large area in need of irrigation; for the bill provides for a general plan of Federal river protection, conservation, drainage, and irrigation, which should serve to check floods at their source, to hold the surplus water in great reservoirs to relieve the rivers and always offer a supply of water for dry lands, to deepen rivers for navigation, and to drain millions of acres of wet lands.

The present flood has demonstrated two things conclusively: First, that the river problem is a national problem; second, that the building of levees alone is not enough for real protection.

The Mississippi Valley is the drain vent of half the United States, and lower Louisiana is the outlet for the rest of the Mississippi Valley as well.

Other parts of the country, however, also suffer from flood, and the selfish interest of other States dictates a policy of cooperation with us in preventing floods.

But a higher duty calls them. They owe to us, who bear the brunt of the burden, their vigorous help in our demand that the Federal Government tackle the problem at its source, stop the deforestation which yearly permits greater floods to gather in mass, and hold back the swollen spring freshets until the lower rivers have worked off their own surplus and offer a safe channel to the sea.

To a great extent, however, our relief from the danger which annually threatens us lies in our own hands.

The Newlands bill offers the best plan thus far suggested, and southern votes can pass it.

Now is the time for the South to unite in solid support of it. The whole country is awake to the importance of the work, and the sympathy of all the people is with us.

Now is the time to mold a new national policy of river protection while public sentiment is softened to receive the impression.

[From Times-Democrat, May 5, 1912.]

FEDERAL CONTROL OF LEVEES.

The suggestion that the United States Government take charge of the levees of the Mississippi River, now being discussed in the press and by public men in Congress and elsewhere, is by no means a new proposition, says Mr. W. O. Hart, of the Louisiana Historical Society, for 30 years ago President Chester A. Arthur sent a message to Congress, giving it as his opinion that the action of the Federal Government in taking charge of the levees should no longer be delayed, no matter how much it would cost. Unfortunately, the country at that time was in the grasp of partisan politics, and the matter was not followed up, though the press at the time considered the matter of great benefit and importance to the people.

MESSAGE OF PRESIDENT ARTHUR.

The message of President Arthur is well worth reading at this time, and is as follows:

EXECUTIVE MANSION, *April 17, 1882.*

To the Senate and House of Representatives:

I transmit herewith a letter dated the 29th ultimo, from the Secretary of War, inclosing a communication from the Mississippi River Commission, in which the commission recommends that an appropriation may be made of $1,010,000 for "closing existing gaps in levees," in addition to the like sum for which an estimate has already been submitted.

The subject is one of such importance that I deem it proper to recommend early and favorable consideration of the recommendations of the commission. Having possession of and jurisdiction over the river, Congress, with a view of improving its navigation and protecting the people of the valley from floods, has for years caused surveys of the river to be made for the purpose of acquiring knowledge of the laws that control it and of its phenomena. By act approved June 28, 1879, the Mississippi River Commission was created, composed of able engineers. Section 4 of the act provides that—

"It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service."

The constitutionality of a law making appropriations in aid of these objects can not be questioned. While the report of the commission submitted and the plans proposed for the river's improvement seem justified as well on scientific principles as by experience and the approval of the people most interested, I desire to leave it to the judgment of Congress to decide upon the best plan for the permanent and complete improvement of the navigation of the river and for the protection of the valley.

SHOULD PROTECT MISSISSIPPI VALLEY.

The immense losses and widespread suffering of the people dwelling near the river induce me to urge upon Congress the propriety of not only making an appropriation to close the gaps of the levees occasioned by the recent floods, as recommended by the commission, but that Congress should inaugurate measures for the permanent improvement of the navigation of the river and security of the valley. It may be that such a system of improvement would as it progressed require the appropriation of twenty or thirty millions of dollars. Even such an expenditure, extending, as it must, over several years, can not be regarded as extravagant in view of the immense interest involved. The safe and convenient navigation of the Mississippi is a matter of concern to all sections of the country, but to the Northwest, with its immense harvests, needing cheap transportation to the sea, and to

the inhabitants of the river valley, whose lives and property depend upon the proper construction of the safeguards which protect them from the floods, it is of vital importance that a well-matured and comprehensive plan for improvement should be put into operation with as little delay as possible. The cotton product of the region subject to the devastating floods is a source of wealth to the Nation and of great importance in keeping the balances of the trade in our favor.

It may not be inopportune to mention that this Government has imposed and collected some $70,000,000 by a tax on cotton, in the production of which the population of the lower Mississippi is largely engaged, and it does not seem inequitable to return a portion of this tax to those who contributed it, particularly as such an action will also result in an important gain to the country at large, and especially so to the great and rich States of the Northwest and the Mississippi Valley.

CHESTER A. ARTHUR.

[From the Taunton (Mass.) News and Bay City (Mich.) Tribune, May 8, 1912.]

REGULATION OF THE BIG RIVER.

The needs of 200,000 persons, made homeless and destitute by floods, will be urged as ample reason for the preventive measure of Senator NEWLANDS in his recent amendment to the rivers and harbors bill, appropriating $5,000,000 a year for the control and regulation of the Mississippi River and its tributaries, and $50,000,000 a year after the completion of the Panama Canal. It is the contention of the advocates of this measure that if it is passed and put into effect the Mississippi and tributaries can be controlled, and the Government may not again be called upon to feed and care for thousands of victims of the action of the rivers as in the present case. This amendment is substantially the resolution adopted by the National Drainage Congress at New Orleans April 12. First Vice President Edmund T. Perkins, of Chicago, is cooperating with President David R. Francis, of St. Louis, of the congress; Vice President E. J. Watson, of Columbia, S. C.; Vice President Barnard Baker, of Maryland; and Vice President Edward Wisner, of New Orleans, in the work of getting a large and strong delegation from all parts of the country to urge the passage of this or similar legislation in the interests of humanity and to prevent the repetition of the appalling flood destruction of life and property of the last two months.

[From the New York Press, May 12, 1912.]

URGES RIVER REGULATION—LOUISIANA MAN SAYS FLOOD WATERS FROM OTHER STATES CAUSE TROUBLE.

That it is "the duty of the National Government, by a broad and sane system of conservation at the headwaters, such as is contemplated in the Newlands river-regulation bill," to protect Louisiana from the flood waters of 30 other States is contended in a telegram sent yesterday to the New York Chamber of Commerce by M. B. Trezevant, secretary of the New Orleans flood relief committee and the New Orleans Progressive Union.

The message points out that the floods at present sweeping parts of Louisiana come from almost two-thirds of the States of the Union, and asks why Louisiana should spend millions of dollars annually to guard herself from such trouble. Speaking for the citizens of New Orleans, the message says:

"We earnestly urge the citizens of the United States, and particularly the newspapers, to give us the only outside aid we ask—that is, discredence of false and alarming stories and support of the Newlands river-regulation bill, which will harness the floods and force them to serve instead of to destroy."

Louisiana, Trezevant says, has spent $50,000,000 out of the public treasury, and private individuals and railroads millions more, for levee protection since the Civil War. The city of New Orleans has been unaffected by the Mississippi Valley floods, and resentment is shown by the residents at reports that the city has been in danger. No levees in 100 miles of the city have broken, and engineers of the city, State and national, agree New Orleans is not menaced by the torrents.

[From the New York Sun, May 12, 1912.]

NO FEAR FOR NEW ORLEANS—BUT THE CITY WOULD LIKE AID IN PASSING THE NEWLANDS BILL.

The following dispatch from M. B. Trezevant, secretary of the New Orleans flood-relief committee and the New Orleans Progressive Union, was received yesterday by the chamber of commerce:

"The city of New Orleans is absolutely unaffected by the floods in the Mississippi Valley, though a number of parishes of the State of Louisiana have been inundated and the floods have therefore wrought great damage outside of the city. New Orleans is herself alleviating distress with contributions of money, clothing, and bedding, and the Government with rations, and the State militia aiding in rescue work. No levees within a hundred miles of New Orleans have been broken, and all stories that the city is under water are the wildest sort of irresponsible canards.

"The United States, the State, and city engineers agree that New Orleans will safely pass through the crisis and that the worst is now over. The greatest damage is the farmers' loss of opportunity to make crops, and we are now working out a plan to begin the reconstruction of our agricultural districts affected as soon as the waters recede.

"New Orleans, because of its peculiar defensive strength, is the safest city in the Mississippi, Ohio, or Missouri Valleys, despite the fact that Louisiana must protect herself from the flood waters of some 30 other States. This should be the duty of the National Government by a broad and sane system of conservation at the headwaters, such as is contemplated in the Newlands river-regulation bill.

"Why should Louisiana spend millions of dollars annually to protect herself from the waters which come from nearly two-thirds of the Union? Louisiana has spent $50,000,000 out of the public treasury and private individuals and railroads millions more for levee protection since the Civil War. We earnestly urge the citizens of the United States, and particularly the newspapers, to give us the only outside aid we ask; that is, discredence of false and alarmist stories and support of the Newlands river-regulation bill, which will harness the floods and force them to serve instead of to destroy."

[From the New Orleans (La.) Picayune, May 17, 1912.]

CYPRESS MEN FAVOR GOVERNMENT LEVEE BUILDING, INDORSING NEWLANDS BILL.

The Southern Cypress Manufacturers' Association adopted the following resolutions:

"*Resolved*, That the Federal Government should immediately extend such temporary relief as may be necessary to repair the broken levees; and, further, should absolutely take over the work of constructing future levees, including revetments, and otherwise protecting the lower Mississippi Valley from overflow.

"*Resolved further*, That the Southern Cypress Manufacturers' Association hereby indorses and approves the resolution of the Pittsburgh Chamber of Commerce, adopted April 13, 1911, indorsing Senator NEWLAND'S river-regulation bill, and urges its passage by Congress."

[From the News-Scimitar, Memphis, May 18, 1912.]

URGES SUPPORT OF NEWLANDS BILL.

George H. Maxwell, leading national authority on drainage and regulation work, addressed the City Club Saturday. He urged the club to support the Newlands bill, now pending in Congress, providing for a board of river regulation to control the flow of navigable rivers and to provide flood prevention and protection. Mr. Maxwell declared that he had no fight to make on the levee system, but insisted that the levees must be supplemented by headwater control of the Ohio, Missouri, and Mississippi Rivers by storage reservoir. He said no amount of levee building in itself will afford a guaranty against floods should the waters of the three great streams descend at once from Cairo to the Gulf.

The club, by resolution, went on record as favoring the Newlands bill, and a committee of five will be named to give publicity to the measure.

[From the Racine (Wis.) Times, May 18, 1912.]

MAKING WATERWAYS VALUABLE.

Senator FRANCIS G. NEWLANDS is earnestly advocating the organization of a national board of river regulation, in which shall be coordinated the Engineer Corps, Reclamation Service, Weather Bureau, and Forestry Service, for the purpose of formulating a sensible policy in regard to domestic commerce and the conservation of the national water supply.

The recent Mississippi floods have demonstrated the idiocy of permitting billions of gallons of water to run riot over the fertile lands of the Central West, ruining property and taking lives, and then dumping into the ocean. Three months later these same lands will need water to save the crops, and river steamboats will be lying on sand bars because of the shallowness of the channels.

If the Army engineers could take hold of this problem as they have taken hold of the Panama Canal construction, it would not take them long to evolve a plan for utilizing the tremendous water supply which goes to waste every spring in the United States. The river problem would seem to be open to solution. The rainfall for the year, if distributed fairly, would result in a standard flow of the river and its tributaries which would be safe for navigation and attended with no destructive results. But the melting of snows in the Rocky, Allegheny, and Appalachian Mountain systems, together with spring rains, all coming about the same time, create an enormous run-off from an area comprising nearly two-thirds of the United States, and this run-off is emptied into the Gulf through a very narrow space.

The Government must not only increase the annual appropriations for bank revetment and levee projection below, but must arrest the run-off by storage for irrigation and water power.

[From the Houston Chronicle, May 19, 1912.]

A SANE RIVER PLAN AT LAST.

Elsewhere in this day's Chronicle we publish portions of a debate that took place in the United States Senate on May 9, the subject being the need for a larger, more comprehensive, and more intelligent treatment of river control in this country.

Senator NEWLANDS, of Nevada, outlined the problem and urged action on his bill to create a river-control board, enlisting the cooperative efforts of all the national services which are directly or indirectly engaged in this or collateral work, but are not working together and to a common end, as they should be.

It is proposed in Senator NEWLANDS'S bill to appropriate $500,000,000, to be expended at the rate of $50,000,000 a year for 10 years, in building a system of reservoirs, dams, power plants, channel improvements, etc., which will put an end forever to this country's $250,000,000 annual loss by flood and will transform the cause of this vast loss into a permanent source of great profit.

His bill embodies a plan which has received the indorsement of the National Waterways Congress and of both the Republican and Democratic Parties in national convention. It is a sane plan. It is the first plan ever offered big enough to cover the needs of the situation.

As Senator WILLIAMS declared, the doing of this work at a cost of $500,000,000 would be worth ten times as much to the people of the United States as the construction of the Panama Canal at a cost of $400,000,000 will ever be.

All that stands in the way of the adoption of this plan by Congress, as Senator NEWLANDS stated very plainly, is the secret and subtle opposition of the railroads, which dread the competition of an effective system of navigable inland waterways, and the disposition of Members of Congress to scramble for the largest obtainable shares of the "pork" provided by the annual rivers and harbors bill.

The spoils system and the opposition of the private owners of the steam railroads of the country prevent action by Congress on sane lines and condemn the country to the continuance of a policy which wastes millions every year by spending relatively small sums piecemeal, instead of doing the whole job and doing it right in the shortest time required for the completion of the work.

The Chronicle assures the Texas Members of Congress that the people of this State will support them loyally, enthusiastically, in every bit of support that they may give to this great plan. Our sister States, Louisiana and Mississippi, are the chief losers through inaction. It is the Nation's problem and the South's sorrow. Surely it is the duty of every southern Representative in either branch of Congress to line up in support of this measure.

[Night letters.]

THE WESTERN UNION TELEGRAPH CO.,
New York, April 11, 1912.

GEORGE H. MAXWELL,
National Drainage Congress, New Orleans, La.

A large portion of machinery necessary for Government to purchase for construction of Panama Canal, which is now rapidly becoming idle, is especially adapted for dredging and constructing levees, the character of work the Mississippi Valley needs, and which is now so

strongly impressed upon the minds of the public through great losses of property and life incurred through recent floods. This machinery, if sold secondhand, would not bring more than junk prices, but the machinery and organization which the Government now has would be of great benefit to all if utilized in protecting, through drainage and levees, the overflowed lands of Mississippi Valley. Through your knowledge of this subject, to which you have given particular attention, you know better than others that opening streams and removing obstructions so as to permit free flow of great volume of water greatly relieves the levees. With such machinery and forces now at command of Government ample dredging and adequate levee work can be done cheaper than ever before, and now is an opportune time to undertake it. Am very sorry, indeed, I could not attend this session of Drainage Congress, but it was absolutely impossible for me to get away.

B. F. YOAKUM.

ST. LOUIS, MO., *April 11, 1912.*

GEORGE H. MAXWELL,
St. Charles Hotel, New Orleans, La.

People of the upper valley who are prevented by floods from attending Drainage Congress, urge you, before adjournment, ask National Congress to transfer fast as possible all available engineers and machinery from Panama Canal to Mississippi River. Situation serious, and must be handled at once by men competent to deal with a big problem.

O. M. KILLOUGH,
President St. Francis Levee Board, Mississippi Valley Drainage Association.

[Republished from Gulf States Farmer, June, 1912.]

FLOOD PREVENTION IN THE LOWER MISSISSIPPI VALLEY—THE LEVEE SYSTEM MUST BE SUPPLEMENTED BY SOURCE STREAM AND HEAD WATER CONTROL, AS PROVIDED FOR IN THE NEWLANDS RIVER REGULATION BILL.

The most important problem before the people of the United States to-day is that of protecting the lower Mississippi River Valley from overflow.

The question is not whether it shall be done; it must be done. The only question is "How shall it be done?"

Two plans are proposed, and the issue before the country is "Which plan shall be adopted?"

The first plan is the "levees only" policy, which proposes a system of stronger and higher levees from St. Louis or Cairo to the Gulf, with revetments and bank protection, but takes no account of the causes for the steadily rising flood plane, which goes higher and higher with each successive great flood, and takes no account of any policy of controlling any part of the floods in the territory of their origin.

The other plan is that embodied in the Newlands river regulation bill, which proposes a system of levees from St. Louis to the Gulf as high and strong as the advocates of the "levees only" policy contemplate, with every possible protection by revetments and bank protective works. But the advocates of the Newlands bill stand squarely upon the fact that no levee system can be built that will permanently protect the lower valley from overflow unless it be supplemented by an additional policy of harnessing and holding back as large a portion of the flood water as possible in the drainage basins of the streams where it originates.

There can be no doubt of the fact that the flood plane at Cairo can be lowered 10 feet on the Ohio River, and as much or more of a reduction made in the level of the floods of the upper Mississippi River and the Missouri River where they join to form the lower Mississippi.

If this had been done before the great flood of 1912, a volume of water equal to that which poured through the crevasses and made reservoirs for itself by overflowing millions of acres of fertile farm lands, would have been held back in the watershed of the tributaries of the Ohio, the upper Mississippi and the Missouri, and would never have reached the Mississippi River at all.

The result of this would have been such a lowering of the flood plane that the levees would have carried the entire volume of water that reached the Mississippi, the Reelfoot levee would not have been topped, no crevasses would have occurred, no damage would have been done, no lives would have been lost.

That is what would have happened if the Newlands river regulation bill had been passed 10 years ago. It would have prevented losses and damage caused by this great 1912 flood that are estimated to have amounted to over $100,000,000, and some estimates run as high as $250,000,000—one-half of the total amount appropriated by the Newlands bill.

Of course estimates of damage at this time are mere surmise, but there is no possible doubt whatever that the expenditure of the $50,000,000 a year for 10 years appropriated by the Newlands bill would save an annual property loss of more than that from floods alone without figuring on the benefits from regulating the flow of the rivers for the use of the water for navigation and for all industrial and beneficial uses.

The Newlands river regulation bill contains the following appropriation:

"For the Corps of Engineers, United States Army, for building and maintaining revetments, dikes, walls, levees, embankments, gates, wasteways, by-passes, flood-water canals, restraining dams, impounding basins, and bank protective works for river regulation, and as a means to that end the building of works for reclamation, drainage and flood protection, and for building reservoirs and artificial lakes and basins for the storage of flood waters to prevent and protect against floods and overflows, erosion of river banks, and breaks in levees, and to regulate the flow of source streams and navigable rivers, and reenforce such flow during drought and low water periods, and for the operation and maintenance of the same, $24,000,000."

It is proposed to increase this amount to $30,000,000 and to apportion from the entire $50,000,000 annually appropriated by the bill the sum of $10,000,000 to the lower Mississippi River; $10,000,000 to the Missouri River drainage basin; $10,000,000 to the Ohio River drainage basin; $5,000,000 to the upper Mississippi River drainage basin; and $5,000,000 to the Sacramento and San Joaquin Rivers, as urged by the River Regulation Commission of Stockton, Cal.

The Newlands bill expressly provides that the appropriations made by it are to be supplemental to such appropriations as may be made by Congress through the river and harbor bills.

The advocates of the Newlands bill say: "Build levees, but do not stop there. Supplement that safeguard by protecting the watersheds from denudation and erosion; check the rapid run off and sudden floods caused thereby; harness the floods where they originate and make the levee system safe by reducing the flood volume to such an extent that the levees will always carry it without danger of crevasses or of the flood going over the levees. In other words, plan and build the reservoirs on the head waters instead of having the river break over the levees and make reservoirs for itself in the lower valley, as it has done.

[From the Agricultural Magazine, St. Anthonys Park, St. Paul, Minn.]

CONTROLLING THE GREAT RIVERS.

If organized effort, the union of heretofore conflicting interests, and an inspiring leadership can accomplish it, then the improvement of the great rivers of the Mississippi system along the lines of the broadest statesmanship, the greatest beneficence, and the truest economy seems now for the first time "within sight."

The organized effort is seen in the cooperative work now being done by commercial bodies in the great cities all the way up from New Orleans to Pittsburgh, Duluth, the Twin Cities, and Omaha. The union of diverse interests is illustrated in the fact that the irrigationists, the levee builders, and the men who are working mainly for the development of water transportation have now pooled their issues for a common object. The inspiring leadership is found in the person of George H. Maxwell, the author and chief promoter of the national irrigation act, the magnetic orator, and the apostle of the small farm as against the baronial estate. He kindles a flame of enthusiasm for the project wherever he speaks.

All the organizations, all the forces referred to, are to be represented in a grand "river regulation and flood prevention conference" to be held at New Orleans January 6 and 7, 1913, to voice what is fast becoming a "nation-wide" demand for the passage of the Newlands-Bartholdt river regulation bill.

This bill involves a frank recognition of the principle laid down many years ago by Gen. Haupt—one of the foremost of our Government engineering experts—that the place to begin the work of flood prevention and river improvement is at the headwaters, not on the lower stretches of the river. Hold back the floods by storing in great reservoirs along their higher reaches the extra feet of water constituting "the crest" of the floods, and not only will the rivers no longer overflow the country along the lower levels but the water thus held back will serve to maintain navigation in seasons of "low water." And not only this, but the stored-up water in the reservoirs can be made also to serve at innumerable points the purposes of irrigation and the creation of water powers. The cost of levee building will be much reduced. And thus the "water wealth" of our great valley becomes one of the grandest of our material assets, whereas now its waste makes it an annual liability.

Minnesota is one of the States which will share most largely in the benefits sure to flow from the passage of this bill, especially in the establishing of cheap water transportation for the products of the farm. It is an "American," not a partisan measure. It plans a vast expenditure—$50,000,000 a year or more. But in carrying forward the work it is proposed to employ the same engineers and the same "plant" now engaged on the Panama Canal. This is a guaranty of efficiency and economy; therefore it is to be hoped that the people of Minnesota will urge upon their Congressmen an energetic support of the bill.

[From San Francisco (Cal.) Call, June 24, 1912.]

TOUCHES CALIFORNIA IN THREE WAYS.

Among other declarations in the Republican platform, the one that most concerns California deals with provision for the prevention of floods. The plank is suggested by the recent devastation of the Mississippi region by overflow, but any plan for the protection of that territory will necessarily involve the provision of similar measures for the prevention of overflow by the rivers of California.

Senator NEWLANDS, of Nevada, has been the chief proponent of the general scheme of legislation for this purpose, and his plan includes provision for the California rivers in proportion to their needs.

This matter of flood prevention has assumed the importance of a great national question, as may be inferred from its inclusion in the Republican platform. Treatment of the whole subject on a comprehensive scale is being urged by organized effort, as may be gathered from the following statement issued on behalf of the Mississippi Valley bodies:

"Harness the source streams. Conserve the freshet waters for dry season navigation. Draw power from dams and reservoirs. Turn the floods of the upper Missouri out over the dry bench lands. Build strong levees from Cairo to the Gulf that will hold the partially controlled floods in the lower river. And what will be the result?

"The reservoirs will supplement the summer flow and thereby provide at all times an adequate supply of water for the system of locks and dams so that there will always be a navigable stage in the Ohio on which to float out to tidewater the coal, the iron, the steel, and the manufactured products of that portion of the country, while the power developed will go a long way toward increasing the economy of manufacture.

"In the upper Missouri River country hay will grow on millions of acres of land now devoted to grazing, and the production of cattle that will then thrive on that land will be increased tenfold. In addition, summer seepage will return enough water to the river to supply a navigable stage throughout the dry season."

The reasoning applies with equal force to the Sacramento and San Joaquin Valleys. It is not a question of flood prevention merely, but involves in an important way the promotion of irrigation and the conservation of navigation in the dry season.

In a word, the policy recommended in the platform touches California in three several important ways.

The Springfield (Ill.) News of July 4, 1912, says:

"The National Reclamation Association and its allied organizations will ask the Federal Congress in December to pass a bill providing for the construction of a complete system of levees from St. Louis to the Gulf as a first step in preventing the drainage of 30 States overflowing the farms of the Mississippi Valley. * * * It is estimated that the dense population of Louisiana alone will be capable of producing from two to three crops each year on 10,000,000 acres of alluvial prairie, aggregating a billion dollars annually of agricultural wealth, to say nothing of the vast resources that will be conserved by the protection of the millions of acres in the watershed of the Missouri, the Mississippi, and Ohio Rivers, that are to-day being devastated by overflows or impoverished by the erosion of tributary streams at the time of high water."

[From the Times-Democrat.]

NEWLANDS AND RANSDELL PLANS.

NEW ORLEANS, *June 30, 1912.*

To the Editor of the Times-Democrat:

While it is not generally known, it can very easily be learned by anyone reading such essays as those of Judge R. S. Taylor, of the Mississippi River Commission, entitled "The Subjugation of the Mississippi," "Levees, Outlets, and Reservoirs," "The Present Aspect of the Mississippi River Problem," and "An Emergency in the Life of a River," that the ultimate state of the Mississippi River from Cairo to the Gulf would be that of a practically clear-water stream, after its banks had been revetted throughout this stretch, and after its tributaries and upper reaches had been cared for under the operation of such a Nation-wide policy as that contemplated by the present Newlands bill.

Judge Taylor shows what I believe is generally conceded by all the engineers who have had practical experience on the river, that nearly all of the silt carried in suspension by its swift-moving waters comes from the caving of its banks, and not from the mountain side or the farm. He shows that just as soon as these banks are mattressed, which he estimates would cost about $30 a lineal foot, or about $100,000,000 for the Cairo-to-the-Gulf section, the sand bar, once put out of business by the dredge, would practically be a thing of the past, when not only 14 feet, but probably 20 feet, would represent the shallowest portions of this stretch. Judge Taylor, like Gen. Bixby, Maj. Dabney, and other eminent authorities, while he does not condemn the reservoir system as this may be applied to the headwaters of the Mississippi, assumes, I believe, that no such storage system can ever be practicable in the great watershed of the Ohio River Valley, notwithstanding the Chittenden investigations and those of the Cairo flood commission show that reservoirs on all the tributaries of the Ohio River would reduce that river's flood level at Cairo by at least one-fifth of its maximum.

These distinguished Army engineers seem to all agree that as long as the river carries the amount of silt it does to-day the "outlet" which so many contend would lower the flood level is also impracticable as a means of accomplishing that great desideratum.

But once remove this silt, which even the layman may understand would not only fill up the "outlet," but would gradually also fill up the main river itself, through the slackening of the current which would induce its precipitation, there can be no question but that we could then have all the outlets we would need in order to lower said level, and at every point at least, where a lake or bay or the sea itself could be reached, into which this surplus water could be diverted.

And if this grand transformation of conditions can be accomplished, should it not follow that the amount of its cost should only be measured by the magnitude of its obvious advantages, to say the least? In other words, should $100,000,000 or twice that amount, between Cairo and the Gulf, stop the consideration of such expenditure for such a purpose for a single minute?

The Newlands bill contemplates the expenditure of $500,000,000, which, if placed in the shape of bonds, when added to the present debt of a country whose wealth is said to be some $120,000,000,000, and whose present debt is only $200,000,000 more than that of the city of New York, could hardly be felt, particularly when the tremendously increased earning capacity of these improved highways of commerce is considered. The question therefore presents itself as to whether the vastly larger amount contemplated by the Newlands bill, which would be expended all over the country, on all of our rivers, would not more likely appeal to the people of the Nation who could probably see the incalculable advantages of connecting our rivers in one grand system than would the smaller sum suggested by Mr. RANSDELL, which would be spent mostly in this southern section on the lower Mississippi alone.

PETER S. LAWTON.

The Nashville (Tenn.) Banner of July 8, 1912, prints this editorial comment:

"Estimates of engineers made to the National Reclamation Association of the cost of adequate protection from Mississippi River floods is $500,000,000, and the association is to ask Congress to spend that sum in strengthening the levees and building dams to hold back freshets in the tributaries. That is an enormous expenditure, more money, perhaps, than the Government can find for that purpose, but unless the work is undertaken on some such scale and planned for permanency, the Government will have spent, at the end of a generation, an even larger sum in making repairs and guarding against breaks in times of flood."

The Bangor (Me.) Commercial of July 8, 1912, says:

"The terrible losses of life and property resulting from the Mississippi floods having called the attention of the Nation to the need of steps to prevent or minimize the same, the request of the National Reclamation Association that Congress appropriate $500,000,000 to strengthen levees and build dams for regulating the freshets will not create the smiles that might have greeted such a request in times when the existent danger was not as fully appreciated. The task is no light one nor can it be done in a moment. But the investment is one that must ultimately be made, although the expenditure must, of necessity, be extended over a term of years."

[From the Chicago Tribune, July 12, 1912.]

The delegations in Congress of every Mississippi Valley State, from Pennsylvania to the Rockies, and from Minnesota to Mississippi, should insist that the problem of the Mississippi River system, including all the tributary systems of the Father of Waters, shall be attacked without delay.

Col. Roosevelt already has declared for this great task, and the necessity for a broad solution has never been more apparent than now in the wake of the devastation of 1912. Discussion is general on this topic and public opinion ready to be crystallized.

A compact statement of the situation and its possibilities, written by Mr. Walter Parker, of the Louisiana Reclamation Club, gives one of the best summaries.

"Four hundred million tons of silt, the surface soil, is washed from the lands of the Mississippi watershed into the Gulf of Mexico each and every year," writes Mr. Parker. "This is waste in so far as everybody now living is concerned, and the farmers and land owners of the Ohio and Missouri Valleys are paying the bill. Water enough passes down the Missouri when in flood stage to irrigate 15,000,000 or 20,000,000 acres of the dry plains or bench lands in the upper watershed of that river. More than enough water goes to waste down the Ohio River each flood season to supply dry season navigation and millions of electrical horsepower units. The same thing is true of the upper Mississippi River."

Here is conservation whose benefits are for the present generation.

"Harness the source streams," urges Mr. Parker. "Conserve the freshet waters for dry season navigation. Draw power from dams and reservoirs. Turn the floods of the upper Missouri out over the dry bench lands. Build strong levees from Cairo to the Gulf that will hold the partially controlled floods in the lower river. And what will be the result?

"The reservoirs will supplement the summer flow and thereby provide at all times an adequate supply of water for the system of locks and dams so that there will always be a navigable stage in the Ohio on which to float out to tidewater the coal, the iron, the steel, and the manufactured products of that portion of the country, while the power developed will go a long way toward increasing the economy of manufacture.

"In the upper Missouri River country hay will grow on millions of acres of land now devoted to grazing, and the production of cattle that will then thrive on that land will be increased tenfold. In addition, summer seepage will return enough water to the river to supply a navigable stage throughout the dry season.

"The upper Mississippi will enjoy all-the-year navigation and an abundance of power.

"From Cairo to the Gulf the floods will not then climb anywhere near so high as they have done in the spring of 1912, and with a complete and well-constructed levee system on both sides of the river the farmers and planters will no longer fear crevasses and overflows, and limit their investments for improvements accordingly.

"The silt waste will be checked because no adequate system of flood control can ignore soil erosion. Then the farms of the North and Middle West will not annually lose in fertility, and there will be fewer bars and mud lumps in the lower river to check the flow and obstruct navigation."

No nation has had a greater engineering problem than this, and the hopes of enthusiasts are to be discounted. Yet the problem should be attacked with breadth and foresight, and penny-wise caution or short-sighted fear of expenditure should not prevent careful expert consideration of the tremendous possibilities, to say nothing of the urgent necessities of the improvement.

The Houston (Tex.) Chronicle, of July 15, 1912, says:

"The Louisiana Reclamation Club, affiliated with the National Reclamation Association, advocates Federal action looking to the permanent prevention of floods. The Chronicle unhesitatingly indorses the broad principle of adequate Mississippi flood prevention, because it is necessary to national prosperity."

The Pittsburgh Chronicle-Telegraph of Saturday, July 20, 1912, says:

"The tremendous damage caused by recent floods in the Mississippi Valley has moved the Louisiana Reclamation Club to make a strenuous appeal for action by the Federal Government toward the execution of the plans advanced under successive administrations for the prevention of floods and the conversion to useful purposes of the huge surplus of water in the basins of the Mississippi, the Missouri, and the Ohio."

Speaking of the club, Mr. Walter Parker thus summarizes the work of conservation that is deemed possible: "Harness the source streams. Conserve the freshet waters for dry-season navigation. Draw power for dams and reservoirs. Turn the floods of the upper Missouri out over the dry bench lands. Build strong levees from Cairo to the Gulf that will hold the partially controlled floods in the lower river.

"Let these measures be taken," Mr. Parker goes on to say, "and the results will include a permanent navigable stage in the Ohio, the fertilization of millions of acres in the upper Missouri River country, all-the-year-round navigation, and abundance of power in the upper Mississippi region, abatement of floods from Cairo to the Gulf, stoppage of the waste of silt, and an ultimate addition to the value of landed investments that will afford manifold compensation for the outlay involved."

"These suggestions and deductions are not new, but they derive special force from the circumstances whereby they are prompted and whereby an ominous lesson has been given to the country. The conservation problem, in its relation to the rivers, is a pressing one, and it is clear that further postponement of action upon it will be a dereliction of national duty."

[From the Cairo Bulletin, Aug. 21, 1912.]

GET BUSY.

There is no city in the United States more vitally affected by floods than Cairo. With the Nation's two greatest rivers passing its doors, the city is doubly menaced every time the rivers rise, and that it has escaped inundation in the past doubtless could have been attributed to the fact that when the Mississippi and Ohio Rivers simultaneously reached the flood crest, relief was obtained through the breaking of levees above or below.

Cairo now plans to spend a half million and possibly more in raising and strengthening its levee system, while a movement is on foot to make the levees between the Ohio's mouth and New Orleans impregnable. What assurance has Cairo that posterity will be protected by the system of levees it is now planning to build?

G. H. Maxwell, executive chairman of the National Reclamation Association, which is fighting "tooth and nail" for the Newlands-Bartholdt river regulation bill, which provides for the expenditure of $500,000,000 in a period of 10 consecutive years for the building of source controls, addressed a joint meeting of the three local organizations Monday night. Less than two dozen members of the three organizations attended. Whether this was due to indifference or lack of knowledge of the importance of Mr. Maxwell's visit are matters of conjecture. However, Mr. Maxwell, who has been making a scientific study of the flood problem for a decade, and who is recognized as an authority, solicited an invitation to return to Cairo at a later date and address a larger meeting. The invitation was not extended Monday night, but it is to be hoped that no time will be lost in arranging for another meeting in the early future.

Men who have been studying the flood situation for years virtually agree that the building of an impregnable levee system would give only temporary relief, inasmuch, as the rivers flood, the channels would gradually fill up and necessitate the continual raising and strengthening of the levees until the time would arrive when every flood-menaced city in the Mississippi, Ohio, and Missouri Valleys would be surrounded by levees as high as mountains.

There are others, however, who pooh-pooh this idea, but strange as it may seem, they offer no explanation of the fact that the river beds

are ever filling, nor do they offer any solution for the correction of this condition. The main opposition to the reservoir system advanced by the advocates of impregnable levees, is the monstrous cost of construction. Five hundred millions of dollars is a vast sum, we will admit, but it is infinitesimal when compared to the vast losses in the past, and losses that must be borne by the people of the valleys in the future, unless some action is taken to control the floods at the river sources.

What is $500,000,000 to this great Nation of ours; the Nation that is building the Panama Canal; the Nation that can build $15,000,000 battleships? If the Government is to permit its rivers to overflow the valleys as it has in the past, it will not be long before the total losses will have passed to the $500,000,000 mark.

The Mississippi, Ohio, and Missouri Valleys are worth more to the United States than a dozen Panama Canals or a hundred $15,000,000 battleships, and a billion dollars would not be too much to spend to protect the lives and property of the people who live in these sections.

The Newlands-Bartholdt bill does not oppose any other river or levee improvement movements. The people of the valleys can continue to build their levees, and they may need them scores of times before the vast work contemplated in the measure is completed. What is needed for the future is a system of control, and if Cairo is possessed of a particle of good judgment, it will lend every effort to the successful passage of the measure.

There is no side-stepping the flood problem. We will have floods so long as man is powerless to prevent the falling of snow and rain. Man can not only control rain and snow after it falls if he will, but can turn it into the arid countries when it is most needed, and also release it at the river sources in such a manner that a navigable channel will be maintained at all seasons of the year.

We urge the local organizations to invite Mr. Maxwell to return to Cairo and deliver a second address. The cause he champions seems to be meritorious, and we desire to know more about it.

—

[From the Duluth News-Tribune, Sept. 10, 1912.]

THE MISSISSIPPI VALLEY.

The intertrade relations of Minnesota and the rest of the Mississippi Valley are such that the interest and well-being of every part of it are second only in importance to that within our own State limits. The floods of the lower Mississippi this last season caused a loss estimated at from $100,000,000 to $250,000,000. This means that the purchasing power, the investment power, the credit basis, and the property value of that section have been reduced by just that much.

There is that much less of all these forms of financial power and stability; the whole economic structure of the entire valley has been weakened to just that extent. Every part must feel the results of this. There will be that much less support for all the intertrade and commercial relations.

Minnesota wants waterway channels on the Minnesota and upper Mississippi Rivers that will give it connections with the lower valley. This State would have the Government make these channels and maintain them at very large expense.

Why? Because Minnesota believes that such channels would be of enough benefit to the people of this and the other valley States to warrant this expense; that the traffic between these sections is so large that the lower water carrying rates would justify the initial cost.

If this is true, or largely true; if it is warranted even by probable development rather than present conditions, it proves conclusively that the prosperity of the lower valley and of the upper valley are completely unified.

What is true of Minnesota is the fact as to every other State along the Mississippi, the Missouri, and the Ohio Rivers. All of this tremendous sweep of territory forms the Mississippi Valley, and a loss to one part is a loss to all, a gain to one part is a gain to all, and the interests of every part are woven together in an inseparable whole.

Outside of the motives of patriotism and humanity these are the concrete, the pocketbook reasons that Minnesota should stand with all this vast territory for any definite plan that will certainly prevent the recurrence of floods causing such enormous losses.

The upper and lower valleys have climatic differences that make each the other's market, both by season and by product. The loss of one is instantly the loss of the other; the lessening of the purchasing power of the one instantly acts on the other.

The upper valley can no more afford a $250,000,000 loss to the lower valley than can the lower valley itself. We prove this, as stated, by the very demand for greater and cheaper intertransportation facilities.

It is not, then, for the lower valley alone, but for the entire valley, to support a comprehensive and sufficient plan for flood prevention as a national project, as essentially national as is the preservation of the Great Lakes as a national highway.

—

[From the Agricultural Magazine, St. Anthony Park, St. Paul, Minn.]

CONTROLLING THE GREAT RIVERS.

If organized effort, the union of heretofore conflicting interests, and an inspiring leadership can accomplish it, then the improvements of the great rivers of the Mississippi systems along the lines of the broadest statesmanship, the greatest beneficence, and the truest economy seems now for the first time within sight.

The organized effort is seen in the cooperative work now being done by commercial bodies in the great cities, all the way up from New Orleans to Pittsburgh, Duluth, the Twin Cities, and Omaha. The union of diverse interests is illustrated in the fact that the irrigationists, the levee builders, and the men who are working mainly for the development of water transportation have now pooled their issues for a common object. The inspiring leadership is found in the person of George H. Maxwell, the author and chief promoter of the national irrigation act, the magnetic orator, and the apostle of the small farm as against the baronial estate. He kindled a flame of enthusiasm for the project wherever he speaks.

All the organizations, all the forces referred to, are to be represented in a grand river-regulation and flood-prevention conference, to be held at New Orleans January 6 and 7, 1913, to voice what is fast becoming a nation-wide demand for the passage of the Newlands-Bartholdt river-regulation bill.

This bill involves a frank recognition of the principle laid down many years ago by Gen. Haupt, one of the foremost of our Government engineering experts, that the place to begin the work of flood prevention and river improvement is at the headwaters, not on the lower stretches of the rivers. Hold back the floods by storing in great reservoirs along their higher reaches the extra feet of water constituting the crest of the floods and not only will the rivers no longer overflow the country along the lower levels, but the water thus held back will serve to maintain navigation in seasons of low water. And not only this, but the stored-up water in the reservoirs can be made also to serve at innumerable points the purposes of irrigation and the creation of water powers. The cost of levee building will be much reduced. And thus the water wealth of our great valley becomes one of the grandest of our material assets, whereas now its waste makes it an annual liability.

Minnesota is one of the States which will share most largely in the benefits sure to flow from the passage of this bill, especially in the establishing of cheap water transportation for the products of the farm. It is an American, not a partisan, measure. It plans a vast expenditure—$50,000,000 a year or more. But in carrying forward the work it is proposed to employ the same engineers and the same plant now engaged on the Panama Canal. This is a guaranty of efficiency and economy. Therefore it is to be hoped that the people of Minnesota will urge upon their Congressmen an energetic support of the bill.

—

[From the Reno (Nev.) Journal, Oct. 5, 1912.]

CURBING THE MISSISSIPPI.

The Democratic plan to harness the Mississippi is in response to a demand that has been made for years. It comes not alone from the people of the South, but the North and West as well. Every year disastrous floods sweep down through the channel, ruining crops worth millions of dollars, devastating the land, and inundating cities. Not infrequently the rush of waters claim a toll of human life.

The people who live on the lands that flank the great stream want the waters curbed.

The people of the West ask that the flood waters be impounded and held to irrigate their lands.

It is simply a question of the people of the South joining hands with those of the West and acting together, each to get what they want.

If the flood waters are held in great reservoirs they will be checked.

Woodrow Wilson's ideas meet with those of the people east and west. He is in accord with the progressive thought of the day. He is a man who responds to the wishes of the people. It is because he catches the drift of public sentiment that he is indorsed by men of all sections. He has enlisted in the movement long ago started by Senator NEWLANDS to save the water for those who need it and from those who do not.

This question of harnessing the waters of the Mississippi has been discussed for half a century. It has been dodged by men and candidates.

Now, after decades of agitation, it would seem that something shall be done by bringing together in a perfectly simple manner the people of the West and the South in an enterprise that will mean the saving of untold millions for each section of the country.

—

[From the Reno Gazette, Nov. 16, 1912.]

NEWLANDS DEVELOPMENT BILL.

The Newlands bill for the prevention of waste flood waters and the utilization of these surplus waters in the irrigation of millions of acres of highly productive land furnishes one of the most interesting proposals for national development ever suggested. It is practical. The assured beneficial results from it are such as to command widespread enthusiasm.

The resources of the United States are so vast and varied that thus far the country has prospered by gathering up what was lying about in profusion rather than through the thrifty development of less apparent sources of national wealth.

With millions of acres of the richest virgin soil awaiting the conservation of these waste waters, the duty of Congress is plain. We must have battleships for defense, but an even greater source of national security would be the cost of a few battleships applied to the development of lands capable under irrigation of supporting millions of prosperous Americans.

There are fully 10,000,000 acres of land right here in California that could be made productive through the conservation of waste water in the Sacramento and San Joaquin Valleys alone. The harnessing of the Colorado would add other millions to the productive resources of the State and Nation. Ten million prosperous people added to the Nation's reserve beats the construction of battleships as a means of national power and defense. (Los Angeles Express.)

—

[From the Los Angeles (Cal.) Cultivator, Nov. 21, 1912.]

STORE THE FLOODS.

The Newlands bill has such vast possibilities that many people are almost staggered in contemplating it, but almost the entire West favors it, and the East will favor it more and more as its real worth is understood. The Cultivator gives much more space to it this week. The question, Will the Newlands bill favor California? is answered by Mr. George Maxwell known to irrigators the world over as one of the greatest flood conservation enthusiasts. For $5,000,000 per year can be put into the San Joaquin and Sacramento Valleys flood storage works and a like amount along the headwaters of the Colorado, and it will mean wonderful advancement in material things for this State.

Mr. Maxwell touches upon some of the benefits to California of the North. The Colorado River work is only incidentally referred to, but there are said to be over 5,000,000 acres of lands along the Colorado, a liberal portion of them being in Arizona, and some below the Mexican line which would be directly benefited by the operation of this bill. We need not be concerned with that below the line except that under existing treaties Mexico is now entitled to one-half the normal flow of the river. The Imperial Valley asserts that she is entitled to all the waters now flowing during the drier season in the Colorado River. The Chuckawalla Valley, the Palo Verde Valley, and the lands in Arizona which can be supplied from the Colorado must go dry unless the floods are stored. The Government can invest its money no more profitably.

A great convention is to be held in Los Angeles this week to discuss this matter, and already vigorous action is being taken to arouse enthusiasm which will lead to action.

—

[From the Los Angeles Express, Nov. 22, 1912.]

SOUTHWEST'S OPPORTUNITY.

If the Newlands river-regulation bill is enacted into law in form to include the conservation of the waste storm waters of the Colorado, the Sacramento, San Joaquin, San Gabriel, and other streams, the multiplication of the productive resources of the Southwest would so far surpass anything heretofore experienced in land development as to be scarcely conceivable.

Any one who has seen the transformation worked through irrigation development in various parts of the country knows something of what it would mean to reclaim 10,000,000 acres of the richest virgin soil on the continent through the application of water under climatic conditions that are destined to convert a vast empire into a veritable paradise.

The plan is absolutely feasible. All that is needed is men of vision and business courage to take up the work of public education, money with which to carry forward an aggressive and successful campaign, and a public opinion that is alive to a great opportunity.

—

[From the Statesman, Austin, Tex.]

FOR FLOOD PREVENTION.

The cause of river regulation through source stream control, the use of now wasted flood waters, and the prevention of floods and overflows has been given great impetus through the consolidation of the National Irrigation Association and the National Reclamation Association, under the name of the latter, with C. B. Boothe, of Los Angeles, as president, and George H. Maxwell, of New Orleans, as executive director, and the announcement that a national conference will be held at New Orleans January 6 and 7, 1913, for the purpose of finally deciding upon the details of the campaign to secure the enactment of the Newlands-Bartholdt river regulation and flood prevention bill by the Federal Congress.

This conference will be held by the National Reclamation Association, under the auspices of the Los Angeles Chamber of Commerce. The New Orleans Progressive Union, the Pittsburgh Flood Commission, the Louisiana Bankers' Association, the Stockton (Cal.) River Regulation Association, the Arizona and California River Regulation Commission, the Louisiana Reclamation Club, and other organizations and delegates representing the commercial organizations of every State in the Union are expected to attend.

The primary object of the conference will be the consideration of the Newlands-Bartholdt bill as it affects the interests and needs of the several sections of the country.

This bill provides a continuing appropriation of $50,000,000 annually for 10 years and the organization necessary to enable the Federal Government to harness the source streams of the great rivers in such manner as is necessary to permit the use for irrigation, for power and for dry weather navigation of the flood waters that now go to waste in destructive torrents, for the building and maintenance of necessary levees, and for other works of a protective nature. Its application is general, and all of the great rivers come within the scope of its operations.

—

[From the Republican, Phoenix, Ariz., Nov. 23, 1912.]

PROOF AGAINST HARD TIMES.

One of the assigned causes for the financial disturbance of 1907 was the San Francisco fire and earthquake. That was undoubtedly a contributory cause, for when such a vast volume of property is utterly annihilated, the loss of it must be felt in all parts of the country.

Yet, all the property destroyed at San Francisco was of small volume compared with the annual waste by floods in this country. This great loss does not disturb the country for the reason that it is regarded as a matter of fact, something that can not be avoided, an overhead expense, incident to carrying on our business.

But this annual loss, great as it is, is small in dollars and cents compared with what we lose by neglect, neglect to avail ourselves of the means of creating wealth, neglect to reclaim wealth-creating lands, neglect to conserve and make use of other natural resources.

No attention whatever had been given this matter until it began to be hammered upon the country by Mr. Roosevelt, but before we were fairly awake he passed out of office, since when we have been conserving things in a most leisurely and haphazard way, hardly at all.

A nice thing about a genuine thorough conservation policy is that when properly executed its benefits will be threefold. For the prevention of the great annual devastating floods (the first benefit), control must be established over the headwaters of our streams. Thus, we will have means for developing power and electrical energy and for the irrigation of arid lands, these results being grouped under the head of the second benefit.

With the waters thus controlled at all times, there will be preserved a steady flow in the lower rivers for navigation, but never enough for floods, thus lessening the swamp area of the country and making easier the drainage of swamps not directly caused by the floods. Here we have the group of the third benefit.

Now, if this country in all its breadth and length could be disastrously affected by such a loss as that caused by the San Francisco earthquake and fire, how would it be affected by the prevention of the waste by floods and how would it be affected if we were to make use of the great natural resources which we are neglecting?

Senator FRANCIS G. NEWLANDS, to whom we of the West owe so much for what has been accomplished in the way of reclamation, has already taken up this still greater matter for the benefit of not only the West but the entire country. We wish him God speed in this new undertaking and hope that the same degree of success will crown his efforts as that which followed his movement for the reclamation of arid lands.

—

[From the Picayune, New Orleans, La., Dec. 26, 1912.]

THE CONVENTION FOR PROTECTION FROM FLOODS.

Early in January there will be held in this city a convention representing many States of the River Regulation and Flood Prevention Association.

This is a very important body, and while it will devote its energies to dealing with Mississippi River and its great tributaries it must not be confounded with the Deep Waterways Association that has held annual conventions in the cities along the river, several of which were in New Orleans.

The object of the first-named convention is to arrest and store up the flood water in the great tributaries of the Mississippi River, so as to prevent any and all floods in the lowlands of the southern tier of States, while the subject of river navigation is a secondary consideration, although not neglected. The object of the deep-waterway advocates is to provide first of all for the uses of navigation, while the measures necessary to obtain deep water in the channel are considerations of chief importance, while protection from floods is to follow as a necessary consequence.

The regulation of the river as the main factor in flood prevention is urged in the interest of the draining and reclamation of the lowlands of Louisiana, Mississippi, Arkansas, and other States, while the deep-water advocates are working in the interest of such river improvements as will clear out and maintain a channel for a great river commerce, and as a necessary consequence keep the river within its banks and thereby put an end to floods. It is necessary to distinguish between the two bodies so that all the objects and interests concerned may be understood without confusion or misapprehension, because all are important to the people of this city, the people of the lowlands, and the owners of the swamp region.

The movement for river regulation is in aid of a bill already before Congress which embraces among its chief provisions that since the destructive floods in the great continental river are caused by the waters that are brought down by the main tributaries, and since protection from these floods is a public duty, and since all the natural interstate waterways in the Nation are necessarily under the direct jurisdiction of the National Government, it is the duty of the National Government to prevent these floods.

This prevention, according to the terms of Senator NEWLANDS's bill, is to be accomplished by constructing great dams on all the chief tributaries and store up the superfluous waters of each tributary so that no flood can occur in the main river, and in seasons of low water the contents of the lakes or reservoirs formed by the dams are to be drained out by degrees, so that there can be no flood, while the water in the channel will be reenforced when needed for navigation. In the absence of flood waters in the Mississippi River the operation of draining the lowland swamps can go on undisturbed by any fears of future inundation.

But in order to carry out this plan of keeping the flood waters away from the southern lowlands, they will have to be stored up on the lands of Northern States. For every square mile of southern land protected by the proposed process a corresponding area of northern lands must be covered by the water stored up in lakes created for the purpose, and as these artificial inundations will necessarily be in the valleys of the tributary rivers they will cover up a large extent of valuable lands nearly equal in area to those it is designed to protect in the South.

The great tributaries on the east side of the Mississippi are the Ohio, the Tennessee, and the Cumberland. The Ohio takes water from the States of New York, Pennsylvania, Virginia, West Virginia, North Carolina, Ohio, Indiana, Illinois, Tennessee, and Kentucky. This is an immense area, with an annual rainfall of 40 to 50 inches. Many reservoirs or artificial lakes will be required to store up the excess of waters, and much of this land is of large value, much of it underlain, with coal, oil, and iron ore.

Then, there is the Tennessee River, as long and draining as great an area as the Ohio and taking water from Virginia, North Carolina, Georgia, Tennessee, Kentucky, and Alabama, carrying off as great a rainfall and requiring large spaces in which to store its surplus waters.

On the west side of the Mississippi is the Missouri, not less than 3,000 miles long and taking water from British America and a vast region of the United States, equaling a half million square miles of area. It is true the rainfall is not so great as on the east side of the Mississippi, but for all that the Missouri floods must be caught and stored up in great lakes.

Then there is the Arkansas River, taking water from Colorado, Kansas, Oklahoma, Missouri, and Arkansas. It will require large reservoir capacity to hold its floods.

It is to be remembered that the land upon which these mighty waters are to be arrested and imprisoned will have to be bought and a vast work of construction required, and the lands so covered up will be lost to agriculture and every other productive use.

On the other hand, experience in this country and for many centuries in Holland proves that the river floods can be fenced out from the lands, and in this country it has been done for years in the past to a large degree. There is no question of the efficiency of the levee system, provided the stability of the banks on which they are built can be assured, and that they can be has been demonstrated.

The Mississippi River Commission, a national body charged with the improvement of the river for navigation, worked out to a certainty that the current of the river would clear out its channel and maintain it for every purpose of commerce and navigation if the swiftly moving waters could be prevented from corroding and undermining the rich alluvial lands which formed the river's shores. Not having the funds to devote to bank protection, that sort of work was only done in short stretches and not in a connected, systematic way, as is required. There are localities in which the ordinary work of revetment has not proved efficient, but there is no trouble in meeting every local condition and difficulty.

The entire work, since it devolves largely on the National Government, should be left as to the methods to be employed to the United States engineers, since no mere uninformed, impractical theorist is competent to decide on it. It is a matter of experience and not of theory that levees properly built on properly protected banks will fulfill every demand for protection from floods, and the operation of draining and reclaiming the swamps of Louisiana and Mississippi can be carried on with as much security as that enjoyed by the people who live and have lived for centuries behind the dikes and embankments that keep out the high tides of the North Sea and the floods of the River Rhine.

What is of the greatest importance is that the entire subject of protection shall be fully discussed and made fully intelligible to all concerned and an agreement arrived at to leave the decision as to measures and methods to the United States Army engineers. The grand success made by those engineers in the construction of the Panama Canal has established universal confidence in their sound professional judgment as well as their scientific knowledge, and the final decision can be left to them with the assurance that the work will be faithfully and efficiently done.

—

[From the Stockton Daily Evening Record, Stockton, Cal., Tuesday, Nov. 26, 1912.]

MEN WITH A VISION.

The man with a "vision" is no longer championed by Y. M. C. A. orators alone. Like the man who was once considered soft-headed because he "stood for principle," the man with a vision is being called into the public service. In a hard-headed, practical age, society is turning for relief and hope to the dreamer of great dreams.

One was reminded of the fact last evening in listening to the closing words of Senator NEWLANDS'S address on our country's river problems.

Sentiment is not indigenous to levees. Landscape art is hardly expected to gather its inspiration from dams and ditches. Esthetic conceptions are not searched for in the reclamation of swamps. The figures that tell of the devastation wrought by floods do not sing in poetic strain. The possibilities of water conservation and distribution have never been the inspiration of epic or flowery prose.

But the human mind is breaking from the thongs of purely utilitarian conceptions of values. Senator NEWLANDS, in his plea for his

bill, urged it at once as a business measure and as one that would lend the people into easier, happier, and fuller enjoyment of the bounties of nature. His call was for men of vision, for men whose perspective could sweep far beyond the half billion dollars the Government is asked to spend for irrigation, flood protection, and navigation. He asked that man fix his mind not on piles of profits counted in shimmering gold, but on the desert that would be made to bloom as the rose, on the river running free and clean in the interests of peaceful commerce, on the mountain water storage lakes from which the thirsty valleys could drink deep and long for their nourishment.

It was a pleasure to hear the Nevada Senator extol a noble, humanitarian sentiment; it was a pleasure to learn that he bases his plea for his magnificent project on the good it would do mankind rather than the profits it would bring to "business." It was even more interesting to note that such sentiments found ready response in an audience composed largely of business men. Our citizenship seems to be far more receptive to great visions than it was a few years ago. The dull, dreary grind of the business man and the laboring man has not lessened, but both of them—equally victims of the system evolved by the sordid past—are looking forward to the day when the peace and plenty spread in the lap of nature by the Creator shall be the common, free, and full heritage of all mankind.

—

[From the Stockton Daily Independent, Nov. 26, 1912.]

NEWLANDS DOING GOOD WORK.

There is a growing interest being manifested by all classes of people in water problems, and throughout the country there is a general awakening to the fact that the land's greatest heritage has been negligently left to go to waste in its flow to the ocean and too frequently doing untold devastation and enormous damage to property in its path. That every ounce of water that flows to the sea should be made to serve a useful purpose is now dawning upon the people as sound business policy, and throughout the Nation conservation schemes are being given more attention than ever before. Stockton has been among the foremost in its efforts to harness the waters, and the progress made here in effecting an organization to that end and the public-spirited interest taken in the conservation movement bids fair to win for this section much earlier relief than may be gained in other parts of the country. Conservation of flood waters is now recognized as one of the most crying needs of the Nation, and until the waters have been made to serve all, with damage to none, the country's development will be held in check and the people deprived of the fruits of their greatest asset.

Senator NEWLANDS's plan of Federal recognition of the waterways problem is most logical, viewed in a general sense. How it may work out in detail may be debatable, but the general plan to have the Government, through appropriations, enable localities to deal directly with their waterway problems offers the greatest hope of any plan yet submitted to the people, and the educational work the Senator is doing throughout the country in the interests of the waterways, flood-water control, navigability of streams, and the conservation of all waters is accomplishing a great deal of good, and his efforts will stamp him among the foremost of conservationists and the author of one of the most important bills ever presented to Congress.

—

[From the Los Angeles (Cal.) Times, Nov. 27, 1912.]

CHECK THEM.

The workers of the Arizona and California river regulation commission have a great work before them at Washington in aiding, by their presentation of facts and arguments to the committees of Congress, to obtain the passage of a bill appropriating $10,000,000 per annum for reservoirs and aqueducts in California and Arizona. In this work they will have able allies, or, to speak more accurately, they will ably aid those who are already allied for the work. There is Senator FRANK NEWLANDS, of Nevada, who is the father and mother and uncle and aunt of the policy of Federal aid to irrigation. There is the poetical young Senator HENRY T. ASHURST, of Arizona, who in one term has leaped to the front as the blue-sky orator of the Senate. There is Senator SMITH of Arizona—good old Mark—who always knows what he wants and usually gets what he goes for. When the Secretary of the Treasury sees Mark coming with a demand for an appropriation for Arizona he places the key of the Government strong box on a desk and crawls under the office lounge. There are Senators SMOOT and SUTHERLAND, of Utah, who will leave their dinners at any time to explain to a New England Congressman the advantages of irrigation. There are our own Senators and those from New Mexico, from Colorado, from Wyoming, from Idaho, from Washington, and from Oregon. In all there are 20 Senators from the Pacific and Rocky Mountain States, and there are 24 Senators from States fronting on the Mississippi River who can be counted upon to push legislation for the impounding of flood waters and the irrigation of arid lands.

With the passage of the bill in behalf of which the Arizona and California river regulation commission will do stalwart work, the cry of "back to the farm" will no longer be a barren ideality, for there will be farms to "go back" to on both sides of the Colorado River. Parker will be the third city of Arizona, the lower San Joaquin Valley will be densely populated, and Los Angeles will be the depot and entrepôt of an additional million of people. The Arizona and California river regulation commission ought to be checked by our merchants and manufacturers and home owners—checks in three figures preferred, those in two figures gratefully received.

—

[From the Stockton (Cal.) Mail, Nov. 27, 1912.]

SPLENDID START FOR RIVER REGULATION.

The results that may be accomplished by thorough organization, persistence, and attention to detail are shown in the action of the realty dealers, who have assumed the initiative and taken up the responsibilities of a campaign for the Newlands bill. The sentiment was here; energy and influence were not lacking; but it needed the practical advice of George H. Maxwell to give proper direction to the work. Since he has handled similar conditions in practically every parish of Louisiana, and has organized scores of associations having in view the same ends, his cooperation was appreciated to the utmost.

How general is the desire for solution of the water problems of this section of the State will be indicated by the fund Stockton business men are raising to exploit the needs of the San Joaquin River and to assist in bringing about adoption of the Newlands bill. That California knows the situation and is fully conversant with the needs of this community is not sufficient. Mr. Maxwell wants the matter explained to the whole United States, so that there may be no interference because of congressional ignorance. The movement has a good flying start, the object is a most worthy one, and it is to be hoped that every Stockton business man will contribute toward the campaign fund.

—

[From the Los Angeles (Cal.) Cultivator, Nov. 28, 1912.]

RECLAIMING THE LANDS.

We doubt not that the communication in last week's Cultivator by Mr. George H. Maxwell will be considered a wild dream by many readers; wilder perhaps the one outlined in this issue calling for reclamation of the 5,000,000 acres along the Colorado River, but we trust the address made at the recent River Regulation Congress held in Los Angeles will attract attention to the benefits to this country should the dreams be realized. That they will be goes without saying, if the American people awake to the necessity of the realization.

For the Government to expend $500,000,000 will call for strenuous work; but with the party now in power committed to flood storage, and with the necessity more apparent than ever for parties standing on their platforms after election as well as before, we believe the greatest need is immediate action to bring before Congress and the East the necessities in the case.

Fortunately the Newlands Act will not only benefit California and Arizona and the whole West but much of the East.

—

[From the Redlands (Cal.) Review, Dec. 1, 1912.]

THE CAUSE OF NATIONAL RECLAMATION.

The cause of river regulation through source-stream control, the use of now wasted flood waters, and the prevention of floods and overflows has been given great impetus through the consolidation of the National Irrigation Association and the National Reclamation Association under the name of the latter, with C. B. Boothe, of Los Angeles, as president, and George H. Maxwell, of New Orleans, as executive director, and the announcement that a national conference will be held at New Orleans January 6 and 7, 1913, for the purpose of finally deciding upon the details of the campaign to secure the enactment of the Newlands-Bartholdt river-regulation and flood-prevention bill by the Federal Congress.

This conference will be held by the National Reclamation Association, under the auspices of the Los Angeles Chamber of Commerce, the New Orleans Progressive Union, the Pittsburgh Flood Commission, the Louisiana Bankers' Association, the Stockton (Cal.) River Regulation Association, the Arizona and California River Regulation Commission, the Louisiana Reclamation Club, and other organizations and delegates representing the commercial organizations of every State in the Union are expected to attend.

The primary object of the conference will be the consideration of the Newlands-Bartholdt bill as it affects the interests and needs of the several sections of the country.

This bill provides a continuing appropriation of $50,000,000 annually for 10 years, and the organization necessary to enable the Federal Government to harness the source streams of the great rivers in such manner as is necessary to permit the use for irrigation, for power, and for dry-weather navigation of the flood waters that now go to waste in destructive torrents, for the building and maintenance of necessary levees, and for other works of a protective nature. Its application is general, and all of the great rivers come within the scope of its operations.

The conference will pass upon the adequacy or inadequacy of the specific appropriation provided for the improvement of such rivers as the Mississippi, the Ohio, the Missouri, the Sacramento, the San Joaquin, and recommend such changes in the specific appropriations as seem wise in the light of the great flood of last spring. No attempt will be made to change the fundamental principle on which the bill has been created. In this way it is planned to safeguard the interests of those sections needing levees, of those sections needing water-power and dry-season navigation, and of those sections needing irrigation.

With the specific recommendations of this conference in hand, backed up by resolutions of indorsement by many leading organizations in all parts of the country which have already been secured, the combined forces of the allied organizations of the National Reclamation Association, headed by George H. Maxwell, will go to Washington to begin the fight for the bill at close range.

The Democratic Party is committed to a policy of river regulation through source-stream control, and in a telegram dated Sea Girt, N. J., September 29, to Senator FRANCIS G. NEWLANDS, president of the National Irrigation Congress, then in session at Salt Lake City, Gov. Woodrow Wilson, President elect, said: "Please express to the National Irrigation Congress my hearty approval of the policy it is met to promote, and especially of the policy of supplementing bank and levee protection by storage of flood waters above for irrigation and water power, turning floods from a menace into a blessing and at the same time abundantly feeding navigable waters."

With thousands of letters from manufacturers and business men in all parts of the country indorsing the Newlands-Bartholdt bill and promising full cooperation in its possession, the executive committee of the National Reclamation Association, which is domiciled in New Orleans, is of the opinion that opposition to the bill will be short lived once the fight for its enactment shall have been carried to Washington.

—

[From the Rochester (N. Y.) Times, Dec. 4, 1912.]

RIVER REGULATION.

The cause of river regulation through source stream control, the use of now wasted flood waters, and the prevention of floods and overflows has been given great impetus through the consolidation of the National Irrigation Association and the National Reclamation Association, under the name of the latter. The announcement is made that a national conference will be held at New Orleans January 6-7, 1913, for the purpose of finally deciding upon the details of the campaign to secure the enactment of the Newlands-Bartholdt river regulation and flood-prevention bill by the Federal Congress.

This conference will be held by the National Reclamation Association, under the auspices of the Los Angeles Chamber of Commerce, the New Orleans Progressive Union, the Pittsburgh Flood Commission, the Louisiana Bankers' Association, the Stockton (Cal.) River Regulation Association, the Arizona and California River Regulation Commission, the Louisiana Reclamation Club, and other organizations and delegates representing the commercial organizations of every State in the Union are expected to attend.

The Newlands-Bartholdt bill provides a continuing appropriation of $50,000,000 annually for 10 years and the organization necessary to enable the Federal Government to harness the source streams of the great rivers so as to permit the use for irrigation, for power, and for dry-weather navigation of the flood waters which now go to waste in destructive torrents, for the building and maintenance of necessary levees, and for other works of a protective nature. The application of the bill is general, and all of the great rivers come within the scope of its operations.

The conference will pass upon the adequacy or inadequacy of the specific appropriations provided for the improvement of such rivers as the Mississippi, the Ohio, the Missouri, the Sacramento, the San Joaquin, etc., and recommend such changes in the specific appropriations as seem wise in the light of the great flood of last spring. No attempt will be made to change the fundamental principle on which the bill has been created. In this way it is planned to safeguard the interests of those sections needing levees, of those sections needing water power and dry-season navigation, and of those sections needing irrigation.

With thousands of letters from manufacturers and business men in all parts of the country indorsing the Newlands-Bartholdt bill and promising full cooperation in its possession, the executive committee of the National Reclamation Association, which is domiciled in New Orleans, is of the opinion that opposition to the bill will be short lived once the fight for its enactment shall have been carried to Washington.

—

[From the Los Angeles (Cal.) Tribune, Dec. 5, 1912.]

WIDE INTEREST IN RECLAMATION MEASURE.

Interest manifested in the Newlands-Bartholdt river regulation bill is highly encouraging to its friends. A national conference, to be held in New Orleans January 6 and 7, in behalf of the movement to secure a $50,000,000 appropriation each year for 10 years from Congress for the harnessing of streams and prevention of floods promises to be one of the notable gatherings of recent times.

With the year's appalling destruction of property and life along the Mississippi fresh in mind, the folly of meeting the protective needs of river valleys by feeble levees or any other method than control of headwaters should impress Congress. The Mississippi flood and similar catastrophies in the Missouri, Ohio, and other valleys are monuments, so to speak, to American stupidity and waste.

With proper control of headwaters there need be no floods. There could be millions of blooming acres in California and elsewhere, now barren with thirst for water that not only goes to waste, but, gathering sudden volume, becomes an engine of terrible destruction. It is not too much to say that the Newlands-Bartholdt bill proposes the surest and most promising investment ever made by the Government.

Volumes of water that are a curse to humanity may be turned into a blessing. It will be done—if not by the next Congress, then by a later one. And when it is done and the fruits in the form of radiant land and mighty electric power are enjoyed by our children, they will marvel at our primitive stupidity that so long wasted the gifts of God right at hand and whined about the high cost of living.

—

[From the Brawley (Cal.) News, Dec. 6, 1912.]

MAKING HISTORY.

No movement more important to the Southwest has been ever undertaken than the conservation of the flood waters. If the Newlands bill, with an appropriation of $5,000,000 a year for 10 years for work on the Colorado River and its tributaries, becomes a law, the Imperial Valley will be the chief gainer.

As the largest irrigation system in the United States it commands respect; with the Mexican lands added, it will rival the largest in the world, with more than a million acres under water.

The local aspect of the movement alone is stupendous. When considered as a part of the whole the proposition reaches a magnitude placing the United States among the wonder workers of the world.

But not the lands along the river alone will benefit. Irrigated sections call for more of the necessities and luxuries of life, owing to the dense population, than any other section of the country. Instead of seeking new markets maintained precariously abroad the United States will provide them at home and dollar diplomacy will be outdistanced.

With such an aim the Imperial Valley can not fail to stand behind the Arizona and California River Regulation Association with all the vigor and money at its command.

—

[From the Philadelphia Inquirer, Dec. 7, 1912.]

TAFT ON THE MISSISSIPPI.

President Taft took unassailable ground when he declared that he was in favor of an appropriation of fifty millions to conserve the waters of the Mississippi so that the damage from the annual floods might be prevented, but was opposed to spending a dollar simply to dredge the channel for the sake of a commerce which does not exist and which is not likely to revive.

As the Inquirer has often pointed out, the Mississippi can never be made a great highway of transportation until more fundamental considerations are first given attention. At present the river has a small amount of local steamboat traffic, for which the channel is sufficient. Otherwise the Government maintains the lower reaches at the delta for the benefit of the great and growing commerce of New Orleans. It can do no more in this specific direction.

But it must be apparent that the channel should be looked after, not on transportation grounds but those of public safety and conservation of property. Every year the natural hindrances to drainage disappear and the floods become higher and shorter, with consequent damage of enormous extent.

The suggestion to create great reservoirs in Arkansas and elsewhere, to convert present swamps into lakes, so that the floods may be regulated, just as are the waters of the Nile, seems to be the only practical proposal. Congress would do well to have this consideration carefully examined and spend money on any good plan. The "pork-barrel" feature of the Father of Waters must disappear.

—

[From the Arizona Gazette, Phoenix, Ariz., Dec. 10, 1912.]

NEWLANDS'S RIVER REGULATIONS.

(By B. A. Fowler.)

There is now a bill before Congress which is attracting much attention North, South, East, and West. It was introduced April 6, 1911, by Senator FRANCIS G. NEWLANDS, of Nevada, is known as the Newlands river regulation bill (S. 122), and like the national irrigation act, with which Mr. NEWLANDS's name is inseparably linked, this also is a masterpiece of constructive statesmanship. For years the subject matter of this bill has been before the National Irrigation Congress for discussion and action. Some of our citizens will recall that the irrigation congress, held in Phoenix in 1896, passed a resolution calling on the Congress at Washington to appropriate money for the building of reservoirs, and the river and harbor bill of that same year provided for the examination of reservoir sites in the West to determine whether they were practicable and desirable for three things: First, for improving the navigation of navigable rivers; second, for providing water for irrigation of arid lands; and third, for preventing destructive floods.

Under that appropriation Capt. Chittenden, since advanced to rank of brigadier general, made an exhaustive report which was a model. He clearly demonstrated that reservoirs on the headwaters of navigable streams would regulate the flow of the rivers by holding back the water that otherwise would be wasted in time of floods and turning it into the stream at the low water season when it was needed both for navigation and irrigation. Thus navigation would be improved, irrigation water provided, and destructive floods prevented.

This was in 1896–97, but the Nation was not awake to the wisdom or necessity of such an economic policy. However, "all things come to them who wait" and "hustle while they wait," and the irrigation congress and others who believed in the Chittenden report hustled and waited.

In June, 1902, the national irrigation act was the first notable result of this hustling and waiting, and nine years later comes this "river regulation" by the Nation. As introduced, this is a bill "to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection, and for the beneficial use of flood waters, and for water storage, and for the protection of watersheds from denudation and erosion, and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other agencies."

There is "reserved, set aside, and appropriated" $50,000,000 annually for each of 10 years, and "made available until expended, out of any moneys not otherwise appropriated." The "board of river regulation" will consist of the Chief of Engineers of the Army, the Director of the Geological Survey, the Forester of the Department of Agriculture, the Director of the Reclamation Service, the Chief of the Bureau of Plant Industry of the Department of Agriculture, the Secretary of the Smithsonian Institution, one civil engineer, one sanitary engineer, and one hydroelectric engineer. The last three shall be appointed by the President, hold office at his pleasure, and each receive $7,500 per year. All formal action taken and expenditures authorized by the board shall be reported to the President and by him transmitted to Congress.

Broad powers are given the board for cooperating with States, municipalities, corporations, towns, counties, districts, persons, and associations, as well as with the various scientific and constructive bureaus of the United States, for the encouragement of independent initiation and construction.

The board is also empowered to harmonize and unify and bring into correlation and coordination the investigations made and information and data obtained by the various bureaus and offices of the Government relating to questions involved in this act and with a view of securing unity of action, promoting economy and providing against duplication, unrelated or incomplete work.

The board must develop and prepare comprehensive plans for the conservation, use, and development of the water and forest resources in such manner as will best regulate the flow of source streams, navigable rivers, and a hundred other phases of the subject, like flood protection, drainage, reclamation of swamp and overflow lands, etc.

The Secretary of the Smithsonian Institution is to secure all obtainable knowledge concerning the problems involved, establish a museum of conservation to aid in the education of the public on these subjects.

The Chief of the Bureau of Plant Industry, the Forester, the Director of the Geological Survey, the Director of the Reclamation Service, and the Chief of Engineers of the Army shall each use all the resources of their offices to contribute to the vast work of this board, and the three engineers of this board, appointed by the President, are to supplement the above.

Should the current revenues be insufficient to provide the $50,000,000, the President is authorized to make up the deficiency by issuing 3 per cent 30-year United States bonds.

For carrying out the provisions of this act the moneys annually appropriated shall be apportioned as follows:

Smithsonian Institution, $1,000,000.
Bureau of Plant Industry, $2,000,000.
Geological Survey, $3,000,000.
Reclamation Service, $10,000,000.
Forest Service, $10,000,000.
Corps of Engineers, United States Army, $24,000,000.

Should this bill become a law it would save annually millions and tens of millions of dollars and thousands of lives, would multiply transportation facilities and solve vexing transportation problems, improve national sanitation, reclaim more than 80,000,000 acres of swamp lands, increase food production and decrease cost of living, and save this Nation from disastrous floods, such as are a curse to China to-day and which made of the surpassingly rich and fertile plains of Mesopotamia a "land of desolation" over which the jackal, the hyena, and other wild beasts now roam at will and alone.

—

[From the Stockton (Cal.) Independent, Dec. 12, 1912.]

CURRY FAVORS NEWLANDS BILL, PROVIDED IT IS AMENDED TO INCLUDE AN APPROPRIATION OF $50,000,000 FOR CALIFORNIA RIVERS.

Strong efforts will be put forth by Congressman Elect Charles F. Curry, of this district, to secure the passage of the Newlands conservation measure and to secure under that bill $5,000,000 per year for 10 years for the conservation of the flood waters of the San Joaquin and Sacramento Rivers. He defined his position yesterday morning, following a conference with George H. Maxwell, executive director of the National Reclamation Association, who chanced to be in Stockton yesterday.

Mr. Curry states that he had at first planned to introduce a bill asking $40,000,000 to be immediately available for the San Joaquin and Sacramento Rivers, but he agreed to withhold it provided the Newlands bill is amended to provide $50,000,000 for the two California streams, and to do all in his power to secure the passage of the bill embodying a nation-wide conservation plan.

[From the Pomona (Cal.) Times, Dec. 13, 1912.]

FLOOD WATERS.

Egypt is the creature of the Nile. In other words, the great valley and the level lands about the delta have for centuries been dependent on the flood waters of that great river. When the Nile poured its annual floods through the valley and inundated the fertile fields on either side, then Egypt had a year of plenty and the land brought forth by handfuls. If the floods failed, then Egypt had a year of famine.

It may never have occurred to our readers that right at the very doors of California we have another Nile and another Egypt. The great Imperial Valley and the Colorado River every year enact the same thing that has gone on for centuries in Egypt. With the great floods of the Colorado River comes the riches that have made the Imperial Valley the granary of the Southwest as well as the most wealthy agricultural district in the world. Every inch of available water that under the present system can be secured is now at work in the Imperial Valley, and yet there are thousands of acres that are ready to blossom as the rose if they can only receive the life-giving fluid. What is to be done? There is only one thing that can be done, and the great movement is already under way; it is no less than the conservation of the flood waters of the Colorado River. Every year hundreds of thousands of inches of water are emptied into the Gulf of California or poured in a flood over the fertile fields along its banks, just as often carrying devastation as prosperity to the lands on either side. Senator NEWLANDS has introduced into Congress a bill whereby millions of dollars are to be appropriated for the erection of great storage reservoirs, which shall be filled to the brim with the flood waters during the time of the annual freshet. These waters shall remain impounded until such time as they shall be needed, and then slowly conducted through canals to the thirsty fields of the great Imperial Valley to bring riches to thousands of ranchers and to raise food and clothing for a great multitude of people.

It is a great undertaking and worthy of the effort of a lifetime; for if Senator NEWLANDS accomplishes nothing more during the remainder of his life than to bring to a successful issue the great undertaking that he has inaugurated he will have reared to himself a monument that shall be almost as imperishable as time itself. It is to be hoped that every Congressman and the two Senators from California will give their very best efforts to support the bill that shall bring prosperity and millions of dollars to this great State of ours.

For many years past we have had a growing conviction that the future of the water problem of southern California was connected inseparably with the conservation of the flood waters of the country. We have a half dozen natural locations in this vicinity where, with the expenditure of a few thousands of dollars, great storage reservoirs could be built. These great impounding places can be connected with every acre of land and orange grove in these valleys by water pipes already installed and floods of gravity water be poured on our thirsty orchards at a price much less than is now demanded of the rancher. The use of these flood waters will serve several purposes; the problem of caring for them during the winter season will be greatly lessened; the ruin that they frequently accomplish will be avoided; their use early in the season will conserve the underground supplies and remove the anxiety of the men whose business it is to furnish from an ever-decreasing supply the life-giving fluid for an increasing acreage of citrus trees.

This move for the conservation of the flood waters is one in the right direction, and we see no reason why the matter should not have the hearty support of every Member of Congress. As to starting the work of flood-water conservation in southern California, we believe that the movement is worthy of serious consideration by practical men. The drilling of wells by small companies represents a makeshift necessary because of a scattered population and very limited capital. With our rapidly increasing population and the rapid growth of capital, there is no reason why we should not seriously contemplate the massing of our means and saving for our future prosperity that which at present is an annual source of waste aggregating hundreds of thousands of dollars.

—

[From the Stockton (Cal.) Mail, Dec. 16, 1912.]

MAXWELL, THE NEWLANDS BILL, AND THE OPPORTUNITY OF STOCKTON.

On behalf of northern California, the region most vitally interested in river control and flood prevention, Stockton has taken the initiative in support of the Newlands bill, and a week's effort has sufficed to demonstrate that the movement will be an unqualified success. For the time being there is no matter of more importance to the community, and even in this busiest of seasons it is not unreasonable to suggest that the bankers, merchants, and landowners contribute some portion of their time to getting fully acquainted with the plans and purposes of the campaign and the men who have had the enterprise to gain this credit for Stockton.

Because Los Angeles, having no rivers of her own, is interested in the improvement of the Colorado, several hundred miles away, the live and energetic commercial bodies of that city have formed their own association, thereby seizing the distinction of being the first California city to organize a branch of the National Reclamation and Irrigation Association. It needs no prophet to foretell that Los Angeles will take a prominent part in the campaign for passage of the Newlands bill, and it will be interesting to compare the methods of the south with the efforts of all the commercial bodies in northern California. This is a subject in which more than 50,000 citizens of the Sacramento and San Joaquin Valleys have been interested for nearly half a century. Without recourse to complicated legislation and without the danger of vexatious delay, there is to be procured through the Newlands bill for immediate use a fund of $50,000,000 for improvement of the two rivers, for prevention of floods from which Stockton has been the greatest sufferer, and for the construction and maintenance of canals and reservoirs that will irrigate millions of acres of semiarid land—an empire that will support its hundreds of thousands.

Sacramento would gladly have taken over the central organization that will campaign for the Newlands bill on behalf of California, but Stockton already had founded the river regulation commission, and George H. Maxwell, executive officer of the national association, came here to find a few public-spirited men already battling for recognition and already seeking relief from the annual dangers of floods. It is through the days and nights that Maxwell has devoted to the work, through his matchless energy and his long experience, that Stockton is to-day so well advanced in the preliminary work.

Maxwell has undertaken, in good faith, to do something that northern California, even in the hour of gravest danger and heaviest loss, has never attempted. He is endeavoring to get together the fund necessary for a campaign that will make an impression upon Congress, to be expended in the same manner and at the same time as the funds raised in Los Angeles, in Arizona, in New Orleans, and Pittsburgh. He knows the value of concentrated results and organization. He prefers to depend upon the voice of the Nation rather than upon the efforts of one Congressman or of one congressional delegation.

Out of the $12,000 necessary to launch the two-year campaign, Maxwell will not receive a dollar. The completion of this fund will simply obligate him to remain in California and direct another fund-raising campaign for $30,000 more, to be secured outside of Stockton, and from which is to be deducted one-third of his annual salary and expenses. At a meeting in the chamber of commerce last week President Nims of that organization intimated to Maxwell as broadly as possible that he might name his own salary and remain in Stockton as its chief booster, but Maxwell only smiled and shook his head. Maxwell's salary of $12,000 a year, in view of the work he has done, the experience and acquaintance he has gained, and the sacrifices he has made to continue this work in and out of season for many years past, is more than reasonable, since it is procured largely through his own efforts, the contagion of his enthusiasm, and the soundness of his advice. It is not more than is paid to-day to the manager of an interurban railway. It is exceeded by the remuneration of a dozen department chiefs of the Panama-Pacific Exposition, and it is the minimum for the executive heads of many California corporations who are not the equals of Maxwell in ability or enterprise.

It was Maxwell who analyzed the sentiment of northern California upon the river-control question, and it was Maxwell, the confidant and assistant of Senator NEWLANDS, who obtained his consent and the consent of all the eastern and southern river-improvement associations to incorporate in the pending bill the clause which provides for the Sacramento and San Joaquin Rivers an annual appropriation of $5,000,000 for 10 consecutive years—a fund that is admitted by all engineers to be adequate to solution of all the problems the people of this section have faced for many years.

That Stockton will gain prominence in this campaign can not be doubted. The work that can be done with $12,000 is laid out so that none may doubt its efficacy. The names of the hundred men who will compose the river-regulation roll of honor will be worth remembering when Stockton has a population of 100,000.

—

[From the El Centro (Cal.) Progress, Dec. 17, 1912.]

MAXWELL SHOWED US.

"Where does the money go?"

That was the main question put up to George H. Maxwell yesterday at the meeting called to hear the Newlands bill discussed.

The situation locally is almost identical with the situation nationally. Here the irrigation directors wish the people to express themselves as to their desires in helping to finance the campaign of education in favor of the Newlands bill. The directors themselves know the great benefits that would accrue to the valley should the bill with the Colorado River amendment attached be passed. They naturally want the O. K. of the people before acting in the matter. Congressmen are the same way. When it comes to making an appropriation of practically half a billion dollars, Congress wants to know if the people of the United States favor it.

This favorable sentiment must be created. To create it 20,000 editors must be converted; daily, weekly, and monthly mail must be sent out; tens of thousands of dollars must be spent for postage; more must be spent for literature, its composition and printing; the whole Nation must be aroused.

The Newlands bill must become a household word. It must be made popular. Its provisions must be heralded from Maine to California.

Men must be employed to do this work. Mr. Maxwell himself has given 20 years of his life to this work already. He is the foremost exponent of conservation of flood waters of various rivers; his time is valuable; he has drawn no pay for almost a year; he said he would continue this great effort even if he had to beg pennies on the streets to pay his expenses.

It cost a million dollars in honest effort to elect Woodrow Wilson President of the United States.

It surely is worth one-fifth of that amount to create a public sentiment that will compel the passage of the great Newlands bill, which is the masterpiece of legislation of the twentieth century.

Imperial Valley's part can surely be $5,000 if Stockton City can put up $12,000.

—

[From the New Orleans Item, Dec. 24, 1912.]

THE FLOOD-PREVENTION CONFERENCE.

The National Flood Prevention and River Regulation Conference set for January 6 and 7 should challenge the interest of every citizen of Louisiana and the greater area affected by the recurrent overflow of the Mississippi River. This meeting will bring together a good many of those who believe that the right way to attack the problem presented by the river is to begin at the headwaters and prevent floods, instead of taking hold at the bottom of the valley and trying to dam the floods as they sweep down. Those who advocate this course are opposed in political as well as in engineering policy to those who cleave to the present scheme of levee administration.

The cost of controlling the flow of great rivers is stupendous. So also are the damages continuously arising from failure to control their flow. The engineering problem which the process involves is tremendous and largely undeveloped. So also were the technical problems which beset the men who spanned the continent with railroads, irrigated the dry lands of the West, drove a plexus of rails through the rock beneath New York, tunneled the Hudson River, and severed the Isthmus of Panama. All these processes have resulted, and are expected to result, in gigantic benefits and profits, overwhelming even their own enormous costs. So also would the control of the great river which drains the continent between the Appalachians and the Rockies.

Not only would this stop the millions of dollars of loss sustained every year from high water on the Mississippi and its tributaries, and the tens on tens of millions of values destroyed now and again when high flood stages are attained, but it would also, say its advocates, fertilize and fructify great dry, barren areas now awaiting the waters which they propose to impound.

The proposals here outlined are given concrete shape in a bill now pending in both Houses of Congress. This was prepared by Senator NEWLANDS, one of the comparatively few men in Congress with the breadth and depth of real statecraft. Congressman BARTHOLDT, of Missouri, presented it in the House. The opponents of the plan it embraces call it a lunatic fancy. The very charitable among them say it is impracticable. These are precisely the same things which have been said about every large enterprise which the mind of man has conceived since man has had a mind. Sometimes they delay the consummation of great

conceptions, but they never prevented the realization of a single one. Soon or late NEWLANDS'S plan of river control, or some modification of it, will rule the streams of the United States, because the levees alone will not hold a flood that is constantly undermining them, or climbing over them, or doing both.

The acceptance of any such plan as this would mean the transfer of all control of the levees and all responsibility for them to the Federal Government, which is where their control belongs. This, however, is not a pleasant prospect for the numerous clans of levee patchers whose maladministration of the levees in the States along the lower course of the river has been characterized by dissipation, waste, and graft. Those who are absolutely conscientious never attain efficiency, because they lack the essentials of efficiency, and not all are either conscientious or capable. Whatever they attain or fail to attain is gained or lost at tremendous expense to a few States which ought not, in simple justice, to bear such a burden alone.

The people of New Orleans are more or less familiar with the old idea of river control. They have had the pleasure and profit of hearing Mr. RANSDELL a number of times. The last occasion on which they heard him, he addressed a large audience of them nearly two hours, after which another speaker presented the Newlands plan for 20 minutes, at the end of which the intelligent crowd indicated its very plain preference for the latter-day idea.

Our Representatives in Washington are now contending for a large appropriation for levees, with the enormous losses of this year's floods as their key to the country's consideration. We hope they get the money. Every little helps. The only way, however, to settle a question like this levee question is to settle it right. No amount of money piled into dikes will obviate the necessity of flood control. The higher they rise the harder they will fall when their foundations are scoured away.

Everybody in New Orleans has a pocketbook interest in the river and the levees. If you want to hear more about the proposals of Mr. NEWLANDS, the objections to it, and the answers to them, you should attend the conference which is to be held next month.

[From the Times-Democrat, Wednesday, Jan. 8, 1913.]

RIVER REGULATION AND FLOOD PREVENTION.

While the conference held in this city for river regulation and flood prevention has not been as well attended as was expected, it has none the less accomplished its purpose of presenting to the people of Louisiana and the Southwest, properly and strongly, the river problems and issues involved, and it has made them better acquainted with the Newlands bill, which the conference is so warmly advocating. The meeting was held in New Orleans for this very reason, to acquaint the State and city with what the River Regulation Association proposes to do to bring about a broader and better study of the problems in their broadest sense, and secure the cooperation of all who are interested in the regulation, control, and improvement of the Mississippi and its tributaries.

It is natural that the people living along the lower Mississippi should look at the question mainly or altogether from the standpoint of overflow, and that they should magnify the importance of levees, as this has been in the past the only way in which they have secured protection. To most of them the Mississippi and levees were regarded as one and the same problem. Latterly, even in this section, and especially after the experience of last year's floods, some doubts have arisen as to whether levees alone will assure us all the protection we need.

The conference in this city was for the purpose of calling attention to the other problems involved in river improvement, the use of reservoirs for retaining the flood, and thus preventing the freshet coming down in one gigantic wave; the use of water thus stored up to make the river navigable during low seasons; its utilization for irrigation purposes, and also for the production of water power.

All these points have been successfully presented in the speeches and resolutions; the plan of improvement urged has been launched before the community and will receive the consideration and study they deserve. The conference has also dwelt upon the importance of unity of interests, and insisted that by cooperation, acting together in all matters affecting the regulation of the river, we are most likely to secure the appropriation and legislation desired. An earnest effort has been made to prove that the interests having at heart the construction of reservoirs, irrigation of lands, etc., were not inimical to the demands of the people along the lower river, were not opposed to levees or failed to recognize the part they must play in any system of river regulation and improvement; and a number of changes and amendments have been proposed in the Newlands bill that will make it provide more liberally for the Mississippi south of St. Louis and for the construction of levees.

This, as we understand it, is what the conference was intended to accomplish—to present the question of river regulation more broadly than it has been presented before, to lead to the discussion of all the river issues, of all the plans suggested, and to show how all interests are affected, with the confidence that only by such general discussion and interchange of views will it be possible to reach a definite conclusion as to what ought to be done to secure united action.

Never has a better occasion presented itself than the present to secure favorable action from Congress and to protect the lower Mississippi Valley from overflow. The country realizes that this heavy loss must be prevented in future; it can not stand it without serious injury; that the Federal Government is responsible for the care of the river and its protection from overflow and must assume charge and control, and those along the river—the States, levee districts, and people—are now unanimous in favor of surrendering to the Federal Government all control of the rivers, all obligations in the matter of levee construction and the prevention of overflows. If we do not get all we want now it will be because we quarrel among ourselves and can not agree as to what we want done. The river regulation and flood prevention conference will, we believe, help to bring about an agreement by laying before the people of the lower valley many ideas and suggestions as to river improvement and regulation which have never been sufficiently considered here before.

[From the Daily Picayune, New Orleans, Wednesday, Jan. 8, 1913.]

THE IMPROVEMENT OF THE MISSISSIPPI RIVER AND THE PROTECTION OF THE VALLEY FROM FLOODS.

The bill proposed by United States Senator NEWLANDS, of Nevada, for the regulation and control of the waters of the Mississippi River and its tributaries, which has been offered in Congress, was considered at a meeting of delegates, chiefly from Louisiana, yesterday at the hall of the Progressive Union in this city.

The bill in question has not specially commended itself to the people of this city because it proposes to disregard the methods that have been employed in this part of the country, with a large measure of success, in protecting the lowlands of this State from the river floods, and have to a large extent been effective, and that is the building of levees. The people of this part of the country are confident that if the systematic protection of the river banks be added to the proper building of levees the problem of protection will be solved.

Senator NEWLANDS'S scheme, in brief, is to build dams on all the upper tributaries of the Mississippi River and store up the flood waters, only turning them loose gradually after the flood season had passed, and it was proposed that the entire burden of the work should be undertaken and maintained by the National Government. Such artificial lakes, established on the tributaries that have their rise in the Rocky Mountains and flow through the dry plains of the West, could furnish large quantities of water for irrigation, but the greatest part of our flood water comes from such eastern tributaries as the Ohio, the Tennessee, and Cumberland Rivers, and there is no need for irrigation in that region.

While the stored-up waters would cover large extents of land in West Virginia, Kentucky, and Tennessee, underlaid by coal and iron ore, the damage would be greater than the benefit. Moreover, it would cause the spending of all the public money in the highland States of the great valley and none in the lowlands. While this statement smacks of "pork-barrel" politics, there is at least some justice in the claim for a more equitable distribution of the money.

Moreover, what the Newlands bill proposed was a land reclamation scheme that had no reference to the improving of the rivers for navigation. It is not at flood tide that the banks are undermined and the caving occurs, but in the season of low water. The protection of the banks from caving and establishing their permanence and ability to support the levees is the grand object in view, and when that shall be accomplished, as it can and should be, everything that can be desired will have been done to protect the lowlands from overflow, so that the work of drainage and reclamation can be carried to the utmost limits.

At the meeting on Monday a committee was appointed to revise the terms of the Newlands bill, and the committee most properly insisted that all the proposed work should be carried on under the direction of the Mississippi River Commission, a national body charged with the care of the river and the improvement of its navigation, as well as protection from floods, and the entire work should be under the supervision of that body. It was also insisted that an appropriation of $10,000,000 a year be devoted to the care of the river from St. Louis to the Gulf of Mexico. With such amendments added to it and incorporated in the body of the Newlands bill, it can be made acceptable to our people and to assist in giving protection from floods to the southern lowlands and aiding in the development of the Mississippi Valley, besides improving the river as a channel for a great commerce. Then all interests will be promoted and the protection and development of the lowlands of the Mississippi River will be established.

Mr. NEWLANDS. Mr. President, I wish to add just a few words regarding the debate in which we have been participating for some days. What contentions have arisen during that time? First, the contention relating to the development of hydroelectric power near St. Paul, under the amendment introduced by the Senator from Minnesota [Mr. NELSON], and approved by the committee. The contention there was the same as the contention regarding the Connecticut River dam. The only difference between the two cases was that in the case of the Connecticut River dam it was constructed to serve the double purpose of navigation and the development of hydroelectric power by a private corporation acting under the authority both of the State and of the Nation, and it was sought to impose some charge upon the profits of the private corporation with a view to using the moneys thus received by the National Government in the promotion of navigation upon that river.

In the other case the dam was constructed by the National Government, but was to be constructed in such a way as to serve a double use, to serve the use for navigation and to serve the use for the development of hydroelectric power, a larger expenditure being acquired for the two uses than would be required simply for navigation. So the Government there was to impose a charge upon the corporation using the hydroelectric power compensatory in the shape of interest on the additional portion of the construction assignable to hydroelectric use.

Now, we had two contradictory votes, one striking out this charge as an invasion of State rights, the other approving the charge by the National Government as a reasonable charge for the extra expenditure made in meeting the requirements of the State.

I ask with reference to that specific matter, Is the time of the National Congress to be wasted year after year in taking up each one of these individual projects and dealing with it? Would it not be much wiser to have a board under whose general powers works could be undertaken covering both the use within the jurisdiction of the State and the use within the jurisdiction of the Nation under an apportionment of cost between them that will fairly distribute the burden?

Then we have another contention, a contention over the lower Mississippi River. We have there an Inland Waterways Commission, organized years ago, whose jurisdiction extended over the entire river. The jurisdiction there was so generally expressed as to embrace, in my judgment, not only the river itself but its tributaries.

Yet we found, as a matter of fact, the operations of that commission were confined to the lower reach of that river, from the Passes to Cairo. Later we extended its work as far up as Cape Girardeau, a total distance from the mouth of a thousand

miles. The purpose of the amendment of the Senator from Missouri was to add nearly 500 miles to the area of its operations, so that they would extend up as high as Rock Island.

The Inland Waterway Commission is an example of cooperative action, and illustrates the principle for which I contend regarding the entire waterway system. That commission was composed of three men belonging to the Engineer Corps of the Army and one representative of the Coast and Geodetic Survey, thus insuring the coordination of these two engineering forces, whose jurisdiction pertained to our rivers, but whose jurisdiction varied in character, and to these officials were added two engineers and a lawyer, appointed from civil life, thus making up the seven members of the Mississippi River Commission.

So in its very organization it was a coordinated body, and in its work it was a cooperative body, for, under the organic act of that commission, it was to cooperate with the States on the Mississippi River with a view to dovetailing river regulation and swamp-land reclamation and protection. Their operations have been cooperative ever since, the commission undertaking the dredging of the river, the bank revetment and protection to prevent caving banks, and undertaking, in cooperation with and through a division of expense with the States and levee districts, the construction of levees, which, it was held, were a part of the scheme of navigation as well as of swamp-land reclamation, the levees serving to keep the river within its channel and to prevent it from practically losing its channel by spreading over vast areas of swamp land.

That commission had an expenditure of about $3,000,000 a year when it ought to have had the power to expend at least $10,000,000 a year between Cairo and the Passes, and while it has done much good work in cooperation with the States, the deficiency in its work has been the fruitful cause of enormous disaster to this great area of reclaimed land in five States, in itself an empire of unexampled productiveness. Every one of these overflows can be attributed to some deficiency in appropriation. We have gradually enlarged our vision upon this subject, and we are now expending $6,000,000 annually where formerly we expended $3,000,000.

Now, what was this area? An enormous area of swamp land, over which the Mississippi River was accustomed in the olden days to spread itself, composed of an inexhaustible soil, a soil equal in fertility to that of the Nile. That entire area came into the possession of the National Government through the Louisiana purchase as a part of the national domain. At the very inception of that ownership and title, if the statesmen of that time could have read the future, they would have realized the folly of parting with that great domain to any sovereignty or any individual incapable of dealing with it in a big and comprehensive way.

Yet the United States, not realizing the value of that immense area, but realizing only the burden that might be imposed upon it by the construction of the works necessary to reclaim it, granted it to the States upon the condition they should reclaim it. The weak States threw their burden upon individuals, and so this domain fell in large areas into the hands of individuals who were incapable of dealing with it in the scientific way that would be required to increase its productiveness and make its production certain. So they have been at work in a feeble and ineffective way exhausting their resources for a century in the development of that great region, the work of one year being entirely destroyed by the flood of another, vast areas devastated, and large populations deprived of the resources of life.

We have attempted in a half-hearted, ineffective way to recover the ground lost, and the National Government, not now the owner of this area, finds itself called upon to aid in its reclamation, and the question is as to the constitutional power of the Nation. We all know, of course, that the entire power of the Nation over navigable rivers arises from the commerce clause of the Constitution. The promotion of interstate transportation comes within the national powers, and so we have gradually built up a system there of cooperation between the Nation and the States with reference to that vast area, but a cooperation lacking sufficient funds, a cooperation lacking a sufficient area of operation; for instead of at the start regarding the Mississippi, with all its tributaries, the Ohio, the Cumberland, the Tennessee, and the Missouri, with all its tributaries, the Platte, and the Arkansas River, as a unit and undertaking the complete regulation and control of those waters from source to mouth in aid of navigation, with a view of checking the floods in such a way as to delay and spread out their operation over the regions below, the Nation took control only of the lower reaches of the river and waited for these enormous floods coming from nearly 30 States of the Union to gather in enormous volume in the Mississippi River below Cairo, and thence down it sought to restrain these floods after their accumulated force was directed against this unfortunate region, instead of harnessing the floods at their very source, arresting their flow to the regions below, and extending the flood season over a longer period, thus diminishing the crest of the flood and diminishing its destructive power.

Now, what can be done in the way of scientific arrest of these flood waters that fall during the spring and winter upon the Appalachian Mountains and the Allegheny Mountains on the east and upon the Rocky Mountains in the West, and on the whole intermediate region, and make their way through the small source streams and tributaries into the main river itself, receiving additional accumulations from the very region affected?

We have done nothing practically with reference to arresting those floods. Yet, if we would only arrest them, we could make them instrumentalities of benefaction instead of destruction. What benefaction can be secured from the arresting of the floods at or near that source? In the first place, in that Rocky Mountain region to the west of Kansas and Nebraska and Oklahoma, including parts of those States, we have a vast area of land that is thirsty for water every season of the year, and upon which it is impossible to raise profitable crops without artificial irrigation.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. Certainly.

Mr. SIMMONS. Mr. President, I wish to make a suggestion to the Senator from Nevada, and I am sure the Senator will accept the suggestion in the spirit in which I make it. The Senator has offered this amendment to the river and harbor bill. The amendment is the subject of a bill introduced by the Senator some time ago in the Senate. That bill has been before the Committee on Commerce and has been reported and is now on the calendar.

The subject which the Senator is discussing is a very important and a very interesting one, and he is discussing it in a very lucid and interesting way; but it must be, I think, apparent to the Senator that the conditions here are not favorable to a real discussion and consideration of this subject. We are anxious to pass this bill to-day, if possible. The subject which the Senator suggests is one that ought to call for very extensive and very thorough and very full consideration. Senators naturally feel that the proposition which he makes is one that will change the policy of the Government in reference to the improvement of rivers and harbors, and if it were engrafted upon this bill it is probable the bill would be defeated and we would not get the river and harbor bill, and the Senator would not get what he wants.

I was going to suggest to the Senator, in these conditions, in view of the great importance of the subject he is discussing, and the fact that his bill has been reported and is on the calendar, would it not be better that this discussion be postponed, and that at an early day we take this matter up as a separate proposition, a proposition involving a change in the policy of the Government with reference to appropriations for river and harbor improvements, and give it a thorough discussion? I do not think that conditions are now favorable to the discussion or the real consideration of the important matters which the Senator is suggesting to the Senate.

I merely wanted to make that suggestion to the Senator. I fully appreciate the importance of the matter he is discussing, and I am anxious that the Senate should take it up as a separate proposition and give it full discussion. I hope he will not insist upon it as an amendment to this bill and a discussion of the matter at this time, because I think it is a matter that ought to be thoroughly discussed as a separate proposition, not as an amendment to a bill, especially in view of the fact that the amendment the Senator proposes would change the whole policy of the bill. It is at variance with the policy of the bill, and if it were adopted it must be apparent to the Senator that it would defeat the bill, and defeat his amendment along with the bill.

Mr. NEWLANDS. I am not insensible to the appeal the Senator makes to me. It is an appeal that has been made whenever I have addressed the Senate upon similar amendments proposed to the river and harbor bill.

Mr. SIMMONS. But, Mr. President, if the Senator will permit me, the Senator has never had his bill on the calendar where it might be considered as a separate proposition, as is the case now.

Mr. NEWLANDS. That is true; but it has been reported only recently and at a time when it can not possibly be considered. As I regard the amendment as entirely germane to the bill, I am disposed to urge it. At the same time I shall be very con-

siderate with my colleagues, and I shall endeavor to close my remarks in time to secure a vote upon the bill before the time fixed for the memorial addresses. But I understand that the Senator from Connecticut [Mr. BRANDEGEE] proposes to offer as an amendment the Connecticut River dam bill. I will ask him whether it will be possible to conclude the consideration of this bill before 2 o'clock?

Mr. BORAH. The interrogatory was addressed to the Senator from Connecticut, but I will state, if the original Connecticut River bill is offered as an amendment, of course, it will not be possible to dispose of the bill to-day, if there is any disposition to carry that amendment. If a Senator offers it for the purpose of offering it that is one thing, but if there is a disposition to put it on the bill, the bill will not be passed to-day.

Mr. BRANDEGEE. My attention was diverted when the Senator from Nevada referred to the matter.

Mr. NEWLANDS. I asked the Senator whether it was his intention to move as an amendment the Connecticut River dam bill?

Mr. BRANDEGEE. The Senator from Ohio [Mr. BURTON], I understand, gave notice last night that he would offer as an amendment to put the Connecticut River bill as it came from the committee on the river and harbor bill, and my colleague [Mr. MCLEAN] intends to offer the bill as it was passed by the Senate as an amendment to the river and harbor bill. What would develop in the way of language in the way of those two propositions I do not know. My experience would lead me to expect some expression of views.

Mr. NEWLANDS. So, it would not be possible to conclude the consideration of the bill to-day before 2 o'clock.

Mr. BRANDEGEE. That depends upon the staying qualities of long-distance talkers, and I can not guarantee anything about it.

Mr. NEWLANDS. I assume, then, the Senator does not intend to address the Senate upon his amendment.

Mr. BRANDEGEE. I would a great deal rather have a vote on it in quiet, because I should think it would be perfectly acceptable to the Senate to accept what it had already accepted. But if anyone objects, then I would like to answer him if he makes any points that I think need answering.

Mr. NEWLANDS. We shall doubtless hear from the Senator as we heard from him during that debate.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. NEWLANDS. Certainly.

Mr. THOMAS. As I understand the situation, the Senator from Ohio [Mr. BURTON] proposes to offer the original Connecticut River bill as an amendment to the pending measure, and the Senator from Connecticut will offer as an amendment that bill as it was finally adopted by the Senate. The offer by the Senator from Ohio will certainly develop some language.

Mr. NEWLANDS. I therefore see——

Mr. MYERS. Will the Senator yield to me?

Mr. NEWLANDS. Certainly.

Mr. MYERS. I am in favor of the amendment offered by the Senator from Nevada, and I hope he will go ahead and address the Senate on it and bring it to a vote. I have learned that the time to press a bill here is when one gets a chance to press it.

Mr. NEWLANDS. Mr. President, it does not seem probable therefore that we can reach a conclusion on this bill to-day, and I shall go on with my presentation of this subject.

I will state, in reference to the appeal of the Senator from North Carolina, it has been an appeal that has been made upon every occasion when I have presented the river-regulation bill in the shape of an amendment to the river and harbor bill. I have been compelled to present it as an amendment to the river and harbor bill because it is impossible to get for it serious consideration by the Committee on Commerce, the members of which are so bent on securing appropriations for individual projects that they have not time to consider a broad and comprehensive measure that will deal with this subject in such a way as to relieve Congress of a large portion of its burdens and at the same time secure enlightened administration of river and harbor development.

Mr. CLARKE of Arkansas. Mr. President, I submit a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLARKE of Arkansas. The Senator from Nevada having indicated that it is his purpose to debate this matter at length, even to the extent of delaying the passage of the bill to-day, that presents a question of duty to those of us who are interested in its passage. His amendment is not in order. He is proceeding outside of the rules of the Senate.

Mr. NEWLANDS. Mr. President, I do not yield to the Senator from Arkansas.

Mr. CLARKE of Arkansas. He is trespassing upon the courtesy of those interested in the passage of the bill, and I think the time has arrived——

Mr. NEWLANDS. Mr. President, I decline to yield.

Mr. CLARKE of Arkansas. It is not a question of the Senator yielding to me. I am on my feet in my own right to make a perfectly proper point and to call attention to the fact that the Senator from Nevada is not addressing the Senate otherwise than by courtesy. There is no proposition pending that can be made at this time. His amendment never was referred to the Committee on Commerce.

Mr. NEWLANDS. I deny the right of the Senator to take me off the floor.

Mr. CLARKE of Arkansas. Except for parliamentary purposes and within the rules of the Senate.

Mr. NEWLANDS. I am discussing the bill in its general aspects.

The PRESIDENT pro tempore. The Senator from Nevada will suspend for a moment. The Senator from Arkansas has made the point of order that the amendment is obnoxious to the rule. The Chair, without expressing an opinion on that point at present, will suggest that the Senator from Nevada can not be taken from the floor in the midst of a speech on a point of order. The Senator from Nevada will proceed.

Mr. NEWLANDS. Mr. President, I was remarking that the Committee on Commerce has been so busy in considering the individual projects of the individual members of that committee that it has had no time to devote to the consideration of a broad and comprehensive measure, even though that measure would lighten their own labors and would more efficiently accomplish the purposes which they have in view.

We passed through the same conditions regarding the reclamation act. I entered Congress, in the lower House, over 20 years ago. For 10 years there we insisted upon it that the great work of reclamation of our arid lands should be taken up as a national enterprise by the Government in the development of its public domain. We sought there that, as a matter of river and harbor development, we should secure in the upper reaches of these great rivers the storage of waters, which would serve the double purpose of arresting the floods and of leading them over arid wastes, thus turning them into regions of productiveness. It was only by a constant iteration and reiteration, by amendments offered, by speeches made, by attacks made upon the very vitals of the river and harbor bill itself that we secured a hearing before the great American people, which resulted in the passage of the reclamation act—an inestimable boon to the entire intermountain region. Had it not been for the aggressive course which we took with reference to this very bill in its annual course we would have made no headway whatever in that legislation so essential to the welfare of some 15 States.

Mr. President, we are renewing the struggle that we then commenced, insisting upon it that the great and destructive agencies in the lower reaches of the river are the floods, and that the only proper way to deal with those floods is not only to protect the channel below, to protect the banks by revetment, to construct levees, but also in this vast watershed, covering 30 States, to arrest the flood waters, so as to put them to beneficial use.

We are renewing to-day the very argument that we made 20 years ago, not, as then, out of a selfish regard for the advancement and welfare of our section, but as a means of developing every interest in the Union, the development of waterway transportation as an aid to railway transportation and to our ocean transportation, and the development of the rivers, in the development of water transportation in such a way as to put them to every beneficial use that civilization affords. We, however, will get no hearing unless we finally take the very position which we then took with reference to the Reclamation Service, that we would hamstring the river and harbor bills until the claims of the region which we represented were recognized. No sectional interest now controls our views or our action. We are now working for the entire Union. We believe that there should be an efficient development of our waterways, such as there is in France and in Germany, so that inland waterway transportation and ocean transportation and rail transportation should be so coordinated and dovetailed together as to aid and promote both domestic and foreign commerce. So far as I am concerned, I intend to press this subject upon the attention of the Senate at every convenient moment.

The Senator has remarked that the bill which I have introduced has been reported by the Committee on Commerce. I admit that that bill has gradually gained converts there. The

Senator from Ohio [Mr. BURTON] was a qualified convert. He signed our Inland Waterways Commission report as the chairman of the commission. He indorsed in that report every principle for which I have contended in this bill, yet, for some reason or other, I have not his hearty cooperation in the passage of the bill. He has doubtless intended to amend the existing methods in order to accomplish the result which he has in view, but I am sure he has become hopeless regarding existing methods, for you find him here in the Senate the opponent of every river and harbor bill that comes in, instead of its advocate, as he was in the House of Representatives. The chairman of this committee [Mr. NELSON] is another convert. I can recall the time when the chairman of the committee resented the idea of turning over what he regarded as the functions of Congress to an administrative board, but he has now finally come to the conclusion that the functions of Congress are best exercised by the creation of a board acting as its servant in the scientific adjustment of these questions.

Only the other day he declared in committee—I made the statement the other day, and the Senator corroborated me—that he was tired of this piecemeal system of appropriation that has existed for so many years; that he was conscious it is full of abuses and is characterized by absolute inefficiency in many cases; and that, so far as he was concerned, he was for the creation of a board, to which large powers should be given, and to the prosecution of whose work an ample fund should be appropriated.

There are other converts upon that committee, but they are differing all the time as to details. If you should put it to the vote of that committee to-day as to the essential principles of this bill, I believe that it would have the votes of a large majority of that committee. They always differ as to details here and there, as to the segregation of this fund, as to whether it should be segregated at all between different waterways, or as to the proportion that should be segregated to this watershed and to that watershed; as to who shall compose the board; as to what its powers shall be; but whilst they agree upon the essentials as to a board, as to a large fund, as to continuous work, as to covering all the related uses of the river, covering cooperation with the States, they differ as to the details of the organization through which its work is to be effected. It will take a long time to concentrate the mind of that committee, as it will take a long time to concentrate the mind of Congress, upon a feasible and practicable method of administration. Therefore the friends of this measure must press it at every convenient opportunity. That is the reason why I am pressing it now. All the various amendments to the bill have been considered in detail; this amendment is reserved to the last.

Now, the appeal is made to me when I am presenting this matter to the consideration of the Senate that this bill contains large appropriations for needed work and that its passage may be imperiled if I should continue to debate this important question. I wish to be considerate always of the views and the demands and the requirements of my associates, but I do not think that it is my duty now to limit my discussion.

Mr. President, I was discussing the Mississippi River and its tributaries; I was referring to the use of this water for irrigation above. The practice of irrigation still is in its infancy. The time will come when irrigation will be universal throughout the entire Mississippi Valley, for nature, unfortunately, does not distribute the waters at such time in their fall from the heavens as to meet the scientific requirements of agriculture.

There is not a region in the entire Mississippi Valley, I do not care what its waterfall is, in which there are not periods of drought, periods in which growth is arrested, periods in which growth is sometimes destroyed. Why should we allow these productive waters, falling upon this vast area, to rush into the Gulf, where they will be unutilized, when by arresting their flow throughout the entire region, whenever it is practicable as an engineering matter to do it, we can hold those waters under control, available not only for irrigation, but for the development of water power?

Electricity is made with water power—a most valuable factor in the lives of our people. Electricity has more to do with the general comfort and convenience of the masses of the people of to-day than has almost any other force. It is used for lighting; it will be used for heating; it is used for power. It can be carried into the humblest cottage, and made there the instrumentality of production. Why should we allow these waters, which can be put to these beneficial purposes above, to drift down to the destruction of vast areas below? Why do we permit them to sink into the Gulf of Mexico and into the Atlantic and Pacific Oceans without any productive results? All of this, of course, requires cooperation, and for a hundred years we have been debating as to where was the dividing line between the jurisdiction of the Nation and the State, as if it were utterly impossible for these sovereigns to deal with each other. We have no difficulty in dealing with Canada upon matters relating to our waters; we have no difficulty in dealing with any foreign country; we have ambassadors and ministers through whom negotiations can be conducted; but we seem to have the greatest difficulties in dealing with sovereign States, component parts of the great Union that constitutes our Government. It never seems to have occurred to us that by the organization of a national board, empowered to deal with similar organizations in the States, we could, instead of debating endlessly as to the dividing line between National and State jurisdiction, bring them into partnership, so as to produce beneficial results to both classes of sovereigns existing upon the same soil.

So we have gone along in this ineffective, inefficient, and dribbling way, identifying the greatest constructive work of the country with the spoils system; turning over these individual projects, practically, to individual Members of Congress for their initiative; denying in every river and harbor bill itself the poor privilege to the Corps of Engineers of the Army of making a suggestion to make this system efficient. That seems an extraordinary statement. I recall that I was condemning the Engineer Corps of the Army for its lack of initiative, for its lack of suggestion. I thought that that corps had been in charge of the rivers and harbors of the country for a long period, that they ought to have framed and submitted to Congress an efficient method of administration, but, to my surprise, an eminent officer of the Engineer Corps of the Army pointed me to specific legislation in the river and harbor bill absolutely preventing them from making any such suggestion outside of the immediate matter intrusted to them for report. So we hamstrung our own servants, our own engineers, our own experts, and denied them the poor privilege of giving us advice.

It is hardly necessary to inquire what agency there was back of all this, of which agency Congress was the unconscious servant. We know that the railroads of this country for 40 years have been going through a period of phenomenal development, almost ahead of the requirements of the areas which they cover. They have been pioneers of civilization, reaching out in advance of the population, and hence greedy for freight; and so they have looked with hostility upon every waterway enterprise that affected any part of that which they regarded as their legitimate service. The great enemy of waterway transportation has been the railway systems of the country, with the instrumentalities of which only of late years has the transportation of the country caught up. They are not so hostile now, because they have enough business and many of them more business than they can handle, and so we do not find their hostility displayed to this great policy in as intense a manner as it was years ago. We find some broad-minded men among them even insisting upon the development of waterway transportation as supplemental to railway transportation; but to a large element, imbued with the old traditions, waterway transportation is the enemy of rail transportation and must be discouraged and suppressed. So they have permitted the development of our rivers, provided they were developed in such a way as not to make them efficient instrumentalities of transportation.

Take the entire region upon which most of the money has been spent between Cairo and New Orleans. Has there been any effort made in the prosecution of the development of that enormous waterway to develop it as efficiently as you would a railway? Would we think of constructing a railway without a terminal? Would we think of constructing a railway without a sidetrack? Would we think of constructing a railway without the station houses, freight sheds, and so forth, that accompany a great transportation system? Yet we have been planning the restoration of our rivers and waterways and not paying any attention whatever to transfer facilities, to terminals, to the freight establishments, and to cooperation, above all things, with the railways, so as to make both the railway and the waterway efficient public servants.

I apprehend the reason that we have such a defective system of river development is the fact that all the way along there has been a discouragement in the line of making the rivers effective for transportation. How is it in Germany? There the waterway is just as efficient as the railway; there the waterway is protected and developed by the Government just as perfectly as the railway; connections with the railways are provided, and every stopping place upon the river is developed in such a way and with such facilities for the transfer of freight and passengers as to promote their highest efficiency. So Germany has developed a system of railway transportation and waterway transportation and ocean transportation, all coordinating with

each other as an efficient and scientific system of transportation, whilst we have allowed the waterway development of our country simply to drift into the protection of cultivable areas. You will find the appeal made by southern representatives in Congress to-day not so much in the interest of navigation as in the interest of large areas of cultivable lands which are threatened with destruction.

They are claiming now that it is the duty of the Nation to take care of the waters that fall upon the Nation's watershed and prevent those waters from taking their accustomed course. How is it the duty of the Nation? These waters from time immemorial have spread over the entire delta of the Mississippi. When we took them they were swamp lands, and how is it our obligation to turn them into cultivable lands?

It would have been our obligation had we maintained the ownership of that region; it would have been our duty as the owner and the proprietor of those estates to prepare them for settlement; but we parted with the ownership; we turned them over to the States, and threw upon the States the burden of reclamation. How is it our duty, then, to take care of their reclamation? It is not our duty, and yet I regret to say that our southern statesmen have made that practically our primary duty. I have heard little suggestion from the statesmen of the lower Mississippi River region regarding the efficient development of those waterways in aid of transportation, with transfer facilities and sidings and terminals and all the paraphernalia that belong to a complete waterway transportation.

Mr. WARREN. Mr. President, will the Senator from Nevada yield to me to present a brief conference report?

Mr. NEWLANDS. Certainly.

LEGISLATIVE, ETC., APPROPRIATION BILL (S. DOC. NO. 1102).

Mr. WARREN. I present the report of the committee of conference on the legislative, executive, and judicial appropriation bill.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 27, 61, 68, 76, 77, 78, 139, 148, 149, 151, 152, 154, 155, 160, 161, 162, 163, 179, and 235.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 11, 23, 24, 25, 26, 37, 38, 39, 147, 180, 181, and 190, and agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Boise, Idaho: For the following, including wages of workmen and contingent expenses, from July 1 to December 31, 1913, both dates inclusive: Assayer in charge, who shall also perform the duties of melter, $1,125; assistant assayer, $800; chief clerk, who shall also perform the duties of cashier, $750; assayer's assistant, $750; clerk, $600; in all, $4,025."

And the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,770"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,125"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Charlotte, N. C.: For the following, including wages of workmen and contingent expenses from July 1 to December 31, 1913, both dates inclusive: Assayer and melter, $750."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum named in the said amendment insert "$450"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$200"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Assay office at Deadwood, S. Dak.: For the following, including wages of workmen and contingent expenses, from July 1 to December 31, 1913, both dates inclusive: Assayer in charge, who shall also perform the duties of melter, $1,000; clerk, $600; assistant assayer, $800; assayer's assistant, $700; in all, $3,100."

And the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,500"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$750"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Helena, Mont.: For the following, including wages of workmen and contingent expenses, from July 1 to December 31, 1913, both dates inclusive: Assayer in charge, $1,250; chief clerk, who shall also perform the duties of cashier, $900; assistant assayer, $850; assayer's assistant, $700; clerk, $700; in all $4,400."

And the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,300"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert: "$1,500"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Salt Lake City, Utah: For the following, including wages of workmen and contingent expenses, from July 1, to December 31, 1913, both dates inclusive: Assayer in charge, who shall also perform the duties of melter, $1,250; assistant assayer, $800; chief clerk, who shall also perform the duties of cashier, $800; clerk, $700; in all, $3,550."

And the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,250"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,750"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$232,210"; and the Senate agree to the same.

Amendment numbered 153; That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine"; and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$78,740"; and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,000"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$23,000"; and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,000"; and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,000"; and the Senate agree to the same:

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For surveyor general of South Dakota, $2,000; clerks in his office, $4,500; in all, $6,500."

And the Senate agree to the same.

Amendment numbered 192: That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$600"; and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,000"; and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,000"; and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$23,000"; and the Senate agree to the same.

F. E. WARREN,
GEO. PEABODY WETMORE,
LEE S. OVERMAN,
Managers on the part of the Senate.

J. T. JOHNSON,
ALBERT S. BURLESON,
FREDK. H. GILLETT,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. BORAH. Mr. President, I want to ask the Senator in charge of the bill what is the status with reference to the assay offices?

Mr. WARREN. They are provided for until the 1st day of January next; otherwise there is no legislation which changes their status. We simply appropriate for them until the 1st day of January, 1914.

Mr. BORAH. What effect will that have upon the offices when the time comes when the fund is exhausted?

Mr. WARREN. There will have to be some legislation, either before or after, or the officers will be without salary.

Mr. BORAH. And the offices would likely disappear, then, if Congress did not affirmatively act?

Mr. WARREN. That might be the effect, but not through this legislation. There is nothing in the report that closes the offices, but it fails to provide for them in the same manner as in previous years. It stops the appropriation at a given time, which, as I have stated, is the 1st of January. Congress will again meet in December, and, of course, it can then take care of the matter by an urgent deficiency bill, if it shall so desire.

Mr. BORAH. Does the Senator want this bill to go through to-day?

Mr. WARREN. Well, the conference report has been agreed to in the House, and I should like to have it acted upon by the Senate.

Mr. BORAH. I know the conferees have agreed, but the report has not been adopted.

Mr. WARREN. Does the Senator wish to have it go over?

Mr. NEWLANDS. Mr. President, if I may make an inquiry. I should like to inquire regarding the mint or assay office at Carson City, Nev.

Mr. WARREN. The mint at Carson City had to be dropped out, and in the matter of the removal of silver coin we had to take the House provision, but the assay offices referred to are provided for until January.

Mr. NEWLANDS. The mint at Carson City, as the Senator well knows, some time ago was reduced to a mere assay office. Do I understand that that is continued until next January?

Mr. WARREN. It is only provided for until the 1st of July.

Mr. NEWLANDS. May I ask why the distinction between that assay office and the assay office in Idaho?

Mr. WARREN. There are other offices which also went out, but not of the particular class of which I was speaking. One was under the name of a mint and the others were designated as assay offices.

Mr. NEWLANDS. Mr. President, I shall have to object to this method of legislating out of existence on an appropriation bill an office that is authorized by law.

Mr. WARREN. I wish to say only a word because I do not desire to interfere with the consideration of the pending bill. This is the first appropriation bill that was passed by both Houses, and the conferees have struggled——

The PRESIDENT pro tempore. The Chair will suggest to the Senator that there is a special order for 2 o'clock.

Mr. WARREN. I so understand. The conferees have for a long time struggled over the amendments in disagreement between the two Houses, and the conferees on the part of the Senate have done the best they could to secure the retention of the amendments made to the bill by the Senate, but could accomplish no more than this conference report shows. If, however, it is sought to have the report go over, that action can be taken. Having submitted the report, as the hour for the consideration of the special order of the day has arrived, I shall ask that the report go over and that it be printed in the RECORD and as a public document and shall call it up at the first seasonable opportunity.

The PRESIDENT pro tempore. In the absence of objection, that order will be made.

UNITED STATES V. JOSEPH H. PATTERSON ET AL.

Mr. SMOOT. Mr. President, I ask that the remarks of District Judge Hollister, in imposing sentence on defendants in the case of United States against Joseph H. Patterson et al., in the United States District Court for the Southern District of Ohio, be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

United States District Court, Southern District of Ohio.

UNITED STATES v. JOHN H. PATTERSON ET AL.

REMARKS OF DISTRICT JUDGE HOLLISTER IN IMPOSING SENTENCE ON DEFENDANTS.

The COURT (addressing counsel): I am not unmindful of the force of all that you say, and particularly of the fact of the punishment the

defendants have already undergone. It is a consideration of the last fact which causes me to hesitate to say what I had expected to say in anticipation of the overruling of the motion, because I did not see how, unless something new were urged, a different conclusion could be reached this morning than that which I had reached upon the conclusion of the case upon the coming in of the verdict.

Nevertheless, I think that, in order that the nature of the penalty may be understood, I am called upon to say something in connection with the nature of the offenses of which the defendants have been found guilty. While it is true, technically, there are three offenses, yet they are based upon the same facts, upon the application—a little different application of the same facts—and I would think a sentence upon each count would be, while permissible, unjust; and I have considered the matter as if there were but one offense charged and a verdict of "guilty" upon one only; that is to say, there will be no cumulative sentence in this case. I think it would be lawful to regard the maximum in this case as $15,000 fine and three years' imprisonment, but I do not think it would be just; so I regard it as one offense.

[Addressing defendants:] You have had a fair trial. You have been defended by counsel than whom there are no lawyers better equipped to perform such service. Throughout the long trial there has been no point or question which could possibly be availed of in your interests that has escaped their observation and presentation.

The jury was composed of men of high character and intelligence. The attention they gave to the evidence as it was presented was earnest and never failing. You could not have had a better jury, or one better qualified to do exact justice between the Government of the United States and yourselves upon the issues involved in this case if you had selected them yourselves. The testimony amply justifies their verdict of guilty.

My personal feelings toward each of you and all of you have been and are only of extreme kindliness and regret. I can not, however, regard any personal consideration in the matter, but regard the present duty as only a part of the day's work—a most disagreeable part of the day's work—of the kind of work in which I am engaged.

It now becomes my duty, and a very painful duty it is, however impersonal one tries to make it, to impose sentence upon you and each of you for having been convicted of conspiracy in restraint of trade in one count and of monopoly in two counts within the meaning and preventive purpose of the Sherman Antitrust Act.

However much that law has been misunderstood by many because of their ignorance and misrepresented by others or charged with uncertainty by designing persons who would cripple it, fearing its application to their own conduct, or for other reasons, it is nevertheless in itself a clear statement of its meaning, and it can not be misunderstood by anyone who really desires to obey it. It contains no standard of conduct other than the standard every fair-minded reasonably conscientious man applies to his conduct in the various relations of life. It seeks to protect the common right of every citizen, however humble, to enter into any lawful business he chooses, and there to exercise such talents as he has, his enterprise, his skill, and such capital as he can command; to lawfully develop in such ways as his judgment may dictate his business into a success, if he can accomplish it; but if he must fail, then to fail, whether through want of skill or sufficient enterprise, or capital, or bad judgment, or because of inferiority of product, or bad management, or misfortune of one kind or another; but not because of ruthless acts of oppression sometimes illegal in their very selves, and sometimes through the exercise by competitors of acts amounting almost to physical force, and in some instances amounting to assaults by putting his agents in fear.

Such acts as have been proved in this case show beyond peradventure, from the similarity of their character and from their occurrence in various parts of the country, that they could only have been done in pursuance of a plan to do them; but, more than that, it has been proved that the National Cash Register Co. actually had a department organized and continually maintained for a long period of years for the sole purpose of carrying into effect acts against competitors which any fair-minded man would say were outrageous.

The wonder to me is that some of the agents of the company did not lose their lives at the hand of some agent of a competitor whose lawful business was ruthlessly and relentlessly interfered with. So unfair and so harsh and so, at times, cruel, have been the acts of agents of this company, that the wonder is that any self-respecting man would have permitted himself to remain in the employment of a company which required its agents to produce results by such means as they in fact employed. I have no doubt that many a time many an agent of the National Co., and many of you, were ashamed of being a party to such things. I would like to believe this, and I do believe it. When I say the company required these things, I mean it. Nobody ever heard—at least I never did—of a concern doing a legitimate business having a competition department and a competitive committee, whose primary duty it was not to sell the product of the business but to prevent their competitors from selling their product, by any and whatsoever means, short of physical violence. The very maintenance of such adjuncts to a business was illegal and was a restraint of trade and was indefensible from any standpoint.

What was the purpose of the required reports from agents in the various parts of the country of the appearance of any competing cash register? And if that register seemed to be meeting with success, what was the purpose of sending to the territory special agents or company salesmen or "knockout men," as they were known among their competitors, and not unknown by that name, at least in the earlier years, at headquarters? These agents were not paid as salesmen were whose primary duty it was to sell cash registers by fair means and through their merits, but to assist those sales agents in directly destroying the business of their competitors. There is no doubt about it.

The things done were not only unkind—any man of reasonably tender sensibility would have shrunk from doing them; but they were petty and mean, and the pity of it all is that, in any event, if the cash registers of the company had the merit claimed for them—and they probably had—such acts would have been totally unnecessary and the National Co. could have still sold millions of dollars' worth of machines each year and their comparatively small competitors could at least have made a living pursuing their respective industries, as they were entitled to do, of common right.

Nor was it the number of patents or their comprehensive nature or their importance which drove many of the National Co.'s competitors out of business or caused them to sell out.

"Our organization is our best patent," said one of the conspirators at one of the conventions at Dayton. But if every competitor were indeed an infringer the National Co. had the right to pursue that competitor wherever it found him and to exclude him by exercising its right of exclusion through the suits authorized by Congress for the purpose, instead of trying to defeat every sale a competitor made by acts which at times were unlawful in themselves and at all times oppressive and unfair.

It is quite clear from the evidence that there were a number of competitors of importance who were not even sued for the purpose of testing the question of their infringement, but were sued in the process of oppressive measures, running over a period of time, as part of the plan to intimidate, discourage, and finally overcome and compel them to sell.

I think it is highly probable that some of those competitors did not infringe at all; or, if they used in their registers any principles embodied in the construction of a national register, it was the principle of an old patent the life of which had expired. This is to be gathered from the testimony of the case and from the lack of evidence of suits brought against those competitors to test in good faith the question of infringement and obtain an injunction.

All this sounds harsh, but there is much more that might be said. I forbear reference to the unconscionable transactions in which the contemptible Edgar Park (alias Foote) was concerned, who escaped only because of the operation of the statute of limitations.

I would like to believe that such acts as were done in various parts of the country—many were proved, we can only imagine how many more might have been proved if the witnesses could have been obtained—were done without the knowledge of those who managed and controlled the company, and were the acts of overzealous agents who wished to show results; but the evidence is conclusive that many of the defendants actually participated in some of the things; that all had notice, from circulars and publications of the company, and that most, if not all, of them attended the annual conventions at Dayton where the kind of competition under discussion was, for the most part, illegal competition, contemplating and inciting to illegal or unfair acts against competitors. The officers of the company, the district managers, the sales agents and the attorneys who were in touch with the management, and the directors must have known that that kind of competition was, which was continually under discussion, suggestively alluded to and encouraged at the conventions.

Each department of the business had its head in John H. Patterson, president and founder of the company. He early became possessed of the idea that the cash register business of the United States belonged to him and that anyone who came into that field was a trespasser and must be destroyed. The evidence shows that he and some of those in touch with him expressed views only capable of that interpretation. Whatever virtues Mr. Patterson had—and common report attributes many to him—whatever evidences of public spirit he has shown in his own town—and they are doubtless many—nevertheless, he set out deliberately to build his business up, not only through the merits of its product and through the extraordinary efficiency of his organization, but by harassing, annoying, interfering with, discouraging, and pursuing his competitors to the point that they would be compelled to give over the unequal struggle and to go out of business or to sell out to his company.

I can not but feel that many of the defendants would prefer it had been otherwise. I am aware that some of them did not personally participate in any direct act against a competitor, though they all conspired to do the acts, or some of them, alleged in the indictment. I am aware that a large salary will tempt a man to do things he would rather not do. I know that the thought of wife and children and the comforts which money will bring them, will sometimes lead a man into situations which he regrets.

While to some extent these considerations may excuse, yet they do not justify—they can not justify.

It is a proper inference to be drawn that such acts as are complained of by the Government, must have been done, or connived at, by each of you, through a more or less extended period of time, and by many of you for a great many years, or, as the alternative, you would lose your positions.

There is no evidence showing the salaries other than were paid to John H. Patterson, Edward A. Deeds, William F. Bippus, and William H. Muzzy, but from this evidence and from other circumstances in the case, it is a fair presumption that your various salaries must have been large, and probably more than you would have received for similar service rendered a competitor. There is evidence that in 1907 Mr. Deeds received about $18,00 to $20,000; Mr. Bippus, about $8,000, and Mr. Muzzy as much as $10,000 to $12,000; and there is evidence from which the deduction is irresistible, that agents of competitive concerns were offered large sums to desert their employers and enter the employment of the National Co.

You belong to the walks of life in which men are supposed to be actuated by considerations of humanity, whose conduct is controlled by high ethical standards and whose lives should be an example to their fellow men engaged in trade; walks in which success ought not to be measured by the number of dollars a man has, but in which the proper standard of conduct is patriotic service to country and kindly, generous service to fellow men not so wealthy and not so advantageously circumstanced. The lives of such men as you appear to be, should be examples, whether in social life or in trade, through which others may be inspired to the attainment of high standards of conduct; but you have, thus far, not only lost that opportunity, but through desire for gain and business success not worth the while, have contributed to the breaking down of the ancient standards of fair dealing among traders, not only required by law, but inspired by the finer instincts of every fair-minded man.

It is conduct such as has been shown in this case by you and others, some of whom have been reached and some of whom will be reached by prosecutions under the Sherman Antitrust Act, which has brought about the conditions of unrest and apprehension in the minds of millions of our fellow countrymen, and brought doubt to them of the stability and efficiency of our institutions, and the power of our Government to protect the individual and the man of small means, in the common right he has of entering into competition with any concern however powerful, and whatever the merits of its product.

Through the actions taken in very recent years by the Government of the United States in applying the Sherman Antitrust Act to many harmful situations, that doubt begins to fade away as the people realize that no man is above the law, whatever his condition in life may be.

This verdict is a vindication, not only of the wisdom and efficiency of the Sherman Antitrust Act, as it is written, but it is a promise to every man, however small his means, that if he engages in any lawful business which carries his product into interstate commerce the Government of the United States will see to it that he is protected and that the public are protected against conspiracies against his trade and monopolies built up upon its destruction.

By virtue of the provisions of the Constitution passed and adopted by the fathers, under the guidance of Providence, the arm of the Gov-

ernment is long enough and strong enough to protect the commerce between the States, whether from conspiracies of misguided workingmen, so called, to transport dynamite contrary to the laws of Congress for purposes involving results too awful to contemplate or from conspiracies of wealthy and powerful manufacturers and traders to crush out their competitors by illegal and unfair methods of competition.

I have thought it proper to say what I have just said, because all of it must be borne in mind in determining what penalty should be meted out to you upon your conviction of conduct which is made criminal by the Sherman Antitrust Act.

The object of a penalty is only incidentally to punish; its main purpose, its chief purpose is to afford an example to others, so that they may not engage in acts in infringement of the law in the future, or, if they are committing them, that they will abandon the practice.

MEMORIAL ADDRESSES ON THE LATE SENATOR ISIDOR RAYNER.

The PRESIDENT pro tempore (Mr. GALLINGER). The hour of 2 o'clock having arrived, the pending bill will be laid aside and the memorial services set aside for this day will be proceeded with.

The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 2, 1913.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. ISIDOR RAYNER, late a Senator from the State of Maryland.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. SMITH of Maryland. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDENT pro tempore. The resolutions submitted by the Senator from Maryland will be read.

The resolutions (S. Res. 472) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. ISIDOR RAYNER, late a Senator from the State of Maryland.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended, to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. SMITH of Maryland. Mr. President, what we say within these walls to-day of our late colleague, Senator ISIDOR RAYNER, can avail little to mold the judgment of mankind as to his life, less to comfort those who so sincerely mourn his loss.

The achievements of his life were in the courts, in literature, in the halls of legislation. They are of record in the Maryland reports and in the journals of this body—monuments and memorials to his genius that all men may see. But perhaps after all they are most deeply engraved, if not as permanently perpetuated, in the mind and the memory of his friends and myriad admirers.

Any man might be pardoned for a feeling of overwhelming pride to have stood where RAYNER stood and to have done what RAYNER did. But so far from ministering to his vanity, the rarest and most sought honors, which came to him as if by magic, did not elate him, and were in no sense necessary to his happiness. In fact added honors and increased experience seemed to fill him with vague feelings of unrest and yearnings for hitherto untraveled fields of usefulness and power.

I do not wish to take up the time of the Senate in speaking of that which all men can learn of Senator RAYNER, and of what many know of him from the printed page. Nor shall I rehearse his rarely equaled triumphs at the bar, on the stump, in the field of letters, and in legislative halls. Better men than I have done this better than I can do at the memorial exercises had in the Court of Appeals of Maryland and in the House of Representatives within the past few weeks.

I want to sound such personal notes and touch the human chords in his nature which are not of record in books, nor apparent to all. Unfitted as I am, I feel that as his oldest friend on this floor I should attempt that task.

Few men, perhaps none I have known, had Senator RAYNER'S mental endowment and his natural gifts. Nature was prodigal in her generosity to him. So that it is not to be wondered that honors born of an intellectual supremacy were his from his boyhood. The wonder is they did not bring him more personal gratification and real satisfaction. It was almost pathetic to note that even in times of his greatest successes he always felt a minor touch of sadness and incompleteness in the present, and wistful hopes not unmixed with forebodings of the future.

Fortunately for the country, he was relieved of the necessity of devoting his time to actual bread winning, and thus enabled to gratify his ambition and serve his country by turning the full tide of his talents into the channels of public life—always in elective positions.

By reason of the exigencies of life occasions have arisen when I have fought with him, fought against him; been intimately associated with him in political and official relations for years, and again far from him in both. But during the 30 or more years I have known him I always cherished for him a personal understanding and esteem at no period affected by the varying gusts of political storms which several times swept us on divergent courses.

No one could know Senator RAYNER without being dazzled by his talents. As a student at the University of Virginia, a member of the Maryland Legislature, State senator, Congressman, attorney general of his native State, unpaid volunteer in the service of a misrepresented and oppressed gentleman and gallant warrior, Admiral Schley, he everywhere established a new and higher standard, alike the inspiration and despair of his fellows.

His career was indeed meteoric—his nature a paradox.

Incorruptibly honest, he was proof against all temptations of avarice. His life was uniformly distinguished by the purest and most refined morality. Dissipation and vice, even of the mildest order, were unknown to him—unwelcome to him. Still he knew and appreciated the temptations of others, the unworthy motives of others; and, in short, knew all classes of the world as they are. But he sympathized with the weaknesses, which he in no way shared, of those who fall.

With a voice that compelled attention and won the ear and heart and a power of logical argument which conquered doubt, a pen as easy and discriminating as Macaulay's, with wealth, power, admiration, applause, and position he was rarely at peace.

Unduly sensitive to the small annoyances of life, he bore in tranquil serenity the pains of death.

Shrinking, and in nervous dread of any sort of contest, none surpassed him in vigor of defense or bravery of attack when the fight began.

He shrank from giving pain to anybody or anything. He was always on the side of mercy, always first to urge forgiveness and charity.

So fine were his feelings, his sympathies so susceptible, and his heart so tender that he felt and bore the pains of others as if his own, especially when he could not afford relief.

Yet withal none could be more drastic, more inexorable than he in attacking corruption or moral weakness in official life, and none more unsparing in denouncing cowardice.

Twice he boldly bolted his party and repudiated his party's nominees. Yet within a few months his party tendered him the nomination as attorney general, a position of honor and trust entirely in line with his taste and which he filled with magnificent success.

Despising organized politics, decrying political clubs and organizations as pernicious, he received loyal and cordial support from his party and was elected to every political position, but one, he was willing to accept.

He single-handed swayed men and molded public opinion as he willed. The faith of the masses of the people in him, their admiration for him, their pride that his State was their State, was never surpassed. He always held the hearts of the people for his own. He could always get their ear.

Thus often defying the conventional methods, by his originality and personal power he won success—phenomenal success, in the general acceptation, as measured by achievments which are of record; but success of a quality far more vividly and accurately indicated by the affection and admiration of the people he served, whose ills he felt, whose battles he fought so long.

Always a prey to nervousness, accompanied by an inveterate insomnia, for years in physical pain, his insatiate energy drove him on. Rest he sought, and rest for his tired, pain-stricken body, or for his luminous mind, he never found above the sod.

He was fired with ambition, driven by a force which made no allowance for the limitations of physical endurance. His great mental powers, always alert, always accurate, responded to every call and every demand long after the time when it was evident that his physical frame was about to collapse and crumble under the rack and strain. But on he went until his last public appearance in joint debate in the last campaign at Baltimore. The cord snapped. He died in the hour of the triumph of principles he had long looked for, had long advocated, and which will long endure.

Small wonder the people of his State loved him, for he loved the people, and ended his life work in the battle for principles he conceived to be for the highest welfare of his country. He was indeed a statesman and a patriot.

But his life was not by any means all tinged with disappointment or crowded with care.

The sweetness and solace of his life was found in his family. He was the truest and most adoring husband and the kindest, most indulgent father. His pride and interest in his grandchildren was beautiful. His home was the refuge from his cares. The society of his devoted wife, the association with his only son and grandchildren, provided the balm which soothed his troubled spirit, sweetened his work, and drove away his cares. There he found his only happiness, which was free from all residuum or reaction of bitterness or disappointment.

He lived and died with his family about him. I am glad to think that their assiduous care and tender love were near to comfort him under the increasing weight of pain and weakness, which after weeks of suffering finally crushed him.

And while he has passed away, leaving in their lives a void none can fill, the same is true of the Nation and of this body. He has left no successor. No one in my State or in our Nation has arisen who can fill the place of ISIDOR RAYNER.

Mr. CLAPP. Mr. President, it is said that a man's character is what he is; his reputation is what others think of him. In my brief but earnest tribute to the memory of Senator RAYNER I shall deal with his character rather than his reputation.

The Senator from Maryland [Mr. SMITH] has well said of Senator RAYNER that he was a paradox. All great men are; and the greater the man the more apparent the antithesis of his nature seems to stand out irreconciled. Yet, this is due to a natural law. The greater the man, the more earnest the man, the stronger the projection from one source of divergent forces.

Senator RAYNER, in his advocacy of what he believed was right, in his opposition to what he believed was wrong, was so strong, so earnest that ofttimes it seemed to trench even upon bitterness, not alone against the thing to be assailed, but the person who stood for the thing he assailed. His assault upon the wrong was enriched with a wealth of invective, and yet not to reveal a wealth of expression; but every line and every word was simply the outward expression of the thought and purpose within. Reaching almost the point of bitterness in his opposition to the things against which he stood, at the same time I never knew a man more ready, more quick to respond to a sympathetic plea. This is accounted for by the fact that the shaft forged for combat and the throb for sympathy both came from one great, earnest nature, one great, earnest soul.

Perhaps nowhere in Senator RAYNER's life activities two thoughts stand out in antithesis more than in his relations to governmental problems. Senator RAYNER was in full accord, in deep sympathy with everything that tends for the betterment of humanity. He was in full accord with that great movement that to-day not only agitates our own Republic, but seems world-wide in its activities. Yet, upon the surface his sympathy for that cause seemed ever to find a limitation in a reverence that almost amounted to worship of whatever man may have uttered upon these questions, if that utterance came with the sanction of convention, legislature, or judicial decree. He inherited this. In fact, the Christian world, recognizing that in the dim mists of the past law first came in the commingling of the divine through the human instrument, man, has ever given and to-day gives a sanctity to human expression when that human expression relates to a certain function of government and forms a part of that abstraction which we call law, forgetting that, aside from the divine expression, every expression of authority reflects the infirmities of human nature. It may be the limitations of the mentality which pronounces it; it may be the limitation of environment; but so long as it comes from a human source, it partakes of the weakness of human nature.

Inheriting this as a part of his racial inheritance, his adherence to this thought was almost a worship. But, Mr. President, I am not certain but that it is well that we have great, strong characters like Senator RAYNER, who hold reverence for the past, because every step of human progress is a reflection upon the past—a reflection either upon the wisdom of utterances or the supineness of human nature in so long tolerating a condition from which man has ever been ready to make a sacrifice to escape. And perhaps it might come to pass that our eagerness to get away from the past would be prompted not only by a lack of reverence for the past, but perhaps would be somewhat hastened by a feeling akin to a lack of respect for the past in the light of its mistakes, were it not that here and there stands a great, strong character like ISIDOR RAYNER, holding man somewhat in reverence to the past.

I believe, in this hour and day, we require here and there a great, strong character like his; because, whether you take his sympathy for humanity at one extreme, or his adherence, his devotion to what he considered the law at the other, like those other two traits of his character which I have described, they are forces reaching out in divergent directions from the same great source, the great soul of a great, earnest man.

Mr. President, ISIDOR RAYNER has passed beyond. We shall miss him. I believe those who differ with me politically will feel that it is no trespass upon the courtesy or the solemnity of this hour when I say that the party the certainty of whose victory he lived only to see will miss him in its councils in the future. We will miss his association here; but we have the reflection that a great life is an inspiration, the study of a great man's career is a daily sermon from which we may gain inspiration and strength.

Mr. O'GORMAN. Mr. President, the Sixty-second Congress, which will close within a few days, has a mortality record perhaps unprecedented in the history of the Government. Of the Members who assembled in the Capitol two years ago to discharge their public duties, 6 Senators, 18 Representatives, and the Vice President of the United States have responded to the final summons which every mortal must obey; and "no man knoweth the day or the hour." Death is never so distressing, its chilly hand never so unwelcome, as when it withers one whose brilliancy and rare attainments set him above the ordinary level of mankind as a character to be emulated and admired. When nature blesses a man with unusual talents, when it invests him with nobility of mind and soul, his passing leaves a void difficult to bear, because so difficult to fill.

The Senator to whose memory we pay tribute to-day was such a man. Nature was generous with him in her endowments, which he well repaid by more than 30 years of patriotic public service. As a member of the Maryland Legislature, as attorney general of his State, as a Member of the National House of Representatives, and as a distinguished Member of the Senate of the United States, ISIDOR RAYNER devoted his talents and high character to the service of his country with an energy and enthusiasm that did honor to himself and to his native State.

He was an orator worthy of the best traditions of this or any other Chamber. He was a student whose books brought him sound counsel and that wide information which made his judgment universally respected. He was a statesman eagerly seeking the best interests of his country and the maintenance of its honor. Scion of a race whose history has been one of persecution, his life has given to the world another proof that this is a land where merit knows neither race nor creed—a Nation where honest achievement will receive its just recognition.

The late Senator from Maryland was able and brilliant; but he was more than that. Intellect without heart is cruel; brilliancy without human sympathy is vain; and our departed friend won his place in the affections of his colleagues and in the esteem of the country because the gentleness of his soul measured up to the strength and vigor of his mind.

He served his country long and faithfully. He was a lawyer of great ability, an orator of rare power, a citizen of stainless life, a patriot of high purpose and lofty ideals. Ever earnest in his purpose to fulfill the obligations of life in his home, in society, and in the Nation, he typified in all things courtesy, courage, honor, and fidelity.

Mr. President, Senator RAYNER has passed forever from this Chamber; his career is closed; his public record is part of the history of the Nation; and now his sorrowing colleagues pay him a last farewell. The eloquence that charmed and stirred is silent. His words have mingled for the last time with the shadowy troop of immortal voices whose echoes have resounded through the Halls of the Capitol.

We sympathize with his bereaved family, but no words of ours can assuage their grief. Yet in this solemn hour, devoted to a contemplation of his character and achievement, it must be comforting to those who loved him in his lifetime to remember that though his distinguished career is closed he has left behind him the heritage of a name respected and honored throughout the Nation.

Mr. SWANSON. Mr. President, I desire to pay a short tribute of warm regard and high esteem to our late distinguished colleague, Senator RAYNER. I do not purpose to deliver a studied eulogium. The incidents of his successful life have already been portrayed and eloquently presented to the Senate. My purpose is to bear testimony to his worth as a man, his noble and patriotic instincts, and his preeminent abilities as orator, statesman, and lawyer.

My acquaintance with Senator RAYNER began in the extraordinary session of Congress called by President Cleveland in 1893, of which Congress both he and myself were Members. Early in that session he delivered a speech urging the repeal of

the "purchasing clause" of the Sherman Act, which measure was then deeply disturbing the financial conditions of our country. His speech was eloquent, striking, and impressive. It made a profound impression upon me and upon the House of Representatives. In it was a rare combination of eloquence, knowledge of financial matters, and a clear, striking exposition of the evils which would accrue from the continuance of this policy. This speech exhibited the rare qualities possessed by Senator RAYNER in presenting dry and usually uninteresting questions with a vigor and eloquence to make them not only entertaining but convincing. That address convinced me that he was one of the most finished and able speakers upon public questions then in public life. This conviction continued during the many years I was associated with him in the public service, during which time I had many opportunities of hearing him speak.

He was preeminent alike in finished oratory and in the array of argument and facts. He possessed a fine voice, a splendid presence, and a magnificent delivery, which, combined with his eloquence of expression, his beauty of illustration, and the deep solidity of his speeches, made him one of the best parliamentary speakers of this Nation. In addition to these brilliant qualities, he was endowed with a logical mind and a great solidity of learning and judgment. His success as an orator was largely due to his rare ability of combining beauty and strength. In the House of Representatives and in the Senate, upon all important matters, whether foreign affairs, the tariff, or constitutional questions, he discussed them with preeminent excellence, exhibiting a thorough knowledge and a most attractive brilliance. His speeches will fully repay study by those who desire to succeed in oratory or to have models upon which to construct speeches.

He was, without question, one of the most learned and able lawyers of this body. His knowledge of constitutional law was deep, broad, and far-reaching in statesmanship and conviction. Conflicts in intellectual debate were ever pleasing to him, and he rarely indulged in them without coming out successful. The more difficult and important the questions the more they possessed interest to him and the more strenuous were his efforts to clear the mists surrounding them.

Few have surpassed him in intellectual attainments. A perusal of the great debates of the House and Senate while he was a Member of these bodies will bear testimony to his great ability, eloquence, power and strength of mind, and breadth of information. These splendid qualities of mind were united with noble purposes of heart. All of his instincts were patriotic and sought the betterment of State and Nation. His record as a public servant was clean and most honorable. No stain ever followed his footsteps. No whispering of suspicion ever clouded his name or record. His ambitions and ideals were high and lofty. It is by the lives and achievements of such men that the halls of legislation are made promotive of the moral, educational, and material development of the people.

His untimely death removed from this Chamber one of its most illustrious Members and one whose attainments pointed to a still greater life of usefulness. Well may we pause in the pressing activities of this body to pay tribute to one whose talents gave to this Senate distinction and whose life was consecrated to the public service of Maryland and the United States.

Mr. JACKSON. Mr. President, the death of ISIDOR RAYNER marks the passing of another of those illustrious men who, just as their splendid powers were in the full glory of perfect maturity, have gone to join that distinguished company of departed Senators, whose names are come to be numbered with those of Webster, of Calhoun, of Sumner, and of Hoar. It is not for me, his successor, to add new luster to the name of ISIDOR RAYNER or to perpetuate his fame, for his work, his life, are their own enduring monuments for posterity; but a feeling of profound respect for his ability and of sincere admiration for the man himself prompts me to pay this my tribute to his memory.

I know but little of his boyhood. If it be truly said that the "boy is the father of the man," then ISIDOR RAYNER, the youth, must have been as conspicuous among his comrades as was ISIDOR RAYNER, the man, among his associates—among whom he stood forth clothed in the strength of his own power. He was born on April 11, 1850, 10 years before the outbreak of the War between the States. Prior to 1866 he had attended the public schools of Baltimore and the University of Maryland. In that year he entered the academic department of the University of Virginia, the famous old institution from whose picturesque lawn and ranges have come those other distinguished Marylanders—Edgar Allen Poe and the late Maj. Venable. It is possible that here in the shadow of Monticello, in the university that Jefferson himself had founded, first grew the passionate admiration for Jeffersonian democracy that so distinguished his after life. Four years were spent at Charlottesville, during the last of which he studied in the law department. Already his oratorical powers had begun to develop, for at 18 he was the anniversary speaker of the Jefferson Literary Society. His subject was religious liberty. We know that this principle, the right to worship according to the dictates of one's conscience, free from the restraint of man-made laws, continued to be cherished by him as long as he lived, as, in fact, it has been by that remarkable race from which he sprang, whose sufferings from Christian intolerance have been no less noteworthy than the steadfastness of their adherance to the faith of Abraham.

In 1871 he was admitted to the bar. He became a brilliant lawyer. It was natural that his forensic ability should lead him to prefer the active trial table—the duties of the pleader—to the more somber office practice. He never hesitated to champion the cause of the weak or oppressed. His deeply sympathetic and emotional nature, those distinguishing characteristics of the race that has given the world the Bible and two great religions, was stirred most deeply when, as the champion of the downtrodden, he sought justice from the powerful. The late Admiral Schley selected him from a vast array of legal talent to insist that the history of the naval Battle of Santiago should go down to posterity correctly recorded. His work in that celebrated case did much to spread his well-merited fame throughout the Union. He displayed in that memorable inquiry after truth a remarkable knowledge of naval warfare, of the technique of sea fights, that could have been acquired only by the most earnest preparation. And if I were asked to name the distinguishing characteristic of ISIDOR RAYNER I should say without hesitation that it was earnestness, enthusiastic earnestness, the earnestness that is in fact the only true genius. His efforts in behalf of his fellow Marylander had at least this most satisfactory result—that the people of the United States, the great people, were enabled to judge for themselves who should rightly wear the laurels of the victory over Cervera.

Mr. RAYNER'S political career began with his election to the Maryland General Assembly in 1878. During this session he served as acting chairman of the judiciary committee. Even then his work indicated latent abilities that were ultimately to place him triumphant upon the lofty pinnacle of political fame. He was then, as throughout his life, primarily a friend of the people—the mighty average people who are struggling, sometimes foolishly, often misguidedly, but always sincerely and irresistibly, toward a larger measure of political happiness. He felt their sorrows; he sympathized with their endeavors; he saw through the sometimes absurd manifestations down to their sincere desire for better things. He espoused their cause with that same enthusiastic earnestness which I believe to have been his dominant trait.

In 1885 he was elected to the Maryland State senate and three years later to the House of Representatives of the United States. He was three times elected to that body, but I will not dwell at length upon his work in Congress. He was most active in his efforts to repeal the Sherman silver-purchase law in the panic-stricken days of the early nineties. His course was a fitting preparation for the senatorial career which marks the maturity of his ability, the splendid realization of the promise of early years. The climax of his career came with his election to this body in 1904. That was a memorable fight, a triangular battle for control, a struggle in which the tide slowly turned toward Mr. RAYNER, because public opinion, the resultant of the wishes of all the people, the force slow to move but irresistible when once aroused, demanded it. Gentlemen are familiar with his splendid services in this body. His consummate ability brought new luster to the State whose representative he was, new prestige to the Senate of the United States.

When he entered this body, Mr. RAYNER abandoned his law practice and devoted himself with singleness of purpose to the discharge of his public duties. And this is but an indication of his high conception of the office he honored by filling. He believed that it was worthy of the devotion of all his time and energy, and he plunged into his new duties with his own peculiar enthusiastic earnestness.

Senator RAYNER achieved distinction as a constitutional lawyer. I use the term to mean that he was a close student of the Constitution; that he applied his trained legal intellect to the mastery of its provisions; that he tested his own conception of its provisions by keeping in close touch with the interpretations of the courts; that his studies were based upon an abiding faith and belief in the Constitution as an efficient guaranty of the rights and liberties of the governed. In the early days

of the Nation he would probably have been called a strict constructionist. But nevertheless his views were tinged with the notion sometimes called modern or progressive, but really as old as the Federalist Party—that it is necessary to give the grant of powers to the Federal Government a more liberal interpretation than a literal construction would make necessary in order to accomplish for the people reforms obviously beyond the powers of the individual States. And thus he sympathized with the modern democracy that advocates an extension of the Federal power to the enactment of the so-called progressive measures of reform. While Jefferson and his party would secure liberty to the people by insisting that the powers of the Federal Government be not increased, the modern democracy would secure liberty by expanding the Federal power in order that there may be an effective agent to protect the people against themselves or certain of their number. And there is this difference in the result: For while the Jeffersonian idea looks to individual liberty, the modern democracy tends to a restriction of individual liberty and a relegation of individuals into certain, definite, and fixed classes.

That ISIDOR RAYNER was one of the great modern orators no one will deny. But he regarded his oratory as merely a means to an end, a fine tool at his command by which he might accomplish the ends dearest to his heart. As Plutarch says, "It is an ignoble thing for any man to admire and relish the glory of his own eloquence." Senator RAYNER combined somewhat the painstaking, studiously prepared style of Demosthenes with that more sparkling and satirical manner of Cicero. He was possessed of great natural ability, and this native gift he had cultivated by careful effort to the finished perfection we remember. There is a vast difference between mere public speaking and oratory. Anyone with a fair degree of intelligence may become a public speaker, but an orator is like a poet. He is an artist. He must have imagination. He must have intensive earnestness to make his audience see and feel his own visions. These qualities the late Senator had in high degree. He was possessed of the passionate earnestness of David, of the same racial qualities that matured so splendidly in Disraeli and Judah P. Benjamin. His masterful intellect was able to polish, to direct, to drive home the thoughts that could have arisen only in the mind of a true orator.

It is perhaps too early to estimate the exact place that Senator RAYNER will occupy in the lists of American statesmen. I believe his position will be high. He had the misfortune to belong to the minority party during the period of his greatest powers, and so there was not the opportunity for constructive statesmanship; but as a critic of dangerous tendencies, as a wise forecaster, as a balance wheel to constructive leaders, he certainly should go down to posterity as one of the typical statesmen whose efforts have so enriched and strengthened the institutions of this great Nation. I know of no single service he performed with more credit and which will result in more lasting good than his insisting that the President should not disregard the limitations of the Constitution; that he should not set in motion a dangerous tendency in order to accomplish a present and immediate advantage. He insisted that in government the means are quite as important as the end, for the means of to-day become the precedents of to-morrow.

But the RAYNER I admire is not so much RAYNER the constitutional lawyer, RAYNER the orator, or RAYNER the statesman, as RAYNER the man, the great kindly gentleman. I love to think of him in his family, in his daily contact with his fellow workers. I love to wonder at the perfection of the human qualities he possessed in such attractive form.

He was a man, take him for all in all,
I shall not look upon his like again.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE UTTER.

Mr. WETMORE. Mr. President, I ask the Chair to lay before the Senate the resolutions of the House of Representatives on the death of Mr. UTTER, my late colleague in that body.

The PRESIDING OFFICER (Mr. PAGE in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions of the House, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 9, 1913.

Resolved, That, in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. GEORGE HERBERT UTTER, late a Representative in Congress from the State of Rhode Island.

Resolved, That as a further mark of respect to the memory of the deceased, and in recognition of his distinguished career and his great service to his country as a Representative in Congress, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Resolved, That the Clerk of the House communicate these resolutions to the Senate.

Resolved, That the Clerk of the House be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. WETMORE. Mr. President, I submit the resolutions which I send to the desk, and ask for their adoption.

The PRESIDING OFFICER. The resolutions submitted by the Senator from Rhode Island will be read.

The resolutions (S. Res. 473) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. GEORGE HERBERT UTTER, late a Member of the House of Representatives from the State of Rhode Island.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. WETMORE. Mr. President, at his home in Westerly, R. I., on Sunday afternoon, November 3, 1912, the life of GEORGE HERBERT UTTER was suddenly terminated after a rather unsatisfactory condition of health extending over a period of several years.

Mr. UTTER was born in Plainfield, N. J., July 24, 1854, the son of George Benjamin and Mary Starr (Maxson) Utter. He was a direct descendant of the earliest settlers of the State of Rhode Island through his mother, who was the daughter of John Maxson.

Mr. UTTER received his early education in the private schools of Westerly, where he came with his parents in 1858, after which he spent two years in Alfred Academy, Alfred, N. Y. He then returned to Westerly and two years more were devoted to the pursuance of his course of instruction in the Westerly High School. The latter part of Mr. UTTER'S education was secured at Amherst College, Amherst, Mass., from which he was graduated with the class of 1877. He was a member of the Delta Kappa Epsilon Fraternity of that college.

Before entering upon his collegiate career Mr. UTTER learned the printer's trade, and after graduation became associated with his father and uncle, G. B. and J. H. Utter, in publishing the Narragansett Weekly. On the death of his uncle in 1886 he was taken into the firm, and on the death of his father in 1892 he became sole proprietor of the paper. Through his efforts the Westerly Daily Sun was started, the first issue appearing on August 7, 1893.

Mr. UTTER was engaged in public life for more than 30 years, first serving on the school board of the town of Westerly, with which he was so long identified. His political career was commenced in 1883, and for two years he was on the staff of Gov. Augustus O. Bourn. In the year 1885 he became representative in the general assembly, and when the Republican Party again came into power in the State in 1888 was chosen speaker of the house. From May, 1889, to May, 1891, he was a member of the State senate and served on the judiciary committee for both years, acting as chairman of that committee during the latter year. He was then the choice of the people of Rhode Island for secretary of state, in which office he served from 1891 to 1894, but was compelled to retire because of increased business demands upon him. Mr. UTTER again served the State in 1904, when he was elected lieutenant governor. The following two years, 1905 and 1906, he was chosen chief executive of Rhode Island, and in the fall of 1910 was the successful candidate for Representative in Congress from the second congressional district, which office he held until his death.

He received the unanimous nomination of his party for a second term in Congress, and would undoubtedly have been reelected had his life been spared, his death occurring only two days before the election, November 5, 1912.

He was always an active church worker and devoted a considerable portion of his time to the Young Men's Christian Association movement throughout the Eastern States, being a member of the Young Men's Christian Association executive committee for Massachusetts and Rhode Island. He was made a deacon of the Seventh-day Baptist Church of Westerly in 1894, and for 20 years acted as superintendent of the Sabbath school. For 15 years he was treasurer of the Missionary Society of the Seventh-day Baptist denomination.

I desire to read the following tribute to Gov. UTTER, which appeared the day following his death, in an editorial published in the Providence Evening Bulletin, a Democratic newspaper:

GEORGE HERBERT UTTER.

It is only the simple truth to say that no man in the public life of his time in Rhode Island occupied the same place in the affectionate esteem of his fellows as Representative UTTER, who died at his home in Westerly yesterday afternoon.

Mr. UTTER was a man of exceptional capacity for personal friendships. In his contact with other men he had a happy faculty of reaching their point of view, understanding their position on debated issues, and sympathizing with their difficulties. Nor could anyone be more loyally appreciative of their success.

Unassuming to an unusual degree, he was nevertheless a capable public officer in all the important places he was called upon to fill. He served in succession as a member of both branches of the general as-

sembly, as speaker of the house, as secretary of state, lieutenant governor, and governor, and finally as Representative in Congress. If he had survived, it is probable that the doors of the United States Senate would have opened to him.

Mr. UTTER was a growing man in his party. In the campaign now closing he had been drafted for service by the Republican national committee in many parts of the Union. He participated in the primary campaign of last spring as far west as Ohio, canvassed Vermont and Maine previous to the September elections in those States, and had since given too liberally of his strength to the national campaign. When he should have been recuperating he was on the speaker's platform instead, and his activities in this respect very likely accelerated the disease that has now caused his death.

A striking proof of the impression he made at Washington in the short period that was vouchsafed to him there may be found in the CONGRESSIONAL RECORD of June 17 last. Mr. RICHARDSON, of Alabama, the Democratic chairman of the Committee on Pensions, paid the following exceptional tribute to him in an address before the House:

"Mr. Speaker, I regret very much indeed that a very distinguished Member of this House, a member of the Pensions Committee, and, in my opinion, justly and worthily classed among the ablest lawyers on the floor of this House, from the State of Rhode Island, Mr. UTTER, is not present."

This is the tribute of an experienced Democratic legislator to a Republican serving his first term, and it is rendered the more striking by the fact that Mr. UTTER was not a member of the bar.

To many of his fellow citizens in Rhode Island the quality that chiefly commended him as a public servant was his courageous independence of thought and action. Devotedly loyal to the principles of his party, he could nevertheless not be persuaded into compromises and transactions which his conscience did not approve. He had a peculiar hold upon the Republicans of the State, because they trusted him to stand clear of unworthy partisan machinations. In his independence lay his largest strength, and even the party bosses realized that fact. He could not be bossed, and the people knew it.

Mr. UTTER was much more than a politician. He was earnestly interested in many goods works, both in his home town and elsewhere. He spoke throughout this part of the country in behalf of high causes and was gaining a continually wider reputation as a master of the art of easy and effective address.

The State is poorer for his death. It is no exaggeration to say that Rhode Island mourns for GEORGE UTTER, as he was familiarly and affectionately known, to-day. It saw in him the best type of public servant—efficient, modest, and industrious; a man of high ideals, blameless private life, instinctive friendliness, and stout convictions.

> Though modest, on his unembarrassed brow
> Nature had written "gentleman."

Mr. President, my acquaintance with Mr. UTTER extended over a period of many years, and I held him in the greatest esteem.

He had a high standard of political and civic conduct, which he exemplified in his life.

He was an orator of ability, always ready to give this gift of his to the Nation and his State, and it may be truly said his life was shortened by complying with the many demands of this nature made upon him.

His personality was attractive and his disposition lovable.

The world is better for his life.

Mr. GALLINGER. Mr. President, during the past year death has exacted a heavy toll from among the men in public life, included in the list being Hon. GEORGE H. UTTER, of Rhode Island, an able and influential member of the National House of Representatives, in honor of whose memory fitting words are to be spoken to-day.

My acquaintance with the late Representative UTTER was rather limited, but I knew him well enough to entertain the highest possible regard for him as a faithful, industrious, and able public servant. He was a strong party man, who could be relied upon to vigorously defend the principles and policies in which he believed. He was especially an earnest and able advocate of the Republican doctrine of protection, the beneficent results of which he had particularly noted in the industrial centers of his own State. His oratorical abilities were of a high order and his services were in great demand as a political advocate beyond the borders of Rhode Island, his voice being heard in many campaigns in other States than the one he so well represented in Congress.

Mr. UTTER was a man of strong religious convictions. He made many addresses before religious gatherings, being always ready to aid in every good cause. His predominant characteristic was courage, mental and moral as well as physical. He never shirked what he considered his duty as a public servant, his action on a measure being governed by his convictions rather than by considerations of policy. Having once taken his stand in a matter he did not hesitate to express his views with force and vigor, and to labor unceasingly to bring about what he believed to be for the public good.

Starting as a printer, Mr. UTTER rose through the various stages of the profession to be owner and editor of the Westerly Sun. Through the columns of that paper he found a means of impressing his high ideals upon the people of his home town, as well as upon the State at large. His newspaper was one of those which set a high moral standard, living up to it without regard to temporary financial losses occasioned through the rejection of news or advertisements which he considered unfit to be placed before the public. In that regard it is to be regretted that there are not more editors of that type.

Mr. UTTER was a strong Republican but free from any suspicion of narrow partisanship. As governor of his State he was uninfluenced by clamor, and his record in that office reflects the high tone of his private, business, and public life. He inaugurated many reforms in the laws of Rhode Island, which stand to-day as monuments to his broad understanding of the people's welfare, and which at the time they were enacted required an unusual degree of courage to support in the face of much powerful opposition.

The death of a man like Mr. UTTER is a great loss to not only the community in which he lived, but to the State and Nation as well. It is fortunate for him that his lifework left a monument more enduring than marble or bronze, which in the memory of those who knew him will always remain as the best possible proof of his high character and distinguished achievements. It can well be said of him that he made the most of his opportunities and that he did the best he could to advance the material and moral interests of those whom he so well represented. Measured by the standard of uprightness and integrity, Mr. UTTER left a priceless legacy to his family, a legacy in which his legion of friends in private and public life all share.

Mr. President, it is undeniably true that—

> 'Tis not the whole of life to live,
> Nor all of death to die.

Of this man it may truthfully be said that he lived his life well, and that in his death no clouds dimmed the sweetness and beauty of his earthly existence. We may well believe that he still lives amid environments free from the cares, the toil, and the vicissitudes of this world. For him the great mystery of death has been solved, and for us he has left the lesson of a life well spent—an example to the youth of the land, and an admonition and inspiration to us all. Mr. UTTER'S life was one of unselfishness, filled with genuine sympathy for all classes and conditions of our people. He strikingly illustrated in his life the thought of the poet expressed in these words:

> If men cared less for wealth and fame,
> And less for battle fields and glory;
> If writ in human hearts a name
> Seemed better than in song or story;
> If men, instead of nursing pride,
> Would learn to hate it and abhor it;
> If more relied
> On love to guide,
> The world would be the better for it.
>
> If men dealt less in stocks and lands,
> And more in bonds and deeds fraternal;
> If love's work had more willing hands
> To link this world to the supernal;
> If men stored up love's oil and wine
> And on bruised human hearts would pour it;
> If yours and mine
> Would once combine,
> The world would be the better for it.
>
> If more would act the part of life,
> And fewer spoil it in rehearsal;
> If bigotry would sheath its knife
> 'Till good became more universal;
> If custom, gray with ages grown,
> Had fewer blind men to adore it;
> If talent shone
> In truth alone,
> The world would be the better for it.
>
> If men were wise in little things,
> Affecting less in all their dealings;
> If hearts had fewer rusted strings
> To isolate their kindly feelings;
> If men, when wrong beats down the right,
> Would strike together and restore it;
> If right made might
> In every fight,
> The world would be the better for it.

Mr. President, this brief tribute to the memory of Mr. UTTER falls far short of doing adequate justice to the subject, but others, who knew him better than I, will tell more in detail of his high character, his great work, and his splendid public service.

Mr. LIPPITT. Mr. President, I esteem it a privilege to have this opportunity of speaking about the career of GEORGE H. UTTER, for, as I have studied his methods and achievements, I have been more and more impressed with the fact that his was an unusual character. I have known him for years as he has been known to a majority of the other people of Rhode Island, as a man who has occupied high office with credit to himself and with credit to the State. But of an exact knowledge of the type of man he was, of his motives, of the nature of his views upon public and private questions, I confess to have had until recently a somewhat vague idea. During the two years he was in Washington it was my privilege to come into somewhat close contact with Mr. UTTER and to obtain thereby a clearer knowledge of his individuality. It was his habit to frequently come over to the Senate wing of the Capitol to discuss with me the many questions that come before Con-

gress, and which, for a newcomer not yet thoroughly in touch with the accumulation of information upon national questions possessed by older Members, are difficult to decide. I was impressed in these conversations by the mental attitude with which Mr. UTTER approached such problems. I found that he always knew the exact question he wanted to discuss and the exact form in which that question was coming before Congress. I also discovered that in considering these questions what he wanted to arrive at were the facts in regard to them and the propriety and wisdom of the alternative courses which these facts offered for his choice, as they might affect the people particularly interested and the country at large.

I never knew him to be thinking about the effect his action might have upon his individual fortune. He never seemed to be concerned about whether his constituents would approve his course, but, rather, to so decide that he might have his own commendation. As time went on, it began to strike me as somewhat remarkable that a man of Mr. UTTER'S long experience in public life should come to me to discuss such public questions in the inquiring and modest manner with which he always seemed to approach them. It would have been ordinary human nature for a man who had behind him the successful public career that this man had to have acquired such confidence, or, perhaps, I might say such esteem, for his own judgment that he would approach these conferences rather with a disposition to teach than with the desire to learn, and I became interested gradually in the problems that such a disposition presented.

Mr. UTTER'S experience, I believe, is unique in the State of Rhode Island. There certainly has been no case in recent years of a man who has arrived at the high political positions to which he was elected by the gradual political steps that Mr. UTTER did. I am told that almost from his first appearance in Westerly, as a graduate from Amherst College, he began to take an active, if not important, part in the public questions of this community. It was in the days when town meetings were good training for public life. The questions there considered perhaps were not of Nation-wide importance, but they were those in which the local community took a strong and often bitter interest, and partisanship ran high; in fact, it has often been claimed that in the discussions and experiences of our New England town meeting the American people obtained that political training that has made the stability of this Republic such a contrast to that of many of our competitors in the art of government.

By what subtle process it is that in the daily association with each other it is gradually discovered that one man or another has the ability and the character that we want to see in public men is not always plain, but it is tradition that those qualities early made themselves apparent in Mr. UTTER, and once he had been put in the line of promotion his upward progress was rapid and almost uninterrupted. Appointed as a colonel on the personal staff of Gov. Bourne in 1883, when he was but 29 years of age, he went on two years later to fill the office of representative in the legislature, which culminated at his fourth term in his occupying the office of speaker of the house of representatives, then, as now, a position of such importance to the efficiency of that body and the comfort of its members that it is seldom acquired without merit. In this case the office was filled by Mr. UTTER with entire credit to himself and satisfaction to his colleagues. His talent as presiding officer made that session of the legislature unusual for the celerity with which the public business was dispatched, and the legislature adjourned at the appointed time with clean slates and without hurry.

For the next two years, 1890–91, he occupied the position of senator from Westerly, and as chairman of the judiciary committee was the majority leader in that body. The six years thus spent in the legislature made him generally known to the people, and so generally liked that he was nominated and elected secretary of state, which position he held for three years until the expiration of 1894. During the next 10 years, though not occupying public office, he was constantly speaking in different parts of the State upon political and other questions, and so constantly adding to his reputation that in 1904 he was elected lieutenant governor, and in the following year was promoted to the office of governor, to which he was reelected in 1906. In 1910 he became Representative in Congress, succeeding Mr. Adin B. Capron, the condition of whose health prevented him from again being a candidate. Many other men have held some of these offices, some other men have held several of these offices, but I believe there is no other man that has held all of them, and it becomes interesting to inquire into the type of man to whom this experience was given. I think that by such an inquiry you will find that the personal qualities that made it possible are as unusual and as admirable as the career itself is unique.

Mr. UTTER was an orator. Throughout his career he has been a pleasing and popular speaker in every part of Rhode Island. As a speaker his methods were those of a practical man talking to a practical people. His addresses were simple in their language, clear in their thought, direct in the way he treated his subjects. He was not profuse in oratorical illustrations. He did not have the imaginative flights of an Ingersoll or a Bryan, with their Plumed Knight and cross of gold, but he was full of ideas, that when he became interested in his subject poured forth in a rapid stream of well-chosen English and at a speed that could only be attained by a man of an active and well-filled mind. It was not easy for any but an expert stenographer to follow him.

"I like to hear you talk," said an old lady in New Hampshire to him one day, "for you never have to stop to think."

His manner on the platform was such as would naturally spring from the kindly nature of the man himself. He was vigorous and energetic, but not violent nor rasping. He did not excite opposition, but rather inclined men's minds to move along in the way in which his own mind was going, to receive acceptably the thoughts he was trying to put into their minds rather than to seek arguments in opposition. He was naturally inclined to affection. It was his disposition to seek for the things that he could admire in others and he attracted affection because he saw things in others to like. This disposition colored and stamped the character of his public appearances, and if he did not always convince his audience, he seldom failed to inspire that friendship among them that made the firm foundation for his popularity.

"As Jonathan would have been delighted to have presented the name of David to the people of Israel, so do I approach the pleasant duty which this opportunity affords," was the way in which Adin Capron offered Mr. UTTER'S name in nomination for the position of governor in 1904, and two years ago, when the Republican Party leaders were hesitating over the availability of several most eligible candidates to succeed Mr. Capron at Washington, the practically unorganized movement of his friends from all parts of the State drove his nomination through the convention with a rush that would not be stayed.

What, now, were the habits of thought, the mental characteristics, of the man of these achievements? For after all the true test is the man himself rather than what has happened to him. In a rough way men can be divided into those whose nature it is to seek something to commend and who commend it, and those who seek something to condemn and who condemn it. Men have achieved high positions and have produced important results by each of these methods, but if for Mr. UTTER to have been a member of the legislature, speaker of the house of representatives, leader of the senate, secretary of state, lieutenant governor, governor, and Representative in Congress, to have won the affection and esteem of his fellow citizens and kept it to the day of his death, it had been necessary for him to be a critic of individuals, to delight in exposing evil things, to be a man who pulled down rather than one who built up, he would never have occupied any of these offices, for all such methods were so utterly foreign to his nature that you will search his career and his speeches in vain for any sign of them.

Active as was his mind, it was active in the discussion of ideas not in the discussion of men, except so far as men could be helped. During a large part of the time—for nearly 30 years—he was actively engaged in the duties of public offices and of a political career; but the remarkable thing to me about this man is that he was no more interested and active in the subjects that pertain to a career of this kind than he was in the thoughts and activities that pertain to an entirely different side of human life. For during all this long period often as he spoke upon political questions no less often did he speak upon moral questions. During his two years as governor, week after week, in one part of the State and another, and before one class of religious thinkers and another, he was carrying the message of the broad and tolerant morality in which he so earnestly believed. It is rather unfortunate that but few of his public addresses have been preserved, and even these are only in fragmentary form, but there are enough to show clearly the kind of ideas upon which his mind loved to dwell.

"One of our failings is to find fault. It is human nature to overlook the multitude of good things and to see that which is evil. Let us have charitable judgment on our neighbors," is what he told the people at the Park Street Church.

"True friendship means that we must overlook our friends' faults and magnify their virtues" is the way he was talking a few days later at the Pythian celebration, and again he says:

There are three virtues that every man must cultivate toward his fellow man—forbearance, confidence, and help. The practice of these constitute the square deal.

Similar ideas, simply but emphatically expressed, is the message he was constantly carrying from one end of the State to the other.

If he was a practical politician, who discussed practical questions in a practical way, he was no less a man with lofty ideals of public and personal service, and if he felt and inculcated these ideas toward individuals, you may well believe that he was no less desirous of serving the State when he was called upon to serve her in a way that would redound to her glory and to the increase and upholding of her good name.

"I want to meet the people of this State and talk to them and of them, finding good instead of evil to speak of in the State and its institutions; I tell you Rhode Island is a State to be proud of," he said to a reporter just after his second election as governor, and this was no accidental state of mind. Continually, through all his public addresses, you will find ardent and eloquent expressions of his love and admiration for Rhode Island.

"Let no man throw discredit upon this State; let every man protect this State, her honor and all that pertains thereto," he said to the jewelers at their banquet in March, 1906; and on another occasion, speaking of Rhode Island, he says:

> Her richest inheritance is her glorious record throughout the history of this Nation, and the promise of her future is in the character of her sons.

However often in the active current of a busy community we may sometimes forget it or be inclined to doubt it there is such a thing as public spirit. There is that form of it which we call patriotism, and if the thoughts in this man's mind, if the constant trend of his teachings, if his lifelong acts and occupations are reliable guides he was on fire with it. Not as a noble sentiment to be eloquent about. I never happened to come across the word in his speeches, but as something that was constantly, though unconsciously pushing him on to praise and extol Rhode Island—her people and her institutions. I can imagine him hot with indignation when she was unjustly or ignorantly assailed—eager and keen to defend. His very first act as Representative in Congress was to speak in her praise, as to praise her had been the theme he loved the best through all his gubernatorial career.

Thus his speeches and acts bear testimony to his natural disposition to look for the good wherever it can be found, for to so do was his idea of service and service was the passion of the man, service to the men and women with whom he came in contact, service to the State which it had been given him to represent, service that would make the men and the State think better of themselves and would make their neighbors and associates think better of them also.

"There is no nobler motto, there is no greater wish that we each one can take to ourselves to-day than this and this only, 'I serve,'" is the conclusion of one of his inaugural addresses to the general assembly; and again, in one of his Sunday talks—

"Put into the thought of your children that the highest duty of an American is to be of service to some one else. It will have a good effect in some place and at some time."

"Let no man think he can advance himself by closing the door of opportunity to his neighbor," he tells the Master Carpenters' Association.

Still in his thought mere giving is not enough. The manner of the giving and the manner of serving must be as complete and as perfect as the service itself. There is a couplet of Lowell's which I am told was constantly in his mind and which he constantly quoted, so constantly that to some of those who knew him best its sentiments stand to them for the character of the man.

> Not what we give, but what we share,
> For the gift without the giver is bare.

I am aware that we sometimes associate the use of such sentiments as this with something of insincerity or with some tendency of character that fails to impress us as manly, but no man who followed the career of GEORGE H. UTTER, some of whose characteristics I am trying to bring before you, ever associated any such idea with his unpretending modesty, his unmistakable enthusiasm and force. There was nothing mawkish or effeminate about this vigorous and independent political fighter. If the ideals of human conduct were constantly in his mind, and they were, they were there as something not to be worshiped from afar, but as something to be used in the constant activities of daily life. They were not to him merely something to be talked about in the sacred surroundings of a Sunday evening church meeting, and forgotten during the week.

"The way to save the Nation is to keep on doing it day after day, and every day," is the energetic plan he urged upon his hearers.

"There is danger in the notion," he said, speaking of government, "that it can obtain equal results for all men. The only thing which the law can do is to give each man an equal opportunity," and he urged his hearers to look for and to use all their opportunities, for no one will do it for them.

This, then, is the portrait of the man as I see it revealed in his acts, in his thoughts, and in his speeches. That he had a remarkable and honorable career I have already said. That, combined with that career, there was the constant evidence of an admirable and unusual type of mind, of heart, and of conscience I think no one who may study Mr. UTTER'S record will deny. I will confess that I started to prepare this address gladly, but nevertheless, as somewhat of a perfunctory duty. I stand now as a great admirer of a career that I believe had its foundation in the loftiest ideals of human conduct. I believe that I have been studying the acts and thoughts of a man than whom no other is entitled to stand higher in the minds and hearts of the people of Rhode Island, so that what I began as a duty I now bring as a tribute of affection, of appreciation, and high esteem.

The archives of Rhode Island will preserve the list of his honors, and to his friends and neighbors his memory will long be dear. I think we may safely believe that he himself, with his clear and active mind, with his high ideals and his spotless record, has gone on to—

> Join the choir invisible
> Of those immortal dead who live again
> In minds made better by their presence; live
> In pulses stirred to generosity,
> In deed of daring rectitude, in scorn
> For miserable aims that end with self.
> In thoughts sublime that pierce the night like stars,
> And with their mild persistence urge man's search
> To vaster issues.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE WEDEMEYER.

Mr. TOWNSEND. Mr. President, I ask the Chair to lay before the Senate resolutions from the House of Representatives on the death of the late Representative WEDEMEYER.

The PRESIDING OFFICER (Mr. PAGE in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 16, 1913.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. WILLIAM W. WEDEMEYER, late a Member of this House from the State of Michigan.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of the memorial exercises of the day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. TOWNSEND. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDING OFFICER. The Senator from Michigan offers resolutions, which will be read.

The resolutions (S. Res. 474) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. WILLIAM W. WEDEMEYER, late a Member of the House of Representatives from the State of Michigan.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be suspended in order that proper tribute may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. TOWNSEND. Mr. President, I fear that the custom of memorializing those who die while serving in Congress is coming to be more a perfunctory duty than a sad yet grateful opportunity, but in rising to speak at this time I am deeply impressed with the solemn privilege of expressing to my colleagues and to the friends of the late Congressman WILLIAM W. WEDEMEYER my appreciation of his high character and splendid ability. I realize, however, how futile it is for the mind to attempt to frame and the lips to utter thoughts which would adequately convey the feelings, confused and inexpressible, which overwhelm those who have not yet recovered from the shock of Mr. WEDEMEYER'S tragic and most distressing death.

Death is not a stranger. He has visited every home. He has knocked, or will knock, at every door, and neither love nor knowledge nor power nor any other thing can bar his entrance. He is no respecter of persons, and the wise and the foolish, the great and the small, the rich and the poor, the famous and the obscure he treats with merciless impartiality. All know this. Every thoughtful person understands that either to-day or to-morrow the grim reaper will call and strike him from the roll of the living, and yet he ever prays for a postponement until

to-morrow and tries not to think that to-morrow will come; but it will come.

As we grow older and get more tired we look upon death differently from what we did when we were younger. Then life meant much. The world was big and beautiful. Hope reigned supreme and death was the end of joy and gladness. In after years, however, when we had come through experience to know that life was a struggle and that its tasks could not be completed in time, we sometimes had longings for rest, and gradually we came to find comfort in the Psalmist's words, "He giveth his beloved sleep."

From the time the first intelligent man looked upon the vacant tenement of his companion until this hour, death has been regarded as a solemn mystery, and yet it is no more mysterious than is life. Who knows the origin of being? Who understands the relations between spirit and matter? Who can explain that strange phenomenon called thought? Every sentient being has a brain which the chemist can analyze, weigh, and measure, but who can discover its workings and find out how it paints pictures, builds houses, explores the stars, finds atoms, dreams dreams, loves, hates? Death itself is but an operation of life. Prior to so-called death we could see but could not understand the phenomena of life, because they were demonstrated through a body with which we were familiar, but death is only a name for that change from the finite to the realm of the infinite. Can we say that birth was the beginning of life, that it did not exist somehow, somewhere, before? Can we say that it does not exist somehow, somewhere, after the body dissolves? The million larvæ in the pond live their lives and one by one they vacate their bodies and leave their native home, the water, and disappear. We know they have been translated into a new world of light and air, but their fellows can not know this; to them the departed are dead.

This little span we call human life does not end with the dissolution of the body. It is brief when measured by earth revolutions, but it is eternity long in comprehension. Redwood trees now growing on the Pacific coast were there when Homer sang, when Socrates taught, when Alexander fought. They were centuries old on the first Christmas morning, and yet man in his infinitesimal day comprehends all that growth of trees which for 3,000 years have been climbing skyward and resisting the shocks of centuries. Man can read the record of development from swelling seed to giant tree. In a day he comprehends the experience of 30 centuries.

We are told that some of the stars are so far away that if one had been blotted out at the dawn of history its light, traveling with such tremendous velocity, would still be streaming on us, sufficient time not having elapsed for the last ray to reach the earth, and yet in a moment man traverses that appalling space and sees the star that was, but is not. He can pass through the eons of sun-building time and comprehend all from nebula to star.

Can we measure man by years? He is greater than matter, older than time, coexistent with God.

So runs my dream, but what am I?
An infant crying in the night;
An infant crying for the light,
And with no language but a cry.

Philosophy fails to relieve heartaches caused by death, but the departure of a good man with an untarnished record of honor and helpful usefulness does not leave the mourner so hopeless and miserable as does the going of one who has not contributed to the happiness and betterment of the world, and as we gather on this sad memorial occasion memories of our departed friend excite only beautiful and loving thoughts, for WILLIAM W. WEDEMEYER was a good and useful man. For a quarter of a century I knew him intimately and well. I met him first when he was a student in the University of Michigan. He was a poor boy and had to work his way through school. This was a blessed hardship, for it was the experience which develops character and makes men. As a student he gave promise of the orator which he later became. Few men in Michigan were his equal in presenting a cause to the public and none surpassed him. He possessed that necessary qualification of the true orator, sincere earnestness, and the later political history of his home county is the record of his triumphs. The cause he championed there seldom failed, and time has disclosed that he was, almost without exception, right. His friendly manner, his open honesty, his superior ability made him a natural leader in political thought and action, and coming from the people he understood them and became their advocate, and they loved and admired him. Few men in Michigan knew more people by name, and all familiarly called him "WEDE."

Soon after leaving the university he became a State character and every county committee of his party in the State besieged the State central committee for his services in every campaign. He was a Republican in politics and a progressive one. Gov. Pingree was the pioneer of modern political reform, and he selected Mr. WEDEMEYER, then a very young man, as his aid in the office of railroad commissioner. It was during the Pingree administration that Michigan changed her system of railroad taxation from the specific to the ad valorem plan, and Mr. WEDEMEYER was one of the governor's most effective advocates of the change.

He had little more than reached the constitutional age of 25 years when his home friends selected him as their candidate for Congress, and at the convention of 1896 he came within 1 vote of being nominated. In 1902 he was candidate for Congress again and received the unanimous and enthusiastic support of his county. He was twice defeated for the nomination for Congress, but after each defeat he entered the campaign and supported his successful rival with great zeal and ability. He had a happy faculty for making and keeping friends, and when in 1910 he entered the primaries he had enough admirers in all parts of the district to triumphantly nominate him over his strong and popular three-times opponent, the Hon. Henry C. Smith. At the November election following he was overwhelmingly elected, and he entered upon his congressional career backed by a proud constituency and possessed of high ideals for public service.

In the 10 years I have been in Congress I have met and known nearly a thousand Members and Senators, and I am sure I never knew a man who worked harder and more conscientiously to perform his full duty than did Congressman WEDEMEYER. No citizen of the second congressional district ever appealed to a deaf or careless ear when he wrote to Mr. WEDEMEYER. He accomplished much while in the House, and even his political opponents recognized in him a growing legislator who would soon take a prominent place among the leaders of the American Congress. His was the genius of industry. Every day, every night, he was at work upon matters appertaining to the duties of Congress, and those duties were exacting, frequently they were difficult, and often they were a great drain upon his nervous energy. He took life seriously. No duty came to him that he did not regard important, and somehow it seems to me now that he must have been impressed with the brevity of his time, for he could not consent to put anything off until to-morrow. He must do it at once.

Big in body and mind, he impressed the casual acquaintance as being a great, strong, kindly boy. His spirits seemed high and his genuine friendliness gave him a welcome everywhere. In whatever place he was he became an active, prominent figure.

As a citizen he had no superior. As a statesman few men in Congress have had a more promising prospect than was his. As a friend he was loyal to the core. The brightest spot in my memory of him, however, will be his devoted love for his family. He never wearied of telling me of his beautiful children. He carried their little letters to him about in his pocket, and however excited he might get in his conversation with me, he always closed with a joyful incident connected with the little ones. I recall that about the last time I saw him, and after he had dwelt to some extent upon his defeat for Congress last November, I told him that he ought not to feel badly, for with his energy and ability there were bigger and better things for him than a seat in Congress, and that he could be at home with his family more now. He brightened up and the old smile came back, and he exclaimed: "That's right. Don't think that I want to boast of my children, but they are nice youngsters, and I can see more of them hereafter. I'm all right, and have the finest family in the world."

He had a sensitive soul, tuned to the higher, better things of life. He was instinctively honest, and unjust criticism cut him to the heart. He had the keen and quick perception and the attractive personality which made him a natural political leader, but his sensitive mind was easily injured and the scars showed. With the ambitions of the politician was joined the sensitiveness of a child. He always fought in the open, and against the attacks of an honorable foe he was invincible. He knew how to parry the thrusts of the spear, but he was unskilled in avoiding the stabs of the stiletto.

I still recall the real suffering which he endured when he was flippantly criticized by some newspaper reporter who understood that the mission of the newspaper is to ridicule rather than to strengthen.

It is wicked to be false to a public trust, but it is more wicked to poison the public mind with suspicion about an honest Representative; and this is not so because of the evil effect upon society alone, but also because of the suffering and the weakness it brings to the faithful servant.

At this time, as I look back over the last few years, I can see that a change was being wrought in Congressman WEDEMEYER'S mental condition. He lived under continuous excitement.

Everything he did was done vigorously. His desire to be right always caused him to weigh all matters, great and small, with rigid exactness, and his fear of making a mistake bred doubts within his mind, and he who contracts the habit of doubting is lost. This is especially true of the legislator who is called upon to decide the many questions upon which honest and intelligent men differ. During the last year he was always fearful of making a mistake, and the destroyer Doubt was doing his work. I can see now that his nervous energy was being depleted and his overworked brain was showing strain. His defeat last November did not cause his death. It may have hastened it a few months, but eventually the effects of a mind diseased would have been fatal.

How much better for his friends and loved ones to remember him as we knew him—strong, vigorous, and complete—than to remain familiar with the splendid body which once was his, but out of which he had gone.

At about 7.30 on the evening of the 2d of January he stood on the deck of the steamship *Panama* and gazed out into the star-gemmed heavens. Who can say what thoughts passed through his mind? Who can tell what he saw and heard besides the stars and the music of the waves? Maybe he saw the light ineffable; maybe he heard the heavenly choir. We know that a moment later he cast into the sea the shell in which his cramped spirit had been confined and soared away to realms eternal.

O death, where is thy sting? O grave, where is thy victory?

Mr. JONES. Mr. President, there is a lesson for each of us in the tragic death of WILLIAM W. WEDEMEYER. Earnest, honest, sincere, ambitious, and serving his people well and faithfully, he put forth his utmost endeavor in their behalf and in behalf of the right as he saw it. Anxious to please his people, he was, nevertheless, steadfast to his convictions of right and duty. His action in some instances was not in accord with the views of some of his constituents and thoughtless partisan criticism was launched at him and his motives impugned. This grieved his sensitive nature. So honest and sincere himself, he could not understand why his motives should be questioned by those who did not approve his conduct. He brooded over this injustice, and this doubtless snapped the delicate cord that held reason to its throne and led to his tragic death. If there is one lesson for me and you and all of us to learn it is to look to the motive behind human action, and if that is good, honest, and pure, all honor is due the man for acting upon it, however much we may differ from him in judgment. Unjust, intemperate, partisan criticism brought pain, sorrow, ruin, and death to a man whose character was spotless, whose purposes were noble and ambitions high. Let us think before we speak or write the word of censure lest we unjustly wound. That man who may search his own acts or words and find in them the arrow that pierced the honest brain of our friend will surely suffer the tortures of hopeless remorse.

My first meeting with Mr. WEDEMEYER was the outgrowth of his friendly, sociable nature. I was stopping at his home city for a day or two when he came and introduced himself, and did what he could to make our stay a pleasant one. Our mutual interest in Alaskan affairs brought us into close contact here. He was a member of the Committee on Territories in the House, and we were both interested in securing local self-government for Alaska. I found him most earnest and active in behalf of this measure, and of everything else that was thought to be beneficial to our citizens in this far-away land. He could not have been more interested in a matter of vital benefit to his own people. He came to the Senate frequently and conferred with me after the bill passed the House, and I came greatly to admire his energy, earnestness, and good judgment. The people of Alaska owe much to this man who worked so faithfully for them and their interest without hope of reward save the approval of his own conscience. His action in this matter illustrated well his character and his idea of his duty as a legislator. He was, indeed, a servant of the people, not only of those of his own district, but of the whole Nation. All of his time, all of his energy, and all of his great ability was given to promote their welfare. He was an ideal public servant.

I have never forgotten the evening I spent with him at a meeting of the railroad employees of the Young Men's Christian Association, at the Union Station about a year ago. He radiated good nature and wholesome good fellowship. A giant in stature, a boy in spirit, a man in wisdom and intellectual attainments, he impressed all with his good humor, his strong intellect, and his lofty manhood. He delivered an address that charmed, pleased, and elevated everyone. It was witty, humorous, pathetic, lofty, learned, and inspiring, and fully justified all of the encomiums that have been said of him as an orator. His native ability, his breadth of intellect, his knowledge gained from books and travel, and his fund of apt and delightful stories, all displayed in a way that charmed and delighted his hearers, proved him to be a public speaker of rare attainment. Publicly and privately he drew you to himself almost unconsciously and made you love him.

It is often said to-day that a young man has no chance, no opportunity to make a name for himself, unless he has money or influence back of him. Let the young man who hears this read the life and achievements of our friend. He was born on a farm in Michigan in 1873. His parents were poor and he had no means. After working at whatever his hands found to do, going to school in the winter, he entered the University of Michigan in 1890. He paid his way by working at whatever he could find to do and living frugally. I was told that he and a friend lived in a garret and did their own work and cooking. He graduated with honor and distinction in 1894. He served in various positions of trust and confidence, and in 1910, at the age of 39 years, was elected to represent his congressional district in what is considered by many as the greatest legislative body in the world.

This brief statement of his life struggles and accomplishments is eloquent with encouragement to our youth. Without means and without influence, except that which always comes to honest toil and faithful endeavor and a steadfast purpose, he attained high distinction in a few short years. In his short life he proved that success and achievement do not depend upon birth or wealth, but largely on industry, thrift, and perseverance. He has left a rich heritage to his loved ones and friends and a brilliant example to our boys, teaching them that the day of opportunity to honest, faithful work has not yet passed.

My acquaintance with him, though brief, is a precious memory and an inspiration. In his death I have lost a friend, his family a loved husband and father, his country a splendid citizen, an earnest statesman, and a lofty patriot.

He has gone, gone to the higher life beyond. For him the mystery of mysteries is solved. With us his life is a precious heritage beckoning to better things. That he still lives we must not doubt. A character so great and with such promise is surely not so soon ended.

> Said one among them: "Surely not in vain
> My substance of the common earth was ta'en;
> And to this figure molded, to be broke,
> Or trampled back to shapeless earth again."

Mr. ASHURST. Mr. President, the Senate of the United States has not paused in its vast labors and arrested its attention to the public business for the purpose merely of indulging in formal eulogistic remarks upon the character of this deceased Representative. Services of this nature are for the living as well as to honor the memory of the dead. They are for the dead, because the stricken can no longer speak for themselves, and it must depend that friends who remain will see that justice is done to their memory.

They are for the living, because they serve as a monitor to teach how transient, how fleeting, how evanescent are fame, power, riches, and glory.

"Death," said one of the world's wisest men, "hath this also—it openeth the gate to good fame and extinguisheth envy." And that "to praise the dead is held proper, for only after a man is dead will the score of destiny be made even, as in life man is sometimes criticized, therefore in death man may be eulogized." It is not to be inferred that during life he whose memory we honor to-day was criticized, for I do not forget that he was quite generally praised, loved, and respected, and certainly no congressional district ever had a more faithful Representative than Mr. WEDEMEYER.

I became acquainted with Mr. WEDEMEYER some nine years ago, while in attendance as a student in the University of Michigan, and frequently spent a vagrant hour in his office discussing with him some mooted question of law.

He was well equipped for a congressional career. He was a brilliant and powerful orator and possessed a vast fund of rich and wholesome humor. He dealt with facts and figures in a charming manner, and could almost arouse an audience to enthusiasm even in discussing an auditor's prosaic report. When I first met him he was in the flush, strength, and pride of young manhood, and he incarnated the poet's lines—

> How beautiful is youth! How bright it gleams,
> With its illusions, aspirations, dreams!
> Book of Beginnings, story without end,
> Each maid a heroine and each man a friend!
> Aladdin's Lamp, and Fortunatus' Purse,
> That holds the treasures of the universe!
> All possibilities are in its hands;
> No danger daunts it and no foe withstands;
> In its sublime audacity of faith,
> "Be thou removed," it to the mountain saith,
> And with ambitious feet secure and proud,
> Ascends the ladder leaning on the cloud.

The news of his tragic death was especially shocking to all who knew him, for none suspected that his health had been impaired to the serious extent that was disclosed by information which subsequently came to light.

This public servant literally worked himself to death in honorable labor in behalf of his constituents.

He represented a proud constituency, a district long and ably represented by the present distinguished junior Senator from Michigan [Mr. TOWNSEND], and in Mr. WEDEMEYER's ardent desire to measure fully up to the high standard of excellence set by his predecessor, he did that which many new Members of Congress do when they become impatient with the periphrasis, circumlocution, prolixity, and delay which characterizes proceedings in Congress and the various departments of government—allowed himself no holiday, no moment of relaxation, no respite from work. This intense application to duty, with no playful interludes, reduced his vitality to a low ebb, while the heat, conflict, and tumult of the last election wore his strength away; and thus with his vitality reduced, with his nervous energy exhausted, the silver cord did not snap and break, but unraveled and fell to pieces, and he entered into that wide penumbra which lies between the sunlight of reason and the baleful shadow of insanity—that wide penumbra, Mr. President, in which there walk at times more men than the world suspects, as—

> Great wits are sure to madness near allied,
> And thin partitions do their bounds divide.

Hoping to regain his health and strength he sailed to Panama, but found no relief, for returning home, and while about 10 leagues out of the harbor of Colon, after sunset, pacing the deck of the steamer, he looked out upon the heaving billows, which the twilight of an early evening seemed to sow with orient pearl, looking down into the waters he saw reflected the quenchless stars and their shining trains, which had resumed for another night their eternal vigils of the sky; he saw mirrored within the waters the "floor of heaven thick inlaid with patines of bright gold." And our sick and weary friend, momentarily believing he saw a radiant place of refuge and of rest, where his heart would not be harassed, plunged himself instead into the airless meadows of the mysterious deep.

We know he suffered much, but let us believe his pangs are over; let us believe that the ocean's healing waters relieved his troubled brow, cooled his heated and accelerated pulse, and that "after life's fitful fever he sleeps well."

It is not given to mortal eyes to gaze upon the invisible, or to know the inscrutable, and thus the most vital problem of all, the problem of our own existence and our own death, is the one which is the most difficult for finite minds to try to understand. Faith alone vouchsafes a reply, for in the innermost sanctuary of every soul faith gives the assurance that after we shall have crossed what we call the frontier of the dark kingdom we shall find death is not a wall, but a door to a larger and more useful life. One of the most helpful and hopeful sentiments to be found in all our literature is the stanza from Bryant's Ode to a Waterfowl:

> He who, from zone to zone,
> Guides through the boundless sky thy certain flight,
> In the long way that I must tread alone,
> Will lead my steps aright.

Mr. KERN. Mr. President, my acquaintance with WILLIAM W. WEDEMEYER was comparatively short, but rather intimate than otherwise. During his term of service here we lived at the same hotel, and as he represented the district and resided in the city in which my alma mater, the University of Michigan, is situate, we found many subjects which we could discuss with mutual interest.

Of course, the marvelous growth and development of the great university, the personnel of the faculty, the mighty changes wrought by the lapse of years, and the great success attained by the alumni of that institution, scattered as they are throughout the Republic, were the subjects most frequently discussed, but on many occasions he sketched the story of his life and gave me glimpses of his hopes and aspirations.

Mr. WEDEMEYER took degrees in both the literary and law departments, and was deeply interested in everything pertaining to the university and always active in every movement looking to the advancement of its interests, and in return he received in a marked degree the appreciative confidence of the regents and the faculty.

Less than a year ago it was my privilege to attend a large meeting of the Alumni Association of the Mississippi Valley, held at St. Louis. That meeting was attended by the president of the university, the deans of the several faculties, and a number of other gentlemen prominently identified with that institution. All these men manifested the greatest interest in Mr. WEDEMEYER's career and expressed their highest appreciation of his services as Congressman and his loyalty at all times to his alma mater. They were proud of his accomplishments, and pointed to his career as illustrating the possibilities which are within the grasp of all young Americans who, with such energy as he possessed and such earnestness as he manifested, avail themselves of the opportunities that are presented to them on every hand.

WILLIAM W. WEDEMEYER was born on a farm not far from Ann Arbor. His parents were sturdy German people, who with many others of that nationality had settled in that county years before and had contributed largely to the development of that part of the country.

There was not much in the monotonous life of a German farmer's boy to encourage him in his desire for education and his ambition to occupy a higher and better position in society than his parents with their limited opportunities could hope to occupy; but the great educational institutions in his immediate vicinity, and the presence of the thousands of young men from every part of the Union whom he saw thronging the streets every time he came to his county-seat city of Ann Arbor with his marketing from the farm gave him inspiration for the effort to secure for himself the education he so much desired.

Surely the surroundings there were inspiring. Here in this county seat was the greatest university in the mighty West, attended annually by thousands of young men hailing not only from every State but every country in the civilized world. Here in the same town was the splendid high school in which so many sons of Michigan and adjacent States had been prepared for admission to the university. Here, too, in the same county—only a few miles away at Ypsilanti—was the great normal school of the State, also attended by thousands of young men and women who were preparing themselves for the noble profession of teaching. It is not strange that with these surroundings young WEDEMEYER should have been fired with that laudable sort of ambition which took him from the farm and led him into a field where he might prepare for a life of greater usefulness and lay broad and deep the foundations for that career in which in so short a time he achieved distinction.

But it is not my purpose to speak of the achievements of his public life nor of his many victories over adverse circumstances as he struggled on from year to year to the attainment of the success which finally crowned his efforts, but rather of his devotion to wife and children—of the discharge of his obligations as a husband and father.

During his term of service here I saw him every day in the company of his charming wife and three little children—one sturdy boy and two beautiful daughters. I could not fail to observe the affectionate interest with which he regarded them and the tender solicitude he always manifested concerning their welfare and happiness.

Everyone who knew of his devotion to this delightful little family and of the great love he bore them will sympathize deeply with them in this great calamity which has deprived them of that wealth of affection which he bestowed upon them, and of his aid, counsel, and support through that period of dependence and helplessness in which children most need a father's loving care.

While their loss is irreparable, their future lives will be blessed by the memories they will have of the sweet companionship of a father who has left to them the priceless heritage of a blameless life and an example of courage and energy which, followed by them, will carry them safely over every obstacle and enable them to achieve the same success which crowned his career.

Mr. SMITH of Michigan. Mr. President, to epitomize the life and character of one who had become very dear is indeed a difficult task when his death, so tragic and unexpected, has left such a void. But the eloquent words of the Senators who have preceded me and the brilliant, just, generous, and fitting tribute of my honored colleague make my task a very simple one.

Mr. WEDEMEYER had been my warm personal friend from his young manhood. I had been associated with him under circumstances so delightful and had learned to love him so much that his loss came with telling effect upon me.

When the ambition of his life had been realized and he was accorded a place in the House of Representatives all his friends throughout our Commonwealth looked forward with confident expectation to a career of unusual brilliancy, honor, and achievement. Brief though that career was, there have been few men in public service who have left a stronger impression upon their associates or accomplished more in real constructive legislation than the man whose memory we honor to-day.

He was young in years; he was strong and vigorous in mind and body, possessing those rare qualities that attract and

hold him in close communion with his friends. The congressional district that he represented was greatly honored by his service, while his personal friends could be numbered by thousands in every walk of life, a rare tribute to his magnetic genius and his attractiveness as a man.

His colleagues from Michigan looked forward with confidence to a continuance of his public service in this Capitol. His defeat was not personal and cast no stigma upon him. In the recent election he ran far ahead of the candidates upon his ticket, and indeed his candidacy greatly strengthened the party to which he belonged.

He was a man of unusual talent, and had the rare faculty of seeing clearly and distinctly the path of highest duty, and when convinced of his course nothing could influence or dissuade him to turn aside or falter in its performance.

Something has been said about his interest in Alaskan affairs. I know full well how deeply he was concerned in all the legislation intended to relieve those sturdy people in that distant Territory. Often he has come to me in this Chamber and urged that those people might have the right of self-government, and we worked together in the accomplishment of that result. When the bill was passed his happiness was unrestrained.

He was deeply interested in the Territorial bill before he entered Congress, and as I see my honored friend from Arizona [Mr. ASHURST] across the aisle I am again reminded of that contest in which our beloved friend was deeply concerned.

Mr. President, our friend has gone. We are overwhelmed by the catastrophe which ended a life of such singular usefulness. I do not pretend to comprehend it. I know that he had much to live for. He was rarely blessed in his home circle and devoted to his wife and children. His companions in life sympathized in his every aspiration. He had climbed the ladder from humble beginning without aid and had made for himself an enviable place in his Commonwealth and in his country.

His death cast a gloom over our entire State. Its darkness refuses to be dispelled. We hope it is for the best, but many of us can not understand why such a tragedy should have befallen our friend in the very vigor of his young manhood and at the time of his greatest usefulness to the State.

After the Battle of Lodi it is said that the soldiers of Napoleon noticed that his eyes were closed and that, overcome with the exactions and the labors of the day, he had fallen asleep upon the field. Those nearest to him formed a hollow square about him and stood with patient vigil until rest opened his tired eyes. In this awful calamity those who knew and loved our friend, inspired by his memory, have formed a hollow square about his loved ones and will guard with earnest vigil the fatherless little children and the stricken widow in her woe.

I love to think of WEDEMEYER, of his happy, cheerful, beautiful affection for his friends, of his loyalty and love for those who were dependent upon him, of the charm and grace of his manner, and the purity of his private and public life.

Mr. President, I offer the resolution which I send to the desk.

The PRESIDING OFFICER. The resolution will be read:

The Secretary read the resolution (S. Res. 475), as follows:

Resolved, That as a further mark of respect to the memory of Mr. RAYNER, Mr. UTTER, and Mr. WEDEMEYER the Senate do now adjourn.

The resolution was unanimously agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, February 24, 1913, at 10 o'clock a. m.

NOMINATION.

Executive nomination received by the Senate February 22, 1913.

UNITED STATES DISTRICT JUDGE.

Samuel H. Fisher, of Connecticut, to be United States district judge for Connecticut, vice James P. Platt, deceased.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 22, 1913.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, that time has not diminished the admiration, gratitude, and reverence for the "Father of his Country"; that he still lives in the hearts of all true men the ideal patriot, soldier, statesman, Christian gentleman. "Taking him for all in all, we shall not look upon his like again." Wise, strong, pure, noble, brave, his deeds live in a Republic which has become the admiration of all peoples. We thank Thee that millions of hearts still beat in unison with his great heart, for so long as his influence shall thus live our Nation shall live and liberty widen its sweep among the peoples of the earth, to the honor and glory of Thy holy name. Amen.

The SPEAKER. The Clerk will read the Journal.

Mr. SISSON rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. SISSON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The point of order is well taken. Evidently there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following members failed to answer to their names:

Adair	Fitzgerald	Korbly	Prince
Aiken, S. C.	Focht	Lafean	Redfield
Ainey	Fornes	Lafferty	Reilly
Ames	Gardner, Mass.	Langham	Reyburn
Andrus	Gardner, N. J.	Langley	Riordan
Ansberry	George	Levy	Roberts, Nev.
Anthony	Gill	Lindsay	Rodenberg
Ayres	Glass	Littleton	Rucker, Colo.
Barchfeld	Godwin, N. C.	Longworth	Sabath
Berger	Goldfogle	Loud	Scully
Blackmon	Gregg, Pa.	McCall	Smith, J. M. C.
Bradley	Gudger	McCreary	Speer
Brantley	Guernsey	McDermott	Stack
Brown	Hamill	McGuire, Okla.	Stanley
Burke, Pa.	Hamilton, W. Va.	McKinney	Stevens, Minn.
Calder	Hardy	McMorran	Sweet
Carlin	Harris	Maher	Talbott, Md.
Carter	Harrison, N. Y.	Matthews	Taylor, Ohio.
Conry	Hart	Mays	Thistlewood
Cooper	Hartman	Merritt	Townsend
Copley	Heald	Mondell	Underhill
Crago	Hill	Moon, Pa.	Vare
Cravens	Hinds	Morgan, Okla.	Vreeland
Crumpacker	Howard	Needham	Warburton
Danforth	Howell	Olmsted	Watkins
Davenport	Howland	O'Shaunessy	Weeks
De Forest	Hughes, Ga.	Palmer	Wilson, Ill.
Dickson, Miss.	Hull	Parran	Wilson, N. Y.
Difenderfer	Johnson, Ky.	Patten, N. Y.	Wood, N. J.
Donohoe	Kent	Peters	
Evans	Kindred	Post	
Ferris	Konig	Pray	

The SPEAKER. On this roll, 257 Members have answered to their names, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I call up from the Speaker's table the bill (S. 8275) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors, and move that the House insist on its amendments thereto and agree to a conference.

The SPEAKER. The gentleman from Alabama calls up the bill S. 8275, an omnibus pension bill, and moves that the House insist on its amendments thereto and agree to a conference.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey.

WASHINGTON'S FAREWELL ADDRESS.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that Washington's Farewell Address may be read to the House.

The SPEAKER. The gentleman from Florida asks unanimous consent that Washington's Farewell Address be read to the House. Is there objection?

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Indiana [Mr. BARNHART] to read the address. [Applause.]

Mr. BARNHART read the address, as follows:

To the people of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country, and that in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you, but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself, and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that while choice and prudence invite me to quit the political scene patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which, not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which can not end but with my life, and the apprehension of danger natural to that solicitude urge me, on an occasion like the present, to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively, though often covertly and insidiously, directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North it finds its particular navigation invigorated, and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East in a like intercourse with the West already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern, Atlantic and western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government, better calculated than your former, for an intimate union and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government; but the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the Nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system; and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the Government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchial cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest, instead of warming, it should consume.

It is important likewise that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human

heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation, for, though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion it should be enlightened.

As a very important source of strength and security cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object, which is always a choice of difficulties, ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations, cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas, is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions to the favorite nation or of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils. Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence—I conjure you to believe me, fellow citizens—the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial, else it becomes the instrument of the very influence to be avoided instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us will not lightly hazard the giving us provocation, when we may choose peace or war as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world—so far, I mean, as we are now at liberty to do it—for let me not be understood as capa-

ble of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences, consulting the natural course of things, diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our Nation from running the course which has hitherto marked the destiny of nations—but if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism, this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself the assurance of my own conscience is that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country, to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after 45 years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things and actuated by that fervent love toward it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEO. WASHINGTON.

UNITED STATES, *17th September, 1796.*

ADDRESS OF PORTO RICAN FREE FEDERATION OF LABOR (H. DOC. NO. 1415).

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to have printed as a House document an address by the Porto Rican Free Federation of Labor relative to the tyranny of the House of Delegates of Porto Rico and setting forth legislation which, in the judgment of the federation, is essential to the welfare of Porto Rico.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILSON] asks unanimous consent to print as a House document an address of the Porto Rican Free Federation of Labor. Is there objection?

Mr. EDWARDS. Reserving the right to object, Mr. Speaker, I would like to know how this document is to be distributed—whether through the folding room or document room.

Mr. WILSON of Pennsylvania. Through the document room.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I wish to present conference report and statement on the bill H. R. 26680, the legislative, executive, and judicial appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Speaker, I desire to say that there is one mistake as printed in the RECORD, and I send a corrected copy of the statement to the Clerk's desk.

The SPEAKER. The Clerk will read from the corrected copy.

The conference report is as follows:

CONFERENCE REPORT (NO. 1563).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 27, 61, 68, 76, 77, 78, 139, 148, 149, 151, 152, 154, 155, 160, 161, 162, 163, 179, and 235.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 11, 23, 24, 25, 26, 37, 38, 39, 147, 180, 181, and 190, and agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Boise, Idaho: For the following, including wages of workmen and contingent expenses, from July 1 to December 31, 1913, both dates inclusive: Assayer in charge, who shall also perform the duties of melter, $1,125; assistant assayer, $800; chief clerk, who shall also perform the duties of cashier, $750; assayer's assistant, $750; clerk, $600; in all, $4,025."

And the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,770"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,125"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Charlotte, N. C.: For the following, including wages of workmen and contingent expenses, from July 1 to December 31, 1913, both dates inclusive: Assayer and melter, $750."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum named in the said amendment insert "$450"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$200"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Deadwood, S. Dak.: For the following, including wages of workmen and contingent expenses, from July 1 to December 31, 1913, both dates inclusive: Assayer in charge, who shall also perform the duties of melter, $1,000; clerk, $600; assistant assayer, $800; assayer's assistant, $700; in all, $3,100."

And the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,500"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$750"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Helena, Mont.: For the following, including wages of workmen and contingent expenses, from July 1 to December 31, 1913, both dates inclusive: Assayer in charge, $1,250; chief clerk, who shall also perform the duties of cashier, $900; assistant assayer, $850; assayer's assistant, $700; clerk, $700; in all, $4,400."

And the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,300"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,500"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Salt Lake City, Utah: For the following, including wages of workmen and contingent expenses, from July 1 to December 31, 1913, both dates inclusive: Assayer in charge, who shall also perform the duties of melter, $1,250; assistant assayer, $800; chief clerk, who shall also perform the duties of cashier, $800; clerk, $700; in all, $3,550."

And the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,250"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,750"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$232,210"; and the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the number proposed insert "9"; and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$78,740"; and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,000"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$23,000"; and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,000"; and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,000"; and the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For surveyor general of South Dakota, $2,000; clerks in his office, $4,500; in all, $6,500"; and the Senate agree to the same.

Amendment numbered 192: That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$600"; and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,000"; and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,000"; and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195,

and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$23,000"; and the Senate agree to the same.

J. T. JOHNSON,
ALBERT S. BURLESON,
FREDK. H. GILLETT,
Managers on the part of the House.

F. E. WARREN,
GEO. PEABODY WETMORE,
LEE S. OVERMAN,
Managers on the part of the Senate.

The Clerk read the corrected statement, as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1914 submit the following written statement in explanation of the effect of the action agreed upon by the conference committee, and submitted in the accompanying report, as to each of said amendments, as follows:

On amendment No. 2: Strikes out the name of Woodbury Pulsifer as an employee of the Senate.

On amendments Nos. 7, 8, and 11: Increases the salaries of two Assistant Doorkeepers of the Senate from $2,592 to $3,000 each, as proposed by the Senate.

On amendments Nos. 23, 24, 25, and 26, relating to the Capitol police: Appropriates for the number of police and for the contingent fund, as proposed by the Senate.

On amendment No. 27: Strikes out the name of George H. Carter as clerk to the Joint Committee on Printing.

On amendment No. 37: Appropriates, as proposed by the Senate, $300 to pay Etta J. Giffin, assistant in charge of the division for the blind in the Library of Congress.

On amendments Nos. 38 and 39, relating to the Copyright Office: Provides for an additional clerk at $1,800, proposed by the Senate.

On amendment No. 61: Appropriates $10,000, as proposed by the House, instead of $25,000, as proposed by the Senate, for freight on bullion and coin.

On amendment No. 68: Strikes out the provision proposed by the Senate, increasing the number of internal-revenue districts from 63 to 67.

On amendments Nos. 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 93, 94, and 95, relating to mints and assay offices: Omits the appropriations for the mint at Carson, Nev.; and appropriates for the assay offices at Boise, Idaho, Charlotte, N. C., Deadwood, S. Dak., Helena, Mont., and Salt Lake City, Utah, until December 31, 1913.

On amendment No. 139: Strikes out the appropriation, proposed by the Senate, for expenses of a national aerodynamical laboratory commission.

On amendments Nos. 147, 148, 149, 150, 151, 152, 153, 154, 155, and 156, relating to the Indian Office: Increases the compensation of the second assistant commissioner from $2,250 to $2,750, as proposed by the Senate; provides for nine clerks, at $1,400 each, instead of five as proposed by the Senate and three as proposed by the House, and strikes out all other increases in the clerical force of that office proposed by the Senate.

On amendments Nos. 160, 161, 162, and 163: Strikes out the increases, proposed by the Senate, in the force employed in the Patent Office.

On amendments Nos. 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, and 196, relating to surveyors general and their clerks: Appropriates $9,000, instead of $7,000 as proposed by the House and $11,000 as proposed by the Senate, for clerks, and $2,500 as proposed by the House, instead of $3,205 as proposed by the Senate, for contingent expenses, in the office in Alaska; appropriates $12,000, as proposed by the Senate, instead of $11,400, as proposed by the House, for clerks in the office in California; appropriates $23,000, instead of $23,590 as proposed by the Senate and $22,000 as proposed by the House for clerks in the office in Colorado; appropriates $17,000, instead of $17,500 as proposed by the Senate and $16,000 as proposed by the House, for clerks in Idaho; appropriates $10,000, instead of $11,400 as proposed by the Senate and $8,000 as proposed by the House, for clerks in Nevada; appropriates $17,000 instead of $18,100 as proposed by the Senate and $15,500 as proposed by the House, for clerks in New Mexico; appropriates $1,000, instead of $900 as proposed by the House, for contingent and incidental expenses in Oregon; appropriates $4,500, instead of $5,000 as proposed by the Senate for clerks, and $600, instead of $800 as proposed by the Senate, for contingent expenses, in South Dakota; appropriates $16,000, instead of $20,300 as proposed by the Senate and $14,000 as proposed by the House, for clerks in Utah; and appropriates $20,000, instead of $22,300 as proposed by the Senate and $17,000 as proposed by the House, for clerks in Wyoming.

On amendment No. 235: Strikes out the paragraph inserted by the Senate, appropriating for the Commerce Court from March 4 to June 30, 1913.

J. T. JOHNSON,
ALBERT S. BURLESON,
F. H. GILLETT,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, the conference report on the legislative, executive, and judicial bill just adopted is final and complete. As the bill passed the House it carried $34,899,583.50. As it passed the Senate it carried $35,403,040.62, an increase of $503,457.12. The Senate receded on amendments carrying $192,506.12. The House receded on amendments carrying $310,951. The bill as finally agreed upon carries $35,210,534.50. The amount appropriated for the current year for the items included in the bill just passed is $35,216,133.38. This bill, therefore, shows a net reduction under the current law of $5,598.88. This reduction is made without reducing a single salary. On the other hand we have provided for a considerable number of increases and promotions in the governmental service. This reduction is also made in spite of the fact that we were compelled to provide a much larger sum to pay the salaries of Representatives on account of the increased membership of the House after the 4th of March. We also appropriate in this bill forty-odd thousand dollars expenses for the Legislature of the Territory of Alaska, an item that has not heretofore been included in this or any other appropriation bill. We have brought into this bill items amounting to about $1,000,000 that properly belong here, but have hitherto been carried in other appropriation bills, and in so far as we have increased this bill on account of these items, we have correspondingly reduced the bills in which they have hitherto been carried.

On motion of Mr. JOHNSON of South Carolina, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28812, the naval appropriation bill.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28812.

Mr. PADGETT. Pending that motion, I ask unanimous consent that general debate may be limited to four hours and confined to discussion of the bill, two hours of the time to be controlled by the gentleman from Texas [Mr. GREGG] and one hour by the gentleman from Illinois [Mr. FOSS] and one hour by myself.

The SPEAKER. And pending the motion to go into the Committee of the Whole House on the state of the Union, the gentleman from Tennessee [Mr. PADGETT] asks unanimous consent that general debate shall be limited to four hours, and confined to the bill.

Mr. TRIBBLE. Mr. Speaker——

The SPEAKER. The gentleman will wait until the Chair can put the request.

Mr. TRIBBLE. I rise to a point of order. Reserving the right to object, I would like to ask the gentleman if he proposes to give those members of the committee who voted against the report on this bill in the committee room an opportunity to be heard?

Mr. PADGETT. I am giving two hours of the time to the gentleman from Texas [Mr. GREGG], who controls the opposition to the bill, reserving one hour for myself, and yielding one hour to the gentleman from Illinois [Mr. FOSS].

Mr. TRIBBLE. Then I would like to know if the gentleman from Texas [Mr. GREGG] will yield some time to those two mem-

bers of the committee who voted against the bill in the committee room?

Mr. GREGG of Texas. The gentleman has never asked me for any time. I would take great pleasure in giving him some time, but I can not, because I have promised all the time that I shall have.

Mr. TRIBBLE. Then I object, Mr. Speaker.

The SPEAKER. It is not debatable.

The question is on agreeing to the motion of the gentleman from Tennessee [Mr. PADGETT] to go into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, with Mr. ALEXANDER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 28812, the naval appropriation bill, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill in the committee.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to dispense with the first reading of the bill in the committee. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Tennessee [Mr. PADGETT] is recognized.

Mr. PADGETT. Mr. Chairman, I shall not occupy a great amount of the time of the committee in the discussion of this bill under general debate. I realize, Mr. Chairman, that we have only about seven more working days before the adjournment of the Congress, and the state of the public business is such as to require the dispatch of business.

I have filed with the bill a report stating in detail the various items of the bill, explaining the increases and the decreases, and setting forth clearly and succinctly, yet completely, the character of the bill. The aggregate amount of the appropriations carried in the bill is $146,618,364.53. The bill last year carried aggregate appropriations to the amount of $123,151,538.76. This bill represents an increase this year of $23,466,825.77.

The bill is divided into three general parts. The first part relates to the maintenance of the Navy. The appropriations last year for the maintenance of the Navy were $102,655,634.28. In this bill the appropriations for that purpose are $105,387,948.53, which is an increase of $2,732,314.25.

The items of this increase are as follows: The pay of the Navy is increased $1,983,690.75. Last year we increased the enlisted force 4,000 men, and we added 400 marines. There is also an increase in pay on account of longevity of service, the pay of the enlisted men increasing with the length of their service.

Another item of this increase is equipment of vessels, $756,700. The department asked for one million three hundred and some odd thousand dollars, but the committee allowed only $756,700. We now have more vessels in commission and larger vessels than heretofore, and the demand for a large equipment is growing every year.

We increased the target-practice item by $300,000. The committee believed that the target practice is a very necessary and essential and important part of the effective administration of the Navy. Without an efficient personnel, a personnel that can handle the guns effectively and shoot accurately, the ships of the Navy would be useless in an engagement, and we felt that this $300,000 increase was required and was justified. The bureau chief wanted an increase of $800,000. The department recommended $400,000. But the committee, under the exigencies of the case, have reported an increase of $300,000.

Another item is an increase for experiments in the Ordnance Department, $100,000. The committee believed that it was very essential that as to our ordnance—the guns, the torpedoes, the projectiles, the powder, the high explosives—there should be tests and experiments in all of those matters which are very essential to the efficiency of the Navy.

Another item of increase is an item of $240,000 increase in the wages of the employees, the workmen in the navy yard at Washington, the gun factory, and at Indianhead.

There is a board authorized and appointed by the Secretary known as the wage board. The workmen appeared before the committee and insisted that their wages were not adequate and were not proper; that they were entitled to an increase. At the suggestion of the committee a joint board, consisting of representatives of labor and representatives of the department, took up the matter, made a thorough investigation here and in neighboring cities, and they reported a wage scale of increase. This was submitted for review and for approval or disapproval to the regular wage board, and they, with some modification, approved it, and the department submitted supplemental estimates for this increase, and we have included the amount of it.

Mr. SHERWOOD. How much is the per cent of increase?

Mr. PADGETT. Approximately 10 per cent. We have increased the coal and transportation $1,000,000. More coal is required, because of the enlargement of the Navy. There is an increased price of about 20 cents a ton now in coal over former prices. Transportation charges have increased largely, for the reason that heretofore we have been able to transport coal in foreign bottoms at a great reduction below the charge in domestic bottoms; but on account of the increased commercial demands the price of foreign transportation has largely increased, necessitating an increased payment for transportation of coal.

Mr. SHERWOOD. Is that increase on account of the transportation of coal to the Philippine Islands?

Mr. PADGETT. To the Pacific coast largely, and to the Philippines.

Mr. TRIBBLE. I notice, on page 5 of the hearings, that it is stated that the bureau is of the opinion that much of the coal purchased during the year 1912 was without profit to the contractor, and Admiral Cowie states "this I know to be a fact."

Mr. PADGETT. That was the statement of Admiral Cowie.

Mr. TRIBBLE. Does the chairman of the committee think it was any of Admiral Cowie's business whether or not the contractors were getting a profit on their coal, or was it his business to make the best deal he could?

Mr. PADGETT. He was making the best deal he could, and, as I understood his testimony, he drove a good bargain, and got it at a price which did not make any profit for the seller.

Mr. TRIBBLE. And he offered that as an excuse why they did not get it any lower?

Mr. PADGETT. No; he said they made no profit on the other sale, and that they wanted some profit now, and for that reason demanded the increased price. He says the increased cost will be about 20 cents a ton.

Mr. ADAIR. How much more coal will be required next year than was used last year?

Mr. PADGETT. He did not state the exact quantity, as I now remember it, but he said that there would be a slight increase in the quantity, and there would also be a slight increase in the price.

Mr. ADAIR. My purpose in asking the question was to ascertain how fast our Navy is growing, and how much more coal will be required each year by reason of new construction, and so forth.

Mr. PADGETT. The increase in the quantity of coal is not so great, but the increase in consumption of fuel oil is remarkable. Two years ago we were using about 12,000,000 gallons of fuel oil a year. It is estimated that for the fiscal year ending June 30, 1914, we will consume 30,000,000 gallons. Not only has there been an increase in the quantity of fuel oil, but the price of fuel has recently advanced 60 per cent, and a large amount of this is on account of fuel oil.

Mr. ADAIR. Our appropriations for fuel oil and coal will increase each year, as the size of our Navy increases.

Mr. PADGETT. Necessarily.

Mr. ADAIR. And that accounts very largely for the increase this year in the amount of coal and oil that will be required.

Mr. PADGETT. Yes. For instance, on page 6 of the report I have an itemized statement of the coal purchased at home. The estimate is $200,000; freight, $200,000; fuel oil, $500,000; handling coal, $35,000; coal purchased abroad, $15,000. Those are the items of the increase of $1,000,000 which I was stating.

Mr. TRIBBLE. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. TRIBBLE. The increase in this bill for coal and oil is about $1,000,000, is it?

Mr. PADGETT. Yes.

Mr. TRIBBLE. Over that of last year?

Mr. PADGETT. Yes.

Mr. TRIBBLE. Will the gentleman tell us what the increase was the year before?

Mr. PADGETT. I do not remember just now, but I can get it for the gentleman.

Mr. TRIBBLE. Let me ask the gentleman another question.

Mr. PADGETT. My recollection is that the coal appropriation last year and the year before was the same; but of that I am not sure.

Mr. TRIBBLE. The gentleman states that the oil is the principal cause of this increase; will he look at page 6 under this item and see if he does not find that oil in 1911 was $131,000

and in 1912 oil was $340,000? How does the gentleman use oil as an illustration of the increase with so much force now?

Mr. PADGETT. I stated that last year, for 1912, the value of the oil purchased was $340,387. That was for 14,146,714 gallons; but for the fiscal year 1914, on account of the increased number of oil-burning vessels, we will need 30,000,000 gallons instead of 14,000,000 gallons. And then, there was an increase in the cost of about 60 per cent over the price of the year before.

Mr. TRIBBLE. That being true, I will ask the gentleman if oil is taking the place of coal, why does not the coal cost decrease?

Mr. PADGETT. The coal-burning vessels we still have. We are not disposing of any of those, and the new vessels are burning oil instead of coal.

Mr. TRIBBLE. Is it not the contention on the floor of the House and in the Naval Committee that you are abandoning the old vessels because they are gone out of date and new ones are taking their place?

Mr. PADGETT. No; there are a few small boats, like tugs and things of that kind, which wear out, but all of our principal ships we still have.

Mr. TRIBBLE. How many battleships have we now?

Mr. PADGETT. Thirty-eight completed, building, and authorized.

Mr. ADAIR. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. ADAIR. According to the gentleman's statement, our expenditures for the item of coal and oil alone will increase about a million dollars a year if we go on increasing the Navy as we have.

Mr. PADGETT. No; not that much a year. We are increasing this year, but I hope the price next year will not be 60 per cent over what it is this year.

Mr. ADAIR. It is partially due to the price this year, then?

Mr. PADGETT. Very largely.

Mr. HOBSON. If the gentleman from Tennessee will allow me, it is the plan to put four battleships, beginning with the older battleships, out of commission, and when they are put in reserve, of course their consumption of coal will be nil.

Mr. PADGETT. Mr. Chairman, I will ask now that I may proceed consecutively with my statement. The provisions are increased $321,113.50 on account of the addition of 4,000 men that I stated were added last year. They were authorized last year, but they have not all yet been recruited. This bill takes effect on the 1st of July and runs until the 30th of June, 1914, and the department states that they are recruiting at the rate of about 300 a week and expect to have the full enlistment by the beginning of the fiscal year.

Mr. TRIBBLE. The first item of this appropriation includes pay of officers and retired officers?

Mr. PADGETT. Yes.

Mr. TRIBBLE. Does the gentleman know that in the increase of officers you are at the same time decreasing them and placing on the rolls retired officers by plucking them not over 30 years of age on retired salaries?

Mr. PADGETT. I do not know what their ages are?

Mr. TRIBBLE. I will furnish the gentleman with the information.

Mr. PADGETT. I will take the gentleman's word for it. We are plucking some every year in order that a young man who goes into the Navy as an ensign will not remain an ensign, but will have some hope of promotion and advancement.

Mr. TRIBBLE. Is there no other way to get them out?

Mr. PADGETT. The only other way I know is by death or resignation.

Mr. TRIBBLE. You have voluntary retirement.

Mr. PADGETT. I said for them to die or resign.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. I have the floor.

Mr. MURRAY. Why, the gentleman from Tennessee has the floor.

Mr. TRIBBLE. But he yielded to me. Officers are taken off the active list on account of incapacity?

Mr. PADGETT. Some are taken out on account of incapacity, and others are taken out who are capable officers, but who are taken out for the purpose of producing a flow of promotions.

Mr. TRIBBLE. I understand that. I will ask the gentleman now if he knows this condition to exist, that men voluntarily retire from the Navy as officers on account of incapacity, so certified by the surgeon, and that after those men retire they are again taken back on the active list as active officers and paid the same salaries again?

Mr. PADGETT. There was a provision of law in the personnel act of 1899 that allowed the Navy Department until the 30th day of this past June to employ men on the retired list in the active service. That expired, and in the last Congress a modified law was enacted providing for the retirement and for a reduced pay of retired officers doing active duty.

Mr. TRIBBLE. I will ask the gentleman if it is not a fact that on June 7, 1910, on account of physical disability incurred in the line of duty, under section 1453, Lieut. Oscar F. Cooper was retired, so certified, for incapacity, and if he was not immediately taken back into the service after he was retired, and if he is not in the service to-day drawing a salary at an increase of $1,323.68?

Mr. PADGETT. I do not know the exact salary. I understand that he was incapable of doing sea duty and was retired; but he was capable of doing clerical duty, and was put back to do that.

Mr. TRIBBLE. I ask the gentleman if that is not the case in a number of instances?

Mr. PADGETT. There may be some. I do not know how many.

Mr. TRIBBLE. If a man is incapable of doing official duty as an officer and is retired and placed upon a salary as a retired officer, incapable of service, does the gentleman stand here before this House and state to this House that such incapable officer has the right to be put back on the active list, to draw $1,200 and $1,500 a year more than he was receiving?

Mr. PADGETT. He can only be put back on the active list after he is retired by the express legislation of Congress, and that is a matter for the Congress. I have always opposed reinstatement by legislation of that character, but Congress has not always followed my wishes in the matter.

Mr. TRIBBLE. Has the gentleman joined me in the Naval Committee to reconstruct these laws and abolish the plucking board?

Mr. PADGETT. I have not joined the gentleman in abolishing the plucking board, because I do not think it ought to be abolished.

Mr. TRIBBLE. Then, I will ask the gentleman this: Does he not know that it is charged that the plucking board is an instrument that frightens officers, and that many resign and get out of the way of the plucking board, knowing that they will be put back again on the active list?

Mr. PADGETT. I know nothing whatever of that.

Mr. HOBSON. Mr. Chairman, will the gentleman from Tennessee permit me to ask the gentleman to specify one case or all cases?

Mr. TRIBBLE. Apply the facts as a general principle without being personal.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. In just one moment. When a man is once on the retired list he can never get back on the active list except by legislation of Congress.

Mr. TRIBBLE. How did these men get back?

The CHAIRMAN. The Chair will call the attention of the gentleman from Georgia to the fact that before interrupting a gentleman he must first address the Chair.

Mr. PADGETT. Officers who are on the retired list may be employed. They are not on the active list, but they may be employed, providing the salary does not exceed a certain amount. On the retired list they receive three-fourths of the pay of the grade in which they retire. If they are used in active duty, although on the retired list, the Government is getting the benefit of their services at a very little additional pay, and in the higher grades there is nothing additional, whereas if they were not employed they would receive the retired pay, and the Government would get no service.

Mr. TRIBBLE. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. PADGETT. Yes.

Mr. TRIBBLE. Then, I will ask the gentleman if he does not think it would be better not to retire them at all?

Mr. PADGETT. No; I do not. It is necessary to provide for retirement if we are to have capable officers and an efficient Navy.

Mr. TRIBBLE. Will the gentleman yield?

Mr. PADGETT. I do.

Mr. TRIBBLE. Does not the gentleman know it is the mecca and hope of all officers to get back on land, and this is one scheme they have of doing it when they are retired to get back on the active list, and you can not then draft them for sea service?

Mr. PADGETT. They are not getting on the active list——

Mr. TRIBBLE. They are getting active pay.

Mr. PADGETT. While doing active duty they are getting pay which is less than active pay unless it is the pay in the lower numbers.

Mr. TRIBBLE. Does the gentleman espouse on the floor of this House the proposition of Mr. Cooper and Mr. Sorely and

Mr. Pryor, and a number of others which I have in my hand, drawing $1,200 to $1,500 more for having gotten back on this active duty? Does he think it is right?

Mr. PADGETT. I will simply say that these gentlemen were retired under the law that existed prior to the last appropriation bill, and I contributed somewhat in the last appropriation bill to the enactment of legislation to repeal the provisions under which those gentlemen were retired. It is no longer the law, and I would call the gentleman's attention to a speech which he made a few days ago upon the floor of the House in which he stated these matters, but he was in error with reference to the law. The law he referred to was repealed last year.

Mr. TRIBBLE. The gentleman does not mean to say that the plucking board has been repealed?

Mr. PADGETT. No; I said the law was repealed that advanced them one grade upon retirement.

Mr. TRIBBLE. I did not make that statement; Capt. HOBSON is the one who made that statement; I pursued the argument on the statement of the gentleman from Alabama.

Mr. PADGETT. It is in the gentleman's printed speech in the RECORD.

Mr. TRIBBLE. The gentleman is mistaken. Mr. HOBSON is the man who made that statement. I think I stand pretty close to the RECORD. I only accepted his statement as authority. I will quote the language of the gentleman as it appears in the RECORD, so that I may not do him any injustice in my understanding of his language:

Mr. SISSON. The gentleman from Georgia states that the incompetent officers are the ones who are plucked.

Mr. TRIBBLE. No; I did not state that. I say the department pretend that they are plucking incompetent officers, but I did not make that statement. I say they are competent.

Mr. SISSON. If the incompetent ones are the ones who are being plucked, then they are adopting a system of pensioning men for incompetency, are they?

Mr. HOBSON. It is worse than that.

Mr. TRIBBLE. I say it is a terrible arraignment of the Navy of this country and the officers of the Navy if 177 men have been retired for incompetency or something else; and still there are deadheads in the Navy yet who should be plucked for retirement, and you continue to retire them year after year. It is a terrible arraignment on the whole system as well as the men. What is the matter with them? The Secretary of the Navy says there is nothing the matter. Ah, yes; they want to promote officers to better pay.

Mr. HOBSON. The gentleman's arraignment is not as strong as he can make it, if he will allow me. I simply want him to lay all the facts before the Members, and to state that those who are plucked are promoted a whole grade in being plucked.

Mr. BEALL of Texas. Why are they promoted?

Mr. HOBSON. In order to retire them in the next higher grade.

Mr. TRIBBLE. Yes; I thank the gentleman; when they are retired they are promoted to another grade in order that their life salary may be increased—rewarded by promotion for so-called incompetency.

Mr. PADGETT. I now yield to the gentleman from Iowa.

Mr. KENDALL. The gentleman was discussing the increase carried in this bill by reason of the enlarged Navy, as I understood him, when he was interrupted by the gentleman from Georgia. I was correct in that, I think. I notice at the top of page 10 of the somewhat elaborate report that has been filed by the minority a statement that we now lack 3,000 officers and 6,000 enlisted men for the operation of the ships we now have in commission. I would like to ask the gentleman, the chairman of the committee, to address himself for a moment to that statement.

Mr. PADGETT. Well, the fact is we are about 3,000 officers short, on a war basis, to operate the ships we now have, but we are not that many short on a peace basis. Of course, if we were in war we would have to have every ship in commission with a full complement, but upon a peace basis many ships are in what is called a reserve, where they have about 25 or 30 per cent of a complement of men and officers.

Mr. KENDALL. I suppose that is ample during peace?

Mr. PADGETT. That is ample for a peace basis; and now, as a matter of fact, while the gentleman says about 6,000 enlisted men, on a war basis we are about 20,000 enlisted men short.

Mr. KENDALL. How is the compensation fixed for enlisted men, by Executive order?

Mr. PADGETT. It is fixed by Executive order, and the law provides for a certain increase for each enlistment, so much increase every time a man reenlists after a four years' enlistment.

Mr. KENDALL. I think it will be interesting to the committee if the chairman will explain how the compensation paid to the ordinary enlisted man in our Navy compares with that received by similar employees in the navies of the world, because that enters largely, I think, into the general budget for the Navy.

Mr. PADGETT. I think it is much higher; I can not give it in detail just from memory as to figures, but the men in our Navy are paid much higher than any foreign navies, as well as in all other occupations abroad, and the cost of living is much higher here than abroad.

Mr. KENDALL. And they are provisioned much better.

Mr. PADGETT. And ours are provisioned much better and they are clothed much better.

Mr. KENDALL. Is not that a circumstance that ought to be taken into account in instituting a comparison between naval expenditures here and abroad?

Mr. PADGETT. It must necessarily be so.

Now I will yield to the gentleman from Massachusetts [Mr. MURRAY], if he desires.

Mr. MURRAY. Mr. Chairman, I simply wanted the gentleman from Tennessee to have an opportunity to conclude his statement without interruption. It seems to be the purpose of certain gentlemen to question him paragraph by paragraph. He has only an hour, and may not be able to get more time than that.

Mr. KENDALL. I disavow any intention of unduly interrupting the gentleman.

Mr. MURRAY. Of course, I did not have in mind the gentleman from Iowa.

Mr. PADGETT. I wish to yield to all which the time I have will permit me to do.

Mr. MURRAY. But over half of your time is now gone, and you have not gone more than half through the bill.

Mr. PADGETT. Mr. Chairman, these items are mentioned, and all of them together total an increase of $4,667,679.25; but we made reductions of something like one million and six or seven hundred thousand dollars in other items of the bill, making the net increase, as stated, $2,732,314.25. And I have taken the pains and the time to call the attention of the House to the items which constitute this increase, showing that the amount that I stated to be $4,600,000, and in other portions of the bill we made decreases, reducing the net increase to $2,732,000.

Now, then, there is another part of the bill—the payment of the obligations for the increase in the Navy heretofore authorized, amounting to $22,284,091. These are on account of ships which have been authorized heretofore. Now, I thought it would be proper to make this statement: Something more than $4,000,000 of that is on account of the fact that at the last session of Congress, instead of appropriating, as customary, six million two hundred thousand and some odd dollars on account of a battleship authorized, we appropriated only about $2,000,000. For this reason, as the bill did not become a law until the 22d of August, and we were providing for a new type of ship, the like of which we did not have, and it was necessary to prepare plans and specifications and details, all of which would consume many months, and we knew that it would be up into this spring before they would be ready to submit bids for contracts. The bids, as a fact, were opened on the 18th of the present month, so that they would have not a full year, but would have only three or four months at the most in which to do work upon the vessel authorized. So we appropriated only $2,000,000, which the department said was sufficient for the time they would have to work upon the ship.

We have got to make up that $4,000,000 in the present bill. If it had been appropriated in the bill last year, the $22,000,000 carried in the bill this year would have been reduced to eighteen millions.

Now, in the present bill there is new authorization. Two battleships, six torpedo-boat destroyers, four submarines, one supply ship, and one transport are authorized, the total cost of which will be $41,710,611 instead of forty-six million and some odd, as stated in the report of the minority. They were about five millions excessive in the statement of the aggregate cost.

Mr. SHERWOOD. I would like to ask the gentleman a question. Why do you authorize more battleships when you have not enough officers now to man the battleships we have?

Mr. PADGETT. Speaking personally, in committee I favored only one battleship.

Mr. SHERWOOD. Why do you need any battleships when you have not the officers to man them?

Mr. PADGETT. I think the Navy ought to be proportionately increased, and our party says we want an adequate Navy.

Mr. SHERWOOD. Why have the battleships with no officers to command them?

Mr. PADGETT. It takes from 30 months to 3 years to build a battleship. We are increasing our officers 150 a year. The course at the academy is four years.

Mr. TRIBBLE. In the gentleman's explanation of the increase on account of battleships he did not mention the fact that we did not authorize but one battleship last year, and heretofore they have been building two, and we are taking care of one. Will he explain that?

Mr. PADGETT. I think the battleships we were building in early days were costing from four and one-half millions, in round numbers, to seven millions. The battleship we authorized last year, in round numbers, will cost $15,000,000.

Mr. TRIBBLE. The gentleman does not mean to say that the battleships authorized previous to last year will cost much less than the ship authorized last year? You mean the early construction and not the late ones.

Mr. PADGETT. I said it cost $15,000,000. I said from $4,500,000 to about $7,000,000 for the earlier ships, and then the later ones up to about $10,000,000.

Mr. SLAYDEN. At total cost?

Mr. PADGETT. Yes, sir.

Mr. ADAIR. The increase in this bill, outside of these battleships and the authorizations made heretofore, must be taken care of in this bill——

Mr. PADGETT. Is $2,732,000.

Mr. ADAIR. That is the increase outside of these other items?

Mr. PADGETT. Yes, sir; that is the increase outside of these items, and it is made up of the items which I stated at length to the committee.

Mr. ADAIR. Yes.

Mr. PADGETT. Now, then, the amount of the appropriations carried in the present bill on account of the new authorizations is $18,946,325. The amount for a battleship is in round figures $6,200,000 and for each of the other ships there is carried an amount which appears in the hearings, but I do not have them at my command at this moment.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. PADGETT. Yes.

Mr. BATHRICK. In the explanation of the bill I understand that $105,000,000 is appropriated for the purpose of keeping what we have—taking care of what we have?

Mr. PADGETT. Yes, sir.

Mr. BATHRICK. Does the gentleman think that any part of that $105,000,000 could be excluded from this bill and still enable us to take good care of what we have?

Mr. PADGETT. I do not. In fact I concur with that part of the statement of the views of the minority where they say that the committee has been so economical that we have failed to provide things which the real efficiency of the Navy would justify.

Mr. BATHRICK. Now, does the gentleman think that if there is a failure to provide such things as the real efficiency of the Navy might require it is because of a sinister purpose to increase the extension program?

Mr. PADGETT. There is no such purpose; none whatever.

Mr. BATHRICK. Now, let us take the second part of the bill. It is about $22,000,000, for the purpose of paying present obligations and those which were incurred before this Congress, were they not?

Mr. PADGETT. Yes; for several Congresses back.

Mr. BATHRICK. Yes; for several Congresses. That makes the bill $127,000,000?

Mr. PADGETT. In round numbers $128,000,000.

Mr. BATHRICK. Does the gentleman think that as to the second item of $22,000,000 anything could be taken away from that and the Government still be honest and fair with the people they have made contracts with?

Mr. PADGETT. As to that I will say that the gentlemen who filed their minority views so state, and state that that $22,000,000 must be appropriated.

Mr. BATHRICK. Then it is quite apparent, is it not, that the minority views agree on the question of the $105,000,000, which is for maintenance, and as to the $22,000,000, which is to pay our obligations?

Mr. PADGETT. Well, the minority in their views on the $105,000,000 insist that we should not make appropriations for the navy yards, for their maintenance and upkeep, because there have been some discussions, I presume, in the newspapers to the effect that some of those yards might be abandoned.

Mr. BATHRICK. Now, just one word more, if I can have the gentleman's attention. How much do these navy yards require or take in this bill?

Mr. PADGETT. The estimates submitted were $6,526,445, and we recommend in the bill $4,433,945; in other words, $2,000,000 less than the estimates and $189,000 less than was appropriated last year.

Mr. BATHRICK. Now, in reducing that amount, did you take into account and have in mind the fact that we might change or abandon some of these yards? Was that one of the reasons why you reduced it?

Mr. PADGETT. No, sir. We have got yards there, and we have got millions of dollars' worth of property involved. We have got men working there. We are doing repair work. We are doing manufacturing work. We have got these establishments, and we have provided only those things which are necessary for the upkeep of the yards and have recommended amounts which any prudent business man would expend in the maintenance and preservation of his own property.

Mr. BATHRICK. Now, in the total appropriations for these two parts, namely, that which is required for keeping what we have, and that which is required for the payment of contracts, how much did the committee reduce the estimates brought to it by the department?

Mr. PADGETT. We reduced the total estimates more than $22,000,000.

Mr. BATHRICK. That is all.

Mr. TRIBBLE. Mr. Chairman, may I ask the gentleman a question?

Mr. PADGETT. One moment; let me find out how my time stands. Mr. Chairman, how does my time stand?

The CHAIRMAN. The gentleman has 13 minutes remaining.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. PADGETT. I yield for a moment, and will reserve the rest of my time.

Mr. HENSLEY. I understood the gentleman to state that in his opinion none of the items could be taken out of this bill.

Mr. PADGETT. I said they could be taken out, but could not be taken out in justice to the yards.

Mr. HENSLEY. I call the attention of the gentleman to the item of $35,000 that previously was on page 34 of the bill, and will ask the gentleman if the original draft did not contain that item, and whether the gentleman and the other members of the committee who made up this bill did not confess that that was a duplication, and finally consented to let that item be stricken from the bill on the motion of the gentleman from Ohio [Mr. BATHRICK]?

Mr. PADGETT. That $35,000 item is not in the bill at the present time.

Mr. HENSLEY. No; but it was reported to the committee in the first draft of the bill.

Mr. PADGETT. It was in the first draft of the bill. It was for a duplicate air compressor at the Boston manufacturing navy yard, where we have a great number of men working who depend upon constant and unfailing power. The department said that if the existing air compressor should break down the men would be idle until it could be repaired, and they wanted $35,000 for a duplicate. But while the subcommittee felt that as a business proposition it would be well to have that protection for the yard, the proposition was eliminated in the full committee, because we desired to bring in as economical a bill as we could.

Mr. HENSLEY. May there not be other items in this bill that are duplications, just as it was shown by the testimony before the subcommittee that this was a duplication and not needed in the bill?

Mr. PADGETT. I do not recall any now. Mr. Chairman, I will reserve the remainder of my time.

The CHAIRMAN. The gentleman has 12 minutes remaining, and reserves the remainder of his time.

Mr. FOSS. Mr. Chairman, I desire to state that the members of the Naval Committee on this side of the House are substantially in favor of this bill. It has been carefully considered in the committee, and it comes before this House, in my judgment, a carefully and well-digested bill in every respect. What is more, it continues the naval policy which obtained in this country prior to the time that the present Congress came into power. There are a number of gentlemen upon the other side of this House who, I greatly regret, have made a minority report against this bill. And yet, if any one of you will read the minority report, you will find that very little objection is raised to most of this bill.

In the first place, they divided the bill into three parts and they say we appropriate in this bill $105,000,000 for the maintenance of the Navy as it is to-day. After making some objections they close their consideration of that part of the bill with these words:

> The only just criticism on that part of the bill which appropriates $105,587,948.43 for the maintenance of the Navy is that it embraces about $2,000,000 to be expended for various purposes on the navy yards, and this criticism is not that these items are too large, or that the improvements for which this money is sought to be expended are not useful and needed, but the objection is that the navy yards and stations in which this money is to be expended may be abandoned, in which case the expenditure would be useless.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. FOSS. I regret that I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. FOSS. There is not a dollar of this $2,000,000 appropriated in this bill which is recommended for any navy yard which is abandoned to-day. It has been the policy of the present administration to close up a few yards, the yard at New Orleans and the yard at Pensacola, and some others; but not one single dollar of this $2,000,000 goes into those yards which

are closed up, or may be said to be temporarily abandoned. So there is no useless expenditure or appropriation of money here in this bill.

When the next administration comes into power they may perchance abandon or close up some of these yards. If so, that will be the policy of the incoming administration, but so far as the navy yards are concerned at the present time there are no appropriations recommended for any navy yards which are abandoned or closed to-day. The question of the abandonment or closing of navy yards has been a mooted question for a number of years. Different Secretaries of the Navy—and we have had any number of them in the last 10 years—have recommended from time to time the closing of this yard or that yard.

Mr. GREGG of Texas. Does not the gentleman think it is the duty of Congress to close some of the yards and rearrange the locations of them?

Mr. FOSS. No; I do not think it is the duty of Congress to close them. I think it is the duty of the administrative part of this Government to close them if advisable.

Mr. GREGG of Texas. Do you not think it ought to be done?

Mr. FOSS. The Secretary of the Navy has a perfect right to close a yard if it is not necessary for the performance of work upon our ships. He knows how much business is to be done in our industrial plants, and these navy yards are largely industrial plants. He has the distributing of the work upon the ships and can send them to this yard or that. It is properly within his jurisdictoin to recommend and enforce the policy of closing navy yards or abandoning them.

That seems to me the real situation in regard to the matter. But this minority has no objection to the appropriation made for the maintenance of the Navy except for $2,000,000 recommended for navy yards which may possibly in the future, but which are not now, be abandoned or closed. What an idle objection to this feature of the bill.

Then we come to the second feature of the bill, and that is the appropriation of money to carry out contracts on ships that are authorized. What does this minority say? After discussing this phase of the bill they say "the second phase of the bill to which we call attention is the appropriation of $22,000,000 to complete the construction of ships heretofore authorized. These vessels are partly built, and the Government is under contract to complete them. We will either have to abandon these partly constructed vessels or lose what has already been spent on them or appropriate the $22,000,000 necessary to complete them. We therefore agree that the $22,000,000 should be appropriated."

This voluminous minority report, after all has been said, comes down finally to the proposition that we must appropriate the money for the ships already authorized—which anybody ought to know is the sensible thing to do—and raises only the trifling objection that I have mentioned as to the appropriation of $105,000,000 for the maintenance of the Navy.

So the minority report is substantially in favor of this bill, of the $105,000,000 for the maintenance of the Navy, of $22,000,000 for the appropriation of ships already authorized. But where do they balk?

Upon the third feature of the bill—the naval program. That is the only real question before this House, whether or not we shall have a naval program this year; whether or not we have an adequate Navy to-day. Those are the real propositions before this House.

Now, during all the time in which we have been engaged in building up an American Navy—I want to say it with pride—we have never made it a party question. Until last year the gentlemen on that side of the House took the question of a naval program into a party caucus. They held caucuses—three or four of them—even after they had declared in favor of an adequate Navy at their national convention in Baltimore. Even after that declaration, in a rather bumptious plank in their platform declaring for the maintenance of the Monroe doctrine—even after all that they met time and time again, and in a Democratic caucus passed resolutions declaring against all battleships whatever.

Finally, when the public press of the country had become aroused against it and they saw that they were upon the unpopular side of this question, a final caucus was held in which it was permitted—think of it; notwithstanding the constitutional obligation and oath which every Member of Congress takes here—it was permitted to Members upon the Democratic side to vote for one battleship, but only one.

This was the first time in the history of our country in the building up of our new Navy when it was ever made a party question. The national defense, I say here and now, is above all parties [applause], and under Republican administration we always treated it so.

But the fact of the matter is that the Democratic Party has never been in favor of building up the American Navy. As I look over the record for 15 Congresses prior to this Congress I find that under the Democratic Congresses there were authorized only 144,000 tons of ships for the new Navy, whereas under 10 Republican Congresses—only twice as many as there were Democratic Congresses—there were authorized 1,066,000 tons of ships for the new Navy. That speaks volumes on the question of which party in this House has been in favor of building up the Navy and maintaining the honor of our country. [Applause.] It is reported in the newspapers that Mr. William Jennings Bryan will be the premier of the new Cabinet, and this morning it is said that he is now measuring tensile strength with the President elect. It is quite likely that he will be the dominating factor under the new administration.

William Jennings Bryan a number of year ago was a Member of this body, and in the debate which took place upon the naval bill on July 9, 1892, he made the following statement in his speech. It will be found upon page 5956 of the CONGRESSIONAL RECORD of the Fifty-second Congress, first session. Mr. Bryan said:

> I believe in a sufficient Navy. We have this now, either in existence or in construction. We do not need more.

How much of a Navy did we have at that time, when Mr. Bryan thought it was sufficient for this country? We had built and building 3 first-class battleships, 2 second-class battleships, 1 armored cruiser, 13 protected cruisers, 6 monitors, 3 unprotected cruisers, 8 gunboats, and 2 torpedo-boat destroyers—a small Navy. But if we had carried out the policy which Mr. Bryan enunciated at that time, where do you think we would have been when we met even the small naval power of Spain in 1898?

No; it has never been Democratic policy to build up the American Navy, but it has been built up under the administration of the Republican Party.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman yield?

Mr. FOSS. Mr. Chairman, I regret to say that I can not yield. I want the country to know this. I would never have spoken of this from the standpoint of party if the party side of the question had not been forced upon us by the action of the Democrats in the last session of Congress and in the numerous conferences which they have held during this session of Congress for the purpose of filibustering against this bill and preventing a sensible and reasonable and conservative naval program in continuance and in line with our past policies up to the time that this Congress came into power.

Mr. MANN. Mr. Chairman, will my colleague yield for a question?

Mr. FOSS. Certainly.

Mr. MANN. Do I understand from my colleague's statement that the Democratic members of the Committee on Naval Affairs have had conferences concerning this bill from which the Republican members of the committee were excluded?

Mr. ROBERTS of Massachusetts. Sure.

Mr. FOSS. I am informed, I will say to the gentleman, that they have had numerous conferences.

Mr. ROBERTS of Massachusetts. Mr. Chairman, if the gentleman will permit, I can state, as a member of that committee, that I went to the Naval Committee room and was told I could not go in because the Democratic members were having what they called an executive session, and that all of the employees of that committee had been excluded from that room, and they were standing out in the hallway.

Mr. MANN. Is it not entirely unusual for a committee like that to turn the whole thing into a partisan proposition?

Mr. FOSS. Why, it is something never before heard of in the history of the country, and we will undoubtedly hear of a lot of other things——

Mr. GREGG of Texas. Oh, we will teach you a lot of new things before we get through with you.

Mr. FOSS. Which have never been before heard of in the history of the country.

But why did the gentlemen on the other side object to the continuation of the naval policy? Why do they go back on the platform which was adopted in the last Democratic convention at Baltimore, in which they spoke of the Monroe doctrine and of maintaining the Monroe doctrine? Why do they go back on it, and why do they propose, a large number of them, to vote against the naval program recommended in this bill?

In the first place, I say that at heart they have not been for the building up of the American Navy, but the second reason is because they are beginning to realize that the appropriations under the management of that side of the House have been running away up beyond their dreams and expectations. For

years on that side of the House, they have said to us that we have been extravagantly appropriating for the maintenance of the Government, and they have said to the people of the country, "Let us get into power, and we will cut down the appropriations, and we will give you an economical administration." They are finding out now that the appropriations are running higher and higher, until I am told they will be at least $100,000,000 more than they were two years ago, the high-water mark under Republican administration. And before we get through with this session of Congress, they may reach $200,000,000 more. That is the reason why. You are beginning to see that you can not carry out your promises to the American people, and therefore you say "We will cut down the naval bill, we will cut down the naval program and try to reduce expenditures in that way." But the country will see through that sham economy, that pretense of economy.

Mr. Chairman, this program which we recommend in this bill, and which I say meets with the approval of this side of the House, is a continuance of a policy which obtained prior to the present Congress, and obtained for a number of years. We recommended two ships a year. As I look back over the history of the last 16 years I see that the Republican Party, when in power upon this floor, authorized on the average two ships a year.

It is a conservative policy, two ships a year. It only will take care of the wear and tear upon the tonnage of the American Navy. We have a tonnage to-day of about 1,300,000. One of these great battleships might be likened unto a great machine shop, and any man who knows anything about machine shops knows that there is at least from 5 to 10 per cent which is struck off for wear and tear every year upon one of these great industrial establishments, and yet in the appropriation bill of this year we only recommend these two battleships with some smaller ships which will no more than equalize the annual wear and tear upon the ships in the American Navy.

We have never tried to rival any foreign program in presenting a program to this House. England last year authorized four battleships, and it is said that she will authorize five great battleships this year, and Canada, we are informed, has already made her a gift, or is about to do so, of £7,000,000, or $35,000,000, for the construction of three great ships in addition thereto. We have not sought to rival any foreign power, but we have maintained through the course of years a systematic, uniform naval policy in the building up of the American Navy.

There ought not to be any question in the minds of the American people but what we need some kind of a Navy, and if we need any Navy at all we need a good one. We have great interests upon this hemisphere and also upon the other. The United States to-day stands in a high position among the nations of the world because she has always been ready and always has maintained her national honor. We are to-day building the great Panama Canal. We need a Navy to defend it. Ah, you may say, we will defend it by neutrality, by an agreement among the nations, but we may be called upon to defend that neutrality in time of war, and there is nothing but a navy that can defend it, a navy that will be able to maintain the control of the sea against the contending power. Not only that, but in the building of that great canal we are opening up a great sea to the commerce of the world—the Caribbean Sea. We are changing the routes of commerce and trade. The nations will send their ships through that great canal, and the causes of friction and of trouble and of international difficulty will be magnified a hundredfold, and for that reason we need be in a position where we shall be able to maintain our rights in the new commercial and tremendous development of that new Mediterranean of the Western Hemisphere. Then, we have islands of the sea under our dominion, and it is necessary for us to protect them, and our foreign policy, which is not one whit bigger than our Navy, and for these reasons I appeal to you upon this side of the House and upon that to throw aside all consideration of party and stand once again for national honor and national defense, which is above all other considerations. [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. WITHERSPOON. Mr. Chairman, I am opposed to the passage of this bill. In the committee I voted against reporting it to the House, and I shall vote against its final passage unless it is materially amended. My opposition to this bill, Mr. Chairman, is based upon the fact that the bill, in my judgment, ignores and sacrifices the efficiency of the American Navy and proposes to squander millions of dollars upon ships that we do not need. The bill seeks to appropriate $146,818,364.53. This sum is $23,666,825.78 more than the last appropriation and $9,763,165.48 more than the Republicans in the days of their wildest extravagance ever appropriated in one bill. Of this vast amount $105,587,948.53 is proposed to be appropriated to the maintenance of the Navy and $22,284,091 to the cost of completing the construction of naval vessels heretofore authorized and $16,418,925 for the building of new vessels, on account of which the bill seeks to appropriate $18,946,325 for the first year's work of construction, leaving $27,472,600 of that sum which will necessarily be included in the appropriation bill of the next fiscal year, if we pass this program.

In regard to the first item of $105,587,948.53, it is nearly $3,000,000 more than the amount appropriated for the maintenance of the Navy in the last appropriation bill, and this large increase in the appropriations for the maintenance of the Navy is brought about notwithstanding the fact that the Secretary of the Navy and every bureau in the Navy Department has exercised the greatest economy. The examples of this economy are these: In regard to powder, the testimony before the committee shows that the department is now manufacturing powder 10 per cent cheaper than it ever did before and 15 cents a pound less than it can be bought in the market. In regard to torpedoes, the first torpedoes purchased by the Navy Department cost $9,500 apiece; that cost has been reduced to $5,800 apiece, and the department itself is now manufacturing a good part of the torpedoes needed at $3,500 apiece. In regard to the manufacture of large guns, the testimony shows that a short while ago they were costing $60,000 apiece, and now our gun factory is making them at less than $50,000 apiece, and that the cost of the gun and mount of the large 14-inch guns that we are now making is between $20,000 and $30,000 less per gun than the 12-inch guns cost a few years ogo. Not only this, but in the matter of accounting the evidence shows that reforms have been adopted which have resulted in great saving to the Government.

Not only have the bureaus of the department manifested this commendable economy, but the Committee on Naval Affairs itself, after spending months upon this bill, have reduced, with the exception I will point out presently, every item in the bill as low as was possible consistent with the efficiency of the American Navy. Not only has the committee made a consistent and continuous struggle to reduce this appropriation as low as possible, but it has actually neglected a great many matters upon which the very efficiency of the Navy depends.

First, in regard to target practice, the Chief of the Bureau of Ordnance has told us that in his judgment we needed a certain amount of money to give the naval officers the practice that is necessary for them to know how to shoot accurately, and this bill proposes for that purpose $400,000 less than the experts tell us we need. I wish to impress upon you the importance of this. It makes no difference what number of battleships you have, it is utterly immaterial how efficient your powder is, it makes no difference what sort of guns you have, it all amounts to nothing if the men behind the guns can not shoot with that skill and accuracy that will strike the ships of the enemy in the case of battle, and they can not acquire this skill in any other way except by target practice. And yet on this vital point of the efficiency of the Navy, this bill refuses by $400,000 to appropriate the necessary amount of money. Again, in the matter of torpedoes, the testimony before us shows that we are deficient; that our factory is incapacitated to manufacture as many torpedoes as we need; and that we are therefore compelled to purchase them at a price $2,400 apiece higher than we can make them. It was on this account recommended to us, or rather the experts stated, that it would require $250,000 to so enlarge our factory that we could provide this necessary means of defense. We refused to give that $250,000 because we were struggling to keep this appropriation for the maintenance, the efficiency, the adequacy of the Navy down to a point where there would be more chance for this Congress passing a bill to waste $45,000,000 on new vessels. [Applause.]

The hearings make it plain to my mind that the result of a naval battle would under many conditions depend upon the use of torpedoes, and this bill has just sacrificed the efficiency of the Navy to gratify the extravagance which seems to have run wild in this whole country. Again, in the matter of mines, it is shown that they are among the most important means of defense. They are proven to be terrible engines of destruction and indispensable in time of war. In the naval battle between Japan and Russia 6,000 of these mines were used, and with them the Russians destroyed two Japanese battleships and several other vessels, and with them the Japanese destroyed a Russian battleship and so disabled several others that they could not take part in the engagement. But these mines do not cost very much. You can not squander very much money on mines. They cost just $500 apiece. [Applause.] But a battleship costs $16,000,000, and therefore that is the thing with which you can effectually squander the people's money

with the greatest rapidity. And so we neglect the matter of mines and devote our thought to the subject of battleships. It is the best means by which to gratify extravagance and wastefulness. [Applause.]

This all-powerful means of defense has been neglected. The experts in the Navy have from time to time urged Congress to appropriate $1,000,000 for mines, and only $200,000 has been appropriated. This bill carries for this purpose only $100,000 and the result is that we have only 325 mines, while if we had a war we would need thousands of them, and our fleet would probably be defeated and destroyed because we have neglected to make provision for them. But when we run the appropriations up to $150,000,000 to get what is useless we are compelled to deny ourselves what is needful on the principle that when we spend all of our money for ice cream and chewing gum we have nothing left with which to buy an automobile.

In regard to powder, we have only one factory, which has not the capacity to supply our needs, and if an explosion should occur there we would become wholly, as we are now largely, dependent upon the Powder Trust. We should have several powder factories. The public defense requires it, and the safety of our Navy as well as a proper regard for the personnel of the Navy demands that we should be prepared to supply them at all times with plenty of powder, but we can not appropriate the money for this purpose because we prefer to squander it on battleships.

Another matter, and that is this: It is shown to us that at present we lack 3,000 officers of having a sufficient number to man and operate the vessels that we now have. It is shown that if we did not build another ship it would take the Naval Academy 20 years at the present rate of graduation to supply the Navy as it exists to-day with a sufficient number of officers. That is the fact before the committee. But I undertake to say that the Committee on Naval Affairs did not give two and one-half minutes' attention to that fact, because we were driving toward the $45,000,000. We did not have time to consider a question that affects the very vitals of the Navy. A battleship is utterly useless without men to operate it. Enlisted men have to be trained, and it takes time to train them. Officers have to be educated, and there is no other way that you can get officers who are competent to take charge of ships of war except to train them at the Naval Academy. And yet no provision is made for the increase of our officers to supply the vessels we now have, and not only is no provision made, but there has never been in the committee any discussion of that subject or any consideration of it, because we did not have time to do it.

Now, Mr. Chairman, notwithstanding the fact that every bureau has exercised these economies, notwithstanding the fact that the committee itself has cut down every item it could, notwithstanding the fact that it has neglected to provide what is necessary and required for the adequacy and efficiency of the Navy and for the public defense, this item of $105,000,000 is nearly $3,000,000 more than it was last year. In that $105,000,000 there is only one part of it that the minority of the committee feels is subject to criticism, and that is the number of items covering about 10 pages of the bill and amounting to between two and three million dollars for the construction of new things in the navy yards. And on that point the chairman of our committee, the gentleman from Tennessee [Mr. PADGETT], stated in his remarks that the minority report assailed items for the upkeep and maintenance of the navy yards.

I want to tell you that he is mistaken about that. These items that we object to have nothing to do with the upkeep and the maintenance of navy yards. Ample provisions have been made in other parts of the bill to keep the navy yards going just as they are now. Why, our navy yards have been sufficient to manufacture the greatest battleships in existence with what they have now, but here is a proposition to construct new things, to make them better than they have been. We say they can go along as they are now, because they are already efficient to do the work at the present time, and our objection to these items is not that they are too large; it is not that the objects for which the appropriations are sought to be made will not be useful and needful, but we base our objection to the appropriation of this vast sum of money on the fact that nearly all of those navy yards will probably be abandoned in the near future, and if they are abandoned, then the expenditure of this money will be wasted.

Mr. O'SHAUNESSY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. WITHERSPOON. Yes.

Mr. O'SHAUNESSY. I endeavored to interrupt the gentleman from Illinois [Mr. Foss] when he was speaking about navy yards that might be abandoned, and I interrupted him in order that I might have some enlightenment about what the committee considered in regard to those navy yards.

Mr. WITHERSPOON. Oh, I have not time to listen to the gentleman talk, but if the gentleman will ask me a question I will answer it.

Mr. O'SHAUNESSY. Then I will ask it.

Mr. WITHERSPOON. I will try to answer it.

Mr. O'SHAUNESSY. Can the gentleman tell me what the committee did relative to any legislation dealing with the proposed abandonment of useless navy yards?

Mr. WITHERSPOON. The committee did absolutely nothing; and it did not do anything on anything else hardly, because it was driving toward these battleships. [Applause.]

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. WITHERSPOON. I can not yield much time. If I did, I would not have time to make my argument; but I will yield to the gentleman for a question.

Mr. BATHRICK. Does not the gentleman think that in order to abandon these navy yards it would be necessary to have legislation or a new bill?

Mr. WITHERSPOON. I can not yield. I do not think that is pertinent.

Mr. BATHRICK. Is this question pertinent, then——

Mr. WITHERSPOON. I decline to yield, Mr. Chairman.

The CHAIRMAN. The gentleman declines to yield.

Mr. WITHERSPOON. The Secretary of the Navy has told us that these navy yards ought all to be abandoned except three. He mentioned three that he said absolutely ought to be abandoned. One of the bureau chiefs has explained to us how it increases the expenses to have so many navy yards. We have 10 navy yards and 18 naval stations. The result is that a certain navy yard will want a large crane, for example. Another navy yard wants a crane. If the work of two were concentrated in one, you would need but one crane.

Another illustration is that a great deal of money has to be expended to dredge and deepen the channels of the rivers and harbors to enable our vessels to get to those navy yards. Where you have 28 navy yards and naval stations you have got to dredge and deepen the channels in 28 places, whereas if you had them all at one place you would have to provide a channel only for one. It is pointed out to us that if they were concentrated in two or three places you would not need nearly so many power plants, and you would not need so many of nearly everything in the Navy, and it would greatly reduce the outlay and promote economy to concentrate the work in a few places. That is the argument, and the department has been contemplating, according to the Secretary of the Navy himself, the abandonment of nearly all of these navy yards. And yet it is proposed to squander two or three million dollars in those useless navy yards. We protest against that.

Now, I want to point out to you how this same folly has been exercised in the past. We expended $12,000,000 on the navy yard at Pensacola. We expended, if I recollect rightly, about three and one-half million dollars on the navy yard at New Orleans. After all that money was wasted, then we discovered that we did not need either one of those navy yards, and we have actually abandoned both of them.

Another illustration: We invested nearly $2,000,000 in some coaling stations. There has never been but a small amount of coal put in those coaling stations. After the money was wasted and squandered, we discovered that we did not need them, and both of them have been abandoned.

I could give you, if I had time, many other illustrations of this folly. The folly of the past consisted in not discovering that we would not need those navy yards before we expended the money. But you are asked now to commit the worse folly of squandering this money after you have found out that it is going to be useless. [Applause.]

And so we insist that the bill, as to all of those items of the class I have discussed, should be amended, and that these items should be stricken out.

So much for the contention which the minority makes as to that portion of the appropriation of $105,587.53 which the minority report submits should be stricken out of the bill. But the point that we want to emphasize and impress upon the House is that that item is nearly $3,000,000 more than it was last year, not because there is anything in it too great, with the exception of the feature I have pointed out, but that it is increasing and has increased solely on account of the continual increase in the number of vessels; and as long as we continue to add new vessels to our Navy this item for its maintenance is going to continue to increase by leaps and bounds, and it will be only a few years until this Committee on Naval Affairs will surpass the Committee on Pensions in the amount

of money to be expended for the maintenance of the Navy unless you stop building these new vessels.

Whenever you add one more battleship to the Navy that necessitates more men. It necessitates more coal; it necessitates more powder; it necessitates more pistols; it necessitates more clothing and more food. The fact is, it increases every expense in the department. The cost of a battleship is not the $16,000,000 we have to pay to construct it; but no man knows what it does cost, because it increases the expense in every bureau and department of the Navy. A battleship causes all the expenses of the Navy to rise, just as the revolutions of the moon cause the tides to rise, but, unlike the moon, it never causes them to ebb. [Applause.]

And so I leave this, with the thought that you must either make up your mind that you are going to let this naval appropriation run up rapidly until it gets so big that the American people will turn us all out of office, or you have got to stop the increase in the number of vessels. That is the conception that the minority have of this bill.

In regard to the second item in the bill—$22,000,000 for the completion of the construction of vessels heretofore authorized—we do not object to that. Those vessels are partly completed. The Government is under contract to complete them. If we did not complete them, we would lose the millions we have already spent upon them, and we see no way to reduce that item of $22,000,000. The only thing I want to say about that is that it is $22,000,000 in this bill, but it will not be $22,000,000 in the next bill if you pass this building program.

Notwithstanding the gentleman from Tennessee [Mr. PADGETT] said we had $5,000,000 too much in our estimate of the building program, I have obtained my figures in a way that makes me believe I am correct when I say that it is $46,000,000.

Now, we appropriate $18,946,325 for the first year's work, and that leaves $27,472,600 to be provided for in the next appropriation bill. And not only will that $27,472,600 have to be provided for in the next fiscal year, but you must have in the next appropriation bill an amount to complete those five great dreadnoughts now in process of construction that are not completed by that time, and the whole thing will run this $22,000,000 up above $80,000,000 in the next appropriation bill if you pass this building program.

We ought to look ahead and know what is going to confront us in the future. It is just this way: You might go down town here and buy $10,000 worth of diamonds if you could get a man to sell them to you on condition that you pay $5 cash and the balance next year, and it would be the next year that that balance would put you to your trumps. [Applause.]

Mr. Chairman, I want to call the attention of the committee to the third part of this bill, and that is the portion which proposes to build two battleships costing $16,345,275 apiece, or $32,690,550 for both; six torpedo destroyers that will cost $7,657,810; four submarines that will cost $2,478,936; a transport that will cost $2,051,179; and a supply ship that will cost $1,534,450. I speak in round numbers, but if you will add up all those amounts you will find that they aggregate $46,418,925.

It is manifest that no substantial reduction can be made in this bill if this program for the increase of the Navy is adopted, and the principal question presented by the bill is whether this enormous increase is wise or necessary. The wisdom of this proposed expenditure depends upon the question whether we now have an adequate Navy or not.

I admit that our Navy is inadequate for a great many purposes. It is inadequate for the purpose of conquest. If we were to undertake to conquer England, Germany, France, and Japan, we would find that we have an insufficient fleet for such purpose, and I hope that our Navy will always be inadequate for any such purpose. It is also inadequate to gratify the greed and avarice of those who annually make millions of dollars out of the construction, repairs, coal, powder, armor, and armament necessary to maintain and increase our Navy, and for such purpose the Navy would be inadequate if we had a thousand battleships. It is also inadequate to gratify the wild-eyed extravaganace of those who measure all political wisdom by the magnitude of the fund to be squandered. It is also inadequate to defend our country from invasion in case all the great countries of Europe should unite in a war against us, and I am not in favor of building any Navy adequate for defense in such case, both because I believe we will never be confronted with any such misfortune, and also because in such case I believe the wisest course would be to permit them to land their armies on our shores and depend upon such armies as we could raise to determine again the oft-decided question whether America can be conquered. But for the purpose of defending our country against attack from any nation on earth I confidently believe that our Navy is amply sufficient and fully adequate, and for any other purpose we need no Navy at all.

The question is whether the efficiency and adequacy of the American Navy and the public defense require the addition of all these vessels to our Navy. No man can intelligently determine that question unless he gets into his mind what the Navy is at present, and I want to call your attention to the meaning of the words "American Navy" and what those words signify.

For the legitimate and reasonable purpose of the public defense we have a Navy whose officers and enlisted men number 65,614 and whose vessels, of all kinds, number 277. Among this large number of vessels there are included 38 battleships, of which 33 are ready for service and 5 are in process of construction; 11 armored cruisers; 63 submarines, of which 47 are complete and 16 in process of construction; 28 torpedo boats, 54 destroyers, and other auxiliary vessels. The 38 battleships are equipped with one hundred and forty-eight 12-inch guns, thirty-two 13-inch guns, and fifty-two 14-inch guns. The one hundred and forty-eight 12-inch guns can shoot a steel shell weighing 870 pounds 12 miles, the thirty-two 13-inch guns can shoot a steel shell weighing 1,100 pounds 13 miles, and the forty 14-inch guns can shoot a steel shell weighing 1,400 pounds 14 miles, nearly twice as far as the human eye can see a battleship on the ocean. Each of these huge guns can shoot three of these immense shells every minute, or, altogether, they can shoot 696 of these terrible missiles of destruction every minute, and in five minutes they can shoot 3,480 steel shells weighing in the aggregate 223,240 pounds. In the discharge of each gun there is between 300 and 400 pounds of powder. In addition to this we have guns of smaller caliber which no man can number.

If that many shells a minute, if that many shells in every five minutes—shells weighing 223,000 pounds of steel—if that is not enough to make the Navy adequate, I would like to know how many it would take. [Applause.]

In order for the committee to more clearly understand the adequacy of our Navy I want to compare it with the other navies of the world.

Comparing our Navy with that of Japan, ours has one hundred and forty-eight 12-inch guns and theirs 84, a difference of 64 in our favor. Ours has thirty-two 13-inch guns and theirs has 56, a difference of 24 in their favor. Ours has fifty-two 14-inch guns and theirs has 12, a difference of 40 in our favor. Ours has, in large guns 12 to 14 inch, 232 and theirs 152, a difference in our favor of 80.

And yet some people are kept from sleeping at night on account of visions that they have of the American Navy being sunk to the bottom of the sea under the weight of Japanese shells. [Laughter and applause.]

Comparing our Navy with that of France, ours has one hundred and forty-eight 12-inch guns and theirs has 118, a difference of 30 in our favor. Ours has thirty-two 13-inch guns and theirs 54, a difference of 22 in their favor. Ours has fifty-two 14-inch guns and theirs none. Ours has a total of 232 large guns and theirs a total of 172 large guns, a difference of 60 in our favor. And yet they will tell you that we ought to build more battleships because France is doing it.

Comparing our Navy with that of Germany, ours has one hundred and forty-eight 12-inch guns and theirs 198, a difference of 50 in their favor. Ours has thirty-two 13-inch guns and theirs no 13-inch guns. Ours has fifty-one 14-inch guns and theirs has 40, a difference of 11 in our favor. Of the large 13 and 14 inch guns ours has 232 and theirs a total of 238, or a difference of 6 in their favor.

But while Germany has 6 more of these large guns, yet this preponderance in her favor is on account of her having 50 more 12-inch guns. We have a large preponderance of 13 and 14 inch guns over Germany, and, as I will show you later, we have so many more larger guns that they more than overcome the difference of the 6 in favor of Germany.

Now, comparing our Navy with that of England, she surpasses us 162 guns of the 12-inch type and 152 guns of the 13-inch type. But she has no 14-inch guns and we have 52. I admit that the English Navy is much more powerful than ours, but when you remember the fact that in the case of a war England would be compelled to divide her Navy into a great many fleets or leave her vast possessions in every part of the world unprotected, it is not so clear that even England could send against us a fleet which we would be unable to resist.

But if it be true that we have not enough ships, if it be true that these 232 guns on our battleships are insufficient to defend us in an attack, then I submit to this House that no increase in the number would help the matter. If we were engaged in war with some other country and our guns were to shoot 696 of these immense shells at them every minute, 3,480 of them, weighing 23,000 pounds, every five minutes, if that did not destroy them, then no amount of shells could destroy them.

It is just like if you had 232 men around the Washington Monument well supplied with baseballs, and they were throwing those balls at the monument and it did not fall, would you say that the trouble was that they did not have baseballs enough to knock it down? Would not you know that the reason it did not do it was because the balls did not have the destructive force necessary to destroy it? [Laughter and applause.]

It is the same way if you had 38 American battleships shooting at a fleet of the enemy, and with all these 696 shells flying every minute it did not destroy them, it would demonstrate to any sensible man that these shells would not do it for the lack of sufficient destructive force, and to multiply them would not help the matter at all. [Applause.] The truth of the matter is it is almost inconceivable how you could use any more battleships than we have. It is impossible to conceive, and your committee has had before it no testimony to show how more than 38 battleships could be used to advantage in a naval battle. When these battleships are taken out on the ocean to search for an enemy they go in line. I was present last year on these ships for four days when they were engaged in target practice. The admirals explained to me that the manipulation of the ships in target practice was made such as to be as near as possible to what it would be in an actual engagement. If our fleet were sent out on the ocean to search for an enemy and destroy it, the front ship would be 9½ miles ahead of the rear ship, and if it should meet the enemy the front ships would destroy one another before the hindmost ones would get close enough to begin to engage in the battle, and if the enemy had twice as many ships as we had, in such a case as that their line would be 19 miles long, and the battle would be over, so far as all those in front were concerned, hours before the last ship in the enemy's line would get in sight. But suppose that our Navy should start out to hunt the enemy and the ships should travel abreast, there has to be a certain distance between the ships. If it should meet an enemy that had twice as many ships as we had, its line would be twice as long as ours, and consequently the ships in our line would engage in battle with those in the enemy's line opposite to ours. The ships of the enemy in that part of their line not opposite to ours would be too far off to take part in the engagement at all. Of course, if these naval battles were going to last for hours and days like a battle on land, it would be different, but with these immense, destructive shells, a naval battle can not last but a few minutes. If the guns can strike the enemy's ships and they have the destructive force to destroy them, the battle would be over in a very few minutes, and consequently those ships in the line of the enemy double as long as ours, which were not opposite to ours, would not be able to take part in the engagement until it was over.

It is just for this reason that you can use only a certain number of battleships in a battle. One of the admirals of the Navy told me that 16 was the number. The impossibility of using 38 battleships in an engagement is the very reason we have divided our Navy into two fleets. One is called the active fleet and the other is called the reserve fleet. The fact is that we have so many battleships that we take half of them and tie them up and call them the reserve fleet, to be used in case the active fleet is defeated.

I say that the number of battleships does not determine the adequacy and efficiency of the Navy, but that it depends upon other things. These conditions of success are the character of the powder, of the guns, of the shells, and of the men behind the guns.

First, it depends on the powder. If we have manufactured a kind of powder that is so much greater in force and of so much greater uniformity than that of the enemy, then our guns will shoot with more accuracy and with more destructive force; and if that be great enough for our shells to penetrate the armor of the enemy's vessels and their powder is not of sufficient force to penetrate ours, it is perfectly manifest to a man of common sense that our fleet would destroy the enemy's fleet, even though the enemy had ten times as many ships as we have. That is one of the real conditions—powder.

Another condition is the character of the guns. The superiority of the guns is a condition that would determine the result of the battle. The size and mechanism of the guns are far more important than their number. It has been explained to the committee by the experts that a 14-inch gun has a destructive force 50 per cent greater than a 12-inch gun, and that on account of the flatness of the trajectory, the winds, and other causes explained to the committee it shoots with 30 per cent more accuracy than a 12-inch gun. On that point I will read to the committee what Admiral Twining says:

The CHAIRMAN. What is the result of your tests of 14-inch guns? Are they entirely satisfactory?

Admiral TWINING. Yes, sir.

The CHAIRMAN. What is the comparison between the 12-inch 50-caliber gun and the 14-inch 45-caliber gun? I believe those are the calibers.

Admiral TWINING. The 12-inch 50-caliber is the latest type of 12-inch gun.

The CHAIRMAN. What do you regard as the destructive force, the power of those two guns, speaking relatively, at 10,000 yards?

Admiral TWINING. I suppose the destructive force of the 14-inch gun is 50 per cent greater than the 12-inch at that range.

The CHAIRMAN. What is the relative percentage of accuracy of the two guns at that distance?

Admiral TWINING. The 14-inch gun is probably 30 per cent more accurate at extreme range.

Mr. FOSS. What do you base that on?

Admiral TWINING. The flatness of the trajectory and the fact that the 14-inch shell, having almost twice the weight of the 12-inch, will keep its steadiness of flight much longer and be affected much less by winds and other external conditions toward the end of its trajectory. Whereas the comparison would be in favor of the lighter shell with greater velocity over the first part of the trajectory, in the latter part the comparison is in favor of the heavy shell.

The CHAIRMAN. What is the accuracy at different distances, say 10,000 yards?

Admiral TWINING. At 10,000 yards I should estimate that the 14-inch shell would have in the neighborhood of 5 per cent more accuracy than the 12-inch.

The CHAIRMAN. And what would be the difference at 5,000 yards?

Admiral TWINING. There wouldn't be very much difference at that distance. It would be slightly in favor of the 12-inch.

The CHAIRMAN. What is the difference as to destructive effect?

Admiral TWINING. That is based on the greater probability of hitting and the greater effect of a hit. A shell weighing 1,400 pounds will have more effect when it hits than a shell weighing 870 pounds, and its bursting charge is 50 per cent greater.

Mr. FOSS. How far will a 14-inch gun throw a projectile?

Admiral TWINING. We used to have a thumb rule that a gun would fire a mile for every inch of caliber. In that case the 14-inch gun would fire 14 miles, and I think it would not fall far short of that.

If that statement is accurate, then the fact that our Navy exceeds the navies of Germany, France, and Japan so much in the number of large guns would show that our Navy would be more than a match for any one of them.

Assuming this statement to be accurate, then if the entire German Navy were engaged in a battle with ours, and if the positions could be so arranged that every ship on both sides could take part at the same time, then our eighty-four 13 and 14 inch guns, on account of their 50 per cent greater destructive force and of their 30 per cent greater accuracy, would inevitably soon put her ships with one hundred and ninety-eight 12-inch guns out of action, and on account of the greater number of our largest guns we would be more than a match for her ships with 14-inch guns.

If all of our ships were at the same time engaged in a naval battle with the French fleet, the excess of thirty 12-inch guns in our favor and the excess of thirty-two 13 and 14 inch guns would leave no doubt as to the result.

And in the case of a naval battle with Japan, the excess of sixty 12-inch guns in our favor and the excess of sixteen 13 and 14 inch guns in our favor makes our great superiority unquestioned.

But, Mr. Chairman, the efficiency of the Navy depends more upon the man behind the gun than upon anything else. It is the patriotism, the courage, the nerve, the willingness in the hearts of the men behind the guns to die rather than to see the flag go down that will enable them to shoot with the accuracy which will bring victory. [Applause.] On this point I want to call attention to the fact that the provisions made for the American Navy guarantee and assure us in the best possible way that we have secured the best officers on the face of the earth. The rigid examinations for entrance to Annapolis, the rigid examinations for passage from one class to another, and then the rigid examinatons that are kept up after they become officers, whenever the time comes for them to be promoted from one rank to another, eliminates the inferior and leaves as the officers of our Navy the very highest grade of men. Besides that, we have now a great number of schools giving postgraduate courses in which our naval officers are taught and made experts in every department of naval knowledge, and these provisions make me believe that we have the best officers and the best Navy in the world. [Applause.]

If instead of exhausting our resources and impoverishing our overtaxed people in building more ships we would devote more attention and spend a little more money in torpedoes, mines, powder, target practice, and supplying the ships already constructed with an adequate number of trained officers we would, in my judgment, make the wisest possible provision for the adequacy of the Navy and for the public defense, and at the same time save the people millions of dollars.

But if I am mistaken in all this, if it be true that our Navy is not adequate and efficient, I have the consolation of knowing that I have a great deal of good company with me, and I want to call attention to that. Whether or not the efficiency and adequacy of the Navy would be increased by adding more ships to our battle fleet is a subject I want to tell this House the committee that reported this bill has never given any attention to at all. If it be true that we need more battleships the committee has not tried to find it out. We started out on the assumption that we were going to have them, necessary or not

necessary, and we have never gone into the question of whether there was any reason for having them or not. [Applause.] There has only been one question asked, and I want to call attention to that. The gentleman from Ohio [Mr. BATHRICK], who is always of a somewhat inquisitive turn of mind and anxious to discover the truth, is the only member of this committee who ever propounded a single question to find out whether it is necessary to have more battleships, and he propounded it to the Secretary of the Navy in these words:

Mr. BATHRICK. You have stated that it was necessary to build battleships. What are your reasons; why do you believe it necessary?

Secretary MEYER. I believe it to be necessary in order to have a fleet that will meet the possible requirements of emergencies that might arise. Otherwise, if you are not going to have a fleet that will meet emergencies that may arise, a fleet made up of vessels of a character which other navies which may come in contact with us are building, it would be better to have no Navy and no fleet; better than to have a lot of vessels which would be crushed like a lot of pasteboard boxes.

Look at that answer. He was asked to give the reasons why it was necessary to build more battleships. The question meant, why is it that 38 battleships are not enough; it meant why 232 big guns are not enough; it wanted to know what good it would do to have a greater number. That is the meaning of the question, and the Secretary's answer is, to provide for emergencies that may arise in the future. Well, is that any answer to say that we want to provide for emergencies that may arise, or does it explain why 38 battleships would not provide for the emergencies that might arise; is that any answer why 41 would provide for them and 38 would not? Mr. BATHRICK was not to be put down by any such answer as that and so he said this:

Mr. BATHRICK. I rather expected to get some reason other than "may" or "might." I thought, perhaps, that you might have some specific special reason.

Secretary MEYER. I do not want to for this reason: The other day I talked rather freely about the Caribbean Sea and the Pacific, and it was all in the papers the next day. You have asked a question which it is perfectly proper to ask, and I will sit down and discuss it with you some time, but I do not want to embarrass foreign relations by making statements which might be misunderstood and create offense where none is meant to be given.

Then you are confronted with this situation: When the Secretary of the Navy is asked to tell us whether we should build more battleships, why he believes it is necessary, he declines to give any reason on the ground that it might get into the newspapers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENSLEY. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi may conclude his speech.

The CHAIRMAN. The gentleman from Missouri [Mr. HENSLEY] asks unanimous consent that the gentleman from Mississippi may conclude his speech.

Mr. HOBSON. Mr. Chairman, I hope no one will object to that.

Mr. MANN. Mr. Chairman, reserving the right to object, I would like the information from some one as to how long general debate is to run on this bill. If some gentleman desires to ask unanimous consent for some length of time, I shall not object.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi be given 15 minutes to continue his remarks.

Mr. BUCHANAN. I ask that he be given half an hour.

The CHAIRMAN. Is there objection?

Mr. MANN. I object to the request to continue until he concludes.

Mr. GREGG of Texas. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 40 minutes longer.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Mississippi may proceed for 40 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WITHERSPOON. Mr. Chairman, the Secretary of the Navy has not only declined to give any reason to the committee and the committee has not only no reason to give to this House which it got from the experts, or in the evidence before us, but the Secretary of the Navy has plainly told us that we did have about as many battleships as we need. He was asked this question:

Mr. GREGG. Twenty-one in the first line.

Secretary MEYER. The ideal number which the Navy Department hopes to work up to is a fleet of 41 battleships, with necessary auxiliaries, 21 in the active fleet and 20 in the reserve fleet.

According to that statement of Secretary Meyer, the ideal number of battleships is 41, and we already have 38.

Again, on page 21 of his annual report, the Secretary uses this language:

A total of 41 battleships, with a proportional number of other fighting and auxiliary vessels is, in the opinion of the Secretary, the least that will place this country on a safe basis in its relations with other world powers. This number should be reached as soon as practicable, and then the fleet should be kept up to its standard strength by replacing obsolete vessels with new ones by a uniform yearly replacement program.

In other words, Mr. Chairman, the Secretary of the Navy himself refutes the idea that we must have a yearly program and continue to build battleships every year. He clearly tells us there is a limit to the number of battleships beyond which it is useless to go. He fixes this limit at 41, and declares that is the ideal number, but he declines to give us any reason at all why 38 is not just as ideal as 41, and I think it would be an impossibility for any human being to sit down and figure out and prove how 41 battleships with 30 more guns on them would do any more good than 38 with 232. The truth is that we have long since passed the ideal number of battleships that could be effectively used in a battle, and the building of more is a useless waste of the people's money.

But not only the present Secretary of the Navy has told us this, but it was not the first time that the Congress has been so advised by the officers of the Navy Department. We have had that information before, and I call your attention to the fact that the Secretaries of the Navy have means of information which we have not. They are in constant contact with experts on this subject. They have nothing to do but study this question, and they learn more about it than we can possibly learn.

Now, I want to call your attention to what the Secretary of the Navy said in 1905. He used this language in his annual report:

The aggregate of our battleships, armored cruisers, coast-defense vessels, built, building, and authorized, would seem, according to present indications, sufficient to provide for any contingencies within the limit of probabilities.

That is what he said about the Navy in 1905. This statement of the Secretary of the Navy was indorsed by the then President of the United States in his annual message in these words:

It does not seem to me necessary, however, that the Navy should, at least in the immediate future, be increased beyond the present number of units. What is now clearly necessary is to substitute efficient for inefficient units as the latter become worn out or as it becomes apparent that they are useless.

Mr. SHERWOOD. What is the date of that?

Mr. WITHERSPOON. Nineteen hundred and five.

Now, I want to call the attention of the House to the fact that in 1905, at the time the Secretary of the Navy advised Congress that our fleet was then sufficient to provide for all contingencies within the range of probability and at the same time when the President of the United States in his message informed Congress that the units of the Navy should not be increased, our Navy consisted of 24 battleships, 12 completed and 12 under the process of construction. Since that time we have constructed 1 more battleship and 13 *Dreadnoughts*, which have more guns and more powerful guns, and which more than double the capacity of the Navy. If a Republican President and a Republican Secretary of the Navy believed, as they said they believed in 1905, that our Navy was sufficient to provide for everything within the range of possibilities, and that the units should not be increased, and if since then we have more than doubled our Navy, then I ask Democrats if they think we ought to add still more to it? [Applause.]

And I call your attention to the position of the highest authority on naval affairs in this House, the chairman of the Committee on Naval Affairs, the gentleman from Tennessee [Mr. PADGETT], who said, in his speech to the House in 1908, that he protested against adding four more battleships to our Navy, and he declared on the floor of the House that the Navy as it then existed was magnificent. Since that time we have added nine dreadnoughts to the Navy, and if it was magnificent then I defy any Member of this House to suggest an adjective that will accurately describe it now. [Applause.]

In 1911 there was a mobilization of a part of our fleet at New York. The number of vessels present was 123. President Taft was present, and he made a speech on that occasion, and in that speech he described the Navy as magnificent. He boasted that he had there under his eyes the fastest and the most powerful dreadnoughts in the world. That was the opinion of President Taft. The fact is that over a period of 120 years, from the time that John Paul Jones first unfolded the flag to the breeze of the English Channel down to this time, our Navy has always been efficient, adequate, vast, magnificent, glorious, and victorious; but when it stands in the way of extravagance and greed it sinks down to the low level of inefficiency and inadequacy. [Applause.]

But if all this evidence is insufficient to show that our Navy is fully adequate for the public defense and that its increase in the number of units would not increase its efficiency, then we submit that the expenditure of $46,418,925 more would not help

the matter. Since 1883 we have spent on our Naval Establishment $1,963,094,608.77, and of this vast sum $202,195,607.83 has been invested in battleships, besides the five now under construction, which will run the amount up to $250,000,000. If this vast sum will not secure an adequate battleship fleet, it is useless to spend more. Excepting England, we have spent more already than any other nation of the world. We have in the last decade spent $410,455,321 more than France, $452,666,114 more than Germany, and $1,019,890,156 more than Japan.

The greatest total naval expenditure in one year by Germany was, in round numbers, $110,000,000, or $26,000,000 less than we spent in 1911. The greatest spent by France in one year is $89,000,000, or $47,000,000 less than our greatest expenditure. The greatest amount ever spent by Japan in one year was $46,000,000, or $90,000,000 less than our greatest annual expenditure. If with this enormous expenditure of money we have not been able to build a fleet adequate to protect us against any of these powers, then we had better place our reliance on other means and not depend on naval vessels.

And, again, if our Navy is inadequate to the public defense for the want of a sufficient number of vessels, then it will not help matters to build more, for the reason that we have not and can not procure the officers to man them. The testimony before the committee shows that we lack 3,000 officers and 6,000 enlisted men necessary to operate the ships we have. The enlisted men have to be trained and officers have to be educated before they are competent to take charge of war vessels. Battleships without officers and men are useless, and at the present rate of graduation it will take the Naval Academy 20 years to supply the ships we already have with officers. It is therefore nothing less than folly and the most inexcusable extravagance to continue the building of more ships when we know that we can not use them.

If the public defense were the object to be attained, if the efficiency and adequacy of the Navy were the purpose in view, if the profits to be made out of the construction of more ships were not the inspiration of the clamor for them, we would take a few of the $46,000,000 which the bill proposes to expend on new ships and invest them in the enlargement of the Naval Academy, so as to provide the officers necessary for the ships we have.

I submit, however, that the correctness of the position taken by the minority of the committee will become still more apparent if you will just consider the arguments put forth in favor of increasing the Navy. The clamor for a bigger Navy is so dogmatic and insistent that it is perfectly plain that if there were any good reasons to be given for it they would be given, and if the reasons given for it are fallacious, it is the best assurance that no good ones exist.

I want to call your attention to these pretended reasons. I am frequently told the Navy is an insurance, and the Secretary of the Navy himself states in his annual report that it is an insurance, and uses that as an argument.

Any resemblance between the Navy and a policy of insurance is impossible for me to detect. Insurance is a contract by which the insurer, for a small amount of money called a "premium," agrees to pay a much larger amount in the contingency insured against. Now, what resemblance has a navy to that?

In the last 20 years we have had one war which, according to the best estimates, cost us about $300,000,000. During that time we have spent $1,963,094,608.77 on the Navy. In other words, if that be regarded as the premium on the insurance, we have paid as a premium six times as much as the loss itself and then paid the entire loss besides. [Applause.] And yet this loose, nonsensical talk about insurance finds lodgment in the minds of sensible men.

But if it is meant by saying that a navy is an insurance against war in the sense that it will prevent war, I deny that proposition. Japan and China both had navies, but that fact did not keep them out of war. Russia and Japan both had navies; it did not keep them out of war. The United States and Spain both had navies, and it did not prevent a war between them. England had a great navy, but that fact did not keep her out of war with the Boers. The fact is that three-fourths of the nations of the earth have no navies at all, and they do not have as many wars as these great countries with navies have.

Mr. SHERWOOD. How about the navy of Italy in the war with Turkey?

Mr. WITHERSPOON. Yes; that is another example. Since the destruction of the Russian fleet and of the Spanish fleet and of the Chinese fleet, and since Russia and Spain and China have ceased to have any fleet at all, they have not had any wars. The fact is that nations, just like individuals, are led into wars by their passions. It is the feeling of some real or fancied wrong, or the greed and avarice for aggrandizement or commercial advantages, that leads them into war, and it does not make any difference whether they have navies or not. People are going to fight just as long as human nature remains as it is, and navies can not prevent it.

I would rather depend upon the Bible of God than upon these engines of destruction to protect us against war. [Applause.]

But it is told around on every side that we ought to build more battleships because we have a number of battleships that are obsolete. They tell us that when a battleship is 20 years old it becomes obsolete and should be discarded and not counted. If that were a good argument it would have no application here, because the oldest battleships we have—the *Massachusetts*, the *Iowa*, the *Indiana*, and the *Oregon*, built in 1896 and 1897—are just 17, 16, and 15 years old now, and if the 20-year argument is a good one why not just wait until the time comes before you make it?

But I say that there is nothing in that. Admiral Dewey tells us that the hull of a battleship will last 100 years, and so far as the guns are concerned, they are just as good as they were when those ships were new. Each one of those battleships has four 13-inch guns—four guns that take three or four hundred pounds of powder in them to shoot a shell—and they will shoot that shell 13 miles with the same accuracy and with the same destructive force as they did when they were first made.

How, then, does a vessel become obsolete? The only thing that wears out about these guns is the lining. After you have fired them 300 times the erosion caused by the smokeless powder prevents them from shooting with the same accuracy as before. But we have expended thousands and thousands of dollars in keeping all our guns relined, and the testimony of our experts on that subject is that when you reline a gun it shoots with the very same accuracy and with the very same destructive force that it did when the gun was new.

But the Secretary of the Navy himself tells us that the policy of the Government has been and is now to keep all these ships, with their guns, up to a state of efficiency according to the original design; and, in accordance with that policy, within the last few years these old battleships, with their armament, have been repaired and renewed and made like new. Their mounts and their turrets have been modernized. On the *Oregon* alone they have expended $627,000 to make her as good as she ever was. Now, if these old ships are so soon to die of old age, then I say it was criminal extravagance to waste all that money on them.

But the money has not been wasted. These guns will shoot just as well as they would when they were new, and this pretext about these ships being obsolete is just one of those inventions to induce us to squander the public money. That is all there is to that.

But we are told that if we stop building battleships it will be only a few years before we will sink to fifth place among the navies of the world. That is an argument that is frequently advanced. That contention is based on a comparison between our Navy and the navies of foreign countries, and a comparison which leaves out of consideration 25 of our battleships, which 25 are to be regarded just like the drinks of Rip Van Winkle—they are not to be counted at all. [Laughter.] And it is based on the assumption that these advocates of a larger navy know what foreign governments are going to do in the future. In other words, they are prophets. They can tell you what foreign governments are going to do next year and the year after. Secretary Meyer says it is very difficult for the department itself to find out about these matters.

So, not counting the 25 of our battleships and then counting how many battleships other countries are going to build in the future, they have a process of counting by which the American Navy will sink to the fifth place in a few years. Of course that is based on the assumption that the strength of a navy is proportionate to the number of guns, which I have shown is not correct. But if that be true, I submit to this committee that it is useless to spend any more money. Since 1883 we have spent nearly $2,000,000,000 on our Navy. Of that vast sum $202,000,000 has been invested in battleships alone, not counting the five great dreadnoughts that are now in process of construction, and when they are completed we will have invested more than $250,000,000 in battleships alone. Within the past 10 years we have spent $452,666,114 more than France has spent. We have spent $410,455,321 more than Germany has spent. We have spent over a billion dollars more than Japan has spent. The highest expenditure that Germany has ever made in one year is $110,000,000, which is $29,000,000 less than we spent in 1911. The greatest expenditure that France has ever made in one year is $89,000,000, which is about $50,000,000 less than we spent in that year; and the greatest amount that Japan has ever spent in one year is $46,000,000, which is just $90,000,000 less than our highest annual naval expenditure. We have spent in the last 10 years $109,146,906 more than Ger-

many and Japan both together. In other words, for the last decade we have spent $10,000,000 every year more than both of those countries put together. We have spent $66,936,173 more than France and Japan both together have spent in the last 10 years, or $6,000,000 more every year for 10 successive years than both of those nations combined. And I say that if the expenditure of this money has not given us an adequate Navy, we had better quit and depend on something else for our defense. [Applause.]

This contention really is that we ought to build more ships, not because our Navy is inadequate, but because foreign Governments will build more. The truth is that foreign Governments have been struggling to keep up with us. When within 10 years we spend $410,455,321 more on our Navy than France, $452,666,114 more than Germany, and $1,019,890,156 more than Japan, it looks like the cheek of logic to contend that we ought to spend more because they will do so. We build more ships because they do and they build more because we do, and so all the enlightened nations of the earth, according to this contention, are running a race of folly to build useless ships each because the other does. Since Germany, France, and Japan have all these years been under our influence and have been impoverishing their people to build useless battleships because we have set them the example, the only logical conclusion is that if we were to abandon this foolish policy these great Governments of Europe would follow us in our wisdom more readily than they followed us in our folly. At any rate, we do not favor that monkey-like statesmanship which imitates the follies of foreign Governments.

Now, in conclusion, I want to say that the expenditure of $46,418,925 for new ships is an inexcusable, unjustifiable, criminal waste of the public funds. [Applause.] And I appeal to the majority in this House to stand up for economy. I appeal to you to vindicate the wisdom of the Democratic caucus, which determined three different times that we did not need any more battleships, and that determination stands there unreversed and unrescinded to-day. It is the last expression of the party on that subject.

Not only that, but every Democratic platform from 1832 down to the present time has pledged the party to economy, and it is now up to us to say whether we will stand on the promises that brought us into office, or will ignore and break them after we have gotten the goods that we obtained by making them.

If there is anyone who is not willing to respond to the appeal to comply with Democratic promises, then I want to make this appeal, that they be at least as good as the Republicans have been in the past. The Republicans have had sufficient regard for economy and for the condition of the Treasury, they have had sufficient sympathy for the toiling masses of the people, who are groaning under the burdens of taxation and looking with longing hearts and expectant hopes to us for relief—the Republicans have had sufficient regard to these things during five different years to refuse to authorize any battleships at all.

In 1891, in 1893, in 1894, in 1897, in 1901 the Republicans did not authorize any battleships. In 1892, in 1904, in 1906, and 1907 the Republicans showed a sufficient regard for the condition of the Treasury, and a sufficient regard for economy, and a sufficient sympathy for the overburdened people of this country to refuse to authorize more than one battleship. And I now put it up to Democrats to show the country whether it is possible for them to be as good as Republicans. [Loud applause.]

Mr. BATES. Mr. Chairman, on Monday last, the 17th of this month, a very different scene was presented in this Chamber, a much more interesting scene than this. Members were present in their seats to the number of about 300, and each Member with bated breath was asking his fellow Member, "Will the bill pass?" There was no declaration of war, Mr. Chairman, about to be declared, no great question of national import was under discussion; the question merely was, "Will I get that public building for my district?" and nearly all the membership of the House was here to obtain, if possible, that delectable piece of patronage. [Laughter and applause.] I venture the assertion, Mr. Chairman, that if we could take a battleship home to our district and run it up and down some local creek or river in one of the doubtful counties of our own home domain that every Member of the House would be present in his seat to-day crying for a vote on the pending measure and asking that the number of battleships be increased so that every district in this country of ours could have one.

But this is a different matter. This is a question which touches the subject of national defense and the general welfare of this country. My amiable and distinguished friend from Mississippi who has just taken his seat [Judge WITHERSPOON] informs us that wars are always the result of avarice and passion. If I read history correctly, the distinguished gentleman's ancestor was a signer of the Declaration of Independence. I should like to ask him what element of avarice or passion entered into his ancestor's heart when he with his compatriots entered into war for this country against the yoke of England? What element of avarice or passion entered into the hearts of the American people when, with one accord in 1898, we demanded of Spain that they cease their cruelties and withdraw from the island of Cuba?

Mr. Chairman, I am old-fashioned enough to have some regard for the words and the expressed sentiments of the great Americans who have gone before. We opened the exercises of this House to-day by reading the noble words of Washington on the occasion of his farewell.

Now, Mr. Chairman, I believe it is our bounden duty to regard the immortal words of that man, and these are the words of Washington to which I refer:

> The United States ought not to indulge a persuasion that contrary to the order of human events they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war.

What is an adequate Navy? I think all parties and all men agree that we ought to have an adequate Navy. The Democratic platform says so. The Baltimore convention announced only last summer:

> The party which proclaimed and has always enforced the Monroe doctrine and was sponsor for the new Navy will continue faithful to and observe the constitutional requirements to provide and maintain an adequate and well-proportioned Navy, sufficient to defend American policies, protect our citizens, and uphold the honor and dignity of the Nation.

The Republican platform declared:

> We believe in the maintenance of an adequate Navy for the national defense, and we condemn the action of the Democratic House of Representatives in refusing to authorize the construction of additional ships.

The Washington or Progressive Party declared:

> We favor an international agreement for the limitation of naval forces. Pending such an agreement, and as the best means of preserving peace, we pledge ourselves to maintain for the present the policy of building two battleships each year.

Those three expressions I have just read announce the determined policy of the three parties which contended for mastery last fall, and in a direct manner reflect the sentiments of the large mass of the American people. The President of the United States in his message this year said:

> I urgently recommend that the Congress make up the mistake of last session by appropriations authorizing the construction of three battleships in addition to destroyers, fuel ships, and other auxiliary vessels, as shown in the building program of the general board. We are confronted by a condition in respect to the navies of the world which requires us, if we would maintain our Navy as an insurance of peace, to augment our naval force by at least two battleships a year, and by battle cruisers, gunboats, torpedo destroyers, and submarine boats in a proper proportion.

Mr. Chairman, what is the advice of the Secretary of the Navy? I think he ought to know, from an administrative standpoint at least, what the needs of the country are and what is an adequate Navy. To quote from his report:

> Experience has shown the wisdom of systematic preparation for war. If we wait until a crisis comes it is then too late to make effective preparations, and the result is confusion, waste, and unnecessary loss of life. In any war involving the United States the control of the sea will be of the utmost and deciding importance. Such control can be obtained only by an efficient Navy of sufficient strength.

The question I ask of this House is, Have we an adequate Navy? Shall we recognize the truth of the proposition that the world moves? An adequate Navy depends not upon what our judgment may be concerning our armament of to-day, but it depends on how it compares with other armaments with which it may come in conflict in the coming days. I suppose, in the judgment of the gentleman from Mississippi [Mr. WITHERSPOON], the navy of Commodore Perry in Lake Erie, 100 years ago this coming June, was an adequate Navy then and ought to be to-day, or that the Navy that Farragut used at Mobile Bay was an adequate Navy then and ought to be to-day; or that the Navy which Dewey employed at Manila, and Sampson and Schley used at Santiago, was an adequate Navy 15 years ago, and therefore ought to be an adequate Navy to-day. Not at all, Mr. Chairman. I beg to call to the attention of the gentleman from Mississippi, and to the attention of every gentleman of this committee who listened or applauded or said amen to his words, that the world moves, that the battleships that we are building to-day are three times the size of the battleships employed by Dewey in the last engagements in which this country took a part.

Mr. LOUD. Six times as large.

Mr. BATES. Some of them six times as large, but our first-class battleships then, the *Iowa* and the *Indiana*, were ships of only about 10,000 tons, while the ships we are building to-day, like the *Pennsylvania*, are of 31,500 tons. The iron that they threw was thrown from 6-inch guns, 4-inch guns, and 8-inch guns. Our best ships were equipped with only two 13-inch guns, whereas the *Dreadnoughts* we are building to-day, to cope, if necessary, either in moral effect or in actual warfare, with the navies of the world have 12, 13, and 14 inch guns, so that one of the ships that we are building to-day is equal to three or four in fighting capacity of those that we built 20 years ago.

What is necessary to maintain an adequate Navy? My good friend admits in his first premise that he is willing to maintain an adequate Navy, and then adds that he thinks that we have an adequate Navy. He quotes the distinguished chairman of the Committee on Naval Affairs, the gentleman from Tennessee [Mr. PADGETT], who has presided over the Naval Committee not only with dignity and impartiality, but with fairness and rare consummate ability, delving with great diligence and research into the subjects which have come into the making up of this bill, and he quotes him as saying three or four years ago that we had a magnificent Navy and did not need four battleships. Suppose we did have a magnificent Navy four years ago. The world has moved in naval architecture and naval munitions even in the last four years.

Referring again to the very interesting remarks of the gentleman from Mississippi [Mr. WITHERSPOON], I would like to ask him why Japan won over Russia—the little nation over the big? It was because Japan was ready; Russia was not; because Japan had sunk five of the enemy's ships before her opponents realized that war was on. Why did Japan conquer over China? Because she had more money? No. It was because she was ready to strike first; she was prepared; she was known among the nations of the world; and she was ready to strike when the occasion arose. The war between England and the Boers was cited by my distinguished friend as an illustration that nations would engage in wars, although they had an adequate navy. Why, the Boers had no navy, and the English navy played little part in that internal warfare. That war was not a question of naval strength at all, except in the long run it gave England an advantage which its opponents did not at any time possess. Suppose, for instance, that the Boers had had a navy, not, perhaps, as large as England's or ours, but an adequate navy to repel England's transports; that might have prevented England from landing her troops in Africa; and have even won in the end if they had been equipped with even a navy. And I want, in passing, to call to your attention what the moral effect of a navy is of benefit before hostilities are entered into. I suppose gentlemen read in the papers last week—I know I did, and with a feeling of just pride—the fact that on the west coast of Mexico, when the battleship *Georgia* and three other battleships went into those harbors, the whole feeling of danger for Americans or danger for foreigners or foreign interests at once disappeared. The moral effect of the battleships there spread a sentiment throughout Mexico that the United States was ready; that we were prepared; and because we were prepared we have not had to strike a blow in Mexico, and, in my judgment, will not be required to, because we are ready to strike the blow if occasion should demand it. And for that reason when the United States speaks, when Mr. Knox, the Secretary of State, sends a note, he speaks with authority, and when Mr. Bryan, if he should be his successor, shall speak to Mexico for order and discipline and right regard for lives and property of foreigners in that Republic, the note coming from the office of the Secretary of State, not because it is couched in this or that language, not because they have regard for the statesmanship or brains that pens it, but because they have a wholesome fear of the battleships that are behind it, it goes with authority in Mexico and it will be heeded. [Applause.] Talk about insurance. The insurance that the Navy of this country means to this country and to its people is not an insurance in money, is not the insurance in mere valuable possessions, it is an insurance against the taking of life, it is an insurance against the shedding of blood, it is an insurance against the spending of untold millions in a long-drawn-out war, and it is my candid opinion that because this country, under the administrations with which it has been blessed for the last 16 years, has maintained a state of preparedness in case war should be imminent, has averted intervention in Mexico this year. A million or two here or there may be spent each year, with great propriety and economy too, to maintain the efficiency, to keep up the adequacy of our fighting units and our fighting strength.

Oh, they say, let us put it in public buildings, let us have it in our districts, let us have it count for our renomination or reelection where the people can see it, let us build roads; all good projects; agriculture, Indian affairs, the Interior Department, all splendid projects, but they all pale into insignificance, they all become as nothing, they all become as mere toys and flippant things compared with following the words of George Washington, to maintain an adequate defense and keep up our Army and our Navy so that in case peril should arise, in case war should at any moment be imminent, we shall be ready to strike the first blow and if possible bring about peace before hostilities shall actually commence by a settlement under the rules of honor and decency and international regard which we shall impose from time to time through the mouth of our Secretaries of State. [Applause.]

Now, Mr. Chairman, I again emphasize this proposition, that the words "increase of Navy" is a misnomer. If we should build or authorize three or four more battleships this year, as is recommended by the general board and the Secretary of the Navy, we would perhaps be increasing our naval establishment. The Secretary of the Navy, in his annual report December last, recommended 4 battleships, 2 battle cruisers, 16 destroyers, 1 destroyer tender, 2 transports, 1 ammunition ship, 6 submarines, 1 submarine tender, 1 supply ship, 2 gunboats, 2 sea-going tugs, 1 dry dock, and 1 submarine testing dock. I ask the members of this committee if in view of the request of the Secretary of the Navy, reflecting the recommendations of the general board, in view of the recommendations made in the bill that was reported practically unanimously from the committee, if that is not a modest program, to wit, instead of 4 battleships, 2 battleships; no battle cruisers, as were asked for; instead of 16 destroyers, 6 destroyers; no destroyer tender; instead of 2 transports, 1 transport; no ammunition ship; instead of 6 submarines, 4 submarines; 1 supply ship; no seagoing tugs; no dry dock; and no submarine testing dock?

If I should make no other point, I desire to make this one, that the present bill, with its 2 battleships, its 4 destroyers, its 4 submarines, its 1 transport, and 1 supply ship, is merely maintaining the present efficiency of the Navy. Why? Because, as the Secretary points out, there will be 4 battleships next year over 20 years old, and they will have to be withdrawn from the second line. They will not continue to be counted in the present strength of the fleet.

You ask me what battleships those are. Why, Mr. Chairman, their names are household words. They are the *Indiana*, the *Oregon*, the *Massachusetts*, and the *Iowa*. It was most fortuitous or providential for the people of this country that Secretary Whitney had the honor of inaugurating in a large degree what is called the modern Navy, and because there was foreknowledge enough to build those ships, whose names I have just read, we were saved from an everlasting disgrace in 1898.

Mr. O'SHAUNESSY. Then the gentleman disagrees with his colleague from Illinois [Mr. Foss] that the Democratic Party has never done anything for the Navy?

Mr. BATES. No. I think as a general proposition the gentleman from Illinois [Mr. Foss] is right. I will tell the gentleman from Rhode Island why: Mr. Secretary Whitney in a lucid interval arranged for the building of our first modern cruisers—at least they were modern for that time. After the War with Spain and we had demonstrated the wisdom of that action, how wise it had been on the part of the American people to be supplied with those battleships, and had saved ourselves from a national disgrace, the Republican Party has come into this Chamber every year since with an adequate naval program and the Democratic Party has opposed it.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. FOSS. Will the gentleman yield?

Mr. BATES. Yes.

The CHAIRMAN. To whom does the gentleman yield?

Mr. BATES. I yield for a moment to the gentleman from Illinois [Mr. Foss].

Mr. FOSS. I will say to the gentleman from Rhode Island [Mr. O'SHAUNESSY] that the birthday of the American Navy was when we authorized the first ships of the present Navy. That was on March 3, 1883, in the administration of President Arthur, when Mr. Chandler was Secretary of the Navy. It is true that in Mr. Cleveland's time, under his Secretary, Mr. Whitney, an advance was made in the policy of building up the American Navy; but after that it is well known that Cleveland and his administration were repudiated by the Democratic Party and Cleveland repudiated the Democratic Party, and since that time it has passed into the possession of William Jennings Bryan.

Mr. O'SHAUNESSY. Mr. Chairman, did I understand the gentleman to say that Mr. Whitney in a lucid moment——

Mr. BATES. Oh, I used the word "lucid" purely in a Pickwickian sense. Let me substitute the words "opportune or fortunate moment."

Mr. O'SHAUNESSY. I want to say to the gentleman it was a very good thing for the Republican Party and the entire Nation that we had a Mr. Whitney to lay an enduring foundation and set an example for the Republicans to follow.

Mr. BATES. I agree with the gentleman from Rhode Island in the sentiment that it was to the great credit of Secretary Whitney to assist in inaugurating the movement, but it was not to the credit of the Democratic Party to desert him and his chief, Mr. Cleveland, after he had helped inaugurate the movement.

Mr. FOSS. In other words, it is not to be put down to the credit of the present Democratic Party?

Mr. BATES. No. And, Mr. Chairman, I will say in further answer to the question of the gentleman from Rhode Island [Mr. O'SHAUNESSY], before we had learned the lesson of 1898 we would never have had occasion to engage in war with Spain, and Spain would never have had the temerity to engage in a war with the United States had she known that we had within a few years built our modern battleships. You remember the saying of Secretary Taft, when he was Governor General of the Philippines, when our President suggested sending our fleet around the world, that "It is a good thing to fill the eye of the oriental." Very good. If we had filled the eye of the oriental, and had filled the eye of the citizens of Old Hispania about a year or two before the occurrence of 1898, I assert that it would never have been necessary to have engaged in the War with Spain, because if they had had the knowledge that we were as prepared as we were, they would never have allowed us to strike a blow, but would have withdrawn peaceably from Cuba and left the island, or at least reduced it to a peace basis, as we demanded.

But, Mr. Chairman, we are going on with the program, and I congratulate a large number of Members on the other side of the aisle that we are proceeding to maintain and keep up the adequacy of our present Naval Establishment. I am glad that so many of the Members on the other side of the aisle have some faith in the efficiency of their own party, that it will not run amuck, that it will not so cripple the affairs of this country that we can not pay the ordinary bills for the maintenance of our country, not only for battleships, but for the general maintenance of the Army and Navy and the construction of public buildings, and provide the means for the enactment of all the other great supply bills that come in from time to time. I congratulate a large number, I believe a majority of the majority, on the fact that they have confidence in the ability of their party to conduct the affairs of state, to carry on the fiscal affairs of this great Republic, and to see to it that there shall be sufficient revenues, sufficient funds to meet the needs of the country, and to keep up an adequate Navy, as was advised by Washington and is advised now by the party platforms, and to retain the place that we have won so proudly among the nations of the world. [Applause.]

Mr. WARBURTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BATES. I do.

Mr. WARBURTON. The gentleman understands, does he not, that the chairman of the Committee on Appropriations feels it absolutely necessary to deprive the States of internal improvements in order to get this second battleship?

Mr. BATES. I beg the gentleman's pardon. Will he please state that question again?

Mr. WARBURTON. I say the gentleman understands that the chairman of the Committee on Appropriations thinks it necessary to deprive the States of necessary internal improvements in order to get a second battleship, does he not?

Mr. BATES. Oh, no; I think not.

Mr. WARBURTON. Well, the other day he showed how he had eliminated probably $20,000,000 from the sundry civil bill that the different departments had recommended.

Mr. BATES. Well, but he stated that that had no effect on any other supply bill or appropriation bill.

Mr. WARBURTON. I am not talking about supply bills. I am talking about internal improvements recommended by the different departments, assuming that they act with some sort of judgment.

Mr. BATES. But what was the question the gentleman asked? [Laughter.]

Mr. WARBURTON. I will state it again. That the chairman of the Appropriations Committee showed how the committee had cut down the appropriations from 20 to 30 per cent on necessary internal improvements to meet the necessary deficit, and then, of course, to help out the second battleship proposition. Does the gentleman understand that?

Mr. BATES. I understand it as well as I did in the first place. [Laughter.]

I want to say to the gentleman that if the distinguished chairman of the Committee on Appropriations made such a statement—I did not hear him make it; I have a great deal of confidence in the correctness of his statements—and if he made——

Mr. WARBURTON. Did not the gentleman hear him state this, that the appropriations that he recommended on the sundry civil bill were about 20 or 30 per cent less than those recommended by the departments, and that his recommendations, or the recommendations on his appropriation bill, amounted to $113,000,000? I think I am right about it.

Mr. BATES. I have no doubt about that. That is good housekeeping. But I do not know how that touches on the question of national defense, which is a question of national importance.

Mr. MONDELL. Mr. Chairman, will the gentleman yield to me for a suggestion on that point?

Mr. BATES. I yield to the gentleman from Wyoming.

Mr. MONDELL. I wanted to suggest that I think the gentleman from Washington [Mr. WARBURTON] is slightly mistaken. Many of the items in the sundry civil bill were cut down, including the item the gentleman himself is interested in, in order that we might appropriate $5,000,000 for the fortification of the Panama Canal.

Mr. WARBURTON. That is the gentleman's own conclusion. He cut it down to $113,000,000 in order that we might get two battleships or colliers to carry coal to Panama.

Mr. BATES. That would not have anything to do with the naval program.

Mr. WARBURTON. It had everything to do with it.

Mr. BATES. It was because the Panama Canal expenses are met by the Appropriations Committee that its chairman was concerned for colliers and transports for Panama. It had nothing to do with battleships.

Mr. McKENZIE. The gentleman stated that the building of two battleships by this Congress, or the authorizing of their building, would not increase the Navy; that there would be four battleships withdrawn from the second line.

Mr. BATES. Yes.

Mr. McKENZIE. I want to ask whether or not those four ships are retired from the service, or is the expense of maintaining them and their crews continued?

Mr. BATES. I think I can answer that question. The gentleman from Mississippi [Mr. WITHERSPOON] used an unfortunate word when he said they became "obsolete." That is a little too strong. They are merely withdrawn from the first and second lines of defense and used for harbor protection or in case of emergency, in case they need to be pressed into service. They are only maintained at a partial expense. Only a few men are maintained on them, not a full complement of officers and men at all, and they are usually anchored around the navy yards as emergency ships in case we should be pressed or need them, possibly, for transports for carrying purposes in case of war. They are not under the usual expense, however, of first-class battleships or cruisers.

Mr. McKENZIE. Does the gentleman know about how much that reduction would be?

Mr. BATES. I should say 50 or 60 per cent. I have not the figures here, but they are reduced to a minimum, some of them to merely a nominal expense of possibly 10 per cent.

Mr. McKENZIE. I am not asking these questions for the purposes of criticism, but for information. The gentleman said there would be no increase.

Mr. BATES. I understand. How much more time have I, Mr. Chairman?

The CHAIRMAN. The gentleman has 21 minutes.

Mr. BATES. I desire to use only a few of those minutes. The four battleships which the Secretary states will be over 20 years old next year, and will have to be withdrawn as fighting units at all, except in the direst extremity and necessity, are comparatively small ships when compared with those that we are now authorizing. I believe that the two battleships which are authorized in the bill this year will be able to take the place of the four which will be retired before those can be built which we are authorizing, because it takes from 30 to 36 months to build a battleship after it is authorized.

Mr. POWERS. Mr. Chairman, will the gentleman yield?

Mr. BATES. Yes.

Mr. POWERS. Then, what is there in the argument of the gentleman from Mississippi [Mr. WITHERSPOON] that these battleships are just as effective for fighting purposes now as they were 15 or 20 years ago?

Mr. BATES. I am glad the gentleman alluded to that point which the gentleman from Mississippi [Mr. WITHERSPOON]

seemed to dwell upon so long, because I think the gentleman from Mississippi spoke with great lack of information on that subject. The ships which won the battles in the last three or four naval engagements have been the big ships, the ships that speak with 13 and 14 inch shells, and the ships that can throw 12 or 14 of those shells within a few moments. One of those ships can do more destruction in battle than three or four or half a dozen of the old ships of 10 or 15 or 20 years ago.

Mr. LOUD. As much as 60 such ships as they were then.

Mr. BATES. The gentleman from Mississippi [Mr. WITHERSPOON], in his very unique views of the minority which he has prepared, states a hypothetical question:

> If you had 232 men around the Washington Monument and hurling baseballs at it at the rate of 696 a minute, and 3,480 every five minutes, and if these balls did not destroy it, you would not conclude that the failure to destroy it was because the number of balls was too small, and that a greater number of baseballs would destroy it, but you would know that the cause of the failure was the lack of destructive power and that an increase in the number would be useless.

Mr. TRIBBLE. Will the gentleman yield?

Mr. BATES. No; not for a moment. The logical conclusion of every patriotic American would be to use more formidable projectiles against the Washington Monument if we desired to destroy it, and not to throw the 6-inch shells, which were used 10 or 15 or 20 years ago, but to bring up the dreadnought *Pennsylvania* or the dreadnought *Oklahoma*, which has been authorized, or the dreadnought *Nevada*, which has been authorized, and that with a broadside of twelve 14-inch guns we can reduce any fort or put out of commission a dozen of the battleships that were in use 10 or 15 or 20 years ago, and speak with the highest degree of efficiency against any ordinary armament of any ordinary nation in the world. There would not be an increase in the number of baseballs, but an increase in the size, weight, efficiency, tensile strength, and velocity with which they could be propelled.

Mr. TRIBBLE. Will the gentleman yield?

Mr. BATES. I will.

Mr. TRIBBLE. The gentleman has referred to the naval battle in which the Spanish ships were captured. I will ask the gentleman if he knows that one year before the Spanish-American War the whole appropriation for officers, men, and everything connected with the Navy, from men to ships, was only twice as much as is now paid for the active and retired officers of the present Navy? Does he know that the appropriation now is nearly $15,000,000 for officers, active and retired, in the Navy, and that the entire naval provision in 1896 was only $30,000,000 for all the Navy; and will the gentleman explain why the people should be burdened to pay this enormous sum to officers when a $30,000,000 Navy sent the whole Spanish Navy to the bottom of the sea?

Mr. BATES. I fear that the gentleman has not been in the Chamber, or, if he has, that he has not caught the drift of my remarks. I have been trying to insist to this committee that the world moves, and that we have more battleships to-day—more formidable ones—a larger complement of officers and men, than we had 15 or 20 years ago. We are a greater Nation than we were then, we are greater than we were then by twenty millions of people, we have greater revenues in the Treasury than we had then, and we have more proportionate revenue to invest in a Navy than we had then. We have a greater national pride than we had then. We speak with greater authority among the nations of the world than we did then, and we have a greater responsibility than we had then, because we have the Panama Canal, we have the Philippines, we have Porto Rico, we have the Hawaiian Islands, and we have the surveillance of Cuba as well.

Mr. CAMPBELL. Will the gentleman yield?

Mr. BATES. Certainly.

Mr. CAMPBELL. What is the comparative naval strength of the possible enemies of the United States to-day as compared with 14 or 15 years ago?

Mr. BATES. They are much larger. I will read for the information of the gentleman and for the benefit of the committee the comparative strength of the leading nations of the world to-day as to tonnage. It is tonnage that counts; it is not the number of craft, of superannuated ships of the line 20 years ago, but it is the tonnage that counts.

England has built and is building 1,978,000 tons. Germany has built and is building 837,000 tons, or less than half that of England. We have built and are building 773,000 tons. France has built and building 630,000 tons, and little Japan has almost 500,000 tons built and building. Russia has built and building 286,000 tons. We are the third, with France and Japan pressing us closely, and if we omit our building program to a sufficient amount to maintain our present strength, they, with the great impetus they are under to-day, with their ambitious naval program, will put us in fifth place in less than three years.

Mr. HARDY. Will the gentleman yield?

Mr. BATES. Certainly.

Mr. HARDY. If in less than 15 years in a time of profound peace our naval bill is five times as much as it was 15 years ago, how many times what it is now will it be 15 years from now?

Mr. BATES. That is a fair question if it was founded on correct premises. It is not five times as much as it was 15 years ago. It has been increasing with the growth, increased wealth, and responsibility of this country, but no faster than the growth in population and wealth and efficiency and responsibility of the country.

Mr. HARDY. I do not want my premises incorrect. My understanding is that the naval bill of 1897 amounted to $30,000,000, and to-day it is almost $150,000,000, and that is five times the amount. Now, what will it be 15 years from to-day?

Mr. BATES. I can not tell the gentleman what it will be, but if the patriotic citizens of the Republic, irrespective of party, will have due regard to the strength, both numerical and financial, of this country, and a due regard to the building program of the other great nations of the world, our naval program will be sufficient in 3, 7, or 10 years from now. If they are wise, they will keep abreast of the times.

Mr. HARDY. Will the gentleman favor me with just one guess of what it will be 15 years from now?

Mr. BATES. That will depend upon the prosperity and strength of the country.

Mr. HARDY. Five hundred million dollars; or what would the gentleman guess?

Mr. BATES. Oh, I am not a prophet.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. BATES. Yes.

Mr. KAHN. I take it from the gentleman's remarks that he favors the extension of the Navy for the purpose of national defense, for the purpose of being ready for an emergency.

Mr. BATES. Yes.

Mr. KAHN. Has the gentleman read in recent months of the strained relations that existed between England and Germany?

Mr. BATES. I have.

Mr. KAHN. Does not the gentleman think that war has been averted between those nations by the fact that each of them is prepared in its own sphere of military and naval readiness?

Mr. BATES. I believe, Mr. Chairman, that the time of universal peace will come when every great nation will be in that condition of preparedness that will make war impossible, and that is the condition that exists between England and Germany to-day. I believe that this Nation will avert war and maintain its own dignity when it is able to speak with authority, when it sends a note not only to Cuba or to Mexico but to some South American Republic, or to Spain, or some of the prouder nations beyond the Atlantic. I say, let no war come, but I believe that the day will be nearer when no war will be in the horizon when we shall have actual preparedness, so that there will not be the hardihood on the part of the other nations of the world to provoke us into a bloody struggle.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. BATES. Certainly.

Mr. CLINE. The gentleman says that next year we are going to retire the *Indiana*, the *Oregon*, the *Massachusetts*, and the *Iowa*.

Mr. BATES. Yes.

Mr. CLINE. I would like to know for what reason. Is it because of the defectiveness of the construction of those vessels or because the equipment is not up to date?

Mr. BATES. Both. They are too small and too slow. They have no capacity for the big guns that are needed to-day to cope with the big guns of other nations, and because in a hundred respects they are out of date.

Mr. CLINE. I would like to ask the gentleman if all of those vessels are not equipped with 12-inch guns?

Mr. BATES. Oh, no; they are equipped with two each. The *Massachusetts* has two or four of the large guns. Their guns are mostly small. The ships that we are building to-day have 12, 13½, and 14 inch guns.

Mr. CLINE. I would ask if there was not recently expended on one of those vessels over $600,000 to equip it with up-to-date equipment?

Mr. BATES. Oh, no; they are not heavy enough.

Mr. CLINE. Was not that amount of money expended on one recently?

Mr. BATES. One or two of them have been well overhauled. But if we are going to sell either a navy yard or a ship, we

want to keep it in good repair. If the gentleman has a house that he does not need any longer for his family, that is no reason why he should not paint it and indulge in all ordinary repairs. These are the ordinary repairs that are being put on the older ships of the line.

Mr. Chairman, I believe the way to avert war is to be prepared for war. I hope that war will not come to this country in any way whatever, as long as anyone in this Chamber sees the light of day; but if it should come, I believe it is the desire of every patriotic man and woman and child in the country that we shall be ready; that we shall be as ready as Perry was in his poor way 100 years ago on Lake Erie, or as ready as Farragut was at Mobile Bay, or as Dewey and Schley and Sampson were at Manila and Santiago, to strike and strike successfully for the honor and dignity of the American people and the American flag. [Applause.]

I yield the balance of my time to the gentleman from California [Mr. KNOWLAND].

Mr. KNOWLAND. Mr. Chairman, in the limited time allowed me I will have opportunity only to make reference to a statement made on the floor of the House yesterday by the gentleman from Wyoming [Mr. MONDELL] in relation to the fortification of the Panama Canal. I read from his remarks:

> As our treaty obligations now stand the two greatest nations in the world are pledged to the defense of the canal.

I wish to call attention to the fact that that statement is incorrect. Under the first Hay-Pauncefote treaty the following language was used:

> The high contracting parties adopt as the basis of said neutralization—

And so forth.

Under the second Hay-Pauncefote treaty, the one which was finally ratified by both great Governments, the following language is used:

> The United States adopts as the basis of such neutralization—

And so forth.

In a memorandum sent to the Senate at the time the treaty was pending, Secretary Hay made this statement:

> By a change in the first line of article 8, instead of the United States and Great Britain jointly adopting as the basis of the neutralization of the canal the rules of neutrality prescribed for its use, as was provided by the former treaty, the United States now alone adopts them.

Continuing, Secretary Hay states:

> It relieves Great Britain of all responsibility and obligation to enforce the neutrality of the canal which, by the former, has been imposed upon or assumed by her jointly with the United States, and thus meets the main stress of the objection which seemed to underlie or be interwoven with her other objections to the former Senate amendments. The United States alone, as the sole owner of the canal, as a purely American enterprise, adopts and prescribes the rules by which the use of the canal shall be regulated and assumes the entire responsibility and burden of enforcing, without the assistance of Great Britain or of any other nation, its absolute neutrality.

The gentleman from Wyoming made the statement I quoted as an argument to show that we did not need to fortify the canal, and the same argument could be advanced to prove that an adequate battleship fleet was not necessary to maintain the neutrality of the canal. These are the facts, for I have quoted the exact language of the treaty and the memorandum which was sent to the Senate by Secretary Hay, proving conclusively that the full responsibility now rests upon the United States.

Mr. HOBSON. Mr. Chairman, I wish to make a consecutive statement before taking up in detail the remarks of gentlemen who have preceded me, and during the period of the consecutive statement I would request gentlemen to postpone interrupting me.

The earnestness shown on both sides in discussing this question is a matter for general congratulation. It is when men are really in earnest that they proceed to search carefully and find the truth.

There is no great subject of national importance upon which there has been given so little earnest thought by the American people, and no great subject upon which careful thought and investigation are more necessary to avoid error and fallacies. I understand this perfectly. We are a nonmilitary people. We are absorbed in a great period of internal development, a period of spreading industrialism and commercialism, and it is natural that we should not give attention to questions of the outside world.

It is unfortunate to hear applause as we have to-day from Members of this House when references were made a short while ago to the supposed uselessness of navies, that we could get along very well if we had substantially no navy, that three-fourths of the nations of the world do get along all right without any navy. But, Mr. Chairman, I do not consider that the question at issue in this bill. I am convinced that the majority of Members on both sides of this House realize that we must have a navy, and are searching to determine what is an adequate navy, not whether we should have no navy or whether we should have an overweening navy. Therefore my theme is what should be the dimensions of an adequate navy.

In order to remind gentlemen that this is an inherent part of our institutions I will take up the authority upon which it is founded. Starting first with the preamble in the Constitution of the United States we find in the first sentence the reasons stated for establishing the Constitution of the United States, and amongs those comprehensive reasons is the following: "To provide for the common defense."

Again, in paragraph 13, of section 8, of article I of the Constitution, Congress is given power "to provide and maintain a Navy." It is not necessary to follow further the question of authorities, other than to cite the Democratic platforms of the last two campaigns. I will read a paragraph from the Democratic platform of 1908, as follows:

> The constitutional provison that a Navy shall be provided and maintained means an adequate Navy, and we believe that the interests of this country would be best served by having a Navy sufficient to defend the coasts—

That is plural—

> of this country and protect American citizens wherever their rights may be in jeopardy.

The provision of the Constitution referred to in the above plank is the one cited above:

> To provide and maintain a Navy.

It follows paragraph 12, of the same section, which authorizes Congress to raise and support armies with a limitation that no appropriation for the Army should extend more than two years, but it will be noted no limitation is put upon the duty to provide and maintain a Navy.

That means all over the world.

I now read from the Democratic platform of 1912—the Baltimore platform—as follows:

> The party that proclaimed and has always enforced the Monroe doctrine—

I desire my Democratic colleagues to bear that in mind—the specific reference to the Monroe doctrine. I shall refer to it later—

> and was sponsor for the new Navy will continue to develop and observe the constitutional requirements to provide and mantain an adequate and well-proportioned Navy sufficient to defend American polices, protect our citizens, and uphold the honor and dignity of the Nation.

Therefore, accepting the proposition that gentlemen on this side as well as the other desire to provide and maintain an adequate Navy, I shall endeavor, very briefly, to point out what the elements of national defense are from which to determine what constitutes an adequate Navy.

To start with, what is it we must defend? In my analysis I invoke the careful analytical and logical thought of all Members. What must be defended? Life, property, institutions, and policies. I wish to remind gentlemen here when they begin to systematize the elements involved to bear in mind that we have 5,300 miles of coast line on the Atlantic Ocean; we have 4,700 miles on the Gulf; we have 3,100 miles on the Pacific; and this is continental coast line. When we refer to Alaska, to the Aleutian Islands, to Hawaii, to the Philippines—yes, when we refer to Panama, when we refer to Cuba and Porto Rico, without including the coast lines under the Monroe doctrine, we find that America has a vaster coast line exposed to attack from the water than any Nation in the world, not excluding Great Britain.

Furthermore, we find this: That the Old World built its centers of population inland in the early ages of the race, when water transportation was in its infancy. America, on the other hand, laid the foundation of her centers of population late, when she depended largely on transportation by water. Our great centers of population are exposed to attack by water as in no other country. To sum it up, without dwelling too long on the details of this one element, America has 30,000,000 of her citizens living within gunshot of the water, and America has thirty-seven billions of her property lying within gunshot of the water. There are more values of homes and property exposed to naval attack in America than there are in all the rest of the world combined.

Next to the question of life and property, and closely allied with them, comes the question of our institutions. Let me remind my colleagues that our institutions are founded on the principle of the right of local self-government, and that that principle has not been accepted by the other nations of the world. The first element in this principle is State's rights. No great military nation on earth has accepted that principle in America. When Italian citizens were lynched in New Orleans, and the Italian Government said she would hold our Federal Government responsible, our Federal Government

calmly told her they regretted the incident very much, but the Federal Government's authority under the Constitution could not invade the police power of the State of Louisiana, nor could the Italian Government negotiate with that State. Italy replied she would still hold the Federal Government responsible.

When the school question arose in San Francisco, a municipality on the coast, when the question of segregation arose in the Legislature of California, the city of San Francisco and the State of California could not insist upon being protected in the exercise of their rights. The Federal Government was not in a position to fulfill the first obligation it owes to the States—that of protecting them in their rights.

The colonies, when they gave up their armies and navies to the Federal Government, did so under the contract that the Federal Government would maintain them. Think of it, gentlemen, the Federal Government to-day can not protect the States of the Pacific coast in the exercise of the functions of a republican form of government.

The next element of our free institutions is the principle of equality of opportunity, which principle is being projected out by us into the competition for the commerce and the markets of the world. We should not forget that every great military nation in the world with a colonial system absolutely denies that principle. Take our Monroe doctrine. We may differ in many respects as to the responsibilities we bear for the weaker peoples in this hemisphere, but we do not differ on the principle that the colonial systems of Europe shall not be extended over any of them. Those peoples and their countries are going to be developed under the principle of equality of opportunity for all. We shall not hoist our flag there and claim any special advantage, and we will not permit any other nation to do the same. The completion of the Panama Canal will bring to a head the question of the future development of Central and South America. You can not escape that fact. Now, as man is conquering the obstacles of nature, controlling steam and electricity, and conquering the air as well as the land and water, these developments come swiftly. The great natural resources of the world are not going to be held back from supporting the civilization of the world. These lands and these countries are going to be developed, and the question must be settled as to whether they are going to be developed by the system of European colonization and restriction, which embodies the principle of privilege and special advantage of the distant mother country, or whether they are going to be developed under the Monroe doctrine, with the principle of equality of opportunity for all along with the freedom of those people.

Let me also remind my colleagues on this side of the fact that, whether we like it or not, the Monroe doctrine has extended across the Pacific Ocean. We have a greater responsibility for the destiny of the Filipinos than we have for that of the Mexicans or the Cubans. We may give them independence. I believe Americans wish them to have independence as soon as it is consistent with their capacity for self-government. But whether they are made independent or not, we can never allow any monarchy, whether of Europe or of Asia, to establish a colony there. We must defend them as we must defend the weaker peoples of Central and South America, whether we like it or not.

I say this principle of equality of opportunity has gone across the Pacific Ocean. It has been proclaimed in far-off China in the open-door policy, and yet great military powers have already closed the door in Korea and are now closing the door in Manchuria.

When Japan and Russia went into Manchuria, the very first year we lost $22,000,000 of our market for cotton goods and have never gotten it back, and their systems of transportation and administration, now controlled by their Governments, are throttling American trade.

This principle of equality of opportunity, the very end of justice, lies at the foundation of the world's future happiness, and in my judgment is the foundation of peace between nations. America embodies it and is committed to it, and no other great military country of the earth admits it.

We thus have great principles underlying our institutions and great world policies affecting our prosperity and happiness, and the welfare of the world, as well as stupendous values of lives, homes, and property of our citizens, all of which must be defended.

Having taken account of what must be defended, let us now examine the means available for their defense. Inside of a civilized community the means for defense of peace and security of life and limb and rights are provided by the community as a whole. But be it remembered the foundation of this defense is power, power provided by the community, that is greater than the power of any outlaw or any person who does not wish to abide by the law and agree to the settlement of differences by recourse to law founded on right and justice. I will ask my colleagues here, without going into a lengthy discussion, Would they for a moment leave the defense of their country to rest upon any international organization for a common defense of the nations of the world?

As yet there is no organization with authority to make law for the nations to live under. The Hague Conference is but a parliament in embryo. The delegates to The Hague Conference have no authority. Even among themselves they take rank not by any principle of justice, but according to the military power of their countries. At the last conference the Chinese delegates went there representing 450,000,000 souls. They were put down as a fourth-rate power, with Montenegro. The Japanese delegates went there representing 40,000,000 of souls and were put in the first rank. The Korean delegates went there to plead the right of their country to live; they were not allowed to enter the conference.

There is no international judiciary with authority to adjudicate. There is no international judiciary with authority to say what is international law and what is not. In the true sense of the word there is no such thing as international law. Some writers have simply been expressing their opinions about principles of justice and the precedents and practices of nations.

Out between the nations of the world we are to-day, at the present stage of international evolution, about where the English-speaking people were 1,500 years ago. In the evolution of international common law we have not reached the point of having an authority even to say what is precedent. The nations are a long way off from the development of an authoritative international parliament and an authoritative international judicial system, but they are still further off from the development of an international executive, of a power out among the nations stronger than any individual nation, a power which would protect the individual nation in the exercise of its rights as society protects you in the exercise of yours. There is none such.

In the absence of any real international organization for peace and justice some would rely upon treaties of arbitration. Yet the best arbitration treaty in the world between nations of any size in the very terms of the treaty specifically excludes arbitration for questions of honor and questions of vital interest—the very questions over which nations fight. As a matter of fact, the opportunity for recourse to earn this limited arbitration is proportional not to the justice of the appeal but to the size of the applicant's armaments. Would you rest your country's defense upon the strength of treaties of any kind? With whom would you have treaties? Suppose you succeeded in getting every nation in the world to enter into an agreement to protect America, as they agreed to protect Turkey, what nations would they be? The seven great nations of Europe who are now signatories to the treaty of Berlin?

Austria-Hungary is a signatory of the treaty of Berlin; and yet Austria-Hungary proceeded to seize Bosnia and Herzegovina. Was there a protest from the other signatories? No. Germany and Italy backed her up. Italy is a signatory of the treaty of Berlin, yet Italy proceeded to seize Tripoli. Did the other signatory nations protest? No. They backed Italy up. Has China realized national defense from her treaties with the great nations or these nations among themselves? Have treaties defended Korea?

Some argue for defense in the balance of power between other nations. Turkey has worked this a long time; so has China, playing one nation off against another. But nations thus played with sooner or later agree upon the spoliation of their common victim.

My friends and colleagues, amongst the great nations of the earth, in the evolution of social organisms, which goes on like the evolution of all other living things, there is only one defense that is now available to guarantee survival, and that is individual provision by each nation for its own defense.

No other means is reliable. No other means is worthy of a great nation. Realizing that we have vast interests and sacred principles to protect, and that we must rely upon ourselves, let us examine the agencies and instrumentality available for our national protection. A nation's defense is founded upon its people. The gentleman from Mississippi [Mr. WITHERSPOON] was absolutely correct when he said in the last analysis it is the man behind the gun. It depends upon the physique, the intellect, but above all the character of the average citizen who makes up the nation, provided he has the implements and the weapons that compare with those of his opponents.

But give an Indian a Winchester and he could kill a hundred white men of the highest evolution if they undertook to attack him unarmed. It is all well enough to talk about the man behind the gun, but I will ask the gentleman from Mississippi,

why does he not take some of the advice of the man behind the gun? [Applause.] He says our officers are such wonderful officers. True enough. Why does he not follow their unanimous advice as to matters of national defense upon which they are experts? If the man behind the gun is such a fine fellow, then he is entitled to have a weapon in his hand with which to have a chance not only for his own life, which he holds lightly, but a chance to deliver victory into the hands of his country and to give effective defense to the great principles for which his country stands. If you believe in the man behind the gun, give him a chance. [Applause.]

But let us go further. There must be the resources behind the population. When I see gentlemen go far afield upon the question of the actual needs of national defense, when I hear them begin to discuss the national defense as though it were a hairsplitting proposition of a compromise between public building bills and other matters of ordinary domestic economy, it is actually discouraging. To listen to them you would believe that the question of having one battleship, more or less, in a naval program would determine whether the American people were going to be ground down with the burdens of taxation or not. America has $17,000,000,000 in bank assets. All the rest of the world have but $17,000,000,000. There are gentlemen here who would have us recoil from making provision for national defense on the supposition that other nations would go on faster and that we can not keep up with them and parallel their great armaments. The idea is absurd. We have the men and we have the money. Now, what is the rational method of procedure? It is to take the money and provide economically and efficiently the instrumentalities through which the Nation can operate for an effective self-defense.

There are two great national weapons of defense. One is the Army and the other is the Navy. The Army is founded upon the military activity of the population. I am now speaking of modern armies. Olden-time armies oftentimes were paid mercenaries, hired to fight for the country which employed them, but modern armies are founded upon the principle of the military activity of every able-bodied citizen.

My analysis of the origin of institutions has convinced me that it is military activity of the people that produced and brought forth monarchical systems with attendant oppression. In the centralization that is necessary for efficiency in armies I see the centralization of Governments that were founded after the great wars and invasions of the past. In the hierarchy of the military system I can see the social stratification of the nations of the Old World which confine men's activities to narrow spheres in contrast with the unlimited possibilities of men's activities in our land. I can see there the taking away of men from industrial pursuits that lowers the productiveness of the people. I can see the turning of men's thoughts to the pomp of the military and the cult of privilege and power, lowering the true ideals that a people ought to have of individual worth and useful service. I can see in militarism the greatest obstacle of the past and the greatest obstacle of to-day to the development and progress of Christian civilization. This is fundamental. A nation should employ her men in military activities as little as possible, and the nations that have done so in the past and that were able to do so are the nations that have made the greatest progress.

In contrast with an army, a navy demands but few men. Sea power does not involve military activities of the people. Consequently industrial activities and liberal institutions attend upon sea power.

History shows that every Republic has been founded upon power by sea. There has been no great Republic founded on militarism. For a thousand years England has never been invaded, and to this good day the English have not been compelled to resort to conscription of citizens for their army. That is why the Anglo-Saxon has been able to evolve free institutions ahead of all others. Members of all parties and all ideas will accept this proposition that a nation should employ her resources, her property, rather than her men, as far as she can, for her national defense. The Navy represents property; the Army represents men.

It is estimated that one battleship requiring 1,000 men is the equivalent of an Army corps taking 50,000 men. That one little thousand out on the sea may be military among themselves, but they do not exert any example of militarism to our people. The beauty of our geographical situation is that it is transcontinental, and that all the great nations of the earth lie across the ocean from us. Having boundless wealth, it lies within our power to derive an almost perfect and complete defense through property by putting adequate fleets upon the seas to stand between ourselves and the world's great armies. When I say "great armies" I speak accurately. We are living in a period of armaments such as the world has never seen. There are 30,000,000 armed men across the water ready. When I say "ready" I mean they are not only organized, drilled, armed, and equipped, but that they have the transportation with which they can cross in a few days and reach our shores. It is simply in keeping with elemental instincts of self-preservation, and it is in accord with the evolution of free institutions that America should take full advantage of her geographical position and put sufficient ships between her peaceful shores and the world's great standing armies. [Applause.]

Since we stand only for equality of opportunity, against which none can justly complain, and would never seek a quarrel with others, and, being thus protected, others would not seek a quarrel with us, we could live in peace and security as complete as is possible at the present stage of evolution of the race, and could exert an ever-growing influence in the course of peace and free institutions for the world at large. Thus the Navy should be the main instrumentality for our country's defense; indeed, upon it will rest, in large measure, our country's destiny and the future of the world.

We are now prepared to determine the proper size of the Navy, our true naval policy, and the number of vessels that should be provided in this year's appropriation bill. The size of a nation's Navy is intimately connected with the size of the Army in an inverse proportion. The greater the ability of the Army to provide defense, the less the reliance upon the Navy, and vice versa. A big Army can go with a small Navy, but a small Army requires a large Navy. A Navy without a great Army behind it, as in our case, can not deliver a death blow beyond the water; but a great standing Army, when the sea is cleared, can strike a deadly blow beyond. America having no great standing Army could have control of the sea without menacing any nation, but a military power with a great standing Army would be a serious menace to us if left in control of the sea. It should be borne in mind that without a mobile Army our coast fortifications are open to capture by an enemy in control of the sea, landing troops beyond the range of the forts' guns and taking the forts from the rear. It is logical, it is just and right, that as between America and any great military power we are entitled to and must have control of the sea, for we are absolutely dependent upon this control of the sea as no other nation in the world.

Now, take the Atlantic. On the other side there is a great nation that should be different from all others, and that is Great Britain. She has no great standing army that could strike us, and has her most promising colony with a long contiguous frontier here with America. Canada, like America, has no army, and our preponderating size places her at our mercy. I therefore proceed at once to eliminate the power of the British Navy in deciding the question of what is the proper strength of our fleet in the Atlantic.

What are the other nations? Take the greatest nation with the greatest standing army. This is Germany. Germany has no coast line to defend to speak of, and we could not strike that coast line to do serious harm even if we had control of the sea. But if Germany should have control of the sea in case of a war with America, she could strike our coast line from Maine to Texas, and then through the Panama Canal—because the control of the sea is going to settle the possession of the Panama Canal in war—she could strike it as far up as she pleased in the Pacific.

If Germany has undisputed control of the sea, our American policies must also fall before Germany's policies in Central and South America. Over the sea we are as far from South America as is Germany.

The Germans have not accepted the Monroe doctrine. Their citizens are colonizing in South America. This is not a matter of hypothesis. Many of you remember a few years ago that Germany landed in Venezuela and hoisted her flag. We called on her to retire. Fortunately, as the result of the Spanish War, not from any foresight of our own, but by accident, the mere condition of public opinion temporarily giving some attention to this question having caused us to build up a good Navy for those days, we were the second naval power in the world. Our fleet was probably 60 per cent stronger than the German fleet. We had undisputed control of the sea as compared with Germany. We assembled our whole fleet at Guantanamo. We ordered Admiral Dewey to go down there and take charge. Then, in the most polite and diplomatic language, we requested Germany to retire. She retired in peace with good grace, recognizing that if we insisted our policies must prevail while we controlled the sea.

Since the Russo-Japanese War a new type of ship has come into being—and I will refer a little later to the details of ships—called the dreadnoughts. Gentlemen who are familiar

with industrial matters know that from time to time new machinery is introduced in all of the great industries, and when new machinery is introduced every up-to-date manufacturer who does not wish to go to the wall begins to systematically equip himself with that new machinery. That is what every nation in the world has been doing in respect to dreadnoughts. Take Germany, for instance. Germany has been building four battleships a year, three of them known as dreadnoughts, and one as a dreadnought cruiser, the law providing for them years in advance. America has not averaged two. Last year we got down to one. Suppose when the Panama Canal is completed, and when the question of the development of Central and South America becomes acute, Germany should again hoist her flag in Venezuela or in Brazil or the Argentine. That is not hypothetical. She would be far more likely to hoist her flag then than she was before the Panama Canal was undertaken, far more than formerly, since her citizens have steadily gone to Brazil and the Argentine. Suppose she were to hoist her flag on any part of Central or South America. America would then promptly call upon her to retire, and what would be the situation? By tables I could show you just what it would be, but it is not necessary. I can tell you briefly. We would have all told 12 dreadnoughts and Germany would have 29. I will discuss in a few moments the marvelous theory of the gentleman from Mississippi [Mr. WITHERSPOON] as to what constitutes a fleet and its integrity. I will simply now take what the nations of the world look to. They look to the first line, to the dreadnoughts. Germany would have 29 and we would have 12. Germany would be in absolute control of the sea. Under those circumstances we would be compelled to surrender the Monroe doctrine or to fight, and fight at great disadvantage.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I would like not to be interrupted.

Mr. MURRAY. I just want to ask the gentleman a question about the relative marksmanship of the men of the two navies.

Mr. HOBSON. I will come to that a little later.

Mr. MURRAY. I wondered if that would have any serious weight in our favor.

Mr. HOBSON. Mr. Chairman, I will tell the gentleman that the general principle is that while you have trust and confidence in your own men you do not assume that your opponent is so much your inferior. I know the time—and some of you can remember—when gentlemen like the gentleman from Mississippi—and unfortunately there were many such men in those days in Mississippi and Alabama and other States in the South—thought that 1 southerner could whip 10 Yankees. That is not a wise basis for national defense. I am assuming that the nations, backed up by adequate resources of their own and realizing fully the necessity of national defense, when the time comes will be found as well prepared and with as high efficiency as we are, where our people are continually neglecting the whole question and do not hesitate at times to sacrifice the efficiency of the Navy for a pork barrel. I would like to have the gentleman ask all those questions when I get through with my consecutive statement.

To continue, we would be compelled to fight or surrender the Monroe doctrine. I want each Member here to answer in his own heart which he would do. We would fight. If the gentlemen here would not, the American people would. I claim—and you can not escape it—that the war would be due absolutely to the fact that while this Nation asserted the Monroe doctrine it did not proceed in an intelligent way to make the provision under which that doctrine would be respected and would be effective.

I come back now to a reference of the gentleman from Pennsylvania [Mr. BATES] to the Spanish War, which furnishes a good illustration. You may recall that in the early nineties we began to insist upon reforms in Cuba, and Spain continued to refuse to make those reforms. Anyone looking into the questions at issue between the nations would have recognized that the policies of the nation that had control of the sea leading to Cuba would have to prevail. If we had proceeded to insure an undisputed control of the sea in the nineties, all of the problems in Cuba would have been settled by diplomacy. Our demands would have been reasonable, and Spain would have granted them. But we failed to provide for control of the sea, and yet became more insistent in our demands for reforms in Cuba.

While the world believed and Spain believed that her fleet was superior to ours, the result was inevitable. We had war. I want now to refer to the cost. Four more battleships at that juncture, which would have been double what we had, would have given America in the eyes of all the world and in the eyes of Spain the undisputed control of the sea and we would have had no war. As soon as we gained control of the sea the war ended. Twelve million dollars would have bought and paid for those ships, but then, as now, were were dealing with pork barrels and quarreling about economy. We did not provide those ships and we had the war. During its progress the war cost $500,000,000, and it is conservatively estimated that directly and indirectly, all told down to date, with pensions which are just beginning and they will run for 100 years, that war has cost us $1,500,000,000. Gentlemen will tell you what it will cost to have equilibrium with Germany on the sea. They will tell you that it will mean tens of millions. They do not tell you what would be the cost of the war that would result from not possessing control of the sea while we insisted upon our policies in conflict with German policies in the development of a continent. Twelve million dollars more put into battleships would have prevented the war with Spain and a few tens of millions now put in judiciously to give us control of the sea would absolutely insure permanent peace with Germany or any other great continental nation of Europe. The Monroe doctrine would be a reality and we would insure the peaceful development of the continent that is below us. We would insure the spread of free institutions and the principle of equality of opportunity in the Western Hemisphere. Gentlemen can well imagine the cost of such an unequal war with Germany.

As I said before, we were the second naval power in the world a few years ago. We are now the fourth. Germany has gone ahead of us. France has gone ahead of us. Germany is building four Dreadnoughts a year and has 23 of these Dreadnoughts available, whereas we have 13, and that is assuming we have completed all and is counting the *South Carolina* and *Michigan*, which only are of 16,000 tons, which we ought not to count. They are good ships, but they are but 18 knots speed, but admitting those, we find France has 13 and is building 7. We have gone below France. And keeping on at one battleship a year what do we find? In 1914 we would have 14, France 15, Japan 11; in 1915, we would have 15, Germany 28, France 17, Japan 13; in 1916, Germany 30, United States 16, that is counting two more than ought to be counted, France 21, Japan 15, Italy 14, and Russia 11.

Going a few years longer, on a one-battleship program, by 1920 we would have 20 dreadnoughts, Germany 40, France 27, Japan 22, Italy 22. We would be the sixth naval power in the world, with Russia coming up fast to make us the seventh. Thus, a one-battleship program would speedily cause America to drop out from among the naval powers of the world. Does any Member of this House imagine that the American people wish their Navy to thus disintegrate at this critical juncture when the world is so disturbed and the Panama Canal is nearing completion?

Now, gentlemen, suppose war does come as a result of our not controlling the sea? Have you investigated what it would mean? Our fourth, fifth, sixth rate Navy, as the case may be, is quickly swept from the sea. The war games show that Germany could then land an army on the coast of Long Island and another on the coast of New Jersey and capture Norfolk, Washington, Baltimore, Philadelphia, New York, and destroy our navy yards, shipyards, and arsenals before we could organize any serious opposition. After exacting a high ransom from these cities, she would reembark her troops and occupy strategic positions in the West Indies, would occupy the Panama Canal and Panama Canal Zone, and would occupy any part of Central America or South America she chose. Her fleets would destroy our coastwise and high-sea commerce, and blockade our harbors on the Atlantic and Gulf coasts, and prostrate business from one end of the land to the other, and we would be absolutely helpless, unable to strike a blow. In 1866 Prussia struck Austria. The war was over in a few weeks; Prussia was prepared. Austria was not. In 1870 Germany struck France. The war was over in a few weeks; Germany was prepared, France was not. Reference has been made to the war between Russia and Japan. Gentlemen who rely solely upon America's vast resources should carefully note the course of this war. Russia had boundless resources. The Japanese Army never got within 4,000 miles of Russia's vital territory, but the war was over in a few months, with Russia in defeat. Russia had gone on the supposition Japan would not dare attack her, and was found unprepared. Japan for 10 years had been making preparations for just such an attack. You may recall that America was foremost among the civilized nations of the earth that went down to Russia after the Battle of Tsushima and the Battle of Mukden and insisted that she accept the defeat and end the bloody war. With America's fleet swept away and America powerless to strike, the nations of the earth would come down to us and take the very words out of our mouth which we used to Russia and say, you must not continue to disturb the world's

peace; you are whipped; renounce your Monroe doctrine, cede the Panama Canal or buy it back, pay your billions of war indemnity, and in the name of humanity put an end to this bloody war.

Pressure from within would join the pressure from abroad. Great financial centers, where stocks and bonds preponderate, controlling the cosmopolitan press, would demand that the war end. Project your thoughts into the crisis that would arise. Do you see what it would mean? Pressure from within, pressure from without, to end the war. Suppose under this pressure that we should allow the war to end in humiliation and defeat. I do not know what good gentleman it was who said that if we go on building naval programs the American people, writhing under the taxation, would some day rise and wipe us out of office. I want to say, neglect to take the elemental precautions for the defense of your country that you take for yourself, that you take for your animals, and have the country actually precipitated into war because she did not have the instrumentalities you should have provided, and then, through the same neglect, entail upon this proud Nation the humiliation of defeat—can you picture the public wrath that would fall upon your guilty heads? What would you think of the paltry millions you saved on battleships when for every million you saved you entailed a loss of a hundred millions and put your country in the ashes of defeat and brought about the overthrow of her beneficent policies for this hemisphere? But these terrible consequences would not compare with the after effects upon the course of our institutions. An all-consuming wrath of public opinion would shake the Nation from ocean to ocean and imperiously demand that stupendous preparations be made to fight the war over again in the future—a far more imperious public opinion than that in France, which, since Alsace-Lorraine was surrendered, has for 40 years demanded the militarization of the French Nation.

Now, project yourselves into those conditions and picture what the consequences would be. Every able-bodied man would be drafted into the Army. Military systems would permeate the Nation. Yes; we quibble over 1 battleship or 2 battleships now, but there would not be any quibbling of 10 or 20 battleships then. Yes; we would find it would take some 15 or 20 years to become adequately prepared. During that period there would be anger, rancor, and revenge in the hearts of the American people, and especially the hearts of the growing youth. Talk about amity and good will for all the world! We would have it no more. The militarization of the people would bring the centralization of our Government, the curtailment of State rights and individual liberties. Then it is the demagogue would rise, and if he had sufficient power of intellect would menace our institutions.

This country is safe and its institutions are safe as long as the fiery furnace of war does not engulf us in its flames. By the time we were finally prepared and fought out that second war, what would be the condition of the Union? America would be as military as France. America would be as military as any military nation of the earth. You need not think we are so different from the European nations that our industrialism is fixed. We sprang from them. The heredity of thousands of generations is behind us as it is behind them. Begin to beat the drum here as in the Venezuelan message of President Cleveland, scratch the skin of an American, and you find a fighting man. We would experience what is called in the biological history of evolution a reversion to type. This beautiful civilization of ours, built upon the principle of peace and producing, and not the soldier with the rifle on his shoulder—this beautiful civilization based upon equality of opportunity for all—would have reverted back to the old civilization of the bayonet, from which it recently sprung. The wreck of free institutions would rest upon our heads. The victory of Prussia over Austria gave an impulsion to armaments; the victory of Germany over France gave another impulsion to armaments; and the victory of Japan over Russia gave another impulsion to armaments. No wonder that all the nations of the earth who have looked into this question have leaped to arms. And such a defeat for America at the hands of a great military nation would give a new and even greater impulsion to armaments. For generations the hope of peace would recede, while industrialism would be engulfed again in the old militarism that produced and maintained the oppression of the world for ages. I am not a pessimist, but as a scientific man I know that the forces of gravity are going to hold and the mighty sociological forces operating between nations are going to hold. No one can name the hour, the month, or even the year of its coming, but as surely as this policy of neglect continues—and I believe it is going to continue, for a two-battleships-a-year program is but a policy of neglect—the day is going to come, whether you believe it or not, when we shall find ourselves in the crisis I have described, humiliated at the hands of a great military power. In my judgment, that will be the greatest crisis in the history of the human race. The future of industrialism, the peace of the world, the happiness of mankind will hang in the balance. Oh, the pity of making such a crisis inevitable! But when it comes we can not allow the war to end. With our institutions and the future of civilization at stake, the war of survival must not end in defeat, no matter what may be the cost of victory——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MURRAY] asks unanimous consent that the gentleman from Alabama may be permitted to conclude his remarks. Is there objection?

Mr. HOBSON. Suppose you give me the time you gave to Judge WITHERSPOON.

Mr. MURRAY. Mr. Chairman, I revise my request, and ask that 40 minutes more be given to the gentleman from Alabama.

Mr. HOBSON. I shall try not to impose unduly on your patience.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MURRAY] asks unanimous consent that the time of the gentleman from Alabama [Mr. HOBSON] be extended 40 minutes. Is there objection?

There was no objection.

Mr. HOBSON. Mr. Chairman, I want to request my colleagues here who are to return to their homes—and it is a great regret to me that some of them are not to come back—that when they go back amongst the people they will bear this coming crisis in mind, whether they agree with me or not as to its approach, so that when it does come they may be prepared to help create at once the public opinion that would cause Congress to act wisely from the very start. Otherwise, it is possible that under this stupendous pressure to end the war the consequences of defeat might not be fully realized by our people. Upon the approach of war the American people ought quickly to be shown how the future of our civilization is at stake, with the future of peace and industrialism for the world hanging in the balance, so that, like one man, they may resolve from the outset that the war shall never end in defeat. [Applause.]

In the face of the inherent weakness of free institutions, the inevitable neglect by our people of these great questions, the mightiest element of our national defense will be this: To let the great military nations of the earth recognize that we foresee that we shall be found unprepared, and therefore that they can not reasonably expect us to permit the issue of the war to be settled simply by a test of preparations, as we have none. Therefore, immediately—simultaneously with the declaration of war itself—we ought to serve notice upon the nations of the earth that we can not entertain at any time any suggestion to end the war quickly, but propose to turn the pages of history back about 300 years and compel a war of endurance; that we do not propose to let the stupendous issues be settled by a test of preparations, where we are weak, but by a test of resources, where we are strong; that we propose to make it a war of exhaustion, as in our Civil War. When this great war comes it will be a test of survival between militarism and industrialism. The happiness of generations unborn will hang upon the issue. Industrialism unprepared must not be measured against militarism ready and prepared. Industrialism's strength is in its boundless resources. When the test of survival comes, we must appeal to the strength of industrialism and not rely upon its weakness. We must not have to fight but one such war. When we are challenged by some great military power because we are unprepared and because we insist on just policies, then, no matter what may be the odds against us at the start, no matter how long it may take, no matter what the cost in treasure and in blood, that nation, whether in Europe or in Asia, must be brought to an unconditional surrender or it must be ground to powder. If Germany or any other great military nation fully realized that a war would not end with the test of preparations, it would very substantially increase our national defense.

But, my friends and colleagues, it is such a pity that there should be any such war. The Almighty has planted industrialism here on the face of the waters so that it could, for all time, insure its free institution, its peace and prosperity through property instead of men with no danger of war and its attendant militarism. The same ships that would guarantee to us peace and security at home would make effective the Monroe doctrine in the Atlantic and the open-door policy in China. Such a Navy would project the influence of America across the waters to the nations of the earth in the interest of equality of opportunity—with equality of opportunity insured in the

Atlantic and in the Pacific, the mighty armaments of the world would not bring special advantage, and survival would be determined by productiveness, not by war.

That is the way to put an end to the mad race of armaments to establish this mighty equality of opportunity and render the armaments unprofitable. Then our Nation and the other industrial nations would survive. The nation that insisted on maintaining great armaments would be handicapped by the operation of economic laws, the stratification of society, turning men away from productive pursuits. America and similar nations that produce would gain the markets and the commerce of the world. The great forces of commerce and industry, the forces of education, the moral and religious forces, the forces of growing sympathy would undermine militarism in its own strongholds. It would be really the dawn of the day of disarmament. Then it would happen, my friends and colleagues, that when American delegates go to The Hague conference and plead that larger authority ought to be given to delegates in order to hasten the evolution of an international parliament, they would be heeded as they have not been heeded thus far. Then it would happen that when we appeal for The Hague tribunal to be developed into an international court instead of a diplomatic body, we would be heeded. The world would then heed us when we suggested the advisability of passing from individual armaments to collective armaments, to the advisability of organizing an international army and navy under the direction of an international council of nations and the ultimate pooling of armaments amongst the most civilised, so that the combined armaments would be greater than the armament of any individual nation. When such an international organization had demonstrated its capacity to protect individual nations in their lives, liberty, vital interests and rights, and had fully demonstrated its ability to settle the differences that inevitably arise between great nations by recourse to law and to justice instead of war and might, then the world would be ripe for the laying down of its armaments, and we should see the dawn of that happy day that has been dreamed of and longed for down the ages, when there would be peace on earth and good will to men.

But, Mr. Chairman, whether we choose this happy road of peace or whether through neglect we stray down the long road through the fiery furnace of war we come out at the same point, America's control of the sea in the interest of the principle of equality of opportunity. We can not escape this impending destiny. The day is going to come when America, the Nation that has no enemies, the Nation that seeks no conquests, the Nation that embodies for the strong and the weak, the rich and the poor, the Jew and the Gentile, the principle of justice and equality of opportunity, when America will reach her white arms out over the oceans and in the name of humanity command to the troubled waters, "Peace, be still," and then a great calm will reign, and we will teach men no longer to raise their hands against their fellows, but to reach out with a hearty handclasp of cooperation extending from State to State, from nation to nation, from continent to continent, till we shall have a veritable handclasp of cooperation girdling the whole world in a brotherhood of man under the fatherhood of God.

Mr. SAMUEL W. SMITH. Will the gentleman permit me to interrupt him?

Mr. HOBSON. I have almost reached the point when I shall be glad to meet all interruptions. One more point, and then I am ready.

Our investigation, then, shows that America has stupendous values of life and property to protect, great and beneficent world policies to insure in the Atlantic and the Pacific, and institutions which we hold in trust for all mankind that call for peace and security. We have found that the Navy is the instrumentality upon which we should rely. With conflicting policies of European nations as to the Western Hemisphere the true basis for an adequate fleet in the Atlantic is one able to insure to us the control of the sea as against any nation of Europe maintaining a great standing army, which at present means Germany. Such a fleet in all human probability would insure our peace and could give no offense to any nation that harbors for us no sinister purposes. We are in a position to define the minimum fleet as well as the adequate fleet.

In case militarism is not willing to abide by the Monroe doctrine, in case it seeks to encroach upon liberty and to destroy equality of opportunity, in case it insists upon oppressing the weak peoples of Central and South America and of the world, in case war must come, we must have at least enough of a navy to enable us to keep the enemy from destroying our shipyards, navy yards, arsenals, harbors, and ports, to keep him from destroying those resources that would enable us to develop the Nation's fighting power so that we would not be compelled to conclude an ignominious peace in order to turn our resources into fighting power. That is the minimum foundation for a rational national defense.

Now, recognizing that we have no mobile Army as the other great military powers have, I submit to you that while we ought to have undisputed control of the sea in the Atlantic, which would mean a good margin of superiority, the minimum basis is at least an equilibrium of naval power in that ocean as compared with any great military power of Europe that has a mighty army ready. It would mean that in the Atlantic we must have at least an equilibrium with Germany.

Now let us turn to the Pacific. My former speeches on this question have dealt largely with the Pacific. I have purposely avoided the Pacific to-day. When I have discussed international relations and strategic positions and have analyzed forces in an impersonal way as officers and legislators of all nations always do in dealing with these great questions, my motives have been questioned. But I want to sum up and remind gentlemen here that the question of the open-door policy is not the only question in the Pacific Ocean to be settled now. We are located in Pearl Harbor. A circle of 4,000 miles in the heart of that ocean has only one harbor, and that is Pearl Harbor. We can control the sea for 2,000 miles from a base. The nation that has control of Pearl Harbor will enjoy the control of the Pacific. As between the white race moving westward with the sun, that has now at last put its frontier out in mid-Pacific; and the yellow man, moving east against the sun, who has put his foot there, too, the race that permanently controls Pearl Harbor will imprint its civilization as against the other on the future of the world. There is no use of ignoring this great historic fact, this critical question of destiny. Our flag is flying over Pearl Harbor, but there are 35,000 Japanese troops there. That is the official report of an Army officer. Pearl Harbor is the most strategic point in all the history of the world. Do you think this Nation or any nation can occupy Pearl Harbor, out in midocean, without the control of the sea? If you think so, you fly in the face of history; you have never looked up the history of Gibraltar and Malta and every other strategic point. Take Guam and the Philippine Islands and the harbors there right on the flank of the great trade routes of the Far East. Do you think we can hold those without control of the sea? If you think so, you rush in the face of history. Take Alaska, a defenseless treasure house. Take Panama. Say what you please about it, the completion of the Panama Canal makes Panama, next to Pearl Harbor, the second most vital strategic point in all the world. If we have control of the sea, Panama is ours for mobilization, for the passage of reenforcements. If the enemy has control of the sea, Panama is his. Do you think we can occupy that vital strategic outlying territory without control of the sea? If you do so, you rush in the face of all history.

Now, it is unwise for us to ignore the fact that the peoples of Asia and the peoples of Europe and their descendants do not live together in close contact. The war in the Balkans ought to remind us that they never have lived together, and that the race hatred that is beginning to develop on the fringes of the Pacific Ocean is but a forerunner of the problem between the white and yellow races that must be settled some day, and settled by America.

I referred to San Francisco, the municipality that had to surrender its right to manage its own schools in its own way. I refer to the Legislature of California, that had to surrender the right of passing segregation laws, laws that would have been just, because the Japanese segregate us. You can not go to Japan and buy a house and lot and live there. I lived there, and they segregated me. They should not find fault with us for treating their people like they treat ours; but we could not mention this—we were at their mercy. The legislature had to surrender the right of local self-government. The full exercise of the police power of this municipality and the Commonwealth, the exercise of the principle of the right of local self-government, were surrendered and are surrendered to-day.

However, I will not dwell on this, but will sum up briefly: The open-door policy involves the great question of the ages, the competition of trade and commerce, a prolific cause of war; the possession of vital outlying territory is a second great historic cause of war; race hatred is a third cause of war; and the conflict of vital institutions the fourth. Those are the four great historic causes of war between nations. They are all four in operation. The only possible way to remove them is to establish a condition of equilibrium. We should establish a condition where we could meet Japan in mutual respect and make mutual concessions. Only then can we hope to solve these problems. If these great causes of war are not removed or counteracted, war must follow as surely as effect follows cause. Reasoning for the Pacific as for the Atlantic, we should have control of the sea, as compared with any military nation of Asia, which means a fleet with a good margin of superiority over the Japanese

Navy. The very minimum is to have always in that ocean an equilibrium, a fleet equal to the Japanese Navy.

Since the Pacific is so vast and vital points so distant from the Atlantic, each ocean must have its own defense. Having the Panama Canal, with its possibilities for concentration, provided we can hold it, we can safely proceed on the minimum basis for the two oceans. Therefore our plan is simple—each year get the ships laid down in Germany, get the ships laid down in Japan, and then lay down enough ships to equal the two. That would mean at the present time, while Germany averages four and Japan averages two, we should average six dreadnoughts.

Now, one step further, and I am through with the analysis. I spoke of a dreadnought. There are really two classes of dreadnoughts—a dreadnought proper and a dreadnought cruiser. I have seen the war games fought out at Newport as to the advantage of the composition of the fleet. I have been there myself and helped fight them out with the naval officers. They find this: That a homogeneous fleet of battleships has advantage over a homogeneous fleet of battle cruisers, for the reason that, while they can not compel an engagement, they could go wherever they pleased and control the sea.

But it also shows that for the battle fleet to realize its full advantage it ought to have fast wings, just like an army whose strength is in the infantry ought to have cavalry. With the present strength of our fleet we ought to have four dreadnought cruisers, two for each wing. Germany builds one battle cruiser and three dreadnoughts; England about the same; Japan a larger proportion of battle cruisers. Therefore the program I am recommending this year, since we have no battle cruisers, is four dreadnoughts and two dreadnought cruisers. This is the program recommended by the General Board.

Now, I want to say to my friends here that for years I have not advocated on the floor of the House what I believed to be the proper program, and my colleagues on the Naval Committee have not done the same. I have never had sufficient time to fully discuss an adequate program in the committee.

It sounds strange to say I could not get the time in committee after the statement of the gentleman from Mississippi that the committee gave so much time pressing forward to battleships that it did not have time to consider the other items of the bill.

The subcommittee, that worked day in and day out for seven weeks on the other matters, did not even recommend the battleships. The whole question of the building program of the Navy was left to the full committee and was settled at one meeting. When I pleaded for time to discuss it a point of order was made, although it was withdrawn. I was going to be limited to 5 minutes, but I got 10. The position of the committee heretofore has been this: The older members would say that, considering the sentiment of the House, the wise thing to do was only to recommend what they thought we could get, and this never exceeded two battleships a year. I present here a table prepared by the Office of Naval Intelligence from the programs of foreign nations, which shows that a two-battleship program will consign us to the position of a fourth or fifth rate naval power:

Strength of the United States in capital of ships built, building, and authorized, compared with other naval powers on Jan. 1 of each year from 1913 to 1920, inclusive.

DREADNOUGHTS (BATTLESHIPS AND BATTLE CRUISERS).

Countries.	1913			1914			1915			1916		
	Built.	Building.	Total.	Built.	Building.	Total.	Built.	Building.	Total.	Built.	Building.	Total.
England	23	13	36	27	14	41	32	13	45	36	13	49
Germany	13	10	23	17	9	26	21	7	28	23	7	30
United States	8	5	13	10	5	15	12	5	17	13	6	19
France	6	7	13	8	7	15	10	7	17	13	8	21
Japan	4	5	9	5	6	11	7	6	13	9	6	15
Italy	1	7	8	4	6	10	6	6	12	8	6	14
Russia	0	7	7	0	11	11	4	7	11	7	4	11
Austria	1	3	4	2	2	4	4	0	4	4	1	5

Countries.	1917			1918			1919			1920		
	Built.	Building.	Total.	Built.	Building.	Total.	Built.	Building.	Total.	Built.	Building.	Total.
England	41	13	54	45	14	59	50	14	64	55	14	69
Germany	26	7	33	28	8	36	31	8	39	34	8	42
United States	15	6	21	17	6	23	19	6	25	21	6	27
France	15	6	21	17	6	23	19	6	25	21	6	27
Japan	11	6	17	13	6	19	15	6	21	17	5	22
Italy	10	6	16	12	6	18	14	6	20	16	6	22
Russia	7	4	11	11	2	13	11	4	15	11	6	17
Austria	4	2	6	4	3	7	5	2	7	6	2	8

The above table has been compiled from the most authentic information on hand.
German program last ship authorized to be laid down in 1917.
English program is that stated by the first lord of the admiralty and a reply to the German law.
The French program expires with the laying down of the last ship in 1917.
The Russian program provided for 4 battle cruisers by 1917.
The Japanese program has not been acted upon, but 13 ships extending to 1920 are to be asked for.
Austrian program expires upon the completion by 1915 of the 4 ships now building, an increase of at least 1 ship annually will be proposed.
The Italian naval law authorizes the expenditure of given sums of money for new construction up to and including the fiscal year 1917-18. The types of ships to be constructed is left to the minister of marine.
For the United States, an increase of 2 capital ships yearly has been assumed.
After the expiration of the current programs, an average of the new construction of each nation has been assumed for the ensuing years.

The effect of advocating only what we thought we could get has educated Congress and the country to think that two battleships a year is a big program. I believe the policy is wrong. I gave way to my colleagues' longer experience, but I shall give way no longer. The true policy for me and, I believe, for a committee is to recommend what we feel, after investigation, to be right and leave Congress to decide the result. Henceforth I am going to insist on time in the committee to discuss the question of battleships, and I am going to come into the House each year that I am here and tell my colleagues what, after earnest and careful and painstaking thought and investigation extending over many years, I believe to be the minimum program. [Applause.]

Mr. Chairman, I shall now be very glad to answer any questions that may be propounded by any gentleman. I have kept a few notes, made during the remarks of the gentleman from Mississippi [Mr. WITHERSPOON], and if I have failed to touch upon all of the subjects that he touched upon, I hope the gentlemen here will ask me anything they have in their minds to bring them out.

Mr. SAMUEL W. SMITH. Mr. Chairman, I would like to ask the gentleman if he is in favor of fixing the time when the Philippines are to be given their independence; and I would like also to ask a question respecting the officers necessary to man our ships? I understand we lack about 3,000 officers. How would the gentleman provide for these officers in case of war?

Mr. HOBSON. For the officers?

Mr. SAMUEL W. SMITH. Yes.

Mr. GREGG of Texas. Three thousand officers?

Mr. SAMUEL W. SMITH. Yes.

Mr. HOBSON. Mr. Chairman, we have not properly organized the personnel of the Navy. That is one of the great reforms that the Navy needs. I am hoping that we shall have the instrumentality before long by which we can proceed—under the joint direction of Congress and the Executive, through joint boards, made up of subcommittees from the Naval Com-

mittees of Congress and officers of the Navy, who will investigate and report plans for reorganizing the whole personnel of the Navy, plans for reorganizing the navy yards and naval stations, reorganizing the Navy Department and naval administration, and reorganizing the methods of making the annual estimates. When such a joint board reports, it will have worked out what the number of officers and men should be, and I am confident the number will be based upon and automatically made proportional to the tonnage of the active fleet, with a reserve personnel proportioned to the tonnage of the reserve fleet. I will say to the gentleman from Michigan that we have to-day more than enough officers to man all of our battleships, including the old ones and the new, and there need not be any hesitation about providing battleships upon the supposition that we would not have enough officers to man all of the ships. When we put all vessels in commission when war comes—not only the old battleships and the old monitors and the old cruisers and the old gunboats, but every other old craft, down to the old torpedo boats and auxiliary torpedo boats, and all on a war basis—then we would be about 3,000 officers short.

Mr. SAMUEL W. SMITH. In the Naval Militia.

Mr. HOBSON. I would add that with enough officers to man the battleships we can improvise from the Naval Militia for auxiliaries and for mosquito fleets——

Mr. GREGG of Texas. Mr. Chairman, I would like now to ask the gentleman a question.

Mr. HOBSON. But it is too late when war comes to build battleships.

Mr. SAMUEL W. SMITH. Mr. Chairman, I would like to have the gentleman answer the question respecting the Philippines.

Mr. HOBSON. Mr. Chairman, I believe that Americans are a unit in wishing the people of the Philippine Islands Godspeed in their development and are a unit in encouraging their political capacity by giving them increasing opportunities to exercise it by teaching the child to walk by letting it walk, but I do not believe that we ought to expect a child to rise up out of swaddling clothes and run a race. [Applause.] I do believe we are going to protect them as long as American character is what it is to-day. [Applause.]

Mr. GREGG of Texas. Mr. Chairman, the gentleman spoke something about manning the mosquito fleet. Does the gentleman count destroyers as part of the mosquito fleet?

Mr. HOBSON. No, indeed; and I am glad the gentleman has brought that out, because when you authorize a battleship you must not think that finishes the authorization. You ought to have four destroyers for every battleship, and the destroyers should be commissioned while the battleship is commissioned. I am glad the gentleman brought that out, and I want to pay my respects to him, for he has been a consistent supporter of the proposition of having sufficient of these auxiliaries to go along with the battleships. I am sorry that I can not say as much for the gentleman from Mississippi [Mr. WITHERSPOON], and it is a remarkable fact that men who come in here and talk about our lack of auxiliaries as a reason why we ought not to have battleships are the very men who vote against auxiliaries in the committee.

Mr. CANNON. Mr. Chairman, I have been very busy in my committee room, and I have not had the pleasure of listening to the gentleman, but, speaking of auxiliaries, has he discussed that question?

Mr. HOBSON. I have just gotten to it now.

Mr. CANNON. If the gentleman will allow me, what I do not know practically about a navy would make a great library——

Mr. HOBSON. Will the gentleman permit me to interrupt him to say that his modesty, with a great deal of valuable information from long years in dealing with these problems, is exceedingly characterisitc and in extraordinary contrast with the astounding wisdom and know-it-all attitude of gentlemen opposing this bill, who have dogmatically settled all the technical questions from strategy and tactics down to the last test for ballistics of great guns [laughter and applause], while some of them never saw a battleship and have been here just long enough to sprout their pinfeathers as Members of this House.

Mr. CANNON. What I wanted to ask was this as a foundation of my query of the gentleman. When that fleet went around the world I was mortified beyond measure that the colliers and a number of other auxiliaries had to sail under a foreign flag, and I am anxious to vote for battleships; but at the same time I am anxious to know that in the event of war that we have proper auxiliaries, because it takes that class of vessels to utilize the battleships.

Mr. HOBSON. I am very glad the gentleman brought that point. We are slowly equipping our Navy with colliers, but in a great war a nation must have an ocean merchant marine from which to draw sufficient colliers and similar auxiliaries. I hope the time is approaching when we shall have a large merchant marine. In this connection I will remark that the naval bill to-day as it comes in is the best-balanced bill that has come in since I have had the honor of being in Congress. It provides six destroyers and six other auxiliaries. I think I may state without involving the secrecy of the committee proceedings that an effort was made to make the number 16. We have not one destroyer per battleship to-day, not one efficient destroyer for a battleship. We ought to have four. Every time we authorize a new battleship we ought to authorize four destroyers in the same bill.

Mr. WILSON of Pennsylvania. Will the gentleman yield for a question?

Mr. HOBSON. I will.

Mr. WILSON of Pennsylvania. Does the gentleman believe it is necessary in time of peace to have a well-balanced Navy and auxiliaries?

Mr. HOBSON. Certainly I do.

Mr. WILSON of Pennsylvania. Equivalent to what you would have on a war basis?

Mr. HOBSON. I certainly do.

Mr. WILSON of Pennsylvania. Is it not a fact that it takes a longer time to build a battleship or a cruiser than it does to build these auxiliaries?

Mr. HOBSON. Very much longer.

Mr. WILSON of Pennsylvania. Then, if it was the purpose of the gentleman——

Mr. HOBSON. That is, the necessary time.

Mr. WILSON of Pennsylvania (continuing). To have a Navy to meet emergencies, what is the necessity of having auxiliaries that can be built in a short period of time?

Mr. HOBSON. I want to say that my statement was only comparative. On a pinch you can build destroyers very much more rapidly, but it is very much better not to have to do it. The destroyers ought to be built with the battleships; the mosquito fleets can be improvised and, for a maritime nation, the colliers to which the gentleman from Illinois referred, but in our case, without a merchant marine, it is necessary to provide colliers in advance.

Mr. GREGG of Texas. Is it not a fact that it takes about three months to build a torpedo destroyer?

Mr. HOBSON. I will say to my friend we have run along about that time. I also mean to say you do not have to build any armor for them or heavy guns, and in number their engines are standardized. The armor and heavy guns is what usually takes the longest time in building the battleships.

Mr. GREGG of Texas. Does not it take 30 months to build them now?

Mr. HOBSON. It takes about that time, a couple of years.

Mr. GREGG of Texas. In stress, can not we build battleships in a comparatively short time?

Mr. HOBSON. The gentleman is very much mistaken. If you try to turn out large numbers of battleships you have to consider the question of armor-plate factories and gun factories, which are not commercial plants, and it takes time to make large extensions of these plants. If we tried to build 20 battleships it would probably take four or five years, or even longer on the average. But, if we had to build 10 or 20 or a hundred of these smaller boats, we could turn them out probably in 12 months and later on in 9 or 10 months——

Mr. LOUD. The war would be over by that time.

Mr. HOBSON. Yes; under certain conditions.

Mr. GREGG of Texas. I understand the gentleman that the department is willfully taking 30 months to build something that can be built in 12.

Mr. HOBSON. Oh, no. Does the gentleman have any other questions to ask.

Mr. CURLEY. Will the gentleman yield for a question?

Mr. HOBSON. Certainly.

Mr. CURLEY. How long did it take to settle the naval supremacy between Russia and Japan?

Mr. HOBSON. Well, the first battle was fought on the 12th of August before Port Arthur. Tsushima was fought several months later. War was declared in February, if I remember correctly.

Mr. CURLEY. Then the naval supremacy between Russia and Japan was settled in a period of about five months?

Mr. HOBSON. No. They carried on those operations around Port Arthur a long time before they fought the Battle of Tsushima, and the Russian fleet had to be fitted out at Cronstadt and come around. If I should guess at it, I should say about a year.

Mr. CURLEY. How long did it take to settle the naval supremacy between the United States and Spain?

Mr. HOBSON. The war was declared about the 21st of April, and the battle of Santiago was fought on the 3d of July.

Mr. CURLEY. A period of about four months. So that it is possible to destroy a navy in about one-fifth the time it takes to build a destroyer?

Mr. HOBSON. The gentleman recognizes here that in that case it was settled by one battle. I will point out to the gentleman—and this brings up a very interesting line—the question of these other battleships. There ought to be two lines of battle, the first line composed of dreadnoughts, the second composed of older battleships. If two fleets of the first line are anywhere near balanced in power, they will both pretty nearly cripple each other. If an appreciable percentage of those dreadnoughts on either side come out unscathed, they will determine the control of the sea, but the chances are if it should be an equal fleet between America and Japan or America and Germany, the fair assumption is they would both destroy each other, and then the control of the sea would rest upon the old-time battleships of the second line that would be in commission and ready.

Now, then, a third line of defense would be behind those, and there is where you would have the mosquito fleets. But I will say to the gentleman that the battle between those dreadnoughts will take place very shortly if the inferior fleet is willing to accept battle, so that for your first line you can only utilize the destroyers you built in time of peace.

Mr. SAUNDERS. Will the gentleman yield?

Mr. HOBSON. I will.

Mr. SAUNDERS. This whole matter is within the meaning of the word "adequate." Having reference to present conditions, and what you think a reasonable likelihood as to the future, what ought our building program to be in order to have an adequate Navy?

Mr. HOBSON. For how long?

Mr. SAUNDERS. Starting now.

Mr. HOBSON. Just as long as Germany and the——

Mr. SAUNDERS. I mean in the number of ships. I said having reference to the present conditions and reasonable likelihood of the future, as you view it, what ought to be our present building program in order to establish an adequate Navy?

Mr. HOBSON. I am telling the gentleman——

Mr. SAUNDERS. I mean in the number of ships.

Mr. HOBSON. I am telling him. It would be what Germany is averaging a year plus what Japan is averaging, making six battleships—two of the battle cruisers and four of the dreadnoughts.

Mr. SAUNDERS. Our present Navy is very inadequate, because of that view?

Mr. HOBSON. It is fast becoming so. I want to say to the gentleman from Mississippi, who was discussing those old ships, that if you let a manufacturing plant that is going to come in close competition with another rely upon its old tools and begin to patch up and repair those old tools it will soon go into bankruptcy. Under his standstill idea the American Nation would soon become insolvent as to national defense. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama [Mr. HOBSON] has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DENT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 8414. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes.

NAVAL APPROPRIATION BILL

The committee resumed its session.

Mr. GREGG of Texas. Mr. Chairman, I yield 30 minutes of my time to the gentleman from Texas [Mr. DIES], and after that I yield another 30 minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. DIES. Mr. Chairman, the conception of the gentleman from Alabama [Mr. HOBSON] of an ideal nation is a large number of very large battleships surrounded by a sufficient amount of land for coaling stations. [Laughter and applause.] But I must thank him for relieving my nerves during the course of his remarks. He throws one of these fits annually upon the occasion of the bringing in of the naval appropriation bill.

Now, I am one of those gentlemen, like my friend from Mississippi [Mr. WITHERSPOON], who has scarcely sprouted his pin feathers, but I have already been here long enough to hear one of the gentleman's prophecies made when he wanted a larger appropriation for battleships. And, being a new Member, my nerves were of course shattered by the direful forebodings of the warlike gentleman from Alabama. As he stood there, with perspiration bursting from his patriotic visage, he portrayed what would occur in this benighted country within 12 months from the time he was then speaking. Twelve months, or 10 months? Well, a month or two in destroying a great Republic like this is not considered in the arithmetic of the gentleman from Alabama. [Laughter.] He destroys them upon short notice.

Upon that occasion the gentleman from Alabama was destroying this Republic with the grim guns of Japan. I wondered then why gentlemen did not go into paroxysms of fear. It is probably because they had heard his prophecies oftener than I had. [Laughter.] When he said our country would be flat upon its back in 10 months, and Japan would have her yellow hands upon our white throats, I was almost persuaded to give him the two battleships. But he said then just what he said a moment ago: Two battleships were not worth a baubee. It would take six to do the work. [Laughter and applause.]

Mr. Chairman, the gentleman from Alabama is the Don Quixote of this Congress when it comes to war measures. I do not believe, sir, that we are in any great danger from the nations of Europe. I do not believe that because England has a greater navy than we have we should strive to have a Navy equal to that of England. I do not believe that we should strive to have a Navy equal to Germany's navy. I do not know much about war, and not as much about history as the gentleman does, but I do know that England and Germany and France are arming themselves, and that for centuries they have impoverished the taxpayers and the agrarian populations of their lands to arm themselves in defense, one against the other. I do know that if Germany were to leave Europe and come over into this country, making war upon the United States she would be banished from the map of Europe.

It all resolves itself into this: The cry is for Armies and for Navies, and I say that in the light of history there is not a scintilla in the history of the nations of the earth to justify a standing Army or a great Navy in this Republic. We are separated from the politics of Europe by a great ocean. As long as we stay upon this hemisphere—ample, indeed it is to support all of the children of the generations to come—and attend to our own business, unless we are rushed into a war by loud-mouthed jingoes against the peace and security and happiness of this country, we shall remain at peace. [Applause.]

Mr. Chairman, I have heard a good deal about economy, and, being an unsophisticated new Member, with pinfeathers scarcely sprouted, I took a good deal of it seriously. I heard a good deal, I say, about economy. But I have learned two things, Mr. Chairman, in my short service here. A man can bring himself into disrepute in this House more quickly by defending the Constitution and opposing the appropriation bills than by any other course that can be followed. [Laughter and applause.]

When the gentleman from Illinois [Mr. FOSS] began his delightful address, he prefaced his remarks by saying that he was gratified that a Democratic House was following the policy established by the Republican Party. The gentleman's criticism is well taken. The difference between an extravagant Republican and an extravagant Democrat is a difference of principle, and the compliments all go with the Republicans. [Laughter.] The Republican wants to uphold the protective-tariff system. He believes—or tells the gullible world that he believes—that you can make people prosperous by taxing the lights out of them [applause], and that all you have got to do is to tax everything and everybody and thereby make the country wax fat and happy. [Laughter.]

But we Democrats have taken the other view. There is not a Democrat on the floor of this House who has not told the country that for every dollar we take out of the pockets of the people by this protective-tariff tax and get into the Treasury of the United States, it costs the American people $5 to collect it. Then, if what I have said is true, we have an awful accounting to give to the people when they come to judge us for the deeds done in the Sixty-second Congress.

I do not know by just how many hundred millions the appropriations of this Congress will exceed the appropriations of the last Republican Congress, but I do know that we started off with a pork-barrel pension bill that increased the pensions of this country some $40,000,000 or $50,000,000. We promised then that the pork-barrel feature of private pension bills would be dispensed with, but still every Member comes in and gets his pork from the Pension Committee when the time rolls around. So as to the other pork-barrel bills that come before this body. Every man must have his public building in his little town; it is

immaterial whether it has 700 or 7,000 people, according to statements made on the floor of the House. He must have it. If it costs $100,000, according to our Democratic theory it costs the taxpayers $500,000. The trouble about these pork-barrel bills is this, that the committee practice that is followed is "Equal rights for every member of the committee, and special privileges to nobody else." [Laughter.] I do wish and I do fervently pray that the time may come when a public-building bill will be made according to the population and post-office receipts at the place where it is proposed to establish the building, and I do hope the time may come when it may be an automatic matter, so that when a town reaches a certain size and the receipts are a certain amount, the building may result. I say, and I measure my words when I say it, that these pork-barrel bills are a stench in the nostrils of the American people. [Applause.] I know that they are gotten up for the protection of the Members. I know that there is a powerful temptation and a powerful force behind their organization, but that temptation ought to be removed.

I am not as much of an economist now as I was when I first came here. [Laughter.] I have seen so much grand and petit larceny that I am like a soldier who has witnessed bloody carnage on many battlefields. I look upon a litle larceny with more complacency than I formerly did. [Laughter.] My feelings on that subject remind me of what occurred when I was a boy. I hope I may be permitted to rescue a dumb brute from some little obscurity. I was raised in the cross timbers of Texas; that is, with the prairie on one side and the timber of the woodlands on the other. We had a little farm of 114½ acres in the timber belt. We had a good rabbit dog that we called Hunter, and a faithful dog he was. He was part Newfoundland and part shepherd, and old Hunter, on good, level ground, could catch a cottontail rabbit in anywhere from 200 to 250 yards, and on plowed ground he only wanted 60 or 70 yards to catch him. As we boys grew up we needed a little more land to cultivate and my father rented a little farm over in the prairie section, and we carried old Hunter over with the wagon and plows. Over on the prairie they had what they called the mule-eared rabbits, and they said it took a fast dog to make one of them put down his fourth leg. [Laughter.] It was not more than a few hours before one of these mule-eared rabbits got up, and old Hunter took after him, and he made a noise about like a flock of quail flying. He ran the rabbit for a mile or a mile and a half, and in an hour or so he came back with his tongue hanging out, and he was shaking all over, and he lay down under the wagon and stayed very quiet.

The next day a mule-eared rabbit got up in front of him, and he ran him about 200 yards and came back. By the end of the third day the rabbits could play all around old Hunter and he would just raise his head and look at them, but would not stir a step. [Laughter.] I remember when I first came here some one ran into the cloakroom and said the House was about to squander $10,000,000. I jumped up and bounded into the Hall and ran down the aisle and shook everybody as if the Capitol was on fire, and I said, "The people are about to be robbed of $10,000,000." But now, Mr. Chairman, it can be announced in the cloakroom that they are about to be filched out of $50,000,000 and, like old Hunter, the Members just barely look up. [Laughter.]

But, Mr. Chairman, while we are engaged in the erection of all these magnificent stone structures in Pumpkinville and other great centers of the country for our political safety, it is well to take a little peep into the future as to what people are going to do when we present them with the bill at the next election. They have authorized us now to levy and collect an income tax. We are likely to start out with $5,000 or $6,000 as the minimum income which will be taxed; but even though the tax collector only looks for men with $5,000 incomes, he will find a man or two in every one of these little towns in the South and the East and the West and the North, and I want to say that when a tax collector, authorized by Congress, taps this gentleman on the shoulder and says, "Mr. Brown, we want a couple of hundred from you;" "Mr. Smith, we would like to have $10,000 from you"—I am not referring to any one of my colleagues, but speaking figuratively—the gentlemen who pay this tax will be a powerful advance army fighting for economy in this country. They are going to say, "Why did they build that public building down in that little town over in RODDENBERY's district, where there are only 2,000 people?" They are going to say that there is $65,000 at 3 per cent interest, there is a janitor, there is the insurance, and there is all this expense, and they are going to wonder what sort of economy it is to spend these vast sums of money in towns where the rents are not equal to one-tenth of 1 per cent of the interest on the money. And so it is all along the line of appropriation bills. I wish, Mr. Chairman, and I look forward with pleasure to the time when the income tax shall be developed, as it is sure to be developed, in this country. As a matter of principle and justice, a man ought to pay taxes on what he owns and not on what he consumes, and as soon as our industries can all be made to stand alone and gradually from year to year we develop the income tax, we can take the money from the men who have money, taking a part of the income—if it is a little income, taking a little, and if it is a big income we will take a lot. They will hang a great many of the economists who passed the bill, but it will be a good thing for the American people. [Laughter.]

You will go home and face an outraged constituency. They will not meet you with brass bands and ask you if you got that appropriation for Mud Creek, to dredge it out where it is knee-deep, but they will meet you with a frown and a tax receipt in their hands, and ask you why you sent the tax collector for these amounts to squander in needless appropriations.

Oh, the Republican Party has searched for every excuse to spend money as a prop for the protective-tariff system, and, as was truly said on the floor of the House, that in order to bolster up the protective system the Republican Party would be willing to collect the money and put it in tugboats and carry it out and sink it in the ocean in order to sustain the stock argument that they believe that prosperity is based on the protective system, and to tax the people is to increase prosperity.

Now mark you, Mr. Chairman and my Democratic friends, our position is vastly different. We believe that a tariff is robbery. I want to see a system of direct taxation that will give pause to the tendency of the times to the increase of Federal activity.

You know at the last Congress we almost embarked on a good-roads system. That will come next. The public buildings and pensions are here. Now I want to pay a compliment to the old Union soldiers of this great Republic. Mr. Chairman, they not only saved the Government in the time of war but they have saved it in time of peace, because if they had asked this Congress for the Capitol and all the wealth of the Nation they would have gotten it by a large majority. [Laughter and applause.] Considering their opportunity, considering the flexible nature of the Congress, I wonder at the tremendous moderation of the Union soldiers rather than at their excess. I think they are to be complimented if they have not come in and asked for one hundred and fifty billions instead of a hundred and fifty millions.

There is going to be a great amount of wailing and gnashing of teeth at the next election. Now, I do not think for a moment that our friend RODDENBERY has done the Democratic Party a bit of harm. I wish they would keep talking about it. He said no more now than every Republican will say when it comes to the next election. He said there is no bridle on Congress, and there is none. For one, I doubted the wisdom of taking the power from the Speaker, because I thought it was necessary to lodge the responsibility somewhere that there might be a check on the committees of this House. If the Speaker had had the power that the previous Speaker had, while perhaps he would not have wielded it with such harshness and such unpopularity, still he would have been in a position to have said to these committees, "Thus far shalt thou go and no further." But, Mr. Chairman, I do not know how far the appropriations will go. The gentleman from Alabama wants six battleships, and they are likely to get two. Of course, the Republicans want to get us into all the folly they can. They were too wise to appropriate for battleships, too wise to let the public buildings get so large as to be a stench in the nostrils of every decent man.

They were too wise to let the pork barrels run riot, but rather the old gentleman who was in the chair at that time, the distinguished gentleman from Illinois [Mr. CANNON], of blessed memory—and his fame will grow in this country—sat upon the lid and kept it down to within proportions that the constituencies of the country would stand for. But there is nobody on the lid now, Mr. Chairman, and there is going to be an explosion. If you do not cut out this public-building bill, which will carry forty or fifty million when it gets back from the other end of the Capitol, and if you do not watch the river and harbor bill, if you do not get on your knees and pray to the economists who are in charge of the pension measures, if you do not do something to pare these appropriation bills, we will be known as the party who made more promises and more appropriations than any party which ever had charge of the Federal Government. [Laughter and applause.] I do not want this Government to go to building public buildings in every village in the country. I do not want it to go about undertaking to make navigable the dry creeks and small streams of this country, and, with all due respect to my economic friend from Missouri [Mr. SHACKLEFORD], I do not want it to go into the road-

overseer business or the business of building public roads in this country. The pension bill, the public-building bill, the river and harbor bill, would be but as one hog jowl compared to the barrel of pork that we would have if they ever get a bill known as the public-roads bill. [Laughter and applause.] Think of what it will amount to. Every member of the committee will get a hundred miles of road, and every other gentleman, in proportion to his standing, will get from 30 to 40 or 50 or 60 miles. Mr. Chairman, I believe in economy. I do not want the kind of Nation that my friend from Alabama [Mr. HOBSON] wants. I do not want an Army of hundreds of thousands of bristling bayonets and an ocean dotted with tremendous, frowning guns on dreadnoughts. I would rather that we would stay on this God-blessed land, between the oceans, away from the politics of Europe. I wish we could get rid of our miserable little pickaninny holdings in the Pacific Ocean. We have no business with them. They are 8,000 miles from our shores. I do not know where Pearl Harbor is. The gentleman says whoever gets Pearl Harbor will determine whether the race shall be white or black. [Laughter and applause.] Think of it, Mr. Chairman. Awful contemplation! I do not know where Pearl Harbor is, and yet the gentleman tells us if the yellow race gets it we will be yellow, and that it is up to the white race to appropriate all of their earthly possessions to build battleships to hold Pearl Harbor. Do you know we need a good deal of common sense in the Congress of this Nation? and we have got it, too.

Ninety millions of people, the greatest land thieves in the world, descended from the greatest land thieves of history, are not going to be driven off an inch of this tremendous country. We are here. We have driven back all of the foes of our firesides in the years that are gone. We have marshaled armies on the field of battle. We have met foreign countries when there were but three or four or five million of us, and from the issue of those conflicts has risen this great Republic. It is childish, it is foolish, to talk about these 90,000,000 of free people, practically the only republic in the world, giving away their history and traditions, going step by step to a military government, because some gentleman in his fevered imagination has heard something that a war college said might happen to the country. [Laughter and applause.] We can drive back any force upon this earth. So long as we uphold liberty in this country, so long as we uphold the equality of man in this Republic, all of the nations of the earth could not come on this soil and destroy the liberties of the people, and we ought not to want to wage a foreign war.

Mr. Chairman, instead of profiting by the lessons of history, which teach that navies and armies and generals are the bane and foe of liberty, instead of staying on this continent and attending to our own business, rearing schoolhouses and churches and teaching the rising generation to love and watch their liberties and to practice a devotion to their institutions, we are finding ways to build a great navy and a great army. We are tricked in this way and that way. We give our wealth to build a Panama Canal, to have a general come up with his epaulets and blandly advise us, "Now you have done that which means an addition of 25,000 to the standing army." We have been begged to build the Panama Canal, and then we are assured by gentlemen that in order to hold it we have to have a great navy at each end of it. I do not believe that. If the whole world is in conspiracy against us and the size of the navy shall determine the color of the race, we may not be yellow as the gentleman surmises, but we will undoubtedly be English again, because we will never be able to build a navy as large as England. I wish gentlemen could get rid of this nightmare, not only the gentleman with the grand nightmare, but gentlemen with little nightmares all over the land. [Laughter.] I wish they could get it out of their heads that we must stand here trembling because we are about to be invaded. Who wants to invade us, except to buy our cotton and corn and beef—and marry our rich girls? [Laughter.]

Mr. Chairman, I challenge the historians of this House to point to a single nation that ever existed upon the earth that was completely fitted by geography to do without an army and navy to maintain free institutions, except the United States.

France can not do it; she has got to have an army and a navy. Germany can not do it, England can not do it, Japan can not do it, but God has placed us upon this continent, separated from the world by seas and impassable barriers of nature, and if we run to military seed, as every other republic has done in the past, if some general—some Diaz or Huerta—comes on horseback, and finally this Republic goes down in the night of military despotism, as every republic in every age of the world has done, we will owe it to the fantastic Don Quixotes who tax the people to fight windmills of their own imagination. [Applause.]

Mr. FOSS. Mr. Chairman, I reserved a portion of my time, and I desire to yield it to the gentleman from Michigan [Mr. LOUD].

Mr. LOUD. Mr. Chairman, the gentleman from Pennsylvania [Mr. BATES] in his remarks made some comparison between the ships of our Navy at the time of the Spanish-American War and the battleships of to-day. It reminded me that when I was at Annapolis on the Board of Visitors, in conversation, a gentlemen—a civilian, but who was a graduate of the Naval Academy—said to me, "Do you know that a battleship of to-day is equal to 60 *Oregons* of the Spanish-American War?" I was astounded, and I said, "I think you are somewhat radical." He said, "You think of it and see"; and so I did study it afterwards, and I want to give you the result of my thought upon that subject.

As I looked into it I found that the guns of our Navy to-day are double the efficiency of the guns of 15 years ago. The 14-inch guns of our battleships to-day carry shot weighing fourteen hundred and odd pounds. The 13-inch guns of the *Oregon* carry 1,130 pounds. The 13-inch guns of those days were 35 calibers in length, and our 14-inch guns are now 45. We now have a muzzle energy and penetrating force of over double what we had then. So much for the guns.

The battleship *Pennsylvania* of to-day will carry 12 guns. The *Oregon* carried 4, so we have three times the number of guns on the battleship of to-day we had then, and three times two makes six—six times the efficiency we had at the time of the Spanish-American War. Then, at the time of the Spanish-American War, we could load and fire the 13-inch guns once in five minutes. Now we can load and fire three times in one minute. Speed in operating the guns is fifteen times as much as it was then. Fifteen times six makes ninety. There you have a little more than the 60 of my friend; you have 90.

Then, again, the accuracy of our gunners. We find that in those days the average percentage of hits was 3 to 5 per cent, but for comparison we will give it the larger number of 5 per cent. To-day it is upward of 50 per cent, or ten times the accuracy we had then. Ten times ninety makes nine hundred. I am not going to tell you a battleship of to-day is equal to 900 *Oregons*, but I am giving you the figures and you can draw your own conclusions. It only goes to show that skill and brains have gone into the building of our ships and what magnificent results they have brought forth. We now have larger ships—two or three times larger. We now have heavier armor on our ships, and our ships have 5 knots greater speed than they had at that time. The battleship range then was from 3 to 5 miles, and the *Oregon* in its longest shot, made at the Battle of Santiago, carried an elevation for 10,000 yards. Now the range of our 14-inch guns is at least 21,000 yards and a battle range of from 8 to 10 miles. So much for the ships of those days and the ships of to-day. I do not argue that the ships built by other countries have not been making the same advance. They, too, have been building better ships, and we must not underrate the ships of other countries

Now, what is the amount that we should expend? Our bill carries $146,000,000. We find Great Britain spent last year $228,430,064, and the year before $216,000,000, and the year before $197,000,000. Germany spent, a year ago, $110,715,043, and the year before $107,000,000. France spent $81,692,832, and the year before $80,371,109. Japan spent, 1912–13, $46,158,216, the largest amount, I think, that they have ever spent in one year. Now, there are two things to which I desire to call attention concerning the amount of money spent on the navy in those countries. In the first place, Japan, for instance, in its financial condition after the Russo-Japanese War, has had far greater difficulty in bearing the expense of $46,000,000, with the smaller population of that country, than $146,000,000 is with us, the richest nation on the whole face of the globe.

Not only that, but $46,000,000 in Japan will go two or three times as far as that amount would in the United States, and the same in smaller measure can be said of Germany. The amount of $110,000,000 in Germany will go at least 50 per cent further, because most of it in the final analysis goes to labor, which is far cheaper in that country than in this. That is equivalent to a good deal more than $146,000,000 in this country. How much shall we spend? We should spend enough to maintain the honor of this country, to maintain a Navy large enough to guard us from all danger from any other country. When you ask what size of Navy I would advocate, I believe with the importance of this country and our great wealth, the richest nation in the world, that we should stand at least second among the nations of the earth. [Applause.] If we stand second to Great Britain we need not have over half their naval strength and still be stronger than Germany, the now second power.

When we compare the navies of the various countries there are same facts which I think it would be well for us to consider and which I desire to put into the RECORD. We find that in capital ships—battleships and battle cruisers—built and building by the various powers that England will have 76, with a tonnage of 1,417,935; Germany, 43 capital ships, with a tonnage of 766,894; while the United States will have 37 ships, with a tonnage of 610,796; France, 27 capital ships, with a tonnage of 447,649; and Japan 20 ships, with a tonnage of 372,980. While England will have 76 ships and Germany 43 and we 37, do not overlook the fact that the average tonnage of the English ships will be 2,000 tons more than our own. The German ships will average more than 1,000 tons per ship than ours. When we take the dreadnoughts that are built or building we find that England will have 25, with a tonnage of 580,350; Germany 17, with a tonnage of 384,730; the United States 12, with a tonnage of 276,650. Of battle cruisers, England 11, with a tonnage of 248,300; Germany 6, with a tonnage of 139,364; with the United States, none at all; Japan 4, of 110,000 tons.

It is not because we do not want battle cruisers. They are strongly advocated by our naval board and by the Secretary of the Navy, but believing that the House would not consider any more than two battleships we have had to strike them out of this bill in the committee. I hope the day will come, and come soon, when we can have not only battleships but have a reasonable number of swift battle cruisers to go in our fleet. As far as other cruisers are concerned, England has 124, with a tonnage of 873,475; Germany 52, with a tonnage of 256,946; the United States 26, with a tonnage of 223,055; France 31, with a tonnage of 256,375; and Japan 27, with a tonnage of 198,813.

We have the smallest number of any of the five powers. England has 124, Germany 52, France 31, Japan 27, the United States 26.

Of torpedo boats and torpedo-boat destroyers England has 233, with a tonnage of 147,074; Germany 140, with a tonnage of 73,894; the United States 50, with a tonnage of 37,815; France 241, with a tonnage of 52,046; and Japan 112, with a tonnage of 28,441.

This illuminates the subject of auxiliaries, which has been discussed here upon the floor, showing how poor we are in auxiliaries as compared with the other navies of the world.

In submarines England has 86, with a tonnage of 39,508; Germany has 32, with a tonnage of 15,340; United States 39, with a tonage of 13,781; France 109, with a tonnage of 35,259; and Japan 16, with a tonnage of 4,434. In total tonnage built and building here are the comparative figures: England, 2,478,152 tons; Germany, 1,124,257 tons; United States, 898,345 tons; France, 806,729 tons; Japan, 613,724 tons.

In every line, large and small, we stand far below the second nation—Germany. It is not for me to pose as an authority before this House as to what we should have as a Navy. I know you would prefer some higher authority, and I have it here on my desk.

At the time of the Spanish-American War it so happened that I was on the other side of the globe, and it also happened that I was in Dewey's fleet. I had the opportunity—a glorious memory to me—of seeing the personnel of our Navy in action, and it was a sight that would delight any patriot's heart to see how our men and officers carried themselves on that crucial day in far-off Manila Bay. [Applause.] While one admired every man in that fleet, officer and enlisted man, yet one carried away great admiration and love and respect for the grand man who commanded that fleet and who won that victory, utterly destroying the Spanish fleet without the loss of a single American life. [Applause.] And surely that man, who is now promoted to the head of this Navy of ours, who stands as the president of the General Board, is so respected that his opinion is worth consideration by every Member of this House. I am going to read in my time the views of Admiral Dewey upon the size of the Navy which he would recommend, and this article was published a week ago last Sunday in 11 of the largest newspapers of the country.

He says:

Admiral Mahan has stated that the size of the Navy must be determined not so much by what a nation is willing to accomplish as by what it is willing or unwilling to concede in respect to national policies.

The United States must, therefore, measure its strength with the nations that are most likely to oppose our policies, and this strength must be judged by comparative and not by absolute strength.

The United States Navy at present ranks third, with Great Britain and Germany first and second, respectively, and France fourth. With the definite building programs possessed by Great Britain, Germany, France, and Japan, the United States will soon drop to fourth place. The General Board of the Navy (of which I am president) recommended as early as 1903 that the ultimate strength of the United States Navy should be 48 battleships with the necessary auxiliaries, and this policy has been consistently advocated from year to year.

Dreadnoughts must constitute the basis of our building program. At the present time the United States and Germany are nearly equal in capital ships now built or building; but we will soon be third. At the rate of two battleships each year, the United States in 1921 will have 35 dreadnoughts and pre-dreadnoughts; Germany, according to her 1911 program, 55; and Japan, as nearly as can be determined, 36. Situated as we are with such an extensive coast line and interests in the Atlantic and Pacific, our Navy must be prepared for an enemy in either ocean.

PANAMA THE NEW NAVAL KEY.

The Panama Canal, however, will be of immense military advantage to us, because it will enable the concentration of the fleet on either coast in a much shorter time. Without the canal, to insure naval supremacy we should possess a fleet in each ocean superior to that of our most probable enemy in that ocean. With the completion of the canal, the United States, due to its ownership, assumes new responsibilities and obligations. It must exercise military control of and maintain peace in the Canal Zone and its vicinity. Our traditional Monroe doctrine and the open-door policy must be supported. We must be prepared to defend these policies and be ready to defeat any antagonist likely to challenge them. This can only be done by having a Navy adequate to meet any sudden emergency.

And here is a word—"adequate"—which is the very crux of the whole matter:

By "adequate" is meant a navy powerful enough to seek and destroy that of the enemy.

Wars are certain to come, and the Nation must be prepared. The history of all ages has shown that the proper provision for peace is preparedness for war. A large navy makes for peace and is an essential asset to the nation possessing it. National supineness has cost us much in the past, and we can not afford to have it repeated.

WEAK NAVIES HAVE SPELLED DEFEAT.

Cornwallis was not properly supported by the navy. Consequently England lost her colonies. Napoleon fell because Villeneuve was no match for Nelson. The Confederacy lost because the Federal Navy blockaded all its ports, shutting off supplies and revenues. After Spain's Navy was destroyed her colonies were no longer tenable. The defeat of the Russian Navy by the Japanese decided the Russo-Japanese War. Italy in its recent war had command of the sea, and Turkey had to make peace. The Greek Navy at the present time has been a powerful factor in the success of the Balkan States against Turkey.

To have a weak navy courts attack, disaster, and defeat. Diplomatic demands in international affairs will be heeded only if a nation has the necessary force to back them up. The navy is an important factor in international settlements. This Nation can not afford to be content to have its Navy relegated to fourth or fifth place.

The Spanish-American War, which lasted about 100 days, cost us approximately $500,000,000, or about four times the total annual expenditure for the Navy, and this does not include the yearly pensions resulting therefrom, to say nothing of the lives sacrificed. Fifty million dollars properly spent on battleships preceding 1898 would have made this war a hopeless undertaking for Spain.

OUR STANDING BEFORE THE WORLD.

The United States in recent years has become a world power, necessitating the assuming of corresponding responsibilities. These obligations our representative citizens are willing to accept, but turn to our military experts for guidance; and their studies, and not political or economic conditions, must decide.

We must have a Navy, not to wage but to prevent war. It must be a well-balanced Navy—that is, battleships, with the proper proportion of auxiliaries, such as destroyers, scouts, supply and repair ships, etc.; but battleships are paramount, and the building of them must continue. It requires three years to build a battleship, and they can not be bought or improvised. Battleships deteriorate and become obsolete in time, so that provision must be made to replace those in service. Carefully studied and scientific preparation for war must be made in times of peace by our naval officers, but Congress must provide them with the necessary ships. If they fail in this, when war comes—as it surely will—the Nation will not be entitled to win success, but only humiliation and defeat.

Mr. Chairman, during the existence of our country, in 137 years we have been engaged in a war six different times, on the average once in every 23 years; and according to the law of chances it is surely living in a fool's paradise to say that because we are at peace to-day there is no danger of war hereafter.

The condition in our country to-day is a good example of what is liable to come to us at any time. A year ago no one would have thought of such a thing as our being embroiled or brought into war with our neighbor on the South, and yet for the last 10 days we have been on the very brink of it, and we are now drawing a long sigh of relief, hoping that the danger has passed and that war will not come to us again at this time. And yet, Mr. Chairman, a year ago we were in just as much danger of being embroiled in a war with the countries of Europe as we have recently been in danger of becoming embroiled with Mexico. God forbid that the day will ever come, but on the law of chances we must expect that sooner or later we shall have a war with some other country.

I was not here in Washington, or, indeed, in this part of the world, when the Spanish-American War began; but one who is near and dear to me sat in the gallery yonder and heard right here upon this floor Members upon that side demand an immediate declaration of war against Spain, and because our good President would not at the moment consent he was vilified upon this floor and called all the names that congressional etiquette would permit here. He was vilified as much as a man could be simply because he would not declare war as soon as they wanted it right here, and he was burned, as I understand, in effigy in some parts of the country because it was thought

that he lacked the proper resolution. I do not know how to state the reason in decorous terms, but he was vilified because he would not declare war when they demanded it. And when a month had gone by and he, in the meantime, with his Secretary of the Navy and Secretary of War, had made the preparations that were needed, war was declared, and from that day to this not a man in the United States has ever criticized our splendid President, William McKinley, because he did not declare war when it was first demanded. [Applause.] And those who object most to preparing for war and object most to the proper upbuilding of our American Navy would be the very first, if a crisis came, to complain of our unpreparedness. It is the duty of every patriotic citizen of this country, I believe, to stand by the Navy, because when war does come, as it will, it must come primarily upon the sea. This will probably be the last time I shall ever have a chance to vote for battleships, but if I had my way I would gladly vote for three this year to make up for the deficiency of last year, and I would continue the policy of two or more battleships year in and year out until we had a Navy fully equal or a little superior to that of any other power in the world except England. [Applause.]

Let me repeat with emphasis, and call it my swan song if you will, I believe it is the duty of this country to stand at least second among the nations of the earth as a naval power. [Applause.]

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. HARRISON].

[Mr. HARRISON of Mississippi addressed the committee. See Appendix.]

Mr. PADGETT. I yield to the gentleman from Washington [Mr. WARBURTON].

[Mr. WARBURTON addressed the committee. See Appendix.]

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to close general debate on the naval bill at this time, so that we may begin reading the bill under the five-minute rule.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that general debate on the naval bill do now close.

Mr. GRAHAM. Mr. Chairman, I object.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 22812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, and had come to no resolution thereon.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, and pending that motion I move that general debate on the bill be now closed. On that motion I demand the previous question.

Mr. SAUNDERS. Mr. Speaker, I move that the House do now adjourn.

The question being taken, on a division (demanded by Mr. PADGETT), there were—ayes 28, noes 20.

Mr. PADGETT. Mr, Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded to call the roll.

During the call,

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to vacate the roll call and all proceedings connected therewith, and that general debate on the naval appropriation bill close at the expiration of two hours on Monday.

Mr. MURRAY. Reserving the right to object, Mr. Speaker, I would like to inquire if the standing order of the House to meet at 10.30 o'clock applies on Monday?

The SPEAKER. It does. The House meets to-morrow—Sunday—at 12 o'clock for eulogies, but that does not interfere with this request. The gentleman from Tennessee asks unanimous consent to vacate this roll call and all proceedings connected therewith, and further asks unanimous consent that general debate on the naval bill on Monday shall not exceed two hours. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. TALCOTT of New York, by unanimous consent, was granted leave of absence for three days, on account of sickness in his family.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 26279. An act granting the Fifth-Third National Bank of Cincinnati, Ohio, the right to use original charter No. 20; and

H. R. 20102. An act relating to proof of signatures and handwriting.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 8414. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 26648. An act for the relief of David Crowther;

H. R. 3957. An act for the relief of Isaac Thompson;

H. R. 17260. An act to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910;

H. R. 28187. An act to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha, and for other purposes;

H. R. 27837. An act to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River, in the State of West Virginia;

H. R. 21220. An act to extend the power of the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor;

H. R. 26812. An act to provide for selection by the State of Idaho of phosphate and oil lands; and

H. R. 23293. An act for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 54 minutes p. m.) the House adjourned until to-morrow, Sunday, February 23, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Wills Strait, Casco Bay, Me. (H. Doc. No. 1416); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sulphur River, Tex. and Ark. (H. Doc. No. 1418); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Attorney General of the United States submitting supplemental estimate of appropriations required by the Department of Justice for the fiscal years 1912 and 1913 (H. Doc. No. 1417); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 28764) to amend section 2 of an act entitled "An act regulating fees and costs, and for other purposes," approved February 22, 1875, reported the same without amendment, accompanied by a report (No. 1567), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 28809) to provide for the punishment of certain crimes against the United States, reported the same with amendment, accompanied by a report (No. 1566), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 28765) to amend section 44 of an act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," reported the same without amendment, accompanied by a report (No. 1565), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 7802) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 1568), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PUJO: A bill (H. R. 28838) to establish a fish-cultural station in the State of Louisiana; to the Committee on the Merchant and Marine and Fisheries.

By Mr. STEPHENS of Nebraska: A bill (H. R. 28839) providing for the election of postmasters in second and third class post offices; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: A bill (H. R. 28840) authorizing the construction of a railroad bridge across the St. John River between the town of Van Buren, Me., and the parish of St. Leonards, Province of New Brunswick, Dominion of Canada; to the Committee on Interstate and Foreign Commerce.

By Mr. STANLEY: A bill (H. R. 28841) providing that the Director of the Bureau of Engraving and Printing shall be a practical plate printer; to the Committee on Appropriations.

By Mr. FLOYD of Arkansas: A bill (H. R. 28842) to improve the postal service and to fix the salaries of postmasters of the fourth class; to the Committee on the Post Office and Post Roads.

By Mr. PARRAN: A bill (H. R. 28845) to provide for the creation of the office of assistant to the medical officer in charge of physical training and naval hygiene and physiology at the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. HARRISON of Mississippi: Resolution (H. Res. 860) to reprint 1,000 additional copies of the Soil Survey of the Biloxi Area, Mississippi, for use in the House document room; to the Committee on Printing.

By the SPEAKER (by request): Resolution of the General Court of the Commonwealth of Massachusetts, relative to an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor; to the Committee on the Judiciary.

Also (by request), joint resolution of the Senate and Assembly of the State of Wisconsin, that Congress be memorialized to grant a pension of $2,500 a year to the widow of the late Lieut. Gen. Arthur MacArthur; to the Committee on Invalid Pensions.

By Mr. CARY: Memorial from the Legislature of the State of Wisconsin, memorializing Congress to grant a pension of $2,500 a year to the widow of Lieut. Gen. Arthur MacArthur; to the Committee on Invalid Pensions.

By Mr. NELSON: Resolution of the Legislature of the State of Wisconsin, favoring a pension for the widow of Gen. Arthur MacArthur; to the Committee on Invalid Pensions.

By Mr. ESCH: Resolution of the Legislature of the State of Wisconsin, favoring the granting of a pension of $2,500 a year to the widow of the late Lieut. Gen. Arthur MacArthur; to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKINSON: A bill (H. R. 28843) granting a pension to Carrie Powell; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 28844) for the retirement of James C. Gunn, first lieutenant, Philippine Scouts; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURKE of Wisconsin: Petition of the Women's Club of Beaver Dam, Wis., and of Mrs. H. E. Andrews and others, of Portage, Wis., favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. CARY: Petition of the Chamber of Commerce of Milwaukee, Wis., favoring the passage of legislation for the establishment of a permanent tariff commission; to the Committee on Ways and Means.

By Mr. CLARK of Florida: Petition of sundry citizens of Miami and Pensacola, Fla., protesting against the passage of certain bills regulating pilotage; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: Petition of W. T. Eddingfield, Henry J. Hallam, Jackson A. Winer, J. L. Redinor, N. M. Williams, and the Pastors' Federation of Washington, of Washington, D. C., favoring the passage of the Jones excise bill for limiting the number of saloons; to the Committee on the District of Columbia.

Also, petition of Otter F. Stieffeland, H. A. Steinwender, and W. J. Steinwender, of St. Louis, Mo., protesting against the passage of the Johnston excise bill for the proper observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Mrs. W. F. Dimock, New York, favoring the passage of Senate bill 5494, granting the George Washington Memorial Association the armory square as a site upon which to build the George Washington memorial building; to the Committee on Public Buildings and Grounds.

Also, petition of Joseph Helde and 11 other citizens of St. Louis, Mo., protesting against the passage of Senate bill 5461, to regulate the traffic of liquor in the District of Columbia; to the Committee on Appropriations.

Also, petition of George M. Gibert, St. Louis, Mo., favoring the passage of House bill 25685, providing for the labeling and tagging of all fabrics and articles intended for sale under interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of Francis O. de Luze & Co., New York; Iowa Liquor Dealers' Association, Clinton, Iowa; Melvale Distillery Co., Baltimore, Md.; Imperial American Wine Co.; Bishop-Babcock-Becker Co., and St. Louis Brewing Association, of St. Louis, Mo., protesting against the passage of Senate bill 5461, to regulate the traffic of liquors in the District of Columbia; to the Committee on Appropriations.

By Mr. ESCH: Petition of the Chamber of Commerce of Milwaukee, Wis., favoring the passage of legislation for the establishment of a permanent tariff commission; to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petition of the General Court of Massachusetts, favoring the passage of an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of citizens of Utah, favoring the passage of legislation asking for a Federal investigation of the persecution of the editors of the Appeal to Reason; to the Committee on Expenditures in the Post Office Department.

Also, petition of the J. C. McDonald Chocolate Co., Salt Lake City, Utah, favoring the passage of legislation for placing nuts on the free list; to the Committee on Ways and Means.

By Mr. LANGLEY: Petition of J. P. Brest, Moravia, Pa., favoring the passage of House bill 1339, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of George E. Blackhall, George Brady, Richard Vdmittke, Alexander Findlay, and W. J. Murray, Brooklyn, N. Y., favoring an amendment to the naval appropriation bill providing for the building of one of the new battleships in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Interborough Association of Women Teachers, Brooklyn, N. Y., favoring the passage of House bill 19115, for payment due old men and women found by the Court of Claims for labor in the navy yards; to the Committee on War Claims.

By Mr. LOBECK: Petition of the Grand Army of the Republic of Nebraska, protesting against the passage of the bill to transfer the Pacific Branch of the National Home for Disabled Volunteer Soldiers to the War Department; to the Committee on Military Affairs.

By Mr. MARTIN of South Dakota: Petition of sundry citizens of Vale, S. Dak., favoring the passage of Federal legislation authorizing national banks to make loans on farm-mortgage securities; to the Committee on Banking and Currency.

By Mr. NEELEY: Petition of citizens of Pawnee County and Barton County, favoring the passage of House bill 28188, providing for reconstruction and maintenance of the old National

Road from Cumberland, Md., to St. Louis, Mo.; to the Committee on Agriculture.

Also, petition of citizens of Kansas, protesting against the passage of legislation requiring higher licenses and qualifications on rural salesmen of home remedies, spices, toilet articles, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Barton County, Kans., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of citizens of Finney County, Kans., favoring the passage of legislation for the establishment of a system of foreign credit; to the Committee on Banking and Currency.

By Mr. PORTER: Petition of citizens of Allegheny County, Pa., favoring the passage of the Weeks bill for Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. SCULLY: Petitions of citizens of Asbury Park, Woodbridge, Jamesburg, Englishtown, South River, Freehold, and Metuchen, all of New Jersey, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS: Petition of members of the Seventh-day Adventist Church, Bowling Green, Ky., protesting against the passage of the Johnston Sunday bill (S. 237) for the proper observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of Mary Floyd Tallmadge Chapter, Daughters of the American Revolution, favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. UNDERHILL: Petition of the United Hatters of North America, Brooklyn, N. Y., protesting against the passage of legislation reducing the tariff on hats; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 23, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Hear my cry, O God; attend unto my prayer. From the end of the earth will I cry unto Thee when my heart is overwhelmed; lead me to the rock that is higher than I. For Thou hast been a shelter for me and a strong tower from the enemy. I will abide in Thy tabernacle forever; I will trust in the covert of Thy wings.

From time immemorial, O God our Father, men's hearts have turned instinctively to Thee in great crises for help, in sorrow and grief for comfort, in every contingency for inspiration and guidance; so our hearts turn to Thee as we assemble in memory of men who by faithful service in State and Nation gained for themselves the respect and confidence of the people, wrought well among us, left the impress of their personality upon our minds, and made a place for themselves in our hearts which time nor space can erase. "For we know that if our earthly house of this tabernacle were dissolved we have a building of God, an house not made with hands, eternal in the heavens."

"We leave this and straightway enter another palace of the King more grand and beautiful."

We mourn their going, but not without hope. We are cast down but not overwhelmed, dismayed but not confounded.

For the love of God is broader
Than the measures of man's mind,
And the heart of the Eternal
Is most wonderfully kind.

Enter Thou O God our Father into the desolate homes and bind up the bruised and broken hearts with the oil of Thy love, that they may look through their tears to the rainbow of hope and follow on without fear and doubting into that realm where all mysteries shall be solved, all sorrows melted into joy, soul touch soul in an everlasting communion, and eons of praise we will ever give to Thee, in the spirit of the Lord Christ. Amen.

The SPEAKER. The Clerk will read the Journal of the proceedings of yesterday.

Mr. MORGAN of Louisiana. Mr. Speaker, I ask unanimous consent that the reading of the Journal be dispensed with.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to dispense with the reading of the Journal. Is there objection? [After a pause.] The Chair hears none. Without objection, the Journal will stand approved.

There was no objection.

THE LATE REPRESENTATIVE ROBERT C. WICKLIFFE.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

On motion of Mr. MORGAN of Louisiana, by unanimous consent,
Ordered, That Sunday, February 23, 1913, at 12 o'clock m., be set apart for addresses upon the life, character, and public services of Hon. ROBERT C. WICKLIFFE, late a Representative from the State of Louisiana.

Mr. MORGAN of Louisiana. Mr. Speaker, I offer the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 861.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. ROBERT C. WICKLIFFE, late a Member of the House from the State of Louisiana.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House at the conclusion of the memorial exercises of the day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

Mr. MORGAN of Louisiana. Mr. Speaker, we are here convened to pay honor to the memory and to delineate the life, character, and public service of one of Louisiana's most promising and polished sons, the late ROBERT C. WICKLIFFE, who, on the 11th day of June, 1912, was cut off in the flower of his youth and in the height of a career of usefulness to the people.

In the usual course of human events the sadness of death is softened in the preparation of its inevitable coming, but when, without premonition or warning, it takes from our midst the loved and honored and lays at our feet the cold and inanimate clay in exchange for the pulsate life of a warm and joyous heart, the blow falls heavily, and the will of God seems a wondrous way that is hard for us to understand. Yet I know of no one better prepared to face the judgment of God without preparation.

ROBERT C. WICKLIFFE was born on May 1, 1874, at Bardstown, Ky., while his parents were visiting relatives in that State; hence Kentucky commingles her pride and her sorrow with that of Louisiana in the life and death of her illustrious son. They both suffered a common loss.

He received his primary education in the public schools of West Feliciana Parish, La., thereafter entering Center College, Danville, Ky., from which institution he graduated in 1895 with the degree of B. S. Immediately after, he matriculated as a student in the law department of the Tulane University, at New Orleans, La., completing his course in 1897, after which he returned to West Feliciana Parish and actively entered into the practice of his chosen profession.

His people, at once recognizing and appreciating his transcendent ability, elected him to represent that parish in the constitutional convention of 1898, and after the adjournment of that august body he enlisted in Company E, First Louisiana Volunteer Infantry, and served throughout the Spanish-American War, and was mustered out with his regiment in October the same year. He returned again to West Feliciana Parish to resume the practice of law, and in 1900 was elected district attorney of the twenty-fourth judicial district of Louisiana, serving his people in that capacity with distinction up to 1904.

In 1908 he became a candidate for the nomination for Congress from the sixth congressional district, and, having received the nomination in the second primary, was elected to the Sixty-first and reelected to the Sixty-second Congress without opposition.

Mr. WICKLIFFE was of noble and distinguished extraction. His grandfather, Charles A. Wickliffe, served several terms in Congress, was governor of Kentucky, and subsequently Postmaster General in the Cabinet of President Tyler. His father, R. C. Wickliffe, was governor of Louisiana.

Now, while it is perfectly clear that a great name was handed down to "Bob" WICKLIFFE, yet it is equally obvious that he united distinction to the honors his ancestry had already gained.

In looking over the life of Mr. WICKLIFFE the soil of my nativity becomes dearer to me for having nurtured such a man, not that his accomplishments have drawn him into the spotlight of public recognition, not that his genius overshadowed the efforts of his fellow men, but that he crowned manhood with the dignity of honor and the spirit of loyalty, linked the refinement of the southern gentleman to the rugged worth of the son of toil, and by no act of his lessened the respect due to his life of usefulness. The result of his work in the estimation of his char-

acter is an insignificant reflection of the nobleness of his mind and the possibilities of his future.

Those who have had the honor of his confidence and friendship, who have communed with him when the curtain was drawn and the ambitions of his life were made bare, will pay tribute to the nobility of his nature, the unselfishness of his disposition, and the simplicity and purity of his character.

The future that promised so much for him was blotted out by the hand of destiny, but he has left behind him the inspiration that guided his footsteps toward the citadel of fame, and the influence of his life will be a stepping-stone to the accomplishments of others.

To know Mr. WICKLIFFE was to love him; to meet him was to become his friend. The ineffable kindness of his smile and the courtesy of his manner one could never forget. He was honest because it was part of his nature, born of the principles that were the foundation of his success.

He was congenial, because in the unselfishness of his disposition he found pleasure in self-sacrifice for the happiness of others. Therefore he had woven into the texture of his life the power to incline people to do that which he desired done. There was no necessity to sift his motives, no suspicion of hidden incentive, no sacrifice as an exchange for concessions or the price of pacific toleration. Either in the initiative or when he gave his support to others, his motive was the uplift of his fellow men.

Absorbed as he was in the problems of public importance, the domestic side of his life was full of the pleasures that come of a happy union. He was devoted to his wife and child, and his happiest moments were spent with them. Married to a lady in a high degree his helpmate, molded into the life that is given to prominence by intellect and charm of personality, with the instinctive qualities that give social success and enjoyment to social occasions, she drew to his home at those functions men and women whose influence and high standing made it an honor to know and whose friendship and assistance meant much in the accomplishment of matters of public moment.

Mr. WICKLIFFE was a young man, forcing recognition of his ability and worth at an age when most men are looking to the future for a foothold on the path that leads from obscurity. He was ambitious to become useful to his country and had consecrated his life to the public use of his fellow men, always cooperating with them in the propagation of right and justice. His peculiar fitness for the life he had chosen was evidenced by those traits that make leaders of men. He was of a temperament that brought to him the support of others by magnetic attraction. His individuality was marked, but not obtrusive or antagonistic, because the firmness of his character was so merged and blended in his fine social qualities, his optimism was so cheering and alluring, that he often won battles without leaving any wounded on the field or humiliation abiding in the heart.

That his work was quick in gaining recognition in his district and State will be appreciated by those who understand the difficulties of conflicting commercial interests and the impulses and ancestral influences arising from French and Spanish heredity. To stand firm in the convictions of founded principles and yet unite the strength of opposing forces is an accomplishment significant of a high degree of ability and character that must command both respect and admiration.

The rapidity with which Mr. WICKLIFFE gained public favor and the ability with which he conducted the affairs intrusted to him by the people won him honor and distinction. He became a uniter of factions and a strengthener of the principles of democracy, and I venture the assertion that if the life of this splendid man had been spared his great worth and influence would have been felt throughout the length and breadth of this great Nation.

Mr. CLARK of Missouri. Mr. Speaker, by his brief and highly honorable career, in peace and in war, ROBERT C. WICKLIFFE added renown to a name famous in the annals of Kentucky and the Southwest from the beginning of Caucasian supremacy in that rich and prosperous section of our country.

One of my first recollections of politics was the election of his grandfather, Charles A. Wickliffe, to Congress in the spring of 1861. Before that he had served repeatedly in the Kentucky Legislature and had been speaker of the more numerous branch thereof. He had also served several terms in Congress from time to time, had been governor of Kentucky, a member of the Cabinet, was sent on an important secret mission to the Republic of Texas, was an officer in Harrison's army in the War of 1812, was a delegate to the Democratic national convention at Chicago in 1864, and was a great lawyer. His son, the father of ROBERT C. WICKLIFFE, was a Confederate soldier and governor of Louisiana, and his grandson, J. C. W. Beckham, was for almost eight years governor of Kentucky. So our friend, ROBERT C. WICKLIFFE, took naturally to politics and the law. It was in the blood.

He and I were born in adjoining counties in Kentucky, I near Lawrenceburg, county seat of Anderson County, and he at Bardstown, county seat of Nelson. Consequently, when he came to Congress, I searched him out and gave him suggestions, helpful in getting a start; suggestions about things which, left to his own resources, a new Member can learn only in the hard school of experience. The pleasant friendship thus formed continued, growing closer and stronger as the years rolled by, till the day of his death. No one outside of his immediate family mourned his untimely departure more than I did. He was cut down in the prime of his splendid powers—almost at the beginning of what promised to be a long and distinguished career. Young, handsome, modest, honest, honorable, capable, courteous, courageous, and faithful, he was a prime favorite in the House, which is a fine judge of men, and his tragic end created a profound sensation and widespread grief, such as the membership rarely experiences.

I have said that he was born at Bardstown, Ky., the ancient habitat of his family. That is a small town, but is rich in history, legend, and tradition. It is one of the oldest towns in Kentucky. It was the seat of the first Catholic see beyond the Alleghanies. It has long been famous for its schools. The pioneers who laid its foundations were a remarkable set of men and women, as fine representatives of our race as can be found betwixt the two oceans. The Wickliffes, the Hardins, the Johnsons, the Rowans, the Hardings, and others like unto them served and adorned the Republic in every walk of life and in every department of government. Cities, counties, and towns have been named for them. Their fame is part of the treasures of the Republic. In life ROBERT C. WICKLIFFE illustrated their high qualities, and in the grave he is worthy of their noble companionship.

Mr. RODENBERG. Mr. Speaker, during a service of 12 years in the Congress of the United States I have met representatives of every type of our complex American citizenship. I am entirely sincere when I make the statement that in all those years I have never met a finer or truer type of genuine American manhood than is to be found among the men who have represented the State of Louisiana in this Chamber. I believe that Louisiana more than any other State in the land of sunshine and of flowers has preserved in all its strength and purity the best traditions of the chivalric spirit of former days, and those who knew him well will bear testimony to the fact that ROBERT C. WICKLIFFE embodied in his attractive personality the finest quality of that spirit. He was the very personation of true manliness. A "gentleman to the manner born," kind, considerate, and courteous, he was incapable of deception in thought, word, or deed.

I first met him several years ago at the funeral of the late Robert C. Davey, and instinctively I fell under the charm of a personality that was as natural as it was magnetic. That acquaintance ripened into a sincere friendship that will always be treasured by me as one of the most pleasant memories of my congressional life.

BOB WICKLIFFE was a man of courage, character, and capacity. Endowed with an intellect of scintillating brilliancy, broad in culture, and liberal in his views, no man ever entered this Chamber better equipped to discharge the duties of a Representative. His knowledge of political history was as thorough and comprehensive as that of any man I have ever met. I have talked with him for hours on matters of historic interest, and his keen analysis of men and measures, his complete knowledge of the causes leading up to every important event in our Nation's history, and his intelligent and philosophical deductions as to their effect were as entertaining as they were instructive. In all of these delightful talks there was ever present that broad spirit of charity and tolerance which is the true index of culture and refinement.

ROBERT C. WICKLIFFE had confidence in his fellow man. Believing implicitly in his country and her ultimate destiny, he faced the future without any misgivings. He did not affect to believe that all that is good and pure and true and noble and inspiring in our national life died when the founders of the Republic passed away. He had an abiding faith in the triumph of any great question of truth or justice submitted to the will of a free and an enlightened people. He never impunged the motives of those who disagreed with him. Honest and honorable himself, he conceded to others the same integrity of purpose that animated his own personal and official acts. He was a man of the highest ideals. Fidelity to principle and loyalty to honest conviction were the cardinal tenets

of his political creed. At all times and under all circumstances he possessed the courage that is born of conscience and that has its origin in the loftiest conception of public duty. Quick to approve and slow to condemn, generous to friend and foe alike, always sympathetic and responsive, anxious to help rather than to hinder, it is no wonder that when the news of his tragic taking off reached this chamber every Member felt that he had sustained a personal loss.

Mr. Speaker, death is always sadly impressive. "The tear, the groan, the knell, the pall, the bier, and all we know or dream or fear of agony" are his. But to die young, to die in the very prime of physical and intellectual manhood, to die while the shadows still lengthen toward the west and years of usefulness stretch out before one is doubly pathetic.

ROBERT C. WICKLIFFE'S brief race is run. For him the mystery of life and death has been solved. He sleeps the sleep of eternity. Slowly and sadly we consign his mortal remains to the cheerless grave, and as the sods, moistened by our tears, close in above them we call and listen. From the voiceless tomb there comes no answer. Only an echo which seems to mock our sorrow is wafted back. The somber shadows thicken. All is dark. We are overwhelmed in doubt. But suddenly the mystic veil that separates the present from the hereafter is swept aside. A light breaks forth. It is the light of the spirit of immortality, triumphant still, shedding joy and peace and hope eternal. There, there amid the splendors of the eternal dawn, we behold our colleague crowned with the wreath of immortal glory that awaits him who in all of the vicissitudes of life has been true to himself, true to his country, and true to his God.

Mr. BLACKMON. Mr. Speaker, I was elected to the Sixty-second Congress, and when I came to Washington, March 3, 1911, one of the first acquaintances I formed was the late Hon. ROBERT C. WICKLIFFE, of Louisiana. I saw little of him during the few days I was in Washington at that time, but when I returned to the extraordinary session, which was called April 4, 1911, Mr. WICKLIFFE was one among the first Members of this body to offer friendly suggestions to me concerning my various duties as a Member. His suggestions and advice were of value to me; he seemed to take a special interest in me, and before I had served long with him in the extraordinary session I learned to love him. I found but few men who seemed to take the same interest in what we term "new Members" as did Mr. WICKLIFFE.

He had served but one term before I came here, but had mastered the rules of this House as few men have. His judgment on all questions was of great value.

I lived in the same hotel with him, and last year when I left the hotel and secured an apartment he secured an apartment in the same apartment house.

I saw him each day after I came here, because he was at all times attentive to his duties as a Member of this House. In the House he was affable and courteous, and in his home he displayed those lovable traits that were characteristic of him, and which drew men to him in strong bonds of friendship.

On the morning that he met his tragic death I saw him in the lobby of the Burlington Apartment House, where we both lived. He had his beautiful little child in his arms, and when I stopped to speak to him he seemed to be in his usual happy and contented frame of mind. I can not express the shock I experienced upon learning within an hour afterwards that my friend was dead.

In the death of Hon. ROBERT C. WICKLIFFE Louisiana, and, indeed, the whole Nation, sustained a loss. Few men, in my judgment, are better equipped to render public service than was the late Hon. ROBERT C. WICKLIFFE.

Mr. WICKLIFFE loved his country, his State, and his fellow man. He was a gentleman to the manor born. I join to-day with the people of Louisiana and the Nation in mourning the loss of a truly great man.

Mr. MURDOCK. As individuals, we, in this body, are infinitely multiple and various. However single we may be in ideal, impulse, and purpose, the first view each of us brings to every common problem in Congress is markedly individual. Environment must have much to do with that. And our environment is endless in variety. There is not much in common in the vision of physical things between the denizen of the crag-crowned heights of Montana and the dweller on the green and floor-flat prairies of Dakota. The men of the grim woods of Wisconsin can not have the same survey of affairs as do their brothers lolling along the Texas Gulf shore listening to the lazy swell lap on the slanting yellow beach. It is a far cry from the cold coast of Maine booming this hour through the gray solitude of a winter day and the drowsy precinct where the velvet winds from the Pacific stir among the nodding roses in the garden down San Diego way.

The House of Representatives, in the difference of viewpoint in the men who constitute it, is the Nation in miniature. Every man who comes here is, in a way, conscious that his view of things differs from that of his fellows. It may be a view that is sectional, or is peculiar to his State, or to a certain section of his State, for the multiplication of American types continues within State lines.

Now, it is this circumstance which gives to the Congress much of its color and service here much of its charm.

And while Congress often appears laggard, and is, ultimately Congress does write into law the prevalent sense of right; does produce, under the spur of popular impatience, by some latter-day alchemy, and through collision and contest and compromise and final union of contrary elements and interests, that marvelous mutuality of thought and deed which we all feel lies back of the Nation's vitality and must continue to be the mainspring of our nationality.

To me, then, the first appearance of a Member of the House is always a matter of interest. He is most interesting, however, when he brings frankly his view and his section's view to bear upon debate. We all grow to know the House, its child-like emotions, its splendid generosity, its equally severe condemnation, and, in time, to feel a profound respect for its sense of accurate discrimination. Eventually the membership here fashions every Member, but if he possess the virtue of industry, every Member, reciprocally, fashions the House. The process continues interminably—begins anew, in fact, every time a new Member makes his first appearance in vigorous debate.

Early in my service in the House I noticed that certain of the older Members, notably Col. Hepburn, of Iowa, and Mr. JOHN DALZELL, of Pennsylvania, whenever a new Member took noticeable part in debate, consulted the biographical directory. It is an excellent practice, and, following it, on one occasion, when the late ROBERT WICKLIFFE, of Louisiana, addressed the Speaker, I discovered that he was of the Wickliffe family of Kentucky; that his birthplace and that of his father and his grandfather was Bardstown, the second oldest town in the State, the home of our colleague, Mr. BEN JOHNSON.

My interest in young Mr. WICKLIFFE was heightened through the circumstance that a short time before I had read in an ancient and forgotten Government document the story of how Postmaster General Wickliffe, under Tyler, had placed before Congress the then existing railroads' proposition that if the Government would assume the total railroad indebtedness, then $5,000,000, the railroads would agree to carry the mails free for all time to come, a proposition which Congress, with singular conceit, unfortunately rejected.

I made young Mr. WICKLIFFE'S acquaintance and found that the former Postmaster General was his grandfather; that the family was political; and that his father had been governor of Louisiana just before the Civil War. As our acquaintance broadened into friendship I came to know young Mr. WICKLIFFE as a splendid example of a type that is characteristically American and finds particular exemplification in some of the Southern States. The Wickliffe family was political; its inclinations and activities found naturally that channel. Our young friend loved the activity and understood it.

In every community there are families which produce merchants from generation to generation, others which contribute members to the professions; and there are also in almost all communities certain families that are naturally political.

The predilection is potent and persistent. It holds through generations. The members of such a family know the rules, the language, the customs of the "game," the fascinations of politics and its futilities, as well as the deep desire for real service, which is more often the cause of personal political activity than a cynical age allows. The father usually passes the political trait to his son.

I imagine there is no State in the Union west of the Alleghenies where this American characteristic may be followed more closely than in Kentucky. There are families there which have flourished politically for over 100 years, and identification of this activity is possibly easier by reason of the fact that Kentucky stood midway between the great tides of westward immigration on the north and the south and escaped both to a considerable extent. One who glances over a history of the State finds certain family names persisting from decade to decade, as Nicholas, Todd, Shelby, Logan, McAfee, Magoffin, Calloway, Henderson, Bristow, Helm, Buckner, Breckinridge, Floyd, Harlan, Desha, Clark, McCreary, Crittenden, Speed, Brown, Mar-

shall, Pope, Allen, Garrard, Johnson, Dudley, Trimble, Davidge, Menefee, Owsley, Guthrie, Tilghman, Ballard, Blackburn, McDowell, and Hardin.

Charles Wickliffe, who served in Congress from 1823 to 1833, and was Postmaster General from 1841 to 1845, was born in Bardstown in 1788. The Wickliffes had been in the Indian wars and the Revolution. They were intermarried with the Hardins and the Cripps, both of which families suffered from Indian warfare. Nearly all the Wickliffes were lawyers and worthy the remarkable bar of early Kentucky, and, in the nature of things, they had voice in public affairs. A Robert Wickliffe served in the State legislature in 1819, 1823, and 1825, and thereafter as State senator until 1833. Another, Nathaniel Wickliffe, was prominent politically, and as a lawyer had such skill in the preparation of cases that Ben Hardin, who is still quoted in Kentucky, said:

With Cousin Nat to write the song and Cousin Charles to sing it, they could beat the world.

Another, John Cripps Wickliffe, was a circuit judge and soldier of the War of 1812. The activity which this generation displayed was repeated in the next. One of the sons moved to Louisiana, where he served long in the State senate and was four years governor. His son, our friend, was born in 1874, while his parents were visiting the old Kentucky home in Bardstown. Before ROBERT WICKLIFFE was 25 he was representing his parish in a constitutional convention. At the outbreak of the Spanish War he responded to the call that was in his blood and enlisted as a private. Later, in 1908, before he was 35, he had been elected to Congress.

All who had the good fortune to know ROBERT WICKLIFFE here knew him as one of surpassing qualities of mind and heart and for his generosity and his gentility. He had the reserve and, it seemed to me, a survival of the old-fashioned dignity and unaffected mental attitude of patriotic service which characterized the day of his forebears, an attitude which made him appear to me at times to have stepped out of the past; out of the Kentucky of old, the Kentucky of Clay and Barry; the Kentucky where the Fourth of July was a solemn celebration, and where Washington Irving, using for the first time the expression "almighty dollar," was accused of irreverence; the Kentucky of coaches and four, of ruffled shirts, high stocks, and beaver hats. And with this grace and charm which was his and which seemed of the past he had a youthful, vigorous, eager grasp of current political problems which made him delightfully alive to the humanities and nobilities of his own day, for he had great love for his country. He was quick to identify our perils, eager to assist in our development nationally. He knew how to be of service, with a gift for dispatch of the business in hand, with ready decision, freedom from fear; with small patience for the technical letter of the problem, but grave reverence for the principle and spirit of it. And he had vision; a belief in the future of the democracy and the high destiny of the Republic; an eagerness to push on to its realization. Liberty, he knew, was given us not to maintain but to perfect. It was his desire, his purpose, his joy, to help in that.

At the very beginning of his career he was taken away from us tragically. He went out into the shadows where for each of us a grave is hidden. He was a gentle, lovable, kindly soul, with much of the grace of the past and all the eager, vibrant, radiant charm of youth in his mind and heart. We have his memory, and we are better for it.

Mr. CANTRILL. Mr. Speaker, we meet here to-day to pay just tribute to the life of the Hon. ROBERT C. WICKLIFFE. Kentucky gave him birth May 1, 1874. On June 13, 1912, Kentucky folded him into her bosom for the eternal sleep. After years of distinguished service to the great State of Louisiana and to the Nation he rests peacefully through the long night near the place of his birth. His beautiful resting place is in keeping with his life and character. In behalf of many friends and relations in the old Kentucky home I join with my colleagues here to do honor to the memory of a devoted friend and a noble man. This occasion is not one of mere formality or custom; we come here because we loved BOB WICKLIFFE. To know him was to admire him. In his private life, gentle, accomplished, courteous always; in public life, attentive and loyal to the interests of his people and his country. I firmly believe I speak the truth when I say that no one in this Congress was more liked and loved by his associates than ROBERT C. WICKLIFFE.

No higher tribute can be said than this. One must have the qualities and the virtues of a nobleman to so impress himself upon the hearts and minds of his associates in this great body.

The fact that he held high office at the hands of his own people showed their love of him and their trust in him. Their confidence was well placed, and these tributes to-day from those who worked with him here are messages to the people of the sixth congressional district of Louisiana that their faith in him was well founded. Mr. WICKLIFFE came from an old and distinguished family in American history. It can be truthfully said that he added honor and luster to a distinguished name. He was an ornament to his profession. He helped to write the constitutional law of his great State. When his country was in peril he enlisted under the flag of freedom. He served with ability and distinction in this body. Had not a deplorable and fatal accident overtaken him a long and a brilliant career would have been his lot. Although he has gone forever, the sweetness of his character lingers with us as the fragrance of a crushed rose.

In the great strife of modern life it is well that on a beautiful day like this, set apart to worship the great Creator, we should stop and with bowed head and sorrowful heart pour out our true feelings of admiration and love to the memory of one who was in every way worthy of the noblest sentiments within us.

In Kentucky, as well as in Louisiana, this is a sorrowful day for thousands of friends of ROBERT WICKLIFFE, yet the heads bowed in sorrow can be raised in proudness as the story of his career is told, because his life was clean, his character was pure, his achievements were noble.

ROBERT WICKLIFFE had a heart full of sympathy for those in distress. How well do I remember his sorrow as he told me of the sufferings of his people as their hopes were swept away by the great flood. How well do I recall his joy in helping to secure relief for those who suffered by the rush of mighty waters. Though his heart was filled with sorrow for the sufferings of his people, he worked valiantly and successfully for their relief. When that warm heart ceased to beat the Southland lost one of her noblest sons and the Nation one of its truest servants.

Kentucky to-day joins with Louisiana in a tribute of love, affection, and admiration for the life, character, and public service of Hon. ROBERT C. WICKLIFFE.

It is a good thing to be rich, it is a good thing to be strong, but it is a better thing to be beloved of many friends.

Our departed colleague was rich and strong in the possession of many friends. This House is quick to perceive the faults of men; it is equally as quick to recognize the virtues of men. In the three years that Mr. WICKLIFFE served in this body I never heard a single Member utter a word concerning him that was not to his credit as a man and as a Member. His many virtues were soon seen and admired by his colleagues.

He wrote his name with love, mercy, and kindness on the hearts of those about him. His memory will linger with us that knew him always.

It has been said that—

Friendship is the scarlet thread let down from the windows of Heaven to bind human hearts together.

The single thread of friendship is multiplied many times into the strong cord of love and memory as we think of him in the great beyond.

In the brief time at my command to-day I have not endeavored to dwell in detail upon the distinguished public service of our departed colleague. Sufficient for me to say his honors were many, and in every instance he proved himself entirely worthy. I have tried to speak of what I considered his chief characteristic, namely, his loyalty to his friends and to his ideals, which were of the highest type. He had the courage always to speak his convictions, but, coupled with that courage, was a charm of manner that bound men to him.

Remembrance is the sweetest flower of all this world's perfuming.

The memory of our departed colleague, the Hon. ROBERT C. WICKLIFFE, impresses upon our hearts the truth that—

A friend is one of life's best blessings. To be a friend is to be lifted a little way toward Heaven each day.

Mr. HARRISON of Mississippi. Mr. Speaker, few men have been elected to this House who were endowed with greater natural ability, better equipped for its arduous duties, and with a brighter future for a most successful career than ROBERT C. WICKLIFFE.

Although a young man when he entered this House in the Sixty-first Congress, he was no novice in the public service. By heredity, environment, and training he was naturally fitted for the service of his people.

At the age of 24 he was chosen by his people to represent them in the constitutional convention that formulated the present organic law of his State.

At the age of 26 he was elected to serve them as district attorney. In both capacities he displayed such signal ability, clear judgment, and great resourcefulness that it won for him deserved popularity and the Democratic nomination and election to Congress in 1908.

He was of a kindly disposition, fond of sports, and a lover of nature. In the reading of the history of great men he reveled; in good literature he found pleasure; and in the study of economic questions he took especial delight. In the investigation of any subject he was studious, painstaking, and thorough. In debate, with his keen, analytical mind, he was logical and convincing.

The words that were applied by him in paying deserved eulogy to Senator McEnery, of his State, could very properly be applied to BOB WICKLIFFE:

His honesty was his pride, and the slightest stain upon his reputation for probity, if believed by his people, would torture him like the shirt of Nessus. To criticism by his friends he was duly sensitive; but the calumniator and muckraker who sought to impugn his motives and to destroy his reputation for honesty were answered simply by his dignified silence, knowing full well that his people always trusted him and believed him honest.

He courted friendship and prized it very highly; to him it was steadfast and enduring. He knew no bounds in which to limit his efforts in behalf of his friends. While his friends were legion and devoted to him, his loving and dutiful wife admired and loved him most, because she knew him best. She loved him for his gentle character, because she felt his unceasing tenderness; for his charity, because she knew of his kind deeds and gracious acts; for his intellect, because she knew its power.

He had no enemies, because he was incapable of a meanness. He was extremely popular with his colleagues in the House. Although our districts adjoined, being separated only by a State line, I never met him until I came to Washington, in the Sixty-second Congress, but his winning manner and cordial disposition immediately attracted me, and we became warm friends. I never knew a bigger-hearted or more whole-souled person. He was an active Member of this body, and especially diligent in his committee work. He was of a modest, retiring disposition, and despised hypocrisy, sham, and show. It was not his custom to speak frequently on the floor of the House, but when he did he was full of his subject and commanded the respect and attention of his colleagues.

Understanding the wants of his people and ever alert to their interests and welfare, it was always his pleasure to carry out their wishes. His efforts in behalf of the flood sufferers in 1912, when the great Mississippi River carried to that section devastation, wreck, poverty, and ruin, will ever stand as a monument to his wonderful energy, humanitarian spirit, and resourceful powers. For days and nights he kept in the closest touch with the situation, and it was through his efforts more than any other person that Congress and the War Department responded to their needs.

Mr. Speaker, death is an unwelcomed visitor at any time. When one who is burdened with the weight of years and bent by duties performed and opportunities accepted is called to the great beyond, a tinge of sorrow and sadness is even then felt; yet we accept it philosophically as the natural sequence of old age. But when one who is young, vigorous, able, ambitious, and fully equipped to render great public service and whose future is resplendent with every assurance of success is suddenly and tragically snatched from among us, we are put to the test of sublime faith and only can murmur "Thy will be done."

It was indeed a pall of gloom that settled down over this Capitol when the startling news came that BOB WICKLIFFE had been killed by a train in this city. Our grief was unquenchable and our anxiety unbounded. It was too sad to be true and too startling to be credible. We would not believe it, because we preferred to hold on to the slender ray of hope that it might prove to be a mistake. We visited the scene, there saw the place, and tried to acquaint ourselves with the circumstances that surrounded his death; and as we looked upon his once well-dressed, handsome, and manly form, but now a lifeless body, we realized for the first time that our colleague and friend was to be with us no more.

His death to us at first was indeed a mystery. We searched for those whom we thought might have seen the accident, in the hope that the circumstances surrounding it might be more fully known, but our efforts were at first unavailing. So interested was I, Mr. Speaker, in ascertaining all of the facts connected with the deplorable tragedy that I attended the coroner's inquest and listened intently to the testimony of the engineer operating the train that killed him. I think that the engineer was the only man who knew just how BOB WICKLIFFE was killed. I shall never forget the impression that his testimony made upon me—so terrible, yet so sad; so tragic, yet so true.

It was a little after 9 o'clock on the 11th day of June, 1912—

He said—

when my passenger train was pulling out of Washington and was only a few hundred feet from the bridge over the Potomac River, toward which the train was moving. There was a double track across this bridge, and another passenger train was crossing the bridge at this time, coming into Washington. I saw the figure of a man standing by the track, apparently watching the train moving on the opposite track, and as the incoming train on the farther track passed by, the deceased, evidently intending to cross the railroad, stepped upon the track nearest, and, as he did, the train that I was operating struck him.

Poor fellow, on this beautiful morning, as he left his loving wife and babe and strolled through the Potomac Park, viewing the beautiful river and communing with nature in her most gorgeous attire, he little dreamed that his generous heart was beating its funeral march to the grave.

In his untimely death his comrades lost a congenial companion, his wife an attentive husband, his little child a devoted father, his district and State a splendid Representative, and the Nation one of its most conscientious and promising statesmen.

Mr. CULLOP. Mr. Speaker, that "death loves a shining mark" was fully exemplified when the fatal dart with unerring aim struck down, without a moment's warning, ROBERT C. WICKLIFFE and hurled him into eternity. The announcement of his sudden and tragical death came to the membership of this House like a "keen clap of thunder from a clear sky," and cast a gloom over the entire body. In the prime of life, in the enjoyment of good health, with all his faculties unimpaired, with the reasonable assurance of a long and useful career, his life was ended and he was called to his reward.

By his premature and tragical death we are forcefully reminded on what a slender thread life hangs, how uncertain its tenure, and what frail mortals we are in the hands of an All-Powerful Providence. What shadows we pursue as we walk the pathway of life, as we travel on to a boundless eternity. By the inscrutable wisdom of an All-Wise Providence, the future is impenetrably veiled and we do not know to-day what the morrow will bring forth. Providence manifests His will in mysterious ways. "Thy will be done" invokes patient submission, and we recognize the wisdom it proclaims.

Man is one of the chosen instruments of God for the manifestation of His wishes and the greatest agency used for bringing about the regeneration of the world and the elevation of all its conditions, and yet so mysterious sometimes are the means employed that we are unable to comprehend the purpose, but faith, the sheet anchor of all our hopes, enables us to accept the result with the sublime belief that whatever is, is for the best.

The poet has described in beautiful and apt language the manner of the workings of Providence when he said:

God moves in a mysterious way
His wonders to perform;
He plants His footsteps in the sea
And rides upon the storm.

Death is no respecter of persons, all alike are amenable to the inexorable decree, and when the final summons comes all must respond to its command, and rest side by side, each alike awaiting the great judgment day.

ROBERT C. WICKLIFFE was one of God's noblemen, a prince among men, and a courtly knight among women. The 38 years he lived made the world better because of the manner in which he lived. He believed in the doctrine expressed by a poet, who said:

How much joy and comfort we all can bestow,
If we scatter sunshine everywhere we go.

And he tried patiently and faithfully to practice that beautiful and truthful philosophy in everything he did and said.

The rays of sunshine and good cheer which beamed from his radiant face, the soft, soothing speech which fell from his lips, the friendly and genial grip of his hand, softened the asperities of life and chased away anger, sorrow, and pain and installed good cheer and friendship.

To his heart there was ever an open window that enabled all who saw him to look into his soul and see that every pulse beat was ladened with love, kindness, and hope from which emanated those splendid qualities he displayed in his daily association with his fellow man.

In appearance attractive, in conversation entertaining, in disposition retiring, in manner courteous and fascinating, in speech persuasive and convincing, and in association companionable, he was sought after in every party of which he was a member. He was one of the most likeable fellows I ever knew; his friends were legion, bound to him as with hoops of steel, forged in the caldron of love.

He realized as much as any man I ever knew that "a soft answer turneth away wrath," and from his inexhaustible fountains of love he poured forth its healing and inspiring properties upon all who had the good fortune to know him and were around and about him. The predominant characteristics of the man were geniality and good nature, which he seemed to display at all times and under all circumstances. He always seemed to think more about the welfare of others than his own.

He came from an ancestry schooled in diplomacy and statecraft, decorated with high honor for meritorious public services,

so that by inheritance he was a diplomat and a leader. He knew how to employ these valuable instruments in the prosecution of his public service to good purpose, and never failed to take advantage of them whenever the exigencies of the occasion required, whether engaged in the discharge of public or private duties.

Because of the possession of these most valuable qualities of head and heart he was a tower of strength to every cause he espoused and a dangerous adversary to everyone he opposed. He could win the friendship of people, and, best of all, retain it. He analyzed questions from a public standpoint and not from any motive of selfish interest or sectional advantage. He was too broad and generous to be swayed from public welfare by any sordid purpose.

Death came to him at a time when his star in the public service was rising, when life promised a golden reward, when higher honors, a greater distinction, was waiting and bidding him onward and upward. His accomplished wife had just won envious social position by the able and efficient manner in which she had discharged her duties in originating and managing the part assigned her in the Dolly Madison breakfast, a social-political function of national significance. She richly deserved the compliments won in that celebrated affair, which he greatly appreciated.

He had just returned the day before his death from the Louisiana State convention, where he had taken a leading part in a great political contest of national importance and had been victorious, winning for himself the highest compliments for his superb generalship and great diplomacy. His nomination and election for a third term in the National Congress were assured. Life on that fatal morning was promising to him, and his cup of happiness was overflowing. High honors were at his disposal and promotion at his solicitation. But fate, cruel fate, decreed otherwise, and the fatal dart, with its unerring aim, struck the shining mark, dashed out his life, and ended his earthly career.

We pause from the routine of daily duty to pay a last tribute to his memory, to say adieu, to impress on the world the value of his services, to enumerate his virtues and the worth of his lovable character, all of which are deeply enshrined in the hearts of his associates, to remain as long as life shall be spared, as the noblest qualities of a kind heart and a generous soul.

Mr. COLLIER. Mr. Speaker, it is indeed appropriate, when the busy scenes of strife and confusion which mark this Chamber during six days of the week, shall have been succeeded by the peace and quietude of the Sabbath Day, that we should lay aside our business, our vexations, and our cares, suspend the daily struggles and inevitable conflicts incident to legislative activity, and pause to pay a tribute of love and affection to our departed colleagues.

Since Congress convened on the first Monday in last December, there has been scarcely a Sunday which has not be dedicated to this purpose.

Death, with ruthless and impartial hand, is ever in our midst, watching and waiting at our side from dawn until dark, and its dread mysterious summons comes often unannounced and when we least expect.

During the two years of the Sixty-second Congress, 18 times has the flag which floats above this Chamber been placed at half-mast for those who pursued their labors here, while at the other end of the Capitol the Vice President of the United States and six Senators have passed away.

A long list of honored dead, a mortality roll unparalleled in the history of any deliberative body of equal size.

With relentless determination Death has laid his clammy touch with equal force upon the young as upon the old. It has waited and watched at the side of old age and its grim stroke has descended upon him who, wise in counsel, rich in experience, and long in service, has left behind him a record of earnest deeds well done. To the young legislator with the best part of his life before him, his heart and his mind filled with dreams and hopes and aspirations for the future, this grim specter unannounced has reached forth an unseen hand and left behind only silence and pathetic dust.

There were MITCHELL and KIPP and CONNELL and UTTER who left us in the early morning of their legislative careers.

There was FOSTER of Vermont and ANDERSON of Ohio and SMITH of California and LATTA and HUBBARD and MADISON and LEGARE and MCHENRY who were called away in the very zenith of their usefulness.

There was WEDEMEYER, young, gifted, and brilliant, who now securely sleeps in the bosom of a tropic sea, where the thunders of heaven's artillery salute his departed spirit and the soft murmur of southern breezes gently sing his last requiem.

There were MALBY and GORDON and LOUDENSLAGER and BINGHAM who, rich in experience and long in service, answered the death angel's call.

There was him whose memory we mourn to-day. Handsome, debonair, manly, loyal, honest BOB WICKLIFFE, whose tragic death brought sorrow and sadness to all who knew him.

Death is cruel, inexorable, and pitiless. It always brings sorrow and regret, but when ripe old age closes its eyes and falls asleep this sorrow and this regret is softened by the reflection that three score years and ten is the brief allotment given us here on earth.

When its crushing stroke descends upon childhood, though our hearts are torn with anguish and we are bowed with grief, yet we are comforted by the thought that life's trials and temptations, its sorrows and its regrets, its vexations and its cares have been spared these little ones, and safely guarded from even the knowledge of evil they peacefully and calmly rest in the bosom of mother earth. But when this cruel and unwelcome stroke falls upon him who is in the zenith of his usefulness, in the early morning of his life, with the promise of a splendid and useful manhood before him like young WICKLIFFE, we are troubled and we can not understand the taking off of such a man. He was playing his part so well. He was accomplishing so much that the history of his work and his short life was but an earnest and a promise of the moral and intellectual contribution he would give to the future.

But though our hearts are troubled, yet in this hour of doubt and sorrow and vain regret "hope sees a star and listening love can hear the rustle of an angel's wing."

Comforted and consoled with the promise of immortality, we know that "He doeth all things well," and Thy will, not ours, be done.

Mr. Speaker, upon an occasion of this kind it is difficult to express in words the thoughts which spring up in the heart at the tender recollections which recall to us the many virtues of a departed friend. I wish that I could put in words and phrases and sentences all that my heart dictates concerning my lamented friend.

I wonder if ever a song was sung
But the singer's heart sung sweeter;
I wonder if ever a rhyme was rung
But the thought surpassed the meter;
I wonder if ever sculptor wrought
Until the cold stone echoed his marble thought,
Or if ever a painter with light and shade
The dream of his inmost soul portrayed.

Mr. Speaker, I never had the good fortune to meet ROBERT WICKLIFFE until the beginning of the Sixty-first Congress. We both entered this body together, and I soon made his acquaintance. Living at the same hotel, coming from the same section of the country, representing practically the same interests, and of almost the same age, it was not long before a close, intimate, and sincere friendship sprang up between us. Our offices were situated in a short distance of each other, on the same floor, and together we visited many of the places of interest in the National Capital. Our tastes were congenial, we thought alike upon many questions, and thus I had ample opportunity to become familiar with the sterling qualities of heart and mind which marked the life and character of our late colleague, ROBERT WICKLIFFE.

He was one of the most genial, companionable, and interesting men I have ever had the good fortune to meet. As a Member of the House of Representatives he was earnest and diligent and faithful to every trust imposed upon him. He was constant in attendance and earnestly strove to master the minute details of legislation. He had implicit confidence in the wisdom of the people. He had an abiding faith in the permanence and stability of American institutions. The individual interest of his constituent was a personal interest to him. The great Mississippi River overflow of last year—which brought ruin and poverty and distress to thousands—was an occasion which served to show the force and ability of BOB WICKLIFFE. He represented part of the overflowed district and he was intensely interested. Those who suffered from the dire effects of that devastating flood will long have cause to remember the tireless energy and successful efforts of our lamented colleague.

Those of us who knew BOB WICKLIFFE best will all bear witness to the sweetness of his disposition, the generosity of his soul, the kindness of his heart, and the purity of his character. He was a man of noble thoughts and lofty ideals.

It was my melancholy privilege to accompany his remains to Louisville, Ky., where before a great concourse of people we tenderly laid him to rest.

It was a clear, cloudless day. We stood in that beautiful cemetery surrounded by magnificent shafts of marble as pure, as white, as spotless, and as unsullied as the life and character of him who under a wilderness of flowers lay before us. And

there in the land of his birth, far from the scenes of his labors, we left all that was mortal of ROBERT C. WICKLIFFE.

Kentucky gave him birth, Louisiana gave him honors, both mourn his untimely end, and Mississippi asks for the privilege of sharing their grief, of laying a sprig of acacia upon the grave of courteous, chivalrous, manly BOB WICKLIFFE.

Mr. PUJO. Mr. Speaker, it is the melancholy duty of the membership of this House to meet from time to time in commemorative services of the life and character of departed colleagues, and this practice is founded on the highest manifestations of religious obligations and of the devotion and affection for the memory of a friend and colleague. A decade's service in this House has convinced me that it is the great crucible where men are subjected to the acid test.

ROBERT C. WICKLIFFE stood the test, because his character was of pure gold. I first met him 15 years ago when he was serving the people of his State in the discharge of a great responsibility as a member of the constitutional convention of Louisiana; and that constitution became, by the act calling the convention into being, organic law without submission to the people. This was the confidence justly reposed in him when but little more than a boy.

When he came to the House he made up his mind to be of value to his people, and he was punctual in his attendance and indefatigable and successful in his efforts in their behalf.

I was the last member of the Louisiana delegation who conversed with him, and that was late in the afternoon of the day preceding that of his death. Next morning, at the city of New York, where I had gone in the discharge of duties assigned to me by the House, I was informed of his accidental, tragic, and untimely death. The news was a great shock to me. When I saw him the day before he evinced in his conversation the keenest interest in legislation and the political program of the future.

Our departed friend was a man of the highest sense of honor and enjoyed the benefit of a finished education. His love of home, wife, and child was the dominating influence of his life. In his death his State and district lost a most efficient representative; his colleagues, a loyal friend and honorable companion; and his stricken widow and fatherless child, a husband and father whose love, fame, and honor will be the most precious jewel in the crown of their remembrance.

Mr. RANSDELL of Louisiana. Mr. Speaker, the State of Louisiana has been the heaviest sufferer in the Republic in losing more Members of Congress during the past five years than any of its sister States. Five times in five years have we assembled in this room to offer tribute of respect to the memory of deceased members of the Louisiana delegation in Congress. First was Gen. Adolph Meyer; then Robert C. Davy; next came Samuel L. Gilmore; afterwards that old war horse of Democracy, Samuel D. McEnery; and now our lamented friend, ROBERT C. WICKLIFFE. All of these men were faithful to every interest of Louisiana; they served it to the best of their ability, and all of them were loved and honored in their native State.

The last of this quintet to join the great congress whose sessions never close in the world beyond was "Our BOB" WICKLIFFE, who departed this life in a tragic manner only a few months ago. Truly, has there been a long roll of deaths in the Sixty-second Congress, as one of the speakers has remarked. Eighteen Members of the House and seven in the Senate—25 deaths out of a total membership of 487 in both Houses of Congress. Louisiana feels very keenly the death losses in other States, for a fellow feeling makes us wondrous kind in this world, and we of Louisiana have suffered so heavily in this respect that we sympathize deeply with those who are chastened in like manner.

BOB WICKLIFFE had in him the promise of a great future. His friends believed that within a very few years, if he desired it, he could become the governor of the State, just as his grandfather had been governor of Kentucky and his father governor of Louisiana. He belonged to a family of illustrious public men who rendered great service to two Commonwealths, and he was a worthy descendant of such ancestors. There is no doubt that practically every political gift at the disposal of his people would have been tendered him had he lived the allotted period of man.

During his very brief life BOB WICKLIFFE made a splendid record—one of which his family, his friends, and his State have just cause to be proud. I first knew him in 1898 as an active and influential member of the constitutional convention of Louisiana, though he was then less than 24 years of age. He was known as one of the two "boys" of that eminent assemblage, which framed a constitution for Louisiana that has existed for 15 years and under which the State has prospered as never before in its history; and though one of the youngest members in years, his parish had no cause to regret having selected him for such an honorable and important position.

During his service of three and a half years in Congress WICKLIFFE advanced as rapidly as any man I have known, with one or two exceptions, since I entered this body 14 years ago. He was a very active Member of the Committee on Agriculture. The people of his district are engaged almost entirely in agriculture, and that is the most important industry in Louisiana, although in recent years the State has become a very large manufacturer of lumber, second only to the State of Washington in that respect, and her vast mineral wealth is placing her well to the forefront in that regard. All of Louisiana, and especially BOB WICKLIFFE's district, suffered terribly from the effects of the cotton-boll weevil. For over a century cotton had been king in many parishes of the State, and the weevil completely destroyed the industry and forced the people to engage in other pursuits. Great distress, uncertainty, and doubt resulted from this enforced change, and BOB assisted in solving the many questions connected with it in a most earnest, intelligent manner.

Another great problem of vital import to his people was the flood situation of the Mississippi River, which was brought to a climax last spring by the greatest overflow on record. Many citizens of his own town and in several parishes of his district were overflowed and lost nearly everything they possessed. I shall never forget BOB's great solicitude for them and his splendid work in securing appropriation from Congress to aid in relieving their sufferings. Many parts of my district were under water, and I was a personal sufferer, because my plantation near Lake Providence was overflowed, causing me heavy loss. For weeks during that awful period BOB and I, together with every other member of the Louisiana delegation, worked shoulder to shoulder for the relief not only of Louisiana but of the flood sufferers in the Mississippi Valley, and I learned to appreciate and honor in him at that time qualities of head and heart of which I did not dream. No man in this body seemed to feel such acute sorrow at the flood devastation as BOB WICKLIFFE, and certainly no one worked harder or more intelligently and successfully to aid the sufferers.

Not many months before his death WICKLIFFE introduced a bill to provide for disposing of the machinery and appliances of every kind used in the construction of the Panama Canal. He thought that portions might be employed very successfully in preventing flood destruction and other parts could be used in improving rivers in different sections of the country. The bill was very comprehensive and had it been enacted into law, which I believe he might have succeeded in securing had he lived, it would have resulted in the utilization or sale of much valuable property of the Nation which is liable to be destroyed on the completion of the canal, unless some such legislation is passed. So far as I know, BOB's ideas in regard to this were unique and original, and since his death they have been adopted and discussed by men high in the affairs of the Nation, one of whom is no other than ex-President Roosevelt.

Mr. Speaker, in the death of ROBERT C. WICKLIFFE not only has the State of Louisiana suffered a great, aye, an almost irreparable loss, but the Nation one of its most brilliant and efficient public servants.

Mr. WATKINS. Mr. Speaker, there is always something mysterious about death, and our effort to penetrate the mysterious future bewilders the imagination. When peacefully and quietly the silver cord is loosed and the golden bowl is broken our hearts are saddened with the parting of the loved one with whom we have been associated; but when one meets death by violence the shock causes us to wonder what mysterious influence so rudely dashes a human life into eternity.

On Tuesday morning, June 11, of last year, ROBERT C. WICKLIFFE, in the prime of life and at the zenith of his usefulness, was suddenly taken from this earthly sphere to his eternal home. On that morning, parting from his wife and only child, he strolled to the banks of the historic Potomac, and while standing on the embankment near the railroad track a passenger train dashed upon him and, hurling him violently against a post, crushed and mangled his body. The inquiry has been raised as to whether this was purely an accident caused from carelessness or whether it was the result of recklessness on his part. The inquest held shows that an incoming northbound train attracted his attention while it was crossing the bridge and, not observing the outgoing southbound train, he inadvertently stepped upon the track and was instantly killed.

That his mind was absorbed in profound thought there can be no doubt, for the perturbance of his feelings could clearly

be discerned and his expressions of emotion indicated great mental distress.

He was most attentive to his official duties, and had recently made a magnificent fight during the consideration of the Agriculture appropriation bill to have his people protected from the ravages of the boll weevil, the insect pest which has created such havoc, almost amounting to devastation, in the cotton section of his State.

Laying aside his official duties temporarily he had visited the State of Louisiana for the purpose of helping a friend, and on this journey ascertained the extent of the calamity which had befallen his people by virtue of the disastrous overflow which had overtaken them. Bemoaning their impoverished condition and the destitution which confronted them on every side he returned to Washington, his mind burdened with sorrow and his heart going out in sympathy for his people in their distress.

Seeking a diversion as a relief he strolled to the banks of the Potomac, and after lingering for a while and ascertaining that its waters were too murky to permit angling in them, he meandered up the sloping bank to the place upon the railroad track where he met his violent death.

ROBERT C. WICKLIFFE was the grandson of Robert C. Wickliffe, sr., who was governor of the State of Kentucky. After moving to Louisiana his father became her chief executive, and his page in history shows that he was a most worthy and competent official and endeared himself to the people of his adopted State. ROBERT C. WICKLIFFE, the son, was born in the State of Kentucky in May, 1874. Receiving his primary education in the common schools of St. Francisville, La., he afterwards attended Center College, in the State of Kentucky, there graduating with the degree of bachelor of science. He afterwards attended the Tulane University, in Louisiana, where he graduated in law with distinction, being the orator of his class.

Returning home and engaging in the practice of law he so rapidly rose to prominence that he was elected to serve in the constitutional convention of that State in 1898. Although only 24 years of age he took a prominent part in that convention in framing the fundamental law and was especially active in procuring embedded in the constitution a provision for a railroad commission, which has proved of inestimable benefit to the State of Louisiana.

Subsequent to this he was chosen as the district attorney for the judicial district in which he lived and showed that same efficiency in this capacity as he had exhibited as a lawmaker in the constitutional convention.

He was elected a Representative to the Sixty-first Congress and reelected to the Sixty-second. During his services in the House of Representatives he endeared himself to the Members by his social disposition, his genial manners, his courteous deportment, and his manly qualities. He was independent in thought, true to his convictions, bold to assert them, but always readily yielding to the rule of the majority; when the fight was made and lost, he submitted gracefully and prepared himself for the future combat in which he might be called upon to engage.

He was an orator of merit, a polished speaker, always ready with a word to express a thought, and never disconcerted at an interruption or thrown off his guard by an effort to entrap him. He thoroughly prepared himself for the engagement which he was to enter, and with the material at hand held his own, however acrimonious the debate.

Descended, as he was, from distinguished ancestors, his bearing was superb, while his nature was sympathetic and his manner genial and most agreeable.

Mr. WICKLIFFE was twice married, each time to a cousin, both his wives being natives of the State of Kentucky. His last marriage is blessed with a precious little daughter, the only child who survives him.

To this child and his heartbroken widow the sorrow of the Members of this House is poured forth in deepest sympathy.

We laid him to rest in the beautiful Cave Hill Cemetery, at Louisville, Ky., in which sacred place the members of his family are interred.

He was true to his friends, and a vast concourse of his sorrowing friends accompanied his remains to their final resting place.

We loved him for his warmth of heart; we admired him for his manly traits; we applauded him for his successful career; and we mourn his death as a distinctive loss to his family, his friends, and his country.

Mr. ESTOPINAL. Mr. Speaker, we are engaged to-day in paying a loving tribute in commemoration of the life and services of one of our young Members of Congress, yet one who has left his fine impress on the affairs of his State and upon the legislation of his country. When death invades our circle of official life and takes away him who has reached the apex of usefulness in the fullness of years and honors, we feel that we have lost a wise counselor and friend and useful public servant, yet we realize that in the mutations of things terrestrial it is something we must expect, and in regret we bow down in solemn resignation; but when the hand of death reaches out in tragic swiftness and takes from us the young man who is but on the threshold of a career which promises a brilliant climax, who is ascending with precision and confidence and hope the steps which lead to the pinnacle of honor and fame, we feel that we have been unduly bereft in his untimely end—we can not take consolation, as it were, for our loss in that resignation which the inevitable forces upon us. My first acquaintance with ROBERT C. WICKLIFFE was in the constitutional convention of Louisiana in 1898. He was then a very young man; had hardly passed his majority; but had already endeared himself to the people of his parish, not only by his rare personality, but also by the remarkable ability which he had given many proofs of, even at that early period of his life. While, on account of the difference in our ages, perhaps, I was not thrown with him very much during our term of service in that body, I yet saw enough of him to readily understand how the affections of his people and their recognition of his superior talents should have put him so conspicuously forward at such an early age. I seldom met Mr. WICKLIFFE during the 10 years which intervened between our service together in the constitutional convention and that which began again in this body, but I knew that he was forging ahead to front rank in his chosen profession of law and had been honored by the people among whom he lived. He had gained such prestige and so widened his circle of friends and admirers that when he announced himself as a candidate for Congress he was triumphantly elected.

But during his service in Congress I became intimately associated with him in the discharge of those duties which we had in common as Representatives of the people of the State of Louisiana. He was always attentive to his duties as a Member of this House, giving every subject of legislation thorough study and the closest consideration. His knowledge of matters and the quick grasp of his intellect made the understanding of all questions surprisingly rapid and accurate. Had he lived, he would soon have risen to leadership in this body, possessing, as he did, all the qualities of heart and mind that go to make up a great man. Many men possess the qualities in single that were in him combined—a vivid imagination, quick intellectual perception, and that patience and industry which reaches to the minutest detail. But these are seldom found so completely joined in one man as they were in this promising young Louisiana statesman.

The charm of his personality, the kindness and geniality of his manner and ways were irresistible, and he made friends of all with whom he came in contact. Notwithstanding the disparity in our ages, we became close and intimate friends. In my whole life I have met very few for whom I have felt that feeling of deep affection and close fellowship that I did for BOB WICKLIFFE.

Death is the crown of life:
Were death denied, poor man would live in vain;
Death wounds to cure; we fall, we rise, we reign;
Spring from our fetters, fasten to the skies,
Where blooming Eden withers from our sight.
This king of terrors is the Prince of Peace.

Mr. DUPRÉ. Mr. Speaker—

Oh, weep for Adonais! He is dead.
Weep tho' the tears thaw not the frost
That binds so dear a head.

But that I loved BOB WICKLIFFE well and could not forego this opportunity to put on lasting record my deep admiration of him as a man and my lofty appreciation of his public services, I would not rise to-day.

Since that fateful June day when at Atlanta, on my way home, I learned that he was dead, he has been daily in my thoughts. In the ensuing intervals that I have spent in Washington his death, yea, his life, have near haunted me. This Chamber, this Capitol, the daily walk to and from it, the usual routine of work, the social diversions of this city, all bring back a thousand memories of him. They recall a boyish friendship that was never clouded, a close congressional intimacy that was rudely sundered; a loving, inspiring helpmeet, who, womanlike, courageously faces her widowhood; and a golden-haired baby girl who does not yet know that she is orphaned; and ever as these memories come and go and shape and merge and blur themselves into each other, through them all is the yawning grave in Kentucky, the home of his fathers. Is it small wonder, then, if I find it hard in mind and heart and strength to say aught to-day?

I first remember BOB WICKLIFFE when, fresh from collegiate honors won at Center College, Kentucky, he entered the law department of the Tulane University, of Louisiana, from which institution he was graduated as valedictorian of his class. I witnessed at close range his work as a member of the constitutional convention held in our State in 1898. Although then barely 24 years of age, he took high rank in that body, rendering especially notable service in incorporating into the organic law of our State the provision for a railroad commission.

I recall him, in all his youthful ardor and patriotism, responding to the call to arms and enlisting, with characteristic modesty, as a private in Company E, First Louisiana Volunteer Infantry, Spanish-American War. I saw him receive further honors at the hands of his people, when, in 1900, he was elected district attorney for the twenty-fourth judicial district, discharging his duties with fearlessness and yet never degenerating into the vengeful persecutor. I followed with interest the remarkable campaign he waged in a Democratic primary for nomination to Congress, defeating two of the most popular and talented men of his district.

Mr. WICKLIFFE entered upon his congressional duties with the beginning of the Sixty-first Congress, and in its third session I joined him as a Member of this body. I soon discovered that in his short service he had already made a place for himself. As a member of the then minority he had received but inconspicuous committee assignments, but in the stirring days that had marked the beginning of the extra session of that Congress he had proven his mettle, had refused to stray after false gods, and had loyally followed the leadership of those who were soon to transform the minority into a majority. So when I met him here he had already come to enjoy the respect and confidence of his Democratic brethren, as indeed of the entire membership of the House. He early attracted the interest of the distinguished Speaker of this House, and it is a strange coincidence, though entirely typical of the man, that his last public appearance was an act of loyalty to the Speaker—a successful effort on Mr. WICKLIFFE's part to send to the Baltimore convention a majority of the Louisiana delegation favorable to the laudable ambition of that great son of Missouri.

Naturally, then, when the Democrats came into power in the Sixty-second Congress Mr. WICKLIFFE received high honor at the party's hands, being assigned, in addition to membership on the Committee on Elections, to the very important post of member of the Committee on Agriculture. He himself had been brought up on a farm and represented a district essentially rural, and was therefore admirably fitted, both by training and sympathy, for this committee work. He was the first man in public life, to my knowledge, to suggest in Congress the creation in the Department of Agriculture of a bureau of markets, a plan now on the verge of consummation, and the admirable speech which he delivered on this subject, which he aptly called "The high cost of selling," may well serve others who have followed in his wake. His manly and forceful address against free sugar showed his wide familiarity with economic questions and his particular knowledge of the conditions of the people he represented.

His own plantation home bordered on the great Mississippi River, and from his childhood he had been familiar with the terrible devastations that from time to time it works upon our people, and in the awful disaster of last spring, when the waters of 39 States poured over our fertile acres, bringing with them ruin and desolation, no man in the Mississippi Valley was more active than he in securing relief for the suffering and in convincing this Congress of its duty to give larger financial aid to the work of levee building. While on a visit to the Isthmus he conceived the idea of utilizing the machinery and apparatus employed in the construction of the Panama Canal for the protection and improvement of the banks of the Mississippi, a plan which he embodied in a practical manner in a bill introduced by him for that purpose. It is significant that others have since taken up this thought, a former President of the United States having championed it in a number of public addresses. How gladly would he have lived to welcome the day when the General Government will realize its full obligation to the mighty river and its citizens who live behind its banks.

In all the relations of life BOB WICKLIFFE played the man's part. Had he done otherwise he would have been untrue to the traditions of a distinguished ancestry and disloyal to the spirit of "noblesse oblige" which characterizes his cast, for he was to the manner born. His lineage was of the gentlest. His father, whose name he bore, was governor of Louisiana before the war and one of its most honored citizens for many years thereafter. One of his grandfathers was governor of Kentucky and another United States Senator from that State and Postmaster General in the Cabinet of President Tyler. His aptitude for public life came naturally to him, therefore, and he was deeply imbued with the idea that men of his rearing and stamp should unselfishly devote their time and talents to the public service. With it all he was democratic to the core. His heart beat true to the quickened impulse of humanity and fraternity that is leavening all parties in the politics of twentieth-century America.

His domestic life was ideal. He himself was a man of singular personal purity, and his wife and child were all in all to him. He was passionately attached to his home. Indeed, one of the great sorrows that came into his life, bearing down upon him with a weight that was almost unnatural, was the destruction by fire some years ago of his ancestral home, "Wyoming," in the parish of West Feliciana.

BOB WICKLIFFE was but 38 years of age when he died, and death came to him without a warning. Those who had "lov'd him so, follow'd him, honor'd him," are still unreconciled to his early and sudden passing. But, after all, he had not lived in vain. His life, while incomplete, was full of aspiration and endeavor and achievement; and I, while bemoaning the prematurity and cruel swiftness of his taking off, can not quite subscribe to their views, for I am inclined to believe that Robert Louis Stevenson wrote truly in his undying essay on death. Is not the thought solacing that underlies these lines? Listen:

> It is not only in finished undertakings that we ought to honor useful labor. A spirit goes out of the man who means execution which outlives the most untimely ending. All who have meant good work with their whole hearts have done good work, although they may die before they have the time to sign it. Every heart that has beat strong and cheerfully has left a hopeful impulse behind it in the world and bettered the tradition of mankind. And even if death catch people, like an open pitfall, and in midcareer, laying out vast projects and planning monstrous foundations, flushed with hope, and their mouths full of boastful language, they should be at once tripped up and silenced, is there not something brave and spirited in such a termination, and does not life go down with a better grace, foaming in full body over a precipice, than miserably straggling to an end in sandy deltas? When the Greeks made their fine saying that those whom the gods love die young, I can not help believing that they had this sort of death also in their eye. For surely, at whatever age it overtake the man, that is to die young. Death has not been suffered to take so much as an illusion from his heart. In the hot fit of life, a-tiptoe on the highest point of being, he passes at a bound on to the other side. The noise of the mallet and chisel is scarcely quenched, the trumpets are hardly done blowing, when, trailing with him clouds of glory, this happy-starred, full-blooded spirit shoots into the spiritual land.

Mr. BROUSSARD. Mr. Speaker, scarcely anything can be added to the truths that have been already uttered on this floor to-day in eulogy of the life and character of ROBERT C. WICKLIFFE. Departing from this Chamber at an age when the average useful Member commences his career, with a service of scarcely three years, he has left behind a memory which is testified to to-day by many of those who had the pleasure of knowing him and were acquainted with the charms of his character.

I first knew BOB WICKLIFFE when he was prosecuting attorney in his home judicial district, and I was performing the same public duties in mine. Being engaged in a work of kindred nature, we were naturally attracted to each other and formed a friendship from the first day of our meeting, some 17 years ago, which lasted until his death.

After having served in that capacity, when, under the leadership of the then governor of Louisiana, the present Senator FOSTER, it was sought to amend our State constitution in such wise as to permit the races of that State to live side by side in harmony, young as he was, BOB WICKLIFFE was intrusted by his people to represent them in the State constitutional convention of 1898.

The work of that convention having been practically accomplished, before the adjournment of it war was declared by Congress against the Government of Spain. BOB WICKLIFFE had filled functions of public usefulness in the State, was popular in his section, was descended from men who, throughout the history of the Republic, had been prominent in peace as well as in war in two of our great Commonwealths, and it is scarcely to be doubted but that he could easily have secured a commission to serve his country as an officer in the Spanish-American War. But, relying upon his native American ability, that self-reliance which formed so marked a trait of his character, upon the qualities that had made his ancestors great in two great States of this Union, he resigned his seat in the constitutional convention to enlist in the First Louisiana Regiment of Volunteers as a simple private. He relied upon the consciousness of his own ability, his honesty, his energy, and his integrity to advance him rather than seek honors conferred by those who held power or to secure a commission to serve as an officer in that war.

Fortunately for this country and for humanity, the war was brief and gave WICKLIFFE no opportunity to attain that distinction for which patriotism had prompted him to forego the pursuit of civil honors in order to undergo the hardships of military life in the rank of the privates in an army of volunteers. Returning home, he became a candidate for Congress and was elected; and laboring here throughout the brief time of his service he left an impression upon this House which was never equaled by anyone in so short a term of service, which will never be forgotten by those who knew him in the House.

His sudden death was as untimely as it was deplorable. Well do we recall that morning when the news first reached this Capitol of his untimely taking off. A gloom hung about this Chamber and sorrow was depicted in every face. This gloom and sorrow found an echo in two great States. Innumerable friends and kinsmen in Kentucky and innumerable friends and kinsmen in Louisiana heard the terrible news with horror and dismay.

And while his death has been a loss to his friends, and to his family in particular, a greater loss falls upon the State of Louisiana, wherein he and his ancestors had done great service for the public weal, and upon this Republic, where he and his ancestors have done great work for the American people.

As he was loved in life, so is he mourned in death.

Mr. Speaker, I ask unanimous consent that those who have delivered addresses and eulogies upon the life and character of ROBERT C. WICKLIFFE may have five legislative days in which to extend and amend their remarks.

The SPEAKER. The gentleman from Louisiana [Mr. BROUSSARD] asks unanimous consent that those who have spoken on the life and character of ROBERT C. WICKLIFFE may have five legislative days in which to extend and revise their remarks. Is there objection?

There was no objection.

THE LATE REPRESENTATIVE CARL C. ANDERSON, OF OHIO.

The SPEAKER. The Clerk will report the order of business in reference to the Hon. CARL C. ANDERSON, late a Representative from Ohio.

The Clerk read as follows:

On motion of Mr. GOEKE, by unanimous consent,

Ordered, That Sunday, February 23, 1913, be set apart for addresses upon the life, character, and public services of Hon. CARL C. ANDERSON, late a Representative from the State of Ohio.

Mr. GOEKE. Mr. Speaker, I offer the following resolution.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

House resolution 862.

Resolved, That in pursuance of the special order heretofore adopted the House proceed to pay tribute to the memory of the Hon. CARL C. ANDERSON, late a Representative in Congress from the State of Ohio.

Resolved, That as a further mark of respect to the memory of the deceased and in recognition of his public career the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

Resolved, That the Clerk of the House communicate these resolutions to the Senate.

Resolved, That the Clerk of the House be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

Mr. GOEKE. Mr. Speaker, it is a time-honored custom of this body to pay tribute to the character and services of the distinguished dead of either House. Responding to this and prompted by a sense of duty to my State as well as respect for the late CARL C. ANDERSON, I shall in my humble way here record my estimate of his life and services to the country. CARL C. ANDERSON was born at Bluffton, Allen County, Ohio, December 2, 1877. When a boy his parents moved to Fremont, Ohio. At 10 years he was a newsboy and a bootblack. At 16 he had saved money enough to buy a home for his mother. He was at one time a traveling salesman, and later engaged himself in the mercantile business at Fostoria, Ohio, which place became his permanent home. By his energy and thrift he prospered and won the confidence of those who knew him. His popularity grew, and he was twice elected mayor of his city, and then aspired to congressional honors. Never defeated in an election, he was beginning his campaign for his third term in this body when in the very prime of his useful life his career was ended suddenly by a fearful and tragic death. At the youthful age of 35 years he was taken from us in the midst of his life's work. The news of his death came to me, as it did to many others, as a personal bereavement. The awfulness of the shock to his city and State is well told in the feverish announcement of his home paper, the Fostoria Times, on the night of the accident. It is the overflowing of the full heart of the editor. I quote:

There is no conqueror save death. In the midst of circumstances that seem to defy destiny the gaunt, grisly, invisible champion of the grave stalks forth; a sudden swoop of the scythe and the highest and strongest fall forever. CARL C. ANDERSON, of all men, is dead. Swift and awful, unannounced, like an electric shock, beggared of even the anguished interval of *Titanic* tragedy or the stroke of some like calamity, the man in the community most alive and widest known passes from life to death, from existence to immortality, from achievement to history. Yesterday evening and night he accompanied his friend and companion, Attorney Russell M. Knepper, of Tiffin, Democratic candidate, on an automobile trip to a village in the neighborhood of Fostoria. Returning home one of those all-too-numerous automobile accidents happened. The car and its four occupants, approaching a bend in the road on the new Riegel Road near the city, the car rushed into the ditch, overturned, threw part of the passengers out, turned upside down, and pinned Congressman ANDERSON to death.

The man who sat in the same seat was the one least injured. The injured men and the remains of Fostoria's foremost citizen were tenderly brought to town and cared for. Telephone messages were sent to close friends about town and to relatives out of town. Tactfully and tenderly the terrible tidings were taken to the wife and children. My last talk with him was in the afternoon. We spoke of the congressional situation, and he was in a triumphant mood, naturally. No real opposition to his reelection could be found in the district, and his opponents appeared to be merely nominal nominees. "Use them well in your paper," said Carl, with characteristic kindness, "make no attacks on them; you need waste no words on me either, the people know me now. I shall receive a big enough majority to please my friends, and I am going into the districts of some of my congressional friends to help them." As we parted I thought that here at least there is no uncertainty of political success in an election five weeks distant. To-day the city sits in supremacy of sorrow, and messages are flashing over the land and inquiries pouring in for details of the dread calamity that put a period to this unexampled success. Death alone defeated this matchless man. "There is no conqueror save Death."

I shall always remember the immense concourse of friends who gathered to pay a last sad tribute of respect on the occasion of his interment. Rich and poor, high and low, all showed sorrow at his untimely death. Fostoria that day was literally in mourning. Truly did it seem that the angel of death, hovering over the city, had touched the hearts of every home. Greater tribute than this hath no man, that "after life's fitful dream is o'er"—"after the battle has been fought and won"—he is returned home, and there, amid the genuine sorrow and tears of friends and neighbors, he is laid to rest in the generous bosom of that State which he loved so well and served so faithfully. No more noted gathering ever assembled to pay tribute to the dead than that which came to show their respect, add their sympathy, and mingle their tears in sorrow with the family and friends in the home city of the beloved and lamented CARL ANDERSON.

Our departed friend and colleague was the child of poverty and toil. He knew none of the temptations of wealth or the enervating influences of luxury, yet he was richly endowed with brains, energy, physical and moral courage, and self-reliance. These were great riches. He wisely invested his entire capital in self-improvement, and CARL ANDERSON, the newsboy and bootblack, became beloved of the people and their faithful servant in the Halls of Congress. Born of common poeple, he was of the plain people, and knew them well.

While he was too great to yield to their demands when influenced by passion or prejudice, he was great enough to fully comprehend and appreciate their wants and to sympathize with them in their wants. His life furnishes an excellent example of what courage unaided and industry unfavored can work out for their possessor in the field of equal opportunity furnished to all in this Republic of ours. He is a testimonial of the virtues of our free institutions, our country, and our Government. His record in Congress is replete with work well done, bearing proof of his faithfulness to his oath of office, and realization of his responsibilities to his constituency and to his country. He was always in favor of good legislation and quickly saw an opportunity to do good work for his people, and so accepted the high honor conferred and became one of the most sympathetic and hardest workers in the House. But little escaped his vigilant eye and a bad measure met his vehement opposition and denunciation. He was naturally ambitious—not for selfish reasons, but solely to serve his people better and for the good that might result to them. He was courteous, open hearted, accommodating, and pleasant at all times and under the most trying circumstances. He was the constant friend and ardent advocate of the cause of the old soldier and, with the exception of the venerable ISAAC R. SHERWOOD, no man in the House accomplished so much for them. He worried over their suffering in their declining years as though they were of kin to him. He never hesitated to resolve all doubt in their favor and rejoiced at every measure that spelled good to them. In line with his inherent sympathy for those that toil, he was the champion

of labor, both organized and unorganized, and never lost an opportunity to vote and work for legislation in their behalf. His devotion to the people of his district was marvelous. To be able to please them was his greatest aim. He was constantly striving to do something for some one from the thirteenth district. They will miss him as time goes on and in their hearts and esteem his place will be hard to fill. Of his personal traits of character, so beautifully exemplified in his private and domestic life, I shall say but little. Nothing short of a profound sense of loyalty to his hallowed memory could induce me to speak at all of the personal side of him who was endeared to me by the sweetest and tenderest ties of intimate association and deep affection. I know his wife and children and I have never known the relation of husband and father more substantially true and tender. What good effects flow from a strong, true love that is full of sympathy, served to form his character throughout his home life. They closest to him admired and loved him best, because they knew him best. So let us not so much mourn that he is dead, but rather let us rejoice that he has lived. Let us not think so much of his untimely taking off, but rather of the fullness of his life. Poets for ages have sung of the sadness of death when it comes to a man full of life and vigor, to one still ready and willing to do a man's part in the world of men, yet the Greeks personified death by a beautiful boy crowned with immortal youth, and somehow that ideal seems fitting. For the deeds of man the lesson of his life and the good example he gave will live forever, and their rejuvenation from one generation to the other may well be exemplified by youth. Stricken in life's prime, in the fullness of a splendid usefulness, CARL C. ANDERSON left to his family, to the people of his district, and to us a monument more enduring than marble and a heritage more precious than gold.

Mr. WILLIS. Mr. Speaker, it has just been suggested to me by a friend that this day which we have set apart as a proper occasion to do honor to the memory of a number of our deceased colleagues here and a number of deceased Members of the Senate is as well the anniversary of a sad but interesting historical occasion. Sixty-five years ago to-day, yonder in the old Hall of the House, or rather in an adjoining chamber, the great spirit of John Quincy Adams took its flight to the God who gave it. Two days before the old warrior had fallen on the field of battle with his armor on and his face to the foe; and 65 years ago to-day he breathed his last. Since that time, Mr. Speaker, many distinguished Members of this body have gone into the Great Beyond, but I measure my words when I say that among that great number there have been few who gave more complete and unfaltering devotion to the people who sent them here than did CARL ANDERSON, of Ohio. It was my pleasure and it will be throughout life my fond recollection to have known CARL ANDERSON quite intimately, and yet that acquaintance did not extend over a very lengthy period. I did not know him personally until I came to this House at the beginning of this Congress. I had known of him, of course, because we lived in adjoining congressional districts, and his fame had spread over the State, but I met him first here in the city of Washington. At his hotel, with that kindliness of spirit which was so characteristic of him, he came and introduced himself to me and, knowing that I was a new Member, he sought to make me feel comfortable, and before we had talked five minutes he had undertaken to smooth out some of the rough ways and to explain how I might best get along with my work here, and particularly with the departmental work with which he was so thoroughly familiar. He aided me much, and generously gave me credit for work which he himself had done. I think, Mr. Speaker, that probably that was the most prominent characteristic in the life of our deceased friend—the spirit of helpfulness and generosity, the desire to make somebody comfortable and happy, the desire to extend a helping hand—and I think it is a characteristic which those of us who are left behind may well emulate. My colleague from Ohio [Mr. GOEKE] has referred eloquently to the fact—a fact of which we are proud in Ohio—that this Ohio boy in whose honor we are met here to-day, at the age of 10, was a common newsboy and a bootblack on the street.

Mr. Speaker, it seems to me that the mere statement of that fact is sufficient without comment; CARL ANDERSON'S life is and ought to be an inspiration to the American youth. It shows the possibility of American citizenship. Here was this boy, making his way when he was only a child, selling papers and blacking boots on the street, and to-day this great legislative body has met to do honor to his memory. I have been thinking as I have been sitting here and listening to the eloquent words that have been spoken of him and of our other friend and colleague, Mr. WICKLIFFE, and wondering what it is that makes it possible for men to succeed. I think I know something of the secret of success of this rare soul, and that was this—that he possessed almost infinite ability for hard work. It was not so much brilliancy, perhaps, as it was a determination to stick to the task and a determination to work and to be prepared. I know that this man believed in the philosophy of these little stanzas. I know he did, through my personal association with him. These stanzas are from the brilliant pen of the lamented Senator from Kansas, John J. Ingalls:

OPPORTUNITY.

Master of human destinies am I.
Fame, love, and fortune on my footsteps wait;
Cities and fields I walk; I penetrate
Deserts and seas remote, and passing by
Hovel, and mart, and palace, soon or late
I knock unbidden once at every gate.

If sleeping, wake; if feasting, rise before
I turn away. It is the hour of fate,
And they who follow me reach every state
Mortals desire, and conquer every foe
Save death; but those who doubt or hesitate,
Condemned to failure, penury, and woe,
Seek me in vain and uselessly implore;
I answer not, and I return no more.

Representative ANDERSON was ready when opportunity knocked unbidden at his gate; but he had those sterling qualities of stalwart Americanism that would have enabled him to succeed whether opportunity knocked or no.

It was the theory of life of CARL ANDERSON that he should be prepared for the work in hand, and when he was called by the people of his native city of Fostoria to the office of mayor of that city he was prepared for the work. When in the business world opportunities came to him, he was ready to embrace them. When he was called to this higher office, he was equipped for the work which he undertook to do, and the reason why he was equipped and why he was ready to embrace these opportunities was because he understood the philosophy of hard work. It is the same, Mr. Speaker, with men that it is with the lower organisms. Take the tree that stands in the midst of the darksome forest where it is protected by the other trees, and that tree will be straight and tall, but the fiber of it will not be so strong; but as to the oak that stands upon the summit of the hill, the timber of that tree will be strong, because it has been torn and strained and twisted by every tempest that has blown for a thousand years. Put the little coral insect down at the mouth of a river where the current is gentle, the water warm, and where it is freighted with all the elements of plant growth, and the insect will die, but lay it upon a rocky ledge where the waves beat down with an everlasting power that would grind granite to powder, and it grows and thrives, builds up its tiny palace to the surface of the sea. And it is so with men. It is the battle, the toil, the contest, the struggle that brings out the best that is in human nature. And so it was with this dear deceased friend. He believed in the philosophy that is expressed in those beautiful lines from the pen of Babcock, when he says:

Be strong!
We are not here to play, to dream, to drift;
We have hard work to do and loads to lift.
Shun not the struggle, face it; 'tis God's gift.

Be strong!
Say not the days are evil—Who's to blame?—
And fold the hands and acquiesce. O shame!
Stand up, speak out and bravely, in God's name.

Be strong!
It matters not how deep intrenched the wrong,
How hard the battle goes, the day how long;
Faint not; fight on! To-morrow comes the song.

That was the philosophy of life of this man. And may I add not only did the boy make his own way, starting as a bootblack at 10 years of age, but by the time he had attained the age of 16 years, the little fellow had saved up enough from his slender earnings to buy a home for his mother.

Mr. Speaker, it is not necessary, it seems to me, to point out anything else in the character of this unusual man. Devotion to mother, respect for mother. Saving from the slender sum which other boys might have spent for trifles and amusement, he buys a home for mother. Mr. Speaker, there is not anything finer in life than devotion to home and devotion to mother. The man who has those characteristics is bound to make a success of his public and private life, as did CARL ANDERSON. That spirit of work to which I have referred characterized his service here. He worked early and late in the interests of his constituents.

Mr. Speaker, it is no discredit to anyone else to say that there was no man in Ohio who had the hold upon his district that CARL ANDERSON had. Everybody in the thirteenth dis-

trict knew him, and all who knew him loved him. There was not another member of the Ohio delegation who was as popular in his district as CARL ANDERSON was in his. My colleague, Mr. GOEKE, spoke touchingly and eloquently of the funeral services in Fostoria and Fremont. It was a marvelous tribute. There they were from all the walks of life, not simply the wealthy—although the wealthy were there—but from the middle walks of life. The common people were there in great numbers. Workmen, farmers, school children—all classes and ages and professions were represented. It was a great outpouring, and in that beautiful city of Fremont, which has witnessed some historic scenes and some great historic funerals, it is said there never had been witnessed such an outpouring of the people as was witnessed that day. Back, back, for many rods, the people were packed, and the thing that touched me most, and as I said to one of my colleagues with me at the time, the thing that CARL would have prized most, was the fact that in that great crowd there were hundreds of old soldiers, members of the Grand Army of the Republic. In the thirteenth district and all over the State it was felt that when CARL ANDERSON went away they had lost one of the most active and effective friends they had in American public life.

The old boys in blue were there at the funeral services in large numbers and gave the most convincing evidence of their profound sorrow at the tragedy which had overwhelmed them and hung like a pall over northwestern Ohio.

On occasions like this, Mr. Speaker, we can but think of the serious problems of life. We wonder whence we come and whither we are going; what it is all about, and whether death is the end, or whether the tomb is but a gateway to an eternity of opportunity.

It can not be that our little butterfly existence upon earth is the end. There is that within us which speaks unerringly of another life, broader and higher and better than this. It can not be that the years of toil and strife and affection and preparation of a life well lived end at the grave. Another life beyond the mystery we call "death" is prophesied with certainty by that unceasing and unsatisfied hunger in the human heart for something better than we are. Life is not broken, but continuous and unending. The deep, unfathomable mystery of being remains unsolved. The beginning of life we know not, yet we know that we are, and we know that we shall continue to be, united beyond the grave with those loved ones who have gone on before.

We think sometimes that perhaps death is the end of the feverish journey of life, but that is because our poor, weak human vision is so limited and so shortsighted.

I watched a sail until it dropped from sight
Over the rounding sea. A gleam of white,
A last far-flashed farewell, and, like a thought
Slipt out of mind, it vanished, and was not.

Yet to the helmsman standing at the wheel
Broad seas still stretched beneath the gliding keel.
Disaster? Change? He felt no slightest sign,
Nor dreamed he of that far horizon line.

So may it be, perchance, when down the tide
Our dear ones vanish. Peacefully they glide
On level seas, nor mark the unknown bound.
We call it death—to them 'tis life beyond.

The world will little know nor long remember what we say here, but CARL ANDERSON'S comrades and associates will not soon forget his services to the Nation, his devotion to his home, his love for wife and children, and his kindness and generosity to his friends. From this life, well lived and tragically ended, comes the lesson so well expressed in those other lines—

Build thee more stately mansions, oh, my soul,
As the swift seasons roll;
Leave the low-vaulted past;
Let each new temple, nobler than the last,
Shut thee from heaven with a dome more vast,
Till thou at length are free,
Leaving thine outgrown shell by life's unresting sea.

Mr. Speaker, it was at the eventide that we stood yonder in the cemetery at Fremont. I shall never forget the spectacle. The glorious sun was going down in the golden west, marking the dying day, symbolic of the brilliant life that had passed into the great beyond. We were gathered about the mound. Here were ranks of the old veterans, for whose interests CARL had fought, and they stood there and tried to keep the drooping shoulders as square as they were when many years ago they marched away to the grand, wild music of war. They tried to be brave; but the eyes were dim and the cheeks were wet, for they knew they had lost a fearless and faithful advocate. And then there were the other friends gathered about, literally acres of them; as the casket, laden with flowers, was lowered beneath the green sod of that historic cemetery I could but think of the tender lines of one of America's sweetest singers, who wrote for a loved one this epitaph of undying beauty:

Warm summer sun, shine kindly here;
Warm southern wind, blow softly here;
Green sod above, lie light, lie light.
Good night, dear heart; good night; good night.

Mr. POST. Mr. Speaker, we have met to-day not to transact the regular business of the House, but to pay our respects and tribute to the dead. This Congress, now nearing its close, is notable for the number of its dead. Eighteen Members of this body and six Members of the upper branch, with the Vice President, have answered the final roll call.

The parting with friends at death is the saddest of all events in life. It severs all ties of friendship and affection. It blights the sweetest companionships and obliterates the most sacred associations. The successes and triumphs of life, its turmoil and strife, cruelty, and injustice lead to the same earthly ending. And after it, how soon are we forgotten? We are but a mite in the great and ever-increasing sea of humanity.

When death overcomes man in his youth, or when in the prime of life, it creates a sentiment of grief amounting to despair. On the other hand, if we enjoy in health, with full possession of all our faculties, the Psalmist's limit of life of four score years, it is universally a source of profound gratitude. To be stricken with death when in the very prime of life, with the brightest prospects to crown a glorious future, is most appalling. The tragic and dramatic death of our colleague, CARL C. ANDERSON, on the 1st day of October, 1912, by its very suddenness shocked the whole community and overcame it with a sense of the deepest sorrow and lamentation. Leaving his home in Fostoria with a friend upon a business errand to a neighboring town, concluding their business engagement, upon their return voyage the automobile in which they were making the trip, in making a sharp turn in the road, upset, seriously injuring the driver and killing our beloved colleague.

A life full of vigor and manhood, not yet 35 years of age, in the passing of a single moment was thus so unexpectedly blotted out forever, a lamentable and sad reminder of the uncertainty of life.

CARL, as he was familiarly called by all who were fortunate in knowing him, was strictly one of the common people. When a mere boy he earned his own living as a newsboy and bootblack. He was most energetic, zealously industrious, and early in life established himself in successful business. He was endowed with a striking personality and high and generous impulses, and his sympathies were so broad, his mind so tolerant, his nature so gentle that he easily gained the admiration and affections of all who were privileged to know him. These inherent qualities admirably fitted him for the political arena, and while yet a mere boy he was elected twice to the office of mayor of his native town and occupied other positions of public trust.

In 1908 he was easily the first choice of his party as its nominee for the office of Representative in Congress for the thirteenth district of Ohio, and at the general election was elected to the Sixty-first Congress by an overwhelming plurality, and, I am informed, was the youngest Member of the House in that Congress. He was reelected to the Sixty-second Congress, and at the primaries held in the district to nominate candidates for Congress in the summer of 1912, he had grown so rapidly in the public favor that he was not only the unanimous choice of his own party, but was practically unopposed by candidates of other parties.

Stricken down at the very threshold of a most promising career, when his young life was buoyant with hope and filled with aspirations of greater success, his body, so carefully consigned to earth by his legion of friends, political admirers, fraternal orders, and delegations from the various counties in his district, may crumble into dust, but his spirit will live on forever.

It was not my good fortune to know him until the opening of the extra session beginning on the 4th of April, 1911. Our offices in the House Office Building were in close proximity and our acquaintanceship soon ripened into the closest friendship. I soon learned to love him because of his sweet spirit and gracious demeanor, his kindly consideration for me and all about him, and his charming personality that made his companionship most agreeable. He was filled with the spirit of kindness toward others and bent every possible effort to meet their desires and wants.

His fidelity to his constituents was so persistent that they never faltered in their loyalty and devotion to him. No complaint was ever too trivial for him to investigate and no letter was ever received by him that did not receive an answer couched

in the most gracious language. His disposition and eagerness to serve his constituents, regardless of politics, were well known, and they most highly appreciated his services and delighted to honor him. He delighted in giving attention to the little things in life, little kindnesses, and thoughtfulness of deeds that created a close bond of friendship which existed at all times between him and the people of his district. These many manly qualifications made him a host of friends in the opposite party, who voted for him as regularly as did his party friends.

The very strongest bond of friendship and devotion existed between him and the veterans of the Civil War. He was their stanchest friend and they were his friends, and those of his district his truest followers. No soldier constituent of his ever made him a request too trivial not to receive a prompt response. He devoted a great part of his time to aiding the veteran soldiers and seeing that they received the pensions due them from the Government. At his funeral, which took place at Fostoria and Fremont, more than 200 veterans of the Civil War, all fast tottering to the grave, marched in the line of the procession to his final resting place, as a tribute of the respect and veneration in which he was held by them. This remnant of the fast-vanishing Army of the Blue, of the men who marched away during the War of the Rebellion in defense of the flag, following the funeral cortege with bowed heads and sobbing hearts as it bore the remains of our colleague to their last resting place, has left an impress upon my memory which time can not efface. It was but one scene exemplifying in generous sympathy the admiration in which he was held by the soldiers of his district. Nor was this veneration confined to the veterans whom he so steadfastly and faithfully served.

In his home city business was wholly suspended. Its streets were lined with thousands of his former constituents, with neighbors, fraternal associates, and friends. At the beautiful cemetery in the neighboring city of Fremont, where his mortal remains were laid away to rest forever, thousands more had congregated to give vent to their sorrow and grief.

His private life was ideal. He was a devoted husband, a kind and affectionate father, and a most genial, considerate, loyal, and true friend at all times.

When I stood beside his grave, in the presence of that mysterious, solemn silence—death—I realized how quickly he had gone out from our midst, leaving a multitude of heavy hearts, and it was my wish that his sweet memory should ever remain fresh in the affections of his friends and of the people who honored and loved him as their representative and whom he served and loved so well.

Mr. BULKLEY. Mr. Speaker, CARL ANDERSON was elected a Member of this House in 1908 and served in the Sixty-first Congress. He was reelected to the Sixty-second Congress by a greatly increased majority, and was, at the time of his death, the candidate of the Democratic Party to represent his district in the Sixty-third Congress. There can be no doubt that had he lived a few more weeks he would have been returned with a majority even greater than he had received before. His popularity was constantly increasing.

His constant and remarkable gain in popularity was in no way mysterious. Everyone knows his persistent industry, his untiring devotion to the interests of his constituents. He was always working, early and late, always giving unsparingly his whole strength and his best efforts to the constituency which honored and trusted him. Political friend and foe alike were made to feel that he was the representative of all, and his generosity and unfailing kindness and courtesy made him many a warm friend among those who had opposed him politically.

His generosity and unfailing readiness to do a kind act for everyone with whom he came in contact were known and appreciated by his colleagues. When I refer to his readiness to do a kindness I do him less than justice; he was not merely ready, he was anxious, and always seemed to seek the opportunity to do some helpful thing for each and every one of us. After my election to this House I came to Washington in the closing days of the last Congress to get acquainted with my new colleagues and my new duties. It was CARL ANDERSON who first made me feel at home here; it was he who took most time and trouble to give me suggestions and information. And up to the end of the session last summer, when I last spoke with him, he, more often than any other Member, came to me with suggestions for my good, for the good of my friends and my constituents.

He was broad-minded, generous, democratic, sympathetic, industrious, determined to serve well and to succeed. Less than 35 years of age, he was at the threshold of a career of great promise. He met his tragic and untimely death in an automobile accident, while actively engaged in the duties of the political compaign of last autumn. Who can say how great might have been our colleague's career had it not thus prematurely ended?

At this point Mr. BULKLEY assumed the chair as Speaker pro tempore.

Mr. BATHRICK. Mr. Speaker, I yield no grudging tribute to CARL ANDERSON, but when death writes finis upon the scroll of life words can be but empty symbols of vain meditation.

No eulogium of one who has passed beyond the curtain of eternal darkness can ease the pain or requite the loss of those who mourn. Rather might it accentuate both and hinder the blessed healing of the balm of time. Yet it is not altogether futile and is wholly just that the mind should linger about the brighter memories of the dead, upon the better parts of a life ended. Memory should be like a golden thread leading us back to the happy moments of the past, to the joys of the vanished yesterdays, that smiles, not tears, may mark our recollections.

Who would be a vile ghoul of reminiscence and, in the presence of the common failings of the living, disinter human error? The frailties of mankind are but the faults of the fallow where the grain yields its hundredfold and imperfections are lost in the abundance of the harvest.

CARL ANDERSON knew more of sunlight in his heart than gloom. He shed its cheerful rays about him in pleasant words and hearty handclasps and smiling greetings. The world to him was a workshop where duty was pleasurable, not painful. Within this Chamber he ably sought to do the will of his people, often not expressed but by him anticipated. To him their tribute of confidence and esteem was a reward far transcending the value of any sordid recompense. And when, within the small cities of his district, the bells softly tolled the signal of his departure, commerce halted, community activities ceased, the people gathered about his bier, and friend or foe failed not to render homage to the clay of one who was true, industrious, and cheerful.

CARL ANDERSON, in the field where the mental Titans of this Nation contend, may not have stood upon their lofty plane, but, young, vigorous, and keen, none may know where the years might have placed him. He may not have climbed to the pinnacle of fame, but he wrought well and was pleasant. He loved his country, revered its defenders, and in their years of feebleness and want brought solace and material aid to many a troubled household.

Too often our good deeds weaken and die in the memory of men, but every human being soweth seeds which grow and multiply. In the crush of human emotions not all the good will fructify and neither will all the evil flourish, but like the banyan tree whose branches are strengthened as they increase their gracious shadows so deeds of kindness strengthen the human heart. So grew the generous nature of this man, honored by the populace, until often the distress of others became his very own, and by the touch of his helping hand their heavy cares were rolled aside.

I do not know what creed he professed; I know not what church cast its sanctified mantle about him, neither shall the records of justice take note of these, for it is written in the roll of heaven that he was charitable and kind.

Mr. Speaker, the herald of death oft gives no day of grace, and when from the shadow came the summons to attend the last roll call in the house of life it found CARL ANDERSON yielding willing tribute to friendship—it found him giving aid to others.

Fate, silently beckoning, held aside the veil and he entered, to return no more, but, to-day, on the face of the cliffs of time, we will chisel his name and beneath it subscribe the humble tribute: He gave aid and comfort to his fellow men.

Mr. SHARP. Mr. Speaker, this is an unusual occasion, unusual because we are called upon in a single afternoon in this memorial service to voice our grief over the death of seven Members of Congress, whose distinguished services in these Halls of legislation are forever ended. The hand of death has indeed been most heavily laid upon our colleagues of the Sixty-second Congress. Its beckoning call has come alike to the young and the old. But a week ago this Sabbath day we held similar services for three others of our departed Members, and, all told, I believe 25 or 26 of the membership of this Congress have passed from among us since taking their oath of office less than two years ago. Fully half of the delegations of our sisterhood of States have been called upon to mourn the loss of one

or more Members who had won a place in their affections. Of these States thus afflicted my own has been singularly free from such a visitation; and until now I do not recall a time in recent years when its delegation—in the House, at least—has been called upon to memorialize the life and services of a deceased Member.

If not inappropriate to this sad occasion, may I speculate in a vein of thought which during the past two years must have often come in common to the minds of many of my colleagues as to the cause of the frequency of the call of death to this Chamber. Surely the reason is to be found in some other explanation than to ascribe it to the normal rate of mortality among men, for if I mistake not, our death rate has been excessively high, measured by such a standard; nor may it be explained that it merely happens to be abnormal and beyond the usual average, because the death rate in the preceding Congresses also seems to be very high. Neither can we find a satisfactory cause if we would attribute it to the age of those who have departed; for, again, measured by mere years, the average certainly has not exceeded that period in life which we assign to middle age.

It is my own belief, and I say it to the credit of my coworkers in Congress, that their fidelity and attention to duty—that they might in the fullest measure possible discharge the obligations of their office—in no small degree have contributed to the untimely taking off of many of those who have passed over the river. While this may not be the popular notion, nor comport with the common conception of the work performed by the average Congressman, yet I believe it is undeniably true that in a large majority of cases he devotes more hours of work and gives more conscientious concern to the faithful discharge of his duties than he ever gave to his private affairs. During the time of my service in the House of Representatives, I have personally known of not a few instances in which Members, after most arduous work in the preparation of some important measure and their participation upon this floor in its discussion, have become so weakened by their labors that death soon after found in their exhausted condition but a feeble resistance.

While these observations, from the very nature of the case, can not refer to the taking off of the one for whom Ohio's delegation especially mourns to-day, as death came by accident, yet I am confirmed in my belief that they explain to no small extent the reasons for its frequent visitation to our membership. Of the seven whose deaths we come to mourn to-day, CARL ANDERSON, of Ohio, was the youngest, having been elected as a Member of this House at an unsually early age. He brought with him all the zeal and vigor of action which belongs to early manhood, and in his achievements, in so far, at least, as representing the demands of his constituents is concerned, he was successful. He early won the friendship not only of his colleagues from his own State but that of a continually widening circle of acquaintances. Speaking for myself, he was not only my friend but I was his friend. His willingness to do me a favor in the advancement of any measure which I had before his committee was spontaneous and generous to a degree. I think I but voice the sentiment of the other members of my delegation when I say that they all had a similar experience in their intercourse with CARL ANDERSON.

I suppose that if any one particular field of legislation could be recalled in which he was most active we would all agree that it was in the work of securing better recognition for the old soldiers, not only of his own district but throughout the country. Representing as I do an adjoining district to the one which he so faithfully represented, there is naturally a community of interests between the splendid citizens which people both constituencies. Made up of a harmonious blending of the early New England settlers, the so-called Pennsylvania Dutch, and that sturdy stock of German emigrants which came over in the earlier days of the State's history, their interests are homogenous in character. With a varied industrial development on no mean scale, an important commercial status, their rich agricultural resources, and their fine institutions of learning, they form a constituency which any man might feel proud to represent.

I know from personal knowledge that CARL ANDERSON's efforts in behalf of the old soldiers of his district were appreciated beyond measure. Just outside of the city limits of Sandusky, which is the capital city of Erie County, adjoining my district on the west, is located a soldiers' and sailors' home, which, in its management and treatment of the old soldiers of the State, has always been held in the highest esteem. To those living in the home he was held as their especial champion, while the citizens at large, regardless of their party affiliations, showed to him a most loyal devotion.

In conversation with him at different times I came more and more to appreciate not only his capacity for work but his directness in putting such work into most effective execution. While his early training and environment deprived him of advantages in an educational way—a handicap which I am led to believe he appreciated in later years, though rather proud than otherwise of his humble start in life—yet his active abilities, backed by an indomitable ambition to succeed, made him a valuable Member in a most practical way.

It was indeed this ambition to do things and the high tension under which he constantly worked that brought him to a physical condition not, I think, generally known to many of his friends. It was within the closing days of the last session of Congress and during the last conversation that I now recall having had with him that he confided to me the fact that, though a young man in years, he had a heart so weakened as to be able to scarcely do the work of a man twice his years. I know he was forced to a most abstemious manner of living, and by careful training he was endeavoring to conserve in the best manner possible his strength for the work he had to do. Of one whose life work brings to our minds such a conception of sincere purpose and fidelity to duty, we must be warranted in believing that the same high ideals controlled him in his domestic life, and so those who knew him best found it to be. In more than one conversation with him he expressed his love of home and family, and I am sure that not one of his colaborers in Congress has spent more happy hours in the bosom of his family than CARL ANDERSON.

So much in sincere praise must I say of one whom I knew as a friend. Sleeping in that eternal slumber of death which knows no awakening in this mortal world, beneath the shade of the giant oaks and elms of the beautiful cemetery, just outside of the city of Fremont, lie the earthly remains of CARL ANDERSON. On the afternoon of an autumnal day, first at his home in Fostoria and then a few hours later at the cemetery of the town of his early adoption, a great concourse of mourners gathered to witness and join in the last sad rites of burial. If the hearty good will and kindly feeling given to him during the scenes of his triumph in his business and political careers attested the appreciation of his work, surely in his hour of death the mute testimony of the regard of this great outpouring of his friends from every walk of life—the little children, the business men, the working men, and last the objects of his sincerest regard and affection, the old soldiers—showed the unmistakable love and esteem in which he had been held by his neighbors. May the faithful widowed mother and her little children be comforted in their irreparable loss.

Mr. GOEKE. Mr. Speaker, I ask unanimous consent that Members desiring to speak on the life, character, and public services of the late CARL C. ANDERSON be given five legislative days in which to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Ohio [Mr. GOEKE] asks unanimous consent that Members desiring to speak on the life, character, and public services of the late CARL ANDERSON have five legislative days in which to print their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

THE LATE SENATOR WELDON BRINTON HEYBURN, OF IDAHO.

The SPEAKER. The Clerk will report the order in relation to the late Senator HEYBURN.

The Clerk read as follows:

On motion of Mr. FRENCH, by unanimous consent,

Ordered, That Sunday, February 23, 1913, be set apart for addresses upon the life, character, and public services of Hon. WELDON BRINTON HEYBURN, late a Senator from the State of Idaho.

Mr. FRENCH. Mr. Speaker, I offer the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 863.

Resolved, That the business of the House be now suspended in order that opportunity may be given for tributes to the memory of Hon. WELDON BRINTON HEYBURN, late a Senator from the State of Idaho.

Resolved, That as a special mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these memorial exercises to-day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

Mr. FRENCH. Mr. Speaker, it is with mingled emotions that I participate in the memorial exercises that to-day have brought us together. I participate as a friend of many years of him whom we recall at this hour, and I view the one whose memory we cherish not only as a friend but as a citizen of the State that he represented with such distinguished ability and

as a modest colaborer in many of the undertakings in which he gave so largely of his life and genius.

Ordinarily we have but passing interest in the personal details of the lives of men. They were all born; they all have had experiences somewhat in common; they all have died, or must meet that end. Here and there a man stands out, however, so conspicuously as a national character that we crave to look beyond. To say that he was born, that he lived and died, tells nothing. To recall the achievements of his life tells not enough. We crave to know something of the personal side of the life that did great things, that we may measure better the achievements attained, that we may discern more clearly the purpose and impulses that inspired action, and that we may have at once a truer measure of the causes that have contributed to events that are momentous.

A LIFE SKETCH.

In speaking of the life and service of Senator HEYBURN I shall try to give such personal facts connected with his life as had bearing upon the problems that he had to meet and the way in which he met them.

WELDON BRINTON HEYBURN was born May 23, 1852, in Delaware County, Pa., at the homestead of his paternal ancestors—the home of his great-grandfather, his grandfather, and his father. He was of English ancestry on both sides of his family. His mother was Sarah Gilpin, the daughter of John Dickinson Gilpin, the twentieth generation in direct descent from Sir Richard de Gilpin, who was knighted by King John in 1206, and which line includes the Washington and West families in England and America. He was of Quaker ancestry on both sides of his family.

His mother was a Puritan of the Puritans, who never failed to stand for truth or righteousness, and who never consented to the slightest infringement of the moral law. She was liberally educated, widely read, and kept up her reading and study throughout her life. At the age of 80 years she recited long poems and discussed questions of history, science, and art with a clear mind.

The Senator inherited mental and physical traits from both parents. He received an academic education in the public schools and under private tutors.

He spent his boyhood upon his father's farms and was associated in business with his father, John Brinton Heyburn, who was a large landowner in Chester and Delaware Counties, Pa., and who, during the latter part of his life, was chairman of the board of county commissioners of Delaware County.

Mr. HEYBURN was admitted to the bar in the spring of 1876, and immediately entered upon the work of his profession. After practicing law for more than two years in Pennsylvania he heeded the call of the West, and moved to Leadville, Colo., where he engaged in practice from 1878 until 1882. Upon the development of the mining interests in the then Territory of Idaho, in the winter of 1883, he went to the Coeur d'Alene mining country in Shoshone County, where he resumed the practice of law.

He participated actively in the conversion of the Territory into the State of Idaho, was a member of the constitutional convention, and chairman of the judiciary committee of that body. He was a member of the Republican national conventions of 1888, 1892, 1900, and 1904, and was a member of the Republican national committee from 1904 to 1908.

In 1898 Mr. HEYBURN was unanimously nominated as the Republican candidate for Congress, but was defeated by the combined Democrat, Populist, and free-silver adherents.

He married Gheretein Yeatman, daughter of John Marshall and Lavinia Passmore Yeatman, of Chester County, Pa.

In 1903 Mr. HEYBURN was elected to the United States Senate and continued a Member of that body until his death, on October 17, 1912.

PROFESSIONAL AND PUBLIC SERVICES.

The bare recital of events such as I have enumerated tell only part, and that but vaguely, of the life work of Senator HEYBURN.

As a lawyer his greatest successes came after he located in Idaho. He was strong, forceful, and abounding in resource, a tireless worker, and though younger than Judge Claggett, Frank Ganahn, Albert Hagan, Judge McBride, and Judge Mayhew, who made the bar of Shoshone County in those early days so conspicuous in strength and ability, it was but a short time before the late Senator forced himself into the front rank with those distinguished men and was able to cope with them, singly or in groups, as frequently happened, most successfully.

During the period of his actual practice in the Coeur d'Alene region he was identified on one side or the other with all the important mining litigation and was unusually successful. In 1900 he edited and published Idaho Laws and Decisions, Annotated and Digested.

Aside from Senator HEYBURN's influence upon mining law and his remarkable success as a practitioner, probably the most notable work that he performed prior to his entrance into the Senate was as a member of the constitutional convention of the State of Idaho in 1889. That was a convention made up of men of unusual ability. It included such men as William H. Claggett, one of the most notable characters of the Northwest; William J. McConnell, twice governor of Idaho and one time Senator of the United States; James H. Beatty, later a United States district judge for nearly 20 years; numerous men who have performed distinguished public services, and other men of great ability who have preferred private life.

Mr. Claggett was president of the constitutional convention and Judge HEYBURN was chairman of the committee on judiciary, and from the advantage of this position and from his own great ability he shaped in large degree the fundamental law of the Commonwealth of Idaho.

AS SENATOR.

Upon entering the Senate March 4, 1903, he was assigned to the chairmanship of the Committee on Manufactures, which chairmanship he held continuously. He was also a member of the Committees on Finance, Philippines, Conservation, Immigration, Mines and Mining, Privileges and Elections, Public Buildings and Grounds, and Public Lands.

Amid his new responsibilities Senator HEYBURN was most industrious, as was his habit of life, and he expressed his ideas upon a great variety of subject matters that the Senate was called upon to consider, and participated in debate to a far greater extent than is usual among Members of the Senate. Few men were his equal in the matter of information upon so wide a variety of subjects, and few men have had so large a part in the shaping and determining of legislation touching great problems.

As a member of the Committee on the Philippines he drew and reported the Philippine tariff bill which is the present law.

On the statehood question, involving the admission of Arizona and New Mexico, Senator HEYBURN stood for separate statehood, and on two occasions his influence defined the policy of the Senate that the States should be admitted separately and not as one.

On the long and short haul clause of the act looking to the regulation of transportation rates, Senator HEYBURN vigorously contended that no greater charge should be made for a short haul than for a long one.

He was made chairman of the joint committee of the two Houses of Congress to revise and codify the laws of the United States. From this committee he reported and succeeded in passing, first, the Criminal Code of the United States, and second, the Judiciary Title, both of which are now in force.

Mr. HEYBURN opposed the Canadian reciprocity treaty.

He stood for liberal pensions for Union soldiers.

He opposed the making of what were termed peace treaties with Great Britain and France, on the broad principles expressed by President Washington against forming entangling alliances with other nations.

He consistently stood for the protective tariff policy of the Republican Party, insisting upon tariff duties that would give a margin of protection sufficient to insure the markets of our own country to our own people, and the employment of labor at better wages and under better conditions than those that prevail abroad.

Probably, however, the work that Senator HEYBURN performed that will stand out as a monument to him more distinctly than any other specific work was that in behalf of the pure food and drug act of 1906.

To have been a Member of Congress and to have supported the measure is credit enough to ascribe to most Members of either House or Senate. Senator HEYBURN's relation to the bill was far more responsible than that. Mindful of the splendid efforts put forth by able and earnest men and women in private and public life, and manifested in unusual degree by several Members of the House of Representatives, I think I do not overestimate the work accomplished by Senator HEYBURN when I say that if it had not been for his services the measure would not have passed the Senate of the United States at the time that it did, and while public sentiment was crystallizing in favor of the legislation, it is not likely that the measure would have been passed until possibly a year or two years of time had elapsed, within which the public conscience would have been more definitely aroused upon the importance of the legislation.

The legislation long had been pending and no conclusion had been reached. Senator HEYBURN pressed the measure during the Fifty-eighth Congress, but was unable to obtain a final

vote. During the interval between the Fifty-eighth and Fifty-ninth Congresses Senator Heyburn gave careful consideration to the question and completely revised the measure which had been formerly proposed eliminating the principles of the establishment of standards by legislation, as well as the provisions for the establishment of a board to fix arbitrary standards that would be binding upon the courts, leaving the violation of the general rules laid down in the act to be determined by the courts. These principles were carried through and adopted in the final passage of the bill which he drew and which became a law, and which the country over is conceded to be one of the most important pieces of legislation ever enacted by Congress.

This it was that led Dr. Harvey W. Wiley to say in commenting upon the author of the measure:

> I want to see the State of Idaho erect a monument to the memory of Senator HEYBURN, that able representative from the Gem State, who, after one of the greatest and hardest fights ever made in the United States Senate, secured the passage of the pure-food bill; and who, after the bill had been passed, was the bulwark around which centered the storm for its enforcement. I want to see engraved beneath that monument the inscription, "His greatest work for humanity was securing the passage of the national pure-food law."

CONVICTIONS.

I have called attention to concrete instances of public service performed by Senator HEYBURN. May I say, however, that possibly quite as important as this was the position that he took upon certain fundamental principles of government and society.

Senator HEYBURN was born of Quaker parentage and as is well known the Quakers were despised for many years by people in the early Colonies to a degree almost unparalleled in American history.

Undoubtedly the influence of an organization such as the Quakers and the attitude of the world toward the members of that sect contributed in no little degree to WELDON B. HEYBURN'S strength of character, and probably in large measure modified his attitude toward the definite organizations through which are determined the wishes of society.

The period during which Senator HEYBURN was born is also of interest in calling attention to the influences that helped to shape his early life. Senator HEYBURN was but a boy throughout the crisis of the Civil War, at the impressionable age that would be influenced in greater degree than probably any other, by environment, by discussion, and by the trend of thought among older folks, which, without their being aware of the fact, was making a deep impression upon the earnest young member of the family.

Senator HEYBURN was loyal to the Union. He had absolutely no patience with the causes that led up to the Civil War, and was, in fact, bitter toward every movement that looked to the perpetuation of even the memory of that unfortunate crisis in American history. Doubtless his attitude appeals to most people as that of an extremist, and yet I find probably the cause for that extreme position in the intense years filled with the throes of war, with all its suffering and death and sorrow, through which the boy WELDON developed from childhood to young manhood's years. The Battle of Gettysburg, upon which the fate of the Nation in large part hung, and one of the greatest engagements of the world's history, was fought not many miles from the boyhood home of Senator HEYBURN.

An impression was written upon his very character that nothing could efface, and that made him as intolerant toward the memory of the movement that looked to the breaking asunder of our Nation as were those who fought for the Nation's integrity uncompromising and intolerant in their position 50 years ago.

How intense was Senator HEYBURN'S feeling in the matter of the Civil War and his judgment of the tremendous consequences that were dependent upon the outcome of the issue between the North and the South may be gathered from his words in the course of the debate in the Senate of the United States during the time the service pension bill was being considered. Speaking of the soldiers of that great war, Senator HEYBURN said:

> There was never in the history of the world the performance of men that accomplished such great good as was accomplished by those men. Other soldiers have kept the thrones for kings. Other soldiers have been able to turn the tide of one monarchy against another. Other soldiers have been able to seize new countries and subjugate them.
>
> But this was a soldiery that stood for the preservation of a country that stood then and stands now on a higher plane of civilization than any other country in the world. It may be worth while to save a monarchy and yield your life for it. It may be worth while to keep some petty king upon the throne and even sacrifice your life or your welfare for him. But it is countless times greater to offer your life and make the sacrifice to maintain the Republic of the United States—the only Republic that was known in that day or has been known since that is worthy of the name.

It has been said that Senator HEYBURN belonged to an old school. It has been said that his sympathies were entirely out of touch with the present and that they were more in harmony with a period a half century or a century ago.

Senator HEYBURN believed in making progress slowly and with due respect to the experiences of the past. He believed in the Biblical injunction, "Remove not the ancient landmarks which thy fathers have set." He was not a man who could be swept off his feet by the tide of public sentiment or by the passing whim of an excited day. He was a man not averse to new thought or new ideas, but one who preferred to think carefully and well upon the proposed plans before attempting to revolutionize government and place into actual practice policies hitherto untried.

I believe that had Senator HEYBURN lived at the time the American Government was born, he would have participated in the shaping of its fundamental principles. I believe he would not have been found working in harmony with Jefferson or Madison, but would rather have been found working shoulder to shoulder with Hamilton, with the Adamses, with Hancock, with that body of noble men who felt that republican government was an experiment, and who, while thoroughly in sympathy with the idea of American independence, believed that this Government would do well to maintain such a form as would insure stability, eliminating, however, the idea of perpetual kingship.

Had Senator HEYBURN lived 50 years ago, and during the period that immediately preceded the great Civil War, I have no doubt that in that period he would have been identified with the elements throughout the United States who felt that the institution of slavery was wrong; that the system should be abolished; and that the Government of the United States should be maintained in its integrity.

A CONSERVATIVE.

Senator HEYBURN, with relation to the problems that have confronted our country during the last 20 years, was distinctively a conservative. On the question of election of Senators he was entirely out of sympathy with the movement that has been waxing and waning for three-quarters of a century, until in recent years it culminated with overwhelming power in a demand that could not be disregarded that the Congress of the United States recognize the deep feeling of the American people that this modification be made in our fundamental law. He was one of those who, in the Senate of the United States, opposed the amendment.

Senator HEYBURN had no patience with the demand for more direct expression of the people through the direct primary, the initiative, referendum, and recall, and he felt that these innovations would produce evil rather than good if given a place in our system of Government.

He was a strong believer in the Federal Government, but believed with deep earnestness that the State should leave to private initiative everything that does not need to be taken over by organized society or controlled by it, as a result of experience that urged that Government management or control is for the unquestioned public good.

Senator HEYBURN favored the passage of the pure food and drug act. On the other hand, he bitterly opposed the passage of the act creating the Children's Bureau. Both are the same in principle, yet he condemned the latter as paternalistic. Probably the pure food and drug act may be regarded as the extreme to which he would permit himself to go, and that while the Children's Bureau measure was similar so far as principle is concerned the problems with which it has to do were regarded by him as questions that should be handled through the home or by local instrumentalities within the State.

On the question of conservation, Senator HEYBURN took a position that has been earnestly applauded and vigorously condemned. He always maintained with great sincerity the necessity of conservation of the country's natural resources, but he urged that the first natural resource to be conserved is opportunity for a citizen to engage in productive enterprise, having such material as land, timber, power, and water sites, and so forth, as his capital and basis of operation. He opposed the accumulation of vast areas of public land by individuals or corporations. He favored a general and specific plan that would result in the population of the country by actual bona fide settlers. He believed that it is not only the right, but the duty of each generation to participate in the use and enjoyment of natural resources, and further believed that the neglect or failure on the part of the people to do so is the failure of duty on their part toward the growth and greatness of our country. He vigorously opposed the comprehensive policy that has application at present in part and the extension of which is earnestly urged looking to more complete Federal management and control of the natural resources of the country. He believed that the policies that have been followed by our Nation for the past

50 years justify the wisdom of those who had part in their shaping, and he would have applied these policies to the great questions of the day and continued them through the years to come.

PARTY AFFILIATION.

Senator HEYBURN was a Republican—ardent, devout in his convictions, earnest in the defense of that which he conceived to be the basic principles of the party to which he belonged.

Repeatedly during the last year it was my privilege to talk over with him some of the matters that concern our Nation and with which the Republican Party has had to do. Senator HEYBURN believed that the Republican Party has accomplished only part of its great mission. He believed it has more to do, but he did not believe in temporizing. He did not believe in embodying and incorporating as a part of the Republican platform principles that are of popular interest with which he was not in sympathy. True, he believed that this would mean defeat for the Republican Party, if failure to carry an election in a given year means defeat, but he felt that in the end the wisdom of the party whose principles he had espoused would prevail. He believed his party would need to go through the purging of fire that it might be made better and stronger and more able to carry on the work to which it was dedicated by the immortal Lincoln and his noble coworkers who outlined the principles for which it has stood for one-half a century and more.

OFFICIAL RESPONSIBILITY.

Senator HEYBURN believed that every public official should take seriously the office and the responsibilities of office that are committed to his trust. He believed that the people intend when they elect a man to public office to clothe that man with power to act for them. He believed in the right of petition by the people, but he believed that the right to petition should mean no more than the expression of the views of the people upon a subject in which they might be interested for the guidance of the public official. He believed that the public official is bound by the very obligation of his office to exercise his own judgment in the matter upon which the people have petitioned in the final determination of the problem.

I do not know that he felt this responsibility more keenly because he was a Member of the Senate than he would have felt it if he had been a Member of the popular branch of our National Congress. It may be that recognizing that the Members of the House are elected every two years and are supposed to represent not the State, but the people from whom they come, he would have conceded the right and maybe the duty of the Members to act in harmony as nearly as they can with the sentiment of those who have given to them the commission to serve them. I think that, with respect to the Senate, he never for one moment entertained a doubt as to the responsibility of a Senator.

He did not assume that any constituent who was a petitioner could not handle the same problem with perfect confidence and wisdom if entrusted with the responsibility of meeting the problem, but he did believe that the one to whom that responsibility was given should give of his time and his talents in far greater degree than is asked or even permitted to the average citizen in considering the important problems of the day.

The question of degree to which a member of a legislative body should be responsive to popular will has been one to which the best minds of our country have given attention since the day the Constitution was adopted. There has been no definite course to which the members of legislative bodies could feel themselves committed. Here and there an individual has resigned when he found himself out of harmony with the people who had given him a commission to represent them. Possibly more frequently members of legislative bodies have bowed to the wish of their constituents and have regarded it as their highest duty to obey that wish regardless of their personal desire, feeling that their desire personally represented no more than an individual wish of any citizen who had exercised his franchise in helping to choose a Representative or a Senator.

Again there have been, so long as we have had a Republic, a few men who have stood out for the doctrine that when a commission has been given it has carried with it full responsibility, so far as judgment is concerned upon public questions, throughout the term of service to which the member has been chosen. Senator HEYBURN, probably more than any other man in the last 20 years, stood for this policy. It made him enemies; it made him friends; it caused detractors to rise up; and it produced admirers.

CHARACTERISTICS.

If there were one characteristic that more than any other could be said to be distinctively that of Senator HEYBURN, I believe that the characteristic of candor and frankness would probably be the one defined. No one needed to wait long to ascertain the position of Senator HEYBURN upon any public question. No one needed to hesitate to raise a question with him for discussion because he did not believe with Senator HEYBURN. I recall that during the first two or three years of Senator HEYBURN'S service in the Senate a problem was being considered by the Members of the delegation from Idaho that did not appeal to all of us in the same way. It was at the time when Senator Dubois was the colleague of Senator HEYBURN. I recall that one of the prominent citizens of Idaho made a special trip to Washington in the interest of the measure; I recall that with me he made his visit to Senator HEYBURN and that in my presence he talked over with the Senator his attitude upon the problem. Senator Dubois had not been able to see the question as Senator HEYBURN did, and I recall that just as my friend and I were about to leave Senator HEYBURN'S office my friend said to the Senator, "If you like, I will go over and talk to Senator Dubois and come back and let you know just what his attitude is." Senator HEYBURN, in all kindliness of manner and of intention, very promptly said in reply, "Senator Dubois and I may not agree upon this problem, but we are able to talk the matter over." In other words, he did not want a go-between. The same idea was characteristic of Senator HEYBURN'S relation with myself, and, I believe, with all the Members of the Senate and the House, and, in fact, with all men with whom he had to deal. More than this, Senator HEYBURN admired candor in other people.

When he was elected to the Senate in 1903 there were several strong men contending for the honor. One of these men was the late Hon. George L. Shoup, himself a Senator from Idaho for 10 years. After Senator HEYBURN was chosen he sent a telegram to Hon. Addison T. Smith, who had been with Senator Shoup during his service in the Senate, tendering him the position of secretary. Mr. Smith promptly replied that he could not accept the position, for he had not been favorable to the election of Mr. HEYBURN as Senator, but, on the other hand, had supported Senator Shoup. Senator HEYBURN replied that if he had not supported Senator Shoup, having been associated with him for so long a time, he would not now be soliciting his services. Mr. Smith accepted the position and at the close of nearly 10 years of intimate association with Senator HEYBURN spoke of him as follows:

> No man in public life in recent years has been so misunderstood and misrepresented. He never received proper credit for the splendid work he has done for the State and Nation, as he was always adverse to exploiting his accomplishments through the newspapers. The consciousness of duty well performed was his reward for his arduous labors. Those who were not acquainted with him, and many of those who only saw him occasionally, were of the opinion that he was of an austere and imperious disposition. This was a natural assumption, because of his aggressiveness in debate or when contending for his views on public questions, but to those who knew him best he appeared in his true character. He was generous to a fault, kind and considerate, true to his friends, and loyal and devoted to his family. In fact, I never knew a man who was more interested in his relatives and the friends of his early life and those who endured with him the hardships incident to pioneer days in the Coeur d'Alenes. He was a most congenial and lovable companion, and while he was intensely devoted to his work he always found time to cultivate the amenities of life.
>
> The Senator was most devoted to his State and to what he believed to be for the best interest of the people.

Few men in public life were so well informed generally as was Senator HEYBURN. His mind was a veritable storehouse, and while he appeared at all times to have prepared his addresses with much care, I am satisfied that the language that he used in delivering almost every address that he made was spontaneous and the facts that he brought out selected from those that had been stored in his memory through his years of experience.

Upon one occasion he was to deliver a notable address in the capital city of the State that he represented. His secretary, Mr. Smith, observed that the Senator was engrossed in other matters and was letting the days and, finally, the hours pass by without apparent preparation for the address. He finally reminded the Senator of the engagement that he had assumed. Senator HEYBURN turned to him and said, "Why, Addison, I have been preparing that speech for 20 years."

As an orator Senator HEYBURN must take high rank. From the numerous discussions in which he expressed his sentiments during the running debates in the Senate, no adequate idea can be had of his power. True, even in fragmentary and running debate his sentences were elegant, his words well chosen, and his illustrations apt and drawn from a vast field of experience or from extensive reading.

His occasional addresses, however, told of his strength as an orator and lift him at once into that high plane of public speakers who have contributed to the reputation of our greatest legislative body and give him a place among the men capable of expressing the profoundest truths in perfect diction.

While Senator HEYBURN belonged to a family that had given great names to England and America, this fact was not for him to boast, but rather it was a matter for him to carry within his family as a circumstance of great pride and yet not a circumstance that would help him unless he measured up to the responsibilities that a member of that family should assume. In fact, Senator HEYBURN believed that there is a responsibility to be borne by every individual and that too much prestige and encouragement from home may blight an otherwise successful life. In speaking with Senator HEYBURN one time I recall that the Senator expressed to me the idea that it is questionable whether or not wealth bequeathed by a parent to a child does not constitute a curse rather than a blessing. It was his idea that the young man or the young woman should be self-reliant and, regardless of the influence or wealth of his parents, himself assume the responsibilities that life presents.

Senator HEYBURN was one of the most versatile men I ever knew. He was a great lover of nature, and those who had occasion to be with him during his moments of recreation found him one of the most delightful companions that could be chosen for a fishing excursion, a few days in the mountains, or in the varied modes of recreation available to the people of the mountain region surrounding his home.

Again, Senator HEYBURN was a man who did not know what it was to be afraid. This thought applies not only to his attitude in public life upon questions of statecraft, but applies as well to his personal attitude as he met the problems that oftentimes present themselves to a strong man.

I have been told that at one time during labor difficulties near his home when he was warned not to appear because of his attitude toward those who felt themselves aggrieved, he refused to heed the warning, but in a public address upheld constituted authority and warned those who had challenged him that though for a time they might gain control, law and order would be restored and justice meted out to every one of them.

IN CONCLUSION.

The last days of Senator HEYBURN were fitting to the active life that he had led, for most of the time his mind was clear and one of his last sentences was with relation to his work in the Senate—"I am worn out, but I am worn out in the service of a great cause"—and as a parting testimony of the conviction of his own soul upon the ever-living inspiration of the ages, he expressed a clear faith and hope in God.

Finally, then, with the candor with which we all view the lives of those whose race has been run, recognizing traits of character that are variously esteemed, recognizing positions upon public questions taken by Senator HEYBURN that were not in harmony with the hopes of his most earnest friends, recognizing that possibly he was not in sympathy with the public opinion prevailing during the last few years of his life, yet recognizing on the other hand his strength of character, his honesty of purpose, his fidelity to duty as he saw duty, the fearlessness with which he met and contended with the influences that in one way or another sought to impress themselves upon the tasks with which he had to do, as we recall the memory of one with whom we may or may not have been in accord, we can not fail at this hour to pay to him the great tribute that was paid to another in the words, "Here was a man."

Mr. MONDELL. Mr. Speaker, it was my good fortune to meet Senator HEYBURN soon after his election to the Senate in 1903 and the acquaintance then formed ripened into a friendship which continued to grow and strengthen as time passed.

Of the many virtues which Senator HEYBURN possessed the one which most impressed me, and in my opinion was his most striking characteristic, was his unfailing moral courage. He possessed in an unusual degree the courage of his convictions.

It has been my experience that the most common and besetting fault of many good men is the disposition, in the face of opposition, in the presence of criticism, in the interest of harmony, to compromise their views, to waive their convictions.

How few, even of the best of men, can be depended upon at all times and under all circumstances to stand boldly for what they believe to be the right, to stand by and defend an unpopular cause, to voice an unpopular truth, to expose the fallacy of a popular fad, to rebuke forgetfulness of principle.

I do not mean to be understood as holding the opinion that there is lack of loyalty or steadfastness in the world to-day; if the occasion demanded there would be no lack of martyrs to any good cause. At the last ditch and in the final stand for principle men will be found as true and as faithful to-day as ever in the tide of time. In fact, believing as I do that the world grows steadily better, I am of the opinion that in any crucial test for a principle mankind is generally far more dependable now than in former days.

What we do lack is an appreciation of the importance of voicing our protest at all times against harmful tendencies, against indifference, against that denial of truth or of a cause which is involved in ignoring it. We are too prone to stand silently or idly by while truth is flaunted or ignored.

Of all the men I now recall whom I have known he in whose memory we are gathered to-day was most free from this fault and weakness. His devotion to those principles in which he believed—his loyalty to every cause he espoused or cherished—was so intense, so earnest, so unwavering that he never hesitated to boldly and bluntly declare his position and express his convictions utterly regardless of the effect such declaration might have on his fortune or his reputation.

This characteristic of our departed friend was the more noticeable in view of the fact that he possessed a heart overflowing with kindness; that he was tolerant of the views and opinions of others; that he was considerate of the feelings of those who differed from him. His ruling passion, however, was intensity of conviction. Those principles and policies which his judgment approved he believed in with all the fervor and devotion of a crusader and to him an attitude of indifference, or of easy tolerance, in the presence of an attack upon them, directly or indirectly, or even by analogy or inference, was unthinkable.

He was a loyal knight with ever-ready lance, quick not only to repel attack on those things he held sacred but to carry the warfare into the enemy's camp. In his opinion no good soldier of a cause had performed his duty by merely holding steadfastly his position; there was the duty of countercharge with a view, if possible, of dislodging the opposition from its position.

Holding these views of his duty and possessing the courage necessary to live up to them it was inevitable that in his political career and in the performance of his official duties he should have run counter to the views of many men and have had sharp and pointed differences with them, and yet so apparent was his sincerity, so manifest the honesty of his purpose, so free from malice or unkindliness were the blows he delivered, the home thrusts he gave, that he disarmed hostile criticism and often made of those with whom he most differed his warmest friends.

The lives of men whose lives are conspicuously worth while are valuable to us to the extent that we take to heart the truths which such lives emphasize. The life of our departed friend and colleague was useful and valuable in many ways. His influence for good was exerted over a wide field, embraced many subjects, was helpful to many people, but, in my opinion, that influence was most potent, will be most permanent, in its emphasis of the importance of deep and steadfast conviction and unfailing courage in defense and support of such conviction. His example reminds us that it is as much our duty to utter the note of warning, to challenge the false step or dangerous tendency, where to do so is neither popular or palatable and can have no immediate effect, as to do so when such action is popular and likely to be promptly effective. In fact, in the former case the duty is the more imperative and its performance the more meritorious because of the courage required in its fulfillment.

In the passing of Senator HEYBURN every good cause lost a fearless champion, and we who knew him lost a faithful friend. The great Northwest country, where he lived so long and whose interests he so courageously and effectively supported and defended, sincerely mourns him. He passed away in the full flower of his usefulness, and yet his life was peculiarly complete, and when the summons came he left us the blessed memory of a life of great and lasting usefulness and of a character rich in all the manly virtues.

Mr. KAHN. Mr. Speaker, WELDON BRINTON HEYBURN was one of the striking characters of the United States Senate. His early education eminently qualified him for a seat in that body. He was one of the best-informed men that I ever met. As a lawyer in the West he occupied a preeminent position. For over 30 years he practiced in the courts of his own State of Idaho, as well as in the Federal courts of nearly all of the Western Commonwealths. At heart he was a most kindly, courteous gentleman. He took an active part in the councils of his party. He was a thoroughly intense partisan, but was always fair in dealing with his political opponents. He had pronounced views upon all great public questions and always had the courage to express them. The matter of retaining popularity with the masses did not swerve him from what he considered to be the path of duty. There was no demagogy in his entire make-up. He never weighed the effect of his utterances on questions of the day upon his own fortunes. He was not what politicians call a "trimmer." Every one knew where he stood on those subjects that were of absorbing inter-

est to the American people, and even though one might not agree with him in his position, one always admired his courage in his fight for what he deemed the right. And once having made up his mind as to what he believed to be the right course to pursue, he steadfastly followed that course regardless of the attacks that were made upon him by his opponents. He was an indefatigable worker. He was just the kind of man that is needed in our public life. He was a forceful speaker, a ready debater. He was outspoken and blunt, at times almost to the point of brusqueness. Fearless, honest, faithful, and straightforward, he never hesitated to tell the truth, even though the telling thereof may have had occasion to cause temporary wounds. He took an active part in the debates of the Senate and helped to frame some of the most important laws that have been enacted during the last decade. His was a rugged physique, and I believed that he would enjoy many years of usefulness in the Senate; but it was not to be. He was stricken some months before he passed away, and when the end came it was not altogether a surprise to his near friends. He has gone to his reward; but in his adopted State of Idaho there are dozens of young men who will always revere his memory; they looked up to Senator HEYBURN as a true leader whom they might well follow. He was always ready to extend a helping hand to the struggling, ambitious youth of his State. They could always turn to him for counsel and advice; he inspired them with the courage to dare maintain the right. We join with them and with all who were permitted to know him in this life in expressing our appreciation of his worth as a legislator, his patriotism as a citizen, and his straightforward honesty as a man.

At this point Mr. FRENCH assumed the chair as Speaker pro tempore.

Mr. STEVENS of Minnesota. Mr. Speaker, the numerous melancholy occasions of this nature during the Sixty-second Congress have brought very vividly before us the truths not only as to the fleeting existence which is common to all mankind, but also that the struggles and stress of active public life does seriously impair the vitality and diminish the length of days of even the most robust of our colleagues. Perhaps as notable example of this is to be found in the life and departure of the man whose memory we honor by these exercises. His Quaker ancestry had transmitted to him that strength of mind and body which has so distinguished that splendid people wherever they may be found, and to the limit of his superb powers had he utilized the virtues, the character, the vigor, and the ability with which he had been so plentifully endowed. As has been the case with multitudes of American youth, from a restless spirit of adventure and a desire for personal advancement, young HEYBURN sought the West with its hardships, its freedom for growth and action, its opportunities for development of the greatest, best, and most which was within him. He entered into the spirit and life of those frontier days, and with his sound legal training, his strength of personality, and undaunted courage and perseverance, soon had a large share in the formation of the career and character of the vigorous young Commonwealth where he had chanced his fortunes and established his western home. The strong, practical, and capable men who associated with him early recognized and appreciated his usefulness and capacity, and at the age of 51 he was elected to represent his State in the Senate of the United States. There he speedily became a conspicuous, forceful, and thoroughly capable figure, with a faculty for useful and practical industry and a marked ability for an effective presentation of his views upon the great diversity of public questions upon which we are all compelled to pass in our work as legislative representatives of a great people. Early in his senatorial career Senator HEYBURN attracted attention by his most efficient work as chairman of the then comparatively insignificant Committee on Manufactures, but which had jurisdiction of legislation concerning pure food and drugs, which under his guidance was so soon to benefit the health and pockets of the American people.

There was a general realization throughout the country that some proper and adequate laws should be passed by Congress regulating and controlling the commerce of the necessities for our people, so that they should be protected as much as possible from fraud and deception, and so that the States could safely follow in such paths the wise and salutary rules laid down by Congress. Naturally there were strenuous objections to any such legislation, not from those who did not desire any such regulation, but from a great body of reputable and prudent business men, who had apprehension as to the effect of such a new departure upon their affairs conducted along lines entirely praiseworthy and in a safe and legitimate way. So it did require much courage, skill, persistence, and industry to overcome these obstacles and bring success to such a tremendously important task. Senator HEYBURN contributed a very large share toward it, and if he had performed no other public service for the American people, they should ever be grateful to him for his labors at a critical time toward that legislation which has been so salutary and which has exerted so beneficial an influence among the States and throughout the country.

He was the special champion of his people and State and section of the country against that policy of conservation of the national resources of the West which he conceived could only result in their injury and prevent proper and adequate development. This contest was constant and prolonged and enlisted all of the powerful resources of his rugged and forceful nature and all of the capabilities which so distinguished him among his compeers. His great wealth of information, his profound knowledge of legal principles, his long and varied experience among his people and in the development of his splendid young State, his strong and logical intellect and superb powers for the presentation of his views, gave him an influence in the discussion of these subjects such as had few of his colleagues. His industry and devotion to his people and their interests, the incessant demand upon him to care for them as adequately as he thought was required of him, drew heavily upon his vital forces.

He would not rest when the contest was on concerning public matters before Congress or the departments strongly affecting his constituents. This devotion and this persistence and unwearying zeal for those whom he represented and whose welfare was so dear to him weakened even his rugged frame and reduced even his wonderful reserves. No one can estimate how much such labors assisted toward shortening his days and hastening the inevitable end.

Unless one had a chance to know him well, there could never be discerned or appreciated the great wealth of sentiment or the keenest human sympathies and kindliness in his nature. It was my privilege to meet him a number of times during one of the few vacations he had while in public life. He was traveling in Europe with his family and had cast aside the many cares of his high office and was enjoying as a boy the scenes and impressions which the Old World made upon him, whose nature was so typical of the American West. I especially recall his delight in his touring of England and Scotland, whose history and poetry and romance had long been so familiar with him and which had filled such a part in his own heredity, experience, and culture. Then became revealed to us who were with him that extensive reading and rare appreciation of the beauties of nature and literature which we soon realized that he possessed. We came to know from such intimacy what a strong, true, loyal, and devoted soul he had and what a sure and firm foundation was his for his unremitting labors for his people and for his country. He had the courage to stand upright and proclaim the faith that was in him and of which he was ever proud at a time when real men were sorely needed. "The deepest hunger of a faithful soul is true faithfulness."

His departure is sincerely mourned as a national loss among those who were associated with him, and those who knew him best will ever cherish his memory as of a loyal and delightful friend, a wise and prudent associate, and a patriotic and devoted servant of his people and lover of his country.

No man better exemplified the truth of the poet—

> The valiant never taste of death but once.
> Of all the wonders that I have heard
> It seems to me most strange that men should fear,
> Seeing that death, a necessary end,
> Will come to him, when it will come.

Mr. HOWELL. Mr. Speaker, it was after my election as a Member of the House of Representatives that I was privileged for the first time to visit Washington and behold this splendid edifice, this imposing Capitol of the Nation. Grand and glorious as it impressed me then, its magnificence and glory have constantly grown upon me. So, too, my service in Congress has profoundly impressed upon me more and more as the years flit by the high character, industry, devotion, and patriotism of the great men chosen by a free people to bear the responsibility and discharge the arduous, perplexing, and important duties of government. In these days, when the freedom of the press attains its fullest publicity, prominent men in public life are known to the mass of the people in the light of their character and service as set forth in the press and periodicals of the time; but from the very nature of the intimate association of its membership, of their collaboration together for the public weal, the Senate or House becomes the truest and most perfect judge of the ability, character, and worth of its Member. No weak or unworthy man can rise and long maintain commanding influence in either body. And so the time-honored custom of setting apart a day for paying befitting tribute to the memory of our comrades whose life mission is ended is most beautiful and admirable. In the years to come, after the keen sorrow of

parting with our friends has mellowed to a fond recollection of all that they were when they were tabernacled in the flesh, to read what is said to-day will awaken long-buried memories and inspire new courage to press forward in honorable effort to "make our lives sublime." We are assembled on such an occasion to-day, and I improve the opportunity to voice a simple, homely tribute to the memory of WELDON BRINTON HEYBURN, Idaho's distinguished Senator, the Republic's honored son. He entered the Senate at the same time I became a Member of the House. While our duties here did not throw us into the closest association, having local interests in common I came to know him well and to admire and honor him. His earthly probation extended over but little more than 60 years, but on the 17th day of October, 1912, when he was called away, his earthly record measures up to the fullness of a well-spent life. Time will not permit nor is it necessary for me to recount his distinguished public services. They are recorded in the history of his State and in the annals of the Senate and his country. Suffice it to say that he took an active and leading part in all the great questions before the country in the last decade. At the close of his first term in the Senate, for the information of his people, a complete record of his industry, achievement, and his attitude on all public questions was compiled.

This record is replete with the evidences of his great industry and his statesmanlike grasp and his ability to elucidate grave public questions. Upon this record he again sought a commission as Senator and was triumphantly elected. This was strikingly characteristic of the man. He was bold and strong and frank, and disdained to espouse or support any cause against his convictions merely to thereby court public favor. He believed in clear-cut issues and an honest declaration of policies and purposes. He loved his State and country to such an extent that patriotism was a passion with him. He hated fraud, pretense, and dishonesty in every relation of life. His championship of the pure food and drugs act and its passage under his leadership through the Senate is typical of the man and exemplifies his intense aversion to deceit, fraud, and dishonesty in commercial affairs. He sprang from forbears who for generations had inherited a love of freedom and an orderly adherence to laws and institutions designed to secure this great boon. He was firmly set in his convictions, and did not easily sway with the winds of every new doctrine. He venerated the true and proven wisdom of the past, and in adopting new and untried experiments affecting the fundamental principles of our Government he adhered to the well-known salutary maxim, "Make haste slowly." He was able in debate, wise in counsel, devoted to the best interests of his State and country, and supremely endowed for most valuable service in the high council of the Senate. Who can properly estimate the value of such a life? Who can fully appreciate the enduring light shed forth by his work? Such men are the salt of the earth, the pillars of the temple of liberty, the torches which light the pathway of liberty. I do not agree with the great poet in the doctrine that "the evil that men do lives after them, but the good is often interred with their bones." I am led rather to cherish the thought that the good that men do shall survive, the evil shall perish. The qualities of virtue, honesty, duty, patriotism, unselfish devotion to man, country, and God, bear within them the seeds of their own preservation and reproduction. Noble spirits have left their impress upon the world. We have them with us in this day and time, and in the future they will come to us and assume their rightful place of leadership among the children of men, and progress and liberty will continue to go forward hand in hand.

Senator HEYBURN profoundly realized the nature of his sojourn here. He was fully impressed that—

> Life is real! life is earnest!
> And the grave is not its goal;
> Dust thou art, to dust returnest,
> Was not spoken of the soul.

Memorial ceremonies naturally lead to the contemplation of the brief span of life here, with all its vicissitudes and the limitless eternity on either side. I rejoice in the firm faith that "he is not dead; he has risen to a higher and more enduring sphere of activity and usefulness." "The glory of God is intelligence." That degree of intelligence to which he has attained is but symbolical of a future of eternal progress and development. His mission here is completed. He rests from his labors, and his works do follow him.

"This pleasing hope, this fond desire, this longing after immortality" is well expressed in this simple prayer to our heavenly Father:

> When at last when I've completed
> All Thou sent me forth to do,
> With Thy mutual approbation
> Let me come and dwell with You.

Mr. BARTHOLDT. Mr. Speaker, I have not frequently come in personal contact with Senator HEYBURN, but I have watched with growing interest his many activities as well as his utterances on the floor of the Senate. To me there was something unusually attractive in his rugged manhood, his extraordinary ability, his eloquence, and readiness at repartee. To a still greater degree was my admiration challenged, however, by something which I prize more highly than all these. It is that quality which distinguishes a real man from a mental weakling, namely, courage of conviction. In the case of Senator HEYBURN this term implied not only unswerving loyalty to the ideals and traditions of the Republic, but also the bold and fearless expression, irrespective of consequences, of his honest opinions. This quality caused his friends to admire, his foes to fear him, but insured him the respect of friend and foe alike. It is an attribute of character which, judging from practical experience, seems to have become sufficiently rare in these days of popular unrest to merit special mention wherever we see a manifestation of it. Men in public life can appreciate even more than those in private life its incomparable significance and value. It means that we speak and vote in accordance with our convictions. It means for us to take our political life in our hand and defend, by voice and vote, what we honestly believe to be right. No matter whether it leads to greater popularity or to political self-effacement there must be no compromise with what is repulsive to our hearts and minds, and our advocacy of what to our conscience is right and the resistance to what seems to us wrong must be more than passive. It must be active. Fortunately for our country there are still many who practice this greatest of all public virtues, but among them our departed friend held foremost rank. As a consequence of that noble trait it was quite natural that his public career should have been encouraged by strong friendships and, on the other hand, beset by strong antagonisms; but, as I said before, friend and foe alike readily recognized and respected his mental honesty, his integrity of character, and his manly courage.

Senator HEYBURN was a Republican. He believed in the high mission of his party to forever be an instrument of the people for sane progress and reform. He was a "standpatter" when asked to go wrong and a progressive when progress was in the right direction. He sincerely believed in representative government under the Constitution, and could not make up his mind to consent to political experiments where popular rule, under existing forms, had been such a phenomenal success. The conservatism of his nature rebelled against risking a leap into the dark—and this is what to his mind unbridled majority rule signified—at a time when the country enjoyed the blessings of unparalleled prosperity, when, consequently, there was no valid excuse for untried innovations in government, and when further progress along sane and safe lines and along the pathway of constitutional rule was the watchword of his party under a President who in faithful performance and honest enforcement of the laws of the land has not had a superior in the annals of American history. While the political storms raged all about him, Senator HEYBURN stood firm, anchored to the solid rock of good judgment and honest conviction, and it is my earnest belief that, had he been permitted to stay among us but a few years longer, he would have lived to see his judgment vindicated.

For reasons inscrutable to all save Providence he was taken from us in the prime of manhood and while great questions of concern to his constituents, to his State, and country were calling for his cooperation and for the exercise of his indomitable energy and rare intellect. In mute grief those to whom he was nearest and dearest as well as all his contemporaries and coladorers must bow to the inevitable. His untimely death was an irreparable loss to both the State of Idaho, which he so ably represented here, and to the Nation and will be mourned by all. He was a great citizen, a great lawyer, and a great legislator, but his most fitting epitaph would be: "He was a man."

Mr. HAWLEY. Mr. Speaker, a man who rises to distinction above the high average of unusual ability to be found in the House and Senate does so by reason of some exceptional value as a public servant and as a man, and this question of the value of the man in the public service is a question I desire to discuss briefly in connection with Senator HEYBURN, whose memory we revere in the ceremonies of to-day. Congress legislates upon information and opinion. Upon the sufficiency of the information and the soundness of the opinion derived therefrom depends the value of the legislation which may be enacted. Legislators seldom build better than they know. While it may appear that some former legislative body did an unusually wise thing that survived through the ages, it is not because they had any unusual understanding of the times to come but because the con-

ditions under which they legislated were continued to, or repeated in, a later time. Therefore I repeat that upon the sufficiency of information and the soundness of judgment the value of legislation depends. A man who comes into either House and by industry in the ascertainment of facts, honesty in their statement, and care in their interpretation does the public a useful service and becomes a distinguished man.

To illustrate what I have in mind: Savonarola at the time of the death of Lorenzo, The Magnificent, in Florence, and the expulsion of his son Piero, found the city without a government and the citizens unable to found a government for themselves. He did not as a creator manufacture a government out of hand for the Florentines, but from a great knowledge of the governments of his time he decided that the government of Venice, with suitable changes, would be best adapted to Florence. This he advocated in public addresses, and following his suggestions and his leadership the people of Florence established a government modeled upon that of Venice. The government so organized is said by the historians without exception to be the best government the Florentines ever had. Simply because he had adequate information and the soundness of interpretation at a critical time in his State's history Savonarola rendered his people a great service.

There gathered in Philadelphia in 1787 a body of men who were charged with the duty of framing a Constitution for the government of a people recently free. The English historians say the colonists of this country had been buying more law books than the citizens of England had been buying, and they had been buying histories and other books on political affairs. When that body of men came together they did not strike out at white heat a new thing, but out of an adequacy of information and soundness of judgment upon the events history had recorded of man's endeavors to govern himself they organized the best government that could have been instituted for our country.

What I have in mind in considering the public services of Senator HEYBURN is the importance of adequate information and of sound opinion derived therefrom. The encyclopedic character of his information, both as to the law and the facts relating to subjects pending before the Senate, was universally conceded. When he arose to speak it was with the fullness of information and when he presented a case it was with a wealth of illustration, so that not only his supporters but his opponents profited by his industry, his care, his painstaking labor, which led to fame.

Falstaff says of himself:

> I am not only witty, but am the cause of wit in other men.

So Senator HEYBURN himself was not only industrious, but was the cause of industry in other men; not only possessed of great fund of knowledge, but caused other men to be similarly possessed; was not only himself a statesman, but, because he was a statesman, he led others to statesmanlike emulation. Not only was he an effective public servant, but by faithful service and by information and soundness of opinion he led others to such industry as would make them more effective and faithful public servants.

He lived but 60 years, and he served his country usefully, effectively, honorably, and courageously. "That life is long which answers life's great end." And when he died some great causes lost a great champion.

> Ah, who that gallant spirit shall resume,
> Leap from Eurota's banks, and call us from the tomb.

If Senator HEYBURN knew the matters of the spirit as well as he knew the matters relating to his public duties and private obligations, then for him, "The morn in russet mantle clad, walks on the dews of Heaven's high hills." Let us so hope.

Mr. LA FOLLETTE. Mr. Speaker, the late Senator WELDON B. HEYBURN, of Idaho, was to me one of the most unique characters in American political life. My personal acquaintance with him was brief, dating only from the beginning of the short session of the Sixty-first Congress. He was what was known as an "old-line" Republican, while I had been elected to the Sixty-second Congress as a Progressive Republican.

I came to Washington in the early days of December, 1911, and occupied my time during the short session of the Sixty-first Congress about evenly between the House and Senate, familiarizing myself with men, measures, and methods of procedure.

Senator HEYBURN had been in the public eye in the neighboring State of Idaho for many years, and after entering the United States Senate had become a national figure, but, I confess that, as a Progressive Republican, I came to Washington somewhat prejudiced against his political attitude and activities. During the closing days of the Sixty-first Congress, however, I found myself observing and studying him more closely. More and more was I impressed with his industry and perseverance, his intimate knowledge of all measures that came before the Senate, his terse commendations of those he considered meritorious and his scathing denunciation of those he regarded wrong or ill-advised.

It mattered not to him whether the measure he disapproved was championed by his political friends and colleagues, his position never swayed. Long before the end of the Sixty-first Congress there sprung up within my inner consciousness an admiration for the man. His intimate knowledge of all legislation coming before the Senate, his careful analysis of every proposal, his quick perception, his energetic protests, his keen and logical thrusts at his adversaries in debate, excited my admiration and wonder, and I could not help feeling when he died that the country had suffered the loss of one of its most painstaking and industrious public men—a statesman, indeed—and one who had probably checked as much unwise and ill-considered legislation as any man of equal service who ever sat in Congress.

Senator HEYBURN's interest in public questions was so unceasing and his capacity for work so inordinate that but little, if any, legislation ever passed the Senate during his period of service without either his earnest assistance or his vigorous opposition. His unflinching courage and his indomitable zeal have earned for him a lasting place in America's political history.

Mr. Speaker, when the wires carried the intelligence that death had brought to an end the career of Senator HEYBURN his home State of Idaho felt it had sustained a great loss, and this feeling was shared by the Nation.

The press of the country, engaged as it was in a bitter political struggle, did not fail to give a full meed of praise and a calm judgment of mankind on the life and work of a great man, and I am inserting in this brief tribute a few of the many expressions of the press of the country, some of his home State and some of other States of the Nation, if I can have the consent of the House so to do.

The Idaho Statesman, on October 18, 1912, said:

> When one who has been a tried and true friend dies, the loss is not expressible in badges nor in tears. We may not have agreed with him in all things, but we could always depend upon him as a friend, never faltering in his loyalty for us nor in his duty to us.
>
> The State of Idaho has just lost such a friend in the death of Senator HEYBURN. Many of the people he represented so long in public place have not always agreed with him, but they knew he could be depended upon to fight for his State, and he always did it.
>
> * * * * * * *
>
> Senator HEYBURN was a "standpatter" because he was never vacillating. He could no more indorse irrational or radical ideas, paraded under any guise, than he could abandon his position for fear the crowd might not applaud him. He was conservative in all things, some say ultraconservative, because it was the surest guaranty of safety, in his opinion; and time generally vindicated his judgment. Because of his strict adherence to constitutional forms, because of his allegiance to the traditions of our fathers, the Senator encountered many foes who might not otherwise have been pitted against him; but they ever found him equal to their most skilled attack and challenging their best defense.
>
> * * * * * * *
>
> The keynote of WELDON BRINTON HEYBURN'S life work was "courage"; the pattern woven in the fabric of his official career was "firmness"; the lesson he leaves us is their application.

The Salt Lake Herald-Republican said:

> Senator HEYBURN was a statesman of high ideals, unflinching courage, and steadfast in his adherence to the principles of the Republican Party. He took high rank in the Senate and wielded a powerful influence.

The New York Tribune said:

> The State of Idaho can easily elect a successor to WELDON B. HEYBURN, but no one can really replace him in the United States Senate. His position in that body was unique. He delighted to be classified as a "standpatter." He was really a "standpatter" who bent backward. It will be impossible to find another man who will play the part of ultraconservative with the unction, the sincerity, and effectiveness which Mr. HEYBURN always displayed and which finally made him one of the institutions of the Senate. He was himself institutional in character, rooted in convictions and prejudices which never could be shaken by any mere disturbances of the outer crust of politics.
>
> He remained patriarchal in his ideas, just as if the patriarchal age was a thing of yesterday. When the Senate was discussing an eight-hour law for Federal employees, he quoted the commandment, "Six days shalt thou labor"; and said that in his opinion a day meant the space between sunrise and sunset. Not in a spirit of humorous exaggeration, but in one of downright seriousness, he contended that it was a neglect of the biblical injunction to call eight hours a day for working purposes. He was willing himself to work from candlelight to candlelight, and wanted everybody else to live up to the ancient pastoral standard.
>
> In tariff legislation he held that a higher duty was always preferable to a lower duty, and no duty could be put too high to please him. He never realized that the Civil War was over, and felt it a duty to rasp the sensibilities of his southern colleagues whenever anything was proposed which even squinted at a condonation of secession or official recognition as such of former participants in the war against the Union. He was uncomfortably inflexible on that as on all other subjects.
>
> Yet with all his irreconcilableness he was a useful and popular Senator. He never spared himself, and won his way to the front as

a legislator by sheer endurance and capacity. He fought through the pure-food bill and later took the lead in codifying the laws of the United States—a wearying but very important work. He enjoyed the respect of his colleagues because he was positive and earnest in all things—a man who thrived on antagonism, but whose public services were always transparently clear and honest. His extremism never incapacitated him for helpful service or obscured his sterling personal worth.

The Pocatello (Idaho) Tribune felt that—

In the death of United States Senator W. B. HEYBURN Idaho has lost a great man. He was great in many ways. His absolute fearlessness, his tremendous steadfastness, were marked characteristics. That he lacked tact was one of his failings, but it was a human failing and a forgivable one. As a Senator of the United States, as a statesman and lawmaker, he was far above the average. His deep knowledge of the law made him a looming figure in the greatest legislative body in the world. Big of body, heart, and mind, he stood out prominently among the men in the upper Chamber.

The Portland Oregonian commented:

What HEYBURN believed he believed with all his heart and mind, so that he invited and sustained the criticisms and attacks of many opponents. But he was an honest man and courageous. If he talked too much, he always talked well. If he hated disloyalty, he made manifest his own patriotism by outright word and deed. If he was too prone to deem others wrong, he strove always himself to be right. Idaho will miss Senator HEYBURN, and so will the Nation. Likely enough the Senate needed a corrective force and an admonitory voice.

The Hailey (Idaho) Times said of Senator HEYBURN:

An indefatigable worker, no important measure ever secured the attention of the Senate without his voice being heard either in support or opposition to it until illness incapacitated him. Endowed with many qualities of leadership, he immediately upon taking his seat took a front rank in the greatest deliberative body in the world, and he sustained it to the end.

The Lewiston (Idaho) Tribune, a stanch Democratic paper, spoke as follows:

It is observed that in the tributes being paid to the dead statesman all are impressed by his loyalty and love for this State of his free adoption. And that epitaph is fine enough to rear over the relics of any man. There may have been minds of greater brilliancy and tongues of more silvery eloquence, but there was none who loved his country more and served his constituency so tirelessly. He was a man who lived up to his creed, and in his clean record there can be found some useful lessons for those who survive him, and especially for the ambitious young men of his adopted State.

The Richfield (Idaho) Recorder commented as follows:

No one ever wondered where he would be found or whether he would be in the same place the next time; everybody knew where he would be—that he would stay. The sublime virtue of steadfastness was his in the superlative degree. It was a virtue which helped win Idaho a commanding place in the councils of the Nation.

At this point the Speaker resumed the chair.

Mr. LA FOLLETTE. Mr. Speaker, if I can have the consent of the House so to do, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Washington [Mr. LA FOLLETTE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend in the RECORD their remarks on the life, character, and public services of the late Senator HEYBURN.

The SPEAKER. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent that all Members may have five legislative days in which to extend their remarks on the life, character, and public services of the late Senator HEYBURN. Is there objection?

There was no objection.

THE LATE SENATOR ROBERT L. TAYLOR, OF TENNESSEE.

The SPEAKER. The Clerk will report the order of business touching Hon. ROBERT L. TAYLOR, late a Senator from Tennessee.

The Clerk read as follows:

On motion of Mr. SIMS, by unanimous consent,

Ordered, That Sunday, February 23, 1913, be set apart for addresses upon the life, character, and public services of Hon. ROBERT L. TAYLOR, late a Senator from the State of Tennessee.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 864.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. ROBERT L. TAYLOR, late a Senator from the State of Tennessee.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House at the conclusion of the memorial exercises of the day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

At this point Mr. SIMS assumed the chair as Speaker pro tempore.

Mr. CLARK of Missouri. Some men are made to be admired; some are made to be loved; a few are made to be both admired and loved. To this small and goodly company ROBERT LOVE TAYLOR undoubtedly belonged. Fitz Green Halleck's famous couplet fits Senator TAYLOR's case like a glove:

None knew him but to love him,
None named him but to praise.

I once heard a wise old Missouri farmer say that no man should be considered truly popular unless everybody called him by his Christian name. If that is a test—and I am inclined to think it is—Senator TAYLOR was the most popular of all the public men of his generation.

Thrice governor of a great State, a Representative and Senator in Congress, everybody, even the little children in the streets, fondly called him "BOB." I am not exaggerating. I am not guessing. I am not saying it because it sounds well, but because it is literally true and because I heard it with my own ears.

Nobody could deny any request he made, his smile was so seductive, his manner so winsome, his words so sweet, his invitation so alluring. Consequently it came to pass that in the summer of 1911 he induced me to promise to make speeches at the Knoxville Exposition and the Nashville State Fair in September. I was busy and did not want to do it, but I could not resist the pleading of my well-beloved friend and made the speeches. Now that he is in his grave, I am glad that I went with him, as that trip gave both ocular and auricular proof of the man's wondrous popularity. He was emphatically "Our Bob" in the Old Volunteer State. Hardly a man called him governor or Senator. It was nearly always "Hello, BOB!" or "Howdy, BOB!" He seemed to know every Tennesseean by name. In walking the streets, time and again as we passed bunches of children, I would hear one urchin say to the rest, "There goes BOB TAYLOR." Their intonation of the word "BOB" showed forth their affection. The situation seemed to be this: Everybody knew him. Everybody loved him. He knew everybody. He loved everybody—

With deep affection
And recollection.

I will treasure the cheerful memories of that journey with BOB TAYLOR through Tennessee so long as I live. It was a liberal education in universal loving kindness.

When he first left the gubernatorial chair, at the end of his second term, he was deeply in debt. His law practice was gone, and so he determined to go on the lecture platform, and millions of his fellow citizens are glad that he did so, for he delighted and instructed them, and made them better men and women by his wit, humor, learning, imagination, pathos, philosophy, and eloquence. As a lecturer he was a tremendous success from the first. In fact, those newspapers which denominated him the "Napoleon of the Platform" and "The Prince of Entertainers" did not exaggerate and did not exhibit bad taste. It was an intellectual treat, so exquisite as to be indescribable, to hear him in "The Fiddle and the Bow," "Castles in the Air," or his other masterpieces; but he did not reserve all his brilliant mots, exuberant fancy, sparkling utterances, and philosophic remarks for his public lectures and speeches. His private conversation was equally rich and enjoyable. Toward the end of his life we had him and his most estimable wife as our guests at a theater box party, and though the seal of death was on his face he entertained us much more than did the characters in the play.

Some would-be wits undertake to make men and women who lecture at Chautauquas and in lyceum courses the butt of their clumsy jokes. They seem to think that when they have flung at a public man the epithet "Chautauquan" they have done for him permanently. Just why preaching, practicing law, running a railroad, farming, or writing for newspapers and magazines, or writing books for pay are occupations permitted without criticism to a public man and lecturing should be forbidden to him is a thing that passeth all understanding. Not only that, it is arrant nonsense.

I rejoice that my dear, good, generous, big-hearted, brilliant friend led the van of the army of public men who have invaded the lecture platform. They are rendering the public a valuable service while eking out their meager salaries. If a public man has a message to deliver, it is his inalienable right to do so. It is easy for a millionaire editor to sneer at a public man, rich in heart and brain but poor in purse, and of independent spirit, who desires to earn enough money honestly to provide for those dependent upon him; but decent and sensible people will applaud him instead of criticizing.

On the platform, on the stump, in the House, in the Senate, in the governor's chair, and in private life BOB TAYLOR was the apostle of sunshine and went about doing good. His

oratory was as pure and sparkling as the waters of the springs in his native mountains, which he loved so well. He upheld the right; he condemned the wrong; he punctured shams; he improved the world by living in it.

This great humanitarian earned hundreds of thousands of dollars on the platform and with his pen, and yet he died poor. He could make money, but he could not keep it. His tender heart caused him to loosen his purse strings on every appeal from the poor, the sick, and the needy. To his eternal credit be it said that he turned none away empty. He has his ample reward in the unstinted love of millions of his fellow creatures.

Mr. HEFLIN. Mr. Speaker, this is a sad and a solemn occasion to me. Senator BOB TAYLOR was my friend, and I loved him devotedly.

Over in east Tennessee, in Happy Valley—

> Where the morning-glory rears its purple crest
> To receive the dewdrop's cool caress;
> Where the fern droops low by the woodland stream,
> And the gray dove coos in a blissful dream;
> Where violets yield their rich perfume,
> And roses gladden the gray day's gloom—

BOB TAYLOR was born. One morning in his youth time, in that splendid romantic region, he awoke and found the sweet-voiced angel of music singing at the window of his soul. He seized a fiddle, touched it with his bow, and exquisite strains came pouring from its heart. They awoke the echoes of the wood and set the birds to singing, and under his masterful touch the fiddle became the matchless musical instrument of the people. In the cabin on the hillside, in the mansion on the mountain top, out on the hustings, and around the festive board, the fiddle responded to the woolngs of his splendid genius, and all the people heard him gladly.

Perhaps the most brilliant and unique campaign in the annals of congressional politics was his race for Congress as a Democrat in the district then known as the Republican stronghold of Tennessee. He mingled the melody of his fiddle with the gospel of Democracy—poured out his soul in eloquence sublime and in songs of unutterable sweetness. When that campaign was over, this brilliant son of the Democracy of Tennessee, armed with the fiddle and the bow, was borne on the crested wave of a proud people's will to the Congress of the United States. In that memorable gubernatorial contest, where brothers were the standard bearers of opposing parties, his faithful fiddle was again his glad campaign companion. It drove the ghosts of opposition from his pathway, just as David's harp drove the evil spirits from the presence of King Saul, and with genuine rapture the people of Tennessee hailed him as governor of that proud old Commonwealth.

Then finally, Mr. Speaker, the crowning glory of his political career—the ambition of a lifetime—was realized when the people of Tennessee commissioned him to represent them in the Senate of the United States. Here with rare ability and persuasive eloquence he advocated measures that looked to the common weal, and here he pleaded for the enforcement of the laws of justice.

Every throb of his big heart beat loyal to the people of Tennessee, and I believe that he was the most popular and best-beloved man that Tennessee ever gave to the list of America's good and great. Alabama mourns with Tennessee the loss of this brilliant statesman, this most pleasing of all orators, this the greatest apostle of sunshine that America has yet produced.

Mr. Speaker, he was the most charming, the most captivating and popular lecturer that ever graced the American platform.

Rarely are mortals blessed with such a brilliant and loving career. He never groped among life's shadows murmuring its dolorous strains, but he saw life through a rose-tinted atmosphere. He dwelt on its bright side and reveled in its sunshine. He strolled among the flowers of life's art and poetry and lingered beside the rivers of its music. With the deft fingers of a master he swept the harp strings of the human heart. His eloquent voice in song and story thrilled and pleased thousands and tens of thousands of his countrymen. He painted virtue in enduring colors, made truth attractive, and contributed to the great sum of human happiness.

I was on board the funeral train as it bore his remains from this Capital back to Tennessee to be buried among the people that he loved so well. Mr. Speaker, I have never witnessed such a demonstration of genuine affection for any man in public or private life as I saw evidenced by the people of Tennessee for Senator BOB TAYLOR on that occasion. Thousands of people flocked to the railroad stations to catch a glimpse of the train as it proceeded to Nashville, carrying the mortal remains of Tennessee's popular idol and best-beloved son.

While his body was lying in state at Nashville a vast multitude of people passed in solemn procession as they looked for the last time upon his peaceful face. There were tears and sobs and flowers about his casket in the statehouse on that sad day. During our stay in Nashville we went out to view points of interest in and around that splendid, historic city. When about seven miles out of the city, I saw a company of country boys walking toward the capital, and every one of them had a bunch of wild flowers—flowers plucked from the field and forest, planted by the gentle hand of Nature's God. These boys had come from their homes in the rural districts to pay to the idol of the sturdy masses of Tennessee the simple tribute of their love. He had understood their heartbeats and had spoken their language.

Mr. Speaker, if it were possible for Senator TAYLOR to have seen on that day these country boys grouped around his casket, with these simple wild flowers from field and wood, that beautiful scene would have affected him most of all. Born in rural simplicity, among the plain, patriotic people of Tennessee, he had locked in his soul the loves, traditions, and incidents of the common people, and these were the brightest stars in the firmament of his rosy and brilliant pilgrimage. Among the beautiful floral offerings that were literally banked about his casket in the capitol was an imitation of the fiddle, made of lilies, with a bow of violets resting across it—how fittingly suggested by that beautiful child of his genius, his far-famed lecture, The Fiddle and the Bow. But, Mr. Speaker, we will listen no more to the rollicking humor, the merry laughter, the splendid pathos and melody, that breathed through his eloquent voice in the pleasing, thrilling story of The Fiddle and the Bow. There is no more rosin for the bow. The sensitive strings of silk and silver are hushed on the sounding board, and the loved old fiddle, the home of so many sweet and stirring sounds, is silent. Its proud player has passed through the valley and shadow of the dissolution, but, Mr. Speaker, somewhere beyond the evening and the sunset his splendid spirit has found congenial company in that glad throng that sings and plays in the gardens of everlasting flora.

Mr. ADAMSON. Mr. Speaker, it was not my purpose to speak on this occasion. I would not stultify myself nor offend the memory of the dead by speaking in eulogy of a departed statesman whom I did not love and honor during his life. Neither do I believe it fitting for any man to hazard an extemporaneous speech on an occasion like this, when bereaved and sorrowing comrades pay honor in this high place to the goodness and greatness of friends who are gone. I feel that every speech ought to be elaborately prepared, with accurate attention to the merits of the deceased and every ornamentation with which the beauties of the language can invest the subject. The beautiful and touching address to which you have just listened, delivered by the gentleman from Alabama [Mr. HEFLIN], my eloquent neighbor, who so illustriously represents here a district adjoining that of my own constituents, has suggested an incident so aptly illustrating a leading trait in Senator TAYLOR'S character that I feel justified in bringing it to the attention of the House at this point. Senator TAYLOR was always so good to me and I loved him so much, and my people loved him so much, that I will venture to contribute that incident to the flowers that are being collected in his memory.

He had made lecture engagements for the summer of 1909 with three Chautauqua associations, two in the district I represent and one in the neighboring district represented by Mr. HEFLIN. The extraordinary session of Congress compelled his attendance on official duties here and the consequent breaking of those engagements. It was brought to Senator TAYLOR'S ears that those Chautauqua associations suffered financially on account of his inability to fill those engagements. The Senator was a firm believer in the doctrine of restitution, which must really precede all genuine reformation, and without it confession is worthless and there can be no true religion. Even Mahomet believed in that doctrine. He is reputed to have stood in the temple before his death and invited any whom he had wronged to make his claim and receive fourfold in restitution.

Among the other noble traits of character, charms, beauties, and talents that glorified his life Senator TAYLOR cherished above all things the doctrine of justice and fairness to all men. He felt that, although not to blame, he ought to make restitution if those people had actually suffered through his inability to fulfill his engagements, so he notified them all that he would go free of charge and lecture for the benefit of each association, which he did at the first recess of Congress thereafter. He left his family in Washington, denied to himself and his family the pleasure of spending his Christmas holidays in Tennessee; went with me to Carrollton and Newnan, Ga., and with Mr. HEFLIN to Roanoke, Ala.; lectured at each place for the benefit of the Chautauqua association, and helped each one of them financially

out of trouble, without determining whether any loss was sustained on his account or not and without one cent of charge therefor.

The Senator having been so good to me, and that generous and noble act of his to my constituents and the constituents of the gentleman from Alabama appearing to my mind so appropriate to be mentioned in this connection, and immediately following the beautiful speech of the gentleman from Alabama, I have felt justified in saying this much.

Other distinguished gentlemen here, having known the Senator longer, being provided with a greater fund of information about him, and being better prepared to do justice to his illustrious life and lofty character, I will not consume further time.

Mr. KAHN. Mr. Speaker, "God touched him and he slept." Gone are the sparkling eyes, gone the cheery smile, gone the gentleness of manner, gone the soft melodious voice of ROBERT LOVE TAYLOR. But his memory will always be cherished, not only in his native State of Tennessee but by all who were permitted to know or hear him. His was a remarkable career. Elected to membership in this House, elected thrice to be the governor of a great American Commonwealth, triumphantly elected by his people to represent that Commonwealth in the Senate of the United States, his abilities as a statesman had been tested in many avenues of political life, and in every one of them he rose equal to the opportunity and the occasion. He became an influential factor in the body of which he was an industrious and popular Member at the time of his death. He was fortunate in having a charm of manner that attracted young and old alike. He was one of the best raconteurs it has ever been my good fortune to meet. One never tired of listening to his stories of pathos and humor. His effect upon his audiences was marvelous. He could sway them at will from laughter to tears and from tears to laughter. He loved music, poetry, the beautiful in art and in nature. But above all else he loved his fellow men. His charity was boundless. He always gave bountifully to every worthy cause that was brought to his attention. His liberality in that direction became proverbial, and although he earned large sums of money through his lectures, the many appeals that were made to him for financial aid to this or that institution, to this or that cause, to this or that case of individual distress were not made in vain. It seemed to be his mission on earth to dispense happiness, and he succeeded in doing so during all the days of his life. It may well be said of him that the world is better for his having lived.

Mr. TILSON. Mr. Speaker, as a Representative of a New England constituency, I am glad to bring a sincere tribute to the late Senator TAYLOR. While not so well known there as in others parts of the country, nevertheless, even in New England, he was known, honored, and admired. On behalf of a large-hearted, broad-minded people, who regard neither State lines nor degrees of latitude and longitude in their estimation of men, I come to voice their sentiments of respect for his noble manhood, admiration for his charming personality, and sorrow for our common loss in his death.

It is, however, with far deeper feelings that I come here to-day. The little chapter in the life of BOB TAYLOR—for then as ever afterwards everyone called him "Bob"—which I am about to recite has no place in his work as governor or United States Senator, which others have treated so fully and ably to-day. In fact, I hesitated long before deciding to relate at all an incident in his life so closely personal to myself. Upon due reflection, however, it seems to me it should be here set down as indicative, even in the early years of his young manhood, of that large-hearted generosity of mind and character which caused him to be so much beloved throughout his career.

We were born near each other, he just 16 years earlier than I. His father and my father were political and personal friends. Bob and his brothers were frequently guests at my father's house. We lived somewhat farther back in the mountains than did the Taylor family and on the only road crossing the Appalachian Mountains in that vicinity. Bob's sweetheart, whom he afterwards married, lived near Asheville, N. C., about two days' journey from Happy Valley, where the Taylors lived. My father's house was near the halfway point of the journey. Hotels, inns, or taverns were there entirely unknown. The trips he made across the mountains were not infrequent, for young ROBERT was a faithful lover, and each trip he made back and forth gave us two delightful evenings, as he spent a night each way at our house. I measure my words when I say that his frequent little visits were of the very first importance in their influence over me and produced the deepest and most lasting impressions upon my young life. We lived in the backwoods, in the mountains, as it was generally called. The Taylors lived down the country in the beautiful Watauga Valley. They were the foremost family of all that mountainous region, and yet without the slightest taint of snobbishness. Bob would come into our home as one of ourselves and enter unreservedly into our joys, our sorrows, and our problems. My father and mother loved him like a son, and he soon won his way to the hearts of all of our large family.

For me, however, he seemed to have reserved a special affection. As he often expressed it, he took a special fancy to me. Outside of my own immediate family the environment did not appear particularly favorable. School facilities were far from good. It seemed evident to him that if I remained there I must grow up without education except of the most limited character. He was not a man of independent means, but the magnitude of his heart was out of all proportion to his bank account. In his zeal for the education of the little boy he had discovered away up among the mountains, he proposed to take me away and put me to school at his own expense. He so aroused the interest of his good mother on my behalf that she came to my father's house and besought him to allow her to take me away in order to educate me. My father felt constrained to refuse, and I was kept at home much against my will. Stimulated by this manifestation of unselfish interest in the education of their son, my parents, through toil and sacrifice, strove ever afterwards to give me opportunities for education equal to those denied me by their refusal to permit me to go away.

After all these years and all that has transpired in their course this seems a most inadequate statement of a trivial incident in a great life. It is doubtful if Senator TAYLOR even remembered it in all its details, but it was epoch making for me, and was so burned into my heart that I shall never forget that Bob TAYLOR was the first great outside influence that came into my young life as an upward-beckoning inspiration.

In the years that followed Bob was a candidate for office—for Congress, for governor, and for United States Senator. He was a Democrat. Unicoi, the county in which my father and family lived, was strongly Republican, the Democratic ticket rarely polling more than one-tenth of the total vote cast. When Bob TAYLOR was on the ticket, however, it was always different. Such affection as those mountain people felt for BOB TAYLOR was not to be overbalanced by party loyalty, though ardent partisans they were, and Bob's vote was always large. When he came to Unicoi, as he often did, he did not talk politics, but told some of his inimitable stories, knowing full well that the Republicans would vote for him in spite of his politics, just because it was Bob. No other reason was asked or could be given, but the fact that they did it throws an additional light upon the character of him whose life and public services we are here to commemorate.

Others have told to-day and will tell in terms far more eloquent than any at my command, of his name and fame as a lecturer, and of his distinguished services as Representative in this House, as governor of his native State, and as a Senator of the United States. I shall refer to none of these, but shall rest content with the narration of the simple little story which furnishes a side light to a character of wondrous charm, sweetness, and gentleness, and the foundation for a sincere love and affection on my part that never faltered. Through all the years his affectionate interest in me never failed. When I came here as a Member of the House no one greeted me with such warmth and cordiality as did Senator TAYLOR. Had I been a younger brother he could have seemed no gladder to welcome me here, and to the day of his death it was my privilege to enjoy his friendship and esteem.

Do you wonder that I loved him? Do you wonder that I felt his death as a deep personal loss? Do you wonder that I could not to-day refrain from bringing this my humble tribute in loving remembrance of such a friend?

Mr. COLLIER. Mr. Speaker, we meet to-day to mourn with the State of Tennessee. Senator TAYLOR, one of her most illustrious sons, has passed away. The kindly heart which throbbed so often in sympathy with the troubles and distresses of others has ceased to beat.

Senator TAYLOR was a unique figure. Rich in anecdote, happy in jest, profound in learning, simple in manner, and generous in disposition, his death was sincerely mourned, not alone in the State of Tennessee, but throughout the length and breadth of this great Republic.

For 35 years Senator TAYLOR played a prominent part in the history of his Commonwealth. He had a long and illustrious political career. His people delighted to honor him. Over 35 years ago he was elected to Congress, and from that time to his death he labored earnestly and zealously for the advancement and upbuilding of his native State.

He was always ready to answer the call of duty at no matter what sacrifice to himself. He was a consistent and loyal Democrat, a partisan in the highest sense of the word, but, running throughout the warp and woof of his gentle life, a silken thread of charity mellowed his every act, and his hearty handclasp, his cheering smile, his kindly greeting, and pleasant, courteous manner dispelled gloom and scattered sunshine wherever he went.

His ideals were pure and lofty, and he trod with firm and unfaltering steps the paths which lead to rectitude and honor.

The people of his State loved him and showered upon him many honors. He was twice a presidential elector for the State at large. He was three times governor of the Commonwealth of the Old Volunteer State. He was a Representative in Congress and a United States Senator. His long official life was marked by conscientious service, faithful attention to duty, stainless integrity, and signal ability.

I have heard it said, Mr. Speaker, that he was too liberal in the use of the pardoning power. His great, generous heart could not withstand appeals for mercy. No story of distress ever fell unheeded upon his ears.

To this charge of leniency I ask permission to insert his own defense. Its every word shows the depth and feeling which animated the warm, generous heart of our lamented friend:

I saw an aged mother, with her white locks and wrinkled face, swoon at the governor's feet; I saw old men tottering on the staff, with broken hearts and tear-stained faces, and I heard them plead for their wayward boys; I saw a wife and seven children, clad in rags and barefooted, in midwinter, fall upon their knees around him who held the pardoning power; I saw a little girl climb upon the governor's knee and put her arms around his neck; I heard her ask him if he had little girls; then I saw her sob upon his bosom as though her little heart would break and heard her plead for mercy for her poor, miserable, wretched convict father. I saw want and woe and poverty and trouble and distress and suffering and agony and anguish march in solemn procession before the gubernatorial door, and I said, "Let the critics frown and rail, let this heartless world condemn, but he who hath power and doth not temper justice with mercy will cry in vain himself for mercy on that great day when the two columns shall meet, for, thank God, the stream of happy humanity that rolls on like a gleaming river and the stream of the suffering and distressed and ruined of this earth both empty into the same great ocean of eternity and mingle like the waters, and there is a God who shall judge the merciful and the unmerciful."

He exemplified in his life the immortal words of the great poet, that—

The quality of mercy is not strain'd.
It droppeth as the gentle rain from heaven
Upon the place beneath. It is twice blest:
It blesseth him that gives and him that takes.
'T is mightiest in the mightiest; it becomes
The throned monarch better than his crown.
His scepter shows the force of temporal power,
The attribute to awe and majesty,
Wherein doth sit the dread and fear of kings;
But mercy is above the sceptered sway;
It is enthroned in the hearts of kings;
It is an attribute to God Himself;
And earthly power doth then show likest God's
When mercy seasons justice.

Senator TAYLOR believed in laughter, in sunshine, and in song. He was an orator of the highest type. Drawing his beautiful illustrations from nature, with his quaint, homely humor, he touched the hearts of thousands. I have never listened to an orator who had his audience more completely in his control. He swayed them with his eloquent flights of fancy, he convulsed them with his delicious humor, and he touched their hearts and brought tears to their eyes with his tender pathos.

It often happens that a reputation for humor has a tendency to weaken men's efforts when engaged on serious matters. Not so with Senator TAYLOR. Though he dearly loved to tell a good story, and was rich in happy anecdote, yet when grave and momentous subjects occupied his attention Senator TAYLOR, with flashing eyes and ringing voice, would rise to every occasion and meet every emergency.

But it was as a lecturer that BOB TAYLOR was best known to the American people. He was probably the most popular lecturer of his day.

I know of no richer word painting than his description of the Garden of Eden in his famous lecture "The Paradise of Fools." He said:

I think it was the very dream of God, glowing with ineffable beauty. I think it was rimmed with blue mountains, from whose moss-covered cliffs leaped a thousand glassy streams that spread out in mid-air like bridal veils, kissing a thousand rainbows from the sun. I think it was an archipelago of gorgeous colors, flecked with green isles, where the grapevine staggered from tree to tree as if drunk with the wine of its own purple clusters; where peach and plum and blood-red cherries and every kind of berry bent bough and bush and shone like showered drops of ruby and of pearl. I think it was a wilderness of flowers redolent of eternal spring and pulsing with bird song, where dappled fawns played on banks of violets; where leopards, peaceful and tame, lounged in copses of magnolias; where harmless tigers lay on snowy beds of lilies, and lions, lazy and gentle, panted in jungles of roses. I think its billowy landscapes were festooned with tangling creepers, bright with perennial bloom and curtained with sweet-scented groves, where the orange and the pomegranate hung like golden globes and ruddy moons. I think its air was softened with the dreamy haze of perpetual summer, and through its midst there flowed a translucent river, alternately gleaming in its sunshine and darkening in its shadows.

The old doubts and perplexities of the hereafter which have tortured the minds and harrowed the souls of thousands never vexed the placid calm of Senator TAYLOR'S existence. His faith was founded upon the Rock of Ages. He knew that "the stars go down to shine on other skies," but he also knew that "they would set their gold within our skies again." He knew that the grim frosts of winter would kill the bloom of spring and the beauty of summer, but that in the early morning of the New Year "the spring would awake again and fill all the land with radiance and all the air with song."

BOB TAYLOR believed in men; he loved nature; he trusted in God.

I can not say, and I will not say,
That he is dead. He is just away!
With a cheery smile and a wave of the hand
He has wandered into an unknown land,
And left us dreaming how very fair
It needs must be, since he lingers there.
And you, O you, who the wildest yearn
For the old-time step and the glad return,
Think of him faring on, as dear
In the love of there as the love of here.

* * * * * *

Mild and gentle, as he was brave,
When the sweetest love of his life he gave
To simple things; where the violets grew
Pure as the eyes they were likened to;
The touches of his hands have strayed
As reverently as his lips have prayed;
When the little brown thrush that harshly chirred
Was dear to him as the mockingbird;
And he pitied as much as a man in pain
A writhing honeybee wet with rain.
Think of him still as the same I say,
He is not dead—he is just—away.

Mr. MOON of Tennessee. Mr. Speaker, this occasion must not pass without a parting word from me of tribute, not of fulsome eulogy, to the memory of a friend of a lifetime.

ROBERT LOVE TAYLOR, a Senator from the State of Tennessee, in the Congress of the United States, departed this life on the 1st day of April, 1912. He was born of distinguished parentage in Carter County, Tenn., July 31, 1850. His early life was spent amid the lofty mountains and by the waters of the beautiful stream of his native east Tennessee. He enjoyed the home and the scenes of his youth. His mind ever reverted to the incidents and pleasures of his childhood. To him the rippling waters of the Wautauga, gliding by the place of his birth, was the River of Life flowing through Paradise. He was intellectual, emotional, sensitive, and sentimental, and yet the humorous side of the things of life afforded him intense delight and a frequent theme of conversation. He was reared to manhood in the most stormy period of his country's history. His own fireside was divided on political and sectional questions. The division was intense on all public questions among the people where he lived. He heard all the maledictions of a divided and infuriated populace and saw the horrors of the Civil War and the desecration of individual and State rights that followed it. Amid it all he pressed forward to the goal of his ambition "with malice to none and love to all." The allurements of place and power could not draw him to the ranks of the dominant party. He worshiped at the altar of constitutional liberty and ever rallied with pride and courage under the banner of a pure and undefiled democracy. He was a great political leader and was greatly honored by his country. He was a Congressman, and three times governor, and a United States Senator. He fought many battles for his party and his people and none against them. His personal and political surroundings and the kindliness of his own nature had an influence repressive of party intolerance and political bigotry and radicalism. He was too lofty in his sentiments and too sincere to impugn the motives or integrity of those who differed with him in public affairs. The tender pathos of his speech, the gentleness of his manner, his deep, sincere human sympathy, his charity, and love for his fellow man added to his popular attraction. When in his public or private conduct there was involved a question of justice or mercy for decision, his big heart in love decided it, and though his judgment at times may have been at fault, his conscience was ever clear and at rest. Yet many times he suffered in mind as but few public officials have. His distress came when he had to decide between close friends for official position. He could not say no to any of them. In this respect he was undetermined and unhappy. He wanted to aid all, but had the power to aid only a few. He bore with patience the invectives of the disappointed with an abiding faith that his motives would be ultimately understood and approved, and that the friends lost to him to-day would return to him to-morrow, and in this he was seldom mistaken.

His faith in the wisdom and political rectitude of the masses of the people was wonderful and never wavered. In defeat and in victory he trusted the people. He believed in the great central idea of our Republic that the will of the people is ever supreme and should be cheerfully acquiesced in though expressed by even a majority of but 1 vote. At times he was more than serious. He was sorrowful and looked on the dark side of political life, but the memories of battles won soon aroused hope for the future, and once again he emerged from a despondent to a confident and optimistic state of mind. In practical affairs he was at times not very practical. Anybody he liked could seemingly by his own consent impose on him, and thus much of his earnings was wasted. He was conscious of his own good intentions, and did not believe that anyone would do him an injustice. He was a lawyer, but did not spend many years in the active practice of his profession. The people were so fond of him that they kept him for the most part in public life. As a lawyer he was tactful, resourceful, and energetic in the interest of his clients, as demonstrated in some notable cases in which he was counsel. He was able, much interested, and very efficient in his work as a legislator. He was profoundly interested in all National and State issues, and particularly in improvements undertaken by the Federal Government. In the Senate he was very popular, and no less so in the House. He was one of the most interesting and able political speakers known to our hustings, and beyond question the brightest beam of true and comforting sunshine that ever glittered and gleamed on the American lecture platform. He was a manly man. He bore with equal modesty and courage the offerings of good fortune and of adversity. He was loyal to his friends and to his ideals to the end, and his deepest regret was that some whom he loved still misunderstood him. No heart ever sank to the grave with deeper affection for kindred, friends, and countrymen than that of Senator TAYLOR.

The eagle may change his plume,
The leaf its hue, and the flower its bloom;
But the chords of love in our hearts he spun,
They can not and will not be undone.

Friend of our youth and maturer years, farewell until we meet again.

Mr. AUSTIN. Mr. Speaker, Senator ROBERT L. TAYLOR died April 1, 1912—

Green be the turf above thee,
Friend of my better days:
None knew thee but to love thee,
Nor named thee but to praise.

Throughout my acquaintances among the public men of this country none have deserved more this description of the poet than Senator ROBERT L. TAYLOR, whose death we are assembled here to-day to fittingly deplore. He was so serene and even tempered, universally loved and respected, that he became popularly known as the "Apostle of Sunshine," and it is rather a singular fact that the circumstances of his birth presented a sort of prophecy that his life was to afford an example of brightness and sweetness and purity, for he was born in the sunny month of July, in Happy Valley, on the Watauga River, one of the most beautiful places in east Tennessee, and he was named ROBERT LOVE TAYLOR. No one could be of a more sunshiny nature; no one, in spite of occasional strokes of misfortune and grief, could be of a happier nature, and certainly he was the embodiment of love and good will to all mankind. And here it is well to observe that it was not so much what Senator TAYLOR did as what he was that will keep him forever in the hearts of those who knew him. An indefinable grace enveloped him like a radiant atmosphere. The privilege of knowing him and of associating with him was a rich blessing which no one could have without increasing his own moral stature.

Senator TAYLOR's ancestry was highly respectable, if not noble. His father, Nathaniel G. Taylor, was a Member of the National Congress and Commissioner of Indian Affairs under President Andrew Johnson, and his mother, Emily Haynes Taylor, was a sister of Landon C. Haynes, an eloquent senator under the Government of the Confederate States from Tennessee. Senator TAYLOR was naturally proud of his parents, because they were such intellectual and honorable people, but he had a praiseworthy ambition to be known and respected for his own sake, and because of his own deserts, and he cherished a wish to become appreciated and loved regardless of his progenitors. So while he was growing up among the haunts of nature—while he was hunting the coon and rabbit and the "'possum" in his father's woods, accompanied by friends and loved companions among his father's slaves—he never forgot that his destiny was to be among the leaders of the people, and among the noted friends of mankind. He became known familiarly as BOB TAYLOR—a designation which he loved and was always proud of. He was like Thomas Heywood, the poet of Shakespeare's time:

I hold he loves me best who calls me Tom.

He never ceased to love his dusky friends, the companions of his youth, and when he was grown up, and occupied, as governor of his State, that well-known office in the capitol at Nashville, quite as conspicuous and almost as well known under him as the Acropolis at Athens, crowned with the majestic Parthenon, no one was more welcome, and received a heartier welcome, than any of his father's old slaves.

An incident to show the feelings of these old people for Senator TAYLOR is told by himself, as follows: On one occasion, when he was in Arkansas, where there was a colony of these colored Taylor people, he went down to visit them. "When I got down to the community," he says, "and told them I was BOB TAYLOR, they gathered round me in a circle and looked me in the face and cried out in unison, 'Is dat you, Bob?' I said, 'Yes; this is BOB.' They fell back and laughed. They gathered round me again and again, and more excitedly cried and said, 'Is dat you BOB?' and I said, 'This is BOB TAYLOR.' Then they cried and said, 'BOB, we are mighty glad to see you. We haven't seed you since you was a boy, back at de ole home.' One of them said, 'BOB, my son Jim's been gone for three years, but if anybody was to ask me which I'd rudder see, BOB TAYLOR or my son Jim, 'fore de Lord I couldn't tell.'"

The ancients had a belief that the gods always exact a full equivalent for everything that they allow to man. If you wish love, you must give love. If you descend to hate, you must expect to receive hate. Every good must be paid for by similar benefits. Success is to be compensated for by giving up something of good. Senator TAYLOR no doubt realized the truth of this philosophy, but he never seemed to act up to it in a selfish manner as to his own conduct. His beliefs, founded partly upon his actions, were not mere affectation. His manner showed that his feelings were genuine. The appearance of kindness and love with him was real and apparently uninfluenced by any wish for reciprocity. He felt all he showed. Especially did he look upon the feeling of hatred or revenge as the attribute of a base mind. I never heard him speak an unkind word of anybody. He loved all.

O, Douglas, Douglas, tender and true.

Senator TAYLOR was three times elected governor of the State, and each term was characterized by wisdom and unquestionable statesmanship, but especially by mercifulness. He even ran his feeling of mercy so far that he was, to some extent, publicly criticized for it. But this he cared little about. He was in this matter sustained by the example of the compassionate Savior of mankind himself:

Doth any one condemn this woman?
Neither do I. Go, woman, and sin no more.

Here is what Senator TAYLOR himself says about the matter:

But I saw old mothers with their white locks and wrinkled brows swoon at the governor's feet every day. I saw old fathers with broken hearts and tear-stained faces and heard them plead by the hour for their wayward boys. I saw a wife and seven children, clad in tatters and rags and barefooted in winter, fall down upon their knees around him who held the pardoning power. I saw a little girl climb upon the governor's knee and put her little arms around his neck, and I heard her ask him if he had little girls; and then I saw her sob upon his bosom as though her little heart would break, and heard her plead for mercy for her poor, miserable, wretched convict father. I saw want and woe and anguish unutterable pass before the gubernatorial door, and I said: "Let this heartless world condemn, let the critics frown and wail, but he who hath power and doth not temper justice with mercy will cry in vain himself for mercy on that great day when God shall judge the merciful and the unmerciful."

Some one, speaking of Senator TAYLOR, says he died too soon. But there are very different feelings among men as to the right time to go out of this world. This, however, seems to be the predominant feeling of mankind on this matter:

To live in hearts we leave behind
Is not to die.

And this is certainly the case with BOB TAYLOR. No man, in Tennessee, at least, was ever more intensely beloved than he. Not even Gen. Jackson, though in a different way, was more adored than TAYLOR. The beautiful valley of the Watauga, where TAYLOR was born and which his praises have immortalized, is quite as well known among millions of his fellow citizens as the farm of the Hermitage, where Jackson's bones repose.

Up to the day of his death BOB TAYLOR was everywhere known and appreciated as a lecturer. His most popular talk was on the "Fiddle and the bow," which was received always with unfeigned applause, and it is certainly a charming piece of natural oratory. As an orator TAYLOR never offended the religion, the natural feelings, or the prejudices of his audiences.

Everything he said was from the heart, and seemed to touch the hearts of his hearers. He was the very opposite of that other distinguished Bob, who was almost equally beloved—the well-known Bob Ingersoll. But there was this tremendous difference between the two men:

Bob Ingersoll, though with a big heart—so big that he could, metaphorically speaking, stoop to kiss the lips of death—was really a selfish man. He made lots of money, but spent it mostly upon himself. He opposed Christianity and every other system of religion, but he was very careful to set up no substitute system of his own. In a word, he left the world no better off than he found it, but destroyed the faith and the spiritual comfort of many people. On the other hand, BOB TAYLOR was content to follow the Man of Galilee. What he usually said was to carry out the principles of Jesus of Nazareth, and what money he thus earned he gave with an unstinted hand to the cause of Christianity—to every form of charity, to the founding of churches and colleges, and to the building up of toleration and good feeling among men. He supported rather than destroyed the faith of his fellow man, and thus did an amount of good that can not be properly estimated.

I wish I could quote in full two rather remarkable papers that have been published in connection with the death of Senator TAYLOR from men that have known him intimately—one written by his minister, Rev. W. S. Neighbors, of Bristol, Tenn., a beautiful production, and introduced within this House by my colleague, Mr. SIMS, and the other by a close and intimate friend of Senator TAYLOR, Mr. De Long Rice, of Nashville, Tenn., a production brimful of beauty and poetry which deserves the most extensive circulation. I must merely commend these papers to public examination.

The only specimens of Senator TAYLOR'S oratory I have the space and time to introduce here are an extract from a speech delivered by him in the United States Senate, of which I offer the following reproduction:

When the first gun at Fort Sumter heralded the approaching storm of war the civilization of the old South was at the zenith of its glory. It was a proud and haughty civilization and sat upon a throne of living ebony. Its wealth and power were unrivaled in the world. But when the last gun at Appomattox heralded the dawn of peace that civilization had fallen. Its cities and towns were in ashes; its wealth and power had departed; and the remnants of the armies who fought to save it, too exhausted to longer pull the trigger, too footsore and too proud to run, stacked their old bent and battered muskets in the anguish of defeat and went limping back to their ruined homes. There is nothing left of that civilization now but precious memories and the pathetic story of vanished dreams, lingering among its tombstones and monuments like the fragrance of roses that are faded and gone.

The other is a chance fragment that is at once beautiful and timely and a fair example of Senator TAYLOR'S sentiment:

BOB TAYLOR'S DREAM OF HEAVEN.

What heaven is, I know not; but I long have dreamed of its purple hills and its fields of light, blossoming with immortal beauty; of its brooks of laughter, and its rivers of song and its palace of eternal love. I long have dreamed that every bird which sings its life out here may sing forever there in the tree of life, and every consecrated soul that suffers here may rest among its flowers and live and love forever. I long have dreamed of opal towers and burnished domes, but what care I for gate of pearl or street of gold, if I can meet the loved ones who have blessed me here, and see the glorified faces of father and mother and the boy brother who died among the bursting buds of hope, and take in my arms again my baby who fell asleep ere her little tongue had learned to lisp, "Our Father, who art in heaven." What care I for crown of stars and harp of gold, if I can love and laugh and sing with them forever in the smile of my Savior and my God.

Mr. Speaker, the State of Tennessee, in the course of her history, has given to the world some very remarkable men. Her statesmen, her soldiers, her orators, and others have been almost unrivaled. But among all her sons, in whatever position we may place him, no man stands higher in his character, his work, or in the opinions of his fellow men than BOB TAYLOR. It is enough to say of him that he was universally beloved, that he was an honor to the State, and that his memory will be kept always fresh in the hearts and affections of his countrymen.

Mr. MOON of Tennessee at this point assumed the chair as Speaker pro tempore.

Mr. HOUSTON. Mr. Speaker, on this occasion, when this House is met to commemorate the life, character, and public services of Hon. ROBERT L. TAYLOR, I shall not attempt a history of his life or to give an account of his public service. The records of the country tell his public service, and so much has been written of the man and his life that I can add nothing to this history. I simply come to pay my humble tribute to the man, to speak of my friend, and to voice my sorrow at his death. He has been the most prominent character in the political affairs of Tennessee since 1876, but I shall deal only incidentally with his public career.

His parents on both sides were prominent in the political history of Tennessee. His father was a leading factor in the politics of east Tennessee in the days when Whigs and Democrats vied with each other for mastery and control in Tennessee. His uncle on his mother's side, Landon C. Haynes, was a gifted orator and advocate of the cause of Democracy from another portion of the State. Both of these distinguished men were gifted with rare ability on the hustings and in the forum, and the commingling of this blood produced the rarest product of brain and heart known in our times.

He was born amid the mountains of east Tennessee in Happy Valley, as he loved to call the place of his birth, and at this point it is fitting to repeat his own words uttered in a speech delivered by him at Rogersville, Tenn., the year before his death. He said:

Just a little farther up among these beautiful mountains, where the morning first smiles upon the State and where the rivers are born, I first opened my eyes to the light of day and heard the first lullabies from lips that now are dust. There where the tall and silent peaks point upward toward the sky I first dreamed of God, and the white wings circling around them taught me my first lessons of liberty. The foot of man had never trod the earth where purer fountains were born or where the wind found its way through greener, purer, sweeter spaces. And the angels named the spot where I was born "Happy Valley."

Reared in the mountains and valleys of that historic country, he imbibed from the traditions and history of that section the spirit of those men who had fought the Battle of Kings Mountain and later won victories in the fields of Mexico and still later furnished a soldiery on both sides of the War between the States. They were a brave and noble people, patriotic to the core, and always ready to stake their lives and fortunes in their country's cause.

With an open and impressionable nature, he was much impressed with the environment of his childhood and youth in that country, so rich in tradition and story of patriotic sacrifices and noble achievement. This led him to aspire to serve his country, and that ambition was gratified to the extent of attaining the highest office within the gift of his State. I shall not follow his political career along the different steps of his promotion up to the topmost round within the gift of his State; this is history, and known to all. Indeed, I can truthfully say no Tennesseean was ever so well known throughout the confines of the State as BOB TAYLOR. Not only was his history and character known, but he had a personal acquaintance from the mountains to the river. It is more of the man and his personality that I would speak on this occasion. His great heart was the characteristic that gave him his place in the love and affection of his people. There was a personal charm in the manner of the man that won all hearts and captivated all minds. His chief trait was kindness and his chief charm was wit and merriment, and his best gift was that of imparting happiness and joy to all he met. He naturally absorbed the beauties and joys of life and with a ready talent imparted it to all. In many respects he was a child of nature. He reveled in the beauties of nature and lavished his heart upon them.

To him—

All nature breathed in harmony
With more than minstrel power;

To him—

There was music in each waving tree,
And joy in every opening flower.

He had the power to make others feel and see and know these joys. He was called "The apostle of sunshine," and such he was, and he has gladdened hearts and spread beauty and gladness around his pathway. Thus he was a benefactor of his kind. His presence ever lightened sorrow and brought a smile to care and pain. With a willing hand he always lifted the weary load and gave of his substance to those in need. He received much money as the fruit of his labor and work in life, but he dispensed it all among his fellow men. The call of charity and the claims of his fellows were never denied by him. Much he received and all he gave to others. He responded to every demand of a private or a public nature, and many and many a schoolhouse and church spire in Tennessee bear testimony of his generosity. To quote his own words again:

There is nothing in this world half as sweet as the tie of friendship, a friendship that will do things for somebody else. I believe the greatest happiness we get out of life is in giving happiness to others.

He lived for others and spent himself in giving help, comfort, and joy to those in need. When we remember that "it is more blessed to give than to receive," we can but think what a wealth of blessedness marked his life.

As a public speaker he entranced his hearers. When he stood before an audience and said "Fellow citizens" or "Ladies and gentlemen," instantly he had the rapt attention of everyone. By magic he caught his audience at the very outset and held them to the end; he made them laugh and weep in varying tones of merriment or pathos. He was a master in portraying human emotions and could express sentiment that touched

the heart to tears and led the fancy into exquisite joy. His words could bring a smile from the deepest pain or soften wildest mirth. He was not only charming and delightful as a public speaker, but in private conversation perhaps was shown his rarest gifts. As a maker of merriment and dispenser of joy he had no equal. He was always amiable.

> To see him laughing you would think he was all fun;
> The angels laugh, too, at the good he has done;
> Children laughed loud as they trooped to his call,
> But the poor man who knew him laughed loudest of all.

If a muster roll could be called of those he helped along the way, what an army it would make; and could they voice the joy that he has given, what a jubilee it would sound.

He was familiar with all classes of men. He lingered among those in the lowly walks of life, and he also sat in the seats of the mighty and in the councils of the great.

He "could walk with kings and never lose the common touch."

I first knew him when he was a presidential elector, and in that campaign his eloquence and gifts as a public speaker won for him the allegiance and support of the Democrats of Tennessee. In the campaign two years later he was the Democratic nominee for governor of his State. Two years later, in his canvass for renomination, there was much opposition to him among the Democrats in Tennessee arising from the fact that he had favored national aid to education, and in the convention that year there was a bitter and determined fight made against him. This convention was a notable one in the history of Tennessee, lasting seven days. At the beginning of this convention those opposed to Senator TAYLOR were in the majority, and his opponents organized the convention. I was the chairman of that convention and witnessed every detail of the long and determined effort to defeat him. It was not to be. His friends stood like a Grecian phalanx. The delegates in that convention that were supporting him never faltered and never wavered. Instead, day after day, his strength increased until on the seventh day he was nominated. Few men, if any, could have overcome the formidable opposition that was arrayed against him, but this opposition was all caused by a disagreement with him on one political issue—Federal aid to education. The magnetism of the man and the kindness that all felt toward him personally gradually overcame this opposition and he was renominated, winning a triumph that was remarkable under the circumstances and was attributable to the fact that men believed in him and loved him, notwithstanding this political difference.

Like all public men, he was criticized and fault was found with his judgment, but personally all felt kindly to him, and the failings that they attributed to him arose from his kindness and compassion and never were they attributed to anything vicious or unclean. He triumphed over all this criticism and was honored after this by election to his highest position. And it can be said of him that after long public service his honesty, fidelity, and his patriotism were never questioned. Tennessee has furnished her soldiers and statesmen, her heroes and patriots in illustrious line, but to the heart of that Commonwealth none was dearer or more beloved than BOB TAYLOR.

As a public speaker and entertainer he had no equal. His speeches, delivered day after day during the exposition held in Nashville while he was governor, are gems of eloquence and beauty, varying each day to suit the conditions and occasion. They show a versatility of talent absolutely wonderful. His power on the stump as a candidate is evidenced by his election to Congress in a district overwhelmingly Republican and against a most talented and accomplished Republican opponent.

His patriotism was broad. It embraced every section, as is shown by his own expressions, when he said:

> Above all things I am an American. I believe in American institutions and American ideals. Every State in this Union is as much my State as Tennessee is my State. The deeds of every great American, whether in the North or in the South, are my heritage and the heritage of my children.

No description can give a true idea of the manner of man he was. One must see him, hear him, and feel the magnetism of his presence to know him. Personal contact with him entertained, charmed, and captivated all hearts. He was truly "a man of infinite jest and exquisite fancy"; with his jest and anecdote he charmed and delighted every circle, and his fancy painted pictures that entranced every audience. His unique and original personality it was that endeared him to those that knew him; and how dear he was to hearts of Tennesseeans was evidenced by the great wave of sorrow that swept over the country with the news of his death.

When the funeral train that carried his mortal body from Washington to Nashville reached the borders of his own State, from Bristol on at every station there were crowds assembled and with bowed heads and weeping eyes they gave token of the great love they bore him and the sorrow that rent their aching breasts. When his remains were placed in the capitol of the State that had given him the highest honors it could bestow and which State he had served so faithfully and well, thousands and thousands passed by to take the last look at the face they loved. For miles the streets were lined on either side as the procession passed. It seemed that the Commonwealth had come to pay its tribute. And so it was when his body was carried back to Knoxville for burial; for miles there the streets were filled with thousands whose tears and anguish told how they loved him. No man in the history of Tennessee ever had the personal popularity and individual following, and when he was laid to rest Tennessee mourned her best beloved.

But to those of us who knew his life there comes a trust and comfort unspeakable when we remember the words of the Master:

> Then shall the King say unto them on His right hand, Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world:
> For I was an hungered, and ye gave me meat: I was thirsty, and ye gave me drink: I was a stranger, and ye took me in:
> Naked, and ye clothed me: I was sick, and ye visited me: I was in prison, and ye came unto me.

Mr. BYRNS of Tennessee. Mr. Speaker, I consider it a sad privilege to have this opportunity of paying a brief tribute of love to the memory of Senator ROBERT LOVE TAYLOR. In his lifetime he honored me with his friendship and confidence, and I dearly loved him for his many noble qualities of mind and heart and a delightful humor which made the world brighter and better for all with whom he came in contact.

When, on April 1, 1912, the news was flashed back to Tennessee that the great heart of Senator TAYLOR, or as we in Tennessee loved to call him, "Our BOB," had been forever stilled, that death had touched him, and he had closed his eyes in that long and mysterious sleep, there was no one in his beloved State who did not feel the weight of a great personal loss. No man in the history of the State ever enjoyed more universally the love and personal affection of as many people as BOB TAYLOR. It has been well said that "as a boy of the mountains first, then a young man of 'the fiddle and the bow,' lawyer, Congressman, thrice governor, editor, author, lecturer, United States Senator, ROBERT LOVE TAYLOR was Tennessee's most popular citizen for 30 years." The love which his people cherished for him was reciprocated to the fullest extent, for he ardently loved every section of his State and all of her people. But it was perfectly natural that he should always entertain a partial fondness for his native east Tennessee and that its blue skies, its green-covered mountains, and its sparkling streams should appeal to him as those of no other region of the entire universe. I remember that less than one year before his death I was riding with him through upper east Tennessee, in the neighborhood of his old home. As our train sped swiftly by the cultivated fields, which were redolent of the harvest time, he pointed through the window to the distant range of mountains, praised their beauty and grandeur, and referred to the fact that in his youth he had wandered over many of them. As picture after picture of the beautiful natural scenery burst upon our view, he called my attention to them and said that the divine brush had never painted anything else quite so beautiful. As we crossed the Watauga River, upon whose banks he had spent so many happy, innocent hours, he grew reminiscent and spoke tenderly of his old home, a short distance away, and of his boyhood days. And then he spoke of the love and fidelity of their old negro servants, all of whom had passed into the great beyond, and mentioned names which have become familiar to all who have heard his famous lectures. He loved to talk of east Tennessee and Happy Valley, where he was born and where he spent the happy years of his childhood on the banks of the Watauga River and in the shadow of those mountains which he loved so well. He loved its splendid mountains, its beautiful valleys, and its pathless forests.

The ripple of its streams was music to his ears, and the songs of its birds were sweet melodies which always lingered in his heart. In one of his lectures he thus described the scenes of his childhood:

> Not long ago I wandered back to the scenes of my boyhood on my father's old farm on the banks of the river in the beautiful land of my native Tennessee mountains. I strayed once more through the pathless woods with my rifle on my shoulder. I sat on the old familiar logs amid the falling leaves of autumn and heard the squirrels bark and shake the branches as they jumped from tree to tree. I heard the plaintive song of the whippoorwill and the drumming of a pheasant and the hoot of a wise old owl 'way over in Sleepy Hollow. I heard the tinkling of bells on the distant hills sweetly mingling with the happy chorus of the song birds in their evening serenade. Every living creature semed to be chanting a hymn of praise to its God just as they used to long ago; and as I sat there on that old familiar spot and listened to the weird, wild harmony I was rapt into a reverie. A vision of the happy past opened before me. I thought I was a boy

again and played around the cabins of the old plantation and heard the old-time darkies laugh and sing and play the fiddle as they used to long ago.

Shouldering my rifle, I wended my way back to take one more look at the old homestead on the bank of the river. Silence was there. The voices of the happy long ago were hushed forever. The old-time darkies were sleeping on the hills close by the spot where my father sleeps. The moss-covered bucket was gone from the well. The old home where I was born was silent and deserted. As I peered through the dusty windowpane and looked upon the desolate hearthstone that once glowed with the light of love and happiness, I thought my mother came back across the flood of vanished years and sang there again the sweet old songs she used to sing in the happy long ago.

Under the influence of such environments he became an intense lover of nature. In his youth he lived closed to nature, and nature in turn endowed him with a rich imagery and a rare eloquence which captivated thousands in nearly every State in the Union who heard him either on the hustings or on the lecture platform. He had that rare and indefinable gift which we call magnetism, but which in BOB TAYLOR was a great big heart overflowing with love for all of God's creatures and which attracted all men to him. The charm of his eloquence and his rare gift in anecdote and story-telling made him invincible before the people.

The people loved to honor BOB TAYLOR. In his early manhood he was elected to Congress over an able and popular opponent, and in spite of a normal Republican majority of 5,000. Later on he became governor and served the customary two terms. In her centennial year Tennessee called him to the executive chair for the third time, a distinction accorded to no other governor since before the Civil War. Finally, in 1907, the crowning ambition of his life was gratified when he was chosen by the people in a popular primary to represent them in the United States Senate. I have not the space in what must be a brief and inadequate tribute to even refer to the record of his distinguished services in the various offices held by him, except to say that throughout his long public service he had the love and confidence of the people. He served them faithfully and well.

He was as true as the needle to the north. There was no smirch upon his character. No one ever heard any criticism of his official acts, save possibly by the fact that he was sometimes a little too free with his pardons while serving as governor; but if he erred in this, and I dare say none will pronounce it error, then it was an error on the side of mercy, and the Good Book tells us that "the merciful man doeth good to his own soul." BOB TAYLOR'S heart throbbed with a great love for all humanity, and no man, woman, or child who was in distress ever appealed to him without striking a responsive chord in his breast.

He was one of the most charitable men I ever knew. No one ever appealed to him for help in vain. It can be truly said that his hand was ever open to relieve distress and his heart ever ready to commiserate it. Doubtless he often gave to his own hurt, and perhaps he sometimes rewarded those who were unworthy, for BOB TAYLOR was not a man who, when appealed to, would delay his benevolence until an exhaustive inquiry could be had as to whether or not the person making the appeal was worthy. He never hesitated or delayed in doubt when suffering or necessity was brought to his attention. No doubt this well-known disposition often caused him to be imposed upon, and there may have been some entirely unworthy who received aid from him. But even if this was so, it did not reflect upon his own generous nature, or in any way lessen the pleasure which he derived from being able to relieve some one who was suffering or in trouble. It has been said by one who knows that Senator TAYLOR easily earned nearly one-half of a million dollars on the lecture platform alone since he first began to lecture in 1890. But, Mr. Speaker, he died a poor man, poor in this world's goods, but rich in the gratitude of many whom he had helped, and rich in the love of all his countrymen. He was often asked to lecture on behalf of some church or school which was being built or which needed repair not only in Tennessee but in every State in the South, and he always freely and generously responded. His genius and generosity has helped to build churches and schoolhouses all over the Southland. None of these churches or schoolhouses bear his name, for he was not a man who wished to thus advertise himself. But, sir, it may be truthfully said that they and the good which they will accomplish are everlasting monuments to him in the various communities in which they are located.

Mr. Speaker, it was as a lecturer and a platform entertainer that BOB TAYLOR achieved his greatest fame. His splendid eloquence, at one moment full of pathos, at another bubbling over with a delicious humor, and then again mounting to the highest flights of oratory; his beautiful word pictures and his inimitable stories will live in the annals of his State and his country. The stories of his laughter and song, which were the flowers with which he strewed his life's pathway, will be handed down by the living generation to the next, and the Tennesseean of to-day and the Tennesseean of to-morrow will remember him as a true "apostle of sunshine."

Certainly, Mr. Speaker, such a life did not end with death. Surely the joy and sunshine which he carried in his heart in this world has been carried into a world which exists beyond the grave. Is it too much to believe that his life on this earth was but the prelude of a higher, a better, and a nobler existence in the hereafter; that his power for doing good and making others happy will be increased more than one can tell in that land which lies beyond the barrier which shuts out eternity from mortal view? We can not fathom the mystery of death any more than we can fathom the mystery of life. Both are incomprehensible to us. The veil of the great beyond can only be penetrated by the eye of faith. Mr. Speaker, we do not need the philosophy of the doctrinaire, the learned discourse of the theologian, or the mystic speculation of the theosophist to teach us that there is a life after death. All nature, everything animate and inanimate, proves to us the immortality of man and that there is that within us which can not die. Senator TAYLOR had strong convictions on this subject, and to show how profound those convictions were I can not do better than quote his closing words in a eulogy pronounced on Senator McLaurin, of Mississippi:

> The flowers of the field rising from countless graves, the unfolding leaves of the forest heralding the approach of summer, the orchards and the meadows bursting into bloom, and myriads of winged minstrels filling the world with melody are all the evangels of the Lord, demonstrating before our very eyes the universal victory of life over death. Mr. President, look how the rose hears the far-away call of the sun and blushes in the presence of its God. Look how the violet comes forth from its tiny tomb and opens its glad blue eyes to greet the spring. Are they not God's own answer to the question, "If a man die, shall he live again?"
>
> If the germs of inanimate life, buried beneath the sod, so surely respond to the silent command of summer, who can doubt that man shall spring up out of the unconscious dust into eternal life when God shall call? Can it be that the grass and the flowers are resurrected from the sod of earth, while man, for whom they were made, must sleep on forever?

Mr. Speaker, I can not more fittingly close this inadequate tribute to the memory of Senator ROBERT LOVE TAYLOR than by saying of him what is particularly applicable to him and is the highest tribute that can be paid any man—the world is better that he lived in it.

Mr. PADGETT. Mr. Speaker, Senator TAYLOR was born, lived, and died—this an epitome of the history of mortal man. He sleeps with his fathers. I shall not attempt to review the history in detail of his life, either public or private. It is enough to say that in all the duties of his public life he was faithful to every trust and met and discharged every obligation. In his private life his virtues commended his being to everyone who knew him. There are two worlds in this life—the one without, the one within. We look about us and we see the mountain, the valley, the landscape, the flowers, and moving humanity. Just in proportion as there is harmony and adaptation between this outer world and the world within do we appreciate and enjoy the outer one. We see the grandeur and the glory of the uplift of the mountain because of the adaptation and the harmony of our inner self. We love the beauty of the valley because God has planted within us the power to love the beautiful. We admire the chivalry, the grandeur, the courage, the nobility of humanity because our Father in heaven has implanted within our inner life the faculty to appreciate and to enjoy these virtues. One goes into a great gallery and passes listlessly through, indifferent and unconcerned, because he has not the power to appreciate the beauty. Another passes through and is rapt in pleasure, revels in the beauty of art, because of the beautiful harmony between his life and the objects of beauty. In the life of Senator TAYLOR there was a beautiful harmony, a wonderful adaptation between his inner life and the grandeur and glory and sweetness of the outer world. His heart was full of love; his life was radiant with sunshine. Love, sunshine, and blessing marked every day of his life in his public and private ministrations. Mr. Speaker, in the myriads of people there has been a great question of the philosophy of life. We have many schools of thought. The Brahman says there is nothing real, nothing genuine, save the spirit. Absorbed in that great thought, he hopes and desires by continued contemplation himself ultimately to be absorbed into and become a part of the great spirit.

We all acknowledge the truth of the spiritual, and yet we know it is not sufficient to say it is all. The Buddhist revolts against that doctrine and says there is nothing real except the material; that only those things which we can touch, which we can see or hear—the thing that we can know through the senses—have any real being, and all else is a deception and a delusion. We confess the truth of the material, but we say it is not a satisfactory philosophy of life. The Mohammedan says

that the great philosophy of life is obedience to law. We confess the virtue of obedience to law, but we believe that in life there is more than the virtue of obedience to an exact law. When Jesus walked among men He said, "Life is more than meat and the body is more than raiment," and there is a declaration of the true philosophy of life that gives satisfaction and on which humanity can rest with solace and comfort. Mr. Speaker, I would not deny the satisfaction of appetite, but when our appetites are gratified we still say life is more than meat. I would not deny elegance of raiment, and yet when the body is clothed in beautiful raiment still we say the body is more than a rack on which to hang fine linen. Let me illustrate. David Livingston left the enchantments of the civilization of England and buried his life in the wilds of Africa, among a savage people, whom he had to teach a language in order to communicate with them.

After spending the years of his life in denial, death came. It is said that the people of Africa, placing his body upon their shoulders, carried it through the wilds hundreds of miles to the seashore, that it might be taken and placed in Westminster Abbey, to sleep among the illustrious of English history. It is said that while the people of Africa were willing that the body of David Livingstone might rest in Westminster Abbey, before it was taken they opened the chest and took out of it his heart, which symbolized his love, and buried it in the soil, there forever to remain, so that Africa might never be parted from the love of Livingstone.

Sir, methinks that David Livingstone's life was more than meat and his body more than raiment.

Abraham Lincoln, born in poverty of the direst sort, with adversities and difficulties as great as ever beset an American boy, triumphed over all, became the President of the United States, the advocate of great principles of human life and human liberty, and lives in the affection and the admiration of all the world. He testified in his life that life was more than meat and the body more than raiment.

Robert E. Lee, born in luxury, of an aristocratic family, surrounded by all the blandishments of wealth and social standing, resisted every depressing effect, was not misled by wealth or corrupted by society, and, true to his convictions and to his courage, he challenges the admiration of every man who loves his country.

Livingstone, Lincoln, Lee testified in their lives and exemplified in their work that life is more than meat and the body is more than raiment.

Mr. Speaker, Senator ROBERT L. TAYLOR, born of generous and honorable parentage in Happy Valley, nestled among the mountains of eastern Tennessee, is entitled to the same tribute. He moved among his people, diffusing sunshine and happiness and joy.

The great mountains among which he lived were to him an inspiration. May I illustrate? As we walk through the valley of ignorance and superstition we have a very narrow sphere of action and vision, just as one traveling down in the narrow defiles of the valley has his view obstructed by the mountains on either side, but as he begins to climb the mountain and rises higher his vision broadens, and as he reaches the top of the mountain and looks out over the landscape of beauty and grandeur he realizes a joy of which he never dreamed down in the defiles of the valley. So it was in the life of Senator TAYLOR. He climbed high on the mountainside of human virtue, of human character, high on the mountainside of attainment and accomplishment, and had a broad vision of humanity, of its love, of its possibilities, of its attainments, of its needs, and its sufferings, and his life shed a beneficent sunshine of gladness and joy upon all. Mr. Speaker, the life of ROBERT L. TAYLOR was a poem of sunshine and love, dedicated to humanity.

Death came. We followed him to that beautiful forest cemetery. In the narrow grave we placed his body. The earth was heaved upon the coffin, and the mound of the grave was banked with flowers so beautiful that only God could have made them. As I stood and looked, my heart was heavy. The tears trickled down my face, and I thought I heard again the voice of the angel who said, "He is not here; He is risen." And I lifted my eyes from the banked mound of the grave and I saw the beautiful painted skies, painted in glorious colors more beautiful than an artist could conceive or a painter could picture, and I said, Is he risen to live in the beauty and the glory and the grandeur of the setting sun? No; in an hour the golden glory of the sunset will pass away and the pall of night will take its place. But he is risen, risen into life, that higher, grander, nobler, better life, unfettered by the shackles of the flesh; risen into that life whose influence is love, whose power is intelligence, and whose duration is commensurate with the eternity of God.

[Mr. GARRETT addressed the House. See Appendix.]

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that all who desire may have permission to extend their remarks in the RECORD on the life, character, and public services of the late Senator TAYLOR.

The SPEAKER. Is there objection?

There was no objection.

THE LATE REPRESENTATIVE SMITH OF CALIFORNIA.

The SPEAKER. The Clerk will report the order of business in reference to the Hon. SYLVESTER CLARK SMITH, late a Representative from California.

The Clerk read as follows:

On motion of Mr. NEEDHAM, by unanimous consent,

Ordered, That Sunday, February 23, 1913, be set apart for addresses upon the life, character, and public services of Hon. SYLVESTER CLARK SMITH, late a Representative from the State of California.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 865.

Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of Hon. SYLVESTER CLARK SMITH, late a Member of this House from the State of California.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House at the conclusion of the memorial exercises of the day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

Mr. NEEDHAM. Mr. Speaker, SYLVESTER CLARK SMITH was born on a farm near Mount Pleasant, Iowa, August 28, 1858, and died in Hollywood, Cal., Sunday, January 26, 1913. His grandfather was Sylvester Smith, a native of New England, and his father, Edward Smith, was a native of New York. The father moved, first, to Ohio and then to Illinois, and in 1835 settled in Iowa, where he raised a family of five sons and three daughters.

SYLVESTER CLARK SMITH, whose memory we honor to-day, moved to California in 1879 when 21 years old and taught school in Colusa County, where he married, on May 7, 1882, Miss Maria J. Hart. The winter of 1882 and 1883 was spent in San Francisco studying law. The following summer, in 1883, he moved to Kern County, where he continued to teach school and study law. In October, 1885, he was admitted to the bar and opened a law office in Bakersfield, the county seat of Kern County.

In 1886 a number of farmers bought a newspaper plant and established a paper for the purpose of representing their views on the question of water rights, which was then a burning issue in our State, and especially in Kern County, and Mr. SMITH was selected as editor of the paper—the Kern County Echo. Three years later he purchased the paper and plant and continued to be its principal owner until the date of his death.

From the date that he became a citizen of Kern County he was one of the most active and influential residents of his county, and was always an active and influential factor in all public questions affecting its welfare. He took up a homestead in the county and rode horseback between his home and his business in Bakersfield. He was a member of the local militia, Company G, and served during the railroad strike in 1894.

In 1894 he was nominated by the Republican Party for the State senate in the district comprising Kern and San Luis Obispo Counties, and was elected, although the district was strongly against him politically. He immediately took high rank in the legislature as an independent, fearless, and able legislator. In the State senate, which was composed of some of the ablest men of California, he became a leader and was acknowledged to be one of the best debaters in that body. He was reelected in 1898, and his second term in the State senate was one of great usefulness to the State. He stood for the best in legislation, and his entire course in the State Senate of California was one of great credit to himself, his party, and his district, and, in fact, to the whole State.

He was nominated for Congress in 1904 from the eighth district of California by his party, and was elected, and reelected in 1906, 1908, and 1910.

His service in this body is still fresh in the minds of those who served with him. From the first he took high rank here, and his progress was rapid. He obtained the confidence of the Members from the beginning; he was early recognized by the leaders of the House as a man of more than ordinary ability and capacity, and was singled out for recognition, honors, and leadership. When he spoke he always had the undivided attention of the membership. His clear, musical voice rang out and

filled this Chamber and riveted the attention. Any disorder which might have prevailed immediately ceased from the moment he addressed the Speaker. Not a large man physically, yet his voice was so penetrating and his manner of speech so incisive, his argument so clear and sincere, that those within hearing could not fail to listen and follow him.

During his services in the House he was honored with membership on the Committees on Public Lands, Post Office and Post Roads, Labor, and Education, and was one of the first to be chosen to the Rules Committee when the House determined to elect this committee. He was also a member of the Monetary Commission until ill health compelled him to resign. On the Committee on Public Lands he rendered conspicuous service, being an authority upon and a deep student of the public-lands question. His most conspicuous accomplishments while in this body were the obtaining of an appropriation of $1,000,000 to control the Colorado River and the passage of the Smith bill, which was a bill to remedy the effect of a decision known as the "yard decision" upon oil canals—legislation of the most vital and far-reaching importance to his constituents.

Representative SMITH was a man of supreme courage; he had his convictions and resolutely held to them. He would not compromise for the sake of temporary popularity. He at all times, whether in his paper, on the stump, or in legislative hall, would maintain and defend his convictions. He hated and despised a political trimmer. At no time in his career would he surrender his views to curry favor or gain popular applause.

He was supremely loyal to the community in which he lived; no labor was too great to advance its best interests. He was constantly planning for its betterment and was full of ideas for its improvement and growth.

He was greatly attached to his work as a Member of this House. He enjoyed his work here, and here he found a field suitable to his tastes and talents. Long after ill health had made it apparent to his friends that he must give up his activities here, he refused to cease his labors, and his determined devotion to duty shortened his life.

I first became acquainted with SMITH while he was serving his first term in the State senate, about the year 1897. Our relations became intimate after he became a Member of this House. We occupied adjoining rooms in the House Office Building. We generally walked home together daily upon the adjournment of the House, and we became strong personal friends. His family and my family enjoyed an intimate association.

His death to me is like the passing of a near relative, and there are but few men whose going would cause the same sense of personal loss.

Some years ago he requested me to see to it that in the event of his death while a Member of this body no committee be appointed to attend his funeral. This request was characteristic of the man and typical of his simple and unostentatious life; free, as it ever was, of all pomp.

Mr. Speaker, this Congress has lost by death a large number of its membership, but in the long list of departed colleagues none more faithfully represented his constituency than did SYLVESTER CLARK SMITH, of California. He died in the very noontide of his life—he was cut off at the very height of his abilities—at a time when by reason of his experience his State could ill afford to spare him.

Mr. Speaker, my association with my late colleague was so close that it is difficult for me to speak impartially of his life, character, and public services. Upon the occasion of his funeral, in Bakersfield, his home city, there was an immense throng from all walks of life gathered to do honor to their most distinguished fellow citizen and to pay their last sad tribute to the memory of one they all loved and honored in life and mourned in death. It was a tribute that will long be remembered by the citizens of Kern County, and worthy of all those who participated in the loving remembrance in honor of Kern County's leading citizen.

SYLVESTER CLARK SMITH is dead, and we shall miss his cheery voice and his always pleasant personality; his friends, while cast down, still are proud of his life and its accomplishments, because the world is better because of his life.

Mr. Speaker, I ask unanimous consent to print as supplementary to my remarks addresses delivered upon the occasion of his funeral by Rev. E. R. Fuller and Hon. J. W. Wiley.

The SPEAKER. Is there objection? The Chair hears none.

The addresses are as follows:

FUNERAL ORATION BY REV. E. R. FULLER.

To-day we are met on a mission at once most sad and most sacred. At every step of my preparation I have met troops of thronging memories that sweep across the field of the last 15 years—years fraught with larger meaning than we are apt to think.

"Every character is the joint product of nature and nurture." How much of good and evil we inherit—not merely from parents, but from a long line of ancestors! Who shall estimate the power wrapped in the spirit of a new-born babe, forces the germs of which are transmitted from generation to generation? Nature, thrifty and provident, gathers up these fragments that nothing be lost and rearranges them in new character combinations. Thus each child is the "heir of all the ages." But however much we inherit, nurture to us is the more important, since it is under our direction and control.

SYLVESTER CLARK SMITH was born August 26, 1858, on a farm in Iowa. His mother died when he was but 8 years old. Yet her splendid Christian influence in those early years was a prime factor in molding his sterling character. He was trained in the district school and a local academy. At 18 he began teaching to better fit himself for life. At 21 he came to California. Four years later (in the summer of 1883) he came to Kern County and settled in this city in December, 1885, which has since been his home.

During the first six years in California he taught school and studied law in Colusa, San Francisco, Ventura, and Kern Counties. He claimed as his bride Miss Maria J. Hart, who has been such an efficient helpmeet. Of this union two daughters have blessed and brightened the home—Mrs. E. S. Larsen, of Washington, D. C., and Mrs. A. W. Mason, of this city.

Kern County is still considered one of the newest and most undeveloped of all the counties of this great State. But when Mr. SMITH brought his family here it had but one resident where now it has five, and financially, educationally, and religiously the contrast was even greater. His course was over a rough road in this new West, but difficulties are not necessarily disadvantages. In his case the necessity to work was joined with a capacity and determination to work in things that were a succession of solid stepping-stones to a high destiny.

Personally I am persuaded that the improved conditions that we enjoy have been made possible in no small measure by the clean, public-spirited young school-teacher who came to this county in 1883. For 30 years he has given himself without reserve as teacher, lawyer, editor, State senator, and Congressman, and true friend to this, his chosen county. To this city and county he has given his best. When not on duty elsewhere, here was where he longed to be. His last thoughts on the evening before he rested from his labors were as to how he could help better the moral conditions in this city. He had a passion for doing good. He never found it necessary to make war upon society in order to capture a field for the exercise of his splendid powers. Bring your choicest flowers to his bier, but fail not to carry away the lessons of his life—"the flower of manhood and the wreath of honor."

Fair, fearless, independent, capable, he has stood steadfastly for betterment of every kind. His principles were noble, his ambitions lofty, his spirit and poise fine. His sainted mother builded well, for this her son was alive with a simple, sincere Christian faith and a purpose high and holy. He loved the church well and was generous in its support. One of the last letters he dictated and signed was to urge better church equipment and to pledge his full cooperation.

In his lingering sickness he was patient and gracious to the last. When a caller asked if he suffered, he would say, "The Lord is very good to me, for I do not suffer. I am just comfortably sick." As Paul wrote (Titus i, 18), "Given to hospitality, a lover of good, sober-minded, just, holy, self-controlled." The fitting text a close friend chose was this, "Not slothful in business, fervent in spirit, serving the Lord." (Romans xii, 11.)

Aside from his perfect candor, nothing impressed me more than his splendid mastery of himself. I have seen him under very trying circumstances, but I never saw him lose his self-control. This may explain in part how, even when under the strain of public life at Washington, he found time to respond to every earnest, honest appeal, whether it was that of a Chinaman with visions of wealth through a patent or a schoolboy wanting help in debate. Each time he was prompt, thorough, painstaking, often writing many pages in reply.

Remember, friends, it is Congressman SMITH, and not ex-Congressman. He fell with his armor on. Never was mind more alert or heart more responsive to every worthy cause. Never has his honor been impeached or his reputation sullied by charges of corruption.

Suffice it to say he never brought
His conscience to the public mart.
But lived himself the truth he taught.
White-souled, clean-handed, pure of heart.

By means of mails and messages he kept to the very last in closest touch with matters in general, yet more especially here in Bakersfield and in Washington. On that last day a public document called to his attention the fact that 16 Members of this Sixty-first Congress had died. Before the sun had risen he was the seventeenth.

Such are some of my wandering thoughts in the face of this our sorrow.

To these loved ones our hearts go out in deepest sympathy. But, oh, the weakness of words. The memory of loved ones gone should be a tower of strength. What they achieved and aspired to should nerve us to meet worthily the present. What an anodyne of grief are rightly cherished memories. What a solemn pride must these dear ones feel to have laid so great an offering on the altar of civic betterment.

A good man's influence is felt by multitudes. It is not limited to this life, but reaches onward to the eternal future. Virtue is not only an antidote for life's greatest evils, but it is the chief measure of present enjoyment. It secures the approval of one's conscience, harmony of one's faculties and affections, the regard of one's fellow men, and hope beyond the grave. His life is an inspiration, a breath of new life, of quickening, purifying, and elevating power. Forget not that as we exhibit the virtues of faithfulness we embalm his memory and pay him our best tribute.

Not many great, not many mighty have gone forth from this city to worthily advance State and National honor. To-day we pay tribute to a child of the prairie, who came to us in the prime of young manhood. The blood of the Pilgrims flowed in his veins. In a simple, yet sublime, spirit he climbed by sterling worth and indomitable courage to a prominent place in the Nation's council chambers. This friend and neighbor that we had learned to love and trust went from us that he might serve us and all humanity better.

Human hopes and human creeds
Have their root in human needs.

Humble child of the prairie, laborer, teacher, lawyer, politician, orator, statesman, true Christian, and true man, we receive and will cherish the lessons of thy life. We are grateful to thee that thou wast true to thyself, to us, and to thy Maker; grateful also to that Providence that endowed and led and consecrated thee to the sacred cause of civic righteousness. Dead, do they say? Nay, that can not be. Thou resteth from thy labors, but livest unfettered a more abundant life.

EULOGY DELIVERED BY JUDGE J. W. WILEY.

This occasion brings us together in sorrow and pride. Although death is as common as life it ever brings sorrow as deep as was our friendship, love, gratitude, and esteem in life. The sorrow and esteem are more eloquently manifested by this multitude of sad faces than words at my command can express. Yet depressed as we are we are filled with pride that the distinguished dead, in whose honor and memory resolutions have been passed on both shores of this Nation, was our dear friend and neighbor. He was one of us. He worked and toiled and suffered with us in our undertakings; he sympathized with us in our failures and rejoiced with us in our successes. It is fitting and proper for the National Congress, the State legislature, the commercial and civic bodies of other communities to give expression of their high esteem and appreciation of his worth as a public man, but we knew him by the shake of the hand, the kindly smile, the neighborly acts of kindness, and his words of good cheer. We were and are proud of his successes in public life because he won them on merit. He asked no odds, he claimed no preference. Think not you, however, that his career has been one of easy victories and triumphal marches. On the contrary, he bore the cross before he wore the crown. He was chastened by fire. While he never felt the pinch of poverty his early life was one of toil and self-denial. He once said to me: "I had to learn how to be poor." He began at the bottom with nothing to aid him but his own individuality. He realized and appreciated as a maxim that he would be accepted at what his own efforts and trials of character made him. His industry, his devotion to duty, his high standard of morals, both public and private, and a patient continuity of purpose constituted the elements of his success. As editor of the Kern County Echo, since 1888, he has been identified with the public affairs of this community. Turn back to the old files of the Echo and you will find him advocating and suggesting plans and schemes for the betterment and general welfare of Bakersfield and Kern County. Bakersfield was not incorporated as a city until 1898, but you will find in these editorial columns that the deceased had been consistently and continuously arguing and pleading for a municipal government for many years. Those of you who were citizens of Bakersfield at the time need not be told of his activities in promoting the San Joaquin Valley Railroad, which is now a part of the Santa Fe system. He was active in organizing the local board of trade, and became its president. Later he promoted the San Joaquin Valley Commercial Association and became its executive head.

IN STATE SENATE.

In the State senate, by virtue of his clearness of insight and quick perception, his power of discrimination and ability as a debater readily won him recognition and leadership. I have known many of his colleagues in the senate, and the esteem and respect in which he is held by them is a priceless legacy to those who hold his memory dear. To speak in detail of the measures and policies he initiated and brought into law as a member of the State senate would extend beyond proper limitations.

But some deserve mention. His greatest pride in his legislative achievement was the establishment of the California Polytechnic School, at San Luis Obispo. His theory of life was that every person who was honest and industrious and frugal should be able to establish and maintain a home, rear a family, and comfortably house, clothe, and feed them, educate them, have time to enjoy their society, and accumulate a competency for the infirmities of old age. To bring this about he believed that labor should be rendered more efficient and less irksome. To do this the followers of industrial pursuits should be educated and trained to their respective pursuits. To this problem he gave his early attention as a legislator. At his first session, in 1895, he got the measure passed in the senate, but failed in the assembly. In 1897 it passed both houses, but was vetoed by the governor. Session after session he labored for the measure, and it finally became a law in 1901 and the school was established. The object of the institution may be quoted from the law establishing it: "The purpose of this school is to furnish to young people of both sexes mental and manual training in the arts and sciences, including agriculture, mechanics, engineering, business methods, domestic economy, and such other branches as will fit the students for the nonprofessional walks of life. This act shall be liberally construed, to the end that the school established hereby may at all times contribute to the industrial welfare of the State of California."

In 1904 he was elected to the House of Representatives in Congress from the eighth congressional district of California.

CONGRESSIONAL CAREER.

Of his achievements in Congress I would mention his securing an appropriation of $2,000,000 to protect the settlers in Imperial Valley from the ravages of the Colorado River. In 1911, when death seemed impending, he secured, against determined opposition, the passage of what is called the Smith bill, whereby the investors in located oil land were saved from the effect of a decision of the Department of the Interior that threatened and jeopardized investments of millions of dollars in the oil lands of this country.

In 1908 he was appointed as a member of a joint committee from the Senate and House of Representatives on what is known as the National Monetary Commission. This was his highest recognition in public life. He had then served in Congress less than two terms, and was selected as one of nine from the total membership of the House of Representatives to collaborate and devise a monetary system that would better meet the needs and requirements of the complexities of our financial conditions. From this commission he was compelled to resign two years later by declining health. One of his first efforts after becoming a Member of Congress was to introduce a bill looking to the construction of a Federal post-office building in Bakersfield. In 1910 he secured an appropriation of $20,000 for a site, and there is now included in the proposed general appropriation bill of Congress a recommendation by the Public Buildings Committee for the appropriation of $135,000 for the erection of a post-office building at Bakersfield. That the appropriation will be made is practically assured, and we may confidently hope to see the edifice stand in the near future as a monument to his efforts in behalf of his home city.

With this brief recital of a few of the more salient events in the career of our friend and neighbor, our thoughts are turned by the hand of death from history into the field of speculation. We may, in reason, believe that had he been given the average allotment of life, had he been permitted to enjoy the twilight of old age, he could have reviewed a career marked by achievements greater and more distinguished than those we here commemorate. But such was not to be. His sun went down at noon, leaving the harvest half gathered. But we are left more than a memory. We have another demonstration that the cherished hopes of the founders of this Government have been realized. It is a saying, far too common, that the poor man and the child of obscurity is here without opportunity or possibility of progress. Congressman SMITH has proved that by industry, by fidelity to duty, honesty of purpose, and courage in defeat and disappointment the child of obscurity may achieve fame and recognition. But his courage was not that of the bulldog. It was the courage of his convictions, that could stand in the face of temptation or threatened defeat. These elements of success are not peculiar to the statesman but apply to every vocation known to civilization and have no exceptions. Take any merchant, any professional man, or any mechanic that has won distinction in his vocation and you will find one who has traveled the road from the bottom.

A MAN OF THE PLAIN PEOPLE.

But in the everyday walks of life he was at his best. His hand was ever ready to do charity, but always without ostentation. His charity was not limited to giving alms but was based in a broad and deep human sympathy. Did anyone need work? SMITH would find time to help him get a job. Did a stranger come within our gates? SMITH would give him the glad hand of welcome and make him feel at home. In the hour of his triumph he seemed to cling the more closely to the old friends in adversity. Their companionship was ever welcome and he seemed happiest when they were gathered round his board enjoying his hospitality. He had self-confidence, but it was never tainted with bigotry or egotism. He was democratic in the purest sense.

As a guest, who may not stay
Long and sad farewells to say,
Glides with smiling face away.

Of the sweetness and the zest
Of thy happy life possessed
Thou hast left us at thy best.

Now that thou hast gone away,
What is left of one to say
Who was open as the day?

What is there to gloss or shun?
Save with kindly voices none
Speak thy name beneath the sun.

Safe thou art on every side;
Friendship nothing finds to hide;
Love's demand is satisfied.

Over manly strength and worth,
At thy desk of toil, or hearth,
Played the lambent flame of mirth.

Mirth that lit, but never burned;
All thy blame to pity turned;
Hatred thou hadst never learned.

Every harsh and vexing thing
At thy home fire lost its sting;
Where thou wast was always spring.

And thy perfect trust in good,
Faith in man and womanhood,
Chance and change and time withstood.

Small respect for cant and whine,
Bigot's zeal and hate's malign
Had that sunny soul of thine.

[Mr. MONDELL addressed the House. See Appendix.]

Mr. KNOWLAND. Mr. Speaker, my first acquaintance with Congressman SMITH dates back to 1899, 14 years ago, when I entered the lower branch of the Legislature of the State of California. He was then a member of the State senate, in which body he served for eight years. He had the reputation of being one of the most able fighters in either branch of the legislature, a characteristic which distinguished him throughout his public career and which he manifested up to the very last in his heroic struggle against death.

I recall having passed through the assembly a bill in which I was particularly interested providing against home study for children under a certain age, and the prospect that this bill was likely to become a law filled my young heart with pride. The day of its consideration by the senate I walked over to that chamber convinced that the members of that body would appreciate its many meritorious provisions. It was one of my first bills, and every legislator appreciates how wrapped up we may become in the first measure we father. Senator SMITH arose in his seat and proceeded to vigorously attack certain features of my measure, and no doubt he was right, being largely instrumental in bringing about its defeat, although a reconsideration was later had and the bill passed. When the roll call disclosed the defeat of my pet bill, young and inexperienced as I then was, I convinced myself that SMITH and I could never be friends. But I soon grew to admire and respect him, and later, when we joined issue in a contest before the legislature to bring about the defeat of one candidate for United States Senator and the election of another, we became friends, which friendship grew when he entered this body at the beginning of the Fifty-ninth Congress.

As a State senator SMITH was active and effective. He was deeply interested in the introduction of manual training in the schools of his State. It was largely through his efforts that the State polytechnic school at San Luis Obispo was erected. SMITH was a thorn in the side of every lobbyist who attempted to slip through the legislature an apparently harmless bill which contained hidden away somewhere what is fre-

quently termed a "bug." He would find the objectional language and point out its baneful effect when others had failed to discover anything wrong in an apparently innocent bill.

SYLVESTER SMITH early developed those traits of character so essential to success in public life. His word was always good. He never hesitated to declare where he stood. He fought fairly but always vigorously. His judgment was sound. When the House Office Building was completed and we selected offices, SMITH and I occupied adjoining rooms. I consulted with him frequently, for he was 15 years my senior, and I always found his advice to be sound.

The Morning Echo, published in Bakersfield, Cal., which paper SMITH edited and controlled, was a paper widely read and quoted throughout the State because of its able editorials. Its opinions were sound, although not always following public sentiment in California, which within recent years has been somewhat variable. The paper was always independent and courageous, like its able editor. His physical courage was illustrated many years ago when there came into the Echo office a man with a revolver in one hand and a clipping from the paper in the other, the gun being leveled at SMITH's head. A demand was made that the editor retract. SMITH coolly told one of his men to phone for the sheriff, and continued to write at his desk.

In life we too frequently see striking examples of attempts to place round men in square holes, or the reverse. I am of the opinion that in legislative life particularly no man is a success unless he possesses a special liking for the work. SMITH had a special aptitude for legislative work. I remember the last time he came into this Chamber, and after I had helped him from his carriage to his seat, that he said to me, with just a tinge of sadness in his voice:

KNOWLAND, I wish I was able to stay here. I like the work and the opportunity it gives one to keep in touch with public affairs. It is worth while.

SMITH was successful here because he loved the work. He was not only interested in legislation, but he enjoyed the game of politics. He did not become easily discouraged, as do many men who enter this body, because he could not upset existing conditions and reform the country in a day. He worked hard. His career gives the lie to the contention that a man succeeds here largely through luck. It is no more true here than elsewhere. A man succeeds here because of work—constant work and close attention to duties.

Congressman SMITH's ability and aptitude for work were recognized by the House leaders, and he was given some of the best committee assignments of any Member from the Pacific coast. He was a member of the Committee on Rules, at that time looked upon as one of, if not the most, important of the House committees. He was also a member of Committees on the Public Lands and the Post Office and Post Roads. SMITH was responsible for much legislation of value to his State and country. He was a member of the National Monetary Commission. As a member of the Public Lands Committee he never hesitated to freely and publicly criticize policies of the department which he believed to be wrong and not in the interest of the people of his State.

Congressman SMITH was not easily carried off his feet. He held convictions which took more than temporary waves of public sentiment which sweep across the country to change. He loved a fight, and I believe he would rather at any time to have addressed a hostile audience than one which held opinions similar to his.

When the insidious disease which later carried him off first manifested itself his colleagues pleaded with him to go home, where the balmy climate might have effected a cure in those early stages of the disease. But he would not go. As long as he could stand upon his feet he insisted on working. There was so much to do that he did not feel that he could leave. Like the good soldier he remained at his post of duty as long as his physical strength permitted.

Occasions like this to-day are sufficiently sad when we meet to mourn the loss of those called after the shadows of evening have gathered, when the sun is sinking beneath the horizon, and when the storms and struggles of life are over and the peace and quiet of advancing age has stolen into the heart. But in this instance we feel more keenly the loss, perhaps, because we have assembled to pay loving tribute to one called in the noontime of his usefulness, when the sun was shining high in the heavens and when hope was in the heart, strength in the arm, and courage in the soul. The calling of one in the full vigor of his manhood causes the uncertainty of life to loom up before us.

SYLVESTER SMITH possessed a happy disposition. He was an optimist. He had no patience with the pessimist. He was happy and contented because he sought to cheer and brighten the lives of those with whom he came in contact. He leaves the heritage of a pure and upright life. He possessed character, and nothing is more important or essential. In his death California has lost a valuable citizen and an experienced legislator. Well could he approach the mysterious change calmly, bravely, cheerfully, and with a consciousness of duty faithfully performed, for he had lived an upright and honest life. The California delegation will greatly miss him.

Mr. NEEDHAM at this point assumed the chair as Speaker pro tempore.

Mr. LLOYD. Mr. Speaker, Mr. SMITH, the subject of to-day's memorial, represented the southwest corner district in the United States. He lived in the country of the orange and lemon, near the coast on the west of California, in a locality where frost is seldom found and ice is almost unknown excepting on the mountains, whose lofty peaks are continually snow-capped and in full sight from the plains of green, which are covered with tropical growth.

Mr. SMITH pursued the course so common to the professional and official classes. Reared on a farm, he afterwards taught school and became a lawyer, following the avocations engaged in by many of the men who now occupy place amongst us. Mr. SMITH, however, later engaged in journalism, and his first venture was in the locality in which he lived. He was chosen editor of a small weekly paper for the purpose of forwarding a certain movement, but his paper so prospered that later it developed into a splendid country weekly, and finally into a daily publication which exerted quite an influence in molding sentiment in his district.

I knew Mr. SMITH quite well here and found him to be an honest and courageous man. He had decided convictions which sometimes made him appear to be biased in his judgments, but I do not believe that his sincerity of purpose could be questioned. I knew him not as a partisan in politics, but as a business representative. My work with him was in postal matters where there is little room for partisanship to assert itself. He proved himself there to be a useful investigator after truth and a man with a purpose—that of endeavoring to ascertain what was most beneficial to the people in the matter of maintenance, continuance, and enlargement of our splendid postal service.

How strangely differently men reach the end of life's work. Our colleagues frequently die suddenly or after short illnesses, but Mr. SMITH knew for many months that the disease preying upon him would never lose its grasp. The angel of death in his case gave every warning of its approach and every step of its unwelcome coming was duly considered. Occasionally men are found who shudder at the thought of dissolution. Others approach the end with calmness and serenity and make their exit with as little disturbance as if they were called to step across a tiny brook, while a few appear to even rejoice at the prospect of a change. To them life seems irksome and death the good desired.

Over 3,000 miles away, under the same sun which shines upon us here, lie the mortal remains of SYLVESTER CLARK SMITH, but the spirit which left its earthly habitation lives and is meeting the reward of his life service in this beautiful world. The earthly ties which bound him to those about him are severed, but love for him and friendly feeling were not buried with his body, but live to bless and revere his memory. His friends will miss him because they knew and appreciated his worth.

Mr. SMITH was not reckoned amongst the great leaders of the House, but belonged to that working class which is expected to delve into and work out the plans of others. While not the pliant tool of anyone, he was subject always to the direction of his party. He was truly a partisan, but a patriot as well. He believed that the good of the country could best be conserved through the party with which he was affiliated. There is a disposition at present to drift away from party organization and consider lightly party ties, but many of the best thinkers hold to the belief that party organization and party success are essential for the country's good. And this was the view of Mr. SMITH.

This life is a mystery. Man is here for a day and passes away. He has in him the spirit of immortality. How that can be and this body abandoned to the elements of nature we can not tell. This is a life of hardship and sorrow. With every source of comfort there seems to come a corresponding sorrow. Earthly ties are formed, love's fires kindled, friendship's charms are enjoyed while men live, but only last for a time, for separations come, bonds of affection are severed, family circles, the most sacred, are cut asunder, and the most fearful afflictions

come whose intensity is measured by the strength of the bonds of affections and interest.

Mr. SMITH has gone, but his going has brought greatest sorrow to those to whom he was most closely bound.

There is consolation in the thought that his life here was a benediction and there is another life where reunions are perpetual, separations never come, and happiness is fully enjoyed.

Mr. HAYES. Mr. Speaker, it is altogether fitting that we should upon an occasion of this kind call to mind and put into permanent form in the RECORD of this House our pleasant memories of our departed colleagues. Although they have passed from the earth where this service can do them no good, it can but stimulate in us who participate in it the tenderest and noblest emotions. When a man has faithfully served the people and added luster to membership in this House, it should be a pleasing duty to bear testimony to his honesty, fidelity, and ability.

I first met SYLVESTER CLARK SMITH at Sacramento about the year 1899 when he was a member of the Senate of California. He impressed me then as a man of great energy and force of character, who had the deepest convictions upon most subjects and the courage to back them up in debate on the floor of the senate. In 1905 I entered the Fifty-ninth Congress with Mr. SMITH, and a continuous service with him as a Member of this House up to the time of his death confirmed me in this first estimate of his character. His service to his constituents was marked by great zeal and industry in their interest, while at the same time he took an active part in legislation not local in character but which affected the whole people of the Nation. Until disease began some two years ago to sap his vitality and undermine his strength Mr. SMITH's discussions of public questions upon this floor were most able and illuminating. He never undertook to discuss a question to which he had not given earnest and exhaustive study. His speeches here were not frequent, but when he did speak he always had something to say that was both interesting and instructive to his colleagues. He never permitted himself to fill up the RECORD with platitudes, vaporous nothings, errors, or technical objections, in order to impress his constituents with his great activity as a leading Member of the House. Whenever he spoke he had a high purpose to serve and never descended to the tricks of the demagogue. While I frequently did not agree with him on public questions, I here and now cheerfully accord to him perfect honesty and loyalty to what he believed to be the highest interests of his country in the discharge of his duties as a Member of this House.

Whatever faults Mr. SMITH had, cowardice was not one of them. That the things he believed and advocated were unpopular seemed to make no difference to him. He represented a constituency almost wholly rural. His people, by a large majority, favored a large extension of the parcel post, but this did not deter him from making a strong speech against it and circulating it in his district. He believed that the extensive enlargement and lowering of rates proposed by those who advocated a parcel post would sound the death knell of the retail merchant, and especially of the small country merchant. He did not believe that this result would be for the ultimate benefit of the country people themselves. Therefore, regardless of the political consequences to himself, he grimly entered the war to prevent the result that he feared. Many of us might well emulate this virtue of courage which he exemplified to a marked degree.

But he has gone from us and from those he loved to other scenes and associations. I think I am disclosing no secret when I say that one of his bitterest thoughts when he faced death was that he must give up his seat on this floor, with its pleasant association of friendships, and must cease his activities in the intellectual and legislative struggles of this great body, all of which was most attractive to him and in all of which he found the keenest enjoyment. Let us hope that his regrets at leaving the earthly activities of his life may have disappeared in the enjoyment of the realities of the heavenly kingdom.

When our friends leave us I like to try to forget the pain of parting by projecting myself into the great beyond, as it were, and participating in the joy of the meeting over there. I like to strive to realize that it is comparatively but a day in the future when each of us must answer the call of the boatman and row over the waters of the dark river to the beautiful shores upon the other side. I love to think of the reuniting of those blessed ties of love and friendship which are not fully severed by death, but only interrupted for a little, waiting the time when we, too, shall be called to take our places with the great company in the beyond. Let thoughts like these fill the hearts of those whom he loved and who loved him and soften their grief and enable them to say, with the poet:

When for me the silent oar
  Parts the silent river,
And I stand upon the shore
  Of the strange forever.
Shall I miss the loved and known?
Shall I vainly seek mine own?
Shall I vainly seek mine own?

Can the bonds that make us here
  Know ourselves immortal,
Drop away like foliage sere
  At life's inner portal?
What is holiest below
Must forever live and grow,
Must forever live and grow.

He who plants within our hearts
  All this deep affection,
Giving, when the form departs,
  Fadeless recollection,
Will but clasp the unbroken chain
Closer when we meet again,
Closer when we meet again.

Therefore dread I not to go
  O'er the silent river;
Death, thy hastening oar I know;
  Bear me, thou life-giver,
Through the water to the shore
Where mine own have gone before,
Where mine own have gone before.

At this point the Speaker resumed the chair.

Mr. HAYES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from California [Mr. HAYES] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KAHN. Mr. Speaker, I first met SYLVESTER CLARK SMITH when he was a member of the senate of the State of California, in the early part of the year 1895, and from the day of our first meeting to the day of his death I had learned to honor, esteem, and respect him. He was a man who held decided views, and resolutely stood by them once he was convinced that he was right. He did not fear political oblivion, even though constancy to a cherished doctrine, the correctness of which he had decided for himself, meant for him political oblivion. He took a prominent part in the discussions that took place in the State senate upon questions that were uppermost before the people of his adopted State of California, and even those who were opposed to him politically admired his clearness of thought and his terseness of expression whenever he debated any of these great public questions. He witnessed a wonderful expansion of the various industries in his own section of California—the great San Joaquin Valley—and was ever alert in safeguarding the rights and protecting the interests of his immediate constituency. He continued in the State senate of California for eight years, and in 1904 was elected to the Fifty-ninth Congress. He soon acquired a commanding position in this House. As a member of the Committee on Public Lands, he was able to be of signal service to the West and the Nation. He was familiar with the great problems affecting water and water rights, timber, mining, and homestead entries, and subjects of cognate character, problems in which the West is vitally interested. The discovery of oil in Kern County, the county in which he had made his home since 1883, gave a marvelous impetus to the development of that section of California. This discovery gave rise to problems that required Federal legislation in their solution. He took an active part in perfecting that legislation.

It was while he was a Member of Congress that the question of the conservation of the great natural resources of the Republic became prominent. While he believed in conservation, he stuck tenaciously to the view that the State in which the natural resources to be conserved were located ought to be the beneficiary of the conservation rather than the Federal Government. In uttering these views he simply expressed the sentiment of the great majority of the residents of the Western States. His fellow citizens believed that he was destined to a career of great usefulness, not only for his own district, not only for the State of California, but for the entire Nation. He was a student and eagerly burned the midnight oil in order to inform himself fully upon any subject that happened to challenge the attention of the Nation for the time being. He was a thinker and always drew his own deductions and his own conclusions after he had fully studied any particular question. Once having decided upon his course, he followed it with determination to the very end.

It was a great shock to those who knew him when announcement was made that he was stricken with a fatal malady and that his days on earth were numbered. He lingered for nearly

two years before the end came. To the very last he had hoped that he might regain his strength sufficiently to enable him again to take his seat in this House and work for the welfare of those whom he represented here. But it was ordained otherwise, and on Sunday morning, January 26, 1913, he died in the very heart of the orange groves of southern California. His honesty, his integrity, his ability, made him a host of friends and admirers, and though the end was not unexpected they were all shocked to hear the sad news of his passing.

In his death this House has lost an able, earnest, effective Member and the people of the State of California an industrious, energetic, and capable Representative.

Mr. PRAY. Mr. Speaker, almost every Sunday during the present session memorial services have been held in the Hall of Representatives for departed friends and colleagues.

It has often been said during the past few weeks that death's harvest in the Sixty-second Congress has been greater than in any previous Congress since the Civil War. I do not know whether this statement is literally true or not, but no one could fail to observe that during the present session of Congress, in the midst of our official activities and ambitious endeavors, the visitations of that mysterious and unwelcome messenger have been more frequent than at any other time in recent years. The crape-covered desk, the wreath of flowers, the vacant chair, and the absence of a familiar face all bear mute testimony of his presence among us and likewise of the pain and grief he has inflicted.

The ceremonial of sorrow this afternoon is in memory of seven Senators and Representatives of the United States, and many eloquent and impressive eulogies have been delivered touching the life, character, and public services of each one of these distinguished men. I can not hope to add anything of worth to what has already been said on this occasion, but I should feel that I were wholly unappreciative of the deep friendship of one who but a few weeks ago was an honored Member of this House if I were to allow this opportunity to pass without paying a last tribute of respect to the memory of the Hon. SYLVESTER CLARK SMITH, who during four successive Congresses held a high place in the confidence and esteem of the Members of this important branch of the Federal Government.

He had been upon the floor of the House but seldom during the present Congress owing to the illness which finally resulted in his death, and which in all probability was largely due to his irresistible passion for work. I never knew a man who was more diligent in the performance of a duty or more faithful in the discharge of every trust reposed in him. In his untimely demise the people of California and of the country at large have been deprived of the services of an able, industrious, and conscientious public servant. But the saddest thoughts of all come to us when we speak of the bereaved widow and children upon whom the loss falls with greatest severity. May the knowledge of his distinguished services to his State and country, his spotless life and nobility of character, and the sweet memory of his devotion as a husband and father mitigate their grief and bring comfort to their hearts in this hour of sorrow. The great State of California will ever honor, cherish, and revere the memory of her distinguished son. SYLVESTER CLARK SMITH began life on a farm in the State of Iowa and worked his way through school and college. He removed to California and, while engaged as a teacher in the public schools, studied law, was admitted to the bar, and later achieved success in his chosen profession. During this period, however, his activities were not confined solely to practice of the law.

For several years we find him engaged in writing editorials for an influential daily newspaper which had been established by his friends and neighbors in the city of Bakersfield. As a lawyer and editor he soon attained prominence in his State, and was later chosen as a Representative from the eighth congressional district to the Fifty-ninth, Sixtieth, Sixty-first, and Sixty-second Congresses. Few men have been better equipped for service in the National House. He was intensely earnest in debate and always possessed a thorough understanding of his subject. He was a profound student and gave to every question that claimed his attention the most intense application. His mind was logical and his deductions accurate. During an intimate acquaintance, extending over a period of several years, I never knew him to compromise with expediency. He possessed in the highest sense the courage of his convictions, and was ever ready to defend them, no matter what the effect might be upon his political fortunes. Neither the sharp criticisms of a partisan press nor the denunciations of political opponents could swerve him in the slightest degree from what he conscientiously believed to be the line of duty. He was an able advocate of any cause he espoused, but his deep sense of justice and fair play rendered him incapable of taking undue advantage of his adversary.

Mr. Speaker, SYLVESTER CLARK SMITH was a self-made man, but he was extremely modest and unassuming, and never made boastful mention of his early struggles and later achievements. His success in life was due to his sagacity, perseverance, and innate honesty. He was candid, outspoken, and sincere, but when he differed from others in respect to a question under consideration he was always courteous and respectful, and never had it in his heart to wound the feelings of another.

His name is written high upon the scroll of honor His life is an inspiration to the young men of the country. I can not believe that our beloved friend and colleague has passed forever from our sight.

There is no death; what seems so is transition.
This life of mortal breath
Is but a suburb of the life elysian
Whose portal we call death.

Mr. NEEDHAM. Mr. Speaker, I ask unanimous consent that Members may have five legislative days in which to extend their remarks in the RECORD.

The SPEAKER. The gentleman from California [Mr. NEEDHAM] asks unanimous consent that Members may have five legislative days in which to extend their remarks in the RECORD. Is there objection?

There was no objection.

THE LATE SENATOR JEFF DAVIS, OF ARKANSAS.

The SPEAKER. The Clerk will report the order of business in reference to the late Senator JEFF DAVIS, of Arkansas.

The Clerk read as follows:

On motion of Mr. MACON, by unanimous consent,

Ordered, That Sunday, February 23, 1913, be set apart for addresses upon the life, character, and public services of Hon. JEFF DAVIS, late a Senator from the State of Arkansas.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 866.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. JEFF DAVIS, late a Member of the United States Senate from the State of Arkansas.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House at the conclusion of these exercises shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

Mr. FLOYD of Arkansas. Mr. Speaker, from time immemorial it has been the custom among civilized nations to honor by public eulogium their distinguished dead. In keeping with that custom this day has been set apart by order of the House for the purpose of commemorating by appropriate ceremonies the lives and characters of a number of distinguished Members of this body and of the Senate, among them the Hon. JEFF DAVIS, of Arkansas, late a Member of the Senate of the United States.

Senator JEFF DAVIS died at his home in Little Rock on January 2, 1913. His career in politics had been marvelous. He was born in Little River County, Ark., on May 6, 1862; he was admitted to the bar in Pope County, Ark., at the age of 19 years; he was elected prosecuting attorney of the fifth judicial district in 1892, and was reelected in 1894, serving in that position for two terms or four years; he was elected attorney general of the State in 1898 and served one term or two years; he was elected governor of Arkansas in 1901, was reelected in 1903, and again in 1905, and served as governor for three terms, or six years; he was a delegate at large to the Democratic national convention in 1904 and to the Baltimore convention in 1912; he was elected United States Senator February 9, 1907, for the full term of six years, and distinguished himself in the Senate by fearlessly assailing all forms of public evil and by his scrupulous fidelity to the principles of the Democratic Party, to which he belonged. He was again nominated for the Senate in the Democratic primary held March 27, 1912, and had he lived he would have been reelected to the Senate by the legislature in January, 1913, for another term of six years. He died at the age of 51 years.

Horace in one of his odes says:

Pale death with impartial step knocks at the palace and the cottage gate.

This sentiment, so beautifully expressed by the Latin poet more than 2,000 years ago, forces itself unconsciously upon our minds to-day. The fatalities of Members of this House and of the Senate during the present Congress have been such that we need not the admonition of poet or philosopher to convince us that neither rank nor station, vigor of intellect nor the prime of strong manhood can stay death's relentless grasp.

The sudden taking off of the late Senator DAVIS in the hour of triumph and in the very acme of his most remarkable and successful public career was a shock to his friends here, to the people of his State, and to the Nation. It reminds us of the vanity of all human aspirations, the end of all human endeavor, and brings us face to face with the full realization of how fragile are the links that bind the strongest and most vigorous to the mystery we call life and of how impelling are the forces which drive the frail crafts in which we are all drifting with certainty to that greater mystery called death. We live in a world which is ephemeral in all things. The flowers bloom and give forth their sweet effulgence for a day. The oak bursts from the earth, grows to majestic proportions, withstands the blasts of winter and the storms of summer for a hundred years, yet yields at last and mingles its dust with the dust of faded flowers. Man born of woman is of few days and full of trouble. It is therefore meet and fitting when one of our comrades passes from among us by the hand of the Grim Reaper that we who survive him, whose lives are underwritten by no guaranty except by God's will and God's mercy, should pause and turn aside for a moment from the toils and struggles of the hour and from the fierce heat of incessant conflict that is carried on in these legislative halls and pay proper respect to the character and virtues of our departed friend and coworker.

I desire to avail myself of this opportunity to pay a brief tribute to the memory of the late Senator DAVIS. Whatever others may think or say about him, I can truthfully say he was my friend, faithful and just to me.

Loyalty to his friends and to his convictions was the element in the character of Senator DAVIS which endeared him to the great masses of the people of Arkansas. Possessing characteristics and faults which it would be idle to disclaim, even in this presence, and which were deprecated by many of his warmest supporters, he was a born fighter, bitter and vindictive toward his enemies, but always true and loyal to his friends, true to his party, true to his principles in whatever cause he espoused, and true to his own convictions.

But his political warfare was not of the guerrilla kind. While he asked no quarter and gave none, yet he always fought in the open. His tactics were Napoleonic. In the great civic battles which he fought for political supremacy in his State he may well be compared with those great military commanders who by bold stands, skillful maneuvers, long marches, and quick movements captured whole armies in their trail and brought back into camp wagon trains, immense food supplies, and great stacks of arms captured from their vanquished foes. He never placated an enemy. He was always loyal to his friends. When he was governor he would publicly proclaim from the stump that no man could receive an appointment at his hands unless he was a white man, a Democrat, and a Jeff Davis man. He lived up to that code during his entire career. The last conversation I had with him was over the telephone on the day he left Washington for his home in Little Rock, just before the holidays. In speaking about the distribution of Federal patronage under the new administration he said to me, "I am going to stick to my friends," and added that he was willing to give up a great deal in the way of patronage in order to secure the appointment of a particular friend mentioned to an important position. And this was no idle or small thing with him. I have known him repeatedly in the midst of heated campaigns—and he never had any other kind—to apparently ignore his own interests in an effort to help out some friend.

As a campaigner and stump speaker Senator DAVIS had few equals and no superior. He was a great crowd drawer. His style was vigorous, forceful, bold, aggressive, and characteristic—distinctly a Jeff Davis style. He was original, resourceful, happy in the use of catch phrases, defiant and austere toward those who opposed him, and loyal to his friends to such a degree that he never failed to incur the bitter hatred of the former and the unwavering confidence and devoted loyalty of the latter. The character of his campaigns and his manner of dealing with those who opposed him necessarily engendered much bitterness and made Senator DAVIS an object of extreme hate by hundreds of good people of the State whose political hopes and aspirations or the political hopes and aspirations of whose particular friends were shattered like frailest glass by the uncompromising opposition of this most remarkable man.

I have never known a man who had greater political courage than did Senator DAVIS. He was often denounced as a demagogue, and yet he never truckled to public opinion. He took his positions boldly, and then molded and swayed public opinion to fit them. Assailed by the metropolitan press and by most of the newspapers in the State he in turn would assail the newspapers, and he is one of the few public men who has had the audacity to assail the press who was not finally crushed by it. His attacks upon the press, however, were but characteristic of the man. He assailed not the weak but the strong. He attacked not the helpless but the powerful. He sought his own preferment not over the unpopular but the popular.

Senator James H. Berry was one of the most popular and deservedly popular men that ever figured in Arkansas politics. He had been a brave Confederate soldier and lost a leg at the battle of Corinth. He had been a State legislator, a circuit judge, governor, and served 22 years in the United States Senate. His honesty, integrity, high character, and fidelity to duty during his long public service were such and his public record was such that even the critical eye of his opponent could find therein no guile. Gov. DAVIS entered the race for United States Senator against him and was elected.

So he lived, so he won his victories, so he was loved, and so was he hated; but he is dead, and as one who knew him long and well and enjoyed his full confidence I pay him this humble tribute. I believe he was honest and sincere but often misunderstood. While undoubtedly ambitious for self-preferment, I believe he stood for those measures and policies which he conceived to be for the best interests of the people of his State and of the country, and that he would have gone down to defeat rather than to have surrendered the principles for which he stood. Vindictive, severe, and often merciless in debate, there was a kindlier side to his nature, and there beat within his rugged bosom those gentler feelings of love, friendship, sympathy, and affection that bound to him thousands of voters in every contest of his life. He reciprocated the feelings and affections of those who stood by him in a marked degree. In his friendships he followed the advice given by Polonius to his son. The friends he had and their adoption tried, he grappled them to his heart with hooks of steel. All over Arkansas to-day are thousands of people who will long revere his memory. From the southern border of the State, where the rich magnolias bloom; from the delta lands along the Mississippi, where cotton is king, to the great northwest, the land of big, red apples, where the apple blossom, emblem of the State, sheds its perennial fragrance over orchard, field, and farm, in stately farmhouse, in unpretentious cottage, in cabin, and in hut, in every hamlet, in every village, and in every town and city in the State, there are those whose hearts are bowed with sorrow at the passing of JEFF DAVIS. They are those who supported the Senator in all his contests and to whom he delighted to refer with pride as members of the old guard. They believed in the man and in his cause. They looked upon him as the friend, the champion, and the defender of the rights of the great masses of the people against the encroachments of predatory wealth and the unjust exactions of corporate influence and greed. They are the men who promoted him to place and power and kept him there until the All-Wise Ruler called him from the field of his earthly activities. To them words of praise are idle. To them encomiums are useless. They were his devoted friends and followers in his lifetime, and now that he is dead they will cherish his character, his virtues, and his deeds as a rich legacy, and will teach their children and their children's children to revere his name.

> You may break, you may shatter, the vase if you will,
> But the scent of the roses will cling 'round it still.

My friendship and acquaintance with Senator DAVIS were not due to politics. I first met him and made his acquaintance more than 30 years ago, when we were both students in the University of Arkansas. I was also well acquainted with Miss McKenzie, whom Mr. DAVIS afterwards married. She also was a student in the university at the same time.

I therefore feel that I ought not to close my remarks on this occasion without a brief reference to his family and to the domestic life of the late Senator. Senator DAVIS was twice married, and he left surviving him a widow and aged mother and eight children by his former wife. The first wife of Senator DAVIS was Miss Ida McKenzie, already referred to. She was a lovely, beautiful girl, the daughter of a minister. She developed into a noble Christian woman, devoted to her husband, to her children, to her church, and to her God. She died only a few years ago and was mourned by the entire people of the State. His second wife was Miss Lelia Carter, a daughter of Dr. Carter, one of the early settlers of Arkansas. She is the sister-in-law of Judge Virgil Bourland, and her family is prominent in all the walks of life. I have only a casual acquaintance with the present Mrs. Davis, who survives the Senator, but have every reason to believe that she, too, was devoted to her husband and deserves the sympathy of all in this hour of great sorrow and affliction.

If there be those who still harbor asperity against the memory of JEFF DAVIS, if they could visit the Davis home in Little Rock and see that family of bright and intelligent boys and girls, now fatherless and motherless, and see that aged mother now upward of 80 years mourning the death of her only child,

bowed in grief at the loss of one whose notable career is their every pride and whose strong arm was their every support, I feel that every emotion of envy and hatred would die out and friend and foe, antagonist and follower, with bowed heads would commiserate the untimely death of the junior Senator from Arkansas, and that the common and silent acclaim of all hearts would be "Peace to his ashes."

Mr. MACON at this point assumed the chair as Speaker pro tempore.

Mr. RUSSELL. Mr. Speaker, Arkansas and Missouri are sister and adjoining States, with many interests in common, and such frequent and intimate commercial and social intercourse exists between the people of the two States as to make their aspirations and hopes so similar as to be almost identical.

These States are bordered on the east and south by the Mississippi River, and some of its tributaries flow through both States, and so the interests of the people in the questions of river improvement, levee construction, and drainage problems have been mutual, and the cooperation of all of their citizens has been invited and exerted in the promotion of such improvements.

In view of our geographical positions and our mutual interests, as well as our friendly relations, the Missourians in this House have felt unwilling to remain silent on an occasion like this, when the Representatives from Arkansas pause for an hour to pay a tribute of respect to the life and character of one of her distinguished sons, and as nine of the counties of the district that I have the honor to represent border upon the Arkansas State line, it was thought appropriate that I should speak for our State.

I had the good fortune and the pleasure of knowing quite intimately and well the deceased Senator, and watched with great interest his remarkable and most successful political career. I first met him and heard him speak at Hot Springs, Ark., in support of his candidacy in his first race for governor. He was at that time the attorney general of the State, and in his address he recounted his official acts and efforts directed against the great combinations and monopolies that were then just beginning to add to the burdens of the consumers of the country. His address was so plain and yet so pleasing and forcible he convinced me that if he could reach and speak to all the voters of the State his victory would certainly follow. He did win the nomination and election, and was twice reelected governor of that State. Afterwards, as is well known, he was elected to the United States Senate, and renominated as the choice of his party for a second term.

Like all mortal men Senator DAVIS may have had his faults, but he possessed many noble qualities and generous impulses, and among the many good traits of character that made him popular, and for which I commend him to-day, was that he loved and trusted the common people, and his chief ambition in life was to faithfully serve them.

Senator DAVIS and I entered congressional life at the same time, and on the same day that he first took the oath of office in the Senate I for the first time took the oath of office as a Member of this House. On Sunday, the day before we entered upon our official duties, I met him at the Calvary Baptist Church in this city, and after services we walked together to the National Hotel, where he was then living.

I now distinctly remember that in that conversation he said to me: "RUSSELL, I don't believe this life is going to suit me. I appreciate the great honor of a seat in the United States Senate, but I believe I would prefer to be at home with my family and friends in Arkansas."

He thus early realized, as many public men do realize, that to serve in Congress, while it is in many respects delightful and desirable, carries with it many sacrifices of the pleasures and comforts of a home life.

Senator DAVIS often made speeches for me and other Democratic candidates in my district, and was always a very popular and a very effective stump speaker. He had many friends in Missouri, who greatly admired his personality and who enjoyed his addresses.

For the purpose of illustrating one of his traits of character I desire to relate this circumstance: On one occasion he made a speech at Dexter, in my district, to a large audience, and by accident I met him afterwards the same evening at Poplar Bluff and asked him about the meeting. He said: "I had a fine audience, and gave them an old-fashioned Democratic speech, and among other things showed up your Gov. Folk in his true light." I replied, "Now, Governor, you have several appointments to speak for me and the Democratic Party in my district. You can do me much good, and I am glad to have you speak for me, but Gov. Folk is my friend, and is also making speeches for me. He is the Democratic governor of Missouri, and I must protest against your abusing or even criticizing him." He became angry and said: "If I can't speak as I please, I will not speak at all, but will cancel all my other appointments in your district."

I told him I was sorry to have him do so, but if he could not desist from his criticism of the governor of our State I thought it better that he cancel them, and he did so. He went to Little Rock the same night, and on the next day I received from him a telegram, in which he said:

DEAR RUSSELL: I wire you to say that you were right and I was wrong. I will fill my appointments in your district, and will not again criticize your governor.

He did fill his other appointments to my entire satisfaction and the great pleasure of his audiences.

I have spoken of this incident to emphasize one of the noble qualities of his nature. If he in the hour of excitement or under the influence of momentary anger said or did an improper or indiscreet thing, he was, after due reflection and deliberation, the first to acknowledge his error and to seek to correct the mistake made or any injustice done.

Senator DAVIS was an honest and a conscientious public servant; but he, as most other public men do, believed in government by parties, and always had perfect faith in the wisdom and the justice of Democratic principles, and when a majority of his party had spoken upon any question he was always loyal to its verdict and its announced policies.

I once heard a prominent public man, when speaking of some minor criticism made of him, say that whatever may be said of JEFF DAVIS and his mannerisms, no man can truthfully, from a party standpoint, criticize a single vote he ever cast during his six years' service in the Senate.

Mr. Speaker, this was a splendid tribute to our deceased friend, and as the votes cast by a representative in Congress is the truest test of his usefulness as a servant of the people and of his fidelity to his trust, no greater compliment could have been expressed of Senator JEFF DAVIS. I believe the statement was true and the compliment well deserved.

Mr. CULLOP. Mr. Speaker, when JEFF DAVIS, a United States Senator from Arkansas, fell asleep in the cold embrace of death one of our great public characters was removed. For a decade he had been a conspicuous figure in this country and had attracted much attention because of his bold and aggressive attitude on many of the great questions which, during that time, have attracted public consideration and have undergone public review.

It can be truthfully said of him that in such matters he was in the front line of the battle and never in the rear. He had views on great questions and the courage to express as well as the ability to defend them. No one will ever charge that in his 20 years of public life he ever evaded, dodged, or avoided an open avowal of his position on any matter of great public importance, but always in the open he declared his attitude and the reasons he had for it. He was not a "trimmer," he did not wait to learn whether a measure was popular or unpopular, to find out whether it would win praise or condemnation, but he viewed the question as a public utilitarian, and if he arrived at the conclusion that public weal required it he gave it his unqualified support and attempted to secure its adoption. In this he was open, candid, and earnest. Public welfare of the many who bear the burdens of Government was the greatest concern to him, and often in defense of their cause he incurred the opposition of the few and earned their displeasure, but to him this was of no consequence; he rather liked than disliked it, because he knew his position was defensible and his purpose would be approved by the masses whose champion he was, and he did not disguise his position.

For 20 years he was a public servant, rising step by step, until he had received the highest honors the people of his State could bestow upon him. He was elected prosecuting attorney of his judicial district, and performed his duties so satisfactorily that he won for himself a reputation throughout the State and as a reward he was elected attorney general, and in this office he displayed such splendid ability that he was elected governor of his State three times in succession, and from there promoted to the United States Senate as a tribute of admiration by the people of his State, and was renominated with the assurance of a reelection for a second term. He deserved every honor his people bestowed upon him. He rose rapidly in the esteem of his people; they recognized his worth as a public servant, and in return they gave him

their confidence and conferred honors upon him. He was their idol and to him they looked as a leader in whom they could repose confidence and not be betrayed. They knew when their rights were invaded they could safely appeal to him for protection and he would defend them. He delighted to champion their cause and plead for their relief. His heart beat in unison with theirs and his very soul sympathized with their wants and welfare. He had endured adversity; he had felt its discomforts, and his ambition was to relieve all who were so unfortunate as to endure its deprivations and suffer its punishment. To elevate all such was his dream by day and by night, and whenever opportunity was offered he took advantage of it to ameliorate their condition. This was the reason for his great popularity; this was why his constituency confided in him and enabled him to enjoy their unbounded confidence, which he never betrayed. It was the one possession he guarded above all others as sacred.

Because of his bold and aggressive position on questions in which he took an interest he invited opposition and made enemies. He never conciliated any such made from such cause; overtures for compromise were unknown to him; the battle once on had to be fought to a final conclusion and the result accepted as the arbitrament of the question. Such type of men as Senator DAVIS is of great benefit to the world; they are the class of men who push the wheels of progress. True, they are called extreme or radical, but the fact remains that it is because of their advanced position that they overcome the reactionary positions taken by the opposing extremists and bring about the golden mean in the settlement of policies and thus accomplish direct results of much moment to the people. He did a good work, and his people are proud of the result. His life was not lived in vain.

But, Mr. Speaker, one of his most admirable traits was his loyal devotion to his friends. This, above all others, endeared him to his people. He never forgot the friends of his early years when struggling to lay a foundation for the support of the splendid career he made for himself and the service he rendered the public. They had an abiding place in his heart, and he rewarded their gratitude whenever occasion permitted. This quality is always commendable. He died at the beginning of a new year, as a new era was dawning with his star in the ascendancy, in the prime of life, when the future was full of promise, when greater opportunities were unfolding to him a new field where he could employ his abilities for the benefit of his constituents, to elevate their condition and secure for them the just and fair administration of the powers of the Government established for the blessings of a liberty-loving people. His genial face, manly form, and friendly grasp of the hand will be missed; they will be known no more. In his death the public service loses a valuable servant, his State its foremost citizen, his people a devoted friend, and his family a loving husband and a kind and indulgent father.

Mr. OLDFIELD. Mr. Speaker, on this occasion we are assembled for the purpose of paying tribute to the life, character, and public service of the Hon. JEFF DAVIS, late a Senator from the State of Arkansas. Mr. Speaker, this is to me a sad, a solemn occasion, for Senator DAVIS was my personal and political friend.

Senator DAVIS was born in Little River County, Ark., May 6, 1862, was educated in the public schools and the university of his State. He was admitted to the bar at the early age of 19 years. While a successful practitioner of the law, as a great many young lawyers do, especially those who live in small cities and towns, he entered politics early in life and was elected prosecuting attorney of his circuit in 1892 at the age of 30 years. He was reelected to this office, and it is said of him that he made one of the ablest prosecuting attorneys his circuit ever had.

Senator DAVIS entered State politics at a time when some of the brainiest men Arkansas has produced were in power. However, he brooked no obstacle and pressed forward to attain the goal of his ambition. He was bold and aggressive and immediately became the dominating figure in the politics of his State.

Mr. Speaker, if I were called upon to indicate the trait of character most developed in Senator DAVIS, I would unhesitatingly say it was his determination to succeed in his undertakings—his will power.

There is no chance, no destiny, no fate
Can circumvent, or hinder, or control
The firm resolve of a determined soul.
Gifts count for nothing,
Will alone is great,
All things must give way
Before it soon or late.
What obstacles can stay the mighty force
Of the sea-seeking river in its course,
Or cause the ascending Orb of Day to wait?
Each well-born soul must win what it deserves.
Let the fool prate of luck, the fortunate is
He whose earnest purpose never swerves,
Whose slightest action or inaction
Serves the one great aim. Why,
Even Death stands still
And waits an hour, sometimes,
For such a will.

In 1898, at the age of 36 years, Mr. DAVIS was elected attorney general of the State of Arkansas, and at the age of 38 years was elected governor of his State, and to this office he was twice reelected, being the only man to serve our State three times as governor, and in passing, it may be said that his last contest for the governorship was the fiercest and most terrific political battle ever waged in Arkansas. In 1906 Gov. DAVIS was nominated by the Democratic Party of his State for the office of United States Senator, defeating former Senator Berry, a distinguished veteran both of peace and war, one whom the people of Arkansas had rejoiced to honor, and was elected by the legislature of 1907. He was renominated in 1912, but before the legislature convened to carry out the will of the people and reelect him, after answering to the roll call of the Senate for nearly six years, he was suddenly summoned by the roll call of eternity. Senator DAVIS served nearly six years in the United States Senate, and I have never heard any man in Arkansas criticize a single vote he cast in that body. He was a strong man before the people and he always took his fights directly to them. His idea of government was that the people should rule. He thought the best government was the one closest to the people, and his battles were always for the purpose of bringing the people and the Government closer together.

Senator DAVIS was without doubt the most resourceful campaigner the State of Arkansas has seen. He was effective before his audiences, because he took the people into his confidence and appealed to the masses for support, and, as evidenced by his remarkable career, his appeals were not made in vain. To his friends he was true and loyal, as true as the stars to their appointed courses. He never forsook a friend or forgot a favor, and his loyalty to his friends was one of his great sources of strength. In his campaigns he was wont to refer to his friends as the "Old Guard," and when he sounded the call for battle the old guard was always ready for the fray, and when the ballots were counted they invariably showed that the "old guard" had stood firm and JEFF DAVIS had won.

Senator DAVIS was not one of those who went with the current, but, on the contrary, he spoke out boldly the things he believed and the policies he advocated. If he was for or against a proposition of policy or legislation, he boldly told the people and gave them his reasons. In his career as governor and Senator he always championed the side of the plain citizen instead of the special interests. His career, indeed, lends hope and encouragement to those who depend upon the support of the people instead of relying upon the agents of predatory wealth. It is an inspiration to the youth of the land who, without wealth, powerful friends, or family, must depend upon the justice and generosity of their countrymen.

In campaigns Senator DAVIS was his own manager, and I have been told by some of his close political advisers that he had an intuition which seemed almost marvelous. His combinations often appeared impossible and his plans impracticable, but under his leadership and in his hands simplicity marked their development and success vindicated their adoption.

Mr. Speaker, death is the great leveler.

In the democracy of the dead all men at last are equal.
There is neither rank nor station nor prerogative in the republic of the grave.
At this fatal threshold the philosopher ceases to be wise, and the song of the poet is silent.
Dives relinquishes his millions and Lazarus his rags.
The poor man is as rich as the richest, and the rich man is as poor as the pauper.
The creditor loses his usury, and the debtor is acquitted of his obligations.
There the proud man surrenders his dignity, the politician his honors, the worldling his pleasures; the invalid needs no physician, and the laborer rests from unrequited toil.
Here, at last, is nature's final decree in equity.
The wrongs of time are redressed; injustice is expatiated; the irony of fate is refuted; the unequal distribution of wealth, honor, capacity, pleasure, and opportunity, which make life such a cruel and inexplicable tragedy, ceases in the realm of death.
The strongest has no supremacy, and the weakest needs no defense.
The mightiest captain succumbs to that invincible adversary who disarms alike the victor and the vanquished.

Mr. Speaker, a tribute to the life and character of Senator DAVIS would be incomplete if reference were not made to the beauty of his home life. He was a devoted and loving husband,

a generous and indulgent father, and the tenderness with which his family clung around him and to him marked the depth of their love and affection.

The SPEAKER at this point resumed the chair.

Mr. TAYLOR of Arkansas. Mr. Speaker, I have been personally acquainted with the late Senator JEFF DAVIS for more than 25 years, and while we had our differences now and then, yet we were always friends.

Senator DAVIS in political life was remarkably successful. He held the office of attorney general of his State for two successive terms, the office of governor for three terms, and was then elected to a seat in the United States Senate, and had not the "grim messenger with the inverted torch beckoned him to depart" the Legislature of Arkansas, which is now in session, would again have elected him Senator. All the days of his life he was an unswerving Democrat and always stood by the nominees of his party with vestal fidelity. As a political campaigner he had no superior in the State. His friends and supporters, as also those who did not agree with him, attended his political meetings in great numbers. No man in the State approached him as to audiences in his speech-making tours, and his friends and supporters loved him, and their devotion to him was indeed beautiful to behold; they believed in and stood by him and for him on all occasions.

The Senator was not what is commonly called an eloquent speaker, neither was he a word painter, but he entertained and interested his audience from first to last. In small counties often have I witnessed as many as from 1,500 to 2,000 people standing upon their feet for two hours, hanging upon his every word and frequently shouting their approval of his utterances. His friends and followers had absolute confidence in the belief that he was truly interested in their welfare, not only their happiness and prosperity, but that he had the courage and ability to aid in bringing about results that would be helpful to them and the people of this country.

Senator DAVIS was born in Little River County, Ark., but resided in Pope County of this State for something like 40 years, and whose people were proud of his successive achievements. The people of this county were a conglomerate of the highest independence, coupled with a county clannishment worthy of Scotland's proudest chiefs. They loved the United States high above any other country, but loved Pope County more. All Arkansans were good to them, but a Pope County man had first call on their affections and regard. Senator DAVIS grew to manhood among this people and imbibed their characteristics. They knew him as no other people knew him, and honored him. One indication of individual worth and power is always associated with local reputation. The very intimacy of neighborhood affairs precludes the lengthened growth of incompetency. Weakness for a while may pass as strength, but the argus eyes of one's near neighbors soon disclose the wound.

It is to Senator DAVIS's highest credit that for nearly 40 years he lived with the people of one county, and all that time had their good will, respect, and their support.

Ability may take the form of the trained judicial mind, it may appear in the silver tones of the accomplished orator, it may touch the silent room of the thinker, or walk hand in glove with the artist or artisan. Ability may be acclaimed by the expert student and the verdict accepted, but there is an ability which rests upon an innate knowledge of popular thought and sentiment, an ability which knows the people, their weaknesses and strength, their wrongs and their aspirations. In this sense Senator DAVIS was a man of the people and by easy steps essayed their championship. In this he won the admiration of his home people and largely that of the people of the State. We may quarrel with his deductions and decry his methods, but the fact remains that the people largely believed in and followed him. This insight into the modus operandi of popular thinking and the ability to touch the mechanism into response made him great. No other man in Arkansas had this power in kind or degree as he. The people of the State were shocked at his death. Without the trappings of wealth or the aid of a great family name he plunged into the vortex of popular rights and made for himself a name which reached far beyond the borders of his State. Among the great and learned he was not supreme, but among the plain people he was a conquering Achilles. When power crowned his career he still remained a people's man and he died in the harness. He rose, so to speak, from obscurity to the heights of renown and died on the crest of the wave. His rise was not meteoric, but steady and sure. He reached the sun-clad heights of his ambition and passed away with the illumination undimmed and left his countrymen the record of his life work.

On Sunday afternoon, January 5, 1913, Senator DAVIS was laid to rest at the capital city of Little Rock, in the beautiful Mount Holly Cemetery in the presence of 15,000 people; and in the presence of this multitude of people and standing by the grave of the dead Senator, Judge Jeptha Evans, of Booneville, Ark., a long-time and devoted friend of Mr. DAVIS and one of Arkansas's most able circuit judges, delivered a very able and eloquent address upon the life and character of Mr. DAVIS. I read here now a portion of his remarks:

When a giant carrying easily the loads of life in the fullness of his power falls dumb and prostrate on the earth, heartstricken by the darts of death, we, his surviving friends, gather in confused agony around his unbreathing form and unavailing tears spring unbidden to the surface and baptize with sorrow's sacred streams the pale countenances of those who loved him while he lived. How utterly powerless do we feel in death's mysterious presence.

I knew this tower of strength that lies in human ruin before me for a long term of years. Senator DAVIS was reared in the same section of the State where I have lived since boyhood. We lived about 50 or 60 miles apart, and I am his senior by a year or two. I was born at the beginning of the fratricidal struggle between the States, and he just as the conflict became flagrant. His father was a minister of the Baptist Church and mine is a minister in the Methodist Church, and both bore arms as members of the Arkansas troops in the Confederate Army. On reaching manhood Senator DAVIS went to the law, and I have made some struggling efforts in the same direction.

HIS CAREER AS AN ATTORNEY.

I knew Senator DAVIS first as a young lawyer at the bar. He was from the beginning a man of very marked ability and adaptation to the law. I was frequently in his judicial circuit and often witnessed his forceful strength. He was possessed of a legal mind of the intuitive kind. Where other men painfully sought out precedents and tried to follow legal principles along centuries of deviating counsel in order to ascertain the law, young DAVIS, with the precision of first-hand knowledge—of intuition—announced the right result.

Senator DAVIS was one of the finest trial lawyers I have ever known. He forgot nothing, overlooked nothing, neglected nothing, and saw through everything. The principles of the law favorable to his client's cause he stated clearly and handled with consummate ability. The evidence entitling his client to win he presented to courts and juries with such force that avoidance of the result he sought was all but impossible. He could come nearer than any lawyer I have ever known ignoring out of the judicial equation the principles of law and the testimony of witnesses unfavorable to his client's side.

NEVER TRIED CAUSES OF THE RICH.

He was not very well suited to try a cause for a rich citizen against a common citizen. Indeed, I do not think he ever engaged in such a service. His great delight was to champion in court and vindicate the rights of the poor and weak against the rich and strong. His feelings and sympathies were always intensely human. While he was one of the ablest and most successful prosecuting attorneys the State of Arkansas ever had in its commission, I have frequently heard him thank God that no man was ever executed as a result of his four years' service as prosecuting attorney of the fifth judicial district.

His legal successes were always phenomenal, and at the time of his death his law firm, from every quarter of the State, was looked to as the champion of the weak against the strong, as capable of securing in courts of justice the legal right of the poor against the illegal right of the rich. The Lord Eskine, lord by divine right of poverty, ability, sympathy, and eloquence of the Arkansas bar lies voiceless before me. He has gone to a higher court, a court where justice never miscarries, where the juries are never bribed, and where the judge never nods.

Mr. Speaker, when death comes the loved ones left behind "must tread the wine press alone"; to them words are but empty things, but we always feel deep sympathy for the bereft loved ones of the dead, and if we could relieve the stricken hearts in the lonely home of the departed Senator, what a joy it would bring to each of us—this we can not do. This great separation of husband, son, mother, wife, father, and children can not be spanned on this earth. Oh! there is so much parting in this life. Listen to the poet as he sings:

All are scattered now and fled,
Some are married, some are dead;
And when I ask, with throbs of pain:
"Ah! when shall they all meet again,
As in the days long since gone by?"
The ancient timepiece made reply:
"Forever—never;
Never—forever."

Never here, forever there,
Where all parting, pain, and care,
And death and time shall disappear
Forever there, but never here;
The horologe of eternity
Sayeth this incessantly:
"Forever—never;
Never—forever."

Mr. JACOWAY. Mr. Speaker, of all the sweet and sacred ceremonies that precedent has established in this body, none, I think, is more beautiful than the custom of meeting here to do honor to the memory of those of our friends and colleagues who have fallen before the sickle of the Reaper. This is the opportunity and the occasion for the expression of our sentiments of love, regard, and appreciation for those who have gone from among us, who have crossed over the river and rest under the shade of the trees.

When, however, I come to the knowledge that it is my sad duty and my privilege to address you on the life, the character, and the public service of the late lamented Senator DAVIS, the

thought that lies uppermost in my mind is the realization of the poverty of my own vocabulary, the fact of the poverty of all human speech to do aught but to depict in barest words the history of this man. Beyond that words are but vain and futile. The archives of his State and his Nation bear witness to what he has been, but there is no power under Heaven to gauge what he might have been, and none of us can know the work he left unfinished. God has written the last chapter of his life, and the angels have closed the book.

Senator DAVIS was peculiarly a product of Arkansas. During all the days of his life he was an actual resident of the State. Born in Little River County May 6, 1862, in the early days of that grim cycle of American history, when the plowshare was left to rust in the furrow while brother strove with brother in bloody conflict, his boyhood was not greatly different from that of the other youths of the period. A simple country lad, he went his way about his boyish tasks uncomprehending, I dare say, the distress and the disaster that the war had laid upon his country, and perhaps but dreaming only in the vague and unformed way of childhood of the measure of greatness that some day was to be given him.

But after the inscrutable manner of fate, he was early stamped as a favorite child of fortune, and it was decreed that the simple and honest love that he bore for the Commonwealth should some day be paid back to him until his name was a household word from hovel to hall, that he should hold a place in the hearts of his people second to none and a position in the council chamber of his Nation.

The genesis of his political career dates from his admission to the bar when but a boy of 19 years. Eleven years later he was elected prosecuting attorney of the fifth judicial district of Arkansas, comprising the counties of Conway, Johnson, Pope, and Yell. Thence his career was a triumphant march onward. Measuring legal lances with one of the most able and astute bars of the whole State in daily warfare, his early training equipped him well for the high honors that were to follow. Four years later he became the attorney general of the State and in 1901 he was made chief executive. He was reelected in 1903 and again in 1905, establishing a record that has never been equaled before or since. Had his political career ended here, after this chain of unbroken successes, it might have been sufficient for the average man's ambition, but above and beyond was the ultimate goal. Its attainment seemed to be the inevitable end of his political policy—to bring nearer and dearer to him his friends, to stretch out his magnetic hand to others, until all vied with each other to search the gardens of their affection for flowers to weave into wreaths with which to crown him. On February 27, 1907, he was elected to the Senate of the United States, serving his first term with the exception of a few days. Had he lived he would have succeeded himself in January of the present year.

Whether in the trials of causes in the court room or in the feverish campaigns that marked the hotly contested battles he waged for political supremacy, he was known as a fighter, nor does history produce a general who laid his plans or adapted his tactics to the need of the hour with a skill more consummate than his. As a campaigner few knew human nature better than he, and as a public speaker he possessed an invincible potency, and few could gauge an audience with an accuracy more unerring than he. Politically he created his own sentiment and asked no man to go where he himself would not lead. A master in the art of invective and satire, it perhaps may be that he was sometimes severely caustic, but friend and foe alike admitted his power.

Born, as it were, in battle, even as the fragrance of the flowers in his early boyhood was blent with the acrid odor of burnt powder, so in later years the flowers of friendship that grew along the pathway of his career mingled their odor with the scent of hot fights for power and place. The early years found him a wondering boy, often pausing, perhaps, to listen to the dull, dead boom of cannon; and the later years find him a strong man, girt for the battle, a leader and a chief. The secrets of warfare were his, oftentimes the wounds and the hurt, but life had been lavish with its laurels, and even in the thickest, hottest of his campaigns he was spurred and inspired by the memory of other hard fights fought and won, and the knowledge of the multitude, the common people, if you will, who looked on him as their champion and whose prayer was that their leader could not fail them.

Such was his public life. That he was loved by those whose trust he had, whose leader he was, the great concourse of people, 15,000 strong, who stood at his open grave testifies. From the home of his boyhood they came, from the field and the forum near and far. Among them stood a coterie of the Nation's most distinguished statesmen, the emissaries of his Government, who had journeyed thousands of miles to do him honor, and all listened with bared heads to the rites that consigned him to the earth from whence he sprung.

The love and esteem in which he was held was intensified and deepened and broadened in his own home, where he ruled as a sovereign, a friend, and a comrade in one, a kind, a devoted and indulgent father, and a loving husband. Out beneath the stars in Mount Holly Cemetery at Little Rock he sleeps beside the Christian wife and devoted mother who went before him into the great beyond, while in the hushed home, with heartache and heartbreak, the lovely wife prostrated with grief, the aged and gentle mother who gave him birth, the stalwalt sons and the womanly daughters he left, mourn his untimely death.

There is, Mr. Speaker, a consummate tragedy in the death such as that which overtook Senator DAVIS in the prime of his life and the full flower of his career. It was not the mustering out of the wayworn warrior at the end of the campaign, nor the docking of the ship at the home port. It came upon him with the stealth of an assassin, striking without warning and without mercy, unheralded and unanticipated. A moment he stood, a strong man in the pride of life, and then he fell. Like that mysterious realm that lies beyond the frontier of life, so also are the ways of death and its manner of coming beyond the power of human mind to compass. Some die in the dawn of life, in that sweet world that is peopled only by loved ones, and knows no rule but a mother's loving guidance; and some go out with the twilight, with the knowledge that life could hold no more. But Senator DAVIS died at the noontime of his life, a strong man full of force and power, a sachem in the council. Some one has written:

> Yet after all, it may be best, just in the sunniest, happiest hour of all the voyage, while eager winds are kissing every sail, to dash against the unseen rock, and in an instant hear the billows roar above a sunken ship. For whether in mid-sea, or 'mong the breakers of the farther shore, a wreck at last must mark the end of each and all.

Mr. Speaker, for us all Time is beating funeral marches to the tomb, and "neither wealth nor station nor prerogative" can stay the coming of our dissolution. In death there ever remains an unfathomed, unknowable mystery and a philosophy that passeth understanding. It is the transition from the finite to the infinite, the veiled link beteen time and eternity. We know that yesterday this man was here, high in place and power, loving and beloved—vital with the rich red blood of life. We know to-day that the finger of God has touched him, and that he sleeps and is not; that these halls, or any earthly halls will never again shelter his presence or ring with his voice; that he has entered into the state that knows no caste or class, no place or power. Whether it was for the best I can not say. I do not know, nor does any other man. But I know that God is, that a deathless force lives on, and that long after the moss has grown green on the stone that marks his resting place, his name will still be bright on the pages of his Nation's history, and his memory deeply embedded in the hearts of his countrymen.

[Mr. SISSON addressed the House. See Appendix.]

Mr. GOODWIN of Arkansas. Mr. Speaker, out of the great masses of the people few men rise to eminence and distinction. The Great Creator is not lavish in stamping the mark of genius upon his creatures. Under our scheme of government every man stands upon an equality with every other citizen of this Republic, but that all have been accorded the same treatment I shall not contend.

The world's progress has been made not by its leaders but by the toilsome millions whose voice is never raised in the Nation's councils, yet whose toil, denial, and sacrifices have wrought the glories of civilization. But the world's progress has been largely directed through its leaders. A swarm of bees readily becomes confused and disorganized with the loss of the queen bee. A flock of geese without its leader is chaotic and without direction. An army without its officers becomes merely an aggregation of men and can accomplish nothing. A church without its pastor soon becomes as a craft that floats adrift upon the turbulent sea of worldliness, without rudder, compass, or even harbor for its destination. So with the history of mankind. The great masses of mankind are engaged in the various vocational callings, bread winning, and by their virtues, labors, and patriotism constitute the Nation's greatness. But every community, State, and nation has its leaders in thought and action. Some one must lead and be trusted. The man of high resolve, clean purpose, and with ability to command is naturally chosen, oftentimes by common consent, as the leader and spokesman of a people. By nature, education, and talent he seems born to lead.

The late Senator DAVIS was a man of many gifts. We are yet too near his active career to give proper perspective to his

great figure. Many of his activities already stand out in bold relief, but time can only give him his proper place in history. Essentially his greatest asset was his almost unerring judgment of men. Human nature had evidently been a great study with him, although naturally gifted along this line.

Most great leaders have been students of human nature. It is the greatest of all studies, as no problem of social life can be solved unless the people and their environment are understood. Pope understood this, as he so admirably expressed the thought in his great Essay on Man:

Know then thyself, presume not God to scan;
The proper study of mankind is man.

Born 53 years ago in Little River County, Ark., of poor but honorable parentage, Mr. DAVIS grew to manhood in the mountains of northwest Arkansas among the plain, unpretentious, patriotic people of that part of the State. Here, no doubt, the simple, natural manners and the homely sayings of these good people early stamped their impress upon young DAVIS, and these clung to him to the last.

The early environment of Abraham Lincoln, his knowledge and sympathies of people struggling for existence, their quaint expressions, and the homely illustration ever ready at his tongue's end always remained with and became a part and parcel of Mr. Lincoln's life and contributed much to his greatness. The greatest fortune that can come to a boy is to be reared upon a farm, to know life in its simplicity, to witness the struggles and achievements of men in all walks of life, sharing their sorrows and partaking of their griefs. It was in such an atmosphere that Mr. DAVIS was reared.

After attending the University of Arkansas for a while, Mr. DAVIS later attended the law department at Vanderbilt University, at Nashville, Tenn., and was admitted to the practice of law at the age of 19, his disabilities of nonage having been removed by an act of the legislature of his State.

At this early age he launched out actively into the practice of law, and soon became a strong, popular advocate before juries, and later was in great demand as a political campaign orator.

Always an intense partisan, his political speeches bristled in epigram and in denunciation of issues that ran counter to the tenets of his own party.

In 1892 he was elected prosecuting attorney for his judicial district, and reelected in 1894. In 1898 he became attorney general of his State, and in 1900 he was elected governor, and again in 1902 and in 1904, thus serving three terms as chief executive of his State, having broken all records for continuous service in that office. Upon an occasion like this it would be impossible to go into an analysis of the turbulent period during these six years as governor and the two years he served as attorney general, unless occupying time unusually granted upon these occasions.

Although opposed by men of talent and lofty patriotism, Mr. DAVIS was close to the hearts of the great masses of the people, and easily distanced all of his competitors, nor was he at any time in imminent peril of meeting with an adverse verdict of the people. During these eight years he was the stormy petrel in the shock of political combat, and there beat ever and anon about his strenuous, picturesque form the bitterest invective and denunciation by his enemies or the extravagant encomiums and the benedictions of his friends.

There have been few public men whose lives were so strenuous in the public service or more resolute in the determination to conquer and overcome all obstacles that beset their political pathway than was that of the late Senator DAVIS.

The political campaigns of Mr. DAVIS were always attended by an outpouring of the people for many miles around the places where he was advertised to appear. Men, women, and children would come by private conveyance for many miles and hang upon his every word, and when he died thousands of his fellow citizens believed that the foremost champion of human rights had passed away.

After coming to the Senate the law firm of which Senator DAVIS was a member built up a most lucrative practice, consisting largely of litigation arising from personal injuries. Possibly Mr. DAVIS as a lawyer was at his best when representing a mangled client who had been injured by a public carrier in the discharge of his duties. Here he could give vent to his great emotions, and by picturing the physical condition of his client and the alleged reckless and wanton negligence of the defendant company wrest a handsome verdict as a compensation for injuries sustained.

By temperament as well as by predilection Senator DAVIS would not have been a success as counsel for a great corporation. His sympathies naturally were with the weak rather than the strong. I would not say that he was a great lawyer, so far as an accurate, detailed, and labyrinthal knowledge of the law is concerned, for had he been a minister of the Gospel many of his brethren would have excelled him in abstruse theology and intricate metaphysics; but as an evangelist, picturing the horrors, the awfulness, and the degradation of sin, few would have equaled him as a proclaimer of the Scriptures and in urging men to turn from darkness unto light. So, while he was by no means a master of the minutiæ of the law, yet as an advocate of a client's cause, making the wrongs and injuries of his client his own, picturing in lurid colors the penury and sufferings of his client and those dependent upon him, Senator DAVIS easily became one of the foremost and most powerful advocates of the Arkansas bar. But it was not as a lawyer that Mr. DAVIS was best known both at home and abroad, but as a great factor in the political affairs of his State.

If I were asked to lay my finger upon any one chord of his great popularity in Arkansas, the one thing that made him invincible in his aspirations and close to the hearts of his people, I would unhesitatingly say that it was the implicit trust he reposed in the great masses of his countrymen. He always appealed to the public for his support, thus realizing, and properly so, that the great body of the people are the source and origin of all power and authority—a conception, alas, that many men in public life fail to appreciate. Nor did the people fail to respond with their votes, once they learned of his confidence in them, but rallied to him, thus gratifying his every political ambition.

In my opinion Senator DAVIS would have spurned any office other than that bestowed by the people themselves, as he was plainly a man of the people; and if this Republic is to survive and the conceptions of the fathers are to endure, if equality of opportunity is to be given to all alike, this country must rest upon the love and confidence of all the people to the end that the humblest may have a voice in its councils and render his contribution in the perpetuity of its welfare.

The sudden and untimely taking off of Senator DAVIS was a shock to all the people of his State, and had anyone been skeptical of the intense hold he had upon the people all doubt would have been removed by attending the funeral in the beautiful Mount Holly Cemetery, in Little Rock, on Sunday evening, January 5 last. No similar outpouring of people from all parts of Arkansas has ever been witnessed before at any funeral. There must have been people from every county in the State, and multiplied thousands crowded around his home, his church, and the cemetery to pay their tribute of love and respect for one the people loved to honor; and as night was drawing his drapery upon the earth, shutting out the sunlight of heaven, all that was mortal of Senator DAVIS was laid to rest beneath a bed of roses and immortelles contributed as testimonials of friends who loved and trusted him; and by the tomb sat the aged and saintly mother, bereft of her only child, the bereaved widow, and grief-stricken children. And may the God of Mercy keep these as in the hollow of His hand.

Mr. MACON. Mr. Speaker, I ask unanimous consent that all Members who may care to do so may extend their remarks in regard to the life, character, and public services of the late Senator DAVIS.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that all gentlemen who choose to do so be permitted to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

THE LATE REPRESENTATIVE GEORGE S. LEGARE, OF SOUTH CAROLINA.

The SPEAKER. The Clerk will report the order in relation to Hon. GEORGE S. LEGARE.

The Clerk read as follows:

On motion of Mr. FINLEY, by unanimous consent,

Ordered, That Sunday, February 23, 1913, be set apart for addresses upon the life, character, and public services of Hon. GEORGE S. LEGARE, late a Representative from the State of South Carolina.

Mr. JOHNSON of South Carolina. Mr. Speaker, I offer the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 867.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. GEORGE S. LEGARE, late a Member of this House from the State of South Carolina.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House at the conclusion of these exercises shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

[Mr. JOHNSON of South Carolina addressed the House. See Appendix.]

Mr. FINLEY at this point assumed the chair as Speaker pro tempore.

Mr. LOUD. Mr. Speaker, I can but feel most deeply impressed by the tributes paid to the memory of my friend and colleague. I hesitate to take part because I feel utterly incapable of portraying him as I really knew him, and because I realize that I lack the power of expression to correctly let the public see, as I should like to have it see, the finer, grander, and nobler qualities that made such a deep impress upon me.

It is one thing to know a man and to recognize his splendid attributes of mind and character; but it is quite another thing to have the ability to make others see as you yourself have seen.

Just as we admire in a beautiful picture the genius of the artist and yet are powerless to reproduce the painting, so sometimes in a friend we may see many noble qualities, qualities that attract and make everlasting impress, qualities that arouse great admiration and deep affection, and yet be unable to portray those qualities to our own satisfaction. GEORGE LEGARE came into Congress at the same time as myself and by fate we chanced to become acquainted at once. I found him a man of marked ability, gifted with quick perception, clear understanding, sound judgment, and clearness of expression. He seemed to have inherited from his Huguenot ancestry an exalted sense of honor that was apparent to everyone who came in contact with him. These attributes of ability and honor made him a Representative in this House of whom his district and State may well be proud.

Not only did I admire him for his mental ability, but more, far more, for the affectionate, loving qualities of his nature, which endeared him to me beyond expression. For years we lived in the same hotel, and with a group of closest friends were constantly together at the same table. As time went on he became to me almost a brother, and I realized that he was to me one of the dearest friends of a lifetime. It was a joy to us both to help each other in our congressional work. It was a joy and privilege to go with him to his own city of Charleston, to meet his home friends and enjoy their hospitality, and in return to entertain him in my Michigan home. While at my home he, a Democrat, was the honored guest of and delivered a splendid address to the McKinley Republican Club of our largest city at their annual banquet. He won the heart of every hearer instantly, and his visit is yet a loving memory to them all. His loving nature was shown in his family life, of which a visitor in the household once said that never had she seen a home in which the parents so entered into the lives of their children and made themselves children with them.

His affectionate nature endeared him to his associates to an extraordinary degree, and he was kindness itself and courteous always to all.

We who knew him best knew him as one who, like Abou Ben Adhem, loved his fellow men—

> Abou Ben Adhem (may his tribe increase!)
> Awoke one night from a deep dream of peace,
> And saw, within the moonlight in his room,
> Making it rich, and like a lily in bloom,
> An angel writing in a book of gold;
> Exceeding peace had made Ben Adhem bold,
> And to the Presence in the room he said,
> "What writest thou?" The vision raised its head,
> And with a look made all of sweet accord,
> Answered, "The names of those who love the Lord."
> "And is mine one?" said Abou. "Nay, not so,"
> Replied the angel. Abou spake more low,
> But cheerily still, and said, "I pray thee, then,
> Write me as one who loves his fellow men."
> The angel wrote and vanished. The next night
> It came with great awakening light.
> And showed the names whom love of God had blessed,
> And lo! Ben Adhem's name led all the rest.

Mr. LEVER. Mr. Speaker, my remarks on this solemn occasion shall be devoted to a brief recital of those characteristics of heart and mind which made our deceased colleague the best loved and most popular Member who has served in this body since my membership began. It is my desire to be as candid with him in death as he was with me, and all, in life. To him platitude and extravagance of statement did not appeal; he believed in the simple statement of truth in all things; and we would be untrue to him if we should assign to him virtues he did not possess or attribute to him characteristics to which he was not entitled, if in doing so we were thereby enabled to paint a more beautiful portrait. In dealing with the character, life, and service of a man of the character of GEORGE S. LEGARE extravagance of statement and imagination is not necessary. To sketch his life, just as he lived it, in simplest words and without adornment is sufficient to develop a painting of which any family may be proud and to furnish an example to all who may look to biography for inspiration and guidance.

It is my wish to discuss my friend as a man and as a public servant.

In personal appearance he was handsome, with broad forehead, clear complexion, and clean, clear blue eyes, in which were mirrored the kindliness and sympathy of his big soul. Physically he was not a big man, but there was a snap and grace about him at once attractive and indicative of great moral and mental force. He moved with the air of one who understood his purposes and had made up his mind to attain them. Any stranger passing him by on the street, with no knowledge of who he was, would have turned to take a second look at him, just as I imagine no one could have passed the great Napoleon without being struck with the mental suggestion that here is an unusual man, whose outward appearance evidences the vigor of his mental and moral qualities.

In manner he was suave, polite, cordial, and unaffected; in disposition, genial; and in his attitude toward others sympathetic and sincere. His personality was charming, delightful, magnetic, and coupled with this he was vouchsafed a rich imagination and an unusual power for felicitous expression. In addition to this, he was blessed with the divine art of bringing into action all of his faculties of mind and body to the best advantage at the opportune time. He was the complete master of himself in all respects, and accomplished his aims in life with the precision and directness of one who is in complete dominancy of self.

His magnetism was irresistible; it was impossible to know him, to come into contact with him, without falling under the inspiration of his thought and purposes. You were drawn to him, and, as it were, became a copartner with him the moment you crossed into the circle of his personality. You found yourself involuntarily thinking as he thought, feeling as he felt, wishing as he wished, and going as he went. Intimacy began with your first meeting, and your friendship for him lasted ever thereafter. The friendship you bore for him differed from that you held for all others of your acquaintances. There was in it a subtle quality which made it more than friendship, which elevated it to the pedestal of love. No one ever liked GEORGE LEGARE, each loved him. He was the type to whom you go when the heart is harrowed with sorrow and the mind is afire with doubt. You felt a reliance in his judgment and a certainty of his unreserved sympathy. No skeleton in the closet was so ghastly as to make you unwilling to uncover it to him in the fullest confidence. His appeal went to the stronger and at the same time gentler impulses of the heart. You respected his courage, trusted his judgment, and relied upon his confidence. These were the qualities which endeared him in such a remarkable degree to the membership of this House, and fixed for him a place in the affection of the people of his district and State rarely attained.

As a public servant, both in State and National affairs, he was able, courageous, alert, and patriotic. Considering the handicap under which he labored in this House, the impress of his influence upon its course is a splendid tribute to his ability and aggressiveness. Serving as he did most of the time as a Member of the minority party, his accomplishments for his district and State bear strong testimony to his worth and capacity as a legislator. No man with whom I have served had deeper convictions upon public questions than had he, nor is there any who held to them with greater tenacity. He was a splendid fighter, a superb organizer, and an eloquent advocate. His speeches came at infrequent periods, but they were well prepared, well conceived, comprehensively wrought, evidencing a thorough understanding of the fundamentals of representative Government, a broad sympathy with humanity, and an accurate forecast of coming events.

It is safe to predict that had he been spared to us, he would have become a leading figure in Congress, for in this body, where the doctrine of the survival of the fittest is so greatly emphasized, leadership comes as the result of conviction, preparation, courage, and ability. This is no place for the weak, either in mental or moral fiber, and GEORGE LEGARE was preeminently strong in both. It is sad, almost inexplicable, that with so much to live for, with the country in such great need of the kind of man he was, he should be cut down in the very fullness of that opportunity for service.

As a Representative his work was peculiarly trying and demanded a skill and diplomacy of the highest order. In addition to a number of rapidly developing agricultural counties, he was the especial spokesman—ambassador—of that historic city, the first to throw down the challenge in defense of the institutions of the old South and the last to readjust itself in accordance with the mandates of that most fearful of civil wars. Charleston, for the past two decades, has been taking on gradually but certainly a new civilization and giving up an old one which made her famous throughout the world. To represent accurately, to make the Nation understand it all, to bring about a mutuality of confidence between the people of

this city and the people of all the country, to lead, and yet not too rapidly, required a tact of which few can boast. GEORGE S. LEGARE vividly foresaw the coming glory of his State and the proud city of his birth, and recognizing the absolute necessity of establishing a cordial relationship between them and the Nation, he set himself assiduously to bring it about, and he did. A lesser man, with less of good common sense and of different personality, could not have accomplished it. It was a mission of the highest patriotism, and what he did in this respect for the State and for Charleston regardless of all else he accomplished for them will live in history as his most notable achievement in the affairs of men.

Of distinguished and aristocratic ancestry he, like so many others of this class, was forced by the fortunes of war to win his spurs unaided save by the endowment of Providence. Mr. LEGARE was in very truth a self-made man. Proud of the splendid records of his ancestors, he was not ashamed of the fact that at an early age he was forced to become a breadwinner and to fight his own battles. Out of all misfortunes there comes some good, and to his early struggles in life I attribute his splendid faith in the people and his confidence in their capacity for self-government. His sympathies were with the great body of the American people and to their welfare was devoted his chiefest energy. He believed implicitly in the wisdom of the Constitution of his country, and was profoundly convinced that the safety of our institutions, the happiness and prosperity of our people, lay in the perpetuation of representative government as given to us in the Constitution. One of his most impressive utterances upon the floor of the House was that in which he warned eloquently and earnestly against the tendency to depart from the broad principles of that great document, except after the widest discussion and most thorough deliberation.

And now, Mr. Speaker, as we mourn for him to-day may we not comfort ourselves with the thought that, though never again shall we have him with us, yet he has left to us the memory of a most loyal and unselfish friendship, the example of a life well lived, a battle bravely fought, a death courageously met?

I desire to insert in the RECORD excerpts from the Charleston News Courier touching the death of our beloved colleague, as a further evidence of the esteem in which he was held by those who knew him best.

The SPEAKER. Without objection, it is so ordered.

The matter referred to is as follows:

A city's people stand bowed in grief over the loss of a beloved friend and trusted leader. Multitudes were shocked and countless hearts were grieved when the news of the death of Congressman GEORGE S. LEGARE was read yesterday morning. In all walks of life men mourned his loss. Men who had known him spoke in hushed voices on the streets, and when they gathered in their homes his death was the topic that filled the minds of all.

Few sections of the United States were not represented in the telegrams of condolence that poured in yesterday. GEORGE LEGARE'S popularity in Congress was attested by the numerous and beautiful messages of love and affection from his congressional colleagues. Among these messages were tributes that filled the heart of the reader to overflowing. Some said of him that he was the best loved man of all the men in Congress. Especially touching were the large number of telegrams received from friends in Pickens, S. C., where he had spent his summers in recent years.

Going through the streets yesterday one saw on every side of him tributes of respect to the memory of the dead Congressman. The official flag of the city of Charleston floated at half-mast from above the city hall. The Stars and Stripes were likewise draped, as if in grief, on the top of the post-office building. Flags were at half-mast on many other buildings, including the German Artillery Hall and the Hibernian Hall, of both of which societies Congressman LEGARE had been a member for several years. One noticed several boats on the river to-day with flags at half-mast.

The praises of the lamented leader were not sung merely in the high places by those who had known him intimately. One heard expressions of the sincerest grief from men who had never met the Congressman, but who had merely seen him or heard him speak. The universal sentiment was that distressed humanity had lost a faithful friend when GEORGE LEGARE passed across the bar. The unanimity with which his name was lovingly mentioned, the high praise bestowed upon his lofty character, the sincere grief of his stricken friends were things to inspire all who noted them to live their lives so that when their call came their memory would be held in similar sacredness and affection by those they left behind them.

Below are printed a number of tributes to Congressman LEGARE, written by a few of the thousands who knew and loved him. There would not be space in a hundred newspapers to print all the tender and loving things that have been said about him since his death.

TRIBUTE OF RESPECT.

Fearlessness of responsibility, indomitable energy, tenacity of purpose, devotion to duty, liberality of disposition, and fidelity to friends were the characteristics of my lamented companion, GEORGE LEGARE. He was essentially a self-made man and through his own exertions "exacted from the grasp of reluctant fortune" that success which crowned his life. From early boyhood to the day of his death there existed between us that intimacy which gave me opportunity to know his worth and appreciate his merit. When in the fullness of his strength he accomplished his daily tasks and effectively performed the duties undertaken by him. He never betrayed those who believed in him, and reciprocity of gratitude was his guiding star. It is unutterably sad to realize that we shall be forever deprived of the sound of his cheery voice, of his genial smile, of his cordial greeting, of his hearty handclasp, of his wise counsel and inspiring patriotism, but our consolation is that we need never forget. He has left an heritage of which his family and friends may justly be proud and an example worthy of constant emulation by those who would be true to their God, their country, their home, and their fellow man.

M. RUTLEDGE RIVERS.

The loss of GEORGE LEGARE to his State and city is difficult to estimate. There was no worthy public cause to which he did not freely contribute his unexcelled talents, his time, and his means. Many accomplished public measures are his lasting monuments.

The bar of Charleston has lost its strongest jury advocate and his multitude of friends their most loyal, genial, and lovable companion.

B. A. HAGOOD.

With thousands of others I feel the loss of the Hon. GEORGE S. LEGARE. In the friendship we felt for the man and in the pleasure we had in his charming companionship we may have lost sight somewhat of the extent of his abilities and the brilliance of his career. He was a man of keen foresight and large perception, of strong character, and of marked eloquence. We can but feel that the career he had, brilliant as it was, would have been but the beginning of a far greater fame in the annals of the Nation had life and health been granted him.

ARTHUR R. YOUNG.

There was a magnetic lovableness about GEORGE LEGARE that made personal attraction nothing less than a power. Combined with this and with brilliant gifts was a boldness, a maturity, and decision of character strongly at variance with his youthful face and the genial smile that so often lighted it.

I have seen him in times of stress. His courage never faltered. He was cool, cheerful, and able. His sight was clear, and he was prompt to act when he saw. There are many who know and have profited by this quality in the man.

He filled a large place in the hearts of his friends. He made himself a notable figure in a large field. He will be missed and mourned by very many.

WM. HENRY PARKER.

GEORGE LEGARE was essentially a lovable man. Nature had endowed him with many characteristics which men praise and admire; he had many traits which made men recognize him as a man of genius and brilliancy; but when in close contact with him one forgot for the time his genius and brilliancy and simply loved him for the bigness of his heart and for his ready sympathy with the needs and aspirations of his fellows.

He was a lawyer of tremendous power; he was in many respects a statesman of large vision and of vigorous mentality; but more than these he was to those who knew him a true and generous-hearted friend, and as such will always be remembered and loved.

H. L. ERCKMANN.

As one of the thousands who knew GEORGE LEGARE—and to know him was to love him—will you allow me to add my feeble tribute to his memory?

I can think of no one whose death would bring more genuine sorrow into the homes of the people of his congressional district than that of my friend GEORGE LEGARE. Gifted with a peculiar charm of manner, he bound his friends to him with links of steel.

Generous to a fault, there was nothing too good for a friend. His word was his bond. There is no use to speak of what he accomplished for his congressional district; we are now reaping the reward of his labors. When time with its soothing hand allays the bitterness of our grief, the memory of his manly tenderness and charm will still be with us to brighten our onward journey, even unto the end.

WILLIAM H. DUNKIN.

The news of the final end of the Hon. GEORGE S. LEGARE is sad indeed. I had occasion to visit him at his home in St. Andrews on January 16, and while it was apparent that he was a very ill man I did not think he would pass away so soon.

His great power was his personality. He was a kindly man, with a warm heart and personal charm in his intercourse with his fellows that engendered a marked personal affection for him. This was the true foundation of his successful career as an advocate and the Representative of his district in Congress. Charleston owes much to this son of hers, whom she delighted to honor with her confidence. Requiescat in pace.

HENRY BUIST.

My sense of personal loss is so overwhelming I can scarcely trust myself to speak of GEORGE LEGARE'S death. We were boys together and throughout our entire life have been the warmest personal friends. His unusual success in life has always been the greatest source of gratification to me, and in his death I think the whole State, and particularly the community in which he lived and the district which he so ably represented, have sustained an irreparable loss.

As a public servant he was ever watchful, zealous, and untiring in his efforts to advance the interests of his constituents.

As a friend he was loyal to a degree of complete forgetfulness of self and would sacrifice any personal advantage at any time to serve his friend, and in this relation his loss will be most keenly felt and universally deplored.

As a man he was without reproach and his public and private life may well serve as an inspiration for generations to come.

His warm, welcome genial smile and close comradeship will never be forgotten by anyone who ever knew him or who was ever permitted to come within reach of its benign influence.

It is doubtful if this generation or the next will ever produce his equal.

W. J. STOBEN.

The death of GEORGE S. LEGARE has deprived his district of a valuable Representative, and in Congress his loss will be seriously felt. He will live long and lovingly in the memory of those who knew him, for to have had his friendship one enjoyed the companionship of a noble character. He was ever honest and steadfast to duty as he saw it; firm and faithful to any principle that he knew was right, to which was combined the tenderness of an ardent and a sympathetic nature that gave him a magnetic personality. GEORGE LEGARE was absolutely a self-made man, and in doing his life's work he gathered to him men of

every condition and in every walk in life, all of whom became his friends, so that to-day the banker, the mechanic, the merchant, and the laborer alike feel keenly the death of him whom they all knew and called "George." He was zealous and deeply devoted to his work in Congress for the good of his district, and but few of his constituents are aware of that which he accomplished by his energy, pluck, and attractiveness. It was in his home life, however, and with his closest friends that he was at his best. His ideals were the happiness of his father and mother, his wife and children, for whom he had built a future of comfort and contentment; this, alas, so soon has been wrecked. It is such characters as GEORGE LEGARE that make the world brighter and better. His duty has been properly and patriotically performed and he has made mankind his debtor. The regret occasioned by his death is as widespread as he was worthy and estimable, as he was high-minded, generous hearted, brilliant, and true.

H. A. MOLONY.

Mr. LEGARE'S qualifications as an advocate merit too high a praise to be spoken in a word. He appealed most to me through the deep sympathy which went out from him to his fellow men—all of them—and by the fact that he dedicated his life to practical services for them. If I may say so, it was the humanity of the man which won and rightly held for GEORGE LEGARE the real affection of his people.

ALFRED HUGER.

I have been intimately associated with GEORGE LEGARE since his early boyhood, and he was in every sense of the word a grand and noble man. Possessed with unusual ability and superb judgment, together with his personal magnetism, it was no surprise to those who knew him that he rose so rapidly once having entered on his public career. It will be difficult to find any citizen in our State who held such a firm hold upon the masses in every walk of life. Our city and our State has lost one of its noblest sons.

J. ELMORE MARTIN.

My conception of GEORGE LEGARE can not adequately be expressed in words. He was a courageous and masterful man, yet tender and sympathetic as a woman. A truer and more steadfast friend never lived. He was my bosom friend.

W. L. HARRIS.

Mr. AIKEN of South Carolina. Mr. Speaker, the good die young. Whoever first spoke these words probably had in his mind the thought that the world can ill afford to lose the good at any time. In the case of GEORGE SWINTON LEGARE they have a literal as well as figurative meaning. He was young in years, and he was good far beyond the ordinary application of the word. He had barely crossed the threshold of matured manhood. He was in that period of life which ordinarily marks a man's greatest promise of physical and mental vigor.

His mentality was abnormally broad and strong. His impulses were pure as a crystal spring, his actions governed by the inspiration of duty and the dictates of justice and fairness. His character was as clean as the driven snow. As man, as husband and father, as friend, he stood as the very highest type. As a citizen of the Republic, in his devotion to his obligations as such and in the more than conscientious discharge of his duties as a legislator, he was beyond compare. Verily, he died too young.

It is inexpressibly sad to contemplate the passing of a friend whose years were but few, as years are measured in the career of public men. At the time of his death GEORGE LEGARE was only 42 years of age. Of those little more than two score years he had spent 15 serving his State and his country. For 10 years he was a Member of this House. He and I came together to the Fifty-eighth Congress. From the very beginning of his service here until the very last he gave the best that was in him to his legislative work. Aye, Mr. Speaker, he gave his very life, for though the disease which means death had gripped him in its grasp, though he knew that to continue in his work meant for him the shortening of life, though dear ones implored and friends pleaded that he should give himself some respite, he never yielded to the soft entreaties, but firmly persevered until the silver cord was loosed and the golden bowl was broken.

We who saw and heard him on this floor, keenly attentive to every important measure, unvaryingly observant of everything that concerned his district and his State; participating in debate with the skill and eloquence of the born advocate; his colleagues on the committees of Foreign Affairs, and Banking and Currency, and Patents, who noted his assiduous labors there and were witnesses of the care with which he regarded every proposition, recognized the fact that the frail body of GEORGE LEGARE harbored an indomitable spirit, and paid him the silent tribute of profound respect.

But, Mr. Speaker, GEORGE LEGARE was more than respected. He was beloved by all who knew him. Why? Because he was the apostle of sunshine and of cheerfulness; because kindness fairly exuded from his personality; because "every smile was a benediction and all speech a blessing." It may be doubted if even his closest friends fully knew how utterly he sacrificed himself upon the altar of public duty, just what effort it cost him not to sadden them with even the semblance of suffering. When the inroads of his malady took too severe a hold upon his endurance, he hastened to some far-off spot partially to regain his waning powers, and after a brief season of rest and recreation he returned to his work with undaunted spirit and a smile on his face to reassure the anxious ones.

He preserved the best traditions of a distinguished ancestry, for he was of that family of Legare whose sons have ever been among the truest of the old Palmetto State. In the early days of the Republic Hugh Swinton Legare was a Representative in Congress after having been in the Diplomatic Service, and later was called by President Tyler into his Cabinet with the portfolio of the Attorney General. The earliest history of South Carolina finds the Legares in and near Charleston, and from that historic city our departed friend was sent to Washington. There he had earned his spurs as a lawyer, holding his own with the ablest members of the bar. There he served for five years as public prosecutor, relinquishing that important office only when he was called up higher to represent his district in the Congress of the United States. If he had been spared, who shall say that the Senate would not have become his forum, or that, like his ancestor, he would have sat at the President's council board?

Mr. Speaker, I have already referred to that trait in our friend's character which preeminently distinguished him—his sunny disposition. It so pervaded his whole existence that I feel I shall not violate the canons of good taste by expatiating upon him. GEORGE LEGARE was an optimist of purest ray serene. Not subjective merely, but objective in the highest degree. His optimism was contagious. It radiated from him to the farthest limit of those who were brought into contact with him. It was his gospel. He preached it from the housetops, as it were. He waged incessant warfare against the spirits of darkness and despair, and they fled before his onslaught. In his view the world was good and getting better all the time. For him there was no evil so great but that the fountain of his all-embracing catholicity found a remedy. And while he would never agree that anything could be so bad as to be beyond the possibility of cure, so he also held that nothing in this world is so good but that it may be better.

This beautiful optimism had its root I doubt not in an abiding faith in the promise of the life to come. I doubt not but that in his heart there always echoed and reechoed the words of the Master:

Come unto me, all ye that labor and are heavy laden, and I will give you rest.

In no other way could he have borne each day's sufferings with humble resignation nor ever turned a hopeful heart to the morrow. From that same fount sprang his love for his fellow men. The current of his thought flowed ever outward, ever toward others, ever toward places where burdens might be lightened or sorrows assuaged, and where the tears of grief might be dried by words and acts of kindness and sympathy.

He was thoroughly honest, not in deed alone but in thought. He accepted the trust reposed in him by his people with no mental reservation as to self. No motto fits him so well as that in the coat of arms of the Prince of Wales, "Ich dien," for service—true, faithful, watchful, unceasing service—was the badge of his whole career. Public office was to him no incentive to personal gain. He could see neither honor nor profit save in doing his fullest duty to his constituents, to his State, and to the Nation. He never compromised with wrong. To him black was black and white was white, and there was no intermediate shadings. Friend or foe always knew where to find him, for he went into battle with open visor. Democrat to the backbone, he never placed party above country, and his political adversaries always found in him a fair and generous opponent.

That upon the death of such a man there should have arisen a very symphony of sorrow is not surprising. I shall cite but a few of those mournful eulogies. One of his colleagues from a distant State said in his message:

He was the finest man I ever knew. No one could have better character or truer heart. He always stood for the best there was in life and legislation.

From men in his State came words like these:

There was no public cause to which he did not freely contribute his unexcelled talents, his time, and his means.

I have seen him in time of stress. His courage never faltered. He was cool, cheerful, and able. His sight was clear, and he was prompt to act when he saw.

He was in many respects a statesman of large vision and of vigorous mentality. But more than these he was to those who knew him a true and generous-hearted friend, and as such he will always be remembered and loved.

Gifted with a peculiar charm of manner he bound his friends to him with links of steel.

And, Mr. Speaker, the last one of these tributes from which I shall cite is the best of all, because it was paid by one who knew him all through life, and it epitomizes all that has been or can be said of him:

As a public servant he was ever watchful, zealous, and untiring in his efforts to advance the interests of his constituents. As a friend he

was loyal to a degree of complete forgetfulness of self, and would sacrifice any personal advantage at any time to serve his friend, and in this relation his loss will be most keenly felt and universally deplored. As a man he was without reproach, and his public and private life may well serve as an inspiration for generations to come.

Pomp and circumstance did not mark the last rites when the remains of GEORGE LEGARE were given, in beautiful Magnolia Cemetery, to the bosom of Mother Earth, but the great outpouring of the people was a magnificent tribute paid to the memory of their friend and neighbor. Over his last resting place no great mausoleum or cloud-piercing obelisk may be reared. More fitting will it be if the seed be sown from which will blossom flowers typifying the beauty and fragrance of his brief span of life. With each recurring spring, as a beautiful German song has it, they will blossom up from the heart of the dead and lift their heads toward heaven as an offering of love. In the hearts of his friends he built for himself a monument of love which can vanish only with the last heartbeat of the last one of them all.

To all that knew him he bequeathed the precious legacy of a spotless life; to his country, the memory of faithful service; and to posterity, the example of civic virtue.

Mr. DAVIDSON. Mr. Speaker, it is eminently fitting and proper that this hour should be set apart for services in memory of our dead colleague.

This arena, usually the scene of turmoil and strife, is to-day reverently peaceful and quiet.

To-day we have put aside partisanship, put aside the strife for legislative success. To-day we have forgotten that we are even legislators, and remember only that we are men, human men, with all the love and affection and sympathy that one human heart can have for another. We remember that we have lost a friend and brother, one who was especially near and dear to us.

GEORGE S. LEGARE was one of God's noblemen; no better man ever lived. He came here, nearly 10 years ago, as the Representative of the first district of South Carolina. He was a young man, as years measure life.

He looked upon the work before him as something real, something worth while, something worthy of his best energy, his highest ambition.

From the beginning of his service in this House he was an active, efficient worker. There never was any doubt as to where he stood upon any public question, and while he was always forceful in defending his opinions he was ever tolerant with those who differed with him.

He was always active in behalf of the interests of his district, and the building up of the Charleston Navy Yard and the improvement of the Charleston Harbor are monuments of his efficiency as a Representative.

When he first came to Washington he was a robust athlete of splendid physique.

It is said that "death loves a shining mark." Certainly, in this case, the "white plague" laid its withering blight upon a "shining mark," and it almost seems as if his life was required as a sacrifice in order that the Nation might be stimulated to greater effort to eradicate this dread disease.

At the instance of the present President of the United States, then Secretary of War, arrangements were made for Mr. LEGARE to take treatment at the Army sanitarium in New Mexico. Under this treatment he improved, and subsequently he spent his vacations in the mountain region of his own State, hoping that the air and climate of that section might aid him in his fight for health.

For a number of months the battle seemed to wage in his favor; but, true to a characteristic predominant in his make-up, he could not refrain from taking an active part in the campaign of last fall, not for his own reelection, because that was assured, but in behalf of a friend who had favored him. I fear this extra strain upon his already weakened constitution hastened his untimely death.

Be that as it may, those who knew him well feel certain that he would have gone to the aid of his friend just the same had he known in advance that such action would give an advantage to the malady with which he was contending.

Here on the floor of this House in the discharge of our legislative duties we find but little time for the cultivation of social relations.

It was my good fortune for several years to be intimately associated with Mr. LEGARE in a social way. We lived at the same hotel, we ate at the same table. Our families became intimate friends.

It is under such circumstances that you come to know men best and to better realize their true worth.

During all the years of that close and intimate association nothing ever occurred to lessen in any degree the esteem and love I had for this colleague. He was to me more like a brother than a colleague. In his presence I never realized that I was a Republican and he a Democrat; that I was from the North and he from the South; but I was always impressed with the fact that I was associating with a gentleman.

By birth, education, and environment he was a gentleman. It is not necessary for me to say that he was a southern gentleman, because, I take it, gentlemen are very much alike the world over. He, however, possessed all those characteristics and instincts which prompted him to do the gentlemanly thing instantly and under every and all circumstances.

He was a man, take him for all in all;
We shall not look upon his like again.

The congressional committee appointed to attend upon his burial realized when it arrived at Charleston that a city was in mourning. On every hand there was abundant evidence of the affection, esteem, and honor which the people of that city had for GEORGE LEGARE. Flags were at half-mast everywhere, and the thousands who gathered at the home, who were present at the church, and who, with bowed heads and tear-dimmed eyes, lined the streets over which the funeral cortege passed, gave evidence of the personal loss they had sustained.

As the long procession approached the Second Presbyterian Church, where a brief memorial service was to be held, and as the chimes rang out in sweet tones that beautiful hymn "Nearer my God to Thee, Nearer to Thee," with the knowledge that our dear friend had just crossed the river, it seemed as if we were a little "Nearer my God to Thee" than ever before.

At Magnolia Cemetery, in the shadow of the beautiful live oaks and amid a profusion of floral emblems, mute but beautiful tokens of the love and affection of his friends, we buried him.

Our duty there fully performed, we turned our faces again to the northward and to this Capitol, here to resume our legislative duties, but not soon to forget the splendid character, the noble qualities, and the kind heart of our friend whom we had left behind.

Less than two years ago the angel of death visited this afflicted home and took from it the youngest child, a most beautiful and loving little daughter. This sad blow came unexpectedly and as the result of an accident.

Mrs. Legare and the children were at their home. Mr. LEGARE had been in Washington, but at that hour was journeying homeward unconscious of the accident or what awaited him. A friend met him at the depot, partially apprised him of what had happened, and hastened him to the bedside of the injured child. The little one had appeared unconscious, and yet when he spoke to her and said, "Tiny, do you know me?" holding her little hands toward him she said, "Yes, daddy; I know you," and, with a smile still lingering on her lips, her eyes closed in death.

During all the years since this malady afflicted him Mr. LEGARE fought courageously for his life that he might be spared to care for his wife and family. He fought a good fight. He never faltered. He never surrendered, even to the last hour of his existence. And yet somehow I can not but feel that, relieved from all the pain and suffering, he passed from this world to the great beyond consoled with the thought that at least he would not be a stranger to everyone over there, but that he would find waiting for him little Tiny, with her sweet smile and outstretched arms, and he would hear her dear voice saying "Daddy, I am waiting for you."

To us it seems as if he was taken at almost the threshold of an active life, and yet he had done much for his city, much for his country, much for his friends and family, and we can well believe that the plans of an all-wise Providence are not made by chance, and that in the taking away of this splendid type of American citizen and public servant a lesson is taught to us that, if duly appreciated, will redound to the welfare of the Nation and the benefit of mankind.

The home life of Mr. LEGARE was ideal. He was a loving son, a devoted husband, a tender and thoughtful father. The parents, in their advancing years, are deprived of the joy and comfort which his coming always brought to them. The loss, however, of the bereaved wife and children is beyond reckoning. The one has lost a loving and devoted companion, the others a generous, kind-hearted parent.

May God in His loving mercy care for and protect them.

May the three sweet daughters, just budding into young womanhood, be shielded from every harm, and may the little boy "Billie" grow into manhood, having ever before him the recollection of the splendid character and noble achievements of his father, and become such a man as his father would have wished.

To the bereaved wife do we extend our deepest sympathy. She has been so brave and courageous through it all. For months she cared for the home and family of little ones while her heart was away out in the West with her stricken husband fighting for his life.

And then, through all these later years, how faithful and devoted she had been. Though her heart was breaking with the knowledge of what the end must be, she never faltered, but bravely discharged with much feeling and great tenderness every duty of wife and mother.

She will have such comfort and care as loving children and devoted relatives and friends can give, but she will miss, oh, so much, the love and companionship of the one who was so devoted to her.

May God comfort her as she sits alone amid the desolate ruins of a once happy fireside:

> Waiting, waiting, waiting for the touch of a vanished hand,
> For the sound of a voice that is still.

Mr. ELLERBE. Mr. Speaker, tears came unbidden to many in this Hall who had known and loved GEORGE LEGARE when, on January 30 last, the news came that the brave battle which he had been fighting with disease and death was over and that he had passed before us into the great beyond.

A peculiar sense of personal bereavement is felt when life goes out from those whom we deeply love. It is in this sense that the death of GEORGE LEGARE falls with crushing force upon those who had been his daily associates.

GEORGE—"Our GEORGE," as every man in his district knew him and as his friends in Washington loved to call him—had been always so ready to toss aside his own burdens in order to lighten a brother's load by helping him to bear it that his friends often forgot how heavy his burden of ill health must be. He was all light and sunshine, and we who were nearest him never realized what a Gethsemane he must have known in those hours when he came face to face with the knowledge that the life which had been so full of helpfulness and accomplishment must be closed while his hopes and ambitions were still at their height.

Many men would have become morbid, and under the weight of this knowledge would have lost heart for the struggle, but not GEORGE. Whether he were here or at home, his energy and work for his State and his district were unceasing, and so greatly did we all love him that we rivaled each other in carrying out the measures that he had planned. No congressional district in the United States was better served than the first district of South Carolina during GEORGE LEGARE'S 10 years in Congress.

Born of a line of ancestors who have contributed to our country many of her finest jurists and statesmen, GEORGE LEGARE early determined to be worthy of his distinguished name. It was his pride to tell of his own efforts toward the accomplishment of his ambition. Character and brain were more plentiful than money in Charleston during the seventies, and GEORGE LEGARE worked hard and saved the money with which he paid for his education at the South Carolina college. Having won the friendship of the late Col. George D. Tillman while at college, he was given a clerkship in Washington, and here he studied law and learned the elements of that legislative work to which he later brought so much ability and power. Having graduated in law at Georgetown University in 1893, he was admitted to the bar in South Carolina, and became associated with the firm of Murphy, Farrow & Legare, in Charleston. In the law his ability was soon acknowledged, and he took his place as one of the ablest members of the bar of Charleston. Here as in Congress his native ability, combined with his active brain, made him a wonderful jury advocate, and his fellow lawyers speak of him as a pleader of eloquence without a peer.

In 1902 he succeeded Col. William Elliott as Representative in Congress from the first district of South Carolina, and since then he may truly be said to have been a figure of national importance.

This is not the time nor the place to tell in detail of his work in Congress. We who have served with him know of the many measures for the good of his people which he accomplished, and his people realize what his life meant to them and, alas, what his death means, too.

His constituents were ever ready to place the seal of their approval upon his work, and he was reelected over and over again by majorities which showed how much his people loved him.

For several years the battle with disease, which ended on January 30, was fought steadily and bravely. President Taft, who admired and loved him, advised him to go to New Mexico in search of health and had him admitted to a Government sanitarium there. Seemingly he regained his strength, and although President Taft offered him, and was anxious for him to accept, a position in the Southwest, where the climate is high and dry, he declined because his heart turned ever back to South Carolina and his people, whose interests were dearer to him than life itself. For some time after his return to the East his health seemed to be restored, and even the rigors and uncertainties of a Washington winter left him apparently well; but the fatigue of a summer campaign and the exposure due to his desire to show all the hospitality for which Charleston is famous during the visit of the fleet to that port last fall proved too much for his newly regained health, and a severe cold contracted at that time marked the beginning of the end.

There was a feeling with GEORGE LEGARE of personal pride and love for the gallant war vessels which rode so proudly in Charleston Harbor last October, for one of them had been named in his honor. President Roosevelt, like everyone who came within the magic sphere of GEORGE LEGARE'S influence, loved him, and in his honor named the dreadnought *South Carolina*. This was but an evidence of GEORGE'S popularity among Republicans as well as Democrats. As true as steel to his own party and to his friends, he was nevertheless always ready with his happy faculty of telling a story to bring a smile to the lips and happiness to the hearts of men regardless of their political or religious creeds.

Some one has spoken of him as "a typical southern gentleman and a typical southern politician." Oh, that the latter were deserved and that his life might be the ideal of those who ask us to consign our interests into their hands!

> He was a friend of truth, of soul sincere;
> In action faithful, and in honor clear;
> Who broke no promises, served no private ends,
> Sought no title, and forsook no friends.

His manly, kindly face will be missed in the House, and the cloakrooms and corridors will miss the brightness of his magnetic smile. But though he be dead, the sunny influence which his presence lent will be always with us, while the kindness of his generous heart and gallant nature can never be forgotten. Hundreds of loving friends who in the sunlight of his genial presence had learned to admire and love him—to love him for his manly characteristics, his nobleness of nature, his purity of heart, his deep affection—are overcome with that grief which silence, not language, can alone express.

I say here, while my heart is aching for the friend who has left me, that he was to me a brother, for there are ties stronger than kinship, closer than blood, they are the relationships of the heart, and by every bond of love and congeniality I say GEORGE LEGARE was a beloved brother.

Eulogies may express faintly the present sorrow, but they can not depict the permanency of the pain that fills the hearts of those who have been left behind for a while.

The world to-day is darker because our friend has gone, but it does seem to me that Heaven must be brighter since the pearly gates were flung wide and GEORGE LEGARE entered in.

Mr. BYRNES of South Carolina. Mr. Speaker, I was born and reared in the city of Charleston, where GEORGE LEGARE resided, and it was my good fortune to know him ever since my boyhood days. He was the son of Edward T. and Kate Malcolmson Graves Legare, and he was born at Rockville, Charleston County, S. C., in 1870. Though he came of one of the most distinguished families in the State, his parents were possessed of but little means. I think it is true that they were what we in South Carolina call "land poor," and it was not without difficulty that GEORGE was able to secure an education. He attended Porter Military Academy, from which he was graduated with honors in 1889. He then attended the law school of South Carolina University for two years, after which he studied at the Georgetown University law school in this city. While at Georgetown he secured employment in various capacities in the city in order to assist in paying for his tuition and his maintenance. His thirst for knowledge was great, and, overcoming all obstacles, he graduated with the degree of LL. B. in 1893 and immediately returned to Charleston, where he entered actively into the practice of the law as a member of the firm of Murphy, Farrow & Legare. In 1898 he was elected corporation counsel for the city, which position he held until he was elected to the Fifty-eighth Congress. My earliest recollection of him is when I, as a boy, visited the courthouse at Charleston and heard him eloquently pleading the cause of a client. I can recall with what rapt attention I listened to him and how quickly he won my boyish sympathy for the cause he advocated. Other Representatives who were associated with him here during his entire service have referred to his capacity and his ability as a legislator;

but those who knew him only during the last few years can not comprehend or appreciate the talents of the GEORGE LEGARE I knew at the bar in Charleston, when he possessed robust health and before he was attacked by the dread disease which finally took him from us. As an advocate in the courthouse he had no equal in the State of South Carolina. Endowed by Providence with gifts most rare, with an astute mind, a musical voice, a keen sense of humor, and a sunny disposition that drew men to him and held them, it was but a short while before he had a large clientele, and while he practiced law there was hardly a case of any importance tried in the courts of his county in which he was not employed. He was equally the master of pathos and humor, and was never more at home than in the trial of a cause. He could reason with irresistible logic to the court and afterwards just as easily draw tears from the eyes of the jury by a sympathetic appeal. His own generosity and experience, which had brought him into contact with the unfortunate, permitted him to speak from his heart, and his eloquent and passionate appeals contributed to his success as an advocate. As an artist plays upon the strings of a musical instrument, so would he play upon the feelings of his listeners, and rarely did he fail to awaken in their hearts a responsive chord. As his reputation as an advocate grew he was associated in the trial of damage suits in many counties of the State, and I recall that he represented the plaintiff in a case in which there was rendered against the Southern Railway the largest verdict in the history of the courts of the State.

During the years in which he practiced law he became known to every inhabitant of the city in which he lived. This was due to what was perhaps the most distinguishing trait of his character—his democracy. It was not the democracy of a demagogue, but of a man who loved mankind and was loyal to his friends. With his distinguished ancestry and his charming personality he was welcomed in the most aristocratic circles in that most aristocratic of cities, Charleston, and he was yet the friend and companion of the poor and the uncultured of that city. He made friends of all men, regardless of political affiliation, religious creed, or racial characteristics. 'Tis true that he brought sunshine into the lives of many, and darkness into the life of no man. He saw only the good in men, refusing to believe that which was not good.

Possessed of these virtues it is not suprising that when he sought to represent his district in the Fifty-eighth Congress he was elected, and that ever since that time, though he has had opposition once or twice, he has been reelected by overwhelming majorities.

With his service here you are familiar. The same lovable disposition that had won friends for him at home soon made him one of the most popular Members of the House, and the same qualities of mind that had won success for him at home soon made him one of the leaders of this body. He was, above all, an honest legislator. In this, and I presume in every legislative body, there are some men who have not the courage of their own convictions, who, through fear or to satisfy a supposed sentiment among the voters, a sentiment often manufactured by selfish interests, will vote for measures against their own honest convictions. LEGARE was not of them. He had the courage of his convictions. He hated insincerity and despised demagoguery. Instead of sacrificing his views he would vote for what he believed to be right, and if it was not in accord with a request made of him by some of his constituents he would then undertake to prove to them that his was the correct view. His sincerity and honesty were quickly recognized by his constituency and his political success should inspire other legislators to fearlessly stand by their convictions at all times.

Though for the last few years he was in ill health, he continued to labor in behalf of his people, and the manly way in which he bore his suffering and optimistically looked to the future commanded the admiration of his friends. His ill health did not lessen in the least his abundance of good nature or affect the spirit of mischief which often made us regard him as but an overgrown boy. Every member of our delegation has at some time or other been the victim of one of his practical jokes, and one of his most intimate friends tells me that but a few hours before he passed into the great beyond, when he knew the end was near, the same spirit of mischief prompted him to tease the father he loved so well and who was to him a companion as well as a father.

GEORGE was loyal to every friend as well as to every trust, and too much can not be said of this trait in a man's character. He was loved by men because he loved them. He was a better friend to everybody than anybody is to anybody. He loved all mankind, and in his personal associations exemplified the doctrine of "loving his neighbor as himself." It is small wonder that when we went to Charleston to pay the last sad tribute to his mortal remains hundreds of people were unable to gain admission to the church where the funeral services were held. From my knowledge of those people I know that they came from every walk in life, people of all nationalities and of all creeds, and as his body was borne away the tears that fell from the eyes of strong men, as well as from gentle women, gave proof of the fact that it was no idle curiosity that brought them there, but that it was their last tender tribute to one whom they loved.

His body now rests in beautiful Magnolia, on the Cooper, but his memory lives and will ever live in the hearts of those whose good fortune it was to know him.

Mr. ELLERBE assumed the chair as Speaker pro tempore.

Mr. FINLEY. Mr. Speaker,

An age which passes over in silence the merits of the heroic deserves as a punishment that it should not bring forth such a one in its midst.

We are met to-day to do honor to the memory of GEORGE S. LEGARE, late a Representative from the State of South Carolina, and in assembling to commemorate the virtues and cherish the example of one whose life was spent in the public service we perform a duty which we owe not only to the departed dead but to ourselves and to future generations.

GEORGE SWINTON LEGARE was born at Rockville, on Wadmalaw Island, Charleston County, S. C., in 1870. He was the son of Maj. Edward T. and Kate Malcomson Graves Legare, and came of a family distinguished in the history of South Carolina. This family was one of the large number of Huguenot families whose founders came to America and settled in the lower part of South Carolina during the years 1685–86. Contemporary writers describe these settlements and the character of the people with great admiration, and it was of this colony that Gen. Lawson said:

They have no differences among themselves; union hath propagated a happy and delightful concord in all matters throughout the whole neighborhood; living among themselves as one tribe or kindred, every one of them making it his business to be assistant to the wants of his countrymen, preserving his estate and reputation with the same exactness and concern as he does his own; all seeming to share in the misfortunes and share in the advancement of their brethren.

Of such stock did GEORGE LEGARE spring, and many of their characteristics we see reproduced in him. When a boy he moved to Charleston, where he earned the money with which to pay for his education at the Porter Military Academy, graduating with honors in 1889. He attended the University of South Carolina for two years, and later, a clerkship, which he secured at Washington, enabled him to complete the law course at Georgetown University, where he graduated with the degree of LL. B. in 1893. Returning to Charleston he was admitted to the bar of South Carolina and entered upon a large and lucrative practice, in the discharge of which his ability soon placed him among the leaders of the Charleston bar. As a jury advocate he was especially able, throwing his whole soul into every speech that he delivered, and speaking with an eloquence that earnestness of conviction and a winning personality made most effective. In 1893 Mr. LEGARE married Miss Frances Izlar, daughter of the late Judge and Mrs. James F. Izlar, of Orangeburg, and to them were born six children, four of whom are living. In 1898 he was elected corporation counsel of the city of Charleston and held that position until 1903, when he was elected to represent the first South Carolina district in Congress. He was reelected to the Fifty-ninth, Sixtieth, Sixty-first, and Sixty-second Congresses, and was in November reelected to the Sixty-third Congress, which convenes on March 4 next. As a Representative in Congress, Mr. LEGARE reflected great credit on his district and his State by the ability with which he discharged his duties. Possessed of a mind of unusual brilliance, strengthened by education and broadened by culture, he made himself master of any subject to which he devoted his attention. While essentially a Democrat and a partisan his breadth of outlook comprehended the needs of the whole Nation, and his desire for its welfare marked him as possessing that trait which distinguishes the statesman from the politician. Mr. LEGARE was always a hard and conscientious worker, and even in the later years, when failing health made the discharge of his public duties increasingly difficult, he remained at his post of duty and accomplished much of benefit, both to his constituents and to the country at large. He secured many needed improvements for his district, among them money with which to build the new immigration station at Charleston, appropriations for the Charleston Navy Yard, and for the deepening of the Ashley River. He was instrumental in securing the passage of a bill for a new battleship, and in recognition of his services the ship was named *South Carolina*.

Although last winter in a weakened condition of health, which hardly permitted of his remaining in Washington, he delivered two speeches on the floor of the House which evoked

favorable comment from all parts of the country. His speech against the recall of judicial decisions was a potent factor in defeating the admission of Arizona as a State while this objectionable feature remained in her constitution. He also took a leading part in the fight for the abrogation of the treaty with Russia, because of her persecution of the Jews, and as a token of their esteem he was presented last year with a gift by his Jewish friends in Charleston.

There remains another side of his character which perhaps contributed more largely than anything else to his great success in life. In addition to high ideals he possessed in an unusual degree the happy faculty of making friends. His was a personality so winning and magnetic that he seemed to make friends without effort, and the friendships once acquired his charm of manner and lofty character always retained. Loyalty to his friends was one of the guiding principles of his life. He was an optimist in friendship, looking for the good in people and trusting them as long as they would let him. To such a person the world acts as a mirror, giving back always the kind of treatment accorded it. As a result GEORGE LEGARE numbered his friends almost by his acquaintances, and if, as the proverb says, "There are as many uses for friendship as for fire and water," then GEORGE LEGARE possessed one of the essential things of life in an unusual degree. He was the most generally popular man the city of Charleston has produced since the Civil War, and of all the Members of this House there was probably no one better loved than he. The sense of loss felt at his passing is general and very great. In the termination of such a life as his we can not but feel great sorrow; yet if we believe with the poet, that "The living are the only dead; the dead live nevermore to die," we know that it is not for the dead themselves we sorrow, but for the vacant place their going makes with those who are left behind. I can not better sum up the life lived by GEORGE LEGARE than in the words of William II of Germany:

To be strong in pain; not to desire what is unattainable or worthless; to be content with the day as it comes; to seek the good in everything and to have joy in nature and men, even as they are; for a thousand bitter hours to console one's self with one that is beautiful, and in doing and putting forth effort always to give one's best, even if it brings no thanks. He who learns that and can do that is a happy man, a free man, a proud man; his life will always be beautiful.

Mr. Speaker, I ask unanimous consent that all Members of the House who wish so to do may have leave to print remarks in the RECORD relative to the life, character, and public services of the late GEORGE S. LEGARE.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FINLEY resumed the chair as Speaker pro tempore.

ADJOURNMENT.

The SPEAKER pro tempore. In accordance with the resolution previously adopted, the Chair declares the House adjourned until 10.30 o'clock to-morrow morning.

Accordingly (at 8 o'clock and 28 minutes p. m.) the House adjourned until to-morrow, Monday, February 24, 1913, at 10.30 o'clock a. m.

SENATE.

MONDAY, *February 24, 1913.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint resolution passed by the Legislature of the State of Nevada, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Senate and assembly joint resolution memorializing Congress.

Whereas there is pending in Congress a House of Representatives bill known as H. R. 25518, which provides for the construction of an efficient and practical fishway in the Derby Dam, which is owned and controlled by the United States Reclamation Service, and in the Truckee River, Washoe County, and appropriating money for the construction thereof, and introduced by Mr. RAKER on June 27, 1912: Therefore be it

Resolved, That the people of this State, through their representatives in this the twenty-sixth session of the legislature, most heartily recommend the passage of the bill, to the end that effective provision may be had for the passage of the trout of this stream and those of Pyramid Lake during their spawning season, to enable them to reach their spawning beds in the upper stretches of the Truckee River for the purpose of reproduction; and be it further

Resolved, That the secretary of state is instructed to at once forward copies of this memorial to the President of the United States, the President of the Senate, and Speaker of the House of Representatives, and to our United States Senators and Representatives in Congress.

Approved February 17, 1913.

STATE OF NEVADA, *Department of State:*

I, George Brodigan, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original senate and assembly joint resolution, approved February 17, 1913, now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State at my office in Carson City, Nev., this 18th day of February, A. D. 1913.

[SEAL.]

GEORGE BRODIGAN,
Secretary of State.
By J. W. LEGATE,
Deputy.

The PRESIDENT pro tempore presented a joint resolution passed by the Legislature of the State of Oregon, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 12 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 14th day of February, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 15th day of February, A. D. 1913.

[SEAL.]

BEN W. OLCOTT,
Secretary of State.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

GENTLEMEN: Your memorialists, the Legislative Assembly of the State of Oregon, respectfully urge that House bill No. 2981, introduced by Mr. LAFFERTY April 10, 1911, and having for its purpose the creation of Saddle Mountain National Park, be enacted into law.

Saddle Mountain is the natural water reserve for a vast extent of the Oregon coast, which is rapidly developing into a continuous beach resort, extending from the mouth of the Columbia River south to Tillamook Head, a distance of more than 20 miles. These beach resorts obtain their water supply from the streams that rise on the western slope of Saddle Mountain. The preservation of the water supply of this territory by means of creating Saddle Mountain National Park is of vital importance to the State of Oregon.

The lands within the boundaries of this proposed public park are described as follows: The south half and the northeast quarter of section 7, the west half and the southeast quarter of section 8, the southwest quarter of section 9, the northwest quarter of section 16, and the north halves of sections 17 and 18, in township 5 north, range 8 west; and the southwest quarter of section 27, the southeast quarter of section 28, the north half of section 33, the northwest quarter of section 34, the northwest quarter and the southwest quarter of section 28, and the northeast quarter and the southeast quarter of section 29, in township 6 north, range 8 west of the Willamette meridian.

Adopted by the house February 11, 1913.

C. N. MCARTHUR,
Speaker of the House.

Adopted by the senate February 8, 1913.

DAN J. MALARKEY,
President of the Senate.

[Indorsed: Senate joint memorial No. 12, by Senator Lester. J. W. Cochran, chief clerk. Filed Feb. 14, 1913, at 5.45 o'clock p. m. Ben W. Olcott, secretary of state.]

Mr. CULLOM presented memorials of sundry citizens of Bluford, Marlow, and Opdyke, all in the State of Illinois, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of Samuel Ashley Chapter, Daughters of the American Revolution, of Claremont, N. H., praying for the enactment of legislation to prohibit the desecration of the flag of the United States, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of sundry citizens of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. SMITH of Arizona. I present a joint memorial adopted by the Legislature of the State of Arizona relative to an appropriation of $25,000 for the construction of a bridge across the Colorado River at Yuma, Ariz. I ask that the memorial be printed in the RECORD and be referred to the Committee on Commerce.

There being no objection, the memorial was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Memorial to the Senate and House of Representatives of the United States of America in Congress assembled.

Your memorialists, the First Legislature of the State of Arizona, in session convened, respectfully represent:

Whereas an urgent necessity exists for means, in addition to railroad transportation, whereby traffic can be carried on across the Colorado River between the States of Arizona and California, not only connecting localities within the two States, but also bridging an annoying and detrimental gap in one of the few feasible all-around-the-year routes between the Pacific coast and the rest of the United States; and

Whereas the State of Arizona, exhibiting its good faith and its desire to promote this advantage not merely to its own people and the people of the State of California, but to the people of the whole country, particularly at this time, when the citizens of other States are making plans to attend California's historic expositions in 1915, traveling by their own modes of conveyance, has enacted a law appropriating the sum of $25,000 to pay one-third the estimated cost of a bridge across the Colorado River from Penitentiary Hill, in the town of Yuma, State of Arizona, to School Hill, on the Yuma Indian Reservation, in the State of California, contingent upon like appropriations by the State of California and the Congress of the United States for such a bridge; and

Whereas the Legislature of the State of Arizona has given notice to the Legislature of the State of California of the appropriation by the State of Arizona for this purpose, and has memorialized said legislature to join with the State of Arizona and the Government of the United States of America in the said undertaking: Now therefore

The Legislature of the State of Arizona, in session convened, respectfully pray and urge the Congress of the United States to make an appropriation of $25,000 for this purpose.

Passed the senate unanimously February 13, 1913.

W. G. CUNNIFF,
President of the Senate.

Passed the house on the 17th day of February, 1913, by a vote of 31 ayes, 1 no, 3 absent.

H. H. LINNEY,
Speaker of the House of Representatives.

Mr. SMITH of Arizona presented a memorial of sundry citizens of Phoenix, Ariz., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. LODGE presented a petition of the Boston Section, Council of Jewish Women of Massachusetts, praying that an appropriation be made for the enforcement of the white-slave law, which was referred to the Committee on Appropriations.

He also presented a petition of members of the Massachusetts Peace Society, praying for the repeal of the provision exempting coastwise vessels from the payment of tolls in the Panama Canal, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 28746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors (Rept. No. 1292); and

H. R. 28672. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors (Rept. No. 1293).

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 4662) for the relief of Charles Richter, reported it with an amendment and submitted a report (No. 1294) thereon.

Mr. WILLIAMS, from the Committee on Military Affairs, to which was referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 6775. A bill to grant an honorable discharge to David Steers (Rept. No. 1296); and

H. R. 16993. An act for the relief of Mathew T. Fuller (Rept. No. 1295).

Mr. WILLIAMS, from the Committee on Military Affairs, to which was referred the bill (S. 5056) to remove the charge of desertion from the military record of the late David S. Merwin, submitted an adverse report (No. 1297) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. BRADLEY, from the Committee on Pensions, submitted a report (No. 1298) accompanied by a bill (S. 8576) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 7091. J. N. Culton.
S. 7222. Hiram Lay.
S. 7261. William L. Brown.
S. 7284. Emanuel Sandusky.
S. 7285. Harvey Key.
S. 7399. William F. Niederriter.
S. 8081. Mary J. Swift.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 8575) to authorize the town of Okanogan, Wash., to construct and maintain a footbridge across the Okanogan River; to the Committee on Commerce.

By Mr. JOHNSON of Maine:

A bill (S. 8577) authorizing the construction of a railroad bridge across the St. John River, between the town of Van Buren, Me., and the parish of St. Leonards, Province of New Brunswick, Dominion of Canada; to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WORKS (for Mr. CLAPP) submitted an amendment proposing to appropriate $51,520 to pay for additional books authorized to be furnished under section 220 of the act to codify, revise, and amend the laws relating to the judiciary, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. CLARKE of Arkansas submitted an amendment proposing to appropriate $237,840 for labor and material required in the installation of a drainage system in the city of Hot Springs to care for storm waters from the mountains of the Hot Springs Reservation, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHEPPARD submitted an amendment authorizing the Secretary of War to use for replacing and repairing the electric light and telephone cable and the water main between the city of Galveston, Tex., and the immigration station on Pelican Spit, the unexpended balances of the appropriations for construction of water main to supply water to the immigration station at Galveston, Tex., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULLOM. I submit an amendment proposing to appropriate $2,000 for the purchase of two portraits, one of the late Senator Justin S. Morrill, of Vermont, and the other of the late Senator John Tyler Morgan, of Alabama, intended to be proposed by me to the sundry civil appropriation bill. I hope the purchases will be made. I move that the amendment and accompanying papers be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. SMOOT submitted an amendment proposing that out of any money appropriated for the transportation of American citizens fleeing from threatened danger in the Republic of Mexico there shall be paid by the Secretary of War to the Mexican Northwestern Railway Co. the sum of $7,245, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—JOSEPHINE F. VIOLLAND.

On motion of Mr. WORKS (for Mr. CLAPP), it was

Ordered, That the papers accompanying the bill S. 8841, Sixtieth Congress, second session, for the relief of Josephine F. Violland, be withdrawn from the files of the Senate, no adverse report having been made thereon.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CURTIS. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. CURTIS, Mr. SMOOT, and Mr. SMITH of Maryland conferees on the part of the Senate.

Mr. SMOOT subsequently said: Mr. President, this morning I was appointed one of the conferees on the diplomatic and consular appropriation bill. I ask to be relieved from that service. The Senator from Kansas [Mr. CURTIS] will suggest another name.

Mr. CURTIS. I suggest that the Senator from Pennsylvania [Mr. OLIVER] be appointed.

The PRESIDENT pro tempore. The Senator from Utah will be relieved, at his own request, as a conferee, and the Senator from Pennsylvania [Mr. OLIVER] will be appointed in his place.

CALLING OF THE ROLL.

Mr. CULLOM. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Illinois suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Culberson	Lodge	Root.
Borah	Cullom	McCumber	Sheppard
Bourne	Foster	McLean	Simmons
Bradley	Gallinger	Martin, Va.	Smith, Mich.
Brady	Gamble	Myers	Smith, S. C.
Bristow	Gronna	Nelson	Smoot
Bryan	Jackson	Newlands	Stone
Burnham	Johnson, Me.	O'Gorman	Swanson
Burton	Johnston, Ala.	Oliver	Thomas
Catron	Jones	Overman	Tillman
Chamberlain	Kavanaugh	Page	Webb
Clapp	Kenyon	Percy	Wetmore
Crawford	Lea	Perkins	Works

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Fifty-two Senators have answered to their names. A quorum is present.

RIVER AND HARBOR BILL.

Mr. NELSON. I move that the Senate proceed to the consideration of House bill 28180, the river and harbor bill. After the motion is put I will yield for morning business.

The PRESIDING OFFICER. The Senator from Minnesota moves that the Senate proceed to the consideration of House bill 28180, known as the river and harbor bill. Is there objection? The Chair hears none, and it will be so ordered.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of Mr. NEWLANDS, after line 10, page 65, to insert the following as a new section:

SEC. 3. That for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end for the storage of flood waters in the watershed of such navigable rivers, including the beneficial use and control of such flood waters, in the maintenance so far as practicable of a standard flow for navigation, the reclamation of arid and swamp lands, and the development of water power; and for the protection of watersheds from denudation, erosion, and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies, in plans and works having in view such river regulation and control, the sum of $5,000,000 annually for each of the years following the 1st day of July, 1913, and up to the date of the completion and opening to commerce of the Panama Canal, and thereafter the sum of $50,000,000 annually for each of the 10 years following the completion of the Panama Canal, is hereby reserved, set aside, and appropriated and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury to be known as the river-regulation fund.

That of the said river-regulation fund, until otherwise directed by law, one-tenth thereof shall be apportioned to the rivers on the Atlantic coast, one-tenth thereof to the rivers on the Gulf coast outside of the Mississippi River, one-fifth thereof to the Mississippi River from St. Louis to the Gulf, one-tenth thereof to the Missouri River and its tributaries, one-tenth thereof to the Ohio River and its tributaries, one-tenth thereof to the upper Mississippi River above St. Louis and its tributaries, one-tenth thereof to the Sacramento and San Joaquin Rivers and their tributaries in California, one-tenth thereof to the Columbia and Snake Rivers and their tributaries in Oregon, Washington, and Idaho, and one-tenth thereof in the connection of the Great Lakes with the Ohio and Mississippi Rivers.

That a board is hereby created, to be known as the Board of River Regulation, consisting of the Chief of Engineers of the United States Army, the chairman of the Panama Commission, the chairman of the Board of Review of the Engineer Corps of the Army, the chairman of the Mississippi River Commission, the Director of the United States Geological Survey, the Chief of the Weather Bureau, the Forester of the Department of Agriculture, the Director of the Reclamation Service, the Chief of the Drainage Division of the Department of Agriculture, the Secretary of the Smithsonian Institution, one hydraulic engineer, one sanitary engineer, and one electrical engineer; the last three to be appointed by the President and to hold office at his pleasure, and each to receive an annual compensation of $7,500, payable out of the river-regulation fund.

The Chief of Engineers shall be the chairman of such board, and the secretary shall be annually elected by the board from its members.

That the functions of said board shall be to investigate and obtain full information concerning all matters involved in or specifically related to the objects set forth in this section, and for such purpose is authorized to expend a suitable and necessary proportion of the moneys therein appropriated; but said board shall not expend or incur liability for the expenditure of any money for the construction or execution of plans or projects without the specific approval of Congress, as hereinafter set forth; that said board is hereby authorized and directed to enlist through the President the services of any Federal department or bureau the statutory authority of which may involve investigations or constructive work that is necessary or desirable in the comprehensive performance of the objects set forth in this section, and to bring into cooperation and to harmonize and unify the work of said departments or bureaus as may be necessary to provide against duplication or unwarranted or incomplete work with respect to the objects herein provided; and that said board is authorized to defray the expenses of such investigations or assistance to the extent of the ultimate cost thereof to said departments or bureaus through a transfer of equivalent proportions of the appropriation herein provided.

That the board shall develop, formulate, and prepare plans for the accomplishment of the purposes herein provided, and shall report the same to Congress annually and at such other times as may be required; and whenever the recommendations or any parts thereof in said report shall receive the approval of Congress the said board shall proceed to construct and execute the same in accordance with the plans so approved: *Provided*, That the provisions of this section shall be so administered as in no way to supersede or conflict with any specific provisions which Congress shall from time to time make by way of appropriations other than such as are made by this act for work and improvements to be performed or maintained by the Corps of Engineers, United States Army, but that all work prescribed under this section shall be supplemental to and coordinated with the work as specifically prescribed by Congress in other acts.

That the board shall in all cases where possible and practicable encourage, promote, and endeavor to secure the cooperation of State and local government bodies, public and quasi public corporations, private associations, and persons in carrying out the purposes and objects of this act, including the securing of the financial cooperation of said parties; that it shall negotiate and arrange plans for the apportionment of work, costs, and benefits, and to secure the agreement and consent of said parties, contingent upon the final approval of same by Congress as herein provided, which approval and consent may include the acceptance and use of any funds or property donated or subscribed or in any way provided for cooperative work; but no moneys shall be expended under any arrangement for cooperation approved by Congres until the funds to be provided by the parties to such arrangement shall have been made available for disbursement.

[Mr. NELSON yielded for the transaction of certain routine business, which appears under the appropriate headings.]

Mr. LEA. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Tennessee will state it.

Mr. LEA. Are we considering morning business?

The PRESIDENT pro tempore. The Chair so holds.

Mr. LEA. Then what was the motion of the Senator from Minnesota?

The PRESIDENT pro tempore. He made a motion to proceed to the consideration of the river and harbor bill, and it was agreed to.

Mr. LODGE. The Senator from Minnesota moved to proceed to the consideration of the river and harbor bill. That motion was agreed to.

Mr. LEA. That was not a unanimous consent under the previous unanimous-consent agreement?

Mr. LODGE. Not at all.

Mr. LEA. It was not under the first agreement, that immediately upon the conclusion of the morning business the Senate will proceed to the consideration of House bill 22593, the bill providing for the physical valuation of railroads, and so forth.

Mr. NELSON. That is subject to appropriation bills.

Mr. LODGE. It is subject to appropriation bills and conference reports.

The PRESIDENT pro tempore. The Chair so understands.

Mr. SMITH of South Carolina. I should like to make an inquiry. After the consideration of the pending matter, will we then have an opportunity under the unanimous-consent agreement to recur to morning business after the close of the morning hour for the day?

Mr. NELSON. I suggest that after we have disposed of the river and harbor bill we shall then take up morning business for a few moments.

Mr. SMITH of South Carolina. The reason why I make the request is that I wish to make a motion, and if the Senator from Minnesota will allow me, I will serve notice now that to-morrow I shall move to discharge the Judiciary Committee from the further consideration of the bill (H. R. 56) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations, and I shall submit some remarks thereon.

PACKAGES UNDER FOOD AND DRUGS ACT.

Mr. OLIVER. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 22526.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives on the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OLIVER. I move that the Senate insist on its amendments, and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. OLIVER, Mr. LA FOLLETTE, and Mr. SMITH of South Carolina conferees on the part of the Senate.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Nevada [Mr. NEWLANDS].

Mr. LODGE. Mr. President, on that amendment I desire to make a point of order. The amendment involves a policy of great magnitude and commits the Government to an expenditure of some $500,000,000, which seems to me to be a large amount, although I may appear to be a person of contracted ideas in saying so. Certainly it is general legislation, pure and simple, and I make the point of order against it.

The PRESIDENT pro tempore. The Senator from Massachusetts makes the point of order that the amendment proposed by the Senator from Nevada is general legislation. The Chair sustains the point of order.

Mr. NEWLANDS. Mr. President, with reference to what amendment was that made?

The PRESIDENT pro tempore. The Senator's amendment, which was submitted on Saturday last.

Mr. NEWLANDS. I did not hear the motion of the Senator from Massachusetts. May I inquire what it was?

The PRESIDENT pro tempore. The Senator from Massachusetts made a point of order that the amendment is general legislation on an appropriation bill, and the Chair sustains the point of order.

Mr. NEWLANDS. Mr. President, I shall speak generally regarding the pending bill, in continuation of my remarks of last Saturday.

The debate which progressed between the representatives of the three lower States on the Mississippi River—Louisiana, Mississippi, and Arkansas—and the representatives of the upper States—Illinois, Iowa, and Missouri—indicates how inefficient is the system of river development under which we are now and have been for years working.

What was that contention? The representatives of the lower Mississippi States succeeded some years ago in securing the organization of the Mississippi River Commission. That commission was composed of three engineers of the Engineer Corps of the Army, the Chief of the Coast and Geodetic Survey, a lawyer and two civil engineers appointed by the President, thus furnishing an example of the coordination of services called for by the amendment for which I have been contending and called for by the river-regulation bill, which I have been urging in Congress ever since 1907.

The representatives from the lower Mississippi then realized the necessity of relying not simply on the Engineer Corps of the Army but of bringing in cooperation with that corps the Chief of the Coast and Geodetic Survey, having jurisdiction over a part of the inland waterways of the country, and also the cooperation from the outside of noted civil engineers and the aid of a lawyer of distinction.

How did they secure the creation of that Mississippi River Commission? By making it a commission for the lower Mississippi alone? No. The act creating the Mississippi River Commission is broad and comprehensive in its terms, and embraces the entire Mississippi River from source to mouth, including, as I believe, if it is properly and liberally construed, all the tributaries of the Mississippi River. Even at that time there seems to have been some conception of the view now generally entertained upon this subject—that a river from source to mouth, with all its tributaries, is to be treated as a unit. So the Mississippi River Commission was created with the assent and by the cooperation of all the representatives from the States of the Mississippi Valley, and in its very terms its operations were to be as broad and comprehensive as are the reaches of that vast river and all its tributaries.

How has it been reduced by practical administration? By practical administration, through the contracting powers of a River and Harbor Committee in the other House, controlled for many years by one of the ablest men in that body in the line of the contraction of its operations, instead of the expansion of its operations—a gentleman now a distinguished Member of this body; a gentleman whose views are broad, but whose action is narrow in actual operation and work—the operations under that Mississippi River Commission were practically contracted at first to a region from Cairo to the mouth of the river, a stretch of only a thousand miles, when the entire Mississippi River, with all its tributaries, embraces a distance, I believe, of between ten and fifteen thousand miles.

So we found that, whilst the original bill was broad in its terms, embracing, under a liberal construction, the entire Mississippi River with its tributaries as a unit, the practical operation and administration was confined to the lower reaches of the river, 1,000 miles in length. Even there insufficient appropriations were made, $3,000,000 a year, which it was expected in a period of 20 years would secure the entire protection of the region on both sides of that river from destructive overflows and secure the maintenance of its channel.

Think of the smallness of the operation under that act! That region had been the victim for years of devastating floods. It was reasonable to expect that those floods would perennially recur; those floods inflicting enormous damage upon the cultivable area, reaching from $10,000,000 to $75,000,000 in a given year. Instead of Congress, under the inspiration of the River and Harbor Committee of the other House, taking the broad action that would result in the immediate appropriation and application within a short period of time of $50,000,000 or $60,000,000, required for the protection of the banks in the way of revetment or protection from overflow in the way of levees, with the cooperation of the States and adjoining districts, Congress took the risk in a single year of destruction from overflow amounting to the entire expenditure contemplated in a period of 20 years; and this the River and Harbor Committee of the House called economy—this confining of its appropriations to $3,000,000 annually, and subjecting that vast area to the danger of an annual loss of from $10,000,000 to $75,000,000! Then they restricted the expenditure to that area.

Were there no other areas that demanded attention? Was not the region between Cairo and Cape Girardeau requiring protection? That actual area of operations under the act was later on extended, but I do not think the amount of the appropriation was very largely increased; it was extended upon the assumption that it was idle to raise the levees below, when between Cairo and Cape Girardeau the banks were unprotected and an overflow extending back of the levees would sweep over the entire intermediate country between that region and the Passes, including Arkansas, Mississippi, and Louisiana, and thus force the way of the Mississippi through devious passes and bypaths to the Gulf, instead of through one deep, well-protected, and well-regulated channel. So they added on the space between Cairo and Cape Girardeau, a space of a few hundred miles; and now when the region above Cape Girardeau, comprising parts of the great, wealthy, and highly populated States of Missouri, Illinois, and Iowa, insist that they have problems of equal importance, problems of the same character, involving not only the regulation of the channel for navigation, but also the maintenance of the river within its banks through bank protection and levee building, the representatives from the States below conduct here a wordy warfare against the claims of their brethren above, and insist that the legislation which the latter propose involves almost a spoliation of the lower region of the river. Finally, this region of several hundred miles above is put off in this bill with a small appropriation, I believe, of $75,000 or $100,000.

Mr. PERCY. Two hundred thousand dollars.

Mr. NEWLANDS. Two hundred thousand dollars, with a view to investigation—investigation after a hundred years of experience!

How has it been with the Missouri River? Although the terms of the Mississippi River Commission act, in my judgment, embraced the Missouri as a tributary of the Mississippi, it was thought wise to organize a Missouri River Commission some years ago, and that commission was authorized to proceed by bank revetment and levee protection to control the fitful and eccentric Missouri River, passing for 300 miles between St. Louis and Kansas City through a valley of incomparable richness and alluvial soil, which melts like sugar from the impact of the flood waters and then makes its variable course through that valley, stretching from east to west, to-day diverted north, to-morrow south, the next day so eccentric in its course that the farm 10 miles away from the course of that river to-day may, as the result of flood to-morrow, be absolutely swept away by the invading waters, a vast principality of incomparable wealth and productiveness, if protected.

What was done with the Missouri River Commission? Under the inspiration of the contracted policy—broad in view, but narrow in action—maintained by the River and Harbor Committee of the House of Representatives for so many years and followed by the Commerce Committee of the Senate, after that commission had vindicated the necessity for its existence and the success of its work by revetting the banks on the Missouri River between Jefferson City and the junction of the Missouri with the Mississippi, after they had practically demonstrated for a distance of 60 miles in the most dangerous part of that entire valley the absolute success of the revetment system—which consists of weaving willow mats and then sinking them upon the sloping banks by imposing stone upon them, and thus preventing the washing away of the banks in times of flood—after they had proved the absolute success of that system, a success demonstrated to-day after many years of cessation of effort by the entire integrity of the banks of the Missouri River at that point, the operations of the Missouri River Com-

mission were ended by act of Congress and the commission was dissolved.

I do not question the conscientiousness of the Senators and the Representatives who took part in that movement. They were doubtless impelled by motives of economy. Many of them felt, perhaps, that river regulation itself was dead and that all this work ought to be undertaken by the riparian proprietors in the interest of their lands. Many of them evidently thought that it would be practically impossible to control the stream; but if you want to find the hidden and directing force behind the movement, to which Congress unconsciously was obedient, you will find it in the fact that there are four railroads, two on each side of the Missouri River, paralleling its banks from Kansas City down to its junction with the Mississippi River. Those railroads were hostile to the water carrier. The effect of the very existence of a possible water carrier was felt in the diminution of rates. The effect of a successful water carriage could, in their judgment, hardly be measured; and so, reaching out for freight, public opinion was influenced through the newspapers and unconsciously directed to a few mistaken considerations of economy, possibly to a mistaken consideration of the hopelessness of the work, and, finally, to the abandonment of that great enterprise. So the Mississippi River Commission, narrowed in its operation to the region below Cape Girardeau, remained, and the Missouri River Commission went out of existence.

During all that time who were the men who were urging the continuance of the Mississippi River Commission and of the enlargement of its powers and of its operations? The representatives from the Southern States, from the States of the lower Mississippi Valley, almost all of them strict adherents of the doctrine of State rights, almost all of them opposed to the extension of the power of the Federal Government, opposed to the enlargement of those powers, and favoring a strict construction and a narrow exercise of the powers granted. Yet they insisted upon the interstate-commerce power of the Nation being exercised in such a way as effectually to regulate and control that river from Cape Girardeau down. They insisted upon it upon the ground that under the interstate-commerce power the Nation had a clear right to regulate that river, and that it was its clear duty.

What did the exercise of the interstate-commerce power mean? It meant the advancement of transportation. That is what it meant. It did not mean simply the protection of the lands in private ownership adjoining a great river. That might be provided for as incidental to the work of transportation; but the main purpose was transportation, and the only legitimate purpose under which the National Government's powers could be invoked. Yet were the representatives from that region exceedingly solicitous for the advancement of transportation, or was their real purpose the protection of their lands?

They have secured the protection of their lands, inadequate though I admit it to be; but what have they done for the advancement of transportation? I have served on the Commerce Committee, and I know from conversation with some of the members of the committee from that region that some of them are skeptical about ever restoring transportation upon the river. Yet they are voting, nominally under the commerce clause of the Constitution, for the expenditure of these large sums of money, but really reaching their hands into the Federal Treasury for an unconstitutional purpose, if we apply the moneys to that purpose alone. The appropriations are justified, so far as they are national appropriations, only by the advancement of transportation.

What does transportation mean upon the Mississippi River? Does it mean simply the deepening of the channel? Does it mean simply bank protection? Does it mean simply levee protection? Or does it mean the construction of a waterway as they construct a waterway in Germany, with a proper channel, with a proper protection of the stream so as to maintain its flow, and with transfer facilities and terminal facilities and instrumentalities of coordination and cooperation with rail carriage and ocean carriage? Clearly the latter. You might as well develop a railway by scattered developments here and there, the construction of 10 miles here and the construction of 5 miles there, without any connection, or the construction of a railway without terminals, without sidetracks, without station houses, without freight houses, as to construct a waterway and pay attention only to its channel and its banks.

Go to Germany, and you will find every river highly artificialized and canalized, all of them connected with each other by purely artificial channels; and at every station, corresponding to our railway stations, you will find public facilities provided by the Government for the transportation of freight from car to boat, for the storage of freight, and for the economical and rapid handling of the freight. Not only have they done that, but they have made their water fronts perfect, not only in utility but in beauty, by making them the most attractive parts of their municipalities.

We condemn our water fronts to hideousness, we dedicate them to ugliness and to inutility, whilst Germany creates a union of beauty and utility upon its water fronts, furnishing a lesson to this enterprising country. There they protect the waterway, and they do not allow one public servant to be destroyed and sandbagged by another public servant, as we do in this country. They define the relations between the different waterways in such a way as to promote the interests of both waterways and railways, to make them cooperate as public servants, instead of permitting them to engage in a deadly antagonism and warfare with each other, leading to the destruction of one or the other.

What effort has been made by the representatives from the lower Mississippi, who demand from us action upon this great subject, and who insist that it is the duty of the Nation to protect them from the accustomed flow of waters which nature has for centuries precipitated upon them—what have they done, what have they suggested in the way of a development of transportation, which is the real function of the National Government? I may be mistaken, but I have found no adequate suggestion from the representatives from that region as to the development of the facilities for transportation.

Mr. SHEPPARD. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. Certainly.

Mr. SHEPPARD. Does the Mississippi River Commission act, in the Senator's opinion, embrace all the tributaries of the Mississippi?

Mr. NEWLANDS. In my judgment, it does. It is sufficiently broad in its terms, liberally construed; but it has been narrowed down in its operation to this area on the lower Mississippi. I wish to say that I have no hostility whatever to this enterprise on the lower Mississippi. On the contrary, I have been its consistent friend. A year ago, when the floods broke out, I insisted upon having the appropriation increased from $3,000,000 to $10,000,000, instead of a mere $6,000,000. What I object to is the narrowness of view of the representatives of the lower Mississippi who seek in this bill to narrow the operations of the Mississippi River Commission, and who have refused—or, at all events, have failed—to present to us a vast, connected scheme of river development that will enable the National Government to carry out its true function of developing interstate transportation.

Mr. PERCY. Mr. President, will the Senator yield to me for a moment?

Mr. NEWLANDS. I will.

Mr. PERCY. Unintentionally, I am sure, the remarks of the Senator from Nevada would convey the impression that nothing has been done by the Mississippi River Commission in aid of navigation or for the purpose of benefiting navigation upon the Mississippi River. The last report made by that commission shows that they now maintain a channel of about 9½ feet at low water from Cairo to the Gulf; that at the lowest stage of the Mississippi River boats drawing 9½ feet can pass from Cairo to the Gulf. This is a distinct and marked improvement within the past few years, due solely to the work of that commission.

Again, speaking of terminal and dock facilities, the city of New Orleans provides the best inland dock facilities belonging entirely to the city and used for the benefit of the public of any city in the United States. That more has not been done in the way of providing terminal facilities might very well be attributed to the amount that has been appropriated. There never has been an appropriation made that has been adequate to carry out the aims and the recommendations and the work mapped out by the Mississippi River Commission. The kind of work of which the Senator speaks, in providing adequate facilities up and down that tremendous river, would call for an appropriation for that river alone of almost the amount suggested in his amendment—$50,000,000—for the rivers of the United States.

Mr. NEWLANDS. Mr. President, I am not complaining of the operations of the Mississippi River Commission within the limited appropriations granted that commission by Congress. I am simply adverting to the fact that the representatives of that entire region in Congress have been devoting themselves in their legislation more to the protection of their lands from overflow than to the promotion of transportation. While New Orleans has done excellent work in the preparation of docks, designed, I believe, not only for river but for ocean traffic, it certainly has not gone far enough; and one has only to sail,

as I have, from Cairo down to New Orleans, and witness the decaying wharves and the inadequate transfer and terminal facilities all along the line, the evident domination over the transportation of that region by the railroad companies, to realize that the powers of the National Government have not been adequately invoked in the carrying out of its great function of promoting interstate transportation.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. Certainly.

Mr. KENYON. I am very much in harmony with the view which is being expressed by the Senator, and I wish there were some way of reaching it. Does the Senator believe that as long as river and harbor bills of this character, constructed as this bill is evidently constructed, are passed by Congress his plan will ever receive serious consideration?

Mr. NEWLANDS. I am afraid not. I am beginning to be afraid not. I have been endeavoring to promote a system that, without interfering at all with the appropriations in the river and harbor bill, would gradually bring about appropriations under the river-regulation bill which I have offered in such a way as to make the work of the old dovetail in with the work of the new and result in an enormous enlargement of the old work. But everywhere I find myself opposed by the representatives of the very region most to be benefited, fearful lest some great policy may be inaugurated that will temporarily imperil the appropriations which they have. I have nothing of that kind in view.

Mr. KENYON. Why is not the quickest way to bring about this result, then, to defeat measures of this kind just as often as they come up?

Mr. NEWLANDS. Mr. President, I am exceedingly reluctant, so far as I am concerned, to take such action. I have served on the Commerce Committee. I do not contend that the expenditures provided for by this bill are improper expenditures. I have no doubt most of them are necessary. I know this expenditure for the Mississippi River is necessary, and ought to be enlarged. I would not, in order to obtain a greater good, temporarily arrest or endanger the work in which these gentlemen are interested. What I protest against is their inertia, their unwillingness to receive new ideas, their unwillingness to take the entire Nation within the scope of their vision. What I complain of is that they view only that distance of a thousand miles from Cairo to the Passes, without taking into consideration the great and broad question of interstate transportation involved in the regulation of interstate commerce.

Mr. KENYON. I wish the Senator, before he closes, would illuminate the subject of just how the river and harbor bill is formulated. I have watched it for a good many years outside of Congress, and have watched the fight in the House of the present Senator from Ohio [Mr. BURTON] against the extravagances of the river and harbor bill.

For instance, here are appropriations for a large number of creeks at different places. Here is an appropriation for Toms River, in New Jersey. How do we ascertain that a thousand dollars is going to help the navigation of Toms River? Here is an appropriation of $1,500 for Fishing Creek, N. C. How do we determine whether that appropriation is for navigation or to make the creek really what its name implies? I might make the same inquiry as to Swift Creek, in North Carolina, for which $500 is appropriated. How does the Committee on Commerce ascertain that these appropriations for creeks all over the country are to help navigation?

I wish the Senator would touch upon that matter before he sits down.

Mr. NEWLANDS. I will state to the Senator that the action of the Government upon the questions to which he refers is much more logical than would appear from the terms of these appropriations. It is true that there are appropriations in this bill for creeks upon the Atlantic Coast; but it will be found that many of the so-called creeks are inlets or arms of the sea, and that the appropriation involves the removal of bars or other obstructions to navigation that will enable the coasting trade to reach farther into the interior. I do not say that all of them are justified, but I have no doubt most of them are.

I will state to the Senator the process by which this is done. The initiative is with the Member of Congress, who introduces in the first place a bill for a survey, and has it put upon the river and harbor bill, if he is successful in inducing the committee to believe that it is necessary and proper. That bill involves a preliminary survey by the Engineer Corps of the Army. They report upon it, and if it requires further examination and further expenditure they so report and a further expenditure is made. Before any enterprise is finally entered upon, I believe, these recommendations go to the board of review in the Engineer Corps of the Army, composed of very highly educated and very capable men, and they pass upon the feasibility of the project and its relation to commerce, and report. If they report favorably, they report the amount necessary in a written report to Congress, and then Congress, if it concludes to act favorably, makes such appropriation as it deems advisable, usually the amount called for by the engineers.

In the improvement of all those methods the country owes the greatest obligation to the Senator from Ohio [Mr. BURTON], who was for many years the chairman of the Rivers and Harbors Committee of the House, and who pursued one uniform and consistent course of insistence that this whole matter should be taken out of the spoils system which had previously existed and be put upon the merit system, the merit of each project being considered by competent engineers. The methods have been vastly improved under the leadership of the Senator from Ohio. My only complaint of the policy which he pursued was that, in my judgment, it was not of sufficient expansion. I can not call it a policy of contraction. The expenditures did steadily decrease, but it was not a policy of sufficient expansion which would take into view all the waterways of the country and make a study of them from source to mouth with a view to making them efficient instrumentalities for transportation, and incidentally making them useful for every purpose to which civilization could put them, thus uniting the related uses with the principal use, the exercise of which alone belonged to Congress, making projects feasible which would otherwise not be feasible, and producing wealth from the development of these uses that would be largely compensatory of the cost in perfecting them.

That is what I complain of. And I complain of the representatives of the lower Mississippi, of their narrowness of view in not realizing that this is a Union of States, that all these rivers are interstate, that their successful development does not depend simply upon the bank protection and levee building of the lower reaches of the Mississippi River, but it depends upon taking a broad and comprehensive view of the entire Mississippi River and its tributaries, and by constructing works in the upper reaches of these rivers and their tributaries useful in a compensatory way for irrigation, for water-power development, and by the raising of levees in the lower reaches with a view to swamp-land reclamation, turning these waters from instrumentalities of destruction into instrumentalities of benefaction. That is the policy, and the policy alone which will make the Mississippi River with all its tributaries an efficient instrumentality of interstate commerce.

I have referred to the contest between the representatives of the lower Mississippi and the representatives of the middle Mississippi River which we have seen. We saw another contest. The construction of levees upon the Arkansas side of the Mississippi River narrowed the stream and necessarily raised the heights of the flood, and as a result the city of Memphis was threatened and much injury was done. An overflow which, according to the Senator from Tennessee [Mr. WEBB], threatened the health of that region, injured its commerce and its production and overflowed valuable portions of the city; and the city of Memphis is to-day considering methods that will save it from these destructive results.

An amendment was offered by the Senator from Tennessee [Mr. WEBB] to this bill, providing for cooperation between the Mississippi River Commission and the authorities of Memphis, so that by joint plans and works the great work, which is of so great benefit to Arkansas, can be conducted in a way that will not be injurious to its neighboring State of Tennessee or its neighboring city of Memphis. A point of order is made on it here by the representative of the neighboring State of Arkansas, and this amendment goes out of the bill at the very time when Memphis is planning and when the exigency of the situation demands cooperation in plans and work.

Mr. President, we of the intermountain region have some interest in this matter. My own State unfortunately has none, because my State is in a great basin bounded on one side by the Rocky Mountains and on the other by the Sierra Nevada Mountains, and having no streams which form tributaries of a great navigable river. That great basin consisting of the State of Nevada and parts of Idaho, Utah, and Arizona has streams, it is true, which take their sources in the mountains, but those streams sink into great lakes in the desert, where the waters serve no use except to satisfy the thirst of the sun. Our problem there is a purely domestic problem of arresting these waters upon the way to these great salt sinks and storing and diverting them over the arid land and making it fruitful of production.

But there are portions of that great trans-Missouri region which are tributary to navigable rivers—the great State of Montana to the Missouri River and its tributaries, the State of Wyoming, the State of Colorado, the States of North and South Dakota, the western parts of Kansas and Nebraska and Oklahoma, all of them semiarid in character, tributary to the Mississippi River system—and they have an interest in the regulation of that river. They do not want to see all their waters go to the Gulf in a rapid and uninterrupted flow, bringing destruction to their neighbors below. They want them diverted above and applied to the public lands of which the Nation is the proprietor in such a way as to prepare them for settlement, and made useful there primarily for irrigation, and, secondarily, for the development of water power, and made useful in such a way that the water percolating through that soil gradually makes its way back to the main or tributary stream and helps to swell the flow of the Mississippi River at the period when it is most needed for navigation—the low-water period, the period of drought.

Then in that intermediate region, humid in character, not requiring the artificial use of water except for the highest purposes of intensified cultivation, they are interested in the development of water power. Right on the Mississippi River between Cairo and St. Louis there is a point, according to the testimony of the eminent engineer, Mr. Cooley, of Chicago, where a dam can be constructed that will develop 800,000 horsepower. Think of it; 800,000 horsepower will produce $30 annually each horsepower, $24,000,000 annually. In our country we regard a horsepower as worth between two and three hundred dollars, and the annual revenue from it we rate at from $30 to $60.

So we have on the upper Mississippi a proposal in Minnesota embraced in this bill, in a casual and sporadic way, where they propose to put up a structure for navigation which will develop, by a little extra expenditure, an enormous water power—hydroelectric power. Thus this amendment proposes practically what is called for by my river-regulation bill—cooperation between the Nation on the one hand and the State of Minnesota upon the other.

We find here and there throughout our legislation practical instances of this cooperation which I desire to see entered upon as a general scheme of legislation working automatically under adequate appropriation, under the guidance of a board of expert engineers.

Then we have on the Connecticut River another similar project which it is sought to put upon this bill, involving practical cooperation between the State of Connecticut and the United States. Yet is Connecticut the only State that is interested? Not at all. The Connecticut River takes its source in Vermont and New Hampshire, flows through parts of those States, through the State of Massachusetts, and through the State of Connecticut. Every one of those States is just as vitally interested in the full and complete and comprehensive development of the Connecticut River as is the State of Connecticut. Yet so narrow and contracted is our vision that we are embracing only a scheme of cooperation between Connecticut and the United States, leaving out of view entirely the States above.

Three years ago I was invited by the Board of Trade of Springfield to address them upon this question, and I found them immensely interested in the development of the Connecticut River; first, because they have been dependent upon it for the development of water power, and they wanted its development; and secondly, because they had been interested in the question of transportation, and they found in their way to the Sound railroad bridges and dams and various intervening structures, and they wished the Connecticut River opened up as an arm of the sea away up in the interior of Massachusetts, a great manufacturing region. They were insisting that this obstruction should be swept away and that the Nation should regard the Connecticut River as a national asset, so far as commerce is concerned, and as an asset of each one of the States, so far as their domestic uses were concerned. They were insisting upon the union of the powers and the functions and the jurisdictions of all these sovereignties in work that would advance the public interest, each acting within its powers and within its jurisdiction, neither invading the jurisdiction of the other, but engaging in team work as individuals would do when they stand in a similar relation with each other. We find practically that measure doomed to defeat. In the shape in which it passed the Senate it will be vetoed by the President if he remains firm in the conviction which he has hitherto expressed. We have practically doomed that beneficial measure to defeat, a measure of cooperation between the Union and the State, simply because the agency which we have selected to carry out our national uses and the agency which the State of Connecticut has selected to carry out its domestic uses in the development of that water, acting both as the agent of the Nation and the States, expressed its willingness in this measure to pay a certain portion of its profits into a fund for the improvement of the navigation of the Connecticut River.

The Senators from the southern reaches of the Mississippi who have for years been gaining these appropriations from the National Government, not large enough in my judgment, ostensibly with a view to promoting transportation but really with a view of protecting private lands, vote against and defeat the only practical method of bringing the United States and the State of Connecticut into cooperative action with reference to a structure in that river, designed not only for the purposes of navigation under the jurisdiction of the United States but for the development of water power under the jurisdiction of the State.

Now, I have indicated how we of the intermountain States—though my individual State is not—are interested in the Mississippi Valley. How is it with the Pacific Coast? There we have two or three great drainage areas, the drainage area of the Columbia River with its tributary streams draining through the States of Oregon, Washington, Idaho, and Montana, away into the interior; the waters from the western parts of Idaho and the western part of Montana draining into the Pacific, while those of the eastern parts drain into the Mississippi River and into the Gulf. Ought not those four States to be brought into cooperation with the United States in a system of related development, producing teamwork that will result not only in the promotion of navigation, but in the extension of irrigation and the development of water power and the reclamation of swamp lands? Yet we have no machinery in order to accomplish that.

Then take the next great drainage area, that of the San Francisco Bay, which you see upon the map, the drainage area extending north and south, a distance of nearly 500 miles drained by the Sacramento River running from the north and by the San Joaquin River running from the south, both of them uniting near the Bay of San Francisco, emptying their united waters into that bay, and those waters emptying through a narrow gorge called the Golden Gate into the great ocean of the Pacific, an area of incomparable fertility, an area of incomparable productiveness, the soil and the climate of which promise the most valuable products, the grape, the citrus fruits; all the high-priced products. One-half of that drainage area of 500 miles, the northern half, has sufficient water for cultivation. The lower half has an insufficient supply, a large portion of it being devoted to aridity, and requiring irrigation. There we have those two rivers, capable of being developed to the highest degree as the instrumentalities of transportation, and yet their development delayed in the past by the influence of the great railway interests there. That vast region, 500 miles long and 100 miles wide, composed of this fertile area, is doomed to fitful production—to insufficient production—to absolute aridity in some places.

What does a scientific treatment involve there? A treatment of the arid lands above, a treatment of the swamp lands below, resembling those of the Mississippi Valley, and the development for interstate commerce. Why, of course, the development of that large area involves cooperation of the different sovereignties having jurisdiction, the cooperation of the Nation with the States, and the cooperation of both with private owners, who have simply private interests to serve, and yet the development of which interests would vastly advance the wealth and prosperity of the country. Shall we not provide a system of cooperation between these great interests that will involve not only the development of transportation from one end of the valley to the other, but also involve the development of irrigation of the arid lands and the reclamation of the swamp lands, for recollect that there the floods of these rivers constitute the same destructive agency that they do in the Mississippi Valley and the waters which are stored and developed for irrigation and water power in the course of nature become engines of destruction to the regions below?

Why, Mr. President, not an ounce of water should be permitted to flow into San Francisco Bay and out through the Golden Gate until it has served every useful purpose to which it can be put; and it is perfectly possible, by canals along the foothills, to bring almost every acre of that vast valley, north and south, under the productive influences of an ample water supply, with the accompanying development of water power unexampled throughout the world.

Then as you go down the Pacific coast there is the Colorado River, emptying into the Gulf of California, taking its source in Colorado, flowing through the southern part of Nevada and the northern part of Arizona and through the southern part of California, a river capable of an enormous development of water power, a stream capable of such conservation all along the

line as to develop every civilized use and of development in such a way as to finally promote the conduct of the river over the most fertile alluvial deposits on these vast plains of Arizona and California in the south that are now doomed to aridity.

In some cases, through the strenuous effort of individual proprietors, the waters have been diverted. You have heard of the great Imperial Valley, in the southern part of California, fed by a ditch taken from the Colorado River, and led into Mexico, and then out from Mexico to the north into this Imperial Valley, which at one time was below the level of the sea, and at one time was an arm of the sea. I should probably surprise you if I were to give you the statistics—I have them not at hand—regarding the production of that valley, conducted under conditions of exceptional danger, threatened every year by the enormous floods that come from the north and which ought to be utilized there for both water power and irrigation. Is not that a national problem? Is it not an international problem? For recollect that the contour of the country is such as to absolutely compel the conduct of water, diverted in Arizona for this valley in California, through that portion of Mexico called Lower California, into the southern portion of the State of California.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. I do.

Mr. SHEPPARD. Mr. President, the Red River of the South is also capable of development along the lines suggested by the Senator from Nevada, and especially in Oklahoma and in northern and northwestern Texas.

Mr. NEWLANDS. I have no doubt of it, and yet the Senator from Texas will recall that there was some sarcastic comment the other day regarding the Red River because a certain work has been done upon the Red River for a number of years, and not in such an effectual way as to promote navigation; but the difficulty is that it has been insufficiently done, inadequately done. There has been such construction, as I have already said, that we would have in the case of a railroad where we would build a detached section here and there of 10 or 15 miles.

Mr. SHEPPARD. I will state that $3,000,000——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. Yes.

Mr. SHEPPARD. Three million dollars have been expended on the river, but the expenditure has been scattered throughout 30 or 40 years and it has been given to the river in driblets of $100,000 and $200,000 each year. Consequently it has been impossible to develop the river in a satisfactory manner, and the stream ought not to be indicted in the eyes of the public because it is not navigable or navigated.

Mr. NEWLANDS. Mr. President, the Senator from Texas is quite right. It is the inadequacy of the system, the inadequacy of the plans, that is responsible for the failure of the promotion of transportation upon that river; yet if this inadequate work goes on, unless the people along those rivers enlarge their vision and take in the whole Union, unless they stop simply asking for individual appropriations for individual projects here and there, after 30 or 40 or 50 years of unsuccessful effort in promoting transportation, the Nation will abandon the work altogether, and thus these very representatives of those regions, holding on tenaciously to the present system of individual projects, will find themselves the victims of that system.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. I do.

Mr. SHEPPARD. I had rather see the work on the Red River abandoned altogether than to have it continued in the present unsatisfactory and unscientific manner.

Mr. NEWLANDS. I think the Senator speaks wisely and patriotically in that utterance.

Now, what have we got to face? We have got to face an expenditure of $50,000,000 annually; but men hold up their hands at the thought of expending $50,000,000 annually in the development of our rivers. The public servants of this country called the railways are expending from half a billion to a billion dollars annually for railways. Of course, those enterprises are being conducted as private enterprises, but they really constitute a public burden, because they are conducting them as public servants, and the public must pay the interest upon the investment in rates for freight and for fares. The great Government of the United States, having charge of the waterways and jurisdiction over them and solely responsible for making them efficient instrumentalities for transportation, stands aghast at the expenditure of $50,000,000 annually in perfecting this system, when private interests expend from five hundred millions to a billion dollars annually in the development of our railways. Yet think how our expenditures have increased under the present inefficient system.

The river and harbor bill here carries $40,000,000, a very large portion of it, it is true, devoted to harbors. In my judgment, these developments ought to be absolutely divided into separate bills. They have no particular relation to each other. Our harbors relate to foreign commerce in the main, while our rivers relate to interstate commerce. The method of their development is entirely different, and we should not have in the public eye the expenditures made upon our harbors regarded as a portion of the burden which they are called upon to assume for the development of our rivers. We ought to know just how much we are expending for our rivers, and we ought to have them in a separate bill.

I have presented a statement to the Senate containing a segregation of these expenditures in this bill, and we find that about $17,000,000 is allotted to harbors and about $23,000,000 to rivers. I have also had those expenditures subdivided according to the different waterway systems, so that you can see how much expenditure there is in each watershed; and we find that of the $23,000,000, $15,000,000 is being spent now on the Mississippi River and its tributaries. My bill for river regulation involves the expenditure of $50,000,000 annually, of which one-tenth, or about $5,000,000, goes to the rivers, not the harbors, of the Atlantic coast; $5,000,000 to the rivers of the Gulf coast, exclusive of the Mississippi River; $25,000,000 to the entire Mississippi River and all its tributaries, divided up, $10,000,000 to the Mississippi River below Cairo; $5,000,000 to the Ohio; $5,000,000 to the Missouri; $5,000,000 to the upper Mississippi; and then about one-fifth, or $10,000,000, for all the waterways finding their way to the Pacific Ocean.

We are already spending under our present inefficient system $23,000,000, and this river regulation bill which I have proposed, embracing every drainage area in the country, involves only $50,000,000, but it involves that expenditure continuously for a period of 10 years; so that the coordinated scientific and engineering services of the country having anything to do with water may enter upon large and comprehensive plans, involving every watershed in the country, with a certainty that $500,000,000 will be available in 10 years; and to that $500,000,000 spent by the Nation at least $500,000,000 will be added by the respective States and by private interests in the development of the uses of water related to that of navigation; so that between the two we will practically have in the next 10 years a billion dollars spent in the development of that greatest of national assets, the water of the country for every beneficial use.

If we can with our present revenues stand the expenditure of $23,000,000 annually, can we not with the increasing wealth and population of the country and the increasing revenue of the country stand $27,000,000 more during the next 10 years? If our present sources of revenue are not sufficient, can we not, by the paltry tax of one-quarter of 1 per cent upon the incomes of the country, raise $25,000,000 in addition to that which we already expend upon our rivers?

One-quarter of 1 per cent, I say, upon the incomes of the wealth of the country, for the statisticians of the country have estimated that a tax of 1 per cent will produce $100,000,000 annually. Can not the great wealth of the country sustain this great enterprise that is to advance the wealth of the country; that is, to increase the productive energy of every section of our country and increase not only its productiveness but its facilities for transportation and diminish largely the present cost of living and the present cost of operation? Thus we will not only increase production, but diminish operating expense.

Can not our great Nation undertake a work that Germany has been conducting ever since it became an empire and with remarkable consecutiveness and continuity of purpose, a work that France has been pursuing for over a century, so that today you can go by water through related and connected waterways, through the artificialized waterways connecting the natural rivers, from almost any part of Germany to any other part of Germany, and from almost any part of France to any other part of France?

Mr. President, I published the other day resolutions which have been passed by State legislatures in favor of this river-regulation bill, resolutions that have been passed by the chambers of commerce and boards of trade from Philadelphia to San Francisco, utterances of great conventions held for the conservation of our natural resources, great conventions held for the development of waterways, for the development of forests, and for other purposes; resolutions passed unanimously by the governors of all the States in conference assembled at

the White House, utterances of the public press from one end of the country to the other, demanding big plans, big works, big expenditures, and a consecutive policy. Yet Congress has lagged behind. Congress necessarily is always behind public opinion. It should be. Its action is the reflection of a public opinion already created. It rarely creates public opinion. It is exceedingly slow to yield to public opinion, not because it is hostile to public opinion, but because it wishes rightly to know in what direction public opinion points.

Is there any need of our waiting longer? If all conventions are convinced, if State legislatures are convinced, if both parties, as indicated by their platforms, are convinced, if the magazines of the country are convinced, if the newspapers of the country are convinced, is it necessary that we should wait longer in order to ascertain what public opinion is upon this subject?

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. NEWLANDS. Certainly.

Mr. HITCHCOCK. I desire to say, as bearing out what the Senator from Nevada has stated, that I believe there is a growing sentiment, particularly in my region of the country, in favor of some systematic plan such as the Senator proposes.

I hold in my hand a resolution passed by the senate of the State of Nebraska last week, which I shall present to-morrow at the proper time, urging the Government to pay more attention to and make proper appropriations for conserving such watersheds as there are in the State of Nebraska, particularly with a view to the impounding of waters for irrigation purposes, so that they may not only serve the lands in Nebraska but may be prevented from becoming a cause of danger to the lands upon the lower rivers in seasons of flood.

While this applies only to Nebraska, I believe it illustrates a growing sentiment all over the country that there is some connection between the impounding and use of waters for irrigation purposes and thus preventing that same water from becoming a cause of danger when seasons of flood arise.

Mr. NEWLANDS. I may say that public opinion is made up upon that subject. You can not read a single one of the popular magazines without finding some reference to this subject, all favorable to it. You can not find a political convention that meets that declares against it; and all of the national conventions have declared for it. You can not find a convention met together for any public purpose to-day without finding some expression relating to the necessity of big plans and works in the development of the water assets of the country. All this is intensified by the declaration of the representative governors of the various States, who, in the resolution which I presented to the Senate the other day, expressed an intense conviction upon this subject.

I have here two editorials which have recently come into my hands which I should like to have inserted in the RECORD—one from the New England Homestead, a great agricultural magazine, devoted to the farming interests of the New England country, and the other from Southern Farming, a magazine published at Atlanta, Ga.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NEWLANDS. I will read only a few lines. The New England Homestead says:

> The legal, ethical, moral, political, economic, and social justice to all the people all the time of Federal control of navigable interstate streams is absolutely unquestionable. It should be passed upon as a finality by the Supreme Court.
>
> The Windsor Locks dam bill probably will not be acted upon in the House before Congress adjourns March 4. This is just as well. It will give the new administration the full duty of setting forth its policy toward conservation. Certain it is that the American people will permit no backward step whereby their priceless heritage of flowing waters, and of forests and mines in the public domain, shall continue to be exploited by the few at the expense of the many, for not only present but future generations.
>
> Meanwhile the action of the Federal Senate makes it doubly imperative that each State legislature take prompt and adequate action to wisely conserve the public welfare within the limits of the respective States, regarding the utilization of all forms of natural resources within the respective States.

Here let me say that in numerous States of the Union there are waterway commissions, conservation commissions, and similar organizations already created under the force of this movement, with a view to cooperation with the National Government. Of course it is utterly impossible to enter upon any scheme of development of our waterways without the consent and the participation of the National Government.

So, also, Southern Farming has an article entitled "Harness the Mississippi River system." This paper is published at Atlanta, Ga. The heading continues:

> How the Nation can do it—Benefits to every State—The hydroelectric trust brought to its knees—No conflict between Nation and State—A revolution in railroad and water transportation—Marvelous developments in sight for the people, not the trusts—The South may thus prevent disastrous floods—May promote drainage of wet lands, irrigation of dry lands—Each State is aided in developing its water powers and other resources—How every Southern State may cooperate with Nation in this wise development.

The matter referred to is, in full, as follows:

[From New England Homestead, Feb. 22, 1913.]

GOOD AND BAD ACTION BY THE UNITED STATES SENATE IN THE WINDSOR LOCKS DAM BILL.

All persons engaged in the business of transmitting hydroelectric power between the States are common carriers subject to the Interstate Commerce Commission. The Borah amendment to this effect was unanimously adopted by the United States Senate February 17, when it passed the Windsor Locks Dam bill.

The Jones amendment was also adopted without objection. It provides that the franchise shall be forfeited if the Connecticut River Co. shall in any way become a part of a combination in the form of an unlawful trust or enter into any contract or conspiracy in restraint of trade.

The Cummins amendment was adopted, striking out the provisions providing for compensation upon termination of franchise. In place thereof was substituted language to the effect that the Federal Government should take over the property at the end of 50 years.

The two amendments first named are excellent. They will doubtless be incorporated in all Federal water-power franchises hereafter. They are right in line with all that the New England Homestead has been fighting for.

The Senate went dead wrong in voting, 74 to 12, to strike out from the bill the provision that the Federal Government may impose a reasonable charge for the use of the water power in this navigable stream. It is this provision that expresses the principle of Federal control over navigable waters and Federal conservation of all natural resources owned or controlled by the National Government. This principle is the right one. It must and shall prevail. The opposition to it is based on a misconception of State rights.

The water in the Connecticut River from New Hampshire, Vermont, and Massachusetts, under this States-right theory, has no "right" to overflow the river's banks and do damage in the State of Connecticut. The Mississippi has no "right" to break the levees and do vast damage by flooding the valuable lands of Mississippi and Louisiana. How absurd such a contention!

The legal, ethical, moral, political, economic, and social justice to all the people all the time of Federal control of navigable interstate streams is absolutely unquestionable. It should be passed upon as a finality by the Supreme Court.

The Windsor Locks Dam bill probably will not be acted upon in the House before Congress adjourns March 4. This is just as well. It will give the new administration the full duty of setting forth its policy toward conservation. Certain it is that the American people will permit no backward step whereby their priceless heritage of flowing waters and of forests and mines in the public domain shall continue to be exploited by the few at the expense of the many, for not only present but of future generations.

Meanwhile the action of the Federal Senate makes it doubly imperative that each State legislature take prompt and adequate action to wisely conserve the public welfare within the limits of the respective States regarding the utilization of all forms of natural resources within the respective States.

[From Southern Farming, Feb. 8, 1913.]

WATER POWER AND THE PUBLIC—HARNESS THE MISSISSIPPI RIVER SYSTEM—HOW THE NATION CAN DO IT—BENEFITS TO EVERY STATE—THE HYDROELECTRIC TRUST BROUGHT TO ITS KNEES—NO CONFLICT BETWEEN NATION AND STATE—A REVOLUTION IN RAILROAD AND WATER TRANSPORTATION—MARVELOUS DEVELOPMENTS IN SIGHT FOR THE PEOPLE, NOT THE TRUSTS—THE SOUTH MAY THUS PREVENT DISASTROUS FLOODS—MAY PROMOTE DRAINAGE OF WET LANDS, IRRIGATION OF DRY LANDS—EACH STATE IS AIDED IN DEVELOPING ITS WATER POWERS AND OTHER RESOURCES—HOW EVERY SOUTHERN STATE MAY COOPERATE WITH NATION IN THIS WISE DEVELOPMENT.

(By Herbert Myrick, president Orange Judd Co.)

[Interests allied with the so-called Hydroelectric Trust already monopolize too much of the water powers of the United States. During the past year these interests have sought to get control of the power in the Connecticut River at Windsor Locks, Conn. They propose to enlarge the old dam there, so as to generate more power. In doing this navigation would be made possible by a canal and locks around the dam.]

[At first the trust wanted to "swipe the whole thing." When the scheme was relentlessly exposed by the Orange Judd's eastern weekly, the New England Homestead, the trust began to modify its demands. It finally agreed to build the lock and canal at a cost of nearly $500,000 and forever maintain the same for free navigation. For the desired privilege the trust agrees to pay whatever rental the Federal Government may impose for the use of the water of this navigable stream.

[Finding that there was danger of opposition to the bill in Congress from extreme States' rights advocates, the trust now apparently agrees not to attempt to issue stocks or bonds in excess of the actual cash investment. It agrees to be satisfied with 8 per cent thereon. It agrees that any profits above that reasonable figure shall be shared with the Government in increasing ratio.

[Thus for the first time in American history it looks like the people's interests are adequately safeguarded and a precedent established that should forever insure that policy. To make assurance doubly sure, I have advocated that no loophole be left for a twilight zone between Nation and State by so amending the bill that the State reserve full supervision over the corporation, including the right to expropriate its property when the State wishes to assume a monopoly of the generation and distribution of water power.

[In a letter to Hon. JOHN H. BANKHEAD, Senator from Alabama, who with other Senators, including Mr. NELSON, of Minnesota, oppose the measure from an extreme view of State rights, I wrote, January 27, 1913, as follows:]

NO CONFLICT BETWEEN STATE AND NATION.

There is no necessary conflict in hydroelectric development between Nation and State. Let them cooperate under a definite plan, and in the course of one or two decades you will see a development of hydroelectric energy, with corresponding material prosperity and progress in civilization, transcending the imagination. Each State has everything to gain and absolutely nothing to lose through such cooperation.

Take the whole Mississippi River system, for instance. So far as it is navigable the Nation owns its bed and its waters; above the navigable point the Nation also has rights, but in no case may any of these rights be exercised to the detriment of any State.

ONE PLAN—ONE AUTHORITY.

The utilization of the flowing waters of the Mississippi system in the interest of all the people all the time may be attained only under national control of the main arteries.

Under such undivided authority one comprehensive plan will make it possible to store up the flood waters in the head reaches, and thus prevent disastrous floods which now annually occur over vast sections of many States.

The stored water, after generating power, will be available for irrigation, or that power may pump water upon areas not otherwise irrigable, or may pump water away from irrigated lands now threatened by oversaturation.

The stored waters, transformed into electric energy, or white coal, will furnish heat, light, and power at low cost for every purpose. But those low prices will be sufficient to pay for maintenance and extensions, interest, and sinking fund. After the construction expense thus shall have been met, prices may be still further reduced.

This is in marked contrast to the present saturnalia of overcapitalization practiced by the Water-Power Trust, whereby it seeks to fasten upon the people for all time charges for hydroelectric energy sufficient to support "securities" representing from two to five times the actual cost of the development.

MAKE WATER PAY FOR IT ALL.

The revenue from the publicly owned power plants would be sufficient to vastly improve the navigability of every river in the Grand Basin.

In periods of drought the stored flood waters would be let out to maintain navigation and sanitary flushing of the river drainage system.

On the other hand, by preventing floods, the problem is vastly simplified of draining the present great extent of marshes and swamps.

TRULY A NATIONAL PROBLEM.

Thus the problem is national in every respect.

It directly and vitally concerns every State between New England and California, especially every Southern State, the Central West, and the Northwest.

Each and all may profit hugely by the carrying out of this policy along lines of broadest patriotism, constructive engineering, honest financiering, and economical administration.

A SELF-SUPPORTING PROPOSITION.

By this national system for the national development of our flowing waters the whole situation is transformed.

Instead of squandering vast appropriations in inefficient work upon river and harbor improvement we will now make the flowing waters earn money enough to efficiently utilize the unrivaled possibilities of our rivers as sources of power, heat, and light, as well as of transportation, irrigation, and drainage.

No longer will floods harass and destroy.

No more will alternate drought and flood menace the health or the wealth of our people.

And the Hydroelectric Trust no longer will have the public at its mercy.

EACH STATE AIDED.

And the beauty of such national policy is that without infringing upon the rights or duties of any sovereign State it becomes possible for each State likewise to encourage the development of the hydroelectric resources in the many smaller rivers within the respective States.

I would go further and have each State own and control, develop, and operate the flowing waters therein. Public ownership of waterworks by cities and towns has long been successful. The application of the same policy to the States and upon interstate and navigable rivers to the Nation is a logical development.

Yet there are two sides to State versus corporate power plants. And if State or Nation will not itself develop its hydroelectric resources corporate capital should be encouraged so to do.

PREVENT A CONTINUANCE OF THE PRESENT SATURNALIA OF OVERCAPITALIZATION.

But right at this point we come squarely to the parting of the ways. The so-called Hydroelectric Trust not only presumes to be more capable of developing water power, but by virtue thereof has assumed a sort of "divine right" to indulge in what I have termed a "veritable saturnalia of overcapitalization."

AND THAT'S JUST WHAT'S THE MATTER.

In this respect it is a contest on the part of the Hydroelectric Trust for untold millions of unearned profits.

While the people, the States, and the Nation wish to so protect their own interests that, after insuring a fair return upon the capital actually invested, our flowing waters shall ever be servants, and not masters, of the people.

This principle of limiting the issue of securities to the actual cash invested or of limiting the returns upon such capital to a reasonable figure and then dividing any excess profits with the public, seems to be established in the Windsor Locks Dam bill. The same principle is enforced upon the Montana Power Co. in the franchise recently granted its transmission lines over public land for electrifying a western railroad. In other words, the Hydroelectric Trust admits defeat when it gets up against Uncle Sam.

OUR SOUTHERN STATES

will benefit even more than other regions. The Mississippi will no longer inundate vast reaches of valuable lands when this plan is carried out. The saving of life, health, and property, the insurance against floods, will alone equal a magnificent return upon the entire cost of the whole scheme of harnessing the mighty river.

RAILROAD TRANSFORMATION COMING.

Another economic development is coming, which vitally reenforces the fundamental wisdom of the above view:

Ere many years there will be at the mouth of every coal mine—anthracite, bituminous, or lignite—great producer-gas plants. The coal will be dumped directly into them, and the resulting energy, in the form of electric juice, will be transmitted by wire.

This will also revolutionize the whole problem of transportation by rail.

Having no more coal traffic, railroads and their terminals will be able to adequately care for the coming vast development of other traffic, without requiring enlargements and expenditures so great as to be impracticable.

THE PEOPLE'S INTERESTS CONSERVED.

Then the energy obtained from black coal will have to compete with energy from the flowing waters. Thus the people for all time will be sure of getting power at reasonable cost.

The Coal Trust, which even the United States Supreme Court has not been able to break down, will have met its Waterloo.

The railroad problem will be much easier of settlement.

Agriculture, industry, and civilization will advance upon a scale commensurate with the resources and genius of the American people.

Mr. NEWLANDS. I commend this article in a southern paper to the representatives from the lower Mississippi, who have stood watch upon the meager appropriations given to them for that short reach, and whose vision as yet has not extended to such an enlargement of the Nation's operations regarding the waters of the country as to embrace the entire Nation.

I also wish to call attention to an article written by Mr. A. L. Crocker, who is the chief of the Minnesota water commission, a commission organized in that State not only for local work but for cooperation with the Nation in a full development of our waterways. I shall ask to insert this and some editorials I have here in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NEWLANDS. I will simply read the heading, which indicates its subject:

Waterways plan finally evolved—Scheme submitted for improvement of Mississippi from Minnesota to Gulf—Legislature urged to act—Argued Federal Government and States along river should cooperate to finance movement.

Mr. Crocker says in a forceful sentence:

The cry is now going up in many directions there must be cooperation between the Federal and State Governments to cure this evil. It must be done. It can't be neglected. The evil will grow worse and worse, and it has become unendurable.

But in curing the flood evil other and immense benefits follow. Health is promoted; a steady supply is furnished the water powers; and wherever navigation exists the stream regulation is of the highest importance. No State needs a State policy in managing its waters more than Minnesota, and yet its importance is not generally appreciated.

The matter referred to is, in full, as follows:

[From the Minneapolis Journal, Feb. 3, 1913.]

STATE BLAMED FOR DAMAGE BY WATER—MISMANAGEMENT IS WORSE THAN THAT OF LANDS, SAYS A. L. CROCKER.

The State's loss by careless handling of State lands, estimated at more than $7,000,000 by Attorney General L. A. Smith in a recent talk before a legislative committee, is exceeded by the damage from bad management of water, according to A. L. Crocker, of Minneapolis, chairman of the State waterways commission. "One of the State's mineral properties, which the State let go for a song, after being warned by the State geologist, is worth $12,000,000," said Mr. Crocker to-day. "What is true of State farm lands and State timber and State iron is also true of the State's asset, water, which New York pronounces the greatest in value next to the soil of the State.

"All over Europe, Canada, and in many of the States in this country, from Maine to California, the hitherto neglected asset, water, is now being actively considered. Minnesota has not started. It has no policy. At this session of the legislature one should be entered on. Here in Minnesota and all over the world the damage by floods has loomed into vast and ever-growing importance. Last year the loss in the lower Mississippi Valley was $100,000,000, and again this year another terrific flood is raging. The direct losses we read of do not cover the damage done, for the subsequent losses in short crops and the deterrent effect on capital seeking investment swell the total far higher. On the Ohio and Sacramento Rivers, and indeed all over the world, the annual loss from floods is colossal. Right here in Minnesota in 3 years out of 15 there was a $1,000,000 flood loss in the Minnesota Valley followed by a typhoid epidemic. Of the 50,000,000 acres comprised in Minnesota a vast area is swamp, which is rapidly being drained, and when drained there will be nothing to prevent the rapid run off of the flood water followed by devastation and sickness and a lack of water for water power and navigation. In New York they estimate the annual loss from typhoid—which can be prevented by a State administration of its waters—at $8,000,000.

"By contrast the report comes from Budapest that remedial hydraulic measures instituted in Hungary increased the national wealth $487,000,000. The area drained by the Mississippi equals that of Austria, Germany, France, Holland, Italy, Spain, Portugal, Norway, and Great Britain combined, and when this area, 41 per cent of the United States, goes on a flood at one time no levees on the lower river can stand the strain. There must be an alternative, and the only one is that of impounding the flood waters at their source. *The cry is now going up in many directions there must be cooperation between the Federal and State Governments to cure this evil. It must be done.* It can't be neglected. The evil will grow worse and worse and it has become unendurable.

"But in curing the flood evil other and immense benefits follow. Health is promoted, a steady supply is furnished the water powers, and wherever navigation exists the stream regulation is of the highest importance. No State needs a State policy in managing its waters more than Minnesota, and yet its importance is not generally appreciated."

[From the St. Paul Pioneer Press, Feb. 27, 1911.]

WATERWAYS PLAN FINALLY EVOLVED—SCHEME SUBMITTED FOR IMPROVEMENT OF MISSISSIPPI FROM MINNESOTA TO GULF—LEGISLATURE URGED TO ACT—ARGUED FEDERAL GOVERNMENT AND STATES ALONG RIVER SHOULD COOPERATE TO FINANCE MOVEMENT.

To the Pioneer Press: In view of several partial statements which have appeared recently and in view of the importance of the subject of State waterway and water-power legislation while this legislature is in session, I ask permission to make a further and fuller presentation of the subject than has yet appeared in print.

Gov. Eberhart has started a movement for the public benefit that should bring him lasting fame as its real and far-reaching merits shall

appear. It is up to this legislature to see properly and grasp by legislation the great opportunities which offer themselves now, but which have in part escaped and which will rapidly disappear altogether and forever if not seized without further delay. That would be a calamity not only to the State of Minnesota but to the entire Northwest and to the entire Mississippi Valley south of us.

IMPORTANCE OF MINNESOTA.

In this whole combination Minnesota occupies in importance that position which a keystone does in an arch. As our forests are cut off and our vast swamps are drained the sprinkle of disaster which already depresses the Minnesota Valley will become the raging storm, and the only way to cure permanently the flood evil is by replacing the natural swamp and timber sponges by artificial reservoirs to impound the floods of spring, releasing them gradually later. In doing this great water powers will be created, as will canals or cheap water roads over the State, free to the farmer and the manufacturer. This means redemption of the waste places of the State, the peopling of those portions now wilderness, an increase in land values, new towns, new electric roads gridironing the whole State until the 2,000,000 persons now dwelling in the State become, perhaps, twice that number.

WOULD DRAW MANUFACTURING.

These new water powerrs all over the State will inevitably draw manufacturing. The wool of Montana now passing through us to Boston should be stopped here, financed, manufactured, and distributed from here. Following the first steel plant, now under construction at Duluth, there should be others, and on the great water powers near there a host of secondary iron and steel manufactories should spring up.

The old theory of iron manufacturing has been that the ore went to the fuel, but the practice of taking Minnesota ore to Pennsylvania to the coal is now being reversed by reason of the cheap freights on the Great Lakes on coal coming to the ore district. Cheap water transportation on the Lakes is bringing the steel manufacturing to Minnesota, and the market for iron and steel is moving west and can be supplied cheaply from Minnesota.

This argument of cheap water carriage for the benefit of Minnesota I will now apply to the Mississippi River. The great storage of flood waters will increase the low-water navigation on the Mississippi River as far down as Keokuk, and according to good authorities as far as St. Louis. On high authority—a United States engineer of many years' experience on this end of the river—it is said, with the reservoirs possible of construction in Minnesota, a minimum water channel of 12 feet can be maintained down to Prescott, and if the same reservoir work is continued on down, from 12½ to 15 feet low-water channel can be had. But dead low water exists for a short time only, and a much higher stage may be expected for much of the navigation season.

FREIGHT CARRIED BY RHINE.

What this may mean can be estimated when we consider that the Rhine, on a maximum depth of 9 feet, and from that to less than half that, carries annually 25,000,000 tons. Thus Minnesota is seen to occupy the unique strategic position, the key, so to speak, to trade and manufacturing afforded by its location at the northwest corner formed by the Great Lakes water system to the east and the Mississippi River for 1,800 miles to the south.

And from this angle, from Minnesota, radiates the vast system of railroads over the great Northwest.

Such a combination of advantages is rare, if not unknown, in any other country. Neither the Northwest nor the Mississippi Valley has done more than begin to grow, and with the coming inevitable growth queenly Minnesota will come into her own, if only the lawmakers of this legislature see and act in accordance with the necessites of the movement.

WHAT CHICAGO HAS DONE.

From Chicago via the Illinois River to the Mississippi River near St. Louis and down to the Gulf an improved river is planned for a depth of from 14 to 20 feet. Chicago has spent $60,000,000 to build the upper end and the State of Illinois has amended its constitution and has bonded itself for $22,000,000 with which to carry on the work within its own borders.

SINISTER MOVEMENT SEEN.

Right here I want to call the attention of our legislature to a sinister movement, and one which is threatening and may strangle development in our great State, the Northwest, and the Mississippi Valley to the infinite loss of all, unless our present legislature acts to prevent it.

Just below Chicago on this great $60,000,000 canal an ostensible electric light company has got a grip that threatens that whole scheme of navigation from Chicago down. The State of Illinois is now in the midst of a life-and-death fight against this octopus, which nobody for a moment thinks is a genuine lighting company. Its control and animus is in Wall Street, and the same genius for evil is now seeking under cover, of course, to get hold of our Minnesota Valley and our high-dam water power between the cities of Minneapolis and St. Paul. It is a movement, smooth as oil and deadly as a viper, that should be scotched now by this legislature in the interest of the public welfare. No powers should be granted by this legislature or by Congress which in any way may obstruct what the State of Minnesota may want to do. This is ordinary common sense and business prudence and requires no argument.

DEVELOPMENT DEMANDED.

Coming back to the river and the deep-water channel from Chicago to the Gulf, the whole Mississippi Valley wants our end, from the Missouri River to Minneapolis and up through the State, developed to the utmost. I am now in correspondence with men of large affairs, covering the entire Mississippi Valley to the Gulf, who propose to form a united movement on the part of the Mississippi Valley States to work for a complete and harmonious channels improvement from the Gulf of Mexico up and into Minnesota, and I am receiving strong assurances of intelligent, sympathetic interest, a recognition of the sense and reasonableness of the plan, and a willingness and readiness to enter upon it.

WHAT IS INVOLVED.

Just a brief mention of what is involved. The work is naturally divided into three parts. From the mouth of the Missouri River, where a vast amount of sand and earth enters the Mississippi, for many hundred miles to Louisiana, where the deep, still water from the Gulf begins, the problem is one of bank dikes to prevent flood and a scouring and digging out of the sand bars which pile up between the long, deep pools. From the Missouri River to Minneapolis the river is gentle in its flow, having a fall of only about 7 inches to the mile, except at the two points where the earth's crust is broken, making rapids at Keokuk and Rock Island. The extremes between flood and low water on this river are only 20 feet apart, while on the Ohio River they are 70 feet. With the channel once fenced in by lock and wing dams and bank protection, as is now being done by the Federal Government, there remains only to be added the possible reservoir construction for increasing the low-water flow.

POSSIBILITY OF RESERVOIRS.

Lyman E. Cooley, engineer of the Chicago Canal, writes me that while investigating the possibilities of the Keokuk Dam he estimated that a *limited* reservoir construction above that point would increase the river flow 60 per cent as far down as Keokuk and *that the most of such reservoir work would be up here in Minnesota. This possible reservoir development being mostly in Minnesota, it can only be done by the State of Minnesota, though its benefits to the whole river below and to all those States are clearly seen and desired by the whole Mississippi Valley. I therefore count confidently on the support of them all to the granting to the State of Minnesota of the 1,500,000 acres of Government land still remaining within the borders of the State, which could then be used as the basis for a State bond issue with which to do this comprehensive State reservoir work. These lands are to-day of little value. As drainage progresses and the State fills up they will become more and more valuable and can be sold as seems best until all are disposed of, the proceeds to go into a sinking fund with which to retire the issue of State bonds, say, in 40 or 50 years.*

MEANS AN AMENDMENT.

Of course this means an amendment to our State constitution, as was accomplished in Illinois and has been done in other States. *In addition, the State should be able to buy from the United States Government, at cost, the high dam between St. Paul and Minneapolis. This is estimated to cost less than $1,500,000. It will produce a minimum revenue which, called 5 per cent interest, would represent an investment of $7,500,000, and really much more, as I am only using minimum figures to make my argument safe. This would permit the State to issue bonds enough to pay for the dam and a large amount more, the latter being used to begin work on other dams, say, in the Minnesota Valley.* The lands and the dam should permit a maximum State bond issue of $20,000,000, only to be issued piecemeal and strung along for years. Then, based on new water power created, as in New York State, other State bonds could be issued, so gaining enough funds to do all possible State reservoir building at no cost to anyone, simply using the State credit as a safe asset that will pay the cost of construction and then be left in State ownership forever afterwards to yield a State revenue with which to cut down State taxation.

PROPOSITION IS COMMENDED.

I have studied this project for years. I have put it up to the best men I can find—United States engineers, large capitalists, here and elsewhere, political leaders here, in Washington, and down the whole Mississippi Valley—and I have yet to find a single one who says it is impractical or unreasonable. On the contrary, I have never failed to receive the indorsement of these men. As a loyal citizen of Minnesota, as a member of the waterways commission appointed by Gov. Eberhart to investigate and recommend measures and ways and means, I now submit the plan for the thoughtful and honest consideration of the Legislature and by the people of Minnesota.

BILLS BEFORE LEGISLATURE.

Two bills introduced by Hon. L. C. Spooner are now before the legislature. One calls for the creation of a State water-supply commission to care for the water interests of the State; and if ever any State needed competent, honest servants, Minnesota needs them now in the promotion of this enterprise.

The second bill calls for funds to take an engineering inventory of the State's assets in water resources. The sum is far too small, but it will make a start.

Canada shames us all in her large intelligence in such matters and in the settlement of her cheap lands. She is getting the settlers who ought to locate in this State, and she has just paid $75,000 for an engineering investigation of the proposed waterway from Lake Superior to the Ottawa River.

When our next legislature meets two years hence, we should be prepared to offer that body the facts regarding our State water assets, with recommendation as to the proper action to take, such as a possible constitutional amendment permitting an issue of construction bonds. We ought to have things ready in Congress for turning over to the State the Government lands and the high dam, as already indicated. Meanwhile we should keep every predatory and hostile interest from securing a strangle hold on any stream or dam or reservoir site that the State might possibly want. Any water commission that may be created can not hope to more than make a beginning in the next two years, and I hope this legislature will appoint one of its number as the accredited representative of the State to cooperate with the water commission, if such be created, this representation to treat also with the various States and interests in the Mississippi Valley and with the President of the United States and Congress as shall be necessary.

The man to be selected for this important duty should have a broad, constructive grasp of the whole proposition. He should be a man of recognized integrity and unfaltering purpose, equipped with a personality and power of presentation of the subject that shall carry weight.

A. L. CROCKER.

MINNEAPOLIS.

[From the New Orleans Item.]

THE LEVEES AND THE RIVER.

What has happened at Beulah, what is threatened at Filters Point, what may come at Alsatia or Hymelia or Panther Forest or above Morganza, if the river continues to rise, is irrefutable evidence that the "levees-only" method of handling the problem of the Mississippi Valley is pitifully inadequate and futile.

What certain sage engineers have said about the impossibility of doing anything else to regulate floods, save building levees, will not be accepted without question by the people endangered. It is of too recent occurrence that learned gentlemen of the engineering profession staked their reputations that the Panama Canal could not be built in the exact way and manner in which it has been built, and that other learned gentlemen said that neither the Chagres in Panama nor the Nile in Africa could ever be "controlled."

What has been proven possible in one watershed would seem to the layman's mind possible in another, when the only fundamental difference is in magnitude, especially in this day when magnitude of any material problem has ceased to awe.

People along the Mississippi flood frontage remember that the record-breaking, levee-smashing water of 1912 came only from some of the lower rivers plus a torrent from the Ohio. They wonder in fear what would happen if, as is entirely possible, the Missouri, the upper Mississippi, and the Ohio should happen to be exceptionally high at the same time that the lower basins were already filled.

What is needed is an impartial survey of the whole great interrelated question of water conservation, irrigation and reclamation, transportation maintenance, and flood prevention from the headwaters to the jetties; decision upon an inclusive program covering every phase; and the adoption of that program and provision for it as a whole, just as the construction of the Panama Canal was planned, adopted, and provided for in its entirety.

The Federal Government is the only agency capable of doing this.

The people of the valley who fail to see beyond the tops of their levees, and who fear "invasion of States' rights," are blindly ignorant of their own interests, forgetful of the interests of millions of others who live elsewhere in the vast watershed of the Mississippi Valley.

The "problem of the valley," extending in its various phases over 28 States and affecting over 50,000,000 people, is one and the greatest of the many problems which transcend in moment and in scope the capacities or the powers of individual States.

—

[From the National Reclamation Association, New Orleans.]

FLOOD PREVENTION.

In its issue of February 1, 1913, the Los Angeles Tribune prints the following editorial:

"ANOTHER OBJECT LESSON OF FEARFUL COST.

"That the people of the Mississippi Valley should again be suffering personal distress and enormous loss from floods within a year of a former catastrophe is reason for serious reflection on the American way of despoiling the country of natural resources without concern for results, and trusting to luck for absolution from the logical results of such folly.

"One generation is now paying fearfully for the denuding of the watersheds along the Mississippi, Missouri, and Ohio Rivers. Yet so slow is humanity to learn the real lessons of experience that it can not be predicted when the scientific and frugal methods of prevention will take the place of profligacy, with real river protection and improvement.

"According to figures compiled by Hubert Fuller and published in the North American Review, the Government has spent more than $90,000,000 for the 'improvement' of the great stream that is now an annual menace. The result is that 'it costs the United States $20 for every ton of freight carried' on the three great streams of the Middle West, figuring in the expense the interest on the investment.

"We are having a terrible object lesson on the evils of the pork barrel whereby millions are taken out of the National Treasury and spent with the abandon of the drunken sailor on our waterways, big and little, for the political benefit of Members of Congress. After two floods of such stupendous harm in the Mississippi Valley it should not be necessary to argue much for the Newlands bill which proposes to harness the headwaters of America's great streams."

Mr. NEWLANDS. These editorials, coming from New England, the South, and the Pacific coast, indicate how general the expression is in favor of big and comprehensive National and State action.

Here we find the people upon the tributaries and source streams of the Mississippi moving. At Pittsburgh, where they suffer annually a loss aggregating from three to five million dollars from the floods, they appointed what is called the Pittsburgh Flood Commission, for the purpose of looking into this matter, and appropriated $100,000 for surveys and plans. They appreciate the importance of this question. That commission has passed resolutions commendatory of this bill. The Pittsburgh Chamber of Commerce has passed similar resolutions. Everywhere along the line you will find a demand for the conservation of the waters as the most valuable asset of the Nation; a demand for teamwork upon the part of the Nation and the States, a demand for teamwork upon the part of the scientific services that are now, in a detached and separated way, working upon our rivers; a demand for large appropriations; a demand for continuous work.

Why is it that our southern friends have not come into this movement with the vigor that usually characterizes them? I am at a loss to understand. Our Southern States are either traversed by the greatest of our rivers or are the sources of more rivers than any other portion of our country. There is no part of the United States that would benefit so much from the cooperation of rail and boat as will our Southern States, with their numerous rivers, arms of the sea, and the Gulf; with their splendid harbors, with their magnificent climate, with their extraordinary capacity for production; and yet there is more inertia upon this subject displayed by the representatives of the South than by the representatives of any other part of the country.

I have been unable to understand it, unless it is that so large a portion of the existing expenditures upon our rivers is made in the Southern States that they are unwilling to disturb that system, and that they are fearful of contemplating a great and efficient system that, in the end, will do much more effective work, lest their pending operations be temporarily disturbed. They must be pleased with the individual-project system, which makes each individual Congressman the arbiter of his own district, the controlling power as to whether or not appropriations shall come to that district. Such a condition as that has a subtle influence upon judgment and upon action. It is a part of the old spoils system that prevailed for so long to the injury of the country and the injury of the administration of its offices, which was continued as regards projects in waterways and public buildings, and which is only gradually yielding to better methods as the result of scientific legislation.

But I think if our southern representatives will go and test the sources of political power, the people themselves, they will find among them a general demand for a revolution of the existing system. The Senator from Georgia [Mr. SMITH] will recall that some three or four years ago it was my privilege to address the combined boards of trade of Georgia at an immense banquet given in Atlanta, at which the Senator, then the governor of the State, was present. I think the Senator will bear witness with me to the fact that not only was extraordinary interest manifested in the scheme of national development and national and State cooperation that was then discussed, but that there was an enthusiastic expression of favor regarding it. Wherever in the South nonpolitical gatherings are held—the meetings of the Southern Commercial Congress, the meetings of the Southern Reclamation Association of Louisiana, waterway conventions at Memphis, and elsewhere—you find the most enthusiastic expressions in favor of this policy. You will find to-day the two leading newspapers of New Orleans, the Item and the Picayune, advocating it. You will find the Progressive Union of New Orleans, a great commercial organization established for the advancement of the interests of the South, in favor of it. You will find the Reclamation Association of that State in favor of it, and you will find them all condemnatory of the narrow spirit of some southern statesman that insists simply upon a vision confined to the lower Mississippi and disregards the national aspirations upon this subject.

This movement is now being, I may say, in a measure directed and led by Mr. George M. Maxwell, formerly an able and distinguished lawyer of California, who became so interested in the question of irrigation that he abandoned his practice and devoted entirely seven or eight years of his life to the active propaganda for its advancement. He was the head of the executive committee of the Irrigation Association, and for years, both in the public press and upon the platform, was the strong advocate of western sentiment upon this subject. Led by his study of that subject to the conviction that irrigation was only a part of the water question, and a small part, and that the proper development of our water resources involved teamwork between the Nation and the States and the development of all related uses of water in the advancement of wealth and prosperity, he has taken up this propaganda. He was chosen as chief of the executive committee of the Pittsburgh Flood Commission; he has been chosen as the chief of the executive committee of the Louisiana Reclamation Service or Union; he has been chosen as a representative of the leading waterway association on the Pacific coast, where his influence has always been potent for wise measures. He is to-day conducting a propaganda at New Orleans, supplying all the various communities with literature upon this subject, almost suffering at times from pecuniary distress as the result of his disinterested labors.

I have received a telegram from Mr. Maxwell expressing his inability to be here at this important time, and expressing the hope that in my eagerness to secure action now I will not accept partial results by way of amendment; that the thing to do is to fight for the river-regulation bill as drawn; and that if that fight is conducted earnestly and consistently victory will soon be our reward. Animated by the suggestion, I have not viewed with hospitality the various suggestions that have been made by my colleagues upon this floor that I should narrow the operation of this measure by resorting to some temporary expedient.

We have been for 100 years pursuing this question; we have the accumulated experience of engineers, constructors, and publicists upon it; we have a universal public sentiment. It is true that the Committee on Commerce accepted a part of an amendment which I offered, which you will find in the bill, and with which they propose to satisfy me, but I am not satisfied. It is true that appeals have been made to me not to imperil the passage of the pending bill by long discussion in the closing hours. I am not insensible to that appeal, but the time will come, unless some action is taken, when upon the river and habor bill the representatives of regions other than the lower Mississippi Valley will see to it that this is planned and conducted as a great national and interstate enterprise, and they will, at the risk of imperiling and destroying this insufficient legislation, which parties interested have been building up, insist upon large national and interstate plans and works under the cooperative methods for which my river-regulation bill calls.

Mr. BURTON. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. After line 17, page 7, substitute a comma for the period and insert the following:

And the Secretary of War is hereby authorized to make such rules and regulations for the navigation of Ambrose Channel, after the completion of its improvement, as he may deem necessary or expedient to insure its safe use in all kinds of weather, night and day, for all vessels under control and running under their own power, and to this end he may, in his discretion, forbid its use to tows of every description and to sailing vessels.

Mr. NELSON. There is no objection to that amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURTON. I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

Mr. BURTON. Before it is read, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Ohio suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	McLean	Simmons
Bankhead	Gamble	Myers	Smith, Ariz.
Borah	Gardner	Nelson	Smith, Ga.
Bourne	Guggenheim	Newlands	Smith, Mich.
Bristow	Hitchcock	Oliver	Smoot
Brown	Jackson	Owen	Stephenson
Burnham	Johnson, Me.	Page	Sutherland
Burton	Johnston, Ala.	Paynter	Swanson
Catron	Jones	Percy	Thomas
Chamberlain	Kavanaugh	Perkins	Thornton
Clarke, Ark.	Kenyon	Pittman	Webb
Crawford	La Follette	Pomerene	Wetmore
Cullom	Lea	Richardson	Williams
Curtis	Lippitt	Sheppard	Works
Foster	Lodge	Shively	

Mr. SIMMONS. I was requested to announce that the Senator from South Carolina [Mr. SMITH] is absent on official business.

The PRESIDENT pro tempore. On the call of the roll 59 Senators have answered to their names. A quorum is present.

Mr. BURTON. It is anticipated that some time may be consumed in the discussion of the amendment I have offered. I will say that is not my own opinion, as I do not expect to occupy more than a very few minutes. The Senator from Idaho [Mr. BORAH] desires to present an amendment which will provoke no discussion probably, and I yield to him for the presentation of that amendment. After that I desire to have the amendment which I have offered read.

Mr. BORAH. After the word "reserved," on page 54, line 23, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The Senator from Idaho offers an amendment, which will be read.

The SECRETARY. On page 54, line 23, at the end of the committee amendment already agreed to at that place, insert:

"Nothing in the foregoing section or in this act shall be construed to embarrass, hinder, or deny the right of a State through its public utilities board or commission or in such other mode as the State may lawfully provide, to regulate and control the rates and charges for which any corporation (public or private), company, or individual shall furnish hydroelectric power or electricity to the people of the State when the same is intrastate business, or to embarrass, hinder, or deny the right of the National Government, through the Interstate Commerce Commission or such other mode as Congress may provide, to regulate and control the rates and charges for which any corporation, public or private, or any individual shall furnish hydroelectric power or electricity to the people of any State when the same is interstate business, and that notwithstanding any of the provisions of this act there is reserved against all grants and privileges herein made or given the right of public regulation and control as to the rates and charges for which hydroelectric power or electricity may be furnished, sold, or disposed of to all those desiring to purchase or use the same."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Idaho.

Mr. WORKS. I should like to inquire of the Senator from Idaho whether this is an amendment to the proposed amendment of the Senator from Ohio?

Mr. BORAH. No; it is an amendment to the bill as it now stands. If the amendment of the Senator from Ohio should be adopted, it would be in operation, nevertheless.

Mr. WORKS. The reason why I asked is because it seems to be a qualification of the provision intended to be inserted in the bill by the Senator from Ohio.

Mr. BORAH. I conceive this amendment to be important by reason of the amendment which was put in upon page 53 of the bill, with reference to the Minnesota dam-site amendment.

Mr. OWEN. I wish to ask the Senator from Idaho if his amendment reserves to the State the right to regulate the rates, whether the service is interstate or intrastate, or is it confined to intrastate business?

Mr. BORAH. The amendment as it is drawn provides that no grant or privilege given or granted under this bill shall interfere with the State from regulating or controlling the rates or charges for furnishing hydroelectric power when it is intrastate business.

Mr. OWEN. The reason why I asked was because it appeared to have been read with both words in it; but that was a mistake, I suppose, in reading.

Mr. WILLIAMS. I should like to ask the Senator from Idaho what is the need of this amendment? Does he imagine that anything in the bill could interfere with the constitutional right of the State to regulate rates upon intrastate business?

Mr. BORAH. My idea is that a special grant might be such that it would be so construed as to interfere with the powers of the State. Here is a special grant, based upon an apparent consideration, and in which grant the National Government apparently retains an interest, to be used for governmental purposes. Now, I do not want this ambiguous language construed so that this electric company will be deemed an instrumentality or servant of the Federal Government. But aside from this question of law the amendment declares a policy.

Mr. WILLIAMS. I do not know what the clause is and what the character of it is, but if there were language in the bill expressly giving to the Federal Government power to interfere with the regulation of the rates in intrastate business, the language would not be worth the paper upon which it was written. Congress could not by its power subtract from the constitutional rights of the State, nor add to the constitutional rights of the Federal Government. The matter would be left for judicial construction after all.

It does seem to me that offering this amendment to the bill might possibly endanger the bill itself and that it could do no possible good.

Mr. BORAH. Mr. President, I do not disagree with the Senator from Mississippi as to the general constitutional proposition which he has stated, but there is a special grant in the bill to which I am very much opposed, by reason of the fact that in my opinion it might be construed to embarrass a public utilities commission in the discharge of its duty in fixing rates.

If the amendment has no other effect than that suggested by the Senator from Mississippi it would do no harm. It will certainly construe this act upon the part of Congress as Congress intends it shall be construed. But I am most anxious just now to declare as a policy along with all these special grants that of public regulation and control by some other body than the head of a department actuated by a desire to get revenue rather than to protect the people from exorbitant charges.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Idaho.

The amendment was agreed to.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Ohio [Mr. BURTON] will now be read.

The SECRETARY. After line 18, on page 5, insert:

The assent of Congress is hereby given to the Connecticut River Co., a corporation organized and doing business under the laws of the State of Connecticut, to relocate its "Enfield Dam," so called, and to construct, maintain, and operate such relocated dam (which if located opposite Kings Island, in said river, shall extend across both branches of the river), together with works appurtenant and necessary thereto, across the Connecticut River at any point below a line crossing both branches of the river and Kings Island midway between the northerly and southerly ends of said island: *Provided*, That, except as may be otherwise specified in this act, the location, construction, maintenance, and operation of the structures herein authorized, and the exercise of the privileges hereby granted, shall be in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 23, 1906": *And provided further*, That the time for completing said dam and appurtenances may be extended by the Secretary of War, in his discretion, two years beyond the time prescribed in the aforesaid act: *And provided further*, That the rights and privileges hereby granted may be assigned with the written authorization of the Secretary of War, or in pursuance of the decree of a court of competent jurisdiction, but not otherwise: *And provided further*, That the Secretary of War, as a part of the conditions and stipulations referred to in said act, may, in his discretion, impose a reasonable annual charge or return, to be paid by the said corporation or its assigns to the United States, the proceeds thereof to be used for the development of navigation on the Connecticut River and the waters connected therewith. In fixing such charge, if any, the Secretary of War shall take into consideration the existing rights and property of said corporation and the amounts spent and required to be spent by it in improving the navigation of said river, and no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurtenant works and property, allowing for the cost of construction, maintenance and renewal, and for depreciation charges: *And provided further*, That if said company shall neglect or refuse to pay any charge or return demanded of said corporation by the Secretary of War, either by order or under any contract, and such neglect or refusal is based on the ground that said charge or return is invalid or unconstitutional and not within the power of Congress to require, such neglect or refusal on the part of the company shall not affect the rights of said company to hold and exercise all the powers, rights, and privileges granted in this act; and in any suit brought against said corporation for the collection of said charge or return, the said corporation shall have the right to enter its

proper plea to test the constitutionality or validity of said charge or return, and the courts shall take cognizance of the same; and nothing in this section shall be understood as committing the Government to a policy of imposing or not imposing such charges or returns as are herein described from any other company or corporation seeking the assent of Congress under like or similar circumstances.

That the height to which said dam may be raised and maintained shall not be less than 39 feet above zero on the Hartford gauge: *Provided*, That said corporation shall permit the continuous discharge past said dam of all water flowing in the Connecticut River whenever the discharge into the pool created by the dam hereby authorized is 1,000 cubic feet per second or less, and at all greater discharges into said pool shall provide a minimum discharge past said dam of not less than 1,000 cubic feet per second: *And provided further*, That said corporation may, for not to exceed five hours between sunset and sunrise, limit the discharge past said dam to 500 cubic feet per second whenever such limitation will not, in the opinion of the Secretary of War, interfere with navigation. The measure of water thus to be discharged shall include all the water discharged through the lock herein provided for and the present locks and canal of said corporation: *And provided further*, That nothing in this act shall in any way authorize said corporation at any time or by any means to raise the surface of the river at the location just above the present Enfield Dam to any height which shall raise the surface of the river at the lower tailrace of the Chemical Paper Co. in Holyoke, Mass., higher than can result from the erection or maintenance of any dam or dams which said corporation is authorized to erect or maintain in accordance with the order and decree of the circuit court of the United States for the district of Connecticut, passed June 16, 1884, in the case of the Holyoke Water Power Co. against the Connecticut River Co.

That the said Connecticut River Co. shall build coincidently with the construction of the said dam and appurtenances, at a location to be provided by said corporation and approved by the Secretary of War, and in accordance with plans approved by the Secretary of War and the Chief of Engineers, a lock of such kind and size and with such equipment and appurtenances as shall conveniently and safely accommodate the present and prospective commerce of the river, and when the said lock and appurtenances shall have been completed the said corporations shall convey the same to the United States, free of cost, together with title to such land as may be required for approaches to said lock and such land as may be necessary to the United States for the maintenance and operation thereof, and the United States shall maintain and operate the said lock and appurtenances for the benefit of navigation; and the said corporation shall furnish to the United States, free of charge, water power, or power generated from water power, for operating and lighting the said constructions; and no tolls or charges of any kind shall be imposed or collected for the passage of any boat through the said lock or through any of the locks or canal of said corporation.

That compensation shall be made by the said Connecticut River Co. to all persons or corporations whose lands or other property may be taken, overflowed, or otherwise damaged by the construction, maintenance, and operation of the said dam, lock, and appurtenant and accessory works, in accordance with the laws of the State where such lands or other property may be situated; but the United States shall not be held to have incurred any liability for such damages by the passage of this act.

That upon the termination for any cause whatever of the authority, rights, and privileges granted hereby, or any renewal thereof, the United States may renew the same or the grant may be made or transferred to other parties. Unless the grant is renewed to the original grantee or its assigns, as herein provided, the United States shall pay or require its new grantee to pay to said original grantees or its assigns, as full compensation, the reasonable value of the improvements and appurtenant works constructed under the authority of this act and of the property belonging to said corporation necessary for the development hereby authorized, exclusive of the value of the authority hereby granted. Said improvements and appurtenant works and property shall include the lands and riparian rights acquired for the purposes of such development, the dam and other structures, and also the equipment useful and convenient for the generation of hydroelectric power or hydromechanical power, and the transmission system from generation plant to initial points of distribution, but shall not include any other property whatsoever. Such reasonable value shall be determined by mutual agreement between the Secretary of War and the owners, and, in case they can not agree, then by proceedings instituted in the United States district court for the condemnation of such properties. The basis for determining the value shall be the cost of replacing the structures necessary for the development and transmission of hydroelectric power by other structures capable of developing and transmitting the same amount of marketable power with equal efficiency, allowance being made for deterioration, if any, of the existing structures in estimating such efficiency, together with the fair value of other properties herein defined, to which not more than 10 per cent may be added to compensate for the expenditure of initial cost and experimentation charges and other proper expenditures in the cost of the plant which may not be represented in the replacement valuation herein provided.

That the right to alter, amend, or repeal this provision is hereby expressly reserved.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Ohio [Mr. BURTON].

Mr. BURTON obtained the floor.

Mr. BANKHEAD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. BURTON. Yes.

Mr. BANKHEAD. I should like to inquire of the Senator from Ohio about how long he thinks he will discuss this matter?

Mr. BURTON. For not more than 10 minutes.

Mr. BANKHEAD. I desire to raise the point of order against the amendment, and I do not want to be precluded by any proceeding that may come in advance of my doing so.

The PRESIDENT pro tempore. That will be the Senator's right at any time.

Mr. BURTON. Mr. President, this amendment is in the same form, practically, as a bill which was heretofore considered by the Senate, but in the disposition of which a portion was eliminated by amendment. There are, however, two vital reasons why the amendment I now offer should be adopted, which did not exist when the bill to which I refer was acted on by the Senate. Those two reasons are these: First, the original bill contained, as does this amendment, a provision that a certain charge should be imposed upon the company, and that the fund so created should be used by the United States for the improvement of the Connecticut River. It was maintained by some of the Senators that this was an unlawful exercise of Federal power. There was much discussion on that subject. With equal earnestness it was maintained by some that the provision was entirely valid and by others that it was invalid. This amendment contains a provision, not included in the original bill, which will be found on page 3, beginning with line 5, and reads as follows:

And provided further, That if said company shall neglect or refuse to pay any charge or return demanded of said corporation by the Secretary of War, either by order or under any contract, and such neglect or refusal is based on the ground that said charge or return is invalid or unconstitutional and not within the power of Congress to require, such neglect or refusal on the part of the company shall not affect the rights of said company to hold and exercise all the powers, rights, and privileges granted in this act; and in any suit brought against said corporation for the collection of said charge or return, the said corporation shall have the right to enter its proper plea to test the constitutionality or validity of said charge or return, and the courts shall take cognizance of the same.

So much for that. Why should Senators be reluctant to have this question, about which there was so much discussion, submitted to the courts? Most careful provision is made that if the company refuses to pay the proposed charge that shall not interfere with their rights to utilize this water power, but that they may continue to do the business which they are organized to do, and the courts will decide the question of the constitutionality of the charge. De we not have, Mr. President, some interest in having submitted to the court this question in the discussion of which several days were consumed?

But, still further, others stated that the bill created a precedent which would operate unfavorably in other cases where it was sought to develop water power. To meet their contention this clause has been inserted:

And nothing in this section shall be understood as committing the Government to a policy of imposing or not imposing such charges or returns as are herein described from any other company or corporation seeking the assent of Congress under like or similar circumstances.

Eight or nine members of the Committee on Commerce filed a report in which they stated that they favored the bill and that, except for this clause imposing a charge, they would vote for it, but they regarded that as invalid and as creating an unfavorable precedent. Now, provision is not only made for determining whether or not it is valid or invalid, without interfering with the rights of the company, but there is an express declaration that it shall not be regarded as a precedent.

In the course of my argument several days ago I said, Mr. President, that the conditions here were somewhat exceptional; that this dam was located in the midst of a thickly settled country where there existed a great demand for power. To make sure that in another place where there might be a sparse settlement a similar charge could not be imposed, this amendment expressly provides that this legislation shall not be regarded as a precedent.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from California?

Mr. BURTON. Yes.

Mr. WORKS. Does the Senator from Ohio really think the corporation would raise that question and involve itself in litigation, while it has the right under the law to collect back from its consumers every dollar of the money that it is required to pay out for such charges?

Mr. BURTON. Mr. President, I argued that question at great length some days ago. The corporation does not have the right to collect every dollar back from its consumers. This provision is inserted here as a safeguard against exorbitant profits. It is expressly provided that the public utilities commission of the State may fix the charge. In actual practice the Federal charge will be imposed, as has been repeatedly pointed out, only after the rate-fixing authority of the State has determined the rates the company may charge, and then only when an undue margin of profit still remains.

I may repeat briefly what I formerly called attention to, that the price of power is determined by competitive conditions; that the greater share of power consumed or used in that locality would be generated by coal; that portion of the power furnished by water would cost much less; and that a public utility commission could not consistently fix one price for power

generated by water and another price for power generated by coal.

The second reason for adopting this amendment, which did not exist when the original bill was up for consideration, is this: We have inserted in the pending bill a provision for a leasing of the power created by a dam between Minneapolis and St. Paul. Under what terms? That the company utilizing that power must pay what? Four per cent interest, not on the total cost of the dam, but on that additional cost, which is necessary to make the dam capable of producing water power; that is, the dam for navigation would cost, say, $800,000, whilst the dam with the capability of producing water power would cost $1,400,000; and there is a charge of 4 per cent on that additional $600,000. We have thereby, if any legislation by Congress establishes a principle, established a rule that the Government, when constructing works for the promotion of navigation, may add to the cost of those works an amount sufficient for the creation of water power, and that it is entitled to compensation on the amount of its investment for the creation of that water power.

Mr. President, what defense could be offered if we should adopt that kind of a proposition and should refuse this? Why, we would be saying that the Government of the United States might spend its own money for the creation of water power and lease that privilege for 4 per cent interest on its investment, but that when a corporation comes to us and offers to build a lock and dam, furnish power, and do everything else necessary for navigation, we refuse it. Does that look like very much care for the interests of the United States? Does that indicate any degree of foresight and of regard for the interests of the Federal Government? It would virtually be saying that this private corporation can not build a lock and dam, but the Government may build the lock and dam and lease it for 4 per cent interest on the cost.

Mr. President, I am not willing, and I do not believe the Senate is willing, to have it said that we will build and turn over to a corporation expensive works at 4 per cent interest, but that we refuse to allow a private corporation, at its own expense, without cost to the Government, to create this very substantial aid to navigation.

The subject has been so long discussed, Mr. President, that I do not desire to prolong my remarks, and I trust that the offering of the amendment will not reopen the controversy which has heretofore consumed so much time. It is in no language of challenge that I say to those on the other side, "You have taken a different view as to the local phases of this question; now, let us submit it to the courts." It is rather as an orderly presentation of the argument and of the statement to the Senate that this is the way, and the only way, to have this question, which must be of such vital importance in the future, settled, and settled beyond controversy.

Mr. BANKHEAD. Mr. President, I desire to make a point of order against this amendment for two reasons: First, it is obnoxious to paragraph 3 of Rule XVI; and, second——

The PRESIDENT pro tempore. Will the Senator kindly read that paragraph?

Mr. BANKHEAD. I ask that the Secretary read it.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read from paragraph 3 of Rule XVI, of the Rules of the Senate, as follows:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received.

Mr. BANKHEAD. Again, Mr. President, it is a violation of section 7, Article I, of the Constitution of the United States, which provides:

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Mr. President, it is perfectly evident, and I do not think it requires an argument to satisfy the Senate, that the purpose of this amendment is to raise revenue. It levies a tax, to be collected through the agency of the Secretary of War, the funds to be paid into the Treasury. Therefore it can not be denied, it seems to me, that it has for its purpose, and for its main purpose, the raising of revenue. To say nothing of that, I insist it is obnoxious to the clause of the rule that has just been read.

Mr. BURTON. Mr. President, a river and harbor bill is not essentially an appropriation bill at all; it is a bill making allowances for different river and harbor works and providing for their construction. In almost every river and harbor bill for 10 years we have had provisions of this nature, to the effect that a privilege shall be granted to construct dams in navigable streams. This bill is full of provisions other than those relating to appropriations. There is a long list of surveys; there is authority to rent dredges under certain circumstances; and there is authority to receive donations of land. Without the right to insert paragraphs which relate to the construction of locks and dams the improvement of rivers could not proceed without very serious embarrassment. A lock and dam is just as much in the interest of navigation when made by a private party as when made by the Government. Hence that point is not well taken.

The constitutional provision against the origination of bills for raising revenue in the Senate is one which applies where the main object, you might say the sole object, is the raising of revenue. In this case that is not true; it is incidental to the main purpose. It is the granting of a privilege—you can perhaps hardly call it a franchise—but the right is granted to construct a work in aid of navigation, and coupled with that right is a condition that there shall be a certain charge imposed, not for general revenue, but for the improvement of that river and its connecting waters. If the contention of the Senator from Alabama should be correct, you could never frame one of these provisions in the Senate, and he himself knows that that has been very frequently done. If nothing which involved a charge for the privilege could be imposed as a condition, it would be necessary to grant the naked privilege without conditions or reservations.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. Certainly.

Mr. SIMMONS. I should like to inquire of the Senator if he does not think—and I am asking for information—that the money to be paid to the Government under this amendment would have to go into the Treasury and have to be subsequently drawn out by an appropriation?

Mr. BURTON. Yes; it would have to go into the Treasury.

Mr. SIMMONS. Then, is it not analogous to provisions in the river and harbor bill in relation to contributions on the part of the localities concerned?

Mr. BURTON. It is provided in such cases that the amounts shall be paid into the Treasury.

Mr. SIMMONS. If this money must be paid into the Treasury and appropriated out, how does the Senator distinguish this fund from any other fund belonging to the Government?

Mr. BURTON. Because it is for a special purpose and in connection with the object relating to which the privilege is granted. It is very different, as the Senator from North Carolina will readily recognize, from a provision for general revenue, and, even if that were not the case, it is a mere incident, and would not be obnoxious to the constitutional provision.

Mr. LODGE. Mr. President, the other day when a question was raised upon the amendment of the committee in regard to the Minnesota dam, I had no doubt whatever that the amendment was in order; that it was not general legislation; and the Senate so decided. "General legislation," as affecting this bill, does not mean appropriations for the specific purposes for which this bill is framed. Any appropriation relating to rivers and harbors that has been properly estimated for or that has been reported from a committee is in order. In such a case it is to carry out the purposes of the bill, and it can not possibly be said to be general legislation.

As to the point about raising revenue, it seems to me that that has hardly any weight. The Constitution provides that "all bills for raising revenue shall originate in the House of Representatives." This either is a bill to raise revenue or it is not. I do not think it is a bill raising revenue. It is open to us to put on any amendment we like, even if that amendment carries some fee or compensation. If it is not a bill to raise revenue, of course the point of order does not apply; and if it is a bill to raise revenue, then we have the right to amend it, expressly given by the Constitution. It must be one or the other.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. The Chair will be pleased to hear very briefly on the point of order.

Mr. BRANDEGEE. Mr. President, I desire to put into the RECORD a brief extract from the discussion which took place upon this very point in relation to the Municipal Electric Co. amendment in connection with the dam on the Mississippi River. It appears on page 3593 of the RECORD, under date of February 20, 1913, and is as follows:

Mr. THOMAS. * * * My attention has been called to section 3 of Rule XVI as bearing upon this amendment, from which I will read: "No amendment which proposes general legislation shall be received to any general appropriation bill."

This amendment certainly proposes general legislation. I therefore make the point of order that it is obnoxious to section 3 of Rule XVI of the Rules of Procedure of the Senate.

Mr. NELSON. Mr. President, on the point of order, this is a special case that follows the appropriation for the dam. That appropriation of $185,000 is for this dam, and the amendment relates simply to this particular dam. It is not of a general character. It is not general legislation.

Mr. NEWLANDS. Mr. President, I should like to ask the Senator from Ohio [Mr. BURTON] whether it has not been customary to insert legislation of this kind in river and harbor bills? Is not the river and harbor bill regarded not simply as an appropriation bill, but a bill providing authority for surveys, etc., and also appropriating money for projects?

Mr. BURTON. Mr. President, I do not think any discussion has arisen on that subject in the Senate. In the House it is regarded as a quasi appropriation bill, and material relating to public works and rivers and harbors is considered in order. That is, it is not regarded as strictly an appropriation bill and governed by the rules which pertain to appropriation bills.

Mr. NEWLANDS. I remember hearing the Senator make that statement at the committee meeting the other day when the question arose.

Mr. BURTON. That is certainly the rule in the House. It is not regarded as absolutely confined within the limits which pertain to an appropriation bill, as it will appear that the modification of projects or provisions relating to associated projects are subjects which could not well be disposed of except in this bill. For that reason the rule has been established that it is not limited by the strict rules pertaining to appropriation bills, at least in the House.

Then the discussion goes on. Finally the Chair submitted the question to the Senate, and upon page 3594 of the RECORD the President pro tempore said:

The Chair submitted it to the Senate, and it was decided that it was in order.

Now, Mr. President, this is exactly that same case. This is a permit authorizing the maintenance of a particular dam at a point in a river, and it can not be said in any respect to be "general legislation."

As to the point of order that it is "a bill for raising revenue" under the language of the Constitution, it seems to me that that claim can not seriously be made.

Section 7, Article I, of the Constitution provides:

All bills for raising revenue shall originate in the House of Representatives—

And so forth.

To say that an amendment to a river and harbor bill, which issues a permit to maintain a dam, is a bill for the purpose of raising revenue, of course, is far-fetched and absurd. I hope the Chair will overrule the point of order.

Mr. SMOOT. Mr. President, the Senator from Ohio [Mr. BURTON], as I understood him, made the statement that the river and harbor bill is not a general appropriation bill.

Mr. BURTON. Certainly; it is not.

Mr. SMOOT. I simply rise, Mr. President, to state that I understand that it is considered in the Senate to be a general appropriation bill. If I am wrong in that statement, I should like to have the Chair correct me.

Mr. BRANDEGEE. The bill states on its face that it is "A bill making appropriations for * * * rivers and harbors, and for other purposes."

Mr. SMOOT. Certainly; but it is considered, and always has been considered in the Senate of the United States, a general appropriation bill.

The PRESIDENT pro tempore. The Chair will deal with that matter in attempting to decide this question.

Mr. BANKHEAD. I should like to read, Mr. President, paragraph 1 of Rule XVI with reference to appropriation bills:

All general appropriation bills shall be referred to the Committee on Appropriations, except the following bills, which shall be severally referred as herein indicated, namely: The bill making appropriations for rivers and harbors—

And so forth.

If that does not make it a general appropriation bill I do not understand the rule.

Mr. BRANDEGEE. Mr. President, there is no relevancy whatever to the point of order as to whether or not it is a general appropriation bill. The point is that, even if it is a general appropriation bill, the amendment proposed is not general legislation.

The PRESIDENT pro tempore. The Senator from Alabama [Mr. BANKHEAD] makes a point of order against the amendment on two grounds: First, that it is general legislation on an appropriation bill according to Rule XVI; and second, that it is obnoxious to the provision of the Constitution of the United States, that "bills for raising revenue shall originate in the House of Representatives." The Chair does not consider it his function to decide a constitutional question, whatever his views on that point may be, but will confine himself to dealing with the point the Senator from Alabama makes, that the amendment proposes general legislation.

Mr. NELSON. Mr. President, there was another point made by him, and that was that the amendment is not germane.

The PRESIDENT pro tempore. The Chair did not hear that point.

Mr. BANKHEAD. Yes; I included that, Mr. President, in my point of order.

Mr. BURTON. Mr. President, if there is to be any discussion——

The PRESIDENT pro tempore. The Chair can not be interrupted just at this point. The Senator from Connecticut [Mr. BRANDEGEE] has read briefly the proceedings that occurred a few days ago on the amendment relating to the Mississippi River dam, and has shown by the CONGRESSIONAL RECORD that the Chair submitted that question to the Senate and that the Senate decided that the amendment was in order, and so decided, the Chair may well say, on a decisive vote, the yeas and nays being refused when they were demanded. During that debate several Senators whose opinions are entitled to great weight made declarations along this line. The Senator from Colorado [Mr. THOMAS] said:

I think it involves—

That is the Mississippi River dam project—

I think it involves to a very large extent the same conditions which were adopted by a majority of the Senate in the Connecticut River bill.

The Senator from New York [Mr. O'GORMAN] said:

But I have this to remark: If the Senate adopts this amendment, it should reconsider its action respecting the Connecticut dam bill, upon which we voted a few days ago.

The Senator from Idaho [Mr. BORAH] observed:

There is a difference so far as the physical facts are concerned; but there is no difference, to my mind, between the principle which is involved in this amendment and the one which was involved in the Connecticut dam bill.

There may have been somewhat similar utterances by other Senators, but the Chair simply turned to those three expressions on the part of Senators who have looked into this matter very carefully.

In view of the fact that the amendment relating to the dam on the Mississippi River was submitted to the Senate, and by a decisive vote was held to be in order, and in view of the further fact of the utterances that were made to the effect that these two amendments were on all fours, the Chair overrules the point of order.

Mr. BANKHEAD. Mr. President, I make the point of order that the amendment is not germane or relevant to the bill.

The PRESIDENT pro tempore. Under the rules, that point of order must necessarily be submitted to the Senate.

Mr. BURTON. Mr. President, I wish to be heard briefly on that matter. This follows a provision for the improvement of the Connecticut River. It is in pursuance of a survey and report made under the order of Congress, in which report this improvement is favorably regarded; but it is stated that the expense due to the development of water power, unless there is participation, should not be undertaken.

The PRESIDENT pro tempore. The Chair will suggest to the Senator from Ohio that it is not within the province of the Chair to decide the point of order now raised, the rules providing specifically that it shall be submitted to the Senate.

Mr. BORAH. Mr. President, I am sorry the Senator from Alabama [Mr. BANKHEAD] raises this question in this way. There can be no doubt but that this amendment is relevant and germane upon the same principle as the amendment which we adopted a few days ago. While I am opposed to both of them, I do not desire to be placed in the position of voting for this amendment when I vote in favor of the proposition that it is relevant or germane to the bill. We ought to vote upon it directly as to whether we want it on the bill or not. Senators who voted for the amendment a few days ago ought either to vote for this or to vote against it. It involves precisely the same principle. If the Senate is ready to reverse its action, let us reverse it now, and establish this precedent and put it in this bill.

Mr. NELSON. Mr. President, the Senator from Idaho is utterly mistaken. It is not the same principle. The dam on the Mississippi River at Minneapolis was a dam built by the Federal Government with its own money, in the interest of navigation, and it was only incidentally that the power was created. This dam on the Connecticut River is not to be built by the Federal Government. It is to be built by a private company with its own money, and the Federal Government has not a dollar invested. That is the great difference between the two cases.

Mr. BORAH. Mr. President, that difference is no difference at all so far as the legal principle is concerned. It can not make a particle of difference, as far as the legal principle involved is concerned, whether the National Government builds the dam or whether private individuals are going to build it. When we come to analyze it, in its last analysis, the principle is precisely the same. The physical facts are different, but the power of the National Government over the power created is the same.

The PRESIDENT pro tempore. If the Senator from Idaho will permit the Chair, according to the rules of the Senate the point of order now made, that this amendment is not relevant, must be decided without debate. The Chair will submit to the Senate the question as to the relevancy of the amendment.

Mr. BANKHEAD. Mr. President, I ask unanimous consent to proceed for a moment.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent to make a statement. Is there objection? The Chair hears none, and the Senator will proceed.

Mr. BANKHEAD. After further consideration of this question, I believe——

Mr. LODGE. Mr. President, this is a most extraordinary procedure. The Senator from Idaho has just been taken off the floor on the ground that the matter is not debatable, and then another Senator is permitted to occupy the floor.

Mr. BANKHEAD. I thought I had the consent of the Senate, including the Senator from Idaho, to make a statement.

Mr. LODGE. It is a most extraordinary procedure.

Mr. BANKHEAD. Mr. President, with the hope that it might facilitate the disposition of these matters, I asked that the Senate would bear with me for a minute. Have I unanimous consent to proceed for, say, two minutes?

The PRESIDENT pro tempore. The Chair put the question, and there was no objection to the Senator's proceeding briefly.

Mr. BANKHEAD. Mr. President, as I said, after further consideration I believe I will withdraw my point of order. I am willing to have the Senate vote on this question. It has gone on record once, and I am willing that it should go on record again. In withdrawing my point of order I desire to offer a substitute for the amendment offered by the Senator from Ohio, which is the bill as it passed the Senate a few days ago.

Mr. BRANDEGEE. I object to the withdrawal of the point of order.

The PRESIDENT pro tempore. The Chair thinks it would not be competent for a Senator to object to the withdrawal of a point of order.

Mr. BRANDEGEE. Then, Mr. President, I renew the point of order myself.

The PRESIDENT pro tempore. The Senator from Connecticut renews the point of order. The question is——

Mr. BORAH. What is the point of order?

The PRESIDENT pro tempore. The point of order is that the amendment is not germane to the bill.

Mr. BRANDEGEE. I hope the Senate will decide that it is germane. I do not want a vote on the amendment which the Senator from Alabama proposes to offer as a substitute for the amendment proposed by the Senator from Ohio.

Mr. BANKHEAD. We are about to get this matter rather complicated, it seems to me. As I understand, objection is made to my withdrawing the point of order.

Mr. BRANDEGEE. I hope the Senator will withdraw his amendment and let the vote come on the amendment proposed by the Senator from Ohio.

Mr. BANKHEAD. I do not propose to be dictated to.

Mr. BRANDEGEE. Neither do I.

Mr. JONES. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Washington will state it.

Mr. JONES. Suppose, in passing upon the point of order raised by the Senator from Connecticut, the Senate should declare that the amendment is germane; would not a substitute then be in order?

The PRESIDENT pro tempore. Certainly so.

Mr. BRANDEGEE. It can then be offered.

Mr. BANKHEAD. I will withdraw my amendment, then, until the other question is disposed of.

The PRESIDENT pro tempore. The question is, Is the proposed amendment germane to the bill? [Putting the question.] By the sound the ayes have it. The ayes have it, and it is decided that the amendment is germane.

Mr. BANKHEAD. Mr. President——

The PRESIDENT pro tempore. The question now is——

Mr. BANKHEAD. Mr. President——

The PRESIDENT pro tempore. The Chair will recognize the Senator from Alabama in a moment. The question is upon the amendment submitted by the Senator from Ohio [Mr. BURTON]. The Senator from Alabama is now recognized.

Mr. BANKHEAD. Mr. President, did I understand the Chair to decide that a majority of the Senate had voted that the amendment was relevant?

The PRESIDENT pro tempore. The Chair decided that, by the sound, the ayes had it.

Mr. BANKHEAD. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHEPPARD (when Mr. CULBERSON'S name was called). My colleague is absent on business of the Senate. He is paired with the Senator from Delaware [Mr. DU PONT].

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. In his absence, I withhold my vote.

Mr. NELSON (when his name was called). I have a pair with the senior Senator from Georgia [Mr. BACON]. On that account I withhold my vote.

Mr. PAYNTER (when his name was called). I will ask whether the senior Senator from Colorado [Mr. GUGGENHEIM] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. PAYNTER. Having a general pair with that Senator, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I desire to state that the senior Senator from Georgia [Mr. BACON] is detained in his room by sickness.

Mr. SMITH of Michigan (when his name was called). I have a pair with the junior Senator from Missouri [Mr. REED], and in his absence I withhold my vote. If I were at liberty to vote on the point of order, I should vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER]. I will ask if he has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. WARREN. Then I withhold my vote.

Mr. WILLIAMS (when his name was called). I wish to inquire if the senior Senator from Pennsylvania [Mr. PENROSE] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. WILLIAMS. I have a pair with the Senator from Pennsylvania; and not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. BRADLEY (after having voted in the negative). I withdraw my vote, in view of the fact that the Senator from Indiana [Mr. KERN] is not present.

Mr. CULBERSON. I wish to inquire if the Senator from Delaware [Mr. DU PONT] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. CULBERSON. As I have a general pair with him, I withhold my vote.

Mr. LODGE. I desire to announce that my colleague [Mr. CRANE] is paired with the senior Senator from Maryland [Mr. SMITH].

The result was announced—yeas 38, nays 29, as follows:

YEAS—38.

Borah	Dillingham	Lodge	Pomerene
Brandegee	Fall	McCumber	Richardson
Briggs	Gallinger	McLean	Root
Bristow	Gamble	Martine, N. J.	Smith, Ariz.
Burnham	Gardner	Myers	Smoot
Burton	Hitchcock	Newlands	Sutherland
Catron	Jackson	Oliver	Townsend
Clark, Wyo.	Kenyon	Page	Wetmore
Crawford	La Follette	Perkins	
Cummins	Lippitt	Pittman	

NAYS—29.

Bankhead	Jones	Sheppard	Thornton
Bourne	Kavanaugh	Shively	Tillman
Chamberlain	Lea	Smith, Ga.	Watson
Clarke, Ark.	Martin, Va.	Smith, S. C.	Webb
Fletcher	O'Gorman	Stephenson	Works
Gronna	Overman	Stone	
Johnson, Me.	Owen	Swanson	
Johnston, Ala.	Percy	Thomas	

NOT VOTING—28.

Ashurst	Clapp	Foster	Poindexter
Bacon	Crane	Gore	Reed
Bradley	Culberson	Guggenheim	Simmons
Brady	Cullom	Kern	Smith, Md.
Brown	Curtis	Nelson	Smith, Mich.
Bryan	Dixon	Paynter	Warren
Chilton	du Pont	Penrose	Williams

The PRESIDENT pro tempore. The Senate decides that the amendment is germane to the bill. The question is upon the amendment submitted by the Senator from Ohio [Mr. BURTON].

Mr. JONES. Mr. President, I desire to offer as a substitute the bill as it passed the Senate a few days ago. I am offering it exactly as it passed the Senate, and therefore I suggest that it will not be necessary to read it.

The PRESIDENT pro tempore. Without objection, the reading will be dispensed with.

Mr. BRANDEGEE. May I ask the Senator a question? That is exactly what the Senator from Alabama [Mr. BANKHEAD] just attempted to do, and then he withdrew it. Inasmuch as my colleague is going to do that after the amendment

of the Senator from Ohio has been acted upon, I will ask the Senator if he will not withdraw it?

Mr. JONES. I think this ought to be done right here. I do not see why it should not be done.

Mr. BRANDEGEE. Very well.

Mr. JONES. It will come in as a substitute. It is exactly the action of the Senate the other day.

The PRESIDENT pro tempore. The Senator from Washington offers a substitute for the amendment submitted by the Senator from Ohio, and the question is upon that substitute.

Mr. SWANSON. Mr. President, I should like to inquire if that is not the bill that passed the Senate the other day without complying with the views of the President in connection with the granting of water power? As I understand, the President has repeatedly vetoed all bills granting the privilege of crossing rivers unless they provided for a tax. If this is put upon the river and harbor bill, as suggested by the Senator from Washington, with the present views of the President, it seems to me it will jeopardize the bill. If it is added on to the bill it will go to the President; and the President, as I understand, has specifically stated that unless bills granting the privilege of constructing dams provide for a tax by the Federal Government, he will not sign them. It seems to me if it is the purpose of the Senator from Washington to kill this bill, it can be very easily accomplished in that way.

Mr. JONES. Mr. President, I desire to say that it is not the purpose of the Senator from Washington to kill this bill, but the Senator from Washington does not propose to be coerced to adopt some proposition simply by some alleged action that may be taken by some other department of the Government. This is a proposition that the Senate passed upon the other day, upon the very matter that the Senator from Ohio has presented to the Senate now, and it is simply a question with me whether or not the Senate will reverse itself on that action.

Mr. SWANSON. Mr. President, of course I do not desire to have our river and harbor improvements jeopardized either by an effort on the part of Congress to coerce the President or by an effort on the part of the President to coerce Congress. But if it is the declared policy of the President that bills granting the right to construct dams will not be signed by him unless they contain a provision for a tax, and that is his honest conviction, I am not willing to vote to add a provision of this kind to a river and harbor bill to try to force him to give up his convictions and jeopardize the bill in that way.

Mr. SMITH of Georgia. Why is not the proper course to stop offering all this extra legislation and send the appropriation bill on, eliminating this additional legislation from it?

Mr. SWANSON. Mr. President, there are large enterprises and large business involved in these river and harbor improvements, and it seems to me that to take the chance of jeopardizing or destroying the bill or making it useless simply to try to have an issue on legislation between the legislative and the executive branches of the Government is not the ordinary and orderly and proper way to conduct business. It would give the President an opportunity to veto the river and harbor bill. The Senate has expressed its conviction on this other bill and has sent it to the House of Representatives, and it can go to the President as an independent proposition. But as the President has specifically said that he will not give his approval to propositions of this kind that do not give the Federal Government the power to tax, it seems to me, to put this amendment on the bill will have a tendency, whether that is the purpose or not, to destroy the bill and prevent its passage.

Mr. SMITH of Michigan. Mr. President, the Senator from Virginia [Mr. SWANSON] has expressed some apprehensions about the final enactment into law of this bill. I think his apprehensions are well founded, not so much from fear of the action of the executive department as from the delay that has kept this bill back from day to day. As one of those who assisted in its preparation, and as one who is interested in its passage, I think the bill is upon very dangerous ground this morning.

Mr. SWANSON. Mr. President, I hope the lecture that the Senator from Michigan has delivered to the other side of the Chamber will be properly obeyed, respected, and followed. The responsibility for reporting bills and the responsibility for delay so far as the Senate is concerned is with the majority, and it comes in poor taste from him to endeavor to lecture this side of the Chamber for any delay.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Michigan?

Mr. SWANSON. I do.

Mr. SMITH of Michigan. I do not see how the Senator from Virginia could get the impression that I was lecturing that side of the Chamber. I simply agreed with him that the circumstances, and the short time that we now have before this Congress expires, admonish us that if this bill is to become a law we must restrain ourselves with the amendments that are being proposed, and get some action upon the bill. I am not lecturing that side. I do not think that side is responsible as much as is this side.

Mr. SWANSON. I appreciate the position of the Senator from Michigan. I know there has been nobody on this side of the Chamber who has tried to delay any appropriation bill or who has tried to delay any legislation that is necessary to run this Government. I think the effort to identify this bill with a conflict between the legislative and the executive departments of this Government is wrong; I think it is improper. The amendment should be voted down if we desire to have this legislation, which is so necessary for all sections of this country.

Mr. WILLIAMS. Mr. President, I sincerely hope that Senators will not permit the river and harbor appropriation bill for this year to be mixed up in any way with this Connecticut River dam bill. I earnestly hope the substitute will be voted down, because if it is made a part of the bill it will jeopardize the final passage of the bill and its final signing. Then I hope by a majority equally large the Senate will vote down the amendment of the Senator from Ohio [Mr. BURTON]——

Mr. JONES. Mr. President——

Mr. WILLIAMS. So that this question shall not become a part and parcel of the general river and harbor legislation.

Mr. JONES. Mr. President, I think I can save time——

Mr. WILLIAMS. One moment. I have given my reason for wanting to vote down the substitute—it will jeopardize the bill. My reason for wanting to vote down the amendment of the Senator from Ohio is that it is an attempt in an indirect way to set aside the deliberate judgment of the Senate upon the bill as it passed the Senate. It is an attempt, by tacking it onto something else, to reverse, apparently, the opinion of the Senate upon a question which it considered, debated, and decided. It does seem to me that after Senators have thrashed out this little Connecticut dam bill upon the floor of the Senate, and after the Senate has decided it according to its judgment, right or wrong, they ought to be satisfied and not attempt to embarrass the river and harbor bill with it.

Mr. JONES. Mr. President——

Mr. WILLIAMS. I now yield to the Senator from Washington.

Mr. JONES. In the interest of saving time, and in the interest of legislation that we hope to pass that is down on the calendar after this bill, and in the belief that the Senate will keep this whole proposition out of this bill, I will withdraw my amendment.

The PRESIDENT pro tempore. The amendment offered by the Senator from Washington is withdrawn.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. WILLIAMS. I do.

Mr. BURTON. Will the Senator from Mississippi state whether he has read the amendment added to the bill as it was originally introduced, leaving to the courts to determine——

Mr. WILLIAMS. I heard the Senator from Ohio make the statement that the bill was precisely the bill as originally introduced, with two exceptions, which he explained, and which he explained very thoroughly.

Mr. BURTON. Is it not true that those exceptions make a very vital difference?

Mr. WILLIAMS. I listened very attentively, and I did not see that they made any vital difference. I do not see it yet. This amendment will make such a difference. The Senator said this would not be a precedent, because he provides in one of these provisions that it shall not be a precedent. You can not keep a thing from being a precedent by saying when you do it that it shall not be a precedent. The objections of those men who do object to it is not removed by the fact that you do what they voted against doing, although you say it shall not be a precedent.

Mr. BURTON. Mr. President, if the Senator from Mississippi will yield to me for a moment, more substantial than that is the setting forth, as was done in our case, of the difference between this proposition and the ordinary proposition. I should like to ask the Senator from Mississippi if he voted for the provision relating to the dam between Minneapolis and St. Paul?

Mr. WILLIAMS. I do not remember, but there is this distinction that I think the Senator is arriving at, about which I agree with him. I agree with the Senator from Minnesota. I disagree with the Senator from Idaho. I think that where the Government erects a dam for the purposes of navigation, paying out the people's money for the construction of the dam, and there incidentally arises a source of revenue, whether from the

water power or what not, it is right and proper that the Government should to that extent reimburse itself for its expenditure, because the people have paid for the dam and the people will get the benefit of the reimbursement. I agree with the Senator from Minnesota about that.

But I think that is a different proposition from granting to a private corporation these rights and fixing a tax upon the use of the water power, so that the corporation can extend the tax to the consumer. It has been said that a public utilities commission would have the right, anyhow, to fix the rate, but when they have the right to fix the rate they consider, and must consider, and ought to consider, the various elements of cost which enter into the operation; and they would undoubtedly consider the tax as a part of the annual burden upon the corporation which was dispensing the light or power.

But I do not want to be diverted from my main object. On this question I want to express no opinion; I did not want to do that; I have been drawn into it. My main object is that the river and harbor bill shall not be embarrassed and mixed up with this Connecticut River dam bill at all. For Heaven's sake, with all these great magnitudinous interests at stake all over the country, do not deflect us from the purpose of getting this bill through the two Houses as soon as possible, so that it may go to the President as soon as possible and become a law as soon as possible. We are already approaching the 4th of March, and the two Houses were never so far behind in their general business as they are now. I do not want to see this great bill encumbered with any more provisions than are absolutely necessary to the great work of the maintenance and the improvement of the navigable waters of the United States.

Mr. BORAH. I wish to ask the Senator from Ohio if it is his intention to withdraw his amendment?

Mr. BURTON. Oh, no; by no means.

Mr. BORAH. Permit me to say, then, if we want to expedite the passage of the bill into a law both these propositions will have to go out of the bill together.

Mr. WILLIAMS. The substitute has been withdrawn by the Senator from Washington [Mr. JONES].

Mr. BORAH. The amendment will have to go out, in my judgment, or it will provoke a long debate.

Mr. WILLIAMS. Let us vote the amendment down.

Mr. BORAH. The precedent has already been established in the bill, and if we are going to strip the bill we must strip it entirely of these propositions.

Mr. BRANDEGEE. Will the Senator yield to me for a moment?

Mr. BORAH. I yield.

Mr. BRANDEGEE. Will the Senator please give me a candid opinion upon this question: Why should not the Connecticut River be treated as fairly by the Senate as the Mississippi River? Why is not this permit authorizing a dam across the Connecticut River just as proper upon this bill as the amendment which was put on by the Committee on Commerce in relation to the Minneapolis and St. Paul water power?

Mr. WILLIAMS. Mr. President, the Senator from Connecticut misunderstands me.

Mr. BRANDEGEE. I ask the Senator from Idaho that question.

Mr. WILLIAMS. Will the Senator from Idaho yield to me for just a second?

Mr. BORAH. I yield to the Senator.

Mr. WILLIAMS. If the Senator from Connecticut has asked a question of me, he misunderstands my position.

Mr. BRANDEGEE. No; I did not. I expressly disavow asking the Senator anything.

Mr. WILLIAMS. Very well. Then, with the permission of the Senator from Idaho, I will state where I see the difference. You had just as much right to have the project here as to have the Minneapolis Dam project here. You are entitled to just exactly the same treatment before the Senate that the Mississippi River is in kind, though not in degree.

But that is not the question. The Senate has passed upon your proposition. It heard it fully argued day after day. It decided against it, and I submit that it is not right to bring it up again for a second decision to the embarrassment of other legislation.

Mr. BRANDEGEE. I do not see that this will embarrass anything. If the Senate does not put on the amendment of the Senator from Ohio and shall put it on the very amendment which we have already voted in as a separate bill, I do not consider that it would embarrass the Senate or the bill. The only thing that is embarrassing the Senate now is the unlimited debate on this question, which ought to be settled in two minutes.

Mr. NEWLANDS. I ask the Senator from Idaho to allow me to say just one word to the Senator from Connecticut which I think will help to solve this question, if I can have the attention of the Senator from Connecticut.

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I will yield to the Senator.

Mr. NEWLANDS. I ask whether it would not be a very reasonable solution of this question and one that would command probably the unanimous consent of this body if the Senator from Connecticut would put the structure on the Connecticut River upon the same basis as that of the Senator from Minnesota on the Mississippi River?

The two projects, I understand, involve about the same expenditure, namely, $5,000,000 each. Under the project of the Senator from Minnesota the work is to be done by the National Government. That work is devoted partially to a State use, and for that State use only 4 per cent is paid to the National Government, making a charge upon the consumers of only 4 per cent on $5,000,000, or $200,000 a year. Now, under the proposed amendment of the Senator from Connecticut——

Mr. BURTON. Will the Senator from Nevada yield to me for a moment?

Mr. NEWLANDS. Let me complete my statement. Under the proposal of the Senator from Connecticut the structure is put up by a private corporation, which is acting as the agent of the National Government, so far as the navigable feature is concerned. That agent proposes to charge to consumers 8 per cent upon $5,000,000, making a total charge imposed upon the consumers of the Connecticut River power of more than $400,000 annually, whereas only $200,000 annually is imposed upon the consumers by the Minnesota project. Both involve the same capitalization.

I ask the Senator why we can not change the character of the appropriation in the Connecticut River project and provide that it shall be paid for just as any such project is, by the National Government, which will thus absolutely control all structures in the stream and provide that the Connecticut corporation shall pay the National Government 4 per cent upon that, thus reducing the cost to consumers from $400,000 to $200,000?

Mr. BRANDEGEE. Will the Senator from Idaho yield to me to answer the question?

Mr. BORAH. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I do not ask it as a privilege on my account, but the Senator has asked me a question.

Mr. NEWLANDS. I have asked the Senator that question.

Mr. BRANDEGEE. Of course, the Senator's theory would be well enough if that was the original proposition, but we must understand that the gentlemen who have been trying to get this permit are in the process of making their financial arrangements for the construction on the basis upon which it has been started; that there is already existing a company there with rights chartered by the State of Connecticut, and the Government would have to go in and condemn that property and pay a large price and go into the business itself of making a dam. I do not ask the Government to do that.

I do not want to delay in answering the Senator any further, but I will say this, Mr. President: The Minnesota proposition and the Mississippi River proposition seem to be very dear to the hearts of the Senators who live in that section. Connecticut unfortunately has no representative upon the Committee on Commerce of this body. What I want is fair play of the Senate and a square deal.

I will say this, that if the Mississippi River is to have one sort of treatment and the Connecticut River not as fair a sort of treatment no haste will be made in the progress of this bill through the Senate, and when the bill is reported to the Senate there will be a proposition to have a separate vote upon the Mississippi River improvement, unless the Connecticut River can get fair treatment.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. The Senator from Idaho has the floor.

Mr. WARREN. I will ask the Senator from Idaho to yield to me for a moment.

Mr. BORAH. If I may say just a word I will yield the floor.

Mr. CLARKE of Arkansas. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I yield.

Mr. CLARKE of Arkansas. I want the permission of my friend from Idaho to ask the Senator from Connecticut just one question.

Mr. BORAH. I will yield.

Mr. CLARKE of Arkansas. Is it not a fact that the Connecticut River bill has passed the Senate and is now pending in

another branch of Congress? Why is it necessary to vote upon the same bill a second time when you know it will be confronted with a hostile Executive?

Mr. BRANDEGEE. It has not passed the Senate in the form the Senator from Ohio offered it.

Mr. CLARKE of Arkansas. I am talking about the form in which it is offered by the junior Senator from Connecticut.

Mr. BRANDEGEE. That is not now pending. That may be offered in the future, and then the Senator can make any point he has a mind to.

Mr. CLARKE of Arkansas. I am not making any point except that we are consuming time upon a measure which has already passed.

Mr. BRANDEGEE. The only reason why we are consuming time is because Senators insist on talking instead of voting.

Mr. BORAH. Mr. President, when the request was first made in the Senate to bring up the Connecticut River bill, as the RECORD discloses, I objected to it at the time, for the reason I stated, that it involved a proposition of such wide-reaching moment that we ought not to try to dispose of it at this session. It is a matter in which we are vitally concerned throughout the West and it ought to be a matter of vital concern throughout the country. Now, we are attempting to settle it by piecemeal in this bill.

It does not make any difference whether the substitute is offered and adopted, or whether the amendment offered by the Senator from Ohio is adopted, it will jeopardize this bill. Not only that, but the amendment which has been offered and adopted covering the Minnesota suggestion will jeopardize the bill.

The only way in which we can pass this bill as a river and harbor bill is to pass it as a river and harbor bill and not undertake to settle the question as to what we shall do with these power sites.

We may be all wrong about our view of the matter, but in view of the fact that we have some ideas in regard to it we do not desire to be cut off by trying to settle it in a bill in which all Senators have matters of local interest. We should settle this matter of power sites in a general bill. If the Minnesota proposition had been submitted by itself, it could not have passed the Senate. It passed the Senate because it was tied up with the river and harbor bill. The only mistake the Senator from Connecticut made was in not offering his amendment to the river and harbor bill. It would have gone through.

Mr. BRANDEGEE. But I was not on the committee.

Mr. BORAH. The Senator from Connecticut had no reason to believe at that time that the Senate of the United States would reverse itself in order to pass a river and harbor bill.

Mr. WARREN. Mr. President, I do not want to enter into the merits of this particular project, but I shall soon move to test the feeling of the Senate to take some other bill if we are to continue this kind of delay. We have now nine appropriation bills, including the public-buildings bill and the one now being discussed, that must be finished this week. Some of the bills have hundreds of disputed items in them, and it is a tortuous route to handle them here on the Senate floor and later on in conference. It must be patent to everybody that we have got to get these great supply bills into conference in the next two or three days or they are going to fail.

I do not like to scold; I am not going to scold; but I think the Senate ought to understand the precarious position we are in. The various Senate committees on appropriations have been diligent; they have worked night and day; the bills are here on the calendar ready to be taken up. We must curb this superabundance of talk or we are not going to get through the annual supply bills.

We have also a unanimous-consent agreement to take up another very interesting measure, subject to appropriation bills, and those in charge of the appropriation bills do not like to press them against this unanimous-consent agreement.

Mr. LA FOLLETTE. Mr. President——

Mr. WARREN. I have only a word more, and then I will yield. I simply want to lay before the Senate this condition in justice to the several committees on appropriations. They must have quick work or they must lie down and let these bills go over to another session.

Mr. LA FOLLETTE. Mr. President, the passage of the appropriation bills, of course, is important, but by unanimous consent the Senate held out the hope to those who are interested in the bill for the valuation of the railroad property of the country that it might be considered and passed to-day. It was expected at that time that the river and harbor bill would have been disposed of, but the debate has been protracted.

Mr. President, I acquiesce in all that the Senator from Wyoming [Mr. WARREN] says about the appropriation bills, the tremendous labors that the committees having charge of those bills have put upon them, and the great importance of their passage at this session. But, Mr. President, I want to say now, and I do not believe my view of it is warped or twisted by having it pretty steadily before me for many years, that the valuation of the railroad property of this country is more important than the passage of all the appropriation bills. Had the value of the railroad property of this country been taken seven years ago, when I first presented it to the Senate and the Senate for the first time made a record upon it, it would have proved a saving of $400,000,000 annually to the people of this country.

Mr. President, if we can be accorded the opportunity of considering the valuation bill this afternoon, much as I would like to take the time of the Senate in submitting some observations upon it, I shall be very glad to have it passed with the reading of the bill and the report that accompanies it. But, Mr. President, if this day is consumed with consideration of these appropriation bills and the passage of this bill is blocked, I want to say to the Senate, and I say it meaning every word, that some of these appropriation bills will be passed by another Congress. If it is in my power to secure it, the Senate will consider and act upon the bill providing for the valuation of railroad property at this session. I am sure a majority of the Senate want to do it, and I am going to be insistent upon it. I have taken scarcely any of the time of the session in debate upon any measures, and I sincerely hope that Senators will feel the importance of permitting votes to be taken without much discussion. There is no opportunity for it now upon any of these great bills; they have either to be passed, coming in as they do at this late hour, upon the reports of the committees or they are not going to pass at all.

Mr. LODGE. Mr. President, I voted for the Connecticut River bill in its original form and also as it passed the Senate. I voted for it in its original form because I was in sympathy with the policy embodied in the conservation clause, so called. I voted for the Minnesota dam proposition because it seemed to me to embody precisely the same principle. Like the Senator from Idaho [Mr. BORAH], I am utterly unable to see any distinction in the principle between the two, and I voted cheerfully for both.

Now, Mr. President, it is proposed to leave in the Minnesota bill and not allow the Connecticut River bill to go on, even without the objectionable conservation clause; it is proposed to keep it off. The only distinction seems to me to be that one is in Connecticut while the other is in the Valley of the Mississippi. Mr. President, I can say frankly that it does not seem to me that it is fair treatment, and if there is to be a distinction made it will not hasten the progress of the bill.

Mr. McLEAN. Mr. President, I shall not occupy more than two minutes of the time of the Senate, but I want to call the attention of the Senate to one point which, it seems to me, is the important point to be considered before we vote on this measure.

The Senate will remember that last Monday, when the bill was under consideration, I tried to get a vote upon the litigating proviso which is now embodied in the amendment offered by the Senator from Ohio, but the amendment offered by the Senator from Alabama [Mr. BANKHEAD] prevented that.

I said then that I thought it would be impossible for Congress to adopt a general policy controlling the water powers of this country until the vital question raised in the first section of the bill as reported from the committee had been answered by the Supreme Court of the United States.

It seems to me that my position has been greatly fortified and strengthened by subsequent events, for since that time it has developed that an amendment to the river and harbor bill involves precisely the same principle, and instead of having two schools of hydropolitical philosophy upon this subject we have now three or four or five.

It is not necessary for me to disagree with the Senator from Minnesota or the Senator from New York or the Senator from Idaho upon this question. It does seem to me that I can ask them to agree with me that it will be important before we decide this question ultimately to know which one of the three is right.

The proviso which the Senator from Ohio has in the amendment which he offers to-day provides the way, and the only way, and the only precedent that will be established by the amendment offered by the Senator from Ohio is that the Supreme Court of the United States will take this question in hand and not only say to Congress, but to the Executive Department of this country, what it can and can not do upon this all-important question.

I should like to ask the Senator from Virginia [Mr. SWANSON], who has had much to say about the position of the present Executive on this subject, if he can promise himself that the incoming administration will be any less likely to consider the rights of the people upon this important question than the outgoing administration. If that be the case, it means that you have prevented and stopped the development of water powers in this country for an indefinite period of time, unless the pending amendment is adopted. That is the important question which we must consider. If we want to take the position that will prevent altogether the creation of wealth in this country, because when it is created we think we shall be unable to control it, let us say so.

In view of the fact that we have one school representing one line of thought and purpose and another school representing another line of thought and purpose and still another representing another line of thought and purpose upon this question, we will realize before we are through with it that this is a navigation question from more than one point of view. If we keep the course we are now on the only possible result will be that we will sail in a circle until we strike a rock, and that rock will be the Constitution of the United States. If we adopt the amendment offered by the Senator from Ohio, we will go to the only place where we can get a pilot who can bring us into port.

Mr. PITTMAN. Mr. President, I wish to explain my position on this question, so as not to appear inconsistent.

I voted in the affirmative on the question as to whether or not the amendment was germane, because I believe that the power to create water power and dispose of it is germane to the control of navigation. I intend to vote against this amendment, because I think it is a dangerous policy to turn over to individual enterprise the improvement of navigation.

I think the senior Senator from Minnesota [Mr. NELSON] has correctly stated the distinction between the two propositions that have been discussed. I want my stand to be clear on this point, so that there may be no misunderstanding. I intend to vote against the pending amendment.

Mr. THOMAS. Mr. President, I have been so much impressed by the remarks of the Senator from Wisconsin [Mr. LA FOLLETTE] within the last few moments that I do not propose to take the time in a discussion of this amendment that I originally intended to occupy. I believe thoroughly that his statement of the importance of the bill providing for the ascertainment of the valuation of our great transportation companies is of more importance, as he has said, in its general effect upon the business and the welfare of the country than all the appropriation bills now pending for determination before this body. Hence, I want to see that bill crystallized into legislation before we adjourn, and I shall regret very much that any time which I may occupy would even indirectly contribute to its defeat.

Mr. President, I have no wish to block the financial legislation of this country. I realize the necessity of its enactment, to the end that the affairs of the Government may go on in their regular way, quite as deeply and profoundly as any other Member of this Chamber, but I do not think that because the present session has but a few remaining days to do business in we should for that reason hastily enact important legislation concerning the vast appropriation bills.

I want to impress, by way of preliminary, upon the attention of the Chamber the fact that this debate occurring at this time is largely, if not almost entirely, due to the fact that the appropriation bills are loaded down with amendments that are directed by and intended to subserve private interests instead of confining the appropriation bills to their legitimate purposes and objects.

The Connecticut River bill came up the other day for discussion. A good deal of time was devoted to it, perhaps more time than the importance of the subject in the opinion of some at least demanded. When the deliberate judgment of this body was taken it was against some of the principal features of that measure. It now appears practically in the same phraseology as an amendment to this appropriation bill, because of the fact, I presume, that this body did approve the amendment offered by the Senator from Minnesota with reference to water power in the Mississippi River and in which the cities of Minneapolis and St. Paul and the State University were interested.

I opposed that amendment upon the fundamental proposition that this Government has no power under the guise of improving navigation to spend money for private purposes, which was admittedly the amendment of the Senator from Missouri. I want to say in perfect candor that if that amendment is to stand I know of no reason why this one ought not also to stand, because, bad as it is, in my judgment it is not so bad as the one which is now a part of the bill up to this time in our deliberations concerning it. I shall vote against it, therefore, because of the principal objections urged against it the other day and also because it has no place or part in this appropriation bill.

It was stated by the Senator from Ohio last week that a great many of the items in this bill, under the guise of improving navigation were designed to create water power in the interest of corporations and individuals. I do not, of course, know what specific items the Senator referred to, but if it be a fact that the river and harbor bill is a bill that is designed to improve the navigation of the rivers and to protect the property of the country from our annually recurring floods and inundations, then it ought not to be loaded down with appropriations that are designed, under the guise of serving the public, to create property or promote the interests of large electric-power concerns throughout the country. I think it is better that we should ascertain and determine once for all whether appropriation bills are going to be what the name implies or whether they are going to be vehicles through the medium and agency of which large private interests can carry out their purposes and objects under the guise of improving the navigation of the rivers of this country.

I can not, therefore, Mr. President, subscribe to the proposition that the passage of appropriation bills is so essential and important, in view of the fact that these things occur in such bills. I am absolutely satisfied, as was stated by the Senator from Idaho [Mr. BORAH] a few moments ago, that the Minneapolis enterprise or scheme—and I use the term in no disrespectful manner—never could have been passed through this body, basing my opinion on the vote on the Connecticut River bill, unless it had been made a part and parcel of a great appropriation bill in which Members are interested, and very properly so, because of the advantages to be derived from its enactment, and also because of the demand, principally from the Mississippi River Valley, for appropriations for the protection of property and the improvement of the navigability of the river, it being at present, in view of the recent enormous floods, in a most unsatisfactory condition.

I was told the other day by a Member of this body that the total appropriations for this year in all of our several bills will be in excess of $1,150,000,000, an amount so great that the imagination is staggered when we attempt to conceive of it. It is, if the statement be true—and I have no doubt that it is—the most enormous aggregate appropriation ever made by any Congress of the United States. The bills which contain in the aggregate this enormous sum come before this body within 10 days of its adjournment, and we are supposed to be able and to be capable of taking up the various items, criticizing them, and determining which of them are proper and which of them are not.

I have heard a great deal about conservation since I became a Member of this body. It seems to me that conservation of our revenues—the money of the people—and its appropriation along proper channels for public purposes, wisely provided for and wisely administered, is an element of conservation that appeals very strongly to the hearts, the consciences, and the judgment of all men. We may save at the spigot here by our general system of preserving the resources of the country and then waste at the bunghole through these extravagant expenditures of the public money, and our efforts of conservation will be defeated by ourselves.

This stupendous sum of money, $1,150,000,000, is the equivalent of $11.50 per head for every man, woman, and child in these United States, calculating the population upon a basis of 100,000,000 souls. This is taxation which perhaps the people do not feel directly because of the manner in which the revenues are imposed and collected. The Democratic Party has recently, at the last election, accomplished a tremendous triumph, and has swept its national ticket into power by one of the largest majorities ever given to a candidate in the electoral college. That triumph was based, among other things, upon the assurance to the people, which it must keep, that taxation shall be reduced, particularly by a revision of the tariff. How is it possible for us to thus legislate, while, at the same time, we are making these enormous expenditures of public money? They may be necessary; I have not been long enough in this Chamber, Mr. President, to act as a censor of appropriation bills, and, certainly, I do not propose at any time to arrogate to myself any superior or abundant wisdom not possessed by my colleagues in this body; but we all know, as citizens cognizant of public opinion, that there are some measures of appropriation which have become so flagrant in their disposal of public moneys as to be termed "pork-barrel bills," a name, the significance of which is, of course, obvious to all, and which has been the outgrowth of the use of our powers of legislation to so dispose of public moneys as at least to create the suspicion that they were not at all times intended so much for the

public use as for private purposes; and among them is the river and harbor bill, swelled this year to more than $8,000,000 in excess of the amount of the last appropriation.

The Senator from Ohio has called specific attention to certain items of appropriation referring to so-called improvements of so-called rivers which are not navigable, which never were navigable, and which can never be made navigable; and yet one of them, in the particular to which he referred, has in this bill an appropriation of $270,000. I do not suppose that that is by any means a solitary instance of the method in which this bill has been constructed. I do not believe that I am extravagant when I say that perhaps one-third of the amount of the appropriations carried in this measure are appropriations either for the purpose of creating water power under the guise of improving rivers and harbors, or for the purpose of carrying on other enterprises in which individuals or corporations are largely interested, and which, therefore, justify the popular verdict as to the character and nature of such measures.

If it were not for the fact that the great Mississippi Valley needs the appropriations which this bill carries; if it were not for the fact that that mighty stream has recently overflowed its boundaries, swept levees away, and visited death and destruction on its course to the Gulf, I, personally, would rather see this bill fail than to see it become a law, carrying, as it does, the provisions to which I have called attention.

Now, Mr. President, addressing myself directly to this amendment for a moment—and I shall not detain the Senate longer—we are making precedents for the future. The Senator from Ohio has referred to certain amendments or certain changes which have been introduced into the body of this measure, by means of which it has been differentiated from the measure upon which we voted the other day. I do not question the purpose for which these amendments were designed; but we are now at the eleventh hour, so to speak, in the consideration of the bill proposing to attach to it an amendment that is designed to give a private corporation in the State of Connecticut the right to make certain improvements, in consideration of which it will obtain a water power, which it otherwise would not possess. It will get that water power by a contract from the Government, which does not own it, and we are going to put the measure through, not because of its merits, but because, being a part of a bill in which so many Senators are interested, they will vote for it lest the bill itself be defeated.

The Senator from Virginia [Mr. SWANSON] made the statement that if one of the amendments were incorporated in the bill, that being the Connecticut River bill as it passed the Senate the other day, the President of the United States might veto it. Mr. President, are we to be deterred from the consideration of the merits of a measure simply because the Executive of the United States may use his veto power and thus bring the legislation itself to nothing? There are many features of the bill which, in my judgment, would make it a God-send if the President did disapprove it. We are legislating in these bills for the next fiscal year, beginning in July. There have been sessions of Congress in the past that have adjourned without the enactment of measures like this; and yet the Government still survives. There have been sessions of Congresses which have adjourned which passed no river and harbor bill.

I recall particularly one a few years ago that was defeated by constant discussion upon the floor of this body by the late Senator from Montana, Mr. Carter. It did not seem to me—and my recollection is pretty good of the condition of affairs immediately following that time and since—that the failure of that bill stopped the wheels of Government or interfered with the general course of public affairs in the slightest degree.

We ought to take up these bills at an earlier period in the session. They should not come over at so late an hour; we ought to consider them item by item and then determine that which is designed for the public good and that which should have no place in legislation of this kind.

Before I take my seat, Mr. President, I want to say one further word upon a subject somewhat akin to and, perhaps, directly involved in this matter. It is the necessity, in my opinion, of legislation here which will enable the President of the United States to veto specific items in appropriation bills. We should give him the power to scan these enormous appropriations of money and to draw his pen through those items which, in his judgment, are not warranted either by the state of the public revenues or by the object which it is designed to subserve. By conferring upon him such authority we could save the Treasury of the United States millions of dollars every year and at the same time devote ample funds to the several departments for their support and maintenance during our successive fiscal periods.

The PRESIDENT pro tempore. The question in on the amendment submitted by the Senator from Ohio [Mr. BURTON].

Mr. THOMAS. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Lippitt	Root
Bankhead	Dillingham	Lodge	Sheppard
Borah	du Pont	McCumber	Simmons
Bourne	Fletcher	McLean	Smith, Ariz.
Bradley	Foster	Martin, Va.	Smith, S. C.
Brady	Gallinger	Martine, N. J.	Smoot
Brandegee	Gamble	Myers	Stone
Briggs	Gardner	Nelson	Sutherland
Bristow	Gore	Newlands	Swanson
Brown	Gronna	O'Gorman	Thomas
Burnham	Guggenheim	Oliver	Thornton
Burton	Hitchcock	Owen	Townsend
Chamberlain	Johnson, Me.	Page	Watson
Clapp	Johnston, Ala.	Paynter	Webb
Clark, Wyo.	Jones	Percy	Wetmore
Clarke, Ark.	Kavanaugh	Perkins	Williams
Crawford	Kenyon	Poindexter	Works
Culberson	La Follette	Pomerene	
Cullom	Lea	Richardson	

The PRESIDENT pro tempore. On the roll call 74 Senators have answered to their names. A quorum of the Senate is present. The question is on the amendment submitted by the Senator from Ohio [Mr. BURTON]. [Putting the question.] By the sound the "noes" appear to have it.

Mr. McLEAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the junior Senator from Massachusetts [Mr. CRANE] and will vote. I vote "nay."

Mr. NELSON (when his name was called). I have a pair with the senior Senator from Georgia [Mr. BACON] and therefore withhold my vote.

Mr. CURTIS (when the name of Mr. SMITH of Michigan was called). I am requested to announce that the senior Senator from Michigan [Mr. SMITH] is paired with the junior Senator from Missouri [Mr. REED]. I will let this announcement stand for the day.

Mr. WILLIAMS (when his name was called). I wish to transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Indiana [Mr. SHIVELY] and will record my vote. I vote "nay."

The roll call was concluded.

Mr. STONE. I inquire if the Senator from Wyoming [Mr. CLARK] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. STONE. I have a general pair with that Senator and therefore will not vote. If at liberty to vote, I should vote "nay."

Mr. BRADLEY (after having voted in the negative). I understand the Senator from Indiana [Mr. KERN], with whom I am paired, has not voted, and I therefore withdraw my vote.

Mr. SIMMONS (after having voted in the negative). I should like to inquire if the Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. SIMMONS. I withdraw my vote, as I have a general pair with that Senator.

The result was announced—yeas 27, nays, 49, as follows:

YEAS—27.

Brandegee	Dillingham	Lippitt	Page
Briggs	du Pont	Lodge	Perkins
Bristow	Gallinger	McCumber	Poindexter
Brown	Gore	McLean	Richardson
Burnham	Hitchcock	Newlands	Root
Burton	La Follette	Oliver	Townsend
Crawford	Lea	Owen	

NAYS—49.

Bankhead	Foster	O'Gorman	Swanson
Borah	Gamble	Overman	Thomas
Bourne	Gardner	Paynter	Thornton
Brady	Gronna	Percy	Tillman
Bryan	Guggenheim	Pittman	Warren
Catron	Johnson, Me.	Pomerene	Watson
Chamberlain	Johnston, Ala.	Sheppard	Webb
Clarke, Ark.	Jones	Smith, Ariz.	Wetmore
Culberson	Kavanaugh	Smith, Ga.	Williams
Cullom	Kenyon	Smith, Md.	Works
Cummins	Martin, Va.	Smith, S. C.	
Fall	Martine, N. J.	Smoot	
Fletcher	Myers	Sutherland	

NOT VOTING—19.

Ashurst	Clark, Wyo.	Kern	Simmons
Bacon	Crane	Nelson	Smith, Mich.
Bradley	Curtis	Penrose	Stephenson
Chilton	Dixon	Reed	Stone
Clapp	Jackson	Shively	

So Mr. BURTON's amendment was rejected.

Mr. McLEAN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Connecticut offers an amendment, which will be stated.

Mr. McLEAN. I will say that the amendment is the same as the amendment offered by the Senator from Alabama [Mr. BANKHEAD] and the Senator from Washington [Mr. JONES].

Mr. BANKHEAD. I did not offer the amendment. I suggested that I would do so, but I withdrew it.

Mr. McLEAN. Well, the amendment is the same as the amendment suggested by the Senator from Alabama. All I care to say with regard to this amendment is that it seems to me this measure, having been relieved of all its objectionable features, certainly ought to receive at the hands of the Senate a support equal to that given to the Minnesota proposition, which contains all of the objectionable features.

Mr. BORAH. May I ask if this amendment is the same as the bill which has passed the Senate?

Mr. McLEAN. It is the same as the bill which has passed the Senate.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 5, after line 18, it is proposed to insert——

Mr. McLEAN. I think, Mr. President, we might avoid the reading of the amendment. It is in precisely the same language as the bill which passed the Senate, and I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Is there objection to dispensing with the reading of the amendment?

Mr. BANKHEAD. Mr. President, I think the amendment had better be read.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary proceeded to read the amendment, which is as follows:

That the assent of Congress is hereby given to the Connecticut River Co., a corporation organized and doing business under the laws of the State of Connecticut, to relocate its "Enfield Dam," so called, and to construct, maintain, and operate such relocated dam (which if located opposite Kings Island, in said river, shall extend across both branches of the river), together with works appurtenant and necessary thereto, across the Connecticut River at any point below a line crossing both branches of the river and Kings Island midway between the northerly and southerly ends of said island: *Provided*, That, except as may be otherwise specified in this act, the location, construction, maintenance, and operation of the structures herein authorized, and the exercise of the privileges hereby granted, shall be in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 23, 1906": *And provided further*, That the time for completing said dam and appurtenances may be extended by the Secretary of War, in his discretion, two years beyond the time prescribed in the aforesaid act: *And provided further*, That the rights and privileges hereby granted may be assigned with the written authorization of the Secretary of War, or in pursuance of the decree of a court of competent jurisdiction, but not otherwise: *Provided further*, That if at any time said Connecticut River Co., or its assigns, or its property, shall be owned or controlled by any device, permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that it shall form a part of, or in any way effect any combination, or be in anywise controlled by any combination in the form of an unlawful trust, or enter into any contract or conspiracy in restraint of trade in the production, development, generation, transmission, or sale of any power or electrical energy, then the permit herein granted shall be forfeited and canceled by the Secretary of War through appropriate proceedings instituted for that purpose in the courts of the United States.

SEC. 2. That the height to which said dam may be raised and maintained shall not be less than 39 feet above zero on the Hartford gauge: *Provided*, That said corporation shall permit the continuous discharge past said dam of all water flowing in the Connecticut River whenever the discharge into the pool created by the dam hereby authorized is 1,000 cubic feet per second or less, and at all greater discharges into said pool shall provide a minimum discharge past said dam of not less than 1,000 cubic feet per second: *And provided further*, That said corporation may, for not to exceed five hours between sunset and sunrise, limit the discharge past said dam to 500 cubic feet per second whenever such limitation will not, in the opinion of the Secretary of War, interfere with navigation. The measure of water thus to be discharged shall include all the water discharged through the lock herein provided for and the present locks and canal of said corporation: *And provided further*, That nothing in this act shall in any way authorize said corporation at any time or by any means to raise the surface of the river at the location just above the present Enfield Dam to any height which shall raise the surface of the river at the lower tailrace of the Chemical Paper Co. in Holyoke, Mass., higher than can result from the erection or maintenance of any dam or dams which said corporation is authorized to erect or maintain in accordance with the order and decree of the Circuit Court of the United States for the District of Connecticut, passed June 10, 1884, in the case of the Holyoke Water Co. *v.* the Connecticut River Co.

SEC. 3. That the said Connecticut River Co. shall build coincidently with the construction of the said dam and appurtenances, at a location to be provided by said corporation and approved by the Secretary of War, and in accordance with plans approved by the Secretary of War and the Chief of Engineers, a lock of such kind and size, and with such equipment and appurtenances as shall conveniently and safely accommodate the present and prospective commerce of the river, and when the said lock and appurtenances shall have been completed the said corporation shall convey the same to the United States, free of cost, together with title to such lands as may be required for approaches to said lock and such land as may be necessary to the United States for the maintenance and operation thereof, and the United States shall maintain and operate the said lock and appurtenances for the benefit of navigation, and the said corporation shall furnish to the United States, free of charge, water power, or power generated from water power, for operating and lighting the said constructions; and no tolls or charges of any kind shall be imposed or collected for the passage of any boat through the said lock or through any of the locks or canal of said corporation.

SEC. 4. That compensation shall be made by the said Connecticut River Co. to all persons or corporations whose lands or other property may be taken, overflowed, or otherwise damaged by the construction, maintenance, and operation of the said dam, lock, and appurtenant and accessory works, in accordance with the laws of the State where such lands or other property may be situated; but the United States shall not be held to have incurred any liability for such damages by the passage of this act.

SEC. 5. That the provisions of the act entitled "An act to regulate commerce," passed and approved on the 4th day of February, 1887, together with the amendments thereto, shall apply to any corporation or any person or persons engaged in transmitting hydroelectric power or electricity from one State, Territory, or District of the United States to any State, Territory, or District of the United States, or from one place in a Territory to another place in the same Territory or to any foreign country, and that the term "common carrier" as used in said act and the amendments thereto shall include companies engaged in transmitting hydroelectric power or electricity as aforesaid: *Provided*, That said act shall not apply to the transmission of hydroelectric power or electricity wholly within one State and not transmitted to or from a foreign country, from or to any State or Territory as aforesaid; that the rules prescribed in said act as to just and reasonable charges or rates and the procedure relative to other common carriers, in so far as applicable, shall apply to such company, person, or persons transmitting hydroelectric power or electricity as aforesaid, and to the fixing and establishing of just and reasonable charges or rates fully and completely.

Mr. BANKHEAD. Mr. President, as I understand the amendment is in the exact form of the bill which has passed the Senate, I will withdraw my demand for the reading of the amendment.

The PRESIDENT pro tempore. Without objection, the reading of the amendment will be dispensed with.

The question is on agreeing to the amendment submitted by the Senator from Connecticut [Mr. McLEAN].

Mr. POINDEXTER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I again announce my general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the junior Senator from Massachusetts [Mr. CRANE] and vote. I vote "yea."

Mr. PAYNTER (when his name was called). I observe that the senior Senator from Colorado [Mr. GUGGENHEIM] is absent. As I have a general pair with him, I will withhold my vote.

Mr. STONE (when his name was called). I have a pair with the senior Senator from Wyoming [Mr. CLARK]. As he does not seem to be present, I withhold my vote.

Mr. WILLIAMS (when his name was called). I desire to transfer my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Indiana [Mr. SHIVELY] and will vote. I vote "nay."

The roll call was concluded.

Mr. NELSON. I desire to state that I have a general pair with the senior Senator from Georgia [Mr. BACON], and I therefore withhold my vote.

Mr. BRADLEY (after having voted in the affirmative). I desire to announce that I have transferred my pair with the Senator from Indiana [Mr. KERN] to the Senator from Maryland [Mr. JACKSON].

The result was announced—yeas 37, nays 35, as follows:

YEAS—37.

Borah	Cullom	Kenyon	Page
Bourne	Cummins	La Follette	Perkins
Bradley	Curtis	Lippitt	Richardson
Brady	Dillingham	Lodge	Root
Brandegee	du Pont	McCumber	Sutherland
Briggs	Gallinger	McLean	Townsend
Brown	Gamble	Myers	Wetmore
Burnham	Gore	Newlands	
Burton	Hitchcock	Oliver	
Catron	Jones	Owen	

NAYS—35.

Bankhead	Foster	Overman	Smith, Md.
Bristow	Gronna	Percy	Smith, S. C.
Bryan	Johnson, Me.	Pittman	Swanson
Chamberlain	Johnston, Ala.	Poindexter	Thomas
Clarke, Ark.	Kavanaugh	Pomerene	Thornton
Crawford	Lea	Sheppard	Tillman
Culberson	Martin, Va.	Simmons	Webb
Fall	Martine, N. J.	Smith, Ariz.	Williams
Fletcher	O'Gorman	Smith, Ga.	

NOT VOTING—23.

Ashurst	Dixon	Paynter	Stephenson
Bacon	Gardner	Penrose	Stone
Chilton	Guggenheim	Reed	Warren
Clapp	Jackson	Shively	Watson
Clark, Wyo.	Kern	Smith, Mich.	Works
Crane	Nelson	Smoot	

So Mr. McLEAN's amendment was agreed to.

Mr. NELSON. I offer the amendment which I send to the desk. It provides for a survey, and should be inserted on page 68, after line 4.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 68, after line 4, it is proposed to insert:

Westchester Creek, N. Y., with a view to providing a channel width of 150 feet up to the point where it is crossed by the Fort Schuyler road.

The amendment was agreed to.

Mr. LEA. Mr. President, I rise to a question of privilege. On the previous roll call, on the amendment offered by the Senator from Ohio [Mr. BURTON], I voted "yea." If I had understood the question, I should have voted "nay." I ask unanimous consent that that change may be made.

The PRESIDENT pro tempore. The vote can not be changed. The Senator's statement will appear in the RECORD.

The PRESIDENT pro tempore subsequently said: A moment ago the Senator from Tennessee stated that he had voted under a misapprehension on a certain roll call, and desired to change his vote. The Chair suggested that that could not be done, but that the Senator's statement would appear in the RECORD. An examination of the rules reveals the fact that by unanimous consent the Senator can change his vote. Is there objection?

Mr. ROOT. I object.

The PRESIDENT pro tempore. The Senator from New York objects.

Mr. SMITH of Arizona. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 83, after line 7, it is proposed to insert:

That all sums of money heretofore expended on the east side of the Colorado River in revetment and levee-construction work under the Yuma irrigation project in Arizona, and now carried as a charge against and a lien on the farms of the settlers under said project, be, and the same is hereby, declared a charge against the Treasury of the United States, and that the said charge shall not diminish the irrigation fund in the Treasury.

Mr. SMITH of Arizona. Mr. President, when the Colorado River, just south of Yuma, broke into the desert of California and created the Salton Sea and threatened the destruction of the Imperal Valley, a great amount of money was expended by the Government and by the Southern Pacific Railroad Co. in filling that break in the river. I understand that through the work necessary to accomplish this the waters were deflected from that bank over onto the lands on the Arizona side, covering a large body of the farming lands there held by settlers under the irrigation project. They immediately demanded protection, and it was furnished from the irrigation fund, and a large amount was spent and charged as a lien on the lands of these farmers under the project. The farmers were thus made to pay for keeping the Colorado within its channel.

I do not wish to detain the Senate at this late and important hour; but it is obviously just that these men's farms should not be covered with a lien for money expended by the Government in keeping that unruly river within its banks. It was not done on the California side, and it ought not to be done on the Arizona side.

Mr. BURTON. Mr. President, may I ask the Senator from Arizona a question?

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Ohio?

Mr. SMITH of Arizona. Certainly.

Mr. BURTON. Has any estimate been made of these amounts?

Mr. SMITH of Arizona. Yes; I had an estimate made. It has run up now to six hundred and some odd-thousand dollars, as claimed by the Reclamation Service, and over a million as claimed by the water users.

Mr. BURTON. Was that estimate made in a river and harbor bill, or by the War Department, with a view to navigation, or in any connection with navigation?

Mr. SMITH of Arizona. No. I would not say that it is a question of navigation for which an estimate has been made, but that river is navigable, and known as a navigable river, and for many years has been navigated from the Gulf of California far north of Yuma, and in fact to where the Grand Canyon of the Colorado disembogues.

Mr. BURTON. Then there is no question of any expenditure or work for the promotion of navigation involved here, is there?

Mr. SMITH of Arizona. The navigation of the river is utterly lost forever without this. The river, in my judgment, will ultimately become navigable as soon as the Panama Canal is finished.

Mr. BURTON. Is the Government now engaged in any work to secure the navigability of that river?

Mr. SMITH of Arizona. It is engaged in the work of keeping up the banks on the California side.

Mr. BURTON. That, however, has nothing to do with any project of navigation, has it?

Mr. SMITH of Arizona. It is engaged in keeping those banks up for navigation, or whatever purpose it may have. I do not know what its purpose is. I am not here to commit myself to the statement that this is for the navigation of the Colorado River. I am here, though, to show that it is a navigable stream; we can not control it; we have no power over it, and in the organic act under which our State was admitted, the Government took possession not only of the Colorado River but of every other river in the States of both New Mexico and Arizona, and claimed jurisdiction to control and own them. It would be obviously unjust that the farmers to whom I have referred should have a lien placed on their lands for necessary improvements of the Colorado, a navigable river. Yet that is what has been done; and I am simply asking that they may be relieved from this awful burden.

I ask for a vote on my amendment, Mr. President.

Mr. ROOT. Mr. President, may the amendment be again stated?

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The SECRETARY. On page 83, after line 7, it is proposed to insert:

That all sums of money heretofore expended on the east side of the Colorado River in revetment and levee-construction work under the Yuma irrigation project in Arizona, and now carried as a charge against and a lien on the farms of the settlers under said project, be, and the same are hereby, declared a charge against the Treasury of the United States, and that the said charge shall not diminish the irrigation fund in the Treasury.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Arizona. [Putting the question.] The noes appear to have it. The noes have it, and the amendment is not agreed to.

Mr. SMITH of Arizona. Mr. President, I should like to have a vote on that with a show of hands. Before the matter goes further, if I am in order——

The PRESIDENT pro tempore. The Senator is in order.

Mr. SMITH of Arizona. It has been suggested to me by a Senator apparently in sympathy with the amendment that it in no way differs from the appropriations made in this bill for leveeing the Mississippi River to prevent overflow on adjacent lands. You pay to keep that river in its banks and make overburdened farmers in Arizona pay to keep the Colorado within its proper limits. Of course, you pretend to levee the Mississippi to protect navigation, and it does protect it. Levee the Colorado and you can make it navigable and save the lands from overflow. The difference is too thin to fool anybody.

Mr. BURTON. Mr. President, I do not seek at all to contradict what the Senator from Arizona says, but no such item has ever been allowed in a river and harbor bill as that which he is trying to pass for a specific purpose.

Mr. SMITH of Arizona. Where did they get the money and how did they get it to levee other rivers?

Mr. BURTON. Under such a plan as this, wherever there is damage to adjacent lands by flood, an amendment might be introduced to make the cost of reparation or improvement a charge upon the Treasury.

Mr. SMITH of Arizona. How is it in the Mississippi River, as was suggested to me?

Mr. BURTON. That is in pursuance of specific reports. The policy of the Government for many years was based upon the idea that it aided navigation, and for years a clause was carried in the bill that it should not be expended, that no levees should be built, except in aid of navigation.

Mr. SMITH of Arizona. Then the Senator confesses that that is only a theory?

Mr. BURTON. Oh, no; I do not, Mr. President; but it is not worth while to go into that now.

Mr. SMITH of Arizona. I do not want to go into it.

Mr. BURTON. I do not care to go into the effect of levees upon navigation. They do have a certain effect upon navigation, however.

Mr. SMITH of Arizona. Yes; and they would have in this particular instance; and the Government some day must necessarily levee this river. The Government will do it for navigation purposes, and do it shortly, in my judgment, within the next four or five years. It will have to do it. It is a navigable river now. The Irrigation Service has simply taken from the irrigation fund this amount of money, and has done the work mentioned in this amendment. We say that they have no au-

thority to make that expenditure a lien on the lands of the poor farmers on the Arizona side of the river.

In other words, as matters stand, you have a lien on the lands of the farmers of this Yuma project who are struggling against awful conditions for a living; and yet you put this sum of six hundred and some odd thousand dollars as an actual lien on their farms in addition to the overlarge expenditure contemplated in the scheme.

Mr. ROOT. Are their farms irrigated?

Mr. SMITH or Arizona. They can not irrigate them with the river all over them. They are overirrigated. The river was drowning them out, but by no fault of theirs, but according to my information the damage or overflow was largely caused by impediments placed in the river by the Government or by others acting under its direct consent, but be that as it may, no duty devolved on the farmers of Yuma County to keep the Government's river within its banks.

Mr. SMOOT. I should like to ask the Senator if the revetment was made for the purpose of protecting any reclamation project?

Mr. SMITH of Arizona. I imagine the irrigation authorities would not have taken the irrigation money out of their own treasury and put it into this work unless their purpose in doing it was to protect those lands from absolute destruction. But inasmuch as the Government caused the destruction, it is certainly not right to make this a charge against the farmers, and it seems almost brutal to raise the technical question as to whether or not their relief is put on an appropriation bill or on a river and harbor bill when we have seen a dozen items in this very bill just as obnoxious, under the rules, as my amendment can possibly be.

Mr. SMOOT. Does the Senator contend that the improvements upon the Colorado River made to prevent the waters from overflowing the Imperial Valley in California were the cause of the water overflowing on the opposite side of the river?

Mr. SMITH of Arizona. I have had, and I wish I had before me now, statements by the dozen that in that effort they have thrown this water over on the Arizona side. That applies to the work of the Government, at least—whether at this particular time I will not say.

Mr. SMOOT. It is just opposite the works of the Government on the California side, is it?

Mr. SMITH of Arizona. That river drains a watershed almost as large or larger than that drained by the Ohio, and it comes down there in enormous torrents, fretting against the least restraint on it anywhere. There is no telling where it will burst through these alluvial banks, which are composed, as you know, of sand, which gives way instantly as soon as you put a hundred pounds of extra weight of running water against them.

Mr. SMOOT. How close is the overflow on the Arizona side to the works that were put in by the railroad company to protect the Imperial Valley? Is it one mile, or more?

Mr. SMITH of Arizona. As to the particular obstruction that I have heard was placed in the river, it is almost opposite, in my understanding of it; but of this I am not sure, nor does it matter where the obstruction was if it caused the damage.

Mr. SMOOT. It must be very near the Mexico line, then, because the point where the work was done by the railroad company was just before the Colorado River turns into Mexico.

Mr. SMITH of Arizona. Oh, I know where that is. I am as familiar with that as I am with the interior of this Chamber.

Mr. SMOOT. I thought I would ask the question for the information of the Senate.

Mr. ROOT. Has there been any report of a committee on this matter, or any report of engineers?

Mr. SMITH of Arizona. There has been no report on it, except a report of this expenditure by the department. Ever since I have been in the Senate I have been trying to get something done with it. As long as I stay here, I will still be trying to have justice done these farmers. How can they afford to clear more lands, when any flood might add another million to the lien on their farms? If Senators only knew the burdens the home makers of our country bear, they would not seek means to avoid just demands on the National Treasury, but rather would they hunt means to help them in the struggle.

Mr. BRANDEGEE obtained the floor.

Mr. POINDEXTER. I will ask unanimous consent to have the amendment reported.

Mr. BRANDEGEE. I have the floor, Mr. President.

The PRESIDENT pro tempore. The Senator from Connecticut is entitled to the floor.

Mr. BRANDEGEE. I simply wanted to express my surprise that Senators upon the other side of the center aisle, who have been beseeching the Senate for an hour or so not to load this bill down with extraneous amendments which would be apt to impede its progress through various places where is must go before it becomes a law, should offer an amendment which is clearly out of order, but against which I will refrain from making the point of order. I simply make this remark to show the consistency that pervades the Chamber on all these matters.

Mr. SMITH of Arizona. If the Senator himself had been as consistent when he offered the Connecticut-dam bill as an amendment, we would have saved a couple of hours of debate.

Mr. BRANDEGEE. I notice, however, that the Senate voted that my amendment was germane.

Mr. SMITH of Arizona. It might do likewise in the case of my amendment, but I thank the Senator for not raising the point of order.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. SMITH of Arizona. Certainly.

Mr. NEWLANDS. I wish to ask the Senator from Arizona whether the Colorado River is not capable of being made a navigable river by resorting to the same means that have prevailed upon other rivers, such as the Mississippi, with reference to bank protection and levee building and storage of flood waters?

Mr. SMITH of Arizona. There is no doubt in the world about it. It can be made a navigable river up nearly to the mouth of the Grand Canyon—will some day.

Mr. NEWLANDS. And it can also be made exceedingly useful in the development of water power and the reclamation of arid lands.

Mr. SMITH of Arizona. Yes; and that is what the great Imperial Valley and the Yuma project both rely on to-day. I mean the dam for irrigation. It is not high enough, however, to develop there much power for electrical purposes.

Mr. NEWLANDS. I understand the Senator's complaint to be that a very large sum of money, spent really in the line of making this a navigable river, has been fastened upon the irrigation fund and then fastened by that fund as a lien upon the farms of settlers under the Yuma project.

Mr. SMITH of Arizona. I am thankful to the Senator for making perfectly clear what I have so imperfectly said myself.

Mr. SMOOT. Mr. President, the reason I called the Senator's attention to the conditions, or asked him to explain the conditions, was this: I know that where the course of the waters of the Mississippi River has been changed from one side to the other, and caused overflows, there have been millions and millions of dollars of claims filed against the Government for those overflows; and I wanted the Senator, and also the Senate, to know whether or not this was in the same class as those claims on the Mississippi. I understood the Senator knows that those claims on both sides of the Mississippi have been made by the millions of dollars against the Government.

Mr. SMITH of Arizona. I know they have; but I wanted to avert any question of any such claims, believing as I do that this is a part of an ultimate scheme of making that river navigable so that vessels coming up from the South American countries through the Panama Canal can go by smaller craft directly up the Colorado River to the town of Yuma. It has been a navigable stream for 40 or 50 years; boats ran on it regularly; so it can be made a navigable river again, and this is an essential part of the work.

The real purpose of building these works was to keep the water out of those lands—that is the truth of it—just as they have erected levees on the Mississippi River to keep it off of the lands there. Now, these poor farmers in the State of Arizona have been burdened with that debt. They have to give up their lands if you put this burden on them, and it is just a question of whether the Government will assume it or make these men try to pay it. They can not possibly pay it, as a matter of fact.

Mr. SMOOT. The revetment, then, was not done for the purpose of navigation? It was done for the purpose of protecting the land?

Mr. SMITH of Arizona. I have stated as plainly as I could the immediate purpose, as I said to the Senator before. The reason they appealed to the irrigation fund, if they did so appeal, must have been because they were trying to save the land—their homes—all they had on earth.

Mr. BORAH. As I understand, this expenditure, whatever it is, is being charged up to the land of the settlers in that immediate vicinity?

Mr. SMITH of Arizona. Just to the few settlers there. They are charging it up to their land and making it a lien on their land.

Mr. BORAH. It is simply a question of whether the Government shall pay this sum or whether it will drive those settlers away, is it not?

Mr. SMITH of Arizona. That is the only question in the case.

Mr. BORAH. And the reclamation fund has been impaired to such an extent through these expenditures that a crisis has been reached in the reclamation proposition, and that is whether the Government will take care of that portion of the expense which it ought to take care of or whether it will drive these settlers from the land, because the settlers can not pay this expense.

Mr. SMITH of Arizona. In line with what the Senator has said, I know the condition of the farms there at Yuma very well. I was in consultation with the board of directors and the water users last summer. They claim, and I believe it to be true, that it is impossible for them to bear this burden. This tax is the straw that absolutely breaks the patient camel's back. Those men can not stand this tax and make their homes and live there.

Mr. ROOT. Mr. President, I do not understand on what authority under the law any tax was imposed on this land.

Mr. SMITH of Arizona. Does the Senator understand the reclamation act?

Mr. ROOT. I do understand the reclamation act.

Mr. SMITH of Arizona. Did that make any imposition of a tax on the land?

Mr. ROOT. This does not seem to have been a reclamation work.

Mr. SMITH of Arizona. Then the farmers should not pay it. The reclamation act makes the expense of any of its enterprises a claim on the water users under the project. The users thus finally have to pay the costs, no matter how expensive the engineers may make it. In this, as in most cases, the Government made a contract with these farmers known as the water-users' association——

Mr. ROOT. Yes.

Mr. SMITH of Arizona. In which the Government agreed to perfect this system or this project at a charge of so much an acre on each farm; but, as usual, the expense has run far above the estimate and put an overload on their patient shoulders.

Mr. ROOT. For irrigation.

Mr. SMITH of Arizona. For irrigation; yes, sir; that was the purpose of the contract. They did enter into that contract, and yet it is far above the contract they entered into in actual cost. It has quadrupled, I think, or, certainly, is twice or more times as great as the original contract. That lien rests on the farms; and, in addition to that, you are making this revetment work and levee building to keep the Colorado River from washing away everything left—the Government irrigation works and all—an additional charge on the water user.

Mr. ROOT. I understand that, undoubtedly, abuses have been committed in that way in getting settlers on lands upon the representation that there would be a small charge for irrigation, and then carrying on the work in such a way that there is a very heavy charge for irrigation.

I wish this matter could have been before the committee and we could have had the facts ascertained and heard what the Reclamation Service people had to say about it before the Senate acts upon it. I dislike very much to act upon a matter of so great an amount without more complete information and without hearing both sides of the question.

Mr. SMITH of Arizona. If there was not a house there, if there was not a farm there, it would be an absolute necessity to the Government that it should hold that river where it is. It is not only a navigable river, but it is an interstate and international stream. It goes into Mexico. It leaves the United States and international questions arise. That river will have to go across there, and there is no telling where ultimately it will make a channel or what vast expenditure would be incurred. It would be like the Rio Grande, which has spread out for miles and miles, and it absolutely loses itself in the waste of surrounding sands until not a drop of water is to be found in its proper bed. So this would happen here unless the levees are repaired and the river confined within some reasonable limits.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from North Dakota?

Mr. SMITH of Arizona. I am very glad to yield.

Mr. McCUMBER. If I understand the Senator correctly, this is purely a reclamation project. The lien which is laid upon the land is a lien the consideration of which is to give the holders of the land the use of the water. It so happens that the charges have been three or four times as great as they expected they would be. If I now understand the Senator's position, he desires to relieve the lands entirely from the liens even though they may receive some benefits. Should we relieve them from all of them, or should they be relieved from a portion, or what proportion?

Mr. SMITH of Arizona. As I understand the Senator, he is mistaken if he thinks I am attempting to relieve them from any of the reclamation work. They expect to bear that burden, great as it is, but it must be confined to a reasonable necessary cost. I am trying to keep this money that the Reclamation Service has spent for the Government in building levees on the banks of the Colorado River and aiding ultimately in making it a navigable stream, so that that charge shall not rest on the farmers. I am not complaining of the increased cost of the project at this time, but I am claiming that this charge fall upon the lands. Some of these farms are away from the river and its overflow would never touch them. Yet this charge rests on all of them. It was the duty of the Government primarily to keep the river within bounds anyhow, and the Government has to do it under every rule of economy and good sense.

Mr. McCUMBER. If I understand the Senator correctly, there is another cost in addition to the cost of the Reclamation Service of over $000,000 that would in addition be made a lien upon their land. Under what law would that be made a lien upon their land?

Mr. SMITH of Arizona. Because under the irrigation law the contract with these water users is that the cost of the enterprise becomes a lien on the land. They have taken this money from the irrigation fund and have applied it to the Government needs, as well as the farmers' needs, and it is proposed to place this burden on these farmers instead of on the United States Treasury.

Mr. McCUMBER. Then it really comes, as I stated, under the Reclamation Service, and there is supposed to be a corresponding benefit, but the cost is so heavy that it would be impossible for the farmers benefited to bear it. That is true of quite a number of our Reclamation Service projects, but I do not know how we can rectify that mistake upon the floor of the Senate without some general law that will relieve them according to the necessities of the conditions.

Mr. SMITH of Arizona. I do not know of any such conditions anywhere else in the United States. All of us know that it has cost more than we expected. Certainly it is not from an act of God that the farmer expected to insure the United States. You will never develop the West by such action as this.

Mr. SMOOT. I wish to ask the Senator if, before this money was spent by the Reclamation Service, the water-users' association gave its consent for the spending of the money for the revetment of the banks of the river?

Mr. SMITH of Arizona. I do not know. I would say, that to my mind it would make no earthly difference; they would consent to anything when they had gotten into a place where they were about to be drowned. Duress is a defense against any contract.

Mr. SMOOT. To me it would make a great difference, of course, because if the water-users' association had requested the Reclamation Service to do that work and saw it was absolutely necessary, that at least would relieve the Reclamation Service, as it undertook the work to protect the water-users' land, because of the fact that they were requested by them and had agreed with them to give a lien upon the land for the repayment of the money.

Mr. SMITH of Arizona. If I knew the facts I would answer the Senator with perfect frankness. I imagine, and it is merely imagination, that the irrigation managers on the part of the Government saw this condition, and I have no doubt immediately themselves, without asking anybody, attempted to correct it. But whether they first exacted consent of the water users before acting makes, to my mind, very little difference. It had to be done, and done quickly, and the cost in justice is properly chargeable to the United States Treasury, or, if you prefer, to the reclamation fund as a loss, rather than that the farmers should bear the damage.

Mr. ROOT. Mr. President, is not this the real difficulty, that the managers of this reclamation project have undertaken to charge up against the users of water expenditures which ought not to be charged to that irrigation project?

Mr. SMITH of Arizona. That is what I think in this case. I do not know but that the emergency might have justified the service in doing it, but I do know that these struggling men ought not to be forced to bankruptcy in saving the Treasury of the United States from an obligation resting of right and under every sense of justice on it. The Colorado is a navigable river. It belongs to the United States. The people of Arizona have no right to control it. It is the duty of the Government to keep it within its banks.

Mr. ROOT. The emergency might have justified the service without making it the part of an irrigation project. I should feel disposed to go with the Senator from Arizona upon such a proposition, but I do not think that we are in possession of the data upon which to act here in this way. With the knowledge of the facts that I have, while feeling disposed to go with the Senator on his proposition, I do not think that the charge for controlling the great stream of the Colorado River ought to be treated as a part of an irrigation project. Just how much or how little ought to be taken out of that lien, whether it all ought to be taken out or a part taken out, it seems to me we can not determine here.

I hope the Senator will not press it.

Mr. WORKS. Mr. President, unfortunately I was out for a few minutes and I did not hear this proposed amendment. I should be glad to have it read.

The PRESIDENT pro tempore. The amendment will be again read.

The SECRETARY. On page 83, after line 7, insert:

That all sums of money heretofore expended on the east side of the Colorado River in revetment and levee construction work under the Yuma irrigation project in Arizona and now carried as a charge against and a lien on the farms of the settlers under said project be, and the same is hereby, declared a charge against the Treasury of the United States, and that the said charge shall not diminish the irrigation fund in the Treasury.

Mr. WORKS. Mr. President, the matter of improvement of the Colorado River is one in which I have a great deal of interest. The Imperial Valley, one of the richest valleys in the State of California, borders on this stream just below this reclamation project.

During the last session of Congress the President sent in a special message calling attention to the condition of the river and recommending that an appropriation be made for its improvement. The Secretary of the Interior took the same position with respect to it.

It was late in the session I appeared before the Appropriations Committee and attempted to secure an appropriation by that means. I was told at that time that it was a matter that should be presented to the Commerce Committee in connection with the river and harbor bill.

During this session I presented the matter to the Commerce Committee, and I was told there that it would have to be taken up in some other way; I do not know just why. Then I was advised that the only proper way to reach it would probably be by a special bill for that purpose.

I am exceedingly anxious to take such steps as will bring about the permanent improvement of this stream, so that navigation may be improved and at the same time the property of people owning land bordering upon the stream protected. It is a positive duty that rests upon the Government to see that this river is improved. The President recognized that fact. The Secretary of the Interior recognized the fact that it was necessary. The Government has proceeded in part to improve the condition of the river and has spent considerable money there, but has left it in an imperfect condition that needs attention.

With respect to this particular amendment, I am not advised as to whether it is one that the Senate ought to entertain or not; but I do want to call the attention of the Senate to the fact that this river does need improvement and that some appropriation ought to be made for that purpose, so that it may be improved in a permanent way that will put the river in proper condition.

It is a very treacherous stream. It changes its course from time to time whenever storms occur. Senators know that at one time it submerged practically the whole of the Imperial Valley, costing millions and millions of dollars. I do hope that when the proper time comes some appropriation may be made and this improvement entered upon in a practical way; but I have no disposition to bring the matter before the Senate by way of an amendment for the simple reason that it would involve discussion, and it is a matter that I think should be taken up separately and determined after proper discussion of the question.

Mr. BORAH. Mr. President, it seems to me it might be safe to let this amendment go on the bill, in view of the fact that everyone seems to concede that this is a river that ought to be cared for by the National Government, and that this work which has been done has been done for the purpose of keeping the river within its banks. Certainly we ought to agree upon the proposition that we ought not to impose this extraordinary burden upon the settlers on this reclamation project. While, technically speaking, it might not belong exactly to this bill, it is altogether certain that if it does not go on this bill it will never go in time to help the settlers, because they will be driven from their places.

It seems to me that we can very well afford to say that that portion of the money which has been expended for building embankments can be eliminated from the charge as against these settlers. Those settlers will not, as they are being driven to give up their homes, appreciate the beauties of parliamentary laws as they present themselves to us.

Mr. CRAWFORD. Mr. President, as is very often the case, a statement which naturally appeals and causes a responsive chord among Senators comes at a time when so far as necessary information is concerned the Senate is without it, and so far as that sort of preliminary investigation that should be made before legislative action is taken, we find there has been none.

I think this would be a very serious step to take. It is admitted that this was a part of a reclamation project. I understand it is admitted that this work was done as a part of a reclamation project, but that it is putting too great a burden on those within that project.

From statements which have been made it would seem that that is true, and that there are equities here; but they have not been considered by any committee; there have been no witnesses; there has been no investigation; there has been no committee report; there has been no governmental report; and in an appropriation bill to act without any information of that character, and upon simply a general impression that appeals to one, I think is hardly the way to proceed. I hope the Senator from Arizona will not press the amendment here.

Mr. SMITH of Arizona. Mr. President, after consultation with many Senators who seem to be in sympathy with my purpose, and to relieve the Senate of the pressure now on it, I will take the vote as already announced by the Chair and not proceed further with it.

But before I take my seat I want to say to the Senator from South Dakota that the amendment was drawn in the way it is for the reason that I intended to cover, as the record shows in the department, exactly the amount of money expended for this particular work. I have not named the specific sum because the records of the department would show the specific sum, and the estimate would be made upon the revetment and levee work alone.

So while the amount was not as certain, probably, as it ought to have been in the amendment, it was so easily capable of being made certain that the amendment would not have endangered the Treasury.

The PRESIDENT pro tempore. The amendment is not agreed to.

Mr. NELSON. In view of meeting the contingency developed by this objection I offer an amendment to be put in the column of surveys, so that no appropriation would be made for the Colorado River in the river and harbor bill until there has been an examination made by the engineers of the War Department. I offer an amendment to place this river on the list of surveys, and when we get the information from the War Department we will know what to do and what ought to be done. It is to come in at the end of line 8, page 76.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 8, page 76, insert:

Colorado River, with a view of developing and improving navigation.

The amendment was agreed to.

Mr. NEWLANDS. Mr. President, I offer an amendment regarding the river regulation board. I ask that it be read and that the question of its order be submitted to the Senate.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Martin, Va.	Smith, Md.
Borah	Dixon	Myers	Smith, Mich.
Bourne	Fall	Nelson	Smith, S. C.
Brandegee	Fletcher	Newlands	Smoot
Briggs	Gallinger	Oliver	Stephenson
Bristow	Gamble	Owen	Sutherland
Bryan	Gronna	Page	Swanson
Burnham	Hitchcock	Paynter	Thomas
Burton	Jackson	Percy	Thornton
Catron	Johnson, Me.	Perkins	Tillman
Chamberlain	Jones	Pittman	Townsend
Clapp	Kavanaugh	Poindexter	Webb
Clarke, Ark.	Kenyon	Richardson	Wetmore
Crawford	La Follette	Root	Williams
Culberson	Lea	Sheppard	Works
Cullom	Lippitt	Simmons	
Cummins	McCumber	Smith, Ariz.	
Curtis	McLean	Smith, Ga.	

The PRESIDENT pro tempore. On the call of the roll 69 Senators have answered to their names. A quorum is present. The Senator from Nevada [Mr. NEWLANDS] offers an amendment, which will be stated.

Mr. NEWLANDS. Mr. President, instead of offering the amendment which I before offered and requested that the question be submitted to the Senate as to its being in order, I offer a condensed statement, which at present proposes to make no appropriation beyond the expenses of investigation and plans, providing $500,000 for such investigation and plans, but providing that the plans shall be made in such a way as to involve an expenditure of $50,000,000 annually, commencing on the completion of the Panama Canal and extending over a period of 10 years.

I will ask the Secretary to read the amendment which I send to the desk. I will state that the amendment is on the desks of Senators, having recently been printed.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. It is proposed to insert the following:

A commission, to be known as the river regulation commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce and Labor, two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to bring into coordination and cooperation with the Corps of Engineers of the Army the other scientific or constructive services of the United States that relate to the study, development, and control of waterways and water resources and subjects related thereto, and to the development and regulation of interstate and foreign commerce, with a view to uniting such services through a board or boards in investigating questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, forestry, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil waste, cooperation of railways and waterways, and promotion of transfer facilities and sites, and in forming comprehensive plans for the development of the waterways and water resources of the country for every useful purpose by cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States; and such river regulation commission is authorized to appoint as members of such board or boards such engineers, transportation experts, experts in water development, and constructors of eminence as it may deem advisable to employ in connection with such plans. Such plans shall involve the expenditure by the United States of $50,000,000 annually, commencing on the completion of the Panama Canal and extending over a period of 10 years. And for the expenses of such organization, investigation, and plans the sum of $500,000 is hereby appropriated.

Mr. NEWLANDS. Mr. President, individually I believe that the work of construction should commence immediately.

Mr. LIPPITT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. LIPPITT. I raise the point of order——

Mr. NEWLANDS. Mr. President, I did not yield for the point of order, though I will yield for a question.

The PRESIDENT pro tempore. The Senator from Nevada is entitled to the floor.

Mr. NEWLANDS. Mr. President, I believe the time has come for work. I believe that it has been absolutely developed to the satisfaction of the entire American people that the methods that have been employed for a hundred years in the regulation and control of our rivers are absolutely deficient. I believe that the public mind is made up that this work should proceed immediately, involving cooperation between the scientific services, cooperation between the Nation and the States, and involving an ample fund, amounting to at least $50,000,000 annually for a period of 10 years, this work to follow and supplement the great work upon the Panama Canal; but I find such opposition—not on the outside, but on the inside, of Congress—to entering immediately upon such constructive work, that I yield to the demand for further information upon the subject. So I have condensed the legislation which I have sought upon this subject in a simple amendment, which provides for the organization of a river regulation commission, composed of four Secretaries in the President's Cabinet—the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce and Labor—who have jurisdiction of the various services that relate in any way with water, and also two Members of the Senate and two Members of the other House, with a view to utilizing the services of distinguished engineers and constructors, and also with a view of coordinating these services in such a way as to secure comprehensive plans involving this large expenditure of money within 10 years after the completion of the Panama Canal.

This amendment merely provides for the expenditure of only the moderate sum of $500,000 in the making of the plans and investigations in order to convince Congress upon a subject concerning which the country is already convinced.

Now, Mr. President, I ask for a vote upon this amendment, which is simply a continuance of the present work of investigation going on under the river and harbor act, and it seems to me it is entirely germane.

Mr. TOWNSEND. Mr. President, may I ask the Senator why he terms it a "river regulation commission"? Is it not intended to cover the investigation of all waterways?

Mr. NEWLANDS. Of all waterways.

Mr. TOWNSEND. Then, why use that term?

Mr. NEWLANDS. Of all the rivers in the country. I want to distinguish it from harbor improvements.

Mr. LIPPITT. I make the point of order that the amendment is general legislation and not pertinent to the pending bill.

Mr. NEWLANDS. Well, Mr. President, if the Chair has any doubt upon that question, I should like to have it submitted to the Senate.

The PRESIDENT pro tempore. The Senator from Rhode Island makes the point of order on what ground?

Mr. LIPPITT. That the proposed amendment is general legislation and can not be attached to an appropriation bill.

The PRESIDENT pro tempore. The Chair is constrained to sustain the point of order.

Mr. NEWLANDS. I ask that the question be submitted to the Senate, Mr. President, and I do so at the request of numerous Senators.

The PRESIDENT pro tempore. The Chair is in no doubt on the point at all, and hence feels constrained to decide it.

Mr. NEWLANDS. Then, I appeal from that decision, Mr. President.

The PRESIDENT pro tempore. The Senator from Nevada appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] By the sound the "ayes" appear to have it.

Mr. NEWLANDS. I ask for the yeas and nays.

Mr. MYERS. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The Senator from Montana suggests the absence of a quorum. The roll will be called.

Mr. OLIVER. Mr. President, I inquire if business has intervened since the last roll call?

The PRESIDENT pro tempore. The Chair thinks the roll should be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lippitt	Root
Bankhead	Curtis	Lodge	Sheppard
Borah	Dillingham	McCumber	Simmons
Bradley	Dixon	McLean	Smith, Ariz.
Brady	Fletcher	Martin, Va.	Smith, Ga.
Brandegee	Foster	Martine, N. J.	Smith, Md.
Briggs	Gallinger	Myers	Smith, Mich.
Bristow	Gamble	Nelson	Smith, S. C.
Bryan	Gore	Newlands	Smoot
Burnham	Groana	O'Gorman	Stephenson
Burton	Guggenheim	Oliver	Swanson
Catron	Hitchcock	Overman	Thornton
Chamberlain	Jackson	Owen	Tillman
Clapp	Johnson, Me.	Page	Townsend
Clark, Wyo.	Jones	Percy	Webb
Clarke, Ark.	Kavanaugh	Perkins	Williams
Crawford	Kenyon	Pittman	Works
Culberson	La Follette	Poindexter	
Cullom	Lea	Richardson	

Mr. CLARK of Wyoming. My colleague, the Senator from Wyoming [Mr. WARREN], is detained from the Chamber by business of the Senate.

The PRESIDENT pro tempore. On the call of the roll 73 Senators have answered to their names. A quorum of the Senate is present. The Senator from Nevada appeals from the decision of the Chair.

Mr. CLAPP. Mr. President, I trust the Senator will withdraw his appeal. It is placing Senators in a position that is not at all pleasant. For one, I am heartily in favor of his proposition. The ruling of the Chair, however, is so manifestly just that I should have to vote to sustain the ruling, and consequently apparently vote against the amendment. It is not a test of the strength of it, and I trust the Senator will withdraw his appeal.

Mr. BRISTOW. Mr. President, I trust the Senator from Rhode Island [Mr. LIPPITT] will withdraw the point of order. It seems to me that this amendment is as germane as many others that have been adopted, and certainly it is as much in order as many other amendments which have been passed upon. It seems to me, under the circumstances, that the Senator from Nevada [Mr. NEWLANDS] has a right to an expression of the

Senate on the merits of his amendment. I dislike to vote to overrule the Chair, but, under the circumstances in which this comes before the Senate, it seems to me that, having let in these other amendments, it would be certainly unjust not to let this one in, or at least to have a vote upon it.

Mr. ROOT. If he is at liberty to do so, I hope the Senator from Rhode Island [Mr. LIPPITT] will withdraw his point of order, and let us have a vote. The fact is that it is apparent that the Senate is becoming very restive over the undue proportion of the time remaining that this river and harbor bill is taking. The various discussions upon it are extending so that it is going to crowd out a lot of other appropriation bills, and that is the real trouble. I think the Senate will be ready to vote on this amendment promptly; and I hope the Senator from Rhode Island will withdraw his point of order, with the understanding, which I think everybody will agree to, that we shall vote.

Mr. NEWLANDS. I should be very glad to stop further discussion if we could have a vote on this amendment.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Were the yeas and nays ordered on the appeal from the ruling of the Chair?

The PRESIDENT pro tempore. They were not.

Mr. LIPPITT. Mr. President, referring to what the Senator from New York has said, that the Senate is becoming restless over the time that is being consumed on this bill, I recognize that situation. His proposal is that I shall withdraw this point of order so that a vote may be taken upon the proposition itself for the purpose of saving time. I can see no better way of saving time than to have the appeal on the point of order voted upon by the Senate. I think the point of order is manifestly well taken. The Chair has ruled that, in his opinion, it is well taken; and if it is simply a question of saving time, I know of no better way to do it than to take a vote.

Mr. NEWLANDS. Mr. President, I will state that I believe the majority of this body favor this amendment. I do not wish to waste the time of the body in discussion. I shall be glad to vote, and vote immediately, upon it. I appeal to the Senator from Rhode Island to withdraw his point of order. I do not wish to urge this appeal, because many Senators have approached me and told me that while they were for this measure they did not feel that they could vote to overrule the decision of the Chair. Now, the question is, What was the decision of the Chair? Am I appealing from a decision not to submit this question to the Senate, or am I appealing from the decision of the Chair as to whether this is in order? I would gladly appeal from the decision of the Chair as to the former, but I would not like to press the appeal from the latter, because I know there are many Senators who favor this measure and who would vote for it, and yet who would be disposed to sustain the Chair upon the point of order. I would not wish, therefore, to appear to have an adverse vote that was not deserved.

I appeal to the Senator from Rhode Island to let us have a vote on this question, and let us put the bill through and let it go to the House, and let them consider the matter in conference.

Mr. MYERS. Mr. President, will the Senator from Nevada yield to me for a moment?

Mr. NEWLANDS. Yes.

Mr. MYERS. A few minutes ago the Senate, by a vote of the Senate, declared that the Connecticut River dam bill was a proper amendment to offer here. I have great respect for the Chair and the rulings of the Chair, and seldom if ever question them. According to my recollection, however, the Senate voted that the Connecticut River dam bill was a proper amendment, that it was not out of order; and it seems to me a precedent of that kind set by the Senate ought to be good for one day.

Mr. LIPPITT. Mr. President——

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. The Senator from Rhode Island first addressed the Chair.

Mr. LIPPITT. At the request of several Senators and with the understanding that the vote on this measure is to be taken without further debate I will withdraw the point of order.

The PRESIDENT pro tempore. The point of order is withdrawn.

Mr. McCUMBER. I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McCUMBER. It is that the Chair having once ruled that the point of order made was correctly made, and a vote being called for again upon that question, the Senator can not withdraw his point of order. It has already been decided.

The PRESIDENT pro tempore. The Chair is of opinion that the Senator can withdraw it by unanimous consent. Is there objection?

Mr. McCUMBER. I object.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. POINDEXTER. As long as the question is pending upon an appeal from the decision of the Chair, the matter not having been finally determined, can not the Senator who made the point withdraw it? I should think he would have the privilege of withdrawing it so long as it is pending and undecided upon the appeal which has been taken.

Mr. BRANDEGEE. I make the point of order that an appeal from the decision of the Chair must be decided without debate.

The PRESIDENT pro tempore. The Senator is correct in that.

Mr. NEWLANDS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. NEWLANDS. Is the appeal from the decision of the Chair sustaining the point of order, or is it from the decision of the Chair refusing to submit the question to the Senate?

The PRESIDENT pro tempore. The Senator from Nevada [Mr. NEWLANDS] offered an amendment. The Senator from Rhode Island [Mr. LIPPITT] made the point of order that it was obnoxious to Rule XVI, being general legislation. The Chair sustained the point of order, and the Senator from Nevada took an appeal from the decision of the Chair.

Mr. NEWLANDS. Then I made a motion to submit that question of order to the Senate.

The PRESIDENT pro tempore. The Senator could not make that motion under the rule. It could not be entertained.

Mr. NEWLANDS. Very well, Mr. President. Then I withdraw my appeal.

The PRESIDENT pro tempore. The appeal is withdrawn.

Mr. POINDEXTER. A further parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. POINDEXTER. Is not the question now before the Senate the point of order insisted upon by the Senator from North Dakota [Mr. McCUMBER]?

The PRESIDENT pro tempore. That has been settled.

Mr. NEWLANDS. In view of the fact that a number of Senators have indicated to me that they wished to support this amendment and to support the bill of which this amendment is a condensation, and yet that they would feel constrained to vote to sustain the decision of the Chair upon the appeal, I withdraw my appeal.

The PRESIDENT pro tempore. Is there objection to the Senator withdrawing his appeal? The Chair hears none, and the appeal is withdrawn.

Mr. CUMMINS. I desire to say just one word. I am very sorry the Senator from Nevada has withdrawn his appeal, because I think the point of order was not well taken, and I was prepared to vote with the Senator on that proposition. But, as he has withdrawn it, I have nothing more to say.

The PRESIDENT pro tempore. The bill is still in the Committee of the Whole and open to amendment.

Mr. OWEN. Mr. President, I offer the following amendment:

That at any time prior to 10 days after the next ensuing regular session of Congress, the President of the United States shall have the right of veto as to any item in this act by returning the same to Congress with his disapproval.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

That at any time prior to 10 days after the next ensuing regular session of Congress the President of the United States shall have the right of veto as to any item in this act by returning the same to Congress with his disapproval.

Mr. NELSON. Mr. President, I make the point of order against that. We can do a great deal in the river and harbor bill, but we can not amend the Constitution of the United States.

The PRESIDENT pro tempore. On what ground does the Senator make the point of order?

Mr. NELSON. I make it on the ground that it is general legislation.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. OWEN obtained the floor.

Mr. BRANDEGEE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BRANDEGEE. Before the bill goes to the Senate, I wish to ask whether, in order to get a separate vote on any

amendment adopted by the committee, a Senator must reserve that right?

The PRESIDENT pro tempore. That is the rule.

Mr. BRANDEGEE. Then I will state that if any separate vote shall be asked upon the amendment concerning the Connecticut River dam, I shall demand the same separate vote upon the Minnesota Mississippi River amendment, but not otherwise.

Mr. WILLIAMS. If it is necessary to give notice of a separate vote upon the Connecticut River dam amendment, I give notice now that it will be demanded.

Mr. OWEN. Mr. President, the objection which I feel to this bill generally is that it seems to contain so many items that are of purely local importance and which are not apparently required by the general welfare or in the matter of providing transportation for the people of the United States in a broad sense. I notice, for instance, in this bill 31 items relating to various creeks and other streams—some of them of importance, no doubt—of New Jersey. I merely mention that as illustrative. A number of them, however, must be of purely local character.

For instance, I call attention to the item of $33,500 on page 11 for improving Keyport Harbor, for improving Matawan Creek, for improving Raritan River, for improving South River, for improving Shoal Harbor, for improving Compton Creek, and for improving Cheesequake Creek; $20,000 for improving Raritan Bay; $1,600 for improving Absecon Creek; $45,000 for improving Absecon Inlet; $5,000 for improving Alloway Creek; $5,000 for improving Cooper River; $15,443 for improving Elizabeth River; $50,000 for improving Hackensack River; $15,000 for improving Mantua Creek; $30,000 for improving Maurice River; $300,000 for improving Newark Bay and Passaic River; and $13,000 for improving Raccoon Creek.

I have no doubt that is a very important stream—probably much more important than the Arkansas River, which is a thousand miles long, and runs through a number of States, but which is practically not provided for at all in this bill.

Then there is an item of $15,000 for Salem River, $10,000 for Shrewsbury River, $1,000 for improving Toms River, $5,000 for improving Tuckerton Creek, and $3,000 for improving Woodbridge Creek.

This bill is full of items of that kind. I do not know where these important national demands come from, but I have just ground to believe that the form of the bill is due to the very great activity of individuals who are concerned in promoting the private interests of some small locality at the public expense and, incidentally, at the expense of the people of Oklahoma. I am opposed to the form of this bill; I am opposed to the whole principle upon which it seems to proceed. It seeks to serve a number of unimportant interests of a local character; and by engaging the interest of Members of either House in that way it is sought to pass this bill through both Houses and put an enormous expenditure upon the people of the United States without serving any adequate national purpose. Therefore I have introduced this proposed amendment to allow the President of the United States the right to disapprove any particular item of the bill within the time stated.

I understand the point of order made by the Senator from Minnesota [Mr. NELSON], who, in his interest in this bill, sees a great danger to the Constitution of the United States and would make the point of order that we have no right to amend the Constitution of the United States by an amendment of this character. The Constitution of the United States gives a right of veto to the President of the United States whether we will or whether we will not; but the Constitution of the United States also places the power of legislation in this body—in Congress. We have a right here to make a law, and we have a right to put on this bill a proviso that the head of the executive branch of the Government may return any item in the bill with his disapproval. I wish to take the voice of the Senate upon that question.

I should like to know what the ruling of the Chair is—whether or not this amendment is ruled out of order.

The PRESIDENT pro tempore. The Chair sustained the point of order on the ground that the Senator's amendment was general legislation on an appropriation bill.

Mr. OWEN. I appeal from the ruling of the Chair on the ground that the Senator from Ohio [Mr. BURTON] having very eloquently disclosed and accepted the fact that this is not an appropriation bill, and the Senate having confirmed that view on the Connecticut River item, the third paragraph of Rule XVI does not apply.

The PRESIDENT pro tempore. The Chair feels constrained, on that point, to rule that it is an appropriation bill according to the rules of the Senate. The Senator from Oklahoma appeals from the decision of the Chair on the point of order.

Mr. THOMAS. On that I call for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT pro tempore. Senators who are of the opinion that the ruling of the Chair was correct will, when their names are called, answer "yea." Those opposed will answer "nay."

Mr. CLARKE of Arkansas. Mr. President, I did not quite understand the form in which the Chair submitted the matter.

The PRESIDENT pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. CLARKE of Arkansas. Oh, yes.

The Secretary proceeded to call the roll.

Mr. SMITH of Michigan (when his name was called). I desire to transfer my pair with the junior Senator from Missouri [Mr. REED] to the senior Senator from Pennsylvania [Mr. PENROSE], if I have the consent of the Senator from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Very well.

Mr. SMITH of Michigan. I vote "yea."

Mr. WILLIAMS (when his name was called). Being relieved from my pair with the senior Senator from Pennsylvania [Mr. PENROSE] by the announcement of the Senator from Michigan [Mr. SMITH], I desire to vote. I vote "yea."

The roll call was concluded.

Mr. FOSTER. I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. In his absence I withhold my vote.

Mr. DU PONT. I should like to inquire whether the senior Senator from Texas [Mr. CULBERSON] has voted.

The PRESIDENT pro tempore. That Senator has not voted.

Mr. DU PONT. I have a general pair with the senior Senator from Texas. I will therefore withhold my vote.

Mr. CULLOM. I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the junior Senator from Massachusetts [Mr. CRANE] and vote "yea."

Mr. CLARK of Wyoming (after having voted in the affirmative). I will ask if the senior Senator from Missouri [Mr. STONE] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. CLARK of Wyoming. I withdraw my vote. I am paired with that Senator.

The roll call resulted—yeas 64, nays 5, as follows:

YEAS—64.

Bankhead	Cummins	Lippitt	Richardson
Bourne	Curtis	Lodge	Root
Brady	Dillingham	McCumber	Sheppard
Brandegee	du Pont	McLean	Simmons
Briggs	Fall	Martin, Va.	Smith, Ga.
Bristow	Fletcher	Martine, N. J.	Smith, Mich.
Bryan	Gamble	Nelson	Smith, S. C.
Burnham	Gronna	O'Gorman	Smoot
Burton	Guggenheim	Oliver	Stephenson
Catron	Jackson	Overman	Swanson
Chamberlain	Johnson, Me.	Page	Thornton
Clapp	Johnston, Ala.	Percy	Tillman
Clarke, Ark.	Jones	Perkins	Townsend
Crawford	Kavanaugh	Pittman	Wetmore
Culberson	Kenyon	Poindexter	Williams
Cullom	La Follette	Pomerene	Works

NAYS—5.

Ashurst	Owen	Thomas	Webb
Myers			

NOT VOTING—26.

Bacon	Dixon	Lea	Smith, Md.
Borah	Foster	Newlands	Stone
Bradley	Gallinger	Paynter	Sutherland
Brown	Gardner	Penrose	Warren
Chilton	Gore	Reed	Watson
Clark, Wyo.	Hitchcock	Shively	
Crane	Kern	Smith, Ariz.	

The PRESIDENT pro tempore. Upon the question, Shall the decision of the Chair stand as the judgment of the Senate, the yeas are 64 and the nays 5, and the point of order is sustained.

Mr. MARTINE of New Jersey. Mr. President, I was absent from the Chamber during the remarks of the Senator from Oklahoma [Mr. OWEN], but I feel that I would be utterly an inefficient Senator if I should keep my mouth closed after the unfortunate reference made in a belittling way to the appropriations for the Commonwealth which I in part represent.

I realize that many of these names may not seem dignified to the Senator from Oklahoma—Raccoon Creek, Toms River, Shrewsbury River, Tuckerton Creek, Woodbridge Creek. How blessed Oklahoma would be if it had the most insignificant one of these creeks wandering through that Commonwealth.

Mr. OWEN. We would be glad to have them.

Mr. MARTINE of New Jersey. I say, Mr. President, God knows far be it from me to advocate a pork-barrel measure. I

do not believe in profligacy. I was born and I have lived in frugality, and I would be the last representative of my State to advocate a scheme simply seeking the public crib for the expenditure of money without reference to results. I am opposed to any measure that savors of pork-barrelism. I feel that I represent an intelligent, industrious constituency, but at the same time while I represent a frugal constituency I do not represent a parsimonious, mean, and narrow constituency. We live in a Commonwealth that has progressed, a Commonwealth that has contributed much to the glory and history of this great Nation in the past, and a Commonwealth that to-day is carving a place in the history of this land. In manufacturing we are to-day about third in the States of this Nation.

My friend from Oklahoma refers in a belittling way to these various appropriations, such as that for the Elizabeth River improvement. According to the report submitted the amount is $15,543. Let me say—and I am proud of it—that I appeared before the committee of the House and urged that that appropriation should be $50,000, and I will state the reason why I did so.

I realize that on Kill Van Kull and Elizabeth River, passing up from the great harbor of New York City, there is a tonnage each year that outstrips the tonnage that passes through the great Suez Canal. The great contest is for cheaper transportation, cheaper bread and butter. The wharves and docks in the great city of New York, my birthplace, are fairly congested, until now the problem is where can the great ships that are building for the maritime commerce of the world find a mooring. There seems to be no hope on the New York side; but just across the Hudson River the State of New Jersey offers them an abiding place, and the world's commerce, in fact, may be taken care of there. We ask that the channel of Kill Van Kull and the improvement of Elizabeth River may have attention in order to afford better shipping facilities, and thereby cheaper food—cheaper bread to the country and to the world.

Remember, Mr. President, New Jersey is fortunately situated. It is at the very gateway of the commerce of this great Nation. All the commerce of Europe, and even that of Oklahoma and the mining industry of the far West passing over the great continental railroads, must find a shipping point on the New Jersey shore. We are the dispensing point not only for this country but for the great foreign shipping of the country.

Here, for the Newark Bay and the Passaic River improvement, $300,000 is appropriated. Remember that is right at the threshold of the great metropolis of this country. The city of Newark has a population to-day of about 575,000 people. We are a busy, thriving hive of industry. Everything in the manufacturing line, from a cambric needle to a locomotive, is manufactured there. It is a great shipping point.

But in the hope that we may be greater, in the hope that we may facilitate the commerce of this great Nation, and at the same time advance the welfare of the Commonwealth of New Jersey and aid our fellow citizens throughout the length and breadth of this country, we press this improvement with all reason and with all fairness and with all justice.

Improving Shrewsbury River and its maintenance, a paltry sum of $10,000 is appropriated. The shipping that passes through there each year runs into hundreds of thousands of tons.

Toms River is not dignified much in name, but only a pittance of $1,000 is asked for that improvement. That is one of the paltry sums that my friend would sneeringly refer to.

Woodbridge Creek is within 8 miles of my home. If it were called Woodbridge River it would have more character, for the name "creek" seems insignificant. Let me say to you that Woodbridge Creek and the whole section thereabout is fairly laden with a clay product that is manufactured into almost every conceivable shape that is known to civilization to-day. Thousands upon thousands of tons each year are shipped from that point, and more would be shipped with more liberal facilities.

I have no cavil with the Senator from Oklahoma, but, oh, that he might get out and with a bigger, broader lens see the splendid coast of the great country of which he and I are humble members.

Mr. OWEN. Mr. President, I wish to make my profound acknowledgment to my well-beloved friend from New Jersey, and to offer, if I may be permitted to do so, my humble and complete apology to Raccoon Creek.

If the Senator had been present he would have learned that in pointing out the thirty-odd items relating to New Jersey I was simply using it for the purpose of illustrating the manner in which some States are abundantly provided for, while others are not provided for at all, and that the bill is composed of items of local value but of no national importance.

There was no purpose, of course, to reflect upon the honorable Commonwealth of New Jersey, but the purpose was to speak on the general character of this bill, which takes up these various items and which provides, in what I believe a haphazard way, for this creek and that creek and the other creek, without having a comprehensive, clear-cut plan by which the national interests would be conserved in an important and well-digested plan.

My objection to this bill remains. I shall vote against it. I am opposed to this character of legislation. It has been repeated over and over again, and I believe that we ought to follow a policy laid out along the line which has been suggested by the Senator from Nevada [Mr. NEWLANDS], that we ought to have a certain amount of money which shall be used for such purposes and then distributed according to the national interests.

There was no purpose, I beg the distinguished Senator from New Jersey to believe, to reflect upon his noble Commonwealth, for which I have the highest respect, and for him personally I have a peculiar regard. But one is obliged in speaking of a bill of this kind to illustrate it with some of the items from it, and my eye fell upon the thirty-odd items for New Jersey, and I proceeded to illustrate with New Jersey. That is all there is in that.

Oklahoma is quite willing to have a development of our national waterways. Oklahoma is not willing to have the National Treasury invaded for the purpose of promoting local interests merely at the expense of the National Treasury. It is against that character of legislation, without intending to discriminate as to any particular item in the bill, that I referred to these various creeks. I could have taken some other State and illustrated it the same way, but that sufficed for my purpose.

Mr. BURTON. Mr. President, I do not think the criticisms of the Senator from Oklahoma are well founded. They rest upon the use of the name "creek" in this bill. There are some channels having that designation which have a very important commerce. For instance, Newtown Creek on Long Island, near the city of Brooklyn, in greater Manhattan, has a tonnage of 5,400,000 tons with a valuation of over $190,000,000. Passaic River, leading to the city of Newark, to which the Senator from Oklahoma referred, has a tonnage of 2,200,000, with a value of $62,000,000. The Raritan River, to which he referred somewhat slightingly, has a tonnage of something over 1,000,000, with a value of $64,000,000. All the small streams in New Jersey, some of them tributary to New York and some to Philadelphia, furnish a certain amount of interstate commerce. The extravagance in our river and harbor bills is not in that direction. These small streams can be improved at a comparatively limited cost; and while the question may be raised whether they are proper objects for appropriations from the Federal Government, this custom has been pursued for many years, and the improvements make it possible to ship products from one State to another, making a part of our interstate commerce.

Newtown Creek has a greater tonnage which is of greater value than that of the three sections of the Mississippi River. Raccoon Creek has almost as much tonnage as the whole of the Arkansas River. The danger of waste or extravagance is in the construction of locks and dams for the canalizing of rivers, for the improvement of great rivers—I do not wish at this late hour to mention which they are—where there is little prospect of developing an important commerce and the money is really devoted to the protection of private property bordering upon them.

Nevertheless, Mr. President, I can not vote for this bill as it now is. Most of it is made up of commendable items, but there is much that is objectionable. I must particularly criticize some of the precedents which it establishes. We have heard a great deal here in the last few days in regard to precedents. Now, I want to call attention to one, a provision adopted here on Saturday morning last.

The bill as it came from the House sought to extend the jurisdiction of the Mississippi River Commission from Cape Girardeau up to Rock Island. The Senate Committee on Commerce, recognizing the manifest impropriety of that, suggested, in place of the provision of the House bill, an examination with a view to a future report, for which purpose $100,000 was to be appropriated. That proposition was discussed at great length here and a compromise was adopted which was worse than either. I want to call attention to its real significance:

The Mississippi River Commission shall make an examination of the Mississippi River from Cape Girardeau, Mo., to Rock Island, Ill., with a view to such improvements as will at the same time promote navigation, develop water power, and protect property adjacent to said river from damage by floods; and in making such examination con-

sideration shall be given and recommendations made as to plans for cooperation by the localities affected; and for the purpose of such examination—

So much is retained of the recommendation of the Senate committee, but that part of the provision appropriating the sum of $100,000 is cut out. Now, let us see what is put in its place—

and for the building of such levees between said points upon the river in aid of navigation as may be found necessary or desirable by the commission and approved by the Chief of Engineers the sum of $200,000 is hereby appropriated.

Thus, in the same sentence there is a demand for an examination and its nullification by directing the Mississippi River Commission to perform work which it ought not perform until the examination is made and the report transmitted to Congress. Congress could not act intelligently and with full knowledge of the facts until after this examination is made. You mix the two here—the examination and the appropriation.

Why, Mr. President, if we adopt that class of provisions, we undermine the whole system. The very fundamental idea should be that we undertake no work whatever until careful examination has been made and an estimate furnished, not only that we may know whether or no the improvement is a good one, but that we may know what it will cost; and then, with all this information before it, let Congress decide. This paragraph slips in a provision allowing $200,000 instead of $100,000, and allowing the commission to go ahead before the examination is made.

There was a paragraph somewhat similar in the act of 1910, under which a million dollars was appropriated under a great deal of pressure for a so-called waterway from the Lakes to the Gulf. It was vigorously opposed by many of us. We thought it very objectionable; but even that contained the clause which will be found on page 34 of the river and harbor act of 1910. It provided for the presentation of plans, and so forth, and then stated:

And until these plans and estimates have been submitted and a project for the improvement adopted by Congress the appropriation of $1,000,000 herein made shall not be available for expenditure.

Mr. President, if this paragraph goes in, the Committee on Rivers and Harbors of the other House and the Committee on Commerce of the Senate owe an apology to a multitude of persons who have come before Congress in the last 15 years. When they have come, and they have come often, asking us to make an appropriation and to order with that appropriation an examination, asking in case the report or the examination is favorable, that the improvement may proceed, we have said every time, "No; make your examination, then come to Congress and run the same gantlet that every other project has to run. If that report is favorable, and we approve it, then, and in that case, we will decide whether or not an appropriation should be made."

This may seem a trivial item, Mr. President, but it is an entering wedge for the expenditure of tens of millions of dollars in the upper Mississippi River before we have had time for consideration. It is also a beginning for the destruction of the most salutary and the most necessary feature of our whole system of river and harbor appropriations. I am very glad to know that the Senator from Arizona [Mr. SMITH] withdrew his amendment, which was subject to the same objection to which this paragraph is subject.

In view of that fact, Mr. President, and in view of the precedent which it will create, I can not vote for this bill. There are other objections, but I shall not detain the Senate to discuss them.

The bill was reported to the Senate as amended.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. STONE. Mr. President, I desire to make an inquiry. I had been called out to attend a session of a subcommittee of the Senate before which I had an amendment pending. I returned and found that the Senator from Ohio [Mr. BURTON] was engaged in one of his usual——

Mr. NEWLANDS. Mr. President, is the bill yet in the Senate?

The PRESIDENT pro tempore. The bill has been reported to the Senate. The Chair understood certain Senators to say that they desired to reserve two amendments, the Senator from Mississippi being one of those Senators.

Mr. NELSON. The Senator has not asked to reserve the amendment since the bill was reported to the Senate. There is no reservation asked at present.

The PRESIDENT pro tempore. Very well. Then the question is on concurring in the amendment made as in Committee of the Whole.

Mr. BORAH. Mr. President, I understand that there were two reservations made.

The PRESIDENT pro tempore. There was a suggestion made to the Chair that reservations might be made, but they have not been made.

Mr. POINDEXTER. I understood the Senator from Mississippi gave notice that he would ask for a separate vote——

The PRESIDENT pro tempore. The Senator did give notice, but he has not demanded a separate vote.

Mr. POINDEXTER. I ask for a separate vote upon the Senator's reservation.

The PRESIDENT pro tempore. The Senator from Washington asks a separate vote upon the Connecticut River project, on page 5.

Mr. BRANDEGEE. I demand a separate vote upon the amendment contained on pages 53 and 54, relating to the Municipal Electric Co. of the State of Minnesota.

The PRESIDENT pro tempore. Without objection, the other amendments made, as in Committee of the Whole, will be concurred in. The question is upon concurring in the amendment upon page 5, relating to the Connecticut River project.

Mr. POINDEXTER. I ask for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays are demanded.

Mr. BANKHEAD. I should like to understand what that amendment is.

The PRESIDENT pro tempore. It is the amendment agreed to, as in Committee of the Whole, in reference to the Connecticut River dam.

Mr. BANKHEAD. Is it the amendment offered by the Senator from Connecticut, on which the vote is about to be taken?

The PRESIDENT pro tempore. It is. The Senator from Washington [Mr. POINDEXTER] demands the yeas and nays. Is there a second?

Mr. CLARKE of Arkansas. I have no objection to the yeas and nays being ordered if a sufficient number of Senators second the demand, but I desire to say——

The PRESIDENT pro tempore. The Chair thinks the demand for the yeas and nays has not yet been seconded. Senators seconding the demand will please raise their hands. [After counting.] There is not a sufficient number seconding the demand, and the yeas and nays are not ordered. The question is on concurring in the amendment reserved on page 5.

Mr. POINDEXTER. Mr. President, I notice the junior Senator from Colorado [Mr. THOMAS] had his hand up, and I do not think the Chair counted him. I should like the question to be again put.

The PRESIDENT pro tempore. The Chair will again put the request. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered.

Mr. CLARKE of Arkansas. Mr. President, I am going to vote to put that amendment on this bill, although I know it ought not to be there. If this were the last word in the passage of this bill, of course I should not do so, because it is perfectly plain that if the amendment is put upon the bill and sent to the President as a part of it, in order to maintain his reputation for consistency he will doubtless veto the entire measure. He did so in a parallel case, when there was a failure to make provision for the support of the Commerce Court. I am too much interested in this bill to want to test out the endurance of the President in the matter of consistency; but bad examples have been set here, and, having been set, they have been followed, as they usually are. Bad examples are always followed, while good examples are rarely ever followed, or, at all events, they are not cited as precedents and do not, upon the mere statement of them, constitute a sufficient reason for doing right the second or third time, but a bad precedent is always an unanswerable argument in favor of doing another bad thing.

I now realize that a great mistake was made in putting all this legislation relating to waterways upon this bill. The fact of the business is that this matter of legislating upon appropriation bills is another manifestation of a curse which rested on this country just after the Civil War in the shape of reconstruction measures. The Democratic membership of the Senate committed themselves to the addition of general legislation on appropriation bills as a means of keeping soldiers away from the polls, under a practice that prevailed at that time. It seemed to justify itself, but, like everything else, the worst things in this world are the abuses of good ones, and so the practice has been kept up.

I have formulated in my own mind a plan which will regulate my own conduct hereafter. I shall only favor the addition of legislation to appropriation bills when the matter relates to something that is practically not contested and the conditions

of the situation justify such action, or where there is a difference of policy, where technical objections may defeat the popular will, or where some fundamental principles of government are at stake—matters of large import, matters of far-reaching importance; but I do not intend to lend my aid to the passage, as part of appropriation bills, of measures that are disputed in character or that relate to new features of legislation which ought to be thrashed out upon their own merits, without the opportunity to hold up, if I may use such a phrase, important issues of another character in which the membership of the Senate is interested, and practically to compel a surrender of your own individual judgment as to the merits of a particular measure in order to accomplish something of greater importance.

It is not a system of legitimate legislation to permit that to be done. It is an abuse of it. I think the common sense, the enlightened sense of the Senate, ought to be adequate to the correction of that practice.

There will be a conference upon this particular bill, when all these water matters will undergo investigation in the light of the objections that have been urged here. The sentiment of the Senate on the question of whether or not the National Government shall have a right to levy tolls upon water-power grants has been, after a full argument, settled. Now the attempt is made to jeopardize the life of this important bill, one in which many sections of this country are interested, and in which my section of the country is vitally interested, in order to compel a reversal of that position.

I confess that I would submit, with a frank statement of the fact that I was submitting, to an imposition put upon me, because of the interest of my people, to permit things to go through which, upon their own merits, I would not vote for in order to secure for them the splendid advantages that will come to them upon the approval of this particular bill. I hope hereafter that such legislation as this may be put upon a higher plane of independence; that appropriation bills will be confined to matters of appropriation; and that matters of legislation of a disputed character will be compelled to work their destinies out through the slow processes of discussion in this tribunal and elsewhere.

Because I know that this matter will go to conference, because I know the views of another branch, and because I know the views of the President, I am perfectly willing to vote to put this amendment on, knowing that it would be fatal to the bill if it went on and was accepted by the other House, and under the belief that the common sense of the situation will finally commend itself to those Senators and Members of the other House who will constitute the conference committee, and that they will make some adjustment of it that will give expression to the known sentiments of each House, and will not permit this important bill to be loaded down to the extent of jeopardizing its very existence.

So that I say I shall vote for something that I am not abstractly in favor of, in order that I may get it in a place where it will receive the consideration that it is not likely to receive here this afternoon. It if results in leaving this particular water-power legislation out of this bill, well and good. That will best conform to my ideas of what should be done, until the outlines of the question have been completely settled so that they will be no longer open to discussion here.

I do not say that it is an unfair advantage to take of the opportunity, because when you are within the rules of a body that has power to exercise you are within your rights, for rules are made to give advantage when that is necessarily evolved from their application. In what I have had to say I do not complain of the action of anybody, but I think this system has gone to a point where abuses have become perfectly apparent.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole, on which the yeas and nays have been ordered.

Mr. SMITH of Georgia. I ask that the amendment be stated.

The PRESIDENT pro tempore. Does the Senator desire that it be read?

Mr. SMITH of Georgia. I am now informed that it is the Connecticut dam proposition.

The PRESIDENT pro tempore. That is the question to be voted on.

Mr. SMITH of Georgia. Then I do not care to have it read.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the junior Senator from Massachusetts [Mr. CRANE] and will vote. I vote "yea."

Mr. NELSON (when his name was called). I am paired with the senior Senator from Georgia [Mr. BACON] on this matter, and therefore withhold my vote.

Mr. SMITH of Michigan (when his name was called). I again announce my pair with the junior Senator from Missouri [Mr. REED], and withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Indiana [Mr. SHIVELY], I desire to vote. I vote "nay."

The roll call was concluded.

Mr. BRADLEY. I transfer my pair with the junior Senator from Indiana [Mr. KERN] to the senior Senator from Nebraska [Mr. BROWN] and will vote. I vote "yea."

Mr. FOSTER (after having voted in the negative). I have a general pair with the Senator from Wyoming [Mr. WARREN], who is absent on public business. I transfer that pair to the junior Senator from Alabama [Mr. JOHNSTON] and will allow my vote to stand.

Mr. CLARK of Wyoming. I desire to announce that my colleague [Mr. WARREN] is unavoidably absent on the business of the Senate.

Mr. CULBERSON (after having voted in the negative). I inquire if the Senator from Delaware [Mr. DU PONT] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. CULBERSON. As I have a general pair with that Senator, I withdraw my vote.

The result was announced—yeas 39, nays 37, as follows:

YEAS—39.

Ashurst	Clark, Wyo.	Jackson	Oliver
Borah	Clarke, Ark.	Jones	Owen
Bourne	Cullom	Kenyon	Page
Bradley	Cummins	La Follette	Perkins
Brandegee	Curtis	Lippitt	Richardson
Briggs	Dillingham	Lodge	Root
Burnham	Gallinger	McCumber	Stephenson
Burton	Gamble	McLean	Townsend
Catron	Guggenheim	Myers	Wetmore
Clapp	Hitchcock	Newlands	

NAYS—37.

Bankhead	Johnson, Me.	Poindexter	Thomas
Bristow	Kavanaugh	Pomerene	Thornton
Bryan	Lea	Sheppard	Tillman
Chamberlain	Martin, Va.	Simmons	Watson
Crawford	Martine, N. J.	Smith, Ariz.	Webb
Fall	O'Gorman	Smith, Ga.	Williams
Fletcher	Overman	Smith, Md.	Works
Foster	Paynter	Smith, S. C.	
Gardner	Percy	Stone	
Gronna	Pittman	Swanson	

NOT VOTING—19.

Bacon	Culberson	Kern	Smith, Mich.
Brady	Dixon	Nelson	Smoot
Brown	du Pont	Penrose	Sutherland
Chilton	Gore	Reed	Warren
Crane	Johnston, Ala.	Shively	

So the amendment made as in Committee of the Whole was concurred in.

The PRESIDENT pro tempore. The question is now upon the next reserved amendment, which will be stated.

The SECRETARY. The amendment is on pages 53 and 54, relative to power at Minneapolis and St. Paul.

Mr. BRANDEGEE. I do not care for a separate vote upon that.

Mr. BORAH. I do not desire to ask for a yea-and-nay vote, but I want an opportunity to vote on the proposition.

The PRESIDENT pro tempore. The question is upon concurring in the amendment.

The amendment was concurred in.

The PRESIDENT pro tempore. The bill is in the Senate, open to amendment. If no amendment be proposed, the question will be, Shall the amendments be engrossed and the bill read a third time?

Mr. NEWLANDS. Mr. President, I now renew the amendment that I offered a short time ago, providing simply for an investigation, organization, and plans, constituting a river-regulation commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce and Labor, two Members of the Senate, and two Members of the House, leaving out the last sentence but one—the sentence which provides that the plans shall involve the expenditure of $50,000,000 annually. A point of order was made against that amendment by the Senator from North Dakota [Mr. MCCUMBER], and he has indicated his willingness to withdraw his objection if the sentence to which I have referred is left out. I therefore move the adoption of this amendment.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment, which will be stated.

Mr. NELSON. The amendment has been already read. I do not think it is necessary to read it again.

The PRESIDENT pro tempore. Without objection, the reading of the amendment will be dispensed with.

Mr. GRONNA. I should like to have read the portion which was stricken out.

The PRESIDENT pro tempore. The part stricken out will be stated.

The SECRETARY. The part stricken out is on page 3 of the printed amendment, line 12, and is as follows:

Such plans shall involve the expenditure by the United States of $50,000,000 annually, commencing on the completion of the Panama Canal and extending over a period of 10 years.

Mr. NEWLANDS. That portion, I will say, is stricken out of the amendment. I now offer it as amended in that way.

Mr. BRANDEGEE. Mr. President, before voting upon the amendment I desire to say that with that part stricken out I shall be glad to support it, and if the system proves a success after its organization I shall be glad to vote for appropriations for it.

The amendment was agreed to, as follows:

SEC. 3. A commission, to be known as the river-regulation commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce and Labor, two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to bring into coordination and cooperation with the Corps of Engineers of the Army the other scientific or constructive services of the United States that relate to the study, development, and control of waterways and water resources and subjects related thereto, and to the development and regulation of interstate and foreign commerce, with a view to uniting such services through a board or boards in investigating questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, forestry, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil waste, cooperation of railways and waterways, and promotion of transfer facilities and sites, and in forming comprehensive plans for the development of the waterways and water resources of the country for every useful purpose by cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States; and such river-regulation commission is authorized to appoint as members of such board or boards such engineers, transportation experts, experts in water development, and constructors of eminence as it may deem advisable to employ in connection with such plans. And for the expenses of such organization, investigation, and plans the sum of $500,000 is hereby appropriated.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PHYSICAL VALUATION OF RAILROADS.

Mr. LA FOLLETTE. Mr. President, pursuant to the unanimous-consent agreement, I move that the Senate proceed to the consideration of House bill 22593, to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for physical valuation of the property of carriers subject thereto and securing information concerning their stocks and bonds and boards of directors.

Several Senators addressed the Chair.

Mr. LA FOLLETTE. I will yield, that some routine business may be transacted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, transmitted to the Senate resolutions of the House of Representatives on the life and public services of Hon. WELDON BRINTON HEYBURN, late a Senator from the State of Idaho.

The message also transmitted to the Senate resolutions of the House of Representatives on the life and public services of Hon. ROBERT L. TAYLOR, late a Senator from the State of Tennessee.

The message further transmitted to the Senate resolutions of the House of Representatives on the life and public services of Hon. JEFF DAVIS, late a Senator from the State of Arkansas.

The message also transmitted to the Senate resolutions of the House of Representatives on the life and public services of Hon. ROBERT C. WICKLIFFE, late a Representative from the State of Louisiana.

The message further transmitted to the Senate resolutions of the House of Representatives on the life and public services of Hon. CARL C. ANDERSON, late a Representative from the State of Ohio.

The message also transmitted to the Senate resolutions of the House of Representatives on the life and public services of Hon. SYLVESTER CLARK SMITH, late a Representative from the State of California.

The message further transmitted to the Senate resolutions of the House of Representatives on the life and public services of Hon. GEORGE S. LEGARE, late a Representative from the State of South Carolina.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 20102. An act relating to proof of signatures and handwriting; and

H. R. 26279. An act granting the Fifth-Third National Bank of Cincinnati, Ohio, the right to use original charter No. 20.

AGRICULTURE APPROPRIATION BILL.

Mr. BURNHAM. Mr. President, a notice appears on the calendar that upon the disposition of the Indian appropriation bill I shall call up House bill 28283, the Agriculture appropriation bill. I desire to give notice now that immediately after the disposition of the Post Office appropriation bill I shall ask the Senate to consider the agricultural appropriation bill.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. ROOT, from the Committee on the Judiciary, to which was referred the bill (S. 8454) to amend section 914 of the Revised Statutes, reported it without amendment.

Mr. CUMMINS, from the Committee on the Judiciary, to which were referred the following bills, reported them each with amendments, and submitted reports thereon:

S. 7600. A bill legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada (Rept. No. 1299); and

S. 3194. A bill to revise section 985 of the Revised Statutes of the United States (Rept. No. 1308).

Mr. POINDEXTER, from the Committee on Pacific Islands and Porto Rico, to which was referred the bill (H. R. 20048) declaring that all citizens of Porto Rico and certain natives permanently residing in said island shall be citizens of the United States, reported it without amendment and submitted a report (No. 1300) thereon.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (H. R. 28469) granting two condemned cannon to the Wallkill Valley Cemetery Association, of Orange County, N. Y., reported it without amendment and submitted a report (No. 1301) thereon.

He also, from the same committee, to which was referred the bill (H. R. 26078) for the relief of Charles S. Kincaid, reported it with amendments and submitted a report (No. 1302) thereon.

Mr. LEA, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 5107. A bill for the relief of W. D. McLean, alias Donald McLean (Rept. No. 1306); and

S. 6675. A bill to grant an honorable discharge to Philip Cook (Rept. No. 1307).

Mr. LEA, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 118) authorizing the Secretary of War to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina, reported it with an amendment and submitted a report (No. 1303) thereon.

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 5200. A bill to authorize the President to appoint A. C. G. Williams-Foote, late first lieutenant in the Philippine Scouts, to the grade of first lieutenant in the United States Army, and place him on the retired list (Rept. No. 1304); and

S. 5201. A bill to authorize the President to appoint Clarence C. Faw, late second lieutenant in the Philippine Scouts, to the grade of second lieutenant in the United States Army, and place him on the retired list (Rept. No. 1305).

THE VIRGINIA TERMINAL CO.

Mr. PAYNTER. Mr. President, on Saturday there was reported from the Committee on the District of Columbia the bill (S. 7640) to incorporate the Virginia Terminal Co. My information is from a party living on M Street, over which this road will pass, that there have been no hearings at all upon the bill, and it means the construction of a street car line for a mile through this city, and provides that it shall go over the lines of some other street car company here, besides not allowing the property owners or the street car company to be heard, although the street is a narrow one and two tracks are provided for. I am advised that the committee acted upon the recommendation of the Commissioners of the District of Columbia, and they took such action because the committee was pressed for time and did not feel that hearings could be given. I therefore move to recommit the bill to the Committee on the District of Columbia, with a view to having the parties interested heard. By this motion I do not intend any reflection, of course, upon the action of the committee.

The PRESIDENT pro tempore. The bill will be recommitted to the Committee on the District of Columbia.

ADDITIONAL AMENDMENTS TO APPROPRIATION BILLS.

Mr. McCUMBER submitted an amendment proposing to increase the appropriation for the Glacier National Park, Mont., from $75,000 to $250,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BORAH submitted an amendment providing that hereafter no part of the appropriation for fortifications and armament thereof for the Panama Canal shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of work of any employee of the United States Government, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. KENYON submitted an amendment proposing to strike out from the agricultural appropriation bill the provision providing for the purchase and distribution of valuable seeds, intended to be proposed by him to the agricultural appropriation bill, which was ordered to lie on the table and be printed.

Mr. TOWNSEND submitted an amendment proposing to appropriate $750 each to pay Charles M. Campbell and Charles A. Davidson, late clerks of the courts of the United States for Indian Territory, for fees earned by them for performing services not required of clerks of United States courts in other districts, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. FALL submitted an amendment proposing to appropriate $69,800 for the support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

He also submitted an amendment providing for pay of one special assistant to the United States Attorney General, district of New Mexico, who shall act as attorney for the Pueblo Indians of New Mexico, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table and be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $1,200 to pay F. H. Wakefield for preparing the history of legislation for the Senate in the third session of the Sixty-second Congress, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRANDEGEE submitted an amendment proposing to appropriate $140,000 for the erection of a public building at Middletown, in the State of Connecticut, intended to be proposed by him to the omnibus public buildings bill, which was ordered to lie on the table and be printed.

Mr. JONES submitted an amendment proposing to increase the appropriation for a post-office building at Seattle, Wash., from $300,000 to $1,250,000, intended to be proposed by him to the omnibus public buildings bill, which was ordered to lie on the table and be printed.

Mr. OLIVER submitted an amendment providing that the proceeds of the sale of the post-office site situated at Liberty Avenue and Sixteenth Street, Pittsburgh, Pa., together with the additional sum of $750,000, not to exceed $1,500,000 in all, be appropriated for the purchase of another site for a post office in that city, etc., intended to be proposed by him to the omnibus public buildings bill, which was ordered to lie on the table and be printed.

Mr. LODGE submitted an amendment proposing to appropriate $2,000 for the salary of one assistant in the Bureau of Fisheries, Division of Inquiry respecting food fishes, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

SPEECH OF MR. JUSTICE HOLMES (S. DOC. NO. 1106).

Mr. LODGE. I have a copy of a speech of Mr. Justice Holmes, delivered at a dinner of the Harvard Law School Association, of New York, on February 15, 1913. I ask that the speech be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On February 20, 1913:

S. 104. An act for the relief of Carl Krueger; and

S. 8035. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

On February 24, 1913:

S. 2733. An act for the relief of the estate of Almon P. Frederick.

COMMISSION ON ECONOMY AND EFFICIENCY (S. DOC. NO. 1107).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Appropriations and ordered to be printed:

To the Senate:

In response to the resolution of the Senate, dated February 21, 1913, requesting that I send to the Senate any additional information submitted by the Commission on Economy and Efficiency relating to the matter of saving in recovery of Government waste paper, I transmit herewith reports of the commission on the subject dated September 21, 1912, and February 11, 1913.

WM. H. TAFT.

THE WHITE HOUSE, *February 24, 1913.*

PHYSICAL VALUATION OF RAILROADS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 22593) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof by providing for physical valuation of the property of carriers subject thereto and securing information concerning their stocks and bonds and boards of directors, which had been reported from the Committee on Interstate Commerce with amendment.

The Secretary proceeded to read the bill.

The first amendment was, on page 1, line 8, to strike out all down to line 3 on page 4 and to insert:

SEC. 19a. That the commission shall, as hereinafter provided, investigate, ascertain, and report the value of all the property owned or used by every common carrier subject to the provisions of this act. To enable the commission to make such investigation and report it is authorized to employ such experts and other assistants as may be necessary. The commission may appoint examiners who shall have power to administer oaths, examine witnesses, and take testimony. The commission shall make an inventory which shall list the property of every common carrier subject to the provisions of this act in detail and show the value thereof as hereinafter provided, and shall classify the physical property, as nearly as practicable, in conformity with the classification of expenditures for road and equipment as prescribed by the Interstate Commerce Commission.

First. In such investigation said commission shall ascertain and report in detail as to each piece of property owned or used by said common carrier for its purposes as a common carrier, the original cost to date, the cost of reproduction new, the cost of reproduction less depreciation, and an analysis of the methods by which these several costs are obtained, and the reason for their differences, if any. The commission shall in like manner ascertain and report separately other values, and elements of value, if any, of the property of such common carrier, and an analysis of the methods of valuation employed, and of the reasons for any differences between any such value and each of the foregoing cost values.

Second. Such investigation and report shall state in detail and separately from improvements the original cost of all lands, rights of way, and terminals owned or used for the purposes of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same, and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value.

Third. Such investigation and report shall show separately the property held for purposes other than those of a common carrier and the original cost and present value of the same, together with an analysis of the methods of valuation employed.

Fourth. In ascertaining the original cost to date of the property of such common carrier the commission, in addition to such other elements as it may deem necessary, shall investigate and report upon the history and organization of the present and of any previous corpora-

tion operating such property; upon any increases or decreases of stocks, bonds, or other securities in any reorganization; upon moneys received by any such corporation by reason of any issues of stocks, bonds, or other securities; upon the syndicating, banking, and other financial arrangements under which such issues were made and the expense thereof; and upon the net and gross earnings of such corporations; and shall also ascertain and report in such detail as may be determined by the commission upon the expenditure of all moneys and the purposes for which the same were expended.

Fifth. The commission shall ascertain and report the amount and value of any aid, gift, grant of right of way, or donation made to any such common carrier, or to any previous corporation operating such property, by the Government of the United States or by any State, county, or municipal government, or by individuals, associations, or corporations; and it shall also ascertain and report the grants of land to any such common carrier, or any previous corporation operating such property, by the Government of the United States, or by any State, county, or municipal government, and the amount of money derived from the sale of any portion of such grants and the value of the unsold portion thereof at the time acquired and at the present time; also the amount and value of any concession and allowance made by such common carrier to the Government of the United States or to any State, county, or municipal government in consideration of such aid, gift, grant, or donation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment just read.

Mr. BRISTOW. Does the Senator from Wisconsin desire to make a statement? If so, I wish to make some inquiries after he has made his statement.

Mr. LA FOLLETTE. Mr. President, I do not desire to take the time of the Senate to make any statement upon this bill unless I can save time by so doing. Perhaps we can make better progress with the bill by my answering as best I can any questions which may be asked by Senators. It may be that I might say just this——

Mr. SMITH of Georgia. Will the Senator yield to me?

Mr. LA FOLLETTE. I will.

Mr. SMITH of Georgia. I should like very much to have the Senator, as briefly as he can, explain the necessity for the amendment as a substitute for the original measure. I think it will not only be helpful to us here, but it will be helpful to the friends of the measure who may desire, when they understand the change, without a reference and without a committee of conference, to adopt the change upon the floor of the House.

Mr. LA FOLLETTE. Mr. President, I believe the pending bill to be more important and far-reaching in the benefits which will ultimately flow from it than any measure which Congress has enacted in many years.

Standing here after the long and arduous struggle, I may be pardoned a backward glance along the rugged way which those have come to this final achievement.

The act to regulate interstate commerce which passed in 1887, after a protracted contest of 13 years, declared *unreasonable rates to be unlawful.*

The report made by the Committee on Interstate Commerce when it presented the bill to the Senate 26 years ago stated the evils which the bill was intended to remedy. From that report I quote the following:

That local rates are unreasonably high as compared with through rates.

That both local rates and through rates are unreasonably high at noncompeting points, either from the absence of competition or in consequence of pooling agreements that restrict its operation.

That rates are established without apparent regard to the services performed and are based largely upon what the traffic will bear.

That the stock and bonded indebtedness of the roads largely exceed the actual cost of their construction or their present value, and that unreasonable rates are charged in the effort to pay dividends on watered stock and interest on bonds improperly issued.

The enactment of the law in 1887 was the culmination of a long struggle extending over a period of nearly 14 years. The contest from the beginning was a contest for reasonable rates. The public was beguiled into the belief that the act of 1887 would insure reasonable rates. While it declared reasonable rates to be the only rates which a railroad company could lawfully charge, it provided no means whatever under which the commission created by the act could, in the public interest, ascertain the value of the property used by the railroads in carrying the commerce of the country. Without such valuation the commission were powerless to ascertain whether a rate was reasonable per se. All that it could do in any case was to compare the rate challenged with some existing rate maintained for a similar service. Hence the best that can be said for the enforcement of the law is that it has tended toward the equalization of rates. But it is clear that there may be a wide difference between reasonable rates and equal rates.

In the general revision of the interstate-commerce act in 1906 Congress refused to provide for the valuation of railway property. In 1910, when the third and last general revision of the interstate-commerce law occurred, the Congress again rejected a provision for the valuation of railway property.

The act to regulate commerce, therefore, stands to-day wholly lacking in any provision for this vitally important requirement.

No intelligent man needs the finding of courts or the recommendation of experts to inform him before purchasing a business of the imperative necessity of ascertaining the fair value of the property used in the business, the cost of operation, and the expense of maintaining the plant or property. But Congress, professing to provide for the enforcement of reasonable transportation rates, willfully disregarded the plain declarations of the Supreme Court and the repeated recommendations of the Interstate Commerce Commission and refused to provide for railway valuation, the only means by which reasonable rates might be ascertained.

As early as 1896 the Supreme Court of the United States had said:

The utmost that any corporation operating a public highway can rightfully demand * * * is such compensation for the use of its property as will be just both to it and to the public. * * *

If the corporation can not maintain such a highway and earn dividends for its stockholders, it is a misfortune for it and them which the Constitution does not require to be remedied by imposing unjust burdens upon the public. (164 U. S., 578.)

And in 1897 the court was even more explicit when it declared that—

If a railroad corporation has bonded its property for an amount that exceeds its fair value, or if its capitalization is largely fictitious, it may not impose upon the public the burden of such increased rates as may be required for the purpose of realizing profits upon such excessive valuation or fictitious capitalization.

We hold, however, that the basis of all calculation as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the convenience of the public. * * *

What the company is entitled to ask is a fair return upon the value of that which it employs for the public convenience. On the other hand, what the public is entitled to demand is that no more be exacted from it for the use of a public highway than the services rendered by it are reasonably worth.

Clearly, then, the reasonable rate is a fair return upon the value of the property which the railroad employs for the public convenience, and the valuation of railway property is imperatively required in the public interest.

In 1903 the Interstate Commerce Commission recommended legislation to enable it to secure a valuation of railroad property. It said:

Among the subjects which deserve the attention of Congress is the need of a trustworthy valuation of railway property.

After devoting several pages to a presentation of the reasons which make it imperative to secure this information, and the necessity of additional legislation to that end, the commission says further:

A large number of questions incident to the valuation of railroad properties suggest themselves in addition to those which have been mentioned. This report can not, however, enter into further detail. Sufficient has been said to indicate the importance of an authoritative determination of railway values. It is respectfully recommended that Congress take this matter under advisement with a view to such legislative action as may be deemed appropriate.

The commission says further:

To determine what are just and reasonable rates for public carriage is a Government function of the highest utility. This is the *central idea of regulation* and the *special field of its usefulness.*

Regarding the importance of ascertaining the value of railway property for the determination of reasonable rates, the commission says further in the same report:

No tribunal upon which the duty may be imposed, whether legislative, administrative, or judicial, can pass a satisfactory judgment upon the reasonableness of railway rates without taking into account the value of railway property.

In its report in 1907 the commission said:

Reference has been made in these reports to the importance of a physical valuation of railway properties. The considerations submitted in favor of such valuation need not be repeated at this time. It may, however, be proper to call attention to the fact that the introduction into operating expenses of a set of depreciation accounts brings preeminently into view an added necessity for an inventory of railway property.

The chief purpose of the depreciation of accounts is to protect the investor against the depletion of his property by an understatement of the cost of maintenance and to protect the public against the maintenance of unduly high rates by charging improvements to cost of transportation. These accounts, which serve so important a purpose, require for their proper and safe administration complete and accurate information relative to the value of the property to which they apply, and this information can only be secured by a formal appraisal embracing all classes of railway property.

In 1908 the commission said:

The commission has, in previous reports, expressed the opinion that it would be wise for Congress to make provision for a physical valuation of railway property, and desires to reaffirm in this report its confidence in the wisdom of such a measure. The change which has gradually taken place in the past few years, as well as the increased responsibilities imposed upon the commission by the amended act to regulate commerce, makes continually clearer the importance of an authoritative valuation of railway property made in a uniform manner for all carriers in all parts of the country.

There is a growing tendency on the part of carriers to meet attacks upon their rates by making proof, through their own experts and officials, of the value of or the cost of reproducing their physical proper-

ties. In what is known as the Spokane case, which is now under advisement by the commission and which involves the reasonableness of the general schedules of Spokane rates on the Great Northern and Northern Pacific, the defendants, apparently at the expense of much time and labor, compiled elaborate and detailed valuations and offered them in evidence before the commission in the defense of the rates of which complaint has been made. It is obviously impossible for shippers who are the complainants in such cases to meet and rebut such testimony, or even intelligently to cross-examine the railroad witnesses by whom such proof is made. In addition to the large expense of retaining experts competent to make such investigations, neither the shippers nor their experts and agents under existing statutes have any right of access to the property of carriers. The carriers, on the other hand, being in possession of the information or having access to the records and to the property from which the information may be compiled and gathered, can use it or not in any given case, as their interests may require. These considerations suggest the need of an official valuation of interstate carriers by the commission, or under other governmental authority, which may be available in rate contests not only to the shippers who make the complaints and to the carriers who must defend their rates, but also to the commission, by which such issues must be decided.

In its report for 1909 the commission again returns to the subject of valuation, which for years it has been endeavoring to force upon the attention of the committees of Congress having control of this subject of legislation. It says:

There is, in our opinion, urgent need of the physical valuation of the interstate railways of this country. In the so-called Spokane case the engineers of the Northern Pacific and Great Northern Railways estimated the cost of reproducing those properties in the spring of 1907. In the trial of pending suits brought by the above companies to enjoin certain rates upon lumber, which the commission had established from the Pacific coast to certain destinations, these same engineers have again estimated the cost of reproduction in 1909. The estimates of the latter year exceed the estimates of 1907 by over 25 per cent.

There is no way by which the Government can properly meet this testimony. Even assuming that the valuation of our railways would be of no assistance to this commission in establishing reasonable rates, it is still necessary, if those rates are to be successfully defended when attacked by the carriers, that some means be furnished by which, within reasonable limits, a value can be established which shall be binding upon the courts and the commission.

In 1911 the commission repeated its recommendations made in 1910, concluding its statement with the following:

The experiences of the commission during the past year in its efforts to enforce and administer the law, serve only to confirm the views expressed in our last, as well as in previous reports, in support of our recommendations for the valuation of railway property. This recommendation we respectfully renew.

In 1912 the commission again renewed its recommendation for physical valuation.

After all these years it is now proposed to authorize and direct the Interstate Commerce Commission to ascertain and report to Congress the value of the several classes of property of carriers engaged in interstate commerce.

Mr. President, the amendments proposed to the House bill simply make its purpose more definite and certain.

I think I may say, Mr. President, that the phraseology of the measure which passed the House is identical with the bill introduced by me seven years ago in the Senate of the United States, with the exception of two paragraphs which relate principally to the financial history of the railroads. That matter contained on pages 2 and 3 of the bill, being the portion stricken out, was added when the bill was introduced in the House. The bill which I offered in the Senate seven years ago was in the best form in which I could draft it at that time. We were just then starting in upon the work in my home State. Scarcely anything had been done in other States in the way of valuation of railroad property for rate-making purposes. But during the years that have intervened we have been gaining knowledge and experience, and the courts and the State commissions and the Interstate Commerce Commission have had forced upon their consideration the subject of railway valuation presented in a more or less crude and unscientific way.

I might say, in passing, that in this seven-year interval I have reintroduced the bill at the beginning of each Congress in the same form in which I first introduced it, my purpose being to keep the subject alive. I have tried to secure action upon it by the Senate Committee on Interstate Commerce and have missed no opportunity to force its consideration by the Senate whenever any measure was pending to which it would be germane as an amendment. Twice in that period I succeeded in getting a record vote upon the question. I have felt the educational value of keeping this important subject to the fore, but until the present session I have never addressed myself to the framing of a soundly economic measure, adjusted to meet the recent decisions and the progress made in the valuation of railroads by the different State commissions of the country.

When the bill came over from the House, with the other members of the subcommittee I undertook the recasting of the measure to report to the Senate Committee on Interstate Commerce.

As a result, the amendments which appear in the Senate print have been worked out. We have called to our assistance—and later they appeared before the full committee—men who have had much to do in a practical way with the valuation of the railroads in a number of the States, and these men have given us the benefit of their experience, their training, and their knowledge.

The work of valuing the railroads of this country must be done in the first instance by experts, and, necessarily, those experts will be guided in their labors by the specific directions given them in the text of the statute. As the value of their work will depend wholly upon its accuracy, it is vital that the terminology of this statute shall be economically exact.

In the five numbered paragraphs of section 19a as reported by the committee we have employed the precise terms necessary to secure the value of every element of the property owned or used by the common carrier for its purposes as a common carrier, which it is contended should be included in ascertaining the value of the property.

This bill does not prescribe the values that shall ultimately be assembled by the Interstate Commerce Commission in ascertaining the fair value as a basis for rate making, but it does direct the Interstate Commerce Commission to ascertain every element of value which, under the decisions of the courts—the courts are still in a transition period—is now being considered as properly included in ascertaining the fair value of the railroad property as a whole in fixing reasonable rates.

Mr. President, the committee recommends striking out the first five paragraphs of the House bill, which in some respects are indefinite and uncertain and deal with some matters not properly within the scope of a bill designed to provide for a valuation of the several classes of property of carriers subject to the act to regulate commerce. In lieu thereof the committee proposes certain amendments which it believes essential to enable the commission to secure every element of the value of the property of the common carrier so classified and analyzed as to enable the commission and the courts to determine the fair value of such property for rate-making purposes.

The courts from the first have used various terms descriptive of the values and elements of value to be determined as a basis for ascertaining the fair value of railway property. Some of these terms they have altogether rejected. Others have come to have an accepted meaning by commissions and courts and are recognized as covering all the elements of value attaching to the property of common carriers for rate-making purposes. When these values are once ascertained, each aids in correcting the other, and is given such weight as it is entitled to in enabling the commission and the court to arrive at the fair value of the property of the carrier used for its purposes as a common carrier. These terms accepted by recognized authority are: (1) The original cost to date; (2) cost of reproduction new; (3) cost of reproduction less depreciation; (4) other values and elements of value, that is, intangible values.

As amended by the Senate committee, the bill provides in the first subdivision of section 19–a for ascertaining these values.

(1) THE ORIGINAL COST TO DATE.

Existing railroads have actually been built up through a series of years. The construction has been piecemeal and has advanced with the growth of the business. The original cost to date will, at every stage of construction, take account of the prices paid at the time for property, material, and labor, the amount of money paid out for legal services, engineers, architects, designers, management in organizing the corporation, and constructing the road.

I digress just a moment to say, Mr. President, that in ascertaining the value of one of the public utilities of Wisconsin our commission carried its work over a period of 40 years. It found one case where there was manifestly a job perpetrated upon the public, where one contractor was allowed $3 a day for labor employed, when the going price of labor ascertained by the commission as prevailing at that time was $1.50 per day. They did not allow the $3, which was an imposition upon the public, but permitted only the actual value of the labor at that time to be charged up as a part of the capitalization of the road. That is what the tracing out of the original cost to date will mean on every one of these properties.

I can understand how the question will at once be raised in the minds of Senators as to the difficulty, particularly with respect to many of these older roads, of ascertaining these facts; and you will find the opinion expressed by theorists upon the subject that to do so is impossible. But we have had in Wisconsin—they have had in the State of Washington and in other States—an experience that contradicts these theories. It is possible to ascertain this original cost.

In the case of the gas plant in the city of Milwaukee, although the books did not furnish the figures, the cost of all the materials entering into the construction of that plant was determined as of the time. It simply requires industry and

thoroughness on the part of the commission charged with the responsibility. And in no other way can the public ever be informed of the exact amount actually invested by the carrier, excepting by establishing the original cost to date.

The original cost to date will also show the exact amount received from the sale of stocks and bonds and, if the bonds have been sold at a discount, the price realized and all the expenses of brokerage. It will show the amount paid in by stockholders. If stocks or bonds have been issued for property instead of cash, the value of the acquired property will be ascertained. If the present corporation has acquired the property or any portion thereof at less than its physical value, or through some form of manipulation or combination or deception to the public, with a view of strengthening its monopoly character and increasing its prospect for excessive value, or if its expenditures do not represent reasonable expenditures which ordinary business management would not have approved, all of these facts will be disclosed by ascertaining the original cost to date, and the matter will be dealt with by the court when it comes to pass upon that question. The Supreme Court has already in one notable case, the Stanislaus case, rejected excessive costs and manifestly extravagant expenditures made by the corporation, and denied their right to capitalize those extravagant and corrupt expenditures against the public. It will be for the commission and the courts to determine to what extent, if at all, such investments will be allowed to be capitalized as against the public for rate-making purposes. In short, the original cost to date will show the true investment.

As to the importance of obtaining the original cost to date, Mr. Henry L. Gray, engineer of the public service commission of the State of Washington, says:

This work (the ascertainment of the original cost to date) was of the maximum value, as it acquainted the engineers not only with the cost of the lines as a whole but also with the cost of many isolated structures, such as bridges, buildings, etc. It also informed them as to the overhead cost, such as engineering, legal and general expenses, and other kindred items. With this knowledge it was a comparatively easy matter to reduce the cost of the different classes of property to a unit basis, such as the cost of bridges per linear foot, the cost of buildings per square foot of floor area. Being in possession of the detailed cost of all the modern structures, a most desirable guide was available in fixing the cost of reproduction. Without the knowledge of these costs as obtained, it would have been utterly impossible to intelligently dispute the estimates later prepared by the railroads.

Clyde B. Aitchison, chairman of the Oregon commission, says:

Any rule based on reproduction value less depreciation which ignores the item of original cost, additions, and betterments is not only economically and legally unsound but is fraught with possibilities of greatest danger to the country.

Commissioner Maltbie, of the New York Public Service Commission, says:

I think altogether too much attention has been given to cost of reproduction and too little to investment—original cost to date. Where we can obtain the actual facts regarding the cost of the existing plant, we put much more emphasis upon these figures than upon estimates of engineers.

Prof. John R. Commons, of the University of Wisconsin, and at the present time a member of the Wisconsin Industrial Commission, speaking before the committee of the importance of ascertaining these three items of cost—(1) original cost to date, (2) cost of reproduction new, and (3) cost of reproduction less depreciation—says:

The court or commission must necessarily have these three items. It must have this engineering cost of reproduction; it must have the cost of the property less depreciation; and it must have its historical cost—original cost to date—in order to get a true, fair, or reasonable value. It may be that none of these three is reasonable, and it must check and compare in order to see where it is coming out. It could not properly make a mere arithmetical compromise or average between them, but it should work it out on principle. * * * In the original cost everything that is involved in the question of cost to the present owner is included and can not be avoided. It is included, however, under this condition, which the court carries through all of its reasoning on these questions, that that price or cost must have been reasonable. But if there has been fraud or misrepresentation or monopoly, unwarranted and unjust and unfair to the public, that must also be considered. If, on the other hand, the company has been in severe straits, has not been earning dividends, and therefore the purchase was a sacrifice sale or price or cost, that must be given due weight. In the treatment of those questions which have been more or less touched upon by the courts, the idea is to find what, under normal and reasonable condition, would have been paid at that time. And I think that is the reason for using the term "original cost" instead of "actual cost," for the real thing that is meant to be determined is the actual cost at the time of acquisition. But actual cost may be very different from reasonable cost. It may have to be an estimated cost if the books are lacking; that is, the probable cost at that time. Consequently, the term "original," I think, has come to be pretty well recognized by commissions, by engineers and accountants, as well as those cases which come up to the courts as a basis upon which to ascertain the actual cost. The term "original" is equivalent to "actual" as against the speculative or hypothetical.

Prof. Edward W. Bemis, late of the Chicago University and public-utility expert, who has had the widest practical experience in valuing public utilities, regarding the importance of obtaining the original cost to date, said:

That—the original cost to date—is recognized in the courts as one element to be considered. The Wisconsin commission recognizes it as important in its investigation of railroads as well as municipal utilities. The gas and electric light commission has recognized it in Massachusetts since its creation, and courts are recognizing it everywhere.

So much for the original cost to date.

(2) COST OF REPRODUCTION NEW.

This will show the exact cost of reconstructing the property in all its parts at existing prices.

There is a contention to-day by the owners of public utilities and by those representing all common carriers that "cost of reproduction new" is the true basis for the fixing of rates. I myself do not agree with that view. While this cost was once accepted—and the Supreme Court is still frequently quoted as in favor of cost of reproduction new as an element which must be considered in the fixing of rates—with every decision that comes from State courts or from the Supreme Court of the United States it becomes more and more a diminishing element in ascertaining the fair value which is to be used for rate-making purposes. But since there is still a contention that it is an element to be considered, and since there is recognition of it in the decisions of the Supreme Court, not yet eliminated, it is included in this bill.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. LA FOLLETTE. I yield.

Mr. POINDEXTER. Does the bill provide for a separate ascertainment of the present value and the original value?

Mr. LA FOLLETTE. It provides for separate ascertainment——

Mr. POINDEXTER. Or rather a separate statement.

Mr. LA FOLLETTE. "Present value" is not a safe term to use without extended definition and qualification. The danger of employing it without limiting its application lies in its current use by engineers to mean the earning power of a public utility. And the earning power of a public utility is based upon existing rates. Values based upon existing rates aim to justify existing rates. Hence the very purpose of determining the present value would preclude any reduction in rates and lead to reasoning in a circle. The bill provides for separate ascertainment of original cost to date, the cost of reproduction new, and the cost of reproduction less depreciation. We simply get all these elements of value and label each one of them.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Florida?

Mr. LA FOLLETTE. I do.

Mr. FLETCHER. I inquire of the Senator if he thinks the bill sufficiently provides for a hearing before the final determination for all parties who are interested?

Mr. LA FOLLETTE. I will come to that later. Let me say to the Senator from Florida that I want to take up consecutively each one of the paragraphs of the bill.

Mr. SMITH of Georgia. That question arises out of an amendment contained later on in the bill.

Mr. LA FOLLETTE. Yes; and I will come to it in a very few moments.

As stated, Mr. President, the cost of reproduction new will show the exact cost of reconstructing the property in all its parts at existing prices. While this may be regarded as a classification of diminishing value, it is contended that it is entitled to consideration in ascertaining the value of the physical properties of the carrier, and that contention is recognized by some commissions and some courts. It is therefore included as a separate classification in the bill.

(3) THE COST OF REPRODUCTION LESS DEPRECIATION.

This will show the exact cost of reproduction in existing condition. This cost is arrived at by taking the amount of depreciation which has occurred in every part of the property since it was laid down or employed in the public service. This is an element of value so generally considered essential by commissions and courts that the wisdom of establishing it will not be questioned. That is, the commission will determine the cost of the railroad as it is to-day. Certain portions of the property are new and have just been put in; others are well worn. All those elements will be carefully scanned and their value taken account of, so that when this item of value is returned we will know what that property is worth as it stands to-day.

Mr. JOHNSTON of Alabama. Mr. President, will the Senator allow me to ask him if the right of way is to be included in that ascertainment?

Mr. LA FOLLETTE. That is taken care of in this bill separately from other matters. I will come to it a little later.

(4) OTHER VALUES AND OTHER ELEMENTS OF VALUE—THAT IS, INTANGIBLE VALUES.

There is contention as to what intangible or whether, in fact, any intangible values should be included by a commission or rate-making body in assembling the values to be made the basis of the fair value upon which rates shall be fixed. The claim is made in behalf of public utilities that going value, good will, and franchise value should all be ascertained and capitalized. Going value is the cost of developing the business organization of a common carrier after the physical property has been completed. After you have constructed the road, put on the rolling stock, and are ready to begin operating, an expenditure of money is required in establishing the business before the common carrier begins to pay reasonably fair returns on the capital invested. The amount so expended measures the going value. If there is an intangible value that can be rightfully incorporated in the values to be considered in the making of fair rates, it is this one of going value. It is ascertainable. Where they have kept their books honestly and fairly the books will show the exact expenditures.

When you come to the next intangible value, good will, my own opinion is that it is an intangible element which should not be included or considered by the commission in determining the fair value of a common carrier as a basis for rate making. Good will is an expenditure made to take business away from a competitor. Good will implies the existence of competitors furnishing the same product and selling it in the same market. The customers of a common carrier have no freedom of choice, because the common carrier is a natural monopoly and the public has no option of dealing with it in case they are dissatisfied. They are bound to use the common carrier even though it earns their ill will instead of their good will.

Mr. OVERMAN. May I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LA FOLLETTE. Certainly.

Mr. OVERMAN. A railroad company may place a mortgage of a million dollars on its property, and then a second mortgage. The books will show that first mortgage and that the company received a million dollars; they will also show the second mortgage and the receipt of another million—when we all know that these millions did not go into building that road. How will that be ascertained? The books show that they have spent the money.

Mr. LA FOLLETTE. We have provided in this bill for a most accurate, complete, and careful return of every dollar received and expended by the common carrier engaged in interstate commerce.

Mr. OVERMAN. They will ascertain, then, where that money went?

Mr. LA FOLLETTE. They will not only ascertain what became of the money received upon mortgages, but we have provided in this bill for a strictly accurate accounting of all moneys received by the common carrier from whatever source, and a like accounting for all moneys expended by the corporation for whatever purposes.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. BRISTOW. If the Senator prefers to go on and finish, I will not interrupt him. I have a question which I should like to ask him now, or I can wait, as will best suit his convenience.

Mr. LA FOLLETTE. Just as the Senator likes.

Mr. BRISTOW. In speaking of the cost of reproduction new as an element of value and of the value as a going concern, the cost of reproduction new would include the value as a going concern, would it not?

Mr. LA FOLLETTE. Not at all. The cost of reproduction new is the cost of reproducing the property entire at present prices. The value of the property as a going concern is that additional expenditure required in developing the business after the physical property has been completely assembled.

Mr. BRISTOW. But the cost of reproduction new must include the interest on the money that has been used during the period of construction. Now, to illustrate——

Mr. LA FOLLETTE. In ascertaining the cost of reproduction new there is no actual construction. It is a theoretical value determined from the estimate of engineers, based on reproducing the property at present prices of labor and material. That is all it is. It does not take into account anything else. Of course, in getting the value of the actual construction of a road the interest on any capital lying idle under reasonably good business management would have to be taken into account as a proper expenditure, but this element of value does not appear in getting the "cost of reproduction new." It is an item of value which would be taken account of in determining the "original cost to date."

Mr. BRISTOW. My understanding has been—the Senator has a great deal more information on this subject than I have—that when a railroad in a suit has undertaken to show the present value, or the cost of reproduction, it has always added an item of capital used pending the period of construction; and in a case in which the Northern Pacific Railway Co. was concerned——

Mr. LA FOLLETTE. Proving the value of a property by the methods described by the Senator from Kansas would be the blending of "reproduction new" and "original cost to date," the common carrier availing itself of such elements in the two as would contribute to show the highest possible values of the property as a whole. In this bill we have provided for completely separating these two values.

Mr. BRISTOW. That is the very point.

Mr. LA FOLLETTE. That is, the method suggested by the Senator combines "original cost to date" with "reproduction new." I could see how that would be a very attractive proposition to a railroad corporation. We are now in an era of high prices. In 1897 we were in an era of low prices. Much of the property of existing roads, much of the materials that entered into their construction, were bought at that time. If all the material that was bought at low prices can be charged up at existing high prices, and then, in addition, the capital which an examination of their books shows was lying idle at the time of actual construction, they might so combine the elements of those two classes of valuation greatly to their advantage. But they will not be permitted to do that under this bill. The several valuations will be analyzed; they will be classified; a cleavage will run through between those two elements of cost, and they will not be permitted to include in "reproduction new" any of these items that will appear in "original cost to date."

Mr. BRISTOW. If the Senator will just permit me a suggestion, if the railroad should be permitted to submit the original cost to date as the original cost, and then should take in another element, the cost of reproduction, and then another element, that of good will, and merge those three elements of cost into one, the Senator can readily see that there would be a great deal of duplication of cost in the ultimate result.

Mr. LA FOLLETTE. Mr. President, the fact that these different items of cost are to be obtained by the commission does not mean that they are to be added together, as Prof. Commons says in the matter from which I have just read, nor does it mean that they are all to be added together and averaged, but it means that they are all to be secured for the enlightenment of the commission and the courts. This bill does not undertake to direct the commission as to what relative weight should be given the several valuations they are authorized to make. I do not believe that Congress is prepared to solve that problem. I doubt if any body of men in this country is at this moment prepared to finally settle all of the complex questions involved. And therefore I think it would be a mistake to attempt to set the boundaries and fix the limitations absolutely by statute at this time. As I have said, the decisions of the courts are undergoing modification. There was a time when they declared that stocks and bonds should be taken into account. That position has been abandoned and is no longer contended for even by the carriers.

I have no doubt, I will say to the Senator from Kansas, that elements are being weighed to-day by the courts which ultimately will be eliminated, when the principles are finally settled and determined, upon which the rates of the common carriers of this country will be based.

Mr. BRISTOW. One more question, if the Senator will permit me, in regard to the first section of the bill. Of course I am in thorough accord with the views expressed by the Senator. What I want is to have the values ascertained in the details, so that we can tell what costs should be taken into consideration in fixing the value.

To illustrate, the Baltimore & Ohio Railroad, from Cincinnati to St. Louis, was formerly known as the Ohio & Mississippi. It has been reconstructed in recent years, since it became a part of the Baltimore & Ohio, the tracks have been rebuilt, and a large section of the original road has been abandoned. It is no longer used; the rails have been taken up. From my point of view the cost of the construction of that original road, which has been abandoned, should be no more taken into account in the fixing of the value of that railroad than the cost of an engine that has been abandoned. It is a part of dead property. I want the valuation to be so taken that it will not be, as far as Congress is concerned, an expression of opinion or view in any way that the cost of that track, from the beginning down to the

present time, should be taken into consideration in fixing its value.

Mr. LA FOLLETTE. I will say to my friend from Kansas that every item of expenditure will appear in "original cost to date," and I think it is proper that it should, because it is right for the public to know just how much money has been invested in the property of the common carrier; and it is further right that it should be known just how much of that has been invested by the common carrier itself and how much by the public. The "original cost to date," together with the financial history of all the transactions of the common carrier provided for later in the bill, will give to the public that information.

But to conclude as to these intangible values. The elements of value which will finally constitute fair value for rate-making purposes are steadily narrowing. They are not expanding. No decision by commission or court will stand which is ultimately found to be unfair to the public or to the common carrier.

The third subdivision of section 19-a requires the commission to ascertain and report separately the property held by railroads for purposes other than those of a common carrier. This subdivision and likewise the fifth, which relates to grants and donations and aids and all that, will furnish information that in some aspects will be useful to the commission and to which from every point of view the public is rightfully entitled.

Now I come to the paragraph to which the Senator from Alabama directed my attention.

The fourth subdivision of section 19-a relates to the financial history of the common carrier, and covers all transactions material to the ultimate purpose for which this bill is enacted. It reads as follows:

Fourth. In ascertaining the original cost to date of the property of such common carrier the commission, in addition to such other elements as it may deem necessary, shall investigate and report upon the history and organization of the present and of any previous corporation operating such property; upon any increases or decreases of stocks, bonds, or other securities, in any reorganization; upon moneys received by any such corporation by reason of any issues of stocks, bonds, or other securities; upon the syndicating, banking, and other financial arrangements under which such issues were made and the expense thereof; and upon the net and gross earnings of such corporations; and shall also ascertain and report in such detail as may be determined by the commission upon the expenditure of all moneys and the purposes for which the same were expended.

The terms of this fourth subdivision are plain and do not require to be defined. When the commission has complied with its requirements and reported to Congress, we shall be advised of all the financial operations of every common carrier. Whenever there has been a juggling of the stock and bond operations of a common carrier, with a rake-off to insiders, all of the facts will be laid bare. An important element of this provision is that requiring the commission to report upon the expenditures of all moneys received by the carrier and the purposes for which the same were expended.

The president of the Pennsylvania Co. testified in the Advance Rate cases decided in 1911 that since 1887, when the interstate-commerce act went into effect, his company had expended on the Pennsylvania Railroad lines east of Pittsburgh $262,000,000 from earnings. During all of this time this company has collected in rates from the public enough to maintain its property, meet operating expenses, pay handsome dividends on all its stock, and besides has exacted enough more from the public to accumulate an enormous surplus. Out of that surplus the Pennsylvania Co. has expended a sum equal to nearly two-thirds of the total cost of the construction of the 2,123 miles owned by the company. That surplus, I believe, is wrongfully taken from the public, and I believe that ultimately common carriers will not be allowed to capitalize it against the public.

In discussion of the subject on another occasion before the Senate I presented a table showing that 31 railroads had within a period of five years paid for permanent construction out of surplus profits exacted from the public amounting to more than $350,000,000. Thus out of surplus they make extensive improvements and investments for which they should contribute new capital. Then they capitalize these investments and improvements, wrongfully accumulated out of the profits on excessive rates, and in turn make this the basis for charging still higher rates. It is high time that this whole subject should be carefully investigated. The public has a right to know exactly how much has been invested in railroad property, and it likewise has a right to know how much of this investment was contributed by the owners of the roads and how much by the public.

The railroad corporations engaged in interstate commerce have not been and are not now regulated as to reasonable rates, for you can not ascertain what a reasonable rate is until you know the value of the property employed in the business; and after 26 years we are now about to ascertain the value of that property and establish a standard for fixing reasonable rates, if we pass this bill. But during all the time that has intervened for 26 years the carriers have gone on exacting from the public what they chose, taking enough to pay operating expenses and to meet maintenance. That was proper. In addition they have taken enough to pay interest and dividends—and that was right, provided they were not paying interest and dividends on fictitious capitalization.

And then, besides that, they have taken from the public hundreds upon hundreds of millions and put it into surplus, using that surplus to construct new lines, to build great and expensive and palatial terminals all over this country. Then they have capitalized those new lines and those terminals, assessing the public for the money which the public has put into the business.

Mr. President, I do not believe that is going to be permitted in the end. We are just approaching this big question. This bill does not attempt to settle the issue involved in the capitalization of surplus expended in permanent improvements and in construction.

The amendments in the succeeding paragraphs of the bill relate to procedure and are designed to make the original purposes of those paragraphs more definite and certain of administration. Under the terms of the House bill whenever the commission completes the valuation of the property of any common carrier it is required to give notice and grant a hearing thereon to such carrier, with a view of making any necessary corrections before such valuation becomes final. The Senate committee amendment designates such completed valuation as "tentative" for the time being, and provides that notice shall be given not only to the common carrier but also to the Attorney General of the United States, the governor of any State in which the property so valued is located, and to such additional parties as the commission may prescribe.

That will give the commission an opportunity to send notice of valuation to boards of trade and shippers' associations in the territory covered by the valuation, so everyone who is interested can appear and be heard. The Attorney General would represent in a broad way all the public, and any governor can direct the attorney general of any State through which the lines run to protest against or be heard in favor of the valuation.

If no protest is filed, the valuation becomes final—that is, final to the extent that it is prima facie evidence whenever a rate case arises. Upon protest being made, the commission, after hearing all the testimony, may correct the tentative value if found to be erroneous in the light of all the evidence presented. Then that becomes the final value and prima facie evidence of the fair value of the property of the common carrier in issue.

After the final value shall have been thus established, in any proceeding to fix rates under the interstate-commerce act this final value may be assailed before the commission by the carrier or by any interested party for the public or any association of shippers.

In the event that an appeal is taken from the order of the commission fixing rates and such appeal involves the final value of the property of the carrier as fixed by the commission and upon the trial evidence shall be introduced regarding such value, which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto, the court, before proceeding to render judgment, shall transmit a copy of such evidence to the commission and shall stay further proceedings in said action for such time as the court shall determine from the date of such transmission. Upon the receipt of such evidence the commission shall consider the same and may fix a final value different from the one fixed in the first instance, and may alter, amend, or rescind any order which it has made involving said final value, and shall report its action thereon to said court within the time fixed by the court. If the commission shall alter, modify, or amend its order, such altered, modified, or amended order shall take the place of the original order complained of and judgment shall be rendered thereon, as though made by the commission in the first instance. If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order. The purpose of this provision is——

Mr. CRAWFORD. To prevent delay.

Mr. LA FOLLETTE. Yes; solely to prevent delay.

Mr. SMITH of Georgia. That is an order as to final value.

Mr. LA FOLLETTE. The order referred to is the order which the commission entered in the proceedings to fix rates. It is assumed that the rates would be related to the value of the property of the carrier. If the carrier or any party interested for the public on the hearing of the appeal before the court, offers new and material evidence as to the value of the prop-

erty, evidence which might, for example, cause the rates fixed by the commission to be held by the court to make the rates fixed in the order of the commission confiscatory, or, on the other hand, so high as to be unjust to the public, the commission should have the opportunity to consider this new evidence as to the value of the property and modify its order if, in the judgment of the commission, it ought to be modified. And this provision of the bill is for the purpose of preventing the delay incident to having the case tried out—even to the court of last resort, it might be—on evidence as to the value of the property different from that heard by the commission when it passed upon the proceedings in the first instance.

Mr. President, out of 32 cases tried by the commission which were appealed to the Supreme Court up to 1906—when I went over the records very carefully at the time the Hepburn bill was pending here—26 of the 32 cases were reversed, because the railway companies withheld important testimony upon the hearing before the commission, offering it instead when the case was heard on appeal before the court.

Mr. SMITH of Georgia. I will ask the Senator if he does contemplate in some other provision or some other statute a direction that if the commission modifies the estimate of final value it shall also have the opportunity to pass upon the question as to whether it is necessary to modify the directions with reference to rates.

Mr. LA FOLLETTE. This very amendment covers that specifically and exactly. I will say to the Senator from Georgia that the order which is modified, provided they find the testimony material, is the order which fixes the rate. You see, they make no finding with regard to valuation in that hearing. It is the rate case that they are trying, and the order of the commission has to do with rates, and there is no separate finding on the value. But the value is weighed in determining the rate. If the court receives new testimony as to value, it is required to transmit this new evidence to the commission, and—

Upon the receipt of such evidence the commission shall consider the same and may fix a final value different from the one fixed in the first instance, and may alter, modify, amend, or rescind any order which it has made involving said final value.

That is, the order which it has made in the rate case involving the value.

Mr. CRAWFORD. It is really a rate-making order.

Mr. LA FOLLETTE. It is a rate-making order—

And shall report its action thereon to said court within the time fixed by the court.

Mr. SMITH of South Carolina. I should like to ask if the general object of the bill in fixing the physical valuation of railroads in this country has not for its ultimate purpose the equitable adjustment of rates in every case.

Mr. LA FOLLETTE. Certainly.

Mr. SMITH of South Carolina. I was misled by the question of the Senator from Georgia.

Mr. LA FOLLETTE. It has to do with the value as affecting the rates. That is the purpose of this amendment.

Mr. SMITH of Georgia. I understand, of course, that that is true, but what was troubling me is the language on page 11, which seemed to limit the modified order by the commission to a modification of their estimate of final value. I was afraid the language might be construed to limit their action to the estimate of the final value and not extend to a modification of their order with reference to the rate.

Mr. LA FOLLETTE. The word "order" is used throughout that amendment as applying solely to the rate. The words "final value" are used as applying to the value of the railroad property.

Mr. SMITH of Georgia. If the Senator will allow me to read three or four lines——

Mr. LA FOLLETTE. Certainly.

Mr. SMITH of Georgia (reading)—

Upon the receipt of such evidence the commission shall consider the same—

That is, new evidence as to value—

and may fix a final value different from the one fixed in the first instance, and may alter, modify, amend, or rescind any order which it has made involving said final value.

Mr. LA FOLLETTE. You see, the order as to rates involves the value.

Mr. SMITH of Georgia. Should not that be "based upon the final value" rather than "involving final value"? Might not that language be construed to mean that the order itself was simply one fixing the value?

Mr. LA FOLLETTE. I do not think so.

Mr. SMITH of Georgia. I was afraid the language might be construed to limit the modified order.

Mr. CUMMINS. May I suggest that if the Senator will read the next clause he will find that it is perfectly clear?

Mr. SMITH of Georgia (reading)—

If the commission shall alter, modify, or amend its order, such altered, modified, or amended order shall take the place of the original order complained of and judgment shall be rendered thereon, as though made by the commission in the first instance.

I suppose, then, that means the order complained of before the court would be the order fixing the rate.

Mr. LA FOLLETTE. Fixing the rate.

Mr. SMITH of Georgia. Therefore, this language should be construed to reach the order fixing the rates.

Mr. LA FOLLETTE. It would be so construed by the courts, I have no doubt.

Now, Mr. President, just one thing more and I am done. I neglected to call attention to one other amendment, which provides for ascertaining:

In detail and separately from improvements, the original cost of all lands, rights of way, and terminals owned or used for the purposes of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same, and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value.

This requires the commission to ascertain the original cost of the land which the railroad company has acquired for its purposes as a common carrier and also the present value of such land. It will ascertain this original cost and present value separately for improvements. The primary purpose in establishing these values separately I shall state very frankly. It is to put into the possession of the commission and upon record the data which will enable us ultimately to try out the question and determine the right of the railroads to capitalize the unearned increment.

I do not propose to argue that issue now. It will be contested upon both sides with all the vigor which its great importance demands. The land for rights of way, stations, yards, terminals, and the like, much of which was acquired through the exercise of the power of eminent domain, has, because of the improvement of adjoining property, increased in value enormously. In the meantime the public has made it profitable for the railroads to hold and use this property. The railroads were not given the power of eminent domain by the State to enable it to speculate in real-estate values, but solely to take the land for a public use.

Whatever may be the tendency in some of the decisions at present, the everlasting right will prevail in the end. It may take many years. The courts may fortify error with error, but justice will finally prevail. This important provision opens the way, as do others in this bill, to secure ultimate justice for the public.

This bill, then, as it is proposed to be amended, provides in specific terms for ascertaining the values of the property of the common carriers engaged in interstate commerce. By its terms these values will be so classified and analyzed as to admit of raising every question material to fair valuation between the carrier and the public.

When completed the work of the commission will show just how much the common carrier has invested, and it will also show just how much of the total amount invested was contributed by the public; it will show the value of the unearned increment on lands, rights of way, and terminals; it will show how much surplus has been invested in extensions, permanent improvements, and betterments. Upon this showing the right of the carrier to capitalize unearned increment and surplus so invested can be tried out and determined. Whether Congress has power by legislation to exercise a control and fix limitations regarding these matters is reserved for future consideration and action.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. Certainly.

Mr. POMERENE. Before the Senator takes his seat I wish to call his attention to page 10 of the bill, where it is provided that—

If upon the trial of any action involving a final value fixed by the commission evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto, the court, before proceeding to render judgment, shall transmit a copy of such evidence to the commission.

And so forth.

From a literal reading of this it would seem that if there was the slightest additional evidence——

Mr. LA FOLLETTE. I think there should be——

Mr. POMERENE. I was going to suggest, on page 11, line 1, after the word "thereto," to insert "and substantially affecting said value."

Mr. LA FOLLETTE. I remember there was a discussion in the committee as to whether the word "material" should be

used, and I think that the committee assented to it. Through some slip we did not get it down on the copy brought in.

Mr. POMERENE. I shall at the proper time ask that that amendment——

Mr. LA FOLLETTE. What is the language?

Mr. POMERENE. I propose to offer as an amendment, on page 11, line 1, after the word "thereto," to insert "and substantially affecting said value."

The PRESIDENT pro tempore. Another amendment is now before the Senate.

Mr. LA FOLLETTE. I believe that is so, Mr. President.

Mr. BRISTOW. Mr. President, I rise to speak more with a view of securing the opinion of members of the committee as to what the phraseology of the bills means than anything else, because I believe I am in perfect harmony with the views as expressed by the Senator from Wisconsin as to what values ought to be considered.

In answer to a question which I asked the Senator from Wisconsin as to the meaning of the term "the original cost to date" he indicated that that was a term used to apply to the expenditures that had been made in detail from the beginning of the construction of the road down to the present date. If all the elements of such cost will be set forth so that we may know how much was expended for a track that has been abandoned and no longer used and how much has been expended for a new track that has been built for the purpose of economizing operations, that is entirely satisfactory to me. What I wanted to know was whether the original cost to date would require the commission to set forth these various elements of cost in detail.

Mr. LA FOLLETTE. The Senator will notice in line 20 they are required to report in detail, and they are also required to analyze their costs. I will say to him that wherever there has been an ascertainment of the original cost to date, in so far as I know anything about it, they have gone into every item, and their cost sheets show everything of that sort. The trouble with attempting to enumerate what they shall do, to fix a limitation, is that if you say that they shall make statements about improvements under that they probably would not be required to go into detail about anything else except improvements. There are many items of the original cost that would not be covered by improvements, and I think there would be a danger in making any attempt to list and specify there unless you are certain that you were covering every single item of expenditure.

Mr. BRISTOW. There is one point I wanted to bring out in regard to that feature of the bill that requires the commission to ascertain the cost of production new. Such a finding, in my opinion, is not of any great value, so far as the rate making is concerned. It is a vacillating quantity; it does not represent in any sense the investment of the company in the construction of the road. To illustrate: In a suit that was pending the estimated cost of the reproduction of the Northern Pacific Railroad was involved. I am informed the same engineer reported in 1907 and in 1909 as to the cost of reproduction new, and the value fixed in 1909 was $185,000,000 more than the same engineer fixed the value of reproduction new in 1907.

Mr. LA FOLLETTE. That is a difference of 25 per cent.

Mr. BRISTOW. It is a difference of 25 per cent in two years as to the cost of reproducing new the railroad. That did not have anything to do with the investment which had been made in this property, and it seems to me that it is not a very material element of value to be considered in rate making.

There was another item that was taken into consideration at the same time by this engineer.

Mr. LA FOLLETTE. If the Senator will permit me, there was evidently just the employment of the engineer's imagination in that case, and the Interstate Commerce Commission was utterly helpless and powerless, and so they appealed to Congress, as they have done for the last 9 or 10 years, to give them authority to ascertain the value of the properties of the railroad company, in order that they might meet just such testimony as that. But let me say to the Senator on that question, that the Supreme Court of the United States has listed that as one of the values to be considered, and it has not yet by any express declaration eliminated it as a value to be ignored. So it seemed to the committee that we ought to give it its place here. I will, however, say to the Senator that I am confident that the views of all the advanced commissions of the country that are doing this valuation work are that there should be a very inconsiderable weight given to reproduction new.

Mr. BRISTOW. Now, in considering reproduction new, the engineer considers the time which it would take to build the road. I will illustrate by the Santa Fe Railroad. It would require to construct the Santa Fe Railroad, as it now exists, probably 10 years, perhaps longer than that. I have been advised that the engineers, in estimating the cost of reproducing new, take into consideration the value of the capital used during the period of time that construction was going on, and, of course, they give no credit to the earnings which the road would have made during its reconstruction. So in that respect the charge is made as to the cost of reproducing new, while the earnings that the property made during the course of its growth is not taken into consideration.

Mr. LA FOLLETTE. If the Senator will permit me, I will say that I have here a very recent volume, Valuation of Public-Service Corporations, that gives all of the decisions up to the end of 1912, and I do not know but that it gives some of the decisions later than that; it is just out. I will say to the Senator that it is perfectly apparent that substantially all of the commissions of the country are making the valuation of reproduction new a negligible quantity. I do not believe that the Senator needs to feel any apprehension about the Interstate Commerce Commission giving undue weight to that element. That was incorporated in the bill because it was felt that it would save contention, since it can be asserted that there is the authority of the court for it.

Mr. BRISTOW. Continuing the statement as to the estimate of cost of the Northern Pacific Railroad, I will say that this element of interest which I have referred to that was counted in by the engineer in the 1907 valuation on the property—that is, the interest on the money that was used in the road's construction during the period of time necessary to construct it—was $22,677,000, while in the valuation of 1909, two years later, the item of interest aggregated $164,000,000. This was an estimate on the same property by the same engineer. He was simply estimating the cost of reproduction at different periods of the same railroad.

Another item was the estimate of local organization and expense during this imaginary construction of the road. In 1907 this figure was fixed at $3,736,000, while in 1909 it was estimated at $12,136,000. I simply incorporate these figures into my remarks to show that, in my opinion, the question of reproduction is not a very substantial or certain element of value to take into consideration.

What I regard as the most important phase of the bill, however, is that which relates to the unearned increment. The Pennsylvania Railroad Co., to illustrate, has of course very valuable terminals in the cities of Washington, Baltimore, Philadelphia, and New York. It would be practically impossible to construct a railroad from Washington to Boston now and get desirable terminal facilities in the great cities between here and there. There is not enough money available for such purpose. Those railroads that now exist which have terminal facilities in those cities secured them at a time when it did not require a great investment, comparatively speaking. They had the right to use certain lands for this specific purpose. I do not believe that the increase in the value of that land due to the growth of population is an element of value which any railroad company is entitled to use in rate making.

The unearned-increment value of that property is due to the increase of population and the growth of the business of the cities. The franchise—that is, the right to use that real estate—if capitalized at the amount that it would now cost to secure such real estate, would amount to mortgaging to the corporation the commercial development of the country. I do not believe that the increased value of the right of way or any element of unearned increment should be taken into consideration in dealing with the value of the property of these carriers, so far as rate making is concerned.

I am anxious to have the opinion of the Senator from Wisconsin and the other Senators on the subcommittee, who have given this subject very great thought, as to whether the language on page 10, taken in connection with that which precedes it, would recognize the principle that the carriers have a right to capitalize unearned increment or to charge rates upon a value based in any degree upon unearned increment.

I read from line 10, page 10, of the bill:

> All final valuations by the commission and the classification thereof shall be published, and shall be prima facie evidence of the value of the property in all proceedings under the act to regulate commerce as of the date of the fixing thereof—

And so forth.

Since we provide in the bill for ascertaining the value of the unearned increment, does the language I have read on page 10 authorize such value to be taken into consideration as prima facie evidence of the value of the property? Does the Senator understand the question?

Mr. LA FOLLETTE. I think I understand the Senator. The provision is:

> All final valuations by the commission and the classification thereof shall be published, and shall be prima facie evidence of the value of the property in all proceedings under the act to regulate commerce as of the date of the fixing thereof.

Of course it has to be construed with everything that precedes and that follows it in the bill.

Mr. BRISTOW. Does that recognize——

Mr. LA FOLLETTE. I do not think it recognizes any particular value; it simply provides that they shall all be ascertained——

Mr. BRISTOW. We provide that this unearned increment shall be ascertained——

Mr. LA FOLLETTE. That they shall become tentative values until this hearing is had.

Mr. BRISTOW. This is a final valuation. The language is:

All final valuations by the commission and the classification thereof shall be published, and shall be prima facie evidence of the value—

Mr. LA FOLLETTE. This valuation is simply prima facie evidence of the value, and when the case is heard upon a question of rates before the court those values are all subject to attack both by the public and by the railroad company.

Mr. BRISTOW. Does that clause or phrase require the commission or the court to take into consideration the value of the unearned increment as an element in fixing a rate?

Mr. LA FOLLETTE. It certainly does not.

Mr. BRISTOW. That is the question that has bothered me.

Mr. NELSON. Mr. President, will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. BRISTOW. Certainly.

Mr. NELSON. On the very point the Senator from Kansas suggests, I desire to say that the State of Minnesota and other States were defeated under the decision of Judge Sanborn on the valuation theory based upon increment and increase in value. For instance, in that case the railroad company went on to show that to get the right of way now would cost them a hundred dollars an acre, whereas when it was secured a few years ago, to my knowledge, they paid only from five to ten dollars an acre. Then they went on in the same case to show the value of their terminals in the Twin Cities, which they had originally secured for a merely nominal sum, but owing to the growth of the cities and to the fact that they had become great railroad centers the terminals had increased in value more than a thousand per cent. The railroad company put that increased valuation into the case, both as to the right of way and as to the terminals, and then, on the basis of that, the court said that it was not getting income enough. So it was that basis of physical valuation used by the court in that case that beat us in the court below, the circuit court of appeals; and if we are beaten in the Supreme Court it will be because of that very thing.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. BRISTOW. I do.

Mr. CUMMINS. I think possibly there is a little misapprehension here about the bill. It seems to me that the Senator from Kansas does not look at it from the proper point of view. The Congress of the United States can not declare the standard of values by which the property of any railroad company can be measured, nor the value of any other property. That is purely a judicial question, and it finally will be settled by the courts. Congress or its instrumentality, the Interstate Commerce Commission, fixes the rates of the railroads. The railroad company attacks the rate. It attacks it because the legislature, or the commission exercising legislative functions, has invaded its constitutional rights; that is, has taken its property without due process of law or has taken it without just compensation. That is the basis of all the appeals or proceedings which the railroads bring in the courts in order to annul or set aside an order of the commission. When such a case comes to the court it is for the court to say, and the court will say in every instance, what the evidence shows in regard to the value of the property used by the common carrier.

Mr. NELSON. Right there may I ask a question?

Mr. CUMMINS. Here we are simply attempting to furnish the people of the country the evidence from all the various standpoints, which they can not furnish themselves because of the vastness of the undertaking.

Mr. NELSON. I wanted just to put one very brief question to the Senator to see if I am correct. Is not the finding of the Interstate Commerce Commission upon the facts in a rate case, if there is evidence to support it, binding upon the court?

Mr. CUMMINS. It is.

Mr. NELSON. And the court can not overrule it or retry it?

Mr. CUMMINS. That, however, is only upon the issue; but if the commission should find the Pennsylvania Railroad, for instance, was worth only $10, that would not be binding in any court. Of course, the Senator from Minnesota will agree with me about that.

Mr. NELSON. Of course, if there is no evidence to support it.

Mr. CUMMINS. But when the case reaches the court the complainant has the right to introduce testimony regarding the value of the property that has been devoted to the public use and concerning which the rate is fixed. There is nothing that can prevent—nor do I believe there is anything that can prevent—the exercise of that right on the part of the common carrier.

This bill, however, is to furnish both the common carrier and the shipper, or the State, or whoever may be the adversary, prima facie evidence with regard to the value of the property that has been devoted to the public use and to control and to regulate which the rate attacked has been made.

Mr. NELSON. Mr. President, will the Senator allow me, in connection with his remarks, to make a statement?

Mr. CUMMINS. Certainly.

Mr. NELSON. The one thing that I had difficulty with in this bill—most of it is good, and I approve of it—is that part of the bill from line 21, on page 10, down to line 18, on page 11. That seems to contemplate, if I understand the language, that the court is to retry the facts found by the Interstate Commerce Commission. Let me read that:

If upon the trial of any action involving a final value fixed by the commission—

That may be in a rate case—

evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto, the court, before proceeding to render judgment, shall transmit a copy of such evidence to the commission, and shall stay further proceedings in said action for such time as the judgment, shall transmit a copy of such evidence to the commission, court shall determine from the date of such transmission—

And so forth.

That clearly contemplates that there must be a retrial before the court upon the facts. I do not understand that to be the existing law. I understand the existing law to be that the Interstate Commerce Commission passes upon the question of fact as to whether or not a rate is reasonable, and its finding, if it is supported by evidence, binds the court above.

Mr. CUMMINS. That, however, does not include the question of value. That is seen by a reference to the very case to which the Senator from Minnesota has just referred, where the Northern Pacific road——

Mr. LA FOLLETTE and Mr. OWEN addressed the Chair.

The PRESIDENT pro tempore. The Chair is unable to determine who is entitled to the floor. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. BRISTOW. I yield to the Senator from Iowa.

Mr. CUMMINS. I will surrender the floor until I can take it in my own right, then. I wished to answer the question of the Senator from Kansas, but I will withhold my answer.

Mr. BRISTOW. I am anxious to have the question answered.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. The Chair simply desires to suggest that for the orderly transaction of business it is necessary that the Chair should be addressed, and Senators should get permission to interrupt. There were five Senators on the floor at the time the Chair made the suggestion.

Mr. CUMMINS. Mr. President, I hope I have not incurred the censure of the Chair.

The PRESIDENT pro tempore. Not at all.

Mr. CUMMINS. I did address the Chair; I did secure the consent of the Senator from Kansas to answer. I was therefore a little surprised to have it suggested that I was improperly occupying the floor.

The PRESIDENT pro tempore. The Chair owes the Senator an apology, then, if that is the fact. The Chair overlooked that.

Mr. BRISTOW. The Senator, however, had not arrived at the real, vital part of his answer to the question I asked. It is the important question in the bill to me. I am very firmly of the opinion that a railroad company has no right to charge the public with rates that will enable it to earn a return on the unearned-increment value of its right of way and its terminals; but I want the lawyers who have had charge of the framing of the bill to construe the language, as to whether or not the lines that I refer to, on page 10, beginning with the words "All final valuations," and so forth, do recognize the fact, and make prima facie evidence as a part of the value this element of value known as unearned increment.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Oklahoma?

Mr. BRISTOW. I do.

Mr. OWEN. Mr. President, the words "prima facie" in line 12 necessarily exclude finality. It is only prima facie as to the fact. The fact itself may be disputed; but the principle to

which the Senator very properly refers would not appear in this finding.

The facts having been ascertained prima facie, the facts themselves being subject to correction, then the principle of whether or not the unearned increment could be capitalized and the public charged with interest upon the unearned increment is a principle to be determined by the court upon debate. Facts, merely, are ascertained; and even the facts are not ascertained with complete finality, but merely prima facie.

The Senator from Minnesota points out that the statement that—

If, upon the trial of any action involving a final value—

The value fixed by the commission—

evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto—

it shall send it back for ascertainment of the fact before the court proceeds—is only a declaration that this finding of fact upon certain evidence submitted shall not be final, but may be again sent back if those concerned offer additional evidence which was not before the commission. The purpose of that section is to prevent a trick of discrediting those who find the facts by submitting to those charged with the finding of the facts incomplete evidence which afterwards is more completely submitted to the court, and the court, finding that additional evidence or materially different evidence is submitted to the court from that which was originally submitted to the commission, simply sends it back, as a court would send a case back to a commissioner to further ascertain the fact upon new evidence.

That answers the question of the Senator from Minnesota. I have already answered the question submitted by the Senator from Kansas.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Colorado?

Mr. BRISTOW. I do.

Mr. THOMAS. I understood the Senator from Kansas to say, and I quite agree with him, that this unearned increment should not be the subject of capitalization. I want to inquire whether the Senator thinks it should be assessed against the companies for taxation.

Mr. BRISTOW. I think not, of course. I do not think a value that can not be used as a basis of earning power should be used as a basis of taxation.

Mr. THOMAS. I think it is so assessed generally all over the country and taxes collected upon it.

Mr. CLAPP and Mr. OLIVER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Minnesota, who first addressed the Chair?

Mr. BRISTOW. I do.

Mr. CLAPP. I wanted to say this: I do not think the Senator from Kansas exactly grasps the force of these provisions. I agree with the Senator from Kansas that the unearned increment should not be the basis; but suppose the court, when it comes to pass on the question, should regard it otherwise? The theory of this bill is that the Government shall ascertain these various values in these various ways, to the end that the court, if it rejects one basis or adopts another, has the figures before it, instead of simply reversing the order and requiring those decisions to be litigated de novo. That is the theory and the principle upon which the bill is framed; not that it is conclusive upon anybody, for it is for the courts to say which of these various bases it will take in the last analysis.

Mr. OLIVER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Pennsylvania?

Mr. BRISTOW. I do.

Mr. OLIVER. I should like to ask the Senator from Kansas and the Senator from Iowa, who, I understand, is about to speak, as to the probable time they will occupy in discussing this bill. I think if it is likely that great time will be consumed we should take a recess and come back here this evening.

Mr. BRISTOW. I will say, so far as I am concerned, that I am through. All I wanted was an expression, in regard to the construction of the language I have read here, from the Senator from Wisconsin [Mr. LA FOLLETTE], who is in charge of the bill, and from the Senator from Iowa [Mr. CUMMINS], who is a member of the subcommittee. I have great confidence in their judgment, and, knowing that their purposes and mine are exactly the same in regard to this valuation, I will yield the apprehensions that I have as to the construction of this language to their judgment, supplemented, as it is, by that of the Senator from Oklahoma and the Senator from Minnesota, in whose judgment I also have great confidence. I am for this bill if it does not recognize or fortify the theory that carriers have a right to capitalize or earn returns on unearned increment or a value that cost them nothing to secure. If it did recognize such a right, I would not support it; but having been assured by the authors of the bill that no such right is recognized by the language used, I will vote for the measure.

Mr. POINDEXTER. Mr. President, I was going to put what I had to say in the form of a question to the Senator from Kansas, but I only want to call attention to a possible construction of this language which I think is the danger that the Senator from Kansas has in mind.

Of course I know that the view of the framers of the bill is that it does not undertake to say what value or what class of values shall be used as a basis for fixing rates. It leaves that entirely undetermined, and the Senator from Kansas is apprehensive that this language will be construed to have the effect of a legislative declaration that the unearned increment shall be included.

Congress has a right to do that. That would not be any confiscation of the property of the carrier. It would be increasing the valuation upon which rates must be based. Congress, under the decision of the courts, has not the power to put the valuation so low as to amount to a confiscation of property. But there could be no constitutional objection raised to a legislative act declaring that the unearned increment shall be included in the valuation, because that would be within the purview of Congress in fixing public policy. Congress has power to fix railroad rates, and out of that power grows power to fix the basis upon which rates shall be determined.

There is this possible construction of the act: The language to which the Senator from Kansas has called attention is:

All final valuations by the commission—

That includes this valuation, among others, which includes the unearned increment—

All final valuations by the commission and the classification thereof shall be published and shall be prima facie evidence of the value of the property in all proceedings under the act to regulate commerce as of the date of the fixing thereof, and in all judicial proceedings for the enforcement of the act approved February 4, 1887.

One of the judicial proceedings for the enforcement of that act would be a judicial proceeding to determine whether or not a rate fixed by the Interstate Commerce Commission was a reasonable rate or a lawful rate. Here is an act which says that in that action—

All final valuations by the commission * * * shall be prima facie evidence of the value of the property.

And there is danger that some court would come along and construe that language as being a declaration of Congress that the valuation, including the unearned increment, shall be taken as a basis of fixing the rate. It could be easily removed from the realm of doubt by the insertion of a few words negativing that possible construction.

Mr. CUMMINS. Mr. President, I do not quite agree with the Senator from Washington with regard to the competency of Congress to say the unearned increment shall not be considered as a part of the value of railway property. However, that is not material to this discussion.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. I do.

Mr. POINDEXTER. The Senator, I think, misapprehended what I said. What I said, or intended to say, was just the opposite. I did not say Congress probably has not the right to say that the unearned increment shall not be considered. What I said was that Congress has the right to say that it should be considered, which is quite a different proposition.

Mr. CUMMINS. I have a little doubt about that also, Mr. President. However, neither is material to this discussion.

It seems to me, as I tried to say before, that the purpose of the bill is a little bit misapprehended. This bill is intended to authorize the Interstate Commerce Commission to send out its appraisers, its experts, and secure almost all the information that is conceivable with regard to the value of railway property. When all this information is collected, then the commission hears the case and decides what is the fair value of the railroad property.

Undoubtedly the information sought here, among other things, includes the unearned increment, or the increased value of lands, lots, and terminals of the railway company. But no court has hitherto said that the unearned increment ought not to be and must not be considered as a part of the value of the railway property. Personally, I do not believe it should be considered. I have another standard in my mind, namely, the value for the purposes of a common carrier rather than the

value as determined by the use to which adjacent property may be put.

However that may be, this bill recognizes what the courts have already declared may be elements in the value of railway property. All the knowledge that can be secured is gathered and laid before the commission. Then the railroads are called, the public is called, and they try out the question before the commission as to the value of any particular railway property.

Mr. NELSON. Will the Senator yield to me?

Mr. CUMMINS. Certainly.

Mr. NELSON. The difficulty with me about the bill is in the following language:

If, upon the trial of any action involving a final value fixed by the commission, evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the commission, etc.

I will not read the entire paragraph. Does that contemplate that this final ex parte valuation to be made by the commission is finally to be revised by the court? Is it ultimately to be a court valuation?

Mr. CUMMINS. The Senator is thinking of one thing and I am talking about another. When the suit is brought before the court in a proceeding to attack, annul, and set aside the order of the commission——

Mr. NELSON. In a rate case.

Mr. CUMMINS. Then the finding which the commission has made with regard to the value of the railway property, if that becomes material, is prima facie evidence of the value of that property.

Mr. NELSON. But this contemplates, if you read the paragraph through——

Mr. CUMMINS. Just allow me. The railroad company need not introduce it. It can go on and introduce any evidence it pleases with regard to the value of the property of the company. The final finding of the commission in this proceeding is prima facie evidence in that suit.

Mr. NELSON. I understand that.

Mr. CUMMINS. But it is not conclusive. Either party can introduce additional testimony.

Mr. NELSON. In that case pending?

Mr. CUMMINS. Yes.

Mr. NELSON. Before the commission?

Mr. CUMMINS. Before the court.

Mr. NELSON. In a rate case retried before the court?

Mr. CUMMINS. Certainly.

Mr. NELSON. On the facts?

Mr. CUMMINS. Certainly.

Mr. NELSON. I suppose the finding of the commission on the facts——

Mr. CUMMINS. The commission does not make any finding of the value of the property. The commission sees whether any rate is a fair and reasonable rate. The railroad says "That is not true; it is not a fair and reasonable rate; it confiscates our property. Therefore we bring a suit to enjoin the commission from putting the rate into force." Thereupon it proceeds to prove the value of the property, and that it rendered the service for which it makes the charge. The Senator from Minnesota does not say that the common carrier can not in such a suit as that prove the value of the property which renders the service which has been regulated by the commission. I am sure he will not assert that.

Mr. NELSON. What I mean is this: Does this refer to an actual trial, an actual rate case, or does it refer simply to a case concerning the valuation fixed by the commission?

Mr. CUMMINS. It refers to an actual rate case.

Mr. NELSON. Let me read the language here:

If upon the trial of any action involving a final value fixed by the commission, evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto, the court, before proceeding to render judgment shall transmit a copy of such evidence to the commission——

Mr. CUMMINS. No; not judgment on the value of the property, judgment upon the order which has been entered by the commission regulating a rate or fixing a rate.

Mr. NELSON (reading)—

the court before proceeding to render judgment shall transmit a copy of such evidence to the commission and shall stay further proceedings in said action for such time as the court shall determine from the date of such transmission.

In other words, if the court concludes that the Interstate Commerce Commission has not found the facts properly they are to be retried in the court, and then the court is to transmit it to the Interstate Commerce Commission.

Mr. LA FOLLETTE. Oh, no, no.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. Certainly.

Mr. NELSON. I want an understanding on that question.

Mr. ROOT. I wish to make a suggestion to the Senator from Minnesota. There may now be an issue raised upon which a question of value will be a relevant fact. The Interstate Commerce Commission has made an order fixing the rates, and the railway company comes into court asserting that those rates are confiscatory. Upon that issue the question of value is a relevant and material fact, is it not?

Under the provision the Senator from Minnesota has adverted to it seems to me that that question of value is not made material and relevant under any circumstances in which it is not now material and relevant. It does not broaden the jurisdiction of the court to consider that question of value at all. It merely relates to the evidence of value in the cases where the court now can consider it and where they will then consider it. It merely puts into the trial of the question of value where it can now be tried and will then be tried new prima facie evidence supplied by the determination of the commission. It does not permit the court to retry that case or to review the decision of the commission under any other circumstances than they can do it now.

Mr. NELSON. Let me call the Senator's attention to this language:

The court, before proceeding to render judgment, shall transmit a copy of such evidence to the commission, and shall stay further proceedings in said action for such time as the court shall determine from the date of such transmission. Upon the receipt of such evidence—

Not the evidence taken before the commission, the evidence taken in court—

the commission shall consider the same and may fix a final value different from the one fixed in the first instance

In other words, instead of acting on their own volition and in their own manner, the court takes evidence and sends it to them, and upon that evidence taken in court they have the liberty of changing the judgment they formed in the first instance.

Mr. CUMMINS. They have.

Mr. NELSON. Is not that a retrial of the case upon the facts in the language of the bill? Does not that take the legislative function we have transferred to the Interstate Commerce Commission upon the question of fact? Does it not indirectly transfer it to the courts?

Mr. CUMMINS. I think not, Mr. President. I think that is intended simply to enable the commission to change the order with respect to the rate that it has already made. If evidence with regard to value is developed in the court that has not been developed before the commission in its general work, and it has made an order fixing a rate upon a value which it finds to be wrong, then it is given the opportunity to change the order which is being attacked in the court, as may be required by the additional or different evidence with regard to the value of the property. I do not think that it changes in the least degree the relation of the commission to the court. It simply furnishes, as I said in the beginning, evidence either for the railway company or for the public with regard to the value of the property that is devoted to public use—evidence that, of course, is not conclusive, and, in my opinion, it would not be competent for us to make it conclusive.

Mr. NELSON. But the Senator will concede that it changes the procedure which now prevails.

Mr. CUMMINS. I do not think it does at all; that is, if the Senator means the substance of the procedure. The railway company that complains of the action of the commission must still bring suit in a court of competent jurisdiction to annul the order of the commission. When it has brought the suit and made the issue it may take the work of the commission that is here provided for and introduce it as prima facie evidence of the value of the property, or the Government can take the work of the commission and introduce it as prima facie evidence of the value of the property. That is the only respect in which the relation has been changed.

Mr. NELSON. Let me call attention here to the final language of this paragraph.

If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

Mr. CUMMINS. Certainly.

Mr. NELSON. Now, what does this contemplate? It contemplates that after the Interstate Commerce Commission has made a finding and issued an order the other party goes into court, evidence is taken in the court, and that evidence is to be sent back to the Interstate Commerce Commission, so that they can revise and change their judgment in the first instance. I do not understand that any such practice prevails under the law now. I have never heard of that. Has the Senator heard of it?

Mr. CUMMINS. It can not, except so far as the rehearing is concerned. The commission has a perfect right to rehear

any case that may be before it, or that it may have decided, and enter another and a different order. Of course there is no provision in the law now for sending back the additional evidence with regard to value, because we have no provision in the law now for securing the proof of value.

Mr. NELSON. Does it not amount to this, to talk plainly? The Interstate Commerce Commission has a hearing, takes the evidence, fixes the rate. The railroad company go into court to attack that, introduce more evidence, and then, after they have introduced more evidence, the court is to stay the case, send that evidence back to the Interstate Commerce Commission, and the poor commission is at liberty to revise its hearings. But this provision states that if they see fit not to do so, they can adhere to their original judgment.

Mr. CUMMINS. That is all right.

Mr. NELSON. Then why should we take this evidence in the court and send it back to the commission?

Mr. CUMMINS. I do not understand the Senator from Minnesota. He does not seem to me to have the same conception of the procedure that I have. I can not quite gather his objection to it. I thought he started out with the idea that it broadens the review of the court over the action of the commission. Now he seems to object to it because it increases the labor of the commission.

Mr. NELSON. No; I do not. I object to it because it injects a new mode of trial before the Interstate Commerce Commission, and it makes a double trial. After the railroads go into court and evidence is taken in the case different from that before the Interstate Commerce Commission, the case is to be stayed and the evidence is to be sent back to the commissioners, and they are to mulch over it again. Here is the language:

If the commission shall alter, modify, or amend its order, such altered, modified, or amended order shall take the place of the original order complained of and judgment shall be rendered thereon, as though made by the commission in the first instance.

Now listen to this language:

If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

Let me call attention to the decision of the Supreme Court recently, at the present term, in the case of the Interstate Commerce Commission and the United States, appellant, against The Louisville & Nashville Railroad Co.:

On the appeal here the Government insisted that while the act of 1887 to regulate commerce (24 Stat., 379, secs. 14, 15, 16) made the orders of the commission only prima facie correct, a different result followed from the provision in the Hepburn Act of 1906 (34 Stat., 584, sec. 15), that rates should be set aside if after a hearing the "commission shall be of the opinion that the charge was unreasonable." In such case it insisted that the order based on such opinion is conclusive and (though Interstate Commerce Commission *v.* Union Pacific Railroad, 222 U. S., 547, was to the contrary) could not be set aside, even if the finding was wholly without substantial evidence to support it.

1. But the statute gave the right to a full hearing, and that conferred the privilege of introducing testimony, and at the same time imposed the duty of deciding in accordance with the facts proved.

In this case the court held that the Interstate Commerce Commission could not, on its own knowledge, on its own records, decide the case; that there must be a hearing and evidence be taken in the case before they could render any decision.

Mr. CUMMINS. The view of the Senator from Minnesota does not seem to me to be a sound one. I have already stated my understanding of that paragraph and my general opinion of the bill. While I am inflexibly opposed to capitalizing what is known as unearned increment, I am not opposed to securing from a governmental tribunal a judgment as to the real value of the railroad property, and if our Government tribunal includes unearned increment, we must submit unless there is a legislative escape, and I do not believe there is.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee as reported.

The amendment was agreed to.

The next amendment of the Committee on Interstate Commerce was, on page 7, line 1, before the word "commission," to strike out "The" and insert "Except as herein otherwise provided, the"; in line 7, after the word "and," to insert "separately"; and in line 9, after the words "District of Columbia," to insert "classified and in detail as herein required," so as to make the paragraph read:

Except as herein otherwise provided, the commission shall have power to prescribe the method of procedure to be followed in the conduct of the investigation, the form in which the results of the valuation shall be submitted, and the classification of the elements that constitute the ascertained value, and such investigation shall show the value of the property of every common carrier as a whole and separately, the value of its property in each of the several States and Territories and the District of Columbia, classified and in detail as herein required.

The amendment was agreed to.

The next amendment was, on page 8, line 8, after the word "law," to insert "Unless otherwise ordered by the commission, with the reasons therefor, the records and data of the commission shall be open to the inspection and examination of the public," so as to make the paragraph read:

Every common carrier subject to the provisions of this act shall furnish to the commission or its agents from time to time and as the commission may require maps, profiles, contracts, reports of engineers, and any other documents, records, and papers, or copies of any or all of the same, in aid of such investigation and determination of the value of the property of said common carrier, and shall grant to all agents of the commission free access to its right of way, its property, and its accounts, records, and memoranda whenever and wherever requested by any such duly authorized agent, and every common carrier is hereby directed and required to cooperate with and aid the commission in the work of the valuation of its property in such further particulars and to such extent as the commission may require and direct, and all rules and regulations made by the commission for the purpose of administering the provisions of this section and section 20 of this act shall have the full force and effect of law. Unless otherwise ordered by the commission, with the reasons therefor, the records and data of the commission shall be open to the inspection and examination of the public.

The amendment was agreed to.

The next amendment was, on page 8, line 17, after the word "time," where it occurs the second time, to strike out "as may be required for the proper regulation of such common carriers under the provisions of this act"; in line 19, after the word "its," to strike out "valuation of property" and insert "valuations"; in line 20, after the word "correction," to insert "classified and"; in line 21, after the word "and," where it occurs the first time, to insert "separately"; and, in line 22, after the word "which," to insert "valuations, both original and corrected, shall be tentative valuations and," so as to make the paragraph read:

Upon the completion of the valuation herein provided for the commission shall thereafter in like manner keep itself informed of all extensions and improvements or other changes in the condition and value of the property of all common carriers, and shall ascertain the value thereof, and shall from time to time revise and correct its valuations, showing such revision and correction classified and as a whole and separately in each of the several States and Territories and the District of Columbia, which valuations, both original and corrected, shall be tentative valuations and shall be reported to Congress at the beginning of each regular session.

The amendment was agreed to.

The next amendment was, on page 9, line 2, after the words "in its," to strike out "valuation" and insert "valuations of each class of property"; and in line 4, after the word "shall," to strike out "report currently to the commission, and as the commission may require, all improvements and changes in its property, and file with the commission copies of all contracts for such improvements and changes at the time the same are executed" and insert "make such reports and furnish such information as the commission may require," so as to make the paragraph read:

To enable the commission to make such changes and corrections in its valuations of each class of property, every common carrier subject to the provisions of this act shall make such reports and furnish such information as the commission may require.

The amendment was agreed to.

The next amendment was, on page 9, line 11, before the word "valuation," to insert "tentative"; in the same line, after the word "carrier," to insert "as herein directed"; in line 12, before the word "valuation," to strike out "said" and insert "such"; in line 14, after the word "carrier," to strike out "stating" and insert "the Attorney General of the United States, the governor of any State in which the property so valued is located, and to such additional parties as the commission may prescribe, stating"; in line 19, after the word "allow," to strike out "the carrier"; and in line 22, after the word "final," to insert "as of the date thereof," so as to make the paragraph read:

Whenever the commission shall have completed the tentative valuation of the property of any common carrier, as herein directed, and before such valuaton shall become final, the commission shall give notice by registered letter to the said carrier, the Attorney General of the United States, the governor of any State in which the property so valued is located, and to such additional parties as the commission may prescribe, stating the valuation placed upon the several classes of property of said carrier, and shall allow 30 days in which to file a protest of the same with the commission. If no protest is filed within 30 days, said valuation shall become final as of the date thereof.

The amendment was agreed to.

The next amendment was, on page 9, line 23, after the word "filed," to strike out "by any common carrier"; on page 10, line 3, after the word "presented," to strike out "by such common carrier"; in line 4, after the words "port of," to strike out "its" and insert "any such"; in line 5, after the word "such," to insert "tentative"; in line 7, after the word "valuation," to strike out "is incorrect" and insert "should not become final"; in line 9, after the word "corrected," to insert "tentative"; in the same line, after the word "final," to insert "as of the date thereof"; in line 12, after the word "evidence," to strike out "relative to" and insert "of"; and in line 13, after the word "under," to strike out "this act" and insert "the act to regulate commerce as of the date of the fixing

thereof, and in all judicial proceedings for the enforcement of the act approved February 4, 1887, commonly known as 'the act to regulate commerce,' and the various acts amendatory thereof, and in all judicial proceedings brought to enjoin, set aside, annul, or suspend, in whole or in part, any order of the Interstate Commerce Commission," so as to read:

If notice of protest is filed, the commission shall fix a time for hearing the same, and shall proceed as promptly as may be to hear and consider any matter relative and material thereto which may be presented in support of any such protest so filed as aforesaid. If after hearing any protest of such tentative valuation under the provisions of this act the commission shall be of the opinion that its valuation should not become final, it shall make such changes as may be necessary, and shall issue an order making such corrected tentative valuation final as of the date thereof. All final valuations by the commission and the classification thereof shall be published and shall be prima facie evidence of the value of the property in all proceedings under the act to regulate commerce as of the date of the fixing thereof, and in all judicial proceedings for the enforcement of the act approved February 4, 1887, commonly known as "the act to regulate commerce," and the various acts amendatory thereof, and in all judicial proceedings brought to enjoin, set aside, annul, or suspend, in whole or in part, any order of the Interstate Commerce Commission.

The amendment was agreed to.

The next amendment was, on page 10, after line 21, to insert:

If upon the trial of any action involving a final value fixed by the commission, evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto, the court, before proceeding to render judgment shall transmit a copy of such evidence to the commission, and shall stay further proceedings in said action for such time as the court shall determine from the date of such transmission. Upon the receipt of such evidence the commission shall consider the same and may fix a final value different from the one fixed in the first instance, and may alter, modify, amend, or rescind any order which it has made involving said final value, and shall report its action thereon to said court within the time fixed by the court. If the commission shall alter, modify, or amend its order, such altered, modified, or amended order shall take the place of the original order complained of and judgment shall be rendered thereon, as though made by the commission in the first instance. If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

The amendment was agreed to.

The next amendment was, on page 12, line 1, after the word "in," to strike out "this act" and insert "section 16 of the act to regulate commerce," so as to read:

The provisions of this section shall apply to receivers of carriers and operating trustees. In case of failure or refusal on the part of any carrier, receiver, or trustee to comply herewith, such carrier, receiver, or trustee shall forfeit to the United States the sum of $500 for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in section 16 of the act to regulate commerce.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. NEWLANDS. Mr. President, I regard with great gratification the almost unanimous report of the Committee on Interstate Commerce upon this railroad-valuation bill. As a member of that committee I have for years favored such legislation and have frequently introduced resolutions relating to a legislative program and providing for such valuation. So far as I have been individually concerned I have been disposed to submit the task of ascertaining that valuation and the principles which should control it to the Interstate Commerce Commission itself, feeling assured that they would avail themselves of the services of economists and competent experts, and would present in their report every element of value upon which a court would be called upon to act.

The Senator from Wisconsin [Mr. LA FOLLETTE], with that great care and precision with which he always moves in matters relating to economic legislation, has insisted that we should in the bill itself present the principles of valuation and define and secure the ascertainment of the different elements of value, every element of value, which could possibly be considered by a court in determining the question of fair valuation, and this bill I think is very accurately framed along that line.

The testimony and aid of valuable experts—Prof. Bemis and Prof. Commons, of the University of Wisconsin—have been utilized in this work. I think that this bill is a piece of legislation that can be regarded as fairly perfect. I believe that it will serve a great purpose and that it will practically end in the future the contentions that have been going on between the railroads and the public. I believe that the system of regulation which we inaugurated over 20 years ago regarding railroads, if pursued with reference to the trusts, would by this time have practically settled the trust question as we have settled the railroad question.

The creation of a great regulating commission, acting as the servant of Congress upon these important public questions affecting the regulation of interstate commerce, would have resulted most satisfactorily in the adjustment of the trust question; and I hope that the legislation we have perfected, legislation which we have gradually introduced regarding the railroad question, will be introduced regarding the control of the great trust organizations of the country.

I regard with great satisfaction the outcome of the labors of the committee, and view it as a most satisfactory step in a fair solution of the relations between the public and the railways.

Mr. POMERENE. On page 11, line 1, after the word "thereto," I move to amend by inserting the words "and substantially affecting said value."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 11, line 1, after the word "thereto," it is proposed to insert the words "and substantially affecting said value."

The amendment was agreed to.

Mr. GRONNA. Mr. President, I had intended to make a few observations on some of the provisions of the bill; but I am anxious to have it pass this evening. I have the utmost confidence in the members of the committee. I know that the Senator from Wisconsin [Mr. LA FOLLETTE] has given this question a great deal of study; that he has made it a part of his life work. So I shall not detain the Senate or delay the passage of the bill by further remarks at this time. I shall vote for it.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read, "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities."

ISSUANCE OF INTERLOCUTORY INJUNCTIONS.

Mr. ROOT. From the Committee on the Judiciary I report back favorably with amendments the bill (S. 8439) restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State, and I submit a report (No. 1309) thereon. I call the attention of the Senator from South Dakota [Mr. CRAWFORD] to the bill.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent for the present consideration of the bill.

Mr. NELSON. It is a very short bill and will take but a moment.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert a substitute.

Mr. WILLIAMS. Mr. President, we have been here ever since 10 o'clock this morning and it is now half past seven. I move that the Senate adjourn; and if the Senate does not adjourn I shall ask for a quorum.

Mr. GAMBLE. Mr. President——

The PRESIDENT pro tempore. The Senator from Mississippi moves that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 25, 1913, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 24, 1913.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O God our Father, our life, our salvation; whose favor follows the faithful to uphold, sustain, and guide them in every good work. May we be faithful in the work Thou hast given us to do that we may reach the highest and best results and thus add somewhat to the progress of the world, and Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday, Sunday, February 23, 1913, was read and approved.

DISTRICT OF COLUMBIA BUSINESS.

The SPEAKER. To-day is District day under the rule, and the Chair recognizes the gentleman from Kentucky [Mr. JOHNSON].

REVOKING LICENSES OF HOTEL PROPRIETORS AND OTHERS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up House joint resolution 398, authorizing the Commissioners of the District of Columbia to revoke licenses under certain conditions, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized to revoke the license of any merchant, storekeeper, hotel proprietor, hack or taxicab owner, or persons, firm, or corporation engaged in business in the District of Columbia under the terms of license regulations of the District of Columbia, as duly promulgated and enforced by the Commissioners of the District of Columbia under authority conferred upon them by Congress, who shall increase the price or prices charged for his wares or services, as the case may be, on the occasion of any holiday or event the observance or celebration of which shall have the effect of causing an unusual number of persons other than residents of the District of Columbia, to visit the city of Washington for the purpose of participating in or observing such holiday or event.

SEC. 2. That in the case of hotels or restaurants or other businesses which maintain regularly in their establishments printed tariffs or schedules of prices, a schedule or tariff of charges higher than the usual rates that may be found in use in such places on such holidays or special occasions shall constitute prima facie evidence that such prices were increased.

SEC. 3. That in all other cases it shall require the sworn testimony of not less than three adult persons to constitute evidence sufficient for the revocation of license.

SEC. 4. That any citizen of the United States may make complaint under authority granted by this resolution, such complaints to be made in the police courts of the District of Columbia, and that conviction therein shall constitute basis for the revocation of license by the commissioners.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk reported the following committee amendments:

Page 1, line 4, after the word "hereby," strike out the word "authorized" and insert the words "directed and empowered."

Line 6, after the word "owner," insert the words "or driver."

Page 2, line 1, after the word "shall," strike out the word "increase" and insert "advance."

Line 2, after the word "his," insert the words "rents, accommodations."

Line 5, strike out the words "an unusual number of persons" and insert the word "person."

The foregoing amendments were severally agreed to.

Mr. JOHNSON of Kentucky. Mr. Speaker, I also move to amend, in line 5, by inserting the word "any" before the word "person."

The SPEAKER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The Clerk read as follows:

Page 2, line 6, after the word "residents," insert the words "a resident."

Lines 7 and 8, strike out the words "city of Washington for the purpose of participating or observing" and insert the words "District of Columbia on account of."

Line 11, after the word "which," insert the word "usually," and after the word "maintain" strike out the word "regularly."

Line 12, strike out the word "establishments" and insert the words "places of business," and after the word "printed" insert the words "or written."

Line 13, strike out the word "higher" and insert the word "greater."

Line 14, after the word "the," insert the word "prior," and after the word "rates" strike out the words "that may be found."

The foregoing amendments were severally agreed to.

The Clerk read as follows:

Strike out all of section 3.

The SPEAKER. The question is on agreeing to the amendments.

Mr. MANN. Mr. Speaker, this joint resolution apparently is intended to authorize the Commissioners of the District of Columbia to revoke the license of a storekeeper, hotel proprietor, driver of a cab, and so forth, who raises prices during the inaugural festivities or during any other festive or holiday or mournful occasion. This section which it is proposed to strike out makes provision for the method of calling attention to the District Commissioners of evidence upon which a revocation of license may be based, as follows:

That in all other cases it shall require the sworn testimony of not less than three adult persons to constitute evidence sufficient for the revocation of license.

The committee in reporting the resolution had recommended that that section be stricken out, and later on provide for a penalty for the violation of any provision hereafter. The next section left in the resolution provides that any citizen of the United States may make complaint under authority granted by the resolution, such complaint to be made in the police court of the District of Columbia, and that conviction therein shall constitute the basis for the revocation of the license. If the resolution is intended to be serious, it ought to be considered seriously, but if it is intended as a joke it ought to provoke mirth. There is no method of getting into the police court. There is no prohibition in the resolution against anything—there is nothing to violate. It does no prohibit anybody from raising prices. It merely provides that in case prices are raised the District Commissioners may revoke the license. The only method of enforcing that is to file the complaint in the police court, and on conviction in the police court the license can be revoked. Conviction of what? There is no prohibition in the bill. There is nothing prohibited in the bill if it passes. You can not take a case into the police court to enforce something unless there is a prohibition. Unless Congress declares that something is prohibited, there is no way of convicting anybody.

Another amendment to the resolution further provides that for any violation of any provision hereafter there shall be a fine not exceeding $25 for the offense, and that anyone aggrieved may board at the hotel as long as the matter is pending. But the only direction to anybody is to the District Commissioners. The only persons who can violate the law, if it is a law, are the District Commissioners for not revoking the license; and under the provisions of this resolution, if the hotel keeper raises his prices and the District Commissioners refuse to revoke the license, they might be subjected to fine, but meanwhile, pending the proceedings, the aggrieved person would live at the hotel free. It seems to me that if the resolution is to amount to anything section 3 ought not to be stricken out. There ought to be a method of presenting the matter to the commissioners, because with section 3 out there is no way of getting the matter before the commissioners except by conviction in the court, and there is nothing on which to convict anyone in the court.

The SPEAKER. Without objection——

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. JOHNSON of Kentucky. Mr. Speaker, I would like to say that provision of the bill says there shall be testimony of not less than three persons. It is impossible to have the testimony of three persons, for only the hotel proprietor and the guest at the hotel are witnesses of the transaction, and for that reason it was stricken out. That provision of the bill requires three witnesses to the transaction. If a man goes to a hotel and stops and he is robbed, there are only two witnesses, perhaps, to the transaction. One is the clerk or representative of the hotel, who does the robbing, and the other is the man who is robbed, who is a stranger, and there can be but one witness, and that is himself; and it would be more than a coincidence if there would be three other people who would hear it, and the committee were therefore of the opinion that that section of the bill requiring three witnesses should be eliminated. Mr. Speaker, I ask for a division upon the adoption of the amendment.

The SPEAKER. The gentleman from Kentucky demands a division.

The House divided; and there were—ayes 30, noes 4.

So the amendment was adopted.

The Clerk read as follows:

Page 2, line 20, strike out, after the word "section," the figure "4," and insert the figure "3."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Line 22, page 2, strike out the word "complaints" and insert the word "complaint."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Line 22, page 2, strike out the word "courts" and insert the word "court."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Line 24, page 2, strike out the words "by the commissioners" and insert the words:

"and the said commissioners shall at once, without any option upon their part, cancel the license or permit of any person, corporation, or firm so convicted.

"The further penalty for any violation of any provision hereof shall be a fine of not exceeding $25 for each offense. Anyone aggrieved by any violation of any of the provisions of this act relative to hotels, boarding houses, lodging houses, or cafés may, during the time he may remain in the District of Columbia for the purpose of prosecuting his complaint, continue at said offending hotel, boarding house, lodging house, or café for either lodging or table board free of charge: *Provided*, That the person complained of shall be found guilty in a court of competent jurisdiction in the District of Columbia.

"Any complainant under the provisions of this act who shall not receive the same accommodations while awaiting a judicial determination of the charge against the defendant hotel, boarding house, lodging house, or café shall have cause of action against any such offender for damages, both actual and punative.

"This act shall take effect upon its passage."

Mr. MANN. Mr. Speaker, I would suggest, in passing, that the word "punitive" be spelled correctly. Section 1 of the bill directs the Commissioners of the District to revoke a license of hotel keepers, café proprietors, owners of vehicles, and so forth, who raise prices. That is all it does. It does not prohibit the raising of prices. It merely directs the commissioners to revoke the license. Section 2 of the bill provides what is raising of prices—that is, an increase in the price over the usual schedule of charges. Then this section comes along and, as proposed to be amended, provides that the conviction of anyone shall constitute the basis for the revocation of a license. I would ask the gentleman, Conviction of what? No prohibition is in the bill against the raising of prices. There is a mere direction to the commissioners to revoke the license. Then the amendment goes on and provides the further penalty for any violation of any provision thereof shall be a fine of not exceeding $25 for each offense. Now, the only provision of the bill that can be violated is the provision which directs the commissioners to revoke the license. Then it goes on and says that anyone aggrieved by any violation of any provision of this act relative to hotels, boarding houses, lodging houses, or cafés may, during the time he may remain in the District of Columbia for the purpose of prosecuting his complaint, continue at said offending hotel, boarding house, lodging house, or café, for either lodging or table board, free of charge, provided that the person complained of shall be found guilty in a court of competent jurisdiction in the District of Columbia. The only ones who can be convicted of any violation of this act would be the District Commissioners, because they are the only ones who are directed to do anything or not to do anything. It is true that part of the bill does not provide that if the owner of a taxicab charges a higher rate than the usual price the person aggrieved can ride in the taxicab until the matter of fining the District Commissioners can be disposed of. It does provide that he may live at the hotel until the matter of fining the District Commissioners is disposed of, and he may lodge at the café under the provisions of this bill until they have disposed of the proceedings. I do not see why, if he has the right to lodge at a café during an inaugural, he should not be permitted to continue to ride in the taxicab during an inaugural.

Mr. MADDEN. Is there any reason why the District Commissioners should not be fined and jailed for all this sort of thing——

Mr. MANN. Perhaps some of them ought to be jailed and kept there; I do not undertake to say; I think not, however; but there is no prohibition in the bill.

Mr. MADDEN. They are going to pass that in the Jones-Works bill.

Mr. MANN. There is nothing in here that prohibits the hotel keeper from raising prices; but if he does raise them, then his license is to be revoked, and that we would have the power to do.

But here is a provision that if the commissioners do not revoke the license, and anyone attempts to fine them for it, that person is to live at the hotel or café free of charge until the matter is disposed of.

Mr. FOSTER. The one living at the hotel is not bound any more than under the law to pay for it. There is no security to the hotel man for the time he boards there.

Mr. MADDEN. He is not bound to stay at the hotel. He could move to another hotel if he wanted to, could he not?

Mr. MANN. He could if he had the price.

Mr. MADDEN. At the price he is boarding there. He could live in one hotel or café free of charge.

Mr. FOSTER. Or move to another hotel.

Mr. MANN. Move to another hotel. The bill was intended, I suppose, in the first place, to make it a misdemeanor to raise the prices at these public resorts, but there is nothing in here to prohibit that at all. There is no prohibition in the bill. How this ever got past the distinguished gentleman from Kentucky [Mr. JOHNSON], who is usually very careful, is beyond my comprehension.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. MOORE of Pennsylvania. Will the gentleman look at line 11, page 3, and tell us what is meant by the provision "That the person complained of shall be found guilty in a court of competent jurisdiction in the District of Columbia"? Does not that mean if anyone makes complaint it goes without saying that the man complained of shall be found guilty under the law?

Mr. MANN. I do not know. Of course, the only persons they can complain of for violation of this law are the District Commissioners. The only persons who are directed to do anything in this bill, or not to do anything in this bill, are the District Commissioners.

Mr. MOORE of Pennsylvania. Do we not establish an entirely new method of legal procedure with regard to the trial of accused persons by saying in this proviso that immediately upon a complaint being made the person shall be found guilty?

Mr. MANN. Oh, I think my colleague from Pennsylvania [Mr. MOORE] has not read all of that carefully. This amendment provides that if the person—I assume that is the person—were called on to pay a higher price, he shall live at the café or hotel until the person complained of is found guilty in a court of competent jurisdiction.

Mr. MARTIN of South Dakota. Suppose he is acquitted; how long could he board?

Mr. MANN. Well, he would have already boarded there until the matter was disposed of.

Mr. MOORE of Pennsylvania. I think if the gentleman will read it for a second time he will find it stated in this bill that a person "shall" be convicted when complained against. That is, if the waiter should spill the soup down the back of the guest and should then complain of the hotel proprietor, the person complained of shall be found guilty. It is not a question of a trial, it is not a question of his having a defense, but it is provided here that immediately upon the complaint being made the person complained of shall be found guilty.

Mr. MADDEN. Is there anything else you want?

Mr. MOORE of Pennsylvania. I am referring to the common people, those who sometimes drift into the business of conducting a hotel, or who may be so fortunate or unfortunate as to be a waiter in an establishment of that kind. Here they are deprived of a trial by jury, and by a law, almost equal to the fugitive law in Mexico, they are told, when complained against, they shall be found guilty. That is the provision I call to the gentleman's attention. I do not think he clearly understood it.

Mr. MANN. I did. Of course, the proviso says the person shall be found guilty.

Mr. MOORE of Pennsylvania. Upon the complaint being made.

Mr. MANN. I was willing to leave that in that paragraph, although——

Mr. MOORE of Pennsylvania. Does it not follow that the commissioners should be abolished and all forms of law be abolished immediately on complaint being made, because the man shall be found guilty?

Mr. MANN. If the gentleman from Kentucky [Mr. JOHNSON] will show where anybody can find anybody guilty under this except the commissioners, it will be satisfactory to me. I do not see how you can start in to say that a man shall be boarded and lodged free of charge pending a claim against the District Commissioners, because they did not revoke the license of the hotel keeper.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. JOHNSON of Kentucky. Division, Mr. Speaker.

The House divided; and there were—yeas 34, nays 9.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Will the gentleman from Illinois [Mr. MANN] withhold that point a second in order that we may receive a message from the Senate?

Mr. MANN. I will if it does not interfere with my right on this vote.

The SPEAKER. It will have nothing to do with it.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present. Evidently there is not a quorum present, and the Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of this amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

Mr. DYER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. DYER. To ask that the amendment may be again reported.

The SPEAKER. Without objection, the amendment will be reported again.

There was no objection.

The amendment was again read.

The SPEAKER. The Clerk will call the roll.

Mr. DYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DYER. Is the vote now upon the amendment?

The SPEAKER. The vote is on the amendment.

The question was taken; and there were—yeas 171, nays 101, answered "present" 11, not voting 98, as follows:

YEAS—171.

Adair	Evans	Jones	Redfield
Aiken, S. C.	Faison	Kahn	Reilly
Akin, N. Y.	Fergusson	Kinkead, N. J.	Richardson
Alexander	Fields	Kitchin	Roberts, Nev.
Ashbrook	Finley	Konop	Roddenbery
Austin	Flood, Va.	Lamb	Rodenberg
Ayres	Floyd, Ark.	Lee, Ga.	Rothermel
Barnhart	Foster	Lee, Pa.	Rouse
Bathrick	Fowler	Lenroot	Rubey
Beall, Tex.	Francis	Lewis	Rucker, Mo.
Bell, Ga.	Garner	Lindbergh	Russell
Boehne	Gill	Linthicum	Sherwood
Borland	Goeke	Littlepage	Sims
Buchanan	Goodwin, Ark.	Lloyd	Sisson
Bulkley	Gould	Lobeck	Slemp
Burgess	Graham	McCoy	Sloan
Burleson	Gray	McGillicuddy	Small
Burnett	Gregg, Pa.	Macon	Smith, N. Y.
Byrns, Tenn.	Gregg, Tex.	Maguire, Nebr.	Smith, Tex.
Callaway	Gudger	Maher	Sparkman
Candler	Hamill	Martin, Colo.	Stedman
Cantrill	Hamilton, Mich.	Moon, Tenn.	Stephens, Miss.
Cary	Hammond	Morgan, La.	Stephens, Nebr.
Claypool	Hardwick	Morrison	Stephens, Tex.
Clayton	Hardy	Morse, Wis.	Stone
Cline	Harrison, Miss.	Murdock	Taggart
Collier	Hart	Murray	Taylor, Ark.
Covington	Hay	Neeley	Taylor, Colo.
Cox	Hayden	Nelson	Thayer
Cravens	Hayes	Norris	Thomas
Cullop	Heflin	Oldfield	Tribble
Curley	Helgesen	O'Shaunessy	Turnbull
Curry	Helm	Padgett	Underhill
Denver	Henry, Tex.	Page	Watkins
Dickinson	Hensley	Pepper,	Webb
Dies	Holland	Post	Whitacre
Difenderfer	Howard	Pou	White
Dixon, Ind.	Hughes, W. Va.	Prouty	Wilson, Ill.
Doremus	Humphrey, Wash.	Rainey	Wilson, Pa.
Doughton	Jacoway	Raker	Witherspoon
Dyer	James	Randell, Tex.	Young, Kans.
Edwards	Johnson, Ky.	Ransdell, La.	Young, Tex.
Estopinal	Johnson, S. C.	Rauch	

NAYS—101.

Anderson	Fitzgerald	La Follette	Pujo
Bartlett	Fordney	Langham	Rees
Bates	Foss	Lawrence	Roberts, Mass.
Blackmon	French	Levy	Scott
Booher	Fuller	McCall	Sells
Brantley	Gallagher	McGuire, Okla.	Simmons
Broussard	Gardner, N. J.	McKellar	Slayden
Burke, Pa.	Gillett	McKenzie	Smith, Saml. W.
Burke, Wis.	Good	McKinley	Speer
Butler	Green, Iowa	McLaughlin	Steenerson
Calder	Greene, Mass.	McMorran	Stephens, Cal.
Campbell	Greene, Vt.	Madden	Sterling
Cannon	Hartman	Mann	Sulloway
Crago	Hawley	Martin, S. Dak.	Switzer
Currier	Henry, Conn.	Matthews	Taylor, Ala.
Dalzell	Higgins	Miller	Tilson
Davidson	Hinds	Moore, Pa.	Towner
Dent	Houston	Moss, Ind.	Townsend
Dodds	Howell	Nye	Underwood
Donohoe	Howland	Patten, N. Y.	Wilder
Driscoll, D. A.	Kendall	Patton, Pa.	Willis
Driscoll, M. E.	Kennedy	Payne	Woods, Iowa
Dupré	Kinkaid, Nebr.	Pickett	Young, Mich.
Esch	Knowland	Plumley	
Fairchild	Kopp	Porter	
Farr	Lafean	Powers	

ANSWERED "PRESENT"—11.

Adamson	Cooper	Hill	Shackleford
Allen	Dwight	Hobson	Sharp
Browning	Garrett	Needham	

NOT VOTING—98.

Ainey	Draper	Korbly	Riordan
Ames	Ellerbe	Lafferty	Rucker, Colo.
Andrus	Ferris	Langley	Sabath
Ansberry	Focht	Lever	Saunders
Anthony	Fornes	Lindsay	Scully
Barchfeld	Gardner, Mass.	Littleton	Sherley
Bartholdt	George	Longworth	Smith, J. M. C.
Berger	Glass	Loud	Stack
Bradley	Godwin, N. C.	McCreary	Stanley
Brown	Goldfogle	McDermott	Stevens, Minn.
Burke, S. Dak.	Griest	McKinney	Sweet
Byrnes, S. C.	Guernsey	Mays	Talbott, Md.
Carlin	Hamilton, W. Va.	Merritt	Talcott, N. Y.
Carter	Hamlin	Mondell	Taylor, Ohio
Clark, Fla.	Harris	Moon, Pa.	Thistlewood
Conry	Harrison, N. Y.	Moore, Tex.	Tuttle
Copley	Haugen	Morgan, Okla.	Vare
Crumpacker	Heald	Mott	Volstead
Danforth	Hughes, Ga.	Olmsted	Vreeland
Daugherty	Hull	Palmer	Warburton
Davenport	Humphreys, Miss.	Parran	Weeks
Davis, Minn.	Jackson	Peters	Wilson, N. Y.
Davis, W. Va.	Kent	Pray	Wood, N. J.
De Forest	Kindred	Prince	
Dickson, Miss.	Konig	Reyburn	

So the amendment was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. LITTLETON with Mr. DWIGHT.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Mr. SCULLY with Mr. BROWNING.

Mr. PALMER with Mr. HILL.

Until further notice:

Mr. SWEET with Mr. WOOD of New Jersey.

Mr. STANLEY with Mr. VREELAND.

Mr. SHERLEY with Mr. WEEKS.

Mr. SAUNDERS with Mr. VOLSTEAD.

Mr. SABATH with Mr. VARE.

Mr. RUCKER of Colorado with Mr. THISTLEWOOD.

Mr. PETERS with Mr. TAYLOR of Ohio.

Mr. MOORE of Texas with Mr. J. M. C. SMITH.

Mr. MCDERMOTT with Mr. PRINCE.

Mr. LEVER with Mr. PRAY.

Mr. KORBLY with Mr. MOTT.

Mr. KONIG with Mr. OLMSTED.

Mr. KINDRED with Mr. MOON of Pennsylvania.

Mr. HUGHES of Georgia with Mr. MONDELL.

Mr. HAMLIN with Mr. MCKINNEY.

Mr. HAMILTON of West Virginia with Mr. LAFFERTY.

Mr. GOLDFOGLE with Mr. MCCREARY.

Mr. GODWIN of North Carolina with Mr. LANGLEY.

Mr. GLASS with Mr. JACKSON.

Mr. GEORGE with Mr. HEALD.

Mr. FERRIS with Mr. HAUGEN.

Mr. ELLERBE with Mr. HARRIS.

Mr. DICKSON of Mississippi with Mr. GUERNSEY.

Mr. DAVIS of West Virginia with Mr. GRIEST.

Mr. DAVENPORT with Mr. FOCHT.

Mr. DAUGHERTY with Mr. DRAPER.

Mr. CONRY with Mr. DE FOREST.

Mr. CLARK of Florida with Mr. DAVIS of Minnesota.

Mr. CARTER with Mr. DANFORTH.

Mr. CARLIN with Mr. CRUMPACKER.

Mr. BYRNES of South Carolina with Mr. COPLEY.

Mr. BROWN with Mr. BURKE of South Dakota.

Mr. ANSBERRY with Mr. BARTHOLDT.

Mr. STACK with Mr. BARCHFELD.

Mr. WILSON of New York with Mr. ANTHONY.

Mr. TUTTLE with Mr. AMES.

Mr. TALCOTT of New York with Mr. AINEY.

Mr. HULL with Mr. NEEDHAM.

Mr. HOBSON with Mr. MERRITT.

Mr. BROWNING. Mr. Speaker, I am paired with the gentleman from New Jersey, Mr. SCULLY. I see he is not here. I voted "no." I wish to withdraw my vote and to be recorded present.

Mr. NEEDHAM. Mr. Speaker, I desire to change my vote from "aye" to "present."

Mr. ALLEN. Mr. Speaker, I desire to change my vote from "aye" to "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

Mr. BURKE of Pennsylvania. Mr. Speaker, I desire to offer an amendment.

Mr. PROUTY. Mr. Speaker, I desire to offer a committee amendment.

The SPEAKER. The gentleman from Iowa will send up his amendment. The Clerk will report the committee amendment offered by the gentleman from Iowa.

The Clerk read as follows:

At the end of section 2 insert:

"And every such increase or advance of price is hereby made a misdemeanor, and shall be punishable as such in any court of competent jurisdiction."

Mr. MANN. I congratulate the District Committee that it has finally discovered that there was no prohibition against doing anything or not doing anything in the bill, and now, having their attention called to the fact, have offered an amendment for the purpose of curing a patent defect in the bill.

What is this section?—

That in the case of hotels or restaurants or other businesses which usually maintain in their places of business printed or written tariffs or schedules of prices a schedule or tariff of charges greater than the prior usual rates in use in such places on such holidays or special occasions shall constitute prima facie evidence that such prices were increased.

Thereupon the amendment proposes to prohibit increasing prices. We are to have inaugural festivities. This prohibition is "greater than the prior usual rates in use in such places on such holidays or special occasions." That must mean that the prices to be charged this year shall not be higher than those charged four years ago. [Laughter.] That is all it can mean. It is not a prohibition against charging higher prices during the inaugural festivities than are now charged, just before the inaugural festivities, but "prior usual rates in use in said places on such holidays or special occasions."

Inaugural festivities this year must be compared with inaugural festivities of the last time, which was four years ago, and the purpose of this amendment is to make a misdemeanor against any café proprietor who charges a higher price for a beefsteak now than he charged four years ago. That is a method of leveling prices which has not yet been discovered by anybody except the District Committee.

We have heard a great deal about higher prices and about efforts to reduce higher prices, but here is a simple method. If you charge a higher price now than you did four years ago, then under this bill you have to keep the man, board and lodging, without any charge. [Laughter.]

That is what the bill provides. If they charge a higher price for a beefsteak now than they did four years ago, the man who wants a steak is entitled to live at the café free of charge. [Laughter.]

The gentleman from Connecticut calls attention to the method of spelling "punitive" in the bill. I called attention to that when the bill was first laid before the House, but the District Committee has not learned how to spell "punitive." I think it would be well if they had sent for a dictionary or asked some one in the House who knows, if they were willing to take anybody's statement except that of the dictionary, as to how the word is spelled.

The House has agreed to that spelling. It is in the amendment for which gentlemen have just voted.

Mr. PAYNE. Then the spelling of the committee seems to be vindicated. [Laughter.]

Mr. MANN. Now, Mr. Speaker, it was only a few days ago that the House passed a bill, the usual bill, giving to the Commissioners of the District of Columbia the authority to regulate vehicles and things of that kind in the District, which has always carried with it the right to regulate the charges. Here the House one day passes, by unanimous consent, a bill to do one thing and the next day proposes to pass a bill in direct conflict with the bill passed before, which is now the law, forbidding the doing of the very thing which they had authorized the day before. It is silliness run mad. [Laughter and applause.]

Mr. CANNON. Mr. Speaker, I voted against the amendment which has just passed. I do not yet understand what it means, but I would like to have this amendment offered by the gentleman from Iowa again reported.

The SPEAKER. The Clerk will again report the amendment.

The amendment was again reported.

Mr. CANNON. Mr. Speaker, it seems to me that this is on a par with much legislation that is being pressed upon Congress originating in another body or originating in this body. Great Heaven! All you have to do is to crudely guess at something here and there and make it a misdemeanor to be punished. Why it will be presently so that a man can not smile at his sweetheart on the street unless it is a misdemeanor. [Laughter.]

I do not know the meaning of this amendment that has just been adopted. It seems to me that any American citizen or any man who comes to a hotel, whether he comes from China or Hindustan, is entitled to go to a hotel or boarding house, demand entertainment, charge the proprietor with violating this act, if it passes, and in the meantime board. [Laughter.]

I think we had better think two or three times before we pass a bill like this or agree to this amendment. I quite enjoyed seeing some gentlemen vote who are awfully anxious to have separate cars down South and separate cars elsewhere in the country for American citizens, while they are going to adopt a different plan for the District of Columbia. Well, go along gentlemen, you are in the majority, fix it just as you please. Make everything a misdemeanor—hop, skip, and jump—for the alleged interest of home and native land. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Speaker, this bill has been considerably assailed, and thus far there has been no explanation of it. I regard that provision which gives free board to a man during the trial of one who has attempted to rob him as the strongest and best feature in the bill. If a man goes to a hotel where he has been paying $3 a day, and the report shows in this instance such cases exist, and stays three days, for which he pays $9, and then afterwards he is asked $150 for the same room for the same length of time, he needs protection. If a man comes here and is robbed to that extent under those circumstances, when he goes up to the hotel desk to pay his bill, the hotel proprietor knows that he can not under ordinary circumstances stay here long enough to litigate that question. This bill gives him the right, if the hotel man is in the wrong, to stay at that hotel free of charge while he litigates the question as to wether he has been robbed.

Mr. KENDALL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. KENDALL. Does this bill do that? Does not this bill provide that in the case the gentleman suggests he may continue at such offending hotel, café, and so forth, for either lodging or table board, free of charge?

Mr. JOHNSON of Kentucky. Yes.

Mr. KENDALL. Is not this the fair interpretation of that language, that he has the right to eat there?

Mr. JOHNSON of Kentucky. If it is only an eating place, he has the right to eat there free of charge.

Mr. KENDALL. But at a hotel he might have the right to eat there, but not the right to lodge there, or he might lodge there and not eat there.

Mr. JOHNSON of Kentucky. It depends on what kind of a house it is.

Mr. KENDALL. If it is a hotel?

Mr. JOHNSON of Kentucky. If it is a hotel, he has the right to stay there.

Mr. KENDALL. But he would not have the right to both eat and lodge at the hotel?

Mr. JOHNSON of Kentucky. Oh, yes he would.

Mr. KINKAID of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. KINKAID of Nebraska. What does the gentleman think of the principle involved, that a penalty is to be paid to an individual rather than to the State for the violation of a law?

Mr. JOHNSON of Kentucky. Oh, that is in the nature of damages.

Mr. KINKAID of Nebraska. But is it not a penalty that is being paid to a private individual, when it should go to the State? Is not that an entirely new departure from the theory of enactments to prohibit wrongs?

Mr. JOHNSON of Kentucky. Oh, I think that is only in the nature of a penalty like the one usually attached to usury laws.

Mr. Speaker, section 2 has been criticized. Upon a careful reading it can be seen that it does not mean at all what the gentleman from Illinois [Mr. MANN] says it means. [Cries of "Louder!"] Mr. Speaker, I ask for order.

The SPEAKER. The House will be in order.

Mr. JOHNSON of Kentucky. Mr. Speaker, gentlemen who are opposing this bill are resorting to disorder and to every kind of means for the purpose of bringing about its defeat. Seeing that they can not defeat it upon its merits, they are resorting to other means, and I sincerely trust that the fair-minded people of this House will to-day stand by the people who have a right to come here for the inaugural ceremony and not permit them to be robbed as they have been heretofore robbed [applause on the Democratic side] and as we know they are to be robbed now. Here is the case of a man from my own State who has written me a letter which has been incorporated in the report, and which I will read:

LOUISVILLE, KY., *February 14, 1913.*

DEAR BEN: Referring to a news item in the Courier-Journal of to-day regarding your bill introduced in Congress to regulate hotel charges in Washington.

It was my expectation a few weeks ago to attend the inauguration, and immediately wired the Hotel Raleigh asking what would be their rates for a nice room with bath. They wired back that a room on Twelfth Street would cost me $120 and a room facing Pennsylvania Avenue $150, and as it has been my custom to stop at the Raleigh, am very familiar with their rates, only a few weeks ago having their room No. 1105, right on the corner, paying $3 per day for same. As three days would be ample to see the inauguration, instead of having to pay $9 they attempted to charge me $150. The rates at the Willard are not so bad, an inside room facing west being $70 and one facing Fourteenth Street $84. Have attended conventions and gatherings everywhere in this country and Europe, and am accustomed to pay two or three times the regular rates, but the Washington figures are the worst in my experience.

There is no more excuse for this advance than there would be for an advance in freight and passenger rates during the busy season, and it is equivalent to Uncle Sam charging 10 cents for a 2-cent postage stamp at Christmas time.

Yours, very truly, P. H. CALLAHAN.

Hon. BEN JOHNSON,
Washington, D. C.

Mr. Speaker, the gentleman from Washington [Mr. HUMPHREY] had an experience here four years ago that I believe this whole country ought to know, and I hope that he will give the House the benefit of his experience in these matters. [Applause.]

Mr. HUMPHREY of Washington. Mr. Speaker, while I have not studied the form of this bill, I am in sympathy with the legislation; and since the gentleman from Kentucky [Mr. JOHNSON] has referred to the experience which I had some four years ago, I will relate it to the House. I had a friend, Mr. Whitcomb, who lived in Massachusetts. His son, however, lived in Seattle. Mr. Whitcomb went to the Shoreham Hotel and engaged two rooms for himself, his son, and his son's wife. Those rooms would ordinarily be about $10 a day, I presume. They charged him $100 a day and he was compelled to take them for eight days. He had the money and he paid it.

Another friend, George W. Stetson, who lived in Seattle, wired me to secure rooms for him. I went to various hotels and finally to the Gordon, and there I succeeded in securing a room known as an alcove room for Mr. Stetson and his wife. Those rooms would ordinarily be about $6 a day. I was compelled to pay $25 a day and take the rooms for seven days. It so happened that we had other visitors during that inauguration, and we hired a carriage to take two of them to the inaugural ball. The carriage was stopped something like a square and a half from the building. The police would not permit the man to get any closer. The people were compelled to get out and walk to the building. Then the police served notice on the driver of the carriage not to come back after his passengers, stating that if he did he would be arrested, because, as I understood, this driver did not belong to some organization of some character where a portion of the fees received by him were to be divided with others. Those are some of my experiences four years ago. [Applause.]

Mr. MANN. Mr. Speaker, there never has been a convention or gathering in any city of large numbers that some one or many people did not complain afterwards as to the cost. I remember very distinctly the wailing and gnashing of teeth over on the Democratic side of the aisle right after the Baltimore convention, when gentlemen were not only very hard up for money but were very well supplied with hot language concerning the charges at Baltimore. The same is true wherever a convention is held or wherever there is a large gathering.

Mr. JAMES. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. JAMES. The charges at Baltimore were nothing like as exorbitant as these charges. For instance, I had a room——

Mr. MANN. Oh, the gentleman from Kentucky at Baltimore was the chairman of the convention and one of the leading lights, and undoubtedly received very favorable rates made up at the expense of some other fellow who did not have his standing. That is the way that always is.

Mr. JAMES. In reply to that statement, of course that is not true so far as it applies to me, because I secured my room long before I was elected chairman of the convention.

Mr. MANN. But not before he was a leading light.

Mr. JAMES. Oh, there were other delegates from Kentucky, and all of them are leading lights I may say, who paid exactly the price I did and I had a room with bath for myself and wife at $16 a day. I had to take it for five days, but you can not get any such rate here.

Mr. MANN. I heard gentlemen say who came back from Baltimore that they did not get any such rates there, but they made vigorous complaints, whether they were justified or not I will not undertake to say. But here is a bill that proposes to say that the owners of hacks and taxicabs or other cabs can not charge a higher rate now than the usual rate, and yet only a few days ago we passed a bill in the House, which is now the law, which provided that the District Commissioners between the 28th day of February and the 10th day of March next should have the power and were directed to make all reasonable regulations necessary to secure such preservation of public property and protection of life and property and fix the fares of public conveyances, requiring them between those dates to fix the fares of public conveyances, and requiring them to advertise those rates. That has been done, and the law further contains this provision—

> Any person violating any of such regulations will be liable to both a fine and imprisonment.

We are put in this attitude by the House a few days ago passing a law requiring the District Commissioners to fix prices of fares between the 28th day of February and the 10th day of March and making a penalty of imprisonment against one who did not comply with those regulations, and to-day we propose to pass a bill requiring that anyone who does comply with those regulations shall be imprisoned. For God's sake, what will happen to the fellows? If they do, they go to jail; and if they do not, they go to jail; that is wise legislation.

Mr. O'SHAUNESSY. Mr. Speaker, I believe that some consideration should be given to the objection urged by the gentleman from Illinois if the purposes of those interested in this bill are to be attained.

Mr. DYER. Why does the gentleman make that statement, may I ask him?

Mr. O'SHAUNESSY. From my reading of section 2 I think a man who would be quartered upon a hotel or boarding house might after his litigating experience here find it very difficult to prove his case, inasmuch as he would be put to the trouble of proving that he was charged more than he was charged four years ago. That is the conclusion at which I arrive.

Mr. JOHNSON of Kentucky. I would suggest the burden is upon the other fellow.

Mr. O'SHAUNESSY. I would suggest that the words "in use in such places on such holidays or special occasions" be stricken out so as to make it read that the hotel keepers should observe the usual rates they charge anybody at any time and not upon special occasions or upon holidays.

Mr. RAKER. Will the gentleman yield there? Take the words in line 15, "on such holidays or special occasions," and insert them after the word "charges," in line 13, and then you would have the sentence read as follows:

> That, in the case of hotels or restaurants or other businesses which usually maintain in their places of business printed or written tariffs or schedules of prices, a schedule or tariff of charges on such holidays or special occasions greater than the prior usual rate in use in such places shall constitute prima facie evidence that such prices were increased.

Now, if you put it in that way, it makes it specific that if they put their rate higher on these holidays than the usual published rate you cover the question beyond doubt.

Mr. O'SHAUNESSY. That might effect the purpose. I am for anything to effect the purpose of the bill.

Mr. JOHNSON of Kentucky. I believe the amendment offered by the gentleman from California [Mr. RAKER] is a wise one and should be adopted.

The SPEAKER. There is already an amendment pending, offered by the committee, and the Clerk will report it.

The Clerk read as follows:

> Page 2, at the end of section 2, insert the following:
> "And every such increase or advance of price is hereby made a misdemeanor and shall be punishable as such in any court of competent jurisdiction."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the amendment of the gentleman from Pennsylvania [Mr. BURKE].

The Clerk read as follows:

> Add as a new paragraph at the end of line 19, on page 3, the following:
> "This act shall in no way affect contracts already made and now in existence."

The SPEAKER. The question is on agreeing to the amendment.

Mr. JOHNSON of Kentucky. Mr. Speaker, I hope the House will not adopt that amendment.

Mr. BURKE of Pennsylvania. Mr. Speaker, it seems to me that if this legislation, with all the unusual features that attach to it, is to be enacted at this late hour it ought in fairness to the people of this country who are coming here on the 4th of March to carry with it this proviso which I have offered. There is no expressed restriction that I can find in the Constitution upon us against impairing the obligation of a contract. The constitutional prohibition only applies to the States and imposes only upon them that restriction. It is possible, and I believe it has been decided by the Supreme Court, that the obligation rests upon us to observe in the District of Columbia the same provision that we have imposed upon the States in that regard. But here is the situation: There are people leaving California, people leaving the home of the gentleman from Washington [Mr. HUMPHREY], people leaving the Pacific coast to-day for the city of Washington, and there are thousands of these contracts in existence at this hour, every one of which would be revoked the moment this legislation became effective. And if that were to occur the contracts would be annulled, and the hardship would not be alone upon the hotel keepers of this city, but it would be on every man, woman, and child whose contract has been made in good faith and who is still willing to carry it out. Who is the aggrieved party? Assume that you, Mr. Speaker, have made one of these contracts and are willing to pay the amount provided under the terms of the contract; there is no grievance, and you wish to go to your home immediately after the inauguration of the next President of the United States; there will be imposed upon the District Commissioners the obligation of instituting criminal proceedings, following which would come the necessity of subpœnaing and, necessarily, of attaching you to

appear as a witness in a court of justice. I say, therefore, that it is a very serious problem for us to attempt to enact this legislation at this date, when people with these contracts are on their way to the Capital of the Nation and whose arrangements regarding their accommodations would probably as a consequence be thrown into a state of hopeless confusion.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

On line 15, page 2, strike out the words "on such holidays or special occasions" and insert the same words in line 13, after the word "charges."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, and was read a third time.

The SPEAKER. The question is on the passage of the resolution.

The question was taken.

The SPEAKER. The Chair is in doubt. Those in favor of passing the resolution will rise and stand until they are counted. [After counting.] One hundred and nineteen gentlemen have risen in the affirmative. Those opposed will rise. [After counting.] Sixty-five gentlemen have risen in the negative. On this vote the ayes are 119 and the noes are 65, and the joint resolution is passed.

The title was amended so as to read as follows: "Joint resolution to direct and empower the Commissioners of the District of Columbia to revoke licenses under certain conditions."

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

DISPOSITION OF INAUGURAL TICKETS.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] asks unanimous consent for five minutes in which to make a communication to the House in which all the Members are interested. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER of Missouri. Two minutes, I think, will be amply sufficient. I desire, Mr. Speaker, to make an announcement to the House with reference to the distribution of tickets to the inaugural platform in front of the Capitol.

The tickets are now ready for distribution. The distribution will begin to-morrow. The tickets will be distributed from the room of the Committee on Election of President, Vice President, and Representatives in Congress—my committee room—located in the southwest corner of the House Office Building, on the first floor, room No. 127, immediately opposite the Varnum Hotel.

The committee in charge of the distribution deems it proper to request that each Member call in person for his allotment of tickets. If for any reason the Member himself can not come, the committee requests that he send written directions to deliver the tickets to bearer. It is hardly necessary to say that the reason for this is to protect ourselves in the discharge of a somewhat delicate duty.

Mr. DYER. Will the gentleman state how many tickets?

Mr. RUCKER of Missouri. I will in a moment. Word has reached us that tickets have already been advertised in this city for sale. Of course, no tickets have thus far been delivered. The committee is determined that the full allotment of tickets due to each Member shall be delivered to such Member, and we shall be glad if each Member will take time to open the envelope containing the tickets before leaving my committee room and satisfy himself that his full allotment is there. I hope gentlemen will not interrupt me for a minute or two. After that I will be glad to answer any questions.

Heretofore Members of the House have received for this platform—the platform east of the Capitol—four tickets, and one additional ticket which admits the bearer to the gallery of the Senate. This year, through the persuasive influence and the fidelity of my associates, Mr. GARRETT, of Tennessee, and Mr. MCKINLEY, of Illinois, we succeeded in extorting from the Senate seven platform tickets for each Member and two tickets, in addition, to the Senate gallery. [Applause.] You gentlemen are indebted to Mr. GARRETT and Mr. MCKINLEY for this success.

Mr. MANN. And to you.

Mr. DYER. And to the chairman.

Mr. RUCKER of Missouri. I thank the gentleman from Illinois [Mr. MANN] and the gentleman from Missouri [Mr. DYER].

If I can claim your attention, gentlemen, a few moments longer, I desire to make this particular statement: Each Member of the Sixty-second Congress—this Congress—is entitled to seven platform tickets for seats on the platform in front of the Capitol, east of the Capitol, and one ticket to the gallery of the Senate. The ticket to the Senate gallery also admits the bearer to the reserved portion of the platform east of the Capitol. All Members of this Congress and gentlemen who are elected to the next Congress who are not Members of this are entitled to the privileges of the Senate floor and need no tickets for themselves. Hence each Member has eight tickets, which he can dispose of and give to whomsoever he pleases.

Heretofore gentlemen elected to a succeeding Congress who are not Members of the current Congress or, as we call them, new Members, have been allotted but one ticket to the platform. Through the persistence of my colleagues on the committee each new Member, each Member elect to the Sixty-third Congress who is not a Member of this Congress, will receive two tickets instead of one as heretofore. And in this connection I want to say that I speak seriously and solemnly when I say that I regret exceedingly that one of my colleagues to whom I have referred will not be my colleague in the next Congress. [Applause.] Members elect who are not Members of this Congress do not, however, get a ticket to the Senate gallery, and for the obvious reason that there was no space in the gallery to allot to them. The Senate treated the House with generosity and liberality in the division of space in the Senate gallery. We got practically one-half of the entire Senate gallery for the use of the House, and there was no space to allot in the Senate gallery to the gentlemen who will be Members of the next Congress but who are not Members of this Congress.

I trust no gentleman will take the least exception when I say and seek to impress upon your minds that we have given rigid instructions to those who will be in charge of the distribution of tickets to deliver them only to Members or to such messenger as comes to us with a written order from a Member, and even then the messenger must be known to one of the parties in charge. Those in charge will be Mr. MCKINLEY's secretary, Mr. GARRETT's secretary, and my secretary, and I assume that they know practically every present Member of the House. Let me invite gentlemen who have their successors or future colleagues here, new Members, if you can conveniently do so, to come with them, so there will be no embarrassment because of the fact that gentlemen in charge of the distribution of tickets may not be acquainted with them.

I again say the place of distribution will be at my office room, No. 127, at the southwest corner of the House Office Building, at any time after 9 o'clock to-morrow morning. Each Member will be expected to sign a receipt for his tickets when he gets them.

Mr. MANN. Will the gentleman yield for a question?

Mr. RUCKER of Missouri. I yield.

Mr. MANN. Do the tickets that are delivered to Members call for reserved seats, or reserved sections, or reservations in any way?

Mr. RUCKER of Missouri. I am glad the gentleman has called my attention to that. You will observe that this huge platform out here is built in three sections, a middle section, a section north of that, next to the Senate wing, which section is designated as section A, and another section south of the center and next to the House end of the Capitol, which is designated as section B. All tickets distributed by Members of the House will be to section B of the platform. That is the section of the platform next to the House end of the Capitol.

The section in the middle and immediately in front of the main east steps of the Capitol is the section reserved for those who have the privilege of the Senate floor, which includes all Members, Members-elect, governors, Cabinet officers, and so forth.

Mr. MANN. The Senate floor and the Senate gallery.

Mr. RUCKER of Missouri. All persons who are entitled to the privileges of the Senate floor, and also all those who have tickets to the Senate gallery. After the ceremonies in the Senate Chamber are completed, all persons admitted to the Senate and all admitted to the Senate gallery will march, if they please to do so, to this central reservation between sections A and B. As I have stated before, section A will be occupied by those holding tickets distributed by Senators, and section B will be occupied by those holding tickets distributed by Members.

Mr. BARNHART. Did I understand the gentleman aright when I understood that each Member would have eight tickets for distribution?

A MEMBER. Seven.

Mr. RUCKER of Missouri. The gentleman from Indiana [Mr. BARNHART] is right and the gentleman who interrupted him is also right to this extent——

Mr. BARNHART. Let me ask further, does the gentleman mean by that that the Members of the House who are admitted to the floor of the Senate will be admitted to the central platform without the use of tickets?

Mr. RUCKER of Missouri. I have tried to make that clear. The gentleman is correct. Everybody who is entitled to enter upon the Senate floor and everybody who has a ticket to the Senate gallery will be admitted to this central part of the platform without tickets.

Mr. MANN. In other words, if the gentleman will permit, after the Vice President is sworn in, those on the floor of the Senate, followed by those in the Senate gallery, can march to the place reserved for them, without tickets.

Mr. RUCKER of Missouri. I said without tickets, and I mean without tickets other than the one which admits to the Senate gallery.

Mr. MANN. And that ticket will have been taken up, so they will march out without tickets.

Mr. RUCKER of Missouri. I do not know whether the tickets will be taken up or not, but am informed by the Sergeant at Arms of the Senate that tickets to the Senate gallery will not be taken up when persons enter the gallery.

Mr. MANN. Yes; they will.

Mr. BARNHART. If they are taken up, then the occupants of the Senate galleries will march out without tickets to the central stand.

Mr. ROBERTS of Massachusetts. Do the seven tickets allotted to each Member of the House call for reserved seats in section B of the stand?

Mr. RUCKER of Missouri. They do not.

Mr. ROBERTS of Massachusetts. Then, it is first come first served in section B?

Mr. RUCKER of Missouri. It will be first come first served. Let me answer the question more fully. I believe there are now actually sitting 382 Members of the House, and with the 156 Members elect the tickets allotted will make an aggregate of approximately 3,000 tickets. Now, if we should undertake to number all the seats on the platform and give a particular ticket to a certain Member, necessarily there would be favoritism. Somebody would have a good seat and somebody else would have a bad seat as a result of the action of the committee. Hence, the committee thought it would be unwise to attempt such distribution, and concluded to give tickets to this section without attempting reservations. Necessarily those who come first will get better seats than those who come last.

Mr. AUSTIN. Let me ask the gentleman who will be admitted to the Capitol Building on that day?

The SPEAKER. The time of the gentleman has expired.

Mr. GARRETT. I ask unanimous consent that the gentleman from Missouri have two minutes more.

The SPEAKER. The gentleman from Tennessee asks that the gentleman from Missouri have two minutes more. Is there objection?

There was no objection.

Mr. RUCKER of Missouri. I desire only enough time to answer the question of the gentleman from Tennessee [Mr. AUSTIN]. My understanding is that, following the usual custom, nobody will be admitted to the Capitol on that day except those entitled to the privileges of the floor and Capitol employees.

Mr. AUSTIN. And those admitted to the gallery of the Senate. Can those who are admitted to the gallery of the Senate go through from the House end?

Mr. RUCKER of Missouri. They must enter at the Senate end; they can not go through this way at all.

Mr. CARY. Will the gentleman state what becomes of the tickets after they are taken at the gate?

Mr. RUCKER of Missouri. What gate?

Mr. CARY. As they go into the stand.

Mr. RUCKER of Missouri. My understanding is that the tickets are exhibited and taken up. We have the absolute assurance that every man that has one of these tickets printed under the authority of this committee will have a seat on that platform.

Mr. CARY. I would like to make the suggestion that it would be a good idea for persons holding tickets to keep the tickets and merely exhibit them as they walk in?

Mr. JAMES. The trouble about that would be that the tickets might be passed out again to others.

Mr. RUCKER of Missouri. That is a detail that the Senate committee has worked out. I am informed that tickets will be taken up as parties go upon the platform, but that anyone who desires to retire after once going upon the platform can call upon any gatekeeper—that is, any officer who takes up tickets at the entrance to the platform—and get back a ticket which will admit him again to the platform. I am also advised that at the conclusion of the ceremonies all persons when leaving the platform, upon request, will have a ticket returned to them, which can be kept as a souvenir of the occasion.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28812, the naval appropriation bill.

Mr. JOHNSON of Kentucky. Mr. Speaker, I hope that the House will not agree to that motion; this is perhaps the last day that the District Commitee will have.

The SPEAKER. The motion is not debatable. The gentleman from Tennessee moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were 133 ayes and 51 noes.

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of no quorum.

Mr. MANN. I ask that the Chair count.

The SPEAKER. That is what the Chair was about to do. [After counting.] Two hundred and twenty-three gentlemen present, a quorum.

Mr. JOHNSON of Kentucky. I demand the yeas and nays.

The question of ordering the yeas and nays was taken, and 33 Members arose in favor thereof.

The SPEAKER. Not a sufficient number, and the yeas and nays are refused. The motion of the gentleman from Tennessee is agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. ALEXANDER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will report the title.

The Clerk read as follows:

The bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes.

Mr. TRIBBLE was recognized.

Mr. GREGG of Texas. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GREGG of Texas. On Saturday I was recognized for one hour, and I yielded 20 minutes to the gentleman from Texas [Mr. DIES] and 30 minutes to the gentleman from Illinois [Mr. GRAHAM]. Mr. DIES used his time, but the House adjourned before Mr. GRAHAM used his, and he is still entitled to 30 minutes.

The CHAIRMAN. The Chair will recognize the gentleman from Georgia first, and then the gentleman from Illinois [Mr. GRAHAM].

Mr. MANN. Mr. Chairman, may I ask whether under the arrangement with the House, or with the Chair, two hours of general debate is to be divided between the two sides?

The CHAIRMAN. There is no arrangement whatever.

Mr. MANN. Then the arrangement is with the Chair.

The CHAIRMAN. The Chair has control of it, and the Chair will try to do that as well as he can.

Mr. HOBSON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HOBSON. Is two hours the limit for general debate?

The CHAIRMAN. It is, for general debate.

Mr. MURRAY. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURRAY. Does that include or leave out the 30 minutes to which the gentleman from Illinois [Mr. GRAHAM] is entitled?

The CHAIRMAN. It includes it.

Mr. TRIBBLE. Mr. Chairman, I desire to quote from the remarks of the gentleman from Illinois [Mr. FOSS], the former chairman of this committee under a Republican administration, on Saturday last, and I read this for the benefit of the Members on the Democratic side of the House. He was speaking of the naval policy which obtained in this country prior to the present Congress. In other words, the chairman of that committee gives

us his approval, from a Republican viewpoint, voicing the policy of the Republican side. On page 3687 of the RECORD of Saturday he makes this statement:

What is more, it continues the naval policy which obtained in this country prior to the time that the present Congress came into power.

This bill suits him. It carries more for expenses without a battleship than his last bill carried with two battleships. In 1911 the appropriation was $126,000,000. This bill appropriates $127,000,000 before reaching ship construction. Two battleships will run the bill up to $148,000,000. Speaking for myself, I do not want the approval of the gentleman. On the next page he shows his love for the Democratic policy of this committee. He chides us to our faces, and yet Members upon the Democratic side of the House sit in their seats and never raise their voices to cut down the expenses of this bill. What does he say? I quote his exact words. He says:

For years on that side of the House they have said to us that we have been extravagantly appropriating for the maintenance of the Government, and they have said to the people of the country: "Let us get into power, and we will cut down the appropriations, and we will give you an economical administration." They are finding out now that the appropriations are running higher and higher, until I am told they will be at least $100,000,000 more than they were two years ago, the high-water mark under Republican administration. And before we get through with this session of Congress they may reach $200,000,000 more. That is the reason why. You are beginning to see that you can not carry out your promises to the American people.

Just such statements will be the slogan of Republicanism before the country. Gentlemen, what will you say?

Mr. Chairman, I propose to stand here to-day and appeal to this side of the House to carry out their promises to the American people. If you will give me your attention, I will show that this bill contains anywhere from fifteen to twenty million dollars more for expenses than it should contain. I realize the fact that a man who deals with cold figures and facts and puts them in the face of his colleagues when they do not want to hear them gets no applause. I might stand here on the floor of this House as well as other gentlemen and pay beautiful tributes to Perry, Clarke, Dewey, and other naval officers and receive applause, but I am going to give you the cold facts. I am going to show you that the Republican side of this House has administered the affairs of the Navy with anywhere from ten to fifteen million dollars cheaper than the Democratic side of this House proposes to do it. I am going to show you some facts which, if you will pay attention to, will stagger you. "Oh," they say, "we are building battleships, and we are building larger battleships, and therefore it costs more money." We built one last year and propose to build two this year. Since 1896 the Republican administration built an average of two each year. The chairman of this committee knows, and every member of this committee knows, that contracts for battleships are let by tons displacements, and therefore the amount of construction that each carries is measured by the displacement. You may not understand that proposition unless you study these books, and I call on you to get a Yearbook and see if I do not tell the truth. The displacement tons in 1912 were 66,860.

Now, turn back to 1899 and you will find that the displacement tons were 105,084. In that year, in 1899, the program of the Republican side of this House was nearly twice what it was in 1912. I call the attention of the chairman to what I am saying. They appropriated then $48,000,000. If we should add on two battleships now, Mr. Chairman, in this program, as we propose this year, it will not go to 105,000 tons of displacement. The battleship that the gentleman talks about that is costing so much is not so much larger than others in this book. It has a displacement of 31,500 tons; considering the accessories that are carried in the bill carries it up to 68,000 displacement tons. If you add one more to that, which we are going to do this year, it would not come to 105,000 tons. It will run about $148,000,000 or $150,000,000 to build those two battleships and pay expenses.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. I will yield after a time. Mr. Chairman, I desire to call attention to 1908. That is only four years ago. I see that the gentleman from Illinois [Mr. Foss], the ex-chairman of the Naval Committee, is present in the Chamber. The chairman of this committee at the present time is also present, and they both know I am telling the truth. The displacement last year was 66,000 tons. Four years ago, under former administration, the displacement was 123,480 tons—twice as much as it is this year. That was in 1908, and that appropriation for that year was $122,000,000. My colleagues should consider these facts. It is contended that we have to provide for construction of ships. Where is the construction? This book tells the truth. These are facts. I will read the report from the Navy Yearbook, including three years, to wit:

1899 (55TH, 3D)—AUTHORIZED.

Name.	Type.	Displacement.	Speed.	Mean draft.
		Tons.	*Knots.*	*Ft. in.*
California	Armored cruiser	13,680	22.2	24 1
Chattanooga	Protected cruiser	3,200	16.65	15 9
Cleveland	do	3,200	16.45	15 9
Denver	do	3,200	16.75	15 9
Des Moines	do	3,200	16.65	15 9
Galveston	do	3,200	16.41	15 9
Georgia	First-class battleship	14,948	19.26	23 9
Nebraska	do	14,948	19.06	23 9
Pittsburgh	Armored cruiser	13,680	22.44	24 1
Tacoma	Protected cruiser	3,200	16.58	15 9
Virginia	First-class battleship	14,948	19.01	23 9
West Virginia	Armored cruiser	13,680	22.15	24 1
Total		105,084		

1908 (60TH, 1ST)—AUTHORIZED.

Burrows	Torpedo-boat destroyer	742	30.67	8 4
Cyclops	Collier	19,360	14.0	27 8
Drayton	Torpedo-boat destroyer	742	30.83	8 4
Florida	First-class battleship	21,825	20.75	28 6
Hector	Collier	11,230	12.87	24 8
Jupiter	Collier (amended 1910, 61–2)	19,360		
McCall	Torpedo-boat destroyer	742	30.66	8 4
Mars	Collier	11,230	12.65	24 8
Mayrant	Torpedo-boat destroyer	742	30.22	8 4
Paulding	do	742	30.80	8 4
Perkins	do	742	29.76	8 4
Roe	do	742	29.6	8 4
Sterett	do	742	30.37	8 4
Terry	do	742	30.24	8 4
Utah	First-class battleship	21,825	21.09	28 6
Vulcan	Collier	11,230	12.82	24 8
Warrington	Torpedo-boat destroyer	742	30.12	8 4
E-1 (formerly Skipjack)	Submarine torpedo boats. Limit of contract, $3,500,000. Appropriation made of $3,000,000 for these boats and for completion of submarine boats heretofore authorized.			
E-2 formerly Sturgeon)				
F-1 (formerly Carp)				
F-2 (formerly Barracuda).				
F-3 (formerly Pickerel)				
F-4 (formerly Skate)				
G-2 (formerly Tuna)				
G-4 (formerly Thrasher)				
Total of tonnage given.		123,480		

1912 (62D, 2D)—AUTHORIZED.

Pennsylvania	Battleship, first line	31,500	21.0	
Fleet Oiler No. 1	Fuel ship	14,500	14.0	
Fleet Oiler No. 2	do	14,500	14.0	
O'Brein	Destroyer	1,050	29.0	9 5
Nicholson	do	1,050	29.0	9 5
Winslow	do	1,050	29.0	9 5
McDougal	do	1,050	29.0	9 5
Cushing	do	1,050	29.0	9 5
Ericsson	do	1,050	29.0	9 5
No. 2	Destroyer tender			
No. 40	8 submarine torpedo boats. Limit of contract, $4,480,000. Appropriation made of $1,600,000.			
No. 41				
No. 42				
No. 43				
No. 44				
No. 45				
No. 46				
No. 47				
No. 2	Submarine tender			
Total of tonnage given.		66,800		

Mr. Chairman, they say, "Oh, we have a monster battleship to build this year." I carry you back to 1898. In that year we built six battleships. The total ton displacement for the six was 81,000 tons, while the battleship construction for 1912 was 31,000 tons displacement. It cost more per ton to build a battleship in 1898 than it does now. Gentlemen say it costs more now; I challenge that statement and say it cost more to build then, and the records will show it.

Mr. SHARP. Will the gentleman yield?

Mr. TRIBBLE. With pleasure.

Mr. SHARP. May I ask the gentleman as a member of the Committee on Naval Affairs what has come over the spirit of the majority of that committee that they now recommend two battleships where in the past they have been fighting for one?

Mr. TRIBBLE. Well, sir, I can not answer the gentleman's question. I will say to the gentleman frankly I have been misunderstood on this proposition. I have contended all the time, and I contend to-day, that the expenses of this bill, amounting to $128,000,000, should be cut down from $15,000,000 to $20,000,000, and it can be done in my opinion. I want to say

further as far as I am concerned I believe in the policy of battleship construction sufficient for our country's defense. I believe we ought to keep abreast with the times and keep our Navy up to date. In regard to the old battleships which we have now, commissioned 20 or 25 years ago, it is contended they are worthless for naval service. Thus I say dispose of them; put them in reserve for coast defense in case of war. On these old vessels there is a full complement of officers and men. Why burden the people with this expense if they are out of date? Put these old battleships in reserve, sell them or give them away, and build up-to-date battleships; and take the men from these old ships when men are needed to commission a new battleship instead of increasing an appropriation $2,000,000 for officers and men for new ships, as we have done in this bill. I am going to vote for one battleship.

Mr. HENSLEY. Now, it is the gentleman's opinion that items in this bill can be reduced over those mentioned in the minority report, as I understand the gentleman?

Mr. TRIBBLE. Yes; I certainly do.

Mr. HENSLEY. Now, I will ask the gentleman from Georgia if it is not a fact that for information for the committee we are dependent absolutely upon the Navy Department in that regard?

Mr. TRIBBLE. I will answer the gentleman by asking him if he has had any other information, and does not all information on this bill come directly from the heads of the Navy Department?

Mr. HENSLEY. That is the point to which I desire the gentleman to devote himself.

Mr. TRIBBLE. The only information furnished the committee comes from naval officers.

I will ask the gentleman if he had any part in making up this bill; was he a member of the subcommittee?

Mr. HENSLEY. I was not.

Mr. TRIBBLE. I was not on the subcommittee that made the bill and refuse to stand sponsor for it. The country knows where I stand as to this bill.

Mr. HOWARD. Will my colleague yield?

Mr. TRIBBLE. Let me answer this question and then I will yield to the gentleman. Now, Mr. Chairman, I want this House to know where I have stood in the committee in answer to the gentleman's question. My contention has been that the full committee should take up this bill from one end to the other, not a subcommittee, but the full committee, and go through it item by item and consider each item in the bill. Has that been done?

Mr. HENSLEY. It has not.

Mr. TRIBBLE. Well, the gentleman and I are together on that proposition.

Mr. PADGETT. May I interrupt the gentleman?

Mr. TRIBBLE. Yes.

Mr. PADGETT. I want to say that is just exactly what was done.

Mr. TRIBBLE. In what way?

Mr. PADGETT. After the subcommittee framed the second draft of the bill it was submitted to the full committee and opportunity given to consider every line and every word in the bill and to take it page by page until Members asked that we do not take the time to go through it that way, but that if anybody had objection to any one item, let him say so.

Mr. TRIBBLE. Yes, Mr. Chairman, the gentleman has gotten to the point. Opportunity was given to Members if they had objections to any item in that bill to offer them, and I made a motion then and there to go through this bill item by item and the gentleman voted against it. I can not see how he contends that such opportunity was given me when he, as chairman, voted against my motion. He knows I have stubbornly contended both years of my service to consider this bill item by item in full committee. There are several thousand items in the bill, each appropriating money. I voted against this bill in committee and shall vote against it in the House.

Mr. HOWARD. I would like to ask my colleague from Georgia whether or not he can give the committee any information as to where the great extravagances in the appropriations for the Navy Department have taken place, and if it is not a fact that the growth of extravagance in the naval program has been on the shore; that the United States Government is now spending about two or three times as much on her shore as any other country in the world?

Mr. TRIBBLE. Yes; that is true.

Mr. HOWARD. Right on that point, the gentleman from Missouri [Mr. HENSLEY] asked a question about the source of information. Is it not a fact all the information obtained by the Committee on Naval Affairs has been obtained from those in authority at the Navy Department, who directly benefit by extravagant appropriations?

Mr. TRIBBLE. Yes.

Mr. HOWARD. And is not their testimony warped and biased in their own interests?

Mr. TRIBBLE. Certainly.

Mr. CALDER. Will the gentleman yield?

Mr. TRIBBLE. I will answer the gentleman's question. I will answer it by an illustration. When that great leviathan of the ocean, the *Oregon*, steamed out of San Francisco Harbor, her great propelling arms moving her on the breast of the Pacific around the great South American Continent, well do we all remember how the hearts of the American people stood still. Ah, yes; when she moved into the Atlantic Ocean the school children throughout the country watched her movements with patriotic pride, and when she rushed to the scene of the strife and sent those Spanish vessels to the bottom of the sea the women of the country shouted with joy. Upon that great vessel was Admiral Clark and six associates. There were seven commissioned officers on that great vessel who carried her around the South American coast and destroyed the Spanish fleet. Now, the gentleman from Georgia [Mr. HOWARD] asked me where are the expenses? I use this illustration to give emphasis to my answer. There was the *Oregon*, destroying an enemy, with all the officers necessary. Look at the difference in this time of profound peace; the *Wyoming* has 50 officers aboard and a thousand men. All the battleships are loaded down with officers just as the *Wyoming*. Again, I will say to the gentleman from Georgia, at the Battle of Lake Erie, to which the gentleman from Pennsylvania [Mr. BATES] referred, there was Admiral Perry standing alone as commander without commission from the United States Government except the commission of patriotism, with men behind the guns, not 50 officers to superintend the guns.

Mr. SHERWOOD. And 22 years old.

Mr. TRIBBLE. And only 22 years of age, as the gentleman from Ohio, Gen. SHERWOOD, suggests. Who were his associates? The men behind the guns. Ah, the gentleman talks about the men behind the guns. The men are not behind the guns to-day. They are on the land drawing salaries, like Solomon in all his glory. They toil not; neither do they spin. How many of them go on the sea? There are 1,157 stationed on land, most of them doing nothing, but some of them, I concede, have employment and are essential to the efficiency of the Navy. There are over 1,000 of them on the retired list. Over 2,000 of our officers to-day are on land, and I believe the facts will disclose upward of 3,000 on land.

Mr. SIMS. How many on the sea?

Mr. TRIBBLE. I think I can answer that. There are about 1,200 on the sea, and they are calling for 3,000 more. What are they doing? Some gentlemen want to know what these officers are doing on the land. You have heard of "lame ducks," have you not? That term is usually applied to Congressmen. This is a new kind of "lame duck." This naval lame duck is supposed to go to sea, and necessarily he must have wings with which to fly; but these ducks have no wings, they do not go to sea. They are land ducks.

Mr. LOBECK. They can not swim, because they have no feet.

Mr. TRIBBLE. The gentleman suggests that they can not swim. Let me tell you what they can do, they can use the quills and write the bills by which Congress provides for their support. I have information of one officer being engaged two years on a bill for Congress. If I had time I could point out, item by item, gross extravagance contained therein. When we entered the Spanish-American War we appropriated that year only $30,000,000. You propose this year to appropriate $148,000,000. They say it is on account of the construction of vessels. In 1899 only $48,000,000 was appropriated, and in that year they were constructing six battleships. Ah, the gentlemen say, the battleships cost so much more now than they did then. Let us see about that. The *Oregon*, as the yearbook will show, cost $6,576,032.76. Recently constructed and put into commission was the *Michigan*, and she cost $6,795,332. The *South Carolina* was recently put into commission, and she cost $6,683,000. Last year we authorized one battleship. During the Republican administration they built navy yards for the purpose of constructing battleships. They appropriated the money to build those yards. We do not have to do that now. The other side of the House appropriated millions upon millions of dollars to build navy yards to construct battleships, and in the construction proposed we have the benefit of the yards, and it seems to me construction should cost less.

Mr. HOBSON. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. TRIBBLE. I will yield to my colleague.

Mr. HOBSON. The gentleman has remarked about the extravagance of the bill, carrying $127,000,000 before the new construction program begins. I wish to ask the gentleman if he agrees with his colleagues who signed the minority report in stating that that part of the bill had been reported and adopted after a most careful and painstaking and effective investigation?

Mr. TRIBBLE. Who made that careful and painstaking and effective investigation?

Mr. HOBSON. I suggest to the gentleman to read the minority report. Does the gentleman agree with the minority report or not?

Mr. TRIBBLE. The gentleman from Alabama knows I do not agree with the minority report. I am nearer to the gentleman from Alabama on one proposition than I am to the minority report, because the gentleman from Alabama admitted on the floor of this House that the expenses of the Navy can be cut down one-third, and the minority report says not.

Mr. HOBSON. I just wanted to have the gentleman put that statement in writing. I was sure he was of that opinion.

Mr. TRIBBLE. That is where I stand, and I say to you to-day, Mr. Chairman and gentlemen of this House, that the only way you can get relief is to reconstruct the naval policy from bottom to top.

Why, gentlemen, it is conceded here that you have got to have a sufficient number of men, and it is conceded that you have got to have a sufficient number of officers, but why so many officers and men? Consult the Navy Yearbook at the time when the *Oregon* sent the Spanish fleet to the bottom of the sea and see how many they had on land duty then—not exceeding 250. There are 45 and 50 officers on the battleships of the *Wyoming* class this day of profound peace, when there is not a ripple to disturb the peace and quietude of the American people, except a little skirmish going on down here in Mexico. We could send one company of Union soldiers, such as fought against the Confederates, or half a company of Confederate soldiers down there [laughter] and drive the whole push into the bottom of the ocean. [Applause.]

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. TRIBBLE. In one minute. Why, Mr. Chairman, they tell you you must have these officers. As I have said, there are 50 officers on the *Wyoming*. You can see for yourselves by looking in the Naval Register. There are 50 officers on one ship sailing around over the sea. They say they need 3,000 more officers. Why do we need them? We now have near 2,500 stationed on land and the ships crowded. I want to say to you that if our old vessels are of no benefit, take the crews that are on the old vessels and put them on the new vessels that are being constructed. Educate these boys down here at Annapolis, if need be, a sufficient number of them. After they receive their diplomas select a part of them for service and return part into private life after a service of three or four years, but without retired pay. There are hundreds of them in my district who would be glad to come to Annapolis and get an education, serve the country four or five years without any compensation, just for the benefit of the education, and then retire to private life, subject to call to war service if the country ever needed their services to go upon these battleships.

Before I go further on that line, gentlemen say you can not fight a battle without trained soldiers; that all officers and men must have training for war service; that you must have trained soldiers; that you must have trained seamen; that you must have a thousand of them on each of these vessels; that you can not fight a battle unless you have got them. I want to say to the gentleman from Arkansas [Mr. GOODWIN]—and he knows it to be a fact—that the finest soldier that ever drew a blade, except the Confederate soldier, was the Union soldier, and he was drafted into the service from the hills, mountains, valleys, and plains. The Confederate soldier held at bay all the armies that could be brought against him for four years. Where did he come from? He came from the hills of North Carolina; he came from the mountains of north Georgia; he came from the valleys of middle and south Georgia, from the mountains of Tennessee, from the mountains of Kentucky, from the river valleys of Alabama, and from the plains and valleys all over the South. Most of them had never seen a company of men until they were enlisted. The scarcely knew the battle cry. The gentleman from Alabama [Mr. HOBSON] knows that the men who stood on the firing line and who were the most effective were the men who never fired an Army musket until it was handed to them when they enlisted as privates.

Mr HOBSON. The gentleman will recognize the fact that in that war both sides were armies of raw recruits, so that neither side had an advantage in that respect.

Mr. GREGG of Texas. I think the gentleman from Georgia is entitled to have a quorum present, and I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum present. The Chair will count. Ninety-four Members present, not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, and the following Members failed to answer to their names:

Adair	Ellerbe	Kitchin	Reyburn
Ainey	Evans	Konig	Riordan
Ames	Fairchild	Korbly	Roberts, Mass.
Andrus	Ferris	Lafferty	Sabath
Ansberry	Focht	Langham	Scully
Anthony	Fordney	Lawrence	Slayden
Barchfeld	Fornes	Lewis	Smith, J. M. C.
Bartholdt	George	Lindsay	Speer
Beall, Tex.	Godwin, N. C.	Littlepage	Stack
Berger.	Goldfogle	Littleton	Stephens, Nebr.
Boehne	Gregg, Penn.	Longworth	Sterling
Bradley	Griest	McCall	Sweet
Brown	Gudger	McDermott	Switzer
Bulkley	Guernsey	McKinney	Talbott, Md.
Burnett	Hamilton, W. Va.	McMorran	Talcott, N. Y.
Butler	Harris	Mann	Taylor, Colo.
Carter	Harrison, N. Y.	Matthews	Taylor, Ohio.
Cline	Hart	Mays	Thistlewood
Conry	Helgesen	Moon, Pa.	Thomas
Copley	Henry, Conn.	Morgan, Okla.	Towner
Crago	Higgins	Mott	Townsend
Crumpacker	Hill	Needham	Vreeland
Danforth	Hinds	Nelson	Weeks
Davenport	Howell	Olmsted	Whitacre
Davidson	Howland	Parran	Wilder
Davis, W. Va.	Hughes, Ga.	Patton, Pa.	Wilson, Ill.
De Forrest	Hull	Peters	Wilson, N. Y.
Denver	Humphreys, Miss.	Porter	Wood, N. J.
Dickson, Miss.	Johnson, Ky.	Rainey	Young, Mich.
Dixon, Ind.	Johnson, S. C.	Ransdell La.	
Dupré	Kahn	Rauch	
Dwight	Kent	Redfield	

The committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the naval appropriation bill, and finding itself without a quorum, he had directed the roll to be called; that 253 Members had answered to their names, and he presented herewith a list of the absentees.

The SPEAKER. The gentleman from Missouri, Chairman of the Committee of the Whole House on the state of the Union, reports that that committee having under consideration the naval appropriation bill, and finding itself without a quorum, he had directed the roll to be called; that 253 Members answered to their names, and he returns a list of the absentees. A quorum is present, and the committee will resume its sitting.

Accordingly the committee resumed its sitting, with Mr. ALEXANDER in the chair.

Mr. PADGETT. Mr. Chairman, before the gentleman from Georgia proceeds I want to state that I have been notified that a quorum must be present, and I beg to give notice to the House and ask Members to attend during the general debate, otherwise the point of no quorum will be made.

The CHAIRMAN. The gentleman from Georgia has 25 minutes remaining.

Mr. TRIBBLE. Mr. Chairman, my remarks are in noways a criticism of my colleagues on the committee. My attack is on the system that has grown up in this country, just as it has in all Republics from the beginning of time until the present day. I am attacking the system. My colleagues on the committee are faithful, they are worthy, they are competent, and the chairman of the committee is competent and worthy of the high position he now occupies on the committee. While frequently I do not agree with the chairman, he has a right to his views, as I have to mine. The work on our committee has been harmonious.

In 1896, when we went into conflict with the Spanish Government, we appropriated under the first section of this bill $8,000,000 for the pay of officers and men. At the present time we appropriate $39,000,000. Think of the increase in these few years. Why, Mr. Chairman, we appropriate nearly as much to-day for officers, active and retired, as was appropriated in 1899 for the entire naval expenses, when they were building six battleships. How can gentlemen on the floor of the House answer such a proposition as that? Eight million dollars for the pay of officers and men in 1896, and to-day thirty-nine millions for the pay of officers and men. Where does it go to? I have been trying to show you to-day. Some gentlemen have come to me since I have been speaking and asked me to point out where we could cut down these enormous expenses. Turn to page 195 of the hearings. Ah, gentlemen, I call attention of this side of the House again to the fact that the Navy Department itself seems to think that the Democrats are easy marks.

The amount recommended for Pearl Harbor before we came in was $10,115,000. Gentlemen may be surprised to know that we have spent $10,000,000 over on that little island. The gentleman from Texas says he does not know where it is. Now, the Democrats have come in, and since they have come in the Navy Department has raised it and asked us to give them $1,816,000 more—nearly $2,000,000 more—and we Democrats have agreed to it and have appropriated over a million in this bill. I quote from the report.

The increases under various items are—

Dock lengthened to 1,000 feet, from $2,700,000 to $3,486,500	$786,500
Floating crane, 150 tons instead of 100 tons, from $250,000 to $335,000	85,000
Marine railway, not originally contemplated	100,000
Naval hospital, from $211,000 to $300,000	89,000
Coaling plant, from $300,000 to $960,000	660,000
Fuel oil and gasoline station, from $45,500 to $131,000	85,500
Quarters, Marine Corps, estimate increased by	10,000
Total	1,816,000

Mr. PADGETT. Will the gentleman yield?

Mr. TRIBBLE. I will yield to the gentleman.

Mr. PADGETT. The authorization was ten millions, as the gentleman states, but we have not appropriated it yet. The one million that the gentleman refers to is a part of that original ten millions.

Mr. TRIBBLE. Yes; and in this bill is $100,000 for water front, $30,000 for another proposition, $65,000 for another, $24,000 for officers' homes. We have spent $93,000 for homes for officers there. Does the gentleman think we ought to spend $24,000 more building houses for officers at Pearl Harbor? Think of it! One hundred and seventeen thousand dollars for houses of officers on an island so remote from our continent.

Also, I see $50,000 for torpedo slips, $100,000 for a marine railway on an island where—the gentleman from Texas says he does not know where it is. Here is $30,000 for railway equipment, $100,000 for a dry dock, and the previous administration has spent $3,000,000 for a dry dock already.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. Yes.

Mr. GARRETT. Is it true, as the gentleman from Tennessee [Mr. PADGETT] has just stated, that this million dollars is a part of the original authorization and not an addition to it?

Mr. TRIBBLE. I say it is an excess appropriation this administration is called on to provide for, and we are to continue this appropriation at Pearl Harbor and spend in total $12,631,500.

Mr. PADGETT. It is part of the original $10,000,000.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. Mr. Chairman, I will ask the gentleman not to interrupt me now. I turn to page 4 of the hearings, under "Pay, miscellaneous," and I desire to call the attention of my colleagues to the fact that the Democratic Party has increased the expenses for court-martials. The previous appropriation was $51,000 and our appropriation is $62,000. Then go on down to another item and see the cost of special construction. Our appropriation is $9,000 and the previous appropriation was $6,000. Go down to the next item—postage, telephones, telegrams, and cablegrams—previous administration, $71,000; our appropriation, $81,000. Then, under the head of "Necessary incidental expenses"—and God only knows what that means—we have increased the amount from $235,000 to $264,000. How does this look for Democratic economy? I call the attention of the gentleman from Tennessee [Mr. GARRETT], who has always been very kind to me—and I am satisfied he wants light on this question—to miscellaneous, $136,000, under the head of "Contingent," previous administration, and $201,000 for the same purpose this administration, an increase in that item of nearly $100,000. In another item just above, typewriters, the previous administration $46,000 and ours increased to $59,000. That kind of economy does not suit me.

Mr. GARRETT. Mr. Chairman, this was the particular matter concerning which I desired information from my friend. There seems to be an issue between the gentleman from Georgia and the gentleman from Tennessee [Mr. PADGETT], my colleague, upon the million-dollar appropriation. It seems there was an authorization of some ten million of dollars.

Mr. TRIBBLE. Yes. Now it is $12,631,500.

Mr. GARRETT. The gentleman from Tennessee, the chairman of the committee, stated that this million which is appropriated is a part of the ten million, not an addition to it.

Mr. TRIBBLE. No; I do not so understand it; it is an increase.

Mr. GARRETT. That is the question.

Mr. TRIBBLE. I contend that they have asked for an addition of nearly $2,000,000 more, and that a Democratic committee has given it to them, or has started to give it to them, and has appropriated part of it in this bill. Mr. Chairman, I want to call attention to two or three more items. On page 65 of the hearings, you see such items as "stationery," and in the previous administration you will find $135,000, while under the present administration $182,000. Do you gentlemen blame me as a member of this committee for coming in here and crying out and crying out loud against such gross extravagance? This bill carries nearly $150,000,000.

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. Yes.

Mr. GOODWIN of Arkansas. Mr. Chairman, much has been said about the policy of this Government, and the policy with reference to naval construction. The gentleman is a member of the Committee on Naval Affairs. I am not in accord with him, as being in favor of one battleship. I favor none, but when legislating it seems to me that we ought to legislate with reference to a certain policy. The gentleman is an authority on naval affairs.

Mr. TRIBBLE. Mr. Chairman, I hope the gentleman will not take my time.

Mr. GOODWIN of Arkansas. I suppose the gentleman has some knowledge as to the policies that prevail in European countries, as respects the different alliances, the triple alliance and the quasi alliance. I shall like to have him direct his remarks, if it be in accord with his views, as to how we should meet, if we meet at all, those two policies that prevail in Europe.

Mr. TRIBBLE. Mr. Chairman, I wish I had time to answer the gentleman's question, but I have not. I state on the floor of this House in my opinion we have enough officers, including the retired, to furnish a complement of officers not only for our battleships but for every battleship in the world, and they would be well manned. In fact, I believe they would be equipped as abundantly as was the Oregon with the brave Clarke and his 7 commissioned officers. He had with him, also, 7 cadets, 3 ensigns, 7 engineers, and 2 surgeons and paymasters. I am here to say in conclusion that I am in favor of a good Navy. I stand for a sea-going Navy and not a land craft of officers.

Mr. Chairman, I have as much pride in the accomplishments of our Navy as any man in this House, and I yield to no man in loyalty to the Navy. Where is there a man in this country whose heart did not throb with admiration and pride when Admiral Dewey pushed his gunboats into Manila Bay and thrust aside those great German war vessels which lay alongside, growling like dogs and roaring like lions, but which dared not touch the flag he bore? [Applause.] For that kind of a Navy I stand. Therefore I shall vote for one battleship of modern structure, ready for the conflict should it suddenly come. [Applause.]

The CHAIRMAN. Does the gentleman reserve the balance of his time?

Mr. TRIBBLE. I yield the balance of my time to the gentleman from Missouri [Mr. HENSLEY].

Mr. HENSLEY. Mr. Chairman, I desire to say here and now that, if it were not for the fact that I feel deeply interested in this subject, I would not consume the time of the committee by making a speech in the closing days of this session with the calendar crowded as it is. But if ever I felt justified in taking a stand and in making a fight for a proposition it is upon this bill coming from the Committee on Naval Affairs, which carries something near $150,000,000, $20,000,000 more than any bill has carried heretofore. I feel that if ever a minority or a body of men were clad in the armor of a righteous cause, we are in this fight. We therefore proceeded to present the minority report to this House, regretting that it was necessary to do so. If we had not entertained positive convictions as to our duty in the premises, first, with respect to the Nation and incidentally to our party, by keeping inviolate the pledges made to the people, we would not have pursued this course. We did not therefore desire to sacrifice principle nor disregard platform pledges for the insufficient plea made for party harmony which we might otherwise seek to promote.

I can not subscribe to a great many things said by my colleague upon the committee, Mr. TRIBBLE, and perhaps he does not subscribe to some of the things for which I stand; but I do wish to say in this connection that I, too, stand for an adequate Navy. I favor an adequate Navy, not only for the glory of the Navy, but for the glory of the American people as well. I favor an adequate Navy that will protect all the legitimate interests of this great country of ours either at home or abroad. I do not believe, Mr. Chairman, that the American people desire to go further than this. I must confess that our Navy is inadequate for a great many purposes. It is inadequate for the purpose of conquest, and I believe that I am speaking the sentiment of the great masses when I say that the time has not arrived—and I

trust it will never arrive—when we should trample beneath our feet the principles laid down by the fathers of our country by increasing the tax burden in order that we might build a magnificent Navy and establish a large standing Army for purposes of conquest. If I believed that we are to face about upon these questions, it would be so abhorrent to my convictions that I would be ready now to resign my seat in this House and return to my home rather than violate those principles which I conceive to be so essential to the perpetuity of this free constitutional Government of ours. I am ready to confess that our Navy is insufficient and inadequate to meet the combined fleets of the whole world. It is also inadequate to gratify the greed and avarice of those who annually make millions of dollars out of the construction, repairs, coal, powder, armor, and armament which is used in the construction and to maintain our Navy, and I am constrained to believe that for this purpose the Navy would be inadequate, even though we had a thousand battleships. We can not hope by legislation to gratify the wild-eyed extravagance of those who measure all political wisdom by the magnitude of the fund to be squandered. For the purpose for which the Navy was intended, that of defending our country against attack by any nation on earth, I am convinced it is amply sufficient; and for any other purpose we need no Navy at all. I can not believe to merely increase the number of battleships will make our Navy effective. Our Navy is now sadly in need of additional torpedo boats and other auxiliaries so as to make our present battleships effective. Sufficient provision has not been made in this bill, the largest ever reported to Congress, to so equip our present battleships. It occurs to me as bad business judgment to build two additional battleships before we have equipped our present ships with proper auxiliaries in order to make them effective. I favor and shall vote for one battleship rather than authorize more at this time, and I trust and believe we will have sufficient votes to reduce this bill to an authorization of one battleship. It has been my policy, and I shall at all times continue to ascertain, if possible, the necessity for these large items of expense, not only with respect to the Navy but affecting all departments of Government, before I shall support any of such bills. I shall in no case impair the efficiency of any department.

The officers and enlisted men in our Navy number 65,614, and the vessels of all kinds number 277—38 battleships, of which 33 are ready for service and 5 are in process of construction; 11 armored cruisers; 63 submarines, of which 47 are complete and 16 are in process of construction; 28 torpedo boats; and 54 destroyers, and numerous other auxiliary vessels. The 38 battleships are equipped with 148 12-inch guns, 32 13-inch guns, and 52 14-inch guns, and, in addition to all these, we have guns of smaller caliber too numerous to mention. Take, for instance, that nation concerning whose warlike movement some of our friends are so much disturbed, Japan, we have 148 12-inch guns and Japan 84, a difference of 64 in our favor. Our Navy has 32 13-inch guns and Japan 56, a difference of 24 in their favor. We have 52 14-inch guns and Japan 12, a difference of 40 in our favor. Our Navy has in large guns, from 12-inch to 14-inch, 232 and Japan 152, a difference in our favor of 80 guns; and yet, in the face of this showing, some of our people are so disturbed they can hardly sleep because of fear lest Japan shall with one fell swoop destroy our Navy and thus victimize ninety-some millions of American freemen. From this comparison such a conclusion is too ridiculous to entertain. But let us follow this comparison a little further. The navy of France has 118 12-inch guns and the American Navy 148, a difference in our favor of 30. France has 54 13-inch guns, a difference of 22 in their favor. The navy of France has no 14-inch guns, which leaves a difference of 52 in our favor. In all we have 232 large guns and France a total of 172—60 in our favor—yet we are urged to build more battleships because other nations will build them. Take, for instance, the navy of Germany, one of the greatest on the waters of the earth. Germany has 198 12-inch guns, a difference of 50 in their favor. We have 32 13-inch guns and Germany no 13-inch guns. Germany has 40 14-inch guns, which leaves a difference of 12 in our favor. Including all the large 12-inch to 14-inch guns, our Nation has 232 as against 238 for Germany, leaving 6 guns in their favor; but, mind you, the fact that we have 32 more 13-inch and 12 more 14-inch guns beyond doubt makes our Navy the superior. England exceeds us 152 in 12-inch guns and 162 in 13-inch guns, but she has no 14-inch guns and we have 52, yet when we consider that in the event of war she would be compelled to divide her navy into a great many fleets or leave her vast possessions in every part of the world unprotected, it seems to me a clear proposition that she could not send against us any fleet which our Navy would be unable to resist.

Furthermore, the fact that our Navy is now divided into two fleets, one of which is called the active fleet and the other the reserve fleet, to be used only in case the active fleet should be defeated, proves the impossibility of using to advantage more than that number in one engagement. It is therefore plain that the victory in a naval battle does not depend on the number of ships, but on other conditions, such as the character of powder, of the guns, of the shells, and of the patriotism, courage, and skill of the men behind the guns. If the powder in our guns were superior in force and in uniformity of character, the shells from our guns would be propelled with greater accuracy and more destructive force. If the powder in our guns should propel the shells with sufficient force to penetrate the armor of the enemy's ships, and the powder in their guns were lacking in the power to cause their shells to penetrate the armor of our ships, it is manifest we would destroy their fleet, however superior it might be in numbers. Then how can you insist that the efficiency and adequacy of the Navy depends not on the conditions mentioned, but upon the further increase in the number of battleships, when there has been nothing advanced to prove it? In fact, this question received little or no attention in the committee, and no one has undertaken to tell us why we need more battleships. I believe we should exercise the same calm judgment in these matters as we would concerning our own private interests, and this shall be my course.

Again, the superiority of the guns is a condition that would determine the result of a battle. The size and mechanism of the guns is far more important than their number. A 14-inch gun has a destructive force 50 per cent greater than a 12-inch gun, and on account of the flatness of the trajectory, the winds, and other causes, explained to the committee by the experts, shoots with an accuracy 30 per cent greater than the 12-inch guns. In explanation of the difference between these guns, Admiral Twining, Chief of the Bureau of Ordnance, makes the following statement (p. 72, hearings, 1912):

The CHAIRMAN. What is the result of your tests of 14-inch guns? Are they entirely satisfactory?

Admiral TWINING. Yes, sir.

The CHAIRMAN. What is the comparison between the 12-inch .50-caliber guns and the 14-inch .45-caliber guns? I believe those are the calibers.

Admiral TWINING. The 12-inch 50-caliber is the latest type of 12-inch gun.

The CHAIRMAN. What do you regard as the destructive force—the power of those two guns—speaking relatively, at 10,000 yards?

Admiral TWINING. I suppose the destructive force of the 14-inch gun is 50 per cent greater than the 12-inch at that range.

The CHAIRMAN. What is the relative percentage of accuracy of the two guns at that distance?

Admiral TWINING. The 14-inch gun is probably 30 per cent more accurate at extreme ranges.

Mr. FOSS. What do you base that on?

Admiral TWINING. The flatness of the trajectory and the fact that the 14-inch shell, having almost twice the weight of the 12-inch, will keep its steadiness of flight much longer and be affected much less by winds and other external conditions toward the end of the trajectory. Whereas the comparison would be in favor of the lighter shell with greater velocity over the first part of the trajectory, in the latter part the comparison is in favor of the heavy shell.

The CHAIRMAN. What is the difference as to the destructive effect?

Admiral TWINING. That is based on the greater probability of hitting and the greater effect of a hit. A shell weighing 1,400 pounds will have more effect when it hits than a shell weighing 870 pounds, and its bursting charge is 50 per cent greater.

Mr. FOSS. How far will a 14-inch gun throw a projectile?

Admiral TWINING. We used to have a thumb rule that a gun would fire a mile for every inch of caliber. In that case the 14-inch gun would fire 14 miles, and I think it would not fall far short of that. In nautical miles that would be 28,000 yards, and I should judge it would do at least that. However, that would involve an angle of elevation that we can't use on board ship on account of the strength of the ship itself.

This is a positive showing in our favor that can not be disputed; and further than that, it does not take much wisdom to understand that the thousand miles of water separating us from these warlike countries is worth hundreds of battleships dotting the ocean, for we are not embroiled in the quarrels and the many difficulties these countries are engaged in by pursuing the policy of the survival of the fittest in the acquisition and protection of their distant territory. But the proponents of a large and magnificent Navy do not base their contention upon this comparison, but, instead, declare we ought to build more ships, not because our Navy is inadequate, but because foreign governments will build more. Now, let us see about that. The truth is that foreign governments have been struggling to keep up with us instead of us endeavoring to keep up with them. Within the last 10 years we have spent $410,553,321 more on our Navy than has France, $452,666,115 more than Germany, and $1,019,890,156 more than Japan. It seems to me if there ever was a deadly parallel drawn this certainly constitutes one.

Yes, I have not a doubt with reference to the system employed by the beneficiaries of this building program, both in this country as well as in others. Their representatives keep up a systematic campaign through the press of the country for a large navy without stopping to consider the fact that to-day we are short over 3,000 officers necessary to man the battleships we already have. This is a remarkable condition of affairs when you consider that we have about 1,000 naval officers on the retired list whose pay, notwithstanding they are ren-

dering no service to the American people and most of whom never saw the smoke of battle, far exceeds the pay of the officers in the service. The rear admirals on the retired list are drawing over $1,000,000 annually, a beautiful system of rendering service to the American people, garbed in a dress suit and crowded around banquet tables, putting in the most of their time campaigning with Members of Congress to have the amount carried in the naval appropriation bills increased. It was stated on the floor of this House last year by the ranking member on the Committee on Naval Affairs, the gentleman from Texas [Mr. GREGG], that it would take over $300,000,000 to build the necessary torpedo boats and other auxiliaries to equip the battleships we already have as fighting units. We need the auxiliaries badly. Men who know say that to put a battleship in line of action without being protected with the necessary auxiliaries would be a criminal policy on the part of our Nation. But the armor-plate people and the big interests are urging more battleships, costing sixteen to twenty millions, instead of these needed boats which will cost less than $1,000,000 each.

Mr. Chairman, on Saturday I listened most attentively to the speech made by the gentleman from Illinois [Mr. Foss], and I must say that I was to some extent amused by his remarks. He is the ranking minority Member on the committee, having served as the chairman of the Committee on Naval Affairs for a number of years. The gentleman from Illinois seemed to take special pleasure in criticizing the majority of this House because it had treated this subject as a party question and, as he stated, had assumed the attitude of partisans in connection with the national defense of our country. I most heartily agree with Mr. Foss that we should not approach this subject from a partisan standpoint; that it should be placed upon a higher plane than party politics. It was indeed amusing to see how quickly he turned from this splendid position and delivered one of the most partisan speeches I ever heard delivered on the floor of this House, in the course of which he declared that his party was a friend to the Navy and that the Democratic Party had never been in favor of a Navy. In the hour consumed by the gentleman from Illinois he could not have used stronger argument, nor have resorted to more effective methods to reduce this subject to the lowest plane of partisanship.

On Saturday evening I took occasion to go to my office and review the records of Congress and consult some of the speeches heretofore made by my friend, Mr. Foss. I found that on numerous occasions he had made almost the identical speech that he delivered here on Saturday. In some three or four speeches, covering as many Congresses, he refers to the position taken by the distinguished gentleman, Mr. Bryan, of Nebraska, who when a Member of this House delivered a speech in which he declared that the Navy was adequate to meet all the needs of this great country of ours. Can you dispute that proposition? Was not the Navy adequate and sufficient at that time, or at any time before or since, for that matter, to meet all the needs of our country? If that proposition can be successfully disputed, then I have not read the history of my country aright. The gentleman gives his unqualified indorsement to this bill, saying that it was framed along the line that he had framed bills heretofore; that it conformed to the building program of the Navy; and then turned around and attempted to deal the majority on this floor a blow, because of the very fact that this bill carries several millions more than any naval bill heretofore reported from this committee. Then he takes the aggregate of the appropriation bills pending and undertakes to show that the Democratic Party is going to violate every pledge made to the American people in the last campaign. With what consistency can the gentleman stand upon the other side of this House and compliment and congratulate the chairman of this committee upon the framing of this bill, which is based absolutely upon estimates received from the department of Government, wholly Republican, and then in the next breath criticize this Congress for doing that which he indorses? I agree with the gentleman that the bill carries too much money, and I appeal to him to not be actuated by partisan reasons, but to rise above those considerations and join those of us who are endeavoring by every means within our power to reduce the amount of this bill. [Applause.]

Mr. Chairman, I desire to call attention to some figures submitted by the gentleman from Illinois:

In 1897 our appropriation was $33,003,234.19.
In 1909 our appropriation was $136,935,199.05.

We should deal with this question, it seems to me, as business men as well as patriots. It requires as much patriotism to guard carefully the rights of our people in connection with the expenditures of government as it does along any other line. Away back in the district which I have the honor to represent there are citizens, humble though they may be, who contribute their mite toward the expenditures of this Government, and what is true in my district is true with respect to every other district in the country. We should keep them in mind. We should be patriotic enough to guard their interests, the humble citizen as securely as we would guard the interests of the most powerful and most influential. I hope to see the day when the revenues necessary to meet these enormous appropriation bills are derived from the wealth of the country by means of an income tax, instead of being wrung from the people, as it is now, by a system of taxes placed upon their foods and their wearing apparel. When that day arrives, in my opinion, you will find an increased number of economists on the floor of this House.

Now, let us examine the table of figures submitted by the gentleman from Illinois, showing the expenditures of the Government to keep up this department, covering a period of 12 years. From 1897, 12 years following, the naval expenditures of this country increased 400 per cent. Now, if the expenses increased in that time 400 per cent, what assurance have we that the bill 12 years from now will not carry four times as much as it does now. Mr. Chairman, it is not always safe to look to a thing itself in order to ascertain whether or not it is fallacious, for very often it is necessary to measure the distance and determine where the thing leads to; and I say to the membership of this House, if you take the present bill, carrying nearly $150,000,000, and increase it 400 per cent within the next 12 years, we will be appropriating over one-half billion of dollars for this purpose. Therefore I appeal to you to consider carefully this subject before you take your stand. If we reach the enormous sum of more than a half billion dollars in 12 years, the end will not be in sight, for you appreciate the fact that there is one of the most formidable lobbies maintained here in connection with the Navy that ever existed anywhere. Shall we feed them and pamper them and let them fatten upon the tax money that has been wrung from the American people, until we become less able to meet these important duties and successfully resist this great pressure in the future than we are to-day? Take, for instance, the Navy League. The president of this association in 1912 was Gen. Horace Porter; treasurer, J. P. Morgan, jr., son of J. Pierpont Morgan; and Herbert L. Satterlee, son-in-law of J. Pierpont Morgan, counsel. The purpose of this league is to keep constantly before Members of Congress arguments in favor of increasing the Navy and building more battleships. I am informed that they pay for newspaper space throughout the whole country in an effort to influence and educate the people as to the necessity for a large navy. It is the rights of the masses that should engage the attention of this Congress and not those things advocated by J. Pierpont Morgan and his crowd, who are supporting the Navy League in their efforts to secure larger appropriations for this department of Government. It does not require a Solomon to understand why these people are busying themselves in an effort to increase the appropriation bills coming from the Committee on Naval Affairs. You consult the items in this bill and observe the millions going for armor plate and for other purposes. It seems that that should indicate to you just why they are so insistent in their efforts to secure these increases.

All this prating about patriotism, the glory of the flag, the glory of the country, the glory of a large navy and a large standing army, in connection with the assumption that those who are engaged in this movement have a corner upon patriotism and love for country, is enough to disgust anyone. I yield to no man when it comes to patriotism and love for country. I was taught to revere the flag as the emblem of purity, of truth, and of liberty. I do not believe, Mr. Chairman, that simply because these gentlemen favor one, two, or more battleships that this, in just that particular degree, indicates their patriotism. I repeat, I yield to no one in admiration for the flag and love for country, yet I refuse to commercialize patriotism for the enrichment of the armor-plate people at the expense of the great body of our people who produce the wealth of our country and who safeguard her liberties. I therefore protest against establishing as the standard this inaccurate and grossly insufficient basis. We must give more attention to improving the conditions among the poor of our country, so as to bring comfort and happiness to the homes of our people in order to give the greatest potency to our flag.

We want a government so wisely administered in its every connection that the humblest citizen of the land will love the flag of his country, so that when called upon he will kiss his loved ones good-by, shoulder his musket, and sacrifice his very life in defense of his country. I do not believe that the respect accorded our flag and our country by the other countries of the world is due entirely to the fact that we have so many battleships carrying so many engines of destruction, or because we have a standing army of so many thousand men, but rather, I believe, Mr. Chairman, it is because we have ninety some mil-

lions of American freemen who have been reared under our beneficent institutions, and in whose breasts beat a patriot's heart. That is the position I take, and I repeat that I am for an adequate navy, not a top-heavy navy, my friends, as the gentleman from Alabama [Mr. HOBSON] seems to favor, and it is amusing to observe that when he wanders out into the broad domain of conjecture and guess, when he comes to dealing with those questions of what may or may not happen in the dim distance of the future he can make the most powerful argument I ever heard in my life. He insists upon four battleships, and while delivering his masterful speech last Saturday upon this subject someone on the other side of this House asked him the question, How are you to man the battleships we already have, when it has been stated and not disputed that we lack over 3,000 officers for this purpose? He never did answer the question. He was thrown back upon his resources, and he took the position and made the argument, so familiar to us all, that just as soon as we adopted his plan of national defense all will be well and we can then reduce the expenditures of government. That is the position he took and he never at any time answered the question. So I say to you that we want a navy and we want an effective navy, but we do not want a navy too large to be properly manned and properly equipped for service in case service is required. It occurs to me that if you were ever on one of these battleships you would better understand why naval officers desire more battleships.

The captains in charge of those battleships are monarchs of all they survey. Hundreds of men stand ready to answer their beck and call, and the boat in its every connection is a great floating palace, equipped for ye gods, as palatial as one can conceive of. It seems perfectly natural that the officers would insist upon large battleships instead of small boats, and, mind you, we are dependent upon the officers of the Navy for every bit of information we obtain, as well as for recommendations upon which we predicate the naval bill.

Mr. HOBSON. Will the gentleman yield at this point for a question?

Mr. HENSLEY. Yes; if the gentleman will not make a long speech about his national-defense proposition.

Mr. HOBSON. I will say to the gentleman that we have more than enough officers and men to man all the battleships, and any additional battleships that may be provided in this bill or any bill hereafter.

Mr. HENSLEY. Yes; Mr. Chairman, I remember that question has been put to the gentleman heretofore, and he has said that we can man the battleships we have, if we take the men from the torpedo boats and those auxiliaries, but I am told that it would be almost criminal to put these battleships in action without the necessary auxiliaries. Yes; that is the answer the gentleman made to this question on a former occasion.

Mr. HOBSON. Taking all the necessary destroyers and auxiliaries of the fleet——

Mr. HENSLEY. Oh, be candid, and say that the only way out of the situation is to adopt your plan of national defense. That is the position you have taken on every occasion I have heard you argue the proposition.

In conclusion, Mr. Chairman, I desire to say that the $33,000,000 carried in this bill for battleships represents just about the annual value of the wheat crop of Missouri. The amount necessary to build two battleships would construct about 11,000 miles of road at $3,000 per mile. It would give about $270,000 to each of the 114 counties of that great Commonwealth. At $3,000 per mile would build something like 90 miles of road in each county. This is the amount we propose to pay out with virtually nothing returning, at a time when it is not necessary, whereas internal improvements of this character would be of permanent benefit to all our people, and with good roads throughout our country the mobilization of troops in case of war would be a very simple matter. The increase in wealth resulting to our people because of improved facilities in marketing their produce would immeasurably strengthen our Nation from every standpoint. So I beg of you to vote with us for the construction of one battleship at this time.

The CHAIRMAN. The gentleman from Illinois [Mr. GRAHAM] is recognized.

Mr. GRAHAM. Mr. Chairman, I got the scare of my life in this Chamber on Saturday last as I listened horror struck and spellbound to lurid and eloquent description by the gentleman from Alabama [Mr. HOBSON] of the awful condition to which we would be reduced if we failed to appropriate for six battleships. Invasions from the east and invasions from the west. Germany would overrun us from one side and Japan from the other. My mind involuntarily went back to the days of the Goths and the Visigoths and Huns and Vandals. I could see Genserics and Alarics and Attilas pouring over our land as they poured over the valleys of the Rhine and the Danube 1,500 years ago. And on the other side I recalled Sennacherib and his host of Assyrians "who came down like wolves on the fold."

The cold chills ran up and down my spine as I thought of a repetition of those times, and I began for the first time in my life to regret that the country out in Illinois was so flat and rich and fertile. Oh, for some mountains or even hills, or some ravines or gorges or canyons or caves to hide in; but there are none; and when these invading hosts march up and down the banks of the classic Sangamon our case will indeed be desperate.

The gentleman from Texas [Mr. DIES] followed the gentleman from Alabama [Mr. HOBSON], and brought me some relief. His remarks were like first aid to the wounded. I shall always feel grateful to him for his timely assistance.

If Germany has designs on us, which I do not believe, has she not some stumbling blocks in her way near home? Are her relations with her neighbors such as to encourage her to provoke a quarrel with us?

What about the mad rivalry between her and Great Britain? What about her neighbor to the west? With Great Britain naval supremacy is not a matter of sentiment or even of ambition; it is a matter of food for her people.

We were told about German invasions and about Japanese invasions, and I could hardly help wondering what the outcome of it all would be. I wonder if it occurred to the gentleman from Alabama, as it occurred to me, after I got my breath, that Germany had matters to look after at home, that she entered into a mighty career of rivalry in naval construction with Great Britain and others of her neighbors, and that before she could give much attention to us she would have to consider conditions nearer her own door.

Mr. HOBSON. Mr. Chairman, will the gentleman yield for a short question?

The CHAIRMAN. Does the gentleman yield?

Mr. GRAHAM. I could not very well, unless my friend will agree to have my time extended, because I shall have more to say than I shall be able to say in the time at my disposal.

With Great Britain the case is very different from that of any other nation. I was in that country about 10 years ago, and in the neighborhood of Trafalgar Square I saw a great arch spanning the street, decorated with a variety of vegetable and forest products of Canada, our neighbor to the north, and over the arch was written the legend, "Canada, the granary of England," and the thought occurred to me then, as it often had before, What would England do if some power intervened and prevented her and her granary from having mercantile correspondence?

With England the question of a great navy is a question of food for her people. She must maintain her preponderance on the ocean or else sink at once to the position of a second or a third rate power. But that condition has no application to us. We can live at home and feed our people at home. We do not have to go overseas for a granary.

The gentleman told us about the possibility of invasion from abroad. Well, that did not alarm me much after I thought about it for a while. I recalled that once the great Napoleon invaded Russia, and that he made most careful and detailed plans for that invasion, but he omitted one point. He took no thought as to how he was going to get his army back. And I would respectfully suggest to any nation which has thought of invading the United States that they do not make a similar mistake.

The gentleman from Pennsylvania [Mr. BATES], arguing for more battleships, says many of our older ships are obsolete because of changes and improvements in construction since they were built. He says the world moves and we should move with it. In this he is right, of course; but I think the world has been moving faster than he realizes, so fast that the ships and the armament he pleads for are getting to be out of date. The world is rapidly leaving them behind. Before those already contracted for can be built they will be in the class he refers to.

There are two factors in the problem of naval warfare which have not received the attention in this debate which their importance demands—first, the question of projectiles, and, second, the question of motive power or propulsion.

I contend that changes have taken place in the former and are rapidly taking place in the latter, which must be reckoned with, as both call for radical changes in ship construction.

In naval warfare, as in encounters of every kind, the two main things to be considered are attack and defense. Since the introduction of armored ships there has been a very spirited contest going on between the manufacturers of projectiles and of armor plate. First, they made armor which could not be pierced by shells, then they made guns and shells which could pierce it.

They kept on increasing armor strength and gun power until now some ships are protected above the water line by armor plate 16 inches thick and so hard that a diamond would scarcely scratch it. And yet guns are made powerful enough to send shells through it. But the mere sending of a shell through the side of a ship—that is, merely making a hole 10 or 12 or even 14 inches in diameter in the side of a battleship above the water line—amounts to little. The ship could float and fight with a dozen such holes in it. The mere perforation is not the main purpose. The shell is intended to go through and explode after it goes through, and if it fails to do this it is comparatively ineffective. In making the guns powerful enough to pierce modern armor they necessarily make them powerful enough to carry a great distance, to have great range, and hence as a result of heavy armor plate we have long-range guns and long-range battles.

And here another element enters into the problem, namely, the modern torpedo, the most deadly enemy of the fighting ship, because it strikes and explodes below the water line, where there is no armor protection and where the blow means certain destruction. As the practical range of the torpedo now extends to 10,000 yards, it follows that a ship whose guns are effective only at a shorter range than that is, when in actual battle, in constant danger of destruction by torpedoes. Hence, the necessity for armament and shells which will be effective at a greater range than 10,000 yards. Indeed, they should be effective at 14,000 or 15,000 yards. These conditions confront those interested in perfecting naval attack and defense.

There has been much discussion and much experimenting to determine the relative merits of the different theories as to projectiles. First, the old theory of using shells intended to pierce the ship's armor and explode after penetrating, known as armor-piercing shells. Second, the theory that the shells should explode at the moment of striking and before penetrating and should contain some powerful high-explosive material, such as gelatin or guncotton. This explosion would have a racking effect calculated to shatter or drive in or tear open the side of the ship struck and disable or sink it.

Some points of superiority in the latter are at once apparent even to the layman. Where the damage caused by a shell results from the force of the explosion rather than from the force of the impact, a spent ball, having force enough to explode the shell, would be as effective as any, and such shell would be as effective at long range as at short range.

This would not be true of the armor-piercing shell, which would be comparatively harmless at such a range. Reference has been made to the Battles of Manila Bay and Santiago, but neither of these shed any light on the subject, as they were both fought at short range and before the perfection of the torpedo.

If we retain the armor-piercing shell, we should probably retain the heavy armor, even though we have to pay $452 a ton for it; but if we have the high-explosive shells, armor half as thick would do just as well. It is, therefore, fair to conclude that if the high-explosive shell is practicable it is preferable.

But its practicability and its destructive power are no longer matter of speculation. The historian of the Battle of the Yellow Sea, who was an eyewitness of what he described, says of them: "It seemed as if they were mines, not shells." Of their destructive power, he says:

> Such havoc would never be caused by the mere impact of a shell, still less by splinters. It could only be caused by the force of the explosion. In one instance, at least, they tore the side out of the ship, making not a simple hole, but a gateway, so that the vessel immediately sank.

To illustrate the mere force of these shells Assistant Naval Constructor Dashiel stated before the Senate Naval Committee in 1899 that two 12-inch service shells penetrated the Spanish cruiser *Maria Teresa*, exploding after penetrating, therefore having the maximum effect. In spite of this and other injuries the ship was afterwards started home. It was Mr. Dashiel's opinion that a single high-explosive 12-inch shell would have carried off her entire stern, leaving nothing of the ship to float. He also stated that these shells were entirely safe to handle and use, and that in his opinion they had revolutionized the use of high explosives in warfare.

Mr. Charles O'Neil, Chief of Bureau of Ordnance, who was opposed to the use of high-explosive shells, paid tribute to their destructive power when he said that "the result of a premature explosion of a 500-pound high-explosive shell is too dreadful to contemplate."

The use of such shells by Japan in the war with Russia was a severe surprise to that great power, and contributed largely to bring about her humiliation and defeat.

How much better it would have been for her had she known their destructive power in time either to arm her navy with them or to avoid the Japanese navy, which was armed with them. Shall we also delay their adoption till we learn their destructive power, as Russia did?

It is quite improbable that Japan is the only nation which adopted them. The Army and Navy Journal in 1907 said editorially:

> The fact is unmistakable that high explosives must be reckoned with. At least three navies carry picric shells afloat to-day. If we had trouble with Japan, we would soon learn what shimose is, and it would not be long before we were turning it loose on our own account.

It is fair to presume that those nations which have adopted its use and are familiar with its effects are devoting their energy to finding some plan of construction that will at least diminish its destructive power, but as our Ordnance Bureau is opposed to the adoption of high explosives they are practically estopped from considering plans of construction designed to meet this method of attack.

The other matter affecting naval construction in which the world is moving faster than we are is the matter of motive power—the question of propulsion.

Those who give any attention to ship construction must have noted the growing importance of this problem. Many well-informed people think changes of a revolutionary character are taking place and that they will necessarily cause a revolution in the construction of fighting ships.

The change I refer to is due to the invention of the internal-combustion engine, or the Diesel engine, in which crude oil is consumed—not in furnace, but in the engine's cylinders, thus doing away altogether with boilers, coal bunkers, and smokestacks, and even reducing the space necessary for the machinery.

Dozens of ocean-going steamers are to-day equipped with and driven by this kind of motive power.

In 1911 the *Toiler* and the *Christian X*, ships driven by internal-combustion engines, crossed the Atlantic. Two tons of crude oil furnished propulsion power equal to 8 tons of coal. The *Holzaphel*, a British ship of the same type, also went into trans-Atlantic commerce in 1911. The *Sclandia* and the *Jutlandia*, Danish ships of the same type, made their appearance in 1912.

Many such ships are now in course of construction, and the German Government is now building engines of this type for one of their new battleships.

In the present type of fighting ship fully one-third of the space is required for boilers, coal, and other paraphernalia relating to propulsion, nearly all of which is eliminated in the new type.

Mr. PADGETT. Mr. Chairman, will the gentleman permit an interruption there?

Mr. GRAHAM. I would rather not. What is the nature of it?

Mr. PADGETT. I will say we have a provision in this bill for the development of internal-combustion engines.

Mr. GRAHAM. In the present type the smokestacks offer a fine target to the enemy, and if injured or destroyed greatly interfere with the handling of the ship.

Even though they escape they furnish a target for the enemy; and if coal is used the smoke interferes with their own aim, while it informs the enemy of their location.

In the new type all these drawbacks are avoided. In the present type of ships the space for ammunition is greatly restricted. They can not carry a sufficient supply for battle use for lack of space. In the new type, with boilers and coal bunkers eliminated, more ammunition can be carried, and yet the size of the ship and hence the exposure reduced, without in the least impairing its fighting power.

The enemy's shells could not blow up its boilers, it would have none; and its engines could be thoroughly protected. In the heat and strain of battle its stokers and coal handlers could not give out; it would have only pumps.

With the changes already effected in projectiles and the changes now being made in propulsion which are certain to be perfected before any ships we would now authorize could be constructed, I can not bring myself to vote money for battleships which would be obsolete before they were built, any more than I would have voted to build wooden battleships after the appearance of the *Merrimac* and the *Monitor*.

Mr. Chairman, my position in this matter differs somewhat from that of some gentlemen who oppose the building of any battleships at this time. I do not oppose them merely to keep the appropriation down.

The American people are neither picayunish nor parsimonious. They believe in getting what they need and paying for it. But they want the best.

It was not large appropriations that defeated the Republican Party last November; it was defeated because continued success had made it drunk and it forgot its responsibility to the people and turned them and their Government over to big interests for exploitation.

That party had abdicated in favor of the trust magnates and the tariff grafters, and had grown so rotten that it broke in pieces, making its defeat easy. [Applause.]

I do not look for a great reduction in public expenditures right away. We have grown accustomed for these many years to extravagant methods of national housekeeping, and we must get away from them gradually.

I am not opposing the building of battleships merely to save the money they would cost. I oppose them because I am satisfied they do not constitute an efficient Navy. I oppose them because I believe they are of far more value to the Steel Trust and the Armor Trust than they are to the Nation [applause], and those concerns are much more insistent on building dreadnoughts and superdreadnoughts, and putting on them all the armor they can carry at $450 a ton, than the American people are, and I believe that the talk about foreign entanglements and about more battleships is due to the activities of their publicity bureaus rather than to any real public feeling. [Applause.]

A short time ago I received through the mail a little pamphlet, giving 67 alleged reasons why the United States should maintain a strong Navy. This pamphlet purports to be gotten out by the Navy League of the United States, an organization having headquarters in the Southern Building in this city. Mr. J. P. Morgan, jr., is the treasurer, and Mr. Herbert Satterlee, Morgan's brother-in-law, is its legal adviser. As recent investigations have fully disclosed the relations of the Morgan family to the Steel Trust, and as the Steel Trust has a special interest in the building of battleships, there are some who will suspect that the purpose of the Navy League is not wholly and disinterestedly patriotic. The league attacks the patriotism of those who oppose the three-battleship program, but when the carrying out of such a program would result in great financial benefit to some of the officers of the league and to business concerns in which they are interested, does it not lay their motives and their patriotism open to suspicion? Page 3 of this pamphlet gives the legislative program of the league as follows:

To provide a council of national defense, which will decide the country's naval policy and standard.
To make the necessary appropriations to carry out a continuing and consistent program of naval construction.
To increase the efficiency of the "personnel" of the Navy by a reformed system of promotion for officers.
To make the Naval Militia subject to the call of the President in time of war.
To provide a naval reserve which will include honorably discharged men of the Navy, the Naval Militia, and men from the merchant marine.
To encourage a strong merchant marine, which can serve as an auxiliary to the Navy in time of war.

In this program there is no suggestion of change or improvement in the matériel of the Navy, only in the personnel, and the league reminds Congress that it must not overlook the necessity of encouragement for a strong merchant marine. Is this a hint that a subsidy would be acceptable to help Mr. Morgan's Shipping Trust?

Mr. SHERWOOD. How about the Powder Trust?

Mr. GRAHAM. To what extent has this Navy League or kindred influences been dominating our naval policy? We pay $452 a ton for armor plate, and I am informed by very good authority that the best armor plate can be furnished at less than $200 a ton, with handsome profit. The more battleships we build and the bigger we build them the better for the concerns that furnish the steel and armor plate at such enormous profit. Has the Navy League one eye on this fact?

I quote a paragraph from the official organ of the league for October, 1912, showing how they go about their work:

In the coming fight for three new battleships, the league proposes to endeavor to enlist the voluntary services of 500 of its members, as newspaper correspondents, to write to their local newspapers, expressing their sincere convictions of our need of a fleet second only to that of England. About 50 members following such a plan accomplished much during the past year; but there should be 500 members, in at least 40 States, who will furnish their local papers with naval articles and letters. This is a direct, economical, and effective method of awakening public opinion. It calls for sincerity and wisdom in execution, but is entirely feasible.

Regardless of all this, if I were convinced that such ships and such armor constituted a really efficient Navy, I would vote for the necessary appropriation.

I yield to no man on this floor in the desire for such a Navy, a Navy worthy the genius of the American people, worthy of our traditions, worthy of the brave men who constitute the personnel of that branch of the public service.

I want to draw the line with the greatest clearness between the personnel of the Navy and its matériel. For its personnel, for those who man and command our ships, I have the most profound admiration and not a word of criticism. What men dare attempt they dare; what can be done they can do. They are worthy successors of the men who sailed with Barry and Jones and Decatur and Stewart and McDonough and Farragut. Too much can not be said in their praise. I yield to no one in admiration for their intelligence and valor. But the days of closing up and lashing opposing ships together, of boarding and carrying on hand-to-hand conflicts on the decks, have long since passed. In naval warfare as carried on to-day mere bravery may win plaudits, but it can not win victories. If a ship loses its buoyancy, if it refuses to float, no amount of bravery on the part of its officers and crew can bring success. Neither intelligence, skill, nor bravery, nor all these combined, can bring us the victory if the enemy's ships are armed with projectiles which are effective at a longer range than ours, so that they can sink our ship before it gets close enough to be dangerous to them. As I tried to show on a former occasion, that is just the condition which I was convinced existed then and which I am convinced exists still. Hence it is the matériel of our Navy, not its personnel, which I criticize and which I believe to be woefully deficient.

Last August we voted $3,000,000 for the purchase of armor-piercing shells of the kind now in use in the Navy, and I understand contracts have been already let covering this appropriation. Except for practice purposes, this is virtually a waste of money. I aver the fact to be that at a range of 12,000 or 14,000 yards all the ships of our Navy might turn their batteries for hours on a well-constructed vessel provided with water-tight compartments, hit it again and again with our present service shells, riddle it, if you please, without destroying its buoyancy—that is, without sinking it—whereas at the same range, with a high-explosive shell, such as is now used in some foreign navies, one hit would put it out of business and would probably sink it.

Under such conditions, in a war with a nation having a modern, well-equipped navy using these shells, our men would go to certain destruction, just as the Russians did in the Battle of the Yellow Sea. My contention is that our boys shall have a fair chance in case of war; that they shall be armed and equipped at least as well as their opponents; that they shall not be compelled to rely on inefficient weapons; that they shall not be forced to fight an enemy whose ships are fast enough to enable him to choose the battle range and whose guns throw shells of deadly destructive power, while ours, at the range chosen by him, are harmless. I protest against our men having to fight under conditions which make victory practically impossible and which make defeat, if not destruction, almost certain.

There may be—nay, there are—those who say that even though the facts are as I claim they should not be discussed in public. But why, pray? Oh, they say these conditions should be kept under cover until we can effect a change; we should not expose our own weakness.

It scarcely needs saying that a nation can not play the part of the ostrich in a matter of that sort. Other nations know quite well about the matériel of our Navy—far better, I think, than Congress knows about it—so that there is no force in that position; and keeping silent about it does not seem thus far to have effected any change for the better. It is publicity, not secrecy, which brings about the necessary changes in such matters. And this is a most appropriate time to ascertain the true situation.

The time is almost here when the property of the Government is to be transferred from one set of agents or managers to another set of agents or managers, and surely good business methods would suggest the taking of an invoice. In the last 10 years we have spent about $500,000,000 for a Navy. What have we to show for it? What will the party now in power, under whose management this money was spent, turn over to its successor as the result of this expenditure? The invoice will include a certain number of battleships, among other things. Are these ships successful fighting machines or are they good only for dress-parade purposes as they pass on their way from the shipyard to the scrap heap? Should we be unfortunate enough to have a war with a great nation having a modern navy, are they equal to such an emergency, or are they mere false pretenses, in which to send brave men to premature death and to bring defeat and humiliation to the country?

In hearings before committees, in the press, and in other ways we frequently hear of our battleships becoming and even being obsolete; we hear charges of improper construction, we even hear of the ships being wrenched and racked by the

firing of their own guns. How much of this is true? What knowledge has Congress on the subject?

Congress does know that one of the concerns which is now an important part of the Steel Trust deliberately defrauded the Government by putting defective armor on its battleships, and then concealing the defects with putty and paint, and afterwards when caught paying back a large sum in a compromise settlement of the fraud.

But I am told: The Ordnance Bureau is in favor of the present armor-piercing shells, and during the past year has contracted for $3,000,000 worth of them, and that they also favor the present type of battleship, and this bureau is composed of experts, while you are not an expert; in fact, know very little about such things. Are you not willing to yield your judgment to theirs?

Why should the bureau favor these things if they were not the best, if they were in any way defective or unfit?

I can not answer this question, but I can produce evidence made by the Ordnance Bureau, showing that they have opposed a change and that they have looked with disfavor upon experiments intended to find out what the truth of the matter is. I will not attempt to construe their conduct. I will let the House do that. Nor shall I give all the evidence, but I will give enough to convince any impartial man, and I think that Congress should not be satisfied until every bit of available evidence is gathered and all the facts developed. As the business agent of the American people, Congress should know all the relevant facts before determining whether any battleships, and if any, what kind of battleships and what kind of armament the country should have. And in this connection I want to emphasize the fact that Congress can not implicitly rely on the statements of bureau heads concerning this matter; that they have not been frank; that they have withheld valuable information, which Congress should have had to enable it to act intelligently.

Let me present to you some evidence in support of the very serious charge that information has been deliberately withheld from Congress.

Experiments were made with high-explosive shells at the naval proving ground as early as February 4, 1897, and were continued at intervals throughout the spring and summer of that year and the next year. Many of these experiments gave remarkable results; in one made in May 19, 1898, a piece of armor plate 17 inches thick was broken in two and both portions moved from their original position by the explosion of a single shell containing about 500 pounds of guncotton. This event happened six years before the battle in which the Japanese destroyed the Russian Navy, and probably blazed the way for that victory. It was a fact that Congress had a right to know. A knowledge of it would have materially aided in appropriating and expending the public money for an efficient Navy. But it was six years and nine months after the experiment that the House learned of it, and learned then only in answer to a specific resolution describing the experiment in detail and calling for a report upon it. Let me give a brief history of the matter in chronological order; it will be easier to follow in that way.

Two years after this experiment was made, on May 7, 1900, the United States Senate passed a resolution calling for all experiments with the Gathmann torpedo shell. Please notice the Senate asked for all experiments. Two days later that body received a report in reply to the resolution, accompanied by a letter from the Secretary of the Navy, Hon. John D. Long, as follows:

NAVY DEPARTMENT,
Washington, D. C., May 9, 1900.

SIR: Replying to the resolution of the Senate dated the 7th instant, requesting that the Secretary of the Navy send to the Senate report of all experiments with the Gathmann torpedo shell and gun, I have the honor to inclose herewith copies of the reports of experiments therein called for.

Very respectfully, JOHN D. LONG, *Secretary.*

The PRESIDENT PRO TEMPORE,
United States Senate.

The report and the letter were printed as Senate Document No. 343, Fifty-sixth Congress, first session, and cover 52 pages of closely printed matter. A number of experiments are described in it, and the conclusion drawn from all of them by Mr. O'Neill, then Chief of the Bureau of Ordnance, is that none of them had been completely successful. He says, in the opinion of the bureau, "the results of the explosion of the Gathmann shell on the two occasions on which they were exploded against 10-inch armor plate do not indicate that any great effect would be produced by such shell bursting outside of a ship," and he adds that the destructive effect of large quantities of guncotton against structures is vastly less than has been commonly supposed.

The remarkable thing about this report is that there is not one word about the experiment of May 19, 1898, then about two years old, and, of course, quite familiar to the bureau chief. Indeed, one of the experiments mentioned in the report was made on June 30, only six weeks later than the one omitted. The one that was not successful was reported; the one that was successful was suppressed.

Why did this bureau thus ignore the United States Senate? Why did it suppress information of such value? When Congress appropriates money for the making of such experiments, what right has the bureau to withhold the results and suppress them?

This bureau deceived Congress first by remaining silent and then by making a false report. Congress went on building and arming battleships in the old way. It relied on the bureau; but the Government of Japan knew better, and made very practical use of that knowledge.

After this false and misleading report to the Senate the matter remained dormant for five years—that is, till 1905.

Probably the use of high-explosive shells by the Japanese revived the matter at that time. However that may be, the matter was reopened, and on February 10, 1905, Congressman, now Senator, WILLIAMS introduced a resolution in the House, as follows:

Resolved, That the Secretary of the Navy is respectfully directed to send to the House of Representatives such information as is in his possession relating to experiments with Gathmann guncotton shells upon plate armor and other resistants, whether at Indianhead or elsewhere, under the supervision or under the cognizance of the Navy Department or of naval officers detailed for purposes of inspection. The Secretary is especially requested to give the House of Representatives such information as he may possess concerning the alleged complete demolition of 17-inch turret plates by the detonation of 500-pound-guncotton projectiles, Gathmann system, at Indianhead, on May 14, 1898.

You see he particularly describes the time, place, and circumstances of the experiment. He puts the bureau's finger on it, he makes it so plain they can not dodge or evade, otherwise the House might have fared no better than the Senate. On February 18 Acting Secretary of the Navy Darling sent a communication to the House in response to the resolution which was printed as House Document No. 353, Fifty-eighth Congress, second session. It contains the description of the experiment in question. I quote it complete:

NAVAL PROVING GROUND,
Indianhead, Md., May 19, 1898.

SIR: Referring to the bureau's indorsement, No. 4483, I have the honor to report that the experiment of exploding 500 pounds of guncotton against an armor plate has been made. Mr. Gathmann, his son, and Mr. McMullen, of the Gathmann Projectile Co., were present. The plate used was a piece of the 13-inch B. L. R. turret ballistic plate, representing group 4 of the armor for the *Kentucky* and *Kearsarge*. The part used was the left half, shown on photograph No. 689 N. P. G. Its thickness varied from 16 to 17 inches. Its weight was about 45,000 pounds.

The plate was on the river bank, north of the valley, against a bluff, resting on timbers held in position by chains secured to the hill above. The earth was dug away from the immediate rear of the plate.

The guncotton was packed closely in a stout, cubical, oak box, 26 inches in the clear, made at the navy yard under the direction of Mr. Gathmann. There were five spaces in the interior of the box, four of light pine. The central one was about 6½ inches square; the four others, dispersed symmetrically about the central one, were 6 by 1½ inches. The central air space was about half filled with guncotton; the others were more nearly filled.

The wet guncotton used was 810 cakes of Du Pont's manufacture, sent here for the purpose. The weight of a cake was seven-tenths of a pound; total weight of wet guncotton, 560 pounds; estimated weight of dry guncotton in main charge, 496 pounds (11.4 per cent water). The dry guncotton primers were supplied by Mr. Gathmann and weighed 4 pounds. These were placed in four thin boxes, prepared for them at the rear of the main charge, and so let into the main box as to be closely surrounded by the wet guncotton. The four primers were on diagonals of the base about equidistant from the center and the corners. The four fulminate detonators were of the torpedo-station type, and each contained 35 grains of fulminate of mercury. These were connected in series and were fired by service gun batteries.

The box had no cover. This open side was so placed that contact was made between the wet guncotton surface and the armor plate. The box rested on timbers so as to retain its position at about the central portion of the plate.

Referring to photograph 689 N. P. G., what is then the left edge of the plate was for this experiment the bottom, making the line of fracture of the original plate now the top.

There were on the beach two ¾-inch plates secured in an upright position, remaining there from a former experiment. The armor plate was between the two, 19 feet distant from one and 24 feet distant from the other.

On making the electric connection there was a loud but not specially sharp report. There was, however, a distinct shock, but not more than comes from a very heavy gun, an immense cloud of very black smoke, and considerable débris from the gravel, dirt, and adjacent timbers.

The armor plate was broken into two approximately equal parts, each part falling flat on the ground, the fracture running vertically as the plate stood. The left portion was turned over as a door opens, making what was the rear of the plate now the upper part. The other piece was turned as on an axis normal to the surface through about 180°. This position of the parts is probably due in a large measure to a landslide of the earth right in the rear of the plate, which was started by recent rains and the work of getting the plate in position. It was all ready to fall and completely buried the plate and extended several

feet beyond the original position of the plate. Its force was sufficient to move the parts of the plate about.

The upright 2-inch plate, situated 19 feet away from the guncotton charge, was lifted and driven 48 feet, resting above the sea wall toward the old bombproof. The plate was much bent, and a piece 3 by 2 feet was torn from the nearest end. The plate and structure, 24 feet distant, was entirely uninjured.

Photographs in duplicate are forwarded herewith. No. 694 shows the plate and charge just before explosion, No. 695 the scene immediately after explosion, and No. 696, after the dirt had been moved, showing the fragments of the plate.

Very respectfully,

A. R. COUDEN,
Commander, United States Navy,
Inspector of Ordnance in Charge.

CHIEF OF BUREAU OF ORDNANCE.
Navy Department, Washington, D. C.

True copy.

E. S. BRANDT,
Chief Clerk Bureau of Ordnance, Navy Department.

The explosive used in the experiment was not fired from a gun at the armor plate; it was simply placed in contact with the armor plate and exploded by a battery. There was no impact, no force but the force of the explosion, and yet the 17-inch plate was broken in two pieces, and both pieces moved some distance from the position they had been fastened in. Had it been on a ship's side at the time, as Capt. Semenoff said of the Russian ship, it is not a hole but a regular gateway the explosion would have made, and the ship would inevitably have sunk at once, as the Russian ship did.

Surely this was a very important experiment. Congress undoubtedly should have known about it. If these shells can smash armor in that way, has not the day of very heavy armor come and gone? If a single shell breaks a 17-inch armor plate like a piece of plate glass, how can you resist its destructive force? Can you use thicker armor? Scarcely. And if you did it would not avail. Some other plan of construction must be devised. Thinner rather than thicker armor placed in a different way will better meet this form of attack.

But do you expect the Steel Trust or the Navy League to advocate smaller ships or thinner armor? Vain expectation.

Bear in mind this experiment was made in May, 1898, was buried in the bureau archives, was called for by the Senate in May, 1900, and withheld from that body, remaining quietly in its pigeonhole grave till called for with such particularity by the Williams resolution in 1905.

Doubtless the bureau heads went before the Naval Committee year after year and told that committee what they wanted, gave the members such information as they saw fit, and withheld what they did not care to give. And on such information as they chose to give the committee fixed the appropriations.

How do we know they are more frank or candid now than then? Are we acting on half knowledge now, as they were then? Are material facts kept back now, as they were then?

Only a short time ago in an experiment the *Puritan*, an armored ship, was sunk by a single high-explosive Isham shell. Have you ever seen a report of that experiment? I have not. It seems to me that since Congress has to vote the money for ships and for experiments Congress has a right to know about these things, and bureau chiefs have no right to suppress such information.

There is a way to find out about them, and in my judgment Congress will fail in its duty to the people if it does not at an early day go into this question with absolute thoroughness, and find out whether the Navy League and the steel and armor manufacturers and the projectile manufacturers or the Government is running the Navy. If we are building obsolete types of battleships, we ought to know it. If we are buying millions of dollars' worth of shells that are practically useless, we ought to know it. If we are putting 16 inches of armor on when 8 or 10 would do as well, we ought to know it. If we are paying $452 a ton for what we should get at less than $200, we ought to know it, and if any influence or purpose other than the public good has found lodgment in any bureau, we ought to know it and the country ought to know it.

Throughout the reports furnished by the bureau there is an apparent effort to belittle the results of those experiments, when they were not entirely suppressed. In his report of July 8, 1897, to the chief of the bureau, Mr. Couden, who made the report, emphasized the things which the explosion of the shell did not do, but he had no word of commendation for what it did do. There are, however, two short and rather significant statements to be found in it. One of these statements informs us that a plate tapering from 16¼ to 9½ inches in thickness was fastened with 24 armor bolts to half-inch skin plates and all backed by 12 inches of solid oak. The other statement, in a different part of the report, tells us that the plate was swung somewhat on one end by the explosion, going to the front and leaving the target structure about 2 feet.

Had it been the side of a ship instead of a target structure, and the plate was pulled out 2 feet from it, the ship would surely be in grave danger. It would seem as if these two facts should have been placed in close context and connection in the report. On the contrary, they are so widely separated as to prevent notice of their relationship in a casual reading.

It is hard to find words not too offensive to characterize the action of this bureau. It is needless to seek a motive for it, as no motive could justify it. The importance of the experiment, which was thus with great deliberation kept from Congress, is hard to overestimate. If our naval authorities did not appreciate it, the Japanese did, and by the use of similar explosives on May 28, 1905, they literally destroyed the Russian Navy, sinking 22 ships and capturing 14, only 2 out of 38 escaping, and this they accomplished without the loss of a single ship.

In concluding, I repeat that with seven ships in course of construction or contracted for, with a shortage of auxiliary ships to attend the battleships, with a shortage of men to put on them, with a shortage of equipment for them, with little prospect of need for them, with a very strong probability that before those authorized can be placed in commission the present plans of construction and armament will be revolutionized, it would be little short of folly to authorize additional battleships of the present type at this time. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM. Mr. Chairman, I dislike very much to trespass upon the time of the House, and yet I would like to proceed for 15 minutes longer.

The CHAIRMAN. The Chair will state that that request is not in order. The time has been definitely fixed by the House.

Mr. FOSS. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GILLETT].

[Mr. GILLETT addressed the committee. See Appendix.]

Mr. FOSS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, I believe in and am a strong advocate of a larger and greater Navy. Ever since the administration of Jefferson, who was the father of our Navy, it has met with brilliant and glorious victories in all contests in which the United States has been involved. The Navy fought and won the War of 1812, Tangiers War, and the Mexican War. The Navy decided the outcome of the Spanish-American War. The building up of our Navy after the War of 1812, during which struggle such heroes as Commodores Perry, Goldsborough, Rogers, and Decatur were in command of our ships, was the indirect cause of the building up of our commerce on the seas prior to the Civil War.

In his notes on Virginia, in referring to the Navy, Jefferson said:

> A land army would be useless for offense, and not the best nor safest instrument of defense. For either of the sea purposes the sea is the field on which we ought to meet the European enemy.

The naval tonnage of Great Britain, built and building, amounts to 2,478,152; that of Germany amounts to 1,124,257; while that of the United States amounts to but 898,345 tons. Mr. Chairman, I would be willing, and would not begrudge the expenditure of millions and millions to build up the Navy of the United States to the high standard of Great Britain. The total importation and exportation of the United Kingdom for 1910 amounted to over $6,000,000,000, while that of the United States amounted to a little over $4,000,000,000. This proves conclusively that trade follows the flag. The great merchant marine of Great Britain in total tonnage amounts to approximately 20,000,000. Our merchant marine is very small as compared to that of Great Britain, amounting to but 8,000,000 tons. In this connection allow me to quote from Jefferson in writing to James Monroe. He said:

> We ought to begin a naval power if we mean to carry on our own commerce.

Great Britain absolutely controls the seas, both in trade and merchant marine, as foregoing illustrations show.

One of the most beneficial effects was derived by the trade of the United States when former President Roosevelt ordered the White Fleet to sail around the world. From a commercial standpoint it was of more value to us than the value of the fleet itself, and I sincerely hope that we will continue our policy of building at least two battleships a year in order to maintain our place among the nations of the world and aid our commerce. [Applause.]

Mr. FOSS. I yield five minutes to the gentleman from New York [Mr. AYRES].

Mr. AYRES. Mr. Chairman, the principal objections urged against the two-battleship plan seem to be these: First, that a battleship wears out; that after 10 years it is useless; second, that we have not men enough or officers enough to man the battleships that we now have, so what is the use of building

any more? I take it that these are, in the main, the contentions of the gentlemen who are opposed to our continuing our policy of two battleships a year.

Gentlemen, the very last construction of a modern battleship is on this basis: A battleship has two installations of motive power. It has engines which will produce the speed suitable for cruising, and then it has turbines, which cost a great deal to run, which give the possibility of great speed when it is needed. In the ordinary use of a battleship at a cruising speed it costs comparatively little to run. You might say that it is in a period of repose. When it is needed it has great speed at its command and then it costs a great deal more.

Our Navy as a whole should be run precisely on the same basis. The Navy Department in a time of peace should be run on an inexpensive basis, and yet at the same time we ought to have enough battleships so that when we need them we can use them. The point I am getting at is just this: In times of peace we do not need all these officers and all the men in commission. It would cost too much. But the very principle that has been used in the Navy has produced 30,000 or 40,000 men who have been through the Navy, who are equipped and able at any time to come to the support of the Navy, and who are now scattered throughout the country. The Navy is not paying them, but in case of immediate need in time of war we have them. We could not in the next five years build more battleships than we could man with properly trained and equipped men, who are now scattered all over the country, who could be had at any time if the Navy Department needed them. And that is precisely the case with the officers. I am credibly informed that the department has the addresses of something like 2,000 officers who are now not in active commission, who are under 50 years of age, and who, if a war should break out, would immediately volunteer for service. Already the hint of trouble in Mexico has led scores of these officers to write that they are ready for active service. There is not the slightest doubt that if we continue to build two battleships a year we will have plenty of men and officers to man these ships in time of need.

Now, with regard to the other proposition that has been so ably urged by the one-battleship men. Just think what will happen to our Navy if we continue at the rate of only one battleship a year. In 10 years we will have just 10 modern, up-to-date battleships, while in 10 years, if England continues her present program, she will have 60 battleships, Germany will have 40, and Japan between 35 and 40. Now, we have more property to protect, more commerce to-day than any nation in the world except England, and in 10 years' time we shall have a population of 115,000,000 to protect and more commerce than any other country in the world. Therefore I can not understand the feeling of some gentlemen that two battleships are too many. To my mind the only reasonable and patriotic policy that we can adopt is to continue the construction of two battleships a year. [Applause.]

Mr. FOSS. Mr. Chairman, there is no one on this side who desires to occupy time, and I suggest to the gentleman from Tennessee that he use the remainder of his time.

Mr. PADGETT. Mr. Chairman, if no one else desires to address the House, I ask that the Clerk read.

The CHAIRMAN. The Clerk will read the bill under the five-minute rule.

The Clerk began the reading of the bill.

Mr. GREGG of Texas. Mr. Chairman, are the two hours exhausted?

The CHAIRMAN. All requests for time have been exhausted.

Mr. GREGG of Texas. I want to yield some time to the gentleman from Arkansas [Mr. GOODWIN].

The CHAIRMAN. The gentleman from Arkansas is recognized for 20 minutes.

Mr. GOODWIN of Arkansas. Mr. Chairman, I am not a member of the Committee on Naval Affairs, nor do I appear before the Committee of the Whole with a prepared speech, but I entertain certain fairly well-defined ideas, so far as my own mind is concerned, with reference to what should be the attitude of this Republic toward peace as well as toward war.

We hear much these days about what should be the policy of the United States with reference to naval construction. We hear that in caucuses, it is told in cafés, it is recited in street cars, and private conversation is pregnant with it, but I have yet to hear the first proponent of a big American Navy enunciate or define his idea as to the American policy of naval construction. A policy certainly means a program, something outlined, something definite to be performed and accomplished. I have asked many Members upon this floor their conception of what the policies of Europe are as between the two great alliances in European countries, the triple alliance, upon one side, embracing Germany, Austria-Hungary, and Italy, and what is known as the entente cordiale or the quasi alliance represented by England, France, and Russia.

Now, Mr. Chairman, England has a policy and Germany has one also, and the friends of a big navy in this country seemingly anticipate an attack from one of these countries. Therefore they say, in consideration of a naval program or a naval policy, we must expect to rival one or the other of these countries in the way of naval armaments. England, as I say, has a policy, and it is known as the two-standard policy. Her naval strength must be equal to the combined navies of her two foremost rivals—Germany and the United States. Or, failing in that, her policy is to have a navy equal to her foremost rival, plus 60 per cent, which, after all, is about the same as the combined strength of Germany and the United States.

Germany's program, on the other hand, is to have a naval strength equal to her foremost rival and her superior, England, for the reason that if she ever approaches England in her naval strength she thinks she can become the proud mistress of the seas and stand supreme on England's dismantled navy. Germany has a greater interior than England and comparatively little coast and is largely self-sustaining agriculturally and industrially, whereas Great Britain may be attacked upon all sides from the sea and from the four quarters of the earth and agriculturally is not a self-sustaining country. She deals largely in manufactures and in exportation of goods, but she can be starved to death within three weeks by blocking her ports as well as her sea roads through which come her importations of food supplies. That was evidenced during the dockers' strike in the summer of 1911 when the dockers refused to unload the meat and grain and provisions and foodstuffs unless they were paid a higher wage. That dock strike finally became a sympathetic strike to the extent that all the labor unions in London sympathized with that strike. Millions and millions of dollars' worth of foodstuff lay in the ships with no one to unload them. Neither would the dockers take ice to preserve or keep the meats alive, so to speak. Therefore England arose to the realization that when her laboring people were united for ulterior reasons the whole of England might be starved to death, or at least over seven millions in the city of London might be brought to physical want in less than three weeks.

Now, if Germany can approach in size and strength the naval fleet of Great Britain, she expects to stand supreme in the councils of nations. Therefore her policy is, I repeat, to have a naval strength equal to the British Navy.

I suppose it is well known by most Members of the House that England has revised her naval policy four times within the past 15 months. About that time she announced that she would have a program as follows: Three battleships last year, four this year, three next year, four the next year, and three the next year, a total of 17 battleships of the *Dreadnought* type within five years from the beginning of 1912. But upon the announcement of that fact what happened? Germany began to lay down more keels and to commence the construction of a greater number of battleships, and then the rivalry which had already become tense rapidly assumed an interesting phase. England, ever jealous to sustain her title of mistress of the seas, once more revised her naval program, and it was not three, four, three, four, three, but it was four, five, four, five, four; making 24 *Dreadnoughts* within five years instead of 17. With the shifting of this plan, Germany became intensely alert and amplified her existing policy by the construction of more powerful *Dreadnoughts* and followed by greater preparation. Following Germany's activity England again increased her policy to five ships per annum, or 25 ships for the next five years. But that was not sufficient, Mr. Chairman, so intense became the rivalry. The Moroccan incident contributed to the situation, and when Germany sought greater trade concessions in the northwest of Africa, France, England, and Russia all said "no," and then it was that England began to revise again her policy, not to increase the number of battleships per annum, but to extend the number of years, five battleships per annum until 1920, inclusive; and that is the present English program. What it may be to-morrow, six months hence, or five years from now, I am not a prophet and can not foretell. But speaking to the friends of a big American Navy, I ask if any man upon this floor will now rise in his place and say that he is in favor of this Government following in the tracks and footsteps of either Germany or England as to their respective naval policies?

Mr. HOBSON rose. [Laughter.]

Mr. HOBSON. Mr. Speaker, I would like to reply to the gentleman, if he will permit me.

Mr. GOODWIN of Arkansas. Yes; if it be brief.

Mr. HOBSON. That my investigations have shown me conclusively—and I tried to set them out in full on Saturday last—that we can not safely, in view of the Monroe doctrine particularly, and the completion of the Panama Canal, together with the development of Central and South America, allow Germany to have control of the sea in the Atlantic. We know not what the mainspring of the program may be; but whatever it may be, our program for the Atlantic alone can not safely fall below that of Germany.

Mr. GOODWIN of Arkansas. Mr. Chairman, I expected my good friend from Alabama to accept my challenge. I desire to pay him this compliment: He never sidesteps any proposition when it comes to announcing his attitude with respect to a big Navy, and with the gentleman the bigger it is the better. Only last Saturday he accused the gentleman from Mississippi, Judge WITHERSPOON, of having merely pinfeathers, but the judge, in my opinion, did some flying, and my friend, Capt. HOBSON, is always in a great flight when speaking of naval armaments. The gentleman from Alabama [Mr. HOBSON] has no pinfeathers, I can assure the country, but with eagle's wings, when the Navy is mentioned, he takes his flight from sea to sea, from continent to continent, and upon every hill and mountain top he plants a *Dreadnought*, while at the same moment subverting and overturning every saloon in the valley below. [Laughter and applause.] I will strike hands with him as to the evils of the grogshop; but the distinguished gentleman from Alabama occupies two positions that are as diametrically and antithetically opposed as are the poles. In his fight against rum he would preserve the virile young manhood of the country, only to have it all sacrificed in an avalanche to the greed and avarice of the god of war [Applause.] Mr. Chairman, I speak always in the highest terms of my good friend from Alabama. I have great respect and admiration for him, and he knows it. Occasions have been too frequent for him to question my loyalty and fondness for him, for, Mr. Chairman, when the stress of war came he was willing to sacrifice himself and did become a hostage to a foreign foe, and had his name and fame not gone down in the annals of time on account of that great heroism, in the sinking of the *Merrimac*, he certainly would have become famous thereafter when many hundreds of beautiful young ladies all over the country Hobsonized him, and by their osculatory caresses and the entrancing glances of those beautiful lasses secured for him imperishable fame and immortality among earthly saints. [Laughter and applause.]

Mr. HOBSON. Mr. Chairman, will the gentleman yield again?

Mr. GOODWIN of Arkansas. I yield to the gentleman.

Mr. HOBSON. My impulse is not primarily to ask him what he would have done under the same circumstances——

Mr. GOODWIN of Arkansas. Oh, I would have surrendered. [Laughter.] I would have surrendered as abjectly as did my friend from Alabama—for "why should the spirit of mortals be proud?" [Applause.]

Mr. HOBSON. Mr. Chairman, after paying my compliments to all the delightful qualities of my friend from Arkansas, I was about to remark that it is unfortunate to discover the particular line toward which his thoughts seem naturally to trend. [Laughter.]

Mr. GOODWIN of Arkansas. Mr. Chairman, my thoughts at this time trend toward the dove of peace and not to the tocsin of war. [Applause.] But when interrupted, Mr. Chairman, I was about to speak and had proceeded at some length upon the two naval policies of Germany and England. I happen to be a subscriber to some of those papers over there, and I desire to read to the committee what would be the respective strength in 1915 of the navies of those two countries. On the 16th day of last December, Mr. Hall, a member of Parliament, asked the first lord of the admiralty, Mr. Churchill, what would be the relative strength if the present shipbuilding programs of those two countries were adhered to. I quote from the figures of Mr. Churchill:

Taking the middle of 1915, the figures asked for are as follows: Germany 23, Italy 6, Austria-Hungary 7, a total of 36—

That is the triple alliance—

Great Britain 37, France 12, Russia 4, a total of 53 dreadnaughts.

That is the quasi alliance. Still quoting from Mr. Churchill:

I would state that in the figures for Great Britain, New Zealand is included, but not Australia, and no account is taken of Canadian and Malayan ships.

Mr. Chairman, if we expect England as a foe, we may expect likewise the combined navies of all of the members of the quasi alliance—England, France, and Russia. But that is not all. Not only will we have this great armada of fleets to fight, but likewise every single, solitary dominion across the seas that flies the English flag, for all these are to-day contributing to the British imperial navy. Every Member on this floor should know that Prime Minister Borden of Canada, with five members of his cabinet, made a visit to London last summer. There they met in secret conclave for five or six weeks, and he returned to his country and announced that it had been agreed that Canada should contribute $35,000,000 toward the construction of three powerful *Dreadnoughts*.

Not only that, Mr. Chairman, but South Africa, which less than a dozen years ago was in a life and death grapple with England to maintain her integrity and independence, is now as loyal to England as Pennsylvania or Arkansas or Minnesota to the United States of America. New Zealand has likewise contributed her quota of ships, and, therefore, when we fight England, we fight not only the quasi alliance, but all of England's over-sea dominions, embracing a population of 435,000,000 and covering a territory of over 13,000,000 English square miles.

And if, upon the other hand, Mr. Chairman, Germany should become our implacable foe, we should be compelled not only to fight Germany, but the other two members of the Triple Alliance, Austria-Hungary and Italy, an alliance, sir, comprising 2,514,000 square miles of territory, and comprising a population of 167,520,000.

And, again, should the quasi alliance become our foes, the great countries of England, France, Russia, and their dominions and colonies, embracing a territory of 26,364,000 square miles, as well as a population of 705,340,000, or nearly 50 per cent of the population of the inhabitable globe, would be arrayed in mortal conflict with us. What a stupendous conception this would be, that this country, of only 90,000,000 of people, should be compelled to arm and equip itself in military and naval armaments to combat such a foe. Those European countries are taxed almost beyond their capacity to bear the heavy burdens now imposed upon them in the way of martial armaments, and the party that advocates our entering this list of naval rivalries and marching in the vanguard of their strides will have poured out upon its unprotected and defenseless head the outraged wrath and the maledictions of the American people.

No, Mr. Chairman, I think there is not the remotest possibility of anticipating an armed conflict with any one of these great powers, either England and her allied friends or Germany and her sympathetic neighbors.

We, sir, are at peace with the world, and all mankind; nowhere is the American sword to-day drawn, nor do we stand in any fear or trepidation of any encroachment upon our shores by a foreign power. Not so, however, with the war-like nations of Europe. They are armed to the teeth, and for many years the rivalries have become so great that the war lords are prophesying an impending conflict.

Germany embraces a territory of only 208,000 square miles—not so large as the State of Texas, whose territory as I recall is 265,000 square miles. Germany has a rapidly increasing population and the most highly trained people educationally and in the arts and sciences of any nation in the wide world. She is seeking, and is annually extending her wonderful commerce into all parts of the world; but she is likewise seeking additional territory and colonies to be occupied by her overcrowded population. But she has no eye upon the conquest of this country nor any of our possessions. If the conflict comes between her and her great rival, England, it will be in quest of England's territory, either in India, South Africa, or Australia, and with her own compact country and with but few scattered colonies, combined with the greatest and most efficiently trained army on the face of the earth, she may yet hope, when her naval strength shall have attained to that degree of efficiency, that England's supremacy may no longer prevail. For, only last summer, England was forced to withdraw that segment of her fleet stationed in the Mediterranean for the protection of her sea roads, and through which nearly 50 per cent of her foodstuffs annually come, placing it to join the greater part of her remaining fleet near her own shores in the North Sea as a protection and defense of a possible German naval invasion; thus leaving the Mediterranean entirely occupied by Austria-Hungary and Italy, her inveterate foes; and this great land-locked middle sea, which is said to be but as a lake compared to the North Sea, and as a pond in comparison with the English Channel, is so vital to the strength of England that it has been called the "linch-pin" of the British Empire.

Thus we see, Mr. Chairman, the great rivalry between England and Germany, and the consequent unrest of those peoples across the sea. They do not look upon us with a jealous eye, and there is no ill feeling on their part toward the United States; yet, while the mad rivalry is in progress over there, we are much agitated, it seems, lest we become engulfed in the vortex of war. I dare say we have only to be content with ourselves and attend to our own business, and if the fight must

come between England and Germany, let us maintain an attitude of independence and absolute neutrality.

But, Mr. Chairman, an increased Army and an increased Navy will make us but little more secure from a European attack than we are to-day, and this, Mr. Chairman, is the crux of our argument against increased public expenditures to build up a great American Navy in competition with that concert of European powers. For the very moment that England would undertake to strike us, that moment her inveterate foe, Germany, would pounce upon her; or the very moment that Germany set sail against us, just so soon would England and her friendly neighbors join in the attack upon the Fatherland. This, coupled with our extreme isolation and with the outstanding European jealousies, renders us practically free from attack.

Our strength and our security lie, Mr. Chairman, not in military and naval armaments, but in the peaceful pursuits of our people, in keeping down the heavy burdens incident to militarism and by extending our markets and products of our fields and of our factories in every land in every clime, making rich and bountiful the largess of the American people and bringing smiles and laughter into every home, instead of tears and distress, always incident to war.

Therefore, I ask again, Mr. Chairman, if any Member of this House or any great political party is willing to enter upon a policy of a useless expenditure of public moneys taken from the taxpayers of this country, adding to the burdens of government, already too onerous, not only in the preparation for wars, but, should wars follow as a sequel of our unnecessary armaments, to add a hundredfold to all the misery, depletion of our wealth, to the death roll of multiplied thousands of the flower of our young manhood, not to mention the misery and the woe and the multiplied hundreds of millions of pensions, and divers and sundry expenses too numerous to mention? No, Mr. Chairman, a thousand times no! But let the American people proclaim the gospel of peace and not the hell of war, and instead of the money that would be unnecessarily expended in preparation for war, if it must be taken from the pockets of the people, where it belongs, let us bestow it in building up the great interior of our country, in the improvement of navigable rivers, the drainage of our swamp and overflowed lands, to make cheaper the transportation of the things we are compelled to buy and lessen the transportation charges on our cotton and our lumber and our grain that we have to sell.

Or let us expend a great part of it in the establishment of great industrial and vocational schools, in order that our young men and our young women may be taught to become greater creators of wealth, trained artisans and craftsmen in the race of life, that the door of hope may be opened to all and closed in the face of none. Or in a dozen ways, sir, we could expend the money, if collected, in an infinitely better way than squandering it as a sacrifice to the Moloch of war.

For, after all, Mr. Chairman, the sacrifice of life is made not by our millionaires, because they can hire substitutes to bear arms in their stead, but the great rank and file of the strong, virile young manhood, taken from what is generally called our common people, bear the brunt and the burden of the day. They are the ones who bite the earth in the death grapple on the field of battle; they are the ones whose lives are sacrificed upon their country's altar, not that they or their posterity shall be benefited thereby, but to atone for the folly of the war lords of the land or to gratify the avarice and greed of Mammon.

And as for me, Mr. Chairman, I repel as abhorrent the thought of the possibility of war or continued heavy appropriations of the people's money to prosecute great wars when none are likely to follow; and for these and many other reasons I might assign, Mr. Chairman, I am neither for three, nor for two, nor for one battleship, at least at this session of Congress. For, as a great world power, the United States can afford as an earnest to renounce battleships for a season, thus hastening the oncoming of that day when the glad tidings may be proclaimed round the world, "On earth peace, good will toward men."

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that all gentlemen who have spoken upon the bill may have five legislative days in which to extend their remarks.

The CHAIRMAN. The request is not in order in the committee; it can be made in the House.

Mr. PADGETT. I will renew it in the House.

The CHAIRMAN. The Clerk will now read the bill.

The Clerk read as follows:

PAY OF THE NAVY.

Pay and allowances prescribed by law of officers on sea duty and other duty; officers on waiting orders; officers on the retired list; clerks to paymasters at yards and stations, general storekeepers ashore and afloat, and receiving ships and other vessels; two clerks to general inspectors of the Pay Corps; one clerk to pay officer in charge of deserters' rolls; not exceeding 10 clerks to accounting officers at yards and stations; dental surgeon at Naval Academy; commutation of quarters for officers on shore not occupying public quarters, including boatswains, gunners, carpenters, sailmakers, machinists, pharmacists, and mates, naval constructors and assistant naval constructors; and also members of Nurse Corps (female); for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, or commutation of quarters not to exceed the amount which an officer would receive were he not serving with troops; pay of enlisted men on the retired list; extra pay to men reenlisting under honorable discharge; interest on deposits by men; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force and men detailed for duty with Naval Militia, and for the Fish Commission, 48,000 men; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement; and as many machinists as the President may from time to time deem necessary to appoint, not to exceed 20 in any one year; and 3,500 apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law; pay of the Nurse Corps; rent of quarters for members of the Nurse Corps; $39,264,662.

Mr. HENSLEY. Mr. Chairman——

Mr. FOSTER. Mr. Chairman, I make a point of order on the paragraph.

I observe in this bill a dental surgeon at the Naval Academy. Is that provided by law?

Mr. PADGETT. Yes; heretofore this has been paid under the appropriations for the Naval Academy.

Mr. FOSTER. And so it has just been transferred here?

Mr. PADGETT. And because of the passage of the law last year it has been transferred from the Naval Academy appropriation to this appropriation.

Mr. FOSTER. So it is not new?

Mr. PADGETT. No; it is just a transfer from one appropriation to another in pursuance of law.

Mr. FOSTER. I withdraw the point of order.

Mr. HENSLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding at the end of the paragraph the following:

"Hereafter the service of a midshipman at the United States Naval Academy or that of a cadet at the United States Military Academy who may hereafter be appointed to the United States Naval Academy or to the United States Military Academy shall not be counted in computing for any purpose the length of service of any officer in the Navy or in the Marine Corps.

"That so much of an act entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps,' approved March 3, 1899, which reads as follows: 'and that all officers, including warrant officers, who have been or may be appointed to the Navy from civil life shall, on the date of appointment, be credited for computing their pay with five years' service' shall not apply to any person entering the Navy from and after the passage of this act."

Mr. MANN. Mr. Chairman, may I ask the gentleman to explain just what his amendment accomplishes? I notice the first part apparently strikes out the services at the academies in reference to longevity pay.

Mr. HENSLEY. That is the first.

Mr. MANN. What does the second part do?

Mr. HENSLEY. It strikes out the services allowed to people who go there from civil life—the five-years' constructive service that is given them instanter upon their entrance; it does away with that.

Mr. MANN. Just explain what the constructive service means.

Mr. GARNER. May I ask the gentleman from Missouri a question which may give the gentleman from Illinois information? If I understand the amendment just read, it is the same as the amendment that was adopted on the military bill two years ago; am I correct?

Mr. HENSLEY. Last year; yes.

Mr. MANN. That did not become the law.

Mr. HENSLEY. It did become the law.

Mr. GARNER. It places the naval officers in the same status as the military officers with reference to the services at the academy.

Mr. MANN. But I understand this amendment covers both the Naval and Military Academy. The gentleman says it became the law last year, but I do not think it did. If it became the law last year, what is the object of repeating it?

Mr. PADGETT. If the gentleman will permit, in explaining the amendment, men enter from the Naval Academy and the Military Academy sometimes in the Marine Corps, and that covers that part.

Mr. MANN. I understand the first part of the amendment, but I do not understand the second part of the amendment. I take it the gentleman is willing to explain what his amendment accomplishes. Reading it hastily, it is very difficult to tell.

Mr. SISSON. I would like to have the amendment reported again.

Mr. MANN. Well, I have no objection to that, but I thought the gentleman ought to be willing to explain what the amendment accomplishes.

The amendment was again reported.

Mr. HENSLEY. Now, Mr. Chairman, the position I take is this: That when a boy is nominated by a Member of the House or by a Member of the Senate as a cadet to the Naval Academy at Annapolis, and he attends school there for four years at an expense, all told, of something like $19,000, this time should not be computed on the question of longevity. Under the present law, in connection with the naval establishment, the four years' time that the people of the country are paying for his training, equipping him for service to his country, is computed as service actually rendered to the country. The same law applied to the military department of the Government until last year, when Mr. HAY, chairman of the Committee on Military Affairs, while the military appropriation bill was under consideration, offered the amendment in the same connection I offer it with reference to the naval appropriation bill. That amendment became a law. I submit, Mr. Chairman and gentlemen of this committee, that when a boy who is fortunate enough to be designated to enter the Naval Academy, at an expense to this Government of something over $4,000 per year, during the four years' time while he is equipping himself is not service actually rendered and should not be so counted. The adoption of this amendment will effect an economy, as I am told, of $349,350 per annum, and will in no wise affect the administration of the Naval Academy, as this has been regarded as purely gratuitous. I venture to assert, Mr. Chairman, that there is not a farmer in my district who could educate his son at the enormous sum of $4,000 per year, and yet this is what they are forced to do for the boys who are fortunate enough to secure admission to the academy. Then, why should we not pass this amendment, which will mean a relief to the taxpayers? That is the position I take, and it occurs to me that if this practice should not apply to the military department, then it should not apply to the Navy Department.

Mr. COX. Will the gentleman yield for a question?

Mr. HENSLEY. I will.

Mr. COX. I think the amendment has a tremendous amount of merit in it. Is not this true now under the regulations of the Navy Department, that when a boy enters the naval school at Annapolis he is required to sign a written agreement that he will serve in the Navy for eight years?

Mr. HENSLEY. I think that is true.

Mr. COX. Now, is not this true—I am not clear whether this is so or not, but I believe it is—in getting credit for his eight years, he is entitled to the four years' term he served while in the naval school?

Mr. HENSLEY. On the question of longevity.

Mr. COX. Now, the gentleman's amendment proposes to cut him out of the Navy that four years when the country, in a general way, is paying for his education, and let him go ahead and sign up with the Government that he will serve for eight years after he is out of school.

Mr. HENSLEY. That is the point absolutely.

Mr. EDWARDS. Will the gentleman yield for a question?

Mr. HENSLEY. I will.

Mr. EDWARDS. I understood the gentleman to make the statement that it cost the Government $4,000 a year for each one of these cadets, or midshipmen, or whatever they may be called. How does the gentleman arrive at those figures? In other words, what makes up that cost?

Mr. HENSLEY. Well, it is every cost in connection with the schooling he receives there, just as an independent institution would have to figure the cost in connection with the schooling of a pupil.

Mr. SISSON. I think the statement made by the gentleman from Georgia [Mr. EDWARDS] is not exactly an accurate one, because the average cost per year of a student at the Naval Academy and the Military Academy is about $4,800.

Mr. EDWARDS. What I am trying to arrive at, if the gentleman from Mississippi can give me the information, is how these figures are made up?

Mr. SISSON. When the military bill was under consideration the chairman of that committee stated that he charged each student up with the cost of maintaining the academy, all of the professors, and their board, and their clothes, and all the necessary items of expense incidental to keeping up the institution, and so on.

Mr. PADGETT. And the interest on the $14,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. Mr. Chairman, the substance of this amendment is to exclude the four years' service at Annapolis in reckoning the service of an officer. Before I refer to the question of service, I want to point out that if you do this your officers later in their careers, who would be retiring for length of service, would be serving on at higher pay four years longer and in many cases retire at higher rank, adding to the expense of the Government and detracting from the efficiency of the service, practically nullifying existing laws looking toward efficiency and toward economy. But in addition to that, I want gentlemen here to understand what the service at Annapolis is. As has just been brought out, a young man signs his papers of entrance, and they are as binding, if insisted upon, as that which an apprentice boy signs. From the day that he signs that paper he is absolutely in the control of the Federal Government. They order him to the Naval Academy. They order him on cruises. They order him away from Annapolis. In war time they send him to the front. They did it in the Civil War and they did it in the Spanish-American War. I have known of them to lose their lives at the front while they were midshipmen. I have seen them lose their lives in practice cruises. A classmate of mine was ordered to go over the masthead when a gale was blowing. Even a seasoned seaman ought not to be ordered to go over the masthead when a gale is blowing. He ought to go down on the lee side.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HOBSON. I regret I can not yield.

Mr. CALLAWAY. Just for a question.

The CHAIRMAN. Does the gentleman yield?

Mr. HOBSON. I can not yield.

Mr. CALLAWAY. I just wanted to ask the gentleman a question.

Mr. HOBSON. I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. MANN. The gentleman from Texas does not want to leave this boy still up on the masthead? [Laughter.]

Mr. HOBSON. No. You do not want to leave him there. This young man was a nephew of Admiral Schley and a classmate of mine. A gale was blowing and a high sea was running, and he was seasick, lying on the deck along with other midshipmen, and, in connection with other midshipmen, was ordered to go over the masthead. That meant he was to go up one side and down the other side. As the young man went up on the weather side and passed over the crosstrees the ship lurched, and he fell and struck the fore-topsail yard and fell overboard and was drowned, and six seamen were also drowned in trying to rescue him.

I saw another midshipman in the class ahead of mine who was ordered up to the light yards, when a squall struck the ship, and he fell from the fore-royal yard and broke his back, and the next year they turned him out a cripple for life.

Mr. GARNER. Who perpetrated these murders?

Mr. HOBSON. It should be understood that these midshipmen at Annapolis are serving in the Navy. They are under the strictest orders there. The orders are stricter than the orders to men serving anywhere—officers or enlisted men.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HOBSON. I can not yield. They take the same chances and the same risks as all others in the Navy. Their service is as genuine a service at Annapolis as that of an apprentice boy. You might as well say that an apprentice boy at Newport or Norfolk should not be given credit for his apprenticeship as to say that a midshipman ought not to be given credit for his service at Annapolis.

Now I will yield to the gentleman from Missouri.

Mr. HENSLEY. Is his service in the Navy any more complete than that of a boy serving in the military establishment at West Point?

Mr. HOBSON. I am glad that the gentleman pointed that out. Apparently the gentleman has no more information on this subject than merely to follow the lead of some one else when it occurs to him, and when something seemingly bearing on this is pointed out with reference to the Military Academy he thinks it applies to the naval service also. At the Military Academy they do not order the boys out on cruises as they do at Annapolis.

The CHAIRMAN. The time of the gentleman has expired. The pro forma amendment will be considered withdrawn.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Texas [Mr. CALLAWAY] moves to strike out the last two words.

Mr. CALLAWAY. This is the question that occurs to me: I reckon it had not occurred to the gentleman from Alabama [Mr. HOBSON] when he was talking about the boy going over the cross yards and going into the sea. That was a man actually in the service. That was not one of the boys at Annapolis in school. He ought to have credit for his service from the time

he entered the service, it matters not where that is. But it is a foolish idea to suppose that a boy at the Naval Academy is rendering any service to this country. It is beyond my reach of imagination. It is beyond the wildest dream that ever kicked me at midnight [laughter], and I take it that it is beyond the wildest dream of any man, unless it be a man who is absolutely infatuated by his connection with this naval service. The boys at West Point, who, as the gentleman said, are costing this Government $4,800 a year and are under the protection of instructors, surrounded by every beneficial influence the Government can surround them with, in order to make their stay pleasant and their work profitable, not only to them, but in the years to come to the Government. They are in school, equipping themselves for their future work under the protection of the Government; are not exposed at all, are not doing any work except that kind of work that equips them for the discharge of their duties when their real service begins.

He says you can order them out. All right; if you can order them out, then from the time they go out they are in the service. He says they are in the service when they are ordered on cruises. They are no more in the service when they are ordered on cruises than a boy in one of the civil schools of this country is on service when he is ordered to classes. It is all foolishness to talk about a fellow out on a lark, cruising over the world at enormous expense to this Government, being in the service, when he is being dined and wined and costing us $4,800 a year. Ye gods and little fishes, what kind of service? Service simply in equipping his body and his mind in training him for what he has chosen in life as his profession. It is no more service than the work of one who goes to law school is serving his country when he is trying to equip himself for the regular pursuit of the law. It is no more service to this country than the man in the academic schools when he is trying to equip himself so that he may go out and meet whatever obstacles come to him in following his chosen profession.

Mr. HAMLIN. A great many of them resign as soon as they get through.

Mr. CALLAWAY. I am not talking about the question of resignation. It is an unheard-of foolishness to say that being fed, fondled, and fuddled in school is a service to this Government.

The gentleman's cases do not apply at all. His claim is foolish that a fellow is actually in service because you can call him out. When they are called out they are in the service, but until they are called out they are not in the service.

Mr. HOBSON. I know the gentleman desires to be accurate. Will he yield?

Mr. CALLAWAY. Yes.

Mr. HOBSON. Because the midshipmen at Annapolis were ordered to the Spanish War. There were some 175 of them. They were midshipmen, and yet they were serving with the fleet in front of Santiago; and likewise in the Civil War they went out and fought battles, and were many of them killed while they were still midshipmen.

Mr. CALLAWAY. If they were ordered out, they were in the service then.

Mr. HOBSON. They were still midshipmen. The gentleman is mistaken. I am actually correct.

Mr. CALLAWAY. If all the aches in the gentleman's stomach are due to those midshipmen who actually rendered service, he might offer a provision in this amendment making it service when they were actually called out, and their service reckoned from that time. Has the gentleman the nerve to claim that the midshipmen who had been in the academy for three years and nine months before they were called out, and then rendered three months' service, were entitled to longevity pay for the three years and nine months they were not in the service?

Mr. SISSON. Mr. Chairman, I want to state at the outset that I am in favor of the amendment offered by the gentleman from Missouri, because it is almost identical with the one which was put upon the Army bill; but I should like to ask the gentleman from Tennessee [Mr. PADGETT], the chairman of the committee, a question in reference to the lump-sum appropriation.

I think it is a very bad method of appropriating money. The very first clause in this bill provides for the officers at sea and on other duty, and officers on waiting orders, without in any way separating the items, so that the Secretary of the Navy could spend all of the $39,246,662 for one of these items. Why is it that in presenting these bills the appropriation for officers on sea duty is not specified, and the officers on other duty, stating what the duty is, each in a separate item.

Mr. PADGETT. This is the method that has been pursued for many years. The estimates show the item. For instance, there are 3,806 officers on the active list. The commutation of quarters for officers is so much, allowance for light and heat so much, and all submitted and shown in the estimate.

Mr. SISSON. I realize that; and that would be true in reference to all the appropriations; but that does not answer my objection, which is that the whole fund of $39,000,000 is put in an attitude where the Secretary of the Navy, in his discretion, might spend more for one of these branches than for another.

Mr. PADGETT. No; he has got to pay all of them out of the appropriation.

Mr. ROBERTS of Massachusetts. The compensation of all these officers, whether on the retired or the active list, is regulated by law, and they can not be paid more than the law allows out of the $39,000,000.

Mr. SISSON. I realize that.

Mr. ROBERTS of Massachusetts. The answer is very simple. The amount that each one of these officers shall receive is fixed by law.

Mr. SISSON. That is quite true, but when your bill comes on the floor of the House the membership can not tell how much you are spending for officers on the retired list or officers on the active list, or how much for anything. Your bill makes a lump-sum appropriation of $39,000,000. Every one of the departments has been endeavoring to get lump-sum appropriations, and I have no doubt the gentleman from Tennessee has been besieged by the Navy Department to give a lump sum.

Mr. PADGETT. Not this year.

Mr. ROBERTS of Massachusetts. If gentlemen will read the Book of Estimates, they will find out how these moneys are spent in detail.

Mr. SISSON. But the Members do not have the Book of Estimates.

Mr. ROBERTS of Massachusetts. They are accessible to every Member.

Mr. SISSON. The gentleman from Massachusetts states that they are accessible to every Member of Congress. We do not have printed enough copies for every Member of Congress.

Mr. ROBERTS of Massachusetts. You can get them out of the document room.

Mr. SISSON. You can not get them in the document room in time. The membership has other duties to perform than reading the Book of Estimates. The Committee on Appropriations has adopted the policy of carrying forward in bills as nearly as it can statements of how the money is appropriated, and other committees ought to do the same. Now, the gentleman from Tennessee says that the Secretary of the Navy has not asked this year for an appropriation of a lump sum. I will ask him if it is not true that the Secretary before this has asked the committee to give him a lump sum—submit the hearings and get a lump sum for the entire Navy?

Mr. PADGETT. The Secretary of the Navy has never made a request of that kind that I know of.

Mr. SLAYDEN. Mr. Chairman, I have just come in, but my information is that the amendment pending is one proposed by the gentleman from Missouri [Mr. HENSLEY], a member of the Committee on Naval Affairs, and is in substance like the one adopted a year ago on the Army appropriation bill, and which forbade the counting of service of cadets at the Military Academy in computing for longevity service, and therefore for pay.

That was put into the law last year when we had an Army appropriation bill here, and there is no reason why we should make fish of one academy and fowl of another. There is no reason why there should be a discrimination in the payment of these officers. In neither case is service as schoolboys service in the Army or in the Navy, and it has only been twisted into that meaning to increase the pay. They are at these academies for training for the Army and the Navy, not in those services.

I am disappointed in the position taken by the gentleman from Alabama [Mr. HOBSON], because I thought we could count on his hearty support for a measure of economy like this, but I suppose he desires to maintain a consistent record, for there is no other reason that I can see why he should be opposed to the amendment.

I will say to the gentleman from Mississippi that the Army appropriation bill does segregate the items for the retired pay of officers and men and officers and men on the active list.

Mr. SISSON. And on commutation of quarters you segregate that.

Mr. SLAYDEN. We try to segregate everything.

Mr. SISSON. All items of that kind in the Army bill are segregated, and you do not make a lump-sum appropriation of $39,000,000.

Mr. SLAYDEN. Since I have had the honor of serving on the Committee on Military Affairs the policy has been to have every item explained as simply and as clearly as language could

put it for consideration. Mr. Chairman, I can see no reason on earth why this service as schoolboys should be counted as service in the Navy. I call on the gentleman from Alabama and other members of that committee, in face of the stupendous appropriations we are making, in the face of what it appears may be a shameful record in the way of extravagance—I call on them to stand for the people once in a while, although it be in so small an economy as this.

Mr. PADGETT. Mr. Chairman, I move that all debate on this item close in five minutes.

Mr. HOBSON. Mr. Chairman, I would like a minute or two.

Mr. MANN. This item carries the largest appropriation of any item in any bill presented to the House except in the pension bill.

Mr. PADGETT. I will withdraw the motion.

Mr. HOBSON. I move to strike out the last two words for the purpose of trying to clear up a misapprehension. There are two phases of this question that bear intimately on a rational adjustment——

Mr. MADDEN. Will the gentleman yield?

Mr. HOBSON. Yes.

Mr. MADDEN. When a young man at the Military Academy graduates after a service of four years he gets a commission, does he not?

Mr HOBSON. Yes.

Mr. MADDEN. Does that apply to the Naval Academy?

Mr. HOBSON. It is just beginning to apply.

Mr. MADDEN. I understood that he had to serve, after graduation, two years at sea.

Mr. HOBSON. He used to, but the new system is now in force.

Mr. Chairman, a midshipman at Annapolis is serving under orders, as I pointed out a moment ago, just as much as is an apprentice at Newport, or at Norfolk, or at Chicago, only the midshipman has to serve twice as long. His service there, it is said, is in equipping himself. That is true, but it is just as much service as the service of an officer ordered to gunnery instruction at the Washington Navy Yard, just as much as an officer ordered for instruction at the War College at Newport, just as much as gunners or gunners' mates ordered to the school at Newport, just as much as the petty officers at the schools of instruction in the Army and Navy. This service is military service. He is amenable to the military orders and discipline. He is not a schoolboy. They need not give him one day at Annapolis if they do not desire. They can send him out the day after his entrance, and send him to the uttermost corners of the earth, and this is no hypothesis. They do it. These young men have lost their lives at the front under orders from their Government, not a few of them, but scores and scores of them have gone to the front in time of war.

Again let me remind Members here when these pleas for economy are bantered back and forth, that what we want is real economy. It is for the economy of the service that officers after a certain length of time should be retired. It is for economy because they do not get to higher grades before being retired. Under this amendment when they finally retire they would be at an average higher grade, whatever it is, all the balance of their lives.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. Yes.

Mr. CALLAWAY. The gentleman speaks of efficiency and economy of service, and that when they reach a certain age they should retire. Could they not make it shorter instead of adding this schoolboy term to it?

Mr. HOBSON. Mr. Chairman, I think if the gentleman would go through the statutes that have been established for the Army and Navy of America and the armies and navies throughout the world he might possibly find some way in which, in a revision of the laws, he might get something of the same result; but with the laws as they are, the effect of this amendment would be that all of the officers on the retired list under the length-of-service limitations would be retiring four years later. In some cases they would have gone to a grade higher, and their retired pay would be that much higher all the balance of their lives. Furthermore, the time for this retirement has been fixed by the experience of the navies and armies of the world, to provide that younger blood should come up to the higher grades. You would postpone all the way down the line the time of advancement and promotion. You would change the results of experience of all the armies and navies. Take the 30-year-service retirement law: The officer retiring under that law would not then retire until 34. This offhand experiment for economy goes against the experience of ages.

Mr. MANN. Mr. Chairman, I think it is a sufficient answer to the gentleman from Alabama [Mr. HOBSON], in reference to adding four years to the retirement period of service, to say that all naval officers are now retired at the age of 62, regardless of the length of service.

Mr. HOBSON. The gentleman knows that I was not referring to the age limit. I was referring to the length of service.

Mr. MANN. The gentleman was referring to a provision which proposes to retire naval officers before they ought to be retired, slipped into the law at some time without the cognizance of Congress. [Applause.]

Mr. HOBSON. Mr. Chairman, will the gentleman permit an interruption?

Mr. MANN. In just a moment, I will be glad to yield. Last year the Army appropriation bill carried this provision:

> That hereafter the service of a cadet who may hereafter be appointed to the United States Military Academy, or the Naval Academy, shall not be counted in computing for any purpose the length of service of any officer of the Army.

The amendment offered by the gentleman from Missouri [Mr. HENSLEY] in relation to the Navy is similar. It does not apply to any officer now in the Navy or to any cadet already appointed to the Naval Academy. What are the facts in reference to this? In 1838 Congress passed a law providing for what is called fogey pay, an increase of 10 per cent for each five years of service until the limit of 40 per cent increase was reached. And from 1838 until 1881 or 1882 longevity pay was based upon the date of the commission entering the service, not the date of entering the Military Academy. By a decision of the Supreme Court in the early eighties it was decided that the longevity pay should be based upon the entrance to the academy, and in the case of naval cadets or midshipmen, when they went out of the academy and received their commissions, at the end of six years, incidentally they received a 10 per cent increase in the pay provided by law. We have now pending hundreds of claims to have Congress allow longevity pay based upon entrance to the academies going back to 1838, and there is a concerted and determined effort on the part of estates of officers, many of whom died in 1840, 1850, and 1860, to have Congress now pay this old longevity pay, never based on morals, never based on the intention of Congress, never based on justice, but only upon the persistent demands of certain officers that their pay should be increased. The gentleman from Alabama [Mr. HOBSON] narrates some circumstances that do not reflect credit upon the Navy, and I take it that those circumstances arose during the two years at sea; perhaps not.

Mr. HOBSON. If the gentleman will permit, it was on my plebe cruise.

Mr. MANN. Then they ought to have court-martialed some of the naval officers [applause] if what the gentleman says is true, and extend the service at Annapolis more than four years until a naval officer learns something.

Mr. HOBSON. But what good would that have been for the midshipmen who had to obey? My question that I was going to ask the gentleman is, Would he voluntarily to-day, if he had the power, change the age retirement for length of service from 30 to 34 years?

Mr. MANN. I certainly would. [Applause.]

Mr. HOBSON. Well, he is the only man I know of who would.

Mr. MANN. I will say if there is any way of getting it before the House the House will determine to extend that period so quickly it will make the gentleman's head swim. [Applause.] With a shortage of officers in the Navy, a constant complaint that we have not officers enough to command in the Navy, they are turning officers out now under retirement and under the plucking-board provision who ought to be retained in the Navy, a most scandalous condition of affairs, in my judgment. [Applause.]

Mr. HOBSON. I would like for the gentleman to specify some of those scandalous proceedings.

Mr. COX. Mr. Chairman, I rise to give the amendment offered by the gentleman from Missouri [Mr. HENSLEY] my heartiest approval.

The CHAIRMAN. Debate is exhausted.

Mr. COX. I move to strike out the last four words. I think it is legislation that merits the support of every man in this House who has given this matter any consideration whatever and particularly, Mr. Chairman, I want to address myself to the cost of educating these midshipmen at Annapolis. On May 23, 1911, I received a letter from Mr. Winthrop, Acting Secretary of the Navy, in which he reports to me it is estimated that the average cost of graduating midshipmen is $11,000. I have heard some gentlemen on the floor in the last hour make the statement it costs something like $48,000——

A MEMBER. No; $4,800 a year.

Mr. TRIBBLE. The hearings before the committee disclose it costs about $18,000.

Mr. COX. There is quite a discrepancy in the letter written to me by the Acting Secretary of the Navy and the testimony disclosed before the committee at the present time. I further asked the Acting Secretary of the Navy for some more information, and he reported to me at this time that there were 400 graduates of the Naval Academy now on the retired list drawing only retired pay. At the same time he reported to me there were 29 graduates of the Naval Academy now on the retired list who were drawing full pay on account of being engaged in active duty. That disclosed to my satisfaction that the Navy is topheavy, has a tremendously large number of officers upon the retired list drawing enormous salaries, and doing no good on earth. Now, what does this amendment propose to do, and what has been the rule heretofore? These young gentlemen are sent to Annapolis, educated at great cost to the public in the hope that we would get 100 cents in return from these young gentlemen after graduation.

Mr. HOBSON. Will the gentleman yield for a question?

Mr. COX. In just a moment. They are required to sign a written agreement that they will serve their country eight years after they are graduated. As a part of the eight years, I understand, they get credit for four years. Now, why should we, the representatives of the people, be instrumental in reducing the length of service which they are required to serve the people, to wit, eight years, down to four years?

Mr. HOBSON. My question was in connection with the gentleman's statement of the large cost of the retired list. The effect of this amendment would very substantially increase the average cost of the retired list.

Mr. COX. Well, I would take serious issue with the gentleman upon that.

Mr. HOBSON. If it is four years later when they retire from active service they would be on an average of higher rank.

Mr. COX. In my opinion, Mr. Speaker, instead of bringing about an increase of expenditure, it would bring about an economy. Besides, I am tired of seeing the naval program become top-heavy, with men retiring at the age of 62 drawing enormous salaries.

Mr. Chairman, I ask unanimous consent to print in the RECORD as a part of my remarks the letter from which I have quoted, written to me by Mr. Winthrop in May, 1911.

The CHAIRMAN. Is there objection?

There was no objection.

Following is the letter referred to:

DEPARTMENT OF THE NAVY,
Washington, May 23, 1911.

Hon. W. C. COX,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In reply to your letter of the 15th instant, I have the honor to advise you as follows in reply to the questions submitted by you:

First. Candidates for midshipmen before being received into the academy are required to sign articles agreeing to serve in the Navy for eight years.

Second. This is not a statutory requirement, but a regulation of the Navy Department.

Third. It is estimated that the average cost of graduating a midshipman is $11,000.

Fourth. A. There are 400 graduates of the Naval Academy now on the retired list drawing only retired pay. B. There are 29 graduates of the Naval Academy now on the retired list, but drawing full pay on account of being engaged upon active duty.

Fifth. The following table gives the retired pay of each grade of graduates from the Naval Academy:

Rear admirals (senior nine)	$6,000.00
Rear admirals (junior nine)	4,500.00
Captains	3,750.00
Commanders [1]	$3,150.00 to 3,375.00
Lieutenant commanders [1]	2,475.00 to 3,000.00
Lieutenants [1]	2,160.00 to 2,520.00
Lieutenants (junior grade) [1]	1,800.00 to 1,950.00
Ensigns [1]	1,402.50 to 1,657.50

Faithfully, yours,

BEEKMAN WINTHROP,
Acting Secretary of the Navy.

Mr. SAUNDERS. Mr. Chairman, this debate has brought out the scandalous monstrosities and inequalities which have been written into, and becomes a part of our military and naval system. The appointments to Annapolis and West Point are eagerly sought at the hands of Members of Congress. From the time that the appointees enter these institutions, throughout their service, and after they retire, they are made a class apart. They are so specially favored, so highly regarded in all our legislation that relates to them, that when anyone in this body undertakes to deal with them on a rational, practical basis, or to treat them as other officials in the Government service are treated, he is regarded in some quarters as actually lacking in patriotism.

When an effort is made in this House to deal with the military establishment, whether it is the naval, or the Army branch, as a business proposition, it is spoken of in military circles, and by their admirers as an attack upon the one or the other department as the case may be. As I have said, it is really deemed to furnish sufficient evidence of a decided lack of patriotism on the part of the men who offend in this respect.

The gentleman from Alabama is so enthusiastic an admirer of everything naval that he actually argues that preparatory instruction in a naval or military school is service itself.

We send these young men to those schools to learn how to render service, and yet it some way, as the gentleman from Illinois [Mr. MANN] has pointed out, the result has been reached that, this preparation is made service, to be taken into consideration in connection with and as a basis for longevity pay. This is something to which these parties are not fairly entitled, and the practice should be discontinued, as it will be when this amendment is adopted.

It is the opposition to reform of this character, it is the antagonism which the thick and thin advocates of the military department manifest toward every measure of rational reform that is directed toward either the Army, or the Naval Establishment that will ultimately bring about a revulsion in the public attitude and be the occasion of far more drastic and far-reaching reductions than are in present contemplation.

Mr. HOBSON. Will the gentleman yield to a short question?

Mr. SAUNDERS. Yes; I will yield.

Mr. HOBSON. Does the gentleman think that the British Navy, that counts the service of their midshipmen; the French Navy, that counts the service of their midshipmen; the German Navy, that counts the service of their midshipmen; and all the navies in the world, that count the service of their midshipmen, forms one world-wide conspiracy and scandal?

Mr. SAUNDERS. I know nothing about the attitude in this regard of the Governments to which the gentleman has referred. I know however perfectly well that one year ago we took up this same matter in relation to the Military Academy and passed a law for that institution precisely like the one now sought to be imposed on the Naval Academy. Surely no one will undertake to say that the young men who go to Annapolis are more deserving than those we send to West Point. The amendment proposed for West Point was thoroughly debated in this body, and it was well understood at the time that it was intended to correct a rule that should never have been established. After full discussion the amendment was adopted by a large majority. That action furnishes ample precedent for a favorable vote on the pending proposition. We desire to establish a condition of equality between these two academies in this respect.

Mr. HOBSON. I am asking the gentleman if he is aware of the fact that the Naval Committee considered this and rejected it?

Mr. SAUNDERS. Perfectly well. But that fact does not incline this body to reject this amendment. [Applause.] If we follow the lead of the majority of the Naval Committee, we would be bound hand and foot, with respect to this bill. No reductions or reforms would be possible. [Applause.]

Mr. BUCHANAN. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. BUCHANAN. I want to say that it is my opinion that if it had not been for the fact that I was engaged in the Committee on Labor temporarily at the time this question was voted on the Committee on Naval Affairs would not have turned it down, because it was a tie vote, and I would have voted for it.

Mr. SAUNDERS. I am glad that the gentleman affords this information at this time. The gentleman from Alabama [Mr. HOBSON] says he is in favor of real economy. Of course, it follows that we gentlemen who are earnestly and sincerely seeking to apply to this bill in the interests of economy, an amendment which was adopted a year ago in connection with the Army bill, are opposed to real economy. Will the gentleman from Alabama [Mr. HOBSON] look to the pending bill, and point out therein one section, or one paragraph, with respect to which he thinks we can exercise some real economy?

Mr. HOBSON. I will a little later. I will offer an amendment, which I hope the gentleman will support.

Mr. SAUNDERS. I am afraid that a proposition affording economy according to the gentleman's idea, is one that I will be unable to support.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. SAUNDERS] has expired.

Mr. MURRAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURRAY. Just how much latitude are Members supposed to have in regard to the discussion of matters that took place in committee?

The CHAIRMAN. It is generally accepted that what transpired in committee is not subject to repetition on the floor of the House, but the rule is not observed very often.

[1] Rate of pay of grade varies according to length of service of officer concerned.

Mr. PADGETT. Mr. Chairman, I ask for a vote on the amendment offered by the gentleman from Missouri [Mr. HENSLEY].

Mr. HENSLEY. Mr. Chairman, I only ask for just a few minutes.

The CHAIRMAN. All debate on this amendment is exhausted. What is the motion of the gentleman from Tennessee?

Mr. PADGETT. I ask for a vote on the amendment of the gentleman from Missouri [Mr. HENSLEY].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. HENSLEY].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. SISSON. Mr. Chairman, I desire to offer an amendment, which I am sure the committee will not object to. In line 15, page 2, in the word "serving" the letter "n" is left out. It would be well to amend it here now.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 15, by inserting the letter "n" in the word "serving."

Mr. SISSON. Now, Mr. Chairman, I want to ask the gentleman from Tennessee [Mr. PADGETT], the chairman of the committee, a few questions. In analyzing the pay of the Navy I find, beginning on the first page, officers on sea duty. How many are there of them?

Mr. PADGETT. Thirty-eight hundred and six.

Mr. SISSON. How many are there on other duty?

Mr. PADGETT. That is the entire active list.

Mr. SISSON. Now, of officers on waiting orders, how many are there?

Mr. PADGETT. The list is not divided so as to show those on shore and waiting orders.

Mr. SISSON. I presume that ought to be covered in one item on the appropriation bill.

Mr. PADGETT. The 3,806 officers embrace all of them.

Mr. SISSON. Does not the gentleman think it would be better legislation on the estimates sent up by the Navy Department to provide a separate item for each of those classes?

Mr. PADGETT. Well, an officer may be on the waiting list to-day and to-morrow he may be on the active list.

Mr. SISSON. The gentleman does not understand me, evidently. I want to group all of these items under one list, that should include all the officers who would be designated under that head.

Mr. PADGETT. The pay of the 3,806 officers on the active list is $10,770,000; the commutation of quarters for officers is $442,000; allowances for heat and light, $151,882; the pay of 900 midshipmen under instruction, $540,000; pay and allowances of 975 officers on the retired list, $3,189,761.

Mr. SISSON. That is the very point I wanted to get at.

Mr. PADGETT. Those are matters of calculation.

Mr. SISSON. Why is it that you do not carry those items that are provided for there by statute in separate items so that the House could see what is appropriated under each item?

Mr. PADGETT. The custom has prevailed, time out of mind, to carry them all in one item. It is so in the estimates, and they are so treated in the hearings.

Mr. SISSON. That is simply because the department time out of mind has desired to carry them in that way. Does not the gentleman know that in expending this money, if more were expended than was contemplated in the statements in the hearings for one of these items, the man responsible for it would violate no law? He would violate no law when he simply violates the hearings had before your committee. This law simply provides that a lump appropriation might be used for all of the various objects included here. Take, for example, the language—

Commutation of quarters for officers on shore not occupying public quarters, including boatswains, gunners, carpenters, sailmakers, machinists, pharmacists, and mates, naval constructors, and assistant naval constructors.

There is another paragraph, a distinct item, that ought to appear in your bill separately.

Mr. PADGETT. If you were to separate and make distinct all the objects that go into that paragraph, it would make I do know how many paragraphs.

Mr. SISSON. In other words, the gentleman understands that if a gentleman wanted to offer an amendment to this bill in reference to the amount of pay under a particular item, in its present shape he would need a report from the Secretary of the Navy as to exactly how much he could afford to take off from the total. For example, take the members of the Nurse Corps. You can not tell from this bill how many nurses there are nor how much can be used for the pay of nurses. You can not increase or diminish this item intelligently.

Mr. PADGETT. The pay of the Nurse Corps is $89,000.

Mr. SISSON. We get that from the hearings, and that is the information which the committee has; but it is information which I think the House is entitled to before it can act intelligently.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I should like two minutes more.

Mr. PADGETT. I ask unanimous consent to extend the time of the gentleman two minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from Mississippi be extended two minutes. Is there objection?

There was no objection.

Mr. SISSON. Take the amount for the hire of quarters for officers serving with troops where there are no public quarters belonging to the Government. There is no information as to this amount, nor can we offer an amendment to that without affecting the entire paragraph.

Mr. PADGETT. That amounts to $15,920.

Mr. SISSON. If these items were reported separately, then we could legislate very much more intelligently upon them. I am not criticizing the gentleman from Tennessee because this is a custom which prevailed when he came in, but I want to impress upon the House the necessity of separating, as far as possible, the different appropriations into separate items.

Mr. PADGETT. It is contemplated in the next Congress to report the bill more in detail.

Mr. SISSON. I hope the gentleman from Tennessee will effect that, and with the assurance of the gentleman that as chairman of that committee he will endeavor to give the House the items more in detail in the next bill I shall not discuss the matter any more.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Mississippi, which the Clerk will report.

The Clerk read as follows:

Page 2, line 15, insert the letter "n" in the word "serving."

The amendment was agreed to.

The Clerk read as follows:

That from and after the passage and approval of this act the pay and allowances that are now or may be hereafter fixed by law for officers of the Navy and Marine Corps shall be increased 50 per cent for such officers as are now or may hereafter be detailed by the Secretary of the Navy on aviation duty: *Provided*, That this increase of pay and allowances shall be given to such officers only as are actual flyers of heavier-than-air craft, and while so detailed: *Provided further*, That no more than 30 officers of the Navy and Marine Corps shall be detailed to aviation service: *Provided further*, That no officer above the rank of lieutenant commander in the Navy or major in the Marine Corps shall be detailed for actual flying: *Provided further*, That nothing in this provision shall be construed to increase the total number of officers now in the Navy or Marine Corps.

Mr. SISSON. Mr. Chairman, I reserve a point of order on that paragraph.

Mr. PADGETT. Mr. Chairman, I will say to the gentleman that this is the same provision that is incorporated in the Army appropriation bill, and identical with it, except that we put the grade of employment one grade lower than is provided in the Army bill.

Mr. SISSON. How much additional expense will this entail upon the department?

Mr. PADGETT. It will depend on how many are employed and of what rank. You can not employ more than 30, the same number that is fixed in the Army bill, and they can not be above the grade of lieutenant commander. In the Army the grade is fixed at colonel.

Mr. SISSON. What is the salary of a lieutenant commander?

Mr. PADGETT. About $3,600 or $3,700.

Mr. SISSON. Then a lieutenant commander detailed to this service would get not to exceed $7,200?

Mr. PADGETT. No; he would get not to exceed about $5,400.

Mr. BATHRICK. It is only while they are detailed to this service.

Mr. PADGETT. It is while they are detailed to this duty.

Mr. SISSON. Immediately upon retiring from that service they go back to their former compensation?

Mr. PADGETT. Yes.

Mr. MANN. Will the gentleman yield in that connection?

Mr. SISSON. I yield to the gentleman from Illinois.

Mr. MANN. A year ago or so the House passed a bill reported from the Committee on Military Affairs. I think that committee reported a 100 per cent increase in pay. I am not sure but it passed the House at 100 per cent increase.

Mr. ROBERTS of Massachusetts. It was reduced to 50 per cent.

Mr. FOWLER. It was reduced this year to 50 per cent.

Mr. MANN. If the gentleman will permit me, in the Army appropriation bill we carried a provision of a 50 per cent increase. When that bill went to the Senate the Senate struck out the item and passed the original bill, but providing for a 20 per cent increase. The House again put in the 50 per cent increase in the Army bill—or perhaps it was 100 per cent—and the Senate committee struck that out and passed the separate bill. In the separate bill the Senate reduced it to 20 per cent increase. I take it that there will be some agreement on the Army bill fixing the per cent of increase, the limitation as to number being 30, as it is in this bill. Now, it is quite evident that whatever provision goes into the Army bill as to that branch of the service must also be provided for the other branch of the service.

Mr. PADGETT. I will bear that in mind, and if the Army bill is changed we shall insist on this being changed in conference.

Mr. MANN. But the gentleman can not change this in conference unless the Senate changes it, and if it is changed, I take it that that will be done so that the pay will be the same in the two services. If it were not for that I should make the point of order.

Mr. SISSON. The gentleman will have to bear in mind that the pay in the Navy and the Army are not the same.

Mr. PADGETT. They run on parallel lines. It will enable them to pay the Army officer with the rank of a colonel, which is higher than a lieutenant commander in the Navy.

Mr. SISSON. There ought to be some similarity in the provision so that the increase of pay would be the same in both services.

Mr. PADGETT. As it was already in there, our committee thought that a grade high enough for flying ought to come from the younger officers and not from the older, and so we limited it to the grade of lieutenant commander.

Mr. SISSON. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

That the accounting officers of the Treasury are hereby authorized and directed to allow in the accounts of disbursing officers of the Navy all payments heretofore made by them in accordance with orders or regulations of the Secretary of the Navy for commutation of subsistence to members of the Nurse Corps of the Navy at the rate therein specified, and that the Secretary of the Navy is hereby authorized, in his discretion, to hereafter allow members of the Nurse Corps of the Navy 75 cents per diem in lieu of subsistence when subsistence in kind is not furnished by the Government.

Mr. SISSON. Mr. Chairman, I reserve a point of order.

Mr. MANN. I make the point of order.

Mr. SISSON. I reserved it, Mr. Chairman, for the purpose of getting information. If the gentleman from Illinois desires to make it——

Mr. MANN. I will reserve it.

Mr. SISSON. I wanted to ask the gentleman from Tennessee what would be the effect of this provision?

Mr. PADGETT. We established heretofore a female nurse corps in the Navy to correspond with the one in the Army. The Secretary of the Navy made a regulation providing that these nurses should receive commutation of quarters at 75 cents a day, and they enlisted and served under that regulation, which they supposed to be valid. Afterwards the Comptroller of the Treasury, in one of the Army appropriation bills, decided that under the law they could only receive commutation at 40 cents a day, so that they had been paid 35 cents a day in excess of what the comptroller decided could be paid. Thereupon the accounting officers of the Treasury checked up the salaries of these female nurses to repay to the Government the 35 cents a day which had been overpaid.

Mr. SISSON. What is their pay now?

Mr. MANN. Fifty dollars a month with room, heat, and light.

Mr. PADGETT. Fifty to seventy-five dollars a month.

Mr. SISSON. What does the 75 cents for commutation add to their pay?

Mr. PADGETT. Over the amount allowed, 40 cents for commutation quarters, it would add $10 or $12, or in all about $21 or $22.

Mr. SISSON. In addition to what they get?

Mr. PADGETT. Ten or twelve dollars in addition to what they get under the 40-cent provision, and over what they supposed they were getting when they enlisted it would add nothing.

Mr. SISSON. How many are there in the Nurse Corps?

Mr. PADGETT. I think about 30 or 35.

Mr. MANN. May I ask the gentleman a question?

Mr. PADGETT. Certainly.

Mr. MANN. Who else in the Navy gets an allowance as high as 75 cents a day in lieu of subsistence?

Mr. PADGETT. None that I know of.

Mr. MANN. Anybody in the Army?

Mr. PADGETT. No.

Mr. MANN. Does the gentleman think that we can allow a small number in the Army or in the Navy this sum for commutation without allowing it subsequently to everybody else?

Mr. PADGETT. The committee thought 75 cents a day commutation was not unreasonable in view of the fact that their salaries ranged from $50 to $75 a month.

Mr. MANN. If the salaries are too small, increase them. Does it cost any more for subsistence of a nurse than for a quartermaster?

Mr. PADGETT. No; but when they go out and subsist themselves, and this is received in lieu of subsistence, I do not think they can live on much less than 75 cents a day.

Mr. MANN. If that rule is true, ought it not to be applied to everybody else in the Navy who gets an allowance in lieu of subsistence?

Mr. PADGETT. I appreciate the gentleman's suggestion. The matter was discussed in committee. The committee concluded that they would submit it to the House. The gentleman will notice that the provision has two clauses.

Mr. MANN. Yes; I had noticed, and I have no doubt the second clause grew out of sympathy for the first. They have all been allowed 75 cents a day, and now it is proposed——

Mr. PADGETT. I was going to ask the gentleman if he insisted on his point of order, to limit it to the second clause of the provision, and not to the first, which was under the terms under which they made their enlistment.

Mr. MANN. How much does it amount to?

Mr. PADGETT. It is a small amount.

Mr. MANN. I know that; but how much is it? If the gentleman desires it to go through, he ought to know what it is?

Mr. PADGETT. I do not recall at this time.

Mr. HOBSON. I think it is only a few hundred dollars.

Mr. SISSON. Mr. Chairman, I withdraw the point of order.

Mr. MANN. Mr. Chairman, I make the point of order.

The CHAIRMAN. Does the gentleman make it against all of it or just the latter clause?

Mr. MANN. Oh, I think if you start to allow 75 cents a day to anyone you will have to give it to everybody, and as it is only a very small amount, you better do it by special bill.

Mr. PADGETT. It is subject to the point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOBSON. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of line 5, page 4, add the following:

"*Provided*, That all officers of the Navy who, since the 3d day of March, 1899, have been advanced or may hereafter be advanced in grade or rank, pursuant to law, shall be allowed the pay and allowances of the higher grade or rank from the dates stated in their commissions."

Mr. FOSTER. Mr. Chairman, I make the point of order against the amendment.

Mr. HOBSON. Mr. Chairman, I would like to discuss the point of order.

The CHAIRMAN. Does the gentleman from Illinois reserve the point of order?

Mr. FOSTER. I do not believe it is necessary, Mr. Chairman. We had this up one time before under unanimous consent.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

PAY, MISCELLANEOUS.

The Secretary of the Navy shall send to Congress at the beginning of its next regular session a complete schedule or list showing the amount of money of all pay under the provisions of this act and for all allowances for each grade of officers in the Navy, including retired officers, and for all officers included in this act and for all enlisted men so included.

Mr. MANN. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman how much is now paid for retired officers, as shown by the report of the Secretary. Will the gentleman put in the RECORD a brief statement and show the amount of pay and allowances in accordance with the report made by the Secretary under this paragraph?

Mr. PADGETT. Yes; we will put it in the RECORD. I will state that the pay of officers on the retired list is $3,189,761.

Mr. MANN. How much on the active list?

Mr. PADGETT. Ten million seven hundred and seventy thousand seven hundred and ninety-two dollars.

Mr. ROBERTS of Massachusetts. That is all to be found in the Book of Estimates.

Mr. GREGG of Texas. The $3,000,000 pay for retired officers is for 975 officers?

Mr. PADGETT. Yes.

Mr. GREGG of Texas. And the $10,000,000 for the officers on the active list is for 3,806 officers?

Mr. PADGETT. Yes.

Mr. GREGG of Texas. Has the chairman made a calculation of how much the average pay per year of the retired officer exceeds the average pay per year of the officer on the active list?

Mr. PADGETT. It is more for the reason that the officers on the retired list are retired in higher grades. You have many officers of the grade of ensign and first lieutenant and lieutenant of the junior grade on the active list.

Mr. GREGG of Texas. Can the gentleman tell exactly how much the average pay of officers on the retired list exceeds the average pay of officers on the active list?

Mr. PADGETT. It is a matter of calculation.

Mr. GREGG of Texas. I thought the gentleman had figured it out.

Mr. PADGETT. No; I have not. It is a matter of arithmetic.

Mr. MANN. Mr. Chairman, how many admirals are there on the retired list?

Mr. PADGETT. About 147 or 148.

Mr. MANN. Not more than that?

Mr. PADGETT. I think not.

Mr. MANN. How many on the active list?

Mr. PADGETT. There are some commodores on the retired list.

Mr. MANN. They are treated as admirals?

Mr. PADGETT. They have the same pay, but they are regarded as commodores. Under the personnel act they have the title of commodore.

Mr. MANN. Do they not now get the title of admiral?

Mr. PADGETT. No; not on the retired list.

Mr. BUTLER. There are 21 admirals on the active list.

Mr. MANN. And 140 or 150 on the retired list.

Mr. PADGETT. Under the law the active list of admirals is limited to 18, and there are 3 extra numbers growing out of the Spanish War. A few years ago there were 26 on the active list.

Mr. HOWARD. I would like to ask the gentleman from Tennessee a question. Has the gentleman from Tennessee any information as to how many of these admirals who are on the retired list have commanded as much as a big flat-bottom bateau?

Mr. PADGETT. No; I have no information as to whether they commanded a bateau or not.

Mr. HOWARD. As a matter of fact, not 1 per cent of those who are retired ever commanded a fleet or even a battleship in their life.

Mr. PADGETT. Oh, I think it is much larger than that; I do not think that stricture is at all merited.

Mr. CALLAWAY. Will the gentleman yield to me? The gentleman stated awhile ago you advanced their grade when retired.

Mr. PADGETT. No; formerly we did, but we repealed that law last year.

Mr. CALLAWAY. The gentleman stated that there are 21 admirals in the active service.

Mr. PADGETT. I said 18. As a fact, there were 21, but 3 of them are there by virtue of special legislation of Congress.

Mr. CALLAWAY. Is there any limit at all on how many you can have retired?

Mr. PADGETT. No; it is fixed by the number who reach the age of 62 years in their promotion, but as they reach it those on the retired list die.

Mr. CALLAWAY. Are all retired admirals 62 years old?

Mr. PADGETT. Yes; and more.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALLAWAY. And there is no retired admiral under 62——

Mr. PADGETT. There is none under 62, and I think one is nearly 90.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I ask this committee to give me five minutes in which to say something I have to say. I have listened with great patience and a little impatience to what has been said here on both sides and well said touching economy in the administration of the Navy. Millions have rolled lightly from their tongues as Members spoke of the abundance of the American Treasury. They have talked about officers and men with commissions, and used names which receive attention in the headlines of the newspapers, but not one man, with the exception of my old friend from Illinois, has ever rebuked the slander that has been visited by a foreigner upon the men behind the guns. I refer to a statement made by a man who was presumed to be at the time he spoke a member of the Canadian Parliament. If he is correctly quoted, he should not be a member of any parliament. I can not conceive how a free people would elect a man who is so boldly inaccurate, and if correctly quoted, so brutally untruthful. I refer to a speech reflecting upon our American sailors, said to have been made by some man whose name I do not now recall——

Mr. FOWLER. The Hon. Samuel Simpson Sharpe.

Mr. BUTLER. The Hon. Samuel Simpson Sharpe, my friend tells me. Right here I desire in this public place to commend the gentleman from Illinois for having taken an early opportunity to make a denial of this unfortunate comment upon 47,000 American sailors. In the course of his remarks the gentleman of the Canadian Parliament used this language:

Men who are not good socially, morally, and otherwise.

If these remarks should ever fall before this man's gaze, I hope that my rebuke will attend them, and that he shall know that there is one American citizen who is not afraid to denounce him as boldly untruthful. [Applause.] My friends, we have 47,000 enlisted men in the American Navy—give me your attention for a moment—I am simply making the defense for plain men who only speak through their performances and who in the affairs of our Government are taking a most important part. If this man were ignorant, I would deplore his lack of knowledge, but being untruthful I despise him. [Applause.] Gentlemen, this great fleet of ours, composed of 25 ships of war, went around the world making 25,000 miles of a journey within the last three or four years, and to the credit of its seamen who attended it not one case of misbehavior has been reported. [Applause.] It touched place after place in the world. It visited Japan, China, Siam, in the East, and all parts of the world in its route, giving a great object lesson for the people of the world that the American Navy was not built to live at home. Wherever this fleet touched these men were landed, and I repeat what I said before, to their great credit not one case of misbehavior has been reported against them. It is easy for us to talk of how our sailors on Lake Erie actually played with death and how at Santiago they were brave enough to taunt their enemy, but now when their morality and stability are assailed, when they are accused of being worthless and without character, I wish that every man in this House would be willing to bear testimony to the high esteem in which the American people hold them.

This same authority upon American morality has the effrontery to say that these men are principally foreigners. Perhaps he did not know of what he spoke; but if he did know, he was untruthful in his statement. Of the 47,000 men in the American Navy, or enlisted in the American Navy, 96 per cent are American citizens. [Applause.] Of the 96 per cent, 90 per cent are American citizens born in America.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, to repeat, of this 96 per cent, 90 per cent are native born; and of that 96 per cent, 4 per cent are composed nearly entirely of natives from the insular possessions, who are debarred from citizenship by a doubtful construction of the law by the courts. The 1 per cent is foreign born, and enlisted in our service more than six years ago, before the date of the law denying further enlistment of foreign citizens, and that 1 per cent patiently serve us as noncombatants.

Now, I think I have been able, at least I have endeavored, within the few minutes that you have accorded me, to show you that this statement, made by a supposedly responsible party and published generally in our newspapers, and which I have never seen denied by them—this reflection on the character of the American seamen is unworthy even of the man who was rash enough to make it. My friends, I have here in my hands a memorandum prepared by a man who knows the service well; a man who has soldiered with our seamen and bears honorable scars upon his body given him by the enemies of America. I requested him to give me a statement affecting the personnel, of its conduct and of its character, because he knows better than I do concerning these things, and with your permission I will make this statement of Lieut. Commander Tausig a part of my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The following is the memorandum referred to:

FEBRUARY 15, 1913.

NOTES CONCERNING THE ENLISTED FORCE OF THE NAVY.

Recently in the Canadian Parliament a member of that organization made a reflection on the character of the American sailor. These remarks have been given widespread significance by the newspapers of this country and in foreign journals. Although refuted by an editorial in the Washington Post and in a speech made by the Hon. Mr. FOWLER,

of Illinois, on the floor of the House on the 30th of last month, the publicity given the Post editorial and this speech has been insignificant compared to that given the speech of the member of the Canadian Parliament.

The member of the Canadian Parliament said, in part:

"Few native Americans sign for the Navy, and those who do are desperate. Men who are no good socially, morally, and otherwise. A hard winter, hard times, and strikes make the best recruiting seasons for the United States Navy. Thus it becomes a sort of home for destitutes and moral degenerates. Deserters from foreign ships—Scandinavians, Russians, Finns, Austrians, and Latins—take kindly to the Yankee Navy, for in it they learn the language and a trade, and the life to them is easy compared with their previous existence."

It can be positively stated that these remarks are false.

What is given here is founded on facts as shown by official reports and statistics.

There are in the Navy to-day approximately 47,000 men, of whom 96 per cent are American citizens. This 96 per cent is composed of 90 per cent native-born, and 6 per cent naturalized citizens. The remaining 4 per cent is composed nearly entirely of natives of our insular possessions who are debarred from citizenship by a doubtful construction of the law by the courts. Less than 1 per cent of the total enlisted force of the Navy, the part not accounted for in the figures just given, are aliens. This 1 per cent is composed entirely of men who first enlisted more than six years ago, before the law was changed prohibiting the enlistment of foreigners. These men have been honorably discharged and reenlisted, as most of them have had long, faithful, and honorable service in the Navy of this country. These men, the foreigners, belong to the noncombatant element on board ship, such as musicians and messmen, and their numbers are so small their importance on board sinks into insignificance. From this it is seen that the sailors who man the guns, those who fire the furnaces, and those who handle the intricate machinery on board our men-of-war are American citizens.

It can be shown that these men are not low characters, but are men of excellent character, of good family, and far above the average.

The following are extracts from the Navy Regulations on the subject of recruiting:

"Every person before being enlisted must pass the physical examination prescribed in the medical instructions; and no one shall be enlisted unless pronounced fit by the commanding and medical officers. * * * Each recruit shall be required to declare on oath, in presence of the commanding officer of the ship or rendezvous, that he makes a true statement of his age to the best of his knowledge and belief * * *. No insane or intoxicated person and no deserter from the naval or military service * * * shall be enlisted in the naval service. * * * Except as provided in article 760, no person shall be enlisted who is not a citizen of the United State or a native of the insular possessions and who does not understand and speak the English language.

"Article 760 is the provision authorizing any man who has received an honorable discharge to reenlist within four months from date of discharge, and is the regulation by virtue of which the small per cent of foreigners are still in the service."

There are many other Navy regulations governing enlistments. The intent of all of them is to insure the enlistment of a high-class native element, on whom the country must depend for defense should there ever come another war.

The Bureau of Navigation, which has direct charge of recruiting, issues to all recruiting officers explicit instructions as to the intent of the regulations and insists that only men who come up to the requirements be enlisted. Once in a while a mistake is made and a man of low character slips through, but these exceptions are seldom, and it is not long before the man's true character is learned and he is discharged or dismissed.

That only men who are morally, mentally, and physically fit is shown by the fact that during the fiscal year ending June 30, 1912, out of 73,364 applicants for enlistment only 17,743 were accepted and allowed to enlist. These figures are significant in that they show our American sailors to be picked men. In many foreign countries all able-bodied men must serve for a certain length of time in either the army or navy. It is not to be supposed that the men of the services of such countries where all must serve can compare in character and physique with the men in our Navy, where only a few are chosen from the many who desire to enlist. The standard of the enlisted personnel of our Navy is the highest in the world. There are hundreds of cases on record in the files of the Navy Department that show the high character of the American sailor. These official documents comprise testimonials from our own people and from foreign sources.

A few of the many instances where the inherent bravery and natural worth of the American bluejacket is shown are given below.

There is not an instance on record where, in cases of emergency, the sailors have not arisen to the occasion and been willing to sacrifice themselves either in fighting for their country or in the saving of the lives of their shipmates and others. The eager rush of volunteers to man the *Merrimac* when it was known she was to be sent on a mission from which escape seemed well-nigh impossible, the difficulty of picking a crew from the thousands of volunteers, and the joy of the few who were chosen and the sorrow of the many who were not is an example. The manner in which these men behaved in the face of a terrible fire and how well they conducted themselves during their long confinement in a Spanish prison are matters of history. These men who composed the crew of the *Merrimac* were picked at random from the American sailors.

During the Boxer uprising in China in 1900 a column of 2,000 men composed of the sailors representing eight nations attempted to reach our besieged legations in Pekin. This column was overwhelmed by many times their number of Chinese soldiers, but they finally fought their way into Tientsin. In this encounter, lasting over a week, the American sailors and marines, under Capt. McCalla, were given the post of honor in the van by Vice Admiral Sir Edward Seymour, of the British Navy, who commanded the combined forces by virtue of his rank.

Vice Admiral Seymour in a letter to the commander in chief of the American fleet said:

"I desire to express to you my highest sense of the unfailing energy and zeal displayed under somewhat trying circumstances by the United States officers and men, whose courage was worthy of their high traditions and requires no words of men to describe."

The incidents referred to show us the American sailor in the stress of battle under modern conditions.

A few instances not under the stress of battle but dwelling on emergencies in time of peace are noted below:

In 1902 a fire broke out on board the gunboat *Petrel*. In this fire the commanding officer of the ship lost his life, but many sailors made heroic efforts to save him. In a general order, issued by the Secretary of the Navy, these men are mentioned by name. The order states:

"These men were themselves overcome by the smoke and had to be hauled up to the upper deck."

In 1906 a boiler on the gunboat *Bennington* exploded, killing many of the crew. After a thorough investigation the Secretary of the Navy issued a general order to the service. An extract from this order follows:

"Men grievously wounded forgot their own injuries and rushed back in the shower of scalding water, steam, and ashes to rescue their more unfortunate shipmates. Amid such a display of self-sacrifice and heroism it is difficult to select individual cases * * *."

The coolness and bravery of the sailors in the terrible accidents that happened in the turrets of the *Georgia*, the *Missouri*, and the *Kearsarge* when, in each case, a number of men exposed themselves to almost certain destruction in their endeavors to save human lives, are well known to all who have kept in touch with naval affairs.

In September, 1910, an act of bravery was performed by a number of sailors on the *North Dakota* when an explosion occurred while making a test with fuel oil. The general order on this subject, after giving the names of a number of men, states:

"On September 8, 1910, while making tests with oil as fuel, an explosion occurred, resulting in the death of three enlisted men of the Navy and greatly endangering the ship. The men named above hauled fires in the furnaces of boiler in No. 3 fireroom while the oil was burning on boiler 'I,' and took all precautions to prevent boiler explosions. They searched for and assisted in carrying out the bodies of the three men who lost their lives. This work was done in water up to their waists, in dense smoke, heat, and fumes from burning oil, and gas and steam arising from the hot coals and coke floating on the water."

These accounts, taken from records in the Navy Department, are founded on fact. These acts are only a few of the many on record and speak for themselves in showing to the country the true character of the American sailor.

There are numerous letters in the department, written from many varying sources, testifying to the good behavior of the sailors when on shore. The most notable incident is the recent cruise of the battleships around the world. In every port of the world where the fleet touched thousands of American sailors went ashore on liberty. In not one of these ports was it necessary for the local authorities to arrest a single American bluejacket. In every port the authorities and the newspapers made special comment on the excellent behavior of the American sailors; many foreign officials made official reports to their Governments on this subject, and some of them wrote direct to the commander in chief of our fleet. These letters are on record in the department.

Admiral Simpson, of the Chilean navy, who was present at Punta Arenas during the stop of the American fleet at that port, wrote to his Government:

"During the stay of the American fleet at Punta Arenas, Admiral Evans gave permission to the greater proportion of the sailors of his ships to go on shore, and, according to the official report made by the commissioner of police of Punta Arenas, a copy of which was given me by the governor of the Territory, the American sailors have shown a spirit of discipline and order worthy of praise. In spite of the fact that so many sailors had shore leave, calculated as 15,000 by the commissioner, there was no disagreeable incident to be complained of."

It will be remembered that shortly before the fleet went to Japan there had been misgivings about allowing the American sailors to go ashore in this country, owing to the ill feeling supposed to exist toward the Japanese sailors. The Navy Department did not have any apprehension on this score, but the public at large, through the newspapers, expressed grave fears of disturbances if the sailors were allowed to go ashore; but in Japan, as in all other places, there was not a single case of misconduct, and all the men of the fleet went ashore—as many as 3,000 at the same time. In fact, the behavior of the sailors while in Japan was so exemplary the commander in chief sent a special cablegram to the President of the United States commending their conduct.

On an average of about 10 times a year the attention of the department is called to some special noteworthy act of the sailors. Since the Congress provided for awarding medals of honor to men for deeds of gallantry and heroism in times of war and peace there have been over 700 of these medals issued to the men "who have shed luster on the service by upholding the honor of the flag in storm and battle, by their devotion to the country and to each other, and by their unselfishness in risking their own lives to save others."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LEE of Pennsylvania having taken the chair as Speaker pro tempore, a message from the Senate announced that the Senate had insisted upon its amendments to the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS, Mr. SMOOT, and Mr. MARTIN of Virginia as the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. SISSON. Mr. Chairman, the gentleman referred to the expenditures of money out of the Federal Treasury. I want to call the attention of my Democratic colleagues to the Democratic platform, in view of many of the appropriation bills which have passed this House and in view of the fact that it now seems as if these bills as they passed the House will aggregate something like $121,000,000 more than the last Republican Congress. When you take into consideration that the Committee on Appropriations is the committee that has saved something like $40,000,000 over the last Appropriations Committee, it seems to me that this language of the platform may be new in the minds of our Democratic friends. The last platform, on the subject of Republican extravagance, is as follows:

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of the

recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a democratic Government——

Mr. MANN. I think you would be ashamed to read that now.

Mr. SISSON. It is with a degree of pain, I will say to the gentleman from Illinois, that I do read it; but I think it is proper, because we are coming into power in both branches of the Government, and I think it is well that Democrats should begin at the very beginning of the Democratic administration to try to carry out their pledges. The conclusion of our platform is as follows:

Our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign, and we invite the cooperation of all citizens regardless of party.

Now, I want to say to my Republican friends that you have helped out considerably in this matter upon the theory that the Democratic majority in this House is responsible for the appropriation bills as they leave the House. And when an effort has been made as a rule, with some exceptions, the majority of our Republican friends have helped to put us deeper in the hole. But I want to say to my Democratic colleagues, that if we do not want to put a check upon these appropriations, unless we find a new method of taxation, according to the income of the Treasury to-day, Woodrow Wilson, during his second, if not the first, year of his administration, will be confronted with a bond issue. I therefore call upon Democrats here and now to do what they can to prevent in conference any more additions to these bills. And if they make an effort in another body to put large additions to these bills, I believe it would be the duty of every Democrat here to see that these bills are not passed, and that they be taken up under the next Democratic administration, because this Government is provided for up until the 1st of July, and if the Congress is unable then to make appropriations by that date, we then can pass resolutions, as we have frequently done, from month to month, reappropriating the amount carried in the last appropriation bill, and save to the American people millions of dollars and carry out our pledges to them, and be able to go home and look the honest electorate squarely in the face, and say that we have kept the faith. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SISSON. I yield to the gentleman from Illinois.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi [Mr. SISSON] have two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection

Mr. MANN. I understand that the recommendation of the gentleman is that, instead of trusting to a Democratic Congress to pass the appropriation bills, they will just pass a joint resolution extending the appropriations made under a Republican President for fear they will be too extravagant if they make them themselves? [Laughter.]

Mr. SISSON. No; because we do not have time now, and perhaps we would have time to pass them before the 1st of July.

But I will say to the gentleman from Illinois that when I came here I was very much more of a partisan than I am now. I want to say that economy as practiced on this side of the House is not altogether a virtue applicable and attributable only to the Democrats. The Republicans have exercised some economy, and I realize now how difficult it is to keep down the appropriation bills. But since the time when we denounced you in our platform eight years ago and four years ago for extravagance for spending $90,000,000 more than you did in the preceding year—and I have not the time now in the two minutes allowed me to read the platform declaration where we denounced you because you had expended $90,000,000 more than you expended in the preceding year—the question arises, Why on earth have the Democrats the right to denounce Republicans for extravagance in the future? For the life of me I can not see. [Applause and laughter.]

Mr. MANN. For years the stock in trade of the gentleman's party has been to denounce the Republicans for extravagance.

Mr. SISSON. Yes; and if I had my way about it, I would make good our pledges and in that way put you in a hole, and not ourselves. [Applause on the Democratic side.]

Mr. MANN. Oh, the gentleman can not say that. You Democrats are all extravagant. You denounce extravagance one day and become extravagant yourselves the next day. [Applause on the Republican side.]

Mr. SISSON. Oh, the gentleman need not shake his gory locks at me, because if I have made any reputation here among my Democratic as well as Republican colleagues, it has been because I have made an honest attempt to practice economy and advocate the practice of economy on the part of others. [Applause on the Democratic side.]

Mr. MANN. Oh, the gentleman from Mississippi is just as anxious to put through a lot of stale claims as anybody I know of on his side of the House. [Laughter.]

Mr. SISSON. I am anxious to prevent the payment of stale claims, and I will remind the gentleman from Illinois that I have helped him prevent the payment of stale claims in this House, and every one of them was from the Southern States, because I did not think they were just and honest claims.

Mr. MANN. The gentleman has remarked that the bills already sent over to the Senate would exceed in the aggregate the highest Republican appropriations by $120,000,000.

Mr. SISSON. That is an estimate, but it is not far from accurate.

Mr. MANN. If the gentleman's party has succeeded in going $120,000,000 above the highest limit reached by the Republicans while the Democratic Party has had control of only one House, how much does the gentleman suppose his party will exceed the total appropriations attained by the Republicans when his party shall have control of both House and Senate? [Laughter.]

Mr. SISSON. I say that is the reason why we should consider in the future what we have done and try to do better in the next Congress; and I say that I have reached that point in my life where I shall expect and endeavor to serve my country, even though some of my party colleagues here complain when I state the truth in the House.

Mr. MANN. Mr. Chairman, will the gentleman yield again?

Mr. SISSON. Yes.

Mr. MANN. Last year the Members on the Democratic side held a caucus with a view to keeping down the total of the naval appropriation bill. Has my friend from Mississippi called such a caucus this year for that purpose?

Mr. SISSON. I will say to the gentleman from Illinois that there was such a call, and I was in entire sympathy with it.

Mr. MANN. Yes; it was called, but nobody came. [Laughter.]

Mr. SISSON. The trouble was that those who believed in faithfully carrying out the pledges of our party platform did attend, but the balance stayed away, and the men who believed in a two-battleship program succeeded in breaking up the meeting. [Laughter.]

Mr. MANN. Those who stayed away were so much more numerous than those who came that those who did attend the meeting could not do anything. The economists on your side are in a minority, and always were, except on the stump. [Laughter.]

Mr. HOWARD. Mr. Chairman, a parliamentary inquiry.

Mr. SISSON. I want to say, Mr. Chairman, to the gentleman from Illinois [Mr. MANN]——

Mr. MACON. Mr. Chairman, I rise to a question of order. The gentlemen are not discussing the bill. I make the point of order.

Mr. SISSON. The other gentlemen were not discussing the bill, either.

Mr. MANN. We were discussing the extravagance of the Democratic Party incident to the discussion of the naval appropriation bill.

Mr. SISSON. Just one word more, Mr. Chairman. I want to say that I do not believe the statement made by the gentleman from Illinois is by any means correct. I know that repeatedly on this floor a majority of the Democrats have voted for economical measures when nearly a solid vote appeared on the other side against those policies. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

MESSAGE FROM THE SENATE.

The committe informally rose; and Mr. LEE of Pennsylvania having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. OLIVER, Mr. LA FOLLETTE, and

Mr. SMITH of South Carolina as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. WILLIAM W. WEDEMEYER, late a Member of the House of Representatives from the State of Michigan.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be suspended in order that proper tribute may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also—

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. GEORGE HERBERT UTTER, late a Member of the House of Representatives from the State of Rhode Island.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also—

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. ISIDOR RAYNER, late a Senator from the State of Maryland.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended, to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Also—

Resolved, That as a further mark of respect to the memory of Mr. RAYNER, Mr. UTTER, and Mr. WEDEMEYER the Senate do now adjourn.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For commissions and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of civilian employees, and for actual and necessary traveling expenses of midshipmen while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for actual traveling expenses of female nurses; for rent of buildings and offices not in navy yards, including the rental of offices in the District of Columbia; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers; all advertising for the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); copying; care of library, including the purchase of books, photographs, prints, manuscripts, and periodicals; ferriage; tolls; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction at home and abroad, in maintenance of students and attachés; information from abroad, and the collection and classification thereof; all charges pertaining to the Navy Department and its bureaus for ice for the cooling of drinking water on shore (except at naval hospitals), telephone rentals and tolls, telegrams, cablegrams, and postage, foreign and domestic, and post-office box rentals; and other necessary and incidental expenses: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, and messenger service in navy yards, naval stations, and purchasing pay offices for the fiscal year ending June 30, 1914, shall not exceed $280,000; in all, $1,000,000: *Provided further*, That the same construction shall be made of the law applying to leave of absence of all per diem employees of the classified service of the clerical, drafting, inspection, messenger, and watch force paid from appropriations made in this act: *Provided further*, That employees while taking their leaves of absence shall not receive compensation for services rendered during the period of such leave of absence in addition to leave pay.

Mr. SISSON. Mr. Chairman, I reserve a point of order on the new matter which I can point out in this paragraph. On page 4, in line 22—

For rent of buildings and offices not in navy yards, including the rental of offices in the District of Columbia.

The proviso on page 5, the proviso beginning in line 1 on page 6, and the other proviso, beginning in line 5 on page 6.

The CHAIRMAN. Does the gentleman refer to the words in parentheses in lines 5 and 6 on page 5?

Mr. MANN. The gentleman can reserve a point of order on the paragraph.

Mr. SISSON. A portion of it is not subject to the point of order.

Mr. MANN. The gentleman can reserve a point of order on the entire paragraph.

Mr. SISSON. I will reserve a point of order on the entire paragraph. I notice on page 4, in lines 22 and 23—

For rent of buildings and offices not in navy yards, including the rental of offices in the District of Columbia.

Mr. PADGETT. The words "including the rental of offices in the District of Columbia" are new matter. This is not a new charge or a new appropriation. For a number of years they have been paying rent out of this appropriation, amounting to $3,996 a year.

Mr. SISSON. Is that authorized by law?

Mr. PADGETT. They have been renting offices here for years, and officers have been occupying them, and they have been paying for them out of this appropriation.

Mr. MANN. We can not hear the gentleman's statement.

Mr. SISSON. I asked the gentleman concerning the words:

Including the rental of offices in the District of Columbia—

Which words are new. I want to know whether that is authorized by law or not; and if so, why it is necessary to put these words in the bill.

Mr. PADGETT. I stated that for years the department has been renting quarters here in the District of Columbia, the amount of the rental being $3,996 a year. This is adding nothing to the expense.

Mr. SISSON. Is that the total rent?

Mr. PADGETT. That is the total rent. There is an act, passed some years ago, which reads:

Hereafter no contract shall be made for the rent of any building or part of any building to be used for the purposes of the Government in the District of Columbia until an appropriation therefor shall have been made in terms by Congress, and that this clause be regarded as notice to all contractors or lessees of any such building or part of building.

We thought that in view of that language there ought to be an express stipulation here, so that there would be no quibble with the accounting officers. Nothing is added. These quarters have been rented for many years.

Mr. SISSON. And this is solely for the purpose of making it legal?

Mr. PADGETT. For the purpose of making it plain, so there will be no quibble on the part of the accounting officers.

Mr. SISSON. Is the matter on page 5 new matter?

Mr. PADGETT. Not at all.

Mr. SISSON. On page 6 there is new matter?

Mr. PADGETT. On page 6 there is new matter. I will state to the gentleman that I received a letter, dated January 24, from the American Society of Marine Draftsmen, in which they call attention to the fact that if a clerk works up here in the department he is credited with 30 days' annual leave with pay. If a per diem employee works a year he is credited with 30 days' leave of absence with pay.

Mr. SISSON. Is this for the purpose of equalizing?

Mr. PADGETT. Yes. I want to give an illustration. If they detail this same man down at the navy yard to do their work there they only credit him with 15 days. To give you a concrete case, a draftsman in the Bureau of Yards and Docks worked in the department from January 1 to May 29 and was credited on the basis of 30 days' leave. He worked from May 29 to December 31 at the navy yard, doing the same work, and was credited at the rate of 15 days.

Mr. SISSON. In other words, when he works in the navy yard he only gets 15 days' leave, whereas if he works in the department he gets 30 days' leave.

Mr. PADGETT. Yes; doing the same work in both.

Mr. SISSON. How many men will this affect?

Mr. PADGETT. Not a large number, but I can not give the gentleman the number.

Mr. SISSON. It will affect everybody who works in the navy yard in the District of Columbia only, will it?

Mr. JOHNSON of South Carolina. No; in all the navy yards.

Mr. PADGETT. In all the navy yards of the country.

Mr. SISSON. Can the gentleman give any idea how many men will be affected by it?

Mr. PADGETT. Not a great many. This letter I have here states that they know of no law giving the per diem employees in the departments 30 days' leave.

Mr. SISSON. I know that this is solely for the purpose of construing the present statute.

Mr. PADGETT. To equalize it.

[The time of Mr. PADGETT having expired, by unanimous consent his time was extended five minutes.]

Mr. PADGETT. Now, if a man gets 30 days in the department, we thought he ought to get 30 days in the navy yard, but if he is entitled under the law to 15 days we are not raising it.

Mr. SISSON. I have no objection to that provision. I would prefer to change the law so as to make it 15 days instead of 30 throughout the entire service, but I am not going to make a point of order on the paragraph. The latter part of the paragraph I would like to have explained.

Mr. PADGETT. Our idea was that where the clerk gets 30 days' leave of absence it is for the purpose of resting and recuperating, to put himself in a position to do better service for the other 11 months. But we found cases where they would be credited with 30 days' absence, paid for the 30 days' leave, and then would actually work and get pay for that 30 days besides, so that they really got pay for 13 months. The latter part of

the item is to compel them to take the leave of absence and rest up and be prepared to do better service for the other 11 months.

Mr. SISSON. What assurance has the gentleman that they would not work outside of the department that extra 30 days?

Mr. PADGETT. We have no assurance, but they could not work for the department.

Mr. SISSON. Mr. Chairman, I withdraw the point of order.

Mr. MANN. Mr. Chairman, I renew the point of order. I regret to say that we could not hear what the chairman of the committee, the gentleman from Tennessee, was saying in the center of the Hall.

Mr. PADGETT. I want to say that my voice is in very bad condition owing to an attack of laryngitis.

Mr. MANN. I understand that, and I do not want to distress the gentleman. I want to ask him what is the meaning of the word "same" in this language: "That the same construction shall be made of the law applying to leave of absence of all per diem employees of the classified service," and so forth?

Mr. PADGETT. The department has construed that under existing law the per diem employees, working in the Navy Department, are entitled to 30 days leave of absence, but if that same employee is detailed to work in the navy yard, and paid from the same appropriation, and does the same work, he shall be entitled to 15 days.

Mr. MANN. Assuming that is true, how does this help it?

Mr. PADGETT. This says that if they construe one 30 days they shall construe the other one 30 days.

Mr. MANN. And it says if they construe the one for 15 days they shall construe the other for 15 days.

Mr. PADGETT. That is what it does.

Mr. MANN. But how do you know which way they will construe it? You can not construe the law that way. You say they shall construe it the same, but they may not be able to do it unless they change the law.

Mr. PADGETT. The gentleman who calls my attention to it in this letter says that the Judge Advocate General of the department made a ruling in which he stated by analogy the per diem employees were entitled to the same leave as the per annum employees.

Mr MANN. That is not what this section says.

Mr. PADGETT. He further says: "This ruling has never been construed to include the navy yard." Now, he says, "However, to my knowledge there is no law which grants 30 days' annual leave to a per diem employee in the Navy Department."

Mr. MURRAY. Who says that?

Mr. PADGETT. This clerk or secretary of the American Society of Marine Draftsmen, Washington, Navy Yard branch.

Mr. MANN. This paragraph is grammatically deficient. Here is a provision that the same construction shall be made of the law applying to leave of absence to all per diem employees of the classified service of the clerical, drafting, inspection, messenger, and watch force paid from appropriations made in this act. What does the word "same" have reference to?

Mr. PADGETT. That they shall make the same construction with reference to leave granted to those working in the department and those working in the navy yard who are paid from this appropriation; for the reason that they will be the same men, they will allow the same men while working in the Navy Department 30 days' leave, and when detailed to the navy yard only 15 days.

Mr. MANN. If you have one law that says one thing and another law that says another thing, and then you say the officers shall construe the different laws to mean the same thing, what do you mean by it?

Mr. ROBERTS of Massachusetts. That they will either get 15 days' leave or 30 days' leave.

Mr. MANN. Then change the law. This is no way to do that.

Mr. PADGETT. There is no express law for it.

Mr. MANN. Oh, the officers do not make the law. They take the law as we make it; and when the gentleman says there is no law on the subject——

Mr. PADGETT. I said no express statute.

Mr. MANN. There must be an express statute upon which they base this decision.

Mr. GARNER. They get that decision by analogy.

Mr. MANN. Very well. They get it from a statute. This does not mean anything.

Mr. PADGETT. Mr. Chairman, I can only tell the gentleman what language was used by the Judge Advocate General.

Mr. MANN. I am inclined to think that the result of this would be to cut off the 30-day leave now given to the various employees of the Government, who ought to have it, and reduce it to 15 days, and I make the point of order.

Mr. ROBERTS of Massachusetts. It will give the 15-day men 30 days.

Mr. MANN. But it does not say so.

Mr. ROBERTS of Massachusetts. The gentleman need not be alarmed but that they will construe it that way.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MANN. I made the point of order to the first proviso, on page 6.

Mr. PADGETT. Mr. Chairman, the point of order is well taken if the gentleman insists upon it.

The CHAIRMAN. The point of order is sustained.

Mr. COX. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 6, line 8, after the word "pay," at the end of the line, insert the following:

"*Provided*, That officers while traveling under orders in the United States shall be allowed only their actual mileage and no more."

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I reserve the point of order.

Mr. MANN. What does the gentleman mean by that?

Mr. COX. If the gentleman will observe the language on page 4, beginning with line 15—

Mileage to officers while traveling under orders in the United States,

I mean to reach that particular language.

Mr. MANN. Officers while traveling under orders in the United States?

Mr. PADGETT. They get 8 cents a mile now, and that covers Pullman and hotel bills and meals and other expenses. Does the gentleman's amendment limit it to the actual railroad ticket?

Mr. COX. Yes.

Mr. MANN. Is that the gentleman's amendment? Let us have it reported again.

The CHAIRMAN. Without objection the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. MANN. What does that mean?

Mr. COX. Actual mileage, train fare, and steamboat fare.

Mr. MANN. That is not what it says. They are only allowed actual mileage.

Mr. COX. But they are paid at the rate of 8 cents a mile.

Mr. MANN. That is true, but that is the mileage.

Mr. COX. And whatever that can buy?

Mr. MANN. Then, that is not the gentleman's amendment. They are allowed 8 cents a mile for their actual mileage, and they would still be allowed that even if the gentleman's amendment prevailed.

Mr. MADDEN. Mr. Chairman, I ask to have the amendment again reported.

The CHAIRMAN. Without objection the Clerk will report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. COX. Mr. Chairman, if the gentleman will temporarily withdraw his point of order, I will ask leave to modify my amendment.

Mr. MANN. Oh, let the gentleman withdraw his amendment and offer another.

Mr. COX. Mr. Chairman, I ask unanimous consent to withdraw my amendment with permission to offer another.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, I now offer the amendment as follows:

Provided, That officers traveling under orders in the United States shall be allowed mileage not to exceed 5 cents a mile.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I insist that the gentleman put his amendment in writing.

The CHAIRMAN. The gentleman must prepare his amendment in writing.

Mr. COX. I would be very glad to do so, if I have the time.

Mr. SISSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana has the floor. If the Clerk has the amendment in writing he will report the same.

The Clerk read as follows:

Page 6, line 8, after the word "pay" insert the following:

"*Provided*, That officers while traveling under orders in the United States shall be allowed mileage not to exceed 5 cents a mile."

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. COX. Mr. Chairman, I do not desire to take up very much time in discussing this point of order. I think it is clearly in order under the Holman rule adopted at the beginning of the present Congress.

If the Holman rule means anything at all, then the amendment is clearly in order. If it does not mean anything at all—and it was put in the Democratic rules at the time the Democrats captured the Congress—we had better repeal it and get rid of it. The Holman rule provides that an amendment or legislation is in order on general appropriation bills where it tends to reduce expenses or to retrench expenditures. Now, Mr. Chairman, under the law officers of the Navy while traveling under orders are allowed 8 cents a mile. It was argued out once before on the floor of this House, and the Chairman knows that it does not take 8 cents a mile to travel in this country. I made the statement when the Army bill was before this House, and I take opportunity now to reiterate it, that you can buy a ticket from here to Seattle, Wash., for $73; that is, including Pullman fare. Five cents a mile is a sufficient amount. That is the amount of money we allow witnesses in going to and coming from the Federal courts and for travel under the orders of the court. Five cents a mile is the amount we allow our ambassadors and consuls while traveling to and from their destinations. The Department of Commerce and Labor is the only department in this Government that has had the nerve to come out and recommend that their employees be put upon an actual expense basis. The Department of Commerce and Labor has a few employees, I think inspectors, who travel at the rate of 5 cents a mile, and that department reports that if their employees were put on an actual expense basis, so far as mileage is concerned, they would save $15,000 a year. Now, Mr. Chairman, if that department's employees, drawing only 5 cents a mile, by being put upon an actual expense basis can save $15,000 a year, upon the same principle why can not we save that much or more if this class of officers were put under the same rule? I want to again draw the distinction, Mr. Chairman. While my amendment provides they can be allowed 5 cents a mile, that is the total amount that is now allowed to employees of the Department of Commerce and Labor, and yet they say by cutting that down to an actual mileage basis it will save $15,000 a year.

Mr. LEVY. Will the gentleman yield?

Mr. COX. I will yield.

Mr. LEVY. How does the gentleman expect them to pay for their Pullman?

Mr. COX. This 5 cents a mile will pay it.

Mr. LEVY. How does the gentleman expect them to pay the traveling expenses of their families?

Mr. COX. Five cents will pay for it all over the United States.

Mr. LEVY. How will they pay for their baggage?

Mr. COX. Five cents a mile will cover the entire amount, and still have money left.

Mr. LEVY. It is not half enough.

Mr. COX. Yes, it is enough; and more than enough.

Mr. HOBSON. Does the gentleman think that Members of Congress ought to have 20 cents a mile——

Mr. COX. I do not, and I have offered amendment after amendment here to reduce it, and I hope the gentleman has voted with me. I have offered to put it on an actual expense basis, and have offered to put it at the rate of 5 cents per mile, but I have always been defeated; and if any of my amendments had carried it would have saved over $200,000 per year.

Mr. HOBSON. I have not voted with the gentleman.

Mr. MANN. Will the gentleman yield for a question?

Mr. COX. Yes.

Mr. MANN. The allowance now of a naval officer for travel is 8 cents a mile.

Mr. COX. That is the statute.

Mr. MANN. And then in addition to that he is allowed the freight charges on 8,000 pounds of baggage.

Mr. COX. I think that is true; I know that amount is allowed to Army officers.

Mr. MANN. I assume that it is the same.

Mr. HOBSON. There is no allowance to a naval officer, I will say to the gentleman, except the 8 cents a mile.

Mr. MANN. The gentleman is usually correct; I hope he is this time, although I doubt it. I have never known the Navy to get any way behind the Army. The Public Health Service was making a great roar here a short time ago to the effect they were not receiving as much as the Army and Navy. Now, if the gentleman's amendment would prevail it would not only reduce the amount of mileage but it would also cut off the allowance for furniture and so on.

Mr. COX. I did not know that they use any part of this to pay cost of transporting freight.

Mr. MANN. But the gentleman's amendment, as I understand, limits the amount that can be paid to the officers traveling to 5 cents a mile.

Mr. COX. So far as his own personal traveling expenses are concerned.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, my information is that while the Army and Marine Corps get an allowance for freight, the Navy does not have an allowance of that kind. Theirs is embraced within the 8 cents the officers get, and they do not get the freight privilege that is accorded to the others.

Mr. COX. Well, we do not take any part of this mileage of 8 cents a mile to pay the cost of transporting freight?

Mr. HOBSON. All has to come out of it.

Mr. PADGETT. When they move from place to place, out of that they have to pay their cost of moving.

Mr. MANN. Mr. Chairman, I make the point of order. Under the Holman rule, Rule XXI, it is provided:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number—

Which this amendment does not do—

and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

It does not do the last, and the only way it can be held in order is as a reduction of the compensation of the officers paid out of the Treasury. I take it this is no part of the compensation of an officer. It is allowed to him to cover the expense of traveling.

Mr. COX. Will the gentleman yield now? What does the gentleman say on the question of the germaneness of my amendment to the bill?

Mr. MANN. I think it is germane, so far as that is concerned.

Mr. COX. If the gentleman thinks it has no place except in the manner just indicated, how does the gentleman differentiate between the case now under consideration and the Nurse Corps, which was under consideration a moment ago, where it is proposed that a nurse is to receive 75 cents a day, as to whether or not that did not increase their salary?

Mr. MANN. That provision was a direct provision to have the auditing officers allow the salaries that have been paid to the officers heretofore. It is a direct change of law.

Mr. COX. The gentleman will admit, will he not, if it became a law it would have increased the salary of the Nurse Corps?

Mr. MANN. That provision was subject to a point of order.

Mr. COX. It was, and went out; but what I am trying to do is to get the gentleman to admit it, if I can.

Mr. MANN. If it is true, I admit it.

Mr. COX. But if it had become law, it would have increased the salary of the nurses, would it not?

Mr. MANN. It would have made an allowance to them. It would not have increased the salary.

Mr. COX. In other words, it would have given them an opportunity to save all their salaries and have the Government pay their board.

Mr. MANN. There is no doubt about that.

Mr. ROBERTS of Massachusetts. I would like to ask the gentleman if he considers the mileage of Members of Congress a part of the salary?

Mr. COX. A part of the emolument and compensation of the Members of Congress; yes.

Mr. ROBERTS of Massachusetts. Does the gentleman think the three document boxes and his clerk allowance a part of it?

Mr. COX. I do not know as I do.

Mr. ROBERTS of Massachusetts. It is an allowance.

Mr. COX. Just one word, Mr. Chairman. I contend that under the Holman rule the amendment which I have offered is germane to the matter to which my amendment relates. I further contend that it is clearly in order, because it tends to reduce expenditures, and, if it does, that my amendment is germane and not subject to a point of order.

The CHAIRMAN. The Chair is of the opinion that the amendment is in order, under paragraph 2 of Rule XXI, providing as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The point of order is overruled. The question is on the amendment.

Mr. HOBSON. Mr. Chairman, I would like to be heard on the amendment, simply to point out, so that Members will un-

derstand, that there are no allowances for expense money where mileage is allowed in the Navy. For instance, a naval officer ordered from the Navy Department here to the navy yard in New York, would be under the necessity of transporting his family, to pay his railroad fare, and the Pullman fare, and excess baggage. He would get no aid from any Quartermaster's Department as would the Army and the Marine Corps, and no allowances for any freight he might ship. Take, for example, the officers traveling year in and year out. I do not believe that 8 cents would even approximately defray the actual expenses they incur in moving from one station to another under orders.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield.

The CHAIRMAN. Does the gentleman yield?

Mr. HOBSON. Yes.

Mr. GREEN of Iowa. Do I understand the gentleman to say that 8 cents a mile is all that they can receive?

Mr. HOBSON. Yes; 8 cents a mile is all that they can receive. The process is a simple one. I have traveled many thousands of miles under orders, and they simply note the number of miles by the shortest route, and then indorse on the orders the compensation at 8 cents a mile for that many miles traveled.

Mr. GREEN of Iowa. Then, if this provision were added, 5 cents would be the rate?

Mr. HOBSON. Yes; 5 cents would be substituted for 8 cents, and it would not meet the actual expenses of those officers. I want to say that there is really very much more hardship than gentlemen understand in traveling on the part of officers and their families.

Mr. JOHNSON of South Carolina. Is there not a good deal involved in traveling, on the part of officers, outside of traveling with their families?

Mr. HOBSON. Yes, sir.

Mr. JOHNSON of South Carolina. Suppose an officer were sent to San Francisco to make an inspection?

Mr. HOBSON. Yes.

Mr. JOHNSON of South Carolina. Then this rule would apply?

Mr. HOBSON. If I were ordered to New York, and then ordered to return to Washington, the 8 cents would more than cover the railroad fare and the Pullman, and I would save a little on that. But it would not cover the expenses one would probably be put to in providing for his own subsistence on a longer journey.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HOBSON. Certainly.

Mr. MANN. Is the full 8 cents allowed in every case, or is it an uncommon thing to provide that only the actual expenses are allowed?

Mr. HOBSON. That is very frequently the case when travel is required in regular duty, and when you travel abroad in a foreign land only actual expenses are allowed.

Mr. MANN. When an officer is ordered to travel the order is issued, and is it not quite common to provide that he shall be paid only his actual expenses?

Mr. HOBSON. It depends on the kind of duty in this country. It is usually a straight order on which 8 cents is collected. If they send you abroad, they will supply you with a ticket and then defray the actual expenses, of which you are required to keep a memorandum.

Mr. COX. They are paid under different statutes here and abroad, are they not? They are paid here under a different statute?

Mr. HOBSON. They get no mileage at all; they get actual expenses abroad.

Mr. COX. They get no mileage at all, but actual expenses?

Mr. HOBSON. Yes.

Mr. COX. The mileage applies only when they are traveling in this country?

Mr. HOBSON. Yes.

Mr. PADGETT. If the gentleman will permit me——

Mr. HOBSON. Certainly.

Mr. PADGETT. There are certain cases where, when they are traveling in this country, they receive only actual traveling expenses, while in other cases they receive 8 cents a mile. In those cases where the travel is only going from one point to another without a change of duty they get actual expenses, but where they move from one point to another, where the movement involves a change of duty, they get 8 cents a mile. I asked Admiral Cowie, the Paymaster General, this question and he answered:

The law now provides reimbursement for actual necessary expenses for most travel not involving a change of station and duty.

Mr. HOBSON. Take the case of officers serving on the inspection board.

Mr. PADGETT. They get only actual expenses——

Mr. HOBSON. When their duty requires their movement from place to place.

Mr. COX. But when they are drawing 8 cents a mile, that is when they are traveling under orders, is it not?

Mr. PADGETT. Yes; when they are traveling under orders and it involves no change of station. For instance, if a man is stationed in Washington, and he is assigned elsewhere——

Mr. COX. My amendment applies only to people who are traveling under orders in the United States.

Mr. PADGETT. Just a moment. When he is traveling under orders, which involves a change of station and duty, he is allowed 8 cents a mile.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. I ask unanimous consent that the time of the gentleman from Tennessee be extended five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Tennessee be extended five minutes. Is there objection?

There was no objection.

Mr. PADGETT. The Army officers get 7 cents a mile; and in addition, where they have household furniture not exceeding, I believe, 7,000 or 8,000 pounds, they get the privilege of having it transported for them. Officers of the Navy do not have the privilege of having their furniture or household effects transported, but they get 8 cents a mile. Now, when an officer is just sent on current duty he gets actual expenses, but if he is sent under orders involving a change of station and duty, then he gets 8 cents a mile. If he is stationed at Washington and his station is changed to South Carolina or to Cincinnati or some other point where he has naval duty, and it involves a move where he has to take his family and his household furniture, he is allowed 8 cents a mile, but if he is serving on recruiting duty or other duty where he goes and remains only a short time, then he is only allowed his actual traveling expenses. I think it would be very wrong to change this law and to adopt the amendment offered by the gentleman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. Cox].

The question being taken, on a division (demanded by Mr. Cox), there were—ayes 27, noes 60.

Accordingly the amendment was rejected.

Mr. SISSON. I move to strike out the last two words. I want to call the attention of the gentleman from Tennessee again to the lump-sum appropriation carried in this paragraph. I do not think there is any more vicious way to legislate. As I said a moment ago, I am not censuring the gentleman from Tennessee, but I think there is no more vicious method of legislation than to make lump-sum appropriations. There is only one way in the world in which Congress can keep control of these appropriations. There are at least 18 different items that ought to be carried under different subheads in this section. The Secretary of the Navy might, in his discretion, expend all of this money for the item—

Special instruction at home and abroad, in maintenance of students and attachés.

And he would violate no law. You leave it absolutely within his discretion to spend these various amounts upon any one of these various items, as he sees fit and proper.

Mr. PADGETT. He could not do that, because there would be nothing left to pay all the other items.

Mr. SISSON. That is true; but he would violate no law in doing it. Now, serving as I do on the Committee on Appropriations, where these things come up almost every day, I find that it is with a great deal of difficulty that we can get the departments to make up these various items in such shape that the officials can not expend them for various purposes as in their discretion and good judgment may seem fit and proper. I want to commend the gentleman from Virginia [Mr. HAY] and the Military Committee for the effort they have made and the progress they have made in the separation of the various items so that Congress can control them.

Mr. SLAYDEN. The gentleman is discussing that part of the law which authorizes an expenditure for the students and attachés, is he not?

Mr. SISSON. This paragraph involves at least 18 different subheads, and there is a total of $1,000,000.

Mr. SLAYDEN. If the gentleman will permit me, I want to say that the Senate put that on the Army appropriation bill this year for the first time and alleged as a reason for it that it is done for the Navy. The gentleman's service here has been long enough for him to know that one service is played against the other. They say, "We must have this for the Army, because you have given it to the Navy," or "We must have this

for the Navy, because you have given it to the Army." The Senate put that on, and this circumstance arose that compelled them to do it.

Mr. SISSON. I am glad the gentleman from Texas gives me that information, but before I sit down I want to ask what is meant by these "attachés"? What sort of employees are they?

Mr. PADGETT. We have naval attachés who serve in foreign countries gathering information.

Mr. SISSON. Do they attend personally upon naval officers as a valet would do?

Mr. PADGETT. Oh, no; not in that sense.

Mr. SISSON. It is possible under this appropriation for an officer to employ one, two, or three of these valets, and the Secretary of the Navy has a million dollars with which to pay for them.

Mr. PADGETT. Oh, no.

Mr. SISSON. He does have it, because there is absolutely nothing in this appropriation that would prevent it. It is left in the discretion of the Secretary of the Navy. I am unwilling, so far as I am concerned as an individual Member, to vote for appropriations made by this Congress of the people's taxes to be spent within the discretion of any Cabinet officer for any bureau; that is my objection to it.

Mr. HOWARD. Mr. Chairman, I move to strike out the last three words. A few moments ago I listened with interest to the gentleman from Mississippi [Mr. SISSON], and he read an extract from the Democratic platform as to economy, and so forth. I thoroughly agree with the gentleman that all of these items ought to be segregated, and that we ought to know what we are spending the money for in each particular branch of the service and each particular item specified in these bills.

But the gentleman will come back to the very place he started from in making these criticisms on the committee in making up the bill when he said a while ago that we were spending money extravagantly and charged it up to this side of the House. I do not agree with what the gentleman says about wanton and willful extravagance of this side of the House.

The gentleman has been here longer than I have, and he is on the great Appropriation Committee of this House, and he knows that every single, solitary Member is absolutely dependent upon the officials in the different departments of the Government for information upon which they act and upon which they predicate every fair and wholesome appropriation.

Mr. SISSON. And, notwithstanding that fact, the Appropriation Committee on the sundry civil bill reduced the estimates $33,000,000.

Mr. HOWARD. And you have received the congratulations of every Democrat on this side of the House, and you deservedly received those congratulations. But you did not deal in the sundry civil bill upon the same basis that other gentlemen on other committees have been dealing with these departments. Who is this Democratic committee dealing with? In the first place, you have got 21 Members on the Naval Committee, 7 of whom are Republicans, and then you have got on that committee, so I have been reliably informed, three or four or five gentlemen who would be willing to issue bonds to the extent of sixty billions per annum and spend it on battleships. These men are cooperating with the seven Republicans on that committee.

Mr. ESTOPINAL. I do not know where the gentleman gets his information, but I want to say to him that it is not true.

Mr. HOWARD. I am glad to know that there are not five, but I am informed that there are four. I will accept the statement of the gentleman from Louisiana and say that he is honestly in favor of economy, but the matter I am trying to get before the committee is that the gentleman from Mississippi says we are chargeable with this extravagance, when as a matter of fact we are relying on the heads of Republican departments of this Government, upon the Republican administration, to give testimony to a Democratic committee as to the amount of these expenditures, and I say that they have to depend upon this department, and so does every other committee in this House, with the exception of the great committee headed by the gentleman from New York [Mr. FITZGERALD], upon which my distinguished friend from Mississippi [Mr. SISSON] is a member. All these appropriation committees are dependent for information upon the departments.

Mr. CALLAWAY. Does the gentleman think the heads of these committees are excusable for taking without reserve the statement of the heads of departments? Does not he think they ought to take them with a grain of salt?

Mr. HOWARD. Suppose they did not do it; the department could make omnipresent and omnipotent fools out of any committee that did not take their estimate. The committees are absolutely dependent on them.

Mr. CALLAWAY. Does the gentleman think that the heads of these committees know nothing about the expenditures and that they are wholly dependent on the heads of these departments?

Mr. HOWARD. We have been blindly doing it ever since and long before either the gentleman from Texas or I came to this Congress.

[The time of Mr. HOWARD having expired, by unanimous consent his time was extended three minutes.]

Mr. HOWARD. Mr. Chairman, in reply to the gentleman from Texas [Mr. CALLAWAY], I want to say that I am as much in favor of economy as is he or any other Member of this House; but I say that by the methods by which great appropriation bills in this Congress are made up you can not charge the Democrats for extravagance for which they are not guilty.

Mr. MURRAY. Will the gentleman state what plan he has for the correction of this evil?

Mr. HOWARD. I have a plan, but it is not an original plan with me. It is the plan of a man who has developed into—and will be so long as he remains in public life—one of the greatest leaders of men, the greatest constructive statesman that this country has produced since the Civil War, OSCAR W. UNDERWOOD.

Mr. MURRAY. Will the gentleman state what it is?

Mr. HOWARD. To have the Congress of the United States represented in the departments in obtaining information by an expert, so that we may intelligently make up appropriation bills. Congress is not represented by these men who seek to have their salaries boosted, these men who seek to obtain special privileges, these men that appear before these committees biased and selfish, asking for and seeking to obtain greater appropriations year by year. If you will take the history of the growth of these appropriations, you will find that the personnel represented in the appropriation bills have gotten their hands deeper and deeper into the Treasury each year since this Government has existed, and it is no departure now if this bill be extravagant in its proportions.

Mr. PADGETT. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Certainly.

Mr. PADGETT. I just want to say to the gentleman that the Naval Committee in this bill cut down the estimate more than $22,000,000.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. PADGETT. Mr. Chairman, I ask that the Clerk read.

Mr. SISSON. Mr. Chairman, I move to strike out the words "and attachés," on page 5, line 13.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 13, amend by striking out the words "and attachés."

Mr. SISSON. Mr. Chairman, I just want to say a word. I made a statement a moment ago with reference to the extravagance of this Congress, and I want to say that I had no intention of making the Naval Committee the goat. I simply put them in the same class with the other committees that have reported these bills, and I do no want to do the gentleman from Tennessee any injustice.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. HOWARD. The gentleman will admit that even his own committee is dependent absolutely on Republican officeholders for the estimates upon which they act.

Mr. SISSON. We depend upon them for information.

Mr. HOWARD. And this committee cut the original estimate $22,000,000.

Mr. SISSON. I decline to yield further. We are dependent upon them for information, but when you go at these men right I have found nearly all of them will give you the information, and if you make up your mind you are going to cut things down at the right place, they will tell you where to cut. That has been our experience in the Appropriation Committee. We may not deal with the same people that these other committees deal with. I hope this amendment will prevail.

Mr. PADGETT. Mr. Chairman, I simply want to say to the committee that these naval attachés are abroad. They are experts. They render a service that gets very essential and very important information for the Government and the departments, and I hope the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. SISSON) there were—ayes 25, noes 61.

So the amendment was rejected.

The Clerk read as follows:

Contingent, Navy: For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department, or any of its

subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, $46,000: *Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made under the appropriation "Contingent, Navy," to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the island possessions during the fiscal year 1914.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I have been somewhat wearied by hearing the gentleman from Mississippi [Mr. SISSON] criticize the make-up of the naval appropriation bill and hold up as the model for this committee to follow the Army appropriation bill that recently passed the House. I have sent for that bill and now have a copy of it in my hand. The criticism made of the naval bill by the gentleman from Mississippi is that we do not itemize, that we have 40 or 50 items in a lump-sum appropriation, and that the appropriation can be expended, as he says, for any one of the items. If he will take the Army appropriation bill and look on page 5, he will find a lump sum of $375,000, with 16 lines of special items, for any one of which that can be expended, as he maintains. On page 19, equipment of Coast Artillery, he will find a lump sum of $275,000, with 11 lines of special items that that money may be expended for. If he will go further on, to page 22, he will find a lump-sum appropriation of $9,140,000, with two whole pages of individual items, for any one of which, upon his argument, the whole $9,000,000 may be expended. If he will go still further on, page 25, he will find another lump-sum appropriation of $7,660,000, with three and a half solid pages of individual items for which that can be expended. Then, still further on, page 40, he will find a lump-sum appropriation of $775,000, with a page and a half of individual things for which that can be expended, for any one of which, as he argues, that lump sum can be expended. I want to say to this committee that the naval bill is itemized more in detail, with the one exception of the men and officers, than the much-vaunted Army appropriation bill.

Mr. SISSON. Mr. Chairman, I want to say to my friend from Massachusetts [Mr. ROBERTS] that I did not hold up the Army bill as an example. I simply held up the Army bill as an evidence of the efforts that the gentleman from Virginia [Mr. HAY] had made to have his bill more properly itemized, but the gentleman will not find in the Army bill a single item that approaches in amount the $29,000,000 carried in this bill. Not only that, but the items to which the gentleman referred, several of them, were classifications which would properly fall within one item in the bill, but the items in this bill are not so logically arranged, because there are 18 different items in one of these paragraphs which have no immediate relation with each other. I can understand how appropriations for Coast Artillery, where the appropriation is to be spent by one set of officers who have charge of the work might be made in one lump-sum appropriation for that specific service, but where it ranges over the entire range of naval appropriations we ought to know what each particular branch of the naval service is costing, how much and why; but under this bill that can not be ascertained unless one should go over the hearings.

And I might say now when I got to the hearings on this bill I found that only the new items, as a rule, are the ones about which a single question has been asked and when I go over the hearings I find that some member of the committee or the chairman will say, the next new item we find in this bill is over on page so-and-so, and item after item is skipped and not a single question asked about it. I do not know whether the Army bill does the same thing or not, but if they do it I have as much opposition to that, and the committee upon which I have the honor to serve is a committee where I am just as much opposed to lump-sum appropriations wherever they occur as any other lump sum. I am not attacking the Navy bill here as such. I am simply attacking the system that prevails, and I would like for Members of the House to join in a businesslike way in having these departments give this legislative body some information about what the people's money is expended for.

Mr. ROBERTS of Massachusetts. Will the gentleman yield for a question?

Mr. SISSON. I yield to the gentleman, but the gentleman declined to yield to me.

Mr. ROBERTS of Massachusetts. No; I did not decline to yield.

Mr. SISSON. If I have the time.

Mr. ROBERTS of Massachusetts. I did not decline to yield.

Mr. FOSS. How long has the gentleman been on the Committee on Appropriations?

Mr. SISSON. Two years.

Mr. FOSS. I understood he had been on it only this session?

Mr. SISSON. Well, that is two years on the 4th of March.

Mr. FOSS. Does not the gentleman think he is assuming a pretty large contract, in view of his short membership upon the committee, to state the distinguished chairman of the Committee on Naval Affairs, who has been on that committee for ten or a dozen years——

Mr. SISSON. I know some gentlemen, by reason of their long service and long continuance of abuses, are unwilling to admit there is anything wrong in the past. The man who sits supinely by and is willing that these things may continue is a man who never made any progress and never did his country any service. [Applause.] I do say that no business man, no banker, no railroad president, no man legislating in his own interest, in his own business, would so legislate.

There is no reason why the membership of this House should not have the same information that the members of the committee have, and I am favoring now in the Appropriations Committee, and I hope they will do so in the next session of Congress, the putting of every new item and every new change in italics in the bill for the information of the House, so that each individual Member might have the same information that the members of the committee have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I ask for one more minute. I do not believe that the committee has any other function to perform other than to make recommendations to this House, and every Member of the House has an equal right to all the information that every member of the committee has, and I do not believe that it is proper that men should endeavor to conceal in bills things that commend themselves to the committee and endeavor to slip it through the House, and then congratulate themselves that the House never discovered it.

Mr. PADGETT. I want to say to the gentleman that every single new item in this bill is in italics.

Mr. SISSON. Not in the one you presented to the House; that one you hold in your hand is for your own information. That is what I am complaining about; you are willing the membership of the committee should have the italicized new items, but you do not give it to the House, and I am not criticizing the gentleman because no committee is doing it now.

Mr. ROBERTS of Massachusetts. Is not that true of the Committee on Appropriations?

Mr. SISSON. Absolutely; and I am complaining of that committee. I am not making any complaint against the Naval Committee, but make it against every committee. I do not stand by that committee, if I think it is wrong. I do not even stand by my party, if I think it is wrong. Does the gentleman say the same thing? Will you say the same thing?

Mr. ROBERTS of Massachusetts. Yes, indeed.

Mr. MANN. When my distinguished friend is translated to the other end of the Capitol will he remember to do that?

Mr. SISSON. I will if you transfer me over there.

Mr. RODDENBERY. Mr. Chairman, I move to strike out the last word in this paragraph. It is for the purpose of calling the committee's attention to the very important question that is raised touching making of appropriations in the lump sum.

Mr. SISSON. Will the gentleman permit me just one interruption?

Mr. RODDENBERY. Yes; just one.

Mr. SISSON. I want to call the attention of the House to one subcommittee of the Committee on Appropriations—the Subcommittee on the District of Columbia—which italicized every new item in the District appropriation bill.

Mr. RODDENBERY. I want to call the committee's attention to a bill that is ideal, according to the measure of the gentleman from Massachusetts [Mr. ROBERTS] and other gentlemen. All these large bills you bring in here carry many unitemized, lump-sum appropriations, running as high as and over $10,000,000 each. If you will get the public buildings bill and turn to it, you will find every item specifically stated. It shows specifically whether it is a site, an additional site, a site and a building or an extension, itemized fully and completely, so that the House knows exactly what it is. Consequently, when our committee brings a bill in we do not consume the time of the country here in endless debate. We call up our bill, and, under the rules, without resorting to the chairman of the Committee on Rules [Mr. HENRY] for a gag rule, and pass the bill. We do not rely on a simple majority, but put it through the House by more than a two-thirds vote, and everyone knows exactly what he has in the bill.

Mr. MANN. Will the gentleman yield?

Mr. RODDENBERY. I yield.

Mr. MANN. If the other appropriation bills should be itemized as the public buildings bill was, would the gentlemen in

charge of it be afraid to have it discussed on the floor of the House?

Mr. RODDENBERY. It would not be necessary. They could inquire into it beforehand. And as to the public-building bill, you take my friend from Mississippi [Mr. SISSON] or my friend from Texas [Mr. DIES], when the bill goes over to the Senate; if the reckless Public Building Committee of the House has given to his district an amount that he thinks is too much, or that he ought not to have, he can say to the Senator from Mississippi or to the Senator from Texas, "Senator, there is tainted meat in that bill; cut it out." My friend from Mississippi [Mr. SISSON] had a little pork in the House bill that was strung up a trifle under age, yet I see it still hangs in the Senate bill. And when my friend from Texas [Mr. DIES] introduced his two bills in the House, one for $75,000, we applied the rule, and gave him the maximum of $55,000. And for his Orange site bill we gave him $10,000, though his bill did ask modestly for $20,000. I was, however, astonished when I read the Senate bill to find that his tainted pork, instead of being hauled out and buried, went back to the Senate in the bill. Not only that, but at Orange, Tex., where the House committee, by giving him only half the pork he asked for, in the sum of $10,000 for a site, created a stench in the nostrils of the people, so he says, nevertheless, I perceive it now shows up in the Senate increased to $60,000 for a site and building. And my friend from New York [Mr. FITZGERALD], when in a virtuous and economic mood, entreated our committee to expunge Brooklyn from the House bill. It was malodorous pork, and he would not have it. The House committee, with due regard for his refined sensibilities, did it. But, behold, in the Senate bill, Brooklyn, smelling to high heaven, shows up with that same $350,000 worth of pork, notwithstanding there has already heretofore been appropriated for the same building, in Brooklyn, $1,080,000. And I find that the city of New York has a side of tainted meat of the alleged value of $3,000,000. Of course, if a Republican Senator had put the $3,000,000 in the bill in the Senate, I would have thought that my friend from New York, chairman of the Appropriation Committee [Mr. FITZGERALD], was helpless to prevent it; but when a Democratic Senator, whose own hand helped write the Democratic economy platform at Baltimore, puts it in, I am astounded that Brooklyn, the home of my colleague from New York, does not rise in revolt against being the dumping ground for tainted pork. [Applause.] The city of New York has already had $20,000,000 of pork in public buildings. And yet it will not do for a rural Member to look with longing eyes even upon a small slice of bacon. Gentlemen, if any of you——

The CHAIRMAN. The time of the gentleman from Georgia [Mr. RODDENBERY] has expired.

Mr. BUTLER. Mr. Chairman, I ask that he have an hour.

Mr. RODDENBERY. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that his time be extended for two minutes. Is there objection?

There was no objection.

Mr. RODDENBERY. And if some gentlemen had not been so busy scenting out tainted meat in the naval bill they would have had time to have studied the rules of the House a little more, and they would know how to pass a naval bill. Why, in the last days of Congress you are taking up day after day in considering this measure and studying the rules. But when you have a bill you should bring it in like the Public Buildings Committee, who understand how to pass legislation and do business—do business. [Laughter.]

If any of you gentlemen who urged the House committee to give you some public-building pork, and after they did it and you knew it would pass, your stomach got too weak to digest the meat, you can go to the Senate and vomit it up. Indeed, it will give me pleasure, as a member of that committee, to go to my able Senators from Georgia and ask them to cooperate with your Senators in the Senate and expunge from that bill this "rotten meat" that the House Committee on Public Buildings and Grounds have rammed through you without a chance to investigate. [Laughter.] You need not carry any pork back home with you if it is so abhorrent to you. That bill has not passed the Senate yet. There is not a member of the House Committee on Public Buildings and Grounds who will not cheerfully go in person to the Senate, or in writing, and help any of you outraged gentlemen get your spoiled meat out of that bill that is alleged to be a stench in the nostrils of the people of the country. [Laughter and applause.] Brethren, I offer you my services, and if you do not desire me to go with you I will promise you not to make a point of no quorum while you are at the other end of the Capitol disgorging. [Laughter.]

Talk about "tainted meat." Let me read from the naval appropriation bill: "Rhode Island; Philadelphia, Pa.," spoiled meat; "Newport, R. I."; "Portsmouth, N. H."; "Boston, Mass."; "New York, N. Y."—more pork. Oh, it is a small sum. It is just $270,000; that is all. [Laughter.]

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. RODDENBERY. I regret I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. RODDENBERY. Pork again, "Philadelphia, Pa.," only $270,000 worth. The last-named two big coast cities in two items in this bill are gulping down more naval "pork" in one year than 50 per cent of the inland States have had in the history of the Government for public improvements. [Applause.]

Again I read from the naval bill, "Norfolk, Va." It is only $260,000. "Charleston, S. C.;" "Mare Island, Cal.;" "Rhode Island" again; "California;" "Mare Island, Cal.;" "Rhode Island" again; "New York Harbor;" "La Fayette, N. Y.;" "Lake Denmark, N. J." "Pork, pork; more pork!" [Laughter.]

Gentlemen, how comes it that the people of the country who want public buildings for adequate, needed postal services are just getting "pork"? What-in-the-name-of-God kind of varmint is this you naval statesmen are figuring to feed on? Is it possum? [Laughter.] From what the gentlemen have said it must be polecat meat, commonly called "skunk." [Laughter.]

I read again. "St. Julian Creek;" "Mare Island, Cal.;" "Hingham, Mass.;" "Philadelphia, Pa.;" "Boston, Mass." Oh, to be sure, it is only a quarter of a million dollars, but that is only a small sum. [Laughter.]

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. RODDENBERY. I can not yield. But let me read on through this essay on "pork," gentlemen, and you will find "Portsmouth, N. H.," again, and "Boston, Mass.," again. Why they have got it cut up into sides, in quarters, in middlings, in jowls, in joints, in link sausages, and in unrid guts. [Laughter.] Here is "New York" again.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RODDENBERY. Mr. Chairman, I would like to have one minute more.

Mr. FOSTER. Mr. Chairman, I call for the regular order.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

Mr. GUDGER. I ask that the gentleman be given five minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. RODDENBERY] asks unanimous consent for one minute more. Is there objection?

Mr. FOSTER. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] objects.

Mr. RODDENBERY. Mr. Chairman, I will finish these broken remarks again. [Laughter and applause.]

Mr. MURRAY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Clerk will read.

Mr. MURRAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURRAY. Is it in order for a gentleman to rise in his place in the House, here, in this committee, and ask recognition before the Clerk was directed to read?

The CHAIRMAN. The gentleman did not do that.

Mr. MURRAY. Is it in order?

The CHAIRMAN. It is in order.

Mr. MURRAY. Then, I assert that before the Chair had directed the Clerk to read, I stood up in my place and asked for recognition.

The CHAIRMAN. The gentleman asked to interrupt the gentleman from Georgia [Mr. RODDENBERY], but that gentleman's time has expired.

Mr. MURRAY. Mr. Chairman, I asked for recognition in my own right after the gentleman's time had expired.

The CHAIRMAN. The Chair did not understand the gentleman.

Mr. MURRAY. That is not my fault.

The CHAIRMAN. The gentleman will now be recognized.

Mr. MURRAY. Mr. Chairman, I yield one minute of the time I have to the gentleman from Georgia.

The CHAIRMAN. The gentleman can not do that.

Mr. RODDENBERY. Mr. Chairman, will the gentleman yield?

Mr. MURRAY. Mr. Chairman, I yield to the gentleman from Georgia [Mr. RODDENBERY] for a question.

Mr. RODDENBERY. I was reading from certain pages of the naval bill, and the gentleman from Massachusetts [Mr. MURRAY] is more thoroughly familiar with it than I am.

Mr. MURRAY. I want to say, Mr. Chairman, since I have had recognition, that every one of these items recommended by the Secretary of the Navy is recommended by one hostile to the Boston Navy Yard, and it is a ridiculous proceeding for the gentleman from Georgia [Mr. RODDENBERY] or any gentleman to stand here and object to appropriations for the maintenance of work that is to be done at the navy yard at Charlestown, Mass.

Why, it is only a year ago that the Secretary of the Navy announced that he is entirely in favor of the abolition of the navy yard at Charlestown, Mass., and it was only because of the activities of my colleagues from Boston, Mr. CURLEY, Mr. PETERS, and myself, backed as we were by the overwhelming public sentiment of the people of Boston, that we were able to make a successful fight for any appropriation of this character in this bill.

There is a great navy yard at Charlestown which could do much more splendid and efficient work for the maintenance of the American Navy than it is permitted to do because of the activity of a hostile Secretary of the Navy. It is all very well for the gentleman from Georgia [Mr. RODDENBERY], and it is all very fine for other Members to stand up here as captious critics, to point to what they describe as large appropriations, but we know the facts. The chairman of the Committee on Naval Affairs and the members of that committee, economists both real and alleged, will testify to the truth of my assertion that there is not one penny of money appropriated in this bill for Charlestown that is any greater than it should be.

I have received during the past few days a written request to have included in this bill an item for $200,000 to put the Charlestown Navy Yard in condition of equipment to build for the United States any battleship the Nation may require.

It is a wise request to make, and it would be a wise item to include in this bill. We know that battleships are costing this Government more than they should cost; we know that Great Britain and Germany are building their ships at a manufacturing cost that is estimated to be 30 to 40 per cent less than the amount for which we can buy like ships from private shipbuilders.

I believe sincerely that this Government can build in its own navy yards, once they are properly equipped, better ships at less cost than are being built in private shipbuilding yards.

You may tell me that a few years ago two ships for the American Navy were built, one at a Government yard and one at a private shipbuilding place; that the cost of the *Florida*, the first ship, was greater than the cost of the *Utah*, the second.

I reply to you that the comparison is not fair. I cite to you as a clear illustration of the unfairness of the comparison that the Government ship was built by workmen on an eight-hour basis and the private work was done by contractors, who did not observe the eight-hour rule of employment; that building was done before we passed the law requiring contractors doing work for the Government to observe the principle of eight hours as a day's work.

I regret that the temper of the times and the rules of this House make it impossible for me to get this appropriation of $200,000 at this time. We shall continue to fight for it, however, and I hope that the day is not remote when we may win. [Applause.]

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last three words. The gentleman from Boston [Mr. MURRAY] may not think that the gentlemen from the South who are requesting appropriations and securing them in this Congress are rendering their constituents proper service. I am not surprised at that. For years and years nearly all the appropriations of this Government have been voted into the large cities, like Boston and New York, Chicago, and other places in the east and west. And because, forsooth, the people of the South are now coming into their own in small degree, and securing some appropriations, gentlemen who have been gobbling up everything all of these years come in here on this floor and criticize us for trying to get something.

Mr. MURRAY. Will the gentleman yield?

Mr. TRIBBLE. You get millions upon millions year after year. I got an appropriation through here for places in my district and some gentlemen have been chiding me on being inconsistent in supporting the building bill. Yes, I am for the building bill; not only that, I was not satisfied with the House provisions for my district. I went to the Senate and saw Senator SMITH and got three more building sites, and my constituents will commend me and praise me for doing it. [Applause.]

The Clerk read as follows:

Care of lepers, islands of Guam and Cullon; Naval station, island of Guam: Maintenance and care of lepers, special patients, and for other purposes, including cost of transfer of lepers from Guam to the island of Cullon, in the Philippines, and their maintenance, $14,000.

Mr. SISSON. I reserve a point of order. I want to ask if this increases the appropriation; it is a new item.

Mr. PADGETT. No; it is in pursuance of the law of last year transferring the lepers from Guam to the island of Cullon.

Mr. SISSON. What was the necessity of that?

Mr. PADGETT. They did not want to maintain two places, and they are putting them all at one place.

Mr. Chairman, I want to submit a request for unanimous consent. There are a number of Members that want to take a recess for an hour for dinner. I want to ask unanimous consent that if the committee will rise we may take a recess for an hour in the House, from now until 7.30 o'clock.

Mr. GREGG of Texas. Make it two hours. I can not get home and get anything to eat in less than two hours.

Mr. MANN. The gentleman knows that no agreement can be entered into in committee.

Mr. PADGETT. I am simply ascertaining if it meets with approval. If it does, instead of holding on, I will ask that the committee rise, and then I will ask for a recess until 7.30.

Mr. MANN. At which time it will take a motion to go back into Committee of the Whole.

Mr. PADGETT. I am going to rely on the good sense of the Members of the House not to use obstructive tactics.

Mr. BUTLER. It will require a quorum to get back into the House.

Mr. PADGETT. Mr. Chairman, there seems to be a number of objections around me, and I think I will not put the request, but we will proceed.

Mr. SISSON. I move that the committee do now rise.

The CHAIRMAN. The Chair thinks that that is in the hands of the gentleman from Tennessee, the chairman of the committee.

The Clerk read as follows:

BUREAU OF NAVIGATION.

Transportation: For travel allowance of enlisted men discharged on account of expiration of enlistment; transportation of enlisted men and apprentice seamen at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation, $825,000.

Mr. SISSON. Mr. Chairman, I want to state that it seems to me that if we take a recess until 7.30 it will allow Members to come back with better vigor and we will save time.

The CHAIRMAN. That suggestion is not in order.

Mr. SISSON. I move to strike out the last word in order that I may make the suggestion. A moment ago I made a motion that the committee rise, and I think the motion ought to have been put. I have no disposition to delay the matter, and I have no objection to returning after recess.

Mr. MANN. The gentleman seems to be very hearty and vigorous; does he need anything to eat?

Mr. SISSON. I have been at work ever since 9 o'clock this morning, and I have not had any lunch.

Mr. MANN. Oh, the gentleman ought to be able to work 14 hours without anything to eat.

Mr. SISSON. Mr. Chairman, I make the motion that the committee do now rise.

The question was taken; and on a division (demanded by Mr. SISSON) there were 35 ayes and 55 noes.

Mr. SISSON. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and three Members present, a quorum.

So the motion was lost.

Mr. FOWLER. Mr. Chairman, I desire to offer an amendment to this paragraph by striking out the figures 825,000 and inserting in lieu thereof the figures 800,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 7, line 16, by striking out the figures "825,000" and inserting in lieu thereof the figures "800,000."

Mr. FOWLER. Mr. Chairman, I understand that $800,000 was the amount carried by the bill passed during the last session of Congress. I have been looking into the expense of this item the best I can, and I have failed to see any good reason why the increase should be made over the appropriation of the last session of Congress. I can not understand, Mr. Chairman,

why this item should be increased, and I therefore request of the gentleman who is at the head of this committee to give me some reason why this item has been increased.

Mr. PADGETT. Mr. Chairman, last year we authorized 4,000 additional men, and we have enlarged the enlistment. The department asked for $50,000 on account of the need of transporting additional men, and the committee recommended $25,000. We have more men to handle and more officers to transport.

Mr. FOWLER. Was the entire $800,000 appropriated in the last bill expended?

Mr. PADGETT. Practically all of it.

Mr. FOWLER. What was the surplus?

Mr. PADGETT. It was a very small one. I do not remember.

Mr. FOWLER. I will be very glad to have the amount in the RECORD, if I can get it.

Mr. PADGETT. It is a very small balance. I have not before me the exact unobligated balance, because the returns are not yet all in.

Mr. FOWLER. In round numbers, does it amount to as much as $25,000?

Mr. PADGETT. I think not.

Mr. FOWLER. Mr. Chairman, I understand that there is an unexpended balance in this item for the fiscal year ending June 30, 1912. I am really in favor of giving the Navy every dollar that is necessary to make it efficient, but I am not willing to vote for a single dollar more. We are compelled, Mr. Chairman, to reduce ourselves to a condition of economy in these great appropriation bills, or the sum total will rise so high beyond our expectations, and the expectation of the people, that there will be no reasonable excuse for our conduct.

I am aware of the fact that there are some very able men upon this committee, men of long service, and all of the gentlemen are able men, but I exhort them, as well as members of the other great Appropriation Committees, that they take that precaution in making these appropriations that they said they would on the stump in the last campaign.

Mr. Chairman, I feel that if these appropriations should pile up as large as the estimate now shows, the people in the next election will unfold a tale, which will not only harrow up the political soul of some of the gentlemen here, but will freeze their young political blood and make their two eyes, like stars, start from their spheres, and their knotted and combined locks to part—

> And each particular hair to stand on end
> Like the quills upon the fretful porcupine.

[Applause.]

Mr. PADGETT. Mr. Chairman, I want simply to state that we have already reduced this appropriation last year $200,000, and this year they are asking for $50,000, on account of an increased enlistment of 4,000 men. We are simply giving them $25,000, which would make a net reduction from the former appropriation of $175,000. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. SISSON. Mr. Chairman, I ask for a division.

Mr. BUTLER. Mr. Chairman, I make the point of order that the request comes too late.

The CHAIRMAN. The gentleman is too late. The Chair had already announced the result.

Mr. SISSON. Mr. Chairman, I rose as soon as I could. I was on my feet endeavoring to address the Chair. I make the point of order that there is no quorum present, and there manifestly is not a quorum present.

The CHAIRMAN. The Chair will count and see.

Mr. BUTLER. Mr. Chairman, I suggest that we have not done any business since the Chair ascertained there was a quorum present a few moments ago.

The CHAIRMAN. But there seems to be an intent not to do any business. The Chair will count. [After counting.] Seventy-nine Members are present—not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names.

Allen	Bradley	Cline	Davis, Minn.
Ames	Brantley	Conry	Davis, W. Va.
Andrus	Broussard	Copley	De Forest
Ansberry	Brown	Crago	Dent
Anthony	Burke, Pa.	Cravens	Denver
Ayres	Burke, S. Dak.	Crumpacker	Dickson, Miss.
Barchfeld	Burleson	Cullop	Difenderfer
Barnhart	Byrnes, S. C.	Currier	Dodds
Bartholdt	Callaway	Curry	Doremus
Bates	Campbell	Dalzell	Draper
Bathrick	Cannon	Danforth	Driscoll, D. A.
Berger	Cantrill	Daugherty	Driscoll, M. E.
Boehne	Carter	Davenport	Dupré
Borland	Claypool	Davidson	Dwight
Evans	Hughes, W. Va.	Mondell	Shackleford
Fairchild	Hull	Moon, Pa.	Sherley
Fergusson	Humphrey, Wash.	Moon, Tenn.	Sims
Ferris	Humphreys, Miss.	Moore, Tex.	Slemp
Focht	James	Morgan, La.	Sloan
Fordney	Johnson, Ky.	Morgan, Okla.	Smith, J. M. C.
Fornes	Johnson, S. C.	Morrison	Smith, Saml. W.
Fuller	Kahn	Morse, Wis.	Smith, Tex.
Gallagher	Kennedy	Mott	Sparkman
George	Kent	Murdock	Speer
Gill	Kindred	Needham	Stack
Glass	Kinkaid, Nebr.	Nelson	Steenerson
Godwin, N. C.	Kinkead, N. J.	Norris	Stephens, Miss.
Goeke	Knowland	Nye	Stephens, Nebr.
Goldfogle	Konig	Olmsted	Stephens, Tex.
Good	Kopp	Page	Stevens, Minn.
Gould	Korbly	Palmer	Sweet
Graham	Langham	Parran	Talbott, Md.
Green, Iowa.	Lawrence	Patten, N. Y.	Talcott, N. Y.
Greene, Mass.	Lee, Ga.	Patton, Pa.	Taylor, Ala.
Greene, Vt.	Lenroot	Peters	Taylor, Colo.
Gregg, Pa.	Lever	Pickett	Taylor, Ohio
Griest	Lewis	Porter	Thayer
Guernsey	Lindsay	Post	Towner
Hamill	Linthicum	Pou	Townsend
Hamilton, W. Va.	Littleton	Prince	Turnbull
Hammond	Lobeck	Prouty	Tuttle
Harris	Longworth	Pujo	Underhill
Harrison, Miss.	McCall	Randell, Tex.	Vreeland
Harrison, N. Y.	McDermott	Ransdell, La.	Warburton
Hart	McGillicuddy	Reilly	Webb
Hartman	McGuire, Okla.	Reyburn	Weeks
Haugen	McKellar	Richardson	Whitacre
Heald	McKenzie	Riordan	White
Heflin	McKinley	Roberts, Mass.	Wilson, Ill.
Helgesen	McKinney	Rodenberg	Wilson, N. Y.
Henry, Conn.	McMorran	Rothermel	Wilson, Pa.
Henry, Tex.	Madden	Rouse	Wood, N. J.
Hill	Martin, Colo.	Rucker, Colo.	Young, Kans.
Houston	Martin, S. Dak.	Rucker, Mo.	Young, Mich.
Howell	Matthews	Sabath	Young, Tex.
Howland	Mays	Scully	
Hughes, Ga.	Miller	Sells	

The committee rose; and Mr. UNDERWOOD assuming the chair as Speaker pro tempore, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, finding itself without a quorum, he had caused the roll to be called, and that 155 Members answered to their names, and he reported herewith the list of absentees.

The SPEAKER pro tempore. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, finding itself without a quorum, he caused the roll to be called under the rule, and 155 Members answered to their names—a quorum. The Clerk will note the names of absentees and the committee will resume its session.

The Clerk read as follows:

Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, $130,000: *Provided*, That no part of this appropriation shall be expended in recruiting seamen, ordinary seamen, or apprentice seamen unless, in case of minors, a certificate of birth or a verified written statement by the parents, or either of them, or in case of their death a verified written statement by the legal guardian, be first furnished to the recruiting officer, showing applicant to be of age required by naval regulations, which shall be presented with the application for enlistment; except in cases where such certificate is unobtainable, enlistment may be made when the recruiting officer is convinced that oath of applicant as to age is credible; but when it is afterwards found, upon evidence satisfactory to the Navy Department, that recruit has sworn falsely as to age, and is under 18 years of age at the time of enlistment, he shall, upon request of either parent, or, in case of their death, by the legal guardian, be released from service in the Navy, upon payment of full cost of first outfit, unless, in any given case, the Secretary, in his discretion, shall relieve said recruit of such payment: *Provided*, That authority is hereby granted to employ the services of an advertising agency in advertising for recruits under such terms and conditions as are most advantageous to the Government.

Mr. FOSTER. Mr. Chairman, I make a point of order on the paragraph, especially to that part of the paragraph upon page 7 which provides for advertising.

Mr. ROBERTS of Massachusetts. What is the point of order?

Mr. FOSTER. I want to ask the gentleman from Tennessee if the Navy Department has authority under the law to advertise for recruits?

Mr. PADGETT. Yes; I think so.

Mr. FOSTER. If they have that authority by law, then I will withdraw that point, and I make the point of order on the second proviso.

Mr. PADGETT. Line 15, page 8?

Mr. FOSTER. Yes.

Mr. PADGETT. I will state to the gentleman that this has been operating for a couple of years past and has given very satisfactory results. It has been very beneficial and very helpful and has reduced the cost of recruiting and has worked very satisfactorily. I hope the gentleman will not make the point of order.

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr. MANN. How much is now paid for advertising in magazines and newspapers by the Navy Department?

Mr. PADGETT. I think we have a statement in the hearings, but I do not recall it just at the moment.

Mr. COX. I think it is about $28,000.

Mr. PADGETT. I think it is somewhere around there, but I do not remember the exact figures.

Mr. FOSTER. I will state, Mr. Chairman, while I am not positive—and I am willing to take the statement of the gentleman from Tennessee that the Navy Department has a right to advertise for the recruits—that I do not believe that it is a good plan to enter into a scheme of this kind of going into advertising agencies for the purpose of securing recruits.

Mr. MANN. Will my colleague yield there? While I think we have authority, I do not think it is express authority, but only authority to obtain recruits.

Mr. FOSTER. If that is all, I make the point of order against this part in regard to advertising. I think I shall make that, Mr. Chairman.

Mr. ROBERTS of Massachusetts. Mr. Chairman——

Mr. FOSTER. I will make the point of order on page 7, line 19, "advertising for and."

Mr. MANN. "Advertising for and."

Mr. FOSTER. "Advertising for and," and also the proviso on page 8.

Mr. PADGETT. Mr. Chairman, I can not put my hand on it just now, but that language has been in the bill time out of mind, advertising for recruits, and I think it is authorized by law, for the simple reason that the department must have some means of letting the public know that they need recruits and must have them.

Mr. FOSTER. I take it that they establish recruiting stations and those recruiting stations usually advertise in the community where they are established by their presence, but I will say to the gentleman frankly that I am opposed to this manner of obtaining recruits for the Navy. I think it is a bad practice to put out all sorts of alluring advertisements to get young men to go into the Navy, and after they are in there for a few months they become dissatisfied and many of them are unable to get out, and the result is they desert and our prisons have been filled by these young men on account of their deserting.

Mr. PADGETT. The desertions are decreasing every year.

Mr. FOSTER. I will say to the gentleman from Tennessee I would rather see fewer men, fewer boys, enlist in the Navy and have those boys satisfied with the position they occupy than I would to have the prisons of the country filled by young American citizens.

Mr. PADGETT. The desertions are reducing every year, and there are now only about 3¼ per cent, I think——

Mr. MURRAY. Mr. Chairman, I inquired into this same item last year, and I found the reason for this item was because under the old system they had to have separate vouchers and separate clerical work for each bill from each newspaper or magazine that was presented. That is the reason for requesting this authority, in order that a great many newspaper advertisements or magazine advertisements might be cared for in one voucher.

If the gentleman's objection is as to the practice of advertising at all, I think it is probably well taken, but if his objection is to the advertising-agency feature of it, I think there is a wise economy in the advertising agency. I made an inquiry, not in the debate last year, but as an independent proposition, of the chief of the bureau, because it attracted by attention, as it seems to have attracted the attention of the gentleman from Illinois [Mr. FOSTER].

Mr. ROBERTS of Massachusetts. I want to suggest to the gentleman from Illinois [Mr. FOSTER] that if his point of order is well taken and it should be sustained and strike out the advertising authority, there would be no way left for the Navy Department to get recruits. If we absolutely prohibit them from any form of advertising, they could not even hang out a sign over their recruiting station in a city saying that recruits were wanted.

Mr. FOSTER. I will say to the gentleman from Massachusetts I see no harm in that, and I do not think there is anything wrong in it, but I do believe that it is absolutely wrong for the Navy Department to put out great colored posters describing all the wonderful things a boy can obtain by enlisting in the Navy, inducing those boys through that advertisement to enlist when they ought not to do so.

Mr. ROBERTS of Massachusetts. Let me suggest to the gentleman that very little of that is being done by the department now.

Mr. FOSTER. I will say to the gentleman from Massachusetts that he can go to any post office throughout the country——

Mr. ROBERTS of Massachusetts. A great deal of it is done through the magazines.

Mr. FOSTER. The gentleman can go to any post office throughout the country, perhaps not in the city in which he lives, but the city in which I live, and out through the interior of the United States, and he will find these colored posters placed in the post offices with all sorts of alluring advertisements of what these boys may see around the world by enlisting in the Navy. And when they get a young boy at the age they go into the Navy under those circumstances he does not make an efficient man and, in my judgment, we fill our prison ships with this kind of young men, who ought not to be there. I make the point of order, Mr. Chairman.

Mr. GALLAGHER. I want to call the gentleman's attention to a condition that exists in large centers which I think is deplorable. If this appropriation carries with it a provision to employ men of the Army and the Navy who in dress-parade uniform stand out in front of recruiting offices and who are simply decoys to rope in young men, I am against it.

Mr. FOSTER. I will state this, further, Mr. Chairman——

Mr. GALLAGHER. I want to say, further, that these recruiting offices in large cities are located in some of the worst sections, over saloons, and in a majority of cases these decoys stand outside for the express purpose of inducing young men to join the service.

Mr. FOSTER. I have found in the district that I have the honor to represent that fathers have written to me requesting that the Navy Department should stop the sending of this literature to their sons; that they did not want them to enlist in the Navy, but that the department was continually sending this literature, describing all the wonderful things that were to be had by enlisting, and it made the boys dissatisfied. And I have had to go down to the Navy Department to stop that sort of practice. I believe it is wrong.

Mr. BURNETT. Will the gentleman yield to a question? I have had cases where, after they had gotten them in by that kind of a decoy, and you would go to the Navy Department to get them out, they would say, "We will turn them loose, but we will prosecute them for perjury."

Mr. PADGETT. That was changed some years ago. I do not think the words "advertising for and," on page 7, are subject to the point of order. The proviso is subject to the point of order, if that is made.

The CHAIRMAN. Has the gentleman from Tennessee [Mr. PADGETT] the law authorizing the advertising for recruits?

Mr. PADGETT. I have not, sir. All I know is that it has been in the appropriation bills time out of mind.

The CHAIRMAN. Unless there is some law, the point of order will have to be sustained in both instances.

Mr. MURRAY. Did the Chair sustain the point of order in the absence of proof that there is no law? Does the Chair rule in the absence of any affirmative proof of the existence of the law that the point of order should be sustained?

The CHAIRMAN. The burden is on the committee to show the law authorizing the appropriation.

Mr. MURRAY. Rather than on the gentleman's suggesting the point of order?

The CHAIRMAN. That is the ground on which the Chair rules. The Clerk will read.

The Clerk read as follows:

Contingent: Ferriage, continuous-service certificates, discharges, good-conduct badges, and medals for men and boys; purchase of gymnastic apparatus; transportation of effects of deceased officers and enlisted men of the Navy; books for training apprentice seamen and landsmen; maintenance of gunnery and other training classes; packing boxes and materials; and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen and impossible to classify, $15,000.

Mr. SISSON. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman from Tennessee a question. I believe this appropriation is the same as it was last year?

Mr. PADGETT. Yes, sir.

Mr. SISSON. How much of this appropriation is carried for good-conduct prizes and medals? Is there a statement showing what these different items cost?

Mr. PADGETT. No; the amount that is expended for badges is but a small proportion of the $15,000.

Mr. SISSON. Does the gentleman believe that these badges and trophies, as they are denominated here, have a good effect upon the men?

Mr. PADGETT. They have a very admirable effect. It is a stimulation to them to get these badges. It is a token of honor and efficiency in the Navy, and the amount is very small.

Mr. SISSON. If it performs a good service to the Navy, I have no objection. The amount is small enough. I have no objection to the amount. I withdraw my pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Gunnery exercises: Prizes, trophies, and badges for excellence in gunnery exercises and target practice; for the establishment and maintenance of shooting galleries, target houses, targets, and ranges; for hiring established ranges, and for transportation of civilian assistants and equipment to and from ranges, $100,000.

Mr. SISSON. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Tennessee another question. I notice here that he has an appropriation for prizes and trophies again. Is that for the same service?

Mr. PADGETT. This is for the gunnery exercises.

Mr. SISSON. The other is for good-conduct badges, and this is for excellence in marksmanship?

Mr. PADGETT. Yes, sir.

Mr. SISSON. How many shooting galleries have been established?

Mr. PADGETT. This is on board ship, and the shooting is carried on when they go out in their annual and semiannual practices, in the cruises. For instance, they have recently been down at Guantanamo in their winter practice.

Mr. SISSON. Was this amount $67,000 last year?

Mr. PADGETT. It was $167,000 last year, and we have reduced it to $100,000.

Mr. SISSON. You have reduced it $67,000?

Mr. PADGETT. Yes.

Mr. SISSON. I withdraw my pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Aviation experiments: For experimental work in the development of aviation for naval purposes, $10,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What other appropriations are there in the bill that are available for aviation?

Mr. PADGETT. Those under the Bureau of Steam Engineering and the Bureau of Construction and Repair in the lump-sum appropriations. They are inserted this year without limitations. In the hearings this year it was stated that perhaps each one would require $50,000.

Mr. MANN. Do you contemplate experiments to be carried on by three different branches of the service?

Mr. PADGETT. Yes.

Mr. MANN. I think that would be a very expensive proposition.

Mr. PADGETT. This is under the Bureau of Navigation. This $10,000 has largely to do with the personnel, and the meeting of emergencies and repairs. Under Steam Engineering they have charge of the engines and the machinery. Under Construction and Repair they have charge of the construction and building of what you might call the body of the biplane.

Mr. MANN. Does the Navy intend to construct airships itself?

Mr. PADGETT. Yes. They are experimenting with them and constructing both the engines and the body of the planes, but on a very limited scale.

Mr. MANN. I do not feel that I am in a position to make any criticism of such a matter, but from the way the Navy divides up its work I should think it would be a very expensive way to make experiments to have three different branches of the service working on it under three different appropriations.

Mr. ROBERTS of Massachusetts. I think the gentleman from Illinois misunderstands how these experiments are being carried on. There is an officer in charge of aviation. He has charge of the experiments, and when he wants any repairs to the flying machinery he goes to the appropriate bureau of the department to make those repairs. If he wants parts of the flying machine reconstructed he goes to the Bureau of Repairs and has the plane reconstructed, and if he wants repairs to the steam engine he goes to the Bureau of Steam Engineering to install the motor.

Mr. MANN. How many machines have they now?

Mr. ROBERTS of Massachusetts. I think they have three.

Mr. MANN. How many officers are there detailed on this work?

Mr. ROBERTS of Massachusetts. My recollection is, from statements made by Capt. Chambers, that there are eight all told who are working or under instruction. I think there are about five under instruction.

Mr. MANN. I noticed in one of the Washington newspapers yesterday what purported to be a statement made by Capt. Chambers, which is impudent and impertinent to the highest degree. I do not know whether he made the statement or not; but if he made the statement attributed to him he ought to be court-martialed and dismissed from the Navy.

Mr. ROBERTS of Massachusetts. What was it?

Mr. MANN. Reflecting upon Congress, and everybody else that he could think of.

Mr. ROBERTS of Massachusetts. I do not know about this particular matter, but I do know that Capt. Chambers is a very courteous officer.

Mr. BUTLER. I should be very greatly surprised if Capt. Chambers was correctly quoted, because I know him to be very civil toward everybody.

Mr. MANN. It looked as though the captain had written a statement and furnished it to the press. It was in that form.

Mr. ROBERTS of Massachusetts. I will state to the gentleman from Illinois that the amount for aviation has been kept down in this bill below what some members of the committee would like to have seen appropriated, because Capt. Chambers requested it. He said the Navy was proceeding slowly in this matter; that they had given out to the inventors of the world certain requirements that they wanted in the ideal flying machine for naval purposes, and he did not propose to expend a great deal of money or invest any considerable money in flying machines until they had come nearer the ideal than anything at present in existence.

Mr. MANN. Very likely he was not correctly quoted in the papers.

Mr. ROBERTS of Massachusetts. As stated by the gentleman from Pennsylvania [Mr. BUTLER], I should be very much surprised if he said anything that was impertinent or impudent.

Mr. RODDENBERY. Did I understand the gentleman from Illinois to say that he read the Washington Star yesterday?

Mr. MANN. I did.

Mr. RODDENBERY. On Sunday?

Mr. MANN. I did. I read the Post, too.

Mr. RODDENBERY. On Sunday?

Mr. MANN. Yes; and then afterwards I read the Times.

Mr. RODDENBERY. When we had up the bill to prohibit the delivery of mail at the post offices on Sunday, I thought I heard the gentleman from Illinois say that he did not read any mail on Sunday, and that he did not even read the newspapers, and I wondered if in this Democratic administration he had learned to follow our bad example. [Laughter.]

Mr. MANN. I did not read any letters yesterday, and I did not open any mail yesterday, and if the gentleman should spend no more time reading the papers than I do on Sunday, he would not spend very much.

Mr. KENDALL. This was Sunday's Star, but it was read this morning before breakfast. The gentleman misunderstood the gentleman from Illinois.

Mr. MANN. I did not so state. Being a man who is not afraid of what he has done, however foolish it may be, I read the Star, in the way that I read the papers, and afterwards I read the Post, and then by inadvertence in the afternoon I read the Times.

Mr. RODDENBERY. Did the gentleman see anything in any of the papers concerning pork?

Mr. MADDEN. They say pigs have gone up from $6 to $9 a hundred.

Mr. MANN. Yes; I read something about pork, because I keep track of the market as to pork, thinking perhaps I may be able to get a considerable slice of pork before Congress adjourns, and dispose of it in that way; and if the pork barrel keeps on, I might be able to sell my share of the pork at a high price. [Laughter.]

Mr. RODDENBERY. I wish the gentleman would advise me when he thinks the top of the market is reached. I should like to dispose of my oversupply.

Mr. MANN. The gentleman has an oversupply, if all I have read is true.

Mr. RODDENBERY. I am not raising any question about that; and I may want to get rid of the surplus before it spoils.

Mr. MANN. The gentleman can turn it over to the gentleman from Mississippi [Mr. SISSON]——

Mr. LEVER. I will take it.

Mr. MANN. Or he can turn it over to the gentleman from Tennessee [Mr. GARRETT], or some of the other gentlemen in the House who opposed the public building bill when it passed the House, and then promptly went over to the Senate and got their Senators to include items in the Senate which were much larger and more expensive than those in the House. I do not refer to the gentleman from Mississippi [Mr. SISSON] in that respect.

Mr. SISSON. Mr. Chairman, I deny the mild impeachment of the gentleman from Illinois.

Mr. MANN. I said I did not refer to the gentleman from Mississippi in that respect.

Mr. RODDENBERY. I hope the gentleman——

Mr. MADDEN. Did I understand the gentleman from Georgia [Mr. RODDENBERY] to say that he had gone to the Senate to ask for accommodations there?

Mr. RODDENBERY. No. "The gentleman from Georgia" took such good care of himself on his own committee that it was unnecessary.

The Clerk read as follows:

Outfits on first enlistment: Outfits for all enlisted men and apprentice seamen of the Navy on first enlistment, at not to exceed $60 each, $800,000.

Mr. SISSON. Mr. Chairman, I move to strike out the last word, and I want to ask the gentleman how much was left over from this appropriation last year?

Mr. PADGETT. I think we reduced it about $100,000.

Mr. SISSON. How much was left over?

Mr. PADGETT. I have not the exact figures.

Mr. SISSON. I have a note here of $317,900.

Mr. PADGETT. Oh, no; it was that much two years ago, but we reduced it last year and then again we reduced it this year. They spent, as I remember it, in the neighborhood of $800,000 last year.

Mr. SISSON. Was the $319,900 covered into the Treasury, or reappropriated?

Mr. PADGETT. It was covered into the Treasury.

Mr. SISSON. The law allows $60?

Mr. PADGETT. The law allows that as the cost of the outfit. They figure on the cost of the outfits for the year as $944,400, and not expecting that they could enlist them all at the time, we made a reduction to $800,000.

Mr. SISSON. I notice that this will take care of over 13,000 enlistments. Does the gentleman think that it will take that much during the fiscal year?

Mr. PADGETT. Yes; last year we had, I think, about 15,000 enlistments.

Mr. SISSON. If a man enlists does he get the $60 outfit immediately?

Mr. PADGETT. He does on the first enlistment, and if he is discharged at the end of the first year he has to refund. He enlists for four years, and if he is discharged at the end of the first year he has to repay the cost of that first enlistment.

Mr. SISSON. I had no idea that there was as many as 14,000 enlistments. In making the computation I see that this will take care of 13,333, and I thought that that was a large enlistment.

Mr. PADGETT. We have enlisted more than that at times. The estimate was made on fourteen thousand and some hundred enlistments.

Mr. SISSON. And the committee cut that down from $900,000 to $800,000?

Mr. PADGETT. Yes.

Mr. SISSON. So, I presume, the estimate is not too large.

Mr. GOODWIN of Arkansas. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

NAVAL TRAINING STATION, CALIFORNIA: Maintenance of naval training station, Yerba Buena Island, Cal., namely: Labor and material; buildings and wharves; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire engines and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and materials, and maintenance of same; heating and lighting; stationery, books, and periodicals; fresh water, and washing; packing boxes and materials; and all other contingent expenses; maintenance of dispensary building; lectures and suitable entertainments for apprentice seamen; in all, $70,000.

Mr. SISSON. Mr. Chairman, I want to ask the chairman of the committee if this is the usual annual appropriation?

Mr. PADGETT. Yes.

Mr. SISSON. Is it for the entire expense of the Naval Training Station?

Mr. PADGETT. This covers only the maintenance charges.

Mr. SISSON. It does not cover the clothing and salary of the men, and so forth, but is simply for maintenance? How many men have you there?

Mr. PADGETT. We keep from 1,500 to 2,500 men there in training.

Mr. SISSON. Does this take care of not only the quarters of the men but also the training grounds, rooms, and so forth?

Mr. PADGETT. The training rooms; repair of apparatus, furnishing new apparatus, and everything of that kind.

Mr. SISSON. What sort of training do they have there?

Mr. PADGETT. They have their drills, gymnastic exercises for physical development, and on the water they have the training in the small boats and larger boats, and signaling, and everything of that kind that goes to fit and qualify and train the boy for a seaman.

Mr. SISSON. Does the number of men vary?

Mr. PADGETT. It varies; sometimes running very high, and then they go aboard ship and others come in.

Mr. SISSON. I notice the last two years there has been appropriated $70,000; I did not go back of that.

Mr. PADGETT. That has been the appropriation for some time and we would not increase it this year.

Mr. MANN. Mr. Chairman, will the gentleman answer a question?

Mr. PADGETT. Yes.

Mr. MANN. How many of these naval training stations are there, and how many apprentices?

Mr. PADGETT. We have a naval training station at Norfolk, one at Newport, one in California, and one on the Great Lakes at Chicago. At Newport the total during the last fiscal year was 5,573; at Norfolk, Va., 2,381; at North Chicago, 1,717; and at San Francisco, 2,312.

Mr. MANN. Where did you carry the appropriation last year for maintenance of the training station at Norfolk?

Mr. PADGETT. Under "Yards and docks."

The Clerk read as follows:

Naval training station, Rhode Island: Maintenance of naval training station, Coasters Harbor Island, R. I., namely: Labor and material; buildings and wharves; dredging channels; extending sea wall; repairs to causeway and sea wall; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire engines and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and materials, and maintenance of same; heating and lighting; stationery, books, and periodicals; fresh water, and washing; packing boxes and materials; and all other contingent expenses; lectures and suitable entertainments for apprentice seamen; in all, $85,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1914, shall not exceed $5,701.60.

Mr. SISSON. Mr. Chairman, may I ask the gentleman from Tennessee the reason for this proviso in reference to permitting the Secretary of the Navy to have $5,701 for clerical, drafting, inspection, and messenger service?

Mr. PADGETT. This is a limitation on the amount that he may use.

Mr. SISSON. Why should he be permitted to use these boys in this way at all?

Mr. PADGETT. He does not use the boys. These are civilian clerks. They are not enlisted men.

Mr. SISSON. I understand. These are the men in training there?

Mr. PADGETT. No; he does not use them. This is a clerical force.

Mr. SISSON. Does he have a clerical force that costs more than $5,701?

Mr. PADGETT. He has a clerical force there, and in order to prevent him from using more than that amount this limitation is placed.

Mr. SISSON. Where do they use this clerical force?

Mr. PADGETT. In running the establishment there. They have clerks, and they make reports to the department, and they have a regular clerical establishment there.

Mr. SISSON. Does he have a clerical force there that does any other service than to look after this particular establishment?

Mr. PADGETT. Not except this establishment at this place.

Mr. SISSON. I was rather struck with the amount of money expended for clerical force when the total appropriation was only $85,000. This does not include the management and the pay of professors and teachers?

Mr. PADGETT. No; this is the clerical force—messengers, drafting, and a force of that kind.

Mr. SISSON. I thought that was a rather large appropriation. It is a very large overhead charge for an appropriation of $85,000.

Mr. PADGETT. They have the whole management of that institution.

Mr. SISSON. You do not know how many he has there in that service?

Mr. PADGETT. I think there are two clerks, two messengers, two watchmen, or one watchman.

The Clerk read as follows:

Naval training station, Great Lakes: Maintenance of naval training station: Labor and material; general care, repairs, and improvements of grounds, buildings, and piers; street car fare; purchase and main-

tenance of live stock, and attendance on same; motor-propelled vehicles, wagons, carts, implements, and tools, and repairs to same; fire apparatus and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and material, and maintenance of same; heating and lighting, and repairs to power plant equipment, distributing mains, tunnel, and conduits; stationery, books, and periodicals; washing; packing boxes and materials; lectures and suitable entertainments for apprentice seamen; and all other contingent expenses: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1914, shall not exceed $44,553.36; in all, naval training station, Great Lakes, $98,457.

Mr. SISSON. Mr. Chairman, why is it that for the same service at the naval station on the Great Lakes as there was allowed in the Rhode Island station, $5,701, you should have $44,553.36?

Mr. PADGETT. The naval training station on the Great Lakes was recently constructed and is a very large establishment. It is many times larger than the other one. The one on the Great Lakes has an outlay of several million dollars in buildings or improvements that have been made there, and there is a much larger force employed in the clerical force and the messenger service.

Mr. SISSON. Is it eight times as large?

Mr. PADGETT. I should say more than that in investment.

Mr. SISSON. There is $44,000 in one for clerical services, drafting, and inspection, and in the other only $5,000. That makes a difference of over eight times as much in favor of the Chicago station. If they are using the clerical help necessary to maintain the establishment, you have over half or nearly half the entire appropriation for the maintenance of the station in clerical force there, while in the other you have only one-sixth.

Mr. PADGETT. Yes.

Mr. SISSON. Or less than one-fifth. Why should there be that difference in the clerical force at the Great Lakes from the one at Rhode Island?

Mr. PADGETT. The one on the Great Lakes, as I stated, is a much larger establishment, with much more pretentious buildings.

Mr. SISSON. I could understand how it would cost more to maintain it, to feed and clothe the men and the professors and trainers. I can understand that; but I can not understand how the clerical force should be so out of proportion with the clerical force needed in the naval station at Rhode Island. That is what I would like to have the gentleman explain, if he can.

Mr. PADGETT. I have not the details upon that phase of it, as to the exact number.

Mr. SISSON. Did the gentleman's committee inquire into why they wanted so much clerical force at one place and so much less at the other?

Mr. PADGETT. This is a new station, which was completed last year, and we are cutting down the maintenance. We have reduced it below what it was last year $7,000 or $8,000.

Mr. SISSON. What was your limitation last year on the clerical force?

Mr. PADGETT. I think it is the same as in this.

Mr. SISSON. You cut your maintenance down and yet left the expenditures for clerical force at this large sum of $44,000?

Mr. PADGETT. That is the same as last year.

Mr. SISSON. Now, in the Rhode Island station you had two clerks and two messengers——

Mr. PADGETT. I said about that number.

Mr. SISSON. I mean that is about what it was. Now, how many do you have here to absorb this $44,500?

Mr. PADGETT. I do not know, sir.

Mr. SISSON. I do not understand how this committee would give this sum for that purpose unless they knew the number of employees and what we were doing with those employees.

Mr. PADGETT. It has been the same as it was there last year, and, as there was no increase in it, the station is just getting well under way, and this work is going on, so we left it just about the same.

Mr. SISSON. Of course I understand this is a new station, and it is quite possible you may have a number of expert mechanics, and so forth, to complete the station, but such information ought to have been provided and——

Mr. PADGETT. We did not go into those items this year, as it was the same as last year.

Mr. SISSON. In view of the fact this station was near completion, as the gentleman said awhile ago, this clerical force, or drafting force, ought to have been very materially reduced if the committee had gone into it.

Mr. PADGETT. These estimates were sent in regularly and we did not go——

Mr. SISSON. The gentleman understands when these items are sent in from the department they will always, as his experience as chairman of that committee would tell him, as of all the other committees, unless you inquire into this they will take the same amount of money.

Mr. PADGETT. They reduced the total expenditure $8,000 or $10,000.

Mr. SISSON. Why could not they reduce the $44,000 instead of the total amount?

Mr. MANN. If the gentleman will permit me to suggest, in view of the reduction made in the total amount and the fact they may be short, this entire $40,000 can be expended for that purpose.

Mr. SISSON. I see; I understand that; and I asked the question, Why should they appropriate so much for the clerical services at this naval station and such a small amount in the others?

Mr. MANN. I apprehend the fact is that amount of $44,543 is not for that purpose.

Mr. SISSON. Possibly not.

Mr. MANN. If it is used for maintenance it is not a large sum.

Mr. SISSON. The limitation is that they shall not use more than $44,000 for clerical help. I understand how it can be used.

Mr. MANN. The total sum appropriated is not a large sum for maintenance.

Mr. SISSON. Of course they could divert it from this and every bit of the appropriation be used for maintenance.

Mr. MANN. Under this limitation they can not go above this amount for clerical help, but not that it must be expended for clerical help.

Mr. MADDEN. There is one thing that must be taken into account and that is that these buildings are not all completed, and it might require a great many more men to act as receiving clerks and draftsmen and inspectors and such men as those.

Mr. SISSON. All that may be true, but I was simply asking as to the difference in these items.

Mr. MADDEN. That can be accounted for by the fact they are still constructing the building.

The Clerk read as follows:

Naval training station, St. Helena: Maintenance of naval training station; labor and material, general care, repairs, and improvements; and all other incidental expenses, $25,000.

Mr. SISSON. I desire to reserve a point of order. I will say to the gentleman I do not know whether it is subject to the point of order or not. The only thing there is, it is a new matter, and if it is the establishment of a new naval station there is no authority of law for that.

Mr. PADGETT. It is the same one I read to the gentleman a few moments ago. This is one of the best stations we have, and it is costing less. This is a new item put in here this year, because heretofore it has gone under the yards and docks appropriation, $25,000. Last year we cared for 2,381 men. We have a number of cheap buildings there, and this is the first year that we have given them——

Mr. SISSON. How long has this been maintained—several years?

Mr. PADGETT. For a number of years.

Mr. SISSON. You simply transfer it and make a separate item of it?

Mr. PADGETT. No; we have not transferred it, but it has been heretofore under the item of yards and docks, $25,000, and we have put this new item in here for maintenance of that existing building, so as to give them a fund for the maintenance of the building. That was formerly put in under yards and docks—for the maintenance.

Mr. SISSON. I want to congratulate the gentleman on segregating this item from yards and docks and putting it in a separate paragraph so we can tell about that. If the gentleman will do that in the next year's bill, I will commend him again.

The Clerk read as follows:

Naval War College, Rhode Island: For maintenance of the Naval War College on Coasters Harbor Island, and care of grounds for same, $23,750; services of a lecturer on international law, $1,500; services of civilian lecturers, rendered at the War College, $300; care and preservation of the library, including the purchase, binding, and repair of books of reference and periodicals, $1,300: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, and messenger service for the fiscal year ending June 30, 1914, shall not exceed $10,250. In all, Naval War College, Rhode Island, $26,850.

Mr. SISSON. We are about through with these items, and I would like to ask the chairman one question: Why do you put on all these provisos a limitation as to inspection, drafting, messenger service, and clerical work, and so forth?

Mr. PADGETT. So that he could not use all the appropriation for clerical work.

Mr. SISSON. Has there been in years past any abuse of this?

Mr. PADGETT. Many years ago the practice was to appropriate for so many clerks, and they had so many named for this and so many here and so many there, so many at $1,000 and so many at $1,500, and they could not readjust it, and Congress changed from that and adopted his method of limiting the appropriation so much for the clerical, drafting, and messenger force.

The Clerk read as follows:

Naval Home, Philadelphia, Pa., pay of employees: 1 secretary, $1,600; 1 foreman mechanic, $1,500; 1 superintendent of grounds, at $720; 1 steward, at $720; 1 one store laborer, at $480; 1 matron, at $420; 1 beneficiaries' attendant, at $240; 1 chief cook, at $480; 1 assistant cook, at $360; 1 assistant cook, at $240; 1 chief laundress, at $216; 5 laundresses, at $192 each; 4 scrubbers, at $192 each; 1 head waitress, at $216; 8 waitresses, at $192 each; 1 kitchen servant, at $240; 8 laborers, at $360 each; 1 stable keeper and driver, at $480; 1 master-at-arms, at $720; 2 house corporals, at $300 each; 1 barber, at $360; 1 carpenter, at $846; 1 painter, at $846; 1 painter, at $720; 1 engineer for elevator and machinery, $720; 4 laborers, at $540 each; 2 laborers, at $360 each; total for employees, $22,288.

Mr. SISSON. Mr. Chairman, I reserve a point of order on the paragraph. I do it for the purpose of inquiring about the new positions created here in the item. I notice you have one painter at $720, and you have four laborers.

Mr. PADGETT. I wanted to offer an amendment for five. In the total it is for five. It is a misprint of "four."

Mr. SISSON. Now, have you any new laborers?

Mr. PADGETT. Yes, sir. There is one new laborer, and they are increased from $360 to $540 each.

Mr. SISSON. How many did you have in the last bill, where you have four laborers here now at $540 each?

Mr PADGETT. We had three.

Mr. SISSON. Now you want to make it five?

Mr. PADGETT. And we had one at $300. So there were three at $540 and one at $300, and we are making it five at $540. I wanted to say to the gentleman that the naval home is supported and maintained out of the interest upon the naval pension fund and does not come directly out of the Treasury, and the surplus from the interest of the Navy pension fund, after the maintenance of the naval home, is turned over to the Secretary of the Interior and goes to the Pension Office to pay pensions of the Navy.

Mr. SISSON. I have no doubt the gentleman will be just as careful about the expenditure of that sacred fund as he would of the other sacred fund out of the Treasury.

Mr. PADGETT. Just exactly so. For the comfort of these old men—the proof shows that these employees are needed to take care of the property. This painter is needed, and we did not feel that the salary of $300 was a sufficient compensation for a man to live on or that raising it to $500 was extravagant.

Mr. SISSON. Does that account for the increase of the appropriation?

Mr. PADGETT. Entirely.

Mr. COX. Does the Government pay interest on this?

Mr. PADGETT. Yes.

Mr. COX. What interest does it pay on it?

Mr. PADGETT. Four per cent. That fund was created many years ago out of the sale of the prizes captured by the Navy in battles, and the fund was turned into the Treasury as a trust fund, the interest upon which was to go to the maintenance of these old sailors who are taken care of out there in the home, and the surplus goes into the pension fund.

Mr. COX. And the Government pays 4 per cent interest on it?

Mr. PADGETT. Pays 4 per cent interest on it.

Mr. SISSON. Have you ever exceeded the interest in the maintenance or support of the home?

Mr. PADGETT. We pay five or six hundred thousand dollars a year into the pension fund.

Mr. COX. How much does the pension fund represent?

Mr. PADGETT. Something like $14,000,000. It is a fixed charge under the statute, unless the statute is changed. But it provides for the maintenance of the naval home, and that the surplus, which is $500,000 or $600,000, shall be turned over to the Secretary of the Interior to pay Navy pensions.

Mr. SISSON. It goes entirely to Navy pensions and not to the military?

Mr. PADGETT. To the Navy pensions; and to that extent reduces the amount which might be drawn from the Treasury.

Mr. SISSON. Mr. Chairman, I withdraw the point of order.

Mr. PADGETT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, line 14, strike out the word "four" and insert in lieu thereof the word "five."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Maintenance: Water rent, heating, and lighting; cemetery, burial expenses and headstones; general care and improvements of grounds, buildings, walls, and fences; repairs to power-plant equipment, implements, tools, and furniture, and purchase of the same; music in chapel and entertainments for beneficiaries; stationery, books, and periodicals; transportation of indigent and destitute beneficiaries to the Naval Home, and of sick and insane beneficiaries, their attendants and necessary subsistence for both, to and from other Government hospitals; employment of such beneficiaries in and about the Naval Home as may be authorized by the Secretary of the Navy, on the recommendation of the governor; support of beneficiaries, and all other contingent expenses, $54,421; rebuilding river bulkhead, $5,500; total, maintenance, $59,921; in all, for Naval Home, $82,209, which sum shall be paid out of the income from the naval pension fund.

Mr. SISSON. Mr. Chairman, I reserve a point of order on the paragraph. I do not know that it is subject to a point of order, but I notice that it is a new paragraph.

Mr. PADGETT. No; it is not a new item. It is simply a change of the wording of the old item in order to save expenses of clerical help; expenditures in the department in the matter of bookkeeping.

Mr. SISSON. What was the change that was made?

Mr. MANN. The gentleman from Mississippi will notice that last year they carried various items specifically; "water rent and lighting, $2,000; cemetery, burial expenses, and headstones, $1,000; improvement of grounds, $1,000"; and another item, $1,000. This year it is all lumped.

Mr. SISSON. I have not the item before me, but I notice that you had $73,469 appropriated last year, and this year the amount is $82,209.

Mr. PADGETT. The river bulkhead is a new item, $5,500. The land is washing away, and washing into the stream; and under the laws of Maryland the riparian owner is required to repair and preserve the banks. The Government here is the owner, and we are putting in this appropriation for $5,500 for the construction of a bulkhead there, to preserve the land from falling in and washing into the stream.

Mr. SISSON. May I ask the gentleman from Tennessee why he adopts this language? Was it suggested by the department or was it conceived in the committee?

Mr. PADGETT. It was suggested by the governor and managers of the Naval Home, through the department. It came through them to the department, and was transmitted with the department's recommendation to the committee.

Mr. SISSON. Would the gentleman from Tennessee have any objection to an amendment carrying the amount in the language that was carried in the last bill, with the item added?

Mr. PADGETT. Not at all; except that it makes a greater cost of bookkeeping. Otherwise I would have no objection.

Mr. SISSON. But it would give Congress, which makes the appropriations, the information it desires, and it would continue the good practice of having the sums specified. I should have no objection to the item if it were carried in the language of the other appropriation.

Mr. MANN. Will the gentleman yield in reference to that?

Mr. SISSON. I will.

Mr. MANN. Last year the item was "Water rent and lighting, $2,000; cemetery, burial expenses, and headstones, $1,000; improvement of grounds, $1,000; repairs to buildings," and so forth, $1,000. The gentleman can see that if those items are segregated and one man is doing a part of the work on all four of them, the expense has to be charged on a separate account, which makes it rather expensive, after all. There were five items last year, and one of them was for $300, and they were segregated. After all, like many other things carried in the bill, this is carried in a lump sum for the purpose of avoiding bookkeeping and the extra service of different men accounted for on different items.

Mr. SISSON. I will say to the gentleman from Illinois that I have no particular objection to items of this character being grouped together in the maintenance of one home, but where they are in a different department and under different bureau chiefs I have some objection.

Mr. MANN. Of course, these are all together, and I think the committee is right this year in lumping them.

Mr. PADGETT. It was paid out of the same sum as the former item.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I withdraw the point of order. I am rather in doubt as to whether it should not have been carried in the former language.

Mr. VARE. Mr. Chairman, I would like to ask the gentleman in charge of the bill what is the capacity of the naval home at Philadelphia? What is the number of members or inmates that it would accommodate?

Mr. PADGETT. I do not know, sir, but there is abundance of room. I do not know how many inmates it will accommodate. The gentleman has reference to the home at Philadelphia?

Mr. VARE. Yes.

Mr. PADGETT. They had last year, one day when I was there, some one hundred and odd members.

They had a capacity for a very much larger number, but I do not recall now what the number was.

Mr. ROBERTS of Massachusetts. At the time of the last annual report it was 72. It is varying all the time.

Mr. VARE. My information is that the capacity is 500.

Mr. PADGETT. I suppose it is.

Mr. VARE. And that the average number of inmates is approximately 75.

Mr. PADGETT. More than that, so they tell me.

Mr. VARE. And inasmuch as there are only 75 of these venerable old sailors occupying this very large institution, I want to ask the chairman of the committee whether he does not think it would be in line with good business policy to build a new home at the Philadelphia Navy Yard, which would have much more up-to-date improvements and conveniences, where these old sailors could be in close contact with the battleships in the reserve basin?

Mr. PADGETT. No; I think not. I was over at Philadelphia and I found there quite a sentiment in favor of transferring these old sailors over to the navy yard and the Government donating these many acres of land to the city of Philadelphia. I confess that the project did not commend itself to me.

Mr. BUTLER. These old fellows want to remain where they are.

Mr. PADGETT. The thing back of this is a proposition to give this property to the city of Philadelphia.

Mr. VARE. Then it is rather a question of appealing to the sentimental side rather than the idea of giving the old sailors a new home with more up-to-date accommodations?

Mr. PADGETT. No; they have as fine accommodations there and as magnificent a hospital and home as I ever saw, and they have beautiful grounds right in the city, much better located, and with shade trees and grass and everything, none of which they have at League Island.

Mr. VARE. Is it not a fact that the hospital in connection with the naval home is approximately about 4 miles from the Philadelphia Navy Yard, and that if a hospital was erected at the Philadelphia Navy Yard it would be in close touch with the employees of the Government there in case of accident?

Mr. PADGETT. That might be, but this is a naval home, and is not intended as a hospital for the employees of the navy yard.

Mr. VARE. It is a hospital on the grounds, is it not?

Mr. PADGETT. The hospital is on the grounds of the naval home, but not on the grounds of the League Island Navy Yard.

Mr. MANN. I move to strike out the last word. If it costs over $1,000 apiece to maintain these old sailors at this home, in addition to the overhead charges, subsistence, and clothing, would it not be a great deal cheaper and probably fully as satisfactory if the Government would pay for putting them in some of the old soldiers' homes throughout the United States? Is it not a rather expensive proposition to pay over $1,000 apiece for the maintenance of these men in this home, and besides that pay the overhead charges, the cost of living, and the cost of clothing?

Mr. PADGETT. These old soldiers who are carried there—decrepit old men—are well cared for, as I think the Government should care for them.

Mr. MANN. Everybody will concede that.

Mr. PADGETT. Of course, they could be cared for, by having less comfort and less convenience, in a cheaper way. I do not think these men should be farmed out to the lowest bidder.

Mr. MANN. I do not see how it is possible to spend as much money on these sailors at this home as is spent in the items in this bill, much less in addition to that the cost of clothing them and the cost of subsisting them and the cost of the naval officers or other officers of the home, and other overhead charges.

Mr. PADGETT. This item carries the support of the beneficiaries, $54,000. It is embraced as a part of the $82,000.

Mr. MANN. That means the subsistence?

Mr. PADGETT. Yes.

Mr. MANN. Who pays for the support of the officers of the home?

Mr. PADGETT. The head of this institution is a naval officer who is assigned there.

Mr. BUTLER. He is on the retired list, is he not?

Mr. MANN. And the other employees who work there?

Mr. PADGETT. They are paid out of these items that we have just passed.

Mr. MANN. "Support of beneficiaries"?

Mr. PADGETT. Fifty-four thousand dollars, and that number varies. When I was there a year ago my recollection is that they had about 120.

Mr. MANN. Well, it runs in the neighborhood of about $1,000 a person?

Mr. PADGETT. Some are in the hospital and some in the homes.

Mr. MANN. This does not cover medical attendance?

Mr. ROBERTS of Massachusetts. Yes.

Mr. MANN. That is an extra item. This home has become a gross extravagance.

Mr. LA FOLLETTE. Page 13, line 22, says:

Transportation of indigent and destitute beneficiaries to the Naval Home, and of sick and insane beneficiaries, their attendants, and necessary subsistence for both—

And so forth.

Mr. MANN. That is not medical attendance.

Mr. ROBERTS of Massachusetts. It comes out of this appropriation.

Mr. MURRAY. I would like to ask the gentleman if there is any system by which the seamen contribute out of their monthly pay, as they do in the Army, for the maintenance of this or a similar home?

Mr. PADGETT. Yes; they contribute 20 cents a month; but that is a hospital fund, and no part of it goes to the maintenance of this home.

Mr. MURRAY. For what purpose is that fund used?

Mr. PADGETT. For the maintenance of hospitals throughout the country at different places. I think there is one near Boston.

Mr. MURRAY. Is it possible to use any part of that fund for the payment of the expenses at this home?

Mr. PADGETT. No; they are separate funds.

Mr. MURRAY. I wondered if there was any fund collected through the payment of these monthly payments that could be applied to this establishment?

Mr. PADGETT. No; it does not need it; they have a surplus of five or six hundred thousand dollars that is turned into the general pension fund to pay Navy pensions after the cost of the maintenance of the home. The 20 cents contribution a month out of the pay goes into the hospital fund for hospitals scattered about the United States.

Mr. MURRAY. That sum raised is much greater than needed to maintain the hospitals?

Mr. PADGETT. No; it is not greater than needed, but the balance goes to build additional hospitals.

Mr. MURRAY. The number of hospitals located now is large enough to carry on the work, is it not?

Mr. PADGETT. The committee thought so, and you will find later on a provision amending the statute that gives the Secretary absolute control over that fund and its expenditure, and it provides that hereafter new hospital buildings shall not be erected nor sites purchased except as authorized by Congress. Under the law as it now exists the Secretary has the power to erect new hospital buildings or to purchase new sites without consulting Congress.

Mr. MURRAY. I suppose the new arrangement the committee has in mind will result in wise economy.

Mr. PADGETT. We hope so.

Mr. MURRAY. I will ask the gentleman whether or not the money that can be so saved may not well be used for the purpose of maintaining the Naval Home at Philadelphia?

Mr. PADGETT. If it is more than needed I think the better way would be to reduce the contributions required of the men.

Mr. MURRAY. I think there is no complaint from the men of the Navy about the contribution of 20 cents a month. I know I never heard any complaint when I was in the Army. It seems to me that it might be used to maintain this home in Philadelphia.

Mr. PADGETT. If that was used to maintain the home at Philadelphia it would make a larger surplus in the Naval Home fund.

Mr. MURRAY. But this item comes out of the Treasury of the United States.

Mr. PADGETT. No, it does not; it comes out of the interest on the naval pension fund.

Mr. MURRAY. I am referring to the item in this bill on page 13 of $82,000.

Mr. PADGETT. That comes out of the naval pension fund of $14,000,000, which is a trust fund upon which the Government pays interest at 4 per cent.

Mr. MURRAY. And no part of this $82,209 mentioned on page 14 comes out of the Treasury of the United States?

Mr. PADGETT. No; except as the Government pays interest on the trust fund which arises from the sale of prizes captured by the Navy in years gone by.

Mr. MURRAY. I am obliged to the gentleman.

The Clerk read as follows:

Ordnance and ordnance stores: For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department; for furniture at naval magazines, torpedo stations, and proving ground; for maintenance of the proving ground and powder factory and for target practice, and for pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, and naval magazines: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, and naval magazines for the fiscal year ending June 30, 1914, shall not exceed $458,000. In all, $5,800,000: *Provided*, That hereafter no part of any appropriation shall be expended for the purchase of shells or projectiles for the Navy except for shells or projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all the manufacturers of shells and projectiles and upon bids received in accordance with the terms and requirements of such proposals: *Provided*, That hereafter the Secretary of the Navy is hereby authorized to make emergency purchases of war material abroad: *And provided further*, That when such purchases are made abroad, this material shall be admitted free of duty.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. SISSON. Mr. Chairman, I believe that that is the provision in the bill that buys the armor plate.

Mr. PADGETT. No; this buys the ordnance—shells and projectiles.

Mr. SISSON. I notice here a provision for armament of ships. What does that mean?

Mr. PADGETT. That means the guns, not the armament, the projectiles.

Mr. SISSON. What does the steel, out of which these guns are made, cost?

Mr. PADGETT. I do not know how to answer that question. A 14-inch shell costs, if I remember correctly, about $500 or $600.

Mr. SISSON. That is, to make the shell complete? What sort of steel do they make it out of?

Mr. PADGETT. Of the very hardest that can be manufactured.

Mr. SISSON. Did the gentleman inquire into the price that they are paying for this steel?

Mr. PADGETT. They buy the projectile itself.

Mr. SISSON. They buy the entire projectile? Does the Government make none of these projectiles?

Mr. PADGETT. They make the guns.

Mr. SISSON. I thought they made some projectiles.

Mr. PADGETT. I think not.

Mr. SISSON. The Government makes some of these torpedoes.

Mr. PADGETT. This does not embrace torpedoes.

Mr. SISSON. I was trying to ascertain whether the Government made any of this armament.

Mr. PADGETT. The Government may make some of the subordinate matters here, but the projectiles themselves are purchased.

Mr. SISSON. In the markets?

Mr. PADGETT. Yes; and hence there is the provision that the gentleman sees here that it must be in pursuance of bids submitted in the open market.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. Mr. Chairman, I reserve the point of order for a moment. I notice the gentleman proposes this year to put into permanent law the provision that no appropriation made at any time can be used for the purchase of shells and projectiles unless the Secretary of the Navy submits the terms and conditions of the proposals for bids to all the manufacturers of shells and projectiles. Of course that has been carried in the bill as far as this appropriation is concerned. Is it not quite conceivable that at almost any time some one may devise a shell or projectile which it is not desirable to make known to the world?

Mr. PADGETT. Mr. Chairman, I will say to the gentleman that so far as the permanent law is concerned the committee submitted it for the purpose of seeing whether or not we should carry it in the bill every year as it has been done. I have no objection to striking out the "hereafter."

Mr. MANN. I ask for information. If the terms and conditions of proposals were submitted to all of the manufacturers of shells, I do not know how far those terms and conditions would disclose any process or shell which it might be desired to keep secret. I can easily conceive that the Navy Department might want to buy some shells or projectiles for experiment or otherwise from some one who thought he had something very good. I believe we are now under a contract with some one, made a good many years ago, that has cost us a million or two dollars without any good results.

Mr. ROBERTS of Massachusetts. Mr. Chairman, the gentleman is aware that the department always makes its own specifications with regard to these shells. The department specifies just what it wants. If some one comes in with a patented shell, something that is new, the Navy Department can make its specifications to cover that particular shell.

Mr. MANN. And then give them to everybody else?

Mr. ROBERTS of Massachusetts. Give them to everybody else. They have complied with the law.

Mr. MANN. The chances are that the man who had a good shell would sell it to some foreign government, and would not disclose to this Government the needed specifications.

Mr. ROBERTS of Massachusetts. He does not have to disclose them. It is the Government that names the specifications, and if the shell comes up to the specifications, the Government accepts it. If it does not come up to the specifications named by the Government, they do not take the shell. The man who has a patent in connection with it does not have to disclose that patent to come in and bid under this provision of law.

Mr. MANN. I do not know whether he would or not. The specifications would have to be such that it would cover the patent.

Mr. ROBERTS of Massachusetts. Oh, but the specifications, as the gentleman well knows, can be so worded as to the particulars of the shell——

Mr. MANN. So worded that it means something to one man and not to another?

Mr. ROBERTS of Massachusetts. No; it would mean the same to all, but only the man with the patented shell could comply with those specifications. That is frequently done in all Government contracts. The law does not allow them to advertise specifically for some given patented article, but they make their specifications in such a way that only the man who has the patented article can successfully bid under those plans and specifications.

Mr. MANN. I do not desire to put my judgment up against the experts on the Committee on Naval Affairs, but I should think that it was not desirable to put in permanent law a provision that would not permit the Navy at any time ever to purchase a shell which was perhaps a patented shell or made by a secret device.

Mr. ROBERTS of Massachusetts. I will say to the gentleman that since I have been on the Committee on Naval Affairs we have sought to please the House as far as we could in the form of our bill. If the gentleman will remember, we used to report a bill without this provision put in it and there was a fight on the floor of the House and the provision would be put in for that particular year.

Mr. MANN. I do not remember, but the gentleman so states.

Mr. ROBERTS of Massachusetts. And we concluded we would put that in of our own volition in order to save that much fight on the floor, so we did that for a year or two and we thought perhaps it would avoid discussion and dispute if we made it permanent instead of reiterating it from year to year.

Mr. MANN. I will not make a point of order on the first proviso, but I make a point of order commencing in line 6 down to the end of the paragraph.

Mr. CHAIRMAN. Will the gentleman state his point of order?

Mr. MANN. The Chair means what the point of order is?

The CHAIRMAN. Yes.

Mr. MANN. Oh, well, it is a change of existing law.

Mr. PADGETT. Mr. Chairman, before the gentleman makes his point of order may I state to him that from the letters of the Secretary and his hearings and the chief of bureau there are many things that it is very important that he should have the right to purchase abroad and bring in without paying duty. For instance, torpedoes. He can purchase torpedoes abroad for about $3,500. The duty on them is 45 per cent. The effect of it is to take out of the appropriation for the Navy 45 per cent on $3,500 and turn it back into the Treasury and to carry on a

lot of bookkeeping and expense that accomplishes nothing, and then it is often necessary for the department to purchase some war material abroad.

Mr. MANN. I think it accomplishes a very good purpose if we pay a duty on an article which comes from abroad which calls attention to the high duty on the article and furnishes campaign arguments for our Democratic friends, for they are going to be mighty short of that in the next campaign.

Mr. PADGETT. Well, I am not dealing with it as a partisan but as a business question for the Government, and I think that it is a very judicious proposition, and the department approves it very heartily, and the department is Republican. I think it is only a business proposition.

Mr. MANN. But the Navy Department has no politics except naval politics.

Mr. PADGETT. The administration has charge of the Navy Department, and that is Republican, and strongly recommends this provision. We carried it last year, except the word "hereafter" was not in. If the gentleman objects to the word "hereafter," just let us strike it out and not make it permanent law and carry it simply as a provision.

Mr. MANN. I think the item had better go out, and I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Purchase and manufacture of smokeless powder, $1,150,000: *Provided*, That no part of any money appropriated by this act shall be expended for the purchase of powder other than small-arms powder at a price in excess of 53 cents a pound.

Mr. BUCHANAN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 15, after the word "pound," insert the following: "*Provided further*, That in expenditures of this appropriation or any part thereof for powder no powder shall at any time be purchased unless the powder factory at Indianhead, Md., shall be operated on a basis of not less than its full maximum capacity."

Mr. MANN. Mr. Chairman, I reserve a point of order on that. Is it not sufficient to have that in one law?

Mr. BUCHANAN. The other amendment on the fortifications bill, I presume to which the gentleman refers, applies to the Picatinny Powder Factory. There has been recently some improvements and extensions there.

Mr. PADGETT. And it has increased its output. And Admiral Twining states in the hearings and also in a letter which he sent to me last year that, operating 300 days in a year, its capacity would be about 2,500,000 pounds. And this year they have made in new powder nearly 1,500,000 pounds, and they have made in reworked powder over 900,000 pounds. So that they have practically had 2,400,000 pounds out of a maximum of about 2,500,000. So I think that that would be a cumbersome amendment and a limitation when the factory is operating to-day at more than 80 per cent of even its theoretical capacity.

Mr. BUCHANAN. I would like to state, Mr. Chairman, if I may——

Mr. ROBERTS of Massachusetts. Will the gentleman yield for a question?

Mr. BUCHANAN. While the gentleman from Illinois [Mr. MANN] reserves his point of order, I would like to state in the meantime—

Mr. ROBERTS of Massachusetts. Will the gentleman yield for a question?

Mr. BUCHANAN. I would like to make a statement first, and then I will yield. This amendment was declared in order by the chairman of the committee when the Army appropriation bill was being considered. I will say further that it will tend to reduce expenses, that Admiral Twining has stated that the Government is producing powder at 30½ cents a pound, and to operate to the full capacity would add nothing to the overhead charges and insurance that the Government mills are carrying.

Mr. MANN. While I think the form of the amendment is subject to a point of order, it would be easier for my colleague to put it in shape so that it will not be, and I withdraw the point of order, because the question would have to be passed on anyhow by the committee.

Mr. ROBERTS of Massachusetts. Will the gentleman yield to me for a question?

Mr. BUCHANAN. Yes.

Mr. ROBERTS of Massachusetts. I notice the gentleman uses the words "full maximum capacity" in his amendment. I would like to ask him just what he means by that. Does he mean running three shifts a day and 24 hours a day?

Mr. BUCHANAN. I do.

Mr. ROBERTS of Massachusetts. And 365 days in the year?

Mr. BUCHANAN. No.

Mr. ROBERTS of Massachusetts. That is full maximum capacity, I suggest.

Mr. BUCHANAN. That would be working on holidays and Sundays.

Mr. ROBERTS of Massachusetts. I asked the question because if the gentleman does not mean to compel that factory to run on Sundays and holidays he should modify that language and not say "full maximum capacity."

Mr. BUCHANAN. I believe the full maximum capacity is 24 hours a day on the workdays of the year. I do not think it can be construed to include Sundays and holidays.

Mr. MANN. Will my colleague yield for a question? Suppose that there was a breakdown, would that affect the full maximum capacity?

Mr. BUCHANAN. No. In a breakdown it would have no capacity.

Mr. MANN. What I wanted to get at was the same question I asked when this matter was up before. Does this language mean the actual capacity or estimated capacity?

Mr. BUCHANAN. It means the actual capacity, certainly, and not the estimated capacity.

Mr. MANN. A statement was made here some time before that the actual capacity was only about one-half.

Mr. BUCHANAN. I am informed that they produce powder cheaper by running 24 hours a day than running a less time than that, and that it is to the advantage of the manufacturer of powder to run the factory continuously.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the chairman announced that the Chair was in doubt.

So the committee divided; and there were—ayes 51, noes 28.

So the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee how much of this $1,150,000 has to be used for manufacturing powder and how much has to be used for the purchase of powder?

Mr. PADGETT. It varies. Last year we manufactured 1,500,000 pounds and reworked—I am speaking in round numbers—900,000 pounds.

Mr. MADDEN. How much did we buy?

Mr. PADGETT. And we purchased, if I remember, during the last fiscal year about 1,500,000 pounds.

Mr. MADDEN. How much does it cost the Government of the United States to make powder?

Mr. PADGETT. The inventory cost is about 30½ cents, but Admiral Twining stated that with certain other charges he paid out of other appropriations, it ran up to about 41 cents and a fraction. That is my recollection.

He states that the cost of the manufacture of powder to a private concern, taking in certain items of cost that he does not estimate in his manufacture, would be about 48 cents and a fraction. We have limited the cost here to 53 cents.

Mr. MADDEN. What was the information upon which the committee based the limitation of 53 cents?

Mr. PADGETT. There was a very full hearing had by the Committee on Appropriations.

Mr. MADDEN. Was that the information upon which the committee based its judgment?

Mr. PADGETT. We acted upon the information contained in the hearings.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BUCHANAN. I wish to inquire of the gentleman from Tennessee if it is not a fact that in the committee, when the question was asked of a private manufacturer, he answered that he had no information on the matter?

Mr. PADGETT. No. He gave us a table.

Mr. MADDEN. I wish to ask the gentleman from Tennessee, in charge of the bill, whether the 53-cent limitation was fixed as the price at which powder could be sold to the Government at a profit to the seller, on the basis of constant and full operation of the plant manufacturing the powder, or whether the price fixed as a limitation is based upon the operation of the plant haphazard, at odd times, as the Government may think proper to purchase the powder?

Mr. PADGETT. Fifty-three cents was fixed by the Naval Committee upon the basis of hearings had by the Committee on Appropriations, in which Admiral Twining and Col. Buckner and a private citizen named Waddell and the Chief of the Bureau of Ordnance of the War Department all participated.

Mr. MADDEN. Did they all agree?

Mr. PADGETT. No; they did not agree. Mr. Waddell's statement was very much at variance with the statement of the

chiefs of two bureaus, and also with the statement of Col. Buckner, and, acting upon that testimony upon the fortification bill, the House fixed the price at 53 cents.

Mr. MADDEN. What was Mr. Waddell's statement, for example?

Mr. PADGETT. I think he said they could make powder at about 19 cents a pound.

Mr. MADDEN. What was the other testimony?

Mr. PADGETT. As I stated, Admiral Twining said that the manufacturing cost at a private establishment would be about 48 cents and a fraction.

Mr. MADDEN. Was that based on a calculation that the establishment would be working continuously, or just periodically?

Mr. PADGETT. Continuously.

Mr. MADDEN. If a plant is working not continuously but periodically, and putting out only one-quarter of its capacity—one-quarter of its maximum output—what would be the cost to manufacture it then?

Mr. PADGETT. I do not know.

Mr. MADDEN. Suppose the gentleman himself were running a manufacturing institution, and it had a capacity of 45,000 tons, and you ran only at one-fourth of your capacity and produced only one-fourth of your maximum output?

The cost of that one-fourth of the maximum output might be double the amount of the total receipts. Would you think the cost under such circumstances the cost on which you would want to base the price of your commodity?

The reason I am asking these questions is this: I am afraid that with all these limitations imposed by the Government we shall find ourselves in trouble one of these days if the powder companies should dismantle their plants on account of the price at which the Government will purchase their powder. We may find ourselves in the position where we will not be able to buy powder in an emergency. I think we should go rather carefully in a question of as great importance as this, and not decide it in a haphazard way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I ask for a few minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MADDEN. I am not interested in any wise whatever in anybody who is manufacturing powder, either directly or indirectly, and I do not know anybody who is in the business of manufacturing powder. I would not know them if I saw them coming along the sidewalk with a signboard on them. But I do know this, that to anybody in the manufacturing business, no matter what the business is, whether making powder or any other commodity, if he is running only one-quarter of his capacity, the product will cost him twice as much as he can sell it for. If the plant is working at only one-quarter of its capacity, it could not pay the fixed charges on the value of the plant or the men who are employed. When manufacturing plants are putting out only half their capacity, half their possible output, they are still putting out that output at a loss, and they do not begin to make any profit on any products that they make until after they have passed 70 per cent of their maximum capacity; and all the profit that is made in any great manufacturing enterprise in America is made on the last 30 per cent of their capacity to produce.

So it is easy to be seen that if this Congress goes on haphazard, limiting the plants from which we are obliged to buy one of the most important commodities used in the Navy and the Army, so that these plants will be dismantled and we have to depend entirely upon the plants which the Government itself has, and these plants are not sufficient to meet the needs of the Government, we may find ourselves in a very embarrassing situation some day when we ought not to be in that situation. I advise the use of greater care by Members of the House in placing limitations on the powers of executive officers in the discharge of important and responsible duties.

Mr. PADGETT. If the gentleman will permit a moment, the provision in the Army bill in reference to the Picatinny powder factory was that it should operate one-half of its maximum capacity. I want to call attention to the fact that Indianhead is now and has been for a year or more operating at least 80 per cent of its capacity.

Mr. BUCHANAN. Mr. Chairman, I move to strike out the last two words. To relieve my colleague from Illinois [Mr. MADDEN] from his fears, I want to say that it seems to me these Government contractors are continually losing money, but yet they are rather anxious to continue to lose that money.

Mr. MADDEN. I want to say to my colleague that I would not take a contract from the Government of the United States at any price under any circumstances.

Mr. BUCHANAN. I do not yield at this time, Mr. Chairman. I wish to say that since the Government started to manufacture its own powder and to build some of its own battleships and to manufacture some of its other supplies, it has been found that these corporations that the Government has been buying from have continued to drop their prices. They have said that they could produce a little more cheaply. In my judgment, the fact is that the criminal Powder Trust of this country, which we are so much concerned about at times, for fear they might stop their mills and so forth, are producing powder much more cheaply than the Government is. We have information that the Government is producing powder for 30½ cents a pound. I want to say that I have enough private information to convince me that the Powder Trust is producing powder still more cheaply than that, but it is purposely keeping us in the dark. When Admiral Twining was asked about it, he said he had never had any figures or information as to the wages paid employees, not only by the Powder Trust but by the Shipbuilding Trust, and therefore he had no knowledge as to the real cost. When they are asked for that sort of information they close their books against our Government officials. We are now paying the Steel Trust $450 a ton for armor plate that can be produced for less than $200 a ton. I suppose, if somebody should start a movement to have the Government establish a plant to protect itself against that exorbitant price, somebody would say that we would not be safe unless we relied on some criminal trust for our supplies in time of war.

Let me say to my colleague and to every Member here that if you want to be safe in time of war let the Government provide its own plant for emergency cases, because, if I read aright the signs of the times, if we get into war in this country it is not going to be the fault of any nation that has been referred to as being ready to jump at our throats; it is going to be due to these greedy financial pirates and highbinders who are trying to keep their clutches on the throats of the people and rob and plunder them, and continue to keep their arms in the Treasury up to their elbows. Do not permit yourselves to be deceived, or try to deceive others, that you are going to be protected by relying on some criminal trust or private corporation in these emergencies. Provide for plants under the control of the Government, and then you will be safe, and that is the only way in which you will be safe. I am in favor now of providing emergency powder plants and emergency other supply plants for use in case we get into a war. I claim it is absolutely unsafe to rely on the present corporations of this country, because they are liable to be up in arms against the Government whenever their clutches are shaken loose from the throats of the people. They are the men who have always made trouble in the history of the world. There is where the trouble has started, and nine-tenths of all the wars have been due to greed and graft.

Mr. SISSON. Mr. Chairman, I move to strike out the last three words. I want to state to the gentleman from Illinois [Mr. MADDEN] that this matter was gone into very thoroughly by the subcommittee that examined into the Panama fortifications, of which subcommittee the gentleman from Kentucky [Mr. SHERLEY] is chairman, and for quite a number of days this matter was gone into very thoroughly on the floor when that appropriation bill was up; and in order that these items of appropriation might be the same in all the bills, the Naval Committee followed the conclusions which were there reached.

Mr. MADDEN. All I wanted to be sure of was that the Government was not going to be embarrassed if a warlike situation arose.

Mr. SISSON. Mr. SHERLEY reported that all the overhead charges, the capacity of the plant, the cost of depreciation, the renewals, explosions, dangers, and the hazardous business were all gone into, and it gave them ample margin so that there could be no question of there being an ample profit in the manufacture of powder.

The Clerk read as follows:

For Naval Gun Factory, Washington, D. C.: New and improved machinery for existing shops, $125,000.

Mr. SISSON. Mr. Chairman, I notice in the hearings that this item has been carried for quite a while. I notice that the gentleman from Massachusetts [Mr. ROBERTS] asked Admiral Twining when we would ever get through building the shops, and it seems that the admiral stated that they would always want the $125,000. I would like to ask the chairman if all the information that the committee had about it are the two statements that the admiral made, on page 368 of the hearings. It seems that the chairman wanted to know when they would ever get through constructing the plant.

Mr. PADGETT. It is not for construction; it is for maintenance. It is for machinery that wears out and for improved machinery.

Mr. SISSON. The gentleman does not get what is in my mind. I will read:

The CHAIRMAN. The next item is "For Naval Gun Factory, Washington, D. C.: New and improved machinery for existing shops, $125,000." That is the same as the item last year?

Admiral TWINING. Yes, sir.

The CHAIRMAN. Will you need all of that amount to carry on the current improvements, repairs, etc.?

Admiral TWINING. Yes, sir.

Mr. ROBERTS. Will the time come, do you think, when you can cut that item out? Will that foundry ever be equipped with new machinery?

The CHAIRMAN. This is the whole of the shops?

Admiral TWINING. This is the whole gun factory, all of the shops. I think that ought to be appropriated every year.

Now, it seems that with that statement the chairman leaves this matter. Does the gentleman know whether they bought any new machinery or what they have been doing with $125,000?

Mr. PADGETT. Buying machinery every year.

Mr. SISSON. Where is the information?

Mr. PADGETT. The statement that we have every year. It is about 4 per cent on the cost of the plant they have there. It is for manufacturing guns and gun carriages.

Mr. SISSON. I can understand how they manufacture them. I want to know if this is the only information the gentleman has about how the $125,000 was spent last year?

Mr. PADGETT. Certainly, and any man would know that 4 per cent is a very small depreciation for the wearing out of machinery and the purchase of new machinery.

Mr. SISSON. That depends on what sort of machinery it is and how old it is. If it is an old plant, 4 per cent might not be enough, and if it is a new plant, where the machinery is all new, 4 per cent would be enormous.

Mr. PADGETT. Not at all; not for machinery that is cutting iron and for a foundry that is melting iron for the furnaces, and so forth.

Mr. SISSON. The gentleman is assuming that, because he does not get it out of the hearings.

Mr. PADGETT. Oh, we have gone into this years before. I have been through the factory a number of times, and I know what is there and the character of the work that is done.

Mr. SISSON. The gentleman may have the information personally, but it is not in the hearings.

Mr. PADGETT. It seems to me that for a gun factory and a foundry, knowing the character of the work done, anyone would know that 4 per cent was a very small amount for keeping up the old machinery, replacing worn-out machinery, and buying new machinery.

Mr. SISSON. I want to know of the gentleman if there is anything in the RECORD or the hearings that shows how they expended the $125,000?

Mr. PADGETT. I do not know whether it was stated this year.

Mr. SISSON. Nor is there anything in the hearings that shows how the $125,000 was spent?

Mr. PADGETT. If they did not expend it, it was covered into the Treasury, because it is limited.

Mr. SISSON. If it was covered into the Treasury, did the committee ascertain how much was turned into the Treasury?

Mr. PADGETT. No; it did not.

Mr. SISSON. The committee made absolutely no investigation and took it for granted?

Mr. PADGETT. The admiral stated that for this year they would need that amount to keep up the gun factory, and, as I have said, it is only 4 per cent on the investment.

The Clerk read as follows:

Ammunition for ships of the Navy: For procuring, producing, preserving, and handling ammunition for issue to ships, to be available until expended, $3,850,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. SISSON. Mr. Chairman, I intended to reserve it.

Mr. MANN. The gentleman can reserve it.

Mr. SISSON. Mr. Chairman, my objection to this paragraph is that it permits $3,850,000 to be available until finally expended. I do not think that the appropriation of that amount of money should be left entirely at the disposal and discretion of the Secretary of the Navy or anyone connected with the Government.

Mr. PADGETT. Mr. Chairman, I will state to the gentleman that heretofore it has been regarded as a continuing appropriation, but last year the Comptroller of the Treasury held that it was an annual appropriation. When they give a contract for these shells and projectiles, they can not always be manufactured and delivered within the time. If the gentleman objects to its being available until expended, if he would consent to its being available for two years, we would be satisfied.

The gentleman can see at once that when they make their designs and specification and advertise for bids and carry out the contract, that by the time they consummate them they may not be able to manufacture these shells and other munitions and deliver them within the time.

Mr. SISSON. Mr. Chairman, my objection to that is this: That it carries with it the absolute right, without being compelled to repeal a law, to control these appropriations. We have an annual session of Congress under the Constitution, and each Congress ought to have the right, without being at all embarrassed and without having to repeal a law, to control the appropriation.

Mr. PADGETT. Mr. Chairman, this only applies to this particular appropriation. It does not have any effect whatever upon next year.

Mr. SISSON. I am sure of that, because it is only one item that is affected; but I do not care to discuss the matter further unless the gentleman has some other reason for it, because all of these departments, as a rule, would like to have all of the appropriations for the public buildings, for rivers and harbors, and all the other expenses of the Government made available until expended or until the work is completed. This is a bad precedent.

Mr. PADGETT. For public buildings and rivers and harbors they are, by law.

Mr. SISSON. But they are not all, because they frequently have a deficiency.

Mr. PADGETT. Not public buildings and rivers and harbors.

Mr. SISSON. But notwithstanding the fact that the law does authorize the expenditure of $50,000 on a public building, so far as I know not a building has been constructed and all of the money made available. On the contrary, the money is appropriated just as they need it and just as they make estimates for it, and the architects would be glad to have all of the money available, but even when it is specifically authorized by law Congress has never appropriated more than the amount of money that can be consumed during the fiscal year in order that it may always have control of the purse strings of the Government.

Mr. PADGETT. As a matter of fact, the appropriations for public buildings are continuing until used; and about a year ago we authorized a public-building bill and made appropriations in the sundry civil appropriation bill for numbers of public buildings, on not one of which an hour of work has been expended, and in the present bill, which was passed a few days ago, there were other appropriations for public buildings in addition to the ones last year not yet used.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. MANN. What is covered by the term "ammunition for ships"?

Mr. PADGETT. Powder, projectiles, shells, explosives, and so forth.

Mr. MANN. We have already had an appropriation for powder.

Mr. PADGETT. Yes. This is for the new ships that come into commission; that are authorized.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. We have already had an item for the purpose of manufacturing smokeless powder, $1,250,000. Why put in another item to get smokeless powder?

Mr. PADGETT. This is for powder and high explosives. It is for projectiles and shells.

Mr. MANN. We have already had an item for projectiles and shells.

Mr. PADGETT. Some of them, but this is to provide for the new ships that are not cared for under these other appropriations. The other appropriation the gentleman means was for experiment and for target practice and for reserve.

Mr. MANN. Well, I should think it is very queer if we carried an item of $5,800,000 in the bill for shells and projectiles in one place and $1,150,000 for powder in another place, and then carried an item when neither one was mentioned for $3,850,000 in another place and covered the same thing. I think that can not be possible.

Mr. PADGETT. We carried $1,150,000 for the powder, and then in this place we carried——

Mr. MANN. Nearly $4,000,000.

Mr. PADGETT (continuing). Three million eight hundred and fifty thousand dollars, as it has been carried for a good many years, and it is for the reserve and for the supply of the new ships that come in as they are authorized and go into commission.

Mr. MANN. Well, now, if it is for powder, why is it any more necessary to make it any more available until expended than it is in these other two items, where it is not available until expended?

Mr. PADGETT. It is to be made available because it takes more than two years often to use the money, for the reason they have a year in which to obligate; they have a year in which to pay out the obligation. Admiral Twining states in his hearings that he has turned into the Treasury the amount not used and went to the Appropriations Committee for a deficiency to pay for the shells and ammunition which he contracted for, and turned the money back into the Treasury before they were delivered.

Mr. SISSON. As the law required him to do.

Mr. MANN. If it requires two years on this item, why does not it require two years on the $5,800,000 item for the same purpose?

Mr. PADGETT. To which item does the gentleman refer?

Mr. MANN. The one for ordnance and ordnance stores, shells and projectiles.

Mr. PADGETT. That pays for the labor and material and the purchasing of various items——

Mr. MANN. Oh, it pays for the same, in procuring, producing, preserving, and handling ordnance material, and then specifically names shells and projectiles and handling ammunition for issue, and so forth. It is the same thing.

Mr. PADGETT. For furniture at naval magazine, torpedo station, and proving grounds, maintenance of proving grounds and powder factory, and for target-practice, for pay——

Mr. MANN. But that is only a small item.

Mr. PADGETT. For pay of clerks, messenger, and the labor. It is an enormous sum. There are $400,000 added into that appropriation this year; $100,000 of it is for the increase in the wages of laborers at the gun factory, $300,000 of it is for the increase of target practice.

Mr. MANN. Why does that only require a one year's appropriation and the other two years'?

Mr. PADGETT. Because we use it during the current year. They do not have to make contracts. Wherever a person is to manufacture and deliver they do not pay for it until delivery is made, but here it is to pay for current work and operations under that appropriation.

Mr. MANN. Do I understand the gentleman that when you are providing shells for a ship you contract for those, but if you are getting shells for target practice the Government makes them?

Mr. PADGETT. No.

Mr. MANN. I should think whichever you do it would be the same; those you practice with and those you put on shipboard.

Mr. PADGETT. The shells used on shipboard are made of the hardest and finest steel——

Mr. MANN. Are they made by contract?

Mr. PADGETT (continuing). And cost three or four times——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I would ask that the gentleman from Mississippi really have five minutes and then I will not interrupt him.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. Let me finish my statement. The shells that are produced for use on shipboard are of the finest material and the hardest steel, and they cost more than five times as much as the shells that are used in target practice. Target-practice shells are made out of cheap material simply for the purpose of practice and are lost. The shell for target practice, as I remember, cost $50; the one that is used on board ship costs $350 to $500.

Mr. SISSON. I will state to the gentleman I read the hearings as closely as I could of this particular item and I did not find in the hearings any specific explanation why you should desire that it be made available until expended, and for that reason, Mr. Chairman, I make the point of order on that portion of the paragraph, on page 16, beginning in line 6 on the words "to be available until expended."

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For new and improved machinery and tools for torpedo factory, $15,000.

Mr. SISSON. I notice you have inserted here the words "and improved." Was it necessary to add that?

Mr. PADGETT. We did not want simply new machinery, but we wanted to acquire improved machinery if we found some that was better than we had.

Mr. SISSON. I do not object to the "new," except it seemed to me that the words "new machinery" as purchased by these experts would certainly mean improved machinery.

Mr. PADGETT. It would.

Mr. SISSON. I thought possibly the committee had some reason for it. Have you been buying bad machinery?

Mr. PADGETT. No; but the development of the torpedo is very rapidly taking place. Two years ago the limit of the torpedo was 4,000 yards; to-day it is 10,000 yards, and machinery that was purchased two or three years ago is not available now. It is very expensive to use that, and it would be very injudicious to attempt to use it, and not economical at all when we can get so much better machinery.

Mr. SISSON. I have no objection to the language, except I wanted to know whether there was any reason for it or not.

The Clerk read as follows:

Experiments, Bureau of Ordnance: For experimental work in the development of armor-piercing and other projectiles, fuses, powders, and high explosives, in connection with problems of the attack of armor with direct and inclined fire at various ranges, including the purchase of armor, powder, projectiles, and fuses for the above purposes, and of all necessary material and labor in connection therewith; and for other experimental work under the cognizance of the Bureau of Ordnance in connection with the development of ordnance material for the Navy, $200,000.

Mr FOWLER. Mr. Chairman, I move to strike out the paragraph.

Mr. PADGETT. That is the most important paragraph in the bill.

Mr. FOWLER. There was $100,000 appropriated, Mr. Chairman, last year for this same purpose. I desire to ask the honorable chairman of this committee why this amount is doubled?

Mr. PADGETT. Simply because this experimental work is one of the most important functions in the Navy. They wanted much more, but we did not feel authorized to increase it more than $100,000.

Mr. FOWLER. How much did they want?

Mr. PADGETT. I believe they wanted $400,000.

Mr. FOWLER. I supposed it was $1,000,000.

Mr. PADGETT. No, sir. The experiments form the most important work that is done in keeping abreast of affairs in testing, trying, developing, and finding out what is the most improved projectile, what is the best powder, and all of that. And there is nothing in the bill that is more vital to the efficiency of the Navy than these experiments.

Mr. FOWLER. Did your hearings show that there was any shortage in making these tests on the $100,000 appropriation last year?

Mr. PADGETT. They wanted to enlarge the tests. They could make $100,000 worth of tests, or, if they had only $50,000, they could have made only $50,000 worth of tests.

Mr. FOWLER. What was the unexpended balance?

Mr. PADGETT. There was not any, as I understand. They used it all up and wanted more, and, perhaps, used from some other funds that were available for that purpose. Of that I am not sure.

Mr. FOWLER. Did your hearings show that there was any deficient armor plate furnished the Government that was easily pierced by these strong projectiles?

Mr. PADGETT. I can not say any deficient armor. They had a test down here, and they pierced the armor at about 10,000 yards, I believe.

Mr. FOWLER. How thick was the armor which was pierced?

Mr. PADGETT. Ten inches, I think it was.

Mr. FOWLER. I believe they pierced the two old vessels, also, that were sunk a short time ago, did they not?

Mr. PADGETT. I believe so.

Mr. FOWLER. Was that above or below the water line?

Mr. PADGETT. It was above. It was in the thick part of the armor.

Mr. FOWLER. Mr. Chairman, I am well aware of the necessity for making these experiments if we are to have a great Navy. I know the great circle is to make extravagant appropriations and pay extravagant prices to the Steel Trust for armor plate with which to build these dreadnoughts. We have paid to Andrew Carnegie about $500,000,000 profit. And we are still pursuing the same course to give to him or to his successors an opportunity to sell to the Government armor plate at extravagant prices. And, then, we are running mad to find some projectile that will pierce that armor plate, and still running mad to place upon the high seas the greatest Navy in the world; yet, Mr. Chairman, nature has given us the greatest defense that can be had, and man, with all of his ingenuity and munitions of war, will never get in sight of the wonderful defense which nature has given to America.

Mr. PADGETT. Mr. Chairman, may I ask the gentleman a question just at this point?

Mr. FOWLER. Mr. Chairman, I yield to the distinguished chairman of the committee.

Mr. PADGETT. The gentleman stated that we had paid to Andrew Carnegie $500,000,000 as profits. Inasmuch as we have paid only about two hundred and some odd million dollars, all told, for the ships of the new Navy since 1885, I would like to know how the gentleman gets $500,000,000 of profits out of the armament?

Mr. FOWLER. Mr. Chairman, there has been expended more than $500,000,000 for the Navy and these great war vessels, and Andrew Carnegie's steel plant has furnished the greater portion of the material. If his steel plant individually has not furnished it, he has had such an interlocking system that it has received the benefits thereof. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Chairman, I desire to have my time extended for three minutes.

The CHAIRMAN. The gentleman from Illinois asks for an extension of three minutes. Is there objection?

There was no objection.

Mr. PADGETT. Now, will the gentleman permit me, just at this point?

Mr. FOWLER. One moment. I may have been a little extravagant in my statement that Andrew Carnegie had received $500,000,000. These committees are so in the habit of dealing with millions that I dream in millions. It was a figure of speech, Mr. Chairman, to emphasize the exorbitant profits which he has received from the Government, which, from my best information, reaches several millions. It has been revealed that this armor plate can be furnished at from $75 to $125 per ton.

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. And yet Mr. Carnegie's plant has received more than $500 per ton for this armor plate.

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Will the gentleman yield?

The CHAIRMAN. To whom does the gentleman yield?

Mr. FOWLER. I will yield to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. I want to state to the gentleman that, beginning with our first battleship and ending with the *Utah*, the total amount paid out for battleships is $202,125,607.83.

Mr. FOWLER. I have the figures here in my hand, showing that the cost of the Navy is around $500,000,000.

Mr. PADGETT. I am calling the gentleman's attention to the official statement. And for the armored cruisers the total amount paid out is $66,877,284.40, making in all $268,000,000.

Mr. FOWLER. Mr. Chairman, I did not yield for a speech.

Mr. CURLEY. Mr. Chairman, will the gentleman yield for a question?

Mr. FOWLER. Yes; I yield to the gentleman from Massachusetts for a question.

Mr. CURLEY. I was going to ask this: If the gentleman considers a misstatement of two or three hundred million dollars as only a little extravagant, what would he consider as very extravagant?

Mr. FOWLER. Mr. Chairman, in answer to the question of the gentleman from Massachusetts, I desire to say he belongs to the jingo type, and I call the jingo policy extravagant. [Laughter.] I could not use language which would be extravagant to his imagination of what we ought to have furnished to make a Navy for the United States. You jingo fellows will have to answer to your constituents before you get back to Congress again.

Mr. CURLEY. We all shall.

Mr. FOWLER. Those who have gone mad in following the direction of the heads of departments of this Government will rue the votes you have cast here during this session long before the ides of November. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CURLEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts [Mr. CURLEY] moves to strike out the last word.

Mr. PADGETT. Wait one moment. What about the motion of the gentleman from Illinois [Mr. FOWLER] to strike out the paragraph?

The CHAIRMAN. Did the gentleman from Illinois make any motion?

Mr. PADGETT. He made a motion to strike out the paragraph.

Mr. FARR. Let him withdraw it.

Mr. CURLEY. Mr. Chairman, I suppose that the most amusing vaudeville show that has taken place in Washington for many years is the one that has been conducted here this afternoon. One gentleman arises and refers to the great injury that is being visited upon the country by the Powder Trust, and refers to their imaginary filching of the American people, and desires that the manufacture of powder be confined solely and exclusively to those establishments that are under the control of the Government, binding the Government to a policy from which there can be no escape regardless even of war. Another gentleman arises and, despite the fact that since the new Navy of steel-armored ships has been authorized the expenditures for armor plate upon those ships has been but about $300,000,000, refers to a profit of $500,000,000 that has been made by Andrew Carnegie from the United States Government, and literally from the American people. Carnegie may be a wonderful character. He may be the wonderful magician or necromancer that my friend from Illinois [Mr. FOWLER] terms him, but I believe he would have to be born again before he could extract $500,000,000 of profits from $300,000,000 of sales.

And so it has gone on, Mr. Chairman; and the most singular and amusing feature of the entire vaudeville show that has been conducted here is the fact that it has had as its chief admirers and those in charge of the heartiest applause gentlemen of the opposite political party; and those who have protested most loudly against expenditures of money for naval purposes are men who under no condition would vote for any appropriation for national defense. The men who protest most loudly against naval appropriations are the men who would not vote for even one battleship. They are satisfied to depend upon the God of nature and His divine blessings to the American people to serve as a national defense in the hour of the Nation's trial. I believe, Mr. Chairman, that every man on this side of the House who has given any thought to the conduct of this business this afternoon——

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Illinois?

Mr. CURLEY. No, Mr. Chairman. I realize that there is much truth in what the gentleman from Illinois [Mr. FOWLER] said at the close of his remarks. If we do not exercise care, there will be vacant seats here in the next Congress. I want to say, as one who realizes that the Democratic President who will take his seat on the 4th of March is a minority candidate by more than a million votes, that it is about time that the Democrats of this body realize the responsibility that rests on them and cease their criticism of committees, a majority of whom are members of their own party, unless it is their wish that in the next Congress their party be the minority party. If criticism is to be visited on a committee for a weakness or for a mistake, let it be done by the men on that side of the House who are not only competent but eager to vent that criticism whenever the opportunity arises. [Applause.] I believe it is about time for us to start a constructive policy for the best interests of the Democratic Party, and I believe it is about time for those men who desire to air their experiences or their ability as vaudeville performers to be first accepted by some committee competent to pass upon their ability to do a turn for the edification of the Republicans on that side of the House and for the disgust of Democrats on this side. [Applause and laughter.]

Mr. FOWLER. Mr. Chairman, I desire to oppose the amendment offered by the gentleman.

The CHAIRMAN. The amendment offered by the gentleman from Illinois is still pending.

Mr. FOWLER. No; I mean the amendment to the amendment offered by the gentleman from Massachusetts.

Mr. CURLEY. Mr. Chairman, my amendment was for the privilege of talking for five minutes. It was not a contribution to the vaudeville performance.

The CHAIRMAN. The gentleman from Massachusetts withdraws the pro forma amendment.

Mr. FOWLER. Mr. Chairman, I move to strike out the words "two hundred thousand" and insert in lieu thereof the words "one hundred thousand."

The CHAIRMAN. The pending question is on the motion of the gentleman from Illinois to strike out the paragraph.

Mr. CURLEY. Mr. Chairman, a parliamentary inquiry. I should like to ask how many amendments are at the present time pending, offered by the gentleman from Illinois? There are two that I know of. I should like to know just how many more it is parliamentary and proper for a Member to make.

The CHAIRMAN. The Chair does not recognize the gentleman to offer the second amendment until the first amendment is disposed of.

Mr. PADGETT. I call for a vote on the first amendment.

Mr. FOWLER. I desire to withdraw the pro forma amendment to strike out the paragraph.

The CHAIRMAN. The motion to strike out a paragraph is not a pro forma amendment.

Mr. FOWLER. I desire to withdraw that amendment.

The CHAIRMAN. The gentleman may ask unanimous consent to withdraw that amendment.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois will state it.

Mr. MANN. Pending a motion to strike out, has not my colleague a right to offer a motion to perfect the paragraph?

The CHAIRMAN. That is in order.

Mr. MANN. That is the motion my colleague makes.

Mr. FOWLER. Mr. Chairman, has the Chair recognized my right to perfect the paragraph?

The CHAIRMAN. The gentleman may make his motion, and the Chair will then rule on it.

Mr. FOWLER. Then, Mr. Chairman, I move to strike out "$200,000," in line 3, page 17, and insert in lieu thereof "$150,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 17, line 3, by striking out "$200,000" and inserting in lieu thereof "$150,000."

Mr. FOWLER. Mr. Chairman, I desire to say that if $100,000 was enough to make this test last year, the country certainly has not doubled itself in requirements since that time, and $50,000 would be a large increase and ample, in my opinion, for the purpose of making the proper tests of armor plate and experimenting for new projectiles.

Mr. Chairman, I have no disposition to be other than perfectly fair to this committee. The gentleman from Massachusetts, I understand, is in sympathy with an enlarged Navy and a monstrous appropriation, because in his section of the country there are certain interests of the War and Navy Department which will receive a large portion of the benefits of these appropriations. I know that men can not free themselves altogether from the wants of their constituents, and I know that that which is intended for a Member's own district is hard for him to vote against.

Mr. EDWARDS. Will the gentleman yield?

Mr. FOWLER. I can not yield, I am sorry, at this time.

Mr. EDWARDS. It is just for a question.

Mr. FOWLER. No; I yielded to the distinguished gentleman from Massachusetts [Mr. CURLEY] a while ago, and when I made the same request of him I got the point blank "no" thrown back in my face as straight as ever a sweetheart put it in the face of her lover. [Laughter.] And so I have learned a lesson to-night not to yield.

Now, Mr. Chairman, the gentleman from Massachusetts was exceedingly oratorical about certain committees having confidence enough in men to put them on these committees in order that the appropriations might be hewn down. I want to say to him and to such Members of his kind as have undertaken to school the Members of Congress to follow a committee right or wrong, that you have put yourselves in the cloakrooms here and whenever an amendment has been offered to cut out an unwarranted appropriation in an appropriation bill you have run out of the cloakrooms like bees out of the hive in order to sustain the contention of the committee. To purgatory with the committee when it is wrong, and to heaven with the committee when it is right.

Now, Mr. Chairman, I have been criticized by the distinguished link in the jingo chain from Massachusetts [Mr. CURLEY]. I said that Andrew Carnegie had profited by virtue of contracts that he had received to furnish armor plate for this country, and I repeat that he has. He was convicted of having defrauded the United States of hundreds of thousands of dollars and was forced to make a settlement in which he paid back $160,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken; and on a division (demanded by Mr. FOWLER and Mr. MANN) there were—8 ayes and 75 noes.

So the amendment was lost.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. FOWLER] to strike out the paragraph.

The question was taken, and the amendment was lost.

The Clerk read as follows:

Arming and equipping Naval Militia: For arms, accouterments, ammunition, medical outfits, fuel, water for steaming purposes, and clothing, and the printing or purchase of necessary books of instruction, expenses in connection with the organizing and training of the Naval Militia of the various States, Territories, and the District of Columbia, under such regulations as the Secretary of the Navy may prescribe, $125,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of asking the distinguished chairman if there is any possibility of the Naval Militia bill being passed at this Congress?

Mr. PADGETT. The Senate has passed it and the committee has reported it to make it conform to the House bill, and it is here on the Calendar.

Mr. MANN. If the gentleman will persuade the Speaker to recognize the gentleman to move to suspend the rules——

Mr. PADGETT. The Speaker has promised to recognize me, and I think there are only five or six ahead of me on the list.

Mr. MANN. I would suggest to the gentleman that the important question in dealing with the Speaker on the question of recognition is when he will recognize the gentleman.

Mr. PADGETT. Mr. Chairman, I hope to get recognition within the next few days, after we get rid of this bill. [Laughter.]

Mr. MANN. I would say to my distinguished friend that will be too late. A few days after we pass this bill Congress will have adjourned.

Mr. PADGETT. I hope not.

The Clerk read as follows:

BUREAU OF EQUIPMENT.

Equipment of Vessels: For hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; specifications for purchase thereof shall be so prepared as shall give fair and free competition; canvas for the manufacture of sails, awnings, hammocks, and other work; stationery for chaplains and for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship; purchase, repair, and exchange of typewriters for ships; the removal and transportation of ashes from ships of war; interior appliances and tools for equipment buildings in navy yards and naval stations; supplies for seamen's quarters; aviation outfits; and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same; libraries for ships of war, professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, and running lights; compass fittings, including binnacles, tripods, and other appendages of ship's compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps and their appendages for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; service and supplies for coast signal service, including the purchase of land as necessary for sites for radio shore stations; instruments and apparatus, supplies, and technical books and periodicals required to carry on experimental and research work in radiotelegraphy at the naval radio laboratory; bunting and other materials for making and repairing flags of all kinds; photographs, photographic instruments, and materials; musical instruments and music; installing, maintaining, and repairing interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus, $4,000,000: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service at the several navy yards, naval stations, and coaling stations for the fiscal year ending June 30, 1914, shall not exceed $260,000: *Provided further*, That the sum to be paid out of this appropriation for the purchase of land for sites for radio shore stations shall not exceed $50,000: *Provided further*, That the total expenditures under this appropriation at the naval radio laboratory shall not exceed $5,000.

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. FOSTER. Mr. Chairman, I reserve the point of order.

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to offer an amendment, which I send to the desk and ask to have read.

Mr. MANN. Mr. Chairman, may I ask the gentleman from Tennessee whether it is intended to purchase radio sites out of this appropriation; and if so, where?

Mr. PADGETT. No such intention has been made known to the committee.

Mr. MANN. Then I make the point of order on the language toward the top of page 19, lines 2 and 3:

Including the purchase of land as necessary for sites for radio shore stations.

Mr. FOSTER. What about the proviso?

Mr. MANN. I do not know whether that is subject to a point of order.

Mr. ROBERTS of Massachusetts. Last year there was land needed at San Francisco.

Mr. MANN. That can be purchased out of the current law. I do not think you ought to carry an item in the bill every year providing for the purchase of land unless we know where it is going to be purchased.

Mr. PADGETT. It is not indicated, whatever, and I have no objection to striking that language out of the bill.

The CHAIRMAN. The point of order is made to the language in lines 2 and 3, on page 19, to wit:

Including the purchase of land as necessary for sites for radio shore stations.

The point of order is sustained.

Mr. MANN. Mr. Chairman, I move to strike out the proviso commencing with line 21, page 19.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, page 19, line 21, the language:
"*Provided further*, That the sum to be paid out of this appropriation for the purchase of land for sites for radio shore stations shall not exceed $50,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I move to strike out, in line 15, page 19, the figures "$4,600,000," and insert in lieu thereof the figures "$4,550,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 19, line 15, by striking out "$4,600,000" and inserting "$4,550,000."

Mr. FOSTER. Mr. Chairman, I will state that this simply reduces the amount $50,000, which I suppose the committee figured they could get along without, because they have provided $50,000 shall be paid for the purchase of sites for radio stations.

Mr. PADGETT. May I interrupt the gentleman a moment?

Mr. FOSTER. Under that arrangement I see no use in carrying the extra $50,000.

Mr. BATHRICK. But we have not stricken it out.

Mr. PADGETT. There was nothing expected to be expended for that.

Mr. FOSTER. Then why did the committee put it in the bill?

Mr. PADGETT. Allow me to explain. There have been deficiencies in this amount for several years. In order to prevent a deficiency last year the department placed a number of the vessels in reserve, and they asked for an increase of $1,367,000. We granted them an increase of $760,000, or just a little more than half of what was needed. When the appropriation was fixed at that amount heretofore, we had in the Navy 216 vessels. We have now 277 vessels, or 61 vessels more to be provided for and cared for out of this appropriation than heretofore, and the large increase had been in large ships, an increase of battleships that are expensive, and also in torpedo boats and submarines which are expensive in their equipments, and it is to provide for the equipment of these vessels that this increase was asked. As I stated, the department submitted estimates and earnestly insisted that we should allow $1,367,000.

But for the purposes of economy the committee only increased it $760,000, and no part of it contemplates the purchase of any land whatever.

Mr. FOSTER. Well, it seems to me very strange——

Mr. PADGETT. Let me go a little further for a moment. The renewing of the batteries of a submarine costs $40,000, and with the number of submarines for which we have to renew batteries and with the large ships the equipment of which has to be maintained and renewed, we have already cut them down much below what the department say they really need.

Mr. FOSTER. I think that would leave them still an increase of $710,000 over last year's appropriation, and if they got through last year with $3,843,300 I judge this year they could get through with $4,550,000, and I think if the bill means anything, as we are led to believe from these items we find here in the bill, I see no reason why this $50,000 should not be stricken out if we are giving them the power to appropriate $50,000 for that purpose. And if it does not mean anything, why it seems to me strange indeed we should be led to believe that they need $50,000 additional for that purpose, and so I think it is well to strike this out this year; and if they find that they have to have this amount another year, then it can be given to them.

Mr. MURRAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURRAY. Even if the amendment suggested by the gentleman from Illinois carries, would the figures in line 21 remain at $260,000?

The CHAIRMAN. Yes. The question is on agreeing to the amendment offered by the gentleman from Illinois.

Mr. GREGG of Texas. Mr. Chairman, I think the motion made by the gentleman from Illinois [Mr. FOSTER] should prevail. Notwithstanding the explanation made by our chairman, nobody can read this provision without understanding that $50,000 of this $460,000 was intended to buy the sites. That is the provision in this paragraph. It says it is for buying sites. Then the committee fixed the amount and said that not to exceed $50,000 shall be used for buying sites. Now——

Mr. PADGETT. Will the gentleman yield for a question?

Mr. GREGG of Texas. Yes.

Mr. PADGETT. Does not the gentleman know that no estimates were submitted for land, and that the estimates did not embrace or contemplate the purchase of any land, but the increase was $1,367,000 to equip those vessels?

Mr. GREGG of Texas. There was no special estimate made for these sites, but there was an estimate made for this gross provision, and we thought that $4,600,000 was enough. Now, because $50,000 has gone out our committee wants to boast we are economizing considerably, but wants still to keep in this $50,000 that we were economizing on when we prepared the bill. Now, I think the amendment should prevail. There is no reason in the world for keeping in the $50,000, because the committee thought that the $4,600,000 was enough for all the purposes, including the $50,000 for the sites; and therefore I favor the amendment offered by the gentleman from Illinois.

Mr. SISSON. Mr. Chairman——

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. SISSON. I move to strike out the last word. Now, Mr. Chairman, the Army bill carries an appropriation for the establishment of these stations, and I recall the discussion at that time that it was not necessary to have on land experiments along this line for more than one department of the Government, and it is for that reason I believe that the land item ought to be stricken out. Now, I presume that the department, in preparing this bill, knew what they were doing, and that is that this land was necessary for the purpose of establishing these stations. I agree very thoroughly with the gentleman from Illinois that the item ought to be reduced $50,000, and especially in view of the fact that the Army is now making expenditures for this purpose.

Mr. HOBSON. Mr. Chairman——

The CHAIRMAN. Debate on the amendment has been exhausted.

Mr. HOBSON. Mr. Chairman, I move to strike out the last two words. The department has now in contemplation general extension of the radio system, and yet it has not proceeded definitely in that extension because of certain factors that are not yet determined.

Mr. GREGG of Texas. Will the gentleman yield to a question?

Mr. HOBSON. Yes.

Mr. GREGG of Texas. Does not the gentleman know this provision has in it to-day, with that world-wide——

Mr. HOBSON. I know it has not. When that world-wide system is established any establishment of these will be affected also; and the only point here is that this authorization would have allowed them to proceed if they found it necessary. The chairman is perfectly correct about the deep cuts that have been made in the general estimates for the equipment of our vessels, and while you might cut down more, and they would get no appropriations, we have already cut to the bone, and the mere prevention of their developing the radio system further on these sites has but meager bearing upon the great need for efficiency and upkeep of the Navy and its increase in size by this increase in the appropriation. I do not think, just because we do not allow them to put out some money in this appropriation for buying sites, that it means they do not need, and need badly, this full amount.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. FOSTER].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. ROBERTS of Massachusetts and Mr. FOSTER demanded a division.

The committee divided; and there were—ayes 50, noes 40.

So the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have offered an amendment which is at the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 20, line 2, after the figures "$5,000," by inserting the following:
"*Provided further*, That no part of the appropriation herein provided for the equipment of vessels shall be available for the purchase of materials made by foreign labor, except such materials as can not be obtained in the United States."

Mr. MOORE of Pennsylvania. Mr. Chairman, it is not generally known throughout the country that on the 12th of August last was approved the Panama Canal act containing an out-and-out free-trade paragraph with regard to the construction and equipment of our ships. That paragraph provided that hereafter materials entering into the construction of equipment of vessels built in the United States might enter the United States free of duty. The materials referred to in that act have been interpreted by the Treasury Department in a decision recently rendered, and that interpretation includes in the matter of equipment the product of the mills and the factories, as well as of the raw materials that are produced on the farm and in

the cities. Amongst the materials that may now be entered free of duty into the United States, provided they enter into the equipment of vessels built here, are anchors, chains, cables, tackle, bolts, repair parts, and life-saving apparatus, wireless-telegraph apparatus, nautical instruments, searchlights, signal lights, lamps, furniture, carpets, table linen, bed linen, and also articles to be used in renewal or replacement of articles originally devoted to equipment.

Mr. Chairman, the Democratic Party did just what it was expected it would do when it passed the Panama Canal act. It overrode the right of this House to originate legislation affecting revenue, and it wrote into a bill for the operation and management of the Panama Canal a provision that upset all the protective laws of the United States. In our various districts to-day are produced commodities that you have provided shall enter this country free of duty, though made by foreign labor, if they enter into the construction or equipment of ships. In every rural district this question arises, as well as in every city district. There is not a mill that produces carpet or glassware or upholstery or that produces anything that enters into the equipment or construction of a ship that is not affected. American high-priced labor has been brought by this act into direct competition with the cheap labor of foreign countries, and the Navy Department is expected to compete with private shipbuilders in this country under that law. I do not believe that the Navy Department should have the privilege, or even private shipbuilders in the United States, of bringing in, duty free, in competition with American labor, those products made abroad which are necessary for the construction or equipment of ships in the United States if we can produce such materials in this country. It is a vital proposition which sooner or later will come home to plague every man who voted for this provision in the Panama Canal act and who votes against the amendment I submit now, for the protection of the labor of the United States against the cheap labor of foreign countries.

Mr. BURNETT. Mr. Chairman, it comes with poor grace for the gentleman from Pennsylvania [Mr. MOORE] to talk about bringing goods free into this country made by foreign labor when for the last 12 months he has been, in season and out of season, whenever opportunity presented itself, arguing and working day and night for the purpose of aiding in importing foreign labor itself that comes into competition with American labor. [Applause on the Democratic side.]

I am glad that he is beginning, in his old age [laughter], to wake up, at least to the importance of the rights of the American laboring men. The gentleman is in favor, Mr. Chairman, of bringing the cheap labor of Europe to this country for the purpose, in his own State, of beating down the standard of the wages received by the men who toil; and then he stands here contending for higher prices for that which the laboring man has to buy. Why, Mr. Chairman, it is sickening to me to hear him assert that he stands for the welfare of the laboring man, when I remember that he has fought, as he has for months, in the effort to break down the price of labor in America by contending for the admission of the low-priced labor of Europe; and then to see him come here and gather his sanctimonious garments about him and cry, "Unclean, unclean!" against any Democratic measure that is brought forward here in behalf of the people. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, in reply to the statement of the gentleman from Alabama [Mr. BURNETT], I would assure him that I stand for the maintenance in the United States of an American standard of wages, whether it is paid to the man who comes from abroad or to the native American. We maintain that wage standard in the United States despite immigration, and that is a complete answer to the argument that the gentleman from Alabama has made.

I am sorry that he is disappointed over the failure of his efforts to pass effectively that bill for the restriction of immigration, upon which he labored for six years. I regret exceedingly for his sake that he has been denied the opportunity of returning in triumph to his district, where the bands would be playing and the flags flying in honor of his approach.

But I am happy, indeed, that the worthy poor who have knocked at our doors and begged for the opportunity to work at an American wage and to get away from the conditions that surrounded them abroad have not been denied. I am glad, indeed, that we are able to let them come here and enjoy for themselves a higher standard of living than they enjoyed in their native countries. [Applause.]

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. MANN. The gentleman from Alabama [Mr. BURNETT] stated a moment ago that the gentleman from Pennsylvania was desiring to keep up the high prices on those things which the poor laboring man consumed. I would like to ask my friend from Pennsylvania how many battle compasses the ordinary poor laboring man does consume? [Laughter.] That is the item under consideration.

Mr. MOORE of Pennsylvania. I know that we make them in this country, and the men who make them here get three times as much wages as are paid to the men who make them in any other country.

Mr. PADGETT. Mr. Chairman, I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MOORE of Pennsylvania. A division, Mr. Chairman.

The committee divided; and there were—ayes 38, noes 69.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

On page 20, line 2, at the end of the line, insert the following: "*Provided*, That no part of any sum herein appropriated shall be expended for the purchase of any material of any kind entering into the equipment of any vessel if foreign labor employed in the production and manufacture thereof shall have been employed thereon in excess of eight hours a day."

Mr. MOORE of Pennsylvania. Now, Mr. Chairman, I appeal to the friends of the downtrodden workingman to support this amendment, and I appeal particularly to those champions of the eight-hour law, who have been so vociferous in their demands for justice to the workingman, to support this amendment. I ask those who claim to speak for the toilers in the mines and for the workers in the mills to say what they are going to do with respect to this proposition to enforce the eight-hour law, which holds throughout the United States, as it applies to that foreign labor to which my friend from Alabama [Mr. BURNETT] referred so touchingly a moment ago.

Here is an opportunity for all the friends of the downtrodden, all the friends of the workingman, all the friends of the common "peepul," to come forward and do some little mite of justice to those who toil and labor for a living in the United States. Will my friends upon the other side, who have been advancing eight-hour legislation and urging it upon the country, after the Republican Party instituted it, stand up for this amendment now, and protect the eight-hour workers of the United States against that downtrodden labor on the other side, about which our friends are so much concerned?

Mr. BATHRICK. Will the gentleman yield?

Mr. MOORE of Pennsylvania. If the gentleman will vote with me.

Mr. BATHRICK. Does not the gentleman think the general eight-hour law covers this?

Mr. MOORE of Pennsylvania. I think we should stop goods coming into this country which compete with eight-hour labor in the United States, when the competitors are employed 13 hours in foreign countries, at one-half and one-third the wages paid in the United States.

Mr. MADDEN. One-fifth.

Mr. MOORE of Pennsylvania. And if the question of sincerity is to be raised, as it was raised by my friend from Alabama [Mr. BURNETT], let us see now whether he will vote in favor of the American workingman on the eight-hour plan, or whether he prefers to give the advantage to the man who works 13 hours on the other side in competition with the American, and getting for it one-half or one-third the pay.

Mr. MADDEN. One-fifth.

Mr. BURNETT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. BURNETT. Do not some of the steel plants in your own State work that foreign labor and others 12 hours a day 7 days in the week?

Mr. MOORE of Pennsylvania. Oh, I think not. There have been so many lumps of $500,000,000 taken out of the pockets of the poor by Andrew Carnegie that it has come to be a nightmare to the gentlemen on the other side.

Mr. BURNETT. They work night and day under the night-shift management.

Mr. MOORE of Pennsylvania. If they do, they get paid for it, and they get paid a little better for it than certain other workers in this country, to whom I will make no reference just now. Will you tell me whether the eight-hour law is applied on the plantation or in the cotton field? Will you tell me whether you pay there on the eight-hour wage scale? My friend from Alabama [Mr. BURNETT] is most interesting and patriotic at

home, and here he makes most excellent speeches in favor of the downtrodden. Will he and my friends of the Democratic Party join hands with me to-night and say, "We want to be fair with the American workingman, we want to stand with the leaders of labor, we want to keep foreign labor up to an eight-hour basis when it comes into competition with the union labor of the United States"?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. I ask that the gentleman have one minute more.

Mr. MOORE of Pennsylvania. I am satisfied to leave this question to the fairness of the other side.

Mr. MANN. I ask unanimous consent that the gentleman have one minute more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania have one minute more. Is there objection?

There was no objection.

Mr. MANN. I should like to ask the gentleman if he believes in the eight-hour law?

Mr. MOORE of Pennsylvania. I do.

Mr. MANN. Does he believe it ought to be applied here now in this House?

Mr. MOORE of Pennsylvania. I think it ought to be applied to all Congressmen. I am entirely in favor of an amendment to this bill to effect it.

Mr. BUCHANAN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the expert in labor matters, the gentleman from Illinois [Mr. BUCHANAN], and I am very glad to have him ask me a question. If he is in favor of the eight-hour law in the United States, he will be in favor of the enforcement of the eight-hour law abroad when it comes in competition with the eight-hour law here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCHANAN. Mr. Chairman, I should like to ask the gentleman if he does not know——

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Pennsylvania.

The question being taken, on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 37, noes 62.

Accordingly the amendment was rejected.

Mr. BUTLER. Mr. Chairman, may I ask the gentleman from Tennessee whether we have not worked long enough? We have been here 12 hours, nearly?

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28812, the naval appropriation bill, and had come to no resolution thereon.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock p. m.) the House adjourned until to-morrow, Tuesday, February 25, at 10.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Superintendent of the United States Capitol Building and Grounds, transmitting report on refrigeration of Capitol and House and Senate Office Buildings (H. Doc. No. 1419); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury calling attention to the legislative appropriation bill for the next fiscal year and submitting a deficiency estimate of appropriation to correct same (H. Doc. No. 1420); to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named as follows:

Mr. GOEKE, from the Committee on Expenditures in the Treasury Department, submitted a report (No. 1569) relating to the deposits of Government funds in banks and the surplus working capital in the general fund of the Treasury, which was referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 28810) to authorize the Virginia & Carolina Southern Railroad Co. to construct a bridge across the Lumber River at or near the town of Lumberton, N. C., reported the same with amendment, accompanied by a report (No. 1571), which said bill and report were referred to the House Calendar.

Mr. McCOY, from the Committee on Expenditures in the Post Office Department, submitted a report (No. 1570) on canceling machines, etc., under H. Res. 109, which report was referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LA FOLLETTE: A bill (H. R. 28846) to authorize the town of Okanogan, Wash., to construct and maintain a footbridge across the Okanogan River; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Resolution (H. Res. 868) to authorize the fumigation and cleansing of fixtures and furnishings of the House of Representatives and committee rooms; to the Committee on Accounts.

By the SPEAKER (by request): Memorial of the Legislature of the State of Nevada, favoring the passage of H. R. 25518, for the construction of a practical fishway in the Derby Dam in the Truckee River, Washoe County, Nev.; to the Committee on Rivers and Harbors.

Also (by request), memorial of the Legislature of the State of Oregon, favoring the passage of H. R. 2981, to create Saddle Mountain National Park; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of the State of Wyoming, favoring laws to protect migratory game birds; to the Committee on Agriculture.

By Mr. ALLEN: Memorial of the Ohio Legislature, relative to a system of national highways; to the Committee on Agriculture.

By Mr. ANSBERRY: A joint resolution of the Legislature of Ohio, relative to a system of national highways; to the Committee on Agriculture.

By Mr. PETERS: A memorial of the General Court of the Commonwealth of Massachusetts, relative to an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor; to the Committee on the Judiciary.

By Mr. POST: A joint resolution of the Legislature of the State of Ohio, memorializing Congress relative to a system of national highways; to the Committee on Agriculture.

By Mr. WILLIS: A memorial of the General Assembly of the State of Ohio, urging the construction and maintenance of a system of national highways; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 28847) for the relief of the heirs of Thomas Smith, deceased; to the Committee on War Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 28848) for the relief of Walter A. Hill; to the Committee on Claims.

By Mr. SLOAN: A bill (H. R. 28849) granting an increase of pension to Martin L. Pembleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28850) granting an increase of pension to Edgar W. Thornton; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 28851) granting an increase of pension to Tamma A. Lloyd; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Federation of Citizens' Associations of the District of Columbia, favoring the passage of the amendment to the District of Columbia appropriation bill providing for the erection of a public-utilities commission; to the Committee on the District of Columbia.

By Mr. ALLEN: Petition of Radabaugh Bros. and other citizens of West Milton, Ohio, favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of South Dakota: Petition of sundry citizens of the United States, favoring the passage of legislation for the investigation of the prosecution of the editors of the Appeal to

Reason by the Government; to the Committee on Expenditures in the Post Office Department.

By Mr. CARY: Petition of W. H. Law, Detroit, Mich., favoring the passage of legislation for the relief of the family of Capt. Ocha, of the Life-Saving Service, deceased; to the Committee on Pensions.

By Mr. CURLEY: Petition of the Massachusetts Peace Society, Boston, Mass., favoring the repeal of the clause in the Panama Canal act making discriminations in the Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New England Water Works Association, protesting against the passage of any legislation tending to destroy the present national system of forest conservation; to the Committee on Agriculture.

By Mr. HILL: Petition of the Danbury Christian Endeavor Union, Danbury, Conn., protesting against the passage of legislation for the return of alcoholic liquors to the canteens of the Army; to the Committee on Military Affairs.

By Mr. LINDSAY: Petition of owners of grain elevators, Buffalo, N. Y., protesting against the passage of House bill 28180, with reference to securing a channel from the outer harbor to connect with the Buffalo River and for the enlargement of the anchorage basin in the outer harbor; to the Committee on Rivers and Harbors.

Also, petition of citizens of the borough of Brooklyn, N. Y., favoring an amendment to the naval appropriation bill providing for the building of one of the two new battleships in a Government navy yard; to the Committee on Naval Affairs.

By Mr. PETERS: Petition of the Massachusetts Peace Society, Boston, Mass., favoring the passage of legislation for submitting to arbitration the clause in the Panama Canal act discriminating against ships in Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. POST: Petition of Radabaugh Bros., West Milton, Ohio, favoring the passage of the Weeks bill (H. R. 27567) for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. SMITH: Petition of Ann Arbor Branch of Collegiate Alumnæ, favoring the passage of legislation for the eight-hour law for women in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of the New England Water Works Association, Boston, Mass., protesting against the passage of any legislation tending to destroy the present national system of forest conservation; to the Committee on Agriculture.

By Mr. UNDERHILL: Petition of owners of grain elevators, Buffalo, N. Y., protesting against the passage of House bill 28180, with reference to securing a channel from the outer harbor to connect with the Buffalo River and for the enlargement of the anchorage basin in the outer harbor; to the Committee on Rivers and Harbors.

By Mr. WILSON of New York: Petition of owners of grain elevators, Buffalo, N. Y., protesting against the passage of House bill 28180, with reference to securing a channel from the outer harbor to connect with the Buffalo River and for the enlargement of the anchorage basin in the outer harbor; to the Committee on Rivers and Harbors.

SENATE.

TUESDAY, *February 25, 1913.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ESTIMATE OF APPROPRIATION.

The PRESIDENT pro tempore (Mr. GALLINGER) laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of $334,435 for the installation of a sanitary sewerage and storm-water drainage system in the city of Hot Springs, Ark., abutting the Hot Springs Reservation, which, with the accompanying papers, was referred to the Committee on Appropriations.

SERVICE PENSION LAW.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the commander in chief of the Grand Army of the Republic, transmitting resolutions, which will be read.

The Secretary read as follows:

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
OFFICE OF COMMANDER IN CHIEF,
Bridgeport, Conn., February 24, 1913.

To the PRESIDENT PRO TEMPORE
OF THE SENATE OF THE UNITED STATES,
Washington, D. C.

SIR: In accordance with the vote of the Forty-sixth National Encampment of the Grand Army of the Republic, held at Los Angeles, Cal., September 12–13, 1912, we have the honor to transmit herewith resolutions unanimously adopted by said encampment and directed to be presented to the Senate of the Congress of the United States in appreciation of its passage of the pension bill, approved May 11, 1912.

Very respectfully, yours,

ALFRED B. BEERS,
Commander in Chief.
HENRY J. SEELEY,
Adjutant General.

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
Bridgeport, Conn., January 30, 1913.

To the Senate of the Congress of the United States:

We hereby certify that at the Forty-sixth Annual Encampment of the Grand Army of the Republic held at Los Angeles, Cal., September 12–13, 1912, the following resolutions were unanimously adopted:

Resolved: First. That the thanks of the Grand Army of the Republic and of those whom it represents be, and are hereby, extended to the President of the United States, the Hon. William Howard Taft; to the Congress of the United States in both its branches, and especially our comrade, Gen. ISAAC R. SHERWOOD, chairman of the Committee on Invalid Pensions of the House of Representatives, and to the Hon. PORTER J. MCCUMBER, chairman of the Senate Committee on Pensions, for their efficient cooperation and tactful leadership in securing the enactment of the law of May 11, 1912; and also to Senator HENRY E. BURNHAM, and Representative JOHN A. M. ADAIR, for their invaluable services in reaching an agreement on the part of the conferees of the two Houses of Congress.

Second. That the thanks of the encampment be, and are hereby, tendered to each member of the pension committee of the Grand Army of the Republic and to the comrades who aided the committee in this work, and in particular to Comrade Ell Torrance, past commander in chief and chairman of said pension committee, and to Commander in Chief Harvey M. Trimble, for their great and successful work in behalf of the surviving veteran Union soldiers of the Civil War.

Third. That the incoming commander in chief is hereby directed to have prepared and engrossed copies of these resolutions to be presented to the respective parties herein named.

[SEAL.] ALFRED B. BEERS,
Commander in Chief.

Official:

HENRY J. SEELEY,
Adjutant General.

The PRESIDENT pro tempore. The communication and accompanying resolutions will be referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented House joint memorial No. 3, adopted by the Legislature of the State of Wyoming, which was ordered to lie on the table and to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss.:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following copy of house joint memorial No. 3, adopted by the Legislature of the State of Wyoming, has been carefully compared with the original, filed in this office on the 18th day of February, A. D. 1913, and is a full, true, and correct copy thereof:

House joint memorial No. 3.

Whereas there have been introduced in Congress three bills (H. R. 36, H. R. 4428, S. 2367) to afford Federal protection to migratory game birds; and

Whereas there is a very general sentiment in this State in favor of such protection, and an urgent request for the enactment of such a law has been made, as appears by the numerous petitions received: Now therefore

Resolved (the senate concurring), That Congress be, and hereby is, requested to enact a law giving ample protection to migratory game birds.

Resolved, That the legislatures of all other States of the United States, now in session or when next convened, be, and they are hereby, respectfully requested to join in this request by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and he hereby is, directed to transmit copies of this resolution to the Senate and the House of Representatives of the United States, and to the several Members of said body representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

MARTIN L. PRATT,
Speaker of the House.
BIRNEY H. SAGE,
President of the Senate.

Approved February 17, 1913.

JOSEPH M. CAREY, *Governor.*

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 18th day of February, A. D. 1913.

[SEAL.] FRANK L. HOUX, *Secretary of State.*
By F. H. WESCOTT, *Deputy.*

Mr. CULLOM presented a memorial of the Building Trades Council of Quincy, Ill., remonstrating against the enactment of legislation providing Federal pay for members of the National Guard, which was referred to the Committee on Military Affairs.

He also presented a petition of William McKinley Camp, No. 12, Department of Illinois, United Spanish War Veterans, of Chicago, Ill., praying for the enactment of legislation granting pensions to the widows and orphans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Mulberry Grove, Ill., praying for the enactment of legislation providing Federal aid in the construction of public highways, which was referred to the Committee on Agriculture and Forestry.

Mr. CHAMBERLAIN. I present a joint memorial adopted by the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Patents.

There being no objection, the joint memorial was referred to the Committee on Patents and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 4 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 15th day of February, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 17th day of February, A. D. 1913.

[SEAL.]

BEN W. OLCOTT,
Secretary of State.

House joint memorial 4.

Whereas the people of the State of Oregon and of these United States are viewing with alarm the rapid and enormous increase in the cost of living, caused, as we believe, by the monopoly made possible by the existence of the patent-right laws; and

Whereas the cost of educating our children and otherwise advancing civilization is more than doubled by the monopoly made possible by the existence of the copyright laws; and

Whereas every article of trade and commerce as well as education and civilization are closed by the throttling of competition; and

Whereas cooperation is the only key with which the closed door of opportunity may be opened: Now therefore be it

Resolved by the house (the senate concurring), That our Representatives and Senators in Congress be, and are hereby, memorialized and requested to introduce, if necessary, to vote for, and use their best endeavors to pass a law amending all patent-right and copyright laws and offering and allowing to all inventors a royalty of 5 per cent, or a graduated royalty, as the case may be, to be paid by anyone who cares to manufacture any article or commodity now covered by such patent right or copyright.

Your memorialists further believe and urge that the repeal of such patent-right and copyright laws will at once inaugurate competition, resulting in a lower cost of living.

That the copyright privilege on schoolbooks alone costs the people more than double the necessary cost of such schoolbooks, and is therefore an inexcusable barrier in the way of education and general enlightenment.

That the leasing system of labor-saving patents, with a refusal to sell the same, is as pernicious as it is monopolistic, and that by this practice the prices of all products of such labor-saving machinery may be and are generally under the absolute control of the owner thereof.

We believe these laws to contain one of the hidden secrets whereby the great combination of wealth throttles competition and thus place the American common people helpless at their feet.

Adopted by the house January 28, 1913.

C. N. MCARTHUR,
Speaker of the House.

Concurred in by the Senate February 13, 1913.

DAN J. MALARKEY,
President of the Senate,

Indorsed: House joint memorial No. 4.

W. F. DRAGER, *Chief Clerk.*

Filed February 15, 1913, at 4.10 o'clock p. m.

BEN W. OLCOTT,
Secretary of State.

Mr. CHAMBERLAIN. I present a joint memorial adopted by the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the joint memorial was referred to the Committee on Immigration, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 10 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 15th day of February, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 17th day of February, A. D. 1913.

[SEAL.]

BEN W. OLCOTT,
Secretary of State.

House joint memorial 10.

To the Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the Legislative Assembly of the State of Oregon, hereby indorse the provisions of the Asiatic exclusion act, H. R. 13500, now pending in Congress, as the same is of great benefit to the laboring men of the United States, and we urge the passage of said bill.

Adopted by the House February 11, 1913.

C. N. MCARTHUR,
Speaker of the House.

Concurred in by the Senate February 13, 1913.

DAN J. MALARKEY,
President of the Senate.

Indorsed: House joint memorial No. 10.

W. F. DRAGER, *Chief Clerk.*

Filed February 15, 1913, at 4.10 o'clock p. m.

BEN W. OLCOTT,
Secretary of State.

Mr. HITCHCOCK. I present a resolution of the House of Representatives of the Nebraska Legislature, in favor of the McLean bill, for the protection of bird life and cooperation between the Federal Government and the States in the protection of game birds and song birds. I ask that the resolution lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

The Nebraska House of Representatives has, this 20th day of February, 1913, upon recommendation of the standing committee on fish culture and game, adopted the following resolution:

Be it resolved, That this house desires to go on record as favoring the widest possible cooperation between the States and the Federal Government to protect both game birds and song birds, and we do hereby request our Senators and Representatives in Congress to vote and work for the passage of the McLean bill, and for all other legislation designed to prevent the destruction of American bird life.

HENRY W. RICHMOND,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Lincoln, Nebr., February 20, 1913.

Mr. HITCHCOCK. I present a resolution of the State Senate of Nebraska in favor of a Federal appropriation of $25,000 for reclamation and surveys in that State. I ask that the resolution be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the resolution was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

Whereas the Government of the United States has and is expending immense sums of money to protect the low lands of the Missouri and Mississippi Valleys from the floods and overflow waters due to the melting of the snows in the headwaters of these rivers, and that such moneys have been expended in the past mostly for temporary relief in the building of dikes, dams, and levees; and

Whereas a few years ago the United States Government appropriated and expended the sum of $75,000,000 for experimental work in the construction of large dams and reservoirs in the headwaters of the large rivers in the arid regions of the West, for the purpose of reclaiming the agricultural lands in the various arid Western States by irrigation, and by this means have diverted the overflow and flood waters to irrigation and have added countless millions of dollars to the wealth of these Western States; and

Whereas expenditure of these moneys in the headwaters of our rivers, if continued, will solve the problem of the Federal Government in protecting its low lands in the lower Mississippi Valley and make unnecessary the expenditure of vast sums of money in the future in the erection of dams, embankments, dikes, and levees; and

Whereas we believe there are many thousands of acres of arid and semi-arid lands in western and central Nebraska that could be reclaimed and made very productive by irrigation, and that there are sufficient flood waters going to waste in the rivers and larger streams of this State sufficient to irrigate all of these arid lands; and

Whereas it is of benefit to the Federal Government to have the flood waters of these streams corralled, as it is of benefit to the citizens of our State to have the waters diverted to our agricultural lands, that the Government ought to do the experimental work of surveying and ascertaining what points there are within the State where it is practicable to impound the waters from our streams for irrigation purposes: Therefore be it

Resolved by the Senate of the State of Nebraska, That this senate requests that the Members of the United States Senate and House of Representatives from Nebraska introduce and support a bill in Congress appropriating the sum of $25,000 for the purpose of having the Federal Government make a survey of the rivers and larger streams in western and central Nebraska for the purpose of ascertaining where dams can be erected at feasible points, and where it is feasible and practicable to construct reservoirs for the purpose of impounding water for the purpose of irrigation; that our people may know by the reports from the Federal Government where they may successfully carry on such irrigation projects; that the appropriation of $25,000 be placed with and used by the Reclamation Service; and that the complete report of said surveys, with the recommendations attached, be made by the engineers of the Reclamation Service or the proper officers of the Federal Government; and be it further

Resolved, That the secretary of the senate is instructed to transmit a copy of this resolution to all of the Nebraska Senators and Representatives at Washington, D. C.

W. V. HOAGLAND,
J. M. GRACE.

Mr. HITCHCOCK presented memorials of sundry citizens of College View, Lincoln, Crawford, Broken Bow, York, and Lincoln, all in the State of Nebraska, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of members of the Woman's Club of Falls City, Nebr., remonstrating against the transfer of the control of the national forests to the several States,

which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the Farmers' Educational and Cooperative Union, of Hooper, Nebr., remonstrating against the adoption of the so-called Aldrich currency system, which was referred to the Committee on Finance.

He also presented resolutions adopted by local posts, Grand Army of the Republic, Department of Nebraska, of Omaha and South Omaha, Nebr., remonstrating against the proposed transfer of the Pacific Branch of the National Home for Volunteer Soldiers to the War Department, which were referred to the Committee on Military Affairs.

Mr. GRONNA presented resolutions adopted by the Retail Hardware Association of North Dakota, favoring the adoption of certain amendments to the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of New Home, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. CRANE presented resolutions adopted by members of the Massachusetts Peace Society, favoring the repeal of the clause in the Panama Canal act exempting American coastwise shipping from the payment of tolls through the Panama Canal, which were ordered to lie on the table.

He also presented resolutions adopted by the General Court of the Commonwealth of Massachusetts, favoring the adoption of an amendment to the Constitution giving Congress the power to regulate the hours of labor, which were referred to the Committee on the Judiciary.

Mr. PITTMAN. I present a joint resolution passed by the Legislature of the State of Nevada, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Senate and assembly joint resolution memorializing Congress.

Whereas there is pending in Congress, a House of Representatives bill known as H. R. 25518, which provides for the construction of an efficient and practical fishway in the Derby Dam, which is owned and controlled by the United States Reclamation Service, and in the Truckee River, Washoe County, and appropriating money for the construction thereof, and introduced by Mr. RAKER on June 27, 1912: Therefore be it

Resolved, The people of this State, through their representatives in this the twenty-sixth session of the legislature, most heartily recommend the passage of the bill, to the end that effective provision may be had for the passage of the trout of this stream, and those of Pyramid Lake, during their spawning season, to enable them to reach their spawning beds in the upper stretches of the Truckee River, for the purpose of reprodnction: And be it further

Resolved, That the secretary of state is instructed to at once forward copies of this memorial to the President of the United States, the President of the Senate, and Speaker of the House of Representatives, and to our United States Senators and Representatives in Congress.

Approved, February 17, 1913.

STATE OF NEVADA,
DEPARTMENT OF STATE.

I, George Brodigan, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original senate and assembly joint resolution, approved February 17, 1913, now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State at my office, in Carson City, Nev., this 18th day of February, A. D. 1913.

[SEAL.]

GEO. BRODIGAN,
Secretary of State,
By J. W. LEGATE, *Deputy.*

Mr. PITTMAN. I present a memorial of the Legislature of the State of Nevada, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the memorial was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Assembly joint and concurrent resolution 1.

Whereas the Secretary of the Treasury has reported to Congress the desirability of abolishing certain United States mints and assay offices—among them the mint at Carson City—urging economy and uselessness as a reason therefor; and the House of Representatives, through its Committee on Appropriations, has accepted these recommendations, with the result that the House has failed to include any appropriation for these assay offices for the next fiscal year; and that notwithstanding this the Senate, recognizing the needs of the western miners, has inserted appropriations for these offices in the bill: Now therefore be it.

Resolved, by the Assembly of the State of Nevada (the Senate concurring), That we respectfully urge, in the name of the miners of the West, and especially those of Nevada—a State which furnished to our Government in time of dire distress the means from her mineral wealth by which this Government and the Union of States was perpetuated—that Congress do not take away from the producers of bullion the means for its prompt disposal at its full value, by abolishing these assay offices and forcing the miners to dispose of their product to private refineries: And be it further

Resolved, That our Senators and Representative be furnished with a copy of these resolutions immediately that they may bring the same to the attention of their respective Houses that the desires of the citizens of Nevada may be fully understood.

Approved, February 19, 1913.

STATE OF NEVADA,
DEPARTMENT OF STATE.

I, George Brodigan, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original assembly joint and concurrent resolution No. 1, introduced by Mr. Holmes, approved February 19, 1913, now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State at my office, in Carson City, Nev., this 20th day of February, A. D. 1913.

[SEAL.]

GEO. BRODIGAN,
Secretary of State,
By J. W. LEGATE, *Deputy.*

Mr. BRANDEGEE presented a petition of Local Grange, Patrons of Husbandry, of Kent, Conn., and a petition of Housatonic Grange, Patrons of Husbandry, of Stratford, Conn., praying for the passage of the so-called agricultural extension bill, which were ordered to lie on the table.

Mr. ROOT presented memorials of sundry citizens of Watertown, Onondaga, Ellicottville, Adams Center, White Plains, North Castle, New York City, Lockport, and Vienna, and of the congregation of the Seventh-day Adventist Church of Wellsville, all in the State of New York, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the memorial was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING:
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following and hereto-attached copy of enrolled joint memorial No. 2, Senate, State of Wyoming, has been carefully compared with the original filed in this office on the 21st day of February, A. D. 1913, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 22d day of February, A. D. 1913.

[SEAL.]

FRANK L. HOUX,
Secretary of State,
By F. H. WESCOTT,
Deputy.

Original senate joint memorial 6. Twelfth Legislature of the State of Wyoming.

Enrolled joint memorial 2, Senate, State of Wyoming.

Memorial to the honorable Secretary of the Interior of the United States of America, relative to restoring to entry lands now withdrawn in Wyoming under the North Platte project of the United States Reclamation Service.

Be it resolved by the Senate of the State of Wyoming (the House of Representatives concurring), That—

Whereas there has been withdrawn for a number of years 150,000 acres of land, more or less, in townships 21, 22, 23, 24, and 25 north of ranges 60, 61, 62, 63, 64, and 65 west of the sixth principal meridian, all located in the State of Wyoming, under the North Platte or Nebraska-Wyoming reclamation project, and said land now remains idle and under most favorable conditions could not be reclaimed and settled up within a period of 15 years; and

Whereas the demand for homes is increasing at a rapid rate and settlers are knocking at our doors; and

Whereas the greater part of tillable land surrounding the land withdrawn and now idle under the foregoing project has been entered under the public-land laws of the United States; and

Whereas if said withdrawn areas are restored to entry it can be, and doubtless will be, all settled up within a very few years; and

Whereas the primary object of the Federal land laws is to promote the passage of land into private ownership with as little delay as possible: And be it

Resolved, That the honorable Secretary of the Interior of the United States be memorialized to restore all of said land to entry during the spring of the year 1913, in order that the State of Wyoming may secure the benefits of the annual immigration to the West; be it further

Resolved, That a copy of this memorial be sent to Hon. FRANCIS E. WARREN, Hon. CLARENCE D. CLARK, and Hon. FRANK W. MONDELL, representatives in Congress from the State of Wyoming.

BIRNEY H. SAGE,
President of the Senate.
MARTIN L. PRATT,
Speaker of the House.

Approved February 21, 1913, at 2.45 p. m.

JOSEPH M. CAREY, *Governor.*

Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed copy of enrolled joint memorial No. 5, House of Representatives, State of Wyoming, has been carefully compared with the original, filed in this office on the 21st day of February, A. D. 1913, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 22d day of February, A. D. 1913.

[SEAL.]

FRANK L. HOUX,
Secretary of State,
By F. H. WESCOTT,
Deputy.

Original house joint memorial 7. Twelfth Legislature of the State of Wyoming.

Enrolled joint memorial 5, House of Representatives, State of Wyoming.

House joint memorial to the Congress of the United States.

Be it resolved by the House of Representatives of the State Legislature of the State of Wyoming (the Senate concurring), That—

Whereas when the original thirteen States of the Union established their independence of the British Government and established the Government of the United States each State became the owner of the vacant and unappropriated lands within its borders; and

Whereas when new States were formed out of the territory of such original States and admitted into the Union such new States became entitled to the vacant and unappropriated lands within their borders; and

Whereas the ownership of the United States lands within the limits of the original States of the Union is based upon cessions made to the Government of the United States by those respective States; and

Whereas subsequently, when foreign governments at divers times ceded territory to the Government of the United States, the vacant and unappropriated lands within such ceded territory passed to the Government of the United States; and

Whereas when new States were formed out of such ceded territory those States were denied title to the vacant and unappropriated lands within their borders, we believe that an unwise, unjust, and detrimental public-land policy was established by the Federal Government, and one which has uniformly and powerfully operated to the retarding of the general welfare of the citizenship and prevention of the development of the resources of every character within the borders of those new States, which have struggled under the blighting influence and effect of that selfish, short-sighted, and ruinous public-land policy:

Therefore we, the Senate and House of Representatives of the State of Wyoming, hereby memorialize the Congress of the United States to enact such legislation as will cause the cessions by the Government of the United States to the States comprising said Government of all vacant and unappropriated lands title to which is held by the Federal Government to the States respectively within whose borders they lie.

The paramount reasons for this memorial must be transparent to the Congress of the United States if acceptance is given to the primary purpose of the creation.

The Federal Government, so far as internal affairs are concerned, viz, the promotion of the general welfare and the establishment of justice throughout the Nation; the economic reasons and public policies which should operate upon the Congress of the United States in doing justice to and promoting the general welfare and accelerating the industrial development of the so-called arid-land States of the Union, within whose borders the vastly larger part of the vacant and unappropriated lands title to which are held by the United States Government lie, are so patent and powerful and numerous that they need not be recapitulated in this memorial.

We believe that the prayer of this joint memorial will be voiced by all the States affected by the present public-land policy of the United States Government.

BIRNEY H. SAGE,
President of the Senate.
MARTIN L. PRATT,
Speaker of the House.

Approved February 21, 1913, at 12 m.

JOSEPH M. CAREY, *Governor.*

Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following and hereto attached copy of enrolled joint memorial No. 6, House of Representatives, State of Wyoming, has been carefully compared with the original filed in this office on the 21st day of February, A. D. 1913, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 22d day of February, A. D. 1913.

[SEAL.]

FRANK L. HOUX,
Secretary of State,
By F. H. WESCOTT,
Deputy.

Original house joint memorial 8. Twelfth Legislature of the State of Wyoming.

Enrolled joint memorial 6, House of Representatives, State of Wyoming.

Memorial to the Senate and House of Representatives of the United States requesting Congress to set aside certain lands for grazing purposes for the aid, protection, and relief of homesteaders and residents of the Old Fort Bridger Military Reservation, and those adjacent thereto.

Be it resolved by the House of Representatives of the State of Wyoming (the senate concurring), That the Congress of the United States be memorialized as follows:

Whereas it appears that the unoccupied portion of the hereinafter-described territory in the county of Uinta, in the State of Wyoming, is best adapted for range and grazing purposes and stock raising; and

Whereas it appears that the rights of the homesteaders and residents of the aforesaid section have been infringed and intruded upon by nomadic bands and flocks of stock and other stock driven thereon by nonresidents of this section; and

Whereas the homesteaders and residents have been made to suffer and the principal industry of the aforesaid people has been greatly affected and retarded thereby; and

Whereas it appears necessary that some protection be given these people in the way of classification of range for sheep and cattle against such nomadic bands and flocks and the encroachment and imposition of those living at a distance from this section, and in other States, that life and property may be preserved and the agricultural and stock industries may be encouraged and improved;

Whereas it is necessary for the said farmers and ranchmen to feed the greater part of their produce to stock on account of the long distance from markets and railroads, and inasmuch as the said ranches and farms are small and no forest reserve accessible, whereby protection on the range can be secured: Therefore be it

Resolved by the house of representatives (the senate concurring), That we do hereby memorialize Congress that the following-described territory not now occupied or which may not hereafter become occupied under the general land laws of the United States, be set aside or leased by the Government to the aforesaid homesteaders and ranchmen of this section, for the exclusive use of the residents therein or adjacent thereto: Beginning at the northeast corner of the original Fort Bridger Military Reservation; thence westerly along the north line of the said Fort Bridger Military Reserve to the northwest corner of said reserve; thence southerly along the line of the said reserve to the southwest corner of said reserve; thence easterly along the south line of the said original reserve to its intersection with the east line of range 116 west of the sixth principal meridian; thence south on the range line between ranges 116 and 115 west of the sixth principal meridian to its intersection with the south line of the State of Wyoming; thence east along the south boundary of the State of Wyoming to its intersection with the east line of Uinta County; thence north along the east line of Uinta County to its intersection with the north line of township 14 north; thence west along the north line of township 14 north to its intersection with the east line of aforesaid original Fort Bridger Military Reserve; thence northerly along the east line of the said reserve to the northeast corner of the said reserve to place of beginning.

Resolved, That certified copies of this memorial be sent to the Senators and Representatives in Congress from the State of Wyoming.

BIRNEY H. SAGE,
President of the Senate.
MARTIN L. PRATT,
Speaker of the House.

Approved, February 21, 1913, at 12 m.

JOSEPH M. CAREY, *Governor.*

Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss.:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following and hereto attached copy of enrolled joint memorial No. 3, Senate, State of Wyoming, has been carefully compared with the original filed in this office on the 21st day of February, A. D. 1913, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 22d day of February, A. D. 1913.

[SEAL.]

FRANK L. HOUX,
Secretary of State,
By F. H. WESTCOTT,
Deputy.

Original senate joint memorial 4. Twelfth Legislature of the State of Wyoming.

Enrolled joint memorial 3, Senate, State of Wyoming.

Memorial to the Senate and House of Representatives of the United States of America in Congress assembled, regarding damage done Cody municipal water supply by the construction of certain public works.

Be it resolved by the Senate of the State of Wyoming (the House of Representatives concurring), That—

Whereas on evidence duly presented to the Legislature of the State of Wyoming it appears to this body that the Reclamation Service of the Department of the Interior has, in its operations under the Shoshone project in this State, by the construction of the Cody dam in the Shoshone River above the town of Cody, destroyed the efficiency of the supply of water of the said town of Cody, county of Park, State of Wyoming, by polluting the source of supply of the said town, rendering the water so inefficient in quantity and impure in quality as to be detrimental to the health of the citizens of the said town of Cody and in such condition as to be unfit for any domestic use: Therefore be it

Resolved, That the Congress of the United States be memorialized to direct the Secretary of the Interior to investigate the conditions of the

water supply of the town of Cody and to take such measures as will place the water supply of the town of Cody in as good condition as it was before the construction of the Cody dam by taking said supply around said works. Be it further

Resolved, That a copy of this memorial be sent to the Hon. FRANCIS E. WARREN, the Hon. CLARENCE D. CLARK, and the Hon. FRANK W. MONDELL, Representatives in Congress from the State of Wyoming.

BIRNEY H. SAGE,
President of the Senate.
MARTIN L. PRATT,
Speaker of the House.

Approved, February 21, 1913, at 11.42 a. m.
JOSEPH M. CAREY, *Governor.*

REPORTS OF COMMITTEES.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 8565. A bill to authorize the Virginia & Carolina Southern Railroad Co. to construct a bridge across the Lumber River at or near the town of Lumberton, N. C. (Rept. No. 1311); and

S. 8443. A bill to authorize the St. Louis-Kansas City Electric Railway Co. to construct a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo. (Rept. No. 1312).

He also, from the same committee, to which was referred the bill (S. 8310) to authorize the construction of a bridge across the Pend Oreille River opposite the town of Newport, Wash., reported it with amendments and submitted a report (No. 1313) thereon.

Mr. WILLIAMS, from the Committee on Military Affairs, to which was referred the bill (S. 7158) to remove the charge of desertion from the military record of Porter Loumis, submitted an adverse report (No. 1314) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CLAPP, from the Committee on Privileges and Elections, reported an amendment proposing to pay G. B. Spaulding $500, F. A. Johnson $500, and J. A. Preston $370 for services rendered to the Committee on Privileges and Elections making investigation of the amount of money paid to national and congressional campaign committees of all political parties, etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (S. 2890) for the establishment of a probation system in the United States courts, except in the District of Columbia, reported it with an amendment and submitted a report (No. 1316) thereon.

He also, from the same committee, to which was referred the bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States, reported it with amendments and submitted a report (No. 1315) thereon.

Mr. DIXON, from the Committee on Military Affairs, to which was referred the bill (S. 7854) for the relief of John H. Fesenmeyer, alias John Wills, reported it without amendment and submitted a report (No. 1318) thereon.

PENSION APPROPRIATION BILL.

Mr. McCUMBER. From the Committee on Pensions I report back favorably with an amendment the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, and I submit a report (No. 1310) thereon. I ask for the present consideration of the bill.

Mr. BRISTOW. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Kansas suggests the absence of a quorum. The roll will be called.

The Secretary called the roll and the following Senators answered to their names:

Ashurst	Crawford	Kenyon	Pittman
Borah	Cullom	Lea	Sheppard
Bradley	Curtis	McCumber	Smith, Ga.
Brady	Dillingham	Martin, Va.	Smith, Mich.
Bristow	Fletcher	Martine, N. J.	Smoot
Brown	Foster	Myers	Stone
Bryan	Gallinger	Nelson	Swanson
Burnham	Gamble	Newlands	Thornton
Burton	Gardner	Oliver	Watson
Catron	Johnston, Ala.	Page	Wetmore
Chamberlain	Jones	Percy	
Clapp	Kavanaugh	Perkins	

Mr. JONES. I wish to state that the Senator from Michigan [Mr. TOWNSEND] is detained from the Chamber by a committee meeting.

The PRESIDENT pro tempore. Forty-six Senators have answered to their names—not a quorum. The roll of the absentees will be called.

The Secretary proceeded to call the names of absent Senators, when Mr. BANKHEAD, Mr. SMITH of South Carolina, Mr. WILLIAMS, Mr. CLARK of Wyoming, Mr. SUTHERLAND, Mr. FALL, Mr. TILLMAN, Mr. HITCHCOCK, Mr. LODGE, and Mr. CUMMINS entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. A quorum of the Senate is present. The Senator from North Dakota reports from the Committee on Pensions a bill, for which he asks present consideration. The bill will be read for the information of the Senate.

The Secretary read the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1914, and for other purposes, namely:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $180,000,000: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

For fees and expenses of examining surgons, pensions, for services rendered within the fiscal year 1914, $300,000.

That $12,000, or so much thereof as may be necessary, out of the appropriation for clerk hire and other services contained in the act making appropriations for invalid and other pensions for the fiscal year ending June 30, 1913, is made available for postage on foreign mail, purchase and repair of furniture, filing cabinets, adding machines, addressing machines, typewriters, check signing machines, and other labor-saving devices for the use of the disbursing office, Bureau of Pensions.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was to add at the end of the bill the following:

The unexpended balance of $8,182.55, or so much thereof as may be necessary, of the appropriation for clerk hire and other services, pension agencies, made in the act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes, is hereby reappropriated and made available for the payment of traveling and other expenses incident to the transfer of clerks of the various pension agencies to Washington, D. C.

The PRESIDENT pro tempore. Without objection——

Mr. BRYAN. Mr. President, I have no objection to the bill without the amendment. If the chairman of the committee will allow it to be passed in that shape, I shall urge no objection. If he insists upon the amendment, I do object.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. BRYAN. I object to the present consideration of the bill, if the Senator from North Dakota insists upon that amendment.

The PRESIDENT pro tempore. Unanimous consent has already been given for the consideration of the bill.

Mr. BRYAN. I was standing on the floor to object unless the chairman of the committee would limit it simply to the bill as it passed the House, without the amendment, which is designed to pay the traveling expenses of men to come to Washington to get a position. I have no disposition to object to the appropriation bill itself.

Mr. McCUMBER. Mr. President, let me explain to the Senator from Florida that we appropriated last year for certain clerk hire. There is a balance of something like $8,000 of that appropriation that will be left over because not used.

We also abolished the agencies. In abolishing the agencies it was necessary to bring some of the clerks to Washington. They are Government clerks. It has always been customary in transferring a clerk from another section of the country to one of the departments here that the traveling expenses of the person transferred be paid by the Government, because the Government sends the clerk from one place to another. They are clerks under the civil service, and, no appropriation having been made, the department has recommended that the $8,000 be used, which will be sufficient, and more than sufficient, for that purpose. The amendment was put in for the purpose of making that transfer.

Mr. BRYAN. I desire to ask the chairman of the committee if it is not true that this amendment was put on by the committee? In other words, is it not a fact that the provision did not come from the House and we are proposing to amend the bill as it passed the House?

Mr. McCUMBER. Yes; I incorrectly stated that it had been put on by the House.

Mr. BRYAN. And it is to provide for the pay of clerks to come to Washington to get a position.

Mr. McCUMBER. No; the Senator is mistaken.

Mr. BRYAN. They have been legislated out of the service at these agencies.

I will say to the Senator I will not object to the passage of the appropriation bill, but I do object to tacking on that bill an appropriation to pay the expenses of men to come here to get positions. It is not material to me whether it is customary or not.

Mr. McCUMBER. Mr. President, the case is not that of persons coming here to obtain positions, but they are clerks already in the department who have been holding their clerkships for years. They were transferred, pursuant to a law which we passed last year, from the various pension agencies to the city of Washington, upon the abolition of the pension agencies. It is always customary for the Government to pay all the expenses of traveling for clerks in being transferred, just the same as though the department would send a clerk from the General Land Office to a local land office in a State. In such cases the traveling expenses are paid by the Government. The amount appropriated is only about $8,000, and I presume that less than half of that amount will be necessary.

Mr. STONE. Mr. President, I should like to make a brief observation in this connection. I dislike always very much to differ with my friend from Florida [Mr. BRYAN], and I rarely do, but I think the position taken by the Senator from North Dakota [Mr. McCUMBER] is more nearly correct as a matter of absolute right. Let me give an illustration to my friend from Florida. Recently the Treasury Department here issued an order transferring a certain number of clerks who had been employed in the different subtreasuries in distribution work, which is, of course, in a large sense the most important work done by the subtreasuries. It was thought best to concentrate that work at the Treasury Department here. I happen to know that at the subtreasury of St. Louis—and I desire the attention of my friend from Florida on this, because he is a fair man, and I am sure he has not any mere pride of opinion about a thing where absolute justice is involved; I am asking his attention to a statement of fact—I know that in the city of St. Louis at the subtreasury and at some other subtreasuries, a number of clerks, some four or five, from the St. Louis subtreasury were ordered to report at Washington to take up here, in the Treasury Building or the department itself, the line of work they were doing there, that work having been withdrawn from the subtreasuries and concentrated here at Washington. These clerks are drawing salaries of from $1,000 to $1,400 per annum. I happen to know two of them, who have recently conferred with me respecting this matter, when I was in St. Louis. One has a family, a wife, I think, and three or four children; the other a family of a wife and a less number of children. To transfer those workmen, receiving this low rate of compensation, from twelve to fourteen hundred dollars per annum, to Washington, and incurring necessarily the expense of transporting their families and all expenses incident to breaking up and removing their families, and not to pay the bare traveling expenses of the clerk himself, to relieve his embarrassment to that extent, it seems to me would be to work an injustice on those men. I think those expenses ought to be paid.

Mr. LODGE. Mr. President, on that point——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. BRYAN. Certainly.

Mr. LODGE. The pension agencies have been abandoned in the various cities. There was one in the city of Boston, which has been abandoned, as have others in various cities of the country. These clerks are not coming here seeking positions; they had their positions, and had them under the civil service. Many of them have been in those agencies for years. They are now compelled by the Government to give up their homes, their establishments, wherever they may happen to be—in Concord, or Boston, or Chicago—and they are ordered here. It is through no fault of theirs, and, as I have said, they are not coming here to get the benefit of positions; they are obliged to come here by the Government; and it seems to me a very small thing for these men who, as the Senator from Missouri [Mr. STONE] has stated, have in many cases families to support, who have been receiving low pay, and are now compelled to break up their homes and come here, making all the changes and incurring all the expenses incident to such removal, not to be allowed their traveling expenses when they are coming here on Government business. It seems to me it is a very small matter.

Mr. BRYAN. I asked the Senator from Massachusetts the question, because I have not understood that all these people are under the civil service.

Mr. LODGE. They all are under the civil service in the Boston office. I know that.

Mr. BRYAN. I do not think they are.

Mr. CURTIS. Mr. President——

Mr. BRYAN. Just one moment. I understand that these men were employed at the agencies. There were men here to take those places in the department, but those 18 agencies having been abolished, it was decided to allow preference here at the bureau to the civil-service employees in the agencies. If they are in the civil service and would remain in the civil service, regardless of the repeal of the law allowing the existence of these useless pension agencies, I would not object; but, as I understand, they are in the same condition as a man who starts out to seek Government employment, and certainly——

Mr. LODGE. Not at all.

Mr. BRYAN. Certainly they do not ask to have their way paid to Washington. They are very glad to come here; they find the way easy, and not very distant.

Mr. LODGE. Mr. President, those clerks have been under the civil service for years, and I do not think——

Mr. BRYAN. If the Senator from Massachusetts will say all of them are under the civil service——

Mr. LODGE. Every one is, so far as I know.

Mr. BRYAN. Or will limit the amendment to those in the civil service——

Mr. LODGE. They were covered into the civil service years ago. There is not a place in that office, unless it may be that of a laborer, which is not under the civil service now—not one. They could not be brought here and placed in the Pension Office, unless they were in the civil service.

Mr. STONE. I will say to my friend that I know that, so far as the people in the subtreasuries are concerned——

Mr. LODGE. They were covered into the civil service years ago. There is not a place in that office, unless it may be that of a laborer, which is not under the civil service. As I have said, they could not be brought here and assigned to duty unless they were.

Mr. STONE. I will say to my friend that I know that, so far as the employees in the subtreasuries are concerned, they are not involved here.

Mr. LODGE. We are not discussing the subtreasury employees.

Mr. STONE. But they are, I know, under the civil service.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Kansas?

Mr. BRYAN. Yes, sir.

Mr. CURTIS. I want to say to the Senator from Florida that all of these employees are under the civil service. I know that fact, because 32 of them come from the city of Topeka, and I had occasion to investigate the subject. More than that, they draw a salary on an average of only $900 a year, while the clerks in the department in this city draw a salary of $1,200 a year. Money is saved by bringing those clerks here.

Mr. BRYAN. I am glad to hear the Senator say that, because he argued a year ago that money would be saved by allowing these 17 agencies to be continued.

Mr. CURTIS. I said so because those men were drawing $900 on an average, where they were employed as clerks, whilst the clerks here were drawing salaries on an average of $1,200 a year. So I still maintain that money would have been saved if the various agencies had been permitted to continue in existence.

Mr. BRYAN. So it has developed that by the abolishment of these agencies there has been an increase of salary of about $300 a year in each case, and in addition to that we pay the traveling expenses of the clerks transferred to Washington.

But, Mr. President, I can not resist the appeal from so many friends, and I realize that the Senate will pass this bill in any event whenever it gets to a vote on it. While I am not opposed to the bill, I think we have made increases in the appropriations by independent acts, and it is the duty of Congress to make the appropriations. I had hoped that the bill would be limited simply to appropriations for the payment of pensions, and that amendments designed to increase salaries and to pay expenses of men to come to Washington to get a job would not be placed upon the bill. In view, however, of the appeals that have been made to me, I withdraw the objection.

The PRESIDENT pro tempore. The question is on the amendment——

Mr. SMITH of Georgia. Mr. President, I desire to ask the chairman of the committee if he will not explain to us just how much this bill carries and what it is for before it is disposed of. It is very difficult to grasp it by simply listening to the reading of the bill, and if the Senator from North Dakota will explain it before we vote upon it some of us would feel under obligation to him, I am sure.

Mr. McCUMBER. The bill is very simple. The appropriation carried by it is $180,000,000, to cover all pensions of every character. The appropriation of a year ago was, as the Senator will remember, about $164,000,000. The last estimate of the department we had for this year was about $185,000,000; but after they had made their estimate the Government provided for 300 additional clerks, to hurry the settlement of claims under the act of May 11, 1912. The result of that was that the cases have been adjudicated very much more rapidly, which has made a considerable additional amount necessary for this year. It made, I would say, really about $15,000,000 more for the year ending June 30, 1913; but that $15,000,000 is carried in the deficiency bill. So this bill calls for $5,000,000 less than the estimate made by the department.

Again, it is proper to state that the estimate of the department was based upon the assumption that 71.6 per cent of the soldiers who would be entitled to the benefits of the act of May 11, 1912, had served one year or over, while the tabulations so far, on the settlement of over 250,000 cases, bring that 71.6 per cent up to something over 74 per cent as the number who served more than one year. That will increase to a small extent the estimate of the department; but the main increase above the estimate for the two years is due to the fact that we have expedited the consideration of the claims under the act of May 11, 1912, furnishing the 300 extra clerks for that purpose, so that a great many more claims were acted on during the year 1913 than it was expected would be considered.

Mr. LODGE. The bill carries $180,000,000?

Mr. McCUMBER. $180,000,000.

Mr. BRYAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. Certainly.

Mr. BRYAN. Of course, the Senator understands that if the Crago bill should be enacted it would increase the appropriation for 1914 more than $7,000,000 over the $180,000,000 carried by this bill?

Mr. McCUMBER. That would be true if that bill should be passed.

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator whether the $15,000,000 that are to be carried in an additional bill will be added to the $180,000,000, making the appropriation $195,000,000?

Mr. McCUMBER. No; the $15,000,000 to be carried in the deficiency bill is for the year ending June 30, 1913, while the $180,000,000 appropriation is for the year ending June 30, 1914. There is, I think, a deficiency of about $13,000,000.

Mr. SMITH of Georgia. It will, therefore, make the average about $180,000,000?

Mr. McCUMBER. Well, it is $180,000,000 for the year ending June 30, 1914. We will have to add $15,000,000 to the $164,000,000 appropriated for the current fiscal year, which will make about $175,000,000 for the year ending June 30, 1913.

Mr. SMITH of Georgia. One hundred and seventy-nine million dollars.

Mr. BRYAN. Add $15,000,000 to $164,500,000, and it makes $179,500,000.

Mr. McCUMBER. Yes.

Mr. SMITH of Georgia. Then, Mr. President, will the Senator give the Senate about what is the increase of the pension-roll payment as the result of the legislation passed at the last session? That was the exact fact I was anxious to bring out.

Mr. McCUMBER. From $152,500,000 to about $180,000,000.

Mr. SMITH of Georgia. About $27,500,000, then, was the increase?

Mr. McCUMBER. Yes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PRINTING OF TARIFF HEARINGS.

Mr. SMOOT. From the Committee on Printing I report back favorably, with an amendment, House concurrent resolution 71, providing for printing 2,500 copies of the tariff hearings before the Committee on Ways and Means of the House of Representatives since the 6th day of January last, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendment was, in line 2, after the word "bound," to insert the words "in buckram," so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in buckram 2,500 copies of tariff hearings before the Committee on Ways and Means of the House of Representatives since the 6th day of January last, 1,700 copies for the use of the House and 800 copies for the use of the Senate.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTINE of New Jersey:

A bill (S. 8578) providing that certain professors at the United States Naval Academy shall be commissioned as professors of mathematics with the rank of lieutenant commander (with accompanying papers); to the Committee on Naval Affairs.

By Mr. SMITH of Michigan:

A bill (S. 8579) granting a pension to Margaret A. Wiles; and

A bill (S. 8580) granting a pension to Mary A. Solter (with accompanying paper); to the Committee on Pensions.

By Mr. BURTON:

A joint resolution (S. J. Res. 163) amending and extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes; to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. STONE submitted an amendment proposing to appropriate $47,550 for one additional mail lift and one combination freight and passenger elevator, and for additions to mail apparatus and other improvements at the new city post office at St. Louis, Mo., intended to be proposed by him to the omnibus public buildings bill, which was ordered to lie on the table and be printed.

Mr. JACKSON submitted an amendment authorizing the President to appoint Worthington Goldsborough upon the retired list of the Navy, with the grade of rear admiral of the lower number, from October 9, 1899, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to appropriate $3,653.05 to pay Rittenhouse Moore, being the amount stated and claimed by him for overwidth dredging in the Potomac River below Washington, D. C., intended to be proposed by him to the sundry civil appropriation bill, which, with the accompanying paper, was referred to the Committee on Appropriations.

Mr. WATSON submitted an amendment proposing to appropriate $50,000 for a United States post-office building at Keyser, W. Va., intended to be proposed by him to the omnibus public buildings bill, which was ordered to lie on the table and be printed.

Mr. CLAPP submitted an amendment authorizing the Auditor for the Navy Department to credit to the account of Pay Director John N. Speel, United States Navy, $263.54, on account of an advance made by him to Paymaster's Clerk Edward V. Lee, United States Navy, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. SHEPPARD submitted an amendment proposing to appropriate $6,850 for expenses of delegates to be designated by the President to the Fourteenth International Congress on Alcoholism at Milan, Italy, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Education and Labor and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to increase the number of topographic and hydrographic draftsmen at $2,400 each in the Coast and Geodetic Survey from two to three, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

CHICKASAW AND CHOCTAW INDIAN CLAIMS.

Mr. GORE submitted the following resolution (S. Res. 476), which was read, considered by unanimous consent, and agreed to:

Resolved, That the President be requested, if not incompatible with the public interest, to cause to be transmitted to the Senate copies of all letters, telegrams, reports, opinions, and other documents on file in either the Department of the Interior or the Department of Justice

in relation to any contract or claims for fees or compensation on the part of the firm of Mansfield, McMurray & Cornish, or any member thereof, against the Chickasaw and Choctaw Tribes of Indians, which claims are alleged to be due and unpaid and are now pending before the President or any department of the Government; and,

Second. To transmit like copies of all such letters, telegrams, reports, opinions, and other documents in relation to any claim on the part of the Chickasaw and Choctaw Tribes of Indians against the firm of Mansfield, McMurray & Cornish, or any member thereof.

Resolved further, That the President be requested to withhold action on any and all said claims until further action by the Congress or by the courts.

PROPOSED FINANCIAL INVESTIGATION.

Mr. PENROSE submitted the following resolution (S. Res. 477), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Finance be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make investigations into internal revenue, customs, currency, and coinage matters, and to compile and prepare statistics and documents relating thereto as directed from time to time by the Senate and as may be necessary, and to report from time to time to the Senate the result thereof; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the recess or sessions of the Senate during the Sixty-third Congress at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate; and the committee is authorized to order such printing and binding as may be necessary for its use.

EXPENSE OF DISTRIBUTION OF SEEDS.

Mr. SMOOT. Mr. President, on February 19 the President of the Senate handed down a letter from the Secretary of Agriculture transmitting, in response to a resolution of the 18th instant, a statement showing the estimated cost of the purchase and distribution of seeds and plants for congressional distribution for the four years from 1909 to 1913, inclusive, and it was ordered printed. The Secretary of Agriculture inclosed a copy of a recent publication and made it a part of his report. While that publication is already in print, and has a great many illustrations, I have spoken to the Senator from Iowa [Mr. KENYON] in relation to it, and he does not feel that it is necessary to publish it. I therefore ask that it be eliminated from the report of the Secretary which was ordered printed.

Mr. KENYON. I do not care about the publication at all. The figures sent by the Secretary of Agriculture are what I should like to have printed.

Mr. SMOOT. Yes; we will print them, with the exception of the bulletin from the Agriculture Department.

The PRESIDENT pro tempore. Without objection, it is so ordered.

POST OFFICE AT BRISTOL, VA.

Mr. SMOOT. Mr. President, there has been presented to the Senate a letter from the Postmaster General transmitting, in response to a resolution of the 19th instant, information relative to the establishment of the post office at Bristol, Va., and in the transmission of that letter the Postmaster General submitted a map. I ask that an order be made that the map be printed in connection with the letter of transmittal.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On February 25, 1913:

S. 4681. An act to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes;

S. 8089. An act permitting the building of a railroad bridge across the Yellowstone River, from a point on the east bank in section 15 to a point on the west bank in section 16, township 151 north, of range 104 west, of the fifth principal meridian, in McKenzie County, N. Dak.;

S. 8090. An act permitting the building of a railroad bridge across the Missouri River from a point on the east bank in section 14, Mountrail County, N. Dak. to a point on the west bank of said river in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west, of the fifth principal meridian; and

S. 1589. An act to authorize the exchange of conveyances between the Florida East Coast Railway Co. and the United States.

REFERENCE OF TREATIES.

Mr. CULLOM. I desire to make a motion as in executive session for the reference of a treaty that has been sent to the Senate. I ask that it be referred to the Committee on Foreign Relations and printed in confidence.

The PRESIDENT pro tempore. Without objection, that order will be made.

Mr. LODGE. I ask, as in executive session, that the treaty which has just come in with a message from the President may be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. Without objection, the treaty will be so referred.

COL. WILLIAM C. GORGAS AND OTHERS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the joint resolution (H. J. Res. 365) to permit Col. William C. Gorgas and certain other officers of the Medical Corps and certain officers of the Engineer Corps of the Army to accept service under the Republic of Ecuador, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DU PONT. I move that the Senate insist upon its amendment, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. DU PONT, Mr. DIXON, and Mr. JOHNSTON of Alabama conferees on the part of the Senate.

MISSISSIPPI RIVER BRIDGE AT KEOKUK, IOWA.

Mr. CULLOM. I ask unanimous consent for the present consideration of Order of Business 1020, Senate bill 8182, granting to the Inter City Bridge Co., its successors and assigns, the right to construct, acquire, maintain, and operate a railway bridge across the Mississippi River.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent for the present consideration of a bill which will be read for the information of the Senate.

The Secretary read the bill.

Mr. CULLOM. I offer an amendment which the Senator from Iowa [Mr. CUMMINS] presented, and which I accept.

Mr. BURTON. I should like to inquire what that is.

Mr. CULLOM. It is a bridge bill.

Mr. BURTON. Is it of a general nature, or does it pertain to one bridge only?

Mr. CULLOM. It pertains to one bridge only.

Mr. BURTON. What is the locality of it?

Mr. CULLOM. The locality of it is the locality of the dam on the Mississippi River. If the Senator will permit the amendment to be read, he will know what it is.

Mr. CUMMINS. I have an amendment which I desire to propose to the bill when it is before the Senate.

Mr. CULLOM. I offered the amendment which was presented by the Senator from Iowa.

The PRESIDENT pro tempore. The Senator from Illinois offers an amendment to the bill, which will be stated.

The SECRETARY. At the end of section 1, it is proposed to insert the following:

Provided, That this act shall not become effective until there is filed with the Secretary of War an agreement between the Inter-City Bridge Co. and the Mississippi River Power Co. showing the consent of the latter for use of the dam for bridge purposes, the terms upon which such use is permitted, and relieving the United States from all responsibility on account of such use: *And provided further*, That this act shall not be construed to change in any respect the control of the United States over said dam and its right to regulate the operation thereof, and the charges for power generated thereby.

Mr. SMITH of Georgia. Mr. President, before unanimous consent is given, I should like to hear the bill read.

The PRESIDENT pro tempore. The bill will be again read.

The Secretary again read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The question is upon the amendment submitted by the Senator from Illinois.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEPARTMENT OF LABOR.

Mr. BORAH. Mr. President, it seems that possibly there has been an error in the print on the face of the calendar with reference to the unanimous-consent agreement in regard to the bill providing for a department of labor. I call attention to it at

this time in order that we may not have a misunderstanding about it during the day.

The calendar says:

It is agreed by unanimous consent that on Tuesday, February 25, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22913) to create a department of labor, and that at not later than 3 o'clock p. m. on that day the Senate will proceed, without further debate, to vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition; such consideration, however, not to interfere with the consideration of appropriation bills or conference reports.

I think, so far as fixing the hour is concerned, that is an error.

The PRESIDENT pro tempore. The Chair is informed that that is an error, and it will be stricken from the agreement.

Mr. BORAH. It should be changed to read "during the calendar day."

Mr. WARREN. The Senator will be willing to have it come up later in the day?

Mr. BORAH. Certainly. I call attention to the matter at this time, so as not to lose my right to go on with it after 3 o'clock.

Mr. GRONNA. Was it not also the agreement that the bill should not displace appropriation bills?

Mr. BORAH. It was.

INDIAN APPROPRIATION BILL.

Mr. GAMBLE. Mr. President, I move that the Senate proceed to the consideration of Order of Business 1071, House bill 26874, making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GAMBLE. I ask unanimous consent that the formal reading of the bill be dispensed with; that it be read for amendments; and that the committee amendments be first considered.

The PRESIDENT pro tempore. The Senator from South Dakota moves that the formal reading of the bill be dispensed with; that it be read for amendments; and that the committee amendments be first considered.

The motion was agreed to.

INTERLOCUTORY INJUNCTIONS.

Mr. CRAWFORD. Mr. President, I do not wish to interfere with the consideration of this appropriation bill, but I had hoped that I might get unanimous consent to consider a bill that I do not think will provoke any discussion, and concerning which the legislature of my State has memorialized Congress.

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to his colleague?

Mr. GAMBLE. I will yield, but only for this bill, and on condition that it will not provoke any discussion, in which event I should have to object.

Mr. CRAWFORD. Certainly; I will not insist on its consideration if it provokes discussion. It is Order of Business No. 1160, Senate bill 8439, the bill reported by the Senator from New York [Mr. ROOT] restraining the issuance of interlocutory injunctions.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill (S. 8439) restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or an order made by an administrative board or commission created by and acting under the statute of a State.

The bill had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That section 266 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, is hereby amended by inserting in line 4, after the words "in the enforcement or execution of such statute," the words "or in the enforcement or execution of an order made by an administrative board or commission acting under and pursuant to the statutes of such State."

At the end of section 266, as so amended, add the following:

"It is further provided that if before the final hearing of such application a suit shall have been brought in a court of the State having jurisdiction thereof under the laws of such State to enforce such statute or order, accompanied by a stay in such State court, of proceedings under such statute or order pending the determination of such suit by such State court, all proceedings in any court of the United States to restrain the execution of such statute or order shall be stayed pending the final determination of such suit in the courts of the State. Such stay may be vacated upon proof made after hearing and notice of 10 days served upon the attorney general of the State that the suit in the State courts is not being prosecuted with diligence and good faith."

So that section 266 as amended shall read as follows:

"SEC. 266. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such State in the enforcement or execution of such statute, or in the enforcement or execution of an order made by an administrative board or commission acting under and pursuant to the statutes of such State, shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. Whenever such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the governor and to the attorney general of the State, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case. It is further provided that if before the final hearing of such application a suit shall have been brought in a court of the State having jurisdiction thereof under the laws of such State, to enforce such statute or order, accompanied by a stay in such State court of proceedings under such statute or order pending the determination of such suit by such State court, all proceedings in any court of the United States to restrain the execution of such statute or order shall be stayed pending the final determination of such suit in the courts of the State. Such stay may be vacated upon proof made after hearing and notice of 10 days served upon the attorney general of the State that the suit in the State courts is not being prosecuted with diligence and good faith."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The question is upon the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Mississippi?

Mr. GAMBLE. For what purpose?

Mr. WILLIAMS. I wish to ask unanimous consent for the consideration of House bill——

Mr. GAMBLE. Ordinarily, I should be very glad to yield; but I gave notice that I could yield only for the one matter presented by my colleague. We must proceed with the bill.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with.

Mr. POMERENE. Will the Senator object to taking up a bill about which I think there will be no contest or debate?

Mr. GAMBLE. I can not, Mr. President.

The PRESIDENT pro tempore. The reading will be proceeded with.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment of the Committee on Indian Affairs was, on page 2, line 13, after the word "law," to strike out "$200,000" and insert "$250,000," so as to make the clause read:

For the survey, resurvey, classification, appraisement, and allotment of lands in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, $250,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 2, line 22, after the word "floods," to strike out "$325,000" and insert "$349,300," so as to read:

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines, and reservoirs for

Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, $349,300, to remain available until expended.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the construction, repair, and maintenance of ditches, reservoirs, and dams, etc., on page 3, line 23, after the words "in all," to strike out "$335,700" and insert "$360,000," so as to make the proviso read:

Provided further, That nothing herein contained shall be construed to prohibit reasonable expenditures from the appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects, for investigations and surveys for power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out existing agreements with the Reclamation Service; for pay of 1 chief inspector of irrigation, who shall be a skilled irrigation engineer, $4,000; 1 assistant inspector of irrigation, who shall be a skilled irrigation engineer, $2,500; for traveling expenses of 2 inspectors of irrigation, at $3 per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government and while remaining there under orders, $4,200; in all, $360,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to strike out:

For the suppression of the traffic in intoxicating liquors among Indians, $75,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 4, to insert:

For the suppression of the traffic in intoxicating liquors and deleterious drugs, herbs, or plants among Indians, $125,000.

The amendment was agreed to.

The next amendment was, on page 4, line 12, after the word "vaccination," to insert "and for correction of sanitary defects in Indian homes," and in line 13, after the word "homes," to strike out "$90,000" and insert "$200,000," so as to make the clause read:

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, and for correction of sanitary defects in Indian homes, $200,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert:

For the construction and equipment of hospitals for the treatment of Indians suffering from tuberculosis, trachoma, and other diseases, at such places as may be designated by the Secretary of the Interior, the sum of $300,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 4, line 21, after the word "therewith," to strike out "$1,420,000" and insert "$1,500,000," so as to read:

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, $1,500,000.

The amendment was agreed to.

The next amendment was, on page 5, line 7, after the word "plants," to strike out "$300,000" and insert "$480,000, to remain available until expended: *Provided*, That the Commissioner of Indian Affairs is hereby authorized to allow employees in the Indian service who are furnished quarters necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *Provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912," so as to make the clause read:

For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, $480,000, to remain available until expended: *Provided*, That the Commissioner of Indian Affairs is hereby authorized to allow employees in the Indian service who are furnished quarters necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *Provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912.

The amendment was agreed to.

The next amendment was, on page 5, line 24, after the word "training," to strike out "$70,000" and insert "$82,000: *Provided*, That not to exceed $5,000 of this amount may be used in the transportation and placing of Indian youths in positions where a remunerative employment may be found for them in industrial pursuits," so as to make the clause read:

For collection and transportation of pupils to and from Indian schools, and for the transportation of Indian pupils from any and all Indian schools and placing them, with the consent of their parents, under the care and control of white families, qualified to give such pupils moral, industrial, and educational training, $82,000: *Provided*, That not to exceed $5,000 of this amount may be used in the transportation and placing of Indian youths in positions where a remunerative employment may be found for them in industrial pursuits. The provisions of this section shall also apply to native pupils of school age under 21 years of age brought from Alaska.

The amendment was agreed to.

The next amendment was, on page 6, line 19, after the word "equipments," to insert "and supplies," and in line 23, after the word "Indians," to strike out "$300,000" and insert "and for obtaining remunerative employment for Indians, including salaries and traveling expenses of employees engaged in the work, transportation of Indians to their place of employment and returning them to their homes when necessary, and other necessary expenses of conducting this work, under such regulations as the Commissioner of Indian Affairs may prescribe, $425,000," so as to read:

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests: *Provided*, That this shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin; for the employment of suitable persons as matrons to teach Indian women housekeeping and other household duties, and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; and to superintend and direct farming and stock raising among Indians, and for obtaining remunerative employment for Indians, including salaries and traveling expenses of employees engaged in the work, transportation of Indians to their place of employment and returning them to their homes when necessary, and other necessary expenses of conducting this work, under such regulations as the Commissioner of Indian Affairs may prescribe, $425,000: *Provided further*, That not to exceed $5,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits: *Provided also*, That the amounts paid to matrons, farmers, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of June 7, 1897.

The amendment was agreed to.

The next amendment was, on page 7, line 18, after the word "supplies," to strike out "$285,000" and insert "$325,000: *Provided also*, That all wagon transportation from the point where delivery is made by the last common carrier to the agency, school or elsewhere, and between points on the reservation or elsewhere, shall hereafter be paid from the funds appropriated or otherwise available for the support of the school, agency, or other project for which the supplies to be transported are purchased," so as to make the clause read:

For the purchase of goods and supplies for the Indian service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, $325,000: *Provided also*, That all wagon transportation from the point where delivery is made by the last common carrier to the agency, school or elsewhere, and between points on the reservation or elsewhere, shall hereafter be paid from the funds appropriated or otherwise available for the support of the school, agency, or other project for which the supplies to be transported are purchased.

The amendment was agreed to.

The next amendment was, on page 8, line 11, after the words "Indian Commissioners," to strike out "$4,000" and insert "$10,000," so as to make the clause read:

For expenses of the Board of Indian Commissioners, $10,000, including not to exceed $300 for office rent.

The amendment was agreed to.

The next amendment was, on page 8, line 19, after the word "exist," to strike out "$8,000" and insert "$10,000," so as to make the clause read:

For compensation of judges of Indian courts where tribal relations now exist, $10,000.

Mr. KENYON. I should like to make an inquiry of the Senator having the bill in charge as to the appropriation for Indian police and for the compensation of judges of Indian courts. This is a committee amendment as to compensation of judges of Indian courts. What is the purpose of the Indian court? Has it anything to do? Has it any jurisdiction now?

Mr. GAMBLE. Yes, sir; I will say to the Senator that many minor differences and offenses are taken in charge by the Indian courts, and they are there adjusted and settled. The judges of the Indian courts are paid a nominal compensation, and it relieves the county from a good deal of burden in the different courts. So it is a matter of economy. This appropriation of $10,000 is recommended by the department, and it has been the uniform amount that has been appropriated for a long number of years.

Mr. KENYON. Will the Senator state what is the necessity for the Indian police? All the Indian reservations are broken up, I understand, and they are within organized States and counties and subject to the police jurisdiction thereof, and the Indian policeman has no jurisdiction whatever except as a mischief maker.

Mr. GAMBLE. The State officers have no jurisdiction whatever on most of the reservations, and on the reservations Indian police are provided for.

Mr. KENYON. I had in mind an instance in my own State, where an Indian policeman arrested an Indian and took him before an Indian court and to an Indian jail. As I remember the case, it went through the courts and the final decision was that both the policeman and the Indian court were entirely without jurisdiction. I wondered if the policemen do subserve any useful purpose.

Mr. GAMBLE. They do; they keep order. They are most valuable agents in keeping order on almost all the reservations, and on many reservations, as I stated, the local courts have no jurisdiction whatever. They are a great aid in keeping order and in helping the superintendents at the different agencies.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 9, line 4, after the word "available," to strike out "$80,960" and insert "$125,000; $25,000 to be immediately available: *Provided*, That the Commissioner of Indian Affairs may expend not to exceed $1,000 of this appropriation in purchasing law books for official use in the Indian Bureau," so as to make the clause read:

For pay of special agents at $2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of $3 in lieu of subsistence when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian service for which no other appropriation is available, $125,000; $25,000 to be immediately available: *Provided*, That the Commissioner of Indian Affairs may expend not to exceed $1,000 of this appropriation in purchasing law books for official use in the Indian Bureau.

The amendment was agreed to.

The next amendment was, on page 9, after line 7, to strike out:

For the purpose of conducting hearings and taking evidence to determine the heirs of deceased Indian allottees, pursuant to the act of June 25, 1910 (36 Stat. L., pp. 855–866), and the regulations thereunder prescribed by the Secretary of the Interior, $25,000.

And to insert:

For the purpose of conducting hearings and taking evidence to determine the heirs of deceased Indian allottees, pursuant to the act of June 25, 1910 (36 Stat. L., pp. 855–866), and the regulations thereunder prescribed by the Secretary of the Interior, $100,000: *Provided*, That $10,000 of this amount may be used for clerk hire in the Indian Bureau.

The amendment was agreed to.

The next amendment was, on page 10, after line 2, to insert:

For the purpose of encouraging industry among the Indians and to aid them in the culture of fruits, grains, and other crops, $250,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of animals, machinery, tools, implements, and other equipment necessary to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924, and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund.

The amendment was agreed to.

The next amendment was, on page 11, after line 4, to insert:

To pay to Frederick H. Abbott the difference between the compensation allowed by law for the Commissioner of Indian Affairs and the compensation allowed by law for the Assistant Commissioner of Indian Affairs, for services as Acting Commissioner of Indian Affairs from September 13, 1912, when the office of Commissioner of Indian Affairs was vacated, and continuing as long as the duties and responsibilities of said office of Commissioner of Indian Affairs shall devolve upon said Frederick H. Abbott as Acting Commissioner of Indian Affairs, such an amount as may be necessary, to be paid from the $5,000 appropriated for salary of the Commissioner of Indian Affairs by the act of August 23, 1912. (37 Stat. L., p. 396.)

The amendment was agreed to.

The next amendment was, under the head of "Arizona and New Mexico," on page 11, line 26, after the word "improvements," to strike out "$3,300" and insert "$3,800," and in the same line, after the words "in all," to strike out "$38,400" and insert "$38,900," so as to make the clause read:

For support and education of 200 Indian pupils at the Indian school at Fort Mojave, and for pay of superintendent, $35,100; for general repairs and improvements, $3,800; in all, $38,900.

The amendment was agreed to.

The next amendment was, on page 12, line 3, after "$119,400" to insert "for industrial building for girls, $15,000," in line 5, after the word "tanks," to strike out "$12,000" and insert "$15,000," and in the same line after the words "in all," to strike out "$131,400" and insert "$149,400," so as to make the paragraph read:

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, $119,400; for industrial building for girls, $15,000; for general repairs and improvements, including two steel water tanks, $15,000; in all, $149,400: *Provided*, That $500 of this appropriation, or so much thereof as may be necessary, shall be used in making survey and an estimate of the cost of connecting the sewer system of the Phoenix Indian School with the sewer system of the city of Phoenix, Ariz., and submit a report thereon to Congress on the first Monday in December, 1913.

The amendment was agreed to.

The next amendment was, on page 12, line 15, after the word "superintendent," to strike out "$18,200" and insert "$20,100," and in line 16, after the words "in all," to strike out "$21,200," and insert "$23,100," so as to read:

For support and education of 100 pupils at the Indian school at Truxton Canyon, Ariz., and for pay of superintendent, $20,100; for general repairs and improvements, $3,000; in all, $23,100.

The amendment was agreed to.

The next amendment was, on page 12, after line 16, to strike out:

For maintenance, care, and protection of machinery and irrigation wells already completed, in connection with the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, $5,000.

And to insert:

For maintenance, including purchase of electricity for irrigation wells already completed, and the completion of the lateral irrigating ditches thereunder in connection with the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, $15,000.

The amendment was agreed to.

The next amendment was, on page 13, line 3, after the word "Arizona," to strike out "$5,000" and insert "$10,000," so as to read:

For the development of a water supply for domestic and stock purposes and for irrigation for nomadic Papago Indians in Pima County, Ariz., $10,000.

The amendment was agreed to.

The next amendment was, on page 14, line 18, after "$65,300," to strike out "with interest thereon at the rate of 3 per cent per annum," and in line 24, after the word "full," to strike out ", principal and interest," so as to read:

For the construction of a bridge across the Gila River on the San Carlos Apache Indian Reservation, Ariz., $45,500; and for the construction of a bridge across the San Carlos River on said reservation in said State, $19,800, to be immediately available, said bridges to be constructed across said streams in the places and manner recommended by the Secretary of the Interior in House Document No. 1013, Sixty-second Congress, third session; in all, $65,300, which said sum of $65,300 shall be reimbursed to the United States by the Apache Indians having tribal rights on the Fort Apache and San Carlos Indian Reservations, and shall be and remain a charge and lien upon the lands, property, and funds belonging to said Apache Indians until paid in full.

The amendment was agreed to.

The next amendment was, at the top of page 15, to insert:

For the construction of a bridge across the Colorado River from School Hill, on the Yuma Indian Reservation, in the State of California, to Penitentiary Hill, in the town of Yuma, in the State of Arizona, to be expended under the direction of the Secretary of the Interior, not to exceed the sum of $25,000, in the construction of a bridge, as recommended by the Secretary of the Interior in House Document No. 1020, Sixty-second Congress, third session: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona and the State of California satisfactory guaranties of the payment by the said States, or by the county of Yuma, in the State of Arizona, and the county of Imperial, in the State of California, of at least two-thirds of the cost of said bridge; and that the proper authorities of the said States assume full responsibility for and will at all times maintain and repair said bridge and the approaches thereto: *And provided further*, That the bridge shall be built in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Mr. CURTIS. Mr. President, I make a point of order on that amendment that it is general legislation and not proper on the appropriation bill.

Mr. ASHURST. Mr. President, before the point of order is ruled upon I should like to be heard for a few moments.

The PRESIDENT pro tempore. The Senator from Arizona will be recognized for that purpose.

Mr. ASHURST. Mr. President, this item has been estimated for, and it is not general legislation. On the Indian appropriation bill which passed the last Congress, approved August 24, 1912, the sum of $1,000 was appropriated for the purpose of authorizing the Secretary of the Interior to make an investigation as to the suitability and the necessity for this bridge. Acting upon that authorization by Congress, the Secretary of the Interior proceeded to cause an investigation to be made as to the necessity and suitability of the bridge, and a very elaborate and comprehensive report disclosing the necessity for such a

bridge was submitted to Congress within the time prescribed by law. That report has been printed, and is Document No. 1020.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. Cheerfully.

Mr. CURTIS. Is this the only way the Indians can get off or on their reservation without traveling up and down the river for many miles, as was stated?

Mr. GAMBLE. I think it is so stated in the report of the Secretary of the Interior. It comes recommended by the department.

Mr. CURTIS. I withdraw the point of order.

The PRESIDENT pro tempore. The point of order is withdrawn. Without objection, the amendment is agreed to.

The next amendment was, on page 15, after line 23, to insert:

For the purpose of enabling the Secretary of the Interior to carry into effect the provisions of the sixth article of the treaty of June 8, 1868, between the United States and the Navajo Nation or Tribe of Indians, proclaimed August 12, 1868, whereby the United States agrees to provide school facilities for the children of the Navajo Tribe of Indians, the sum of $150,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated. In carrying out the authority hereby conferred the said Secretary may expend said funds, in his discretion, in establishing day schools or industrial schools, tribal habits and climatic conditions being considered, suitable for the education of said Indians.

The amendment was agreed to.

The next amendment was, on page 16, after line 12, to insert:

For enlarging the irrigation system for the protection and irrigation of Indian lands within the Camp McDowell Indian Reservation, Ariz., $50,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 16, after line 16, to insert:

For the development of a water supply for the Navajo Indians, $100,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, under the head of "California," on page 16, line 25, after the word "California," to strike out "$57,000" and insert "$60,000," so as to make the clause read:

For support and civilization of Indians in California, including pay of employees, and for the purchase of small tracts of land situated adjacent to lands heretofore purchased, and for improvements on lands for the use and occupancy of Indians in California, $60,000.

The amendment was agreed to.

The next amendment was, on page 17, line 1, after the words "education of," to strike out "five hundred and fifty" and insert "seven hundred"; in line 3, after the word "superintendent," to strike out "$94,350" and insert "$130,000"; and in line 14, after the words "in all," to strike out "$104,350" and insert "$140,000," so as to make the clause read:

For support and education of 700 Indian pupils at the Sherman Institute, Riverside, Cal., and for pay of superintendent, $130,000; for general repairs and improvements, $10,000; in all, $140,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 10, to insert:

For support and education of 125 Indian pupils at the Fort Bidwell Indian School, Cal., and for repairs and improvements, $20,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 13, to insert:

For support and education of 100 Indian pupils at the Greenville Indian School, Cal., and for repairs and improvements, $20,000; new buildings, $10,000; in all, $30,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 17, to insert:

The Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000 to Mrs. May Stanley, widow of Will H. Stanley, late superintendent of the Soboba Indian School in California, who lost his life in the discharge of his duty. Also to pay for medical and other necessary expenses, including funeral and administration expenses incurred in connection with the death of said Will H. Stanley and the shooting of Selso Serrano, Indian policeman, $1,000, or so much thereof as may be necessary.

Mr. CURTIS. I do not intend to make a point of order against the amendment, although it is clearly subject to it, but I wish to call the attention of the Senator having the bill in charge to the difference between the item in this bill and the allowances heretofore made.

There was a man from Kansas killed on the Panama Canal a very short time after he had arrived there, and he was killed by the fault of a Government employee. Under a law that was passed four or five years ago that man's widow was allowed only $1,200. Another man working in the War Department was injured for life, and he was allowed his salary for one year.

I do not believe it is fair to make these distinctions; I think this sum is small enough. I wished simply to make that statement to show that there are these differences, and they ought not to exist.

Mr. KENYON. Will not the Senator from Kansas explain the circumstances of this case so that we may be able to judge of it?

Mr. CURTIS. I was not at the committee meeting when this item was put into the bill and therefore I can not explain it. I am simply calling attention to the difference in treatment between people provided for in this bill and some others I happen to know about; that is all. The chairman of the committee can explain the item.

Mr. GAMBLE. This man was killed by an Indian when he was engaged in the discharge of his duties as an officer of the Government. He leaves a wife and two minor children practically without any means whatever. It was felt by the committee that some recognition should be given to this employee of the Government, and they thought that $5,000, under the circumstances, was little enough. It was estimated for by the department.

The amendment was agreed to.

The next amendment was, under the head of "Kansas," on page 19, after line 20, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to D. C. Tillotson, of Topeka, Kans., the sum of $4,010.75, said amount being in payment for work done and expenses incurred by said Tillotson in carrying out the provisions of the treaty with the Pottawatomie Indians proclaimed April 19, 1862, and under the act of Congress approved March 3, 1909, under contract with the Secretary of the Interior, said sum to be paid on proper certificate from the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, under the head of "Michigan," on page 20, line 7, before the word "Indian," to strike out "three hundred and twenty-five" and insert "three hundred and fifty"; in line 10, after the word "superintendent," to strike out "$56,275" and insert "$59,700"; in line 11, after the word "improvements," to insert "including equipments of two lavatories"; and in line 12, after the words "in all," to strike out "$61,275" and insert "$64,700," so as to read:

For support and education of 350 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $59,700; for general repairs and improvements, including equipment of two lavatories, $5,000; in all, $64,700.

Mr. GAMBLE. Under the head of "Michigan," I move to strike out from line 7 to line 12, inclusive, and to insert in lieu thereof what I send to the desk. There is an error in the print, and I submit a substitute as a committee amendment.

The PRESIDENT pro tempore. The committee amendment to the amendment will be stated.

The SECRETARY. On page 20, strike out lines 7 to 12, inclusive, and insert in lieu thereof the following:

SEC. 8. For support and education of 350 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $59,700; for general repairs and improvements, including equipment of two lavatories and for changing and improving heating system, including purchase of new 100-horsepower steam boiler, $15,000; for the construction of a gymnasium and manual training building, with equipment, $25,000; in all, $99,700.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "Minnesota," on page 21, line 3, after the words "the sum of," to strike out "$165,000" and insert "$180,000," so as to read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $180,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act.

The amendment was agreed to.

The next amendment was, on page 21, line 22, before the word "available," to insert "immediately," so as to make the clause read:

That the unexpended balance of the appropriation for the completion of the drainage survey of ceded Indian lands made by the act of April 30, 1908, is hereby reappropriated and made immediately available for an extension of the drainage survey, together with an estimate of the cost of the project, to cover the Red Lake Diminished Reservation in Minnesota.

The amendment was agreed to.

The next amendment was, on page 22, after line 3, to insert:

That upon the passage of this act the senior judge of the United States District Court for the District of Minnesota shall appoint a commission consisting of two persons, one of whom shall be selected by the Department of Justice and the other shall be a citizen of the State of Minnesota, who shall proceed forthwith, under the direction of the said United States district court, to make a roll of the Chippewa Indians allotted within the White Earth Reservation in the State of Minnesota. The commission shall qualify by taking an oath of office and by giving a bond to the United States in the sum of $5,000 conditioned upon the faithful performance of their duties. Should a vacancy in said commission occur, from any cause, the court shall appoint some suitable person to fill such vacancy: *Provided*, That the said commission shall always be constituted as above set forth.

That the roll herein provided for shall be made in triplicate and shall show the allotment number or numbers, together with the description of the property allotted, and the name, age, sex, and quantum of Chippewa Indian blood of the allottees as near as it reasonably can be ascertained. The roll shall also state whether the person named is living or dead, and, if dead, the approximate date of death shall be stated, when it can be ascertained, together with the age of such person at death as near as practicable. No allotment nor the allottee thereof shall be enrolled where there is a suit now pending, or hereafter commences prior to the completion of such roll, to cancel any conveyance of such allotment until such suit has been finally determined.

That from time to time copies of such roll, as far as then prepared by the commission, shall be posted in the agency offices at White Earth and at Pine Point, and in the post offices at Beaulieu, Mahnomen, Waubun, Ogema, and Callaway, on the White Earth Reservation, and a copy thereof shall be transmitted to the Secretary of the Interior. At the same time, if the commission so desires, notice may be given, in the manner hereinafter provided for, of the intention of the commission to apply to the said United States district court for its approval of that portion of the roll so prepared and posted. Any person having an interest therein shall be entitled to be heard touching the status of any person named on said roll. The portion of the roll, when so approved, shall be filed, one copy with the clerk of the said United States district court, one copy at the agency office at White Earth, and one copy with the Secretary of the Interior. When the roll so made is completed, it shall be presented to the said district court for final approval. If the commissioners disagree as to the proper status of any allottee, they shall submit the question to the court for determination, upon such final presentation of the roll. At least three weeks prior to presenting the same for final approval the commission shall cause notice of the time and place of presenting the same to be published in three newspapers of general circulation upon and around the White Earth Reservation and in one daily newspaper in each of the cities of St. Paul, Minneapolis, and Duluth, and shall cause copies of such notice to be posted in the agency offices at White Earth and Pine Point, and in the post offices at Beaulieu, Mahnomen, Ogema, and Callaway, on the White Earth Reservation, and shall transmit a copy thereof to the Secretary of the Interior. Any person interested therein may be heard upon such final application touching the status of any person named upon such roll whose status has not already been passed upon by the court. The court shall receive and consider all evidence submitted touching disputed cases and shall fix the status of every such person in accordance with the facts as the court may find them to be. When the commission has completed the roll and all disputed cases have been determined by the court an order or decree of final approval shall be made and engrossed upon the roll. The roll so made and finally approved by the court, as aforesaid, shall be filed, one copy with the clerk of said court, one copy at the agency office at White Earth, and one copy with the Secretary of the Interior. The copy of the roll filed at the agency office at White Earth shall at all times be open to public inspection, and copies thereof may be made and filed for record with the registers of deeds of the various counties in which the lands described therein are situated, and such roll, when so made, approved, and filed, shall be final and conclusive as to the facts stated therein, and shall be deemed a record of the United States District Court for the District of Minnesota, and entitled to be received in evidence as such: *Provided, however,* That appeals as in other cases of final decrees in equity in said court may be taken by any party in interest: *And provided further,* That the determination of status, as provided herein, shall not, in the case of any allottee upon the roll so made, be taken to be a determination of the right of such allottee to have or to have had an allotment on the said reservation, or to be enrolled on the tribal rolls thereof.

That the commission is hereby empowered to employ such clerical and other assistance and to incur such expense, including traveling expenses, as may be required in connection with the work of enrollment, and the said district court shall fix the compensation to be received by the commissioners and such persons as they may employ. The sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this act into effect.

Mr. CURTIS. I make the point of order against that amendment that it is in violation of Rule XVI, paragraph 3, it being general legislation on an appropriation bill. If the Senator in charge of the bill or the Senator from Minnesota desires to make any explanation, with the permission of the Senate, I will withhold the point of order.

Mr. CLAPP. Mr. President, in 1906, I think it was, the restrictions were removed from the mixed bloods upon the White Earth Reservation. At that time it was understood that a roll would be made by the department showing who were, according to the findings of the department, mixed bloods. That was not done, however, although two or three purported rolls, I believe, have since been made. Suits were brought to set aside conveyances made by those alleged mixed bloods, and a great many of those suits are now pending. The suits, so I am advised by the attorney who brought them, nowhere allege any fraud, but evidently rest upon the theory that the allottees who conveyed to private parties were not mixed bloods or were not, under the law, exempt from the restrictions. Of course, that question has got to be tried out. This provision is to take the case, where suits are not now pending, and obtain a judicial decree as to the status of the allottees with reference to the amount of white blood which they have, if any.

The measure does not go as far as I wish it might; but, so far as it goes, it provides an expeditious, inexpensive, and yet a very safe and carefully guarded proceeding, in the nature of a judicial determination of the question of the blood status of those allottees. It could not, of course, cover pending cases, because it is in the same court, and the court would not entertain them; but, to avoid any possible question on that score, it provides that this proceeding shall not apply to any pending cases; and so far as it is carried out, all the time under the control of the court, appeals being allowable from the decision of that court, it will expedite the ascertainment of the question of the status of the blood of these allottees.

I might add, Mr. President, that a bill covering the same matter has been favorably reported upon by the committee in the other House, and the report of the Indian Committee of that House shows that it has the approval of the Department of Justice. Of course, when these suits were brought the matter was transferred to the Department of Justice. That is why the provision is that that department shall name one of the commissioners and the court shall name the other.

I trust, under this explanation, the Senator from Kansas will withdraw his point of order.

Mr. CURTIS. Mr. President, I should like to know the necessity of having this legislation on an Indian appropriation bill. It is clearly legislation. It seems to me that it should come in here as a separate bill. I would withdraw the point of order if conditions were such up there that this legislation were necessary at this time to help settle the conditions on that reservation, and if the amendment is desired by either the Department of the Interior or the Department of Justice having charge of those suits.

Mr. CLAPP. Mr. President, it is necessary, as it would dispose in a more expeditious manner of the cases which otherwise would be brought to determine this very question of the status, an expensive proceeding. The question has got to be determined by the same court. I repeat: This simply provides an expeditious and inexpensive manner in the court itself, under the direction and jurisdiction and subject to the determination of the court, of the very question which has got to be decided day after day in these matters if it is not done in some other manner.

Mr. CURTIS. Mr. President, I withdraw the point of order.

Mr. KERN. Mr. President, I renew the point of order.

The PRESIDENT pro tempore. The Senator from Indiana renews the point of order.

Mr. KERN. I do so on account of the opposition to this legislation by the members of the White Earth Band of Minnesota Chippewas.

Mr. CLAPP. Mr. President, I trust that the Senator from Indiana will not take that position. I understand that some of the opposition comes from the fact that those Indians feel that they should have the appointment of one of the commissioners to be named. I would gladly accord that if I could, but this amendment is in their interest. Their matters are taken before the court, and this amendment provides that each and every one of them, if he is not satisfied with the manner in which his case is being investigated, can appear before the court in person or by counsel.

I really hope the Senator will not press his point of order. This is a matter within our State. It is a matter that we have had to deal with. It is a matter for which I am responsible if a mistake is being made by this legislation. These Indians are constituents of mine. I take the responsibility, and will have to do so, of meeting all objections. I do not believe the Senator, if there was a matter pending in Indiana with which he was thoroughly conversant and the responsibility rested upon him for the solution of that question, would feel that I had a right or that any other Senator had a right to take ex parte statements from constituents of his and seek to oppose and defeat legislation for which he, coming from that State, was responsible to the very men whose interests were being affected by the legislation and which, in view of all the circumstances and conditions surrounding the case, he felt was the best and only thing that he could do. I appeal to the Senator to recognize that situation.

Mr. TOWNSEND. Mr. President, will the Senator from Indiana yield to me?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. KERN. Certainly.

Mr. TOWNSEND. I desire to state that I am somewhat familiar with the position of the Department of Justice in reference to this situation. As is known by every Senator, I presume, the White Earth Reservation has been the subject of a great deal of investigation and a great deal of work by the Department of Justice. One of the very difficult problems which the Government meets in dealing with the land rights of Indians is the one which involves the question of blood. Has the Indian such a quantum of Indian blood as to include him among those who are to receive the full benefits of allotments? Has he sufficient "white" blood to permit him to alienate his land? To determine these a full examination must be made and a complete enrollment effected. I am satisfied this amendment has the approval of those officials of the de-

partment who have been adjusting matters on the White Earth Reservation. I hope that this provision will be permitted to remain in the bill.

Mr. KERN. Mr. President, I am glad to have a little information in regard to this amendment. Of course, I would be the last man to interfere with the prerogatives of the Senator from Minnesota or to offend him in any way. I should like to hear what he has to say with reference to the reasons for the opposition to this amendment which have been urged upon me. First, that this band of Indians are the most progressive in education and general enlightment of all the American Indians, having among them educated members who are successful attorneys at law, ministers of the gospel, editors and owners of newspapers, and men competent to fill any position.

This amendment is further objectionable because the tribe has had no opportunity to consider it, and if legislation of this character is to be had, they ask that it be given a full hearing in committee where opportunity may be afforded them to be heard.

The further objection is urged that this amendment proposes that the senior judge of the United States district court of Minnesota shall appoint two persons as a commission to make a roll of the Chippewa Indians upon the White Earth Reservation in Minnesota to ascertain who are mixed bloods and who are full bloods, and if they have any white blood, to ascertain the quantum thereof, one of the commissioners to be a representative of the Department of Justice and the other a citizen of the State of Minnesota.

A further provision is that any allottee whose allotment is involved in any of the lis pendens suits commenced by Burch and his subordinates shall not under the terms of the bill be classified upon the rolls.

The object of the proposed enactment is apparent to the progressive Indians, and this is to have continued in office indefinitely the men, who as special employees of the Department of Justice were detailed more than three years ago to investigate whether full-blood Indians upon the White Earth Reservation had disposed of their allotments contrary to existing law.

These men have done nothing except to file about twelve hundred lis pendens notices in the office of the register of deeds in the counties within which the White Earth Reservation is located. If there is an honest intention to settle the question in controversy upon the White Earth Reservation, the President of the United States should be the proper official, according to the general custom of the Government, to appoint the proposed commission. Furthermore, the most interested persons in regard to the enrollment are the Indians themselves who are to be enrolled, and for this reason they should have a representative on the proposed commission as well as the Department of Justice.

The Indian owners and persons whose rights and property are to be dealt with are not in favor of this amendment to classify White Earth allottees, but would prefer one drawn on entirely different lines than the amendment in the Indian appropriation bill—one which will give the President the authority to appoint a commission instead of the judge of the United States district court.

It is upon that statement that I have renewed the point of order against the amendment.

Mr. CLAPP. Mr. President, I am very glad the Senator has asked the question. In the first place, I agree with him that, taking them collectively, there probably is no group of Indians in this country so far advanced as are the White Earth Indians. That reservation is one upon which the Indians did not live, but to which they moved as they relinquished other occupations and their lands connected therewith. Many of them are educated, many of them are to-day following professional pursuits. The bill was passed in 1906, I think—I am speaking now from memory as to the date—removing these restrictions. If there had been a roll made of the mixed bloods, made with care that no man on that roll by any possibility was not a mixed blood, no man would have dared to have bought land of an Indian whose name was not on that roll. But instead of making that roll, the matter ran along against our protests until finally men were sent up there to make what they called rolls. They have put the matter in interminable confusion.

I agree that it would be very desirable that the Indians might have a man on this commission; but this legislation has got to be wrought out in view of the attitude of Congress and in view of the attitude of the Department of Justice.

While it would have been desirable to have had the Indians have a representative on this commission, it could not be done at this time; but the Indian is not precluded. This provision is carefully drawn, so that if an Indian objects to the manner in which the question of the status of his blood is being determined, he can go into the court himself and there fight out his battles.

The idea of the President doing this is a fallacious idea, for this reason: In the first place, the law removed these restrictions. Now, some people up there insist that we should pass a law ordering the Secretary of the Interior to grant patents in fee. We passed such a law in 1906; but there is no way of making the Secretary issue those patents. The act of the President would not be conclusive. It would still leave the subject open to litigation at the hands of the Department of Justice or anyone else. We have got either to have an officer who will execute the law or to make the law just as far as possible self-executing, automatic.

In this bill we get a judicial decree that stands of record there and is a notice to everyone as to whether or not the allottee has a right to convey his land. A presidential intervention would not do that. The law to-day, entitling them to a patent in fee and declaring their trust patent a patent in fee, does not do it, because there is no judicial proceeding connected with it. This is a judicial proceeding, only instead of taking each of these cases by itself and having it drag its weary length through the delays of the law it provides a means whereby their cases are brought directly to the attention of the court, and then the court determines whether or not and to what extent they have white blood in their veins.

As I say, it does not go as far as I wish it did; but it is all we could get, and will relieve the situation and expedite the settling of a question that has got to be settled at some time by judicial decree, as to the amount of white blood these allottees have.

The PRESIDENT pro tempore. The Chair is ready to rule, if the point of order is insisted upon.

Mr. KERN. Mr. President, the Senator's explanation is more or less satisfactory, but it is not on account of his explanation that I will withdraw the point of order. It is on account of his personal appeal, and upon the theory that a Senator from one State ought not to press such a point of order against the judgment of a Senator from another State in whom he has the confidence that I have in the Senator from Minnesota.

The PRESIDENT pro tempore. The point of order is withdrawn, and, without objection, the amendment will be agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 26, to insert:

> The sum of $4,000 is hereby appropriated out of any funds in the United States Treasury to the credit of the Chippewa Indians in the State of Minnesota, to be expended pursuant to article 4 of the treaty of February 22, 1855, between the Chippewas of the Mississippi and Pillager Bands, for the higher education of 10 Chippewa Indian boys, members of the said bands of Chippewa Indians in the State of Minnesota, under the direction of the Indian education board of White Earth Reservation, in the said State. Created by act of council of the White Earth Bands of Chippewa Indians, held at White Earth, March 25, 1911.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from South Dakota to the word "created," in line 10.

Mr. GAMBLE. I suggest that on line 10, page 26, after the word "State," a comma be inserted and a small "c" substituted for the large one in the word "Created."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Montana," on page 26, line 17, after the word "employees," to strike out "$20,000" and insert "$25,000," so as to make the clause read:

> For support and civilization of the Indians at Fort Belknap Agency, Mont., including pay of employees, $25,000.

The amendment was agreed to.

The next amendment was, on page 26, line 19, after the word "employees," to strike out "$9,000" and insert "$15,000," so as to make the clause read:

> For support and civilization of Indians at Flathead Agency, Mont., including pay of employees, $15,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 22, to insert:

> For support and civilization of Indians at Blackfeet Agency, Mont., including pay of employees, $20,000.

The amendment was agreed to.

The next amendment was, on page 27, line 8, after the word "estimates," to strike out "$150,000" and insert "$400,000, to be immediately available," so as to make the clause read:

> For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana,

and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $409,000, to be immediately available, reimbursable in accordance with the provisions of the act of April 4, 1910.

The amendment was agreed to.

The next amendment was, on page 27, after line 11, to insert:

There is hereby appropriated the sum of $50,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Fort Peck Indian Reservation, Mont. The said sum to be expended in the purchase of seed, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment; for the construction of houses for said Indians, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I ask unanimous consent to return to page 9, lines 21 and 22. I move to strike out the proviso, as follows:

Provided, That $10,000 of this amount may be used for clerk hire in the Indian Bureau.

I do that because an item is pending in the legislative bill that will not be acted upon unless that item is taken out of this bill.

Mr. OVERMAN. We gave five clerks in the legislative bill, and I was asked to look after this bill and see that the provision was not adopted here for five extra clerks.

The PRESIDENT pro tempore. Without objection, the vote by which the amendment was agreed to will be reconsidered. The Senator from Kansas moves to amend by striking out the proviso found in lines 21 and 22, on page 9.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 28, after line 11, to insert:

There is hereby appropriated the sum of $50,000, out of any moneys in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to be immediately available, for the purpose of purchasing cattle for the benefit of the Northern Cheyenne Indians: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The amendment was agreed to.

The next amendment was, on page 29, line 9, after the word "estimates," to strike out "$100,000" and insert "$175,000," so as to make the clause read:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $175,000, reimbursable in accordance with the provisions of the act of March 1, 1907.

The amendment was agreed to.

The next amendment was, on page 29, line 15, after the word "estimates," to strike out "$100,000" and insert "$175,000," so as to make the clause read:

For continuing construction of irrigation systems to irrigate allotted lands of the Indians of the Fort Peck Indian Reservation, in Montana, including necessary surveys, plans, and estimates, $175,000, the same to be reimbursable.

The amendment was agreed to.

The next amendment was, on page 30, after line 6, to insert:

For the purpose of surveying the land within the Tongue River, or Northern Cheyenne Indian Reservation, Mont., for completing the survey of the lands within the Fort Belknap Indian Reservation, Mont., and for making a meander survey around Flathead Lake so as to identify the lands embraced within the power-site withdrawal of 100 linear feet around that lake back from the high-water mark for the year 1909, together with other necessary survey work on Indian reservations not herein provided for, $20,000, $5,000 to be immediately available.

The amendment was agreed to.

The next amendment was, on page 30, after line 17, to insert:

The unexpended balance of moneys heretofore appropriated for the settling of Chief Rocky Boy's band of Chippewa Indians is hereby made available for expenditure for the support and civilization of said Indians and shall remain available until expended.

The amendment was agreed to.

The next amendment was, on page 30, after line 22, to insert:

The Secretary of the Interior is hereby authorized to pay to Omer D. Lewis, lease clerk of the Flathead Indian Agency, Mont., the sum of $2,573.25, for the purpose of reimbursing him for expenses incurred for hospital and doctor's fees paid and serious personal injuries received while aiding Federal officers engaged in suppressing the sale of liquor to Indians, the same to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Nebraska," on page 31, line 23, before the words "in all," to insert "for cottage for superintendent, $5,500," and in the same line, after the words "in all," to strike out "$66,800" and insert "$72,300," so as to make the clause read:

For support and education of 375 Indian pupils at the Indian school at Genoa, Nebr., and for pay of superintendent, $62,300; for general repairs and improvements, $4,500; for cottage for superintendent, $5,500; in all, $72,300.

The amendment was agreed to.

The next amendment was, at the top of page 32, to insert:

For repairing the Government bridge across the Niobrara River in Knox County, Nebr., for the use of the Santee and Ponca Indians, $1,200.

The amendment was agreed to.

Mr. THOMAS. Mr. President, I gave notice of an amendment, to be inserted immediately after the third line, on page 32, which I will ask to have read.

The PRESIDENT pro tempore. The Chair will ask whether that is an amendment to the amendment of the committee?

Mr. THOMAS. It is an amendment by the addition of a certain provision after the figures "$1,200."

The PRESIDENT pro tempore. The Chair will suggest to the Senator from Colorado that the agreement was that the committee amendments should first be acted upon. The Senator will please withhold his amendment until that time.

Mr. THOMAS. Then it is not in order at the present time?

The PRESIDENT pro tempore. It is not in order at this time.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Nevada," on page 32, line 9, after the word "superintendent," to strike out "$50,100" and insert "$67,400," and in line 10, after the words "in all," to strike out "$56,100" and insert "$73,400," so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Carson City, Nev., and for pay of superintendent, $67,400; for general repairs and improvements, $6,000; in all, $73,400.

The amendment was agreed to.

The next amendment was, under the head of "New Mexico," on page 32, line 20, before the words "in all," to insert "for girls' dormitory, $18,000"; and in the same line, after the words "in all," to strike out "$57,500" and insert "$75,500," so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $4,600; for water supply, $1,000; for girls' dormitory, $18,000; in all, $75,500.

Mr. CATRON. Mr. President, I gave notice that I have an amendment to that section down to that point. I should like to inquire whether it will be in order after all the committee amendments are disposed of?

The PRESIDENT pro tempore. It will be in order.

Mr. CATRON. I make this statement because this clause contains an amendment; and I do not want to be cut off by the fact that my amendment will apply to the same clause.

Mr. GAMBLE. I suggest to the Senator that his amendment may be deferred until later.

Mr. CATRON. I am perfectly willing, but I do not want to have it cut off.

The PRESIDENT pro tempore. It will be in order at any time. The question is on the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 32, line 23, after "$16,500," to strike out "which said sum of $16,500, with interest thereon at the rate of 3 per cent per annum, shall be reimbursed to the United States by the Navajo Indians, and shall be and remain a charge and lien upon the lands, property, and funds belonging to said Navajo Indians until paid in full, principal and interest," so as to make the clause read:

For the construction of a bridge across the San Juan River at Shiprock, N. Mex., on the Navajo Indian Reservation, to be immediately available, $16,500.

The amendment was agreed to.

The next amendment was, under the head of "North Dakota," on page 34, line 9, after "$2,000," to strike out "in all, $20,200," and insert "for dairy cows, poultry, and other live stock,

$1,000; for new equipment, $2,000; in all, $23,200," so as to make the clause read:

For support and education of 100 Indian pupils at the Indian school, Bismarck, N. Dak., and for pay of superintendent, $18,200; for general repairs and improvements, $2,000; for dairy cows, poultry, and other live stock $1,000; for new equipment, $2,000; in all, $23,200.

The amendment was agreed to.

The next amendment was, on page 34, after line 18, to strike out:

For support and education of 150 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $26,500; for general repairs and improvements, $3,000; in all, $29,500.

The amendment was agreed to.

The next amendment was, on page 34, after line 22, to insert:

For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $35,200; for general repairs and improvements, $3,000; for beautifying and improving school grounds, $1,000; for gymnasium and playground equipment, $1,500; for cement walks, $1,000; for addition to barn, $4,000; for dairy cows, $1,000; for school building, $30,000; in all, $76,700. Of the above amount all shall be immediately available except the amount appropriated for education and support of pupils and for general repairs and improvements.

The amendment was agreed to.

The next amendment was, on page 35, after line 7, to insert:

To assist members of Turtle Mountain Tribe of Indians in making settlement upon their nonreservation allotments, $100,000.

The amendment was agreed to.

Mr. GRONNA. Do I understand that we are now considering committee amendments only, and that it will be in order to offer further amendments after they are disposed of?

The PRESIDENT pro tempore. The committee amendments are now being considered, and other amendments will be in order later on.

The reading of the bill was continued to line 15, on page 35.

Mr. KENYON. I wish to make a general inquiry of the Senator in charge of the bill at this point. There is set apart for support and civilization of these Indians, the Wichitas and affiliated bands, $5,000. I note, on page 34, "For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees"; and the next item, "for support and civilization of Turtle Mountain Band of Chippewas, North Dakota," does not include pay of employees. I wish to ask the Senator from South Dakota if it is not true that these appropriations are for the support and civilization of Indians and not for the pay of employees? Is not the pay of employees carried in the general legislative, executive, and judicial appropriation bill?

Mr. GAMBLE. No. If the Senator will take the appropriation on page 35, lines 8, 9, and 10, he will observe that this $100,000 is "to assist members of the Turtle Mountain Tribe of Indians in making settlement upon their nonreservation allotments." Some years since, an agreement was entered into between these Indians and the Government. There were no lands left in the reservation for which allotments could be taken, so it was necessary to put the Indians on Government land. They are without means whatever, and it is necessary to give them some help, so that they can make themselves self-supporting.

Mr. KENYON. Take the item at the bottom of page 33, "For support and civilization of the Sioux of Devils Lake, N. Dak., $5,000." Could any part of that be devoted to the pay of employees? The point I am making is that, I understand, the pay of employees is carried in another appropriation bill, and in many of these instances the fund which should be used for the support and civilization of the Indians is used to pay a number of useless employees.

Mr. CURTIS. Mr. President, the employees in the Indian Office doing field work, and who report to the department, are provided for in the legislative appropriation bill. The item for support and civilization is where the agency is in charge of an agent or a superintendent and the fund for the support and civilization is used for the payment of employees as well as for support and civilization.

I think the reason why in the Wichita item a provision for payment of employees was left out is because the tribe is affiliated with other tribes, and they are all at one agency.

Mr. KENYON. Is it not true that a very small part of the appropriation for the Wichitas has been used for their support?

Mr. CURTIS. Quite a good deal of it is used for the support of the old and infirm members of the tribe.

Mr. KENYON. I think a large part of it goes to maintaining employees.

Mr. CURTIS. In some agencies a very large amount of money is for employees. There is no question about that. But the Indian Office thinks it is necessary in order to do the work and to keep enough people there to look after the Government property and the interest of the Indians.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, under the head of "Oklahoma," on page 36, line 20, before the words "in all," to insert "for new buildings, $17,500"; and in the same line, after the words "in all," to strike out "$90,500" and insert "$108,000," so as to read:

For support and education of 500 Indian pupils at the Indian school at Chilocco, Okla., and for pay of superintendent, $83,500; for general repairs and improvements, $7,000; for new buildings, $17,500; in all, $108,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 7, to insert:

That the Secretary of the Interior, under rules and regulations to be prescribed by him, is hereby authorized to expend, out of any funds in the Treasury belonging to the Choctaw Tribe of Indians of Oklahoma not otherwise appropriated, the sum of $10,000, for the use and benefit of the Old Goodland Indian Industrial School, near Hugo, Okla., this appropriaton being made to carry out the purposes of the act of the General Council of the Choctaw Nation passed October 30, 1911, appropriating the sum of $10,000 of the funds of the Choctaw Nation to be expended for the benefit of the Old Goodland Indian Mission and Industrial School, which has been incorporated and is now known as Old Goodland Indian Industrial School, which act of the council was approved by the President on June 24, 1912: *Provided* That the amount herein appropriated shall be immediately available and remain available until expended.

The amendment was agreed to.

The next amendment was, on page 38, after line 19, to insert:

For continuing the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands to be selected for them by the Secretary of the Interior and the Secretary of War, $100,000, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, and to be immediately available and to remain available until expended: *Provided*, That allotments may be purchased in Oklahoma for the widow of George Wrattan, interpreter for the Fort Sill prisoners of war, Martin Grab, and Edward Welch.

Mr. CURTIS. I desire to make a point of order against the proviso. It is general legislation on an appropriation bill, providing for an allotment to people not entitled to it under any act of Congress.

The PRESIDENT pro tempore. Does the Senator from South Dakota desire to say a word in reference to the point of order?

Mr. GAMBLE. I do not know that I can resist the point of order. Of course it is recommended by the department. These employees have been with these Indians and practically a part of them ever since they have been confined. They are old and really helpless. One of them has been injured and is a cripple. It appealed to the committee as a matter of sympathy to do justice by these people who had sacrificed so much in behalf of these particular Indians.

Mr. CURTIS. In view of the statement of the Senator from South Dakota, I withdraw the point of order. I wish to say that very much trouble has come from allotting to people who are not members of Indian tribes, as Senators will well remember. It is a very bad practice indeed, in my judgment; but, in view of the statement made by the chairman of the committee, I will not insist on the point of order.

The PRESIDENT pro tempore. The point of order is withdrawn, and, without objection, the amendment is agreed to.

The next amendment was, on page 39, after line 5, to insert:

That the Secretary of the Interior is hereby authorized to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000 to Mrs. Robert Leo Bowman, widow of Robert Leo Bowman, late deputy special officer for the suppressing of the liquor traffic among Indians, who was killed while in the performance of his duty.

The amendment was agreed to.

The next amendment was, under the subhead "Five Civilized Tribes," on page 39, line 20, before the word "*Provided*," to strike out "For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $150,000" and insert "For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, including such attorneys as the Secretary of the Interior may, in his discretion, employ in connection with probate matters affecting individual allottees of the Five Civilized Tribes, $250,000," so as to read:

For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, including such attorneys as the Secretary of the Interior may, in his discretion, employ in connection with probate matters affecting individual allottees of the Five Civilized Tribes, $250,000.

The amendment was agreed to.

The next amendment was, on page 40, line 6, after the words "fiscal year," to insert "at salaries not exceeding those for the last fiscal year," and, in line 8, after the word "President," to insert "which are now in force," so as to make the proviso read:

Provided, That during the fiscal year ending June 30, 1914, no moneys shall be expended from the tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments per capita and other payments authorized by law to individual members of the respective tribes, tribal

and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year, at salaries not exceeding those for the last fiscal year; and attorneys for said tribes employed under contract approved by the President, which are now in force, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations for the current fiscal year.

The amendment was agreed to.

The next amendment was, on page 40, after line 12, to insert:

That the act of Congress, approved February 19, 1912 (37 Stat. L., p. 67), being "An act to provide for the sale of the surface of the coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes," be, and the same is hereby, amended to provide that the classification and appraisement of such lands shall be completed not later than December 1, 1913.

The amendment was agreed to.

The next amendment was, on page 40, after line 20, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the administrator of the estate of John W. West, deceased, out of any money in the Treasury of the United States standing to the credit of the Cherokee Nation of Indians, the sum of $5,000, in full payment of the award made by the commission appointed pursuant to the authority contained in the seventh article of the treaty with the Cherokees of August 6, 1846, and which award was approved by the Secretary of the Interior August 29, 1883, reaffirmed by decision dated September 16, 1884, and again reaffirmed by decision dated April 26, 1886; said appropriation to be immediately available.

Mr. GORE. Mr. President, I raise the point of order against that item.

The PRESIDENT pro tempore. The Senator from Oklahoma makes a point of order. On what ground?

Mr. GORE. That it does not properly belong in this appropriation bill.

The PRESIDENT pro tempore. The Chair will further ask on what point? For what reason?

Mr. GORE. I do not think it properly belongs in this general Indian appropriation bill. It is a specific item for a specific claim. It has not been adjudicated in the Court of Claims. It is a matter that has been pending here for years. It has been brought in time and time again.

The PRESIDENT pro tempore. The Senator from Oklahoma makes the point of order, then, that it is a private claim on this appropriation bill?

Mr. GORE. Yes, sir; it is a private claim.

The PRESIDENT pro tempore. The Chair will read on that point clause 4 of Rule XVI:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

The reading of the amendment indicates that this is to carry out the provision of a treaty.

Mr. GORE. No, sir; it is not to carry out the provisions of a treaty. There was a treaty entered into which authorized a certain commission to adjudicate claims against the Cherokee Tribe of Indians on the part of the Western Cherokees. John W. West was an Eastern Cherokee. Bluford West was a Western Cherokee. But in disregard of that provision of the treaty limiting the authority of the commission to the Western Cherokees, this award was made. In my judgment, if it is to be adjudicated at all it ought to be referred to the Court of Claims and not settled in this way.

Mr. McCUMBER. Mr. President, I desire to call the attention of the Chair to the fact that this appropriation is not to be paid out of Government funds, but out of funds of the Cherokee Nation. There seems to be a difference of opinion between the Senator from Oklahoma and the department. A treaty was made under which the Cherokee Nation settled their claims against the United States. That treaty required the United States to pay a certain sum of money to the Cherokee Nation. Upon an investigation it has been shown to the satisfaction of the department that John W. West was a member of that tribe and that he has never had his proportionate share. He has since died, and this is a claim on the part of the representatives of John W. West.

The claim is based, first, upon a treaty made with the United States, and, second, the claim is against the Cherokee Nation itself. The Cherokee Nation received, I think, over $4,000,000 from the United States for the benefit of all their members. It has been established that John W. West was a member of that nation and entitled to consideration.

So, I think, Mr. President, under the two points the amendment is not subject to the point of order.

The PRESIDENT pro tempore. The Chair observes that the language of the amendment is "in full payment of the award made by the commission appointed pursuant to the authority contained in the seventh article of the treaty with the Cherokees of August 6, 1846," and, furthermore, takes note of the point the Senator from North Dakota has made that this payment is to be made out of the Indian funds and not out of the funds in the Treasury. Previous presiding officers have on more than one occasion decided that that fact takes it out of the provisions of the rule. For those two reasons the Chair overrules the point of order.

Mr. GORE. Mr. President, this claim does not come within and this party does not come within the Indians who are entitled to be paid from the $4,000,000 appropriation. This is an award for a salt springs which arose in 1841. The springs belonged to Bluford West. Representatives of the Government were sent to appraise the property taken from Bluford West, and the claim was settled in full, I think, during the forties, Bluford West being a Western Cherokee. The treaty between the Cherokees and the Government authorized the commission to adjudicate the claims on the part of the Western Cherokees against the Government. John W. West was an Eastern Cherokee, and, as I remember, did not file this claim during his lifetime, although he lived, I think, until 1868. Now his descendants have trumped up this claim against the Cherokee Tribe, notwithstanding the property taken was paid for in full long ago.

It is simply one of those ancient, stale, undeserving claims, in my judgment, which the Senate is frequently called on to pay, and it ought not in good conscience and in justice to permit this claim to go through at this time. I had hoped that this practice had reached its end, and I hope that it is approaching its end.

I ask the Senate to reject the amendment and strike this claim from the bill.

Mr. CURTIS. Mr. President, I hope the first suggestion made by the Senator will be agreed to, to send this claim to the Court of Claims. I think that should be done.

I wish to state that this claim, as has been suggested by the Senator from Oklahoma and the Senator from North Dakota, has been pending a long while. It was investigated by a subcommittee very thoroughly, all sides were heard, and a favorable report was made. I was chairman of the subcommittee and came to the conclusion that the heirs of these people were entitled to be paid.

The Senator from Oklahoma made a statement in reference to the claim. I thought perhaps all the information had not been secured by the subcommittee of which I was chairman, and I asked that the bill be referred to another subcommittee. That subcommittee, after careful investigation and, I understand, without following the report that had been made by the subcommittee of which I was chairman, found that this was a just claim.

But in view of the controversy and in view of the fact that the attorney for the Cherokees still contends that this is not a lawful claim, and in view of the contention made by the Senator from Oklahoma, I think the best course to take with this claim would be to send it to the Court of Claims, and then it could be properly settled and there would be no question about the matter when it was settled by the Court of Claims.

Mr. McCUMBER. Let me ask the Senator a question: Has not that very question been investigated by a commission specially appointed to ascertain the facts, and was not their report made showing that the heirs of John W. West are entitled to this payment?

Mr. CURTIS. The claim was, as I recollect it, investigated, and it was the conclusion reached by both the subcommittees that the heirs of John W. West were entitled to the payment, but the records also show, it is my recollection, as stated by the Senator from Oklahoma, that another party was paid, and he was supposed to be paid in full, but that party was not an heir of John W. West.

Mr. STONE. Did he get paid?

Mr. CURTIS. The heirs of John W. West have not been paid, if he is entitled to the payment. That is why I say, in view of what has been stated by the Senator from Oklahoma and the contention made by the attorney for the Cherokees, I think this question should go to the Court of Claims and let them settle it and see whether or not this payment should be made.

Mr. STONE. I understand there are two Wests here, one from the West and the other from the East, and that the western West was paid. Is that correct?

Mr. CURTIS. The records, as I recollect it, although it has been some time since I investigated the case, show that these Wests were brothers—or, anyway, they were relatives—and they were partners in this property, but a settlement was made on the basis that they were not partners, and the heirs of the other West were paid but not of this one. That is my recollection. It has been some years since I examined this claim, and I may be mistaken about that.

Mr. STONE. The western West was paid?

Mr. CURTIS. I think this was also a western West.

Mr. STONE. Was he paid in full, and now the eastern West comes in and says he is entitled to be paid? Has the Senator from Kansas any information as to whether there is a southern West or a northern West?

Mr. CURTIS. No; but I think this man was a western West instead of an eastern West. I think the record will bear out that statement.

The PRESIDENT pro tempore. In announcing his decision on the point of order the Chair meant to add the fact that the amendment recites that this award has three times been approved by the Secretary of the Interior. The award was approved, it was reaffirmed, and again reaffirmed. The Chair overrules the point of order, and the question is upon agreeing to the amendment.

Mr. McCUMBER. I wish to to ask the Senator from Kansas if the Dawes Commission did not investigate this question and make its report to the Secretary of the Interior? The report here shows that a commission passed upon it, and I ask if that was the Dawes Commission?

Mr. CURTIS. I do not think so. I think that was a commission appointed by the Secretary of the Interior before the Dawes Commission was created. As I said a moment ago, it has been so long since I examined the papers in the case that I have really forgotten the exact dates.

Mr. GORE. The commission that investigated this claim was some years prior to the Dawes Commission—I think perhaps 10 years.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. McCUMBER. Mr. President, before we have a vote upon the amendment I wish to say that I can not understand what the real objection to this claim is. The claim is based upon an assumption on the part of Senators that certain facts exist. That question has been investigated, as is already shown in the argument, three times—once by a commission and twice by subcommittees appointed by the Committee on Indian Affairs. Each time the report has been that the heirs of John W. West were entitled to be recognized as having a claim to their proportionate sum of that obtained by the Cherokee Nation from the United States.

It was first investigated, as the Senator from Oklahoma says, about 10 years prior to the creation of the Dawes Commission. It was investigated, then, at a time when the facts were fresh in the minds of those who knew about the case.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. I yield.

Mr. GORE. I should like to set the Senator straight on that point. I think this claim accrued in 1841 or 1842. Bluford West was, I think, settled with about 1845 or 1846. John West, I think, died in 1868, and it is my recollection that he never presented any claim for payment and had never pretended to be entitled to any claim for payment. That was in 1868. This commission, as I remember, was appointed in 1882 or 1883, about 40 years after the claim accrued, if it did accrue, and about 36 years after this treaty was made.

The Senator from North Dakota seems to be under a misapprehension. This has no relation on earth to the claims that were to be liquidated by the $4,000,000 appropriation. Certain salt springs were taken in 1841 or 1842. The springs were owned by Bluford West. Representatives of the Government were sent to the property immediately after Bluford West's death. A detailed report was made setting out the particulars of the various forms of property owned by Bluford West, and on that report Bluford West was settled with.

I wish to impress this fact on the mind of the Senator: The treaty of 1846 provided for the creation of a commission to consider claims on the part of the Western Cherokees, expressly stating Western Cherokees. The commission had no authority to consider claims on the part of Eastern Cherokees.

It is true that John West and Bluford West were brothers. Senators unfamiliar with the history of the Indians there may wonder why one was an Eastern and one a Western Cherokee. That point turned on the date of their removal to the old Indian Territory. Those who went prior to a certain date were Western Cherokees and those who went subsequent to that date were Eastern Cherokees. Bluford West went prior to that date and became impressed with the character of a Western Cherokee. John W. West went subsequent to that date and therefore became an Eastern Cherokee.

This matter slumbered for some 30 or 40 years before it was resurrected and pressed as a righteous claim against the Government. I have been just informed by the Senator from West Virginia that when the report, the last report, I think, was made, no recommendation was made as to whether it should be paid or not. In my judgment it ought not to be paid. Certainly it ought not to be paid until passed on by the Court of Claims. I hope it will be rejected.

Mr. McCUMBER. About how many commissions does the Senator want to pass on these claims? It has been investigated five or six different times and every investigation has brought forth the same result.

Why send it to the Committee on Claims? Will it receive any better investigation before that committee? The department has investigated it. A commission has been sent out to investigate it. The department would not have recommended that it should be paid out of the tribal fund, out of the fund that was realized by the Western Cherokees, unless the department had been satisfied that it was a claim justly chargeable to that account.

We can, of course, strike this item out of the Indian appropriation bill. We can send it still to another committee to investigate, but when is the investigation to be stopped? It is properly a claim against Indian property, if it is a claim at all. It is therefore a claim that should be under the jurisdiction of the Interior Department and not a claim that should go to the Committee on Claims.

Mr. LODGE. The Court of Claims?

Mr. McCUMBER. These Indian claims are never referred to that committee or to the Court of Claims. I do not care whether it is the Committee on Claims or the Court of Claims, it has been decided by committees that have investigated it over and over again. The department has investigated it and the department has declared, through the Secretary of the Interior, every time it has been written to, that this is a just claim and that this is the form of an amendment that ought to be drawn to pay the claim. The fact that it has been delayed by Congress for 40 years or 80 years ought not to make any difference. If it is a just claim it ought to be paid.

The Senator from Oklahoma gives his opinion that the claim of John W. West is not a proper claim. There is then the opinion of the Senator from Oklahoma as against the opinion of at least four separate investigations upon the same subject and the conclusion to the contrary. If the simple statement of a Senator that he thinks a claim of this kind ought not to be paid should override every commission's report and the careful investigation made by the Secretary of the Interior, of course, we would get nothing upon these Indian bills whatever.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The Secretary continued the reading of the bill.

The next amendment was, on page 40, after line 10, to strike out:

The sum of $300,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations in Oklahoma, during the fiscal year ending June 30, 1914: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

The amendment was agreed to.

The next amendment was, on page 41, after line 19, to insert:

For the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tahlequah, Okla., for the orphan Indian children of the Five Civilized Tribes belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, $25,000; and the principal chief of the Cherokee Nation is authorized to sell and convey said property, including the 40 acres of land appurtenant thereto and all buildings thereon, to the United States for the sum of $5,000, and the additional sum of $5,000 is hereby appropriated for said purchase.

The amendment was agreed to.

The next amendment was, on page 42, after line 5, to insert:

The sum of $300,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations in Oklahoma, during the fiscal year ending June 30, 1914: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

The amendment was agreed to.

The next amendment was, on page 42, after line 14, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to forthwith make a per capita payment of $200 from the tribal trust funds of the Seminole Indians to each individual officially enrolled as a member of the said tribe, to relieve the distressed condition at present existing among the allottees of that tribe, said payment to be made at Wewoka, Okla.: *Provided*, That amounts of all delinquent taxes and penalties properly assessed against the lands of each Seminole allottee under the laws of the State of Oklahoma and remain-

ing unpaid shall be ascertained and paid under the direction of the Secretary of the Interior in each and every case out of the distributive share to be paid to each enrolled member of the tribe under the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 43, after line 3, to insert:

That the Secretary of the Interior is hereby authorized to make a per capita payment to the Choctaws and Chickasaws entitled thereto of $100 each, and to the Cherokees of $15 each, out of the tribal funds now on hand.

Mr. LODGE. Mr. President, I desire to make a point of order against that amendment. It proposes to change existing law. The acts of Congress and agreements with the Indians provide that the moneys belonging to the Choctaws and Chickasaws shall be distributed to the members of the tribes or their heirs when the rolls are completed and all allotments made and surplus lands sold. (Sec. 14, act of July 1, 1902, 32 Stats., 642.)

The amendment provides for a payment of $100 per capita to each Choctaw and Chickasaw now enrolled and $15 to each Cherokee now enrolled.

Our rule, of course, is not the rule of the other House in regard to the changing of any existing law, and the change of existing law which this amendment proposes to make fixes its character as general legislation. I do not care to delay the bill or the Senate. I might go on further to show that it would also eventuate in a charge on the Treasury, but that is not necessary. It is clearly, I think, general legislation.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Oklahoma?

Mr. LODGE. I do.

Mr. OWEN. Will the Senator from Massachusetts read the terms of the existing law?

Mr. LODGE. The acts of Congress and agreements with the Indian tribes provides that the moneys belonging to the Choctaws and Chickasaws shall be distributed to the members of the tribes or their heirs when the rolls are completed and all allotments made and surplus lands sold. The amendment provides for the payment of $100 per capita to each Choctaw and Chickasaw now enrolled, and $15 to each Cherokee now enrolled.

In the case of the Seminoles, which we have just passed, the roll was complete. This roll is admittedly not completed. Therefore, it seems to me, the amendment clearly proposes general legislation.

Mr. OWEN. I should like to ask the Senator from Massachusetts a question. Upon what authority does he state that these rolls are not completed?

Mr. LODGE. I state that on the authority of the report of the Secretary of the Interior. There are now upon the rolls of the Choctaws and Chickasaws 27,021 persons, exclusive of freedmen, entitled to participate in the property of the tribes. The payment proposed would aggregate $2,702,100, and there is now to the credit of the two tribes and available $4,444,297. So that the proposed payment would take one-half of the available funds now in the Treasury to the credit of these two tribes.

In a letter of the Secretary of the Interior, dated April 22, 1912, addressed to the Senate Committee on Indian Affairs, it is stated that there are off the rolls of the Choctaws and Chickasaws four classes of persons whose cases should be considered before the affairs of those two tribes are closed up, which classes are as follows:

1. Noncompetent cases, one person to a case, 800.

This class includes full-blood Indians, minor orphans, insane, and so forth.

2. Delinquent cases, due to administrative delay, 52.

3. Ten Mississippi Choctaw cases.

4. One thousand seven hundred and twenty-four cases, averaging three persons to a case, that were imperfectly adjudicated.

There are now approximately 5,000 Indians recognized by the department to have equitable claim to share in the property of the Choctaws and Chickasaws.

That letter of the Secretary of the Interior is my authority for saying that the rolls are not complete.

Mr. OWEN. I will state, Mr. President, that the Secretary of the Interior has not made any such declaration.

Mr. LODGE. That letter was addressed——

Mr. OWEN. I challenge the Senator to put it in the RECORD.

Mr. LODGE. The letter of the Secretary of the Interior is dated April 22, 1912, and addressed to the Senate Committee on Indian Affairs.

Mr. OWEN. These rolls, Mr. President, were closed by an act of Congress five years ago. It has now been 20 long years since Henry L. Dawes, previously a Senator from Massachusetts, was sent to Oklahoma for the purpose of winding up the affairs of the Five Civilized Tribes. In 1896, three years after the Dawes Commission went to Oklahoma, Congress directed these rolls to be made. The rolls were made. Individuals who were on the tribal rolls were recognized, but there were thousands of people remotely of Indian blood who, because they were part Indian, some of them having only a thirty-second part Indian blood, some having only a sixty-fourth part Indian blood, some of them having only the pretense of Indian blood, set up a claim to be admitted into the Choctaw and Chickasaw Tribes, where citizenship is worth approximately $10,000—being variously estimated from $6,000 to $10,000.

The Dawes Commission struggled with that problem during 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, and 1906, year after year allowing appeal upon top of appeal, until, finally, Congress, seeming weary of that everlasting contention that anybody who could claim to have remotely a trace of Indian blood had a right to a distributive share in this estate, by act of Congress closed these rolls on the 4th of March, 1907. They had spent 11 long and tedious years on this problem. The Interior Department has only directly recommended that 52 persons be put on the roll. A clerk named Howell, of the department, has suggested various classes who might be considered, and has recommended that they should be given a new hearing, a rehearing.

The PRESIDENT pro tempore. Will the Senator read the terms to which he alludes in the statute of 1907?

Mr. OWEN. I will read that into the RECORD at the proper moment.

It therefore is a roll concluded by act of Congress. The Interior Department has resisted reopening those rolls ever since that act of Congress was passed, but has suggested that this small number of 52 persons should be put upon the roll. There are probably two or three hundred Indians who ought to be put on that roll who were left off by inadvertence; but the Choctaw and Chickasaw estate, by the estimate of the Choctaw and Chickasaw Tribes, was put at a value of $60,000,000. Mr. George Wright, the United States Commissioner to the Five Civilized Tribes, put that tribal property of the Choctaws and Chickasaws yet undistributed at approximately $36,000,000. The passage of this item will in nowise affect the claim of any of the people who might have any possibility of asserting a claim.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. I do.

Mr. CURTIS. Does the Senator from Oklahoma mean that the proceeds from the sale of the surplus of the coal lands, of the coal rights, and of the reserved timber lands would be ample to meet all the claims against the Government and pay each individual his share?

Mr. OWEN. Oh, yes; they will yield more than a sufficient amount. Even the attorney representing these claimants came before the Committee on Indian Affairs and stated that a payment of a hundred dollars per capita would not in any way affect his clients; and yet he now comes and makes this appeal through the Senator from Massachusetts, I suppose, urging a point of order against this amendment simply in order to show his activity and his zeal in behalf of his clients, interfering with the rights of these people, the Choctaws and the Chickasaws, who promptly agreed with the United States Government in 1897, 15 years ago. The Choctaw and Chickasaw authorities agreed with the United States as humble wards of the Government, yielding to the superior power of the United States, and made an agreement to divide their lands, with the explicit pledge in the faith of that agreement that the lands which were not allotted should be sold and the proceeds distributed to them.

Those people since that time have died by thousands. In the ordinary process of nature, 15 years is a long time for a large community. Within 15 years the annual death rate of 20 to the thousand on 30,000 people would make 1,500 people a year, and in 10 years would amount to 15,000 people. Those people have died and never received the fulfillment of the promise of the Government of the United States. Now here, after all these long years, an attempt is made to appeal to a point of order to prevent the partial carrying out of this honorable obligation of the United States to the Choctaws and the Chickasaws. I hope the Senator will not persist in the point of order.

Mr. LODGE. Mr. President, the department recognizes by the list I have just read—and it is found in the report of the Department of the Interior—that there are now approximately 5,000 Indians who are entitled to claim a share of the property of the Choctaws and Chickasaws. It is quite true that the department could not put those people on the rolls because the jurisdiction of the department terminated by operation of law

on March 4, 1907, but prior to that time the department recommended an extension of the time in which to wind up the affairs of those tribes. The Senator from Minnesota [Mr. CLAPP], at that time chairman of the Committee on Indian Affairs, endeavored to secure that extension. The estimate of the commissioner to the Five Civilized Tribes is that there are only $23,500,000 yet to be received from the sale of the tribal property, and the estimate of the Senator from Oklahoma of the value of their share is much larger than I had supposed it was.

Mr. OWEN. I will suggest to the Senator from Massachusetts that he has omitted the coal and asphalt lands from the estimate of $23,500,000.

Mr. LODGE. But it is valued at $5,000 or less, and it would involve, on the amount reported by the commissioners, a charge upon the Treasury in addition. It seems to me, Mr. President, that the amendment clearly proposes to change existing law. I do not wish to delay the bill any further. I make the point of order.

Mr. TOWNSEND. Mr. President, I can not throw any light on the point of order particularly, but I am interested in this matter, because it is a type of conditions that exist in more than one of the Indian tribes. I understand, of course, that when these rolls were closed, as has been suggested, there were certain Indians and their very active counsel who were necessarily interested in having the enrollment as small as possible, because, by lessening the number, the amount that each Indian would receive would be greater. I am satisfied, from much correspondence that has come to me and from some little investigation I myself have made, that there are thousands of the Indian wards of this Government who have not been enrolled, but to whom the Government is quite as much indebted and quite as much under obligation for their care and support and the fair treatment which should be accorded them as it is to those Indians who have been enrolled.

I think that we can well afford now to stop and consider just exactly what the true situation is, because I here predict that if this Government shall distribute the money and property which belong to the Indians among less than the whole number there will hereafter be presented claims against the Government for those who are left off the rolls, and the United States will be obliged to pay them. I am also confident that some of the same attorneys who have greatly profited by successful efforts to close rolls in the past, and who are now anxious to distribute Indian funds among those enrolled, will enlist their efforts to recover against the United States, and for those Indians who are not now included in the enrollment, the money which can be easily proven to be theirs. There will be no escaping its obligations in the case, no matter if we have closed the rolls and have left them out, because this property belongs to them.

I am greatly interested in the matter, for while I am loath to make charges, I think there has been fraud practiced on our Indian wards, and if the point of order is not sustained, as I hope it will be, I shall feel obliged to vote against the amendment, because I do not believe it is just or right. If we have no regard for our duties to the Indians, we should regard the interests of the United States and protect them against damages hereafter.

Mr. LODGE. Mr. President, I have sent for and obtained the report of the Department of the Interior, and merely to show the view of the department as to increasing the roll I will read:

It is not claimed—

Referring to their inability to act under the law of 1907—

It is not claimed that the action of the department in refusing to consider such cases was erroneous but that the law was unfair and unjust and that, in the administration of this law, further injustice resulted because (1) the tribal rolls were, according to the reports of the Commissioner to the Five Civilized Tribes, incomplete and otherwise defective; (2) the commission did not index and consult all rolls in its possession; and (3) certain rolls were not transmitted to the commission or its successor until after the time fixed by law for the termination of the enrollment work.

That is, the department holds that the rolls have never been completed, and to pay the amounts proposed without completing them would involve a change of existing law.

Mr. OWEN. The reference there is to the particular cases which did not reach the department in time, and they comprise the 52 cases to which I have referred. They are the only ones that really were not properly enrolled.

Mr. LODGE. The department says that their estimate of those who are not properly enrolled, deducting the 51 cases, is 2,675.

Mr. OWEN. If the Senator will read the latter part of the letter he will find that the department declines to make any recommendation with regard to opening these rolls. The department has opposed the opening of these rolls for five years. It has said the 52 names, to which I have referred, should go on the rolls and has thought that those reported by Mr. Pollock ought to go on, but it has not sent as yet to the Congress the direct recommendation that they should be put on, so far as I am informed.

The PRESIDENT pro tempore. It must be manifest to the Senate that in a controversy of this kind, with conflicting statements, it is quite impossible for the Chair to determine the exact status of this case. For that reason the Chair, under the privilege accorded to the Chair by the rules, will submit the question to the Senate. Is the amendment in order?

Mr. CURTIS. I think, Mr. President, unless the Chair desires to submit the question to the Senate, that the point of order should be sustained, for the reason that the property has not been disposed of, as shown by the debate, and this settlement is not to be made until the property of the tribe is disposed of. It is admitted that, under the law, there remain four hundred and some odd thousand acres of coal lands undisposed of and large tracts of timber lands undisposed of; and, of course, this is a distribution before it is authorized under existing laws. I will say to the Senate, however, that I think this small payment would not at all affect the rights of others claiming rights, because these Indians have such a large and valuable property.

The PRESIDENT pro tempore. The question will be submitted to the Senate.

Mr. OWEN. Mr. President, before the matter is submitted to the Senate I wish to call the attention of the Senate—or perhaps it will be well to let the matter be submitted to the Senate, and then I will make the comment—explaining the letter which has apparently misled the Senator from Massachusetts.

Mr. KENYON. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Lea	Root
Borah	Cummins	Lippitt	Sheppard
Bourne	Curtis	Lodge	Smith, Ariz.
Bradley	Dixon	McCumber	Smith, Mich.
Brady	du Pont	Myers	Smith, S. C.
Brandegee	Fall	Nelson	Smoot
Briggs	Fletcher	Newlands	Sutherland
Bryan	Gallinger	O'Gorman	Swanson
Burnham	Gamble	Oliver	Thomas
Burton	Gronna	Owen	Thornton
Catron	Johnson, Me.	Page	Tillman
Chamberlain	Johnston, Ala.	Penrose	Townsend
Clapp	Jones	Percy	Watson
Clark, Wyo.	Kavanaugh	Perkins	Webb
Crane	Kenyon	Pittman	Williams
Crawford	La Follette	Richardson	Works

Mr. SMOOT. I desire to state that the senior Senator from Rhode Island [Mr. WETMORE] is detained from the Senate in the Appropriations Committee.

The PRESIDENT pro tempore. On the call of the roll 64 Senators have answered to their names. A quorum of the Senate is present.

Mr. OWEN. Mr. President, the Chair has submitted to the Senate a point of order made by the Senator from Massachusetts [Mr. LODGE] against the per capita payment to the Choctaws and Chickasaws of $100 and $15 per capita to the Cherokees, on the ground that the rolls have not been completed and that there are approximately several thousand citizens who have not yet been enrolled whose rights might be put in jeopardy. The answer to that is that, even if it were true, their rights would not be put in jeopardy, on the ground that there is an undistributed property of approximately $36,000,000 available to the Choctaws and Chickasaws, which would leave a great abundance, amounting to about a thousand dollars per capita to all the citizens, and the payment of a hundred dollars per capita would not preclude any citizen who might be added afterwards, if any there should be.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Oklahoma how would this affect, or would it affect at all, the Mississippi Choctaws?

Mr. OWEN. The Mississippi Choctaws have been enrolled.

Mr. WILLIAMS. Not all of them. A lot of them are now seeking to be enrolled, and a bill is pending in the other House for that purpose. There were many of them in Mississippi who seemed to think it was some white man's scheme, which they did not understand, and so they failed to come up to be enrolled.

Mr. OWEN. The undistributed property of the Choctaw and Chickasaw Nations would be abundantly sufficient to provide for any claimants who have any possibility of being put on the rolls.

Mr. WILLIAMS. The Senator does not think this would affect them?

Mr. OWEN. It could not affect them injuriously in any way.

The Senator from Massachusetts has been impressed with the letter of the Secretary of the Interior of April 22, 1912, and he has said that there were 2,675 citizens, as set forth on page 12 of the document from which the Senator read, left off of the rolls. I asked his authority for stating that they were left off the rolls, and the Senator read that letter. I call his attention now to the fact that the Secretary does not say that they ought to be on the rolls; he does not say they were wrongfully left off the rolls. What he does say is, that there were that number of people in four different classes of claimants. That is all he does say, and in closing his letter——

Mr. LODGE. If the Senator will excuse me, the Secretary says that they "appear by reason of their descent and other facts to have been prima facie entitled to enrollment."

Mr. OWEN. From what page is the Senator reading?

Mr. LODGE. Page 12.

Mr. OWEN. I call the attention of the Senator from Massachusetts to this particularly, reading from that same paragraph:

> The total number of cases of this class where the applicants may appear by reason of their descent and other facts to have been prima facie entitled to enrollment can be ascertained from the "census cards" in the office of the Commissioner to the Five Civilized Tribes, and will probably not exceed 140.

Is that the paragraph from which the Senator read?

Mr. LODGE. Yes; that is true.

Mr. OWEN. That is a very different proposition.

Mr. LODGE. Then it goes on——

Mr. OWEN. Then it goes on to enumerate the individuals who might be found, under four classes of claimants, not entitled. At the close of the letter the Assistant Secretary says this—I call the attention of the Senator to the last 8 or 10 lines on page 13:

> The transmission of a copy of this informal paper at this time is not to be taken as a recommendation by the department that legislation be enacted in that form or at all. The purpose of this communication is simply to supply you with such information as the files of the department contain on the subject. It may not be inappropriate to call your attention to the fact that substantially all the information herein has been furnished heretofore, except perhaps that the estimates of the number of cases falling within the several classes are now somewhat more definite.

In other words, the Secretary does not say that these people have been improperly left off. Prima facie there are 140 of them. I call the attention of the Senator to the small number which I thought ought to go on; so these are the only claimants. This whole volume has been printed at the expense of the committee and, as far as I know, without any order of the committee itself. I do not know how it came to be printed. I should like to ask by what authority it was printed?

Mr. GAMBLE. Mr. President, in reply to the interrogation made by the Senator from Oklahoma I will state that the publication referred to was printed at the request of the senior Senator from North Dakota.

Mr. OWEN. It is a very large volume, and a very expensive volume, and I think a large part of it is quite unnecessary for public purposes.

Mr. GAMBLE. It was printed, as I understand, in connection with the bill introduced by the senior Senator from North Dakota.

Mr. OWEN. I should like now to read into the RECORD the act of Congress which I failed to read in the first instance, closing the roll. It is an act passed in 1906, found in volume 34 of the Statutes at Large, part 1, at page 138:

> *Provided*, That the rolls of the tribes affected by this act shall be fully completed on or before the 4th day of March, 1907, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date.

That act was passed on April 26, 1906, giving nearly a full year's notice of the closing of these rolls, after they had been under consideration for 11 years.

The PRESIDENT pro tempore. The question is, Is the amendment in order on the pending bill? [Putting the question.] By the sound the noes appear to have it.

Mr. OWEN. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is absent from the Chamber, I will withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my general pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Maryland [Mr. SMITH], I desire to vote. I vote "yea."

The roll call was concluded.

Mr. BRADLEY (after having voted in the negative). I ask whether the Senator from Indiana [Mr. KERN] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. BRADLEY. I withdraw my vote.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber on important business.

Mr. BRADLEY. I transfer my pair with the Senator from Indiana [Mr. KERN] to the Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "nay."

The result was announced—yeas 34, nays 37, as follows:

YEAS—34.

Bacon	Johnson, Me.	Percy	Swanson
Chamberlain	Kavanaugh	Pittman	Thomas
Clark, Wyo.	Lea	Pomerene	Thornton
Clarke, Ark.	McCumber	Sheppard	Tillman
Dixon	Martin, Va.	Shively	Watson
Fall	Myers	Smith, Ariz.	Webb
Foster	O'Gorman	Smith, Ga.	Williams
Gore	Overman	Smith, S. C.	
Gronna	Owen	Stone	

NAYS—37.

Borah	Crane	Kenyon	Root
Bourne	Cullom	La Follette	Smoot
Bradley	Cummins	Lippitt	Sutherland
Brandegee	Curtis	Lodge	Townsend
Briggs	Dillingham	Nelson	Warren
Bristow	Gallinger	Oliver	Wetmore
Brown	Gamble	Page	Works
Burnham	Guggenheim	Penrose	
Burton	Jackson	Perkins	
Catron	Jones	Richardson	

NOT VOTING—24.

Ashurst	Crawford	Johnston, Ala.	Poindexter
Bankhead	Culberson	Kern	Reed
Brady	du Pont	McLean	Simmons
Bryan	Fletcher	Martine, N. J.	Smith, Md.
Chilton	Gardner	Newlands	Smith, Mich.
Clapp	Hitchcock	Paynter	Stephenson

The PRESIDENT pro tempore. It is declared that the amendment is not in order, and the point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 43, after line 7, to insert:

> For expenses incident to and in connection with collection of rents of unallotted lands and tribal buildings, such amount as may be necessary: *Provided*, That such expenditures shall not exceed in the aggregate 10 per cent of the amount collected.

Mr. CLARK of Wyoming. Mr. President, I hardly understand what that language means. I should like to have the chairman of the committee tell us.

Mr. GAMBLE. There is quite a good deal of land unallotted, and in connection with the leases there is quite a good deal of disbursing to be done. It is proposed, in the leasing of the allotments, to create in this way an administrative fund for the conduct of that particular business. It is recommended by the department.

Mr. CLARK of Wyoming. Mr. President, at the present time these leases are prepared through the Department of the Interior, by the authorized agents and employees of that department. It occurs to me that this is an indirect way of making an additional appropriation for the working force of the Indian Bureau.

Mr. GAMBLE. No; I think the Senator is mistaken in that, because the money is collected from these particular leases and is paid to the administrative officers who have to do particularly with this matter.

Mr. CLARK of Wyoming. Are they not already on the pay roll of the Government?

Mr. GAMBLE. No; I think not.

Mr. CLARK of Wyoming. Then who executes these leases on the part of the Government and the Indians? By whom is this work of collection done for which it is sought to charge 10 per cent of the amount collected?

Mr. GAMBLE. It is done by the superintendent, and the leases are executed by the Commissioner of the Five Civilized Tribes.

Mr. CLARK of Wyoming. That is it exactly. The collection is made by the superintendent, who is a salaried officer of the United States. The leases are made by the Commissioner of the Five Civilized Tribes, who is also an officer of the United States and paid by the United States. Now it is sought to charge these very lands of these Indian tribes with a 10 per cent collection fee for his services, as I understand.

Mr. GAMBLE. As I understand, Mr. President, these lessees are at times far removed from the superintendent's office. It is necessary that employees go out, at some expense, to look after the details of the leases. This amendment simply provides for expenses incident to and in connection with the collection of the rents. It is not to create any particular fund. It is only to pay for the actual disbursements in connection with that particular business.

Mr. CLARK of Wyoming. As it reads, Mr. President, this is an absolute charge for the collection of lease money, for the collection of rents. They certainly do not have to go out to the residences of the lessees in order to collect the rents. There must be a provision somewhere that these rents shall be paid; and it seems to me that even if there were not, 10 per cent is an exorbitant commission to pay for the collection of lease money. I am asking for information.

Mr. GAMBLE. This 10 per cent is simply a limitation. Of course, they are to be charged only for the actual expenses. If the Senator feels disposed to object to it——

Mr. CLARK of Wyoming. I do not wish to object to it, but I want some information about it.

Mr. GAMBLE. There was a full hearing before the committee, and it was recommended by the department, and was especially recommended by the Committee on Indian Affairs. I will read the substance of the recommendation.

Mr. CLARK of Wyoming. I can understand that it was recommended by the department, but I want to say to the Senator that I do not always follow the recommendation of a department or a bureau of a department as to the expenses that are to be incurred and charged.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Oklahoma?

Mr. CLARK of Wyoming. I do. I think perhaps the Senator from Oklahoma can give the information I want.

Mr. OWEN. I think I can give the Senator the information he desires. If it were not for this provision, the expense of collecting these rentals would come out of the Federal Treasury. The Federal Government agreed to allot the lands, but did not feel bound to pay out of the Federal Treasury the expenses outside of the allotting of the lands. In the handling of the unallotted lands the Government did not feel charged with the duty of taking the expenses involved out of the Federal Treasury. For that reason this provision permits the expense of collecting these rents to come out of the rents themselves. That is the purpose of it.

Mr. CLARK of Wyoming. That is a better explanation. I wanted to understand about it, because it seemed to me a rather extortionate fee for the Government as a real-estate agent to charge these Indians.

Mr. TOWNSEND. Mr. President, may I ask the Senator from Oklahoma if he is quite clear that the language used there necessarily makes this a payment out of the Indian fund?

Mr. OWEN. The language is:

For expenses incident to and in connection with collection of rents of unallotted lands and tribal buildings, such amount as may be necessary: *Provided*, That such expenditures shall not exceed in the aggregate 10 per cent of the amount collected.

It is intended by the department—that is their practice—to take it out of the rents collected, so as not to charge it on the Federal Treasury, but to charge it against the lands themselves.

Mr. TOWNSEND. I submit that the language used does not say that. We are making appropriations out of the Federal Treasury, unless it is explicitly stated that the money shall come out of the Indian fund. We say that for meeting those expenses an amount not exceeding a certain limit, which is 10 per cent, shall be collected.

Mr. OWEN. But there is no money at all appropriated here. It only provides such an amount as may be necessary out of the amount collected. I do not think it could bear any other construction than that it should be a part of the amount collected. If the Senator thinks so, however, he might suggest an amendment which will perfect it in that respect.

Mr. TOWNSEND. I will do that later, if I may have permission.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 43, after line 12, to insert:

That where any cemetery now exists within the lands of the Five Civilized Tribes, said land within said cemetery, together with the land adjoining the same, where necessary, not exceeding 20 acres in the aggregate to any one cemetery, shall be transferred by the Secretary of the Interior to the proper party, association, or corporation, or to the county commissioners of the State of Oklahoma, for cemetery purposes only, under such terms, conditions, and regulations as he may prescribe: *Provided*, That application to purchase the same for such purpose is made within 60 days from the date of the approval of this act.

Mr. GAMBLE. Mr. President, I move to strike out the proviso after the word "prescribe" in line 21—lines 21, 22, and 23.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 43, in lines 21, 22, and 23, it is proposed to strike out the proviso, which reads as follows:

Provided, That application to purchase the same for such purpose is made within 60 days from the date of the approval of this act.

Mr. GAMBLE. After the word "prescribe" there should be a period.

The PRESIDENT pro tempore. Certainly.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TOWNSEND. Mr. President, I wish to offer an amendment to the amendment of the committee, in line 10, page 43, after the word "necessary" and before the colon, to insert "which amount shall be paid out of the tribal fund."

The PRESIDENT pro tempore. Without objection, the vote whereby the amendment was agreed to will be reconsidered. The Senator from Michigan offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 43, after the word "necessary" and before the colon, it is proposed to insert a comma and the following:

Which amount shall be paid out of the tribal fund.

Mr. TOWNSEND. It has been suggested that that should come after the word "collected," in line 12.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 43, line 12, after the word "collected" and before the period, it is proposed to insert a comma and the following:

Which amount shall be paid out of the tribal fund.

Mr. OWEN. I suggest that if it were worded "out of such tribal fund," it would keep it within the regular practice.

Mr. TOWNSEND. Very well; I accept that change.

The amendment, as modified, to the amendment of the committee was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 43, after line 23, to insert:

For payment of salaries of employees and other expenses of advertisement and sale in connection with the disposition of the unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, to be paid from the proceeds of such sales when authorized by the Secretary of the Interior, as provided by the act approved March 3, 1911, not exceeding $40,000, reimbursable from proceeds of sale.

The amendment was agreed to.

Mr. GAMBLE. Mr. President, I move to strike out lines 7 to 14, inclusive, on page 44. It is a duplication in the printing of the bill that has already been passed upon.

The PRESIDENT pro tempore. The Senator from South Dakota moves to disagree to the amendment on page 44, lines 7 to 14, both inclusive.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 45, after line 9, to insert:

For settling land suits in eastern Oklahoma, $10,000, reimbursable from fees which may be imposed by the Secretary of the Interior in relation thereto: *Provided*, That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to validate by approval any instrument purporting to be a deed of conveyance or contract for title of allotted lands of the Five Civilized Tribes made prior to the removal of restrictions and before January 1, 1912, in the following cases, to wit:

First. When the purchase or contract was made in good faith, and no fraud was practiced, and the Indian allottee was actually paid the reasonable value of the land.

Second. When the purchase or contract was made in good faith and no fraud was practiced, but when the consideration paid was not sufficient to cover the reasonable value of the land conveyed: *Provided*, That in this class of cases the settlement can only be made upon the condition that the Secretary of the Interior be paid for the benefit of the allottee a sum sufficient to make up the reasonable value of such lands: *Provided further*, That the settlement in either case shall be made upon such terms of settlement as the Secretary may deem just, proper, and equitable, and under such rules and regulations as he may prescribe, and upon such settlement suit, if any, instituted at the request of the Secretary of the Interior, shall be dismissed without cost to the defendant.

Mr. LODGE. I make the point of order on that amendment that it is clearly general legislation and contains an appropriation not estimated for.

The PRESIDENT pro tempore. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 46, after line 9, to insert:

That the Secretary of the Interior is hereby authorized to permit the sale or exchange of the restricted land of any Indian of any tribe in Oklahoma and invest all or part of the proceeds of any sale which has been or may be made for the benefit of said Indian and his heirs or legal representatives, the property so secured to be held for the use and benefit of such Indian, subject to the same conditions, limitations, and

restrictions as imposed by law upon the original lands sold or exchanged by such Indian or Indians. Title to the land secured by purchase or exchange shall be taken and held in the name of such Indian: *Provided*, That the provisions of this act shall apply also to the investment of funds of Indians of the class subject to restriction, but who have not been allotted lands and have or may hereafter have moneys in the custody of the United States to their credit.

Mr. KENYON. I make the point of order that this is general legislation attached to an appropriation bill.

The PRESIDENT pro tempore. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 47, to insert:

That hereafter the Commissioner of Indian Affairs is authorized, in his discretion, to withhold any annuities or other payments due to Osage Indian minors, above 6 years of age, whose parents fail, neglect, or refuse to place such minors in some established school for a reasonable portion of each year and to keep such children in regular attendance thereof. The Commissioner of Indian Affairs is authorized to make such rules and regulations as may be necessary to put this provision into force and effect.

The amendment was agreed to.

The next amendment was, on page 47, after line 9, to insert:

That the Secretary of the Interior is hereby authorized to pay out of any funds of the Creek, Cherokee, Choctaw, Chickasaw, and Seminole Nations on deposit in the Treasury of the United States the proportionate cost of street paving and construction of sidewalks abutting on unsold lots belonging to any of said tribes and as may be properly chargeable against said town lots, said payments to be made upon submission of proof to said Secretary of the Interior showing the entire cost of the said street paving and sidewalk construction and that said improvement was duly authorized and undertaken in accordance with law: *Provided*, That the Secretary of the Interior shall be satisfied that the charges made are reasonable and that the lots belonging to the above-mentioned tribes against which the charges were made have been enhanced in value by said improvements to not less than the amount of said charges.

The amendment was agreed to.

The next amendment was, on page 47, after line 24, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to use so much of the funds of the Muskogee or Creek Tribe or Nation of Indians now in the custody of the United States or which may hereafter come into possession of the Government, not otherwise appropriated, as may be necessary for payment to each enrolled member of said tribe or nation who has received an allotment less than $800 in value of such sum as will, together with the amount representing the value of said allotment according to the appraisement thereof by the Commission to the Five Civilized Tribes for purposes of classification and allotment, aggregate $800 in amount; and said payment shall be made by the Secretary of the Interior under such rules and regulations as he may prescribe to the persons entitled thereto or their lawful heirs, and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated belonging to the Creek Tribe of Indians, the sum of $10,000, or so much thereof as may be necessary, for the purpose of defraying the expenses of making the payment herein authorized: *Provided*, That the Secretary of the Interior may, in his discretion, withhold the amount due any minor until he shall become of age: *Provided further*, That money due restricted Indians in lieu of allotments shall be subject to supervision and disposition as in the case of funds arising from the sale of lands allotted to Indians of the same class.

Mr. CURTIS. Mr. President, I make a point of order against that amendment on the ground that it is in violation of Rule XVI, paragraph 3, being general legislation. It repeals the act of March 3, 1909, which, if the Chair desires, or if it is contested, I will gladly read.

The act referred to provides that—

The Secretary of the Interior is directed, immediately after July 1, 1909, and prior to December 1, 1909, to pay allottees out of the funds of the Creek Nation the amounts severally due for the equalization of their allotment. In making such payment for the equalization of the Creek allotments $800 shall be taken as the standard value of an allotment: *Provided*, That the payment of such funds for the equalization of allotments shall be a final and conclusive settlement of all claims for the equalization of allotments in the Creek Nation: *And provided further*, That as a condition precedent to any such payment the Creek National Council shall pass an act, in form approved by the Secretary of the Interior, discharging the United States from all claim and demand on this account.

This amendment merely repeals that act.

Mr. GORE. Mr. President, I think the pending amendment is objectionable on other grounds as well, but I should like to ask the Senator from Kansas whether as an amendment to the amendment it would be satisfactory to him, instead of saying "enrolled members" to say "agreement members"? If this is passed, it will involve the Indians in further litigation. I think if we would change that word it would not change the existing status of these Indians.

Mr. CURTIS. I can not agree with the Senator. I think any payment would involve the Government and might make a liability for which the Government is not responsible. I therefore object to any amendment.

The PRESIDENT pro tempore. The point of order is sustained.

The next amendment was, at the top of page 49, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to approve an order for the removal of restrictions upon alienation from the southwest quarter of the southeast quarter of section 17, township 25 north, range 24 east, of the Indian meridian, Oklahoma, the homestead allotment of R. S. Kariho (or Service Kaytahoo), Seneca allottee No. 53, such removal of restrictions to become effective only and simultaneously with the execution of a deed by said allottee to the purchaser after said land has been sold in compliance with the directions of the Secretary of the Interior.

Mr. CURTIS. I make the point of order against this amendment on the ground that it is general legislation on an appropriation bill. I know nothing about the facts in this case; I was not present when the item was put in the bill; but I hope Congress will not return to the old practice of removing restrictions in an appropriation bill.

Mr. GAMBLE. I do not know that I care to make any comments in regard to the objection raised by the Senator from Kansas. This case peculiarly appealed to the Committee on Indian Affairs. It appears that this man is ill, suffering with tubercular trouble. His allotment is in a locality where it is impossible for him to live, and if an exchange could be made and he could go into a milder climate, under the direction of the Secretary of the Interior, his life might be saved. He seems to be a very intelligent, capable man. He was in the Spanish-American War. He is an educated Indian.

Mr. CURTIS. I will ask the chairman of the committee if the amendment is recommended by the department?

Mr. GAMBLE. Yes; it is recommended by the Interior Department. The amendment was submitted by the chairman of the committee at the request of the department.

Mr. CURTIS. In view of the statement of the chairman, I will withdraw the point of order.

The PRESIDENT pro tempore. The point of order is withdrawn.

Mr. CURTIS. But I wish to state that I pointed out in 1907 where the restriction had been removed in 14 cases, and in 13 out of the 14 the Indians had been robbed of their rights. I hope, as I said a moment ago, that Congress will not return to the plan of removing restrictions in an appropriation bill. If this is to be looked after by the Secretary of the Interior, I have no objection to the removal of the restriction in this one case.

The amendment was agreed to.

The next amendment was, on page 49, after line 11, to insert:

All contracts, written or verbal, purporting or intended to authorize any person or persons, directly or indirectly, to represent the Creek Nation or any member or members thereof in respect to the payment, distribution, or any other disposition of money or other property of the said nation held by or under the supervision of the United States, shall be absolutely void and incapable of ratification or confirmation unless the consent of the Secretary of the Interior and approval of Congress shall have previously been given in writing to the person claiming thereunder to negotiate such contract, and unless such contract shall be approved as required by section 2103 of the Revised Statutes of the United States, and any person who shall secure or attempt to secure any such contract without the consent of the Secretary of the Interior, or demand or attempt to collect or receive any money payment or any other consideration under any such contract not approved as herein required, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not less than $500 or imprisonment for not more than six months, or by both such fine and imprisonment, at the discretion of the court.

Mr. KENYON. I make the point of order that this amendment is general legislation on an appropriation bill.

Mr. GORE. Mr. President, undoubtedly the point of order raised by the Senator from Iowa would be sustained, but I hope the Senator will withdraw it. This simply throws about these Indian tribes and about the individual members of the tribes a protection to which they are entitled. The failure to enact this legislation at this time would expose them to the wiles of certain designing attorneys.

I think this amendment would afford them protection if adopted now. If it should go over until another session, perhaps contracts that may be embarrassing hereafter may be entered into by these Indians.

I feel sure that the amendment is in harmony with the general views entertained by the Senator from Iowa and that it would further the objects which he would desire to accomplish.

Mr. KENYON. My purpose has been along the line of trying to protect the Indian. I have such great confidence in the Senator from Oklahoma that I accept what he says as to this amendment, and I will withdraw the point of order.

The PRESIDENT pro tempore. The point of order is withdrawn.

Mr. GORE. I move to amend the amendment by striking out the words "Creek Nation" and inserting "any of the Five Civilized Tribes."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 49, line 14, strike out "Creek Nation" and insert "any of the Five Civilized Tribes."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 50, after line 8, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches and levees made under the laws of the State of Oklahoma upon the allotments of restricted allottees of the Creek Nation in the Verdigris drainage district No. 1, in Wagoner County, Okla.

Mr. LODGE. I think the next two amendments are both a part of this amendment. If I am not mistaken, they ought to go as one amendment. I have no objection to them that I know of, but I think it is all one amendment.

Mr. GAMBLE. It is all one amendment, Mr. President.

The PRESIDENT pro tempore. The next two paragraphs will be read.

The SECRETARY. The committee also report to insert, on page 50, after line 15, the following:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay amounts assessed against each of said allotments: *Provided*, That said assessment shall not exceed $5 per acre on any allotment or portion thereof, and there is appropriated for said purposes, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, to be immediately available, said sum to be reimbursable from rentals from said allotments, not to exceed 25 per cent of the amount of rents received annually, or from any funds belonging to said allottees, in the discretion of the Secretary of the Interior.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve such deeds for right of way from said allottees or their heirs as may be necessary to permit the construction and maintenance of said drainage ditches and levees upon the payment of adequate damages therefor.

The amendment was agreed to.

Mr. GAMBLE. I submit the following amendment, to come in after line 10, on page 51. I call the attention of the Senator from North Dakota [Mr. MCCUMBER] to it. It is the loyal Creek claim. There was a misapprehension, if I may be justified in saying so, on the part of the senior Senator from North Dakota as to whether it was made an amendment in the consideration by the Committee on Indian Affairs of the Senate, and, rather than do him any injustice or any discourtesy, I suggested to him that I would myself offer the amendment. It has provoked some discussion on the floor of the Senate heretofore.

The PRESIDENT pro tempore. The amendment submitted by the Senator from South Dakota will be read.

The SECRETARY. On page 51, after line 10, insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $600,000, to be immediately available, the same to be paid and disbursed as herein provided; said amount being the balance and final payment due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903, said award being made in pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee, or Creek, Tribe of Indians, and for other purposes, approved March 1, 1901; such payment to be made in accordance with the terms and provisions of said award as the same appears on page 2252 of the CONGRESSIONAL RECORD, volume 36, part 3, Fifty-seventh Congress, second session. The Secretary of the Treasury being hereby authorized and directed to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $600,000 to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said list: *Provided*, That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims: *Provided, however*, That if any of said loyal Creek Indians or freedmen whose names are on said lists of awards shall have died, then the amount or amounts due such person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Fayetteville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided for by written contract between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him, as provided for by said contract, or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants, in pursuance of said contract: *And provided further*, That said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians.

Mr. CURTIS. I make the point of order against this amendment on two grounds: First, it is general legislation on an appropriation bill, and, second, it is a claim. In pursuance of the provision of section 26 of an act to ratify and confirm the agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, passed March 1, 1901, this claim was allowed in the sum of $600,000, and the act provides "and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available," with this further condition:

That said sum shall be accepted by said Indians in full payment and satisfaction of all claims and payment growing out of said loyal Creek claim, and the payment thereof shall be a full release of the Government from any such claim or claims.

Under that act of Congress $600,000 was paid. This amendment repeals that act of Congress, and is clearly general legislation upon an appropriation bill.

Mr. MCCUMBER. Mr. President, this matter has been submitted to me for investigation once or twice, and I have reported upon it as a subcommittee of the Committee on Indian Affairs. I wish it was possible to get the real consideration of the Senate upon this question once, consideration not only of its merits, but consideration of the point that is raised. It is impossible to present to the Chair my views as to the point of order without to some extent going into the claim itself. I will be, however, extremely brief in that matter to show that the point of order does not and can not lie to this amendment.

We will have to go back to the treaty of 1866, made between the United States and the loyal Creeks. Under that treaty 3,250 acres of land was transferred from the loyal Creeks to the United States. It was transferred for a consideration of about 30 cents an acre. Then, as a part of the consideration of that treaty—and this is the point that I also desire to make with the Chair—as a part of that treaty and as a part of the consideration the treaty further provides that immediately after the ratification thereof the United States should ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians, and freedmen in proportion to their losses and pay the amount awarded each; also that the Indian agent should prepare a roll of such Indians and freedmen; that the superintendent of Indian affairs for the southern superintendency and the Indian agent should investigate and determine from such roll the amounts due the respective Indians and transmit such awards to the Secretary of the Interior for his approval.

Pursuant to the terms of the treaty Brig. Gen. W. B. Hazen, superintendent of Indian affairs for the southern superintendency, and Capt. F. A. Field, Indian agent to the Creek Nation, and both Regular Army officers, were appointed July 21, 1869, as commissioners to make up the roll of said loyal Creek Indians, ascertain their losses, and make the awards due on their respective claims.

It is unnecessary, Mr. President, for me to go back and show the suffering of these loyal Creeks, who were loyal to the northern cause during the war, and the destruction of their property by the Confederacy, and what they suffered because of their loyalty.

The report of the commission, made February 14, 1870, shows claims presented in the amount of $5,090,808, approximately $5,000,000. Awards were made by them in the amount of $1,836,830. Now, remember that the claim was $5,000,000. It was investigated by the Army officers, and they cut the claim down to $1,836,830. The total award thus made was approved by the Commissioner of Indian Affairs, and on the 5th day of September, 1870, the Secretary of the Interior approved the same, but only to the extent of $100,000.

Mr. President, I want the Senate to understand that this was a claim of $5,000,000; that it was investigated by a commission appointed for that purpose; that the commission found nearly $2,000,000 to be their just dues—that is, $1,836,830. September 27, 1897, the Commission to the Five Civilized Tribes concluded an agreement with the Creek Nation, which provided, among other things, that the loyal Creek claim should be submitted to the Senate as a board of arbitration, whose finding should be final, and that any money found to be due the Creek Nation, or any individual thereof, should be paid at once.

They had waited all the years, from 1868 until 1897, in order to secure the payment of what the Government declared in its treaty it would pay, and upon an investigation of that subject by a commission appointed by the Government to determine what the losses should be.

It is one of the cases which clearly shows what little opportunity these Indians seem to have to get their claims through Congress after they have been determined and adjudicated. The pages of the history of our dealings with the Indian tribes of the country from beginning to end are black pages in which we have failed, knowingly and willfully failed, to fulfill our agreements with the Indians. Whenever Congress has felt that it was appropriating too much and wanted to cut down and save on appropriation, we have been in the habit of taking it out of the Indian appropriation bill and refusing to carry out our honest obligations made with the Indians—made with the wards of our own country.

Although this agreement was ratified and confirmed by the act of Congress approved June 27, 1898, nothing was done by the United States to carry out its terms. Under the date of March 8, 1900, the Commission to the Five Civilized Tribes concluded another agreement with the Indians, which was ratified by an act of Congress approved March 1, 1901. With reference to the loyal Creek claim, section 26 of the latter agreement is in its terms almost identical with the terms of the prior agreement. These are the terms, Mr. President:

All claims of whatsoever nature, including the "loyal Creek claims," under article 4 of the treaty of 1866, etc., shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the Senate shall make final determination thereof; and in the event that any sums are awarded the said tribe, or any citizen thereof, provision shall be made for immediate payment of the same.

Early in the first session of the Fifty-seventh Congress a memorial praying the Senate to act in conformity with section 26 of the agreement of March 8, 1900, was presented to the Senate and was duly referred to the Committee on Indian Affairs for investigation.

Remember that we had made an agreement that we would submit the question of what we should pay of the award that had already been made to the Senate of the United States as a court of arbitration to determine that question, not to the Congress of the United States to determine what should be appropriated, but to the Senate of the United States to determine what ought to be appropriated by the Congress of the United States.

The committee examined the treaties and records, heard testimony, arguments were made, briefs were submitted by counsel, and finally the committee reported in the Fifty-seventh Congress its findings to the Senate in an amendment to the appropriation act, which I shall read.

Mr. President, remember that first we made the agreement that we would pay them their losses. We then, in conformity with that agreement, appointed commissioners, and the commissioners found their losses to be $1,800,000. We delayed acting on that for years. Then they proceeded again and asked us to act under the provisions of that treaty. We then made another agreement with them that we would reconsider the matter by the Senate, and the Senate should determine whether or not we should keep an agreement that we had made with them some 40 years before.

This is the reported amendment, and I ask the Chair and the Senate to understand what that amendment was by the Committee on Indian Affairs, to which this application was presented, to have the Senate of the United States act as a court of arbitration. It was as follows:

In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called "loyal Creek claims"—

Now, mark the words. "There is hereby awarded," not an appropriation, not that there is hereby appropriated a certain sum, but there is hereby awarded—

on the so-called "loyal Creek claims" named in said section 26 the sum of $1,200,000.

In other words, after failing to comply with our agreement and failing to appropriate the sum of $1,800,000, and after waiting about 40 years, we then agree to pay them very much less than what our original agreement was—a very worthy act on the part of the United States to its wards—

named in said section 26 the sum of $1,200,000, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and the freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid such Indians and freedmen only whose names appear in the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said list, and shall be in full settlement and satisfaction of all claims under said articles 3 and 4, etc.

This matter then came before the Senate upon this report of the Committee on Indian Affairs that the Senate should arbitrate and should award $1,200,000 in full payment of this claim. It was passed by the Senate February 16, 1903.

Now, I want the Chair and the Senate to understand whether or not we acted in fact as a court of arbitration upon this question.

Let us remember, first, Mr. President, that there is no provision under the Constitution for the Senate ever acting as a board of arbitration or as a court of arbitration. There is no power by which we could call the Senate together for any such purpose. Nevertheless the Senate when it is assembled may act as a court of arbitration, but it must act as such under a proper bill; and the only way that this matter could be brought before the Senate to secure an award would be by a bill in which that award were made manifest. That is exactly what the Committee on Indian Affairs did in bringing the matter to the attention of the Senate.

The Senate was not unmindful at that time of what it was doing. It understood thoroughly that it was acting as a court of arbitration. Senator Quarles, who, as I understand, then had the bill in charge, before voting upon this provision made this statement to the Senate:

That determination of the Senate upon this proposition will amount to an award from which an action will lie quite independently of the fate of this provision in the other House of Congress.

Can anyone conceive of language that could be more clear and definite that, in passing upon the first provision in that clause which was reported to the Senate, we were acting as a court of arbitration in fixing the amount, and that amount would be due under a contractual obligation, even though we were unable in that instrument to succeed in getting the other House to agree with us as to what amount should be appropriated to carry it into effect?

We voted, Mr. President, an award of $1,200,000 in full payment of a previous agreement to pay $1,800,000. The question was voted upon by the Senate with a clear understanding that it was granting that award. The bill in which the award was contained of course had to go to the other House. The other branch of Congress cut down the $1,200,000 to exactly $600,000, and also provided that the Indians receiving this award should sign an agreement—that our wards should sign an agreement—with this great Nation that is bound to protect them, that they would accept in full payment one-half of that which the Nation had acknowledged was absolutely due them.

Well, the contract was signed; they received the $600,000; and they signed receipts to the effect that the same was received in full. Is the United States in a position to claim, with its own wards, that with an imposition upon those wards to compel them to sign a release upon consideration of their receiving less than the amount due was fair and full compensation? Why, as between individuals no court on the face of the earth would ever allow a receipt in full for less than the amount acknowledged to be due to operate as a bar against the collection of the balance that would be due. If it would not be a bar in a court of law as between individuals of equal understanding, morally it ought not to be so when the contract is between guardian and ward, and where the guardian seeks to force the ward to accept less than the amount due.

Mr. President, that is practically all that there is in this case: First, we made our agreement in 1866 to pay the loyal Creeks the amount of their losses; secondly, in 1899, pursuant to that agreement, we investigated their losses, and we fixed the amount at $1,800,000. We agreed then and there with them that we would pay that $1,800,000. After the lapse of many years, and failing to comply with the terms of our contract, we made another agreement with them, that we would submit the question to the Senate of the United States for arbitration whether we should be bound by an obligation which we were morally bound to fulfill. We did submit that question for arbitration and all under the same treaty, because it is recited that it was under that treaty of 1866. The Senate did so arbitrate. Then the other House cut down the amount from $1,200,000 to $600,000.

The whole claim of the point of order is based upon the assumption, Mr. President, that the act of the Senate was not complete in itself until the bill had gone to the other House and had come back to the Senate for its consideration, and that the Senate in then agreeing to the $600,000 which was allowed by the other House had practically fixed its award at $600,000.

It is sufficient in law to answer that with the statement that when a court of arbitration has acted upon a matter submitted to it and has rendered its judgment, it then dissolves as a court of arbitration and has no power to take up the same subject at any subsequent time, or to change the award which it had given. The amount that was paid was paid under the appropriation portion of the bill, which bill contained the award, and it could not affect the award itself. If it could, why, then, you have got to go to the contract, to submit the question to the Senate of the United States, a construction that would mean that it would be submitted to the Congress of the United States. That was not the agreement, and it does sufficiently answer that statement.

So, Mr. President, upon the question of the propriety, the right, and the merit of this claim, I can only say that it ought to be paid now. Upon the question of the award, it is clearly

one that can not be changed by the Senate after the Senate has once made it.

Mr. CURTIS. Mr. President, I might state that there is another side to this case. I do not believe it worth while to go into the other side at this time, however. This same amendment has been upon two different occasions previously ruled out of order, once by Vice President Fairbanks, whose opinion will be found on page 84 of Decisions of Points of Order, and subsequently by Vice President Sherman, whose opinion will be found in the CONGRESSIONAL RECORD of January 24, 1911. I might add that later an appeal was made to the Senate, and that the Senate sustained the ruling of the Chair. As was said by Vice President Fairbanks—

The Chair is of the opinion that in determining the parliamentary question which is raised, it is impossible for him to go back of the act of Congress of 1903 and consider any agreements, awards, or settlements which may have been made prior thereto. The Congress has spoken upon the question, and it is not within the province of the Senate to set aside, nor is it within the province of the Chair to ignore, its deliberate, conclusive action. It is provided in the act as follows.

That is the act which I read a few moments ago.

If the Chair desires to hear further, I would gladly go into the facts, but it does seem to me that on these two decisions alone the Chair is justified in acting.

Mr. McCUMBER. Mr. President, the point I should like to have the Chair distinguish is whether or not the arbitration of the Senate was concluded when it voted, under the statement made by the committee, to grant $1,200,000—whether that was the arbitration or otherwise. If that was the arbitration, then of course the act of the other House in cutting down the amount to $600,000 would be an act introducing another factor into the arbitration that was not contained in the agreement.

Mr. CURTIS. Mr. President, the so-called award was placed in an appropriation bill, and it could not become conclusive or effective until that bill became a law. It would be the law as written in that bill as finally approved. That was the point that was discussed by Vice President Fairbanks in the chair, and which was settled by him in this case. I say, if an argument is desired upon the merits of this case, there is another side to it, and, as was contended by the House conferees, if there had been a full hearing it is doubtful whether anything would have been allowed to those people.

The PRESIDENT pro tempore. Will the Senator from Kansas kindly give the Chair the citation showing the ruling of Vice President Sherman?

Mr. CURTIS. It will be found on page 1357 of the RECORD of January 24, 1911.

The PRESIDENT pro tempore. Will the Senator kindly send the book to the desk? The Senator need not read it.

Mr. CURTIS. I take pleasure in sending the volume to the Presiding Officer.

Mr. OWEN. Mr. President, I want to call the attention of the Senator from Kansas to the fact that when that item came before the Senate, although a part of an appropriation bill, that item as such was presented to the Senate in the nature of a proposed award. The Senate, having the legal right to make the award, both Houses of Congress and the President having agreed that the Senate should exercise the authority as a court of arbitration in making the award, the Senate being admonished that its action on that item was to be an award, and having made it, does the Senator from Kansas propose that if the other branch of this Congress should have struck that item out proposing to pay the award it would not have been an award at all?

Mr. CURTIS. Mr. President, if the Senator from Oklahoma asks me the question, I will say that I claim that there never was an award in this case. It was not submitted to the Senate, and by the Senate to the Committee on Indian Affairs as a board of arbitration, as was done in the loyal Seminole case. That was referred by a separate proposition, acted upon separately, brought in separately, and a regular award made. This was submitted by the reference of a memorial to the Committee on Indian Affairs, and the Committee on Indian Affairs, in acting upon it, placed it in an Indian appropriation bill. So no matter what statement was made upon the floor of the Senate, or any other place, the award was not complete until the bill became a law, but the bill became a law with a provision for $600,000 in it, on the condition that those people should accept it in full settlement. They did accept it; they gave their receipts in full; and now these gentlemen hope to again open up this question. I was one of the conferees on the part of the House and know the item would not have been left in the bill if it was not understood that the Indians would accept the amount in full settlement.

The PRESIDENT pro tempore. The Chair is prepared to rule on the question.

Mr. OWEN. Mr. President, before the Chair makes the ruling, I wish to at least submit and record some observations with regard to this claim. These loyal Creeks were faithful to the Government during a time which tried men's souls. They stood loyal to the Government at the peril of their own lives. Their property was destroyed by the forces that opposed the United States. They had a treaty pledging to them the safety of their property. The United States had guaranteed by treaty to protect their property. The United States was unable to discharge that obligation when the war came on, but, nevertheless, when that war was over the United States, recognizing its previous treaty obligations, in 1866 entered into a new treaty with them containing the provision in article 4, as follows:

Immediately after the ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each in the following manner——

Mr. CURTIS. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. I yield to the Senator from Kansas.

Mr. CURTIS. May I ask the Senator why he did not read all of that section and also read the previous section? Article 3 of the Creek treaty of 1866 stipulates:

One hundred thousand dollars shall be paid in money and divided to soldiers that enlisted in the Federal Army and the loyal refugee Indians and freedmen who were driven from their homes by the rebel forces, to reimburse them in proportion to their respective losses.

And the last part of the article read by the Senator states:

In case the awards so made shall be duly approved, said awards shall be paid from the proceeds of the sale of said lands within one year from the ratification of this treaty, or so soon as said amount of $100,000 can be raised from the sale of said land to other Indians.

That is a limitation placed on the treaty of 1866.

Mr. OWEN. Mr. President, no quibble on the language of that treaty will permit the Government to escape its just obligations. The officers representing the United States wrote the treaties for these Indians, and they put into this language the declaration that this money should be paid to them. It was not paid to them; they have never been paid. The matter was afterwards agreed to be submitted to the Senate of the United States to make an award; and it was upon that record that it came to Congress. I ask to insert in the RECORD the report upon this matter heretofore made, giving the facts with regard to it, without taking the time of the Senate to read it.

The PRESIDENT pro tempore. Without objection, that order will be made.

The report referred to is as follows:

LOYAL CREEK INDIANS.

The Committee on Indian Affairs, to whom was referred the bill (S. 2344) to pay the balance due the loyal Creek Indians on the award made them by the Senate on the 16th day of February, 1903, beg leave to submit the following report thereon:

By the terms of articles 3 and 4 of a treaty between the United States and the Creek Nation of Indians concluded June 14, 1866, ratified by a resolution of the Senate, with amendments July 19, 1866, which amendments were agreed to by the Creek Nation July 23, 1866, and said treaty as amended proclaimed by the President August 11, 1866 (14 Stats., pp. 785–792), the Creek Nation ceded and conveyed to the United States the west half of their entire domain, the east half being retained as a permanent home for themselves. The land thus conveyed was estimated to contain over 3,250,000 acres, for which the Government agreed to pay $795,168, being at the rate of 30 cents per acre. The treaty provides for the distribution of this sum, and, among other things, that "$100,000 shall be paid to soldiers that enlisted in the Federal Army and the loyal refugee Indians and freedmen who were driven from their homes by the rebel forces to reimburse them in proportion to their respective losses," etc. (Art. 3, 14 Stats., p. 786.)

The treaty further provides that immediately after the ratification thereof the United States should ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians, and freedmen, in proportion to their losses, and pay the amount awarded each; also that the Indian agent should prepare a roll of such Indians and freedmen, that the superintendent of Indian affairs for the southern superintendency and the Indian agent should investigate and determine from such roll the amounts due the respective Indians and transmit such awards to the Secretary of the Interior for his approval.

Pursuant to the terms of the treaty, Brig. Gen. W. B. Hazen, superintendent of Indian affairs for the southern superintendency, and Capt. F. A. Field, Indian agent to the Creek Nation, and both Regular Army officers, were appointed July 21, 1869, as commissioners to make up the roll of said loyal Creek Indians, ascertain their losses and make the awards due on their respective claims. The report of the commissioners was made February 14, 1870, and shows claims presented in the amount of $5,090,808.50, and awards made by them in the amount of $1,836,830.41. The total award thus made was approved by the Commissioner of Indian Affairs, and on the 5th day of September, 1870, the Secretary of the Interior approved the same, but only to the extent of $100,000. (S. Doc. No. 420, 57th Cong., 1st sess.)

Prior to the date of the qualified approval of the Secretary of the Interior, however, Congress, in the Indian appropriation act approved July 15, 1870, had made the following appropriation:

"For the fulfillment of the provisions of the 3d and 4th articles of the treaty with the Creek Nation, concluded June 14, 1866, from the proceeds of sales of lands to the Seminoles, to be applied pro rata on the several amounts awarded and approved by the Secretary of the

Interior, $100,000, payment to be made to each claimant or to his or her heirs in person." (16 Stat., p. 341, 41st Cong., 2d sess.)

The appropriation thus made was to apply on account of the awards already ascertained and made by Hazen and Field; it was not a payment in full of the claim, and was not so understood at the time either by the Indians, by Congress, or by the Government agent who made the payment. In fact, the Indians refused to accept the $100,000 until assured that it was a part payment only of their claim, and that the balance would be forthcoming later.

"The accuracy of the findings of Hazen and Field was never challenged by the Government. Using them as a basis, the sum of $100,000 was paid to the claimants. The Indians refused to take any portion of this latter amount until assured by Gen. Williamson, the Government agent authorized to make the payments, that the balance would be paid." (S. Doc. No. 201, p. 5, 60th Cong., 1st sess.)

Under date of September 27, 1897, the Commission to the Five Civilized Tribes concluded an agreement with the Creek Nation which provided, among other things, that the loyal Creek claim should be submitted to the Senate as a board of arbitration, whose finding should be final, and that any money found to be due the Creek Nation, or any individual thereof, should be paid at once. Although this agreement was ratified and confirmed by an act of Congress, approved June 28, 1898, nothing was done by the United States to carry out its terms, and under date of March 8, 1900, the Commission to the Five Civilized Tribes concluded another agreement with the Indians, which was ratified by an act of Congress, approved March 1, 1901. (31 Stats., pp. 861–873, 56th Cong., 2d sess.)

With reference to the loyal Creek claim, section 26 of the latter agreement provides, and its terms are almost identical with those of the prior agreement, that—

"All claims of whatsoever nature, including the 'loyal Creek claim,' under article 4 of the treaty of 1866, etc., shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the Senate shall make final determination thereof; and in the event that any sums are awarded the said tribe, or any citizen thereof, provision shall be made for immediate payment of the same.

"Of these claims the 'loyal Creek claim,' for what they suffered because of their loyalty to the United States Government during the Civil War, long delayed, urgent in its character that the parties to this agreement express the hope that it may receive consideration and be determined at the earliest practicable moment." (31 Stats., sec. 26, p. 869.)

Early in the first session of the Fifty-seventh Congress a memorial praying the Senate to act in conformity with section 26 of the agreement of March 8, 1900, was presented to the Senate and was duly referred to the Committee on Indian Affairs for investigation. The committee examined the treaties and records, heard testimony, arguments were made and briefs were submitted by counsel, and finally the committee reported (S. Rept. No. 3088, 57th Cong., 2d sess.) its findings to the Senate as an amendment to the Indian appropriation act, which reads as follows:

"(27) In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called 'loyal Creek claims' named in said section 26, the sum of $1,200,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the interior, to the loyal Creek Indians and the freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid such Indians and freedmen only whose names appear in the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said list, and shall be in full settlement and satisfaction of all claims under said articles 3 and 4, etc." (Passed by the Senate Feb. 16, 1903.)

A full discussion of this item was had in the Senate when the Indian appropriation bill was submitted for passage, and was finally passed without a dissenting voice. (CONGRESSIONAL RECORD, vol. 36, pt. 3, 2d sess., pp. 2252, 2253, and 2254.)

The House of Representatives disagreed generally to the amendments of the Senate to the appropriation bill, and the measure went to conference. When the conferees made their final report the item carrying the award to the loyal Creeks was reduced from $1,200,000, found due by the Senate award, to $600,000, and provided that the Indians should accept the same as full settlement and satisfaction of their claim. The act carrying the appropriation for $600,000 was approved March 3, 1903 (13 Stats., 995), and that sum accordingly was paid to the Indians, who accepted the same under the terms of the act.

The fact that the House (conferees) refused to make appropriation to pay the award of the Senate is not material, nor does the fact that the Senate, after making the award and the vesting of the rights of the Indians thereunder, agreed to an appropriation of half the amount, vary the force and effect of its finding. The award was fixed by its vote and was not subject to a review. It was a matter entirely beyond the jurisdiction of the House—except as to appropriate the amount of the award of the Senate—and the award would still stand had no appropriation been made. The Senate never again sat as a board of arbitrators, as a quasi court, but had it done so any action taken would not have been binding upon the Indians, because their rights became unalterably fixed, determined, and vested immediately upon the Senate making its award. As stated by the United States Supreme Court in the case of Comegys *v.* Vasse, above referred to, "the award in the premises is not reexaminable."

It is submitted that to compel these helpless Indians, wards of the United States, who were soldiers in the Union Army, to accept in full settlement of their claim a sum of money less than one-third of the value of their property lost and destroyed as ascertained by a commission appointed in compliance with the solemn terms of a treaty, is an unconscionable wrong and a reproach to the Government.

BINDING FORCE AND LEGAL EFFECT OF THE SENATE AWARD.

The United States Supreme Court, in the case of Wright *v.* Tibbitts (91 U. S., 252), held that a commission appointed under the Choctaw and Chickasaw treaty of 1866, for a purpose involving the same principles that are contained in the Creek agreement submitting to the Senate the claim of the loyal Creek Indians (31 Stat., 869), was a quasi court. It was in no material respect, for all the purposes of this controversy, different from the Court of Commissioners of Alabama Claims, of the Southern Claims Commission, or the Mexican Claims Commission, or Spanish Claims Commission, which have been called together in pursuance of treaty stipulation or otherwise, to settle and adjust disputed claims for the purpose of their ultimate payment and satisfaction. When the Senate, the quasi court, passed upon these claims they assumed the nature of an ascertained debt "for the purpose of ultimate payment and satisfaction." The rights of the claimants thereby became fixed and determined beyond controversy.

The United States is concluded by the finding of the Senate, the quasi court, by the law of good conscience and fair dealing, as well as by that provision of law sanctioned by a thousand decisions and opinions, which is best stated by the United States Supreme Court in the "Arre ondo" case in these words:

"It is a universal principle that when power or jurisdiction is delegated to an officer or tribunal over a subject matter, and its exercise is confined to his or their discretion, the acts so done are valid and binding as to the subject matter, and the individual rights will not be disturbed collaterally for anything done in the exercise of that discretion within the power and authority conferred." (6 Pet., 691.)

The object of the Creek agreement was to invest the Senate, the quasi court, with full power and authority to receive, examine, and decide upon the validity and amount of these claims, and the decision of the Senate is conclusive and final. If the Senate pronounced these claims invalid, or pronounced them valid and ascertained and fixed the amount, the award in the premises is not reexaminable. The United States and the Indians as well must abide by it as the decree of a competent tribunal of exclusive jurisdiction. If the claim of these Indians had been rejected by the Senate it would have been equally as binding, and could not again have been brought under review without further legislation. (See Comegys *v.* Vasse, 1 Pet., 193.)

Arbitrators exhaust their power when they make a final determination on the matters submitted to them. They have no power after having made an award to alter it; the authority conferred on them is then at an end. (Payne *v.* Morris, 1 Wall., 97.)

If the award be within the submission and contains the honest decision of the arbitrators after a full and fair hearing it will not be set aside for error either in law or fact. (Burchell *v.* Marsh, 17 How., 344.)

An award can be set aside only for a plain mistake of law or fact. (Williams *v.* Paschel, 4 Dall., 284.)

In the construction of an award, no intendment shall be indulged to overturn it, but every intendment shall be allowed to uphold it. (Kaethans *v.* Ferrer, 1 Pet., 222; Burchell *v.* Marsh, 17 How., 344.)

Where arbitrators keep within the terms of the reference and there is no fraud, mistake, misconduct, undue influence, or corruption, the award is conclusive on the parties, since it is a tribunal of their own choosing. (Denny *v.* Brown, Fed. Case No. 3, 805; Wolf *v.* Sheldon, 51 Ala., 425; Peachy *v.* Ritchie, 4 Cal., 205; Van Winkle *v.* Beck, 3 Ill., 188; Ross *v.* Watt, 16 Ill., 99; Kimball *v.* Walker, 30 Ill., 482; Graff *v.* Friedlander, 33 La. Ann., 188; Newburyport Ins. Co. *v.* Oliver, 8 Mass., 402.)

An arbitration which appears regular and unimpeached by facts or denials is the very highest authority. The question in controversy is as fully determined and the rights of the parties as fully settled as could be by their own agreement or by the judgment of a court. (Harrie *v.* Hains, 37 Ark., 349.)

The award of arbitrators under a statute is conclusive against the parties to the submission. (Taylor *v.* Scott, 26 Mo. App., 249.)

These are well settled principles of law and can not be gainsaid or controverted. In the present case power and jurisdiction were conferred upon the Senate, a quasi court, which, acting wholly within the power and jurisdiction conferred by the agreement, made its award, and no legal power can alter or change the validity and binding force and effect of that decision and award.

ACCORD AND SATISFACTION—RECEIPT IN FULL.

The act of Congress (32 Stat., 995) providing that the Indians should accept the $600,000 as full satisfaction of all claim and demand growing out of said loyal Creek claims, and execute a full release to the United States, is without consideration and void.

There is no principle of the common law better established and more generally recognized than that a payment, which is in accordance with the contract (award) after its maturity, of a part of a liquidated and ascertained debt is no satisfaction of the whole indebtedness, and that a receipt in full given upon such part payment is a nudum pactum as to the unpaid balance and not binding upon the maker. (Chitty's Con., 2 Perkins Ed., 821, title payment; 2 Parson's Con., 4th ed., 129; Bostwick *v.* The United States, 94 U. S., 53; 12 Court of Claims, 67; 15 Court of Claims, 303.)

To make a receipt of a part of a debt a discharge of the whole, there must be a new consideration or a voluntary compromise of a disreputable and disputed demand, by which each party yields something, or an accord and satisfaction by which a new contract is substituted, or a submission to arbitration. (15 Court of Claims, 297.)

Thousands of decisions by the various National and State courts on the subject might be referred to. There has never been a contrary decision by any court before which the question was submitted.

As stated by Senator Quarles, who was a member of the Indian Committee when the case was before the Senate:

"The determination of the Senate upon this proposition will amount to an award upon which an action will lie, quite independently of the fate of this provision in the other House of Congress." (See pp. 2252, 2253, and 2254 of the RECORD, vol. 36, pt. 3, 57th Cong., 2d sess.)

Therefore the receipt by the loyal Creek Indians of the $600,000 in full for the amount awarded by the Senate is a mere nudum pactum and of no legal binding force whatever.

Again, the relation of the Government toward these Indians is that of guardian toward its ward. By every principle of fairness and justice, as well as by the universal requirements of the law, the guardian is prohibited from coercing his ward into executing any agreement or receipt which will be detrimental to the interests of the ward.

In insisting, therefore, upon the binding effect of a receipt exacted from the ward by the stress of his conditions, the Government is perpetrating a wrong prohibited by the law of every State and civilized country, and shocking to every moral sentiment.

There is another reason that, we think, ought forever to prevent the Government of the United States, when acting in the capacity of a contracting party with an Indian tribe, from assuming, for an instant, such an attitude as it has in this case. These loyal Creeks, though owing no allegiance to the Government, were soldiers in its Army. They had sustained losses for which the Government was clearly responsible. Under the provisions of a treaty solemnly entered into, these losses were ascertained and reported to the Government for payment.

The Government, acting for itself alone, proceeded to reduce these findings to $1,800,000. This amount was not paid and the case was, by another treaty, submitted to the United States Senate as a board of arbitrators. Here they suffered another reduction, and the Senate, acting in its sole capacity as a board of arbitrators, found the amount due to be $1,200,000. After they had adjourned as a board of arbitrators and the award of $1,200,000 became fixed and final, the Senate placed said sum of $1,200,000 as an item in the Indian appropriation bill and passed it for that amount. Afterwards, in conference between the two Houses, the lesser amount was appropriated.

In Worcester v. Georgia (6 Pet., 582) it was said by Mr. Justice McLean in his concurring opinion:

"The language used in treaties with the Indians should never be construed to their prejudice. If words be made use of which are susceptible of a more extended meaning than their plain import as connected with the tenor of the treaty, they should be considered as used only in the latter sense. * * * How the words of the treaty were understood by this unlettered people, rather than their critical meaning, should form the rule of construction."

This beneficent rule of construction has been applied by the court in a number of cases, as in the United States v. Kagma (118 U. S., p. 385), in which the court says:

"These Indian tribes are the wards of the Nation. They are communities dependent on the United States; dependent largely for their daily food; dependent for their political rights. They owe no allegiance to the States, and receive from them no protection. Because of the local ill feeling, the people of the States where they are found are often their deadliest enemies. From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it had been promised, there arises the duty of protection, and with it the power. This has always been recognized by the Executive and by Congress, and by this court whenever the question has arisen."

The loyal Creeks' claim was considered by the Committee on Indian Affairs of the Senate, and in its report of January 30, 1907 (S. Rept. 5689, 59th Cong., 2d sess.), said committee stated as follows:

LOYAL CREEK CLAIM.

"In 1901 Congress enacted into the statute an agreement made by the Dawes Commission with the loyal Creek Indians whereby their claim was to be 'submitted to the Senate of the United States for determination,' the Senate acting as a court of arbitration. The act provided that whatever sum was awarded 'provision shall be made for immediate payment of the same.' (31 Stat. L., 869, sec. 26.)

"In pursuance of that act the claim of the loyal Creeks was duly submitted to the Senate and sent to the Committee on Indian Affairs for investigation. The committee examined treaties and records, heard testimony from the claimants, both oral and by depositions; heard counsel, who submitted briefs; and finally reported its findings to the Senate as an item on the Indian appropriation bill, which read as follows:

"'In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muscogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called "loyal Creek claims," named in said section 26, the sum of $1,200,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen, as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said lists and shall be in full settlement and satisfaction of all claims under said articles 3 and 4: *Provided, however*, That if any of said loyal Creek Indians or freedmen whose names are on said list of awards shall have died, then the amount or amounts due such deceased person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided by written contracts between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants in pursuance of said contract. And, further, said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians.' (Cong. Rec., vol. 36, pt. 3, 57th Cong., 2d sess., p. 252.)

"A discussion followed, in which the attention of the Senate was specifically called to the fact that by the adoption of that item the Senate announced its award under the law. In the language of Senator Quarles, who was a member of the Committee on Indian Affairs and was opposed to the award:

"'The determination of the Senate upon this proposition will amount to an award upon which an action will lie, quite independently of the fate of this provision in the other House of Congress.'

"In a word, the Senate was fully apprised of the whole matter, and then passed the item without any dissenting votes. (See pp. 2252, 2253, and 2254 of the Record above cited.)

"The House disagreed generally to the amendment made by the Senate to the Indian bill, and the measure went to conference. When the conferees made their final report the item carrying the award had been modified by reducing the amount found by the Senate from $1,200,000 to $600,000, and provided that the Indians should accept the same as full satisfaction of all claim and demand growing out of said loyal Creek claims, and that the payment should be a full release of the Government. (32 Stat. L., 995.)

"The money thus appropriated, being only one-half of the amount awarded, was accordingly paid to the Indians. But in spite of the fact that they accepted, under compulsion, that amount under the terms of the act rather than lose all payment for their losses, yet they feel that the amount awarded them under the conditions of a solemn agreement between themselves and the Government has been only one-half paid and they are now entitled to the balance. They respectfully submit the following reasons for their present claim.

"I. The losses they sustained were the direct result of their loyalty to the Government. For this loyalty they were not only driven from their homes, but many of them—men, women, and children—in their flight from the Indian Territory to Kansas during the winter of 1861–62, lost their lives by attacks made upon them by other Indians and by organized whites, and all of them suffered untold hardships. More than 1,500 of the men entered the Union Army. The Commissioner of Indian Affairs in his report for the year 1865 says:

"'The Creeks were nearly divided in sentiment at the opening of the war, about 6,500 having gone with the rebellion, while the remainder, under the lead of the brave old chief, Opothleyoholo, resisted all temptations of the rebel agents and of leading men, like John Ross, among the Indians, and fought their way out of the country northward, in the winter, tracked by their bloody feet upon the frozen ground. They lost everything—houses, homes, stock—everything they possessed. Many joined the United States Army.' (Commissioner's Report, 1865, p. 39.)

"II. The Government promised them that they should be reimbursed for their losses. During the negotiations with the Five Civilized Tribes, preceding the reconstruction treaty of 1865, the commissioners on the part of the United States assured the Indians, loyal and disloyal, that 'those who have been loyal, although their nation may have gone over to the enemy, will be liberally provided for and dealt with.' Again the Indians were assured that above all other considerations it was the determination of the Government 'to recognize in a signal manner the loyalty of those who had fought upon the side of the Government and endured great sufferings on its behalf.' (Commissioner's Report, 1865, pp. 34 and 299.)

"And article 4 of the treaty of 1866 (14 Stat. L., 787) undertook to ascertain their losses and see that the same were paid. This ascertainment was subsequently made by two officers of the Army, Gen. W. B. Hazen and Capt. F. A. Field. The Indians filed claims with this commission amounting in the aggregate to $5,090,808.50. The two commissioners, in keeping with their military training, insisted on having every item proven by witnesses presented before them. The impoverished Indians, scattered over a territory twice as large as the State of Massachusetts, without property—not even a pony left them—and with many of their witnesses dead or left back in Kansas, could only comply in part. But they did prove the loss, before this exact and exacting court, of property found to be worth $1,836,830.41. This amount was awarded by Gen. Hazen and Capt. Field and approved by the Commissioner of Indian Affairs, and a qualified approval affixed by the Secretary of the Interior.

"III. The accuracy of the findings of Hazen and Field was never challenged by the Government. Using them as a basis, the sum of $100,000 was paid to the claimants. The Indians refused to take any portion of this latter amount until assured by Gen. Williamson, the Government agent authorized to make the payments, that the balance would be paid. Thus, when the matter came before the Senate as arbitrator, the Indians claimed the full amount of their losses as found ($1,836,830.41), less the $100,000 which had been paid, making $1,736,830.41. They also claimed interest for the 36 years that the claims had remained unpaid. This based upon the fact that the Government usually paid interest on Indian funds.

"The Indian Committee representing the Senate in making the investigation determined, upon some theory unknown to the claimants, to reduce the amount to $1,200,000. The loyal Indians of the Choctaws and Chickasaws had been paid the full amount of their losses as found, and their claims had not been cut by the commissioners who passed upon them.

"The claims of the loyal Seminoles were submitted to the arbitration of the Senate by the same act that provided for the submission of the loyal Creek claims. The Senate reduced by 45 per cent the amount which the commissioners had allowed for losses, and then added interest at the rate of 5 per cent for some 33 years. The reduction of the principal was based on the fact that the Indians had been allowed all they claimed. But the reduced principal and the interest brought the award to $186,000, while the original allowance was $213,888.95.

"The Choctaws and Chickasaws were thus paid the full amount of losses as they claimed them, and paid promptly after the date of the reconstruction treaty; and the Seminoles were generously dealt with by the Senate, a large amount of interest having been added to their claim. Yet when the Senate came to deal with the loyal Creek claims, which had been already cut by Commissioners Hazen and Field about 62 per cent, it further reduced the principal something more than 33 per cent (from $1,836,830.41 to $1,200,000), and refused to allow any interest. The claimants would have been glad to have accepted this award and been allowed, after the 36 years of waiting, to go in peace.

"IV. A fourth reason why the balance of the award should now be paid is the fact that the Indians submitted the whole matter to the Senate, trusting with the simplicity of children in its honor and justice. They were heard, the award was announced, and they returned to their homes with the feeling of perfect security that at least that much was safe and the $1,200,000 would be paid them and the long controversy ended.

"They had no knowledge of what was transpiring in the conference room. They were neither notified nor heard, yet provision was made for paying only one-half of their judgment, and conditioned that they should receive this as payment in full. The award between private parties would have been final and binding. (Wright v. Tebbitts, 1 Otto, 252.)

"V. Congress in its legislative capacity could not legally alter the award. The Senate, in pursuance of an agreement and a law, was the sole arbitrator. It formally announced its award. It never again opened the case. It never again sat as an arbitration board. Its sole connection with the matter thereafter was as a branch of Congress in its political capacity. Its function as a court was terminated. The question of finding what was due these loyal Creeks, who, in the language of the act providing for the arbitration, 'had suffered because of their loyalty to the United States Government during the Civil War,' was fully closed.

"VI. To coerce the Indians to sign receipts in full for a part of their award and refuse to pay the balance would, if done by an individual, be immoral. These untutored wards of the Nation who have been trained for generations to depend upon agents and other officers of the Government in all business transactions and to do whatever they are told to do are presented with a sum of money and receipt and told to sign the latter in order to secure the payment. Will such a receipt be held as a bar against the individual Indian? Is there not such a sense of injustice growing from the facts of this case as will compel the payment of the whole award? The Indians depend more upon such considerations than upon legal rights, which might be asserted as to the frailty of receipts in general as evidence of payment, and especially as to receipts procured by coercion or duress.

"VII. There must be no misunderstanding as to who these claimants are. They are simply and solely individual Indians. Their names, the property lost, and the amount due each for his particular loss, are all set out in the findings of Commissioners Hazen and Field. The Creek Tribe has no jurisdiction over the matter. On these claims the United States owed nothing to the tribe, and the latter never had any legal relation to them. The relinquishment of the tribe in its capacity as an organization can not have and should not have any effect on the pending claims."

The statement of the principles here enunciated has been held by our courts whenever a case has been brought to their attention. The gross inadequacy of the payment made to these loyal Creeks must be apparent to everyone.

For these reasons your committee recommend the passage of this bill.

Mr. OWEN. There was awarded the sum of $1,836,000. In point of fact the Creeks lost property amounting to about $5,000,000. Many of them were very ignorant people. They did not know how to make up their claims and did not properly present them, in many cases they had inadequate evidence, so that the total claim, amounting to a very large sum, was finally cut down to $1,836,000, all that these ignorant people could actually prove that they were entitled to receive.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. OWEN. I yield to the Senator.

Mr. McCUMBER. When Congress itself made a subsequent agreement that it would pay these Indians whatever a commission should find was their due and afterwards provided through an act of Congress that there should be submitted to the Senate of the United States for determination the question of what was due, does not the latter agreement take precedence over any question of prior construction?

Mr. OWEN. It absolutely cures any defect that might be pleaded by virtue of the bare technical language of the previous treaty.

Mr. McCUMBER. This claim is under the basis of the act of Congress, which said that it should be submitted and we should pay whatever the Senate should award.

Mr. OWEN. And when the United States desired to buy the lands of these people at a later time Congress agreed in the Thirty-first Statutes, page 862, section 26, in the act entitled "An act to ratify and confirm an agreement with the Muscogee or Creek Tribe of Indians, and for other purposes," that the Senate should act as an arbitration court to ascertain these losses, and when ascertained it provided for their immediate payment.

The Senator from Kansas can not deny that that is the language of that statute. It is provided there in the Thirty-first Statutes, page 862, section 26, that the United States agrees to ascertain these losses, and that the Senate of the United States shall act as an arbitration court to ascertain what the losses are, and then, when ascertained, to provide for their immediate payment.

The matter went in due course to the Committee on Indian Affairs to make a report back to the Senate of the United States as to what would be a proper course to pursue for the Senate acting as an arbitration court under this Creek agreement of 1902, and then the report was made. I ask the attention of Senators to this language. Here is the report made to the Senate:

In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muscogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded—

There is hereby awarded. I call the special attention of Senators to that—

there is hereby awarded as a final determination thereof on the so-called loyal Creek claims the sum of $1,200,000.

And the Senate of the United States, taking up that language and considering it carefully, having their attention called to the full significance of it, that they were in pursuance of an act of Congress and in pursuance of the Creek agreement of 1901, by which the United States had bought their western lands, which were turned into an empire of wealth—the United States by act of Congress, the Senate, the House of Representatives, and the President, agreed that this character of settlement should be made; that the Senate, acting as a court of arbitration, should make a final award, not an award subject to be set aside by the act of conferees from another House, and no escape is possible to the Senate of the United States. We pledged our honor in this body to the Creek people to pay them this money, and we have no moral right and we have no legal right to escape the just force of this obligation, which was voluntarily entered into after great preliminaries.

The act of 1901 waited a good while before the matter came before the Senate; and when finally it did come before the Senate there is no possibility that the Senate did not understand it. The language itself is perfectly plain and unequivocal—

That there is hereby awarded as a final determination thereof, $1,200,000.

And Senator Quarles, who was then upon the floor, and a member of the Indian Committee, said to the Senate—and I quote his exact language from the CONGRESSIONAL RECORD, volume 36, page 2252:

That the determination of the Senate upon this proposition will amount to an award from which an action will lie quite independently of the fate of this provision in the other House of Congress.

The Senator from Kansas says that because the conferees of the House of Representatives refused to recognize the award made by the Senate, therefore it is not an award at all. The Senate charged by a plain act of Congress with the responsibility of making the award, does make the award in terms beyond the possibility of misconception or misinterpretation, saying that, as an award the matter is finally determined by paying $1,200,000, and the conferees of another body, three gentlemen, say that they will not agree to pay the award of the Senate unless it is cut in half and a proviso made that those people shall take that or they shall never have another dollar. The poor Creeks, yielding to that hard necessity, receive the half loaf under protest, and then come back and say to the Senate of the United States: "Gentlemen of the Senate, honorable Senators, we submit our fate to your hands. With full knowledge of the facts, you awarded us a small part of what our losses were"——

The PRESIDENT pro tempore. The Chair will venture to submit to the Senator from Oklahoma that the Chair has been pretty thoroughly enlightened on this question. The Chair has read very carefully the brief from which the Senator has quoted, and the Chair is prepared to rule, if the Senator will permit the Chair to do so.

Mr. OWEN. I thank the Chair for his genial admonition.

The PRESIDENT pro tempore. This amendment has been before the Senate on quite a number of occasions.

Mr. OWEN. Mr. President, do I understand that the Senator from Oklahoma is being taken off the floor in the middle of his remarks by the Chair?

The PRESIDENT pro tempore. It is in the competency of the Chair to rule on points of order without hearing from Senators, or the Chair can, in his discretion, permit Senators to be heard. While the Chair is ready to rule, the Senator from Oklahoma will be heard further, if he so desires.

Mr. OWEN. The Senator from Oklahoma was in the midst of a discussion of the basis of this case, which bears directly upon a proper ruling by the President of the Senate. He was pointing out that this payment is in pursuance of existing law; that the amendment is in pursuance of an award and a judgment; that it is relevant under the rules of the Senate, notwithstanding the erroneous action of a previous President of the Senate, following an error first made four years ago.

Here is a treaty pledging these people the payment; here is an act of Congress, the Creek agreement of 1901, declaring that the Senate shall be a court of arbitration; here is the award of the Senate, as a court of arbitration, proposing to pay these people $1,200,000; here is a committee report from one of the standing committees of this body reporting this proposed payment in pursuance of that award of the Senate, and in pursuance of the law as it exists.

I wanted to put upon the record a statement of this case, in justice to these poor people, who have waited since 1866, a lifetime. They are nearly all dead now, and the Government has never paid its just obligations to them. The Senate of the United States is now asked to repudiate its solemn award to these people. It may be done, but it will not be done with my consent, nor with my approval. I wish to put that statement into the record.

The PRESIDENT pro tempore. The Chair was about to remark that this question has been before the Senate several times during the service of the present occupant of the chair in this body, and has been discussed at great length.

There are two decisions that the Chair has very carefully considered, the first having been made by Vice President Fairbanks on the 20th of February, 1909. The Chair will take the liberty of reading that in full. The CONGRESSIONAL RECORD shows that on that occasion Mr. CURTIS raised the question of order, namely, that the amendment, as amended, proposed general legislation to an appropriation bill, and was therefore not in order. After debate, by unanimous consent, Mr. LODGE raised a further question of order, namely, that the amendment, as amended, was—

a provision for a private claim, which can only be received to a general appropriation bill when it carries out the provisions of an existing law

or a treaty stipulation, which shall be cited on the face of the amendment. There is no treaty stipulation cited on the face of this amendment.

The Vice President sustained the point of order, using the following language:

The Senator from Kansas makes the point of order that the amendment is obnoxious to paragraph 3 of Rule XVI, in that it proposes general legislation. The Senator from Massachusetts interposes an additional point of order to the effect that the item is not for the purpose of carrying out the provisions of some existing law or treaty stipulation.

The Chair has been greatly impressed by the strength of the argument of the friends of the amendment as to the equitable character of the claim. But in deciding the point of order the Chair is, of course, precluded from considering either the equitable nature of the claim or the supposed merit of the claim that is involved in the amendment.

The Chair is of the opinion that in determining the parliamentary question which is raised, it is impossible for him to go back of the act of Congress of 1903 and consider any agreements, awards, or settlements which may have been made prior thereto. The Congress has spoken upon the question, and it is not within the province of the Senate to set aside, nor is it within the province of the Chair to ignore, its deliberate, conclusive action. It is provided in the act as follows:

"In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof on the so-called 'loyal Creek claims' named in said section 26, the sum of $600,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available."

Congress, in order, apparently, to leave no doubt as to its purpose and the effect of the act, provided:

"That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims."

Unless this act has been very materially modified or repealed by a subsequent act, it stands as the supreme law, and standing as it does, it negatives the suggestion that the pending amendment is to carry out an existing law or treaty stipulation.

The Chair is also clearly of opinion that the amendment can not be entertained under the third paragraph of Rule XVI. It proposes to change a general law. Therefore it is in the nature of general legislation, and is in contravention of the rule.

In view of the foregoing considerations, the Chair sustains the point of order made by the Senator from Kansas and the point of order interposed by the Senator from Massachusetts.

On the 24th day of February, 1911, the same question was before the Senate. It was debated at great length; and the late Vice President, Mr. Sherman, made this ruling:

The question presented here is a question of procedure, not a question of merit. It is manifest to the Chair, though not universally conceded, that this provision has in it very much of general legislation, as that term has been construed heretofore in the Senate.

The Chair has read with interest and with care the decision rendered when a like provision was presented in a like bill two years ago by Vice President Fairbanks (CONGRESSIONAL RECORD, 60th Cong., 2d sess., Feb. 20, 1909, p. 2823), and the Chair believes that the reasoning of that decision is clear and that its conclusion is correct, and the Chair proposes to follow that decision in this instance and sustain the point of order.

On that occasion the Senator from Oklahoma [Mr. OWEN] appealed from the decision of the Chair, and the Senate did not sustain the appeal.

The present occupant of the chair thinks there are equities in this case that might well be considered in a separate bill; but the Chair fully indorses the two decisions that have been read. Manifestly the amendment is obnoxious to Rule XVI, and therefore the point of order is sustained.

Mr. GAMBLE. Mr. President, I send to the desk a communication from the Secretary of the Interior, and ask that it be printed in the RECORD in connection with this ruling of the Chair.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 27, 1913.

Hon. ROBERT J. GAMBLE,
Chairman Committee on Indian Affairs,
United States Senate.

SIR: I have the honor to acknowledge the receipt, by reference of the Committee on Indian Affairs of the United States Senate, of a copy of an amendment intended to be proposed by Mr. OWEN to H. R. 26874, said intended amendment having for its purpose the final settlement of certain claims of the loyal Creek Indians. The amendment provides for an appropriation of $600,000 to be used in payment of the balance claimed to be due certain Creek Indians, who by reason of their loyalty to the United States during the Civil War suffered property loss. It also contains a provision for the payment of attorneys' fees to S. W. Peel and David M. Hodge of sums equal, respectively, to 10 and 5 per cent of the amount of the appropriation carried by the amendment, such fees to constitute payment in full for all legal and other services rendered by said attorneys.

By section 26 of the act of Congress of March 1, 1901, containing an agreement with the Creek Nation (31 Stat. L., 869), it was provided that—

"All claims of whatsoever nature, including the 'loyal Creek claim' under article 4 of the treaty of 1866 and the 'self-emigration claim' under article 12 of the treaty of 1832, which the tribe or any individual thereof may have against the United States, or any other claim arising under the treaty of 1866, or any claim which the United States may have against said tribe, shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the Senate shall make final determination thereof; and in the event that any sums are awarded the said tribe, or any citizen thereof, provision shall be made for immediate payment of same.

"Of these claims the 'loyal Creek claim,' for what they suffered because of their loyalty to the United States Government during the Civil War, long delayed, is so urgent in its character that the parties to this agreement express the hope that it may receive consideration and be determined at the earliest practicable moment."

By an act of Congress approved March 3, 1903, an appropriation of $600,000 was made for the purpose of paying the loyal Creek Indians and freedmen after the deduction of attorneys' fees, and the attorneys above mentioned were allowed 10 per cent and 5 per cent, respectively, of the amount appropriated under said act, which amounts were intended by Congress to be in full payment of all legal and other services rendered by said attorneys. The act also provided that the sum appropriated thereby should be accepted by the Indians in full payment and satisfaction of all claims and demands growing out of said loyal Creek claims, and that the payment of said sum should be a full release of the Government from any such claim or claims.

Said act of March 3, 1903, was originally the Indian appropriation bill for the year ended June 30, 1904, which was introduced as H. R. 15804. The Senate amendment of February 16, 1903, as reported in the CONGRESSIONAL RECORD, in volume 36, part 3, page 2252, provided, in part, as follows:

"In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called 'loyal Creek claims' named in section 26, the sum of $1,200,000, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States."

The House of Representatives disagreeing with the amendment in question, the matter was taken up in the conference committee, whose report on the bill submitted in the Senate on February 25, 1903 (Cong. Rec., vol. 36, p. 2626), provided:

"That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with amendments as follows: In line 7 of said amendment strike out 'one million two hundred thousand' and insert 'six hundred thousand'; in line 22 of said amendment, after the word 'list,' strike out all down to and including the word 'four,' in line 24, and insert in lieu thereof the following: '*Provided*, That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims'; and the Senate agree to the same."

The contention that the Senate had theretofore been made the arbiter of the claim was considered in the conference committee, as shown by the statement of the House conferees submitted in the House of Representatives February 27, 1903 (Cong. Rec. vol. 36, p. 2768), which statement was as follows:

"No. 27. The House recedes with an amendment making the appropriation $600,000 instead of $1,200,000. The amendment provides for the payment of the so-called loyal Creek claim. It has been mooted for some time, and it is claimed that the Senate has heretofore been made arbiters by action of both bodies of Congress, and that, acting as such, they have determined that $1,200,000 was just and due. The sum fixed herein is a compromise, and provision is made in the amendment that it be accepted in full payment of all claims and demands and act as a general relief of such claim against the Government."

On May 23, 1903, the principal chief of the Creek Nation approved a resolution of the general council of that nation accepting the $600,000 in full payment and satisfaction of all claims of the loyal Creek Indians and freedmen against the Government. It further appears that each person who participated in the distribution of the fund was required to sign a receipt for the sum paid him setting forth that it was accepted as a "full and complete settlement" of his claim against the United States for property taken or destroyed during the Civil War, as provided by the act of Congress, approved March 3, 1903, and the act of the Creek council above mentioned.

Respectfully,

WALTER L. FISHER, *Secretary.*

Mr. CURTIS. I ask unanimous consent to print in the RECORD a letter from the Commissioner of Indian Affairs, giving the early history of this claim prior to the recent legislation.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 15, 1889.

The honorable the SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge the receipt, by department reference for report, of a communication under date of October 8, 1888, from Hon. S. W. Peel, chairman of the House Committee on Indian Affairs, inclosing a memorial of the loyal Creek Indians setting out their claim against the Government, the claim being quite large and of old standing, and requesting a careful examination thereof and full and complete report on its merits and covering all points relative to its final adjustment.

In compliance with said reference, I have the honor to submit the following report:

By the third article of the Creek treaty of June 14, 1866, it is stipulated that—

"* * * $100,000 shall be paid to soldiers that enlisted in the Federal Army, and the loyal refugee Indians and freedmen who were driven from their homes by the rebel forces, to reimburse them in proportion to their respective losses; * * *." (14 Stats., p. 787.)

The fourth article provides that "immediately after the ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each in the following manner, to wit: A census of the Creeks shall be taken by the agent of the United States for said nation, under the direction of the Secretary of the Interior, and a roll of the names of all soldiers that enlisted in the Federal Army, loyal

refugee Indians and freedmen, be made by him. The superintendent of Indian affairs for the southern superintendency and the agent of the United States for the Creek Nation shall proceed to investigate and determine from said roll the amounts due the respective refugee Indians, and shall transmit to the Commissioner of Indian Affairs for his approval, and that of the Secretary of the Interior, their awards, together with the reasons therefor. In case the awards so made shall be duly approved, said awards shall be paid from the proceeds of the sale of said lands within one year from the ratification of this treaty, or so soon as said amount of $100,000 can be raised from the sale of said land to other Indians." (14 Stats., p. 787.)

For various reasons, but principally because no funds were available to defray the necessary expense, no action was taken to carry out the provisions of the fourth article of said treaty until Congress by act of April 10, 1869 (16 Stats., p. 22), appropriated the sum of $1,500, the "amount required to pay the expenses of taking a census and investigating the claims of loyal refugee Indians and freedmen, per fourth article treaty June 14, 1866," although Congress had by previous act of July 27, 1868 (15 Stats., p. 206), appropriated $2,000 for that purpose.

On the 21st of July, 1869, instructions were issued to the Creek agent, Capt. F. A. Field, to take said census and roll of the names of all the soldiers that enlisted in the Federal Army, loyal refugees, and freedmen.

On the same day Gen. W. B. Hazen, Superintendent of Indian Affairs, was advised of the instructions issued to Agent Field, and requested, when informed of the completion of said roll, to make the necessary arrangements with Agent Field to investigate, determine, and award the amount due said soldiers, refugee Indians, and freedmen and report the result of their action as early as October 1, 1869, if possible, that an estimate for funds to pay their awards might be submitted to Congress at its next session.

The roll was reported "nearly ready" September 12, 1869, but the investigation was not commenced until October 28, 1869, and practically closed December 19, 1869, though notice was given that claims would be considered up to February 1, 1870.

On the 14th of February, 1870, Gen. Hazen and Agent Field submitted a joint report of their doings under their instructions of July 21, 1869. The census contained the names of 3,611 persons, and the abstract of claims for property lost by the loyal Creek Indians and freedmen in consequence of the War of the Rebellion show awards to have been made in 1,523 cases. The total number of claims investigated amounted in value to $5,090,808.50, and the awards made by said superintendent and agent amounted to $1,836,830.41. On the 26th of May, 1870, this report of Gen. Hazen and Capt. Fields, with supplemental report of April 30, 1870, together with said abstract of claims upon which award had been made and the census roll made in accordance with the provisions of the treaty aforesaid, was submitted to the Secretary of the Interior, with a report that the investigations were conducted with care and thoroughness, but from the mass of claims presented it was evidently impossible, at a reasonable valuation, to keep within the treaty limits of $100,000.

The third article of the treaty stipulated that $100,000 should be reserved, etc., for the payment of said claims, etc., and to that end, this office, on the 16th of March, 1870, recommended that an appropriation of said sum be made by Congress for the payment of these awards and such others as might thereafter be made.

By the act of July 15, 1870, Congress appropriated $100,000 to be applied pro rata on the several amounts awarded and approved by the Secretary of the Interior, payment to be made to each claimant or to his or her heirs in person. (16 Stats., p. 341.)

On the 5th of September, 1870, Secretary Cox returned the census roll and abstract of claims awarded, having approved the amounts awarded by the commission, only so far as the sum placed at his disposal by the treaty and the act of July 15, 1870, warranted, viz., $100,000, and directed payment to be made upon a pro rata basis of $100,000, by which each claimant would receive five and four hundred and forty-four one-thousandths of a dollar on the sum awarded.

Payment was accordingly made by Special Agent J. A. Williamson in 1870, and Agent F. S. Lyon in 1871, and the vouchers therefor are on file in the office of the Second Auditor of the Treasury.

The Creek delegates, Messrs. Stidham, Porter, and Hodge, under date of December 17, 1878, submitted a petition setting forth many facts respecting the merits of the claims of the said loyal Creeks, claiming that the losses had an individual character and came under the provisions of article 18 of the treaty of 1856 (11 Stats., p. 704), which were reaffirmed and reassured by the twelfth article of the treaty of 1866; that the stipulations of the treaty of 1866, as defined by article 11 thereof, had respect to the Creeks, as a nation, to bar the Creek Nation against claiming compensation for losses growing out of the rebellion; that said losses were the misapplication of Creek national annuity funds, and that this article 11 was intended to interdict the revival of any claim in the future by the Creek Nation for the reimbursement by the United States of such misapplied funds; that article 11 does not touch the loyal Creeks, who, as individuals, separated themselves from the rest of their people, when compelled to choose allegiance between the United States and the so-called Confederate States. This loyal Creek claim, they allege, has another feature, aside from the treaty obligation of the United States, as defined by article 18 of the treaty of 1856—the property lost and therein claimed was taken, they allege, by the United States Army for the use of said Army. For verification of this fact they refer to the reports of Commissioner Cooley, Supt. Sells, Lieut. Williams, and the letter of Hon. W. A. Phillips, all of which, they affirm, are on file in the Interior Department.

They argue that the appropriation of $100,000 can not be taken as fulfilling the eighteenth article of the treaty of 1856, as that money was the funds of the Creek Nation realized from the sale of the western half of the Creek domain (treaty of 1866), and by no construction could that payment be considered a full and final settlement of the awards made by the said commission.

In conclusion they asked that no exigency of public affairs, or the then present policy of the Government of the United States should be permitted to intervene, whereby the rights of the loyal Creeks, etc., as guaranteed by their treaties—compacts as sacred and binding as the fundamental law of the Federal Government—might be ignored.

On the 3d of February, 1879, Hon. Charles E. Hooker, of the House of Representatives, made the following inquiries in connection with House bill No. 3513 (45th Cong., 2d sess.), viz:

First. Have the loyal Creeks met with any loss?

Second. In what manner and how did this occur?

Third. Is the United States Government in any manner liable for the loss?

Fourth. Is the loss of a national or individual character?

Fifth. If individual, have the claimants been compensated in any manner by the Government, and to what extent?

After referring to the communication of the Creek delegates of December 17, 1878, and of a further communication from said delegates, dated February 5, 1879, submitting the argument of David Hodge (printed copy herewith), this office in a report to the Secretary of the Interior, dated February 18, 1879, submitted a statement of the history and legal status of these claims and of the treaties with the Creeks out of which they grew, holding that in the opinion of this office the loyal Creeks had no further legal claim against the Government under any treaty stipulations whatever, but that such of the individual members of the Creek Nation as maintained their allegiance to the United States during the late war, and especially those who served in the Federal Army, had strong equitable claims upon the justice and good faith of the Government. In view of these considerations it was held that relief must be derived from congressional action, and recommendation was accordingly made that the subject be presented to Congress with the request that such legislation be had thereon as the facts and circumstances connected with the claims presented would justify.

On the 27th of March, 1880, this office submitted to the Secretary of the Interior a report on Senate bill No. 1145, providing for the payment of $1,800,000 to the said loyal Creek Indians, expressive of the views of this office thereon, which were corroborative of those advanced on the 18th of February, 1879.

This subject was again brought to the attention of this office by Senator John A. Logan, in a communication dated the 13th of July, 1882 (referred by the Secretary of the Interior for report), requesting to be furnished with an opinion as to the obligation of the United States to pay the balances, remaining unpaid, of the awards made to the "loyal Creek Indians who enlisted in the Federal Army, loyal refugees, Indians and freedmen," with such recommendations as might be deemed proper and necessary to an early settlement of their claims. This office, on the 29th of July, 1882, reported that the views expressed in report of February 18, 1879, that loyal Creeks had no further legal claim against the Government under any treaty stipulation, were held to be correct, and concurred with the views therein expressed that such of the individual members of the Creek Nation as maintained their allegiance to the United States during the late war, and especially those who served in the Federal Army, had strong equitable claims upon the justice and good faith of the Government.

On the same day this office submitted a favorable report to the Secretary of the Interior relative to a contract made March 10, 1882, by and between the loyal Creek Indians, through Legus C. Perryman, their duly appointed and legally authorized agent and attorney in fact, and W. W. Wilshire, recommending that the compensation, a contingent fee of 10 per cent of the amount recovered, be reduced to 2 per cent of the amount collected as a sufficient compensation for any service rendered or to be rendered by Mr. Wilshire, inasmuch as the matter, with all the facts connected therewith, had already been presented to Congress by the department. This contract was approved August 19, 1882, by the department at the original compensation, but it has never received the approval of this office, though under date of August 16, 1882, the then Commissioner of Indian Affairs modified his recommendation to the effect that the compensation should be 4 per cent on the first $500,000 that might be collected, 2 per cent on the next $500,000, and 1 per cent on the remainder.

Some further ineffectual correspondence was held respecting this contract (herewith submitted).

On the 10th of May, 1883, the matter was referred to the Court of Claims by the Secretary of the Interior, under the second section of the Bowman Act of March 3, 1883 (22 Stats., p. 485), and under date of July 18, 1884, the chief clerk (Archibald Hopkins, Esq.) transmitted to the Secretary of the Interior a certified copy of the finding of fact, conclusions of law, and opinion of the court in department case No. 3, Thomas Connor and others, Loyal Creek Indians, *v.* The United States, rendered June 4, 1884. (See Court of Claims Reports, vol. 19, p. 675.)

The court held that—

"The treaty of 1856 binds the Government to protect the Creeks from domestic strife, from hostile invasion, from aggression by other Indians and white persons not subject to their jurisdiction and laws. But the Creek Nation enter into a treaty with the Confederate government and engage in war against the United States, excepting the claimants, who remain loyal and render military service. In 1866 a new treaty is made whereby the Government 'reaffirms and reassumes all obligations' of the treaty of 1856 and agrees to pay $100,000 to the claimants and other loyal Creeks in proportion to their losses. It is also provided that 'the stipulations of the treaty are to be in full settlement of all claims' 'growing out of the late rebellion.'

"I. When the Creek Nation entered into a treaty with the Confederate government and engaged in war against the United States the treaty of 1856 (11 Stat. L., p. 704) was abrogated and the obligations of the Government to individual Creeks at an end.

"II. The provision in the treaty of 1866 (14 Stat. L., p. 785) whereby the Government 'reaffirms and reassumes all obligations' existing under the previous treaty takes effect from the date of the new treaty and does not carry back the obligations so as to be operative during the war.

"III. The provision in the treaty of 1866 that 'the stipulations of this treaty are to be in full settlement of all claims of said Creek Nation for damages and losses of every kind growing out of the late rebellion,' applies to individual and personal as well as to national demands.

"IV. By the Creek treaty of 1866 the United States reserved $100,000 from moneys to be paid the Nation and stipulated that that amount should be divided among the loyal Creeks 'in proportion to their several losses'; but they did not thereby assume the losses which loyal individuals suffered by reason of their having faithfully adhered to the Government during the war."

The court decided as a conclusion of law that "all claims which the petitioners had against the United States for damages and losses growing out of the late rebellion were adjusted, settled, and released by the treaty of 1866 (14 Stat. L., 785), and the payment thereunder of $100,000, as provided in article 3, and that the claimants, having received that sum, are not entitled to be paid any further amount." * * * The "amount due the respective soldiers" was not the whole $1,900,000 of their losses, * * * but was the $100,000 which was set aside and appropriated for that purpose. * * * The taking an account of the actual losses of individuals under the circumstances raises no implied promise to pay the whole, because the purpose was, as declared, to ascertain the amount due to each one in proportion to his losses, thereby implying that they might not be paid to the full extent of the losses.

On the 11th of March, 1886, another contract was made between the loyal Creeks, through their agents, Legus C. Perryman and Co-ne-tn Micco, and J. W. Douglass for professional services to be rendered in prosecuting claim of said Creeks to final settlement and payment thereof, etc., at a compensation—a contingent fee of 10 per cent of the sum or sums collected by him or his assigns. No action has been taken on said contract looking to its approval.

The foregoing covers the views heretofore held by this office on the merits of said claim, as well as the views of the representatives of said loyal Creeks, etc., and its final adjustment, in my opinion, should be provided for by Congress.

Copies of the following papers are herewith submitted, with a copy of this report, viz:

1. Instructions to Agent Fields, July 21, 1869.
2. Instructions to Gen. Hazen, July 21, 1869.
3. Report of Gen. Hazen and Agent Fields, February 14, 1870:
(a) Roll of loyal Creek refugees, freedemen, and soldiers.
(b) Abstract of claims for property lost by them and the awards made therefor.
(c) Memorandum of prices observed in making awards.
4. Printed copy of House Executive Document No. 217, Forty-first Congress, second session, containing letter of Secretary of the Interior, dated March 22, 1870, transmitting copy of Indian Office letter March 16, 1870, asking an appropriation to pay losses.
5. Supplemental report of Gen. Hazen and Agent Fields, April 30, 1870.
6. Office report, May 26, 1870, submitting both reports of Gens. Hazen and Fields, with roll and abstract of claims and awards.
7. Letter of Secretary Cox, September 5, 1870, returning roll and abstract of claims and of awards made, approved only so far as the $100,000 would warrant, and directing payment on a pro rata basis of 5.444 of $1 on the sum awarded to each claimant.
8. Communication from Creek delegates, December 17, 1878.
9. Printed copy of House Miscellaneous Document No. 38, Forty-fifth Congress, second session, being a petition of the Creek delegates, asking early action on the awards made to loyal Creeks, etc.
10. Printed copy of the argument of David Hodge before the Committee on Indian Affairs in behalf of loyal Creek claims March 26, 1878.
11. Office report, February 18, 1879, on communication Hon. C. E. Hooker in connection with House bill No. 3513, Forty-fifth Congress, second session, relative to this claim.
12. Office report, March 27, 1880, on Senate bill No. 1145, providing for the payment of $1,800,000 to loyal Creeks.
13. Office report, July 29, 1882, on communication Senator Logan of July 13, 1882, relative to the obligation of the United States to pay the unpaid balances of the awards made to the loyal Creeks.
14. Office report, July 29, 1882, on contract made March 10, 1882, by loyal Creeks with W. W. Wilshire.
15. Assistant Secretary's letter, August 9, 1882, relative to the compensation named in contract.
16. Office report, August 16, 1882, recommending modification of said compensation.
17. Assistant Secretary's letter, August 19, 1882, returning contract approved at original compensation.
18. Letter from W. W. Wilshire, August 22, 1882, calling for approved contract and certified copy thereof.
19. Office letter, September 14, 1882, to W. W. Wilshire, transmitting certified copies of contract as approved.
20. Letter from W. W. Wilshire, July 17, 1883, to Secretary Teller, calling attention to the fact that contract is not approved by this office. (Referred by Secretary Teller with the indorsement, "I think the contract ought to be approved.")
21. Office report, July 25, 1883, relative to nonapproval of contract at original compensation.
22. Decision of the Court of Claims, rendered June 4, 1884.
23. Instructions to Agent J. Q. Tufts, July 26, 1884, to notify Creek Nation of adverse decision of said court.
24. Letter from D. Haynes, July 21, 1884, relative to the claim of an orphan boy of the Creek Nation for damages done him as a loyal Creek.
25. Office reply thereto, June 24, 1884.
26. Letter from D. Haynes, August 18, 1884, in further explanation of said individual claim.
27. Office letter, August 30, 1884, in reply.
28. Senate Miscellaneous Document No. 54, Forty-eighth Congress, second session, a memorial of loyal Creek Indians asking the action of Congress with reference to the payment of the awards, etc.
29. J. W. Douglass asks for copy of his contract of March 11, 1886, with loyal Creeks for professional services to be rendered in their behalf relative to said claims.
30. Office letter, March 3, 1888, transmitting copy.
31. Copy of said unapproved contract.

The communication of Hon. Mr. Peel, with its inclosures, is herewith respectfully returned.

Very respectfully, your obedient servant,

JNO. H. OBERLY, *Commissioner.*

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 51, after line 6, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to perform all acts and make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The amendment was agreed to.

The next amendment was, under the head of "Pennsylvania," on page 52, line 22, after the word "superintendent," to strike out "$132,000" and insert "$151,950; for lavatories and bathing facilities $10,000," and in line 24, after the words "in all," to strike out "$152,000" and insert "$181,950," so as to make the clause read:

For support and education of Indian pupils at the Indian school at Carlisle, Pa., and for pay of superintendent, $151,950; for lavatories and bathing facilities, $10,000; for general repairs and improvements, $20,000; in all, $181,950.

The amendment was agreed to.

The next amendment was, under the heading of "South Dakota," on page 53, line 9, before the word "for," to insert "for construction of employees' quarters, $15,000," and in line 10, after the words "in all," to strike out "$42,000" and insert "$57,000," so as to make the clause read:

For support and education of 175 Indian pupils at the Indian school at Pierre, S. Dak., and for pay of superintendent, $32,000; for construction of employees' quarters, $15,000; for general repairs and improvements, $10,000; in all, $57,000.

The amendment was agreed to.

The next amendment was, on page 53, after line 10, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized to pay to the plaintiffs in the case entitled "Mary Sully and others against the United States and John H. Scriven, allotting agent," and in the case entitled "Narcissus Drapeau and others against the United States and John H. Scriven, allotting agent," in the United States Circuit Court for the District of South Dakota, the sum of $780.70 to reimburse said parties plaintiff for costs paid and disbursements in the above-named cases: *Provided*, That before said amount is paid the said parties plaintiff shall file with the Secretary of the Treasury a receipt in full for the costs so paid and disbursements in said cases and in full of all claims.

The amendment was agreed to.

The next amendment was on page 54, after line 17, to strike out:

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, $200,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 20, to insert:

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, $200,000, to be expended under the agreement with said Indians in section 17 of the act of March 2, 1889, which agreement is hereby extended to and including June 30, 1914.

The amendment was agreed to.

The next amendment was, on page 55, after line 10, to insert:

For the construction of headquarters for employees at the Pine Ridge Agency, S. Dak., $10,000, and for repair and improvement of agency buildings at the Pine Ridge Agency, S. Dak., $5,000; in all, $15,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 14, to insert:

The Secretary of the Interior is hereby authorized to approve voucher No. 53 for the second quarter of the fiscal year ending June 30, 1911, for the payment of benefits to the Pine Ridge Indians of South Dakota, under section 17 of the act of March 2, 1889 (25 Stat. L., pp. 888 to 894, as amended).

The amendment was agreed to.

The next amendment was, on page 55, after line 22, to insert:

The Secretary of the Treasury is hereby authorized and directed to reimburse Hugh W. Caton, C. C. Clark, and Walter Mosier, Indian farmers, for expenses incurred by them for operation and repair of their private automobiles, while said machines were used on public business, pertaining to the Rosebud Indian Reservation, during the fiscal years of 1909, 1910, 1911, and 1912: *Provided*, That said accounts shall receive administrative examination by the Interior Department, and payments shall be made from unexpended balances in appropriations for "Support of Sioux or different tribes, subsistence and civilization," for the fiscal years in which the expenses were severally incurred, and shall not exceed, in the aggregate, $1,974.22.

The amendment was agreed to.

The next amendment was, on page 56, after line 12, to insert:

For reimbursing Frank Philbrick for property destroyed by fire, $318.25.

The amendment was agreed to.

The next amendment was, under the head of "Utah," on page 57, after line 11, to insert:

The Secretary of the Interior is hereby authorized and directed to cause an investigation to be made of the claims of the Confederated Bands of the Ute Indians and an appraisal of the value of any and all of the lands ceded by them to the United States and now remaining unsold, and to negotiate with said Indians with a view of reaching an agreement as to the value of said claims and lands, such agreement if obtained to be reported, and if not obtained negotiations for such purpose reported, to Congress by the Secretary of the Interior prior to January 1, 1914, for appropriate action.

The amendment was agreed to.

The next amendment was, on page 57, after line 22, to insert:

For cash payment to the Confederated Bands of Ute Indians, or for expenditure for their benefit, in the discretion of the Secretary of the Interior, $100,000, said amount to be reimbursed out of the appropriation, when made, to cover the net amount of the judgment rendered by the Court of Claims in favor of said Confederated Bands of Ute Indians, dated February 13, 1911.

The amendment was agreed to.

The next amendment was, under the head of "Washington," on page 59, line 6, before the word "Indian," to strike out "300" and insert "350," and in line 8, after the word "superintendent," to strike out "$50,000" and insert "$60,000," so as to make the clause read:

For support and education of 350 Indian pupils at the Cushman Indian School, Tacoma, Wash., including repairs and improvements, and for pay of superintendent, $60,000, said appropriation being made to supplement the Puyallup school funds used for said school.

The amendment was agreed to.

The next amendment was, on page 59, after line 10, to insert:

That the Secretary of the Treasury be, and he is hereby, directed to pay the award of $1,900 made by the Secretary of the Interior under

date of December 31, 1912, pursuant to the authority contained in the act approved July 6, 1912 (Private, No. 49), out of any funds in the Treasury of the United States not otherwise appropriated, the United States to be reimbursed out of the first moneys collected from the leasing or sale of the lands of the minor Indian children named in said act approved July 6, 1912.

The amendment was agreed to.

The next amendment was, on page 59, after line 21, to insert:

For the survey of the town site of Klaxta, within the Spokane Indian Reservation, and the survey of any other town sites within any Indian reservations heretofore established or that may hereafter be established under authority of law, to remain available until expended, $15,000.

The amendment was agreed to.

The next amendment was, at the top of page 60, to insert:

That for the purpose of constructing storage reservoirs to impound flood waters of the Yakima River to provide for the total diversion of 516,000 acre-feet of stored water and natural flow during each irrigation season at the reservation gates for the irrigation of 120,000 acres, more or less, on the Yakima Indian Reservation, there is hereby appropriated out of any money in the Treasury not otherwise appropriated, $1,800,000, or so much thereof as may be necessary, to be expended in said works by the Reclamation Service.

That the lands within the project on the Yakima Indian Reservation owned by Indians in fee or otherwise to the extent of 32,000 acres, estimated to be necessary for the support of Indians allotted within the project, for which a water supply of 400 cubic feet per second of time is required, shall receive water free of any and all cost or charge on account of said storage works.

That other lands under Indian ownership to the extent of 70,000 acres additional, more or less, shall bear the proportionate acreage cost for providing said storage waters in the river, except that provided for in the preceding paragraph, which cost shall be a charge against said lands, to be paid on such terms and under such regulations as the Secretary of the Interior shall prescribe.

That the claims for water of the owners of the remaining area of 18,000 acres, more or less, of irrigable Indian land, the Indian title to which has been extinguished, shall be equitably adjusted by the Secretary of the Interior: *Provided*, That any payments by owners of said lands on account of said storage works shall be deposited in the Treasury to the credit of the United States.

That the owners of irrigable lands within the project shall pay the proportionate cost of the distribution and drainage systems upon such terms as may be fixed by the Secretary of the Interior: *Provided*, That no steps for the enlargement of the storage or distribution works for the benefit of the lands in the Wapato unit, as herein provided for, or for deliveries of water thereto in excess of the deliveries appropriate under the limitation to 147 second-feet, shall be undertaken until at least 80 per cent of the allotted and a like per cent of the patented lands of said unit shall have been pledged by the allottees or owners thereof for the repayment of the cost of the works, nor until all other claims for or arising out of water rights shall have been properly waived by the allottees or owners so pledging their lands, and no benefit from the works constructed on the faith of such pledges shall accrue by enlarged deliveries of water or otherwise to any lands within the unit so pledged with waiver.

Mr. LODGE. Mr. President, I do not desire to delay the passage of the bill; and therefore, without discussion, I make the point of order that this is clearly general legislation, and that it also carries an appropriation of $1,800,000 which is not estimated for.

Mr. JONES. I hope the Senator will reserve his point of order. I will state to him that he will not expedite the passage of the bill——

Mr. LODGE. Certainly I will reserve the point of order.

Mr. JONES. Because I do not believe, when the Senator understands the situation, he will insist upon his point of order.

Before proceeding to address the Senate on this proposition I desire to say that in line 25, page 61, after the word "unit" the word "not" was inadvertently omitted. I move to insert the word.

The PRESIDENT pro tempore. The proposed amendment will be stated.

The SECRETARY. On page 61, after the word "unit" in line 25 it is proposed to insert the word "not."

The amendment was agreed to.

Mr. JONES. Mr. President, this is an extremely important matter, not only to the Indians and to the locality, but to the United States itself, and I hope the Senator from Massachusetts will give me his attention. I have lived in the vicinity of this reservation during almost the last 24 years, and I know the conditions there thoroughly. The treaty setting aside this reservation was made in 1855, and ratified in 1859. The lands were then simply pasture lands, and not very good at that. That is, the lands involved in this proposition were practically desert lands. The reservation in all included over 1,000,000 acres of land, part of it being grazing land, and this, of course, was of benefit to the Indians.

The irrigation development in this valley began along about 1867, and continued slowly until probably 1880 or 1885 or 1886, when the Northern Pacific Railroad went through this valley. Settlers came in in great numbers, and a great development began, and has continued ever since, until now. There are under irrigation in the valley, taking water from the streams and sources of water supply tributary to this reservation, about 250,000 acres of land. As the Secretary says in his report—or, at least, it is in the report of the officer made to him—irrigation has developed in this neighborhood probably to a greater and higher degree than almost anywhere in the United States.

While the white settlers were developing the lands, building ditches, taking out water, and reclaiming the desert practically nothing was done toward the irrigation of these reservation lands. The Indians did nothing, and of course the whites could do nothing. There was some slight development, and along about 1892 or 1894 there was a ditch built for the purpose of reclaiming probably 20,000 acres of these lands. Money was appropriated by the Government for this purpose. I do not remember whether the first appropriation was reimbursable out of the Indian fund or not. Whether that is true or not, there has never been any reimbursement; and whatever irrigation canals have been placed upon this reservation have been placed there by appropriations made out of the Treasury of the United States without any reimbursement, although probably subject to reimbursement.

It is possible that there will be some reimbursement at some time out of the tribal fund; and yet there is a decided injustice with reference to that, for this reason: The reclamation of these lands results in benefits to particular Indians and not to the tribe, because it results in the reclamation of particular allotments or allotted lands; and while it is reimbursable out of the tribal fund, the benefit goes to particular individual Indians.

Mr. POINDEXTER. Mr. President, I should like to ask a question of the Senator.

The PRESIDENT pro tempore. Does the Senator from Washington yield to his colleague?

Mr. JONES. Certainly.

Mr. POINDEXTER. What would be the difficulty, in that connection, of charging the cost to the undivided portion of the allottees?

Mr. JONES. There would be no difficulty, so far as that portion would go; but I will suggest to the Senator that that portion probably would not pay the total expenditure. That is what ought to be done.

Mr. POINDEXTER. I am informed that it probably would. However, there may be a difference of opinion about that.

Mr. JONES. I doubt it very much; but that is what ought to be done, so far as that is concerned.

The Indians are making the claim that they are entitled to half of the water in the Yakima River, one of the boundary streams of this reservation. The opposition to this measure claim that it is against the interests of the Indians. As a matter of fact, I think it is in the interest of the Indians themselves. I want to say here that I believe I am more earnest in looking after the interests of the Indians in this legislation than those who are urging the Indians to oppose it.

I have no interest in this matter except the interest of the Indians and the development of that section of the country. I want these Indians to have every right they are entitled to. I would be willing to give them even more. We ought to do them justice, and no one is more anxious to do that than I. There are those who are urging these Indians to oppose this legislation who have personal interests at stake and who will become the real beneficiaries. There are those who are behind the opposition to this proposition, and urging the Indians to oppose it, who have purchased the lands of deceased Indians upon this reservation, and are hoping thereby to secure the land and a free water right. That is the basis of the whole opposition. Misrepresentations have been made to the Indians, and they have been led to believe that no protection is given them. This is not true.

These lands are now extremely valuable. They were practically of no value when the treaty was made. They are practically of no value without water. But with the prospect of a water right becoming available, the lands with a water right and those without are now of very great value.

The Indians claim half of the water in this river simply because the river runs along the side of their lands. I do not care to discuss that proposition. It is immaterial to me in view of the situation that we must meet. Whether that contention is correct or not, we can not afford at this time to destroy the development that has been made in this valley. We can not afford to destroy the homes that have been built up there. We can not afford to take away the value of the property that has been made by the efforts and the toil and the struggles of the people as would be done by the recognition of this claim and its enforcement. If the Indians were entitled to one-half the value of that land or of the water, they have a claim against the Government for the taking of their property that the Government itself should recognize and pay for and not take it out of the values that have been developed in that country.

The Government has invited the people to come in there; the Government has encouraged the people to settle these lands; the Government has induced the people to take up lands and has given them title to those lands—lands that were absolutely worthless without irrigation. They have irrigated them and reclaimed them and built their homes upon them, and their values rest upon the water which they have diverted at great expense.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Iowa?

Mr. JONES. Possibly I will cover the point that the Senator has in mind.

Mr. KENYON. If the Senator does, well and good. I was going to ask with reference to the memorial which the Indians themselves have presented against this bill of the Senator, which seems to put the case very tersely and rather pathetically.

Mr. JONES. Yes.

Mr. KENYON. I thought possibly the Senator would answer it. It might be well to have it read, and then have it answered by the Senator.

Mr. JONES. If the Senator will call particular attention to the point he has in mind and would like to have answered, I shall be glad to do so.

Mr. KENYON. I ask to have read the matter which I send to the desk, as the protest of the Yakima Indians against this proposition.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

In 1906 Secretary Hitchcock divide water in Yakima River and give us 147 cubic feet and give Sunnyside Canal 650 feet, leaving several miles of our new ditch dry, and not enough to water good the 30,000 acres watered by our ditches. We ask if this is right?

Our riparian rights are older than those of the white man. This reservation we were permitted to hold when the Government took all our other land. Water is life and belongs to the earth. Our land is poor without water. The Government has set still and let our water be stolen, and now the Reclamation Service cinch us tight if Jones bill 6693 become law.

On Ahtanum River divide of our reservation, where white man have most land, the Secretary of Interior gives three-fourths of water to white man. Now, when red man have most land to water, he gives nearly all water to white man. This was done, and we could not help ourselves. We want only what is right. God wants the white man and the red man to live in peace. We try hard to do right and obey the white man's laws. We want you to help us. We want the white man to be honest and treat us right. Our words are done.

Mr. JONES. Of course, Mr. President, that sounds well and appeals to our sympathy; and yet, when we come down to the cold fact, if we take their suggestion as the basis for our action, we will allow this water to go by this reservation forever, simply because the Indians were there before the white man. They made no use of the water before the white man came. They made no use after he came——

Mr. POINDEXTER. Mr. President——

Mr. JONES. They made no use of it for almost half a century.

Mr. POINDEXTER. The last statement of the Senator, made after I had risen, rather qualified the previous one.

Mr. JONES. Yes.

Mr. POINDEXTER. The Senator stated that they had made no use of the water. I was going to inquire if it was not a fact that they have made use of more water than is given to them free of charge in this amendment.

Mr. JONES. No; I am going to explain that.

Mr. POINDEXTER. And is it not true that while this amendment provides for the free irrigation of 32,000 acres of land they are already irrigating 30,000 acres, so that it is only 2,000 acres more than they have already irrigated?

Mr. JONES. That is not true.

Mr. POINDEXTER. My purpose in stating this is to get the Senator's views in regard to it.

Mr. JONES. I know that, and that is what I want to give. I want to explain the situation. I said for almost half a century this water had been going by there and these Indians had not used it. Until, I think, about 1892 or 1894 practically no irrigation had been done upon the reservation. There had been some water turned out into some sloughs and had been used by the white people who were leasing the lands from the Indians, and some subirrigation out of Toppenish Creek.

About 1892 or 1894, I think it was, we appropriated $20,000 for the purpose of building a ditch to irrigate some Indian land. Prior to that time very little irrigation had been done on the reservation. White settlers had come into the country, canals had been taken out, water had been diverted from the Yakima River and actually appropriated and put to beneficial use, and the lands reclaimed almost to the total extent of the low-water flow in the Yakima River This canal was taken out and it carried about 150 cubic feet of water, and it has been used continuously ever since.

In 1903 the Indian Office filed an appropriation, or notice of an appropriation, of a thousand cubic feet of water in this river on behalf of the Indians. In other words, the department made no claim that the Indians were entitled to half the water because their lands bordered the river, but it recognized that if the Indians should get water for their lands they should get it by appropriation, according to the laws of the State of Washington.

But the records at the Indian Office will show that this appropriation was made out of the surplus waters of the Yakima River, and not out of the low-water flow. It recognized that all the low-water flow had been appropriated. There is an abundance of water—high water—in the Yakima River until along about the middle of June, and this appropriation was made out of that water. The notice specified, as the records in the Indian Office will show, that the appropriation was made not out of the low-water flow, not for the low-water season, but out of the surplus waters, in order that there might be water sufficient to produce two crops, possibly the first two crops in the year, recognizing that beyond that they had no legal right; that there was no water to appropriate.

Mr. POINDEXTER. The Government was the trustee. Which one of the bureaus of the Government was looking after the interests of the Indians in that regard, or had been looking after them? Who was responsible for their failure to comply with the terms necessary to appropriate the water at the low stage of the river?

I merely call attention to the fact that when the case of these Indians is to be considered here as a legislative matter with questions that are in the discretion of the Congress of the United States to deal with, the Government is not in the position of one business man dealing with another business man, but is in a peculiar position, and the case ought to be considered upon that basis. The very officials in whose offices the notices were filed were agents and officials of the Government, which Government was in duty bound to look after the interests of the Indians in that regard as well as others.

Mr. JONES. I recognize that, and I am simply stating these facts to get the condition before the Senate for the position that I am going to contend for a little later.

One thing is certain, the Indians themselves did not use the water. It was there for them. They come now to Congress and plead that they want the same rights as the white man. They had the same right to divert the water; they did not do it. If they claim the same rights, then to a certain extent they are under the same duties as the white man. The white man could not sit by on his land as this water was going by and keep everybody from using it or claim that some time in the future, when he got ready to use it, he wanted to take it out and thereby stop all future development.

Of course, we recognize that they are the wards of the Government. The proper officials of the Government ought to see that their rights are protected. The officials of the Government might file their notices of appropriation, of course, but that would not hold the water unless it was diverted—unless it was used. There was nothing to prevent the Indian from taking out the water except, of course, his nature and his disposition, with which I have no quarrel; but I submit that this should not prevent the use of water by those desiring to use it and willing to divert it. But it is a fact that the water was not used on much of the reservation until the low-water flow was actually put to a beneficial use on other lands. Then, whether the officials of the Government did their duty or not, they did file the notice of appropriation, as I have specified.

The reclamation act was passed. Up to that time, as I said, we had reclaimed in that valley about 130,000 acres of land. All of the low-water flow had been diverted and actually appropriated and used. The reclamation people saw the possibility of development in this valley, and they saw by storing the water that there could be four or five hundred thousand acres of land reclaimed, including the lands of the Yakima Indian Reservation that had not been irrigated and for which water had not been actually diverted. Water rights were in a chaotic condition.

Those of you who know about the condition in the western country know that when a man comes to give notice of an appropriation of water he always gives notice of appropriating really more than he needs and more than he uses. This was the custom followed in our section. When the reclamation people went in there the claims to water in the Yakima River were three or more times the capacity of the river. So they said, "These claims must be adjusted. We recognize that

every drop of the low-water flow of the Yakima River has been actually appropriated and actually diverted and put to beneficial use, and in order for us to go in there and reclaim any land we must store all the water we can use, and whatever reclamation we do must be done with stored water." They recognized that condition. They said, "You must adjust your rights so that they will not cover more than the low-water flow in the river, so that we will have our stored water free of any claim and without interference."

For a year or two the people of that valley from the headwaters to the mouth of the river, a distance of probably 135 miles, negotiated among themselves and adjusted their rights. The Secretary of the Interior, Mr. Hitchcock, looked into the claim of the Indians. They submitted their claim to him for half of the flow in the Yakima River. He had the matter investigated not only by the legal authorities of the Indian Office, but by the legal authorities in his office, and they decided that under the treaty the Indians were not entitled to have half the flow of the river.

Right here I will say that the only language in that treaty which refers to water is the language that gives to the Indians the exclusive right to fish in the stream. It is different from other treaties that have been construed by the Supreme Court. But leaving out the construction of the treaty, which I do not consider it necessary to discuss, Secretary Hitchcock held that the Indians were not entitled by riparian rights to one-half the flow of the river. He held that they were entitled to what they had actually diverted, what they had actually put to a beneficial use, and the Secretary fixed that amount at 147 cubic feet. That was accepted in the settlement of all the water rights along the river.

There was an irrigation company that had constructed a very large canal known as the Sunnyside Canal. That was opened, I think, in 1890 or 1892. They began their appropriations away back in 1880 and developed it as rapidly as possible, claiming under their appropriation 1,050 cubic feet of water. This claim had to be adjusted in settling the water rights, and it had to be cut down by the Secretary in order to bring the water rights for the water users of that valley down to the amount of the low-water flow. This claim, with the others that had been scaled down, still exceeded the low-water flow.

Finally the Government, in order to solve this problem, bought the Sunnyside Canal, and it owns and operates it to-day. It fixed the rights of the Sunnyside Canal at 650 cubic feet of water, and on this basis the rights were finally adjusted, and whatever might be necessary to a further extension of the canal above the use of the 650 feet of water would be by stored water, and settlers under it would have to pay for that stored water in addition to the cost of canals.

It has developed that system until to-day it has under irrigation about 80,000 acres of land.

Now, here is the situation. If the claim that our Indian friends put up is conceded, that they are entitled to half the water in this river, the Government property is gone, because the Government's claim to water is subsequent to other claims for more than over half the water available, and if the Indians have half there is none for the Government canal except what it has stored. So if we admit that the Indian claim to half the water is good, we suffer a greater loss by recognizing it than it would cost us to furnish them water free for all their land.

If you want to take the position of these Indians and say they are entitled to half the water of that river, all right; we must give it to them, then, by furnishing them stored water and not taking away the property and the property values not only of the people in the valley who have gone there at our invitation, but also without destroying the Government's property and the Government's money that it has put in.

In connection with this matter, the Government has also taken up what is known as the Tieton unit of this great project and has spent $3,000,000 in the reclamation of that land. If you recognize the right of the Indians to bring a lawsuit and it is determined that they are entitled to one-half the water in the river then you destroy all that property, every bit of it, because every drop of water that is taken for that canal and for that unit has to be taken from the water flow of the Yakima River and replaced by storage water.

Mr. CLARK of Wyoming. Will the Senator permit a question? The Senator referred to the Tieton unit. Has that been pretty generally taken up?

Mr. JONES. Practically all of it.

Mr. CLARK of Wyoming. Can the Senator inform us what price the settler had to pay for the land on that unit?

Mr. JONES. The settler has to pay $93 an acre for water alone for that land.

Mr. CLARK of Wyoming. I knew it was a very large amount.

Mr. JONES. It is the highest, I suppose, in the United States. The lands can stand it. The lands are very valuable. They are wonderfully productive and fine fruit lands.

So we are confronted with that proposition, and that is something I want to avoid. If you throw this matter into court, no matter how it comes out, the Indians will not gain anything; the people of the valley will suffer and the Government will lose more than it would cost the Government to furnish the stored water for every foot of land on the reservation. If the Senate wants to say that these Indians are entitled to water for every acre of the reservation, well and good; I would be glad to have it say so; but I suppose that it is not possible for us to get that done. So I am supporting here a proposition to give the Indians something that they do not have now, and if this legislation is not passed we say we are not willing to recognize them as being entitled to anything. I am willing to follow the recommendation of Secretary Fisher, who says this with reference to Secretary Hitchcock's decision:

> Secretary Hitchcock had lawful authority to limit the rights of the Indians in the low-water flow of the Yakima River, and his limitation thereof to 147 cubic feet per second, which was a part of the general settlement of water rights in the valley, is valid and binding.

Then he goes on in his report to say, however, that while that was legal and binding he hardly thought it was an equitable adjustment. He thought that by reason of the fact that these are wards of the Nation they ought to be given enough to irrigate a sufficient amount of land to furnish a home for every Indian there. So he urges as an equitable adjustment of the matter instead of giving to the Indians 147 cubic feet of water, which was all they were entitled to of the low water flow according to his decision, that we shall give them 400 cubic feet of water, or a sufficient amount of water to irrigate 20 acres of land out of each 80 acres allotment under this canal—that is, we furnish each man, woman, and child a free water right for 20 acres of land and make available water that can be acquired for the other 60.

Now, it is suggested that 30,000 acres have been irrigated, and we are allowing water for only 2,000 acres more. More than that amount of land has been partly irrigated on this reservation, but not by a water right that is recognized as attaching to the low water flow.

Many persons have gone in there under this surplus-water appropriation and have reclaimed land. They can get a second crop of alfalfa out of the surplus water and before the low-water season comes; but every year we have had contentions and trouble about getting water when we get to the low-water flow.

In determining these rights in the adjustment in 1905 one of the conditions imposed by Secretary Hitchcock before he would adopt a reclamation project was that suits that had then been commenced with reference to water rights in this valley should be adjusted and settled, and those suits were adjusted and were settled.

So, while it is true that more than 30,000 acres of land have been brought under irrigation, nothing like that amount has a good water right; that is, a water right that is good in the low-water season. That is what I mean by that. This provision recognizes the possible free use of water to more than 32,000 acres. Out of this, as a matter of fact, only about 14,000 acres has a good water right. There are about 18,000 acres of land that belonged to Indians who have died and that was sold to other people, who thought they were entitled to some irrigation rights. Possibly some water had been used on some of those lands during the high-water flow. They may have what we call a partial water right.

The second clause of the amendment recognizes this situation and allows the Secretary to make an equitable adjustment. There may be a part of this land that will get its water right without having to pay anything, while some may have to pay for half a right and some for all.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to his colleague?

Mr. JONES. Certainly.

Mr. POINDEXTER. On the particular provision the Senator is now calling attention to—of course it is only a suggestion and I do not mean to say that it would be a proper settlement of the case—but by comparison with the provision for the 18,000 acres of land which the Senator refers to as now owned by white men, why should there be a discrimination as to the 70,000 acres that are owned by Indians? You allow the Secretary of the Interior to make an equitable adjustment with white men who own the 18,000 acres, and yet the bill provides that the Indians who own the 70,000 acres shall pay for the water.

Mr. JONES. The 70,000 acres is land upon which no water has ever been placed. It has no water right at all by diversion and use. That is the basis for that. A part of the 18,000 acres has actually been irrigated already in the surplus water season or otherwise, as I said.

Mr. POINDEXTER. I do not think that distinguishes this situation at all. The question now before the Senate for disposal is the question, Who shall pay for the water, whether it has already been obtained, or whether it is to be obtained? The 18,000 acres is a part of the Indian allotment. The 70,000 acres is a part of the Indian allotment. There is no reason in the world why, because of the fact that some of the Indians have died and the land has gone into the hands of white men, their lands should occupy a preferential status to that which remains in the hands of the Indians.

Mr. JONES. Of course, the Senator does not intend to do it, but he misrepresents my position or the position of the Secretary, as evidenced by the provision in the bill, because this was drawn in the Secretary's office and recommended by the Secretary. The provision is not made because people bought the lands of Indians who died. It is made because, when they bought the land, water had already been used on it and was then being used on it, and therefore they may have some equitable rights to the use of the water. There was some kind of a water right to some or all of this land.

There are three classes of land recognized in this bill: First, the 32,000 acres for which the Secretary recognizes that the Indians are entitled to a full free-water right because of water that had been diverted and used on the land because of the fact that Secretary Hitchcock, in the opinion of the present Secretary, did not make a sufficient allowance. Then there is included the 18,000 acres of land upon which water had also been used, but for which there may be an imperfect water right and which has passed into the hands of white people who bought it after such water had been put on it.

Some of these people may have a good claim to a full water right for their land; some of them may not, some of them may, be entitled to surplus water out of the river. This condition actually exists, and the Secretary felt that it should be recognized and adjusted equitably. What their actual rights are we do not know, but leave them for the Secretary to ascertain and determine.

Then there is another class of these lands to which water has never been applied. That is the 70,000 acres. It seems to me that the distinction with reference to these three classes of land is very plain.

I do not like to take up too much of the time of the Senate, and yet this is the most important proposition that I have presented since I have been in Congress; affecting not only the interests of my locality, but also affecting the interests of the Government. We have a situation there that is unfortunate. The lands on this reservation are not worth anything without water; that is true. They will produce hardly a spear of grass without water; it is absolutely desert land without water, but the water has been taken out in perfect good faith at the invitation of the Government and applied to a beneficial use; other lands have been reclaimed, and there is no water available for much of these lands unless it be stored, unless you take it away from these people who have made a beneficial use of it.

We ought not to do that; and if the Indians are legally entitled, by reason of their treaty, to half the water of the Yakima River, or a sufficient amount to irrigate all the irrigable lands on the Yakima Indian Reservation, it is the duty of Congress to provide that water without taking it away from those who are already using it, and without destroying values in one of the most prosperous sections in this country.

I shall find no fault with the Senate if it provides in this bill for water free to all the lands of the Yakima Indian Reservation. As I said, I want justice done the Indians, and the more Congress will do for them the better I will be pleased, but something must be done and done now. Neither the Government nor that locality nor the Indians can afford to have this matter go into court. At the end of possibly 5 or 10 years of a lawsuit, with property values disturbed and destroyed, what will you have for the Indians? Suppose the court says that they are entitled to half the water. That does not put it on the Indian's land; that does not build up his farm; that does not make his crops grow—not at all; but it destroys the values which are in the valley now; it destroys the community. It not only destroys the community, but it destroys more money and property of the Government itself than it would cost to buy sufficient stored water for all these lands. Under the Sunnyside Canal alone the Government would lose $2,000,000.

You may say the Government ought not to have gotten into this situation. That may be true, but it is in it. It has bought the Sunnyside Canal and extended it. The Tieton Canal and its reservoir have been built and over $3,000,000 expended. The people now are paying it back at the rate of $93 an acre for the water right. Are you going to destroy that value simply because the Indians have a claim by reason of a treaty made in 1855, which is vague and uncertain in its terms? I say, instead of doing that, if you think they have an equitable claim, you should appropriate in this bill now a sufficient amount to recoup the Indians, because we have reached a most critical stage. Unless legislation of this kind is passed we are going to get into the courts; we are going to have litigation. Every water right will be clouded and unsettled. Development will cease and values will fall.

This matter was put in the bill at the last session of Congress; it was not agreed to in conference, but a provision was inserted directing the Secretary of the Interior to fully investigate the situation and to make a report to Congress as to what ought to be done in view of the situation there. Pursuant to that direction the Secretary has submitted the provision in this bill. The Secretary of the Interior visited the Yakima Reservation personally; he had a hearing with those Indians; he talked the whole matter over with them—heard their side, looked into the whole situation—and he is thoroughly familiar with it.

What did some of those Indians say? What did some of the Indians want to do? They said, "We do not want the white man on here at all; we want our lands as they have always been." They did not want to irrigate them; they did not want to develop them. It is not their nature; it is not their disposition to do so. They want that country to continue in its present condition. As a matter of fact, most of the lands that are farmed passed into the hands of the white people by lease or otherwise. The lands that are now farms are largely farmed by white people under lease. They are getting the benefit.

As I said a few moments ago—and I think I know what I am talking about—I know that the great opposition to this proposition comes from those who have purchased land of dead Indians and who expect and hope to get water rights free.

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. I do.

Mr. TOWNSEND. Can the Senator from Washington tell us whether any of these irrigation works have been instituted and completed in whole or in part by the Indians' money—by money which belongs entirely to the Indians?

Mr. JONES. No; they have not.

Mr. TOWNSEND. Has the Government expended all of the money?

Mr. JONES. Practically all of it. Some of the labor on the canal, which was built in 1894, was Indian labor, but I think they got paid for it out of the money that we appropriated. In most of our appropriations, if not in all—I will not say whether in all or not—there is a provision that such expenditures shall be reimbursed, but none of it has been yet reimbursed, and it is hardly fair, even, that we should require that money to come back out of the tribal fund, because, as I said a moment ago, the benefit has come to individual Indians and to individual allotments.

Mr. President, what benefit does the Indian get out of this? Well, he gets this: He gets a water right for 20 acres of land out of his allotment. What is that worth with that water right? It is worth $250 an acre. That is what it is worth, and that is what a white man would get out of it. What is the balance of his allotment worth with a sure prospect of water? It is worth $200 an acre. He can take the other $50 dollars and buy a water right. That is what this bill would do for the Indian. It will make 20 acres of their allotment worth $200 or $250 an acre; it will make the remainder of the allotment worth at least $150, if not $200, an acre. Does that look very much like damage to the Indian? But few allotments throughout the country are worth this, and these lands were not one one-hundredth of this valley when the treaty was made. This value has come too largely by the development that would be destroyed if the Indian's claim goes to court.

Some of the protests refer to the bill which is known as the Jones bill of 1906. What did the bill provide? It was indorsed by Secretary Hitchcock and to meet one of his requirements in connection with the reclamation project. It provided that each Indian allottee might sell so much of his allotment as might be necessary to buy a water right for 20 acres. What did some of the white men on that reservation do? They told the Indians that that bill required them to sell 60 acres of their allotment; they made the Indian believe it; they denounced me and they denounced the bill which I had had passed, because they said that it compelled the Indian to sell 60 acres of his allotment in order to buy the water right for 20 acres, when the bill had no such purpose within its language or intent, but simply permitted the

Indian to sell so much of his allotment as might be necessary to acquire a water right for the other 20 acres. He did not have to sell a foot of it.

If he had money in his tribal fund to his credit, he could use it in the purchase of a water right, not only for 20 acres, but for the whole 80 acres, if he wanted to do so, and have the whole tract with a water right. So, in this case, misrepresentations have been made to the Indians with reference to the purpose of this measure.

Mr. President, this measure is for the real benefit of the Indians of that valley. I do not want to injure them. I recognize their helpless condition and their helpless estate; no man will go further to protect those Indians than will I. As I have said, I think I know what is behind this proposition; I know of the conditions there. It is an unfortunate situation. Not only in behalf of the Indians, but in behalf of the locality and in behalf of the Government we should pass some legislation of this kind.

To my mind, it is useless to discuss the legal phases of this matter. It is a situation that confronts us that must be met by action; in other words, it is a condition and not a theory, legal or otherwise, that confronts this Congress. You may reject this bill, Mr. President; you may put this proposition into court, but the Government of the United States will lose far more money than it will cost to buy a free-water right for those Indians for every acre of the land. Put it into court, and the Indian will gain nothing; and you destroy the prosperity of what is to-day one of the most prosperous sections of the United States.

That is the situation and that is the reason I am so anxious about this matter. I want to see those Indians prosper; I want to see those lands reclaimed; I want to see them irrigated. It is said in either the protest which has been read here or in a letter that was submitted by some man who knows nothing about conditions there, "Let us go on and develop the Wapato unit as contemplated heretofore, and we can do it much cheaper than this." What does that mean? That means that thousands of acres of as rich land as there is in the country would go forever without irrigation.

The Secretary proposes—and this my conservation friends should take into account—the very highest possible development. He wants to make available every drop of water that is available and to use it upon every acre of land that can possibly be reclaimed, and accordingly the plans have been drawn up.

The proposition involved in this legislation contemplates the highest possible irrigation development. Instead of reclaiming 50,000 or 60,000 acres, as was the contemplation in the Wapato as originally called, and when the first canals were constructed, this contemplates the reclamation of 120,000 acres, with possibly 14,000 or 15,000 acres more. That ought to be done. That would be beneficial to the Indians.

You may say it will cost more. Possibly it may—probably not more per acre, but more in the aggregate—but what does it mean? It means that more Indian allottees will have their lands irrigated than if the other method is followed. Under the other method probably 60,000 acres will be reclaimed and probably 700 or 800 Indian allottees will get some benefit, while under this proposition 120,000 acres will be reclaimed and 1,800 Indian allottees will get the benefit. This is worth something to consider, even from the Indians' standpoint. Yet our friends who have presented the protest do not take that into account; their eyes are centered on their own individual interests. That is all there is to it.

Mr. President, I do not feel that I ought to take any more of the time of the Senate. I do feel, however, that I know more about this situation than any other Senator on this floor, and I do not feel that I am belittling the knowledge of other Senators when I say that. I make the same appeal to the Senator from Massachusetts that the Senator from Minnesota [Mr. CLAPP] made to the Senator from Indiana [Mr. KERN] this morning, and I hope that it will bear the same fruit and the same result. I think I am just as devoted to the interests of the Indians as is the Senator from Massachusetts, but I want also to look at these other interests. I want them taken care of.

If the Senate thinks that we are not making a sufficient provision for the Indians, I will be glad to have you make whatever you think ought to be made, but you must do something; if you do not, you work irreparable injury upon a prosperous and happy community, and you probably will entail upon the Government great loss.

The Government has acquired this property under the Sunnyside project. I think they have spent over $2,000,000 and they have reclaimed, since they took charge of it, nearly 40,000 acres of land. The water-right charge for those lands is $52 an acre. If you take this water away and give it to the Indians, you take it away from those people and destroy their homes. If you say the Indians are entitled to it give it to them, give them their water free; and if 32,000 acres is not enough, give them free water for 120,000 acres—the Government would be the gainer by doing so—instead of bringing us into lawsuits.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to his colleague?

Mr. JONES. Certainly.

Mr. POINDEXTER. Before the Senator takes his seat, I want to ask him, if he can do so without impropriety, to state in general who the parties are who he says are interested in this matter, who have received lands from the Indians, and who are fomenting this criticism of the amendment.

Mr. JONES. It would not do any good for me to give the names.

Mr. POINDEXTER. I notice a clause in the amendment which makes a special provision, as I understand, for all the lands that have been conveyed from the Indians and to which the Indian title has been extinguished. Those people seem to be in the class to which the Senator is referring. They are well taken care of in the amendment, and I scarcely see how they could be interested in the defeat of this measure.

Mr. JONES. They do not think they are taken care of. They are afraid the Secretary will say they must pay for their water right. It leaves the matter to him to adjust. They are afraid that he will say, "You have got to pay thirty or thirty-five dollars an acre for your water right."

Mr. POINDEXTER. But the provision fixes the liability of the Indians for their proportionate share of the land and leaves the remainder of it to the equitable adjustment of the Secretary of the Interior.

Mr. JONES. Well, I have tried to make that plain.

Mr. POINDEXTER. I scarcely see how those people could be interested in the defeat of this measure.

Mr. JONES. I can see how it is. The Senator may not possibly see it, but I can. If they can get their water, if the Indians can finally establish the right to one-half the water of that river, then these people have their water right to that land without any pay at all, without any price whatever; but if they can not do it, if it is left to the Secretary of the Interior, and he looks into the equities and says, "Here, you gentlemen have not a good water right to your land; you have only got the right to use the water during the high-water flow, and for the months of July, August, and September, when the water is low, you will have to pay for the water right," then they will have to pay for it, and that is what they hope to avoid.

Mr. POINDEXTER. I want to say to the Senator, in passing, that I think he is mistaken in the basis of his argument that the people who are interested in protecting the Indian rights in this matter are opposed entirely to the amendment or to the irrigation project.

Mr. JONES. What do they want to do?

Mr. POINDEXTER. That is not the question. They want to make an equitable adjustment of the rights of the various parties. That is what they want to do.

Mr. JONES. How are they going to do it?

Mr. POINDEXTER. If the Senator desires me to state that now, I will do so.

Mr. JONES. I do.

Mr. POINDEXTER. Or I will wait until he takes his seat.

Mr. JONES. I should like very much to have the Senator state it now.

Mr. POINDEXTER. It will take me some little time.

Mr. JONES. All right.

Mr. POINDEXTER. I prefer to wait until the Senator concludes. Then I will state it.

Mr. JONES. Of course, any proposition that will adjust this matter satisfactorily is agreeable to me, but I want our friends who want to do justice——

Mr. POINDEXTER. For the purpose of allowing the Senator to comment on it I will say that one way in which we propose to adjust it is to strike out the word "thirty-two," in line 13, page 60, and insert "sixty-four."

Mr. JONES. I shall not object to that.

Mr. POINDEXTER. The Senator does not object to it?

Mr. JONES. Not at all.

Mr. POINDEXTER. I think probably we can agree on this whole thing, then.

Mr. JONES. I tried to make it plain that if the Senator——

Mr. POINDEXTER. Another amendment which I will offer is simply supplementary to that. That increases the amount of the allotment for which the Indians will receive free water, and consequently reduces the amount of the allotment for

which the charge is to be made; and so it will be necessary to strike out "seventy" in line 20 and insert "thirty-eight."

Mr. JONES. There will be no issue at all between my colleague and myself upon that. The only trouble we are going to have is with the Senator from Massachusetts.

Mr. POINDEXTER. I do not anticipate any trouble with him. Another proposition in this adjustment which I think we are going to agree on is to strike out the words "said lands," in line 23, and insert in the place thereof "the undivided tribal property of the allottees thereof," so as to make this charge for 40 acres of each allotment against the undivided tribal property of the allottees, instead of against the land.

Mr. JONES. That is, the Senator would not intend to make the charge against any portion of the allotment except that which belongs to the allottee who gets the benefit from the irrigation?

Mr. POINDEXTER. Yes.

Mr. JONES. I should have no objection to that.

Mr. POINDEXTER. I was anticipating, while the Senator was speaking, that his argument was based upon a misunderstanding of the position of the Indians themselves. They are not objecting to this improvement.

Mr. JONES. I think the Senator does not exactly understand the petition of the Indians, but that is a matter that does not make any difference. What I want to do is to get this matter adjusted without getting into court. I want to appeal to the Senator from Massachusetts—and I think in this appeal my colleague will join me—that if this provision is not satisfactory as it is, let us make it satisfactory; but let us meet a local situation that is of the most serious character in some way so that it can be adjusted without getting into court, and without disturbing all these values, and disturbing the values of the Government's property as well.

Mr. LODGE. Mr. President, if the Senator will allow me, I have no desire in this matter except to protect properly the rights of the Indians. It did not seem to me that this amendment protected them properly. They have asked in their petition to go into court, and it seems not an unreasonable request; but I fully appreciate the objections to that course, which I think would be bad for them and for all concerned, because it would lead to great delay. I think they ought to have a larger share than is allotted to them here, however. On the Tieton and Sunnyside projects, as I understand, they are allowed 40 acres, and here the Indians are allowed only 20 acres.

Mr. JONES. No, Mr. President; the Senator misunderstands that. The Indians are allowed 80 acres, but they are allowed a free water right for only 20.

Mr. LODGE. I mean the water right.

Mr. JONES. Yes. They can purchase a water right for the other 60 if they desire.

Mr. LODGE. The Reclamation Service gives 40 acres as a minimum farm unit for settlers under the Sunnyside and Tieton projects, which embrace lands similar to these Yakima lands which it is proposed to irrigate.

Mr. JONES. That is correct. If the Senator will permit me, that means that under the Tieton unit a man can not possibly acquire a water right for more than 40 acres. Whether he has the money to buy it or whether he has not, he can not do it. But the Indian is not limited to that. He is limited to his 80 acres.

Mr. LODGE. All I want to do is to protect the rights of the Indians. It seems to me the propositions made by the junior Senator from Washington are fair and that they do preserve the Indians' rights.

Mr. JONES. They are entirely agreeable to me. I will be glad to have the Senate adopt them.

Mr. LODGE. If the senior Senator from Washington accepts those amendments, I, for my part, will withdraw the point of order.

Mr. JONES. I am very glad of that, because I am glad to accept the amendments. I want to benefit the Indians and do everything that Congress will sanction in the matter.

Mr. GAMBLE. Will the junior Senator from Washington submit his amendments, so that the Senate may have them?

The PRESIDENT pro tempore. The amendments have not yet been submitted.

Mr. POINDEXTER. I submit the amendments now; and in addition to the ones I have stated I submit the following changes in the language, so as to make it more certain:

I move to insert, in line 22, page 60, after the word "that," the words "portion of said waters"; after the word "which," in line 23, to insert the word "proportionate"; after the word "charge," in line 23, to insert the words "and lien," so that it will read as stated in the amendment that I send to the desk.

The PRESIDENT pro tempore. The proposed amendment to the amendment will be stated.

The SECRETARY. On page 60, line 13, it is proposed to strike out "thirty-two" and insert "sixty-four"; in line 20 it is proposed to strike out "seventy" and insert "thirty-eight"; in line 22, after the word "that," it is proposed to insert "portion of said waters"; in line 23, after the word "which," it is proposed to insert "proportionate"; in the same line, after the word "charge," it is proposed to insert "and lien"; and in the same line it is proposed to strike out the words "said lands" and insert "the undivided tribal property of the allottees thereof," and a comma, so as to read:

That the lands within the project on the Yakima Indian Reservation owned by Indians in fee or otherwise to the extent of 64,000 acres, estimated to be necessary for the support of Indians allotted within the project, for which a water supply of 400 cubic feet per second of time is required, shall receive water free of any and all cost or charge on account of said storage works.

That other lands under Indian ownership to the extent of 38,000 acres additional, more or less, shall bear the proportionate acreage cost for providing said storage waters in the river, except that portion of said waters provided for in the preceding paragraph, which proportionate cost shall be a charge and lien against the undivided tribal property of the allottees thereof, to be paid on such terms and under such regulations as the Secretary of the Interior shall prescribe.

Mr. OWEN. This amendment is simply perfecting the amendment of the Senator from Washington?

The PRESIDENT pro tempore. Yes. The question is on the amendment of the Senator from Washington to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. In the absence of objection, the amendment as amended will be agreed to.

Mr. OWEN. I object to that amendment, and make the point of order against it.

Mr. JONES. Mr. President, I do not know whether this is subject to a point of order or not, but I want to appeal to the Senator from Oklahoma not to insist upon his point of order. I know that he does not desire either to injure those Indians or to injure that locality or to bring loss upon the Government. I do feel that if he recognized the situation there he would not insist upon his point of order. While, of course, the interests of the Government are at stake, it is largely a local proposition, and it means more to the locality in which I have lived during the last 24 years than any other legislation could possibly mean to any locality in the country. I want to appeal to the Senator from Oklahoma just as strongly as I possibly can, in behalf of my home and in behalf of the people with whom I have lived for so many years and whose interests I want to promote along with that of the Indians, not to insist upon his point of order.

Mr. KENYON. I should like to inquire of the Senator how much is appropriated from the Federal Treasury by this project?

Mr. JONES. In the provision here $1,800,000; but the great part of that is to come back from those who acquire the water rights. The white people who get this other land, the land that is not furnished with free water right, must pay back to the Treasury of the United States the amount apportioned for their water right; so that while we appropriate $1,800,000—I want to say that in conference that might be arranged to be spread over three or four years—probably half of it, anyhow, will come back to the Treasury.

Mr. KENYON. Within what time?

Mr. JONES. The Secretary is left to arrange the manner of payment. Under the reclamation act it is payable in 10 annual installments. The Secretary can fix it in five annual payments, however, if he desires. I think that would be a very reasonable adjustment to make of it, so far as that is concerned. So a good part of this money will come back. I hardly believe that the provision is subject to a point of order. It seems to me it is a provision that is germane to the bill. I do hope, however, the Senator from Oklahoma will not insist upon his point of order.

Mr. OWEN. I should like to ask the Senator from Washington how much of this $1,800,000 will be repaid to the Government?

Mr. JONES. It was estimated that under this provision, as it was originally framed, about $1,300,000 of it would be paid back into the Treasury. Just what effect the amendment of my colleague will have on that amount I can not say. It will somewhat lessen it.

Mr. OWEN. I should like to ask the Senator from Washington what is the explanation of the $500,000 that will not be repaid to the Government?

Mr. JONES. That went to pay for the free water rights for the Indians. Under this bill we furnish a water right free—that is, store water free—for 32,000 acres. The cost of stor-

ing is estimated at about $15 an acre. So that $500,000, in effect, went to pay for a free water right for the Indian allottees. That goes to the Indians; so that whatever does not come back into the Treasury goes to the benefit of the Yakima Indians, and to nobody else.

Mr. OWEN. Were there not certain white settlers there who had previous water rights in this area?

Mr. JONES. No; not in this reservation. The reservation was made in 1855, and there was no irrigation going on then at all.

Mr. OWEN. Do I understand that the amendment which has been proposed to this amendment in effect cures the protests which have been filed against it?

Mr. JONES. I understand so, and it is entirely satisfactory to me.

Mr. OWEN. I dislike very much to make a point of order about a matter in a Senator's State in which he is so deeply interested.

Mr. JONES. I hope the Senator will not do it.

Mr. OWEN. These points of order are only made against Oklahoma, apparently.

Mr. JONES. I have not made any point of order against Oklahoma.

Mr. OWEN. No; I know that; but Oklahoma seems to be peculiarly the object of these points of order.

Mr. JONES. I hope the Senator will not take it out on me.

Mr. OWEN. I will say to the Senator that I do not think the appropriation of $1,800,000 out of the Federal Treasury on this bill in this way without further hearing is good practice.

Mr. JONES. Mr. President, let me say to the Senator that I know it is a large amount, and yet this is not without investigation. As I said, this was in the bill before, and the Secretary recommended it. Then we cut it out and passed a resolution requiring the Secretary to report on it to Congress, and the Secretary sent his agents out, directing them to investigate the whole situation and report. The Secretary visited there himself and looked into it and then submitted this recommendation, so that the matter has been investigated very carefully and very thoroughly.

Mr. OWEN. This is now in accordance with the recommendation of the Secretary?

Mr. JONES. It was as put in here. We are more liberal to the Indians than the Secretary with the amendment we have put in.

Mr. OWEN. I will withdraw the point of order.

Mr. JONES. I certainly appreciate that.

The PRESIDENT pro tempore. The point of order is withdrawn.

Mr. POINDEXTER. I ask unanimous consent to print in the RECORD in connection with this matter, in order that it may be in the RECORD for use in the further consideration of it, two letters on this subject from Mr. Brosius, the agent of the Indian Rights Association, a petition from the Yakima Indians and allottees of the Yakima Indian Reservation dated January 30, 1913; and a series of resolutions of the Yakima Water Users' Association.

The PRESIDENT pro tempore. Without objection that order will be made.

The matter referred to is as follows:

INDIAN RIGHTS ASSOCIATION,
Washington, D C., February 20, 1913.

We respectfully urge consideration of the inclosed copy of a protest of the Yakima Indians, State of Washington, against the amendments of the Senate incorporated in the Indian appropriation act (H. R. 26874, calendar No. 1071), which appropriates $1,800,000 for constructing storage reservoirs on the Yakima River, Wash., said amount being chiefly reimbursable from the value of water rights appurtenant to the lands allotted Yakima Indians.

The inclosed memorial (H. Doc. No. 1304, 62d Cong., 3d sess.) presents the claim of the Indians more definitely and fully.

We inclose the resolution of the Yakima Reservation Water Users' Association of February 8, 1913, protesting against the legislation in question and urging that the status of the water rights appurtenant to the Yakima Reservation lands be determined by proper legal proceedings.

The proposed legislation limits the free use of storage water to 400 cubic feet per second, estimated to be sufficient for the irrigation of about 20 acres per capita. The Indians insist that they have heretofore used about 1,000 cubic feet of water per second, and that the limitation to 400 cubic feet per second deprives them of water for irrigation to which they are justly entitled by prior appropriation and by riparian rights.

We call your attention to the fact that the Indians whose land and water rights are affected by this legislation are citizens of the United States, that they have a vested right to the allotted lands and can determine by judicial proceeding any right claimed by them to the waters of the Yakima River for irrigation to as full an extent as may be done by other citizens. Yet, notwithstanding the fact that these Indians are sui juris, the Government controls their property so that their funds are not available for their use in securing a judicial determination of their rights. It will be very difficult for the Indians to secure a sufficient contribution from their private means to prosecute the necessary litigation and, indeed, they should not be compelled to do so.

We submit, therefore, that it is most important to determine the right of these Indians to the use of these irrigable waters before the proposed legislation is adopted.

Very respectfully,

S. M. BROSIUS,
Agent Indian Rights Association.

WASHINGTON, D. C., *February 24, 1913.*

Hon. MILES POINDEXTER,
United States Senate.

SIR: In the matter of legislation incorporated in the pending Indian appropriation act in the Senate (pp. 60–61), permit me to make a further suggestion. I feel quite sure that if water for irrigation sufficient for 40 acres for each allottee (being one-half of each 80-acre allotment already made) will be furnished free of storage charges, and each allottee be permitted in his discretion to buy the water right for the balance of his allotted lands by creating a lien upon his pro rata share of the undivided tribal property, it will meet with the approval of the Indians and their friends.

There will be ample funds derived from their tribal estate to apply to purchase of the additional water right. The value of the timber-lands belonging to these Indians, I understand, is upward of $3,000,000.

We hope you will be able to make some provision of this kind, and then there will not be the dissatisfaction over defeat of the present legislation which may retard the development of the Yakima country.

If not over 20 acres of a free water right is secured by legislation, we very much fear that litigation will be commenced to determine the Indian right to water, and in that event the whole question will be very much delayed in settlement.

The Indians are entitled to more than 20 acres with a free water right, and we trust that they will secure justice.

Very respectfully,

S. M. BROSIUS,
Agent Indian Rights Association.

Petition.

To the COMMITTEE ON INDIAN AFFAIRS,
House of Representatives and Congress, Washington, D. C.:

We, the undersigned Yakima Indians and allottees of the Yakima Indian Reservation, have assembled in council January 30, 1913, at White Swan, Wash., on the Yakima Indian Reservation.

We pray for what we think a just right and a right that belongs to us. First and above all we want our water canals on the Yakima Indian Reservation to remain as usual. We protest against the bill No. 6693, which W. L. JONES has prepared to introduce at this session of Congress. We find ourselves unable, under existing conditions, to comply with the requirements of the bill H. R. 26874. We have given this bill (6693) careful investigation, and have discovered it an injury to the Indians on this reservation, a depriving scheme, a scheme that will gradually grind our 80-acre allotments down to the minimum of 20 acres. Consequently, we pray and ask the Committee on Indian Affairs in both the House of Representatives and Congress to give our protest relative to the bill H. R. 26874 a thorough investigation. We bitterly oppose any scheme that arises from or is established by the reclamation act on the Yakima Indian Reservation. The present canals on the Yakima Indian Reservation were all erected from funds of the "Yakima Indian tribal fund," and they are of capacity sufficient to hold and flow water sufficient to irrigate all lands under these ditches; should we get our just claim of the Yakima River and Ahtanum Creek and a flow of these waters to supply the capacity of these above-mentioned canals.

As to our claims of the Yakima River and Ahtanum Creek, we claim enough water to irrigate all our lands which are riparian to these streams. This river and creek are evidently known by the Government as the east and north boundary lines. Ahtanum Creek is a tributary of the Yakima River and the north boundary line, while the Yakima River is the east line. And both have a sufficient flow of water to supply all the lands available under the ditches, if we are granted our request.

Further, we claim all waters such as creeks, rivers, and spring waters within our boundary lines, and we pray and ask Congress and other officials in Washington, D. C., within their jurisdiction, to reserve these just rights to us.

WEYALLUP (his x mark) WAYACIKA,
Chief Judge Yakima Tribal Court.
And 141 other members of the Yakima tribe of Indians.
LOUIS MANN,
Corresponding Secretary of Yakima Indian Councils.

Be it resolved, That it is the sense of the Yakima Reservation Water Users' Association that the plans to irrigate the Yakima Indian Reservation suggested by the United States Reclamation Service and Secretary Fisher, involving an expense of between $5,000,000 and $6,000,000, be not approved. That it is the sense of the association that the old plans heretofore suggested by the Indian Department of the United States for the irrigation of the lands on the Yakima Indian Reservation irrigable by gravity flow of water, and which system has been practically two-thirds completed and can be completed for an expenditure of approximately $150,000, be the plan pursued in further irrigation on the Yakima Indian Reservation as to lands now irrigable by gravity flow. That if any land must or can be irrigated by pumping plants, that such lands be charged with the full expense thereof, and that no part of such expense be charged against lands which can now be irrigated by gravity flow by the last-named system. That we oppose the passage of the proposed bill to appropriate $1,800,000 for stored water.

Be it resolved, That it is the sense of the Yakima Reservation Water Users' Association that the United States Government should immediately bring or cause to be brought a suit to secure for the irrigable lands on the Yakima Indian Reservation a prior right to such of the waters of the Yakima River as will furnish sufficient water to irrigate the irrigable lands on such reservation. That the legal status of the water rights appurtenant to such reservation should be established and settled by proper legal proceedings at once.

YAKIMA WATER USERS' ASSOCIATION.
FRANK WILLIAMS, *President.*
HENRY JONES, *Secretary.*

FEBRUARY 8, 1913.

At a regular meeting of the Yakima Reservation Water Users' Association, held at Toppenish, Wash., on February 12, 1913, the following resolutions were unanimously adopted:

Whereas the unsettled condition of the water rights on the Yakima Indian Reservation since the arbitrary cutting down of the water supply by the Reclamation Department in 1905 have retarded development of lands and kept the Indian more dependent instead of improving his condition; and

Whereas the prior filing to the waters of the Yakima River by the superintendent of the Yakima Indian Agency, which filing is of record, was ignored by the Reclamation Department when apportioning the water rights in the Yakima Valley, as were also the treaty and riparian rights of the Yakima Indians; and

Whereas the only manner in which the water rights of reservation lands can be permanently settled is by the courts; and

Whereas we believe the proposed legislation will be found inoperative and only result in further delay, since the signature of 80 per cent of allottees and land owners, as required in the bill, can not be obtained under the conditions named; and

Whereas at no time in the past have any representatives of the Government taken sufficient time to thoroughly investigate the claims of the Indians as to their water rights, nor met with and consulted the water users, land owners, and allottees on the ground; and

Whereas the construction of an irrigation system on the plans prepared by the Reclamation Department would fail to meet the changed physical conditions due to the construction of the drainage system and in addition thereto would be practically prohibitive in cost: Therefore be it

Resolved, That we approve the request of the Indian Rights' Association, through their agent, S. M. Brosius, that the Attorney General be instructed to bring suit at once to determine the rights of the Yakima Indians to the natural flow of the Yakima River, a boundary stream of the Yakima Indian Reservation, and that owing to the urgency of the case and the constantly recurring water shortage each season every effort should be made to obtain a decision before the low-water period of 1913.

Resolved, That we request the appointment of a congressional committee to investigate the arbitrary attitude and acts of the Reclamation Department toward the Yakima Indians in having, since 1905, diverted waters previously filed on and appropriated to beneficial use by the Yakima Indians, and to report before the low-water period of 1913 in order to avoid litigation and further damage.

Resolved, That we protest against Senate bill No. 6693 and recommend that all legislation for appropriations of money for construction of a permanent irrigation system on the Yakima Indian Reservation be deferred until the Indian rights shall be determined in the manner aforesaid, and that full and sufficient water for all lands now irrigated be supplied without storage charge pending this decision.

Resolved, That we approve Secretary Fisher's recommendation that the reservation irrigation system be constructed by the Indian Department.

Resolved, That we protest against the adoption of the plans of the Reclamation Department for irrigating these lands as needlessly extravagant and costly, especially so on account of changed conditions since the construction of 42 miles of drainage ditch on plans prepared and executed by Engineer Martin, of the Indian Department.

Resolved, That we request the immediate appointment of a board of three engineers not connected in any manner with the Reclamation Department to investigate the present irrigation and drainage system, the total cost of which is approximately $8 per acre, and to recommend such immediate enlargement, changes, and improvements therein as shall result in a comprehensive system for watering and draining all the lands under the Wapato project, this board of engineers to be selected as follows:

One member by the President of the United States from the Board of Army Engineers.

One member by the Commissioner of Indian Affairs.

One member by the Yakima Indian Reservation Water Users' Association.

Resolved, That a copy of these resolutions be addressed to the respective chairmen of Committees on Indian Affairs in the House of Represenatives and Senate of the United States, to the honorable Secretary of the Interior, to the Commissioner of Indian Affairs, to S. M. Brosius, agent of the Indian Rights Association, to our Senators and Representatives in Congress, and others interested, and that a copy be given the press for publication.

YAKIMA INDIAN RESERVATION WATER USERS' ASSOCIATION,
F. A. WILLIAMS, *President*.
HARRY JONES, *Secretary*.

Mr. POINDEXTER. In the same connection, without printing in the RECORD, I desire to call attention to Document 1304, Sixty-second Congress, third session, being a memorial of the Yakima Tribe of Indians protesting against the passage of this amendment as it was in its original form; and, also, as the basis of the rights of these Indians in this reservation, to cite the treaty with the Yakima and other tribes of Indians in 1855. I will say in passing that by accepting the conveyance thereof from the Indians, in that treaty the United States recognized the former title of the Indians to a vast domain in which now many cities of the State of Washington are located, which is set out, an imperial area, and described in the treaty; and in exchange for that magnificent grant which the United States received from the Indians in the treaty, the United States, on its part, set aside this reservation and agreed as follows:

All which tract shall be set apart and, so far as necessary, surveyed and marked out, for the exclusive use and benefit of said confederated tribes and bands of Indians, as an Indian reservation.

It is the contention of the Indians that that grant included the waters on the land to the same extent as the soil itself.

Mr. JONES. Mr. President, as part of my remarks, I desire to have printed a letter from the Secretary of the Interior, and the parts which I have indicated here from the reports to him.

The PRESIDENT pro tempore. Without objection that order will be made.

The matter referred to is a follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 22, 1913.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: The Indian appropriation act approved August 24, 1912, contains the following provision:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the conditions on the Yakima Indian Reservation in the State of Washington with a view to determine the best, most practicable, and most feasible plan for providing water for such lands in said reservation as may be irrigated, and to cause surveys, plans, and reports to be made thereon, together with an estimated limit of cost of such irrigation project and to submit his report thereon to Congress on the first Monday in December, 1912, together with such facts and reasons in support of the same as may be necessary to advise Congress fully in regard thereto."

In accordance therewith I transmit a report prepared in the field by Supervising Engineer Swigart, of the Reclamation Service, Superintendent Don M. Carr, and Supervising Irrigation Engineer L. W. Holt, of the Indian Service. The latter portion of such joint report, consisting of plans and estimates for the irrigation system, is approved. The first part of the joint report, dealing with the history of irrigation on the reservation and conditions particularly concerning the needs of the Indians, requires corrections in two respects, viz, first, in the suggestion that the cost of the irrigation system be paid from the tribal funds, rather than from the lands irrigated; this suggestion does not meet with my approval. I am still of the opinion, as stated in my letter of June 13, 1912, to Senator GAMBLE, chairman of the Committee on Indian Affairs, that the cost not only of the storage works but of the entire irrigation system referred to should be charged upon these lands, and that the suggestion made by the joint report that it be defrayed from the tribal funds should not be approved, and the reasons for my position will be made clear further on in this report.

The joint report appears to me to be wrong in a second respect, in recommending that the 32,000 acres for which free storage is to be furnished be not segregated, but that the benefit of free storage be apportioned on all the irrigated lands, thus reducing the storage charge upon all such lands. I appreciate fully the difficulties set forth in the report, but I am convinced that the plan of segregation which would generally work out so that each allottee would have 20 acres segregated to him as free from storage charge is the most feasible method of correcting the error originally made in the allotments. The course recommended in the report avoids the questions presented by those allotments which have now come into the ownership and possession of white people. The principle of Senate bill 6693, with regard to these lands, was that the Secretary of the Interior be empowered to award them water rights in accordance with the equities which should be shown to him with respect to each tract, and I believe this to be the only practicable and just solution of the difficulties presented. Some of the white people who have purchased lands from Indian allottees have been making beneficial use of the water delivered through the existing Indian ditches, and doubtless a substantial equity arises from such use. Other lands lying under the Indian ditches, physically capable of irrigation therefrom, were purchased after the construction of the ditches and, as it is alleged, were intended to be irrigated from such ditches. It is claimed that the reason why this has not been done is the lack of water in the ditches, due to the mistake of the Government in limiting the Indians' claim to 147 second-feet and to delay of the Government in working out any solution of the difficulties which arose from that limitation. If these allegations and claims are true, there would appear to be some equity in these cases also. It may be, however, that some of the white holdings will not show either one of the equities referred to. The proper solution seems to be to deal with each case upon its merits.

Mr. JONES. After full conference with the heads and legal officers of the Indian Office and the Reclamation Service, I believe that the principles and policies which should control in the constructional and administrative problems presented by this project are the following:

(1) Secretary Hitchcock had lawful authority to limit the rights of the Indians in the low water flow of the Yakima River, and his limitation thereof to 147 cubic feet per second, which was a part of the general settlement of water rights in the valley, is valid and binding. Any other conclusion would involve the acceptance of the doctrine that the Indians, by virtue of the treaty of 1853, ratified in 1859, then acquired a vested right in the water flowing in the Yakima River, which is undetermined and must forever remain undeterminable as to quantity; for it is contended that it is to be measured at any given time by what then appears to be the duty of water for that area of which, from the economic and engineering standpoints, it is then feasible to irrigate; that it must be measured 50 years hence by what then appears the duty of water for the area which it then appears feasible to irrigate, and so for any point of time in the future. This would make it impossible to measure the future water rights of the Indians at any time, would prevent all irrigation development outside of the Indian reservation, and would amount to a reservation of the total flow of the river without any obligation on the part of the Indians to utilize the water, which might thus flow forever unused to the sea. The Indian treaty negotiated in 1853 and ratified in 1859 was to make possible the permanent settlement of the Yakima Indians and their transformation into an agricultural people; to reserve an abundance of land and of water rights out of which the real needs of the Indians for farms and for irrigation water for such farms could be satisfied as such needs might be determined by Congress or its duly authorized executive agent. It was not intended to reserve either lands or water rights above that measure, or to restrict the authority of Congress, or of the Secretay of the Interior under the authority of Congress, to determine the measure of the water rights needed by the Indians.

(2) Nevertheless, it now appears that such limitation placed the Indian water right at a lower amount than sound administration and the real needs of the Indians require. Therefore, steps should now be taken to provide the Indians with additional water up to such amount without cost to them, but without questioning the legality and binding effect of Secretary Hitchcock's limitation. The best method for doing this is to furnish stored water to the Indians free of construction cost for storage up to the amount which should originally have been reserved for them.

(3) The measure of the water rights which should have been reserved for the Indians in 1906 from the low water flow was not the area of their allotments (120,000 acres in all, within the Wapato unit), but

approximately such area as would give each Indian family a farm adequate for its support under irrigation. This area has been fixed, on the recommendation of the Indian Office, at 32,000 acres, being 20 acres for each of the 1,600 allottees (men, women, and children). This would have given an Indian family of four (father, mother, and two children) water enough for 80 acres. The Government should therefore furnish stored water free of storage cost to such an amount as, together with the 147 second-feet reserved by Secretary Hitchcock, will be sufficient to irrigate 32,000 acres.

(4) The cost of storing water for the remaining 88,000 acres of the allotted lands should be paid by the Indians, or from the proceeds of their lands or resources.

(5) The water rights of white purchasers of Indian allotments and of Indian patentees in fee (free of restrictions) should be determined according to the equities of each case by the Secretary of the Interior upon the principle that such rights depend upon actual beneficial use except in so far as there is reasonable ground for finding that the failure to make beneficial use of the water is fairly chargeable to the Government. To justify such a finding the land must have been, at the time patent in fee issued or the title first passed from Indian to white, under the ditches built by the Indian Service, thus giving the purchaser or patentee in fee a basis for the belief that he could acquire a water right by beneficial use.

(6) The storage charge per acre-foot should be averaged for all lands in the valley without regard to the case of the particular reservoir from which any one unit or body of lands can be supplied. This is because that policy will result in the reclamation of the largest possible area and will thus permit the largest development of the agricultural resources in the valley. The determination of the storage charge for the Indian allotments should be made on this principle.

(7) Water service to lands in the valley should be by acre-feet without distinction between the natural flow and the stored waters.

(8) The storage works from which the Indian lands are to be served can and should be built as a part of the general storage system in the valley. The reclamation fund should not be charged with any part of such expenditure, but the cost should be paid by a lump appropriation to be expended by the Reclamation Service on said general storage system. The amount of this appropriation should be determined by multiplying the total area of the allotments (120,000 acres) by an acreage charge calculated from the assumed duty of water for the Indian lands. Of this total appropriation thirty-two thousand one-hundred-and-twenty-thousandths, or four-fifteenths, should be nonreimbursable, since the stored water in excess of 147 second-feet paid for by said fraction will be the reparation made by the United States, because the limitation made by Secretary Hitchcock is now found to have been less than the Indians are fairly entitled to and reasonably need. The remaining eleven-fifteenths of this total appropriation should be repaid to the Treasury of the United States from the Indian lands or resources.

(9) The distribution works for the allotted lands (Wapato unit) should be built by the Indian Service from appropriations made from year to year, the cost thereof to be repaid from the Indian lands or resources.

To the principles above stated the following should be added:

(10) Sound public policy and the principles of equity forbid the Federal Government to appropriate or advance public funds for the irrigation of lands allotted to Indians who are asserting a claim for water rights appurtenant to such lands contrary to the public interests and in excess of the measure of their real needs as determined by the Secretary of the Interior. Therefore no steps for the enlargement of the storage or distribution works for the benefit of the lands in the Wapato unit, or for deliveries of water thereto in excess of deliveries appropriate under the limitation to 147 second-feet, should be undertaken until at least 80 per cent of the allotted and a like per cent of the patented lands in said unit shall have been pledged by the allottees or owners thereof for the repayment of the cost of the works in accordance with the principles hereinbefore stated, nor until all other claims for, or arising out of, water rights shall have been properly waived by the allottees or owners so pledging their lands; and no benefit from the works constructed on the faith of such pledges should accrue, by enlarged deliveries of water or otherwise, to any lands within the unit not so pledged with waiver.

(11) The power of Congress to modify the treaty and reduce the Indians' water rights thereunder is unquestionable (Lone Wolf *v.* Hitchcock, 187 U. S., 553). Therefore specific legislation should be enacted embodying, or based upon, the principles above stated.

With respect to the details of S. 6693, I respectfully refer to my letter of June 13, 1912, to Senator GAMBLE, above mentioned, in which and for the reasons therein set forth it was suggested that sections 1 and 2 be amended to read as follows:

"SECTION 1. That for the purpose of constructing storage reservoirs to impound the flood waters of Yakima River to provide for the total diversion at the reservation head gates of 516,000 acre-feet of stored water and natural flow during each irrigation season, for the irrigation of 120,000 acres, more or less, comprising the Wapato project on the Yakima Indian Reservation, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,800,000, or so much thereof as may be necessary, to be expended in said works by the Reclamation Service, the moneys as needed for said work to be transferred to the reclamation fund by the Secretary of the Treasury upon requisition of the Secretary of the Interior. Such storage works shall be maintained and operated by the Reclamation Service as a part of the storage system of the Yakima reclamation project.

"SEC. 2. That lands within the project now owned by Indians, in fee or otherwise, to the extent of 32,000 acres, shall be designated by the Secretary of the Interior as necessary for the support and use of the Indians severally allotted hitherto within the project, and thereafter water furnished for such lands shall be free of any and all cost or charge on account of said storage works. Water shall be reserved for present or future use on the lands so designated for which patents in fee shall not have been issued at the rate of 3 acre-feet per acre, measured at the land, whether beneficially used thereon or not, and such reservation shall continue until such time as patents in fee shall issue for said lands respectively. With the exception of water reserved without beneficial use as in this section above provided, beneficial use shall be the basis, the measure, and the limit of the right to use water on the lands within said Wapato project."

In addition to such amendments it is further suggested, in accordance with the principles hereinabove set forth, that for the proviso in section 5 of said bill there be substituted the following:

"*Provided*, That no steps for the enlargement of the storage or distribution works for the benefit of the lands in the Wapato unit, as herein provided for, or for deliveries of water thereto in excess of the deliveries appropriate under the limitation to 147 second-feet, shall be undertaken until at least 80 per cent of the allotted, and a like per cent of the patented, lands of said unit shall have been pledged by the allottees or owners thereof for the repayment of the cost of the works, nor until all other claims for or arising out of water rights shall have been properly waived by the allottees or owners so pledging their lands, and no benefit from the works constructed on the faith of such pledges shall accrue by enlarged deliveries of water or otherwise to any lands within the unit not so pledged with waiver."

Respectfully,

WALTER L. FISHER, *Secretary.*

REPORT ON THE CONDITIONS ON THE YAKIMA INDIAN RESERVATION, WASH.

NORTH YAKIMA, WASH., *October 22, 1912.*

Showing the history of irrigation in the Yakima Valley, the relation of irrigation in the Yakima Valley, the relation of irrigation in the Yakima Indian Reservation to the valley as a whole, the resources and needs of the reservation, the lands that can be irrigated, the most feasible irrigation plan, with estimates of cost and the water supply and source, based on surveys and studies by the field officers of the Reclamation Service and Indian Office.

Compiled jointly by the field representatives of these bureaus of the Interior Department:

Indian Office: Don M. Carr, superintendent and special disbursing agent, Yakima Indian Reservation; Lester M. Holt, superintendent of irrigation, Yakima Indian Reservation.

Reclamation Service: Charles H. Swigart, supervising engineer, United States Reclamation Service.

HISTORICAL.

IRRIGATION DEVELOPMENT IN THE YAKIMA VALLEY.

The Yakima Valley is situated in the southeastern portion of the State of Washington, and derives its water supply from the Yakima River, a tributary of the Columbia, having its source in the Cascade Mountains. Irrigation in the Yakima Valley has been practiced for many years, and matters pertaining to irrigation have reached a higher stage of development than in most irrigated districts. The rapid flow of the streams, the ease with which large areas of land have been irrigated by comparatively short canals, and the great value of the lands when irrigated, have all served to bring this about. Even before the first railroad had been built into the country irrigation in the Yakima Valley had reached a comparatively advanced stage of development. The early settlers were interested principally in stock raising. The range at that time being of the finest quality and apparently unlimited, only sufficient land was irrigated to furnish winter feed for the cattle and supplies for home consumption. Small irrigation ditches along the smaller streams which afforded the fewest obstacles to construction were the first to be developed.

The first irrigation ditch in the Yakima Valley of which we have record is the Nelson ditch, taken out of the left bank of the Naches River. This was built in 1867 and is still in existence. In 1872 a ditch was taken out of a tributary of the Ahtanum Creek by Charles and Joseph Schanno. It was built to irrigate 320 acres of land, near the locality now occupied by Yakima City. The water was used by the people for raising vegetables, and although only a small ditch it proved what could be done when water was applied to the land.

Two years later, in 1874, the ditch, still known as the Schanno, was built, which gave the town of Yakima City an abundant water supply. Along this ditch in 1881 the first alfalfa was successfully grown. It was 1884, however, before the usefulness of this great forage plant was fully understood. During that year it was raised freely and it marked a new era in the stock-raising industry, as it prevented the great winter losses of cattle which the cattlemen had so often experienced in the past.

In 1872 the first hops were grown in the Yakima Valley by Charles Carpenter, on Ahtanum Creek. He had seen them growing in Germany and concluded that favorable conditions existed here.

As early as 1874 farmers along the rivers commenced to realize that their bottom lands produced much better crops when irrigated and began to construct small irrigation ditches.

In 1875 people began to settle upon the bench lands in greater numbers and soon after some of the higher line canals—namely, the Kennewick, Naches-Cowiche, and Moxee—were built.

As no railroad was constructed through this region until 1886 and the nearest point of shipment was at The Dalles, on the Columbia River in Oregon, 100 miles distant over mountainous roads, only such crops were raised by the farmer as were necessary to supply himself and his family with food. Hay was raised for the cattle as an insurance against loss by starvation during the winter months.

The building of the Northern Pacific Railroad in 1886 marks the beginning of a tide of immigration toward the Northwest which has been flowing steadily ever since. It was then that the settlers began to raise crops to ship away, alfalfa, fruit, and hops being the principal products. These have been raised in increasing quantities ever since and have proved to be a great source of wealth to the people of the Yakima Valley. More irrigation ditches have been built from time to time as necessity and the increased value of land have warranted. The size of the farm unit has steadily decreased to make room for more settlers. This has been made possible by the rapidly increasing demand for diverse farm products in the western portion of the State, where the percentage of the population engaged in farming is small and the agricultural conditions are not so favorable.

The acreage now under irrigation in the Yakima Valley, exclusive of that on the Yakima Indian Reservation and exclusive of Government canals, is approximately 137,500 acres, which acreage is divided about as follows: Private systems above Umtanum, 41,500; between Umtanum and Union Gap, including Naches and Tieton Rivers, Wenas and Ahtanum Creeks, 70,000; Union Gap to mouth of the Yakima River, 26,000. In addition to which the Government is supplying water to approximately 115,000 acres, divided between the Tieton Unit of 35,000 and the Sunnyside Unit of 80,000 acres.

SETTLEMENT OF CONFLICTING CLAIMS TO WATER RIGHTS.

In the early days of small ditches it was customary for filings to be made on very large quantities of water, which resulted in a number of disputes, often terminating in litigation among the various appropriators. In the year 1903, when the first investigations were begun in the valley by the Reclamation Service, the water-right conditions had approached the chaotic, as the low-water flow of all the streams had been much overappropriated and no storage had been provided to tide over the dry seasons. The first reconnoissance made by the service indicated extensive irrigation possibilities, and the year 1904 was devoted to the measuring of streams and a general examination

of lands in the valley. Approximately 100,000 acres of land were being irrigated at that time in the Yakima Valley. It was essential prior to taking up active construction work that the unsatisfactory water-right situation be cleared up, and the Secretary of the Interior set down certain conditions which had to be fulfilled before approval would be given for such construction. The conditions laid down by the Secretary were:

"First. The adjustment of all conflicting claims of those who are appropriating water from the Yakima River or any other body of water for irrigation, power, or any other purpose.

"Second. The determination of all suits now pending to prevent the diversion of water from the Yakima River to the Yakima Indian Reservation, and any and all other litigation that in any way tends to embarrass or restrict the appropriation of the waters from said river or any other body of water needed for the irrigation of the lands under said proposed project.

"Third. The determination of the questions presented by the proposed contract to purchase the Sunnyside Canal for $250,000, now pending before the Assistant Attorney General for this department, and the submission to the department, if required or necessary, of such a contract from the owners of said canal as will meet the approval of the department.

"Fourth. The satisfactory disposition of the protest of the State of Washington against the entrance of the Government into contractual relations with the Washington Irrigation Co. until the State is heard in the matter.

"Fifth. The securing to the Indians on the Yakima Reservation of a sufficient water supply by passage of appropriate legislation by Congress, or otherwise.

"Sixth. The settlement, termination, and disposition of any and all difficulties, conflicts, litigation, complicatons, or controversies that will in any way tend to embarrass or restrict the appropriation and use of the waters of the Yakima River or any other stream or body of water necessary for the irrigation of the lands under this project and the lands in the Yakima Indian Reservation.

"Seventh. That a sufficient acreage be pledged to accure the return to the reclamation fund of the cost of construction.

"Eighth. That the above and foregoing matters be settled and a clean, feasible proposition submitted to the department free from all difficulties or complications before the expenditure of any money on the construction of said projects be made."

The conditions particularly affecting the Yakima Indian Reservation were the first, second, fifth, and sixth. The year 1905 was spent in collecting data and negotiating with the various interested parties for the purpose of complying with the eight conditions laid down by the Secretary.

In compliance with the first condition, 94½ per cent of all waters claimed by irrigation canals depending upon the natural flow of the river was included in agreements fixing their diversions in a definite quantity. These quantities were based on the actual diversions made during August, 1905. In the final report on which the approval by the Secretary of the Interior of the construction was based, the Sunnyside Canal was apportioned 650 second-feet and the reservation canals 147 second-feet. The canals which failed to sign agreements were relatively unimportant.

The Indian canal had an appropriation made on February 19, 1903, by the Indian Office, of 1,000 cubic feet per second. The appropriation secured to the Reclamation Service by purchase from the Washington Irrigation Co. for the Sunnyside Canal was 1,050 cubic feet per second. Fifty cubic feet per second was appropriated as early as 1880, while the additional 1,000 was appropriated in 1890. The quantities fixed by the Government for the Sunnyside and reservation canals were much less than was claimed for them, and the acceptance by the Government of the smaller quantities was a condition which operated most effectively toward obtaining the consent of all the private holders of water rights to limit their claims proportionately.

In regard to the second condition the following is quoted from the report of Mr. D. C. Henny, supervising engineer, to the chief engineer of the Reclamation Service, dated March 13, 1906:

"In August, 1905, the Prosser Falls Land & Power Co. and the Washington Irrigation Co. brought suits against officials of the Yakima Indian Reservation and canals higher up on the river for alleged illegal diversion of water from the river. At the request of the Reclamation Service action under these suits was suspended.

"The Prosser Falls Land & Power Co. bound itself to dismiss its suits at any time as part of the terms of the agreement in which it limits its claims to water.

"The Washington Irrigation Co. has entered into an agreement, dated March 13, 1906, * * * by which it binds itself to dismiss all litigation to which it is a party plaintiff tending to affect in any way the appropriations and use of the water in the Yakima River and dependent streams, immediately upon the announcement by the Secretary of the determination of the United States to construct storage and irrigation works in Yakima Valley under the reclamation act."

In regard to condition No. 5 the above report says:

"Official advices have reached me through the chief engineer that H. R. 10067, authorizing the disposition of surplus and allotted lands on the Yakima Indian Reservation, etc., has been passed and become law on March 7, 1906. The terms of this bill are such that a reclamation project covering the irrigable lands in the Yakima Indian Reservation becomes feasible, provided the Indians consent, and that thereby all controversy regarding water rights of the Yakima Indian Reservation will be avoided. I therefore recommend that the enactment of such law be considered a full compliance with condition No. 5."

In regard to condition No. 6 the report says:

"The agreements to dismiss litigation in which Yakima Indian officials were made defendants as discussed under condition No. 2 and the passage and enactment of H. R. 10067 above referred to in the discussion of condition No. 5, appear to meet the requirements under condition No. 6, and I therefore recommend that the present status be considered a full compliance with condition No. 6."

The remaining conditions laid down by the Secretary have no direct bearing on the water supply and irrigation of the Yakima Indian Reservation and will therefore not be discussed.

Pursuant to the report above quoted which was submitted to the Secretary of the Interior for approval and for authorization of construction work upon the Yakima project, the following letter was written:

MARCH 28, 1906.

The DIRECTOR OF THE GEOLOGICAL SURVEY.

SIR: In a letter of the 21st instant to the department you referred to departmental letter of December 12, 1905, to you, approving the Tieton and Sunnyside projects in the State of Washington, under the act of June 17, 1902 (32 Stat., 388), and setting aside thereunder the sums of $1,000,000 and $750,000, respectively, subject to certain conditions specified in the letter.

In your letter you have inclosed a report from Mr. D. C. Henny, supervising engineer, dated March 15, 1906, with exhibits, from which it appears that the conditions above mentioned have all been met, and you have expressed the opinion that the projects present clean, feasible propositions upon which the Government is fully warranted in expending money for the necessary works. You have therefore recommended that the two projects be definitely approved, that the contract with the Washington Irrigation Co. be also approved, and that you be authorized to proceed in the usual way for the construction of the necessary works for the first section of the two projects.

Your letter was referred to the Assistant Attorney General for an opinion as to whether or not the report and accompanying papers show such a compliance with the conditions by departmental letter of December 12, 1905, supra, as to justify departmental action in accordance with your recommendation.

In an opinion of the 27th instant by the Assistant Attorney General, which has been approved, he has stated that these conditions have been so complied with as to justify the action you have recommended.

In view of the foregoing, I have accordingly approved the contract and return it herewith. I also hereby definitely approve the Tieton and Sunnyside projects and authorize you to proceed in the usual way for the construction of the necessary works of the first sections thereof.

For your full information I inclose a copy of the opinion of the Assistant Attorney General.

Very respectfully,

THOS. RYAN,
Acting Secretary.

THE YAKIMA INDIAN RESERVATION.

The Indians have been irrigating in a more or less crude manner on this reservation since 1859. At first oxen were used for breaking the land, and in 1862 more than 200 acres were under irrigation. This had been increased to 500 acres in 1863 and to 1,000 or 1,200 in 1865. No work, however, was done by the United States Indian Service until May 20, 1896. The following is taken from the report of Mr. William Redman dated June 30, 1897, addressed to the Indian agent at Fort Simcoe, reporting on the irrigation canals then in existence, giving carrying capacity and length:

"Main canal, capacity, 210 cubic feet of water per second; length, 12.45 miles, from which the following laterals have been constructed: Lateral No. 1, 4,300 feet long; lateral No. 2, 8,500 feet long; lateral No. 3, 15,000 feet long; lateral No. 4, 28,100 feet long; and sublateral No. 5, 6,500 feet long; in all from main canal, 62,300 feet, which equals 11.8 miles.

"Toppenish Canal, capacity, 104 cubic feet of water per second; length, 3.2 miles, from which the following lateral ditches have been constructed: Lateral No. 1, 5,300 feet long; lateral No. 2, 500 feet long—to be extended by proprietors of allotted lands—lateral No. 3, 400 feet long; and lateral No. 4, 3,600 feet long; in all from this canal, 9,800 feet or 1.86 miles.

"Or to sum up the work done, there are of the foregoing 15.47 miles of the main canal with a carrying capacity of 315 cubic feet of water per second, with 13.66 miles of lateral ditches leading therefrom for the distribution of water. The above does not include provisions made near the head of the Main Canal (about 3,000 feet below the intake of the Yakima River) for turning about 200 cubic feet of water per second into the natural slough which runs in a southeasterly direction (nearly parallel with the Northern Pacific Railway) a distance of about 12 miles, emptying into Toppenish Creek, and which slough will serve as a canal from which many lateral ditches can be constructed for the distribution of its water. By constructing more lateral ditches nearly 50,000 acres of the best soil can be irrigated."

PRESENT IRRIGATION SYSTEM.

On February 19, 1903, the superintendent of the Yakima Indian Reservation filed on 1,000 cubic feet of water per second of time and the same year construction work was begun on the New Reservation Canal, and Lateral "A." Since that time that canal has been completed to Station 600 and Laterals "A," "B," and "C" have been completed. The new reservation canal was designed for an intake capacity of 1,000 cubic feet per second.

The irrigation system as constructed, with a few extensions and increasing its capacity, can serve 80,000 acres of land, providing water is available. The actual area irrigated in 1912 under the system constructed by the Indian service was 32,000 acres, 18,000 under the new reservation canal and 14,000 acres under the old canal, and 15,000 acres are irrigated from private ditches, sloughs, the Toppenish ditch—constructed by the Government—and the subirrigated land, making a total of 47,000 acres of land now irrigated and subirrigated within the area known as the Wapato project.

It has been estimated that 18,000 additional acres can be irrigated by giving the present system a thorough cleaning and with a few small inexpensive extensions the combined flow of the canals at their head gates will be somewhere between 900 and 1,000 second-feet.

The system as now constructed is somewhat wasteful, not only in power wasted at the numerous small drops but by seepage in the canals and in the irrigation of land, due to a large extent to insufficient preparation.

There are 65 miles of main canals and main laterals and about 200 miles of sublaterals now being operated. The cost of the irrigation system constructed by the Indian service to June 30, 1912, was $272,253.57, an acreage cost of $8.50 for the land actually irrigated this season. In addition to the above $28,293.05 have been expended in maintaining and operating the irrigation ditches.

In the spring of 1907 an appraisal was made of the irrigation works at that time constructed with special reference to their value for incorporation into the proposed complete system by representatives of the Reclamation and Indian Services. As a result of this it was agreed that the works should be valued at $121,000 for such purpose. This was approved by the heads of the bureaus concerned and submitted to the Secretary of the Interior, by whom it was approved, May 10, 1907. Various sums have been expended since that date, the exact amount of which can not be determined by the field accounts at present obtainable. It is therefore estimated that the present value of the irrigation system on the Yakima Indian Reservation for incorporation into the proposed complete system would be as follows: One hundred and twenty-one thousand dollars plus the cost of the drainage system, $250,000, to which should be added 75 per cent of the amount left after taking all expenditures for the construction of irrigation works on the Yakima Indian Reservation since April, 1907, and subtracting therefrom all maintenance and operation expenditures, also all expenditures on account of the Ahtanum Irrigation System, which is entirely separate from the one under consideration.

The topographical conditions of this project are such that an irrigation system can be constructed at a very reasonable cost per acre.

It would be impossible to construct the entire project with small annual appropriations, as has been proposed, as main ditches are needed, and unless a considerable amount of money should be available little could be accomplished except at excessive costs. Delay causes much loss each year in ditches, structures, etc., that possibly can not be used in the larger system, and lands are being alkalied owing to lack of proper drains in the irrigated districts. It is essential that some comprehensive policy for the development of this project be decided upon at an early date, as conditions during the last few years have been such as to cause a feeling of distrust among both the allottees and white landowners, and further delay will make matters worse.

DRAINAGE WORK ALREADY DONE.

The act of April 4, 1910, appropriated $250,000 for the construction of a drainage system to relieve the swampy condition of 30,000 acres of land on the lower part of the reservation and to prevent the swamping of an additional area.

The following description is taken from the report of J. W. Martin and addressed to Mr. W. H. Code, former chief engineer in the Indian Service:

"The reservation is very generally underlaid by a deep stratum of free water-bearing gravel which is covered generally by from 1 to 10 or 12 feet, more or less, of generally speaking volcanic ash soil. At Toppenish Creek and extending a distance of about a mile more or less north, the soil is appreciably deep. As the general slope of the reservation is to the southeast, the water from the irrigated lands to the north naturally tending to drain off in he underlying gravels to the south and east has been impeded in its course by the deeper soil which exists to the north of Toppenish Creek and consequently soaked up, bogged, created swamps, and temporarily destroyed by an alkali condition the southern part of the reservation.

"The Wapato project contemplated taking care of this condition by drainage canals parallel to and on the north side of the proposed east and west laterals, also an independent canal parallel to and just north of Toppenish Creek, with north and south laterals 1 mile apart, but on account of the difficulty of getting people to sign up for this project, also lack of funds, the project has not thus far been started. In the meantime the alkali and swamping conditions were gradually and surely extending to the north to such an alarming extent as to induce Congress to appropriate the aforesaid $250,000 reimbursable fund for immediate relief by the Indian department. As all proposed drainage lines to date had no other than paper projected locations, it was necessary to make actual preliminary surveys and borings which were submitted for your consideration on your arrival about the middle of June, 1910."

On June 27, 1910, W. H. Code, chief engineer Indian Service; D. C. Henny, consulting engineer, United States Reclamation Service; Charles H. Swigart, supervising engineer, United States Reclamation Service; James W. Martin, superintendent of irrigation, Indian Service; and C. G. Elliott, United States Department of Agriculture, acting as a board of engineers, submitted a report to the Secretary of the Interior on the necessary drainage system. This report was approved and construction ordered along the lines laid down by the board of engineers.

Machinery was purchased and the work of constructing the main drains was begun in the fall of 1910. On July 1, 1912, 42 miles of drainage ditches had been completed at a total expense of $220,497.71, or a unit cost, including structures, of 12 cents for each cubic yard excavated.

The total discharge from the drainage ditches from February 1, 1911, to September 30, 1912, was 196,584 acre-feet, the maximum mean monthly discharge during that period being 240 cubic feet per second. On October 7, 1912, the drains were discharging 220 cubic feet per second.

The following is cited as tending to show the efficiency of the system as constructed:

A well located at the center of section 20, township 10 north, range 20 east, had a depth of 12 feet with water 8 feet deep. This well went completely dry within 24 hours after the construction of a drain one-half mile northeast.

Lands formerly tule beds and permanently covered with water are now sufficiently dry for plowing and farming, and other lands formerly alkalied and subirrigated now require irrigation. The drainage system has accomplished even more than was expected in so short a period of time.

Following is a classification of the lands reclaimed by drainage:

	Acres.
Lands permanently flooded before the construction of the drains	5,000
Lands too wet for cultivation and flooded part of the time	10,000
Lands alkalied and subirrigated	15,000

Plate No. M75–Q shows the areas reclaimed.

WATER FOR THE RESERVATION LANDS.

The question of a sufficient water supply for the reservation lands is one of great importance to both the allottee and the white landowner. Since the apportionment by the department on March 26, 1905, of 147 second-feet as the portion of the low-water flow of the Yakima River to which the Yakima Indian Reservation was entitled, the development of the new land has been slow, as the water users were not sure of any water after July 15 or August 1 of each year, and many acres of raw land within reach of water from the irrigation ditches as now constructed would have been cultivated long ago except for this shortage of water.

RESOURCES OF THE YAKIMA INDIAN RESERVATION.

The resources of the reservation are amply sufficient to warrant the construction of irrigation works on as extensive a plan as is needed to secure maximum efficiency. The question as to the ability of the beneficiaries to successfully meet their financial obligations covering the item of cost is one that will be carefully weighed by the Congress in passing upon the feasibility of the project and the extent to which it should be carried. In considering the question of resources, as related to the lands within the limits of the proposed project, it should be kept in mind that the expense of construction will have to be borne entirely by those allottees and white owners whose lands are within the limits of the project. This would be logically so with respect to white owners, but not necessarily so in the case of allottees. It is true, however, that a considerable portion of the allotments of the allottees which are within the limits of the project comprise their entire acreage. Such being the case, those allottees who would have to pay their proportionate share of the cost of construction, maintenance, and operation, whatever it might be, would have two sources of revenue—from individual and tribal lands. Any funds they might acquire in their individual capacity would necessarily come from the sale of their original allotments, or a portion thereof, of inherited allotments in which they have an interest, or from the leasing of lands in which they may be interested. The proportionate share of tribal moneys would be their other source of revenue.

TRIBAL RESOURCES.

The census of the Yakima Indians as of July 1, 1912, shows a population of 3,046. Up to and including 1910 the allotments made on the reservation numbered 3,169. Allotting work has been in progress for two years, during which time approximately 700 selections have been made. It is very probable that before the close of allotting operations something in the neighborhood of 4,200 allotments will have been taken within the limits of the reservation; these allotments, of course, affect only the tribal resources and do not involve to any extent the individual financial standing of an allottee.

That there might be available some reliable data as to the extent and value of the tribal resources on this reservation, an appraising commission was appointed to make a survey of the entire field. This work was carried on for nearly two years and completed in the fall of 1910. The value of the tribal land, according to the schedules prepared by the appraising commission, was fixed at $1,023,453. The acreage involved was fixed at 762,313.

The value of the timber on tribal land, as fixed by said commission, was $3,398,450. There have been no material changes with respect to conditions upon which these figures were based as they existed then and as they exist now. There have been no destructive fires or any considerable damage from any cause. The per capita valuation of the tribal resources can be conservatively placed at $1,500. Changes have been made in the way of opening roads, trails, and fire lines which have afforded protection to the timber, and a study of routes and methods of transportation makes the statement that it can be marketed without great expense a reasonably safe one.

PRODUCTS.

It is difficult to arrive at accurate figures as to the agricultural and horticultural possibilities of the reservation because, up to this time, no figures in the nature of a crop census are obtainable. There is available, however, certain general information which will have a bearing on that subject.

The total acreage under cultivation within the limits of the project during the season of 1912 is fixed at 32,000. It is readily admitted that alfalfa is the principal growing crop. It is conservative to say that about 24,000 acres are in alfalfa. This means approximately 300 tracts of 80 acres each. The average yield per tract will be about 300 tons of merchantable hay. A year or two ago the surplus was undisposed of, but this year all the hay obtainable within the limits of the reservation will either have been sold or used for feeding on the ground.

There is a considerable acreage in small grains, the returns from which are encouraging and very profitable. Potatoes and onions are good crops, and the yields of each are bountiful. Hops are successfully grown.

The area so far planted to orchard is not large, yet the results being obtained are indicative of the value of the land as fruit land. The best land is producing abundantly; in fact, there are very few sections of the reservation where it is at all probable that fruit would not do well. There are accessible markets for all products, with ready means of transportation. The roads and highways are being made as rapidly as possible, and extensions of transportation facilities will have a direct bearing upon the value of the lands. The present irrigation system has accomplished wonders with the country, considering the expense incurred in connection therewith. It is well known that it could be enlarged and improved, but in so doing, it should always be borne in mind that the beneficiaries, to a large extent, are Indians whose capacity as farmers and ranchers, in a great majority of cases, is yet to be ascertained; whose ability to actively compete with their neighbors is less than maximum; whose financial ability to meet a construction charge for water is limited to their resources. To proceed with the construction of this project on the same theory that would obtain were the land being constructed for white people will result in disappointment.

If there is to be a charge to be borne by the Indians, that charge must be met out of their property. To assume that they could as farmers be successful enough to pay their indebtedness from their crops will result in a disappointment to all concerned. Their intentions are good, but their surroundings and mode of life are such as to make such an aim unattainable.

LAND VALUES.

As showing the difference in the value of lands within the project and those outside of the limits thereof, the records of the agency contain some interesting data. The following gives the number of sales, the acreage involved, and the purchase price:

1. For all sales on the reservation from July 1, 1909, to Sept. 30, 1912:	
Sales	166
Acreage	11,497.22
Total purchase price	$484,204.13
2. For all sales within the project from July 1, 1909, to Sept. 30, 1912:	
Sales	110
Acreage	6,771.75
Total purchase price	$398,695.50

The difference represents all sales outside the project during the period. The average selling price of the lands within the project is $58.87; that for the lands outside of the project is $18.05.

The total sales within the project number 231, with an acreage of 16,150.36, the consideration being $792,385.23, the total average price being $49.05 per acre.

The per acre value has been steadily increasing on lands both inside and outside of the project, but naturally the lands susceptible of irrigation will increase in value more rapidly than those where the question of a water supply is uncertain.

There is a considerable difference between the appraised price of land outside and that inside, the difference depending entirely upon the conditions of soil, topography of country, and other natural conditions which enter into consideration in arriving at the probable value of each particular tract.

As a general proposition, the best improved lands offered for sale are valued at about $100 per acre. This valuation is for the land only, and it is very seldom that the improvements are considered. The sales which have been made have been based on the value of the land with the prospect of a shortage of water during the low-water

season confronting the purchaser, and, further, with no water right. If the good lands have brought this figure under such conditions of uncertainty, it must be readily apparent that with a sufficient water right, permanently settled, value of the land within the project can be secured from the statement as to the rental received for improved lands under lease. The average rental for improved alfalfa lands is about $5 per acre per year.

The PRESIDENT pro tempore. The question is upon the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 62, to insert:

That the Secretary of the Interior be, and is hereby, authorized and directed to make an allotment, in accordance with the provisions of the act of July 4, 1884 (23 Stat. L., 79), of not more than 200 acres of land within the diminished Colville Indian Reservation, in the State of Washington, for the benefit of the heirs of Quelock-us-soma, deceased, Moses agreement allottee No. 35, jointly, in lieu of the portion of the Moses agreement allotment No. 35 embraced within the patented homestead entries of Deborah A. Griffin and Mary J. Griffin, and trust patent issue thereon under the provisions of the act of March 8, 1906. (34 Stat. L., 55.)

Mr. CURTIS. I want to make a point of order against that amendment and the one following. They are to be considered together. I make the point of order that it is general legislation.

Mr. JONES. I hope the Senator will reserve the point of order for a moment.

Mr. GAMBLE. Mr. President, both paragraphs make one amendment.

The PRESIDENT pro tempore. The second paragraph should be read, then.

The Secretary read as follows:

That the patent in fee heretofore issued in the name of Deborah A. Griffin, June 30, 1906, for lots 1 and 2 and the northeast quarter southeast quarter section 6, and lots 1 and 2, section 5, township 36 north, range 27 east of the Willamette meridian; and a similar patent issued in the name of Mary J. Griffin, November 21, 1910, for the southeast quarter of the southwest quarter, and lots 5, 6, and 9 of section 31, township 37 north, range 27 east, of the Willamette meridian, all situated in Okanogan County, Wash., be, and the same are hereby, confirmed and declared valid, notwithstanding the previous allotment of a portion of this land under Moses agreement allotment No. 35.

Mr. CURTIS. I make the point of order that this is general legislation on an appropriation bill.

Mr. JONES. I hope the Senator will reserve that for a moment.

The PRESIDENT pro tempore. Does the Senator from Kansas withhold his point of order?

Mr. CURTIS. I do.

Mr. JONES. I desire to say that this provision has passed the Senate once. It went to the Committee on Public Lands and was reported. Now it is recommended by the department, except that the department recommends that $500 should be paid to these Indians in addition to permitting them to have an allotment upon the south half of the Colville Indian Reservation.

That was considered by the committee and the committee did not think, under the circumstances of the case, that it was fair to these people, who acted in perfect good faith and who had no idea whatever of the claim of these Indians to this land until after the patent was issued to them, that they should pay $500. If any amount of money should be paid it should be paid by the Government, whose agents were at fault in the matter.

These Indians are permitted to take an allotment on the south half of the reservation. They have never been on this land. They have never cultivated it. They have never laid any claim to it and I understand would really be better satisfied with land on the Colville Reservation.

I wish to say to the Senator from Kansas that these people have under cultivation now about 100 acres of this land. They have it planted to orchard and they have gone to great expense. They did it in perfect good faith. I hope the Senator will withdraw his point of order. I will say the House committee has recommended a similar bill with a provision in it for $500. I hope the Senator will withdraw the point of order.

The PRESIDENT pro tempore. The Senator from Kansas makes the point of order against the amendment that it is general legislation.

Mr. JONES. I should like to have the attention of the Senator from Kansas for a moment.

Mr. CURTIS. Mr. President, the amendment does not comply with the recommendation of the department, and it is unsafe to put legislation upon this appropriation bill that does not meet with the approval, at least, of the department. I insist upon the point of order.

The PRESIDENT pro tempore. The Chair will sustain the point of order.

The next amendment was, on page 63, after line 4, to insert:

For the support, education, and civilization of the Kalispel Indians in the county of Pend Oreille, in the State of Washington, and to erect a school building, employees' quarters, and other necessary buildings and providing the same with equipment, in the purchase of stock, implements, seeds, and other articles necessary to promote the general welfare of said Indians, including the employment of teachers and instructors, under the jurisdiction of the Spokane Indian School, Spokane, Wash., with the approval and direction of the Secretary of the Interior, $10,000.

The amendment was agreed to.

The next amendment was, under the head of "Wisconsin," on page 63, line 17, before the word "Indian," to strike out "two hundred and ten" and insert "two hundred and fifty"; in line 18, after the word "superintendent," to strike out "$36,670" and insert "$43,470"; in line 19, after the word "improvements," to strike out "$2,500" and insert "$4,180"; and in line 20, after the words "in all," to strike out "$39,170" and insert "$47,650," so as to make the clause read:

For the support and education of 250 Indian pupils at the Indian school at Hayward, Wis., and pay of superintendent, $43,470; for general repairs and improvements, $4,180; in all, $47,650.

The amendment was agreed to.

The next amendment was, on page 63, line 25, before the words "in all," to insert "for new central heating plant, $20,000," and in the same line, after the words "in all," to strike out "$53,450" and insert "$73,450," so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school, Tomah, Wis., and for pay of superintendent, $43,450; for general repairs and improvements, $10,000; for new central heating plant, $20,000; in all, $73,450.

Mr. LA FOLLETTE. After the numerals "$20,000," in line 25, and before the semicolon, I move to amend the amendment by adding "or so much thereof as may be necessary."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 64, after line 5, to insert:

That the Secretary of the Interior be, and he hereby is, authorized to sell the merchantable timber on all unallotted lands within the Bad River Reservation, Wis., under such rules and regulations as he may prescribe, the net proceeds derived therefrom to be distributed per capita among the unallotted members of the band and deposited to their individual credit as individual Indian moneys are now deposited, and subject to expenditure for their benefit under the supervision of the Secretary of the Interior: *Provided, however*, That said lands shall be allotted to unallotted members of the band under existing laws; said allotments to be made subject to the sale of the timber and distribution of the proceeds as herein provided: *Provided further*, That patents for said allotments shall not issue until the merchantable timber has been cut and removed from the lands allotted, whereupon the title to such timber as remains on the lands allotted shall then pass to the respective allottees with the issuance of patents for their allotments.

That for the purpose of carrying out the stipulations of the treaty of September 26, 1833, with the Pottawatomie and other Indian Tribes, and for the purpose of carrying into effect the act of June 25, 1864 (13 Stat. L., p. 172), the Secretary of the Treasury is hereby authorized and directed to transfer upon the books of the Treasury, to the credit of that portion of the Wisconsin Band of Pottawatomie Indians now residing in the States of Wisconsin and Michigan, the sum of $447,339, the same being the proportionate share of these Indians in annuities and moneys of the Pottawatomie Tribe, in which they have not shared, as set forth in House Document No. 830, Sixtieth Congress, first session, together with interest at 5 per cent on said sum since the date to which the computation contained in said document was made. And the Secretary of the Interior is hereby authorized to withdraw from said sum so credited to the Wisconsin Band of Pottawatomie Indians a sum not exceeding $150,000, and to expend the same in the purchase of land within the States of Wisconsin and Michigan, the title to such land to be taken in trust by the Government for the use and benefit of said Indians, said land to be situated in organized school districts, and to be purchased in bodies of not more than one section, which said bodies shall not adjoin each other. The land so purchased, except that part thereof as may be necessary for administrative purposes, shall be divided equitably among the Indians entitled thereto, and patents thereto shall be issued in accordance with the general allotment laws of the United States; and the said sum of $150,000 herein provided shall be immediately available.

Out of the sum placed to the credit of said Pottawatomie Indians the Secretary of the Treasury is hereby authorized and directed to pay to Mrs. R. V. Belt, widow of R. V. Belt, deceased, the attorney who in his lifetime represented said Indians in the proceeding and accounting set forth in said document, House report No. 830, Sixtieth Congress, first session, $5,000, and to Eric O. Morstad, of Carter, Wis., who assisted said Belt in the services so rendered, and who has lived with and cared for said Indians for many years, the sum of $5,000, in lieu of the amount provided to be paid under the contract approved by the Commissioner of Indian Affairs, the 1st day of November, 1902; said payment shall be in full payment for all services rendered by the said R. V. Belt, his associates and assigns. All moneys remaining in the Treasury to the credit of the said Pottawatomie Indians shall bear interest at the rate of 5 per cent per annum, and said interest shall be distributed per capita, under the direction of the Secretary of the Interior, to the members of the said band now residing in the States of Wisconsin and Michigan.

The lands so purchased, except such part thereof as may be necessary for administrative purposes, shall be divided equitably among the Indians entitled and patents therefor issued in accordance with the general allotment laws of the United States: *Provided*, That the Secretary of the Interior may, in his discretion, withhold allotments or pro rata distribution hereunder from any Indian or Indians belonging to this band who, owing to advanced age or other infirmities, are deemed by him incapable of making beneficial use thereof. In lieu of formal

allotments to Indians falling within this class, tentative allotments of land may be made to such Indians for occupancy and use during the remainder of their natural lifetime.

The amendment was agreed to.

The next amendment was, on page 67, after line 13, to insert:

For construction of roads and bridges on the Red Cliff Reservation in Wisconsin, $8,600.

The amendment was agreed to.

The next amendment was, under the head of "Wyoming," on page 67, line 18, after the word "employees," to strike out "$12,000" and insert "$15,000," so as to read:

For support and civilization of Shoshone Indians in Wyoming, including pay of employees, $15,000.

The amendment was agreed to.

The next amendment was, on page 68, after line 19, to insert:

The unexpended balance of the reimbursable appropriation of $10,000 for road and bridge construction on the Shoshone Reservation, Wyoming, made in the Indian appropriation act approved August 24, 1912, is hereby reappropriated and made available until expended.

The amendment was agreed to.

The next amendment was, at the top of page 69, to insert;

The Commissioner of Indian Affairs is hereby authorized to expend any sums collected as rentals from the old abandoned military post of Fort Washakie, on the Wind River Reservation, in Wyoming, in such repairs as may be necessary on said buildings and grounds, and that the sum of $1,427, heretofore collected as such by the superintendent in charge of the Wind River Reservation and deposited to the credit of the United States, is hereby appropriated and made available for said repairs.

The amendment was agreed to.

The PRESIDENT pro tempore. That concludes the reading of the bill.

Mr. GRONNA. Mr. President——

Mr. GAMBLE. There are one or two amendments or corrections that I desire to make, and then I will yield to the Senator from North Dakota. On page 12, after line 25, I move to insert as a separate item:

For continuing the investigation by the Secretary of War for the purpose of determining the reasonability and practicability of constructing a dam and reservoir at or in the vicinity of the Box Canyon on the San Carlos Indian Reservation, and for other purposes, as authorized by the act of August 24, 1912 (37 Stat. L., 518–522), $10,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

Mr. GAMBLE. I submit a communication from the Secretary of the Interior relative to the amendment, which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INVESTIGATION OF THE FEASIBILITY OF THE SAN CARLOS PROJECT.

DEPARTMENT OF THE INTERIOR,
Washington, February 20, 1913.

Hon. ROBERT J. GAMBLE,
Chairman Committee on Indian Affairs,
United States Senate.

SIR: I am advised by the Acting Commissioner of Indian Affairs that you have requested a letter in justification of the following proposed item of legislation, to be incorporated in the Indian appropriation bill:

"For continuing the investigation by the Secretary of War for the purpose of determining the reasonability and practicability of constructing a dam and reservoir at or in the vicinity of the box canyon on the San Carlos Indian Reservation, and for other purposes, as authorized by the act of August 24, 1912 (37 Stat. L., 518–522), $10,000, to be immediately available and to remain available until expended."

This department is in receipt of a letter dated February 20, 1913, from Lieut. Col. W. C. Langfitt, Corps of Engineers, United States Army, in which he invites attention to the fact that the appropriation of $15,000 contained in the Indian appropriation act of August 24, 1912 (37 Stat. L., 518–522), is inadequate to provide for the required investigation. Col. Langfitt in his letter of February 20, 1913, says:

"Attention is invited to the fact that all the estimates of those concerned in the matter for this investigation, before the bill was passed, exceeded very largely the sum appropriated, and none were less than $25,000.

"In view of the doubts thrown around this project as to its feasibility, a careful and detailed investigation of the doubtful points is necessary. Furthermore, there have never been any surveys which could be utilized looking to the distribution system of the project, and this alone is an expensive item."

In order that the investigation heretofore authorized may be completed and the feasibility of the San Carlos project be determined, I have the honor to urgently request that the proposed item of legislation herein referred to be included in the appropriation bill and receive favorable consideration by the Congress.

Respectfully,
WALTER L. FISHER,
Secretary.

Mr. GAMBLE. On page 32, line 14, I move to strike out the figures "$51,900" and insert the word "and," and in line 15 to strike out the figures "$3,000" and insert in lieu thereof "$70,000; new buildings, $25,000," and to strike out the figures "$54,900" and insert in lieu thereof "$95,000," so as to read:

SEC. 13. For support and education of 300 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, and for general repairs and improvements, $70,000; new buildings, $25,000; in all, $95,000.

The PRESIDENT pro tempore. Would not the Senator strike out the word "and" after "New Mexico" in the same line?

Mr. GAMBLE. I suggest the amendment to conform with the language of the estimates.

Mr. OWEN. I should like to have an explanation of that change.

Mr. GAMBLE. There is a report from the Secretary of the Interior. It is an amendment proposed by the Senator from New Mexico. It is offered to conform to the wording of the Book of Estimates.

Mr. OWEN. Was the amendment passed on by the committee?

Mr. GAMBLE. It was not passed upon because one of the Senators was away. After conferring with the Senators from New Mexico, as I had the recommendation of the Secretary of the Interior, which I will ask to have printed in the RECORD, I agreed to offer the amendment. As I said, it is to conform to the language in the Book of Estimates.

The amendment was agreed to.

Mr. GAMBLE. On line 16, on the same page, I move to strike out "three" before the word "hundred" and insert "four"; in line 18, to strike out "$51,900" and insert in lieu thereof "$78,500"; and in line 20, to strike out "$57,500" and insert in lieu thereof "$92,100," so as to read:

For support and education of 400 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $78,500; for general repairs and improvements, $4,000; for water supply, $1,600; for girls' dormitory, $18,000; in all, $92,100.

The amendment was agreed to.

Mr. GAMBLE. I ask unanimous consent that the clerks may be authorized to correct any errors in the totals.

The PRESIDENT pro tempore. That will be attended to.

Mr. GAMBLE. I send the communication of the Secretary of the Interior to the desk and ask that it be printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 25, 1913.

Hon. ROBERT J. GAMBLE,
Chairman Committee on Indian Affairs, United States Senate.

SIR: I have your letter of January 15, 1913, transmitting for report a copy of an amendment to H. R. 26874, reading as follows:

"For the support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $7,000; for construction of shop building, $14,000; for a domestic science building, $7,000; for a gymnasium and assembly hall, combined, $25,000; in all, $121,600.

"For support and education of 400 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $8,000; for water supply, $1,600; for shop building, $14,000; for a domestic science building, $7,000; for a gymnasium and assembly hall, combined, $25,000; in all, $124,600."

This amendment provides for the support and education of 400 pupils at the Albuquerque boarding school, instead of 300, for which estimates were submitted by the department for the fiscal year 1914. Since the estimate was submitted for this school it has been brought to the attention of the department that the dormitory now under construction will be completed and ready for occupancy at the commencement of the next school term. This will give the school a capacity of 400 pupils.

It is therefore recommended that the first item of the amendment to H. R. 26874, for the support and education of pupils at the Albuquerque school, receive favorable consideration.

While the department did not originally request an appropriation for a gymnasium and assembly hall building at this school, a building for these purposes would be very desirable.

The carpenter and blacksmith shops at the Albuquerque school are quartered in small, unsightly, adobe buildings. They are inadequate in size, and better facilities should be furnished for the instruction of boys in these trades. The shoe and harness and tailor shops are in a frame building needed to quarter employees. There is no shop space provided for the engineer, who attends to the plumbing. Space for his tools and supplies and for the use of himself and detail in inclement weather is necessary and should be furnished. No paint shop is provided. If the item of $14,000 for the construction of a shop building is allowed for this school, plans will be made for the construction of a building suitable to include all these shops.

The domestic science department of this school is now conducted in three rooms of an adobe building, and admits of a class of four pupils only. The efficiency of this department would be greatly increased by furnishing a suitable building where the class and teacher could be furnished quarters, thus adding to the elements of housekeeping and family laundering. If the item of $7,000 is allowed it will be used for this purpose.

In its estimates for the Santa Fe Boarding School for 1914, the department submitted the following:

"For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., for pay of superintendent, and for general repairs and improvements, $54,500; for water supply, $1,600; for addition to girls' dormitory, $18,000; in all, $74,100."

The present dormitory capacity for girls at the Santa Fe school is not to exceed 60 per cent of that required. The present building is crowded with 100 girls, and every year many girls are refused admittance because of lack of accommodations. An addition to this building is an absolute necessity, and it is estimated that it will cost $18,000.

I am advised by the Acting Commissioner of Indian Affairs that a domestic science building was constructed at the Santa Fe school just recently, costing nearly $6,000, and that there is a workshop building at the school which is amply sufficient to meet its needs for industrial work. The items of $7,000 for a domestic science building, and $14,000 for a workshop are therefore not needed, and can be stricken from the amendment as submitted.

If the $18,000 for the construction of an addition to the girls' dormitory, estimated for by the department, can be made immediately available so that building operations can be commenced before the beginning of the next fiscal year, this building could be completed and ready for occupancy next fall, which would increase the capacity of the school to approximately 400 pupils.

It is therefore recommended that the amendment for the support and education of pupils at the Santa Fe School be made to read as follows:

"For support and education of 400 pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $68,000; for general repairs and improvements, $8,000; for water supply, $1,600; for addition to girls' dormitory, to be made immediately available, $18,000; for a gymnasium and assembly hall combined, $25,000; in all, $121,200."

While the estimates for the Santa Fe School originally submitted by the department did not include an item for the construction of a gymnasium and assembly hall building, a building for these purposes would be very desirable.

It is earnestly recommended that these estimates receive favorable consideration.

Lines 4 and 5, on page 2, of the proposed amendment contemplates the elimination from the appropriation bill of that item which provides for the employment and salary and contingent expenses of the special attorney for the Pueblo Indians of New Mexico. The department is of the opinion that it would be unwise to strike this item from the bill. The lands of some of the Pueblos are very much involved, and the special attorney has instituted a number of suits with a view to removing clouds from the titles and recovering lands to which claims opposed to the interests of the Indians have been made. While it is probably true that these cases could be handled by the United States attorneys, the Indians have great confidence in their special attorney, and it is believed by the department that the work done by him has been of great benefit to these Indians and will prove to be of still greater benefit if this attorney is permitted to proceed with the cases that are now before the courts.

The United States attorneys, as a rule, are so greatly pressed with Government business that they can hardly give these Indian matters the proper and minute attention which they require. The lawyer who has occupied the position of special attorney for the past three or four years has made a most searching investigation into the matters involved, and the department is of the opinion that it would be a step backward and result in longer delay in clearing up the titles of the Pueblo Indians, should they be deprived of their special attorney at this time.

It is therefore respectfully recommended that lines 4 and 5 on page 2 of the proposed amendment be stricken therefrom.

Respectfully,

WALTER L. FISHER, *Secretary.*

Mr. GRONNA. I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 34, line 18, strike out the words "in all, $89,500" and insert:

For a fair at Fort Totten, $1,000, to be expended under the direction and supervision of the superintendent; in all, $90,500.

Mr. GAMBLE. I wish to ask, in regard to the amendment offered by the Senator from North Dakota, if there is any estimate in regard to the amount in the amendment which he proposes, and has there been any report from a committee?

Mr. GRONNA. In reply to the inquiry made by the Senator from South Dakota, the chairman of the committee, I will say that I understand that the amendment was inadvertently omitted. I have been told it was presented to the committee, and it was understood that it should go into the bill.

Mr. GAMBLE. I have no such information, and I think I was present at all the meetings of the committee. If there has been no estimate, I will raise the point of order against it, because it is taking it out of the funds in the Treasury. There has been such a provision for some years in Minnesota. The junior Senator from Minnesota [Mr. CLAPP] suggests that the amendment of the Senator from North Dakota was inadvertently omitted.

Mr. CLAPP. The Senator from North Dakota is right when he supposes it was inadvertently omitted.

Mr. GRONNA. I said I understood it was inadvertently omitted.

Mr. GAMBLE. I say the amendment proposes to take the money out of the Federal Treasury. Such a provision has been embodied heretofore in regard to Minnesota, but it was taken out of the funds of the Indians.

Mr. GRONNA. If the Senator will allow me, I hope he will not make a point of order against this amendment. It is an appropriation of only $1,000; and I offered the amendment at the request of a delegation of Indians who were here this winter.

Mr. LODGE. It is only a thousand dollars.

Mr. CLAPP. I hope the Senator from South Dakota will allow the amendment to go on the bill. There is no money that we invest that is a better investment than bringing the Indians together at these county fairs. I hope the Senator will not press the point of order.

Mr. GAMBLE. I will merely make the suggestion that if we are to appropriate out of the Federal Treasury for Indian fairs there will be not only one or two such amendments as we have now, but they will be coming from every reservation in the country.

Mr. CLAPP. It is always in the power of Congress to stop it.

The PRESIDENT pro tempore. Does the Senator from South Dakota make the point of order?

Mr. GAMBLE. Yes, sir.

The PRESIDENT pro tempore. The Senator from South Dakota makes the point of order that the appropriation is not estimated for. The point of order is sustained.

Mr. GRONNA. I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 34, after line 18, insert:

For examination of the land embraced in Sullys Hill Park to determine whether it contains valuable minerals, $1,000, or so much thereof as may be necessary.

Mr. GAMBLE. I ask the Senator from North Dakota if there is any report from a committee?

Mr. GRONNA. I do not know that an estimate has been made for this amount, but I do know that the Secretary of the Interior and the Commissioner of Indian Affairs are in favor of this item.

Mr. GAMBLE. I will make the point of order that it has not been estimated for and has not been reported by any standing committee of the Senate.

The PRESIDENT pro tempore. If the item is not estimated for, the point of order is sustained.

Mr. THOMAS. I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 32, after line 3, it is proposed to insert:

The Secretary of the Interior is hereby authorized and directed to enroll Tilla A. Provost and her son, Harold Provost, upon the rolls of the Nebraska Winnebago Indians, and said Tilla A. Provost, as head of a family, is hereby allotted 180 acres of land according to her selection.

Mr. GAMBLE. I make the point of order against the amendment that there is no report from a standing committee of the Senate, that it is not estimated for, and that it is legislation upon an appropriation bill. I might add further that this amendment came up before the committee and was heard and was not included in the bill.

Mr. THOMAS. I hope that the Senator from South Dakota will withdraw that point of order. This is a most meritorious claim. It is one which certainly does not burden this bill with any additional amount of appropriation. This woman, according to the judgment of the officials of the Indian Bureau, is entitled to be enrolled as she here asks to be, but the Secretary of the Interior has been compelled, by reason of his position and a rule of the department, to reverse the holding of the Indian Bureau, not because the holding was contrary to law in this case, but because of the rule that an executive officer shall not admit a claim against the United States. This woman was born in this tribe.

The fact that she has not been enrolled is due to a payment to her stepmother, who was not entitled to receive it, of the tribal funds which belonged to her. Inasmuch as it is admitted that she ought properly to be enrolled and to receive this allotment to which she is entitled, I hope the Senator will withdraw his point of order and permit the amendment to be adopted.

Mr. GAMBLE. I would not, Mr. President, feel justified or authorized in doing that. This party was given a full hearing before the Committee on Indian Affairs of the Senate, and the amendment was there rejected.

The PRESIDENT pro tempore. The point of order is sustained, on the ground that the amendment is general legislation on an appropriation bill.

Mr. THOMAS. I have another amendment, Mr. President, which I send to the desk.

The PRESIDENT pro tempore. The Senator from Colorado offers an amendment, which will be stated.

The SECRETARY. On page 57, line 13, it is proposed to strike out the words "cause an investigation to be made of" and in lieu thereof to insert "appoint three commissioners, who shall be instructed and required to investigate."

The PRESIDENT pro tempore. That seems to be an amendment to an amendment already agreed to. If the Senator will withhold it until the bill gets into the Senate, it will then be in order, but it is not in order now unless the vote of the Senate agreeing to the amendment heretofore adopted is reconsidered.

Mr. THOMAS. I want the amendment to be considered before the bill passes.

The PRESIDENT pro tempore. If the Senator will withhold the amendment until the bill gets into the Senate, it will then be in order.

Mr. DIXON. I offer an amendment, which I sent to the desk, on page 27, line 7, to correct the verbiage. I do so at the suggestion of the Director of the Reclamation Service.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 27, line 7, before the word "disposed," it is proposed to insert "or which have been heretofore," so that if amended it will read:

And the unallotted irrigable lands to be or which have been heretofore disposed of under authority of law.

Mr. DIXON. The Director of the Reclamation Service tells me there might be some possible question raised as to the locality of the allotment to the settler unless this amendment be made.

The amendment was agreed to.

Mr. CATRON. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Mexico will be stated.

The SECRETARY. On page 39, at the end of line 5, after the name "Edward Welch," it is proposed to insert the following proviso:

Provided, That no part of the $100,000 hereby appropriated, nor of the $200,000 appropriated by the act approved April 24, 1912, making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, which was authorized to be expended for the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands to be selected for them by the Secretary of the Interior and the Secretary of War, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, shall be used for the purpose of transporting or making settlement of said Apache Indians, prisoners of war at Fort Sill Military Reservation, Okla., within the State of New Mexico or State of Arizona.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from New Mexico.

Mr. GAMBLE. I make the point of order against the amendment that it is not recommended by any standing committee of the Senate and that it is general legislation.

The PRESIDENT pro tempore. The Chair sustains the point of order on the ground that the amendment is general legislation.

Mr. FALL. Mr. President, before the President pro tempore rules on the point of order I should like to be heard for a moment.

At the last session of Congress, Mr. President, when this bill was up for consideration the conference committee in its report presented to this body a provision that $200,000 should be appropriated for the purpose of removing these Indians to the Mescalero Reserve in New Mexico. I have the record before me in relation to the matter, but I do not think it will be necessary to quote the language. However, that was the provision. The acting chairman of the committee, the Senator from Minnesota [Mr. CLAPP], explained to the Senate that this was not a customary method adopted in matters of this kind for a provision such as this to be presented in a conference report for the first time. The matter was then discussed very fully, and the opinions of the Senators from Arizona and New Mexico were expressed in very strong language as to the proposition that these Indians should be removed to either of those new States. After full consideration and after very full discussion, the bill was sent back to the conference committee.

There were only two objections to the conference report at that time—one made by the Senator from Kansas and the other first made by myself, joined in by my colleague and the Senators from Arizona. After listening to the objections of the Senators, the entire Indian appropriation bill was sent back to the conferees because of those objections. The conferees subsequently brought in a report simply providing for the appropriation of $200,000 for the removal of these Indians from Fort Sill to land to be selected by the Secretary of the Interior and the Secretary of War.

Mr. President, none of the lands in the Mescalero Reserve in New Mexico have ever been allotted in severalty. Those lands are held by the Mescalero Tribe of Apaches as a tribe. They are used by those Indians for agricultural purposes, without allotment, each, however, having, by general consent, his little piece of agricultural land. The balance of the lands are generally used for grazing lands.

The action of the Senate itself and of the Congress in making this appropriation certainly was in accordance with the objections made here on this floor by Senators, striking out that provision which authorized the removal of those Indians to the Mescalero Reserve in New Mexico and simply providing an appropriation of $200,000, through which they might secure allotments in Oklahoma or in some other place.

I am not going to refer to the private conferences between the Representatives in Congress from Oklahoma, who were conferees on this bill, and the Representatives from New Mexico or the Senators from New Mexico, and the agreement reached there, because such an agreement was crystallized in legislation.

Now, Mr. President, the proposition we are confronted with here is simply this: Shall the Congress of the United States pass an appropriation bill, providing impliedly, as strongly as such an implication could be found or could be written, that the appropriation should not be used for certain purposes, and then have the Secretary of the Interior of the United States override the will of Congress? In other words, shall the Congress of the United States make an appropriation and direct its application, or shall the Secretary of the Interior legislate by appropriation in such matters as this? This is precisely the question with which we are now confronted. The Senate of the United States, when this same matter came before it at a previous session directly providing that these Indians should be sent back to the Mescalero Reservation in New Mexico, turned that proposition down absolutely, re-referred the bill to the conference committee, and the conferees then simply authorized an appropriation of $200,000 for the placing of these Indians on allotments. There are no allotments, and no part of this money can be used for securing lands in severalty on the Mescalero Reserve.

Mr. President, the Secretary of the Interior of the United States is now taking steps, despite the action of Congress, to send those Indians back to Mescalero over the protest of the citizens of New Mexico and over the protest of their Senators here in the Senate of the United States and despite the action taken by this body and the lower House and the conferees of the two Houses at the last session.

I do not care to go fully into an explanation of what is behind this movement. In 1911 a report was made to the Secretary of the Interior upon this proposition. That report was made at the instigation of certain interested parties. I do not care to expose them; but I want to say that the Mescalero Indians or the head men of the Mescalero Indians in 1911—I have the report here—agreed that a certain proportion of the Fort Sill Apaches might be brought back there.

Reading between the lines and reading the expression of the then agent of the Mescalero Indians, you can see that influence had been brought to bear. He says the matter has been thrashed out from time to time, until finally these Indians have consented that a certain proportion of the Fort Sill Indians might be brought to Mescalero. The Fort Sill Apache Indians did not come from the Mescalero Agency. They are not Mescalero Apaches. They were the Hot Springs and San Carlos Apaches of Arizona. None of them are Mescalero Apaches. They followed Geronimo in the Apache War. A few of these men claim to have married relatives of some of the Indian women now living upon the Mescalero Reserve. Now it is sought to send them back to Mescalero.

Mr. President, the entire people of New Mexico are protesting against this action. I have here upon my desk a resolution from the Legislature of New Mexico, passed unanimously, requesting that such action as I now advocate and as is embraced in this amendment be adopted by the Congress of the United States.

If Senators want to know why the headmen of the Mescalero Indians agreed that the Fort Sill Apache Indians might be sent back there and that they would receive them, I will say that I have the documents here, coming from the office of the Secretary of the Interior himself, showing exactly why. It is because the superintendent of that agency has told these people that he would secure for them—the Mescaleros—$3,000,000 to be distributed among them if they would agree to receive the Fort Sill Apaches. I hold in my hand a letter from the present agent of the Mescalero Indians, in which he says that at present, if the lands of the Mescalero Indians were allotted in severalty to the 450 Mescaleros now residing on the reservation, there would only be from 10 to 15 acres of land which it would be possible for them to use for agricultural purposes. Now it is proposed to place upon that reservation 200 Indians more, who never belonged there, who never were any part of the Mescalero Tribe, and who have no rights there whatsoever. It is held out to them finally in this letter to the Secretary of the Interior, or to the Commissioner of Indian Affairs, that if this move is made, then $500,000 must be appropriated for the Mescalero Indians; and the Commissioner of Indian Affairs writes back to him that it is too late to make the estimate; that they can not get it through this Congress; but should they move the Indians to Mescalero, then hereafter they could come before Congress and ask an appropriation of from $500,000 to $3,000,000 to reimburse the Mescaleros.

All their headmen have agreed to these people coming back because they have been told that immediately they would receive $500,000 from the Government of the United States. This is the true inwardness of this proposition.

We have no objection to the Fort Sill Apaches being removed from the Fort Sill Reservation; we have absolutely no objection to their being discharged as prisoners of war; but we do object

most seriously to receiving them back in New Mexico, where they themselves and their fathers made the ground run red with the blood of Americans, descendants of whom are yet living around the Mescalero Reserve. I know whereof I speak, because the reservation is in my own county in New Mexico. Around this reservation there are little cairns of stones thrown up where Americans and Mexicans may see them as they pass by to indicate where some man or some woman or some child was murdered by these Apaches. Those piles of stones have been erected, in accordance with the Mexican custom, to the memory of the deceased.

Mr. President, when I originally went to New Mexico the first town that I went into was Silver City, and as I got off the train in the streets of Silver City one of the first things I saw was an American holding in his hand the bleeding scalp of a woman who had been killed by one of these Fort Sill Apaches within a mile of the courthouse of Silver City that afternoon. The Indian who scalped her had been shot.

Can you not find some other place to take these Indians? Is it possible there is not sufficient land in all these great United States to which Indians can be taken and where they can be kept without forcing them back to live among the people whose relatives they murdered? Why should they not occupy the land which has been given to them adjoining the Fort Sill Military Reservation in Oklahoma? What use is to be made of the land from which these Apaches are to be withdrawn? We care nothing about that. We agreed at the last session of Congress with the Representatives of Oklahoma on the Indian Committee in conference that no part of this money should be used under any circumstances to locate these Indians in New Mexico. I think the Senator from Minnesota, who had this bill in charge at that time, will bear me out in the assertion that no part of this money was to be used for that purpose?

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Minnesota?

Mr. FALL. I do.

Mr. CLAPP. There is no question as to the correctness of the statement the Senator makes.

Mr. FALL. I thank the Senator from Minnesota. Now, I hope that the chairman of the committee having this bill in charge will not insist upon the point of order.

Mr. President, it is an outrage upon the people of New Mexico, and it is bad faith upon the part of the Secretary of the Interior, who has had this matter brought before him, in view of the record shown here made in this body at the last session, to insist that he will misapply these funds and take these Indians back, despite the protest of the legislature and of the people of New Mexico and of their Representatives in Congress. I hope that the Senator will not insist upon his point of order.

Mr. DIXON. Mr. President, I ask that the amendment offered by the Senator from New Mexico may be again read.

The PRESIDENT pro tempore. The amendment will be again stated.

The SECRETARY. On page 39, at the end of line 5, it is proposed to insert:

Provided, That no part of the $100,000 hereby appropriated, nor of the $200,000 appropriated by the act approved April 24, 1912, making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, which was authorized to be expended for the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands to be selected for them by the Secretary of the Interior and the Secretary of War, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, shall be used for the purpose of transporting or making settlement of said Apache Indians, prisoners of war at Fort Sill Military Reservation, Okla., within the State of New Mexico or State of Arizona.

Mr. GAMBLE. Mr. President, I withdraw the point of order.

The PRESIDENT pro tempore. The Senator from South Dakota withdraws the point of order.

Mr. THOMAS. Mr. President, these points of order seem to be something extremely flexible. They are withdrawn very readily in behalf of some Senators and insisted upon very rigidly in behalf of others. I renew the point of order.

The PRESIDENT pro tempore. The point of order is renewed, and the point of order is sustained.

Mr. JONES. Mr. President, I desire to reoffer the two paragraphs on page 62, down to line 4 on page 63, with the added paragraph that I have marked here, which meet the objections made a few moments ago.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Senator from Washington offers an amendment, which the Secretary will state.

The SECRETARY. The Senator from Washington offers the amendment printed on page 62, ending with line 4, on page 63, with the following addition:

That the allotment herein authorized shall not be made, nor shall the confirmation of the patents issued in the names of Deborah A. Griffin and Mary J. Griffin become effective, until payment be made to the Secretary of the Interior on behalf of those claiming under the said patents of the sum of $500, which shall be disposed of for the benefit of the Colville Indians in the manner as provided in section 6 of the act of March 22, 1906 (34 Stat. L., p. 80).

The amendment was agreed to.

Mr. OWEN. On page 44, line 5, after the figures "$40,000," I move to insert "$5,000 of which is to be immediately available." The Commissioner to the Five Civilized Tribes has advertised 200,000 acres of land to be sold in May, and it is feared that the available appropriation will be exhausted before the sale is completed.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 44 in the committee amendment, line 5, after the numerals "$40,000," it is proposed to insert:

$5,000 to be immediately available.

The amendment to the amendment was agreed to.

Mr. OWEN. Mr. President, I have one other item here which I was requested to offer by one of the Members of the Oklahoma delegation. I send it to the desk and ask that it may be read.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 35, after line 15, it is proposed to insert:

That the Secretary of the Interior is hereby authorized, in his discretion, to extend the time of the deferred payments on the town lots of the north addition to the city of Lawton, Okla., one year from the date on which they become due under existing law: *Provided*, That no title shall issue to any such purchaser until all deferred payments, interest, and taxes have been made as provided in the act of March 27, 1908 (35 Stats., 49), and the act of February 18, 1909 (35 Stats., 637).

Mr. GAMBLE. Mr. President, I will ask the Senator from Oklahoma, what is the necessity for this amendment. Has it been recommended by the department, and is there a bill pending for it?

Mr. OWEN. There is a bill pending for it in the House, which has been favorably reported from the committee in the House. It will simply result in some of these people who have town lots paying 5 per cent interest that much longer, rather than to force them to pay immediately. It does not do the Indians any harm. It simply extends the time within which they may pay it.

The amendment was agreed to.

Mr. THOMAS. Mr. President, I desire to withdraw the point of order which I made to the amendment of the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from Colorado withdraws the point of order made by him to the amendment offered by the Senator from New Mexico.

Mr. OWEN. Mr. President, I renew the point of order.

The PRESIDING OFFICER. The Senator from Oklahoma renews the point of order. The point of order is sustained.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. THOMAS. I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 57, line 13, it is proposed to strike out the words "cause an investigation to be made of" and insert:

Appoint three commissioners, who shall be instructed and required to investigate.

Mr. GAMBLE. Mr. President, I raise the point of order that that has not been estimated for; it has not been recommended by any standing committee of the Senate; and in addition to that, full authority is given in the provision itself for the Secretary to send out special agents to take up this matter, which would be without any additional expense to the Government. If commissioners are appointed it will result in incurring an expense and an obligation that I do not think is necessary; and I insist upon the point of order.

The PRESIDING OFFICER. The point of order is sustained.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall it pass?

Mr. FALL. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Lodge	Sheppard
Bacon	Dillingham	Martin, Va.	Simmons
Bankhead	Dixon	Martine, N. J.	Smith, Ga.
Borah	du Pont	Myers	Smith, Mich.
Bourne	Fall	Nelson	Smoot
Bradley	Fletcher	O'Gorman	Sutherland
Brady	Foster	Oliver	Swanson
Brandegee	Gallinger	Overman	Thomas
Bristow	Gamble	Owen	Thornton
Bryan	Gronna	Page	Townsend
Burnham	Guggenheim	Paynter	Warren
Burton	Johnson, Me.	Penrose	Webb
Catron	Jones	Percy	Wetmore
Chamberlain	Kavanaugh	Pittman	Works
Clarke, Ark.	Kenyon	Poindexter	
Crane	Lea	Richardson	
Cummins	Lippitt	Root	

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. A quorum of the Senate is present.

The bill having been read three times, the question is, Shall it pass?

Mr. FALL. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. SMITH of Michigan (after having voted in the negative). I voted inadvertently. I am paired with the junior Senator from Missouri [Mr. REED], and withdraw my vote.

Mr. STONE (after having voted in the affirmative). I should like to inquire whether the Senator from Wyoming [Mr. CLARK] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. STONE. Having a pair with him, I withdraw my vote.

The result was announced, yeas 68, nays 5, as follows:

YEAS—68.

Ashurst	Dixon	Lodge	Root
Bacon	Fletcher	McCumber	Sheppard
Bankhead	Foster	Martin, Va.	Simmons
Borah	Gallinger	Martine, N. J.	Smith, Ariz.
Bourne	Gamble	Myers	Smith, Ga.
Brady	Gore	O'Gorman	Smith, S. C.
Brandegee	Gronna	Oliver	Smoot
Bristow	Guggenheim	Overman	Sutherland
Bryan	Johnson, Me.	Owen	Swanson
Burnham	Johnston, Ala.	Page	Thornton
Chamberlain	Jones	Paynter	Tillman
Clapp	Kavanaugh	Penrose	Townsend
Clarke, Ark.	Kenyon	Perkins	Warren
Crane	Kern	Pittman	Webb
Cummins	La Follette	Poindexter	Wetmore
Curtis	Lea	Pomerene	Williams
Dillingham	Lippitt	Richardson	Works

NAYS—5.

Bradley	Catron	Fall	Thomas
Burton			

NOT VOTING—22.

Briggs	Cullom	Nelson	Smith, Mich.
Brown	du Pont	Newlands	Stephenson
Chilton	Gardner	Percy	Stone
Clark, Wyo.	Hitchcock	Reed	Watson
Crawford	Jackson	Shively	
Culberson	McLean	Smith, Md.	

So the bill was passed.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE. I move that the Senate proceed to the consideration of House bill 27148, known as the Post Office appropriation bill.

The motion was agreed to.

Several Senators addressed the Chair.

Mr. BOURNE. I yield for routine business.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, and I submit a report (No. 1317) thereon. I desire to give notice that I shall undertake to call up the bill for consideration to-morrow.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

PREVENTION OF DESECRATION OF THE FLAG.

Mr. LEA. From the Committee on Military Affairs I report back favorably without amendment the bill (S. 8487) to prevent the desecration of the flag of the United States and to provide punishment therefor.

Mr. WEBB. I ask unanimous consent that the bill just reported by my colleague may be put upon its passage. A similar bill passed the Senate in the Fifty-eighth and Sixtieth Congresses, and it carries no appropriation.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent for the present consideration of the bill just reported.

Mr. SMOOT. Let it be read.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ROOT. I think we should be able to read the bill before we act upon it. I feel constrained to object.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the calendar.

POST OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads with amendments.

Mr. BOURNE. I ask that the Senate dispense with the formal reading of the bill and proceed to consider the amendments of the committee.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Post Offices and Post Roads was, under the subhead "Office of the Postmaster General," on page 2, line 11, after "$704,450," to strike out the following proviso:

Provided, That, for the purpose of inspecting and investigating rural delivery routes and proposed rural delivery routes, a number of inspectors not exceeding 30 shall be placed subject to the orders of the Fourth Assistant Postmaster General whenever and for such periods as in his judgment they may be needed for that purpose.

The amendment was agreed to.

The next amendment was, on page 2, line 17, after the word "For," to strike out "per diem allowance" and insert "actual expenses"; in line 19, after the word "headquarters," to strike out "at a rate to be fixed by the Postmaster General"; in line 21, after the word "exceed," to strike out "$3" and insert "$4"; and in the same line, after the word "day," to strike out "$261,400" and insert "$348,534," so as to read:

For actual expenses of inspectors in the field while actually traveling on official business away from their homes, their official domiciles, and their headquarters, not to exceed $4 per day, $348,534.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the allowances of inspectors, on page 3, line 6, after the word "*further*," to strike out "that no part of the sums herein provided for the salaries of post-office inspectors or for per diem allowances to such inspectors shall be paid or allowed to them while they may be engaged in making selections and recommendations for the appointment of fourth-class postmasters," and insert "that when hereafter any vacancy shall occur in the office of postmaster of the fourth class in any of the States of the United States the compensation of the postmaster of which office is $300 or more per year, a special nominating election may be held for the purpose of nominating a postmaster to fill such vacancy. Such nominating elections shall be conducted by the local authorities of the county, township, incorporated town, or city in which such post office is situated, the same as the election for county, township, or municipal officers, and the laws and regulations of the State and township or city in which such post office is located shall be held to apply to and be applicable to the conduct of such nominating election; and the actual necessary expenses incurred in the conducting of such nominating election shall be paid out of the appropriation from the Treasury of the United States for the support and maintenance of the Post Office Department of the United States, and the compensation of the necessary officials for such nominating election shall be the same as that provided by State statutes or city ordinances relating to the expenses for conducting county, township, or municipal elections," so as to make the proviso read:

And provided further, That when hereafter any vacancy shall occur in the office of postmaster of the fourth class in any of the States of the United States, etc.

Mr. TOWNSEND. Mr. President, I feel constrained to raise a point of order on that amendment as being general legislation.

Mr. BRISTOW rose.

Mr. TOWNSEND. I do not care to press it now if the Senator from Kansas desires to speak. I will reserve it.

Mr. BRISTOW. Mr. President, I wish to contest the point of order. This is in lieu of the lines stricken out on page 2 of the information print, lines 6, 7, 8, 9, and 10.

The present system of selecting fourth-class postmasters is for the department to detail inspectors to go to the community and select from the eligibles a postmaster. The House undertook to stop this manner of selection by refusing to permit the inspectors to have their per diem for the time engaged in this kind of work. That is the method which the House adopted to change the existing practice.

The Committee on Post Offices and Post Roads has stricken out the House provision, which seeks to modify and change the present practice, and in lieu of that has incorporated the language of the amendment which provides a way for selecting these postmasters other than that which the House seeks to change. It seems to me like it is a modification of the provision that comes from the House. I do not think it is subject to the point of order.

I will admit that if it had been a new proposition that originated in the Senate and was not in lieu of the lines stricken out, the point of order would hold against it.

Mr. TOWNSEND. I had not supposed that there could be any question about this being general legislation on an appropriation bill. It is true that under existing law the fourth-class postmasters are selected after an investigation and inspection by Government officials, but here we propose a radically new method. We propose to have an election in the various precincts of the fourth-class offices within a certain class, and we involve in that also the expenditure of the money necessarily spent in holding the election. I can think of nothing more radical in the way of legislation on an appropriation bill than this particular item.

Mr. BRISTOW. If the Senator will permit me, the expenditure is provided for in the House bill. It will not cost as much to nominate a postmaster, in my judgment, as the present system of detailing inspectors or sending them there to make a selection costs.

The House cuts out the provision of the law, or would seek to minimize this expense, by refusing the inspector his per diem while detailed upon this work, and by that means it undertakes to change the present system of selecting postmasters.

As is well known, until recently fourth-class postmasters were selected by Members of Congress and political committees. When a vacancy occurred in a congressional district where the Member of Congress belonged to the same political party as the administration in power it has been customary for the Post Office Department to call upon the Congressman for a recommendation for a postmaster to fill the vacancy. In the event that there was a Congressman who was not in harmony politically with the administration, if there was a Senator from that State who did belong to the same party as the President, then the Senator would be called upon for a recommendation. In the event there would be no Senator and no Congressman, then some political agent or committeeman of some character would be called upon to make the recommendation.

The present administration has changed that system. It has put the fourth-class postmasters under the civil service. Instead of depending upon Congressmen or political committees it sends the agents of the department, the inspectors, to make the selection, and they select from a certain eligible list which is created.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. BRISTOW. I do.

Mr. SMITH of Michigan. May I ask the Senator right there whether he has observed closely the workings of the new rule, and knows of his own knowledge whether these vacancies have been filled under the civil-service rules?

Mr. BRISTOW. Yes; they are being filled that way now.

Mr. SMITH of Michigan. I do not know to what extent they have not been filled, but I venture the assertion that they have not been able to get candidates for these offices under the new rules, and that scores of offices to-day have no postmaster because no candidates have applied.

Mr. BRISTOW. That may be true. I will not go into a discussion with the Senator from Michigan as to the desirability of the present system. I do not think it is a desirable one myself.

Mr. SMITH of Michigan. I can not let the opportunity go by without felicitating my friend from Kansas upon that expression. The distinguished Senator had a very large experience in the system that prevailed before this new order was established. He held the position of Fourth Assistant Postmaster General. I happened at that time to be a Member of the House of Representatives and came in frequent contact with him in that position, and I venture the assertion that the plan upon which we then worked could not be improved upon; that the personnel of the service, the care which was given the subject, both by the Fourth Assistant Postmaster General and the Representatives in Congress, have never been improved upon.

I wish much of the old order restored. Mr. President, with a full knowledge of the changed political conditions, I would be entirely satisfied after the 4th of March to see the old order reestablished and these offices turned over to prominent men in the community, Democrats, if you please, who feel honored to be thus favored.

Mr. BANKHEAD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Alabama?

Mr. BRISTOW. I do.

Mr. BANKHEAD. I regret very much to have to differ with the distinguished Senator from Michigan with reference to conditions existing under the administration of the distinguished Senator from Kansas. I wish to ask the Senator from Michigan if he would like to accept the conditions now which applied during that administration.

Mr. SMITH of Michigan. Mr. President, I say without the slightest hesitation that I would gladly accept every condition that governed the administration of William McKinley, and I wish that after the 4th of March the country might be assured of such a sane, careful, patriotic, sensible, and successful administration as was enjoyed at that time.

Mr. BANKHEAD. Mr. President, I want to call the attention of the Senator from Michigan to the fact that if that plan should be adopted in the next administration, he certainly would have no worry whatever in selecting fourth-class postmasters in any district in his State.

Mr. SMITH of Michigan. No; but I cheerfully yield that responsibility to the other side of the Chamber. I think that in a country and under a government essentially political the fruits of victory ought to go with the verdict, and let the responsibility rest with the people who have determined the choice of public servants.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from New York?

Mr. BRISTOW. I shall when the Senator from Alabama is through.

Mr. BANKHEAD. Mr. President, I should like to ask the Senator from Michigan this question: After the 4th of March, if there should be a vacancy in a fourth-class post office in the State of Michigan or within his congressional district, were he a Member of Congress from that State, and he should go down to the First Assistant Postmaster General and say, "I would like to have this office filled," and that official should say to him, "Well, Senator," or "Representative, I will refer the matter to our referee down in your district or your State"——

Mr. SMITH of Michigan. Oh, well, Mr. President, I am not responsible for the scarcity of Democrats in the State of Michigan, although I have not encouraged their multiplication to any great extent.

Mr. BANKHEAD. I am asking the question of the Senator if he thinks that——

Mr. SMITH of Michigan. No; I do not plead guilty to that.

Mr. BANKHEAD. I thought you did.

Mr. SMITH of Michigan. But, Mr. President, under the last Democratic administration of Mr. Cleveland there was no difficulty whatever in parceling out the offices in my State, and to good men.

Mr. BANKHEAD. No; and the reason for that was that the Republicans were all turned out.

Mr. SMITH of Michigan. What does the Senator say?

Mr. BANKHEAD. The reason there was no difficulty in administering the law at that time was that the Assistant Postmaster General who had charge of the matter did not hesitate to make a vacancy and appoint a new man.

Mr. SMITH of Michigan. I know he did not; and I hope the same official will not hesitate to do so again as commissions expire.

Mr. BANKHEAD. He can not, for the fourth-class postmasters are now under the civil service.

Mr. SMITH of Michigan. I should like to see that law repealed.

Mr. BANKHEAD. Very well; but that is a different proposition.

Mr. SMITH of Michigan. Frankly, I do not believe in the application of that rule. Men who have grown up in their communities who have become recognized as men of character and have achieved success, men who have been the color bearers of their party, and who have done the things necessary to bring about party success, are entitled to reap the fruits of their victory, and the public service would not suffer.

Mr. BANKHEAD. That may be true, and I quite agree with the Senator from Michigan, but the conditions now will not permit it.

What I started out to say was that I remember very distinctly during the administration of the Post Office Department when presided over by my distinguished and able friend from Kansas [Mr. BRISTOW] when he was Fourth Assistant Postmaster General, when I went down to his office and suggested to him that there was a vacancy in my district that I should like to have filled, and that I had a very competent man to suggest for the place; that the people were all for him, that there was no opposition to him, the Senator from Kansas would always sit back and say, "Well, I am very sorry; but under the rules I shall have to refer that appointment to our referee down in Alabama." Who was that referee? Of course, he was a Republican; and, of course, nine times out of ten he had no knowledge of conditions; he had no acquaintance with the applicants. That is the way our postmasters were appointed. I do not want to see a recurrence of that in my State, or in that of my distinguished friend from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. President, I am perfectly willing that that same rule should apply now; in the progress of political warfare, we having temporarily lost, the other side should take all the places; they are responsible for the change. I do not regard the present civil-service system as any improvement upon the old one, as a whole. There is more mean, contemptible, degrading politics in the civil service to-day than is generally understood by the public. This criticism does not apply to all departments, but to many. I assert, without any hesitation whatever, that there has not been a Cabinet minister in charge of any department of this Government in the last 15 years who has run his department. He has been blindfolded by an official force protected by law, and he has been obedient to their will.

Mr. President, I am not much of a wholesale civil-service reformer; I do not believe in it at all as applied to post offices, although certain public work requires experts and can be done best by people of special training. I think it is little less than grotesque to ask the leading men of a little community to get behind a little desk and define the rule of higher mathematics before they can serve the public in that capacity. If candidates are honest and competent, I would like to see all these offices go to the dominant party to be apportioned by them as a reward for loyal political services, and feel that the public would be served with equal fidelity and the expense of administration in no manner increased.

Mr. BRISTOW. Mr. President, I appreciate the cordial expressions of confidence which my friend from Michigan [Mr. SMITH] expresses in the administration of one of the bureaus of the Post Office Department when I was at the head of it. He was delighted with my administration, because under the rules which controlled then, whatever he recommended went. [Laughter.] I appointed upon his recommendation.

Mr. SMITH of Michigan. You never had any complaint.

Mr. BRISTOW. The Senator from Alabama, who was then in the House of Representatives, was not very well satisfied, because I never appointed the man whom he recommended, unless the recommendation was ratified by the Republican committeeman from that district. That was the system which prevailed then. I do not think it a good one. I think it would be a better system for the Representative of the district, regardless of his political affiliations, to nominate all postmasters, because he would have some knowledge of the communities and be better able to judge than would some irresponsible committeeman. I do not care what party is in power or who might be President, it would be a better system to have the Representative make the recommendations for the postmasters within his district. That, however, is not the best system.

The better system is to provide a lawful way in which the people themselves can select the postmasters who are to serve them in the different communities, placing the discretion in the hands of the executive officer, the Postmaster General, to pass upon the qualifications of the man or woman who is recommended. If an incompetent person is recommended, the Postmaster General under this provision is not required to appoint such a person, but he would have the expression of the wishes of the community as to whom that community wants to serve them as their postmaster. Of course, any Postmaster General will appoint that person if the person is competent to properly conduct the office.

Now we all may have theories as to what is the best means of selecting postmasters. The proposition recommended here by the Committee on Post Offices and Post Roads would substitute for the condition to which the Senator from Michigan objects, in my opinion, a better one than the system that now prevails. I have an illustration of it here. A Senator has just received a letter from the Post Office Department which answers one of the questions submitted by the Senator from Michigan. It is from the Postmaster General, and reads:

> In reply to your letter of the 3d instant, with which you transmitted two communications, one from W. H. Pray and the other from Frank C. Stearns and Byron Sweet jointly, in behalf of the appointment of Mrs. Lora E. Moore as postmaster at Roger, N. Dak., to succeed the late postmaster, I beg to say that there were but two eligibles for appointment to fill the vacancy, Ward J. Pickett and Mrs. Moore, both of whom stated in their application papers that they would conduct the post office at the present site. As the rating of Mr. Pickett was 93.10, while that of Mrs. Moore was only 86.05, in accordance with the practice in such cases Mr. Pickett was appointed under date of the 21st ultimo.
>
> In compliance with your request, the letters transmitted by you are returned herewith.

Showing that the Post Office Department is following that system in making these appointments. The House undertakes to change that system by a legislative enactment, and this amendment is a substitute for the House provision, and I think is in order.

As to the merits of the case, it is simply giving the people of a community an opportunity to say in a lawful way whom they prefer for postmaster, and who is more interested in the selection of postmasters than those who are to be served?

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. BRISTOW. I yield to the Senator.

Mr. GRONNA. I was out of the Chamber for a few moments and did not have an opportunity to hear all of the remarks of the Senator from Kansas. I simply want to ask him this question: Does the Senator from Kansas believe that the selection of fourth-class postmasters would be more easily settled by an election than by appointment under the civil service, as they are now supposed to be appointed?

Mr. BRISTOW. I think so. I think it would be far more satisfactory to the community, and I think the expense would be less than under the present system.

Mr. GRONNA. Is it not true that elections carry with them more or less disturbance, more or less trouble, and would it not be better if we could be assured that all these selections would be made as they are now made, under the civil service, or if they were all put in the classified service?

Mr. BRISTOW. All fourth-class postmasters are in the classified service now. I do not think it is practicable to hold examinations for fourth-class postmasters and then select the one who has the highest grade, because the character of the position is such and the nature of the service is such that the person who passes the highest examination may not make the most desirable postmaster, and there is the difficulty of getting people to take the examinations. There are a great many of the fourth-class post offices where it is the question of what store is to have the post office, where it is to be located, and that is a matter in which the community is interested. This proposition is simply to permit the people of that community at a primary election to determine whom they want for postmaster. Why should they not determine that as well as whom they want for their township trustee or for their sheriff or for their county clerk or for any other local office?

M. GRONNA. I do not say that the people are not as competent to make as wise selections as are made under civil-service rules, but the letter the Senator just read shows that the present system is in the interest of efficiency, in the interest of good service, and that those most capable are being selected.

Mr. BRISTOW. If these were political positions and the person selected was to take a place in an office as a clerk, I quite agree with the Senator. I believe in the civil service as to that. I can not accord with my friend from Michigan [Mr. SMITH] in the criticism of the general civil-service policy.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I yield to the Senator.

Mr. STONE. I should like, for information, to ask my friend from Kansas one or two questions.

Mr. BRISTOW. I will be very glad to answer if I can.

Mr. STONE. I am sure the Senator can if anyone can, although there is some doubt whether anybody can. The provision inserted as an amendment provides:

That when hereafter any vacancy shall occur in the office of postmaster of the fourth class in any of the States of the United States the compensation of the postmaster of which office is $300 or more per year, a special nominating election may be held for the purpose of nominating a postmaster to fill such vacancy.

Now follows this provision—and this is one of the two matters about which I wish to ask the Senator for some information—

Such nominating elections shall be conducted by the local authorities of the county, township, incorporated town or city in which such post office is situated, the same as the election for county, township, or municipal officers, and the laws and regulations of the State and township or city in which such post office is located shall be held to apply to and be applicable to the conduct of such nominating election.

What constituency would have the right to vote at that election?

Mr. BRISTOW. The Postmaster General would have the authority to determine that. If the Senator wants to know what my opinion is as to the constituency that should be prescribed, I would say the patrons of the office. It is easy to ascertain who they are. That is a question for the administration to decide.

Mr. STONE. Does this contemplate that the Post Office Department shall define the election-district limits of each fourth-class post office?

Mr. BRISTOW. Yes; it could do that.

Mr. STONE. How many of these fourth-class post offices are there?

Mr. BRISTOW. There are something over 50,000.

Mr. STONE. That would entail a pretty large task on the Post Office Department, would it not?

Mr. BRISTOW. I think not.

Mr. STONE. I will ask the Senator whether, taking any village in his State or in mine where the conditions are substantially the same——

Mr. BRISTOW. I should say there are not 50,000 post offices that would come under the provisions of this amendment. I had in mind the entire number. There probably would not be more than twelve or fifteen thousand of this great number, not to exceed 20,000 in any event.

Mr. STONE. You mean where the compensation is $300 and over?

Mr. BRISTOW. Yes.

Mr. STONE. There are 20,000 offices then that would be affected?

Mr. BRISTOW. Yes; not to exceed that, in my judgment. Of course, that is simply an estimate.

Mr. STONE. Take any fourth-class post office where the compensation is $300 or more, would it not be a rather difficult task to define the limits in a manner satisfactory to determine the election?

Mr. BRISTOW. No; the resident patrons of the office would be on the eligible list, and the list of resident patrons of an office can be secured very easily.

Mr. STONE. This language disturbs me a little bit:

Such nominating elections shall be conducted by the local authorities of the county, township, incorporated town or city in which such post office is situated.

Mr. BRISTOW. Yes.

Mr. STONE. Take a fourth-class post office in the county in which my friend lives: According to this, it could be held by the local authorities of the county. Who is to hold it under the particular provisions of this bill? Would it be the county or the township?

Mr. BRISTOW. It would be the township, as a rule.

Mr. STONE. But it is in the county as well as in the township.

Mr. BRISTOW. Yes; but that is a matter for the Postmaster General, of course. He has the discretion. It depends upon the location of the office. If the office is a small one, out in a township, of course the township officers would be designated as the proper officers to conduct the election, and it would be conducted under the same laws that a township election would be conducted.

Mr. STONE. It is in a county, nevertheless; and under the very terms of the law the people of the county might insist upon conducting it.

Mr. BRISTOW. If the Senator from Missouri will pardon me a minute, if any election is held within that county the officers in the township that serve that community hold the election in that township. In his own State the Senator knows that that is done. The officers that conduct the election primarily are the township officers of election, and they of course send their returns, in the case of a county election, to the township commissioners. So that that is not at all difficult. The officers are there for holding local elections, and the Postmaster General simply makes the designation. If there were to be an election of a postmaster in the county in which I live, as the Senator has referred to me, there would be no difficulty about it.

Mr. STONE. I fear that would create a very great deal of confusion. My friend from Mississippi asks, "What are you going to do in a section of the country or a State where they have no such thing as a township?"

Mr. BRISTOW. There is always a subdivision which corresponds to a township. In New England it is a town. I think in Louisiana it is a parish, or some subdivision of a parish.

Mr. WILLIAMS. A parish in Louisiana is a county itself.

Mr. BRISTOW. There is some local subdivision, is there not, of the parish?

Mr. WILLIAMS. In Mississippi each county is divided into about five "beats," as they are called, simply for the purpose of electing a magistrate and constable, and——

Mr. BRISTOW. That is the same as a township in Kansas, or a town in New England.

Mr. WILLIAMS. Each of them has a member of the board of supervisors; but there is no constant, enduring form of election officers.

Mr. BRISTOW. Then the county officers that conduct the elections in that "beat," as it is called, would have control of the matter.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. BRISTOW. Certainly.

Mr. SMITH of Michigan. Let me suggest to the Senator from Kansas that the theory upon which his amendment is predicated is that a majority of the people will determine for themselves whom they want for a postmaster.

Mr. BRISTOW. Yes.

Mr. SMITH of Michigan. If only a small faction were to determine the matter the amendment of the Senator from Kansas would entirely miscarry, would it not?

Mr. BRISTOW. Oh, yes; the same as any other election, if the people do not take any interest in an election.

Mr. SMITH of Michigan. But a multiplicity of candidates—say, four or five candidates—would reduce the percentage of any one candidate far below a majority; and, then, if we get the recall, there would be more than enough dissenters to retire him before he could take his place.

Mr. BRISTOW. It is the same method in which county and township officers are elected now. That criticism would go to the whole system of institutions under which we have been living for more than a century.

Mr. STONE. If my friend will permit me, I will ask him the second question I had in mind. I do not wish to interrupt my friend too long or to impose too much upon his known courtesy.

Mr. BRISTOW. Oh, not at all. There is no imposition.

Mr. STONE. There is a provision here to the effect that—

The actual necessary expenses incurred in the conducting of such nominating election shall be paid out of the appropriation from the Treasury of the United States for the support and maintenance of the Post Office Department—

And so forth.

That provision goes on further to say that the per diem or compensation to be paid the officials who are to conduct these elections shall correspond to the compensation allowed by the statutes locally applicable in the case of somewhat similar elections. Is that correct?

Mr. BRISTOW. Yes.

Mr. STONE. That is correct?

Mr. BRISTOW. Yes.

Mr. STONE. Has the Senator thought out—I assume he has and will be able to furnish the information I seek—the probable cost of holding these 20,000 or more elections?

Mr. BRISTOW. In the first place, I wish to advise the Senator that there would not be any 20,000 elections held. There are hundreds and hundreds of these post offices that do not become vacant and where there will be no election.

Mr STONE. At some time there will be.

Mr. BRISTOW. Oh, in time, as the years go by; but I have in mind one postmaster in New York who served for 70 years in a fourth-class post office.

Mr. STONE. Does the Senator desire, in this way, to nominate a man to hold office for life, or during good behavior?

Mr. BRISTOW. They will hold their offices just the same as they do now. A fourth-class postmaster has no term of service. He serves until he dies, resigns, or is removed. In the days when the spoils system was running its full course, I do not think there were ever more than 12,000 appointments of postmasters in the United States made in any one year, and I do

not think there would be any more rapid changes under this system than there are under the present system; and of course the appointment would run on.

Mr. STONE. With all due deference, this seems to me to be a very remarkable departure from anything I have ever conceived likely to take place in the administration of this Government. The measure itself is too crude, not sufficiently developed, to undertake to put it forth in this form.

The PRESIDENT pro tempore. The Chair is prepared to rule on the point of order.

Mr. BRISTOW. If the Senator will pardon me, we have drifted from the point of order to the merits of the case; and I wish to answer my friend from Missouri by saying that the method, in my opinion, is not crude. It has been practiced in many sections of the country. Congressmen have adopted it, only they have held party primaries. This takes the matter out of partisan politics and leaves it with the community to select whomsoever they please.

As to the fourth-class postmasters in office, this provision does not change the present policy or method as to them at all. Whenever a removal is made, whenever a vacancy occurs, for whatever cause, the people nominate a successor, instead of depending upon some political committeeman or some Member of Congress to nominate him.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SUTHERLAND. I should like to ask the Senator a question. The language of this amendment, as the Senator has already said, is permissive. Who is to exercise the option as to whether or not an election shall be held?

Mr. BRISTOW. The Postmaster General.

Mr. SUTHERLAND. The Senator's amendment does not say so. If the Senator will permit me, the amendment simply says——

Mr. BRISTOW. That it may be held.

Mr. SUTHERLAND. "That when vacancies occur," and so on, "a special nominating election may be held for the purpose of nominating a postmaster." It is left entirely in doubt, it seems to me, as to whether the community shall exercise the option or whether the Postmaster General or somebody else shall exercise the option.

Mr. BRISTOW. The Senator is a great constitutional lawyer, and I will say to him that when I drew this amendment, in the first place, I made it mandatory upon the Postmaster General to appoint the party so selected. But the constitutional lawyers belonging to the Committee on Post Offices and Post Roads said that under the Constitution of the United States you could not command an executive officer to make a specific appointment. They advised me that you had to leave it optional with him. We invite the Postmaster General to hold this primary to give the people an opportunity to nominate a candidate for him to appoint as postmaster, and the Government will pay the expenses of that primary. If the Postmaster General does not do it, then the law is of no effect; it does not prevail. But the responsibility is on the executive officer to determine whether or not he will follow out the plan which Congress has provided that he may follow if he sees fit.

Mr. SUTHERLAND. I was not complaining that the language of the amendment was not mandatory, but I was complaining that the permission was granted without saying to whom it was granted.

Mr. BRISTOW. It was granted to the Postmaster General, of course, because we have given him in the law the authority to appoint these postmasters and select them in any way he pleases. Now, we propose in this way to offer to pay the expenses of this mode of selection. If the Postmaster General accepts it——

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. BRISTOW. I do.

Mr. WILLIAMS. Mr. President, if any postmaster chose, and the chief of the administration with which he served agreed with him, he could order these special nominating elections in his discretion and make the appointments accordingly. He could prescribe that or any other method as a rule of conduct for the department. What are you doing here more than giving an authority which the Postmaster General already has?

Mr. BRISTOW. The Postmaster General does not now have the authority. In the first place, he could not pay the expenses of such an election. There is no provision for it, and there is no way that I know of by which he could avail himself of the election laws of the State in order to meet this expense.

Mr. WILLIAMS. The question of the expense is another matter. Of course, Congress would have to grant an appropriation when the rule or regulation was made, or he would have to find it in a lump sum granted to the post office somewhere which would be applicable for this purpose. But it is a fact that such elections have been held. I myself, when a Member of the House of Representatives, in two cases called elections of the Democratic patrons of the post office to determine whom they wanted for postmaster. By the way, there it was much fairer than here, because if at the first nominating convention nobody had a majority they had to hold a second one, so that somebody must have a majority instead of a mere plurality.

But the point of my remark is that, of course, no money can be paid out of the Treasury except by act of Congress. So far as concerns adopting a rule of guidance for itself, however, the Post Office Department, provided the President agrees to it, has full power now to adopt this or any other method it may choose as a rule of guidance for itself. It has already adopted the rule, under which it is now acting, of letting the Congressman's recommendation control, and in some cases the referee's recommendation. There was no law providing for that when the Senator from Kansas was Fourth Assistant Postmaster General. It was merely a rule which he adopted for his own guidance.

Mr. BRISTOW. The Senator from Mississippi should remember that all fourth-class postmasters are now under the civil service. They are appointed upon an examination to determine who is eligible and then a post-office inspector is sent there to select one from the eligibles.

Mr. WILLIAMS. I understand that a presidential decree has placed them under the civil service—that an Executive order has done it. I equally understand that that Executive order can be suspended or set aside by another Executive order. There is just as great authority to uncreate the system as there was to create it. I do not know that I am opposed to this; but it does seem to me there ought to be some clear way of getting at it.

I want to ask the Senator this question: Take my own State, for example, and our system. We have no town or township governments at all. A township with us is simply a geographical designation. Each township has a sixteenth section and they are trustees elected for the sixteenth section. Outside of that, a township has nothing to do with the government of the State of Mississippi. How would this election be held in that State? Each county is divided into five "beats," merely for the purpose of having a justice of the peace and a constable apportioned to each beat, and a member of the police board, the board of supervisors; but there is no continuing election machinery in these townships.

One other word. The territorial limits of the "beats" would by no means coincide with the patronage of the post office.

Mr. BRISTOW. I think I have covered that in my answer to the interrogatories of the Senator from Missouri [Mr. STONE].

The PRESIDENT pro tempore. The Chair will call attention to the fact that Rule XX provides that a point of order shall not be debated unless it is submitted to the Senate.

Mr. BRISTOW. I am ready to have a ruling upon the point of order.

The PRESIDENT pro tempore. If the Senator will permit the Chair to rule, the Chair sustains the point of order as to the part inserted by the committee.

Mr. BOURNE. I ask that the amendment of the committee striking out the proviso be agreed to.

The PRESIDENT pro tempore. Without objection, it is agreed to.

Mr. BOURNE. Mr. President, it is growing late, and I will make a motion that the Senate take a recess now until 8 o'clock this evening, with the expectation that we will be able to finish up the Post Office appropriation bill this evening.

Mr. CLARKE of Arkansas. Do I understand that no other business can be taken up?

Mr. BOURNE. We can make that provision.

Mr. CLARKE of Arkansas. I simply want to understand it. We are to consider no other bill except this one?

Mr. SUTHERLAND and Mr. BORAH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Utah first addressed the Chair.

Mr. SUTHERLAND. Mr. President, I do not want the Senate to take a recess with the understanding that no other business will be taken up except the Post Office appropriation bill. It may be that that will be all we will be able to do; but if any time remains during the evening, I should like to proceed with the consideration of the public buildings bill.

Mr. BORAH. Mr. President, I have a unanimous-consent agreement here which I want to carry out this evening if we can; and I want Senators to know that it is my expectation to do so if it is possible.

Mr. CLARKE of Arkansas. If my suggestion were modified to the extent of including the public buildings bill and the bill submitted by the Senator from Idaho, would that be agreeable to everyone?

Mr. BORAH. It would be agreeable to the Senator from Idaho.

Mr. CLARKE of Arkansas. With that understanding, that is all right.

Mr. SWANSON. Mr. President, do I understand that this agreement includes the bill in which the Senator from Idaho [Mr. BORAH] is interested, and does not interfere with the unanimous-consent agreement? I can not consent to that if it interferes with the unanimous-consent agreement which contemplates a vote on the bill creating a department of labor. If a recess until 8 o'clock and the additional unanimous-consent agreement interfere with the vote on that bill, I shall not consent to it.

The PRESIDENT pro tempore. Does the Senator from Oregon ask unanimous consent or move a recess?

Mr. BOURNE. I move a recess.

The motion was agreed to, and (at 5 o'clock and 55 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

POST OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with, at page 4, line 6.

Mr. GRONNA. Mr. President, this is a very important bill, and I think a quorum should be present. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Dakota suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Johnston, Ala.	Smith, Ga.
Borah	Dillingham	Jones	Smith, S. C.
Bourne	Fall	Martin, Va.	Smoot
Brady	Fletcher	Nelson	Sutherland
Bristow	Gallinger	Page	Swanson
Chamberlain	Gardner	Pomerene	Townsend
Clapp	Gore	Sheppard	Works
Cummins	Gronna	Shively	

Mr. ASHURST. I have been requested to state that the Senator from Colorado [Mr. THOMAS] is detained from the Senate by reason of a slight illness, and that my colleague [Mr. SMITH of Arizona] is absent from the Senate on important public business.

The PRESIDENT pro tempore. Thirty-one Senators have answered to their names—not a quorum. The names of the absentees will be called.

The Secretary called the list of absent Senators and Mr. CATRON and Mr. KENYON answered to their names when called.

Mr. BRADLEY and Mr. BANKHEAD entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Thirty-five Senators have answered to their names—not a quorum.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Mr. CRAWFORD, Mr. GUGGENHEIM, Mr. BRYAN, Mr. CLARKE of Arkansas, Mr. KAVANAUGH, Mr. PENROSE, Mr. SIMMONS, Mr. SMITH of Michigan, Mr. POINDEXTER, Mr. LEA, Mr. PAYNTER, Mr. JOHNSON of Maine, and Mr. SMITH of Arizona entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present. Without objection, further proceedings under the call will be dispensed with. The Secretary will continue the reading of the bill.

The Secretary resumed the reading of the bill, beginning on page 4, line 6.

The next amendment of the Committee on Post Offices and Post Roads was, on page 4, line 16, after the words "business in," to insert "connection with the postal service of," so as to make the clause read:

For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance, unusual and extraordinary expenses necessarily incurred for maintenance by inspectors over and above per diem allowance while traveling on official business in connection with the postal service of Alaska, and for the traveling expenses of two clerks performing stenographic and clerical assistance to post-office inspectors in the investigation of important fraud cases, $41,400.

The amendment was agreed to.

The next amendment was, on page 4, line 22, after the word "routes," to strike out "$35,000" and insert "$45,000," so as to make the clause read:

For livery hire incurred by inspectors not covered by their per diem allowance, including livery hire in connection with the installation and inspection of rural routes, $45,000.

The amendment was agreed to.

The next amendment was, on page 5, line 3, after the word "robbers," to strike out "$7,500" and insert "$15,000," so as to make the clause read:

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, $15,000: *Provided*, That of the amount herein appropriated not to exceed $5,000 may be expended, in the discretion of the Postmaster General, for the purpose of securing information concerning violations of the postal laws and for services and information looking toward the apprehension of criminals.

The amendment was agreed to.

The next amendment was, under the subhead "Postal Savings System," on page 5, line 16, after the word "office," to strike out "$100,000" and insert "$149,000," so as to make the clause read:

For blank books, forms, pamphlets, rubber stamps, canceling devices, and postal savings certificates for use in depository offices and banks, postal savings cards and stamps, official postage and stamped envelopes for use in lieu of penalty or franked envelopes, in the transmittal of free mail, authorized by act of June 25, 1910, including those used in the central office, $149,000.

The amendment was agreed to.

The next amendment was, on page 5, line 22, after the word "charges," to strike out "$2,500" and insert "$5,000," so as to make the clause read:

For miscellaneous items, including the purchase of filing cabinets in depository offices not located in Federal buildings, and the expense incident to the shipment of supplies, including the cost of wrapping paper, twine, packing boxes, drayage, freight, and express charges, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the First Assistant Postmaster General," on page 6, line 4, after "$30,250,000," to strike out "*Provided*, That no part of this appropriation shall be expended in the payment to postmasters of the first class where any part of the amount of salary has been computed on the sales of parcel-post stamps," so as to make the clause read:

For compensation to postmasters, $30,250,000.

The amendment was agreed to.

The next amendment was, on page 12, line 7, after the word "stations," to strike out "5,480" and insert "2,730"; in line 9, after the word "each," to insert "2,730, at not exceeding $800 each, and 2,750, at not exceeding $720 each: *Provided*, That after June 30, 1913, the salary of the first grade for clerks and carriers shall be $720 instead of $600"; and in line 13, after "$600," to strike out "*Provided*, That after June 30, 1913, the first grade for clerks and carriers shall be abolished and that appointments shall be made to the second grade, salary $800; and that clerks and carriers at first-class offices shall be promoted successively to the fifth grade and clerks and carriers at second-class offices shall be promoted successively to the fourth grade," so as to make the clause read:

Clerks and clerks in charge of stations, 2,730, at not exceeding $800 each, and 2,750, at not exceeding $720 each: *Provided*, That after June 30, 1913, the salary of the first grade for clerks and carriers shall be $720 instead of $600.

Mr. CURTIS. Mr. President, I should like to have the chairman of the committee consent to treat that all as one amendment. I have offered an amendment to strike out and insert, but the object of my amendment really would be accomplished if the amendment recommended by the Senate committee were disagreed to. Therefore, if the Senator from Oregon will consent, I should like a vote on the whole paragraph as one amendment.

Mr. BOURNE. Mr. President, that is perfectly agreeable to me. I should like to say, for the information of the Senate, that the Senate committee believed that the increase in compensation of the clerks from $600 to $720 was ample, and the limitations on the numbers were made to conform to that idea. If the desire of the Senate is to abolish the $600 grade and absorb that in the $800 grade, making a promotion of $200, well and good. Then the Senate will vote for the motion to disagree as made by the Senator from Kansas [Mr. CURTIS]. If, however,

they believe that an increase of $120 is sufficient, they will vote against the motion to disagree and will support the committee.

Mr. CUMMINS. Mr. President, the House provision gives to these employees, as I understand, $800?

Mr. BOURNE. Yes.

Mr. CUMMINS. And advances the $600 grade to $800?

Mr. BOURNE. That is correct.

Mr. CUMMINS. And the Senate committee proposes to reduce a certain portion of them as compared with the House provision to $720?

Mr. BOURNE. The committee amendment, if adopted, would increase the compensation of several thousand of these employees by $120 a year.

Mr. CUMMINS. But the House provision increases the same number.

Mr. BOURNE. Yes; $200.

Mr. CUMMINS. To $800 per year.

Mr. PENROSE. Mr. President——

Mr. CUMMINS. I want to say all that I have to say if the Senator from Kansas will permit me now.

Mr. CURTIS. Certainly.

Mr. CUMMINS. I very earnestly hope that the House provision will be retained in the bill. I do not believe that $800 per year is more than adequate compensation for these men. On the contrary, if I were to criticize it at all, I would insist that the House provision gave these men inadequate compensation. I do not think that the Government ought to ask men who are employed to do the kind of work that these men do to labor for less than $800 per year.

I know that there is a difference of opinion with regard to the standard that we should adopt in fixing pay for Government employees; I know that there are some people who believe that the compensation ought to be fixed with reference to what similar work commands in other employments. I am not one of them.

I believe that the Government ought to pay to all of its employees a compensation that will enable them to live in reasonable comfort and to maintain themselves and their families with reasonable success. I think the general labor of the country is underpaid. I do not believe that the laboring men of this country take their fair share from the accumulated wealth which they produce. I think it is one of the most imperative duties of Congress to so adjust our laws that these laboring men may advance their compensation; but until we succeed, if we ever do succeed, in giving the laboring people of this country a better opportunity in the struggle of life, it is a false notion that we shall measure the compensation that we pay as a Government to these men by the underpay that is taken by the employees in the general battle of life.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. CUMMINS. I do, although I hold the floor at the pleasure of the senior Senator from Kansas [Mr. CURTIS].

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the senior Senator from Kansas yield to his colleague?

Mr. CUMMINS. I yield, however, if I may be permitted to do so.

Mr. CURTIS. I yield.

Mr. BRISTOW. I should like to suggest to the Senator from Iowa [Mr. CUMMINS] that he is proposing to tax the man who is receiving less than $800 a year in order to get money to pay these men more.

I would like to call the Senator's attention to the fact that the very men who, he says, are now paid inadequately outside of the Government service are the men upon whom he imposes a tax to pay the men in the Government service more than the man outside is getting. I myself can not concur in any such policy.

Mr. CUMMINS. There is some truth in what the Senator from Kansas has just said. It is, however, only a partial truth. In so far as the men who are underpaid do contribute to the revenues of the Government, the statement of the Senator from Kansas is correct. However, that does not justify the Government itself in fixing a false standard of compensation. It ought to incite the Government to every possible effort to increase the pay of the men who really do create and earn the wealth of our country.

Mr. BORAH. Mr. President——

Mr. CUMMINS. I yield to the Senator from Idaho.

Mr. BORAH. I desire to ask what kind of service the employees, about whom we are now talking, perform. What is the particular service which they do?

Mr. CUMMINS. They are clerks in the post office.

Mr. CURTIS. Postal carriers.

Mr. CUMMINS. Clerks in charge of stations.

Mr. BOURNE. And stenographers.

Mr. CUMMINS. Clerks, and clerks in charge of stations—2,730 at not exceeding $800 each, and 2,750 at not exceeding $720 each.

Mr. SMOOT. The great majority of them, however, are letter carriers.

Mr. CUMMINS. I think that is true. They are somewhat divided.

Mr. BORAH. What is the average earning per annum of the man who labors in this country?

Mr. CUMMINS. If the Senator from Idaho is asking me that question, I can not answer it with absolute accuracy; but my recollection is that the average wage of laborers in the United States is not quite $500 per year.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I yield.

Mr. POMERENE. Here in the city of Washington last year we raised the wages of street cleaners to $2 a day. I had some part in making that raise, and I am glad they have it. They are not getting too much——

Mr. WORKS. Mr. President——

Mr. POMERENE. Just one moment—but it does seem to me that the men who are employed in the responsible position of clerks ought to get more than $600 a year. If they can not earn more than $600 a year, they ought not to be in the service. I do not feel that it is right to have men who are required to have a considerable degree of intelligence to work for this Government at anything like a salary of $600 a year.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from California?

Mr. CURTIS. I do.

Mr. WORKS. I should like to ask the Senator from Ohio if he knows that our good intentions in raising the wages of the laboring men in Washington was a failure, and that they have never received the increased wages?

Mr. POMERENE. Mr. President, I did not know that; and if that is true, I am very sorry for it. I know that in this Chamber we did what we could to raise their wages to $2 a day.

Mr. WORKS. I happen to know that, because I myself offered the amendment, but I afterwards learned that they were not paid. I again offered the same amendment, and it was adopted a few days ago. I hope we shall have better success in the future.

Mr. POMERENE. I think Congress owes an apology, then, to these laborers.

Mr. CUMMINS. May I give a moment's more attention to the thought suggested by the Senator from Kansas? It is well worthy of consideration. We might as well face that proposition now. If we are to adjust the salaries or compensation of Government employees according to the underpaid, admittedly underpaid, general labor of the country then this whole bill is manifestly wrong, because there are hundreds of salaries here reported by the committee that are vastly above the standard that would be set up by that comparison.

We are doing the best we can here, and I think we ought to do a great deal more for equalizing the wealth of this country. There are many ways in which we might do it if we would give more attention to the subject, as I think we ought to. Meanwhile, we ought to give to our employees enough to live upon, enough to take care of their families in a meager way.

There is not a Senator here who does not know that $720 a year will not support a man with his family, living as the men who do this work must live, in order to maintain themselves in the society of which they are a part. I hope very earnestly that we will retain the House provision, and not limit this compensation as suggested by the Senate committee.

I have said this with very great reluctance. I have the very greatest confidence in this committee, in its chairman, and in its members. I know they have bestowed upon this work a high measure of fidelity, and not only fidelity but a great measure of intelligence as well. I do not know whether there are other instances in which they have reduced the salaries proposed by the House, but I can not think they have in many instances. I assure the chairman of the committee and its members that it is with no disrespect whatever toward them that I have said what I have, in the hope that the amendment may be rejected and the House provision preserved.

Mr. ASHURST and Mr. SMOOT addressed the Chair.

The PRESIDENT pro tempore. The Chair will inquire of the Senator from Kansas if he still desires to retain the floor?

Mr. CURTIS. I do.

The PRESIDENT pro tempore. Does the Senator yield, and to whom?

Mr. CURTIS. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I will ask the Senator from Iowa if he believes that all the clerks provided for in the House bill should receive the same salary? I ask that because of the fact that in the past the clerks and carriers of a first-class office have always received a higher salary than the clerks and carriers of a second-class office.

Mr. CUMMINS. I am not competent to answer the question propounded by the Senator from Utah. I have no doubt that if perfect justice were done some of these clerks should be paid higher salaries than others. The House provision, as I understand, abolishes the first grade and starts them all in on their way to promotion upon a grade ahead of the $600 grade, or the first grade. I do not insist that they are all entitled to exactly the same compensation, but I do insist that no one of them should receive less than $800 per annum.

Mr. SMOOT. Mr. President, I am rather in sympathy with that view—that they should all receive an increase. I sympathize with that position. But I myself am not sufficiently familiar with the matter to say whether all of the carriers and clerks in first-class post offices should receive the same identical salary that clerks and carriers of second-class post offices receive, or vice versa. I have always understood that the clerks and carriers of a first-class post office had more responsibility and a rather larger field of labor to attend to than those of a second-class office, but really, as I say, I am not sufficiently familiar with the matter to say whether that is so or not.

Mr. CUMMINS. I do not think that is well founded, probably; but I do not know. I think in a great many instances the fourth-class postmaster himself does a very large part of the work.

Mr. SMOOT. This does not apply to fourth-class postmasters; it applies only to the carriers and the clerks.

Mr. CUMMINS. I understand that perfectly, but I thought the Senator from Utah referred to the clerks of the fourth-class offices.

Mr. SMOOT. Oh, no; I was comparing the clerks and letter carriers of the first-class offices with those of the second-class offices.

Mr. CUMMINS. I am not sufficiently familiar with the subject to say which ought to have the larger salary. I have no doubt that, taking the whole 7,000 or 15,000 here, many men of superior skill and merit could be found who are entitled to a larger salary than some of their less efficient fellows. But there has been no effort to grade them in that way, according to their real efficiency; and I put my objection to the Senate amendment upon the ground that $800 ought to be the minimum compensation.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Arizona?

Mr. CURTIS. I do.

Mr. ASHURST. Mr. President, I shall support the amendment which has for its purpose the reinstatement of the House provision.

As the Senator from Iowa [Mr. CUMMINS] said when he concluded and took his seat, I also feel that any working person supporting a family in any department of life in the United States to-day who is paid a salary of less than $800 per year is inadequately paid. There was recently made an investigation into the condition of a large number of workingmen. A searching analysis was made and 2,567 cases were examined. It was ascertained that in order for a workingman and his family to exist as becomes human beings it was necessary for him to expend for food, rent, clothing, and the other actual necessaries of life, the sum of $768.54. That sum purchased only the barest actual necessaries of life; which left him no money whatever for books, no money for theater tickets, no money for flowers, no money to lay aside for the ever-dreaded rainy day; no money to purchase any of the things which add to the comforts of life.

Hence with pleasure I shall support the amendment to reinstate the House provision so that these men shall receive, not $720 per annum, but $800 per annum. Economy is a noble virtue, but should not be carried to the extent of paying less than a living wage to those who must depend wholly upon their labor for a subsistence.

Mr. CURTIS. Mr. President, I simply want to say, in conclusion, that it should be remembered by the Senate that these men are not appointed until after they have served in many cases three and four years as substitutes. That ought to weigh with the Senate. Further, Senators should remember the fact that the Postmaster General, under whom these men work, recommended this increase in his estimate to the House and the Senate; and not only that, but in his annual report, on page 12, he says:

> Under the present law the initial salary for clerks and carriers is $600 per annum. Taking into consideration the long period of substitute service and the high cost of living, it is believed that this salary ought to be increased from $600 to $800.

With this statement I hope the Senate will vote down the committee amendment and allow the House provision to remain.

Mr. BANKHEAD. Mr. President, the committee gave as much consideration to this item as to any other in the bill. I do not believe there is a member of the committee who is not in favor of adequate salaries and higher salaries if it were possible that that could be done. But it must be remembered that all these clerks are promoted every year automatically. Under the provisions of the bill this class receives $720 and next year they will receive $820, and in three years they will be getting a thousand dollars.

The committee were of the opinion, and in that opinion the Post Office Department concurred, that a better service would be rendered and perhaps a better class of men would be admitted, and that owing to the fact that there would be greater rivalry for promotions by coming in automatically it would be better for the employees in the end and for the Government, if instead of paying all these appointees $800 annually they were divided into two classes, paying one $700, which is an increase of $120 over the present salary, than to put them all into one class and pay them $800.

For that reason the committee thought it best not to adopt the House provision putting all these employees into one class and paying them $800 per year, but to divide them and to pay one class $700, with the knowledge every year that they would be promoted and $100 would be added to their salaries. We thought that would be the best arrangement for the employees in the end. That is the reason why the committee adopted it.

Mr. WORKS. Mr. President, I am sorry to disagree with the conclusions reached by the committee. I have no doubt that the committee has done its work conscientiously, but I am utterly opposed to the payment of so small a wage by the United States Government for services of this kind.

I object seriously to the Government taking as an example the wages that are paid by corporations. Instead of following their example and paying starvation wages to employees the Government should set an example of paying fair wages. We may come to the time directly when a minimum wage will have to be fixed for corporations and for their employees. I think we are fast coming to that time, because the idea is absolutely abhorrent to me of an American citizen having to live upon such wages as it is said here is the average wage paid to employees in this country. I think it is high time the Government of the United States should be setting an example in the payment of reasonable wages.

Mr. BRISTOW. Mr. President, I desire to say in behalf of the committee amendment that heretofore the initial wage or salary of the clerks and carriers has been $600. There is a promotion of $100 a year each year until the amount of $1,100 is reached, and that becomes the salary of the clerk after four years' service. The clerks who are appointed are as a rule young men and women who do not have families to support, as has been alleged here, but they come out of the high schools and take the examination and get upon the eligible list. In some of the cities there are large waiting lists. The eligible list is crowded with people desiring to get into this service, because it is a better job than they can get outside of the Government service. Indeed it is regarded as a very desirable position to be near the head of the eligible list for one of these appointments. That has been the case with the compensation of $600 for the first year. The committee amendment proposes to increase that from $600 to $720, so that the new appointees will start in at $720 and receive the annual promotion until at the end of four years they will receive $1,100.

I know when it comes to voting the Government money away, money that is secured by taxing people and from the working people, working for the low wages that have been referred to here, Congress does it with a lavish hand and with very little thought. We go over the country and preach economy, but when we get inside the Senate Chamber we do not carry it out by our votes. We attack the system of taxation that is imposed throughout the country and say that it is resting as a great burden upon the people, and we denounce extravagance, but we will heap up the taxes and make the burden harder on the man who is outside the Government service in order to pay men who are inside of it better wages than they can possibly get outside.

It is not a popular thing to stand up here and take the side of the question that I am now speaking upon, but it is the right one from the standpoint of equity and justice to the average American citizen who works with his hands for his living. If the Senate of the United States wants to fix a minimum wage of $720 a year for every man who is eligible for these appointments, regardless of the employment that he may receive, then I will meet any Senator here upon a proposition of that kind. But I am not going to vote to make special favorites of Government employees at the expense of the men who do not have an opportunity to earn that much money and who do harder and more disagreeable work.

Mr. CURTIS. May I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to his colleague?

Mr. BRISTOW. I am very glad to yield.

Mr. CURTIS. Has the Senator always entertained this idea about the payment of high wages to Government employees?

Mr. BRISTOW. I have entertained the ideas I am expressing now.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. BRISTOW. Certainly.

Mr. KENYON. Messengers to Senators and Members have very little to do and they are paid a great deal higher wages than these employees.

Mr. BRISTOW. Certainly.

Mr. KENYON. We tax the outside man to pay these high wages to messengers and clerks here.

Mr. BRISTOW. I ask the Senator if he asks my vote to tax people outside for especially high wages?

Mr. KENYON. I sympathize with the Senator's statement as to economy. We preach economy before an election, but we do not generally practice it when we get here.

I do not want to see the economy practiced on the man who toils. Let us practice it on something else. Here was a bill before us this afternoon, and at the conclusion of the discussion $1,800,000, after the warfare between the two Senators from Washington, was put on the bill. Why not practice economy in something of that kind instead of on these men who toil?

Mr. JONES. I wish to suggest that that was the very highest economy.

Mr. KENYON. The highest economy?

Mr. JONES. Yes.

Mr. KENYON. I was glad to see the two Senators compromise.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Georgia?

Mr. BRISTOW. I do.

Mr. SMITH of Georgia. I wish to ask the Senator from Iowa if it is not true that practically all the persons who are serving as messengers in connection with the senatorial service serve as clerks and many of them as stenographers?

Mr. KENYON. I think it is the case now. I do not know how it will be after March 4.

Mr. SMITH of Georgia. The messengers really do clerical work and stenographic work in many cases.

Mr. KENYON. I think that is true, but the work is not comparable to the work these men do, in my judgment.

Mr. BRISTOW. I desire to correct the Senator from Iowa. A messenger, as has been stated by the Senator from Georgia, is a stenographer, and he must be a man of high intelligence if he does his work well. He is not paid any more and not as much as the employees in the postal service receive, who do that grade of work. It is certainly a well-established fact that experience counts in employment. These men and women start in as inexperienced clerks at a salary of $60 a month, and they get a promotion every year until the salary amounts to $1,100. Then the promotions are not annual; they come as vacancies occur.

Mr. KENYON. Ah, but it is true that these men serve an apprenticeship of one or two years, is it not, before they receive a regular appointment, and they receive but $700 a year during that time?

Mr. BRISTOW. No; they are paid as substitutes.

Mr. KENYON. When they work they are paid as substitutes, and they have to wait around.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. BORAH. I do not desire to shorten this discussion, but I simply want to suggest to the Senate that I have a bill pending here in which several thousand people are interested who receive less than $500 a year. I have only about two hours and a little over to pass that bill. I should like to pass it this evening, if we can.

Mr. BRISTOW. I do not intend to unnecessarily take the time of the Senate, but I have stated what I had to say in defense of the committee's amendment because I believe it is right. I believe that in making appropriations here we should consider two things—the man who pays the bill and the man who receives the salary. I think that the Senator from Iowa stated that the average compensation of the laboring man in this country is less than $500 a year.

Mr. KENYON. I should like to ask the Senator from Kansas if that is a decent condition of living?

Mr. BRISTOW. No; of course it is not.

Mr. KENYON. Then why not let the Government set the example of decent living?

Mr. BRISTOW. And tax the man who is getting $500 to make it up. The proposition here is to do that; instead of helping the laboring man you are putting an additional burden on his back.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the senior Senator from Iowa?

Mr. BRISTOW. I do.

Mr. CUMMINS. May I ask the Senator this question?

Mr. BRISTOW. I shall be very glad to answer it if I can.

Mr. CUMMINS. Upon the principle that has been announced by the Senator from Kansas and having reference to the facts which nobody disputes, how does he justify the advance from $600 to $720?

Mr. BRISTOW. I might answer that question by asking the Senator how he justifies himself in making the salary $800 instead of $1,100.

Mr. CUMMINS. No; I have adopted another standard. The Senator from Kansas has adopted the standard of the average wage throughout the country. I deplore the situation which requires any man to work for $500 a year, but I do not accept that as a sufficient reason for making a Government employee work for $500 a year. In that respect I am not subject to the same suggestion. I think $800 a year is as little as a man can live upon.

Mr. BRISTOW. How do a majority of the people who labor in this country live on $500?

Mr. CUMMINS. I think a full answer to that question would be to paint a picture that no American citizen wants to look upon.

Mr. BRISTOW. I will meet any Senator on this floor in any kind of legislation that will force an increase in the payment of the wages of the men who work at these miserable wages. I do not believe that the man who labors gets sufficient compensation for his work, but the proposition of the Senator does not help him; it places a still greater burden upon him.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the junior Senator from Iowa?

Mr. BRISTOW. Certainly.

Mr. KENYON. I wish to supplement the answer of my colleague by saying that these men and their families do not live; they merely exist.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to his colleague?

Mr. BRISTOW. I do.

Mr. CURTIS. I wish to suggest to my colleague an excellent place to begin by raising the pay of these deserving clerks and carriers from $600 to $800 if you are going to increase salaries.

Mr. BRISTOW. And in order to get the money to do it you are taxing the laboring man who receives much less than that amount; you are not helping him.

Mr. CURTIS. Not necessarily. If my colleague will submit some suggestion here that will help the man who gets but $500 I will join with him in any effort he makes. I have been working for 20 years for a policy that would give labor employment in this country, and I have seen their wages increase, and I hope they will continue to increase.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Georgia?

Mr. BRISTOW. I yield.

Mr. SMITH of Georgia. I think there is a vast number of small farmers who do not get anything like the sum the Senator indicates.

Mr. BRISTOW. There are thousands and thousands of them.

Mr. SMITH of Georgia. How would you undertake to reach them and take care of them? By the wage scale you are putting the limit at $800.

Mr. BRISTOW. I do not know, but I will join any Senator, and be delighted to join any Senator, in a system of legislation that will increase the compensation of the man who has to work for his living day by day; but I am not going to vote upon him a tax to give men in the Government service a much higher wage than he can possibly earn outside.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. BRISTOW. I do.

Mr. GRONNA. May I ask the Senator from Kansas what is the average pay that the rural carriers get?

Mr. BRISTOW. Eleven hundred dollars a year.

Mr. GRONNA. How does that compare with the pay that these people get? Do not the rural carriers have to furnish their teams?

Mr. BRISTOW. The rural carrier is not paid so much as these carriers and clerks are after they arrive at the term of the standard wage.

Mr. BORAH. Has the Post Office Department any trouble in filling these positions?

Mr. BRISTOW. Not at all.

Mr. GRONNA. It is true, is it not, that the Post Office Department does have trouble in getting people, so far as it applies to rural carriers?

Mr. BRISTOW. Oh, no.

Mr. GRONNA. It has been the case in my State.

Mr. BRISTOW. That may be in some sections of the country, where horses are high and horse feed is high, but as a rule there is no difficulty in securing rural carriers.

Mr. GRONNA. I stated on the floor of the Senate a year ago that the farmers in my State and in my part of the country have to pay rural carriers additional in order to get service.

Mr. BRISTOW. That is not a usual condition; it would be an unusual condition. I know how disagreeable it is to stand up and resist increase in salaries. I know the enemies a man makes in public life when he does that. I have had some experience in that line. But to start these employees in when they are young men and women just out of high school at $60 a month—$10 a month more than such employees have heretofore received—and then let them have the advantage of the promotion they will get for four years—$80 for the first year and then $100 for each additional year—makes these positions very desirable. The Government has no trouble and will have no trouble in securing employees. In some of the large cities there has been complaint that $50 did not offer a sufficient inducement to bright and capable young people when they start out to make their own living to seek these places, and it was believed by the department that an increase would help in those places. But there are only a few places where there has been any trouble.

Mr. SMITH of Georgia. I should like to make one other suggestion to the Senator, if he will allow me. Is it not true that nearly all of these places the first year are filled with young men and young women just out of high school, and that they have no families, and do the salaries not increase after the first year?

Mr. BRISTOW. Yes; they got a promotion every year for five years under the old system. It will be every year for four years now. That was the view presented to the committee.

Mr. CUMMINS. That may be true generally. I have no personal knowledge outside of my own city, but it is not true there that the substitute carriers are young men just out of high school. I do not know their average age, but it can not be said that these men who go into the service are young men just out of high school, so far as my own city is concerned; it may be true elsewhere. There is an age limit that precludes the entering of an old man into the Government service, and therefore they are young men; but I venture to say that three-fourths of the men who go into the service in my own town as carriers are married men. That probably is not true of young women, if there are any. I do not know that there are very many who get into the service as clerks.

Mr. BRISTOW. Is not that evidence that this is a very desirable service to get into?

Mr. CUMMINS. Of course it is a desirable service. I venture to say if you will cut down all of the salaries in the United States, including those of Members of Congress one-half, there would be no difficulty in filling the places. But that to me is no standard for fixing compensation.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to his colleague?

Mr. BRISTOW. I do.

Mr. CURTIS. I wish to state again that these men are not appointed to these regular places until after they have served three and four years in many cases as substitutes; and while they are working as substitutes in the larger cities their salary is $40 and smaller, even $15 a month; and all the time they are on the substitute roll they must study the districts and prepare themselves to fill the regular places when they are appointed. Those men prepare themselves for these places.

Mr. BRISTOW. I wish to say to my colleague that a substitute gets the pay of the lower grade for the time that he works. He gets $600 a year for the time that he works, under the old system. If the Senate amendment is adopted, he will get at the rate of $720 for the time that he works. When he is not employed at this service he has other employment.

Mr. CURTIS. That is true while he is working, but he gets very little work during the year. The average will not amount to more than the sum I gave a moment ago, and he must prepare himself all the time and must be ready for call.

The PRESIDENT pro tempore. The question is on the amendment reported by the committee.

Mr. TOWNSEND. Mr. President, there are two or three, possibly four, items in the bill as to which I was not in accord with the committee, and so suggested at the time it considered this bill. This was one of them. I know that great and painstaking care was taken by all the members of the committee, and I think a conscientious conclusion was arrived at by the majority, but I have other reasons than those that have been given for advocating a salary of $800 for the lowest salaried clerks. I am willing to carry the illustration, as the Senator from Kansas has done, to outside labor, if also I may be permitted to carry it to employers outside.

I have always noticed that the successful business man, the man who does things, realizes the worth of men, and the wise one generally pays a good wage to the man who can do his work well. I think the Government will get better service by paying adequate salaries, notwithstanding the fact, as stated by the senior Senator from Iowa [Mr. CUMMINS], that we might get a sufficient number of men at half the salary now paid than it would if the low wage was adopted. I do not believe that if we could get men enough at half the salary that we could get the men who are best fitted for doing the work of the Government. I do know it is a fact, notwithstanding the statement of some of the officers of the Post Office Department to the contrary, that that department has had difficulty in many places in this country in getting proper substitute clerks to enter the service of the Government.

Mr. CUMMINS. I did not make the statement quite as stated by the Senator from Michigan. I said you could get men who would take these places. I did not say you could get a class or type as efficient as you now get.

Mr. TOWNSEND. I believe it is a good policy, regardless of wages for outside employment, for this Government to pay good wages to its employees. I think the way to begin economy in the Government is to get rid of the useless employees of the Government. If we could do that; if we could eliminate the great numbers of useless men and women who are in the employment of the Government and practically pay the same amount in the aggregate to those who remain that we now do, I have no doubt that a real economy by way of better service to the Government would be secured. So I have felt in regard to this item that it was our duty not only to raise this class of clerks, the $600 grade, to the $800 class, but I have also felt that we would at the same time benefit the substitutes. They would get better pay. It is not only true that these substitutes have to prepare themselves, but they have to report for duty. Those men have to be on hand; they have to report daily for service, and, therefore, can not engage in other certain and fixed employment outside, and they serve an apprenticeship for from three to four years.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Kansas?

Mr. TOWNSEND. I yield.

Mr. BRISTOW. I should like if the Senator from Michigan would suggest a means by which these useless employees of which he speaks may be gotten rid of. It is all right to get up and say that there are so many thousand useless employees here, but we have got the responsibility of legislation. Let us have a suggestion by which they can be eliminated and let us go to work and get rid of them if there are thousands of them that are not needed. I do not accede to that myself.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Ohio?

Mr. TOWNSEND. I do.

Mr. POMERENE. I will give this information for what it is worth. It came to me from a responsible employee in one of the departments. In a certain bureau of this Government there are 57 men employed on large salaries. Out of the 57 men, 7 of them are timekeepers for the other 50.

Mr. BRISTOW. I think the Senator from Ohio [Mr. POMERENE] owes it to the Senate to state the bureau from which he obtained the information, so that an investigation may be had as to the facts.

Mr. POMERENE. I tried to get my informant to give me that information, but he would not give it to me at the time. If, however, I remain here very long, permit me to suggest that I propose to see what is in it, and I shall be glad to join hands with the Senator from Kansas upon that proposition.

Mr. BRISTOW. I make the prediction that the Senator will find that if that had been true his informant would not have hesitated to give him the place where he could have verified the truthfulness of the statement.

Mr. POMERENE. Permit me to suggest to the Senator that my informant is a very reputable man and a member of the Senator's own party.

Mr. BRISTOW. I care nothing for that; I care nothing for "the Senator's own party." If the Senator from Ohio will be as independent of the party lash as I have been since I have been in the Senate, I think the Senator will serve his country well. I hope I can make this statement without taking any undue credit to myself.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Senators will get permission to interrupt. Does the Senator yield further?

Mr. POMERENE. I have been able to assert my independence on different occasions, and I hope so long as I remain here to continue in that respect.

Mr. BRISTOW. I hope the Senator will, and we shall have a test of that in the next two or three years.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield?

Mr. BORAH. I thought that the Senator from Michigan had concluded. I do not want to take the Senator off the floor.

Mr. TOWNSEND. I did not have time or opportunity to answer the junior Senator from Kansas when he asked if I would make some suggestion as to how economy could be practiced in the employment of Government help. I have not a ready-made remedy; I have some ideas, and have had for some little time, upon this question. I go into some of the departments here, and I find some superannuated people—a great many of them. I know there are men and women in the employ of the Government whose services are of absolutely no value to it, but, on the contrary, they are really a hindrance to its work.

I am not prepared to say that we can over night discharge those people. I know what a difficult matter it is for their chiefs to handle this particular problem; but something has got to be done along that line. There are other lines that we should investigate, in our efforts at economy, and we should bear in mind that service is what is required, and a proper wage is a requisite to good service. The cutting of wages or the keeping down below the reasonable standard of salaries is an unwise thing to do if we want the business of Government well done. I believe the clerks and substitute clerks are capable people; I believe they are some of the Government's best men and women, and while they seek this employment, just as we seek positions in Congress, they have a right to expect that they shall be properly paid. Therefore I feel that the House provision should be adopted. I so felt when this matter was considered by the committee, and I am still of the same opinion.

Mr. BORAH. Mr. President, I want to ask the Senator in charge of the bill if he would not be willing to lay the bill aside for the rest of the evening? I secured a unanimous-consent agreement in reference to a matter in which I am very much interested, and, while I understand, of course, that the unanimous consent granted for the consideration of the bill which I have in mind provides that it is not to interfere with appropriation bills, I should like, if the Senator could see his way clear to do so, to have the pending bill put aside until we could dispose of the bill to which I refer. I think we can do so in a couple of hours.

Mr. BOURNE. I ask the Senator from Idaho if it would not be perfectly agreeable to him if we take a vote on the motion of the Senator from Kansas now before the Senate, so that we can dispose of that, and then I will be very glad to have the bill go over.

Mr. BORAH. If it is ready for a vote, very well; but I had an idea that perhaps the debate would continue in view of the wide range it has taken.

Mr. CURTIS. Mr. President, I am very anxious to have a vote on this amendment to-night, because I have two conference committees to attend to-morrow, and it will be impossible for me to be here to look after the amendment. I should therefore like to have a vote on the amendment to-night if it can be obtained.

Mr. BORAH. If there is to be no more debate on the amendment, I shall be very glad to see it disposed of.

Mr. GRONNA. I desire to say to the Senator from Idaho that I wish to make some remarks on this particular amendment.

Mr. BORAH. Then I should like to ask the Senator from Oregon to lay the bill aside for to-night and permit me to go on with the other matter.

Mr. BOURNE. I did not hear what the Senator from North Dakota said.

Mr. BORAH. I presume the Senator from North Dakota would just as soon make his remarks to-morrow.

Mr. GRONNA. Perhaps the Senator from Idaho would just as soon make his remarks to-morrow. My statement was, I will say to the Senator from Oregon, that I intend to make some remarks on this particular amendment while it is pending. Of course it is not important to the Senate and may not be important to me, but I thought perhaps——

Mr. BORAH. Of course I am not seeking to take the Senator off the floor. I know that he is acting in good faith.

Mr. GRONNA. Mr. President, I do not intend unnecessarily to delay the Senate from voting upon this bill. The amendment now pending is, however, a very important one. As the Senator from Kansas [Mr. BRISTOW] has well stated, the average pay received by laborers all over the United States, outside of the Government service, for the labor which they perform is far less than $720 per year. I do not mean to say that $720 or $800 or a thousand dollars is too much for those who perform labor. I believe that they are all entitled to better pay; but we must take conditions as they are. I do not see how we can consistently and with even-handed justice take money out of the Treasury of the United States for this purpose at the expense of the public, of course.

Mr. President, I wish it were possible to pay every laborer in the Government service more than we are paying to-day. I wish it were possible, sir, that all laborers in this great country could receive better pay for their services. This is one of the most important questions that this country has to face, and the time will come when we must face it honestly, and not by indirection.

I would be the last one to ask that the pay of laborers should be reduced, provided conditions are such that it is possible to increase their pay. But we gather a certain amount of revenue; we raise certain sums of money and deposit them in the Treasury of the United States, and, even if we were willing in this bill to provide for a higher wage scale, it may not be possible for us to do so.

I said a moment ago that the rural carriers of this country were receiving on an average, where daily service is performed, less than $1,100 per year. I believe that those who are familiar with the service that those men have to perform will agree with me that they are the lowest paid employees in the service of the Government. They receive $1,100 per year, not merely for their own service, but for their equipment as well. In the western country, where the routes are from 25 to 35 miles in length, it will take the entire day to make the trip. The carriers are required to have for their use not less than two and sometimes four horses; they must have a wagon and a sleigh; they have to buy their harness, furnish feed for their horses, and all this for the small amount of $1,100 per year. Those men are married men, men with families, the same as the men who are living in the cities.

Mr. President, if it were possible to appropriate to these men more money than they are now receiving, I should be very glad to support such a proposition, but we have to make some comparison; we have to draw the line somewhere. It is true of this service as it is of the same character of service that is being performed by the laboring men, that those who perform the hardest labor always receive the smallest pay. I trust the time will come when labor in this country will, in their own right, demand and receive a great deal more than they are receiving to-day.

I believe the Senator from Kansas [Mr. BRISTOW] has well stated the proposition. It is an easy matter to vote for large appropriations of the people's money, and it is probably a popular thing to do, but we must not forget that we are here as servants of the people to guard the people's money. We are here to act, not for ourselves, but for the people of this great coun-

try; and until the time shall come that we can appropriate more money to all these people, unskilled as well as skilled labor; until the time comes that those who are engaged in the industries of this country can be paid higher wages—and I express the hope that the time will come—we must draw the line somewhere.

Mr. GUGGENHEIM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. GRONNA. I yield to the Senator.

Mr. GUGGENHEIM. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Colorado suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Jones	Shively
Bankhead	Cummins	Kavanaugh	Simmons
Borah	Curtis	Kenyon	Smith, Ariz.
Bourne	Dillingham	La Follette	Smith, Ga.
Bradley	Fall	Lea	Smith, Mich.
Bristow	Gallinger	Martin, Va.	Smoot
Brown	Gamble	Myers	Stone
Bryan	Gardner	Page	Sutherland
Catron	Gore	Penrose	Swanson
Chamberlain	Guggenheim	Poindexter	Townsend
Clapp	Johnson, Me.	Pomerene	Williams
Clarke, Ark.	Johnston, Ala.	Sheppard	Works

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. GRONNA. Mr. President, this is one of the most important measures we have had before Congress this session. I believe every provision that affects labor is entitled to the most careful consideration. I do not wish to state authoritatively, but if my recollection serves me right the average pay of laborers in this country, outside of those who are in the Government service, is between three and four hundred dollars per year. Those very conditions are confronting the American people. If the question could be settled by simply increasing the wage scale, it would be an easy matter to dispose of it; but it enters into the question of the high cost of living. We can not appropriate large sums of money without taxing the American people. If it were possible to tax those who can best afford to bear the burden, no one would be more willing than I to do so.

I am not a member of this committee. I have not gone into the details of this particular item; but I have heard the argument made by the Senator from Kansas [Mr. BRISTOW], and I believe his statement is logical. I am sure this committee has tried to do justice to all those who are in the employ of the Government. It is not a question alone of raising the salaries of these particular men; the question is, What are we able to do for all these people?

If it were possible to take from those who receive higher wages, myself included—if a proposition of that kind were made, to take from those who receive higher salaries and give to those who receive lower salaries—I should vote for it. But that is not the question here. The question is, Can we, under existing circumstances, increase the pay of the men who are doing this particular work any more than it has been increased by this committee?

Mr. President, I do not intend to delay the Senate further upon this particular question, as there are several items in the bill upon which I want to be heard. There are many provisions in the bill which are of the greatest importance not only to the laboring men but to the people of the entire country. It is a bill that carries $285,000,000, and I believe it should be given the most careful consideration.

I have not had time to look into all the provisions of the bill as carefully as I would like to do. I had hoped that we would have time at least until to-morrow to consider the most important features of this bill, but I understand that the chairman of the committee is anxious to have it passed before we adjourn.

Mr. President, I shall not delay the Senate any longer upon this item of the bill, because, as I said, I shall ask to be heard later on.

The PRESIDENT pro tempore. The question is on agreeing to the first amendment reported by the committee, on page 12, which will be stated.

The SECRETARY. On page 12, lines 7 and 8, strike out "5,480" and insert "2,730," so as to read:

Clerks and clerks in charge of stations, 2,730, at not exceeding $800 each.

Mr. CURTIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

The PRESIDENT pro tempore (when Mr. GALLINGER'S name was called). I am paired with the junior Senator from New York [Mr. O'GORMAN].

Mr. SMITH of Michigan (when his name was called). I desire to transfer my pair with the junior Senator from Missouri [Mr. REED] to the Senator from Ohio [Mr. BURTON] and vote. I vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Colorado [Mr. THOMAS] and vote. I vote "nay."

Mr. NELSON (after having voted in the negative). I voted through a mistake. I have a general pair with the senior Senator from Georgia [Mr. BACON]. I withdraw my vote on that account.

Mr. STONE. I have a general pair with the Senator from Wyoming [Mr. CLARK]. He does not seem to be present, and I withhold my vote.

Mr. SMITH of South Carolina. I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I should like to know if that Senator has voted.

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. SMITH of South Carolina. Then I withhold my vote.

The result was announced—yeas 17, nays 31, as follows:

YEAS—17.

Bankhead	Bryan	Kavanaugh	Sutherland
Borah	Catron	Lea	Swanson
Bourne	Gore	Martin, Va.	
Brady	Gronna	Smith, Ga.	
Bristow	Johnston, Ala.	Smoot	

NAYS—31.

Ashurst	Fall	Page	Shively
Bradley	Gardner	Paynter	Simmons
Brown	Guggenheim	Penrose	Smith, Ariz.
Chamberlain	Johnson, Me.	Percy	Smith, Mich.
Clapp	Jones	Pittman	Townsend
Crawford	Kenyon	Poindexter	Williams
Cummins	La Follette	Pomerene	Works
Curtis	Myers	Sheppard	

NOT VOTING—47.

Bacon	Dixon	McLean	Smith, Md.
Brandegee	du Pont	Martine, N. J.	Smith, S. C.
Briggs	Fletcher	Nelson	Stephenson
Burnham	Foster	Newlands	Stone
Burton	Gallinger	O'Gorman	Thomas
Chilton	Gamble	Oliver	Thornton
Clark, Wyo.	Hitchcock	Overman	Tillman
Clarke, Ark.	Jackson	Owen	Warren
Crane	Kern	Perkins	Watson
Culberson	Lippitt	Reed	Webb
Cullom	Lodge	Richardson	Wetmore
Dillingham	McCumber	Root	

So the amendment of the committee was rejected.

Mr. BOURNE. In view of the fact that the Senate has disagreed to a portion of the amendment of the committee on page 12 and that the whole paragraph has to be taken together, I ask the Senate to disagree to the committee recommendation in order to perfect the section.

The PRESIDENT pro tempore. The question is on agreeing to the second amendment.

The amendment was rejected.

The next amendment of the Committee on Post Offices and Post Roads was, beginning in line 13, on page 12, to strike out the following proviso:

Provided, That after June 30, 1913, the first grade for clerks and carriers shall be abolished and that appointments shall be made to the second grade, salary $800; and that clerks and carriers at first-class offices shall be promoted successively to the fifth grade and clerks and carriers at second-class offices shall be promoted successively to the fourth grade.

The amendment was rejected.

Mr. BORAH. I wish to ask the Senator from Oregon if he is not willing to lay aside the bill for a time?

Mr. BOURNE. At the request of the Senator from Idaho I will ask to lay aside the further consideration of the Post Office appropriation bill at the present time.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the bill be temporarily laid aside. Is there objection?

Mr. GUGGENHEIM. I object.

The PRESIDENT pro tempore. The Senator from Colorado objects.

Mr. BORAH. I move that the Senate proceed to the consideration of House bill 22913, to create a Department of Labor, notwithstanding the objection.

The PRESIDENT pro tempore. The Senator from Idaho moves that the Senate proceed to the consideration of House bill 22913, to create a Department of Labor.

Mr. SMOOT. I am not going to object to that at all. I simply want to call the attention of the Senate to it. Is it a violation of the unanimous-consent agreement? If not, I have not anything more to say; but it seems to me that it is a violation of the unanimous-consent agreement.

Mr. BORAH. Does the Senator object?

Mr. SMOOT. No; I do not object further than that is seems to me that a unanimous-consent agreement will take a unanimous consent to change it, and not a vote of the Senate.

Mr. BORAH. The unanimous-consent agreement is that it is not to interfere with appropriation bills. The Senator from Oregon has asked to lay aside the appropriation bill, and I do not think, therefore, that it is an interference with the agreement.

The PRESIDENT pro tempore. But the request of the Senator from Oregon was objected to, and it is not laid aside. The appropriation bill is before the Senate at the present time unless it is displaced.

Mr. SWANSON. That is what I was going to suggest. Can a motion be made to displace the appropriation bill?

The PRESIDENT pro tempore. Certainly.

DEPARTMENT OF LABOR.

Mr. BORAH. I move that the Post Office appropriation bill be laid aside for this evening.

The PRESIDENT pro tempore. The Senator from Idaho moves that the Post Office appropriation bill be laid aside for the remainder of the evening. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BORAH. I ask, under the unanimous-consent agreement, that the bill (H. R. 22913) to create a department of labor be proceeded with.

The PRESIDENT pro tempore. The Senator from Idaho moves to proceed to the consideration of the bill.

The motion was agreed to.

Mr. GUGGENHEIM. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Colorado suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Martin, Va.	Smith, Ga.
Bankhead	Curtis	Myers	Smith, Mich.
Borah	Fall	Page	Smith, S. C.
Bourne	Gallinger	Paynter	Smoot
Brady	Gardner	Penrose	Stone
Bristow	Gore	Percy	Sutherland
Brown	Guggenheim	Pittman	Swanson
Bryan	Johnson, Me.	Poindexter	Townsend
Catron	Jones	Pomerene	Williams
Chamberlain	Kavanaugh	Sheppard	Works
Clapp	Kenyon	Shively	
Clarke, Ark.	La Follette	Simmons	
Crawford	Lea	Smith, Ariz.	

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present.

Mr. BORAH. I ask that the bill may be read for action on committee amendments.

The PRESIDENT pro tempore. The Chair is informed that the bill has been read and the committee amendments have been agreed to.

Mr. BORAH. I desire to offer an amendment at this time.

Mr. GUGGENHEIM. In order to be familiar with the bill, I should like to have it read again.

The PRESIDENT pro tempore. Without objection, the bill will be again read.

Mr. BORAH. I object to its reading.

The PRESIDENT pro tempore. It is objected to.

Mr. BORAH. I presume the Senator is familiar with it or he would not be objecting to its consideration.

Upon page 7 of the bill, in line 13, I move to strike out "October" and insert "March," and to strike out the word "first" and insert "fourth," and, in line 14, to strike out "twelve" and insert "thirteen," so as to read:

That this act shall take effect March 4, 1913.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Idaho.

The amendment was agreed to.

Mr. GRONNA. I have an amendment here that I wish to offer, but I have misplaced it. I yield to the Senator from Colorado, who wishes to offer an amendment.

Mr. GUGGENHEIM. I hold in my hand the amendment offered by the Senator from Massachusetts [Mr. LODGE], which I send to the desk.

The PRESIDENT pro tempore. The Senator from Colorado submits an amendment, which will be read.

The SECRETARY. It is proposed to strike out all down to the word "and," in line 7, page 2, and to insert "That."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Colorado.

Mr. BORAH. This is an amendment which was prepared by the Senator from Massachusetts [Mr. LODGE], and while, of course, it is proper for anyone to offer an amendment if he desires to do so, nevertheless I desire to say that the Senator from Massachusetts stated that he did not himself desire to offer this amendment, and thought that it was not well that it should be adopted. I hope it will not be adopted, as it changes the entire bill and would undoubtedly defeat the bill so far as the present session is concerned.

The effect of this amendment is simply to abolish the Department of Commerce and to transfer a number of departments which are now under the Department of Commerce and Labor to the Treasury Department, and to leave to it alone the creation of the Department of Labor. It would raise an issue, of course, which it would be impossible to dispose of at this session, because there are a great many people who are opposed to abolishing the Department of Commerce. I trust, therefore, that the amendment will not carry.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. GUGGENHEIM].

Mr. GUGGENHEIM. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. GORE. I ask for a division.

There were, on a division—ayes 2, noes 34.

The PRESIDENT pro tempore. Not a quorum has voted.

Mr. GORE. Did the vote disclose the lack of a quorum?

The PRESIDENT pro tempore. The Chair so announced.

Mr. GORE. I desire to submit a motion, but will withhold it for a minute.

The PRESIDENT pro tempore. The roll will be called.

The Secretary called the roll, and the folowing Senators answered to their names:

Ashurst	Cummins	Martin, Va.	Simmons
Bankhead	Curtis	Myers	Smith, Ariz.
Borah	Fall	O'Gorman	Smith, Ga.
Bourne	Gallinger	Page	Smith, Mich.
Brady	Gardner	Paynter	Smith, S. C.
Bristow	Gore	Penrose	Smoot
Brown	Johnson, Me.	Percy	Stone
Bryan	Jones	Pittman	Sutherland
Catron	Kavanaugh	Poindexter	Swanson
Chamberlain	Kenyon	Pomerene	Townsend
Clapp	La Follette	Sheppard	Williams
Crawford	Lea	Shively	Works

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present. The question is on the amendment of the Senator from Colorado [Mr. GUGGENHEIM], on which a division has been demanded.

The question being put, there were, on a division—ayes 0, noes 37.

The PRESIDENT pro tempore. No quorum has voted.

Mr. SMITH of Georgia. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BRISTOW. Mr. President, before the roll is called I desire to say that I had determined that I would not vote for any additional Cabinet officer. I very much prefer that the present Department of Commerce and Labor should be made the Department of Labor. I think it should have been originally a Department of Labor, and the commercial divisions and bureaus that have been transferred to it should have been left with the Treasury Department, where they belong; but because of the statement of the Senator from Idaho [Mr. BORAH] that that is not practicable and could not be done now, I, with reluctance, shall vote against the amendment. I do so reluctantly, because I think the Cabinet is large enough now. As I have said, it would certainly be better to make the Department of Commerce and Labor a Department of Labor, with all the functions which the Department of Labor when created will have, and not encumber the Cabinet with an additional officer.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Colorado [Mr. GUGGENHEIM]. The roll will be called.

The Secretary proceeded to call the roll.

Mr. SMITH of Georgia (when Mr. BACON's name was called). I desire to state that my colleague [Mr. BACON] has been indisposed from a severe cold for several days, and on account of his health could not come out to-night.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Tennessee [Mr. WEBB] and vote. I vote "nay."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. In his absence I withhold my vote. If permitted to vote, I should vote "nay."

Mr. SUTHERLAND (when his name was called). I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted.

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. SUTHERLAND. I have a pair with that Senator, and in his absence I withhold my vote.

The roll call was concluded.

Mr. SMITH of Georgia (after having voted in the negative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE] and this is a measure to which, I think, the pair should apply, although we have an agreement that each shall vote when he wishes. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and will let my vote stand.

Mr. SUTHERLAND. I am informed that the Senator from Arkansas [Mr. CLARKE] with whom I am paired, if present, would vote "nay." I therefore feel at liberty to vote. I vote "nay."

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I desire to transfer my pair with that Senator to the junior Senator from Colorado [Mr. THOMAS], and will let my vote stand.

Mr. SIMMONS. I desire to announce that my colleague [Mr. OVERMAN] on account of his physical condition is unable to be present to-night.

The result was announced—yeas 1, nays 46, as follows:

YEAS—1.

Guggenheim

NAYS—46.

Ashurst	Cummins	Martin, Va.	Smith, Ariz.
Bankhead	Curtis	Myers	Smith, Ga.
Borah	Fall	Newlands	Smith, Mich.
Bourne	Gallinger	O'Gorman	Smith, S. C.
Brady	Gardner	Page	Smoot
Bristow	Gore	Penrose	Sutherland
Brown	Johnson, Me.	Pittman	Swanson
Bryan	Jones	Poindexter	Townsend
Catron	Kavanaugh	Pomerene	Williams
Chamberlain	Kenyon	Sheppard	Works
Clapp	La Follette	Shively	
Crawford	Lea	Simmons	

NOT VOTING—48.

Bacon	Dillingham	Lodge	Richardson
Bradley	Dixon	McCumber	Root
Brandegee	du Pont	McLean	Smith, Md.
Briggs	Fletcher	Martine, N. J.	Stephenson
Burnham	Foster	Nelson	Stone
Burton	Gamble	Oliver	Thomas
Chilton	Gronna	Overman	Thornton
Clark, Wyo.	Hitchcock	Owen	Tillman
Clarke, Ark.	Jackson	Paynter	Warren
Crane	Johnston, Ala.	Percy	Watson
Culberson	Kern	Perkins	Webb
Cullom	Lippitt	Reed	Wetmore

The PRESIDENT pro tempore. A quorum has not voted, and the roll will be called.

Mr. SMITH of Georgia. I suggest, Mr. President, that the names of absentees be called.

The PRESIDENT pro tempore. That can not be done on a yea-and-nay vote. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Myers	Smith, Ariz.
Bankhead	Fall	Newlands	Smith, Ga.
Borah	Gallinger	O'Gorman	Smith, Mich.
Brady	Gardner	Page	Smith, S. C.
Bristow	Gore	Penrose	Smoot
Brown	Johnson, Me.	Percy	Stone
Bryan	Jones	Pittman	Sutherland
Catron	Kavanaugh	Poindexter	Swanson
Chamberlain	Kenyon	Pomerene	Townsend
Clapp	La Follette	Sheppard	Williams
Crawford	Lea	Shively	Works
Cummins	Martin, Va.	Simmons	

The PRESIDENT pro tempore. Forty-seven Senators have answered to their names—not a quorum. The names of absent Senators will be called.

The Secretary called the names of absent Senators, and Mr. BOURNE entered the Chamber and answered to his name.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum is present. The question is on the amendment submitted by the Senator from Colorado [Mr. GUGGENHEIM], upon which the yeas and nays have been ordered. The roll will be called.

The Secretary proceeded to call the roll.

Mr. SMITH of Georgia. I again announce my pair with the senior Senator from Massachusetts [Mr. LODGE], and again transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK]. I will let this announcement and transfer stand for the remainder of the evening. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and the transfer of that pair to the Senator from Tennessee [Mr. WEBB]. I vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Colorado [Mr. THOMAS], and will let my vote stand.

Mr. STONE. I have a pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from Florida [Mr. FLETCHER], and will vote. I vote "nay."

The result was announced—yeas 0, nays 44, as follows:

NAYS—44.

Ashurst	Cummins	Martin, Va.	Simmons
Borah	Curtis	Myers	Smith, Ariz.
Bourne	Gallinger	Newlands	Smith, Ga.
Brady	Gardner	O'Gorman	Smith, Mich.
Bristow	Gore	Page	Smith, S. C.
Brown	Johnson, Me.	Penrose	Stone
Bryan	Jones	Pittman	Sutherland
Catron	Kavanaugh	Poindexter	Swanson
Chamberlain	Kenyon	Pomerene	Townsend
Clapp	La Follette	Sheppard	Williams
Crawford	Lea	Shively	Works

NOT VOTING—51.

Bacon	Dillingham	Lippitt	Richardson
Bankhead	Dixon	Lodge	Root
Bradley	du Pont	McCumber	Smith, Md.
Brandegee	Fall	McLean	Smoot
Briggs	Fletcher	Martine, N. J.	Stephenson
Burnham	Foster	Nelson	Thomas
Burton	Gamble	Oliver	Thornton
Chilton	Gronna	Overman	Tillman
Clark, Wyo.	Guggenheim	Owen	Warren
Clarke, Ark.	Hitchcock	Paynter	Watson
Crane	Jackson	Percy	Webb
Culberson	Johnston, Ala.	Perkins	Wetmore
Cullom	Kern	Reed	

The PRESIDENT pro tempore. Not a quorum has voted. The Secretary will call the roll.

Mr. SMITH of Georgia. I think I might suggest that perhaps there are some Senators present who did not notice the call of their names and were not excused from voting by the Senate. Would it not be proper to suggest that they vote before the announcement is made?

The PRESIDENT pro tempore. The suggestion can be made, but the Chair can not enforce it. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Lea	Shively
Bankhead	Fall	Martin, Va.	Simmons
Borah	Gallinger	Myers	Smith, Ga.
Brady	Gardner	Newlands	Smith, Mich.
Bristow	Gore	O'Gorman	Smith, S. C.
Brown	Gronna	Page	Stone
Bryan	Guggenheim	Penrose	Sutherland
Catron	Johnson, Me.	Percy	Swanson
Chamberlain	Jones	Pittman	Townsend
Clapp	Kavanaugh	Poindexter	Works.
Crawford	Kenyon	Pomerene	
Cummins	La Follette	Sheppard	

The PRESIDENT pro tempore. Forty-six Senators have answered to their names—not a quorum. The names of absentees will be called.

The Secretary called the names of absentees, and Mr. WILLIAMS, Mr. SMITH of Arizona, Mr. SMOOT, and Mr. BOURNE answered to their names.

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present.

Mr. SMITH of Georgia. I ask unanimous consent to dispense with the further call of the yeas and nays.

Mr. GUGGENHEIM. I object.

Mr. SMITH of Georgia. Who objects? The roll has been called. I do not think the Senator from Colorado is here.

Mr. GUGGENHEIM. I am here now.

Mr. SMITH of Georgia. Then, Mr. President, I suggest that the Senator's name be called to answer.

Mr. BORAH. I ask that the name of the Senator from Colorado be called.

The PRESIDENT pro tempore. The Senator's name will be called.

The Secretary called the name of Mr. GUGGENHEIM.

Mr. GUGGENHEIM. Mr. President, a parliamentary inquiry. Do I have to reply?

The PRESIDENT pro tempore. As the Chair remembers the rule, it is that all Senators shall respond to their names unless excused from doing so.

Mr. GUGGENHEIM. Will the Chair excuse me?

The PRESIDENT pro tempore. It is not for the Chair. It is for the Senate. Will the Senate excuse the Senator from Colorado from responding?

SEVERAL SENATORS. No.

The PRESIDENT pro tempore. The Secretary will call the name of the Senator from Colorado.

The Secretary again called the name of Mr. GUGGENHEIM.

Mr. GUGGENHEIM. Present.

Mr. SMITH of Georgia. Mr. President, I think there was also another Senator present who did not answer. I do not desire to mention his name, but I should appreciate his voting.

Mr. GRONNA. Mr. President, I wish to have my name called.

The PRESIDENT pro tempore. The Senator's name will be called.

The Secretary called the name of Mr. GRONNA.

Mr. GRONNA. Present.

The PRESIDENT pro tempore. The question recurs upon the amendment.

Mr. SMITH of Georgia. The amendment, as I understand, is that proposed by the Senator from Colorado [Mr. GUGGENHEIM]?

The PRESIDENT pro tempore. It is.

Mr. LA FOLLETTE. And upon that the yeas and nays have been ordered.

The PRESIDENT pro tempore. The yeas and nays have been ordered. The Secretary will call the roll.

Mr. SMITH of Georgia. I again ask unanimous consent to dispense with the yeas and nays.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent to dispense with the yeas and nays.

Mr. SMOOT. I believe that under the rule that can not be done, because of the fact that we have called the roll four or five times on the same question.

The PRESIDENT pro tempore. Objection is made, and the roll will be called. Those in favor of the amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I desire to make the same transfer of my pair that I did awhile ago and I ask that it may stand for the evening. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and the transfer of that pair to the Senator from Tennessee [Mr. WEBB]. I vote "nay."

Mr. STONE (when his name was called). I transfer my standing pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Florida [Mr. FLETCHER]. I vote "nay."

The roll call having been concluded, the result was announced—yeas 0, nays 48, as follows:

NAYS—48.

Ashurst	Cummins	Martin, Va.	Simmons
Bankhead	Curtis	Myers	Smith, Ariz.
Borah	Fall	Newlands	Smith, Ga.
Bourne	Gallinger	O'Gorman	Smith, Mich.
Brady	Gardner	Page	Smith, S. C.
Bristow	Gore	Penrose	Smoot
Brown	Johnson, Me.	Percy	Stone
Bryan	Jones	Pittman	Sutherland
Catron	Kavanaugh	Poindexter	Swanson
Chamberlain	Kenyon	Pomerene	Townsend
Clapp	La Follette	Sheppard	Williams
Crawford	Lea	Shively	Works

NOT VOTING—47.

Bacon	Dillingham	Lippitt	Richardson
Bradley	Dixon	Lodge	Root
Brandegee	du Pont	McCumber	Smith, Md.
Briggs	Fletcher	McLean	Stephenson
Burnham	Foster	Martine, N. J.	Thomas
Burton	Gamble	Nelson	Thornton
Chilton	Gronna	Oliver	Tillman
Clark, Wyo.	Guggenheim	Overman	Warren
Clarke, Ark.	Hitchcock	Owen	Watson
Crane	Jackson	Paynter	Webb
Culberson	Johnston, Ala.	Perkins	Wetmore
Cullom	Kern	Reed	

So Mr. GUGGENHEIM's amendment was rejected.

Mr. GRONNA. I move that the Senate adjourn.

Mr. BORAH. Will the Senator withhold that for a moment?

The PRESIDENT pro tempore. Does the Senator from North Dakota withhold his motion?

Mr. GRONNA. I will do so.

Mr. BORAH. I ask that the Senate do not adjourn.

Mr. GRONNA. I withdraw my motion to adjourn and I will offer the following amendment. On page 3 of the bill, I move to strike out all of lines 10, 11, 12, and 13, and to insert in lieu thereof the following:

Children's Bureau, the—

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 3, strike out lines 10, 11, 12, and 13, in the following words: "Commissioner General of Immigration, the commissioners of immigration, the Bureau of Immigration and Naturalization, the Division of Information, the Division of Naturalization, and the Immigration Service at large, the," and insert in lieu thereof "Children's Bureau, the," so as to read:

SEC. 3. That the following-named officers, bureaus, divisions, and branches of the public service now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that pertains to the same, known as the Children's Bureau, the Bureau of Labor, and the Commissioner of Labor, be, and the same hereby are, transferred from the Department of Commerce and Labor to the Department of Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department.

Mr. GRONNA. Mr. President, I offer this amendment in good faith in the hope that the Senator from Idaho will accept it. I have no objection to the creation of as many bureaus as the Senate sees fit to create or as many departments as the Senate sees fit to create. I believe, however, speaking seriously, that the Senate of the United States will discover in the future, if this bill is passed in the shape it is now, that it has made a mistake. That, of course, is only my opinion.

I do not want to place the Bureau of Immigration under a mere Department of Labor, any more than I would want to place the Department of Labor under the management of those who control the strong industries of this country. I would prefer to have a bill such as we had before the Senate a few days ago and to have these regulations which are of such great importance interpreted and the law interpreted by disinterested people.

You can not by mere legislation trade wealth for labor. There are many ways you can take opportunity away from labor by legislation. I can recall when I grew up a boy that if restrictions such as you have now placed upon labor had existed, when I undertook to make my way single handed and alone, I would have been to-day laboring in the ditch with those who have been laboring there for many years.

Opportunity is the greatest asset that the American wage earners have. I come from a part of the country where the people are in favor of a liberal construction of the immigration laws. The people in my State, in many localities, have been holding meetings and conventions discussing the importance of securing immigrants for that State. I wish to read a short article which I clipped from the Williston Graphic, North Dakota. It is headed "Immigration Commission."

The Williston Commercial Club has passed resolutions indorsing house bill No. 271—

That is a bill pending before the North Dakota Legislative Assembly—

and has forwarded a copy of the resolutions to the legislature at Bismarck.

House bill No. 271 is a bill for the creation and maintenance of a North Dakota publicity and immigration commission. The object of such bureau and commission would be to place before the prospective immigrants from other States, and the world at large, the opportunities afforded in North Dakota. Also that through this bureau desirable immigrants could be aided in securing homes within the State.

Gov. Hanna, previous to his inauguration, pointed out the many things that could be accomplished for the State through the establishment of such a bureau, and indorsed its establishment. The bill was introduced by W. G. Owens, of this city.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. GRONNA. For a question.

Mr. KENYON. I rose to move an adjournment.

Mr. GRONNA. Mr. President, I do not want to detain the Senate much longer, but I feel that this is a question of such importance that I should like to discuss it further, unless the Senate——

Mr. KENYON. The discussion is very interesting, indeed; but, at the same time, we can proceed in the morning just as well.

Mr. GRONNA. Still, of course, if through fatigue, owing to the strenuous work we have been going through, an adjournment is necessary——

Mr. KENYON. We are more likely to be in a receptive attitude to listen to the discussion in the morning. I move that the Senate adjourn.

Mr. GRONNA. I have the floor. I did not yield for that purpose.

The PRESIDENT pro tempore. The Senator from North Dakota will proceed.

Mr. GUGGENHEIM. Mr. President, I suggest the absence of a quorum. The Senator from North Dakota is making a very interesting speech, and there should be a quorum here.

The PRESIDENT pro tempore. The Senator from Colorado suggests the absence of a quorum. The roll will be called.

Mr. KENYON. Mr. President, I rise to a question of order. The Senator from Colorado did not have the floor any more than I had it when I made my motion.

The PRESIDENT pro tempore. The rules provide that a Senator can suggest the absence of a quorum at any time. The roll will be called.

Mr. SMITH of Georgia. Does the Chair rule that a Senator can take another off his feet to suggest the absence of a quorum?

The PRESIDENT pro tempore. The Chair does so hold.

Mr. SMITH of Georgia. I just asked for information.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Myers	Smith, Ariz.
Bankhead	Fall	Newlands	Smith, Ga.
Borah	Gallinger	O'Gorman	Smith, Mich.
Bourne	Gardner	Page	Smith, S. C.
Brady	Gore	Penrose	Smoot
Bristow	Johnson, Me.	Percy	Stone
Brown	Jones	Pittman	Swanson
Bryan	Kavanaugh	Poindexter	Townsend
Catron	Kenyon	Pomerene	Williams
Chamberlain	La Follette	Sheppard	
Clapp	Lea	Shively	
Cummins	Martin, Va.	Simmons	

The PRESIDENT pro tempore. Forty-five Senators have answered to their names—not a quorum.

Mr. SIMMONS and Mr. GRONNA addressed the Chair.

The PRESIDENT pro tempore. The roll will be called.

Mr. SIMMONS. Mr. President——

Mr. GRONNA. I think I have the floor; I did not yield it when the suggestion was made of the absence of a quorum.

The PRESIDENT pro tempore. No business can be transacted in the absence of a quorum.

Mr. SIMMONS. I want to say there is hardly on the calendar a more important measure——

The PRESIDENT pro tempore. The Senator is out of order. There is no quorum present.

Mr. SIMMONS. Then I move that the Sergeant at Arms be directed to notify absent Senators to attend the session of the Senate.

The PRESIDENT pro tempore. The Senator from North Carolina moves that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Mr. GRONNA. I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from North Dakota moves that the Senate adjourn. [Putting the question.] By the sound, the noes appear to have it.

Mr. GRONNA. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. BORAH. What is the motion before the Senate now, Mr. President?

The PRESIDENT pro tempore. The Sergeant at Arms has been directed to request the presence of absent Senators.

Mr. SIMMONS. Mr. President, I ask to withdraw the request that I made a few moments ago, and I move that the Senate adjourn.

The PRESIDENT pro tempore. Without objection, the proceedings under the call will be dispensed with. The Senator from North Carolina moves that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 26, 1913, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 25, 1913.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, draw us by Thy holy influence close to Thee, that we may receive of Thy substance the qualities of soul which make men great in the daily duties of life; that we may be the instruments in Thy hands for the promotion and furtherance of Thy kingdom upon the earth; that evil may be diminished, wrongs righted, and the things which make for righteousness increased; that we may thus pass from glory to glory under the spiritual leadership of the King of men, the Holy One of Israel. Amen.

Mr. SISSON. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. Evidently there is no quorum present.

Mr. FLOOD of Virginia. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken, S. C.	Barchfeld	Brown	Cary
Ames	Bartholdt	Burke, Pa.	Clark, Fla.
Andrus	Berger	Campbell	Conry
Ansberry	Bradley	Carlin	Copley
Anthony	Broussard	Carter	Crago
Cravens	Hamilton, W. Va.	McKinney	Rothermel
Crumpacker	Hammond	McMorran	Rucker, Colo.
Danforth	Harris	Madden	Rucker, Mo.
Davenport	Harrison, N. Y.	Martin, Colo.	Sabath
Davidson	Hartman	Matthews	Scott
Davis, Minn.	Henry, Conn.	Mays	Slemp
De Forest	Higgins	Merritt	Smith, J. M. C.
Dickson, Miss.	Hinds	Moon, Pa.	Speer
Draper	Hobson	Morgan, Okla.	Stack
Driscoll, D. A.	Howard	Morse, Wis.	Stanley
Ferris	Hughes, Ga.	Mott	Steenerson
Focht	Hughes, W. Va.	Murdock	Stephens, Nebr.
Fornes	Jackson	Needham	Sweet
French	Kindred	Norris	Switzer
Gardner, Mass.	Kinkaid, Nebr.	Nye	Talbott, Md.
Gardner, N. J.	Knowland	Olmsted	Talcott, N. Y.
George	Konig	Parran	Taylor, Ohio
Gill	Korbly	Patten, N. Y.	Thistlewood
Glass	Lafean	Patton, Pa.	Townsend
Godwin, N. C.	Langley	Pray	Vreeland
Good	Lee, Ga.	Prince	Watkins
Green, Iowa	Lindsay	Pujo	White
Gregg, Pa.	Littleton	Randell	Wilder
Gregg, Tex.	McCall	Reyburn	Wilson, Ill.
Gudger	McCreary	Richardson	Wilson, N. Y.
Guernsey	McDermott	Riordan	Wood, N. J.
Hamill	McGuire, Okla.	Rodenberg	

The SPEAKER. On this call 254 Members respond to their names, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE ACROSS SNAKE RIVER, WYO.

Mr. SMITH of Texas. Mr. Speaker, I call up the conference report on the bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo., and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Texas calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 1560).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1 and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"That the Secretary of the Interior is hereby authorized to use such portion of the reclamation fund, not to exceed $27,000, and in no event more than three-fourths of the sum that may be necessary for the construction of a bridge across Snake River, at a point in township 41 or 42 north, range 116 or 117 west, Wyoming, to be determined by the Reclamation Service, with the view of best serving the people of Jackson Hole and adjacent territory in Wyoming: *Provided*, That no part of the funds herein authorized to be used, except such as may be necessary for the making of examinations and estimates, shall be expended until the Secretary of the Interior shall have obtained, from the proper local authorities, satisfactory guaranties of the payment, by the said local authorities, of one-fourth of the cost of said bridge; and that the said local authorities assume full responsibility for and will at all times maintain and repair the said bridge and approaches thereto: *Provided further*, That the amount of the reclamation fund so used shall be charged as a part of the cost of the reclamation project or projects the construction and development of which have caused the necessity of such bridge."

And the House agree to the same.

W. R. SMITH,
A. W. RUCKER,
M. P. KINKAID,
Managers on the part of the House.

W. L. JONES,
F. E. WARREN,
FRANCIS G. NEWLANDS,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo., submit the following written statement explaining the effect of the action agreed on:

Amendment No. 1 merely struck out the preamble, and to this the Senate agrees.

The effect of amendment No. 2 is to authorize the expenditure of not to exceed $27,000, instead of $18,000, from the reclamation fund in the construction of the bridge; in no event to exceed three-fourths of the cost of construction, instead of one-half, as provided in the House amendment, leaving one-fourth instead of one-half of the cost of construction to be borne by the local authorities.

W. R. SMITH,
A. W. RUCKER,
M. P. KINKAID,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

REGULATION OF WATERS OF NIAGARA RIVER.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to have printed the views of the minority on the bill (H. R. 28674) for the control and regulation of the waters of the Niagara River above the Falls of Niagara (H. Rept. 1488, pt. 2).

The SPEAKER. The gentleman from Virginia asks unanimous consent to file minority views on the bill H. R. 28674. Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS—M. R. WILLIAM GREBE.

The SPEAKER laid before the House the following request for unanimous consent:

Mr. ANTHONY asks leave to withdraw from the files of the House, without leaving copies, papers in the case of M. R. William Grebe (H. R. 4474, 1st sess. 57th Cong.), adverse report having been made thereon.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask what the papers are?

The SPEAKER. The gentleman from Kansas is not in the House and the Chair has no knowledge of it. If there is any objection, the Chair will reserve it until the gentleman is in the House.

WITHDRAWAL OF PAPERS—THOMAS D. FLYNN.

By unanimous consent, Mr. CANNON was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 5351, for the relief of Thomas D. Flynn, alias Thomas D. Allen, Sixty-second Congress, second session, no adverse report having been made thereon.

RIVER AND HARBOR AND PHYSICAL VALUATION BILLS.

Mr. MANN. I would ask that these two bills, with Senate amendments, be printed with Senate amendments numbered and remain on the Speaker's table.

The SPEAKER. The gentleman asks what?

Mr. MANN. That the two House bills just coming from the Senate, with Senate amendments, the river and harbor bill and the physical valuation bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to have the river and harbor bill, with Senate amendments, properly numbered, printed, and also the physical valuation bill.

Mr. MANN. And to remain on the Speaker's table.

The SPEAKER. Is there objection?

Mr. SPARKMAN. Just one moment. I was about to ask unanimous consent to take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference, and I understand that would result in the printing of the bill.

Mr. MANN. I should have to object to that until the bill is printed with the Senate amendments.

The SPEAKER. Ask that to-morrow morning. The Chair hears no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 22593. An act to amend an act entitled "An act to regulate commerce, approved February 4, 1887, and all acts amendatory thereof by providing for physical valuation of the property of carriers subject thereto, and securing information concerning their stocks and bonds and boards of directors"; and

H. R. 28180. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28812, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28812, the naval appropriation bill, with Mr. ALEXANDER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Battle compasses: For the purchase of battle compasses for ships of the Navy heretofore completed, $120,000.

Mr. SISSON. Mr. Chairman, I would like to ask for my own information. I do not know that I have any objection to this item. I understand this has been carried for a number of years?

Mr. PADGETT. Only last year.

Mr. SISSON. I notice it is an appropriation of the same amount. Will the gentleman tell me if he knows what these battleship compasses cost, and why should we carry this appropriation every year?

Mr. PADGETT. They cost $10,000 apiece. This is to get 12. It is intended to put them on the battleships and on the armored cruisers and some of the submarines.

Mr. SISSON. In other words, we have 12 ships that are ready or will be ready at the end of the next fiscal year.

Mr. PADGETT. More besides these we authorize.

The Clerk read as follows:

Coal and transportation: Coal and other fuel for steamers' and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, and for the general maintenance of naval coaling depots and coaling plants, water for all purposes on board naval vessels, including the expenses of transportation and storage of the same, $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey and investigation by experimental tests of coal in Alaska for use on board ships of the United States Navy, and for report upon coal and coal fields available for the production of coal for the use of ships of the United States Navy or any vessel of the United States, $5,000,000.

Mr. MANN. Mr. Chairman, I reserve a point of order.

Mr. BOOHER. I reserve a point of order.

Mr. MANN. I thought the gentleman from Missouri started to discuss the item.

Mr. BOOHER. I want to reserve the point of order on that part of the paragraph beginning with the figures "$75,000," in line 11, down to and including the words "United States," in line 17. I would like to find out from the chairman, if I can, why it is they make this appropriation for the purpose of surveying coal lands in Alaska and testing coal by the Navy Department.

Mr. PADGETT. There is a good deal of coal used on the ships on the Pacific, and there is a very high transportation charge on coal from the Atlantic to the Pacific. Various tests have been made of coal in the Pacific States by the Navy Department, by the Bureau of Mines, and I believe also by one of the other bureaus, and the report is they have never been able to find any coal satisfactory for the use of ships of the Navy upon the Pacific coast. It is well known that there are valuable deposits of coal in Alaska, and for the purpose of testing this matter in the last Congress we appropriated $75,000 for the purpose of getting some coal and bringing it down and testing it on the ships they have secured——

Mr. BOOHER. Eight hundred and eighty-five tons.

Mr. PADGETT. About 900 tons, in round numbers. It is from the Bering River field.

Mr. SISSON. Mr. Chairman, I can not hear what the gentleman is saying.

Mr. PADGETT. I regret my voice is such that it is difficult for me to speak. I was saying that last year we appropriated

$75,000 to test the coal in Alaska, for the reason that heretofore we have been unable to find coal of a satisfactory quality on the Pacific coast to use on the ships. According to the reports made by the Navy Department, the Bureau of Mines, and, I believe, by the Geological Survey——

Mr. SISSON. If the gentleman will yield, I will state I am in sympathy with the $75,000 appropriated for the purpose of testing Alaskan coal with the idea of using it in the Navy for the Pacific Fleet. It is simply a survey——

Mr. PADGETT. It is not a survey; the word "survey" is simply to ascertain and locate coal and get some of it and bring it down and test it.

Mr. SISSON. Does not the gentleman think, unless perhaps it is thoroughly understood, that another word might be used?

Mr. PADGETT. I will say to the gentleman that this amendment was put on in the Senate last year, and in conference the House conferees attempted to change it.

Mr. SISSON. Do you not think——

Mr. PADGETT (continuing). And it went out on a point of order made against the conference report, and we adopted the language from the necessity of the situation.

Mr. SISSON. Do you not think it would we better to put the amendment in here to assist the conferees in getting the item as you would like to have it?

Mr. PADGETT. I have no objection to changing the language.

Mr. SISSON. I will say to the gentleman that there have been some criticisms which I have heard in reference to the language carried, because it might convey the idea that they were to make surveys of coal lands.

Mr. PADGETT. I will be very glad to have substituted the language that was used in the conference report last year.

Mr. SISSON. I would be very glad to support that, if the gentleman will offer it.

Mr. BOOHER. Mr. Chairman, I would like to ask the gentleman how he expects to get the coal from the mines to tidewater so the Navy can get it to use?

Mr. PADGETT. That is a matter to settle when we find that we have got the coal there in sufficient quantity and of satisfactory quality. Then the Government will have to devise some means, or private capital will have to do it. That is a matter that we are not dealing with now. We are dealing with a question of whether or not there is coal there of a satisfactory quality and of sufficient quantity.

Mr. BOOHER. You have already tested coal from the Bering River coal fields in Alaska and have found that 15 tons of that coal is equal to 18 tons of other coal used by the Navy, have you not? Do not your records show that?

Mr. PADGETT. That is an old test that was made many years ago.

Mr. BOOHER. When? How long ago?

Mr. PADGETT. Seven or eight years ago.

Mr. BOOHER. Was it not five years ago?

Mr. PADGETT. I do not remember exactly. It was five or six or seven years ago, and it was stated in that report that 15 tons was such a small quantity that they could not make a satisfactory report upon that amount, and that there should be a larger quantity tested. This is intended——

Mr. BOOHER. I have that report before me, and it shows the result as I stated. Because it was made a few years ago is no reason why it should be discredited now.

Mr. PADGETT. I know. This is intended to get coal from Matanuska.

Mr. BOOHER. You propose to get coal from Matanuska and Copper River and Bering River, do you not?

Mr. PADGETT. Yes, sir.

Mr. BOOHER. Will you tell this committee how it is possible to get a single ton of coal from Bering River or Copper River or the Matanuska coal fields to salt water?

Mr. PADGETT. It will have to be taken down on sleds.

Mr. BOOHER. It will have to be taken down by dogs or carried out on the top of the mountains and rolled down, will it not?

Mr. PADGETT. It will be carried down on sleds.

Mr. BOOHER. Dog sleds?

Mr. PADGETT. I do not know whether they use dogs or not.

Mr. BOOHER. They have no horses up there. How far do you have to haul it?

Mr. PADGETT. From the Matanuska fields it is more than 100 miles.

Mr. BOOHER. What does it cost to get a ton of that coal down to Bremerton, where the testing station is located?

Mr. PADGETT. It is quite expensive.

Mr. BOOHER. How much? Do you not know that the hearings show that it cost $100 a ton to get it out there?

Mr. PADGETT. No; it does not cost anything like that.

Mr. BOOHER. It is so shown by the hearings.

Mr. PADGETT. In fitting out their expedition and getting their food and provisions and transportation of the men, and so forth, up there and losing $15,000 worth of provisions by the sinking of a vessel, it may be it cost about the amount as stated; but after they have gotten their plant and their operations started, it would not cost anything like that in the future.

Mr. BOOHER. Now, the hearings before your committee show, on a question asked by the gentleman from Alabama [Mr. HOBSON], in which he made the statement that it cost them $60 to $70 a ton, the witness said it cost $100 a ton. Mr. McKenzie said that when they got it to salt water it would be considerably over $100 a ton.

Mr. HAMILTON of Michigan. A hundred dollars a ton? From which coal fields—the Bering River or the Matanuska?

Mr. BOOHER. Either one.

Mr. HAMILTON of Michigan. The Bering River field is only about 35 miles, I think, from the coast.

Mr. BOOHER. Yes; but you have a mountain to cross.

Mr. HAMILTON of Michigan. And the Matanuska coal field is something like 200 miles.

Mr. PADGETT. About 140 miles.

Mr. HAMILTON of Michigan. No; about 200 miles.

Mr. BOOHER. Now, if the gentleman from Tennessee will pardon me further, I want to say that the sole purpose of this appropriation is to survey coal land up there in Alaska, is it not? I gather that from the hearings.

Mr. PADGETT. No; it is not.

Mr. BOOHER. I am telling you what the hearing shows. I say that the hearing shows that Mr. ROBERTS of Massachusetts, a member of the committee, stated that the sole purpose of this appropriation was to find out how much coal land there was in Alaska.

Mr. PADGETT. It is to ascertain if there is a sufficient quantity of coal to justify the Government in entertaining the hope and expectation of getting naval coal there.

Mr. BOOHER. That is not it. I read:

Mr. HOBSON. Mr. ROBERTS, you do not mean to say that the Navy Department samples all the outcroppings in Alaska?

Mr. ROBERTS. The very point of this Government expedition is to find out how much coal there is.

That is the object of this whole thing. The Geological Survey has made survey after survey, and here is the report of the Geological Survey that shows the number of millions of acres of land up there that has coal in it in Alaska, so that this work has already been done, and the work that the provision seeks to do is simply a duplication of the work already done by the Geological Survey.

Mr. PADGETT. Not at all, because it does not show whether it is coal suitable for battleships or whether it is simply land with coal deposits.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOOHER. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BOOHER. If that be the reason for it, the sundry civil bill carried an appropriation to do that express thing, and leaves it with the Bureau of Mines, where it ought to be. If the Bureau of Mines is not qualified to test this coal, you had better abolish the Bureau of Mines and turn it over to the Navy Department, instead of having three or four different bureaus doing it. Let me read this from the sundry civil bill:

For the analyzing and testing of coals, lignites, ores, and other mineral-fuel substances belonging to or for the use of the United States, including personal services in the Bureau of Mines at Washington, D. C.—

And so forth, $135,000. There you have in the sundry civil appropriation bill a provision for testing this coal and making an appropriation of $135,000 to do exactly what you want to do here with $75,000 in the Navy Department, thus duplicating the work.

Mr. PADGETT. No; that is intended for the continental limits of the United States, and it does not contemplate the investigation of coal in Alaska.

Mr. BOOHER. I do not agree with the gentleman as to what it contemplates. I take the language of the provision. It says, "coals, lignites, ores, and other mineral fuel substances belonging to or for the use of the United States." This duplicates that, as other provisions are duplicated in this bill. This matter ought to be submitted to the Bureau of Mines, or else the Bureau of Mines ought to be abolished, thereby saving the

Government the expenditure of that much money that is uselessly expended. What else are they there for?

Mr. PADGETT. The Bureau of Mines has been cooperating with the Navy Department in this investigation.

Mr. BOOHER. Do you propose to take this 885 tons of coal that you have mined at Matanuska and take it down at a cost of $100 a ton to Bremerton, to have it analyzed in order to find out how much heat there is to it?

Mr. PADGETT. No.

Mr. BOOHER. What do you propose to take it there for?

Mr. PADGETT. We propose to take it down to salt water and put it on the battleships and burn, not analyze it.

Mr. BOOHER. Is it necessary to take all that coal down and burn it? The hearings show that it costs $100 a ton to get it down there.

Mr. HAMILTON of Michigan. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. PADGETT. Certainly.

Mr. HAMILTON of Michigan. I want to ask the gentleman if the Alaska Central Railroad, extending northward from Seward in the direction of Matanuska, is now running?

Mr. PADGETT. They have constructed about 70 miles.

Mr. BOOHER. I can answer that, gentlemen. It is a triweekly line.

Mr. PADGETT. About 70 miles are yet to be completed.

Mr. HAMILTON of Michigan. In order to get to the Matanuska fields they have to run about 25 or 35 miles farther north, and then perhaps 75 miles eastward.

Mr. BOOHER. Yes; and then run as far back in to the coal mines.

Mr. HAMILTON of Michigan. It was testified before the Committee on Territories when I was a member of that committee that this coal could be laid down at the seaboard at $5 per ton if there was transportation for it, and that the Government was then paying, as I remember, $12 a ton for Welsh or Pocahontas coal, which was no better than this coal.

Mr. PADGETT. Not as much; I think the coal on the Pacific coast, including freight, costs $8 to $10.

Mr. HAMILTON of Michigan. It was testified repeatedly that it was costing $12 for Pocahontas coal, freighted across the continent.

Mr. PADGETT. I think it varies from $7 to $8 by ship.

Mr. HAMILTON of Michigan. They were shipping this by rail.

Mr. PADGETT. I do not know about the cost of that.

Mr. HAMILTON of Michigan. Then, in the last analysis, this is only a question of transportation. If the Alaskan Central Railway was extended so as to reach the Matanuska coal fields, or there was a spur run up to the Bering River coal fields, about 35 miles, it has been frequently claimed that we would have practically an inexhaustible supply of good coal.

Mr. PADGETT. There was some gentleman, representing that railway, came to see me.

[The time of Mr. PADGETT having expired, by unanimous consent he was given five minutes more.]

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. Did the gentleman from Texas reserve a point of order?

The CHAIRMAN. The gentleman from Missouri [Mr. BOOHER] reserved a point of order.

Mr. MONDELL. On the Alaskan coal item?

The CHAIRMAN. Yes.

Mr. PADGETT. These gentlemen said they had about 70 miles of railroad completed, and if it developed that the coal was suitable for the Navy they would complete their road, and then they could deliver coal at salt water at a saving to the Navy of not less than $1 or $1.50 a ton.

Mr. HAMILTON of Michigan. I have heard it claimed that the Government could be saved much more than that.

Mr. PADGETT. I am telling the gentleman what they said. I said I thought that if the railway was completed there should be a greater saving than $1.50 a ton, but the question that we are trying to get determined officially and satisfactorily is whether or not there is coal there in sufficient quantities and of a specified quality for the use upon the ships.

Mr. HAMILTON of Michigan. Is it impossible to test that coal on the ground or somewhere near the place of mining?

Mr. PADGETT. They say that it is. They say that the only satisfactory test will be to try it on the ships and see what it will do and the results that it will accomplish in the actual trial.

Mr. HAMILTON of Michigan. It is pretty expensive bringing coal out by dog sleds across the snow.

Mr. HOBSON. I will say to the gentleman that they have tested a limited number of tons of this coal and it gave good heating results, but it was a question whether it could be operated with the present grate bars. To determine whether the coal is suitable in a conclusive way it would be necessary to have a large amount of coal.

Mr. BOOHER. Is it not a fact that Admiral Cowles went into Alaska and made a contract for 2,000 tons of coal to be put aboard ship, closed his contract, and before they could get the coal on the ship the order was issued closing the coal mines there in Alaska?

Mr. HAMILTON of Michigan. Coal mines where?

Mr. BOOHER. Up in Alaska.

Mr. HAMILTON of Michigan. They have not opened any coal mines yet, have they?

Mr. BOOHER. Yes.

Mr. PADGETT. Admiral McKenzie testified in the hearings that the contract was made for 2,000 tons of coal and that before they could deliver the coal a question arose in the Interior Department, in the Land Office, as to the validity and regularity of these titles, and on account of that conflict of title the contractors were unable to deliver the coal on the contract, but it was no fault of the Navy Department.

Mr. HAMILTON of Michigan. I want to make this suggestion: I have been informed—and I think it is a part of the testimony before the Territories Committee—that the railroad running out from Fairbanks runs across coal beds, but they are not permitted to touch it and at the same time they are obliged to pay $15 a cord for wood.

Mr. BOOHER. I have no doubt about that.

Mr. PADGETT. But the important question with us is to know whether there is coal of sufficient quantity and of a specified quality suitable for the Navy. If there is, arrangements can be made to save the Government in transportation and in the cost of coal several hundred thousand dollars every year.

Mr. HAMILTON of Michigan. How many tons would it take to coal up a ship?

Mr. PADGETT. I do not know.

Mr. HAMILTON of Michigan. Would it not be sufficient if they could get coal enough to coal one ship and make the test on one ship?

Mr. PADGETT. I understand that they use from 300 to 500 tons on a ship.

Mr. HAMILTON of Michigan. I meant for a suitable test.

Mr. PADGETT. Mr. Chairman, we have 885 tons, and if we are to make a test we ought to make a satisfactory test.

Mr. HAMILTON of Michigan. How much coal can a dog team haul?

Mr. PADGETT. I do not know.

Mr. BOOHER. I think 500 pounds.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOOHER. I want now to ask the gentleman this question: When Admiral Cowles made this contract to buy 2,000 tons of coal, what did he agree to pay for it?

Mr. PADGETT. I think they were to deliver it at about five to eight dollars a ton.

Mr. BOOHER. Six dollars a ton, was it not?

Mr. PADGETT. Somewhere along there.

Mr. BOOHER. Did not the witness testify before the gentleman's committee that if they had transportation and the right to mine the coal they could put that same coal at salt water for $4.25 a ton?

Mr. PADGETT. I do not remember whether he said $4 or around $5.

Mr. BOOHER. He said $4.25, finally.

Mr. PADGETT. I do not remember what it was. Mr. Chairman, if the point of order is to be made, I should like to have it made now, for I think we have consumed enough time.

Mr. THOMAS. Mr. Chairman, I wish to ask the gentleman from Tennessee if the last naval appropriation bill did not contain an appropriation of $75,000 for the purpose of testing Alaska coal?

Mr. PADGETT. It did.

Mr. THOMAS. Has all of that appropriation been expended?

Mr. PADGETT. Yes; practically all of it.

Mr. THOMAS. How many tons of coal was the total result of that expenditure of $75,000?

Mr. PADGETT. That has been stated—885 tons of coal, and then the purchase of the equipment to carry on the further test.

Mr. THOMAS. Where is that coal now?
Mr. PADGETT. It is at the Bering River mine.
Mr. THOMAS. At the mouth of the mine in sacks, is it not?
Mr. PADGETT. Yes.
Mr. THOMAS. Then that would have cost in round numbers about $80 a ton to mine that coal and place it at the mouth of the mine in sacks?
Mr. PADGETT. No.
Mr. THOMAS. Why would it not?
Mr. PADGETT. I have stated that a half dozen times. I have stated that the purchase of boats and equipment and fuel and transportation of men and everything of that kind were items that went in to establish a testing plant.
Mr. BOOHER. And you have not tested a ton of coal, have you?
Mr. PADGETT. No; we have not.
Mr. HUMPHREYS of Mississippi. Mr. Chairman, is it not a fact that a large part of that equipment was wrecked?
Mr. PADGETT. Yes; $15,000 of it in provisions was lost in a boat that sank. Mr. Chairman, I ask for the regular order. If the gentleman desires to make the point of order, I wish he would make it.
Mr. BOOHER. Mr. Chairman, I make the point of order.
The CHAIRMAN. Does the gentleman from Tennessee concede that this is new legislation?
Mr. PADGETT. I do not. Last year we carried an appropriation for this purpose, and this is a continuation to complete the work that was authorized, or to continue the work that was authorized last year. It is not new legislation.
The CHAIRMAN. The time of the gentleman from Tennessee has again expired.
Mr. OLMSTED rose.
Mr. BOOHER. Mr. Chairman, I will withhold the point of order for a moment in order that the gentleman from Pennsylvania may be heard.
Mr. OLMSTED. I thank the gentleman from Missouri for his courtesy. I desire merely in a few moments to say that I, having been elected thereunto by the House, had the fortune or the misfortune to sit upon the Ballinger-Pinchot committee. We heard a vast amount of testimony concerning coal in Alaska. It was argued before us that there was so much coal there and so valuable that a half interest in 5,280 acres was worth $100,000,000. Of course, that was wildly extravagant. The testimony did show, however, that there is a great, vast acreage of land in Alaska containing coal. Some of it is not of very desirable quality, while in other parts there seems to be very excellent coal. The fact is that there is so much scandal concerning the Alaskan coal fields that Congress has not dared to pass any act which would authorize anybody on any reasonable terms to buy or lease or conduct the mining of coal on Government lands in Alaska. The result is that people living right on top of immense coal beds have been compelled to pay from $14 to $24 for coal for fuel. That is an outrage. It is inexcusable we leave anybody in that position that their coal must come from such a great distance that with the freight they have to pay from $12 to $24 a ton.
Mr. BOOHER. If the gentleman will permit, just as long as Congress makes this kind of an appropriation for coal in Alaska the condition that the gentleman describes will be permitted to remain as it is there; there will be no change up there.
Mr. OLMSTED. There ought to be a determination of the quality of the coal up there, and then there ought to be general legislation which would permit private capital to get out that coal and sell it and reduce the price to a reasonable rate to the people who are consuming it.
Mr. BURNETT. What is the reason the Bureau of Mines does not do that with the $135,000 carried in the sundry civil bill which we passed?
Mr. OLMSTED. I do not think they have sufficient appropriations to make an exploration of Alaska.
Mr. BURNETT. It would not if it takes $75,000 to do what seems to be intended.
Mr. OLMSTED. This would help to do it, and therefore I am in favor of it. I think that the Navy could obtain its coal at half the present prices up in that county if there were an investigation, and if this coal were opened up and made available to use.
Mr. MANN. Will the gentleman yield?
Mr. OLMSTED. With pleasure.
Mr. MANN. Is it more important for the Government to get coal in the Navy than it is for the people of Alaska to get coal to burn at home or for the people on the Pacific coast to get Alaskan coal?
Mr. OLMSTED. I do not think it more important—I do not think it nearly so important that the Government shall get coal as the people. But this is a Navy bill, and I was speaking more directly to the effect of this appropriation upon the Navy, and its effect will ultimately be to the benefit of the people living in Alaska.
Mr. MANN. Has the gentleman examined the recent report of the commission provided in the Territorial bill of last year just submitted to Congress?
Mr. OLMSTED. I have not yet had an opportunity of reading it.
Mr. MANN. Well, we appointed a commission last year in the bill creating the Territorial Legislature of Alaska, one naval officer and some other gentlemen, who have just submitted a report, which I believe has been already transmitted to the Congress by the President, on the subject of coal transportation in Alaska in order to open up the coal fields. On the whole, would it not be a little wiser to wait until we take the first step before we take the last step in reference to getting coal?
Mr. OLMSTED. Well, that might probably be, but it is time we take the first step.
Mr. MANN. I fully agree with the gentleman.
Mr. OLMSTED. It seems to me this would be about the first step.
Mr. MANN. How?
Mr. OLMSTED. In the first place, they want to investigate and find if it is suitable coal for the Navy and how they can get out the coal.
Mr. MANN. Oh, no. How will they do it?
Mr. OLMSTED. I suppose they would get out a lot of samples.
Mr. MANN. The only way to get the coal would be to send a mining crew, or whatever you call it, into the fields of Alaska and take out a small amount of coal if there is any there and carry it down upon dogs or something else to the coast.
Mr. OLMSTED. In some way they would get it done, and until something of that kind is done there will be nothing done.
Mr. MANN. If that new coal was satisfactory, what good would that do? We can not get it out for use until we provide a method for transportation.
The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. OLMSTED] has expired.
Mr. OLMSTED. Mr. Chairman, I would like to have five minutes more.
The CHAIRMAN. The gentleman from Pennsylvania [Mr. OLMSTED] asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none. The Chair asks the gentleman from Pennsylvania [Mr. OLMSTED] if he contends this provision is not subject to a point of order?
Mr. OLMSTED. I was not, if it please the Chair, discussing the point of order, as the gentleman from Missouri [Mr. BOOHER] kindly yielded to me, reserving his point of order to allow me to be heard on the merits of the provision. If it is as the gentleman from Tennessee suggested——
Mr. HAMILTON of Michigan. Mr. Chairman——
Mr. OLMSTED. Mr. Chairman, I yield to the gentleman from Michigan [Mr. HAMILTON].
Mr. HAMILTON of Michigan. In partial answer to the suggestion of the gentleman from Illinois [Mr. MANN] I wanted to make this suggestion to the gentleman from Pennsylvania [Mr. OLMSTED]: The Matanuska coal field is probably something like 75 miles northeast of the northern terminus of the Alaska Central road, so far as it is extended at this time, so that it would be necessary to haul coal by dogs 75 miles, say, to a point where it can reach the railroad, and it is claimed that if it is found that the coal can be used, then the Alaska Central Railroad would extend its road to the Matanuska field, and therefore that much farther northward in the direction of Fairbanks. That would be a decided gain in the way of transportation for Alaska, certainly.
Mr. OLMSTED. Certainly it would.
Mr. WILLIS. Will the gentleman yield to me for a question? I want to suggest to the gentleman from Michigan [Mr. HAMILTON] in further answer to the suggestion of the gentleman from Illinois [Mr. MANN] that it would be entirely possible to test the Bering River coal, without much of this expense of transportation by dog team as referred to, because there is a railroad in relatively close proximity thereto, and this money can be economically expended.
Mr. HAMILTON of Michigan. I think the gentleman is mistaken about the distance, if he will pardon me.

Mr. OLMSTED. I would like to occupy a little bit of my time.

Mr. HAMILTON of Michigan. Just a moment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. OLMSTED] asks to be permitted to continue without interruption.

Mr. OLMSTED. Mr. Chairman, if this coal is found to be desirable coal, as I believe it will be found, there will be no trouble about its transportation. If we will not pass such legislation as would warrant people in taking up the land and constructing means of transportation, then the Government itself had better build some short line of transportation in order to get the coal for its own use and enable the people of Alaska also to get cheaper fuel. But there is no trouble about getting transportation. There is capital quite willing to provide transportation and also quite willing to open and operate coal mines if Congress will only enact reasonable legislation permitting that to be done. I hope the gentleman will not insist upon his point of order. If, as the chairman of the Naval Committee suggests, this is a continuation of a work already commenced—a Government project already commenced—of course, it would not be subject to a point of order. Of the facts of the matter I am not fully advised. I hope the gentleman will not press the point of order.

Mr. MONDELL rose.

Mr. OLMSTED. I yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. I thought the gentleman had yielded the floor.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. OLMSTED] has expired.

Mr. PADGETT. Mr. Chairman, I demand the regular order.

Mr. MONDELL. Mr. Chairman, I desire to discuss the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read.

Mr. SISSON. Mr. Chairman, I move to strike out the last word. I did not understand what the Chair had done.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. A parliamentary inquiry, Mr. Chairman. To what was the point of order made—to the entire paragraph?

The CHAIRMAN. The point of order was sustained to the language beginning in line 11, page 20, to the words:

> Seventy-five thousand dollars of said sum, or as much thereof as may be necessary, may be used for the survey and investigation by experimental tests of coal in Alaska for use on board ships of the United States Navy, and for report upon coal and coal fields available for the production of coal for the use of ships of the United States Navy or any vessel of the United States.

Mr. MURRAY. Mr. Chairman——

Mr. SISSON. Mr. Chairman, I have the floor and move to strike out the last word.

Mr. MURRAY. Mr. Chairman, does the language that the Chair just read go out on a point of order which he sustained?

The CHAIRMAN. Yes.

Mr. SISSON. If that $75,000 goes out on a point of order, then the gentleman ought to correct the total and take the $75,000 from it. But before I give up the floor, I want to state that I notice in the hearings that the transportation of coal costs more than twice as much as the original cost of the coal.

It strikes me that if the $75,000 had remained in the bill, it might have been for economy, because the naval officers state that they could not, nor would they adopt any particular coal until they were absolutely assured that it would be suitable for steaming purposes in time of war.

Now if, as a matter of fact, the transportation is, as I have no doubt it is, as the admiral says, then the transportation of every ton of coal from the eastern mines to the Pacific coast is more than twice the cost of the coal, and if the coal in Alaska could be tested you could save this enormous amount. I will now ask the gentleman from Tennessee [Mr. PADGETT] if about half, or a little more than half, the entire appropriation for coal is not expended for the transportation of the coal on the Pacific coast?

Mr. PADGETT. Over a million dollars of it is expended in transportation.

Mr. SISSON. Then, if these figures are correct, every ton of coal going into the Pacific coast costs three times as much as the cost of the coal itself?

Mr. PADGETT. Twice as much.

Mr. SISSON. For that reason I believe the committee acted wisely, although this money may not be expended as economically as it should be expended; because if any of these gentlemen had charge of these naval vessels, they would not undertake to fill their bunkers and their naval stations from the Alaska mines until they could be assured that this coal was suitable for use in time of war.

Mr. PAGE. Mr. Chairman, as a matter of fact, is not a large amount of the appropriation made for the Bureau of Mines intended for the purpose of testing the coal that is burned in the Navy?

Mr. PADGETT. I understand so.

Mr. SISSON. That may be true, but the Navy ought to make its own tests. The men in charge of the boilers on the ships and the men on the ships and the expert stokers and the steam people ought to have charge of it. But because it is well understood that climate has a great effect on coal and on its thermal energy, such conditions ought to be tested by the Bureau of Mines. But I doubt the propriety of sending men from the Bureau of Mines to those naval vessels.

Mr. PAGE. As a matter of fact the Bureau of Mines sends its men to every battleship when the coal is to be tested.

Mr. MONDELL. Mr. Chairman, did the gentleman from Mississippi [Mr. SISSON] make a motion to reduce the item?

Mr. SISSON. I made a motion to strike out the last word, but in a moment I will make the motion to reduce the item. But I believe the item should remain in the bill, because this test of coal would give sufficient knowledge to Congress to enable it to determine whether it should authorize the construction of a railroad to get into the mines.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield for a question?

Mr. SISSON. I will.

Mr. HAMILTON of Michigan. Is it not true that under present conditions the coal used in the Pacific is transported across the continent or shipped from Wales?

Mr. SISSON. I do not know whether that is true or not.

Mr. HAMILTON of Michigan. And if that is true—and I think it is true—we are paying the freight on the transportation of every ton of that coal across the continent or on the water haul from Wales to the place where we use it.

Mr. SISSON. That is what I complain about.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent to have one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KAHN. The coal that is used on the Pacific coast comes from Maryland, principally from Georges Creek, and very little of it comes from Wales. It is shipped around the Horn in vessels, and is taken from Georges Creek and from New Creek and several places around here. It is known as Pocahontas coal. That is used largely on the ships.

Mr. SISSON. I understand that. That is what I am objecting to. If the Pacific coast coal can be used for this purpose, it should be used.

Mr. KAHN. I agree with the gentleman fully on that.

Mr. HOBSON. Mr. Chairman, has not this provision gone out on a point of order?

The CHAIRMAN. It has, and the debate that has been proceeding is not relevant to anything that is before the House.

Mr. SISSON. Mr. Chairman, I move to strike out the last word.

Mr. HOBSON. But it has gone out. There is no last word or first word.

Mr. SISSON. Now, Mr. Chairman, I move to amend the paragraph, in line 19, by striking out "$5,000,000" and inserting "$4,925,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. SISSON].

The Clerk read as follows:

> At the end of line 17, page 20, strike out "$5,000,000" and insert in lieu thereof "$4,925,000."

Mr. MONDELL. Mr. Chairman, I hope the amendment may be adopted. I do not believe that the sum appropriated last year was put to any good use. I do not believe that the sum carried in this bill can be used to any useful purpose. We all know that there is coal in Alaska fit for naval use. No inquiry or test is necessary to prove that. There is coal with sufficient fixed carbon, low enough in ash, in moisture, and of the quality to make a perfect naval coal. The question is, How much is there of it and how much will it cost to mine and transport it? Those questions can not be economically or intelligently decided by the Navy. The questions of quantity and transportation are being investigated under another appropriation. The Bureau of Mines can give us an opinion as to the quantity of coal fit for naval use, and the question of

transportation will not be met until Congress legislates upon Alaskan coal, either providing for or encouraging transportation. This expenditure is therefore useless, unnecessary, and can serve no good purpose.

Mr. KOPP. Will the gentleman cite us to the source where we can find the information as to the quality of Alaskan coal?

Mr. MONDELL. The gentleman can find any number of analyses of Alaskan coal.

Mr. KOPP. Where can they be found?

Mr. MONDELL. In the Bureau of Mines, in the Navy Department, and in the Interior Department, and they show that there is Alaska coal high in fixed carbon, low in ash, low in moisture, and high in heat units. Now, that decides the question as to whether the coal is available for naval use or not. Is it clean coal? Does it produce a large amount of steam for the volume of the coal?

Mr. KOPP. Will the gentleman yield for one more question?

Mr. MONDELL. Yes.

Mr. KOPP. Has there ever been a report by any bureau to the Navy Department, or anyone who is thoroughly posted on the question of coal that the Navy uses, to the effect that this coal is suitable for naval uses, and if so by whom was it made, and where can the report be found?

Mr. MONDELL. I do not know if such report has been made, and my opinion is none is necessary. In my opinion the Navy never will be quick to decide on any new coal for naval use. The Navy is perfectly content to use the coal it has tested. The naval officers are not interested in questions of economy or in the question of the development of Alaska. They are interested in having a coal that has been tested, that they are confident of, that they can depend upon under battle conditions; you never will get from the Navy favorable reports on Alaska coal until they are satisfied beyond all pervadventure as to the quantity, availability, and quality, and they never can decide all these questions under this appropriation.

The CHAIRMAN. The question is on the amendment of the gentleman from Mississippi.

The amendment was agreed to.

Mr. MURRAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Massachusetts.

The Clerk read as follows:

Amend by adding at the end of line 17, page 20, the following proviso: "*Provided*, That no part of this appropriation shall be expended in time of peace for transporting coal from the Atlantic to the Pacific Oceans for the use of naval vessels or navy yards on the Pacific Ocean, except this limitation shall not apply to vessels crossing the Pacific Ocean or stationed in the Hawaiian Islands or the Philippine Islands, or to navy yards situated in these islands."

Mr. MURRAY. Mr. Chairman, this is not my amendment originally, but it is the same amendment offered a year ago on the naval appropriation bill by the gentleman from Washington [Mr. HUMPHREY]. He made at that time a statement of facts which greatly impressed me as to the possibility of saving a large amount of money, and for the purpose of bringing the matter clearly before the committee I have taken the liberty of offering the amendment.

The facts as stated by him are that it now costs the Government of the United States between one and two million dollars to transport coal from the eastern border of the United States to the western coast. The facts as presented to the committee were that the transportation of coal is at a cost of $6.50 a ton, whereas the Pacific coast coal could be laid down at the Bremerton Navy Yard at $4 a ton; that the transportation alone for sending a ton of eastern coal around to that western country was $2 to $2.50 more for transportation than the entire cost of a ton of coal laid down at the Bremerton Navy Yard.

Now, I am a large-navy advocate, because I have been to my people on that matter in the first campaign I made for nomination for Congress, and it is because of that campaign and my sincere belief in the idea of the two-battleship program that I am going to vote in this bill for that item as reported by the committee. But I am just as strong in my desire for wise economy as any man in the House of Representatives, and when I see an opportunity that may save a million or two million dollars, I believe it is my duty to bring it to the attention of this committee. I suggest that we consider, therefore, the amendment introduced a year ago by the gentleman from Washington.

Mr. HOBSON. Will the gentleman yield?

Mr. MURRAY. I will yield to the gentleman from Alabama.

Mr. HOBSON. Has the gentleman looked up carefully the actual experiments and investigations made by the Navy Department?

Mr. MURRAY. I have looked them up as carefully as I could from the debates of last year, and I saw something that the gentleman from Alabama himself said. I will read it:

I wish to register here a complaint that the Navy Department is not encouraging the development of appliances so that it can use the other coals. When it found, for instance, that the coal in Alabama approximated to the needs of the Navy it would have been in the line of economy and the best interests of the Government to have undertaken to develop smoke-consuming devices and other devices, so that the department could then use Alabama coal.

The same applies to the Pacific coast coal, not only that mined on the mainland but that in Alaska, and the Navy Department has not shown great interest in developing additional sources of supply that would prove of great, if not vital, importance in time of war, and we are put to millions of dollars of expense, perhaps, unnecessarily.

Now, Mr. Chairman, the gentleman from Alabama in that statement refers to Alabama coal, and he comes from Alabama. The gentleman from Washington comes from that section, and he may have some local interest in the concern in this matter, and it is perhaps wise to have the amendment come from some one who has no interest in the industry, and I can say that I have no local interest in the coal proposition.

Mr. MANN. Will the gentleman yield for a question?

Mr. MURRAY. Certainly.

Mr. MANN. I have read the gentleman's amendment, and I do not catch exactly what the purpose is.

Mr. MURRAY. It is to prevent the expenditure of a million or two million dollars in the transportation of coal from the eastern section of the United States around for use on the western coast, when it is believed that they might be able to get coal out there of a good degree of efficiency at a great saving. It is not my language; I do not know anything originally about the proposition except as I have learned since I served in the House of Representatives. But it did strike me last year, and does now, as a serious proposition. I discussed it with the gentleman from Alaska [Mr. WICKERSHAM], who is not now here because the first Alaskan Territorial Legislature is now about to meet, and he is on his way there, as he has a right to be, because he was such a great force in getting the Territorial form of government for Alaska.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

[By unanimous consent, Mr. MURRAY's time was extended three minutes.]

Mr. HOBSON. Will the gentleman yield?

Mr. MURRAY. Certainly.

Mr. HOBSON. Taking the amendment as it reads, I want to ask the gentleman from Massachusetts, irrespective of the Navy Department activities in these experiments and investigation, if his amendment should prevail and the Navy Department were prevented from transporting any coal to the Pacific Ocean to-day, where would he get the coal for the Pacific Fleet?

Mr. MURRAY. I do not know.

Mr. HOBSON. I will say to the gentleman, in order to answer my own question, that I have not been satisfied with the activities of the Navy Department and of the Government at large in the matter of the development of the investigation of its coal fields, like the investigations in other lines in the Navy, including ordnance and other matters.

They have given assurance that at the earliest possible moment, when they can be satisfied that coal is available for Navy purposes from a Pacific Ocean field, they will make reasonable sacrifices to introduce it into the Navy.

Mr. MURRAY. Mr. Chairman, I can not yield any more. The gentleman from Alabama [Mr. HOBSON] in his very able speech of Saturday last predicated his argument on the proposition that we were going to war, that we were not going to stay at peace. Assuming his proposition to be sound, that we are looking at these problems or ought wisely to look at them from a warlike basis, where would we get the coal in time of war if we were at war on the Pacific coast? How would we get the coal in that event? Would we not then have to develop the Alaskan coal fields, which I understand are rich with these coal deposits, and get away from the policy that has been harsh and restrictive on the people of the Pacific coast? Of course we would.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. HOBSON. Mr. Chairman, I wish simply to add to my question to the gentleman from Massachusetts [Mr. MURRAY] that the Navy Department's last report, after testing, if I remember correctly, about 20 tons of Alaskan coal, was that it would burn very well and had a good heating value, but that when you come to use the sliecbar, or to put on the forced draft, a goodly portion would go into the ash pit and up the

smokestack, and it would require a further test before they could give their consent to rely upon it in time of war.

The gentleman from Massachusetts [Mr. MURRAY] has struck the real issue when he refers to a condition of war. We are establishing coaling stations at this time in the Pacific Ocean, and those coaling stations ought to be stocked with high-grade coal, to be available in time of war, for the very reason that transportation would be so difficult at that time. If this amendment were to prevail, it would absolutely forbid the use of high-grade coal in the Pacific Ocean unless it were brought from Europe; it would absolutely prevent the stocking of the station at Pearl Harbor, the station in the Philippines, or of having coal of a high grade that would be available in time of war, even in our mainland harbors, unless bought abroad.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. MONDELL. Does the gentleman know why the department declines to use these other coals in time of peace, to any considerable extent?

Mr. HOBSON. That is partly due to the fact that in time of peace we want the Navy to be ready for war. It is not like the use of target shells. You can use a low-grade shell for target practice and get practically the same result, so far as the target practice is concerned, as with a high-grade shell.

Mr. MONDELL. Yet the gentleman knows that we will always have some little notice of a great war, and the ordinary maneuvering of the naval vessels along the Pacific coast could be accomplished much more economically by the use of the local fuel.

Mr. HOBSON. The gentleman will find that scarcely any government in the world supplies its navy in time of peace with a low-grade coal. I do not mean to say that all of the coal out there is low grade. That is not my conclusion, but the Navy Department's standard, even for use in time of peace, has not yet been reached by the coals available as yet, at least under the tests so far made.

Mr. COX. Does the gentleman feel that we are fast approaching the time when we will abandon the use of coal entirely for oil?

Mr. HOBSON. I think the use of oil is rapidly developing, and that we will be able to find large oil deposits on the Pacific coast.

Mr. COX. Does not the gentleman think that in a very few years that will be the result?

Mr. HOBSON. I think there will be a combination of coal and oil.

Mr. COX. Which makes the best heat, oil or coal?

Mr. HOBSON. Oh, the firing of oil has so many advantages that when it can give satisfactory results it will be generally adopted.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. KAHN. Can the gentleman inform us what kind of coal the Japanese Government uses for its war vessels in time of peace? Is not that a low grade of coal, a native Japanese coal?

Mr. HOBSON. Mr. Chairman, I can simply give the gentleman my impression. My impression is that it is a high-grade coal though a native coal, and that they keep their coaling stations stocked with the highest grade Welsh coal. It is my impression that they use a local coal in time of peace, a coal found up in their recently acquired territory in southern Manchuria. I will also say to the gentleman that that Manchurian coal does come up to their requirements of efficiency for time of peace. Our Navy Department has not yet come to the conclusion that any coal supply thus far developed on the Pacific coast reaches those requirements.

Mr. KAHN. Mr. Chairman, I have had occasion to investigate the matter of bringing coal to the Pacific coast in recent years. The most of the coal that is sent to the Pacific coast for use of the Navy comes from fields near here; from fields known as the Georges Creek and New River fields. The coal they yield is known as Pocahontas coal. The department contends that it is the most effective coal that we can get other than Welsh coal. The department occasionally secures a cargo of Welsh coal that is sent as ballast in vessels that come under sail to the Pacific coast. A tramp steamer will also bring a cargo of Welsh coal occasionally. Now, some years ago an effort was made by owners of American ships to carry the Pocahontas coal to the Pacific coast, but the department officials contended that the cost of transportation in American ships was so much greater than it was in foreign bottoms that they decided to continue sending it out there in foreign ships. Then an effort was made by the Pacific coast people to have the coal mined on the Pacific coast utilized by the Navy Department.

The department has constantly contended that this latter coal has not a sufficient heat-producing force to warrant its doing so; and yet Japan, on the other side of the Pacific, is using a native coal for its own navy in time of peace. The amendment offered by the gentleman from Massachusetts would allow the Navy Department to use the native coal mined on the Pacific coast in our Navy in time of peace.

Mr. SHERLEY. Will the gentleman permit?

Mr. KAHN. So far as stations on the Pacific coast are concerned, the high-grade coal could be shipped to them for war purposes; there is no doubt of that. And the native coal could be used in time of peace, because its use would result in a great saving in transportation to the coast. Now, I yield to the gentleman from Kentucky.

Mr. SHERLEY. Does not the gentleman think it is rather foolish for us to undertake to determine the question of the coal supply when in less than a year, by the opening of the Panama Canal, you will have made obsolete every fact in connection with coal rates of to-day?

Mr. KAHN. I do not think the opening of the Panama Canal will make that obsolete. I think most of the coal will still be sent to the Pacific by sailing vessels, because they will be able to carry it at a lower rate.

Mr. SHERLEY. It will certainly affect the price of coal on the Pacific.

Mr. KAHN. It may to a certain extent; and yet I think coal will undoubtedly continue to be sent in foreign sailing vessels and in foreign tramp steamers just as it has been done heretofore. The Government attempted to utilize some American bottoms, but the price charged was too high, and when Col. Roosevelt was President he made a ruling that if an American owner of a vessel would be willing to take coal at the price offered by the foreigner plus 50 per cent he would prefer to give it to the American ships. For a while a number of American ships did carry coal, but ultimately the foreign shipowners reduced the rate so low that even with the 50 per cent added the American vessels could not make a profit in taking the coal. That is the situation to-day. The foreign vessel owners reduced prices to $3.50 a ton. It practically drove every American ship competing with that trade out of the market, and now, having gotten rid of American ships, they have increased the price to $6 a ton. That is the very condition we predicted would result at the time we made our protest against the action of the department in utilizing foreign ships to the exclusion of American ships.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, I move that all debate upon the paragraph and amendments thereto be closed in five minutes.

The question was taken, and the motion was agreed to.

Mr. LITTLEPAGE. Mr. Chairman, if the membership of this House desires to cripple the Navy Department of our Government and cripple the usefulness of our naval fleet in the Pacific Ocean, adopt this amendment. Two years ago this amendment was offered. A year ago it was offered again to the then pending naval bill, and defeated. By this amendment it is sought to make it appear this scheme is sought; that by its adoption to make believe the Government would save $1,000,000 yearly in money we have been paying for the transportation of coal between the Atlantic and Pacific Oceans in railroad rates. That is not true from any point of view. You will find upon investigation that the great bulk of the coal is not shipped by railroad but shipped by water. This amendment is in the interest of the Pacific coal combine or interest, and I say that without any intentional harsh criticism upon my part of any Member of this House——

Mr. MURRAY. Will the gentleman yield?

Mr. LITTLEPAGE. I can not yield. If the membership of this House will take the time to consider and read the report coming from the Navy Department a year ago, they will find that it is impracticable to use the Pacific coast coal either in time of peace or war, for the reason it burns out the grate bars of the vessel almost as fast as they can be put in; for the reason it does not and will not produce the necessary amount of steam in any given time; and you will find by the report that of the eastern coal, to be found only in New River, W. Va., Elkhorn, Va., and Maryland, 1 ton produces quite as much steam as 2 tons of Pacific coast coal, and in the long run its use is a net saving to the Government, including freight and all expense, of about $1.50 per net ton. This coal can not be equaled.

Mr. CALLAWAY. Will the gentleman yield?

Mr. LITTLEPAGE. I can not yield. I trust the gentleman will pardon me; time is precious. That Pacific slope coal results in heat for a short time, and then it forms in tremendous clinkers, requiring the service of an extra hauler to pull the clinkers out of the furnace. This whole matter was gone into by the department in the report to this House a year ago, and I will quote for your benefit in substance the principal portion of that report by a later insertion in the RECORD. It is enough to say here that the saving to this Government by continuing the use of the New River smokeless coal should appeal to your economists of this Congress, if you really want to practice what you preach. Defeat this amendment and you will save $250,000 to $400,000 per year in time of peace; in time of war millions per year. Our coal does the work, produces the steam quicker and more lasting than any coal in the civilized world; this is the Government test, and can not be questioned nor duplicated.

This amendment went through the House some years ago. It was with difficulty that the Navy Department obtained its elimination in the Senate. When it came up in this House a year ago it was overwhelmingly defeated. The coal utilized by the Government from the eastern region comes from the New River fields in West Virginia, and the Elkhorn fields, and from the Maryland mines also. It is of the finest quality of steam-producing coal on this continent. It is that coal which the United States Government wants; it is that coal the Navy Department needs, and is obliged to have, to insure the management of the naval vessels plying on the Pacific Ocean. It was urged here some years ago on the floor of this House that there was a combination between the Navy Department and the eastern coal operators. I went into that matter as thoroughly as I could, and I am here to tell this Congress that that statement was an injustice both to the Navy Department and to the eastern coal interests whose property is being shipped to the Pacific slope. As a matter of fact, the eastern coal operators realize less than 70 cents a ton on their coal shipped. It is the very best coal they have or to be had. It is the best coal in this country. If you want to hurt the Navy Department, pass this amendment, but if you want to add to its efficiency, defeat it. Stand by your convictions and the best interests of this Government and all will be well at home and abroad.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MURRAY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MURRAY. Division, Mr. Chairman.

The committee divided; and there were—ayes 28, noes 55.

So the amendment was rejected.

Mr. OLMSTED. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 20, line 17, by striking out "$5,000,000" and inserting in lieu thereof "$4,990,000, of which not exceeding $65,000 may be used for the investigation of coal in Alaska, and report as to its availability for transportation and use on vessels of the United States Navy."

Mr. MANN. I make the point of order against the amendment.

The CHAIRMAN. The Chair will call the gentleman's attention to the fact that the amount has been changed from $5,000,000 to $4,925,000.

Mr. MANN. That amendment has been adopted and can not now be changed.

Mr. OLMSTED. I was not aware that the amendment had been adopted.

The CHAIRMAN. It has been adopted.

Mr. OLMSTED. Then I withdraw my amendment.

Mr. MONDELL. Mr. Chairman, I offer an amendment as a proviso at the end of the paragraph.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

That in the expenditure of this appropriation fuel produced in the western portion of the United States shall be used on the Pacific so far as the use of the same shall be economical and practical.

Mr. MANN. Mr. Chairman, I make a point of order against that.

The CHAIRMAN (Mr. SHERLEY in the chair). The Chair sustains the point of order. It is clearly new legislation. The Clerk will read.

The Clerk read as follows:

Section 1552 of the Revised Statutes of the United States, authorizing the Secretary of the Navy to establish, at such places as he may deem necessary, suitable depots for coal and other fuel for the supply of steamships of war, is hereby repealed.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on that paragraph. I desire to ask the chairman of the committee if this sum was not carried in the bill a year ago?

Mr. PADGETT. No. There is a general appropriation which has been carried for a number of years of $500,000, to be expended by the Secretary of the Navy, in his discretion, to establish coal depots under the authority of this section. We found upon investigation that various coal depots have been established and abandoned. One at Frenchmans Bay, with about $900,000 expended, with only 20,000 tons of coal in its whole history. There was one at Dry Tortugas, of about $500,000; it is abandoned. There was one at New London, Conn., at something like $500,000, making altogether $1,800,000 in those three establishments that since 1908 have been established and abandoned. The committee felt that this statute should be repealed, and if it is desired to establish a new station the authority of Congress should be first obtained.

Mr. COX. Will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. COX. I see that section 1552 provides—

The Secretary of the Navy may establish at such places as he may deem necessary suitable depots for coal and other fuel for steamships of war.

Now, it is the gentleman's opinion, is it not, that if this section be repealed it will be ultimately in the interests of economy?

Mr. PADGETT. Beyond all question.

Mr. COX. Under this section which the gentleman proposes to repeal complete power is given to the Secretary of the Navy to establish coaling stations wherever he sees fit.

Mr. PADGETT. And without consulting Congress.

Mr. COX. And if this be repealed, hereafter when he establishes a coaling station he will have to get the permission of Congress to do it?

Mr. ROBERTS of Massachusetts. The whole purport of the repeal is to compel the department to come to Congress and point out the necessity for the station and what it would cost.

Mr. COX. I think the incorporation in the bill is a wise provision.

Mr. FOWLER. I had in mind that the same provision was carried in the bill a year ago.

Mr. ROBERTS of Massachusetts. It is the first time it ever has been done.

Mr. FOWLER. I desired to have it eliminated if it was carried in the bill a year ago. But on examination I find that it was not carried in the bill, and I therefore withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] withdraws his point of order.

Mr. MANN. And I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order.

Mr. MANN. I desire to ask the gentleman from Tennessee [Mr. PADGETT] if any navy yards have been abandoned?

Mr. PADGETT. Two have been discontinued. The one at New Orleans and the one at Pensacola have been discontinued, and I think there are one or two others that should be discontinued. I reported in a bill, either in the last session or in the year before, a recommendation to that effect, and upon discussion in the House they went out. A point of order was made against some of them on the ground that the committee would take up the matter and try to give a comprehensive consideration of the subject, and they want to do that in the next session.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield for a moment?

The CHAIRMAN. Does the gentleman yield?

Mr. PADGETT. Yes.

Mr. ROBERTS of Massachusetts. I want to suggest to the gentleman from Illinois [Mr. MANN] that the Secretary of the Navy has no authority under any general law to establish a navy yard. It can only be established by coming to Congress.

Mr. MANN. That is not information to me. But the Secretary of the Navy has abandoned some coaling stations, because he did have authority to abandon them or to establish new ones. But when the Secretary of the Navy has not authority to establish a new one, the committee will not abandon it, and it becomes a logrolling process on every occasion.

Mr. PADGETT. I will say to the gentleman that the committee expects to take up that matter of navy yards and go into it very thoroughly at the next session.

Mr. MANN. Yes; and I heard the chairman of the Committee on Naval Affairs make that same statement 10 years ago.

Mr. PADGETT. Well, it was a different chairman. [Laughter.]

Mr. MANN. Yes; it was a different chairman, but it was practically the same committee, with practically the same men on it that are there now.

Mr. PADGETT. No; there are six new ones on it.

Mr. MANN. But they are not running this bill.

Mr. PADGETT. No; not all of them. [Laughter.]

Mr. MANN. Now, what the gentleman has in mind, I take it, is that the committee will select where a coaling station is to be located. The gentleman is aware, if this provision goes out of the bill and the gentleman provides in an appropriation bill a provision for a new coaling station, that it becomes subject to a point of order at once. There is no item for establishing new coaling stations in the law.

Mr. ROBERTS of Massachusetts. Would it not be possible to logroll against the new provision? Would not a point of order lie against it?

Mr. MANN. Yes; it would. It would lie against it in the House. But the items that go out will come back, and when they are once in we shall be just as powerless to abandon a useless coaling station or a useless navy yard or a useless magazine as we shall be to abandon any other of the unnecessary naval accessories, most of which ought to be abandoned in the interest of economy. Now, the gentleman knows perfectly well, so far as the appropriation is concerned, that the Secretary of the Navy can not establish a coaling station without money.

Mr. PADGETT. Let me say to the gentleman at that point that every year the Secretary submits an estimate for $500,000 to enable him to execute the provisions of that statute. He will use a part of it on an existing one and a part of it to start another one, and then he will come back the next year and ask to start still another one.

Mr. MANN. That depends on how complaisant the committee is. This year the Secretary submitted an estimate of $500,000, but the committee did not give him one cent under that provision of law.

Mr. PADGETT. Yes; but we limited it to the purpose which he says in this letter he wanted to apply it to.

Mr. MANN. You can always do that if you want to. It is not necessary to strike this authority out in order to follow that practice, and the Naval Committee every year ought to make the Secretary of the Navy state just where the money is to be expended. If that has not been the practice of the Naval Committee in the past, they have been negligent.

Mr. PADGETT. It has been the practice for several years past.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERTS of Massachusetts. I move to strike out the last word.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] make the point of order?

Mr. MANN. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ROBERTS of Massachusetts. Will the gentleman reserve his point of order for a moment?

Mr. MANN. I will reserve it if the gentleman desires me to.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I want to explain to the gentleman that under the operation of this law the Naval Committee, while I have been a member of it, has never been notified of the proposed establishment of a coal depot, because it was not necessary under that law. The Secretary has gone ahead, acquired the land, made his contracts, and then at the succeeding session of Congress has put in an estimate for the amount of money that was necessary, and in that way the Naval Committee could do no less than to provide the funds to carry out the contract which the Secretary, under the law, was authorized to make. Now, if the gentleman will withdraw his point, and let us vote on this amendment, then if we change the law the Naval Committee and Congress will have full information in advance of any appropriation or any obligation on the part of the Government with regard to new coaling depots and sites.

Mr. MANN. Do I understand the gentleman to say that the Secretary of the Navy in submitting his estimates and appearing before the committee states how the half million dollars is to be expended, and then goes on and expends it in some other way?

Mr. ROBERTS of Massachusetts. Oh, no.

Mr. MANN. That is the inference that might be drawn from the gentleman's statement.

Mr. ROBERTS of Massachusetts. No, indeed. The Secretary of the Navy reports so much money to carry out the contracts——

Mr. MANN. Does the Naval Committee make no inquiry as to where that is to be expended?

Mr. ROBERTS of Massachusetts. No; there has been no direct inquiry.

Mr. MANN. Then the reform that ought to take place is in the Committee on Naval Affairs and not in the law.

Mr. ROBERTS of Massachusetts. We can not change the contracts that the Secretary has made, which he is authorized by law to make.

Mr. MANN. The Secretary is not authorized to make any contract of any kind unless money has been appropriated to carry it into effect.

Mr. BUTLER. There has been appropriated $500,000.

Mr. ROBERTS of Massachusetts. The money comes in after that to carry out the contract.

Mr. MANN. But the gentleman's committee not only has the right, but it is its duty to ask the Secretary of the Navy where this $500,000 is to be expended and how it is to be expended, before the committee recommends it to the House. This year the committee have done that and they have said where the money was to be expended.

Mr. ROBERTS of Massachusetts. I want to call the attention of the gentleman to the fact that the committee have had their attention called to this abuse of this old law by a former Secretary. The gentleman will understand that there is no complaint of the present Secretary, because in the establishment of the only coaling plant that I know of under this administration, namely, that at Pearl Harbor, all the facts in connection with that have been placed before the committee and the money has been asked for it. But when we came to look into it we found that there had been these abuses in the past, and it is the desire of the committee to prevent those abuses arising in the future. We can not tell what some succeeding Secretary of the Navy may do in this respect. I want to say to the gentleman, as he must well know, that the Secretaries are governed very largely by bureau chiefs.

Mr. MANN. They are governed by the appropriations which come from the Committee on Naval Affairs.

Mr. ROBERTS of Massachusetts. The thing that the gentleman complains of is the lack of wisdom of past committees 10 or 12 years or more ago. Now their failure to perform their duties according to the ideas of the gentleman from Illinois should not operate against a change of law that will make it impossible for any future Secretary to cause these conditions to arise in the future.

Mr. MANN. The gentleman would not contend that the Secretary could establish a new coaling station under the provisions of this bill, would he?

Mr. ROBERTS of Massachusetts. No; not if this provision should become a law he could not.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to extend my remarks by printing a letter from the Secretary of the Navy in relation to the naval coal depots.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The letter is as follows:

NAVY DEPARTMENT,
Washington, January 24, 1913.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

MY DEAR MR. CHAIRMAN: I have the honor to acknowledge the receipt of your letter of the 21st instant, relative to naval coal depots.

I am inclosing herewith a table showing the information requested by you.

The following is a statement showing for what purposes it is now intended to expend the estimate of $500,000 submitted for "Depots for coal" for the next fiscal year:

To complete coaling plant at Pearl Harbor	$306,250
Provide heater coils in fuel-oil tanks	43,500
Fuel-oil tank at Boston	57,700
Additional fuel-oil tank at Pearl Harbor	30,000
Contingent (repairs and additions to existing stations)	62,550
Total	500,000

The "contingent" item under this appropriation must necessarily be large to account for unforeseen demands which may be made upon it.

The above expenditures are in conformity with recommendations made to the department by the general board, and follow the general policy for the establishment and improvement of fuel depots as approved by the department.

Faithfully, yours, G. v. L. MEYER.

NAVAL COAL DEPOTS AND STATIONS ESTABLISHED SINCE 1890.

All of the coaling plants enumerated below were authorized and built since about January, 1898. Before that date the United States Navy possessed nothing that could be designated as coaling plant in the modern sense of the term; small coal piles were maintained at some of the navy yards and naval stations, either in the open or under light wooden sheds, and small piles were kept at Sitka, Alaska; Pago Pago; Tutuila; Samoa; Yokohama, Japan.

The coaling plants built since January, 1898, together with the date of establishment or letting of first contract, cost, and capacity, are given in the table following.

Navy yard, naval station, or coal depot.	Date.	Cost to date; approximate but fairly accurate.	Capacity, in tons.
Boston (navy yard)	About 1901 or 1902	$175,000	11,500.
Melville Station (Narragansett Bay)	1901	$1,070,523.10 to date. Includes cost of land, about 160 acres, $35,000.	In sheds, 40,000; under sheds, 20,000; total, 60,000.
Cavite, P. I. (Sangley Point)	About 1900	$563,809.99 (no cost for land)	25,000.
Charleston		No plant	Unlimited.
Culebra	About 1904	Cost little	5,000.
Frenchmans Bay	Purchased Apr. 23, 1900; cost $24,650 for 56 acres.	$475,595.80	12,000 in shed; on shore unlimited.
Guam	About 1900	Cost little (shed storage)	3,000 in shed.
Guantanamo (Hospital Cay)	About 1905	About $270,000	40,000 in open.
Honolulu	About 1899	Cost very little. No handling appliances.	80,000.
Key West	1898	$292,887	14,000.
Mare Island		Probably about $150,000	12,500.
New London	About 1901	$175,000	8,000.
New Orleans	About 1907	$147,143	5,000.
New York	About 1903	$276,982	8,500.
Norfolk (no plant)			
Olongapo	About 1905	$635,823	14,500.
Pensacola	About 1904	Not much	5,584.
Philadelphia	About 1906	About $50,000	10,000.
Pichilinque Bay, Lower California, Mexico	About 1900	do	10,000.
Portsmouth, N. H	About 1901	$175,000	10,000.
Puget Sound	About 1902	About $200,000	75,000.
San Diego (no handling appliances)	About 1904	$190,000	Unlimited; on ground.
San Juan, Porto Rico	About 1901	About $50,000	18,000.
Sitka, Japonski Island	1900	About $65,000	7,462.
Tiburon	About 1903	$1,200,000	135,000.
Tortugas	About 1899	About $500,000	20,000.
Tutuila	do		4,000.
Washington, D. C	About 1902		3,500, mostly for yard use.
Yokohama			7,000.

Culebra, San Juan, and Tortugas abandoned April, 1911, June, 1912, and April, 1906, respectively.

Frenchmans Bay, New London, Pensacola, and Sitka practically discontinued January, 1912, January, 1912, January, 1912, and March, 1912, respectively.

The coaling plants at Dry Tortugas and Frenchmans Bay have been ordered sold by the department, but the sale has not yet been made.

The coaling plant at Pearl Harbor is now in course of construction. The total estimated cost of this coaling plant and its equipment is $960,000.

The table submitted above does not include fuel-oil stations, it being understood that the committee wished the information about coaling plants only.

The Clerk read as follows:

Depots for coal and other fuel: To complete coaling plant at Pearl Harbor, Hawaii, $306,250; heater coils in fuel oil tanks, $43,500; additional fuel oil tank at Pearl Harbor, Hawaii, $30,000; fuel oil tank at Boston, Mass., $57,700; contingent for repairs and additions to existing depots for coal and other fuel, $62,550; in all, $500,000, to be available until expended.

Mr. SISSON. Mr. Chairman, I reserve a point of order to the paragraph. I notice that this makes the $500,000 available until expended. That provision is in violation of existing law. I ask the gentleman from Tennessee if the committee considered in establishing this coaling station at Pearl Harbor, which is sort of a halfway station between Japan and the United States, that it was affording Japan an opportunity to get coal in her attack upon the Government of the United States?

Mr. PADGETT. No; I think we will have it so fixed that Japan will not get near enough to get any coal.

Mr. SISSON. Does the gentleman believe that it will not then be the contention that we will have to have two more battleships to defend the coal?

Mr. PADGETT. We will have enough battleships by that time.

Mr. SISSON. Will you not have the same argument after you establish a coaling station at Hawaii that we have in reference to the Panama Canal, that we have got to have more battleships to defend it?

Mr. PADGETT. No; the naval station at Hawaii is the most important strategic position in reference to the United States. It was fully debated in Congress several years ago, and there was only one dissenting vote at that time as to the establishment of this station and the adoption of the plans then submitted. The reports here and the ones heretofore are simply parts and parcels of that program.

Mr. SISSON. How much have you expended already in Hawaii?

Mr. PADGETT. The limitation was a little over ten millions, and we have expended something like seven or eight millions, including what is in this bill.

Mr. SISSON. It will take two millions or thereabouts, additional, to complete it?

Mr. PADGETT. Yes; in two or three years to come.

Mr. SISSON. How many bills appropriate for fortifications, and so forth, in Pearl Harbor?

Mr. PADGETT. We do not appropriate for fortifications.

Mr. SISSON. This goes into the fortification plan.

Mr. PADGETT. Into the naval plan; the fortifications are under the Committee on Appropriations, of which the gentleman is a member. Pearl Harbor is on a little island of perhaps a thousand acres, perhaps a mile or a mile and a half out to sea.

Mr. SISSON. Was the ten millions for fortifications and the naval program?

Mr. PADGETT. The fortifications are taken care of by the Appropriations Committee under the fortifications bill. This relates alone to the naval station.

Mr. SISSON. If the gentleman knows, I would like to have him state how much is carried for this purpose in the bill?

Mr. PADGETT. I do not know about the fortifications, because that comes from the Appropriations Committee.

Mr. SISSON. Mr. Chairman, I will make the point of order.

Mr. PADGETT. I ask the gentleman not to make the point of order. This is for original construction, and they could not do the work within the narrow time and get it delivered. It will place us in the position of turning the money back into the Treasury.

Mr. MANN. You can not let the contract at all; that is the trouble.

Mr. SISSON. I do not understand why this money does not become available on the 1st of July, and you have 12 months in which to make the contract.

Mr. MANN. You can not run the contract beyond the end of the fiscal year, and hence you can not make a contract within the fiscal year.

Mr. PADGETT. This is in the interest of economy and good administration, and it does not interfere at all with the matter; it is simply a part of the appropriation of $10,000,000.

Mr. SISSON. I still do not understand why it is impossible to make the contracts.

Mr. MANN. You can not make a contract unless you have the money appropriated, or by specific act of Congress the contract is authorized. Now, this appropriation would not be available beyond the end of the next fiscal year, and hence you can not make a contract unless the contract is completed within the fiscal year, which I doubt is practicable.

Mr. SISSON. You can appropriate so much money as may be necessary for the current fiscal year.

Mr. MANN. Oh, that might be; but you would then have to have authority to make the contract. Here the total amount is appropriated, and they can not let a contract which would run beyond the end of the fiscal year, 1914.

Mr. SISSON. This is in continuation of a certain project, then.

Mr. MANN. This item provides for the completion of a coaling plant at Pearl Harbor, Hawaii.

Mr. SISSON. But there are also these items:

Heater coils in fuel-oil tanks, $43,700; additional fuel-oil tank at Pearl Harbor, Hawaii, $30,000; fuel-oil tank at Boston, Mass., $57,000, etc.

Mr. MANN. They could not let a contract on any of those unless the work was all to be completed within the fiscal year 1914, without this availability of the money being provided for, or an authorization to let a contract, because the money would

not be available after the end of the fiscal year, and they can not let a contract beyond the time when the money would be available.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I reserved the point of order.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, I simply want to get information. I shall have to make the point of order unless I can be convinced that this language is necessary in the bill. It is clearly subject to a point of order.

The CHAIRMAN. The time of the gentleman from Mississippi has been extended.

Mr. MANN. Mr. Chairman, it is like all the public-building propositions. You can not in any event make a contract that is not authorized specifically, unless the work is completed within the time that the appropriation is available. This appropriation without this language in it would be available only during the year 1914, and hence no contract could be let that was not to be completed within that time.

Mr. SISSON. I understand that the law has to authorize the construction of buildings before the money can be expended. And unless there is some special reason in this case why it should be made available until expended, I think it very bad legislation not to have these limitations in reference to appropriations, in accordance with the existing law.

Mr. MANN. As a rule, I quite agree with the gentleman; but here is a law under which you could not let a contract until after the 1st of July, and I judge from the items that they could not obtain a contract to be finished within one year unless an excessive price was paid for it. There is no object to that.

Mr. SISSON. Mr. Chairman, I shall not make the point of order on this paragraph, but it strikes me that the committee which has charge of this bill, like a good many other committees, is endeavoring to evade deficiencies, and for that reason I wanted an explanation in reference to this matter. I withdraw the point of order.

Mr. MANN. The gentleman knows that I quite agree with him on the deficiency proposition.

Mr. SISSON. Yes.

The Clerk read as follows:

BUREAU OF YARDS AND DOCKS.

Maintenance, Bureau of Yards and Docks: For general maintenance of yards and docks, namely: For books, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants; machinery; purchase and maintenance of horses and driving teams; carts, timber wheels, and all vehicles, including motor-propelled vehicles for freight-carrying purposes only for use in the navy yards; tools and repair of the same; stationery; furniture for Government houses and offices in navy yards and naval stations; coal and other fuel; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines, and fire apparatus and plants; incidental labor at navy yards; water tax, tolls, and ferriage; pay of watchmen in navy yards; awnings and packing boxes; and for pay of employees on leave, $1,500,000; *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, messenger, and other classified work in the navy yards and naval stations for the fiscal year ending June 30, 1914, shall not exceed $425,000.

Mr. SISSON. Mr. Chairman, I would like to ask the gentleman from Tennessee what inquiry the committee made as to the proviso for $425,000 being used for the purposes mentioned—inspection, drafting, messenger, and other service.

Mr. PADGETT. We went into it very fully, as will appear in the hearings.

Mr. SISSON. I had not time to look at the hearings.

Mr. PADGETT. Beginning on page 90 of the hearings, there are several pages.

Mr. SISSON. It just struck me that unless the committee had some reason for it, $425,000 was a considerable sum to be taken out of an item of $1,500,000 for this purpose.

Mr. PADGETT. There is something like $10,000,000 that that covers. This is simply one item in the pages that follow.

Mr. SISSON. In other words, these drafting and clerical services take care of the entire proposition of the Bureau of Yards and Docks?

Mr. PADGETT. It does; and also does some work in the other bureaus.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FLOYD of Arkansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to joint resolution (H. J. Res. 365) to permit Col. William C. Gorgas and certain other officers of the Medical Corps and certain officers of the Engineer Corps of the Army to accept service under the Republic of Ecuador disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DU PONT, Mr. DIXON, and Mr. JOHNSTON of Alabama as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28730. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8182. An act granting to the Inter-City Bridge Co., its successors and assigns, the right to construct, acquire, maintain, and operate a railway bridge across the Mississippi River; and

S. 8439. An act restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State.

The message also announced that the Senate had passed, without amendment, concurrent resolution of the following title:

House concurrent resolution 71.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 2,500 copies of "Tariff Hearings" before the Committee on Ways and Means of the House of Representatives since the 6th day of January last, 1,700 copies for the use of the House and 800 copies for the use of the Senate.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS.

Navy yard, Portsmouth, N. H.: Fitting up room for storage of cranes, $9,000; garbage crematory, $6,000; in all, $15,000.

Mr. GREGG of Texas. Mr. Chairman, I move, in lines 19 and 20, to strike out the words "fitting up room for storage of cranes, $9,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out, on page 23, in lines 19 and 20, the words "fitting up room for storage of cranes, $9,000."

Mr. GREGG of Texas. Mr. Chairman, this amendment brings before the committee the first of a series of amendments that will be offered in regard to the navy yards. I do not suppose that anyone will deny that our navy yards are improperly located. No one will deny that the present Secretary of the Navy has called attention to that fact. They are so arranged as to be unbusinesslike and to be unuseful, and so numerous as to be exceedingly extravagant. Every navy yard has to have a plant, has to have its power plant, has to have its tool house, has to have all of its accompaniments. Now, then, in view of the fact that our navy yards are so arranged, if Congress does its duty or the Secretary of the Navy does his duty, there must be a rearrangement of them and an abandonment of some of them. The Secretary of the Navy has outlined the plans for the proper erection of navy yards upon the Atlantic. He suggested one at Narragansett Bay; he suggested one, a reserve basin, at Philadelphia; a navy yard at Norfolk. Now, according to all the experts, these are sufficient for the Atlantic coast.

Mr. MURRAY. Mr. Chairman——

Mr. GREGG of Texas. We will then need one at Guantanamo——

Mr. MURRAY. Will the gentleman state the estimated cost of the establishment of a naval base at Narragansett Bay as outlined by the Secretary of the Navy?

Mr. GREGG of Texas. It is estimated that by selling the abandoned yards that we can realize money enough to establish this new yard.

Mr. MURRAY. Mr. Chairman, may I ask the gentleman to give the details of that proposition?

Mr. GREGG of Texas. I do not remember the details, but whether we located one at Narragansett Bay or not—I am not contending for Narragansett Bay.

Mr. ROBERTS of Massachusetts. Will the gentleman yield to me?

Mr. GREGG of Texas. I will.

Mr. ROBERTS of Massachusetts. Does not the gentleman recall that the proposition of the Secretary to close up certain yards and establish another at Narragansett Bay was only tentative and depended entirely upon whether or not he could sell those he wished closed up for a considerable sum of money and he had no information whatever as to whether he could sell them at a reasonable price or not?

Mr. GREGG of Texas. It was only tentative, but we knew that when this question was raised Members on this floor from every one of these navy yards would be up in arms and we can not effect any abandonment or any compromise in the conduct of these yards as long as that condition exists. The Members of this House ought to be big enough, at least as big as the Secretary of the Navy, who included for abandonment the navy yard at his own home, and we ought to be interested enough in an economical administration of the Navy to rise up and meet him upon this proposition. Nobody will deny that these yards are costing millions of useless expenditure every year. Some of them, if Congress does its duty, must surely be abandoned. We hear it said, as the gentleman from Illinois said about the naval stations, that this matter will be taken up and gone over thoroughly by the committee, but let me tell you, gentlemen, that if something is not done in this House to stop the appropriations for these navy yards nothing will ever be done by the committee or anyone else looking to a consolidation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREGG of Texas. I ask for five minutes more.

Mr. MURRAY. I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GREGG of Texas. Now, the point I make is this. If the abandonment of any of these yards is only tentative, we are criminally extravagant in proceeding to expend hundreds of thousands, yea millions, of dollars annually upon those navy yards while their abolishment is being considered. Now, my proposition does not affect these navy yards as going concerns at all. It is not a question of repairing them, it is not a question of keeping them in a condition to do the work, to continue to do the work they are doing, but on page 31, line 14 to 16, we find this provision.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. GREGG of Texas. Not at this moment. "For repairs and preservation at navy yards and stations, $800,000." There is a general provision for the purpose of keeping these yards in proper repair so that they can continue to do the necessary work, but my amendment goes to the point of cutting off the addition of new buildings and the building up of a larger establishment. Now I will yield to the gentleman.

Mr. MOORE of Pennsylvania. Does the gentleman consider favorably the construction of battleships or the making of repairs in navy yards?

Mr. GREGG of Texas. I have always voted for that proposition.

Mr. MOORE of Pennsylvania. Would it be fair, in the gentleman's opinion, to have but one navy yard in which to construct ships, provided we adopt that policy?

Mr. GREGG of Texas. We do not propose to build all of them in the navy yards. I never have favored that.

Mr. MOORE of Pennsylvania. Suppose we have but one Government yard equipped to construct a battleship, which is the situation confronting us to-day, and there arose along the Gulf States and along the Lakes, or on the Pacific coast, a demand that they should have a navy yard fully equipped to construct ships, would not the gentleman think it a fair proposition to be prepared in those sections of the country?

Mr. GREGG of Texas. I do not think so now; if the necessity should ever arise, I would favor it.

Mr. MOORE of Pennsylvania. Is the gentleman familiar with the Pensacola yard?

Mr. GREGG of Texas. I am familiar with the place where there used to be a yard.

Mr. MOORE of Pennsylvania. I know it has been abandoned. But in the event of war, or the necessity of suddenly constructing or repairing ships, might it not be a good thing to have that station ready for action?

Mr. GREGG of Texas. The experts say not. Now, I am not an expert——

Mr. MOORE of Pennsylvania. Suppose this country should be struck at Panama at some future time, or a great naval warfare should arise in the West Indies, which gentlemen familiar with the subject think might be possible, would it not be well that we should be equipped along the Gulf States, particularly somewhere within the Florida Keys, to prepare for the emergencies that might arise?

Mr. GREGG of Texas. As I told the gentleman just now, I am no expert. As I understand, the plan of the department is to make the place for the defense in that section at Guantanamo, and I think there ought to be a large dock, and there ought to be provision asked for by the Navy Department at Guantanamo.

Mr. MOORE of Pennsylvania. Would the gentleman do the construction and repair work there exclusively, so far as the southern and Gulf coasts are concerned?

Mr. GREGG of Texas. I am not making a fight for the Gulf coast. I am making a fight for the economic and businesslike administration of the Navy Department. I am making a fight, sir, against the Representatives who have navy yards in their districts, and who will never permit any move to economize or to reduce expenses.

Mr. MOORE of Pennsylvania. Admitting that that is true, and that is a fair proposition coming from the gentleman who does not have a navy yard in his district, does he still answer the question I put with regard to our preparedness for construction or for repairs at a point remote from the larger centers of population in the event of war?

Mr. GREGG of Texas. The policy of the department is to have that at Guantanamo, and I have no war on the department on that proposition.

Mr. KNOWLAND. Will the gentleman yield?

Mr. GREGG of Texas. Yes, sir.

Mr. KNOWLAND. In reply to the statement made by the gentleman from Pennsylvania [Mr. MOORE] that there was only one navy yard fitted to equip, or rather to build, ships, I want to say that we have one at Mare Island.

Mr. MOORE of Pennsylvania. I ask the gentleman from California [Mr. KNOWLAND] to remember I said "battleships." I know that a collier has been constructed at the Mare Island Navy Yard. There is only one navy yard in the country equipped to build a battleship.

Mr. KNOWLAND. The Mare Island Navy Yard is equipped to build battleships.

Mr. GREGG of Texas. The point I make is this: That these navy yards are not properly arranged. Some of them have to be abandoned, and that matter is under consideration, and, while it is under consideration, it looks to me foolish to appropriate hundreds of thousands of dollars a year to add new buildings. There is ample provision in this bill for maintaining them. It will not affect their efficiency. They will be kept up to their present standard. They are doing the work now, and they will continue to do the work, but I see no reason why we should continue to appropriate these large sums of money for the addition of new buildings, barracks, machine shops, power houses, and such things, because, when abandoned, all of that will be waste money. I put it up to this Congress, and we shall put it up by motion after motion to ascertain whether or not you are willing in any sense of the word to resort to any kind of economy.

Mr. BATES and Mr. ROBERTS of Massachusetts rose.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BATES] is recognized.

Mr. BATES. Mr. Chairman, I believe that it would be a very poor proposition and false economy to strike out this item.

Now, what is it? Last year the very small appropriation for Portsmouth Navy Yard was $44,000. This year it is only $15,000, in two items, one in the interest of economy and another in the interest of sanitation and health. One is an item of $9,000 for fitting up a room for the storage of cranes. Admiral Stanford, in the hearings, states that it is for the storage of two valuable cranes, worth, I presume, $100,000, and for the storage of yard locomotives, which are also valuable.

The question does not arise here whether we are going to continue or discontinue the Portsmouth Navy Yard. That does not enter into the question at all. We are not authorizing the buying of any new lands or the building of any new buildings or the purchase of any new equipment.

It is merely to preserve the valuable machinery that we have there now, and for a crematory, because Admiral Stanford states in the hearings that this item is necessary to provide a crematory for the disposition of yard waste. It is necessary to burn it. "In some of the yards," he says, "the organic waste is collected by people who keep pigs or have some other use for the material." The crematory will be used if the wastes are not otherwise more satisfactorily disposed of.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BATES. I regret I have only two or three minutes.

Now, Mr. Chairman, it seems to me this is striking a note of false economy. I will not urge that it is playing politics; I will not be so ungracious as to say that. But I do say it is from an overweening desire to cut something out of this bill. These items stand for themselves and speak for themselves, and if the gentleman had attended the meetings of the Naval Committee for the past two months, when we were in session two hours and three hours and four hours, sometimes, a day, and heard carefully discussed and explained these several items by the heads of departments and bureau chiefs, there would not be so

much kindergarten talk as has gone on in this Chamber for the last two or three days. [Applause.]

I believe it is the part of economy that the storage of cranes should be provided for. If the gentleman from Texas [Mr. GREGG] or any other gentleman were about to sell his farm or plantation, it would be good economy to house his farm machinery for the winter, even pending the sale; otherwise the machinery would suffer in a few weeks to a greater extent than the amount of the paltry sum that is necessary to take care of it and keep it from the natural deterioration that would ensue by leaving it exposed to the elements.

Mr. SAMUEL W. SMITH. Mr. Chairman, does the gentleman yield?

Mr. BATES. Yes.

Mr. SAMUEL W. SMITH. I would like to inquire of the gentleman whether the other navy yards have crane sheds for their protection?

Mr. BATES. Yes; certainly. This is not even to build a shed. It is simply to fit up a room suitable for the storage of cranes and yard locomotives. They are valuable pieces of property, and they could be used, perchance, at another navy yard if it were seen fit to dispose of this navy yard at any time in the future.

I do not believe, Mr. Chairman and gentlemen of this committee, that you do not appreciate the hard, patient labor that has been expended upon this bill by the chairman of the Committee on Naval Affairs, who has labored unceasingly and with the true spirit of economy, and still with the true spirit of patriotism, to the end that this bill may be presented here properly. [Applause.]

I once heard an old soldier and distinguished Democrat, Amos Cummings, a Member on the other side of this Chamber, declare, when some one moved to strike out an item for barracks in the Philippines, that he would rather his right arm fall palsied to his side and his tongue cleave to the roof of his mouth than that he should vote to cripple the efficiency of the Army or the Navy of his country. [Applause.]

Mr. PADGETT. Mr. Chairman, I simply want to call attention to the fact that the total expenditures for buildings, public works, improvements, and machinery installed at Portsmouth is $10,600,929. The total cost of land and maintenance has been $18,838,000. We have at Portsmouth the finest water of any yard that we have perhaps on the Atlantic coast.

Here is a proposition to appropriate $15,000 to take care of this property, a very economical proposition, and also from the point of sanitation. It represents an investment of $18,000,000. It seems to me that to come and criticize this action, or to suppose upon mere rumor that it is going to be abandoned, a matter, I dare say, that is in the ages to come, is absurd. Let us deal with this proposition along business lines.

Now, Mr. Chairman, we must make some progress on this matter, and I move that all debate upon this paragraph and all amendments thereto be closed.

Mr. BUTLER. Mr. Chairman, I would like to have two or three minutes.

Mr. SLAYDEN. I would like to have two or three minutes. I have used hardly three minutes since the bill came under consideration.

Mr. PADGETT. Then, I will move that all debate on the paragraph and amendments thereto close in 10 minutes.

Mr. WITHERSPOON. Mr. Chairman, I would like a few minutes.

Mr. O'SHAUNESSY. Mr. Chairman, I ask for five minutes. I have not interjected myself into the debate, realizing that the time was short.

Mr. BUTLER. In order not to embarrass the gentleman, I will withdraw my request for time.

Mr. PADGETT. Mr. Chairman, I will withdraw the motion, but I notify the members of the committee that I shall hereafter insist on the rule. We must get through with this bill.

Mr. SLAYDEN. Mr. Chairman, as a member of the primary class in the kindergarten that so much excites the contempt of my friend from Pennsylvania, I want to submit a few observations. Out of the mouths of babes and sucklings there has come some words of wisdom. The chairman says that there has been $18,000,000 spent on the Portsmouth Navy Yard, and the gentleman from Pennsylvania said $10,000,000.

Mr. BATES. I beg the gentleman's pardon, I made no estimate; but I did emphasize the spending of practically nothing on it now except to take care of it.

Mr. SLAYDEN. If it is a useless navy yard, every dollar spent on it is wasted. We better dismantle it and remove the machinery that is valuable and give it up. The splendid water the chairman speaks of will not deteriorate and will not require a watchman.

Mr. BATES. The fault that is found with the Portsmouth Navy Yard is that it is not big enough to take care of the modern ships like the *Utah* and the *Pennsylvania*. They can not go into the dock. In case of war it might be useful.

Mr. SLAYDEN. The *Pennsylvanias* and the *Utahs* in the near future, if my friend from Pennsylvania and my friend from Alabama, who know no limit for aspirations for the growth of warships, succeed, will not be able to be accommodated by the Panama Canal, and we will have to enlarge that ditch to accommodate the expensive *Utahs* and *Pennsylvanias* that our friends want to make the people bankrupt themselves in building.

Mr. BATES. The Panama Canal, by common consent, fixes the width of all future battleships.

Mr. SLAYDEN. Then in the name of God, why did we not have wisdom enough to make it a very much smaller ditch than it is? [Laughter.] Mr. Chairman, I am advised by a gentleman who is a member of the committee that the Secretary of the Navy says that the Portsmouth Navy Yard is of no value to us.

Mr. ROBERTS of Massachusetts. Oh, Mr. Chairman, I want to challenge that statement.

Mr. SLAYDEN. The gentleman can challenge it, but not in my time. I have heard it said repeatedly under discussion on this naval question that there are a number of navy yards, built at great expense, that are of no value to us. If that is true, these navy yards ought to be abandoned. We ought not to yield to the blandishments of Members of the House, chairmen of committees, and individual Members. We ought not to spend a dollar in the building of a navy yard or the establishment of a navy yard where it is not needed and where it will be of no service. We ought to spend all the money that is required to maintain an efficient and adequate Navy. We do differ somewhat in our definition of some of those terms, but every man here, I take it, is a patriotic American citizen and does not want to see the interests of his country, its sovereignty and territory imperiled in any way, and will all stand ready to do what is necessary to protect it. But when the Secretary of the Navy is permitted to——

Mr. ROBERTS of Massachusetts. Mr. Chairman, I want to challenge what the gentleman says.

Mr. SLAYDEN. I wish the gentleman would please wait until I get through and to address the Chair if he wants to interrupt me. If I am making an inaccurate statement, I am relying on the judgment of those upon whom I place as much reliance as I do on the gentleman from Massachusetts, much as I esteem him.

Mr. O'SHAUNESSY. Mr. Chairman and gentlemen, I have hesitated to inject myself into this debate, realizing that in the closing days of this session the appropriation bills should be passed without unnecessary interruption. I am an advocate of an efficient Navy, and I believe that this bill in providing for two battleships meets the demands of the American people. It is a business proposition, an insurance proposition, a proposition that will lead to safety, a proposition that will lead to a sustaining of the national honor when it is in danger. Washington's classical remedy for war was preparedness. We should be guided by his advice and experience. But, like my distinguished friend from Massachusetts [Mr. MURRAY], wherever there is an opportunity to wield the pruning knife to save a million or two, I am in favor of that kind of economy. I believe that the American people generally hesitate to criticize Congress for the expenditure of millions of money, providing they get a dollar's worth of value for every dollar expended. But there is just criticism to be leveled at this bill, and I congratulate the gentlemen who drew the minority report in calling such sharp attention to the items for the maintenance of navy yards which are generally believed to have become worthless. I have been told that the Joint Army and Navy Board have recommended the abandonment of certain naval stations as having outlived their usefulness. The Secretary of the Navy has spoken favorably of Narragansett Bay as a naval base. For the enlightenment of the committee I will insert at this point in my remarks the testimony of the Secretary before the Committee on Naval Affairs:

Secretary MEYER. I made a recommendation to the committee a year ago, recommending the abolition of certain yards, because, with the Navy constituted as it is now, with a battleship fleet of 21 (including new and old type vessels), there was no longer a necessity for those stations, and I showed that if we abolished all those mentioned in my recommendation it would mean a saving of about $1,500,000 a year in maintenance, etc. After that, I studied the problems on the Atlantic coast from Charleston to Portsmouth and put the matter up to the General Board of the Navy, and after they had given me their opinions, I further assigned it to the Joint Army and Navy Board for consideration, because a naval station is not a fortified station.

Quite the contrary, it rather invites attack to the harbor in which it is located, and has no means of defense. Therefore, it would de-

volve upon the Army to defend that station in case of war. The Joint Army and Navy Board reported that the ideal plan for the Navy would be to have two great naval bases on the Atlantic coast in harbors which would receive and could maintain the entire fleet and its auxiliaries.

Mr. GREGG. Did they designate the places?

Secretary MEYER. Yes, sir; I will come to that. They further reported that Philadelphia, on account of its fresh-water basin, was valuable to retain as a station for the reserve fleet and for its maintenance there, because of the labor market and because the station was already there. While the station at Charleston, S. C., should never have been built originally, nevertheless, as it is already there, we can make use of it as a torpedo base. At Key West is a station for torpedo vessels, not an extensive naval base but merely as an adjunct to Guantanamo for the protection of the Gulf of Mexico. It supplements Guantanamo as a naval station, and the torpedo vessels can protect the entrance to the Gulf of Mexico from this point.

Then came the question of the best locations, according to the views of the Joint Army and Navy Board, as to two naval bases which would receive and maintain the fleet. It appeared self-evident that the only two places which could receive the fleet and all the auxiliaries, with harbors and anchorage sufficient for such purposes, were Hampton Roads, where we have the Norfolk Navy Yard, and Narragansett Bay, where there is a large protected harbor with two exits and possibilities such as the Joint Army and Navy Board require.

The CHAIRMAN. What are the climatic conditions as to frozen water at Narragansett?

Secretary MEYER. Absolutely favorable. It is south of Cape Cod. The harbor is always open. Therefore, the question for me to consider was what was feasible, and whether it was possible to finally recommend the abolition of the Portsmouth, Boston, and New York yards, and in their place center a naval base in Narragansett Bay.

I am not prepared, as yet, to make a recommendation, for the reason that we are still studying and investigating. It requires a great deal of thought and consideration from many points of view. There has been a tentative plan made which would give us two docks 1,000 feet long, two docks 650 feet long, which would take in any battleship or dreadnought up to the present time, and two small docks suitable for gunboats and destroyers, making six docks in all, and berthing space for 12 to 16 ships.

The CHAIRMAN. That is at Narragansett Bay?

Secretary MEYER. Yes, sir. There would be shops for construction and repair, and for steam engineering, and everything necessary for an up-to-date efficient navy yard. The questions that I have to solve are these: Whether that could be done without expense to the Government. That is, whether the proceeds from the sale of those three yards would be sufficient to pay for the reestablishment of a naval base necessary to the Navy's requirements at Narragansett Bay.

That is one of the problems. Second, before we commit ourselves, it is necessary to study the locality and see whether it is feasible and practicable, and third, to see whether it can be done within the estimates. It has been estimated that those three yards will bring from $24,000,000 to $25,000,000. We have tentative plans of what can be done at Narragansett Bay for $24,000,000 to $25,000,000, but it is necessary to make soundings. It is necessary for us to ascertain if it can be done. We do not propose to commit ourselves to something and find that it will cost double what we anticipated. Therefore, I am temporarily reporting this to the committee as I have always endeavored to do, in order that they may know what the department is considering. Until the engineers have thoroughly studied the locality, until they have made their soundings, and until they have tentative estimates of the cost which would be sufficiently definite to authorize a recommendation, I can not say anything further at the present time to the committee.

Now, my criticism may not come with all the good grace that it comes from the gentleman from Texas [Mr. SLAYDEN], because I represent a district possessing one of the greatest bays in the world, as my friend the gentleman from Massachusetts [Mr. MURRAY] can bear me out, a place that would harbor all the battleships we would be able to build for years to come, but I hope in my course in this House I shall always be recognized as the gentleman from Rhode Island instead of the gentleman for Rhode Island. [Applause.] I prefer to be national rather than local in my political character, and in my zeal for my State not to overlook the Nation's necessities. And if there is any other naval base superior to Narragansett Bay, if there is any better place that appeals to the people charged with the administration of the Navy, then I say, go and take it, and if the naval establishments now in Rhode Island are or should at any time be considered not what they ought to be, I say, abolish them, but if being all that is desired to promote efficiency and economy we ought to use and enlarge them and sell some of the other places and thereby effect a great saving to the country. I hope that the time is near when that shall be done. I hesitate just now to join in the proceedings to strike out of this bill the provisions for the maintenance of these yards outside of Rhode Island, but I am very highly pleased to know that the gentlemen representing the minority on this committee have so succinctly and splendidly called attention to the glaring defects in our naval administration. I do not believe I can better support my argument and my statement at this time than by quoting from an editorial in the Washington Herald under date of January 13, 1913:

> It would be unwise economy to curtail the strength of the fleet to such an extent as to impair the authority of the United States among the powers.

That is a sentiment to which I have the honor to subscribe.

> At the same time, the expenses of naval administration must be reduced. The Navy Department has pointed the way to this. Abolition of useless navy yards is the solution. The cooperation of Congress is necessary to this end. At present navy yards are located at Portsmouth, N. H., Boston, New York, Philadelphia, Portsmouth, Va., Charleston, and Key West. It is difficult for the largest battleships to reach some of them, but they are all kept going, and the expense of repairs at these scattered stations is far greater than it would be were they combined in two or three. England has passed through this wasteful stage and now pursues a policy of concentration. Three naval stations, one in Narragansett Bay, another in Hampton Roads, and a third at Guantanamo, would adequately maintain the Atlantic Fleet, while stations in Puget Sound, San Francisco Bay, and Pearl Harbor would be sufficient shore establishment for the naval force in the Pacific.
>
> Concentration has long been the American policy, so far as its warships are concerned, for the vessels are now kept constantly together in the fleet, except when it is necessary for them to separate or go for repairs to the scattered shore stations.
>
> If there is good reason for concentration afloat, there is better reason for concentration ashore. Navy yards should exist for the fleet, not the fleet for navy yards.

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'SHAUNESSY. I ask for five minutes.

Mr. GREGG of Texas. I was about to ask that the gentleman have five minutes.

Mr. O'SHAUNESSY. I thank the gentleman from Texas.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. O'SHAUNESSY. Now, Mr. Chairman, in my short experience in this House I have become convinced that Congress is but a convention of local envoys, and I know how extremely difficult it is to wrench a Member away from some cherished project in his district. Rhode Island possesses, as it does many industries, some of which were supposed to be attacked by the Underwood tariff bills in the last Congress. There was a wailing and a lamentation from some quarters when the Underwood bill passed; that is, a lamentation from some particular interest involved, but in spite of the fact that I voted for every one of Democratic tariff bills I have had the pleasure of being returned. [Applause.] And I hope it will be my good fortune to support that prince of American statesmen, that imperturbable gentleman, OSCAR W. UNDERWOOD, so genial in character, so persuasive in eloquence, and possessing that particular charm and ability—conciliation. I hope it will be my pleasure for some years to follow his distinguished leadership in this House. [Applause.] Now I am diverting. I do not want to be guilty of piping too long upon my own particular tune, which in this instance is Narragansett Bay——

Mr. MURRAY. May I inquire of my good friend and colleague what is the estimated cost of the establishment of the naval base at Narragansett Bay?

Mr. O'SHAUNESSY. In the testimony of the Secretary of the Navy, which will be found incorporated in my remarks, the Secretary estimates that the cost would be $24,000,000 to $25,000,000, the sum to be obtained by the sale of other yards.

But I want to be firm, and I want to be very honest in this statement. I would not be here advocating this, if I believed that Narragansett Bay was not the proper place. I hope the prediction of the gentleman from Tennessee [Mr. PADGETT], the dire prediction that these abolitions of certain navy yards are away off in the distant future——

Mr. PADGETT. Mr. Chairman, will the gentleman permit me to state that I said only the Portsmouth Navy Yard?

Mr. O'SHAUNESSY. Oh, I am pleased and gratified.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. O'SHAUNESSY. Certainly.

Mr. MANN. I suppose I am to blame for my ignorance of geography, but just where is Narragansett Bay? [Laughter.]

Mr. O'SHAUNESSY. Oh, Narragansett Bay is an inlet of the Atlantic Ocean, extending 28 miles into Rhode Island, and being 18 miles wide from its point of entrance, Sakonnet Point to Point Judith. Providence, Newport, and Fall River are on the shores of the bay. Its harbor can accommodate all of our battleships, and I want to say to the gentleman that I trust the Rhode Island Legislature before long will have the pleasure of inviting the Naval Committee there and showing them how bountiful God Almighty has been in his gifts to Rhode Island.

Mr. MANN. In his gifts to Rhode Island, or in what will be furnished for the Naval Committee when they get there?

Mr. O'SHAUNESSY. Oh, I presume they will be properly taken care of.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. O'SHAUNESSY. Certainly.

Mr. MOORE of Pennsylvania. Mr. Chairman, I grant that Narragansett Bay is one of the most beautiful bodies of water along the Atlantic coast, or in the country, but will the gentleman state whether it is salt or fresh water?

Mr. O'SHAUNESSY. Salt water.

Mr. MOORE of Pennsylvania. That enters very largely into this proposition.

Mr. O'SHAUNESSY. I know it does, and the gentleman I suppose now is boasting in an indirect way of the Delaware River.

Mr. MOORE of Pennsylvania. I always boast of it, and in a very direct way, but I thought it only fair to draw the comparison as between the beautiful sheet of water known as Narragansett Bay, where the water is salt, and the great Delaware River, where the water is fresh.

Mr. O'SHAUNESSY. Because one is fresh and the other salt, with the consequent action involved on ships' bottoms?

Mr. FOSTER. Does the gentleman think there will be anything left for Narragansett Bay after we get through with Philadelphia and her demands?

Mr. O'SHAUNESSY. I know the gentlemen from Philadelphia are very insistent, and they are disposed to look after the interests of their constituents, but I do hope that there will be something left for Narragansett Bay when they get through.

In order that the committee may know something more about Narragansett Bay, it will be my pleasure in the extension of my remarks, to insert a newspaper clipping epitomizing the views of Rear Admiral Luce on the subject under discussion.

The newspaper clipping referred to is as follows:

NAVAL BASES V. NAVY YARDS.

The wide difference between a navy yard and a naval base is cogently stated in a recent article by Rear Admiral Stephen B. Luce, U. S. Navy (retired), now of Newport, in which he states that while the United States has navy yards, naval stations, and naval rendezvous it has in a technical sense no naval bases.

Rear Admiral Luce found that Narragansett and Chesapeake Bays were advirably designed naturally for naval bases and points out that the Atlantic seaboard possesses three principal strategic naval points—the two bays and the Florida Keys.

"Narragansett Bay," he said, "seems to have been intended by nature for a permanent naval base of the first order." He cited the fact that Gay Head, Block Island, and Montauk Point would be lookout stations that in time of war would give timely notice of the approach of an enemy's fleet, giving an exceptional primary advantage to Narragansett Bay as a naval base.

Rear Admiral Luce also pointed to the fact that the old reason for not locating a naval base in Narragansett Bay, the lack of fortifications, no longer existed. Now the fortifications are here and capable of fulfilling nearly every condition necessary in cooperation with a naval base.

He also presented the following requirements for a naval base, which, he said, Narragansett Bay can fill, and which New York and Boston's yards can not.

Its situation must be at the best strategic point within the area under consideration.

It must afford a safe harbor for a fleet of at least from 25 to 30 battleships, with their auxiliaries, aggregating a total of about 60 heavy-draught ships and numerous small craft.

Such anchorage must be within the lines of defense.

It must afford ample docking facilities at one and the same time for at least four ships of 45,000 tons displacement, each of, say, 38 feet draft.

The interior lines of communication to the sources of supply should be such as may be fully secured in time of war.

It should be easy of access and egress and admit at mean low water, without constant recourse to dredging, ships of the heaviest drafts of water, say, 38 feet.

It should be in the proximity of a community able to furnish skilled labor in the departments of iron shipbuilding and marine enginery.

The facilities of the neighborhood for furnishing the materials which enter into these industries should be ample.

The character of the soil of the littoral should be such that the dry docks and wet basins in numbers sufficient to meet all probable demands of the future can be constructed at moderate cost, and its area sufficient for all the structures that may be needed for a repairing yard and a naval arsenal combined.

It should enjoy a salubrious climate, and it should be difficult to blockade.

"Narragansett Bay," continues Admiral Luce, "and its tributaries can furnish all the skilled labor a naval base could need during peace or in time of war. The fact that it has a channel 40 feet deep which can be carried 10 miles up from the entrance, and that, too, without dredging, furnishes another advantage enjoyed by no other harbor on our Atlantic seaboard.

"Narragansett Bay is now well fortified. It has, therefore, all the constituents of a naval base of the first order save the docking facilities. It only awaits the time when its exceptional advantages shall have been passed upon officially by a duly appointed mixed commission of Army and Navy officers, as has been our practice in the past, and the question of its adoption taken up by Congress."

Mr. WITHERSPOON. Mr. Chairman, I do hope that the debate on this item will not be cut short by the House, for the reason that the considerations that will determine the House in voting upon this item will also determine it in voting upon a very large number of items in the bill that are in the same condition. This item which the amendment seeks to strike out provides for the erection of some kind of structure for the storage of cranes. I do not deny that it is useful and beneficial and necessary that cranes should be stored. The fact is I am not sufficiently posted on the subject to know whether they ought to be or not. It seems to be a fact, however, that for 120 years of the country's history these cranes have not been stored, and this necessity has suddenly been discovered. I do not base my support of the amendment upon the idea that it would not be a useful expenditure of the money to construct this house in which to put these cranes. I put it upon the proposition that in all probability this navy yard at Portsmouth will be abandoned, and in case it should be, this will be a waste of money, and more than a waste. It would be a waste of money if we expended it there and afterwards discovered that it was useless, but when we are advised beforehand that it will be useless, I say it is criminal waste of money. The chairman of the Committee on Naval Affairs, the gentleman from Tennessee [Mr. PADGETT], left the impression on the House that this was based on rumor. I tell this House it is not based on rumor, it is based on the statement of the Secretary of the Navy himself.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. WITHERSPOON. Certainly.

Mr. MURRAY. I desire to read from page 709 of the hearings, quoting Secretary Meyer:

I am not prepared as yet to make a recommendation for the reason that we are still studying and investigating. It requires a great deal of thought and consideration from many points of view.

Mr. PADGETT. And on the next page the reasons are given.

Mr. MURRAY. I do not want to take too much of the gentleman's time.

Mr. WITHERSPOON. Secretary Meyer has said a great many things, but in some part of his testimony, where he was explaining why some of these navy yards ought to be abandoned, where he was trying to show the committee how much less expensive it would be to have the work concentrated at a few yards, he gave us to understand that, in his judgment, some of them ought to be abandoned, and he mentioned Portsmouth and Boston and one other that I do not remember among the number.

Mr. MURRAY. Can you cite me to the place and time?

Mr. WITHERSPOON. I can not cite you to it, and it does not make any difference whether you ever find it or not.

Mr. MURRAY. Oh, yes; it does.

Mr. WITHERSPOON. It does not.

Mr. MURRAY. It makes a difference to me and my folks.

Mr. WITHERSPOON. Well, get his testimony and read it from beginning to end. I have not the time to hunt up the pages now.

Not only that, Mr. Chairman, but some of the bureau chiefs have explained to us how the multiplication of navy yards causes a duplication of expenses, and I think one of the examples used to illustrate it was that you would need a crane at Portsmouth, you would need a crane at Norfolk, and if the work done in both of the navy yards were done in the same place one crane would do the work. That is just an illustration, but it is undoubtedly a fact that the multiplication of these navy yards does greatly increase the expense of maintaining the American Navy. It is not only not rumor, but whatever the Secretary of the Navy may have said is not nearly so strong and significant as what he has done.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WITHERSPOON. Actions speak louder than words. We spent $10,000,000 in building a navy yard with great buildings of all kinds and immense machinery of all kinds, at Pensacola, which the Navy Department has actually abandoned, and there is not a dollar of appropriation in this bill for that navy yard.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. WITHERSPOON. Yes.

Mr. MONDELL. Does the gentleman believe that the Pensacola yard should have been abandoned?

Mr. WITHERSPOON. I can not believe that it ought, or that it ought not to have been abandoned, because I have not sufficient information to base an opinion upon. But I will say to the gentleman from Wyoming that what I do believe is this, that the Committee on Naval Affairs ought, if it could ever get time enough left, after considering battleships, to devote its attention to this subject of whether we will concentrate our work at two or three navy yards, or whether we will abandon the others, and, if so, which ones. That is a subject which we ought to consider, and we ought to get the advice and opinion and facts from men who are informed on the subject. And, in addition to that, we ought to visit every one of them and know what we are doing before we act. I do not know whether the navy yard at Pensacola ought to be abandoned or not, but I know it has been abandoned. That is a fact, and, therefore, the contention we make here that this Portsmouth Navy Yard may be abandoned is not, as the gentleman from Tennessee [Mr. PADGETT] says, based on rumor, but is based on actual fact.

Mr. MONDELL. If the gentleman will allow me, my thought was this, and I plead to a vast amount of ignorance on the subject——

Mr. WITHERSPOON. You have plenty of good company.

Mr. MONDELL. The navy yard at Pensacola ought to be made one of our great navy yards. My own opinion has been that there was a very great question with regard to Portsmouth, but the Navy Department has abandoned the one at Pensacola, and they have maintained Portsmouth. Now, the gentleman claims he does not know whether Pensacola should have been abandoned, but he believes that Portsmouth should be abandoned.

Mr. WITHERSPOON. No; I did not say that at all.

Mr. MONDELL. Then I misunderstood the gentleman.

Mr. WITHERSPOON. I told you I did not know enough about it to say whether any of them ought to be abandoned, and, if so, which ones ought to be abandoned; but, I say that the Committee on Naval Affairs has never given to this subject sufficient consideration, has never taken enough testimony, has never gotten the advice and opinion of competent men on the subject sufficient for any of them to have an intelligent opinion. And while the thing is undecided and uncertain, I submit it is a waste to expend this money on any of them.

Now, in addition to that——

Mr. MOORE of Pennsylvania. Will the gentleman yield for one question?

Mr. WITHERSPOON. Yes, sir.

Mr. MOORE of Pennsylvania. Has the gentleman ever visited the Pensacola yard?

Mr. WITHERSPOON. I have not.

Mr. MOORE of Pennsylvania. I will say to the gentleman that I have, and to me, as a patriotic American, it seems lamentable that we should have abandoned so available a property for use if emergency required it. But I wanted to ask the gentleman this:

The Pensacola yard, apart from that at New Orleans, is the only yard that we have in any way protecting, or prepared to protect, in the matter of construction and repair in the Gulf region, the vessels of the United States in the event of war. Does not the gentleman think we ought to have some naval base along that great Gulf coast line?

Mr. WITHERSPOON. Well, I will state, in answer to that, that the experts who appeared before the Committee on Naval Affairs have advised us of the possibility or probability in case of war that the seat of war will be in the Caribbean Sea.

Mr. MOORE of Pennsylvania. Yes.

Mr. WITHERSPOON. Wait a moment; and it does seem to me as though we ought to have a great navy yard there close to the seat of war. But I am a mere Congressman; I am not an expert on such matters; and the point I make is that I am not willing to act upon what seems to me to be best, but I insist that the Committee on Naval Affairs, if it ever does do its duty, will find out what is the best thing to do and do it before we waste any more money upon these navy yards.

Now, again I will illustrate the same thing. We have a navy yard at Mare Island, Cal. It has been demonstrated before the Committee on Naval Affairs that that navy yard is useless; that it is valueless; that the $12,000,000 that we have squandered there amounts to nothing, because the water is so shallow that you can not get your warships to it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the gentleman from Mississippi [Mr. WITHERSPOON] shall have five minutes more. Is there objection?

Mr. ROBERTS of Massachusetts. Mr. Chairman, before the question is acted upon, I would like to have a little understanding on this matter. I have no objection personally to the gentleman from Mississippi going on for an hour or more, provided there will be no objection coming from the other side to the requests of those who want to take an equal amount of time to answer his arguments. We shall make no motion here to close the debate.

Mr. WITHERSPOON. And I shall not go on for an hour, either.

Mr. PADGETT. I want to say, Mr. Chairman, that I am going to make a motion to close debate in 15 minutes.

Mr. MURRAY. Mr. Chairman, I hope the gentleman will not do that until some of us have had an opportunity to discuss these paragraphs.

Mr. MANN. Mr. Chairman, could we not reach some agreement or arrangement about debate? Of course this is the first paragraph of a series of paragraphs covering navy yards. Gentlemen are discussing the whole subject apropos to this first paragraph. I have no idea that they will desire to renew the discussion in full on each paragraph. I would like to know what can be done in regard to the extension of time.

Mr. PADGETT. I will agree to 20 minutes' debate.

Mr. MURRAY. Mr. Chairman, I do not know what the disposition of my colleague [Mr. ROBERTS] is in regard to time, whether he wants 15 minutes or more, but I want 10 minutes myself, because this is a matter of vital concern, not so much to me as to my people, and I move, therefore, Mr. Chairman, that the debate on all the items——

Mr. MANN. We had better reach an agreement or understanding, because, of course, if you cut off debate on this item it will not be ended unless you have some understanding as to the other items, too.

Mr. MURRAY. I suggest that debate be extended on all items up to line 8 of page 27, to the item concerning the naval station at Guam; that it shall be understood to include all the items from line 18, page 23, to lines 8 and 9, page 27.

Mr. MANN. You can not do that.

Mr. SISSON. That is too much, Mr. Chairman. Take it to line 16 of page 24.

Mr. MANN. If you have full debate on this item gentlemen will not object when the chairman of the Committee on Naval Affairs moves to close debate on the other items after a little debate runs, according to the understanding arrived at.

Mr. MOORE of Pennsylvania. Mr. Chairman, has action been had on the request for unanimous consent?

The CHAIRMAN. It has not.

Mr. BATHRICK. Is it the intention to close debate on specific amendments?

Mr. MANN. Oh, not at all. It is just to reach an understanding that the debate will be had now, and not extended over each of the separate items.

Mr. BATHRICK. The debate on the question as to whether we should close the navy yards or not, and where?

Mr. MANN. Yes.

Mr. BATHRICK. I agree to that.

Mr. PADGETT. Well, Mr. Chairman, we will let the debate run a while. Let the gentleman from Mississippi [Mr. WITHERSPOON] proceed.

Mr. MANN. I ask unanimous consent, Mr. Chairman, that the gentleman from Mississippi [Mr. WITHERSPOON] have 10 minutes' time.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. WITHERSPOON. Mr. Chairman, I was proceeding to illustrate to the House the folly of spending money in a place where it would not be useful, and I was proceeding to illustrate it by Mare Island. It has developed before the committee that that great navy yard, upon which we have spent $12,000,000, is now practically useless because the water is so shallow that you can not get your battleships to it.

Mr. KNOWLAND. Will the gentleman yield?

Mr. WITHERSPOON. In just a minute I will yield. Now, in view of that fact, we have pending before the Naval Affairs Committee a proposition from some corporation to provide a dry dock about 30 miles from Mare Island to which we can take battleships to be repaired. We are considering that very proposition now, and the committee, not having time to go into it fully, decided to postpone it until the extra session of Congress. In consideration of that I have heard members of the naval committee, Republicans too, say, "I am willing to vote to close up and abandon Mare Island Navy Yard right now."

That is the kind of folly that we have been guilty of—spending money and finding out after the money was squandered that it ought not to have been spent. We have done that in other cases.

Some years ago, Mr. Chairman, these advocates of the expenditure and waste of the people's money conceived the idea that we did not need battleships so much as we needed armored cruisers, and so we started out on the new policy of building armored cruisers. We continued that policy, I believe, for about 8 or 10 years and built 11 armored cruisers, costing the American people $66,000,000. But after we had squandered and wasted the money we suddenly discovered that we did not need armored cruisers, but we did need more battleships, and so we abandoned that policy and have not built any for many years.

Mr. MURRAY. Will the gentleman yield?

Mr. WITHERSPOON. Yes.

Mr. MURRAY. There is no analogy between that proposition and this case. You are going to build a new navy yard as fast as you discontinue this, and it is going to cost fifty or a hundred million dollars.

Mr. WITHERSPOON. So far as analogy is concerned, I know sometimes a thing can exist when you do not discover it.

Mr. MURRAY. How much is it going to cost to establish the Narragansett naval base?

Mr. WITHERSPOON. The gentleman from Massachusetts does not understand my position. I speak from ignorance. I say I do not know, and the Naval Affairs Committee has been so absorbed in the great scheme of building battleships that it has not taken time to find out, and my position is that we ought not to squander the money until we do find out.

Mr. MURRAY. Those of us who know the gentleman give him more credit for intelligence than he is willing to give himself.

Mr. WITHERSPOON. I have a great many kind and generous friends.

Mr. MURRAY. And I hope I am one of them.

Mr. WITHERSPOON. I count the gentleman as one of the very best. Now, Mr. Chairman, it may be that there are strategic reasons, it may be that there are military considerations, which make it necessary that we should keep this navy yard at Portsmouth. If any such exist, the Naval Affairs Committee did not try to find it out, and I do not know, but I do say that as long as those that are in a position to know are telling us that these navy yards, all except two or three, ought to be abandoned, we ought to say that we will quit spending money on them until we determine that question.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WITHERSPOON. Yes.

Mr. MOORE of Pennsylvania. There are more navy yards along the Atlantic coast than on any other coast. Is it not due largely to the fact that the population centered there, that the necessities of the Navy were there, and that to-day along the Atlantic coast is centered east of the Appalachian Range about one-third of the entire population of the country? Is it not natural that these yards should have been established there, and is it not natural that they should remain where the population is so congested as it is to-day and where labor and material is at hand?

Mr. WITHERSPOON. If the gentleman wants my opinion about it, there is plenty of labor and material on the coast of the Gulf of Mexico, and I expect there is a plenty on the Pacific coast. My answer to the gentleman's question is that, in my judgment, in the whole history of the American Navy, the adequacy and efficiency of the Navy and the economy of its administration and public defense have cut a small figure. It has been a matter of business to spend public funds in these places where it would do the most good politically. That is what I believe about it. [Applause.]

I found that on facts. I heard a member of the committee, when we were discussing the question of whether a certain appropriation ought to be withdrawn from a certain place where it was expended, tell how it would affect business there, how it would throw laborers out of employment, and he said it would be a shame to withdraw this appropriation under those circumstances and turn those people out of employment. Business, commercialism, greed, avarice! That is the cause of all this trouble, and if you would substitute American patriotism for it I submit we would have a more efficient Navy. [Applause.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, the gentleman from Mississippi [Mr. WITHERSPOON], who has just taken his seat, stated as a fact that the Secretary of the Navy—and I assume he means the present Secretary of the Navy because I shall refer before I am through to the recommendations of other Secretaries of the Navy—had recommended the closing up of the Portsmouth Navy Yard, that being the one now under consideration.

Mr. WITHERSPOON. Mr. Chairman, the gentleman does not quote me exactly right.

Mr. ROBERTS of Massachusetts. I would like to quote the gentleman correctly.

Mr. WITHERSPOON. If I used the word "recommended," I used it inaccurately. I did not mean to say that the Secretary of the Navy recommended to us that we should put anything of that kind in this bill.

Mr. ROBERTS of Massachusetts. That is not the point.

Mr. WITHERSPOON. But that he gave it to us as his opinion that Portsmouth and Boston and one other navy yard ought to be closed.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I challenge the accuracy of the statement, and I challenge the gentleman to point to any place in the records of the Naval Committee where such a statement appears.

Mr. WITHERSPOON. Let me ask the gentleman a question.

Mr. ROBERTS of Massachusetts. The gentleman from Texas [Mr. GREGG] made substantially the same statement—if the gentleman will pardon me a moment I think I can state a little later just how far that subject has gone and how far it had approval or disapproval.

Mr. WITHERSPOON. I would like to ask the gentleman a question. Has the gentleman read the testimony of the Secretary of the Navy through?

Mr. ROBERTS of Massachusetts. Oh, yes; this year and last year and in prior years.

Mr. WITHERSPOON. The gentleman will excuse me. I asked him a question. Has he read through the testimony of the Secretary of the Navy from beginning to end, and will he state that it is not in there?

Mr. ROBERTS of Massachusetts. Mr. Chairman, my recollection is that I heard all of that testimony, and was present when it was given. I do not have to read it to know what he said.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. Oh——

The CHAIRMAN. The gentleman declines to yield.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I do not decline to yield if I can be given time. I do not wish to be discourteous, but I wish Members to understand that I have only five minutes, and if my time is to be taken in answering questions, I desire the privilege of extension in order that I may say what I have in my mind. With that understanding, I will yield. The gentleman from Texas [Mr. GREGG] made substantially the same statement, carrying the impression that the Secretary of the Navy has given the sanction of his great office to the closing of these yards and the establishment of another one. Another gentleman from Texas reiterated that statement, and when it was challenged, said that he had it from a gentleman in whose word he placed as much reliance as he did in that of the gentleman now speaking. I challenge it right from beginning to end. The gentleman from Mississippi [Mr. WITHERSPOON] says it is not necessary to point out where the Secretary of the Navy said that. The gentleman from Mississippi is too good a lawyer to believe that such a thing as that would go anywhere before intelligent men. When a statement is challenged, that statement being claimed to be based on another person's statement, it is up to the person whose word is challenged to point out where that statement was made, and the language in which it was made.

Mr. WITHERSPOON. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. Yes.

Mr. WITHERSPOON. Did the gentleman from Massachusetts understand me to say that there was any such statement in the printed hearings or that the Secretary made the statement?

Mr. ROBERTS of Massachusetts. Mr. Chairman, while the gentleman from Mississippi was talking and ostensibly quoting the Secretary of the Navy, the gentleman from Massachusetts [Mr. MURRAY] upon that side challenged the statement and asked the gentleman from Mississippi to point it out, and the gentleman from Mississippi said it was not necessary for him to point out that statement.

Mr. WITHERSPOON. But I asked the gentleman a question.

Mr. ROBERTS of Massachusetts. I do understand the gentleman from Mississippi to be quoting the Secretary of the Navy.

Mr. WITHERSPOON. But the gentleman evades the question.

Mr. ROBERTS of Massachusetts. And to say that he can not point to those statements in any official record.

Mr. WITHERSPOON. But the gentleman evades the question. Did the gentleman understand me to say that there was any such statement in the printed hearings?

Mr. ROBERTS of Massachusetts. No; I did not understand him to say it was in the printed hearings. What I did understand the gentleman to say was that the Secretary of the Navy had so stated.

Mr. WITHERSPOON. I want to ask the gentleman another question.

Mr. ROBERTS of Massachusetts. The gentleman was asked where and under what conditions the Secretary had made that statement, and he said it was not necessary to state where and under what conditions.

Mr. WITHERSPOON. Will the gentleman yield for a question?

Mr. ROBERTS of Massachusetts. I will.

Mr. WITHERSPOON. Will not the gentleman admit to this committee that when the hearings are typed off that they are sent to the Navy Department and they tell us there that they frequently erase things which were said in the hearings?

Mr. ROBERTS of Massachusetts. Oh, that is done.

Mr. WITHERSPOON. I want to make myself clear. I have not read the hearing of Secretary Meyer through from beginning to end to see whether that statement is in there or not, but I merely wish to be understood as asserting that I heard

him say so there, and I give the committee the benefit of my assertion that he did say it.

Mr. ROBERTS of Massachusetts. Well, now, Mr. Chairman, the Secretary of the Navy was questioned in the committee last year on this very proposition, and he was asked point-blank if he had any recommendations to make on the proposition of selling these yards and building a new one, and he said he had not; and he reiterated the same statement this year—that he has no recommendation to make. That is the point I want to bring out, that all this talk about discontinuance of certain navy yards grows out of the action of a board of the Navy Department.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBERTS of Massachusetts. All this talk about closing navy yards grows out of a tentative report made to the Secretary of the Navy by a board of naval officers, and the Secretary of the Navy has not yet given his sanction to that plan. It is a mere subterfuge seized upon by those who are posing as economists on this naval appropriation bill to throw dust in the eyes of the members of this committee to cripple not only the navy yards, but the effectiveness of our fleet by cutting out the appropriations necessary for the upkeep of that fleet when it comes to our navy yards for necessary repairs.

Now, I want to say a few words about the closing up of navy yards. There was a Secretary of the Navy who did recommend that the Portsmouth and Boston yards be closed. That was William E. Chandler, away back in the eighties, and under his administration as Secretary of the Navy those yards were substantially closed, and since then they have been reopened and adapted to the modern ships of war that have been built, and this Government has expended millions of dollars in dry docks, in buildings, in machinery, in everything that goes into the upkeep of a navy yard qualified from its equipment to handle vessels of war when they come in for repairs, and from the day of William E. Chandler down to the present time, I assert it again, no Secretary of the Navy has officially recommended either the closing up of the Portsmouth or the Boston yards. The present Secretary of the Navy two or three years ago did recommend the closing of certain yards and naval stations, and if Members will refresh their recollection they will remember that the Committee on Naval Affairs reported in the bill providing for the closing and sale of certain naval stations—Sacketts Harbor, N. Y.; Pensacola; New Orleans; and I think there was one other in New York Harbor, but I am not sure about that. I want to say that when that proposition came before the House it went out on points of order, and the committee have never been able to get or induce Congress to close and sell a single naval station or navy yard. Now, the present Secretary of the Navy, finding it impossible to get Congress to take this action on certain useless yards and stations, has exercised the power which he has as Secretary of the Navy to substantially, as the gentleman from Mississippi says, abandon certain yards. The gentleman from Mississippi did not use his words advisedly. The Navy Department has not abandoned the New Orleans station; it has not abandoned the Pensacola yard. Those yards are practically closed, but they are in the possession and care and control of the Navy Department. They are not active yards. The Secretary of the Navy, if he believes and has stated that Portsmouth should be closed, had it in his power to close it as tight as New Orleans or Portsmouth simply by diverting work from it.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MURRAY. I ask unanimous consent that my colleague may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. ROBERTS of Massachusetts. Mr. Chairman, in regard to the policy that certain Members of the Naval Committee and of this House seem to be bent upon following, taking these navy yards and naval stations one by one and moving to cut out every item for their maintenance and upkeep, I want to say simply this: The argument they have advanced as the basis of their policy is not a true and correct statement of the attitude of the Navy Department to-day as based on official reports and official statements as to what the department thinks should be done with certain yards. This question of closing navy yards has been to the fore ever since I have been here in this body, and that is now 14 years, and the nearest approach we have ever had to the closing of any yard has been the recommendation carried in the naval bill to close two southern yards, which went out on points of order. I want to say to the members of this committee that it would be the blindest and stupidest sort of economy to cut off appropriations for the live, active navy yards of this country because, forsooth, at some time in the dim and distant future those yards may be closed and the money we put into them now wasted.

I want to say, furthermore, that the subcommittee of the Committee on Naval Affairs which drew up this bill wrestled for days and days with each and all of the individual items connected with the upkeep of these yards, and what the committee has reported to this House is the result of the closest scrutiny and the most rigid economy that the members of that committee felt could be practiced and yet keep those yards in condition to meet the requirements of the Navy. And, if we have the welfare of the American Navy at heart, whether we are to close one or more or all of our navy yards and build new ones, we must in the meantime, until such a policy is adopted and the work actually carried out, and the new yards established and the old closed, keep up our active yards to the utmost efficiency. Otherwise our fleet will rapidly deteriorate. It will rapidly go to pieces, and will quickly be in a position where it will be utterly and absolutely useless to us should it be called on in an emergency.

And we, as American citizens and as legislators representing the best interests and the dignity and the honor of this country, can not afford to cripple our Navy by any such shortsighted policy as that. [Applause.]

Mr. MURRAY. Mr. Chairman, it is an error frequently made that the Secretary of the Navy [Mr. Meyer] is entirely in favor at the present time of the closing up of the navy yards at Portsmouth, Boston, and New York, but the fact is that, frequently as that error is made, the Secretary of the Navy never has written any further than to say that the recommendations of the Army and Navy General Board were worthy of entire consideration by everybody who was interested in that great matter.

Mr. Chairman, so frequently is this error made, that in a speech yesterday in this committee, without careful accuracy, I announced that over a year ago, the Secretary said he was opposed to further activities at the Boston Navy Yard and when I made that statement I was telling the truth. But it also is true that in his official recommendation the Secretary of the Navy has never gone any further than to say that this matter ought to be carefully studied and that men ought to give it their attention. I shall print in the RECORD, if I may, the statement by Secretary Meyer, in response to the question of the chairman of the Committee on Naval Affairs, when he appeared before that committee on February 26, 1912, and shall print, without objection, two pages of his testimony, pages 709 and 710, from the hearings before the committee.

Briefly stated, Mr. Chairman, his statements are that we have something like $55,000,000 to $60,000,000 invested in the three navy yards at Portsmouth, Boston, and New York, and I shall print further in the RECORD a detailed appendix, which the Secretary submitted to that committee, showing that the total cost of the land, and so forth, at Portsmouth was rising $18,000,000, that the total cost in Boston was rising $30,000,000, and the total cost in New York was rising $57,000,000; and if the proposition advanced by my distinguished colleague from Texas [Mr. GREGG] and by the gentleman from Mississippi [Mr. WITHERSPOON], whom I admire as much as I admire any man in this House, should prevail, that proposition means the abandonment of navy yards that have cost more than $105,000,000; that they can not bring, so far as anybody can see, anything like the amount of the original cost and investment; and a further expenditure of from $50,000,000 to $100,000,000 for the establishment of a naval base at Narragansett Bay. And yet these men who advocate this proposition pose as economists. Mr. Chairman, let me show the members of this committee that the only reason the Secretary of the Navy is not entirely on record in favor of this proposition is that when it was first suggested men like my colleague [Mr. ROBERTS], who is a member of this committee, like the distinguished Senator elect from Massachusetts [Mr. WEEKS], who himself has had naval experience, and some of the rest of us, went to the Navy Department and saw the Secretary and made an appeal to him, not on the grounds of local advantage, not on the grounds of local interest, but we made an argument to him on the grounds of economy. And by marshaling the facts and the figures that I have suggested here in this discussion we were able to show him that a Congress composed partly of a House that was elected on an economy program would never stand for the consideration of his proposition. Why, that is the reason that I urged it to the chairman of the committee, the distinguished

gentleman from Tennessee [Mr. PADGETT] when I first went to him to discuss the matter. I did not press my case, not even with my fellow citizen from Massachusetts, Secretary Meyer, on any ground of local interest, because I know that in his presence and in this presence such an appeal would have little, if any, consideration given to it. And if I could not present a better argument than local self-interest to this committee I should not while away the time of the House on this afternoon when time is of so much value in the consideration of this great measure.

Now, the facts are that we have three navy yards costing more than $125,000,000. The facts are that nobody can see more than $50,000,000 from the sale of those three yards and all the buildings and machinery that are in them. The facts are that the Secretary of the Navy is staggered at the probable cost of the new naval base that it is proposed to establish in Narragansett Bay, and that he himself is on record, inferentially at least, as pointing out that the establishment of that naval base means an expenditure of possibly $60,000,000.

It is all very well to criticize an item of $9,000 for the Portsmouth Navy Yard. It is all very well to criticize an item of $6,000 for the Portsmouth Navy Yard. It is all very well to criticize small items.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY. Mr. Chairman, I make the same request for myself now that I made for somebody else a little while ago.

Mr. GREGG of Texas. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MURRAY. But, Mr. Chairman, you can not come to me with any plea of economy when the balancing of expenditures and receipts from your proposition will show a net outgo from the Treasury of the United States of rising $100,000,000.

Now, I have no reputation and no capacity for juggling these millions that gentlemen so lightly juggle, but I am able to add a column of three separate items, and I am able to verify the result that is set forth in the two books to which I referred. Mr. Chairman, we are supposed to be Representatives, but I sometimes wonder whether or not we do represent. I am trying to represent, just as I suppose and believe these gentlemen are trying to represent, not only the great general welfare, but also the interests of the particular district from which I come.

It is a tremendous problem for any man to conceive in his own mind what may be the fixed purposes and the definite hopes of all the people in more than 390 great congressional districts. I can not tell the committee what all the people of all these districts believe with respect to this matter, but I can say to you that when the announcement of the Army and Navy board was made, realizing the responsibility that rested upon me, as one Representative, to come into this House with definite information, I addressed a circular letter to every one of the 30,000 registered voters of the congressional district which I have the honor to represent.

And let me say to the Members here that of those 30,000 voters not more than 300 of them are employed in the Charlestown Navy Yard, and only a small proportion of them are at all dependent on the activities of that navy yard. My appeal was greater, then, than an appeal to any selfish class. My appeal was intended to be greater than such an appeal could be. It was intended to elicit a definite and clear expression of opinion that might be worth more than any original thought to which I might give expression.

I say to you, gentlemen, that, regardless of considerations of employment and similar considerations, the practically unanimous sentiment of the 5,000 replies I received was, with fewer exceptions than I could bear on the fingers of my two hands, entirely in favor of the retention of that navy yard and in favor of its development rather than for the curtailment of its activities and its industries.

Mr. Chairman, it is only a day or two ago that I received from residents of that congressional district an earnest plea and a wise suggestion that I try to have included in this bill an item appropriating $200,000 for the benefit of that navy yard, so that it might build any battleship which the United States might in future need. I believe it was a wise request. I believe it would be a wise economy to include the item in this bill. But I know the temper of the times, as I know something of the rules of this body, and I know that it would be sheer demagogy and a grand-stand play to the folks at home to attempt to have any such item included in the bill at this time.

I have frankly stated that, because of the considerations mentioned I should not ask this committee to include that item. But I sincerely believe it might well be included, and I honestly say that my judgment is it would eventually result in a saving of many times $200,000.

It is a notorious fact, discussed frequently by my friends who are described as economists, that it costs considerably more to build a battleship for the United States of America than it costs to build one for Great Britain or Germany.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MURRAY. I ask unanimous consent for three minutes more.

Mr. POWERS. Reserving the right to object, Mr. Chairman, I want to say that I will not object to this, but hereafter I shall object to any extension of the five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MURRAY. I thank the committee for its courtesy. My proposition is, as I gather it from the talk of the economists, that it costs 30 or 40 per cent more to build for the United State of America these battleships than it costs Great Britain and Germany. I do not know the reason for the increase of cost, but my friends insist that the reason is because men in Great Britain and Germany glory in an opportunity to serve their Government; while men here in the United States, built in a different mold, fashioned in a different sort of civic spirit, believe it is wise and believe it is clever to soak the Government whenever they get a chance.

I accept the analysis that these economists give to me; and I say to them publicly here, as I have said to as many of them as I could talk to privately, that if their analysis is sound it seems to me that the wise thing to do is to keep our navy yards, particularly since we have a tremendous amount of money invested in them, so that these navy yards under the supervision of men trained at the Naval Academy for service, dedicated to their country, may be able to turn out these ships at considerably less cost than that for which they are now being built for the Government of the United States.

I know that men may say the Government building experiment was tried a few years ago, when the *Florida* was built in the New York yard and the *Utah* in a private shipbuilding yard. I know men may point to the fact that the showing made by the Government construction was considerably larger than the cost to the Government and to the contractors of the ship that was built in the private yard. But gentlemen forget when they urge this thought upon me that in those days the private shipbuilders were permitted to work their employees 9, 10, and even 12 hours a day, because there was not then the requirement that has since been written into the laws that for work being done, not only by the Government but also for it, contractors shall not be permitted to work their employees more than 8 hours in any given day.

I do not know how large an item of expense the labor cost was, but I do know that in a work of that great magnitude the labor cost must have a large relation to the total amount. [Applause.]

As an extension of my remarks, I append the following extract from Secretary Meyer's statement at the hearings:

The CHAIRMAN. Just make fully whatever suggestions you have to the committee.

Secretary MEYER. I made a recommendation to the committee a year ago, recommending the abolition of certain yards, because, with the Navy constituted as it is now, with a battleship fleet of 21 (including new and old type vessels), there was no longer a necessity for those stations, and I showed that if we abolished all those mentioned in my recommendation it would mean a saving of about $1,500,000 a year in maintenance, etc. After that, I studied the problems on the Atlantic coast from Charleston to Portsmouth and put the matter up to the General Board of the Navy, and after they had given me their opinions I further assigned it to the Joint Army and Navy Board for consideration, because a naval station is not a fortified station.

Quite the contrary, it rather invites attack to the harbor in which it is located and has no means of defense. Therefore, it would devolve upon the Army to defend that station in case of war. The Joint Army and Navy Board reported that the ideal plan for the Navy would be to have two great naval bases on the Atlantic coast in harbors which would receive and could maintain the entire fleet and its auxiliaries.

Mr. GREGG. Did they designate the places?

Secretary MEYER. Yes, sir; I will come to that. They further reported that Philadelphia, on account of its fresh-water basin, was valuable to retain as a station for the reserve fleet and for its maintenance there, because of the labor market and because the station was already there. While the station at Charleston, S. C., should never have been built originally, nevertheless, as it is already there, we can make use of it as a torpedo base. At Key West is a station for torpedo vessels, not an extensive naval base but merely as an adjunct to Guantanamo for the protection of the Gulf of Mexico. It supplements Guantanamo as a naval station, and the torpedo vessels can protect the entrance to the Gulf of Mexico from this point.

Then came the question of the best locations, according to the views of the Joint Army and Navy Board, as to two naval bases which would receive and maintain the fleet. It appeared self-evident that the only two places which could receive the fleet and all the auxiliaries, with harbors and anchorage sufficient for such purposes, were Hampton Roads, where we have the Norfolk Navy Yard, and Narragansett Bay, where there is

a large protected harbor with two exits and possibilities such as the Joint Army and Navy Board require.

The CHAIRMAN. What are the climatic conditions as to frozen water at Narragansett?

Secretary MEYER. Absolutely favorable. It is south of Cape Cod. The harbor is always open. Therefore, the question for me to consider was what was feasible, and whether it was possible to finally recommend the abolition of the Portsmouth, Boston, and New York yards, and in their place center a naval base in Narragansett Bay.

I am not prepared, as yet, to make a recommendation, for the reason that we are still studying and investigating. It requires a great deal of thought and consideration from many points of view. There has been a tentative plan made which would give us two docks 1,000 feet long, two docks 650 feet long, which would take in any battleship or *Dreadnought* up to the present time, and two small docks suitable for gunboats and destroyers, making six docks in all, and berthing space for 12 to 16 ships.

The CHAIRMAN. That is at Narragansett Bay?

Secretary MEYER. Yes, sir. There would be shops for Construction and Repair, and for Steam Engineering, and everything necessary for an up-to-date efficient navy yard. The questions that I have to solve are these: Whether that could be done without expense to the Government. That is, whether the proceeds from the sale of those three yards would be sufficient to pay for the reestablishment of a naval base necessary to the Navy's requirements at Narragansett Bay.

That is one of the problems. Second, before we commit ourselves, it is necessary to study the locality and see whether it is feasible and practicable; and third, to see whether it can be done within the estimates. It has been estimated that those three yards will bring from $24,000,000 to $25,000,000. We have tentative plans of what can be done at Narragansett Bay for $24,000,000 to $25,000,000, but it is necessary to make soundings. It is necessary for us to ascertain if it can be done. We do not propose to commit ourselves to something and find that it will cost double what we anticipated. Therefore, I am temporarily reporting this to the committee as I have always endeavored to do, in order that they may know what the department is considering. Until the engineers have thoroughly studied the locality, until they have made their soundings, and until they have tentative estimates of the cost which would be sufficiently definite to authorize a recommendation, I can not say anything further at the present time to the committee.

The CHAIRMAN. What has the Government expended on the three yards which it is proposed to sell for $24,000,000 or $25,000,000?

Secretary MEYER. About $55,000,000.

Mr. GREGG. What is contemplated at Guantanamo?

Secretary MEYER. Guantanamo is the natural naval base for the Caribbean Sea. It is the locality where we send the fleet every winter. It has a wonderful harbor, drilling grounds, rifle ranges, and climatic advantages in winter. It is only 700 miles from the Panama Canal. It is a protection for the Gulf of Mexico, and with the fleet at Guantanamo the Gulf of Mexico is absolutely secure.

Statement showing date of establishment; original cost of site; expenditures for buildings, public works, and improvements; machinery installed in the various buildings; and cost of maintenance of the several navy yards and stations to June 30, 1910; also the average yearly cost of maintenance for five years.

Stations.	Date of establishment.	Original cost of site.	Total expenditures for buildings, public works, and improvements, and machinery installed in the various buildings.	Total maintenance, including repairs.	Total cost of land, public works, improvements, machinery, and maintenance, including repairs.	Average yearly cost of maintenance for five years.
First-class navy yards (at home):						
Portsmouth	1800	$110,500.00	$10,006,929.89	$8,720,582.00	$18,838,011.98	$428,595.15
Boston	1800	360,782.26	14,045,799.50	16,007,646.23	30,384,227.99	916,535.41
New York	1801	590,123.15	25,867,974.92	31,177,278.60	57,635,376.67	1,958,452.92
Philadelphia	1868	Gift.	11,015,439.94	10,269,160.47	21,284,600.41	708,093.09
Washington	1800	157,090.00	11,989,124.71	13,197,178.25	25,323,398.96	728,695.28
Norfolk	1800	478,517.50	15,733,682.19	16,113,733.15	32,325,932.84	1,006,598.64
Mare Island	1854	83,491.00	17,644,057.09	17,363,162.17	35,090,710.26	1,051,424.93
Puget Sound	1891	18,212.50	5,610,377.53	3,769,602.96	9,398,192.99	409,012.97
Second-class navy yards (at home):						
Charleston	1901	105,207.60	3,857,180.01	778,381.52	4,740,768.53	142,952.38
Pensacola	1828	(1)	7,700,637.10	4,516,794.01	12,217,431.11	340,011.95
New Orleans	1849	15,000.00	2,684,151.18	701,984.69	3,401,135.87	112,098.79
First-class navy yard (abroad):						
Hawaii	1890	58,140.50	1,577,814.35	590,700.73	2,226,655.58	89,348.43
Second-class navy yards (abroad):						
Cavite	1898	(2)	2,523,136.35	8,723,088.71	11,246,225.06	1,056,401.84
Olongapo	1901	(2)	2,908,849.48	909,515.30	3,818,364.78	177,265.33
Naval stations (at home):						
Port Royal	1883	5,000.00	1,173,647.78	1,100,002.00	2,278,649.78	24,351.76
Key West	1854	156,111.83	2,205,440.23	1,787,934.35	4,149,486.41	143,096.25
Naval stations (abroad):						
Guantanamo	1903	Leased.	1,189,237.01	969,211.60	2,158,448.61	178,131.23
San Juan	1898	(2)	73,754.06	770,265.31	844,019.37	95,746.86
Guam	1898	(2)	206,624.14	1,253,188.58	1,549,812.72	180,510.90
Tutuila	1900	45,125.39	439,353.09	447,005.53	981,484.31	64,258.52
Training stations:						
Newport	1860	69,850.00	2,378,171.72	4,778,286.21	7,226,307.93	506,917.90
California	1898	(1)	344,969.36	730,656.07	1,065,625.43	96,084.07
Great Lakes	1905	Gift.	2,591,546.58	313,306.90	2,904,853.49	62,661.38
Coaling stations:						
Frenchmans Bay	1890	24,650.00	541,167.44	57,884.54	623,701.98	8,655.55
Bradford	1900	35,000.00	1,148,944.80	220,536.83	1,404,481.63	38,589.37
Pichilinque, Mexico	1900	.....	51,904.44	20,032.78	71,837.22	2,019.94
San Diego, Cal	1904	(1)	204,758.87	26,822.98	231,581.85	4,742.17
Tiburon	1904	89,000.00	456,409.53	98,124.75	734,534.28	19,490.97
Miscellaneous:						
Annapolis (Naval Academy)	1845	405,345.76	10,825,529.94	10,244,815.07	21,475,690.77	1,252,519.53
Naval proving ground	1890	38,220.00	944,620.24	1,206,324.75	2,189,164.99	120,790.63
Las Animas (naval hospital)	1907	(1)	374,573.42	827,247.52	1,201,820.94	165,449.50
Culebra (naval base)	1904	(3)	23,132.03	157,788.91	180,920.99	30,187.35
Sitka	1900	(1)	124,061.96	22,909.92	147,871.88	3,324.78
Yokohama	1900	.....	88,677.90	406,232.00	494,909.99	55,811.94
New London	1868	Gift.	431,037.46	237,561.68	768,599.14	13,156.05
Sacketts Harbor, N. Y.	[3] 1846	4,425.00	36,387.05	14,820.95	55,633.00	[4] 647.98
Total	.....	2,840,300.39	139,209,903.39	158,619,765.46	320,669,429.74	12,252,602.82

[1] Military reservation.
[2] Acquired by conquest.
[3] First record of any appropriation being made for improvements or maintenance.
[4] Expenditure fiscal year 1910, $2,107.91.

Mr. POWERS. Mr. Chairman, I move that all debate on the paragraph and amendments thereto close in 10 minutes.

Mr. GREEN of Iowa. I shall not object, if I can have five minutes.

The CHAIRMAN. The gentleman from Kentucky moves that all debate on the pending paragraph and amendments close in 10 minutes.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GREGG].

Mr. GREEN of Iowa. Mr. Chairman, I have been trying to get recognition.

The CHAIRMAN. The Chair will recognize the gentleman from Iowa.

Mr. GREEN of Iowa. Mr. Chairman, I was greatly edified last evening in hearing the distinguished gentleman from Mississippi [Mr. SISSON] so eloquently and forcibly contrast the promises made before election by the Democratic Party with the utter absence of any fulfillment since that time. When I heard the gentleman in such scathing terms denounce the proceedings which have been conducted here by Members of his own party, I said, "Yea, here is a very Daniel come to judgment." I thought, then, the gentleman would proceed to separate the sheep from the goats and that we would finally understand who was responsible for the wasteful squandering of the money of the people which he described, but the gentleman at the close of his remarks contented himself with throwing some boquets at the Naval Committee. Then I listened a little further on with great interest to the remarks of the gentleman from Illinois [Mr. FOWLER] with reference to the dire consequences that were to happen to the gentlemen on that side who refused to support the policy of economy which he was advocat-

ing, and, as I understood him, in the next election they would surely be cast out into outer darkness, where there would be weeping and gnashing of teeth. I agree with him as to the casting out part, which I think the Nation will attend to in due time, when it has the opportunity; but I did sincerely hope that all of the serious physical disability which he then predicted would happen to those gentlemen would not come to pass, as so many of them are my good friends, and I feel so kindly toward them. Still I did not learn who was responsible for this wasteful expenditure until finally the gentleman from Massachusetts [Mr. CURLEY] rose to explain why this is being done here, and he said it was all owing, as I understood him, to the bad Republicans who were in charge of the departments, who were recommending that these enormous amounts be appropriated. But here we have to-day something that goes very much to the contrary.

The Naval Department—every naval expert that I or any other gentleman has ever heard of—has condemned appropriations for the Portsmouth Navy Yard. How long, O Lord, how long are we going to continue to appropriate money for the construction and maintenance and upkeep of navy yards to which our larger vessels and most of our smaller vessels can not approach on account of the water? We might as well have a navy yard, so far as practical usefulness is concerned, out on some duck pond in my own State. Why should we talk here at this time about the cost of a naval base at Narragansett Bay or some other place? What difference does that make? If this navy yard at Portsmouth is useless and is condemned as such by all naval experts, what difference will it ever make with respect to the construction of a new one? If it is necessary to have one constructed out of the public funds, then let it be constructed; if it is not necessary, the board of naval experts will not recommend it. This is the condition in which we find ourselves today, and I hope these appropriations will go out of the bill. It has long been a stench in the nostrils of the American people that for political reasons we establish and maintain naval stations in places like this. The time has come to stop it. The people are demanding and are earnestly expecting that blots like this upon our legislation will be wiped out, and I hope that the time has now come. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GREGG].

The question was taken; and on a division (demanded by Mr. PADGETT) there were—ayes 51, noes 53.

Mr. GREGG of Texas. Mr. Chairman, I demand tellers.

Tellers were ordered.

The Chair appointed Mr. GREGG of Texas and Mr. ROBERTS of Massachusetts to act as tellers.

The committee again divided; and the tellers reported—ayes 63, noes 70.

So the amendment was rejected.

Mr. GREGG of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 23, lines 20 and 21, strike out the words and figures "garbage crematory, $6,000."

Mr. GREGG of Texas. Mr. Chairman, an argument on the discussion of the amendment which has just been rejected was made by several gentlemen which is very misleading. They tried to create the impression by their argument that these amendments will destroy the efficiency of these navy yards. That is absolutely untrue. There is a provision in the bill for making all the necessary repairs and the upkeep of every single one of these navy yards, and we are not attempting to strike out that provision. This is simply objecting to the addition of new buildings on these yards. They will, under the provisions of this bill, be amply provided for and be efficiently maintained as going concerns. Every particle of repair work, every particle of building work that the Navy needs will be continued just the same. Not one part of it will be stopped. These will be maintained as adequate, efficient yards for all repair purposes and all work purposes. Be not misled. We are simply trying, while the question is up as to whether any of these yards shall be abandoned, to prevent the building of more expensive buildings upon them. In addition to all that, if they are kept up as efficient yards, why can we not cut out these provisions? They are not necessary for the efficiency of the yards. We can reduce this bill; we can reduce expenses independently of whether these yards are going to be abandoned or not. They can get along and do the work they have been doing without these appropriations. Why not, then, let us cut them out and wait, and if it is advisable to do it later appropriate for them at that time?

Mr. MANN. Will the gentleman yield for a question?

Mr. GREGG of Texas. Yes.

Mr. MANN. Was there generally any need of a garbage crematory at this place?

Mr. GREGG of Texas. Oh, it is desirable. All of this is desirable, and it is like in our private business around our homes—there are a great many things desirable we would like to have which we do not have.

Mr. MANN. Is not the trend now, even in private homes, to have some method of properly disposing of garbage instead of throwing it in the street or back yards?

Mr. GREGG of Texas. It is desirable; I do not deny that. All this is desirable, but they can get along without it, and have gotten along without it for years.

Mr. MANN. I did not know but the proposition might be to throw the navy yards on the garbage heap and burn them up.

Mr. GREGG of Texas. I expect for some of them it would be a matter of economy to do it. Now, gentlemen, I simply ask you, do not be misled. We are not crippling the working efficiency of a single navy yard in America—not one. They can all do their work. We are simply trying to stop the addition to buildings and the expenses growing out of that. [Cries of "Vote!"]

Mr. SISSON. Mr. Chairman, the gentleman from Iowa a moment ago wanted to know why it was we have had so much extravagance and referred to a statement I made on yesterday. Judge SAUNDERS took occasion to count the Democrats who went through the tellers in the effort to economize. I do not believe that there were more than 15 Democrats who went through the tellers in support of the committee, in the effort to cut out this useless expenditure of money until we can ascertain whether or not these are going to be retained, and there were 70 votes on that side, therefore there were 55 Republicans who went through the tellers in favor of extravagance——

Mr. MADDEN. Sixty-five and 15 make more than 70, does it not?

Mr. SISSON. Fifty-five Republicans went through the tellers. Well, I will say this, there were seven or eight Republicans over there who were honestly endeavoring to do their duty here; I will say that to the gentleman from Illinois. Now, my criticism is one of extravagance, irrespective of whether the extravagance applies to the Democratic membership of this House or to the Republican membership of this House. Nor do I intend in stating in reference to the Naval Committee to single that committee out, but at the other end of the Capitol there happens to be a body that now belongs to the gentleman's political faith, and they will add all the way from $35,000,000 to $40,000,000 to the Indian appropriation bill when it comes into the House, so the chairman informs me, which is just about double what it was when it left the House; $8,000,000 or $9,000,000 has been added to the river and harbor and the public buildings bill has been doubled at the other end of the Capitol, and if these increases are to be sustained by this Democratic House, I repeat that it is about time that the Democrats should take notice of the fact that Mr. Wilson will inevitably be confronted with a deficit in the Treasury unless they find some new method of taxation. They have one method now, and that is to raise an income tax, but they will be compelled, if these increases made at the other end of the Capitol are agreed to, to raise about $200,000,000 to prevent a deficit occurring. And another thing I want to say to this committee: These authorizations in this bill and in other bills we have passed will necessitate the next Democratic Congress taking care of them by spending more money than they now carry on the face of this bill, and I want to call the attention of Democrats to these items in this bill, and when these bills come from the other end of the Capitol it is up to the Democrats to make good their pledges to the American people, and, so far as I am individually concerned, I would rather these bills would die and let the next Democratic House, under a Democratic administration, take care of it. I hope I have made myself plain now to the gentleman from Iowa. [Applause.]

Mr. MANN. Mr. Chairman, the item upon which we just voted carried two provisions. One was to fit up a room for the storage of a crane, which I think nearly everybody admits is necessary, and the other was for a garbage crematory. The gentleman from Mississippi called attention to the fact that nearly all the Democrats voted against the item, which was really a vote against the garbage crematory. That is perfectly natural. This side believes in cleanliness, believes in a proper disposal of garbage. That side of the House does not appreciate the value of cleanliness or the proper disposal of garbage. They are opposed to burning garbage; they believe in throwing it upon a garbage heap in the back yard.

Mr. WITHERSPOON. Will the gentleman yield?

Mr. MANN. Certainly I yield to my distinguished friend from Mississippi, who is opposed to the garbage crematory.

Mr. WITHERSPOON. I would like to ask the gentleman from Illinois if it is a fact, as he states it, that the Republicans are so much in favor of what is clean why have they permitted for the last 50 years this garbage to stay there in an unclean state?

Mr. MANN. Why, Mr. Chairman, with the advance of civilization, with the advance of the promotion of cleanliness, we have come to learn in this country that it is necessary and desirable to burn the garbage. But you will learn it after you die, where they have places to burn. [Laughter.]

Mr. HAMILTON of Michigan. Where?

Mr. MANN. Well, where there are facilities. [Laughter.]

Mr. WITHERSPOON. The gentleman means that we will learn it after the Republican Party is dead, does he not?

Mr. MANN. No; because the Republican Party will not die. The gentleman need not worry about that. You are proving on that side of the House that you are not fit to live. [Laughter.] The gentleman from Mississippi [Mr. SISSON] says there are 63 who voted against the proposition, and most of them were Democrats; and then he seeks to avoid the responsibility. Where are the other 150 Democrats of this House? The gentleman has two hundred and thirty odd Members, or about that, and 63 of them, with 8 or 10 Republicans, voted against the proposition; and then he seeks to avoid the responsibility. If you wish to economize you may economize, but you can not charge this side of the House with the responsibility of legislation at this session. God forbid that we are responsible for the miserable manner in which you are conducting the public business. [Laughter.]

Mr. SISSON. If the gentleman from Illinois [Mr. MANN] will permit, I say, without hesitation, that the gentleman's question is a very pertinent one. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GREGG].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. GREGG of Texas. Division, Mr. Chairman.

The committee divided; and there were—ayes 56, noes 68.

Mr. GREGG of Texas. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] and the gentleman from Texas [Mr. GREGG] will take their places as tellers.

While the vote was being taken,

Mr. RODDENBERY. A parliamentary inquiry, Mr. Chairman. Will it be proper to take the vote by tellers until first a vote has been taken by the committee to determine whether or not tellers are ordered by a sufficient number?

The CHAIRMAN. The Chair omitted that.

Mr. RODDENBERY. It will not affect the vote in any way?

The CHAIRMAN. Oh, no.

The tellers reported—ayes 49, noes 73.

So the amendment was rejected.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 18, 1913:

H. R. 24121. An act to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims.

On February 19, 1913:

H. R. 14053. An act to increase the pensions of surviving soldiers of Indian wars in certain cases.

On February 21, 1913:

H. R. 19191. An act for the relief of Christian Hedges; and

H. R. 22939. An act for the relief of John K. Wren.

On February 25, 1913:

H. R. 17260. An act to amend an act entitled "An act to establish in the Department of the Interior a bureau of mines," approved May 16, 1910;

H. R. 16127. An act for the relief of William Kaiser; and

H. R. 21220. An act to extend the power of the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor.

On February 25, 1913:

H. R. 20648. An act for the relief of David Crowther;

H. R. 2839. An act for the relief of William Hommelsberg; and

H. R. 3957. An act for the relief of Isaac Thompson.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Navy yard, Boston, Mass.: Paving, to continue, $15,000; electrical system, extension, $5,000; railroad system, extension and equipment, $10,000; fireproofing of pattern shop, $22,000; remodeling building No. 40, $12,000; remodeling building No. 77 for boat storage, $15,000; power-plant improvements, $3,900; dredging, to continue, $10,000; sewers and drains, $3,600; moving boiler shop from building No. 42 to building No. 106, including necessary modifications in buildings, $25,000; additional oil storage, $5,000; extension to yard dispensary, $2,800; in all, navy yard, Boston, $129,300.

Mr. GREGG of Texas. Mr. Chairman, I move to strike out, in line 22, page 23, the words "paving, to continue, $15,000."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 23, by striking out, in lines 22 and 23, the words: "Paving, to continue, $15,000."

Mr. CURLEY. Mr. Chairman, I would like to ask the gentleman a question. I would like to know if he is aware of how much money has already been expended there for paving of the yard to date?

Mr. GREGG of Texas. This is carried in all of these navy yards nearly every year. I do not know how much.

Mr. CURLEY. Do you know how long it has been carried?

Mr. GREGG of Texas. I could not tell you that, but ever since I have been here.

Mr. CURLEY. Then, you are not familiar with the item, are you?

Mr. GREGG of Texas. I am familiar with it, and know that they have been carrying this item repeatedly, and that they can do without the paving.

Mr. CURLEY. Is it 10 years or 20 years?

Mr. GREGG of Texas. I am unable to say.

Mr. CURLEY. I do not think it is fair to strike it out without knowing.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. GREGG of Texas. Division, Mr. Chairman.

The committee divided, and there were—ayes 28, noes 56.

So the amendment was rejected.

Mr. WITHERSPOON. Mr. Chairman, I move to amend line 23, page 23, of the bill, by striking out the words "electrical system, extension, $5,000."

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 23, line 23, by striking out the words "electrical system, extension, $5,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. WITHERSPOON. Division, Mr. Chairman.

The committee divided, and there were—ayes 23, noes 66.

Mr. WITHERSPOON. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. PADGETT and Mr. GREGG of Texas.

The committee again divided; and the tellers reported—ayes 30, noes 78.

So the amendment was rejected.

Mr. WITHERSPOON. Mr. Chairman, I move to strike out the twenty-fourth line on page 23, which reads, "railroad system, extension and equipment, $10,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. WITHERSPOON].

The Clerk read as follows:

Amend, page 23, by striking out line 24.

Mr. WITHERSPOON. Mr. Chairman, this navy yard at Boston has existed for a long time. It has been doing its work, and it seems to have had sufficient facilities for transportation. The railroad that it already has has seemed to accomplish all necessary purposes, and here is a proposition to waste $10,000 in extending it.

I submit, Mr. Chairman, that this itself is a sufficient reason for striking this out of the bill, in addition to the fact, already disclosed to the House, that this navy yard may be abandoned. The Secretary of the Navy tells us that we need but three navy yards, and that the balance of them ought to be abandoned; yet here is a proposition to spend $10,000 in extending a railroad. I submit that it ought to be stricken out of the bill. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. WITHERSPOON. A division, Mr. Chairman.

The committee divided; and there were—ayes 30, noes 45.

So the amendment was rejected.

Mr. WITHERSPOON. Mr. Chairman, I move to amend the bill by striking out the item on the first line of page 24, "fireproofing of pattern shop, $22,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. WITHERSPOON].

The Clerk read as follows:

Amend, page 24, by striking out, in line 1, the words "fireproofing of pattern shop, $22,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. WITHERSPOON. A division, Mr. Chairman.

The committee divided; and there were—ayes 34, noes 49.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. WITHERSPOON. Mr. Chairman, I move to strike out the item on the first and second lines of page 24, which reads, "remodeling building No. 40, $12,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi.

The Clerk read as follows:

Amend, by striking out, on page 24, lines 1 and 2, the words "remodeling building No. 40, $12,000."

Mr. WITHERSPOON. Mr. Chairman, here is a building that they already have, a building that has been used, a building that has answered every purpose. The proposition is to waste $12,000 to remodel it. It does seem to me as though the old building might last and serve every purpose until we determine whether we are going to need either the old one or the remodeled one. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Navy yard, New York, N. Y.: Paving and grading, to continue, $15,000; yard railroad, extension and equipment, $25,000; dredging, to continue, $100,000, to be immediately available; improvement of water front, to continue, $100,000; raising freeboard of floating crane Hercules, $30,000; in all, navy yard, New York, N. Y., $270,000.

Mr. GREGG of Texas. Mr. Chairman, I move to strike out the paragraph.

Mr. FOSTER. Mr. Chairman, I make a point of order on the paragraph, on the words "to be immediately available."

The CHAIRMAN. Does the gentleman from Illinois [Mr. FOSTER] reserve a point of order?

Mr. FOSTER. I make the point of order on the words "to be immediately available."

Mr. PADGETT. Mr. Chairman, will the gentleman reserve his point of order so as to permit me to explain the necessity?

Mr. FOSTER. Yes; I reserve the point of order.

Mr. PADGETT. There is a contract under the appropriation of last year for dredging at about 30 cents a cubic yard. The price has now risen to where it is about 50 cents. Under the contract, if we can get this money now, we can continue to dredge and save 20 cents a cubic yard.

If we do not get it until July the contract will lapse and we will have to make another contract at a much higher price.

Mr. FOSTER. Let me ask the gentleman what has been done with the money appropriated last year?

Mr. PADGETT. They are using it for dredging now, but that was only for a part. We had a contract to take out the material at a cost of $3,000,000.

Mr. FOSTER. It is four months now to the 1st of July; have they exhausted all of the appropriation?

Mr. PADGETT. They will not have enough to last until July.

Mr. CALDER. Some of the battleships going into dry dock No. 4 have run aground, and the money appropriated last year is about used up. When the ship comes in to be overhauled, unless this bottom is taken out we will have the same trouble as we have had in the past two months.

Mr. FOSTER. How much money have they on hand?

Mr. CALDER. It is about exhausted, I am informed.

Mr. FOSTER. There ought to be a better statement than that.

Mr. PADGETT. The appropriation last year was for the purpose of dredging in front of the dry dock to make an entrance, and this money is alongside of the purpose of last year to dredge out the cob dock, a little island there, against which boats coming into the dry dock, if the tide is swift in any direction, as it often is, throws them against this obstruction. They want to get the benefit of the existing contract. If the money is immediately available so they can use it under this contract they will get it done for 30 cents. If it is not available until the contract lapses and a new contract is made, it will cost 45 to 50 cents.

Mr. FOSTER. Let me ask the gentleman from Tennessee, have they got a contract to spend this additional money?

Mr. PADGETT. It is in the contract. They stipulate that if the Government authorizes additional dredging they would do it at the same price as in their contract. In the meantime, the price has gone up. These men are bound by the contract, but the Government is not, because it is optional with the Government.

Mr. FOSTER. They do not say that they will agree to give them the contract immediately?

Mr. PADGETT. Well, it runs a certain time, and if we get the money before July we can get the dredging at a cheaper rate than if we do not get it.

Mr. GREGG of Texas. If the gentleman from Tennessee will pardon me, let me say to the gentleman from Illinois that if the appropriation remains in the bill, it ought to be made immediately available, because they are doing the work there now; they have not finished; but they want to make this contract now, and they can do it and get it done for the same price that they are now getting the work done at.

Mr. FOSTER. And if the money is made immediately available——

Mr. GREGG of Texas. It will save considerable money, because they can get it done at the old contract price.

Mr. FOSTER. Mr. Chairman, in view of what the gentleman from Tennessee and the gentleman from Texas has said, I shall not insist on the point of order.

Mr. SISSON. Mr. Chairman, I renew the point of order. This is clearly a deficiency.

Mr. PADGETT. It is not; it is a new appropriation. We are not asking for an appropriation to do work heretofore undertaken by the $50,000.

Mr. SISSON. Is all the work that this appropriation cares for to be done after the 1st of July?

Mr. PADGETT. It will be done after the 1st of July unless it is made available now.

Mr. SISSON. So much of the work is done in the last fiscal year, and will you not have a deficiency before the 1st of July?

Mr. PADGETT. No; if we did not have this authorization we would have no authority to do the work at all.

Mr. SISSON. Would the work stop now?

Mr. PADGETT. It would unless you give this money, and unless you authorize it and commence the contract will terminate. It is a question of whether we can get the contract done at 30 cents a yard or whether we shall have to pay 60 cents a yard.

Mr. HOBSON. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. HOBSON. I want to point out, in addition to what has been said, that the removal of this obstruction, the old cob dock, is one of the necessities of that yard. The currents are uncertain and swift, and it is one of the necessities that it must be removed. That has always been a most difficult harbor to enter.

Mr. SISSON. The only thing in my mind is this: If the gentleman can satisfy me that this is not a deficiency, I am going to withdraw the point of order, because the subcommittee on deficiencies is now in session.

Mr. PADGETT. This is not a deficiency.

Mr. MURDOCK. Mr. Chairman, what is before the House?

The CHAIRMAN. The gentleman from Mississippi is discussing a point of order.

Mr. PADGETT. Mr. Chairman, it is not a deficiency.

The CHAIRMAN. Is the gentleman going to make the point of order?

Mr. SISSON. Mr. Chairman, I am inclined not to make the point of order if it is not a deficiency. The gentleman assures me it is not and I withdraw the point of order.

The Clerk read as follows:

Toward the construction of a graving dry dock 1,700 feet long and 110 feet wide to connect the Delaware River and Reserve Basin (to cost not exceeding $3,000,000), $15,000; in all, navy yard, Philadelphia, $237,000.

Mr. SISSON. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. TURNBULL. Mr. Chairman, I make the point of order——

Mr. KINKEAD of New Jersey. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. TURNBULL. Mr. Chairman, I make the point of order on the latter part of this paragraph, beginning on page 24, line 24, with the word "toward," and ending on page 25, line 5, with the figures "$15,000," as follows:

Toward the construction of a graving dry dock 1,700 feet long and 110 feet wide to connect the Delaware River and Reserve Basin (to cost not exceeding $3,000,000), $15,000.

Mr. SISSON. Mr. Chairman, I reserve the point of order on the entire paragraph.

The CHAIRMAN. The gentleman from Virginia was trying to get the attention of the Chair, and he is a modest gentleman.

Mr. SISSON. Mr. Chairman, I want to get the attention of the Chair——

The CHAIRMAN. But the gentleman from Virginia may desire to do the same thing.

Mr. SISSON. Mr. Chairman, I simply do not want to lose any of my rights.

The CHAIRMAN. The Chair assumes that other gentlemen also have rights. The gentleman from Mississippi reserves the point of order on the paragraph. The gentleman from Virginia makes the point of order on the words beginning with the word "toward," in line 24, page 24, and ending with the figures "$15,000," in line 4, page 25.

Mr. FOWLER. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. TURNBULL. Mr. Chairman, I make the point of order that it is not authorized by law.

Mr. LEE of Pennsylvania. Mr. Chairman, I will ask the gentleman to withhold his point of order.

Mr. TURNBULL. I will reserve the point of order.

Mr. FOSTER. Mr. Chairman, I make the point of order.

Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. MOORE of Pennsylvania. I think my colleague, Mr. LEE, would like to be heard on the point of order.

Mr. TURNBULL. Mr. Chairman, I reserve the point of order at the instance of the gentleman from Pennsylvania [Mr. LEE].

The CHAIRMAN. The gentleman from Illinois has made the point of order.

Mr. FOSTER. Mr. Chairman, I will reserve the point of order.

Mr. LEE of Pennsylvania. Mr. Chairman, when the Secretary of the Navy appeared before the Committee on Naval Affairs on January 11, 1913, he stated:

I do not know whether this will stir up a discussion, but I want to go on record that there should be a 1,000-foot dock on the Atlantic and one on the Pacific coast.

In reply to a question from the chairman as to where the dock should be, the Secretary stated:

I would like to leave the location to the judgment of the committee.

Mr. Chairman, the question of a large dry dock on the Atlantic coast has been a matter of great discussion before the Committee on Naval Affairs for the past year, and on May 11, 1912, the Committee on Naval Affairs visited the Philadelphia Navy Yard for the purpose of ascertaining whether that yard would be the proper place to construct a dock of this kind. On that occasion the Secretary of the Navy requested Rear Admiral Stanford, the Chief Engineer of the Bureau of Yards and Docks, to accompany the committee for the purpose of pointing out the location and the necessity of this proposed dry dock. On Admiral Stanford's return the Secretary of the Navy requested that he and Capt. A. W. Grant, the commandant at the Philadelphia Navy Yard, report to him in writing the advisability of constructing this dock at the Philadelphia Navy Yard, and it was on the strength of this report, which appears in the hearings on page 146, that the Secretary of the Navy requested the Committee on Naval Affairs to designate the location of this proposed dock.

Mr. Chairman, the fact that the department has designated the Philadelphia Navy Yard as a reserve basin for our fleet makes it the chief naval base of the Atlantic coast. Nowhere along the entire stretch of our eastern seaboard is there to be found the advantages that are afforded at this yard. I wish to call attention to the natural security that the Philadelphia reserve basin affords our fleet. Situated as it is outside of the range of the most powerful guns, it has that protection which navy yards bordering along the Atlantic coast do not possess.

Another great advantage is the fresh-water basin, which prevents galvanic deterioration and barnacles of all kinds that form in salt water. Now, Mr. Chairman, the most essential feature of a navy yard is its dry docks. The importance of a yard can be measured by the capacity of its docks for handling naval vessels. The latest type of the battleships, the *Dreadnought*, has a beam of almost 100 feet. The two dry docks now at the Philadelphia Navy Yard have not the facilities for docking such great sea fighters as the *Wyoming*, the *Arkansas*, the *New York*, the *Texas*, the *Nevada*, the *Oklahoma*, and the *Pennsylvania*. There are only two dry docks on the Atlantic coast, one at New York and the other at Norfolk, that can receive those great sea fighters for repairs. Now, Mr. Chairman, Rear Admiral Stanford, in the hearings before the Committee on Naval Affairs, states that on account of the abundance of sand and gravel at League Island Navy Yard this proposed 1,700-foot dry dock with an intermediate caisson, making two dry docks in one, and also affording another and safer outlet from the great reserve basin to the Delaware River, can be built for less money than we can build a 1,000-foot dry dock in any other place in the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CURLEY. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. LEE of Pennsylvania. Now, Mr. Chairman, in regard to the point of order, I want to state that dry docks and battleships are interdependent and one is of no use without the other. A dry dock is simply one of the many tools employed by the department in building and repairing vessels, and no more requires a special act of Congress to authorize its construction or building than it does to buy the necessary tools to repair a collier, a torpedo boat, or a battleship.

I wish to call the Chair's attention to the naval bill of 1887 which carried two dry docks that were never authorized by law, but put into the bill by the Committee on Naval Affairs. In that case the committee requested the Secretary of the Navy to select the site; in this case the Secretary of the Navy has requested the committee to select the site.

I claim, Mr. Chairman, that if it is a continuation of public work to build battleships and repair them, it is likewise a continuation of public work to build a dry dock to repair them.

At this point, Mr. Chairman, I wish to insert the report of Rear Admiral H. R. Stanford, the Chief of the Bureau of Yards and Docks, and also the report of Capt. A. W. Grant, commandant of the Philadelphia Navy Yard, showing that the proposed 1,700-foot dry dock connecting the reserve basin with the Delaware River is a military necessity, and can be constructed for $3,000,000.

The report is as follows:

REPORT OF ADMIRAL STANFORD.

MAY 20, 1912.

From: Chief of Bureau.
To: Secretary of the Navy.
Subject: Additional dry dock, navy yard, Philadelphia, Pa.

1. A consideration of the subject of additional dry dock for the Philadelphia Navy Yard should be based primarily upon the present existing conditions and the special advantages which that station possesses for general navy-yard work and the service of the fleet. These facts, stated briefly, are as follows:

(a) The yard is located within the coast fortifications and may be considered safe from attack by sea.

(b) The climate of Philadelphia is temperate, neither extremely hot nor extremely cold—conditions which are most advantageous for continuous navy-yard work.

(c) The yard could not be better located with reference to material, supplies, and the labor market, and has excellent rail and traffic connections.

(d) The Philadelphia Navy Yard is the only fresh-water station, which is a matter of very great importance as affecting the fouling of ships' bottoms and galvanic deterioration.

(e) The navy yard is abundantly supplied at very low cost with a very high grade of potable water from the city's filtration plant, affording a service which can be safely utilized by vessels to such extent as they may desire.

(f) There are 16 berths—6 on the Delaware water front and 10 in the reserve basin—in which battleships may be secured, all within a radius of 1,700 feet, with the shops of the yard located almost at the center of the circle. This condition, which brings the vessels almost within a stone's throw of the repair shops, reduces transportation costs between shops and ships to a minimum and brings the cost of repairs to the lowest possible mark. The removal of a small projection on the west side of Pier No. 1 and the completion of a pier for which bids have

been received will add three additional berths to the Delaware water front, and the completion of the sea-wall extension in the reserve basin, which is now under way, will add one additional berth to the reserve basin, all of these additional berths being within the 1,700-foot radius. On the north side of the reserve basin there are four more berths for battleships, but at such a distance as to render these berths undesirable for general repair work.

(g) The berthing facilities may be indefinitely extended by the construction of additional sea wall and piers.

(h) The shops are modern in design, well located with reference to each other and to the docks and general yard facilities; all well equipped and can hardly be surpassed in the facilities which they afford for repair work.

(i) The yard is underlaid by a compact stratum of sand and gravel, which affords a solid and substantial support for buildings and equipment and which reduces cost of construction work, not only because of the excellent foundation which it affords, but also because of the supply of sand and gravel which it furnishes for use in the work.

(j) The area of the yard is ample for recreation purposes; for the large extension of barracks; for storehouses for advance base materials and general supplies; for hospital site; for prison site; for camp purposes for use in case of epidemic, or, if desired, for the accumulation of ships' crews; and, in general, has ample area for any additional buildings or constructions which may in the future prove desirable.

(k) There is a depth of 30 feet of water in the reserve basin at low tide. This depth will continue almost indefinitely without dredging operations, for the reason that the water of the basin carries very little silt, which would have to be periodically removed.

(l) The width and depth of the river in front of the navy yard is such that if desired a large number of vessels may be anchored in the stream.

(m) The ordnance stores at Fort Mifflin are a little over a mile distant from the yard, most conveniently located for the storage of ammunition and its distribution to the vessels at the yard.

(n) Large commercial coaling and oil-storage plants in the vicinity of the yard afford ample and convenient supply of fuel to meet the needs of the vessels, thereby avoiding the necessity for any considerable yard storage or coal-handling facilities.

2. The yard possesses three principal disadvantages:

First. Insufficient water at certain points between the Delaware Breakwater and the navy yard.

Second. The narrow and shifting channel which connects the Delaware River with the reserve basin and the rapid deposit of sediment in the channel, requiring frequent dredging operations and some considerable risk to vessels in passing from the Delaware River to the basin.

Third. Inadequate docking facilities. There are six vessels now under construction which will be unable to use the present largest dock. Two of these vessels, which are now being constructed at Philadelphia shipyards, will probably use the dock for preliminary cleaning before being fitted with their stores and accessories, a condition which obtains during processes of construction and which will not exist after the vessels are actually completed.

3. A number of the facilities and advantages of the yard as above noted are very unusual, and are not found at any other navy yard in the country, and are of such great value as to render the Philadelphia Navy Yard a conspicuously valuable adjunct of the service. The correction of the difficulty caused by shallow depth in the Delaware River approach to the yard is recognized by Congress and is being corrected, and in view of the commercial importance of the port of Philadelphia and its shipping facilities and of the large dimensions of the vessels which are operating in its commercial industries, it is safe to say that it is only a question of time before the Delaware River will be so improved as to withdraw all objections as to the safety and sufficiency of its channel. The natural difficulties caused by the Schuylkill River entrance to the reserve basin and by the inadequate docking facilities can readily be overcome by the construction of an additional dry dock as proposed. This dock would connect the reserve basin with the river and afford a reliable and independent connection between the river and the reserve basin. The dock would be divided into two parts by intermediate caisson. These parts could be used either singly or be merged into a single unit, a combination which would be sufficient for yard and port needs for many years to come. The division of the yard into two parts by the construction of a through dock, as above mentioned, will be obviated by so designing the dock caissons as to render them serviceable as crossings and also by a temporary structure spanning the dock which could readily be removed by the dock crane.

4. This recital of the advantages of the Philadelphia Navy Yard may seem a little enthusiastic, but I feel sure that it is not overdrawn in any way and that the advantages are all recognized and acknowledged by those officers who have been actually on duty at the yard and fully appreciate its resources. It is my opinion that the proposed dock would prove of inestimable value to the Navy and is really a military necessity.

H. R. STANFORD.

REPORT OF CAPT. A. W. GRANT.

[Copy of first indorsement of Capt. A. W. Grant, United States Navy, on letter of H. R. Stanford, United States Navy, Chief of Bureau of Yards and Docks, dated May 20, 1912.]

[First indorsement.]

No. 1105. MAY 27, 1912.

From: Commandant, navy yard, Philadelphia, Pa.

To: The Secretary of the Navy.

Subject: Additional dry dock, navy yard, Philadelphia, Pa.

1. With relation to the above-mentioned subject the following additional facts are submitted:

2. To show the yard's capacity in number of vessels that may be cared for it may be stated that at present there are berths on the Delaware water front of the navy yard for 6 battleships, and, upon the completion of Pier No. 5, there will be 2 additional, or 8 in all. There are at present in the reserve basin single berths for 14 battleships, and of this number 7 of the berths may be occupied by vessels lying double or treble banked.

3. In addition to the above, 12 battleships can be moored in the river abreast of the navy yard and Fort Mifflin. The river channel opposite the navy yard, about one-half mile in width, favors the handling of vessels at any stage of the tide.

4. This anchorage in front of the navy yard favors quick berthing and unberthing of vessels alongside of piers and permits of the movement to and from the sea of battleships in divisions or squadrons. This advantage is illustrated by the fact that a squadron of 8 vessels arriving off the breakwater at approximately low water can reach the navy yard in about 7 or 8 hours and the entire 8 vessels be berthed by using 2 tugs only in about 4 hours more time, or in 12 hours from the time of arrival off the Delaware.

5. Frequently mention is made of the depth of water in the Delaware as being an argument against the port, etc. All such arguments may be answered by the fact that merchant vessels of the American, Italian, and Hamburg-American steamship lines regularly visit Philadelphia. They are more than 500 feet long and draw in excess of 28 feet. The *Graf-Waldersee*, 561 feet long, drew 28 feet 2 inches on her latest trip when she left port. During the past 30 days 6 vessels drawing from 28 feet 2 inches to 29 feet have left the port and gone direct to sea.

6. One of the most pressing and urgent arguments for the construction of the dry dock from the reserve basin to the Delaware River lies in the fact that it will produce a channel of known width and depth to and from the reserve basin. The present entrance from the Delaware takes a course about one-half mile long through the mouth of the Schuylkill River; thence via a curved channel into the reserve basin. The Schuylkill River rapidly silts. In January, 1910, the depth was dredged to 30 feet. In August of that year it had silted in one spot, which was later dredged clear. At present the mouth of the Schuylkill has filled up about 4 feet, and was so reported to me in a letter from the director of wharves, docks, and ferries of the city of Philadelphia. The city expects to begin the operation of dredging the mouth of the Schuylkill July 1 this year. Any small obstruction in this channel would tie up the Government's entire reserve fleet for an unknown period of time. An instance in illustration is here given: In January or February during the past winter a coal barge was sunk in the Schuylkill River off the elevator at Girard Point. Its location was not determined. On the afternoon of April 24, 1912, engineers belonging to the department of wharves, docks, and ferries of the city were making a survey of the mouth of the river when the armored cruiser *Tennessee* was passing through the Schuylkill into the reserve basin. After she passed part of a hulk of a vessel was discovered in midchannel, and the remainder of the hulk was located in the Schuylkill and removed.

STRATEGIC POSITION.

7. Mention is frequently made of the military strategic value of navy-yard locations near Hatteras and Cape Cod. In the development of inland waterways, and in line with other great commercial undertakings, it may well be expected that in the near future the further development of the Delaware and Raritan Canal and the Delaware and Chesapeake Canal will place Philadelphia in ocean communication for large vessels via these routes, which will give the navy yard three routes to the sea,

which can not be equaled by any other location on the Atlantic coast.

8. In building such a structure as this dock, and to eliminate the first cost and upkeep of a floating derrick, it has been contemplated to lay on the east side of the foundations of the proposed dock the necessary foundation to carry a traveling swinging crane capable of taking weights of 150 tons from a vessel in the dock and landing them on the dock.

COST.

9. The present dry dock at this yard is approximately one-half the length of the proposed dock, and it cost less than $1,500,000. With the plant on hand for the construction, it is confidently believed that the proposed dock, although slightly larger in other dimensions, can be built for $3,000,000. This would include the foundation and track for the traveling crane. With this construction the Government would be saving the first cost and upkeep of the floating crane mentioned in the preceding paragraph.

A. W. GRANT.

Mr. LEE of Pennsylvania. I yield the balance of my time to the gentleman from Alabama [Mr. HOBSON].

The CHAIRMAN. The gentleman can not yield time. The Chair is ready to rule upon the point of order.

Mr. PADGETT. Mr. Chairman, I insist upon a ruling, we have not the time.

Mr. MOORE of Pennsylvania. Does the Chair decline to hear any further discussion on the point of order?

The CHAIRMAN. Not at all, but the Chair is ready to rule on the point of order.

Mr. TURNBULL. I make the point of order.

Mr. MOORE of Pennsylvania. I would like to say a word on the point of order.

The CHAIRMAN. The gentleman from Virginia makes the point of order.

Mr. MOORE of Pennsylvania. Will the Chair listen for one moment?

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania (continuing). For a brief argument on the point of order. The gentleman from Pennsylvania [Mr. LEE] has very clearly stated what is in the mind of the delegation regarding the point of order. The Navy is building battleships increasing in size each year. We must necessarily have dry docks at the navy yards to accommodate these ships. The existing dry dock at Philadelphia, it is contended, is not sufficient in size to accommodate the modern *Dreadnoughts* which are being constructed, hence an appropriation for a dry dock of an increased size is in continuation of work already authorized by law. It seems clear the Chair can hold that an appropriation for a dry dock of a size sufficient to accommodate vessels that can not be accommodated in existing dry docks is in order. It seems to me the Chair would be justified in overruling the point of order, under rule 21.

Mr. VARE. Mr. Chairman, before the Chair rules upon the question I would ask unanimous consent to address the committee for two minutes upon the subject of dry docks in Philadelphia.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to address the committee for two minutes on the subject of dry docks in Philadelphia. Is there objection? [After a pause.] The Chair hears none.

Mr. VARE. Mr. Chairman, in May of last year the Committee on Naval Affairs made an extensive investigation into the merits of the proposed 1,700-foot dry dock at the navy yard in the city of Philadelphia, and as a Member of this House, in the district which I have the honor to represent, in which this great naval station is located, I accompanied that committee on that visit. They were accompanied by many distinguished Members of this House who were not members of that committee.

On that occasion, the chairman of the Rivers and Harbors Committee, the gentleman from Florida [Mr. SPARKMAN] said, and made it plainly known, that although he had not been on the congressional inspection party during the day, he was in favor of the League Island Navy Yard and the port in general.

The distinguished chairman of the Committee on Rules, the gentleman from Texas [Mr. HENRY], said:

> This great dry dock at the Philadelphia Navy Yard is a necessity. I am absolutely committed in favor of it and I will use every resource and every persuasion at my command to promote the bill providing for its speedy construction.

The gentleman from Alabama [Mr. CLAYTON], chairman of the Committee on the Judiciary, said:

> We are going to have this improvement because League Island is the best place on the Atlantic coast for a yard and a general fleet rendezvous. The Government now owns enough real estate. All it needs is to spend a few million dollars on improvements. We will have all these things. You Philadelphians have pleaded guilty too often to the charge of New York that you are asleep. I believe that you are now awake. You have here the best equipment for a navy yard that God ever gave.

Mr. MANN. Will the gentleman yield for a question? When were these remarks made?

Mr. VARE. On the 12th day of May, 1912.

Mr. MANN. Does the gentleman expect the Democrats will remember their promises that long?

Mr. VARE. I think gentlemen like these ought to keep their plighted faith to the people of Philadelphia.

Mr. KNOWLAND. Was it before or after the banquet?

Mr. VARE. I will say this was before the banquet.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. VARE] have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. VARE. Mr. Chairman, Philadelphia is a great city. It has always been liberal in its views. It is so liberal that 40 years ago it granted to this great Government the land, more than 900 acres, for the establishment of this great navy yard, and since that time as a municipality it has improved and made appropriations for a great public park on the outside of the yard, covering more than 310 acres, for which it has appropriated $3,000,000. It is building a great boulevard 300 feet wide to connect the navy yard with the city of Philadelphia. It has established a public plaza, covering four public squares of land, at a cost of $500,000. It has taken its filtered-water system under this entire boulevard, in order that the best possible quality of water might be furnished to the employees of the yard.

My friend from Massachusetts [Mr. MURRAY] a few moments ago spoke of the fact that only 300 of the employees in their navy yard out of a total population of 30,000 resided in his district. I want to say to this House that there is a shade larger percentage who reside in the district in which I live who are employed in the Philadelphia Navy Yard, and I am proud to say, whether it be a Democratic administration or whether it be a Republican administration, they all work for the advancement of the city of Philadelphia and for the entire State of Pennsylvania. Philadelphia is no mean city, and Pennsylvania is a great State. It furnishes one-twelfth of the entire membership of this House. It has been quite modest in its demands, and I want to say to my colleagues, with all due respect to my predecessor, whom I loved and respected, that so far as I am concerned I expect as one Member of Congress to do my utmost to see that Pennsylvania and the city of Philadelphia secure their just share of appropriations from the Public Treasury. [Applause.] I came here last fall, succeeding my distinguished predecessor, the Hon. Henry H. Bingham, who came to this Congress 34 years in succession, the longest continuous service of any Member who ever sat in this American Congress. I came here first by the nomination of the great Republican Party, and at that time I had the indorsement of my friends who represent the great Democratic Party.

I was returned at the November election with a majority of 15,000 over my Democratic opponent, and the people of the district I have the honor to represent gave President William Howard Taft the largest Republican majority he received in any congressional district in this great country. As to public economy, I am in favor of economy where it is well directed. And I might submit, in line with what my friend from Pennsylvania [Mr. LEE] has said, there is room for economy. And I want to say in that connection that we have a great fresh-water basin at the Philadelphia Navy Yard large enough to hold the entire fleet of the Navy of this great country, and the Navy Department might consider the policy of bringing many of these ships, probably now manned to their full capacity, and keep them with much reduced crews in reserve at this Philadelphia Navy Yard.

Mr. Chairman, I desire to ask unanimous consent to extend my remarks in the RECORD by inserting a letter from the South Philadelphia Business Men's Association and a communication from Admiral Stanford to the Secretary of the Navy; also a letter from Capt. A. W. Grant, commandant Philadelphia Navy Yard, in Philadelphia Press, February 20, and several letters from members on the Republican side of the Committee on Naval Affairs.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. VARE] asks unanimous consent to extend his remarks by the insertion of certain letters in the RECORD. Is there objection?

There was no objection.

Mr. LEE of Pennsylvania. Mr. Chairman, I would like to ask unanimous consent to revise and extend my remarks in the RECORD and to insert the report of Rear Admiral Stanford and the report of Capt. A. W. Grant, of Philadelphia.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania [Mr. LEE]?

There was no objection.

Mr. SAUNDERS. Mr. Chairman, has a point of order been directed to this paragraph, or reserved?

The CHAIRMAN. The point of order has been made against the paragraph.

Mr. SAUNDERS. It is admitted on the part of the Committee on Naval Affairs that it is subject to a point of order?

Mr. LEE of Pennsylvania. It has not been yet.

Mr. SAUNDERS. I thought so, on the authority of the committee.

Mr. MOORE of Pennsylvania. It has not been admitted.

The CHAIRMAN. It has been so stated to the Chair, and the Chair is ready to rule on it.

Mr. SAUNDERS. I do not care to argue it, Mr. Chairman, if the Chair is ready to rule.

Mr. LEE of Pennsylvania. I would like to state, Mr. Chairman, that this proposition was put on the naval bill by a vote of 12 to 5 in committee, and the Secretary of the Navy has recommended it since.

The CHAIRMAN. That has no bearing on the point of order. The Chair will state that this provision is obnoxious to clause 2 of Rule XXI:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law.

The same question has been passed upon a number of different times, and it has been expressly held that an amendment like this is not in order. I read:

On March 25, 1896, the House being in Committee of the Whole House on the state of the Union, considering the naval appropriation bill, Mr. Henry H. Bingham, of Pennsylvania, offered an amendment appropriating the sum of $200,000 for the construction of a dry dock at the League Island Navy Yard.

Mr. Nelson Dingley made the point of order that the proposed appropriation was for an object not authorized by law.

After debate, the chairman [Mr. Albert J. Hopkins, of Illinois] ruled that the point of order was well taken. The Chair will not take the time to read the ruling, but the same ruling has been made in other and like cases.

Mr. LEE of Pennsylvania. Can the Chair cite the authorities?

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair can cite a number of authorities.

Mr. LEE of Pennsylvania. I would be glad if he would.

The CHAIRMAN. I read:

On April 10, 1890, the House was in Committee of the Whole House on the state of the Union considering the naval appropriation bill.

Mr. Theodore S. Wilkinson, of Louisiana, offered this amendment:

"For the purchase, under such regulations as the Secretary of the Navy may prescribe, of additional lands for a site for a navy yard and dry dock at or near the lands bought by the United States for a naval depot at Algiers, La., the establishment of which navy yard and dry dock at Algiers, La., was recommended by the commission of naval officers appointed under the act of Congress approved September 7, 1888, a sum not exceeding $75,000."

Mr. Charles A. Boutelle, of Maine, made the point of order against the amendment.

The Chairman ruled:

The Chair is of opinion that this amendment is obnoxious to clause 2 of Rule XXI. The proposition of the honorable gentleman from Louisiana is to make an appropriation for the purchase of a site and the establishment of a navy yard and dry dock, which is not an expenditure "previously authorized by law," nor is it an appropriation "in continuation of appropriations for such public works and objects as are already in progress." It does change existing law by authorizing that to be done which is not now authorized by law. It is in sympathy with the proposition contained in the bill against which the point of order was made, and the Chair thinks the point of order is well taken as against this proposition, both in the letter and the spirit of the rule.

That is in Volume IV of Hinds' Precedents, section 3729.

Then, again, on a point of order raised by Hon. William S. Holman, of Indiana, a similar ruling was made by Hon. BENJAMIN F. SHIVELY, of Indiana, in a case similar to this, which is found in section 3730, Volume IV, Hinds' Precedents.

A like ruling was made by Hon. James S. Sherman, of New York, in a similar case to be found in section 3732, Volume IV, Hinds' Precedents. And there were other rulings.

Mr. LEE of Pennsylvania. The item for the Louisiana dry dock was, as stated by the Chair, for the purpose of buying a piece of property.

The CHAIRMAN. The League Island Navy Yard case is on all fours with the one now pending, and this is for a dry dock in the very same navy yard.

Mr. SISSON. I reserved a point of order on the entire paragraph, and there is another item in it to which I desire to call attention.

The CHAIRMAN. The gentleman will indicate the item.

Mr. SISSON. In line 18, on page 24, the words—

To be immediately available.

It is—

To complete rebuilding building No. 7 for central offices, to be immediately available, $50,000.

Mr. PADGETT. The words "to be immediately available" are subject to the point of order.

Mr. SISSON. Then I will make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SISSON. I will ask that the total be amended by deducting $50,000.

Mr. MOORE of Pennsylvania. Does the gentleman wish the $50,000 to go out, or only $15,000 for extension?

Mr. PADGETT. The gentleman ought not to strike out the building.

Mr. SISSON. There is only $15,000. I ask that the amount be reduced $15,000.

Mr. PADGETT. That is correct.

The CHAIRMAN. The point of order is sustained to the language—

To be immediately available—

in line 18, page 24.

Mr. SISSON. Then I offer an amendment to correct the total by deducting from the amount, in line 5, on page 25, the sum of $15,000.

The CHAIRMAN. The Clerk will correct the totals.

Mr. SISSON. Then that amendment is considered as agreed to?

The CHAIRMAN. The Clerk will correct the totals.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Those who are talking economy in this House have stricken out of this item, so far as it relates to the Philadelphia Navy Yard, a total of $65,000. This is done without any regard whatever to the necessities of the situation. As I stand upon the floor of this House and observe the tendency of those who are preaching economy on the other side, gentlemen the population of several of whose States does not equal that of the single city of Philadelphia, some of whose States create no revenue for this Government, I am amazed at their undertaking to direct the trend of affairs and to cut down the institutions that are revenue-creating and that help to maintain this entire Government, and that provide even "the pork" that goes into your public-building bills, your river and harbor bills, and the other appropriation bills that you are watching with such avidity.

Pennsylvania has a population of nearly 8,000,000 people. To be accurate, according to the last census it has 7,665,000 people. That is one-twelfth of the population of the entire country. And yet the gentleman from Mississippi [Mr. SISSON], without regard to the great wealth and industry of the Commonwealth of Pennsylvania, without regard to the fact that his own State contributes scant revenue to the Government, knocks out item after item, in the interest of alleged economy, tearing down labor, tearing down the material men, and generally undermining the structures that have been reared, and all in the name of economy.

The city of Philadelphia has 1,500,000 people, according to the census of 1910, which is equal to the population of the entire State of Arkansas. It has a greater population than Arizona, than Connecticut, Delaware, the District of Columbia, Florida, Idaho, Maine, Maryland, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, or Wyoming. It is bigger than any one of those States, and yet we can not get consideration even to the extent of $50,000 to reconstruct a burned building at the navy yard at which the battleships of the Nation are repaired and provided for.

Mr. SAUNDERS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I refuse to yield now. This city of Philadelphia, concerning which we hear so much said in the House, is, or ought to be, on a parity with other great cities of the United States. It has a population equal almost to that of Louisiana, of Mississippi, of South Carolina, or of Oklahoma. With the city of Pittsburgh thrown in, it has a population which is equal to that of the State of Alabama, which is now running this House, and which is directing the country to-day, in the matter of appropriations. It is one city of great wealth, with great manufactures, and is equal—and with its sister city of Pittsburgh—equal in population and greater in wealth than the whole State of Alabama, from which the affairs of this Government are being directed just now.

Mr. LINTHICUM. Will the gentleman yield?

Mr. MOORE of Pennsylvania. No; I can not, because I have something to say, and I want to say it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. I ask unanimous consent that the gentleman may have five minutes more.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five minutes.

Mr. LINTHICUM. Reserving the right to object, if the gentleman will yield to me for a question——

Mr. MANN. Mr. Chairman, if a man can not have his time extended without entering into an agreement to answer a question, let the gentleman object.

Mr. LINTHICUM. I have not raised my voice during the discussion of this bill.

Mr. MANN. The gentleman has had plenty of opportunity.

Mr. LINTHICUM. I have the right to object.

Mr. MANN. The gentleman has the right; let him object.

Mr. LINTHICUM. I will not object, Mr. Chairman. I think the gentleman will yield to me.

Mr. MOORE of Pennsylvania. I will be glad to yield in a moment.

The CHAIRMAN. The gentleman from Pennsylvania will proceed.

Mr. MOORE of Pennsylvania. Mr. Chairman, regardless of the manner in which the revenue of this country is raised, by which we produce the money that you put into your public-building bills, and your river and harbor bills, and your "pork-barrel" bills generally, you are giving away in these bills, upon the testimony adduced from your own side, more money than we have been able as a Republican administration to produce and more than you can ever produce on your side under the policy you are advocating. And yet you find fault with the great cities and cut their appropriations; you want the money to dredge rivers that have no navigation, to put up public buildings in little towns with no population, and as you say the cities are robbing you—you keep taking it all. How much do you produce in comparison with what these cities produce? What do you contribute toward the receipts of this Government out of which you take your proportion. What do you contribute toward the receipts out of which the customhouses give you $311,000,000 a year? Of this vast sum, the city of New York gives you $206,000,000; Philadelphia, at her customhouse, gives you over $20,000,000; Massachusetts, out of her customhouse at Boston, gives you over $24,000,000; Maryland, at the Baltimore customhouse, gives you over $4,000,000. Out of the total of $311,000,000 these four ports give you $254,000,000, and you take it and put it in your pockets to scatter through the districts of your country and you do not even say, "Thank you, Mr. Republican Administration," for the manner in which we have given it to you.

Mr. SAUNDERS. Will the gentleman yield to a question?

Mr. MOORE of Pennsylvania. And yet you are to-day advocating a policy of free trade, and have already put it in the Panama Canal bill. You propose to tear down the revenues raised at the customhouses, and yet you want more money in order to build your little buildings and dig out your little streams all over the United States at our expense. Take the matter of internal revenue. You now get a great deal out of corporations throughout the country. They do not operate on the farms. You get a total of $321,000,000, all told, out of which New York contributes $43,000,000, Pennsylvania $26,000,000, Illinois $52,000,000, Indiana $30,000,000, Missouri—which is a great State with a great Speaker—$23,000,000, Ohio $12,000,000, and all told about 15 of the large States contribute the total of $321,000,000, and Mississippi and Alabama, largely, are now distributing it to their respective friends throughout the United States; and meanwhile you are trying to hold intact upon the other side a leadership which is fast falling to pieces. You are, by this means, undertaking to control the wild horses of Democracy that have come in from everywhere to get their little bit.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SHACKLEFORD. Mr. Chairman, I desire to be heard in opposition to the gentleman.

Mr. MOORE of Pennsylvania. But I have not yet finished.

Mr. CALDER. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

The was no objection.

Mr. MOORE of Pennsylvania. And out of the country districts, from the backwoods somewhere, comes the hue and cry against the internal-revenue system. The nonrevenue producing States are demanding prohibition and trying to enforce it everywhere, while the moonshine distilleries are running up in the mountains and the blind tigers are in full operation, and no revenue as a result of the business. Yet they are drawing upon the great States constantly for revenues that come in from the whisky and tobacco business and from the customhouses.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. You want prohibition. You want to suppress whisky and the whisky trade. You want to hold tobacco smoking and chewing as immoral and improper, but you like the money just the same, and you are taking it out of our navy yards and our customhouses and taking it away from our public institutions in order that you may still distribute your little piece of pork.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. [Cries of "Oh, no."] The Clerk informs the Chair that the gentleman's time has expired.

Mr. MANN. Mr. Chairman, but a request was made a moment ago, and we all thought that it was granted, to have the gentleman's time extended. The gentleman from New York [Mr. CALDER] made the request.

The CHAIRMAN. The Clerk informs me that he may be in error.

Mr. MANN. I should think he is.

Mr. SHACKLEFORD. Mr. Chairman, I ask that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. No patriot coming from the Gulf or borders of the Great Lakes, coming from the East or the West, has greater desire than I to see that beautiful, balmy country down along the Gulf bloom and blossom as the rose. I want to see industry there and great prosperity. I would like to see your navy yard at Pensacola teeming with industry, building ships and repairing them, with thousands of skilled mechanics working round about; but I did not see them when I was down at Pensacola, and I believed it needed a little more money and a little more energy to put life and vim into that beautiful and delightful locality.

I do not wholly blame you now that you have control of this House, now that you have your hand upon the Treasury of the United States, for taking all the money you can get and putting it down where it will do you the greatest good. You have been waiting many years for this opportunity. The power is all yours. The money is within your grasp, and some of you, though you hesitate, seize it just the same. The gentleman from Georgia, in his somewhat heated remarks yesterday in his controversy with his fellow Member from Massachusetts, which he may or may not have regretted, let the cat out of the bag. You have come into your own; you are going to use it; you have been waiting a long while, and now you are going to build up your country. But do not build it up by tearing us down, for we will come back in two years, and we still want to continue in your good graces, as we hope you will in ours. Bear in mind that though some of your States are burdened with debt you have great wealth possibilities. Bear in mind that northern capital has come into Alabama and is going into the other States and that it is not fair the moment it comes to close the door upon it and tell those who have made their investments that they were bunkoed in the game. Give those who have energy and enterprise and willingness to work a chance to help, whether Democrats or Republicans control; but bear in mind when you begin to tear down the institutions from which your power comes, from which you draw your strength, your financial strength in particular, that you had better be careful about tearing down the internal-revenue system and the customhouses, because they are the bone and sinew that provide the means. And bear in mind also, in Alabama and elsewhere, where the debts of the States are a matter of regret, that in Pennsylvania we have cleared ourselves absolutely from debt and as a State institution owe no man anything. Bear in mind that this is the result of a Republican administration, of a policy of protection, of a policy of maintenance of law as superior to lawlessness, of a policy that has held the moonshiner in check and kept the illegal operator under the hand of the law. Bear in mind, down in Mississippi, too, whence you are bringing us the great lessons of economy preached to-day, that if you have been backward in the past and your population has not advanced, even beyond that of the great single city of Philadelphia, that the fact that you do not contribute $1 in internal revenues to this Government and only $16,000 in the matter of customs that we will bear you no ill will, but wish in justice to our institutions and yours that we may progress together. [Applause.]

Mr. PADGETT. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto close in 10 minutes.

Mr. HARDY. Before the chairman rose I desire to state to the Chair that I had addressed the Chair.

The CHAIRMAN. The question is not debatable. The question is on the motion of the gentleman from Tennessee that all debate on this paragraph and all amendments thereto be closed in 10 minutes.

The question was taken; and on a division (demanded by several Members) there were—ayes 84, noes 27.

So the motion was agreed to.

[Mr. SHACKLEFORD addressed the committee. See Appendix.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Navy yard, Washington, D. C.: Water-front improvements, to complete, $35,000; paving, to continue, $2,500; sewerage, to extend, $5,000; railroad, extension, $2,500; heavy gun scales, $8,000; in all, $53,000.

Mr. SISSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] moves to strike out the last word.

Mr. SISSON. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE], in his criticism of me for exercising one of the rights of membership in this House, doth take the position of a mighty Colossus. He not only assumes to represent the city of Philadelphia, but he also assumes to represent the whole State of Pennsylvania, and utterly eliminates from that great State every other Representative that happens to be therein.

But if the gentleman will stop for one moment and consider this fact, his enlarged perspective will enable him to see himself in smaller proportions than those in which he now sees his mighty form [laughter], because he represents only one district, with about the same population that the districts of all these other men contain, and there is no reason why he should be so much greater than the other Representatives here.

But when he discusses the conditions down in my own State, I say to him that we produce there on the fertile cotton fields, without one dollar's protection to that industry, magnificent crops of cotton and send the product abroad and throughout the country, and produce corn and meats and lumber and all those other products natural to a great agricultural State, upon which we get no protection; and when the gentleman, in his great city, has the protection which his party has been giving it all these years, it comes with poor grace from him to say that he has given this to us, when every farmer who goes into the store and buys his plows and tools and other implements made from iron must pay not only the profit upon the manufactured article but must bear the additional burden imposed on him to support infant industries, which have grown so mighty and so great. [Applause].

The gentleman reminds me of a story which I heard the late lamented Bob Taylor tell of an old gentleman and an overgrown boy who was going with his mother down the road on one occasion. The boy weighed about 180 pounds, although he was only 18 or 19 years old. The boy was crying on the road. A gentleman rode up and said, "My boy, what in the world are you crying about?" The boy was sobbing as though his heart would break. The gentleman said, "What in the world is the matter with you? What are you crying about?" "My mother, my mother," sobbed the boy. The gentleman asked, "Is she sick?" The boy said, "No." The gentleman said, "Is she dead?" The boy replied, "No." "Then, what is the matter with you?" asked the gentleman. The boy said, "She has been trying to wean me for the last two or three weeks." [Laughter.]

The gentleman from Pennsylvania and his people have had all the advantages of all the protection that his great party could give to him and them. We have asked for none, and the public buildings in the gentleman's own city have cost three or four times as much as all the buildings that have been erected in my State. When the gentleman discusses the public buildings bill he ought not to shake his locks at me, because I voted against the public buildings bill.

Now, I hope that speeches like the one the gentleman from Pennsylvania has made will not be repeated here. The gentleman seems to be a little angry because I made a point of order against an item that went in the bill that happened to affect his city. I did not know that the item related to his district or to anybody else's district.

It was a point of order which I desired to make. It was a point of order which I did make, and the Chair sustained it, and I was absolutely within my rights in making the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. PADGETT. Mr. Chairman, I move to close debate upon the paragraph and all amendments.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. When two gentlemen take the floor and one addresses the Chair in advance of the other, is not that gentleman entitled to recognition?

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] is in charge of this bill, and as between the two the Chair will say that he is entitled to recognition.

Mr. MOORE of Pennsylvania. But I rose to make an amendment to the paragraph.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] moves that all debate on this paragraph and all amendments thereto be now closed.

The motion was agreed to.

The Clerk read as follows:

Navy yard, Norfolk, Va.: Railroad tracks, extensions, $10,000; repairs, buildings, St. Helena, $25,000; improvements to water front, to continue, $50,000; paving and grading, to continue, $10,000; heating system, extension, $5,000; 150-ton crane (limit of cost not exceeding $300,000), $100,000; dredging, to continue, $40,000; water system, extensions, $7,500; sewer system, extension, $5,000; lavatories and toilet facilities, $5,000; compressed-air system, extensions, $5,000; in all, navy yard, Norfolk, Va., $262,500.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph.

Mr. PADGETT. I should be glad to have the gentleman state what his point of order is.

Mr. FOWLER. Mr. Chairman, I desire to inquire of the chairman what is the occasion for increasing the appropriation for this year more than $100,000 above the appropriation of last year?

Mr. PADGETT. The cause of it is an appropriation toward the construction of a 150-ton crane to transact the business at the yard.

Mr. FOWLER. That is the item against which I had my point of order directed. Is this to be used in connection with the operation of this navy yard?

Mr. PADGETT. It is a part of the machinery in the operation of it, in order to have a lifting machine there which will lift the heavy guns off from the ships and on to the ships, and to handle other heavy loads at the yard.

Mr. FOWLER. How has this been done heretofore?

Mr. PADGETT. It has been done, as far as it could be done, by smaller cranes; but the guns are increasing in weight and size and the ships are increasing in width of beam, so that a larger crane is now required.

Mr. FOWLER. Have they any cranes there now sufficient to handle these large cannon?

Mr. PADGETT. They have not.

Mr. FOWLER. What are the largest size cannon that are now handled there?

Mr. PADGETT. Fourteen-inch; and then there are the turrets on the ships.

Mr. FOWLER. I am inclined to think, Mr. Chairman, that the point of order will not lie against the part of the paragraph I have indicated, if it is a portion of the navy yard and used in operating the same.

Mr. PADGETT. I know it is not subject to the point of order.

Mr. FOWLER. For that reason I withdraw the point of order.

Mr. MANN. I reserve the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve the point of order. I should like to ask the chairman of the committee if the item for a traveling crane, not to exceed $300,000 in cost, is new?

Mr. PADGETT. That is new. That is the one I am talking about; a 150-ton crane to cost not to exceed $300,000, toward the construction of which an appropriation of $100,000 is now made. That is a new crane, but it is to be a part of the machinery, an enlargement of the machinery of the yard.

Mr. MOORE of Pennsylvania. Mr. Chairman, this item providing for a new traveling crane at the Norfolk Navy Yard not to exceed in cost $300,000 is a very large item in comparison with the population, and so forth, at Norfolk, and it is clearly subject to a point of order. Mr. Chairman, I have been inveighed against, in terms not altogether gentle, by the ferocious gentleman from Missouri [Mr. SHACKLEFORD], who speaks in defense of a good-roads system of which he is the special Sir Knight and champion. I have also been condemned to a slight degree by the gentleman from Mississippi [Mr. SISSON] for exercising my prerogatives here as a Representative, in pointing out certain pitfalls into which the Democratic Party as at present constituted will fall if it does not provide means for keeping

up the revenue system of the country while it puts its hands into the Treasury and takes out everything and provides ways and means to take out more. In view of these attacks which have been made upon me by these gentlemen, I do not intend to insist upon the point of order against this paragraph which is for the benefit of the navy yard at the city of Norfolk, especially since the point of order against the Philadelphia Navy Yard came from the gentlemen from Virginia. The best evidence in the world that I can present that there is no malice, slander, or viciousness in my heart, as indicated by the gentleman from Missouri [Mr. SHACKLEFORD], and as evidence that I wish well to the State of Virginia, which has opposed the State of Pennsylvania in this instance, and that I do not wish ill to any section, I will not insist on the point of order to the item which gives to Norfolk the $300,000 for a traveling crane. If the Norfolk yard wants the crane it ought to have it; and Philadelphia can stand the loss.

Mr. MANN. I make the point of order against the paragraph for the Norfolk Navy Yard. I am inclined to think that the item for a 150-ton crane is subject to a point of order, but am not quite sure; the limitation of cost is clearly legislation, and hence subjects the paragraph to a point of order.

The CHAIRMAN. The Chair does not quite understand the gentleman.

Mr. MANN. The paragraph from line 11 down to line 20, on page 25, is subject to a point of order. I make the point of order against the paragraph because it is legislation. The limitation of cost upon the crane is legislation.

Mr. PADGETT. I do not think that makes it subject to a point of order.

Mr. MANN. It is clearly legislation.

Mr. PADGETT. It is a description and limitation of cost.

Mr. MANN. A limitation of cost has always been considered as legislation. I think the crane itself is subject to a point of order.

The CHAIRMAN. The language "limit of cost not to exceed $300,000" is the language to which the gentleman makes the point of order?

Mr. MANN. I call attention to that, but I make the point of order to the paragraph.

The CHAIRMAN. The point of order against the paragraph would hardly lie.

Mr. MANN. It will lie if any part of the paragraph is subject to a point of order.

The CHAIRMAN. The Chair is inclined to think that the language limiting the cost is subject to a point of order.

Mr. MANN. That makes the whole paragraph subject to a point of order.

The CHAIRMAN. The point of order is sustained.

Mr. PADGETT. Mr. Chairman, I offer an amendment to the bill to reinsert the language embraced in line 11 to line 20, excluding the words "the limit of cost not exceeding" and the figures "$100,000," so that it will read a "150-ton crane, $300,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting the following as a new paragraph:

"Navy yard Norfolk, Va.: Railroad tracks, extensions, $10,000; repairs, buildings, St. Helena, $25,000; improvements to water front, to continue, $50,000; paving and grading, to continue, $10,000; heating system, extension, $5,000; 150-ton crane, $300,000; dredging, to continue, $40,000; water system, extensions, $7,500; sewer system, extension, $5,000; lavatories and toilet facilities, $5,000; compressed-air system, extensions, $5,000; in all, navy yard, Norfolk, Va., $462,500."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. MANN) there were 57 ayes and 26 noes.

So the amendment was agreed to.

The Clerk read as follows:

Navy yard, Charleston, S. C.: Paving and grading, to continue, $1,000; locomotive and crane shed, $5,000; remodeling dispensary, building No. 19, $3,000; torpedo boat berths (to cost not exceeding $300,000), $150,000; in all, $159,000.

Mr. BATHRICK. Mr. Chairman, I make a point of order against the paragraph on the ground that the language in line 24, "to cost not exceeding $300,000," is legislation.

Mr. PADGETT. I want to say to the gentleman that these slips are old and worn out and it is necessary to have new slips.

Mr. BATHRICK. The gentleman can offer an amendment, and I desire to debate the amendment.

Mr. PADGETT. This really ought to be in; the slips are very much needed.

Mr. BATHRICK. I will reserve the point of order.

Mr. PADGETT. Will not the gentleman withdraw the point of order and let us debate the merits of the proposition?

Mr. BATHRICK. Mr. Chairman, I will withdraw the point of order.

Mr. COX. I renew the point of order in the interest of time. I am going to make the point of order on the paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. ROBERTS of Massachusetts. Does the gentleman from Tennessee, chairman of the committee, intend to offer an amendment? If not, I have one prepared.

Mr. PADGETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 25, by inserting in lieu of the paragraph stricken out the following:

"Navy yard, Charleston, S. C.: Paving and grading, to continue, $1,000; locomotive and crane shed, $5,000; remodeling dispensary, building No. 19, $3,000; toward torpedo boat berths, $150,000; in all, $159,000."

Mr. BATHRICK. Mr. Chairman, I want to inform the House that I make this point of order for the purpose of attempting to prevent useless and unnecessary expenditure. I do not believe in that kind of economy which pulls down the shutters and locks the door and quits business. On the other hand, I believe that all the gentlemen in the House should join in excluding from this appropriation bill those items that are not necessary.

They have 10 piers in Charleston Harbor now that cost $100,000. This item was put into the bill last year and taken out in conference. That was the condition of it then. It reappears in this bill. What is the necessity that they claim for this $300,000 appropriation, with which they expect to build cement piers? They claim that the current of the stream where they anchor the torpedo boats is so swift that they can not handle the torpedo boats to good advantage without possibility of damage to them or to the piers, but on the same page the hearings state that there are 12 tugs, and those tugs are manned and fully equipped. Why do they not use the tugs to handle the boats instead of asking us for $300,000? In all the harbors of the United States there is hardly one where vessels without assistance can reach their moorings; but we have these tugs, we are maintaining them, and we are maintaining the men upon them, and still they want us to expend $300,000 so that the torpedo boats can float safely alongside the piers. Another objection I desire to call to the attention of the House is this: The harbor at Charleston is frequently referred to as lashed by storms. That being the case, what kind of a harbor is it? People who have been to Charleston know they do have very severe storms in that harbor. There are many other places upon the Atlantic coast where they can keep these torpedo boats without expending $300,000, and I maintain it is not necessary for them to expend it.

Mr. PADGETT. Mr. Chairman, I simply want to state that the Navy Department has made the Charleston yard the torpedo-boat base of the whole torpedo-boat flotilla, because it is free from ice and it is well adapted to the purpose. The gentleman speaks about having so many tugs. That is in the whole Navy Department. They are not at Charleston, I understand.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BATHRICK. Let us read what the hearings say. I read from page 162. Admiral Stanford, when before the committee, said:

Under the existing conditions it is practically impossible to avoid damage to both the piers and boats. There are frequently at these piers 5 effective destroyers and 15 torpedo boats, of a total value exceeding $5,000,000, to which may be added 9 boats of less military value but which would bring the total to more than $6,000,000. If to this be added 12 tugs, colliers, and other vessels stationed at Charleston—

What does that mean?

Mr. PADGETT. It means tugs and colliers and other vessels.

Mr. BATHRICK. They have 12 tugs.

Mr. PADGETT. No; it means that there are 12 vessels, composed of tugs, colliers, and other vessels.

Mr. BATHRICK. Then let that be the construction placed upon it. I want to say that if there are not 12 tugs they have enough tugs to operate these vessels.

Mr. COX. Is not this the same place where they built piers a few years ago?

Mr. BATHRICK. I do not know how long ago they were built, but it is not so very long ago since we expended $100,000 there for piers.

Mr. COX. And they failed because of some neglect or something of that kind?

Mr. PADGETT. They were piers that were located there. They were not properly located. They were wooden piers. They have been destroyed.

Mr. COX. How long ago were they constructed?

Mr. PADGETT. Ten years.

Mr. COX. That is not very long ago. They are surely not destroyed.

Mr. PADGETT. The teredos have eaten them up.

Mr. COX. It strikes me that if the Navy Department had exercised proper judgment and skill and built the right kind of piers in the first instance there would be no necessity for this.

Mr. BATHRICK. I do not think there is any necessity now for them. I want to say one thing more. If I understand it, that item in the paragraph did not pass the subcommittee, which is the appropriation committee of the Naval Affairs Committee, by unanimous vote.

When it came into the full committee I offered an amendment to strike out this $150,000 of this $300,000 expenditure, but it passed by a majority of only 1 in the full committee.

Mr. MANN. Mr. Chairman, I do not like to call the gentleman to order——

Mr. BATHRICK. I accept the call to order, but that is the fact.

Mr. MANN (continuing). But I think we ought not to get into the practice of reciting in the House the vote in the committee.

The CHAIRMAN. The Chair will call the attention of the gentleman to the fact that under the rules a Member is not permitted to state what transpired in a committee.

Mr. HOBSON. Mr. Chairman, I want to be heard on the merits of the case.

Mr. PADGETT. Mr. Chairman, I say debate is closed on this matter and I demand a vote.

Mr. HOBSON. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The gentleman from Tennessee, chairman of the committee——

Mr. HOBSON. I am in favor of this amendment. If I were opposed to the amendment the Chair would hear me.

The CHAIRMAN. The question is on the amendment——

Mr. HOBSON. Mr. Chairman, I desire to be heard. I move to strike out the last word. I ask to be recognized. The chairman of the committee has nothing to say——

Mr. PADGETT. I move to close all debate on the amendment; we must make some progress on this bill.

The CHAIRMAN. The gentleman from Tennessee moves to close all debate on the amendment.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BATHRICK) there were—ayes 52, noes 37.

Mr. BATHRICK. Tellers, Mr. Chairman.

The CHAIRMAN. Those in favor of taking this vote by tellers will rise and stand until counted. [After counting.] Seventeen gentlemen have risen, not a sufficient number.

So the amendment was adopted.

The Clerk read as follows:

Navy yard, Mare Island, Cal.: Grading and paving, $10,000; railway system, extensions, $5,000; salt-water flushing and fire-protection system, $25,000; reconstructing quay wall, $20,000; modernizing electric-power and light-distributing systems, $20,000; in all, $80,000.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word. I desire my position on the last paragraph to be understood. I am against the building of these new piers at that station until it is settled what we propose to do permanently with that station. We have already made large expenditures at Port Royal and have abandoned that station.

Mr. PADGETT. No; we are using it.

Mr. HOBSON. Abandoned it for the purpose for which it was intended.

Mr. PADGETT. And using it for a far better one.

Mr. HOBSON. I yield to the gentleman to state what we use the dock at Port Royal for. We have established a marine-instruction school ashore, but that has nothing to do with the expenditure of millions of dollars for a naval station there that has proved impossible, and a big dry dock. The hearings and statements show that currents run across there in front of this station, making it difficult, if not dangerous, for torpedo boats to come in and go up to their berthings, and I think it is a very questionable matter whether this shall be developed into a permanent torpedo-boat station. I believe some other site will be chosen, and, in my judgment, Pensacola will be the ideal station. The point I make is, we ought not to launch out upon a new construction that requires large expenditures until we settle definitely upon a policy for these stations and these navy yards. I may remark, in closing, that I am in hopes before very long we shall have an instrumentality or agency under which this whole question of policy of coaling stations and the policy of naval stations and navy yards and all other important policies of the department may be determined.

Mr. GREGG of Texas. I am glad the gentleman is converted at the eleventh hour; that is what we have been fighting for all day.

Mr. HOBSON. If the gentleman will use his memory, he will remember I have always been opposed to this proposition. Whenever there is proposed any meritorious measure that would actively bear upon the efficiency of the service and be a real economy, I think the gentleman would find me supporting it.

Mr. GREGG of Texas. But the gentleman always reserves the right to be the judge of what is meritorious and what is not, does he not?

Mr. HOBSON. Like the gentleman from Texas.

Mr. PAYNE. Mr. Chairman, I understood the gentleman from Alabama was explaining why he voted for this last amendment. I think perhaps I ought to explain to the committee why I failed to vote upon the subject. We have for a great many years been providing at Charleston Navy Yard money which might have as well been put upon some creek of South Carolina to dredge out a channel to take a ship into it, and when I looked over upon the other side and saw the two economists from Mississippi sitting there dumb and mute and not raising their voices in protest against this item, and I saw the other economist from Texas rise and vote for it, I was so mixed up on the question I could not make up my mind how or where to vote.

If I had voted I should have voted against the navy yard in Charleston because of my previous information on the subject. But because of lack of information from the three economists of the House upon this subject I did not vote at all. I think that is due to the committee in view of the fact that the gentleman from Alabama [Mr. HOBSON] saw fit, as a member of the committee, to take up so much time to explain his vote upon the last amendment.

Mr. BATHRICK. A parliamentary inquiry, Mr. Chairman.

Mr. SISSON. I will say that "the gentleman from Mississippi" voted against the item.

Mr. PADGETT. I make the point of order that there is nothing before the House, and will ask the Clerk to read.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Navy yard, Puget Sound, Wash.: Ship fitters' shop, mold loft, and structural steel storage (to cost not exceeding $275,000), $120,000; power-plant extensions, $50,000; Pier No. 8, to extend, $10,000; paving and walks, $10,000; linseed-oil storage tanks, $4,000; sewer system, extensions, $30,000; telephone system, extensions and renewals, $2,000; heating system, extensions and renewals, $10,000; rebuilding Pier No. 1, $10,000; in all, navy yard, Puget Sound, Wash., $246,000.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. I desire to ask the chairman of the committee the reason for this structural-steel storage plant?

Mr. HUMPHREY of Washington. If the gentleman will permit, I will be glad to give him some information on the question.

Mr. FOWLER. Yes; I will yield for a moment.

Mr. HUMPHREY of Washington. I want to furnish, if I can, the information which the gentleman asks. I am reading from the hearings. The chairman of the committee said:

The next item is "Ship fitters' shop, mold loft, and structural-steel storage, to cost $275,000, $120,000." Please explain that item, Admiral?

Admiral Stanford replied:

That is a new building which is desired to permit of the consolidation and concentration of tools, shops, and materials. It is desired not only for the purpose of effecting consolidation, but to provide increased shop facilities.

Mr. FOWLER. Where are the tools stored now?

Mr. HUMPHREY of Washington. Wait until I finish the reading.

Mr. FOWLER. I will be glad to take it as we go along. I do not care to hear all the reading.

Mr. HUMPHREY of Washington. There are only two lines more.

Mr. FOWLER. All right.

Mr. HUMPHREY of Washington. This is the line to which I want to call the gentleman's attention:

It is represented that the consolidation will not only very greatly increase the usefulness of the yard but also reduce the cost of shop operation.

Mr. FOWLER. Where are the tools stored now?

Mr. HUMPHREY of Washington. They are stored in smaller buildings there, I presume.

Mr. FOWLER. Do you speak from actual knowledge, or do you speak as a matter of imagination?

Mr. HUMPHREY of Washington. Unlike the gentleman, I am speaking from the record and not from imagination. I am simply quoting from the statement made by the admiral, who is supposed to know.

Mr. FOWLER. Have you ever been at that yard?
Mr. HUMPHREY of Washington. A great many times.
Mr. FOWLER. And do you know of your own personal knowledge where they store these tools?
Mr. HUMPHREY of Washington. I know of my own personal knowledge that they put the tools in buildings now in the yard.
Mr. FOWLER. What will be done with these buildings if new ones are erected?
Mr. HUMPHREY of Washington. Will the gentleman permit me again to quote the authority?
Mr. FOWLER. If it is directly on the use of these storage buildings, I have no objection.
Mr. HUMPHREY of Washington. It is directly upon that subject. It says:

This building would be used for shop purposes to increase their facilities.

In other words, this building proposes to incorporate the buildings now used for that purpose and increase facilities so as to increase economy of operation as well as to give them room in the extension of the yard.
Mr. FOWLER. Have you not any shops over there?
Mr. HUMPHREY of Washington. A great many of them.
Mr. FOWLER. Do you need any additional shops?
Mr. HUMPHREY of Washington. Why, surely. If there is anywhere in any yard of the United States where shops are needed. I know that every member of the Naval Committee will agree that that is the one place. There is no objection.
Mr. PADGETT. This is a new yard, in the course of construction.
Mr. HUMPHREY of Washington. It is the only yard on the Pacific Ocean where they can dock battleships, and no one has ever talked about abandoning this yard, and everybody agreed it ought to be increased, as this adds to the facilities.
Mr. FOWLER. Is it not a fact that you want this appropriation for the purpose of giving additional work over on the Pacific coast?
Mr. HUMPHREY of Washington. Not at all. I never have asked for that, and I would be ashamed to stand up before this committee, or anywhere else, and ask for an appropriation on such a theory.
Mr. FOWLER. You are quite a gentleman, and I must confess it on the floor of this House.
Mr. HUMPHREY of Washington. You never heard me ask for an appropriation of that kind, and you never will.
Mr. FOWLER. But it appears to me from what has been said that there is no great reason for the construction of such an elaborate storehouse for tools.
Mr. DYER. Has the gentleman read the hearings?
Mr. FOWLER. Only in so much as I have been able to glance over them during the debate on this bill. It came in one night, and the next morning it was dressed in a garb for hearing.
Mr. SIMS. If the gentleman will permit me, I wish to say that it was only said that it was represented to be needed. It was not claimed that it would really be needed.
Mr. FOWLER. Yes; I understand. The gentleman from Tennessee [Mr. SIMS] called my attention to the representation to the effect that the hearings purported to impart that information to the House. As a matter of fact, does not the gentleman really think that such an expensive building is useless for the mere storage of tools?
Mr. HUMPHREY of Washington. I think it would be a very great advantage to have it, for the reasons set forth, for purposes of economy and the supplying of needed room, and for the further purpose which they are trying to demonstrate there—the economy of consolidation. That is the one yard in the country where they are consolidating these buildings.
Mr. FOWLER. That is a deep-water yard, is it?
Mr. HUMPHREY of Washington. It is.
Mr. FOWLER. What is the depth of that water?
Mr. BUTLER. Sixty feet.
Mr. CALDER. One hundred feet in some places.
Mr. FOWLER. Mr. Chairman, I do not want to make the point of order unless it is necessary, but it appears to me that a point of order ought to be made against this paragraph, and therefore I now make it, not for the purpose of punishing any gentleman on the floor of this House, but in the interest of economy.
Mr. DYER. Regular order, Mr. Chairman.
The CHAIRMAN. The point of order is sustained.
Mr. PADGETT. Mr. Chairman, I offer the following amendment for navy yard, Puget Sound.
Mr. FOWLER. Mr. Chairman, I did not understand whether the Chair has sustained the point of order or not.
The CHAIRMAN. He has.
Mr. PADGETT. Mr. Chairman, I offer the following amendment.
The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. PADGETT].
The Clerk read as follows:

On page 20, after line 5, insert the following:
"Navy yard, Puget Sound, Wash.: Ship fitters' shop, mold loft, and structural steel storage, $120,000; power-plant extensions, $50,000; Pier No. 8, to extend, $10,000; paving and walks, $10,000; linseed-oil storage tanks, $4,000; sewer system, extensions, $30,000; telephone system, extensions and renewals, $2,000; heating system, extensions and renewals, $10,000; rebuilding Pier No. 1, $10,000; in all, navy yard, Puget Sound, Wash., $246,000."

Mr. DYER. Mr. Chairman, I move to strike out the last word.
The CHAIRMAN. The gentleman from Missouri [Mr. DYER] moves to strike out the last word.
Mr. DYER. I would like to ask the chairman of the committee a question. Is it not preferable that the limit of cost for these buildings should be fixed?
Mr. PADGETT. Very much so.
Mr. DYER. Is there any possible way that the Government can be benefited by striking out the limit of cost?
Mr. PADGETT. None that I know of.
Mr. DYER. And there is a possibility of its costing a great deal more if we do not limit it and fix the limit?
Mr. PADGETT. I think not. I think it will be properly taken care of.
Mr. SISSON. Mr. Chairman, I would like to ask one more question. I did not make the point of order, but I stated to the committee that I thought $275,000 was a considerable price to pay for a tool house.
Mr. PADGETT. This is not alone for a tool house, but for a combination of shops.
Mr. SISSON. I suppose the only information that the gentleman from Tennessee has is the information contained in the hearings? Is it?
Mr. PADGETT. Yes.
Mr. SISSON. The information in the hearings is very meager. I do not know but that $275,000 is necessary; but with this meager information contained in the hearings, it is quite possible that this item might go over till the next session of Congress, until we can get further information about it. You are building a new building there, and the committee has no information about the matter except what is given in the hearings. I have read that, and that gives no definite information about the necessity of this building except for the storage of tools.
Mr. PADGETT. Yes; it states the general purposes and the necessity for the consolidation of the work and the machine shops. It states that it is a consolidation work.
Mr. SISSON. I think the gentleman overstates what is stated in the hearings. That may be the purpose of it, but I do not recollect the hearings just in that way. Now, if the cost is limited to $120,000, I have no objection to the item going in.
Mr. PADGETT. It is to increase the shop facilities, and all of that.
Mr. SISSON. I understand. I comprehend the language that the gentleman read. I have read that myself.
Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman from Mississippi [Mr. SISSON] yield?
Mr. SISSON. Now, that language does not cover the item that the gentleman referred to a moment ago, as I take it. It does not seem to be a workshop.
Mr. PADGETT. Yes; it is intended for an enlarged workshop, to increase the facilities for work at the yard.
Mr CALDER. The ship fitters' shop is the principal shop in a navy yard. It manufactures most of the things that go into the ships.
Mr. SISSON. That may be absolutely true, but I am trying to get the information whether $275,000 would not be too much, and, if the appropriation is made, whether that will be the limit of the cost of the shop or not.
Mr. ROBERTS of Massachusetts. Does the gentleman yield for a question?
Mr. SISSON. I do.
Mr. ROBERTS of Massachusetts. I wish to ask the gentleman whether he knows what the ship fitters' shop is?
Mr. SISSON. I do not.
Mr. ROBERTS of Massachusetts. The ship fitters' shop is a great big machine shop filled with planers and drills and all sorts of machines for working iron, steel, and other metal. As the gentleman from New York has said, it is one of the principal machine shops in every navy yard.
Mr. SISSON. I am glad to get that information.
Mr. ROBERTS of Massachusetts. Now, with regard to the limitation that the committee placed on the cost of this build-

ing, if the gentleman will look back through other years he will find that the committee have been authorizing similar shops in other yards at a cost, in some instances, as high as $350,000. In this particular case not only will this building be a great big machine shop, but it will be a storage building. The upper part of it will probably be utilized for storage.

Mr. SISSON. I want to state to the gentleman that I had a conversation a moment ago with a member of the Naval Committee, who stated that he himself was not very well satisfied with the showing that was made in the hearing, and it was upon that information that I made the inquiry. Frankly, I do not know whether $275,000 is enough. It may be entirely too small an amount. I want the navy yard to have whatever is necessary, and if it is necessary to have this amount of money, I do not object to it.

Mr. ROBERTS of Massachusetts. Mr. Chairman, in the present form of the proposition there is no limit of cost on this building. The point of order made by the gentleman from Illinois struck out the limitation of cost, and the subsequent motion of the chairman of the committee will, if adopted, provide for a building without any limit of cost on it.

Mr. SISSON. Then, I think a proviso should be put in there.

Mr. ROBERTS of Massachusetts. That has been done in several instances, and this desperate effort on the part of Democrats to economize results in striking out the provisions that would insure economy.

Mr. SISSON. I will state to the gentleman that I will not do that. I want to offer this amendment, to insert the words—

Provided, That the ship fitters' shop, mold loft, and structural-steel storage plant shall not exceed in cost $275,000.

Mr. CALDER. Make it $250,000.

Mr. SISSON. I put it at $275,000, the amount that was asked for. I want that proviso at the end of line 14.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, amend the amendment by adding at the end thereof the following:

"*Provided*, That the ship fitters' shop, mold loft, and structural-steel storage plant shall not exceed in cost the sum of $275,000."

Mr. ROBERTS of Massachusetts. Mr. Chairman, I reserve a point of order.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the amendment.

Mr. ROBERTS of Massachusetts. Regular order, Mr. Chairman.

Mr. SISSON. Now, Mr. Chairman, if I may, I want to state my reasons for this.

Mr. ROBERTS of Massachusetts. Regular order, Mr. Chairman.

Mr. SISSON. I simply desire to state to the Chair that it is a limitation upon the appropriation.

Mr. ROBERTS of Massachusetts. If I understand correctly, when the regular order is demanded a point of order reserved must either be made or withdrawn.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. SISSON. Mr. Chairman, I would like to be heard.

Mr. FOWLER. Mr. Chairman, I have reserved the point of order.

Mr. ROBERTS of Massachusetts. I call for the regular order.

Mr. FOWLER. Well, Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is overruled. The question is on the amendment offered by the gentleman from Mississippi to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. AYRES. Mr. Chairman, I offer the following amendment, to be inserted in the bill as a new paragraph.

The Clerk read as follows.

Insert as a new paragraph the following:

"That the Secretary of the Navy shall appoint a commission, to serve without pay other than actual expenses incurred, to consist of three persons, one of whom shall be appointed from the line officers and one from the staff officers of the Navy and one from civil life, which commission shall consider and report to the next regular session of Congress upon the question whether it is advisable to sell any of the navy yards, and if so, which; and, as to each of said yards said commission shall report as to its cost, its area, its present value, including in separate items the value of the land, structures, machinery, and other personal property; the depth of water at the yard, and whether it remains and will remain at such depth or will require expense to keep open its water communication; its condition as to being in working order or otherwise; the condition and value of its 'plant' in the different departments; its advantages and disadvantages as a naval station, and for the construction of vessels; its probable value for other purposes in case the yard is discontinued; whether there is any demand for the yard for mercantile or other purposes; whether it can probably be sold, and at what price, in case of discontinuance; the annual cost during each of the past 15 years of maintaining it; the value of what it has produced during each of said years, so far as it can be ascertained; its value or necessity for purposes of defense on that part of the coast where it is situated or in general, and also as regards any city in its vicinity; and any other facts which such commission may deem useful or advisable to report in regard to this question."

Mr. SAUNDERS. Mr. Chairman, I reserve a point of order upon that. I will make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Naval station, Guantanamo, Cuba: Recreation building for enlisted men, $30,000.

Mr. TRIBBLE. Mr. Chairman, I make the point of order to the paragraph, or I will move to strike it out.

Mr. COX. Mr. Chairman, I make a point of order.

Mr. PADGETT. Will the gentleman reserve the point of order?

Mr. COX. No; I think we must be getting along on this bill.

Mr. PADGETT. On what ground does the gentleman make the point of order?

Mr. COX. There is no law to support the appropriation, no organic law.

Mr. PADGETT. There is a station there, and we have 16,000 men there, and this building is to take care of them. There is no place to take care of these men.

Mr. COX. The language of the bill is that it is for a recreation building.

Mr. PADGETT. That is what it is.

Mr. COX. Is there any law that authorizes it, any law upon which to hang the appropriation?

Mr. PADGETT. There is a law establishing the station, and that carries with it the right of Congress to appropriate for whatever buildings are necessary.

Mr. COX. It might be necessary to have buildings to sustain life and health.

Mr. PADGETT. This is for the health of the men. The officers there have a building already, but the men have none.

Mr. COX. Perhaps the officers ought not to have had a recreation building at public expense. I make a point of order on it.

Mr. PADGETT. Mr. Chairman, I do not think it is subject to a point of order.

Mr. DYER. It is a work in progress.

Mr. COX. It is not a work in progress.

Mr. HOBSON. Mr. Chairman, in a tropical country or a subtropical country, like Cuba or the Philippines, it is recognized as one of the necessities for the health to have such a building as this would be. This is as much of a necessity down there as any shop or other building would be in a navy yard or a naval station in a higher latitude. If anyone has ever stayed there in a rainy season and seen the constant rains and the depression of it all, they would recognize that it is absolutely essential for the health of the men that they should have this opportunity and convenience.

Mr. BATES. Will the gentleman yield for me to read what Admiral Stanford said upon this matter?

Mr. HOBSON. I should be glad to have the gentleman do it.

Mr. BATES. I will read:

Admiral STANFORD. As Guantanamo will probably be the permanent base of the Atlantic Fleet during the winter months, steps should be taken to equip the station with facilities for the entertainment and amusement of the enlisted men.

A building has already been provided for the use of commissioned officers and the erection of a building for warrant officers has been authorized. There is, however, nothing provided for the enlisted men except a small Young Men's Christian Association building on Deer Point, which is inadequate both in size and equipment. To the end that this deficiency may be corrected, the commander in chief recommends an appropriation of $30,000 for the purpose of erecting a suitable recreation building, such building to accommodate a large recreation hall, reading and writing rooms, billiard rooms, bowling alleys, etc. The construction need not be of an elaborate design, and it is thought that for the modest sum mentioned a most suitable building can be constructed; and the equipment can be supplied from the profits of the canteen.

Mr. Chairman, I think in the interest of the enlisted men that this ought not to be objected to.

Mr. HOBSON. Mr. Chairman, at nearly every military station you will find a post exchange. This is the counterpart of a post exchange, and no point of order would lie against an appropriation for a post exchange.

The CHAIRMAN. The Chair is prepared to rule.

Mr. BATES. Mr. Chairman, will the Chair permit me to read two or three lines further as to the character of the building proposed?—

Wood frame, covered with galvanized corrugated iron, with showers, toilet facilities, and lighting. No heat will be required.

The CHAIRMAN. How many men are there?

Admiral STANFORD. Probably 30 or 40 vessels, averaging 750 men each.

There are about 16,000 enlisted men.

Mr. TRIBBLE. Is it not a fact that they have shifted that station once since it was located there, and that they now propose to move it to a different place?

Mr. BATES. I think not.

Mr. PADGETT. Not at all.

Mr. TRIBBLE. Was not that in the hearings?

Mr. BATES. This is a part of the Naval Establishment.

Mr. TRIBBLE. Is it not a fact that on account of that shift there is no appropriation made for this station, and that this committee intends to start from here next week to see whether or not there ought to be a station at Guantanamo?

Mr. PADGETT. There is one there.

The CHAIRMAN. The Chair is of opinion that the paragraph is obnoxious to Rule XXI, paragraph 2, as new legislation, and calls attention to paragraph 3755 of Hinds' Precedents, volume 4, as a case in point:

The construction of barracks at a navy yard was held not to be the continuation of a public work or object. On May 17, 1902, while the naval appropriation bill was under consideration in Committee of the Whole House on the state of the Union, the paragraph was read making appropriation for various improvements and repairs at the navy yard, New York.

Thereupon Mr. JOHN J. FITZGERALD, of New York, offered the following amendment:

"On page 28, line 15, after the word 'dollars,' insert 'barracks for enlisted men to cost $500,000, $200,000.'"

Mr. GEORGE E. FOSS, of Illinois, made a point of order.

After debate the Chairman held:

"The rule invoked in this instance by the chairman of the committee is one which has not at all times and by all Chairmen been similarly interpreted. In the opinion of the present occupant of the chair a rather large hole was driven through the rule in order to permit the construction of battleships without special authorization; but it seems to the Chair that the entering upon the construction of barracks in the way suggested by this amendment is the entering upon a new line of work. It is not a necessary adjunct to the New York Navy Yard. It is not, in the opinion of the Chair, under a strict interpretation of the rule, a proper amendment. It is, in the opinion of the Chair, under a fair construction of the rule, obnoxious to it. The statute expressly provides, in reference to barracks for the Army, that they can not be constructed except after specific estimates therefor shall come to the House, and then only by a special act providing for them. Now, while that does not apply to the Navy, it seems to the Chair that in interpreting the rule it is fair to consider that provision. As the Chair intimated, the decisions have not been identical; but the notion of the Chair is borne out by ample precedents that this amendment is not in order, and the Chair therefore sustains the point of order."

The Chair thinks that case cited is in point, and sustains the point of order.

The Clerk read as follows:

Naval station, Pearl Harbor, Hawaii: Water-front development, $100,000; water system, $30,000; power distribution, mains and conduits, $65,000; railroad equipment, $30,000; boat landings, $5,000; two officers' quarters, $24,000; torpedo-boat slips, $50,000; ice plant and refrigerating system, $25,000; one dry-dock crane, $100,000; marine railway, $100,000; naval hospital, to continue, $100,000; in all, $629,000.

Mr. TRIBBLE. Mr. Chairman, I make the point of order against the words "two officers' quarters, $24,000."

Mr. ROBERTS of Massachusetts. Mr. Chairman, I do not think the point of order in this case will lie, because the organic act creating this naval station made provision and allowance for all the different classes of buildings that would be necessary for a fully equipped station, and all these other items come under that provision.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. Yes.

Mr. BATHRICK. I desire to ask the gentleman if he does not think it a little strange that a point of order will lie against a building for enlisted men to cost $30,000 and will not lie against one for officers to cost $24,000?

Mr. ROBERTS of Massachusetts. It depends entirely upon the authorization.

Mr. TRIBBLE. Mr. Chairman, I will refer the Chair to volume 4 of Hinds' Precedents, section 3758:

An appropriation for officers' quarters at a navy yard is not in order on the naval appropriation bill as in continuance of a public work.

Mr. BATES. Mr. Chairman, may I read the organic law, which I had the honor to present in this House?

Pearl Harbor, Hawaii: The Secretary of the Navy is hereby authorized and directed to establish a naval station at Pearl Harbor, Hawaii, on the site heretofore acquired for that purpose, and to erect thereat all the necessary machine shops, storehouses, coal sheds, and other necessary buildings, and to build thereat one graving dry dock capable of receiving the largest vessels of the Navy, etc.

Now, I believe, Mr. Chairman, that a fully equipped naval station such as this act of Congress contemplated—and this was purely a piece of legislation, which included the words "with all necessary buildings"—would certainly include officers' quarters, because a naval station of the size contemplated for Pearl Harbor would be certainly incomplete without sufficient quarters for the officers who would be in charge of that station, and therefore it would clearly come under the express words "and other necessary buildings." It is the act of May 3, 1908, found on page 599 of the Navy Yearbook.

The CHAIRMAN. The Chair is of the opinion that the point of order made by the gentleman from Georgia is not well taken, in view of the statute establishing the naval station.

Mr. TRIBBLE. I move to strike out, on page 26, lines 20 and 21, the words and figures "water-front development, $100,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, lines 20 and 21, strike out the words and figures "water-front development, $100,000."

Mr. ROBERTS of Massachusetts. If the gentleman will yield, I would like to ask him a question. Does the gentleman from Georgia [Mr. TRIBBLE] think he could see any more in a navy yard or understand its operations any better if he went there in his official capacity rather than as a plain individual?

Mr. TRIBBLE. If I went there in an official capacity I would make an inspection. I would consult the officers and men in charge of the navy yard, and they would show me the courtesy of explaining the navy yard to me.

Mr. ROBERTS of Massachusetts. Let me say to the gentleman that if he will go to any navy yard of this country and tell them that he is a member of the Committee on Naval Affairs he will see as much of it as if he had gone there with every other member of the Naval Committee, and just as much courtesy will be shown him. What I asked the gentleman was, if he thought he could see any more in a navy yard or understand its operation any better if he went there in his official capacity than as a plain individual?

Mr. TRIBBLE. In what kind of an attitude does the gentleman think I would be if I went down to the Norfolk Navy Yard or to the Boston Navy Yard and said that I was a member of the Naval Committee and came there to inspect the yard?

Mr. ROBERTS of Massachusetts. If the gentleman really wanted information they would give it to him at first hand, and they would welcome him and show him courtesy in every yard he entered.

Mr. GARNER. Mr. Chairman, a parliamentary inquiry. What is before the House?

Mr. PADGETT. Mr. Chairman, I move that all debate on this paragraph and all amendments be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. TRIBBLE].

The question was taken, and the amendment was rejected.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask unanimous consent to return to line 18, page 26, for the purpose of correcting a misspelled word to which my attention has just been called. In the copy of the bill before me, which I understand is a copy that all Members have, the word "pontoons" is spelled with only one "o" in the second syllable. There should be an "o" added.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. TRIBBLE. I move to strike out, on page 27, line 2, "marine railway, $100,000." As the chairman has cut off debate, I would like him to state what a marine railway is. I do not think the Members of this House know.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, line 2, strike out the words "marine railway, $100,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. TRIBBLE].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Hereafter pilotage receipts at Pearl Harbor, Hawaii, may be applied by the Secretary of the Navy, so far as may be necessary, not exceeding $3,000 per year to payment of the salary of the harbormaster at said port.

Mr. TRIBBLE. Mr. Chairman, I make a point of order against that paragraph.

Mr. FOWLER. And I make a point of order against that paragraph.

Mr. PADGETT. It is good legislation, Mr. Chairman, but it is subject to a point of order.

Mr. TRIBBLE. Mr. Chairman, I think the statement of the gentleman is entirely unauthorized and out of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Buildings and grounds, Naval Academy: For the purchase of the necessary land for the location of the Naval Academy dairy, at some point in the vicinity of Annapolis, Md., convenient for communication and for the transportation of dairy products from the location of the

dairy to the Naval Academy, and for the transfer to new dairy site, and reerection thereon, of buildings belonging to the present dairy, the repair and alteration of such buildings as may be found on the land to be purchased, and for all other necessary purposes connected with the establishment of a dairy on such land, $100,000: *Provided*, That the cost of said land shall not exceed $75,000: *Provided further*, That the amount appropriated for this purpose shall be treated as an advance to the midshipmen's store fund at the Naval Academy, to be ultimately repaid to the United States.

Mr. TRIBBLE. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The gentleman must wait until the Clerk has finished reading the paragraph. It is not in order to make the point now. The Clerk will proceed.

The Clerk read the remainder of the paragraph, as follows:

And provided further, That expenditures hereunder shall be reported by the Chief of the Bureau of Supplies and Accounts to the Secretary of the Navy in the same manner as now prescribed by law for the midshipmen's store fund; wharf and approach (to cost not exceeding $125,000), $50,000; in all, $150,000.

Mr. FOWLER, Mr. TRIBBLE, and Mr. HENSLEY, respectively, made a point of order against the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER], the gentleman from Georgia [Mr. TRIBBLE], and the gentleman from Missouri [Mr. HENSLEY] make a point of order against the paragraph.

Mr. LINTHICUM. Mr. Chairman, I ask that the gentleman from Georgia [Mr. TRIBBLE] will reserve the point of order for a few minutes.

Mr. FOWLER. I make the point of order.

The CHAIRMAN. Will the gentleman from Georgia reserve the point of order?

Mr. TRIBBLE. No. I will not reserve it.

Mr. HENSLEY. I insist upon the point of order, Mr. Chairman.

Mr. BATES. I call for the regular order, Mr. Chairman.

Mr. TRIBBLE. I will reserve the point of order.

The CHAIRMAN. The regular order is demanded. The point of order is sustained.

Mr. LINTHICUM. Mr. Chairman, I understand the gentleman from Georgia [Mr. TRIBBLE] reserves his point of order.

The CHAIRMAN. The point of order is insisted upon.

Mr. TRIBBLE. I reserve the point of order, Mr. Chairman.

Mr. LINTHICUM. Mr. Chairman——

The CHAIRMAN. Three gentlemen have made the point of order.

Mr. PADGETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PADGETT. Was the point of order made to the whole paragraph, or only down to the word "fund," on page 28, line 3?

The CHAIRMAN. The point of order was made against the paragraph.

Mr. PADGETT. Then, Mr. Chairman, I offer as an amendment a new paragraph.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. I should like to know who made the point of order.

The CHAIRMAN. The gentleman from Missouri [Mr. HENSLEY].

Mr. LINTHICUM. I will ask the gentleman from Missouri to reserve his point of order for a moment, until I can explain the item.

The CHAIRMAN. It is now too late.

Mr. TRIBBLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TRIBBLE. The gentleman from Tennessee [Mr. PADGETT] now proposes to use the words "wharf and approach, not to exceed $125,000." He proposes to appropriate $50,000. Now, the gentleman from Tennessee undertakes to save this paragraph by using that language. The Chair will recall that I made the point of order before the Clerk read that part.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] is recognized.

Mr. PADGETT. Mr. Chairman, I offer an amendment as a new paragraph: "Buildings and grounds, Naval Academy: Toward the construction of wharf and approach, $50,000." [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The Clerk read as follows:

After line 9, page 27, insert the following: "Buildings and grounds, Naval Academy: Toward the construction of wharf and approach, $50,000."

Mr. ROBERTS of Massachusetts. Mr. Chairman, I offer an amendment to the amendment adding, after the words of the amendment, the following: "And the cost of the same shall not exceed $125,000."

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amendment to the amendment: After the figures "$50,000" insert the following: "And the cost of the same shall not exceed $125,000."

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the amendment to the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] reserves a point of order against the amendment to the amendment.

Mr. ROBERTS of Massachusetts. Now, Mr. Chairman, I made that amendment for a purpose. When the last preceding item of this kind was stricken out on a point of order, where the cost was limited, after the gentleman from Tennessee [Mr. PADGETT] offered an amendment the gentleman from Mississippi [Mr. SISSON] offered an amendment to the amendment limiting the cost. That was in relation to the ship fitters' shop at Puget Sound, at Bremerton, to which the gentleman raised a point of order, and the Chair then overruled the point of order.

Now, I thought if the Chair was going to overrule points of order against these limits of cost, we had better restore them as fast as they go out.

Mr. SISSON. Mr. Chairman, my amendment was not of the same character nor in the language of the gentleman's amendment at all.

Mr. ROBERTS of Massachusetts. It does not make any difference what the wording of it was. It was a limitation on the cost of the building. The gentleman will not deny that, will he?

Mr. SISSON. I was endeavoring to help out the gentleman and his Naval Committee when I offered that one; but I think his amendment is clearly subject to the point of order if the paragraph is subject to the point of order.

Mr. ROBERTS of Massachusetts. Mr. Chairman, if the limitation of cost is subject to a point of order, it is just as much subject to it if you say "provided that the cost shall not exceed so much," as it is if you say "the cost shall not exceed so much." It is simply splitting hairs.

The CHAIRMAN. The Clerk will report the amendment again.

The Clerk read as follows:

Page 27, after line 9, insert the following as a new paragraph: "Buildings and grounds, Naval Academy: Toward the construction of wharf and approach, $50,000."

Amendment to the amendment: Add, after the words "$50,000," the following: "And the cost of same shall not exceed $125,000."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. ROBERTS of Massachusetts. Mr. Chairman, a point of order has been reserved against that. I call that to the attention of the Chair, having in mind the decision of the Chair on the amendment offered by the gentleman from Mississippi [Mr. SISSON] limiting the cost of the ship fitters' shop at the Puget Sound Navy Yard.

The CHAIRMAN. The language in the amendment offered by the gentleman from Tennessee [Mr. PADGETT] is qualified. It says:

Toward the construction.

Mr. MANN. I take it that the question would be whether the original amendment was subject to a point of order. I did not hear the decision of the Chair on the Puget Sound item.

The CHAIRMAN. There was no point of order made against the original amendment.

Mr. ROBERTS of Massachusetts. If the Chair will pardon me, a point of order was made, because the limit of cost of the building had been fixed at $275,000, and the Chair ruled that out. Thereupon the chairman of the committee [Mr. PADGETT] offered an amendment, toward that building, so much money, and the gentleman from Mississippi [Mr. SISSON] offered an amendment to the amendment, again limiting the cost to $275,000, to which I made a point of order; and the Chair overruled my point of order, and the amendment to the amendment was agreed to.

The CHAIRMAN. The Chair did not understand that——

Mr. MANN. I think that ruling of the Chair was correct, because the item itself offered as an amendment was subject to a point of order. That was the amendment providing for a new building; and being subject to a point of order, it was in order to offer a limitation. Whether this wharf and approach item is subject to a point of order I do not know. That is another question.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment and the amendment to the amendment were again read.

The CHAIRMAN. Did the gentleman from Illinois [Mr. FOWLER] reserve a point of order to the amendment offered by the gentleman from Tennessee?

Mr. FOWLER. I reserved a point of order upon the amendment to the amendment.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. FOWLER. I make the point of order.

Mr. MANN. Will my colleague yield a moment?

Mr. FOWLER. Yes.

Mr. MANN. If this limitation goes out, then there will be no limitation on the cost of this wharf; and if we authorize its commencement, it then becomes a work in progress, which will authorize an appropriation of any size hereafter. So there is nothing gained by cutting off the limitation of cost.

Mr. FOWLER. Yes; but $125,000 limitation was intended to be a limitation upon the establishment of a dairy farm and not a limitation upon the establishment of a wharf and approach.

Mr. MANN. Oh, no; it is upon the wharf and approach.

Mr. FOWLER. No; because the approach is proposed by the bill to be completed for $50,000.

Mr. MANN. I think my colleague is mistaken. If he will look at page 28 of the bill, which he has there, in line 3, he will see that it reads:

Wharf and approach (to cost not exceeding $125,000), $50,000.

So that that limitation was upon the cost of the wharf. Now, without any limitation in the bill upon the cost of the wharf, if we commence it, the authority is given to appropriate any sum of money hereafter to complete it, and there will be no limit on the cost.

Mr. ROBERTS of Massachusetts. Will the gentleman from Illinois yield to me for a moment?

Mr. FOWLER. Yes.

Mr. ROBERTS of Massachusetts. I want to point out what one of these points of order has resulted in where somebody on the other side raised a point of order against the limitation of cost. Take the item for the 150-ton crane in the Norfolk Navy yard, to cost $300,000. In this bill that was reported at $100,000. The crane was to cost $300,000. The point of order was made against the paragraph because the limitation of cost was placed in it. The chairman of the committee promptly offered an amendment providing for a crane to cost $300,000 in the bill, and the gentleman's point of order has increased the bill $200,000. That is economy, I suppose?

Mr. FOWLER. The gentleman from Massachusetts voted for it, did he not?

Mr. ROBERTS of Massachusetts. Certainly; why should not I?

Mr. FOWLER. That is his idea of economy.

Mr. ROBERTS of Massachusetts. The gentleman's idea of economy was by making a point of order and striking out the item to cause an increase in the bill of the amount appropriated $200,000. His object in so doing is far beyond my conception.

Mr. FOWLER. The gentleman's idea of economy is when points of order are sustained against illegal provisions in the bill by the genius of his jingo policy he proposes to double or treble the amount by amendments.

Mr. ROBERTS of Massachusetts. The motion to double or treble the appropriation came from the other side and not from this side.

Mr. FOWLER. The gentleman himself helped to furnish votes to put into the bill the $300,000.

Mr. ROBERTS of Massachusetts. But if the gentleman from Illinois [Mr. FOWLER] had not raised the point of order, there would have been no opportunity to increase the amount.

Mr. PADGETT. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. FOWLER. Mr. Chairman, I did not understand the ruling of the Chair.

The CHAIRMAN. The point of order is overruled.

Mr. FOWLER. Why, Mr. Chairman, it is clearly permanent legislation, not authorized by law.

The CHAIRMAN. The point of order is overruled, and the question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment as amended.

Mr. LINTHICUM. Mr. Chairman, I want to say regarding this clause that has been stricken out with reference to the Naval Academy that it is a most important item. In 1910 there was an epidemic of sickness at the academy, and after it abated the gentlemen in charge purchased 125 cows. This money was taken from the midshipmen's store fund, and after this purchase the intestinal trouble and typhoid fever almost entirely disappeared.

According to the report made by Paymaster Bryan, from October 1, 1910, to September 30, 1911, during the time the academy was purchasing milk, there were 1,598 cases of sick leave, an average of 123 per month, and during the year after they had purchased the cattle it was reduced to 296 sick leaves, or less than 25 per month.

This 100 or 125 head of cattle are pastured on 6 acres of land, a part of the campus of the Naval Academy. The object of this appropriation was to buy some land adjoining their present tract, or just across the water, and to remove the buildings from that point over there where they could pasture cattle and grow their own corn for a silo, and where better milk could be had for the boys. At present they have but 6 acres of land to graze upon. If we purchased this land they would possess ample pasturage for their stock, which would not only result in a gain of more milk, but at the same time it would be cheaper. These boys do not come from any one section, they come from all over the country; they come from your district and my district, from homes where they have had every accommodation and every facility, to this school. All this appropriation asked was that we might buy some land to pasture the cattle and give them better milk and a better supply.

Mr. HENSLEY. Will the gentleman yield?

Mr. LINTHICUM. Let me say first that this money was not to be given permanently by the Government, but was to be charged against the midshipmen's store fund.

The boys were to pay this money back to the Government, so that in the end it would cost the Government nothing.

Mr. HENSLEY. Where were the butter and milk purchased before they established the dairy?

Mr. LINTHICUM. They had a contract with some people in the neighborhood, and when they could not furnish all they bought part of it from other people.

Mr. HENSLEY. Where everybody else got their butter—on the market?

Mr. LINTHICUM. No; they had a contract with a certain farmer to furnish them milk, and when he could not furnish a sufficient supply he bought from other people to comply with his contract.

Mr. HENSLEY. Mr. Chairman, I want to state to the gentleman that my position is this: Here is a proposition to buy so many hundred acres of land, without any sort of an effort made by anybody to ascertain what the land will cost, a lump-sum appropriation of $75,000 to buy a tract of land. There is no option obtained upon the land, nobody has made any effort to ascertain what the land will cost. It may be worth $10,000, $15,000, or $20,000, but as soon as this appropriation is made in this fashion the land will immediately enhance in value and, of course, become worth the full amount of the appropriation, and that is the reason why I raised the point of order.

Mr. LINTHICUM. Mr. Chairman, I think the gentleman could have implicit confidence in the men in charge of the Naval Academy, who have conducted it so admirably, and he could leave it to them.

Mr. CANTRILL. Mr. Chairman, I would like to ask the gentleman from Maryland where these cows came from?

Mr. LINTHICUM. These cows were purchased under the supervision of the Bureau of Animal Industry.

Mr. PAYNE. I make the point of order that there is no question before the committee.

Mr. CANTRILL. As I understand the gentleman, he said that the 125 cows cost $40,000.

The CHAIRMAN. The gentleman from Maryland has the floor on a motion to strike out the last word.

Mr. PAYNE. But I understood the paragraph had already been adopted, and nothing else has been read, so that the amendment would not be germane.

Mr. LINTHICUM. The $125,000 was for the cattle, the buildings, and the silo. The money by which these cattle and buildings were acquired was paid for out of money which the boys saved.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. PADGETT. Mr. Chairman, I will ask the gentleman to extend his remarks in the RECORD. I would be glad under other circumstances to accommodate him, but that item has been passed and it is out of the bill.

Mr. LINTHICUM. Mr. Chairman, I have been helping to keep this quorum here for two days and have not taken up any of the time of this House. I ask unanimous consent for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, I want to say to the gentleman that these buildings were purchased and constructed out of the money saved from the midshipmen's store fund. It was the intention of those who asked for this appropriation to secure this loan of $75,000, the money to be repaid the Government out of the store fund. In reality it was to cost the Government nothing. The boys were to pay the entire cost. It was merely a loan from the Government to the Naval Academy.

Mr. HENSLEY. Does the gentleman think it is a good business proposition for the Government to appropriate $75,000 for the purchase of so many acres of land without ascertaining what the land can be purchased for, or anything of that kind? Would that appeal to the gentleman as a business proposition? Now, it was for this reason I made the point of order against the item to which the gentleman refers.

Mr. LINTHICUM. If I had agents in whom I had implicit confidence and I wanted to acquire certain land in a certain community I would not hesitate to trust those agents to buy it.

Mr. COOPER. Mr. Chairman, will the gentleman permit an interruption?

Mr. LINTHICUM. Certainly.

Mr. COOPER. Would it not be proper to suggest in reply to the gentleman's question that this land was to be taken by the United States Government for a public purpose? Could it not condemn the land for that purpose and not be held up by the owner of the land?

Mr. LINTHICUM. Mr. Chairman, I desire to say to the gentleman that in my experience in public life condemnations have been expensive. I believe this land can be bought reasonably. I believe it can be bought far more reasonably to-day than it can next year or in the next two or three years. I know the community. It is my native county. I know the people and I know the money would be expended wisely and judiciously. I know it would prove a splendid investment for our Naval Academy to secure this land.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Naval proving ground, Indianhead, Md.: Addition to facilities, $29,000; storehouse for nitrate of soda, $15,000; in all, naval proving ground, Indianhead, $44,000.

Mr. SISSON. Mr. Chairman, I would like to ask the gentleman from Tennessee in regard to "addition to facilities, $29,000."

Mr. PADGETT. It is an addition to the facilities there for the manufacture of powder.

Mr. SISSON. Is that item technically correct?

Mr. PADGETT. Yes; because it consists of a number of items, adding to others so as to enlarge the capacity and output.

Mr. SISSON. There is where they manufacture the powder, and it is called "facilities."

Mr. PADGETT. Well, it is facility to manufacture there. It is a powder manufacturing plant, and that consists of a number of facilities. We add others of this kind here and there, and instead of specifying each one of them we say "addition to facilities."

Mr. SISSON. Almost everything could be paid for out of that item.

Mr. PADGETT. Yes.

Mr. SISSON. Whether it is in reference to powder or not, it could be paid for with reference to anything about the building.

Mr. PADGETT. There is nothing there except the manufacture of powder and the testing of guns.

Mr. BURNETT. Is the nitrate of soda used in the manufacture of powder?

Mr. SISSON. Yes.

The Clerk read as follows:

The Secretary of the Navy is directed to investigate and report at the next regular session of Congress the most suitable location for a new firing and proving range for high-power guns of the Navy in the vicinity of the proving grounds, Indianhead, Md., or elsewhere, having a free and unobstructed range of not less than 18,000 yards, and the cost thereof, and the Secretary of the Navy is authorized to secure options for the purchase of said land and report said options to Congress for its future consideration and action.

Mr. TRIBBLE. Mr. Chairman, I make the point of order against that paragraph.

Mr. PADGETT. Mr. Chairman, it is subject to the point of order.

The CHAIRMAN (Mr. GARRETT). The point of order is sustained.

The Clerk read as follows:

Engineering experiment station, Annapolis, Md.: Concrete sea wall, $50,000.

Mr. SISSON. Mr. Chairman, I reserve a point of order against the paragraph for the purpose of asking the gentleman from Tennessee what is the authority for the construction of this sea wall at this experiment station?

Mr. PADGETT. We have an experiment station there, and we own the ground, and the buildings are right on the bank, and the grounds are washing away.

Mr. SISSON. Does the organic act give this authority to the Congress to build a sea wall?

Mr. PADGETT. Certainly. This is on the academy grounds there, and we have had one at another point. It is within the act to appropriate to erect walls to preserve the property.

Mr. SISSON. Well, it is not specifically stated in the organic act that they may build a sea wall?

Mr. PADGETT. No; I do not know.

Mr. SISSON. This has nothing to do with the ordinary building of a building and grounds in reference to a college or school.

Mr. PADGETT. I have not looked up the act establishing the Naval Academy and acts amendatory thereof, but they have been building a sea wall there for years. We are doing experimental work there.

Mr. SISSON. That does not necessarily mean this item is not subject to the point of order.

Mr. PADGETT. I know; but we are building one, and have been for years.

Mr. SISSON. I understand that, but necessarily it does not prevent this being subject to the point of order.

Mr. PADGETT. I said to the gentleman I had not looked up the act establishing the Naval Academy or the amendatory acts.

Mr. SISSON. Mr. Chairman, I make the point of order. I would like the gentleman from Tennessee to show the authority for this appropriation.

Mr. PADGETT. Just a moment, Mr. Chairman. The experiment building stations are on filled ground projecting into the Severn River from the shore opposite the Naval Academy. The site is at present protected by timber and plank bulkheads, the areas between the bulkheads and the building being paved with brick. The timber work, although creosoted, is very badly eaten by the teredo. Large areas of the filling have washed out and the pavement has fallen in.

Mr. SISSON. But a statement of the testimony does not give the authority.

Mr. PADGETT. This is simply a rebuilding of an old wall, practically. We have got a wall there that has given way, and this is simply to rebuild and repair the wall that is there.

Mr. SISSON. The wall that is there is made of wood, is it?

Mr. PADGETT. Yes, sir.

Mr. SISSON. That is the testimony?

Mr. PADGETT. Yes.

Mr. SISSON. Where is the act; that is what I do not know?

Mr. PADGETT. When we established the station——

The CHAIRMAN. Are the gentlemen discussing the point of order?

Mr. SISSON. Yes; I wanted to know what the authority is to build it.

Mr. PADGETT. We have an existing wall there that has given way, and this is to rebuild and repair an existing public work, and it is not subject to the point of order.

The CHAIRMAN. The Chair overrules the point of order. The Clerk will read.

The Clerk read as follows:

Naval magazine, Mare Island, Cal.: One magazine building, $15,000; two filling houses, $2,400; extension of sea wall, $2,500; in all, $19,900.

Mr. KNOWLAND. Mr. Chairman, I move to strike out the last word. This morning, when the gentleman from Mississippi was addressing the House, he took occasion to make an attack upon the Mare Island Navy Yard, located in California. I want to say in this connection that the Mare Island Navy Yard——

Mr. SISSON. I want to say to the gentleman that there were two "gentlemen from Mississippi" who addressed the House this morning. It was the other gentleman who referred to the Mare Island Navy Yard. I said nothing about it.

Mr. KNOWLAND. I referred to the other gentleman from Mississippi [Mr. WITHERSPOON]. The gentleman's apology is accepted.

While after March 4 I will no longer represent the Mare Island Navy Yard, I nevertheless feel there should not go into the RECORD statements such as he made without being refuted, particularly in view of the fact that they were misstatements——

Mr. SISSON. I will ask the gentleman to yield for just a moment. I notice that my colleague from Mississippi [Mr. WITHERSPOON] is not on the floor. I want that to be noted in the RECORD.

Mr. KNOWLAND. I wish he were on the floor, because I would like to have him hear what I have to say. I want to state in reference to the Mare Island Navy Yard that it is one of the oldest, the best-equipped and most efficient navy yards in the whole United States. We have only two navy yards on the Pacific coast, the Mare Island Navy Yard and the navy yard located at Puget Sound. Mare Island is the best equipped of any Government yard outside of the one at Brooklyn, and is one of the two navy yards in the country thoroughly equipped for shipbuilding. We have built there the training ship *Intrepid;* we have built there the collier *Prometheus* and the collier *Jupiter.* The records of the department show that of all ships built in Government yards no better record was made than was made at the Mare Island Navy Yard in the building of the ships just mentioned. There is only one criticism that can be made against that yard, and it is in regard to the depth of the channel, and I will admit that there has been some difficulty in that respect.

Mr. MURRAY. Is the gentleman familiar enough to give the committee the information as to the cost of equipping the Mare Island Yard for the shipbuilding facilities referred to?

Mr. KNOWLAND. I remember one item was the building of a cantilever crane, which cost $175,000, and then there were some other items for tools, and so forth, which has made it a thoroughly equipped yard for shipbuilding. Everyone realizes that the draft of vessels has been greatly increased, and there is scarcely a navy yard in the United States where it has not been necessary to expend money for dredging, in order that the larger battleships might be able to enter these yards. This has been true of nearly every harbor within the United States. To meet this condition at the Mare Island Navy Yard there was appointed by the President in 1907 a board of Army and Navy engineers to make a careful study of the hydraulics of the Mare Island straits and approaches with the idea of securing for the channel leading to that yard a sufficient depth of water. They made a report, which I now hold in my hand, known as House Document No. 1103, Sixtieth Congress, second session. Nothing was done in regard to those recommendations until 1911, when estimates were made by the Secretary of the Treasury touching the improvements of the hydraulics of the Mare Island straits and the dredging of the channel in San Pablo Bay, Cal., which are the approaches to this yard. Appropriations were made by Congress, which are continuing appropriations, providing for the improvements as recommended by this Government board.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KNOWLAND. Appropriations were made to give sufficient depth of water in order that the largest battleship afloat might reach that yard. Now, this work is under way, and I have no doubt that when it is completed, and the money has already been provided for it, that we will have leading to the Mare Island Navy Yard a channel sufficiently deep to accommodate the largest vessels. There has been a great deal of money spent there. It is an ideal location for a navy yard because it is sufficiently far away from the Pacific Ocean to be safe from attack by a hostile fleet, and for this reason it has a special strategic advantage.

Mr. PADGETT. If the gentleman will permit, I can give him the amount expended, in answer to the question of the gentleman from Massachusetts [Mr. MURRAY].

The amount for the plant, buildings, and so forth, $17,644,057, and the amount for the maintenance, $17,363,162, making $35,000,000 all told.

Mr. KNOWLAND. That covers the period since the establishment of the yard in the seventies?

Mr. PADGETT. Yes; since its organization.

Mr. KNOWLAND. The question of the gentleman from Massachusetts [Mr. MURRAY], as I understood it, had reference only to what it has taken to equip the yard for shipbuilding, and I answered by giving the cost of a crane. In view of these facts, Mr. Chairman, it would seem unfair for anyone to rise on this floor and say that the Mare Island Navy Yard is useless because there has been some slight difficulty in regard to the depth of channel, when Congress has provided the money necessary to make the depth sufficient to accommodate any vessel afloat.

I have sat here, Mr. Chairman, during the consideration of this bill and have noted the most extraordinary situation which confronts this House. Never before during my nine years of service have I seen such a mix up. We have two Democratic factions among the members of the Committee on Naval Affairs, one faction attacking its own bill and the other faction defending it.

If I were to apply nautical language in describing this committee, I would compare it to a ship at sea with a mutiny aboard, the crew trying to displace the captain and scuttle the ship. The craft is drifting without rudder and without compass, and from present indications is likely to run on the rocks; and in the meantime the Navy of the United States must suffer.

Mr. SISSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] moves to strike out the last word.

Mr. SISSON. Mr. Chairman, in the absence of my colleague, Mr. WITHERSPOON, I desire to say that, while I did not note the exact language of my colleague, my recollection of what he said—and I have not looked at his speech since it has gone into the RECORD, either—is that these stations, many of them, ought to be abolished. He also said something about the conditions at Mare Island. But I am sure that it was not and never is the intention of my colleague to be unfair in any statement that he may make. [Cries of "Read!" "Read!"]

The CHAIRMAN. The pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

For naval magazine, navy yard, Puget Sound, Wash.: One building for storehouse and cartridge-bag factory, $15,000; clearing and grading ground, $3,000; quay wall, $15,000; one filling house, $1,500; one set of quarters for gunner, $6,000; in all, $40,500.

Mr. FOSTER. Mr. Chairman, I make a point of order on "one building for storehouse and cartridge-bag factory, $15,000."

Mr. PADGETT. Mr. Chairman, I will say to the gentleman that the factory part of it is simply just a little room in which to make the bags that go upon the shells and powder. It is only a small part of the item.

Mr. FOSTER. The reason I made the point was to ascertain if it was intended to start a factory there.

Mr. PADGETT. No, sir. The intention is only as I have stated.

Mr. FOSTER. This seems to be an authorization to start a factory. I did not know whether we ought to go into that.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. FOSTER. Yes.

Mr. ROBERTS of Massachusetts. The Chief of Ordnance tells our committee that it is desirable to have a small space at each of these magazines in which to sew up the cloth out of which these powder bags are made, because it is impracticable to make those bags at one central point and send them out through the country for the reason that each batch of powder, if I may so term it, will vary in its power and intensity, and the size of the bag must be varied according to the powder that goes into them. It is not a large establishment, and it would not be a large establishment, because it will handle only the powder that will be stored in this particular magazine.

Mr. FOSTER. It is not large to start with, but it might be developed into a large plant.

Mr. PADGETT. If the gentleman objects to that, just strike out the word "factory" and leave the item for the principal purpose for which it is intended.

Mr. FOSTER. I will state to the gentleman from Tennessee that I do not care particularly about that, but I do not believe, unless we have an absolute assurance against it, that it would be well to let this stand in a shape where a future Congress could take this up as a means of starting a factory out there.

Mr. PADGETT. There is no such intention or desire.

Mr. ROBERTS of Massachusetts. And I may add, in all human probability there will be no necessity for extending it.

Mr. PADGETT. It is only a small matter.

Mr. ROBERTS of Massachusetts. This is really a building with a small space in one end for the sewing of bags.

Mr. FOSTER. I make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. PADGETT. Mr. Chairman, I offer an amendment to insert the words "one building for storehouse, $15,000."

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 29, line 25, insert after the word "Washington" the words "one building for storehouse, $15,000."

The amendment was agreed to.

The Clerk read as follows:

Naval magazine, Hingham, Mass.: Magazine for smokeless powder, with railroad approach and extended fire main, $16,555; railroad track to filling house, $1,890; 1 detonator house, $1,250; 1 guncotton house, $1,250; 1 filling house, $1,500; in all, $22,445.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. Is not this the naval magazine at Hingham that the gentleman from Massachusetts was trying to get rid of a short time ago?

Mr. ROBERTS of Massachusetts. Oh, no. If the gentleman will yield to me, this is a magazine that I had some part in having established at Hingham in order to get a magazine removed from my own city.

Mr. MANN. I know; but some time ago when we had the matter up did they not kick about having this magazine at Hingham?

Mr. ROBERTS of Massachusetts. Some of the people in Hingham kicked.

Mr. MANN. And the gentleman spoke for them?

Mr. ROBERTS of Massachusetts. Oh, no; I was not kicking about it.

Mr. MANN. I am afraid the gentleman's recollection is bad.

Mr. ROBERTS of Massachusetts. No, indeed. I have been perfectly satisfied to have the magazine there.

Mr. FOSTER. It seems to me that the gentleman from Massachusetts, when the people there were wanting to get half pay or one-third pay for that bridge, was very much opposed to this naval magazine.

Mr. ROBERTS of Massachusetts. No; I was not opposed to the magazine being there at all. You have got "the gentleman from Massachusetts" confounded with another gentleman.

Mr. MANN. I may be wrong, but my recollection is very distinct that the gentleman from Massachusetts [Mr. ROBERTS] was rather protesting against imposing upon the people there this dangerous naval magazine.

Mr. ROBERTS of Massachusetts. Oh, no; I never made any opposition on that score.

Mr. MANN. I wondered whether the gentleman wanted to enlarge it.

Mr. ROBERTS of Massachusetts. I got the dangerous magazine out of my city. Why should I complain?

Mr. MANN. If the gentleman says he wants it, for future reference at least I will withdraw the point of order.

Mr. ROBERTS of Massachusetts. The point of order would not lie against it, as the gentleman will see if he will read the organic act.

Mr. MANN. That is another question. I have withdrawn the point of order.

The Clerk read as follows:

Naval magazine, Olongapo, P. I.: Two sets of quarters, chemist and subinspector, $6,000; extension magazine, $1,300; filling house, $4,000; renewal of dock, $4,000; in all, $15,300.

Mr. SISSON. I notice here appropriations are made for certain expenditures in the Philippine Islands. Did the chairman and the committee take into consideration that there is a possibility of the abandonment of the Philippine Islands?

Mr. PADGETT. We will never abandon the naval station at Olongapo.

Mr. SISSON. You expect to keep the naval station there in any event?

Mr. PADGETT. In any event.

The Clerk read as follows:

Naval magazine, Kuahua, Hawaii: Two magazines, $50,000; railroad tracks and scales, $15,000; one gunners' quarters, $7,000; machinery and tools, $20,000; one shipping house, $60,000; building for torpedoes and mines, $50,000; two filling houses, $16,000; one segregation house, $10,000; one bombproof, $1,500; one unfusing roof, $500; building for marine guard, $2,500; compressed air locomotive plant, $18,000; in all, $250,500.

Mr. SISSON. I reserve a point of order against this paragraph for the purpose of making an observation. Will the chairman of the Committee on Naval Affairs tell us the reason for appropriating for one shipping house $60,000?

Mr. PADGETT. This is a part of the Pearl Harbor naval station. It is on a little island just a few yards from the docks, and so forth, and here they have a storage for powder, explosives, and things of that kind.

Mr. SISSON. Separated some little distance from the other?

Mr. PADGETT. Separated from the other. It is a part of the general plan that was authorized, for which the estimates were submitted in 1911.

Mr. SISSON. How far is the shipping house from the magazine?

Mr. PADGETT. I could not say. I have not been there.

Mr. SISSON. Is it a part of it?

Mr. PADGETT. No. You can only reach it by boat, and they must have a house to unload the cargoes into; and then, when they ship anything out they must have a house to handle it.

Mr. SISSON. Did the committee go into the question of the size of the house that was necessary at that place?

Mr. PADGETT. Yes. It is all gone over here.

Mr. SISSON. The committee were thoroughly satisfied that the size of the house was all right?

Mr. PADGETT. Yes.

Mr. SISSON. I notice a provision for a compressed air locomotive plant, $18,000. What do they want of a compressed air locomotive plant?

Mr. PADGETT. This is where they have the powder and the high explosives, and they have to use a compressed air locomotive instead of one that burns coal or gasoline or that uses electricity. They might explode the whole thing.

Mr. SISSON. Mr. Chairman, I withdraw the point of order.

Mr. MANN. I reserve the point of order. How many magazines will there be at this station?

Mr. PADGETT. This one.

Mr. MANN. There are two provided for in this bill.

Mr. PADGETT. Two magazine buildings.

Mr. MANN. I took my expression from the language of the bill, line 16, page 30, "two magazines, $50,000," and there is one already provided for by current law. How many will be required there?

Mr. ROBERTS of Massachusetts. The statement will be found on page 249 of the hearings.

Mr. PADGETT. Last year we appropriated for one magazine, and Admiral Twining says this is a part of the general scheme laid out years ago, and that this completes that general scheme.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

Marine barracks, Boston, Mass.: Barracks, $100,000; officers' quarters, $48,000; in all, $148,000.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. I desire to inquire of the distinguished chairman of the committee if there has previously been established marine barracks at this place?

Mr. PADGETT. Yes.

Mr. FOWLER. It was not carried in the appropriation bill of last year for this purpose?

Mr. PADGETT. No.

Mr. FOWLER. Why should you have this large appropriation of $148,000?

Mr. PADGETT. The marine barracks for which $100,000 is appropriated and the officers' quarters is what $48,000 is appropriated for.

Mr. FOWLER. These are new buildings?

Mr. PADGETT. Yes; both new buildings.

Mr. FOWLER. Do the barracks need repairs?

Mr. PADGETT. They have an old building built many years ago, but it is worn out and very antiquated.

Mr. ROBERTS of Massachusetts. The building was built in 1823—90 years ago.

Mr. PADGETT. It has become insanitary, and in order to serve the meals to the marines they have to serve them in three courses; they have the first table, then the second table, and then the third table.

Mr. MANN. We have more than that while we have the naval bill under consideration. [Laughter.]

Mr. FOWLER. Is it intended to use $100,000 for repairing this building?

Mr. PADGETT. No; that is to build a new one.

Mr. FOWLER. What will you do with the old one?

Mr. PADGETT. Tear it down and build another in its place. The old one is all out of whack. Probably they will sell the old lumber in it and use the bricks.

Mr. FOWLER. Is it necessary to keep up these barracks?

Mr. PADGETT. Oh, yes.

Mr. FOWLER. Well, I think I will withdraw——

Mr. MANN. Will the gentleman first make an inquiry about the officers' quarters?

Mr. PADGETT. The officers' quarters are a part of the marine barracks; their quarters at present are in the old building that I have described.

Mr. COX. How many officers are quartered there?

Mr. PADGETT. I do not know; perhaps the gentleman from Massachusetts knows.

Mr. MURRAY. Twelve to twenty, as a regular thing, but frequently there are more than that, depending upon the number of men stationed there.

Mr. COX. In one building?

Mr. ROBERTS of Massachusetts. They are all in one building now.

Mr. FOWLER. I desire to ask the chairman why we could not provide for officers' quarters in the new building which he proposes to build at a cost of $100,000?

Mr. PADGETT. That will not be large enough to afford accommodation for a large number of marines and the officers in addition.

Mr. FOWLER. Is it proposed to build a building equally as large as the one they now occupy?

Mr. PADGETT. They propose to build a larger one.

Mr. FOWLER. And the old one accommodates the marines and also the officers, as I understand?

Mr. PADGETT. They are quartered there, but it is not satisfactory or sufficiently comfortable.

Mr. FOWLER. Does the gentleman think the new building would be sufficient to accommodate all of them for all purposes?

Mr. PADGETT. The officers in charge submitting the estimate said not.

Mr. FOWLER. Is it not a peculiar idea that the officers want a separate building—are they not rather aristocratic?

Mr. PADGETT. No; that is the practice at all barracks and quarters.

Mr. FOWLER. Mr. Chairman, I feel that the appropriation proposed here is large and might be cut down, but I do not desire to prevent their having quarters such as the men need. If I could believe a saving would be made, I would be glad to have it cut out, but I withdraw the point of order.

Mr. SISSON. Mr. Chairman, I renew the point of order. The gentleman has $48,000 for officers' quarters. I notice in the other paragraph that you provided for two officers' quarters at $24,000. What do officers' quarters generally cost—$12,000?

Mr. PADGETT. That depends upon the rank of the officer. There was a law passed by Congress regulating the price as to the Army, and we have adopted the same with reference to the Navy.

Mr. SISSON. Does the gentleman recollect what those are?

Mr. PADGETT. They run from $8,000 to $15,000, according to my recollection.

Mr. SISSON. Irrespective of the location, the cost of the ground, and the building itself to cost $8,000 to $15,000?

Mr. PADGETT. No; they are usually built on the ground owned by the Government.

Mr. SISSON. I understand; but it is exclusive of the cost of the land upon which it is built?

Mr. PADGETT. Yes.

Mr. SISSON. About $12,000; and I presume with $48,000 it is proposed to provide for four officers' quarters.

Mr. PADGETT. Oh, no; 12 or 15. A good many of them are for bachelors' quarters.

Mr. SISSON. And how many marines do you have there?

Mr. PADGETT. Two or three hundred.

Mr. SISSON. You appropriate $100,000 to take care of two or three hundred marines and $48,000 to take care of 10 or 12 officers. Is not that rather out of proportion?

Mr. PADGETT. No. Under the law an officer is entitled to commutation of quarters at a certain amount.

Mr. SISSON. An officer occupying these quarters will be entitled to commutation of quarters?

Mr. PADGETT. No; if there are no quarters furnished to him, he gets commutation according to his rank.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Marine barracks, Isthmus of Panama: Erection of barracks, quarters, and other buildings for accommodation of marines, $400,000.

Mr. FOSTER. Mr. Chairman, I make the point of order on the paragraph.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. What is the point of order?

Mr. FOSTER. That this is not authorized by law.

Mr. PADGETT. Mr. Chairman, if the gentleman will permit me, I would like to make this statement: Col. Goethals appeared before our committee and stated that he had now about 600 marines down there. They are occupying quarters that were purchased from the French. They are being destroyed by the ants and insects. When the canal is completed the railroad will be placed on the opposite side of the canal from that on which it is running now. The marines will have to be transferred to that side. Col. Goethals said that he had all of his machinery, his cement, and all of his appliances there, and that if we would permit him to build the barracks now instead of later, while he has his plant all in operation, he could build it at a saving of about 40 per cent on the construction.

Mr. FOSTER. Mr. Chairman, in reply to the gentleman from Tennessee, I would say that I think we have already provided for the housing of something like 8,800 soldiers in Panama, and I think in view of that fact that these marines have not been necessary; that nobody would think for a minute that there has been any necessity for a great number of soldiers down there up to this time, and there possibly will not be for some time to come.

The CHAIRMAN. The Chair would suggest that the matter now pending is the point of order.

Mr. PADGETT. Mr. Chairman, I was simply submitting these matters to the consideration of the gentleman to see if he would not withdraw the point of order. He will bear in mind that the marines are used in many services where we do not use soldiers or others.

Mr. FOSTER. I understand that fully.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I would like to submit something on the point of order, and I refer the Chair to the organic act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans, which was approved June 28, 1902, known as the Spooner Act. In section 5 of that act are to be found these words:

And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses by the route finally determined upon under the provisions of this act. Appropriations therefor shall from time to time be hereafter made not to exceed in the aggregate, etc.

Now, the first clause of that act has heretofore been construed by Mr. MANN, of Illinois, in the chair on February 25, 1911, when a provision was under consideration providing for fortifications of the canal, and the gentleman in a long and exhaustive opinion ruled that under that organic act the President could police the canal and could cause to be erected the necessary buildings and fortifications, and so on, to carry out the purposes of the organic act. He said:

The Chair personally has been very much at sea in reference to the desirability of fortifying the canal, but in deciding the point of order the Chair does not pass upon that in any respect. It seems to the Chair that whereas it is provided that the United States shall preserve the neutrality of the canal for the benefit of all nations alike, and that the United States shall provide military police upon the canal to preserve it from disorder, and whereas Congress has provided that the Government shall construct, maintain, operate, and protect the canal, it is quite within the power of the House to determine in what way it should be protected, and whether fortifications are necessary. If fortifications are necessary for protection, then the items in the bill are in order. The Chair therefore overrules the point of order.

Now, the President and the House assenting, they decided it is necessary to keep marines on the Isthmus for police purposes. If we are to keep marines there, we must house them, and here is where we carry authority under the organic act to provide barracks for those police on the Canal Zone.

Mr. SISSON. Now, Mr. Chairman, the gentleman is at total variance with the testimony of Col. Goethals and Secretary of War Stimson when they appeared before the Committee on Appropriations in reference to this matter. Now, this is a matter not of policy, not of defense, so far as the canal is concerned, and is to be no part of the defense of the canal. It is not the policy that it shall be a part of the defense of the canal, and they specifically state that in the selection of this as a policy to put the marines on the Canal Zone, that they are not to be used in the defense of the canal, as I will show in a moment, but they are to be used or kept there so they could easily be transferred for the purpose of policing the South American countries. I read what Secretary Stimson said in answer to a question of the chairman. Mr. SHERLEY was chairman of the subcommittee——

Mr. FOSTER. That is, on fortifications?

Mr. SISSON. On fortifications; and they went over this entire policy of Congress advocated by the Army and by the Navy as to the number of troops that may be kept upon the Canal Zone. Col. Goethals was present at the time this testimony was delivered, and answered questions along at the same time that Secretary Stimson did. In answer to a question by the chairman Secretary Stimson said:

Secretary STIMSON. The Navy has simply asked for permission to put an advance post of their marines there as a convenient place, without reference to the defense of the Isthmus at all, but with reference to Navy operations pure and simple. It would be, of course, a military mistake of a very grave character to count on a force of two kinds, not under the same head, to defend any outpost. The plans for the defense of the Isthmus contemplate simply a defense by a force of troops from the Army.

In the defense of the canal this committee has absolutely no jurisdiction because the Appropriations Committee has juris-

diction of the fortifications and the defense of the Panama Canal entirely.

So Secretary of War Stimson and Col. Goethals both say that these marines are not to be used in the defense of the canal, and that they are no part of the canal establishment and will not be under the control of the——

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr. SISSON. I will.

Mr. ROBERTS of Massachusetts. When did Col. Goethals make that statement?

Mr. SISSON. I read Secretary Stimson's statement, but Col. Goethals was there.

Mr. ROBERTS of Massachusetts. When?

Mr. SISSON. When they had the hearings.

Mr. ROBERTS of Massachusetts. When was that?

Mr. SISSON. During this present Congress. I have not looked up the date there, but it is in the hearings. You will find it in the hearings under estimates for the construction of the Panama Canal fortifications—fiscal year 1914.

Mr. ROBERTS of Massachusetts. Do not the hearings state this date?

Mr. SISSON. There is no date here showing exactly when they appeared. It is one continuous hearing. They had the hearings there from day to day.

Mr. ROBERTS of Massachusetts. Now, I would like to ask the gentleman one further question. Do I understand the gentleman from Mississippi [Mr SISSON] to say that he is quoting the Secretary of War and not Col. Goethals?

Mr. SISSON. What is that?

Mr. ROBERTS of Massachusetts. Do I understand the gentleman to state that he is quoting the Secretary of War and not quoting Col. Goethals?

Mr. SISSON. I am quoting Secretary Stimson. The hearings were commenced on November 18, 1912.

Mr. ROBERTS of Massachusetts. When were they finished?

Mr. SISSON. I do not recall.

Mr. ROBERTS of Massachusetts. And the gentleman is not quoting Col. Goethals at all?

Mr. SISSON. On page 266, if the gentleman has the Panama Canal hearings——

Mr. ROBERTS of Massachusetts. I have not those hearings. I have some others which I want to read in a moment.

Mr. SISSON. Now, Col. Goethals, just before that, was discussing with the Committee on Naval Affairs the permanent camp sites. Now, Col. Goethals was present during the time that Secretary Stimson was there, and their testimony was given together, and they frequently interrupted each other in reference to this matter. But I do not find in the hearings where Col. Goethals has said anything that was applicable to the question at issue now. The Secretary of War, his superior in the department, does make that statement, which is conclusive.

Mr. COX. He never denied the Secretary's statement, did he?

Mr. SISSON. No.

Mr. MADDEN. Does the gentleman know whether the marines belong to the Army or the Navy?

Mr. SISSON. To the Navy.

Mr. MADDEN. Would not this item be properly in this bill, then?

Mr. SISSON. He is contending it is a part of the defense of the canal, and, if it is, it must be a part of the defense of the canal before it can be in order, and it would not be in order on this bill, but on another bill.

Mr. MANN. Will the gentleman yield?

Mr. SISSON. I will.

Mr. MANN. If there was desired to insert an item relating to the Navy for the defense of the canal, does the gentleman contend that the Appropriations Committee would have jurisdiction over a naval item for the defense of the canal?

Mr. SISSON. I do not contend that that would be true, but they must have some specific law authorizing this appropriation, aside from that organic act, before they can hold that this naval bill can carry under that law, as it now exists, a part of the defense.

Mr. MADDEN. Does the gentleman know how many buildings have been erected on the Isthmus of Panama for the quarters of the marines?

Mr. SISSON. I was on the zone, but my information is that they are occupying buildings that were constructed there perhaps for other purposes.

Now, there were a great many buildings improved there for other purposes, and the marines came down without much notice, I understand from Col. Goethals, and he had to put himself to some little trouble to get quarters for them.

The CHAIRMAN. Will the gentlemen permit the Chair to engage the attention of the gentleman from Massachusetts [Mr. ROBERTS] in a little heart-to-heart talk for a moment?

I understand the gentleman read in justification of this clause the word "defense." Now, coupled with that is the language that goes before it. Has the gentleman——

Mr. ROBERTS of Massachusetts. I have not a copy. This is the only one we have on the floor.

The CHAIRMAN (reading)—

And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal—

And so forth.

Mr. ROBERTS of Massachusetts. Now, right on that question——

The CHAIRMAN. Now, will the gentleman permit? Has there been any contract entered into for the marine barracks here?

Mr. ROBERTS of Massachusetts. Not for these proposed barracks; but if the Chair will pardon me a moment, right on the point that the gentleman from Mississippi spoke of, the use of the marine barracks for defense, let me say, in the first place, that the War Department has set aside a location for these barracks for occupation by the marines. A certain tract of land has been set aside expressly for the marines who are to remain on the Isthmus. On January 18 of this year Col. Goethals appeared before the Committee on Naval Affairs, urging the committee to provide for barracks on that location which had been set apart by the War Department for occupation of marines. The gentleman from Pennsylvania [Mr. BUTLER] asked him:

About how many acres were set apart, do you recall?

Col. GOETHALS. No, sir; I do not recall. It is ample for all their needs.

Mr. BUTLER. How far is it from the Miraflores Lock?

Col. GOETHALS. About 5 miles.

Mr. BUTLER. Is it located so that the marines at that point could furnish such protection as might be necessary for this dock?

I want the gentleman from Mississippi to observe this language.

Mr. SISSON. I will.

Mr. ROBERTS of Massachusetts. The answer of Col. Goethals is:

Yes, sir.

Mr. BUTLER. And you had that in view at the time of the selection?

Col. GOETHALS. No, sir; the site had in view more the location of Panama. The marines are camped within a thousand feet of the dry dock.

Mind you, this land was selected by Col Goethals, having in view the defense of these locks by the marines. You see they are to defend not only the locks but the dry dock as well, and this location was selected with that in view.

Mr. SISSON. I will give you what Col. Goethals said before the Committee on Appropriations about it, in answer to the chairman's question about the $400,000 item for the marine camp, the very item which is carried in this bill.

Mr. ROBERTS of Massachusetts. What committee hearing is the gentleman about to read from?

Mr. SISSON. From the hearings before the subcommittee of the Committee on Appropriations on the fortifications appropriation bill. After hearing the chairman's question in reference to the $400,000 marine-camp item, Col. Goethals replied as follows:

Col. GOETHALS. When the joint board came to the Isthmus in 1909 or 1910, they selected certain sites for Army uses and certain sites for naval uses, and one of the sites selected for naval uses was the Quarry site at Ancon Hill for the marines; and if I remember correctly, the naval members of the board then thought it was to have 1,200 marines located there for dealing with problems that might arise in Central and South America, and for advance base duty in time of war. The estimate of $400,000 is for barracks and quarters for 500 marines. Now, I do not know whether they intend to extend that to include the 1,200 they figured on in 1909 or 1910.

Then Secretary Stimson said:

The Navy has simply asked for permission to put an advance post of their marines there as a convenient place, without reference to the defense of the Isthmus at all, but with reference to Navy operations pure and simple. It would be, of course, a military mistake of a very grave character to count on a force of two kinds, not under the same head, to defend any outpost. The plans for the defense of the Isthmus contemplate simply a defense by a force of troops from the Army.

And that settles it, because there is the testimony, both of Secretary Stimson and of Col. Goethals; and they both say that these marines are not to be used, and were never intended as a part of the defense of the canal.

Mr. ROBERTS of Massachusetts. Later than that, Mr. Chairman——

Mr. FOSTER. The chairman of the committee stated about the same thing in his remarks a few moments ago.

The CHAIRMAN. The Chair is ready to rule. The Chair has read carefully the paragraph of the organic act cited by the gentleman from Massachusetts which says:

And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses—

And so forth. The Chair has also read section 2 of that act, as well as the ruling made by Mr. Chairman MANN, which has been referred to.

It does not seem to the Chair that the ruling of Mr. Chairman MANN or the wording of section 2 apply to the particular point of order that is now before the House. It seems to the Chair that the only question is whether a contract has been entered into by the President of the United States. There is no suggestion that such a contract has been entered into, and the Chair therefore sustains the point of order. The Clerk will read.

The Clerk read as follows:

Total public works, navy yards, naval stations, naval proving grounds and magazines, Naval Academy, Naval Observatory, and Marine Corps, $4,433,945, and the amounts herein appropriated for public works, except for the Naval Observatory and for repairs and preservation at navy yards and stations, shall be available until expended.

Mr. SISSON. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] reserves a point of order on the paragraph.

Mr. SISSON. Mr. Chairman, I reserve a point of order on the language in line 19, page 31, of the bill, down to and including line 22, reading, "and the amounts herein appropriated for public works, except for the Naval Observatory and for repairs and preservation at navy yards and stations, shall be available until expended."

Mr. PADGETT. Not all of it?

Mr. SISSON. I say, except those items that are excepted in the language.

Mr. PADGETT. That is, except the Naval Observatory and repairs and preservation at navy yards and naval stations—those works that were discussed by the gentleman from Illinois [Mr. MANN] and others this morning, with reference to contracts.

Mr. SISSON. Why is it that gentlemen on some of these specific items provide that the item shall not be available until expended, and then put the "shotgun clause" in it?

Mr. MANN. I do not think that is the case under the head of "Public works."

Mr. SISSON. Is this usual to carry this in all the bills? Is this the first time it has been done?

Mr. PADGETT. It is put in the bill this time for the first time, on account of a ruling made by the comptroller and on account of a provision in the legislative act of last year, requiring that all appropriations should be considered as annual unless they were excepted in the act carrying them, or in the legislative act.

Now, then, with reference to these particular ones, where they are of such a character as that, a contract can not be made and performed within a year; we are providing here so that there may be no quibble or misunderstanding about it. It is along the line in which they have been treated heretofore; but this is required, as I say, because of the provisions of that act.

Mr. SISSON. The gentleman will recall that there has been a great deal of controversy between the departments and various committees as to making these appropriations, when once made, available until used. It has caused quite a good deal of trouble, because Congress can not keep up with an appropriation that lies out from year to year. You can not tell what the balances are. It is utterly impossible to tell how much money has been expended unless you go up to the Secretary of the Treasury and get the vouchers. But where the money is covered back into the Treasury that is not the case, and in such cases these people have to come back to Congress and ask for a further appropriation—these people who are doing this work—and they have to get an authorization to continue. I think it is a very bad practice to make appropriations available until expended.

Mr. PADGETT. I am in full sympathy with the gentleman as to general legislation, but there are exceptions, as he can realize, in work of this nature, and the gentleman will notice here that in this provision we except those items and those appropriations which can be and are properly annual, and we limit the exception to those where the nature and the character of the work are such that the money available must necessarily extend beyond the time.

Mr. SISSON. There are many items in the bill, and it would take quite a good deal of time to go back over each item and compare them.

Mr. MANN. After all, if the gentleman will permit, the language is "Total public works," and so forth, and that looks as if it were all the public works provided in the bill. But there is a heading on page 23 that covers public works under the Bureau of Yards and Docks.

Mr. SISSON. It includes everything down to that item at the bottom of page 31?

Mr. MANN. Navy yards, naval stations, proving grounds, magazines, and so forth; from that down to this. But it does not include those other items that we were discussing this morning.

Mr. SISSON. Can the chairman of the committee give me any idea as to how much is exempt in this proviso and how much will be exempted from the general law passed last year?

Mr. PADGETT. The total amount here.

Mr. SISSON. I understand that; but what part of this appropriation? How many million dollars can they use without turning it back into the Treasury?

Mr. PADGETT. Eight hundred thousand dollars, the item right above there, would be excepted. That would be annual.

Mr. MANN. That is the only one besides the Naval Observatory.

Mr. SISSON. In other words, there would be something like three and one-half million dollars of this appropriation for public works that would be exempt from that provision in the legislative act?

Mr. PADGETT. Something between three millions and three and one-half million dollars.

Mr. SISSON. Mr. Chairman, I reluctantly withdraw the point of order, owing to the insistence of the chairman of the committee that it be permitted to remain in the bill, in order to see how it works.

Mr. PADGETT. Mr. Chairman, I wish to ask permission that the Clerk may change the totals in the bill. That is customary.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

Mr. SAMUEL W. SMITH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The Clerk read as follows:

BUREAU OF MEDICINE AND SURGERY.

Medical Department: For surgeons' necessaries for vessels in commission, navy yards, naval stations, Marine Corps, and for the civil establishment at the several naval hospitals, navy yards, naval medical supply depots, Naval Medical School, Washington, and Naval Academy, $510,000.

Mr. SISSON. Mr. Chairman, I notice there is quite an increase in this item. Can the gentleman tell me why this is increased from $430,000 to $510,000?

Mr. PADGETT. Last year we authorized 4,000 additional men and 400 marines. They have to be looked after and medicine provided for them, and other items. Here is the testimony of Dr. Stokes, the Surgeon General. We went into it very thoroughly.

Mr. SISSON. Did you give him what he asked for?

Mr. PADGETT. He asked for $510,000 and we gave him $510,000. He has had no increase for quite a while. He says that in 1912 there was an appropriation of $460,000, and last year we reduced it to $430,000.

Mr. SISSON. Did they have a deficiency?

Mr. PADGETT. No; he had no deficiency, but he said he had to deny them many things that should have been done.

Mr. SISSON. I will state to the gentleman that in an item of this kind I do not object myself personally to the committee being rather liberal, because in questions of medicine and treatment of the sick we ought not to be too close.

Mr. PADGETT. We went into it carefully, and very much in detail.

Mr. SISSON. This is an $80,000 increase.

Mr. PADGETT. Really it is only a $50,000 increase, because last year we reduced it.

Mr. RODDENBERY. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN. The gentleman from Georgia makes the point of order that no quorum is present. The Chair will count. [After counting.] Sixty-two gentlemen are present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ames	Anthony	Barchfeld	Berger
Anderson	Ashbrook	Barnhart	Borland
Andrus	Austin	Bartholdt	Bradley
Ansberry	Ayres	Bates	Brantley

Broussard	George	Lever	Rees
Brown	Gill	Lewis	Reyburn
Bulkley	Gillett	Lindsay	Richardson
Burgess	Glass	Linthicum	Roberts, Nev.
Burke, Pa.	Godwin, N. C.	Littleton	Rothermel
Burke, S. Dak.	Goeke	Lobeck	Rucker, Colo.
Burleson	Good	Longworth	Rucker, Mo.
Byrnes, S. C.	Gould	Loud	Sabath
Byrns, Tenn.	Graham	McCall	Saunders
Callaway	Green, Iowa	McDermott	Scully
Campbell	Greene, Mass.	McGillicuddy	Sherley
Carlin	Gregg, Pa.	McGuire, Okla.	Simmons
Carter	Gudger	McKellar	Sims
Clayton	Hamilton, Mich.	McKinley	Slayden
Conry	Hamliton, W. Va.	McKinney	Slemp
Cooper	Hammond	McLaughlin	Sloan
Copley	Hardwick	McMorran	Small
Covington	Hardy	Martin, Colo.	Smith, J. M. C.
Crago	Harris	Mays	Smith, Tex.
Cravens	Harrison, N. Y.	Merritt	Speer
Crumpacker	Hartman	Miller	Stack
Currier	Hayes	Mondell	Stanley
Curry, N. Mex.	Heald	Moon, Pa.	Stedman
Dalzell	Helgesen	Moon, Tenn.	Steenerson
Danforth	Henry, Conn.	Moore, Tex.	Stephens, Nebr.
Davenport	Henry, Tex.	Morgan, La.	Stephens, Tex.
Davidson	Higgins	Morgan, Okla.	Stevens, Minn.
Davis, Minn.	Hill	Morrison	Sweet
Davis, W. Va.	Hobson	Morse	Switzer
De Forest	Houston	Mott	Taggart
Dent	Howard	Murdock	Talbott, Md.
Denver	Howell	Needham	Talcott, N. Y.
Dickson, Miss.	Howland	Norris	Taylor, Ala.
Difenderfer	Hughes, Ga.	Nye	Taylor, Ohio
Dixon, Ind.	Hughes, W. Va.	Olmsted	Thayer
Dodds	Hull	O'Shaunessy	Tilson
Doremus	Humphrey, Wash.	Page	Towner
Draper	Humphreys, Miss.	Palmer	Townsend
Driscoll, M. E.	James	Parran	Tribble
Dupré	Johnson, Ky.	Patten, N. Y.	Underhill
Dwight	Johnson, S. C.	Payne	Vare
Dyer	Kahn	Pepper	Volstead
Ellerbe	Kendall	Peters	Vreeland
Evans	Kent	Pickett	Webb
Fairchild	Kindred	Post	Weeks
Faison	Kinkead, N. J.	Pou	Whitacre
Ferris	Konig	Pray	White
Finley	Korbly	Prince	Wilder
Focht	Lafean	Prouty	Wilson, Ill.
Fordney	Lafferty	Pujo	Wilson, N. Y.
Fornes	Langham	Randell, Tex.	Wood, N. J.
French	Langley	Ransdell, La.	Woods, Iowa
Fuller	Lawrence	Rauch	Young, Kans.
Gardner, Mass.	Lee, Ga.	Redfield	Young, Tex.

The committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee finding itself without a quorum he had directed the roll to be called, that 150 Members had answered to their names, a quorum, and he reported the names of the absentees.

Mr. RODDENBERY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair will ask the gentleman to withhold that for a moment or two, because there is a message from the President here that he would like to lay before the House.

Mr. MANN. I do not see how the Chair can do that under the rule.

The SPEAKER. The gentleman from Illinois is correct.

Mr. RODDENBERY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair would like to lay the message before the House, if it were possible.

Mr. MANN. Mr. Speaker, I think it is not advisable to go any further than we did the other day, after what the Speaker said. I think probably that was not advisable, although I was the one who broke the rule.

The SPEAKER. The gentleman from Illinois is correct. The question is on the motion of the gentleman from Georgia, that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. RODDENBERY) there were—ayes 8, noes 87.

Mr. RODDENBERY. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. MANN. Mr. Speaker, it does not require a quorum to automatically go back into the committee.

Mr. RODDENBERY. But we are in the House, and I make the point of order that a quorum of the House is not present.

The SPEAKER. When the committee rises, upon the failure of a quorum, and it turns out on the roll call that there is a quorum of the committee present, the House automatically goes back into committee.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. If the motion be made that the House do now adjourn, and on a division it appear that a quorum of the House is not present, and a point of no quorum is raised, does it not require a quorum to be present?

Mr. MANN. Oh, no.

The SPEAKER. The Chair thinks that really he ought not to have recognized the gentleman to make the motion to adjourn; but he is not passing upon that now.

Mr. MANN. I think the motion to adjourn was in order.

The SPEAKER. The motion to adjourn is rejected, and the committee will resume its sitting.

The committee resumed its sitting.

The Clerk read as follows:

Section 4810 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"SEC. 4810. The Secretary of the Navy shall procure at suitable places proper sites for Navy hospitals, and if the necessary buildings are not procured with the site shall cause such to be erected, having due regard to economy, and giving preference to such plans as with most convenience and least cost will admit of subsequent additions when the funds permit and circumstances require, and shall provide at one of the establishments a permanent asylum for disabled and decrepit Navy officers, seamen, and marines: *Provided*, That hereafter no sites shall be procured or hospital buildings erected or extensions to existing hospitals made until after Congress shall have approved estimates therefor regularly submitted to Congress through the Treasury Department."

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. This provision, which is a proposed amendment to the law, provides that no sites shall be procured for hospital buildings erected or extensions to existing hospitals made until after Congress shall have approved estimates therefor, regularly submitted to the Congress through the Treasury Department. I would like to inquire what is the process by which Congress approves an estimate? I never have heard of that method of procedure during my service in the House.

Mr. ROBERTS of Massachusetts. Mr. Chairman, it seems to me that we are approving estimates in every appropriation bill.

Mr. MANN. We are not. We are appropriating money, following the estimates.

Mr. ROBERTS of Massachusetts. That is approving the estimates.

Mr. MANN. I think not.

Mr. ROBERTS of Massachusetts. The purpose of the amendment is to prevent a practice which has grown up with regard to this naval hospital fund in years past. When the present Surgeon General of the Navy came into office he found the naval hospital fund overobligated $1,800,000 by his predecessors.

Mr. MANN. I am not raising any question in regard to that. I want to know what the meaning of the language is that the gentleman is seeking to use. How will we approve the estimates?

Mr. PADGETT. This money is not appropriated, because it is not in the Treasury. This is a separate fund. It is a fund contributed by the sailors and officers of 20 cents each a month, known as the hospital fund.

Mr. MANN. What will be the basis by which you will have Congress approve these estimates?

Mr. ROBERTS of Massachusetts. A provision in the naval appropriation bill authorizing the Secretary to carry out the plans and propositions through estimates sent up for approval.

Mr. MANN. If the gentleman wants to do that, it will be easy to say hereafter no site shall be secured or hospital buildings erected or extension to existing hospitals made until hereafter authorized by Congress. That is a simple proposition.

Mr. ROBERTS of Massachusetts. I would suggest that as an amendment, then. The only object is to compel the Navy Department to advise Congress before they establish new hospitals.

Mr. MANN. Well, I have no objection to that, but the gentleman can see that we have no process by which we approve estimates.

Mr. ROBERTS of Massachusetts. I will offer the language the gentleman gives as an amendment. We have no pride of diction in the make-up of this appropriation.

Mr. MANN. I understand; I am not criticizing the committee. I will withdraw the point of order.

Mr. SISSON. Mr. Chairman, I renew the point of order. I make the point of order against that.

Mr. ROBERTS of Massachusetts. Will the gentleman reserve the point of order?

Mr. SISSON. I will.

Mr. ROBERTS of Massachusetts. For an explanation.

Mr. SISSON. I will hear the gentleman.

Mr. ROBERTS of Massachusetts. Mr. Chairman, this naval hospital fund was provided by an act passed prior to 1811, which deducted from the pay of every officer and enlisted man in the Navy and Marine Corps 20 cents per month to be placed in that fund. In 1811 the Secretary of the Navy was made the trustee of that fund, and he was given power to secure sites and erect buildings for hospital purposes. The 20 cents per month was substantially retained to provide the land and the hospitals and the maintenance of those hospitals wherein the

officers and enlisted men of the Navy and Marine Corps should be treated free of expense. At the present time the fund amounts to something over $1,000,000 a year. It is not wholly made up now from the 20 cents per month deducted from pay, because some 8 or 10 years ago by an act of Congress the fines and forfeitures imposed upon officers and enlisted men in the Navy and Marine Corps were added to this fund. Now, at that time the fund was running something like $200,000 a year and the fines and forfeitures make that fund a little over a million dollars a year. That million dollars, under the terms of the law creating the fund, must be devoted to the maintenance of these hospitals, and if there is any money left it might then be used for extensions or additional hospitals, but, beginning in 1883, and I do not know how much further back, Congress appropriated in that year $30,000 under the head "Naval hospital fund" for the maintenance and repair of those hospitals which were supposed to be maintained out of this naval fund, and at the same time they were given $15,000 a year for repairs. Now, that went on, and in 1885 we dropped to $15,000 for the hospital fund and $2,500 for repairs, and in——

Mr. SISSON. Has the gentleman the original statute?

Mr. ROBERTS of Massachusetts. It is quoted in the first part of the section under consideration.

Mr. SISSON. The proviso is the only new provision in the bill.

Mr. ROBERTS of Massachusetts. Yes. Now, beginning in 1885, they went back to $30,000 for maintenance and $10,000 and $15,000—and in 1885, $20,000—for repairs, and this is in addition to the naval fund that was coming in.

Mr. SISSON. Mr. Chairman, I do not care, unless the gentleman cares to speak further——

Mr. ROBERTS of Massachusetts. If the gentleman will pardon me for a moment, I want to give some details.

Mr. SISSON. I will withdraw the point of order.

Mr. MANN. Mr. Chairman, I move to strike out all of lines 18 and 19, and strike out the words "until after," in line 17, and insert in lieu thereof "unless hereafter authorized by," and I would ask the Clerk to report it as it would read after he reports the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 32, strike out all of lines 18 and 19. In line 17 strike out the words "until after" and insert in lieu thereof "unless hereafter authorized by," so that it will read: "Buildings erected or extensions to existing hospitals made unless hereafter authorized by Congress."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Contingent, Bureau of Medicine and Surgery: For tolls and ferriages; care, transportation, and burial of the dead; purchase of books and stationery, binding of medical records, unbound books, and pamphlets; hygienic and sanitary investigation and illustration; sanitary and hygienic instruction; purchase and repairs of wagons, automobile ambulances, and harness; purchase of and feed for horses and cows; trees, plants, garden tools, and seeds; incidental articles for the Naval Medical School and naval dispensary, Washington; rent of rooms for naval dispensary, Washington, D. C., not to exceed $1,200; naval medical supply depots, sick quarters at Naval Academy and marine barracks; washing for medical department at Naval Medical School and naval dispensary, Washington; naval medical supply depots, sick quarters at Naval Academy and marine barracks, dispensaries at navy yards and naval stations, and ships; and for minor repairs on buildings and grounds of the United States Naval Medical School and naval medical supply depots; for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast; for dental outfits and dental material, not to exceed $38,000, and all other necessary contingent expenses; in all, $142,000.

Mr. SISSON. Mr. Chairman, I want to ask the chairman of the committee one question. I notice an appropriation of $38,000 for the care of outfits this year that you did not have to care for in the last appropriation.

Mr. PADGETT. Last year we appropriated $97,000. This year there is an addition of $7,000, the general expense incident to the 4,400 men, for dental outfits not provided by the act of 1913. Then the $7,000, and then the appropriation of last year for the previous expenses, makes $142,000.

Mr. COX. Last year did you not appropriate $14,000 for the dental outfit?

Mr. PADGETT. No, sir. You see, we increased the dental corps last year.

Mr. COX. Did you appropriate anything last year for dental outfit?

Mr. PADGETT. We established last year the dental corps, but only appropriated——

Mr. COX. How much was that?

Mr. PADGETT. I think it was $15,000. That is my recollection, and this $15,000 is for the full dental corps, making $30,000.

Mr. COX. As I understand, the $15,000 apropriated last year was for one-half the corps and this year it is for the full corps?

Mr. PADGETT. Yes; and that $15,000 was embraced in the $97,000.

Mr. COX. What does the gentleman have to say in regard to the trees, plants, and seeds, and things like that?

Mr. PADGETT. They are around the hospital grounds.

Mr. COX. Do we do any gardening there?

Mr. PADGETT. I reckon not. They plant flowers for these sick soldiers and look after some shade trees and the grass.

Mr. COX. How many cows do they maintain there?

Mr. PADGETT. I do not know. But this is for the purchase of feed for the horses and cows. I do not know how many they have. It is an item that has run time out of mind in the bill.

Mr. MANN. Mr. Chairman, to correct a typographical error, I move to insert the word "and" in line 1, before the word "cows."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in case of death or desertion, upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Pay Corps, chaplains, chief boatswains, chief gunners, chief carpenters, chief machinists, and chief sailmakers) and midshipmen, and commuted rations stopped on account of sick in hospital and credited to the naval hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); and for subsistence of female nurses, and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement: *Provided*, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted, and for the purchase of United States Army emergency rations as required; in all, $7,593,441.75, to be available until the close of the fiscal year ending June 30, 1915.

Mr. SISSON. Mr. Chairman, I reserve a point of order on the paragraph. First, I want to know why the change is made in this legislation?

Mr. PADGETT. I will call to the attention of the gentleman that there is really no change. It is simply a readjustment of the language. Under the old law, under the head "Provisions, Navy," was embraced both the item of provision and payment of maintenance, and then the other section was "contingent," and under "contingent" it ceased to be contingent and got to be maintenance, and was carrying maintenance under the head of "contingent." We struck out the word "contingent" and put in what it is, namely, "maintenance," and we took out the language which applies to maintenance, that was under "provisions," and transposed it under "maintenance," so that the substance is the same and the appropriation is the same.

Mr. SISSON. You make this appropriation available until 1915?

Mr. PADGETT. That is new language. I was going to call attention to that.

Mr. SISSON. Where are you going to make provisions for the Navy, which is, I presume, a one-year appropriation? This is not intended to feed the Navy for longer than 12 months, is it?

Mr. PADGETT. No. The Paymaster General, though, stated this: That a great many items are provisions which he necessarily has to buy in large quantities and by contract and put in cold storage when delivered; that he makes his contracts for them before the termination of the fiscal year, but they are not delivered until after the end of the fiscal year. For instance, he will make a contract for butter in large quantities for the ensuing year and he makes that contract in this year, but it is not delivered and completed so that he can make his payment until after the 30th of June. He wanted it extended in such a way as to make it good for the second year.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. SISSON. One moment. They are always making excuses of that character to get these appropriations extended. That does not seem to me to be a sufficient reason at all.

Mr. MANN. Is it not a fact that if he makes a contract for butter and it is delivered before the 30th day of June, it can be paid for at any time in the year following, under the existing law?

Mr. PADGETT. He says it can not be done until afterwards.

Mr. MANN. Then it has no business to be charged to the appropriation of that fiscal year, because he has another appropriation bill for the next fiscal year.

Mr. SISSON. Mr. Chairman, of course I can not tell, not having the original language before me, what changes have actually been made in the entire section.

Mr. PADGETT. If the gentleman will get the law of last year, he will find that the language is the same, except some items are transferred from one to the other.

Mr. MANN. I can tell the gentleman. If he will take the language on page 35, line 11, "labor in general storehouses," down to the end of the paragraph, that language, or practically the same language, was included last year in the provision following the word "commuted" in line 26 of page 34.

Mr. SISSON. Then the language is practically the same, except that that clause is transposed?

Mr. MANN. Yes; transposed from one to the other.

Mr. SISSON. Mr. Chairman, I have no disposition to make a point of order against the entire paragraph, but I do make the point of order against the language on page 35, in line 2, beginning with "to be available" and concluding with "1915," in line 3. I make the point of order against that language, "to be immediately available until the close of the fiscal year ending June 30, 1915."

Mr. PADGETT. That is subject to a point of order.

Mr. SISSON. All after the amount, "$7,593,441.75."

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, aeroplanes, and all other auxiliaries; labor in navy yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy yards, inspectors' offices, such as photographing, books, professional magazines, plans, stationery, and instruments for drafting room, and for pay of classified force under the bureau, $8,250,000: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home. And the Secretary of the Navy is hereby authorized to make expenditures from appropriate funds under the various bureaus for repairs and changes on the vessels herein named, in an amount not to exceed the sum specified for each vessel, respectively, as follows: North Dakota, $250,000; Minnesota, $250,000; submarine C–1, $100,000; submarine C–2, $100,000; submarine C–3, $100,000; submarine C–4, $100,000; submarine C–5, $100,000; submarine D–1, $100,000; submarine D–2, $100,000; submarine D–3, $100,000; Hannibal, $75,000; Leonidas, $100,000; Justin, $50,000; Nanshan, $75,000; in all, $1,600,000, as per letter of the Secretary of the Navy dated November 19, 1912: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of superintending naval constructors, for the fiscal year ending June 30, 1914, shall not exceed $858,039.

Wrecking pontoon: For construction or purchase of a testing and wrecking pontoon for submarines, to be available until expended, $200,000.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] moves to strike out the last word.

Mr. MADDEN. I wish to ask the gentleman from Tennessee [Mr. PADGETT] what becomes of the ships where they are not repaired under the provision that reads, "No part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent," and so forth?

Mr. PADGETT. We come to Congress, just as we do on this bill, and get the authority to make the repairs. That is what this is.

Mr. MADDEN. In the meantime what becomes of the ship?

Mr. PADGETT. It stays in the service. Whenever a ship gets in need of repairs, or whenever it is anticipated that it will need repairs amounting to more than 10 per cent the Secretary submits his estimates under the law, and, if approved, they are incorporated in the bill, as you will find on page 37, where authority is given to make improvements on these ships. That is not an appropriation, however. It is only an authorization to make that improvement out of appropriations elsewhere made.

Mr. MADDEN. In the case of the ships enumerated on page 37, do the figures go above 10 per cent, or 20 per cent, provided on page 36?

Mr. PADGETT. Yes, sir.

Mr. MADDEN. So that where a ship needs repairs amounting to more than 10 per cent in the case of a wooden ship or more than 20 per cent in the case of other ships, that ship is laid up in dock until Congress authorizes an additional appropriation from which it can be repaired? Is that it?

Mr. PADGETT. These repairs are anticipated before it is necessary to get the vessels into commission or to put them into cold storage, as it were.

Mr. MADDEN. What do you mean by "anticipated"?

Mr. PADGETT. They keep them in condition, and they estimate that this ship, in the ordinary course of time, will need repairs. For instance, they say, "This ship in the next fiscal year will need repairs not exceeding this amount."

Mr. MADDEN. Has it not sometimes happened that the Secretary of the Navy has assumed the responsibility of making repairs above the percentage provided for in this bill, without authority from Congress?

Mr. PADGETT. Not that I know of, since the passage of the act six or eight years ago, requiring this procedure.

Mr. SAMUEL W. SMITH. Mr. Chairman, I should like to ask the gentleman from Tennessee a question. In line 9, page 36, it says:

Carrying on work of experimental model tank.

I should like to ask the gentleman to explain what that is.

Mr. PADGETT. The experimental model tank is down here at the Naval Gun Factory at Washington. In preparing the design of every ship, they make a model and test it in that experimental tank, and in that way they can calculate the displacement of the greatest battleships, or any other ships, with great precision.

Mr. SAMUEL W. SMITH. Is there a model tank of this kind at every navy yard?

Mr. PADGETT. No; the only one is here at Washington.

Mr. COX. Mr. Chairman——

Mr. PADGETT. If the gentleman will allow me, I desire to offer an amendment in line 15, page 37, after "$75,000." I send the amendment to the Clerk's desk. It is the authorization for the conversion of a ship.

The Clerk read as follows:

After line 15, page 37, insert: "*Prometheus:* To convert to a repair ship, $350,000."

In line 16, page 37, strike out "$1,600,000" and insert "$1,950,000."

Mr. PADGETT. That is not an increase of appropriation. It is only an increase of authorization.

Mr. MADDEN. I wish to ask the gentleman from Tennessee one more question, in line with the questions I was asking a few moments ago.

Mr. PADGETT. Yes.

Mr. MADDEN. How does anybody know that the repairs to the ship authorized to be repaired in this paragraph can be made within the sum fixed in the paragraph?

Mr. PADGETT. Those matters are estimated by the Chiefs of the Bureau of Construction and Repair and the Bureau of Steam Engineering, after a survey has been made by the inspection officers, who report that the ship is in this condition, with reference to this part and that part, and that it will need such and such repairs, which will cost so much money.

Mr. MADDEN. Is there any man alive who can tell what it will cost to repair the ships before the planks are taken off? Who can tell whether the timbers inside the planks are rotten or sound? And does it not frequently happen that after the ship is stripped it is found that the necessary repairs will cost more than the estimate?

Mr. PADGETT. This is ordinarily not for the outside timbers. This is usually for machinery and internal repairs.

Mr. MADDEN. I understood that this was for repairs of the ship, not of the machinery.

Mr. CALDER. These are steel ships, are they not?

Mr. PADGETT. Most of them.

Mr. MADDEN. Even if they are steel ships nobody can tell how badly the material inside of the outer covering is worn out before the outer covering is taken off.

Mr. PADGETT. Let me give you the estimates here.

Mr. MADDEN. I have had some experience in this kind of thing myself, and I frequently find that it costs about three times as much to do the repairing as it is estimated it will cost.

Mr. PADGETT. They can not go over the authorization.

Mr. MADDEN. Frequently they do not make the necessary repairs if they do not go beyond the estimate.

Mr. COX. They estimate high enough to cover it.

Mr. PADGETT. Take the *North Dakota*. Installation of combined fire control and conning tower and changes in bridge arrangement and structural work in connection with tube hoist.

Mr. MADDEN. Does the gentleman call changes in the bridge system repairs?

Mr. PADGETT. Yes.

Mr. MADDEN. That is a change in the construction, is it not?

Mr. PADGETT. Yes.

Mr. MADDEN. It is not a necessary repair.

Mr. PADGETT. Certainly; it is an improvement and a repair, to keep the ship up to date.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

Mr. COX. I move to strike out the last word. I want to call the chairman's attention to the word "aeroplanes," in line 6, page 36. Last year there was a limit to that appropriation and the amount which could be expended was $35,000. In this item there is no limit whatever.

Mr. PADGETT. The chief of the bureau and the Secretary in his annual report asked us not to place a limit on it; but they stated that they did not expect to spend exceeding $50,000, even in an emergency.

Mr. COX. How did they get along with the $35,000 last year? Did they expend all of it?

Mr. PADGETT. They said they would, and they felt that that would answer their purpose.

Mr. COX. Without any limitation here it is within the power of the Secretary to spend $100,000 for aeroplanes.

Mr. PADGETT. They might do it, but they have to take care of so many things that they could not dispense with that they would not do it.

Mr. COX. Does the Government construct the aeroplanes or buy them?

Mr. PADGETT. It does both; it constructs the engines and the planes in its experiment stations for trial, and then it purchases a few. I believe that we have about eight.

Mr. COX. What do they cost apiece?

Mr. PADGETT. About six or seven thousand dollars.

Mr. COX. Then the department is both buying and building aeroplanes?

Mr. PADGETT. Yes; but the department is going very slowly and cautiously.

Mr. COX. They are going on a limited scale, both the buying and the building?

Mr. PADGETT. Yes.

Mr. COX. Without any limitation it would be within the power of the Secretary of the Navy to spend any sum that he wished in aeroplanes?

Mr. PADGETT. Yes; if it were available; but the other things they need will not allow them to spend a great deal. But we have not increased the appropriation by virtue of the aeroplanes.

Mr. COX. The sum is increased $50,000.

Mr. PADGETT. No. We cut it down $224,000.

Mr. MADDEN. Will the Members on the Democratic side be kind enough to speak louder, so that we over here on the outskirts can hear?

Mr. PADGETT. We reduced it from $8,479,144 to $8,250,000.

Mr. COX. I wish the gentleman would consent to put a limitation on it.

Mr. SISSON. Mr. Chairman, I would like to ask a question right there. Eight million two hundred and fifty thousand dollars is appropriated. Of course it would be an absurd thing for the Secretary of the Navy to do, but legally he could expend the whole $8,250,000 for aeroplanes and violate no law.

Mr. PADGETT. Yes; but he would not discharge his duty in taking care of the other things.

Mr. SISSON. That would be true; but, to make the thing absurd, he could do it without a violation of law. Does the gentleman believe he should leave it to the Navy Department to expend as much as they please for aeroplanes? It goes further to enforce what I said yesterday that these items ought to be itemized more specifically.

Mr. PADGETT. The same suggestion that the gentleman from Mississippi makes as to aeroplanes applies to every other thing mentioned in this item. The Secretary and chief or superintendent of aeroplanes all insist that they shall go slow, and said to the committee that they would go slow.

Mr. SISSON. How much did they ask for?

Mr. PADGETT. They did not ask for any specified amount.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MADDEN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. What is before the House?

The CHAIRMAN. The gentleman from Indiana moved to strike out the last word.

Mr. MADDEN. I thought it was the gentleman from Indiana before the House. I did not hear anything else.

Mr. PADGETT. I do not think there is any necessity for fixing it. I did last year, on my own motion, put in the $35,000.

Mr. COX. Why does not the gentleman feel that $35,000 ought to go in there now?

Mr. PADGETT. I think it ought to be a little more this year.

Mr. COX. How much does the gentleman think it ought to be?

Mr. PADGETT. They say it would not exceed $50,000.

Mr. COX. Does the gentleman agree with them all of the time?

Mr. PADGETT. No; I did not last year, because I insisted that it should be limited, but after I had looked into the matter and saw how cautious they were and that they rather had to be goaded on instead of held back, I did not think it was necessary to single out that item.

The Clerk read as follows:

Wrecking pontoon: For construction or purchase of a testing and wrecking pontoon for submarines, to be available until expended, $300,000.

Mr. HENSLEY. Mr. Chairman, I make the point of order on that.

Mr. PADGETT. Mr. Chairman, I will ask the gentleman not to do that.

Mr. HENSLEY. I reserve the point of order for an explanation.

Mr. PADGETT. Mr. Chairman, the department asked for two of these wrecking pontoons, and we gave them only one this year. Under the present method of contracting in the construction of submarines they are required to be tested, and they are sent out to deep water and submerged to a depth of 200 feet. It was shown that it often costs from $10,000 to $20,000 to make these tests. That is such an item of expense that it is always added in the contract bid and the price. If we could have these pontoons we could make the test, instead of going down 200 feet. They would be subjected to the same water pressure in the pontoon at a nominal cost, and, of course, we could then get the benefit of that reduction in the purchase price of the submarines.

Mr. HENSLEY. This is a new item?

Mr. PADGETT. Yes. Then, another thing, it serves for docking. Instead of the little submarine being taken into a big dock and having to be pumped out, and handled with expensive machinery, it could be put into this pontoon and docked at a nominal cost. Then the pontoon could be used for wrecking purposes. If for any reason a mishap occurred to the submarine and it sank, this pontoon could be used for the purpose of lifting it and restoring it, so that it serves a very valuable purpose, and will be an instrument of great economy and saving hereafter.

Mr. HENSLEY. How did they get along heretofore?

Mr. PADGETT. Just as I have explained; just like the old farmer got along with a scythe blade.

Mr. HENSLEY. Have not they another fund to draw from?

Mr. PADGETT. No; they have not. They have been testing these submarines by actually sending them out to 200 feet depth of water and sinking them 200 feet deep, to get the water pressure.

Mr. ROBERTS of Massachusetts. Mr. Chairman, this wrecking pontoon I think I can explain. The gentleman asked how the department got along without one of these before. I will say for his benefit, and for the benefit of the committee, that this wrecking pontoon is an entirely new device, a new invention. With the development of submarines this has come about. Until this thing came into existence everybody was in the same position in regard to testing submarines. This is a modern, new invention for subjecting the submarines to these tests that the Government demands, and the cost of conducting which is always included in the price of the boat.

Mr. CURLEY. Mr. Chairman, I would like to ask the chairman a question and that is—if any of these testing and wrecking pontoons are now in use in any of the continental navies?

Mr. ROBERTS of Massachusetts. They are.

Mr. PADGETT. I understand they have some in the Italian navy.

Mr. CURLEY. And we have none in the American Navy?

Mr. PADGETT. No.

Mr. CURLEY. How many submarines have we?

Mr. PADGETT. I think we have forty and odd completed; and completed, building, and authorized, 63.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I think the gentleman is mistaken in the number of submarines. There are 47 submarines building and built.

Mr. MANN. Mr. Chairman, will the gentleman from Massachusetts yield?

Mr. ROBERTS of Massachusetts. Yes.

Mr. MANN. How much royalty do we pay for this patented device?

Mr. ROBERTS of Massachusetts. There is no evidence before the committee that we are to pay any royalty.

Mr. MANN. But it is perfectly safe to say that if it is a patented device we will have to pay royalty.

Mr. ROBERTS of Massachusetts. This provides for the construction of the apparatus——

Mr. MANN. But there must be royalty paid for constructing them.

Mr. ROBERTS of Massachusetts. There may and there may not.

Mr. MANN. Oh, we know that if it is a patented device we will have to pay royalty.

Mr. ROBERTS of Massachusetts. There has been no evidence before the committee as to royalty.

Mr. MANN. They ought to have had evidence before the committee, because if they propose to construct a patented device we will have to pay the patentee for the privilege.

Mr. ROBERTS of Massachusetts. If it is patented in this country; yes.

Mr. MANN. Well, the gentleman stated it is a patented device. Then it is perfectly safe to say it is patented in this country, if it is patented anywhere, and I think we ought to know how much of this amount is to pay for the cost of the work and how much for the profit to the inventor. A naval officer, was it?

Mr. ROBERTS of Massachusetts. I do not know; some one suggested it was a naval officer.

Mr. SAMUEL W. SMITH. I asked the question whether it was patented by a naval officer.

Mr. ROBERTS of Massachusetts. Then we would not have to pay.

Mr. MANN. Why not?

Mr. ROBERTS of Massachusetts. It is a provision of law, a Navy Department regulation.

Mr. MANN. I have not discovered that law yet.

Mr. HENSLEY. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment:

The Clerk read as follows:

Insert at the end of line 23, page 37, the following as a new paragraph:

"That the U. S. S. *Portsmouth* be, and hereby is, transferred to the State of California, upon condition that the said State of California, by and through its governor, accepts said vessel, U. S. S. *Portsmouth*, for said State, after having been first duly authorized by the Legislature of said State of California, and upon the further condition that said vessel remain the property of said State, to be preserved and cared for by the said State of California at its own cost and expense."

Mr. FOSTER. Mr. Chairman, I make a point of order.

Mr. MANN. Mr. Chairman, I reserve a point of order. I desire to ask the gentleman if this matter has been called to the attention of any committee of the House?

Mr. RAKER. That is what I want to explain. I am offering this at the suggestion of the chairman of the Committee on Naval Affairs.

Mr. MANN. Was it called to the attention of the Committee on Naval Affairs?

Mr. RAKER. It was taken up in a hearing on the matter.

Mr. MANN. Then why have they not reported a bill?

Mr. RAKER. They conceived it not necessary to do it.

Mr. MANN. We differ about that.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I think I can throw some light on that. The proposition when it first came before the committee was for the Government to fit this vessel up at an expense of about $100,000 and take it around to San Francisco and give it either to the city or the State. A suggestion was made to the gentleman from California, who has just made the motion, that, so far as donating it was concerned, we would look with favor upon the proposition to give the vessel where she now lies to the State if the State would take her away, and the gentleman informed the members of the committee he would communicate with the officials of the State of California and see if that proposition met with their favor. Before he got a reply the naval bill was framed and reported, and that is one reason at least why the committee took no action about putting a similar item in our bill.

Mr. MANN. I suppose this vessel has been the property of the Government of the United States for many years?

Mr. ROBERTS of Massachusetts. I will say that this is an old vessel, and if not given to California it will be sold and bought by somebody for the old junk in her. She is a very old vessel and has been used as a receiving ship.

Mr. MANN. I think we have the right to have these matters brought before the House in a proper way.

Mr. RAKER. I want to say to the gentleman the matter has been before the House and in the Senate——

Mr. MANN. Where has it been brought before the House?

Mr. RAKER. I will answer the inquiry as soon as I get an opportunity.

Mr. ROBERTS of Massachusetts. She was a vessel that was used when the Navy went around to the Pacific coast, at the time we acquired California from the Mexicans. She is a vessel apparently 60 or 70, or more, years old now.

Mr. RAKER. She was built in 1843.

Mr. KAHN. The sloop of war *Portsmouth* is the vessel that sailed into San Francisco Bay on the 6th of July, 1846, and her commander, John B. Montgomery, raised the American flag and took possession of California in the name of the Government of the United States. The flag was raised on the old Spanish plaza in the village of Yerba Buena, and the name of the plaza was changed to "Portsmouth Plaza." It is known as "Portsmouth Plaza" to this day. The officers of the village rechristened the village San Francisco. The Navy Department has been desirous of having the old ship taken to the Bay of San Francisco.

I may say, as a matter of history, that within three days after the *Portsmouth* had sailed into San Francisco Bay a British frigate sailed into that bay and found the United States already in possession of the territory. After remaining two or three days the British frigate sailed away, and it is believed by the officers of the Navy Department that the presence of the *Portsmouth* in the Bay of San Francisco three or four days before the British frigate arrived resulted in the elimination of any complications that might have ensued if the British frigate had arrived first. [Applause.]

Mr. MANN. They will have to revise their history, I think, for they have not any basis for such belief.

Mr. KAHN. They have records, which I saw myself, indicating that that is a fact. They showed them to me. I was at the department and took the matter up a year or so ago. The Senate has already passed a bill to allow the ship to be taken around Cape Horn to San Francisco.

Mr. MANN. At whose expense?

Mr. KAHN. I think it was at the expense of the Government.

Mr. MANN. That is it, and that is what is intended to be done here now.

Mr. ROBERTS of Massachusetts. Oh, no.

Mr. KAHN. The gentleman will find that this amendment is different.

Mr. MANN. Of course, not here, but the Senate has passed a bill to do so and so, and the item is proposed to be inserted here. It looks harmless, but it is inserted with the knowledge that it will be changed in the Senate.

Mr. KAHN. Has the gentleman any knowledge that it will be changed in the Senate? There is no disposition on the part of any gentleman from California, that I know of, to change it in the Senate.

Mr. MANN. There is not any intention on the part of any gentlemen from California here to change it in the Senate, although they would like to have that privilege.

The CHAIRMAN. The time of the gentleman from California [Mr. RAKER] has expired.

Mr. RAKER. I have not had an opportunity to say a word on this matter. [Laughter.]

Mr. SISSON. Mr. Chairman, I ask unanimous consent that the gentleman from California have five minutes. They took his time all away from him.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I want to say to the gentleman from Illinois and to other members of the committee that a bill providing for the repair of the *Portsmouth* passed the Senate, making an appropriation to repair to the extent of $25,000. I was corresponded with, and the other gentlemen from California as well, in regard to the matter, and a bill introduced and the matter taken up before the committee. When the matter was taken up before the committee I called the committee's attention to the reasons the Navy had for this, which are as follows:

The custom of selling unserviceable vessels will before long dispose of the *Constellation, Portsmouth, Hartford,* and *Olympia,* unless their

preservation be specially authorized. Some of these vessels could be preserved almost indefinitely with a small expenditure for occasional repairs, and their names would be a constant inspiration to the Navy and to the country at large to live up to their noble traditions.

I want to read now the statement of the department in regard to the bill for the repair of this vessel that has been sent to this committee, dated April 2, 1912, and is in the closing of the report of the Secretary:

If in place of this provision one could be inserted which would transfer the vessel to the State of California outright, it would probably best meet the demands of California and the wishes of this department.

After this letter was presented to this committee it was taken up directly with the Legislature of California, and I hold before me a copy of the proceedings wherein the resolution was passed unanimously taking the vessel over in response to the Secretary and to the suggestion of the committee.

A bill is now pending in the legislature to provide means by which this historic vessel may be taken over by the State of California, and be provided for and stationed in the State of California at its expense, because of its historic nature, which will be found in part on page 353 of the report, as follows:

First cruise, 1844–1848, in the Pacific under command of Commander J. B. Montgomery, squadron of Commodore J. D. Sloat. Took a prominent part in the operations on the coast of California during the War with Mexico.

June 3, 1846, arrived in the harbor of San Francisco, Cal.

July 5, 1846, landed a party of seamen and marines, under command of Lieut. J. S. Missroon, United States Navy, for the protection of the American consul and citizens at San Francisco. Lieut. H. B. Watson, United States Marine Corps, was in charge of the marines. July 9, 1846, war having been declared between the United States and Mexico, by order of Commodore Sloat a force was landed at Yerba Buena from the *Portsmouth*, which took possession of San Francisco, and at 8 a. m. hoisted the United States flag in front of the customhouse. Detachments of officers and men were sent to hoist the flag at Sutter's Fort, Sausalito, Sonoma, and Bodega.

The record shows that this vessel, whether sailing, steering, working, scudding, lying to, or riding at anchor in a seaway, has one of the best records of any vessel ever built by this Navy, a vessel that by virtue of its being in San Francisco at the proper time made it possible for this country to take the western part of the United States and make California and the West a part of this country.

This amendment provides that the Government shall be at no expense; that, instead of driving this vessel out to sea, with its historic record, which is a page and a half in length here, to be shot to pieces, the State of California can have this vessel and maintain it with the men necessary to man it. California asks this Congress to turn that vessel over to the State in order that she may preserve it for all time at her own expense. That is the recommendation of the department and the recommendation of the committee, and I trust that the Members will not object to this amendment being placed on the bill at this time.

Mr. MADDEN. Does the gentleman state that there will be no expense to the United States Government?

Mr. RAKER. That is the provision of the bill. I put it in for that purpose, and it is my intention and the intention of the legislature, as I gather through correspondence and telegrams, that the Government shall be put to no expense for the maintenance and preservation of this vessel for all time, and unless this act thus provides, the Secretary of the Navy shall not turn it over.

Mr. MADDEN. Will the gentleman state what will happen to this provision when it leaves this body?

Mr. RAKER. So far as I am concerned, I will ask the Senators from my State to urge the Senate to retain this provision, with the proviso that the Government shall be put to no expense.

Mr. BUTLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER. I understand that the gentleman from Illinois [Mr. MANN] has reserved a point of order against this amendment?

The CHAIRMAN. Yes.

Mr. BUTLER. I call for the regular order.

Mr. MANN. If the gentleman from California [Mr. RAKER] desires to ask unanimous consent to have his amendment considered later on, with a point of order pending, I shall not object. If the gentleman now desires to ask unanimous consent to have his amendment passed over and taken up later, I have no objection.

Mr. PADGETT. Mr. Chairman, on that I want to make an explanation. If the gentleman from California will make his request for unanimous consent to offer his amendment at a point later on in the bill, I shall not object; but the engrossing clerks are preparing the bill for presentation to the Senate as we pass along through it, and this would interfere with their work. I suggest, therefore, to the gentleman to ask unanimous consent to offer his amendment later on, so as not to compel a return to this place in the bill, and thus not make it necessary for the engrossing clerks to do this work over.

The CHAIRMAN. Is there objection?

Mr. MANN. What is the request, Mr. Chairman?

The CHAIRMAN. The request is that the gentleman from California [Mr. RAKER] be authorized to offer this amendment at some point later on in the bill.

Mr. MANN. I do not make any objection if it is offered subject to the right to make a point of order against it. Otherwise it would not be right.

The CHAIRMAN. It will be subject to a point of order.

Mr. MANN. I understand that the gentleman from California asks leave to withdraw his amendment at this place.

Mr. RAKER. Yes; I ask leave to withdraw it now and offer it later.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

Mr. SHARP. Mr. Chairman, before we proceed to read the next page, I beg the courtesy of the chairman of the committee to permit me the privilege of an interruption for just a moment, so that I can ask unanimous consent to extend my remarks in the RECORD by having printed therein a copy of House joint resolution 402, and a copy of a letter containing an opinion in reference thereto by Gen. Bixby, Chief of Engineers, United States Army; also the approval thereof by the Secretary of War.

I make this request in the interest of a subject which is of vital importance to the people of the entire country, and because of the critical situation in which it may be placed by failure on the part of Congress to take favorable action in the matter. This opinion, coming from the highest source of authority—an expert on such problems—leads me to believe that the urgent need of the prompt enactment of this resolution will appeal to the membership of the House.

Mr. FOSTER. May I inquire of the gentleman what is that resolution?

Mr. SHARP. It is in relation to Niagara Falls.

The CHAIRMAN. The gentleman from Ohio [Mr. SHARP] asks leave to extend his remarks in the RECORD by the insertion of a resolution and certain letters. Is there objection?

There was no objection.

Following are the resolution and letters referred to:

Joint resolution (H. J. Res. 402) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

Resolved, etc., That the provisions of an act entitled "An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes," be, and they are hereby, extended and reenacted from March 4, 1913, being the date of the expiration of the operation of said act, to March 4, 1914.

OFFICE OF CHIEF OF ENGINEERS,
February 21, 1913.

To the SECRETARY OF WAR:

1. Returned.

2. Hon. W. G. SHARP incloses a copy of House joint resolution 402, Sixty-second Congress, third session, to extend the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, and he requests an expression of views in the matter, more particularly in regard to the time of extension.

3. Unless the act in question is extended or replaced by like legislation, the question of control over water diversion and power development at Niagara Falls will be left in a state more or less chaotic. If the act expires by limitation it is probable that all permits granted thereunder will immediately terminate. At any rate, the War Department will find it difficult, if not impossible, to exercise any control over such permits or over the disposition of any unused or unallotted water power; and no executive will be specifically charged with the duty of supervising the use of water for power development on the American side, or the transmission of electrical power from or to Canada.

4. The proposed time of extension is considered judicious.

5. It is therefore the view of this office that if other legislation is not to be enacted on the subject, the proposed resolution should be passed.

W. H. BIXBY,
Chief of Engineers, United States Army.

WAR DEPARTMENT,
February 24, 1913.

Respectfully returned to Hon. W. G. SHARP, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, United States Army, in whose views the department concurs.

HENRY L. STIMSON,
Secretary of War.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improvement of construction plants: For repairs and improvement of machinery and implements at plant at navy yard, Portsmouth, N. H., $10,000.

Mr. SISSON. Mr. Chairman, I do not know what the sentiment of the committee is in reference to this matter, but this is one of the navy yards that were discussed at some length to-day. I make a motion to strike out the paragraph.

Mr. PADGETT. This is not for the improvement of the yard. This is to repair the machinery that is in operation there now.

Mr. SISSON. I understand that; but why is it necessary to do that, if it is in the contemplation of the Navy Department finally to abolish this yard?

Mr. PADGETT. It is a current improvement; keeping up the machinery as we go along.

Mr. SISSON. Why do you want to keep up the machinery if you expect to abandon the yard?

Mr. PADGETT. We do not expect to abandon it that I know of; but, if 10 or 15 years from now we should abandon the yard, we want to keep up the machinery during the next fiscal year so as to go on with the work.

Mr. SISSON. The gentleman, of course, has heard all the discussion to-day, and he knows a great deal more about the intentions of the Navy Department than I do, except what I have gathered from the discussions to-day; but does the gentleman believe that it is not possible for Congress now to abolish some of these navy yards?

Mr. PADGETT. It may do it. I do not know; but it is not going to do it this year.

Mr. SISSON. Does not the gentleman believe this to be one of the yards that would be abolished?

Mr. PADGETT. Perhaps it is, but it is not going to be abolished this year, and this is just to pay for repairs to the operating machinery used there in the manufacturing plant during the next year.

Mr. SISSON. I withdraw my motion, Mr. Chairman.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

For repairs and improvement of machinery and implements at plant at navy yard, Boston, Mass., $20,000.

Mr. MANN. I move to strike out the last word. Where were these items carried last year for repairs and improvement of machinery and implements?

Mr. PADGETT. Last year all that was carried was in one appropriation for Pearl Harbor. We omitted all of the others last year. There was no appropriation made for these yards last year. We only made an appropriation for Pearl Harbor.

Mr. MANN. Here are eight yards now that have repairs and improvement of machinery and implements. Does the gentleman say that they needed no repairs during the current year and no improvement of implements during the current year, so that nothing was carried in the last appropriation bill?

Mr. PADGETT. Nothing was carried last year.

Mr. MANN. I take it that was because we were approaching a presidential election; and I suppose our distinguished friends on the other side of the aisle were attempting to make a record for economy, and so left out provisions for repairs of machinery at these eight or nine naval stations, knowing that the plants would run down. Now they come in this year with a large appropriation for that purpose.

Mr. PADGETT. I will say to the gentleman——

Mr. MANN. I shall be glad to get the information.

Mr. PADGETT. On the contrary the department last year did not submit any estimates for any of these places, but withheld the estimates and concentrated them all at Pearl Harbor.

Mr. MANN. The department knew what would happen if they put in estimates. They were wise. Even the naval officers and the Army officers knew how you were going to cut into them last year.

Mr. PADGETT. Not at all. They could not prophesy.

Mr. GREGG of Texas. Mr. Chairman, I want to ask a question concerning lines 14 to 16, inclusive, on page 31.

Mr. PADGETT. We passed that item long ago.

Mr. GREGG of Texas. I know, but it is for repairs and preservation at navy yards and stations, $800,000.

Mr. PADGETT. Yes.

Mr. GREGG of Texas. Now, over here we have for repairs at these different navy yards, $115,000.

Mr. PADGETT. The $800,000 applied to buildings and grounds, and this applies to the machinery at operating plants.

Mr. GREGG of Texas. I wanted to make plain the fact that provision was made for the repairs and preservation of buildings in all these navy yards, separate and independent of the provisions that we moved to strike out to-day.

Mr. PADGETT. That is correct. We put buildings in one item and machinery in another.

The Clerk read as follows:

For repairs and improvement of machinery and implements at plant at navy yard, Puget, Sound, Wash., $10,000.

Mr. SISSON. I suppose the chairman of the committee, the gentleman from Tennessee, did not by his silence mean to admit that the officers of the Navy Department withheld the estimates because an election was approaching?

Mr. PADGETT. I did not.

Mr. SISSON. The fact that they were Republican Cabinet officers and withheld the estimates had nothing to do with the approaching election?

Mr. PADGETT. No.

The Clerk read as follows:

That the unobligated balances under the appropriation "Steam machinery" for the fiscal years ending June 30, 1912, and June 30, 1913, not exceeding $250,000, are hereby reappropriated and made available for the development of a type of heavy-oil engine suitable for use in one of the fuel ships authorized by the act approved August 22, 1912, and the expenditure thus incurred shall not be a charge against the limit of cost of such vessel.

Mr. FOSTER and Mr. SISSON reserved points of order.

Mr. SISSON. Mr. Chairman, I would like for the gentleman from Tennessee to explain, first, why this is not a direct appropriation instead of permission to construct it out of unobligated balances?

Mr. PADGETT. There was an unobligated balance of something like $300,000.

Mr. SISSON. Where was it; why was it not turned into the Treasury?

Mr. PADGETT. It was turned back into the Treasury, and we have reappropriated it; that is, we are making it available, but we use the word reappropriate.

Mr. SISSON. What about the balances; how much did they amount to?

Mr. PADGETT. It was about $300,000, but we say not to exceed $250,000. We wanted to appropriate $250,000 for the purpose of developing a direct internal-combustion engine which they need on our ships and which the gentleman discussed the other day with reference to using oil instead of coal. The time is coming when we ought to take some positive steps toward developing an engine that will use the oil in the cylinders instead of using it as fuel.

Mr. SISSON. I will state to the gentleman that it may be my own dullness that maks me incapable of understanding the language of the bill. He speaks of "unobligated balances under the appropriation 'Steam machinery' for the fiscal years ending June 30, 1912, and June 30, 1913, not exceeding $250,000 is hereby reappropriated." Now, were there two balances?

Mr. PADGETT. There is an unobligated balance if there is any at all for each year, because the accounts are kept separately.

Mr. SISSON. Were there two balances each year, and would the two balances amount to more than $250,000?

Mr. PADGETT. Yes; $300,000.

Mr. SISSON. Mr. Chairman, I withdraw the point of order.

Mr. SAMUEL W. SMITH. Mr. Chairman, I want to ask the gentleman a question. In line 26 you speak of it as a type of heavy-oil engine. What do you mean by heavy oil; crude oil?

Mr. SISSON. It is crude oil.

Mr. CALDER. Let me say that it is expected when this is worked out that we can operate ships much more cheaply.

Mr. PADGETT. Yes; and require much less space. Instead of having engines that occupy a great deal of space and large bunkers for coal, they will have a smaller engine and a small space for the oil.

Mr. MADDEN. Does the gentleman know that it costs a good deal more to use oil than it does coal?

Mr. PADGETT. That depends; it does on one coast, but not on the other.

Mr. MADDEN. How much of the money appropriated by this paragraph goes to the reconstruction of the boilers which are to be used for heavy oil?

Mr. PADGETT. I can not give the gentleman the separate items.

Mr. MANN. Can the gentleman say what the limit of cost is of this vessel?

Mr. CALDER. $1,000,000.

Mr. PADGETT. It is not a vessel; it is an engine.

Mr. MANN. I am more familiar with the bill than the gentleman is.

Mr. PADGETT. I misunderstood the gentleman; I thought he was asking about the engine.

Mr. MANN. I said vessel.

Mr. PADGETT. My understanding is that there was a limit placed on the cost of the ship, and the authorization last year was $1,000,000.

Mr. MANN. Will this result in building a larger ship?

Mr. PADGETT. No, sir. It is only for the purpose of building the engine.

Mr. MANN. I understand; but you appropriate $250,000 for the engine, and that saves building other engines and boilers for this ship?

Mr. PADGETT. Yes.

Mr. MANN. So that you have $1,250,000 instead of a million dollars. It is designed to build a larger ship?

Mr. PADGETT. No; but it is supposed that in the development of this engine a great deal of experimental work will be done, and it is to cover the experiment.

Mr. SAUNDERS. In effect you would get a larger ship, because you would get more ship room, requiring less engine space.

Mr. PADGETT. Yes; but the dimensions of the ship will be the same.

The Clerk read as follows:

Ten instructors, at $1,800 each.

Provided, That no commissioned officers of the Navy shall be detailed for duty as instructors at the United States Naval Academy to perform duties which were performed by civilian instructors on January 1, 1913.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. POWERS. Mr. Chairman, I would like to ask the chairman of the committee how many civilians were employed as instructors at the Naval Academy on the 1st of January of this year?

Mr. PADGETT. Twenty-two or twenty-three, I believe, all told.

Mr. POWERS. If for any reason these men should die or resign, as the matter is now framed, the places now filled by them could not be filled by naval officers.

Mr. PADGETT. No; they would get a civilian professor. I will state to the gentleman the issue is this: In certain academic branches, such as mathematics, the languages, and English they have always had civilian instructors. The department has recommended that they should be dispensed with, and they are going to supplant them with naval officers whose salaries would be much higher than those instructors, and make it much more expensive. We believe that for these academic branches it is much better to have these regular instructors who make it a life work, rather than to detail a naval officer from a ship to go there for a couple of years and to go away and another officer to take his place. The department has already given notice to a number of these civilian instructors that they should not be employed after the 30th of June. In order that the civilian instructors shall be retained we have incorporated this provision. It is for the purpose of retaining the civilian instructors at the academy and to prevent supplanting them with naval officers at a greater cost.

Mr. MURDOCK. And it is cheaper?

Mr. PADGETT. Oh, far cheaper; yes.

Mr. HAY. I would like to ask the gentleman how it is cheaper, because you have to pay these naval officers anyway, whether at Annapolis or anywhere else.

Mr. PADGETT. That may be, but we need them in other places. We need them on the ships.

Mr. HAY. That may be; but so far as it being cheaper is concerned, it is cheaper to employ the naval officers than the civilian instructors. You would pay both of them then, and otherwise you would be paying only one.

Mr. PADGETT. Assuming we had nothing for the naval officer to do; but where we have service for him and he is needed, and we are short of naval officers, we did not feel it was proper to withdraw these officers from the actual naval service and use them in the place of civilian instructors.

Mr. POWERS. At what salary are these civilians employed?

Mr. PADGETT. There are 10 of them, at $1,800.

The CHAIRMAN. Does the gentleman from Illinois withdraw his point of order?

Mr. MANN. I do not. Will the gentleman from Tennessee yield?

Mr. PADGETT. Yes.

Mr. MANN. Do I understand it is the intention of the Navy Department, being short of officers and needing them for service at sea, to discharge the civilian instructors over there and deprive the Navy vessels and the Navy of the use of these officers by putting them in to do the teaching?

Mr. PADGETT. That is true.

Mr. MANN. If the Navy Department is so asinine as that, I think we should let them try it.

Mr. ROBERTS of Massachusetts. Not all, but only six of them.

Mr. MANN. Mr. Chairman, a few years ago the Naval Committee reported the bill to put all of these professors on the retired list. I suppose that will follow this provision if it stays in the bill. Here the committee reports to keep the instructors in one paragraph as instructors, and in the next to make the swordmaster a naval officer.

Mr. ROBERTS of Massachusetts. That is for a special purpose.

Mr. FOSTER. That is to take care of some particular man, I suppose.

Mr. MANN. That is consistency. I make the point of order, and I am going to make the point of order against the next paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. PADGETT. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 41, in line 2, in lieu of the matter stricken out, insert the following:

"That no part of any sum in this act appropriated shall be expended in the pay or allowances of any commissioned officer of the Navy detailed for duty as an instructor at the United States Naval Academy, to perform duties which were performed by civilian instructors on January 1, 1913."

Mr. FOSTER. I make a point of order on that.

Mr. TRIBBLE. I make a point of order.

Mr. PADGETT. That is merely a limitation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The President is hereby authorized to appoint, by and with the advice and consent of the Senate, a swordmaster at the United States Naval Academy, to be a first lieutenant in the United States Marine Corps as an extra number, not in the line of promotion: *Provided*, That no person shall be so appointed who has had less than 25 years' continuous service as swordmaster at that institution.

Mr. MADDEN. Mr. Chairman, I make a point of order on the first paragraph and the proviso.

Mr. TRIBBLE. Mr. Chairman, I make a point of order against the whole paragraph.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

One swordmaster, $1,600; 1 assistant, $1,200, and 2 assistants, at $1,000 each; 2 instructors in physical training, at $1,500 each, and 1 assistant instructor in physical training, at $1,000; and 1 instructor in gymnastics, $1,200; 1 assistant librarian, $2,160; 1 cataloguer, $1,200, and 2 shelf assistants, at $900 each; 1 secretary of the Naval Academy, $2,400; 2 clerks, at $1,500 each; 4 clerks, at $1,200 each; 4 clerks, at $1,000 each; 4 clerks, at $900 each; 2 clerks, at $840 each; 1 draftsman, $1,200; 1 surveyor, $1,200; services of organist at chapel, $300; 1 captain of the watch, $924; 1 second captain of the watch, $828; 22 watchmen, at $732 each; 10 instructors, at $1,800 each.

Provided, That no commissioned officers of the Navy shall—

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. I desire to ask the chairman of the committee why the dentist is left out in making up the bill?

Mr. PADGETT. If the gentleman will turn to the first page of the bill he will find he is transferred over under "Pay of the Navy."

Mr. FOWLER. That is in the first part of the bill.

Mr. PADGETT. That is under "Pay of the Navy."

Mr. FOWLER. I see the gentleman's bill carried in this same paragraph a year ago a provision for a dentist, at $2,550.

Mr. PADGETT. That is true, but the law last year was changed so that he is put under "Pay of the Navy" instead of under the Naval Academy appropriation.

Mr. FOWLER. I withdraw the point of order.

Mr. HAMLIN. One moment. I desire to ask a question for information purely. Are any of these employees provided for midshipmen?

Mr. PADGETT. No.

Mr. HAMLIN. They are all civilians employed from the outside?

Mr. PADGETT. Yes.

The Clerk read as follows:

Department of electrical engineering and physics: Two electrical machinists, at $1,000 each; two mechanics, at $1,000 each; in all, $4,000.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. The bill carried last year a provision for one mechanic at $720, and I see you have in this bill a provision for two mechanics at $1,000 each.

Mr. PADGETT. Yes.

Mr. FOWLER. That is an increase of salary to one mechanic?

Mr. PADGETT. Yes.

Mr. FOWLER. Is it an increase for both mechanics or only for one?

Mr. PADGETT. It is an increase for one and an authorization for another.

Mr. FOWLER. That is what I thought. What is the reason for the additional mechanic?

Mr. PADGETT. I will read you:

Albert Knackstedt has been employed in the department of physics and chemistry at the Naval Academy since 1897, and is now receiving a yearly salary of $730. He is an efficient workman.

Harry F. Le Tournear has been employed as a mechanic in care of scientific apparatus in the department of physics and chemistry since 1909. He is also a skilled workman, salary $730 per annum.

The head of the department recommended that the salaries of the above-named men be increased at least to $1,000 per annum, which recommendation is approved by the superintendent.

The department believes that the salary of $730 per annum is inadequate for work of this character, and is strongly in favor of increasing the pay of these employees. If the estimates had not already been sent in when the matter was called to the department's attention, an increase in the pay of these positions would have been asked for in the regular estimates.

I was mistaken in my statement. It is an increase to two mechanics, not an authorization of one.

Mr. FOWLER. I was not sure about it, and that is the reason I asked the question. Are these men constantly employed?

Mr. PADGETT. Yes.

Mr. FOWLER. About how many hours per day are they engaged?

Mr. PADGETT. Under the Government law they can be employed only eight hours.

Mr. FOWLER. What I desired to know was whether they had regular employment.

Mr. PADGETT. Oh, every day.

Mr. FOWLER. I do not think $1,000 is too much salary, and I withdraw the point of order.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment, on page 42, line 7, to strike out the word "department" and insert the word "departments." It should be plural.

The CHAIRMAN. If there is no objection, the amendment will be agreed to.

The amendment was agreed to.

The Clerk read as follows:

Commissary department: One chief cook, $1,200; 4 cooks, at $600 each, and 8 assistants, at $300 each; 1 steward, $1,200, and 1 assistant, $600; 1 head waiter, $720, and 2 assistants, at $480 each; 2 pantry men, at $420 each; 1 chief baker, $1,200; 1 baker, $600; 2 assistants, at $540 each, and 1 assistant, $420; necessary waiters, at $16 per month each, $13,440; 1 messenger to the superintendent, $600; 27 attendants, at $300 each; in all, $35,760: *Provided*, That hereafter such additional payments from the midshipmen's commissary fund as the superintendent of the Naval Academy may deem necessary may be made to the servants authorized in the commissary department.

Mr. SISSON. Mr. Chairman, I reserve a point of order on the proviso on page 43. I call the attention of the chairman of the Committee on Naval Affairs to that. Do you propose, out of this midshipmen's commissary fund, to permit them to hire certain servants? What are these servants to do?

Mr. PADGETT. They wait on the boys.

Mr. SISSON. Are they authorized in the commissary department to wait on the table, or to shine shoes, or what?

Mr. PADGETT. To wait on the table.

Mr. MANN. If the gentleman will permit, at the Military Academy the boys pay all the expenses, and here they pay $16 a month out of the Treasury and they pay the balance out of the commissary fund. It is put in as a permanent item this year instead of as a current item.

Mr. SISSON. I see this becomes a part of the permanent law.

Mr. MANN. It is intended to have them pay part of the expense.

Mr. SISSON. You mean the boys?

Mr. MANN. Yes; as they do at the Military Academy.

Mr. PADGETT. Under the law——

Mr. SISSON. This proviso simply authorizes the president of the Naval Academy to employ these servants out of these funds when he sees fit to do so?

Mr. PADGETT. When he needs them, or sometimes in order to get satisfactory service for the boys they have to pay them more than they can pay under the law, and this is to allow them to pay this addition.

Mr. SISSON. I have no objection to that, and I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

Hereafter the Board of Visitors to the Naval Academy shall consist of five members of the Committee on Naval Affairs of the United States Senate and seven members of the Committee on Naval Affairs of the House of Representatives, to be appointed by the respective chairmen thereof, and the members so appointed shall visit the Naval Academy annually at such time as the chairman of the Board of Visitors shall appoint, and the Members of each House of Congress of said board may visit said academy together or separately as the said board may elect during the session of Congress. The expenses of the members of the board shall be their actual expenses while engaged upon their duties as members of said board, not to exceed $5 per day and their actual expenses of travel by the shortest mail routes: *Provided*, That so much of chapter 68, Statutes at Large, volume 20, page 290, as is inconsistent with the provisions of this act is hereby repealed.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve a point of order on this paragraph. I would like to know something about what the members of this commission do.

Mr. PADGETT. This is putting the Naval Academy upon the same basis as the Military Academy. Heretofore they have been having a mixed board. The House appointed 3, the Senate 2, and the President 7, making a board of 12, and the annual expense has been about from $2,500 to $3,000 for the last few years.

Mr. MOORE of Pennsylvania. Is this a change in the existing law?

Mr. PADGETT. Several years ago the Congress changed the Board of Visitors as to West Point. This is making Annapolis the same as West Point, and makes a reduction in the expenses of from $2,000 to $2,500 a year.

Mr. MOORE of Pennsylvania. May I inquire whether there is any law authorizing the payment of these visitors?

Mr. PADGETT. Oh, yes; and this changes it.

Mr. MOORE of Pennsylvania. Who recommended the insertion of this particular paragraph?

Mr. PADGETT. The Naval Committee.

Mr. MOORE of Pennsylvania. Does the Navy Department stand for it?

Mr. PADGETT. I do not know whether they do or not. They were not consulted.

Mr. HENSLEY. Mr. Chairman, I desire in that connection to say to the chairman of the Committee on Naval Affairs that under this same law the expenses of this board in connection with the Military Establishment were $216.15.

Mr. PADGETT. It will save $2,000 or $2,500.

Mr. KAHN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield.

Mr. KAHN. The Board of Visitors to the Military Academy is now composed of seven Members of the House and five Members of the Senate. Up to about four or five years ago the Board of Visitors to the Military Academy was similar to the board, under existing law, to the Naval Academy.

Mr. PADGETT. Yes.

Mr. KAHN. Under that law visitors are appointed from various sections of the Union, and they all get mileage, which runs the expense to a considerable amount. The experience of the Military Academy has been this: Members of the House who are appointed as visitors—and they are all members of the Military Committee—go to the academy during the early part of the year and personally learn the requirements of the academy. They get information at first hand.

Mr. PADGETT. They go there during the working period.

Mr. KAHN. Exactly. And all that is paid is the actual expense of going and coming.

Mr. MOORE of Pennsylvania. What is the actual result?

Mr. KAHN. The actual result has been this: That they are better able to legislate for the academy because they have seen with their own eyes what is required at the academy.

Frequently estimates have been submitted for repairs at the Military Academy that the visitors under the existing law thought were unnecessary for the time being, and in that way money has been saved to the Government. Other repairs were found to be absolutely necessary, and in that way we were able to legislate to better advantage for the academy. I believe that the innovation has been a very good one, and I think it would be a good idea to have a board for the Naval Academy similar to the one we have for the Military Academy.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. HENSLEY. If it costs this board under the law only $216.50——

Mr. KAHN. It was something of that sort. I think the expenses of the individual members of the Board of Visitors are about $25 or $26 for a visit.

Mr. HENSLEY. I have a letter from the Quartermaster General showing that it should not cost more than $500 to visit the Naval Academy, which is much nearer than West Point.

Mr. KAHN. My figures are that it costs a member of the board about $25 to visit the Military Academy and return.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman from Tennessee [Mr. PADGETT] state whether or not it is within the province of the Committee on Naval Affairs occasionally to visit this academy on its own account, rather than to have independent Members of Congress going there as they may see fit, thus becoming subject to such criticism as might be made as a result of their expenditures for personal expenses, and so forth?

Mr. PADGETT. I do not think that, as an institution, you could depend on the Members going.

Mr. MANN. Mr. Chairman, would the gentleman from Pennsylvania yield for an illustration?

Mr. MOORE of Pennsylvania. Yes.

Mr. MANN. As a result, possibly, of the change in the law concerning the Military Academy, we passed the Military Academy bill this year in the House in the shortest time any appropriation bill has ever been passed during my service in the House. I think it was half an hour, and when it went to the Senate, I believe in the Senate committee there were only two inconsequential amendments inserted. I have the bill in my desk. I take it that it was largely the result of the visits which Members of the Senate and of the House made to the academy.

Mr. OLMSTED. Mr. Chairman, I would like to ask the gentleman from Tennessee a question. I notice in a proviso here, on page 44, it is worded—

Provided, That so much of chapter 68, Statutes at Large, volume 20, page 290, as is inconsistent with the provisions of this act is hereby repealed.

Mr. PADGETT. That is the law authorizing the present Board of Visitors.

Mr. LOUD. That is civilians.

Mr. OLMSTED. I looked through that chapter hastily, and I found only $26 for expenses.

Mr. PADGETT. That, I understand, is the act which authorizes the Board of Visitors, and this is to repeal it.

Mr. OLMSTED. It is a long act, and perhaps I did not study all of its provisions carefully, but I did not see anything of the kind in it.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MOORE] has expired. The Clerk will read.

Mr. MOORE of Pennsylvania. I reserved a point of order with a view of getting a little further information. I may make the point later on. I would like to know to what extent the Navy Department is interested in this proposition?

Mr. PADGETT. I do not think they are interested in it at all. This is for the information of Congress.

Mr. MOORE of Pennsylvania. It did not originate with the department? It originated either with the Senate committee or with the House committee?

Mr. PADGETT. It originated with the House committee.

Mr. MOORE of Pennsylvania. I make the point of order against the paragraph, Mr. Chairman.

Mr. PADGETT. Mr. Chairman, it is not subject to a point of order. It is clearly within the provisions of the Holman rule. It reduces expenses by abolishing offices and curtails expenditures. It reduces expenses from $3,000 to less than $500.

Mr. MURDOCK. Mr. Chairman, may I ask the gentleman a question?

Mr. PADGETT. Yes.

Mr. MURDOCK. Is there any limitation in this paragraph as to the amount of money any individual Member of this body can expend in making trips over there?

Mr. PADGETT. Yes; it says he shall have his actual railroad expenses.

Mr. MURDOCK. And $5 a day expenses.

Mr. PADGETT. And $5 a day.

Mr. MURDOCK. He can make just as many trips as he chooses.

Mr. PADGETT. No; because under the $500 limitation he would not make very many.

Mr. MURDOCK. I did not know about the $500 limitation. Where is that?

Mr. FOWLER. In the next paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, I think this is in conflict with existing law and is new legislation. It proposes to repeal portions of the old act that may be inconsistent herewith. It is clearly new legislation.

The CHAIRMAN. Under the statement of the chairman of the Committee on Military Affairs it reduces expenditures and comes within the Holman rule. The point of order is overruled.

Mr. MOORE of Pennsylvania. I do not think the gentleman from Tennessee will contend that the old law fixes a limitation. This clearly provides for an expenditure over and above that provided by existing law.

The CHAIRMAN. Under the old law the expense might be $2,500.

Mr. PADGETT. The appropriation in the old law is $3,000.

The CHAIRMAN. The old law appropriates $3,000, and under the proposed amendment the expenditure will be about $250.

Mr. MOORE of Pennsylvania. Does the gentleman from Tennessee assure the Chair that the old law fixes a limit of expenditure?

Mr. PADGETT. Yes.

Mr. BOEHNE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOEHNE. The Chair has ruled on this point of order, has he not?

The CHAIRMAN. The Chair has ruled on the point of order.

Mr. CAMPBELL. Regular order!

Mr. MOORE of Pennsylvania. I did not understand the ruling of the Chair.

The CHAIRMAN. The Chair overruled the point of order on the ground that the paragraph reduces expenditures and comes within the Holman rule.

The Clerk read as follows:

Expenses of the Board of Visitors of the Naval Academy, being actual expenses while engaged upon duties as members of the board not to exceed $5 a day and actual expenses of travel by the shortest mail routes, and for clerk hire, and other incidental and necessary expenses of the board, $500.

Mr. COX. Mr. Chairman, I reserve a point of order on the words "and for clerk hire," in line 17.

Mr. MANN. That is for actual expenses.

Mr. COX. I want to know the necessity of taking a clerk down there.

Mr. MANN. They need a clerk, of course.

Mr. COX. I do not suppose this board do very much that calls for a clerk.

Mr. PADGETT. It is not for clerk hire to the board. There is a permanent clerk at the academy, and he records the meetings of the board.

Mr. COX. What do the board do there? Do they hold meetings?

Mr. PADGETT. They hold meetings twice a day.

Mr. COX. For how long?

Mr. PADGETT. They meet in the morning about 10 o'clock, and sit until between 12 and 1, get their lunch, and then they are in session until about 5; and several times when I have been there they have held meetings after dinner.

Mr. COX. As I understand, this clerk is a permanent employee at the academy?

Mr. PADGETT. Yes.

Mr. COX. He is already paid on some other roll, is he not?

Mr. PADGETT. He is a detailed officer, and I do not know that he gets anything for that, but this is put in there so that if we did not have a detailed officer we could have a clerk to attend the meetings.

Mr. COX. What has been your practice heretofore? Do you take a clerk over with you?

Mr. PADGETT. We do not.

Mr. COX. Does the gentleman know whether any part of this appropriation goes to the pay of that clerk over there?

Mr. PADGETT. I do not.

Mr. COX. The gentleman does not know?

Mr. PADGETT. I do not.

Mr. HAMLIN. Will the gentleman explain the meaning of the words "travel by the shortest mail routes"? In the law relating to the mileage of Members I think it reads "over the route usually traveled."

Mr. PADGETT. This is the same language that is used in the military bill.

Mr. COX. Is there any law for making this allowance for this clerk?

Mr. PADGETT. Yes; it is in the old law, and we just incorporated it here, but reduced the amount from $3,000 to $500.

Mr. CAMPBELL. I want to suggest to the gentleman from Indiana that the hide and tallow, when you get them in this case, will not be worth the time it takes to skin the flea and get the tallow rendered.

Mr. COX. That may be the idea of the gentleman from Kansas. I am trying to get information.

Mr. CAMPBELL. It is the idea of any gentleman who will look into the matter for two seconds.

Mr. COX. Oh, well!

Mr. MANN. Will the gentleman yield?

Mr. COX. Certainly.

Mr. MANN. Considering the fact that the committee has left out free carriages in this item, does not the gentleman think we can afford to give them a dollar or two for a clerk?

Mr. COX. I think so; and I was doing my best to get the information.

Mr. MANN. Before this they had carriages at the expense of the Government.

Mr. COX. I think there was a permanent statute authorizing——

Mr. MANN. I note with almost regret that our Members, when they go there, will have to walk or pay their own carriage fare.

Mr. KAHN. Will the gentleman yield for a statement?

Mr. COX. Yes.

Mr. KAHN. It has been the experience of the visitors to the Military Academy that a stenographer must be brought to the

Academy to do the work of the Board of Visitors. The testimony is taken in shorthand and subsequently transcribed.

Mr. COX. Is that the practice now?

Mr. PADGETT. That is the practice at Annapolis.

Mr. KAHN. I assume that the Naval Board of Visitors will do the same.

Mr. COX. I understand the gentleman from California to say that the visitors to the Military Academy take a stenographer with them?

Mr. KAHN. No; the academy sends to some village near by West Point and brings a stenographer and typewriter to the academy for the express purpose of taking down the hearings during the visit.

Mr. PADGETT. We do the same at Annapolis; we employ a stenographer there.

Mr. COX. Mr. Chairman, I reserved the point of order for the purpose of getting information. I am going to withdraw the point of order, and I feel in withdrawing it that the Naval Committee in this instance should be complimented. In looking at the section of the statute in the preceding paragraph, they can allow themselves $2,600 for this business, and I think the committee has shown in this particular instance economy, and I compliment them for it. I withdraw the point of order.

The Clerk read as follows:

For contingencies for the superintendent of the academy, to be expended in his discretion, $2,000.

Mr. HAMLIN. Mr. Chairman, I move to strike out the last word, and I would like to ask the gentleman from Tennessee if this has been carried in previous bills.

Mr. PADGETT. Time out of mind.

Mr. HAMLIN. What are the contingent expenditures?

Mr. PADGETT. The superintendent, by virtue of his official position, is called upon to entertain the Board of Visitors and dignitaries. Visitors from abroad and different parts of the country are entertained and paid for out of this contingent fund. It is like the fund that goes to all large institutions, so that the superintendent can have some fund to meet the contingent and general expenses.

Mr. HAMLIN. I supposed that that was it. Does the superintendent report each year how the money was expended?

Mr. PADGETT. I can not tell you; I never looked into it. It is a small amount.

Mr. HAMLIN. Not very small.

Mr. PADGETT. The superintendent does an immense amount of entertaining, and necessarily must do it. I have been there with the board three different years, and I was on a special committee that spent 10 days there at one time. I have gotten very familiar with matters there. I think that this is an entirely proper expenditure.

Mr. HAMLIN. Has the gentleman ever examined any reports of the superintendent to see whether he uses the full $2,000?

Mr. PADGETT. I have not.

Mr. HAMLIN. Does not the gentleman think it would be well to look into it?

Mr. PADGETT. He reports; but whether he uses it all I do not know. He reports to the Navy Department, and reports his vouchers for the use of it.

Mr. HAMLIN. That is the point I was trying to find out, whether the gentleman knew whether he did make an itemized report.

Mr. PADGETT. I do not know to what extent it is itemized, but he makes a report.

Mr. HAMLIN. I have had occasion to realize the absolute necessity where lump-sum appropriations are given to be expended at the discretion of any officer the great importance of requiring the officer to make an itemized report, so that we who are called upon to make the appropriations may know how the money is being expended, how much of it, or whether all or a part of it is used, and from which we can judge whether or not the money is properly appropriated and properly expended. I believe that the committee—I am not offering a suggestion—but I believe that the committee ought to find out whether or not he does make a report and whether or not it is an itemized report. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Maintenance and repairs, Naval Academy: For general maintenance and repairs at the Naval Academy, namely: For necessary repairs of public buildings, wharves, and walls inclosing the grounds of the Naval Academy, improvements, repairs, and fixtures; for books, periodicals, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants; machinery; purchase and maintenance of all horses and vehicles for use at the academy; seeds and plants; tools and repairs of the same; stationery; furniture for Government buildings and offices at the academy; coal and other fuel; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up station and care of buildings; attendance on fires, lights, fire engines, fire apparatus, and plants, and telephone, telegraph, and clock systems; incidental labor; advertising, water tax, postage, telephones, telegrams, tolls, and ferriage; flags and awnings; packing boxes; fuel for heating and lighting bandsmen's quarters; pay of inspectors and draftsmen; music, musical and astronomical instruments; and for the pay of employees on leave, $350,000.

Mr. SISSON. Mr. Chairman, this is apparently an increase from $240,000 to $350,000, with $50,000 for the sea wall, which makes a total appropriation this year for repairs over there of $400,000.

Mr. PADGETT. There is an increase in this item, but it is a consolidation of two items. Heretofore it has been two items.

Mr. SISSON. Maintenance has been carried in a separate item?

Mr. PADGETT. Maintenance is carried in one item and repairs in another. Last year the appropriation for maintenance was $215,000 and for repairs $125,000.

Mr. SISSON. So there has been a reduction of over $100,000 in the item?

Mr. PADGETT. No; we consolidate the items, because one is maintenance and one repairs. There is an increase of $10,000.

Mr. MANN. Last year it was $344,166 for the two items and this year it is $350,000 plus $4,416.

Mr. SISSON. That is not such an increase as shows on the face of it. On the committee copy which I have it shows $240,000 last year and $350,000 this year. I withdraw the point of order.

Mr. HAMLIN. Mr. Chairman, I renew the point of order. How much leave each year have these employees?

Mr. PADGETT. I understand they have 15 days.

Mr. HAMLIN. And this item includes the pay for employees on leave?

Mr. PADGETT. Yes; they are the per diem employees there.

Mr. HAMLIN. And they have 15 days' leave each year?

Mr. PADGETT. Yes.

Mr. HAMLIN. With pay?

Mr. PADGETT. Yes.

Mr. HAMLIN. I withdraw the point of order.

The Clerk read as follows:

That after June 30, 1913, and until June 30, 1919, there shall be allowed at the Naval Academy 2 midshipmen for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for the District of Columbia, and 10 appointed each year at large: *Provided*, That midshipmen on graduation shall be commissioned ensigns in the Navy, or may be assigned by the Secretary of the Navy to fill vacancies in the lowest commissioned grades of the Marine Corps or Staff Corps of the Navy.

Mr. SISSON. Mr. Chairman, on that I reserve the point of order.

Mr. MANN. I make the point of order, Mr. Chairman.

Mr. SISSON. Mr. Chairman, I reserve the point of order for the purpose of asking the gentleman a question.

Mr. MANN. I make the point of order without asking any question.

The CHAIRMAN. The point of order is sustained and the Clerk will read.

The Clerk read as follows:

MARINE CORPS.

Pay, Marine Corps: For pay and allowances prescribed by law of officers on the active list, including clerks for assistant paymasters, five in all, $956,598.

Mr. FOWLER. Mr. Chairman, I reserve the point of order on the paragraph. I would ask the chairman of the committee if this is an increase in the allowance. I see that last year only $936,278 were appropriated for five officers.

Mr. PADGETT. Not for five officers, but for all of them.

Mr. FOWLER. This includes the clerks the same as it did a year ago?

Mr. PADGETT. It is for the pay and the allowances prescribed by law of officers on the active list, including clerks for assistant paymasters. The assistant paymasters are five, but all of the officers in the Marine Corps are included, and last year we increased the officers by 13.

Mr. FOWLER. Is that the reason for the increase here?

Mr. PADGETT. Exactly. It is a mathematical calculation.

Mr. FOWLER. And no increase in the amount paid to anyone?

Mr. PADGETT. Not at all.

Mr. FOWLER. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For pay and allowances prescribed by law of enlisted men on the retired list: For 3 sergeants major, 1 drum major, 26 gunnery sergeants, 27 quartermaster sergeants, 36 first sergeants, 63 sergeants, 18 corporals, 20 first-class musicians, 1 drummer, 1 trumpeter, 1 fifer, and 26 privates, and for those who may be retired during the fiscal year, $150,759.

Mr. SISSON. Mr. Chairman, I reserve the point of order. How many increases are there here?

Mr. PADGETT. I have not compared them.

Mr. SISSON. I would have to go back to the original bill, which I have not here.

Mr. PADGETT. The gentleman would have to go back to the law of last year. This is a changeable thing.

Mr. MANN. Mr. Chairman, I can give the gentleman the increase. There is 1 increase in the sergeant major, 1 increase in gunnery sergeant, 2 increases in quartermaster sergeant, 1 increase in first sergeant, 11 increases in sergeants, 4 increases in corporals.

Mr. SISSON. That is 19. So the number of officers is increased by 19?

Mr. PADGETT. They go on the retired list under the law. It is an automatic proposition. The law provides that when they reach a certain age they go onto the retired list.

Mr. SISSON. To all of which I am opposed, but I can not help it. I withdraw the point of order.

The Clerk read as follows:

In the office of the quartermaster: One chief clerk, at $2,000; 1 clerk, at $1,500; 2 clerks, $1,400 each; 2 clerks, at $1,200 each; 1 draftsman, at $1,800.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. I desire to ask the chairman the reason for increasing the number of clerks at $1,600 each from one to two.

Mr. PADGETT. What page and line?

Mr. FOWLER. Page 48, line 10. The bill a year ago carried only one clerk at $1,400, and now it carries a provision for two at $1,400.

Mr. PADGETT. Yes. He is changed, if I remember, from a $1,200 clerk. There is one clerk at $1,500 instead of two, as were recommended, and then there are two clerks at $1,400 instead of one clerk at $1,400, as recommended.

Mr. FOWLER. What did the other clerk get, or is that a new position created?

Mr. PADGETT. The clerk is getting $1,400. There was one clerk getting $1,500, and there was one clerk getting $1,400. We have kept one clerk at $1,500, and we have increased the $1,400 clerk to two.

Mr. FOWLER. I see also you have increased the draftsman salary from $1,600 to $1,800 by the provisions of the bill.

Mr. PADGETT. Yes; that is because we have got a draftsman who is a very valuable man, and he can get outside employment, and the department said they could not hold him unless he should get $1,800, and he was such a valuable man that they recommended we give him that increase.

Mr. FOWLER. You have been hiring a draftsman at $1,600 heretofore.

Mr. PADGETT. We have had this man, and we have had, I think, 10 changes in seven years.

Mr. FOWLER. Does not the gentleman think another man could be secured if he leaves?

Mr. PADGETT. Yes; but I do not think we could get near so good a one.

Mr. FOWLER. Mr. Chairman, I make the point of order against the increase for the draftsman.

Mr. PADGETT. I hope the gentleman will not do that. This is an important matter and here is a very valuable man that the department will lose and it will embarrass the department. It is not economy. When we have a very valuable man that the people on the outside want we ought to hold or at least to give him something near what he is worth on the outside.

Mr. FOWLER. Mr. Chairman, I make the point of order.

The CHAIRMAN. Does this involve an increase of salary?

Mr. FOWLER. Yes; it involves an increase of salary from $1,600 to $1,800.

Mr. BOEHNE. Mr. Chairman, I hope the gentleman will not press his point of order. It seems to me that a competent draftsman is not overpaid at $1,800.

Mr. PADGETT. This man is actually underpaid at this price.

Mr. BOEHNE. I believe a competent draftsman who can do the work this gentleman has to perform is worth $2,000 instead of $1,600, and I hope the gentleman from Illinois will not insist upon his point of order.

Mr. PADGETT. It will really embarrass the department for the gentleman to do so and instead of economy it is just the opposite.

Mr. FOWLER. I insist on the point of order.

The CHAIRMAN. The Chair desires to ask the gentleman from Tennessee, does this simply involve an increase in the number of clerks or an increase of salary as well.

Mr. PADGETT. It increases his salary.

The CHAIRMAN. Then the point of order will be sustained.

Mr. PADGETT. Mr. Chairman, I move to amend in lieu of the language stricken out by inserting, "one draftsman at $1,600."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 48, line 11, after the word "at," insert, where it occurs the second time in that line, the figures "$1,600."

The question was taken, and the amendment was agreed to.

Mr. MADDEN. That saves how much?

Mr. BUTLER. Two hundred dollars on a poor clerk.

The Clerk read as follows:

In the office of the assistant quartermaster, San Francisco, Cal.: One chief clerk, at $1,800.

Mr. FOWLER. Mr. Chairman, I make the point of order against the paragraph that there is an increase of salary there from $1,400 to $1,800.

Mr. PADGETT. From $1,600——

Mr. FOWLER. From $1,400, as carried in the bill of last year.

The CHAIRMAN. The point of order is sustained.

Mr. PADGETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 38, line 13, insert in place of the figures stricken out "1,400."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

In the office of the assistant quartermaster, Philadelphia, Pa.: One chief clerk, at $1,800; one messenger, at $840; in the Quartermaster's Department, for duty where their services are required, four clerks, at $1,400 each.

Mr. FOWLER. I make a point of order against the paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make a point of order that the point of order comes too late. The Clerk had proceeded to read the next paragraph.

Mr. FOWLER. The salary of the chief clerk is increased from $1,600 to $1,800.

Mr. MOORE of Pennsylvania. What is the point of order, Mr. Chairman?

The CHAIRMAN. That the salary of the chief clerk is increased from $1,600 to $1,800—an increase of salary.

Mr. MOORE of Pennsylvania. And the gentleman makes that point of order against an increase of $200 for a clerk?

The CHAIRMAN. The point of order is sustained.

Mr. PADGETT. Mr. Chairman, I offer an amendment that in lieu of the figures stricken out we insert "1,600."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 15, in place of the figures stricken out, insert "1,600."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

In all, for pay of civil force, $35,711.28, and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund.

Mr. RAKER. Mr. Chairman——

Mr. BUTLER. Mr. Chairman, I rise to ask the chairman of the committee whether we can not go home now?

Mr. PADGETT. The gentleman from California [Mr. RAKER] has a motion to offer.

Mr. RAKER. First, Mr. Chairman, I move to strike out the last word. I wish the gentleman from Illinois [Mr. MANN] would give me his attention for just a moment upon the amendment that was offered a moment ago. I desire to place at the end of that provision the following:

And the said vessel be turned over to the State authorities of California without any expense to the Government.

So that the amendment will read:

Amend, by inserting at the end of line 24, on page 48, the following as a new paragraph:

"That the U. S. S. Portsmouth be, and hereby is, transferred to the State of California upon condition that the said State of California, by and through its governor, accept said vessel, U. S. S. Portsmouth, for said State, after having been first duly authorized by the Legislature of said State of California, and upon the further condition that said vessel remain the property of said State, to be preserved and cared for by the said State of California at its own cost and expense, and the said vessel be turned over to the State authorities of California without any expense to the Government."

The CHAIRMAN. The Clerk will report the amendment.

Mr. MANN. It seems to me it is quite late, it being 10 o'clock. I thought we had an understanding that we would quit at this time.

Mr. RAKER. I did not understand the gentleman.

Mr. MANN. I said I thought we had an understanding that we would quit at this time. Gentlemen had been given that information.

Mr. RAKER. I wish to offer the amendment.

Mr. MANN. I make a point of order against it at this hour.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk proceeded to read the amendment.

Mr. MANN. I am going to make a point of order, if you insist on going ahead to-night.

Mr. RAKER. I did not understand the gentleman. I thought you would take it up if it was read at this time.

The CHAIRMAN. The Clerk will proceed to read the amendment.

Mr. RAKER. To avoid any complications, I understood, when the proper paragraph came, we might offer it. I do not care to take the time of the committee. I will be perfectly satisfied with any time that suits the members of the committee. I did not know we were going to quit now.

Mr. MANN. I do not know whether we are going to quit or not.

Mr. BUTLER. There are only about 75 Members here.

Mr. RAKER. The battleship proposition comes on later, and I do not want a small matter like this to fall into the maelstrom of that fight, and I thought we could get it through at this time. I hope the gentleman from Illinois [Mr. MANN] will see his way clear. The last part of the amendment says that it shall be at the expense of the State of California, and, next, that the turning over of it shall be entirely without any expense to the Government. I trust the gentleman may see his way clear not to object.

Mr. MANN. May I ask the gentleman from Tennessee [Mr. PADGETT] when he intends to quit?

Mr. PADGETT. I would like to go ahead. I said to the gentlemen that when we got to this point we would quit. The floor leader [Mr. UNDERWOOD] desires that we continue down to the "Increase in the Navy."

Mr. MANN. I have been here since 10.30 o'clock this morning, and am willing to sit until 10.30 to-morrow morning, if necessary. A good many understood that the committee would rise when we got to the top of page 49. Some gentlemen have gone away who have been watching this bill.

Mr. UNDERWOOD. Mr. Chairman, this is an important supply bill. I have not attempted to interfere with it, and I think every effort has been given in this House for every Member to exercise his right to amendment and discussion. The supply bills have got to go through, even if they have to go through under a rule, and I hope the committee will stay here patiently for a few minutes longer. There are no contested items between here and the battleships.

Mr. MANN. There will be if you stay.

Mr. UNDERWOOD. Let us read down to the battleships and try and agree upon a time for debate to-morrow, and take it up to-morrow.

Now, I am not a two-battleship man. I will vote for one battleship, but I want to get the bill through. I think, whether it goes through with one battleship or two battleships, the bill is entitled to become a law, and I think we are entitled to run this bill a while longer. I hope that gentlemen on that side of the House will not interfere with a reasonable request.

Mr. MANN. Mr. Chairman, I make a point of order against everything. I make a point of order that there is no quorum present. We had an agreement as to when the committee would rise. If the gentlemen on that side do not want to keep their agreements we can not reach an understanding.

The CHAIRMAN. The point of no quorum is made. The Chair will count to see if there is a quorum. [After counting.] One hundred and nine Members are present, a quorum.

Mr. MANN. Mr. Chairman, I make a point of order against the amendment.

Mr. RAKER. Will the gentleman just withhold for a moment?

Mr. MANN. No; I will not agree to anything.

Mr. RAKER. Let me ask unanimous consent to address the House.

Mr. MANN. No; I will not agree to anything.

SEVERAL MEMBERS. Regular order!

The CHAIRMAN. The regular order is demanded. The Clerk will read.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. What is the inquiry?

Mr. RAKER. May I not have opportunity to ask unanimous consent to address the House for five minutes?

Mr. MANN. I object.

The CHAIRMAN. The gentleman can make his request, of course.

Mr. RAKER. I make the request.

The CHAIRMAN. Is there objection?

Mr. MANN. I object as long as gentlemen will not preserve any of the amenities.

The CHAIRMAN. Objection is made. The Clerk will read.

The Clerk read as follows:

MAINTENANCE, QUARTERMASTER'S DEPALTMENT, MARINE CORPS.

Provisions, Marine Corps: For noncommissioned officers, musicians, and privates serving ashore; subsistence and lodging of enlisted men when traveling on duty, or cash in lieu thereof; commutation of rations to enlisted men regularly detailed as clerks and messengers; payment of board and lodging of applicants for enlistment while held under observation, recruits, and recruiting parties; transportation of provisions, and the employment of necessary labor connected therewith; ice for offices and preservation of rations, $890,000; and no law shall be construed to entitle marines on shore duty to any rations, or commutation thereof, other than such as now are or may hereafter be allowed to enlisted men in the Army: *Provided*, That hereafter so much of this appropriation as may be necessary may be applied for the purchase, for sale to officers, enlisted men, and civilian employees, of such articles of subsistence stores as may from time to time be designated and under such regulations as may be prescribed by the Secretary of the Navy.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the paragraph.

Mr. PADGETT. What is the point of order?

Mr. MANN. Well, if the gentleman does not recognize it, I shall be glad to state it. The provision—

Provided, That hereafter so much of this appropriation as may be necessary may be applied for the purchase, for sale to officers, enlisted men, and civilian employees, of such articles of subsistence stores as may from time to time be designated and under such regulations as may be prescribed by the Secretary of the Navy—

is legislation, in my judgment. I do not know whether or not the gentleman from Tennessee recognizes it as such. But it is not in order under the Holman rule, and it is in violation of Rule XXI of the rules of the House.

Mr. PADGETT. Let the Chair rule.

The CHAIRMAN. The point of order is sustained.

Mr. PADGETT. Mr. Chairman, I offer as a new paragraph, in lieu of the language stricken out, the language contained in the bill from line 1, page 49, down to and including the word "Army," in line 15.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The Clerk read as follows:

Amend by inserting in lieu of the matter stricken out the following:

"MAINTENANCE, QUARTERMASTER'S DEPARTMENT, MARINE CORPS.

"Provisions, Marine Corps: For noncommissioned officers, musicians, and privates serving ashore; subsistence and lodging of enlisted men when traveling on duty, or cash in lieu thereof; commutation of rations to enlisted men regularly detailed as clerks and messengers; payment of board and lodging of applicants for enlistment while held under observation, recruits, and recruiting parties; transportation of provisions, and the employment of necessary labor connected therewith; ice for offices and preservation of rations, $890,000; and no law shall be construed to entitle marines on shore duty to any rations, or commutation thereof, other than such as now are or may hereafter be allowed to enlisted men in the Army."

Mr. MANN. Mr. Chairman, I make a point of order against the amendment. It is a change of existing law. I think it does not come under the Holman rule. The last part of the amendment is that—

No law shall be construed to entitle marines on shore duty to any rations, or commutation thereof, other than such as now are or may hereafter be allowed to enlisted men in the Army.

Mr.. PADGETT. Mr. Chairman, that is usually carried in the law, and has been.

Mr. MANN. It undoubtedly has been and usually is, and perhaps ought to be. I do not know. The gentleman from Tennessee awhile ago made an agreement with me as to when the committee would rise.

Mr. PADGETT. Yes; I did.

Mr. MANN. If these agreements are not to be kept, if the gentleman from Alabama [Mr. UNDERWOOD], who does not stay in the House while we are considering the bill, comes in and asks gentlemen to violate their agreements, I do not propose to waive any points of order.

Mr. UNDERWOOD. Mr. Chairman, as to the point of order, the first point of order is that the gentleman from Illinois [Mr. MANN] overlooks one question in this House. I have notified him several times that when I make an agreement with that side of the House I shall make the agreement with the gentleman from Illinois. This side of the House is entitled to that degree of respect from the gentleman from Illinois that when he wants to make an agreement as to the conduct of business on this side of the House he consult with the man whom this side of the House have selected to represent them. [Applause on the Democratic side.] As to the gentleman's statement that I have not been on the floor, I have been on the floor this entire day except when called out of the Hall temporarily. It is not my desire to interfere with this bill, but I do say that in this late hour of the session, when the great supply bills have got to be passed and become laws, it is the duty of every man who represents a constituency on this floor to make an earnest and a proper effort to supply the necessary funds to run this Government.

I know that when we reach the battleship item to-morrow morning it will bring on a great deal of debate. I think that debate ought to occur early. We should have this bill out of the way to-morrow. I am told by members of the committee

that the next few pages in the bill do not involve points of any great interest, and I think it is proper and right, in the expedition of the public business, that we should read down to that point. It meets with the approval of the gentlemen on this side of the House who are fighting this bill. Many gentlemen on that side of the House want the bill to pass. It can not be contrary to their wishes that we proceed with the consideration of the bill; and I say again to the gentleman from Illinois—I have said it to him privately before and I say it to him publicly now, so that he may make no mistake about it in the future—there is but one man commissioned on this side of the House to act for the leadership of this House, and when he wants to make an agreement he will find me here to make it with him.

Mr. MANN. The trouble with the gentleman from Alabama is that we do not find him here to make it with him.

Mr. UNDERWOOD. Well, he is here.

Mr. MANN. And when the chairman of a committee, representing the Democratic side of the House, has a bill in charge on the floor of the House, I do not propose to go to the gentleman from Alabama, who is not in charge of the bill, to make an agreement concerning the bill. If the gentleman from Alabama proposes to run that side of the House, I hope he will do so. He ought to have been here to-day, when that side of the House was filibustering against the bill, attempting to defeat the Democratic committee which brought in the bill and which this side of the House helped to defend. The gentleman from Alabama was conspicuously absent when that contest and filibuster were going on, and the gentleman from Tennessee found it very convenient to receive the support of this side of the House. The gentleman from Tennessee [Mr. PADGETT] is in charge of this bill, placed there by the Democratic majority of the House; and if I wish to make an agreement with some one concerning the bill or its progress, I shall continue to go to the gentleman in charge of the bill who is on the floor, rather than to the distinguished gentleman from Alabama. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I have protected the gentleman's rights many times in this Congress, and have recognized his leadership on that side of the House. I have been here all day. It is not my place to lead the fight on this bill; but if the gentleman from Illinois prefers to run the House without agreements with me, he is entirely welcome to do so. I will try to get along without making agreements with the gentleman from Illinois; and I now ask for the regular order.

The CHAIRMAN. The point of order made by the gentleman from Illinois is sustained.

Mr. PADGETT. Mr. Chairman, I offer an amendment containing the language beginning with line 3, on page 49, down to line 12, including the words "$890,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 49, by inserting in place of the language stricken out the following:

"Provisions, Marine Corps: For noncommissioned officers, musicians, and privates serving ashore; subsistence and lodging of enlisted men when traveling on duty, or cash in lieu thereof; commutation of rations to enlisted men regularly detailed as clerks and messengers; payment of board and lodging of applicants for enlistment while held under observation, recruits, and recruiting parties; transportation of provisions, and the employment of necessary labor connected therewith; ice for offices and preservation of rations, $890,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Transportation and recruiting, Marine Corps: For transportation of troops, and of applicants for enlistment between recruiting stations and recruit depots or posts, including ferriage and transfers en route, or cash in lieu thereof; toilet kits for issue to recruits upon their first enlistment and the expense of the recruiting service, $317,000: *Provided*, That authority is hereby granted to employ the services of an advertising agency in advertising for recruits under such terms and conditions as are most advantageous to the Government.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. PADGETT. Mr. Chairman, I offer the following amendment to take the place of the language stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, in place of the paragraph stricken out, the following:

"Transportation and recruiting, Marine Corps: For transportation of troops, and of applicants for enlistment between recruiting stations and recruit depots or posts, including ferriage and transfers en route, or cash in lieu thereof; toilet kits for issue to recruits upon their first enlistment and the expense of the recruiting service, $317,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

INCREASE OF THE NAVY.

Mr. PADGETT. Mr. Chairman, I would like to ask if we can make an agreement for a limit of time for general debate on the increase in the Navy.

Mr. MANN. I ask for the regular order, Mr. Chairman.

Mr. PADGETT. I move to correct the punctuation on line 10, page 53, where there is a period instead of a comma after the word "fees," by striking out the period and inserting a comma.

The amendment was agreed to.

Mr. PADGETT. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28812, the naval appropriation bill, and had come to no resolution thereon.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 28180, disagree to the Senate amendments, and ask for a conference.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8439. An act restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State; to the Committee on the Judiciary.

S. 8182. An act granting to the Inter-City Bridge Co., its successors and assigns, the right to construct, acquire, maintain, and operate a railway bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 20102. An act relating to proof of signatures and handwriting; and

H. R. 26279. An act granting the Fifth-Third National Bank of Cincinnati, Ohio, the right to use original charter No. 20.

TREATY WITH THE REPUBLIC OF PANAMA.

The SPEAKER laid before the House the following message from the President of the United States, which was read, ordered printed, and referred to the Committee on Appropriations:

To the Senate and House of Representatives:

With reference to the appropriation asked in the letter of the Secretary of State of January 4, 1913, to the Secretary of the Treasury (H. Doc. 1262, 62d Cong., 3d sess.), it is now necessary for me to reiterate, as most urgent, the recommendation that there be appropriated and made immediately available the sum of $250,000 to be payable to the Republic of Panama when directed by the Secretary of State under article 14 of the convention between the United States and Panama for the construction of a ship canal, dated November 18, 1903, the ratifications of which were exchanged February 26, 1904, and which was proclaimed on the same date.

Article 14 of the aforesaid treaty provides as follows:

As the price or compensation for the rights, powers, and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of $10,000,000 in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of $250,000 in like gold coin, beginning nine years after the date aforesaid.

The provisions of this article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

The sum which the Congress is now asked to appropriate becomes payable beginning February 26, 1913, under the provisions of the convention of 1903. It will be recalled that in 1909 a tripartite arrangement was made between the United States, the Republic of Colombia, and the Republic of Panama by means of three interdependent treaties. Among the various provisions of this arrangement was one whereby the Government of the United States was to begin the payments of this annuity of $250,000 five years earlier than provided for in the convention of November 18, 1903, namely, February 26, 1908. The Republic of Panama agreed, with the consent of the United

States, to assign to the Republic of Colombia the first 10 installments, and the Government of the United States agreed to make these first 10 payments to the Republic of Colombia for the account of the Republic of Panama. The advice and consent of the Senate of the United States to the ratification of the treaties to which the United States is a party was given unconditionally as to the treaty with Colombia and conditionally as to the treaty with Panama; the Government of Panama has unconditionally approved the treaties to which Panama is a party and later indicated its willingness to ratify the treaty with the United States as modified by the Senate; but the Government of Colombia having failed to give its assent to the ratification of the treaties to which Colombia is a party, and the treaties being interdependent, the ratifications thereof have never been effected.

Inasmuch as one or all of the signatory parties may at any time withdraw from the unconsummated and, therefore, for the time being, inoperative arrangement contemplated by these unconcluded treaties of 1909, and inasmuch as the Republic of Colombia has failed to ratify the treaties of January 9, 1909, to which it is a party, these three interdependent treaties are left inoperative and the original stipulation of the convention of 1903, whereby the Government of the United States was to make payments to Panama under article 14 thereof, becomes effective. It is evidently necessary, therefore, that the Executive be forthwith placed in position to respond at the proper time to the obligation of the United States under the convention of 1903 with Panama for the construction of a ship canal. I therefore most earnestly urge immediate action as absolutely necessary to place this Government in position to respond at once to its treaty obligation.

WM. H. TAFT.

THE WHITE HOUSE, *February 25, 1913.*

Mr. TAYLOR of Colorado. Mr. Speaker, I want to move to suspend the rules and pass the resolution which I send to the Clerk's desk.

Mr. MANN. The gentleman will have to have a quorum to do it. I make the point of order that no quorum is present.

The SPEAKER. There is no quorum present.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 26, 1913, at 10.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting communication from the Secretary of the Interstate Commerce Commission containing statement of machines, equipment, etc., transferred to the Government Printing Office as required by act approved August 23, 1912 (H. Doc. No. 1423); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the presiding judge of the Commerce Court submitting a deficiency estimate of appropriation for the board of arbitration, interstate commerce controversies (H. Doc. No. 1422); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. COX, from the Committee on Expenditures in the Treasury Department, submitted a report (No. 1572) on an investigation as to the rate of tax on oleomargarine, which was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (S. 6244) to restore Capt. Harold L. Jackson, retired, to the active list of the Army, reported the same without amendment, accompanied by a report (No. 1573), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Texas: A bill (H. R. 28852) to prescribe the conditions under which corporations may engage in interstate commerce and to provide penalties for otherwise engaging in the same; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAVENS: Resolution (H. Res. 869) providing for clerical assistance to the Committee on Enrolled Bills; to the Committee on Accounts.

By Mr. HAYDEN: Memorial from the Legislature of the State of Arizona, asking that Congress appropriate $25,000 to pay one-third of the cost of a bridge across the Colorado River at Yuma; to the Committee on Indian Affairs.

By Mr. MONDELL: Memorial from the Legislature of Wyoming, relative to restoring to entry lands now withdrawn in Wyoming under the North Platte project of the United States Reclamation Service; to the Committee on the Public Lands.

Also, memorial from the Legislature of the State of Wyoming, regarding damage done Cody municipal water supply by the construction of certain public works; to the Committee on the Public Lands.

Also, memorial from the Legislature of the State of Wyoming, requesting Congress to set aside certain lands for grazing purposes for the aid, protection, and relief of homesteaders and residents of the old Fort Bridger Military Reservation and those adjacent thereto; to the Committee on the Public Lands.

Also, memorial from the Legislature of the State of Wyoming, relative to the expenditure of 25 per cent of the receipts of the national forests for the construction and maintenance of roads and trails within the national forests from the States in which such proceeds are derived; to the Committee on the Public Lands.

Also, memorial from the Legislature of the State of Wyoming, favoring the cessions by the Government of the United States to the States of all vacant and unappropriated lands; to the Committee on the Public Lands.

Also, memorial from the Legislature of the State of Wyoming, favoring the enactment of a law giving ample protection to migratory game birds; to the Committee on the Public Lands.

By Mr. ASHBROOK: Joint resolution adopted by the Legislature of the State of Wyoming, favoring an amendment to the Constitution of the United States granting Congress power to levy a tax on incomes; to the Committee on Ways and Means.

By Mr. WHITE: Joint resolution of the General Assembly of Ohio, memorializing Congress relative to the construction of levees, flood walls, etc., along the Ohio River; to the Committee on Rivers and Harbors.

Also, joint resolution of the Legislature of the State of Ohio, memoralizing Congress relative to a system of national highways; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. JACOWAY: A bill (H. R. 28853) granting an increase of pension to Eliza J. Adams; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 28854) for the relief of J. W. Miller, administrator of the estate of Isaac C. Miller, deceased; to the Committee on War Claims.

By Mr. McCALL: A bill (H. R. 28855) granting a pension to Mary J. Phinney; to the Committee on Pensions.

Also, a bill (H. R. 28856) granting a pension to Annie G. Nagle; to the Committee on Pensions.

Also, a bill (H. R. 28857) granting an increase of pension to Annie C. Small; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Petition of citizens of Peterson, Minn., favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. AIKEN of South Carolina: Petition of the order of Daughters of the American Revolution, Charleston, S. C., favoring the passage of legislation for the preservation of the Old Colonial Exchange, Charleston, S. C.; to the Committee on the Library.

By Mr. DRAPER: Petition of owners of grain elevators, Buffalo, N. Y., protesting against the passage of House bill 28180, with reference to securing a channel from the outer harbor to connect with the Buffalo River and for the enlargement of the anchorage basin in the outer harbor; to the Committee on Rivers and Harbors.

By Mr. DYER: Petition of Joel Hillman and the Washington Mercantile Co., Washington, D. C., protesting against the passage of the Jones-Works liquor bill for the regulation of the liquor traffic in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Missouri State Bottlers' Protective Association, Kansas City, Mo., favoring the passage of legislation for the removal of all duties on sugar; to the Committee on Ways and Means.

Also, petition of the International Reform Bureau, Washington, D. C., favoring the passage of the Jones-Works excise bill for the regulation of the liquor traffic in the District of Columbia and suggesting an amendment for same; to the Committee on the District of Columbia.

Also, petition of W. L. JONES and JOHN D. WORKS, Washington, D. C., favoring the passage of the Jones-Works excise bill, for the regulation of the liquor traffic in the District of Columbia, in its present form; to the Committee on the District of Columbia.

Also, petition of the International Reform Bureau, Washington, D. C., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

Also, petition of Carrie C. Ware and the American Sign Co., St. Louis, Mo., favoring the passage of House bill 25685, providing for the tagging and labeling of all fabrics and articles of clothing intended for sale under interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of Eugene V. Murphy, Brooklyn, N. Y., favoring an amendment to the naval appropriation bill providing for the building of one of the new battleships in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the National Liquor League of the United States, New York, N. Y., favoring the passage of legislation to repeal the clause making an appropriation of $5,000 for the purpose of sending delegates to the International Congress on Alcoholism; to the Committee on Appropriations.

By Mr. NYE: Petition of the Minneapolis Retail Grocers' Association, Minneapolis, Minn., favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of the Whittier Board of Trade, Whittier, Cal., favoring the passage of the Weeks bill (H. R. 27567) for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the A. H. Hitchcock Publishing Co., Chicago, Ill., protesting against the passage of legislation extending the parcels post to include the third-rate postage; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *February 26, 1913.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (H. J. Res. 398) to direct and empower the Commissioners of the District of Columbia to revoke licenses under certain conditions, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo.

PETITIONS AND MEMORIALS.

Mr. BRANDEGEE presented resolutions adopted by the Trades Council of New Haven, Conn., favoring the strict enforcement of the law providing for the inspection of locomotive boilers and safety appliances, etc., which were referred to the Committee on Interstate Commerce.

Mr. CRAWFORD presented memorials of sundry citizens of Chamberlain and Harding County, in the State of South Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. TOWNSEND presented memorials of sundry citizens of Battle Creek and Berrien Springs, in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. POMERENE. I present a joint resolution passed by the Legislature of the State of Ohio, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the joint resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Senate joint resolution 6.

Joint resolution memorial to Congress relative to system of national highways.

Whereas the question of transportation has been paramount to all other questions since the dawn of civilization; and

Whereas until the end of time there will be three methods of transportation, namely, railroad, water, and wagon roads; and

Whereas two of our great systems of transportation, namely, railroad and steamship lines, have been aided by the Government and then taken over and controlled by individuals and corporations and are now operated for pecuniary gain and to which all contribute; and

Whereas transportation by wagon over public roads has been taken over by the several States of the Union and their common use accorded to all people of the Nation free of charge; and

Whereas Congress of the United States has appropriated, in aid of railroad construction, public lands to the value of at least $1,000,000,000; for rivers and harbors since 1875, $592,395,000; for improvement of the Mississippi River since June 30, 1902, $16,582,000; for public buildings since June 30, 1911, $213,376,000; for public roads in Alaska, Philippines, Porto Rico, Guam, and the Canal Zone, $8,300,000, and estimated appropriation of $400,000,000 for the Panama Canal; and

Whereas the United States has 2,198,645 miles of public roads, of which only 190,679, or 8.66 per cent of the total, are improved; and

Whereas it is estimated by the Office of Public Roads at Washington, D. C., that 90 per cent of travel is confined to 20 per cent of the roads of the United States and that the improvement of 440,000 miles of public roads would practically meet the present demand throughout the country; and

Whereas the exigency of the present times makes necessary a system of national highways: Therefore be it

Resolved by the Senate and the House of the Eightieth General Assembly of the State of Ohio, That we urge upon Congress of the United States the necessity of the early designation, construction, and maintenance of a system of national highways; be it further

Resolved, That the secretary of the State of Ohio is hereby instructed to forthwith transmit certified copies of this resolution to all Ohio Members of the Senate and House of Representatives of Congress of the United States and the Clerks of these respective bodies at Washington, D. C.

Adopted January 30, 1913.

C. L. SWAIN,
Speaker of the House of Representatives.
HUGH L. NICHOLS,
President of the Senate.

Mr. WILLIAMS presented a memorial of sundry citizens of Jackson, Miss., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. WARREN. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following copy of house joint memorial No. 3, adopted by the Legislature of the State of Wyoming, has been carefully compared with the original, filed in this office on the 18th day of February, A. D. 1913, and is a full, true, and correct copy thereof:

House joint memorial 3.

Whereas there have been introduced in Congress three bills (H. R. 36, H. R. 4428, S. 2367) to afford Federal protection to migratory game birds; and

Whereas there is a very general sentiment in this State in favor of such protection, and an urgent request for the enactment of such a law has been made, as appears by the numerous petitions received: Now therefore

Resolved (the senate concurring), That Congress be, and hereby is, requested to enact a law giving ample protection to migratory game birds.

Resolved, That the legislatures of all the States of the United States, now in session or when next convened, be, and they are hereby, respectfully requested to join in this request by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and he hereby is, directed to transmit copies of this resolution to the Senate and the House

of Representatives of the United States, and to the several Members of said body representing this State therein; also, to transmit copies hereof to the legislatures of all other States of the United States.

MARTIN L. PRATT,
Speaker of the House.
BURNEY H. SAGE,
President of the Senate.

Approved February 17, 1913.

JOSEPH M. CAREY, *Governor.*

In testimony where I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 18th day of February, A. D. 1913.

[SEAL.]

FRANK L. HOUX,
Secretary of State,
By F. H. WESCOTT,
Deputy.

REPORTS OF COMMITTEES.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (S. 4957) for the relief of Simon M. Preston, reported it without amendment and submitted a report (No. 1319) thereon.

Mr. CUMMINS, from the Committee on the Judiciary, to which was referred the bill (H. R. 28635) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes, reported it without amendment.

Mr. BURTON, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 163) amending and extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, reported it with an amendment and submitted a report (No. 1320) thereon.

Mr. BURNHAM, from the Committee on Pensions, to which was referred the amendment proposing to appropriate $1,200 to pay Robert W. Farrar for indexing and extra services as clerk to the Committee on Pensions, Sixty-second Congress, third session, and $1,200 to pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, Sixty-second Congress, third session, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

JUDICIAL DISTRICTS OF ALABAMA.

Mr. CULBERSON. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 27827) to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911. I call the attention of the Senator from Alabama [Mr. JOHNSTON] to it.

Mr. JOHNSTON of Alabama. I ask for the present consideration of the bill. It is a House bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPEACHMENT OF ROBERT W. ARCHBALD.

Mr. SMOOT. From the Committee on Printing I report back favorably, with amendments, Senate concurrent resolution No. 36, to print copies of the proceedings in the Senate in the matter of the impeachment of Robert W. Archbald submitted by Mr. CLARK of Wyoming January 23, 1913. I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The amendments were, in line 2, after the word "bound," to strike out "ten thousand" and insert "one thousand five hundred"; in line 8, after the word "which," to strike out "four thousand" and insert "five hundred"; and in line 9, before the word "thousand," to strike out "six" and insert "one"; so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 1,500 copies of the proceedings in the Senate of the United States and in the House of Representatives and before the Judiciary Committee thereof in the matter of the impeachment of Robert W. Archbald, additional circuit judge of the United States from the third judicial circuit, and designated a judge of the Commerce Court, of which 500 shall be for the use of the Senate and 1,000 for the use of the House of Representatives.

The amendments were agreed to.

The resolution as amended was agreed to.

BILL INTRODUCED.

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCUMBER:

A bill (S. 8581) granting a pension to Louise Capehart (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JOHNSON of Maine (for Mr. GARDNER) submitted an amendment proposing to appropriate $23,620 to increase the limit of cost for increased quarantine facilities at the port of Portland, Me., etc., intended to be proposed to the sundry civil appropriation bill, which was ordered to lie on the table and be printed.

Mr. JOHNSON of Maine submitted an amendment proposing to grant a leave of absence for 60 days to Mrs. Adelaide E. Grant, a clerk in the assessor's office of the District of Columbia, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CATRON submitted an amendment proposing to appropriate $32,000 to be expended in the survey and establishing of boundaries of small-holding claims in the State of New Mexico, now listed in the surveyor general's office of the State of New Mexico, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and be printed.

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate $500 for moving weather ball from customhouse at Portland, Oreg., to a point where it can be readily seen by shipping, intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $400,000 for the erection of barracks, quarters, and other buildings for the accommodation of marines, Isthmus of Panama, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $390 to pay J. G. Hamilton for services actually rendered and performed as Doorkeeper of the Senate from December 14, 1911, to March 1, 1913, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Senate to pay to the officers and employees of the Senate borne on the annual and session rolls on the 30th day of June, 1912, a sum equal to one-twelfth of the annual compensation paid them by law, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Arizona submitted an amendment proposing to grant relief to certain American citizens in El Paso, Tex., and Douglas, Ariz., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and be printed.

Mr. CRAWFORD submitted an amendment proposing to appropriate $250 to pay Harry B. Straight for extra clerical services rendered in connection with the preparation of the omnibus claims bill, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. McLEAN submitted an amendment relative to the protection of migratory game and insectivorous birds in the United States, intended to be proposed by him to the Agriculture appropriation bill, which was ordered to lie on the table and be printed.

Mr. BROWN submitted an amendment proposing to appropriate $3,000 to pay for the compilation, annotation, and indexing of volume 3 of the Indian Laws and Treaties, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

THE CONSTITUTION (S. DOC. NO. 1108).

Mr. BROWN. I send to the desk a copy of an address by Franklin W. Collins, of the Department of Justice, on "The Constitution of the United States—Its Friends and Foes." I ask that the address be printed as a public document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

URGENT DEFICIENCY APPROPRIATIONS, STATE DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

With reference to the appropriation asked in the letter of the Secretary of State of January 4, 1913, to the Secretary of the Treasury (H. Doc. 1262, 62d Cong., 3d sess.), it is now necessary for me to reiterate, as most urgent, the recommendation that there be appropriated and made immediately available the sum of $250,000 to be payable to the Republic of Panama when directed by the Secretary of State under article 14 of the convention between the United States and Panama for the construction of a ship canal, dated November 18, 1903, the ratifications of which were exchanged February 26, 1904, and which was proclaimed on the same date.

Article 14 of the aforesaid treaty provides as follows:

As the price or compensation for the rights, powers, and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of $10,000,000 in gold coin of the United States on the exchange of the ratifications of this convention and also an annual payment during the life of this convention of $250,000 in like gold coin, beginning nine years after the date aforesaid.

The provisions of this article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

The sum which the Congress is now asked to appropriate becomes payable beginning February 26, 1913, under the provisions of the convention of 1903. It will be recalled that in 1909 a tripartite arrangement was made between the United States, the Republic of Colombia, and the Republic of Panama by means of three interdependent treaties. Among the various provisions of this arrangement was one whereby the Government of the United States was to begin the payments of this annuity of $250,000 five years earlier than provided for in the convention of November 18, 1903, namely, February 26, 1908. The Republic of Panama agreed, with the consent of the United States, to assign to the Republic of Colombia the first 10 installments, and the Government of the United States agreed to make these first 10 payments to the Republic of Colombia for the account of the Republic of Panama. The advice and consent of the Senate of the United States to the ratification of the treaties to which the United States is a party was given unconditionally as to the treaty with Colombia and conditionally as to the treaty with Panama; the Government of Panama has unconditionally approved the treaties to which Panama is a party and later indicated its willingness to ratify the treaty with the United States as modified by the Senate; but the Government of Colombia having failed to give its assent to the ratification of the treaties to which Colombia is a party, and the treaties being interdependent, the ratifications thereof have never been effected.

Inasmuch as one or all of the signatory parties may at any time withdraw from the unconsummated and, therefore, for the time being, inoperative arrangement contemplated by these unconcluded treaties of 1909, and inasmuch as the Republic of Colombia has failed to ratify the treaties of January 9, 1909, to which it is a party, these three interdependent treaties are left inoperative and the original stipulation of the convention of 1903, whereby the Government of the United States was to make payments to Panama under article 14 thereof, becomes effective. It is evidently necessary, therefore, that the Executive be forthwith placed in position to respond at the proper time to the obligation of the United States under the convention of 1903 with Panama for the construction of a ship canal. I therefore most earnestly urge immediate action as absolutely necessary to place this Government in position to respond at once to its treaty obligation.

WM. H. TAFT.

THE WHITE HOUSE, *February 25, 1913.*

MESSAGE FROM THE PRESIDENT—THE BUDGET (S. DOC. NO. 1113).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

Under the Constitution, the power to control the purse is given to the Congress. But the same paragraph which makes it the duty of the Congress to determine what expenditures shall be authorized also requires of the administration the submission of "a regular statement and account of the receipts and expenditures"—i. e., an account of stewardship. The Constitution also prescribes that the President shall "from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient." Pursuant to these constitutional requirements I am submitting for your consideration a concise statement of financial conditions and results as an account of stewardship as well as certain proposals with estimates of revenues and expenditures in the form of a budget.

THE BUDGET AS A MEANS FOR LOCATING RESPONSIBILITY.

The fact that ours is the only great Nation whose Government is doing business without a budget has not been a dominant reason for departure from 123 years of precedent. Such procedure is based on common experience and common sense. It is supported by the best judgment and experience that has obtained in the management of corporate bodies, both public and private. While officers of private corporations are not ordinarily limited by law in such manner as to make it necessary for them to act under formal appropriations, it is the ordinary method of transacting business to have the president of a corporation lay before its board at its annual meeting a report which is also made available to all persons who may be interested; it is common experience for the president, as the responsible head of the executive branch, to set forth what has been done during the past year and what it is proposed that the corporation shall do during the next year; it is common experience for the president as the head of the administration to accompany his proposals with estimates; it is common experience for the president as the head of the executive branch to submit with such estimates recommendations as to how proposed expenditures shall be financed.

In a Government such as ours, in which the legislative branch is made up of some 500 Members, it is not to be assumed that each Member or any committee of such a body is familiar with the many details which go to make up the public business. The increasing need for an Executive account of stewardship is apparent. The President is the constitutional head of an organization that is continental in the scope of its operations. Executive officers under him, for whom he is responsible, must manage and direct the details of hundreds of essentially different businesses that are highly complex and technical in their requirements. These officers must be held accountable for efficiency as managers; they must be held accountable for economy in the expenditure of public funds; they must be made to feel responsible for the fidelity of employees who are charged with money transactions aggregating more than $5,000,000,000 each year, or $16,000,000 each business day, of which vast amount nearly $2,000,000,000 are in the nature of receipts and disbursements for current expenditures of the Government, while about $3,000,000,000 are in the nature of trust receipts and disbursements, including currency trusts, Indian trusts, and other sacred obligations of the Government that have been undertaken by the Government for the welfare of those who have been designated as legal beneficiaries.

The recommendation of such measures as may be thought to be necessary and expedient and requests for support, in the form of estimates of future expenditures, should be premised on a knowledge of service needs. The needs of the service can only be known to those who are in charge of administrative detail. Representation of what has been done, as well as what should be undertaken in the future, must come from those who are acquainted with technical requirements. A sense of proportion, however, can come only from those who must assume responsibility for the administration as a whole. In the discharge of his duties the President has submitted annual reviews of the conditions affecting the national welfare and also many special recommendations for legislation; but the Chief Executive has never undertaken to lay before the Congress the facts necessary to the determination of questions of policy pertaining to that phase of public business which is his special responsibility, namely, the carrying on of the current work of the Government during the succeeding year.

ADVANTAGES TO CONGRESS OF A BUDGET.

The advantage to the Congress of having placed before it a definite statement and proposal, one which is submitted by the responsible head of the administration, must also be apparent. Such a statement will greatly facilitate the adoption of a procedure whereby the deliberating branch of the Government may determine the gross amount to be appropriated in advance of decision as to what amount shall be allowed for each detail of the Government's business, rather than leave the relations of income and outgo to be computed after action has been taken on the many matters which are brought before the Congress for determination.

THE NEED FOR KNOWLEDGE OF DETAIL AS WELL AS FOR PERSPECTIVE.

Size and complexity of the problem make it necessary for officers to have the advantage of seeing the business of the Government in perspective. But judgment with respect to the requirements of particular services requires that exact information be made available for the consideration of detail. This budget is submitted therefore not only as an instrument through which a perspective may be gained, but as an index through which Members of Congress and the public may obtain ready reference to supporting reports and detailed records of account.

The need for such an index through which exact information may be obtained as a basis for judgment about problems of public business is evident to one familiar with the governmental problems.

The highly complex and technical character of questions that must be decided by executive heads of departments is suggested by the complexity of departmental organization. In the Department of the Navy, for example, there exist at present 34 navy yards and stations, 31 naval coaling plants, 43 naval wireless stations, 12 naval magazines, 14 purchasing, pay, and disbursing offices, 9 inspection districts, 16 hydrographic offices, 20 hospitals, 20 dispensaries, 14 naval schools, 3 schools for the Marine Corps, 7 naval medical schools, 4 naval training stations, 13 target ranges (naval), 1 target range and permanent camp of instruction for the Marine Corps, 3 medical supply depots, 13 recruiting stations, 48 marine posts and stations and a Naval Militia, besides the fleet, which is the actual fighting machine of this branch of the military establishment. More concretely, the administrative requirements may be shown by reference to a single station such as the proving grounds at Indianhead. Here, under the jurisdiction of the senior assistant, are a police force, office buildings and grounds, living quarters, a water-supply system, boats and wharves, a railroad, a power plant, a carpenter shop, an electrical shop, a tin shop, a repair and pipe-fitting shop, and a storehouse; and under the jurisdiction of an officer known as the powder expert is a chemical laboratory, a sulphuric-acid factory, ether factory, dry house, boiling tubs, dehydrating house, an intensifier house, a solvent recovery house, a reworking house, a nitric-acid factory, a poaching and pulping house, a mixing house, a press house, a blending and packing house, a powder factory and magazines, a signal house, a rocket house, and a storehouse. These may be taken as illustrative of the character of administrative attention required in directing and controlling the activities of one of the many institutional subdivisions of one department of the Government.

THE LACK OF ACCURATE AND PROMPT INFORMATION.

Notwithstanding the breadth and scope of the many-sided business which is transacted by the Government, legislative and executive officers have been required to make decisions without having before them the essential facts. Inadequate organization is provided for the assembling and classifying of information needed by the Executive as a means of making available to Congress and the country a carefully prepared statement about what has been done and what are the Government's future needs. Lack of adequate information about what the administration is doing has led Congress to make over 100 special investigations of the executive branch within as many years, besides the inquiries that have been conducted by its standing committees. Like difficulty has been experienced by the Chief Executive. His effort to obtain information as a basis for Executive action and for concrete recommendation has not infrequently resulted in failure. Illustration of the difficulties experienced both by the Congress and the President is found in the fact that it was necessary to institute a special inquiry for the purpose of obtaining each of the several classes of data submitted with this budget. The disadvantages under which officers labor when forced to rely on special investigation for information that should be regularly produced and made available is shown by the fact that instead of having the information at hand at or near the close of the fiscal year, the President and his Cabinet were required to wait months before, even in crude and uncertain form, the ordinary business statements such as a balance sheet, an operation account, and a surplus account for the Government could be produced and summaries of revenues and expenditures could be made which would serve as a guide to future financial policy.

GOVERNMENT WITHOUT A PLAN OR PROGRAM.

Not only have we been without adequate information but, as a result of this and other causes, the Government, with its multiplied activities and with expenditures that within the last 123 years have mounted up from less than three millions to more than one thousand million dollars each year, may be said to be without a plan or program.

Although we are annually spending $400,000,000 for military purposes, including pensions, we have never had a comprehensive or consistent military policy. Nor have we as a Nation had any plan for developing the many services which have been created to provide for the economic and social welfare. Bureau after bureau, service after service, has been organized, but neither the executive branch nor the Congress has been consciously working to a consistent, well-defined purpose.

Not only have we not had a definite program for determining each year what welfare work should be undertaken, or what should be the next step in promoting or conserving economic and social interests, but there has been the same lack of program in regard to our national finances and proposed expenditures.

A DEFICIT TO BE FACED.

In December last a condition arose which made it my duty under the statute of March 4, 1909, to submit to Congress definite recommendations either for decreasing the estimates for appropriations or for increasing the revenue. The Secretary of the Treasury in his annual report, which was submitted concurrently with the Book of Estimates, said:

> The estimates of appropriations for ordinary purposes for 1914 are $22,556,023.03 in excess of the estimated revenues. The estimated expenditures for the Panama Canal are $30,174,432.11; and if these expenditures should be paid from the general fund instead of from sales of bonds, the total estimates of appropriations for 1914 are $52,730,455.14 in excess of the estimated receipts.

Anticipating that such a situation might follow the legislation of last session calling for largely increased expenditures without providing for a corresponding increase in revenue, and at the same time seeking, so far as practicable, to develop methods of accounting and reporting adequate to inform the Congress and the Executive, and to enable them to plan intelligently for the future, on July 10 last I issued a request to the head of each of the departments and other Government establishments to depute some officer whose duty it would be to see that the estimates and summaries of estimates for the fiscal year ending June 30, 1914, were prepared in accordance with the recommendations contained in my message to Congress on June 27 last; that is to say, the head of each department and each independent establishment was directed, in addition to those estimates which are included in the Book of Estimates for appropriations as now required by statute and as sent to Congress, also to make return to the office of the Chief Executive of estimates of the actual expenditures for the same fiscal year, whether derived from old appropriations, proposed appropriations, or deficiency appropriations.

THE BUDGET SUBMITTED.

My instruction, therefore, to the Secretary of the Treasury was—

> to print and send without delay to Congress the forms of estimates required by it of officers; also to have sent to me the information asked for * * *. This will be made the basis for review, revision, and summary statement in the form of a budget with supporting documents which may be sent to Congress by special message as the proposal of the administration.

Conformably to this request the financial statements and the analyses and summaries of revenues and expenditures were prepared which are attached. The lateness of their submission to me has made it impossible to get them before you at the beginning of the present session, but their significance is so great that I am now submitting them for your information.

OUTLINE OF THE BUDGET SUBMITTED.

The budget, which is transmitted herewith, carries the following summaries:

1. Summaries submitted as a basis for considering the present and also the prospective fiscal condition:
   - *Budget statement No. 1.* Comparative current balance sheet, showing the fiscal condition of the Government as of June 30, 1911, and June 30, 1912.
   - *Budget statement No. 2.* Fund statement, showing the condition of the general fund and of other funds and appropriations as of June 30, 1912.
   - *Budget statement No. 3.* Comparative account of operations, showing the revenues and expenditures of the Government for the fiscal years 1911 and 1912, and the estimated revenues and expenditures for 1913 and 1914, with the resulting annual surplus or deficit.
   - *Budget statement No. 4.* Treasury surplus account, showing the cumulated deficits as of June 30, 1911, and June 30, 1912, and the estimated deficits June 30, 1913, and June 30, 1914.

2. Summaries submitted as a basis for considering revenues and expenditures in relation to questions of Government policy:

a. Summaries of revenues:

Budget statement No. 5. Comparative statement of revenues for the fiscal years 1910, 1911, and 1912, classified by sources and statutory authorities, with the estimates of the Secretary of the Treasury for 1913 and 1914.

Budget statement No. 6. Comparative statement of revenues for the fiscal years 1911 and 1912, classified by organization units.

b. General summaries of expenditures:

Budget statement No. 7. Comparative summary of estimated and actual expenditures of Government funds, classified by organization units.

Budget statement No. 8. Comparative summary of estimated and actual expenditures of Government funds, classified by functions or classes of work.

Budget statement No. 9. Comparative summary of estimated and actual expenditures of Government funds, classified by character of expenditures, i. e., to show current expenses and fixed charges as distinguished from capital outlays and debt payments.

Budget statement No. 10. Comparative summary of estimated and actual expenditures of Government funds, classified by acts of appropriation.

Budget statement No. 11. Comparative summary of estimated and actual expenditures of trust and private funds, classified by organization units and acts of appropriation.

c. Analyses of expenditures to show relations between organization units, functions, character of expenditures, and acts of appropriation:

Budget statement No. 12. Comparative analysis of estimated and actual expenditures of Government funds for each organization unit, classified by acts of appropriation.

Budget statement No. 13. Comparative analysis of estimated and actual expenditures of Government funds for each organization unit, classified by functions.

Budget statement No. 14. Comparative analysis of estimated and actual expenditures of Government funds for each organization unit, classified by character of expenditure.

Budget statement No. 15. Comparative analysis of estimated and actual expenditures of Government funds for each function, classified by organization units.

d. Analyses of expenditures to show objects:

Budget statement No. 16. Summary of results of governmental contracting and purchasing relations.

3. A summary of proposed changes of law—setting forth what legislation it is thought should be enacted in order to enable the administration to transact public business with greater economy and efficiency.

THE PROBLEM OF FINANCING GOVERNMENT NEEDS.

Any business forecast must proceed from a statement of present condition. The purpose of the first four of these summaries is not only to bring before the Congress information, but also to show the result of estimated revenues and expenditures, if authorized.

THE CONDITION OF THE TREASURY JUNE 30, 1912 (STATEMENT NO. 1).

More concretely, the purpose of the first budget statement is to show the condition of the Treasury as of the beginning of the current fiscal period, and also to give information with respect to the amount of the cash in the Treasury which is available for general governmental purposes. The Treasury is both the agent of the Government for providing money with which to meet its obligations and the guardian of very large trust funds upon which our currency system rests, as well as being the depository for other cash that can not be utilized in meeting ordinary obligations. The balance of cash in the Treasury and subtreasuries as of June 30 last was $1,872,964,358.26. Of this amount $1,674,535,369 was held in trust for the protection of currency obligations, leaving a balance of $198,428,989.26 cash for other purposes. To this amount is to be added $65,486,517.33, representing balances in banks, subject to draft of the Treasurer and other fiscal officers, and cash in transit, making a cash total, other than for trust funds to secure currency obligations, of $263,915,506.59. As against this, however, it is necessary to reserve $96,763,027.60, representing disbursing officers' balances, the national banks' 5 per cent fund, etc. This leaves a cash balance of $167,152,478.99 available for current operations. In addition to the reserves above described there are outstanding current liabilities reported amounting to $21,431,236.56. As against these liabilities, however, disbursing officers were carrying balances amounting to $60,461,012.48, leaving a net cash balance available for general-fund purposes of $206,182,254.91, if sinking-fund obligations are entirely ignored.

If the provisions of law with respect to providing a fund for the purpose of sinking the national debt were deemed binding, then a readjustment of the Treasury statement of available cash balances would be necessary. Taking into consideration the fact that during the period from 1870 to 1890 bonds were retired from surplus revenues far in excess of sinking-fund requirements, and during the period from 1890 to date payment of the bonded debt has been halted from considerations of public policy—the issues being used as security for bank-note circulation—I am recommending that the sinking-fund law be amended, as hereinafter stated.

The sinking-fund act should either be repealed or be superseded by a law whose provisions are clear and possible of enforcement.

The sinking fund was established by the act of February 25, 1862; amended by the act of July 14, 1870; and later carried into the Revised Statutes as sections 3688, 3689, 3694, 3695, 3696, and 3697.

Prior to the Civil War period our Government had not provided for a methodical accumulation of a fund to be applied to the redemption of the public debt. No attempt was made to apportion equitably over a term of years the repayment of money borrowed to meet extraordinary demands.

The first act designed to create a sinking fund was passed during the Civil War as a means of buttressing the public credit. It required the payment of customs duties in gold or in demand notes made by law receivable for public dues, and provided that so much thereof as was necessary should be applied to the payment of the interest on the public debt, and that in each fiscal year a fund should be set apart for the purchase or payment of 1 per cent of the entire debt. The residue of customs receipts was to be paid into the Treasury.

When the law was passed the Government was a borrower and the public debt was rapidly increasing. Secretary Chase reported that he was unable to create a sinking fund. In March, 1864, a considerable amount of gold had accumulated in the Treasury. Gold was then selling in New York around 160. Congress sought to deal with the situation by passing a joint resolution authorizing the Secretary of the Treasury to sell any gold not necessary for the payment of interest on the public debt. Subsequently it was held that this resolution was inconsistent with the law of 1862, which required that in addition to the payment of the interest a sum equal to 1 per cent of the total debt should annually be set apart for debt reduction.

Secretary McCulloch reported to the Congress in 1867 that no special fund had ever been actually set apart in pursuance of the act. Continuously since then the law has been consciously and openly evaded. The fund has had a legal existence, but the legal requirements have merely been shown on the books. Notwithstanding this, the public debt has been reduced with amazing rapidity, for from time to time the annual surpluses have been applied to this purpose, and we have retired bonds since 1862 considerably in excess of the requirements of the law. On February 1, 1911, Secretary MacVeagh reported that we had paid off bonded debt amounting to $280,000,000 more than the calculated requirements of the sinking fund. But a part of this was accomplished through refunding operations. Because of the lax enforcement of the law and contradictory and confusing interpretations which have been placed upon it, and because its provisions could not be enforced except in periods of surplus revenue, it was proposed by Secretary MacVeagh to permit the use of surplus moneys for the redemption of the public debt.

A true sinking fund postulates an excess of revenue over current expenses. It is the simple truth that such excess of revenue over expenditure is the only real fund by which the public debt may be sunk. The object of a sinking fund is to reduce and gradually to discharge debt. In times of actual loss in current fiscal operations any scheme to reduce the aggregate liabilities is illusory and fictitious. It is because of this that when war is declared in which the British Government is involved one of the first steps taken by that Government is to suspend the sinking fund. One expert has said that the extinction of a small amount of debt with one hand while creating a large amount with the other is not practical; in fact, it is wasteful and a sham.

While we have kept the faith with our creditors and discharged our obligations promptly, out methods have been haphazard and our sinking fund act has become a dead letter. It should be revised at a time like this, when the state of our finances is normal, and revised on a basis that will compel the respect of administrative officers. I shall take this matter up again in considering the method of meeting the deficit.

THE CONDITION OF THE GENERAL FUND (STATEMENT NO. 2).

The purpose of the second budget statement is to show the condition of funds and appropriations as of June 30, 1912. Carrying into the general-fund account the cash deficiency which would result from including the sinking-fund requirement in the statement as a reserve, as shown by budget statement just described, and setting up as a resource the net amount that has been advanced on account of the Panama Canal ($137,897,497.28), taking into account also the balance of appropriations which had not been expended and under which vouchers may be drawn for payment by the Treasury ($257,328,302.45), the condition of the general fund as of June 30 last is shown; that is, before the appropriations of the current fiscal year became operative the general fund was in the condition of having been overappropriated to the extent of $722,586,550.26. Leaving out of consideration entirely the sinking-fund requirements, however—in other words, ignoring altogether the appropriations which have been made by Congress for sinking-fund purposes—the statement would show an excess of general-fund resources over general-fund appropriations outstanding amounting to $86,751,449.74. But even this balance is to be accepted with a very serious qualification, for the statement further shows that in addition to the appropriations that had already been authorized, and which, therefore, would operate as charges against the general fund, there were other authorizations to undertake work, for which necessary appropriations had not been provided, amounting to $256,547,150.45. In other words, from the reports, incomplete as they are, which have been made by departments, it appears that uncompleted work has been authorized in excess of $718,000,000, for which only about 60 per cent of the necessary amount had been appropriated. As against these authorizations contracts had actually been entered into, the amount of which could not be ascertained within the time available for the preparation of this statement. Assuming the correctness of the figures given—and they are taken upon report, without verification, as the best information which could be obtained within the time available and without taking into consideration the appropriations for this year, it appears that Congress had prior to the beginning of the current fiscal year already mortgaged the future of the general fund to the extent of $169,795,700.71 over and above all sinking-fund requirements.

THE RELATION BETWEEN REVENUES AND EXPENDITURES (STATEMENT NO. 3).

The most notable fact about Government revenues and expenditures of the past is that we have had very little accurate information about them. What have been called "revenues" were receipts, and in this class have been commingled amounts realized from sales, trust funds, and refunds. What have been called "expenditures" have been either advances from the Treasury to disbursing officers, or disbursements, and in them not only have trust payments been commingled with those in liquidation of ordinary governmental liabilities, but no effort has been made to distinguish current expenses from capital outlays. What is quite as serious, from the viewpoint of both of the purposes served by these data—in the making of future plans and for guidance in administration—is that there is no present means for knowing whether all the revenues and expenditures have been included in the totals given, due to the fact that there are no true revenue or expense accounts kept and that certain appropriations are reimbursable from revenues. When seeking to obtain information from appropriation accounts many of the reimbursable items have been lost sight of, expenditures being shown as net. The amount of receipts reimbursable to appropriations, as reported for the last fiscal year by departments in answer to special requests for this information, is in excess of $32,000,000. The unsatisfactory character of the information which has been made available in the past is also shown by the difference in the prospective Treasury condition as deduced on the one hand from totals shown by the Treasury statement for the year 1913 and the congressional Book of Estimates for 1914 and, on the other, as deduced from the total estimated expenditures for the years 1913 and 1914 that have been sent by the executive departments and establishments by my order to the Executive Office for use in the preparation of this budget. The estimated and actual revenues and expenditures for the four years, as shown by the statements which are transmitted herewith, by totals, are as follows:

	1914	1913	1912	1911
Revenues	$970,471,000	$950,395,480	$916,540,895	$915,983,134
Estimated and actual expenditures of Government funds (other than debt redemptions and sinking-fund requirements)	1,049,355,577	1,006,414,753	912,432,365	888,702,956
Excess of revenues			4,108,530	27,280,178
Excess of expenditures	78,884,577	56,019,273		
Principal of public debt:				
Receipts from the sale of bonds—				
Panama Canal loan			33,189,104	18,102,170
Postal savings bonds			459,280	
National bank note fund—excess of receipts over redemptions				5,255,715
Total proceeds of bond sales and excess of national bank note receipts over redemptions			33,648,384	23,357,885
National bank note fund—excess of redemptions over receipts			8,449,346	
Other debt redemptions			120,616	245,495
Sinking-fund requirements in excess of debt redemptions	60,685,000	60,650,000	60,050,433	59,929,038
Total public debt redemptions and requirements	60,685,000	60,650,000	68,620,395	60,175,534
Excess of public debt redemptions and requirements over receipts	60,685,000	60,650,000	34,972,011	36,817,649
Net expenditures of trust and private funds	4,223,403	1,569,090	7,571,463	5,882,614

The foregoing indicates a deficiency for the year 1914 of more than $83,000,000 (ordinary $78,884,577 and trust $4,223,403) besides sinking-fund requirements, or $143,000,000 if the sinking-fund requirements be included. This statement also indicates a deficiency for the year 1913 amounting to $57,000,000 (ordinary $50,019,273 and trust $1,569,090), a total deficiency for the two years of $140,000,000, ignoring sinking-fund requirements.

This $140,000,000 would be reduced by issuing bonds to meet the probable expenditures for the Panama Canal, amounting to $85,000,000, to a deficiency for the two years of $55,000,000.

As has already been said, the Secretary of the Treasury in his annual report submitted to Congress in December last, estimated a revenue deficiency of $22,000,000 for the fiscal year 1914. This was on the following most favorable assumptions, namely, that ignoring the sinking fund, expenditures would exactly equal the amount shown in the Book of Estimates, and that bonds would be issued for the full amount of the Panama Canal expenditures during the next fiscal year. The Secretary of the Treasury, on the same assumptions, estimated a deficiency for the current year (1913) amounting to $1,800,000, except that he included Panama Canal expenditures as a charge against the general fund. Altogether, therefore, for the current and ensuing fiscal years he estimates a deficiency of $23,800,000, or, in case all Panama expenditures are charged against the general fund, the amount of the estimated deficiency for the two years would be $53,800,000.

In making the foregoing estimates, however, the Secretary of the Treasury did not take into account a prospective excess of pension requirements under the new law over appropriations for 1913 amounting to $20,000,000, for $15,000,000 of which a deficiency estimate has already been submitted, to meet the demands on the Treasury for claims examined, without taking into consideration the accruals on claims which will not have been examined before July 1, 1913; nor did he take into account a probable deficiency in the pension estimate for the fiscal year 1914 of not less than $10,000,000; furthermore, in his estimated deficiency for 1914 no account was taken of the emer-

gency and regular deficiency bills that are customarily introduced, estimates for which for 1913 have already reached $3,300,000 (exclusive of the pension deficiency above referred to) and which for 1912 amounted to $9,700,000. Subsequent to the making of the estimate by the Secretary of the Treasury there have also been filed supplementary estimates for appropriations which amount to $6,600,000, chiefly to cover additional public buildings and other local works, requested for the most part by committees of Congress. Assuming that there will be increased demands for cash corresponding to these estimates, the prospective deficiency would be increased $39,900,000. As the estimate submitted by the Secretary of the Treasury and that prepared from the data sent to the Executive Office for the budget are on an entirely different basis, they are stated below in such manner that they may be compared.

Estimated decreases in cash, on basis of report of the Secretary of the Treasury, from June 30, 1912, to June 30, 1914, making allowances for deficiencies and supplemental estimates.

	Amount.	Cumulated totals.
Excess of revenues over expenditures for fiscal year 1913, exclusive of Panama Canal payments	$40,200,000	
Excess of expenditures over revenues for fiscal year 1914, after deducting estimates for Panama Canal	22,600,000	
Surplus as per Secretary's estimates in case canal bonds are issued for both years		[1] $18,200,000
Estimated requirements for Panama Canal:		
For 1913	42,000,000	23,800,000
For 1914	30,000,000	53,800,000
Estimated deficiencies and supplementary estimates not included in Book of Estimates:		
For pensions—1913	20,000,000	
For pensions—1914	10,000,000	
For other purposes—1913	3,300,000	
For other purposes—1914	6,600,000	
Total not included in Book of Estimates	39,900,000	
Net deficiency in case canal bonds are issued for both years		21,700,000
Net deficiency in case canal bonds are issued for neither year		93,700,000

[1] Surplus.

Estimated decreases in cash, on basis of reports to the President, from June 30, 1912, to June 30, 1914, making allowances for deficiencies and supplemental estimates.

	Amounts.	Cumulated totals.
Excess of expenditures over revenues exclusive of Panama Canal payments:		
For fiscal year 1913	$2,000,000	
For fiscal year 1914	53,000,000	$55,000,000
Estimated requirements for Panama Canal:		
For fiscal year 1913	55,000,000	110,000,000
For fiscal year 1914	30,000,000	140,000,000
Estimated deficiencies not included in reports to President:		
For pensions—1913	20,000,000	
For pensions—1914	10,000,000	
Total not included in estimates [1]	30,000,000	
Net deficiency in case canal bonds are issued for both years		84,100,000
Net deficiency in case canal bonds are issued for neither year		170,000,000

[1] Under the instructions both deficiencies and supplementary estimates would have been included in the reports submitted; in case of the pension deficiencies, however, it is known that these were not.

The estimated expenditures for 1914, as shown above, are some $31,000,000 in excess of the amount of the estimates submitted to Congress in the Book of Estimates for the same year. This difference is accounted for very largely by the fact that the estimates submitted to Congress were for appropriations, whereas the estimates which were submitted for the purpose of this discussion were for expenditures, without taking into consideration whether chargeable against new or old appropriations. In these were included over $22,000,000 of estimated expenditures in excess of estimates for appropriation, without taking into consideration $7,000,000 to be accounted for by the fact that in the Book of Estimates the item for the Reclamation Service was shown as $7,000,000, whereas the officers in charge of this work estimate the expenditures at more than $14,000,000. This service is financed entirely out of revenue appropriations; the difference in estimated expenditures would make a net difference in the demands on the Treasury only to the extent that it was not covered by reclamation revenues and repayments. These and other elements of difference, which are more fully explained in schedule 5, supporting budget statements, account for the large discrepancy between the deficiency as shown by preceding table and as estimated by the Secretary of the Treasury.

The difference between the estimates of expenditures reported to the President for 1913 and the estimates shown in the report of the Secretary of the Treasury for that year is about $55,000,000. This discrepancy is partly accounted for by a difference in the estimated expenditures for the Panama Canal, amounting to $13,000,000; the other elements of difference were not disclosed by the analyses which were made, as the basis for the Secretary's estimate is not stated in his report.

THE CUMULATED DEFICIT (STATEMENT NO. 4).

The purpose of statement No. 4 is to show the manner in which expenditures corresponding to the estimates would affect the Treasury surplus in case there were no change in revenue laws. This statement shows that in case Congress grants the full amount of appropriations requested in the Book of Estimates, without a change in revenue laws, and, further, if the drafts against past appropriations are as estimated, the result will be, ignoring sinking-fund requirements as well as deficiencies, that an accumulated Treasury surplus of $206,182,254.91, as of the end of the fiscal year, June 30, 1912, will have been reduced by the end of the next fiscal year (June 30, 1914) to $67,303,263.47. This will be an inadequate balance of general-fund cash, for the reason that the customary working balance which is carried by disbursing officers, plus the needed working balance in the Treasury proper, is largely in excess of this amount. Subtracting the estimated pension deficiencies of $30,000,000, which were not included in the statement, even though all canal expenditures for 1914 are against borrowings and all sinking-fund requirements are ignored, advances of the usual amounts carried by disbursing officers would leave not a penny in the Treasury available for the meeting of current governmental demands.

THE RESULT OF GRANTING APPROPRIATIONS REQUESTED WITHOUT INCREASING REVENUES.

From all these data it is apparent that the estimates submitted by departments and establishments on the one hand and the probable revenues on the other should receive serious consideration; that as officers of the Government we should not go ahead blindly, passing and signing one appropriation bill after another without knowing where the money is coming from or how the obligations of the Government are to be met. Such a condition as this obtained in 1893, when a newly elected President found it necessary to go into a very unfavorable money market and borrow over $260,000,000 in order to meet the Treasury needs of the Government and protect the currency obligations, with the result that his whole administration was handicapped, and the credit system of the country was seriously impaired.

ESTIMATES OF REVENUES AND EXPENDITURES.

A second set of summaries has been prepared for the purpose of considering questions of future policy. This is made up of analyses of estimated and actual revenues and expenditures.

ESTIMATED AND ACTUAL REVENUES (STATEMENTS NOS. 5 AND 6).

In order that a basis may be laid for determining where adjustments may be made to obtain the revenue needed, as well as for considering the result on the finances of the Government of making any proposed change in revenue law, each class of receipts has been separately shown, with a reference to the law which governs its accrual. There has also been prepared a summary of revenues by departments or establishments to enable officers to compare revenues and expenditures in any project which should be regarded as self-supporting.

ESTIMATED AND ACTUAL EXPENDITURES.

The summaries presented herewith cover the estimates submitted by departments. This has been thought desirable because under the act of March 9, 1909, it is my duty to submit recommendations with respect to the departmental estimates transmitted by the Secretary of the Treasury, rather than to present estimates such as would have been submitted to Congress if there had been opportunity for Executive review. As shown by the list of budget statements (pp. 10 and 11), the estimates have been summarized in such manner as to show expenditures in four different relations, namely: (a) The cost and estimated cost of the business done by each organization unit (statement No. 7); (b) the cost and estimated cost of each general class of work performed (statement No. 8); (c) the cost and estimated cost of each class of expenditures, such as operating expenses, fixed charges, capital outlays, etc. (statement No. 9); (d) the cost and estimated cost classified by acts of appropriation in which authorizations to spend customarily

appear (statement No. 10). The remaining statements (11 to 16) show the same facts arranged in such manner as to reflect results in still other relations bearing on questions of policy.

Such inaccuracies as may obtain in the summaries are due to the fact that this is the first time that a systematic statement pertaining to the business of the Government has been attempted; that it is the first time that a statement has been prepared and submitted in the form of a budget; that since its figures have been prepared as a result of a special investigation, rather than from direct accounting results, there has been no means of verification. If every other reason were wanting, the present lack of facilities for obtaining information pertaining to subjects that are essential to any intelligent consideration of the business of the Government, and for knowing that the information when obtained is accurate, would be sufficient to make an annual budget desirable. Had accounts been kept in a form that would permit their use in the preparation of a budget, complete and accurate information would have been available for administrative and executive consideration some months before Congress assembled. Instead, I have been put to the necessity of going out with a dragnet for the essential facts, and then of being required to wait until after January 1 before all of the subjects concerning which data were asked could be reported on—in the end also being required to accept statements sent in without proof and knowing that, in some instances at least, they were incomplete. I do not wish to be understood as criticizing or intending to criticize the heads of departments in whose transactions and in whose books of accounts the material to be used in such a budget must be found. The truth is that they have all been laboring as much as possible, during the last four years, to improve the method of keeping and stating their several department accounts; but the confusion and unbusinesslike condition that have prevented a thorough reform and simplifying of our financial and operating statements have been the result of a century of neglect.

ANALYSIS OF INCREASES AND DECREASES BY DEPARTMENTS (STATEMENT NO. 7).

In most summary form the analysis of the data reported by organization units through which expenditures are made is as follows:

Branches of the Government.	Estimated expenditures for—		Actual expenditures for—	
	1914	1913	1912	1911
The Congress	$9,967,463	$10,496,325	$10,695,468	$11,063,547
The President (including Executive boards and commissions)	449,040	296,057	621,484	457,803
The judiciary	5,408,101	5,234,004	5,119,918	4,979,750
Executive departments (other than sinking-fund estimates and appropriations and debt payments)	994,090,557	927,479,221	852,667,884	831,140,986
Other establishments	33,890,702	58,277,125	37,993,030	36,092,385
Districts and Territories	6,124,509	5,134,223	5,814,309	5,385,489
Total (excluding sinking-fund requirements and debt payments)	1,049,939,372	1,006,916,955	912,852,093	889,119,960
Less amounts payable from revenues of the District of Columbia	583,795	502,202	419,728	417,004
Total payable from Federal revenues, except sinking-fund requirements and debt payments	1,049,355,577	1,006,414,753	912,432,365	888,702,956
Sinking-fund requirements and debt payments	60,685,000	60,650,000	120,616	246,496
Total payable from Federal revenues.	1,110,040,577	1,067,064,753	912,552,981	888,949,452

DECREASES BY CONGRESS.

In the figures representing appropriations for 1913 and estimates for 1914 for the Congress it will be noted that there is a decrease indicated. This, however, is to be accepted with qualifications, for the reason that not all of the customary items are shown in the estimates for 1914 and no deficiencies are included for either year. Moreover, it is to be noted that for the year 1914 no estimate has been made for outlays for buildings and grounds. The appropriation for the Superintendent of Capitol Building and Grounds was $951,757 for 1913, whereas only $178,900 are estimated for 1914.

ESTIMATES AND EXPENDITURES IMMEDIATELY UNDER THE PRESIDENT.

In the Executive Office proper practically no differences appear. The differences in total expenditures directly under the President during the years 1911 and 1912 and in the totals of estimated expenditures for 1913 and 1914 are due to the amounts expended, appropriated, or estimated for the Tariff Board and the Commission on Economy and Efficiency.

INCREASES FOR THE COURTS.

The increase in the cost of the judiciary is almost entirely to be found in the circuit courts of appeals and the district and Territorial courts. For these there has been a gradually increasing cost corresponding to an increasing business.

INCREASES FOR DEPARTMENTS AND INDEPENDENT ESTABLISHMENTS.

With respect to executive departments, the totals for each of the four years reported, exclusive of sinking-fund requirements and debt payments, are as follows:

	1914	1913	1912	1911
Executive departments	$994,090,557	$927,479,221	$852,667,884	$831,140,986
State	4,053,373	4,559,768	4,258,409	4,478,977
Treasury	75,621,558	84,132,144	78,771,378	75,789,906
War	199,195,018	189,465,658	155,132,662	153,973,875
Justice	5,768,098	5,141,764	5,120,349	4,947,705
Post Office	284,141,018	271,608,550	250,154,310	240,208,411
Navy	152,626,008	126,836,305	134,299,251	118,987,722
Interior	230,216,066	204,528,564	189,887,027	193,075,298
Agriculture	24,706,013	25,422,263	19,669,339	18,793,633
Commerce and Labor	17,163,405	15,784,205	15,375,759	20,885,519

From these figures it will be seen that there is a net increase of only $21,000,000 between 1911 and 1912, and this is very largely accounted for by an increase of $10,000,000 in the cost of the postal service, which is reimbursable, and increases in the Navy. Leaving out of consideration the sinking fund, the estimated net increase for 1913 over 1912 amounts to $75,000,000, more than $67,000,000 of which is accounted for by increases for the War Department, chiefly rivers and harbors, for postal service, and for pensions. As between the estimated expenditures for 1913 and for 1914 there is a net increase of $66,000,000. This, however, is $30,000,000 more than the increase indicated by the estimates submitted to Congress for appropriation in the Book of Estimates, although requests for appropriations amounting to more than $24,000,000 have subsequently been sent in as supplementary and to cover deficiencies. The increases in estimates for expenditures for 1914 are accounted for by still further increases for rivers and harbors, in the War Department, and for the Post Office and increases for the Navy and for pensions. Leaving out of consideration the sinking fund as between 1912 and 1914, the difference of $142,000,000, exclusive of sinking fund, is accounted for as follows: War, $44,000,000, largely for river, harbor, and other improvements; Navy, $18,000,000; Post Office, reimbursable, $34,000,000; pensions, $32,000,000; all others, net, $14,000,000.

In the independent establishments the decrease in cost for 1914 is largely explained by the decreasing needs for the completion of the Panama Canal.

ANALYSIS TO SHOW COST OF EACH CLASS OF WORK (STATEMENT NO. 8).

The same estimates and expenditures have been analyzed and summarized in such manner as to show the cost to the Government of each class of work which is now being done, as well as the estimated cost of work projected for the next fiscal year. From this it will be noted that the estimated cost of functions which are general in character, such as legislation, executive direction and control, adjudication, administration of the national finances, etc., for the next fiscal year is $166,000,000, whereas the estimated direct cost of service to the public is $936,000,000. It also shows that the estimated cost for the next year of military services is $452,000,000 as against a total of $484,000,000, the estimated cost of all civil services. Again, the total cost of civil service is divided so as to show the amount spent for the promotion of friendly relations and the protection of American interests abroad, $4,200,000 a year, and the amount spent for the promotion of welfare within the United States, $479,600,000. This latter amount is further subdivided to show the cost of protection to economic interests, $445,000,000, and the cost of the promotion of individual welfare, $34,600,000. A still further analysis is made to show the welfare interests which are served. The $445,000,000 estimated for 1914 expenditures for the promotion of economic welfare, together with the amount estimated for the current year and the actual expenditures of the last two completed fiscal years, is accounted for as follows.

	1914	1913	1912	1911
Promotion of agriculture, forestry, fisheries, and the care and utilization of the public domain	$37,372,040	$37,391,089	$29,736,440	$27,892,521
Promotion of trading, manufacturing, and mining	930,439	549,962	433,070	404,888
Providing facilities for transportation	116,844,539	134,564,906	82,517,834	77,347,590
Postal and other communication service (reimbursable)	276,983,944	265,001,879	244,460,742	234,185,955
General:				
Regulation of commerce and banking	3,023,658	3,043,089	2,677,452	2,465,128
Providing a medium of exchange	4,584,554	5,168,325	5,188,261	4,998,012
Meteorological research and weather forecasting	1,712,490	1,666,680	1,618,098	1,515,005
Granting patents and copyrights (reimbursable)	2,242,691	2,070,609	2,159,126	2,083,668
Collection of data pertaining to population and other general statistical information	765,060	1,069,310	1,990,398	7,544,949
Fixing standards of measurement	612,395	473,849	573,692	342,062
Total	445,071,809	450,909,698	371,355,113	358,779,778

The $34,000,000 estimated 1914 expenditures for the promotion and conservation of individual welfare, together with the estimated cost for the current fiscal year and the actual cost for the last two completed fiscal years, is subdivided to show:

	1914	1913	1912	1911
Promotion of the special interests of the laboring classes	$4,372,805	$4,134,880	$3,529,157	$3,626,378
Promotion of public health, education, and recreation:				
Promotion and protection of public health	7,817,343	6,572,860	6,347,603	5,989,477
Promotion of public education and recreation and of art and pure science	5,736,545	4,844,242	4,346,185	4,262,921
Care and education of dependent, defective, and delinquent	2,622,487	1,826,064	2,734,197	1,867,090
Care and education of the Indians and other wards of the Nation	11,018,907	11,121,186	11,339,716	11,865,353
Total	34,568,087	28,499,232	28,296,858	27,611,219

It is thought that such analyses will be of great value in considering questions of policy bearing on the future work program of the Government.

ANALYSIS TO SHOW CHARACTER OF EXPENDITURES (STATEMENT NO. 9).

Analyzing the estimates and expenditures in such manner as to show the amount of the estimated and actual current expenses, as distinguished from capital outlays and debt payments, the totals for the four years are as follows:

	1914	1913	1912	1911
Current expenses and fixed charges (except principal of debt)	$821,131,982	$779,892,645	$742,293,621	$738,419,108
Overhead and operating expenses	565,798,628	545,343,691	520,454,692	513,410,284
Upkeep of property	22,764,889	25,463,755	22,013,896	22,751,305
Fixed charges, except principal of debt (including interest, court awards, pensions, subsidies, contributions, indemnities, etc.)	232,568,465	211,085,199	199,825,033	202,257,519
Acquisition of property	190,196,406	199,585,979	153,189,441	134,280,159
Unclassified	38,610,984	27,438,334	17,369,031	16,420,093
Total current expenses, fixed charges, expenditure for property and undistributed expenditures	1,049,939,372	1,006,916,955	912,852,093	889,119,960
Deduct amounts chargeable to revenues of the District of Columbia	583,795	502,202	419,728	417,004
Total expenditures other than principal of debt	1,049,355,577	1,006,414,753	912,432,365	888,702,956
Payment of debt	60,685,000	60,650,000	120,616	246,496
Total	1,110,040,577	1,067,064,753	912,552,981	888,949,452

Considering first the total for overhead cost and operation, it will be seen that this represents only about one-half the total for the Government. Including upkeep, the current expenses for the last completed year, 1912, reached $542,468,588 out of a total of $912,552,981. To give perspective to the problem of financing the next fiscal year the estimated expenditures may be grouped as follows:

Current expenses and fixed charges other than sinking fund	$821,000,000
Acquisition of property	190,000,000
Unclassified expenditures (most of which are known to be expenditures for property)	38,000,000
Payment of principal on the public debt	60,000,000

Subdividing the current expenses and fixed charges, as distinguished from acquisition of property, the estimated amount of overhead and operating expenses is $566,000,000, of upkeep costs $23,000,000, and of fixed charges $232,000,000.

SIGNIFICANCE OF ANALYSIS IN DETERMINING FINANCIAL POLICY.

The special significance of this analysis is to be found in its use as a guide to the determination of financial policy.

In my opinion current expenses and fixed charges, including sinking-fund requirements, should be financed entirely out of revenues; that is, in planning to meet the Treasury needs of the Government it would be a mistake to provide the means for carrying on the current business and for liquidating the debt by incurring additional indebtedness. By this standard the least amount of revenue which would be required for the next fiscal year (assuming that the estimates sent in are approved by the Congress and incorporated in appropriations) would be $881,000,000. This conclusion is based on the assumption that all estimates for "acquisition of property" and all "unclassified" estimates would be initially financed by the Government out of borrowings; that is, that all of these estimated expenditures are properly classified as capital outlays. It is to be observed, however, that in the estimated appropriations and expenditures for acquisitions of property during the four years reported all replacements of obsolete or condemned equipment or other property are included. These should be charged against current revenues. The estimates sent to me as for capital outlays, with corresponding expenditures for preceding years, are as follows:

Character of expenditure.	Estimates for 1914.	Appropriations for 1913.	Expenditures for—	
			1912	1911
Total expenditures for acquisition of property	$190,196,406	$199,585,976	$153,189,441	$134,280,159
Land	2,531,825	6,596,696	4,223,338	2,849,445
Buildings	20,958,273	20,896,897	15,947,814	14,900,947
Other improvements to land and waterways	74,974,140	108,486,547	72,339,558	69,708,285
Equipment	73,542,150	51,343,856	54,607,061	40,939,301
Stores (increases)	7,268,549	6,675,373	4,886,730	5,405,233
Work in progress (increases or decreases)	115,522	[1] 202,721	[1] 1,072,858	[1] 1,126,358
Unclassified capital outlays	10,805,947	5,789,328	2,257,798	1,513,306
Unclassified expenditures	38,610,984	27,438,334	17,369,031	16,420,093

[1] Decreases of stores; deduction from total expenditures.

In order to determine what amount of these expenditures may properly be financed from the proceeds of bond issues and what amount would be considered as expenses to be financed out of revenues, it is necessary to clearly distinguish those expenditures which are for the acquisition of additional properties and those which are for replacement of old. From the present state of the records and reports these data are not available. With respect to the $73,500,000 estimated for equipment, however, this may be said: That a greater portion of the estimate is for battleships, ordnance, etc. It is doubtful if the amount asked for is more than is needed to cover the wear and tear and the depreciation due to obsolescence of equipment already owned by the Government. Assuming that all of the $98,400,000 for land, buildings, and other improvements on land, and the $10,800,000 "unclassified capital outlays," as well as the $38,600,000 of other "unclassified expenditures," are for new properties, the conclusion that these are additions or betterments should not be accepted without qualification for the reason that no provision is made for estimating structural depreciation. In fact, there is not at present any means for knowing what amount of property the Government owns against which depreciation must be estimated. From the inadequate data at hand it appears that the Government has acquired buildings and other improvements on land during the last 50 years

the cost of which is considerably in excess of $1,500,000,000. If it be assumed that the average life of such structures is 50 years, then not less than $30,000,000 should be included in current expenses for depreciation due to obsolescence. This would leave about $115,000,000 of the expenditures for the acquisition of property to be capitalized.

THE EXCESS OF ESTIMATED CURRENT EXPENSES AND FIXED CHARGES OVER ESTIMATED REVENUES FOR 1914.

From the foregoing it would appear that the amount of the revenues required to meet current expenses and fixed charges (including current upkeep of property and depreciation from obsolescence) is approximately $995,000,000.

The amount which the Secretary of the Treasury estimates will accrue in revenues during the next fiscal year is $970,000,000 (excluding refunds of revenues and trust-fund receipts), leaving a revenue deficiency of $25,000,000. From any angle of approach, therefore, either the estimates for appropriations must be cut down or provision must be made for increasing the revenue.

RECOMMENDATIONS FOR THE REDUCTION OF CURRENT EXPENSES.

In submitting recommendations under the requirements of the act of March 4, 1909, it seems evident that the overhead and operating expenses and capital outlays should be clearly distinguished from expenditures in the nature of fixed charges and debt payments. The amount of expenditures for these latter purposes is not to any considerable extent affected by economy or efficiency of administration, but is the result of established policy expressed in terms of law. With respect to capital outlays the Congress determines whether buildings shall be constructed or rented, whether improvements shall be authorized. With respect to fixed charges the President has no control except through approval or disapproval of bills of Congress submitted for his signature. The executive branch can have little responsibility for nearly one-third of the total estimated expenditures.

If the executive branch is not handicapped by legislation that robs the service of the benefits of the proper exercise of administrative discretion, the economy and efficiency with which the many services of the Government are operated are primarily the responsibility of this branch. It is with respect to this portion of Government expenditures—the estimates for which amount to about $566,000,000 for the year 1914—that the following recommendations are made. In submitting recommendations, however, I am suggesting such reductions only as it is thought may result from beneficial changes in policy.

RECOMMENDATIONS WITH RESPECT TO APPROPRIATIONS FOR PERSONAL SERVICES.

With respect to the cost of personal service the estimates may be divided into two classes, namely, (1) those for the payment of the salaries of persons appointed by the President, with the advice and consent of the Senate, and (2) those for the payment of salaries to all other employees of the Government. The reductions which, in my opinion, may be made in these estimates without injury to the service are:

Reductions in estimates for salaries of local officers appointed by the President, with the advice and consent of the Senate	$4,500,000
Reductions in estimates for all other salaries	2,000,000

REDUCTIONS BY ELIMINATION OF SINECURES.

With respect to the first class I have already submitted recommendations to Congress in several messages transmitting reports in which it is estimated that the direct salary cost of the Government may be reduced not less than $4,500,000 a year—this to be done by placing a large proportion of presidential appointments in the classified service. The salaries of postmasters of the first and second classes amount to over $6,000,000, while the salaries of assistant postmasters of the same classes amount to $2,820,000. If the position of postmaster were placed in the classified service and these officers were given salaries equal to 20 per cent more than the salaries now given to assistant postmasters, the latter positions being no longer required, there would be a saving of $4,512,000. Besides this direct reduction that might be immediately made in the estimates, there would also be very large indirect reductions of cost that might be availed of in future estimates—reductions that can not be realized so long as appointments are on a partisan basis. These unnecessary indirect costs are due to the fact that a considerable part of the services outside of Washington can not be properly brought within the discipline of administrative officers. So long as high-salaried local officers owe their appointments to local influence it may be assumed that their tenures will be fairly secure, regardless of their efficiency. This is discouraging to those in equally responsible positions who are rendering efficient service, but who, by reason of the nonpartisan character of the appointment, receive not more than half the amount of salary; it tends to destroy the esprit de corps, especially with subordinates; it carries with it expenditures that in many instances are unwisely made. Altogether, in the opinion of those who are best acquainted with the service, the indirect saving to the Government amounts to more than the direct saving indicated. A list of presidential appointments, requested from departments, is attached (Appendix 5). [Omitted in RECORD.]

REDUCTIONS BY RECLASSIFICATION OF CIVIL SERVICE.

With respect to the other employees in the service, their salaries are either what are known as "statutory" (that is, specified in the acts of appropriations) or "nonstatutory" (the designation given to salaries paid out of lump-sum appropriations). With respect to these my recommendation is that the total appropriations for salaries be established at an amount sufficient to cover the pay-roll requirements of the present fiscal year, but that authority be given to make a complete executive reclassification of civil-service employees, to become effective by Executive order. Such a provision would reduce the estimates for current expenses not less than $2,000,000, and, in my opinion, would result beneficially to employees as well as to the Government. In other words, I am of the opinion that an annual salary roll of $2,000,000 less than the estimates for salaries for the year 1914, if properly distributed, would adequately provide for the personnel necessary to do the Government's present work. At present each statutory salary is fixed by Congress; this means that it is fixed by one or another of nine committees of Congress. Each nonstatutory salary is fixed by one or another of the nine heads of departments. The result is not only great confusion in service designations and service classification, but also great disparity in salaries for doing similar work. Furthermore, the fate of each individual employee in the matter of promotions, etc., so far depends on action that can not, under present conditions, be premised on merit or adjustment of compensation to work, that one of the serious embarrassments to the service is a constant request for transfers.

This embarrassment Congress has sought to overcome through laws the practical operation of which is to make details and transfers difficult; and committees on appropriations have usually looked with suspicion upon all requests for salary increases. Under the laws governing transfers, entry into the civil service in certain departments amounts to a three years' enlistment with very little hope for promotion. The obstructions to details of employees hamper the work of certain divisions and add unnecessarily to the cost of others. The impossibility of giving fair consideration to the question is shown by the fact that each year hundreds of increases are proposed in estimates to Congress, whose committees are supposed to pass on their merits. One committee may pursue a fairly liberal policy, and another may pursue a policy of restriction; but each must act with very little knowledge of their problem. One person whose position is proposed for increase may have a strong or influential advocate before a committee, while another, equally competent, may not. The whole subject of salaries is chaotic.

In the present situation many men at the bottom are receiving larger salaries than would be obtained for similar work in outside employment, whereas men in higher positions carrying great responsibility and the success of whose performance depends on training and long experience are inadequately paid. The Government suffers from both conditions. From the viewpoint of the rank and file, there is little hope of reward for merit. Instead of establishing a well-considered classification of positions and salary grades which will admit of promotions and increased compensation with added experience and ability to render valuable service, instead of holding out to the employee a career, a premium is placed on getting into the service, after which little inducement is offered to effort. There is little incentive to increasing efficiency, because as a rule initial salaries are placed too high and terminal salaries too low. The operation of such a salary scheme is to encourage application for appointment from persons who have already assumed large social or other responsibilities, and who are out of employment; at the same time by providing low terminal salaries the service is to this extent made unattractive to those who have spent years in preparation or who after long experience have become expert in the handling of the many technical problems involved in the economical and efficient transaction of public business.

The foundation for a reclassification of salaries has already been laid. An analysis of the service designations and salary grades has been made for the entire service. This is now being summarized in such manner that if the subject is pursued with vigor a reclassification may be completed within the next few months. In my opinion, such a reclassification would enable the Government to pay higher salaries to those from whom experi-

ence, training, and initiative are required, and make the saving of $2,000,000 as already stated. It would hold out to the whole service a hope for better things instead of leaving each individual in it the victim of chance.

REDUCTIONS THAT WOULD FOLLOW MAKING CERTAIN SERVICES REIMBURSABLE.

In my opinion a considerable reduction in expenditures may be made without injury to the service by making certain expenditures reimbursable. Generally speaking, the reason for making Government expenditures reimbursable is either (1) that the benefits of the service inure mainly to those who use it rather than to the general public, and that therefore the entire cost should be paid by the users, or (2) that the service provided by the Government may better serve its purpose if the person for whose benefit it is performed pays at least a part of the cost incurred. Among the most obvious items of expenditure which should be placed on a reimbursable basis are those for certain publications of the Government that are distributed to the public.

ELIMINATION OF WASTE IN DISTRIBUTION OF PUBLIC DOCUMENTS.

The estimates for appropriations for the next fiscal year for printing and binding at the Government Printing Office amount to nearly $6,000,000 besides the printing and binding that is done elsewhere. Of this amount a considerable part is for publications that are distributed to the public. As at present distributed it is known that a relatively small part of such publications gets into hands of persons who are really interested in them, and such persons could well afford to pay cost price for them. The other documents are sent simply as a reminder that there is some one in Washington who has the recipients' names on the list. The adoption of such a principle as is recommended would, in my opinion, change the entire character of the publication activities of the Government. At the present time many valuable documents of the Government are not obtainable at any price, since the issue is exhausted very shortly after publication. The practice is that such a number of documents is printed as is necessary to supply the public libraries and furnish the copies which, under the law, go to Members of Congress. Unless provision is made for distribution to the public anyone interested in a particular publication may be fortunate to receive the one or more copies that may be allowed the Representative of the congressional district in which he lives. Further than this he must depend largely upon exchange of courtesies between Representatives. Even those editions that are for public distribution, being given away, are soon exhausted. In order to make a supply available to persons who may not have the facilities for obtaining a desired volume or volumes at the time of the issue it is necessary to have a publication authorization that will place a stock in the hands of the superintendent of documents for sale. With respect to certain publications this principle of sale has already been adopted. It is urged that it be made general in its operation, thereby enabling Congress to reduce the estimate for printing and binding by the amount which it is thought will be realized from the copies distributed to the public.

REIMBURSEMENT FOR POSTAGE.

A further reduction in expenses may be made by applying the same principle to postage—that is, a part of the cost of distributing documents is the expense of handling them in the post office. In preparing the catalogue lists of publications to be paid for it is recommended that the cost of postage be included in the price to the public. This would be represented by special stamps issued by the Post Office Department to the departments and establishments through which the distribution would be made.

MINTS AND ASSAY OFFICES.

The estimated cost of maintaining the independent assay offices carried in the estimates for the legislative, executive, and judicial bill is $305,740. This is not the whole cost, as it does not include such as is carried in estimates for public buildings. The Secretary of the Treasury has recommended their discontinuance. By such action it is thought that the saving would be at least as much as the amount shown above. In this relation I wish to raise the question for the consideration of Congress as to whether it would not still further add to the economy with which the public business may be done, and at the same time increase efficiency, if the five Government mints located at Carson, Denver, New Orleans, Philadelphia, and San Francisco were consolidated. The cost of plant is very large. The added cost due to scattered work is also an element to be considered. The estimates for operating the mints amount to more than $915,000. Besides this, there are large items of cost contained in the estimates for public buildings. It is thought that, aside from the saving of $305,740 which might be effected by closing the detached assay offices as has been recommended, there could also be realized a saving in overhead and other costs of not less than $100,000 a year by the consolidation of the mints at some point of manufacture where the equipment is large and transportation facilities are good. The buildings in the cities where the mints were closed could be utilized for other governmental purposes, or sold.

REDUCTIONS OF EXPENDITURES PROPOSED BY THE COMMISSION ON ECONOMY AND EFFICIENCY.

To the present time 24 reports of the Commission on Economy and Efficiency have been sent to Congress by me, most of which contain constructive recommendations. It is thought that if these recommendations were acted upon affirmatively a saving amounting to several million dollars might be effected without impairing the efficiency of the several services which have been made the subject of inquiry. As these reports are specific, and a number of them have been under consideration by committees in Congress, it does not seem necessary to do more than to refer to them at this time.

RECOMMENDATIONS IN RELATION TO ESTIMATED FIXED CHARGES.

As has been said, fixed charges are the result of legislation over which the executive branch can not exercise control and with respect to which it has no responsibility. To this general statement, one exception is to be taken, viz, the administration of the public debt. Not only is the executive branch made responsible for the management of the sinking fund, but upon it has also been placed responsibility for borrowing to meet the needs of the Treasury.

SINKING-FUND REQUIREMENTS.

The amount of sinking-fund requirements depends on three factors, namely, (1) the amount of the debt to be sunk, (2) the time during which the obligations are to be permitted to run, and (3) the conditions attached to the investment of fund cumulations.

As bearing on the amount of the national debt to be sunk, I am of the opinion that the policy of the Federal Government should be to remain as nearly debt free as good financing and the equitable distribution of capital outlays over a series of years will warrant. Our governmental establishment is made up of three kinds of public corporations—municipal, State, and national. Any program for the protection and promotion of the welfare of the country must include them all. The burden of taxes laid by them all falls upon, and must be supported by, private business or by the private resources of the people. The debt burden of all must be considered as an incumbrance on our national wealth. Considering the fact that many municipalities and States have already reached the constitutional limit of indebtedness; considering that the total bonded debt of New York City alone exceeds the bonded debt of the National Government, and that the total municipal indebtedness is many times greater; considering that the Constitution places the burden of national defense on the National Government, it would seem to be the part of wisdom for the Federal Government to keep as nearly debt free as is practicable. Not only does reason suggest that this is one of the most effective precautions that can be taken to fortify the Nation, but history supports this conclusion. Both in our conflict with Great Britain and in the Civil War, the fact that the Federal Government was practically debt free at the time that resort was had to arms must be assigned an important place in considering the factors which made for success.

THE CIVIL WAR DEBT STILL UNPAID.

Notwithstanding the fact that the Civil War was begun practically debt free, the Government was forced to the last extreme to obtain funds with which to carry on the conflict.

At the end of the war the meeting of this debt was one of our most serious problems. That we have gone along for over half a century since the Civil War, carrying the large part of this war debt, when during the latter part of this period the revenues of the Government far exceeded expenditures, has been due largely to the fact that our public debt has been a part of an admittedly vicious system of banking and currency. As a matter of public policy, definite provisions should be made for retiring this several-times-refunded balance of more than a thousand million dollars, and in such manner as to do no injustice to those who have purchased the bonds as collateral for bank-note issue.

And in making provisions for this refunding, the first obligations to be retired are the demand notes that were issued during the war and given currency through being made legal tender. Every objection to the retirement of the greenback that in the past has obtained is now without force. These outstanding obligations of the Government (the legal-tender notes) are a constant menace to both Government and private credit—a menace which has operated adversely to the successful financing

of Treasury deficits in periods of business depression by draining the Treasury of its gold—one which would be found even more serious in case the Nation should need again to fall back on its credit as a matter of military necessity.

At the present time the total bonded debt outstanding is approximately $964,000,000. To this should be added $346,000,000, the amount of the demand Treasury notes. This makes a total indebtedness to be sunk of $1,310,000,000. Taking into the sinking fund the $150,000,000 gold reserve against greenbacks outstanding and the $137,000,000 advanced from the general fund for the building of the Panama Canal, gold certificates could be issued in place of greenbacks to the extent of $287,000,000. It would be necessary to issue only $59,000,000 more bonds to retire the balance of the outstanding Treasury notes, leaving an interest-bearing debt of the Government amounting to $1,160,000,000 of all maturities, against which sinking-fund requirements would be calculated. Assuming that it is determined to retire the present debt in 20 years after July 1, 1914, and further that authority is given to invest the sinking-fund cumulations in new issues of Government bonds for future capital outlays which will bear an average rate of 3 per cent, it would require about $45,000,000 to be set aside each year to retire the old debt, or about $15,000,000 less than the present legal requirement. This sum for sinking-fund requirements would have to be increased to make provision of each new bond issue as fast as necessary.

PRESENT SINKING-FUND RESOURCES.

At the present time the only sinking-fund resource is a claim on the general fund amounting to $809,000,000. This is now become a mere bookkeeping entry without real obligation or meaning. I recommend that the present law be amended so as to adapt the annual charge against the revenues to the actual requirements and that the book balance be canceled. To provide gold with which to retire the greenbacks, I recommend that authority be given to transfer the $150,000,000 general-fund gold reserve to the sinking fund as well as the $137,000,000 advanced for the Isthmian Canal from the general fund, the latter amount to be obtained by issue of 20-year bonds of the National Government.

CREATION OF A SINKING-FUND COMMISSION.

And to insure the independence of the administration of the sinking-fund law in the future it is also recommended that the chairman of the Finance Committee of the Senate, the chairman of the Ways and Means Committee of the House of Representatives, the Attorney General, and the Secretary of the Treasury be made ex-officio a sinking-fund commission, and that the comptroller shall be required each year to audit and state the sinking-fund account to the President and the Congress.

CONDITIONS TO BE ATTACHED TO NEW ISSUES.

In the making of future issues of national bonds I assume the adoption of a new banking and currency system, which will retire the 2 per cent United States bonds now used to secure circulation under a plan which places the price of the bonds on a false basis by making these alone authorized securities for the issuing of bank notes. While this provision has enabled the United States Government to float most of its securities on a low interest charge, it has so commingled problems of national currency and private debt with questions of public debt as to hamper the Government in its dealings by placing a barrier of investment interest in the way of every effort to retire outstanding obligations. The proposal would give 20 years, if need be, within which to adjust bond issues to an investment basis.

CONDITIONS TO BE ATTACHED TO THE SINKING FUND.

To the end that the sinking fund may be used to advantage prior to the time when the present outstanding indebtedness may mature or may be redeemed, it is recommended that, in so far as cash may accumulate in the fund in excess of the demands for meeting current maturities, this cash be made available for the purchase of subsequent bond issues authorized for public improvements or other purposes, and that the sinking-fund commissioners be authorized, with proper restrictions, to sell such purchases at any time that money may be desired to carry out the purposes of the fund.

SUMMARY OF RECOMMENDATIONS FOR REDUCTIONS IN ESTIMATES FOR EXPENSES AND FIXED CHARGES.

From the foregoing it is evident that the estimates for expenses and fixed charges may be reduced $25,000,000 without injury to the service. In fact, the results, in my opinion, would be beneficial, provided changes in law also be made as indicated. This could be accomplished by a reduction of not less than $10,000,000 in estimates for overhead and operating expenses and by a reduction of $15,000,000 by changing the sinking-fund law so that it would release the present cumulated reserve and provide only for an amount adequate for the retirement of the present national debt within 20 years from July 1 next and for the retirement of future bonded debt within 20 years from the date of issue. This would reduce the total of estimated expenditures which should be met by revenue from $995,000,000 to approximately $970,000,000 for the fiscal year 1914, as against which there is an estimated revenue of $970,000,000 (exclusive of trust funds, refunds, etc.).

CONSTRUCTIVE RECOMMENDATIONS PERTAINING TO PUBLIC IMPROVEMENTS.

Not only should every public improvement bear a definite relation to a plan or program which has reference to the needs of the Nation, but provision should be made for completing the improvement at such time as it will be most useful or serviceable in the carrying out of such a plan. In my opinion it is desirable that the Government at Washington should be housed in public buildings which should be built in such manner as to conform to a general plan of public buildings for the Government within the city. In order to carry out such a program it might be good business judgment to provide for spending fifteen or twenty million dollars within the next two years. As a matter of fact it would be advantageous for the Government to invest nearly $100,000,000, if need be, to save the rent which it is at present paying within the District of Columbia. By first developing a plan and then working to it, whatever part might be approved might be financed through loans which would enable the Government to apportion the investment burden over a period of, say, 20 years. Such a method of financing, applied to all its permanent improvements, would enable the Government to make contracts on the most favorable basis, to avail itself of having its buildings provided at an early date, and at the same time to proportion the burden on revenue equitably over a period of years, through annual appropriations to the sinking fund.

Applying the same theory to internal improvements: A definite plan may be adopted for the damming of streams which periodically flood the Ohio and Mississippi River Valleys, thereby enabling the Government to operate these dams for the retention of water at times of flood and also to operate the dams for the production of power or other industrial or commercial uses. Such a plan, however, would require a large initial outlay, which should be proportioned over a period of years.

Briefly stated, my suggestion is that the Government first plan for its land purchases, buildings, and public works, then borrow money to acquire and to construct them, proportioning the cost over a period of 20 years and making the bonds issued to meet the cost payable out of an adequate sinking fund.

Following these suggestions, I not only question the desirability of continuing to appropriate for new projects without a definite plan and before provision is made for financing them either by increased revenues or bond issues, but assert, further, that without a plan there is necessarily a large element of waste. For example, it would seem to be wasteful use of public money to appropriate for the location of military posts and buildings at various local points and for the building of barracks and quarters, whether for the Army, Navy, or Marine Corps, until a definite military program has been settled upon which will determine the question as to whether or not it is desirable as a matter of military expediency to maintain several hundred posts, scattered over the length and breadth of the country, for the quartering of troops, or to have quarters located at such points as to provide more adequately for the element of maneuver and military instruction which is the primary purpose of maintaining an army in time of peace. As has been said, in the past military posts and establishments have been located largely as a result of local pressure rather than from a consideration of military need. Many of the requests for appropriations above listed are based on this theory. Within the list are not only to be found the appropriations for military improvements, but also those civil in character, such as public buildings, improvements to rivers and harbors, etc., all of which should be subject to the same scrutiny before new projects are financed.

RECOMMENDATIONS FOR CHANGE IN POLICY PERTAINING TO APPROPRIATIONS.

The analyses which have been made suggest quite a different handling of the subject of authorizations and appropriations than has obtained in the past. Considering this from the viewpoint of the needs of the service, it is suggested that appropriations should be of the following general classes:

1. Appropriations to cover overhead and operating cost.
2. Appropriations for upkeep of property.
3. Appropriations for fixed charges, including sinking fund.
4. Appropriations for permanent improvements.

CHARACTER OF APPROPRIATIONS TO COVER OVERHEAD AND OPERATING COSTS.

With respect to the form of appropriations for current expenses, I am of the opinion that a sharp line should be drawn between appropriations for overhead and expenses of operation

and those for other current purposes. Appropriations authorizing expenditures for overhead expenses and operation should be annual, biennial, triennial, quadrennial, or quinquennial, as by the terms and conditions may be best adapted to the management of the public business to greatest advantage. These are subjects concerning which questions of policy must be currently determined. On the other hand, I am of the opinion that provision for repairs, replacements, and depreciation, interest on the public debt, pensions, subsidies, grants, judgments, awards, indemnities, and sinking-fund requirements should not be left to current or annual determination. With respect to these expenditures every question of policy should be decided at the time the law is passed authorizing them. Appropriations for such purposes, in my opinion, should not be taken up by an appropriation committee, except to ascertain what amount will be required under a funding measure that would be passed by the Congress as a part of the original authority. Under such a law the amount required should be a matter for administrative or judicial determination.

UPKEEP SHOULD BE FINANCED THROUGH A REPLACEMENT FUND CREATED BY PERMANENT APPROPRIATION.

When buildings are constructed it should be assumed that they are to be kept in repair—unless they are of a temporary character, in which case the construction should be treated as a current expense—and the cost of such construction should be amortized completely over the period of each building's use. To the end that a definite basis may be established for determining what appropriations are needed for upkeep of property, I recommend the appointment of an appraisement board in each department to determine what is the present investment or net cost to the Government of properties against which a maintenance reserve should operate. Such board or commission, under central direction and control, should be instructed also to prepare as a basis for future appropriations actuarial tables on all buildings and other improvements to land which are subsequently acquired. In other words, when new battleships are authorized, definite provision should be made for upkeep; when buildings and other improvements on land are authorized, a calculation should be made with respect to the maintenance requirements, and the amount so determined should be authorized as a permanent appropriation. With respect to industrial property—that is, property which is currently used for purposes of manufacture or other production—estimates for maintenance, including depreciation, should also be made. These estimates, however, should not be made as a basis for appropriation, but for the purpose of establishing a reserve for upkeep, including depreciation, which may be ratably charged to the operations or work on which equipment or industrial property is used, thereby making unnecessary any appropriation for this purpose other than as included in appropriations to cover the cost of work. Having established a replacement fund, the annual estimated requirements for each department should be met by permanent appropriations, and from this fund allotments should be made to provide for the repairs and replacements needed. By requiring an accurate account to be kept of actual repairs and replacements, by classes of property, the actuarial estimates may be corrected from time to time as experience would indicate.

PENSIONS SHOULD BE MET BY PERMANENT ANNUAL APPROPRIATIONS.

Fixed charges are on quite a different basis. There is no greater reason for current acts of appropriation to cover pension rolls than there is for an annual appropriation to cover interest on the public debt. A present situation fairly illustrates what may regularly happen when the amounts required to make payment on pension claims authorized are included in an annual appropriation bill. The appropriation for the current year is not less than $20,000,000 short of what it should be to meet pension claims. The result is that in the estimates for pensions for the next year a request is made for an appropriation to be made immediately available, but in case this is done the same situation must be faced the year following. It is probable that the appropriation already made, together with the pension item in the Book of Estimates, will not cover claims filed before June 30, 1914, by $30,000,000. In my opinion, what should be done is to carefully compute the demands which will probably be made under a pension law before it is passed—a precaution that has heretofore never been taken. After such an estimate has been prepared, then estimates would be made annually on the basis of experience for the consideration of Congress in providing revenues to meet Treasury demands, but the pension law should carry with it a permanent appropriation.

JUDGMENTS AND AWARDS SHOULD BE FINANCED BY PERMANENT LAW.

The same may be said of indemnities and court awards. When a judgment or award has been made it should be considered as an appropriation payable out of funds in the Treasury, unless the award should be so large in amount as to threaten the credit of the Government, in which case the Secretary of the Treasury should be permitted to withhold payment until provision could be made by borrowing or through increasing revenues for meeting the demand. Instead of this the present practice is to permit the courts to make awards for payments of claims and then to require the payment to await the slow process of a special appropriation. This is not only unjust, but it leads to a kind of trafficking which should not be encouraged. The only reason for requiring judgment creditors to wait for further congressional action would be in case payment of a large judgment would embarrass the Treasury or was in excess of an estimated annual requirement, when authority should be given to the Executive to defer payment till adequate revenues had been provided or bonds were issued for the purpose.

THE PRESENT LIST OF PERMANENT APPROPRIATIONS SHOULD BE REVISED.

As has been said, after a law has been passed providing for the borrowing of money on public credit, thereby authorizing the payment of interest, or for the payment of pensions, subsidies, indemnities, or the setting aside of revenues for the payment of the principal of the public debt, there is no further question of policy for Congress to consider until it may be found desirable to repeal the law or to deny the obligation. In general, this policy has already been followed. The list of permanent appropriations is a long one. For the current year the estimate reaches nearly $134,000,000. In the list of permanent appropriations for 1913 are included such items as $3,000,000 for meat inspection; $1,700,000 for the operation and care of canals and other works of navigation; $125,000 for the removal of obstructions in the Mississippi, Illinois, and other rivers; $100,000 for the maintenance of channels, South Pass, Miss.; $5,500,000 for the collection of customs. These are not proper subjects for permanent appropriations, whereas the expenditures of the character indicated above should, in my opinion, be thus provided for.

CURRENT APPROPRIATIONS FOR A LONGER PERIOD THAN ONE YEAR.

Both the expenses of current administration and operation and the acquisition of property for the continuing use of the Government should, in my opinion, be subjects for current consideration of questions of policy. To this end the administration should be held responsible for preparing and submitting each year carefully prepared estimates of needs, together with such collateral data as may be needed to consider what amount should be appropriated and what conditions should be attached. This does not mean that appropriations for overhead expenses and operation may not be for a longer period than one year. In many instances appropriations made to cover a period of years would result in largely increasing the economy and efficiency with which the service may be performed. It was, doubtless, with this end in view that the meat-inspection service was placed upon a basis of permanent appropriations. In my opinion this service should have been placed on a three-year or five-year appropriation basis until the service had become established and its current needs had been determined. There are many services the current expenses of which can, with advantage, be financed on a two, three, or five year basis. This would be of especial value in cases where a definite plan or policy is to be followed or worked to—as a military program or a plan for the development of public roads—in which the Government is to cooperate with States and other local bodies. For constitutional reasons, military appropriations can not be for a longer period than two years, but there is no such inhibition against funding the needs of civil service.

APPROPRIATIONS FOR PERMANENT IMPROVEMENTS.

With respect to the acquisition of permanent property, I would recommend, as a matter of financial policy, that no appropriation be made except pursuant to a plan which shall first have been approved by Congress in a bill separate and apart from the act making the appropriation. The formulation of a definite plan for improvements would enable committees of Congress, or, for that matter, Congress in committee as a whole, to consider what the Government shall undertake to do for a period of years before the requests for appropriations are taken up. This would be the alternative to the present method of having a large number of questions of organic law and questions of authorization to incur liabilities—which at the present time run some $300,000,000 ahead of appropriations—settled in a committee on appropriations and brought in as riders on the appropriation bills at the end of sessions, when no one has time or opportunity to consider, even in general, what the thousands of items in appropriation acts contain. After the question had been settled as to what work would be undertaken during a definite period, the appropriation bill authorizing it, in my opinion, should indicate what part or what project or improvement would be financed out of bond issues and what part would be

financed out of the general fund. In so far as projects are to be financed out of the general fund, there should be a limitation placed on the appropriation so made, to the effect that no contract shall be let by the administrative officer under whose jurisdiction the improvement is to be made unless the estimated revenues of the year, together with the surplus and the general fund, after providing for legal reserves and estimated current expenses and fixed charges, as determined by the Secretary of the Treasury, are adequate to meet the obligations to be incurred under such contract. This would admit of administrative curtailment of contracts against revenues automatically in case, from loss of expected revenues, the general-fund cash surplus of the Treasury should disappear.

CHANGES IN ORGANIZATION NEEDED TO PREPARE AND CONSIDER A BUDGET.

The Government is not only in the position of having gone along for a century without a budget, but, what is at this time even more to the point, it has not the organic means either for preparing or for considering one. In the executive branch there is no established agency which may be utilized for assembling the data required for the preparation of budget summaries. The law governing estimates requires that they be prepared and submitted by various heads of departments and independent establishments without executive review or revision; this makes it impossible to submit a budget unless the President does it on his own initiative. In Congress nine standing committees are charged with formulating bills for appropriation; a tenth committee is charged with formulating plans for raising revenue; still other committees, with an entirely different membership, are organized for reviewing the Government expenditures. There is little provision made for giving coincidence of time to their action or for correlating the results of their work, and in many instances what is attempted to be done through appropriation bills prepared by one committee is undone through the appropriation bills prepared by another.

RECOMMENDATION FOR A BUREAU OF CENTRAL ADMINISTRATIVE CONTROL.

First in the list of proposed changes in law setting forth what legislation should be enacted in order to enable the administration to transact the public business with greater economy and efficiency is a recommendation for the establishment of a bureau of central administrative control, with a comptroller at the head who would be responsible to the President and to Congress. Concretely, the proposal is to consolidate the six auditors' offices as well as the office of the Comptroller of the Treasury and the other central accounting offices of the Government in one executive bureau, and thereby, without increasing cost, to provide for a central accounting, auditing, and reporting organization which would include among its activities the preparation of a budget supported by a book of estimates and a consolidated financial report for the Government. This agency would also serve in the capacity of an independent agency for the preparation of special reports when requested either by the Congress or by the President.

THE NEED FOR A BUDGET COMMITTEE.

While it is with much hesitation that I suggest any change in committee organization in Congress, it seems to me to be highly desirable to have some provision, such as has been frequently suggested by Members on the floor, whereby a budget committee may be established as a final clearing house through which all the recommendations of the committees having to do with revenues and expenditures shall pass before they take the form of a definite bill. The special reason which I have for urging such a committee is that at present the administration is seriously handicapped by not being able to take up proposals or constructive measures affecting any particular department with any one body or committee which will undertake to consider them in all their aspects. For example, the War Department finds it necessary to deal with committees and subcommittees which have charge of the legislative, executive, and judicial bill, the sundry civil bill, the Army bill, the fortifications bill, the Military Academy bill, the river and harbor bill, besides committees in which various special bills and resolutions and the various recurrent appropriations may originate. The Interior Department finds it necessary to deal with committees which have in charge the legislative, executive, and judicial bill, the sundry civil bill, the Indian bill, and the pension bill. The Navy Department finds it necessary to carry its estimates before two different standing committees to be considered in three different bills. Neither do officers of the administration find it possible to get the whole of a particular subject before any one committee. The subject of transportation and communication (other than postal service) must be considered by the Appropriations Committee, Agricultural Committee, Committee on Foreign Affairs, Committee on Military Affairs, Committee on Naval Affairs, Rivers and Harbors Committee, and the Committee on Post Offices and Post Roads. Estimates for public health must go before three different committees, etc. For these reasons I am recommending not only that the administration be provided with adequate means for obtaining the information necessary to the executive direction and control of public business and the formulation and submission of a budget, but that Congress also make some organic provision whereby the administrative and legislative branch may coordinate their efforts in the development of the future activities of the Government as well as for the determination of the expenditures needed for the current transaction of its business.

WM. H. TAFT.

THE WHITE HOUSE, *February 26, 1913.*

INTERFERENCE WITH COMMERCE.

Mr. SMITH of South Carolina. Mr. President, a few days ago I gave notice that I would move to discharge the Judiciary Committee from the consideration of a bill pending before that committee (H. R. 56) "to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations."

In pursuance of that notice, I call the attention of the Senate to the provisions of this bill. I recognize the fact that we are in the midst of legislation that is necessary, but I particularly desire to call attention to what the Senator from Wisconsin [Mr. LA FOLLETTE] said the other day; he said that unless he got recognition on a bill that he thought is of paramount interest to the people, some of these appropriation bills would have to stand aside. I do not care to make this threat in reference to this bill, but I consider it of greater importance than any before the Senate. I respectfully invite the attention of the Senate to this measure because it is of as far-reaching importance, not only to one section of this country, but to the Nation at large, as any rate bill or any appropriation bill or any other bill that has ever been before this body.

There is no commodity produced in this country of more importance to the welfare of the people of America and the world than the American cotton crop. This is true both from the standpoint of domestic use and financial interest. The comfort of the entire population of this country and the civilized world depends upon it. Its uses as a textile article are almost unlimited. In almost every conceivable form in which a textile can be used cotton adapts itself. From the coarsest cordage to the finest thread or laces it is equally adaptable. It practically has no competitor in the field of textiles. The only competitors are flax, wool, and silk. The nature of wool is such that it can only be used to produce woolen fabrics. Flax has a limited field. Silk likewise.

Cotton, on the other hand, under the modern weave and analine dyes, is a substitute for wool. And in fact it is largely used as a component part of all the woolen manufactures of the world. Under modern processes of spinning and weaving cotton has practically taken the place of flax. Under the mercerizing process it has entered the domain of silk and is rapidly becoming a substitute for it.

As a producer of revenue it alone, as an article of export in its raw form, has held the balance of trade in favor of America, bringing into this country approximately a half billion dollars annually.

The demand for American cotton is constant and world-wide. Its uses have continually widened. The number of spindles and looms from year to year has steadily increased.

The consumption has outstripped and is now outstripping production.

In 1900 the number of spindles in the world was 105,681,000; in 1912, 140,996,000. In 1900 the number of bales produced was 10,245,000 and in 1911, 11,965,000. In 1900, 105,000,000 spindles consumed a crop of 10,000,000 bales. In 1910 there were 140,000,000 spindles to consume a slightly increased production. In proof of the fact that cotton is a world-wide necessity, 900,000,000 people consume it. America holds a monopoly of this article. In proof of this I read some extracts from the proceedings of the International Congress of Master Spinners and Weavers, held in Brussels in 1910.

In the official report of the Seventh International Cotton Congress, held in June, 1910, at Brussels, Mr. F. Guillemin, a French spinner, said:

> We are in a very bad position in France just now. We have been trying to find new places in which to grow cotton and, so far, we have succeeded in producing in them about 40,000 bales a year. We are in the hands of the Americans; there is no doubt about it.

Mr. J. Hilton, of England, at this meeting, when it was intimated that possibly India might produce 10,000,000 bales, said:

> It has been suggested that it would be possible to get 10,000,000 bales from India. We want cotton, and we want to know where we can get it.

Mr. J. R. McCall, of America, in the same meeting, said:

I invite the attention of those who profess to legislate for the welfare of the people of America to this statement coming from the American member of the Spinning and Weaving Federation of this country.

It is the opinion of many intelligent men in America to-day that if the crop of this coming season should be less than 12,000,000 bales, cotton may see 20 cents a pound instead of 15 cents. It looks a reasonable proposition. The world can not go on continually curtailing. The markets are getting bare. The people are needing more shirts and clothes. They will be ready to pay 20 cents if they have to pay it.

Mr. C. W. Macara, of England, said:

It matters little to us where the cotton is grown; whether in India, Africa, or in any other part of the world. All we want is a sufficient supply.

These quotations are sufficient, coming as they do from the spinners and weavers of the world, to establish the fact that there exists a demand—a world-wide demand—for American cotton.

Is it not a monstrous proposition that with this world-wide demand and a restricted area of supply, with a steadily increasing consumption, that the sale of this article should be left in the hands of a few speculators and gamblers, who, by the rule of their exchanges, arbitrarily fix from day to day the price, regardless of the law of supply and demand? In place of the price being uniform after the amount of a year's production is known, the fluctuations in the market are so absurd, so violent, that the producer of the raw material and the manufacturer of the finished product may not even guess from day to day anywhere within a reasonable limit what the price may be.

If cotton was produced from day to day and buyers and sellers might not know from day to day what the production was likely to be, there might be some justification for an unusual fluctuation in the price; but in view of the fact that by the 1st day of December the entire supply of the American production of cotton until the first day of the next December is known, there is no justification in its fluctuating from day to day in a manner which is so disastrous.

These fluctuations not only demoralize to a large degree the manufacturer, but leave the producer absolutely at sea as to what his crop will reasonably bring and leave him at the mercy of the speculator and the manipulator of the market.

These speculators and manipulators neither grow the cotton nor do they spin the cotton nor do they handle the cotton in fact. They sell hundreds of thousands of bales that they never saw and never intend to handle.

So violent and unreasonable are these fluctuations that a resolution was introduced and passed in the House of Representatives on the 4th of February, 1907, regarding the methods in dealing in futures on cotton exchanges, which was phrased as follows:

Resolved, That the Secretary of Commerce and Labor, through the Bureau of Corporations, be, and is hereby, requested to investigate the causes of the fluctuations in the price of cotton and the difference in the market price of the various classes of cotton, and said investigation shall be conducted with the particular object of ascertaining whether or not said fluctuations in the prices have resulted in whole or in part from the character of contracts and deliveries thereon made on the cotton exchanges dealing in futures or is the result of any combinations or conspiracy which interferes or hinders commerce among the several States and Territories or with foreign countries.

Commissioner Smith, in submitting his report of investigation to Congress, says:

However this may be, the New York Cotton Exchange, if it can not exist under a just and equitable system, has no excuse for existence at all. The present New York system of fixed differences is uneconomic, in defiance of natural law, unfair, and, like all other attempts to defy natural law, results in such complex and devious effects that the benefits of its transactions accrue only to a skilled few.

The market that practically fixes the price of cotton in this country is New York.

The nature of the contract by which the price of cotton is controlled, especially in New York, is so unjust, so unfair as to call for action on the part of Congress for the relief of those who produce the raw material out of which the clothing of the American people is made, and upon which the world is dependent and upon which the balance of trade is dependent. They are entitled to the consideration of this body from every standpoint; from the standpoint of laborers—from the standpoint of labor, of which we hear so much in this body theoretically, principally, and practically null and void; I say from the standpoint of labor; from the standpoint of American income; from the standpoint of justice and equity they demand a hearing in this body. Congress has no right longer to disregard their repeated petitions for and attempts at relief.

I shall undertake to show that they are at the mercy of the exchange rules and regulations.

Commissioner Smith states this dependence in part, perhaps, better than I may. In reply to the contention that if the rules and regulations of the New York Cotton Exchange are considered by the producer and others as unfair and oppressive, that they may stay out of the market, and that those who patronize it patronize it with a full knowledge of the rules that govern it, says:

The reply of certain interests in the New York Exchange is that a contract is a contract; that men who come there of their own will are supposed to understand the game. This position can not commend itself as sound business ethics. Practically, also, it is not true that cotton interests are wholly at liberty to stay out of the exchange. As shown above, certain interests must have a hedging place. Furthermore, financial connections with New York are so close that New York must be the place for many of them. Still further, the New York Cotton Exchange practically owes its existence to the volume of business made possible by the participation of outside interests. Both the duty of a private business man to his customers and the duty of a concern which is to a certain extent a public utility demand fair dealing.

I shall read a New York Cotton Exchange contract. I suppose there are Senators here who have never taken the time to read such a contract, and for the benefit of those who may do me the honor to read this speech in the RECORD I am going to read this contract and incorporate it in my remarks. It is as follows:

In consideration of $1 in hand paid, receipt of which is hereby acknowledged, blank have this day sold to or bought from blank 50,000 pounds in about 100 bales of cotton, growth of the United States, deliverable from licensed warehouse in the port of New York, between the first and last days of blank month next inclusive. The delivery within such time to be at seller's option in one warehouse upon notice to buyers as provided by the by-laws and rules of the New York Cotton Exchange. The cotton to be of any grade from good ordinary to fair, inclusive, and if tinged, not below low middling tinged, or if stained, not below middling stained. New York Cotton Exchange inspection and classification at the price of blank cents per pound for middling, with additions or deductions for other grades, according to the rates of the New York Cotton Exchange on the day previous to the date of the transferable notice of delivery.

Now, just a word of comment on this contract and a suggestion so that you may keep the connection. If you will observe, the contract is made "basis, middling." The difference between the price of "middling" and the grades below and the grades above "middling" is fixed arbitrarily by the grade committee, and the seller of this contract has the option to deliver any one or some of all of the grades above and below, at his option. I shall discuss that more fully, and, I think, to the satisfaction of the Senate.

It will be seen from this contract that the seller of a contract has the option of delivering, at the expiration of the contract, cotton of any or all of the grades tenderable under the rules of that exchange on the contract. This would give him advantage enough if the price at which he delivered such grades as he did deliver was in accordance with the price as fixed by the law of supply and demand for that grade or those grades. But this he does not do. The price is fixed upon what is known as "basis" contract; that is, middling cotton having a certain whiteness and a certain per cent of foreign matter, such as leaf and dirt, is the middle grade. There are a certain number of grades below this and a certain number above it. A committee of the exchange meets once or twice a year and fixes arbitrarily the difference in price of the grades below and the grades above relative to middling.

For the grades above there is a certain number of points computed in hundredths of cents "on"—that is, above the price of middling; and for the grades below a certain number of points "off"—that is, for the grades below middling. So that one buying a contract buys it "basis, middling." He contracts for 100 bales of cotton—the minimum amount allowed to be sold on any one contract—let us say, at 10 cents a pound. Now, he has not bought a hundred bales of middling, but he has bought a hundred bales of cotton the standard of comparison of which is middling. What grades he is to receive is at the option of the seller. Suppose the fixed difference between middling and good ordinary, the lowest grade now supposed to be tenderable on the New York exchange, is fixed arbitrarily by the grade committee at 1 cent a pound less than middling.

If the party purchasing bids 10 cents basis middling and the fixed difference between it and good ordinary is 1 cent, and good ordinary is tendered to him on the contract, it is tendered to him at 9 cents. Suppose the real difference in the trade at large, according to the law of supply and demand, is 2 cents, therefore, he has lost 1 cent, which is $5 on a bale, or $500 on his contract. The next time he buys, realizing that that condition exists, he bids 9 cents for middling without any regard to the intrinsic value of the middling or its scarcity or its abundance, in order that when he comes to receive this lower grade at a fixed price he shall have closed the margin and can save himself from a loss by disposing of it under the law of supply and demand.

What is the result? The result is that middling cotton is fictitiously quoted 1 cent, or perhaps 2 cents, below what it is intrinsically worth, and the rank and file of the producers of

cotton, deceived thereby, are placed at the mercy of the speculator.

In this connection Commissioner Smith says:

FIXED DIFFERENCES UNJUST TO THE BUYER.

The main argument in favor of fixed differences, as above presented, considers only the position of the seller of future contracts. The answer to it is that, in return for any such additional security to the seller, the insecurity of the buyer is correspondingly aggravated. The injustice of thus adding to the disadvantage of the buyer is all the more indefensible, because, by the very nature of a basis contract, his disadvantage is necessarily great. That a basis contract, in connection with fixed differences, throws the risk of fluctuations in grade differences upon the buyer is apparent. Advocates of the fixed-difference system frankly admit this, but contend that it is altogether proper. Their argument is that the buyer of any commodity necessarily takes the risk of fluctuations in its value subsequent to the date of purchase. This argument overlooks the vitally important distinction between a basis contract and a specific contract. It is unquestionably true that in ordinary contracts for specific property, such as a piece of real estate, the buyer who agrees to take such property at a future date at a fixed price has no just reason to complain because, after he enters into such a contract, its value declines. It is his business to take the risk of such subsequent change in value. The argument that he should take the entire risk of change in value under a basis contract, however, by no means follows. The option of the seller, under a basis contract, of tendering such grades as he may desire creates a fundamental distinction between such basis contract and a specific contract. The buyer is absolutely unable to know with any degree of certainty what grades of cotton he will be compelled to take. If, in addition, he is compelled to take such unspecified grades at arbitrary values relative to middling, then the contract really assumes much of a gambling character. A contract of this sort, while extremely advantageous to the seller, becomes for the buyer almost a lottery. The seller not only has the privilege of selecting any grades which he may desire to tender, without notifying the buyer what they are, but also has the obvious inducement to select those grades which it will be of the greatest advantage to himself to deliver and usually of the greatest disadvantage to the buyer to receive.

Again, he says, in reference to this matter of fixing differences as compared with the relative values of the various grades as fixed by the law of supply and demand, the following:

The relative values of the various grades of cotton, and therefore the differences between those grades and middling, vary as the result of natural laws. This fluctuation in the differences is as natural a feature of the cotton market as are fluctuations in the price of middling cotton itself. This being the case, there is no sound reason why an exchange should arrogate to itself the power to "fix" these differences any more than it should assume to regulate or fix the price of middling cotton itself. Any such "fixing" of differences clearly is a defiance of the natural laws of trade. It is doubly objectionable because such fixing of differences is left to a committee of men who may be, and some of whom usually are, heavily interested in the future market, and who thus are subjected to the temptation to fix differences improperly in order that they may reap inordinate gains.

That is what Commissioner Smith says in his report on exchanges. His intimation that self-interest may be at the bottom of this remarkable custom of fixed differences is not the only objection. I shall read what he says in reference to this matter.

This is really the heart of the matter, involving the comfort of millions of people who are not noticed by legislation, who, in spite of the stupendous wealth that they give this country, receive such recognition as we know they have received at the hands of this body. Here is what he says:

Even if this question of self-interest could be eliminated, however, the New York system would be scarcely less objectionable. In the first place, even when the differences established by the committee in the first instance are in accord with commercial differences, they are almost certain to become out of line during the period, whether 2 months or 10 months, before the next revision. Since commercial differences are subject, under the influence of supply and demand, to constant change, there can be no possible certainty that the differences fixed on the third Wednesday of November, on the basis of the commercial differences then existing, will agree with the commercial differences three months or six months later. If they do agree, it is a mere chance. In the second place, if the committee attempts to establish differences, not on the basis of the commercial differences at the time of the revision, but on the basis of an anticipated average of differences for the period covered, its action becomes, by the very nature of things, little more than sheer guesswork. Furthermore, since the New York revision committee is practically unfettered by any restrictions—that is, since there is no established rule or standard to govern its action—the cotton trade is compelled to guess what theory the revision committee will adopt as to its duty; and in case it is believed that the committee will base its action on the probable average commercial differences of the ensuing period rather than on the current differences, the trade must guess what the committee's guess of that average will be. That a great business like the cotton business, affecting, as it does, millions of producers and tens of millions of consumers, should be conducted on the basis of guesswork is preposterous.

This is the statement of the chairman of the committee appointed by this Congress to investigate the conditions that have robbed my section and made it the poorest, while it is producing that out of which the most stupendous fortunes of the world have been made. For 50 years we have been clamoring at the doors of Congress, asking not for protection, but that the hard hand of oppression shall be lifted and the God-given law of supply and demand shall obtain in their favor. Shall we plead in vain? We are dismissed with indifference, and sometimes with worse.

I hope that the technical features of this bill will not cause the Members of the Senate to miss the main point. I will at this time take occasion to explain, so that you may follow me clearly. Cotton naturally divides itself, on account of the nature of the plant, into different commercial grades; that is, the staple. It bears until frost stops it. It is gathered from about the 1st of August, according to the openness of the season, if the crop is unusually abundant, sometimes until March. On account of cotton being open and lying in the field, necessarily it becomes discolored. The carelessness of picking incorporates into it a certain amount of trash and leaf. The grades that contain the foreign matter and are discolored are the off grades; that is, the grades which are below middling. The grades that are picked without being weather-beaten, having a more or less creamy color, are graded above.

The method of selling cotton is to take middling as a standard of comparison and rate all the grades below, according to color and foreign matter. They are priced off about a quarter of a cent for strict low middling, which is the first grade below middling; another quarter for low middling, a half to 1 cent for ordinary, and a cent or 2 cents for good ordinary, which last grade is the lowest under the present classification. Above, we have strict middling, good middling, strict good middling, and middling fair. That is as high as it goes—nine grades, four above and four below. For the grades above about a quarter of a cent "on" middling for each grade. I am contending that the trade should recognize each grade upon its merits; price it according to the demand for that specific grade, thus giving the grower the benefit of the value of each and every grade he may have to sell. But instead of doing this, the New York Exchange fixes arbitrarily the relative value of all the grades to the basis middling. They overvalue the lower grades, stack their warehouses with these undesirable grades. Then, through this overvaluation of the lower grades, they can force the price down by offering to deliver this junk on contract at a price beyond its value, forcing the purchaser of a contract to accept this undesirable cotton at a loss or to settle on margin; that is, to settle according to the difference between the price of middling when he bought and the price of middling on the day of settlement, which is nothing more nor less than gambling. This is what I am proposing to prevent.

Thus much has been said in reference to the unfair and preposterous rules of the exchange. What effect now has it upon the price of cotton? In the first place, it is universally true of the law of matter, as well as of trade, that it is easier for a thing to fall than it is to rise. It is easier, therefore, everything being equal, for a market to decline than for a market to rise. And whatever artificial and powerful laws are invoked for the depression of prices, the natural tendency is greatly accelerated. If, in buying a contract for the delivery of a given article, and that article is divided into different grades and these different grades are of different values, and the value of these different grades are not fixed by the law of supply and demand as to the different grades, but by an arbitrary law "fixing these differences" and giving to the seller of that contract the right to deliver any grade on that contract which he may deem of the best interest to himself, the natural result will be, as in the case of the cotton market, where the buyer has to buy "basis," that is, one specific grade as a standard of comparison, he (the buyer) will make this "basis" as low as possible so that whatever grade he receives may, by comparison to the basis he purchases on, conform as profitably as possible to the natural law of supply and demand of the grade he receives.

The natural result of this arbitrary fixing of differences and the unusual power given the seller has caused New York practically to cease to be a spot market and become what is known as a "hedging and speculative" market.

The overvaluation of the undesirable grades attracts to this market a class of undesirable cotton which is held in stock for delivery on contracts. In this connection Commissioner Smith, the impartial investigator appointed by Congress to go through this matter and to bring the facts to the attention of Congress, which he has done very exhaustively in six volumes, says:

The privilege enjoyed by the seller of the basis future contract, as previously described, of tendering a variety of grades or any grade, instead of a specific grade, has a tendency to depress the price of middling contracts, as compared with the price of middling cotton in the spot market.

In proof of the fact that this abnormal condition, tending as it does to inevitably depress the price of the future basis contract, also depresses the price of the spot cotton in the hands of the producer, Commissioner Smith says in Volume IV in his report on "Cotton Exchanges":

Whenever the future price is distorted, either by wrong differences or by any other cause, it is obvious that, instead of eliminating risks

from the transactions of the cotton merchant, a new element of risk is injected into them. There is no just reason why the cotton merchant should be forced to bear any such unnecessary risk. The inevitable risks of his business, strictly as a merchant, are great. The mere fact that the merchant is obliged to vary his limits simply because of some abnormal fluctuation in the contract price, due wholly to an arbitrary and improper method of conducting future trading, is in itself objectionable. The great injury inflicted upon cotton merchants by the fixed difference system was discussed in Part I. It is also referred to in succeeding chapters. From the evidence presented in this chapter it is apparent that that system has also worked to the serious disadvantage of the cotton producer.

After investigating fully and impartially the rules of the cotton exchanges in this regard, he reaches this conclusion:

The effect of a difference system upon the business of the New York market alone is not the proper basis for framing the rules of an exchange. The first consideration is that these rules shall be equitable and commercial. If the New York Cotton Exchange can not exist under such rules, then it has no right to exist at all.

This is the indictment that Commissioner Smith brings as the result of his investigation.

Before proceeding further in summing up the personal experience of those who are actually engaged in the production of cotton I want to quote a letter put in evidence before the committee of investigation, which speaks for itself. It was dated Waco, Tex., and is as follows:

WACO, TEX., *November 11, 1906.*

Mr. ATWOOD VIOLETT, *New York.*

DEAR SIR: I beg to acknowledge receipt of your circular letter of the 14th instant, relative to duty of revision committee, that is to meet within the next few days, to adjust differences on cotton contracts. I fully concur in every statement made by the minority members of that committee, and I unhesitatingly agree with every argument and suggestion made by you on behalf of adjustment of such differences; i. e., on basis of commercial differences existing in spot markets.

From the standpoint of a broker I think I can state without denial that under the existing differences now in effect in the New York exchange no exporter or spinner would under any circumstances accept or hold a contract for delivery in the New York market.

The whole truth of this matter as it appears to me is that instead of the New York exchange making some effort to make the New York market a spot market, and by so doing increase largely its spot business as well as enhancing the value of its membership seats, it is instead a mere dumping ground for all the low-grade trash that the South can not sell or use and the other markets of the world will not have.

Mr. President, I should like to insert the balance of this letter in the RECORD without reading it.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

I suppose I would be safe in assuming that out of your certificated stock to-day, say 69,000 bales, not more than one-third of this amount would be tenderable on contract as defined by the New Orleans Exchange. Another important matter, it seems to me, is that the New York Exchange is losing a large amount of its hedge business on this account solely; I know this from our own business, for much of our hedge business is now going to New Orleans where it formerly went to New York. I trust you (or the minority of committee) will be successful in convincing the entire revision committee in adjusting differences on basis of your suggestion. I should be glad to add my vote to accomplish this object if it be needed.

In conclusion I desire to congratulate you on the clear and concise manner in which you have placed the matter before the board of managers.

Very truly, yours, ——— ———.

Mr. SMITH of South Carolina. I call particular attention to the last part of the letter I have quoted, that the New York market is——

a mere dumping ground for all the low-grade trash that the South can not sell or use and the other markets of the world will not have.

It has been contended for a long time that these low-grade cottons were held in stock by the New York Cotton Exchange for the purpose of delivering on contract; that they were so overvalued as to make it impossible to resell them if accepted on contract, or were of such a character as to be entirely undesirable as a commercial article.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from North Dakota?

Mr. SMITH of South Carolina. I do.

Mr. GRONNA. Will it disturb the Senator if I interrupt him for a question?

Mr. SMITH of South Carolina. No.

Mr. GRONNA. I should like to know how this cotton is standardized or graded when in the hands of the farmer, before it leaves the producer's hands.

Mr. SMITH of South Carolina. In reply to that question, I will state that one of the means by which the cotton grower has been mercilessly fleeced and robbed is the so-called classification of cotton by the average buyer, through his agent at the local selling points throughout the South.

Mr. GRONNA. Then, would it not be a benefit to the producer if the standardization were fixed, if it were possible to have the cotton standardized?

Mr. SMITH of South Carolina. That is one of the things my bill contemplates—that the Department of Agriculture shall make a careful study of the different grades, classify them according to their intrinsic value, and give those grades to the farmer and to the trade at large, and demand that they shall be the standard, just as 12 inches make a foot or 36 inches a yard.

Mr. GRONNA. I know absolutely nothing about cotton.

Mr. SMITH of South Carolina. You are in the same fix with reference to your wheat in the West.

Mr. GRONNA. I do know something about grain; and I will state that in the case of grain the price is based upon a certain particular grade. Number one northern is the grade upon which the contract is based.

Mr. SMITH of South Carolina. Yes.

Mr. GRONNA. It seems to me, and in fact I know, that whenever there is a surplus of the lower grades of grain there is a large spread; the grain has been contracted for as number one northern, but of course there is a vast difference between the price of number one northern and the price of the lower grades, and of course the farmer or the producer has to stand the loss. I presume that is true in cotton the same as in wheat.

Mr. SMITH of South Carolina. To be sure; that is it. And is it not shrewdly suspected that when the buyer demands the specific fulfillment of his contract from the producer he will accept nothing but an absolute number one northern, and then he mixes it with number two and exports it and sells it as number one?

Mr. GRONNA. I will say to the Senator that that is the complaint that has been made.

Mr. SMITH of South Carolina. I do not charge it as a fact, but I have heard the same complaint.

A careful investigation of the report by the commissioner shows that even this investigation, so painstaking and so full of facts, does not go into the details of the effect that this system has on the producer. In a few pages some letters are given, some comparison of date and prices, to show that when the future market is depressed that the spot price is likewise in a degree depressed. But it is apparent that the bulk of the investigation relates entirely to what effect it has upon the cotton merchant and the manufacturer.

It is the same story that is repeated in nearly every department of our economic life. Those who are able by their wealth and personal influence to force a hearing and force a modification of law and rules and customs get that hearing. Those who have not individual wealth, individual influence, no matter what service they render the State and society in general, or what the aggregate wealth they produce, are disregarded.

The merchant and miller by their advantageous equipment, both as to time and money, have devised plans through what is known as the hedging process to protect themselves in a measure against the disastrous practices of the exchange.

When a cotton merchant sells a contract to a mill, for instance, for future delivery and intends to deliver the actual cotton at the time specified in the contract, at a price specified in the contract, of grades specified in the contract, he immediately buys a contract on the exchange as a "hedge," or an insurance against loss. By virtue of his study, his opportunities to study the machinations of the speculator, he has been in a measure enabled to protect himself. He "hedges." Let us take the case of a merchant who, for instance, sells to a mill a thousand bales that he does not own at the time of the sale, at a fixed price, to be delivered on a certain day in the future. He immediately buys a contract on the New York Exchange or the New Orleans Exchange as a hedge. It protects him, if things are equal, for the reason that if the price of the raw material goes up before the day of delivery the price of his "futures" have gone up likewise, and what he makes on the contract offsets what he loses on the spot, and he still has the profit in the original contract. On the other hand, if the price of contract cotton goes down and the spots go down, what he loses on his contract he makes up in the less price he has to pay for the spots, so that if the thing moves *pari passu* he is in a bombproof. But what about the 5 and 10 and 15 bale farmer, who produces the bulk of the crop out of which the spindles of America and of Europe get their raw material, and upon which the clothing of the world is dependent? What about him, defenseless and alone? He has to stand the speculation and gambling in this product.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Wisconsin?

Mr. SMITH of South Carolina. I do.

Mr. LA FOLLETTE. I simply wanted to inquire to which of the bills the Senator is addressing himself?

Mr. SMITH of South Carolina. I am addressing myself to my bill, which I propose to offer as a substitute. It is No. 4654.

Mr. LA FOLLETTE. The Senator proposes to offer it as a substitute for House bill 56?

Mr. SMITH of South Carolina. For House bill 56; yes.

Mr. President, the small farmer does not understand the hedging process, nor does he understand the machinations of the market. He does not know anything about "longs" and "shorts" and "puts" and "calls." All he knows is industriously to take the chances that God in His wisdom sends him in the seasons, and to make that for which the world is clamoring. He expects his lawmakers, in the exercise of their functions as the guardians of the best interests of the people, to see that no injustice shall be done him in the operation of the law of supply and demand.

I am standing here to-day pleading for him. I would plead for any man, rich or poor, if by circumstances he was being unjustly dealt with. But how much more will I plead for the man who is dependent upon me for a square deal? I wish the Senate could know and realize, as I know and realize, the conditions that exist in my section of the country; how men stand—God help them—hungrily watching, not the operations of the legitimate law of supply and demand, but watching with fevered interest the markings on the board, upon which markings hang the welfare of his home, the education of his children, the putting of carpets on the floors and pictures on the wall, and the possibility of enjoying some of the decencies and comforts of life. Under this miserable system he is forced to be dependent, not on the law of supply and demand, but on the dice in the box of the gambler, who recks not of his hopes and aspirations, but is simply trying to cast a lucky number to fill his pockets with gains that he has not wrought for, and that wreck the hopes and aspirations of thousands engaged in legitimate business.

I venture this prediction: Were the cotton growers of America sufficiently few in number, of sufficient individual wealth, the rules and customs of the exchanges that are practiced to-day would have been long ago either abolished and denounced as iniquitous, or modified to a point where the grower would get a just and righteous deal.

In view of what the cotton grower of America contributes to the general welfare, in furnishing the raw material out of which the textile industry in this country gets its supply, he is entitled to every consideration and protection that the laws of the States and the National Government may throw about him. He practically produces that upon which the currency, the capital, the circulating medium of nine sovereign States of America are dependent.

My own State, South Carolina, produces an average of about a million bales of cotton a year. At 10 cents a pound, or $50 a bale, there is an income to that small State of $50,000,000. Texas, with an average production of 3,000,000 bales, has an income upon that basis of $150,000,000, the other cotton-growing States receiving like large incomes according to the cotton produced. The total value of the cotton crop is about a billion dollars annually, yet the cotton grower is left to the mercy and caprice and greed of a handful of speculators on the exchanges of this country.

Not only is this true as to the cotton grower providing the circulating medium for the Southern States in which cotton is grown, but I invite the attention of the legislators of this body, grappling with the question of a sufficient income for America, to this point: A study of the Statistical Abstract reveals the fact that our income from all the exports to this country, manufactured, raw, and otherwise, is two billion of dollars.

Raw cotton alone—not counting the manufactures of cotton, not counting the seed, which is now a great commercial product—raw cotton alone brings a fourth of all the exports for the whole continent of America—one-half billion dollars annually. Yet it is to be disregarded. Listen! Two bales out of every three are exported. Every time you raise the price of cotton a cent a pound you add $5 a bale, and out of an average export of 8,000,000 bales you add $40,000,000 to American wealth annually in the exchange of American cotton for European gold.

I quoted to you where the manufacturer in Brussels said that, according to the law of supply and demand, cotton in 1910 was worth 20 cents a pound, or $100 a bale.

Suppose the export cotton were to reach the magnificent price, which is a legitimate price in comparison with other products, of 20 cents a pound—$100 a bale—it would bring in the vast sum from the exportation of 8,000,000 bales of $800,000,000. It reached the high watermark in 1911 and 1912 of 10,000,000 bales export. At 20 cents a pound this would mean $100,000,000 in exchange of our cotton in the form of European gold.

Yet we must sit supinely by and under the operations of a law of protection see steel double in price and hear no complaint, see shoes double in price and hear no complaint, see the protected articles double in price and hear no complaint, but it is actually a thing to congratulate ourselves upon. It is the home market for home capital invoking the law of man against the law of God to bring it about, erecting an artificial barrier around the coast of America and defying the law of supply and demand for the enrichment of the American manufacturer.

Nature has erected a wall about the cotton growers of America and given them a monopoly of a human necessity. We do not desire to take advantage of this natural monopoly to extract an unjust return from those dependent upon us for it, but we do demand a fair and legitimate price. We do not want your high protection even if it could be given. But we do not want to be robbed. If you legislators throw the strong arm of the law about a few in defiance of the law of supply and demand for their benefit, in the name of the God of justice see that the hand of the robber, the selfish, and the greedy shall not despoil those who are producing the wealth of this country.

As cited elsewhere in my speech, in 1910 the spinners and weavers of the world in convention assembled at Brussels declared that America was the only source of the cotton supply of the world; that the price had reached 15 cents a pound; and that if the crop then growing should be less than 12,000,000 bales cotton would be worth 20 cents a pound. There was no reason why it should not bring 20 cents; no reason in trade, no reason in intrinsic value, no reason in its relation to the price of other commodities, but it didn't bring 20 cents. Why? Not because it was not worth it; not because the purchaser of cotton goods and the manufacturer of cotton goods did not realize that according to the law of supply and demand it justified that price, but because the manipulators of the market did not propose that the margin in which they were to reap their millions should be jeopardized for the benefit of those rightfully entitled to the full price.

What did actually happen? The mill men of this country, and particularly of the South, realizing a prospective short crop and knowing the condition under which cotton was produced, began to prepare themselves for what seemed to be the inevitable. Certain cotton speculators, realizing that the world was short of cotton, went on the New York market and began to buy contracts for the future delivery of cotton at a price which they knew that, if the law of supply and demand could be brought into operation, that if the legitimate laws of trade could be brought into operation, would yield them a splendid and legitimate profit. The sellers, this very class of men who, under the rules of the New York Cotton Exchange, Commissioner Smith has so clearly shown had such an extraordinary advantage, began to sell. To sell at a price which was, at the time of selling, below the legitimate value of the spot cotton, and certainly for the distant months, if the crop should be short, absurdly out of line with what the world recognized would be a fair price. They were depending upon their overvaluation of low grades, their undesirable stock in their possession, to offset any risks that might be involved in selling this market short, and in the hope ultimately of forcing the market down by their old practice of tendering these undesirable grades on their contracts.

According to my understanding, these gentlemen who were buying this cotton sold it in turn to the millers of the country, with the understanding that they were to take up the cotton as the contracts came due and deliver it to these manufacturers. When "notice" day came, according to their custom, there was tendered to these buyers this low-grade cotton. It was taken up, absorbed. The breastwork was torn down. Other months were sold short by the bears. Here they were, with their overvalued, their undesirable stock, their hope and defense gone. And their only chance of filling their outstanding contracts was to go into the open market, buy cotton where they might, and deliver it. This meant, of course, competition with other buyers. This meant a legitimate price. This meant the realization of the right of the producer to realize a fair profit, a fair price. What happened? Realizing that they were unable to fill their contracts, they practically repudiated them and rushed into court, invoking the law against combinations in restraint of trade to indict the men who had taken them at their word and bought from them cotton that they did not have and at a price they could not purchase it at without a loss. The case is still pending. One member of that number indicted has plead guilty to a technical breach of the law. Thank God the southern men who bought that cotton are standing firm and declaring that in good faith they bought, in good faith they demanded delivery, and in good faith will they demand a fair trial.

The parties who sold this cotton sold thousands of bales, depending upon the low grade of the cotton in stock to protect them against the day of delivery. Now, what happens? I state without fear of contradiction that of all the pusillanimous exhibitions of cowardice, of greed, was exhibited by these men on

the New York market in 1910. What happened? When the time for the first delivery of the cotton came, these sellers tendered to the buyers the low-grade over-valued cotton they had in stock. The buyers in the meantime had made arrangements to accept this low-grade cotton and dispose of it where it would not get back in the hands of those trying to depress the market. This practically exhausted the stock of low-grade cotton by means of which the sellers had hoped to save themselves.

There were still other contracts outstanding to be filled. With their stocks gone, their defense gone, what were they to do? To go into the markets of the South to buy cotton to fill these contracts meant competition with other buyers. That meant a loss, perhaps ruin. That meant, perhaps, 20-cent cotton. That meant that the producer, by the law of competition and supply and demand would get the real value of his cotton. What did these bears do? In place of buying cotton and filling their contracts like men they rushed into court and indicted the men to whom they had sold this cotton.

One of those men indicted has plead guilty to a technical offense. The others, speculators though they may be, have the right blood in them, and reject any compromise. They declare they bought the cotton in good faith, sold it to the mills in good faith, and demand that those who sold it to them shall deliver the cotton, and that they will stand in the court and plead their right to do this.

I introduced a resolution in the Senate at the time these men were indicted, calling upon the Attorney General to inquire as to who sold the cotton, how much actual cotton they had at the time of the sale, what was the price at which they sold, as compared with the price of cotton in the South upon the date of sale. The Attorney General's reply was tantamount to telling the Senate that he knew his business and that the Senate did not and that he was not going to make an investigation; but we are going to make one.

We are reckoning with a force to-day that the law of heredity and habit and the consequent inertia make us slow to realize. We are living in an age unparalleled by any other age; not that human nature has changed, and I am glad that it has not, but the means of expressing the desires and hopes and ambitions of each heart are more perfect than ever. The facilities for transportation and communication and education are so perfect that the man in the woods who has been the victim of the shrewd and the heartless has become as cosmopolitan as the man who walks the streets of the city. With better training at honest work, with a virtuous mother and honest father, he has had ground into his bones the intrinsic principles of honesty and integrity. Justice must be done him. He demands no more; he will accept no less; and the Government has yet to reckon with that class of our people who established it.

The bill that I propose, reduced to its simple terms, means that a buyer and seller shall have the same chance; that what a seller proposes to sell shall be specifically and definitely named, both as to quality and price, and that he shall deliver that, and shall deliver it at the price agreed upon and of the grade agreed upon; that the setting aside of fair competition shall cease, and that so far as interstate commerce is concerned, and in so far as Congress can regulate that commerce, the law of supply and demand shall obtain.

It is an easy matter, it seems, to dismiss this question and leave the farmer to take care of himself. It seems to be the sentiment of some that he is doing very well; that he ought to be satisfied with what he has and thank God that it is no worse. One reason that this sentiment is prevalent is because the farmer has not yet realized that one reason that he is in the condition that he is, is because the legislators of this country have been really indifferent to his welfare.

It is an easy matter for a man in easy circumstances to take an optimistic view of things in general and of the individual or people who are in a bad fix particularly; but we are going to have this legislation.

Mr. President, in conclusion I desire to say that the Senator from Massachusetts [Mr. LODGE] the other day stated a thing that struck me as being very forceful. He said that the poet by virtue of his genius and his intuition saw deeper into the heart of things than another, and in verse he was very often able to express it more clearly and tersely and powerfully than another. Since the Senator made this remark I came across this verse, and it was so appropriate that I shall quote it. We sit here in better circumstances and do not hear the cry of poverty nor feel the humility of its attendant evils. We are optimistic, and we are forgetful of our more unfortunate fellows. These are the lines that illustrate that:

> The toad beneath the harrow knows
> Exactly where each tooth point goes—
> The butterfly upon the road
> Preaches contentment to that toad.

Mr. President, I said I would ask to discharge the Committee on the Judiciary having in charge the bill that passed the House. The motion having under the parliamentary rule laid over, I now move, without any prejudice to the committee, for I know they have been hard worked and this was a subject by the very nature of which they could not give it proper attention, and it is not in prejudice to them—I now move the discharge of the committee and the bringing of the bill to the Senate.

The PRESIDENT pro tempore. The Senator from South Carolina makes a motion, which will be stated.

The SECRETARY. The Senator from South Carolina moves to discharge the Committee on the Judiciary from the further consideration of the bill (H. R. 56) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations.

Mr. CLARK of Wyoming. Mr. President, I do not know that personally I have any objection to the Senate taking this bill from the Committee on the Judiciary. I do not, however, believe that that is a good practice, especially at this time of the session of Congress and without some sort of a showing that the committee has deliberately failed in duty or that there is an effort to suppress the legislation which is incorporated in the bill.

Mr. SMITH of South Carolina. Will the Senator from Wyoming allow an interruption? I understand the nature of the case thoroughly, and I desire that the statement shall go into the RECORD that I do not charge or attach any blame whatever to the Judiciary Committee for its failure to report the bill. I have simply tried this morning to show from just what we were suffering, and if I could get the bill before the Senate I would simply offer mine as a substitute and let it take its chances upon its merits.

Mr. CLARK of Wyoming. As I was saying, Mr. President, I myself do not feel that the Senate ought at this time to bring the bill before the Senate without the consideration of the committee. The bill is fully as important as the Senator from South Carolina in his very eloquent address has indicated, and to my mind much more important, because it involves constitutional questions which we may laugh at in public addresses, but which we must consider carefully when we come to consider legislation of this character.

The bill came before the Judiciary Committee in July of last year. We all know that there was no time for the committee or the Senate to consider the bill during the balance of the special session. It has been before the Judiciary Committee during the present session. It perhaps should have been acted upon, but other matters consumed the attention of the committee, and other matters of very grave importance.

I know of no session of the Senate since I have been a member of that committee, which has been for a good many years, when the committee has considered so many questions of far-reaching public importance as the committee has considered, or has attempted to consider, this year. Certainly, in my judgment, bringing this bill before the Senate at this time would have no effect. Even the most ardent advocates of the bill could not hope to secure its passage without considerable debate upon the floor of the Senate. That debate, of course, can not be had now. It is simply bringing the bill from the committee.

Mr. SMITH of South Carolina. May I ask the Senator from Wyoming a question?

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from South Carolina?

Mr. CLARK of Wyoming. Certainly.

Mr. SMITH of South Carolina. The time is limited, it is true, but the bill that I proposed to substitute is very marked. My object was to get this bill before the Senate and substitute mine. I did not state and I hesitate now to state that this bill would have been called up earlier if it had not been for certain conditions that affected me personally in my home and made it impossible for me to be here; hence this delay.

I have not taken up very much of the time of the Senate. I have been content to watch the proceedings and to vote. But this touches my section of the country so vitally that I am a little disposed not to have it sidetracked without a hearing. I do not want to make any threats about having my rights asserted, because I recognize that it is late in the session. All I ask is just a vote as to whether the Senate will discharge the committee from the further consideration of the bill; that is all.

Mr. CLARK of Wyoming. Of course, the Senator does not insinuate that any measure has been sidetracked; and, of course,

the Senator would make no threat as to what would be done. But I was simply stating a fact which the Senator knows as well as I, that the passage of this particular bill through the Senate at the present session of Congress is absolutely impossible, and that not because of opposition to the bill, but because of the absolute necessity of a thorough investigation as to its terms and a thorough knowledge as to its effect. It is one of those bills which are sweeping in their importance. The Senator himself, in his speech this morning, recognizes that fact when he says it may mean millions of dollars annually to the people of his section——

Mr. SMITH of South Carolina. And to the United States.

Mr. CLARK of Wyoming. And to the United States. I have no doubt of it. The Senator can readily recognize the fact that a bill of that importance could not be disposed of in this Chamber without discussion, and discussion simply means that it can not be acted upon.

As I said, personally I sympathize with the Senator from South Carolina in his desire to have action upon this bill; personally I have no pride in having it retained in the Committee on the Judiciary, but I do think that a motion of this kind prevailing at this time of the session would establish an unwise and an unfair precedent.

Mr. SMITH of South Carolina. Mr. President, I insist on the motion.

Mr. CLARKE of Arkansas. Mr. President, I hope the motion to discharge the Judiciary Committee from the further consideration of this bill will be adopted, if for no other purpose than as a formal expression of opinion on the part of the Senate that the bill was sent to the wrong committee in the first instance. It does not involve a constitutional question at all. Every disputed feature about it, so far as its legality is concerned, has been settled so completely that that usually troublesome aspect has become obsolete. It is in the present state of developed law simply a question of policy as to whether or not the Congress of the United States shall deny to persons engaged in this nefarious business the facilities of interstate commerce to aid them in carrying on the business. It is a practical question, an economic question, and one that could be more properly disposed of by any one of two or three committees of the Senate than by the Judiciary Committee. When it was sent to the Judiciary Committee, I believe it was inadvertently done. Some of the friends of the measure failed to observe the fact that it had been done until it was too late to do anything effective about it. I admit that at this time it is perhaps rather late to make the motion that has been made; but it should be made, that notice may be given to those who are interested in the enactment of such beneficent legislation as well as to those who are interested in opposing the adoption of this remedy that the people who are behind the demand for this relief are in earnest, because they believe that they are the victims of a most grievous commercial outrage, to the consummation of which the Government of the United States is lending its functions.

I am not so certain about substituting the bill of the Senator from South Carolina [Mr. SMITH] for the bill that is now pending, and for several reasons. In the first place, the bill that is pending is a House bill; it goes upon the principle that that business is nefarious and should be suppressed. The bill introduced by the Senator from South Carolina fundamentally departs from that central idea, and proposes a modification of existing practices to the extent of permitting the delivery of any one of three grades of cotton upon one of these future gambling contracts. So far as I am concerned, I see no reason why that should be done. It is capable of very great abuse, for the reason that in more than 99 per cent of the transactions on the organized cotton exchanges there are no deliveries at all, and it is not outside of the range of human probability that the same ingenuity that built up that great system of spoliation, that has robbed one of the great industries of the South of untold millions, could find some way by which the whole purpose of this remedial legislation could be rendered inoperative. I prefer to say that the seller shall describe exactly what he is going to sell and the purchaser understand definitely what he is going to buy. I have no objection to future sales and deliveries upon that basis, but the more leeway you give them the wider door you leave open for abuses.

Mr. SMITH of South Carolina. Mr. President, I want to suggest to the Senator from Arkansas that the only reason why I submitted to any modification was because those who were as much interested as I was argued that we had better get a modified form as a beginning. I myself would vote for the passage of the House bill.

Mr. CLARKE of Arkansas. I am sure the Senator from South Carolina is entirely sincere in his attitude on this question, and I did not intend to imply in the slightest degree that he was not; but I believe he has conceded more than the fair justice of the case requires.

Then, the House bill has been worked out in that body very thoroughly; a similar bill has been passed by the House several times; it has undergone the scrutiny of debate and investigation in that body. Whilst it is not probably perfect, as no proposition of legislation generally is perfect, it does deal drastically and effectively with the question, and if it were put upon our calendar now I feel satisfied that the justice of its provisions would justify the Senate in passing the House bill and at once giving us effective legislation upon that subject, whereas I fear that if we should substitute the bill offered by the Senator from South Carolina, we might find ourselves in the condition in which the friends of such legislation found themselves 25 years ago, when, while each House had recorded its opposition to the business generally, it had done so in a different way, and there was that failure of unity of action that is necessary to make a law.

I therefore think that the motion to discharge the Committee on the Judiciary from the further consideration of the bill ought to be adopted, first, because the bill ought never to have gone to the Judiciary Committee. The crowded condition of business before that committee and the technical character of that business require so much discussion there that there was no time to consider the bill, it being true that the committee possesses no special equipment to consider it well. So, I think, that as a mere matter of selection the Judiciary Committee ought to be discharged from the further consideration of the bill.

Then again, the bill pending there is a House bill, and when it gets on this calendar a single vote of the Senate will put it well on its way to the statute book.

Mr. LODGE. Did I understand the Senator from Arkansas to say that the bill is a House bill and is on the calendar?

Mr. CLARKE of Arkansas. The House bill is not on the calendar, but it is before the Judiciary Committee.

Mr. LODGE. Is the Senate bill on the calendar?

Mr. CLARKE of Arkansas. Yes, sir.

Mr. SMITH of Georgia. I should like to ask the Senator how long has the House bill been before the Judiciary Committee?

Mr. CLARKE of Arkansas. Since last July, I am advised by the chairman of the committee; or, at least, I thought I understood him to make that statement. It has been in the hands of that committee what has usually been considered a sufficient time to have been discussed and reported—I would not say that has been improperly done, because I myself know how crowded is the business of that great committee—but I see no reason for the bill having gone there at all. There was no reason why it should have gone there. The legal propositions involved in it are pretty well settled from a constitutional standpoint.

It is merely a question of policy as to whether such legislation shall find its way to the national statute book. I think it ought to do so. I think now that the Senate ought to discharge the Committee on the Judiciary from the further consideration of this bill, and by thus placing it on the calendar give us an opportunity to consider and dispose of it at an early day. Even if we could not dispose of it; even if the pressure of business having priority here be so great that the measure can not receive consideration, and from entirely legitimate causes, and not because of obstructive delays, then we will at least demonstrate the fact that the Senate are willing to take notice of the great evil under which one of the principal industries of this country rests, and are willing to do something to relieve that condition as effectively and promptly as an orderly disposition of the business pending will permit.

Mr. LODGE. Mr. President, I send to the desk, and ask that it may be read, a letter which I have received in regard to this bill.

The PRESIDENT pro tempore. In the absence of objection the letter will be read.

The Secretary read as follows:

NEW YORK COTTON EXCHANGE,
New York, February 24, 1913.

HON. HENRY CABOT LODGE,
United States Senator from Massachusetts, Washington, D. C.

DEAR SIR: I confirm telegram sent you to-day, as follows:

"Reports from Washington state Senator SMITH will ask Senate to-morrow to take Beall House Calendar bill 199 from Senate Judiciary Committee and discharge committee from hearing said bill, and bring it direct before the Senate to a vote. As president of the New York Cotton Exchange representing a membership residing in each cotton-producing State, as well as this and the New England States, I protest. This is too important to be treated so flippantly, as the economical distribution of the cotton crop will be greatly interfered with, and I respectfully request that you use your best efforts to see that this measure is not rushed through. The right of a hearing is a privilege of which American citizens, in fairness, should not be deprived, especially as we were promised by the chairman of the Judiciary Committee that we would be given a hearing on this bill."

I would welcome a discussion of the merits of this bill before the Senate Judiciary Committee, and when this bill was referred by the Senate to its Judiciary Committee I immediately communicated with its chairman and was advised that I would be notified when hearings were held.

I wish to state that through the cotton exchanges, that trade in contracts for the future delivery of cotton, the cotton crop of the United States is distribued from the farmer to the cotton spinner at the smallest expense of any agricultural crop raised in this country, and without the facilities provided by such exchanges the expense of distribution would be greatly increased.

Apologizing for the length of this communication, but assuring you that the importance of the matter is much greater than is conveyed in this letter, I remain,

Yours, very sincerely, GEO. W. NEVILLS, *President.*

Mr. LODGE. Mr. President, I have not examined this bill with any care, but the statement of the president of the New York Cotton Exchange is that, as soon as the bill was introduced, they asked for a hearing before the committee and were informed that they would be heard when the committee took up the bill. I suppose the reason they have had no hearing is that the committee has not had an opportunity to take up the bill and give it consideration. It seems to me, Mr. President, that it is only fair that those who are opposed to the bill should at least have an opportunity to present their argument, no matter how meritorious the bill may be, and I think the motion to discharge the committee, in view of the fact that they have not had an opportunity to consider this bill, which is a very important measure, is rather premature.

The Committee on the Judiciary, as we are all aware, is loaded with work, loaded with bills of the utmost importance. I am certain that they have endeavored to do everything they could to dispose of the many matters before them, but it seems to me that it is hardly fair to those who are opposed to the bill, and who certainly have the right to be heard, that they should be cut off without any opportunity, at least, to present their arguments.

Mr. GRONNA. Mr. President, I will not state that the members of the New York Cotton Exchange have had an opportunity to be heard on this particular bill, but the New York Cotton Exchange has been heard on a bill similar to the House bill that is pending before the Committee on Agriculture.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. GRONNA. I do.

Mr. SMITH of South Carolina. I should like to say to the Senator from North Dakota that the hearings before the House committee on the bill which passed the House were more exhaustive than the hearings had before the Agricultural Committee of the Senate. They covered a longer period, and ample opportunity was given all the interests involved to be heard. The hearings were printed, and upon them the Committee on Agriculture made its report. The bill went to the House, it was discussed, and it passed that body last July, if I am correct. Through a misapprehension or an oversight on my part when the bill was transmitted to the Senate it was not referred to the proper committee. It originated in the House and was referred to the Committee on Agriculture in that body, and should have been referred to the Committee on Agriculture in the Senate.

There has been no attempt, and there is no disposition on my part or on the part of those who are in favor of this legislation, to criticize the Judiciary Committee at all. It is a matter somewhat technical in its nature, but those who dealt with it in the other House exhausted it completely, so far as the hearings were concerned. Those hearings have been available for all those who are interested in the subject, but the bill has quietly lain in the committee, and, as I have said, on account of my inability to be here from January on it has been postponed until this time. It is of such importance that I hope, without prejudice or without casting any reflection or any Senator thinking that a reflection is being cast upon the Judiciary Committee, that the committee may be discharged, and, as the Senator from Arkansas has said, let this matter come before the Senate.

Mr. GRONNA. My recollection is that the gentleman who has sent the letter which has been read at the desk appeared before the Agricultural Committee of the Senate. Am I right in that?

Mr. SMITH of Georgia. If the Senator will allow me, he certainly did appear. He was heard for quite a length of time, and had all the hearings before the Committee on Agriculture that he desired in the discussion of this subject.

Mr. GRONNA. I thought I recognized the name.

Mr. SMITH of Georgia. He brought others with him, and we gave them all the time they wished in which to present their views before the Committee on Agriculture of the Senate, and their views were all reported and have been printed.

Mr. PERCY addressed the Senate. After having spoken for 15 minutes,

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Mississippi yield to the Senator from Wyoming?

Mr. PERCY. Certainly.

Mr. CLARK of Wyoming. I desire to say at this point what I should have said before, that under the rules I shall ask before the morning hour is closed, if I have the opportunity, that the motion to discharge the committee shall lie over.

Mr. PERCY. Do I understand the Senator to make a motion?

Mr. CLARK of Wyoming. I shall make the point that under the rules I shall object to the motion being acted upon to-day, and it will of necessity lie over.

Mr. SMITH of South Carolina. Mr. President, on the day before yesterday, the calendar day, I gave notice that I would, on the day following, make a motion; or, as I understood it, I made the motion to discharge the committee from the further consideration of the bill, and gave notice that I would make some remarks on it. I knew that the rule required that I should make a motion the day previous, and that under the rule it would lie over. I made the motion, but I see that it was printed—I noticed it immediately when I saw the calendar—that I gave notice that I would make a motion. What I really did was to move that the committee be discharged, and I then gave notice that I would speak on the matter. That was the way I intended to do it; but I suppose I may have inadvertently said that I gave notice that I would make the motion.

The PRESIDENT pro tempore. The RECORD discloses the fact that the Senator from South Carolina gave notice of a motion which he has made to-day. The point made by the Senator from Wyoming, if insisted upon, will necessarily postpone the matter until to-morrow.

Mr. SMITH of South Carolina. A parliamentary inquiry, Mr. President. If that be the fact, then this will come in its order to-morrow?

The PRESIDENT pro tempore. The Senator will, under the rule, have the privilege of making the motion if he gets an opportunity to make it to-morrow.

Mr. SMITH of South Carolina. I have already made the motion, and it has been discussed; it has been entertained by the Chair.

The PRESIDENT pro tempore. The Senator can call up his motion to-morrow.

Mr. SMITH of South Carolina. That is a different proposition.

Mr. PERCY. I will yield to the Senator from Wyoming for the purpose of submitting that motion to the Chair if he wishes.

The PRESIDENT pro tempore. What the Chair meant to say was that the Senator would have to find his opportunity to call up the motion to-morrow. The Chair, of course, will not in advance determine what may be before the Senate.

Mr. WARREN. Mr. President, I do not wish the Senator to understand that a motion of that kind will give him the floor to-morrow. Notices have been given here of appropriation bills that certainly must have the right of way if we are to proceed as we have always done, and as we must do to conclude our business. I do not think we should permit the idea to prevail that a notice of any other kind can take precedence over the privileged business of the Senate.

Mr. SMITH of South Carolina. Mr. President, if the Senator from Wyoming will allow me an interruption, there is a difference between giving a notice and making a motion to consider, which under the rule must go over until the next day. I am contending that the motion has already been made, and that it is now before the Senate, and that therefore no subsequent motion is necessary to consider it. The motion has been entertained, and we are now considering it. Of course, if the Chair rules, under the motion made by the Senator from Wyoming [Mr. CLARK], that at 12 o'clock this matter will have to be laid aside, I will not have to make a motion to-morrow to consider it; but under the ruling of the Chair, if I get an opportunity, I can move to take up the matter.

Mr. WARREN. Mr. President, in this connection, if I may be permitted, I desire to say that the appropriation bills are now entirely up to the kindly disposition of the Members of the Senate. It is entirely within the power of any Senator or number of Senators to occupy the floor, so that all appropriation bills must go over. On the other hand, in my judgment, there is plenty of time, if we will be economical with it, to dispose of the business. But in order to do that I beg Senators to understand that we must first get the appropriation bills into the hands of conferees, where the real struggle occurs, and where time is necessarily consumed.

Unless we do that, of course it is useless for me or other members of the Appropriations Committee to struggle any longer

with appropriation bills; we will simply have to lay them aside. The Senate must, in its good nature and judgment, allow the appropriation bills to have almost exclusive consideration for a couple of days or more, until we can get them moved along.

We have still on hand—on the calendar and in committee—some of the largest supply bills for the support of the Union, carrying not only funds for the next fiscal year but also funds for the work between now and July 1. There are branches of the Government where employees are now waiting because there is no money now available to pay them. They will have to be paid for this time, without doing work, perhaps, in some cases. We must get these bills along, or else we shall fail to provide for the Government, and shall have to commence all over again with the appropriation bills at the next session.

Mr. PERCY. I believe I have the floor, Mr. President.

The PRESIDENT pro tempore. The Senator from Mississippi has the floor.

Mr. PERCY. I desire to say that if this motion is laid on the table now, when it is taken up I shall complete my remarks on it.

The PRESIDENT pro tempore. Under the objection made by the Senator from Wyoming the motion will go over until to-morrow.

EXECUTIVE SESSION.

Mr. LODGE. For the sole purpose of disposing of a small treaty, unanimously reported from the Committee on Foreign Relations, which ought to be disposed of, and which will take but five minutes, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session, the doors were reopened.

ORDER FOR RECESS.

Mr. WARREN. Mr. President, in view of the state of the public business, I ask unanimous consent that at 6 o'clock the Senate take a recess until 8 o'clock this evening, and then continue its session.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that at the hour of 6 o'clock the Senate shall stand in recess until 8 o'clock this evening. Is there objection? The Chair hears none, and it is so ordered.

DEPARTMENT OF LABOR.

Mr. GRONNA obtained the floor.

The PRESIDENT pro tempore. Will the Senator from North Dakota permit the Chair to interrupt him for the purpose of making a brief statement?

Mr. GRONNA. I shall be very glad to yield for that purpose.

The PRESIDENT pro tempore. Senators doubtless have read the RECORD and know the status of the bill the Senator from Idaho [Mr. BORAH] has in charge. In an effort last evening to properly interpret the rules and preserve the dignity of the Senate during the progress of a so-called filibuster the Chair was somewhat uncertain as to the status of House bill 22913 upon adjournment, and suggested to the clerks that it be not placed upon the calendar as unfinished business, the Chair desiring to think over the matter a little further. The Chair is of the opinion that the bill did become the unfinished business, and now asks that it be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 22913) to create a Department of Labor.

Mr. GRONNA. I was about to ask unanimous consent that the bill be laid before the Senate.

The PRESIDENT pro tempore. The Senator from North Dakota will proceed.

Mr. GRONNA. Mr. President, when the Senate took an adjournment yesterday I was about to discuss some of the phases of the bill introduced by the Senator from Idaho [Mr. BORAH], but in view of the statement which has been made by the chairman of the Committee on Appropriations [Mr. WARREN], and in view of the fact that I know much important business is pending before the Senate that must be taken up immediately if those bills are to become law, I shall not delay the Senate more than a very few moments.

I want to emphasize what I stated yesterday, that I am not opposed to the creation of the Department of Labor. My opposition is simply directed to some of the phases of this measure. I do not believe that the Bureau of Immigration should be changed, and if changed at all it should go to the Department of State. I believe that I can state without any successful contradiction that ever since I came to Congress every vote I have recorded has been in the interest of the wage earner and friendly rather than unfriendly to labor. I wish to say further that my action in the future will demonstrate the fact that I want to see labor treated not only fairly but put upon a higher plane if possible than it is to-day.

With these few remarks I shall close. I hope that this bill when it becomes a law will be what the friends of the measure hope and expect it to be.

There is another thing I wish to state before I take my seat, and that is that no one has advanced any good reason why this bill should be passed in this particular form. I was anxious on yesterday to have some friend of the measure discuss the different provisions of the bill. I do not criticize anyone for not doing so at all. I have the utmost confidence in the judgment of the Senator who has the bill in charge, and I think I may be permitted to state that he knows in this matter I am acting in good faith in addressing myself to and opposing one particular phase of the bill.

As I stated, I do not wish to delay the passage of the bill for a single moment, nor do I expect when it comes up to vote against it.

Mr. SHIVELY obtained the floor.

Mr. BORAH. Will the Senator from Indiana yield to me for just a moment?

Mr. SHIVELY. Certainly.

Mr. BORAH. Before the Senator begins his remarks, as I understand he is going to address himself to the pending bill, I wish to ask the Senate to consider a brief amendment. In lines 5 and 6, on page 1, I move to strike out the words "and a member of the Cabinet."

Mr. SHIVELY. Is the Senator just laying that amendment before the Senate for action later in the day, or does he desire a vote now?

Mr. BORAH. I wish to present it and ask for a vote. I do not think there will be any objection to it.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 1, in lines 5 and 6, strike out the words "and a member of the Cabinet."

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Idaho.

The amendment was agreed to.

Mr. GORE. Mr. President, I move an amendment to the pending bill. On page 3, line 14, after the word "Labor," I move to insert the words "children's bureau."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 3, line 14, after the word "Labor," it is proposed to insert the words "children's bureau."

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Oklahoma.

Mr. BORAH. So far as I am personally concerned, I have no objection to the amendment.

The amendment was agreed to.

Mr. SHIVELY. Mr. President, the amendment just adopted detracts in no way from the efficiency of the pending measure. What is commonly known as the President's Cabinet is neither a creation of the Federal Constitution nor of congressional enactment. In the written law there is no corporate entity, no body politic, no collective agency known as the President's Cabinet. The Constitution having vested the executive power in the President, the Congress, as from time to time seemed necessary and proper, created certain executive departments as instrumentalities in the administration of such power. In each organic act the Congress provides for an official head of the department, designates his official title, and prescribes the jurisdiction and duties of the new organization. By reason of his title as head of the department, the official may fall within the category of Cabinet officer, but the category itself is purely a creature of custom and not of constitutional ordainment or statutory origin. This fact in no sense detracts from the value of the system. It rather augments it. Under the custom there is opportunity to the heads of the several departments for the widest mutual and collective counsel and cooperation among themselves and with the President, while under the law each separately is responsible for the conduct of his own department. The effect is to combine the salutary influence of voluntary and unrestrained common counsel with individual official responsibility.

It becomes noticeable, therefore, Mr. President, that the use of the words "and a member of the Cabinet," in the first section of the pending bill, was a departure from the language employed in the creation of any of the present executive departments. By their own force the preceding words of the section designating the head of the proposed department as the "Secretary of Labor" place that official in the class which the language of custom designates as a member of the Cabinet. It

might be inferred that these words were used in fear or in doubt lest without them the new department might not rank in parity of dignity with the other great executive departments, but I draw no such inference. The relations of the official head of the new department to the President and to the public, and his powers and duties in all respects, would be precisely the same with or without this designation to membership in a body having no existence in positive law. The additional title would have added no function to his relations to any other department of the Government, and the absence of it subtracts nothing from his individual responsibility for the conduct of his own.

The organization having charge of our foreign relations was created as the Department of Foreign Affairs by act of July 27, 1789, and changed in name to that of the Department of State by act of September 15, the same year. The Department of War was created by act of August 7, 1789, and the Department of the Treasury by act of September 2, the same year. The Department of Justice was created by act of September 24, 1789. The office of Postmaster General was created by act of September 22, 1789, and the general Post Office was established at the seat of government by act of May 8, 1794, and raised to the dignity of what is now the Post Office Department by act of June 8, 1872. The Department of the Navy was created by act of April 30, 1798, and the "Home Department" by act of March 3, 1849, which designation was subsequently changed to the Department of the Interior. The Department of Agriculture was established by act of May 15, 1862, with a chief entitled Commissioner of Agriculture, which designation was changed to Secretary of Agriculture by act of February 9, 1889. The Bureau of Labor was created by act of June 27, 1884, the head of which was entitled Commissioner of Labor, which bureau was, by act of June 13, 1888, made the Department of Labor, and which department was, by act of February 14, 1903, incorporated in a new and enlarged executive organization entitled the Department of Commerce and Labor, whose head is entitled the Secretary of Commerce and Labor.

Of the first seven of these executive departments, each is charged with the execution of some specific power or powers, whether pertaining to foreign relations, Federal taxation and finance, the national defense, the national justice, the custody, transmission, and delivery of the mails, promotion of the "progress of science and useful arts" by copyrights and patents, the administration of the public domain, or any other subject matter confided by the Federal Constitution to the control of the executive power of the Federal Government. Each of these departments has functions distinctly public, governmental, and Federal in character. The creation of an executive department whose function related to agriculture was the first marked exertion of Federal power on the field of enterprise private in its employments and purposes, and public only in the sense that the industry sought to be fostered is so primary to the daily life of society that its vicissitudes are always of anxious and universal public concern. The functions assigned to the Department of Commerce and Labor relate to a wide variety of subject matter, some of which is directly within the purview of Federal power and other of which is only remotely incidental to it.

In creating the Department of Labor the pending bill declares the function of such department to be "to foster, promote, and develop the welfare of the wage earners of the United States; to improve their working conditions, and to advance their opportunities for profitable employment." To not be futile, this language, of course, must be found not to involve derogation from that vast department of power expressly reserved by the Federal Constitution against the Federal Government to "the States, respectively, or to the people." But it is rather to the policy of the bill that I address myself, and in doing so direct a glance at the historic attitude of government toward and in relation to the class of workers denominated by the bill as "wage earners."

When Aristotle set himself to the task of writing his book on "Politics," he had before him 158 political constitutions. Each of these constitutions was an organism through which power had circulated in a scheme of government. After all of his research and reflection, Aristotle concluded that stable and efficient government is founded on two classes. The first he denominates the Leisure class, born to the arts and graces of life, the honors and emoluments of government, and control of the movements of society. The other he denominates the Servile class, born to do the work of society and bear the burdens of government and, in the discretion of the superior class, to fight the battles of the country. The great philosopher honestly believed that stability and efficiency in government require that the inequalities among men in a state of nature must be reflected in the form and structure of government, and conceived that the division of society into these two classes was a sufficient approximation to the principle.

However disguised, this class principle was dominant in the composition of the governments of the earth from the earliest dawn of recorded history down to the eighteenth century of the Christian era, and is still dominant in a large portion of the statecraft of the world. There are here and there instances of slaves rising to the dignity of poets, orators, and statesmen, but this was in spite of a principle that left the toiler without a place in history. The ancient historian tells us of the rise and fall of dynasties, the birth, reign, and death of kings, the victories and defeats of great captains, but naught of those whose labor supported the dynasties, embellished the thrones, and fed the armies.

What know we of those whose labor builded the Pyramids by the Nile? Who has told the story of the toiler on the Hanging Gardens of Babylon? What manner of men built the old Coliseum by the Tiber? The traveler stands in dumb amazement before the splendid ruins of the Acropolis, near Athens, but who tells him the story of the sweat and blood and tears wrought into the masonry of its walls? The well-nigh universal silence of history on the struggles of the great multitude of the world's workers is the most pathetic fact in that history, and defines with a precision sharper than words the low status assigned to labor in the society of those times.

The gentle Galilean in His youth and early manhood, at His work as a carpenter, and St. Paul, amid his busy ministrations as evangelist of the new faith, and at his craft as a tentmaker, earned their daily bread and placed their stamp of nobility on useful toil. In after centuries, when the civilization of the West faded into the gloom of the Dark Ages, there were institutions here and there consecrated by pious spirits to noble ends wherein the toiler found a welcome and adequate requital of his service. But rarely did this stamp of nobility or these institutions move the pulse or have the patronage of government.

From the thirteenth to the eighteenth century the fortunes of the wage earner in Europe varied, but seldom rose above the level of hopeless degradation. Thousands of years before, the humanity of Moses had commanded "Thou shalt not muzzle the ox that treads the corn." In central Europe it was customary to so fasten a board about the neck of the treadmill worker as to prevent him carrying meal to his mouth with his hand. The whole tide of legislation and local regulation was toward longer hours and the lower wage. Governments prescribed a maximum wage and harsh prosecution and punishment for the humane employer who should pay more than the wage prescribed. There was no minimum wage. Even in the reign of Elizabeth, Parliament enacted that the master who paid the highest wage should be subjected to 10 days' imprisonment and the apprentice who received the highest wage should suffer 21 days' imprisonment. I mention this as illustrating the trend of labor legislation in those days and the attitude of government toward the wage earner, which was almost uniformly repressive, oppressive, and heartless.

The struggle was accentuated and embittered from a most unexpected source. The first invention of labor-saving devices was hailed by the philosophers and poets as the evangel of emancipation of labor from excessive length of the workday and assurance of increase in time for rest, recreation, and family companionship. But as capital in the idle machine was dead capital, invention set the current of industrial forces toward longer rather than shorter hours. The struggle against this tendency raged fiercely in Europe through five centuries, during which the forces of government were arrayed with singular unanimity against the wage earner.

The more general diffusion of knowledge, the wider assertion and discussion of the natural rights of man, and the consequent increase in the popular spirit in government in the later years of the eighteenth century arrested the adverse tide and gave to labor at least a hearing for its cause. The American Declaration of Independence was an unqualified challenge to the whole political doctrine and philosophy of Aristotle. That some of those who subscribed to that instrument were not entirely free from the spirit of caste we can easily believe. Yet it was issued at a time when then existing institutions and dogmas were under the white heat of a remorseless intellectual and moral inquisition, and many cherished idols of power were being cast down and melted away in the flame of a revolution that signalized a new conception of the true form and functions of government. It is easily conceivable that in the fervor and enthusiasm of that revolution the sponsors of the great declaration regarded the humblest toiler in the Colonies as of more value to society than the whole tribe of titled parasites bred at princely courts of kingly power.

The Americans of that generation were profounder students of the history and philosophy of government than any generation that preceded or succeeded them. They knew that the democracies and republics of antiquity had been compromised with the class principle and that they descended into inglorious graves under a system that spelled luxurious splendor and decadence, on the one hand, and hopeless squalor and misery on the other. The Declaration of Independence was a labor document as well as a political document. Under its pledges was baptized into the family of nations a republic of republics, within which sovereignty reposes in the people, to be exercised through their chosen agencies, and no artificial order or class is permitted as an institution or instrument of government. By the new system the toilers in increasing number became separate and independent units of political power, partakers in government, clothed with the duties of citizenship and obligations to the faithful performance of them. The natural effect was to lift labor out of the category of mere ticketed merchandise in the market, recognize it as of living flesh and blood, of mind and conscience, inseparable from and bound up with the highest interests of home, family, society, and the state. The process involved less the creation of conventional rights than a recognition of the inherent right to pursue happiness, for security to which all just government is ordained.

In this spirit the Federal Government has enacted and enforced measures prohibiting the importation of alien labor under contract, regulating the working hours of laborers and mechanics in Federal employment and in certain cases of private production for Federal use, regulating the conditions of employment of seamen in the merchant marine, modifying or withdrawing in whole or in part the common-law defenses of assumption of risk, fellow-servant liability, and contributory negligence in suits for personal injury suffered in certain employments, and other measures protective of rights falling within its jurisdiction. In the same spirit the several States in varying degree have enacted laws by which the power of the State is exerted to fix maximum hours of the workday in certain occupations; to secure the laborer from the exactions of "pluck-me stores" by requiring that his wages be paid in the current money of the country; to give him a lien for his wages on the product of his toil; to require safeguards to his life, limb, and health on railways, in store and factory and mine, and by various other measures to preserve the fair course in the race of life essential to his status as a citizen and his rights as a man.

Primitive and pioneer industry, with its household and modest shop production and its rude forms of transportation and distribution, was one thing. Modern industry, with its colossal plant and systems of transportation and distribution continental in their operations, is quite another. In the one the laborer operated singly or as one of a small group; his task was simple and his environment safe. In the other he finds himself operating as one of thousands in a huge establishment filled with machinery propelled by steam or electricity, and amid the dangers that attend crowded conditions and the use of high forms of mechanical power. In changes so revolutionary, displacement and readjustment attended the transition, and naturally new rules of law became necessary, not as creative of new rights, but as preservative of old ones.

There are, however, Mr. President, features of jar and maladjustment attending the swift development of industry in this generation that are not so readily susceptible of correction by inflexible rules of law, and the nature of which suggests some agency of mediation and conciliation. The vast physical change in the magnitude and methods of modern industrial enterprise is scarcely more marked than the moral dislocation in certain lines of relations between capital and labor that came with and as incidental to it. This is illustrated in the case of the enterprise controlled by directors sitting a thousand miles from the operations of its wage employees, to whom directors and stockholders are alike total strangers. In the change, the close personal and mutually sympathetic relation of employer and employee born in the course of common toil in the modest shop was broken, to be succeeded by an impersonal, isolated, and purely pecuniary interest. In the cold struggle between dividends and wages the antithesis of viewpoints becomes so sharp that too often when disputes arise as to wages or other conditions of employment no common starting point is available from which to approach disentanglement of the controversy, and the contest sinks into prolonged, wasteful, and embittered strife.

In the external affairs of nations it frequently happens that when controversy arises between two governments the diplomatic department of each advances extravagant claims as a basis of give-and-take in the final adjustment, and which neither may regard as fundamental to national honor or worth the waste of war. But the people of the respective countries may accept the claims of their respective diplomats so seriously that the heat and passion engendered in the course of subsequent negotiation reach a stage where the foreign office of neither government can recede without stormy domestic commotion and loss of national prestige. In this situation both governments welcome the intervention of a friendly and impartial third party as a means of relaxing the tension and composing the substantial rights of both countries without wounding the sensibilities of either.

When labor and capital employed in the great producing and distributing enterprises of the country get into controversy and the conflict of cross-purposes drifts into that heat, acrimony, and deadlock that have on too many occasions put society on the edge of peril, the pending bill offers a means of relaxing the strain and composing the strife, in the provision of section 8, "That the Secretary of Labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever, in his judgment, the interests of industrial peace require it to be done." The bill contemplates no legal coercion. It authorizes no compulsion, save that which friendly and impartial official opinion and counsel formed and given in the light of the facts in each case may carry to the parties to the controversy.

If enacted into law, the value of this provision will depend in a peculiar degree on the care and judgment with which the head of the new department exercises the wide discretion vested in him. To regard every labor dispute as a menace to "industrial peace" and project Federal power indiscriminately into industrial controversies would prove provocative of strife rather than promotive of peace. To indulge such practice would be to cheapen a noble function, and subject the department to the suspicion of patronizing industrial controversy for the employment such controversy would offer in composing the dispute. The real virtue of the power of intervention resides in the fact that such power exists, rather than in resort to it except where the menace is actual and imminent and the prospect of voluntary concession and settlement beyond reasonable hope.

Mr. President, I have touched but a few features of the bill. The withdrawal of several bureaus and divisions from the present Department of Commerce and Labor and their incorporation in the proposed executive department make the new organization one of peculiar strength and commanding importance. The most important consideration, however, at this juncture is the fact that a bill creating a department of labor is about to become law. The event is a vitally significant step in the wide movement to reconcile economic progress with social justice. This significance is accentuated by the large facilities provided for the collection and distribution of accurate statistical and other information relating to the wage earner, his products, and the conditions attending his employment. The clearer and whiter light on these conditions which this function of publicity supplies will in itself mitigate some evils, while the facts collected pave the way for intelligent legislative action for the cure of others.

It is under favorable auspices, Mr. President, that this new agency of public service will enter on its mission among the great executive departments of the Government. Its destiny is linked with the dignity and nobility of useful toil. While the millions of wage earners throughout the country are made the special objects of its care, a noble host of other spirits will join in welcome to its coming. To no special class is confined the resolve that the civilization of our Republic shall not degenerate into industrial and social cannibalism for want of the intelligence and public spirit to comprehend and master its problems.

Mr. SWANSON. Mr. President, I am earnestly in favor of this bill. I am a member of the Committee on Education and Labor which has reported it, and I would do nothing which would retard its passage quickly and promptly. There is, however, a condition in connection with the Bureau of Immigration and Naturalization which is still left ambiguous in the bill. The bill which passed creating a Department of Commerce and Labor provided for a Bureau of Immigration and Naturalization. The same act provided for a separate bureau, and there was a controversy as to whether the Commissioner of Immigration should appoint the Chief of the Bureau of Naturalization. The same act makes them two separate bureaus, and there was a controversy as to whether the Commissioner of Immigration should appoint the Chief of the Bureau of Naturalization. It was referred to the counsel for the department, and he decided, on account of the ambiguity, and to give effect to all parts of the act, that they were separate; and the Secretary of Commerce and Labor appointed the Commissioner of Naturalization.

This bill still leaves that ambiguity. I have offered an amendment, which I hope will not retard the passage of the bill, to get rid of this ambiguity. I hope the chairman of the committee who has charge of the bill will accept the amendment and send it into conference. If it would at all retard the passage of the bill—which is a measure that I earnestly favor—I would not offer it, and would not ask to have it go into conference.

Mr. BORAH. Mr. President, this amendment, as I understand, is designed to make more explicit and certain the law with reference to these two bureaus?

Mr. SWANSON. Yes.

Mr. BORAH. In fact, it would put into the law what now rests largely on construction?

Mr. SWANSON. This amendment would put into law what is now the construction of the department in connection with these two bureaus.

Mr. BORAH. I have no objection, so far as I am concerned, to the amendment going to conference.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 3, line 18, after the word "department," it is proposed to insert:

The Bureau of Immigration and Naturalization is hereby divided into two bureaus, to be known hereafter as the Bureau of Immigration and the Bureau of Naturalization, and the titles Chief, Division of Naturalization, and Assistant Chief shall be Commissioner of Naturalization and Deputy Commissioner of Naturalization. The Commissioner of Naturalization or, in his absence, the Deputy Commissioner of Naturalization shall be the administrative officer in charge of the Bureau of Naturalization and of the administration of the naturalization laws under the immediate direction of the Secretary of Labor, to whom he shall report directly upon all naturalization matters annually and as otherwise required, and the appointments of these two officers shall be made in the same manner as appointments to competitive classified civil-service positions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE. Mr. President, I move that the Senate proceed to the consideration of the Post Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes.

The reading of the bill was resumed, beginning with line 20, page 12.

The next amendment of the Committee on Post Offices and Post Roads was, on page 12, line 25, after the words "in all," to strike out "$40,870,000" and insert "$40,572,000,"' so as to make the clause read:

And to provide for the promotion of 75 per cent of the clerks in first-class post offices from the fifth to the sixth grade and for the promotion of 75 per cent of the clerks in second-class offices from the fourth to the fifth grade; in all, $40,572,000.

Mr. BOURNE. I will ask that the Senate disagree to the committee's amendment there, for the reason that the failure of the Senate to agree to the committee's amendment preceding that necessitates the restoration of the amount that was in the House bill.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 13, after line 7, to strike out:

For compensation to clerks in charge of contract stations, at a rate above $300 each and not to exceed $1,000 each, $430,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 10, to strike out:

For compensation to clerks in charge of contract stations, at a rate not to exceed $300 each, $750,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 12, to insert:

For compensation to clerks in charge of contract stations, $1,010,000.

The amendment was agreed to.

The next amendment was, on page 13, line 16, after the word "vacation," to strike out "$200,000" and insert "$225,000," so as to make the clause read:

For compensation to substitutes for clerks and employees at first and second class post offices on vacation, $225,000.

The amendment was agreed to.

The next amendment was, on page 14, line 14, after the words "post offices," to strike out "$5,000,000" and insert "$4,800,000," so as to make the clause read:

For rent, light, and fuel for first, second, and third class post offices, $4,800,000: *Provided*, That the Postmaster General may, in the disbursement of the appropriation for such purposes, apply a part thereof to the purpose of leasing premises for the use of post offices of the first, second, and third classes at a reasonable annual rental, to be paid quarterly for a term not exceeding 10 years; and that there shall not be allowed for the use of any third-class post office for rent a sum in excess of $500, nor more than $100 for fuel and light, in any one year.

The amendment was agreed to.

The next amendment was, on page 14, line 24, after the words "second class," to strike out "$375,000" and insert "$400,000," so as to make the clause read:

For miscellaneous items necessary and incidental to post offices of the first and second class, $400,000, of which sum $25,000 may be used for the purchase of post-office equipment.

The amendment was agreed to.

The next amendment was, on page 16, line 16, after the words "City Delivery Service," to strike out "$35,360,000" and insert "$35,160,000, of which amount $100,000 shall be immediately available," so as to read:

For pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, and for the promotion of 75 per cent of the letter carriers in first-class post offices from the fifth to the sixth grade and for the promotion of 75 per cent of the letter carriers in second-class offices from the fourth to the fifth grade, City Delivery Service, $35,160,000, of which amount $100,000 shall be immediately available.

Mr. BOURNE. Mr. President, I ask that the Senate disagree to the last part of the Senate amendment there—"of which amount $100,000 shall be immediately available"—because that will be taken care of in the deficiency bill. As I understand, the House has made provision for that in the deficiency bill.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. The Senator from Oregon moves to amend the committee amendment by striking out, in lines 16 and 17, page 16, the words "of which amount $100,000 shall be immediately available."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BOURNE. I will ask the Senate also to disagree to the committee amendment that follows, where the words are stricken out in the print.

Mr. BRISTOW. Do I understand, Mr. President, that the Senator desires to recede from that?

Mr. BOURNE. Yes.

Mr. BRISTOW. It seems to me that is very unwise. That is the striking out of lines 18, 19, 20, 21, 22, and 23 on page 16.

Mr. BOURNE. No; what I meant was the striking out of lines 2 to 9, inclusive, on page 17, because of the Senate's disagreement to the previous provision.

Mr. BRISTOW. Oh, yes.

Mr. CURTIS. I understand that corresponds with the vote we had last night on the other amendment.

Mr. BRISTOW. Yes; that is all right.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 16 it is proposed to strike out the proviso in lines 17 to 23, both inclusive, as follows:

Provided, That after June 30, 1913, substitute letter carriers and substitute post-office clerks employed in first and second class post offices shall, when working for a carrier or clerk absent without pay, receive the rate of pay of the carrier or clerk in whose place the substitute is employed.

Mr. JONES. Mr. President, I think that amendment ought to be disagreed to. The provision of the House is that when a substitute letter carrier takes the place of a regular carrier who is absent without pay he shall receive the pay that the regular carrier would have received for that service. It seems to me that is reasonable and fair. When one man does another man's work he ought to receive that man's pay. That is all that is provided by the House provision.

The PRESIDENT pre tempore. The Chair understood the chairman of the committee to ask that that amendment should be disagreed to.

Mr. BOURNE. Mr. President, my attention was diverted. I did not intend to ask to have that amendment disagreed to. I should like to have the action of the Senate committee affirmed. If the Senator will pardon me, the reason the Senate committee recommended striking out the House provision was because frequently in the postal service a substitute will in one day take the place of two or three different men, drawing different salaries. If the House provision stood, it would be difficult, if not impossible, of administration; or at least, according to the statement of the department, it would make the keeping of the accounts very expensive and cumbersome. Upon

the presentation of the department's views the majority of the committee concurred. The First Assistant Postmaster General said that there were frequent instances where a substitute would take the place of two employees—a man, say, in the $900 grade and a man in the $1,300 grade. The enactment of the provision put in by the House would require accounting in the post office itself and also in the auditing department in Washington. The First Assistant Postmaster General said that, as far as the administrative branch of the Government was concerned, he would strongly favor increasing the compensation from 30 cents an hour to 40 cents an hour, rather than to try to administer the House provision if enacted into law.

Mr. JONES. Has the committee made any suggestion along that line, or any attempt to comply with that suggestion of the department?

Mr. BOURNE. They have not. They have left it at 30 cents per hour. It was an alternative, not a recommendation.

Mr. JONES. The department apparently recognized the injustice of requiring these substitutes to do the work of somebody else and take less pay.

Mr. BOURNE. No, Mr. President; I differ with the Senator from Washington in regard to that. It was not a recognition of injustice, but a statement as to the difficulty of administration, and the alternative that in preference to having that difficulty of administration they would prefer or recommend, and thought it would be better from a governmental standpoint, to increase the compensation from 30 cents to 40 cents per hour.

Mr. JONES. Does the Senator think it is fair to the man who does the work to keep his pay down solely because it makes a little difficulty of administration here in the city of Washington?

Mr. BOURNE. I think the first consideration in all legislation is as to the possibility of carrying out the provisions that may be put into law, the justice of the law itself, and the equities from the general standpoint of the Nation.

Mr. JONES. I think about the first consideration should be just and fair payment to the men who do the work.

Mr. BOURNE. Yes; but it must be put into such form that it can be administered.

Mr. JONES. They can certainly do it here. It simply means a little bit more work, possibly; that is all. It certainly can not be contended that they can not keep these accounts. A man one day does the work of a man who gets a certain pay, and the next day does the work, perhaps, of some other man who gets a little different pay. It certainly can not be contended that they can not keep the accounts satisfactorily.

Mr. BOURNE. That is not the contention.

Mr. JONES. It would make a little bit more work. It may be a little more difficult to do it.

Mr. BOURNE. And in all probability there would be far greater expense to the Government in keeping these accounts.

Mr. JONES. That may be true to some extent; but, nevertheless, it does not warrant us in requiring a man to do a certain kind of work and not paying him what he is entitled to for it.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. Certainly.

Mr. POMERENE. I was going to suggest that records are kept in the several post offices of the time the regular carriers are off duty, and also of the time the substitutes work. That being so, it seems to me it would not add very much to the labors of the post offices to state the number of hours which a substitute has worked; and if he is doing the work of a regular carrier, why should he not be paid for it?

Mr. BOURNE. Replying to the first part of the Senator's statement, if a man does service for two regular employees during the day it requires a dual account, because he has to be paid on two bases. If he does work for three, each in a different grade, it requires a triple account with the regular carrier and with the substitute performing the service, in order to get the basis of compensation to which he is entitled.

Mr. POMERENE. It seems to me that it is only adding a little bit to the work of the postmaster; and if there are any officers that are overpaid it is the postmasters, because usually their work is done by the deputies.

Mr. BOURNE. Mr. President, all those accounts must be audited here in Washington, as well as by the local postmaster. It would require additional employees there and additional work in Washington.

Mr. POMERENE. Can the Senator state what would be the cost of this extra work in the department here in Washington—the work of keeping these extra accounts?

Mr. BOURNE. If I remember correctly, it was estimated by the department that it would cost $100,000 additional to operate under the House provision if it became law.

Mr. JONES. How are these substitutes paid now?

Mr. BOURNE. They are paid on the basis of 30 cents an hour.

Mr. JONES. Reports have to be made to the department here.

Mr. BOURNE. That is true, but the Senator does not get my point. If a man is paid on the basis of 30 cents an hour, it is fixed. If his time is divided up during the day, and he is also paid on a basis of 35 and 40 cents an hour, it makes three different schedules of payment and it requires triple work.

Mr. JONES. What would make the extra expense when that is set down? The report would simply include in it the salary paid to the man whose place was taken. I can not see where that would cause any great additional expense either here or at the local office.

Mr. BOURNE. I will read from the letter of the Postmaster General of January 21, 1913, to the committee. Referring to the section of the bill we have under consideration, the Postmaster General said:

PAY OF LETTER CARRIERS.

The bill as it passed the House contained the following:

"That after June 30, 1913, substitute letter carriers and substitute post-office clerks employed in first and second class post offices shall, when working for a carrier or clerk absent without pay, receive the rate of pay of the carrier or clerk in whose place the substitute is employed."

The department is very strongly opposed to the enactment of this provision, which would nullify the present law authorizing a uniform payment of 30 cents an hour for all kinds of substitute service. Under the proposed clause a substitute might receive three or four different rates of pay for work done on the same day, as he might be employed part of a day in place of a regular clerk or carrier whose salary is $800, then part of the day in place of another whose salary is $1,000, and then part of the day in place of one whose salary is $1,200. The provision is evidently based on the theory that the substitute actually performs the work of the absent employee. While in the case of the carrier this may be true, it is rarely so in the case of the clerk. For instance, if a superintendent of mails is absent from the office his place is filled by the assistant superintendent, the assistant superintendent's place by a foreman, and so on down the line, the substitute actually filling the place of a low-grade man; and under this provision his compensation would be at the rate of pay of the absent superintendent of mails, which might be a salary of $3,000 or more. If a substitute were employed during the absence of an expert distributor at $1,300, the distributor's work would be done by a man next in line for promotion, while the substitute, notwithstanding he was paid at the rate given an expert distributor, would be performing a lower grade of work. Furthermore, the proposed change from the present law would involve much bookeeping and a complicated system of accounting, both in the post offices and in the office of the Auditor for the Post Office Department. If it is the opinion of the committee that the present rate of pay (30 cents an hour) is not commensurate, it would be better to increase it rather than to adopt the system as provided in the bill.

Mr. JONES. The statements in the letter do not bear out the suggestion of the Senator from Oregon, because this section proposes that the substitute shall be paid only the salary of the man whose place he actually takes. If the superintendent is gone somebody in the rank below him takes the place. The substitute may be necessary by reason of the various temporary promotions, I may say. The substitute would not get the superintendent's salary, but he simply gets the salary of the man whose place he takes. So I do not consider that that is a good argument against the proposition.

The proposition that it will cost a little more in the way of keeping the accounts does not appeal to me at all. The substitute carriers and clerks must be practically as well fitted to do the work as the men whose places they take. They must pass the same examination; they must go through the same preparation; they must acquaint themselves with the character of the work that is to be performed in the same way, and hold themselves in readiness at all times for the place whenever it is necessary for them to fill it. The Government guarantees nothing to these men except work, whenever there is a vacancy, at 30 cents an hour.

I have here a statement prepared by the Substitute Letter Carriers' Association showing the compensation that is received by these substitutes, and I desire to call the attention of the Senate to some facts shown by the statement. For instance, the average earnings per month of a substitute carrier in Montgomery, Ala., who had a length of service of five years as a substitute, was $15 a month. It seems to me that the Government ought not to ask that men shall act as substitutes and make the preparation that is necessary to fill the place of the principal at a compensation of only $15 a month.

At Santa Cruz, Cal., $35 a month, with a possible service of four years as a substitute.

At Torrington, Conn., $7 a month, with a possible service as a substitute of four years.

At Meriden, Conn., $8 a month, with a possible service of 4 years and 10 months as a substitute.

And so on through this long list, which I will not take the time of the Senate to call its attention to, but I will ask permission to have it printed in the RECORD.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

Facts about the employment of substitute letter carriers.

	Average earnings per month.	Length of service as substitutes.
Montgomery, Ala	$15.00	5 years.
Santa Cruz, Cal	35.00	4 years.
San Jose, Cal	50.00	2 years 6 months.
Fort Collins, Colo	10.00	2 years.
Denver, Colo	40.00	2 years 10 months.
New Haven, Conn	35.00	5 years 8 months.
Stamford, Conn	27.50	4 years 4 months.
Torrington, Conn	7.00	4 years.
Danbury, Conn	11.00	3 years 9 months.
Meriden, Conn	8.00	4 years 10 months.
Wilmington, Del	31.00	4 years 2 months.
Washington, D. C	50.00	3 years.
Gainesville, Ga	20.00	1 year 9 months.
Kewanee, Ill	2.40	5 years.
Hoopeston, Ill	12.00	5 years.
South Bend, Ind	13.50	3 years 10 months.
Shelbyville, Ind	35.00	4 years 1 month.
Wabash, Ind	17.75	5 years 9 months.
Bluffton, Ind	7.50	4 years.
Auburn, Ind	3.00	5 years.
Boone, Iowa	31.00	5 years 6 months.
McPherson, Kans	3.00	6 years.
Kansas City, Kans	45.00	2 years 3 months.
Lexington, Ky	30.00	3 years.
Covington, Ky	22.00	3 years 7 months.
New Orleans, La	36.50	4 years.
Portland, Me	30.00	6 years 7 months.
Gardiner, Me	9.50	4 years.
Cumberland, Md	9.00	3 years 9 months.
Boston, Mass	55.00	6 years 4 months.
New Bedford, Mass	40.00	5 years 8 months.
Springfield, Mass	27.50	4 years 1 month.
Northampton, Mass	30.00	7 years.
Newburyport, Mass	5.00	6 years 6 months.
Westfield, Mass	12.75	6 years.
Plymouth, Mass	9.00	4 years 6 months.
Greenfield, Mass	5.00	5 years 6 months.
Wakefield, Mass	16.00	6 years.
Natick, Mass	10.00	11 years.
Attleboro, Mass	13.00	6 years 4 months.
Orange, Mass		13 years 7 months.
Chicopee, Mass	10.00	5 years.
Hudson, Mass	7.00	5 years.
Gloucester, Mass	20.00	7 years 8 months.
Worcester, Mass	20.00	5 years 6 months.
Gardner, Mass	7.00	5 years.
Lowell, Mass	30.00	5 years.
Brockton, Mass		6 years.
North Adams, Mass	50.00	8 years.
Muskegon, Mich	8.93	3 years 8 months.
Saginaw, Mich	45.00	2 years 8 months.
Hillsdale, Mich		4 years.
Adrian, Mich	35.00	3 years.
Three Rivers, Mich		4 years.
Caro, Mich	6.00	5 years.
Jackson, Mich	42.00	4 years.
Faribault, Minn	39.50	3 years 6 months.
Crookston, Minn	10.50	3 years.
Vicksburg, Miss	25.00	2 years 10 months.
Yazoo City, Miss		7 years 4 months.
West Point, Miss	5.00	5 years.
St. Joseph, Mo	37.50	3 years 6 months.
St. Louis, Mo	43.00	4 years 9 months.
Beatrice, Nebr	40.00	3 years 8 months.
Fairbury, Nebr	12.00	3 years.
South Omaha, Nebr	15.00	3 years.
Laconia, N. H	5.00	3 years 7 months.
Claremont, N. H	12.50	2 years 8 months.
Newark, N. J	30.00	4 years 10 months.
Elizabeth, N. J	34.00	4 years 2 months.
Plainfield, N. J	5.00	4 years.
Hackensack, N. J	19.00	4 years.
New Brunswick, N. J	40.00	5 years.
Perth Amboy, N. J	3.00	4 years.
Camden, N. J	23.00	4 years 2 months.
Phillipsburg, N. J	12.00	5 years 3 months.
Madison, N. J	10.00	4 years.
Elmira, N. Y	20.00	4 years 7 months.
Batavia, N. Y	12.00	4 years.
Syracuse, N. Y	45.00	5 years 4 months.
Auburn, N. Y	14.50	5 years.
Canandaigua, N. Y	12.75	6 years 6 months.
Rochester, N. Y	46.00	4 years.
Binghamton, N. Y	30.00	4 years.
Schenectady, N. Y	60.00	4 years 6 months.
Port Jervis, N. Y	11.00	7 years.
Hoosick Falls, N. Y		Last appointee served 17 years.
Saratoga Springs, N. Y	23.00	4 years.
Nyack, N. Y	21.00	5 years.
Tompkinsville, N. Y	12.00	5 years 6 months.
Amsterdam, N. Y	20.00	5 years.
Buffalo, N. Y	40.00	4 years.
Winston-Salem, N. C	14.00	4 years.
Elizabeth City, N. C	5.83	5 years.
Cleveland, Ohio	18.50	3 years 6 months.

Facts about the employment of substitute letter carriers—Continued.

	Average earnings per month.	Length of service as substitutes.
Ironton, Ohio	$20.60	5 years.
Norwalk, Ohio	7.00	5 years.
Dayton, Ohio	55.00	3 years 6 months.
Marion, Ohio	40.00	4 years 8 months.
Washington C. H., Ohio	14.00	6 years.
Lancaster, Ohio	2.40	4 years 3 months.
Tiffin, Ohio	23.00	6 years.
Lebanon, Ohio	5.28	6 years 6 months.
Xenia, Ohio		10 years.
Cincinnati, Ohio	40.00	4 years.
Springfield, Ohio	40.00	3 years.
Chillicothe, Ohio	25.00	5 years.
Oklahoma, Okla	26.32	1 year 6 months.
Alva, Okla	18.00	3 years.
Blackwell, Okla	7.23	3 years.
Albany, Oreg	10.00	3 years.
Oregon City, Oreg	5.00	2 years 6 months.
Mount Carmel, Pa	10.00	5 years 3 months.
Union City, Pa	3.50	4 years.
Mauch Chunk, Pa	6.00	6 years 8 months.
Conshohocken, Pa	20.00	5 years 10 months.
Philadelphia, Pa	40.00	5 years 8 months.
Allentown, Pa	25.00	4 years 6 months.
Harrisburg, Pa	38.00	5 years 6 months.
Carlisle, Pa	20.00	6 years.
Columbia, Pa	2.40	13 years.
Washington, Pa	12.00	6 years.
Tyrone, Pa	7.00	5 years 4 months.
Bellefonte, Pa	4.80	5 years.
Reading, Pa	40.00	6 years.
Kane, Pa	5.00	7 years 3 months.
Woonsocket, R. I	25.00	4 years 6 months.
Newport, R. I	35.00	7 years 6 months.
Pawtucket, R. I	27.40	5 years.
Chester, S. C		3 years.
Yankton, S. Dak		4 years.
Harriman, Tenn		5 years.
Beaumont, Tex	27.00	2 years 2 months.
Salt Lake City, Utah	50.00	2 years 2 months.
Barre, Vt	10.00	5 years 6 months.
Bellows Falls, Vt	14.00	4 years 6 months.
St. Johnsbury, Vt	7.00	4 years.
Staunton, Va	21.50	5 years 7 months.
Charlottesville, Va	15.00	4 years 6 months.
Winchester, Va		6 years.
Parkersburg, W. Va	40.00	8 years.
Morgantown, W. Va	15.50	3 years 6 months.
Wheeling, W. Va	40.00	2 years 6 months.
Marinette, Wis	5.00	6 years.
Manitowoc, Wis	25.00	7 years 6 months.
Merrill, Wis	10.00	6 years.
Sheboygan, Wis	20.00	4 years 6 months.

Mr. JONES. These statements show, to me at least, that these men ought to receive the compensation that the man receives whose place they take. With all the statements of the Post Office Department, I can not see any answer to the proposition that the man who does the work of another ought to receive that man's pay while he does it.

I hope that the Senate will disagree to the amendment of the committee.

The PRESIDENT pro tempore. The question is on the amendment reported by the committee, to strike out lines 17 to 23, inclusive. [Putting the question.] The noes appear to have it.

Mr. BRISTOW. Mr. President, I should like to have a division on the question. This is a very important matter. The department says the provision would be a very great inconvenience in administration and lead to a complication of accounts, not only in local post offices but in the department. It seems to me that the view of the Post Office Department, that has control of the accounts and can not be alleged to have any purpose except the best interests of the service, ought to have some weight with the Senate with regard to a provision of this kind, where it is a matter of administrative detail.

The PRESIDENT pro tempore. The Senator from Kansas demands a division.

Mr. TOWNSEND. Mr. President, some things that have been brought out in this debate have suggested to me that perhaps by disagreeing to the Senate amendment, and leaving the matter just as the House has provided, might work a comparative injustice to regular clerks. For instance, as soon as a substitute carrier or clerk is appointed to a regular position he receives the minimum salary of such clerk or carrier, which we have already fixed at $800 per year. Now, is it right to say that a substitute, at the very beginning of his work as a substitute, shall receive as much as the regular employee, who may have served from three to five years before getting a permanent position? Take another case: The substitute may temporarily perform the work of a $1,200 man, and under the House provision he would be entitled to pay while performing such work at the

rate of $1,200 per year, or at a rate per year of $400 more than he would receive after receiving a permanent appointment.

I ask permission of the Senate that this item may be passed over for the present with the hope that we may possibly decide upon and fix a sum in excess of 30 cents an hour, which would perhaps meet more justly the demands of the situation and not produce any inequality which might arise, and at the same time meet the seemingly valid objection to the House provision by the department.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Michigan that the item be temporarily passed over? The Chair hears none.

The Secretary resumed the reading of the bill at page 16, line 4.

The next amendment was, on page 17, line 2, after the word "hour," to strike out—

Every substitute carrier and substitute post-office clerk who has served as such substitute for a period of one year or more shall, when appointed to a regular position, receive the salary of a second-grade carrier or clerk, $800 per annum, as his initial salary, and all other promotions shall be regulated according to the classification act approved March 2, 1907.

Mr. BOURNE. I ask that the Senate disagree to the committee amendment because of the Senate's disagreement to the committee amendment on page 12, lines 7 to 19, inclusive. This will conform with the action taken by the Senate in a previous part of the bill.

The amendment was rejected.

The next amendment was, on page 17, line 12, after the word "established," to strike out "$2,285,000" and insert "$2,500,000, of which amount not exceeding $300,000 shall be immediately available," so as to make the clause read:

For pay of substitutes for letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices where city delivery is already established, $2,500,000, of which amount not exceeding $300,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 17, line 19, after the word "vehicles," to strike out "$1,530,000" and insert "$1,830,000, of which amount $250,000 shall be immediately available," so as to make the clause read:

For horse-hire allowance, the hiring of drivers, and the rental of vehicles, $1,830,000, of which amount $250,000 shall be immediately available.

Mr. BOURNE. I ask the Senate to disagree to that portion of the committee recommendation reading as follows:

Of which amount $250,000 shall be immediately available—

for the reason that that appropriation is covered, as I am informed, by the House in the deficiency appropriation bill.

The PRESIDENT pro tempore. The question will first be taken on that part of the amendment which proposes to strike out "$1,530,000" and insert "$1,830,000."

The amendment was agreed to.

The PRESIDENT pro tempore. The question now is on agreeing to the second part of the amendment, to insert the words "of which amount $250,000 shall be immediately available."

The amendment was rejected.

The next amendment was, on page 17, line 21, after the word "allowance," to strike out "$450,000" and insert "$500,000," so as to make the clause read:

For car fare and bicycle allowance, $500,000.

The amendment was agreed to.

The next amendment was, on page 18, line 3, after the word "purchase," to insert "and exchange," so as to make the clause read:

For incidental expenses of the City Delivery Service, including freight and drayage on equipment, furniture, and supplies, and erecting, painting, and repairing letter and package boxes and posts, repairing clocks and other equipment, and for the purchase and exchange of time recorders and maps, $50,000.

The amendment was agreed to.

The next amendment was, on page 18, line 10, after the words "free-delivery service," to strike out "$150,000" and insert "$100,000," so as to make the clause read:

For experimental village-delivery service in towns and villages having post offices of the second or third class that are not by law now entitled to free-delivery service, $100,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Second Assistant Postmaster General," on page 18, line 23, after the words "power-boat routes," to strike out "$875,000" and insert "$910,000," so as to make the clause read:

For inland transportation by steamboat or other power-boat routes, $910,000.

The amendment was agreed to.

The next amendment was, on page 19, line 2, after "$962,200," to insert "*Provided*, That the personnel of the membership of the committees and commissions created and provided for in sections 1 and 8 of the act entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes,' approved August 24, 1912, shall continue with the same authorities, powers, and provisions for expenses until final report is made to Congress," so as to make the clause read:

For the transmission of mail by pneumatic tubes or other similar devices, $962,200: *Provided*, That the personnel of the membership of the committees and commissions created and provided for in sections 1 and 8 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, shall continue with the same authorities, powers, and provisions for expenses until final report is made to Congress.

Mr. TOWNSEND. The senior Senator from Colorado [Mr. GUGGENHEIM] handed to me an amendment. I have not had time to look it over to know whether it is in order now.

The PRESIDENT pro tempore. By agreement the committee amendments are now being considered. If it is an amendment to a committee amendment, it will be in order.

Mr. SMITH of Georgia. With reference to the amendment on page 19, after the word "Congress" in line 10, it has been suggested that perhaps it would be better to add:

Provided, That said report shall be made not later than December 1 next.

I should like to ask if that would not be satisfactory to the chairman of the committee?

Mr. BOURNE. I doubt very much if they would be able to complete all the work by December 1. Take the commission on second-class postage and railway-mail pay. They have been going into an investigation of the various questions regarding railway-mail pay and have not yet taken up second-class postage. I think if they complete the investigation of railway-mail pay during the present year and make a demonstration of that problem they will be doing very well.

Mr. SMITH of Georgia. I should like to suggest to the chairman of the committee that some time should be fixed. I am willing to leave it to his discretion, but I do not think we should pass it without any limitation at all. It has been the subject of some adverse criticism.

Mr. BRISTOW. Let me suggest that this does not carry any additional appropriation at all; it does not incur any additional expense. The appropriations have already been made, and it simply makes them available until the committees are ready to report. So it does not cost any more.

Mr. SMITH of Georgia. I think that explanation will probably be satisfactory to those who felt there should be a limitation upon the time of service.

Mr. BOURNE. The presumption is that the commission will complete their work and submit their report to Congress as soon as they possibly can.

Mr. SMITH of Georgia. I think that is undoubtedly true, but as a matter of legislation I think there ought to be a limitation of time in the legislation itself. It is a matter of general practice.

The amendment was agreed to.

The next amendment was, on page 20, line 15, after the words "For inland transportation by railroad routes," to strike out "$49,000,000" and insert "$51,500,000: *Provided*, That no part of this appropriation shall be paid for carrying the mail over the bridge across the Mississippi River at St. Louis, Mo., other than upon a mileage basis: *And provided further*, That the Postmaster General may, in his discretion, pay within the present law a fair and reasonable price for the special transfer and terminal service at the Union Station at East St. Louis, Ill., and at the Union Station at St. Louis, Mo., including the use, lighting, and heating of the mail building and transfer service at St. Louis, Mo., provided the amount so paid shall not exceed $20,000."

Mr. CULLOM. Mr. President I make the point of order that the proviso is general legislation.

Mr. BOURNE. Mr. President, I think this is clearly a limitation of an appropriation and in no way general legislation. In the last Post Office appropriation bill this provision was enacted after the appropriation was made:

Provided further, That no part of this appropriation shall be paid for carrying the mail over the bridge across the Mississippi River at St. Louis, Mo., other than upon a mileage basis.

That was in the last bill which became a law. The result of a disagreement to the recommendation of the Senate committee would be that the law of 1899, which gave the Postmaster General discretionary power to pay up to $50,000 for the use of the two bridges covered by the East St. Louis Terminal Co., un-

doubtedly, reasoning a priori, would result in the Government paying $50,000 to that company.

There has been a great deal of discussion over this particular feature of the bill. The committee had it under consideration one day for over three hours. Hearings were held last session when this limitation was put in the bill that became a law. The second proviso in the last year's bill reads as follows:

That no part of this appropriation shall be paid for carrying the mail over the bridge across the Mississippi River at St. Louis, Mo., other than upon a mileage basis: *And provided further*, That the Postmaster General may, in his discretion, pay within the present law a fair and reasonable price for the special transfer and terminal service at the Union Station at East St. Louis, Ill., and at the Union Station at St. Louis, Mo., including the use, lighting, and heating of the mail building and transfer service at St. Louis, Mo., provided the amount so paid shall not exceed $35,000.

The effect of a disagreement to the committee's recommendation would be that the Government undoubtedly would have to pay this terminal company $50,000. An agreement to the Senate committee's recommendation would be the placing of a limitation of $20,000.

At the last session Congress placed a limitation of $35,000. So, if the Senate disagrees to the committee recommendation, the result would undoubtedly be that the Government will pay the St. Louis Terminal Co. $50,000. There was a division of opinion in the committee. A majority of the committee were of the opinion——

Mr. SMITH of Georgia. Mr. President, does not the bill as it passed the House limit the payment to $35,000?

Mr. BOURNE. No; the bill as it comes from the House would undoubtedly recognize and restore the conditions existing under the law of 1899, which would give the Postmaster General the discretionary power of paying up to $50,000. As the Postmaster General has paid that limit heretofore, the assumption is that he will continue to pay up to that amount unless some action is taken by Congress.

Mr. BRYAN and Mr. SMITH of Georgia addressed the Chair.

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. SMITH of Georgia. I yield to the Senator from Florida, who was on his feet first.

Mr. BRYAN. Mr. President, when this item was first discussed in the committee I, like many other members of the committee, was of the opinion that the amendment as it appears on page 20 operated to increase the appropriation and to pay to this terminal company $35,000, to which it would not be entitled but for the Senate committee amendment. Inasmuch as it is customary for terminal companies to be owned by corporations distinct from the railroads entering into a terminal station, because the railroad companies owning the terminal company usually form a separate corporation, I would be of the opinion that the pay to the St. Louis Terminal Association of $35,000 was in and of itself a palpable discrimination against every other terminal company in this country.

It was stated by the chairman of the committee that unless we incorporate this provision we will be forced to pay $50,000 under an act passed in 1890, which reads as follows:

That the Postmaster General is hereby authorized, in his discretion, to pay from appropriations for transportation by railroad routes for the special transfer and terminal service between the Union Station at East St. Louis, Ill., and the Union Station at St. Louis, Mo., including the use, lighting, and heating of mail buildings, and the transfer service at St. Louis, at the rate of not exceeding $50,000 per annum, beginning on the 1st day of July, 1899.

The PRESIDENT pro tempore. The Senator from Florida will permit the Chair to say that the question before the Senate is the point of order, on which the Chair is prepared to rule, but the Chair will hear the Senator on the point of order if he desires to discuss it.

Mr. BRYAN. I do not know how the Chair is going to rule, but I think in justice to the committee the reason that induced the committee to make this amendment ought to be stated. It is within the range of possibility that the Senate would not be satisfied with the ruling of the Chair. I will not detain the Senate more than a moment longer, and only to say that if this corporation is entitled to charge $50,000 under this special act of Congress, whereas it would only be entitled to receive between $10,000 and $15,000 upon a mileage basis, then every other terminal association entering into a large city is being discriminated against in every post-office bill we pass.

Mr. SMITH of Georgia. Mr. President, I only wanted to say one word with regard to the point of order. This is exactly the provision that was ruled in order on our last Post Office appropriation bill, and, as I recollect, by the present presiding officer, the only difference being in the amount, $20,000 instead of $35,000.

Mr. TOWNSEND. If the Senator will allow me, I think that the question arose as it arises here to-day. As I remember, last year the House changed existing law by providing for the payment of the amount of the appropriation on a mileage basis and reduced the amount provided in the general law to $35,000.

Mr. SMITH of Georgia. That was the House provision. It was put in just in this language by the Post Office Committee, with the exception that we put in $35,000 instead of $20,000. Not having the accurate figures before us as to how much the cost would be, we wanted to be sure that we named a sufficient amount.

Mr. TOWNSEND. I was not on the committee last year, but my recollection is that the law was changed in the House, and therefore a point of order would not lie against it in the Senate.

Mr. BOURNE. Mr. President, a clause in the House bill after the appropriation for inland transportation by railroad routes provided——

Mr. TOWNSEND. Last year?

Mr. BOURNE. Last year. It is as follows:

Provided, That no part of this appropriation shall be paid for carrying the mail over the bridge across the Mississippi River at St. Louis, Mo., over and above the regular rates for transportation of mail by railroad routes.

That was inserted on the floor of the House and not considered by the committee. When the bill came to the Senate and was referred to the Senate committee, a motion was made to strike out that proviso and to insert the $35,000 limitation. This was done after a series of hearings, at which the representatives of the East St. Louis Terminal Co. had an opportunity of appearing before the committee.

Mr. TOWNSEND. I think, Mr. President, that the Senator from Oregon has substantiated what I have said, namely, that the House last year changed existing law. I submit that if there had been no legislation on this subject in last year's appropriation bill there would now be no contention that this provision now would not be subject to the point of order, because it clearly would be new legislation; in other words, it would be changing the statute of 1899. The House last year made a change in the general law while the bill was pending before that body; it came here; a point of order was made against the provision reported by the Senate committee on the ground that it was new legislation. My understanding is—but Senators who were on the committee perhaps will remember better than I—that the point was overruled on the ground that the House having already inserted a proposition it was competent for the Senate to amend that provision. However, this year the identical item carried in last year's bill was stricken out in the House. The bill comes over here under existing law, namely, the law of 1899. It is now proposed to amend that law, which, I submit, is existing law, for the purposes of considering this question on this bill. That is my understanding of it.

Mr. BRYAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Florida?

Mr. TOWNSEND. I do.

Mr. BRYAN. I want to ask the Senator from Michigan if he does not consider that the Senate has a right on an appropriation bill to limit the purpose for which an appropriation made is to be used?

Mr. TOWNSEND. Of course it has.

Mr. BRYAN. Of course we could not undertake, and are not undertaking in this bill, to repeal the act of 1899 giving to this terminal association the right to be paid $50,000; but the sum total of our action would be that they can not have it out of this appropriation.

Mr. TOWNSEND. In further answer to the Senator from Florida, I will state that I have no doubt that the Senate could legislate in a way that would simply amount to a limitation; but if the law of 1899 is in force, this amendment that is proposed here does more than to limit it. It provides that this compensation shall be made on a mileage basis. The law of 1899 does not provide any such thing as that.

The second provision, limiting the discretion of the Postmaster General to $20,000 instead of $50,000, evidently would not be subject to a point of order; but the first provision, changing the statute so as to make it apply the appropriation to a mileage basis is a change in the existing law.

Mr. SMITH of Georgia. For one, I think the first part of this provision changes existing law.

Mr. TOWNSEND. If the law of 1899 is in force, I think it does.

Mr. SMITH of Georgia. If the first part of this provision changes existing law, then, Mr. President, I desire to ask the Senator if, when we inserted it a year ago, we did not change existing law by that insertion, and if, therefore, his position be true, the law is not now just what it is in this provision?

Mr. TOWNSEND. I contend, Mr. President, that you do not change permanent law by a provision on an appropriation bill. Such a provision only lasts for the current year and affects only that particular appropriation. The House of Representatives departed from the provision in the appropriation bill of last year and went back to the law of 1899, and that is the form in which the bill comes here to-day.

Mr. SMITH of Georgia. Mr. President, I merely want to say one word upon this point in addition to what has been said.

Either this provision is simply a limitation of the use of the present appropriation and, therefore, changes no existing law and is pertinent to the appropriation and legally placed here, or it does change existing law. If it could change an existing law, exactly the same language was used in the last appropriation bill, and the existing law, to which the Senator from Michigan refers, has already been changed. In point of fact, I do not think the legislation a year ago changed the existing law, and I do not think that this provision does. It simply follows existing law, for, as I have said, the same words were in the appropriation bill a year ago. So, Mr. President, we insist beyond any question that this language only limits the use of this present appropriation.

Mr. BRADLEY. Mr. President, I want to make a single suggestion. It has already been stated that when this bill was passed at the last session this amendment had been placed in the bill in the other House. Having come to the Senate, it was therefore held that a point of order could not be made. So far as the law was concerned which was adopted one year ago, or at the last session, it applied only to the fiscal year. It was a change of the existing law, it is true, for one year; but at the end of one year the change ceased and the existing law was revived. The object of this amendment, as I understand, is to change an existing law by an amendment in the Senate. It does not come from the House in that shape.

The PRESIDENT pro tempore. Upon a preliminary examination of the bill, the Chair discovered the language "upon a mileage basis," and, assuming that that was new language, was clearly of opinion that a point of order would lie, but since that time the Chair has examined the act of last year and has discovered the fact that the language is identical with the language in last year's act. That changes the matter very materially. The law of last year is still in existence; and, looking the matter over with a great deal of care, the Chair is impressed with the view that the language not having been changed from the law of last year, and the further fact that this is intended as a limitation of the appropriation, he therefore is constrained to overrule the point of order. The question is upon the amendment.

Mr. ASHURST. Mr. President, are we discussing clause 76 of the bill?

The PRESIDENT pro tempore. The matter under discussion is the amendment on page 20, beginning on line 15.

Mr. ASHURST. Mr. President, I should like to inquire of the Senator in charge of the bill the reason for the enormous increase over last year in the moneys to be paid to the railroads for carrying the mails?

The PRESIDENT pro tempore. The Chair will suggest that that amendment has been agreed to.

Mr. ASHURST. I should like to recur to it, if there be no objection.

The PRESIDENT pro tempore. Will the Senator permit the Chair to put the question on the pending amendment, which is the language following that?

Mr. ASHURST. Certainly.

The amendment was agreed to.

The PRESIDENT pro tempore. Now the Senator may address himself to the other amendment.

Mr. ASHURST. Mr. President, recurring to page 20, paragraph 76, I find to my astonishment that there is an increase from $49,000,000 to $51,500,000 to pay for inland transportation on railroad routes. I have received much literature from the "down-trodden" railroads of the country stating that they are insufficiently paid for the transportation of the mail. I believe, however, that I can demonstrate in a moment to the satisfaction of the Senate that the railroad companies instead of being underpaid for the transportation of the mails are overpaid. These railroad companies while pretending to be underpaid are overpaid for transporting the mails. The table which I hold in my hand gives a comparison of the railroad rates for carrying mail, freight, and express. I request the Secretary to read the table of figures which I send to the desk.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

THE RAILWAY POSTAL GRAFT.

The following table, giving a comparison of the railroad rates for carrying mail, freight, and express, was prepared by Prof. Henry C. Adams, statistican of the United States Postal Commission (generally known as the Wolcott Commission). Some revisions have since been made (1907), but they are too slight to affect the disparity in charges here shown:

New York City to Buffalo, 440 miles:	
1 ton mail	$31.67
1 ton freight	7.80
1 ton express	12.50
100 pounds mail	1.58
100 pounds freight	.39
100 pounds express	.63
New York City to Chicago, 1,000 miles:	
1 ton mail	$71.59
1 ton freight	15.00
1 ton express	25.00
New York City to San Francisco, via New York Central, Lake Shore, Chicago, Burlington and Quincy, Union Pacific, and the Southern Pacific:	
1 ton mail	$265.53
1 ton freight	60.00
1 ton express	135.00
100 pounds mail	15.28
100 pounds freight	3.60
100 pounds express	6.75

The railroad rate for mail, however, is much higher than shown in the foregoing table. The Government is cheated in the weighing of the mails, and is charged exorbitant rent for the use of the mail cars. In 1911 the Government paid an average rental of $3,575.10 for each postal car. The average original cost of a wooden mail car is between $6,500 and $7,000. Taking all this into consideration, the cost of carrying mail is probably eight or nine times the cost of carrying express matter.

Mr. ASHURST. Mr. President, being impressed with the injustice perpetrated by some mail-carrying railroads, I made an investigation. I do not know that I could more succinctly state my conclusions and findings with respect to that investigation than by reading what I said, upon the occasion of my election to the Senate, in my address to both houses of the Legislature of the State of Arizona. I read from that address as follows:

THE GOVERNMENT COULD SAVE MILLIONS BY USING ITS OWN POSTAL CARS.

The United States pays each year to the railroads $4,800,000 for rent of postal cars with which to carry the mails, and the railroads usually furnish wooden cars that "telescope" during wrecks and kill or maim the underpaid and overworked postal clerks. Remember that this $4,800,000 paid to the railroad companies each year as rental for the post-office cars is in addition to the $46,000,000 paid each year to the railroad companies for carrying the mails. Consider for a moment what an enormous sum of money could be saved to the Government if it would build its own cars.

The most expensive car, all steel, costs $12,000 and its average life is 25 years, so that with this $4,800,000 which the Government pays the railroads each year for the rent of cars we could build 400 steel cars annually.

The sum of money, aggregating $46,000,000 annually—

That was the amount when these figures were prepared by me. Now it is proposed to increase the amount to the sum of $51,500,000—

for carrying mail, is reached because railroads charge the United States 4½ cents per pound for carrying mail matter, but the railroads carry the express matter for express companies at three-fourths of a cent per pound. Such robbery of the Government must not be permitted to continue.

Therefore, Mr. President, I am prompted, in view of my knowledge of these facts, to inquire the reason for the increase, as indicated on page 20 of this bill, from $49,000,000 to $51,500,000 for the transportation of the mails, when the pay received by the railroad companies for transporting the mails is about two and one-half times greater than the compensation they receive for transporting express matter; and, in addition, the Government pays for the rent of the postal cars?

Mr. BOURNE. Has the Senator completed his inquiry?

Mr. ASHURST. I have.

Mr. BOURNE. The average increase in postal receipts and postal expenses is about 7 per cent per annum, according to the tables of the last 10 years. That is the normal growth of our postal service. The appropriations for railway mail pay are based upon estimates to comply with existing law. The estimate of the department is much higher than the appropriation recommended by the Senate committee. The House bill proposes to appropriate $49,000,000. Last year Congress appropriated $47,647,000.

Mr. ASHURST. May I interrupt the Senator just long enough to ask a question?

Mr. BOURNE. Certainly.

Mr. ASHURST. Is it not true that the railroad companies receive two or three times more from the Government for carrying the mails than they do from the express companies for carrying express matter?

Mr. BOURNE. In my opinion, most certainly not. In my opinion, and I am simply stating my own personal opinion——

Mr. ASHURST. I have a high regard for the Senator's opinion.

Mr. BOURNE. There exists a gross misapprehension on the question of overpayment to the railroads in the way of railway-mail pay. In my opinion—not yet a conviction, but an opinion—a misapprehension also exists in reference to the desirability of Government ownership and operation of railway post-office cars. Postmaster General Vilas, in 1887, made a statement in his report which, I assume, led the American people to the conviction that it would be cheaper for the Government to own and operate the railway post-office cars, and that they would save inferentially, according to his presentation, a million dollars and a half over the annual appropriations made for the railway post-office car service. Under the last Post Office appropriation bill a joint committee was created to investigate and report to Congress in reference to railway-mail pay and second-class postage. That committee, of which I am a member, has held a number of hearings, and in the testimony before the committee, under oath, a number of railroad representatives have stated that they receive less pay for carrying the mail than they receive for passenger service or express service. The committee has not yet concluded its investigations or formed its conclusions. I am satisfied, however, that the problem can be solved, and that the facts can be demonstrated clearly to the satisfaction of every Member of Congress and to the edification and education of the American people on those points.

Mr. ASHURST. Mr. President, do I understand the Senator to say that some gentlemen appearing before the commission testified that they receive no larger sum of money for carrying the mails than they receive for carrying express matter?

Mr. BOURNE. That they received less.

Mr. ASHURST. For carrying the mail?

Mr. BOURNE. For carrying the mail than they received for passenger service or express service, and, as I have said, they made that statement under oath. That is their testimony.

I will say, for the information of the Senator from Arizona, that I believe the problem will be solved and the facts will be clearly demonstrated. My own opinion is that the public are greatly mistaken in their judgment, based on the report of Postmaster General Vilas, in 1887, and on what is known as Document 105, in which the Postmaster General, in his suggestion of the plan of the department of the substitution of space for weight as the measure of the service rendered, leaves the reader to infer that we are overpaying the railroads $9,000,000.

Mr. ASHURST. Mr. President, I am glad I asked the question, because the Senator has courteously and very clearly stated his opinion. In asking the question I am not in any manner criticizing the committee nor the honorable Senator from Oregon, whose services to the public, in my judgment, are probably not appreciated as much as they should be. I am glad to have him give me this explanation, but if some gentlemen have testified before his committee or before any committee that the railroads do not receive more for carrying the mails than they do for carrying express matter, I am shocked. I will not characterize such testimony further, but I believe it is common knowledge——

Mr. BOURNE. Common opinion, I think.

Mr. ASHURST. Common opinion—I beg the Senator's pardon—common opinion based on fact—that the railroad companies do receive much more money for carrying the mails than they do for carrying express matter.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 21, beginning in line 1, to insert the following proviso:

Provided further, That on account of the increased weight of mails resulting from the establishment of the parcel post the Postmaster General is authorized and directed to weigh the mails on railroad routes, beginning September 1, 1913, for not less than 30 successive working days, and to readjust compensation from the date of the commencement of said weighing at not exceeding the rates provided by law: *Provided further*, That from the commencement of said weighing the transportation of second-class matter in fast freight trains and the manner of handling incident thereto shall be discontinued, and thereafter said mail shall be carried in the regular mail trains, and compensation allowed therefor, the purpose being to reestablish the system in vogue prior to the establishment of the blue-tag system.

Mr. ASHURST. Mr. President, I observe in this amendment a change in the law in respect to weighing the mails. I had hoped that if there was to be a change in the present law as to mail weighing it would be done in some way that would not permit the railroad companies to ascertain in advance the date of the weighing, for the reason that in some instances in the past various railroad companies, being aware of the date upon which the mails were to be weighed, are alleged to have caused the mails at that particular time to be laden far beyond their ordinary volume, to the end that the average weight might be increased. I insist, therefore, that the law should provide for a weighing to take place upon a date and at a time of which the railroad companies have no previous notice. In one of our Western States, as has been suggested by a western Senator, a railroad increased the weight on one of the mail routes to the capacity of a carload in order that the additional weight might be thrown into the scales to increase the general average. I suggest that if there is to be a change in the system of weighing the railroad companies ought not to know in advance the date of such weighing.

Mr. BOURNE. Mr. President, I should like to ask the Senator how that could be done?

Mr. ASHURST. Well, the weighing should be done upon some date or dates known to the department and unknown to the railroad companies. The department can send its officers and its agents to the proper places and there do the weighing upon different days, of which previous notice has not been given to the railroad companies.

Mr. BOURNE. May I interrupt the Senator?

Mr. ASHURST. Certainly.

Mr. BOURNE. Did I correctly understand the Senator to say that of his knowledge there were instances where, during the weighing period, the mails had been packed?

Mr. ASHURST. Not to my personal knowledge.

Mr. BOURNE. I was wondering, if that was the case, whether the Senator had informed the Department of Justice, in order that the individuals who were party to such a conspiracy against the Government might be criminally prosecuted.

Mr. ASHURST. If the Senator from Arizona had known of his own knowledge of any such occurrence or any other criminal occurrence, he would not decline to give the testimony to the proper officer.

The PRESIDENT pro tempore. The question is on agreeing to the amendment. [Putting the question.]

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. The ayes seem to have it. The ayes have it; and the amendment is agreed to.

Mr. BACON. Mr. President, several Senators addressed the Chair. My colleague did so before the Chair put the question.

The PRESIDENT pro tempore. The Chair had not observed that fact.

Mr. SMITH of Georgia. I did not rise, Mr. President.

The PRESIDENT pro tempore. There were not "several Senators," or the Chair would have discovered that fact.

Mr. BACON. I do not wish to be understood as criticizing the Chair. Evidently the Chair did not hear them.

The PRESIDENT pro tempore. The Chair will recognize the Senator.

Mr. BACON. I think my colleague desired to say something on the subject; and if he does not, I myself desire to say something.

Mr. SMITH of Georgia. I desire to ask, Mr. President, that the exact provision we are now voting upon be again stated by the Secretary.

The Secretary again stated the amendment.

Mr. THOMAS. Mr. President, I merely wish to say to the Senator from Oregon that the instance of overweight referred to by the Senator from Arizona [Mr. ASHURST] was a matter which was called to my attention some 14 years ago, and I spoke to the Senator about it this morning for the first time.

Mr. BOURNE. Fourteen years ago?

Mr. THOMAS. Yes. It occurred a long time ago, but in our hurried conversation I did not have the opportunity, or at least I did not avail myself of it, of going into particulars.

While I am on my feet I wish to ask the Senator from Oregon whether the statement that the railway companies receive less for carrying the mails than for carrying express and passengers includes their percentage of the profits of the express business?

Mr. BOURNE. In their method of presentation and statements, I will say yes.

As I say, the joint committee have come to no conclusions whatever. They are studying the problem now. I simply stated my own personal opinion about it—that the problem can be solved and clearly demonstrated, and the American people informed as to the actual facts, which I know the Senator will agree with me in saying is highly desirable.

Mr. THOMAS. The Senator, of course, is well acquainted and thoroughly familiar with all of these details. I know none of them; but for information I should like to inquire further whether the Senator has any knowledge as to the percentage of profits paid to the railroad companies out of the profits of the express companies?

Mr. BOURNE. I can not answer that question, Mr. President. That matter has been under consideration by the Interstate Commerce Commission for a period of over three years. They came to their conclusions in reference to rates for the express companies, and made suggestions, but the recommended rates have not yet gone into effect. The matter is in process of determination. But I should like to say to the Senator, answering the inquiry to the Senator from Arizona in reference to the increase, that the increase made by the committee is some $7,000,000 less than the increase asked by the department. If the department is right in its opinion, there will be a deficit under the railway-mail pay of a number of million dollars next year, and the matter will come up before the Appropriations Committee for a deficiency appropriation.

The Senator will remember that on the 1st of January, fourth-class mail matter was extended by the parcel-post legislation.

Mr. THOMAS. I will say now that I think the country owes a great deal to the distinguished Senator from Oregon for that very efficient legislation.

Mr. BOURNE. The department believes that the appropriation for railway-mail pay should be increased $9,000,000 because of the increased weight the transportation companies will have to carry on account of the increased business in fourth-class mail matter, due to what is known as the parcel-post legislation. I figure that probably there will be a million and a half dollars of increased compensation on account of the increase in weight.

In other words, my estimate as to the increase of fourth-class mail matter resulting from the parcel-post legislation does not agree with the department's estimate. They estimate $9,000,000 and I estimate about a million and a half dollars. We have increased the appropriation here two and a half million dollars over the House provision, $500,000 of which is to provide for the special weighing, which I am sure the Senator from Arizona will agree is just and right and something to which the transportation companies are entitled, in view of the fact that Congress put upon them an increased burden going into operation the 1st of January. Certainly it is the duty of Congress to reach an early determination as to what that burden is, and give reasonable compensation for the increased burden put by Congress upon the transportation companies of the country.

The special weighing is provided for the 1st of September. Under the provision as recommended, if agreed to by Congress, the railroads will receive no compensation whatever from the 1st of January to the 1st of September for the increased amount of fourth-class mail matter. From the 1st of September on, however, they will receive compensation, in accordance with the present laws and methods of adjustment, upon the weight ascertained in the special weighing provided for in the recommendation of the committee.

Mr. SMITH of Georgia. Mr. President, I think it is due to the incoming administration that the estimate of the department of the increased expense which this provision on page 21 will place upon the Post Office Department should be fully presented.

The estimate of the department is that with the appropriation now provided in the bill, in view of this paragraph, if it is adopted, there will be a deficit of $8,018,000. That is made up in this way: First, an estimated increase in compensation, on account of increase in weight of regular mails since last weighing in the contract sections, of $3,861,000.

The mail contracts run over a period of years after each weighing. The price paid contemplates covering the increase of mail matter. It is more at first than it otherwise would be, because with the lapse of time and the growth of the mails it is supposed that more mail matter will be carried by the end of the contract than was carried at the time of the weighing. For us now to reweigh, in the opinion of the department, will cause an increase of $3,861,000 in the price of our existing contracts.

The department also estimates that there will be an increase by reason of the parcel post of $4,011,000, an estimated cost of 35 days' weighing and tabulation of $500,000, and an estimated increase in compensation by reason of the return of "blue-tag" mail to the regular mail trains of $1,485,000, making a total of $9,857,000. The increase provided by the Senate amendment is $1,839,000, leaving, therefore, according to the estimate of the department, a deficit of $8,018,000 if this provision becomes a law.

I have no fixed conviction with reference to the prices which we pay the railroads for carrying the mails. I do not know whether or not they are excessive. I have not had an opportunity to make such an investigation as would justify a conclusion. I have entertained the popular impression that we were paying excessive prices, but impressions, of course, are not reliable. I trust we shall obtain from the commission which has been provided for, and which is in existence, that accurate knowledge which will justify us either in demanding a reduction of the charges or else in going to the public and saying that they are mistaken and that the charges are just. If they are excessive, we ought to reduce them. If they are just, the popular impression that they are excessive should be removed.

I sympathize somewhat with the suggestion of the Senator from Arizona [Mr. ASHURST] that it is not best in this bill to name the time when this weighing is to take place. It seems to me we could very well leave that to the department. For that reason, if we should strike out, in the third line, the words "and directed," and also, in the fourth and fifth lines, "beginning September 1, 1913," and leave it to read:

The Postmaster General is authorized to weigh the mails on railroad routes for not less than 30 successive working days—

We would leave some discretion in the department as to when this weighing should take place, and I think it would improve our amendment.

Mr. BOURNE. I am perfectly willing to accept the suggestion of the Senator.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Georgia to the amendment of the committee will be stated.

Mr. SMITH of Georgia. My amendment is, in line 3, to strike out the two words "and directed," and in lines 4 and 5 to strike out the words "beginning"——

Mr. BOURNE. Oh, I did not understand the Senator to say he wished to strike out the words "and directed."

Mr. SMITH of Georgia. That would leave him authorized to do it.

Mr. BOURNE. I think he should be directed to do it. I think it is the duty of Congress, and I do not think we have any right, or that it is desirable, for us to leave to the head of a department a matter that is purely and admittedly a function of Congress.

Mr. SMITH of Georgia. Then, first, I will offer the amendment to strike out, in lines 4 and 5, the words "beginning September 1, 1913."

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from Georgia.

The SECRETARY. In the committee amendment, on page 21, lines 4 and 5, it is proposed to strike out the words "beginning September 1, 1913."

The amendment to the amendment was agreed to.

Mr. BOURNE. Will not that leave it imperfect? Would it not be necessary to insert some substitute for the language stricken out?

Mr. SMITH of Georgia. No; it would leave it directing the department to weigh the mails and would leave the time when they were to be weighed still to be fixed by the department.

Mr. BOURNE. Should we not say that it shall be done in the fall? In other words, Congress and not the department has put upon the transportation companies this burden in the way of increased weight, due to increased mail matter.

Mr. SMITH of Georgia. How would it do to say "within the next 12 months"?

Mr. BOURNE. I think it should be done in the fall.

The PRESIDENT pro tempore. The question is upon the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 22, line 2, before the word "each," to strike out "$3,000" and insert "$3,500"; in line 3, before the word "each," to strike out "$2,200" and insert "$2,500"; in line 4, before the word "each," to strike out "$2,000" and insert "$2,500"; in line 6, before the word "clerks," to strike out "three hundred and twelve" and insert "thirty-two"; in line 8, before the word "clerks," to strike out "one thousand three hundred and sixty-six" and insert "three hundred and four"; in line 10, before the word "clerks," to strike out "three hundred and two" and insert "one thousand five hundred and twenty-seven"; in line 12, before the word "clerks," to strike out "two thousand nine hundred and thirty-four" and insert "one thousand one hundred and sixty-eight"; in line 14, before the word "clerks," to strike out "two thousand three hundred and eighteen" and insert "four thousand two hundred and one"; in line 20, before the word "hundred," to strike out "six" and insert "eight"; in line 21, before the word "hundred," to strike out "seven" and insert "nine"; in line 22, after the words "in all," to strike out "$24,826,000", and insert "$24,755,850"; and the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum"; on page 23, line 2, after the word "clerks," to insert "and make necessary appointments and promotions," and in line 6, after the word "exceeded," to insert "*Provided further*, That hereafter the Postmaster Gen-

eral may, in his discretion, under such regulations as he may provide, allow any railway postal clerk who is not entitled to annual leave under other provision of law leave of absence with pay for a period not exceeding 30 days, with the understanding that his duties will be performed without expense to the Government during the period for which leave is granted, he to provide a substitute at his own expense," so as to make the clause read:

Railway Mail Service: For 15 division superintendents, at $3,500 each; 4 assistant superintendents, at $2,500 each; 15 assistant division superintendents, at $2,500 each; 112 chief clerks, at not exceeding $2,000 each; 32 clerks, grade 10, at not exceeding $1,800 each; 304 clerks, grade 9, at not exceeding $1,700 each; 1,527 clerks, grade 8, at not exceeding $1,600 each; 1,168 clerks, grade 7, at not exceeding $1,500 each; 4,201 clerks, grade 6, at not exceeding $1,400 each; 5,292 clerks, grade 5, at not exceeding $1,300 each; 3,656 clerks, grade 4, at not exceeding $1,200 each; 405 clerks, grade 3, at not exceeding $1,100 each; 1,895 clerks, grade 2, at not exceeding $1,000 each; 1,950 clerks, grade 1, at not exceeding $900 each; in all, $24,755,850; and the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum; and, to enable the Postmaster General to reclassify the salaries of railway postal clerks and make necessary appointments and promotions, he may exceed the number of clerks in such of the grades as may be necessary: *Provided*, That the number of clerks in the aggregate as herein authorized be not exceeded: *Provided further*, That hereafter the Postmaster General may, in his discretion, under such regulations as he may provide, allow any railway postal clerk who is not entitled to annual leave under other provision of law leave of absence with pay for a period not exceeding 30 days, with the understanding that his duties will be performed without expense to the Government during the period for which leave is granted, he to provide a substitute at his own expense.

The amendment was agreed to.

The next amendment was on page 24, after line 13, to strike out:

For rent, light, fuel, telegraph, miscellaneous and office expenses, schedules of mail trains, telephone service, and badges for railway postal clerks, $80,000, including rental of offices for division headquarters, and chief clerk Railway Mail Service, in Washington, D. C.

The amendment was agreed to.

The next amendment was, on page 24, after line 18, to insert:

For rent, light, fuel, telegraph, miscellaneous and office expenses, schedules of mail trains, telephone service, badges for railway postal clerks, including rental of offices for division headquarters, and chief clerks, Railway Mail Service, in Washington, D. C., and rental of space in railroad stations or elsewhere for terminal railway post offices for distribution of mails when the furnishing of space for such distribution can not under the postal laws and regulations properly be required of railroad companies without additional compensation, and for rental of railway post-office cars placed at railroad stations and used as terminal railway post offices when the cars are needed for such purpose 12 or more consecutive hours, $280,000, of which $50,000 shall be immediately available: *Provided*, That the Postmaster General may hereafter make leases for terminal railway post offices other than in railway post-office cars for terms not exceeding 10 years.

The amendment was agreed to.

The next amendment was, on page 25, line 11, after the word "allowance," to insert "covering actual expenses"; in line 14, after the word "headquarters," to strike out "at a rate to be fixed by the Postmaster General"; in line 15, after the word "exceed," to strike out "$3" and insert "$4"; in the same line, after the words "per day," to insert "$5,108"; and in line 17, after the words "in all," to strike out "$4,531" and insert "$5,808," so as to make the clause read:

For per diem allowance covering actual expenses of four assistant superintendents while actually traveling on official business away from their home, their official domicile, and their headquarters, not to exceed $4 per day, $5,108, and for their necessary official expenses not covered by their per diem allowance, not exceeding $700; in all, $5,808.

The amendment was agreed to.

The next amendment was, on page 25, line 18, after the words "cable cars," to strike out "$800,000" and insert "$847,400," so as to read:

For inland transportation of mail by electric and cable cars, $847,400.

The amendment was agreed to.

The next amendment was, on page 26, line 19, before the word "service," to strike out "seaboard" and insert "seapost"; in the same line before the word "steamships," to strike out "of" and insert "on"; in line 22, after the word "piers," to strike out "and"; in line 24, after the word "for," to strike out "transporting" and insert "transferring"; in the same line, after the word "foreign," to strike out "mails" and insert "mail"; and, on page 27, line 3, before the word "acting," to insert "hereafter," so as to make the clause read:

For transportation of foreign mails, $3,900,000: *Provided*, That the Postmaster General shall be authorized to expend such sums as may be necessary, not exceeding $112,800, to cover the cost to the United States of maintaining sea-post service on steamships conveying the mails, and not exceeding $88,100 for transferring the foreign mail from incoming steamships in New York Bay to the steamship and railway piers, for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers, and for transferring the foreign mail from incoming steamships at Honolulu from quarantine to the piers; also for transferring the mail from steamships performing service under contract for transporting United States mail: *Provided*, That hereafter acting clerks may be employed in place of clerks or substitutes injured while on duty who shall be granted leave of absence with full pay during the period of disability, but not exceeding one year, then at the rate of 50 per cent of the clerk's annual salary for the period of disability exceeding one year but not exceeding 12 months additional, and that the Postmaster General may pay the sum of $2,000, which shall be exempt from payment of debts of the deceased, to the legal representative of any sea-post clerk or substitute sea-post clerk who shall be killed while on duty, or who, being injured while on duty, shall die within one year thereafter as the result of such injury.

The amendment was agreed to.

The next amendment was under the subhead "Office of the Third Assistant Postmaster General," on page 27, line 23, after the word "stamps," to strike out "$800,000" and insert "$822,000," so as to make the clause read:

For manufacture of adhesive postage stamps, special-delivery stamps, books of stamps, and for coiling of stamps, $822,000.

The amendment was agreed to.

The next amendment was, on page 28, line 2, after the word "wrappers," to strike out "$1,500,000" and insert "$1,664,000," so as to make the clause read:

For the manufacture of stamped envelopes and newspaper wrappers, $1,664,000.

The amendment was agreed to.

The next amendment was, on page 28, line 4, before the word "envelopes," to insert "and official," so as to make the clause read:

For pay of agent and assistants to examine and distribute stamped and official envelopes and newspaper wrappers, and expenses of agency at Dayton, Ohio, $22,800.

The amendment was agreed to.

The next amendment was, on page 28, line 6, after the words "postal cards," to strike out "$300,000" and insert "$335,000," so as to make the clause read:

For manufacture of postal cards, $335,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 7, to strike out:

For payment of limited indemnity for the loss of pieces of domestic registered matter, first, third, and fourth classes, $60,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 10, to strike out:

For payment of limited indemnity for the loss of registered articles in the international mails, in accordance with convention stipulations, $20,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 13, to insert:

For payment of limited indemnity for the loss of registered and insured mail, domestic and international, the payment of international indemnity to be made in accordance with convention stipulations, $100,000: *Provided*, That all unexpended balances to the credit of existing appropriations for indemnity for lost registered mail, either domestic or international, irrespective of the fiscal years for which such appropriations were made, together with all moneys in the hands of officers and agents of the Post Office Department, and all moneys which shall hereafter be recovered, collected, or received from any source whatever on account of lost registered and insured mail, either foreign or domestic, shall be deposited in the Treasury of the United States to the credit of the service of the Post Office Department, to constitute a continuous reimbursable appropriation, to be denominated "indemnity for lost registered and insured mail." All appropriations for the payment of indemnity for the loss of registered and insured mail, either foreign or domestic, and all moneys deposited as herein provided, shall be available until expended, without regard to fiscal years, for payment of indemnity for lost registered and insured mail, either foreign or domestic, and for the reimbursement to the owners of moneys collected in excess of the amount of indemnity or insurance provided, and to which they are entitled.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Fourth Assistant Postmaster General," on page 30, line 3, after the words "registry system," to strike out "$4,500" and insert "$6,500," so as to make the clause read:

For blanks, books, and printed matter of urgent or special character, including the preparation, publication, and free distribution by postmasters to the public of a pamphlet containing general postal information, intaglio seals, and other miscellaneous items of immediate necessity for the registry system, $6,500.

The amendment was agreed to.

The next amendment was, on page 30, line 24, before the word "miscellaneous," to insert "of," so as to make the clause read:

For the purchase, exchange, and repair of typewriting machines, envelope-opening machines, computing machines, copying presses, numbering machines, and of miscellaneous articles purchased and furnished directly to the postal service, $80,000.

The amendment was agreed to.

The next amendment was, on page 31, line 5, before the word "furniture," to strike out "and," and, in the same line, after the word "furniture," to insert "and map supplies," so as to make the clause read:

Supplies for the Rural Delivery Service, including collection boxes, furniture, satchels, straps, map supplies, repairing satchels, furniture and map supplies, repairing, erecting, and painting collection boxes in the Rural Delivery Service, $50,000.

The amendment was agreed to.

The next amendment was, on page 31, line 10, before the word "laborers," to strike out "three" and insert "six," and, in line 11, after the word "therewith," to strike out "$120,000" and insert "$135,000," so as to make the clause read:

To defray expenses incident to the shipment of supplies, including hardware, boxing, packing, cartage, freight, and the pay of 1 carpenter and 6 laborers for assignment in connection therewith, $135,000.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. PENROSE. Mr. President, I desire to offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 32, the last page in the bill, after line 6, it is proposed to insert:

That after the passage of this act employees in the postal service who have become incapacitated through superannuation shall be granted an indefinite leave of absence under the following conditions: *Provided*, That an employee in the postal service who has served for a period of 25 years or more can be recommended by the postmaster of the city in which he is employed for indefinite leave of absence to the Postmaster General under the following conditions: An employee who has become incapacitated from performing his duties through superannuation shall appear before a board of examiners appointed by the Postmaster General, who shall serve without compensation with the exception of a physician, who must examine the applicant and make minute inquiry into his physical and mental condition, and make a report of their findings to the Postmaster General. If the application for indefinite leave of absence is recommended by the board of examiners and approved by the Postmaster General, the applicant shall be granted an extended leave of absence, together with an allowance of $600 per annum. This allowance shall be divided pro rata into equal daily installments and shall be payable monthly. If it is found necessary to employ a substitute to fill the place of the employee who has been granted an extended leave of absence, said substitute shall be paid at the rate of $600 per annum: *Provided, however*, That this will in no way interfere with the substitute's promotion provided a vacancy in the regular force occurs and said substitute is in line of promotion by virtue of his standing on the substitute list: *Provided further*, That the Postmaster General can order an employee who is on an extended leave of absence to report for duty at the office in which he was last employed during seasons of the year when the mail is extraordinarily heavy and the services of the employee could be utilized to good advantage: *Provided further*, That in the event of an employee being required to perform duty during such emergency periods he shall not receive any extra compensation for such service other than the allowance granted him while on an extended leave of absence.

Mr. PENROSE. Mr. President, I particularly call the attention of the chairman of the Committee on Post Offices and Post Roads to this amendment. There has been for many years in both branches of Congress considerable discussion relative to the pensioning and retirement of postal employees. The proposition which I have embodied in this amendment is the most conservative of any of the propositions partaking of the character of a pension system. It is, however, not really a pension proposition. It relates entirely to superannuated employees. In my opinion, after a careful investigation, it would not practically cost the Government of the United States any additional expense, while, on the other hand, the gain in efficiency would be immeasurably great.

This amendment, which is known as the indefinite leave-of-absence plan, will, if enacted into law, insure a greater degree of efficiency among the employees in the postal service. It will provide for the retirement of employees who have devoted their whole lives to the postal service and have arrived at an age where they can no longer keep up the pace that is necessary to maintain the service at a high standard.

Employees will not be eligible to the benefits of this provision until they have served for a period of 25 years or more, and they must be recommended for an indefinite leave of absence by the local postmaster to the Postmaster General. The Postmaster General is to judge as to whether the application should receive consideration, and if he approves of it he refers the application to a board of examiners, one of whom shall be a competent physician. The applicant must appear before this board and be examined as to his physical and mental condition, and the report of their findings to the Postmaster General must be made.

It is a well-known fact that there are a number of civil-service employees who are so incapacitated by reason of infirmities that they can no longer render efficient service, but the chiefs of divisions and postmasters, realizing that these employees would be thrown on the charity of the world if they were dismissed from the service, have not the heart or the desire to remove them. In such instances it would not be necessary to employ a substitute to fill the places of these employees, and in cases where no substitute would be assigned the Government would be the gainer financially.

The expense of putting this system into effect would not be great, for the reason that these employees in the postal service are as a rule men who are drawing salaries of $1,100 or $1,200 per annum. The employees who are so incapacitated that they would be granted indefinite leaves of absence under this provision would be allowed $600 per annum, and substitutes assigned to take their places would be paid at the same rate as is now allowed for vacation work.

This amendment only applies to employees who have been in the service since 1889, as none of the employees who have entered the service since that date can come under its provisions until they have served at least 25 years. The report of the Post Office Department for 1889, page 332, shows that on June 30, 1888, there were 5,094 employees in the Railway Mail Service, and page 89 discloses the fact that there were 6,346 letter carriers in the City Delivery Service, and it is estimated that there were about 7,000 clerks in first and second class post offices. Bulletin No. 94, published by the Census Bureau, showing the status of employees in the civil service of the United States, 1907, contains the information, on page 51, that 10.1 per cent of the railway mail clerks have served for a period ranging from 20 to 29 years; that 8.8 per cent of the letter carriers and 5.4 per cent of the post-office clerks have served a like period. Thus it will be seen that but 515 railway mail clerks, 558 letter carriers, and 378 post-office clerks, or a total of 1,451 postal employees, could possibly come under the benefits of this provision.

The Rural Delivery Service was established in 1896, so that the employees of this service will not be entitled to the benefit of this provision for another eight years.

It is further provided in this amendment that the Postmaster General can order these employees to report for duty in the offices in which they were last employed during the seasons of the year when the mail is extraordinarily heavy, and the services of these men can be used to good advantage. In the event of their being requested to perform service, they shall not be granted any extra compensation other than the allowance granted them while on an extended leave of absence. It is a reasonable provision; it can be put into practical effect with very little expenditure of money and it will relieve the service of the deadwood and raise the standard of efficiency among the employees by injecting young and vigorous blood in the places of the worn-out men.

On January 2, 1913, I introduced a bill—S. 7887—to provide for the retirement of all employees in the classified civil service. This bill was introduced after mature deliberation and considerable study. All the big corporations of the country are pensioning their old and faithful employees and the entire expense is borne by the corporations themselves. A very able paper has been written on this question by Andrew W. McKee, which was delivered before the Committee on Reform in the Civil Service, House of Representatives, January 17, 1912. In this paper Mr. McKee takes occasion to draw the attention of the committee to the fact that the following corporations and municipalities have retirement plans for the benefit of their employees:

TEACHERS, FIREMEN, AND POLICE PENSION FUNDS WITHOUT CONTRIBUTION FROM SALARIES.

TEACHERS.

Maryland: Teachers' retirement list. State board of education. Annapolis. Entire State.
Massachusetts: Boston, permanent pension fund.
Nebraska: Omaha.
New Jersey: Entire State.
New York: Retirement fund for the College of the City of New York.
Pennsylvania: Philadelphia, Elkin fund.
Rhode Island: Entire State.
South Carolina: Charleston.

FIREMEN.

California: Oakland and San Francisco.
Connecticut: New Britain and New Haven.
Georgia: Savannah.
Maryland: Baltimore.
Massachusetts: Boston, Cambridge, Holyoke, Lowell, Springfield.
Michigan: Detroit, Grand Rapids, Jackson.
Nebraska: Omaha.
New York: Albany, Buffalo, Elmira, New York.
Ohio: Canton, Columbus, Springfield, Toledo, Youngstown.
Pennsylvania: Pittsburgh.
South Carolina: Charleston.

POLICEMEN.

Connecticut: Hartford, New Britain, Waterbury.
Florida: Jacksonville.
Georgia: Augusta, Savannah.
Louisiana: New Orleans.
Maine: Portland.
Massachusetts: Boston, Cambridge, Fall River, Holyoke, Lowell, Lynn, Somerville, Springfield.
Michigan: Grand Rapids, Jackson, Saginaw.
Minnesota: Duluth.
New Jersey: Bayonne, Hoboken.
New York: Buffalo, Elmira.
Ohio: Akron, Columbus, Springfield, Youngstown.
South Carolina: Charleston.
Retirement under above fund are in the majority, after 20 years' service and over, upon half pay, with disability provision.

COMMERCIAL CORPORATIONS HAVING PENSION FUNDS WITHOUT CONTRIBUTIONS FROM SALARIES OF EMPLOYEES.

American Telephone & Telegraph Co.: Employees, 120,311. Retired at 60 years of age, with 20 or more years of service, continuously, upon

1 per cent of salary during the 10 years preceding retirement. Disability provision for 10 years or more of continuous service.

American Sugar Refining Co.: Employees, 7,500. Retired at 60 to 70 years of age, with 20 or more years of service, upon 1 per cent of salary during the 10 years preceding retirement. One reason for deciding against the type of plan which requires contribution from employees was the high cost of living, which would make any tax on salaries a hardship. Statement of the directors.

Carnegie Foundation: Grants pensions to teachers of universities, colleges, and technical schools, $15,000,00 having been provided. Average retirement allowance, $1,628.41. Maximum allowance, $4,000.

Consolidated Gas Co., New York: Retirement after 35 years service upon 1 per cent of salary during the 5 years preceding retirement.

International Harvester Co.: Employees, 33,000. Retired at 50 years of age for women and 65 years for men, with 20 years or more of service upon 1 per cent of salary during the 10 years preceding retirement.

Mr. George W. Perkins, the supervisory head of the concern, over his own signature, makes the following statement:

"The Harvester Co. does not do this out of pure philanthropy. It had no intentions of passing around a hat full of money that employees might help themselves. It went into it in a purely business spirit, believing that the plan would so knit its vast organization together, would so stimulate individual initiative, would so strengthen and develop the esprit de corps of the organization as to make it possible for the company to increase its business and its earnings, and with the spirit of being willing to share this increased success with its employees. So far the company has every reason to congratulate itself on the result. In all parts of the company's business, at home and abroad, in the office force, in the factories, in the sales department—everywhere—the average interest of the individual in the business is greater than formerly. The employees throughout the organization are vying with one another more and more to improve their respective branches of the business. This means profits for the stockholder; in short, means cooperation that is real, and therefore beneficial to one and all."

National Electric Light Association: Employees, 600,000.

AN INADEQUATE TERM.

By unanimous vote the term "pension," as being inadequate or subject to wrong interpretation, has been eliminated. We recommend as a substitute "service annuity." Our opinion is that the latter is to be paid as a form of compensation for a definite service that can not be rightly included within ordinary wages. It is compensation for continuous service over a period of several years and is to be paid upon carefully prearranged and understood conditions.

That the entire cost of service annuities should be contributed by the company as part of the annual cost of labor.

That this is to be the compensation to which the employee is entitled, in addition to his wages, for rendering continuous and satisfactory service throughout his term of employment.

That any employee having a minimum record of 10 years of continuous and satisfactory service, and who in the opinion of the company has become unfitted for duty, may be retired at any age and given a service annuity; that any such employee may make application for retirement or that the recommendation may be made by his employing officer.

The suggested basis of service annuities is from 1 to 2 per cent of the yearly wages, as may be adopted by the company, for each year of continuous service, based upon the employee's wages during the highest 10 consecutive years of employment.

Provident Loan Society, of New York: The rules are now being formulated, the directors reporting that the minimum pension granted will be 1 per cent of the maximum salary received for each year of service. That pension payments made in any year be charged as of the operating expenses of that year.

Public Service Corporation of New Jersey: Employees, 11,000. Retired age, 60 to 70 years, upon 1 per cent of salary for 10 years preceding retirement.

Standard Oil Co. and Yale University: Pension system under jurisdiction of board of trustees.

United States Steel and Carnegie Pension Fund: Employees, 225,000. Retired age, 60 years for men and 50 years for women, with 20 years or more of service, upon 1 per cent of salary for the 10 years preceding retirement. Disability provision for single men, 35 per cent of present salary; married men, 50 per cent.

RAILROADS.

Railroads having pension systems without contributions from salaries of employees:

Atchison, Topeka & Santa Fe Railway.
Atlantic Coast Line Railroad.
Baltimore & Ohio Railroad.
Bessemer & Lake Erie Railroad.
Brooklyn Rapid Transit Railroad Co.
Buffalo, Rochester & Pittsburgh Railway.
Chicago & North Western Railway.
Chicago, Rock Island & Pacific Railway.
Chicago, St. Paul, Minneapolis & Omaha Railway.
Cleveland, Cincinnati, Chicago & St. Louis Railway.
Cleveland Valley & Terminal Railroad.
Delaware, Lackawanna & Western Railroad.
Illinois Central Railroad.
Lake Shore & Michigan Southern Railway.
Michigan Central Railroad.
Newburg Railway Co.
New York Central & Hudson River Railroad.
New York, New Haven & Hartford Railroad.
New York Railways Co.
Oregon Railroad & Navigation.
Oregon Short Line Railroad.
Pennsylvania Railroad, lines east of Pittsburgh.
Pennsylvania lines, west of Pittsburgh.
Philadelphia & Reading Railway.
Southern Pacific.
Union Pacific Railroad.
Washington (D. C.) Street Railway Co.

The pension allowances granted to the employees of the above-named roads are from 1 to 2 per cent of the average salary for the 10 years preceding retirement.

The permanent disabled employees are retired from 10 years' service and thereafter.

The age of retirement is from 60 to 70 years. Compulsory retirement at age of 70.

There are over 800,000 employees in service upon the roads granting civil or straight pensions, which is more than three times the number of civil-service employees in the Federal Government.

The total number of railroad employees in 1909 was 1,436,275, their average daily salary was $3.24.

The total number in 1910 was 1,699,420, and their average daily salary was $3.29.

These figures effectually disprove the statement made in some quarters that the establishment of a straight pension is a disbarment of an increase of salary. The Pennsylvania Railroad has increased the salaries of their employees during the past 10 years 26 per cent, and they have been the heaviest contributors to straight pension, having paid since 1900, $5,512,529.57."

This very interesting information, if authentic, should satisfy the most skeptical that the system adopted by these corporations must be a good business proposition or it would not have been made part of the policy of these institutions and charged, as it is, to their regular running expenses. In the February, 1912, Postal Record appears a copy of an address delivered before the American Civic League, in Washington, by Mr. Miles M. Dawson, a consulting actuary. In this address Mr. Dawson is quoted as saying:

There are now before Congress several bills to provide for the superannuation of civil-service employees. The bill which has been most favored provides for requiring the employees to contribute out of their salaries to a fund estimated by actuaries to be sufficient to purchase certain annuities upon arriving at certain ages, their contributions to be treated in the meantime as a mere savings account withdrawable if the contributor retires from the service without coming into receipt of the annuity.

In commenting on this plan, Mr. Dawson states that he wrote to Mr. Henry William Manly, the greatest expert in Europe upon the subject of pension laws and an actuary of international standing, an author of the most important technical works upon this topic, asking if he favored the contributory bill. The reason Mr. Dawson wrote Mr. Manly was that Mr. Manly had been quoted in a public document as in favor of it. In replying to this communication Mr. Manly is quoted in the following words:

You state that I have been quoted in favor of a compulsory savings-bank plan.

I have had a very large practice in pension-fund finances, have been consulted by the British Government, municipal corporations, many of the great railway companies and banks, as well as large commercial firms, and have written largely on the subject, but I can not understand how any words of mine could be construed as being favorable to the savings-bank principle. I consider it to be the worst scheme ever proposed.

All through the paper of Mr. Dawson appear convincing arguments in favor of retirement plans that are supported without expense to the employees.

In a communication from Mr. Henry William Manly to Mr. George T. Morgan, of Philadelphia, printed in the April, 1912, Postal Record, page 83, Mr. Manly sums up his conclusions of the whole question of retirement as follows:

1. That the straight-out pension attracts the services of the best men, secures contentment, efficiency, loyalty, and a steady flow of promotion, and is the most economical for the employer.

2. That the next best plan is for the employer and employees to contribute equally to a pension fund, because then efficiency is secured by superannuating the old and inefficient, thus providing for the promotion of the best men and for the introduction of young and vigorous men.

3. That a pension fund to which the employees alone contribute is better than nothing; but the service does not attract the higher-grade man; it breeds discontent and keeps the staff inefficient, and all that can be said for it is that it provides for the superannuation of those men who remain in the service long enough to qualify for it. From a monetary point of view it is more expensive than a service without any pension at all.

4. That the compulsory savings-fund scheme is the worst of all. There is nothing attractive whatever about it. If the savings are to be large enough to provide for a pension at 60, they will be so great that the employer must help by increasing the salaries; but the fact that the savings are the property of the employee is a direct incentive for him to leave the service and withdraw them. Thus all but the most inefficient would leave at the first opportunity, and the result would be that the employer would have to pay most of the savings and have a most inefficient staff. This I know from experience, for I have been consulted by large employers of labor who had savings-fund schemes and who found them to work out most unsatisfactorily.

H. W. MANLY.

All the leading foreign Governments have provided retirement plans for their superannuated employees. If these Governments of older and more ripe experience have found it necessary to enact retirement laws to maintain a high standard of efficiency among their civil-service employees, and with all the other evidence before us of like policies being incorporated by the various municipalities and large corporations in our own country doing likewise, I believe that it is time for us to meet this question squarely in the hope of arriving at a proper and satisfactory solution of the problem.

Mr. President, I hope the Senate will give this proposition the consideration which it deserves. It is a humanitarian proposition, and I hope it will be placed in the bill.

Mr. SMITH of Georgia. Mr. President, I desire to make two points upon this proposed amendment. First, it is general legislation which can not be added to an appropriation bill; and, second, it provides for an increased appropriation, which has not been estimated for by the department or presented by the committee.

Mr. BRYAN. Mr. President, it ought not to be surprising to anyone that an amendment of this kind should be offered. The surprise to me is that men in the civil service of the Government, who are so independent as to believe themselves able to earn their own living without asking any favors of the Government under which they live and which protects them, should ask for a pension. Those who can connect themselves either by blood or marriage with anyone who ever enlisted in any war in the United States is already on the pension roll.

The PRESIDENT pro tempore. The Chair will venture to suggest to the Senator from Florida that the Chair is ready to rule on the point of order.

Mr. BRYAN. The Chair has been so kind as to make that suggestion to me the second time quite recently. In connection with the observation of the Senator from Pennsylvania, I want it to appear just exactly what this amendment of his points us to. It points us to a pensioning of the 400,000 civil-service employees of the Government, at an expense of $40,000,000. It points us to the old-age pension bill now pending in Congress, and that idea is borrowed from the war pension list.

Here is a bill introduced by Mr. WILSON of Pennsylvania, the title of which is "to organize an Army Corps, prescribe qualifications for enlistment, define the duties, and fix the compensation and term of enlistment of privates, and for other purposes." They are to be known as the old-age home guard of the United States Army, and anyone who is 65 years of age is a member of the United States Army in the department of the old-age home guard. There is a peculiar provision in one section of it, reading as follows:

Provided, That persons related as husband and wife shall not both be eligible for enlistment, enrollment, and service therein at the same time, and in case of dispute as to whether husband or wife shall be enlisted and enrolled, as herein provided, the question shall be decided by the Secretary of War, by and with the approval of the President.

In other words, you make the President of the United States the arbiter of family quarrels as to which one of them shall be enlisted in the Home Guard of the United States.

Let us see what it is. Section 6 provides:

That no private or applicant for enlistment as private shall be required to leave his or her home for the purpose of enlistment, enrollment, or service in the Old Age Home Guard of the United States Army, nor shall they be required to assemble, drill, or perform any of the other maneuvers nor be subject to any of the regulations of the United States Army, except as herein provided.

Here are the duties they have to perform:

SEC. 7. That privates in the Old Age Home Guard of the United States Army shall be required to report annually, in writing, to the Secretary of War, on blanks furnished by him for the purpose—

What?—

the condition of military and patriotic sentiment in the community where such private lives; but no private shall be discharged, disciplined, or otherwise punished for failure to make such report.

SEC. 8. That the number of persons enlisted in the Old Age Home Guard of the United States Army shall be in addition to the number of officers and privates now required by law in the United States Army.

Senators may say that is not a bill for which any man of reasonable discretion would be asked or expected to vote. Let us see, Mr. President. There are now on the war-pension rolls 400,000 noncombatants, as compared with 500,000, in round numbers, of those who enlisted. It will not be long before the number of noncombatants will exceed the number who enlisted in the war, and it is already true that less than 25 per cent of those who saw actual serivce in the war are now upon the pension roll. Yet you have more pensioners on it and the amount paid for pensions is larger to-day than has ever been the case heretofore in the history of this Republic.

I heard here last night, in the discussion of the pending appropriation bill, men rise and speak in favor of an increased appropriation for clerks in the postal service. We were told we ought not to be content to pay men only $60 a month, and the Senate adopted a requirement that the minimum pay should be $800 a year. Why was the amount raised to $800? Because of the power of organization demanding the increase.

Why have the pensions for wars mounted up from day to day? Because of the organizations behind them, because whenever a bill is introduced they have men always present to urge them, and because the people whom we are supposed also to represent here are always absent and have to depend upon their Representatives to look out for their interests.

If you can not resist the temptation to give whatever is denominated a war pension increase, will you be able to resist the temptation to give civil pensions? They will have an organization; they have it now. The Senator from Pennsylvania says that there are not so many postal employees and the expense would be small. But let us see. If you put the postal employees on, by what process of reasoning in justice and fairness will you deny to the other civil-service employees a like place upon the pension roll?

Then, Mr. President, this bill which I read——

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Kansas?

Mr. BRYAN. Certainly.

Mr. BRISTOW. Let me inquire of the Senator if the civil-service employees are placed on the pension roll why should not all other citizens be placed on the pension roll under the same circumstances?

Mr. BRYAN. Certainly; they ought to be.

Mr. PENROSE. Mr. President, I should like to ask the Senator from Florida a question, if I may. I am curious to know whether the Senator approves of the pension funds for policemen and firemen in our municipalities, the pensions for teachers in our school systems, and the system of pensions which all the great corporations, the railroads and others, are inaugurating for their employees?

Mr. BRYAN. I will be very glad to answer the Senator if in the meantime the Chair does not again suggest to me that he is ready to rule on the question of order. But I hope the Chair will bear himself with patience for just a few minutes and I will undertake to do that.

Mr. PENROSE. I think a little discussion on this proposition by unanimous consent will be very beneficial. I hope it will be permitted to go on.

The PRESIDENT pro tempore. The discussion, it appears to the Chair, ought to be on the point of order, if discussion is to be had. The rule is explicit that a point of order shall be decided without debate, unless submitted to the Senate.

Mr. BRYAN. Will the Senator from Georgia withhold his point of order? I want really to answer the question asked me by the Senator from Pennsylvania.

Mr. SMITH of Georgia. I dislike to be the cause of preventing any Senator from occupying the floor when he wishes to do so, but we have only about three days longer in which to pass the appropriation bills, and I really think, Mr. President, the point of order ought to be passed on and we ought to go on with the pending bill.

Mr. BRYAN. Mr. President, just a moment before the Chair rules. Inasmuch as there will be another opportunity for me to make the speech I started out to make, I will wait until that time comes.

The PRESIDENT pro tempore. The point of order is sustained. The bill is in Committee of the Whole and open to amendment.

Mr. TOWNSEND. The Senator from Colorado [Mr. GUGGENHEIM] has asked me to present for him an amendment, on page 19, line 10, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 19, after line 10, insert:

The Postmaster General is authorized and directed to procure and submit to Congress at the beginning of the next session, at an expenditure not to exceed $5,000, plans, specifications, and estimate of cost of a pneumatic, electric or other underground tube system of connection, for the transmission of letters, messages, documents, etc., between the Capitol, Office Buildings of the Senate and House of Representatives, the Executive Departments, and other Government establishments in the city of Washington.

Mr. BOURNE. I accept the amendment.

Mr. SMITH of Georgia. Does that require the Postmaster General to report by April 1?

Mr. TOWNSEND. December 1, I think is meant.

Mr. SMITH of Georgia. It says "at the beginning of the next session.

Mr. TOWNSEND. I think evidently the 1st of December is meant.

Mr. SMITH of Georgia. My suggestion is that it ought to be modified so as to read "by December 1."

Mr. SWANSON. Mr. President, as I understand, a commission has been appointed to make this investigation, has it not?

Mr. BOURNE. A commission has been appointed.

Mr. SWANSON. As I understand, a commission is now making an investigation into the matter of pneumatic tubes, is it not?

Mr. BOURNE. That is true; but this is to estimate the cost of a connection between the Senate and the House of Representatives in Washington and——

Mr. SMITH, of Georgia. Mr. President, the commission is not charged in any sense with the duty of an investigation of this character. I will say to the Senator that the resolution under which the commission is conducting its work—I am upon that commission—applies solely to the existing lines of pneumatic tubes in certain cities of the United States; as to the advisability of their purchase by the Government; and the price at which the Government can afford to purchase them.

Mr. SWANSON. As I understand, that commission will ascertain and report upon the efficiency, the saving, and the cost of

the pneumatic-tube system. The question of pneumatic tubes has been before Congress and committees of Congress for 20 years. The companies have always got some designs that they wish the Government to adopt. It seems to me that the commission is already empowered to examine the efficiency. They have the system in New York and in other cities to test its saving, its cost, and its value; and it seems to me, under this proposition, we would have two commissions, engaged very much in the same business, at a double cost. I am willing for the existing commission, which is examining the pneumatic-tube system in New York and elsewhere, to be empowered to do this work.

Mr. BRISTOW. If the Senator will yield a moment, I will say that I think this amendment is clearly subject to a point of order. It has not been estimated for and it has not been recommended by a standing committee. So I make the point of order against it.

Mr. SWANSON. I intended to make the point of order unless the power was conferred upon the existing commission. I have no objection to the present commission making this investigation.

Mr. BRISTOW. I insist upon the point of order.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. TOWNSEND. At the suggestion of the Senator from Colorado [Mr. GUGGENHEIM] I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The Senator from Michigan, in behalf of the senior Senator from Colorado [Mr. GUGGENHEIM], offers an amendment, which will be stated.

The SECRETARY. On page 19, after line 10, it is proposed to insert:

And provided further, That the commission authorized to investigate the feasibility and desirability of the Government purchasing and operating the equipment for pneumatic-tube service in the cities in which such service is now installed is hereby directed to include in its report to Congress plans, specifications, and estimate of cost of a pneumatic, electric, or other underground tube system of connection for the transmission of letters, messages, documents, etc., between the Capitol, office buildings of the Senate and House of Representatives, the executive departments, and other Government establishments in the city of Washington.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. BRISTOW. I make the point of order on that amendment.

Mr. LODGE. That amendment, as now drawn, is clearly not subject to a point of order. It carries no appropriation.

The PRESIDENT pro tempore. The amendment carries no appropriation.

Mr. LODGE. And it is not general legislation.

The PRESIDENT pro tempore. It simply defines the duties of a commission. The Chair overrules the point of order.

Mr. BRISTOW. Mr. President, we have a commission that is making this investigation, and I do not see why it is necessary for us to go into the details of construction. This commission should be left with the authority it has to make the investigation and report as it sees proper, it seems to me.

The PRESIDENT pro tempore. The Chair overrules the point of order.

Mr. SMITH of Georgia. I desire to say for the commission that we have no funds to make this investigation with reference to the city of Washington. It would require engineers to study the cost. We will do the best we can if Congress passes the legislation, but I want to put Congress on notice beforehand that we are not engineers and that we would not have the time to do the work even though we were.

Mr. POINDEXTER. Mr. President, I offer the amendment which I send to the desk.

Mr. BRISTOW. What becomes of the other amendment, Mr. President?

The PRESIDENT pro tempore. The point of order made on the amendment is overruled.

Mr. BRISTOW. But what, then, becomes of the amendment?

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The amendment offered by the Senator from Washington [Mr. POINDEXTER] will be stated.

The SECRETARY. It is proposed to amend by striking out, on lines 24 and 25, on page 16, and on lines 1 and 2, on page 17, the words, "That substitute carriers and clerks when assigned to perform the work of regular employees absent on vacations, or when performing auxiliary or temporary work, shall be paid at the rate of 30 cents an hour," and insert in lieu thereof the following:

Provided, That after June 30, 1913, substitute letter carriers and substitute post-office clerks employed in first and second class post offices shall, when working for a carrier or clerk absent without pay, or when assigned to perform the work of regular employees absent on vacations, or when performing auxiliary or temporary work, be paid at the rate of 35 cents an hour.

Mr. SMITH of Georgia. Mr. President, I make the point of order that that amendment involves increases in expenditures and that it has not been estimated for by the department or reported by a committee.

Mr. POINDEXTER. I do not think that objection, Mr. President, is supported by the record. The only substantial change it is proposed to make in the bill is as to the rate of pay, from 30 cents an hour to 35 cents an hour.

Mr. SMITH of Georgia. That is an increase, and no increases can be made from the floor of the Senate, unless estimated for by the department.

Mr. POINDEXTER. Mr. President, the amendment does not propose an increase, but rather a decrease in the total estimate. The appropriation contained in the bill as it passed the other House provided that these substitute letter carriers should be paid at the same rate as the clerks for whom they were substituted, in the lines from 17 to 23 on page 16 of the bill. Those lines were stricken out by the Senate committee, and I understand that the amendment was passed over very largely upon the objection made by the Post Office Department that it would require a complicated and expensive system of bookkeeping to keep the accounts of the men at the various uncertain rates of pay corresponding to that of the different men for whom they were substituted.

Mr. JONES. I want to suggest to my colleague that the amendment reported by the committee on page 16 has not yet been acted upon, and the chairman of the committee has agreed to put in a substitute for what is proposed to be stricken out, giving these substitute letter carriers 30 and 40 cents an hour, covering the first part stricken out, which has not yet been acted upon.

Mr. POINDEXTER. Thirty and forty cents an hour?

Mr. JONES. Yes; giving them 40 cents an hour. It does not cover the provision which my colleague has also included giving them 30 cents an hour, on lines 24 and 25, that seeming to be a separate provision.

Mr. SMITH of Georgia. Mr. President, I desire to withdraw the point of order. I do not think it is well taken. I think the Senator from Washington [Mr. POINDEXTER] is right about it. I did not know that the legislation was still in its present condition. I thought it was an effort to change from 30 cents, but the House provision takes it entirely out of the view that I had suggested. I am, therefore, confident that the amendment is in order. I would not embarrass the Chair to make a ruling on the point of order, and I withdraw it.

The PRESIDENT pro tempore. That feature of the paragraph was passed over and the Senator from Washington has moved the amendment which has been stated.

Mr. JONES. I merely wanted to state to my colleague that if he would allow the amendment of the committee to be adopted with the substitute offered then he may offer his amendment and change from 30 cents to 35 and 40 cents.

Mr. POINDEXTER. I have no objection as to the order in which it is done.

Mr. JONES. It would accomplish just what my colleague desires.

The PRESIDENT pro tempore. Does the Senator from Washington withdraw his amendment for the present?

Mr. POINDEXTER. I withdraw the amendment for the present.

Mr. BOURNE. I offer the amendment drafted by the Senator from Washington, and move the adoption of it. On page 16, after the amount, I move to insert the following:

Provided, That after June 30, 1913, substitute letter carriers in the City Delivery Service and substitute post-office clerks employed in first and second class post offices shall be paid at the rate of 40 cents an hour when working for a carrier or clerk absent without pay.

In order for that to go in, the Senate should agree to the committee amendment, striking out, beginning with the word "*Provided*," in line 18, and going down to the end of line 23, and substituting this in place thereof.

The PRESIDENT pro tempore. The Senator moves to strike out?

Mr. BOURNE. To strike out and insert.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In lieu of the words proposed to be stricken out of the House text insert the following:

Provided, That after June 30, 1913, substitute letter carriers in the City Delivery Service and substitute post-office clerks employed in first and second class post offices shall be paid at the rate of 40 cents an hour when working for a carrier or clerk absent without pay.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. POINDEXTER. I now submit the amendment which I have already sent to the desk.

The PRESIDENT pro tempore. The Senator from Washington submits an amendment, which will be stated.

The SECRETARY. On page 16 it is proposed to strike out lines 24 and 25 on that page down to and including the word "hour," in line 2, page 7, and in lieu thereof to insert:

Provided, That after June 30, 1913, substitute letter carriers and substitute post-office clerks employed in first and second class post offices shall, when working for a carrier or clerk absent without pay or when assigned to perform the work of regular employees absent on vacations, or when performing auxiliary or temporary work, be paid at the rate of 35 cents an hour.

Mr. POINDEXTER. Mr. President, in view of the amendment which has just been adopted on the motion of the chairman of the committee as a substitute for the amendment which I have just offered, I move to amend the bill by striking out the figure "30," in line 2, page 17, and substituting "35."

The PRESIDENT pro tempore. The Senator from Washington withdraws his first amendment?

Mr. POINDEXTER. I withdraw the former amendment and offer this one in its place.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 17, line 2, before the words "cents an hour," it is proposed to strike out "30" and insert "35."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. SMITH of Georgia. I ask that the amendment be again stated.

The Secretary again stated the amendment.

Mr. SMITH of Georgia. That is an increase, I think. I have not the entire text here so that I can examine it, but I think that is an increase not estimated for and not recommended by the committee.

Mr. POINDEXTER. That is estimated for. The bill as it is now framed provides for the service which is estimated for by the department. I should like to say, in explanation of the amendment——

Mr. SMITH of Georgia. The proposition is to increase the rate from 30 to 35 cents. It is, therefore, an increase, not recommended by the committee and not estimated for by the department, is it not?

Mr. POINDEXTER. I do not know, Mr. President, if there is any rule upon which that point of order can be made. Certainly, the Senate has a right to increase the recommendation of the committee and also to increase the amounts estimated by the department.

SEVERAL SENATORS. Oh, no.

Mr. SMITH of Georgia. The rule, Mr. President, as the Presiding Officer well understands, is intended to prevent that very course. Increases to be considered must be offered formally to the committee and be considered there. It is to prevent the individual suggestion of an increase to a bill that the rule has been framed.

Mr. POINDEXTER. Mr. President——

Mr. LODGE. The rule is, if I may be pardoned a moment, that—

no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation * * * unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

Mr. OLIVER. Mr. President, did I understand the Senator from Georgia to make a point of order against the amendment?

The PRESIDENT pro tempore. The Chair did not understand the Senator from Georgia to make a point of order.

Mr. SMITH of Georgia. I made the point of order on the proposed amendment.

Mr. OLIVER. I make the point of order, and I am constrained to do so because of the way in which time is going by. I understand the point of order is not debatable.

The PRESIDENT pro tempore. It is not debatable; and the Chair will rule that the point of order is well taken.

Mr. BOURNE. On behalf of the committee I offer the amendment, which I send to the desk.

The PRESIDENT pro tempore. The Senator from Oregon offers an amendment, which will be stated.

The SECRETARY. On page 32, line 3, after the word "substations," it is proposed to insert:

Provided, That the appropriation of $500,000 made in the Post Office appropriation act approved August 24, 1912, for the improvement of highways, is hereby continued as to any unexpended balance thereof, subject to the conditions of the original appropriation.

Mr. BOURNE. I offer that amendment at the suggestion of the Postmaster General, who thinks there might be some question in reference to the appropriation of $500,000 for experimentation in road building, which was made in the last Post Office appropriation bill; and, as he has been in correspondence with the Secretary of Agriculture and with a number of governors of the States, if any question should arise in reference to the availability of that appropriation, it might create decided embarrassment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PUBLIC BUILDINGS BILL.

Mr. SUTHERLAND. I move that the Senate proceed to the consideration of House bill 28766, the public buildings bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28766) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes, which had been reported from the Committee on Public Buildings and Grounds with amendments.

Mr. SUTHERLAND. I ask that the formal reading of the bill be dispensed with, and that it be read for amendment, the committee amendments to be first considered.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendment, the committee amendments to be first considered. Is there objection? The Chair hears none.

Mr. KENYON. Mr. President, I rose to ask that the bill be read.

Mr. WARREN. The bill will have to be read now.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Public Buildings and Grounds was, on page 2, after line 14, to insert:

United States post office at Santa Barbara, Cal., $20,000.

The amendment was agreed to.

The next amendment was, on page 2, line 18, after the word "Colorado," to strike out "$10,000" and insert "$25,000," so as to make the clause read:

United States post office at La Junta, Colo., $25,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to insert:

United States post office at Dublin, Ga., $8,000.

The amendment was agreed to.

The next amendment was, on page 3, line 4, after the name "Georgia," to strike out "$6,250" and insert "$30,000," so as to make the clause read:

United States post office at Elberton, Ga., $30,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 7, to insert:

United States post office at Cedartown, Ga., $5,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 10, to insert:

United States post office, courthouse, and customhouse at Honolulu, Hawaii, $450,000: *Provided*, That so much of this sum as may be necessary shall be used for the enlargement of the present site.

The amendment was agreed to.

The next amendment was, on page 3, after line 17, to insert:

United States post office at New Albany, Ind., $38,000.

The amendment was agreed to.

Mr. SUTHERLAND. Mr. President, at that point I desire to offer an amendment which was omitted by the committee.

The PRESIDING OFFICER (Mr. LODGE in the chair). The amendment will be stated.

The SECRETARY. On page 3, after line 19, it is proposed to insert:

United States post office and courthouse at Salina, Kans., $10,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 4, line 1, after the word "Massa-

chusetts," to strike out "$15,000" and insert "$18,000," so as to make the clause read:

United States post office at Milford, Mass., $18,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to insert:

United States post office at Moorhead, Minn., $15,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 10, to insert:

United States post office at Miles City, Mont., $75,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to insert:

United States post office and courthouse at Lincoln, Nebr., $175,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 7, to insert:

That the limit of cost for the extension, alteration, and improvement of the public building in the city of Concord, N. H., contained in an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes, approved June 25, 1910, be, and hereby is, increased from $32,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 17, to insert:

United States post office at Plainfield, N. J., $50,000.

The amendment was agreed to.

The next amendment was, on page 6, line 20, after "$15,000," to insert "*Provided*, That not to exceed $4,000 of said amount may be used, in the discretion of the Secretary of the Treasury, for the acquisition of additional land adjoining the present site," so as to make the clause read:

United States post office at Tarboro, N. C., $15,000: *Provided*, That not to exceed $4,000 of said amount may be used, in the discretion of the Secretary of the Treasury, for the acquisition of additional land adjoining the present site.

The amendment was agreed to.

The next amendment was, on page 7, line 3, after the word "Ohio," to strike out "$45,000" and insert "$100,000," so as to make the clause read.

United States post office at Piqua, Ohio, $100,000.

The amendment was agreed to.

The next amendment was, on page 7, line 5, after the word "Ohio," to strike out "$30,000" and insert "$45,000," so as to make the clause read:

United States post office at Alliance, Ohio, $45,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 8, to insert:

For the enlargement of the site for a post-office building at Ashland, Ohio, $10,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 10, to insert:

For the extension and enlargement of the United States post office and courthouse at Oklahoma City, Okla., or for an additional building, $250,000.

The amendment was agreed to.

The next amendment was, on page 7, line 15, after the word "Oklahoma," to strike out "$114,750" and insert "$215,000," so as to make the clause read:

United States post office and courthouse at Tulsa, Okla., $215,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 15, to insert:

United States post office at Albany, Oreg., $10,000, and the act of Congress approved May 30, 1908, is hereby amended so as to authorize the Secretary of the Treasury to construct said building in such a way as to provide suitable accommodations for the Federal bureaus.

The amendment was agreed to.

The next amendment was, on page 7, after line 21, to insert:

United States post office at The Dalles, Oreg., $24,000.

The amendment was agreed to.

The next amendment was, at the top of page 8, to insert:

United States post office at Corry, Pa., $35,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 4, to insert:

United States post office, courthouse, and customhouse at San Juan, P. R., $32,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 6, to insert:

United States post office at Narragansett Pier, R. I., $30,000.

The amendment was agreed to.

The next amendment was, on page 9, line 3, after the word "reconstruction," to strike out "for a" and insert "to adapt it for use as a United States," so as to make the clause read:

For remodeling and reconstruction, to adapt it for use as a United States courthouse, the building now used for appraisers' stores, $50,000.

The amendment was agreed to.

The next amendment was, on page 9, line 10, before the words "post office," to insert "United States"; and in the same line, after the word "building," to insert "and work incident thereto," so as to make the clause read:

For rearranging and constructing offices in the third story of the United States post office and customhouse building, and work incident thereto, $15,000. The act of Congress approved August 24, 1912, authorizing an expenditure of $8,000 for rented quarters and moving expenses, is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 9, after line 15, to insert:

United States post office at Hillsboro, Tex., $10,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 16, to insert:

For the acquisition, by purchase, condemnation, or otherwise, of additional ground adjoining the post office and courthouse at Sherman, Tex., $5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 10, after line 2, to insert:

United States post office and customhouse at Everett, Wash., $50,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 8, to insert:

That the provisions of the acts of Congress of May 27, 1908, and August 22, 1911, fixing the limit of cost for the new building for the Bureau of Engraving and Printing in Washington, D. C., be, and the same are hereby, amended so as to fix the limit of cost for said new building, including vaults, at $2,880,000, and any unexpended balance of the appropriations for said vaults remaining after their construction is hereby made available for the purpose of said building, but said limit of cost of $2,880,000 shall not be exceeded.

Mr. SMITH of Georgia. Mr. President, I should be glad to have the chairman of the committee explain to us what has already been appropriated for this building, and what increase is carried by this bill.

Mr. SUTHERLAND. Mr. President, the original authorization of this building was for $2,600,000, so that the increase is $280,000. The building is in process of construction, and the increase is absolutely necessary in order that it may be completed in accordance with the bids which are now before the department. The items that will be covered by the $280,000 include the interior finish, for which there is a proposal amounting to $481,344; mechanical equipment, for which there is a proposal amounting to $295,295; elevators, for which there is a proposal for $84,844; additional work, for which no proposals are on hand, estimated at $14,000; and contingencies, $40,000. That makes a total of $915,483. The balance available of the amount originally authorized is $636,319.25, leaving a deficit of $279,163.75. The committee has put in the round figures, $280,000.

Mr. SMITH of Georgia. Did the original act provide that the building should be constructed for the amount appropriated?

Mr. SUTHERLAND. No amount is appropriated at all. Congress passes a bill, as we are now undertaking to pass this bill, authorizing the construction of the building, and fixes a limit of cost. It very often happens that by the time we get around to let contracts for the construction of the building, for various reasons it costs more than was originally estimated. The items that we have thus far read in this bill are all items of that character. The price of labor increases, the price of material increases, contingencies arise that are not foreseen, and therefore it is necessary, in order that the buildings may be completed and may be made available for use, that these increases should be made, or the building abandoned.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, in section 2, page 10, line 22, after the word "rebuilding," to insert "reconstruction," so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the enlargement, extension, remodeling, rebuilding, reconstruction, or improvement of the following-named buildings within the respective limits of cost hereby fixed.

The amendment was agreed to.

The next amendment was, on page 11, line 2, after the word "California," to strike out "$75,000" and insert "$115,000," so as to make the clause read:

United States post office and customhouse at Oakland, Cal., $115,000: *Provided*, That this amount, or so much thereof as may be necessary, shall be used for the acquisition of additional land for the enlargement of the present site.

The amendment was agreed to.

The next amendment was, on page 11, line 7, after the word "Illinois," to strike out "$125,000" and insert "$240,000," so as to make the clause read:

United States post office, courthouse, and other governmental offices at East St. Louis, Ill., $240,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 10, to strike out:

United States post office at New Albany, Ind., $38,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 20, to insert:

United States post office at Hagerstown, Md., $30,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 4, to insert:

United States post office at Moberly, Mo., $35,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 5, to insert:

United States post office at Missoula, Mont., $125,000.

Mr. SUTHERLAND. In line 6, page 12, after the word "post office," I move to insert the words:

Courthouse, and other governmental offices.

I send the amendment to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 12, line 6, in the committee amendment, after the word "post office," it is proposed to insert a comma and the words:

Courthouse, and other governmental offices.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 12, after line 7, to strike out:

United States post office and courthouse at Lincoln, Nebr., $175,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 15, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to acquire, by purchase, condemnation, or otherwise, the remainder of the block in which the post office in the borough of Brooklyn, city of New York, State of New York, is located, at a cost not exceeding $350,000, and any unexpended balance of the appropriation for this enlargement of said site may be used, in the discretion of the Secretary of the Treasury, for the alteration or remodeling and repair of the buildings upon such newly acquired property to adapt such structures, or any of them, for temporary use for the purposes of the Government pending the completion of an extension of the present Federal building.

The PRESIDING OFFICER. The Chair will ask the chairman of the committee if the word "adopt" in line 25 is not a misprint for "adapt"?

Mr. SUTHERLAND. Yes; that should be corrected.

The SECRETARY. It is proposed to strike out the word "adopt" on line 25, page 12, and insert the word "adapt."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 13, after line 6, to strike out:

For the enlargement of the site for a post-office building at Ashland, Ohio, $10,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 8, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and empowered to enlarge the site of the public building belonging to the United States in the city of Newport, R. I., by the acquisition, by purchase, condemnation, or otherwise, of adjoining property within a limit of cost not to exceed $100,000, and upon the present site so enlarged the Secretary is authorized and directed to cause to be erected a suitable new building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use and accommodation of the United States post office, customhouse, United States engineer office, Navy pay office, constructing quartermaster's office, Weather Bureau, Civil Service Commission, and other Government offices, within the limit of cost, including the building and addition to site hereby fixed, of $400,000.

Mr. SMITH of Georgia. Mr. President, I should be glad to have the chairman of the committee explain the size of that appropriation, the size of the place, and the amount of mail handled by it.

Mr. WETMORE. Mr. President, it is proposed by the pending amendment to enlarge the present Federal building site at Newport, R. I., at a cost not exceeding $100,000, and erect on the enlarged site a new building at a limit of cost for building and enlarged site of $400,000. The estimate of the Treasury Department was $450,000. If there are any other questions the Senator would like to ask, I shall be pleased to answer them.

Mr. SMITH of Georgia. How is it that the appropriation seems so much larger than the usual appropriation for a building in a city of 30,000 inhabitants?

Mr. WETMORE. It is less than the amount estimated. The Treasury Department estimated $450,000, and this is $50,000 under the estimate.

Mr. SMITH of Georgia. Of course the estimate would depend upon the character of the finish of the building. My objection to it is that as buildings are erected throughout the country, I do not think a $400,000 investment is usually made for a city of 30,000 population.

Mr. WETMORE. If the Senator will observe the different branches of the Government that are to occupy offices in this building he will see there is an unusually large number—the post office, the customhouse, the Navy pay office, the United States engineer office, the constructing quartermaster's office, the Civil Service Commission, the Weather Bureau, and the Department of Justice.

Mr. SMITH of Georgia. Mr. President, those additional features of service are found in a great many cities. The objection I have is that there ought to be some uniformity in these appropriations in proportion to population and postal receipts. My objection to the present appropriation is that it is so much larger than is usually made for cities of that size or of that amount of postal receipts.

I do not think there is any necessity to make the building more ornate because it is at Newport. Of course I appreciate the fact that there is a very charming class of people going there during the summer; but I can not understand why, for that reason or for any other reason, we should make an exception and appropriate more in proportion at one place than we do at another.

Mr. SUTHERLAND. Mr. President, if the Senator from Rhode Island will yield to me, the amount which should be spent for a Government building in a given place can not always be determined by ascertaining the population. For example, in a town of five or six thousand people, where only a post office is needed, a comparatively small building will suffice, but if a Federal court is held in that town a larger building is necessary. If, in addition to that, it is a port of entry, and a customhouse is maintained there, a still larger building must be provided.

In the case of Newport there is not only a post office which would be found in any town of this size but there is a branch of the Department of Justice and there is a branch of the customs service. This is an exceedingly important point. There is a very large harbor there. In addition to that, the Civil Service Commission must be taken care of. The Agricultural Department must be taken care of there. It has employees at that point. The War Department maintains a station at that point, and so does the Navy Department. When we come to consider that all these officials of the Government are to be housed, it becomes necessary to appropriate a larger sum of money than a mere post office would require.

Mr. SMITH of Georgia. Will the Senator tell us what floor space is occupied by these Government officials now? Is it the floor space or the character of the building that is being erected that causes the difference?

Mr. WETMORE. I think the present building has about 20,000 square feet of space on all floors, and the requirements are for about twice that amount. The building, of course, would be a substantial structure; but as to being an ornate structure, I should be the last person in the world to urge anything of that sort, because I do not believe in overdecoration or overornamentation.

Mr. SUTHERLAND. It is estimated by the department that it will require a two-story-and-basement building, covering 15,000 square feet of ground area, and it is upon that that the estimate is made. Of course, it is to be a building of fireproof construction. The Government ought to construct no other kind of buildings, in my judgment. I can tell the Senator no more about it than appears in the report of the Supervising Architect, who is the expert employed to look into these matters and report upon them.

Mr. WETMORE. The present site, purchased in 1828, comprises 9,038 square feet. The building, with the additions made at different times since 1820, covers the entire site, except a small entrance way in one corner, with an adjoining building on the south, practically touching the Government building. There is no reserved space for fire protection, and neither the Government building nor any of the adjoining buildings are fireproof, being principally of frame construction. The Government building is placed directly on the corner of two streets—one of them narrow—with only a four or five foot sidewalk, which is blocked a part of the time by wagons delivering and taking away mail and carrying merchandise to and from the bonded warehouse.

Owing to great increase of business the present building is overcrowded and the Government is renting quarters. Recently as much as $1,450 a year has been paid for outside offices, exclusive of rent of post-office stations.

In the proposed new building the following branches of the Federal service will require accommodation: Post office, cus-

toms service, Navy pay office, War Department (headquarters Newport engineer district and constructing quartermaster), Civil Service Commission, Weather Bureau, and the Department of Justice.

The postal receipts in 20 years have increased as follows:

1892	$33,997.59
1902	58,107.75
1912	90,801.66

The post office has 59 employees, with additional carriers and clerks during the summer months.

The gross receipts of the Newport customhouse have increased from $2,372.61 in 1892 to $46,559.22 in 1912.

The gross revenue of the post office and customhouse, therefore, for 1912 was $137,360.88.

The permanent population of Newport in 1910 was 27,149. In 1913 it is about 30,000, and is increased during the summer months to about 35,000. In addition, Newport Harbor is now the headquarters for half the year of the North Atlantic Fleet, with from 10,000 to 12,000 men at maximum. Newport is the headquarters of the Narragansett Bay Naval Station, including the naval training station, with about 2,500 apprentice seamen, the Naval War College, naval torpedo station, employing 800 men, naval hospital, and the Narragansett naval coal depot. It is also the Army headquarters of the Narragansett coast-defense district, comprising Fort Adams, with a garrison of over 500 men, Fort Getty, Fort Greble, Fort Mansfield, and Fort Wetherill. The heavy official mail of the Government stations at Newport requires additional work and facilities, but for which Newport gets no credit in its statement of gross receipts.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

Mr. SMITH of Georgia. I would rather the Chair would not put the question in that way. I wish to announce my objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 13, after line 23, to insert:

United States post office and courthouse at Chattanooga, Tenn., $55,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 2, to insert:

For the completion of the tower and installation of a clock therein in the post office and courthouse at Danville, Va., $2,500.

The amendment was agreed to.

The next amendment was, on page 14, after line 5, to insert:

United States post office at Martinsburg, W. Va., $20,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 7, to insert:

United States post office at Huntington, W. Va., $225,000.

Mr. KENYON. I should like to inquire of the chairman of the committee as to what necessity there is requiring an appropriation so large for Huntington, W. Va. I understand that Huntington has a population of 30,000 and an appropriation of $225,000 for a public building seems rather extravagant.

Mr. SUTHERLAND. The original building erected at Huntington some years ago cost $150,000. The town of Huntington has grown very rapidly since that time. It has become a very large business center.

I have in my hand a card which shows the old public building which is altogether inadequate. The Senator will see back of it a modern 12 or 14 story business house. As I recall it, the proposed building will accommodate not only the post office but a number of other governmental offices, including the court. I have not at hand at this moment the memorandum to which I wanted to refer.

Mr. KENYON. Does the Senator know the population of Huntington?

Mr. SUTHERLAND. It is about 30,000, as the Senator stated.

Mr. KENYON. Has it recently increased?

Mr. SUTHERLAND. I am mistaken. As reported by the last census the population was 40,000 and information we have is that it has increased very greatly since that time. The remarkable growth will be shown by a comparison of the population in 1902 with that in 1912. The population in 1902 was only 11,923 so that it has more than trebled in population during that period.

The matter was considered by the committee and it was believed that all things considered it was necessary to make this increase in the building.

I have here a statement from the Representative in Congress from that district, Mr. HUGHES. In the course of his letter he says:

The workroom of this post office is so congested that it is almost impossible to handle the business. In addition to this the court room—

I thought there was a court room—

In addition to this the court room is not more than one-third the size that is really required, and, in addition to that, it is located on a street where the noise is such that at times court has to suspend until after the heavy wagons pass by the building.

The amendment was agreed to.

The Secretary continued the reading of the bill and read to line 18, on page 15, the last clause read being as follows:

United States post office and courthouse at Jasper, Ala., $100,000.

Mr. O'GORMAN. I should like to inquire of the chairman of the committee what were the postal receipts in the town of Jasper last year?

Mr. SUTHERLAND. The town of Jasper, Ala., is not a large town.

Mr. O'GORMAN. What is the population?

Mr. SUTHERLAND. It is less than 3,000.

Mr. O'GORMAN. What are the postal receipts?

Mr. SUTHERLAND. My best recollection is that the postal receipts are over $8,000—nearly $9,000. It is a very busy town. I call attention to the fact that not only is there a post office at Jasper but the Federal court is held there. It is necessary not only to have a building for post-office purposes but for the Federal court. This is a House item. It is not a Senate committee item.

Mr. O'GORMAN. I understand that. What is the present rental paid by the Government for post-office facilities in that town?

Mr. SUTHERLAND. I am not able to tell the Senator. That is not found in the memorandum which I have from the Treasury Department.

Mr. O'GORMAN. This is simply typical of a great many provisions in the bill. Here is a town with a population of less than 3,000, with an annual postal business of about $8,000, where the probable rent now being paid by the Government is less than a thousand dollars a year, perhaps not more than $500 or $600, and it is proposed to erect a public building at an expense of $100,000.

I understand that for many years it has been the policy of the Government to erect no public buildings for post-office purposes where the annual postal receipts were less than $10,000, that being the minimum condition which would warrant an expenditure by the Government for the erection of a Federal building. Why that rule, observed for so many years, has been disregarded at this time I do not know, but I do know that in the pending bill there are provisions for 92 or 96 public buildings which would not be erected if the rule to which I refer were respected. If we are to expend $100,000 for a building in a town with less than 3,000 population, there is no limit to the waste and extravagance which will mark our public expenditures.

I should like to know very much from the chairman of the committee that recommends the bill the exact amount of rent that is now being paid by the Federal Government for post-office purposes in that town.

Mr. SUTHERLAND. The bill carries several hundred items. The chairman of the committee is unable to state to the Senator what rent is paid for this building, as the chairman has already stated. The fact is that it is a town of less than 3,000 people and the receipts of the post-office are extraordinarily large for a town of that size.

Mr. O'GORMAN. Yet you confess that the receipts do not exceed $8,000 a year.

Mr. SUTHERLAND. In addition to that there is a Federal court held there, for which quarters must be supplied. The Federal Government can not confiscate property down there and hold its court in them. It must provide quarters for the court. The amount to be expended for a public building in a town of this size is not to be determined by the post-office receipts alone nor by its population alone.

Mr. O'GORMAN. Can it not be determined fairly well by ascertaining what you could rent suitable quarters for?

Mr. SUTHERLAND. I do not think that always ought to be the test. We are providing here not for appropriations but for authorizations. In the natural course it will be four or five years before these buildings can be put up. In the meantime these towns are growing, and unless we can make the authorizations a sufficient time in advance we are lagging far behind what is necessary.

I think, in addition to all that, it is a little bit important to have the Federal Government in a town like this where it is holding its courts represented by a building, with the flag flying at the top of it, and to have the physical presence of the Federal Government in that way before the eyes of the people. I think that consideration is of some consequence.

Mr. O'GORMAN. Can you not have the American flag flying over a building that the Federal Government rents? I notice one item with respect to the State of Alabama proposed by the Senate committee for a building in the town of Greenville. The amount appropriated for that is $71,000. There is a population of 12,000. The rental paid at the present time, presumably for suitable accommodations, is but $480 a year. Capitalize that, and the extreme cost of building should not exceed $20,000. Yet this bill recommends an expenditure of $71,000; $75,000 was asked. It is estimated that $71,000 will be required.

Mr. WARREN. Will the Senator allow me?

Mr. O'GORMAN. Yes, sir.

Mr. WARREN. I do not know what town the Senator is alluding to, but these rentals are the poorest standards in the world to judge by, because oftentimes the town is, I may say, taken by the ears and the merchants and office people bid against one another in order to have the post office housed in their particular merchandise or office building.

I have in mind a piece of property which was to be rented at $1,800 a year for a business purpose. A pool was made up, and the owner rented it to the Government for $4 a year, neighbors in the town making up the difference to the owner. That rental would not show the population or business of that post office.

Mr. O'GORMAN. If there be such anxiety among owners of real estate to secure the United States Government as a tenant, why should not the Government take advantage of that keen rivalry and get cheap rents, rather than expend hundreds of thousands of dollars for buildings which are not required.

Mr. WARREN. If the Senator thinks that the Government should go into towns and undertake to make trouble and set every man's hands against another, he has a different view of the duties of the Government, or even its privileges, than I have.

Mr. O'GORMAN. The Senator from Wyoming knows that the Senator from New York has made no such suggestion. I know of no place where the Government has caused trouble by renting a building for public purposes.

Mr. WARREN. The Senator may not know of these disturbances that I speak of in smaller towns. They do occur and have occurred. I have always deprecated the practice, and the Senator would do the same, I think, if he lived in any one of those towns.

The Senator said he thought the Government ought to take advantage of these things. I think legitimate advantages should be taken by the Government, but I do not believe it is a good practice to undertake, as I said before, to sell to some grocer or dry-goods man the influence of the post office and take it out in low rent.

Mr. O'GORMAN. I should like to ask the Senator from Wyoming, who has had large experience on the Committee on Appropriations and the Committee on Public Buildings, why there has been an abandonment of the old rule which was recognized for at least 10 years, that the Government would erect no building for the use of a post office unless the postal receipts were at least $10,000 a year?

Mr. WARREN. I know of no such rule. It must have been prior to my time.

Mr. O'GORMAN. I am assured that it is the rule which has been applied. There are 92 items in this bill which would not be favorably considered if that rule were enforced now.

Mr. WARREN. I say again, in my 21 years' service, I know of no such rule, except I know that sometimes in committee, and I think this was the practice in the House committee, the proposition was made to confine, as far as possible, the buildings to those that covered towns of $10,000 postal receipts, but the House did not strictly follow it. The Senate has not followed it entirely, because in some one town the growth may be complete or it may be even receding, while in another town the surroundings are such as to show that the population must increase and double or triple or quadruple in one, two, or three years.

Mr. O'GORMAN. Mr. President, I think we ought to take the sense of the Senate on the proposition with respect to this particular item.

Mr. WARREN. What is the item, please?

Mr. O'GORMAN. The item providing for $100,000 to be spent in a building in the city of Jasper, which has a population of less than 3,000 and total postal receipts for last year amounting to $8,508.

The PRESIDING OFFICER. The Senator from New York moves to strike out lines 17 and 18, page 15.

Mr. BANKHEAD. Mr. President, with reference to the item selected by the Senator from New York, I desire to say that the town of Jasper is situated in the very center of the richest coal field in Alabama. A few years ago there was not a brick building in the town. Recently three trunk railroads have passed Jasper. The population has doubled two or three times in the last four or five years.

The county of Walker, in which Jasper is situated, has recently completed a courthouse at a cost of $175,000. They have magnificent hotels and department stores, and it is one of the most rapidly growing towns that I know of anywhere in the country. The post-office rentals are very nominal, perhaps because the business men of the town wanted the post office located at a convenient point for the patrons of the post office. Therefore they made a contract, or arrangement, or a pool, as had been suggested, by which perhaps $30 a month is paid by the Government for the office.

In addition to the post office a Federal court is held there.

The estimate of the department for this building was $135,000. It was the estimate of the Treasury Department that that amount was necessary to construct a post office and courthouse at this rapidly growing town. Neither my colleague nor myself asked the committee to increase it; we were willing to accept that amount.

Again, I think the Senator from New York referred to an item in this bill for Greenville, Ala., and designated it as a Senate amendment. I think he is mistaken about that. I think that item came over from the House in the bill.

Mr. O'GORMAN. I have the record here showing the Senate amendment.

Mr. BANKHEAD. I know that I did not go before the Committee on Public Buildings and Grounds and ask for an increase for anything or for any additional building, and I do not think my colleague made any request for this one. That is all I care to say about the public building contained in this item for Jasper and the post office and courthouse to be provided. The estimate of the department was that $135,000 was necessary to do it. The House appropriated $100,000, and I hope the Senate will stand by the action of the House.

Mr. BRISTOW. Mr. President, I understand the Senator from New York [Mr. O'GORMAN] has moved to strike out lines 17 and 18, on page 15.

Mr. O'GORMAN. Yes.

Mr. BRISTOW. I desire to say that I can not get the consent of my mind to vote for a $100,000 building in a town that has not even a free-delivery postal service, and with a population of less than a thousand people.

Mr. O'GORMAN. Mr. President, I only select this as an illustration of what is becoming a crying abuse and evil, which the Senate ought to correct. I should be glad to see every town and city in Alabama have a splendid edifice if it were possible for the Government to afford similar structures for every small town and village throughout the country.

The Senator tells us that at the present time the Government is paying $30 a month—$360 a year—for the post office in that town. That sum capitalized would represent a structure worth about $7,000. It is now proposed that, instead of spending $360 a year for rent, we expend at once $100,000 for a structure which, at 5 per cent, would represent the minimum cost of $5,000 a year. If the Senate is prepared to use public funds in that indiscriminate manner, the Senate, of course, can take the responsibility; I can not.

I understand that my attitude may imperil provisions in this bill which, I think, are vitally necessary to the State of New York at this time. But this consideration will not deter me from doing what I conceive to be my duty. I hope at some time that the experience of this body will evolve some other method of legislation, rather than these omnibus bills, which contain some concededly meritorious propositions, but, at the same time, many measures which can not be defended.

Mr. SWANSON. Mr. President, as a member of the Committee on Public Buildings and Grounds, I desire to say that the committee made it a rule to report no appropriation for a building in excess of the estimates made by the Treasury Department. To expect this committee to visit the different localities, to ascertain the value of the land, and the land needed in every individual case for the purposes of the Government and the building needed would be to expect an utter impossibility. I wish to say for the committee that the rule was established that the committee would report an appropriation for no building in excess of the amount recommended by the Treasury Department after an investigation. That is the machinery which Congress has seen proper to establish for the purpose of ascertaining the cost of the land, the cost of the building, and what the Government will need. The Secretary of the Treasury writes to the Post Office Department, to the Department of Justice, to the Agricultural Department, to the customs department to ascertain the amount of space needed, if a building is recommended for construction, and what will be needed for

some time in the future. Then they figure the cubic feet of space required, and figure what that space will cost on an average from estimates which have been made in the past. If anyone can suggest to the committee any other or better way to ascertain what can be done, I should like to know it.

Mr. O'GORMAN. Mr. President, I simply wish to ask the Senator from Virginia a question.

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from New York?

Mr. SWANSON. I do.

Mr. O'GORMAN. The Senator from Virginia asks if there is any other way that I know by which this information may be obtained. I will try to answer that by the inquiry: If you get what is needed for $360 a year, what is the necessity of taking $100,000 of public money to put up a building?

Mr. SWANSON. Mr. President, it will be four years before that building can be constructed. If you are going to construct a building there at all, you had as well construct one which is necessary for Government purposes.

This bill carries millions of dollars. Why? Because when public buildings were heretofore constructed they were not constructed with a view to their being satisfactory for more than 25 or 30 years. In the very bill which the Senator from New York is looking over there are provisions for additional buildings, for pulling down old buildings, and putting up new ones. I think the wise policy is if you are going to erect a building at any place to erect one which will answer its purpose certainly for 25 or 50 years. It is absolute loss and folly to construct a building and in 5 or 10 years have to pull it down. By so doing you lose what you have put in it.

Take the small buildings which are complained of by different Senators. We have inaugurated a system of parcels post. There is scarcely a post office in the United States to-day without the parcels post. Nearly all those post offices are crowded, and they will be more crowded in five years from now. In five years from now there is not one of those buildings which it will not be impossible to occupy. The Government will be compelled to construct new buildings on account of the great increase of the parcels post.

I repeat, the committee has recommended no appropriation except on an estimate made by the Treasury Department. I wish to say for the committee, and, speaking for it, I, as a member of the committee, and the other members refused to vote to report any appropriation unless the Treasury Department would estimate for it. Some Senators came and represented to the committee that the appropriation provided for a building was not adequate; that conditions had changed; that rural free delivery routes had been established; that more space was needed, and so forth. If I recollect correctly, every such Senator was told, "Unless you can get from the Treasury Department, by its method of investigation, an estimate of what is needed we can not recommend the appropriation." The committee has refused to increase such appropriations even at the request of Senators.

The Senator from New York has a provision, if I mistake not, to buy land for a court in New York, is it not?

Mr. O'GORMAN. It is.

Mr. SWANSON. For a court, though they have already got a good court, a far better court, which far exceeds anything Jasper has got. Here is an appropriation of $3,000,000. Why? Because it is needed, because the court is congested, and to get land now, because the land will become more valuable in the future. It seems to me that for a town like Jasper, Ala., that is growing by leaps and bounds, with a courthouse and a post office and other buildings, the appropriation is not excessive when the Treasury Department has estimated that $31,000 would be required for the future. Instead of being extravagant the committee has been economical. If you want to erect a post office and courthouse building there, I do not think it is wise to put it off. You can put one there for $10,000; but two years from now you will want to tear it down and to put up one to cost $20,000. You can then put up one for $20,000, but two years from that time you will be wanting to tear that down and put up another, and 40 or 50 years from now they will want more. There has been an absolute waste of public money by putting up small, inconsiderable buildings, which have been torn down and others put up in their stead.

The only question to decide is, whether you want a building there; and that is for the Senate to decide. If they want a building there, you had better put up one which will last for 25 years, rather than a small building that will hardly answer for present purposes, and then be eliminated by putting a new structure there.

The committee has had that difficulty to contend with; and if there is any criticism of these expenses and of the amount which is proposed to be given for the construction of buildings, it lies with the Treasury Department, which has made the estimates for the purpose. I think the economical way is to let every building stand on its own merits. I think these omnibus bills, whether claims bills, whether river and harbor bills, whether public building bills, or whether pension bills, increase expenditures. I think if you want to have economy in these matters and Congress had the time, it would be better to let every measure stand on its own individual merits. This bill has been prepared along the lines I have indicated, and the estimates of the Treasury Department have not been exceeded, so far as I know, in a single instance.

Mr. O'GORMAN. Mr. President, some reference has been made to a provision in this bill making an appropriation for a site for a new Federal building in the city of New York. Three million dollars was the amount fixed by the subcommittee. A bill for this purpose was introduced by me upward of a year ago. Everyone seemed to recognize the necessity of a new building in New York. The Department of Justice, the Federal judges, and all the public officials recognized its urgent need; and $3,000,000 was allowed for a site. In New York the postal receipts exceed $25,000,000 a year—not $8,000 a year.

Mr. SWANSON. If the Senator will permit me, that item is not for a post office, is it?

Mr. O'GORMAN. It is for the purpose of doing away with the present post office and erecting a separate courthouse building and a separate post office, the immediate provision for the post office being deferred until the new court building is constructed.

Mr. SWANSON. Mr. President, that shows the unwisdom of the policy advocated by the Senator from New York. When the original post office and courthouse in New York was constructed, if they had made it large enough to answer the purposes at that time and to allow for future growth and expansion, we would not have to go to the expense of possibly twenty-five or fifty million dollars, before we get through, to provide proper Federal facilities in the city of New York.

Mr. O'GORMAN. I have to observe, Mr. President, that if a town of 3,000 people justifies a public expenditure of $100,000 for a Federal building, the city of New York, with its more than 5,000,000 people, would be entitled to several hundred million dollars of public money for public buildings.

Of the $25,000,000 of postal receipts in the post office in the city of New York annually, $20,000,000 is clear profit to the Government, making it possible to extend our postal system throughout different parts of this country at a minimum of loss to the Government because of the $20,000,000 profit annually derived from the operation of the New York office. Moreover, the United States courts in New York City contribute to the National Treasury annually upward of $5,000,000, the proceeds of fines and other proceedings in those courts. But there is nothing in common between the provision for New York and the one which I have ventured to criticize; but I have to observe that if one town of 3,000 people is entitled to a public building costing $100,000, then every other town throughout the country of the same size is entitled to the same treatment, and it would not be long before the National Treasury would be bankrupt if this system were tolerated.

Mr. BANKHEAD. Mr. President, the Senator from New York keeps on insisting that this town has a population of 3,000. We have a thousand children in our public schools in Jasper and two magnificent school buildings. The population is more than 6,000. Jasper has more than doubled in population since the census of 1900, and within the next five years it will double in population if it keeps on growing as it has done in the past.

Mr. SUTHERLAND. Mr. President, the amendment offered by the Senator from New York is not in order now, because the Senate has agreed to take up the bill and first consider committee amendments.

The PRESIDING OFFICER. Under the unanimous-consent agreement the amendment of the Senator from New York will not be in order until after the committee amendments have been acted upon.

Mr. O'GORMAN. Very well.

Mr. SMITH of Arizona. Mr. President, I did not catch the ruling of the Chair. Did the Chair rule that committee amendments must first be passed on, and then, at the end, when they have been disposed of, that we may have the right to amend the committee amendments?

The PRESIDING OFFICER. The Senate agreed by unanimous consent that the committee amendments should be first considered.

Mr. SMITH of Arizona. Then we can amend them afterwards?

The PRESIDING OFFICER. Of course the committee amendments can be amended.

Mr. BACON. As they are taken up.

The PRESIDING OFFICER. As they are taken up.

Mr. SMITH of Arizona. That is what I meant.

Mr. BACON. The inquiry of the Senator from Arizona was whether they could be subsequently taken up. As I understand the ruling of the Chair, when a committee amendment is presented it is open then to further amendment?

The PRESIDING OFFICER. Certainly; but individual amendments are not in order until the committee amendments have been disposed of.

Mr. SMITH of Georgia. I understood that the agreement was that the bill should be read and that it could be amended paragraph by paragraph as we reached them. I think that is the mode upon which we have been proceeding.

The PRESIDING OFFICER. The present occupant of the chair was not in the chair when the agreement was made; but he is informed that the agreement was the usual one, to the effect that committee amendments were to be first considered.

Mr. GALLINGER. Mr. President, I chanced to be in the chair at the time, and the agreement was that the committee amendments should first be considered. There was no objection when the request was put by the Chair.

Mr. O'GORMAN. What becomes of my motion, Mr. President, to strike out?

The PRESIDING OFFICER. It will have to wait until the committee amendments are disposed of.

Mr. O'GORMAN. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, in section 3, page 15, after line 20, to insert:

United States post office at Globe, Ariz., $100,000.

Mr. KENYON. Mr. President, I wish we might have some information as to that. I understand that Globe is a town of about 7,000 people. Is court held there also?

Mr. SUTHERLAND. No; but there is a customhouse at Globe, Ariz.

Mr. KENYON. I will ask the Senator if he can inform me as to the population of Globe?

Mr. SUTHERLAND. I can not give the Senator the exact figures. The population is less than 8,000—between 7,000 and 8,000. I said there was a customhouse at Globe, Ariz. I beg the Senator's pardon. I was looking at the time at the previous item. There is no customhouse at Globe. I was mistaken. There is, however, a branch office of the Civil Service Commission there.

Mr. KENYON. Do they need a building?

Mr. SUTHERLAND. No; they do not need a building, but they need some room.

Mr. KENYON. Objection was made to the item of $400,000 for Newport, which is a city of 30,000 people, while this is a city of but 7,000 people, and it is proposed to appropriate $100,000 for it.

Mr. SUTHERLAND. The postal receipts are $18,718, according to the last statement. The Treasury Department estimates that the necessary building will cost $100,000 for a one-story and basement building covering 6,000 square feet of ground. The committee have no other way of determining what the necessities of the towns are except from the report of the experts of the Treasury Department.

Mr. O'GORMAN. Mr. President, may I ask the Senator from Utah, the chairman of the committee, whether this provision for a public building at Globe, Ariz., for which $100,000 is to be appropriated, is intended to cover the purchase of a site alone?

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, as I understand, the site has already been purchased at Globe. There are from 7,500 to 8,500 or 9,000 people there. It is a great mining district, supplying a great country. Some of the largest mines in the territory are in that city.

Mr. THOMAS. The Senator means in that State.

Mr. SMITH of Arizona. I will assure the Senator that it does not fall within any of the objections I have heard him making, for the town is very much in need of it. Arizona has had the misfortune of having received no appropriations whatever for 30, 40, or 50 years, and these that may seem large because you are unused to them, I can assure the Senator are of sufficient necessity.

Mr. SUTHERLAND. Mr. President, the last report which we have from the Treasury Department with reference to Globe is that the postal receipts for 1912 were $21,142.75. The figures I gave before were $18,718, applying to a previous year. The same report shows that 10 years prior to that time the postal receipts were $5,549.84, showing that the postal receipts had quadrupled in that period of time.

There is one thing that ought to be said with reference to practically all of these western towns. They are the centers of large areas of country. The people about them are engaged in the cattle business, the sheep business, the mining business, and so on. They are very unlike some of the towns in the Eastern States, where they are very numerous, each town not being the center of a large population. They are growing more rapidly than the eastern towns; and of course all of those elements are taken into consideration by the Treasury Department, as well as by the committee, in passing upon these amounts.

Mr. DU PONT. Mr. President, I wanted simply to call the attention of the Senator from New York to a single point. It seems to me that it is fallacious to base the necessities of a postal building upon the size of the population, because frequently smaller towns are the centers of a network of rural deliveries from the surrounding country, which bring a much enlarged amount of business to such towns and make it necessary for them to have much larger facilities than the population would seem to indicate. This is particularly true, and becoming more and more true every day, because of the parcel post, which brings an increasing amount of packages of every description, which require room and space to handle them. An estimate, therefore, of the size of a post-office building based solely on population would seem to be misleading.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 16, line 1, after the word "California," to strike out "$100,000" and insert "$135,000," so as to make the clause read:

United States post office at Bakersfield, Cal., $135,000.

The amendment was agreed to.

The next amendment was, on page 16, line 5, after the word "Colorado," to strike out "$55,000" and insert "$60,000," so as to make the clause read:

United States post office at Fort Morgan, Colo., $60,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 6, to insert:

United States post office at Naugatuck, Conn., $100,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 10, to insert:

United States post office at Seymour, Conn., $60,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 14, to insert:

United States post office at Bartow, Fla., $60,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 15, to insert:

United States post office at De Land, Fla., $60,000.

The amendment was agreed to.

The next amendment was, on page 17, line 14, after the word "Kentucky," to strike out "$80,000" and insert "$100,000," so as to make the clause read:

United States post office at Ashland, Ky., $100,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 15, to insert:

United States post office at Lancaster, Ky., $55,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 5, to insert:

United States post office, land office, and Weather Bureau building at Alliance, Nebr., $75,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 8, to insert:

United States post office at Falls City, Nebr., $65,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 10, to insert:

United States post office at Wahoo, Nebr., $60,000.

The amendment was agreed to.

The next amendment was, on page 20, line 20, after the words "New York," to strike out "$450,000" and insert "$550,000," so as to make the clause read:

United States post office at Syracuse, N. Y., $550,000.

The amendment was agreed to.

The next amendment was, on page 20, line 17, after the words "North Carolina," to strike out "$55,000" and insert "$65,000," so as to make the clause read:

United States post office at Shelby, N. C., $65,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 20, to insert:

United States post office at Jamestown, N. Dak., $75,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 22, to insert:

United States post office at Valley City, N. Dak., $75,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 24, to insert:

United States post office at Ashland, Ohio, $100,000.

The amendment was agreed to.

The next amendment was, at the top of page 21, to insert:

United States post office at Sandusky, Ohio, $150,000.

The amendment was agreed to.

The reading of the bill was continued down to the following item on page 21, line 8:

United States post office at Roseburg, Oreg., $100,000.

Mr. CHAMBERLAIN. Mr. President, I rise to a parliamentary inquiry. I suppose the Senate is now considering only the amendments of the committee?

The PRESIDING OFFICER. That is all.

Mr. CHAMBERLAIN. I desire to offer an amendment to that item later.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 21, after line 10, to insert:

United States post office at Ridgway, Pa., $80,000.

The amendment was agreed to.

The next amendment was, on page 21, line 23, after the words "South Carolina," to strike out "$225,000" and insert "$265,000," so as to make the clause read:

United States post office at Columbia, S. C., $265,000.

The amendment was agreed to.

The next amendment was, on page 22, line 3, after the words "South Dakota," to strike out "$60,000" and insert "$65,000," so as to make the clause read:

United States post office at Redfield, S. Dak., $65,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 4, to insert:

United States post office at Madison, S. Dak., $65,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 12, to insert:

United States post office at Martin, Tenn., $50,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 15, to insert:

United States post office at Memphis, Tenn., $160,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 17, to insert:

United States post office at Bay City, Tex., $60,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 18, to insert:

United States post office at Stamford, Tex., $50,000.

The amendment was agreed to.

The next amendment was, on page 22, line 25, after the word "Yoakum," to insert "Texas," so as to make the clause read:

United States post office at Yoakum, Tex., $65,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 4, to insert:

United States post office at Richfield, Utah, $55,000.

Mr. SMITH of Georgia. Mr. President, I should like to ask the size of that place and the amount of the postal receipts.

Mr. SUTHERLAND. It is a place of 3,600 people. The postal receipts are $5,316.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 23, after line 5, to insert:

United States post office at Warrenton, Va., $50,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 8, to insert:

United States post office at Pulaski, Va., $50,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 11, to insert:

United States post office at Waynesboro, Va., $52,500, $2,500 of which may be used, in the discretion of the Secretary of the Treasury, for the acquisition, by purchase, condemnation, or otherwise, of a site, in addition to the sum heretofore authorized for that purpose.

The amendment was agreed to.

The next amendment was, on page 23, after line 18, to insert:

United States post office at Wenatchee, Wash., $85,000.

The amendment was agreed to.

The next amendment was, at the top of page 24, to insert:

United States post office and land office at Vancouver, Wash., $140,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 15, to insert:

United States post office at Basin, Wyo., $50,000.

Mr. SMITH of Georgia. Mr. President, I desire to make the same inquiry about this place, as to the size of the place and the size of the postal receipts.

Mr. WARREN. Mr. President, the present inhabitants who get mail at Basin number something over 2,000, and the post-office receipts are about $6,000. I will say to the Senator that the office is located not far from one of the large Government irrigation systems that cost several million dollars and near several strong, large corporate and individual irrigation projects; oil and natural gas have lately been developed in this valley, and it is a place that is rapidly increasing in population and business and will increase still more rapidly.

Mr. SMITH of Georgia. I find, by reference to the report of the Treasury Department, that the population of Basin is given as 763 people, and the postal receipts as $5,700.

Mr. WARREN. Mr. President, of course, if the Senator wishes to strike out that item, I shall make no objection; but I wish to say this, though it is rather a pitiful thing to have to state:

When the selection was made for the taking of the last United States census in my State, a man who had taken the census there 20 years ago, when a young man, and had taken it most admirably, was an applicant and was appointed. Just at the time when the census was entering upon its busiest season an illness attacked this superintendent and within a short time he was hopelessly insane and confined in an asylum. His assistant, who was appointed to take the census in the northern part of the State, either resigned or was discharged. The consequence of all of this was that the census in some of those places in northern Wyoming and elsewhere was utterly and entirely incomplete. For the sake of avoiding comment and harrowing up painful memories, the delegation from that State has raised no issue with the Census Office. But when a town or city has had enumerated as its inhabitants only a fraction of the number of votes duly registered and voted, we, of course, know that there has been an error.

If the Senator wishes to stand upon old and erroneous figures rather than upon my statement, I have nothing further to say. But the town itself is one of the most growing towns, one of the most promising towns, in the entire West. Long before we shall get to the point where this building will be actually built it will be too small for that town, although I shall not now ask to have the amount in the bill increased.

Another thing, the entire amount provided in this bill for the whole State of Wyoming is only $167,500. If the Senator from Georgia and the Senate think that is too much, wipe it out.

Mr. SMITH of Georgia. Mr. President, I only had the record before me; and I felt that at least, seeing the statement that there were only some 700 and odd people there, something else ought to be in the RECORD before quietly permitting it to pass.

Mr. WARREN. The Senator is right about that, and I am only sorry I had to make this painful explanation; but that is the true status of the case.

Mr. SUTHERLAND. Mr. President, the report of the Treasury Department shows that over 2,000 people are served from the post office, which indicates that there is a ranching population, or mining population, or something of that kind, close by.

Mr. O'GORMAN. Mr. President, may I ask the Senator from Utah a question? Is it a fact that at the present time the post-office rental is but $374 per annum?

Mr. WARREN. If the Senator in charge of the bill will allow me to answer that, the town of Cody and the town of Basin are both, in the bill before us, enumerated for $50,000 each. In one the rental is between fifteen and sixteen hundred dollars per annum, and in the other it is about $300. That, as I indicated in my earlier remarks, is because of the bidding of one against the other, on account of the location of the post office in the town.

The amendment was agreed to.

The next amendment was, on page 24, after line 16, to insert:

United States post office and other Government offices at Cody, Wyo., $50,000.

The amendment was agreed to.

The next amendment was, in section 4, page 24, line 20, after the words "directed to," to strike out "acquire" and insert "contract for the acquisition," and in line 21, after the word "purchase," to strike out "condemnation," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the acquisition, by purchase or otherwise, a site and to contract for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other governmental offices in each of the cities enumerated in this section, within its respective limit of cost, including site, hereby fixed.

The amendment was agreed to.

The next amendment was, on page 25, line 4, after "$65,000," to insert "to be erected at such point as shall be equally convenient, so far as possible, to the cities of Decatur and New Decatur," so as to read:

United States post office at Decatur, Ala., $65,000, to be erected at such point as shall be equally convenient, so far as possible, to the cities of Decatur and New Decatur.

The amendment was agreed to.

The next amendment was, on page 25, line 11, after the words "post office," to strike out "United States courts" and insert "courthouse," so as to read:

United States post office, courthouse, and jail at Cordova, Alaska, $100,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 12, to insert:

United States customhouse at Nogales, Ariz., $110,000.

Mr. SMITH of Arizona. Is it in order now to offer an amendment to the amendment of the committee?

The PRESIDING OFFICER. An amendment to the amendment may be offered.

Mr. SMITH of Arizona. I move to strike out, in line 14, "$110,000" and to insert in lieu thereof "$175,000." I ask the Secretary to read from the desk a letter received from the Treasury Department in regard to this item.

The PRESIDING OFFICER. Without objection, the letter will be read by the Secretary.

The Secretary read as follows:

FEBRUARY 20, 1913.

Hon. GEORGE SUTHERLAND,
Chairman Committee on Public Buildings and Grounds,
United States Senate.

SIR: At the request of the Hon. MARK A. SMITH, I have the honor to refer to report of this department, dated May 10, 1912, on Senate bill 6565. This report was for a two-story building of 5,000 square feet ground area, to cost $110,000, the cost of site being estimated at $10,000, for the accommodation of Federal officials in the city of Nogales, Ariz.

Since this report was submitted additional information has been received indicating that more space will be required by the customs service, and that accommodations are needed for the Civil Service Commission and for the Department of Agriculture.

In order to provide for the needs of the public service it is now estimated that a three-story building of 5,000 square feet ground area will be required, and the cost of such a building of fireproof construction is estimated at $175,000 if faced with stone. If the building is faced with brick the sum of $165,000 will be sufficient.

Respectfully,

R. O. BAILEY, *Acting Secretary.*

Mr. SMITH of Arizona. Mr. President, I will not detain the Senate further than to say that this is one of the important ports of entry in the Southwest. I do not think I misstate the fact when I say that the collections from that port are something over $300,000 annually that are turned into the Treasury. On the American side of the line our customs quarters are a disgrace to a civilized country. On the Mexican side of the line they have a building worthy of any civilized people. It is a common criticism by anyone who goes through that port, which is on a railroad that is destined, as soon as a short block is closed to Guadalajara, to open a line of transportation by rail directly from the City of Mexico along the western coast of Mexico and the United States, through the towns of Nogales and Tucson, in Arizona, through Los Angeles and San Francisco, to Portland, Oreg. Nogales is destined to be a port that will, in my judgment, within a few years after the unfortunate conditions now existing in Mexico have been somewhat modified, collect more than a million dollars a year in customs duties.

It would be ridiculous to erect a $110,000 building there. We ought to have not only the customhouse, but in addition to what the Treasury Department has said, we should have some place for the detention of the many people who are arrested there, who come across the line against our laws. They are now taken long distances, at great expense, and tried and sent back to the place where arrested, when there should be a provision on the very border where these matters could be attended to and these immigrants heard and admitted or rejected, as the case may be, at more convenience and less expense to the United States.

Besides, in the examination of our customs imports there, when our people come in from Mexico their baggage is exposed to the weather out on the platform of a railroad depot or shoved into dirty and overcrowded and disgraceful quarters.

I hope the Senate will at least let the amount go in the bill as recommended in the letter just read from the desk. I think it is not more than half the amount which will be required within the next 10 years for the accommodation of that port. I hope there will be no objection to the amendment. There should not be, for sooner or later—and I think before the present appropriation becomes available—the necessities of the situation there will more than justify twice what I am now contending for.

Mr. SUTHERLAND. Mr. President, the Senate committee gave very careful attention to this matter and it was the unanimous opinion that an appropriation of $110,000 would be sufficient. It provides only for a customhouse. It does not include the post office; it does not include anything else.

I recognize what the Senator from Arizona says, that Nogales is an important place, and that the Mexican Government has upon the other side of the line a building which may have cost more money than this one will cost; but it was the judgment of the committee that, all things considered, $110,000 would be sufficient for a customhouse building.

I hope the amendment suggested by the Senator from Arizona to the amendment of the committee will not be agreed to.

Mr. SMITH of Arizona. Mr. President, the committee was of that opinion before they got the statement I had read at the desk. I had no doubt that the further investigation of the department and its report as read would have some weight with the committee, because if it was only a customhouse building it is still not enough money. It may be possible that they can put the post office in it, but I hardly think so. But it is not enough money for the customhouse alone. Besides, the customhouse may be in a position in that growing town where it might not be convenient to the line of the railroad traffic and to the importers and travelers. The proper location of the customhouse might be very inconvenient to the patrons of the post office. That is possible. On the contrary, it may be very convenient. I think the present appropriation would serve for the next six or seven years for both purposes, but ultimately one building at that price—$110,000—can not possibly accommodate both post office and customhouse.

I hope the chairman of the committee will not insist on cutting the item down any smaller than the Treasury Department last reported. In my judgment it would be simply throwing that much money away in building a customhouse so insignificant that it will bring on the United States of America the ridicule of the world. Men from every part of the world passing across that line will see that it is in marked contrast with the building erected by the southern Republic within a few hundred yards of it. My national as well as State pride impels me to plead with the Congress to protect both State and Nation from the just contempt of the balance of the world.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Arizona to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 25, after line 16, to insert:

United States post office at Prescott, Ark., $50,000.

The amendment was agreed to.

The next amendment was, on page 26, line 3, after the words "post office," to insert "and other Government offices," and in line 4, before the word "California," to strike out "Willows" and insert "Willow," so as to read:

United States post office and other Government offices at Willow, Cal., $75,000.

The amendment was agreed to.

The next amendment was, on page 26, line 5, after the words "post office," to insert "land office, and other Government offices," so as to read:

United States post office, land office, and other Government offices at Glenwood Springs, Colo., $100,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 10, to insert:

United States post office and customhouse at Apalachicola, Fla., $75,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 4, to insert:

United States post office at Geneseo, Ill., $60,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 10, to insert:

United States post office at Mount Carmel, Ill., $75,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 10, to insert:

United States post office at Girard, Kans., $75,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 11, to insert:

United States branch post office at North Topeka, Kans., $71,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 19, to insert:

United States post office and customhouse at Fort Fairfield, Me., $80,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 23, to insert:

United States post office at Cambridge, Md., $90,000.

The amendment was agreed to.

The next amendment was, on page 29, line 1, after the word "Maryland," to strike out "$80,000" and insert "$90,000," so as to read:

United States post office at Salisbury, Md., $90,000.

The amendment was agreed to.

The next amendment was, on page 29, line 8, after the word "donated," to strike out "$90,000" and insert "$175,000," and in line 11, after the word "section," to strike out "twenty-six" and insert "thirty-four," so as to read:

United States post office at Malden, Mass., on a site to be donated, $175,000: *Provided*, That the construction of said building shall not be begun until the site for same has been donated and title thereto accepted by the Secretary of the Treasury, as provided in section 34 of this act.

The amendment was agreed to.

The next amendment was, on page 29, after line 14, to insert:

United States post office at Winchester, Mass., $75,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 20, to insert:

United States post office at Hastings, Mich., $81,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 21, to insert:

United States post office at Midland, Mich., $70,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 10, to insert:

United States post office at Harrisonville, Mo., $52,500.

The amendment was agreed to.

The next amendment was, on page 30, after line 21, to insert:

United States post office at Fallon, Nev., $60,000.

Mr. KENYON. I wish that we may have some information on this appropriation. I understood that Fallon, Nev., had a population of 740. I may be in error.

Mr. SUTHERLAND. According to the last census it had a population of 2,500. The Senator probably is in error there. I visited the town a year or two ago. It is in the center of a very large irrigating project which is being settled upon. It is a new town and has had a wonderful development.

Mr. KENYON. What are the postal receipts?

Mr. SUTHERLAND. The postal receipts in the last report we had were $5,970. They may be more now. That is not the last report.

The amendment was agreed to.

The next amendment was, on page 30, after line 22, to insert:

United States post office at Winnemucca, Nev., $65,000.

The amendment was agreed to.

The next amendment was, at the top of page 31, to insert:

United States post office at Franklin, N. H., $90,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 6, to insert:

United States post office at Raton, N. Mex., $75,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 7, to insert:

United States post office and courthouse at Santa Fe, N. Mex., $295,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 22, to insert:

United States post office at Chapel Hill, N. C., $65,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 10, to insert:

United States post office at Altus, Okla., $82,500.

The amendment was agreed to.

The next amendment was, on page 32, after line 13, to insert:

United States post office and other Government offices at Shawnee, Okla., $145,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 18, to insert:

United States post office at Phoenixville, Pa., $80,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 22, to insert:

United States post office and other Government offices at State College, Pa., $75,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 6, to insert:

United States post office at Clinton, S. C., $60,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 12, to insert:

United States post office and land office at Chamberlain, S. Dak., $60,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 20, to insert:

United States post office at Denton, Tex., $75,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 23, to insert:

United States post office at Gilmer, Tex., $55,000.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will suggest to the chairman of the committee that, on page 34, line 21 should be placed below lines 22 and 23. The clerks can be authorized to change the order of those lines.

Mr. SUTHERLAND. Let the lines be transposed so as to bring the item for Denton, Tex., and the item for Gilmer, Tex., together.

The PRESIDING OFFICER. That will bring the Tennessee items together. That change will be made.

The next amendment was, on page 35, after line 2, to insert:

United States post office at Honey Grove, Tex., $50,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 4, to insert:

United States post office at Orange, Tex., $60,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 9, to insert:

United States post office at Eureka, Utah, $60,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 10, to insert:

United States post office at Vernal, Utah, $50,000.

Mr. SUTHERLAND. After the word "office," I move to insert "and other Government offices."

Mr. KENYON. I wish to ask the Senator what are the postal receipts of this town?

Mr. SUTHERLAND. The postal receipts were $5,548 and a population is served of about 7,000. The town is in the center of a valley and there is a farming population with farm lands all about it. They get their mail at that office. I can look up the exact population in the incorporated town.

Mr. KENYON. I understand the population is 836.

Mr. SUTHERLAND. I should say that there is a population of at least 2,000. Besides that there is a land office at Vernal and some other offices.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah to the amendment will be stated.

The SECRETARY. After the words "post office" insert "and other Government offices."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 35, after line 11, to insert:

United States post office and other Government offices at Spanish Fork, Utah, $50,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 15, to strike out:

United States post office at Waynesboro, Va., $52,500, $2,500 of which may be used, in the discretion of the Secretary of the Treasury, for the acquisition, by purchase, condemnation, or otherwise, of a site, in addition to the sum heretofore authorized for that purpose.

The amendment was agreed to.

The next amendment was, on page 36, line 4, after the word "Virginia," to strike out "$50,000" and insert "$55,000," so as to make the clause read:

United States post office at Front Royal, Va., $55,000.

The amendment was agreed to.

The next amendment was, on page 36, line 6, after the word "Virginia," to strike out "$55,000" and insert "$62,000," so as to make the clause read:

United States post office at Leesburg, Va., $62,000.

The amendment was agreed to.

The next amendment was, on page 36, after line 15, to insert:

United States post office at Rhinelander, Wis., $91,000.

The amendment was agreed to.

The next amendment was, on page 36, after line 17, to insert:

United States post office at Ripon, Wis., $75,000.

The amendment was agreed to.

The next amendment was, in section [illegible], page 36, line 22, after the words "directed to," to strike out "acquire" and insert "contract for the acquisition," so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the acquisition, by purchase, condemnation, or otherwise, a suitable site for the United States post office and other governmental offices in each of the cities enumerated in this section within its respective limit of cost hereby fixed.

Mr. SUTHERLAND. On page 36, line 23, after the word "otherwise," I move to insert the word "of."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 36, line 23, after the word "otherwise," in the amendment of the committee, it is proposed to insert the word "of," so as to read:

SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the acquisition, by purchase, condemnation, or otherwise, of a suitable site for the United States post office and other governmental offices in each of the cities enumerated in this section within its respective limit of cost hereby fixed.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 37, after line 12, to insert:

United States post office at Prescott, Ariz., $5,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 13, to insert:

United States post office at Conway, Ark., $5,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 17, to insert:

United States post office at Forrest City, Ark., $5,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 22, to insert:

United States post office at Canyon City, Colo., $15,000.

The amendment was agreed to.

The next amendment was, at the top of page 38, to insert:

United States post office at Monte Vista, Colo., $10,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 2, to insert:

United States post office and courthouse at Montrose, Colo., $15,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 4, to insert:

United States post office and land office at Sterling, Colo., $15,000.

The amendment was agreed to.

Mr. ASHURST. Mr. President, adverting to the item making an appropriation for a post-office site at Prescott, Ariz., if it be in order, I should like to propose an amendment increasing the amount.

The PRESIDING OFFICER. It will be necessary to reconsider the vote by which that amendment was adopted. Without objection, the vote by which the amendment on page 37, line 13, was adopted is reconsidered, and the amendment is before the Senate and is open to amendment.

Mr. ASHURST. I move that the sum of $5,000 in that amendment be stricken out and that $7,500 be inserted in lieu thereof.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 37, line 13, after the name "Arizona," it is proposed to amend the committee amendment by striking out "$5,000" and inserting "$7,500," so as to read:

United States post office at Prescott, Ariz., $7,500.

Mr. SUTHERLAND. Mr. President, the committee gave consideration to that item. Prescott has a population of about 5,000, as I remember.

Mr. ASHURST. Something over 5,000, I will say to the Senator from Utah.

Mr. SUTHERLAND. It has a population of about 5,000, and it was thought by the committee, after investigating the subject, that $5,000 would be ample to buy a site for a public building there, and I think it will be. Therefore, I must resist the adoption of the amendment to the amendment.

Mr. ASHURST. Mr. President, I desire to say that the committee gave careful consideration not only to this item, but to every other item in this bill; to my knowledge the committee sat several days and held many hearings. I respectfully insist that the appropriation for the purchase of a site in the city of Prescott be increased from $5,000 to $7,500.

The population of Prescott, as shown by the census of 1910, numbered 5,092 persons, and the census returns respecting Prescott for 1910 are notoriously and admittedly deficient. That the city of Prescott has a population of over 6,000 persons can not successfully be contradicted. Moreover, a large number of persons who do not live within the corporate limits of the city receive their mail in Prescott. The postal receipts for the year 1901 were $12,097, while the postal receipts for the year 1911 amounted to $21,793. I do not believe an appropriate and suitable site for a Federal building could be purchased in Prescott for $5,000, but I feel reasonably certain that a suitable site could be procured for the sum of $7,500.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Arizona [Mr. ASHURST] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 38, after line 7, to insert:

United States post office at De Funiak Springs, Fla., $6,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 11, to insert:

United States post office at Kissimmee, Fla., $6,000.

The amendment was agreed to.

The next amendment was, on page 38, line 14, after the word "Georgia," to strike out "$5,000" and insert "$7,500," so as to make the clause read:

United States post office at Toccoa, Ga., $7,500.

The amendment was agreed to.

The next amendment was, on page 38, line 18, after the word "Georgia," to strike out "$5,000" and insert "$7,500," so as to make the clause read:

United States post office at Sandersville, Ga., $7,500.

The amendment was agreed to.

The next amendment was, on page 38, after line 19, to insert:

United States post office at Forsyth, Ga., $7,500.

The amendment was agreed to.

The next amendment was, on page 38, after line 20, to insert:

United States post office at Thomson, Ga., $7,500.

The amendment was agreed to.

The next amendment was, on page 38, after line 21, to insert:

United States post office at Waynesboro, Ga., $6,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 23, to insert:

United States post office at Monroe, Ga., $6,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 24, to insert:

United States post office at Madison, Ga., $7,500.

The amendment was agreed to.

The next amendment was, at the top of page 39, to insert:

United States post office at Eatonton, Ga., $6,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 1, to insert:

United States post office at Nampa, Idaho, $10,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 2, to insert:

United States post office at Caldwell, Idaho, $10,000.

The amendment was agreed to.

The next amendment was, on page 39, line 5, before the word "Illinois," to strike out "Hillsboro" and insert "Carlinville," so as to make the clause read:

United States post office at Carlinville, Ill., $10,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 6, to insert:

United States post office at Highland, Ill., $7,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 7, to strike out:

United States post office at Geneseo, Ill., $10,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 8, to insert:

United States post office at Carrollton, Ill., $10,000.

The amendment was agreed to.

The next amendment was, on page 39, line 12, before the word "Illinois," to strike out "Spring Valley" and insert "Springvalley," so as to make the clause read:

United States post office at Springvalley, Ill., $10,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 7, to insert:

United States post office at Albia, Iowa, $5,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 14, to insert:

United States post office at Barbourville, Ky., $5,000.

Mr. SMITH of Georgia. Mr. President, we have dropped down here to postal receipts of $4,000. I merely want to bring the attention of the Senate, before they agree to this amendment, to the fact that the postal receipts of this town are less than $4,000 per annum, and the population is about 1,600.

Mr. TOWNSEND. To what amendment is the Senator referring?

Mr. SMITH of Georgia. I am referring to Barbourville, Ky., a new item which has been added. The postal receipts there are only $4,000 a year.

Mr. BRADLEY. Mr. President, Barbourville is situated in eastern Kentucky. That section of our State has been improving in the last three years by leaps and bounds. There are many valuable coal mines and also oil interests around that place. In the last decade its population more than doubled. Since the census was taken it has increased about 400; and the population is now about 2,000. It is a growing, live town. It has two colleges, a number of banks, and is an exceedingly prosperous community. There are other towns in Kentucky of less population than this that to-day have public buildings.

This is a section of the State that has received but little attention, and it is now demanding the attention of the whole people. I do hope that my good and great friend from Georgia [Mr. SMITH] will withdraw his objection to this little pittance of $5,000 to purchase a site for a building at this place. I appeal to his generosity. I know he is generous.

Mr. SMITH of Georgia. Mr. President, there is no point of order that can be made on the amendment. I wish merely to say that I was surprised that such small receipts were deemed sufficient for the erection of a public building, and so I called attention to it. It is for the Senate to determine.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 40, line 23, after the word "Kentucky," to strike out "$5,000" and insert "$7,500," so as to make the clause read:

United States post office at Paintsville, Ky., $7,500.

Mr. SMITH of Georgia. Mr. President, I really do not think the Senator from Kentucky ought to ask for this increase. This is a town with about 700 inhabitants, and only has $2,000 postal receipts.

Mr. BRADLEY. What town is that?

Mr. SMITH of Georgia. Paintsville.

Mr. BRADLEY. How many people does the Senator say reside there?

Mr. SMITH of Georgia. Perhaps I have overestimated. It has 900 inhabitants and the postal receipts, I find, are $3,700. Surely $500 is enough to buy a site in that town—or $5,000. I said "$500," and I ought to stand by my statement, but the House proposed $5,000. The proposition, however, is to increase the appropriation for a site for a public building in that little town to $7,500. Surely the Senator will not urge that, but will be satisfied with what the House has given.

Mr. BRADLEY. Mr. President, I appealed to the Senator's generosity a moment ago without avail, and now he appeals to mine. [Laughter.] The fact is, the Senator from Georgia does not understand the condition of affairs. I tried to explain awhile ago about eastern Kentucky. For this town the department's estimate for a building site was $8,000, and the committee allowed $7,500, which is $500 less than the department's estimate. The post-office receipts——

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Pennsylvania?

Mr. BRADLEY. Certainly.

Mr. OLIVER. I should like to ask the Senator from Kentucky whether this town is on the Green River? [Laughter.]

Mr. BRADLEY. No, sir; it is not. I am satisfied if it were that no objection would be made to the increase by any Senator on this floor. [Laughter.]

Mr. President, the post-office receipts in this town, as shown by the latest estimate of the department, are $5,000.

Now, let me tell the Senate some things about this town. In the first place, the present population of this town is 2,000. It has expended $100,000 for concrete pavement; its banks have over a million dollars of deposits, and it has several manufactories. These improvements have lately taken place. Within sight of this town, less than a mile away, is the town of Van Lear, which is growing up close to Paintsville. It has grown within three years to have 2,500 population. On the other side and less than a mile from Paintsville is another town which has sprung up within the last three years with 2,000 population. This country is——

Mr. SMITH of Georgia. Will the Senator tell me how far on each side are these two other towns?

Mr. BRADLEY. I have said that one of them was within less than a mile and the other is in sight. [Laughter.]

Mr. SMITH of Georgia. How far can you see?

Mr. BRADLEY. I suppose if the Senator from Georgia were interested, as he usually is, when speaking in the Senate, you could hear him speak without any difficulty from one town to the other. [Laughter.]

Mr. President, this portion of Kentucky, as I understand, has not a single public building in it. There is not a public building in that congressional district, and yet the growth of population and wealth in that district is absolutely marvelous. Property is increasing in value every day. Living there is a great money king, as well as a Democrat, a friend of the Senator from Georgia, known as John C. C. Mayo. Only a short time ago they built a church there costing $75,000. They believe in worshiping the Lord in that section. They have put up there, as I have said, a number of manufactories, and the growth of that town is one of the marvels of eastern Kentucky. I insist that if we do not buy a site now, or provide for one, by the time we pass another public-buildings bill it will take a great deal more money to buy it and the Government will lose by the delay. That whole section is filled with valuable coal, the development of which accounts for its prosperity. I again appeal to the generosity of my friend from Georgia and will give him another opportunity to redeem himself before this body.

Mr. PAYNTER. Mr. President, my colleague [Mr. BRADLEY] has so well stated the claims of Paintsville to this appropriation that there is nothing I could add to what he has already said. Such an effort—

> To gild refined gold, to paint the lily,
> To throw a perfume on the violet,
> To smooth the ice, or add another hue
> Unto the rainbow, or with taper light
> To seek the beauteous eye of heaven to garnish,
> Is wasteful and ridiculous excess.

It is true, as stated by him, that there has been a great growth and development in the valley of the Big Sandy River. In addition to the church which he has mentioned, there has been a large school established at Paintsville; it promises to be a city of very great importance in the near future. There is no part of Kentucky where there has been such development as there has been in eastern Kentucky. There are great coal fields lying not far from there, and there is one railroad running to the town on the Kentucky side of the Big Sandy River and another one on the West Virginia side of the river. So, as I have said, it promises to be a city of very great importance, and I trust the Senate will stand by the action of the committee in fixing the amount at $7,500.

The PRESIDING OFFICER. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 41, line 1, after the words "post office," to insert "and courthouse," and, in line 2, after the word "Kentucky," to strike out "$5,000" and insert "$7,500," so as to make the clause read:

United States post office and courthouse at Pikeville, Ky., $7,500.

The amendment was agreed to.

The next amendment was, on page 41, after line 7, to insert:

United States post office at Falmouth, Ky., $5,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 11, to insert:

United States post office at Morgan City, La., $6,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 13, to strike out:

United States post office at Cambridge, Md., $10,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 15, to insert:

United States post office and customhouse at Provincetown, Mass., $8,000.

The amendment was agreed to.

The next amendment was, on page 41, line 18, after the word "Massachusetts," to strike out "$15,000" and insert "$25,000," so as to make the clause read:

United States post office at South Framingham, Mass., $25,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 21, to insert:

United States post office at Caruthersville, Mo., $7,500.

The amendment was agreed to.

The next amendment was, at the top of page 42, to insert:

United States post office at Farmington, Mo., $7,500.

The amendment was agreed to.

The next amendment was, on page 42, after line 11, to insert:

United States post office at Somersworth, N. H., $5,000.

Mr. GALLINGER. Mr. President, Somersworth, N. H., is a city of 8,000 population, with postal receipts of $10,000. My information is that $5,000 will not buy a proper site, and I trust the Senator in charge of the bill will agree to an amendment to the amendment making the amount $7,500.

Mr. SUTHERLAND. I will not object to such an amendment, so far as I am concerned.

Mr. GALLINGER. I move that amendment to the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 42, line 5, in the amendment of the committee it is proposed to strike out "$5,000" and insert "$7,500."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 42, line 17, after the name "New York," to strike out "$15,000" and insert "$25,000," so as to make the clause read:

United States post office at Oneida, N. Y., $25,000.

The amendment was agreed to.

The next amendment was, at the top of page 43, to insert:

United States post office at Mount Airy, N. C., $10,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 4, to insert:

United States post office at Wadesboro, N. C., $10,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 6, to insert:

United States post office at Rockingham, N. C., $10,000.

The amendment was agreed to.

The next amendment was, on page 43, line 9, after the words "post office and" to strike out "customhouse" and insert "courthouse," so as to make the clause read:

United States post office and courthouse at Fargo, N. Dak., $25,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 14, to insert:

United States post office at Delphos, Ohio, $7,000.

The amendment was agreed to.

The next amendment was, on page 44, line 3, after the words "South Carolina," to strike out "$5,000" and insert "$10,000," so as to make the clause read:

United States post office at Dillon, S. C., $10,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 4, to insert:

United States post office at Milbank, S. Dak., $7,500.

The amendment was agreed to.

The next amendment was, on page 44, after line 6, to insert:

United States post office at Vermilion, S. Dak., $7,500.

The amendment was agreed to.

The next amendment was, on page 44, after line 10, to insert:

United States post office at Elizabethton, Tenn., $2,500.

The amendment was agreed to.

The next amendment was, on page 44, after line 16, to strike out:

For the acquisition, by purchase, condemnation, or otherwise, of additional ground adjoining the post office and courthouse at Sherman, Tex., $5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 44, after line 20, to strike out:

United States post office at Gilmer, Tex., $5,000.

The amendment was agreed to.

The next amendment was, on page 44, line 22, after the word "Texas," to strike out "$5,000" and insert "$6,000," so as to make the clause read:

United States post office at Crockett, Tex., $6,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 23, to insert:

United States post office at Memphis, Tex., $7,500.

The amendment was agreed to.

The next amendment was, on page 44, after line 24, to insert:

United States post office at Sweetwater, Tex., $7,500.

The amendment was agreed to.

The next amendment was, at the top of page 45, to insert:

United States post office at Seguin, Tex., $10,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 2, to strike out:

United States post office at Orange, Tex., $10,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 16, to insert:

United States post office at Cape Charles, Va., $7,500.

The amendment was agreed to.

The next amendment was, on page 45, after line 18, to insert:

United States post office at Buena Vista, Va., $5,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 20, to insert:

United States post office at Woodstock, Va., $5,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 22, to insert:

United States post office at Manassas, Va., $5,000.

The amendment was agreed to.

The next amendment was, at the top of page 46, to insert:

United States post office at Pasco, Wash., $10,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 8, to insert as a new section the following:

SEC. 6. That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for a post office only upon the site heretofore acquired, bounded by Seventh, Eighth, Hoyt, and Glisan Streets, in the city of Portland, Oreg., at a total limit of cost for said building, complete, including mechanical equipment, heating, ventilating, vacuum-cleaning and air-washing systems, machinery, mechanical appliances and devices for handling mail, intercommunicating telephones and clock systems, and such other labor-saving devices and appliances as may be deemed necessary, at a total limit of cost, exclusive of site, of $1,000,000.

That the Secretary of the Treasury be, and he is hereby, further authorized and empowered, in his discretion, to secure the plans, specifications, and estimates for said building and the local supervision of its construction by competition among not less than five architects, and to make payment for the services of the architect whose plan may be selected out of the appropriation for said building, any statute to the contrary notwithstanding.

Mr. SMITH of Georgia. Mr. President, it seems to me the chairman of the committee ought to explain to us the necessity for that appropriation.

Mr. BOURNE. Mr. President, if the chairman of the committee will permit me to do so, I shall be very glad to explain that.

In 1875 the Government bought a post-office site in Portland, for which they paid $15,000, and erected a Federal building there. The postal receipts then were $24,000 a year. For the fiscal year 1912 the postal receipts were over $1,100,000. The present cash value of the site for which the Government paid $15,000 in 1875 is, conservatively, a million dollars. That building is a Federal court building and also a post-office building.

About three years ago the Senate passed a bill providing half a million dollars for the purchase of a site and a million dollars for the construction of a post-office building. The House provided $500,000, in the last public buildings bill, for the purchase of the site. The site was acquired for $340,000. The Government now pays, I think, some $25,000 per annum for rental of buildings that are necessary because of the increase in the postal service and the inability to handle the postal business at the present Portland post office.

I think this is a pretty good illustration of my viewpoint as to the desirability of the Government making liberal appropriations for the construction of its public buildings.

Mr. SMITH of Georgia. I understand, then, that the present public building in Portland is the one that was erected when it was really just a village?

Mr. BOURNE. The present public building in Portland is on the same site that they had when Portland was, you may say, a village, in 1875, when the postal receipts were only $24,000 per annum.

Mr. SMITH of Georgia. In any event, it was comparatively a very little city?

Mr. BOURNE. Yes. According to the last census the city of Portland had 207,000 people, and I think it now has 250,000. The present postal receipts, I know, are $1,100,000.

Mr. SMITH of Georgia. And this is really necessary to meet the present demands of the city?

Mr. BOURNE. Absolutely necessary.

Mr. CHAMBERLAIN. Mr. President, in addition to what my colleague has said I desire to say that the present site is quite a long distance from the depot, and because of the increased population and increased business of the post office they have found it convenient and best to purchase a site near the depot, where the mail can be handled at very much less cost to the Government.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 47, line 4, to change the number of the section from "6" to "7"; in line 5, after the words "directed to," to strike out "acquire" and insert "contract for the acquisition"; in line 13, after the words "building and,"

to strike out "addition to site" and insert "additional ground"; in line 16, after the word "may," to insert "in his discretion"; and, in line 18, after the word "sale," to strike out "in the discretion of the Secretary of the Treasury," so as to make the section read:

SEC. 7. That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the acquisition, by purchase, condemnation, or otherwise, a site, or additional ground adjoining the site already acquired, and to contract for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office, courts, and other governmental offices at Birmingham, Ala. The cost of said building and additional ground, or new site, and building shall not exceed $1,000,000: *Provided*, That if the Secretary of the Treasury should decide to acquire a new site he may, in his discretion, sell the site already acquired at an upset price of not less than $200,000, at public or private sale, at such time and upon such terms as he may deem to be to the best interests of the United States and deposit the proceeds in the Treasury as a miscellaneous receipt.

The amendment was agreed to.

The next amendment was, on page 47, after line 22, to insert as a new section the following:

SEC. 8. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site for a suitable building and approaches in the borough of Manhattan, city, county, and State of New York, for the use and accommodation of the United States courts of the southern district of New York and the second circuit, the cost of said site not to exceed the sum of $3,000,000: *Provided*, That the site proposed to be selected shall first be approved by the Attorney General of the United States.

The amendment was agreed to.

The next amendment was, on page 48, line 8, to change the number of the section from "7" to "9"; in line 10, before the words "post office," to insert "United States"; in the same line, after the words "post office," to insert "courthouse"; and in line 21, after the word "site," to strike out "before the completion of the new Federal building," so as to make the section read:

SEC. 9. That the limit of cost for the acquisition of a site and the erection thereon of a suitable building for the accommodation of the United States post office, courthouse, and other governmental offices at New Haven, Conn., as provided by the act of Congress approved June 25, 1910, is hereby increased by the sum of $400,000, or so much thereof as may be realized from the sale of the old post-office and customhouse building and site thereof in the said city of New Haven, as provided in said act of June 25, 1910; and said act of June 25, 1910, is hereby amended so that the Secretary of the Treasury is authorized, in his discretion, to sell said old post-office and customhouse building and site on such terms as the Secretary of the Treasury may deem to be to the best interest of the United States, subject to the provision and agreement that possession of same shall not be delivered until said new building is ready for occupancy.

The amendment was agreed to.

The next amendment was, on page 49, line 3, to change the number of the section from "8" to "10."

The amendment was agreed to.

The next amendment was, on page 49, line 14, before the words "and estimates," to strike out "designs" and insert "plans, specifications," so as to make the clause read:

That the plans, specifications, and estimates for said building shall be approved by a board consisting of the Secretary of the Treasury, the Secretary of the Interior, and the Superintendent of the Capitol Building and Grounds.

The amendment was agreed to.

The next amendment was, on page 49, line 19, after the words "sum of," to strike out "$500,000" and insert "$596,000"; in line 23, after the word "employment," to insert "at customary rates of compensation"; on page 50, line 2, after the words "preparation of," to strike out "such" and insert "the necessary"; in line 3, before the word "specifications," to strike out "and," and in the same line, after the word "specifications," to insert "estimates," so as to make the clause read:

That for the purpose of beginning the construction of said building the sum of $596,000 is hereby authorized, and the unexpended balance of the appropriation for the acquisition of said square 143 is hereby made available as a part of said authorization for the employment, at customary rates of compensation without regard to civil-service laws, rules, or regulations, of technical and engineering services in the Office of the Supervising Architect, exclusively to aid in the preparation of the necessary plans, specifications, estimates, and toward the commencement of the construction of said building.

The amendment was agreed to.

The next amendment was, on page 50, line 15, after the word "exceeding," to strike out "$2,500,000" and insert "$2,596,000," so as to make the clause read:

That the foregoing authorization for the employment of technical and engineering services shall be in addition to and independent of the authorizations and appropriations for personal services for the Office of the Supervising Architect otherwise made: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby authorized shall be constructed or so planned as to cost, complete, including fireproof vaults, heating and ventilating apparatus, elevators, lighting fixtures, and approaches, but exclusive of site, not exceeding $2,596,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 19, to insert as a new section the following:

SEC. 11. That a building is hereby authorized to be erected in the District of Columbia to be known as the George Washington Memorial Building.

The control and administration of said building, when erected, shall be in the Board of Regents of the Smithsonian Institution.

The George Washington Memorial Association is authorized to erect said building in accordance with plans to be procured by said association and to be approved by the Commission of Fine Arts, said building to be fireproof, faced with granite, and to cost not less than $2,000,000; it shall have an auditorium that will seat not less than 6,000 people, and such other smaller halls, reception rooms, office rooms, etc., as may be deemed necessary to carry out the purposes for which the building is erected. And the said George Washington Memorial Association shall in addition provide a permanent endowment fund of not less than $500,000, to be administered by the Board of Regents of the Smithsonian Institution, the income from which shall, as far as necessary, be used for the maintenance of the said building.

Permission is granted the George Washington Memorial Association to erect said building in the north end of the reservation known as Armory Square, bounded by Sixth and Seventh Streets west and B Street north and B Street south. The south front of said building is to be on a line with the south front of the new National Museum Building, in the north end of the Smithsonian Park; and the said land is hereby set apart for that purpose: *Provided*, That the actual construction of said building shall not be undertaken until the sum of $1,000,000 shall have been subscribed and paid into the treasury of the George Washington Memorial Association: *And provided further*, That the erection of said George Washington Memorial Building be begun within a period of two years from and after the passage of this act, and this section shall be null and void should the George Washington Memorial Association fail to comply with the provisions thereof which are conditions precedent to the authorization herein granted.

Said building may, among other purposes, be used for inaugural receptions and special public meetings authorized by Congress.

Congress may alter, amend, add to, or repeal any of the provisions of this section.

Mr. SMITH of Georgia. Mr. President, we have already gone on record as spending more money, I believe, than any Congress that has ever been in session. I do not think there is any necessity for this appropriation at this time.

Mr. SUTHERLAND. Mr. President, I fear the Senator has not read the section carefully. It does not involve any expenditure at all upon the part of the Government. It simply gives a site for the construction of this building, and, in consideration of giving the site, it requires that a building shall be erected at the cost of this association, to cost not less than $2,000,000, and that they shall furnish in addition to that an endowment fund of $500,000 to guarantee the expense of operating the building and carrying it on. It is to be under the control of the Government, however, and can be used by the Government. It does not involve the expenditure of a single dollar on the part of the Government of the United States.

Mr. SMITH of Georgia. It was almost impossible for me to keep up with the provision as it was being read. I have nothing further to say, in view of the statement of the Senator from Utah.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 52, after line 12, to insert as a new section the following:

SEC. 12. That the Secretary of War be, and he is hereby, authorized and directed to enter into contracts for all necessary plans and for the construction of an armory building for the National Guard of the District of Columbia, in accordance with the plans for such armory submitted by the commission appointed by the act of Congress approved May 30, 1908, or such modified plans as may be approved by the Secretary of War and the said commission at a limit of cost not to exceed $1,750,000, one-half of which shall be borne by the District of Columbia.

That the northern portion of the Government reservation bounded by B Street north, B Street south, Twelfth Street west, and Fourteenth Street west, in the District of Columbia, comprising that portion of said reservation north of the line established for the south front of the new National Museum Building, be, and is hereby, selected and dedicated as a site for the said armory for the National Guard of the District of Columbia, after the removal of the temporary buildings now on said site, which removal is hereby authorized.

That the construction of said armory building shall be under the direction of the officer in charge of public buildings and grounds in the District of Columbia, and all money expended shall be upon vouchers approved by him. All plans for said armory building shall be approved by the Secretary of War and the commission authorized by the act of Congress approved May 30, 1908 (35 Stat. L., p. 540).

Mr. SMITH of Georgia. Mr. President, I think we have now reached some of the amendments that should be vigorously resisted. There is no more occasion to have this great armory here than there is in any other city of the United States; and there is no more occasion to take the money out of the National Treasury to build this armory than there is to build an armory in every other city of the size of this for the use of the National Guard. This really is to be an auditorium, in large part. We begin by contributing the land which belongs to the public, and we then propose to go on and put up a building to cost $1,750,000.

The National Government now pays about $600,000 a year rent in the city of Washington for buildings that ought to be constructed for $4,000,000. We have ample land. We could

construct a model 400-room office building here for $750,000, fireproof, of steel construction, concrete, brick, marble, and granite trimmings. These need not be extravagant buildings. I should be glad to see the Department of Justice and the Department of State each have a building of the same style as the present buildings. But the balance of the office space here can be amply provided for by the ordinary model office building. A 400-room office building, amply ornamental, can be erected upon the perfectly fireproof plan to which I have referred for $750,000.

The PRESIDENT pro tempore. The Senator from Georgia will please suspend. Under the previous order of the Senate, the Senate will stand in recess until the hour of 8 o'clock.

Thereupon (at 6 o'clock p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. CURTIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, and 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$20,000"; and the Senate agree to the same.

CHARLES CURTIS,
GEORGE T. OLIVER,
THOMAS S. MARTIN,
Managers on the part of the Senate.

H. D. FLOOD,
JOHN N. GARNER,
WILLIAM B. MCKINLEY,
Managers on the part of the House.

The report was agreed to.

PETITIONS AND MEMORIALS.

Mr. JONES presented telegrams in the nature of petitions from the city council, the Sailors' Union, the executive board of the State Federation of Labor, the Alaska Fishermen's Union, the Labor Council, the Marine Cooks and Stewards' Association, and of W. G. Potts, all of the city of Seattle, in the State of Washington, praying for the passage of the so-called seamen's bill, which were ordered to lie on the table.

He also presented a telegram, in the nature of a petition, from sundry wholesale grocers of the State of Washington, praying for the enactment of legislation to correct the misbranding of foods, drugs, and other products, etc., which was referred to the Committee on Manufactures.

Mr. LODGE presented a memorial of sundry citizens of Salem, Mass., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

SEAMEN IN THE MERCHANT MARINE.

Mr. BURTON. From the Committee on Commerce I report back favorably with an amendment in the way of a substitute the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen, and I submit a report (No. 1321) thereon.

I desire to give notice that on Friday morning, after the close of the routine morning business, I shall ask the consideration of the bill

The PRESIDENT pro tempore. The bill will be placed on the calendar.

REPORTS OF COMMITTEES.

Mr. CRAWFORD, from the Committee on Commerce, to which was referred the bill (H. R. 23676) to regulate the officering and manning of vessels subject to the inspection laws of the United States, reported it with amendments, and submitted a report (No. 1322) thereon.

Mr. PAYNTER, from the Committee on Claims, to which was referred the bill (S. 228) for the relief of John H. Howlett, reported it with an amendment, and submitted a report (No. 1323) thereon.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. JONES submitted an amendment proposing to appropriate $4,480,000 for eight submarine torpedo boats, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs, and ordered to be printed.

PUBLIC BUILDINGS BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28766) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings; and for other purposes.

The PRESIDENT pro tempore. The pending question is on the amendment of the Committee on Public Buildings and Grounds to insert as section 12 on page 52, line 13, to line 16 on page 53.

Mr. SMITH of Georgia. Mr. President, I suggest the lack of a quorum.

The PRESIDENT pro tempore. The Senator from Georgia suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chamberlain	Jones	Smith, Ga.
Bankhead	Clapp	Martin, Va.	Smith, Md.
Borah	Clark, Wyo.	Martine, N. J.	Smoot
Bourne	Crawford	Nelson	Stone
Bradley	Culberson	O'Gorman	Sutherland
Brady	Cummins	Owen	Swanson
Brandegee	Curtis	Page	Thomas
Briggs	Dillingham	Perkins	Townsend
Bristow	Fletcher	Sheppard	Warren
Burnham	Gallinger	Shively	Wetmore
Burton	Johnston, Ala.	Smith, Ariz.	

Mr. SMITH of Georgia. The senior Senator from Georgia [Mr. BACON] is still suffering with a severe cold, and while he comes out in the day, he is advised that he ought not to come out at night.

The PRESIDENT pro tempore. Forty-three Senators have answered to their names. There is not a quorum present. The names of the absentees will be called.

The Secretary called the names of absent Senators and Mr. CATRON, Mr. KENYON, Mr. POINDEXTER, and Mr. SMITH of South Carolina answered to their names when called.

Mr. KERN entered the Chamber and answered to his name.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present. The question is on the amendment of the committee, commencing at line 13, on page 52. The Senator from Georgia will proceed.

Mr. SMITH of Georgia. Mr. President, at the time the Senate took a recess I was calling attention to the fact that this amendment provides for an appropriation of $1,750,000 to build an armory in the District. I had already called attention to the fact that the National Government does not build armories throughout the country, but in the different States armories, as a rule, are built by the personal friends of the members of the National Guard. It is true that this provision requires that one-half of the cost shall be paid from the revenues of the District of Columbia, but the National Government furnishes the land on which it is to be erected.

This appropriation, together with others in the bill, make in all over $10,000,000 to be spent in the District. I think I might well make the point that this appropriation is not an appropriation which should fall within the work of the Committee on Public Buildings and Grounds. I may later bring that point of order to the attention of the Chair.

The next appropriation is of $400,000 to help erect a building to be used by the American Red Cross in the District.

There is a provision in these amendments which, when it is reached, I shall especially object to because it is limited to the commemoration of the services and sacrifices of the loyal women of the United States during the Civil War. I believe that the spirit of national love and universal friendship which pervades

our entire land would justify the commemoration of the sacrifices and character of all the women of the country.

The next one of these appropriations is for an amphitheater to cost $850,000, together with $50,000 additional to build at Arlington both a chapel and an amphitheater.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. SMITH of Georgia. Certainly.

Mr. WARREN. On the subject the Senator passed a moment ago, I suppose he notices that probably the name was given because the appropriation is made in connection with the amount of money which has been raised by that association. The amount we appropriate will only be expended when the association shall have expended or raised about the same amount.

Mr. SMITH of Georgia. Yes.

Mr. WARREN. The Red Cross, as the Senator knows, is about as universal as anything can be, not only for this country, but for all countries. I think we passed the bill in the Senate as a separate measure.

Mr. ROOT. Yes; we have passed it.

Mr. WARREN. The Senate has given its assent to it.

Mr. ROOT. The Senate passed it.

Mr. SMITH of Georgia. I will discuss the peculiar language of that amendment later on when it is taken up by itself. I am now calling the Senate's attention to the quantity of appropriations upon the line of local investment which this bill carries.

The next is an appropriation of $2,300,000 for park purposes in the District.

The next is an appropriation of $5,000,000 to build a bridge across the Potomac.

So, Mr. President, we start with $1,750,000, one-half of which is to come from the National Treasury. We then have $400,000——

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. Yes.

Mr. BORAH. I want to ask the Senator upon what page this $5,000,000 appropriation for this bridge appears?

Mr. SMITH of Georgia. On page 68.

We then have $750,000—$800,000, rather, for there is $50,000 in addition to that—we then have $2,300,000, and we then have $5,000,000, making about $10,000,000 which this bill carries of funds belonging to the National Government to be spent practically in the District.

Mr. President, we are paying now about $600,000 a year rent for Government buildings necessary to the accommodation of the departmental work of the District. I believe we could for $4,000,000 or $5,000,000 erect modern office buildings which would accommodate almost the whole of this part of the departmental service.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. I do.

Mr. SUTHERLAND. The Senator from Georgia speaks of our paying about $600,000 a year rent. I take it the Senator thinks that it would be better for the Government to own the buildings than to rent them.

Mr. SMITH of Georgia. I was just proceeding to give my views on that subject.

Mr. SUTHERLAND. Well, I was going to ask the Senator whether he knew we were now paying a pretty large sum of money for the rent of quarters for the National Guard?

Mr. SMITH of Georgia. Yes; I will come to that; I will discuss that in a moment. We are paying $600,000 a year for a class of buildings which could be erected for $4,000,000. We are paying 3 per cent on $20,000,000, and we have the ground. What I am objecting to is the expenditure of this large sum of money for things not now necessary, while we neglect those that are necessary, which, if we would attend to, would make so large a saving.

Now, with reference to what we are paying for the National Guard, I will say we are renting part of our own property for $8,000 a year for the National Guard when we lease out that property and four times as much more for $7,500. The Government is still the owner of the property, as I understand. I refer to the old market place which, as I understand, is leased out by the Government for $7,500 a year, while we rent a part of it for $8,000, renting it back for an armory. It is the utter lack of business treatment of the money belonging to the people of this District of which I complain.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. I do.

Mr. BORAH. Do I understand the Senator from Georgia to say that we rent out a certain property for $7,500 and then rent back part of the same property for $8,000?

Mr. SMITH of Georgia. That is what I mean; that is what I understand is the case. I submit to correction by those Senators who have been here longer than I have been, if I am mistaken. I myself have not investigated it in detail, but I have seen the fact published that we lease out——

Mr. SMOOT. Mr. President——

Mr. SMITH of Georgia. One moment; let me finish, please—that we lease out the market place just across the little park from Pennsylvania Avenue for $7,500 a year and then rent back for an armory a small part of it, paying $8,000; though, perhaps, more properly speaking, that rental is by the District instead of by the Government, but the Government pays half.

Mr. SMOOT and Mr. ASHURST addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Georgia first yield to the Senator from Utah?

Mr. SMITH of Georgia. I do.

Mr. SMOOT. I have been informed that the Government and the District did not pay for the building, but the company owning the lease put up the building and, in turn, rented a portion of the building to the Government and the District for the armory; or, in other words, all the interest that the Government and the District have in the property is the interest in the land. I was going to ask the Senator if he knows that to be the case.

Mr. SMITH of Georgia. I understand that that is true, and I wish to add that the cost of the building is trivial. That $8,000 a year would pay the interest on the cost of the building. I am calling attention to this fact to emphasize my proposition of the neglect of business management.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Arizona?

Mr. SMITH of Georgia. I do.

Mr. ASHURST. Mr. President, it seems to me that the most effective and practical way to stop paying high and exorbitant rents would be to construct proper buildings, and it might be illuminating at this time if, with the consent of the Senator from Georgia, I should incorporate into the RECORD a statement of the amount of rent that the Government pays, for what purpose the property is used, and the condition of the buildings.

Mr. SMITH of Georgia. I yield to the Senator.

Mr. ASHURST. I ask that this statement be read at the desk.

Mr. BRISTOW. I should like to have it read.

Mr. ASHURST. I have asked to have it read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

Mr. ROOT. I should like to ask what it is that is asked to be read.

The PRESIDENT pro tempore. It is a clipping from a newspaper, but the Chair is unable to determine the character of the clipping.

Mr. ROOT. Can we not be informed from what newspaper it is taken and who vouches for the figures which are given?

Mr. ASHURST. I said that it might be illuminating if the Senate knew the exact amount of rent paid by the Government in this District. I desire, if possible, to obviate the necessity of the Government paying these exorbitant sums for rent. The question is asked from what paper the clipping is taken. It is from a paper which is not popular in this Chamber, from a paper that very few Senators read, designated at times The Appeal to Reason. The accuracy, however, of these particular items is reasonably certain.

Mr. WARREN. Mr. President, that is what I wanted to know, whether the Senator from Arizona had checked the information up with the department as to the figures, so as to be certain they are correct.

Mr. ASHURST. I do not wish to be discourteous. I will say that the Senator from Arizona is not in the habit——

Mr. WARREN. It is entirely immaterial what paper it is, if the statements have been checked up.

Mr. ASHURST. The Senator from Arizona is not in the habit of asking the Senate to incorporate into the RECORD figures and data that he believes to be incorrect.

Mr. WARREN. There is no insinuation that the Senator from Arizona would do that. The only thing is that newspapers sometimes make incorrect reports, and I wanted to know if the Senator had verified this. That is all I wanted to ask

before the clipping was read, so as not to seem to cast any aspersion upon the item itself.

Mr. ASHURST. Mr. President, during the short time I have had the honor to be a Member of this body I have found that if you wish accurate information with respect to many matters of a public nature you are obliged to consult the newspapers. I ask that the clipping be read at the desk. It is very short.

The PRESIDENT pro tempore. Is there objection to the extract being read? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

The following amounts were paid by the United States Government for rent of privately owned buildings in Washington during the fiscal year ended June 30, 1912:

State Department	$11,480.00
Treasury Department	52,000.00
War Department	15,220.00
Navy Department	40,326.24
Interior Department	59,100.00
Post Office Department	48,455.00
Department of Agriculture	85,329.00
Department of Commerce and Labor	87,521.24
Department of Justice	31,580.40
Quartermaster's Department of the Army	45,377.10
Commerce Court	11,772.00
Court of Customs Appeals	7,000.00
Interstate Commerce Commission	41,000.00
Public Printer	5,693.76
District of Columbia	44,360.00
Total	586,274.74

The majority of the buildings for which this rental is paid are old, rickety, and insanitary, and are ill adapted for the performance of public business. The rentals paid are notoriously excessive and out of all proportion to rents paid by private parties for similar quarters.

Mr. SMITH of Georgia. I ask that the Secretary read the total once more. My attention was diverted for the moment.

Mr. WARREN. It is very near the amount the Senator gave.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY read as follows:

Total, $586,274.74.

Mr. SMITH of Georgia. Mr. President, 12 months ago I took the pains to check up the figures, and those just read are practically what I found the rentals then to be. As I have said, the total rental is approximately $600,000.

Now, what I am seeking to urge upon the Senate is simply this: Can we excuse ourselves for expending public money for things in this District that are not necessary while we neglect to construct buildings that are necessary and while we continue to pay exorbitant rents for buildings that are necessary on account of our neglect to erect suitable buildings for ourselves?

I shall not repeat the stories I have heard about what has been made in the construction of buildings after contracts with the Government have first been entered into in the District. They may not be true. However, what I do insist upon is that, owning the land, we can house ourselves cheaper than private citizens can house the Government, and that the Government, not being compelled to purchase land on which to build, can certainly erect buildings to house its various services for less than any private individual can afford to buy land and erect buildings and rent them to the Government. The private owners have their taxes to pay, and we pay ours most liberally under the half-and-half policy. What I wish to do is to urge that all these items, amounting to $10,000,000, even if Senators feel that the projects are worthy, be suspended, be left to wait until we have first done that which is necessary—erected buildings for our departmental work to meet the requirements of the department work, and stop this $600,000 a year rent. It may be true that $8,000 a year is paid for the armory. That would not be the interest on $1,750,000.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. I do.

Mr. SUTHERLAND. The so-called armory is only one of the places which is rented for the use of the District Guard. There are seven others. There are eight places altogether in the District which are rented, and the rent now paid is about $17,000 a year.

Mr. SMITH of Georgia. How many guards are there in the District?

Mr. SUTHERLAND. Recruited to their full strength, there would be 4,000. There are now possibly a little over 2,000. There should be three regiments and some detached organizations, which I do not just now recall.

Mr. WARREN. A brigade, is it not?

Mr. SUTHERLAND. Yes; it is a brigade. There should be 4,000. If the Senator could have taken the trip about the city that I took some little time ago and visited these various quarters, I think he would have had a somewhat different idea as to the necessity of providing quarters for these men. The various places in which they are housed are insanitary; they are utterly discreditable to any Government to ask men to inhabit. For example, upon one of the streets just beyond the War Department they have rented half of a room in a building which has been constructed of the cheapest material and covered with corrugated iron. Through the center of a not very large room to begin with there has been a partition extended, making a narrow hall on each side, one side occupied as a bicycle repair shop and the other occupied by a company or more of the militia of the District.

There are not sufficient accommodations in that room for the men to hang their clothing. Space that would ordinarily be given to one man is given over to two or three men. There is no room to put their overcoats away, and they are compelled, when they have finished using their overcoats, to store them in dry-goods boxes, to lie there until they are needed the next time, perhaps being put away in a damp condition to mildew and to be destroyed. They have no place to drill, but are compelled to go out into the streets and while they are engaged in drilling dodge automobiles. In another place we have a fire trap back of the market in which we have stored over $200,000 worth of Government supplies that may at any time be destroyed by fire.

It does seem to me that if there is anything in the way of a building that is necessary in this District, it is a building for the National Guard. It is not like the ordinary guard. It is not a District Guard, as the Senator intimates, but it is an organization——

Mr. SMITH of Georgia. It is like the National Guard in every State.

Mr. SUTHERLAND. Not at all.

Mr. SMITH of Georgia. There is not any other system to organize upon.

Mr. SUTHERLAND. Not at all, Mr. President. It is an organization created by the laws of the United States, and of that organization the President of the United States is the Commander in Chief. They are subject to the call of the Federal Government; they are not District troops. It is as much our duty to take care of them as it is to take care of any part of the Regular Army of the United States.

Mr. SMITH of Georgia. Is there a special statute distinguishing the District Guard from the guard of other States?

Mr. SUTHERLAND. There is a special statute; and the Senator will find it in the Twenty-fifth Statutes at Large, page 772, amended in Thirty-fifth Statutes at Large, page 629. The guard of the District is created by Federal statute, and it does materially from the State militia——

Mr. SMITH of Georgia. There is no mere State militia.

Mr. SUTHERLAND. It differs in the respect to which I have called attention, namely, that it is under the command of the President of the United States as Commander in Chief. It is the absolute duty of the National Government to take care of these troops. They are not like the State troops at all.

Mr. SMITH of Georgia. Mr. President, there is no militia that I know of in the United States now. They are all members of the National Guard. The Dick bill reorganized the entire old militia of the whole country into the National Guard; they are all subject to duty; and the National Guard of this District, I think, stand practically upon the same footing, except that, this not being a State but the District of Columbia, they respond at once to the President, instead of first to the governor of a State, but their plan or organization, I think, as a part of the National Guard is practically the same, beyond that fact.

Mr. SUTHERLAND. The Senator says "that is all," as though that were nothing. That is all, but it is everything. It makes the difference between the mere State troops and the forces under the control of the Federal Government.

Mr. SMITH of Georgia. There are no State troops. They are not mere State troops in any of the States.

Mr. SUTHERLAND. Oh, yes, they are. They are State militia, provided for by State law.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield ot the Senator from New York?

Mr. SMITH of Georgia. I do.

Mr. ROOT. I think the Senator from Georgia is speaking on this subject without full consideration. His colleague has very definite ideas about it, upon which he has been insisting for many years in the Senate.

The Dick bill provided that the organizations in the States which were State troops, ordinarily known as the National

Guard of this, that, and the other State, which took advantage of certain specified appropriations of Congress should be the Organized Militia of the United States. They are still State troops. When they are acting under laws of Congress they are militia. The District National Guard, so called, is nothing else than militia. It is national militia and nothing else. The National Guards of the States have a double aspect. They are State troops, subject to the control of the governors of the States for State purposes, rendering State services; and when they are acting under the laws of Congress, then they are also militia.

Mr. SMITH of Georgia. Mr. President, I am reasonably familiar with the Dick bill. I think I am entirely familiar with the relation which the National Guard bears both to the State and to the Nation. I said there were no mere State troops, and I repeat it. They are not mere State troops. My language was that they were not merely State troops any longer; that the Dick bill changed their status; that they are now the National Guard; and while in times of peace when the Nation does not require them they respond to the command of the governor of the State, they are part of the National Guard of the country, subject in times of war to immediate service, and required to enlist for a definite length of service, but subject under their enlistment, whether they desire to do so or not, to national service in case of war.

Mr. ROOT. That is a State designation. "The National Guard" is the name of State organizations exclusively. The national designation is "militia."

Mr. SMITH of Georgia. Yet, as I remember, all the communications from the War Department now come to them recognizing the term "National Guard."

Mr. ROOT. It is of no consequence whether the communications go to them under that name or under the other. The National Guard is a State organization. It has impressed upon it, as a part of the militia, or as the Organized Militia, certain national characteristics. But let me suggest this to the Senator: This bill is not making any other provision, nor any further or better provision, for the militia organization in the District of Columbia than that which the States are making for their own guard. At all events, in my own State we are spending fully as great amounts of money for the erection of armories for the National Guard as it is proposed to spend here in the District for this armory; and it is so, I know, in many other States.

Mr. SUTHERLAND. Will the Senator permit me, in line with what the Senator from New York has just suggested, to call the attention of the Senator from Georgia to the fact that the Seventh Regiment, a single regiment in New York, has an armory which cost $1,938,268.50?

Mr. SMITH of Georgia. Will the Senator also tell me who paid for it?

Mr. SUTHERLAND. The State.

Mr. SMITH of Georgia. Is the Senator sure? Was that by State appropriation?

Mr. ROOT. It was. An armory board was created, under the laws of the State, to purchase the sites and to put up the buildings for these armories.

Mr. SMITH of Georgia. Is the Senator from Utah sure that that entire fund was paid out of the State treasury?

Mr. ROOT. Mr. President, I will not say that a portion of it was not paid out of the city treasury; but it was paid entirely out of the funds of the State of New York, out of the State treasury or the city treasury.

Mr. SUTHERLAND. It was paid out of public moneys.

Mr. ROOT. Not moneys of the United States; moneys of the State.

Mr. SMITH of Georgia. I know it was not moneys of the United States, but I was under the impression that it was partly contributed by men connected with the National Guard themselves.

Mr. ROOT. No; it was paid from the public moneys.

Mr. SUTHERLAND. Let me further call the attention of the Senator to the fact that the Eighth Regiment has an armory which cost seven hundred and twenty-one thousand and some odd dollars; I will leave out the odd figures. The Ninth Regiment has an armory which cost $809,000. The Twelfth Regiment has an armory which cost $586,000. The Twenty-second Regiment has an armory which cost $1,689,000. The Sixty-ninth Regiment has an armory which cost $1,539,000. The Seventy-first Regiment has an armory which cost $1,608,000. There are a number of others. I have not the complete list. Those are all single regiments.

Mr. ROOT. The Twenty-second Regiment has one, too.

Mr. SUTHERLAND. I mentioned the Twenty-second Regiment—$1,689,000. Those, as I say, are for single regiments. We propose to build an armory for an entire brigade, three regiments—when recruited to the full force, that would make 4,000 men—at a cost of $1,750,000.

Mr. SMITH of Georgia. But they are not recruited to the full force. There are only 2,000 of them now.

Mr. SUTHERLAND. One of the great reasons why they are not recruited to the full force is because of the miserable, inadequate quarters that they are compelled to go into. Everybody understands that the construction of an armory of itself is an incitement to young men to join the National Guards of the States. They have a pleasant place to go. They have something to be proud of.

There is nothing to be proud of in the District of Columbia, with lofts above grocery stores, with this poor, miserable makeshift to which I have called attention, with a bicycle-repair shop upon one side, with no place to store their clothing. There is no feeling of pride about it. The colonel of one of the regiments, who came before our committee, and who has given this matter great study and investigation, said to us that he had not the slightest doubt that if this armory were built the brigade would be promptly recruited to its full strength.

Mr. SMITH of Georgia. As I said, Mr. President, there is not any brigade here. According to the Senator's own statement, there are 2,000 men. It does appear that the State of New York, from the treasury of that State, has with great liberality provided for the National Guard. But take the situation in Maryland: I am informed that the splendid armory there was built, not by the State, but largely by private subscription. We have where I live a large armory, together with an auditorium, which seats 10,000 people. Not a dollar of the cost of that armory came from the State. The relation of the members of the National Guard here, as I said before, differs from the relation of the members of the National Guard in other parts of the country to the National Government only in this respect: There being no governor here, the President is the Commander in Chief in times of peace, while in other States the governor is the commander in chief in times of peace. But in every State of the Union every member of the National Guard, just as in the District of Columbia, in times of war, is bound by his enlistment, and stands for the service of the Nation.

If we were to go to war to-day with a foreign country every member of the National Guard in every State of the Union would already be an enlisted soldier—not a member of the militia of the State, to volunteer or not as he saw fit, but he would be bound by his obligation to go to war. The relation which they bear to the Government all over the United States in case of war is practically the same. In time of peace they respond here to the President, while in the States they respond to the governor.

There may be some of these men who ought to be better quartered, and they easily could be. It would not take $1,750,000 to build an armory even for a brigade. The plans of this building involve a great deal more than an armory. They involve, as I understand—I wish to be corrected by the Senator from Utah if I am mistaken—a charming auditorium.

Mr. SUTHERLAND. I do not know of any such arrangement. There is provision for a large drill hall, which may be used for an auditorium as well. For example, if we had the armory building in operation now, perhaps Mr. Wilson, the incoming President, would not have objected to an inaugural ball, because it might have been held there. But we have no place now for a function of that character unless we turn the Pension Office upside down.

Mr. ROOT. The George Washington Memorial Building is to have an auditorium.

Mr. SUTHERLAND. It will provide for that, too; but there is no separate auditorium, at any rate.

Mr. WILLIAMS. The clause just before that provides for an inauguration hall.

Mr. SMITH of Georgia. As I understand, the inaugural ceremonies are provided for in the clause in the bill just before this. The inauguration ceremonies are fully provided for in that clause.

Mr. SUTHERLAND. That can be used when it is built; but I was answering the suggestion of the Senator that there was an auditorium. He had stated it as though there were a drill hall and also an auditorium. That is not so. There is a large drill hall, which may be used upon occasion for a drill hall or which may not be; but it is primarily a drill hall.

Mr. SMITH of Georgia. Even, Mr. President, in providing for brigades of actual soldiers, we do not build in this lavish style. It is unnecessary; it is not an incident of a soldier's life. The appropriation of $1,750,000 for building an auditorium or drill hall, if that name is preferable, is not an incident of the service of the National Guard at all. It goes far beyond it; it

means more. It is intended for more than to care for the National Guard.

The next provision to which I refer is $750,000 for an auditorium out at Arlington, to be used once or twice a year. I would be glad to see one there, but there is no necessity for it now.

There is the appropriation of $5,000,000, to build a bridge across the Potomac. I would be glad to see it built some time, but I can not conceive the propriety of spending the public money for such a purpose now, while we still pay $600,000 a year rent in the District for quarters that we actually need for the use of Government employees. It seems that we pay $17,000 for the quarters of the National Guard, and we are to quit that cheap rent for an investment of $1,750,000, while we continue the payment of nearly $600,000 rent for quarters that could be built at far less than a 3 per cent basis.

Mr. CUMMINS. Mr. President, like the Senator from Georgia, I was at one time commander in chief of the army and navy of one of the States of the Union. I am interested therefore in the National Guard, and I want a little information in regard to this particular appropriation from the chairman of the committee.

I do not make the same objection to it that has been suggested by the Senator from Georgia. My own observation is that if we would preserve the National Guard and make it as efficient as it ought to be, the country—either the State or the Nation—must supply the armory in which it is to make itself efficient.

But what bothers me is this: Does the Senator from Utah believe that there will ever be a regimental drill or a brigade drill in this armory? There never was an armory built large enough for a regiment to drill in or for a brigade to drill in. These armories are built for company drills, and the regimental drills are, as far as I have ever observed them, held as they ought to be in the open air, at the appropriate season of the year.

Now, just imagine if there were three regiments of the National Guard in the District of Columbia. Are there three or four?

Mr. SUTHERLAND. There are three regiments. There is a brigade.

Mr. CUMMINS. A brigade may be three or four or more regiments.

Mr. SUTHERLAND. There are three regiments and the other organizations.

Mr. CUMMINS. A brigade simply means in the National Guard that it has taken advantage of the law which enables it to have a brigade formation.

Mr. SUTHERLAND. I think there are 4,000 troops.

Mr. CUMMINS. Very well. If there are three regiments there will be 36 companies. Thirty-six companies will be recruited from men all over the District of Columbia, scattered from the northernmost to the southernmost limits and from the eastern to the western border.

Now, do you expect that all those men, in order to drill under their company commander, will come at a stated period once a week or once in two weeks into a central building located in the heart of the city of Washington? I do not believe it will serve any useful purpose if we confine the work of the National Guard—the drill, the preparation—to a central point like that. I can understand how it might be true in the city of New York, where a regiment might be gathered in three or four blocks of that very crowded population, but that is not true of the District of Columbia.

Mr. SUTHERLAND. I think they do come from all over the city.

Mr. CUMMINS. On the contrary——

Mr. SUTHERLAND. It is the only hall which they have.

Mr. CUMMINS. The Senator from Utah has just stated that there are many places all over the city in which these companies gather and drill.

Mr. SUTHERLAND. But they do, all of them, come to this central hall to drill as well.

Mr. CUMMINS. I can not imagine that.

Mr. SUTHERLAND. Because it is the only place that is under cover. They drill a part of the time, in the case I have illustrated, in the space beyond the War Department. They drill in the street at times.

Mr. CUMMINS. Very well; they might drill in the street, but if you believe that three regiments or four regiments of the National Guard can be made efficient by company drill carried on in a single room in the city of Washington, you are bound to disappointment. It never has been done, and it never will be done so long as human nature remains as it is.

It is difficult enough to get these men together for drill, as we have known in the history of the National Guard, because from year to year we have been endeavoring to create additional inducements for men to drill regularly in order that they might become soldiers and understand the discipline and the learning of war. But they will not do it, according to my observation, if they are compelled to come from these far-distant points to a central place for that purpose.

If I were organizing a system for the District of Columbia, if I were trying to do something for the National Guard, instead of having a regimental armory, so called, I would have many company armories, because it is the company after all that makes the National Guard what it is. The regimental drill is largely ornamental and the brigade drill is still more ornamental.

Mr. ROOT. Mr. President, I want to take issue with the Senator. He is stating the reverse of the fact.

Mr. CUMMINS. The Senator from New York can have his own opinion about it. I have stated mine.

Mr. ROOT. The regimental drill is more important than the company drill, and the brigade drill is more important than the regimental drill.

Mr. CUMMINS. I think not. Whatever may be the view of the Senator from New York my judgment is otherwise, and whatever he may have had to do with the Regular Army, I have had more to do with the National Guard, probably, than he.

Mr. SMITH of Georgia. Is it not true that brigade drill never takes place under cover?

Mr. CUMMINS. I never heard of a brigade drill taking place under cover. I never saw a regimental drill taking place under cover. It may be that there are buildings large enough for a complete regimental drill, but I never saw one. I have seen the National Guard of a good many States, and their regimental drills are held in encampments at certain seasons of the year, where the companies come together for that purpose; and if they have brigade formation they are also held at certain seasons of the year.

But I care nothing about that. I return to the original proposition, that in order to make a soldier he must be drilled by his company commander and the art of war is taught him by his company drill. I do not say that the regimental drill is not valuable. On the contrary, I assume that in time of war it would be very necessary; but, so far as the preparation made by the National Guard is concerned, the great important thing is the alertness and the completeness of the work in the company and under the captain of the company. I know that, because in most of the States of the Union they have no regimental drill save once or twice a year, and that for probably one week, whereas they have company drill every week or every two weeks.

Therefore, submitting my opinion with all deference to those of wider experience, I think that when we come to take care of the National Guard in the District of Columbia we will do well to care for them as companies.

I do not mean to say that we should have an armory for every company—that would be impracticable—but we ought to have armories so scattered over the District of Columbia that the members of a few companies may seek it easily and conveniently, alternating upon nights assigned for the drill. If we are to provide for regimental drills, they must be in open spaces in the District of Columbia. I would rather buy a parade ground in the District of Columbia for these maneuvers than attempt to cover them under a monumental structure of this character.

I am not objecting to the expenditure of money. I am simply objecting to the manner in which it is proposed to be expended in this bill. I know what many people believe about it—that we will rear a great monumental building, something like the Senate Office Building, or at least commanding like the new Post Office Building. Sooner or later we will have to draw the line between the monumental building, which is intended to convey the dignity and the greatness of the country, and the utilitarian structure, which is built purely upon business lines. I think an armory, especially in a city like Washington and in the District of Columbia, ought to take on the latter form rather than the former.

I would not object at all to the expenditure of money at the proper time. It may be that in view of the immense sums that are to be appropriated by this bill we are not ready for it, but when the time comes, if there is not public spirit enough here to build these armories individually, and I doubt whether there is, I think the welfare of the Government requires that we shall take care of the National Guard, and I will be very glad to do it.

We have in my State four regiments of the National Guard. It is not a large force, but it holds a very creditable place in the National Guard of the Union. Some of its members have won high honor, not only in national competition but in international competition as well. I suppose that we have 30 armories over the State, and I will venture to say that the 30 armories have not cost more than $750,000; and not one penny was ever contributed by the State to either of them, although the State makes an allowance to every company in the way of rent for the armory property. We have endeavored to bring that guard to its present excellence by providing for company drill, and I am not willing to do more than that in the District of Columbia.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. SMITH of Georgia. Mr. President, I move to lay section 12——

Mr. SUTHERLAND rose.

Mr. SMITH of Georgia. I rose to move to lay the amendment on the table, but I will not do it, in view of the chairman of the committee rising.

Mr. SUTHERLAND. Mr. President, I have only a word or two to add to what I have already said upon this subject. The question is of no more concern to me than it is to anyone else, but I have taken the trouble to go through the city and examine the various quarters in which these men are housed. I undertook a moment ago to state the condition of some of them. I wish to read very briefly from what Col. Harvey said about some of the others. After describing some of them, the chairman asked the character of the buildings in which all these supplies are stored.

The CHAIRMAN. The character of buildings in which all of these supplies are stored, how does that compare with the Y. M. C. A. Building, for example?

Col. HARVEY. The Y. M. C. A. Building, in which the National Guard Company is quartered, is not a part of what is known as the Y. M. C. A. Building; it is a temporary shed. It was an old bicycle barn.

The CHAIRMAN. A wooden shed?

Col. HARVEY. It is a wooden shed, covered with corrugated iron.

The CHAIRMAN. And contains a good many inflammable materials?

Col. HARVEY. There are a good many inflammable materials all about it.

The CHAIRMAN. Is there some oil about there?

Col. HARVEY. I do not know about that. There is a livery stable next door, and they had a fire there not more than a year or so ago and considerable property was destroyed there.

Our main armory is over what is known as the Center Market, and there, in order to get storage accommodations, which the building did not afford in its original shape, they built up on iron girders a framework, which they filled in with wooden partitions covered with galvanized iron, and in that temporary sort of a building we have a considerable amount of property stored.

Then we have an old residence on Missouri Avenue, between Four-and-a-half and Sixth Streets, one of a row of very old houses in a run-down and unsightly neighborhood, in which we have quartermaster's stores deposited.

Our field battery is in two old houses, and we have a shed over one portion of them so as to afford gun room; and we have another storage room which is no more secure in one of the small, old buildings on B Street, between Sixth and Seventh Streets. The stores are at the mercy of fire at any time.

That was the premises of which I spoke when I said that they stored upward of $200,000 worth of Government supplies in that old building.

He goes on and speaks of the condition. First, speaking of the State of New York, he says:

New York State, I will say here, has 59 armories owned by the State or county and maintains practically an entire division. She has something over 16,000 troops—and when I say "troops" in reference to New York guardsmen I think it is a correct statement. There soldiers are held up to a good standard of discipline, and it is possible to keep them to that standard.

They have spent in the State of New York for armories an aggregate, as I recall the figures, of over $10,000,000, with their 16,000 troops.

Then he goes on and states that some of the men have to double up.

Some of the men have to double up and put the equipments of the two men in one locker. The standard locker adopted by the Army is 6 feet high, 24 inches wide, and 18 inches deep. The lockers which we have—80 per cent of them—are not half that size. We can not put all of a man's equipment in them. Take, for instance, our equipment of overcoats. We have not any place to put a man's overcoat to keep it except in packing boxes. We have stored in our main armory stack upon stack of big chests containing the overcoats. If a company is ordered out in winter, a man has to go to the armory superintendent, draw his box of overcoats, give a receipt for it, take it out, and issue it to the men. You can see how absolutely impossible it is to make a quick movement with that kind of accommodations.

There is much more to the same purpose, showing the utterly inadequate makeshift with which these men are compelled to put up.

I can only say in reply to what the Senator from Iowa [Mr. CUMMINS] has suggested, that the committee heard this question at very great length and with a great deal of patience. Col. Harvey appeared on behalf of the militia and other officers of the militia. In addition to that, Brig. Gen. Robert K. Evans, who is chief of the division of military affairs of the entire country, who has given this matter very great thought, came before us. All these officers, thoroughly familiar with the situation, agreed that this was a proper way to deal with the question.

Now, I am not a military expert, and I must take the judgment of these men who have familiarity with it, and I do take it in preference to my own.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. Certainly.

Mr. CUMMINS. Can the Senator from Utah tell me how many men are expected to drill in the proposed armory at one time?

Mr. SUTHERLAND. I do not know, Mr. President, how many men.

Mr. CUMMINS. More than one company?

Mr. SUTHERLAND. Yes; I should say so. The Senator spoke about a brigade drill. Of course nobody pretends that an entire brigade is going to drill in this hall. I made no such suggestion.

Mr. CUMMINS. Does anybody pretend that a whole regiment will drill in it?

Mr. SUTHERLAND. No; not a whole regiment.

Mr. CUMMINS. Or any two companies at the same time?

Mr. SUTHERLAND. I see no reason why two companies should not drill—perhaps more than two companies; I do not know. That is a detail which was not brought to our attention. We did hear these military men, who have made a study of this question for years and have been familiar with these plans. They are familiar with the fact that the building is to be constructed at a central place; they know where the men are coming from, and all of them agree that this is the proper way to put up this building.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SUTHERLAND. I do.

Mr. CLAPP. Can the Senator tell us how large this proposed building will be?

Mr. SUTHERLAND. The building will have a drill hall 243 by 350 feet in area. That is not as large as several of the drill halls in the armories in New York. I have the figures here if the Senator cares to have them. I will not take up the time to quote them.

Mr. CLAPP. I should think that a battalion could be drilled in a hall of that size.

Mr. SUTHERLAND. Two hundred and forty-three by 350 feet?

Mr. CLAPP. Yes.

Mr. SUTHERLAND. Well——

Mr. CLAPP. Personally I think this item ought to be on another bill. It seems to me the item should be in the District of Columbia appropriation bill; but aside from that I would be in favor of putting up the building.

Mr. SUTHERLAND. These officers speak of the necessity of having an armory constructed in such a way and with such material that it could be defended against attack if it were necessary. Of course, we may think that there will never be an occasion, yet there may be. Armories are built in that way. Col. Harvey spoke of the necessity of having it constructed in such a way that if attacks were made it could be successfully defended. We can not go out here and simply erect a barn, some frame structure. In addition to that, it is to be located in a central point, surrounded by all these beautiful buildings, and it ought to be a building in keeping with others in the city of Washington.

The PRESIDENT pro tempore. The question is on the amendment of the committee.

Mr. BRISTOW. Mr. President, I wish to make an inquiry. I am not a military expert, so I am not interested in the military part of this proposition; but I have been very much impressed with the statement made by the Senator from Georgia [Mr. SMITH] in regard to the expense that we have here for the rent of buildings.

You may appropriate a million dollars for a building, and if it is built of steel, as is usual in the construction of our public buildings, there is a very heavy expense for small accommodation.

I will venture the suggestion that the Southern Building down here will hold as much of a working force as $10,000,000 worth of Government buildings would, as they are constructed. We are using these new office buildings very largely. I think the

Government probably is the largest tenant of most of them. Why would it not be practicable to buy one of them and save some of the rent we are paying instead of waiting for years to have one built, and then have a building that will not accommodate many people in proportion to its expense.

The criticism on that will be, Oh, it is not in keeping. Well, I am in sympathy with the suggestion of the Senator from Iowa [Mr. CUMMINS] that there is not any use of these great monumental buildings like the Capitol and Senate Office Building for ordinary workshops and office buildings. You could take two office buildings in this city, the Southern Building and the Woodward Building, across from it, and buy them for less than $5,000,000 and probably save half the rent that we are paying. I want to inquire of some of the more experienced Senators here, if that would not be a much more proper proposition than those that are contained in the bill, so far as usefulness to the Government is concerned?

Mr. SUTHERLAND. The Senator does not think that we can buy an armory building?

Mr. BRISTOW. Oh, no; I am not in on this military business. I am not impressed with it much myself. I would not think of spending $750,000 for land that we already own for a parade ground. I would rather parade out here on sunny days in the park somewhere.

Mr. SUTHERLAND. The Senator knows the experience we have had with the Geological Survey building. That is a building constructed by private parties. Everything we have there is in danger of being destroyed at any time by fire. Some one has just told me that they had a fire there, I think it was last night. They are not fireproof buildings.

Mr. BRISTOW. But, then, is not the Southern Building fireproof? Have they not fireproof office buildings here that could be obtained?

Mr. SUTHERLAND. It seems to me the Government of the United States can build these structures quite as cheaply as it can allow somebody else to build them, and then pay for them.

Mr. BRISTOW. That may be true; it ought to be true; but when we make an appropriation for a departmental building and it will be three or four years before it is constructed, while a private company will go to work, authorize a building tomorrow, and in a year from that time it will be occupied. Why can we not do the same thing? Why is it not done, if we can do it?

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Washington?

Mr. BRISTOW. I do.

Mr. POINDEXTER. I would not interrupt the Senator to ask for the reading of a letter but for the fact that the Senator from Utah [Mr. SUTHERLAND] has referred to a fire which occurred this morning. I have a letter here describing that fire and the manner in which it injured very valuable public property. I should like to have it read by the Secretary. I will, however, defer the request until the Senator concludes, if he desires that I shall do so.

Mr. BRISTOW. I am through. I simply wanted to make these suggestions.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, February 26, 1913.

Hon. MILES POINDEXTER,
United States Senate.

MY DEAR SENATOR: The fire at 1320 F Street at 7.15 this morning calls attention to the imminent danger to the public records in the rented quarters of the United States Geological Survey. This fire was only 12 feet from the "annex," an alley building occupied by the engraving division of the survey, and a building itself a fire trap and termed "death trap" by Representative CANTRILL on the basis of an inspection made by a House committee. This small building contains not only the machinery and tools used in this Government work, the value of which is not less than $100,000, but here are stored the engraved copper plates representing the work of 30 years to the number of 8,000. These have a replacement value of $750,000, and would need to be reengraved at this cost to meet the public demands for the periodic reissue of the topographic maps which now sell to the amount of half a million annually.

The greatest loss that would surely result from a fire in the annex, however, would be the destruction of 150 or more manuscript maps in process of engraving. This loss would mean the resurvey of the areas represented, and thus necessitate at once the duplicate expenditure of from $600,000 to $1,000,000.

The fire loss possible in the main survey building at 1330 F Street would total between three and four million dollars in addition to that stated above.

In my opinion these facts present an unanswerable argument for the authorization of the public building proposed for the Geological Survey on a site outside the congested business section of the city.

Very respectfully,

GEO. OTIS SMITH, *Director.*

Mr. WILLIAMS. Mr. President, Maj. L'Enfant and the first President of the United States and his Secretary of State had broad imaginations and long vision. They planned to make Washington an architecturally well-adorned place. They went back, not without reason, to those styles of architecture which had illustrated the public life of the ancient Republics, Athens and Rome, and I hope that the Congress of the United States will never permit any mere utilitarian purpose to destroy the architectural harmony of the city of Washington—a pillared classic, a white columnar architecture, now and then with a Græco-Roman dome. It is perfectly fitting that the greatest Republic of modern times should perpetuate the characteristic architecture of the two greatest Republics of the old times.

I am not very much in favor of splendid government; everybody knows that; I am in favor of simplicity of governmental machinery; but I do believe that the Capital of this Nation can be made full of illustrations of the grandest types of classical architecture that the world has ever seen. It is not quite that yet, although we have in the Capitol, the Congressional Library, the old Treasury building, and in some of the other buildings in the city some very splendid illustrations of it. The day will come when the best specimens of the public architecture of Rome and Athens will sink into absolute insignificance in comparison with that of the Capital of the American Republic. To allow the mere utilitarian consideration of getting the most room possible in a public building to destroy the harmony of it all is unutterably abhorrent to me.

In one case, at any rate, we can see what a blotch has been made. This new post-office building on Pennsylvania Avenue is a sort of cross between a medieval town hall and a modern brewery. Its presence destroys the great picture that Pennsylvania Avenue after a while will present when it is all lined with great, white-pillared, classic buildings, in harmony with one another and in harmony with the original classic architectural plan of the city of Washington, which, in my opinion, ought never to be departed from.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. I yield.

Mr. BORAH. In regard to the architectural beauty of our city, I suppose the Senator from Mississippi has in mind the Interior Department, the Land Department, the Post Office Building, and the Pension Office?

Mr. WILLIAMS. Mr. President, I have in my mind the old Post Office Building, the old Interior Department Building, where the old Patent Office was—very creditable specimens of classic architecture—but I have not in my mind the present post-office building. I have just now said that it was a cross between a medieval town hall and a modern brewery building.

Mr. BORAH. I am not familiar with the latter.

Mr. WILLIAMS. Of course, nobody could carry in his mind for any great length of time without having the mental picture of it making him insane either the Pension Bureau or the Census structure down here below the Capitol. I want to avoid all future hybrid repetitions of either one of them.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. SMITH of Georgia. I ask for a division.

The question being put, there were on a division—ayes 31, noes 18.

The PRESIDENT pro tempore. The amendment is agreed to.

Mr. SMITH of Georgia. A quorum has not voted. I make that point, Mr. President.

The PRESIDENT pro tempore. There were 49 votes, and 48 is a quorum. A quorum has voted.

Mr. SMITH of Georgia. Then, I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a pair with the senior Senator from West Virginia [Mr. WATSON], and will therefore withhold my vote.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I will withhold my vote in his absence.

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT], and will therefore withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON], and therefore withhold my vote.

Mr. SMITH of Michigan. I transfer my pair with the junior Senator from Missouri [Mr. REED] to the Senator from Rhode Island [Mr. LIPPITT], and will vote. I vote "yea."

Mr. SMITH of South Carolina. I have a general pair with the Senator from Delaware [Mr. RICHARDSON], who is not present, and I therefore withhold my vote.

Mr. WARREN (when his name was called). I transfer my pair with the senior Senator from Louisiana [Mr. FOSTER] to the Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea."

The roll call was concluded.

Mr. BRIGGS. I transfer my pair with the senior Senator from West Virginia [Mr. WATSON] to the junior Senator from Pennsylvania [Mr. OLIVER] and will vote. I vote "yea."

Mr. CHAMBERLAIN. I transfer the pair I have with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from West Virginia [Mr. WATSON] and will vote. I vote "yea."

Mr. DILLINGHAM. In the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I transfer that pair to the Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "yea."

Mr. PERKINS (after voting in the affirmative). I inquire if the junior Senator from North Carolina [Mr. OVERMAN] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. PERKINS. I have a general pair with that Senator, and will therefore withdraw my vote.

Mr. PAYNTER (after having voted in the affirmative). I inquire if the senior Senator from Colorado [Mr. GUGGENHEIM] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. PAYNTER. I have a general pair with the Senator from Colorado. I transfer that pair to the Senator from Mississippi [Mr. PERCY] and will allow my vote to stand.

The result was announced—yeas 35, nays 26, as follows:

YEAS—35.

Bankhead	Clark, Wyo.	Kavanaugh	Smith, Md.
Bourne	Crawford	Lodge	Smith, Mich.
Bradley	Curtis	McLean	Smoot
Brandegee	Dillingham	Martin, Va.	Sutherland
Briggs	Fall	Page	Swanson
Burnham	Fletcher	Paynter	Townsend
Catron	Gallinger	Penrose	Warren
Chamberlain	Jackson	Poindexter	Wetmore
Clapp	Jones	Root	

NAYS—26.

Borah	Hitchcock	O'Gorman	Smith, Ariz.
Brady	Johnson, Me.	Owen	Smith, Ga.
Bristow	Johnston, Ala.	Pittman	Stone
Bryan	Kenyon	Pomerene	Thomas
Clarke, Ark.	Kern	Sheppard	Williams
Cummins	Lea	Shively	
Gore	Myers	Simmons	

NOT VOTING—34.

Ashurst	du Pont	Martine, N. J.	Smith, S. C.
Bacon	Foster	Nelson	Stephenson
Brown	Gamble	Newlands	Thornton
Burton	Gardner	Oliver	Tillman
Chilton	Gronna	Overman	Watson
Crane	Guggenheim	Percy	Webb
Culberson	La Follette	Perkins	Works
Cullom	Lippitt	Reed	
Dixon	McCumber	Richardson	

So the amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 53, after line 16, to insert as a new section the following:

SEC. 13. That the acquisition by the commission hereinafter mentioned of a site and the erection thereon of a memorial building in the District of Columbia to commemorate the services and sacrifices of the loyal women of the United States during the Civil War is hereby authorized. The said building shall be monumental in design and character and shall be used as the permanent headquarters of the American Red Cross, and shall cost, with the site, not less than $700,000, of which sum the United States shall contribute $400,000, which shall not be payable, however, until there shall have been raised by private subscription by the Commandery of the State of New York of the Military Order of the Loyal Legion of the United States an additional sum of $300,000.

The money hereby authorized shall not be paid for any site nor toward the construction of any memorial unless the site and the plan for the proposed building shall have been approved by a commission consisting of the Secretary of War of the United States, a representative of the Commandery of the State of New York of the Military Order of the Loyal Legion of the United States, and a representative of the American Red Cross, which representatives shall be duly designated by said associations, respectively, to act for them. The plans of the said memorial shall likewise be approved by the Commission of Fine Arts. The expenditure for said site and memorial shall be made under the direction of the commission consisting of the Secretary of War and the representatives of the Commandery of the State of New York of the Military Order of the Loyal Legion of the United States and the American Red Cross; and the said memorial shall be constructed under the supervision of an officer of the Corps of Engineers appointed by the Secretary of War, who shall act as the executive disbursing officer of the commission.

The title to the site procured shall be taken by and the building erected thereon shall be the property of the United States, but the American National Red Cross shall at all times be charged with and be responsible for the care, keeping, and maintenance of the said memorial and grounds without expense to the United States, subject to such further direction and control as may be provided by law.

Should the commission hereby created be unable to acquire a suitable site at a price deemed by the commission to be fair, it is authorized to institute condemnation proceedings, in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (U. S. Stat. L., vol. 26, ch. 837).

Mr. WILLIAMS. Mr. President, I move to strike out, in line 20, page 53, the word "loyal."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the committee amendment, on line 20, page 53, before the word "women," by striking out the word "loyal," so as to make the amendment read:

SEC. 13. That the acquisition by the commission hereinafter mentioned of a site and the erection thereon of a memorial building in the District of Columbia to commemorate the services and sacrifices of the women of the United States during the Civil War is hereby authorized—

And so forth.

Mr. WILLIAMS. Mr. President, $400,000 of this money is contributed from the Treasury of the United States. The total cost is to be $700,000, and I would be perfectly willing that the entire $700,000 should be contributed from the Treasury of the United States; in fact, I think that ought to be done.

Mr. President, Mississippi and Mississippians are as much in the Union to-day as Massachusetts and Massachusetts men and women. The money in the Treasury is paid by the citizens of the entire country—by the citizens of the South as much as by the citizens of the North. It would be a beautiful idea to erect here a beautiful building to commemorate the courage, fortitude, faithfulness, and sacrifices of the women of the United States during the American war between the States. During the four years of that war there was neither in the ante bellum nor in the post bellum sense any United States. There were a couple of congeries or groups of formerly united and subsequently reunited but temporarily disunited States.

It seems to me the time has about come when, in connection with the women at any rate, if not with the men, we might commemorate the courage and loyalty of both sides. It seems to me that it is not contributing half so much to the glory of the Republic to erect a beautiful building in commemoration of the sacrifices and courage of the women of only a part of the United States and leave uncommemorated the sacrifices and services of the women of the other part of the United States. I leave the question to the good sense of the Senate.

Mr. ROOT. Mr. President, if this were an original proposition, I should not hesitate for a moment to agree with the Senator from Mississippi. I do not think I ought to let it go, however, without calling the attention of the Senate to the fact that this amendment is in the terms of a bill which has already passed the Senate. I feel that I ought to call attention to it, because I think I reported that bill, and had charge of it.

The bill came before a committee of which I was a member, and was considered on the basis of the state of facts that $300,000 had been subscribed for a building to commemorate the services of the loyal women of the United States during the Civil War, and that a change might imperil and lose that subscription. That is all. If the Government were to make up that subscription, I should be quite willing.

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator from New York whether it would not be a great deal better that the Government should make up the whole $700,000, and pay this tribute to all of the women of our entire country, than to put it in such shape that it would possibly estrange or wound the feelings of any of them.

Mr. ROOT. That would be very agreeable to me, if the Government would make it up; but I do not feel like letting this amendment pass sub silentio, so long as it might kill the whole enterprise by destroying the $300,000 subscription.

Mr. SMITH of Georgia. I desire to add a further amendment, changing the $400,000 to $700,000, and then I will vote for the provision.

Mr. WILLIAMS. Mr. President, the Government of the United States is paying $400,000 of this, whether it is paying the total cost or not; and that, it seems to me, would answer the objection that has been raised. But in order that there shall be no objection, I now give notice that if this amendment shall pass I shall move to strike out so much of the provision as makes it conditional upon the Commandery of the Loyal Legion of the State of New York paying $300,000.

Let us try to get together upon a common ground. Let us quit making the United States Government the source of the celebra-

tion of the courage, fortitude, and valor of only one part of the United States. Especially is that the case when it comes to the question of the women who suffered in silence—and in my section of the country who frequently starved—who showed a courage infinitely superior to that of the men, because they had no shoulder-to-shoulder touch; no hurrahing of the men and shouting of the captains to keep them spirited up.

I give notice that if the amendment which I now offer shall pass I shall then move to strike out the $300,000 which the commandery of New York is expected to contribute and to have that sum assumed by the United States.

Mr. ROOT. I suppose the Senator means to increase the appropriation correspondingly?

Mr. WILLIAMS. Of course; to increase the Federal appropriation to $700,000. I will let the Senator from New York draw up the amendment to suit himself, so that that will fix it.

The PRESIDENT pro tempore. The question is upon the amendment submitted by the Senator from Mississippi to the amendment of the committee. [Putting the question.] By the sound the ayes appear to have it.

Mr. BRISTOW. I should like a roll call on that, Mr. President.

The PRESIDENT pro tempore. The Senator from Kansas demands the yeas and nays.

The yeas and nays were ordered.

Mr. CLARKE of Arkansas. I ask that the amendment as finally proposed by the Senator from Mississippi may be again reported to the Senate. I understand it is proposed to strike out the word "loyal," and to strike out and insert in other parts of the section.

Mr. WILLIAMS. I am only offering that now.

The PRESIDENT pro tempore. The proposed amendment to the amendment will be stated.

The SECRETARY. On page 53, line 20, it is proposed to strike out the word "loyal" where it appears before the word "women."

Mr. WILLIAMS. Mr. President, I ask the attention of the Senator from New York. I move to strike out all on line 25, page 53, after the amount "$700,000," and all on lines 1, 2, 3, 4, and 5 on page 54. Does not that accomplish the purpose?

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Mississippi to the fact that the yeas and nays have been ordered.

Mr. WILLIAMS. Oh, I beg the pardon of the Chair.

Mr. LODGE. The matter is still open to debate, however.

The PRESIDENT pro tempore. It is.

Mr. TOWNSEND. Mr. President, I desire to call the attention of the Senator from Mississippi and the Senator from New York, who are discussing the redrafting of this provision, to the fact that there are other provisions in the bill which would have to be redrafted also, because this whole proposition is to be controlled by a commission, of which the Loyal Legion of New York is to furnish one member.

Mr. ROOT. Mr. President, that need not be interfered with. There is no reason to interfere with that.

Mr. TOWNSEND. I have very serious doubts whether the Loyal Legion might wish to be connected with this matter at all if they were to be denied the privilege of concluding the plan which they originated, namely, of contributing a fund, they having raised the first $300,000 and having proposed the whole plan.

Mr. ROOT. They would not be denied the right of contributing because the Government of the United States contributed $700,000. If they chose to come in with this subscription they could do it.

Mr. TOWNSEND. Does the Senator from New York think they would want to do it?

Mr. ROOT. I do not know, Mr. President.

Mr. LODGE. Mr. President, I should like to suggest that I think these amendments ought all to go together.

Mr. SWANSON. Will the Senator from Massachusetts permit me to make a suggestion?

Mr. LODGE. Certainly.

Mr. SWANSON. If the amendment offered by the Senator from Mississippi [Mr. WILLIAMS] is adopted, as I hope it will be and as it ought to be, the rest of the bill can be very easily amended in accordance with his amendment. It seems to me, when the roll call is taken on his amendment, if it is adopted the bill can be readily fixed to suit the amendment offered by him.

Mr. LODGE. The whole paragraph would have to be redrafted.

Mr. SWANSON. Not necessarily. We could simply take the first section and direct the Secretary of War to construct this building, to be the home of the Red Cross, and let the others contribute. It could be very easily reconstructed after the adoption of the amendment of the Senator from Mississippi.

Mr. CLARKE of Arkansas. Mr. President, one word. The pending amendment contemplates striking out the word "loyal," leaving the balance of the paragraph to stand. That would be somewhat incongruous in view of all the provisions of the section. I agree with the suggestion of the Senator from Massachusetts [Mr. LODGE], that all of the amendments, or the reformed and redrafted section, ought to be submitted as a substitute for the section as it now appears in the bill. We would then know what we were voting upon. We would have a concrete proposition that would be in contrast with the one in the bill, which is a wholly distinct proposition. I am not in favor of either.

Mr. WILLIAMS. Mr. President, I can state, with the permission of the Senator from Massachusetts [Mr. LODGE], who, I believe, has the floor, how the provision would read after making the full amendment. The first proposition was to strike out the word "loyal." The next would be to strike out the word "of," in line 5, page 53, and the next to strike out all of the balance of that clause after the word "contribute," in line 1, page 54, so that section 13 would read as follows:

SEC. 13. That the acquisition by the commission hereinafter mentioned of a site and the erection thereon of a memorial building in the District of Columbia to commemorate the services and sacrifices of the women of the United States during the Civil War is hereby authorized. The said building shall be monumental in design and character and shall be used as the permanent headquarters of the American Red Cross, and shall cost, with the site, not less than $700,000, which sum the United States shall contribute.

Mr. CLARK of Wyoming. Mr. President, I am in thorough sympathy with the proposed amendment of the Senator from Mississippi [Mr. WILLIAMS] as a separate proposition; but it seems to me the adoption of the amendment would defeat the purpose of the committee amendment.

As I understand the committee amendment, it is probably inserted at the suggestion of the organization known as the Loyal Legion, the membership of which is confined to those who fought upon the Union side during the Civil War. That organization proposes to raise, or has raised, $300,000 for a certain definite purpose, to wit, the erection of a memorial building in memory of the loyal women during the war between the States. Now it comes and asks that the Government of the United States shall add to the $300,000 which it has raised for that distinct purpose $400,000 out of the General Treasury.

It seems to me that the proposition of the Senator from Mississippi entirely takes the ground from under the proposition as reported by the committee.

Mr. WILLIAMS. If the Senator will pardon me, the building would still be in commemoration of the services and sacrifices of our mothers and sisters, and we ask for no money.

Mr. CLARK of Wyoming. The Senator must understand the proposition which he presents and the proposition which is presented by the Loyal Legion are two separate and distinct propositions. It occurs to me that way.

Mr. WILLIAMS. I understand that.

Mr. CLARK of Wyoming. While I would be perfectly willing, and, indeed, very much gratified, to vote as an independent proposition for the amendment the Senator from Mississippi presents, I do not think that I ought to take it as a substitute for the proposition which the Loyal Legion present as a separate matter.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me a minute, there is nothing in this to prevent them from using their $300,000 to commemorate what they choose. We are merely including all that they want to commemorate in a broader and more national commemoration.

Mr. CLARK of Wyoming. No; but——

Mr. WILLIAMS. And in order that there may be no cause to complain of the broader purpose, because they are contributing, we do the work ourselves. Certainly, I take it, there will be no complaint on their part. The real object of the building is the occupancy of it, and that will be for the American Red Cross.

Mr. CLARK of Wyoming. Yet the Senator from Mississippi can not escape the conclusion——

Mr. WILLIAMS. And our women are in it as well as everybody else's.

Mr. CLARK of Wyoming. And yet the Senator from Mississippi can not escape the conclusion that if we adopt his amendment we refuse to contribute $400,000 to assist the Loyal Legion in erecting the building which they have proposed to build.

Mr. WILLIAMS. That is true. We amend so as to contribute $400,000 for a commemoration national——

Mr. CLARK of Wyoming. I want to vote $400,000 of the money of the United States to join with the Loyal Legion in making this memorial that they want. Then I want to join the Senator from Mississippi to vote $700,000 for the memorial which he wants.

I am not just now willing to substitute the one for the other, because I think there is merit in the proposition presented by the committee.

Mr. TOWNSEND. Mr. President, I do not believe there is a Senator in the Chamber who has less of sectional feeling than I have. It never occurred to me that a man comes from either the North or the South, so far as any feeling harking back to the past is concerned. I have quite as much respect for the women of the South as I have for the women of the North; but this proposition originated with the members of the Loyal Legion. They present the proposition to us. The bill is drafted and presented with the knowledge that it is a plan which they have proposed. If Senators on that side feel that this is a matter that would cast any reflection upon the women of the South, I would rather defeat the whole proposition——

Mr. WILLIAMS. Does the Senator himself feel——

Mr. TOWNSEND. Let me finish my sentence. I would rather defeat the whole proposition than to treat the Loyal Legion, whose plan this is, in a way that would seem to me to be most discourteous. I hope we have not reached the time when this Government can not propose to honor the men and their mothers and wives and daughters who made the Government possible without having attached to it a proposition to divest it of its patriotic intent. I shall feel obliged, under the circumstances, to vote against the amendment.

Mr. WILLIAMS. Does the Senator think there is anything in my amendment that would keep the Loyal Legion from building anything they wanted to commemorate anything they wanted? The only thing is that while this begins with the Loyal Legion, it ends with us. We say we are willing to do what you want done and more, and we say to the Loyal Legion we are willing not to take a dollar from you, provided you are willing to make the application of money to the commemoration of the women of all the United States, who prayed and suffered during the war between the States. The money that is in the Treasury is put there as much by Mississippi, Louisiana, and South Carolina as it is by Michigan and Massachusetts. We are not now two separate groups of disunited States.

Mr. TOWNSEND. I realize that quite as well as the Senator from Mississippi does.

Mr. WILLIAMS. Then why take the public money to commemorate solely the heroism of the women of one side?

Mr. TOWNSEND. If the Senator from Mississippi is opposed to that, that is another proposition, but to change, revamp, reconstruct this proposition that was brought up is the thing we object to.

Mr. WILLIAMS. But we are the legislative body, not the Loyal Legion.

Mr. TOWNSEND. I realize that.

Mr. STONE. Mr. President, I am not so very overly sensitive about whether we have the word "loyal" in the law or not; I would rather it was not. Therefore, I will vote to strike it out. The word "loyal" as used merely indicates and is intended to indicate in its application here a class of people who fought upon one side of that great civil strife. I do not care much about that. I am opposed to this whole proposition, whether you are going to appropriate the money to commemorate the sacrifices of the loyal women or the women of the United States, the women of the North alone or the women of the North and South together.

Mr. President, on Eighteenth Street, I believe it is, near the Speedway, there is a very beautiful structure erected there by the Daughters of the Revolution, the descendants of the men who fought to establish our independence in the struggle of more than a century ago. If we are to erect a building at public expense to commemorate the devotion and sacrifices of the mothers, wives, and daughters of the soldiers who wore the blue in that stupendous struggle of half a century ago between the States, or if we are going further and erect a memorial building commemorative of the loyalty in a broader sense, the devotion and the sacrifices of the mothers, wives, and daughters of the South and North alike, then why not go on along this line and erect a memorial building to commemorate the sacrifices, the loyalty, and the devotion of the mothers, the wives, and daughters of the soldiers who marched into Mexico and bore our banners across the wastes and won by their swords an empire and gave it to the United States? And we may go on and erect another one in commemoration of the sacrifices of the women in the Spanish-American War.

I think, Mr. President, that buildings of this kind ought to be constructed by contributions made by those patriotically interested, as was done in the construction of the memorial building owned by the Daughters of the American Revolution now standing in this city. I do not believe that the money collected by taxation from the people is well expended in the construction of establishments of this character. It is, I will not say a useless waste, but it is a useless and extravagant expenditure of money, and it ought not to be put in this bill. For one I intend to vote against the proposition.

Mr. SMITH of Georgia. I ask that we pass over this paragraph and go on with the balance of the bill.

The PRESIDENT pro tempore. The yeas and nays have been ordered. The question is on agreeing to the amendment.

Mr. WILLIAMS. What is the request of the Senator from Georgia?

Mr. LODGE. It is not too late to pass the amendment over.

The PRESIDENT pro tempore. The Chair thinks it is.

Mr. BRISTOW. I think we had better settle this question now and not have any more agitation about it.

Mr. WILLIAMS. So do I.

Mr. BRISTOW. It would not do any good to discuss it for weeks and weeks.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment of the Senator from Mississippi to the amendment of the committee.

The Secretary proceeded to call the roll.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. In his absence, I withhold my vote.

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN].

Mr. SMITH of Michigan (when his name was called). I again announce my pair with the junior Senator from Missouri [Mr. REED]. I transfer that pair to the Senator from Rhode Island [Mr. LIPPITT] and vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON], and withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], who is absent from the Chamber. He would doubtless vote "yea," if he were present, and I would vote "nay." Under the circumstances I withhold my vote.

The roll call was concluded.

Mr. DILLINGHAM. In the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a general pair, I transfer that pair to the Senator from Wisconsin [Mr. STEPHENSON], and vote. I vote "nay."

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS], and let my vote stand.

Mr. PERCY. I have a pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the Senator from Maine [Mr. GARDNER], and vote "yea."

Mr. CULBERSON (after having voted in the affirmative). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence I withdraw my vote.

Mr. SIMMONS. I desire to announce that my colleague [Mr. OVERMAN] is absent, and is paired with the Senator from California [Mr. PERKINS]. My colleague is absent on account of his physical condition. If he were present, he would vote "yea."

Mr. SMITH of South Carolina. I transfer my general pair with the Senator from Delaware [Mr. RICHARDSON] to the Senator from Tennessee [Mr. WEBB], and vote. I vote "yea."

Mr. SMITH of Georgia. I desire again to refer to the enforced absence of my colleague [Mr. BACON]. He was very much interested in this matter, and had he been present he would have voted "yea."

Mr. CULBERSON. I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Louisiana [Mr. THORNTON], and vote. I vote "yea."

The result was announced—yeas 40, nays 24, as follows:

YEAS—40.

Ashurst	Fletcher	Martine, N. J.	Shively
Bankhead	Gore	Myers	Simmons
Bourne	Hitchcock	O'Gorman	Smith, Ariz.
Bradley	Johnson, Me.	Owen	Smith, Ga.
Bryan	Johnston, Ala.	Penrose	Smith, Md.
Catron	Jones	Percy	Smith, S. C.
Chamberlain	Kavanaugh	Pittman	Stone
Clarke, Ark.	Kern	Poindexter	Swanson
Crawford	Lea	Pomerene	Thomas
Culberson	Martin, Va.	Sheppard	Williams

NAYS—24.

Brady	Clapp	Gallinger	Root
Brandegee	Clark, Wyo.	Jackson	Smith, Mich.
Briggs	Cummins	Kenyon	Smoot
Bristow	Curtis	Lodge	Sutherland
Burnham	Dillingham	McLean	Townsend
Burton	Fall	Page	Wetmore

NOT VOTING—31.

Bacon	Foster	Nelson	Stephenson
Borah	Gamble	Newlands	Thornton
Brown	Gardner	Oliver	Tillman
Chilton	Gronna	Overman	Warren
Crane	Guggenheim	Paynter	Watson
Cullom	La Follette	Perkins	Webb
Dixon	Lippitt	Reed	Works
du Pont	McCumber	Richardson	

So Mr. WILLIAMS's amendment to the amendment of the committee was agreed to.

Mr. WILLIAMS. In keeping with what I announced, I now move to strike out, on page 53, in line 25, the word "of," after "$700,000," and on page 54, after the word "contribute," to insert a period and strike out the balance of line 1 and all of lines 2, 3, 4, and 5.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

Mr. WILLIAMS. In explanation I will state that it merely strikes out the amount of money to be contributed by the Loyal Legion and makes the entire expense of the total, $700,000, fall upon the Treasury of the United States.

Mr. SMITH of Georgia. Mr. President, it seems to me that the section must be so completely rewritten that we might pass it over now and go on with the balance of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Georgia?

Mr. BRISTOW. I would rather dispose of it now.

The PRESIDENT pro tempore. Objection is made. The amendment submitted by the Senator from Mississippi to the amendment will be stated.

Mr. STONE. I ask for the yeas and nays on agreeing to it.

Mr. WILLIAMS. Mr. President, one word. Of course this will require later on some other amendments. I have marked them all, and will get the whole thing in accord with this amendment. There is no use passing it over at all.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Mississippi to the amendment of the committee will be stated.

The SECRETARY. On page 53, line 25, strike out the word "of," before the word "which," and on page 54, line 1, strike out, beginning with the numerals "$400,000," the remainder of the paragraph, so that if amended it will read:

> And shall cost, with the site, not less than $700,000, which sum the United States shall contribute.

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

Mr. STONE. Mr. President, I think we ought to have the yeas and nays, and I call for the yeas and nays.

The yeas and nays were ordered.

Mr. STONE. Mr. President, I desire to say a word. It is clear to me that it would be an exceedingly great mistake to establish a precedent of this kind. It would be a wrong expenditure of the public money. Certainly this proposition would not have been in this bill—is not that a fact?—except because the Loyal Legion of New York raised by subscription $300,000 to construct a memorial building commemorative of the sufferings of the women of the Northern States during the war of 1861–1865. Those splendid women of the North have organized their societies, scattered broadcast throughout the States in which they live, and have the beautiful patriotic wish to erect a building commemorative of the devotion of themselves and of their mothers during the period of that great struggle between the States. They had a right to do that. Any movement by them in that direction should command our highest respect. So likewise would the women of the South if they care to do so—and I am not sure that that has not been attempted in some sections of the South—to raise money by subscription to commemorate the suffering, the patriotism, the loyalty of the women of that section.

Mr. President, when we go outside of those individual or concerted efforts to use the public funds of the Nation to construct edifices of this character it does not for one moment appeal to me. There is no more reason why we should take money to construct a building of this kind than that we should construct one, as I have already said, commemorative of the suffering of the women whose lives were identified with other great struggles in which the United States was engaged. I think the whole proposition embraced in this provision should be eliminated. I intend to vote against this kind of an appropriation.

Mr. WILLIAMS. Mr. President, I do not agree with the Senator from Missouri [Mr. STONE]. I do not believe that a people's life is entirely an immaterial thing. I think that it is as noble of a nation to commemorate the heroism and constancy of its dead as it is of a son to erect a monument upon his father's grave, and I do not consider either a waste of money. What constitutes a nation is neither its wealth nor its area; it is its traditions, its ideals. It is the soul politic and not the body politic that makes the nation and constitutes the greatness of a government.

I will be glad to see a monument erected to the heroic women of the North and of the South, and I hope it will be such a beautiful building that it may go down in all history as a commemoration equal in beauty and chastity to that which was erected by the great Mohammedan Sultan to his deceased wife, so that it shall contain at one and the same time a beauty of thought, a beauty of life, and a beauty of architecture. There is nothing in this that will prevent somebody at some time or the National Government at some time erecting a monument to commemorate the heroism of its various other heroes whom the Senator has mentioned.

To say that a nation shall never commemorate in granite and in marble and in noble architecture the heroism of the forefathers of the nation is to say that the nation shall shrivel up and become a mere material thing, without soul and without sentiment and without poetry, that makes soul and sentiment.

Some people say that sentiment is rot, unworthy of governmental notice. It is the only thing in the world that is not rot. That is rot which can decay and go back to the earth. The form of the strongest man, of the most beautiful woman, of the sweetest and healthiest-looking child, stocks and bonds, and the rest of it, but there is just one thing that never dies, and that is an ideal, a sentiment, a noble purpose transplanted from one human breast into another, to go traveling down the ages for all time. It is much better to spend money to commemorate the greatness of the heroes who have made a country than it is to spend money to improve present material welfare. So far as that is concerned, I do not agree with the Senator from Missouri.

Now, then, one more word in explanation of the amendment which I have offered and of the suggestion made by the Senator from Georgia [Mr. SMITH]. The Senator from Georgia says there are other parts of the bill that ought to be amended in order to be in keeping with this. Mr. President, I read just below the following:

> The money hereby authorized shall not be paid for any site nor toward the construction of any memorial unless the site and the plan for the proposed building shall have been approved by a commission consisting of the Secretary of War of the United States, a representative of the Commandery of the State of New York of the Military Order of the Loyal Legion of the United States, and a representative of the American Red Cross.

To show the spirit which actuates me, at any rate, in making the motion that I have made, I want to leave, as a member of that commission, the representative of the Order of the Loyal Legion of the State of New York, and let these plans be submitted to him as well as to the other two commissioners. A Senator upon the other side of the vote a second or two ago—I do not mean upon the other side of the Chamber—said to me that this amendment of mine defeated the purpose of the Loyal Legion of New York. I do not believe it does; I do not think that meanly of them. I do not believe that they will think that their purpose in commemorating the heroism and the sacrifice of their women has been defeated because, at the same time, we are commemorating the heroism and sacrifices of our women, equally noble and equally brave and equally American—remember that. But if it should be so, then I would leave the commissioner there, so that he might fail to approve it, if he chose, and let the thing go by the board. I challenge that test of it. I therefore shall not move to strike out the representative of the Commandery of the Loyal Legion merely to keep the provision in harmony, because I want to illustrate to the Order of the Loyal Legion that it was meant by me, at any rate, and by all of us, when we cast the vote a moment ago, for the purpose of accomplishing their purpose, to leave their representative upon the board, to pass not only upon the plans and the expenditure of the money and all that, but also upon our purpose. I think too highly of them to hesitate one moment in my own thought as to what their conclusion shall be.

Mr. SUTHERLAND. Mr. President, I want to say a word, and a word only, with reference to this matter. I think the discussion we have already had is unfortunate. I think the motion which was carried to strike out the word "loyal" from this bill was unfortunate.

This scheme originated, as I understand, with the Commandery of the Loyal Legion. It is their proposition, not ours. They propose to contribute $300,000 to erect a monument to the loyal women of the Civil War, and the Government was asked to contribute $400,000 to that same purpose. Now, we can either accept their proposition or we can let it alone. It seems to me that it is little less than an affront to the members of this legion to take their proposition and turn it into something entirely different from that which they themselves originally

conceived and desired. I shall therefore vote against this proposition, as I voted against the other proposition. Either we ought to put this amendment through as it is presented and accept this proposition of the Loyal Legion, or we ought to let it alone.

Mr. FALL. Mr. President, I voted against the first amendment offered by the Senator from Mississippi [Mr. WILLIAMS], and I shall vote against the other amendment which he proposes to offer to perfect his original amendment.

Sometimes, Mr. President, in discussing a question of this kind, possibly a Senator may be excused for referring to personal matters. I am a son of the South. My mother was the wife of a Confederate soldier. My wife is a member of the organization known as the Daughters of the Confederacy. If the proposition of the Senator from Mississippi were to erect a monument costing five times the amount proposed to be expended under this amendment to the memory of those women in the South, I would vote most cheerfully for it. If it came as an original proposition to erect a monument of this character under the terms of his proposed amendment, I would most cheerfully vote for it; but that is not the case, sir. This proposition comes from the women of the Loyal Legion, whom I respect, as I know the Senator from Mississippi does, just as I respect the Daughters of the Confederacy in the South. It originated with those loyal women in the North, and they have come here with a concrete proposition embraced in this amendment proposed by the committee, and I think, sir, that it is an injustice to adopt an amendment which absolutely does entirely away with this proposition.

If the Senator from Mississippi chooses to offer here a separate amendment or a provision for an appropriation to erect a monument, as I have said, to the memory of my mother and the other women of the South who underwent the hardships of four years' warfare carried to their own doors, I will vote with him most cheerfully, and I am satisfied that the Members on this side of the Senate will join me in such an effort; but, sir——

Mr. WILLIAMS. Mr. President, will the Senator permit me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Mississippi?

Mr. FALL. Certainly.

Mr. WILLIAMS. Will the Senator permit me to ask him two questions in one?

Mr. FALL. Certainly; half a dozen.

Mr. WILLIAMS. In the first place, does the Senator think that it would be nice of me or of anyone to offer a proposition here, out of the money in the Treasury of the United States, which is paid by all the people, to erect a monument simply to the women of one section of the country? And, in the second place, I want to ask the Senator if he does not remember that at the beginning of this Congress, under a recommendation of the Secretary of War and under a unanimous report of the Military Affairs Committee of the Senate, I tried to get a small appropriation to complete a monument commemorative of the services of the Confederate navy as a part of the mapping of the Vicksburg Park, and could not even get the yeas and nays upon it?

Mr. FALL. Mr. President, first, in answer to the second question asked me by the Senator from Mississippi, I have to say that I do not remember such effort upon his part, because, unfortunately, I was not here to assist him in demanding the yeas and nays, nor in giving him my vote for the proposition which he says he submitted.

In the second place, Mr. President, as a son of a Confederate, and I believe as loyal a man as can be found in this Hall now, I think that this is not the proper peace monument to erect between the North and the South, if that is the purpose of the Senator from Mississippi. I think the time has come when we should hear nothing about the war between the North and the South; but I do not think that the time has yet come—and I hope to God that it never will come—when it will be considered treacherous or traitorous to this great United States to wipe from our statute books or to cast out from our vocabulary the word "loyalty."

Mr. President, these loyal women of the North have inaugurated this proposition. It is theirs. The Senator from Mississippi says he does—and I know that he does—respect them. Then, if he is willing to vote away the money of the United States Treasury at all, why not assist them, and if, as he says, he wants to erect a great monument of a similar character to all the women of the United States, I will vote for it; and if he wants to erect a monument to the memory of those women of the Confederacy and of their daughters who now constitute the organization known as the Daughters of the Confederacy, I will vote for it; but, Mr. President, I will never vote to strike out the word "loyal" from this bill, and I will not vote for the proposition advanced by the Senator from Mississippi; and I am just as loyal to the memory of my mother and of my other relatives in the South who are filling graves that were dug for them during the war—I am just as loyal to their memory and to the memory of those good women of the South as is the Senator from Mississippi or any other man from the South or from the North.

Mr. President, this is not, to my judgment, the proper kind of legislation; it is not the proper place to put an amendment of the character sought to be injected into this bill by the Senator from Mississippi; and, if his amendments are adopted, I shall vote against the amendment as amended and I shall vote against the bill on its passage, although it contains appropriations for my State.

Mr. ROOT. Mr. President, I wish to say a single word.

I voted against the proposal to strike out the word "loyal," notwithstanding the fact that as an original proposition I should be quite willing to vote for an appropriation to commemorate all the women of the Civil War, because I fear it would be regarded by the originators of this proposal as a practical rejection of their proposal. The amendment of which the Senator from Mississippi [Mr. WILLIAMS] gave notice, and which he now proposes, is to take upon the United States the burden of paying for the Red Cross building as a memorial to all the women of the Civil War. I regret that the original proposal of the military order of the Loyal Legion was rejected, as it was rejected, by the vote which the Senate has taken. But this other proposition, I think, is one which may well commend itself to us, and I intend to vote for it.

Mr. LODGE. Mr. President, I regret very much that this debate has arisen at all. I think it is always unfortunate to have debates of this character. My objection to this change is, first, that we are treating the offer of the Loyal Legion and the plan which they propose, which we have embodied in a bill and passed, with what seems to me very scant courtesy. Moreover, I do not like the point that was selected to strike the word "loyal" from the bill. If it is stricken from one place, it might as well be stricken from before the word "legion." I am not quite prepared to vote for that. I am not quite prepared yet to accept the proposition that the Government of the United States is never to erect a monument to the memory of the people who fought for the United States. For that reason I can not give my vote to the amendment as amended, or to the bill, if it contains the amendment.

Mr. CUMMINS. Mr. President, it seems to me we are committing, or may commit, a very grave mistake. The Senator from Mississippi knows that I at least have no sectional prejudice. He will remember that I was one of the few Senators who favored, and sincerely favored, the proposal to erect in the military park at Vicksburg a monument to commemorate the courage of the Confederate navy. I have no objection whatever to the erection of monuments to memorialize courage and valor anywhere. I have very great objection, however, to the proposition that is made here.

Let us see just in what position it leaves the Senate of the United States. The Loyal Legion of New York came to Congress and made the proposition that it would contribute $300,000 toward the erection of this structure if Congress would add a contribution of its own. That proposition was embodied in a bill. It was referred to the Committee on the Library. The committee considered it and reported it favorably. It reported it in the exact phrase that is found in this bill. The Senate, upon consideration, passed the bill and accepted the proposition of the Loyal Legion of New York. Our acceptance is now before the House of Representatives in the form of a solemn enactment passed here.

Under those circumstances, for us to emasculate this provision, to repudiate what we have already done, it seems to me is a mockery. It is more than an affront to the Loyal Legion of the United States. It is a mortal insult to every soldier concerned in the proposition made to us.

I am perfectly willing, as I said before, to erect monuments to virtue and valor and courage and suffering and hardship; and I agree with the Senator from Mississippi that it is the highest duty of any Government to perpetuate these honorable, patriotic, unselfish sentiments in marble and in bronze or in any other appropriate way. But in view of the history of this proposition, made as it was, received as it was, and accepted as it was—and I agree it ought not to be in this bill at all; it ought to have remained an independent proposition, but having been embodied in the bill now to take it and mutilate it and destroy it—to me it is incredible that the Senate of the United States can be induced to do any such thing.

Mr. SMITH of Georgia and Mr. WILLIAMS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator yield, and to whom?

Mr. CUMMINS. I yield the floor.

Mr. SMITH of Georgia. I wish to ask the Senator just one question. Then, is not the best thing for us to do to leave the bill in the House and lay on the table section 13 of this bill?

Mr. CUMMINS. As an original proposition, inasmuch as it was made the subject of an independent bill and inasmuch as it has passed the Senate, I do not think it ever should have found its way into a public buildings bill. I agree to that. But, if it is to remain in the bill, I do not want it to be treated in the way in which it will be treated if it is changed in the manner suggested by the Senator from Mississippi.

Mr. SMITH of Georgia. My suggestion to the Senator from Iowa was that the solution of the problem is to lay this section on the table—to strike it out, leave the bill in the House as it is, and go on with the balance of this bill.

Mr. CUMMINS. As far as I am concerned, I voted against the former amendment proposed by the Senator from Mississippi. I shall vote against this amendment, and I shall vote against the section itself.

Mr. WILLIAMS. Mr. President, I do not agree with the Senator from Georgia at all. I think a beautiful thing to do is to erect this building in commemoration of the heroism and the sacrifices of American women during the war between the States.

The Senator from Massachusetts said a moment ago that he hoped the time would never come when we would cease to erect monuments to those who fought for the United States. So do I. But the Senator from Massachusetts must not believe that the North during the Civil War formed the entire United States. We were as much a part of the United States as you. You were fighting on one side and we were fighting upon another. In both the ante bellum and the post bellum significance of the term we were and we now are a part of the United States.

The Senator from Iowa used some rather severe language without intending it. Evidently, from his very expression, he did not intend it. He said that amending this bill was an insult to the Loyal Legion. It neither is nor can it be an insult to any man who proposes to commemorate the sacrifices and the heroism of his wife, mother, or grandmother if I ask that a part of the money that belongs to me and is contributed by me shall be also used at the same time to commemorate the sacrifices and heroism and nobility and constancy of my mother and my grandmother.

I do not believe the commandery of the Loyal Legion will regard this as an insult. I think more highly of them than to believe it, and I do not believe the Senator from Iowa, when he comes to measure his words, will consider it an insult to them.

Mr. CUMMINS. Mr. President, I used my words with great care, and I do not retract or modify any phrase that I used. But I do think the Senator from Mississippi must have misunderstood in a degree what I said.

It would not be an insult to the Loyal Legion, composed of the officers of the Civil War and their eldest sons, I believe, to erect a monument to the women of the whole country or the women of the South. That would not be an insult to any man. But after having taken the proposition or offer of the Loyal Legion, and after having considered it, and after having adopted it in the Senate, then to repudiate it, to change it in the manner in which we have proposed to do here and in the manner in which we have already done in part, would be, in my opinion, most offensive to the men who made the proposition, simply because we have entirely changed our attitude toward it without any apparent reason. We accepted it once, for good reason, I suppose, and now we turn it back upon these men. Why do we turn it back upon them? Why do we forsake the attitude that we assumed a few days ago?

If the Senator from Mississippi can answer that, he may be able to satisfy what I believe will be the aggrieved sentiment of the Loyal Legion of the United States.

Mr. WILLIAMS. Mr. President, I do not know how it happened that the bill was not called to the attention of the Members of the Senate generally when it passed. I suppose it was presented in the usual routine way, without much study, consideration, or thought, and passed, as bills of that sort generally do. I can only speak for myself; I did not know that the bill had passed at all.

We are repudiating nothing here. So far as I am concerned, if I know myself—no man does know himself; but I try to know myself, and come as near it as most men—I have not a feeling in my heart, I have not a thought in my mind, that could wound or hurt anybody who fought or who is descended from anybody who fought in the war between the States upon the other side. Neither an appeal to a quasi patriotism nor any amount of fallacy or sophistry nor any amount of excitement can defeat the statement that all there is in it is this: I am merely insisting that if it is proposed that money contributed by all the people of all the States shall be used to commemorate the heroism, the sacrifice, the love, the devotion, and the constancy of the women who lived during the Civil War, the women of the South shall not be expressly left off the inscription upon the monument.

As far as the amendment that I am now offering is concerned it merely assumes the entire cost of the project and makes the United States Government pay it. I hope it will pass.

Mr. THOMAS. Mr. President, I voted for the amendment of the Senator from Mississippi, but not because of any intended affront to an organization of any class of people in the country. I did it because I believed the item had no place in a bill of this sort, to pay for which the Government of the United States is to contribute the money, either in whole or in part.

I agree also with the sentiments of the Senator from Missouri [Mr. STONE] and shall therefore vote against the amendment that is now the subject of consideration. I cordially concur with the Senator from Iowa [Mr. CUMMINS] in that this is a measure foreign to the purpose of this bill, and has and should have no place in it.

I am convinced from the most interesting discussion we have had up to this time, Mr. President, and from the expressions which have fallen from the lips of Senators here and from the viewpoint of the clear atmosphere and golden sunlight of a State which had its birth since the Rebellion, that the time has not yet come for the building of such a monument as is designed by the amendment of the Senator from Mississippi.

But, Mr. President, there are some other considerations which impel me to vote against this amendment and which bring me to a practical discussion of some of the features of this bill. We have been fighting over the War of the Rebellion this evening to some extent; at least we have gone a good ways back from the present time. What we are concerned in now, however, is how the money of the people, raised by taxation and paid by labor, is to be expended by their chosen servants. The Government of the United States is the richest Government in the world. However, its wealth comes to it through the exercise of its power of taxation, and every dollar in its Treasury is paid to it by the people of the country. We exercise our right of taxation for the purpose of raising revenue to meet the public expenditures, and as these expenditures are provident and economical, so will taxation be minimized and reduced.

I want, therefore, in connection with this question and with the bill itself to say something in behalf of the men and women who pay this money into the Treasury and who are quite as much, if not more, concerned about the manner in which it is to be expended as we are.

Now, this bill is called a public grounds and buildings bill. It is one of the great appropriation bills of Congress and is designed to cover the fiscal period beginning with next July. It had its origin, of course, in the House, and was there passed and sent to this body for consideration. As it came here it made provision for the expenditure of $25,643,800. As it is reported out of committee in this body, the amount has been swelled by the enormous sum of $19,930,000, making a total of $45,573,800. This added sum includes appropriations for the benefit of the District of Columbia, one of which is involved in the pending amendment.

Our committee has added to it in this body, Mr. President, $20,000,000. The bill, if it is to be passed in its present form, appropriates almost $50,000,000, an enormous amount in the aggregate, and composed of items of which the subject of the amendment is one, and by no means the only one, which has no place properly in the measure and should never have been reported by the committee.

We have heard several earnest discussions about the sort of buildings that we ought to erect in the Capital of the United States, some favoring business structures, some monumental structures, and about which sentiment is divided. But this bill is both businesslike in its detail and monumental in its design. It is businesslike in that it comprises an aggregate of items distributed over the entire continent, and representing individual interests of Members desiring to secure appropriations which are necessary to or at least desired by their respective constituencies, and said to be demanded by the volume of the business transacted for the public in the places where the appropriations are to be expended in public buildings.

But in addition thereto, as the Senator from New York has so forcibly declared, items independent of these, 92 in number, are attached to the bill, representing communities and revenues to the Government from those communities, insignificant both in amount and population when contrasted with the large appropriations that are to be made for public buildings to be erected for them.

It is not surprising that with these large amendments providing expenditures for the District we should provoke discussions of this kind, because it is very evident that they could not pass upon their own merits, for which obvious reason they are ingrafted upon the bill to be enacted into law through the aid of combined and kindred items desired by other localities.

Now, this condition of affairs is the outgrowth of similar legislation running over a large period of time. It perhaps had its origin in the combination of a few items, the successes consequent upon the merging together of which have naturally been contagious and the example has grown from a precedent into a custom until to-day we are confronted by this measure, the largest bill of the sort, I think, that was ever submitted to the consideration of the Senate of the United States.

Mr. President, mention has been made of a measure carrying $5,000,000, if I recollect the figures aright, designed for the completion or the building of a bridge connecting the District of Columbia with Arlington Heights. This is a measure which the Senate committee has attached to the bill in connection with that which I am discussing. It has no place here. It belongs properly to the District of Columbia appropriation bill, and to that bill only. Yet it is made a part of this measure because, forsooth, by attaching it to the bill the interests which are represented here in connection with other items of the bill will be sufficiently strong to produce unity of action, meaning success to all of them. Appropriations are thus obtained which, standing upon their own merits, probably would not be enacted.

I made the statement the other day, and if it is incorrect I hope those who are better informed will not hesitate to interrupt me, that the total appropriations already passed by this body, together with those which we still have to consider, amount in the aggregate to eleven hundred and fifty millions of dollars; in other words, one billion one hundred and fifty millions, the largest appropriations ever made by any Congress for a fiscal year.

There are those in this Chamber, perhaps all of them, who are better informed about our sources of revenue, the amounts to be collected from these different sources, and the consequent estimates of the national income. I have not yet heard any discussion, Mr. President, on any of these measures, of the amount of money that the Government can absolutely depend upon to meet and discharge and defray these enormous expenditures. I am therefore without information upon this all-important subject. Surely our lack of accurate information upon this all-important subject should bid us pause; should require the making of reductions in this and all other revenue measures, except where the amount of the appropriation as reported is practically essential to good administration, to the end that a deficiency may not confront the next administration in the first year of its existence.

A Senator said upon this floor two or three years ago that if the Government were conducted in a businesslike manner $300,000,000 a year could easily be saved; in other words, by the application of the ordinary principles of economy as practiced by business men to the national affairs that enormous sum could be annually saved to the people.

In the face of an expenditure like that contemplated by this and other bills, while this sum in itself is insignificant, we must remember, Mr. President, that it is the aggregate of insignificant or comparatively small amounts which constitute the enormous total which these various bills represent. It is perfectly easy to add an item here and an item there, small in their amounts, and to do it without very much concern; but when we consider that the revenues of some of the largest dividend-paying corporations in the country are derived from the people in nickels and dimes which are paid to them for public service, we can form a fair conception of the cumulative character of small sums to combine in an aggregate when received continuously through long periods of time. The national revenues, as I have said, come from the people. They come through taxation, and it is the taxpayers who are the real parties concerned in the appropriations which we make for the monuments which we build, the structures which we rear, and the bridges that we provide for.

I believe in liberal expenditures, Mr. President, and particularly when we have a plethoric Treasury, but we are going too fast and too far in measures of this sort, covering as they do such colossal sums of money.

There is one virtue about this bill, if virtue it may be termed. Like the rains from heaven, its bounty falls upon the just and upon the unjust. Every section of the United States participates more or less in moneys carried by the items in the bill. I am not arrogating to myself any superior virtue or integrity or conscientiousness about this matter, for my State is also a recipient of some of the amounts of money which are covered by the bill. It has that virtue, without which many of the items would find no place here.

When the Senator from Mississippi said that it is not the wealth and the area of a nation but its traditions that are the important things——

Mr. KENYON. Mr. President——

Mr. THOMAS. I want to say that he stated one side of a great truth; no nation can have traditions unless it also has area and possesses wealth.

Mr. KENYON. I was going to ask if the Senator thought it was a virtue that the blessings of this bill fall on all the country?

Mr. THOMAS. Well, it is not an unmixed evil. I am willing to say that. Perhaps I used too strong an expression in calling this feature of the bill a virtue. But it is a characteristic of the bill, without which many of these appropriations could not be enacted into law.

Mr. KENYON. Is not that the very viciousness of a bill of this character?

Mr. THOMAS. It is the reason why bills of this kind are presented and why they are passed practically without amendment.

I regret to say that, as far as my experience goes, there seems to be no healthy public sentiment throughout the country which condemns this practice, largely due to the fact, in all probability, that the desire to obtain the benefits in localities consequent upon these appropriations and their expenditure outweighs all other considerations, just as was said to be the case at one time with the tariff, a local issue based upon local considerations, and every Representative and every Senator spurred to a common end by the appeals, the demands, the requests, and the threats of his constituency founded upon what they deemed to be their peculiar and pressing interest.

Mr. President, I think I have said practically all that I care to say upon this subject. We can build monuments—and we ought to build them—to commemorate great deeds, great events, and great men. I want to see this Capital City the most beautiful city in the world. I fully agree that we should make it an ornament and a feature not only in our national policy but an outward expression of our national life for all time. Parallels have been drawn to-night between the architecture of this city and the monumental characteristics of Grecian and Roman structures. We might carry the parallel a little further and remind Senators that we are imitating those Republics not only in their architectural creations but in the prodigality of their expenditures. The extravagance of those early Republics became so great and so reckless in the end that to-day nothing remains of them except their literature, their traditions, and the ruins of their monumental structures.

I trust the time will never come when the same epitaph will be written to the memory of the American Republic; but, I believe, Mr. President, that the time has come, and that it came long ago, when economy must be the watchword of this Nation. The party to which I belong and which soon comes into control of national affairs has in its platforms ever since 1832 pledged itself to the economical administration of public affairs. If when it goes into power next week it will be confronted by appropriations amounting to more than $1,150,000,000 covering its first fiscal year, imposed upon it by the votes of Democrats and Republicans alike, both of whom are consequently responsible and must be held to be so, then we can not practice what we have preached or perform our great traditional pledge to the public which had very much to do with the result last November.

I do not want to see the new administration or any administration in this country the first or any of the years that mark its course in power to be confronted with a deficiency, for the administration in power, whether it be to blame therefor or not, must always bear the consequences of depressed conditions. It may simply have inherited them from the administration which preceded; they may have resulted from causes over which Governments have no control whatsoever; but the inexorable logic of public opinion always points its finger to the administration in power and holds it responsible for the economic and commercial ills of the time.

I think, therefore, that Senators on this side of the Chamber should pause before voting to place these enormous appropriations upon the statute book, lest perhaps we be overwhelmed in financial embarrassment upon the very threshold of the new administration.

Mr. SMITH of Georgia. Mr. President, I believe the Senate is ready to dispose of this section 13, together with the amendment, and I move to lay both the section and the amendment on the table.

The PRESIDENT pro tempore. The Senator from Georgia moves to lay the amendment on the table.

Mr. SMITH of Georgia. The proposed section.

The PRESIDENT pro tempore. That is the amendment. The question is on agreeing to the motion.

Mr. BRADLEY. Mr. President——

The PRESIDENT pro tempore. The motion is not debatable [Putting the question.] The ayes have it. The motion is agreed to and the amendment is laid on the table.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the bill. There are further committee amendments.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 56, in line 6, after the words "sum of," to strike out "$118,750" and insert "$300,000," and in line 10, after the word "exceeding," to strike out "$418,750" and insert "$600,000," so as to make the section read:

SEC. 14. That so much of section 24 of the act of Congress approved May 30, 1908, as provides for the construction of buildings for a customhouse and other governmental offices, except United States courts and post office, and for a building for the United States appraisers' stores at Wilmington, N. C., be, and the same is hereby, amended so as to require that upon the enlarged site of the present customhouse and warehouse in said city the Secretary of the Treasury shall cause to be constructed a suitable and commodious fireproof building for the accommodation of the customs service, the appraisers' stores, the United States courts and court officials, and such other governmental offices, exclusive of the post office, as can be properly and conveniently quartered in said building; and that the limit of cost fixed by said act of May 30, 1908, is hereby extended by the sum of $300,000, and said act is hereby amended so as to fix the limit of cost for said new customhouse, appraisers' stores, and courthouse and enlargement of site thereof at not exceeding $600,000; and that the unexpended balances of the appropriations heretofore made pursuant to said section 24 of the public building act of May 30, 1908, are hereby made available for the construction of the said building for customhouse, appraisers' stores, and courthouse hereinbefore prescribed; and the Secretary of the Treasury is authorized and directed to enter into contracts for the construction of such building for customhouse, appraisers' stores, and courthouse at Wilmington, N. C., within the limit of cost hereinbefore fixed.

The amendment was agreed to.

The Secretary continued the reading of the bill, and read section 17 as follows:

SEC. 17. That for the purpose of beginning the construction under the direction of a commission consisting of the Secretary of War, the Secretary of the Navy, and Superintendent of the United States Capitol Building and Grounds, and Ivory G. Kimball, representing the Grand Army of the Republic, of a memorial amphitheater, including a chapel, at the national cemetery at Arlington, Va., and in accordance with the plans of Carrere & Hastings, architects, of New York City, adopted by the commission heretofore appointed, there is hereby authorized the sum of $250,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum herein named, but the building herein provided for shall be constructed so as to cost, complete, including heating and ventilating apparatus, and approaches, $750,000.

Mr. POINDEXTER. I move to amend that section by inserting, on page 57, line 23, after the name "Kimball," the words "and Charles W. Newton, representing the United Spanish War Veterans."

Mr. SUTHERLAND. So far as I am able to do so, Mr. President, I will accept that amendment.

The PRESIDENT pro tempore. The Chair would suggest that the word "and," should be stricken out before the name "Ivory G. Kimball."

Mr. POINDEXTER. I accept that amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated as modified.

The SECRETARY. On page 57, line 23, before the name "Ivory G. Kimball," it is proposed to strike out the word "and," and after the name "Ivory G. Kimball," it is proposed to insert "and Charles W. Newton, representing the United Spanish War Veterans."

Mr. CLARK of Wyoming. Mr. President, I inquire should not the amendment come in after the word "Republic," in line 24?

The PRESIDENT pro tempore. It should.

Mr. POINDEXTER. That is correct. I accept the suggestion of the Senator from Wyoming.

The PRESIDENT pro tempore. The amendment as now modified will be stated.

The SECRETARY. On page 57, line 24, after the word "Republic," it is proposed to insert the words "and Charles W. Newton, representing the United Spanish War Veterans."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 58, line 13, after the words "*Provided further*," to strike out "That the said commission may, in its discretion, expend, of the sum hereby authorized, not more than $75,000 for the purpose of constructing a mortuary chapel, in accordance with the plans of Carrere & Hastings referred to in this act, or to locate the same elsewhere in and upon the Arlington estate, in pursuance of any other plan which may be approved by the commission for that purpose," and insert:

That the said commission may, in its discretion, locate said chapel elsewhere upon the Arlington estate, and in that event may expend of the sum hereby authorized not more than $75,000 for the purpose of constructing said chapel.

That said commission is hereby authorized and directed to enter into a contract with Carrere & Hastings, architects, for their full professional services in connection with the construction of the memorial amphitheater, herein authorized, at the usual and customary professional charges for such services.

Mr. STONE. Mr. President, just a word about this entire provision embodied in section 17. I am not expressing any dissent particularly to the amendment reported by the Senate committee, but rather with the entire proposition to appropriate $750,000 to erect this memorial amphitheater at Arlington. Arlington is a national cemetery. We have numerous national cemeteries in the United States, and it may be it would be advisable, one at a time, to put amphitheaters in all of them. To erect such structures is in the nature of an appeal to the patriotism of the people and of the country. The Senator from Colorado [Mr. THOMAS] in his address a few moments ago emphasized the striking fact that already we have in this bill now pending a proposition to appropriate some $45,000,000. I think we might well delay a work of this kind for a while. Seven hundred and fifty thousand dollars expended for the erection of a memorial amphitheater in one of our cemeteries means, as sure as fate, that we are to go on erecting like structures in all the multitude of national cemeteries scattered throughout the country, the great burying grounds where the patriotic dead are interred. If it is the purpose of Congress to enter upon that field of enterprise, which will result in an ultimate expenditure of probably twenty-five or thirty million dollars, why, then, if we do it deliberately, purposely, understandingly, all right. This is but the entering wedge, and I am inclined rather to appeal to Senators to halt, to consider whether we can not abridge the vast expenditures embodied in this bill and reflect most carefully whether we care to start in upon this road, leading, ultimately, to enormous public expenditures.

Mr. President, this memorial structure is proposed to be erected at Arlington, a cemetery adjacent to Washington, on an estate historic in more ways than one, and I am loath to interpose an objection when I am persuaded that it has the support of friends of mine in the Senate and in the House of Representatives, but I can not but question the wisdom of this appropriation. I shall vote against it.

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. STONE. Mr. President, I was addressing myself to a section which was pending before the Senate, as I understood.

The PRESIDENT pro tempore. The Chair had reason to suppose that the Senator had concluded.

Mr. STONE. I had concluded; but I thought at least we might have a vote upon it.

The PRESIDENT pro tempore. The Chair will put it to a vote if the Senator from Missouri so desires. The question is on agreeing to the amendment.

Mr. O'GORMAN. Will the Chair have the amendment stated?

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. On page 58, line 13, after the words "*Provided further*," it is proposed to strike out down to and including the word "purpose," in line 20, and to insert:

That the said commission may, in its discretion, locate said chapel elsewhere upon the Arlington estate, and in that event may expend of the sum hereby authorized not more than $75,000 for the purpose of constructing said chapel.

That said commission is hereby authorized and directed to enter into a contract with Carrere and Hastings, architects, for their full professional services in connection with the construction of the memorial amphitheater, herein authorized, at the usual and customary professional charges for such services.

Mr. SMITH of Georgia. Mr. President, I desire to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SMITH of Georgia. Does the mere fact that an amendment is pending to a portion of this paragraph open the entire paragraph to amendment now? The amendment that I would suggest, if that were true, would be to change the sum and to limit the total expenditure to $100,000.

The PRESIDENT pro tempore. The Chair thinks it would not open up the entire paragraph. The question is upon the amendment which has just been read. [Putting the question.]

Mr. STONE. Is a motion to strike out the paragraph in order at this time? I am inclined to think not; but I would like to strike out the entire paragraph.

Mr. SWANSON. I should like to explain to the Senate that this provision is simply an amendment to enable a chapel to be constructed at Arlington. If the amendment is adopted, the en-

tire provision can be afterwards struck out. There is, however, no chapel at Arlington. They can not bury people there. The committee simply propose to insert an amendment which will provide for a chapel at Arlington. When soldiers come here from a distance, there is no church, no chapel, there. That is all the amendment provides for.

Mr. SMITH of Georgia. All I want is to let the chapel provision stand and to get rid of the remainder of the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 59, line 13, to change the number of the section from "14" to "19," and, in line 16, before the words "Las Vegas," to insert "East"; in line 24, before the word "herein," to strike out "post office" and insert "building"; and, on page 60, line 2, before the words "Las Vegas," to insert "East," so as to make the section read:

SEC. 19. That the Secretary of the Treasury be, and he is hereby, directed to purchase a site, or acquire it by condemnation or otherwise, on land at a convenient point between the incorporated city of East Las Vegas, N. Mex., and the incorporated town of Las Vegas, N. Mex., and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the post office, courthouse, and other governmental offices, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of $125,000, and the building herein provided for shall be used as a post office and courthouse and for other governmental purposes for both the incorporated city of East Las Vegas and the incorporated town of Las Vegas, notwithstanding the general law requiring the maintenance of a post office in each county seat, and the authorization of $15,000 made for the purchase of a site in the town of Las Vegas is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 60, line 7, to change the number of the section from "15" to "20," and, in line 18, after the word "services," to insert "without regard to civil-service laws, rules, or regulations," so as to make the section read:

SEC. 20. That a commission, consisting of the Secretary of the Interior, the Commissioner of Patents, and the Supervising Architect of the Treasury Department, be, and is hereby, created, which shall cause plans and estimates to be prepared for a building to accommodate the Patent Office of the United States, and report the estimated cost thereof to the Congress, provided that such plans and estimates be prepared under the direction of the Secretary of the Treasury. And for the preparation of such plans and estimates a sum not to exceed $5,000 is hereby authorized to be expended for employment of technical and engineering services without regard to civil-service laws, rules, or regulations in the Office of the Supervising Architect. That the foregoing authorization for the employment of technical and engineering services shall be in addition to and independent of the authorization and appropriations for personal services for the Office of the Supervising Architect otherwise made.

Mr. WILLIAMS. Mr. President, I should like to ask a question of the Senator in charge of the bill. Why is the language "without regard to civil-service laws, rules, or regulations" inserted in line 18?

Mr. SUTHERLAND. Mr. President, it is because this is a particularly large piece of work, and it is necessary to call in other architects. The employees in the Office of the Supervising Architect, who are under the civil-services rules, are not sufficiently expert to do the work, and they have to call in outside architects. It is the usual provision in such cases. It simply happened to be omitted in this particular case from this bill. The Senator will find the same language in other House provisions.

Mr. WILLIAMS. Mr. President, this section organizes a commission—

consisting of the Secretary of the Interior, the Commissioner of Patents, and the Supervising Architect of the Treasury Department, be, and is hereby, created, which shall cause plans and estimates to be prepared for a building to accommodate the Patent Office of the United States, and report the estimated cost thereof to the Congress, provided that such plans and estimates be prepared under the direction of the Secretary of the Treasury. And for the preparation of such plans and estimates a sum not to exceed $5,000 is hereby authorized to be expended for employment of technical and engineering services.

Then it provides that it shall be done "without regard to civil-service laws, rules, or regulations in the Office of the Supervising Architect." It seems to me that that is a confession that the civil-service system has broken down in the Office of the Supervising Architect. If this great bureau of the Supervising Architect of the Treasury has not within it people who are competent to plan a Patent Office for the United States Government, then it seems to me that we had better employ outside architects for everything. It seems to be a confession of failure upon the part of the Supervising Architect's Office, or, if not a confession upon their part, a confession upon the part of the Senate committee.

Mr. SUTHERLAND. Mr. President, such a provision has been found necessary in the erection of every large building. I will undertake to say that there has not been an important building erected in the city of Washington where it has not been found necessary to call in outside architects. The force in the office of the Supervising Architect is not sufficient to do all of the work that is necessary. The Supervising Architect himself would be capable, but he is simply overwhelmed with other work, and whenever we undertake any of these large enterprises it has always been found necessary to call in outside architects. Of course, these outside architects are not in the civil service. The Senator from Texas [Mr. SHEPPARD], whom I see in his seat, has been chairman of the House Committee on Public Buildings and Grounds for many years, and I think he will bear out what I am saying about the matter.

Mr. WILLIAMS. Mr. President, I was perfectly aware of the facts that have just been stated by the Senator from Utah, and that is the reason I asked the question. It seems that, whenever we have any really important architectural work to do, we must go outside of the office of the Supervising Architect. I find it very hard to believe that it is because of a lack of force sufficient to do the work. It seems to me rather that it is because of a lack of genius sufficient to do the work.

Mr. SHEPPARD. Mr. President, to get the best results the Supervising Architect frequently submits the plans to competition among architects from all over the country. If he has to apply civil-service rules before those architects can enter the competition, it would be useless to endeavor to go about it in that way. The reason why it is desired to exempt architects from the civil-service rules, is in order to have competition among the leading architects, both in this country and in other countries.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Buildings and Grounds was, on page 61, line 17, after "$800,000," to insert: "and payment therefor to be made out of the proceeds of the sale of the old site and building hereinafter provided for," so as to read:

SEC. 22. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site for a suitable building and approaches, for the use and accommodation of the United States post office and other governmental offices in the city of Newark, in the State of New Jersey, the cost of said site not to exceed the sum of $800,000 and payment therefor to be made out of the proceeds of the sale of the old site and building hereinafter provided for.

The amendment was agreed to.

The next amendment was, on page 62, after line 18, to insert as a new section the following:

SEC. 23. That the Secretary of the Treasury be, and he is hereby, authorized and directed to select and acquire by purchase or otherwise a suitable site for a public building in Des Moines, Iowa, for the use of the courts of the United States and such other governmental purposes, except post-office purposes, as may be necessary or convenient, the site to cost not more than $100,000; and he is further authorized and directed to cause to be erected upon said site a suitable building for the aforesaid purposes, the building to cost not more than $250,000. To acquire the site and erect the building there is hereby authorized the sum of $350,000.

When said site has been acquired and the building erected thereon the Secretary of the Treasury shall sell the lots and building thereon now owned by the United States situated at the northeast corner of West Court Avenue and West Fifth Street in the city of Des Moines, Iowa.

The said sale shall be made after notice published in at least three daily Des Moines newspapers once each day for not less than three weeks, upon bids received in pursuance of such notice and upon the terms deemed most advantageous to the United States.

Only that part of the money heretofore appropriated for the repair and modification of said building now in use as may be necessary to render the building fit for use by the district court and by other officers of the Government now using it, shall be expended, and the remainder shall be covered into the Treasury.

The amendment was agreed to.

The next amendment was, on page 63, after line 21, to strike out:

SEC. 18. That the Secretary of the Treasury be, and he is hereby, authorized and directed to prepare designs and estimates for a fireproof national archives building containing not less than 1,500,000 cubic feet of space, suitable for the orderly storage of records, documents, and other papers which have accumulated in the various executive departments and independent establishments, and in the files of the Senate and House of Representatives and offices of the White House, and are not needed for current use.

That the said designs and estimates shall be prepared with a view to the erection of the said building in the city of Washington, D. C., upon a lot of land large enough to contain ultimately a building embracing 4,000,000 cubic feet of space.

That the said designs and estimates shall make provision for a building capable of subsequent extension without impairing its architectural appearance from a capacity of 1,500,000 cubic feet to a capacity of 4,000,000 cubic feet.

That upon the completion of the said designs and estimates the Secretary of the Treasury shall report to the Senate and House of Representatives the minimum cost of such a building and the minimum cost of a suitable site thereof conveniently located in the District of Columbia.

And in lieu thereof to insert:

SEC. 24. That the Secretary of the Treasury be, and he is hereby, authorized and directed to prepare designs and estimates for a fireproof national archives building of modern library-stack type of architecture, containing not less than 3,000,000 cubic feet of space, suitable for the orderly storage of records, documents, and other papers which have accumulated in the various departments, independent establishments, and executive offices and in the files of the Senate and House of Representatives and are not needed for current use.

That the said designs and estimates shall be prepared with a view to the erection of the said building in the city of Washington, D. C., upon a lot of land large enough to contain ultimately a building embracing 8,900,000 cubic feet of space.

That the said designs and estimates shall make provision for a building capable of subsequent extension, without impairing its architectural appearance, from a capacity of 3,000,000 cubic feet to a capacity of 8,900,000 cubic feet.

That before the said designs and estimates are completed inspection shall be made under the direction of the Secretary of the Treasury of the best modern national archive buildings in Europe, and consultation shall be had with the best authorities in Europe on the construction and arrangement of archive buildings.

That the said designs and estimates shall provide for the construction of a building the total cost of which, including heating and ventilating apparatus, elevators, and approaches, complete, shall not exceed the sum of $1,500,000.

That whenever the said designs and estimates have been approved by a commission consisting of the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Treasury, the Secretary of War, and the Secretary of the Interior, then the Secretary of the Treasury shall be, and he is hereby, authorized and directed, in his discretion, to purchase, or cause to be taken for public use, by condemnation or otherwise, as a site for said building, any piece of land of the size defined in this section the purchase of which shall be approved by the said commission.

That for the preparation of said designs and estimates the sum of $5,000, or so much thereof as may be necessary, is hereby authorized to be expended for employment of technical and engineering services in the office of the Supervising Architect.

Mr. WILLIAMS. I think that, as a rule, is very wise, provided it is so arranged that the architectural design will not be interfered with by the addition. I am very much in favor of a building in which to keep the archives of the Government, which shall be, I hope, the only really fireproof building in the world; and it will cost a good deal of money to make it really fireproof.

Mr. SUTHERLAND. The Senator will see on page 65, beginning in line 6, the language:

That the said designs and estimates shall be prepared with a view to the erection of the said building in the city of Washington, D. C., upon a lot of land large enough to contain ultimately a building embracing 8,900,000 cubic feet of space.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator in charge of the bill if the committee carefully considered whether the sum of $1,500,000 would be sufficient for this very important and very permanent purpose? There is contained in the bill an appropriation of a million and three-quarter dollars for an armory in the District of Columbia, and here comes along a proposition to construct a building which is to be thoroughly fireproof and which is to last the Republic 50 or 100 years, and we are appropriating a quarter of a million dollars less money for its erection than was thought necessary to build an armory.

Mr. SUTHERLAND. This is only the first part of the building. This does not authorize the expenditure of a million and five hundred thousand dollars. It simply provides for the making of plans, and authorizes an expenditure of $5,000 for that purpose. The plans are to be for a building to cost $1,500,000 now; but that is only the first part of the building. We may be able to add to it hereafter. That is in the future.

Mr. WILLIAMS. I do not know what portion of the building is to be erected out of the $1,500,000.

Mr. WARREN. Three million cubic feet out of the more than 8,900,000 cubic feet.

Mr. WILLIAMS. According to the language pointed out by the Senator from Utah, it is to be 3,000,000 cubic feet out of a total of 8,900,000 cubic feet.

Mr. SUTHERLAND. Yes.

Mr. WILLIAMS. But I should be very much surprised, indeed, if an archives building worthy of the country, fireproof and containing sufficient room for the purposes of the Republic, could be erected for less than $5,000,000.

Mr. SUTHERLAND. I will say to the Senator that this is a matter the committee very carefully investigated. We had experts before us, men who were well informed with reference to the character of buildings of this kind and the cost in this and in other countries, and the committee made the provision after very careful consideration.

Mr. SMITH of Georgia. I thank the committee for having held down the appropriation. I am sure it is enough.

The amendment was agreed to.

The next amendment was, on page 66, after line 15, to insert as a new section the following:

SEC. 25. That for the purpose of preventing the pollution and obstruction of Rock Creek and of connecting Potomac Park with the Zoological Park and Rock Creek Park, and providing a new location for the United States Botanic Garden, a commission, to be composed of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such land and premises as are not now the property of the United States in the District of Columbia shown on the map on file in the office of the engineer commissioner of the District of Columbia, dated May 17, 1911, and lying on both sides of Rock Creek, including such portion of the creek bed as may be in private ownership, between the Zoological Park and Potomac Park, at a total cost not to exceed $2,300,000, which sum is hereby authorized to be expended. That all lands now belonging to the United States or to the District of Columbia lying within the exterior boundaries of the land to be acquired by this act as shown and designated on said map are hereby appropriated to and made a part of the parkway and new Botanic Garden site herein authorized to be acquired. That the commission shall set apart such portion as they may deem adequate of the land herein authorized to be acquired or included within said exterior boundaries for a new location for the United States Botanic Garden, and one-half of the cost of the remaining portion shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia in eight equal annual installments, with interest at the rate of 3 per cent per annum upon the deferred payments. That should the commission decide to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, such proceedings shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office. (U. S. Stat. L., vol. 26, chap. 837.)

Mr. O'GORMAN. Mr. President, I make the point of order that this section——

Mr. LODGE. No point of order lies, Mr. President.

The PRESIDENT pro tempore. The Chair understands that.

Mr. O'GORMAN. I withdraw it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. WILLIAMS. I wish to ask a question about the amendment. This is a commission to be composed of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture. Does that mean the three present Secretaries or the incoming Secretaries?

Mr. SUTHERLAND. Undoubtedly it would mean the incoming Secretaries.

Mr. WILLIAMS. I wanted to know, because if the present Secretaries are to form the commission and then go out of office there might be a claim at some time in the future for services rendered.

Mr. SUTHERLAND. No; it belongs to the office; it does not belong to the person. The office would succeed rather than the person in the office.

Mr. WILLIAMS. Very well; but sometimes, you know, when people take a position on a commission and they are described by their official titles, it might be that they would hold over.

Mr. WARREN. That is only when they are named.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 68, after line 3, to insert as a new section the following:

SEC. 26. That the Secretary of War is hereby authorized and directed to cause to be constructed across the Potomac River, from the city of Washington to the Arlington Estate property in the State of Virginia, a memorial bridge, to be located, as nearly as the commission hereinafter constituted may determine to be best, on a line beginning at the intersection of Twenty-third Street with a line drawn from the center of the Capitol through the center of the Washington Monument, and running from this intersection at Twenty-third Street to the center of the Arlington Mansion; the said bridge to be constructed on a location and plan to be approved by a commission composed of the President, the Secretary of War, the Speaker of the House of Representatives, the chairman of the Committee on the Library of the Senate, and the chairman of the Committee on the Library of the House of Representatives, and not to cost more than $5,000,000. And the commission is authorized to expend so much as may be necessary for the purpose in securing and determining on a proper location and plan.

That in the discharge of its duties hereunder said commission is authorized to employ the services of such engineers, sculptors, architects, and others as it shall determine to be necessary, and to avail itself of the services or advice of the Commission of Fine Arts created by the act approved May 17, 1910.

That said commission shall annually submit to Congress an estimate of the amount of money necessary to be expended each year to carry on the work herein authorized.

Mr. O'GORMAN. Mr. President, I do not think that the condition of the Public Treasury and the urgent and legitimate demands now upon it warrant this expense at this time.

Mr. MARTIN of Virginia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Virginia?

Mr. O'GORMAN. Certainly.

Mr. MARTIN of Virginia. There is no money appropriated by the amendment. It is simply an authorization. If the bridge is completed and the money expended in the next five years, it will be much more rapidly done than I contemplate will be the case.

Mr. O'GORMAN. Will not this authorization, if it be passed, be followed by a provision in an appropriation bill for the money contemplated by this expenditure?

Mr. MARTIN of Virginia. There will be possibly a small sum, but most likely none at the present session of Congress. There might be a small appropriation in the deficiency bill, but it would properly belong in the sundry civil bill, and that bill has been reported to the Senate. In any event, not more than $100,000 will be asked for, and hereafter such sums as the commission may each year report to Congress as being required. No one contemplates a material appropriation at this session, and it will be certainly five years, and probably much more than five years, before the amount is expended.

Mr. O'GORMAN. I have already given expression to some views that I have regarding the wasteful tendency in our public expenditures. It is estimated that the total amount of all the

appropriations, embracing those which have been passed and those which will be passed in a day or two, will approximate a sum in excess of $1,200,000,000. The revenue that may be reasonably anticipated will be insufficient to meet that amount. These total expenditures will surpass the total expenditures made by any Congress in all the history of the Government.

It is true we are making remarkable strides in this country. Each year we are adding a million and a half people to our population. The last 12 years of our history have contributed approximately 20 per cent of all the population of the United States at this time.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Utah?

Mr. O'GORMAN. Certainly.

Mr. SUTHERLAND. Do I understand the Senator to say that the bill carries a larger amount than has ever been carried by any bill?

Mr. O'GORMAN. I say that all the appropriation bills, of which this is one, altogether——

Mr. SUTHERLAND. Oh!

Mr. O'GORMAN. I apprehend that no Member of this body will dispute the accuracy of my statement.

Mr. SUTHERLAND. I misunderstood the Senator. I thought he was referring to this bill.

Mr. O'GORMAN. That is what I stated. A few days ago I called attention to some extravagant and, as I think, wasteful provisions of the river and harbor bill, which justified my vote in opposition to the bill at that time. The same tendency is manifested not only in this bill, but in all the bills before us.

Mr. SUTHERLAND. If the Senator from New York will permit me, I will suggest to him that this bill carries approximately now $45,000,000.

Mr. WARREN. Authorizations.

Mr. SUTHERLAND. Authorizations. Of course none of it is appropriated. That represents the accumulation of three years. It is only $15,000,000 a year. It is not an extravagant bill. It is no larger——

Mr. O'GORMAN. I have no doubt there are a good many excellent features in this bill, but, as I said earlier to-day, in my judgment there are certain provisions which are absolutely indefensible. There are certain towns in this country with a population scarcely in excess of 1,000 that have provisions made in this bill for the procuring of sites at a nominal expenditure of from $5,000 to $10,000, which if passed will be followed in the near future by provisions for structures amounting to $50,000, $60,000, and $70,000.

Mr. SUTHERLAND. There never has been a public building bill passed in Congress, I will undertake to say, that has not carried some items that everybody was not quite in favor of. The Senator will recognize the practical impossibility almost of avoiding some items of that character. But I undertake to say to the Senate that those items are very few in number.

Mr. O'GORMAN. Mr. President, I have great sympathy with the chairman of the committee. I want to pay him the tribute which I do in declaring that no member perhaps has ever labored more industriously and conscientiously in the handling of a difficult proposition than has the Senator from Utah. But notwithstanding all the services and the devotion and the attention he gave to this bill, aided as he was by the members of his committee, it is one of the most obnoxious bills that I think could be presented to the Senate.

I shall vote against the bill, whatever change may take place, on its final passage. I am now calling attention to what I conceive to be one of its objectionable features. It may be that at some time this country can afford to expend $5,000,000 for bridging the Potomac River, but we can not do it now. One side of this chamber but recently came into power under a pledge to the people of this country that it would favor as far as possible the most rigid economy in public expenditures. It can not support the provisions of this bill without stultifying itself. It can not justify its conduct in securing the approval of the people of this country and then giving its support to a series of appropriation bills representing a larger figure than was ever before represented in a single session by similar legislation.

Mr. MARTIN of Virginia. Mr. President, I just want to say again to the Senator from New York that there is not one single dollar appropriated by this bill.

Mr. O'GORMAN. I understand the view of the Senator from Virginia. There is no single dollar appropriated by any provision in the bill at the present time. This bill does nothing more than authorize expenditures which in time must be followed by appropriations in another appropriation bill.

At this time, Mr. President, I move that the amendment of the committee be laid upon the table.

Mr. SWANSON. Before the Senator makes that motion——

The PRESIDENT pro tempore. Does the Senator from New York withhold the motion?

Mr. SWANSON. I ask the Senator to withhold the motion for a few moments.

Mr. O'GORMAN. Very well.

The PRESIDENT pro tempore. The Senator from New York withholds the motion.

Mr. SWANSON. Mr. President, I want for a short time to present to the Senate the question of a memorial bridge. Ever since 1887 the Secretary of War and also President McKinley have urged Congress to connect its own property on the Potomac, known as the Potomac Flats, with its Arlington property across the Potomac.

Mr. O'GORMAN. May I ask the Senator when the recommendation was first made?

Mr. SWANSON. In 1887 or 1888.

Mr. O'GORMAN. Why has it never been acted on?

Mr. SWANSON. I will tell the Senator why, if the Senator from New York will content himself for a moment. If I had thought he would make a motion to lay the amendment on the table I would have asked to be recognized, but he made a speech against it and then submitted his motion.

The PRESIDENT pro tempore. The motion is withheld.

Mr. SWANSON. The Government owns the Potomac Flats. It owns 1,200 acres of land known as Arlington. Ever since 1887 the Secretaries of War, following President McKinley, have urged Congress to connect its own property by a bridge across the Potomac. Of all the cities in the world at the Capital of the Nation the Potomac is less bridged than any capital in the world. There is scarcely a bridge across the Potomac where the people can cross from the south that has not on it either a railroad bridge or a street-car bridge that makes it impossible for the ordinary traffic.

There has been an impression that this proposition is entirely in the interest of Virginia. I wish to say that the people of Virginia are not interested in it to the extent that Washington is. The city of Washington has no adequate and proper crossing of the Potomac. In the little city in which I formerly lived, of 19,000 people, there are three bridges that bridge the river that brings the people there. There are two bridges that allow the people to come here and also a bridge permitting street cars to run over. Yet here stands the Capital of this Nation, where practically traffic and travel across the Potomac are excluded.

Now, Mr. President, I want to go further and consider this as a business proposition.

Mr. SMITH of Georgia. I wish to ask the Senator a question there.

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Georgia?

Mr. SWANSON. I will be very glad to yield.

Mr. SMITH of Georgia. What did those bridges cost?

Mr. SWANSON. Those three bridges at Danville cost fifty or a hundred thousand dollars. It is just a small river. I guarantee that there is not a capital of a State in the Nation which borders on a river that has not a decent bridge crossing it. Here you find that it is hard to represent Washington in Congress. All appropriations for the District of Columbia are a proper subject for professional economists to assault. I say when a proposition is made to erect a structure like this it is denounced because there are no Senators here and no Members of the House to take care of it. They have no Senators to speak for them and no Representatives in Congress, and on these appropriations we hear the subject of economy preached because the people of the District have no power in Congress. If this was the capital of your State, sir, if it was Albany or if it was New York City, I guarantee that there would be a magnificent bridge.

Mr. O'GORMAN. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Virginia yield to the Senator from New York?

Mr. SWANSON. I will.

Mr. O'GORMAN. New York City has contributed many bridges costing from $10,000,000 to $45,000,000 and has borne the expense herself.

Mr. SWANSON. This is the Capital of the Nation. New York has spent $20,000,000 with 5,000,000 people to build a bridge, yet this Capital of 95,000,000 people is too poor to have a decent bridge across the Potomac. The trouble is that the Senator from New York considers Washington as a local city. He thinks the people of Virginia, the people of Alexandria County, should build this bridge. Washington is the Capital of this Nation. All the trouble has come from the fact that some people will not recognize that this is the Capital of 95,000,000 people.

If I mistake not, the people of America have pride in Washington. If I mistake not, they desire to see it a beautiful and a grand Capital. If I mistake not, they are proud of Washington. Here is the Senator from New York, who boasts of what New York can do. New York is not as rich as the 95,000,000 people of this country. It is hard to get the Senator from New York to realize that New York is a city constituting part of the country, but here is the Capital of 95,000,000 people.

Mr. O'GORMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from New York?

Mr. SWANSON. I do.

Mr. O'GORMAN. Does the junior Senator from Virginia think that there would be the same traffic over the Potomac bridge as that which crosses over one of the great arteries of trade in the metropolis of the Nation?

Mr. SWANSON. All I know is that traffic which wants to come and the people who want to come from the South to the Capital of the Nation have no facilities and no ability to do it.

Mr. O'GORMAN. Is there not a bridge every half mile to the west?

Mr. SWANSON. Nearly all the bridges have street cars or railways, and it is nearly impossible for the traffic and the travel to cross properly and conveniently.

Now let us take another proposition. Arlington has 1,200 acres of land. The Potomac Flats are owned by the Government. If it were owned by an individual, if it were owned by a city, they would connect it by a bridge. The Secretary of War says troops could not come from Fort Myer into Washington if any emergency should arise.

You have at Arlington the most princely park in the world in beauty, in size, and in magnificence. There lie buried all the heroes in the war of the South and the North. New York is not as rich as this Government, but if that park were to be entered I will guarantee that New York or any other city in the United States would have a decent and proper approach to it.

There is not a decent approach to the most magnificent and royal park that the world has ever seen, with all its heroes. Yet there is no decent way to get from Washington to it.

Further than that, the Secretary of War has recommended it; President McKinley recommended it—have recommended it as a good investment for the Government. Why? It will make available lands across the Potomac which can be used for public purposes, and will put to use at once more land and make it applicable for public purposes for buildings than the bridge will cost.

The trouble we have had is this: We came here and asked for a small bridge in 1907. That was five years ago. What were we met with? "Oh, no; we want no small bridge; we want a bridge of a magnificent superstructure, a magnificent memorial bridge equal to those crossing the Seine, the Thames, the Danube." We were told that we must wait until we get a magnificent bridge. We now ask for this. We are now told that no such bridge is needed and it is extravagant. Thus between those who desire a magnificent bridge and those who are unwilling to incur the expense of a magnificent superstructure we never get a bridge, and have been delayed for more than 20 years. I do not ask for any $5,000,000. All I ask is that Washington shall be as decently treated as the capital of any city in this Nation, and that this great Government shall give to the people who live south access to the Capital.

If the Senator wants no memorial bridge to commemorate the valor of the North and South, no splendid structure built on the Potomac, put the amount you want there for an ordinary bridge and I will accept it. But we are held off every time. We are told, "Now is not a fortunate time."

This bill has passed the Senate three times without a dissenting vote. It has been debated, it has been discussed, and all we ask is to let the question be settled for once.

You have just consented to an appropriation of $2,300,000 worth of property that can scarcely be available and scarcely be used without this bridge.

Whenever this question comes up the objection is made that the people of Virginia will get something from it; that it is a Virginia scheme; that it is a Virginia effort. I have never seen the propostion made here in which that does not come up. But last year we had a proposition to get the Government of the United States to do what? To build its own road through its own farms into Arlington estate, and the comment went around the Senate that it was a Virginia enterprise.

We have improved the roads on the other side of Arlington. We can not tax Government property in Alexandria County, and all we asked was that the Government should make roads through its own property good and passable.

You talk about economy. We desire to be economical. We believe the incoming President is economical. We believe he will carry out the platform. We believe the present Speaker of the House of Representatives is economical and a good Democrat. We believe the chairmen of the committees that are made commissioners here are. We believe the incoming Secretary of War is. We leave it to them to determine absolutely every cent that shall be expended. We put a limit there, for we thought possibly the Senate would object to a bill without a limit.

I am willing to trust Woodrow Wilson; I am willing to trust the Speaker of the House of Representatives; I am willing to trust the incoming Secretary of War; I am willing to trust the two chairmen of the committees to deal with this matter economically, and we constitute them a commission to determine what kind of a bridge shall be built. If they want to build a bridge costing one million and a half dollars or less, it is all right with us. All we ask is for Congress at this time to settle this matter that has been delayed for more than 20 years. The people of the South who want to come into Washington have some rights. Are we to be held up here eternally?

It seems to me the idea to have there a magnificent memorial superstructure is right—commemorative of the reunion of the North and the South, to thus bridge the Potomac that once was the dividing line that marked the hope and valor of 11 States south of it, that marked the valor and purposes of other States north of it. We ask that what was once a hostile dividing line between hostile camps shall be bridged by a magnificent structure illustrative of a united country, indicative of the fact that the Potomac no longer divides two sections, but that this magnificent superstructure shall be a monument to the fraternal feeling that exists between the North and the South.

This has been delayed 20 years. That it might not be delayed 20 years longer between those who want a cheap bridge and those who want a magnificent superstructure—so as to eliminate that difference we constitute a commission the membership of which can not be impeached; the integrity, ability, and economy of which can not be questioned.

I hope the Senator from New York, when he finds that in this bill the State of New York gets $5,000,000—possibly more than that—will consent that the Capital of this Nation of 95,000,000 people may have a bridge across the Potomac.

Mr. O'GORMAN. Mr. President, I am in substantial accord with the Senator from Virginia respecting his views generally, but in view of the extraordinary disbursements and expenditures provided for by the various appropriation bills now before Congress, as I view the situation it would be very unwise to add to the burdens of the people at this time an expenditure of $5,000,000 for a bridge across the Potomac when there are two bridges at the present time half a mile from here.

Mr. SWANSON. Will the Senator permit me? If you are ever going to build this bridge, if you are not simply trying to make a pretense of economy, why not let it since the amount authorized will be distributed over five years? The conditions of the Treasury are all right. There is ample money in the Treasury for this purpose. Vast sums of money are being deposited in national banks to-day. This money will not be spent for five years. It seems to me if there is any justice, if there is any pride in the city of Washington, if there is any desire to treat the people who live south of the Potomac with the fairness that the people of your State receive, and those who live in other sections than New York, and as the people surrounding any capital in this Nation receive, some conclusion should be reached in connection with this bridge and proceed to its construction. Now, what amount does the Senator think the Government would be able to spend?

Mr. O'GORMAN. I would suppose at this time that the Government could make no expenditure for that purpose.

Mr. SWANSON. Does the Senator think possibly a million dollars could be taken from New York and put on this bridge?

Mr. O'GORMAN. Not at this time. I submit my motion, Mr. President.

The PRESIDENT pro tempore. The Senator from New York moves to lay the amendment on the table.

Mr. HITCHCOCK. Before the Senator presses that——

Mr. LODGE. The motion is not debatable, Mr. President——

Mr. HITCHCOCK. I should like to ask——

The PRESIDENT pro tempore. Does the Senator from New York withdraw his motion for the purpose of hearing the Senator from Nebraska?

Mr. O'GORMAN. I do.

Mr. HITCHCOCK. I should like to ask some one who knows the facts in the case to state the maximum and minimum for which a respectable and decent bridge could be built across the Potomac at this point?

Mr. LODGE. Regular order, Mr. President.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New York to lay the amendment on the table. [Putting the question.] The noes appear to have it.

Mr. SMITH of Georgia. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the Senator from Nebraska [Mr. BROWN] and will vote. I vote "nay."

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. CLAPP (when his name was called). I have a general pair with the Senator from North Carolina [Mr. SIMMONS]. Observing him to be absent, I transfer that pair to my colleague, the senior Senator from Minnesota [Mr. NELSON], and will vote. I vote "nay."

Mr. DILLINGHAM (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "nay."

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM], and in his absence I withhold my vote.

Mr. PERCY (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I do not know how he would vote if present, and, in his absence, I withhold my vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. In his absence from the Senate I am permitted to transfer that pair to the junior Senator from Massachusetts [Mr. CRANE] and vote. I vote "nay."

Mr. SMITH of Michigan (when his name was called). I transfer my pair with the junior Senator from Missouri [Mr. REED] to the Senator from Rhode Island [Mr. LIPPITT] and vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Tennessee [Mr. WEBB] and vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Arkansas [Mr. CLARKE], and, in his absence, I withhold my vote.

Mr. WARREN (when his name was called). I am paired with the Senator from Louisiana [Mr. FOSTER]. I therefore withhold my vote.

The roll call was concluded.

Mr. CLAPP (after having voted in the negative). Since announcing the transfer of my pair, I have learned that my colleague [Mr. NELSON] is paired with the senior Senator from Georgia [Mr. BACON]. I therefore transfer my pair to the junior Senator from California [Mr. WORKS], and will let my vote stand.

Mr. CHAMBERLAIN. I transfer my pair with the Senator from Pennsylvania [Mr. OLIVER] to the Senator from Maine [Mr. GARDNER] and vote. I vote "nay."

Mr. SUTHERLAND. I will transfer my pair with the Senator from Arkansas [Mr. CLARKE] to the Senator from North Dakota [Mr. MCCUMBER] and vote. I vote "nay."

The result was announced—yeas 24, nays 30, as follows:

YEAS—24.

Bankhead	Curtis	Lea	Shively
Bristow	Fall	O'Gorman	Smith, Ariz.
Bryan	Gore	Owen	Smith, Ga.
Catron	Johnson, Me.	Page	Smith, S. C.
Crawford	Kenyon	Pomerene	Thomas
Cummins	Kern	Sheppard	Townsend

NAYS—30.

Bourne	Dillingham	Newlands	Smoot
Brady	Fletcher	Penrose	Stone
Brandegee	Gallinger	Perkins	Sutherland
Briggs	Jackson	Pittman	Swanson
Burnham	Jones	Poindexter	Wetmore
Chamberlain	Lodge	Root	Williams
Clapp	Martin, Va.	Smith, Md.	
Clark, Wyo.	Martine, N. J.	Smith, Mich.	

NOT VOTING—41.

Ashurst	Dixon	Lippitt	Simmons
Bacon	du Pont	McCumber	Stephenson
Borah	Foster	McLean	Thornton
Bradley	Gamble	Myers	Tillman
Brown	Gardner	Nelson	Warren
Burton	Gronna	Oliver	Watson
Chilton	Guggenheim	Overman	Webb
Clarke, Ark.	Hitchcock	Paynter	Works
Crane	Johnston, Ala.	Percy	
Culberson	Kavanaugh	Reed	
Cullom	La Follette	Richardson	

So the motion of Mr. O'GORMAN to lay the amendment on the table was rejected.

Mr. STONE. Mr. President, I desire to ask whether at this point it would be in order to move to strike out all after the enacting clause of the bill?

The PRESIDENT pro tempore. The Chair thinks it would be in order.

Mr. STONE. I make that motion.

The PRESIDENT pro tempore. The Senator from Missouri moves to strike out all after the enacting clause of the bill.

Mr. SMITH of Georgia. I ask for the yeas and nays on the motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the senior Senator from Nebraska [Mr. BROWN] and will vote. I vote "nay."

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "nay."

Mr. CLAPP (when his name was called). I again transfer my pair with the Senator from North Carolina [Mr. SIMMONS] to the junior Senator from California [Mr. WORKS], and will let that announcement stand for any subsequent vote. I vote "nay."

Mr. DILLINGHAM (when his name was called). Again transferring my pair with the Senator from South Carolina [Mr. TILLMAN] to the Senator from Wisconsin [Mr. STEPHENSON], I vote "nay."

Mr. PERCY (when his name was called). In the absence of the senior Senator from North Dakota [Mr. MCCUMBER], with whom I am paired, I withhold my vote.

Mr. PERKINS (when his name was called). I again transfer my pair with the junior Senator from North Carolina [Mr. OVERMAN] to the junior Senator from Massachusetts [Mr. CRANE] and vote "nay."

Mr. SMITH of Michigan (when his name was called). I transfer my pair with the junior Senator from Missouri [Mr. REED] to the junior Senator from Rhode Island [Mr. LIPPITT] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again transfer my general pair with the Senator from Delaware [Mr. RICHARDSON] to the Senator from Tennessee [Mr. WEBB] and will vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I transfer my pair with the Senator from Arkansas [Mr. CLARKE] to the Senator from Colorado [Mr. GUGGENHEIM], which will permit the Senator from Kentucky [Mr. PAYNTER] and myself to vote. I vote "nay."

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Louisiana [Mr. FOSTER].

The roll call was concluded.

Mr. SMITH of South Carolina (after having voted in the negative). I understand the Senator from Tennessee [Mr. WEBB], if he were here, would vote "yea." I therefore transfer my vote to the Senator from Alabama [Mr. JOHNSTON], and will let my vote stand.

The result was announced—yeas 17, nays 40, as follows:

YEAS—17.

Bankhead	Kenyon	Page	Thomas
Bristow	Kern	Sheppard	Williams
Bryan	Lea	Shively	
Cummins	O'Gorman	Smith, Ga.	
Gore	Owen	Stone	

NAYS—40.

Bourne	Crawford	Lodge	Root
Bradley	Curtis	Martin, Va.	Smith, Ariz.
Brady	Dillingham	Martine, N. J.	Smith, Md.
Brandegee	Fall	Newlands	Smith, Mich.
Briggs	Fletcher	Paynter	Smith, S. C.
Burnham	Gallinger	Penrose	Smoot
Catron	Hitchcock	Perkins	Sutherland
Chamberlain	Jackson	Pittman	Swanson
Clapp	Johnson, Me.	Poindexter	Townsend
Clark, Wyo.	Jones	Pomerene	Wetmore

NOT VOTING—38.

Ashurst	Dixon	Lippitt	Simmons
Bacon	du Pont	McCumber	Stephenson
Borah	Foster	McLean	Thornton
Brown	Gamble	Myers	Tillman
Burton	Gardner	Nelson	Warren
Chilton	Gronna	Oliver	Watson
Clarke, Ark.	Guggenheim	Overman	Webb
Crane	Johnston, Ala.	Percy	Works
Culberson	Kavanaugh	Reed	
Cullom	La Follette	Richardson	

So Mr. STONE's motion was not agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

Mr. GORE. I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Oklahoma moves that the Senate adjourn. [Putting the question.] By the sound the noes seem to have it.

Mr. SMITH of Georgia. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I transfer my pair to the Senator from Maine [Mr. GARDNER] and vote. I vote "nay."

Mr. DILLINGHAM (when his name was called). I again transfer my pair from the Senator from South Carolina [Mr. TILLMAN] to the Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I transfer my general pair to the Senator from Alabama [Mr. JOHNSTON] and vote. I vote "nay."

Mr. WARREN (when his name was called). I again announce my pair.

The roll call was concluded.

Mr. SUTHERLAND. I make the same announcement as to the transfer of my pair and vote. I vote "nay."

Mr. SMOOT. I desire to announce a pair between the senior Senator from Illinois [Mr. CULLOM] and the junior Senator from West Virginia [Mr. CHILTON].

The result was announced—yeas 14, nays 45, as follows:

YEAS—14.

Bryan	Kern	Pomerene	Stone
Gore	Lea	Sheppard	Thomas
Hitchcock	O'Gorman	Shively	
Kenyon	Owen	Smith, Ga.	

NAYS—45.

Bankhead	Crawford	Martine, N. J.	Smith, Md.
Bourne	Cummins	Myers	Smith, Mich.
Bradley	Curtis	Newlands	Smith, S. C.
Brady	Dillingham	Page	Smoot
Brandegee	Fall	Paynter	Sutherland
Briggs	Fletcher	Penrose	Swanson
Bristow	Gallinger	Percy	Townsend
Burnham	Jackson	Perkins	Wetmore
Catron	Johnson, Me.	Pittman	Williams
Chamberlain	Jones	Poindexter	
Clapp	Lodge	Root	
Clarke, Wyo.	Martin, Va.	Smith, Ariz.	

NOT VOTING—36.

Ashurst	Cullom	Kavanaugh	Richardson
Bacon	Dixon	La Follette	Simmons
Borah	du Pont	Lippitt	Stephenson
Brown	Foster	McCumber	Thornton
Burton	Gamble	McLean	Tillman
Chilton	Gardner	Nelson	Warren
Clarke, Ark.	Gronna	Oliver	Watson
Crane	Guggenheim	Overman	Webb
Culberson	Johnston, Ala.	Reed	Works

So the Senate refused to adjourn.

The PRESIDENT pro tempore. The question is upon the amendment.

Mr. OWEN. I should like to hear the pending amendment read. I did not understand that there was an amendment pending.

The SECRETARY. The amendment is, on page 68, to insert a new section, to be known as section 26.

Mr. OWEN. Is it in order to offer an amendment at this point?

The PRESIDENT pro tempore. It is in order to offer an amendment to the amendment, but not otherwise.

Mr. OWEN. Let the amendment be read.

The Secretary again read the amendment.

Mr. OWEN. I offer an amendment to the amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the amendment of the committee, the following:

Provided, That any item in this bill returned to Congress disapproved by the President of the United States at any time within the first 10 days of the next regular session thereof shall be void unless reaffirmed by a majority vote of both Houses.

Mr. WILLIAMS. I make the point of order that the amendment is not germane, and the further point of order that it could not be passed without changing the Constitution of the United States.

The PRESIDENT pro tempore. The Chair will first decide the point of order.

Mr. OWEN. Mr. President, I believe I had the floor in offering the amendment; and I have a right to address the Senate on the amendment without being taken off the floor by motions made by other Members.

The PRESIDENT pro tempore. The point of order can be made at any time.

Mr. WILLIAMS. I think a point of order is always in order.

The PRESIDENT pro tempore. It is not debatable.

Mr. WILLIAMS. The point of order can hardly be nullified.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Chair was about to decide that the point of order was not well taken. The Senator from Colorado makes the point of no quorum. The Secretary will call the roll.

Mr. CURTIS and others. That is dilatory.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Lodge	Shively
Bankhead	Cummins	Martin, Va.	Smith, Ariz.
Bourne	Curtis	Martine, N. J.	Smith, Md.
Bradley	Dillingham	Myers	Smith, Mich.
Brady	Fall	Newlands	Smith, S. C.
Brandegee	Fletcher	O'Gorman	Smoot
Briggs	Gallinger	Page	Stone
Bristow	Hitchcock	Paynter	Sutherland
Bryan	Jackson	Penrose	Swanson
Burnham	Johnson, Me.	Percy	Thomas
Catron	Jones	Perkins	Townsend
Chamberlain	Kenyon	Pittman	Warren
Clapp	Kern	Root	Wetmore
Clark, Wyo.	Lea	Sheppard	Williams

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. A quorum of the Senate is present.

Mr. THOMAS. I move that the Senate adjourn, and upon that I call for the yeas and nays.

The yeas and nays were not ordered, and the motion was rejected.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. SMITH of Georgia. Mr. President, I regard this as the most objectionable amendment submitted by the committee. Indeed, I regard it as the most objectionable feature of the entire bill, much of which, I think, is objectionable.

It is scarcely necessary for me to go over what has been mentioned this evening—the condition of the appropriation bills that have been, and are to be, passed by the present Congress. I have listened to the suggestion of the senior Senator from Virginia [Mr. MARTIN], when he sought to explain to us that this was a harmless little measure carrying no appropriation; that there was no appropriation in it; that it simply provided that $5,000,000 could be spent, and made it a part af the law, but left it to some other appropriation bill to actually carry the money.

If it is so harmless, if it is so ineffective, why the necessity of putting it upon this bill? Why not let it wait? Why keep it, in spite of the objection that exists, with this provision before the Senate? When we already have a bill away beyond a normal size, why add this $5,000,000 to it?

We all understand that when you get through a provision of this kind the appropriation follows. It can be put on any bill upon the floor of the Senate. It is constantly knocking at the door, demanding the money, and pressing for the actual cash.

Mr. President, if this provision really passes, I think, if this is to be a memorial bridge, the provision should be amended, and it should be provided that a statue of each of the Senators from Virginia should be placed upon it, one at one end and one at the other.

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Virginia?

Mr. SMITH of Georgia. Certainly.

Mr. SWANSON. I would suggest that a statue to the Senator from Georgia be placed on the bridge, as neither of the Senators from Virginia deems himself sufficiently important to be so honored; but I am satisfied that the Senator from Georgia is sufficiently important.

Mr. SMITH of Georgia. I should object very much to having my statue on such a bridge. I should not consider it a compliment. I would far rather have my statue erected in connection with an effort to prevent the bridge from being built.

Mr. President and Senators, we have two very fair bridges across from here, on which we can pass over the Potomac. The Senator from Virginia most eloquently plead for an opportunity for those south of Washington to get into Washington. I belong to the number of those south of Washington, and I have never found any trouble about crossing the Potomac. I have never heard any cry beyond Virginia for better facilities to cross the Potomac. Do not put it as a plea to let the people south of the Potomac get here, because nobody beyond Washington and Virginia ever asked for it. North Carolina has no representatives asking for it; South Carolina has none; Georgia has none; Alabama has none. Do not say it is to let the people south of the Potomac get here. The Senator from Virginia should speak for his own State alone, and say: "Build it, and spend this $5,000,000 of all the people's money, to let the people of Virginia cross the Potomac."

Mr. President, if we had every building that we needed in Washington erected, if we had no special strain on the Treasury, I would not be opposed to a bridge of this character or of some character. But I am unalterably opposed to this bill if this provision goes on. I hope if this provision goes on it that the bill will be killed. I am not sure that it ought not to be killed anyhow. I rather think it ought. It is not hostility to the District of Columbia or the city of Washington on my part.

I sat quietly a few moments ago and saw the splendid appropriation of $2,300,000 made for park purposes and never opened my lips against it. My view of that was this: I believe it desirable that the park back of the White House shall be connected with the park north of the city, and if it is to be done the land ought to be bought at once. It will be more and more difficult as the days roll by to purchase the additional land. Therefore if the two parks are to become one, if this splendid effort to beautify our National Capital is to take place, now is the proper time to make the purchase.

So, Mr. President, moved by some of the lofty patriotism possessed by the Senator from Virginia, feeling at least in part the noble sentiments which he so eloquently presented, I made no obstruction to that measure. There was a reason why, if it is to be done at all, it should be done now.

But, Mr. President, with reference to this bridge, there is absolutely no economy in putting it on the appropriation bill now. Five years hence it could be put upon the appropriation bill with no more expense than would be required now. We own the approaches on either side.

We have had the fact delightfully explained to us by the Senator from Virginia that we own 1,200 acres of land on the other side of the Potomac and it requires an expenditure of only $5,000,000 to turn that land into a farm. I have no doubt it is worth a hundred dollars an acre, and I suppose if this bridge, costing $5,000,000, is built it will still be worth a hundred dollars an acre, and the investment of $5,000,000 would be a splendid business proposition in the interest of the National Government.

Mr. President, what excuse can we give for making a $5,000,000 appropriation for something not now essential? I should perhaps hesitate to say that, for the Senator from Virginia says there is not a bridge across the Potomac that has not a street car track on it, and therefore we must have another. The street car tracks do not prevent us from driving our teams across or crossing with our automobiles. I have crossed both bridges, and I never found the street car tracks in the way.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. SMITH of Georgia. I do.

Mr. THOMAS. I should like to inquire of the Senator from Georgia whether the street cars do not facilitate access into the city by those like myself, who have no automobiles?

Mr. SMITH of Georgia. Yes; the street car affords splendid facility for access to the city by a large majority of our citizens.

Mr. SUTHERLAND. Will the Senator from Georgia allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. I do.

Mr. SUTHERLAND. It is now after 1 o'clock. I should like to ask the Senator from Georgia whether or not it is his intention to prevent a vote upon this amendment.

Mr. SMITH of Georgia. I can not say that it is.

Mr. SUTHERLAND. I mean this evening.

Mr. SMITH of Georgia. I can not say that it is; no. I have not finished making the observations I want to make. I trust the Senator from Utah is not so impressed with the lack of force in what I am saying that he has supposed I did not seriously want what I was saying heard. If so, he has misunderstood my purpose in speaking.

Mr. SUTHERLAND. I asked the question in the utmost good faith.

Mr. SMITH of Georgia. I answered it in that way.

Mr. SUTHERLAND. It is perfectly apparent that some gentlemen on the other side have engaged in some dilatory methods, and I wanted to know, because I do not think it is fair to punish a lot of men by insisting upon remaining in session for an unreasonable length of time. If it is the intention of the Senator from Georgia or others upon that side of the Chamber to prevent a vote during the evening, I would not feel like insisting upon remaining here.

Mr. SMITH of Georgia. I have answered the Senator so far as I am concerned. I have not in any sense made up my mind to seek to prevent a vote upon this amendment this evening.

Mr. SUTHERLAND. That answers my question.

Mr. SMITH of Georgia. Or this morning. Now, I do not mean to say if this amendment goes into the bill that I may not seek to prevent a vote for some time upon the bill itself. I have not made up my mind at all on that. I know I will vote against the bill with this amendment in it. I believe with this amendment in it the bill is doomed.

Mr. O'GORMAN. Mr. President, I move that the Senate adjourn.

The motion was not agreed to.

Mr. SMITH of Georgia. We might as well understand it, gentlemen. If this bill is loaded with $5,000,000 of additional appropriation, I believe it is doomed, and I think it ought to be doomed. I should earnestly plead and pray all others on this side to earnestly plead with the Senate to kill the bill if it has this appropriation of $5,000,000 on it. You have placed in the bill $1,750,000 for an armory in the District. You have put into the bill an appropriation of $2,300,000 for a park in the District.

Mr. CLARK of Wyoming. Will the Senator yield for a question?

Mr. SMITH of Georgia. Yes.

Mr. CLARK of Wyoming. The Senator has announced his intention to perform the righteous work which has appealed to him of voting against the bill if this provision is in the bill. I should like to get the Senator's frame of mind as to what he would do if this item was stricken out of the bill. Would he then vote for it?

Mr. SMITH of Georgia. If this item is stricken out of the bill, if I should vote against it I would vote and certainly occupy no time.

Mr. CLARK of Wyoming. That is a consideration to be taken account of.

Mr. SMITH of Georgia. That is what I informed the Senator. I appreciated the situation, and I appreciate the situation of those who desire the balance of the items in the bill. I meant it to be understood by the Senator from Wyoming just as he understood it—that it would be a thing very much to be appreciated if you wish the bill to pass, because, of course, those who are opposed to this measure can stop it at this time in the session. We understand that perfectly. For that reason we do not feel that you should force on us a measure involving this appropriation of $5,000,000.

Mr. MARTIN of Virginia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Virginia?

Mr. SMITH of Georgia. I do.

Mr. MARTIN of Virginia. I should like to have the Senator explain what he means by forcing on the bill an amendment that a majority of the Senate voted in favor of.

Mr. SMITH of Georgia. They have not voted on it.

Mr. MARTIN of Virginia. The Senate refused to lay the amendment on the table. That was a distinct expression of the Senate by a decisive majority in favor of the amendment. The only force I have seen is the filibuster of the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I am sorry the Senator from Virginia speaks in such vehement language. There is no filibuster by the Senator from Georgia; none is going on now. I am appealing to the Senate when they come to vote upon this provision to vote against it. I can not accept the view of the Senator.

Mr. SWANSON. Mr. President——

Mr. SMITH of Georgia. Let me finish what I have to say. The Senator from Virginia proceeded with his eloquent speech, one of the best I have heard at any time on the floor of this body, and he in my opinion carried the Senate by that speech.

Mr. SWANSON. Will the Senator permit me to interrupt him for a minute?

Mr. SMITH of Georgia. Yes.

Mr. SWANSON. Do I understand that the position of the Senator is that if a majority of the Senate think this amendment is just and right and proper legislation, and because he does not concur in it and his judgment is not in accord with this majority, he will prevent the bill from going to conference? Do I understand him as using that threat to the Senate? That is the substance of what the Senator has said. If that is true, speaking for myself as a Senator, and believing that a majority of the Senate should rule, if I did not favor the proposition, before I could be coerced into surrendering the judgment of the Senate to the judgment of an individual Senator I would stay here until the 4th day of March.

Mr. SMITH of Georgia. Mr. President, the vehemence of the Senator from Virginia will not help his cause. I do not yield to him now, because I did not interrupt him and he did not permit us to interrupt him when he had the floor. I desire now to occupy the floor myself.

Mr. SWANSON. If the Senator will permit me, I can not recall that the Senator from Georgia asked an interruption at my hands. I ask any Senator in this body to arise who asked for an interruption and I refused it. I can not recall it. Did the Senator from Georgia ask to interrupt my speech?

Mr. SMITH of Georgia. I did not; but the Senator——

Mr. SWANSON. Name the Senator who did.

Mr. SMITH of Georgia. Let me finish. The Senator from New York [Mr. O'GORMAN] several times sought to attract the attention of the Chair and to interrupt the Senator, and the

Senator went on with his speech and the Senator from New York did not have the opportunity.

Mr. SWANSON. If the Senator will permit me, the Senator from New York is present. He is amply able to present his grievances to the Senate and he is amply able to take care of himself. If the Senator from Virginia has been guilty of any discourtesy to the Senator from New York he does not need the Senator from Georgia to be his champion. Each Senator here is the champion of his own rights and his own grievances. The Senator from New York is here, and if I made discourteous treatment of him I will make proper amends to him.

Mr. SMITH of Georgia. Mr. President, I did not suggest that the Senator's treatment was discourteous, and I do not understand when I say that I wish to proceed with my speech that I in any way act with discourtesy to the Senator from Virginia. If he thinks so, no matter how much I wish to proceed with my speech, I would stop immediately and yield to him.

Mr. SWANSON. My injection in this debate was that the Senator had left an impression that I had refused properly to yield in a courteous way to a Senator who wanted to interrupt me, which I deny.

Mr. SMITH of Georgia. I never for one moment suggested he did; and I do not mean certainly in any discourteous way to fail to yield to him; but if he feels so I regret it. I would be glad to yield and concede to him any moment the floor if I had it, without the slightest hesitation. I did not mean, and I think the Senator ought not to have felt, that I meant that his conduct was discourteous. I had said that his speech was eloquent; that his presentation was powerful; and it is my honest opinion that the speech of the Senator from Virginia defeated the motion to lay this amendment on the table. I believe it was the power and the eloquence with which he presented the case, scarcely answered at all, that carried the Senate off its feet and defeated the motion to lay the amendment on the table, which I believe otherwise would have carried. The Senator has utterly misunderstood me in supposing that I meant anything but compliment to the part he has taken in this matter.

I have not heard a more powerful or persuasive speech made by any Senator upon the floor of the Senate since I came here, and I do not think I have heard one that more likely changed votes than the speech of the Senator from Virginia. The reason why I do not consider that the motion to lay on the table was a final decision of this question by the Senate is because the Senator from Virginia had presented his side with such power, unanswered, that I think the other side was not properly in the minds of Senators.

What I desired to impress upon the Senate was the condition of the appropriation bills, what we have already done for this District, and the feeling of Senators that they must vote against this measure as a whole if this additional appropriation is put on. Senators who desire to vote for the balance of it are justified in feeling that you are loading it down when you are paying $600,000 a year rent because of the lack of public buildings in the District, where you need them and need them now. Are they not justified in feeling you are loading this bill down when you put $5,000,000 on for this bridge, which is in no sense a necessity? I only ask to plead with Senators not to put this burden on the bill, and cite again the fact that we sat by practically without resistance when the appropriation of $2,300,000 was put on for the park.

Mr. WILLIAMS. Mr. President, a few minutes ago when the Senator from Missouri [Mr. STONE] made a motion to strike out everything after the enacting clause of this bill I voted for the motion. I voted for it because there are so many little things in it that did not seem to me to be straight and right and worthy of recognition in a public-building bill.

The provision which the Senator from Georgia [Mr. SMITH] opposes is one of the very few things in this bill that are worthy of consideration. Under the memorial-bridge project there is a great national peace idea reuniting the sections by a symbolism that shall be beautiful and full of meaning at the same time. It is the only high sentiment—the only prose poetry in the bill. If the only opposition to this bill were that provision, I should never have cast the vote which I cast a few moments ago.

Now, I want to say another thing, Mr. President, not so much connected with the public-buildings bill as with the general management of the Senate and concerning its rules. This is the only body in America, as far as I know, with unlimited debate and with power in the hands of a few people to retard, if not totally to put an end to, the tyranny of a majority against a minority. It is a most precious privilege. It ought to be guarded most carefully. But if the rules of the Senate are to be abused and if filibustering is to be resorted to upon ordinary routine business, the rules of the Senate will be brought into contempt and the Senate itself will be compelled to change its rules, and there will be no abiding place in America where a minority, and especially a sectional minority, can protect itself against the brute force of a majority.

It is worse than useless, it is dangerous, to fool with fire except when fire must be conquered; when it must be fooled with. For half a dozen men to hold up a bill simply because they do not agree with the mere expediency of it; when there is no great public principle involved; no constitutional principle; no principle of human right; no principle of protection of the natural rights of man, will lead inevitably to frequent imitations, and, after a while, to an abolition of that which is now a hedge and a buttress, and ought to be left to be used as a buttress only upon great occasions; occasions when it is necessary to take an appeal from the legislative majority to the people themselves so as to give time to the people to think, as was done in the case of the force bill, and as has been done successfully several other times in our history.

As a representative of the minority section of this country, I do not want to see the rules of the Senate changed and therefore do not want to see them abused; I do not want to see them brought into disrepute. I do not want to see the time come when in behalf of public liberty or of sectional rights they might be appealed to and be found wanting; be found abolished by reason of abuse prior to that time.

I have voted to strike out everything in this bill after the enacting clause, and I shall vote against the bill, because, notwithstanding it has this good provision and notwithstanding it has some other excellent provisions there is, as it seems to me, that element of logrolling in it that I do not approve of. But I am not willing to beat it except upon a square vote in the Senate, and I do not think we ought to be kept here indefinitely without facing the merits of the issue by the use of rules—instrumentality—good and safe and right in itself, but whose very existence may be involved by fights of this description. Let us keep the precious right of the rules of the Senate for great occasions when great principles are involved, when great and serious public feeling in some manner affecting a section or a class or a sentiment is involved, when an appeal is sought to be taken from a temporary brutal majority in the legislature to the sober common sense of the people at home or in behalf of a majority outside of this Chamber against a discredited majority in it.

The PRESIDENT pro tempore. The question is upon the amendment to the amendment submitted by the Senator from Oklahoma [Mr. OWEN].

Mr. OWEN. Mr. President, there are many items in this bill which I do not believe are justified, and I think that the whole system upon which we have been hitherto proceeding in dealing with public-building bills has a fundamental error in it. We have no appropriate or adequate safeguard against the estimates involving unnecessary expenditures. It is very easy to call upon the Supervising Architect to make a report as to what would be the cost of a building containing a certain number of square fleet of floor space, and to assert to the Supervising Architect's Office that such and such a town or village needs a building of a certain amount of floor space. In many instances and in most instances no doubt the floor space is more accurately ascertained, but no sufficient check exists on these demands for floor space. In that kind of fashion there comes into the committees these quasi estimates, so that one town after another is provided for with buildings that are not really justified by the public service on a sound, economical public policy. Where a town is perfectly willing to give the rent of a building for a post office in order to get the trade belonging to the post office at some convenient corner of the vicinity, and it often happens that the citizens of a town will make up the rent, and practically give a building to the Government for its use in order to attract to some convenient point in the town the trade which centers around the post office, or the Government may easily rent a convenient and economical building already in the town for such purposes, which serves the purpose excellently well, sufficiently well. Yet by the process we have followed in preparing this bill and bills of like character heretofore, the Government is called on to put up a building that will cost $75,000 or $100,000, and thereafter fix it as a permanent charge upon the Federal Treasury for the care of that building, for maintaining its heating apparatus, for keeping it in repair, for janitor service, and for things of that kind, which make a permanent unnecessary charge upon the Government. In that way I think we have gone into unnecessary expenditures.

It was for that reason that I presented this proposed amendment. I presented it with a serious purpose, to provide a means for putting an end to this kind of thing in these public-building bills, where items are inserted that ought not to go in. I know perfectly well that Members of the Senate, as a rule, are in no better position than I am to ascertain what is the exact

public need with regard to various of these items. I therefore propose this amendment:

Provided, That any item in this bill returned to Congress disapproved by the President of the United States with his objections at any time within the first 10 days of the next regular session thereof shall be void unless reaffirmed by a majority vote of both Houses.

The suggestion was made by the Senator from Mississippi [Mr. WILLIAMS] that the provision is "unconstitutional." I shall only take a brief moment to show that it is not unconstitutional. The general provision of the Constitution with regard to the exercise of the veto power by the President, of course, allows him, whether we will or whether we will not, to return a bill which passes both Houses with his disapproval, or veto, giving his objections, within a certain time. Thereupon that bill is vetoed, and is not the law unless it shall then be passed by a two-thirds vote of both Houses, in which event his veto is overruled; but we have a right to impose a condition in the law itself which becomes a legal condition with regard to any item in the bill when the President shall have approved the act. The constitutional provision provides that—

Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated—

And so forth.

But this provision which I offer as an amendment to the proposed act becomes the law with the President's approval; and when he approves it, he makes this bill the law. It becomes the law of the land, and, being the law, it requires him, as a legal executive duty imposed by act of Congress, to do certain things; that is, to scrutinize the items in this bill and further advise Congress. It is clearly within the legislative power of Congress to require him to return any item of this bill, which, upon closer scrutiny, he may think deserves further consideration by Congress. My amendment proposes by act of Congress to make such item void unless it is reaffirmed by a majority vote of both Houses. It is not the same thing as a constitutional veto of the bill itself. It is a conditional provision in the law which becomes the law and justifies the President under a special act in returning to us any item, with his objection, for further legislative consideration. This is a wise public policy. That will cure the vice of a bill like this, which is being passed with many questionable items because of the individual interests of various Members of either House of Congress and the spirit of mutual conciliation, moved by local, but not by the higher national, interests.

That is the difficulty with this kind of a bill. Men do not feel absolutely free to object to a bill, because they have on the inside of the bill various items for their own State which are affected by the bill, and in that way this kind of a bill gets a number of votes it would not get upon its merit. I think the time has come in this Republic when we should not have bills put through that should be tainted in any degree with a suspicion that they are going through for the purpose of serving the special local interest only of Senators or of Members of the House. When I say "special local interests," of course I only mean in a localized sense; that is to say, that a Senator may be unduly influenced by his anxiety to serve some particular town in his own State whose lively citizens put undue political pressure on him.

There are towns in my State affected by this bill which I think are thoroughly justified in asking what has been estimated for them on the ground of their great postal receipts, on the ground of the volume of business, and on the ground of economy from a standpoint of rental charges, and I am prepared to defend any item in the bill for my State which I have offered; but at the same time I myself am interested and influenced in the way I have described, and have a strong inducement to favor this bill in order to favor the towns that I am friendly to and interested in, but I do think that the executive branch of the Government ought to have the right to put the microscope upon these items and, as a matter of law, should be required to return them to Congress, and unless Congress reaffirms them by a majority vote after consideration of the further Executive report, such items ought to go out of the bill. That is the reason why I have offered this amendment. I believe it would really strengthen this bill. I would be willing to support this bill with whatever items are in it with the opportunity in the Executive to review it and further advise Congress as to those items which might prove to be unsound. I am satisfied that there are a large number of items in this bill that ought not to be in it. My proposed amendment would cure that defect, and I would be willing to support the bill with this amendment.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. OWEN. With pleasure.

Mr. CLAPP. Does not the Senator fail to distinguish between a condition over which the Executive would have no control and of the existence of which a proclamation of the President would be proof, and dependent upon which a law might go into effect or not, and the mere leaving it to the will of the Executive? I can readily understand that we might, if we took the time and care, devise a bill prescribing certain conditions upon the happening of which certain results should follow, as in the maximum and minimum provision of the tariff law, but that is prescribing the effect with reference to a condition over which the Executive has no control. He simply makes a proclamation, which we declare is evidence of the existence of a condition. That is one thing, and no doubt within the power of Congress, for it has been tried many a time and has been sustained by the courts.

This is a proposition that prescribes no condition whatever. It does not make the bill depend upon the happening of any condition, but simply leaves it to the President himself to say at the end of a given time whether or not this bill should go into effect or whether before it becomes effective it should come back here and receive the affirmative vote of a majority of both Houses.

It does seem to me, with all due deference to the Senator, whose opinion I certainly hold in high esteem, that the Senator has failed to distinguish between those two cases—one where we prescribe that upon the happening of a condition a certain result shall follow and the other, the Senator's proposition, to leave it simply to the will of the Executive to say whether, outside of the Constitution, a provision of law shall become effective or whether it shall come back here and receive an affirmative vote.

Mr. OWEN. Mr. President, I have answered the constitutional objection by pointing out that when this becomes a law by act of Congress and the approval of the President of the United States it is a statute by the action of the authorized authorities under the Constitution who are charged with the making of the law. It having become the law, then the law requires that items which are found by the Executive to have been injudiciously proposed may be returned and shall be returned to the Congress with further Executive advice, and the Congress then has the right by a majority vote to consider and overrule the objections suggested. No clause or phrase or word in the Constitution is inharmonious with the amendment I propose.

The constitutional veto does not inhibit it. It suggets its wisdom. The constitutions of New York, of Minnesota, of Oklahoma, and of other States provide that the executive shall have the power of veto as to individual items on appropriation bills which the legislative branch can not override except by two-thirds vote of both houses. My proposed amendment merely imposes a condition making possible the return for further legislative consideration items that seem unwise.

Mr. CLAPP. In a great many States, my own State among others, the constitution gives the executive the authority to veto any item in a bill. I think there ought to be in the Federal Constitution such a provision, but the trouble about this proposition is that it simply depends for its operation finally as to whether it shall remain a law or not, without further action of Congress, upon the action of somebody else outside of the legislative body.

Mr. OWEN. The Senator is mistaken. The items objected to are returned to Congress for legislative affirmation, not having been finally affirmed by this act, but only passed by Congress conditionally—that is, conditioned on a future affirmative act by Congress, if the Executive advise Congress that further legislative approval is necessary. I appeal to the constitution of the State of Minnesota as my justification for the policy.

Mr. CLAPP. For what?

Mr. OWEN. For my justification for the policy.

Mr. CLAPP. Nobody doubts the policy.

Mr. OWEN. Very well. The policy being conceded, the only thing remaining is the constitutionality of my proposal.

Mr. CLAPP. The way to meet that is by an amendment to the Constitution.

Mr. OWEN. The Senator can not find anything in the Constitution forbidding it. I defy him to do so. If it is not forbidden by the Constitution, and he can show nothing in the Constitution which is inharmonious with my proposed amendment, he must concede Congress has the right to pass the law under the grant of all the legislative power of the United States to Congress.

Mr. CLAPP. The Senator does not have to find anything in the Constitution to forbid it. Congress can legislate. Legislating is one thing and leaving it to the will of an outsider—I do not care who he is, and it adds nothing to make him the

Executive—is another. Any condition which Congress can impose in a law, upon the happening of which a certain result will follow, may be left to the Executive, may be left to the Interstate Commerce Commission, may be left to anybody that Congress designates, but Congress prescribes the conditions upon which the result and the effect shall follow. This proposal would leave it entirely to the Executive.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Mississippi?

Mr. OWEN. I yield the floor to the Senator from Mississippi. I have already answered the Senator from Minnesota.

Mr. WILLIAMS. Very well. The proviso proposed by the Senator from Oklahoma might be worshiped without violating the commandment against idolatry. It is not the "likeness of anything that is in heaven above or the earth beneath or in the water under the earth." It involves not only one amendment to the Constitution, but it involves three or four. The amendment proposed by the Senator from Oklahoma reads:

Provided, That any item in this bill returned to Congress disapproved by the President of the United States with his objections at any time within the first 10 days of the next regular session thereof shall be void unless reaffirmed by a majority vote of both Houses.

The three particulars in which it differs from the Constitution are these:

The Constitution gives to the President of the United States the right to veto *a bill*. It does not use the word "veto," but it gives him a right to send it back "without his approval," which of course is the same thing as the language used here—"to return it to Congress disapproved."

The first amendment to the Constitution which the Senator is seeking to make by his simple provision upon a special appropriation bill is that the President shall be empowered to veto an *item* in a bill instead of a bill.

The Senator said he could find authority for that in the constitution of Minnesota. I do not know whether he could or not, but I do know that he could have found it in the constitution of the late Confederacy; and it was one of the very few amendments to the United States Constitution which the Confederate constitutional convention adopted which was unsound. The moment the legislative branch of a government surrenders the power to coerce the executive by putting riders upon appropriation bills in times of great emergency, and thereby depriving him of financial support—the minute the legislative branch surrenders the purse string, that moment liberty and popular government are in danger. It is a right which ought to be sparingly used, but which ought never to be surrendered. We have gained all our freedom by this very thing, and Great Britain has gained hers by this ability to coerce the King either to veto or to allow to pass an entire supply bill with all that Parliament chose to put upon it.

That is the first amendment to the Constitution, proposed in an amendment to a special appropriation bill offered by the Senator from Oklahoma, conveniently shirking the constitutional requirement of a two-thirds vote of both Houses.

What is the next one? The Constitution says that the President shall return a bill "within 10 days." The Senator wants him, after having vetoed an item, instead of a bill, to return it "within the first 10 days of the next regular session"—the next regular session.

Then, in the third place, the Constitution provides that if the vote of Congress shall be reaffirmed by a two-thirds vote of both branches, the bill shall become law notwithstanding the veto. The Senator, not satisfied with two changes to the Constitution, makes a third, and says that the item—

Shall be void unless reaffirmed by a majority vote of both Houses.

The Senator read the provision of the Constitution, but he did not emphasize the right places in it:

Every bill—

Bill, not item—

which shall have passed the House of Representatives and the Senate, shall, before *it* become a law, be presented to the President of the United States. If he approve, he shall sign *it*—

The bill—not an item—

but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal.

And so forth.

The Senator neglects that here. By the way, I was mistaken in my count; there is a fourth amendment to the Constitution, so glibly proferred. Under his amendment you need not enter the objections of the President to these items on the Journals at all and proceed to reconsider it.

If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays—

All this constitutional provision the Senator from Oklahoma, in a light, five-minute speech, repeals. The Constitution further provides:

And the names of the persons voting for and against the bill shall be entered on the Journal of each House, respectively. If any bill—

Not any item—

shall not be returned by the President within 10 days (Sundays excepted)—

Not 10 days after the next regular session, as the Senator's repeal of the Constitution reads—

after it shall have been presented to him, the same shall be a law.

But the truth is that the Senator from Minnesota [Mr. CLAPP] has taken the Senator from Oklahoma [Mr. OWEN] seriously, when the Senator from Oklahoma did not mean to be taken seriously. The truth is, there is hardly a better lawyer in this body than the Senator from Oklahoma, and there is not a man in this body who knows better than the Senator from Oklahoma does that except for mere purposes of delay it is useless to attempt to make four constitutional amendments in one night in the shape of one amendment to a special appropriation bill.

Mr. OWEN. Mr. President——

Mr. WILLIAMS. I yield to the Senator from Oklahoma.

Mr. OWEN. I merely wanted to say to the Senator from Mississippi, for the purpose of the RECORD, that the proposed amendment was offered very soberly, very seriously, and very deliberately, and will be insisted upon on other bills of like character from time to time, until the country realizes the importance of the proposed amendment.

I will answer the Senator on the constitutional aspects of the matter when he shall have concluded.

Mr. WILLIAMS. Very well. If the Senator can answer me he is even a better lawyer than I have thought him to be, even better than I have expressed myself so complimentarily. He has even more ingenuity as a lawyer, as a man who can "split hairs 'twixt the Nor' and Nor'west side," better than I have thought him capable of, and I have thought him capable of almost any measure of ingenuity of that sort. If he can fix it so that the President can disapprove an item in an appropriation bill, and thereby keep it from becoming law, instead of having to disapprove the whole bill, and then if he can go further and override the veto of an item—itself unconstitutional—by an equally unconstitutional majority vote instead of a constitutional two-thirds vote, and then if he can go yet further and give the President 10 days after the next regular session instead of the 10 days that the Constitution gives him after the bill reaches him, then I am willing to vote to put another item upon this public buildings bill—an item to erect a monument to the intellectual ingenuity of the Senator from Oklahoma.

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

Mr. OWEN. Mr. President, the difficulty with the Senator from Mississippi is that he does not seem to be able to discriminate between the requirement of the Constitution relating to the veto and an act of Congress. There is a great difference between the constitutional provision relating to the veto and an act of Congress making a conditional appropriation. I will invite the Senator, when he reads the RECORD to-morrow, to scrutinize carefully his own language and see whether or not he is quite content with it.

This is a proposed provision of law which I offer. When it becomes the law by act of Congress and the approval of the President, the general constitutional provision relating to the veto has nothing to do with it. Therefore the brilliant witticisms of the Senator from Mississippi are quite irrelevant and, I might say, immaterial and void. The difficulty with the Senator from Mississippi is that he does not discriminate between the Constitution providing a rule with regard to the veto and a law of Congress making a conditional appropriation.

Mr. WILLIAMS. Is it a law of Congress making a conditional appropriation, or is it a law of Congress regulating the rules under which the President shall disapprove items in an appropriation bill? The Constitution regulates the manner in which the President shall disapprove legislative acts.

Mr. OWEN. The Constitution gives the President certain broad powers without regard to an act of Congress, but the acts of Congress, being the acts of the lawmaking body, with the approval of the President, prescribe a rule of conduct for the President, which is a legal provision and binding under the Constitution. The Senator from Mississippi can not put his hand upon a single provision in the Constitution which forbids this act of Congress prescribing the conduct of the President.

It is not necessary for me to argue the matter any further. It is so plain as to require no further argument.

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is on the amendment.

Mr. SWANSON. What amendment is it, Mr. President?

The PRESIDENT pro tempore. It is the amendment relating to the memorial bridge.

Mr. SMITH of Georgia. I desire to offer an amendment, which I hope will solve the difficulties between us. I suggest that we strike out the provision appropriating $5,000,000 for this bridge and insert instead $1,500,000.

Mr. SWANSON. I accept that amendment.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment to the amendment, which will be stated.

The SECRETARY. On line 20, page 68, it is proposed to strike out "$5,000,000" and insert in lieu thereof "$1,500,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. OWEN. Mr. President, I offer an amendment, to come in after line 6, on page 69, which I send to the desk.

The PRESIDENT pro tempore. The Chair will say to the Senator that that amendment is not now in order, the Senate having agreed to act first upon the committee amendments. They are not as yet concluded. The Senator will be recognized after the committee amendments are acted upon.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, on page 69, line 7, to change the number of the section from "19" to "27."

The amendment was agreed to.

The next amendment was, on page 69, line 15, to change the number of section from "20" to "28."

The amendment was agreed to.

The next amendment was, on page 70, line 7, to change the number of the section from "21" to "29."

The amendment was agreed to.

The next amendment was, on page 74, line 20, before the word "free," to insert "in perpetuity," and in line 25, after the word "expense," to insert "In case of failure of the city of Pittsburgh to do any and all things necessary to proper fulfillment of this provision, the reservoir, pipe lines, and so much of the land adjacent thereto on the part of the reservation which is to be transferred to the said city as may be needed for rights of way shall revert to the United States," so as to make the proviso read:

Provided, That before the above-described transfer by the Secretary of War to the city of Pittsburgh shall become effective, and as an express further consideration for said transfer, and for the surrender by the United States of a perpetual water supply now obtained from a reservoir located on the lands so to be transferred, the city of Pittsburgh, through its proper officers, shall covenant and agree, at its own expense, and within a reasonable time, to tap, within that part of the Pittsburgh supply depot and reservation between Butler Street and the Allegheny River retained by the United States, the 42-inch water main belonging to the said city which now crosses the said reservation under a revocable license, and thereafter to furnish, in perpetuity free of charge to the United States, all the water needed for all purposes upon the said reservation, and shall also agree to keep its own water main, pipes, hydrants, and other necessary appurtenances now located or hereafter to be located upon the same in good condition and repair at its own expense. In case of failure of the city of Pittsburgh to do any and all things necessary to proper fulfillment of this provision, the reservoir, pipe lines, and so much of the land adjacent thereto on the part of the reservation which is to be transferred to the said city as may be needed for rights of way shall revert to the United States.

The amendment was agreed to.

The next amendment was, on page 75, line 6, to change the number of the section from "22" to "30," and in line 10, after the word "exceed," to strike out "$35,000" and insert "$40,000," so as to make the section read:

SEC. 30. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, additional ground adjoining the present site of the post office, customhouse, and courthouse at Utica, N. Y., at a cost not to exceed $40,000, and that for the purpose of beginning the enlargement, extension, remodeling, repairing, or improvement upon the present site and the enlarged site herein provided for of said post office, customhouse, and courthouse and other governmental offices in said building, the sum of $180,000 is hereby authorized: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said enlargement, extension, remodeling, repairing, or improvement at the sum hereby named, but the enlargement hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, not exceeding $365,000.

The amendment was agreed to.

The next amendment was, on page 75, line 23, to change the number of the section from "23" to "31."

The amendment was agreed to.

The next amendment was, on page 76, line 18, to change the number of the section from "24" to "32," and in line 20, after the words "sum of," to strike out "$100,000" and insert "$150,000," so as to read:

SEC. 32. That the limit of cost for the construction of an immigration station at Baltimore, Md., is hereby increased by the sum of $150,000 and such further sum as may be realized from the sale of the site heretofore acquired for said immigration station.

The amendment was agreed to.

The next amendment was, in the item of appropriation to limit the cost for the construction of an immigration station at Baltimore, Md., on page 78, line 21, after the word "deed," to insert "and to deposit the proceeds derived from such sale in the Treasury of the United States as a miscellaneous receipt," so as to read:

And the Secretary of the Treasury is further authorized and directed to sell, in such manner and upon such terms as he may deem for the best interests of the United States, the site heretofore acquired for said immigration station in the city of Baltimore, Md.; and to convey the last-mentioned land to such purchaser by the usual quitclaim deed, and to deposit the proceeds derived from such sale in the Treasury of the United States as a miscellaneous receipt.

The amendment was agreed to.

The next amendment was, on page 78, line 24, to change the number of the section from "25" to "33," and on page 79, line 11, after the word "apparatus," to insert "and approaches," so as to make the clause read:

SEC. 33. That for the purpose of beginning the enlargement, extension, remodeling, repairing, rebuilding, or improvement, upon the present site, of the United States post office and courthouse at Kansas City, Mo., so as to provide additional and necessary accommodations for the said post office, United States courts, and other governmental offices in said building, the sum of $150,000 is hereby authorized: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said enlargement, extension, remodeling, repairing, or improvement at the sum hereby named, but the enlargement hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, not exceeding $500,000.

The amendment was agreed to.

The next amendment was, on page 79, line 17, to change the number of the section from "26" to "34."

The amendment was agreed to.

The next amendment was, on page 79, after line 21, to insert as a new section the following:

SEC. 35. That the Secretary of the Treasury be, and he is hereby, authorized and empowered to convey, by quitclaim deed, the building formerly used for post-office purposes and now known as the "Old Exchange," in the city of Charleston, S. C., to the Order of Daughters of the American Revolution in and of the State of South Carolina, to be held by it as a historical memorial in trust for such use, care, and occupation thereof by the Rebecca Motte Chapter of said order, resident in the city of Charleston, State aforesaid, as the said chapter shall in its judgment deem to best subserve the preservation of said colonial building and promote the honorable and patriotic purpose for which the grant is requested.

The amendment was agreed to.

The next amendment was, on page 80, line 10, to change the number of the section from "27" to "36," and in the same line, after "36," to strike out:

SEC. 36. That section 30 of the act of Congress approved June 25, 1910 (36 Stat., p. 696), authorizing the enlargement of the site for the new post office, courthouse, and customhouse at Honolulu, Territory of Hawaii, be, and the same is hereby, amended in so far as to provide that, in addition to the limit of cost fixed for such enlargement of site by said act, the unexpended balance of the original appropriation for site shall be available for the acquisition of said additional land, together with the further sum of $75,000, which is hereby authorized to be expended from the amount heretofore authorized for the construction of said building, and the limit of cost for such additional land is hereby increased accordingly.

The amendment was agreed to.

The next amendment was, on page 80, line 24, to change the number of the section from "28" to "37."

The amendment was agreed to.

The next amendment was, on page 81, line 15, to change the number of the section from "29" to "38."

The amendment was agreed to.

The next amendment was, on page 82, line 7, to change the number of the section from "30" to "39."

The amendment was agreed to.

The reading of the bill was concluded.

Mr. OWEN. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

Provided, That any item in this bill returned to Congress disapproved by the President of the United States with his objections, at any time within the first 10 days of the next regular session thereof, shall be void unless reaffirmed by a majority vote of both Houses.

Mr. OWEN. I do not wish to detain the Senate by discussing this matter any further. I have already explained it. The veto of the President of the United States, of course, might be exercised against this whole bill in the way provided by the Constitution; but if he approves this bill it will be a part of the law prescribing his executive duties. It is plainly constitutional.

I ask for the yeas and nays upon this amendment.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. SUTHERLAND. There are one or two amendments I desire to offer. On page 21, after the word "otherwise," I move to insert the word "of."

The amendment was agreed to.

Mr. SUTHERLAND. On page 261, after line 10, I move to insert:

The proceeds of such sale to be held in the Treasury and used, together with such further sum as may hereafter be appropriated, for the purchase of another site for a post-office building in said city of Pittsburg.

The PRESIDENT pro tempore. The Senator will insert a comma after the numerals.

Mr. SUTHERLAND. Yes.

The PRESIDENT pro tempore. Without objection the amendment is agreed to.

Mr. SUTHERLAND. In the section numbered 32 I move to strike out all down to and including the word "follows," on page 77, line 1, and to insert in lieu thereof:

That the limit of cost of the purchase of a site and the erection of an immigration station at Baltimore, Md., heretofore fixed at $130,000, be, and the same is hereby, increased to $280,000, and the Secretary of the Treasury is hereby authorized and directed to enter into contracts for the purchase of a site and the erection of a building or buildings in said city of Baltimore, Md., the cost of such building or buildings and site, including filling in for pier, grading, approaches, sea wall, incidental dredging, etc., but excluding furniture and furnishings, not to exceed the sum of $280,000;

That the piece of ground forming a part of the land acquired by the United States about the year 1836 as an addition to the grounds of Fort McHenry in the State of Maryland, which is described as follows.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. SMITH of Georgia. Mr. President——

Mr. SUTHERLAND. It does not increase the appropriation.

Mr. SMITH of Georgia. That is what I wanted to ask before the announcement was made.

The amendment was agreed to.

Mr. LODGE. On page 11, after line 22, I move to insert:

That the provision of the act of Congress approved June 30, 1906, fixing the limit of cost for the appraisers' stores building at Boston, Mass., be, and the same is hereby, amended so as to fix the limit of cost at $1,250,000.

Mr. SMITH of Georgia. Is that an increase?

Mr. LODGE. It is. I will explain it to the Senator. I received a notification from the Secretary of the Treasury only on February 20. Otherwise I should have brought it to the attention of the committee. It was after the bill had been reported. The Secretary of the Treasury wrote me—and I will print his letter in the RECORD—that the amount appropriated for this appraisers' stores building was $900,000. The site cost $444,000, and with the balance, $455,000, it is impossible to construct the building.

He says that in accordance with his estimate the building will be constructed as designed, including elevators and mechanical equipment and reserving an adequate amount for unforeseen contingencies, if the limit of cost is increased to $350,000. The Treasury Department advised $550,000, but I have asked for $350,000. I will add that it would bring the whole thing to a standstill. We are now paying $45,000 rent for an appraisers' stores building, and we would have to pay the interest on the land, which will lie idle, for nothing can be done.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

Mr. LODGE. I ask that the letter of the Secretary of the Treasury be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 20, 1913.

HON. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

SIR: Referring to the proposed appraisers' stores building at Boston, Mass., I have the honor to advise you that the act of Congress of June 30, 1906, limited the cost of site and building to $900,000, all of which has now been appropriated. The total amount expended on account of site is $444,052.88, leaving a balance of $455,947.12 available for the construction of the building.

Under date of December 22, 1910, this department opened proposals for the construction, except elevators and mechanical equipment, of an eight-story and basement building, of 14,000 square feet ground area, but inasmuch as the lowest bid was $589,000 it was impossible to award a contract.

It is estimated that the building can be constructed as designed, including elevators and mechanical equipment, and reserving an adequate amount for unforeseen contingencies, by an increase in the limit of cost of $350,000. If the limit of cost was increased $550,000 it would be possible to add 2 more stories to the building, making 10 stories in all.

Respectfully, FRANKLIN MACVEAGH, *Secretary.*

Mr. SMITH of Georgia. On page 58, beginning in line 2, I move to insert so that the same will read:

In accordance with the plans to be approved by said commission, the total cost not to exceed the sum of $250,000.

The effect of that amendment would be to make the cost of the auditorium at Arlington $250,000 instead of $750,000.

Mr. SUTHERLAND. A bill appropriating $750,000 for that purpose has passed the Senate and it has passed the House. Both committees have considered it fully. The plans were prepared under an act of Congress by a commission appointed two or three years ago. Their plans have been very carefully drawn, the details and everything. I have them upon my desk. It would necessitate a rearrangement of the whole matter.

It is impossible to construct a building that would be at all adequate and suitable for the sum of money mentioned by the Senator from Georgia. It is absolutely necessary if this building is to be made at all appropriate that the amount inserted by the House, $750,000, should be retained. I therefore hope that the amendment will not prevail.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Georgia.

The amendment was rejected.

Mr. NEWLANDS. I offer an amendment as an additional section.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to add to the bill as an additional section the following:

SEC. —. That a commission composed of two Members of the Senate, to be appointed by the President of the Senate, and two Members of the House of Representatives, to be appointed by the Speaker of the House, shall, with the aid of the Supervising Architect of the Treasury and of the Commission of Arts and of a member of the Engineer Corps of the Army, to be appointed by the President, present to Congress a connected scheme, involving annual appropriations for the construction and completion of public buildings heretofore authorized within a reasonable time, and shall frame a standard or standards by which the size and cost of public buildings shall, as far as practicable, be determined, and shall report as to the adaptability in size, accommodations, and cost of buildings hitherto authorized to the requirements of the communities in which they are to be located, and also whether the existing appropriations should be increased or diminished to meet such requirements, and that the sum of $5,000 is hereby appropriated for the expenses of such inquiry.

Mr. NEWLANDS. I may add, Mr. President, that I understand in some cases there are authorizations for the construction of public buildings as much as 4 or 5 years old, where the construction has not been commenced, and that in many cases the requirements have changed, either diminishing or increasing.

Mr. SUTHERLAND. Mr. President——

Mr. NEWLANDS. I would suggest that this amendment be put upon the bill and be made the basis of a more complete provision by the committee of conference.

Mr. SUTHERLAND. I see no objection to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nevada.

The amendment was agreed to.

Mr. BRANDEGEE. I offer the amendment which I send to the desk.

The SECRETARY. On page 26, after line 10, insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the erection and completion of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other Government offices, on a site already acquired in the town of Middletown, State of Connecticut, the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $140,000.

Mr. BRANDEGEE. Mr. President, I wish to say very briefly, in explanation of the amendment, that the Representative in Congress from that district in Connecticut had an understanding with the Committee on Public Buildings and Grounds in the House of Representatives that that appropriation should go on for that city. He was a member of the Committee on Military Affairs and was called to the Isthmus of Panama on his official duties. While he was gone the committee, for some reason which I do not know, did not insert the provision in the bill, and when the Representative from the district returned from the Isthmus of Panama the bill had not only been reported from the committee, but passed by the House without this provision in it.

The people in the town concerned—Middletown, which I know very well—immediately got in communication with me about it, and I at once went to the chairman of the Senate committee, hoping to have it inserted by the committee here. But the committee of the Senate had closed the bill and reported it to the Senate, and I was unable to get any relief at all.

I want to say that the city of Middletown is the county seat of Middlesex County. It is one of the oldest cities in the State of Connecticut. It has a population of 30,000. It has 61 manufacturing industries, a steam railroad, two large State institutions. It is the seat of the Wesleyan University and of the Berkley University school. It is an enterprising and growing city. In view of the situation, both in the House and Senate, which I have outlined, I hope the chairman of the committee will see his way not to oppose this amendment, if the Senate desires to put it on the bill.

Mr. SUTHERLAND. Mr President, I dislike very much to oppose any amendment that is suggested, but if the bill is opened to amendment of that character I can assure the Senate that we shall add some two or three million dollars to the bill. I have had a number of Senators suggest to me that they desire

to offer amendments. I feel obliged to object to the amendment so far as I can, and I express the hope that it will not be adopted.

Mr. SHEPPARD. Mr. President, I can state that it was the intention of the committee to embody this proposition in the bill in the House, and it was omitted purely through some inadvertence.

Mr. BRANDEGEE. Mr. President, the Senator who was at the time the chairman of the committee corroborates me in stating it was the intention of the House Committee to put this item on the bill. It clearly is a case where, through inadvertence or some other reason with which I am not acquainted, justice was not done, and these people are deprived of the building which they otherwise would have had. Their Representative in Congress, or somebody else, is held responsible for the mistake. I ask for a vote on the amendment.

The amendment was agreed to.

Mr. POMERENE. On page 43, line 11, I move to strike out "$7,500" and insert in lieu thereof "$10,000."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 43, line 11, in the item for Napoleon, Ohio, strike out "$7,500," and in lieu insert "$10,000."

The amendment was rejected.

Mr. PENROSE. I offer an amendment to increase the limit of cost. On page 8, after line 4, I move to insert:

United States post office at York, Pa., $15,000.

The amendment was rejected.

Mr. TOWNSEND. On page 24, after line 18, I move to insert:

United States post office at Boyne City, Mich., $65,000.

Mr. President, briefly this is an item for a public building at Boyne City, Mich., which has receipts of something over $10,000. I introduced a bill providing for this building, but somewhat late in the consideration of the public buildings bill by the committee, and yet it was in time if some unfortunate delays had not occurred and for which I was not responsible. The bill was referred to the department under the name of the junior Senator for Pennsylvania as its author, and I could not find it in that department when trying to speed its consideration there. I am sure the committee would have included this item in its report if it had been presented before the report was agreed to, for it is a most worthy case, and, besides, the Government has already appropriated $10,000 for a site in Boyne City, and good business judgment would seem to require the completion of a project already begun. I hope that the Senate's apparent decision to keep out all amendments providing for buildings not included in the committee report will be waived in this instance.

Mr. SMITH of Georgia. Will the Senator state what is the size of the city and the amount of its postal receipts?

Mr. TOWNSEND. Its total receipts are something over $10,000, and its population is something over 6,000. It is a growing city and is clearly entitled to this appropriation.

Mr. SUTHERLAND. Mr. President, of course, there could be suggested here amendments of this character for a good many million dollars in towns where the population and the post-office receipts would warrant the erection of a building. The committee had before it bills and amendments amounting to some $50,000,000. Of course, we could not permit any such amount to go into this bill, and we exercised our best judgment. The sums in the bill allowed to the various States amount to something over $8,000,000. I think we ought not to add anything more to this bill, particularly for the construction of new buildings. I hope that the Senate will vote down the amendment.

Mr. TOWNSEND. Mr. President, I should not have asked for it at this time, certainly, recognizing the duty and responsibility of the committee, if there had not been a site there already. I am urging it now because I feel that there was neglect about it for which I was not entirely responsible, because I felt very certain that the bill would be printed correctly. Had the name been properly printed and the report been here in time there would have been no question about it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. WILLIAMS. Mr. President, I move to amend by striking out "$20,000," in line 20, page 4, and substituting "$30,000" for it. I will briefly give my reasons for it.

Mr. SUTHERLAND. On what page?

Mr. WILLIAMS. On page 4:

United States post office at Laurel, Miss., $20,000.

I want $30,000.

The estimates from the architect's office were $80,000 if a brick and limestone facing building were erected; $90,000 if freestone or Georgia or other marble were used in the erection of the building.

The appropriation already made is $60,000. This bill carries an increase of $20,000, making $80,000. I want it to carry an increase of $30,000, which would make $90,000, and would accord with the estimate if freestone, Georgia, or other marble were used. The receipts of the office are $22,326.33.

The population of the city at the last census was something over 8,000, but I have written information from the postmaster of the city to the effect that the last year's school attendance and post-office patronage figures show 12,000, which is an increase since the estimate was made 18 months ago of nearly 50 per cent. The town of Laurel, unlike some of the other towns that were spoken of to-night, is not "growing by leaps and bounds," but it is growing by leaping plumb over all bounds. The rental for a post office now paid at the place is $405.50 a year. I ask for an increase of $10,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment was rejected.

Mr. POINDEXTER. On page 74, line 21, after the words "all the water needed for all purposes," I move to insert "of good quality for said purposes."

This is a matter in which I have no personal interest, but it was called to my attention by the War Department. In the provision in this bill for the supply of water from the city of Pittsburgh, from land which the Government has exchanged for land belonging to the city, there is no provision as to the quality of the water, some of which is for drinking purposes. I offer the amendment to cover that defect.

The amendment was agreed to.

Mr. SHEPPARD. On page 45, I move to add, after line 2:

United States post office at Georgetown, Tex., $5,000.

Mr. President, this amendment was intended to be offered by my colleague from Texas [Mr. CULBERSON]. He was compelled to leave the Chamber and asked me to present it for him. He is the ranking Democratic member of the committee, and was under the impression that the item had been embodied in the bill. He discovered after the bill was printed that it had been omitted.

The amendment was agreed to.

Mr. KERN. On page 46, at the end of section 5, I move to insert a colon and the following proviso:

Provided, That no contract authorized by any section of this act for the erection of post-office buildings or for the purchase of sites for such buildings shall be entered into, nor shall any public moneys be expended for such purpose until the receipts of such post office for which any such building or site is intended shall amount to more than $10,000 per annum.

Mr. President, this amendment, in accordance with a rule that has been observed in the House of Representatives for many years, provides that no public building shall be given to any town or city until the postal receipts amount to $10,000. The effect of this amendment will be to eliminate a number of towns and cities from consideration here, that are unworthy of consideration. I hope the amendment will prevail, and I should like to have a yea-and-nay vote on it.

The PRESIDENT pro tempore. The question is on the amendment, on which the Senator from Indiana demands the yeas and nays.

The yeas and nays were ordered.

Mr. FALL. Mr. President, the effect of the amendment, if adopted, would be to exclude from the benefits of this bill public buildings which are intended for post-office purposes primarily, but which would be used by the United States, in at least some portions of the country, for other governmental purposes, such as for public-land offices and for homes for the forestry reserve force.

Mr. SUTHERLAND. And for courthouses.

Mr. FALL. And for courthouses for holding court; and it would absolutely exclude them from the provisions of this bill.

Mr. KERN. This amendment only refers to buildings that are to be used as post offices.

Mr. FALL. Exclusively?

Mr. KERN. Exclusively for post offices.

Mr. FALL. If the Senator will put in the word "exclusively"——

Mr. KERN. I do not think it necessary. It refers to post-office receipts, post-office buildings, and post-office sites. It is not intended to refer to anything else. I am entirely willing to word it to convey that idea.

Mr. POINDEXTER. I should like to have the amendment read.

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary again read the amendment proposed by Mr. KERN.

Mr. SUTHERLAND. I suggest to the Senator from Indiana that he ought to insert the word "exclusively" in his amendment.

Mr. KERN. I am entirely willing to do so and to add to the provision that it is intended to apply only to buildings and sites used exclusively for post-office purposes.

Mr. WARREN. Mr. President, I want to ask the Senator does he wish to include all of the sites where $5,000 might buy a site?

Mr. KERN. Unquestionably.

Mr. WARREN. Which two years hence it might take $10,000 to buy.

Mr. KERN. Whenever we buy the site we are expected to erect a building. The purpose is to stop this raid in so far as it applies to these small towns.

Mr. WARREN. I will say to the Senator that in the growing towns—it takes, of course, all of these matters from four to five years after the site is bought—the faster the town grows the faster the price of land advances. It would make it very expensive in some cases to wait until the time when the land was needed, while it might be very cheaply bought if taken in advance.

Mr. KERN. Then, that is an argument against the proposition.

SEVERAL SENATORS. Question!

The PRESIDENT pro tempore. The amendment as modified will be stated.

The SECRETARY. It is proposed to amend by striking out the period at the end of section 5, on page 46, inserting a colon, and adding the following:

Provided, That no contract authorized by any section of this act for the erection of buildings to be used exclusively as post offices or for the purchase of sites for such buildings shall be entered into, nor shall any public moneys be expended for such purpose, until the receipts of such post office for which any such building or site is intended shall amount to more than $10,000 per annum.

The PRESIDENT pro tempore. The question is on the amendment as modified.

The amendment as modified was agreed to.

Mr. CHAMBERLAIN. I offer an amendment, to come in on page 21, line 8, to increase the appropriation there from $100,000 to $150,000.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. On page 21, line 8, it is proposed to strike out "$100,000" and in lieu thereof to insert "$150,000," so as to read:

United States post office at Roseburg, Oreg., $150,000.

Mr. CHAMBERLAIN. Mr. President, in reference to the proposed amendment, I desire to say that at Roseburg they have a land office, and they are compelled to occupy separate buildings from the post office. The weather bureau is there, and a number of the foresters are situated there, and all of them occupy different buildings, at quite a considerable expense. I understand the estimate that was made by the Government for this building exceeded $100,000, but the House kept the amount appropriated down to $100,000. The Government owns the site; and it seems to me it would be a matter of economy to make the appropriation $150,000. The receipts of the office at this time are something over $18,000 per annum. The town has a population of something like 5,000.

Mr. SUTHERLAND. One hundred thousand dollars is a pretty good appropriation for a town of that size, I suggest to the Senator.

Mr. CHAMBERLAIN. If that is to be the criterion of appropriations here, it would apply to many appropriations found in this bill, because there are a great many buildings that have been appropriated for in amounts in excess of $150,000 where the towns do not have as much as $18,000 of postal receipts, and I doubt very much if in many cases they have as much as $10,000. It is a poor rule that will not work both ways. Here a site has been obtained, the Government has made the estimates, and the other House has placed the appropriation in this bill at less than the estimates which were made. We have not asked very much from the committee, and I trust this will be granted.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Oregon.

The amendment was rejected.

Mr. SMITH of Michigan. Mr. President, I have a good case here. I greatly desire a public building for the city of Calumet. It would serve nearly 50,000 people. The post-office receipts are between $30,000 and $40,000 annually. It serves numerous mining towns, including Red Jacket and Laurium, in the vicinity of Calumet. Calumet has no adequate post office. It has recently gone slightly Democratic, and this should invite assistance from the other side of the Chamber who seem so critical of this bill, and that is the worst thing I can say about it. [Laughter.]

Mr. SUTHERLAND. Then it does not need any post office.

Mr. SMITH of Michigan. Yes; I insist we want a public building at Calumet, and we ought to have it. I propose this amendment, and I hope it will be unanimously voted into the bill.

Mr. POMERENE. Does the Senator from Michigan guarantee that Calumet will stay Democratic if it gets this new post office?

Mr. SMITH of Michigan. Well, that will depend upon the attitude of the distinguished Senator from Ohio and his associates. The intelligent people of Calumet are appreciative as well as discriminating, and I would strongly advise my friends upon the other side to rally to their support. Mr. President, I desire the following letter read, showing the importance of this community.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

CALUMET, MICH., *February 21, 1913.*

Hon. WILLIAM ALDEN SMITH,
Washington, D. C.

DEAR SENATOR: Replying to your telegram of the 19th instant, I wish to call your attention to a few of the reasons why Calumet needs a Federal building, viz:

The post-office quarters at Calumet, Mich., are inadequate. No larger, suitable quarters are available.

The present post office serves a population of 25,000.

Incoming and outgoing mails are handled in a single room 24 by 82 feet in dimensions.

Part of this room is used for a lobby.

In the remainder of this small room provision must be found for 11 regular carriers, 1 parcel-post carrier, and 5 clerks. They are so closely crowded that their efficiency is impaired.

The growing parcel-post business is helping to create confusion caused by lack of room.

Twelve mails are received daily. There are nine dispatches of mails, of which four are "R. P. O.'s," made each day.

The Calumet postal receipts are $30,000 annually. The money-order business is approximately $250,000 annually.

From a business standpoint a Federal building in Calumet would be a good investment, for it could be made to serve a much larger population, cutting out part of the expense of several outlying post offices, including Laurium, Osceola, and Kearsarge.

The mines tributary to Calumet produce annually 150,000,000 pounds of copper, valued in the present market at from $22,000,000 to $25,000,000. Expenditures for wages and other local expenses amount to between $12,000,000 and $15,000,000 per year. The mining industries employ from 11,500 to 12,000 men, supporting a population of over 35,000 people.

Only part of the Calumet district is served by the present Calumet post office. With a building of adequate size the entire population of over 35,000 could be well taken care of and easily reached from one central office.

The Calumet territory, 1½ miles east and west by 2½ miles north and south, is one compact community, in the geographical center of which is Red Jacket village, where the Calumet post office is now located. It also includes Calumet and Hecla mining location, Laurium village, Centennial mining location, Centennial Heights, Kearsarge, and Wolverine mining locations, Tamarack mining location, Osceola mining location, Tamarack Junior and Florida location.

The populations of these locations are as follows:

Red Jacket village	4,211
Laurium village	8,537
Calumet Township, including Calumet and Hecla mining location, Centennial, Centennial Heights, Tamarack Junior, Kearsarge, Wolverine, and Florida location (not including Red Jacket and Laurium villages)	20,097
Osceola location	1,200
Tamarack location	1,500

Postmaster Charles J. Wickstrom, of Calumet, says regarding the need of a new Federal building:

"The post-office quarters at Calumet, Mich., have been entirely inadequate for a long time and are becoming more so since the establishment of the parcel post service, which is constantly growing. The department now has the dimensions of the room and all information pertaining to the post office. They were submitted about two years ago.

"We are making 9 dispatches each day, of which there are 4 R. P. O.'s, and we are receiving 12 mails daily. On account of the large territory that has to be covered by carriers, we have 11 carriers, whose efficiency is impaired by crowding, as may be judged by the dimensions of the room in which they work, which are on file.

"Our postal receipts are $30,000 per annum and our money-order business is approximately $250,000 per annum."

Calumet is a permanent community. Its mines, which have been operating for almost half a century, show no signs of exhausting the mineral deposits, and new developments and new mine openings made in recent years insure the community of a glorious future.

The bank deposits within the territory above described on February 4, 1913, were over $7,800,000.

Senator, if it is your desire to have a petition generally signed by the people of the community, arrangements can be made to have it done immediately, and we are certain that it will be very largely signed, as our people are very much interested and are thoroughly wrought up about this matter.

Respectfully,

F. H. SCHUMAKE,
Mayor Red Jacket, Calumet, Mich.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Michigan will be stated.

The SECRETARY. After line 4, on page 30, it is proposed to insert:

United States post office at Calumet, Mich., $200,000.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Michigan.

The amendment was rejected.

Mr. SMITH of Michigan. Mr. President, the Senate, I think, has not entirely lost its sense of proportion and fitness in the perfection of this bill. I now move that we authorize the purchase of a site at Calumet, Mich., for a public building, and ask $25,000 for that purpose. Surely this will not be denied.

Mr. BRISTOW. Make it $10,000.

Mr. SMITH of Michigan. No; I will make it $20,000, Mr. President, if Senators will now come to my support.

The PRESIDENT pro tempore. The Senator from Michigan proposes an amendment, which will be stated.

The SECRETARY. Under the heading of "Sites for post offices," it is proposed to insert:

For post office at Calumet, Mich., $20,000.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

Mr. STONE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. On page 12, after line 4, it is proposed to insert:

For one additional mail lift and one combination freight and passenger elevator, and for additions to mail apparatus and other improvements at the new city post office, St. Louis, Mo., to be immediately available, $47,550.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. STONE. Mr. President——

Mr. SUTHERLAND. Mr. President, has the Senator had an estimate for that item?

Mr. STONE. I was about to state that I had when some Senator said that the amendment had been agreed to.

The PRESIDENT pro tempore. The question is upon the amendment.

Mr. STONE. I thought it had been agreed to.

The PRESIDENT pro tempore. The Senator was mistaken.

Mr. STONE. I will agree not to make a speech if it is agreed to.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. CLAPP. Mr. President, some time ago my colleague [Mr. NELSON] proposed an amendment to this bill, which he had printed and referred to the committee. He was unable to remain here this evening, and asked me to present it. I realize that the hour is late, but I trust that that will not interfere with the Senate giving the amendment due consideration. I send it to the desk to be read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the proper place in the bill it is proposed to insert:

That the Court of Claims of the United States shall, upon petition and motion duly made by the Secretary of the Interior or the National Automatic Fire Alarm Co., of Washington, D. C., the contractor, under contract with the said Secretary of the Interior duly authorized by Congress, bearing date of December 17, 1903, to install and place in the various buildings of the Government Hospital for the Insane an automatic thermostatic fire-alarm system, the same having been placed therein under said contract by said company, and a temporary receiver duly appointed by said court with the tacit consent of said department to complete the construction thereof, after first having given notice of such motion to the parties in interest, inquire into, hear, and forthwith determine the following issues of law and fact now pending and unsettled between the said parties to said contract in order that said system may at once be put into operation for the protection of said buildings and the inmates therein confined against fire—full jurisdiction being hereby conferred upon said court to carry into effect the provisions herein contained:

First. Whether or not the said contract of December 17, 1903, above referred to, has been performed according to its terms and requirements by the said contractor or by the said receiver, and whether or not, in law and in fact, the work required and done under said contract by said contractor and by said receiver has been or should be accepted by the United States as properly and fully performed; and if not, what further obligation, if any, rests upon the contractor in connection therewith and the cost of discharging the same.

Second. Whether or not the United States under and by virtue of the terms of said contract of December 17, 1903, became and is the absolute owner of said system as installed and placed and of the right to use and operate the said system and the patent rights thereinto entering without further right of compensation to the contractor or to any other person claiming adversely, and also what their respective rights are under said contract and the value thereof to the United States of such as are not now owned by it.

The said Court of Claims shall, after considering and determining the questions submitted, report and certify the findings and opinions to Congress at the earliest practicable date; and shall also certify the amount of court costs incurred solely by reason of the proceedings had hereunder.

That the said Court of Claims is hereby given full power and authority to call upon the Supreme Court of the District of Columbia for such information and papers as it shall deem necessary to carry out the provisions hereof.

Mr. SUTHERLAND. Mr. President, I am very familiar with that proposed amendment. It evidently does not belong on this bill.

Mr. CLAPP. Was it not through inadvertence that it was omitted from the bill?

Mr. SUTHERLAND. No; it does not belong in the bill at all.

Mr. CLAPP. It relates to a claim growing out of the construction of a public building.

Mr. SUTHERLAND. But this is a bill authorizing public buildings, sites, and matters of that kind.

Mr. CLAPP. But before we authorize the construction of new buildings we ought to pay for those we have already erected.

Mr. SUTHERLAND. It is simply providing for a method of settling a dispute between the Government and some individual.

Mr. CLAPP. It grows out of a building.

Mr. SUTHERLAND. Yes; but it does not belong on this bill any more than if it grew out of something else, and I make the point of order against the amendment.

The PRESIDENT pro tempore. On what ground?

Mr. SUTHERLAND. It is not germane and it is a private claim.

The PRESIDENT pro tempore. Neither of those points would lie. This not being a general appropriation bill, the question as to whether an amendment is germane or not does not apply; nor is there any inhibition against a private claim being attached to any bill except a general appropriation bill. Hence, the point of order is overruled. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. OWEN. On page 76, lines 11 and 12, I move to strike out the words:

And no person now in the employ of the Supervising Architect's Office shall be eligible to such employment.

The bill as it is drawn would prevent any architect who might possibly be employed in the Supervising Architect's Office from being eligible to serve in these positions, which are being created for the purpose of designing and standardizing public buildings. I think the provision limits the authority of the Government to employ men who might be entirely fit and who are already in the Government service and familiar with Government buildings.

Mr. SUTHERLAND. Mr. President, this is a House provision for the employment of men at salaries of from $5,000 to $6,000 a year, as I recall, under the Supervising Architect. I think no employees in that office now are paid more than $2,000. Am I correct in that, I will ask the Senator from Texas?

Mr. SHEPPARD. That is probably the maximum.

Mr. SUTHERLAND. The maximum is $2,000.

Mr. SHEPPARD. Something like that; not over $2,500.

Mr. SUTHERLAND. They are men who are evidently not sufficiently expert to be employed in such positions. The Supervising Architect himself agrees that this amendment is proper. These architects have got to be selected from outside of the office, and we simply want to prevent any man who is not qualified to fill that position from being selected. I think it is a very wise provision and that it ought to remain in the bill.

Mr. OWEN. It does not seem right to exclude the possibility of advancement of men who are already in the Federal service.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. SMITH of Georgia. I suggest that when the Senate adjourns to-day it adjourn to meet at 12 o'clock noon to-morrow.

Mr. WARREN. Mr. President, I hope the Senator will not do that. We have two very large and important appropriation bills ready for to-morrow.

Mr. SMITH of Georgia. Very well.

Mr. NEWLANDS. I inquire if the bill is now in the Senate?

The PRESIDENT pro tempore. The bill has not yet been reported to the Senate.

Mr. JONES. Mr. President, I have waited patiently until these various good amendments have been passed upon by the Senate, and I now present one that is most meritorious.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 23, line 24, it is proposed to strike out "$300,000" and insert "$1,250,000," so as to read:

United States post office at Seattle, Wash., $1,250,000.

Mr. JONES. Mr. President, I am satisfied that when the Members of the Senate understand the necessity for this amendment they will adopt it, because they want only provisions of merit, in the interest of the Government, in this bill.

The situation at Seattle is as follows:

We had a population of about 70,000 when provision was made for the public building we now have. It has become wholly inadequate, just as we thought it would at the time it was provided for. We had a population at the time of the census of 1910 of 237,000 instead of the 70,000 people when our building was given. The Government necessities have increased accordingly. Our post-office receipts in 1902 were $233,000. Now they are over $1,000,000. We have a site that was purchased at a cost, I think, of one hundred and sixty-odd thousand dollars. The present post office is away up in the town, far away

from the railway station. The site we have purchased is near the railway station. It is estimated that we will save the Government about $100,000 every year in the transportation of the mails that come into Seattle when we get the post office on the new site near the station. That is because there is a large amount of foreign mail, oriental mail and Alaskan mail, that comes into Seattle that has to be carried from the station up to the present post office, sorted, distributed, and then carried back to the station. This would all be avoided if the post office should be located at the new place. Cars of mail could be run into the new building, prepared for transmission, and sent out, and the cost of taking it uptown and back, as now, would be saved.

Then we need quarters for Government offices now without quarters—for the Bureau of Investigation, the Internal-Revenue Bureau, the Customs Service, the Steamboat-Inspection Service, the Bureau of Mines, the Geological Survey, the Pension Office, the Forest Service, the Weather Bureau, Army departments, and several other offices for which the Government has to rent quarters in private buildings.

It now costs about $100,000 a year to take the foreign and Alaskan mail and the mail for the southern part of the city to the present post office and bring it back. This would all be saved. We are now paying nearly $20,000 a year in rent. By making this appropriation now we will save almost the increase in six or seven years. Refuse it and these extra expenses will continue to increase.

Upon this showing it seems to me we ought to adopt this amendment. Three hundred thousand dollars will not build a suitable building there. It simply means that the $300,000 will lie idle until we get another public buildings bill, when it must be increased. This will be two or three or more years, and this annual expenditure to which I have referred will go on. The department estimates that the cost of the building, simply for post-office purposes, would be $750,000, and that the cost of erecting a suitable building for all the Government offices for which we need quarters would be $1,250,000. I am reading from the department letter.

We already have our site, in which we have invested nearly $200,000. If Congress does not increase this appropriation, it will simply rest until we get another public-buildings bill to increase the appropriation, and meanwhile we will pay out possibly $100,000 a year that we can save by the early construction of this building. So it seems to me it is a matter of economy, and for the benefit of the Government, to make a sufficient appropriation now to erect the building required by the needs of the Government. I hope the amendment will be agreed to.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Washington.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SUTHERLAND. Mr. President, I ask that the Secretary be authorized to correct the section numbers.

The PRESIDENT pro tempore. That will be done.

Mr. NEWLANDS. Mr. President, the Senator from Oklahoma [Mr. GORE] suggests that the joint committee of the Senate and House, consisting of two Members of each body, which was to make a certain investigation, should be increased by adding to it the Secretary of the Treasury, the Postmaster General, and the Attorney General, for whose departments most of the buildings will be constructed. I have consulted with the chairman of the committee, and he has no objection to adding those names. I will ask unanimous consent that their names may be added to this provision.

The PRESIDENT pro tempore. The Senator reserves that amendment, then, and moves to amend it as he has stated. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROOT. Mr. President, I move to amend by inserting, after section 12, section 13 in the original form in which it was reported by the committee. That is the provision for the Red Cross building.

I think, Mr. President, that when the Military Order of the Loyal Legion and the Red Cross come with a proposal of this kind, and with half of the money raised themselves to carry out the project, they are entitled to a vote of the Senate upon their proposal. I ask that the Senate give that vote. If the Senator is unwilling to agree to the proposal, well and good; but I think there ought to be a vote.

Mr. CRAWFORD. Mr. President, when this matter was up a while ago I was one of those who voted to strike out the word "loyal." I did not understand the history of the proposed legislation at that time; that is, I did not understand that the initiative had been taken by this legion and its proposal to raise $300,000. To my mind, it was a beautiful conception for the Government to assume the entire obligation and to pay for this building and to turn it over to the noblest possible work that can be engaged in by human beings—that carried on by the Red Cross Society. It seemed to me to be a beautiful conception that it should be dedicated to the women and their sacrifices; and I was glad and enjoyed and was in sympathy with every word said in that respect and voted that way.

But later I learned what I did not fully appreciate then—that the initiative in this matter comes from the Loyal Legion and its proposal to contribute $300,000, and that its initiative has resulted in this proposal. That really puts a different phase upon the situation with reference to this proposal.

I should like to see the provision go in as it once before passed the Senate, I understand. On that account my vote will be different than it was before.

Mr. WILLIAMS. Mr. President, having stepped into the cloakroom for a moment to take a smoke, I was very much surprised when I came out to find that a motion had been made to strike out this entire provision. The Senate had passed upon it; the Senate had amended it; the Senate's amendment had lent it a broader and a more national meaning than that with which it came from the committee, and I felt almost outraged by the idea that the entire provision had been stricken out on a viva voce vote, without an opportunity for me to call for the yeas and nays. I would rather this provision were passed in the shape in which it was originally presented to the Senate than not passed at all.

I do not think it is right; I do not think it is fair; I think it is exceedingly sectional and unfair, just because some organization upon one side or the other has taken the initiative in a matter of this sort, to appropriate the public money collected from the people of the Southern as well as the Northern States to celebrate and commemorate the heroism and the constancy of the women of some of the States of the United States, while expressly leaving out the women of the other States of the United States.

What the Senate did was done upon my motion. What the Senate did was right, and ought to have been done. The fact that somebody "initiated" the original proposition has nothing to do with it. You know as well as I do that if a league of Confederate veterans or a society of Confederate women had come here contributing $300,000 and asking you to appropriate the other $400,000 you would not have done it. You would have refused to do it upon the ground that it was sectional.

I repeat what I said earlier in the evening—that this Union no more belongs to the North than it does to the South. It no more belonged to the North before the war than it did to the South. It no more belonged to the North after the war than it did to the South. So far as the phrase "United States" is concerned, it meant nothing during the four years of war between the States. There were then temporarily a couple of congeries or groups of formerly united and subsequently reunited States, temporarily disunited; and the only advantage that you had of us was that a majority of the States were on your side. The United States is just as much my heritage and my present enjoyment as it is yours.

I shall move to substitute for the amendment proposed by the Senator from New York [Mr. ROOT] the provision as it was adopted by the Senate. If that motion to substitute shall fail, I shall then vote for the amendment offered by the Senator from New York, because I am not willing to put myself in the attitude of not paying due tribute to noble and heroic women anywhere simply because I can not include all the noble and heroic women of the Union. But I do say that if you pass it in that form you are narrow, you are sectional, you are selfish, and you had better quit talking about "bridging the bloody chasm" and "a reunited Nation" and "the whole country being together again." You thereby confess that it is all lip service.

You were no more the "United States" for four years than we were. Neither of us was. We were the disunited States, warring with one another in a most unfortunate war. But I want to make the announcement that if my substitute shall fail I would rather pay tribute to the women of the North during that war than to refuse to pay tribute to any of the noble women at all.

I move, Mr. President, that the provision as it passed the Senate be substituted for the amendment proposed by the Senator from New York.

Mr. BRADLEY. Mr. President, I want to say just one word in explanation of my vote. I voted for the amendment offered by the Senator from Mississippi [Mr. WILLIAMS], not understanding the facts of the case. I am similarly situated with the Senator from South Dakota [Mr. CRAWFORD].

I want to say that I come from a State which, while it remained in the Union, was very much divided in sentiment during the war. No man in this great country of ours respects more the heroism of the women of the South who were friends of the Confederacy than I, and no man will vote more readily

to erect a monument in honor of those women. I think, however, that the matter should not be included in this bill.

This idea of honoring the loyal women of the United States was conceived by the Military Order of the Loyal Legion, of New York. They proposed to give and have given for that purpose $300,000, and they ask the Congress of the United States to give $400,000 for the purpose of completing the memorial. I think it would not be treating them with the proper respect to strike out the word "loyal" in this bill, and to take from them the credit to which they are entitled.

I am one of those who long ago came to the conclusion that the war was over. There is no bitterness in my heart. There never was. I believe we should forget all the asperities and troubles of the past, and that as one people we should hold in grateful remembrance all the glory of that trying period on both sides of the great conflict which made all men free and which preserved every star on the Nation's flag.

I make this explanation, and I want to say to my friend from Mississippi that if he should introduce a bill of the character he described awhile ago I will not be one of those who will vote against his measure, but will support it with my heart and vote, and I shall pray and hope that that bill may be passed.

Let us forget sectionalism. The way to forget it is not by striking from this bill under the circumstances the word "loyal." "Loyal" is not a disreputable word. "Loyal" is an honorable word. To be loyal to your country, to be loyal to the North, to be loyal to the South, to be loyal to your principles, to be loyal to your friendships, is the highest mark of patriotism and the most exalted mark of personal honor.

Mr. President, I gave that vote under a mistake, but I do not want to be misunderstood as to my position. I have tried to make it clear. I shall vote for the amendment proposed by the Senator from New York.

Mr. WILLIAMS. Before the Senator from Kentucky takes his seat I should like to ask him a question. Do you think that the Loyal Legion would feel hurt or could feel hurt——

Mr. BRADLEY. I do not know that they would be hurt, but I do think——

Mr. WILLIAMS. Wait a minute.

Mr. BRADLEY. I do think that they would have the right to be offended.

Mr. WILLIAMS. Do you think they would be hurt or could be hurt in their feelings or would have the right to feel hurt, either one of the three, if the Congress of the American Nation said to them, "Keep your $300,000; devote it to whatever purposes you please; devote it to another monument elsewhere to these very people, if you wish, or to needy Union veterans. We will build a monument, a beautiful memorial structure in keeping with your idea, to the heroic women of the entire United States, not merely a part of the United States. You can keep the money; you can devote it to another monument here or elsewhere. Congress will grant you the site for that, as Congress always does." Do you think they would have any right to feel hurt if we said that to them?

Mr. BRADLEY. Mr. President, I think, under the circumstances, to change this amendment as it was offered would be to say to these men of the Loyal Legion, "It is true that you have conceived this beautiful and patriotic idea, but we propose in the Senate of the United States not to praise you, but to blame you, for what you have done. We scorn your assistance. However honorable may be your motives, we ignore them, we put them behind us, and we propose to erect this monument without any help from you." I think it would be an insult to that organization.

Mr. WILLIAMS. Mr. President, the Senator says that we would say to the Loyal Legion, "It is true you have conceived this idea." I think he might have gone further and said, "It is equally true that we have conceived a much more beautiful idea, a much broader idea, a much more national idea, and a much more American idea. If, as you gentlemen pretend, you love your brethren of the South and the bloody chasm has been bridged; if you mean that; if it is not mere lip service; you will be glad to have the heroism and constancy and devotion of the southern women celebrated with your own, and the more especially because you will have $300,000 left in your treasury to celebrate, according to your own ideas, upon private monuments here and there, anything that you choose, including a special monument to your own special women."

The Senator says he "wants to forget." I do not want to forget, because I have no reason to forget. If I knew personally the man who shot my father upon the battlefield I would feel no personal antagonism against him. He was doing his duty as he understood it; and my father would have shot him if the chances had been different.

But the right way to "forget" differences is not to emphasize differences. This vote, which by a single word cuts off the commemoration of the heroism and devotion and nobility of the women of one-third of the Union, is not the way to "forget" the differences. It is the way to emphasize them.

The gentleman speaks of "insulting" the Loyal Legion. This idea of an insult will be construed by many a good woman in the South as an insult to her, and she will have much more reason to think it and say it than the Senator had to say that it was an insult to the Loyal Legion.

We are either one people or we are not. If we are stepchildren in the American Union, let us know it. If we constituted before the war and after the war a part of the United States, as I firmly believe we did, and if we did constitute during the war a part of the disunited States, as no man with common sense can deny, then you have the power, but you have no right, to use the common Treasury of all the people—contributed by us as well as by you—for the purpose of emphasizing an old, sanguinary, fratricidal strife that ought to be buried in an ocean of forgetfulness.

But I move now, Mr. President, to substitute for the amendment for the motion made by the Senator from New York the provisions of the bill as they passed the Senate amended tonight. I repeat that if that amendment shall fail I shall then vote for the motion of the Senator from New York, for I no more sympathize with narrow sectionalism on this side of the Chamber than on that.

The PRESIDENT pro tempore. The Senator from Mississippi moves to amend the amendment as follows.

Mr. PERCY. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Mississippi allow the amendment to be stated?

Mr. PERCY. Certainly.

The SECRETARY. Amend the first paragraph of section 13 as offered by the Senator from New York, as follows: Instead of the words proposed by the Senator from New York insert:

That the acquisition by the commission hereinafter mentioned of a site and the erection thereon of a memorial building in the District of Columbia to commemorate the services and sacrifices of the women of the United States during the Civil War is hereby authorized. The said building shall be monumental in design and character, and shall be used as the permanent headquarters of the American Red Cross, and shall cost, with the site, no less than $700,000, which sum the United States shall contribute.

Mr. PERCY. Mr. President, without desiring to prolong this discussion at all, I only want to say that I can not agree with the view so forcibly presented by my colleague [Mr. WILLIAMS]. I believe that we either ought to accept or reject the offer of the Loyal Legion just exactly as it was made, and not mutilate it or pervert it from the purpose for which it was made.

Feeling that way, I shall vote against the substitute, and I shall then vote against the motion of the Senator from New York.

Mr. SMITH of Georgia. Mr. President, could we not leave out the words "during the Civil War" and leave it preferably to read "the loyal women of the United States"?

What does this provide for? It provides for the permanent headquarters of one of the greatest organizations in the United States, composed of the women of this country without regard to section—the women south of the Potomac as well as the women north of the Potomac.

Would it be pleasant, I desire to ask Senators on the other side, to make the permanent headquarters of the Red Cross a building erected even by money raised in the States of Virginia and North Carolina and dedicated to the loyal women of the South during the Civil War? Would not that be unpleasant to the members of the Red Cross descended from the loyal daughters of the North during the Civil War?

Is it not an unhappy thought to take the Red Cross and connect it permanently with a building dedicated to the honor of the women of one part of the country? I would not ask the Senators on the other side to vote to put the Red Cross in a building dedicated exclusively to the memory of the women of the South. I do not think it right for them to ask that this association shall be placed in a building dedicated to the memory of the women of the one part of our country, because the association is composed of members descended from the women of all parts of our country.

I do not wish to vote to strike out the word "loyal," because I would regret to be put in the position of not being gratified to pay every tribute to the loyal women of the North. But, I think, the plan of the proposed building unhappy. If it was simply to dedicate something here to the loyal women of the North it would be all right, but to put into that building a great organization that has members from all sections and fasten upon it the stamp of disapproval of the women of a part of the country, I think such action inexcusable.

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

Mr. STONE. Let the question be stated.

The PRESIDENT pro tempore. It will be stated again.

The SECRETARY. In lieu of so much of the amendment offered by the Senator from New York as is contained in the first paragraph of section 13, insert the following as that paragraph:

That the acquisition by the commission hereinafter mentioned of a site and the erection thereon of a memorial building in the District of Columbia to commemorate the services and sacrifices of the loyal women of the United States during the Civil War is hereby authorized. The said building shall be monumental in design and character and shall be used as the permanent headquarters of the American Red Cross, and shall cost, with the site, not less than $700,000, which sum the United States shall contribute.

Mr. WILLIAMS. Upon that substitute I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH of South Carolina. I should like to ask the Senator from Mississippi if his amendment proposes the elimination entirely of the proposed contribution by the Loyal Legion.

Mr. WILLIAMS. Yes.

Mr. SMITH of South Carolina. I want it to go into the RECORD, because this question is so important I want to make the statement that if we are going to accept this gift from the Loyal Legion the word "loyal" should attach to it. If we are not going to accept it, then I think it should be to all the women. I do not believe that the Red Cross should be mixed up in a question that would involve sectional ideas. If it could be divorced from that I might not oppose it, but I must vote against the idea of getting a great universal organization of mercy mixed up in this way.

Mr. WILLIAMS. Will the Senator allow me?

Mr. SMITH of South Carolina. It will only create a feeling in a section on account of the sectional idea. With that explanation of my vote the roll may be called, so far as I am concerned.

Mr. WILLIAMS. The Southern women are members of the Red Cross.

The PRESIDENT pro tempore. The roll will be called on agreeing to the amendment of the Senator from Mississippi [Mr. WILLIAMS] to the amendment.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], and I withhold my vote.

Mr. DILLINGHAM (when his name was called). Again I announce the transfer of my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "nay."

Mr. PERKINS (when his name was called). I transfer my pair with the junior Senator from North Carolina [Mr. OVERMAN] to the junior Senator from Massachusetts [Mr. CRANE], and vote "nay."

Mr. SMITH of Michigan (when his name was called). I make the same announcement as on the last vote, and vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my general pair and a transfer to the Senator from Tennessee [Mr. WEBB] and vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement I have heretofore made in reference to the transfer of my pair, I vote "nay."

Mr. WARREN (when his name was called). I transfer my pair with the Senator from Louisiana [Mr. FOSTER] to the Senator from South Dakota [Mr. GAMBLE], and vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. I transfer my general pair to the junior Senator from Maine [Mr. GARDNER] and vote. I vote "yea."

Mr. SMITH of Georgia. I really desired to refrain from voting, but as it may be necessary to make a quorum, I will vote. I vote "yea."

The result was announced—yeas 22, nays 28, as follows:

YEAS—22.

Bankhead	Kern	Poindexter	Smith, S. C.
Bryan	Lea	Sheppard	Stone
Chamberlain	Martin, Va.	Shively	Swanson
Fletcher	Martine, N. J.	Smith, Ariz.	Williams
Gore	Newlands	Smith, Ga.	
Jones	Pittman	Smith, Md.	

NAYS—28.

Bradley	Crawford	O'Gorman	Smith, Mich.
Brady	Cummins	Page	Smoot
Brandegee	Dillingham	Paynter	Sutherland
Bristow	Fall	Penrose	Thomas
Burnham	Gallinger	Percy	Townsend
Clapp	Kenyon	Perkins	Warren
Clark, Wyo.	Lodge	Root	Wetmore

NOT VOTING—45.

Ashurst	Catron	Dixon	Hitchcock
Bacon	Chilton	du Pont	Jackson
Borah	Clarke, Ark.	Foster	Johnson, Me.
Bourne	Crane	Gamble	Johnston, Ala.
Briggs	Culberson	Gardner	Kavanaugh
Brown	Cullom	Gronna	La Follette
Burton	Curtis	Guggenheim	Lippitt
McCumber	Overman	Simmons	Webb
McLean	Owen	Stephenson	Works
Myers	Pomerene	Thornton	
Nelson	Reed	Tillman	
Oliver	Richardson	Watson	

So Mr. WILLIAMS's amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is now on the amendment proposed by the Senator from New York [Mr. ROOT].

Mr. GORE. I only wish to say one word. The Red Cross is an international emblem and is an international organization. It ought not to be sectionalized, and it can not be sectionalized without jeopardizing its future and jeopardizing its efficiency. The Congress of the United States ought not to do anything which might jeopardize the interests of this humane and beneficent organization. The Loyal Legion has a right to commemorate the achievements of its soldiers and of its section, but it has no right to kidnap the Red Cross. We ought not here to-night to do anything which might set a wedge that would split this organization which has dispensed and which will dispense its blessings the world around. I hope that Senators will consent to strike from this amendment the language relating to the Red Cross and let the Loyal Legion, with devotion and patriotism, commemorate the achievements of the Union Army; let them celebrate the preservation of the Union; but let them not and let us not become accomplices in the performance of any deed which might impair an organization which is consecrated to humanity and to the noblest sentiments that actuate the heart of man. I therefore move to strike from this amendment the clause relating to the Red Cross.

Mr. WILLIAMS. Mr. President, I want to add just one word to what the Senator from Oklahoma [Mr. GORE] has said. I do not know what the effect of the adoption of this provision and the attempt to identify the Red Cross with one of the sections of the American Union may or may not be; I do not know what its effect upon southern women will be. I can only state that, if I were a southern woman, I would not remain a member of the Red Cross after it thus became a sectional association. I do not even know whether or not to-morrow, when I feel cooler about this matter than I do to-night, I would repeat that language, but that is the way I feel right now.

It seems to me that this is an unprovoked discrimination between the women of the sections of this country. I should have no objection, of course, to granting a site and voting aid for a monument to be erected by anybody in commemoration of American heroism on either side, although I remember that when I tried it upon the Senate in the name of the other side, I received the votes of the Senator from Iowa, of the Senator from Minnesota, and about three more north of the line, and that when I tried to get the yeas and nays I did not find a sufficient number to give them to me.

I am not complaining; but I do think the rule ought to work both ways, or not at all; and I do think that the motion made by the Senator from Oklahoma ought to be adopted. I see no reason why the Red Cross should be stigmatized—labeled—as a sectional organization. I am, I believe, one of the members of its board of directors, or whatever it may be called, but I do not see why you should take an organization, which is one of grace and mercy and sweetness, and try to make it yours any more than ours. I should feel that I was persona non grata in it. Every good deed that it does upon the battle field it does by the aid of southern women. Southern women are members of it; southern women go with the ambulances and with the nursing corps, and yet you want to put them in the attitude of being shamed and denationalized.

Mr. STONE. Mr. President, I rise to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. STONE. It is now half past 3 o'clock, in the "wee sma' hours," and soon the sun will begin to glow in the east. I think we might as well stay on now, and I wish to ask the Chair whether at this point a motion would be in order that, as soon as this bill is concluded, we proceed with unobjected bills on the calendar?

The PRESIDENT pro tempore. At the conclusion of the bill the Chair will recognize the Senator to make that motion.

Mr. STONE. I shall be glad to do so.

The PRESIDENT pro tempore. The Senator from Oklahoma [Mr. GORE] moves to amend the amendment by striking out all reference to the Red Cross.

Mr. GORE. Mr. President, I rise to propound a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. GORE. I remember the Senator from Georgia [Mr. SMITH] moved to table this section, together with the amendment, as I understand, proposed by the Senator from Missis-

sippi [Mr. WILLIAMS], and I should like to know if this entire proposition is not on the table now?

The PRESIDENT pro tempore. It was laid on the table as in Committee of the Whole, but the amendment can be renewed in the Senate.

Mr. GORE. Very well.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Oklahoma [Mr. GORE] to the amendment of the Senator from New York [Mr. ROOT]. [Putting the question.] By the sound the "noes" seem to have it.

Mr. GORE. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment of the Senator from New York [Mr. ROOT]. [Putting the question.]

Mr. SMITH of Georgia. I ask for the yeas and nays on that.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I transfer my general pair with the Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Maine [Mr. GARDNER], and will vote. I vote "nay."

Mr. DILLINGHAM (when his name was called). Renewing the announcement of the transfer of my pair made on the last vote, I vote "yea."

Mr. PERCY (when his name was called). I have a pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the junior Senator from Nebraska [Mr. HITCHCOCK], and will vote. I vote "nay."

Mr. PERKINS (when his name was called). I again announce the transfer of my pair with the Senator from North Carolina [Mr. OVERMAN] to the Senator from Massachusetts [Mr. CRANE], and will vote. I vote "yea."

Mr. SMITH of Michigan (when his name was called). I again announce the transfer of my pair and will vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and transfer it to the Senator from Tennessee [Mr. WEBB], and will vote. I vote "nay."

Mr. WARREN (when his name was called). I transfer my pair with the Senator from Louisiana [Mr. FOSTER] to the Senator from South Dakota [Mr. GAMBLE], and will vote. I vote "yea."

The roll call having been concluded, the result was announced—yeas 30, nays 20, as follows:

YEAS—30.

Bradley	Cummins	Page	Smoot
Brady	Dillingham	Paynter	Sutherland
Brandegee	Fall	Penrose	Townsend
Bristow	Gallinger	Perkins	Warren
Burnham	Kenyon	Pittman	Wetmore
Clapp	Lodge	Poindexter	Williams
Clark, Wyo.	Martine, N. J.	Root	
Crawford	Newlands	Smith, Mich.	

NAYS—20.

Bankhead	Jones	Percy	Smith, Md.
Bryan	Kern	Sheppard	Smith, S. C.
Chamberlain	Lea	Shively	Stone
Fletcher	Martin, Va.	Smith, Ariz.	Swanson
Gore	O'Gorman	Smith, Ga.	Thomas

NOT VOTING—45.

Ashurst	Cullom	Johnston, Ala.	Reed
Bacon	Curtis	Kavanaugh	Richardson
Borah	Dixon	La Follette	Simmons
Bourne	du Pont	Lippitt	Stephenson
Briggs	Foster	McCumber	Thornton
Brown	Gamble	McLean	Tillman
Burton	Gardner	Myers	Watson
Catron	Gronna	Nelson	Webb
Chilton	Guggenheim	Oliver	Works
Clarke, Ark.	Hitchcock	Overman	
Crane	Jackson	Owen	
Culberson	Johnson, Me.	Pomerene	

So Mr. ROOT's amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. SMITH of Georgia. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BRYAN. Mr. President, I desire to say in a word that I voted to strike out all after the enacting clause of the bill when it was supposed that $5,000,000 would be voted for the bridge across the Potomac River and before the amendment offered by the Senator from Indiana [Mr. KERN] was adopted. After the reduction of the amount to be available for that bridge and after the adoption of the amendment offered by the Senator from Indiana, I had determined to vote for this bill. I do not intend to do so now, but will not take up the time of the Senate to explain why, beyond saying that it is simply because section 13 has been added to the bill.

Mr. BRISTOW. I desire to state that I had intended to vote against the bill but because of the amendment offered by the Senator from Indiana [Mr. KERN], which takes from the bill the very objectionable features which it contained, I now expect to vote for it.

Mr. FLETCHER. Mr. President, I desire to say that it had been my purpose all along to vote for this bill, and this is all I have had to say on the subject; but in view of the amendment offered by the Senator from New York [Mr. ROOT], which has been adopted by the Senate, I shall vote against the bill. I think it a most unfortunate thing to have brought a proposition of that kind into a measure of this character at this time, or even to have brought it here at all. It seems to me a great impertinence on the part of any organization in this country to come to the Congress of the United States and ask that the money of all the people of this country shall go to celebrate the fruits and the sacrifices of only a part of the people whom they name and whom they seek to distinguish and to set apart and specify as the only people worthy of commemoration.

I say not only that, but if that organization desire to build monuments or otherwise to commemorate people, let them proceed to do it in their own way and after their own manner; but I say it is not proper that they should come here and ask Congress to vote hundreds of thousands of dollars to help them carry on a work of sectionalism and of discrimination. I consider that the involving of that great philanthropic organization—the Red Cross—in a scheme or plan of that kind is unfair to it, and is a proposition which the Senate ought to reject, and which the Congress of the United States ought not for one moment to countenance.

Therefore I shall vote against the bill.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called.) I transfer my pair to the junior Senator from Maine [Mr. GARDNER], and will vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I again announce the transfer of my pair with the Senator from South Carolina [Mr. TILLMAN] to the Senator from Wisconsin [Mr. STEPHENSON], and will vote. I vote "yea."

Mr. PERCY (when his name was called). I again transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the senior Senator from Nebraska [Mr. HITCHCOCK], and will vote. I vote "nay."

Mr. PERKINS (when his name was called). Again announcing the transfer of my pair, I will vote. I vote "yea."

Mr. SMITH of Michigan (when his name was called). I again announce the transfer of my pair with the junior Senator from Missouri [Mr. REED] to the junior Senator from Rhode Island [Mr. LIPPITT], and will vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce the transfer of my pair to the junior Senator from Tennessee [Mr. WEBB], and will vote. I vote "nay."

Mr. WARREN (when his name was called). Under the same arrangement of transfer of pairs, I vote "yea."

The roll call having been concluded, the result was announced—yeas 35, nays 15, as follows:

YEAS—35.

Bradley	Cummins	Newlands	Smith, Md.
Brady	Dillingham	Page	Smith, Mich.
Brandegee	Fall	Paynter	Smoot
Bristow	Gallinger	Penrose	Sutherland
Burnham	Jones	Perkins	Swanson
Chamberlain	Lea	Pittman	Townsend
Clapp	Lodge	Poindexter	Warren
Clark, Wyo.	Martin, Va.	Root	Wetmore
Crawford	Martine, N. J.	Smith, Ariz.	

NAYS—15.

Bankhead	Kenyon	Sheppard	Stone
Bryan	Kern	Shively	Thomas
Fletcher	O'Gorman	Smith, Ga.	Williams
Gore	Percy	Smith, S. C.	

NOT VOTING—45.

Ashurst	Cullom	Johnston, Ala.	Reed
Bacon	Curtis	Kavanaugh	Richardson
Borah	Dixon	La Follette	Simmons
Bourne	du Pont	Lippitt	Stephenson
Briggs	Foster	McCumber	Thornton
Brown	Gamble	McLean	Tillman
Burton	Gardner	Myers	Watson
Catron	Gronna	Nelson	Webb
Chilton	Guggenheim	Oliver	Works
Clarke, Ark.	Hitchcock	Overman	
Crane	Jackson	Owen	
Culberson	Johnson, Me.	Pomerene	

So the bill was passed.

Mr. SUTHERLAND. I move that the Senate adjourn.

Mr. O'GORMAN. I move that we meet to-morrow at 12 o'clock instead of 10 o'clock.

Mr. SUTHERLAND. That can not be done.

Mr. WARREN. A motion to amend a motion to adjourn can not be entertained.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Utah, that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 50 minutes a. m., Thursday, February 27) the Senate adjourned until 10 o'clock a. m., Thursday, February 27, 1913.

NOMINATIONS.

Executive nominations received by the Senate February 26, 1913.

CONSUL GENERAL.

James A. Smith, of Vermont, now consul general at Genoa, to be consul general of the United States of America at Calcutta, India.

PROMOTIONS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

Lieut. Col. George M. Dunn, judge advocate, to be judge advocate with the rank of colonel, from February 20, 1913, vice Col. Harvey C. Carbaugh, retired from active service February 19, 1913.

Maj. Lewis E. Goodier, judge advocate, to be judge advocate with the rank of lieutenant colonel, from February 20, 1913, vice Lieut. Col. George M. Dunn, promoted.

Capt. Samuel T. Ansell, Infantry, unassigned, acting judge advocate, to be judge advocate, with rank of major from February 20, 1913, vice Maj. Lewis E. Goodier, promoted.

ORDNANCE DEPARTMENT.

Lieut. Col. Edwin B. Babbitt, Ordnance Department, to be colonel from February 20, 1913, vice Col. Charles H. Clark, retired from active service February 19, 1913.

Maj. John W. Joyes, Ordnance Department, to be lieutenant colonel from February 20, 1913, vice Lieut. Col. Edwin B. Babbitt, promoted.

CAVALRY ARM.

First Lieut. Frank T. McNarney, Twelfth Cavalry, to be captain from February 22, 1913, vice Capt. Philip W. Corbusier, Eighth Cavalry, detailed in the Quartermaster Corps on that date.

Second Lieut. George L. Converse, jr., Fourteenth Cavalry, to be first lieutenant from February 22, 1913, vice First Lieut. Frank T. McNarney, Twelfth Cavalry, promoted.

COAST ARTILLERY CORPS.

Cyril Arthur Winton Dawson, of Washington, to be second lieutenant in the Coast Artillery Corps, with rank from January 3, 1913.

PROMOTIONS IN THE NAVY.

Capt. Wythe M. Parks, an additional number in grade, to be a rear admiral in the Navy from the 13th day of February, 1913, with the officer next below him.

Capt. Frank H. Bailey, an additional number in grade, to be a rear admiral in the Navy from the 13th day of February, 1913, with the officer next below him.

Macdonough C. Merriman, a citizen of New York, to be an assistant paymaster in the Navy from the 21st day of February, 1913, to fill a vacancy.

Second Lieut. Joseph C. Fegan to be a first lieutenant in the Marine Corps from the 5th day of February, 1913, to fill a vacancy.

Charles P. Lynch, a citizen of Texas, to be an assistant surgeon in the Navy from the 19th day of February, 1913, to fill a vacancy.

Commander William H. G. Bullard to be a captain in the Navy from the 1st day of July, 1912, to fill a vacancy.

Commander Joseph W. Oman to be a captain in the Navy from the 13th day of February, 1913, to fill a vacancy.

Lieut. Commander Percy N. Olmsted to be a commander in the Navy from the 16th day of January, 1913, to fill a vacancy.

Lieut. Commander John R. Brady to be a commander in the Navy from the 12th day of February, 1913, to fill a vacancy.

Lieut. Bayard T. Bulmer to be a lieutenant commander in the Navy from the 16th day of January, 1913, to fill a vacancy.

Lieut. (Junior Grade) Richard R. Mann to be a lieutenant in the Navy from the 1st day of February, 1913, to fill a vacancy.

Lieut. (Junior Grade) William C. I. Stiles to be a lieutenant in the Navy from the 12th day of February, 1913, to fill a vacancy.

Lieut. (Junior Grade) Aubrey W. Fitch to be a lieutenant in the Navy from the 13th day of February, 1913, to fill a vacancy.

The following-named ensigns to be assistant civil engineers in the Navy from the 21st day of February, 1913, to fill vacancies:

Henry G. Taylor and

Gaylord Church.

Gunners Joseph H. Aigner and Clarence D. Holland to be chief gunners in the Navy from the 31st day of January, 1913, upon the completion of six years' service as gunners.

SURVEYOR OF CUSTOMS.

James H. Bolton, of Iowa, to be surveyor of customs for the port of Sioux City, in the State of Iowa. (Reappointment.)

POSTMASTERS.

ALABAMA.

John S. Johnson to be postmaster at Brantley, Ala. Office became presidential January 1, 1912.

Spencer J. McMorris to be postmaster at Wetumpka, Ala., in place of Spencer J. McMorris. Incumbent's commission expired February 27, 1912.

COLORADO.

George C. Reiley to be postmaster at Ordway, Colo., in place of Milton E. Bashor, resigned.

CONNECTICUT.

S. Augustus Coffey to be postmaster at Plainfield, Conn. Office became presidential October 1, 1912.

FLORIDA.

Samuel J. Giles to be postmaster at Carrabelle, Fla., in place of Samuel J. Giles. Incumbent's commission expired February 9, 1913.

Charles N. Hildreth, jr., to be postmaster at Liveoak, Fla., in place of Charles N. Hildreth, jr. Incumbent's commission expired February 18, 1913.

James A. Zipperer to be postmaster at Madison, Fla., in place of James A. Zipperer. Incumbent's commission expires March 2, 1913.

GEORGIA.

Mary A. Hale to be postmaster at Smithville, Ga. Office became presidential January 1, 1913.

Isaac T. Sellers to be postmaster at Cornelia, Ga., in place of Isaac T. Sellers. Incumbent's commission expired February 20, 1913.

KANSAS.

Edwin J. Bookwalter to be postmaster at Halstead, Kans., in place of Edwin J. Bookwalter. Incumbent's commission expires March 1, 1913.

Gertrude Stevens to be postmaster at Goodland, Kans., in place of Gertrude Stevens. Incumbent's commission expired February 20, 1913.

LOUISIANA.

Valry G. Ledoux to be postmaster at Lake Arthur, La., in place of Robert B. Johnson, resigned.

MARYLAND.

Leslie W. Gaver to be postmaster at Middletown, Md., in place of Leslie W. Gaver. Incumbent's commission expired February 9, 1913.

MASSACHUSETTS.

John W. Baldwin to be postmaster at North Wilbraham, Mass. Office became presidential October 1, 1911.

MICHIGAN.

Charles H. Baird to be postmaster at Holly, Mich., in place of Charles H. Baird. Incumbent's commission expired April 24, 1912.

MISSISSIPPI.

Frank M. Elliott to be postmaster at Okolona, Miss., in place of Irene F. Elliott, deceased.

MISSOURI.

Willard A. Seymour to be postmaster at Sturgeon, Mo., in place of Willard A. Seymour. Incumbent's commission expired February 17, 1913.

MONTANA.

Edward B. Newhall to be postmaster at Big Sandy, Mont. Office became presidential January 1, 1913.

NEBRASKA.

Anna Austin to be postmaster at Deshler, Nebr. Office became presidential January 1, 1913.

NEW YORK.

Albert A. Boynton to be postmaster at Elizabethtown, N. Y., in place of Harry H. Nichols, deceased.

Peter Dahl to be postmaster at Tonawanda, N. Y., in place of Peter Dahl. Incumbent's commission expired February 9, 1913.

John C. Jubin to be postmaster at Lake Placid Club, N. Y., in place of John C. Jubin. Incumbent's commission expired February 9, 1913.

Frantz Murray to be postmaster at Dolgeville, N. Y., in place of Frantz Murray. Incumbent's commission expired January 11, 1913.

James D. Read to be postmaster at Eden, N. Y. Office became presidential January 1, 1913.

Hiro J. Settle to be postmaster at Ballston Spa, N. Y., in place of Hiro J. Settle. Incumbent's commission expired February 18, 1913.

OHIO.

Zora Bennett to be postmaster at Middle Point, Ohio. Office became presidential October 1, 1912.

Emma Jones to be postmaster at Shadyside, Ohio. Office became presidential January 1, 1913.

Theodore Totten to be postmaster at Findlay, Ohio, in place of Theodore Totten. Incumbent's commission expired January 28, 1913.

OKLAHOMA.

Benjamin G. Baker to be postmaster at Chattanooga, Okla., in place of Benjamin G. Baker. Incumbent's commission expired February 20, 1913.

PENNSYLVANIA.

Henry G. Moyer to be postmaster at Perkasie, Pa., in place of Henry G. Moyer. Incumbent's commission expired January 14, 1913.

John W. Zerbe to be postmaster at Shamokin, Pa., in place of John W. Zerbe. Incumbent's commission expires March 1, 1913.

SOUTH CAROLINA.

Allen T. Collins to be postmaster at Conway, S. C., in place of Allen T. Collins. Incumbent's commission expired December 16, 1912.

John L. Dew to be postmaster at Latta, S. C., in place of John L. Dew. Incumbent's commission expired February 21, 1912.

J. E. Folger to be postmaster at Easley, S. C., in place of Alonzo T. Folger, resigned.

SOUTH DAKOTA.

Gregory Smithberger to be postmaster at Bowdle, S. Dak., in place of Hiram A. Mason, resigned.

TEXAS.

Harry H. Cooper to be postmaster at Nacogdoches, Tex., in place of Harry H. Cooper. Incumbent's commission expired December 16, 1912.

Charles F. Darnall to be postmaster at Llano, Tex., in place of Charles F. Darnall. Incumbent's commission expired January 14, 1913.

Frank G. Goodridge to be postmaster at Robstown, Tex. Office became presidential January 1, 1913.

Evye Wright Kennedy to be postmaster at Kirbyville, Tex., in place of Jasper C. Williamson, resigned.

Le Roy P. Loomis to be postmaster at Slaton, Tex. Office became presidential October 1, 1912.

Frederick Loudon to be postmaster at Fredericksburg, Tex., in place of Frederick Loudon. Incumbent's commission expired January 14, 1913.

Charles Real to be postmaster at Kerrville, Tex., in place of Charles Real. Incumbent's commission expired January 27, 1913.

William Reese to be postmaster at Floresville, Tex., in place of William Reese. Incumbent's commission expired February 11, 1913.

Rudolph L. Reuser to be postmaster at Runge, Tex., in place of Rudolph L. Reuser. Incumbent's commission expired April 28, 1912.

VIRGINIA.

James Carter to be postmaster at Chatham, Va., in place of James Carter. Incumbent's commission expired March 2, 1911.

Howard P. Dodge to be postmaster at Manassas, Va., in place of Howard P. Dodge. Incumbent's commission expired January 14, 1913.

John W. Gregg to be postmaster at Purcellville, Va., in place of John W. Gregg. Incumbent's commission expired January 14, 1913.

Harry A. Sager to be postmaster at Herndon, Va., in place of Harry A. Sager. Incumbent's commission expired December 14, 1912.

Bezer Snell to be postmaster at Brookneal, Va., in place of Bezer Snell. Incumbent's commission expired May 20, 1912.

WASHINGTON.

James R. O'Farrell to be postmaster at Orting, Wash., in place of James R. O'Farrell. Incumbent's commission expired February 11, 1913.

WISCONSIN.

Carrie E. MacLaughlin to be postmaster at Benton, Wis. Office became presidential January 1, 1913.

WITHDRAWALS.

Executive nominations withdrawn from the Senate February 26, 1913.

CONSULS GENERAL.

James A. Smith, of Vermont, to be consul general of the United States of America at Marseille, France.

Alphonse Gaulin, of Rhode Island, to be consul general of the United States of America at Calcutta, India.

POSTMASTERS.

MINNESOTA.

William Wichman to be postmaster at Morton, in the State of Minnesota.

MISSOURI.

Arthur W. Schmidt to be postmaster at Clayton, in the State of Missouri.

NEW YORK.

Gerow Van Wyck to be postmaster at Wallkill, in the State of New York.

NORTH CAROLINA.

Walter C. Brinson to be postmaster at Belhaven, in the State of North Carolina.

PENNSYLVANIA.

Harry B. Jacobs to be postmaster at White Haven, in the State of Pennsylvania.

TEXAS.

Henry Krabbenschmidt to be postmaster at Grand Prairie, in the State of Texas.

CONFIRMATION.

Executive nomination confirmed by the Senate February 26, 1913.

Irwin B. Laughlin to be secretary of the embassy at London, England.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from the following:

An agreement signed on February 13, 1913, by the plenipotentiaries of the United States and the French Republic extending for a period of five years from February 27, 1913, the convention of arbitration of February 10, 1908, between the United States and the French Republic.

A convention between the United States and other powers, signed at Paris on January 17, 1913, modifying the International Sanitary Convention of December 3, 1903.

A treaty between the United States and Italy, signed on February 25, 1913, amending article 3 of the treaty of commerce and navigation of February 26, 1871, between the two countries.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 26, 1913.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite spirit, Father almighty, maker of the heavens and the earth, we would pour out our hearts in love and gratitude for the faith which binds us to Thee. An inspiration in the struggle for existence, a potent factor in the civilization of the world, a shield against the temptations which assail, it purifies and ennobles, comforts and sustains us in sorrow, lights the dark valley.

Faith is the rainbow's form
Hung on the brow of heaven,
The glory of the passing storm,
The pledge of mercy given.

Increase and strengthen it in all our hearts that we may be true to Thee, to ourselves, and to our fellow men. In the spirit of Him who personified it in life and death. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSION APPROPRIATION BILL.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions for the United States for the fiscal year ending June 30, 1914, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Georgia asks unanimous consent to take from the Speaker's table the pension appropriation bill, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference. Is there objection?

Mr. RODDENBERY. Mr. Speaker, I object.

Mr. BARTLETT. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the pension appropriation bill, with Senate amendment, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Georgia moves to suspend the rules, take from the Speaker's table the pension appropriation bill, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference. Is a second demanded?

Mr. RODDENBERY. Mr. Speaker, I demand a second; and I also make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Georgia demands a second and makes the point of order that there is no quorum present. Evidently there is not a quorum present.

Mr. GARRETT. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken, S. C.	Doremus	Jackson	Patten, N. Y.
Ames	Draper	Johnson, S. C.	Pickett
Ansberry	Ferris	Konig	Porter
Barchfeld	Focht	Kopp	Post
Bartholdt	Fornes	Korbly	Prince
Berger	Fowler	Lafean	Prouty
Bradley	Gardner, N. J.	La Follette	Pujo
Broussard	George	Langham	Reyburn
Brown	Gill	Lewis	Rothermel
Burleson	Glass	Lindsay	Rucker, Colo.
Carlin	Godwin, N. C.	Littleton	Sabath
Carter	Green, Iowa	Lobeck	Saunders
Conry	Greene, Mass.	McDermott	Smith, J. M. C.
Copley	Gudger	McGuire, Okla.	Stack
Covington	Guernsey	McKinney	Stanley
Cox	Hamilton, W. Va.	McMorran	Sterling
Cravens	Harris	Mays	Sweet
Crumpacker	Harrison, N. Y.	Merritt	Tuttle
Cullop	Heald	Moore, Tex.	Vare
Curry	Henry, Conn.	Morgan, Okla.	Vreeland
Danforth	Higgins	Mott	Warburton
Davenport	Hill	Needham	Watkins
Davidson	Howland	O'Shaunessy	Wilder
De Forest	Hughes, Ga.	Palmer	Wilson, Ill.
Dickson, Miss.	Humphrey, Wash.	Parran	Wilson, N. Y.

The SPEAKER. On this roll call 279 gentlemen have responded to their names, a quorum.

Mr. HAY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The gentleman from Georgia [Mr. RODDENBERY] demanded a second.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on suspending the rules——

Mr. RODDENBERY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RODDENBERY. I rise to be recognized to use the 20 minutes which is accorded under the rule.

The SPEAKER. The gentleman is recognized for 20 minutes, and the gentleman from Georgia [Mr. BARTLETT] is recognized for 20 minutes.

Mr. BARTLETT. Mr. Speaker, the motion is to suspend the rules and disagree to the Senate amendment to the pension appropriation bill and ask for a conference. I reserve the balance of my time.

Mr. RODDENBERY. I ask the Chair to kindly advise me when five minutes of my time has been used. Mr. Speaker, the proposition here involved is to suspend the ordinary rules under which this bill would be referred to the Committee on Pensions, there considered, again reported to the House, and there considered according to the rule. If this motion to suspend the rules be adopted that carries this bill to conference at once upon instructions of nonconcurrence. Six days and less remain before the Sixty-second Congress passes into history and the Sixty-third Congress will have begun. The Sixty-second Congress is a Congress with a Democratic House, a Republican President, and a Republican Senate. The Sixty-third Congress will have a Democratic House, a Democratic Senate, and a Democratic President. We have already, from a Democratic House, sent to a Republican Senate divers and sundry bills fastening charges of millions of dollars upon the American people. The Indian appropriation bill comes back from a repudiated Republican Senate with $5,000,000 more added to it, and it is proposed to suspend the rules and pass the bill. The pension bill now comes back, the public buildings bill will come back, I apprehend, in a day or two with $20,000,000 added by a repudiated Republican Senate for this House to pass under suspension of the rules. The river and harbor bill now pends in the Committee on Rivers and Harbors, returned from a repudiated Republican Senate with $7,000,000 added for the people of this country to pay. To pass these bills now means coercion of a Democratic House by a Senate which the people have repudiated; we put it in their power to rob the people on their deathbed. I respect party leadership; I am devoted to the successs of my party; but I say to you that when party leadership or that when party instrumentality departs from its honorable pledge to the country I will follow that leadership no longer, and I take my place by striving in a small minority to direct the feet of my party for the good of the country rather than follow the party leadership or party organization to a betrayal of a trusting people and a violation of my party's sacred promises to them. [Applause.]

The SPEAKER. Five minutes of the gentleman's time has expired.

Mr. RODDENBERY. Mr. Speaker, I ask that I shall proceed for five minutes more just here and ask to be notified. I read from the New York Herald of this morning:

AND $180,000,000 FOR PENSIONS.

"She stirs, she moves, she seems to feel
The thrill of life along her keel."

Another Democratic battleship of the "pork" fleet was launched yesterday when the pension bill rushed from the ways in the Senate.

This fine new ship is $180,000,000 in length, $180,000,000 in breadth, and of $180,000,000 draft. She is the finest craft that has yet been set afloat on the seas of Democratic economy. She will not be torpedoed by any enemy in the White House and will serve her country well.

The proportions of this great ship puts all vessels of her class in the background.

In 1900 the total for pensions was $140,877,316; in 1905, the high-water mark of Republican extravagance, it reached $161,710,367; and this year it is but $153,590,456.

But $180,000,000! Whew!

Gentlemen, I say to you that there is no party leader in the face of whose power, if it involves betrayal of my party or my country, to whom I will truckle here or anywhere. [Applause.] There is no party leader in the face of whose edict I will fawn or falter in living up to the pledges of my party or the obligations that an honorable man should hold sacred in public as well as private station. [Applause.] Free men have no fears. I know the penalty of the rebuke that will be inflicted. I will stand the fearful personal destruction that may be visited upon me by the dreadnought of masterful party leadership, supported by a masterful party majority. I am now ready to receive it. I thank God I never saw the day when power rested in one or power rested in many could cause me to falter or fear to perform my duty to my party or to my country as I saw it. [Applause.] Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] has used eight minutes. The gentleman from Georgia [Mr. BARTLETT] is recognized.

Mr. BARTLETT. Mr. Speaker, I have no war to make with my colleague and no criticism here upon the position which he takes that satisfies his own conscience or convictions of duty.

This is a simple matter, Mr. Speaker. The pension appropriation bill passed this House on the 14th day of this month. As a member of the Committee on Appropriations and chairman of the subcommittee, I was directed to report that bill to the House. It carries for the next fiscal year, after the estimates which have been submitted by the Pension Bureau had been reduced, $180,000,000. The gentleman from Georgia [Mr. RODDENBERY], my colleague, is not more opposed to a wrong pension system than I am or always have been. I may not have been as loud and vociferous in my denunciation of what I consider to be wrong upon that subject as he has been. He is entitled to all the credit and reputation that he has made upon that subject. I do not propose to detract anything from him on that account. This is a simple proposition—whether the House by the objection of one man can be locked down the balance of this session and the first Democratic Congress that has assembled for the last 16 years shall pass into history with the distinction of not being able to pass the necessary supply bills to carry on the Government. That is the question which is presented to this Congress. As far as I am concerned, now and at all times I have taken responsibility in any shape that it has presented itself. I declare that that is my duty as a Member of this House. My duty as a member of the great party to which my colleague and I both now and have always belonged is to pursue every legitimate method, so that when in the ides of March we shall declare this Congress adjourned sine die we shall not find upon its records and journals these great supply bills undisposed of. Therefore I have made this motion as a duty to the House, as a duty to the country, and I have no apology to make for it.

The amendment is one which I do not think ought to be agreed to, and the usual course, when some objection is made, not for the purpose of preventing this amendment from being passed on by the House or adopted, is to ask for a conference; and I hope the House will aid me and the representatives of the Appropriations Committee in this particular instance to send this bill to conference that we may do that which is to be done in an orderly, decent way, and pass this great supply bill which the necessities of the Government under existing law has made necessary to be passed.

I yield to the gentleman from Massachusetts [Mr. GARDNER].

The SPEAKER. How much time?

Mr. GARDNER of Massachusetts. Three minutes.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] is recognized for three minutes.

Mr. GARDNER of Massachusetts. Mr. Speaker, I was one of those who voted with the gentleman from Georgia [Mr. RODDENBERY] against the passage of the Sherwood pension bill, and I come from a district which is full of old Union soldiers, which

is not the case with the gentleman from Georgia [Mr. RODDENBERY]. And, although I come from a district which is filled with old soldiers, I should not vote for the Sherwood bill if it were before the House to-day. But this is not a question of an extension of our pension laws. The question before us is whether a majority of this House is going to show itself incapable of passing an appropriation providing for the payment of soldiers' pensions, whether the appropriation relates to the pensions ordained by the Sherwood bill or the pensions ordained by former pension bills. Even if the pending bill only affected the appropriation to pay the pensions ordained by the bill against which I voted, nevertheless I should now vote to send this bill to conference. Mr. Speaker, perhaps it may not have been wise to pass the Sherwood bill. Nevertheless the veterans became entitled to those increased pensions the moment that Congress passed the law granting them. The issue had been settled and it at once passed beyond the field of discussion. Since that day many an old soldier has ceased work in his old age. Others have readjusted their living expenses, perhaps they have even readjusted their whole lives, expecting that this Nation is going to pay them what it has voted to pay.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. GARDNER of Massachusetts. Yes.

Mr. BARTLETT. The amendment the gentleman from Georgia [Mr. RODDENBERY] is, supposedly by his motion, not in favor of, is an amendment to pay out money to somebody else, and not to a soldier.

Mr. GARDNER of Massachusetts. That is true. Now, Mr. Speaker, I have merely said these words in order to aid if I can in carrying the motion to send this bill to conference. I felt that I could properly advocate this step in view of the fact that I voted against the passage of the Sherwood pension bill.

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Speaker, I reserve the balance of my time.

Mr. RODDENBERY. Mr. Speaker, I accord to my friend from Georgia [Mr. BARTLETT] and to my friend from Massachusetts [Mr. GARDNER] absolute candor, and I have no criticism for them. And to the membership of this House it is my pleasure to concede in the highest sense the belief that they are acting in obedience to their conception of public duty. But a day or so ago, when I undertook to state my views in respect to adopting special rules, there was an impatience of speech on the part of the floor leader of this House, as if to sweep me aside with one stroke, when I had no opportunity to reply. Accordingly, I arose a moment ago to put him on notice, face to face, that I fear not to antagonize him, nor will I hesitate to maintain here, as everywhere, not only my self-respect but my rights on the floor of this House. [Applause.]

I shall stand here unawed and undeterred by any living man, with the flag of my party in one hand and my party platform in the other, and battle for both, that the Democratic Party may serve the country and not betray either the people or our solemn compact with them.

I now yield 10 minutes to the gentleman from Texas [Mr. DIES].

The SPEAKER. The gentleman from Texas [Mr. DIES] is recognized for 10 minutes.

Mr. DIES. Mr. Speaker, for several days I have been amused at the gentleman from Illinois [Mr. MANN], the minority leader, who has chuckled to himself and congratulated the Republican Party that this side of the House is becoming extravagant, although "a small minority" of us, as he dubbed us, were economists. The gentleman need take no consolation from that state of affairs. If this country is looking two years from now for a party that is extravagant, it will have no occasion to turn us out of office, and if it is looking for economists, Mr. Speaker, it will always have more sense than to return the Republican Party to power. [Applause on the Democratic side.]

This pension measure, as I understand it, carries about $185,000,000, to which should be added the $15,000,000 carried in the deficiency appropriation bill. The gentleman from Pennsylvania [Mr. MOORE] on yesterday informed us that tax payments were not paid by the country at large, but were principally paid by the citizens of Philadelphia. [Laughter.] Aside from being amused at the novelty of it, I was carried back to the dusty times of Rip Van Winkle, and I could see old Rip rising up, with his rusty musket falling to pieces under the decaying hand of time; and when the gentleman got through with his speech about Philadelphia, its wonderful population, its tremendous extent, and the fact that it was paying practically all the expenses of the Government, and told us with what deviltry the balance of the country was behaving itself, I felt like asking him, in all meekness, whether Philadelphia would permit the balance of the Union to depart in peace. [Laughter.]

This thought I want to give to my colleagues in all seriousness, and I do not lay to myself any especial wisdom. I do not in sincerity believe that my wisdom averages with the wisdom of the Members of this House, but let me say this to you, my Democratic friends, and to those on the other side of the House: The whole country has run mad with extravagance. Republicans are as extravagant as Democrats, and the fact of it is that it is at home accounted bad statesmanship to cheesepare, as they say, and that gives you license to practice extravagance here.

The $200,000,000 for pensions, the $50,000,000 for public buildings, the $1,200,000,000 that will be appropriated by this Congress, comes, mind you, from the blankets that wrap the shivering limbs of the people; it comes from the food they eat and the clothes they wear, not in proportion to the wealth they own but in proportion to consumption.

The States have given Congress the right to levy and collect an income tax. I want you to gather this: Since the day that Grover Cleveland said we had a balance on our hands to dispose of, the wealthy men of this Nation, the Republican Party of this country, have been devising ways to spend more money in order to bolster up the protective system. Look out for this income tax. It will not be 10 years until the very men who are standing here laughing at economy will be praying for the mountains to fall on them.

I will tell you why. If you ever saw anything expand and grow in this country and wax, like a giant, fat in a few years, it is going to be the uses to which the people of this country will put the income tax. The protective system, with which you wring these millions from the people of this country, is to-day trembling in the balance, and instead of despising honest efforts on the part of honest Democrats to carry out their platform pledges and economize in the expenditure of the public money, you had better get busy and help us in defense of your protective system. For if the people of this country despair of Congress collecting this tax and spending this money fairly and economically, they will tax the incomes of the rich men of this country and make them pay for all this folly. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Pennsylvania?

Mr. DIES. Certainly.

Mr. MOORE of Pennsylvania. Would the gentleman advocate in the forthcoming tariff bill the destruction of the protective system and the complete substitution of an income tax as a means of raising revenue for the Government?

Mr. DIES. Oh, no. The Democratic Party is going to reduce the tariff gradually. [Laughter on the Republican side.] We understand that this puissant city from which the gentleman comes, with all of its boasted strength and grandeur, could not stand on its own legs without the protective tariff prop, and we are not going to let the infant die for want of pap.

Mr. MOORE of Pennsylvania. The gentleman will leave just a little protection in the forthcoming tariff bills, will he not?

Mr. DIES. I do not suppose your great city of Philadelphia needs it, but I dare say when we get enough money to run this Government there will incidentally follow enough protection for every legitimate industry of this country. But gentlemen who represent infant industries, instead of encouraging all manner of extravagance in this country, had better help us practice economy, else the income tax will come and the graduated inheritance tax will come, and you will not have this twelve hundred million dollars to bolster up the protective system.

The gentleman from Illinois [Mr. MANN] thinks there is cause for congratulation in the fact that all Democrats are not in unity upon these appropriation bills. The Republican Party has been so accustomed to having every member jump over the bars like sheep and all of them answer to their names in monotonous, dull, menageric animal fashion, that when they see three or four Democrats of independent minds who beg to differ with their fellows they think the Democratic Party is going to the bow-wows. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Speaker, just a word. I did not conceive that a motion of this sort would cause a debate and a discussion upon a subject so foreign to the question before the House. I have nothing to say now with reference to the matter of extravagance or economy so far as the question now before the House is concerned. The record that I have made in 18 years, in the votes that I have cast, and the suggestions I have made in debate is an ample answer to any insinuation from any side that I have been engaged or am now engaged in any effort to be extravagant or to vote for extravagant appropriations. [Applause.] The gentlemen who oppose this motion now may be found in the record to have voted for measures like the public roads bill and big public building bills, carrying millions of dollars, when such measures were popular at home; then they had no conception of economy when those measures were under

consideration. [Applause.] On past occasions, when some of my constituency and many in other parts of my State have urged me to vote for measures that would place upon the people of this Government immense burdens, I have taken my political life in my hands and have resisted their importunities and voted against those measures, because I could not approve them; and if gentlemen think that their insinuations of extravagance will injure me they are mistaken, for the record I have made here in this House is an ample armament against such attacks, and their arrows will fall harmless and be in vain.

Mr. Speaker, I did not vote for the pension bill passed at last session, which increased the amount of the annual expenditures for pensions $20,000,000 and caused a deficiency of $15,000,000 for this year. I have said heretofore what I desired to say upon that subject. My people understand my position, the House understands it, and the country understands it. It is not necessary for me to reiterate every day and upon every bill that comes before the House what my position is upon this subject.

It has been the same since I entered this House that it is to-day. I do not agree with the policy of the pension system that this bill has to provide for, but I must submit to the will of the majority of Congress—the will of the majority of my own Democratic colleagues—and I will not engage in the useless performance of gnawing a file simply in order to have headlines in the first column of the first page of the daily newspapers stating what my position is upon this subject. I have served in this House 18 years, and I have never sought to add to or make my reputation by what was published in the headlines in the first column of the first page.

Mr. Speaker, I call for a vote and ask that this motion prevail. [Applause.]

The SPEAKER. The question is on the motion to suspend the rules, take from the Speaker's table the pension appropriation bill, disagree to the Senate amendments, and ask for a conference.

The question was taken; and (two-thirds voting in the affirmative) the rules were suspended, the bill taken from the Speaker's table, the Senate amendments disagreed to, and a conference asked with the Senate; and the Speaker announced as conferees on the part of the House Mr. BARTLETT, Mr. BORLAND, and Mr. GOOD.

THE LATE SENATOR MONEY.

Mr. SISSON. Mr. Speaker, I ask unanimous consent to extend remarks in the RECORD by publishing a sermon delivered by Dr. Leavell, in Carrollton, Miss., at the funeral of the late Senator Money.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28812, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. ALEXANDER in the chair.

The Clerk read as follows:

INCREASE OF THE NAVY.

That for the purpose of further increasing the Naval Establishment of the United States the President is hereby authorized to have constructed two first-class battleships, each carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and greatest desirable radius of action, and to cost, exclusive of armor and armament, not to exceed $7,425,000 each.

Mr. PADGETT. Mr. Chairman, I desire to submit a request that we agree upon a time for debate on the increase of the Navy. I desire to ask if it would be agreeable to have two hours of debate.

Mr. FOSS. How would the gentleman suggest that the time be controlled?

Mr. PADGETT. That it be divided equally between those in favor of the increase and those opposed to the increase. As the gentleman from Illinois represents the two-ship proposition and personally I stand for one, and the gentleman from Texas [Mr. GREGG], I think, stands for none, I suggest that it be divided into three parts, each one to control 40 minutes.

Mr. MANN. What does the gentleman propose to cover by his proposition—to cut off all debate on the 10 items?

Mr. PADGETT. No; it is in the nature of general debate.

Mr. FOSS. This debate, as I understand it, will be on the first paragraph.

Mr. GREGG of Texas. Mr. Speaker, I understand that two hours will be for general debate, and then if amendments are offered there would be the five-minute debate.

Mr. MANN. I do not see that it is possible to have two hours debate before you read the 10 items in the bill. It seems to me that those two hours would be wasted to begin with.

Mr. UNDERWOOD. Mr. Chairman, it seems to me that the whole proposition of the increase of the Navy is included in these 10 paragraphs. It is open to discussion on the same general principle, and of course any amendments during this time will be pending. It may be more agreeable to the gentleman in charge of the bill to arrange the time so that there may be more latitude than under the five-minute debate, but it is clear that we have had ample general debate on the bill before we started in. The five-minute debate can not be limited in this way. It seems to me that it ought to proceed along the regular order, and if agreement can be made whereby gentlemen will have more latitude to make speeches than they would otherwise, I would like to see the gentleman's suggestion agreed to, and the gentleman from Tennessee on the one side and the gentleman from Illinois on the other side control the time.

Mr. GREGG of Texas. Is the proposition of the gentleman from Alabama to limit the discussion on these 10 items to two hours and have no five-minute debate?

Mr. UNDERWOOD. I would suggest that we read through the 10 paragraphs, allow amendments to be offered without debate, and when you have read the paragraphs covering the increase of the Navy, then allow the two hours general debate to go on and let the gentleman from Tennessee distribute the time to those opposed to the increase, and the gentleman from Illinois distribute the time to those in favor of the increase.

Mr. MANN. If the gentleman from Alabama will yield.

Mr. UNDERWOOD. I will yield to the gentleman.

Mr. MANN. There is a proposition in reference to the battleships, there is a proposition in relation to torpedo boats and torpedo destroyers, all of which I judge are contested. To have two hours' general debate on the battleship proposition would, it seems to me, be useless.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that I suppose on the increase or decrease of the Navy there is not a man on this floor that has not made up his mind how he is going to vote.

Mr. MANN. I have not made up my mind how I will vote on the torpedo boats and the destroyers.

Mr. UNDERWOOD. The regular order would be to take this up under the five-minute rule.

Mr. MACON. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman from Arkansas demands the regular order.

Mr. MADDEN. Mr. Chairman, I shall object to anyone doling out time.

The CHAIRMAN. The gentleman from Alabama [Mr. HOBSON] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on page 54, line 21, by striking out the word "two" and inserting in lieu thereof the word "four."

Mr. HOBSON. Mr. Chairman, I have come to the conclusion that a committee of the House and each Member of the House, on this question at least, and not infrequently in general, ought to lay before the House its and his conclusion as to what is wise for the Government. Heretofore the Committee on Naval Affairs has been recommending substantially what it thought we could get through, not what was the consensus of conviction of the committee that we ought to have. I am convinced that practice has had a bad effect in having Congress believe that a two-battleship program is a large program. Two battleships a year will not make up for depreciation, which at 10 per cent per year would be more than the tonnage of two *Dreadnoughts*. I want to ask the gentlemen who differ with me as to the number of battleships, or the number of craft, to be kind enough, for the edification of myself, as well as the edification of the other Members, to give us a statement of the grounds upon which they make their recommendations. I venture this broad proposition, that those who are opposing the proper development and increase of the Navy have, as their basis of recommendation, substantially an adjustment of expenditures with rivers and harbors, public buildings, pensions, and similar matters with the idea of simply coming to a compromise.

I want to submit the proposition that the great question of national defense is commensurate with the whole question of the Nation's internal affairs; indeed, that it should take precedence over all internal matters; that you can not carry forward in a systematic, orderly way your internal affairs for any length of time unless you have made wise and adequate provision for protection from without. The proposition I am going to lay down is based upon that general plan.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. In just a moment. I assume that those who are opposed to my amendment do not maintain that their country's defense can be provided by recourse to any international organization—that is, to any international parliament, or any international judicial system, or to any international

executive who may have power to enforce our rights or protect us in our liberties and our vital interests when they are endangered from without. I assume that no Member will maintain that we can let our national defense rest upon arbitration, since arbitration treaties specifically exclude from the domain of arbitration questions of vital interest and national honor, the questions over which nations fight; nor do I believe that any Member of this House will seriously maintain that America ought to allow its national defense to rest simply upon the balance of power of other nations, a plan that Turkey and China and other nations have followed to their great undoing. Therefore I believe we can all start with this proposition: America must provide herself for her own defense. The agencies available are the Army and the Navy. There is no other means. If you have water surrounding your shores, you can utilize naval power more and military power less. The advantage fundamentally in naval power is that it employs ships, or property, and does not involve military activities of the people. It is estimated that one battleship with 1,000 men is equivalent to an army corps of 50,000 men. Military activity amongst the masses of the people of any nation is undesirable. It takes men away from productive pursuits, interfering with the best economic development. The military conditions undermine the democratic relations that ought to prevail between the country's citizens for the best development of free institutions. America is so fortunately located that we can by utilizing property and not men provide an absolute security, a perfect security, on the sea.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent to proceed for a brief time.

Mr. PADGETT. Mr. Chairman, I must object to all extensions at this time. I move that all debate upon this amendment do now close. [Cries of "Vote!"]

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that all debate upon the amendment now close.

The question was taken, and the motion was agreed to.

Mr. TRIBBLE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend the amendment by striking out the word "four," at the end thereof, and substituting therefor the word "one."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. MANN. Mr. Chairman, I take it that this is open to debate. Having closed debate on the Hobson amendment, is debate closed on the amendment to the amendment?

The CHAIRMAN. The Chair thinks not.

Mr. HOBSON. Mr. Chairman, I would like to be heard upon it.

The CHAIRMAN. The gentleman who proposed the amendment is entitled to the floor, if he wants it.

Mr. TRIBBLE. Mr. Chairman, it is not my purpose to consume the time of the House in the discussion of the one-battleship amendment which I offer. We have had discussion now for several days on this appropriation bill, and my position is well known to the membership. The expense of this bill, as everyone knows, at the present time is $127,000,000, without considering battleships. Last year we appropriated for one battleship. This bill carries the second-year appropriation for the construction of that battleship. About one-half of the amount necessary to construct a battleship is carried in the bill the year of the authorization, and the succeeding appropriation carries the balance necessary to complete the ship. Mr. Chairman, if it increases this appropriation from $123,000,000, with one battleship in 1912, to $150,000,000 the present year, carrying only one-half the necessary amount to build two battleships, and providing for the first year's appropriation, and the next year to provide for the other half to complete these two, where will the appropriation stop next year. Suppose you vote two this year and next year two, then you have the one-half carried over for next year's appropriation and the first year's appropriation on the next bill. Mr. Chairman, we should consider next year's appropriation when we authorize battleships. If we show no better economy in building two battleships and keeping up the expenses of the Navy than we have in building one, the present year, I hesitate to forecast what amount the bill for the year 1914 will carry. I have stubbornly contended for economy in the operating expense of the Navy. In view of the truth that this bill carries $127,000,000 expense and will not be reduced, I appeal to the Members of this House to support this one-battleship amendment; for, sir, if we can not build battleships any cheaper than we are now constructing them, one is all we can afford to authorize in this bill. [Applause.]

Mr. PADGETT. Mr. Chairman, I want to ask now if we can not reach an agreement for debate. I would like to see if we can not reach an agreement for closing debate upon this amendment?

Mr. MACON. Mr. Chairman, will the gentleman yield to me?

Mr. PADGETT. Yes, sir.

Mr. MACON. Mr. Chairman, I want to say that, in my judgment, if we were to talk here until the hot place that we have heard of so often is frozen over we would not change a single vote on this battleship proposition. Every man in the House knows right now whether or not he is going to vote for four, three, two, one, or no battleship, and therefore I want to serve notice on the House now that it can not afford to consume a single extra moment of its valuable time in the closing hours of this session in the further discussion of this threadbare question. I object to the consideration of extra time for debate.

Mr. HOBSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOBSON. Is a substitute for an amendment to the amendment in order? I desire to offer now a substitute for the amendment as amended.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Substitute for the amendment to the amendment the following: "On page 54, line 21, strike out the word 'two' and insert the word 'three.'"

Mr. HOBSON. Mr. Chairman, as I was stating when my remarks were cut short, we are in a unique position——

Mr. TRIBBLE. Mr. Chairman, a point of order. I desire to know if the gentleman who has offered an amendment can now offer a substitute?

Mr. HOBSON. Mr. Chairman, I do not desire to be interrupted. I was saying that if we desire we can safeguard our country against any enemies by simply utilizing ships that will stand between our shores and the great standing armies of the world. Now, if we have undisputed control of the sea, we need not have a great standing army, and yet no military nation on the earth could utilize her standing army in a war with us. Therefore, we would have our best guaranty of peace. Furthermore, if we have control of the sea and for any reason war does come, then we have an opportunity to end the war quickly by a test of naval power, and we would never be compelled to call out a great standing army and have a long expensive war of endurance that would tend to bring militarism upon us. Therefore, resolved to its conclusion, it is a wise policy for this Nation to at least in the very minimum have an equilibrium on the Atlantic with any nation in Europe that maintains permanently a great standing army, and to have on the Pacific a fleet at least equal to that of any nation of Asia that keeps permanently a great standing army. And I want to say with regard to the reference of the gentleman from Georgia [Mr. TRIBBLE]—I will stake my professional reputation on this proposition—that if we properly reorganize the Navy from top to bottom we can maintain a navy equal to the navy of Germany; we can maintain a navy that would embrace three battleships and four battleships a year, and, in proportion, auxiliaries; we can maintain a navy half as strong again as the present Navy that would be fully half again as efficient as the present Navy on the present cost. I would undertake, if given a free hand, to have such a navy to never exceed in cost $150,000,000 a year and include a naval program as large as called for in my amendment.

But it is not such a question. We must have the ships if we are to have security. It is far from me to undertake to point out that any nation would likely enter into war with us, but it is a fact that the completion of the Panama Canal and the development of this hemisphere is going to be a practical question for all the nations of the world.

We have laid down a proposition that the colonial system adopted by the old world shall not be applied in this hemisphere. That proposition will be accepted by the world, and the world's peace will be secure if we have an approximation toward control of the sea in the Atlantic; and if we do not have the control of the sea, if we fall below equilibrium of naval strength with continental nations of Europe, then the colonial systems of Europe will be applied to this hemisphere, and that would entail a long, costly, and bloody war that would tend to make us military. And I lay down the further proposition that, occupying Pearl Harbor, the most strategic point in the world, occupying Panama, the next most strategic point in the world, both over seas from us, occupying the Philippines, that we must protect whether we set them free or not, having Alaska, a great treasure house, that in the Pacific Ocean, where two great races are meeting, where a centralized expanding monarchy is coming in contact with a decentralized Republic, we can only hope to solve the problems there and maintain our national defense with an equilibrium of power on that ocean. Such an equilibrium would tend to make the open-door policy effective and give us peace at home and contribute greatly to the peace of the world. This means a fleet in the

Pacific parallel with that of Japan. The two oceans being so far away we must have equilibrium in both at the same time.

Now, then, I wish to call the attention of the Members to the report of the Bureau of Naval Intelligence, which I have printed in my speech of last Saturday, which appeared in yesterday's RECORD, showing what will be the standing of the naval powers in the years to come, provided that America has only two battleships. We go to the fourth place by 1916. My amendment would not be more than necessary to keep us in third position.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. HOBSON] has expired.

Mr. BATHRICK. Mr. Chairman, in the five minutes allotted me I desire to announce my advocacy of the one-battleship program. I believe it is absolutely true that no man can give a better reason for two, three, or four battleships than he can for no battleships. The trouble with the whole proposition is that there has not been given a good reason for a large extension or a small extension or no extension at all of our battleship program. Now, that is the condition of mind of the Members of this House to-day, I believe, succinctly stated.

Mr. HOBSON. Will the gentleman yield for a brief question?

Mr. BATHRICK. In just a second.

There is only one reason that should appeal to the sensible mind, that stands between the large-battleship program and the no-battleship program, and that is the one thing that appeals to the mind of every man in his private business and should affect him in the consideration of public business, namely, caution. We employ caution in our private business. We buy locks for the doors of our houses. We pay sums far in excess of the cost of battleships with which to supply policemen and constables and sheriffs and justices of the peace and judges in our country and in our city governments. Why do we do that? We do it for protection, for caution. And if we are to throw aside all caution in the matter of protection for our national interests and protection of our shores with battleships we might just as reasonably assume that we do not need the services of policemen for patrolling our streets. It is true that when we retire at night and lock the door we do it merely from a sense of caution—because there have been burglars. No man can say that there will be burglars, which failure of human prophecy would be as good a reason not to lock the door as it is not to maintain a navy. No man can say there will be war; but we know there have been wars, and we know there may be in the future, and therefore we should, in the exercise of our duty as representatives of the people, use ordinary caution in consideration of this matter.

A great deal has been said about the enormous cost to the people. We have considered this bill item by item, and we have stricken out, in my opinion, some things that were needed for the ordinary efficiency of the Navy, to keep just what we have and not expend another cent to get more. I do not want to be too cheap, and yet, at the same time, I would like to have the people of my district believe and the people of the country believe that I belong to the ranks of the real, true, genuine economists. But I do not believe it is economy to close the doors, pull down the shutters, and go out of business. It is not economy for us to do less than ought to be done. It is economy for us to do what ought to be done, and no more, and do it for less than any other party that has been in power if we can. In the construction of the one-battleship program, who pays? Why, the people of this country are buying of tobacco, beer, cigars, whisky, and other things that are strictly luxuries or arrant follies, over $30 per capita per year. They are paying internal revenue of about $3.50 per capita per year. What are you going to say when you go back home and tell your constituents that you refused to supply a battleship that cost each of them 7 cents this year? What are you going to say to the man who spends $20 for whisky, beer, and tobacco when he asks you why you refused to spend the few cents that might prevent his sons being drafted to go forth and risk their lives to repel invaders?

When 1,000 men on a good battleship represent the force of 50,000 on land and might keep an enemy from our shores, what will you say to the mother whose son may be called upon to give his life because of an irrational and cheap economy?

Government costs money. While you know I have fought to keep down this bill and am against a large extension program, I will not object to expenditures that seem demanded by ordinary business judgment.

Why, you can not go home and tell your people that they should not expend a reasonable sum per year for the exercise of caution and the protection of their country and to keep the old flag flying where hundreds of thousands of lives were freely given to plant it. You can not make them think that.

But what about our people who do not use these luxuries? They are not really ground down to the earth by reason of overtaxation for internal revenue, because they do not use the things that pay internal revenue. When you come to find out who pays these taxes you find that the man who is poor very often pays much of it because of his extravagant habits. We will arrange it in the next Congress by the income tax and reduction of the tariff so that his other taxes will be lighter and he will pay much less on his necessities.

Mr. Speaker, I am for caution, for one battleship. I would rather 1,000 men risk their lives at sea, if necessary, than 50,000 on shore.

Mr. HENSLEY. Mr. Chairman, throughout the pendency of this bill I have tried to be consistent. I have endeavored not to raise a point of order excepting in such cases where I was absolutely certain that it was in the interest of the people and that the point was well taken. I believe that we, as Members of this great body, should act carefully, deliberately as well as patriotically, exercising every bit of wisdom that we can bring to bear upon all propositions, and I want to say here and now—and I would like to have the attention of the House while I say it—that I do not believe, under the present situation of things, as things now exist, that there is a set of business men anywhere that would stand for two battleships much less for three or four, as the gentleman from Alabama [Mr. HOBSON] suggests. Then why should we not deal as carefully, as judiciously with the money of the people as we would with our own private funds?

I stand for an adequate Navy. I would not be worthy the confidence of anybody if I did not stand for a Navy that is sufficient to meet all the needs of this great Government of ours. But I insist here and now that we do not at this time need two additional battleships in order to make the Navy adequate and sufficient.

But the gentleman from Alabama declares that we ought to be able to show why we do not need them. I have heard this fallacious argument made several times in connection with this debate. My God, my friends, has it come to that, that we are thrown on the defensive, have to assert and make proof as to why we do not need the many things enumerated in this bill, aggregating millions of money, instead of the other fellows, the proponents, showing why we do need them? I insist that when you ask for an appropriation, when you ask us to go into the Treasury and take the people's money, you should be required to assign some just and valid reason for so doing, instead of trying to throw the burden on those who insist it ought not to be done. [Applause.]

Now, then, I know that I ought not to presume to discuss this question with the gentleman from Alabama [Mr. HOBSON], because I am in the category with my friend from Mississippi [Mr. WITHERSPOON]. Perhaps, in the judgment of the gentleman from Alabama, I have not sprouted my pin feathers.

But I want to say here and now that if constancy and devotion to every public duty is calculated to sprout pin feathers, I am constrained to believe that even though my friend from Mississippi is serving his first term he has had greater opportunity to develop his pin feathers than has the gentleman from Alabama, although the gentleman from Alabama has been on the pay roll for six years, because I see him on the floor of this House only when the things in which he is particularly interested are up for consideration. [Applause.]

Now, he says that we need these battleships which are increasing the amount of our appropriations by leaps and bounds and yet he tells us that as soon as we adopt his plan of council of national defense all will be well. Now, I want to call your attention to something else. There is a magazine which circulates throughout this country called, I believe, the Navy, or the Navy League. It is a monthly periodical. I want to call your attention to whom the officers of this magazine were in 1912—the officers of the Navy League of the United States. We find that the president of the league is Gen. Horace Porter; the treasurer of this league is J. P. Morgan, jr., 26 Wall Street, New York City; the counsel is Herbert L. Satterlee, who I am informed is a son-in-law of J. Pierpont Morgan, sr. This morning you no doubt all received a circular letter from this league, indorsing the plan of the gentleman from Alabama for a council of national defense.

That is the proposition. [Applause.] They not only set out the platform adopted by the Democratic national convention at Baltimore and what it says on that subject, but they cite the planks contained in all the party platforms and urge that Democrats as well as Republicans live up to these platform pledges. I desire to remind these gentlemen that these statements contained in the party platforms do not mean any particular plan of national defense. It does not require any great amount of wisdom to understand and appreciate just why the Morgans and their crowd favor a big navy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENSLEY. I ask unanimous consent to extend my remarks in the RECORD.

Mr. HOBSON. Reserving the right to object, I want to ask the gentleman if he intends to insert in the RECORD any further matter of a personal nature? I have no objection to what he said on the floor.

Mr. HENSLEY. I will not pursue the course that was pursued by the gentleman in the last session, of inserting in the RECORD, under unanimous consent, words that I did not use on the floor. No; I shall not.

Mr. HOBSON. Then I do not object, Mr. Chairman.

Mr. SAUNDERS. Mr. Chairman, I move to strike out the last two words.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois.

Mr. MANN. What last two words can be stricken out? There is an amendment pending which consists of only one word. Now, can you not reach an agreement as to how long debate shall run on the paragraph?

Mr. SAUNDERS. I think that is exceedingly desirable. The question of one or more battleships is now before the committee. So far as I am concerned, I am entirely disposed to agree upon a moderate time for debate, and have the precise hour set at which we shall vote. This has been my attitude all the time.

Mr. PADGETT. I renew my request.

Mr. MACON. Mr. Chairman, reserving the right to object, I desire to state that this subject of battleships that Members are now discussing has been discussed in the committee room, upon the floor of this House, in the cloakroom, in restaurants, in the hotels and cafés of this city, upon the streets, and, in my judgment, everywhere else except on the housetops and in the gutters; and the only reason the question has not been discussed on the housetops and in the gutters is because none of our membership have risen as high as the housetops or fallen as low as the gutters. For that reason, and knowing how valuable time is in this House in the closing hours of the session, I say most emphatically that all the powers within the House can not get me to yield my position or my rights under the five-minute rule that the committee is operating under at this time.

Mr. SAUNDERS. I should like to ask the gentleman a question.

Mr. EDWARDS. I demand the regular order.

Mr. SAUNDERS. I should like to ask the gentleman from Arkansas if he has not changed his position in reference to battleships?

Mr. MACON. No, sir.

Mr. SAUNDERS. I have before me a speech which the gentleman made two years ago.

Mr. MACON. I have not changed my position upon the question during this Congress.

Mr. SAUNDERS. The gentleman confines his answer to the life of the present Congress.

Mr. MACON. Yes. That is the Congress that is legislating upon the subject, is it not?

Mr. SAUNDERS. If the gentleman from Arkansas can change his mind with respect to this matter, other gentlemen upon a proper presentation of the case on its merits may be induced to do the same. Formerly the gentleman favored one ship, now he favors two. Possibly at the conclusion of reasonable debate Members now favoring two ships may be satisfied that after all we do not need more than one battleship a year at this time.

Mr. Chairman, I wish to move an amendment in the nature of a substitute.

Mr. MACON. Mr. Chairman, I call the attention of the Chair to the fact that all debate on this amendment has expired.

The CHAIRMAN. All debate on this amendment has expired.

Mr. HOBSON. I make the point of order that all debate on this amendment has closed.

The CHAIRMAN. The gentleman is correct.

Mr. PADGETT. I ask unanimous consent that I may address the House for one minute. I wish to submit a request for unanimous consent, and I hope that my friend and colleague on the committee will consent to it, that we limit the debate on this paragraph and all amendments to one hour.

Mr. MACON. With the greatest possible deference to the gentleman from Tennessee, I want to submit this question to him: Does he believe that an hour's debate will change any vote in the House on this question?

Mr. PADGETT. There is more in a debate than changing votes in the House. We have a right to let the discussion go to the country.

Mr. MACON. I realize that there is more in debate than the simple proposition of changing votes. Some Members want to talk to the galleries and some of them want to talk to their constituents at home through the medium of the CONGRESSIONAL RECORD. I think we ought to take a vote here on the question before the House without regard to the galleries and without regard to the messages that we want to send home to our constituents. I therefore object to the extension of time for debate.

Mr. MURRAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURRAY. Failing the unanimous-consent agreement that the gentleman from Tennessee suggests, is it not in order to move to close debate on the paragraph and all amendments in one hour?

The CHAIRMAN. It is.

Mr. MURRAY. Mr. Chairman, in the confusion I did not catch the reply of the Chair.

Mr. UNDERWOOD. Mr. Chairman, I ask the Chair to state the question before the vote takes place.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Virginia.

Mr. SAUNDERS. Mr. Chairman, it is impossible to hear what is going on.

The CHAIRMAN. The Chair has no doubt that all members of the committee are anxious to get along with the consideration of this bill. The Chair asks their cooperation, and gentlemen can not give it in any better way than by refraining from conversation and keeping their seats. [Applause.]

Mr. SAUNDERS. Mr. Chairman, have I the floor?

The CHAIRMAN. The gentleman has the floor.

Mr. EDWARDS. The amendment has not been read, Mr. Chairman.

Mr. SAUNDERS. My amendment was to strike out the last two words of the substitute.

The CHAIRMAN. There is but one word in the substitute.

Mr. SAUNDERS. I came in just a moment ago, and do not know the exact parliamentary status. I desire to amend the substitute, and would like to have it reported.

The Clerk read as follows:

As a substitute for the amendment to the amendment insert the word "three" in lieu of the word "four."

Mr. SAUNDERS. Mr. Chairman, I desire to amend the substitute. I am compelled to take this course, Mr. Chairman, by reason of the tactics that have been pursued in order to hinder me from addressing the House at this time.

Mr. MADDEN. Mr. Chairman, a paliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. How many substitutes and amendments to substitutes can be pending at the same time?

The CHAIRMAN. An amendment, an amendment to the amendment, and a substitute for the amendment to the amendment. The amendment moved by the gentleman from Virginia is the text of the bill now.

Mr. MADDEN. I make a point of order that it is not in order.

Mr. RODDENBERY. Mr. Chairman, would it not be in order for the gentleman from Virginia to move to amend by making it "no battleships"?

Mr. SAUNDERS. I move an amendment to the substitute, as follows: I move to strike out the word "three" and insert the word "no." Mr. Chairman, this bill, and more particularly the battleship feature thereof, has been discussed from the practical standpoint, from the patriotic standpoint, from the business standpoint, and in largest measure from the sensational standpoint.

Mr. GARDNER of Massachusetts. Mr. Chairman, a point of order. The amendment has not been reported from the desk.

Mr. SAUNDERS. That is true, but I have stated what it is.

Mr. GARDNER of Massachusetts. But I do not know what it is, and I have a right to know.

Mr. SAUNDERS. Of course if the gentleman insists, he can have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the substitute by inserting in place of the word "three" the word "no."

Mr. SAUNDERS. Mr. Chairman, it is chiefly from the sensation mongers that the cry comes for additional battleships. I was astonished when I came into the House to-day to find the gentleman from Arkansas [Mr. MACON] vehemently insisting upon an immediate vote. He was unwilling to wait a minute. He asserts that the mind of no one Member will be, or can be changed by debate. I know of no better illustration of change than the gentleman from Arkansas.

Mr. MACON. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. MACON. I do not think the gentleman wants to misrepresent me. I said the minds of Members could not be changed by argument on the floor now.

Mr. SAUNDERS. Why does the gentleman confine his statement to this particular time? A few years ago there was no more vehement opponent of two battleships than the gentleman from Arkansas. He has afforded no reason for this change of front. In his speech against two battleships during the session

of 1908 he averred that the demand for two battleships proceeded from jingoism pure and simple, and that he was not to be driven from voting for one ship by the suggested danger of impending war.

Mr. MACON. Has the gentleman heard me say that I was in favor of two battleships?

Mr. SAUNDERS. No, but I understand that is the gentleman's attitude.

Mr. MACON. Then why discuss me or my position on the subject?

Mr. SAUNDERS. Because I understand that is the gentleman's attitude. As I say, when our friend from Arkansas is so clamorously anxious to prevent any fair discussion of the battleship feature of this bill, my mind reverts at once to his attitude of a session or two ago. He was an economist, and little-navy man at that time, and I was in full accord with him. I thought he was right then, and I know that I am right now. In view of that attitude, and of his change of mind, it is hard to understand his present stand, or to see why he insists upon shutting off the light of full and free discussion. If the two-battleship proposition stands on the solid ground of reason, if it is buttressed by weighty argument, why fear attack, why avoid the challenge to high debate?

The gentlemen who place their votes for two battleships on the grounds of patriotic necessity, and vital self-defense, apparently lack the courage of their convictions. We are told that the Members of this House who are mere Congressmen, and not authorities on naval construction, should hearken to the voice of the experts, and from that illuminating source, ascertain our patriotic duty, and secure the definition of a proper and adequate Navy. Having hearkened, presumably we ought to heed. The one expert on this floor, the one man who speaks with the voice of authority, is the gentleman from Alabama [Mr. HOBSON]. When he is asked for a definition of an adequate Navy, for an exposition of a proper building program for the United States, he tells us that it should be not less than six battleships a year. He tells us further that each battleship should be accompanied with four destroyers, so that a program of six battleships a year carries with it a necessary sequel of 24 destroyers—that is, the entire program means the annual construction of 30 ships. If this be true, if the dangers that he parades before our excited imaginations, are real, and not the airy fabric of a dream, then two battleships a year as reported in the naval bill, is not an adequate Navy. It is a pitiful, wretched, inadequate Navy, far short of the necessities of the situation, and inviting, rather than capable of repelling attack. Surely these gentlemen who have worked themselves into so fine a frenzy over impending dangers that in their view threaten the very life of our Republic, are woefully lacking in patriotism, if they are content to vote for two ships a year, when the voice of the expert, and proper regard for the protection of our homes and firesides, alike tell them that they should insist upon six! Six battleships then, and not two should be the patriotic program. Go forward gentlemen, valiant aggregation that you are of jingoes and Don Quixotes, and attack the windmills of your fevered imaginations, we at least are content with a Navy that is sufficient for the purposes of defense, and not large enough to tempt this country to commit lawless aggression.

Mr. Chairman, I can not afford an adequate discussion of so large a subject in a few minutes, but I desire to call the attention of the House to one or two fallacies that have been injected into this debate by the advocates of the jingo policy. One is the assertion that this country speaks with more authority in the world of to-day, than heretofore. I deny this. Another fallacy is that the Monroe doctrine requires a great Navy for its maintenance. I deny this too. When did the United States speak with greater authority than in the establishment of that doctrine? And yet at that time we lacked both a Navy and an Army sufficient to make our position effective in the Western Hemisphere, if our assertion had been challenged by the Holy Alliance which then dominated Europe. Where were your battleships, where was your naval or military strength adequate to maintain the principle which we so firmly announced in the natal days of our Republic? Where was the brute and compelling force sufficient to meet and crush the forces of united opposition if our challenge had been accepted? The gentleman from Alabama has been born out of season. The lesson which he now urges us to accept should have been pressed upon Monroe and his Cabinet. But somehow, and in some fashion, without an armed establishment the Government of that day carried its point, and both announced, and maintained a doctrine, that was almost insulting in its challenge to the powers of the world.

Mr. Chairman, this is not a question of a great navy, but of a greater navy. This country has a great Navy, a far greater Navy than the man in the street is aware of, when he listens to the ranters who would have him believe that sane and moderate men are unwise and unpatriotic, merely because they are unwilling to waste the substance of the country in a wild riot of naval construction. In this connection it is not amiss to say that the enlisted men and officers in our Navy number 65,614. Our fighting ships of all sorts, number 277. Comprised in this mighty aggregate, which a few months ago was pronounced magnificent by President Taft, are 11 armored cruisers, 28 torpedo boats, 38 battleships, 33 of which are ready for action, 63 submarines, 47 of which are complete and in service, and other auxiliaries. The guns large, and small on these vessels, may almost be said to be numberless. Compared with the guns of every other nation in the world, save England, and the jingoes always exclude England from their calculations, the guns on our ships in weight, and carrying power are distinctly superior to all others. Comparing the gun power of our Navy with that of Japan, I mean particularly in respect of the 12, 13, and 14 inch guns, the preponderance is largely in our favor. Comparing our gun power with the naval gun power of France, or Germany, the difference is strikingly in our favor, though not so great as in the case of Japan. And yet in the fevered imaginations of some well-meaning, if hysterical people, we are in imminent danger all the while from nations on the other side of the world, nations that would be compelled to cross the heaving oceans that separate us, and without naval bases, or coaling stations, challenge us to protracted war in our domestic waters. Does it never occur to these people that if Germany has to build ships for home defense she can not afford to risk them in a war with this country, and incur the dangers of torpedoes, mines, and submarines, not to speak of our fighting ships, in an effort to blockade our coasts? War to-day to a greater extent than ever before in the history of the world, is a matter of matching purses. What nation, or combination of nations can match purses with this country? The bank assets of the United States are $17,000,000,000. The bank assets of the rest of the world, roughly speaking amount to no more than this sum. A combination of nations might for the time being drive us from the high seas, and cause us to withdraw within our coast lines. Such a combination might for the time being capture our outlying possessions, but these are not vital to our stability, greatness, or capacity to make war, or to sustain ourselves. Nor would the capture of these possessions add anything in a material way to the power of the captors. Destroy, or materially interrupt the trading power of this country, and such an interruption would be the most dreadful blow that could be struck to Germany, Great Britain, or Japan. Persistence in hostile relations with this country, coupled as it would be with the inability to strike us at any vital point, would bring these countries to the verge of bankruptcy within a comparatively short period. So great would be the disorder in the world's affairs ensuing upon such a conflict, that the nations engaged in its conduct would be unable to finance their operations for a limited period, much less to the extent necessary to bring this country to terms.

The foreign countries know these things as well as we know them ourselves, and we must credit them with a little common sense. They may not be afraid to fight, but the matter in issue must be worth the struggle. Conceivably in the view of the men who play the war games, landing parties from other countries might descend upon our coasts, but there is always the question of return to be considered. War must be waged under modern conditions. Cities are no longer sacked, and countries invaded for booty and slaves. The age of the viking, of the pirate, of the robber nations, has passed. In the destruction of the material resources, and of the purchasing power of another nation, the country that accomplishes such a result, aims a blow at herself. Hence even in the contingencies of war, our coast cities would not be destroyed, nor private property given over to fire and sword. To hold any portion of continental United States is beyond the power of any combination of nations on the globe. Great Britain retired baffled from the War of 1775. At that time she was the giant, and we the pigmy. Now we are the giant, and any nation, or aggregation of nations invading this country would be the pigmy. This is not the language of boasting, but mindful of our population, of our resources, of our present wealth, of the virility of our people, and the intensity of our patriotism, it is the language of sober common sense.

But if our Navy is mighty and awe compelling from the standpoint of ships and gun power, it is even more impressive from the viewpoint of expenditure. Few people who prate lightly of the need of a greater navy, are aware of the vast sums that we are spending, and have spent within the last decade upon our naval establishment, sums out of all proportion to the necessities of the situation, and imperatively needed in other directions of useful expenditure. The inspiration of

much of the clamor for a greater Navy comes from interested quarters, from the concerns that find profits in the work of construction, and in the contracts for material. It is not patriotism, but the dollar, that maintains a large proportion of the naval propaganda. Like the daughters of the horse leech these people are never satisfied. But it is well for the men who pay the piper, to count the cost of our participation in this vicious circle of never-ending, always-increasing expenditure which inevitably attaches to a policy which makes the program of other nations collectively, and individually, the measure of our own.

Within the past 10 years we have spent on our naval program $452,666,114 more than France has spent. We have spent $410,455,321 more than Germany has spent. We have spent a billion dollars more than Japan has spent. The greatest expenditure that Germany has made in any one year is $110,000,000, which is $29,000,000 less than we spent in 1911. The greatest expenditure ever made by France in any one year was $89,000,000, which was $50,000,000 less than we spent in the same year. The greatest amount that Japan ever spent in any one year was $46,000,000, which is $90,000,000 less than our highest annual expenditure.

These figures are startling, bewildering, and passing the ordinary understanding. Yet we are told that the expenditure of these gigantic sums has been practically useless, that our coasts are defenseless, and our Navy inadequate, insufficient and lagging far in the rear.

A large navy is sometimes likened to an insurance policy, but when the premiums become too high, the assured prefers to carry his own risk. So with an army, or navy. It is perfectly apparent so far at least as we are concerned that it is a race of folly that we are running when we build ships, merely because other nations in their ambition, or madness choose to impoverish their people in the pursuit of this insensate policy. The people of the older world groaning as they are under the burdens of military expenditure, find at least a haven in this country. They flock in millions to this land of free institutions, and greater opportunity. But when in time, and that time is not distant unless our policies are changed, this country will groan under the burden of an overweening naval establishment, no avenue of escape is open, no fair land of promise beckons, for our toilers and taxpayers. It is the history of the world that military establishments never go backward. But at least if we can not retrace our steps, we need not go forward. At least we can halt, and if satisfied that our Navy is adequate and sufficient for the purposes of defense, address ourselves to the task of maintaining that Navy in the highest state of efficiency. One battleship a year does not mean that naval construction will be limited to one ship a year. Many incidental ships form the tail, so to say, of the battleship kite. The gentleman from Alabama [Mr. HOBSON] says in substance that it is folly to build a battleship, unless at the same time provision is made for four accompanying destroyers.

This is why our efforts for moderation and economy should be directed toward reduction in battleships, rather than in other vessels. Strike out a collier, or destroyer, or submarine, and you save the cost of that vessel. Strike out a battleship, and a whole sequel of other construction falls with it. Mr. WITHERSPOON of the Naval Committee emphasizes this distinction in his very able speech:

> Whenever you add one more battleship to the Navy, that necessitates more men. It necessitates more coal; it necessitates more powder; it necessitates more guns; it necessitates more clothing and more food. The fact is that it increases every expense of the department. The cost of a battleship is not the $16,000,000, we have to pay to construct it. No man knows what it does cost, because it increases the expense in every bureau and department of the Navy. A battleship causes all the expenses of the Navy to rise, just as the revolutions of the moon causes the tides to rise, but unlike the moon, it never causes them to ebb. [Applause.]

It is begging the question for the advocates of two battleships a year to insist that a vote for two ships, is a vote for national defense, and national honor. If national defense and national honor require six ships a year, as insisted by the gentleman from Alabama, then a vote for two ships is not a vote for adequate national defense. Such a vote is far short of our duty. If six ships are required, we should be ashamed to vote for two. But if the construction of one battleship a year is sufficient to render our Navy adequate to defend this country against the attack of any nation on earth, then a vote for two battleships a year is a vote for vicious folly, and criminal extravagance. Mr. Chairman some of us at least have become alarmed at the vaulting proportions of our naval expenditures. Unless we succeed in some measure in amending this bill, it will carry over $146,000,000. This will be $23,666,825.78, more than the amount carried in our last bill. And yet there is not a cloud on our horizon to justify this increase. At this rate, the naval bill will carry over $250,000,000, within the next few years. These figures are appalling, menacing, portentous.

Convinced that some organized effort must be made to stay this un-American tendency toward militarism, the moderate-navy men in this House have affiliated themselves in a movement to make a concentrated attack upon the vicious features of this bill. Looking to that end they have held various conferences. I have had the honor to preside over these conferences, and to be associated with the conduct of the fight on this floor. Our meetings have afforded merriment in some quarters. We have been styled economists, and little-navy men. These appellations have not been intended to be complimentary. Quite the reverse. Presumably as little-navy men, we are unable to comprehend the calls of honor, patriotism, and national defense which are claimed to be the impelling forces in the movement for a greater navy. To be an economist, in the view of some, is to be a little fellow who can not rise to the height of this argument, and who is so far behind the vanguard of the navy procession that he insists upon some decent regard for the pledges of the Democratic platform relating to economy and efficiency in the departments of our Government.

Extravagance is extravagance, without regard to the branch of government in which it occurs. Our forefathers fondly conceived that this was an isolated country, in which we could develop without regard to the jealousies, and policies of continental Europe. The greater-navy advocates have ascertained that this is a mistake, that so far from being an isolated country, this is the most exposed country in the world, calling for a great Army, and a greater Navy to defend its vast stretches of coast line. So far from being able to develop apart from the entanglements of Europe, it is insisted that we are drawn into the swirl of its policies, willingly, or unwillingly, and must order our own naval program according to the individual and collective programs of the Governments of the old world. The gentleman from Alabama [Mr. HOBSON], who is for peace and battleships, is literally for peace at any price. His theory of construction is a very simple one. Ship for ship, and gun for gun, he would set the pace for the other countries of the world, until from very inability to build further, they would cry, "Hold, enough." A cessation of dreadnought building would then ensue throughout the world, and universal peace would reign, but it would be the peace of exhaustion.

Once enter upon this insane competition, once divert the energies of the world in this direction, with every available resource strained to afford the means to maintain such a program, and the march of development in a hundred directions of utility would be stayed for generations to come. Its blighting effect upon civilization would be greater than that of the Thirty Years' War on Germany. A nation that builds an aggressive navy begins to dream of wars, and rumors of wars, to plan conquests, and adopt the attitude of the man with the chip on his shoulder. Conceivably the great nations of the world, or some combination of them may unite in war against us. In that view our Navy is not adequate to carry the war into their waters, that is it would not be adequate in such a contingency for offensive war, but even in that event it would be fully adequate for defensive war. It is amply "sufficient to provide for any contingencies within the limit of probabilities."

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAUNDERS. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. HOBSON. I object. My own request for an extension was ruthlessly objected to.

Mr. MANN. But the gentleman from Alabama had 1 hour and 40 minutes in general debate.

Mr. SAUNDERS. I have not consumed 15 minutes of the time of this House during the entire debate on this bill.

Mr. HOBSON. Mr. Chairman, I withdraw my objection.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SAUNDERS. Mr. Chairman, I have no disposition to trespass upon the time of this body, and however feebly or inadequately I may be debating the pending proposition, I can at least say that I am discussing the matter in hand, and not cumbering the RECORD with foreign, or irrelevant subjects.

Reverting to the assertion that we will not be heard to speak with authority in the civilized world, unless we are prepared to make our contentions effective with bristling bayonets, or terrifying battleships, I wish to ask what force did the United States possess as compared with that of Great Britain, when President Cleveland required that country to submit the Venezuelan controversy to aribtration? At that time the fleet of the United States was immeasurably inferior to that of England.

The disparity was even greater than that which existed at the time of the War of 1812. Yet once again, even as in the case of the institution of the Monroe doctrine, the moral strength of our position, as well as the latent might of this Republic, ready if necessary to be called into play, were more effective than the menace of the mailed fist. Great Britain could not afford to take issue with us, and gracefully yielded.

There is still another historical incident to which I will refer.

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. SHERWOOD. Mr. Chairman, I would like to give the gentleman what the Navy of 1823 was, when the Monroe doctrine was proclaimed.

Mr. SAUNDERS. I will be very glad to have the figures.

Mr. SHERWOOD. At that time we had only 10,000 soldiers in the Regular Army, including Infantry, Artillery, and riflemen, and our population was less than 10,000,000. So far as the Navy is concerned, we had 7 wooden battleships, 9 small frigates, 2 corvettes—low sloops with one tier of guns—5 sloops, 2 brigs, and 5 small schooners; 30 war craft all told. The appropriation for the Navy for that year was $929,513. We defied the whole world at that time under the Monroe doctrine. I have the list of midshipmen here also. We had all told in the Navy at that time 512.

Mr. SAUNDERS. Mr. Chairman, I thank the gentleman for this timely contribution of weighty facts. It is a complete refutation of the claim that the Monroe doctrine must be abandoned unless we build two battleships a year. One more illustration. Just after the Civil War passions ran high. Public sentiment in this country was inflamed toward Great Britain in consequence of the losses to our commerce due to the ravages of the *Alabama*, and the United States firmly believed that she had been greatly wronged by the attitude of the authorities of that country. We were ready for war, and not afraid to fight, but we had no Navy adequate to meet the navy of Great Britain on the high seas. Yet without the exercise of compulsive force, we compelled Great Britain to submit the *Alabama* claims to arbitration, and secured an ample award.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. No, I can not yield for lack of time.

Mr. HOBSON. At that time we had control of the sea.

Mr. SAUNDERS. I deny that proposition.

Mr. Chairman, I desire to call attention to some further facts in connection with this frenzy for more battleships. A few years ago the people who demanded two battleships a year were characterized by my friend from Arkansas [Mr. MACON] as jingoes. He said then that he had no apprehension of danger from the wars that were so freely predicted by the advocates of naval expansion. He declined to approve the policy of a mighty Navy, presented by the enthusiasts of that day with so much heat and vehemence, and with such direful pictures of woes to come, unless it was adopted. Firmly assured of his position he was not moved by the hysterical appeals of the frenzied jingoes. I wish that I could quote him at length on this line, but space and time forbid.

Mr. MACON. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. MACON. I may have said what the gentleman says I did. I reckon I did—I am sure I did—but I was not as well advised upon the necessity for an adequate Navy as I am now; and, furthermore, my party had not declared by its platform for an adequate Navy. I was left to judge from the information that I had before me at that time. Information was what I acted upon then and it is what I am acting upon now. With the information that I have now, I see the necessity for an adequate Navy, and I propose to act in accordance therewith.

I have not said upon the floor that I was in favor of any kind of a Navy, but I can now say that I am in favor of an adequate Navy, if it will please the gentleman to know it.

Mr. SAUNDERS. Mr. Chairman, after the gentleman came into possession of these illuminating facts which have caused so complete a reversal of his attitude, he ought to have taken part in this debate, and furnished us with a portion at least of this information which has caused so complete and startling a reversal of attitude in his case. I agreed with the gentleman at the time, and would like to be with him now. Apparently nothing seemed more unlikely than that the gentleman would ever become a jingo, and an advocate of two battleships a year.

Mr. MACON. I will answer the gentleman in one sentence, if he will allow me.

Mr. SAUNDERS. I can not yield now; at least 5 minutes of my 10 minutes have been taken up by questions.

Mr. MACON. I did not object to the gentleman's 10 minutes.

The CHAIRMAN. Does the gentleman yield?

Mr. SAUNDERS. Certainly, I yield to my colleague.

Mr. MACON. I want to say at the time that I made the declaration that the gentleman accuses me of having made I was not a member of the Committee on Naval Affairs; but for the past four years I have been, and I have tried my level best to learn the needs of the country in regard to the Navy, based upon such information as I have been able to obtain, and I am now convinced that we ought to keep our Navy up to its present standard. I believe we will have to authorize two battleships this year in order to do it.

Mr. SAUNDERS. Then my friend does not do his duty when he fails to give us those facts, and furnish us that information which have caused so complete a reversal of attitude on his part. I am as open to conviction as the gentleman from Arkansas, and I wish to say that once it becomes a question of patriotism, of vital defense, of preservation of national honor, I would vote, not for 2 battleships, but for 20 battleships a year. We are eagerly, hungrily, anxiously desirous of coming into acquaintance with those pregnant facts which have so wrought upon the mind of my friend who was for one battleship, or less, during six or eight years of service in this body, that in the result they have effected his conversion, and lined him up with the once despised jingoes. Is it asking too much to ask for these facts?

Mr. MACON. Does the gentleman want me to answer that question?

Mr. SAUNDERS. I would be delighted to have the answer.

Mr. MACON. Let me answer by saying that the reason I have not done so is because I did not think that what I might say upon the subject would change any more votes than the gentleman's remarks will change. The minds of Members are fully made up on the battleship subject, and all of the talk that the gentleman from Virginia and myself could put in from now until adjournment would not change the vote of a single Member. It is therefore a waste of time to continue the discussion further.

Mr. SAUNDERS. But, Mr. Chairman, the gentleman's change of attitude is so conspicuous that I think that a word from him would have been most seasonable, and the reasons that have effected that remarkable revolution of attitude in his case, might have been potent to bring over every one-battleship man in this House to the side of two battleships. [Applause.] Now, Mr. Chairman, I do not desire to weary the House in connection with this matter, but in conclusion I will call the attention of my colleagues to some common-sense reflections upon the matter in hand. If it is believed that England, France, Germany, Russia, and the other European countries, are impelled to build great navies by reason of the fact that their relations of contiguity with each other, are supposed to constitute a menacing situation; if it is believed that the naval program of one of these nations, must set the pace for the program of the others, such considerations do not apply to our case.

If there is present danger to the nations of Europe growing out of their contiguity, if each must be prepared to resist probable aggressions on the part of the others, is it not evident to all, to my friend from Arkansas, and to the rest of us, that not one of those nations can afford the hazard of war with the United States? Granting that they would emerge victor from such a war, they would return to the shores of Europe so crippled and battered that they would be unable to maintain themselves against the real and menacing dangers at home. If Germany must maintain a great navy to protect herself against England, or France, or Russia, or some alliance of those countries, she can not risk that fleet in a futile war with this country. She might be willing to wound, but she would be afraid to strike. Why should we not realize upon the assets of our situation? Why not capitalize the fact of our happy isolation, and once agreed that we need not prepare for wars that in all reasonable likelihood will never come, endeavor to reduce our expenditures at home? May I suggest one further thought to my colleagues in this body. It is true, as pointed out by the gentleman from Texas, and as first suggested by George Washington that, owing to our fortunate isolation it is impossible for any foreign nation to wage a successful war with us. Where is the vital point at which any nation in conflict with this country can launch a mortal blow? Other nations may harass us, they may annoy us, they may blockade our coasts for a time, but what would be the inevitable outcome? Any nation undertaking such a course would soon retire from a futile contest which, if persisted in, would bring them to bankruptcy, while we would emerge more united, more puissant, and in a more commanding position than ever.

Who will undertake to say that a nation like Japan, tottering under the financial burdens imposed by her war with Russia, with the shadow of that great Empire ever athwart the territory that the armies of the Mikado tore away from her reluctant grasp, will try conclusions with this country, the greatest, the richest, and the most powerful on the globe? The Rus-

sian Bear may be slow, but he is sure. The policies of that Empire are as fixed and irrevocable as the laws of the Medes and Persians. Japan's real danger is in Manchuria, and Korea. We know that such is the case, and full well she knows it, and so long as she must be prepared for possible war in that quarter, Japan has neither the ships, nor the men, nor the money to embark upon a war with the United States, a war that would be as foolish as it would be futile, and leave her in the result prostrate before her ancient enemy, who is even now dreaming of revenge.

The words of the Father of his Country are as weighty to-day, as when first uttered. In his immortal farewell address, he announced principles that may well be restated in this connection, since they have an important bearing upon the meaning to be attached to the word "adequate," in its relation to the Navy. He concludes that address as follows:

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

* * * * * * *

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

This is a complete answer to the oft-repeated suggestion that in our relation to the world game of politics, we must equip ourselves with a formidable military establishment in order that our rôle may be sustained in honor and safety. We little-navy men, and economists derisively so called, are better patriots than the flamboyant jingoes who come forward with banners flying, and drums beating whenever a naval bill is under consideration, and by their groundless insinuations against the good faith, and purposes of other nations, would hazard the peace of the world to secure an imposing naval program. We applaud the attitude of George Washington, when he counseled his countrymen to maintain themselves in a respectable defensive posture.

These are wise words. Equally wise are the words of our floor leader [Mr. UNDERWOOD], responding to the gentleman from Illinois in this debate:

I say to the gentleman from Illinois [Mr. Foss] that the great bulwark of defense that protects the American people from foreign invasion, that compels respect for the American citizen on foreign soil, are not the guns of the Army, and Navy, but the genius, spirit, courage, and manhood of American citizenship. No great world power, Mr. Chairman, is going to invade our shores, so long as we are just and right in our treatment of other nations. Our own integrity, our own honesty, and our own moral courage protect us against attacks, and if we want to go out into the world, and attack other people unjustly, we are only pirates and national highwaymen. [Applause.] I hope that the proposition to build one battleship will be the proposition adopted by the House. [Applause.]

In this connection a recent declaration of Vice President Marshall may be appropriately cited:

This high sense of honor constitutes the panoply of the American people. Armies and battleships furnish no substitute for it. These are available, but the people never intended that authority should use them as accessories to a burglar's kit.

Already the nations of the world vexed and burdened by the policies which President Taft wished to incorporate and make a part of our own, the policies of the mailed fist, and the big stick, are looking forward with hopeful anticipation to the work of the new administration whose ideals have been so nobly expounded by President Wilson. That great English newspaper, the Nation, presents this thought:

From the new President of the United States, comes a saner and nobler vision of policy than Europe knows. With Bryan in charge of its foreign policy, it is reasonable to expect that America will enthusiastically cooperate with Great Britain in an effort to save Europe from itself.

For this war the little-navy men, and economists are ready to enlist. It is a war for the reduction of armaments, a war against war, and the multiplication of the equipments of war. Amid the tumult, and the shoutings of the captains is heard the still, small voice of peace proclaiming its message to the uttermost parts of the earth, that the nations which live by the sword will perish by the sword.

This Nation may well take to itself the words, be just, and fear not. Secure in our solitary grandeur in the western world, like a mighty eagle in its eyrie, too just to make wanton war, and too great to be lightly assailed, we may well aspire to be the arbiter of nations, and by the inspiration of our example bring to pass the reign of perfect peace. The task is not beyond our strength, and is in harmony with that destiny which has been so felicitously portrayed in this concluding extract:

I can conceive of a national destiny surpassing the glories of the present and the past—a destiny which meets the responsibilities of to-day and measures up to the possibilities of the future. Behold a Republic, resting securely upon the foundation stones quarried by revolutionary patriots from the mountain of eternal truth—a Republic applying in practice and proclaiming to the world the self-evident propositions that all men are created equal; that they are endowed by their Creator with inalienable rights; that governments are instituted among men to secure these rights; and that governments derive their just powers from the consent of the governed. Behold a Republic in which civil and religious liberty stimulate all to earnest endeavor, and in which the law restrains every hand uplifted for a neighbor's injury—a Republic in which every citizen is a sovereign, but in which no one cares or dares to wear a crown.

Behold a Republic whose flag is loved while other flags are only feared. Behold a Republic increasing in population, in wealth, in strength, and influence, solving the problems of civilization and hastening the coming of an universal brotherhood—a Republic which shakes thrones and dissolves aristocracies by its silent example and gives light and inspiration to those who sit in darkness. Behold a Republic gradually but surely becoming the supreme moral factor in the world's progress and the accepted arbiter of the world's disputes—a Republic whose history, like the path of the just, "is as the shining light that shineth more and more unto the perfect day."

* * * * * * *

The vote having been taken, the position of the little Navy advocates was sustained, and the provision for two battleships was stricken from the bill. The Senate first rejected this amendment, but the House insisting, they receded and acquiesced in the reduced program.

The Congress having now provided in two successive sessions for one battleship only, this authorization may be taken as our settled policy for the future.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. PADGETT. I desire again to submit a request for unanimous consent that debate may continue for 45 minutes on this paragraph.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent that debate on this paragraph and all amendments thereto be closed in 45 minutes. Is there objection?

Mr. MACON. Mr. Chairman, reserving the right to object, I want to say that I was thrown off my guard awhile ago by the gentleman from Alabama [Mr. HOBSON], when he jumped up and objected so boldly to the gentleman from Virginia [Mr. SAUNDERS] proceeding for 10 minutes, and I lost my opportunity. It was my purpose to prevent anything except five-minute debates on this question under the rules. I meant to do that then. I mean to do it now. I shall object to the extension of time for any and every Member of the House from now on. I do not intend to play favorites.

Mr. BURNETT. Regular order, Mr. Chairman.

Mr. MANN. Mr. Chairman, the gentleman from New York [Mr. CALDER] desires to offer an amendment at the end of this paragraph, which does not relate to the question of battleships.

Mr. PADGETT. I understand that.

Mr. MANN. Will not the gentleman modify his request so that that can be done?

Mr. MACON. I want to either pass the bill or see it defeated. We have had it under consideration for nearly a week, and we ought to dispose of it one way or the other without further delay.

Mr. MOORE of Pennsylvania. A parliamentary inquiry, Mr. Chairman. Was there any agreement which I could not hear that would prevent a Member from offering an amendment to this paragraph?

The CHAIRMAN. Not that the Chair knows of.

Mr. MADDEN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. Are not all the amendments to this paragraph pending that are permissible under these rules?

The CHAIRMAN. There are four pending, namely, the original amendment, the amendment to the amendment, the substitute, and an amendment to the substitute, and no others are in order.

Mr. MANN. At this time.

The CHAIRMAN. At this time.

Mr. MANN. And only at this time.

Mr. MOORE of Pennsylvania. Does that mean an amendment can not be offered that does not contain the subject matter in these amendments?

The CHAIRMAN. It means that no other amendment is permissible until these are voted up or down.

Mr. MOORE of Pennsylvania. But after they are voted upon it will be in order?

The CHAIRMAN. The question is on the amendment to the substitute. The gentleman from Alabama [Mr. UNDERWOOD] is recognized.

Mr. UNDERWOOD. Mr. Chairman, most everyone who has spoken on this subject has favored an adequate Navy. The only question of difference is what we think is an adequate Navy. One gentleman may think an adequate Navy is a Navy large enough to control the nations of the world. Another may determine that in his judgment an adequate Navy is one that may protect our shores from foreign invasion. But I think, Mr. Chairman, in voting on this paragraph we should vote with our eyes open and understand where the vote that we cast leads to. The stature of the human frame is built on the bone skeleton; a man's size is built about that bone frame. So it is with this Navy. The number of battleships you build measures the ultimate size of the Navy that you intend to support. You must have colliers, dispatch boats, torpedo boats, men, and armament to correspond with the number of battleships that you build. It is not merely the cost of how much per capita would be added as a charge against the American people to construct one battleship or two battleships, but if you want to have a rounded Navy, a Navy that is prepared for war, you have got to build all along the line to meet your battleship program. The battleship program as constituted to-day, if you take the estimates that come from the Navy Department, means that you must make a charge against the American people of $140,000,000 or $150,000,000 a year. If you go on building battleships to increase your Navy and increase it proportionately, so must the increase of that supply bill eventually come. Now, build your four battleships a year, and what does it lead to and what does it mean? Within 10 years, instead of $150,000,000 of charge to maintain this Navy, it means that you approach the $250,000,000 mark.

Mr. HOBSON. Will the gentleman yield to a question?

Mr. UNDERWOOD. I beg my colleague's pardon, but I can not; I have only five minutes.

I do not say that accurately, of course, because I am not a naval expert, as is my friend from Alabama [Mr. HOBSON], but it is in that neighborhood. I think we can maintain the present Navy with a battleship a year that will take the place of the discarded fleet. I am willing to do that. I want a fair Navy, a reasonable Navy, but I am not willing to increase the charge that is being piled up against the American people any further than it is to-day without there is some change in the political conditions of the world of which I am not advised to-day. Why, my friends, we do not need a Navy to protect our country against invasion. When Admiral Dewey sailed into the harbor of Manila, commanding practically a gunboat fleet, he held the situation, with the cables cut and no coal, by reason of the moral courage of an American citizen. [Applause.]

No great world power, Mr. Chairman, is going to invade our shores.

Mr. WEEKS. Will the gentleman yield?

Mr. UNDERWOOD. I can not yield. No great world power is going to invade our shores as long as we are just and right in our treatment of other nations. [Applause.] Our own integrity, our own honesty, and our own moral courage protect us against attacks, and if we want to go into the battlefields of the world and attack other people unjustly, we are only pirates and national highwaymen. [Applause.] I hope that the proposition for the building of one battleship will be the proposition adopted by this House. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

GENERAL DEFICIENCY BILL.

Mr. FITZGERALD, chairman of the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union and, with the accompanying report (No. 1576), ordered to be printed.

Mr. PAYNE. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from New York [Mr. PAYNE] reserves all points of order on the bill. The committee will resume its sitting.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Georgia [Mr. TRIBBLE].

Mr. BATES. Mr. Chairman——

Mr. MACON. Mr. Chairman, I make the point of order that all debate on this amendment is exhausted.

The CHAIRMAN. The gentleman from Arkansas [Mr. MACON] makes the point of order that all debate on this amendment is exhausted.

Mr. FOSS. Mr. Chairman, there has been no debate on this side of the House. All the time that has been taken up heretofore has been taken up by the other side of the House. I ask unanimous consent that the gentleman from Pennsylvania [Mr. BATES], a member of the Committee on Naval Affairs, be given five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. MACON. I object. I ask for the regular order.

The CHAIRMAN. The gentleman from Arkansas objects.

Mr. MACON. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is demanded.

Mr. MADDEN. Mr. Chairman, I make the point that no debate has been had on this proposition as yet. The House is entitled to hear both sides of the discussion.

Mr. UNDERWOOD. Mr. Chairman, I am very much surprised to hear from the gentleman from Illinois that I did not take any position on the amendment. I was speaking in favor of one battleship, and was against the proposition for no battleship.

Mr. MADDEN. The gentleman did not take any position on the amendment. He was taking a position of patriotism, and, so far as I could ascertain, his speech had no reference to the number of battleships. [Laughter.]

Mr. HOBSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOBSON. Is not the order to be the amendment to the substitute first?

The CHAIRMAN. It is not. The order is this: The amendment must be perfected first. The question before the House will be on the amendment to the amendment offered by the gentleman from Alabama [Mr. HOBSON]. In other words, the proposition before the committee is the amendment offered by the gentleman from Georgia [Mr. TRIBBLE], striking out "four battleships" and inserting "one battleship." The question is on agreeing to that amendment.

The question was taken; and on a division (ordered by the Chair) there were—ayes 130, noes 115.

Mr. HOBSON. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. HOBSON and Mr. TRIBBLE.

The committee again divided; and the tellers reported—ayes 131, noes 123.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is now on the amendment to the substitute to strike out "three battleships" and substitute "no battleship." The amendment to the substitute provides for no battleship.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. HOBSON. A division, Mr. Chairman.

The committee divided; and there were—ayes 46, noes 115.

So the amendment to the substitute was rejected.

The CHAIRMAN. The question is now on the substitute offered by the gentleman from Alabama [Mr. HOBSON] substituting "three battleships" for "two battleships."

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HOBSON. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 25, noes 140.

So the substitute was lost.

Mr. HOBSON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

On page 54, at the end of the page, add a new paragraph:

"Two armored cruisers, each carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and greatest desirable radius of action, and to cost not to exceed $20,000,000 each."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that that is not in order as an amendment.

Mr. MANN. I make the point of order that an amendment to the amendment is still before the House to substitute one battleship for two.

Mr. HOBSON. Mr. Chairman, I will withhold my amendment for a moment.

The CHAIRMAN. The Chair, of course, does not know the character of an amendment when it is offered and sent up to the desk.

Mr. MANN. I know; I understand that.

The CHAIRMAN. The question before the House is on the amendment of the gentleman from Georgia [Mr. TRIBBLE] to the amendment of the gentleman from Alabama [Mr. HOBSON] to substitute one battleship for two, as written in the bill.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. HOBSON. A division, Mr. Chairman.

Mr. MANN. I ask for tellers.

Mr. HOBSON. I ask for tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] and the gentleman from Alabama [Mr. HOBSON] ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. PADGETT and Mr. HOBSON.

Mr. MARTIN of South Dakota. Mr. Chairman, a parliamentary inquiry.

Mr. HAMLIN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri [Mr. HAMLIN] will state it.

Mr. HAMLIN. What is the proposition we are now to vote upon?

The CHAIRMAN. The question now is on the amendment of the gentleman from Georgia [Mr. TRIBBLE] to strike out two battleships and insert one battleship. The Members will pass between the tellers.

Mr. PADGETT and Mr. HOBSON took their places as tellers.

The committee divided, and the tellers reported—ayes 144, noes 133.

So the amendment was agreed to.

Mr. HOBSON. Mr. Chairman, I offer this amendment.

The CHAIRMAN. Gentlemen must take their seats and not rush up to the desk to ask for recognition.

Mr. MANN. Mr. Chairman, a parliamentary inquiry. How many times can the gentleman from Alabama [Mr. HOBSON] be recognized to offer an amendment?

The CHAIRMAN. The gentleman from Alabama has not been recognized yet.

Mr. CALDER. Mr. Chairman, I desire to offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York [Mr. CALDER] is recognized. The Chair wishes to say that gentlemen can not expect to rush up to the desk and ask for recognition. They must rise in their seats and be recognized.

Mr. HOBSON. Mr. Chairman, may I——

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. CALDER].

The Clerk read as follows:

At the bottom of page 54 insert the following:

"*Provided*, The money for the battleships herein authorized shall not be available unless said battleship is built in one of the navy yards."

Mr. CALDER. Mr. Chairman——

Mr. TRIBBLE. Mr. Chairman, I make a point of order on that.

Mr. CULLOP. Mr. Chairman, I suggest a modification of the amendment so that it will read "Government navy yards."

Mr. CALDER. There are no private navy yards, Mr. Chairman, but I have no objection to inserting the word "Government."

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Chair did not understand the statement of the gentleman from New York [Mr. CALDER].

Mr. CALDER. I say, Mr. Chairman, I am perfectly willing to accept the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana [Mr. CULLOP].

The Clerk read as follows:

Amend by inserting after the word "Navy" the word "Government," so that it will read:

"*Provided*, That the money for a battleship herein authorized shall not be available unless said battleship is built in one of the Government navy yards."

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment to the amendment. The Clerk will report it.

The Clerk read as follows:

Amend the amendment by adding:

"*Provided*, That more than one navy yard shall be fully equipped to build the vessel herein authorized."

Mr. FOSTER. Mr. Chairman, I make the point of order that there is already an amendment pending.

Mr. MOORE of Pennsylvania. This is an amendment to the amendment.

Mr. CULLOP. Mr. Chairman, my amendment was an amendment to the amendment.

The CHAIRMAN. The Chair's understanding was that the suggestion of the gentleman from Indiana [Mr. CULLOP] was accepted by the gentleman from New York [Mr. CALDER].

Mr. CALDER. Yes.

Mr. FOSTER. Mr. Chairman, I suggest that you can not do that.

The CHAIRMAN. If objection is made, it is not admissible. If no objection were made, it could be so ordered.

Mr. CULLOP. Mr. Chairman, I move the adoption of my amendment.

Mr. MANN. No objection was made to it. Objection was made to the gentleman from Pennsylvania [Mr. MOORE] taking the gentleman from New York [Mr. CALDER] off his feet to offer an amendment.

The CHAIRMAN. The Chair understands that the gentleman from Illinois [Mr. FOSTER] objected to it.

Mr. MANN. My colleague did not object to the request.

Mr. MOORE of Pennsylvania. Mr. Chairman, is my amendment ruled out on the ground that it is not germane?

The CHAIRMAN. It was not. The gentleman from New York [Mr. CALDER] has the floor.

Mr. CALDER. Mr. Chairman, there has been a good deal of discussion at this session of Congress as to the advisability of the Government having its own powder plants, its torpedo plants, and its plants for the manufacture of ordnance. It has been stated that at these Government plants we were able to manufacture the Government's powder at less than the price at which we could buy it by contract, and manufacture our own torpedoes and our own ordnance at less than it could be purchased. So, Mr. Chairman, we present to-day a proposition to this House that we can build warships more cheaply at a Government navy yard than they can be built by contract.

Now, Mr. Chairman, considerable has been said about building ships in the past, and at times we have had some difficulty because of the methods of account keeping by the Navy Department. But I am glad to announce to the House that we can actually build warships more cheaply at navy yards than we can build them by private contract.

Only last week bids were asked for by the Navy Department for the building of the battleship *Pennsylvania*, with the result that the Newport News Shipbuilding Co. bid for the building of the *Pennsylvania* $7,275,000, and the New York Navy Yard bid on exactly the same plans, for exactly the same ship, $7,303,000, or $28,000 more than the bid of the Newport News Shipbuilding Co.

Now, gentlemen, this bid by the New York Navy Yard was based on the experience of building three battleships during the past eight years. They made their bid on the *Pennsylvania*, and they are only $28,000 higher than the bid of the Newport News Shipbuilding Co., the lowest bidder. That is but one-third of 1 per cent. And, gentlemen, added to the New York Navy Yard's bid is an item of $860,000 for overhead charges.

I have here a statement from the Navy Department illustrating what these overhead charges are. They include maintenance of power plant, boilers, stacks, piping and machinery, elevators, telephone and telegraph charges, pay of watchmen, pay of clerks, pay of officers, and so forth. Over 50 per cent of these overhead charges, Mr. Chairman, would be permanent charges on the yard if a ship was not built there, and when ships are built there these charges are apportioned so that a part is debited against the ship in course of construction and other parts against other things going on in the yard.

Mr. SHERWOOD. Then it is evident that it is cheaper to the Government to build in a Government navy yard?

Mr. CALDER. It is certainly cheaper.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CALDER. Yes.

Mr. ANDERSON. I wish to ask the gentleman if there is more than one Government navy yard equipped so that ships of this character could be built there?

Mr. CALDER. There is only one navy yard at present equipped so that it could build ships of this character, but yesterday we appropriated $300,000 to build a crane at the Norfolk Navy Yard, and when that crane is built that yard can build battleships of this character.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. CALDER. Certainly.

Mr. MANN. The only place, as I understand, where they can build this ship now is the navy yard at Brooklyn, in part represented by the gentleman who now has the floor [Mr. CALDER] and in part by my friend at the left [Mr. FITZGERALD], the chairman of the Committee on Appropriations.

Mr. CALDER. I may say to the gentleman from Illinois that as soon as the crane that has been authorized is completed they can build these vessels at the Norfolk Navy Yard, and that crane will undoubtedly be built by the time this ship is to be constructed.

Mr. MANN. Not if the gentleman can prevent it. [Laughter.]

Mr. CALDER. I voted yesterday to build the crane,

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?
The CHAIRMAN. Does the gentleman yield?
Mr. CALDER. Yes.
Mr. BUCHANAN. I want to ask the gentleman if it is not a fact that the work of the Brooklyn Navy Yard is admitted to be superior to contract work?
Mr. CALDER. I am glad the gentleman asked me that question, Mr. Chairman. It undoubtedly is superior. I have had the opportunity of discussing with naval officers the question of the construction of contract-built ships and navy-yard-built ships, and no less an authority than Admiral Bob Evans, who took the *Connecticut* for his flagship in his fleet of battleships that sailed around the world, told me himself that, in his judgment, the *Connecticut*, a navy-yard-built ship, was a better battleship by 25 per cent than any other battleship he ever was on. [Applause.]
Mr. HOLLAND. Has the gentleman got the bid made by the Norfolk Navy Yard for this work?
Mr. CALDER. Yes.
Mr. HOLLAND. Will the gentleman read it, please?
Mr. CALDER. Seven million two hundred and seventy-five thousand dollars. No; I beg the gentleman's pardon, that is not for the Norfolk Navy Yard. I understood that the gentleman meant Newport News.
Mr. FOSTER. Has the gentleman got the bid from the Mare Island Navy Yard?
Mr. CALDER. Yes.
Mr. FOSTER. Will the gentleman read it?
Mr. CALDER. Seven million two hundred and eighty-two thousand dollars.
The CHAIRMAN. The time of the gentleman from New York has expired.
Mr. TOWNER. Mr. Chairman, I ask unanimous consent that the gentleman from New York have five minutes more.
The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?
There was no objection.
Mr. PADGETT. I would like to ask the gentleman if he has the bid from the Norfolk Navy Yard?
Mr. CALDER. I have not. I asked the department for the bids of the navy yards, and they sent me a letter giving the bid of the Brooklyn and the Mare Island yards. The facts are that under the bids made by the navy-yard authorities at Brooklyn we can save an amount of nearly $500,000. We have had great difficulty in the past in getting them to tell us the form of the account keeping, and now that we have it over their own signature we know we can compete with the private yards and bid successfully. Until the building of the *Connecticut* six years ago the Government never had a battleship completed within the time limit, but after the *Connecticut* was built by the Government it compelled the private yards thereafter to build in the contract time.
Mr. MOORE of Pennsylvania. Can the gentleman tell whether the Brooklyn yard has been invited to bid on the fuel colliers about to be constructed?
Mr. CALDER. I do not know.
Mr. MOORE of Pennsylvania. The Brooklyn yard is equipped to build colliers or battleships?
Mr. CALDER. They can build any ship.
Mr. KNOWLAND. I want to say that the Mare Island Navy Yard is thoroughly equipped for building a battleship, and I notice that the bid of that yard is $21,000 less than that of the Brooklyn Navy Yard.
Mr. FITZGERALD. Twenty-one thousand dollars less.
Mr. CALDER. We have built three battleships at the Brooklyn yard, and from our experience and the statement of the Government of indirect charges we can prove that we can build the ships at a great saving to the Government.
Mr. LEE of Pennsylvania. Will the gentleman yield?
Mr. CALDER. Yes.
Mr. LEE of Pennsylvania. Is the gentleman from New York in favor of giving the ship to the lowest bidder on a contract?
Mr. CALDER. I am, depending on their capacity to carry out the undertaking. I want to say frankly to the gentleman that if it can be demonstrated that the Mare Island Navy Yard is equipped to build a battleship and can build it for less than the Brooklyn Navy Yard, I should say that the ship should be given to the Mare Island yard.
Mr. LEE of Pennsylvania. If the Mare Island yard takes the contract, does not the gentleman think they will be able to do the work?
Mr. CALDER. The navy yards do not build by contract. It is the statement of the navy-yard officials. I say frankly that if the Mare Island yard can demonstrate to the satisfaction of the department that they can build cheaper than Brooklyn they ought to get the work.
Mr. LEE of Pennsylvania. There is no question about that.
Mr. CALDER. Not a particle.
Mr. REDFIELD. Mr. Chairman, I think there is no doubt that it can be demonstrated that the Government can build a better vessel for the same money than it gets from a private yard. Before I entered Congress I had the privilege of furnishing under contract certain important parts for four battleships, the *Delaware*, the *North Dakota*, the *Florida*, and the *Utah*.
Now, it is perfectly possible under specifications for battleships to furnish either one of several kinds of apparatus. If I may take the case of the two ships, the *Utah* and the *Florida*, for each of which I furnished, or my company did, the forced-draft apparatus, I point out that such apparatus affects directly the speed of the ship and the steaming economy of the ship in service. In the case of one of these vessels, built at a private yard, the question that the contractor cared for was price, and in the case of the sister ship, built at the Government yard, the Government officer cared chiefly for efficiency. So, as a matter of fact, there are two ships to-day for which my own concern furnished this part of the equipment, one of which ships has an equipment less efficient than the other, because in the Government-built ship the naval constructor in charge insisted on having the more efficient and more economical apparatus and in the other case the private yard insisted on a less expensive and less efficient apparatus, although both would fully meet the specifications.
I want to be quite particular about this. These were blowers for forced-draft apparatus. The Government vessel took the larger equipment, which cost a little more and which gave the ship more power for speed and more steaming economy in operation. The private yard took the apparatus which gives less and involves a little better profit to the contractor; the Government yard took the larger outfit, which worked a little more efficiently and gave the vessel rather more speed.
Mr. COOPER. Will the gentleman yield?
Mr. REDFIELD. Certainly.
Mr. COOPER. I think the gentleman in his reference to these cases has stated the whole argument, and that is in constructing a battleship as between the Government and a private concern the profit is the great consideration with the private concern, whereas in the Government-constructed ship there is no element of profit entering into it, but simply a desire to make the best vessel for the men to go to sea and fight the battles of the country.
Mr. REDFIELD. The practical point in what I have said is that in the Government-built ship in case of an emergency there is a reserve of speed, a reserve of steaming power, that does not so fully exist in the private vessel.
The CHAIRMAN. The time of the gentleman from New York has expired.
Mr. MAHER. Mr. Chairman, one of the most important reasons for this amendment is to continue the present competition between the private shipbuilders and the Government yards, for I believe if it were not for this competition the bids made for the building of battleships would be far in excess of what they are to-day. Another is to supply steady employment to the mechanics employed in the Government yards. There is no employer of labor who would expect the best results from his skilled mechanics, if he were compelled to lay them off three or four months every year.
The battleship *New York* was launched at the New York Navy Yard on October 30, 1912, or about four months ago, and during that short period of time 481 men have been discharged. This reduction in the force is inevitable as the work advances on a battleship under construction, and within the next few weeks it is expected that from 75 to 100 additional men who are now working on the *New York* will be discharged, and these gradual reductions in the force will continue until the vessel is finally completed and ready for commissioning. And what is true of work on the *New York* also applies to the general work of overhauling vessels under repair—that is, under the present system reductions must take place in all trades as the work nears completion. Experience has demonstrated that better results can be obtained in any line of work by retaining a permanent force of skilled mechanics. In the first place when a man knows that his job is secure he is able to work to better advantage. Of course there may be exceptions to this rule, but it is true of the average workman. Contentment is a necessary factor to efficiency, and when a man knows that he has a permanent job he is naturally more contented than when he realizes that he may lose his place any day.
Another advantage of retaining a permanent force at the yards is that you have a complete organization of skilled mechanics in all the various trades that enter into the complicated work of building a modern battleship, thus obviating the necessity of calling in new men and breaking them in on the

work. This necessity of calling in new men in the building of a ship means a great loss to the Government, and it can be safely estimated that this method is equal to at least 10 per cent of the total cost of labor in building the ship. On the other hand, if a permanent force of men were always available, with sufficient work authorized to keep them busy, there would be no necessity for calling in new men, and in addition such a permanent force would naturally become more efficient, as they would gain experience in shipbuilding. When the forces at the yards are disorganized, or discharged, on account of lack of work, they naturally look for employment wherever they may be able to procure same; and these men, when they are discharged after six months or a year's work, go to various points away from the yard, as the shipbuilding industries are scattered throughout the entire country. Some of them, of course, are able to obtain employment in New York or vicinity. When another ship is authorized and work is started at the yard a majority of them have probably secured steady work and they are therefore not overanxious to give their services to the Government again, knowing that they will be laid off in batches as the battleship under construction nears completion. This method of laying off is inevitable under our present system of employing mechanics. Should we be able to keep intact a steady force of men at the yard the men would naturally settle close to their work; in other words, they would make their homes in that locality, and you can readily understand how such a condition would tend to improve their efficiency, as they would then be able to enjoy all the comforts of home life with their families, which, as you are aware, are so essential to the well-being and moral stability of workingmen. In this connection I might state that there were times during the building of the *New York* when it was necessary to advertise in the daily papers for drillers, calkers, and chippers; and the reason for this was simply due to the uncertainty of employment in the yard. In view of these facts, I believe that every Congressman should use his best efforts toward securing the establishment of a permanent force of mechanics at the navy yards and the authorizing of sufficient work on the construction of battleships to keep them employed. With a skilled force of this kind always available the Government would undoubtedly save considerable money and at the same time we would be able to turn out better ships in every way.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask now for the reading of the amendment to the amendment, which I had sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Add, at the end of the amendment, the following: "*Provided*, That more than one navy yard shall be fully equipped to build any of the vessels herein authorized."

Mr. FOSTER. Mr. Chairman, on that I reserve the point of order.

Mr. MANN. Mr. Chairman, what point of order would lie against this?

Mr. MOORE of Pennsylvania. Mr. Chairman, I am not one of those who seeks to depopulate the navy yards of the country, nor do I seek to drive out of business the men whose capital is invested in private shipyards. Nor do I want to see thrown out of employment the thousands of skilled mechanics and laborers who are working in the private shipyards. There are two private institutions along the river Delaware, shipyards that give employment each to 5,000 men, which means sustenance to at least 50,000 people. The taking away from private shipyards of the construction of large vessels and the placing of them exclusively in the navy yards of the country would mean that these 50,000 people would have to look elsewhere for their support.

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GOLDFOGLE. If the amendment offered by the gentleman from Pennsylvania should prevail, and the Secretary of the Navy should be of opinion that there are not two navy yards that could turn out a battleship such as is contemplated by the bill, then the purpose of my colleague from New York [Mr. CALDER], namely, that the battleship be built at the Government yards, would be defeated.

Mr. MOORE of Pennsylvania. I am not objecting to that at all. I am not opposing the gentleman's amendment, except that I want to go a little further than he does and say that while I do not want to destroy the private shipyards of the country, because of the employment they give to labor, yet I do not want to see every battleship and every collier that is constructed by the Government built at one navy yard only, to the prejudice of all other navy yards of the United States. Hence, I offer an amendment which proposes that more than one navy yard shall be fully equipped to build a battleship or any vessel that may be contracted for by the Government.

Mr. GOLDFOGLE. Does not the gentleman then concede that if there be not two navy yards fully equipped to build a battleship the amendment of my colleague from New York [Mr. CALDER] that the battleship be built at the navy yard would be futile?

Mr. MOORE of Pennsylvania. The gentleman does not in his amendment state specifically that the only navy yard fully equipped to build a battleship is the navy yard at Brooklyn; but the effect is just the same, because the fact is that that is the only Government yard fully equipped to build a battleship. My point is this, and the purpose of my amendment is not wholly hostile to the amendment offered by the gentleman from New York: I propose that whereas we inveigh against monopoly in private life and insist that no one big concern shall have all of the business, that no one corporation shall absorb the trade of the country; I insist that no one navy yard shall absorb all of the construction work and build all of the battleships of the country, provided we embark on the business of having the Government build battleships.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

Mr. SHERLEY. Mr. Chairman, will the gentleman state any reason why there should not be monopoly on the part of the Government when doing its own work—why there should be competition between Government plants?

Mr. MOORE of Pennsylvania. I think, in answer to the gentleman's question, it would be fair to those skilled mechanics and laborers whose livelihood is obtained on the Pacific coast, as well as in the matter of the exigency of war, that the Government should be equipped to build a battleship on the Pacific coast. By the same token, I think that if naval warfare should break out in the West Indies or as a result of our fortification of the Panama Canal, it would be wise policy on the part of the Government to have down there at Pensacola a navy yard fully equipped to build a battleship of any size.

Mr. SHERLEY. Mr. Chairman, I can understand this argument being made in favor of having several yards, though I do not think the argument has ever been a good one, but I can not understand the original argument of the gentleman that the reason of having these yards is for the purpose of competition. Competition with whom? Does the Government compete with itself? The purpose of competition outside is to protect the Government. The purpose of competition inside can only be to favor locality.

Mr. MOORE of Pennsylvania. Very well. The gentleman has stated a question which I can answer fully in an instant. In the instance of a fuel collier about to be constructed the Navy Department had sent out proposals to four or five navy yards along the Atlantic coast——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to have my time extended in order that I may answer the gentleman's question.

The CHAIRMAN. Is there objection?

Mr. PADGETT. Mr. Chairman, as there are so many gentlemen who desire to speak, I must object.

Mr. MOORE of Pennsylvania. Mr. Chairman, may I ask the gentleman to withhold his objection for a moment. I call the gentleman's attention to the fact that the gentleman from New York had his time extended, and that I have just entered upon this discussion and have yielded to gentlemen to ask questions, and had only half answered the most important question of all.

Mr. FOSTER. Mr. Chairman, I ask that the gentleman have five minutes more, and I hope the gentleman from Tennessee will not object.

Mr. PADGETT. Mr. Chairman, I withdraw my objection, but I shall not consent to any further extensions.

Mr. MOORE of Pennsylvania. Mr. Chairman, answering further the gentleman from Kentucky [Mr. SHERLEY] with regard to competition in the navy yards and whether it would be advantageous to the Government, I say that at the present time the Navy Department is inviting bids from Portsmouth, Charleston, Brooklyn, Philadelphia, and Norfolk for the construction of a fuel collier.

That answers the question completely.

Mr. SHERLEY. If the gentleman will permit, it does not answer it at all.

Mr. MOORE of Pennsylvania. It is to find out at which one of these navy yards vessels can be constructed and——

Mr. SHERLEY. The determination of that fact will not determine the wisdom of having four or five yards.

Mr. MOORE of Pennsylvania. Does not the gentleman see, what it is difficult sometimes to make those see who charge

favoritism or prejudice on the part of a Member who is in favor of his own district, that 50,000 people in the vicinity of Philadelphia are dependent upon the business of shipbuilding?

Mr. SHERLEY. All of which is a reason for the gentleman's speech, but not for the Government's action.

Mr. MOORE of Pennsylvania. Five thousand people depend upon the continuance of the business of the Philadelphia Navy Yard, and does not the gentleman think that if all this construction work is concentrated in one navy yard, either at Brooklyn or Norfolk—and the Norfolk yard is coming to be equipped to build battleships—that this labor to which I refer must give up its employment and go elsewhere?

Mr. SHERLEY. If the gentleman will permit, the whole argument was made with even greater force by the spinners of Flanders in regard to the use of modern machinery in spinning.

Mr. MOORE of Pennsylvania. I yield to the gentleman from Kentucky in his superior knowledge of the textile industry, but I still insist that the Government would be better off in the matter of construction of battleships if it had two places to go for the construction of battleships under its own direction.

Mr. DYER. Does not the gentleman know Mare Island is now equipped for the construction of battleships and that Norfolk will be in a short time?

Mr. MOORE of Pennsylvania. I have listened to gentlemen contending that Mare Island was fully equipped, and, in fact, my friend from California [Mr. KNOWLAND] contends it is equipped and that two colliers were built at the Mare Island Navy Yard. But I do not want to debate the question of the advisability of constructing battleships at Mare Island in its present condition. I want to see Mare Island put in shape, or any other station that the Government may agree upon, to do repair and construction work on the Pacific if the Government wants to enter into the business of building battleships and putting private contractors for battleships out of business. And while I do not blame the gentlemen from New York for doing the best they can for holding all they can at the Brooklyn Navy Yard, I still insist it would be better for the Government as a business proposition, apart from the bread-and-butter side of it, if it would equip more than one navy yard in which to do this kind of work; hence I have offered this amendment to the amendment of the gentleman from New York, and I trust it will pass.

Mr. GOLDFOGLE. Mr. Chairman, whatever may be the purpose or intention of the gentleman from Pennsylvania [Mr. MOORE], whether to bring the construction of the battleship to a private yard in the vicinity of Philadelphia, or elsewhere, or not, the real effect of the adoption of the amendment he has offered would probably go to defeat the proposition to build the ship at the Government yard.

The battleship authorized by this bill ought, in my opinion, to be constructed at a Government yard. We have had ample demonstration of the fact that the Government in its own yard and with its own men can turn out work in a manner, with a skill and efficiency and expedition unexcelled—in fact, unequaled—by private shipbuilding concerns. The *Connecticut* and the *Florida*, the latter ship constructed at the Brooklyn Yard under an amendment I introduced to the naval appropriation bill some years ago, serve as splendid and effective illustrations of that fact. The excellent workmanship, the rapidity within which the work was finished, the efficiency of everything that went to construct these two ships speak in favor of our desire to have the contemplated ship constructed at the navy yard. The large and adequately equipped and costly plant at the Government yard ought not, by sending the work to a private shipyard, be allowed to remain, in a great measure, inactive and go to consequent decay. The immense force of men, who have done such commendable work in every department of the yard's activities, ought not to be cast out of employment and sent many into idleness. Trained to their work and to a fine discipline, they are a valuable working force, to scatter which and replace with new men in hours of necessity would really be a detriment.

We should encourage and promote that competition between our Government and the private shipbuilders as will make for cheapening the cost of building our ships at private yards. This end will be accomplished by providing that the ship now to be authorized be built at the navy yard. It will also, to an extent, prevent combination of shipbuilders to enhance their price and increase their bids beyond reasonable figures.

The distinguished gentleman from Pennsylvania [Mr. MOORE] urges that unless there be more than one Government yard in which the battleship can be built, the building should be turned over to the private yards. Mr. Chairman, we may safely intrust the Secretary of the Navy with the duty of determining at what yard—Brooklyn or elsewhere—the ship should be built. If there be a yard properly provided and sufficiently equipped to handle and do the work other than in Brooklyn, the Secretary of the Navy will have power, if he chooses, to send it there. But it will be useless, and I may add destructive, of the amendment offered by my colleague from New York [Mr. CALDER] to adopt the amendment the gentleman from Pennsylvania proposes. To my mind its true intent is to defeat the purpose I so strongly advocate that we do the building at the Government yard.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. GOLDFOGLE. I will.

Mr. LINTHICUM. How many Government yards are capable of building battleships?

Mr. GOLDFOGLE. I can not with accuracy answer that question. There is one yard, I know, has demonstrated its absolute ability to do the work well and expeditiously and efficiently. The Secretary of the Navy can determine hereafter whether there be another Government yard where the work may be done.

Mr. LINTHICUM. Is not the particular yard to which the gentleman referred located in the gentleman's own State?

Mr. GOLDFOGLE. Yes; the yard that turned out the excellently built *Connecticut* and *Florida* is located in my State; it is at Brooklyn.

Mr. LINTHICUM. Would it not require a great deal of money to put the other yards in a condition to build battleships?

Mr. GOLDFOGLE. Probably; yes. I do not know just how well equipped some of the other yards may be. Let's leave that to the Secretary of the Navy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAMUEL W. SMITH. I ask that the gentleman's time be extended five minutes.

Mr. PADGETT. Mr. Chairman, I must object.

Mr. GOLDFOGLE. I ask leave to extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. All debate on this amendment and the amendment to the amendment is exhausted.

Mr. MANN. I ask unanimous consent that the gentleman from New Jersey [Mr. BROWNING] have five minutes.

Mr. BROWNING. Mr. Chairman, I move to strike out the last word.

Mr. MANN. That is an amendment in the third degree.

The CHAIRMAN. That is true, and the gentleman is not in order.

Mr. BROWNING. Mr. Chairman, I ask that I be given five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BROWNING. Mr. Chairman, I hope neither of these amendments will prevail. There seems to be a disposition on the part of the House to place in Government manufacturing establishments the building of battleships, the manufacture of powder, and the manufacture of many articles and commodities used by the Government, thus seeking to exclude private concerns from Government contracts.

I do not believe that the Government should manufacture all of the necessary powder, nor do I believe that the Navy Department should build all our ships. "Uncle Sam" should live and let live. A vast amount of capital is invested in shipbuilding plants in this country; there is one plant in my city which employs between five and six thousand men at all times.

The gentleman from New York [Mr. GOLDFOGLE] spoke of the magnificent construction of the battleship *Florida*, which was built at the Brooklyn Navy Yard. I wish to state that her sister ship, the *Utah*, was built by the New York Shipbuilding Co., at Camden, N. J., and she is just as good a vessel as the *Florida*. And I desire also to state that the *Florida* cost $6,212,000, and her sister ship, the *Utah*, cost $4,030,000. Now, it seems to me, Mr. Chairman, that the vast amount of capital and the great number of people employed in these private concerns, performing such economical and good work, should receive some consideration at the hands of the Government.

Mr. SAMUEL W. SMITH. What will it cost to equip a yard to manufacture a boat like the *Florida* or the *Utah*?

Mr. BROWNING. I can not tell you. There are millions of dollars invested in shipbuilding.

Mr. ROBERTS of Massachusetts. It cost somewhere from $200,000 to $250,000 for slips and traveling cranes. It is not a very expensive thing.

Mr. BROWNING. I thought you meant the amount of money invested in private plants.

Mr. MOORE of Pennsylvania. Would not the $400,000 allowed yesterday to the Norfolk Navy Yard be sufficient to equip a navy yard for building a battleship?

Mr. BROWNING. I think it would.

Mr. MOORE of Pennsylvania. And would not the same amount for the Philadelphia Navy Yard be sufficient to equip it there?

Mr. BROWNING. I think it would.

Admiral Watt says that ships built in private yards are just as good as ships built in Government yards, and I hope these amendments will not prevail.

Mr. Chairman, I hold in my hand an article from the Philadelphia Public Ledger of February 15. I ask unanimous consent that I may have the same printed in the RECORD.

Mr. HOWARD. Mr. Chairman, I would like to ask the gentleman a question, if he will yield?

Mr. BROWNING. Certainly.

Mr. HOWARD. As to the construction of the *Connecticut* and the *Louisiana*, the *Connecticut* being constructed by the Government, and the *Louisiana* by a private shipbuilding concern, has the gentleman any information as to the cost of the repairs on the *Connecticut*, as compared with the cost on the *Louisiana*?

Mr BROWNING. I have not.

Mr. HOWARD. Does not the gentleman know that the cost of repairs on the *Connecticut* has been 30 per cent less than those on the *Louisiana* since the construction of these two ships, which were launched at about the same time?

Mr. BROWNING. I do not know that. We have never had any such information as that before the Naval Committee.

Mr. HOWARD. As a matter of fact, if you will refer to the hearings before the Committee on Naval Affairs, you will find Admiral Evans testified to that fact.

Mr. MOORE of Pennsylvania. Has not the gentleman his figures reversed?

Mr. HOWARD. I have not. I have my own figures, and I know they are correct.

Mr. BROWNING. Some ships may have more repairs than others, but that has nothing to do with the work done at the yards.

Mr. HOWARD. I will go a step further and say that the percentage of repairs on the *Connecticut* was occasioned by the *Connecticut* running aground very shortly after she was constructed.

Mr. BROWNING. That might be. What has that to do with the construction of the two ships?

Mr. HOWARD. The repairs of the ship, as the gentleman from New Jersey well knows——

Mr. BROWNING. If a ship runs aground, would it not need repairs?

Mr. HOWARD. Certainly. But I would allow that in the total repairs of that particular ship.

Mr. BROWNING. Mr. Chairman, I ask unanimous consent to print this article from the Philadelphia Public Ledger as a part of my remarks. It is a very short article.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. BROWNING] has expired. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The following is the article referred to:

UNITED STATES SHIPS COME HIGH—GOVERNMENT SPENDS EXTRA MILLIONS BY OWN CONSTRUCTION.

[Special telegram to the Public Ledger.]

WASHINGTON, *February 15.*

Last year's naval appropriation bill provided, among others, for the building of two fuel ships, to cost, exclusive of armor and armament, not to exceed $1,140,000, and each ship to be constructed at a navy yard, one on the Pacific coast.

One of the ships has been started at the Mare Island Navy Yard, but the other ship, which would normally be built at the New York Navy Yard, as that is the only navy yard on the eastern coast that is fitted out to build ships, has not yet been ordered.

This delay undoubtedly is for the purpose of permitting the New York Navy Yard to build one of the two battleships authorized by this year's naval program. And it is therefore to be presumed that the second final ship will be built on the Pacific coast.

The extra cost of building in navy yards is well set forth by Admiral R. M. Watt, chief of the Bureau of Construction and Repair, in his hearing before the Committee on Naval Affairs a year ago, February 2 and 5, 1912. Admiral Watt stated that the *Nevada* and *Oklahoma*, building, respectively, at Fore River and the New York Shipbuilding Co.'s works, cost for hull and machinery $5,895,000 and $5,926,000, respectively. These ships are of 27,500 tons displacement, or 500 tons larger than the *New York* and *Texas*, and they are built under the eight-hour law, so that the men employed in their construction only work the same number of hours per day as Government employees in a navy yard. These ships were contracted for in 1911 and are identically the same.

The battleships *New York* and *Texas*, which are also both the same, are 500 tons smaller than the *Nevada* and *Oklahoma*. The *Texas* was built by the Newport News Shipbuilding Co. at a contract price of $5,830,000. The *New York*, which is being built at the New York Navy Yard, is estimated to cost $7,293,000 and will probably exceed this amount. The *Texas* was built under the eight-hour law of 1892.

The battleship *Florida* was built at the New York Navy Yard, being completed in the summer of 1911, at the following cost:

Labor	$2, 815, 000
Indirect charges	955, 000
Material	2, 442, 000
Total	6, 212, 000

The sister ship to the *Florida*, the *Utah*, was built at the New York Shipbuilding Co.'s plant at a cost of $4,030,000, so that the Government-built *Florida* cost $2,182,000 more than the contract-built *Utah*.

There is not very much difference in the time required to build a ship by private contract or in a Government yard, but such difference as there is has been uniformly in favor of the private yards, which have built battleships in from three to eight months' less time than required in the Government yards.

It is interesting to note that the labor cost per ton on the *Florida* at the New York Navy Yard is double what it would be at a private yard, even under the eight-hour-law conditions.

In making up the cost of a ship at a navy yard the pay of the mechanics, who receive 28½ days' leave a year, is not included as part of the cost of building a ship, nor is the disability pay which they receive for absence in excess of 15 days as a result of accidents while at work. The salaries of clerks and of draftsmen who work on the plans of the vessel are not charged up to part of her cost. There is no allowance made for insurance; there is no charge for a bond to insure the performance of the contract. The trial trip is run after the ship is in commission and is considered as part of the regular expense and not as a separate item, and many other charges that form a part of the cost in a private yard are entirely overlooked when a ship is built at a Government yard. The reasons for the greater cost at a navy yard are:

1. The very much higher wages for the same class of mechanics.
2. The greater number of high-grade mechanics.
3. The greater number of foremen.
4. The less efficient organization, due to the intermittent character of the shipbuilding work and the lack of incentive of competition.
5. It is also a fact that building at a navy yard results in inferior work, because there is no adequate inspection, while a private contractor's work is supervised by 50 inspectors, who require absolute compliance with the specifications.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. FOSS. Mr. Chairman, I would like five minutes upon this proposition.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSS] asks unanimous consent to address the committee for five minutes on the pending amendment. Is there objection?

There was no objection.

Mr. FOSS. Before gentlemen vote on the proposition for building ships in the navy yards, I think it would be well to pause a moment and look at our experience in the comparative cost between building ships in private yards and building ships in navy yards. I have here a statement of all the ships that have been built in navy yards, with the cost of similar ships built in private yards, and it has been prepared in the Navy Department by the Chief Constructor of the Navy, and it shows that we have spent nearly $8,000,000 more in building ships in Government yards than we would have spent if they had been built by contract in private yards.

Take, for instance, the *Connecticut* and the *Louisiana*. The *Connecticut* was built in the New York Navy Yard and cost $374,000 more than her sister ship, the *Louisiana*, which was built in a private yard. But in the construction of that ship little more than labor and material was charged up against the *Connecticut*. A large percentage of the indirect charges were never added to the *Connecticut*, and I asked the Chief Constructor of the Navy to give me a statement as to what that ship would have cost if the same things had been charged against her that were charged against her sister ship, the *Louisiana*. And here is his letter:

BUREAU OF CONSTRUCTION AND REPAIR, NAVY DEPARTMENT,
Washington, D. C., February 25, 1913.

(Data concerning indirect charges in commercial establishments and navy yards.)

Hon. GEORGE EDMUND FOSS, M. C.,
House of Representatives.

MY DEAR CONGRESSMAN: 1. I forward herewith such data as is available in reply to your various inquiries:

"(1) What items included by commercial concerns are not included in the indirect charges entering into the cost of construction at navy yards of new vessels for the Navy?"

On page 397 of the printed hearings before the Committee on Naval Affairs of the House of Representatives on appropriation bill subjects of 1911 appears a statement of the Paymaster General to the effect that since July 1, 1910, the following items have not entered into the indirect cost under the navy yard system of accounting:

Officers' salaries.
Clerical force, draftsmen, civilian assistants, subinspectors, expert aids, chemists, watchmen, messengers, etc.
Leave, holiday, and disability.
Expenses of receiving, testing, and handling stores.
Depreciation, fire insurance.
Interest on money invested; taxes.
Repairs made to buildings, railways, plant machinery, when such repairs exceed $100.

[NOTE: Under the accounting instructions issued July 1, 1912, repairs made to buildings, machinery, etc., are not included when repairs exceed $25].

Such items entering into commercial indirect charges which are excluded from Navy indirect charges, are unquestionably not less than 25 per cent of the productive labor on which both commercial and Navy indirect charges are figured.

"(2) What is the latest reported cost of the *Florida*, the proportion of indirect, and what would have been the cost of the *Florida* had all items of indirect charge been made in accordance with commercial practice?"

The cost of the *Florida*, under the appropriation, "Increase of the Navy, Construction and Machinery," to November 1, 1912, is as follows:

Labor	$2, 830, 804. 28
Material	2, 400, 255. 45
Indirect	965, 308. 44
Miscellaneous	53, 657. 03
Total	6, 250, 025. 20

From the above it will be noted that the indirect charges figure almost exactly 34 per cent of the direct labor charges.

While it is not practicable to state exactly how much these charges would have been increased had they included all expenditures which would be included in the indirect charge for a commercial establishment, because the method of figuring indirect was modified several times during the construction of this vessel, the chief constructor, on page 371 of the hearings on the appropriation bill subjects, 1912, estimated that such increased indirect charges would be about $500,000.

The cost of the *Utah*, under the contract, including changes therein, was $4,018,815.46.

"(3) What was the percentage of indirect charges on the *Connecticut*, and how much would the cost of the *Connecticut* have been increased under the system of indirect charges holding in commercial establishments?"

As regards the indirect cost of the *Connecticut*, it is impossible to give any exact statement. Under the accounting system in vogue during her construction, certain items now included in indirect cost would have been charged direct. In the construction of the *Connecticut*, however, a separate account was kept of general superintendence, clerical and drafting work, and it appears from page 401 of the 1911 hearing that this amounted to a little over 10 per cent of the direct cost of labor. Unquestionably, with the system of indirect charges holding in commercial establishments, the cost of the *Connecticut* would have been increased by not less than 25 per cent of the direct labor, or at least $625,000.

"(4) What have been the total expenditures for repairs on the *Connecticut* and *Louisiana* to date?"

The total expenditures for repairs on the *Connecticut* and *Louisiana* to November 1, 1912, are as given in the following table:

Fiscal year.	Connecticut.	Louisiana.
1906	$236.97	$5,748.39
1907	54,960.29	105,404.49
1908	140,482.70	66,691.43
1909	198,298.56	126,556.53
1910	197,843.82	205,839.54
1911	70,581.18	53,849.20
1912	57,258.78	80,476.70
1913 (to Nov. 1, 1912)	19,607.02	40,906.14
	739,219.32	685,372.42

The actual cost of the *Connecticut*, as reported to Congress by the Navy Department on April 18, 1908, was $4,562,094. The actual cost of the *Louisiana*, as reported to Congress by the Navy Department on April 18, 1908, including all bureau and navy-yard inspections, changes, and other charges not included in the contract price, in the same manner as said charges were made for the sister vessel, the *Connecticut*, in order to be directly comparable therewith, was $4,188,468.

Faithfully, yours,

P. M. WATT,
Chief Constructor, United States Navy, Chief of Bureau.

Now, if the same method of cost accounting obtained in the navy yard at Brooklyn in the building of the *Connecticut* that obtained in the building of the *Louisiana* in a private shipyard, it would have cost a million dollars, nearly, more than her sister ship, the *Louisiana*.

Now, let us take up another ship which we have been building in the New York Navy Yard, the *Florida*. According to the testimony of the Chief Constructor of the Navy, the *Florida*, which has just been completed in the New York Navy Yard, cost $2,269,000 more than her sister ship of equal tonnage, similar in every respect, built at a private shipyard; and if the same cost-accounting system obtained in the New York Navy Yard which obtains in the private shipbuilding yard at Newport News, where the *Utah* was built, we would have to add to the cost of the *Florida* between four hundred and five hundred thousand dollars more.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield for a question?

Mr. FOSS. No; I can not. I have only five minutes.

Mr. MOORE of Pennsylvania. I want to make a correction. The *Utah* was built in the New York Shipbuilding Co.'s yard, on the Delaware.

Mr. FOSS. Now, this is what the Chief Constructor says in regard to the *Florida* and the *Utah*, and I propose to put it in the RECORD:

MEMORANDUM.

In the development of the new Navy, 15 vessels have been constructed in navy yards, namely:

Second-class battleships *Maine* and *Texas;* 1888–1895, 1889–1895.
Protected cruisers *Cincinnati* and *Raleigh;* 1890–1894, 1889–1894.
First-class battleship *Connecticut;* 1903–1906.
Training ships *Cumberland* and *Intrepid;* 1904–1907, 1904–1907.
Wooden brig *Boxer;* 1904–5.
Tugs *Patapsco* and *Patuxent;* 1907–1909, 1907–1909.
Fleet colliers *Vestal* and *Prometheus;* 1906–1909, 1906–1910.
First-class battleship *Florida;* 1909–1911.
Fleet collier *Jupiter;* 1911–.
First-class battleship *New York;* 1911–.

The last two vessels are now under construction, the collier *Jupiter* at the navy yard, Mare Island, and the battleship *New York* at the navy yard, New York.

In no instance have these vessels been constructed within the limit of cost first set by Congress.

In several instances, sister vessels to those built at navy yards have been built by contract, and a direct comparison between the cost of building by contract and of building in a Government yard is thus obtained.

In the cases of the *Cincinnati* and *Raleigh*, bids were invited from shipbuilders, but as the bids were in excess of the limit of cost construction in a Government yard was undertaken, and a direct comparison of cost of building in Government yards and of building by contract is thus obtained.

In the cases of the *Maine, Texas, Cumberland, Intrepid, Boxer, Vestal* and *Prometheus*, no proposals were obtained from outside shipbuilders and no absolute comparison of cost is available; but a very fair comparison is possible by comparing the cost per ton of the above vessels with the cost per ton of vessels of the same type constructed about the same time by contract.

Further, the cost of preparing the navy yards at New York and Mare Island for shipbuilding purposes has amounted to many hundreds of thousands of dollars. In the hearings of the Secretary of the Navy before the Committee on Naval Affairs on Thursday, January 12, 1911, page 377, is found an official statement that "the total expenditure for preparing the navy yard, New York, for the construction of the *Connecticut* and *Florida*, exceeded $600,000."

While there is no question as to the desirability of having certain of the navy yards equipped with plant and prepared with organization and skilled mechanics necessary to undertake shipbuilding, the cost of vessels built and building in navy yards is not less than $7,000,000 in excess of the cost of building the same vessels by contract, an amount sufficient to provide the hull and machinery for one of the latest type all-big-gun battleships.

Navy-yard built.	Cost about.	More than.
Connecticut	$374,000	Louisiana, a sister vessel built by contract.
Florida	2,269,000	Utah, a sister vessel built by contract.
Jupiter	590,000	Cyclops, a sister vessel built by contract.
New York	1,463,000	Texas, a sister vessel building by contract.
Cincinnati	770,000	Formal proposals received for their construction.
Raleigh	714,000	
Maine	780,000	Limit of cost inside which it is estimated that vessels could have been contracted for.
Texas	449,000	
Vestal	250,000	The average of informal estimates received from three shipbuilding companies. (See p. 339, Secretary of the Navy's hearing, Jan. 12, 1911.)
Prometheus	140,000	
Total	7,799,000	

COMPARISON OF COST OF BUILDING SHIPS IN NAVY YARDS AND BY CONTRACT.

The comparisons below are not of the whole cost, including cost of armor and armament, which are always purchased or supplied by the Government, but the cost for construction of hull and machinery and placing on board the armor and armament. This is the work covered by the contracts for contract-built vessels.

The first case is that of the *Cincinnati* and *Raleigh*. These are protected cruisers authorized as long ago as 1888. The authorizing act fixed a limit of cost of $1,100,000. The department was unable to obtain a bid for private construction within the limit, the lowest bid being $1,225,000, so they were ordered built in navy yards—the *Cincinnati* at New York, the *Raleigh* at Norfolk. The navy yard costs in the end were: For the *Cincinnati*, $1,978,225.52, and for the *Raleigh*, $1,816,187.57, an average cost of $1,897,206.54, or just about 40 per cent above the cost if the vessels had been built by contract. The costs of the vessels were taken from Senate Document No. 175, second session Fifty-sixth Congress, extended to December 31, 1901.

The second case is that of the *Connecticut* and *Louisiana*, battleships of 16,000 tons displacement authorized in 1902 and completed in 1906. The *Connecticut* was built at the New York yard, the *Louisiana* by contract. House Document No. 868, of the Sixtieth Congress, gives the cost of the *Louisiana*, built by contract, as $4,188,468.36, and of the *Connecticut*, built at the New York yard, as $4,562,093.57. The difference is $373,625.21, or the cost of the navy yard ship is but 9 per cent greater than that of the contract-built ship. This is a very great reduction from the 40 per cent of the *Cincinnati* and *Raleigh*.

The *Connecticut* and *Louisiana* were built in competition, both as to time and cost, and stringent orders were issued by the Navy Department that full cost should be ascertained for the *Connecticut*, even to charging to her a proportion of the salaries of all officers at the yard concerned in any way in her construction, a thing never done for later navy yard-built ships.

The third case is that of the *Utah* and *Florida*, battleships of 21,825 tons, authorized in 1908 and completed so recently as 1911.

The *Utah* was built by contract, the *Florida* at the New York yard. Admiral Watt testified before the Naval Committee last year that the cost of the *Utah* was $4,030,000, and of the *Florida* $6,213,000. Admiral Cone, testifying a few weeks ago, gave even a higher figure for the *Florida*, namely, $6,286,143. Taking Admiral Watt's lower figures, the excess cost of the *Florida* is $2,183,000, or 54 per cent in excess of the contract-built ship.

Admiral Watt testified also, very unwillingly, that the cost of the *Florida*, as given by him, did not include certain indirect charges that are properly chargeable to cost of work and must be so charged by contractors. So a really full comparison would show up the navy-yard costs in even a worse light.

As the figures stand, however, they indicate a most woeful falling off in efficiency at the New York Navy Yard from 1906, the date of the *Connecticut*, to 1911, the date of the *Florida*.

These are all the cases of completed ships. Consider now the cases of ships still under construction.

We have the *Texas* and *New York*, 27,000-ton battleships, authorized in 1910 and now building, the *Texas* by contract, the *New York* at the navy yard of that name. The contract price of the *Texas* is $5,830,000. The limit of cost for the *New York*, exclusive of indirect charges, is $6,400,000. There never has been yet a navy-yard-built ship which did not exceed her original limit of cost, and none would ever have been completed in a navy yard had not Congress in each case increased the limit it had set, but without attempting to prophesy evil suppose we assume that the direct cost will be only $6,400,000. From Admiral Cone's figures the indirect costs for the *Florida*, even the reduced indirect costs charged to her, were 18 per cent of the direct, which would make the cost of the *New York* $7,552,000. This is $1,722,000, or 30 per cent, more than the cost of the contract-built ship. Moreover, the *Texas* is being built under the eight-hour law. It happens that the same contractors who built the *Louisiana* in competition with the *Connecticut* are not building the *Texas* in competition with the *New York*. When they were building the *Louisiana* they had no limit to their working hours and worked their men between 9 and 10 hours. They are now allowed to work their men on the *Texas* only 8 hours, the same as the navy yard, and yet the excess of navy-yard costs has increased from 9 per cent to 30 per cent on a very fair estimate. It will probably be even more. Truly there has been exceedingly rapid progress backward in navy-yard efficiency.

One more comparison.

The *Jupiter*, a 19,360-ton collier, is now being built at the navy yard, Mare Island, a yard which built the collier *Prometheus* somewhat more cheaply than the New York Navy Yard built the sister collier *Vestal*.

The limit of cost of the *Jupiter* is $1,200,000 for direct costs only, and the actual total cost, including indirect costs, will undoubtedly be very close to $1,500,000, if it does not exceed that figure.

We have completed, or are now building by contract, a number of these large colliers, sister vessels, or very nearly sister vessels, of the *Jupiter*. The table below gives their names, their displacements, and their contract prices:

Name.	Displacement.	Contract price.
	Tons.	
Cyclops	19,360	$822,500
Jason	19,132	951,000
Neptune	19,531	889,600
Nereus	19,000	990,000
Orion	19,132	951,000
Proteus	19,000	990,000

Some of these colliers are building under the eight-hour law. It is evident that the navy-yard cost of $1,500,000 will be from 50 to 70 per cent greater than the contract cost.

Contract prices of battleships—hull and machinery.

Ships.	Authorized.	Normal displacement.	Contract price.	Cost per ton of normal displacement.
		Tons.		
Indiana	1890	10,288	$3,063,000	$297.72
Massachusetts	1890	10,288	3,063,000	297.72
Oregon	1890	10,288	3,222,810	313.26
Iowa	1892	11,346	3,010,000	265.29
Kearsarge	1895	11,520	2,250,000	195.31
Kentucky	1895	11,520	2,250,000	195.31
Alabama	1896	11,552	2,650,000	229.40
Illinois	1896	11,552	2,595,000	224.64
Wisconsin	1896	11,552	2,674,950	231.56
Maine	1898	12,500	2,885,000	230.80
Missouri	1898	12,500	2,885,000	230.80
Ohio	1898	12,500	2,809,000	231.92
Virginia	1899	14,948	3,590,000	240.16

Contract prices of battleships—hull and machinery—Continued.

Ships.	Authorized.	Normal displacement.	Contract price.	Cost per ton of normal displacement.
		Tons.		
Nebraska	1899	14,948	$3,733,600	$249.77
Georgia	1899	14,948	3,590,000	240.16
Rhode Island	1900	14,948	3,405,000	227.79
New Jersey	1900	14,948	3,405,000	227.79
Connecticut	1902	16,000	[1] 4,523,094	285.13
Louisiana	1902	16,000	[2] 4,188,468	261.78
Vermont	1903	16,000	4,179,000	261.19
Minnesota	1903	16,000	4,110,000	256.88
Kansas	1903	16,000	4,165,000	260.31
Idaho	1903	13,000	2,999,500	230.73
Mississippi	1903	13,000	2,999,500	230.73
New Hampshire	1904	16,000	3,748,000	234.25
South Carolina	1905	16,000	3,540,000	221.25
Michigan	1905	16,000	3,585,000	224.06
Delaware	1906	20,000	3,987,000	199.35
North Dakota	1907	20,000	4,377,000	218.85
Florida	1908	21,825	[3] 6,212,793	284.66
Utah	1908	21,825	[4] 3,946,000	180.89
Wyoming	1909	26,000	[4] 4,450,000	171.15
Arkansas	1909	26,000	[4] 4,675,000	179.84
Texas	1910	27,000	5,830,000	[5] 215.93
New York	1910	27,000	[6] 7,293,000	270.11
Nevada	1911	27,500	5,895,000	[5] 214.36
Oklahoma	1911	27,500	5,926,000	[5] 215.49

[1] Built at navy yard, New York, N. Y.; actual cost, as reported to Congress by the Navy Department on Apr. 18, 1908.
[2] Actual cost, including all bureau, navy-yard inspection, changes, and other charges not included in contract price in same manner as said charges were made for sister vessel, the Connecticut, and in order to be directly comparable therewith. This cost is as reported to Congress by the Navy Department on Apr. 18, 1908.
[3] Built at navy yard, New York, N. Y.; actual cost.
[4] Loading at normal displacement greater than for previous ships.
[5] Building under eight-hour labor law.
[6] Building at navy yard New York, N. Y.; estimated cost.

Comparison of costs of navy-yard and contract built ships.

[Vessels braced are sister vessels.]

Name of vessel.	Type.	Displacement.	Builder.	Limit of cost.	Cost: (A), actual; (C), contract; (E), estimated.[1]	Cost per ton.	Date of act authorizing building.	Date of contract.	Date of completion.
		Tons.							
Maine	Second-class battleship	6,682	New York Navy Yard	$2,500,000	(A) $3,280,792	$491	Aug. 3,1886	Oct. 17,1888[2]	Sept. 17,1895[3]
Texas	do	6,315	Navy yard, Norfolk	2,500,000	(A) 2,949,549	467	do	June 1,1889[2]	Aug. 15,1895[3]
Average						479			
Indiana	First-class battleship	10,288	Wm. Cramp & Sons, Philadelphia.	4,000,000	(A) 3,261,657	318	June 30,1890	Nov. 19,1890	Nov. 19,1895
Massachusetts	do	10,288	do	4,000,000	(A) 3,333,570	324	do	Nov. 18,1890	May 23,1896
Oregon	do	10,288	Union Iron Works	4,000,000	(A) 3,736,180	364	do	Nov. 19,1890	June 26,1896
Average						335			
Cincinnati	Protected cruiser	3,213	Navy yard, New York [4]	1,100,000	(A) 1,995,773	628	Sept. 7,1888	Jan. —,1890[2]	June 16,1894[3]
Raleigh	do	3,213	Navy yard, Norfolk [4]	1,100,000	(A) 1,839,965	577	do	Dec. —,1889[2]	Apr. 17,1894[3]
Average						602			
Charleston	Protected cruiser	3,730	Union Iron Works	1,100,000	(A) 1,097,190	294	Mar. 3,1885	Dec. 28,1886	Dec. 26,1889
Baltimore	do	4,413	Wm. Cramp & Sons, Philadelphia.	1,500,000	(A) 1,480,918	336	Aug. 3,1886	Dec. 17,1886	Jan. 7,1899[3]
Detroit	Unprotected cruiser	2,089	Columbian Iron Works	700,000	(A) 905,674	434	Sept. 7,1888	Nov. 2,1889	July 20,1893[3]
Minneapolis	Protected cruiser	7,350	Wm. Cramp & Sons, Philadelphia.	2,750,000	(A) 3,263,581	444	Mar. 2,1891	Aug. 31,1891	Dec. 13,1894[3]
Average						377			
Connecticut	First-class battleship	16,000	Navy yard, New York	[5] 4,212,000	(A) 4,562,094	285	July 1,1902	Mar. 10,1903[2]	Sept. 29,1906[3]
Louisiana	do	16,000	Newport News Shipbuilding & Dry Dock Co.	4,212,000	(A) 4,188,468	262	do	Oct. 15,1902	May 21,1906
Florida	do	21,825	Navy yard, New York	[6] 6,000,000	(A) 6,299,295	288	May 13,1908	Mar. 9,1909[3]	Sept. 15,1911[3]
Utah	do	21,825	New York Shipbuilding Co., Camden.	6,000,000	(A) 4,030,844	185	do	Nov. 24,1908	Aug. 30,1911
New York	do	27,000	Navy yard, New York	[7] 6,000,000	(E) 7,293,000	270	June 24,1910	Sept. 11,1911[3]	May 19,1914[3]
Texas	do	27,000	Newport News Shipbuilding & Dry Dock Co.	6,000,000	(C) 5,830,000	216	do	Dec. 17,1910	Oct. 17,1913[3]
Jupiter	Fleet collier	19,375	Navy yard, Mare Island	[8] 1,800,000	(E) 1,467,514	76	May 13,1908	Oct. 18,1911[3]	May 12,1913[3]
Cyclops	do	19,375	Wm. Cramp & Sons, Philadelphia.	1,800,000	(A) [10] 872,605	45	do	Mar. 24,1909	Nov. 7,1910[3]
Neptune	do	19,375	Maryland Steel Co	900,000	(C) [10] 889,600	46	Mar. 3,1909	Sept. 23,1909	Sept. 20,1911[3]
Vestal	do	12,585	Navy yard, New York	[11] 1,250,000	(A) 1,625,400	130	Apr. 27,1904	Mar. 25,1907[2]	Oct. 4,1909[3]
Prometheus	do	12,585	Navy yard, Mare Island	[11] 1,250,000	(A) 1,516,462	122	do	Oct. 18,1907[2]	Jan. 15,1910[3]
Cumberland	Training ship	1,800	Navy yard, Boston	[12] 370,000	(A) 422,933	220	Mar. 3,1903	Jan. 21,1904[2]	July 20,1907[3]
Intrepid	do	1,800	Navy yard, Mare Island	[12] 370,000	(A) 398,191	208	do	Jan. 2,1904[2]	Aug. 16,1907[3]
Boxer	Wooden brigantine	346	Navy yard, Portsmouth	50,000	(A) 94,703	274	do	Jan. 15,1904[2]	May 11,1905[3]
Severn	Training ship	1,175	Bath Iron Works	250,000	(C) 112,600	96	Mar. 3,1897	Mar. 16,1898	July 22,1899
Patapsco	Tug, seagoing	755	Navy yard, Portsmouth	[13] 175,000	(A) 219,402	290	Apr. 27,1904	May 12,1907[2]	Aug. 2,1909
Patuxent	do	755	Navy yard, Norfolk	[13] 175,000	(A) 212,167	280	do	July 25,1907	Apr. 5,1909
Sonoma	do	1,120	New York Shipbuilding Co., Camden.	215,000	(C) 194,000	178	Mar. 4,1911	Aug. 24,1911	Aug. 15,1912[3]
Ontario	do	1,120	do	215,000	194,000	178	do	do	Aug. 15,1912

[1] Exclusive of armor, armament, and equipment.
[2] Date of laying keel.
[3] Date of first commission.
[4] Proposal received for construction by contract $1,225,000, or $385 per ton. As this was in excess of limit of cost, construction in a navy yard was decided upon by the department.
[5] Limit of cost increased to $4,600,000 in naval appropriation bill of June 29, 1906.
[6] Limit of cost increased to $6,400,000 in naval appropriation bill of Mar. 4, 1911.
[7] Limit of cost increased to $6,400,000 and indirect charges excluded in naval appropriation bill of Mar. 4, 1911.
[8] Probable date of completion.
[9] Limit of cost decreased to $900,000 in naval appropriation bill of Mar. 3, 1909; subsequently increased to $1,000,000 in naval appropriation bill of June 24, 1910; subsequently increased to $1,200,000 and indirect charges excluded in naval appropriation bill of Mar. 4, 1911.
[10] It is estimated that these vessels could not be obtained by contract at this time for less than $1,100,000.
[11] Limit of cost increased to $1,550,000 in naval appropriation bill of June 29, 1906.
[12] Limit of cost increased to $410,000 in naval appropriation bill of June 29, 1906.
[13] Extension of limit of cost to amount necessary out of appropriation "Steam machinery" authorized in naval appropriation bill of May 13, 1908.

Mr. FOSS. In other words, if the same method of figuring the cost obtained in the New York Navy Yard in the building of the *Florida* which did obtain in the commercial establishment of the New York Shipbuilding concern, we would have to add $500,000 to the $2,269,000 which the *Florida*—the Government navy-yard ship—cost more than the *Utah*.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] asks unanimous consent for five minutes more. Is there objection?

Mr. SHERLEY. Mr. Chairman, in justice to this House I wish to say that there are several men who have not been given extra time on the statement of the Chair that no one should speak on an amendment more than five minutes. I therefore object. That rule ought to be carried out.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] objects.

Mr. FOSS. Do I understand, Mr. Chairman, that some one objects?

The CHAIRMAN. Yes; the gentleman from Kentucky [Mr. SHERLEY].

Mr. FITZGERALD. Mr. Chairman, this question of the cost of the system of construction of these ships——

The CHAIRMAN. The Chair will call the attention of the gentleman to the fact that all debate on these amendments has been exhausted.

Mr. FITZGERALD. I move to strike out the last word, or I ask unanimous consent to speak for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Illinois [Mr. Foss] has frequently discussed this question of indirect charges. In the act approved July 1, 1902, in which the *Connecticut* and the *Louisiana* were authorized, appears this provision:

> The Secretary of the Navy is hereby instructed to keep an accurate account of the cost of inspection and construction of vessels provided for in this act, whether built in Government yards or by contract, and report thereon to Congress at each session the progress of work and cost thereof, including the inspection of all the material going into the construction of said vessels, and upon the completion thereof to report a full and detailed statement showing the relative cost of inspection and construction in Government yards and by contract.

At the conclusion of the work on these ships it was reported that the *Connecticut*, built in a Government yard, had cost $400,000 in excess of the contract-built ship. The *Connecticut* was the first ship built in a Government yard in over 13 years. The yard at that time was not equipped. One hundred and seventy-five thousand dollars was appropriated for equipment; and yet in spite of that fact, without experience, in a new work, working 8 hours in the Government yard as against 10 hours in the private plant, it made the private plant, for the first time in the history of warship construction in this country, build at such a rate as to build within the limit fixed in the contract to avoid being outdone by the Government plant.

Mr. JONES. Will the gentleman permit just one question?

Mr. FITZGERALD. Yes.

Mr. JONES. I want to ask the gentleman if the New York Navy Yard is now equipped to build this battleship?

Mr. FITZGERALD. It is.

Mr. JONES. The gentleman——

Mr. FITZGERALD. I have only five minutes. I will not yield further.

Mr. JONES. The gentleman knows——

Mr. FITZGERALD. I will not yield. There is something more important than that. Ever since it was demonstrated that the Government could compete with the private yards the Navy Department has been endeavoring to devise some system of cost accounting to show that the cost of building in Government yards exceeds the cost of building by contract. The evidence is that the Government does work at less expense in the manufacture of all kinds of arms, armament, and ammunition than it can be done for by contract. Two years ago, upon information furnished me confidentially by an officer in the Navy Department, I brought a chart into this House and demonstrated that under the new system of cost keeping introduced in the Navy they had charged against the *Florida* about $900,000 of indirect charges for expenses that were incurred in the yards regardless of whether a ship was being constructed there. The ordinary maintenance and upkeep charges of the yard, charges for the repairs of streets and maintenance of buildings and the lighting of the yard, all of which went on, because the yard was maintained as a military reservation and a repair plant, were diverted so as to increase the apparent cost of the ship. I have always contended that the fair rule to observe is this one: A yard or plant is capable of doing certain work. It is doing it. If a ship can be built there without any increase of the ordinary upkeep charges, it is unfair to divert any of the yard charges to the cost of the ship; but every dollar additional to the ordinary maintenance charges that are imposed in the operation of the yard by reason of the building of the ship should be charged to the ship.

There were charged to the *Florida* $1,431,360 indirect charges. My colleague from New York [Mr. CALDER] has read the bids on the *Pennsylvania*, recently opened. The bid of the Newport News Shipbuilding Co. on the *Pennsylvania*, the lowest of all the private plants, is $7,285,000. The bid of the New York yard (a Government yard) is $7,303,000, and that includes over $800,000 of indirect charges. Some of them do not belong in the estimate as to the cost of the ship.

Mr. LINTHICUM. Will the gentleman state what the indirect charges are?

Mr. FITZGERALD. They are as follows:

ACCOUNTS CHARGEABLE AS INDIRECT EXPENSES.

POWER EXPENSE.

Maintenance of power-plant buildings, boilers, flues, stacks, piping, and machinery; distributing system (heat, electric, pneumatic, hydraulic, steam); substation buildings, motors, and accessories; furniture, fixtures, and equipment; underground conduits and pole lines; loose and hand tools.

Attendance on light and power plants, fuel, miscellaneous power-plant expense, oil, grease, and waste; supervision.

GENERAL EXPENSE.

Maintenance of miscellaneous buildings, elevators, furniture, fixtures, and equipment for offices; telephone, telegraph, time clock, fire-alarm, water, and sewer systems; tracks, rolling stock, weighing apparatus, miscellaneous yard appliances, floating property, live stock, vehicles, and testing laboratory equipment. Janitor service, general office expense, drafting, testing and inspecting, hauling borings, turnings, etc.; examination of employees, handling material not chargeable to shops, and general superintendence.

They are distributed in this way: If a ship is being built in the yard and $1,000,000 a year is spent on the ship and $750,000 of repair work is being done in the yard, they distribute the indirect charges in proportion to the expenditure for work, and the charge against the ship would be in the ratio of $1,000,000 to $750,000, while there might not be a single dollar added for those indirect expenses because of the building of the ship. The figures of the department as to the cost of Government construction are unfair, unreliable, and indefensible. I hope the amendment will be adopted.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JONES. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

Mr. PADGETT. Regular order!

Mr. JONES. One minute.

Mr. PADGETT. Regular order!

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. POWERS. I should like to have the amendment read.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Is there any objection to having it read?

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. MOORE of Pennsylvania. Division! This is on the vote for two navy yards.

Mr. SHERLEY. That is not in order.

The CHAIRMAN. The gentleman is not in order. The gentleman from Pennsylvania demands a division.

The committee divided; and there were 7 ayes and 65 noes.

So the amendment was lost.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. CALDER].

Mr. JONES. Mr. Chairman, I move to strike out the last word. I asked the gentleman from New York [Mr. FITZGERALD], when he was addressing the House, if the New York Navy Yard was equipped to build a battleship at this time if permitted to do so. The gentleman replied that it was. My information is to the contrary. The last naval bill provided for the construction of a large collier, and that collier, as I am informed, is now being built at the New York Navy Yard.

Mr. CALDER. If the gentleman will pardon me, I want to state that that is not the fact.

Mr. JONES. Well, the gentleman ought to know. I have stated that my information was obtained from another. It is to the effect that a collier is now under construction at the New York Navy Yard, and that it can not be completed in less

than a year unless the Government expends as much as $200,000 in enlarging the present equipment of the yard. My information was obtained from a gentleman who is unusually well informed in regard to these matters. If it is correct, then the building of this battleship must be delayed for at least a year, for the New York yard can not build two great ships at the same time. It is not equipped to do so.

Mr. MURRAY. Is it not possible to equip some other yard than the Brooklyn Navy Yard under this amendment?

Mr. JONES. I think not. The funds would have to be appropriated by Congress.

Mr. MOORE of Pennsylvania. Has not the committee just voted down a proposition that there shall be any competition at all, and if you build a ship in the navy yard you must build it at the Brooklyn yard?

Mr. JONES. That is true. Now, Mr. Chairman, a good deal has been said about the propriety of building these ships in the navy yards of the United States. I have no quarrel with the gentleman from Kentucky [Mr. SHERLEY] for what he said upon this subject. He was not influenced in what he said, as some other gentlemen have been, by the fact that the New York Navy Yard is located in their city. I object to these gentlemen basing their action upon the ground that it is to the interest of the Government to build our battleships in Government yards when they are only thinking of the interests of their constituents who will be benefited directly and indirectly by the expenditure of millions of dollars in the communities which they represent. I need not name these gentlemen since we have all heard them to-day, but they are no more patriotic than the rest of us. They are actuated by the same motives that actuate the gentleman from Pennsylvania [Mr. MOORE], the gentleman from New Jersey [Mr. BROWNING], and myself. We each have in our districts large private yards and we naturally would like to see these ships built in those yards if they can be built there as cheaply and as well as anywhere else. The reasons which actuate the gentlemen from New York who advocate the building of battleships in the New York Navy Yard are not different from those which actuate Representatives who believe that a part of them should be built in private yards when they can be built as cheaply there. I believe, however, that they can be built much cheaper and better in the private yards. I believe, too, that the mechanics who work in private yards deserve every bit as much consideration at the hands of Congress as those who work in navy yards.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCHANAN. Mr. Chairman, I move to strike out the last word. I want to say that I do not live in a district where there is a navy yard or where there are any citizens employed in that class of work. I am in favor of this amendment because it gives to the workingman better working conditions, and because the work done is much superior to that done by private contractors for profit.

It is a good proposition for the Government to build its own battleships and manufacture other supplies. It has brought down the price of battleships per ton almost one-half, according to information I have received, since the Government started to construct its own ships. I am in favor of the amendment because it is a benefit to the men who work at this class of work, and it is for the best interests of the people.

Mr. MANN. Mr. Chairman, some gentlemen have indulged in criticism of the gentlemen from New York who are advocating this proposition. I have always believed that it was the duty of a Member from a district to advocate those things which especially relate to his district and which were a benefit to his district, leaving the other Members of the House to judge of the propriety of the proposition. On matters which do not relate particularly to our own district we are supposed to exercise broad statesmanship. I do not think it lies within the mouths of Members here to criticize my distinguished friend from New York [Mr. FITZGERALD], chairman of the Committee on Appropriations, who, from his position, as well as from his point of view, necessarily opposes a great many propositions for building buildings, the construction of river and harbor improvements, and the building of two battleships. The gentleman is properly advocating one battleship, which is all they can build at one time at the Brooklyn Navy Yard, and he is performing the proper function of his office in representing the interest of his constituency in urging one battleship to be built in the Brooklyn Navy Yard. It is for the rest of us to determine whether he can get away with it. I apprehend he will, as usual. [Laughter and applause.]

Mr. PADGETT. Mr. Chairman, I am constrained to move that all debate on this amendment be now closed.

Mr. FOSS. Mr. Chairman, I will ask the gentleman to yield me five minutes.

Mr. PADGETT. I wish I could, but I can not. I must insist upon my motion, Mr. Chairman.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that all debate on this amendment be now closed.

The question was taken; and on a division (demanded by Mr. Foss) there were—ayes 60, noes 25.

So the motion was agreed to.

The CHAIRMAN. The question now is on the motion offered by the gentleman from New York [Mr. CALDER].

The question was taken; and on a division (demanded by Mr. Foss and Mr. BROWNING) there were—ayes 75, noes 26.

So the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, while I think of it I desire to make some corrections in the text of the paragraph on account of former amendments. I ask that in line 21, page 54, the word "battleships" be made "battleship," and that the word "each," in line 22 and in line 25, be stricken out.

The CHAIRMAN. If there be no objection, the amendments will be agreed to.

There was no objection.

Mr. HOBSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 54, at the end of the page, add the following as a new paragraph:

"One armored cruiser carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and greatest desirable radius of action, and to cost not to exceed $20,000,000."

Mr. HOBSON. Mr. Chairman, this is not only a question dealing with an increase in the Navy, but it is more particularly a question dealing with the tactical composition of the fleet. There are many Members who voted against increasing battleships who would be glad, I believe, to vote for building these battle cruisers.

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. BATES. Mr. Chairman, I would like to ask the gentleman from Alabama if it is contemplated in this amendment to build such a battle cruiser as is recommended by the General Board and the Secretary of the Navy in his annual report.

Mr. HOBSON. It is just such a cruiser, and I want to point out that these cruisers are needed as fast wings for the battle fleet. It is like an army which is founded on its infantry, but which must, nevertheless, in order to make the infantry effective, have cavalry for its wings. Every nation in the world, as it has proceeded to work out the composition of a new fleet, has proceeded to develop this kind of a cruiser in proportion with the battleships. Take the case of England. England builds one battle cruiser to each two to three *Dreadnoughts*. Germany builds one for each three. Japan builds one to each *Dreadnought*, one for one; and Russia, that has the latest thoroughly developed new program, is building at the rate of one to two. The United States has 13 *Dreadnoughts*, if we count the *South Carolina* and the *Michigan*, and 14 with the one authorized to-day. We have not yet a single battle cruiser, and the composition of our fleet, if it had to meet an enemy's fleet of the same size having battle cruisers, would be at a decided disadvantage. These battle cruisers have anywhere from 6 to 7 and even 8 knots superior speed, so that they can go out and cap the battle column and either make the battleship run over the mines that have been dropped or change their course and run them into disadvantageous positions, just like an army could be if one army had cavalry and the other did not.

It is a question of the integrity of the Navy, as well as a reasonable expansion. In connection with expansion, or apparent expansion, let me remind Members who think they are maintaining the American Navy by building one ship, that we have between 7,000 and 8,000 tons of warship displacement which comprise machinery and plants that at any establishment in the world would be subjected to deterioration at the rate of 10 per cent a year, and any wise proprietor would write that much off. Simply writing off the depreciation, what you might call rust, would be more than equivalent to the tonnage of two battleships a year, and, as I pointed out a few moments ago, building two battleships regularly every year by 1916 puts us down to the fourth place and one battleship a year will put us down to the sixth place by 1920. I do not believe Members appreciate these facts. Certainly the people of the country do not wish their Navy to go down to the fourth place, much less the sixth place. Add this battle cruiser to the *Dreadnought*, which is authorized, and it will not really keep up the deterioration, make good the rusting of the existing fleet.

The gentleman from Alabama [Mr. UNDERWOOD] referred to the upkeep of the vessels. If we will have new battleships,

then we can put the old battleships in reserve. We are keeping them——

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HOBSON. I ask for three minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama. [After a pause.] The Chair hears none.

Mr. HOBSON. Mr. Chairman, we are keeping many of the old battleships on the battle line, because we have to have tactical units and are lacking in number of newer ships; these older ships are of lower speed than the newer battleships and really retard the new battle fleet and impair its effectiveness; these ships ought to be in the reserve. They are exceedingly expensive to maintain in comparison to their power. By the addition of new ships, two, for instance, this year, it will enable us to put four of our older battleships out of commission and put them in reserve. It is a simple question of efficiency, of the integrity of the existing Navy in making effective the Navy that we now have. Now, to make a specific comparison. Just for illustration, Japan is building four battle cruisers and one *Dreadnought*, indicating that her plan is to have in the future a fleet of greater speed than our fleet by four, five, or six knots. That would enable her, if she has a weapon that can fire at long range, and this indicates that she has a shell that would not be required to penetrate the armor after it strikes, a shell using explosives in large weights, then she could practically stay out where the lighter armor of her ships would be as much a defense against our fire as the heavier armor of our ships against their fire. Then, they would have the additional speed to enable them to take their location at the front and cap our fleet, and we would be placed at a very serious disadvantage.

Mr. BUCHANAN. I would like to ask the gentleman how many cruisers we have?

Mr. HOBSON. Not one of the battle-cruiser type.

Mr. BUCHANAN. How is it the gentleman has not advocated them before, instead of these *Dreadnoughts*?

Mr. HOBSON. I have been advocating them and also the *Dreadnoughts*. The gentleman will remember I tried to get them authorized in the Naval Committee. I have been advocating them and the general board advocates them and every strategic board in the world is advocating them.

Mr. BUCHANAN. I understood the gentleman was trying to get the *Dreadnoughts*.

Mr. HOBSON. I have been trying to get both types.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, I move that all debate upon this amendment be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. HOBSON) there were—ayes 22, noes 81.

So the amendment was rejected.

Mr. THAYER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 54, line 21, add the word "cruisers"; line 23, strike out the word "practicable" and insert in lieu thereof the word "attainable"; line 24, strike out the word "desirable" and insert in lieu thereof the word "attainable."

Mr. THAYER. Mr. Chairman, I offer this amendment in the line of the argument so ably advanced by the gentleman from Alabama [Mr. HOBSON] just now and in support of the figures which he has shown to the committee, and which will be found in the report of the chairman of the Naval Committee. To be a little more specific in this matter, England when its present naval program is completed will have 25 *Dreadnoughts* and 11 battleship cruisers; Germany will have 17 *Dreadnoughts* and 7 battleship cruisers; Japan will have 3 *Dreadnoughts* and 4 battleship cruisers, while Russia will have 7 *Dreadnoughts* and 4 battleship cruisers, showing a proportion a little more favorable toward battleship cruisers than Capt. HOBSON stated. Now, I wish to add to the statement he has made in regard to the effectiveness of the battleship cruisers that from what I can learn of them a navy composed of *Dreadnoughts* with its auxiliary fleet would be entirely at the mercy of these battleship cruisers. The range of their guns is as long, their projectiles as effective as ours, and with the kind of ammunition they use they could pierce our heavy armored leviathans and with an explosive shell could sink them before the leviathans would be able to return a single shot in defense. So in order to have an adequate Navy we need to build up these battleship cruisers as rapidly as can be done, and it seems if we are to add to our appropriation extravagances this year some $7,000,000 or $10,000,000, we should do it in a line which tends toward actual economy and efficiency. These ships are cheaper to build in regard to their armor, and they will be necessary if we should have a sea war.

And I believe that this committee, if it is really in favor of an adequate Navy and is not in favor of adding heavily armored ships for the benefit of the Steel Trust and the Armor Trust, should adopt this amendment. We have had during the sessions of this Congress three great investigations, the Steel Trust, the Money Trust, and we are now having, in the Committee on Naval Affairs, Mr. Chairman, the investigation of the Shipping Trust. And they all lead back to the same point. They all show whence this legislation is directed. They all show that the arms of the octopus stretch from Wall Street into the very vitals of the Nation here, and are grasping appropriations which we make, not for the benefit of an efficient Navy, not for the economy of the people, but for the benefit of the Money Trust of the Nation. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. THAYER].

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. PADGETT. Mr. Chairman, I move that all debate upon the paragraph and all amendments thereto be now closed.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee.

The motion was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 54, line 25, after the end of the line, insert:
"*Provided*, The draft of such vessels shall not exceed 35 feet."

Mr. MOORE of Pennsylvania. I ask unanimous consent, Mr. Chairman, to speak for two minutes.

Mr. PADGETT. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Six torpedo-boat destroyers, to have the highest practicable speed, to cost, exclusive of armor and armament, not to exceed $950,000 each.

Mr. SAMUEL W. SMITH, Mr. WITHERSPOON, and Mr. HOBSON rose.

Mr. HOBSON. Mr. Chairman——

The CHAIRMAN. The gentleman from Alabama [Mr. HOBSON] is recognized.

Mr. HOBSON. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Alabama [Mr. HOBSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 55, in line 1, strike out the word "six" and insert in lieu thereof the word "ten."

Mr. HOBSON. Mr. Chairman, the purpose of this amendment, as of the amendment just proposed, is to realize the fighting value of the battleships we now have. With the increase in the range of the modern torpedo to 10,000 yards and beyond, it has become absolutely necessary for battleships to have these destroyers cooperating with them. Every nation in the world has recognized this. The consensus of opinion of the experts of the world is that each battleship ought to have 4 destroyers with it. For instance, take the British Navy, counting 69 battleships, they have 184 destroyers ready. Take France, with 27 battleships, they have 84 destroyers ready; Germany, with 40 battleships, they have 131 destroyers ready; Japan, with 20 battleships, they have 67 destroyers ready; and the United States of America, with 38 battleships, has 56 destroyers, and some of those are getting old.

Mr. SAMUEL W. SMITH. I would like to ask the gentleman what is the highest practical speed of a torpedo-boat destroyer?

Mr. HOBSON. Abroad they are running as high as 35 knots. I think ours would run about 31.

Mr. SAMUEL W. SMITH. What is the speed of a submarine torpedo?

Mr. HOBSON. I think submarines have gotten up to about 11 knots, submerged. They have a higher speed on the surface, but I do not believe they can obtain more than 10 or 11 knots when submerged.

Mr. SHERWOOD. How many destroyers are there? How many do you recommend?

Mr. HOBSON. I am recommending that we go from 6 to 10. The general board recommended 16.

Mr. SHERWOOD. That makes $4,000,000 additional?

Mr. HOBSON. Approximately a little more. I do not care to take up the time and attention of this House further. I do feel, though, that a responsibility rests on me to point out what is so plain that every Member can see it if he would, that we ought to make the Navy we have effective. What is the use of having $150,000,000 in battleships and then have 25 or 30 or 40 per cent of their efficiency in battle lost because we have not provided the relatively inexpensive destroyers?

Mr. POWERS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HOBSON. Certainly.

Mr. POWERS. How many of these torpedo-boat destroyers have England, France, and Germany?

Mr. HOBSON. I have just quoted it. England has 184; France, 84; Germany, 131; and Japan, 67. It is the practice of all the world——

Mr. POWERS. And we have 42?

Mr. HOBSON. We have 42 built and 14 building, and of those building many are not up to date to be used with the *Dreadnought* class.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HOBSON. I yield.

Mr. MOORE of Pennsylvania. What is the draft of those vessels?

Mr. HOBSON. I should say about 16 feet; I guess about that.

Mr. MOORE of Pennsylvania. Could any of them pass in time of peace from one navy yard to another on the Atlantic coast by the inland waterways?

Mr. HOBSON. I think not; but I hope the day will speedily come when we can develop that inland-waterway system so that we can pass our torpedo craft through the inland waterways paralleling the coast.

Mr. MANN. Did the torpedo destroyers owned by France, Germany, and England cost as much as a million dollars apiece, or somewhere in that neighborhood?

Mr. HOBSON. Again, I speak from impression and memory merely. I do not think the average has been that much. I do not think our average has been that much heretofore, but I think that those that are being laid down to-day are that much. The trend of evolution is to increase of size of the destroyer and make her available as a scouting cruiser.

Mr. PADGETT. Mr. Chairman, I move that debate on the paragraph and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] moves that debate on the paragraph and all amendments thereto be now closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Alabama [Mr. HOBSON].

The Clerk read as follows:

On page 55, in line 1, strike out the word "six" and insert in lieu thereof the word "ten."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HOBSON. A division, Mr. Chairman.

The committee divided; and there were—ayes 24, noes 86.

So the amendment was rejected.

Mr. WITHERSPOON. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. WITHERSPOON].

The Clerk read as follows:

On page 55 strike out the paragraph, lines 1, 2, and 3, as follows:
"Six torpedo-boat destroyers, to have the highest practicable speed, to cost, exclusive of armor and armament, not to exceed $950,000 each."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. WITHERSPOON].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HOBSON. A division, Mr. Chairman.

The Committee divided, and there were—ayes 25, noes 85.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Four submarine torpedo boats in an amount not exceeding in the aggregate $2,478,936; and the sum of $1,294,912 is hereby appropriated for said purpose.

Mr. SISSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] moves to strike out the last word.

Mr. SISSON. Mr. Chairman, I want to call the attention of the House briefly to the expenses of our Naval Establishment. In 1896 we spent on the Navy $29,000,000 in round figures. In 1897 we spent on it $30,000,000; in 1898, $33,000,000; in 1899, $56,000,000; in 1900, $48,000,000; in 1901, $65,000,000; in 1902, $78,000,000; in 1903, $78,000,000; in 1904, $81,000,000; in 1905, $97,000,000; in 1906, $100,000,000; in 1907, $102,000,000; in 1908, $98,000,000; in 1909, $122,000,000; in 1910, $136,000,000; in 1911, $131,000,000; and in 1912, $126,000,000.

I wanted to call the attention of the committee especially to this to show how rapidly this item is increasing in expense. I do not believe that a country is made greater, nor do I believe it is made stronger, by unnecessarily increasing the number of shoulder straps or the number of ships on the sea.

I do not believe that a nation is made stronger by increasing the burdens upon labor and increasing the expenditures upon those matters which will become fixed charges upon labor for all time to come. It is estimated that each battleship will cost annually two and one-half million dollars in maintenance: First, in maintenance of the ship on the sea; second, in repairs; third, in the number of additional employees necessary in the entire department of Government; fourth, the support of the battleship by the submarines and the auxiliary vessels that surround it, and the subsistence of the people who are employed. That is also an increased item of expense. Therefore it is estimated that for every new battleship authorized we put an annual expenditure of $2,500,000 as a fixed charge upon the Treasury.

Now, Mr. Chairman, I ask permission to place in the RECORD a statement showing the increased appropriations from 1875 down to and including the present time. I mean by that the expenses of the Government, including other items of expense as well as that of the Navy.

Mr. MANN. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. MANN. Will the gentleman insert in that table the amount carried by this bill as reported to the House?

Mr. SISSON. Yes; I will do that.

The statement referred to is as follows:

Appropriations fiscal years 1875–1912, inclusive.

AGRICULTURE APPROPRIATIONS.

1881	$253,300.00
1882	335,500.00
1883	427,280.00
1884	405,640.00
1885	480,190.00
1886	585,790.00
1887	654,715.00
1888	1,028,750.00
1889	1,716,010.00
1890	1,669,770.00
1891	1,779,100.00
1892	3,028,153.50
1893	3,232,995.50
1894	3,325,500.00
1895	3,229,623.06
1896	3,303,750.00
1897	3,255,532.00
1898	3,182,902.00
1899	3,509,202.00
1900	3,726,022.00
1901	4,023,560.00
1902	4,582,420.00
1903	5,208,960.00
1904	5,978,160.00
1905	5,902,040.00
1906	6,882,690.00
1907	9,930,440.00
1908	9,447,290.00
1909	11,672,106.00
1910	12,995,036.00
1911	13,487,636.00
1912	16,960,016.00

ARMY APPROPRIATIONS.

1875	27,788,500.00
1876	27,935,830.00
1877	27,621,867.90
1878	25,812,500.00
1879	25,593,486.01
1880	26,797,300.00
1881	26,425,800.00
1882	26,687,800.00
1883	27,528,000.00
1884	24,381,250.00
1885	24,454,450.00
1886	24,014,052.50
1887	23,753,057.00
1888	23,724,718.69
1889	24,471,300.00
1890	24,316,315.73
1891	24,206,471.79
1892	24,613,529.19
1893	24,308,499.82
1894	24,225,639.78
1895	23,592,884.68
1896	23,252,608.09
1897	23,278,402.73
1898	23,129,344.30

1899	$23,193,392.00
1900	80,430,204.06
1901	114,220,095.55
1902	115,734,049.10
1903	91,739,136.41
1904	77,888,752.83
1905	77,070,300.88
1906	70,396,631.64
1907	71,817,165.08
1908	78,634,582.75
1909	95,382,247.61
1910	101,195,883.34
1911	95,440,567.55
1912	93,374,755.97

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

1875	3,404,804.00
1876	1,374,985.00
1877	1,187,197.50
1878	1,138,374.50
1879	1,077,635.00
1880	1,087,835.00
1881	1,180,335.00
1882	1,192,435.00
1883	1,256,655.00
1884	1,296,755.00
1885	1,219,390.00
1886	1,242,925.00
1887	1,364,065.00
1888	1,429,942.44
1889	1,428,465.00
1890	1,980,025.00
1891	1,710,813.00
1892	1,656,925.00
1893	1,604,045.00
1894	1,557,445.00
1895	1,563,918.76
1896	1,574,458.76
1897	1,642,558.76
1898	1,695,308.76
1899	1,752,208.76
1900	1,714,533.76
1901	1,771,168.76
1902	1,849,428.76
1903	1,957,925.69
1904	1,968,250.69
1905	2,020,100.69
1906	2,123,047.72
1907	3,091,094.17
1908	3,092,333.72
1909	3,538,852.72
1910	3,613,861.67
1911	4,116,081.41
1912	3,988,516.41

DISTRICT OF COLUMBIA APPROPRIATIONS.

1881	3,425,997.35
1882	3,378,617.44
1883	3,496,060.47
1884	3,507,247.96
1885	3,559,835.54
1886	3,622,683.20
1887	3,721,050.99
1888	4,284,590.66
1889	5,046,410.32
1890	5,682,409.91
1891	5,769,544.15
1892	5,597,125.17
1893	5,317,973.27
1894	5,413,223.91
1895	5,545,678.57
1896	5,745,443.25
1897	5,900,319.48
1898	6,186,991.06
1899	6,426,880.07
1900	6,834,535.77
1901	7,577,369.31
1902	8,502,269.94
1903	8,544,469.97
1904	8,638,097.00
1905	11,018,540.00
1906	9,801,197.62
1907	10,138,672.16
1908	10,440,598.63
1909	10,001,888.85
1910	10,699,531.49
1911	10,608,045.99
1912	12,056,786.50

FORTIFICATIONS APPROPRIATIONS.

1875	904,000.00
1876	850,000.00
1877	350,000.00
1878	275,000.00
1879	275,000.00
1880	275,000.00
1881	550,000.00
1882	575,000.00
1883	375,000.00
1884	670,000.00
1885	700,000.00
1886	725,000.00
1889	3,972,000.00
1890	1,233,594.00
1891	4,232,935.00
1892	3,774,803.00
1893	2,734,276.00
1894	2,210,055.00
1895	2,427,004.00
1896	1,904,557.50
1897	7,377,888.00
1898	9,517,141.00
1899	9,377,494.00
1900	4,909,902.00
1901	7,383,628.00
1902	7,364,011.00
1903	$7,298,955.00
1904	7,188,416.22
1905	7,518,102.00
1906	6,747,893.00
1907	5,053,593.00
1908	6,898,011.00
1909	9,316,745.00
1910	8,170,111.00
1911	5,617,200.00
1912	5,473,707.00

INDIAN APPROPRIATIONS.

1875	5,680,651.96
1876	5,360,554.55
1877	4,572,762.01
1878	4,829,865.69
1879	4,746,275.70
1880	4,713,478.58
1881	4,657,262.74
1882	4,587,866.80
1883	5,229,374.01
1884	5,358,655.91
1885	5,859,402.91
1886	5,702,512.70
1887	5,546,262.84
1888	5,226,897.66
1889	8,263,700.79
1890	8,077,453.39
1891	7,262,616.92
1892	16,386,284.86
1893	7,664,947.84
1894	7,854,240.38
1895	10,659,565.16
1896	8,762,751.24
1897	7,390,496.79
1898	7,674,120.89
1899	7,673,854.90
1900	7,504,775.81
1901	8,197,989.24
1902	9,747,471.09
1903	8,986,028.10
1904	8,540,406.77
1905	9,447,961.40
1906	7,923,814.34
1907	9,260,590.98
1908	10,125,076.15
1909	9,253,347.87
1910	11,854,982.48
1911	9,266,528.00
1912	8,842,136.37

LEGISLATIVE, ETC., APPROPRIATIONS.

1875	20,783,900.80
1876	18,902,236.99
1877	15,417,933.32
1878	15,450,345.39
1879	15,271,251.39
1880	16,287,457.73
1881	16,274,023.39
1882	17,678,508.99
1883	20,038,000.65
1884	20,454,246.22
1885	21,393,141.85
1886	21,376,708.70
1887	20,654,346.37
1888	20,745,023.67
1889	20,758,178.07
1890	20,843,615.81
1891	21,030,752.75
1892	22,027,074.75
1893	21,900,132.97
1894	21,865,802.81
1895	21,305,583.29
1896	21,891,718.08
1897	21,519,324.71
1898	21,690,766.90
1899	21,625,846.65
1900	23,410,840.79
1901	24,175,652.53
1902	24,594,068.85
1903	25,396,681.50
1904	27,598,653.66
1905	25,558,258.22
1906	29,136,752.06
1907	29,681,919.39
1908	32,126,333.80
1909	32,832,913.50
1910	32,007,049.00
1911	34,158,767.00
1912	35,378,148.85

MILITARY ACADEMY APPROPRIATIONS.

1875	339,835.00
1876	364,740.00
1877	290,065.00
1878	286,604.00
1879	292,805.00
1880	319,547.33
1881	316,234.28
1882	322,435.37
1883	335,557.04
1884	318,657.50
1885	314,563.50
1886	310,021.64
1887	297,805.00
1888	419,936.93
1889	315,043.81
1890	902,766.69
1891	435,296.11
1892	402,064.64
1893	428,917.33
1894	432,556.12
1895	406,535.08
1896	464,261.66
1897	449,525.61

1898	$479,572,83
1899	458,689,23
1900	575,774,47
1901	674,306,67
1902	772,053,68
1903	2,627,324,42
1904	652,748,67
1905	973,947,26
1906	673,713,38
1907	1,664,707,67
1908	1,929,703,42
1909	845,634,87
1910	2,531,521,33
1911	1,856,249,87
1912	1,163,424,07

NAVY APPROPRIATIONS.

1875	20,813,946,20
1876	17,001,006,40
1877	12,742,155,40
1878	13,541,024,40
1879	14,152,603,70
1880	14,029,968,95
1881	14,405,797,70
1882	14,566,037,55
1883	14,819,976,80
1884	15,894,434,23
1885	14,980,472,59
1886	15,070,839,95
1887	16,489,907,20
1888	25,767,348,19
1889	19,942,835,35
1890	21,692,510,27
1891	24,136,035,53
1892	32,541,654,78
1893	23,543,385,00
1894	22,104,061,38
1895	25,327,126,72
1896	29,416,245,31
1897	30,562,660,95
1898	33,003,234,19
1899	56,098,783,68
1900	48,099,969,58
1901	65,140,916,67
1902	78,101,791,00
1903	78,856,363,13
1904	81,876,791,43
1905	97,505,140,94
1906	100,336,679,94
1907	102,091,670,27
1908	98,958,507,50
1909	122,663,885,47
1910	136,935,199,05
1911	131,350,854,38
1912	126,478,338,24

PENSION APPROPRIATIONS.

[Including deficiencies therefor.]

1875	29,980,000,00
1876	30,000,000,00
1877	29,533,500,00
1878	28,533,000,00
1879	29,371,574,00
1880	56,233,200,00
1881	41,644,000,00
1882	68,282,306,68
1883	116,000,000,00
1884	86,575,000,00
1885	20,810,000,00
1886	60,000,000,00
1887	82,075,200,00
1888	83,152,500,00
1889	85,258,700,00
1890	89,758,700,00
1891	123,779,368,35
1892	164,550,383,34
1893	154,411,682,00
1894	180,681,074,85
1895	151,581,570,00
1896	141,381,570,00
1897	141,328,580,00
1898	141,263,880,00
1899	149,304,702,40
1900	145,233,830,00
1901	145,245,230,00
1902	145,245,230,00
1903	139,842,230,00
1904	139,847,600,60
1905	142,360,700,00
1906	142,750,100,00
1907	143,745,500,00
1908	147,143,000,00
1909	173,053,000,00
1910	160,908,000,00
1911	155,758,000,00
1912	156,182,000,00

POST OFFICE APPROPRIATIONS.

1875	35,756,091,00
1876	37,524,361,00
1877	34,585,701,00
1878	33,584,143,00
1879	33,256,373,00
1880	36,121,400,00
1881	39,093,420,00
1882	40,957,432,00
1883	44,643,900,00
1884	44,489,520,00
1885	49,040,400,00
1886	53,700,990,00
1887	54,365,863,25
1888	55,694,650,15
1889	60,860,233,74
1890	66,605,344,28
1891	72,226,698,99
1892	$77,907,222,61
1893	80,331,276,73
1894	84,004,314,22
1895	87,236,599,55
1896	89,545,997,86
1897	92,571,564,22
1898	95,665,338,75
1899	99,222,300,75
1900	105,634,138,75
1901	113,658,238,75
1902	123,782,688,75
1903	138,416,598,75
1904	153,511,549,75
1905	172,545,998,75
1906	181,022,093,75
1907	194,695,998,75
1908	212,091,193,00
1909	222,970,892,00
1910	234,692,370,00
1911	243,907,020,00
1912	259,134,463,00

RIVERS AND HARBORS APPROPRIATIONS.

[Including amounts in sundry civil, deficiencies, and special acts.]

1875	5,218,000,00
1876	6,643,517,50
1877	5,015,000,00
1879	8,201,700,00
1880	7,846,600,00
1881	8,951,500,00
1882	11,441,300,00
1883	18,738,875,00
1885	13,949,200,00
1887	14,473,900,00
1889	22,397,616,90
1891	25,136,295,00
1892	2,951,200,00
1893	21,968,218,00
1894	14,166,153,00
1895	20,043,180,00
1896	11,462,113,00
1897	16,244,147,00
1898	20,832,412,91
1899	14,627,449,56
1900	25,110,038,94
1901	16,285,605,75
1902	7,046,623,00
1903	32,540,199,50
1904	20,233,150,00
1905	10,872,200,00
1906	28,726,007,41
1907	17,254,050,04
1908	43,500,813,00
1909	18,092,945,00
1910	29,190,264,00
1911	49,380,541,50
1912	30,883,419,00

SUNDRY CIVIL.

[Exclusive of amounts for rivers and harbors.]

1875	27,009,744,81
1876	26,644,350,09
1877	16,351,474,58
1878	17,133,750,06
1879	26,004,409,26
1880	21,656,340,06
1881	22,515,428,91
1882	21,984,194,12
1883	25,589,358,06
1884	23,679,575,44
1885	22,299,434,30
1886	26,079,257,49
1887	22,662,310,58
1888	22,386,540,96
1889	26,320,804,84
1890	25,297,341,65
1891	29,738,282,22
1892	35,459,163,99
1893	26,851,076,93
1894	27,550,158,15
1895	25,853,775,55
1896	35,106,045,40
1897	29,812,113,19
1898	34,490,370,47
1899	34,222,762,70
1900	38,467,733,86
1901	49,594,309,70
1902	54,749,285,21
1903	54,394,601,63
1904	62,139,210,10
1905	49,968,011,34
1906	56,269,318,66
1907	81,284,720,28
1908	104,376,481,30
1909	93,865,143,23
1910	117,942,109,36
1911	106,015,198,82
1912	135,236,967,14

DEFICIENCY APPROPRIATIONS.

[Exclusive of amounts for rivers and harbors.]

1875	4,083,914,26
1876	4,703,699,18
1877	2,908,177,09
1878	2,745,480,97
1879	14,138,742,29
1880	3,163,297,15
1881	4,207,226,44
1882	5,092,138,92
1883	12,992,025,16
1884	2,749,941,49
1885	7,057,509,00
1886	4,926,855,80
1887	7,866,719,62

1889	$16,063,383.26
1890	8,330,518.30
1891	13,295,541.61
1892	8,364,148.62
1893	8,230,859.50
1894	8,127,301.51
1895	11,811,004.06
1896	9,825,374.82
1897	15,041,911.07
1898	9,096,417.34
1899	341,341,517.50
1900	24,905,912.26
1901	15,688,330.61
1902	15,917,446.94
1903	28,050,007.32
1904	21,465,660.25
1905	22,771,890.18
1906	27,183,288.72
1907	35,629,035.45
1908	11,408,998.91
1909	46,702,300.06
1910	31,571,750.68
1911	12,729,214.80
1912	7,240,971.24

TOTAL APPROPRIATIONS.

1875	181,763,388.03
1876	177,303,280.71
1877	150,540,833.81
1878	143,330,087.92
1879	172,381,855.26
1880	188,531,424.80
1881	183,900,325.99
1882	217,081,572.87
1883	291,200,062.19
1884	230,080,923.75
1885	186,117,989.69
1886	217,417,634.98
1887	253,925,203.06
1888	243,860,879.35
1889	296,814,682.08
1890	276,390,665.03
1891	354,759,152.52
1892	399,260,333.45
1893	382,527,385.89
1894	403,515,586.11
1895	390,578,048.48
1896	383,636,896.97
1897	396,375,024.51
1898	407,907,801.40
1899	768,835,084.26
1900	517,358,212.05
1901	573,636,341.54
1902	597,990,337.32
1903	623,850,481.42
1904	617,527,447.37
1905	638,533,281.66
1906	669,973,228.24
1907	712,339,566.15
1908	770,172,923.18
1909	850,191,911.18
1910	894,307,669.40
1911	873,691,905.32
1912	892,333,650.79

MISCELLANEOUS APPROPRIATIONS.

1875	1,921,614.13
1876	1,862,929.19
1877	4,012,805.84
1878	1,262,061.31
1879	2,049,638.61
1880	1,926,020.26
1881	5,618,865.22
1882	1,072,933.64
1883	6,111,540.10
1884	1,912,723.88
1885	9,592,598.40
1886	2,177,648.20
1887	9,989,410.19
1888	4,811,991.49
1889	10,170,862.55
1890	10,255,795.29
1891	7,010,905.27
1892	3,271,531.10
1893	3,208,922.82
1894	520,499.18
1895	577,950.55
1896	297,667.37
1897	416,010.06
1898	749,057.90
1899	6,560,311.29
1900	28,744,590.24
1901	3,802,301.34
1902	7,990,018.67
1903	52,852,795.13
1904	2,941,238.65
1905	1,167,273.52
1906	3,375,086.72
1907	27,173,299.01
1908	738,900.62
1909	4,011,337.26
1910	1,259,515.96
1911	23,275,128.74
1912	4,773,306.81

TOTAL REGULAR ANNUAL APPROPRIATIONS.

1875	183,685,002.16
1876	179,166,209.90
1877	154,553,639.65
1878	144,592,149.23
1879	174,431,493.87
1880	190,457,445.06
1881	189,519,191.21
1882	218,154,506.51
1883	297,311,602.29
1884	$231,993,647.63
1885	195,710,588.09
1886	219,595,283.18
1887	263,914,613.25
1888	248,672,870.84
1889	306,985,544.63
1890	286,646,460.32
1891	361,770,057.79
1892	402,531,864.55
1893	385,736,308.71
1894	404,036,085.29
1895	391,156,005.03
1896	383,934,564.34
1897	396,791,034.57
1898	408,656,859.30
1899	775,395,395.55
1900	546,302,802.29
1901	577,438,642.88
1902	605,980,355.99
1903	676,703,276.55
1904	620,468,686.02
1905	639,700,555.18
1906	673,348,314.96
1907	739,512,865.16
1908	770,911,823.80
1909	854,203,248.44
1910	895,567,185.36
1911	896,967,034.06
1912	897,106,957.60

PERMANENT ANNUAL APPROPRIATIONS.

1875	141,981,789.73
1876	148,961,989.42
1877	145,037,498.42
1878	151,414,544.98
1879	157,976,282.81
1880	181,662,184.24
1881	172,053,013.18
1882	147,810,973.32
1883	134,826,471.02
1884	123,304,227.60
1885	123,118,901.04
1886	116,844,630.02
1887	123,416,358.74
1888	110,338,652.68
1889	101,638,512.74
1890	98,875,307.29
1891	147,598,288.07
1892	111,892,154.94
1893	77,948,076.49
1894	75,896,581.79
1895	68,769,173.59
1896	73,153,780.38
1897	72,702,975.84
1898	76,345,185.42
1899	87,287,091.51
1900	144,364,386.25
1901	141,840,184.01
1902	151,627,108.73
1903	119,930,588.24
1904	116,109,716.74
1905	92,497,300.66
1906	92,205,305.10
1907	131,528,982.24
1908	147,450,505.27
1909	132,048,409.16
1910	132,939,385.58
1911	130,934,595.12
1912	129,575,924.12

GRAND TOTAL APPROPRIATIONS.

1875	325,666,791.89
1876	328,128,199.32
1877	299,591,138.07
1878	296,006,694.21
1879	332,407,776.68
1880	372,119,629.20
1881	361,572,204.39
1882	365,965,479.83
1883	422,138,073.31
1884	355,297,575.23
1885	318,829,489.13
1886	330,439,913.20
1887	387,330,971.99
1888	350,011,523.52
1889	408,624,057.37
1890	385,522,367.61
1891	509,368,345.86
1892	514,424,019.49
1893	463,684,385.20
1894	479,932,667.08
1895	459,925,178.62
1896	457,088,344.72
1897	469,494,010.41
1898	485,002,044.72
1899	862,682,487.06
1900	690,667,188.54
1901	719,278,826.89
1902	757,607,464.72
1903	796,633,864.79
1904	736,578,402.76
1905	732,197,885.84
1906	765,553,620.06
1907	871,041,847.40
1908	918,362,329.07
1909	986,251,657.60
1910	1,028,506,570.94
1911	1,027,901,629.18
1912	1,026,682,881.72

Total appropriation by each Congress.

Forty-third (1875–1876)	$653,794,991.21
Forty-fourth (1877–1878)	595,597,832.28
Forty-fifth (1879–1880)	704,527,405.98
Forty-sixth (1881–1882)	727,537,684.22
Forty-seventh (1883–1884)	777,435,948.54

Forty-eighth (1885–1886)	$655, 269, 402. 33
Forty-ninth (1887–1888)	746, 342, 495. 51
Fiftieth (1889–1890)	794, 146, 424. 98
Fifty-first (1891–1892)	1, 023, 792, 365. 35
Fifty-second (1893–1894)	943, 617, 052. 28
Fifty-third (1895–1896)	917, 013, 523. 34
Fifty-fourth (1897–1898)	954, 496, 055. 13
Fifty-fifth (1899–1900)	1, 553, 349, 675. 60
Fifty-sixth (1901–1902)	1, 476, 886, 291. 61
Fifty-seventh (1903–1904)	1, 533, 212, 267. 55
Fifty-eighth (1905–1906)	1, 497, 751, 475. 90
Fifty-ninth (1907–1908)	1, 789, 404, 176. 47
Sixtieth (1909–1910)	2, 014, 758, 228. 54
Sixty-first (1911–1912)	2, 054, 584, 510. 90

Mr. SISSON. These figures stagger the human intellect. This enormous burden of taxation increasing so rapidly is sure to bring disaster unless it is checked.

There has been one principle of the Democratic Party which has been present as an issue in every campaign, and it is the one declaration of the party about which there has never been any difference since the great founder of Democracy first promulgated the great declaration of principles in his first inaugural address. The first inaugural address of Thomas Jefferson is one of the greatest state papers of ancient or modern times. That address was for a number of years the only platform of the Democratic Party, and it will be for all time the heart and soul of Democracy; and when the party shall depart from the principles laid down in that address the Democratic Party shall have perished from the earth.

In that inaugural address, among the other declarations of principles, we find as a cardinal doctrine of Jefferson's governmental policy that the Government should be economically administered, that labor might be lightly burdened. There has never been a campaign, from Jefferson' time down to our own, that the great Democrats of this country have not all advocated this doctrine. I would call the Democrats' especial attention to the declarations of the party for the last fifty-odd years as laid down in the platform for those years.

The Democratic platform of 1856 declares that—

It is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government and for the gradual but certain extinction of the public debt.

The Democratic platform of 1860, in its first resolution, reaffirms all of the principles announced in the platform of 1856.

The Democratic platform of 1864, which was made during the Civil War, is silent on Government expenses.

In the Democratic platform of 1868, in article 6, the party, in specific language, commits itself to—

Economy in the administration of the Government * * * so that the burden of taxation may be lessened.

The Democratic platform of 1872, in article 6, declares that—

We demand a system of Federal taxation which shall not unnecessarily interfere with the industry of the people, and which shall provide the means necessary to pay the expenses of the Government, economically administered.

The Democratic platform of 1876 declares:

We denounce the improvidence which in 11 years of peace has taken from the people in Federal taxes thirteen times the whole amount of the legal-tender notes and squandered four times their sum in useless expense, without accumulating any reserve for their redemption. We denounce the financial imbecility and immorality of the party which, during 11 years of peace, has made no advance toward resumption, no preparation for resumption, but instead has obstructed resumption by wasting our resources and exhausting all our surplus income, and while annually professing to intend a speedy return to specie payments has annually enacted fresh hindrances thereto.

The same platform further declares:

We demand a judicious system of preparation, by public economies, by official retrenchments, and by wise finance, which shall enable the Nation soon to assure the world of its perfect ability and its perfect readiness to meet any of its promises at the call of the creditor entitled to payment.

The same platform further declares:

Reform is necessary in the scale of public expense—Federal, State, and municipal.

The same platform further declares:

We demand a rigorous frugality in every department and from every officer of the Government.

The Democratic platform of 1880 declares, in article 14:

We congratulate the country upon the honesty and thrift of a Democratic Congress which has reduced the public expenditures $40,000,000 a year.

The Democratic platform of 1884 declares that—

sufficient revenue to pay all of the expenses of the Federal Government, economically administered, including pensions, interest and principal of the public debt, can be got under our present system of taxation from the customhouse taxes on fewer imported articles, bearing heaviest on the articles of luxury and bearing lightest on the articles of necessity. We therefore denounce the abuses of the existing tariff, and, subject to the preceding limitations, we demand that Federal taxation shall be exclusively for public purposes, and shall not exceed the needs of the Government, economically administered.

The Democratic platform of 1888 declares:

Every Democratic rule of governmental action is violated when, through unnecessary taxation, a vast sum of money, far beyond the needs of an economical administration, is drawn from the people and the channels of trade and accumulated as a demoralizing surplus in the National Treasury. The money now lying idle in the General Treasury resulting from superfluous taxation amounts to more than one hundred and twenty-five millions, and the surplus collected is reaching the sum of more than sixty millions annually. Debauched by this immense temptation, the remedy of the Republican Party is to meet and exhaust, by extravagant appropriations and expenses, whether constitutional or not, the accumulation of extravagant taxation. The Democratic policy is to enforce frugality in public expense and to abolish unnecessary taxation.

The Democratic platform of 1892 declares:

The representatives of the Democratic Party of the United States, in national convention assembled, do reaffirm their allegiance to the principles of the party as formulated by Jefferson and exemplified by the long and illustrious line of his successors in Democratic leadership, from Madison to Cleveland; we believe the public welfare demands that these principles be applied to the conduct of the Federal Government.

The platform of the same year further declares:

We pledge the Democratic Party, if it be intrusted with power, not only to the defeat of the force bill, but also to relentless opposition to the Republican policy of profligate expenditure, which, in the short space of two years, has squandered an enormous surplus and emptied an overflowing Treasury, after piling new burdens of taxation upon the already overtaxed labor of the country.

The Democratic platform of 1896 declares:

We, the Democrats of the United States in national convention assembled, do reaffirm our allegiance to those great essential principles of justice and liberty upon which our institutions are founded and which the Democratic Party has advocated from Jefferson's time to our own.

The same platform further declares:

We denounce the profligate waste of the money wrung from the people by oppressive taxation and the lavish appropriations of recent Republican Congresses, which have kept taxes high, while the labor that pays them is unemployed and the products of the people's toil are depressed in price till they no longer repay the cost of production. We demand a return to that simplicity and economy which befits a democratic government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

The Democratic platform of 1900 declares:

We denounce the lavish appropriations of recent Republican Congresses, which have kept taxes high and which threaten the perpetuation of the oppressive war levies. We oppose the accumulation of a surplus, to be squandered in such barefaced frauds upon the taxpayers as the shipping subsidy bill, which, under the false pretense of prospering American shipbuilding, would put unearned millions into the pockets of the favorite contributors to the Republican campaign fund. We favor the reduction and the speedy repeal of the war taxes and a return to the time-honored Democratic policy of strict economy in governmental expenditures.

The Democratic platform of 1904 declares:

Large reductions can easily be made in the annual expenditures of the Government without impairing the efficiency of any branch of the public service, and we shall insist upon the strictest economy and frugality compatible with vigorous and efficient civil, military, and naval administration as a right of the people too clear to be denied or withheld.

The Democratic platform of 1908 declares:

The Republican Congress in the session just ended made appropriations amounting to $1,008,000,000, exceeding the total expenditures of the past fiscal year by $90,000,000, and leaving a deficit of more than $60,000,000 for the fiscal year just ended. We denounce the needless waste of the people's money, which has resulted in the appalling increase, as a shameful violation of all prudent considerations of government and as no less than a crime against the millions of working men and women, from whose earnings the great proportion of these colossal sums must be extorted through excessive tariff exactions and other indirect methods. It is not surprising that, in the face of this shocking record, the Republican platform contains no reference to economical administration or promise thereof in the future. We demand that a stop be put to this frightful extravagance, and insist upon the strictest economy in every department, compatible with frugal and efficient administration.

The Democratic platform of 1912 declares:

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a democratic government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

The conclusion of the platform of 1912, upon which Woodrow Wilson and every Member of this Democratic Congress was elected, declares:

Our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign, and we invite the cooperation of all citizens, regardless of party, who believe in maintaining unimpaired the institutions and traditions of our country.

When those of us who are Members of this Democratic House cast up accounts during this Congress we are startled to find how much more money we have spent than any other Congress in the history of the country. How can we, in the face of our party declarations which I have quoted, face the American people without an apology? It is not sufficient to say that the country is growing, and while the political enemies twit us for the betrayal of our party, just to say, as Thomas B. Reed said when the expenses of one Congress of two years leaped to one billion of dollars, that this is a billion-dollar country, because

the expenses since that day have amounted to the stupendous sum of two billion dollars each Congress.

This vast sum of money taken indirectly from the people's toil without their being conscious of having paid it, is even a greater crime than if each citizen knew exactly just how much he was contributing to the support of the Federal Government. We the Democrats in Congress are the guardians of the people's toil and we should see to it that not a single penny is taken from them more than is necessary to pay the expenses of the Government, economically administered. We can not play the Tom Reed racket and save our faces, because our party has always denounced extravagance. The party has changed its position on the tariff, on the money question, on our foreign policy, on the construction of the Constitution, and on many other great questions, but this is the one question upon which Democrats in the past have always agreed. If our party should throw to the winds this great principle of economy there will then not be a political organization in existence in this great country that stands against heavy taxation and wild extravagance.

It is not my purpose to single out this naval bill and make an attack upon it. Under our present system of appropriating money it is entirely impossible for the membership of the House to know exactly what has been done until all of the appropriation bills have come from the various committees and passed the House, and even then we do not know what our financial standing is until these bills have passed the Senate, gone through conference, and been agreed upon by both Houses. But the attention of the whole country has been called to the great extravagance of this Congress, and I, along with other Members, did not realize at what a rapid gait we were going until within the last few weeks. These great supply bills have been born, as it were, back in the recesses of the committee rooms and the country was only startled when they were reported from these committees into the whole House. I am not blaming any one individual committee, nor am I blaming any individual Democrat. My criticism is directed at the present system.

I know of no better bill, however, to use as an illustration of the rapidly increasing extravagances of the Government than this naval bill. As reported from the committee, this bill carries over $148,000,000, and the authorizations in the bill, which will have to be cared for during the fiscal year following, if added to the face of the bill, would make it close to $170,000,000.

The Committee on Appropriations, of which I am a member, has many of the great supply bills under its jurisdiction, and this committee is the one committee that has greatly reduced its bills below that of the past Republican Congresses by many millions. Last year the sundry civil bill was $33,000,000 less than in the last Republican Congress. At that time the Republicans charged us with cheeseparing for election purposes. But after the election, at this session of Congress, we reduced the sundry civil expenses $4,800,000 more than the preceding year, making in round numbers a reduction of $38,000,000 from the Republican bill. If every committee in the House had done as well, the total expenditures of the Federal Government would have been $300,000,000 less than the Republican expenditures, and the efficiency of the Government would not have in any way been impaired.

The military expenses of the Federal Government are growing too rapidly. Our military establishment (including the naval establishment) is the most expensive in the world. By referring to the statement of expenditures in the naval and military establishments of the country you will see a startling increase, which means that this free Republic is rapidly drifting under the control of the military spirit. The history of the past shows that this military spirit has been the cause of the overthrow of liberty in every country.

The influences which sell the steel, and all the supplies of the great armies and navies of the world, out of which vast fortunes are being made, constantly surround the capitals of the world and fill the newspapers and magazines with sensational stories which cause the nations to unnecessarily dread each other and play one nation against the other. Instead of our magazines in the civilized nations of the world standing for "Peace on earth, good will toward men," they are standing for war for selfish reasons. The Steel Trust sells the steel; the Beef Trust sells the beef; the Arms Trust sells the arms; the Powder Trust sells the powder; the Clothing Trust sells the clothing; the Lead Trust sells the lead; and as the number of officers and men increase their political influence through their families and friends increases, and all of these influences and forces clamor for more pay and greater fields of activity. Each nation is striving to outstrip the other in military and naval establishments, in order that each particular nation may be stronger than the other when some war in the future may call them into play.

It would be interesting for some schoolboy to take the columns of figures to which I have called the attention of this House and add up the annual expenditures for our Army, for our Navy, and for our fortifications, and see how many billions of dollars have been wrung from the peaceful toil of the poor for these mighty establishments in the past 50 years. And then, if this same boy would get the expenses of England, France, Germany, Russia, Italy, Japan, China, Spain, and the other great or small nations of the world, and add this stupendous sum to that expended by the United States, he would find how many billions upon billions is expended each year, and how much has been expended in the past 50 years on armies and navies.

This great Republic ought to stand for peace and not for war. If we should be a Nation prepared to defend our labors at home, we should need but little standing army and a reasonably large navy to defend this happy and peaceful policy. On the other hand, if we are to be a nation of conquests and devote all of the people's toil to the establishment of an army and navy large and strong enough to overcome any other nation or nations in the world, then we have turned back the heart, thought, and mind of the people to the terrible age of force and conquests. We do not need these mighty establishments for defense at home. This military spirit would send us out Alexander-like to conquer the world.

The nations of Europe are already beginning to groan under the burden. The German press is in revolt against the heartless exactions of the Emperor for his army and navy. This German press is contending that while the German Government is preparing its mighty navy and army to fight some war that may probably arise in the future it is actually destroying the peace and prosperity of the people at home. The taxation in Germany is enormous, and the strength of that great nation is being sapped to keep up this mighty military establishment to defend the German Crown and the German Government, and this preparation for this defense is doing the German people quite as much harm as would be done if the German Government were destroyed and the people were to pass under the control of some other nation, and certainly the German people would be greatly relieved if they could pass under the control of some more peacefully inclined Government.

The poor millions of Russia are groaning under the burdens of taxation to keep up their mighty military establishment. The English people have exhausted almost every avenue of taxation in order that they may raise money to sustain its mighty army and navy. When will this folly cease? Never, so long as the Members of Congress and the Members of the Senate of the United States continue to clamor for preparations for war and constantly keep the nations of Europe uneasy about the United States' aggressiveness in world policies.

Since the Spanish-American War our Naval Establishment has increased 400 per cent, and the increase of the nations of the world has been at about the same proportion. These nations are beginning to fear the United States, because they have now learned that the United States is as selfish in land grabbing as the other nations of the world have been. And the reason that prompts the United States Government to increase her naval and military establishments is the same reason that prompts other nations to increase theirs.

The United States, having acquired Porto Rica and the Philippines, is preparing to defend these island possessions, one of which is 8,000 miles from our shores. And while it is stated that the Philippine Islands alone cost the Government about forty millions a year more than it would cost the Government if we would turn them loose, this forty millions is a mere bagatelle as compared with the mighty increase in our military and naval expenses, caused directly by our possession of the Philippine Islands.

The Democratic Party is committed to the freedom of the Philippines, and it is our highest solemn duty to carry out this pledge of the party to at once give the Philippines their independence and then at once stop the increase of our naval and military establishments.

The United States Government is doing as Spain did in the sixteenth, seventeenth, and eighteenth centuries. Spain built fortifications practically around the world, massive in their proportions and impregnable, apparently, from all attack. But these fortifications were gradually abandoned, because the burden of keeping them up was so great that the Spanish people could not bear it. We are fortifying Porto Rica, Cuba, Hawaii, Alaska, Philippine Islands, as well as our own coast. These fortifications are increasing in size, and necessitates an increase in men—all of which means an increased burden upon the American people. These fortifications will not add to our national strength, but they will greatly add to our national burden. Every soldier in the Army and every tar on the sea is a burden

on the back of the man who labors and toils in the fields, in the factories, and in the mines.

There are 16,000,000 families in the United States, the average of whose earnings is about $600 annually, and in addition to supporting their families out of this $600 they are compelled to pay their pro rata share for the support of the men in the Army and in the Navy. These Army and Navy officers live in magnificent houses that cost from nine to fifteen thousand dollars each. These houses are furnished and cared for at the expense of the people. These Army officers are furnished with light, heat, and water; and in addition to all of this they get salaries ranging from $3,600 to $5,000 a year. We have on the retired list some 1,800 or 2,000 Army and Naval officers, many of whom are physically able to perform duties in the Army and Navy, whose average salary is $320 more than the salaries of the Army and Navy officers who are actually performing duty, and the number is gradually increasing. These Army and Navy officers, as well as the enlisted men, have lifetime jobs, unless they are cashiered or dischargd for cause, and are cared for by taxing the people of the United States. Every time one of them is injured or hurt or health is impaired he is at once put upon the pension rolls for life, thus adding another burden upon the people.

It is too long a story to record all of the extravagances in the Army and Navy, much less go into the extravagances in the other departments of the Government.

I have put in my remarks the tables of our expenses and have gone somewhat into detail, so that I might justify my position in Congress as a Democrat in fighting extravagances wherever I find them. I have also set out the declarations of our party denouncing these extravagances, and I do this for the purpose of calling the attention of Democrats throughout the country to the condition of affairs in our Government, so that every Democrat in Congress as well as in the ranks may come out against it. Let us stand firm by our party pledges. Let the people know that our party pledges were made in good faith and not to be repudiated.

We have elected a great man as President of the United States. I call upon him as the leader of the party in the United States to hold up the hands of all of us who are trying to practice rigid economy in every department of the Government. The Democratic Party has a glorious opportunity to do the people of the country a great service by relieving them of Republican extravagance and by putting the affairs of the Government on a business basis.

The President of the United States has selected as Secretary of State the greatest Democrat on this earth. He is a man who believes in peace. He believes in the glorious doctrine of brotherhood taught by the Master when He was on earth. Let us follow this great leader in his efforts to bring about peace among the nations of the world. Let this great party, while it is in power, hold up the President's hands and the hands of Mr. Bryan, and all of the other great Cabinet officers that the President has selected, in their efforts to bring about in this world "peace on earth, good will toward men."

Let us by legislation and the practice of rigid economy remove these burdens from the backs of the people before the people rise up and remove the burdens by revolution. Revolution is expensive not only in property but in life, and it is a sad commentary upon the history of the past that the people have rarely been able to make advances and secure their rights except by the bayonet. The fathers of this Republic believed that with the ballot in the hands of the free men that they would be able to control expenditures without recourse to bayonets.

This is the plain duty of the party to-day. Will we live up to it? If we will, the Democratic Party will have a long lease of power. If we do not, we will surely go out of power, as we should.

Mr. AUSTIN. Mr. Chairman, I have followed with great interest the discussion on this bill. All three of the great national parties in their platforms expressed themselves on an American Navy. The Democratic platform adopted at Baltimore used this language:

> The party that proclaimed and has always enforced the Monroe doctrine and was sponsor for the new Navy will continue faithfully to observe the constitutional requirement to provide and maintain an adequate and well-proportioned Navy sufficient to defend American policies, to protect our citizens, and uphold the honor and dignity of the Nation.

The Republican platform stated:

> We believe in the maintenance of an adequate Navy for the national defense, and we condemn the action of the Democratic House of Representatives in refusing to authorize the construction of additional battleships.

The Progessive Party platform proclaimed:

> We favor an international agreement for the limitation of naval forces. Pending such an agreement, and as the best means of preserving peace, we pledge ourselves to maintain for the present the policy of building two battleships a year,

In other words, the representatives of the American people in national conventions assembled declared themselves in favor of an adequate Navy. Who are the best qualified, the best posted of our public officials to determine the question of an adequate Navy from the facts and circumstances and a full and thorough consideration of the question? Is it the able and eloquent gentleman representing a district in Mississippi [Mr. WITHERSPOON] and the active and efficient Member from Georgia [Mr. TRIBBLE], or should we accept the weight of evidence submitted to us by the trained and experienced officials of the Navy Department who have devoted their lives to the Navy?

Mr. WITHERSPOON. Mr. Chairman, will the gentleman yield for a question?

Mr. AUSTIN. If I can get a little more time, I shall be very glad to do it. In determining this question and weighing this evidence and the arguments submitted to us, should we take the opinion and the argument of these gentlemen who are lawyers and politicians or should we accept the statements and the evidence submitted to us by Admiral Dewey and the other faithful and patriotic men connected with the Navy who have served this country long and well in the Navy to determine this question, which should not be determined for political expediency or on political lines, but alone for the honor and glory of the American people and the American Government? [Applause.] Here is the gentleman from Alabama [Mr. HOBSON]. Does anyone question his fidelity to his country or his patriotism to the American people or his knowledge of naval affairs or his loyalty to the Democratic Party?

Mr. Chairman, every department of this Government has increased its appropriations from year to year in practically the same ratio as the Navy Department, as outlined here by the gentleman from Mississippi [Mr. SISSON]. This country has outgrown all other countries and it is natural that the expenses of every department should show an increase. Since the Spanish-American War the condition of the American Nation has materially changed in reference to our armament and our responsibility to the world. We have taken over the Philippine Islands. I believe it is going to be the policy of the incoming administration to turn them adrift, but in doing so you will only require additional ships to maintain their independence in the Pacific and to prevent their seizure by some other power.

We have Porto Rico, Hawaii, and virtually Cuba. Cuba ought to have been made a part of the United States when we first landed there. [Applause.]

Mr. PADGETT. Mr. Chairman, I move to close debate on the paragraph and all amendments thereto in five minutes, and that the gentleman from Tennessee [Mr. AUSTIN] be given that five minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee.

The question was taken, and the motion was agreed to.

Mr. AUSTIN. Mr. Chairman, we ought to have declared Cuba ours when we sacrificed our millions of money and thousands of precious American lives for the freedom of that island from Spain. Since that time we have been forced to take our ships, sailors, and soldiers to maintain and reestablish order in Cuba at the expense of the American taxpayers. That course or policy will be repeated whenever you declare the independence of the Philippine Islands. We have an enormous coast line, and we are the custodian of Haiti, Santo Domingo, Cuba, Hawaii, and by and by of the Philippines, and do we only need one battleship a year for that great responsibility? Your party and my party stands committed to the enforcement of the Monroe doctrine, and can you maintain the enforcement of that doctrine as it affects an entire continent below us with a program of one battleship a year?

We have constructed the Panama Canal, at an expense of $400,000,000. We have no merchant vessels to use it, and yet it must be protected. We ought to have and the American people believe in an adequate Navy, and I repudiate the idea that one battleship a year makes an adequate Navy under the present conditions that confront us and under our great responsibilities. We need not only a fleet, an all-around powerful fleet, in the Atlantic, but we need one also in the Pacific, and the Republican Party stands for it, and the American people will sustain us when they have a chance to pass upon the proposition. If you submit the question to the ballot box, the American people will repudiate the idea that the one battleship program means an adequate Navy for 90,000,000 of Americans.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. CLINE. I want to ask the gentleman whether there has been a period since 1823 when the Government did not enforce the Monroe doctrine under all circumstances when it was called upon to do so?

Mr. AUSTIN. That is quite true, but Germany and other European countries are sending their people to settle up the Argentine Republic, Brazil, and other South American countries. They are planting their banks and commission houses there, and no man can tell when a serious danger will confront and threaten that very doctrine itself. France and Austria invaded the American Continent and planted their flags and soldiers in Mexico until we succeeded in controlling the sea and drove them back home to their foreign shores.

Mr. Chairman, this is not a political question. It is a patriotic question, and it affects and concerns every American citizen. We are derelict in our duty if we do not stand for an adequate Navy—not an inefficient Navy, but a great Navy commensurate with the duties that confront us as a world power. Let me appeal to my colleagues in the interest of all the people, in the interest not of to-day but of to-morrow.

Let me appeal to you to prepare for war, prepare for any emergency now in the time of peace and prosperity. Let us stand by the American flag, planted upon our battleships—on the best ships that money can purchase—manned by the bravest and best of all sailors.

"Your flag and my flag,
  There it flies to-day
Over your land and my land
  Half a world away;

Blood red, rose red,
  Its stripes forever gleam;
Pure white, soul white,
  Our good forefathers' dream.

Sky blue, true blue,
  The stars that shine aright—
A glorious guidon of the day,
  A shelter through the night.

Your flag and my flag,
  And oh, how much it holds—
Your land and my land
  Safe within its folds.

Your heart and my heart
  Beats quicker at the sight;
Sun kissed and wind tossed
  The red, the blue, the white.

The one flag, the great flag,
  The flag for me and you;
Glorified, all else beside,
  The red, the white, the blue."

[Applause.]

Mr. WITHERSPOON. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The question is on the motion of the gentleman from Mississippi.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

One transport, to cost, exclusive of armor and armament, not to exceed $1,850,000.

Mr. SISSON. Mr. Chairman, on that I reserve the point of order.

Mr. FOSTER. Mr. Chairman, I make the point of order.

Mr. SISSON. Mr. Chairman, I will state to the Chair that my information is that two years ago, when the naval appropriation bill was under consideration, an item of this kind was in the bill, and, on a point of order made by the gentleman from Wisconsin, Mr. Stafford, the gentleman from Illinois, Mr. MANN, being in the chair, the point of order was sustained.

Mr. BUTLER. The gentleman from Illinois [Mr. MANN] was not in the chair. He was away.

Mr. SISSON. The decision, as I understand it, is not in Hinds' Precedents, but my information is that it is in the RECORD. The parliamentary clerk has agreed to look the matter up. The point of order is this: That this is a new authorization of a vessel that is not a necessary part of the Naval Establishment. They could not begin a new line of vessels except by authority. Now, if they should begin on this line of vessels and Congress committed itself to this proposition, in the future they could add to it, but they could not begin a new proposition and a new project in this way, and for that reason I make the point of order in good faith.

Mr. PADGETT. Mr. Chairman, I do not think it subject to a point of order. We have transports now; we have battleships; we have submarines; and according to the gentleman's own statement it is in order to increase them. We have the transports already.

Mr. SISSON. How many transports have you in the Navy?

Mr. PADGETT. Three or four.

Mr. SISSON. Are they transports that have been heretofore authorized for soldiers, and is not that the only transport? Is it not a fact that two or three times you have made an effort to get a transport into the bill, and it has gone out on a point of order?

Mr. PADGETT. I do not recollect it so.

Mr. SISSON. Did it not go out of the bill three years ago, when this very item, or one like it, was in the bill, and went out on a point of order?

Mr. PADGETT. I do not remember anything of the kind.

Mr. SISSON. Does the gentleman say it is not so?

Mr. PADGETT. No; I say I have no recollection of it.

Mr. RAKER. If the gentleman will allow me, I find on page 617 of the hearings that Secretary Meyer said:

Now, we are very weak on transports. We have only two, the *Prairie* and the *Buffalo*, one 20 and the other 22 years old.

Mr. SISSON. Oh, but those are entirely different vessels from this.

Mr. PADGETT. They are transports.

Mr. SISSON. The vessel spoken of in this bill is "one transport, to cost, exclusive of armor and armament, not to exceed $1,850,000." It is an entirely different proposition from the transports referred to by the gentleman.

Mr. PADGETT. They are transports.

Mr. SISSON. The gentleman will not find that this question was ever raised in this House on a point of order but that the point of order was sustained by the Chair, and the items have gone out.

The CHAIRMAN. If the gentleman from Mississippi has any exact information of that fact, the Chair would like to have it.

Mr. SISSON. Mr. Chairman, perhaps I misled the parliamentary clerk by saying that the case occurred two years ago when my information is now that it was three years ago when the matter was up. To have this in order it has got to be a necessary part of the present Naval Establishment; they can not begin a new line of boats without some specific authority of Congress to do so.

Mr. RAKER. I want to say further that the hearings disclose that we purchased these transports during the Spanish-American War.

Mr. SISSON. My information is that they belong to the Army.

Mr. ROBERTS of Massachusetts. They never did.

Mr. RAKER. The Secretary recommends two transports and the committee only put in one. The Secretary further said that it would be a great economy if the Government would construct these transports.

Mr. SISSON. I would like the Chairman to satisfy himself that the item is in order, because if my contention is correct then this is the beginning of a new line of ships in the Navy. If I am correct in my position, this item ought not to go in at all without some specific authority for the construction of this class of vessels in the Navy.

Mr. HOBSON. I want to say that we have two transports now, and they are in commission.

Mr. SISSON. How large are they?

Mr. HOBSON. I should say they were four or five thousand tons.

Mr. SISSON. Constructed on a naval bill for this purpose or transferred from some service?

Mr. HOBSON. They were purchased.

Mr. SISSON. Oh, they were purchased; bought for that purpose.

Mr. PADGETT. That does not make any difference.

Mr. SISSON. That does not authorize further construction. Because Congress authorized the purchase of a boat or certain specified boats, or because it gives the Navy Department the right to buy boats, does not confer upon the Naval Committee of Congress, under the rules, the right in the naval bill to add new construction.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I understand the Chair desires information as to the transports in the Navy.

Mr. SISSON. Mr. Chairman, I want to ask just one question.

The CHAIRMAN. The gentleman from Massachusetts has the floor.

Mr. ROBERTS of Massachusetts. I will yield to the gentleman from Mississippi for a minute.

Mr. SISSON. I will ask the gentleman if it is not true that the two boats spoken of were purchased during the Spanish-American War under the general act authorizing the President to conduct this war and which gave plenary authority to him under that act.

Mr. PADGETT. They were purchased during the Spanish-American War.

Mr. SISSON. And they were purchased under that act authorizing the President to conduct that war.

Mr. PADGETT. That does not make any difference, we own them and they are part of the Navy and we can add to them.

Mr. ROBERTS of Massachusetts. Mr. Chairman, we have five transports in the Navy with a total tonnage of 26,595 tons.

I am quoting now from the official figures giving the different classes of vessels and the number in each class in the Navy, and I want to say just one word in addition. If the Chair desires to know, I am quoting from the Naval Yearbook for 1912, on page 780, and this information I am stating is obtained directly every year from the Navy Department and is official.

Now, the gentleman attempts to draw a distinction between a vessel that this Government constructs and a vessel that it purchases. I want to point out to the gentleman that it makes no difference how we get a vessel if we get her under due authority of law, and in the case of the two transports mentioned, the *Prairie* and the *Buffalo*, it is true that they were purchased during the Spanish-American War, but they were purchased pursuant to law, otherwise we would not have them in the Navy, and we never could have acquired them. There is no question whatever but that the Navy now has transports, and this authorization in this bill is not creating a new line or class of vessels. It is simply adding to a class which we already have.

Mr. HOBSON. Mr. Chairman, I would like to be heard on the point of order. Reference has been made to the *Prairie* and the *Buffalo*. They are in commission, but in addition to those we have two others, the *Yankee* and the *Dixie*, and I will read very briefly a statement of the service that those boats have been rendering. I read from the report of the Secretary of the Navy:

> Since the close of the Spanish War these ships have been constantly engaged in transporting men on foreign stations, expeditionary forces of marines, and Naval Militia. Since 1900 there have been, for instance, no less than 24 expeditionary forces of marines dispatched to various parts of the world. From 1909 to 1911 there were transported in the *Yankee* and *Dixie* a little more than 20,000 men. During 1911 the *Prairie* made seven trips with enlisted men and two with marine regiments. The *Buffalo* made two trips to the Asiatic station—one trip with a marine regiment and one with Naval Militia of California. The need for transports is considered sufficiently urgent to warrant the omission of fuel ships for one year.

Now, Mr. Chairman, we have that type of ship in the Navy just as actually and really as we have the battleship type in the Navy. They are necessary to the performance of the functions of the Navy in the operations of the Marine Corps. The battleships and the cruisers which we have are not adapted to transportation of marines, and yet we are constantly required to transport those marines, and transports are far cheaper than the purchase of transportation from the commercial world, and we can not keep the Marine Corps of the Navy in its integrity without a transport service.

Mr. TRIBBLE. I will ask the gentleman if it is not a fact that the marines belong both to the sea and land, and in case of war receive the first bullets, and are always on the firing line, and are a most important part of our national defense?

Mr. HOBSON. The gentleman is quite correct.

Mr. TRIBBLE. In order to place these marines at Panama, or at any other position, we have to have transports to carry them to the scene of war.

Mr. HOBSON. The gentleman's logic is sound.

Mr. DYER. I would like to have the gentleman state to the committee the character of transports we have——

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] has been recognized.

Mr. GARRETT. Mr. Chairman, I wish to submit just this observation on the point of order: I do not know as to the merits of the question whether there should be a transport constructed, but upon the point of order I submit this to the Chair: That if this is a vessel to be used as a part of the Naval Establishment, then under the long line of rulings that have been made it is not subject to the point of order. If this is to be part of the naval fleet, it need not necessarily be a battleship or a torpedo boat; but if it is to be used in the service of the Navy, then it is a part of the Naval Establishment, and under a long line of rulings it is clearly not subject to the point of order.

Mr. MANN. The rule which would affect this question is:

> That no appropriation shall be in order unless in continuation of appropriations or such public works and objects as are already in progress.

The rulings are many that in the Lighthouse Service, which has lighthouse vessels, an amendment or proposition to build a new lighthouse vessel not previously authorized by law is subject to the point of order. The same is true of the Coast and Geodetic Survey, and the same is true of the Bureau of Fisheries, and the same is true in the War Department.

I have given a good deal of attention to this subject, because I was in the chair for several years when the naval appropriation bill was under consideration. There never has been any ruling of any Chairman holding any naval proposition in order for new work, new vessels, or anything of that kind, except for fighting vessels. Although the general rule was early laid down that the provision for a new vessel in the naval service was not a continuation of a work in progress, by an arbitrary ruling many years ago of a Chairman it was held that it was in order to appropriate for a new warship. But the decisions have been uniform all the time by all the Chairmen ruling upon the subject that that arbitrary exception applied only to fighting vessels.

Hence the Chair, the other day, ruled out an item for a dry dock. Now, a dry dock is just as necessary for the running of the Navy as a transport is, and the Committee on Naval Affairs seem to confuse their legislative jurisdiction with their appropriating jurisdiction. They have the authority to bring into the House a bill providing for a dry dock if it be necessary; they have the authority to bring into the House a bill providing for a transport if that be necessary. But there never has been a ruling yet which authorized an appropriation for any new construction in the Navy, either by way of vessel or dry dock or building, except where it applied to fighting vessels, and then only after the type of vessel was already in the Navy.

For instance, there was ruled out of order a few years ago a provision providing for a new type of torpedo boat or torpedo-boat destroyer, and the ruling was that if there was in the Navy a torpedo boat of a particular type, then it was in order as a continuing work to provide for an additional boat of that type, but without legislation it was not in order to provide in the appropriation bill for a new type of fighting vessel.

Mr. HOBSON. Mr. Chairman——

Mr. ROBERTS of Massachusetts. Will the gentleman yield for a question?

Mr. MANN. I suppose no one can ever make an argument without yielding, and hence I yield.

Mr. HOBSON. I just wanted to ask the gentleman a question. He is very familiar with the operations of the Navy, and when he recognizes——

Mr. MANN. I am more familiar with the operation of the rules than the gentleman is, and he is more familiar with the operations of the Navy than I am.

Mr. HOBSON. I want to thank the gentleman for the latter part of his statement.

Mr. MANN. The first part is equally true.

Mr. HOBSON. And it is no lack of compliment to admit the first.

Now, I want to ask the gentleman when he sees the operation of a fleet, for instance, as on the Central American coast, as we have just recently seen it operating, whether he regards the transports that were in that fleet—the transports that carry the marines who were going to be the landing weapons of the fleet when they reach shore—whether, when the fleet is sent to that coast and the transports are the main part of the fleet's operation, he would not consider those transports fighting ships?

Mr. MANN. I will ask the gentleman, then, whether he considers if we want to send the Army abroad it is not necessary to have ships in which to send them? And will the gentleman contend it is in order on the Army bill to provide transports for the Army? Or will the gentleman say that it is in order to provide a lighthouse tender in order that you may convey supplies to a lighthouse situated in the ocean that you can not get to without a tender?

Mr. HOBSON. No; but I will say to the gentleman——

Mr. MANN. They are equally pertinent questions.

Mr. HOBSON. I will say to the gentleman that the transport is a part of the fighting fleet.

Mr. MANN. It is the duty of the gentleman's committee, having legislative jurisdiction to report a bill providing for a transport not in the appropriation bill, to bring in such a bill.

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr. MANN. I will.

Mr. ROBERTS of Massachusetts. I thought I heard the gentleman state a moment ago that if we had a type of torpedo boat and some type of boat already in the Navy, then it would be in order to provide for additional boats of that type?

Mr. MANN. I said that particularly as to fighting vessels.

Mr. ROBERTS of Massachusetts. That is the distinction between a fighting vessel and transport or collier?

Mr. MANN. The Chairmen have always drawn that distinction.

Mr. ROBERTS of Massachusetts. I was asking the gentleman if he drew that distinction?

Mr. MANN. I do.

Mr. ROBERTS of Massachusetts. And the fact that there are transports in the Navy would not make in order additional appropriations?

Mr. MANN. I do not think it makes any difference. I am quite willing for the Chair to rule either way. Everybody admits that the original ruling authorizing on an appropriation bill appropriations for building new vessels in the Navy was an abitrary ruling, entirely in conflict with all other decisions made

under that rule. That arbitrary ruling, made years ago, has been followed.

Now, if the Chair desires to extend that, very well. That arbitrary ruling will meet the approval of those who are in favor of making up a monstrous Navy, because it is quite certain that if it had not been for that arbitrary ruling, made more than 20 years ago, at a time when people in the department were endeavoring to start a new Navy, we would not now have such a Navy as we have, and probably there would not be the enormous expense, either here or in other countries, from the endeavor of each to outdo the other in building up a navy.

The CHAIRMAN. The Chair is ready to rule. It has been held in order in the past to provide battleships in the naval appropriation bill, also to provide other classes of fighting ships. The question involved here, however, came up directly in the second session of the Sixty-first Congress, when the naval appropriation bill was under consideration, with the gentleman from Illinois [Mr. MANN] in the chair. The paragraph under consideration was this:

One repair ship, to cost not exceeding $1,000,000.

On that occasion the following colloquy took place:

Mr. TAWNEY. I make the point of order against the paragraph just read.

The CHAIRMAN. The gentleman from Minnesota makes the point of order against the paragraph just read. The Chair will hear the gentleman from Minnesota.

Mr. TAWNEY. There is no authority, Mr. Chairman, for the construction of this repair ship, which is in the nature of a dry dock and subject to the same rule. It is not attached to any navy yard, and it is not proposed that it shall be. It is therefore, under the ruling of the Chair in similar cases, contrary to the rules of the House and not in order.

The Chairman on that occasion [Mr. MANN], in passing on the motion, held as follows:

The CHAIRMAN. In ruling upon an amendment which was offered on the naval appropriation bill two years ago, the present occupant of the chair, who was then in the chair, made this statement:

"While the Chair is not called upon to decide as to whether an appropriation would be in order for a destroyer or torpedo boat known as 'subsurface' or 'semisubmerged' as a work already in progress, the Chair is inclined to think that the rulings in regard to holding appropriations for new vessels in order on naval appropriation bills as a work in progress have gone quite as far as it is possible to carry them."

It is quite within the power of the Committee on Naval Affairs to bring into the House a bill authorizing the construction of any kind of a vessel which the committee favors, and for Congress to provide for such authorization by legislation, but it seems to the Chair that it is legislation where no authorization has been made, and that to say that any kind of a vessel in the Navy, outside of fighting ships, can be provided on the naval appropriation bill without previous authorization of law, simply as a work in progress, is not warranted. The Chair therefore sustains the point of order.

It seems that the only instances where it has been held in order in the past are where an appropriation bill provides for the building of other fighting ships, and on the ground that it is a work in progress, as stated in paragraph 3723 of volume 4 of Hinds' Precedents:

By a broad construction of the rule the principle of which is not generally applied in other matters, an appropriation for a new and not otherwise authorized vessel of the Navy is held to be for continuance of a public work.

But the provision or paragraph passed upon in that case was one in which provision was made for another fighting ship. The Chair is unable to find any ruling that would support the contention that this paragraph is in order. The Chair therefore sustains the point of order. The Clerk will read.

Mr. CLINE. I move to strike out the last word.

The CHAIRMAN. The paragraph has been stricken out. The Clerk will read.

The Clerk read as follows:

One supply ship, to cost, exclusive of armor and armament, not to exceed $1,425,000.

Mr. SISSON. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. CLINE. Mr. Chairman, I want to address myself to the answer to a question propounded to the gentleman from Tennessee [Mr. AUSTIN] when he was discussing the Monroe doctrine.

Mr. Chairman, one of the most remarkable performances exhibited in this House was again reproduced last Saturday in the general discussion of this bill. During my membership, covering nearly four years, I have witnessed the annual recurrence of the gentleman from Alabama [Mr. HOBSON] with his story of pessimism and prophecy. He opened his last "vision" with this remarkable statement, in referring to the Monroe doctrine:

The next element of our free institutions is the principle of equality of opportunity, which principle is being projected out by us into the competition for the commerce and the markets of the world. We should not forget that every great military nation in the world with a colonial government absolutely denies that principle.

In this connection, referring to the completion of the Panama Canal, he further said:

The completion of the Panama Canal will bring to a head the question of the future development of Central and South America. * * * These lands and these countries are going to be developed, and the question must be settled as to whether they are going to be developed by the system of European colonization and restriction, which embodies the principle of privilege and special advantage of the distant mother country, or whether they are going to be developed under the Monroe doctrine, with the principle of equality of opportunity for all along with the freedom of those people. * * * The principle of equality of opportunity (involved in the Monroe doctrine), the very ends of justice lie at the foundation of the world's future happiness, and in my judgment is the foundation of peace between nations. America embodies it and is committed to it, and no other great military power of the earth admits it.

Let us have an understanding of what was originally declared in the so-called Monroe Doctrine. In December, 1823, President Monroe, in his annual message to Congress, said:

"We owed it to candor and to the amicable relations existing between the United States and those foreign powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonial dependencies of any European power we have not interfered and shall not interfere. But with the governments that have declared their independence we have on great consideration and just principles acknowledged we could not view any interposition for the purpose of oppressing them or controlling in any way their destiny by any European power in any other light than as a manifestation of an unfriendly disposition against the United States. * * * It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness, nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It was impossible, therefore, that we should behold such interposition with indifference."

Mr. Chairman, this assault upon the Monroe doctrine in the house of its friends is an astounding proposition. That a great overshadowing policy in our political institutions for almost a century, a policy that has been woven into our political life, should be challenged at this hour, that any question should be raised here as to our purpose and our ability to successfully enforce it, is a most unpatriotic declaration. Though couched in ambiguous language that the statement may be veiled, it is no less reprehensible. Appreciating the fact that I am liable to be charged with unwarranted assumption in even presuming to question the statements, I do not propose, as a representative of a patriotic people subject to the wanton criticisms of foreign powers, at this hour to permit such language to go unchallenged. It became necessary, even to initiate the imaginary necessity of the gentleman from Alabama for his six-battleship proposition, to first impeach at the very onset the integrity and the high purposes of his Government that has declared that the Monroe doctrine is now and ever shall be the fixed policy of this Republic and this Western Hemisphere.

The gentleman in his discussion refuses to give any credence of good faith of our Government in the execution of its treaties and conventions, and contemptuously refers to The Hague tribunal as a "collection of delegates without authority," and that in the face of the fact that the Senate of the United States accredited the representatives of that body as our representatives and accredited the proceedings had in conjunction with 43 other powers with its approval, and if The Hague conference shall at its next meeting organize an international court the Senate of the United States will again ratify its proceedings. Declarations that would discredit us, wipe out and destroy our treaties and conventions, and discount our good faith were necessary, however, for the mere substance of a basis for the vagaries of the gentleman from Alabama. I protest against an attack upon a policy national in its scope and in the perpetuation of which is inlaid the safety and security of our liberty and our institutions. The sovereignty of this Republic is supreme and constant, and the exercise of that sovereignty in enforcing the Monroe doctrine has become an international principle in the comity of nations that no statesman however eminent and no nation however powerful can deprive us of.

Mr. Chairman, neither the statement that the Monroe doctrine remains to be settled on the completion of the Panama Canal, nor that no great military power has never accepted it, is true. I propose to examine briefly, in the light of history, both of these propositions. It is a surprising statement that no great military power admits the Monroe doctrine as a fixed policy of this Republic. In the House of Lords on the 17th day of February, 1903, three days after the Venezuelan blockade was raised, referring to an incident to which I shall return later, the Duke of Devonshire, the Government's leader in the House of Lords, said:

Great Britain accepts the Monroe doctrine unreservedly, but to have abstained from enforcing a claim which she believed to be just and essential to her honor would be to make the Monroe doctrine an object of dislike by every civilized power.

But I go further, Mr. Chairman, and quote from Mr. Balfour, the premier of Great Britain, in a speech in Liverpool on the same day, as follows:

We know that public opinion is naturally sensitive upon what is known as the Monroe doctrine, but the Monroe doctrine has no enemies in this country that I know of. We welcome any increase of influence of the United States of America upon the great Western Hemisphere. We desire no colonization. We desire no alteration in the balance of power. We desire no acquisition of territory. We have not the slightest intention of interfering with the government of any portion of that

continent. The United States of America can perform no greater task in the cause of civilization than by doing its best to see that the international law is observed, and by upholding all that the European powers have recognized as the admitted principles of international comity.

These statements not only show that the Monroe doctrine has no enemies in England; that her people are not only friendly but are in favor of that feature of our foreign policy. I quote from the St. Petersburg press of February 19, 1903:

Throughout the Venezuelan controversy the Russian press was emphatically in favor of the American people. The papers frequently published editorials defending the Monroe doctrine.

In the Reichstag, on March 19, 1903, referring to the Venezuelan difficulty, Chancellor Von Bülow said:

We found ourselves in a dilemma, but nobody can reproach us for acting without sobriety and calmness. We had to take care that our relations with other powers should not be disturbed through this relatively subordinate matter.

These citations are the declarations of three of the most formidable powers in Europe, two of them being statements in a representative capacity.

They constitute a complete refutation of the statement that "no great military country on earth admits the Monroe doctrine."

I am not content with these statements from representative men of those Governments. The attention of the House is called to the conduct of all these powers in connection with their business and political interests on this continent and their ready submission to the mere requests of this Government when the United States thought proper to make the request. At the very inception of the Monroe doctrine, after we had, through negotiations with England, concluded to stand behind the actions of the Spanish-American States in their decision to establish for themselves separate governments, independent of Spain, and turn this hemisphere away from monarchial government, the holy alliance, consisting of Russia, Prussia, Austria, and France, came into existence for the sole purpose of lending aid and support to Spain and to urge her to reassert with their support her sovereignty over the former Spanish-American States.

In this propaganda for the perpetuation of monarchial representation England refused to join, and in due course of time, because of our insistence upon our policy, the holy alliance became ineffective. Beginning as early as 1840 Spain began to open negotiations with Great Britain for the purpose of disposing of the island of Cuba. The American State Department informed Spain that at the time we declared for the doctrine known as the Monroe doctrine, in 1823, it found her in the possession of Cuba and other colonies on this hemisphere. It distinctly affirmed that with her then political relationship it did not propose to interfere, but that this Government would not permit the Spanish Government to transfer the island of Cuba to England or any other foreign power, and as a result of that instruction Cuba remained Spanish territory for more than 50 years, and until this Government, in the interests of humanity and popular liberty, in 1898, intervened and permitted Cuba to establish a separate and independent form of government. [Applause.] In 1863, when we were engaged in a great Civil War among States, England, Spain, and France seized upon the opportunity to concentrate their battle fleet at Vera Cruz, on the coast of Mexico, for the purpose, as they claimed, of enforcing a collection of debts due to the several countries from Mexico. The gentleman from Alabama [Mr. HOBSON] knew that he misinformed the gentleman from Tennessee [Mr. AUSTIN] when he did not tell him the full truth of that matter in answer to my question.

The United States at that time was unable to assert and maintain her rights as defined in the Monroe doctrine until after she had settled her difficulties. In 1866, after the conclusion of the war, Mr. Seward, finding that the English and Spanish Governments had abandoned their purpose and France had established upon Mexican soil a monarchy, with Maximilian as Emperor, notified the French Government of its determination not to permit the continuance of a French monarchy on Mexican soil, and, after proper negotiations, Maximilian was dethroned, the French Government withdrew its troops, and Mexico was permitted to establish a representative government. [Applause.]

For the purpose of establishing beyond question that the Monroe doctrine is not only settled but is accepted by foreign powers as a fixed principle in our political institutions, let me again refer to the Venezuelan controversy of 1903. Germany, Russia, and England undertook to force from Venezuela the payment of large indebtedness to each of these countries. With their combined fleets they blockaded the Venezuelan ports and demanded settlement for their claims. The impression prevailed in this country that the blockade was not so much due to the debts due these several powers as an attack indirectly upon the Monroe doctrine. On the suggestion of the United States, without the controversy between Venezuela and the several Governments even reaching the diplomatic stage, they consented to refer their claims to The Hague tribunal for settlement. They raised the blockade they had established, returned with their navies to their respective countries, and agreed to abide by The Hague conference.

In 1895 the question of the boundary between Venezuela and Great Britain, that had been pending since 1814, again came to the surface for what appeared to be a final determination. The American Government was unwilling that a great and powerful nation should take any advantage in a settlement of disputed territory over a weak and feeble Republic. England had pushed westward on the territory of this Republic with her boundary lines until she had taken from Venezuela more than 30,000 square miles.

For many years Venezuela had begged for an arbitration of its differences with England relative to the international boundary. Each offer that Venezuela made to arbitrate England imposed conditions that Venezuela could not accept. Upon proper representations being made to the United States this Government sent a commission to inquire into the facts. After the report of this commission, President Cleveland suggested the friendly offices of this Government to adjust the difficulties and establish the true boundary line. After some negotiations, full acceptance was made by both parties. [Applause.] I quote here a passage from Mr. Cleveland's message to the Congress of the United States on the 17th of December, 1895. Referring to the Monroe doctrine, he said:

The doctrine upon which we stand is strong and sound, because its enforcement is important to our peace and safety as a Nation and is essential to the integrity of our free institutions and the tranquil maintenance of our distinctive form of government. It was intended to apply to every stage of our national life, and it can not become obsolete while our Republic endures. If the balance of power is justly a cause for jealous anxiety among the Governments of the Old World and a subject for our absolute noninterference, none the less is an observance of the Monroe doctrine of vital concern to our people and their Government.

The mission of this Nation is to teach the world an example "of high minded foreign policy." Let us throw the moral force of that example into every quarter of the world and stand for freedom and popular government. We are the world's teacher of national peace and personal liberty. We do not need great navies to eat out the substance of the people nor foreign allies to enforce a despotism against alien races. I would rather have the protection of the two great oceans of the world bordering on us than either the triple or quasi alliance of the great navies of Europe to guard the peace, happiness, and liberty of the people. [Applause.]

By unanimous consent, Mr. CLINE was given leave to extend his remarks in the RECORD.

Mr. SISSON. Mr. Chairman, I make the point of order on the paragraph. I had reserved the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

The Secretary of the Navy may build any or all of the vessels authorized in this act in such navy yards as he may designate, and shall build any of the vessels herein authorized in such navy yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the constructions of any of said vessels.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. FOWLER. My point of order is that it is in conflict with the amendment just passed by this House a short time ago limiting the construction of these vessels in a navy yard belonging to the United States.

The CHAIRMAN. That is not a matter for the Chair; that is a matter of legislation.

Mr. FOWLER. I presume that there are some other vessels to be constructed besides battleships, such as torpedo boats and the like, that might come within the provisions of this paragraph, but in so far as it relates to the construction of the battleship provided for in this act, it certainly contravenes the amendment which was passed prior to reaching this paragraph.

Mr. MAHER. Mr. Chairman, I have an amendment to offer that will cover the point made by the gentleman.

Mr. FOWLER. Mr. Chairman, I feel that an amendment might possibly correct this paragraph and would be better than a point of order, but I can not tell whether the amendment would pass or not, and therefore I make the point of order against the paragraph.

The CHAIRMAN. The point of order is overruled. Because one section of the bill is in conflict with an amendment does not make it subject to a point of order.

Mr. MAHER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out lines 11, 12, and 13, on page 55, and insert in lieu thereof the words "the Secretary of the Navy shall build the battleship authorized in this act in such navy yard as he may designate, and shall build any of the other vessels herein authorized."

Mr. MAHER. Mr. Chairman, I offer that amendment to perfect that section, so as to have it in harmony with the Calder amendment.

Mr. BURNETT. Mr. Chairman, a few moments ago the gentleman from Tennessee [Mr. AUSTIN] presumed to set himself up as the exponent of the Baltimore Democratic platform. I am sure that there is no gentleman in Congress who knows less about it or is less competent to define and interpret that platform than the gentleman from Tennessee.

But there is one whose word, it seems to me, should carry a great deal more weight as to its meaning that that of the gentleman from Tennessee, and that is the gentleman who did more perhaps to write that platform than any other living man. That is the gentleman who in a few days, if rumors are correct, is to be the premier of the next Cabinet. Now, Mr. Chairman, as interpreting that platform, I would like to read what Mr. Bryan himself has said of the proposition of a big Navy. [Cries on the Republican side of "Hear!" "Hear!"]

Yes; if you have the ears to hear, hear and be convinced if you have the brains to comprehend. [Laughter.] Mr. Bryan said in his Mohonk conference speech:

I believe that our people ought to try to get agreements with other nations to do the things that are good. But I do not believe this Nation ought to wait for any other nation to agree to do what is right. It ought itself to do what is right. I have faith in what I understand to be the Bible plan of bringing about peace. Suppose we had two men here who differed, honestly differed, as to the method of bringing peace among men. I would suggest this plan of testing the two plans on a small individual scale, that we might then judge as to how it would apply on a large scale. I would say to these two men to put their plans into practice. Let one of them strap revolvers around him and announce that he stood ready to avenge any insult, and he would bring peace by fighting for it. Let the other announce that he did not intend to do injury to anybody; that he would assume that nobody was going to do injury to him; that he was not going to arm himself. Which one would have the fewer scars at the end of 10 years? My friends, if this Nation announced to the world that it would not spend its money getting ready for wars that ought never to come; that it would rather try to prevent the coming of war; that, as it did not intend to go out as a burglar, it would not equip itself with burglary tools; that it had faith in the good intent of other people, and it expected other people to have faith in its good intent, do you think our Nation would suffer for that?

Some one has said here—I believe it was the distinguished president of Columbia University—that whenever there is an appropriation to be made for battleships it is preceded by vociferous expression of a profitable kind of patriotism—the spending of money for battleships. What he said is so. We have a navy league in this country—

The gentleman from Missouri [Mr. HUBLEY] this morning called attention to the officers of the Navy League—treasurer, J. P. Morgan, jr., and counsel, Mr. Satterlee, a son-in-law of J. P. Morgan, sr.—a fine lot to advise Democrats—

they have one in Germany; they have one in Great Britain; and they have one in France. These navy leagues play one nation against the other. Whenever we build a battleship the picture of it is published in the literature of all the other countries, and the building of that battleship is urged as a reason why all the other nations should build at least one more, and possibly two. Then, when they get scared and build we get the picture over here, and we must build another. That is exactly what goes on and what has been going on for years. We are expected to get scared whenever another nation builds a battleship, and then we are to build two and scare them until they build three, and we get scared again and build four.

And if my colleague from Alabama, Capt. HOBSON, could scare them a little more, they would build six.

That is exactly what is going on, and I am satisfied that President Butler put his finger upon the cause. It is this profitable patriotism that finds money in the building of ships and getting ready for war; and then as soon as we get our ships built the very same forces will forget their patriotism, and if they get a chance build ships for other nations to beat our ships. I have sometimes used this illustration: Suppose there was a large lake; and suppose that there were half a dozen landowners, with their lands bordering on this lake, living peaceably together, without trouble or sign of trouble. A man who builds ships goes to one of them and says, "You are very foolish; you are living here with no protection whatever. Don't you know that any of these men around you might build a battleship and come here, and you are absolutely defenseless? Now, let me build a ship for you, and you will get ahead of them." Suppose the man was foolish enough to take the advice. Just as soon as that ship was built the shipbuilder would go to the next neighbor and say, "Why, don't you see that man over there has got a battleship. What has he got that for? Do you suppose he is building it for nothing? Have you any doubt he has designs on you? Where else can he use it except on this lake? You had better get ready. Now I can build you two." And if this man is foolish he would build two. Then what an argument the shipbuilder would have when he got to the third man! "Why, there are two of them against you. They might combine, and you are absolutely defenseless." Now, with that argument he could go all 'round that lake, and after building ships for each one, he could go back to the first one and say, "You are out of date. Look at the improvements since you built. And then you have only one and these other people have four or five or eight apiece. There is nothing for you to do but mortgage your land. Now you are in for it!" Now that is the race of the world, my friends—that is the mad race of the world.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BURNETT. I would like five minutes more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes.

Mr. BURKE of Pennsylvania. Reserving the right to object, I understand the gentleman is quoting now from Mr. Bryan?

Mr. BURNETT. Yes.

Mr. BURKE of Pennsylvania. The gentleman has stated authoritatively that Mr. Bryan is to be in the next Cabinet.

Mr. BURNETT. I have not. I have said it was rumored that he was to be the premier, but I do state that he was the gentleman, above all others, who had more to do with the writing of the platform that the gentleman from Tennessee tried to interpret than any other man:

My friends, the building of these great battleships, these preparations by Christian nations to fight one another, is a challenge to the Christian civilization of the world; it is infidelity to the doctrine taught by the Founder of the Christian religion. Christ taught no such doctrine; he taught us the power of love, not the power of the sword; and those who have tried to put into practice this doctrine are the ones who have suffered least from the use of force. I believe that this Nation could stand before the world to-day and tell the world that it did not believe in war, that it did not believe that it was the right way to settle disputes, that it had no disputes that it was not willing to submit to the judgment of the world. If this Nation did that, it not only would not be attacked by any other nation on the earth, but it would become the supreme power in the world. I believe that our Nation can take a long step in advance now by announcing doctrines of this kind—announcing that its Navy will not be used for the collection of debt; that, as we do not imprison people for debt in this country, we will not man battleships and kill people because they owe people in this country; that we will apply to international affairs the very doctrines we apply to our national affairs, and, if anyone in the United States wishes to invest money in another country, he must do so according to the laws of that country and be subject to the authority of that country. Then every nation would be open to American investment, for that is the kind of investment they would look for. They have had enough of investments which are preceded by the purchase of a little land to be followed by a battleship that takes the rest of the country. I believe that, if our Nation would announce to the world that it stands ready to enter into a treaty of peace with every other nation, big or little, whenever there is any dispute which is beyond diplomatic settlement, that dispute shall be submitted to an impartial tribunal for investigation and report—if our Nation did that, it would not be a year's time before we would have treaties of peace of that kind with the leading nations and in two years' time with practically all nations. And when this Nation had entered into that kind of treaty of peace with other nations we should find the example such that it would result in treaties being made between other nations, and the day of war would be past.

[Applause.]

Mr. AUSTIN. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. AUSTIN. The Democratic platform at Baltimore declared for an adequate Navy. The gentleman from Alabama voted against building one battleship. Was he in line or out of line with the declaration of his party?

Mr. BURNETT. Absolutely in line. The gentleman has not gone far enough, either, in his desire to misinterpret it, or his misunderstanding of the Democratic principles or platform, when he does not state that it also states that it should be "a well-proportioned Navy"; and is any navy well-proportioned when it is stated authoritatively by members of this committee that we lack 3,000 officers and perhaps 20,000 men of having men enough to man the ships that we have? Would a man who owned a great department store be a good business man if, when he had not clerks enough nor bookkeepers enough to run that store, and could not get them, he would say that he would build another one, even if he had to let it stay out of commission, as some of our ships to-day are out of commission because we can not turn out men enough to officer the ships and can not get recruits enough to man them? I am for an adequate Navy. I am for a well-proportioned Navy. The Navy now is adequate for all our purposes in time of peace, and it is not a well-proportioned Navy because it has not men and officers enough to man the ships. The minority report on this bill is a patriotic paper. The report of the majority shows that we are building ships in a very unbusinesslike manner. Here we are talking about war, when next year we are to celebrate the hundredth anniversary of peace with England, and a century of peace between France and all English-speaking countries will be completed in 1915, and for 150 years there has been no war between England and Germany, and never has been between Germany and America.

Then of whom are we afraid and with whom do we anticipate war? Certainly not with Japan, a bankrupt nation who could not borrow $100,000,000 if the life of the Empire depended on it. These cries of war have been raised by jingo politicians until we have ceased to be frightened by them. Let us talk peace and

internal development a while, and give the disappointed agitators for war a respite from their arduous labors.

Let us talk good roads for the men who never see a battleship. Let us talk vocational education for the boys of the farmer and the laborer, and cease pouring the taxes wrung from the toilers of the land into the coffers of the Steel Trust and the Shipbuilding Trust.

I have been abused for my advocacy of a public buildings bill. I have now thrown out the challenge to the advocates of a big Navy that if you will cease building battleships for the next four years and apply the $30,000,000 that it costs to build two *Dreadnoughts* to the building of good roads I will not for that time advocate a dollar for public buildings, but will advocate that that also go to building or improving post roads.

But so long as the big cities with their navy yards, the Steel Trust with their thin cheap foreign labor, and the jingoes who are constantly predicting war with Japan insist on looting the Treasury for battleships and refusing anything for good roads I shall continue in my humble way to advocate the erection of post offices in the smaller cities. Let the man in the rural district at least see a small part of what he is paying taxes to keep up.

Mr. Chairman, I will here reiterate some things that I said on this floor last year on this subject:

Mr. Speaker, has any Member of the House stopped to think that the cost of one battleship alone would be sufficient to authorize 40 vocational schools under the Page bill, with $7,500 to each school in every State in the Union, which would give to the farmers', the mechanics', and laborers' sons of the country an opportunity for higher and better preparation in the vocations to which they expected to devote themselves? We passed in this House what was known as the Shackleford good-roads bill. It went to the Senate, and the Senate, in its desire to substitute battleships for good roads, struck out the Shackleford proposition and put in the two battleships, costing $30,000,000. Have any of the southern Members considered that it takes 300,000 bales of the farmers' cotton to pay the cost of one battleship, to say nothing of maintaining it after it is built? Has any western Member considered the fact that it takes 15,000,000 bushels of his farmers' wheat to pay for one of these dreadnoughts that is soon to be thrown in the junk pile? Yet we can not have any good roads; we can not have an appropriation for vocational schools. We can only get $17,000,000 for the Department of Agriculture because we must pay to the Ship Trust and the Armor Plate Trust and people around the navy yard the money to build a big battleship. [Applause on the Democratic side.]

This bill carries many million dollars more than the last Republican bill, and yet our party won its fight, in part at least, by the outcry against Republican extravagance and in favor of Democratic economy. The Democratic minority of the Naval Affairs Committee has joined hands with a Republican minority to embarrass Mr. Wilson's administration with a wild extravagance that is indefensible.

I wish to read a few extracts from the minority report on this bill, which report entitles every man who signed it to the love of every Democrat who stands for the people. They are Mr. GREGG of Texas, Mr. WITHERSPOON of Mississippi, Mr. HENSLEY of Missouri, and Mr. BUCHANAN of Illinois. Their names deserve to be embalmed in the hearts of a grateful people.

The undersigned members of the Committee on Naval Affairs beg leave to submit the following report and to express our dissent and objections to the bill reported by the committee.

This bill carries $146,818,364.53. This sum is $23,666,825.78 more than the last appropriation and $9,731,165.48 more than the Congress in the days of its wildest extravagance ever appropriated in one bill. Of this vast sum of $146,818,364.53, $105,587,948.53 is appropriated for the maintenance of the Navy, $22,284,091 for the completion of naval vessels already in process of construction, and $18,946,325 for the first year's work of construction on two battleships, six torpedo destroyers, four submarines, one supply boat, and one transport, which new vessels will cost an aggregate of $46,418,925, and the construction of which will necessitate a larger appropriation next year than this.

In conclusion, we appeal to the Democratic Members of the House to stand by the policy of the party and uphold the wisdom of its caucus in decreeing three separate times that we need no more battleships. We urge them to fulfill the pledges of economy made in every platform of the party since 1832. We call their attention to the fact that the appropriations this year have already exceeded those of last year by $121,000,000, and we urge them to show at least as much regard for the condition of the Treasury, as much regard for economy, and as much sympathy for the toiling masses, who are now groaning under the burdens of taxation and are looking with longing hopes and expectant hearts to the Democratic Party, as the Republican Party showed in nine different years when they had control of the Government.

[Loud applause.]

[Mr. HAMILL addressed the committee. See Appendix.]

Mr. PADGETT. Mr. Chairman, I move that all debate on the paragraph and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment as a new paragraph to follow line 20, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, by inserting at the end of line 20, on page 55, the following as a new paragraph:

"That the U. S. S. Portsmouth be, and hereby is, transferred to the State of California upon condition that the said State of California, by and through its governor, accept said vessel, U. S. S. Portsmouth, for said State, after having been first duly authorized by the Legislature of said State of California, and upon the further condition that said vessel remain the property of said State, to be preserved and cared for by the said State of California at its own cost and expense, and the said vessel be turned over to the State authorities of California without any expense to the Government."

Mr. MANN. Mr. Chairman, reserving the point of order, I desire to ask the gentleman a question. If this amendment should go into the law, where would the *Portsmouth* be delivered to the officials of the State of California?

Mr. RAKER. Mr. Chairman, it is my intention and idea by this amendment that it would have to be delivered to the authorities of California on the eastern coast where the vessel now is—down, I think, at Newport News. That is the reason I have offered the amendment, so it will be turned over to the State where it is now, without any expense whatever to the Government of the United States.

Mr. MANN. Now, if this amendment goes into the bill in the House, does the gentleman anticipate that it will come back to the House without a Senate amendment providing that the fitting up shall be at the expense of the Government?

Mr. RAKER. I will say to the gentleman this: That the Legislature of the State of California——

Mr. MANN. I do not care about that.

Mr. RAKER. I will answer the gentleman, no; I am opposed to it, and I here state on the floor that I shall appeal to the Senators to leave the amendment as it is, to turn the vessel over to the authorities of the State of California, where the vessel now is, without any cost to the Government of the United States.

Mr. MANN. Mr. Chairman, I sometimes wonder of recent days whether any Member of the House is entitled to take the statement of any other Member of the House in good faith. Only a few years ago we provided for the California Exposition with the distinct understanding that there was to be no Government appropriation, and only last year we passed a resolution for a hygiene congress at Buffalo with not only a distinct understanding but the inclusion in the law itself that there should be no Government appropriation. Then somebody who represents a locality near by is not bound by that statement. But if the House in good faith agrees to the amendment and the gentleman, whose faith I do not question, makes the statement, I will withdraw the point of order.

Mr. PADGETT. I will say to the gentleman that if I remain on the conference committee—and I expect to—it will have rough sledding to get changed.

Mr. MANN. I know; but conferences are trading machines.

Mr. PADGETT. No; there will not be any trading on that.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order, and the question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of this amendment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KNOWLAND. Mr. Chairman, I do not desire to take up the time of the committee, and I would like permission to submit a few remarks upon this question, and I ask that I may do so in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. McCALL. Mr. Chairman, I ask leave to extend my remarks in the RECORD by printing an article by Prof. Eugene Wambaugh, of the law department of Harvard University. It is a short article on the Panama Canal Zone taken from the Boston Evening Transcript.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. SIMS. Mr. Chairman, may I have the same permission?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Construction and machinery: On account of hulls and outfits of vessels and steam machinery of vessels heretofore and herein authorized, to be available until expended, $21,768,228.

Mr. PADGETT. Mr. Chairman, I offer an amendment. Strike out the figures "$21,768,228" and substitute in lieu thereof "$18,230,728." [Applause.]

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 55, line 24, by striking out "$21,768,228" and inserting in lieu thereof "$18,230,728."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Increase of the Navy; equipment: Toward the completion of equipment outfit of the vessels heretofore and herein authorized, to be available until expended, $490,000.

Mr. PADGETT. Mr. Chairman, I offer an amendment in line 6, page 56, to strike out "$490,000" and insert "$370,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 56, line 6, by striking out "$490,000" and inserting in lieu thereof "$370,000."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Increase of the Navy; armor and armament: Toward the armor and armament for vessels heretofore and herein authorized, to be available until expended, $15,618,913.

Mr. PADGETT. Mr. Chairman, I move to strike out, in line 10, page 56, "$15,618,913" and substitute "$11,568,309."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 56, line 10, by striking out "$15,618,913" and inserting in lieu thereof "$11,568,309."

The question was taken, and the amendment was agreed to.

Mr. SISSON. Mr. Chairman, I do not care to go into a discussion of this matter at this time, but I intend to do so at some length, but I want to state here that I noticed in some publication, some magazine, which I will not call attention to, and have heard the statement made that this armor plate is costing the Government entirely too much. I know that some 15 or 16 years ago there was a great deal of scandal connected with the armor plate. At some other time I want to go more at length into this matter. I only desire now to call attention to the fact my information is that armor plate can be bought for something like $75 or $100 a ton and the Government is paying now $200 a ton.

Mr. PADGETT. It is paying as high as $420.

Mr. SISSON. That is worse than ever.

Mr. MANN. Mr. Chairman, may I ask the gentleman a question in reference to these items? The gentleman has offered amendments to reduce the construction and machinery $3,500,000 and equipment $120,000 and a little over $4,000,000 on armor and armament. What causes that?

Mr. PADGETT. One battleship went out that carried the other $6,000,000, and one supply ship and one transport. That was the amount included in these appropriations for those three ships.

Mr. MANN. There are no reductions otherwise?

Mr. PADGETT. No reduction otherwise. It is the proportionate part.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

Mr. CARY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. CARY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 56, line 10, add "the Secretary of the Navy is hereby authorized and directed to offer and pay rewards to the person or persons who shall first furnish to the Government information or evidence which shall lead to the detection of violations of the antitrust act of July 2, 1890, in cases where violations have injuriously affected the Navy Department or of cases where the Government has been defrauded in the character, quality, or price of materials furnished and that where as a result of information or evidence so furnished the Government succeeds in recovering money or property as fines, penalties, forfeitures, or otherwise, the rewards shall be 10 per cent of the amounts so recovered."

Mr. PADGETT. Mr. Chairman, I make a point of order on that.

Mr. CARY. Mr. Chairman, I hope the gentleman will withhold it.

Mr. CAMPBELL. Regular order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. CARY. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Wisconsin offers another amendment, which the Clerk will report.

The Clerk read as follows:

On page 56, line 10, add "*Provided*, That the Secretary of the Navy is hereby authorized to procure, by contract, armor of the best quality for any or all vessels above referred to, provided such contract can be made at a price which in his judgment is reasonable and equitable, but in case he is unable to make contracts for armor under the above conditions he is hereby authorized and directed to procure a site for and to erect thereon a factory for the manufacture of armor, and the sum of $4,000,000 is hereby appropriated toward the erection of said factory."

Mr. PADGETT. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. MURRAY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN (Mr. SHERLEY in the chair). The gentleman from Massachusetts [Mr. MURRAY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend at the beginning of page 56, by adding the following: "*Provided*, That no part of any sum herein appropriated shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government, who shall make, or cause to be made, with a stop watch or other time-keeping device a time study of the movements between the starting and completion of any job of any such employee; nor shall any part of the appropriation herein made be available to pay any premium or bonus or cash reward to any such employee in addition to his regular wage, except for suggestions resulting in improvement or economy in the operation of any Government plant."

Mr. PADGETT. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PADGETT. It is legislation. It does not apply to anything in this part of the bill, and, besides, it relates to other matters of the Government that are outside of this present bill.

Mr. MURRAY. If the Chair desires, I would like to be heard.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts [Mr. MURRAY].

Mr. MURRAY. The purpose of this amendment is to create a new section at the end of those sections placed in the bill on page 56 to restrict expenditure of the various items of appropriations. The Chair will see from even a cursory reading of the amendment that it is a limitation on every item of appropriation in this bill for the definite purpose of controlling these appropriations and the method of expenditure by the Secretary and officers of the various departments of the Navy. I think, Mr. Chairman, that since it is a definite limitation upon the method of expenditure of these appropriations, it comes clearly within the rules which are so familiar to the Chairman and to the Members that I need not definitely refer to them. Because it is a limitation as to how this money shall be expended in the various navy yards I believe it is in order.

Perhaps, Mr. Chairman, it will be well to call the attention of the Chair and the committee to the evil which this amendment seeks to correct.

The CHAIRMAN. The Chair is ready to rule. In the judgment of the Chair the proposed amendment is a limitation upon the expenditure, and therefore in order. Therefore the Chair overrules the point of order.

Mr. MURRAY. Speaking to the merits of this amendment, I am very clear that Members should approve it. There was a committee of three Members of this House appointed in the early days of this Congress, before the first session of this Congress ended, to investigate what is known as the Taylor system of shop management.

That committee was composed, as Members will recall, of the gentleman from Pennsylvania [Mr. WILSON], the distinguished chairman of the Committee on Labor; of the gentleman from New York [Mr. REDFIELD]; and of the gentleman from Connecticut [Mr. TILSON], who was appointed to fill a vacancy after my colleague from Massachusetts [Mr. LAWRENCE] was unable to serve. Those three men, serving as a committee, went to some of the various cities of the country and took the testimony of all who would respond to their invitation for the purpose of making a report to the Committee on Labor and to this House as to the wisdom or lack of wisdom in continuing this Taylor system of shop management.

I can only tell you that their work was well done, and cite as proof of it the fact that there is pending in this House now the bill H. R. 25305, introduced by the gentleman from Iowa [Mr. PEPPER], and reported by the Committee on Labor, to regulate the method of directing the work of Government employees. And my amendment has been based, almost word for word, so far as I could do it and keep within the technical rules of this committee, upon that resolution of investigation, which was reported unanimously by the Committee on Labor. There is a splendid report accompanying that bill. It is Report No. 1001, submitted to accompany the bill H. R. 25305, to which I have referred.

Now, the fact that in every navy yard in the country, in every Government plant in the country, there has grown up under the administration of affairs as recently carried on a method of standing over a man with a stop watch to see how long in minutes and in seconds it takes him to do a definite piece of work; to see how long it takes the most active and alert of his fellow workmen to do that piece of work, and establishing as a standard amount of time which will be permitted to an employee for a definite work the number of minutes and seconds in which the most alert and active workingman can perform that work.

I say that is a wrong system, and I say that, instead of promoting efficiency among the workmen in these various Government plants, it has resulted in the destruction of the spirit of the workingmen. [Applause.]

Mr. CARY. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. CARY].

The Clerk read as follows:

Amend, page 56, by adding to line 10 the following proviso: "*Provided*, That"——

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Does this purport to be an amendment to the amendment?

The CHAIRMAN. The Chair was trying to ascertain that by the reading of it. The Chair will ask the gentleman from Wisconsin if that is an amendment to the amendment?

Mr. CARY. It is not.

The CHAIRMAN. Then it is not in order until after the disposition of the amendment offered by the gentleman from Massachusetts [Mr. MURRAY]. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MURRAY. A division, Mr. Chairman.

The committee divided; and there were—ayes 51, noes 72.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. CARY].

The Clerk read as follows:

Amend, page 56, by adding to line 10 the following proviso:
"*Provided*, That no contracts for the armor for any vessel authorized by this act shall be made at an average rate exceeding $300 per ton of 2,240 pounds, including royalties, and in no case shall a contract be made for the construction of the hull of any vessel authorized by this act until a contract has been made for the armor of such vessel."

Mr. CARY. Mr. Chairman, I desire to call the attention of the Chair to the fact that this is not new legislation. The Chair will find in the Yearbook of the Navy for 1911, on page 328, that such an act was passed March 3, 1890. I sincerely hope that the chairman of the committee will not make a point of order and that he will not oppose the adoption of the amendment.

Mr. PADGETT. Mr. Chairman, from the testimony of Admiral Twining, Chief of the Bureau of Ordnance, it appears that we are paying for class A armor $420 a ton; for class A turrets, $480; for class B, $470; for class C, $508.

Germany is paying $490. France in private plants is paying $490 to $510 per ton. In Government plants she is paying from $250 to $325 a ton. Italy is paying from $459 to $617. The average is $470.

Russia pays from $320 to $385. England pays from $438 to $535. Japan, in Government plants, pays $400 a ton.

I want to submit this evidence before the vote is taken. I believe that it would be unwise legislation to adopt this amendment. We are paying less than many of these other countries.

Mr. MURDOCK. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MURDOCK. In the confusion it was difficult to hear either the amendment of the gentleman from Wisconsin [Mr. CARY] or the explanation of the gentleman from Tennessee [Mr. PADGETT], but I gathered that the amendment offered by the gentleman from Wisconsin reduces the price we are paying for armor plate about $120 a ton. Is that correct?

Mr. PADGETT. Yes; it limits it to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. CARY].

The question being taken, the amendment was rejected.

The Clerk read as follows:

Total increase of the Navy heretofore and herein authorized, to be available until expended, $41,230,416.

Mr. BUCHANAN. Mr. Chairman, I desire to offer the following amendment.

Mr. PADGETT. Mr. Chairman, I desire to offer an amendment, in line 12, page 56, to strike out "$41,230,416" and insert in lieu thereof "$33,462,312."

The amendment was agreed to.

Mr. BUCHANAN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That no part of the work herein required shall be awarded to private contractors until the Government establishments which have facilities for doing said work are employed to within reasonable limits of their capacity.

Mr. BUCHANAN. Mr. Chairman, the reason for offering this amendment is that some of our Government establishments have only been running a small part of their time, which has made the work in these departments cost more than it would if they were running full time. They have the so-called overhead charges. They figure the interest on the investment, and so forth. If the Government is permitted to operate these plants their full time, it will be a great saving to the people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question being taken, on a division (demanded by Mr. BUCHANAN) there were—ayes 27, noes 70.

The Clerk read as follows:

That no part of any sum herein appropriated shall be expended for the purchase of structural steel, ship plates, armor, armament, or machinery from any persons, firms, or corporations who have combined or conspired to monopolize the interstate or foreign commerce or trade of the United States, or the commerce or trade between the States and any Territory or the District of Columbia, in any of the articles aforesaid, and no purchase of structural steel, ship plates, or machinery shall be made at a price in excess of a reasonable profit above the actual cost of manufacture. But this limitation shall in no case apply to any existing contract.

Mr. HOBSON. Mr. Chairman, I move to strike out the paragraph. I desire to refer again to my references to the Monroe doctrine. I would not do this but for the fact that my good friend from Indiana [Mr. CLINE] seemed to question my sincerity in laying down the Monroe doctrine as one reason why I thought we ought to have at least equilibrium in the Atlantic. I do not believe he meant that.

Mr. BUCHANAN. Mr. Chairman, I rise to a point of order—that the gentleman is not speaking to the question.

Mr. HOBSON. The gentleman does not know what I am going to say.

The CHAIRMAN. Will the gentleman hear a suggestion from the Chair?

Mr. HOBSON. Very gladly.

The CHAIRMAN. The rules of the House provide that a Member shall address himself to the proposition before the House.

Mr. HOBSON. I am very glad to do so. This involves the whole bill.

Mr. PADGETT. I ask unanimous consent that the gentleman from Alabama may have five minutes in which to address the committee.

The CHAIRMAN. Is there objection?

Mr. BUCHANAN. I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. HOBSON. Mr. Chairman, I do not wish to be interrupted. I insist that the point I am going to make bears on the whole question of the naval policy. The Monroe doctrine——

Mr. BUCHANAN. Mr. Chairman, I insist that the gentleman's remarks are not in order.

Mr. HOBSON. The Monroe doctrine, it may be recalled, was promulgated early at the suggestion——

Mr. BUCHANAN. Mr. Chairman, I raise the point of order that the gentleman is not talking to the question before the committee.

Mr. HOBSON. If the gentleman will give me a chance——

The CHAIRMAN. The Chair thinks that as the debate has taken quite a wide latitude, the gentleman from Alabama may proceed.

Mr. HOBSON. Mr. Chairman, the British Government cooperated with the American Government; in fact, it is said that it suggested to the American Government the promulgation of the Monroe doctrine, and when I refer to the Monroe doctrine I do not have in mind any possible contingency of its violation by the British Government.

But, Mr. Chairman, I do have in mind, and am very serious and earnest about it, that the continental nations of Europe have not accepted the Monroe doctrine. In 1863, as the gentleman pointed out, the French invaded Mexico. Our Government made a protest in the name of the Monroe doctrine, which was utterly ignored until, as the result of the war and its cessation, we had at that time the greatest Navy in the world. We had undisputed control of the seas, and then when we called on France in no uncertain terms to retire, France retired.

Now, coming down to the Venezuelan incident. The gentleman recalls that Germany sent her fleet to the shores of Venezuela. Our Government forthwith assembled her fleet at Guantanamo and sent Admiral Dewey to take command. At that time our fleet, as the result of the interest of the American people, and on account of the Spanish War, was second in the world. It was probably 60 per cent stronger than the German fleet. As compared with Germany, we had undisputed control in the seas. So when we called on Germany to retire and accept the Monroe doctrine, she did so with good grace and in peace.

Now, Mr. Chairman, I will lay it down as a self-evident proposition that we are as far from territory covered by the Monroe doctrine as are the continental nations of Europe; that these

nations are proceeding to develop Africa, Asia, and the islands of the sea by the continental system, and that they will naturally and inevitably tend to develop South America by the same system. With the completion of the Panama Canal South America is going to be developed and will try to be developed by those over the sea, and our policy of the Monroe doctrine, or theirs, will prevail according to which one has control of the sea. If we have control of the sea the Monroe doctrine will never be questioned. We will never have any war on account of it. It will be accepted as a part of the practical politics of the world. If we do not have control of the sea there is historic precedent in the invasion of Mexico to believe that the continental nations will proceed in spite of us, and that will precipitate war.

The question of peace or war is vital to this whole bill, and, Mr. Chairman, I withdraw the pro forma amendment to strike out the paragraph.

The CHAIRMAN. The gentleman from Alabama withdraws his pro forma amendment.

MESSAGE FROM THE SENATE.

The committee rose; and a message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed with amendments bill of the House of Representatives (H. R. 26874) making appropriations for the current and contingent expenses for the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 27827. An act to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

NAVAL APPROPRIATION BILL.

The committee resumed the consideration of the naval appropriation bill.

The Clerk read as follows:

That no part of any sum appropriated by this act shall be used for any expense of the Navy Department at Washington, D. C., unless specific authority is given by law for such expenditure.

Mr. HOBSON. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

At the end of the bill add as a new paragraph the following——

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. MANN. No; not with my consent. We can not adopt an amendment without it being read.

The CHAIRMAN. The Clerk will continue.

The Clerk read as follows:

At the end of the bill add as a new paragraph the following:
"There is hereby established a council of national defense, consisting of the President"——

Mr. HAY. Mr. Chairman, I make the point of order that the amendment is out of order.

The CHAIRMAN. If it is the bill for the establishment of a council for national defense, it is very clearly subject to a point of order.

Mr. HOBSON. It is that bill, Mr. Chairman, and I asked to dispense with the reading of it.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise——

Mr. SISSON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. But the Chair has recognized the gentleman from Tennessee.

Mr. SISSON. Mr. Chairman, I desire to offer an amendment.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise and report the bill——

Mr. SISSON. Mr. Chairman, I desire to offer an amendment before the committee rises.

The CHAIRMAN. If the gentleman from Mississippi will wait until the Chair can find out what the motion of the gentleman from Tennessee is he will recognize him.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SISSON. Mr. Chairman, I want to offer an amendment to the paragraph just read.

The CHAIRMAN. If the gentleman would give the Chair a chance to recognize him he would permit him to offer his amendment.

Mr. SISSON. But I want to be sure of that.

The CHAIRMAN. If the gentleman would be a little more patient we might proceed in order.

Mr. SISSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out the period in line 7, on page 57, and insert:
"*And provided*, That all of the battleships, torpedo-boat destroyers, submarine torpedo boats, transports, supply ships, and all other vessels authorized in the 'Increase of the Navy' in this bill shall not be let to any bidder bidding for the contract to construct such battleship, torpedo-boat destroyer, submarine torpedo boat, transport, supply ship, or other vessel until after the Secretary of the Navy shall have prepared and had filed in his office detailed plans and specifications of such battleship, torpedo-boat destroyer, submarine torpedo boat, transport, supply ship, or other vessel; and copies of such plans and specifications shall be submitted to each bidder under such regulations as the Secretary of the Navy shall prescribe."

Mr. PADGETT. Mr. Chairman, I make the point of order against the amendment. It is not germane at this point in the bill and it is new legislation.

Mr. SISSON. Mr. Chairman, I submit that this is the only place where it is germane, and I submit that it is not new legislation. It is simply a limitation upon the appropriation for the increase of the Navy. It is a limitation for this reason: It simply provides that before the Secretary of the Navy can use any of the money provided for in the increase of the Navy he shall prepare or have prepared and have in his office detailed plans and specifications of the vessels authorized under the increase of the Navy. The gentleman from Tennessee [Mr. PADGETT] will recall that two years ago, I believe it was, I offered this amendment. It was discussed at that time at some length on the floor. My reason for saying it is a limitation is this: That it does not prevent the expenditure of every cent of the money just in the manner that the Secretary of the Navy sees proper and right to expend it, except that the detailed plans and specifications shall be made and on file in his office prior to the time that these contracts are let. In other words, this rule applies with reference to all other work or nearly all of the other work done in all of the departments of the Government, and I see no reason why this should not be the rule in the office of the Secretary of the Navy, involving as these battleships do the expenditure of so many millions of dollars. It was developed in the discussion two years ago that the only thing on file in the Secretary's office was the type of vessel. This does not change that rule except that the plans shall be in detail, so that the bidders when they bid on these plans may know just exactly the kind and character of vessel being bid for, and there is no way in the world by which the Government, the Secretary of the Navy, or Congress can protect the Government unless they do have detailed plans and specifications in the Secretary's office.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. CANNON. Is it possible that bids are taken until the plans and details are prepared?

Mr. SISSON. It is possible, and it is done every day.

Mr. PADGETT. Oh, they have very full detailed specifications covering multitudes of sheets.

Mr. SISSON. The gentleman recollects that two years ago he stated to me that that matter would be gone into by the Navy, and unless the rule is changed, if the gentleman will look at the debate two years ago he will find he himself stated that at the time the contracts were let there was nothing on file but what is known as the general type, and the gentleman from Alabama then argued that it was impossible to have the detailed plans and specifications on file, as you do in reference to other contracts, such as a public building, which was then being discussed by me, and he said that when you let the contract for a battleship you let the contract for a certain type of battleship, and he argued that that was all that was necessary. Then, it was developed by discussion with the distinguished gentleman from Alabama, who knows more about naval construction than all of us combined know or ever will know, that these detailed plans and specifications were prepared as the vessel was undergoing construction, and that all of these detailed plans and specifications were not on file at the time the contract was let. But the gentleman from Illinois [Mr. Foss], then on the committee, made an objection to it, because he said that you could not construct vessels as you did other items, and for that reason, after having two years in which the Naval Committee might investigate and make this change, so that the detailed plans and specifications could be on file before the battleship was let, I have offered this proviso as a limitation upon the expenditure of the money.

The CHAIRMAN. The proposed amendment involves more than a limitation upon an appropriation. Under the existing law the Secretary of the Navy has discretion. The rule is that a proposition to establish affirmative directions for an executive officer constitutes legislation, and it is not in order on a general appropriation bill. It has been so ruled on numerous occasions

(Hinds' Precedents, vol. 4, sec. 3854), and the point of order is sustained.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28812, the naval appropriation bill, and had directed him to report it to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PADGETT. Mr. Speaker, I move the previous question upon the bill and all amendments to final passage.

Mr. ROBERTS of Massachusetts. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. ROBERTS of Massachusetts. To demand a separate vote on a paragraph in the bill.

The SPEAKER. We have not come to that yet.

The question was taken, and the previous question was ordered.

The SPEAKER. Is there a separate vote demanded on any amendment?

Mr. FOSS. I demand a separate vote——

Mr. HOBSON. I demand a separate vote on page 54, striking out the two battleships and inserting one, and on that I ask the yeas and nays.

Mr. BROWNING. Mr. Speaker——

The SPEAKER. The gentleman from Massachusetts.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I desire a vote on the same paragraph as that demanded by the gentleman from Alabama.

Mr. BROWNING. Mr. Speaker, I demand a separate vote on the Buchanan amendment, page 15, at the end of line 15, regarding powder.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

Mr. MOORE of Pennsylvania. Mr. Speaker, I demand a separate vote on the amendment forbidding the purchase of foreign-made material.

The SPEAKER. Where is that?

Mr. MOORE of Pennsylvania. It was offered last night.

Mr. PADGETT. Mr. Speaker, that motion did not carry; there is no such amendment.

The question was taken, and the other amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Page 15, at the end of line 15, insert the following:

"*Provided further*, That in expenditures of this appropriation or any part thereof for powder no powder shall at any time be purchased unless the powder factory at Indianhead, Md., shall be operated on a basis of not less than its full maximum capacity."

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. BROWNING. Mr. Speaker, a division.

The House divided; and there were—ayes 157, noes 46.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 54, in line 21, strike out the word "two" and insert in lieu thereof the word "one."

Mr. HOBSON. Mr. Speaker on that I ask for the yeas and nays.

The SPEAKER. The gentleman from Alabama asks for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 174, nays 156, answered "present" 5, not voting 46, as follows:

YEAS—174.

Adair	Boehne	Cox	Flood, Va.
Adamson	Booher	Cullop	Floyd, Ark.
Aiken, S. C.	Borland	Daugherty	Foster
Akin, N. Y.	Buchanan	Davis, W. Va.	Fowler
Alexander	Burgess	Dent	Francis
Allen	Burleson	Denver	Garner
Anderson	Burnett	Dickinson	Garrett
Andrus	Byrnes, S. C.	Dies	Gill
Anthony	Byrns, Tenn.	Difenderfer	Gillett
Ashbrook	Callaway	Dixon, Ind.	Glass
Barnhart	Candler	Doughton	Godwin, N. C.
Bartholdt	Cantrill	Driscoll, D. A.	Goeke
Bartlett	Carter	Edwards	Goodwin, Ark.
Bathrick	Claypool	Ellerbe	Graham
Beall, Tex.	Clayton	Evans	Gray
Bell, Ga.	Cline	Faison	Green, Iowa
Berger	Collier	Fields	Gregg, Tex.
Blackmon	Covington	Fitzgerald	Gudger
Hamlin	Lewis	Pepper	Stephens, Miss.
Hammond	Lindbergh	Post	Stephens, Nebr.
Hardwick	Lloyd	Prince	Stephens, Tex.
Hardy	Lobeck	Rainey	Sweet
Harrison, Miss.	McCall	Raker	Switzer
Hay	McCoy	Randell, Tex.	Taggart
Hayden	McGillicuddy	Rauch	Taylor, Ala.
Heflin	McKenzie	Richardson	Taylor, Ark.
Helgesen	Madden	Roddenbery	Taylor, Colo.
Helm	Maguire, Nebr.	Rouse	Thayer
Henry, Tex.	Mann	Rubey	Thomas
Hensley	Mondell	Rucker, Colo.	Tribble
Houston	Moon, Tenn.	Rucker, Mo.	Turnbull
Howard	Moore, Tex.	Russell	Underhill
Hull	Morgan, La.	Saunders	Underwood
Humphreys, Miss.	Morrison	Shackleford	Volstead
Jacoway	Morse, Wis.	Sharp	Watkins
James	Moss, Ind.	Sherley	Webb
Kent	Neeley	Sherwood	Whitacre
Kinkaid, Nebr.	Nelson	Sims	White
Kitchin	Norris	Sisson	Willis
Konop	Nye	Small	Witherspoon
Lamb	Oldfield	Smith, Tex.	Young, Kans.
Lee, Ga.	Padgett	Sparkman	Young, Tex.
Lenroot	Page	Stedman	
Lever	Palmer	Steenerson	

NAYS—156.

Ainey	Fergusson	Lafferty	Redfield
Austin	Focht	La Follette	Rees
Ayres	Fordney	Langham	Reilly
Bates	Foss	Langley	Reyburn
Brantley	French	Lawrence	Riordan
Broussard	Gallagher	Lee, Pa.	Roberts, Mass.
Browning	Gardner, Mass.	Levy	Roberts, Nev.
Bulkley	Gardner, N. J.	Linthicum	Rodenberg
Burke, Pa.	Goldfogle	Littlepage	Rothermel
Burke, S. Dak.	Good	Longworth	Scott
Burke, Wis.	Greene, Mass.	McCreary	Scully
Butler	Greene, Vt.	McGuire, Okla.	Sells
Calder	Gregg, Pa.	McKellar	Simmons
Campbell	Griest	McLaughlin	Slemp
Cannon	Guernsey	McMorran	Sloan
Carlin	Hamill	Macon	Smith, Saml. W.
Cary	Hamilton, Mich.	Maher	Smith, N. Y.
Clark, Fla.	Hart	Martin, Colo.	Speer
Cooper	Hartman	Martin, S. Dak.	Stephens, Cal.
Crago	Hawley	Matthews	Sterling
Cravens	Hayes	Merritt	Stevens, Minn.
Curley	Heald	Miller	Stone
Currier	Henry, Conn.	Moon, Pa.	Sulloway
Curry	Higgins	Moore, Pa.	Talbott, Md.
Dalzell	Hill	Mott	Talcott, N. Y.
Davidson	Hinds	Murdock	Thistlewood
Davis, Minn.	Hobson	Murray	Tilson
De Forest	Holland	Olmsted	Towner
Dodds	Howland	O'Shaunessy	Townsend
Donohoe	Humphrey, Wash.	Patten, N. Y.	Tuttle
Doremus	Jones	Patton, Pa.	Vare
Draper	Kahn	Payne	Warburton
Dupré	Kendall	Peters	Weeks
Dwight	Kennedy	Plumley	Wilder
Dyer	Kindred	Pou	Wilson, Ill.
Esch	Kinkead, N. J.	Powers	Wilson, Pa.
Estopinal	Knowland	Pray	Wood, N. J.
Fairchild	Konig	Pujo	Woods, Iowa
Farr	Kopp	Ransdell, La.	Young, Mich.

ANSWERED "PRESENT"—5.

Driscoll, M. E.	Haugen	Howell	Taylor, Ohio
Fornes			

NOT VOTING—46.

Ames	Finley	Korbly	Pickett
Ansberry	Fuller	Lafean	Porter
Barchfeld	George	Lindsay	Prouty
Bradley	Gould	Littleton	Sabath
Brown	Hamilton, W. Va.	Loud	Slayden
Conry	Harris	McDermott	Smith, J. M. C.
Copley	Harrison, N. Y.	McKinley	Stack
Crumpacker	Hughes, Ga.	McKinney	Stanley
Danforth	Hughes, W. Va.	Mays	Vreeland
Davenport	Jackson	Morgan, Okla.	Wilson, N. Y.
Dickson, Miss.	Johnson, Ky.	Needham	
Ferris	Johnson, S. C.	Parran	

So the amendment was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. FORNES with Mr. BRADLEY.

Until further notice:

Mr. STANLEY with Mr. MCKINNEY.

Mr. SABATH with Mr. VREELAND.

Mr. MAYS with Mr. J. M. C. SMITH.

Mr. MCDERMOTT with Mr. PORTER.

Mr. LITTLETON with Mr. PROUTY.

Mr. KORBLY with Mr. PARRAN.

Mr. JOHNSON of South Carolina with Mr. NEEDHAM.

Mr. JOHNSON of Kentucky with Mr. LOUD.

Mr. HARRISON of New York with Mr. MCKINLEY.

Mr. HAMILTON of West Virginia with Mr. LAFEAN.

Mr. GEORGE with Mr. JACKSON.

Mr. FINLEY with Mr. HUGHES of West Virginia.

Mr. FERRIS with Mr. HARRIS.

Mr. DICKSON of Mississippi with Mr. FULLER.

Mr. DAVENPORT with Mr. COPLEY.

Mr. CONRY with Mr. DANFORTH.

Mr. BROWN with Mr. AMES.

Mr. ANSBERRY with Mr. BARCHFELD.
Mr. HUGHES of Georgia with Mr. MICHAEL E. DRISCOLL.
For the day:
Mr. HAUGEN with Mr. PICKETT.
For the vote:
Mr. SLAYDEN (in favor of one battleship) with Mr. TAYLOR of Ohio (in favor of two battleships).
Mr. HOWELL (in favor of one battleship) with Mr. WILSON of New York (in favor of two battleships).
The result of the vote was announced as above recorded.
The SPEAKER. The question is on the engrossment and third reading of the bill.
Mr. RODDENBERY. Mr. Speaker, I ask for the reading of the engrossed bill.
The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] demands the reading of the engrossed bill. The House can not proceed without the engrossed copy, if the gentleman insists upon his request.
Mr. RODDENBERY. I insist upon it.
Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the general deficiency bill.
Mr. PADGETT. Mr. Speaker——
The SPEAKER. For what purpose does the gentleman from Tennessee [Mr. PADGETT] rise?
Mr. PADGETT. I move to suspend the rules and pass the bill as amended.
The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] moves to suspend the rules and pass the bill. Is a second demanded?
Mr. RODDENBERY. I demand a second.
Mr. PADGETT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.
The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.
Mr. PADGETT. I reserve my time, Mr. Speaker.
The SPEAKER. The Clerk will read the bill.
Mr. RODDENBERY. Mr. Speaker, is it now in order for me to exercise the right to the 20 minutes?
The SPEAKER. The gentleman is entitled to 20 minutes and the gentleman from Tennessee [Mr. PADGETT] is entitled to 20 minutes. The Clerk will read the bill.
Mr. RODDENBERY. A parliamentary inquiry. Does the reading of the bill precede the discussion?
Mr. PADGETT. Mr. Speaker, as the bill has been read, I ask unanimous consent to dispense with the further reading of the bill.
The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to dispense with the further reading of the bill. Is there objection? [After a pause.] The Chair hears none. The gentleman from Tennessee [Mr. PADGETT] is recognized for 20 minutes, and the House will be in order.
Mr. PADGETT. Mr. Speaker, I do not desire to debate the bill, and I shall reserve the remainder of my time.
The SPEAKER. The gentleman reserves his time.
Mr. RODDENBERY. Mr. Speaker, it is not my purpose to consume 20 minutes in discussing the proposition involved in the motion. I shall take a few moments of the time of the House to make what appear to me timely observations. The discussion of this bill has been full, fair, covering several days. The will of the House, being a House controlled by a Democratic majority, has been expressed. I requested the reading of the engrossed bill and demanded a second, so that I might exercise my right to make just a few brief observations without encroaching upon the time that others desired to use in a discussion of the various paragraphs of the bill. In a moment this bill will pass. Where does it go then? It goes to another legislative body. When it gets there who of us expect that that bill in amounts appropriated will be returned to this body substantially or approximately as it appears when the House has acted upon it. I have no disposition to assume the position that another legislative branch is not coordinate and coequal with this. But the will of the American people has been expressed in the late month of November, and by their vote they have fixed the political complexion of the House of Representatives and of the Senate of the United States as well for the Sixty-third Congress now about to convene.

And here is a Democratic House now that will be a Democratic House a week from now by its own voluntary action transmitting legislation to a Republican body that will no longer be a Republican body in less than a week from now, and we are saying that we will put into its hands in the dying days of a Congress the power to vote two battleships or three battleships and no man can prophesy what other burdens for our countrymen to bear knowing that, thus increased, that body will send it back to us.

When it comes back in what situation does it find us? The death-bell notes of this Congress will be sounding and there will be great pressure for the conclusion of the public business. Able Members will rise and say, "The great supply bills must be passed."

Gentlemen, shall we place ourselves voluntarily in a position where, in order to pass the great supply bills, we shall inflict upon the backs of our countrymen $20,000,000 additional taxes when, if we would but pause now and wait for a week, we can submit to a Democratic Congress the proposition of how much burden the people shall bear, how many battleships they shall at the plow and at the anvil beat out by their sweat, and how many soldiers or marines they shall adorn with the vestments of their service? Gentlemen, I desire to submit that it is an unwise public policy, that it is an unwise party policy at this time to transmit to the Senate this legislation under the present circumstances.

Mr. HARDWICK. Mr. Speaker, will the gentleman yield?
The SPEAKER. Does the gentleman yield to his colleague [Mr. HARDWICK]?
Mr. RODDENBERY. I yield.
Mr. HARDWICK. Why would not the same argument that the gentleman is making so eloquently now have applied against the public-buildings bill? [Applause.]
Mr. RODDENBERY. It does not apply except for the technical relation between an appropriation bill and an authorization bill. When this naval bill passes the taxes are laid and the revenues are appropriated. When the public-buildings bill passed only an authorization was made, and it is no charge and becomes no charge upon the Treasury until a Democratic House and a Democratic Senate and a Democratic President say the people shall bear it. [Applause.]

Mr. Speaker, we have seen from the public buildings bill what will happen to us. The Senate's $30,000,000 increase of the public buildings bill, the river and harbor bill, the Indian appropriation bill, and, in my judgment, the size of this bill, not only warrant this House in committing them to a Democratic administration, but indicate that if the people of this country could speak again they would say, "We have elected new Representatives, we have elected new Senators, and before you begin to revise the tariff, which is to lay revenue duties upon us, we would ask that our last-chosen Representatives and Senators shall determine upon the amount of money which is to be expended and which we are to pay by our taxes."

It is rational and it is just. I recognize the views of able men that the supply bills should be passed now. But there is no emergency, there is no reason until July, why this money shall be called for. In fact, with the exception of one bill, no general appropriation bill is sought to be made effective until the 1st of next July.

We have sent and are still sending these bills to a body that will force us to do one of two things: Either to kill them and not let them become laws for want of agreement in conference, which I trust will be done, or else in the last hour of Congress to yield to the conferees from the other end of the Capitol and add many millions of dollars to these appropriations as passed by the House. This course, in my judgment, places around the neck of the incoming Democratic administration a handicap and a weight that will give to the first Democratic President in many years the mightiest struggle to hold his party's head above the water and live up to the promises we have made to the country, and to the great duty we as legislators owe that has ever confronted a President in the history of this Republic.

These are my views. With perfect respect I regard other Members' views as being equally as honest and perhaps wiser than mine. The future months will tell whether or not a demagogue has exploited himself with folly or whether a truthful prophecy has been made.

Mr. Speaker, in so far as I can under the rules, I withdraw the demand for the reading of the engrossed bill. [Applause.]
The SPEAKER. The gentleman is too late now. The question is on suspending the rules and passing the bill as amended.
The question being taken, and (two-thirds voting in the affirmative) the rules were suspended and the bill passed.

REVISION OF THE PATENT LAWS.

Mr. BULKLEY. Mr. Speaker, I ask unanimous consent to file minority views on the bill H. R. 23417, the revision of the patent laws (H. Rept. 1161, pt. 2).

The SPEAKER. The gentleman from Ohio asks unanimous consent to file minority views on the bill H. R. 23417, the patent revision. Is there objection?

There was no objection.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes; and pending that motion I ask unanimous consent that general debate be limited to 10 minutes, one-half to be controlled by myself and one-half by the gentleman from Illinois [Mr. CANNON].

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the general deficiency bill; and pending that he asks unanimous consent that general debate be limited to 10 minutes, one half to be controlled by himself and the other half by the gentleman from Illinois [Mr. CANNON]. Is there objection?

Mr. CANNON. Mr. Speaker, the gentleman from Wyoming [Mr. MONDELL] told me that he desired some time upon this bill. Does the gentleman from Pennsylvania [Mr. OLMSTED] desire time?

Mr. OLMSTED. I desire to use about 20 minutes' time, but I do not care to take it this evening if I can get consent to speak to-morrow at some time.

Mr. CANNON. Suppose the gentleman from New York asks for 20 minutes on a side. I have not had an opportunity to see members of the committee on the Republican side. They have none of them made application to me, except the gentleman from Pennsylvania [Mr. OLMSTED] and the gentleman from Wyoming [Mr. MONDELL].

Mr. FITZGERALD. Mr. Speaker, no time is desired on this side, and there are other appropriation bills to be considered.

Mr. CANNON. Unless there is objection upon the part of some member of the Committee on Appropriations——

Mr. FITZGERALD. Mr. Speaker, at this day in the session it is not usual to occupy time in general debate.

Mr. CANNON. Mr. Speaker, the gentleman need not argue that question. The gentleman from Wyoming [Mr. MONDELL] says he will be satisfied to be recognized under the five-minute rule. I have no applications for time. Does the gentleman from Illinois [Mr. MANN] desire any time?

Mr. MANN. No.

Mr. CANNON. So far as I am concerned, general debate may be closed by unanimous consent now.

Mr. OLMSTED. I had intended to ask for 20 minutes, but I will not object to this request, and will take my chances under the five-minute rule.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. FOSS. I make the same request.

Mr. SISSON. I want to extend my remarks on the naval bill, and I make the same request.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT], the gentleman from Illinois [Mr. FOSS], and the gentleman from Mississippi [Mr. SISSON] ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. KINDRED. Mr. Speaker, inasmuch as one-tenth of all persons die from tuberculosis, and inasmuch as Dr. Friedmann has arrived in this country claiming a wonderful tuberculosis treatment, and inasmuch as the suffering consumptives of this country should be warned against raising their hopes too high, I ask unanimous consent to extend my remarks in the RECORD on this subject.

The SPEAKER. The gentleman from New York [Mr. KINDRED] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CARY. I ask unanimous consent to extend my remarks in the RECORD on the naval bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks on the naval bill. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to dispense with general debate on the deficiency bill, and that when we go into the committee the bill be read under the five-minute rule for amendment.

Mr. MANN. The gentleman had better ask unanimous consent that the first reading of the bill in the committee be dispensed with.

Mr. FITZGERALD. I have asked that the bill be read under the five-minute rule for amendment.

Mr. MANN. I understood what the gentleman asked; but I think the House ought to understand the nature of the request, and therefore I suggested to the gentleman that he make that request.

Mr. FITZGERALD. I think there will not be any misunderstanding of it after the gentleman's explanation.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate on this bill be dispensed with, and that the first reading of the bill in the committee be dispensed with, and that the bill be read under the five-minute rule for amendment. Is there objection?

There was no objection.

The motion of Mr. FITZGERALD was then agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. ADAIR in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the purpose of considering the general deficiency bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes.

The CHAIRMAN. General debate and the first reading of the bill has been dispensed with by order of the House, and the Clerk will read the bill for amendment.

The Clerk read as follows:

EXECUTIVE.

The accounting officers of the Treasury are authorized and directed to credit in the accounts of William H. Crook, disbursing clerk, Executive Office, the sum of $505 disallowed by the Auditor for the State and Other Departments in his accounts of disbursements for the quarters ended June 30, 1911, and March 31, 1912, on account of expense incurred in painting the walls and woodwork of the rooms in the Winder Building, occupied by the Commission on Economy and Efficiency.

Mr. MANN. Mr. Chairman, I move to strike out the last word. May I ask the gentleman what became of the Commission on Economy and Efficiency?

Mr. FITZGERALD. It is still at work.

Mr. MANN. How much has been allowed for it during the next fiscal year?

Mr. FITZGERALD. Nothing as yet.

Mr. MANN. I withdraw the pro forma amendment.

The Clerk read as follows:

DEPARTMENT OF STATE.

Claims of American citizens for losses in Samoa in 1899: For the payment of the amounts found by the Secretary of State to be due to American citizens for losses growing out of the joint naval operations of the United States and Great Britain in and about the town of Apia, Samoan Islands, in 1899, the King of Sweden, by an international award, having found the United States and Great Britain to be responsible for such losses, $14,811.42.

Mr. MANN. Mr. Chairman, I reserve a point of order to the paragraph. What special reason is there for the Committee on Appropriations assuming jurisdiction over private claims in this matter, when they were sent to the Committee on Claims?

Mr. FITZGERALD. They came to the Committee on Appropriations through a message of the President, and under the rules of the House claims arising under treaties are reported by the Committee on Appropriations.

Mr. MANN. This is not a claim arising under any treaty.

Mr. FITZGERALD. I looked at the matter carefully, and under the practice of the House the Committee on Appropriations has jurisdiction.

Mr. MANN. Under the practice of the Senate the Committee on Appropriations has jurisdiction of claims arising under treaties. My recollection is that when the President sent his communication to the House on the subject is was referred to the Committee on Claims.

Mr. FITZGERALD. These are in the nature of deficiencies. They are not for the support of the Government.

Mr. MANN. These claims have been pending for a good many years, now. Does the gentleman have the document referred recently in the House?

Mr. FITZGERALD. It is in the document of February 7, 1913. It came in a letter from the Secretary of the Treasury transmitting deficiency items.

Mr. MANN. That is true, but the claims themselves were transmitted to the House recently, and by the House referred to the Committee on Claims.

Mr. FITZGERALD. I think the gentleman is mistaken. The only way they came to the House, as I recall, is in a letter

from the Secretary of the Treasury transmitting the estimates for deficiencies for the current fiscal year.

Mr. MANN. That is the reason the gentleman does not recall it, because it was not referred to his committee. There was a document transmitted by the President to the House on the subject and referred to the Committee on Claims, unless I am very much mistaken. It was quite a lengthy document, setting out what these claims are.

Mr. FITZGERALD. These claims have been duly adjudicated under the treaty. The King of Sweden was appointed arbitrator, and he determined that the various Governments were responsible for the injuries to the property of its own citizens. The claims of the American citizens amounted to sixty-four thousand and some hundred dollars. A representative of the State Department was sent to the Samoan Islands to investigate, and he reported in favor of the payment of $14,000 of these claims. The citizens of other Governments have been paid by their Governments. Under the circumstances, it seems that we should pay the amount ascertained under the decision of the international arbitrator.

Mr. MANN. The international arbitrator only determines how much these countries should pay and how much the other countries should pay. This country was to pay one-half of certain claims and Great Britain one-half.

Mr. FITZGERALD. He held that each Government was responsible for the damages to the property of its own citizens.

Mr. MANN. Is not this the case: It was decided as to the claims of the German citizens that this Government should pay one-half and the Government of Great Britain pay one-half, and each of the countries, Great Britain and the United States, should take care of the claims of its own citizens?

If the committee gave consideration to the claims I shall not insist on the point of order, but if the committee took the estimate of the department upon the subject, without an examination of the document that was transmitted to the House——

Mr. FITZGERALD. Mr. Chairman, if the gentleman will permit, I will say that I examined this document as well as I was able to under the pressure, and all of the testimony submitted to this representative of the State Department is contained in it. Claims submitted by American citizens amounted to over $64,000. The commissioner appointed by the State Department reported favorably on about $14,000. The State Department in view of that report recommended that it be paid.

Mr. MANN. As I recall the case, it is this: The American citizens on the island practically got the Navy to go there and interfere and shell the town. They exposed themselves, the whole operation being at their request and suggestion. Then, when they suffered some loss, they desired the Government of the United States to pay the claims. I can not see any special equity in the claims.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. BARTLETT. The gentleman will recall that a large amount of damages was claimed not only for direct, but for consequent damages growing not only out of the destruction of property by the bombardment and what was taken by the adherents of the two claimants for the throne, but that the claims were made for consequential damages, such as stealing of the property and plunder and everything of that sort. The agreement entered into between this country and Great Britain and Germany was that these claims were to be ascertained and each country was to pay one-half of the claims. That was afterwards abandoned, and the German Government and the British Government have paid their citizens. Everybody connected with it has been paid except the American citizens.

Mr. MANN. That is true, but the fact is that it was because of the activity of the American citizens that the trouble arose. They were the ones who brought the Navy there and who caused the bombardment to be made.

Mr. BARTLETT. They were the ones who brought the king back to have him reenthroned.

Mr. MANN. They were the ones who caused the whole trouble, and, having caused the trouble and suffered some damages by it, they want the United States Government to reimburse them. Of course, we will be liable for what was done to foreign citizens, and, the island being somewhat at that time under the jurisdiction of the three nations, it was decided that the United States should pay, as I recall it, one-half to the German citizens who were damaged, and Great Britain one-half, and that each of the nations, Great Britain and the United States, should take care of their own citizens.

Mr. BARTLETT. Congress has acted in this matter. The payment of the German and English citizens has been made by act of Congress. Twenty-five thousand dollars was offered as a settlement of these claims and that was declined, and then Congress afterwards appropriated one-half of $40,000,

Mr. MANN. We were under obligations, under the treaty, to pay the foreign damages.

Mr. BARTLETT. I do not understand it to be a part either of international law or of good conscience that if the United States, in carrying out its policy, shall injure the property and person of foreigners, and at the same time injure the person and property of its own citizens, it is bound more to pay the foreigner than its own citizen, yet that is what this would amount to.

Mr. MANN. Oh, I can understand very well how if at the instance of some people we bombard a town, the people who ask the bombardment being American citizens, that we are not under any obligation to pay them.

Mr. BARTLETT. I did not say obligation. This may not be a claim that could be enforced as against sovereignty, but good conscience on the part of the Government may require, as we often do, to pay a claim of a citizen.

Mr. MANN. Mr. Chairman, while I do not think the Committee on Appropriations had any jurisdiction of this matter, and while I doubt the propriety of paying all claims, yet at this hour of the night I will withdraw the point of order.

Mr. BARTLETT. I want to say this, we would not have paid it, if we did not think we were bound in conscience and decency to do so.

Mr. MANN. But that was for the Committee on Claims to determine.

The Clerk read as follows:

COLLECTING INTERNAL REVENUE.

To supply a deficiency in the appropriation for salaries and expenses of 40 revenue agents provided for by law, and fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers, $50,000.

Mr. CANNON. Mr. Chairman, I would be glad to have unanimous consent granted to pass the provision on line 21, page 6, for the present, with the privilege of offering an amendment to it later.

Mr. FITZGERALD. We have given everything that they have asked.

Mr. CANNON. I will state to the gentleman what I would be glad to offer at this point, namely, to hereafter pay a salary of a senior surgeon to Dr. Anderson, who is at the head of the Hygienic Laboratory.

Mr. FITZGERALD. I shall be compelled to make the point of order against it.

Mr. CANNON. If the gentleman is compelled to make the point of order against it of course that ends it; but I hoped the gentleman would not make the point of order against the matter, and I would like to ask unanimous consent——

Mr. FITZGERALD. There is a gentleman over there who will.

Mr. CANNON. No; I do not think so.

Mr. FITZGERALD. His committee last year reported a bill increasing the compensation of all the employees of the Public Health and Marine-Hospital Service. The gentleman from Georgia is usually alert and knows what is going on, and I am afraid he would make the point of order if I do not.

Mr. CANNON. I do not believe he would.

Mr. MANN. I will say to my colleague——

Mr. ADAMSON. I took it for granted, Mr. Chairman, the very distinguished chairman of the Committee on Appropriations had finally concluded to refrain from trenching on the territory of other committees, and I confess I have not read the bill which is before the House.

Mr. FITZGERALD. If the gentleman from Illinois offers an amendment increasing the compensation of an officer of the Public Health Service, and the gentleman's committee last year had reported a bill increasing the compensation of all the officers in that service, I thought perhaps he would offer to make the point of order.

Mr. ADAMSON. If in addition to the fatherly care in looking after and legislating on those matters which are within our jurisdiction the gentleman should conclude to go further and compel us to make points of order which we otherwise would not make, he would be a guardian indeed.

Mr. CANNON. I would like to offer this amendment and let the point of order be pending.

Mr. ADAMSON. I would like to hear the amendment read if I am required to raise the point of order.

Mr. CANNON. It is that hereafter the Director of the Hygienic Laboratory shall receive the pay and emoluments of a senior surgeon. Now, then, if the gentleman will reserve the point of order——

Mr. FITZGERALD. I will reserve the point of order.

Mr. CANNON. And it is subject to the point of order.

Mr. ADAMSON. I will reserve it.

Mr. CANNON. The pay of this Director of the Hygienic Laboratory here in Washington is $2,900. This amendment will give him $3,500—the pay of a senior surgeon.

Mr. FITZGERALD. It will also give him longevity pay and allowances.

Mr. CANNON. He is getting the same longevity pay on this. It only amounts to an increase of salary of $600—that is all. Now, I ask unanimous consent that the point of order be reserved to make a statement. The sundry civil bill, which was passed and is pending in the Senate, very largely increases the expenditures for the Public Health Service. The hearings before the House committee on the sundry civil bill covered a day, and I have never heard a more intelligent hearing, not only from Dr. Blue, at the head of this service, but from the Secretary of the Treasury, and from Dr. Anderson, of the Hygienic Bureau; and the increase resulted after a full hearing touching the prevalence of pellagra, trachoma, spotted fever, and infantile paralysis, and the services which were rendered by this Hygienic Laboratory here in Washington, which has been doubled in capacity in the last year or two, and this man, so far as I know and believe, gives exceptional service at the head of this laboratory.

Mr. ADAMSON. If the gentleman will permit, I do not care to have time consumed. He has converted me, and I am perfectly willing to waive what little impropriety there may be in this thing; in fact, I believe the only disorderly thing about it is that there are several others whose salary ought to be raised a little, if the condition of the Treasury would permit, and I am going to withdraw the point or order.

Mr. FITZGERALD. I reserve the point of order.

Mr. CANNON. I hope the gentleman will not make it.

Mr. FITZGERALD. If I do not do what is expected of me in protecting the bill, I have absolutely no excuse to offer other gentlemen who desire to increase salaries.

Mr. CANNON. If the gentleman in charge of the bill will allow me, the services of this man in connection with the operation of that laboratory, of which he is the efficient head, can not be measured by any reasonable amount of money.

Why, we double these appropriations, and there is a great demand for this service. It is not often that I desire an increase of $600, but here is a man who is earning twice the amount which he is getting, and can command twice that amount.

Mr. MANN. Will my colleague yield to a question?

Mr. CANNON. Yes.

Mr. MANN. What my colleague thinks is that the present official ought to have this increase?

Mr. CANNON. Yes; or any official who is competent to be at the head of the Hygienic Laboratory, which has been doubled in its capacity in a very short time and which is making such contributions toward investigations for the public health.

Mr. MANN. What is the position which this man now has? What is his title?

Mr. CANNON. He is the Director of the Hygienic Laboratory.

Mr. MANN. Of course, I do not know about his salary; but when we drew a bill, which subsequently was passed last year, but originally drawn several years ago, Dr. Wyman consulted me. I was then the chairman of the committee. I first proposed to put in the salaries of a few of these men who were in those places. The statement was made to me at the time that these men would get the salaries provided for in the bill as surgeons or senior surgeons. That is the reason I asked.

Mr. CANNON. This is to put the director on the salary of a senior surgeon in this bill, and I think he is worth any senior surgeon and more, too, in the contributions he makes to medical science.

Mr. ADAMSON. I would like to ask the gentleman from Illinois [Mr. MANN] if for some reason at the time we framed that bill this particular officer's salary was omitted. Was it not omitted under some statement made to us?

Mr. MANN. It was omitted because Dr. Wyman said it was not necessary. I thought at the time those men ought to receive a sufficient salary, but I supposed that they would get it as I have stated.

Mr. KINDRED. What would be the salary of the director of the Hygienic Laboratory, then?

Mr. CANNON. Thirty-five hundred dollars. It is now $2,900.

Mr. MANN. It would be a total of $4,500 and allowance for room.

Mr. KINDRED. Will the gentleman allow me to further interrupt to say that I have some personal knowledge of the value to the scientific world of the work that is being done in this laboratory, and I want to confirm and emphasize what the gentleman from Illinois has said relative to the scientific value of this man and his services who now fills the directorship there, because in the outside world, if he should have engaged in some other position where industrial chemistry was concerned, he could get twice the salary. I sincerely hope the gentleman's amendment will prevail.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. As I understand, the present and former chairman of the Committee on Interstate and Foreign Commerce, who collaborated on bills for the pay of this man, intended that this man at the head of this laboratory should get this compensation, and, familiar as I am with his work and equipment, I am willing to let the committee vote on the question.

Mr. MANN. The bill as originally drafted contained a specific provision in reference to the increase of the salary of the directors. There were several of them in these places, and we were then told by Dr. Wyman that it was unnecessary, and that they could get the salaries without putting them in the bills.

Mr. ADAMSON. And that was a mistake.

Mr. FITZGERALD. I wish to say, Mr. Chairman, that Dr. Anderson appeared before the committee in connection with the estimates of the Public Health Service, and I think he made as profound an impression on the committee as to his capabilities and capacity as any man I have listened to in my experience. And the research work of the Public Health Service is really, in my opinion, the most important work of the whole service.

Mr. MANN. That is right.

Mr. FITZGERALD. I shall not insist on the point of order.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] withdraws his point of order, and the Clerk will report the amendment.

Mr. CANNON. After the word "provided."

The Clerk read as follows:

On page 6, after line 21, insert the following:

"*Provided*, That hereafter the director of the Hygienic Laboratory shall receive the pay and emoluments of a senior surgeon."

Mr. MANN. I think that should read "pay and allowances."

Mr. CANNON. Well, "pay and allowances," then. Put that in.

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The accounting officers of the Treasury are authorized and directed to regard the service of Joseph Lanzon, late ordnance sergeant, United States Army, as continuous from May 20, 1882, to September 2, 1912, the date of his death.

Mr. MANN. Mr. Chairman, I reserve a point of order on that item.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order on the item.

Mr. FITZGERALD. This man originally enlisted in the Army in 1882 and died a year or so ago.

Mr. MANN. On September 2, 1912?

Mr. FITZGERALD. Yes. He was discharged on the 31st of May, 1892, after the expiration of his enlistment, and reenlisted on the 1st day of July. If he had reenlisted within 30 days his service, under the law, would have been continuous and he would have been entitled to certain increases of pay; but he died here within a year or so, leaving a widow and five children. They applied, in the settlement of his accounts, for the amount—$220—that would have been due if the continuous service had existed, but in checking up they found that he had not enlisted within a day or two of the time necessary, and they decided that he had been overpaid in the amount of about $570, and that his widow and children were not entitled to this money on that account.

Mr. MANN. This is to relieve an overpayment?

Mr. FITZGERALD. Yes; and to permit the payment of $220.

Mr. MANN. I know; but practically to relieve an overpayment?

Mr. FITZGERALD. Yes. It makes the widow entitled to the payment of $220. The man is dead, and it makes no difference to him.

Mr. MANN. I do not know whether it makes any difference to him or not. The gentleman and I are not informed on that subject. [Laughter.] If it is simply to relieve an overpayment that was made, I have no objection to it.

Mr. BARTLETT. That is all.

Mr. FITZGERALD. The widow gets the $220.

Mr. MANN. Then I withdraw my point of order.

The CHAIRMAN. The gentleman from Illinois withdraws his point of order. The Clerk will read.

The Clerk read as follows:

DISTRICT OF COLUMBIA.

Assessor's office: Leave of absence with pay for an additional period of 60 days may be granted to A. E. Grant, clerk in the assessor's office, District of Columbia.

Mr. MANN. Mr. Chairman, I reserve a point of order on that item.

Mr. FITZGERALD. Mr. Chairman, on Christmas eve a young woman, a clerk in the assessor's office, was brutally assaulted, and——

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order. The Clerk will read.

The Clerk read as follows:

Hereafter all collections or reimbursements on account of charges paid or payable by the District of Columbia for the care and support of the insane of said District at the Government Hospital for the Insane shall be made to the Commissioners of the District of Columbia and covered into the Treasury of the United States to the credit of the revenues of the United States and the revenues of the District of Columbia in equal parts.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph.

Mr. FITZGERALD. The Auditor for the District of Columbia called the attention of the committee to the fact that the commissioners have no authority to make the collections for pay patients, and the superintendent of the insane asylum says that he has none. He states that if the obligation is imposed on the commissioners to collect from those patients that are sent there, and for whom otherwise under the law the District should pay, the authorities can follow them up and collect the money required of the pay patients.

Mr. MANN. Are not their expenses charged to the District?

Mr. FITZGERALD. This is for the pay patients.

Mr. MANN. I know; but whether they go as pay patients or not, are their expenses not charged to this District?

Mr. FITZGERALD. Half and half.

Mr. MANN. On the half-and-half principle?

Mr. FITZGERALD. Yes.

Mr. MANN. Is it half and half where we are making them pay back a lot of money?

Mr. FITZGERALD. Yes.

Mr. MANN. That is the only thing I wanted to know about.

Mr. RODDENBERY. Mr. Chairman, I want to make inquiry on a similar subject in relation to the language in line 18, page 12. The question of the gentleman from Illinois [Mr. MANN] causes me to inquire what particular significance have the words "provided by law"? What particular significance has that language?

Mr. FITZGERALD. The law provides the terms under which these patients shall be committed and the rates charged.

Mr. RODDENBERY. The words "provided by law" relate to the conduct of the institution; this amount only to be paid for purposes and in manner provided by law.

Mr. FITZGERALD. Yes; and the rate must be fixed in the manner provided by law.

Mr. RODDENBERY. It in no way relates to the half-and-half proposition.

Mr. FITZGERALD. Oh, no.

The Clerk read as follows:

Miscellaneous expenses: For payment of such miscellaneous expenses as may be authorized by the Attorney General for the Supreme Court of the District of Columbia and its officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, including also such expenses as may be authorized by the Attorney General for the Court of Appeals, District of Columbia, $40,000.

Mr. SISSON. I reserve a point of order on the paragraph. This is for the purpose of paying the expenses of the condemnation proceedings for the ground between the Capitol and the Union Station, but I see nothing in the item which indicates that it is for that purpose. I do not know exactly why the amount is carried in this particular language.

Mr. FITZGERALD. Because it is a miscellaneous expense for the Supreme Court of the District of Columbia, authorized to be paid by the Attorney General.

Mr. SISSON. That may be true, but why is it carried in this language?

Mr. FITZGERALD. It is the language of the annual appropriation under which it is to be paid.

Mr. SISSON. I will state to the chairman of the committee that that might be true perhaps if you were going to pay all the expenses, but in this particular item there is nothing that indicates that it is to be paid for that particular purpose.

Mr. FITZGERALD. That is the fact. It is to be paid for that purpose.

Mr. SISSON. I understand that, but it might be used for any other purpose under the terms of this appropriation.

Mr. FITZGERALD. That is not correct.

Mr. SISSON. Is there any law which authorizes the payment of the money in this language?

Mr. FITZGERALD. This is the way in which the appropriations for such purposes are made, and it is out of this particular appropriation that such services are paid. The amount of the appropriation is not sufficient to provide the additional money required. It is necessary to appropriate in the language of the original appropriation.

Mr. SISSON. I should like to ask the chairman of the committee what information he has as to whether this is the last of these fees.

Mr. FITZGERALD. I understand this finishes up the whole proceeding. It pays for the commissioners and expert witnesses, printing abstracts, stenographers, and some other miscellaneous items.

Mr. SISSON. I should like to ask the chairman of the committee this question: Suppose the House does not agree to the Senate amendment to the sundry civil bill providing for the payment of the entire amount at this session of Congress, would there be any additional expense, or would this cover the expense of the condemnation?

Mr. FITZGERALD. This would cover the expense of the condemnation. The only additional expense would be the interest on the amount of the unpaid award until it was paid.

Mr. SISSON. I understand that that would be another matter.

Mr. FITZGERALD. This proceeding is complete. The awards have been confirmed. The only thing left to do is to pay for the property taken and pay the expenses incurred in acquiring it.

Mr. SISSON. Does the chairman of the committee think this $40,000 will cover the entire amount?

Mr. FITZGERALD. My understanding is that it pays all the expenses incident to the proceedings.

Mr. SISSON. I have not looked at it in the last day or two, but my recollection was that the amount was $41,000.

Mr. FITZGERALD. They had $15,000, and they may have an unexpended balance of $1,000 in the appropriation available for that purpose.

Mr. SISSON. Mr. Chairman, I want to say before I conclude that this is the item to which I have been so seriously objecting for several years—not this expense item, but the condemnation of the property between the Capitol and the Union Station.

I do not feel that it would be proper that this appropriation should be made because the expenses were incurred under a statute passed by the House, but I did want the RECORD to show what the appropriation was for. Mr. Chairman, I withdraw the point of order.

Mr. CANNON. Mr. Chairman, I move to strike out the last word, just to make a few observations. This is the best conducted condemnation proceedings, so far as I have any knowledge, and I have knowledge of a great many in the District, that ever was had. As I recollect, in round numbers, the 12 squares cost about $4,300,000.

Mr. SISSON. Will the gentleman yield?

Mr. CANNON. I will.

Mr. SISSON. The gentleman does not mean to state that all the 12 squares were taken?

Mr. CANNON. Well, west of the Arthur Place there was a small block that was not taken. This condemnation has been expeditious and was conducted at the minimum of expense.

We asked the Attorney General to make condemnations and he did so, detailing one of the Assistant Attorney Generals, who receives $5,000 a year for salary. We ascertained what attorneys' fees would be if outside attorneys were employed, and in round numbers $30,000 was the best bid we could get. The Attorney General assigned an Assistant Attorney General, Mr. Strickland by name, to do the work, and that is the only attorney's fee that is involved.

The attorneys' fees for the condemnation of three blocks facing on the White House grounds were between $30,000 and $40,000, and I think nearer $40,000. This Assistant Attorney General, to my knowledge, did not confine himself to this work during office hours, but he worked almost constantly. There were over 400 owners of this real estate.

Mr. SISSON. Will the gentleman yield?

Mr. CANNON. I will yield to the gentleman from Mississippi.

Mr. SISSON. I want to say to the gentleman from Illinois that my statement in reference to the matter was not in criticism in the least of the amount of money expended nor of the condemnation proceedings.

Mr. CANNON. I understand that thoroughly. Now, there is no legal obligation to pay this man who has done this work at a salary of $5,000 in less than a year, where it would have cost the Government, if outside attorneys had been employed, $30,000, and where it did cost the Government nearly $40,000 in the case I have mentioned. Now, in the Lord's chancery we have from time to time for meritorious and efficient services granted officials something by way of extra pay. We granted the Superintendent of the Capitol for his four years' work, outside of his salary—and it was worth many times the amount—$15,000, in recognition of that meritorious service.

I would be glad, having the personal knowledge about the efficiency of this man, to see this committee grant unanimous consent to pay $5,000 to this Assistant Attorney General, who has performed these services. I know it is subject to a point of order.

Mr. FITZGERALD. I shall be compelled to object to that. A year or so ago a provision was enacted that all condemnation proceedings should be placed in the hands of the Assistant Attorney General.

Mr. CANNON. Yes; but that did not prevent, as had been done in former years, the employment of other attorneys.

Mr. FITZGERALD. That may be true; but I can not consent that that be done on this bill. I know that the gentleman is a very efficient man.

Mr MANN. Mr. Chairman, my friend, the gentleman from Mississippi [Mr. SISSON], has been doing very good work in the House, and has endeared himself to me and other Members of the House for efficient service. He has not been in Congress very long. He came in at this end of the Capitol. Although the Capitol faces east, on the south side of the Capitol is the House side and on the north side of the Capitol is the Senate side. It is the Senate side of the Capitol that looks out upon these grounds which have been condemned between the Capitol Building and the Union Station. My distinguished friend from Mississippi in future years will walk out of the Senate Chamber, where he will be an honored Member, into the Marble Room, gaze out on the beautiful grounds which lie between the Capitol Building and the Union Station, and say to himself many times, "Well, after all, I was wrong and Uncle JOE was right." [Laughter and applause.]

The Clerk read as follows:

It is hereby declared to be the settled policy of the United States, after July 1, 1915, to make no appropriation whatever for the relief of sufferers from flood, fire, or other disaster in any State whose legislature shall have been in regular session prior to July 1, 1915: *Provided*, That this provision shall not apply to sufferers from any such disaster, the extent of which may be so widespread as to be beyond the resources of any State in which the same may occur, or shall exceed all reasonable measure of relief authorized by the legislature of any State to be expended to such sufferers by the governor or other competent authority thereof.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. Does the gentleman from New York [Mr. FITZGERALD] really think at this time in the session, even with the large number of Members present, that it is desirable to fix a settled policy of the United States for a date after July 1, 1915?

Mr. CANNON. Mighty good as a buffer.

Mr. MANN. Is that one of those emergency matters which the gentleman thinks ought to be acted on now?

Mr. BARTLETT. The gentleman remembers we put a settled policy in the Indian bill in reference to sectarian schools about 15 years ago.

Mr. MANN. That was after a prolonged fight and a very large attendance. It hardly seems to me, with even the aggregation of brains now assembled here, that we ought to endeavor to fix a settled policy for the United States after July 1, 1915, and I make the point of order.

Mr. CANNON. Before the gentleman makes the point of order, this is as good as a declaration that might serve as a buffer. For instance, the gentleman knows as well as I do when the floods come Members of Congress come and say, "Oh, we must have relief"; and the question is asked, "How about your State?" "Oh, my State legislature is not in session," and so on and so on. Then, without having any individual in mind, my friend knows as well as I do these appropriations for the relief of suffering at times have been abused and at times they have served a good purpose, though the States ought to do this work; but it is perfectly legitimate that they should be anxious to serve their constituencies, both Senators and Members, and it seems to me this might be good as a buffer.

Mr. MANN. Well, if this proposition had been presented to the House this afternoon at half past 4 or 5 o'clock, with the attendance which was then here, I should be perfectly willing to leave it to the House to determine what should be the settled policy of their successors; but I question whether the number who are here now ought to attempt to do that.

Mr. FOSTER. Does not the gentleman think it might possibly be done better now?

Mr. MANN. I make the point of order.

The CHAIRMAN. Does the gentleman from New York desire to be heard upon the point of order? The Chair sustains the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ROUSE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to a conference of the two Houses on the amendments of the Senate to the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914.

The message also announced that the Senate had passed with amendments the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 22913) to create a Department of Labor, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed concurrent resolution of the following title, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 36.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 1,500 copies of the proceedings in the Senate of the United States and in the House of Representatives and before the Judiciary Committee thereof, in the matter of the impeachment of Robert W. Archbald, additional circuit judge of the United States from the third judicial circuit, and designated a judge of the Commerce Court, of which 500 shall be for the use of the Senate and 1,000 for the use of the House of Representatives.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Credit in the accounts of Capt. D. L. Stone: The accounting officers of the Treasury are authorized and directed to allow and credit in the accounts of Capt. D. L. Stone, United States Army, the sum of $13,046.33, disallowed against him on the books of the Treasury.

Mr. BOOHER. Mr. Chairman, I would like to ask the chairman of the committee why there should be a lot of these accounts credited with certain sums of money. Why do these officers not keep their books better?

Mr. FITZGERALD. To which particular one does the gentleman refer?

Mr. BOOHER. This is the case of Capt. D. L. Stone.

Mr. FITZGERALD. Mr. Chairman, in this instance the Quartermaster General recommended to the Secretary of War that authority be granted for the construction of field officers' quarters at Fort Sill, and it was his opinion that the limitation fixed by Congress on the cost of quarters did not apply to appropriations for military posts, but only to barracks and quarters, seacoast defenses. There was expended at Fort Sill in excess of the limitation $13,046.33. The comptroller held that the limitation applied to appropriations under both titles, so that the expenditures made by the officer who happened to be in charge of the work there, amounting to $13,000, were disallowed in his accounts, and he is charged with this money. The money was expended in good faith and the work was done. These cases are all different. The committee went through them very carefully and eliminated a large number and allowed those where it seemed that the officer acted in good faith, and there was no justification for holding him personally liable for the money expended.

Mr. BOOHER. Mr. Chairman, the explanation is satisfactory.

The Clerk read as follows:

For ordnance and ordnance stores, Bureau of Ordnance, 1910, $2,070.01.

Mr. BATHRICK. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 23, line 20, by striking out "$2,070.01" and inserting "$52,070.01."

Mr. BATHRICK. Mr. Chairman, this amendment is intended to do what many of us think is just simple, plain justice to the men who are employed in the navy yard in Washington. Ever since 1906 these men have attempted to secure a raise of pay. Gentlemen are aware that the method of fixing the amount of pay for the laborers and mechanics in the Washington Navy Yard is decided by what is known as a wage board. This board consists of three officers of the Navy, and beyond them these laborers and mechanics have had no appeal except to the Secretary of the Navy. The matter was brought before the Naval Affairs Committee, and for the last year, at odd times, the subject has been discussed, and the Naval Affairs Committee, after looking into all of the facts in connection therewith, decided that these men were entitled to a raise of pay. But before this was decided upon a special committee, consisting of men from the navy yard, of the workers themselves, and representatives of the department, was appointed by the Secretary, and they went to the various cities and factories where this same character of work is under way in order to investigate the amount of wages paid as compared with the wages paid in Washington, and also to investigate the difference, if there was any, in the cost of living in these cities as compared with the cost of living in Washington. They came back with a vast amount of information, gathered in that impartial manner. It

was placed before the department, and, after investigating it thoroughly, the Secretary of the Navy wrote a letter, from which I will read:

NOTE.—At the request of the Naval Committee of the House of Representatives, the department appointed a board to investigate the question of wages at the navy yard, Washington, D. C. The board has completed its labors and in a voluminous report, a copy of which, accompanied by certain memoranda, has been transmitted to the chairman of the Committee on Naval Affairs of the House of Representatives, has recommended an increase in wages at the Washington Navy Yard, based upon the increased cost of living in Washington as compared with other cities from which data were secured, amounting to approximately 10 per cent and involving an estimated increased expenditure of $120,000 for the remainder of the current fiscal year, $50,000 of which would be chargeable to the appropriation "Ordnance and ordnance stores, 1913," and the remainder, $70,000, to the appropriation "Increase of the Navy, armor, and armament."

While no deficiency has been or seems likely to be incurred under either of said appropriations, the adoption of the board's recommendations would involve either a deficiency or a reduction in the force unless additional funds are provided.

Mr. HAMILL. When was that report made?

Mr. BATHRICK. January 8, 1912. In other words, they can not put into force the granted increase of wages unless this amount of money is included in this deficiency bill until after this fiscal year. The naval bill, which was passed to-day, carries a provision for taking care of the increase for the year 1914, but these men, after seven years of waiting and trying to get the wages that ought to be paid to them, are now obliged to wait until June 30, at the end of this fiscal year, unless my amendment is included in this bill. I think they have waited long enough. In order to bring about the payment of an increase it is necessary to make two amendments, the first of which I have offered, and which is to add $50,000 to this item, and the second of which I will offer after line 24, under the required head of increase of the Navy. Some gentlemen who are economists on the question of the increase of the Navy ought not to get excited, because this does not increase the Navy. It only increases the pay of the highest class of our American mechanics, who build the most intricate parts of our naval vessels.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not be adopted. This proposes to increase the amount of $2,000, which is authorized to be credited from one account into another, and to close up the account for 1910 in the appropriation for ordnance and ordnance stores, by $50,000. It can not possibly be paid out for the purpose the gentleman desires to pay it out. It could not be used for the purposes he wishes.

Mr. BATHRICK. If we appropriated this money in this bill, why can it not be paid out?

Mr. FITZGERALD. Because under the language of this provision, to which the gentleman proposes to attach this appropriation, there is no appropriation of this kind made. This provides as follows:

To reimburse "General account of advances," created by the act of June 19, 1878 (20 Stat. L., p. 167), for amounts advanced therefrom and expended on account of the several appropriations named hereunder in excess of the sums appropriated therefor for the fiscal year given, found to be due the "general account" on adjustment by the accounting officers, the accounting officers of the Treasury are authorized and directed to credit by transfer from unexpended balances of appropriations for the Naval Establishment, fiscal years 1912 and 1913, amounts as follows:

And then for the ordnance and ordnance stores for the Bureau of Ordnance for the fiscal year 1910 they asked a transfer and credit to the general account of advances, $2,070.01. The gentleman asked to increase the amount that they may transfer to the credit of that, in order to close out their accounts, to $50,270,01.

Mr. MANN. And that is for the fiscal year ending three years ago.

Mr. FITZGERALD. Exactly.

Mr. HAMILL. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. HAMILL. Has the gentleman any criticism to make of the justice of the increase asked by the gentleman from Ohio [Mr. BATHRICK]?

Mr. FITZGERALD. Yes; I have. I object to doing it in this bill in this way. At any rate, the gentleman does not wish to increase this item, because if it were adopted by the committee it would not result in the increase of compensation of a single man. This is simply a bookkeeping matter to enable them to close their accounts.

Mr. BATHRICK. Let me ask the gentleman this question: The department has hitherto claimed they did not have the money. If we appropriate in this bill they will have the money, and is it not in the discretion of the department as to where they will put this money in this instance?

Mr. FITZGERALD. No; not in this instance. This is authority to transfer on the books—to make a book credit from one account to another—the appropriation for the fiscal year 1910, in order to close up their accounts. The increasing of the amount does not accomplish anything. It would simply result in their coming back next year and asking us to authorize them to do it, so that we could finally close up the accounts for that fiscal year.

Mr. HAMILL. Now, what, in the opinion of the gentleman, would be a proper place, or where would be a proper place, to insert this amendment?

Mr. MANN. There is no proper place in the bill.

Mr. FITZGERALD. I doubt if I shall take my time to furnish that information. I do not think the appropriation should be made.

Mr. HAMILL. The gentleman has not made any criticism about the merits of this.

Mr. FITZGERALD. I have not had a chance. I have already stated to the gentleman that I had an objection to it. I first wish to call attention to the fact that this would be inoperative, and I did say to the gentleman from New Jersey that I would state my objections when I had an opportunity, and he should not complain that I have not done it, because he does not give me the opportunity.

Mr. HAMILL. The gentleman yielded the floor of his own accord.

Mr. FITZGERALD. I have not yielded at all. I still have the floor. I have yielded to questions. The gentleman is propounding questions to me, and still making it impossible for me to discuss the merits of the proposition, if I were disposed to do so at this time.

Mr. GARNER. Has the amendment any merit whatever?

Mr. FITZGERALD. This amendment has no merit.

Mr. HAMILL. We are going to give the gentleman the opportunity right now to tell us.

Mr. FITZGERALD. I will take the opportunity at the opportune time. I simply wish to call the attention of the committee to the fact that the gentleman is asking to increase the amount in the bill, inadvertently, I take it, to an amount that he desires.

Mr. BATHRICK. In that case, do you not think it would be subject to a point of order?

Mr. FITZGERALD. It may be, in a different form.

Mr. BATHRICK. The gentleman can make a point of order.

Mr. FITZGERALD. This is not subject to a point of order in this form, or I should have made it. This authorizes credits from one account to another to close up that account. We close up an account three years old. That is all I wish to say about this amendment.

Mr. BUCHANAN. Mr. Chairman, I concur in the remarks of the gentleman from Ohio [Mr. BATHRICK] that this is a just claim, and go further and say that it is a claim that the Government is obligated to pay by right and, it seems to me, if it was not paid, if it were against a private individual, they would have a legal status in the courts. These men have followed the custom of securing an increase of wages. It has been the practice to have wage boards formed. They have asked for this wage board for some time before receiving it. In fact, there were strikes threatened in the navy yard on account of not being given the consideration of receiving their claim for the right of an increase under the rules of that department. That this was brought up is due to the fact that I introduced a bill to secure an increase, which was taken up by the Committee on Naval Affairs, and there was a subcommittee appointed to take it up with the Navy Department. That department took the matter up at the suggestion of the subcommittee, and, as the gentleman from Ohio [Mr. BATHRICK] has told you, it resulted in these men substantiating their claim and showing that they were justified; that under the rule they were not only entitled to an increase of wages at this time but if they had been given a chance to bring the proper evidence before any fair wage board they would have been receiving it a year previous to that.

Now, I say it is not only a matter of justice but it is also a matter of obligation on the part of this Government to fulfill what you might say is a promise. A written promise to pay could not be any stronger than this claim that these navy-yard employees are urging. Not only that, but it has been demonstrated time and time again that you have got among the ablest men in the country in that navy yard. They are producing the best guns and the best materials in the world, and the fact has been established, almost without any denial, that they are among the most efficient workingmen in the country. They have been patient in this matter and have exercised good judgment, and finally they brought the matter to what you might call an arbitration. Their claim is a just claim, and it has been justified. It was justified when this amount of increase was awarded. It is the same as if the Government had promised to pay this claim, and therefore the Government is in honor bound to provide for the payment of this increase.

We have heard much about arbitration in the industrial world. Certainly this is an arbitration that every fair-minded

man stands for throughout the country. A great many people are trying to establish the principle of arbitration in order to avoid strikes and other industrial troubles. It seems to me, if we are trying to encourage that spirit among private employers and employees, we should feel that we are obligated as Members of Congress to carry out what seems to me to be at least an arbitration agreement to which the Government is a party. I think, therefore, there ought to be some way, either in the deficiency appropriation bill or in some other appropriation bill, for these men to secure what rightfully belongs to them.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. BUCHANAN. Yes.

Mr. MANN. Why did you not report this item in the naval appropriation bill?

Mr. BUCHANAN. The item in the naval appropriation bill was for the next fiscal year. In that bill we were not appropriating for this present fiscal year.

Mr. MANN. I know; and that would have been subject to a point of order, but a great many other items included in the naval bill were subject to a point of order and were stricken out. Why was this not put in the naval bill last year?

Mr. BUCHANAN. The increase was not awarded until January, 1913, after the naval appropriation bill had passed.

Mr. MANN. Has the increase been given now?

Mr. BUCHANAN. It was given, I believe, on the 1st of January, and the increase was to take effect at the time it was awarded. The workmen claim that their rent, in view of the former rate, was lower then than it is now.

Mr. MANN. How much higher is this rate than that which they are now receiving?

Mr. BUCHANAN. This gives them about a 10 per cent increase.

Mr. MANN. Are they getting it?

Mr. BUCHANAN. No; the money has not been appropriated to cover it.

Mr. MANN. Have they been awarded that higher rate?

Mr. BUCHANAN. Yes; they have been awarded that higher rate, but there has been no money to pay them.

Mr. MANN. All they have to do is to see to it that an estimate is sent in by the proper officers.

Mr. FITZGERALD. Yes. If the Secretary of the Navy had exercised his power and responsibility and fixed the compensation of these men, the money would have been appropriated.

Mr. MANN. That is all that is needed to be done.

Mr. GREGG of Texas. Mr. Chairman, the wages of the employees in the Washington Navy Yard are fixed by a wage board. When the Naval Committee made the appropriation for the fiscal year ending June 30, 1913, the pay of these men was fixed on the basis of the pay then allowed them by the wage board. Afterwards, about the 1st of January of this year, the wage board increased their wages, and it was binding from that day on. Now, then, from the day the wage board increased the rate up to the 30th of June, 1913, there is no appropriation to pay the men this increased rate, because the bill, in making the appropriation, appropriated only on the basis of the old wage scale. There is now no provision to pay this increase which has been allowed them.

Mr. AUSTIN. Mr. Chairman, the amendment offered by the gentleman from Ohio, then, provides a sufficient amount to meet this increase?

Mr. GREGG of Texas. It is intended to pay that increase. Whenever the wage board passed on the question and gave them this increase, from that date their wages under the law were increased. Now, the Government owes this amount, and it has got to pay it at some time. Why not pay it in this bill?

Mr. MANN. Will the gentleman yield?

Mr. GREGG of Texas. Yes.

Mr. MANN. The Government owes a great deal of money that it does not pay until it is called upon to pay it in the regular course.

Mr. GREGG of Texas. I do not see anything irregular in this.

Mr. MANN. Certainly it is irregular. The deficiency appropriation bill is made up in every case of items that come to Congress from the departments as deficiencies.

Mr. GREGG of Texas. This is a deficiency, and if the deficiency bill does not cover it, how can they get it?

Mr. BUCHANAN. We were of the opinion that it was a deficiency.

Mr. GREGG of Texas. This deficiency item carries the amount of the increase.

Mr. KITCHIN. And the Navy Department have recommended the amount covered by this deficiency.

Mr. GREGG of Texas. Yes.

Mr. MONDELL. Mr. Chairman, if the gentleman will permit me, I will read from page 75 of the hearings on this bill to show that the statement of the gentleman is correct. This is from the statement of Commander Clark:

> The CHAIRMAN. Commander, you have an estimate of $50,000 to provide for an increase of approximately 10 per cent in the schedule of wages for the navy yard, Washington, D. C., during the remainder of the fiscal year 1913.
>
> Commander CLARK. At the request of the Naval Committee the Secretary of the Navy ordered a board to investigate the question of wages at the navy yard, Washington, D. C., and they found the cost of living exceeded the cost of living in the surrounding district, which extended up to Pittsburgh and Philadelphia, by about 11 per cent, and the House committee apparently wanted to increase their pay. We had not estimated for anything of the kind, so we said we would have to have more money. It amounts to $50,000 in one appropriation and $70,000 in the other.

So that evidently there has been an estimate, and there was one before the committee.

Mr. AUSTIN. May I ask the chairman of the Committee on Appropriations if the statement made by the gentleman from Wyoming is correct, namely, that there was an estimate from the Secretary of the Navy covering this amount?

Mr. FITZGERALD. Yes. The situation is this: This board met and decided that there should be an increase of a certain percentage in the compensation of these employees. The estimates were sent. Representatives of these men appeared before the committee. I stated then what I repeat now, that if the Secretary of the Navy believed these men should have their compensation increased it was his duty to increase the compensation, and then ask Congress to appropriate the money to supply the necessary deficiencies in the appropriation. Instead of doing that the department has been endeavoring to place the responsibility on Congress—to make Congress appropriate money for the specific purpose of increasing this pay.

Mr. AUSTIN. Let me say to the gentleman from New York that if the Secretary of the Navy failed to do what was simple justice to these men, let us not shirk the responsibility, but let us meet it and make the proper appropriation.

Mr. FITZGERALD. I might say to the gentleman that I have information about the wages of some other people in my own district. I come from a community where there are four or five thousand men employed in a navy yard. They appeared before this naval wage board. They asked for an increase of compensation, and they submitted overwhelming evidence that they were not receiving the prevailing rate of wages in various lines. My colleague, the gentleman from New York [Mr. CALDER], employs certain mechanics in these lines, and he stated of his own personal knowledge that he was compelled to pay certain compensation, and that these men were receiving less than the prevailing rate of wage which they are entitled to under the law.

The wage board, instead of recommending an increase of compensation, made recommendations to reduce certain rates of compensation for practically every class of mechanics. An appeal was taken. Now, if Congress is to assume this new position, that it will appropriate in advance money to increase compensation, when the entire matter is an administrative one and an administrative officer has the authority and the duty imposed upon him by law of fixing the compensation to be paid under certain conditions, then we absolutely relieve him of this responsibility and throw into Congress this involved, controverted question of what the compensation of mechanics in the various establishments throughout the United States should be.

Mr. BUCHANAN. I would like to ask if it is not a fact that the wage board has awarded an increase of pay?

Mr. FITZGERALD. It has not; and it has no authority to do that.

Mr. BUCHANAN. The Secretary of the Navy has recognized it.

Mr. FITZGERALD. He has not; he has recommended that the wages be raised.

Mr. BUCHANAN. Upon what authority does the gentleman say that the board has not awarded an increase?

Mr. FITZGERALD. On the authority of the information that comes from the Navy Department.

Mr. BATHRICK. But here is a letter from the Secretary saying that he had.

Mr. FITZGERALD. The board had no authority to award an increase; the Secretary fixes the increase. Gentlemen on the Naval Committee ought to have more accurate information about the power of wage boards and the heads of departments than they exhibit on the floor.

If the Secretary of the Navy performed his duty, if he fixed the compensation for these various employees in accordance with the recommendation of the labor board, the matter would have been disposed of and a deficiency would have been created which Congress would have been compelled to meet and appropriate the money for. But he has shirked, he has evaded, and tried to place the responsibility on the Committee on Appropriations for increasing the compensation. That is the fact of

the matter. I decline, either for myself or for the committee, to have the committee assume the duties and obligations of heads of departments, and they know it. I sent word to the Secretary of the Navy, telling him what his powers were under the law, since he seemed to be unfamiliar with them. I notified the representative of these men that, if the Secretary of the Navy was sincere and wished to give them the compensation he believed they were entitled to, all that it was necessary for him to do was to sign the order and they would be given it from the 1st of January.

Mr. BATHRICK. The gentleman from New York states the position. We have taken this matter to the Secretary, and the Secretary has told us that they could not do anything unless we had the assistance of Congress, and they were furnished the money. Look at the shuttlecock that has been made of these men for seven years trying to get an increase from the United States. The officers of the navy yard, having in charge these men, will come before the committee and tell us that they do the highest class of work in the country.

Mr. WILSON of Pennsylvania. Mr. Chairman, as I understand the law and the situation in this case, the law requires that these men shall be paid the prevailing rate of wages for the class of labor in the neighborhood in which the plant is located; and that this board is organized for the purpose of ascertaining and determining what the prevailing rate of wages is. That board has considered the question and during the month of January decided that the prevailing rate of wages was 10 per cent higher than the rate that had been previously paid, and the men engaged in that plant were entitled, as a result of the existing law, to this 10 per cent increase in wages.

Now, the Secretary has taken the ground that he can not pay that increase of wages because the appropriation for the current year is not sufficiently large to pay it. As a result these men, entitled to their wages under the law, by the decision of the board that this is the prevailing rate, are being kept out of the increased wages.

Now, whether the Secretary is at fault in refusing to pay the higher rate of wages after it has been determined by the board, the fact remains that the men are entitled to it, and we can not shirk the responsibility when the facts are brought to our attention. I do not know whether this is the proper place for the amendment, but whatever the proper place is, there the appropriation should be made.

Mr. CALDER. Mr. Chairman, does the gentleman know that in the New York Navy Yard higher grades are established sometimes and pay given to mechanics? For instance, last December we established a higher grade for machinists, and some of the machinists received higher wages from January 1.

Mr. WILSON of Pennsylvania. I know that is the case, but we have sometimes changed the territory from which they take the prevailing rate. They sometimes extend the territory to take in other communities not previously taken in, and they sometimes throw out territory in determining the prevailing rate. The prevailing rate is changing continually.

Mr. CALDER. I would like to know why they can not raise the pay of the navy-yard men in Washington, the same as they do in other yards about the country.

Mr. WILSON of Pennsylvania. I would like to know that also; and the fact is, the board has awarded this increase of pay, or has decided this 10 per cent increase is the prevailing rate, and having decided it is the prevailing rate under the law, they should be paid that rate. The fact that the Secretary has not seen fit to pay them the additional rate is no reason why they should not be paid it. If there is anything more than another that makes the workingman have a contempt for wage contracts it is the fact that employers, public or private, at times themselves violate the wage contracts that are entered into. One of the things that will work for industrial peace in this country is a recognition of the fact that when a contract is once entered into relative to wage rates, that contract is sacred during the period for which it has been entered into. This wage rate becomes in reality a contract between the Government of the United States and those men who are engaged in those plants that they shall be paid the prevailing rate of wages. The board has established what the prevailing rate is, and whether the Secretary is willing to pay that rate or not this Congress should furnish the means to pay that prevailing rate and it should be included in this appropriation bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. BATHRICK) there were—ayes 15, noes 20.

So the amendment was rejected.

The Clerk read as follows:

For repairs of barracks, Marine Corps, 1910, $84.

Mr. BATHRICK. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 23, by adding at the end of line 24 the following:
"For increase of pay at the navy yard, District of Columbia, for the fiscal year 1913, $120,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that it is new legislation and that it is not germane.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For repairing dry dock *Dewey*, $6.74. In all, $2,382.41.

Mr. BATHRICK. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of line 8, page 24, add the following:
"*Provided*, That the increased wages awarded by the wage board be paid to the employees at the Washington (D. C.) Navy Yard from and after the date of the passage of this bill for the fiscal year 1913."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that it is legislation.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

BUREAU OF NAVIGATION.

The Secretary of the Navy is authorized to pay, from the appropriation "Recruiting, Bureau of Navigation, 1912," four vouchers, set forth on page 12 of House Document No. 1365, of the present session, amounting to $136.84, covering advertising placed in the following papers for recruits for the Navy by the naval recruiting officer, naval recruiting station, New Orleans, La., during the month of June, 1912, in advance of authority from the Secretary of the Navy, as required by section 3828, Revised Statutes.

Mr. RODDENBERY. Mr. Chairman, I notice a provision there in line 2, page 25, about certain advertising placed in "the following papers." Where are the following papers?

Mr. FITZGERALD. The papers are enumerated in a document. The words "the following" should be stricken out and the word "news" inserted in their place.

Mr. RODDENBERY. As a matter of fact the four vouchers contain the names of the papers?

Mr. FITZGERALD. Yes. The advertisements were inserted in advance of the authority.

Mr. RODDENBERY. It seems to me that language should come out of the paragraph.

Mr. FITZGERALD. Yes. I offer the amendment to strike out the words "the following" and insert the word "news."

The Clerk read as follows:

Amend, page 25, line 2, by striking out the words "the following" and inserting the word "news."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

To supply a deficiency in the appropriation "Provisions, Navy," including all objects mentioned under this title of appropriation in the naval appropriation act for the fiscal year 1912, $747,092.56.

Mr. RODDENBERY. Mr. Chairman, I have been unable to obtain the report of the committee, if there is one, accompanying this bill. I sent to the Clerk some time ago.

Mr. FITZGERALD. Here is a copy of the report.

Mr. RODDENBERY. May I inquire of the gentleman about the provision on line 5, page 26? The item seems to be for $747,092.56, including all objects mentioned under this title of appropriation in the naval appropriation act for the fiscal year 1912.

Mr. FITZGERALD. That is due to the increased cost of the rations to supply the Army.

Mr. RODDENBERY. The rations?

Mr. FITZGERALD. Yes. They are paying now, I think, 36 cents.

Mr. RODDENBERY. That is what I desired to develop. The addition in the cost of provisions at this time, as compared with what it was one year or two years ago, necessitates a deficiency of nearly $1,000,000. Is that the idea?

Mr. FITZGERALD. The increased cost from the time the estimates were submitted. The estimates for the current fiscal year were submitted about 18 months ago, and that was one reason. Another reason was the estimates were reduced $200,000 for the current fiscal year upon a report from the Pacific coast that it was believed that by a change of certain methods $200,000 could be paid. That proved to be erroneous, so that the deficiency is really about $1,000,000 instead of $747,000, because $200,000 of it was due to this reduction in the estimates, which should not have been made.

Mr. RODDENBERY. Would it be the opinion that subtracting $200,000 from the $740,000 it would leave about $500,000, which sum represents the increased cost of provision?

Mr. FITZGERALD. Almost entirely.

Mr. RODDENBERY. And it is not an increase due to the amount consumed, but to the price the Government has to pay?

Mr. FITZGERALD. To the price of the different articles going into the rations.

The Clerk read as follows:

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS.

For concrete and granite dry dock, $1,310.99.

Mr. BATHRICK. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 4, page 27, insert: "For payment of the prevailing rate of wages as determined by the wage board in accordance with law at the Washington Navy Yard, District of Columbia, for the fiscal year 1913, $120,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order it is not germane; it is not offered at the proper place; this is under the head of Public Works, Bureau of Yards and Docks, and the amendment of the gentleman is not germane to that point and it is legislation.

Mr. BATHRICK. Mr. Chairman, I contend this amendment is germane to the work and operation of the Bureau of Yards and Docks. That is the place where the men work, and that is the place where the men are paid; consequently it is germane to insert this item in this paragraph, and as far as being in accordance with the law, we have a law determining how wages shall be made, that is, by a wage board, and the wage board is instructed to pay the prevailing rates, and my amendment asks that the prevailing rates be paid as determined upon by the wage board. I think the gentleman's contention, that it is either not according to law or that it is not germane or that it is new legislation, falls.

Mr. FITZGERALD. The gentleman is clearly in error. This is under the head of Public Works, Bureau of Yards and Docks.

Mr. BATHRICK. Bureau of Yards and Docks; that is right.

Mr. FITZGERALD. The gentleman's amendment provides for an increase of compensation to men employed largely in the Ordnance Department. Under this head of public works there is no provision for the payment of mechanics at all. Certain public works are authorized, and this is a special deficiency in the sums required to complete them. The gentleman is attempting to put in under that heading an item to supply money to increase compensation of men employed in other departments in the Washington Navy Yard. The rule is explicit that these matters must be offered at the proper place in the bill. This is not the proper place.

Mr. BATHRICK. Mr. Chairman, I am convinced, as far as the gentleman's viewpoint is concerned, there will be no proper place in this bill, and I believe this amendment is according to law and that it is only requesting that the department pay the prevailing rate as fixed by the wage board. The board has plenty of warrant in the law to fix the prevailing rate. The board has fixed the rate, and we now ask that the money be appropriated for these payments.

Mr. MANN. Mr. Chairman, I hold in my hand the naval appropriation bill which has just passed the House to-day, reported from the committee of which the distinguished gentleman from Ohio is an honored member, having the same heading that there is in the deficiency appropriation bill, "Public works, Bureau of Yards and Docks, navy yard, Portsmouth, N. H., for fitting room, for storage of crane, garbage crematory," and other items—railway system, remodeling buildings, power plant, improvements, moving boiler shops, and such things as that—all public works, and which have nothing whatever to do with the men which the gentleman desires to increase, coming under the head of pay allowed under the increase of the Navy.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. WILSON of Pennsylvania. Would it be possible to do any work that is provided for in that division the gentleman has cited without the employment of men to do it?

Mr. MANN. I presume not.

Mr. WILSON of Pennsylvania. So that even in that it requires the employment of men in yards?

Mr. MANN. It does not carry any salaries whatever and there is no salary carried under the head of public works and in the Bureau of Yards and Docks, and the gentleman's committee makes up the form and the ruling has always been that you can not introduce in one part of the bill items that relate to another part of the bill, and the Committee on Appropriations has merely followed in this form the distinguished committee of which the distinguished gentleman from Ohio is a distinguished member. [Laughter.] That ought to hold the gentleman for a while.

Mr. BATHRICK. That ought to hold me; I think so. But this is not a joke with the men who are not receiving enough wages, notwithstanding the gentleman's facetious comment.

Now, Mr. Chairman, because the item that carries the appropriation in the naval bill for this increase for the fiscal year 1914 does not appear in exactly the place where the gentleman in order to support his contention would like to see it, it does not prove that the amendment I have offered is not germane to this section. There are many places where it could be put in, if the gentlemen who were opposed to us would be willing it should be there. And I think this is a hair-splitting proposition. I refer to the contention of the gentleman that it is not germane to a part of this bill that has to do with where the men are paid and where they receive the salary for their work.

The CHAIRMAN. The Chair does not think this amendment is germane to the paragraph, and therefore sustains the point of order.

Mr. BUCHANAN. Mr. Chairman, we seem to be operating strictly under the rule. I therefore make a point of order that there is no quorum present.

Mr. MANN. That is all right.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and one Members are present, a quorum. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE.

Enforcement of antitrust laws: For the enforcement of antitrust laws, on account of fiscal years, as follows:
For the fiscal year 1913, $65,000.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. My understanding is that this is a recommendation for a deficiency appropriation for the remainder of the fiscal year, from the 4th of March to the 30th of June, for the enforcement of the antitrust laws. My recollection is from the hearings that this appropriation provides, up to the present time, for all moneys expended during this fiscal year and all moneys that will be expended under existing prosecutions and existing contracts until the 30th of June.

Mr. BARTLETT. Will the gentleman permit? It is to cover services to be rendered in pending cases. In other words, wherever the fees are either agreed to or are to be paid, this amount is to cover what they owe and what they expect to pay for the services rendered in pending cases.

Mr. CANNON. In pending cases? That is as I understand it. The gentleman can always state it more correctly and tersely than I can myself, and I thank him. There is not one dollar provided by this bill for any additional case or cases?

Mr. BARTLETT. Not now begun——

Mr. CANNON. Any additional prosecutions of this great army, of this terrible army, on land and sea, the octopuses that are swimming about in the sea and flying in the air. Not one cent for expenditure for the commencement of proceedings and the enforcement of the antitrust act?

Mr. COX. They will obey the law under Democratic rule.

Mr. MANN. That is, the suits will obey.

Mr. COX. No; the men themselves and the corporations.

Mr. BARTLETT. All the money for pending suits is provided for.

Mr. CANNON. Precisely, but no new suits can be instituted during the remainder of this fiscal year by the incoming administration, by virtue of this appropriation.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. CANNON. One moment. By virtue of this appropriation——

Mr. FITZGERALD. The gentleman is mistaken in his facts.

Mr. CANNON. If I am, I am ready to be set right.

Mr. FITZGERALD. This carries sufficient money to carry on the fixed force; that is, octopus hunting; and to discharge the obligation of the Government up to the 30th of June to these high-priced Republican special counsels who have rendered various kinds of services, legal, political, and otherwise, and it is expected after the 4th of March the Attorney General will appoint as Assistant Attorneys General lawyers who will be able to do the work, and not necessitate the hiring of special counsel.

Mr. MANN. That is the reason you made the appropriation $300,000 for the next year instead of $230,000 for the current year?

Mr. FITZGERALD. Yes.

Mr. CANNON. Now, if I may be permitted to make my own talk, I will be very glad. [Laughter.]

I say again that there is not a dollar provided for the institution of new suits.

Mr. FITZGERALD. That is a mistake. There is money provided for new suits, but there is no money provided to put on a lot of useless special attorneys. The Democratic administration will discharge all of these men who were on the per-

manent organization and put in real lawyers in place of those former distinguished officials of a former administration.

This bill provides money, for instance, to pay former Secretary Dickinson the balance of a $40,000 fee for services in the steel case. The incoming Democratic administration will appoint good Assistant Attorneys General, who will be able to handle the cases at an annual salary and do the work much more efficiently than did those high-sounding, distinguished gentlemen who got big money and did little work. You did not have any of those efficient Assistant Attorneys General in the former administration, but we may have them after the 1st of July. [Laughter.]

Mr. CANNON. Mr. Chairman, I would be glad, after the gentleman from New York [Mr. FITZGERALD] has stated for the second time what he stated the first time, taking up most of my five minutes, and after the gentleman from Georgia [Mr. BARTLETT] has sandwiched his remarks into the middle of what I tried to say, to have five minutes for myself. [Laughter.]

Mr. FITZGERALD. Well, Mr. Chairman, if the gentleman from Illinois thinks he can subserve any useful purpose thereby, I hope he will have it.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, the Sherman antitrust act has been enforced with greater vigor under the present administration than it was ever before enforced since its enactment in 1890, and it is efficient work that has been done.

Oh, the gentleman from New York speaks of the "high-priced lawyers." Yes. These octopuses that the gentlemen dream of at night [laughter] can hire high-priced lawyers, and do hire them, and the United States Government has undertaken, in the prosecution of these various combinations, to get counsel that were equal to those that the people prosecuted could get. The district attorneys, you know, are busy in the various districts attending to current business. I recollect very well when the gentleman from Georgia, in 1903, I believe, when this item was being appropriated for on the legislative bill——

Mr. BARTLETT. In 1902——

Mr. CANNON. Yes; in 1902, when the gentleman from Georgia, on the legislative bill, which did not carry those appropriations, if I remember correctly, moved to appropriate and succeeded in appropriating $500,000—or was it a million?

Mr. BARTLETT. Oh, no. I offered an amendment for $250,000, and the gentleman from Iowa, Mr. Smith, at the suggestion of the gentleman from Illinois, who was chairman of the Committee on Appropriations, said: "Oh, make it $500,000."

Mr. CANNON. Precisely; $250,000 was proposed, and it was made $500,000. Now, that was when we had the administration, and these appropriations have been made, the prosecutions have been instituted, convictions have been had, and the law has been and is being construed from day to day; but when you come in there is not one cent in this special appropriation for services in cases to be instituted between now and the 30th day of next June. If you think that is all right, so be it, and all I desire to do is to call attention to what you propose. Possibly you may think—I do not know—that there will be no time to pay any attention to the enforcement of the law while you gentlemen over there are disposing of the pie counter. [Laughter.] That is all right.

The gentleman speaks of "distinguished lawyers." Those lawyers, so far as I know and believe, who have been employed from year to year under these appropriations have been paid well, but they have brought wonderful results. Great heavens, what has this House itself done in paying attorneys' fees? Take your Untermyers, take your Brandeises, and others. What have they done? What results have they brought?

Mr. CAMPBELL. Nothing.

Mr. FITZGERALD. Well, we left but two States in the Republican column, and those are the smallest in the Union. That ought to be enough for the gentleman from Illinois in one year. [Laughter.]

Mr. CANNON. Yes; and now that you have got it, what will you do with it? [Laughter.] This is the beginning. The gentleman says, "Two States in the Republican column." Yes; the Republican Party was divided and you conquered.

Now, I had no thought when I rose of doing anything more than to call attention to what this appropriation fails to do, or fails to enable the incoming administration to do; but no sooner had I tried to state what I desired to in a mild-mannered way than the gentleman from Georgia [Mr. BARTLETT] figuratively flapped his wings and the gentleman from New York [Mr. FITZGERALD] figuratively flapped his wings and proceeded to try to set a back fire.

In conclusion I want to say to you gentlemen on that side that it is up to you to make this appropriation. If you do not want any money for the incoming administration for this purpose for the coming four months you have the right to withhold it. The octopuses may grow in the meantime. God knows. It may be that they will flee unto the mountains and gnaw a file. I hope so, but they did not under your former Democratic administration and will not under this coming administration unless the laws are enforced.

Mr. FITZGERALD. Mr. Chairman, on the 1st of February there had been expended of the $200,000 appropriation but $104,000. According to the statement of the Assistant Attorney General in charge of this work, the $96,000 remaining unexpended was ample to meet all the obligations incurred as a result of the maintenance of a permanent organization which has been effected in the Department of Justice to carry on prosecutions under the Sherman antitrust act. Sixty-five thousand dollars additional is required to pay counsel who have been employed in this administration, especially in certain cases, for services rendered or to be rendered up to June 30 of this year. The committee desired to discharge such obligations, and recommend the amount necessary to do so. They believe that the money available to maintain this permanent organization will be sufficient to carry on the work of the prosecution of offenders under the Sherman antitrust law until the 30th of June, and on that day there will become available an appropriation of $300,000 for this work.

In view of the fact that on the 4th of March a new administration is coming in to take possession, it will necessarily take some time, a few months at least, to effect its own organization and arrange to carry out its own policies. The committee therefore saw no necessity to appropriate any additional money at this time, in view of the lack of information as to just what purpose any additional money could be applied to. I believe gentlemen on that side need not worry very long after the 4th of March as to the lack of effectiveness and efficiency and aggressiveness of the Democratic administration in enforcing the Sherman antitrust law.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For payment of salaries, fees, and expenses of United States marshals and their deputies, including the office expenses of United States marshals in the District of Alaska, to include payment for services rendered in behalf of the United States or otherwise, and including services in Alaska and Oklahoma in collecting evidence for the United States when so specially directed by the Attorney General, $125,000.

Mr. HAMLIN. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a question. On line 1, page 34, I see the words—

For services rendered in behalf of the United States or otherwise.

What is meant by the expression "or otherwise"? What service is that?

Mr. FITZGERALD. Some of the services rendered by marshals are not on behalf of the United States, but are on behalf of parties to litigation.

Mr. HAMLIN. Do you mean to pay the costs that the Government is liable for, for serving subpœnaes, processes, and so forth, for parties to litigation?

Mr. BARTLETT. That sometimes happens, where the defendant is too poor to pay the fees.

Mr. HAMLIN. I am very well aware of that fact, and I wanted to find out if that was what this means.

Mr. BARTLETT. That is all it means.

Mr. FITZGERALD. And when fees are covered in, payments are made out of the appropriation.

Mr. HAMLIN. I suspected that; but I wanted to know about it.

Mr. BARTLETT. That is it.

The Clerk read as follows:

BUREAU OF STANDARDS.

The following additional positions are required in the Bureau of Standards for the period from March 5, 1913, for the balance of the fiscal year 1913, namely: One watchman, at the rate of $720 per annum; one fireman, at the rate of $720 per annum; one assistant engineer, at the rate of $1,500 per annum; two laborers, at the rate of $660 each per annum; in all, $1,372.66, or so much thereof as may be necessary.

Mr. MANN. Mr. Chairman, I move to strike out the last word. On page 41, line 9, it says, "The following additional positions are required in the Bureau of Standards." The gentleman from New York and I are somewhat particular as to the language of bills. Should not that read, "For the following additional positions in the Bureau of Standards"?

Mr. FITZGERALD. The words "are required" should be stricken out.

Mr. MANN. And insert the word "for" at the beginning.

Mr. FITZGERALD. Mr. Chairman, I move to amend by inserting at the beginning of line 9, page 41, the word "for" and striking out the words "are required."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 41, line 9, insert the word "for" at the beginning of the line and strike out the words "are required."

The amendment was agreed to.

The Clerk read as follows:

For allowances to the following contestants and contestees for expenses incurred by them in contested-election cases, as audited and recommended by the Committee on Elections.

Mr. REILLY. Mr. Chairman, I notice in the expenses paid for contestants and contestees in election cases that one is allowed $2,000 and another party $1,200. I would like to ask the chairman of the committee why this difference in amounts?

Mr. FITZGERALD. Under the statute the Committee on Elections has jurisdiction to examine, audit, and report the amount that should be allowed for the expenses for the contestant and contestee within the sum of $2,000. These are the sums certified by the Committees on Elections under the statute.

Mr. BARTLETT. Mr. Chairman, I desire to state that the Committee on Elections, unless some objection is made, usually allows within the $2,000 the claims presented by the contestant and the contestee. These are the exact amounts that appear to be claimed by both the contestant and the contestee. In the one case mentioned by the gentleman from Connecticut the full amount was claimed and allowed, and in the other, I suppose, the contestant claimed but $1,200, and that was the amount that the committee certified to upon the vouchers presented to the committee by the contestant.

Mr. REILLY. Has his committee any knowledge outside of the certification of the Committee on Elections?

Mr. BARTLETT. None whatever; we take the certificate of the Committee on Elections.

Mr. WILLIS. Mr. Chairman, I notice, on page 42, line 15, an item for George E. McLean, $2,000, and on page 43, George R. McLean, $2,000.

Mr. FITZGERALD. That is a duplication, and an amendment will be offered striking one out.

Mr. WILLIS. I am familiar with the one case, but did not know about the other.

Mr. FITZGERALD. It happened in this way: The matter was first certified with one initial by an acting chairman, and later certified with a different initial by the chairman of the committee. The committee thought it was two different persons, but upon further investigation, the matter being discussed, it was found that it was the same man in the same contest.

Mr. WILLIS. My recollection is that George R. McLean is the correct name.

Mr. MANN. Doubtless the gentleman is correct, and these two names are the same person. My observation has been in contested-election cases, and I have served on the committee a long time and have had considerable experience, that both the contestant and the contestee put in claims. I notice that there are just 20 names here that cover 10 contested-election cases. Now, if one goes out it leaves one man short somewhere. We have a claim pending now before the House asking for pay of expenses in a contested-election case from New Mexico that occurred about the time I was born.

Mr. FITZGERALD. In one of the Oklahoma cases the sitting member was allowed $225 and the contestant was allowed nothing; that will account for it.

The Clerk read as follows:

George E. McLean, $2,000.

Mr. FITZGERALD. Mr. Chairman, I move to strike out all of line 15.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 42, line 15, strike out all of the line.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. If the $2,000 allowed to George E. McLean, on line 15, page 42, be stricken out, the total should be corrected.

Mr. FITZGERALD. Mr. Chairman, it is customary to correct the totals at the end of the bill. It saves considerable time. The Clerk is usually given authority to correct the totals.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman stated a moment ago that not more than $2,000 was allowed to any contestant. That is the existing law, as I understand it. Here is an expenditure of public money which, as amended, will amount to $31,815.07. This item might well attract the attention of the economists of the House, as well as those Members of the House who desire to faithfully perform their services as Members. There is no more annoying performance than that of a contest, and sometimes there is mighty small reason for the contest, but the knowledge which the contestant has that it is possible for him or his attorneys to obtain $2,000 in the event of his instituting a contest, practically makes an inducement for those defeated candidates for Congress who desire to annoy the sitting Members to file contests.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MANN. There is one item in this bill in favor of one contestant who has been carried in some form, either for a larger or smaller amount, for the last 10 or 20 years, every 2 years.

Mr. MOORE of Pennsylvania. Yes; and it apparently pays that contestant to bring his contest every session of Congress.

Mr. MANN. It pays him! Why, he lives on what he gets from this allowance.

Mr. MOORE of Pennsylvania. It annoys and harasses the sitting Member so that it makes it impossible for him to properly perform his duty as an official of the Government.

Mr. AUSTIN. Mr. Chairman, will not the gentleman from Pennsylvania give the name of that contestant?

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not care to mention any names just now, but I wish to say this, that my belief is that certain contestants have come to regard this $2,000 not only as a possibility but as a sure thing, and that the $2,000 inducement to bring a contest against a sitting Member is sufficient to harass that Member during the whole of his term. We have here 20 instances of the payment of money to those who instituted contests, and to those who were obliged to defend contests in this House. It is not fair to a man who comes to Congress, elected by the people, having a majority of the votes, that he shall be annoyed from the very beginning of his term by some one who has the time and the opportunity and the financial inducement to follow on his heels either personally or by counsel throughout the whole of his two years' service. I have no doubt if the various committees on contested-election cases were called upon to testify they would say that they have evidence that it appears to them that there are some attorneys as well as some contestants who have gotten it into their heads that the mere filing of a notice to a man who has succeeded in an election is sufficient to either be bought off by the man who holds the seat or to warrant ultimately the payment of a sum not exceeding $2,000 to bring the contest and harass the sitting Member and make out of it what is to be made. A number of contests were brought at the beginning of the Sixty-second Congress that have already been withdrawn, and in some instances the same attorney has appeared more than once. That is to say, he has appeared in more than one case, and it does seem as if the time had come when for their own protection the Members of this House should repeal the law which provides a premium of $2,000 to a man to bring a contest and to put the burden of proof upon the contestant rather than to put the annoyance upon the contestee.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if the statement made by the gentleman from Illinois [Mr. MANN] is correct, that one of these contestants has been coming here for years?

Mr. FITZGERALD. I think one of these individuals has appeared here with persistent regularity.

Mr. AUSTIN. Mr. Chairman, I will ask the gentleman to give me his name, so that I may move to strike it out of the bill.

Mr. FITZGERALD. It is in line 17, page 42.

Mr. AUSTIN. Mr. chairman, I move to strike out line 17, page 42.

The Clerk read as follows:

Amend, page 42, line 17, by striking out all of the line.

Mr. HAMILL. Mr. Chairman, before the House undertakes to strike out this line, let us, in fairness, consider whether it should take the step or not.

I fully agree with the gentleman from Pennsylvania [Mr. MOORE] in his opinion that men who bring contests captiously, who come before the Elections Committees without a valid or probable cause of contest, and whose only purpose is to obtain the allowance given to the contestant, ought to be discouraged in their actions. There is no more disagreeable thing to the Committees on Elections than to have contests referred to them that have no just cause for complaint. It annoys the committee; it is unjust to the House. This man Prioleau is a colored man who has been contesting the seat of one of the Members from South Carolina. The members of the committee were well aware of the fact that a contest had been brought

by Prioleau a number of times. They were fully suspicious that in bringing this contest the contestant may not have been honest, and that his purpose was only to obtain the fees, and because of that this case of Prioleau against Legare received the most careful consideration of the Committee on Elections No. 2, both by the Republican and Democratic members.

They came to the conclusion that there was merit enough in this suit to justify them in giving the amount of $1,000. Now, somebody said here that this man had contested this suit for something like 12 times. I do not care if he has contested it for 50 times. We try each case on its own merits. We are not trying any man on the actions of his life; we are judging a particular state of facts that exist in the case under consideration, and we were satisfied by a unanimous vote—by the vote of every man on the committee, Republicans and Democrats—after a discussion that lasted over an hour, that this man was entitled to this $1,000, and that he ought to receive it. Now, I have no interest in the case; I do not care whether you strike out this $1,000 or whether you retain it. I do know, however, there is no member of this committee who wants to be unjust; who does not believe that if this man had a just cause to bring this contest to this Congress he should receive the money he is honestly entitled to.

Mr. HAMLIN. Will the gentleman yield?

Mr. HAMILL. With pleasure.

Mr. HAMLIN. If the gentleman found merit in the claim why did not he present a claim to cover the full $2,000?

Mr. HAMILL. He presented a claim for about $2,000. The committee then audited the claim. There is no oral testimony; there is no one to give oral testimony, but you take the sworn statements——

Mr. HAMLIN. I understand you took the receipted vouchers.

Mr. HAMILL. Sworn to; and then considered whether the items in them were proper or not.

Mr. HAMLIN. If you passed it clearly on the question of merit, how did you find it was just one-half meritorious? Why did you not allow the full amount if you thought it was a meritorious claim?

Mr. HAMILL. I will explain to the gentleman. It did come to something over $1,000, probably to about $1,100, and in order that the committee might be on the safe side and not vote the public moneys hastily, after due deliberation we thought that $1,000 would be a fair amount.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMILL. I ask for sufficient time to cover my remarks; they will not last more than a few minutes.

Mr. HAMLIN. I ask that the gentleman may have three minutes more. I took up some of his time.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. HAMILL. We figured those things out in a very reasonable way, and we came to the conclusion in the same way as other committees in making up their accounts that this man was entitled to $1,000. Now, as I said to you gentlemen, I do not care whether you adopt this amendment or defeat it. I think the man is entitled to $1,000. I have considered it carefully, and so have all the members of the Committee on Elections No. 2. If you gentlemen who have not considered it and to whom the statement of this case is, perhaps, new desire to strike the appropriation out of the bill you are, so far as I am concerned, at perfect liberty to do so.

Mr. SAMUEL W. SMITH. Did he have any counsel before the committee?

Mr. HAMILL. Yes; he had counsel before the committee.

Mr. MANN. Does the gentleman remember how many votes this man received at the last election?

Mr. HAMILL. I do not remember anything about the case just now, but the papers amply support——

Mr. MANN. Well, the case was directly before the gentleman's committee, and he does not remember anything about it.

Mr. HAMILL. Do not let the gentleman be too hasty. Let me say this to him: That he filed depositions showing he received over a thousand votes.

Mr. MANN. I venture to say the gentleman is mistaken, and that he never received a thousand votes in all the time that he ran for Congress.

Mr. HAMILL. I have not the slightest hesitancy in assuring the gentleman that he is mistaken.

Mr. MANN. I heard the case three or four times.

Mr. SHERLEY. Was the same contest made this time that was made in the Sixty-first, the Sixtieth, the Fifty-ninth, and Fifty-eighth Congresses?

Mr. HAMILL. I do not know what the grounds were in the other contests.

Mr. ANDERSON. The fact of the matter is the ground of the contest was purely constitutional?

Mr. HAMILL. Not purely.

Mr. ANDERSON. Well, almost entirely so.

Mr. HAMILL. Not almost entirely so. That was one of the questions involved in the case

Mr. MANN. I understood the gentleman to say that this man claimed he received over a thousand votes?

Mr. HAMILL. Yes.

Mr. MANN. I will venture to say there is no such evidence in the case.

Mr. MOORE of Pennsylvania. The majority of the elected Member was overwhelming, was it not?

Mr. HAMILL. No. It was overwhelming after we refused to concede votes that the contestant himself claimed he was entitled to.

Mr. MOORE of Pennsylvania. Will the gentleman enlighten the House as to the procedure in election contest cases? I think the majority of the Members have not given it very much thought. Is it not a fact that after an election, within 30 days from the time the returns are certified, the contestant may, by writing a letter to the sitting Member, bring on a contest without any other formality whatever?

Mr. HAMILL. So far as the committee is concerned with the case, here is what happened: The case was referred to the committee by the Speaker of the House——

Mr. MOORE of Pennsylvania. The gentleman does not understand.

Mr. HAMILL. The printed briefs are given to us and——

Mr. MOORE of Pennsylvania. Pardon me, the gentleman does not understand the purport of my question. If I am contesting the gentleman's election, I am obliged to give him notice within 30 days?

Mr. HAMILL. Yes.

Mr. MOORE of Pennsylvania. Within 30 days after his election is certified by whatever authority it is certified. That compels him, the elected Member, to at once respond to me, the contestant, and from that time forward practically to be at my beck and call anywhere in this wide land of ours to take testimony. Is not that a fact?

Mr. HAMILL. That may be a fact.

Mr. MOORE of Pennsylvania. Can not a contestant take a Member off of the floor into another State in order to defend himself in an election case?

Mr. HAMILL. I do not know whether he can or not. I am only interested in showing that this contestant ought to get $1,000.

Mr. AUSTIN. Mr. Chairman, I hold in my hand the New York World Almanac, containing the election returns from that district, and this candidate's vote is given at 75.

Mr. BARTLETT. That was in a presidential election, too.

Mr. AUSTIN. In a presidential election. There is not a stronger Republican on this floor than myself, and it is all folly to talk about a Republican being elected in South Carolina under present conditions in that State. It is an insult to the membership of this House for a man to come here year after year with a contest from South Carolina and impose upon the taxpayers of the United States to pay him from one to two thousand dollars for such alleged contest. Now, let this candidate go into some other industry. [Laughter.]

The member of the Committee on Elections [Mr. HAMILL]—and I have no criticism to make of him—speaks about doing justice. We must do justice by the people who are taxed and whose money is in the Treasury, out of which we are to pay this $1,000. [Applause.]

Mr. HAMILL. Will the gentleman yield for a question?

Mr. AUSTIN. I would just as soon go up to the Treasury Department with a dark lantern and abstract a thousand dollars of the people's money as to vote for this item in this bill, and I will not do it.

Mr. HAMILL. Of course I can not help the gentleman if he wants to vote without evidence. That is something he must decide for himself. We have decided it according to the evidence and according to the procedure before us. That is the great difference between myself and the gentleman from Tennessee.

Mr. AUSTIN. I am speaking about evidence. Every time this man has had a contest in a Republican or Democratic Congress the committee have carefully given him a hearing, listened to his testimony, and have come in here in every instance with a unanimous report against him.

Mr. BARTLETT. And the contest has already been made on the identically same grounds for all the years past.

Mr. AUSTIN. Every Republican member of the committee and every Democratic member of the committee has written in every report "You have no case," and in every instance his contest has been followed by an appropriation to pay him from $1,000 to $2,000 for instituting it; and I venture the assertion that if this money is voted here to-night, although this man re-

ceived in the last election only 85 votes, according to the figures, he will be here with another contest in the next Congress.

Mr. CANNON. Mr. Chairman, I want to call attention to these items. There are 20 of them, for contestants and contestees. Here are 10 contests, and out of that number I believe one man has been unseated.

Mr. FOSTER. Two of them have been unseated.

Mr. COVINGTON. There were 10 contests.

Mr. CANNON. Yes; there were only 10 contests and 2 have been unseated. Then 8 have made contests in which they failed, and I believe that in each contest the committee that investigated the case has recommended this allowance.

Now, I know it is uncomfortable for a man who gets a certificate to have a contest made on him, and yet, after all, contests are at times necessarily and worthily made. Some years ago—I think it was 20 years ago—the expenses of contests were so great that a provision of law was enacted as to contests, limiting the amount that could be paid in each case to $2,000. Frequently the expenses in those days would mount up to ten or fifteen thousand dollars, and I think in one case in Ohio they ran up to $19,000.

Mr. HAMILL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CANNON. Yes.

Mr. HAMILL. In one of these cases I know that the contestant and the contestee spent over $5,000 apiece.

Mr CANNON. There is no such provision of law with respect to the Senate. It affects only the House. I am not complaining of the law which provides that the allowance shall not exceed $2,000, and yet if there be real grounds for a contest and a man is trying to establish his right to a seat that he is prevented from occupying on account of fraud, everybody is interested; each citizen is interested in it.

I do not know this man, and, like the gentleman on the committee who has addressed this committee, I do not care, so far as I am concerned, what becomes of this item. But the committee has unanimously recommended this $1,000. If we are to go back and revise, without looking at the record, and say that this man has made many contests and that no man can be elected from South Carolina who is a Republican, I suppose we shall get into trouble. I do not know whether this man is a Republican or not, or whether he has any politics or not—this man who has made the contest. [Laughter.] But I am not willing to turn down the recommendation of this committee, and I may say I have just as much knowledge touching this contest as I have with respect to the other nine contests. So far as I am concerned I am going to vote against this amendment. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Tennessee [Mr. AUSTIN].

The question was taken, and the chairman announced that the "ayes" seemed to have it.

Mr. CANNON and Mr. HAMILL demanded a division.

The committee divided; and there were—ayes 55, noes 36.

So the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask that the remaining items in this group be passed over for the present. It is a question whether some provision has not been made for some of the persons included in these paragraphs. I want to have an opportunity to look into the matter.

Mr. MANN. A provision made when?

Mr. FITZGERALD. In the last general deficiency bill. I ask that they be passed over for the present.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the items of these paragraphs be passed over for the present. Without objection, it will be so ordered.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To continue the employment of seven messengers, at $100 per month each, in the post office of the House of Representatives, from March 4 until December 1, inclusive, 1913, $6,230.

Mr. LLOYD. Mr. Chairman, I wish to offer an amendment on page 43, line 16, to strike out the words "March 4" and insert the words "April 1." You will find on examination that existing law provides for payment up to and including March 31.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. LLOYD].

The Clerk read as follows:

Amend, page 43, line 16, by striking out the words "March 4" and inserting the words "April 1."

Mr. MANN. Mr. Chairman, it may be that the committee has knowledge of the necessity of employing these seven post-office messengers during the vacation after the special session. Of course, I do not have. They might be competent to do the work at that time, but they are not competent to do the work well at this time.

There is universal complaint in the House about the post office of the House. I do not know whether it is the lack of numbers of messengers or the lack of something else, but there is a decided lack somewhere in connection with the House post office. I do not know that the gentleman from Missouri [Mr. LLOYD] is to be held responsible for that, though I believe he is the head of the patronage committee. Why should this provision be made beyond the end of the session? What will these messengers do in the summer time?

Mr. FITZGERALD. They will deliver mail, as they have done for the last 16 years.

Mr. MANN. I think they have not delivered mail for the last 16 years.

Mr. BARTLETT. This is the same thing which has been carried heretofore.

Mr. MANN. I do not think you will find this provision in any former appropriation bill.

Mr. FITZGERALD. They have always been carried.

Mr. MANN. They have not always been carried.

Mr. FITZGERALD. They always have during my service.

Mr. MANN. I think they have not always been carried during the gentleman's service in the House. How long they have been carried I do not know. We have had several resolutions concerning these messengers in the House post office. Will the gentleman from Missouri [Mr. LLOYD] say how long since we passed such a resolution?

Mr. LLOYD. Mr. Chairman, just before the close of the last session, providing for the interim.

Mr. MANN. We passed a resolution at this session relating to employees of the post office, I think. There is not the slightest use for these messengers during the recess, when Congress is not in session. They may need one, but they do not need the seven. The fact is that before the House Office Building was constructed we used to have these messengers deliver mail at the residences of Members of Congress.

Mr. BARTLETT. We do now.

Mr. MANN. Some Members may receive their mail at their residences now. I receive a copy of the CONGRESSIONAL RECORD at my house, delivered through the House post office, though generally it comes after the one delivered through the city post office, and it does not come in respectable shape. It does not always come at all through the House post office, but always comes through the city post office. But since the House Office Building was constructed most of the mail is delivered there at some time during the day or week.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. LLOYD].

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the Clerk be authorized later to change the totals. They must be computed.

The CHAIRMAN. The gentleman asks unanimous consent that the Clerk be authorized to change the totals. Is there objection?

There was no objection.

Mr. FITZGERALD. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ADAIR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes, and had come to no resolution thereon.

FLOODS ON THE MISSISSIPPI (H. DOC. NO. 1453).

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to have printed as a public document a report of Maj. J. E. Normoyle, of the Quartermaster's Department, on the work that he had charge of last summer in connection with the floods on the Mississippi and the distribution of the fund for the relief of the flood sufferers.

The SPEAKER. The gentleman from Mississippi asks to have printed as a public document the report of Maj. J. E. Normoyle on the floods on the Mississippi River last year. Is there objection?

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 26874, the Indian appropriation bill, and disagree to the Senate amendments, and ask for a conference.

Mr. MANN. I think the gentleman better ask that it be printed with the Senate amendments.

Mr. STEPHENS of Texas. The Senate has printed the bill.

Mr. MANN. It can be printed by to-morrow, with the Senate amendments numbered.

Mr. STEPHENS of Texas. Then, Mr. Speaker, I will change my request, and ask to have it printed with Senate amendments numbered.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

LEAVE TO ADDRESS THE HOUSE.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask unanimous consent that the gentleman from Kentucky [Mr. SHERLEY] at a later day, when the Speaker recognizes him, and the public business is in such a condition that he can receive recognition, may have 40 minutes in which to address the House on the subject of a budget.

The SPEAKER. The gentleman asks unanimous consent that at such stage of the proceedings as the Chair can recognize the gentleman from Kentucky, he may have 40 minutes to address the House on the subject of a budget.

Mr. MANN. Reserving the right to object, which I do not intend to do, how will the Speaker determine that? Is the request that the Speaker may recognize him at any time?

The SPEAKER. The request is that when the public business is in such a condition that he may receive recognition the Speaker may recognize him. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I make the same request for the gentleman from Ohio [Mr. LONGWORTH], who is shortly to leave us and who desires a little time when it is convenient.

The SPEAKER. The gentleman from Illinois makes the same request for the gentleman from Ohio [Mr. LONGWORTH]. Is there objection?

There was no objection.

A BUDGET.

The SPEAKER laid before the House a message from the President of the United States, which was read, ordered printed, and referred to the Committee on Appropriations, together with the accompanying documents, for the Committee on Appropriations to determine what should and what should not be printed.

[For message, see Senate proceedings of this day.]

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 27827. An act to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3947. An act to provide for a bridge across Snake River, in Jackson Hole, Wyo.

GIBBES LYKES.

Mr. LEVER. Mr. Speaker, I move to suspend the rules and pass the bill S. 6176, an act for the relief of Gibbes Lykes.

The Clerk read the bill, as follows:

Be it enacted etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Gibbes Lykes, late a second lieutenant of Cavalry in the United States Army, to be a second lieutenant of Cavalry in the United States Army, to take rank at the foot of the list of second lieutenants of Cavalry: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act.

The SPEAKER. Is a second demanded?

Mr. FOSTER. I demand a second.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

TIMBER CUT ON PETACA LAND GRANT.

Mr. McKENZIE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 7385) to relinquish the claim of the United States against the grantees, the legal representatives and assigns, for timber cut on Petaca land grant, which I send to the desk and ask to have read:

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States of America hereby forever relinquish, release, satisfy, and discharge all right, claim, and demand which they have or may have against the original grantees, their heirs and assigns, of the tract of land which is known as the Petaca grant, being private land claim No. 72, situate in the county of Rio Arriba, in the State of New Mexico, for timber and lumber cut and removed therefrom by said grantees, their legal representatives or assigns, prior to December 18, 1899, being the same tract of land which was recommended to be confirmed by Congress to Jose Julian Martinez and others and their legal representatives or assigns by James K. Proudfit, surveyor general of the Territory of New Mexico, on February 20, A. D. 1875, which said tract of land was thereafter officially surveyed and platted in the said surveyor general's office and found to contain 186,977.11 acres, and the whole thereof, as so surveyed, having been held and claimed in good faith as their property from 1836, by said Jose Julian Martinez, his associates and their heirs, legal representatives and assigns, until December 18, 1899, when on an appeal from a decision of the Court of Private Land Claims, which had confirmed said grant in favor of said Jose Julian Martinez and his associates, their heirs and assigns and legal representatives, the Supreme Court of the United States reversed said decision and limited said grant to a less amount of said land, said timber and lumber having been cut and removed therefrom while they so held and claimed said land in good faith, and from the portions thereof adjacent to the Denver & Rio Grande Railroad.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

Mr. MANN. Mr. Speaker, I ask unanimous consent to have the report of the committee printed in the RECORD in connection with the passage of the bill.

The SPEAKER. Is there objection?

There was no objection.

The report is as follows:

TO RELINQUISH CLAIM OF THE UNITED STATES FOR TIMBER CUT ON PETACA LAND GRANT.

Mr. HOWLAND, from the Committee on the Judiciary, submitted the following report to accompany S. 7385:

The Committee on the Judiciary, having had under consideration the bill S. 7385, reports the same back to the House without amendment, with the recommendation that it do pass.

A statement of the facts on which this recommendation is based is contained in a letter from the Attorney General of the United States dated January 28, 1913, addressed to the chairman of the Committee on the Judiciary, and which is printed in full as a part of this report.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., January 28, 1913.

Hon. HENRY D. CLAYTON,
Chairman Committee on the Judicary,
House of Representatives.

DEAR SIR: I have yours of the 25th instant, handing me copy of bill (S. 7385) to relinquish the claim of the United States against the grantees, their legal representatives and assigns, for timber cut on Petaca land grant.

This bill proposes to relinquish, release, satisfy, and discharge all right, claim, and demand which the United States may have against the original claimants of the Petaca land grant for timber cut and removed therefrom by the claimants, their legal representatives and assigns, prior to December 18, 1899, and I understand your committee desires all the information in the possession of this department relative to the propriety or advisability of the proposed legislation.

I have the honor to advise you that from information furnished by the Interior Department it appears that the Petaca land grant in New Mexico was favorably reported by the surveyor general of the then Territory of New Mexico, and a preliminary survey was made of the grant, showing the same to embrace an area of approximately 187,000 acres. This report of the surveyor general was transmitted to Congress January 21, 1887, by the Secretary of the Interior, who expressed the opinion that the area should be limited to the quantity occupied and cultivated by those who claimed the grant in 1848, and ought not in any event to exceed the limitation of town grants, namely, four square leagues.

The grant was never confirmed by Congress, and when the Court of Private Land Claims was established proceedings were had before that court which resulted in a decree, entered December 1, 1896, whereby the court held that the title to the land claimed, embracing a total of approximately 187,000 acres, was valid and the title thereto confirmed in the claimants. However, an appeal from that decision was taken to the Supreme Court of the United States, where a decision was rendered reversing the action of the Court of Private Land Claims and confirming the grant for a very limited area (United States *v.* Pena, 175 U. S., 500). The timber mentioned in this bill was cut from the area excluded from the grant under the Supreme Court's decision.

As early as 1883, one S. S. Farwell claimed an interest in the grant, and some time later he, with L. Z. Farwell, of Freeport, Ill., and Marcus Z. Farwell, of Denver, Colo., made a contract with one Harry S. Buckman, of Colorado Springs, Colo., authorizing the latter to cut timber on lands within the claimed limits of the grant. Under this contract Buckman cut some 27,000,000 feet of timber. On August 12, 1886, L. Z. Farwell and S. S. Farwell entered into a contract with R. W. Stewart and E. H. McConnell whereby the two latter were permitted to cut timber from the grant at a stumpage price of $2.50 per thousand. Under this contract Stewart and McConnell cut some 33,000,000 feet of timber.

Based on recommendations from the Interior Department, suit has been instituted against Buckman and the Farwells to recover the value of the 27,000,000 feet cut by Buckman at $2 per thousand, and suit is contemplated against Stewart and McConnell and the Farwells to recover some $82,000, the value of the 33,000,000 feet cut by Stewart and McConnell under their contract. The Interior Department regards both trespasses as innocent and for that reason recommended suit for the stumpage value of the timber only.

The timber was cut in both instances more than 20 years ago, and at a time when the Farwells, who claimed to own the grant, and probably everybody else interested in the matter believed the title to be good. So far as this department is advised there is no evidence whatever to show any bad faith, and, while the Government has a legal claim against those who cut the timber, because the lands having been eliminated from the grant by the decision of the Supreme Court, actu-

ally belonged to the United States, it seems exceedingly harsh to attempt to enforce the Government's claim at this late day. Some of the original parties are dead, and the suit must necessarily be brought against their heirs.

In view of the entire situation, I think that Congress should grant the relief proposed by this bill, and I therefore unhesitatingly recommend its passage.

Very respectfully, GEORGE W. WICKERSHAM,
Attorney General.

REGULATING TRAFFIC IN ADULTERATED AND MISBRANDED GOODS.

Mr. COVINGTON. Mr. Speaker, I call up the conference report on the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded and poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Maryland calls up a conference report, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1579).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter stricken out and the insertions made by said amendment, insert the following:

"That reasonable variations shall be permitted, and tolerances and exemptions as to small packages and containers shall be established by rules and regulations made in accordance with the provisions of section three of this act."

And the Senate agree to the same.

W. C. ADAMSON,
J. HARRY COVINGTON,
F. C. STEVENS,
Managers on the part of the House.

GEORGE T. OLIVER,
ROBERT M. LA FOLLETTE,
E. D. SMITH,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on H. R. 22526, an act to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, submit the following statement:

This bill as it passed the House amended section 6 of the pure food and drugs act of 1906 so as to require the weights of the contents of all packages of food products entering into interstate commerce to be plainly stated on the outside of the package. The bill then provided that reasonable variations should be permitted and tolerances established by rules and regulations made in accordance with the provisions of the pure food and drugs act. The rules and regulations would be made under that law by the Secretary of the Treasury, Secretary of Agriculture, and Secretary of Commerce and Labor.

The Senate amended the bill by striking out that proviso and authorizing the Secretary of Agriculture alone to establish rules and regulations where in his judgment exactness in the weight of the contents of the package is impossible, and providing an absolute exemption for all articles in packages selling at retail for 6 cents or less.

The effect of the receding by the Senate from its amendment No. 1 and the insertion in lieu thereof of the proviso as agreed upon by the committee of conference is to restore the bill practically to its original House form.

The effect of the receding by the House to Senate amendment No. 2 is simply to make the bill become effective six months later than provided in the House bill.

W. C. ADAMSON,
J. H. COVINGTON,
F. C. STEVENS,
Managers on the part of the House.

Mr. FOSTER. Mr. Speaker, I desire to ask the gentleman from Maryland if the bill gives the variation as to weight that was provided in the House bill?

Mr. COVINGTON. Mr. Speaker, the conference report restores it to the same form that the bill was originally in when it passed the House, with the exception that there is now inserted after the word "tolerances" a provision that the three Secretaries shall in addition establish reasonable tolerances and exemptions of small packages. It really leaves it in practically the same form that it was when it passed the House.

Mr. MANN. What we intended originally?

Mr. COVINGTON. Yes. It now provides for those reasonable variations which the legitimate manufacturers must make in order to substantially comply with the statute.

Mr. MANN. And is satisfactory to the manufacturers?

Mr. COVINGTON. Yes.

Mr. KAHN. Is the report signed by all of the House conferees?

Mr. COVINGTON. The report is signed by all of the House and Senate conferees.

Mr. RAKER. I understand that the bill in substance, so far as the legal features are concerned, is practically the same as the House bill.

Mr. COVINGTON. That is correct.

Mr. RAKER. And this brings it back in that shape with the exception of the handling by the Secretary of Agriculture?

Mr. COVINGTON. It eliminates that also. This restores it to its original form, and it is handled by three Secretaries, in accordance with the provisions of section 3 of the original pure food and drugs act of 1906.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

ADJOURNMENT.

Mr. SHERLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Thursday, February 27, 1913, at 10.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting, for the consideration of Congress, supplemental estimates of deficiencies in appropriations for the service of the District of Columbia (H. Doc. No. 1433); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, requesting that the sum of $11,000 be included in the general deficiency bill for maintenance of marine hospitals, Public Health Service, for the fiscal year ending June 30, 1913 (H. Doc. No. 1434); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WILSON of Pennsylvania, from the Committee on Labor, to which was referred the bill (H. R. 27281) to regulate the hours of employment and safeguard the health of females employed in the District of Columbia in any mill, factory, manufacturing or mechanical establishment, or workshop, laundry, bakery, printing, clothing, dressmaking, or millinery establishment, mercantile establishment, store, hotel, restaurant, office, or where any goods are sold or distributed, or by any express or transportation company, or in the transmission or distribution of telegraph or telephone messages or merchandise, reported the same without amendment, accompanied by a report (No. 1574), which said bill and report were referred to the House Calendar.

Mr. SHARP, from the Committee on Foreign Affairs, to which was referred the resolution (H. J. Res. 402) extending the operation of the act for the control and regulation of the waters

of Niagara River, for the preservation of Niagara Falls, and for other purposes, reported the same with amendment, accompanied by a report (No. 1577), which said bill and report were referred to the House Calendar.

Mr. DUPRÉ, from the Committee on the Judiciary, to which was referred the bill (S. 3925) providing for an increase of salary of the United States marshal for the district of Nevada, reported the same without amendment, accompanied by a report (No. 1575), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913, and for prior years, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. REILLY: A bill (H. R. 28860) to provide an equipment maintenance allowance for carriers in the Rural Delivery Service; to the Committee on the Post Office and Post Roads.

By Mr. LITTLEPAGE: A bill (H. R. 28861) to amend section 118 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. McCOY: Joint resolution (H. J. Res. 404) providing for the appointment of a committee of four Members of Congress, two appointed by the President of the Senate and two by the Speaker of the House of Representatives, for the purpose of inquiring into 1-cent letter postage and other matters relative thereto; to the Committee on the Post Office and Post Roads.

By Mr. CURLEY: Joint resolution (H. J. Res. 405) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, memorial from the Legislature of Massachusetts favoring constitutional amendment to establish uniform hours of labor; to the Committee on the Judiciary.

By Mr. HAWLEY: Memorial from the Legislature of Oregon favoring the passage of H. R. 13500, the Asiatic exclusion act; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS of Tennessee: A bill (H. R. 28859) granting an increase of pension to Nancy E. Robinson; to the Committee on Pensions.

By Mr. JAMES: A bill (H. R. 28862) granting a pension to W. H. Odom; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 28863) granting an increase of pension to Paulina Kerr; to the Committee on Invalid Pensions.

By Mr. HAMILL: Resolution (H. Res. 870) to pay Nathan B. Williams $150 for services to the Committee on Elections No. 2; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request: Petition of the Pokagon Tribe of Pottawattamie Indians of Michigan and Indiana, protesting against the passage of House bill 28453, to facilitate the reclamation of shore lands for the Burnham lake front improvement project; to the Committee on Indian Affairs.

By Mr. ALLEN: Petition of special committee of the United Smoke Committee of the city of Cincinnati, Ohio, relative to the elimination of smoke from river steamboats, and asking an investigation of same; to the Committee on Interstate and Foreign Commerce.

Also, petition of the System Federation of the Harriman lines, favoring the passage of legislation for the strict enforcement of inspecting locomotive boilers and safety appliances for railway equipment; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON: Petition of citizens of Wykoff, Minn., favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNS of Tennessee: Papers to accompany bill granting an increase of pension to Nancy E. Robinson; to the Committee on Pensions.

By Mr. CALDER: Petition of the joint session of the board of directors of the Board of Commerce, Commercial Club, Manufacturers and Producers Association, and Traffic Bureau of Knoxville, Tenn., favoring the passage of legislation for the reduction of the tariff on aluminum; to the Committee on Ways and Means.

By Mr. CARY: Petition of the A. J. Hilbern Co. protesting against the passage of legislation for placing any duty on perfumes, etc.; to the Committee on Ways and Means.

By Mr. CURLEY: Petition of the branch of Andrew Jackson of the American Continental League, Boston, Mass., protesting against the passage of the Root bill for the repeal of the free tolls portion of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Harvard Men's Class, Dorchester, Mass., favoring the passage of the Kenyon red-light injunction bill to clean up Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. CURRIER: Petition of school children of Warner and Bradford, N. H., favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. DYER: Petition of joint session of the board of directors of the Board of Commerce, Commercial Club, Manufacturers and Producers' Association, and Traffic Bureau of Knoxville, Tenn., favoring the passage of legislation for the reduction of the tariff on aluminum; to the Committee on Ways and Means.

By Mr. FULLER: Petition of the International Association of Machinists, Washington, D. C., favoring an amendment to the naval appropriation bill providing for the building of one of the new battleships in one of the Government navy yards; to the Committee on Naval Affairs.

By Mr. GOOD: Petition of citizens of the fifth district of Iowa protesting against the passage of the Johnston bill (S. 237) for the proper observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HENRY of Connecticut: Petition of citizens of Hartford, Conn., favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. LANGHAM: Petition of the E. R. Brady Post, No. 242, Grand Army of the Republic, favoring the passage of the bill for making pension payments monthly instead of quarterly; to the Committee on Invalid Pensions.

Also, petition of citizens of Pennsylvania favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. RAKER: Petition of the Tuesday Club, of Sacramento, Cal., favoring an increase in the appropriation for the suppression of the white-slave traffic; to the Committee on Appropriations.

Also, petition of the allied boards of trade of Knoxville, Tenn., protesting against the passage of any legislation for the reduction of tariff on aluminum; to the Committee on Ways and Means.

Also, petition of the Italian-Swiss colony, of New York, protesting against the passage of the Jones-Works bill for the regulation of the liquor traffic in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Standard Gas Engine Co., San Francisco, Cal., protesting against the passage of House bill 28579, to provide for the uniform regulation of boats engaged in the towing service; to the Committee on the Merchant Marine and Fisheries.

By Mr. REILLY: Petition of the International Association of Machinists, favoring an amendment to the naval appropriation bill providing for the building of one of the two new battleships in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of New England Water Works Association, Boston, Mass., protesting against the passage of any legislation tending to destroy the present national system of forest conservation; to the Committee on Agriculture.

By Mr. SIMS: Petition of citizens of McKenzie, Tenn., favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute to their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. TUTTLE: Petition of the Newark Hardware & Supply Association, Newark, N. J., favoring the passage of the Weeks bill for a 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

UNIV. OF MICHIGAN,

DEC 4 1913